

<p>1 Monday, 12 November 2018 2 (10.30 am) 3 Welcome and opening remarks by THE CHAIR 4 THE CHAIR: Good morning, everyone. I am Alexis Jay, and 5 I'm the chair of the Independent Inquiry into Child 6 Sexual Abuse. 7 With me are the other panel members of the inquiry: 8 Professor Sir Malcolm Evans, Ivor Frank and 9 Drusilla Sharpling. 10 On behalf of the inquiry, I welcome you all to the 11 first day of this hearing in respect of the Archdiocese 12 of Birmingham case study. This case study is one of two 13 case studies being considered by the inquiry as part of 14 its examination into the extent of any institutional 15 failures to protect children from child sexual abuse 16 within the Roman Catholic Church in England and Wales. 17 The investigation into the Roman Catholic Church is 18 itself part of the inquiry's wider investigation into 19 institutional failures in connection with the abuse of 20 children in England and Wales. As you all know, the 21 task of the chair and panel of the inquiry is to examine 22 the extent to which public and private institutions in 23 England and Wales have failed to protect children from 24 sexual abuse in the past and to make recommendations to 25 keep children safe today and in the future.</p> <p style="text-align: center;">Page 1</p>	<p>1 Today marks the first day of the public hearings in 2 this case study. In November 2017, the inquiry held its 3 first public hearing in respect of the other case study 4 within the Roman Catholic investigation, which was the 5 case study into the English Benedictine Congregation. 6 That hearing considered evidence about Ampleforth and 7 Downside Abbeys and their respective schools. The 8 report in respect of Ampleforth and Downside was 9 published in August this year. 10 In addition, this year, the inquiry has held public 11 hearings in respect of its investigations into the 12 internet, the Anglican Church, the sexual abuse of 13 children in custodial institutions and into 14 Nottinghamshire Councils. This is part of a full 15 timetable of substantive hearings and seminars in 16 a number of the inquiry's investigations, the timetable 17 for which we have published up to and 18 including February 2020. 19 On behalf of the inquiry, I am, as always, grateful 20 to all core participants and their legal teams for their 21 assistance. I know that a great deal of work has gone 22 into preparing witness statements and providing 23 disclosure. So to complainants, victims and survivors 24 who have provided witness statements or who are to be 25 called to give live evidence before the inquiry during</p> <p style="text-align: center;">Page 2</p>
<p>1 this week, we are grateful to you for coming forward to 2 tell the inquiry about your experiences. We are 3 conscious of the strength and the courage that this 4 requires, and I want to assure you of the high priority 5 that the inquiry places on this investigation and on 6 hearing of your experiences. 7 Before we hear from the lead counsel to the 8 investigation, Jacqueline Carey, who will introduce the 9 representatives present and open the hearing, one or two 10 points on this week's arrangements. We will sit each 11 day from 10.30 am. Ordinarily, we will take a 15-minute 12 break at around 11.30 am. We will break for lunch at 13 1.00, returning at 2.00. We intend to end each day 14 between 4.15 and 4.30, save for Friday, when we will 15 conclude the hearing by 4.00 pm. 16 By way of an agenda, we rely on the hearing 17 timetable which sets out the order in which witnesses 18 will be called, save for where unforeseen circumstances 19 require a change to be made. The hearing transcript is 20 recorded simultaneously on screens throughout the room, 21 and will be published at the end of each day on the 22 inquiry website. Any directions arising from the day's 23 hearing will also be published on the website. 24 There are anonymity arrangements in place for the 25 complainant core participants who will be giving</p> <p style="text-align: center;">Page 3</p>	<p>1 evidence throughout the hearing. Ciphering and 2 redactions have also been used in relation to the 3 evidence in accordance with the inquiry's redaction 4 protocol and restriction order, both of which are 5 available on the website, except for complainant 6 witnesses who have waived their right to anonymity. If 7 there is any inadvertent breach of a restriction order, 8 I will ask that the simultaneous recording be stopped 9 briefly so that the issue can be addressed as 10 appropriate. 11 Please go ahead, Ms Carey. 12 Opening statement by MS CAREY 13 MS CAREY: Thank you, chair. 14 From the 1950s onwards, the Archdiocese of 15 Birmingham has faced scores of allegations of child 16 sexual abuse -- according to the records, at least 17 78 allegations -- by priests and others associated with 18 the archdiocese. At least 13 priests have been 19 convicted before the criminal courts or cautioned by the 20 police. Thousands of pounds has been paid out in 21 compensation to victims and complainants. Significantly 22 more, in the millions, has been paid out in legal fees. 23 It is against that background that the Archdiocese of 24 Birmingham was selected as a case study within the 25 inquiry's investigation into the extent of institutional</p> <p style="text-align: center;">Page 4</p>

<p>1 failures to protect children from sexual abuse within 2 the Roman Catholic Church in England and Wales. 3 The investigation into the archdiocese is one of two 4 case studies being considered by the inquiry as part of 5 the inquiry's examination into the institutional 6 failures. As you just mentioned, chair, the inquiry has 7 already held a public hearing and published its report 8 into the institutional response to allegations of sexual 9 abuse within Ampleforth and Downside Abbeys and their 10 respective schools as part of the English Benedictine 11 Congregation, and there is to be a further hearing 12 in February next year in respect of Ealing Abbey and 13 St Benedict's School in connection with that English 14 Benedictine Congregation case study. 15 Following the conclusion of that hearing, the 16 inquiry has announced that it will hold a final public 17 hearing in October next year to consider some of 18 the wider topics and themes that have emerged throughout 19 the case studies. It follows, therefore, that the focus 20 of this week's hearing is on the Archdiocese of 21 Birmingham, and so, whilst some witnesses may have 22 a wider role, the evidence will be primarily directed at 23 matters relating to this archdiocese. 24 I appear, chair, along with junior counsel Mr Saad. 25 Can I introduce now counsel and solicitors on behalf of</p> <p style="text-align: center;">Page 5</p>	<p>1 the core participants. 2 The complainants A55, A56, A57, A58 and A80 are 3 represented by Mr Iain O'Donnell and Mr Richard Scorer. 4 The complainants C14, C15, C16 are represented today 5 by Mr Greenwood. 6 On the row behind, the complainant D2 is represented 7 by my learned friend Ms Caoilfhionn Gallagher QC and 8 Ms Angela Patrick. 9 The complainants F48, F49, F51 and F53 are 10 represented by Mr Jacobs and Mr Enright. 11 Chair, over to your left, the Archdiocese of 12 Birmingham is represented by Mr Horwell QC and 13 Ms Genevieve Woods. The Catholic Council for the 14 inquiry is represented by Ms Gallafent. I think 15 Jane Jones, who is recently a core representative, is 16 represented by Mr Mant and Mr Smith, who sit towards the 17 back of the room. 18 The witnesses Eileen Shearer and Adrian Child are 19 represented by my learned friend Ms Tania Griffiths QC 20 and Mr King. And the West Midlands Police are 21 represented by Ms Alison Hewitt. 22 The issue of how the Roman Catholic Church deals 23 with alleged and proven child sexual abuse could hardly 24 be more topical. In August this year, His Holiness Pope 25 Francis wrote an open letter to Catholics worldwide in</p> <p style="text-align: center;">Page 6</p>
<p>1 which he publicly acknowledged the pain and suffering 2 caused to children who had been abused by clerics and 3 consecrated persons. The letter referenced the fact 4 that in the days prior to the publication of his letter, 5 a grand jury report in Pennsylvania from the 6 United States concluded that more than 300 priests in 7 six Pennsylvanian dioceses had abused more than 1,000 8 child victims. In that letter, His Holiness said this: 9 "Looking back to the past, no effort to beg pardon 10 and to seek to repair the harm done will ever be 11 sufficient. Looking ahead to the future, no effort must 12 be spared to create a culture able to prevent such 13 situations from happening, but also to prevent the 14 possibility of their being covered up and perpetuated." 15 The hearings this week will focus upon the 16 institutional response by the Archdiocese of Birmingham 17 to allegations of child sexual abuse, and in particular 18 look at the response in the cases of Samuel Penney, 19 James Robinson, Father Tolkien and F167. 20 You will also hear evidence on other issues, 21 including evidence relating to the implementation of 22 the recommendations of both the Nolan Report and the 23 Cumberlege Report, the past and current safeguarding 24 arrangements within the archdiocese, the circumstances 25 in which the archdiocese had contact with COPCA, the</p> <p style="text-align: center;">Page 7</p>	<p>1 Catholic Office for the Protection of Children, now 2 known as CSAS, the Catholic Safeguarding Advisory 3 Service. 4 You will hear evidence relating to a 2010 audit of 5 the archdiocese and, more recently, reviews have been 6 commissioned by the archdiocese and finalised just 7 earlier this month, providing an up-to-date assessment 8 of the strengths and weaknesses of the safeguarding 9 team. 10 The purpose of my opening is to introduce some of 11 the themes, topics and issues that the investigation 12 will ultimately ask you to consider. In doing so, 13 I hope to familiarise you with some of the terminology 14 used within the Roman Catholic Church and that is most 15 likely to be encountered when considering the evidence. 16 You will be hearing evidence from a number of 17 witnesses, including from both the former and current 18 Archbishop of Birmingham, the safeguarding coordinator 19 Ms Jane Jones, the former directors of COPCA and CSAS, 20 as well as testimony from victims and survivors. 21 Some of the evidence will be called live. Where 22 a live witness is called, their evidence will be focused 23 on the most salient aspects of their testimony. It will 24 not, I am afraid, be possible to ask each and every 25 witness about all of the documentary evidence that</p> <p style="text-align: center;">Page 8</p>

<p>1 either they produced or that the investigation has 2 gathered. 3 Some statements and exhibits will be read or 4 summarised into the record of the proceedings, and the 5 live feed to those watching the investigation is subject 6 to a three-minute time delay. 7 All core participants have been sent the proposed 8 witness timetable. All core participants have had an 9 opportunity to make requests under rule 10 of 10 the Inquiry Rules 2006 to question witnesses. In line 11 with the presumption in the rules, it is expected that 12 the questioning will be conducted by inquiry counsel, 13 documents will be referred by their unique Relativity 14 reference number and put up on a screen so that the 15 press and members of the public who are present can 16 follow the proceedings. 17 The pages of the documents that are displayed on 18 screen will, subject to any sensitivity, be published on 19 the inquiry's website on the same day, along with 20 a transcript of that day's evidence. There will be 21 additional key documents which will be published on the 22 inquiry website as the hearing progresses. 23 Throughout my opening, I will be asking for some 24 sections of the key documents to go up on screen which 25 will then be published on the website, but I won't be</p> <p style="text-align: center;">Page 9</p>	<p>1 doing that with every document, and neither will 2 I provide the unique reference number for every page as 3 I go through the opening. However, some sections of 4 the other documents I am going to be referring to will 5 also be published as soon as possible on the website, 6 and a document will be published which indicates where 7 the published documents fit into the opening so everyone 8 can follow. 9 It may assist at the outset if I provide an outline 10 of the background and structure of the Roman Catholic 11 Church in general and the archdiocese in particular. 12 The Pope is the head of the Catholic, also known as the 13 Universal, Church. He is supported by a number of 14 organisations that make up the Holy See. The Holy See 15 is the central administration of the Catholic Church and 16 includes the Pope and the offices of the Vatican. The 17 Catholic Church is governed by a system of laws known as 18 the Code of Canon Law and the current code is the 1983 19 Code of Canon Law. 20 Strictly speaking, the Catholic Church is not 21 universal. Under Canon law, there are local 22 manifestations of the Catholic Church in the form of 23 dioceses. A diocese is a district or geographical area 24 under the care of a bishop and there are 22 dioceses in 25 England and Wales. The dioceses are grouped into</p> <p style="text-align: center;">Page 10</p>
<p>1 provinces and a province is presided over by an 2 archbishop. The Pope appoints archbishops and bishops 3 and their role is threefold: to teach; to sanctify and 4 to govern. Within each diocese, there are a number of 5 parishes, and each parish is governed by a parish 6 priest. The bishop or the archbishop appoints the 7 parish priest and if an archbishop or bishop receives 8 a complaint that an individual within his diocese, 9 whether that is a cleric or a layperson, is not abiding 10 by Canon law, then he has the power to direct that 11 individual to comply. 12 It is a common misconception, however, that the Pope 13 delegates authority to the cardinals, who delegate it to 14 the bishops, and from there on to the priests. The 15 bishop has authority, by virtue of his being a bishop, 16 not because the Pope has delegated authority to him. 17 Archbishops and bishops must abide by Canon law, but are 18 otherwise autonomous. They can pass any law they like 19 at local level, providing it does not contravene Canon 20 law. And no bishop in England and Wales has authority 21 over any other. Equally, a cardinal does not have 22 authority over an archbishop or bishop, and it is 23 a common misunderstanding to think that Cardinal Nichols 24 is the head of the Catholic Church in England and Wales. 25 He is not. His primary role is that of Archbishop of</p> <p style="text-align: center;">Page 11</p>	<p>1 Westminster and, as cardinal, he is a member of 2 the College of Cardinals with the additional duty to 3 elect a new Pope. 4 All of the bishops in England and Wales are 5 collectively known as the Catholic Bishops' Conference 6 for England and Wales, called "the Conference" for 7 short. The Catholic Bishops' Conference meets twice 8 a year. If the Conference wishes to pass a law 9 applicable in England and Wales, then approval must be 10 sought from the Holy See. 11 However, there is no line of authority between the 12 Pope and the Conference. If the Pope wishes to issue 13 a directive, he will issue it directly to the individual 14 archbishop or bishop rather than through the Conference. 15 The Catholic Church in England and Wales is divided 16 into five provinces, known as the archdioceses. They 17 are the archdioceses of Birmingham, Cardiff, Liverpool, 18 Southwark and Westminster: the Archdiocese of Birmingham 19 covers a large geographical area, which is perhaps best 20 depicted by the map. Can I ask, please, that you turn 21 behind your tab 1, chair, and up on screen is brought 22 CHC000179. You can see there that the diocese covers 23 from the south, down in the Oxford region, right the way 24 up to the north of Staffordshire. Over to the left of 25 the page, to bordering some of the Welsh borders and, to</p> <p style="text-align: center;">Page 12</p>

<p>1 the right, covering Warwick, Coventry and Birmingham. 2 The archdiocese covers approximately 225 parishes, 3 of which 46 are run by religious congregations. Each 4 parish is responsible for its own finances and the 5 Archdiocese of Birmingham serves a Catholic population 6 of approximately 450,000 people. 7 In civil law, the Archdiocese of Birmingham is 8 registered as a charitable trust known as the Birmingham 9 Diocesan Trust. It is run by a board of trustees. The 10 chairman of the board of the trustees is the current 11 archbishop, Archbishop Longley. In March of this year, 12 the trust appointed its first chief operating officer. 13 Throughout the course of the week, we will obviously 14 be considering a number of historical cases, and so it 15 may help if I outline the position of archbishop and 16 that it has been held by the following people. Starting 17 with June 1947 to March 1965, Archbishop Francis 18 Grimshaw was the archbishop. He was then succeeded by 19 Archbishop George Dwyer between October 1965 20 and September 1981. In the 1980s, from March 1982 21 to June 1999, Archbishop Maurice Couve De Murville was 22 the archbishop. He died in 2007. 23 From February 2000 to May 2009, Archbishop 24 Vincent Nichols was the archbishop and, as I have 25 alluded to, he is now the Archbishop of Westminster and</p> <p style="text-align: center;">Page 13</p>	<p>1 the Cardinal. 2 From October 2009 to the present day, Archbishop 3 Bernard Longley has held that role. 4 As I have just mentioned, a number of the parishes 5 within the archdioceses are run by religious 6 congregations. As, chair, you will know from the 7 English Benedictine case study, a religious order is 8 a group of consecrated men and/or women with 9 a particular spiritual focus that is reflected in their 10 work. Each religious order has its own superiors who 11 are responsible for the administration of the order. 12 All members of religious orders must abide by Canon law. 13 A religious order cannot operate within a particular 14 diocese without the permission of the archbishop or 15 bishop and, as at June of this year, there were 16 65 religious institutes present within the Archdiocese 17 of Birmingham. 18 Canon law makes it plain that the archbishop has to 19 uphold the autonomy or independence of the life of 20 the religious institute and respect their right to 21 self-government in accordance with their respective 22 constitutions and Canon law. 23 I refer, chair, to the religious for this reason: as 24 you are aware, in 2000, the then archbishop of 25 Westminster, Cardinal Murphy-O'Connor, invited</p> <p style="text-align: center;">Page 14</p>
<p>1 Lord Nolan to chair an independent committee to carry 2 out a review of the child protection in the 3 Catholic Church in England and Wales. The report was 4 entitled "A Programme for Action" and is more commonly 5 known as the Nolan Report. That report was published in 6 2001 and the report included in its recommendations the 7 religious congregations. 8 Prior to the Nolan Report, the Archdiocese of 9 Birmingham already had in place structures and a team 10 responsible for child protection and safeguarding. In 11 1994, Archbishop Couve De Murville appointed 12 Father Gerry McArdle as the bishop's delegate for child 13 protection. Prior to that date, allegations of abuse 14 would have been dealt with by the archbishop and the 15 Vicar General. 16 The Nolan Report made some 83 recommendations 17 covering the structures required at parish, diocesan and 18 national level. It covered what steps were needed to 19 create a safe environment for children and those who 20 work with children, and it looked at the action needed 21 to respond to allegations of abuse. I mention just some 22 of the key recommendations, as they may be applicable to 23 the evidence that we are going to hear during this week. 24 Before taking up a post involving working with 25 children, whether that is paid or voluntary, the</p> <p style="text-align: center;">Page 15</p>	<p>1 Nolan Report recommended that a person should complete 2 an application form, provide references and details of 3 any relevant criminal convictions and agree to 4 a criminal records check. 5 The report recommended that each parish should have 6 a child protection representative; that each diocese 7 should have a child protection coordinator, and it was 8 envisaged that those in the larger dioceses would most 9 likely appoint a full-time role. The report recommended 10 a national child protection unit should be established 11 to advise the Conference and the religious on child 12 protection policies and principles and that that unit 13 should issue codes of conduct and practical guidance on 14 safe working with children. 15 A key recommendation was that statutory authorities 16 should be brought in straight away where there was 17 a disclosure of abuse so that the statutory authority 18 would take the lead on investigating and assessing the 19 situation, and the report recommended that 20 contemporaneous records should be kept at the time of an 21 allegation or an event and that those records should be 22 kept for 100 years. 23 Once the Nolan Report had been ratified at national 24 level, the Catholic Office for the Protection of 25 Children, known as COPCA, was established.</p> <p style="text-align: center;">Page 16</p>

<p>1 Archbishop Nichols agreed to chair the board. 2 Eileen Shearer was appointed as its director. As part 3 of her duties, she oversaw the creation and 4 implementation of national policies, principles and 5 practice, known as the "one church approach", so that 6 all religious, and indeed the church, had the same 7 policies covering all. It was an approach for the 8 protection of children and vulnerable adults. 9 COPCA was set up to advise the Bishops' Conference 10 and the religious and to provide advice and support to 11 the dioceses and the religious congregations. COPCA was 12 to liaise with the statutory agencies at national level 13 and liaise with professional bodies and leading 14 charities in this field. COPCA was accountable to an 15 independent management board which was then chaired by 16 Archbishop Nichols. 17 One of the recommendations of the Nolan Report was 18 to ensure that people working with children were CRB 19 checked or had Criminal Records Bureau checks. Given 20 the size of the archdiocese, this process created a vast 21 amount of work for the Archdiocese of Birmingham and 22 required the appointment of an administrative assistant 23 to process those applications. 24 In a 2006 self-audit, the archdiocese noted it was 25 difficult to measure how many volunteers had not been</p> <p style="text-align: center;">Page 17</p>	<p>1 CRB checked because in fact the archdiocese did not have 2 a record of how many volunteers were working within the 3 archdiocese. 4 When CSAS conducted an audit in 2010, the audit 5 concluded that although appropriate CRB checks were 6 undertaken, improvements were needed in relation to 7 paperwork and documentation. I mention issues about 8 recording and paperwork as these are matters 9 specifically commented on in recent 2018 reports when 10 looking at current practice and procedures. 11 The final recommendation of the report was that the 12 Nolan recommendations themselves should be reviewed 13 after five years. That recommendation led to the 14 Cumberlege Commission Report published in 2007. In the 15 foreword to the Cumberlege Report, the Commission chair 16 said this: 17 "In our report, we have congratulated the Catholic 18 Office for the Protection of Children and Vulnerable 19 Adults in formulating policy. Their achievements in 20 such a relatively short time have been considerable. 21 However, much of the progress has been made at national 22 and diocesan level and, as a result, COPCA's reach has 23 not really extended to the parishes where the 24 supporting, training and advising, particularly in the 25 area of prevention of abuse, needs to happen. If</p> <p style="text-align: center;">Page 18</p>
<p>1 awareness and a safe environment is all-important, and 2 it is, it is here in the parishes where children and 3 vulnerable people live that we could have expected 4 a greater emphasis and a stronger attempt to win over 5 hearts and minds." 6 Of the 83 Nolan recommendations, the Cumberlege 7 review reported that 79 of the 83 recommendations had 8 been addressed either completely or partially. Of 9 the four outstanding recommendations, one related to the 10 development of a whistleblowing policy and the other to 11 a cultural issue, namely, that mistakes should be dealt 12 with openly and learned from. 13 In relation to that latter recommendation, you may 14 wish to consider, chair, whether that policy was, and 15 is, still needed. 16 Some of the Cumberlege recommendations included the 17 following: 18 The Cumberlege Report recommended that the national 19 unit's name should be changed to the Catholic 20 Safeguarding Advisory Service -- CSAS for short -- to 21 reflect that CSAS's primary future role was one of 22 coordination, advice and support in respect of the wider 23 job of the safeguarding of children and vulnerable 24 adults. 25 Cumberlege recommended that CSAS should report and</p> <p style="text-align: center;">Page 19</p>	<p>1 be accountable to the Bishops' Conference and the 2 Conference of Religious through the new National 3 Safeguarding Commission. 4 CSAS should focus on matters including providing 5 advice to members of the church about safeguarding 6 issues, the oversight and coordination of training 7 within the church, ensuring that the safeguarding 8 policies are accessible at all levels, with an emphasis 9 on people in the parishes, and that CSAS should produce 10 an annual report. 11 One of the key recommendations from the Cumberlege 12 review was the Bishops' Conference and the Conference of 13 Religious should reaffirm their commitment to the 14 paramountcy principle, namely, that the child is the 15 paramount concern: 16 The Diocesan Child Protection Commissions should 17 become Safeguarding Commissions responsible for 18 safeguarding children and vulnerable adults. 19 In total, the Cumberlege Report made 20 72 recommendations. Eileen Shearer left as director of 21 COPCA and Adrian Child became the director of CSAS. The 22 current director is Colette Limbrick. CSAS's primary 23 role remains provision of advice to members of 24 the church and lay people about safeguarding. CSAS 25 developed the safeguarding training that is then</p> <p style="text-align: center;">Page 20</p>

<p>1 utilised by the archdiocese and ensures that the 2 national policies and procedures are up to date. Whilst 3 CSAS may provide advice about an individual case, the 4 case remains the responsibility of the diocese. 5 Following on from the Cumberlege Report in 2008, the 6 National Catholic Safeguarding Commission, NCSC for 7 short, was established. It's stated aim was to set the 8 strategic direction of the church's safeguarding policy 9 and to monitor compliance. The NCSC sets and directs 10 the work for CSAS to implement and put into practice. 11 The policies and procedures are reviewed by CSAS, are 12 ratified by the NCSC, before submission to the Bishops' 13 Conference and the Conference of the Religious. So they 14 do have separate roles: one is to set the strategic 15 direction; the other is to implement it on the ground. 16 Against that background, can I turn to look at the 17 safeguarding structure within the Archdiocese of 18 Birmingham. From 1997 onwards, the archdiocese has had 19 meetings of what was then known as the Child Protection 20 Advisory Group. Over the years, the group's name has 21 changed and in some of the case studies that we will 22 look at, you will see reference to the child protection 23 and management team. There was a separate committee 24 known as the Response to Allegations Committee. That 25 became the Case Review Committee. In 2005, the group</p> <p style="text-align: center;">Page 21</p>	<p>1 became known as the Child Protection Committee which 2 retained the Responding to Allegations Committee. 3 Following Cumberlege, the group became the safeguarding 4 team and the Safeguarding Commission. As a very 5 general, rough guide, if the team is foreshadowed by 6 child protection, it's a child of Nolan or before that, 7 if it's called now safeguarding, it is a child of 8 Cumberlege. But I do stress that's a very simple way of 9 trying to work through the change of the names in the 10 teams. 11 All Safeguarding Commissions are set up to provide 12 advice and support. The Safeguarding Commission 13 receives the national policies and through the 14 coordinator implements them across the diocese. The 15 Commission will act upon new reports and allegations of 16 abuse and review existing cases. The question of who 17 has the power to ensure that the safeguarding team 18 and/or the Safeguarding Commission implements and 19 adheres to national policies may well be a matter for 20 consideration during evidence this week. A key role 21 within the safeguarding team is that of the safeguarding 22 coordinator. The coordinator has numerous 23 responsibilities. I will just outline some. The 24 coordinator is responsible for leading and managing the 25 development of safeguarding practice and the</p> <p style="text-align: center;">Page 22</p>
<p>1 implementation of the policies and procedures at 2 archdiocesan level. On behalf of the Safeguarding 3 Commission, the safeguarding coordinator is responsible 4 for ensuring that the bishop is kept up to date on 5 safeguarding matters. The coordinator has to take the 6 lead in developing preventative practice as well as 7 responding to allegations of abuse against children and 8 adults. They are responsible for liaising with, 9 advising and guiding parish safeguarding representatives 10 when concerns or allegations are raised, and they have 11 to inform and advise the bishop on appropriate practice 12 for managing concerns and allegations. The coordinator 13 either makes or oversees the referrals to the police and 14 Social Services. The coordinator is responsible for 15 overseeing the arrangements for production, monitoring 16 and review of covenants of care, now called safeguarding 17 agreements, which are effectively agreements to monitor 18 those who have been convicted of a sexual offence, and 19 ensuring that the needs of the person accused or 20 convicted are addressed. 21 The coordinator can be a source of support for 22 survivors or victims of abuse, and they liaise with 23 other agencies as required for the purposes of 24 addressing any victims or survivors' identified needs. 25 It is a wide-ranging role.</p> <p style="text-align: center;">Page 23</p>	<p>1 The coordinator is accountable to the bishop and the 2 appropriate trustee body and, as a joint NCSC and CSAS 3 procedures manual makes clear, each trustee body should 4 have in place appropriate line management arrangements 5 for the day-to-day oversight and support of 6 the safeguarding coordinator. You may wish, chair, to 7 consider what oversight and support was provided to 8 Jane Jones when I return to the most recent reviews of 9 the archdiocesan safeguarding. 10 During the course of the week, you are likely to 11 hear evidence in relation to one aspect of safeguarding 12 where there was a divergence of approach between the 13 archdiocese's safeguarding team and the commission and 14 that of COPCA. As I have mentioned, one of the roles of 15 COPCA was to provide advice to the archdiocese in 16 relation to safeguarding. In 2004 and 2005, the 17 archdiocese requested such advice about a number of 18 different cases. 19 Eileen Shearer, the then director, was of the view 20 that where advice about a case was sought, the 21 archdiocese should provide the name of the alleged 22 perpetrator. That would have enabled COPCA to check if 23 they had any information from elsewhere about the 24 perpetrator. The archdiocese refused to name the 25 individuals concerned, and, indeed, there is</p> <p style="text-align: center;">Page 24</p>

<p>1 documentation that shows that the Child Protection 2 Commission, as it was then called, was of the view that 3 it was inappropriate for Jane Jones to provide the name. 4 This matter was unresolved by the time that 5 Eileen Shearer left COPCA. Archbishop Nichols was aware 6 that the names were not being provided, and you may want 7 to consider that, at the time this problem was being 8 ventilated and documentation was going backwards and 9 forwards between the archdiocese and COPCA, 10 Archbishop Nichols was the chair of the COPCA management 11 board as well as the Archbishop of Birmingham. 12 Doubtless you will want to consider not only the 13 response of both the archdiocese and COPCA on this 14 specific topic, but consider the interaction between 15 these two bodies and the impact of this seeming impasse 16 on safeguarding. 17 One other aspect of safeguarding that you may wish 18 to consider is the relationship between the archdiocese 19 and the religious. Since 2013, it has been archdiocesan 20 policy that the religious institute is expected to join 21 the Conference of Religious and, if not already aligned 22 to a Safeguarding Commission, it is to align itself with 23 the Birmingham Safeguarding Commission. That policy is 24 designed to ensure and/or reinforce to the religious 25 institute the archbishop's expectation that national</p> <p style="text-align: center;">Page 25</p>	<p>1 policies are to be followed. However, as 2 Archbishop Longley makes plain, it is the responsibility 3 of the religious superiors to ensure the institute does 4 in fact join the Conference and does in fact align with 5 the Safeguarding Commission. 6 As I mentioned earlier, there are 65 religious 7 institutes ministering within the archdiocese. 8 According to CSAS records, 29 of these are aligned with 9 the Birmingham Safeguarding Commission and one more is 10 in the final stages of alignment process. In preparing 11 Archbishop Longley's statement for the inquiry, the 12 archdiocese issued questionnaires to the religious 13 institutes. He states that in fact some of 14 the religious institutes that do not appear on the CSAS 15 list in fact consider themselves to be aligned, and so 16 it may be that there is more than the 30 out of the 65 17 religious institutes that are aligned. However, it may 18 also be noteworthy that 13 religious institutes did not 19 even reply to those questionnaires. 20 During the course of this week, the inquiry will be 21 focusing on the cases of Samuel Penney, James Robinson, 22 Father John Tolkien and the priest F167. In doing so, 23 the inquiry will be able to consider, as is clear from 24 the cases of Penney and Robinson, the response of 25 the Catholic Church where those individuals committed</p> <p style="text-align: center;">Page 26</p>
<p>1 numerous historic acts of child sexual abuse and both 2 were eventually convicted and received sentences of 3 imprisonment. 4 Following their convictions, both those priests were 5 laicized, ie, returned to the lay state. Hence why I do 6 not refer to them as Father Penney and Father Robinson. 7 In the cases of Father Tolkien and F167, both 8 priests face allegations of child sexual abuse. There 9 has been no criminal conviction or civil finding against 10 either priest. Their cases inevitably involve 11 a different response by the archdiocese. The issues 12 that arise in the four case studies should not, however, 13 be considered in isolation. The adequacy of 14 the archdiocesan response can only properly be assessed 15 against the background of what is known about the nature 16 and extent of child sexual abuse by individuals 17 associated with the archdiocese. In this regard, the 18 inquiry has prepared a schedule of allegations behind 19 your tab 2, chair. Can I ask, please, that we show on 20 screen reference INQ002763_003. This is just one page 21 of a 22-page schedule, but I want to make some 22 observations clear at the outset about what this 23 schedule does and in fact does not represent. 24 The schedule of allegations seeks to set out the 25 number of allegations, a brief description of</p> <p style="text-align: center;">Page 27</p>	<p>1 the allegation and the outcome where known. Where 2 a perpetrator abused, or allegedly abused, a number of 3 children, there is a separate entry per victim or 4 complainant and, as you can see from the page that is up 5 there, in relation to John Tolkien in the middle of 6 the page -- there were two different complainants, so 7 two separate entries. 8 Just to talk you through the various columns, the 9 first column relates to the approximate date of 10 the alleged abuse. The second column relates to the 11 date when the matter was reported, either to the 12 archdiocese or to the police or to any other agency. 13 The third column is clearly the name of the perpetrator 14 where we are able to name them or the redacted cipher. 15 The fourth column sets out in very general terms the 16 alleged abuse. The next column deals with what 17 happened. You can see in relation to the top line, the 18 perpetrator died before the allegation was made. Going 19 down the page, we are looking here at the Taylor entry, 20 you can see there that he was convicted after trial and 21 received imprisonment of seven years. The final column 22 is a column of the unique Relativity reference which 23 enables us to cross-refer that schedule. 24 It is important to state at the outset that this 25 schedule depicts only what the documents reviewed say</p> <p style="text-align: center;">Page 28</p>

<p>1 about the scale of offending and allegations. The 2 documents provided to the inquiry came from several 3 different sources, they span a number of decades and in 4 some parts the documents were difficult to decipher. On 5 that basis, the spreadsheet should not be considered as 6 a definitive list of all allegations and actual abuse 7 committed within the archdiocese. Some of the entries 8 on the schedule may relate to the same allegation where, 9 for example, different institutions have recorded 10 allegations differently. Equally, given the poor 11 quality of some of the records provided, it could not be 12 said with confidence that every allegation ever made has 13 been captured.</p> <p>14 Moreover, the schedule does not represent an alleged 15 institutional failing in the way the Archdiocese of 16 Birmingham responded to each and every individual 17 complaint. As can be seen in a great number of cases 18 the alleged perpetrator had died by the time the 19 allegation was reported either to the archdiocese or 20 other statutory agencies.</p> <p>21 What can be said with certainty is that serious 22 allegations of child sexual abuse were made against the 23 archdiocese decade after decade.</p> <p>24 To summarise the schedule, between the mid 1930s to 25 the present, there are no fewer than 78 individuals</p> <p style="text-align: center;">Page 29</p>	<p>1 associated with the archdiocese accused of child sexual 2 abuse. The vast majority of those were priests or 3 deacons. Many of the allegations were reported in the 4 late 1990s or the first decade of this century where the 5 alleged offending occurred many years, if not decades, 6 earlier.</p> <p>7 It is against that background that I turn to outline 8 the facts of the four case studies.</p> <p>9 It may well be, chair, that the underlying facts of 10 the convictions or allegations is themselves 11 uncontentious. There may also be little dispute that 12 the response of the church was not what it ought to have 13 been.</p> <p>14 Can I start firstly, please, with the case study 15 relating to Samuel Penney. Samuel Penney was born in 16 Ireland in 1939 and he became a priest in March 1967. 17 He was, by all accounts, a charismatic man. He was 18 praised for his enthusiasm. He was said to be open and 19 approachable. He engaged with the children in youth 20 clubs and trips and, between 1967 and 1991, he served in 21 at least four parishes and throughout much of that 22 period he sexually abused at least seven children 23 belonging to two families.</p> <p>24 On 16 March 1993, he pleaded guilty to ten offences 25 of indecent assault against those children, both boys</p> <p style="text-align: center;">Page 30</p>
<p>1 and girls, and he was sentenced to seven and a half 2 years' imprisonment. He was laicized, ie, dismissed 3 from the clerical state, in November 2006.</p> <p>4 So what was known by the church about 5 Samuel Penney's offending and how did the archdiocese 6 respond once the church was aware of the abuse? In 7 order to answer those questions, it is necessary to look 8 in a little detail at the chronology as revealed by the 9 documents provided to the inquiry. This includes 10 material provided by the archdiocese, the police, the 11 Charity Commission, other witnesses and organisations. 12 It includes evidence provided by the victims and 13 complainants of Penney. Inevitably, the chronology in 14 his case is but a summary.</p> <p>15 In 1980, Samuel Penney was affiliated to St Joseph's 16 Primary School in Stourbridge. His arrival clearly 17 ruffled the feathers, to put it colloquially, of 18 the headmistress, who, in March of that year, wrote to 19 a monsignor in the archdiocese complaining that 20 Samuel Penney was interfering with the internal workings 21 of the school. I want to just show you the letter 22 written by the headmistress at CHC001143_016. It is 23 behind your tab 3.</p> <p>24 This is a letter written by the headmistress to the 25 monsignor and, on the second line down, this is what she</p> <p style="text-align: center;">Page 31</p>	<p>1 says: 2 "His power over the children now is such that what 3 he says overrides and interferes with the teachers' 4 authority. He enters classrooms and interrupts lessons 5 to discuss football. He is interviewing children 6 privately during class time and has forbidden them to 7 divulge the nature of the matter discussed between them. 8 Concerning this, he was very abusive to the class 9 teacher. Or more than one occasion, he has been openly 10 hostile ... to me."</p> <p>11 It is not known what response was received to that 12 letter or if any action was taken, and one may think 13 that back in 1980 such behaviour, if true, would not 14 cause alarm bells to ring, but I simply raise that 15 letter as it forms part of the background to later 16 events and one might want to consider what action would 17 be taken today if a letter like this was received by the 18 archdiocese.</p> <p>19 In 1984, a more obvious cause for concern came to 20 the attention of the archdiocese. The mother of a young 21 boy complained that Samuel Penney might be spending too 22 much time with her son. It does not appear that any 23 physical or sexual abuse had occurred, but in fact 24 Samuel Penney was moved to the friary at Alton. The 25 superior of the friary was told that Samuel Penney had</p> <p style="text-align: center;">Page 32</p>

<p>1 been accused of making an improper suggestion to her 2 son. 3 Two or so years later, in 1986 to 1987, it appears 4 that Samuel Penney was arrested on suspicion of sexually 5 abusing a young boy. Penney accused the boy of stealing 6 from the presbytery and the charges were dropped. No 7 police documentation exists about this arrest and in 8 a press release many years later, the archdiocese said 9 that neither Penney nor the police had made the church 10 aware that Penney had been in fact arrested. 11 In May 1990, further allegations came to light. The 12 parents of a boy told a parish priest, Father Browne, 13 that Penney had abused their son. The boy's parents 14 gave permission for Father Browne to tell 15 Bishop Pargeter and Bishop Pargeter says that he told 16 Father Browne to tell the Vicar General, 17 Monsignor Leonard. You may wish to remember 18 Monsignor Leonard's name, as he plays a significant role 19 in the Robinson case. 20 In a letter written some years later, 21 Bishop Pargeter said that he knows that Father Browne 22 did raise the matter with Monsignor Leonard, but it is 23 not known what action, if any, was taken by 24 Monsignor Leonard. By this time, Penney was a parish 25 priest in St Joseph's in the Nechells area of</p> <p style="text-align: center;">Page 33</p>	<p>1 Birmingham. 2 On 1 July 1991, the victim, Eamonn Flanagan, a core 3 participant in this investigation who has waived his 4 right to anonymity, told Bishop Pargeter that he had 5 been abused by Samuel Penney. Can we have a look behind 6 your tab 4 at CHC001507_024. This is in fact a typed 7 version of a handwritten note that also appears within 8 the files. You can see there that Mr Flanagan was 28 9 at the time he made the allegations that dated back to 10 the mid to late 1970s when he was aged 11 to 16. He 11 told the bishop what the abuse involved and that 12 Father Penney had told him his mother had asked him to 13 explain the facts of life as the cover story for the 14 abuse. 15 Mr Flanagan said he hadn't mentioned it to anyone 16 until four years ago, but not to anyone in the church. 17 He discussed it with his family and decided to reveal it 18 to Father Browne who then encouraged him to reveal the 19 matter to the diocese. Mr Flanagan said at that time 20 he did not want to go to court, he did not want 21 Father Penney to lose the priesthood but did want him 22 taken out of circulation. The matter concludes in the 23 note by saying it was reported to Monsignor Leonard and 24 to the archbishop a day later. 25 About two weeks later, by 16 July, the bishop wrote</p> <p style="text-align: center;">Page 34</p>
<p>1 to Mr Flanagan saying that the matter had been resolved 2 and that all the conditions he had asked for had been 3 met. It is not in fact entirely clear what happened to 4 Samuel Penney in the aftermath of Mr Flanagan's 5 complaint. There is a suggestion that Penney went to 6 a retreat house in Scotland. Certainly a press release 7 from 1993 states that Penney was warned not to have any 8 future contact with the parish at Nechells and to cancel 9 his future engagements. So the complaint was made 10 in July 1991. By September of that year, Penney had 11 been sent to Heronbrook House, a therapeutic centre for 12 the clergy and religious, where he underwent 13 a psychiatric assessment. It appears that Heronbrook 14 concluded that Penney would benefit from a period of 15 residential treatment and Penney was under the care of 16 Heronbrook from about November 1991 to May 1992, so 17 about six months. 18 Penney's treatment was funded by the archdiocese, 19 but Heronbrook was not a secure unit. Indeed, the 20 archdiocese was told that the centre would be closed 21 over Christmas 1991 and so Penney was free to leave. He 22 was free to leave at weekends. 23 Whilst at Heronbrook, and in direct contravention of 24 the archdiocese's wishes, Penney returned to Nechells. 25 Whilst a guest in A357's home, he, on a number of</p> <p style="text-align: center;">Page 35</p>	<p>1 occasions, sexually abused A357. A357 was one of 2 the children that Penney subsequently pleaded guilty to 3 abusing and the dates of those offences cover the time 4 when Penney was resident at Heronbrook. 5 When A357's parents met with the archdiocesan 6 treasurer, Reverend Tom Farrell, they showed 7 Reverend Farrell a letter from Penney in which Penney 8 asked to visit them and told them, "to ensure that 9 Tom Farrell didn't know about this". So he told the 10 parents of 357 not to let others in the church know that 11 he was visiting that family. 12 He left Heronbrook in May 1992 and was admitted to 13 the Gracewell Institute for the treatment of 14 child abuse. It was in June of that year that he was, 15 to use formal language, "dispensed from the obligations 16 of the priesthood", ie, stopped from working as 17 a priest. That is not to be confused with laicized. 18 Penney remained at Gracewell until his court 19 appearance the following year and, as I told you, he 20 pleaded guilty to those offences and received a sentence 21 of imprisonment of seven and a half years. 22 Following his release from prison in 23 approximately January 1997, the archdiocese continued to 24 support Penney, both financially and with his pastoral 25 care. Financial support for Penney stopped in 2015.</p> <p style="text-align: center;">Page 36</p>

<p>1 Penney continued to be a cause for concern. In 2007, 2 whilst living in a Franciscan community in Dorset, he 3 became attached to a young woman -- I stress not 4 a child -- and there were concerns that Penney was 5 paying her too much attention, including offering her 6 gifts, taking her on outings in his car. No physical or 7 sexual contact was alleged and the matter was reported 8 to the local safeguarding officer. The police were 9 informed, but no action resulted. Penney had to leave 10 the community and you will hear that Jane Jones tried to 11 assist him in finding new accommodation.</p> <p>12 Chair, you will hear about Penney when A56 gives 13 evidence later this afternoon. He was abused by Penney 14 in the 1980s. He found the courage to tell his mother 15 who went to speak to Penney and Penney was moved 16 parishes shortly thereafter.</p> <p>17 A56 in fact went on in later life to become a priest 18 and so it will be interesting to hear some of his 19 observations on the matters being considered this week.</p> <p>20 Chair, before we take our mid-morning break, can 21 I turn to the case of James Robinson. On 22 22 October 2010, James Robinson was found guilty of 23 21 child sexual abuse offences. The offences included 24 acts of buggery and attempted buggery, indecent assaults 25 and indecency with a child. The offences charged</p> <p style="text-align: center;">Page 37</p>	<p>1 related to four male complainants and during the trial 2 the court also heard evidence from two other victims 3 who, for legal reasons, could not be added as formal 4 charges to the indictment.</p> <p>5 That same day that he was convicted, he was 6 sentenced to 21 years' imprisonment and, as at today's 7 date, he remains in prison serving that sentence.</p> <p>8 The verdicts brought to an end significant efforts 9 by the complainants and, in particular, A31, to bring 10 James Robinson to justice. I say that because it is 11 likely to be uncontroversial that, back in 1985, some 12 members of the church who were aware of allegations 13 against Robinson not only failed to investigate those 14 allegations but assisted Robinson leaving the UK to work 15 as a priest in California.</p> <p>16 James Robinson was born in Ireland in the late 17 1930s. He was, in fact, a professional boxer for 18 a while. He rode a motorbike and children were drawn to 19 him. He studied for the priesthood at Oscott College 20 and at one stage had applied to study at the seminary in 21 Miami, but he was not considered to be a student of high 22 intellect and his motives for studying abroad were 23 considered to be more cultural than spiritual, and so he 24 was not allowed to study in the USA. He was ordained in 25 1971, initially an assistant priest in a number of</p> <p style="text-align: center;">Page 38</p>
<p>1 parishes, before he became a priest in his own parish in 2 1983.</p> <p>3 Concerns about Robinson surfaced as early as 1972: 4 according to one of his victims, in 1972, the victim 5 A347 told a friend that Robinson had abused him. The 6 friend was A337. A337 had himself been abused by 7 Father Eric Taylor whilst in care at the Father Hudson's 8 Home, so A337, having been a victim of abuse himself, 9 took it upon himself to tell the church authorities of 10 what had happened to A347.</p> <p>11 According to a statement prepared in civil 12 proceedings, A337 informed Canon McCartie, who was an 13 administrator at St Chad's Cathedral in Birmingham, A337 14 also told Sister Bernadette, who was a house mother 15 attached to Father Hudson's Home, David Mason, the 16 superintendent at a local boys' hostel, and Canon Coyne, 17 who was an administrator at Father Hudson's Home. So he 18 told four people about the abuse that had been suffered 19 by his friend, but it is not clear what action, if any, 20 was taken by those who had been told about Robinson.</p> <p>21 A31, in his civil claim for compensation, stated 22 that he, between 1972 and 1974, complained about the 23 abuse to a number of parish priests. Again, it is not 24 clear what action, if any, was taken in relation to 25 A31's complaints.</p> <p style="text-align: center;">Page 39</p>	<p>1 By 1980, A337's aunt had become suspicious of 2 Robinson. In her statement to the police as part of 3 the criminal case, she remembered an occasion where 4 Robinson had taken A337 to watch a Coventry City 5 football game. When A337 returned, he said he didn't 6 want to see Robinson again and he wanted his aunt to 7 tell Robinson that: A337's aunt duly complied with this 8 request, spoke with Robinson and told Robinson not to 9 contact A337 or ring their house.</p> <p>10 She recalls the house phone would often ring 11 thereafter and that if she or her husband answered, the 12 phone would be put down. On one occasion, A337 told her 13 that Robinson had rung and they'd arranged to meet in 14 a pub car park. In fact, A337 didn't go to that meeting 15 but a short while later a letter arrived. Can we put up 16 on screen CHC000611_087 behind your tab 5, chair.</p> <p>17 A337, you should know, was under 13 when he received 18 this letter. It is a letter from James Robinson: 19 "Just in case I do not see you, but if I don't 20 I will be very disappointed as I look forward to seeing 21 you. It has been so long, three months, and all I have 22 had is a few words with you and I couldn't really say 23 anything. That's no good. As I said, I thought that 24 you had finished with me as I had had no phone call, or 25 not a letter for three months. It is easy, as I said,</p> <p style="text-align: center;">Page 40</p>

1 to forget, especially as I am not around. But you must
2 keep in some contact and, if that phone or any other
3 phone is available, to phone me. If I am not in, just
4 say you called and that will put my mind at rest, or
5 write that letter and say what you want to say. You
6 must make a special effort and not forget. You have to
7 do this if you still think anything of me. This is the
8 only way I will know. I had got tickets for the
9 Davis and Griffiths snooker match, but I couldn't get in
10 touch to take you as you didn't phone or write so I had
11 to scrap the tickets. I can arrange with you only if
12 you phone, then we can work something out. You have to
13 take no notice of anything and they can't rule your
14 life, you must be allowed to do what you want to do and
15 have your happiness. You have done nothing and neither
16 have I, and you shouldn't have to pay for anything."
17 Then there was a name of someone that A337 can
18 trust:
19 "... and the girls, so if you want anything just
20 pass the message on to them. [Name of another person]
21 will also tell you and advise you what is best. She is
22 very good and knows how you have been hurt and wants to
23 make up for it. If you can't get a letter out, give it
24 to her and she will post, or go and phone from her
25 house. I am sure you can make the excuse, if you wish

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1 In the late autumn of 1984, Robinson became unwell
2 and was away from his parish for many months. Some
3 documentation exists to show that conditions in his
4 parish were not conducive to a good recovery and so
5 doctors recommended a less stressful appointment and
6 a better environment. Tentative plans were being made
7 for him to move to the USA.
8 On 5 May 1985, A31 attended Digbeth Police Station.
9 You will be hearing from A31 in evidence tomorrow. He
10 told the police that he had been abused by Robinson and
11 arrangements were made for the police to take a fuller
12 statement from A31. A31 left the police station and
13 went to visit Father Grady at Father Grady's church in
14 Small Heath in Birmingham. A31 told Father Grady about
15 the abuse. Father Grady said to leave the matter with
16 him. In statements made in civil and criminal
17 proceedings, Father Grady said he met Monsignor Leonard
18 and told Monsignor Leonard of A31's account. Grady said
19 that Monsignor Leonard was "upset and angry", and
20 Father Grady felt the Monsignor then had felt that if
21 the accusation were true, it would be a big scandal for
22 the diocese and the priesthood. Father Grady concluded
23 his statements to the police and indeed the civil
24 solicitors by saying as follows:
25 "After I learned that Jimmy Robinson had gone to the

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1 and IF you want to. Sorry for all the undercover work,
2 but that is how it is. It will all work out in the end
3 you see for the good, but you must do your part. I can
4 only do so much and I have done as much as I could do
5 now, the rest has to come from you. [Someone else] sent
6 their love. I guess you will be getting a card from
7 [someone else]. Not all is lost, if you want it not to
8 be lost, but it takes two. I do miss you and miss
9 caring for you. Rip this up and remember. Take care.
10 U and M [I suggest means 'you and me'] always."
11 Then he adds on a little postscript about he will be
12 here until January and he will get a break at home.
13 A337's aunt took some advice and then went to speak
14 to her local priest, Father Hanlon, as he then was, and
15 she showed Father Hanlon the letter. He referred to it
16 as a "funny little letter" and asked her not to take the
17 matter further and said that he would deal with it.
18 A337's aunt recalls that shortly after this, Robinson
19 left her parish and the records confirm that to an
20 extent. As part of the criminal case, Canon Hanlon, as
21 he had then become, made a statement. He said that
22 although he didn't remember being shown the letter, if
23 A337's aunt said she showed it to him, he wouldn't
24 dispute this. Father Hanlon did not report the matter
25 or that letter to the police.

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1 States, my own thoughts were that it had been arranged
2 for him to leave or that he was given no other option
3 than to leave the country quickly to avoid scandal and
4 to avoid being interviewed by the police."
5 Father Grady said this:
6 "I felt I had let A31 down."
7 Two days after telling both the police and
8 Father Grady, A31 confronted Robinson himself and tape
9 recorded the conversation. In short, Robinson did not
10 deny a relationship between them, although it is fair to
11 note that he did not make any overt admissions either.
12 One copy of the tape was given to the police in 1985,
13 but that copy was subsequently lost. Another copy was
14 kept by a friend of A31's and the inquiry has been
15 provided with a transcript of their conversation. In
16 fact, it formed part of the evidence against Robinson at
17 his criminal trial. We will look at some of those
18 passages of conversation when A31 gives evidence.
19 The next day, A31 phoned Robinson to tell Robinson
20 that he had been to the police. A31 then told his
21 parents. A short time later, Father Grady told A31 and
22 his parents that the matter had been referred to the
23 Vicar General, Monsignor Leonard, and that Robinson was
24 being removed from his parish.
25 When A31 made a statement to the police, he told the

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<p>1 police he didn't want to attend court or give evidence 2 and A31 says he never heard anything from the police 3 further, back then. 4 It appears that A31's father was in contact with 5 Monsignor Leonard. Chair, if you look behind your tab 7 6 and we show on screen INQ002478_013, this is a letter 7 from Monsignor Leonard to A31's dad that is noteworthy 8 for its tone if not its content. 30 May 1985, 9 Monsignor Leonard says: 10 "Thank you for your letter of 28 May. 11 "When you telephoned requesting an interview for 12 yourself, [A31's mother] and your son, I advised you 13 that the correct thing to do was to discuss the matter 14 with your parish priest. Having had time to think it 15 over I expect you now appreciate that it would be 16 improper for me to go over the head of any parish priest 17 and talk to his parishioners when he is the official 18 person to whom they should go with any worries or 19 problems they may have. In this diocese, there are 231 20 Catholic parishes spread over five counties. So it 21 would be very discourteous, as well as impossible, for 22 me to deal directly with individual families. 23 "As for my seeing your son, I explained that this 24 was ruled out entirely by the fact that he had already 25 placed the matter in the hands of the police.</p> <p style="text-align: center;">Page 45</p>	<p>1 "You will recall that you repeatedly declined to 2 accept my advice and concluded the conversation by 3 hanging up the telephone. 4 "I have now, by way of exception, obtained the 5 permission of your parish priest to see [A31's mother] 6 and yourself and listen to anything you wish to say. So 7 I shall be very pleased to see you both on the 8 understanding that you are generally disposed to 9 consider any advice I may have to offer. 10 "Perhaps you would be so good as to telephone this 11 number [and make the arrangements]." 12 Monsignor Leonard, I should say, died many years 13 ago, and so it has not been possible to obtain his views 14 on what was meant by the letter, what advice was 15 proffered or what actions he did or didn't take in 16 relation to being told of the abuse of A31. 17 Just before the break, I want to conclude with the 18 events of May to September 1985. Because Robinson's 19 precise movements are not known. A letter written by 20 Robinson many years later referred to the fact that he 21 arrived in the USA in May 1985, and so it may be that 22 Robinson left the UK very soon after A31 told the police 23 and the church what had happened. What can be said is 24 that Robinson certainly arrived in the USA in advance of 25 Archbishop Couve de Murville's approval of Robinson's</p> <p style="text-align: center;">Page 46</p>
<p>1 request as a priest to work in the States, because that 2 wasn't given until September 1985. 3 As part of Robinson's move to America, and he went 4 to California, in October 1985 Monsignor Leonard wrote 5 to his counterpart in the USA. The letter is akin to 6 a reference and it is behind your tab 8. I can call up 7 on screen CHC000246_044. This is a letter by 8 Monsignor Leonard from 2 October to his counterpart in 9 the USA. If we scroll down, you can see initially he 10 sets out some of the background to Father Robinson and 11 the various parishes that he has worked in over the 12 years. The more relevant passage appears at the bottom 13 of that page: 14 "Father Robinson's work as a priest has been highly 15 regarded since his ordination 14 years ago. He has 16 shown considerable talent in recruiting groups of lay 17 workers to assist in various capacities. 18 "For some reason, he has always been interested in 19 being a priest in the United States. Even as a student 20 he wanted to join the Diocese of Miami, but was not 21 encouraged by the Archbishop of Birmingham at the time. 22 Since his ordination, he has regularly done summer 23 vacation work in various American parishes and from time 24 to time expressed a desire to join an American diocese. 25 "The immediate reason for his being in the</p> <p style="text-align: center;">Page 47</p>	<p>1 United States just now is that a few months ago he met 2 a man with whom he had an unwholesome relationship about 3 13 years ago. We have no reason to believe that there 4 has been any recurrence of this problem, but 5 Father Robinson says that he would feel safer a long 6 distance away and untraceable by this man. 7 "I hope these details may be of some assistance." 8 That final paragraph suggests that Monsignor Leonard 9 knew full well that allegations had been made against 10 Robinson. On 15 October, the Archdiocese of Los Angeles 11 responded to that letter by writing firstly to 12 James Robinson, informing him that they wanted him to go 13 back to Birmingham or, at the very least, leave their 14 archdiocese. In December that year, Archbishop 15 Couve de Murville personally wrote to the Archbishop of 16 Los Angeles stating how beneficial it would be for that 17 archdiocese to "keep your way to continuing the 18 arrangement with Robinson for a further period". 19 In January 1986, James Robinson himself wrote to the 20 monsignor in Los Angeles. 21 Can we have a look, please, at CHC000246_287 behind 22 your tab 9. This is Robinson's letter to the monsignor 23 in Los Angeles. After some pleasantries at the 24 beginning, if one looks towards the bottom of the page 25 that's currently on screen, the sentence starting</p> <p style="text-align: center;">Page 48</p>

<p>1 "Fortunately, this has not happened". He says his 2 health has improved since being in the country: 3 "... but the stress and embarrassment has caused 4 many anxieties. However, I wish to state clearly and 5 simply that I am completely innocent of any wrongdoing 6 and wish to further state that the man who made the 7 false accusations is a man with many psychiatric 8 problems and living the life of a homosexual. It is my 9 sincere hope that this statement will put to rest an 10 embarrassing situation as it has been the cause of 11 a great deal of anxiety and worry." 12 So Robinson clearly denied the allegations and in 13 fact made positive assertions as to the mental state 14 about one of his accusers in that letter. He also wrote 15 to Monsignor Leonard protesting his innocence and 16 a short while later Monsignor Leonard wrote again to 17 Monsignor Curry, and this is the final document before 18 the break. Can we have a look, please, at CHC000246_285 19 in your tab 10, chair. 6 February 1986, from 20 Monsignor Leonard again to his counterpart in 21 Los Angeles. He says this: 22 "In view of the fact that Father Robinson has proved 23 to be a completely open and uncomplicated priest ever 24 since his ordination in 1971, I have no doubt about the 25 accuracy of the account he has given you in maintaining</p> <p style="text-align: center;">Page 49</p>	<p>1 that the alleged relationship with a man was an entirely 2 false accusation. 3 "Accordingly, I now accept that I was mistaken in 4 this respect when I sent a brief summary of his 5 curriculum vitae on 2 October 1985." 6 Essentially, there the monsignor had stood by 7 Father Robinson and said that what he'd said in that 8 letter in October 1985 was wrong and that 9 Father Robinson should be believed when he said he had 10 been falsely accused. Robinson remained in the states 11 until his extradition in August 2009. Can I invite, 12 chair, that we pause there and take our mid-morning 13 break before I return to what happened and the efforts 14 made to get Father Robinson back to the UK. 15 THE CHAIR: Thank you, Ms Carey. We will return at 16 12.05 pm. 17 (11.50 am) 18 (A short break) 19 (12.06 pm) 20 MS CAREY: Chair, before the break I mentioned that from 21 1985 until his extradition in 2009 Robinson remained in 22 the States. What of the intervening years? 23 In August 1993, Archbishop Couve de Murville wrote to 24 the cardinal in LA to inform him, and I quote, "entirely 25 reliable information" had come to light to suggest that</p> <p style="text-align: center;">Page 50</p>
<p>1 in the 1970s Robinson had had a paedophilic relationship 2 with a boy that had lasted for five or six years. That 3 was a reference to A31's allegations. Archbishop 4 Couve de Murville asked that Robinson be stopped from 5 carrying out his priestly duties in America. 6 It can be inferred from a letter that Robinson 7 himself wrote to a diplomatic representative in Rome 8 that some action was taken by the Californian 9 archdiocese because Robinson wrote letters protesting 10 his innocence and requesting financial assistance and 11 asking to be returned to his role as a priest. It 12 appears that the archdiocese did provide Robinson with 13 financial help. Between April 1994 and December 2001 14 when payment ceased, the archdiocese gave Robinson 15 approximately £81,600. It equates to just under £800 16 a month. 17 To continue with the chronology, in 1995, A31 tried 18 to get the police to re-open the investigation into 19 Robinson and the police refused. 20 Material provided to the inquiry reveals that 21 Robinson returned to the UK on two occasions in 1997 -- 22 both times to visit his mother. On both occasions, he 23 tried unsuccessfully, it appears, to make contact with 24 Archbishop Couve de Murville. It is not known what 25 steps, if any, the archbishop took to report Robinson's</p> <p style="text-align: center;">Page 51</p>	<p>1 return to the police. Robinson also visited one of his 2 friends, Father Joyce. Father Joyce informed 3 Monsignor Leonard that Robinson had been back. Can 4 I invite us to look, please, on screen at a letter from 5 Father Joyce to Monsignor Leonard at CHC001044_019. It 6 is behind your tab 11. We can see there Father Joyce 7 writing to the monsignor on 6 March 1997: 8 "Jim Robinson was home to see his mother. I did not 9 know a thing about it until he arrived here at the door. 10 I have not got over the shock of it yet. He was here 11 for two weeks. He came on his American passport. He 12 said that the computer was checked before he came, both 13 the international and the Birmingham one, by a priest 14 friend who lives in Rome and his name was not on it." 15 It is not entirely clear what he meant there, but it 16 is to be inferred, I suspect, that he wanted to know if 17 any of the police authorities were aware of him and were 18 looking for him: 19 "He wrote to me since he went back and he said that 20 he sent a fax to the archbishop recently. I have 21 written to him and said to him that I was talking to you 22 and that the archbishop wants to leave things in 23 abeyance for the time being. I enclose a copy of his 24 letter [we don't have that] for you to read then to 25 destroy. Yours sincerely, Patrick Joyce."</p> <p style="text-align: center;">Page 52</p>

<p>1 On 18 September 1999, another of Robinson's victims 2 reported abuse to the church. In September 1999, A324 3 spoke with Father Gerry McArdle, who was then in charge 4 of matters relating to child protection. In fact, 5 Father McArdle was aware that Robinson had been back in 6 the UK. In a statement he made in civil proceedings, he 7 said he had made several calls to the police asking for 8 Robinson to be arrested, but that Robinson had left the 9 country before this happened. Father McArdle did not 10 say how he came to know that Robinson was in the UK. 11 In December 2000, Archbishop Nichols met with A324. 12 It appears that a police investigation commenced by the 13 end of 2002. That police investigation in 2002 revealed 14 that the West Midlands Police had no documentation 15 relating to A31's 1985 complaint. The copy of A31's 16 1985 police statement was in fact given to the 17 West Midlands Police by the archdiocese. That led the 18 investigating officer to tell A31 that she thought that 19 one of the 1985 investigating officers, a DI Higgins, 20 had passed the statement to the church "for their 21 information and usage in expelling Robinson from the 22 church". 23 In December 2002, Archbishop Nichols wrote to 24 Cardinal Mahony in California asking for any information 25 that they may have regarding Robinson's whereabouts.</p> <p style="text-align: center;">Page 53</p>	<p>1 The archbishop also wrote to Robinson asking for 2 Robinson to return. Can we have a look at those two 3 documents? It's CHC001044_090-091 behind your tabs 12 4 and 13. Firstly starting with the letter from 5 Archbishop Nichols, on 17 December he wrote to 6 Father Robinson: 7 "You will know immediately what it is I am writing 8 to you about. In recent months I have met with one 9 young man who gave me an account of his memories of 10 abuse that he suffered at your hands. As you will know, 11 the police are pursuing these matters, certainly here 12 and, I believe, in the United States as well. 13 "The purpose of my letter is to ask you, plead with 14 you, to return to the United Kingdom and to give an 15 account of your actions at that time. You alone know 16 the things for which you are responsible and those which 17 perhaps you are not. But the only way in which some of 18 these matters can be clarified, both for the sake of 19 your own conscience and for the sake of those who are 20 deeply troubled at this time, is for you to return here 21 and to answer questions that are being asked about your 22 behaviour." 23 I won't read out the rest of the letter, but it can 24 be seen on screen. If one turns over to tab 13, or 25 page 91 of that Relativity reference, here is Robinson's</p> <p style="text-align: center;">Page 54</p>
<p>1 reply. 31 January 2003. Reference to the letter we 2 have just looked at: 3 "Your Grace, thank you for your letter which 4 I eventually received as that address is no longer 5 available. In answer to your letter, I deny all that is 6 being said about me. Also, I am unable to travel over 7 to England. Sincerely yours, Jim Robinson." 8 Later that year, in October 2003, the BBC broadcast 9 an episode of the documentary "Kenyon Confronts", which 10 was entitled "Secrets and Confessions". It was about 11 the extent of child sexual abuse within the 12 Catholic Church and it focused on the Archdiocese of 13 Birmingham. 14 The programme makers had traced Robinson to 15 a caravan park home in the USA. One of the victims, 16 accompanied by Paul Kenyon, confronted Robinson about 17 his abuse and parts of the confrontation were included 18 in the documentary. Following the show being aired, 19 Archbishop Nichols issued a press release in which he 20 said that he considered the timing of the broadcast, 21 which was on the eve of the Silver Jubilee to Pope 22 Jean-Paul II, to, "confirm the suspicions of many that 23 within the BBC there is hostility towards the 24 Catholic Church in this country". It is right to note 25 that he started the press release with protestations and</p> <p style="text-align: center;">Page 55</p>	<p>1 affirmations of the church's commitment to dealing with 2 child sexual abuse and those allegations, but 3 nonetheless, you may want to consider, when hearing 4 Archbishop Nichols, why he made those final comments 5 that I have just read out to you about the alleged 6 hostility by the BBC. 7 Changes to extradition law in 2007 meant that 8 Robinson could be extradited and he arrived back in the 9 UK in August 2009. He stood trial in October 2010 and, 10 as you know, was eventually sentenced to 21 years' 11 imprisonment. 12 In 2015, Archbishop Longley asked Robinson to 13 reconsider if he would agree to being laicized. 14 Robinson did agree and, in June 2015, that fact was 15 communicated to Rome. Robinson was not in fact laicized 16 until February this year. 17 In 2016, the Independent Office for Police Conduct, 18 the IOPC, commenced an investigation looking at the 19 response of West Midlands Police in the case of 20 Robinson. The terms of reference were approved 21 in October 2016, but the report was not in fact finished 22 until 30 October this year. Having conducted their 23 investigation, including interviewing DI Higgins, who 24 declined to answer questions, the report concluded that 25 it could not now be ascertained how A31's 1985 statement</p> <p style="text-align: center;">Page 56</p>

<p>1 came to be in the possession of the archdiocese; 2 couldn't ascertain the circumstances in which that 3 occurred. Therefore, the position, it seems to me, is 4 this: it is not in dispute that someone provided the 5 church with A31's 1985 statement, but how, and perhaps 6 more importantly why, whether it was to assist the 7 church, whether that was part of a coverup, whether it 8 was part of a routine information sharing of allegations 9 of this nature, can never be known.</p> <p>10 I turn next to Father Tolkien. In contrast to the 11 cases of Penney and Robinson, the next two cases involve 12 allegations that were made where there was no finding of 13 fact before either the criminal or civil courts.</p> <p>14 Father John Tolkien was born in 1917. He was the 15 son of the author JRR Tolkien. He was ordained in 1946 16 and served in a number of parishes between the late 17 1940s and his retirement in April 1994. He died 18 in January 2003. It should be made clear at the outset 19 that Father Tolkien has repeatedly and consistently 20 denied the allegations against him.</p> <p>21 In September 1993, the complainant 22 Christopher Rooney, who subsequently changed his name to 23 Carrie, reported the abuse to the church. There are 24 some handwritten notes of the meeting behind your tab 14 25 at CHC000253_013, and actually over to page 14, although</p> <p style="text-align: center;">Page 57</p>	<p>1 it may be you only have one page in your bundle, chair. 2 They are not the easiest to read, but can I read out 3 some extracts from the handwritten note. Towards the 4 top of the page, there is reference to Father Tolkien, 5 that he asked him to come into the presbytery, "What 6 took place was that Father Tolkien carried out sexual 7 acts on me".</p> <p>8 A little later down, said Mr Rooney: 9 "I was 12. There were three serious occasions." 10 He said that Tolkien carried out in 11 a pseudo-religious way. In fact, if one turns over the 12 page, there is reference in the penultimate paragraph to 13 Rooney saying that he thinks Tolkien left Sparkhill, 14 which was the parish he was working in at the time, 15 under a cloud. I have just highlighted it on the screen 16 for you, chair, in case the second page has not been 17 included. So Rooney has said this, that he thought 18 Tolkien had left under a cloud.</p> <p>19 Records show that in fact Father Tolkien did leave 20 Sparkhill in 1957. These documents emanate from 21 Father Tolkien's personal file kept by the archdiocese. 22 The next notes, behind your tab 15, and if we can put up 23 on screen CHC000253_015, appear to be notes of 24 the archdiocese carrying out investigations in light of 25 what they had just been told. I say that because if you</p> <p style="text-align: center;">Page 58</p>
<p>1 look at the top of the page, we think it is a reference 2 to Father Bouchier, who had worked in Sparkhill, and if 3 one looks over to the right of the page on the top line, 4 it says: 5 "Father Tolkien did leave under a cloud." 6 He might be therefore seen as confirming that which 7 Mr Rooney had said to the archdiocese.</p> <p>8 Many years later, in 2002, Father Bouchier contacted 9 Archbishop Nichols and told him that back in the 1950s, 10 when he was working in the Sparkhill parish, there were 11 no signs or even rumours about Father Tolkien's 12 behaviour, either in the parish or in the Scouts. So on 13 the face of it, there may be a document saying he did 14 leave under a cloud; many years later, Father Bouchier 15 said he didn't and there were no concerns about 16 Father Tolkien.</p> <p>17 In October 1993, Archbishop Couve de Murville wrote 18 to Mr Rooney. If we can look on screen at 19 CHC000253_021, behind your tab 16, there is a copy of 20 the archbishop's letter. He said: 21 "Thank you for coming to see me on 2 September. 22 I want you to know that the hurts which you describe 23 cause me deep concern and [we think it is] distress. 24 "Passage of more than 35 years makes it difficult to 25 establish precisely what happened and when, but I have</p> <p style="text-align: center;">Page 59</p>	<p>1 carefully investigated your complaint as far as 2 possible. I have also interviewed Father Tolkien. He 3 is more than 76 years old and not in good health. It 4 may be of help for you to know he is now going to retire 5 and cease the active practice of his ministry as 6 a priest.</p> <p>7 "In deciding how best to respond to the matters you 8 have voiced, I have to keep in mind especially you and 9 the people who are most vulnerable. I also need to 10 ensure that the good work done by most priests for the 11 church and the community continues to be supported and 12 encouraged. Perhaps Father Tolkien's retirement is the 13 answer you seek. The other possibility is for the 14 matter to be referred to the police, so if you wish the 15 police to be involved, we would assist with any 16 enquiries they may make, as fully as possible."</p> <p>17 In short, Father Tolkien was soon to retire and was 18 to cease active ministry. Over the coming years, 19 Mr Rooney maintained that in fact Father Tolkien did not 20 stop working straight away and Mr Rooney maintained that 21 Father Tolkien continued to offer the youth of his 22 parish at St Peter's to attend private lessons in 23 liturgy. Correspondence with those working at 24 St Peter's suggests that although Father Tolkien 25 continued to visit the church, he in fact did not</p> <p style="text-align: center;">Page 60</p>

<p>1 undertake any work after his retirement in 1994. 2 In the summer of 1994, Mr Rooney reported the abuse 3 to the police but it appears that no action was taken. 4 In November 2000, Mr Carrie, as he now was called, 5 wrote to the archbishop informing him of the alleged 6 abuse and asking Archbishop Nichols to investigate. 7 Earlier that year, Mr Carrie had written a book called 8 "Klone It", an anagram of "Tolkien", in which he 9 repeated his allegations. 10 So by May 2001, the police did in fact commence an 11 investigation into Father Tolkien, and the Crown 12 Prosecution Service were asked to advise on whether 13 Father Tolkien should be charged. It is understood that 14 that investigation centred on Mr Rooney's/Mr Carrie's 15 complaints. The inquiry has asked both the 16 West Midlands Police and the Crown Prosecution Service 17 for any documentation regarding that investigation, but 18 neither organisation's records are now available. On 19 14 February 2002, the Crown Prosecution Service issued 20 a press release. In short, the decision was that no 21 charges could be brought against Father Tolkien: this 22 was made after careful consideration of 23 the circumstances of the case because the CPS decided it 24 would not be in the public interest to proceed. That 25 was a decision made following the submission of medical</p> <p style="text-align: center;">Page 61</p>	<p>1 expert evidence regarding the state of Father Tolkien's 2 health. 3 Mr Carrie therefore commenced a civil compensation 4 claim against the archdiocese. In June of that year, 5 2002, another complainant came forward. A348 wrote to 6 Archbishop Nichols. He said he'd read an article about 7 Mr Carrie. He said the article said Father Tolkien had 8 denied the allegations. A348 said this: 9 "Well I know for sure Mr Carrie is telling the truth 10 because I, too, was abused myself. I know 11 Father Tolkien is 84 years old and suffering from 12 dementia, but it is wrong for him to keep denying he 13 never did these things -- he did." 14 Archbishop Nichols advised A348 to report the matter 15 to the police. 16 As part of the compensation claim, the archdiocese 17 and their solicitors carried out enquiries into 18 Father Tolkien. The solicitors spoke to two other men, 19 one of whom was himself a priest. Both those other men 20 alleged that Father Tolkien had also abused them. This 21 led the solicitors to advise that they thought it likely 22 that a civil court would conclude that Father Tolkien 23 had in fact abused Mr Carrie. 24 As part of that solicitor's advice, reference was 25 made to Archbishop Couve De Murville's meeting with</p> <p style="text-align: center;">Page 62</p>
<p>1 Mr Carrie in 1993. Can we look on screen, please, at 2 CHC000251_033, which I hope, chair, is behind your 3 tab 18. This is part of a longer note that we will look 4 at in due course, during the course of the evidence. It 5 may be easiest if we turn to the paragraph in the middle 6 of the page, "In the meantime, a difficult issue has 7 arisen ...". I will just set it out before one looks at 8 the actual briefing note. As part of Archbishop 9 Couve de Murville's 1993 enquiries, Archbishop 10 Couve de Murville appears to have read a note from 1968 11 which alleged that Father Tolkien had made some 12 Boy Scouts strip naked. The actual 1968 note is not 13 available, but we have Archbishop Couve de Murville's 14 note of the note of 1968 which, on the face of it, 15 suggests that Father Tolkien admitted those allegations 16 and was possibly sent for treatment. Aside from that 17 treatment, it seems no action was taken in 1968 and 18 certainly no action was taken by Archbishop 19 Couve de Murville in 1993. Neither matter was reported 20 to the authorities. 21 Now, you will hear about the 1968 note when 22 Cardinal Nichols gives evidence. But, in essence, that 23 paragraph in the middle of the page sets out the finding 24 of the note, the fact that there was a suggestion that 25 Father Tolkien in 1968 had made the Boy Scouts strip</p> <p style="text-align: center;">Page 63</p>	<p>1 naked and that on the face of Archbishop 2 Couve de Murville's note of the note, Father Tolkien had 3 admitted those allegations. 4 You will hear more about the 1968 note during the 5 hearing, but you may wish to consider both the legal and 6 moral aspects of the church's response when dealing with 7 civil claims of this kind where they are in possession 8 of information of this nature. 9 By July 2003, the archdiocese and Mr Carrie had 10 reached an out-of-court settlement in respect of 11 the civil case. Mr Carrie received £15,000 and the 12 settlement was made "without admission of liability". 13 Another complainant has made a statement to the 14 inquiry in which he states that he was abused by 15 Father Tolkien. That is the complainant A343, and he 16 will give evidence to you live. He reported his abuse 17 to the police as part of the 2002 investigation. When 18 informed that Father Tolkien was not being charged, the 19 police gave A343 Jane Jones' details. A343 brought 20 a civil claim against the archdiocese which also 21 eventually settled. A343 said this in his statement to 22 the inquiry, he was angry that the church defended his 23 civil claim so vigorously. 24 One matter you may wish to consider, therefore, this 25 week is the response of the church where there has been</p> <p style="text-align: center;">Page 64</p>

<p>1 no criminal or civil finding of fact, but an internal 2 investigation carried out by the archdiocese's own 3 solicitors might suggest that the allegation is more 4 credible than not. What, then, should the church's 5 response be, particularly where there is a claim for 6 compensation? 7 The final case that we will look at this week is 8 that relating to F167. 9 In the summer school term in 1985, F167 was teaching 10 at a school within the archdiocese when two pupils made 11 allegations that he had sexually assaulted them by 12 touching their backsides and their genital areas over 13 clothing. The headmaster reported the allegations to 14 the school governor, Father Curtin. It appears 15 Father Curtin spoke with 167 but it is not clear what, 16 if any, other investigations were carried out. The 17 matter was not reported to the police. 18 In June of that year, 167 resigned from his teaching 19 post and commenced his training to become a priest. 20 Notes appearing in 167's file suggest that 167 had in 21 fact been asked to resign. When 167 was applying to 22 become a priest, F167 said he had been accused of 23 touching boys' bottoms when they were talking to him at 24 his desk. He agreed he couldn't honestly deny doing 25 this, but it had been an involuntary action with no</p> <p style="text-align: center;">Page 65</p>	<p>1 malicious intent. 2 He commenced his training for the priesthood and he 3 was ordained in 1990. Following his selection 4 interview, he apologised for the fact that he did not 5 mention his resignation from the school, he said because 6 the question did not arise and he had been advised by 7 a priest not to mention it. F167 also said he wanted to 8 create a positive image during that interview. 9 Some years later, in 1997, the 1985 allegations came 10 to the attention of the police. The two boys, now men, 11 made statements to the police. 167 was interviewed and 12 he denied any deliberate and/or sexually motivated 13 touching. While the police investigation was ongoing, 14 the archdiocese spoke with one of the boys and his 15 mother and the archdiocese put 167 on administrative 16 leave. He was therefore prohibited from carrying out 17 any public duties as a priest. In February 1998, the 18 Crown Court ruled that 167 could not receive a fair 19 trial and so the case was stayed. 20 Following the stay of the criminal proceedings, 21 in April 1998, 167 was appointed as a parish priest to 22 a parish described as having "a large and flourishing 23 parish with a big primary school". In May 1998, the 24 Child Protection Advisory Group of the archdiocese 25 recommended that 167 undergo a full psychological and</p> <p style="text-align: center;">Page 66</p>
<p>1 psychosexual assessment before being assigned further 2 duties. The decision to refer 167 for an assessment was 3 expressly made on the understanding that it did not 4 imply guilt, but it was in the best interests of child 5 protection and of 167 himself. 6 The assessment was completed by December of that 7 year. 8 The report concluded that the truth or otherwise of 9 the allegations could not now be determined, but it did 10 recommend that 167 did not return to a position where he 11 had unsupervised access to children. 12 As the archdiocese were preparing to discuss the 13 conclusions of the report, just three days later, the 14 Vicar General received a complaint from a schoolteacher 15 that 167 had asked inappropriate questions to two boys 16 during confession. The archdiocese spoke with the head 17 teacher, the matter was referred to the police and 18 Social Services that same day. 167 was again put on 19 administrative leave. He was offered counselling but 20 declined it. When asked about the new allegations in 21 relation to confession, 167 categorically denied using 22 any sexual terminology or making any sexual references 23 to any child during confession. 24 From 1998 onwards, until at least 2011, 167 received 25 financial support from the archdiocese.</p> <p style="text-align: center;">Page 67</p>	<p>1 What of the allegations of improper questioning 2 during confession? By February 1999, both the police 3 and Social Services had decided to take no further 4 action in respect of those alleged inappropriate 5 questions, and so the church commenced their own review 6 of safeguarding in respect of 167. 167 in fact decided 7 not to return to active ministry. 8 The precise date is not known, but thereafter 167 9 commenced employment as a teacher. To undertake that 10 role, 167 had to undergo a Criminal Records Bureau 11 check. 167 said he underwent this check and passed it. 12 It seems that his criminal court case from 1998 did not 13 show on the Criminal Records Bureau records. Enquiries 14 with the Disclosure and Barring Service, as they are now 15 known, show that 167 had applied for an enhanced 16 disclosure check in July 2002. An enhanced check is 17 required where the person wishes to work with vulnerable 18 groups. It includes details of spent and unspent 19 convictions or cautions or warnings and any additional 20 information which the chief police officer reasonably 21 believes to be relevant and ought to be disclosed. The 22 Disclosure and Barring Service have confirmed that in 23 167's case, the certificate that was issued did not 24 contain any information about him or the 1998 stayed 25 case.</p> <p style="text-align: center;">Page 68</p>

<p>1 167 said he advised the archdiocese of his 2 appointment. Certainly by December 2003, which would be 3 about 17 months after the Disclosure and Barring check, 4 it appears that the archdiocese knew that 167 was 5 teaching. The archbishop was advised to pass this 6 information to the child protection team. 7 In January 2004, Jane Jones wrote to the police 8 informing them that 167 was working in a school and 9 informing the police that he had been the subject of 10 child sexual allegations. 11 167 resigned from his job as a teacher. Jane Jones 12 conducted a review and attended a number of 13 multi-disciplinary meetings with the statutory agencies. 14 Can we have a look, please, on screen at CHC001070_007 15 behind tab 19. This is a note from one of those 16 multi-disciplinary meetings. The note covers at quite 17 some length -- I won't go into it all now -- the version 18 of events, the chronology, that fact that there were 19 allegations made, denials by 167, and then the meeting 20 reached, towards the bottom of the page, the following 21 conclusions: 22 "There is a serious problem with the CRB system if 23 it fails to pick up cases like this one." 24 There was the police to follow that up: 25 "The meeting could not decide on the veracity of</p> <p style="text-align: center;">Page 69</p>	<p>1 the allegations but felt that the case should be 2 referred to the Department for Education ... which deals 3 with the conduct of teachers. They should then decide 4 if 167's name ought to be included on List 99, which 5 would exclude him from teaching or work with children. 6 This is a very slow process but he would be able to be 7 represented by his union. 8 "Jane Jones should inform 167 of the decision ... 9 "The church must decide what should happen to him 10 now." 11 The archdiocese considered his case at numerous 12 meetings in 2004 and 2005. The notes of the child 13 protection coordinator's report state that Ms Jones was 14 asked to seek advice from COPCA without disclosing 167's 15 name. COPCA reminded Jane Jones that it was not COPCA's 16 policy to deal with referrals without a name. His case 17 was discussed anonymously at a COPCA child protection 18 meeting in September 2004. 19 The final document to look at is behind our tab 20 20 at CHC001082_007, where the case was discussed; where 21 the conclusion was that 167 may have been the victim of 22 injustice; that it would never now be possible to find 23 out what really happened, there would always be a doubt 24 and that should be taken seriously: 25 "In light of past publicity and the likelihood of</p> <p style="text-align: center;">Page 70</p>
<p>1 scandal, he could not return to public ministry. 2 "He should be given the opportunity to give his 3 account of events. 4 "It may be helpful to have another assessment. 5 "It is very important that [167] has good pastoral 6 care. Perhaps this could best be provided by 7 a religious priest." 8 The archdiocese reviewed the case in December 2005, 9 and concluded that 167 should be referred to the 10 Protection of Children Act list and that 167 should have 11 the status of a retired priest. The church also decided 12 that 167 should inform the person responsible for his 13 supervision before he undertook any form of work and 14 167's case was closed. 15 In considering the events in the case of 167, you 16 may wish to consider, chair, how the church can best 17 deal with an individual about whom there are concerns 18 but who has never been proven to have committed any 19 child sexual offence. 167's case also highlights 20 a potential gap in the Disclosure and Barring Service 21 disclosure checking regime which may be of concern to 22 you. 23 Before lunch, may I conclude my opening address by 24 looking at current safeguarding arrangements within the 25 archdiocese, because in 2018, the Archdiocese of</p> <p style="text-align: center;">Page 71</p>	<p>1 Birmingham commissioned three separate reviews of 2 safeguarding. Inevitably, what I say about them can 3 only be by way of summary, so all three reports will be 4 published on the inquiry website. There was a past case 5 review conducted by Mrs Jan Pickles; a current review of 6 safeguarding practice conducted by the Social Care 7 Institute for Excellence, known as SCIE. I am going to 8 refer to it as "the SCIE report". There was a review of 9 safeguarding in the parishes, again conducted by 10 Mrs Pickles. 11 Dealing with the Past Case Review, the stated aim of 12 the Past Cases Review was to examine historical 13 documentation to help the archdiocese learn lessons from 14 the past to help safeguarding and to help support 15 victims and survivors today and in the future. The 16 review considered the files relating to 17 15 perpetrators -- some convicted, some not -- and 18 45 victims. 19 Common to a number of those past cases was the 20 grooming of victims. The report found that the priests' 21 position, power and influence within the Catholic 22 community, combined with the level of trust and 23 deference by the victims' families combined to make it 24 easy for the priest to groom the victims. The priests 25 often had access to resources -- for example, they were</p> <p style="text-align: center;">Page 72</p>

<p>1 able to take the victims on day trips and on camping 2 trips -- which not only presented the perpetrator with 3 the opportunity to abuse, but made it unlikely that any 4 family, particularly those with a vulnerable background, 5 would refuse to let their child go on an excursion. 6 These factors often fed into the victims' understandable 7 reluctance to report matters. Many victims said they 8 simply did not think they would be believed if they 9 complained about a member of the clergy. 10 The report considered that the failures to report an 11 allegation to the police and/or the fact that the matter 12 was dealt with internally by transferring the priest out 13 of the parish had led to what the report termed "the 14 perception of a culture of secrecy". The report also 15 considered the role that the provision of legal advice 16 to the archdiocese played. The report concluded that 17 the overall impression created was that the legal advice 18 focused on protection of the church rather than creating 19 a culture of openness. The legal advice limited the 20 amount of material to be disclosed in order to limit the 21 financial and reputational damage to the archdiocese. 22 That may be something you want to consider when 23 examining the evidence in the case of Father Tolkien, 24 for example. 25 The report came to a number of conclusions.</p> <p style="text-align: center;">Page 73</p>	<p>1 Firstly, that the attitude of the church towards 2 perpetrators was "secretive, insular and distrustful of 3 the state, with a preference to manage such matters 4 internally". There needed to be oversight and 5 supervision of the archdiocesan staff to ensure that 6 there was compliance with safeguarding procedures. The 7 report wanted to know more about how risk assessments 8 were commissioned. It appears there was no set risk 9 assessment pro forma and the assessments seemed to vary 10 depending on the assessor and the assessor's background. 11 And the report also wanted to know about the status of 12 the assessment once it had been prepared, as it appeared 13 that sometimes the assessment was accepted in full, 14 sometimes in part and sometimes completely disregarded. 15 The report said that case management systems needed 16 to be reviewed, as a paper-based, handwritten system 17 made it difficult to follow what had happened and 18 difficult to share with others. It said the language 19 was often archaic and difficult to understand and that 20 words such as "malfeasance", "misbehaviour", 21 "impropriety" were euphemistically used when what was 22 actually being spoken of was abuse and a crime. 23 The parish review conducted by Mrs Pickles was also 24 instructed to prepare a report that reviewed "attitudes 25 to and the ability of lay and clerical members of local</p> <p style="text-align: center;">Page 74</p>
<p>1 parishes to contribute to the safeguarding agenda". 2 Mrs Pickles visited six parishes chosen at random. In 3 general, she found that everyone she spoke to 4 acknowledged the need for safeguarding and was 5 "completely committed to the principle and importance of 6 safeguarding". She said that priests were generally 7 aware of the potential risks of their being left alone 8 with a child and there were varying levels of awareness 9 of the likelihood that children might be at risk within 10 the church. All people spoken to, both lay and clergy, 11 stated that if they had concerns about a child, they 12 would contact the safeguarding unit and the safeguarding 13 unit, or team, was generally regarded positively. Most 14 people were not able to describe the archdiocese's 15 policies and procedures in detail and they felt the 16 archdiocesan website was not easy to navigate and did 17 not help them when they needed information or advice. 18 They had limited knowledge of CSAS. 19 Mrs Pickles said that, based on her limited contact 20 with the parishes, she did not think that people would 21 be able to identify and spot behaviours that might 22 indicate concerns about grooming or risky sexual 23 behaviour or sexual exploitation. She formed the view 24 that the priest and lay volunteers knew how to respond 25 appropriately to an allegation, but were not able to</p> <p style="text-align: center;">Page 75</p>	<p>1 identify indicators that suggested the possibility of 2 a child being at risk. 3 In terms of areas that were working well, the review 4 found that all staff within the parishes valued and 5 appreciated the work of the safeguarding unit and in 6 particular personally recognised the work done by 7 Jane Jones. However, some people told Mrs Pickles that 8 the safeguarding unit was not always able to respond 9 promptly to queries or concerns and that the unit was 10 not able to meet the levels of demand placed on it. In 11 particular, Ms Pickles thought the unit was dependent on 12 one individual and that demands on Jane Jones were such 13 that there was not time to update policies, for example. 14 Ms Pickles thought that a review of the unit, its 15 structure, its resourcing and the management of 16 the demands on it was urgent. 17 The SCIE report was completed earlier this month. 18 Its stated aim was to identify how well safeguarding was 19 working and to consider any strengths and weaknesses 20 within the safeguarding team and structure. SCIE spoke 21 to the key people involved in safeguarding, reviewed 22 policies and procedures, engaged with parish 23 safeguarding representatives and survivors of clerical 24 abuse. 25 The report acknowledges that, given the sheer</p> <p style="text-align: center;">Page 76</p>

<p>1 geographical size of the archdiocese, it is a "challenge 2 to embed safeguarding in each and every parish where the 3 safeguarding structure is centrally anchored in the 4 archdiocese". In general terms, the report concluded 5 that change was needed to professionalise the approach 6 to safeguarding as there was a gap between the vision 7 and aspiration for safeguarding held by the archbishop 8 and key clergymen and having actually a safe and 9 reliable safeguarding system.</p> <p>10 The report presented its findings by way of themes 11 and looked at a number of areas, including adherence to 12 guidance and policies and procedures; it looked at 13 casework; training; the support and monitoring of 14 safeguarding in the parishes; it considered the 15 safeguarding team and the commission; complaints and 16 whistleblowing; and leadership and management.</p> <p>17 A number of strengths were noted. There was, 18 firstly, prompt and effective liaison with the statutory 19 services including good information sharing. Secondly, 20 that the training provided by the safeguarding 21 coordinator was well regarded with a high number of 22 training sessions per year. Thirdly, that the parish 23 safeguarding representatives considered that the 24 safeguarding team provided them with good support and 25 was always accessible and willing to help. The SCIE</p> <p style="text-align: center;">Page 77</p>	<p>1 report noted in particular that the safeguarding team 2 worked in excess of their working hours and that their 3 level of commitment was notable. Finally, in terms of 4 strengths, the Safeguarding Commission was considered to 5 have played an active role in providing advice and 6 guidance to the safeguarding team.</p> <p>7 There were also a number of areas of concern. SCIE 8 reviewed a number of local guidance documents, policies 9 and procedures which SCIE considered did not bear 10 relation to the national CSAS policies. Some of 11 the archdiocesan policies were considered to be outdated 12 and of poor quality in comparison with the policies 13 provided by CSAS.</p> <p>14 The report expressed real concerns about the 15 recording systems used to manage and document casework. 16 SCIE found it was difficult to track what had gone on in 17 cases over time, there was a lack of a system for 18 recording enquiries and for discerning if follow-up 19 actions had been made and not recorded or not made at 20 all.</p> <p>21 The report considered the safeguarding team as 22 a whole had not been properly supervised and that the 23 Safeguarding Commission, whilst good at providing advice 24 and guidance, did not provide any strategic direction or 25 independent oversight or scrutiny.</p> <p style="text-align: center;">Page 78</p>
<p>1 The auditors of the report noted that when speaking 2 to people across the archdiocese, there was "tangible 3 and explicit fear" that they remained anonymous when 4 speaking about the church. As the report itself states: 5 "This does not indicate a culture whereby feedback, 6 complaints or whistleblowing is assumed to be something 7 constructive and actively welcomed by the archdiocese. 8 On the contrary, it suggests a culture where it is not 9 deemed safe to criticise or even discuss safeguarding 10 practices in the church."</p> <p>11 In general terms, Archbishop Longley has accepted 12 the concerns raised in the SCIE report. The inquiry has 13 been provided with recent minutes of meetings where the 14 report has been discussed and action taken to remedy the 15 weaknesses. In particular, the archdiocese has created 16 a new role, that of interim director of safeguarding 17 improvement, and has appointed Mr Andrew Haley to that 18 position.</p> <p>19 You should know, chair, that Mrs Jane Jones has 20 expressed a number of reservations about the way the 21 SCIE audit was carried out and has rejected what she 22 perceives to be a number of personal criticisms directed 23 at her and her tenure as safeguarding coordinator. 24 Mrs Jones has written to the archbishop and tendered her 25 resignation, effective from the end of this month.</p> <p style="text-align: center;">Page 79</p>	<p>1 Chair, whilst the focus of this hearing is primarily 2 on the archdiocesan response to past cases, one must 3 never forget the very real human impact that sexual 4 abuse has on children. You will hear not only from the 5 victims and complainants of Penney, Robinson and 6 Father Tolkien, but also have read to you evidence from 7 other victims of sexual abuse. It is not possible to 8 call or read evidence from every complainant and victim 9 who has provided the inquiry with a statement, and so 10 the inquiry will publish all other statements so that 11 you can take into account their testimony when 12 publishing the report in this case study.</p> <p>13 The victims and complainants speak of a myriad of 14 ways in which the abuse has affected them: of being 15 robbed of their childhoods; ongoing and enduring 16 problems with their mental health, including self-harm 17 and attempts on their own life; of nightmares; of PTSD; 18 problems in their relationships now, both personally, 19 sometimes sexually; anger at their abuser, and in some 20 cases at the church; and a very real and palpable sense 21 of betrayal. A33, now in his late 60s and who was 22 abused by Robinson when he was an early teenager, said 23 this in his statement: 24 "I have had a lifetime of shame, guilt and fear. 25 I put it all away in the back of my mind and got on with</p> <p style="text-align: center;">Page 80</p>

1 life. But although these feelings are locked away, they
2 are not gone."
3 He has lived with that now for over half a century.
4 It is important, in my submission, to not lose sight
5 of why the inquiry was established: to ensure that
6 children get the care and protection they need and
7 deserve, now and in the future. To that end, it is
8 hoped that by calling Archbishop Longley to give
9 evidence towards the end of the week, the inquiry will
10 be better informed as to the historic institutional
11 response and be better able to consider the adequacy of
12 the safeguarding response in 2018.
13 Chair, that concludes all I want to say by way of
14 opening. It may be a convenient time for lunch. This
15 afternoon you may want to invite the core participants
16 to make their opening statements.
17 THE CHAIR: Thank you, Ms Carey. We will do that and return
18 at 1.55 pm.
19 (12.55 pm)
20 (The short adjournment)
21 (1.55 pm)
22 THE CHAIR: Thank you. We will now hear from Mr Scorer.
23 Opening statement by MR SCORER
24 MR SCORER: Thank you, chair. Mr O'Donnell and I represent
25 five victims of sexual abuse by Catholic clergy in the

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1 documents, our clients have reacted with shock and
2 disbelief. Some years ago, following the Samuel Penney
3 case, the current archdiocesan safeguarding coordinator,
4 Ms Jones, authored a document entitled "Sexual Abuse by
5 Catholic Priests", a position paper. In the views that
6 it sets out about the Samuel Penney case, we and our
7 clients find this to be a deeply disturbing collection
8 of prejudices, victim blaming and abuse minimisation.
9 In our view, it shows an extraordinary lack of
10 understanding of the dynamics of abuse, of the nature of
11 grooming, of the shaming and silencing impact of abuse
12 and the vulnerability of victims, some of whom are
13 seemingly described as "willing".
14 Our clients find it, and have found it, deeply
15 worrying that somebody with those attitudes could be the
16 safeguarding lead for the largest Catholic diocese in
17 England and Wales over a period of more than a decade
18 and, more alarming still, that senior archbishops were
19 happy to have somebody with those attitudes apparently
20 in that role.
21 In the light of the mentality displayed there, and
22 amongst other things, it is perhaps no surprise that the
23 2018 SCIE audit of the archdiocese paints in certain
24 respects quite a damning picture of safeguarding in this
25 archdiocese: outdated policies, wholly inadequate record

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1 Archdiocese of Birmingham. Two of our clients will be
2 giving oral evidence in this hearing. They experienced
3 sexual abuse by Samuel Penney and Father John Tolkien
4 respectively.
5 Chair, all of our clients approach this hearing with
6 one question, above all: they want to know if the
7 hierarchy of the Catholic Church has really changed.
8 For decade after decade, the Catholic hierarchy has
9 denied the reality of clerical sex abuse, has concealed
10 what it knows about offenders, and has blamed and
11 disparaged victims.
12 Recently, Baroness O'Loan, the chair of the Catholic
13 Council for this inquiry, stated, and I quote, "In the
14 parishes and dioceses of the Catholic Church,
15 safeguarding is now a fundamental part of our culture".
16 This case study provides you with an opportunity to
17 test that claim of change against the actual reality of
18 the largest Catholic diocese in England and Wales and to
19 test it against documentary evidence of the real
20 attitudes, internal behaviour and practices of
21 the archdiocese as opposed to any claims made for public
22 consumption.
23 With that in mind, we and our clients have read many
24 of the documents disclosed for this hearing with
25 considerable dismay. In respect of some of the

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1 keeping, shambolic databases and responses to survivors
2 apparently dominated by a desire to protect the church's
3 reputation and to protect fellow clergy at all costs.
4 What is also notable here is that at least some of
5 the issues identified in the recent SCIE audit were
6 clearly foreshadowed years ago by Eileen Shearer and
7 Adrian Child, two dedicated safeguarding professionals
8 who did their utmost to improve child protection across
9 the church.
10 We will see what both of them have to say when they
11 give evidence this week, but some of the concerns they
12 raise in their statements, for example, that the
13 safeguarding coordinator was apparently hostile to the
14 work of the national Catholic safeguarding bodies, that
15 there was a failure to meet the detailed standards of
16 those expected in safeguarding roles and that there was
17 hostility to external auditing and a reluctance to share
18 information, those concerns mirror some of the problems
19 later identified by SCIE this year. We note that
20 Adrian Child and Eileen Shearer further indicate that
21 they tried to draw some of these issues to the attention
22 of Archbishop Nichols but that he was resistant to
23 intervention.
24 Therefore, Archbishop Nichols and his successor
25 cannot escape responsibility for the issues identified

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<p>1 by SCIE in 2018. The writing was on the wall some years 2 ago and they have to accept responsibility for these 3 failings too. They can't lay it all on Jane Jones. And 4 we say, given the size and importance of the Birmingham 5 Archdiocese and given Cardinal Nichols' national 6 leadership role in this church, if you end this week 7 with any doubt about the quality of safeguarding in 8 Birmingham and the quality of his leadership, then you 9 have to have very little confidence in safeguarding in 10 the Catholic Church as a whole.</p> <p>11 I turn then to the case studies this week. The 12 abuse in those cases happened some years ago but, again, 13 these case studies raise matters about the culture of 14 the Catholic Church and the Church's treatment of 15 survivors which are highly relevant today.</p> <p>16 In the case of Father Tolkien, much of the material 17 before you concerns a complainant of abuse called 18 Christopher Carrie. Mr Carrie campaigned for many years 19 to disclose the abuse he alleged had been committed by 20 Father Tolkien and he was in fact awarded core 21 participant status in this inquiry. Sadly, he died 22 earlier this year, before he was able to see his work 23 come to fruition. He was never able to see the file 24 which the archdiocese has been forced to disclose by 25 this inquiry. This is the file relating in large part</p> <p style="text-align: center;">Page 85</p>	<p>1 to the civil action which he brought.</p> <p>2 For much of his life, Mr Carrie fought to expose not 3 only the abuse he believed had been committed by 4 Father Tolkien, but what he also believed was the 5 archdiocese's complicity in, and coverup of, that abuse. 6 For anyone who has followed the saga of Father Tolkien 7 over the years, we say the archdiocesan file is 8 revealing to say the least, and we would urge you to 9 have a look at it.</p> <p>10 We discovered, as we heard before the break, and we 11 now discover for the first time, that the archdiocese 12 was apparently on notice since 1968, if not earlier, 13 that Father Tolkien might present a risk to children. 14 It seems that in 1968 a complaint was made to the 15 archdiocese by at least one complainant, possibly more, 16 as a result of which Father Tolkien was apparently 17 referred for some form of treatment, having made some 18 admissions, but the archdiocese did not report the 19 matter to the police.</p> <p>20 Father Tolkien rapidly returned to active ministry. 21 Tomorrow, chair, you will hear from one of our clients, 22 A343. He will tell you about how he was sexually abused 23 by Father Tolkien in 1970. You can perhaps imagine how 24 he felt on learning recently that, barely two years 25 before the abuse that he suffered, the archdiocese had</p> <p style="text-align: center;">Page 86</p>
<p>1 seemingly been made aware that Father Tolkien posed 2 a risk to children. There was no law mandating the 3 archdiocese to pass that information on to the statutory 4 authorities and indeed, had there been such a mandatory 5 reporting law, A343's life may well have been very 6 different.</p> <p>7 We then move forward to 2003, and Mr Carrie's civil 8 claim against the archdiocese. The file, we suggest, is 9 very revealing about the church's private attitude 10 towards victims of abuse. You will no doubt hear much 11 in this hearing from Cardinal Nichols and 12 Archbishop Longley about how much they regret the abuse 13 of children by Catholic clergy, how sorry they are that 14 it happened and how their primary interest is in the 15 safeguarding of victims and survivors. But we submit 16 that, as these hearings go on, apologies from 17 institutions can start to sound formulaic. Every 18 institution put under the microscope by this inquiry has 19 started these hearings with an apology.</p> <p>20 However, you have the opportunity to lift the veil 21 and compare the public statements of Cardinal Nichols 22 and the archdiocese with the reality of what has been 23 going on behind the scenes. By doing that, you can 24 assess whether the warm words emanating from the 25 archdiocese now have any real substance.</p> <p style="text-align: center;">Page 87</p>	<p>1 When we read the Tolkien file, it transpires that 2 Archbishop Nichols was intimately involved in the 3 decision-making processes around civil claims. The 4 Catholic Church, both in the UK and internationally, 5 often tries to distance itself from the actions of its 6 lawyers in legal cases by saying that it is simply 7 acting on the advice of lawyers and insurers. In fact, 8 we see from the file that the archbishop was intimately 9 involved in strategies for defending civil cases and, in 10 particular, in trying to use the Limitation Act to 11 defeat genuine claims.</p> <p>12 We see in this file the lawyer acting for the 13 archdiocese at that time concluded that Mr Carrie's 14 allegations were, in his words, consistent and probably 15 truthful. His advice to the archdiocese was that these 16 allegations were likely to be proved in a civil court.</p> <p>17 We know that Mr Carrie's claim was eventually 18 settled but, chair, it wasn't settled because 19 Archbishop Nichols wanted to do the right thing by 20 a victim of abuse. If you study the file, we suggest 21 that it is very plain that Mr Carrie's claim and those 22 of other alleged victims of Father Tolkien were settled 23 for one reason and one reason alone: because in the 24 absence of a settlement, the archdiocese would have been 25 obliged to disclose that they had received a complaint,</p> <p style="text-align: center;">Page 88</p>

<p>1 or possibly complaints in the plural, of sexual 2 indecency by Father Tolkien in 1968.</p> <p>3 The lawyer, quite rightly, advised the archdiocese 4 that if the cases went any further, the earlier 5 complaint would have to be disclosed. Very simply, the 6 archdiocese feared that it would become public. As the 7 archdiocese's lawyer wrote to, as he then was, 8 Archbishop Nichols:</p> <p>9 "You have said that the archdiocese would prefer not 10 to disclose this document even if it means settling the 11 action."</p> <p>12 So but for that, the archdiocese would have sought 13 to have Mr Carrie's case and others struck out on time 14 limit grounds, even though they knew that he and other 15 victims of Father Tolkien were very likely to be telling 16 the truth.</p> <p>17 It is also telling, I would suggest, that when the 18 archdiocese issued press releases about the Tolkien case 19 they frequently ended them with an exhortation to people 20 to pray for Father Tolkien -- not pray for the possible 21 victims or, indeed, even just a neutral prayer for 22 everyone involved, but pray for the priest who, in 23 reality, they had known for some 35 years was a risk to 24 children.</p> <p>25 Chair, when I addressed you in the Benedictine</p> <p style="text-align: center;">Page 89</p>	<p>1 hearing last year, I said that the Catholic Church was 2 driven by a desire to hide abuse for reasons of 3 reputational protection. In this case, looking at the 4 file, we see it very clearly: decisions in civil cases 5 made not in order to do the right thing by victims, but 6 simply in order to conceal further evidence of 7 wrongdoing. With due respect to Baroness O'Loan, this 8 is not a culture of safeguarding, this is a culture of 9 concealment, victim blaming and denial, and we say, 10 chair, that the time has come for it to be stopped. 11 Thank you.</p> <p>12 THE CHAIR: Thank you, Mr Scorer. Mr Greenwood? 13 MR GREENWOOD: Chair and panel, I represent F31, F32 and 14 F33, all survivors of abuse of Robinson. My remarks 15 here are made against the background of what we know 16 about the Catholic institution, the institution is 17 examined as part of this inquiry, how the church is 18 organised into diocesan orders, how rules come from 19 Rome, the guidance given by Lord Nolan and 20 Baroness Cumberlege, the evidence given in the 21 Ampleforth and Downside inquiry and, indeed, what that 22 revealed about the reluctance of senior Catholics to 23 share information with the police and their lack of 24 engagement with outside agencies in relation to the 25 allegations of child abuse.</p> <p style="text-align: center;">Page 90</p>
<p>1 This particular inquiry has only five days of 2 evidence, but we do know that there is a long list of 3 identified abusers in the Archdiocese of Birmingham. 4 Numerous misdeeds by the archdiocese and West Midlands 5 Police will be identified in the days to come.</p> <p>6 Mr Scorer has dealt with the cases of Penney and 7 Tolkien. I will deal here with James Robinson. The way 8 in which the Archdiocese of Birmingham dealt with 9 James Robinson paints a very disturbing image not only 10 of the denial and obfuscation by the church, but the 11 clearest evidence of the church protecting its good name 12 and the perpetrator by sending him swiftly to another 13 country. The Catholic Church regards itself as being 14 above the law. It has laughed at the rest of us mere 15 mortals for decades. It has covered up, it has used 16 lawyers and it's recruiting state organisations to 17 protect itself from disgrace. It has been facing 18 disgrace now for over two decades, with the revelations 19 of abuse and coverup coming thick and fast. This week 20 will prove to be yet another week of utter disgrace for 21 this deceitful organisation.</p> <p>22 A letter from the archdiocese in 1985 states in 23 terms that Robinson was being sent across to California 24 due to the allegations made by RC-A31. A draft 25 statement from a priest to whom RC-A31 first reported</p> <p style="text-align: center;">Page 91</p>	<p>1 in May 1985 recalls how the Vicar General, 2 Daniel Leonard, arranged for Robinson to be moved from 3 the country. You will recall that we heard in the 4 Downside inquiry about the removal of Anselm Hurt to 5 Ireland when an accusation of child abuse surfaced.</p> <p>6 The inquiry will have the opportunity to review 7 evidence that the archdiocese paid for Father Robinson's 8 upkeep in Los Angeles to the tune of just under £800 9 a month, the money initially coming from parish funds, 10 but then being reimbursed to the parish from the diocese 11 throughout the '80s and '90s. This was further 12 concealed by it being channelled via his cousin through 13 a Scottish bank account to which Robinson had access. 14 It has been said that there is scant evidence in the 15 papers of the archdiocese disciplining him in accordance 16 with its own rules from Rome until 2008. I wonder why 17 this was?</p> <p>18 You may hear evidence that Father Robinson denies 19 the alleged abuse was the reason for him going to 20 Los Angeles and that it was actually his ill-health. 21 This was a patent lie, according to the contemporaneous 22 documents. You will no doubt hear obfuscation from 23 Vincent Nichols and Bernard Longley. Their very careful 24 use of language in the press releases over the years has 25 been designed to avoid admitting the truth of</p> <p style="text-align: center;">Page 92</p>

<p>1 the matter, which is that the archdiocese has known 2 about and protected its abusing priests. 3 I ask you to pay close attention to what these two 4 men are not saying in their evidence. They will 5 continue to distance themselves, the archdiocese and 6 their church from wrongdoing. You must see through 7 this. 8 We have become used to uncovering this type of 9 institutional coverup in the Catholic Church and indeed 10 the Church of England. It is of deep concern that we do 11 not or may never know the true extent of concealment 12 activity carried out by these organisations. 13 Perhaps the most grievous affront to children's 14 rights emerging from this case is the complicity of 15 West Midlands Police which amounted to state protection 16 of Father Robinson, or James Robinson, and the church. 17 On receiving RC-A31's complaint in 1981, he was not 18 taken seriously. There was no thorough investigation of 19 his allegations. He was instead accused of blackmail. 20 West Midlands Police refused to accept the covert 21 recording he made of Robinson admitting the abuse of him 22 from the age of 10. The police suggested it may not be 23 genuine. He was subjected to an unnecessary intimate 24 examination. West Midlands Police carried out only 25 a cursory investigation. It is unclear as to whether</p> <p style="text-align: center;">Page 93</p>	<p>1 West Midlands Police even reached the stage of 2 interrogating diocese officials. No crime was recorded 3 on the police system, thus enabling Robinson to come to 4 and from the UK without being stopped at borders. What 5 seems to have happened is that the police officers 6 involved colluded with the archdiocese officials by 7 passing them RC-A31's statement, thus tipping them off 8 and enabling Robinson to live out his days in the 9 sunshine of California, or so he thought. 10 I could catalogue the letters between RC-A31 and 11 RC-A32 and the archdiocese, but I would need a few days 12 to do so. Suffice to say, these two men urged the 13 archdiocese to bring Robinson to justice throughout the 14 1990s and 2000s with no success, the diocese throughout 15 being defended vigorously by its lawyers whilst 16 retaining the knowledge of Robinson's admission and 17 supporting him to the tune of £800 a month via the 18 concealed route. 19 The position worsens when police conduct in the 20 1990s and 2000s was challenged. Both RC-A31 and A32 21 each attempted to have the case investigated properly 22 throughout this period by the police but were 23 unsuccessful. RC-A32 attempted repeatedly to persuade 24 West Midlands Police to investigate between '98 and 25 2014. An investigation in 2007 by West Midlands Police</p> <p style="text-align: center;">Page 94</p>
<p>1 reviewed a continued unwillingness to properly 2 investigate the case and the complicity of the police in 3 1985. 4 In relation to RC-A31, there was a failure of 5 West Midlands Police to respond adequately in 1995 also, 6 when he approached them asking for another proper 7 investigation. In total, he provided West Midlands 8 Police with detailed evidence which deserved to be 9 investigated in 1985, '95, '98, 2002, 2003 and 2009. 10 Why did it take West Midlands Police six years from 11 the BBC "Kenyon Confronts" documentary to investigate 12 the case properly? Why did Vincent Nichols complain 13 about the documentary on the BBC when he knew that it 14 just revealed the truth? It was only in 2009 that the 15 position had changed and the Crown Prosecution Service 16 authorised an application for an extradition warrant 17 from California and Robinson was brought to trial. Many 18 courageous survivors came forward, gave evidence, 19 Robinson was convicted in 2010. We will never know how 20 many children Robinson abused when he was over in 21 California. 22 RC-A31 and A32 have tried repeatedly to involve the 23 police complaints system. Their attempts have exposed 24 some flaws in the system which enable the police to 25 protect itself from criticism. The rigour which should</p> <p style="text-align: center;">Page 95</p>	<p>1 have been applied to these investigations is lacking 2 within the current IOPC quite demonstrably. The most 3 recent IOPC investigation, Operation Fennel, has been 4 criticised by RC-A31 as having been launched only as 5 a result of the interest shown by your inquiry into the 6 case and of lacking serious intent. 7 The plight of another core participant, in 8 particular RC-A33, deserves to be mentioned. He was 9 abused by Robinson in the early 1960s whilst Robinson 10 was still studying for priesthood at Oscott College. 11 RC-A343 mentions that he too, whilst studying, went 12 through theological college and was concerned at the 13 attitude of other ordinands and their motives for 14 joining the priesthood. Oscott College was, of course, 15 the college at which Pope Ratzinger spoke in 2010 on his 16 visit. It will be interesting to know what Rome knew 17 about the college and its teaching, when it seems to 18 have turned out a significant number of clerics against 19 whom allegations have been made. 20 RC-A33, like many, has devoted a good part of his 21 life to this case. He's helped the police after 2010, 22 gave detailed evidence at the trial of Robinson, has not 23 received any offer of compensation. His case has been 24 rebuffed. He, like many, is bitter and he is hopeful 25 that IICSA will expose the facts of this case.</p> <p style="text-align: center;">Page 96</p>

<p>1 I am grateful to the inquiry staff for its diligent 2 work in obtaining the various documents and statements 3 which have been extremely helpful. Finally, I think we 4 should all acknowledge the bravery of the victims of 5 abuse who have come forward in this and other 6 investigations and of journalists such as Mr Kenyon who 7 tracked down Robinson in 2002 when the police had 8 refused to do so. Thank you. 9 THE CHAIR: Thank you, Mr Greenwood. Ms Gallagher? 10 Opening statement by MS GALLAGHER 11 MS GALLAGHER: Madam chair, members of the panel. I act 12 with Ms Patrick and Mr Wakefield of Bhatia Best for D2 13 and I make this opening statement on his behalf. 14 He was sexually, physically and emotionally abused 15 at two linked Roman Catholic residential schools in 16 Worcestershire which were owned and controlled by the 17 Archdiocese of Birmingham; that's Croome Court Junior 18 School and Besford Court Upper School. Many of 19 the pupils, chair and panel, in those schools had 20 special educational needs, learning difficulties, 21 learning disabilities, and glossy brochures from the 22 early 1980s describe it as a Roman Catholic school 23 running what was called a rebuilding programme for 24 children with educational, emotional and behavioural 25 problems.</p> <p style="text-align: center;">Page 97</p>	<p>1 D2 was abused in these schools in the 1970s when 2 placed there by Derbyshire County Council and in the 3 care of the archdiocese. You will hear that on 4 Wednesday when extracts from his statement are read, and 5 we are very grateful that that evidence is being read, 6 despite it falling outside the four case studies. 7 You will also that day, chair and panel, hear read 8 evidence from two other past pupils who were abused at 9 Croome Court: F48 and 53. F48 resident there in the 10 1950s, F53 resident in the late 1960s/early 1970s. 11 Croome Court and Besford Court were huge mansions set in 12 rolling countryside. F53, in his statement, describes 13 his first impression of Croome Court being that it was 14 a beautiful place and he thought he would be happy 15 there. The US author Robert Cormier has a description 16 which came to him when he was scribbling stories in 17 pencil at his kitchen table when he was trying to 18 describe a beautiful white house in a wealthy part of 19 town but he knew nothing about architecture, and the 20 description he used was, "It was a big, white, birthday 21 cake of a house". That's a description you could also 22 use for Croome Court and Besford Court -- 23 architecturally magnificent buildings -- and 24 Croome Court is now a National Trust property. Indeed, 25 there is a website description on the National Trust web</p> <p style="text-align: center;">Page 98</p>
<p>1 page, pictures of smiling nuns outside the school, boys 2 dutifully waving to the camera. But there is a very 3 ugly side not reflected in that positive, nostalgic 4 description on the National Trust website, and there's 5 one anecdote which we noted on the website, which gives 6 a hint of the evidence that you are going to hear on 7 Wednesday, chair and panel. It says: 8 "In 1962, during the school's tenure, a section of 9 the M5 motorway was constructed, slicing through the 10 Croome estate. Four of the boys tried to escape from 11 Croome on bicycles on the M5 and were brought back by 12 the police." 13 Now, although that anecdote is on the web page 14 presented as high jinks of boys at the school, there may 15 well be more to it. We expect that you will this week 16 hear evidence about boys running away from those 17 schools, terrified of returning to Croome Court. 18 Jan Pickles' review refers to boys jumping out of moving 19 cars to escape. In D2's own case, he took an hour and 20 a half on one occasion to be persuaded, terrified, to 21 get into a car with an educational welfare officer to go 22 back to Croome Court from his family home. D2 also 23 tried to tell the police about his physical abuse. In 24 his statement he describes a letter from the headmaster 25 to an educational psychologist written in 1977, which</p> <p style="text-align: center;">Page 99</p>	<p>1 says he'd complained of being beaten up several times by 2 staff, he had phoned the police twice, he had once 3 walked two and a half miles to the local police station, 4 but no appropriate action was taken by the police, the 5 school, the church, the archdiocese, and he remained in 6 a dangerous and abusive environment. 7 We say, once you have heard Wednesday's evidence, it 8 will be clear that the National Trust's summary of that 9 building's history must have an extra painful chapter 10 added in recognition of the suffering of D2 and so many 11 other children at Croome Court. 12 May I say, chair and panel, we acknowledge of course 13 that the experiences of D2 and other boys at 14 Croome Court are in some ways very different to those of 15 other victims and survivors whom you will hear from this 16 week. As D2 was abused in a residential school, far 17 from his home, this raises issues about the total 18 control which priests, nuns and lay staff had over the 19 pupils at that time. The particular vulnerabilities of 20 the pupils are relevant and the archdiocese and staff's 21 attitude to them, and it raises issues about the 22 interrelationship between physical and sexual abuse in 23 an institutional setting. 24 Importantly, D2's abusers were not priests. He was 25 sexually abused by three teachers and a caretaker, and</p> <p style="text-align: center;">Page 100</p>

<p>1 by a number of his fellow pupils. That includes sexual 2 assaults in both schools and repeated rapes throughout 3 his time at Besford Court. He also, importantly, 4 suffered horrific physical abuse at the hands of 5 the nuns which was systematic and an accepted part of 6 school discipline, and he and other boys were regularly 7 beaten with a stick or slipper, fists or slaps. One nun 8 was known as "the karate nun" because of how she would 9 kick out in the dining room at any boy who spoke out 10 about the food. D2's story is not an isolated one. 11 I won't go through it now, but I direct you to the 12 summary provided by Jan Pickles, both in the 13 presentation given to the archdiocese before the 14 completion of her final report and, indeed, her final 15 report where she highlighted particular features which 16 reflect D2's experience almost identically. 17 That evidence, which you will hear, has chilling 18 echoes, we say, of the detailed, painstaking findings of 19 the nine-year Irish Commission to enquire into child 20 sexual abuse set out in the Ryan Report, now almost 21 a decade ago. As you will recall, it found that 22 beatings, sexual molestation and rape were endemic in 23 Catholic-run, industrial, residential schools. Most 24 regrettably, chair and panel, when the Ryan Report was 25 published in May 2009, the then new Archbishop of</p> <p style="text-align: center;">Page 101</p>	<p>1 Westminster, now His Eminence Cardinal Nichols, gave an 2 interview to ITV News at 10 on the day of publication in 3 which he said that it took courage for those clergy 4 involved in child sexual abuse to confront their 5 actions: 6 "I think of those in religious orders and some of 7 the clergy in Dublin who have to face these facts from 8 their past, which instinctively and quite naturally they 9 would rather not look at, that takes courage and we 10 shouldn't forget that this account today will overshadow 11 all of the good that they did." 12 Now, those comments were rightly promptly condemned 13 by Irish survivors groups. But we say that those words 14 of His Eminence Cardinal Vincent Nichols in May 2009 15 echo the earlier words of his then colleague Jane Jones 16 in the position paper which Mr Scorer referred to 17 earlier. Ms Jones was, in that paper, considering the 18 case of Samuel Penney, as you know, and in a section -- 19 it is page 3 -- which commences with the words, 20 "A number of things struck me", the first thing she says 21 is: 22 "Everyone who spoke found this man to be likable, 23 even charismatic. It is very easy to overlook any good 24 he did because of the evil." 25 That was her very first thought in relation to</p> <p style="text-align: center;">Page 102</p>
<p>1 Samuel Penney in that paper. On the next page, she goes 2 so far as to say: 3 "All the victims in cases such as this need our 4 support. The first victim here is Father Penney 5 himself." 6 That also has echoes of what was described as 7 clericalism in the Australian Royal Commission into 8 Institutional Responses to Child Sexual Abuse. It is 9 a very similar theme, where they describe clericalism 10 contributing to both the occurrence of child sexual 11 abuse in religious institutions and to inadequate 12 institutional responses. In part 16 of their report, 13 they say that it is clericalism which caused some 14 bishops and religious superiors to identify with 15 perpetrators of child sexual abuse rather than victims 16 and families. That is also one of the matters which 17 leads to better support often being provided to abusers 18 rather than to the abused. You have heard that from the 19 previous two opening statements on behalf of complainant 20 core participants. 21 Now, those concerns and criticisms are brought into 22 sharp relief by the contents of that Penney position 23 paper referred to by Mr Scorer. We entirely agree that 24 it is deeply disturbing and we consider it a very 25 significant document for you to review.</p> <p style="text-align: center;">Page 103</p>	<p>1 It is important not only because of its content, but 2 also because of the knowledge of that paper and how it 3 was used within the archdiocese. In her later 2012 4 briefing on safeguarding, Ms Jones recalls that that 5 paper lay behind her involvement in safeguarding for the 6 archdiocese. It was read by the predecessors of 7 Cardinal Nichols and Archbishop Longley, Archbishop 8 Couve De Murville and passed to Bishop Budd. 9 In addition to that particular focus on 10 Samuel Penney and his needs, we highlight two other 11 extremely concerning aspects: number one, victim 12 blaming. The paper describes the families of Penney's 13 victims in extremely disparaging terms. The families 14 are described by Ms Jones as dysfunctional, a conclusion 15 she reached on the basis that the children didn't reveal 16 the abuse immediately to their parents. She refers to 17 one boy as not having homosexual tendencies, implying 18 somehow that if a victim was gay, that's relevant to 19 abuse, and her comments about one of the families are 20 simply astonishing, where they describe the mother, she 21 thinks, fantasising about having a relationship with 22 Samuel Penney herself and acting in a totally 23 irresponsible way by leaving her daughter alone with any 24 single man for a week -- "single man" being a bizarre 25 way to describe a priest in this context.</p> <p style="text-align: center;">Page 104</p>

<p>1 The second feature is minimising the abuse. In that 2 document she minimises and belittles the nature of 3 the abuse. She uses quotation marks around the very 4 term "abuse" on a number of occasions. Refers only to 5 inappropriate behaviour. She describes her assumption 6 that Father Penney sought out willing victims, children 7 who responded to his advances -- this is the language of 8 that document -- and she says of one victim: 9 "He claims to have 'suffered' almost daily abuse 10 until he was in his 20s. The word 'abuse' has the 11 connotation of violence and threat, but that is not the 12 whole picture. Sexual activity can be warm and 13 comforting. The impression I got was that this 14 inappropriate behaviour probably went on in an 15 affectionate environment. I know that's not what the 16 victim said on television, but he'd allowed this to 17 continue into his 20s. Perhaps escape is difficult at 18 under 13. It is less so at under 18 and by the age of 19 20s it would have been quite possible to get away." 20 That is, frankly, a shocking document. 21 One feature of many of the IICSA strands is that we 22 see a flurry of activity in the immediate lead-up to 23 a public hearing. This hearing has been no exception. 24 So, for example, we have now seen the very recent SCIE 25 independent safeguarding audit of October 2018 and the</p> <p style="text-align: center;">Page 105</p>	<p>1 reviews by Jan Pickles OBE following which new staffing 2 arrangements have now been announced in the past few 3 days. But the catalogue of longstanding, grave failures 4 identified in those reviews are not news. They were not 5 hidden or secret. They were in plain sight for the 6 archdiocese and church to see. 7 Finally, we say this: D2 wishes this hearing to 8 result in robust findings, but also robust 9 recommendations, to alleviate the affects of abuse on 10 now adult victims and survivors and to protect other 11 children. We highlight just three matters briefly at 12 this stage. The first is the role of the safeguarding 13 coordinator and institutional failings. Under the 14 current system, the effectiveness of safeguarding 15 processes in the archdiocese stands or falls on the 16 effectiveness of that single individual, the 17 safeguarding coordinator, the person in the role must be 18 the right person for the job with the right skill set, 19 adequately supported and resourced. That raises 20 a number of concerns. 21 We have said that it is not new information, the 22 concerns which have emerged in the past few days. Just 23 to give a single example on shoddy record keeping, the 24 SCIE criticisms are now being taken seriously in the 25 days leading up to this hearing. But there was harsh</p> <p style="text-align: center;">Page 106</p>
<p>1 criticism eight years ago by CSAS in 2010 and, despite 2 that, over a period of eight years it remained poor. We 3 see it was acknowledged as an area for work by 4 Archbishop Longley in his first witness statement, but 5 why was there no faster action over the guts of 6 a decade? Why have national standards not been 7 followed? Why has it only been taken seriously in the 8 past fortnight. 9 Next, it is not right to simply have a character 10 assassination of Ms Jones in circumstances where her 11 position raises structural and institutional concerns 12 about the archdiocese overall, and that's indeed 13 reflected in paragraph 5 of the witness statement we 14 received from her this morning, where she describes 15 always acting on the advice of her superiors and how she 16 fitted within the role. There is a structural concern 17 also about the dual role of her being responsible both 18 for supporting abusers and for supporting victims and 19 survivors. 20 Two other points just briefly, and then we will 21 finish. The second point is, handling cases of historic 22 abuse. You will see in the statement from D2 that when 23 D2 reported to the archdiocese, he was told to move on 24 with his life and that the abusers were all dead. We 25 submit it is critical for the alleviation of the effects</p> <p style="text-align: center;">Page 107</p>	<p>1 of childhood abuse that there be formal and full 2 recognition of the abuse that occurred and the suffering 3 of the victims, and there can be no clean slate on child 4 sexual abuse. That was reflected in Cumberlege 5 recommendation 64 and it is deeply concerning that we 6 still remain in a position where, if an abuser is dead 7 or indeed elderly or too infirm for a prosecution to 8 proceed, it is assumed that the engagement of 9 the archdiocese should be minimal in those 10 circumstances, and, quite frankly, we say that is not 11 good enough. That's reflected in paragraph 11 of 12 the statement we received this morning. 13 Finally and related to that issue, closely related 14 to the question of whether the archdiocese has 15 investigated adequately or at all historical abuse in 16 circumstances where the abusers may well be deceased is 17 the issue of individuals who were not themselves abusers 18 but turned a blind eye or failed to take appropriate 19 action in response to disclosures of sexual or physical 20 abuse, and we include physical abuse as it is intimately 21 linked in many cases. In those circumstances, it is 22 critical, we say, that the archdiocese examine the 23 failures by the structures and individuals who surround 24 the abusers. Too often, you see the trail going cold in 25 circumstances, as in D2's case, when the abuser has</p> <p style="text-align: center;">Page 108</p>

<p>1 died.</p> <p>2 The clearest indication of the inappropriateness and</p> <p>3 ineffectiveness of institutional responses by</p> <p>4 Catholic Church authorities to alleged perpetrators of</p> <p>5 child sexual abuse in the period you're looking at is</p> <p>6 that often those responses did not prevent the further</p> <p>7 sexual abuse of children. Some perpetrators, as we will</p> <p>8 hear this week, continued to offend even after there had</p> <p>9 been multiple responses following initial and successful</p> <p>10 allegations of child sexual abuse. That's not a trend</p> <p>11 unique to the Archdiocese of Birmingham. It is the same</p> <p>12 story which played out in the Ryan Report in Ireland in</p> <p>13 2009, in the analysis of the Roman Catholic Church in</p> <p>14 Australia in 2017, in recent months in the German</p> <p>15 Catholic Church investigations into decades of abuse</p> <p>16 and, indeed, in the 900-page grand jury report in</p> <p>17 respect of Pennsylvania mentioned by your counsel this</p> <p>18 morning. Church institutions in all of these instances</p> <p>19 covered up horrific abuse of children on a mass scale</p> <p>20 and we ask you, chair and panel, that you carefully</p> <p>21 consider whether the same or similar underpinning</p> <p>22 theological governance and cultural factors which have</p> <p>23 contributed to that abuse also contribute to inadequate</p> <p>24 responses of Catholic institutions to that abuse and in</p> <p>25 particular this week in relation to the Archdiocese of</p> <p style="text-align: center;">Page 109</p>	<p>1 Birmingham. Thank you.</p> <p>2 THE CHAIR: Thank you, Ms Gallagher. Mr Enright?</p> <p>3 Opening statement by MR ENRIGHT</p> <p>4 MR ENRIGHT: I appear with Mr Jacobs on behalf of F48, F49,</p> <p>5 F53 and F59. I have come forward so that they can see</p> <p>6 me and I can see them.</p> <p>7 I will come to the evidence you will hear, but this</p> <p>8 hearing and all of your considerations must be grounded</p> <p>9 in the experiences of victims of child abuse. F48 is</p> <p>10 a 75-year-old man. He is a man of great wit and humour.</p> <p>11 His mother died at the age of 2 months. He was taken</p> <p>12 into care. At the age of 7, he was placed at</p> <p>13 St Joseph's Residential School at Croome Court in</p> <p>14 Worcestershire. The school was run by the Sisters of</p> <p>15 Charity of St Paul the Apostle in the Archdiocese of</p> <p>16 Birmingham, described in the media variously as a place</p> <p>17 where corporal punishment was a daily occurrence and</p> <p>18 life was torture for young delinquents. F48 was not</p> <p>19 a delinquent. For his last three years at St Joseph's</p> <p>20 he was awarded the victor ludorum, the best sportsman in</p> <p>21 the school. He says, "The nuns were very cruel, they</p> <p>22 spoke with the authority of somebody who had a God-given</p> <p>23 right to treat me as they did". Many times he was</p> <p>24 stripped naked by nuns and held down and beaten with</p> <p>25 a strap until he was black and blue, once so badly he</p> <p style="text-align: center;">Page 110</p>
<p>1 soiled himself. F48 was repeatedly abused by a priest</p> <p>2 in the school for two years. It took 53 years for him</p> <p>3 to summon the strength to raise it with the archdiocese.</p> <p>4 When he did, he received a without prejudice letter</p> <p>5 from Archbishop Longley offering to pray for him. It is</p> <p>6 not prayers or platitudes that F48 sought, but</p> <p>7 acknowledgement and action.</p> <p>8 F49 is a slight, quietly spoken man of almost</p> <p>9 70 years from Glasgow. His Spanish mother could not</p> <p>10 read English. She was cajoled into signing him into the</p> <p>11 care of Social Services. He was sent to Croome Court</p> <p>12 because he was said to be mentally retarded. He is not.</p> <p>13 He is a bright, intelligent man, but he was a poor boy</p> <p>14 whose mother could not read English. He arrived at</p> <p>15 St Joseph's at the age of 10. The nuns would beat him</p> <p>16 daily. He says, "You would try to spend your days</p> <p>17 avoiding them". It went beyond strictness. It was</p> <p>18 vindictive and cruel. One day a senior cleric attended</p> <p>19 St Joseph's who F49 believes was the</p> <p>20 Archbishop of Birmingham, George Dwyer. The number</p> <p>21 plate of his car had the same initials as F49. He told</p> <p>22 the cleric he didn't like Croome Court because the nuns</p> <p>23 beat him. The cleric said, "The nuns wouldn't do that,</p> <p>24 they're nice people". They were not. So harsh was the</p> <p>25 treatment he received that it is recorded he attempted</p> <p style="text-align: center;">Page 111</p>	<p>1 suicide rather than return to St Joseph's after</p> <p>2 Christmas. He was only 12. He was later sexually</p> <p>3 abused by the choirmaster, who is named in evidence as</p> <p>4 a convicted abuser. He requested his records from the</p> <p>5 archdiocese and he says that Jane Jones tried to</p> <p>6 dissuade him, saying that he would not like to see some</p> <p>7 of the things in his records. He persisted and the</p> <p>8 records were eventually sent.</p> <p>9 He then received a card from Archbishop Longley and</p> <p>10 I have it here. On the front, we have the Baby Jesus in</p> <p>11 the arms of Mary; on the back, a prayer. Once again,</p> <p>12 prayers but no action.</p> <p>13 F53 is a lively, intelligent man from a large</p> <p>14 Catholic family. He was sent to St Joseph's for playing</p> <p>15 truant. His first impressions were good. He became</p> <p>16 captain of the football team and was an altar boy.</p> <p>17 After nine months, this all changed. He was raped in</p> <p>18 the dormitory of St Joseph's and again on another</p> <p>19 occasion when he resisted and was knocked unconscious.</p> <p>20 After regaining consciousness and with tears in his</p> <p>21 eyes, he went to the Mother Superior and headmistress of</p> <p>22 the school and told her of the rapes. Her response was</p> <p>23 to say he would rot in purgatory for telling lies and</p> <p>24 she bent him over the desk and beat him severely. As</p> <p>25 a result, he did not disclose being sexually abused for</p> <p style="text-align: center;">Page 112</p>

<p>1 another 45 years.</p> <p>2 Again, he called the archdiocese and asked for his</p> <p>3 records and he again was told that he would not -- he</p> <p>4 would find some of the things in his files upsetting and</p> <p>5 shouldn't ask for them, but he persisted. When they</p> <p>6 arrived, his Croome Court records were missing. He</p> <p>7 called again and he was told that the builders had</p> <p>8 thrown the Croome Court records out during the</p> <p>9 renovations. Once again, chair, as we have seen so many</p> <p>10 times, the records were lost -- in this case apparently</p> <p>11 thrown in the skip.</p> <p>12 F59 was born in London. His mother raised him as</p> <p>13 a devout Catholic. He struggled at school. The</p> <p>14 educational authority decided he should go to</p> <p>15 St Joseph's. He says:</p> <p>16 "I was singled out for harsh treatment, sexual and</p> <p>17 physical abuse because I was a black boy. They would</p> <p>18 tell me I would not go anywhere in life because I was</p> <p>19 black. They would tell me I would end up in prison."</p> <p>20 He did not. He has worked hard all his life and he</p> <p>21 is a credit to himself. He was beaten and sexually</p> <p>22 abused by nuns of the order. He was sexually abused by</p> <p>23 the same member of staff who raped F53. He was abused</p> <p>24 by two trainee priests. He witnessed altar boys being</p> <p>25 abused by the priest who presided at the mass. He says:</p> <p style="text-align: center;">Page 113</p>	<p>1 "I was a Catholic child. It was confusing and</p> <p>2 terrifying to be abused by people who I thought were</p> <p>3 meant to be doing good."</p> <p>4 He called the archdiocese and spoke to Jane Jones.</p> <p>5 He asked for his records and again Ms Jones told him</p> <p>6 that looking at his records would only upset him --</p> <p>7 a recurring theme. He persisted. Ms Jones told him the</p> <p>8 Croome Court files went missing when the builders were</p> <p>9 in, almost exactly what was said to F53.</p> <p>10 All of my clients were abused by a religious order,</p> <p>11 the Sisters of Charity of St Paul. The current Vicar</p> <p>12 for the Religious, of whom you heard something this</p> <p>13 morning from counsel to the investigation, is one of the</p> <p>14 liaisons between the orders and the archbishop and she</p> <p>15 is a member of the order. The archdiocese has no</p> <p>16 control over the scores of religious orders operating</p> <p>17 across the diocese. It has no way of compelling these</p> <p>18 orders to comply with safeguarding norms other than by</p> <p>19 expelling them from the diocese, which it has never</p> <p>20 done.</p> <p>21 Chair, you know that I have sounded like a broken</p> <p>22 record over the last year or so in my submission that</p> <p>23 the Catholic Church is structurally incapable of</p> <p>24 implementing uniform minimum standards of child</p> <p>25 protection. The church has failed to respond. Why?</p> <p style="text-align: center;">Page 114</p>
<p>1 Because it is true.</p> <p>2 The church also has a deep-rooted, cultural</p> <p>3 resistance to child protection. Now, we have heard</p> <p>4 a great deal about Jane Jones, the safeguarding</p> <p>5 coordinator. You may conclude that she was</p> <p>6 inappropriately appointed and that she had neither the</p> <p>7 expertise nor objectivity to protect children from</p> <p>8 abusive priests. In recent days there have been</p> <p>9 developments. It has been said she has tendered her</p> <p>10 resignation, but only after being put on enforced</p> <p>11 medical leave, suggesting that she has been thrown under</p> <p>12 the bus by the archdiocese and they are making her the</p> <p>13 scapegoat for the shambles that is safeguarding in</p> <p>14 Birmingham.</p> <p>15 Let's be clear. Jane Jones did not appoint herself.</p> <p>16 She did not supervise herself for the last 13 years.</p> <p>17 Her hand was not on the tiller of the ship. She was</p> <p>18 perhaps the devout, misguided and dangerously inept deck</p> <p>19 hand, but when the ship runs aground, it is not the</p> <p>20 fault of the deck hand, it is the responsibility of</p> <p>21 the captain and his first mate. It is they who chart</p> <p>22 the course and steer the ship.</p> <p>23 Archbishop Longley has confirmed that he holds</p> <p>24 overall responsibility for safeguarding in the</p> <p>25 archdiocese. He cannot pass the buck to Ms Jones.</p> <p style="text-align: center;">Page 115</p>	<p>1 On 3 November, the archbishop wrote to all his</p> <p>2 parishioners, wringing his hands and saying he had</p> <p>3 commissioned two independent reports into safeguarding.</p> <p>4 He was not clear with his parishioners, informing them</p> <p>5 that his Safeguarding Commission was found to be utterly</p> <p>6 shambolic. This conclusion could not have come as</p> <p>7 a surprise to the archbishop. He has been at the helm</p> <p>8 since 2009. From 2000, he was the General Secretary of</p> <p>9 the Catholic Bishops' Conference of England and Wales to</p> <p>10 whom Lord Nolan reported. Despite this,</p> <p>11 Archbishop Longley's Safeguarding Commission, 18 years</p> <p>12 after Nolan, was found to be wholly inadequate,</p> <p>13 untenable and shambolic. Safeguarding is not an</p> <p>14 important issue to Archbishop Longley or, if it is, then</p> <p>15 he is completely and demonstrably unfit to hold overall</p> <p>16 responsibility for it.</p> <p>17 What of Cardinal Nichols, the captain of the ship?</p> <p>18 Counsel to the investigation has drawn your attention to</p> <p>19 examples of his conduct. Here is another: I invite you</p> <p>20 to read the cardinal's letter of 24 May 2005 where he is</p> <p>21 seen to contort himself in his efforts to find a way to</p> <p>22 minimise the actions of a priest found guilty of</p> <p>23 possessing child pornography, the same priest was later</p> <p>24 sentenced to 22 years in prison for sexually abusing</p> <p>25 eight boys. In his statement to this inquiry,</p> <p style="text-align: center;">Page 116</p>

<p>1 Cardinal Nichols is at pains to highlight his leadership 2 of the Catholic Church's national safeguarding body, 3 COPCA, and that he was the chair of the implementation 4 committee of the Nolan Report.</p> <p>5 The archbishop, when he was Archbishop 6 of Birmingham, was there for 3,292 days. He met 7 survivors of child abuse on 17 occasions throughout that 8 nine-year period. Now, assuming he met each survivor 9 for a full day, which he did not, this represents 10 0.5 per cent of his tenure. Now, child abuse has been 11 the biggest challenge facing the Catholic Church for the 12 last two decades. Cardinal Nichols has been at the helm 13 throughout. He was on the implementation committee for 14 Nolan, he appointed Jane Jones, he is the father of 15 the church, he met survivors of abuse 17 times -- not 16 even twice a year -- he is "Mr Half per cent".</p> <p>17 In August, Cardinal Nichols publicly wrote 18 apologising for the ongoing scandals, saying that, as 19 father in this house, he bore the direct responsibility. 20 We agree with him. He does bear direct responsibility.</p> <p>21 Chair, you have seen the schedules carefully 22 prepared by the inquiry's team listing pages and pages 23 and pages of details of the children abused by priests 24 in Birmingham and the long, long lists of names of 25 clerics who are accused of and convicted of abusing</p> <p style="text-align: center;">Page 117</p>	<p>1 them. Jane Jones, it seems, has done the decent thing 2 and resigned or perhaps been pushed -- we will find out. 3 Cardinal Nichols and Archbishop Longley cannot be 4 allowed to stroll away along a path strewn with victims 5 of clerical abuse which the safeguarding systems that 6 they designed and they were responsible for failed to 7 protect. If Jane Jones, the deck hand, must walk the 8 plank, then in all decency, so too must Cardinal Nichols 9 and Archbishop Longley, the captain and his first mate.</p> <p>10 THE CHAIR: Thank you, Mr Enright. Mr Horwell? 11 Opening statement by MR HORWELL</p> <p>12 MR HORWELL: Chair, I appear with Genevieve Woods on behalf 13 of the Archdiocese of Birmingham. In the time that 14 I have been allocated, I am unable to address in any 15 detail the evidence which it is either known or 16 anticipated you will hear. What I say about the 17 evidence, therefore, must be qualified by the full 18 contents of the reports and the documents and the 19 witness statements which we know will soon be made 20 public. What I am about to say is not for mere public 21 consumption, it is sincere and heartfelt, from both 22 Cardinal Nichols and Archbishop Longley.</p> <p>23 This inquiry was established on 12 March 2015, and 24 three months later, Cardinal Nichols met Justice Goddard 25 and gave her his full commitment of cooperation. In</p> <p style="text-align: center;">Page 118</p>
<p>1 return, she expressed her undertaking that the eventual 2 recommendations of this inquiry would be of realistic 3 assistance to the Catholic Church in its crucial work of 4 safeguarding today. When the Archdiocese of Birmingham 5 was later chosen as a case study, Archbishop Longley 6 gave that same commitment. In the months that followed, 7 his cooperation has been obvious. The archdiocese has 8 done much more than simply meet its legal obligations of 9 disclosure.</p> <p>10 To ensure that this inquiry can investigate 11 thoroughly how the archdiocese has dealt with 12 complaints, the archbishop waived legal privilege for 13 all historic cases to provide you with a large amount of 14 material that otherwise would have been unobtainable, 15 even to this inquiry. That material will clearly be of 16 assistance to this hearing, and perhaps of even greater 17 assistance to the next, the general Roman Catholic 18 Church inquiry.</p> <p>19 The archbishop commissioned the compilation of case 20 file summaries to assist the inquiry, not work that he 21 could be compelled to do, but work he wanted to do to 22 support this inquiry's objectives. The last 23 safeguarding audit of the archdiocese was in 2010, and 24 Archbishop Longley wanted to know, for the benefit of 25 both himself and this inquiry, whether the Birmingham</p> <p style="text-align: center;">Page 119</p>	<p>1 safeguarding team was working properly within the 2 national systems and to discover if practices and 3 procedures could be improved. He therefore commissioned 4 the Social Care Institute for Excellence, SCIE, to 5 review current performance. He did this openly and has 6 shared the report with you.</p> <p>7 It is obvious that the SCIE report makes 8 disappointing reading. There is recognition of 9 compassion and commitment to safeguarding, and of some 10 good practice, in particular of prompt and effective 11 liaison with statutory services. But it is clear that 12 the criticisms considerably outweigh the praise.</p> <p>13 The two most significant shortcomings are poor 14 record keeping, which in one respect is described as 15 wholly inadequate; and an absence of scrutiny and 16 management of safeguarding practice. SCIE has demanded 17 a radical culture change to professionalise 18 safeguarding, together with the improvement of existing, 19 or the creation of new, management structures. Together 20 with the trustees of the archdiocese, the archbishop 21 immediately sought ways to make good the deficiencies 22 which had been identified. A former tri-borough LADO is 23 attending to urgent concerns, and Andrew Haley, a highly 24 respected and experienced safeguarding expert, has been 25 engaged by the archdiocese to implement the required</p> <p style="text-align: center;">Page 120</p>

<p>1 changes, to improve current practice and to help ensure 2 that, as soon as possible, best practice is followed 3 throughout the archdiocese, a not insignificant task. 4 For a historical perspective, the archbishop 5 commissioned Jan Pickles, a well-known social worker 6 with extensive experience in cases of sexual violence 7 and abusive behaviour. She was commissioned to review 8 all of the case files, to identify themes and causes of 9 child sexual abuse, and, in addition, the archbishop 10 recognised that there was a significant omission in the 11 evidence available to this inquiry, namely, the quality 12 of safeguarding practices and procedures at parish 13 level. The safeguarding leadership can be exemplary, 14 but unless the proper principles are practised in the 15 parishes, the system is flawed. 16 Cumberlege rightly stated that a lively and healthy 17 parish is the heartbeat of the Catholic Church, and 18 Nolan recognised the critical importance of the parishes 19 to effective child protection. So another review was 20 commissioned to give an indication of the effectiveness 21 of safeguarding at that parish level. That review 22 contains causes for concern, but also for encouragement. 23 In particular, the commitment and dedication of parish 24 safeguarding representatives. That review, again, 25 demonstrates, however, that there is more to be done.</p> <p style="text-align: center;">Page 121</p>	<p>1 These independent reviews were commissioned 2 irrespective of their outcomes and consequences to 3 assist you, but, above even that imperative, to inform 4 the archbishop of any current failings and how they 5 should be addressed. These measures were taken not only 6 to benefit the Archdiocese of Birmingham, but also the 7 Catholic Church in England and Wales as a whole. 8 Lessons learnt in Birmingham are likely to be relevant 9 at least in part to every other diocese. 10 On occasions, the Catholic Church has rightly been 11 criticised for acting in a closed and overly defensive 12 manner. Archbishop Longley has done his best to be as 13 open and as helpful to this inquiry as he can be. 14 Some of the evidence we shall hear will reveal 15 wicked crimes which will disturb everyone. Some of that 16 evidence will also disclose institutional failings 17 within the archdiocese. Far too frequently, there has 18 been a reluctance to believe victims and to have their 19 complaints investigated. As Cardinal Nichols wrote in 20 his apology to be published through this inquiry: 21 "Often in the past we failed to respond promptly and 22 vigorously to the cries and accounts of victims. We 23 followed our instincts in trusting those fellow priests 24 who were in fact criminals. We put too much store in 25 our sense of duty to shield other Catholics from these</p> <p style="text-align: center;">Page 122</p>
<p>1 horrors, putting what we saw to be the good of 2 the church before a search for the truth of what 3 happened. For all these errors of judgment, and for the 4 additional suffering they have caused, I readily 5 apologise and offer no excuses. I am acutely and 6 painfully aware of the deep and lasting damage caused to 7 all who suffered such abuse." 8 These proceedings will be difficult for all 9 survivors who suffered abuse within the Archdiocese of 10 Birmingham. A number may require independent 11 professional help, and with that in mind, the 12 archdiocese has informed the NSPCC of this hearing and 13 made arrangements with it for the use of its 24-hour 14 helpline. That number can be found on the archdiocese's 15 website, as well as that of the NSPCC. 16 Primarily, this inquiry will be examining the 17 circumstances of four case studies which span five 18 decades, from the 1950s to the 1990s. The unacceptable 19 and unfathomable reality is that during the first four 20 of those decades, if not beyond, institutions of almost 21 every kind failed children. Those institutions include 22 the government, the judiciary, police, prosecuting 23 authorities, local authorities, education and religious 24 organisations. 25 Jan Pickles, for example, has stated that in the</p> <p style="text-align: center;">Page 123</p>	<p>1 1970s and early 1980s, knowledge of paedophilia was in 2 its infancy within statutory services. She is further 3 of the opinion that the awareness and response to the 4 phenomenon of child abuse is always a product of its 5 time. None of this is said in any way to minimise, let 6 alone excuse, the conduct of the Catholic Church. As 7 Cardinal Nichols has stated, there are no excuses, but 8 when reviewing the attitudes and actions of the past, 9 they must be seen in their proper historical context. 10 Those abject failures are difficult now to comprehend, 11 and younger generations must find it impossible to 12 understand why such ignorance, prejudice and myopia once 13 flourished within the establishment and our leading 14 institutions, the very entities which were there to 15 protect the vulnerable. 16 An explanation is demanded, but I am not sure that 17 there is one, certainly not one which would provide 18 a satisfactory reason as to why such different standards 19 and values were once thought acceptable. 20 To have been brought up in a religious environment, 21 to believe in, revere and to worship God and then to be 22 abused by those claiming to be God's representatives on 23 earth is a great betrayal of faith, but it is a far 24 greater sin. 25 The fact that some priests used God as an excuse and</p> <p style="text-align: center;">Page 124</p>

<p>1 a justification for their abominable crimes is beyond 2 the comprehension of all Catholics.</p> <p>3 The last act of which complaint was made in the four 4 case studies occurred in 1998, and this inquiry will 5 closely examine what the church has done in this century 6 to protect children. In 2001, there was the milestone 7 of Nolan, and six years later that of Cumberlege. Both 8 reports, but Nolan especially, presented the church with 9 momentous challenges, challenges which are now very easy 10 to underestimate.</p> <p>11 Within the church, some were less than enthusiastic 12 about some of the reforms, and a number had genuine 13 concerns. But radical change is never straightforward 14 in any organisation, especially one as structured and as 15 established as the Roman Catholic Church.</p> <p>16 Today, 17 years after Nolan, not even the most 17 severe critics of the Catholic Church in England and 18 Wales could dispute that its attitude to safeguarding 19 has been transformed. That is not said with any degree 20 of complacency, because there is none, but it is 21 a statement of fact.</p> <p>22 We do not suggest that current systems and practices 23 are perfect. They plainly are not. But as time has 24 moved on, so has the culture of the church. Priests of 25 younger generations have been brought up in a culture of</p> <p style="text-align: center;">Page 125</p>	<p>1 safeguarding, and to some it is a normal and accepted 2 part of life. They bring a new perspective and 3 commitment to safeguarding which is also common now to 4 many others, including parents. Children and adults 5 alike have a greater knowledge of, and familiarity with, 6 safeguarding than those of the past. As the Pickles 7 parish report vividly demonstrates, there are exceptions 8 to that statement, even today, amongst both the 9 priesthood and the public. There will always be 10 vulnerable families and safeguarding within the church 11 must exist and evolve to protect them.</p> <p>12 Canon Oakley, the director of St Mary's College, 13 Oscott, compares today's seminarians with those of 14 the past:</p> <p>15 "They are, on average, older on entry and arrive 16 with some years' experience of employment or of 17 university or of both. They bring with them a far 18 greater range of expertise and life experience than did 19 students of earlier generations. Some have come to 20 Christianity and the Catholic Church as adults."</p> <p>21 Today's environment is different to that of 22 the past, but it is readily acknowledged that 23 significant improvements to safeguarding practice and 24 culture are still necessary and that constant vigilance 25 is, and always will be, required.</p> <p style="text-align: center;">Page 126</p>
<p>1 The principal focus of this inquiry will be on the 2 past, of which of course there is no complaint. We must 3 understand the past to ensure that its failures cannot 4 be repeated. Two of the case studies you have chosen 5 involve two men, Penney and Robinson, who were convicted 6 of truly appalling crimes against children from the 7 1950s to the early 1990s. Penney, as you have heard, 8 convicted in 1993 and sentenced to seven and a half 9 years' imprisonment, and Robinson convicted in 2010 and 10 sentenced to 21 years' imprisonment. In each case, the 11 response of the church at the time was inadequate, and 12 in Penney, for example, there is clear evidence of 13 relocating a suspected priest and paying wholly 14 insufficient attention to the risk that he presented to 15 children.</p> <p>16 A little comfort can be found in one of the other 17 two case studies, that of priest 167, in which there are 18 two distinct events to be examined: one in 1985 and the 19 other in 1998. This priest was a teacher and in respect 20 of the first incident in 1985, at a time before he had 21 started his studies for the priesthood, the responses of 22 both the school and the archdiocese were plainly 23 insufficient. Thirteen years later, in 1998, the 24 responses of the school, a different school, and the 25 archdiocese to this second series of allegations, were</p> <p style="text-align: center;">Page 127</p>	<p>1 markedly different. The head teacher immediately 2 contacted Social Services and the Child Protection Unit 3 and the police were informed.</p> <p>4 The then archbishop and the then Vicar General 5 straight away interviewed the priest and the next day 6 the priest was placed on administrative leave whilst the 7 allegations were investigated.</p> <p>8 When the priest was later told that the prosecuting 9 authorities would take no further action, and that both 10 the police and Social Services would be ceasing their 11 involvement, the archdiocese kept the priest under 12 suspension. If there is to be any criticism of 13 the archdiocese, it is that of procrastination. The 14 delay which then followed in deciding what to do with 15 the suspended priest, the delay of many years, was 16 wrong. But the pendulum had swung and the delay in 17 resolving the situation and the continued suspension of 18 the priest were motivated by a simple and overriding 19 need to protect children. The interests of children 20 were placed above those of the priest, an obviously 21 different culture to that of but a few years before.</p> <p>22 When it was discovered that the same priest was 23 working in a school, the archdiocese informed the police 24 and the priest was suspended from that school. That 25 case study spans two different decades -- the 1980s and</p> <p style="text-align: center;">Page 128</p>

<p>1 the 1990s. The response of the archdiocese to 2 allegations in the '90s was very different to that of 3 allegations in the '80s. It is a good example of 4 the change of which I have spoken. 5 From 2003, the Catholic Church has published in its 6 annual report, first through COPCA and then through 7 CSAS, a statistical analysis of the allegations of 8 a sexual nature which had been made. In the latest 9 annual report for CSAS, for example, there are various 10 numbers and graphics illustrating the incidents of abuse 11 reported, the types of abuse reported, the action taken, 12 whether the statutory agencies were informed or not, and 13 the outcomes of those referrals to statutory agencies. 14 We believe that such openness in annual reporting is 15 very rare indeed within institutions and it is another 16 example of transparency and the obvious desire for 17 change. 18 In the course of their evidence, Archbishop Longley 19 and Cardinal Nichols wish to make public the apology 20 each has made in their witness statements, an apology 21 before this inquiry but, much more importantly, an 22 apology directly to the survivors present in this room 23 and to those watching from afar. It is well understood 24 that the force of any apology, no matter how well 25 intentioned, can diminish by the frequency with which it</p> <p style="text-align: center;">Page 129</p>	<p>1 is made, and it is acknowledged that Catholics and 2 non-Catholics alike may have concluded by now that the 3 time for words has almost passed and that further action 4 is required. With that acknowledgement in mind, on 5 24 September of this year, the Catholic Bishops of 6 England and Wales published a statement in which it was 7 announced that a further independent and comprehensive 8 review would be commissioned of the safeguarding 9 structures that currently operate within the church. 10 This post-Nolan and Cumberlege review will have much 11 more relevant evidence available to it than either of 12 its two distinguished predecessors. Apart from anything 13 else, it will have the four reports from this inquiry's 14 Roman Catholic case study, the two English Benedictine 15 Congregation reports, the report following this hearing 16 and the report following the general Catholic hearing to 17 be held in October of next year. It will also have the 18 SCIE and Pickles reports, together with everything that 19 the archdiocese and the Catholic Council has learnt from 20 the evidence submitted to this inquiry. 21 It will also have the benefit of other reports from 22 this inquiry and of other work and research which it has 23 commissioned. That independent review will look at the 24 present and future, but it must also address the past, 25 the concerns of so many survivors that they have been</p> <p style="text-align: center;">Page 130</p>
<p>1 treated poorly by the church. The church must improve 2 its response to survivors, and a way forward must be 3 found to the obvious legal difficulties and tensions 4 which exist when compensation is claimed, a problem that 5 is much easier to define than it is to resolve, due to 6 the demands of lawyers and insurance companies. 7 The church will continue to support priests who are 8 known offenders, because that is an essential part of 9 its mission. The Catholic Church sees itself as 10 a church of sinners and its belief is that no-one is 11 beyond redemption. That approach cannot, and will not, 12 change. But what must change is the perception that is 13 too often given, that the interests of criminal priests 14 are placed above those of their victims, described by 15 survivors to SCIE as a kick in the teeth. That is 16 wholly unacceptable and must be deeply offensive and 17 upsetting to those who have suffered at the hands of 18 those very same priests. 19 SCIE has encouraged the archdiocese to recognise 20 that survivors are an asset and not a threat, that they 21 have an important role to play in improving 22 safeguarding. That will require another cultural 23 change, but it is one which the archbishop wishes to 24 achieve, no doubt with the assistance of the Survivor 25 Advisory Panel, which was established by the National</p> <p style="text-align: center;">Page 131</p>	<p>1 Catholic Safeguarding Commission in 2015. 2 The vision of Lord Nolan that the Catholic Church in 3 England and Wales should become an example of best 4 practice in the prevention of child abuse and the 5 response to it has not yet been realised. But it would 6 be wrong to say that great strides have not been made. 7 This third review must, once and for all, complete the 8 difficult work that is required to make Lord Nolan's 9 vision a reality. I say "difficult" because the 10 Catholic Church is not like a school or a hospital, 11 where regulations can be imposed with relative ease on 12 paid employees. The Catholic Church is a complex 13 structure comprising many diverse dioceses, groups and 14 institutions. The Catholic Church is a free association 15 of people motivated and united through their faith and 16 not through contract, employment or any other legal 17 agreement. Many generously give their time and energies 18 to the work of the church without expecting reward or 19 praise. That unique environment creates a number of the 20 challenges which must be addressed. 21 Lord Nolan's vision can certainly be achieved, but 22 a further review is necessary. Archbishop Longley has 23 prepared for this inquiry with great humility and hopes 24 that the undertaking given by Justice Goddard over three 25 years ago will be accomplished, namely, that the</p> <p style="text-align: center;">Page 132</p>

<p>1 eventual recommendations of this inquiry will be of 2 realistic assistance to the Catholic Church of today in 3 its crucial work of safeguarding. 4 Reference has already been made to a letter issued 5 by Pope Francis earlier this year. It also contains the 6 following words: 7 "With shame and repentance we acknowledge as an 8 ecclesial community that we were not where we should 9 have been, that we did not act in a timely manner, 10 realising the magnitude and the gravity of the damage 11 done to so many lives. We showed no care for the little 12 ones. We abandoned them." 13 It is with that shame and repentance, together with 14 much sorrow, that Archbishop Longley and 15 Cardinal Nichols approach this inquiry. Thank you. 16 THE CHAIR: Thank you, Mr Horwell. 17 MS CAREY: Chair, can I just rise at this stage? I know 18 ordinarily it would be now that you would take an 19 afternoon break. There are two more short opening 20 addresses. I wonder if it is sensible to hear those and 21 then have our afternoon break? 22 THE CHAIR: Yes, indeed, provided the stenographers are 23 happy to continue. 24 MS CAREY: Yes, I see nods, I'm grateful for their 25 assistance. I think, in fact, Mr Mant is here and able</p> <p style="text-align: center;">Page 133</p>	<p>1 to address you on behalf of Mrs Jones. 2 Opening statement by MR MANT 3 MR MANT: Madam chair, members of the panel, I appear on 4 behalf of Mrs Jane Jones, a layperson who was appointed 5 to the role of safeguarding coordinator in 2005. Her 6 line manager was the Vicar General. She regularly 7 liaised with the archbishops and she acted under the 8 guidance and oversight of an independent Safeguarding 9 Commission. 10 At the outset, she has asked me to express her 11 profound sorrow and sympathy to the survivors of abuse 12 and their families. The historic abuses being 13 considered by this inquiry, including those committed in 14 the Archdiocese of Birmingham, are abhorrent. 15 As safeguarding coordinator and, before that, in 16 various unpaid roles, Mrs Jones has dedicated much of 17 the last 20 years of her life to promoting safeguarding 18 within the church. As a coordinator, she made herself 19 available at any time of the day or night and her hard 20 work and dedication has been recognised in recent 21 audits. 22 She was part of a small safeguarding team and it is 23 right to note that criticisms have been made of her 24 approach. She accepts some of those criticisms, but 25 nobody should doubt her absolute commitment to</p> <p style="text-align: center;">Page 134</p>
<p>1 preventing any current abuse and addressing historic 2 cases with openness and compassion. 3 Mrs Jones was informed very recently by solicitors 4 acting for the archdiocese that they considered there to 5 be a conflict of interest that required separate 6 representation. We understand that the conflict relates 7 to Mrs Jones' response to three reports that were 8 commissioned by the archdiocese and promulgated in 9 recent weeks. Mrs Jones has set out her considered 10 position in respect of those reports in a witness 11 statement that was filed today, and I need say no more 12 about them now. However, when the inquiry is 13 considering criticisms of Mrs Jones and the systems that 14 she put in place, it should bear in mind that no 15 conflict of interest was identified before now. 16 The archdiocese did not raise any concern in respect 17 of Mrs Jones' substantive approach to safeguarding which 18 it detailed in statements provided to the inquiry 19 in August, September and October of this year. 20 As safeguarding coordinator, Mrs Jones did not 21 operate in isolation. She worked collaboratively with 22 the support of the archbishop and Vicar General, whom 23 she consulted on all difficult or controversial matters. 24 Her approach was overseen and guided by the independent 25 Safeguarding Commission. This is the context in which</p> <p style="text-align: center;">Page 135</p>	<p>1 the inquiry should consider her role. Thank you. 2 THE CHAIR: Thank you, Mr Mant. And Ms Griffiths? 3 Opening statement by MS GRIFFITHS 4 MS GRIFFITHS: Madam chair, panel, on behalf of 5 Eileen Shearer and Adrian Child, Mr King and I make the 6 following submissions. Eileen Shearer was the director 7 of COPCA from 2002 to 2007. She was succeeded by 8 Adrian Child in 2007. COPCA was replaced by CSAS and 9 Adrian Child continued as director of CSAS until 2015. 10 As to the review of the Birmingham Archdiocese, the 11 following submissions are made on their behalf. 12 One, there were problems within the Birmingham 13 Archdiocese. Two, they were caused both by individual 14 and organisational failures within the archdiocese. 15 Three, COPCA and CSAS were aware of such problems and 16 did their best to address them, both formally and 17 informally. However, their role was purely advisory and 18 the archdiocese failed to respond to advice given. 19 Indeed, COPCA and CSAS spent time attempting to provide 20 additional support, for example, the Birmingham 21 Archdiocese was the first to be selected for audit in 22 2010. 23 However, there has always been a tension between the 24 relationships between the safeguarding coordinator, 25 Jane Jones, and COPCA and CSAS, to the point of</p> <p style="text-align: center;">Page 136</p>

<p>1 hostility, in which she accepts that COPCA and CSAS were 2 seen as secular outsiders who had little knowledge of 3 the culture of the church. 4 In her paper, a personal view, she accepts that she 5 is known to be critical of the way in which COPCA and 6 CSAS operate because they are injuring the church: 7 "My paper had the support of the entire commission, 8 as well as the archbishop", she says: 9 "Other dioceses were not subjected to this bullying 10 and unpleasant process." 11 That was the 2010 audit. She suggested she should 12 have been given a minimum of three months' warning of 13 the audit, which process, she said, was not just or 14 humane or compatible with Christian understanding. She 15 says, "There were times when relations with some of 16 the staff of CSAS was not easy, but we have benefited 17 from their help, particularly with administrative 18 matters". This would appear to show a lack of 19 appreciation and acceptance of the considerable 20 expertise within COPCA and CSAS. They were far more 21 than admin staff. 22 Indeed, she complains that CSAS were insensitive to 23 the realities of the Catholic Church, saying that the 24 three lead members of staff were non-Catholic who regard 25 the church as an organisation much like any other, and</p> <p style="text-align: center;">Page 137</p>	<p>1 the systems they create and impose reflect that 2 understanding. "We are told what to do", she complains, 3 "inspected and often undermined", and of a marked 4 tendency to see both clergy and safeguarding 5 representatives as empty vessels needing to be filled 6 with specific information, that is, to be trained. The 7 intention is to impose certificated training on large 8 numbers of people. "It seems to me", she says, "to be 9 unjustifiably expensive and largely unnecessary, as so 10 many people are now trained through their work or other 11 voluntary roles". 12 Although with the help of the commission, some 13 improvements were made following the 2010 audit, it 14 would appear, if the conclusions of the 2018 SCIE audit 15 are correct, any improvement has been short lived. 16 The findings of Adrian Child in 2010 that there was 17 a lack of compliance based on (a) lack of adherence to 18 national recording standards; (b) lack of evidence of 19 procedural compliance; (c) lack of evidence of 20 appropriate governance and accountability seems to have 21 been well founded. Any encouragement of the archdiocese 22 designed to enthuse and support should not be mistaken 23 for satisfaction and complacency. 24 Although the documentation speaks for itself of 25 the difficult relationship between the safeguarding</p> <p style="text-align: center;">Page 138</p>
<p>1 coordinator and COPCA or CSAS, this is not simply 2 evidence of an individual failure but speaks also of 3 organisational failures within the archdiocese which 4 failed, by appropriate supervision or leadership, to 5 prevent the same and failed to ensure that problems were 6 swiftly and permanently remedied. Indeed, it is 7 self-evident that the whole safeguarding process within 8 an archdiocese should not be dependent on individual 9 personalities or idiosyncracies. The fact that 10 Jane Jones obtained and held her position as 11 safeguarding coordinator for many, many years suggests 12 a lack of accountability and leadership or a failure to 13 accept the role of COPCA and CSAS. 14 Although Kevin Caffrey, former chair of 15 the Archdiocese of Birmingham Safeguarding Commission, 16 speaks of beginning to see Jane Jones struggling to 17 deliver CSAS policies in 2008 and 2009 and of trying to 18 help her, events then and now have shown that such 19 support or oversight was inadequate. 20 Indeed, the archdiocese could be said to be 21 responsible for such failings by adopting an unsafe and 22 inappropriate recruitment process for this most 23 important role of safeguarding coordinator, which 24 process, I say, was questioned and disapproved of at the 25 time by COPCA. They pointed out, did COPCA, there was</p> <p style="text-align: center;">Page 139</p>	<p>1 no formal vetting procedure. She was appointed because 2 she was a devout Catholic, well known to the parish 3 priest, who apparently put her forward for the role. As 4 a devout Catholic, with a duty of effectively submissive 5 obedience to the church, her ability to challenge the 6 authority, if required, of the parish priest was likely 7 to have been significantly compromised on two fronts. 8 If nothing else, the appointment of a devout Catholic to 9 such a role would do nothing to dispel criticisms which 10 apparently continue to date, according to the SCIE 11 audit, of a desire to protect the reputation of 12 the church. 13 Therefore, although it is accepted that Jane Jones 14 appears to have given dedicated and committed service in 15 the role, it would appear (a) that she was placed in 16 a role for which she was not properly qualified; (b) she 17 was given insufficient support in terms of staff numbers 18 or experience; (c) she was conflicted as previously set 19 out and she was not properly managed. 20 As is well known, Archbishop Vincent Nichols also 21 found himself in a conflicted position as chair of COPCA 22 and as Archbishop of Birmingham until that anomaly was 23 removed. The manner in which His Eminence Cardinal 24 Vincent Nichols, as he now is, has dealt with COPCA or 25 CSAS concerns in his latest witness statement just days</p> <p style="text-align: center;">Page 140</p>

<p>1 ago does not suggest that he has any significant 2 awareness of the depths of problems that there were in 3 the archdiocese, nor of real cultural change necessary 4 to effect the improvements. His lack of concern as to 5 Jane Jones' failure, or that of the commission to name 6 alleged abusers, is perhaps the most stark example. 7 Whilst Archbishop Vincent Nichols was courteous and 8 did well to steer Nolan recommendations, despite 9 opposition from other clergy, it did appear that he did 10 not accept COPCA policies and, to an extent, stonewalled 11 on implementation, perhaps believing, to use his 12 phrases, there was a creative tension between COPCA and 13 the church as to whether priority was to be given to 14 policy and procedure or, as he would put it, 15 understanding human reality whereby a policy of 16 convinced cooperation might be more effective. To you 17 and me, we say that sounds like convinced cooperation 18 suggests, well, a bit more of, "Let's continue as 19 business as usual", and nothing really changes. 20 Indeed, the documented concerns of COPCA and CSAS 21 appear to be echoed in the 2018 SCIE audit which states 22 that a radical cultural change is needed in order to 23 professionalise the leadership, governance, management 24 and delivery of safeguarding in the archdiocese. 25 Although there were significant failings within the</p> <p style="text-align: center;">Page 141</p>	<p>1 Birmingham Archdiocese, it was never going to be easy to 2 effect change within traditional institutions as deeply 3 embedded as the Roman Catholic Church, nor was it to be 4 expected that any change was going to be quick, and the 5 fact that the then Archbishop Vincent Nichols was able 6 to effect some change is an achievement worthy of note. 7 Despite the best efforts of COPCA and CSAS, there 8 were, unsurprisingly, significant failings in 9 safeguarding in the Birmingham Archdiocese over many 10 years. However, the lack of progress should not reflect 11 badly on Eileen Shearer or Adrian Child, both committed 12 professionals who tried to do their best but were 13 restricted by their role, which was simply to advise 14 with no power themselves to effect change and no 15 leadership able or willing to do so. Maybe it is 16 a matter for this inquiry to consider, if it feels it 17 appropriate, that rather than the whole process hits the 18 buffers when people refuse to accept advice, is there 19 a need for perhaps an extension of COPCA or CSAS powers 20 in circumstances where advice is simply stonewalled and 21 not accepted? 22 But we do say, in coming to a conclusion, a focus by 23 the inquiry on examples of poor practice, as we say this 24 was, should not be allowed to detract from successes 25 elsewhere, where advice from COPCA or CSAS was followed</p> <p style="text-align: center;">Page 142</p>
<p>1 and resulted in significant strides forward being made 2 in safeguarding nationally. 3 Eileen Shearer and Adrian Child each having devoted 4 many years of their professional lives to the protection 5 of children and vulnerable adults are very keen to 6 assist this inquiry in its important work. No criticism 7 is being made of the inquiry legal team, but it is a sad 8 fact that it is within days, or certainly several weeks, 9 that thousands of pages of material highly relevant to 10 these issues have been made available to the legal team 11 and then over to the team whom I represent. Certainly 12 tranche 21, which contains very important information, 13 was made available a matter of a few days ago. 14 Adrian Child and Eileen Shearer have done their best to 15 deal with this and will continue to do so during the 16 course of this week, but the reason that some of these 17 matters are not dealt with within their witness 18 statements is because, of course, they postdate the 19 witness statements because these matters are very 20 relevant and important. So I hope the inquiry will take 21 that into consideration when perhaps they deal with 22 matters which are not absolutely set out in their 23 witness statements because they weren't then issues. 24 Thank you very much, panel. 25 THE CHAIR: Thank you, Ms Griffiths.</p> <p style="text-align: center;">Page 143</p>	<p>1 MS CAREY: Chair, two matters, please. Tranche 21, which 2 disclosed to all core participants the most recent 2018 3 audits and past cases and parish view, were, I'm afraid, 4 only made available to the inquiry at the end of last 5 week and they were disclosed as soon as it was 6 practically possible. I just thought that ought to be 7 made clear. 8 The next witness, indeed our first witness, is an 9 anonymous witness. Certain arrangements need to be put 10 in place and access to the hearing room will only be 11 granted to those whose names were provided to the 12 investigation team. Can I simply ask, given we are 13 under a certain amount of time pressure this afternoon, 14 that everyone returns promptly after the afternoon 15 break? Thank you very much. 16 THE CHAIR: Yes. We will return at 3.50 pm. 17 (3.36 pm) 18 (A short break) 19 (3.55 pm) 20 WITNESS RC-A15 (sworn) 21 Examination by MS CAREY 22 MS CAREY: For the purposes of this evidence, you are known 23 as A15, and I would like to ask you some questions, 24 please, about your involvement with Sam Penney. I think 25 you first met Sam Penney when you were under 13, in the</p> <p style="text-align: center;">Page 144</p>

1 early 1980s. Is that right?
 2 **A. That's correct.**
 3 Q. I think he was your local Catholic priest?
 4 **A. Yes, he was the local Catholic priest who had newly come**
 5 **to the area.**
 6 Q. When he came and joined the parish, can you give the
 7 chair and panel an idea of, what was he like?
 8 **A. So he was an incredibly charismatic man, very magnetic,**
 9 **very good at fostering an environment that felt**
 10 **incredibly welcoming and exciting, particularly for**
 11 **a young person such as myself, who at that age was**
 12 **getting a little bit questioning about my faith and**
 13 **about the way that Mass was and the way that we**
 14 **celebrated our faith, but he came across as incredibly**
 15 **fresh and vibrant.**
 16 Q. In terms of his involvement with the youth of
 17 the parish, what did he do?
 18 **A. So he was very good at creating youth clubs and creating**
 19 **sports activities. So there would be a regular youth**
 20 **club every single week, and there would be everything on**
 21 **offer there, from food to table tennis to snooker to**
 22 **football, and it was a mixed youth club with boys and**
 23 **girls, so it was something, at that age, that I was very**
 24 **interested in attending.**
 25 Q. Through that, did you get to know Sam Penney yourself?

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1 **A. As far as I was aware, he was always asleep in his own**
 2 **room, and the boys and girls, we would sleep on**
 3 **mattresses in a youth club kind of environment.**
 4 Q. What did you call him?
 5 **A. He was known as Father Penney, but he encouraged us to**
 6 **call him "Sam", particularly when we were not in**
 7 **a church environment, particularly so when the camping**
 8 **trips would occur. He was very strong about ensuring we**
 9 **do not call him "Father Penney" or "Father". He must be**
 10 **called "Sam" at all times.**
 11 Q. Turning to one of those camping trips, I think you went
 12 on one over a weekend in the summer in the 1980s. Is
 13 this right, that it was Sam Penney that organised the
 14 trip and there were a number of children from the youth
 15 club that were invited to go along?
 16 **A. That's correct. So in the '80s I was invited on one**
 17 **particular trip which was to Rhyl in Prestatyn and we**
 18 **went in a camper van, his VW van. I would say there**
 19 **were probably about six to seven of us. We went on the**
 20 **trip for a few days, and that's where the first**
 21 **experience of his shadow side, his darker side,**
 22 **occurred.**
 23 Q. I want to just ask you, A15, a little bit about that,
 24 please. I think you told the inquiry in your statement
 25 that on the first two nights during the camping trip,

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1 **A. Yes, I got to know him very well, and to the point**
 2 **where, you know, I did consider him a friend, and that**
 3 **friendship is something that he did foster, and to the**
 4 **point where he would choose specific children to kind of**
 5 **put them a little bit above the others, so they would be**
 6 **almost like the special ones.**
 7 Q. In what way?
 8 **A. So certain children would be asked to go away maybe for**
 9 **a camping trip or certain children would be asked to**
 10 **stay overnight, and that would happen quite regularly,**
 11 **staying overnight at the presbytery, and the camping**
 12 **trip was kind of the one where those who were**
 13 **particularly the favoured ones would go together.**
 14 Q. Just breaking those down, just dealing with the staying
 15 over at the presbytery, did you stay over at the
 16 presbytery?
 17 **A. Yes, I stayed over at the presbytery on numerous**
 18 **occasions.**
 19 Q. And were there other children staying there?
 20 **A. Other children would stay over at the presbytery as**
 21 **well. Some were Penney's relations, some were from**
 22 **Wolverhampton who would come over, his family, others**
 23 **were just the children from the youth club who would**
 24 **stay over as well.**
 25 Q. Where would he sleep when everyone was staying over?

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1 nothing, as far as you were aware, happened. What about
 2 the third night?
 3 **A. So he organised the sleeping patterns very specifically,**
 4 **and I was next to him. So he was very certain who would**
 5 **sleep where. He was in the centre. I was one side of**
 6 **him. On the third night, I was woken in the night by**
 7 **his hand going down my side, just down the side of my**
 8 **body, and I brushed it off because I was asleep and**
 9 **thought nothing of it at all. So at that point, there**
 10 **was no sexual touching at all. It was just a gentle**
 11 **pushing down on the body.**
 12 Q. On the fourth night, though, I think your statement
 13 outlines that it was on that occasion that Sam Penney
 14 sexually abused you by touching your genitalia. Is that
 15 right?
 16 **A. That's correct. So on the fourth night, I woke up, and**
 17 **this time his hand was on my genitals, and that was**
 18 **quite a shocking moment, but what happened was, my**
 19 **conscious mind, I'd thought nothing of it because**
 20 **I thought, he is my friend, therefore that wouldn't**
 21 **happen, and I just assumed it was an accident. But on**
 22 **a deeper level, I knew something had occurred, and**
 23 **I pushed him away and turned over and went back to sleep**
 24 **after that. But the next day, his character had changed**
 25 **a little bit.**

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1 Q. What did you think the next day?
 2 **A. The next day, yeah, things -- I thought the next day**
 3 **that there was something dark occurring, but I was in**
 4 **that typical stage of denial, you know, "Why would**
 5 **I want to think that anything really had happened?", at**
 6 **the first stage of that kind of abuse, is denial. You**
 7 **do not want it to be true. So I continued as normal.**
 8 **His character had changed, where he became more**
 9 **aggressive, more sullen, because -- I think because**
 10 **I had rejected him. So my thoughts were really trying**
 11 **also to maintain the friendship, because that's the**
 12 **power that an abuser can have over a victim, they can**
 13 **have a significant, you know, psychological power,**
 14 **mental, physical, spiritual and moral power over the**
 15 **victims, which is where their power lies. So at that**
 16 **point, I wanted to maintain that friendship.**
 17 Q. Did you tell anyone at home about what had happened on
 18 the camping trip when you got back from the camping
 19 trip?
 20 **A. No, I didn't, which is surprising. I didn't say**
 21 **anything to anyone because at that stage I had buried it**
 22 **deep down and the denial was part of the coping**
 23 **mechanism at that point.**
 24 Q. About a week after the camping trip, did you end up
 25 staying over again at the presbytery?

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1 he had liked you?
 2 **A. That's right. So part of the grooming process, yes, and**
 3 **he consistently -- I mean, he said that over and over**
 4 **again. Part of the grooming was to make me feel very**
 5 **special, so that asking me into bed would be a natural**
 6 **thing.**
 7 Q. So when he asked for a cuddle, did you saying anything
 8 back to him?
 9 **A. I said, "No, I'm not like that", and he got up and**
 10 **immediately locked the door.**
 11 Q. The door to the bedroom?
 12 **A. The door to the bedroom, took the key away. I was in my**
 13 **pyjamas, he was -- just had his underpants on. Got back**
 14 **into bed and then continued for the next two hours to**
 15 **try to coax me into bed, also mentioning other boys who**
 16 **he had coaxed into bed, and naming those boys, which of**
 17 **course I won't name now.**
 18 Q. Can you give the chair and panel, though, an idea of
 19 what was the kind of things he was saying to try and
 20 coax you into the bed?
 21 **A. The things he was saying were, "It's just for a cuddle.**
 22 **You're my friend. I just want to be close to you".**
 23 **I said, "I'm not like that. I'm not like that", over**
 24 **and over again. I was in a fight or flight mode at that**
 25 **time, highly alert and scared. Eventually, after this**

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1 **A. Yes. So about a week later, Penney asked me to come**
 2 **over to stay. There was a couple of other people**
 3 **present there as well. But I was shocked because he**
 4 **said he'd like me to sleep in his room that night. My**
 5 **conscious mind, I was thinking, "Okay, that's fine, he**
 6 **is my friend". I kind of denied what had happened**
 7 **before. On a deeper level, I realised this could be**
 8 **dangerous in some way, but I agreed. I was a child.**
 9 Q. Did you stay over in his room?
 10 **A. Yes, I stayed over in his room that night.**
 11 Q. Was anyone else present?
 12 **A. Nobody else present, just myself and Penney.**
 13 Q. What about the sleeping arrangements? Presumably it had
 14 a bed in it for Mr Penney?
 15 **A. Yes, Penney was in his own bed and he had put a camping**
 16 **bed out for me. What happened next was, he then asked**
 17 **me to get into bed with him. So at that point, a light**
 18 **went on inside of my mind, in my heart, and I thought,**
 19 **"This is now turning sinister". So I said to him -- my**
 20 **response was, "I'm not like that. I'm not like that at**
 21 **all", and he said, "No, you do not understand. Your**
 22 **misinterpreting. All I want is a cuddle. I just want**
 23 **to have a cuddle".**
 24 Q. I think you said in your statement that once he started
 25 talking to you, he in fact firstly said to you how much

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1 **battle of will -- at one point -- I think this is quite**
 2 **a key point. At one point, I almost gave in, because**
 3 **the pressure he was giving to ask me to get into bed and**
 4 **the convincing argument he was saying to get into bed**
 5 **with him was so constant and so clever that I can fully**
 6 **understand why people would have become victims and got**
 7 **into bed with him. I can fully understand that.**
 8 Q. I think at the end of this, in fact, you didn't get into
 9 bed with Mr Penney?
 10 **A. I did not.**
 11 Q. Did he say anything to you at the end of that night
 12 about what you should or shouldn't say to your parents?
 13 **A. Yes, very clearly. He said, "I trust you are adult**
 14 **enough not to tell your parents about this".**
 15 Q. What did you say?
 16 **A. I said, "Of course I won't", because at that point I was**
 17 **afraid, and part of me also didn't want to because of**
 18 **that slight fear of shame as well.**
 19 Q. Although in fact, as you come on to say in your
 20 statement to the inquiry, within a couple of days, you
 21 did end up telling your mum about what had happened?
 22 **A. So, yes. The very next day, I was an altar boy there as**
 23 **well, and I was serving at mass and my mother was in the**
 24 **congregation and she could tell instinctively, with**
 25 **a mother's instinct, that there was something wrong with**

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1 me and was saying to me, "What's wrong?", mouthing
 2 "What's wrong?". When the mass finished, I said "Just
 3 take me home", and as I went, she said, "What's wrong?",
 4 and I wouldn't tell her but she got me to say in the
 5 end, and I just -- at that age, I did not understand
 6 what paedophilia was. I just said "Penney's gay".
 7 That's all I could understand at that age, what that
 8 kind of meant.

9 Q. Did you tell her about what had happened on the camping
 10 trip?

11 A. No, I didn't. I didn't tell her about that until a few
 12 years later, to my recollection.

13 Q. Or anything about what had happened in his bedroom the
 14 night he tried to get you into bed?

15 A. I told her everything that happened in the bedroom.

16 Q. The inquiry is going to hear, A15, from some parts of
 17 your mother's statement read tomorrow, so I am not going
 18 to ask you about that, but so that we have the
 19 chronology clear in our minds, I think thereafter your
 20 mum dropped you home and she went to see Penney and we
 21 will hear from her recollection in the statement
 22 tomorrow.

23 A. Okay.

24 Q. Did it come to this, that your parents both got in touch
 25 with the archdiocese, as far as you were aware?

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1 Archbishop of Birmingham?

2 A. My impressions were that Archbishop Couve de Murville
 3 was directly denying the truth of the statement that my
 4 mum had provided to Dan Leonard and obviously had been
 5 given to Couve de Murville himself. So it was a direct
 6 rebuff of the truth. In fact, the programme kept
 7 juxtapositioning my mother's statement with
 8 Couve de Murville and the different views of what had
 9 occurred were quite radical.

10 Q. How did you feel, watching the programme and seeing your
 11 mother's account, on one hand, and that of
 12 the archbishop's, on the other?

13 A. Well, I felt shocked. I felt very, very surprised that
 14 an archbishop who knows the truth would deliberately
 15 then deny the truth, and I kept thinking, "What is the
 16 motivation, what is the motivation for that?".

17 Q. In due course, did you go to meet Cardinal Hume in 1994
 18 along with your parents?

19 A. Yes, I went to go and see Cardinal Hume.

20 Q. How did that come about?

21 A. I think it came about through Bishop Budd in some way,
 22 who was very helpful in setting up the new child
 23 protection procedures, he was very kind and helpful.
 24 Then Cardinal Hume got in contact. We went to go and
 25 see him. It was good to meet him. He was the first

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1 A. Yes.

2 Q. And Penney was moved from the parish very quickly after
 3 you telling your mum?

4 A. Absolutely. So the response was quite -- very quick
 5 from my mum to seeing the --

6 Q. It may be difficult now after all this time, but can you
 7 give us an indication of how quickly he was moved --
 8 days, weeks, months?

9 A. I think, to my recollection, it was within a couple of
 10 weeks, I think.

11 Q. Moving on, I think you said in your statement that by
 12 1993, you received a letter out of the blue -- your
 13 words -- from the BBC in relation to a programme of the
 14 "Everyman" documentary. Can you help us about that.
 15 Were you involved in the actual "Everyman" programme?

16 A. No, I wasn't, because I was travelling to work abroad
 17 for a year. But the letter came literally about the
 18 week before I was leaving, so I asked if my mother would
 19 be involved and she agreed to do that.

20 Q. Did you watch the programme?

21 A. I watched it when I came back, yes, I did.

22 Q. Did you form any view about -- was your mother involved
 23 in the programme?

24 A. Yes, she was interviewed in the programme in silhouette.

25 Q. What about Archbishop Couve De Murville who was the then

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1 person, apart from Bishop Budd, who actually asked how
 2 I was, he was the first one who actually said, "How are
 3 you?". I was aware that there was nothing he could
 4 actually do about Couve de Murville's actions and the
 5 denial that had occurred, and I asked why that is, and
 6 that's when I found out for the first time about the
 7 hierarchical structure of the church and that he has no
 8 authority over the Birmingham Diocese.

9 Q. By this stage, you are in your 20s. If I can summarise
 10 it in this way, you had gone on to do your A levels at
 11 school, gone on to university, and after graduation,
 12 were thinking about joining the priesthood?

13 A. Sure.

14 Q. To many, that may seem a very odd choice, given what had
 15 happened to you at Father Penney's hands. Can you just
 16 help us, why did you nonetheless want to go and become
 17 a priest?

18 A. That's a very good question. I had always had a very
 19 strong faith, ever since I was a little boy, and I'd
 20 always felt that I wanted to do something that was
 21 positive, altruistic, and I did sense a genuine sense of
 22 vocation and calling. I then went on to think, "What
 23 can I do to be the best priest I can be?". I wanted to
 24 be a very good priest. Some part deep down in my own
 25 conscience, I may have been trying to redress the

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1 balance of what had occurred in some way, but I wanted
 2 to be – to show a positive face of priesthood and to do
 3 as much as I could for the community, rooted in gospel
 4 values. My motivation was always to care.
 5 Q. Before being admitted to the seminary, did you have an
 6 interview with the archbishop where he effectively asked
 7 you why you were applying to be a priest and if there
 8 was anything relevant he should know? I should make it
 9 clear, it is not an Archbishop of Birmingham we are
 10 talking about?
 11 A. Yes, so the archbishop that I went to go and see, yes,
 12 we had an interview, and I did say that – let him know
 13 that I was part of the Penney case, because that was
 14 quite high profile at the time, of course, because of
 15 "Everyman", and his response to that was, "Well, we
 16 don't really need to talk about that", at the time,
 17 which really surprised me, a lack of compassion. I had
 18 some other interviews as well, to do with spiritual
 19 maturity, and eventually entered seminary to begin my
 20 training.
 21 Q. I think after that there was some more study, and you
 22 eventually became a curate to a number of parishes, and
 23 in fact joined a parish where there had been an abuse
 24 scandal.
 25 A. That's true. So one of my – in fact, my first ever

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1 a place of authority, and as a young priest I thought,
 2 someone has to say sorry. So I actually did stand up in
 3 church during a sermon and apologised to the parish,
 4 and – for the betrayals that had occurred and for the
 5 lack of information and the fact –
 6 Q. Can you help us now? Do you remember or are you able to
 7 give us the gist of what you said to the parishioners in
 8 that apology?
 9 A. Yes. I think what I said was that, "I'm aware that you
 10 have been through a significant trauma as a parish, and
 11 I'm aware that this trauma will affect you through your
 12 faith, through the way that we relate, through the shock
 13 of how this could possibly happen in a Catholic Church,
 14 a church that we love, a church where we put gospel
 15 values first, and I would like to say on behalf of
 16 the church, even though I am just a priest, I want to
 17 say sorry for the lack of care that you may have had,
 18 the lack of information and the lack of" –
 19 "safeguarding" wasn't a word I would have used then,
 20 but, "For the lack of accountability and for the lack of
 21 information that you are receiving now", because
 22 somebody stood up during that sermon and said, "Thank
 23 you for the apology, but what is going to happen next?",
 24 and that's where I fell short because I did not know
 25 what was going to happen next. All I could do was

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1 parish, I came as a brand new curate, a brand new
 2 Catholic priest, and I was put into a parish where the
 3 previous priest, previous long-serving priest, had just
 4 been convicted of child abuse and other kinds of abuse
 5 as well, sexual abuse.
 6 Q. When you joined the parish, they having had this
 7 experience within their own parish, what was the kind of
 8 mood of the parishioners?
 9 A. Well, they had had an interim priest in the meantime,
 10 after the priest who had been convicted, and that priest
 11 had done very well, he was a very good priest, who would
 12 try to really help with pastoral care. So the mood of
 13 the parish was – it is a real spectrum from those who
 14 were in denial about that priest being convicted, who
 15 did not want to know the truth of that, to those who had
 16 been abused, the other side, and knew the full truth,
 17 and the whole spectrum between those who were very angry
 18 and those who didn't want to know, it's a real mixed
 19 spectrum of emotions there. The priest had done a lot
 20 to help and, when he went, then it was my turn to
 21 minister as best I could. The thing I was aware was,
 22 no-one had given the parish an apology at all, so
 23 I actually took it upon myself, as a very young priest,
 24 to apologise on behalf of the church. Because, as
 25 a priest, you are seen as having an authority, being in

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1 minister, as best I could, in that parish to those – as
 2 best as I could, spiritually and mentally where I could
 3 as well.
 4 Q. I think in fact you stayed in that parish for a couple
 5 more years before moving on?
 6 A. Yes.
 7 Q. But in terms of your role as a priest, is it right to
 8 say, A15, that actually, by the early 2000s, you had in
 9 fact met a woman and fallen in love with her?
 10 A. That's correct. So for all my motives to be a very
 11 faithful and good priest, of course, as you grow and
 12 develop, different things occur and I found being
 13 a priest, though a wonderful vocation, I found it quite
 14 isolating because of celibacy, for me, which I really
 15 tried to embrace, really tried to do with the best of my
 16 ability. But at that stage, I had found that the desire
 17 was growing to have children and to not be a single man,
 18 not to relate to the world just as a single man but to
 19 relate, through marriage, as a family man as well. So
 20 eventually I took the very difficult decision to leave,
 21 and I did.
 22 Q. I want to ask you a little about some of your more
 23 general observations, given that you have been through
 24 this experience with Sam Penney and then gone on to live
 25 life as a priest and now stepped away from that role,

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1 certainly, in terms of your Catholicism. Can I ask you,
 2 please, for your observations -- which start, chair, so
 3 you know, at 106 in the statement -- a little bit,
 4 please, about what is technically called formation of
 5 priests, but if I can perhaps call it in layman's terms
 6 the preparation for priesthood?
 7 Help us, please, about institutional life and what
 8 you have to say about how that can and can't affect you
 9 as part of your preparation for the priesthood?
 10 **A. Okay. So first of all, I personally very much enjoyed**
 11 **seminary life. It was a good six years of learning and**
 12 **development and of knowledge and our teachers were good**
 13 **and our teachers helped us to grow as much as we could**
 14 **and to discern our vocation as much as we could as well.**
 15 **That discernment is two ways, of course, from us**
 16 **discerning our own vocation but also the staff**
 17 **discerning if we were suitable for priesthood as well.**
 18 **The shadow side, I suppose, of institutional life is**
 19 **that this is an all-male environment particularly, so**
 20 **I think we had three female teaching staff at that time,**
 21 **who were nuns, to my recollection. Any institution that**
 22 **is dominated just by one side of humanity, for example,**
 23 **the male side of humanity, and that version, that**
 24 **relational view to the world, can become imbalanced, so**
 25 **a decision is made -- you know, decisions and opinions,**

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1 **A. Sure.**
 2 Q. What kind of amount of training did you have and what do
 3 you think about the adequacy of that training?
 4 **A. So it was all very new back there in the '90s. So the**
 5 **Penney case actually was quite prevalent at that time**
 6 **and the training I received actually used -- that**
 7 **seminary actually used my own personal case. Obviously**
 8 **they didn't know that it was me, but they used that as**
 9 **an example of safeguarding, as an example how not to**
 10 **respond, and they used Archbishop Couve de Murville as**
 11 **an example of how not to respond to allegations and how**
 12 **not to push things under the carpet and be in a state of**
 13 **denial.**
 14 **We had lectures on human development in terms of**
 15 **psychosexual development as well. There were two**
 16 **priests there who were trained psychotherapists, so they**
 17 **would teach us and they were available as well. So this**
 18 **was early stages of -- really of the development of**
 19 **child protection procedures. Bishop Budd's**
 20 **recommendations and what he put in were shared with us**
 21 **as well. It was discussed. You know, clergy -- abuse**
 22 **by clergy was discussed in the seminary, so we did**
 23 **discuss it. Of course, it is up to the person how much**
 24 **they engage with that. So the seminary themselves then**
 25 **engages to the level they feel they want to. I engaged**

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1 **expressions of life, all come from that point of view,**
 2 **so I found the lack of balance for the male and female**
 3 **was probably something that was negative, and also, if**
 4 **you are discerning your vocation towards celibacy, that**
 5 **was very difficult because you weren't interacting in**
 6 **a day-to-day situation with females if you were**
 7 **heterosexual, for example. Small things become**
 8 **important when you are in an institution, so it can lead**
 9 **to a form of regression. I think that can be true.**
 10 **There can also be a subtle form of dependency upon the**
 11 **institution whereby you want to ensure the institution**
 12 **protects you at the same time.**
 13 **I think there is going to be, again, a spectrum.**
 14 **There would be some institutions where they really work**
 15 **hard at keeping that balance, and I think the seminary**
 16 **did as well as it could, in terms of our human**
 17 **formation, to keep that -- to keep us aware and to help**
 18 **us to learn about human development and to learn**
 19 **about -- as much as we could regarding psychology, but**
 20 **at the same time there was still that slight imbalance**
 21 **of view.**
 22 Q. During your six years in the seminary, are you able to
 23 give us an idea about the kinds of training you had in
 24 relation to safeguarding as it would now be called, or
 25 child protection, perhaps, back then?

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1 **to quite a high standard because it was obviously**
 2 **important to me, but I can't speak for my other**
 3 **seminarians but I hope they would have engaged well as**
 4 **well. But at that time, I would say it was good in**
 5 **terms of awareness.**
 6 Q. Were you told things about, you know, referring matters
 7 to the police or another authority or was there still
 8 a view that you should refer it up the chain to perhaps
 9 your bishop or archbishop as the case may be? Was there
 10 any kind of view about internal or external reporting?
 11 **A. No, it was reporting to the police was prioritised, yes.**
 12 **That's the way we were taught. Again, it all comes down**
 13 **then to the individual, whether they do that or not, so**
 14 **what their motive is.**
 15 Q. One of the other matters that you raise in your
 16 statement touches on the vow of celibacy that you took.
 17 I would just like to ask you, please, about your
 18 paragraphs 112 onwards. Clearly, you were taught in the
 19 seminary that celibacy was a gift from God. But do you
 20 have any views, A15, about the teaching back then and
 21 actually your views as to now, whether that is
 22 a sustainable position for the church to take?
 23 **A. Sure. I think, first of all -- yes, we were taught, and**
 24 **I believe it to be true, that celibacy is a very**
 25 **unique -- "charism", is the word the church would use,**

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1 so a gift to be able to give the single life and to live
 2 that life for other people, to be available for the
 3 parish, to make Christ's singleness present as well. We
 4 were taught that. So to make Jesus's celibacy present
 5 to the world is something we were taught. It is
 6 a wonderful charism to have. But in my opinion, it is
 7 granted to the very few.

8 Those who do live it well are incredible, they are
 9 absolutely brilliant priests, and there is an ease --
 10 a naturalness to them that is inspirational. But there
 11 are many, many who are struggling as well. Again, it is
 12 a whole spectrum, from those who are gifted it to those
 13 who find it -- they tolerate it, to those who it is
 14 a burden and to those who would ignore it as well. And
 15 I would put -- yes, so it's that whole spectrum, again,
 16 of celibacy.

17 The trouble is, with the current theology, in my
 18 opinion, the vocation to priesthood and the vocation to
 19 celibacy is seen that you need both to become a priest.
 20 In my opinion, that is incorrect, because someone may
 21 have a wonderful vocation to priesthood to serve as
 22 a good priest, but a vocation -- and according to
 23 marriage as well. So what's happening is that the pool
 24 of people who are being trained as priests is very, very
 25 narrow, very narrow. For a start, it is men only.

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1 importance of ensuring that everything is done for the
 2 victim. So that was -- I was in a seminary that was
 3 quite forward thinking, and it was, you know, it was
 4 a compassionate place.

5 It was -- the focus was on ensuring that the victims
 6 had the support, so that was -- yes, that's the answer
 7 to that question, I think.

8 Q. As you developed through your training and your time as
 9 a parish priest, did anything change about what was said
 10 about the trauma to victims?

11 A. So the trauma I think was -- that's the thing that I was
 12 trying to say before, sorry, the amount of psychology
 13 and the lack of understanding of the trauma is the thing
 14 that was probably lacking. So, yes, in seminary we were
 15 told to care for the victims, but I think what is
 16 lacking is an understanding of the psychology and the
 17 huge mental, physical, social, spiritual imprint that
 18 that trauma can have on the victims. We have heard
 19 a lot of things this morning about different views that
 20 I found to be slightly shocking, how people cannot
 21 understand that hold and that effect that abuse can have
 22 over its victim. That kind of training should be
 23 paramount, it should be absolutely paramount. I think
 24 not just for seminarians, but for all church leaders, it
 25 is vital that they have an understanding of the impact

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1 Secondly, it is men who think they can live a celibate
 2 life and, out of those, it will be those only who have
 3 that gift of -- that charism of celibacy to live it out
 4 well. For others it can become a burden unless they
 5 have wonderful support networks, but they need to be
 6 networks that are with good friends, male and female,
 7 and the danger comes when men do not have those support
 8 networks and do not think they need those support
 9 networks, that's when the danger comes.

10 So in my opinion, celibacy and priesthood should not
 11 be intimately linked. It should be open for all to have
 12 a calling to the priesthood. And then the wisdom we
 13 would have in the Catholic Church would be opened up,
 14 not just from one point of view, from a single man's
 15 point of view. That one relational view to the world is
 16 how priesthood is experienced, when how rich would it be
 17 if we could have married people as priests? The wealth,
 18 the wisdom there, would be fantastic, and I include
 19 women priests in that as well.

20 Q. Just a few final topics. During the course of your
 21 training, and particularly in relation to child
 22 protection, was anything mentioned about the effect of
 23 the abuse on the victims of child sexual abuse?

24 A. Nothing was -- yes, it was mentioned but it was
 25 mentioned in terms of spirituality, in terms of the

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1 of trauma, and how it can turn into a tsunami of
 2 destruction in a person's life and how it can be full of
 3 self shaming and all the different scenarios that can
 4 occur in people. I think that kind of training is very,
 5 very important.

6 Q. Can I ask you this, A15: are you a Catholic still?

7 A. Yes, I am still a Catholic.

8 Q. Can I ask you why?

9 A. Yes, because, for everything I have said, my faith has
 10 always been strong. I have not -- I realise -- you see,
 11 the Catholic Church, in my opinion, is made up of
 12 millions of good, good faithful people. The people in
 13 the church are appalled at abuses that have occurred.
 14 The faithful are appalled. There are priests and
 15 bishops who will be listening to this who are appalled
 16 at the neglect that has occurred. So I'm a Catholic
 17 because I'm rooted in my faith in God and I'm rooted in
 18 trying to make a difference. The Catholic Church --
 19 what we are talking about, of course, in these hearings
 20 is to do with those who have chosen to be motivated out
 21 of fear rather than the genuine calling of the Catholic
 22 faith which is to do with love, with a higher ethic,
 23 with faith, with gospel values. If anyone is doing any
 24 action in the Catholic Church out of fear, there will be
 25 negative consequences. It just -- that is just the way

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1 **it is. Anything motivated out of fear, denying or**
2 **hiding or not giving due care to the victims, that**
3 **motivation has no place in the Catholic Church. There**
4 **is no such thing as a gospel of fear and cowardice, it**
5 **is only of courage and radical change and altruism.**
6 **That's why I'm still a Catholic, because I believe in**
7 **those values, that's what the Catholic Church is about.**
8 **In any institution there is light and shadow and**
9 **I choose to try to do as much as I can to promote the**
10 **light. So that is why I'm still a Catholic and I stay**
11 **true to that faith.**

12 Q. When you mentioned then people being motivated by fear,
13 who were you thinking of when you made that comment?

14 **A. So I'm thinking of, in my particular case, Archbishop**
15 **Couve de Murville. That's the thing that was most**
16 **shocking to me, that he was motivated by fear, and to**
17 **guard the church, so -- the church should never be**
18 **guarded, it should always be guarding. That's what**
19 **shocked me. That he was guarding the church, not**
20 **guarding, and safeguarding, the children who absolutely**
21 **is the priority. The most vulnerable, vulnerable**
22 **adults.**

23 **So I think that those in authority have a very**
24 **difficult job to do. If they are motivated through all**
25 **these hearings out of genuine care and altruism based on**

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1 THE CHAIR: Yes. (Pause).
2 MS CAREY: Chair, clearly, if we had had time we would have
3 read A15's mother's statement but that can wait until
4 tomorrow morning. I'm aware Mr Horwell wishes to
5 address you about a matter that will probably impact the
6 timetable for tomorrow.
7 THE CHAIR: Mr Horwell?
8 Housekeeping
9 MR HORWELL: Thank you for the time. Last night, during the
10 Armistice Service at the Cathedral of Westminster,
11 Cardinal Vincent Nichols was taken unwell and had to
12 leave. He has been seen by his doctor today, who has
13 certified him unfit to attend the hearing this week. He
14 had been working very hard to prepare for the evidence
15 that he was due to give tomorrow and I am sure he will
16 be very upset for having let everybody down. He is,
17 I am equally sure, very keen to return, once he is well,
18 to give his evidence.
19 Madam, of course we will share that doctor's letter
20 with you and your counsel. There is nothing further
21 I have to say.
22 THE CHAIR: Ms Carey?
23 MS CAREY: Clearly, this news has an impact on the timetable
24 for both tomorrow and the rest of the week. There are
25 a number of important witnesses that you need to hear

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1 **those gospel values with our higher ethic, then there**
2 **will be positive change. But if ever there is fear --**
3 **or even doing it out of duty, in my opinion, is not**
4 **correct. Even doing it out of duty because you have to**
5 **is not the right motivation, it has to be out of genuine**
6 **care, it has to be out of genuine love.**

7 MS CAREY: Thank you. A15, please wait there one moment.
8 Chair, is there anything you would like to ask this
9 witness?

10 THE CHAIR: No. We have no questions. I would like to
11 thank the witness very much for his contribution. Thank
12 you.

13 MS CAREY: Thank you very much. Chair, there is one other
14 matter that needs to be raised this afternoon, but I'm
15 conscious there may need to be just a moment to make
16 arrangements for A15. Is it easier if I ask you to rise
17 just briefly? We just need to make sure the cameras are
18 trained on me, unfortunately, and not anyone else.

19 THE CHAIR: That's fine. We will remain in the room.

20 MS CAREY: Thank you very much. I'm sure A15 can be
21 assisted to leave.
22 (The witness withdrew)

23 MR HORWELL: Madam, could I leave for two minutes? There
24 are some instructions I need to take. I have something
25 to announce when I come back.

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1 from that in the time allowed since we have just become
2 aware of this we haven't been able to rearrange to
3 accommodate them.
4 Clearly, it is imperative that you hear from the
5 cardinal, but I have been told that the inquiry can
6 accommodate his evidence on 13 December, which is the
7 only day that you are available and the inquiry, with
8 all of its other work, can accommodate to hear from him.
9 So I am going to ask that there is a variation to
10 tomorrow's timetable, that we clearly are not in
11 a position to hear from the cardinal, and I have no
12 doubt that we will all make arrangements ourselves to be
13 available on 13 December to hear his important evidence.
14 As far as tomorrow goes, we will be in a position to
15 hear from the witnesses A31, A343 and it is likely we
16 will bring forward some of the reading that was
17 envisaged we read on Wednesday morning. It is
18 inevitably going to lead to a shorter day tomorrow, but
19 it does mean that we do free up some more time to hear
20 more fully from Mrs Jane Jones on Wednesday.
21 I anticipate then that we will follow, all being well,
22 the timetable and we will make arrangements and have
23 discussions with those acting for the core participants
24 as to how it affects the closing submissions that were
25 due to be heard on Friday afternoon.

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<p>1 We have obviously requested the medical record of 2 the cardinal's assessment this afternoon, and will 3 obviously circulate it to all core participants and 4 consider where that takes us in due course. These 5 events are unforeseen, clearly, and so I am just going 6 to ask for everyone else's cooperation in being able to 7 plan the rest of the week as best we are able. 8 THE CHAIR: Thank you, Ms Carey. I am sure you will be in 9 a position to give us an update tomorrow morning on what 10 the position is, because it clearly has implications for 11 everyone here. 12 MS CAREY: Yes, it will. I will be sure to speak with all 13 core participants and their representatives this evening 14 to see how best we can accommodate this. 15 THE CHAIR: Thank you very much. 16 MR JACOBS: If I could make a point with regard to that, 17 13 December is the reading day just before the 18 submissions at the close of five case studies in the 19 Accountability and Reparations Investigation. 20 THE CHAIR: Indeed. 21 MR JACOBS: It will be very difficult for us to accommodate 22 that, because we will be in the middle of that hearing, 23 and also there is a point of written submissions. So 24 perhaps, could we come back tomorrow to look at dates 25 for the cardinal to give his evidence? 13 December</p> <p style="text-align: center;">Page 173</p>	<p>1 would be quite problematic for those who instruct me. 2 THE CHAIR: As indeed it is for us. Thank you. 3 MS CAREY: Chair, I have no desire to shut out any core 4 participant that wants to address you about the 5 potential date for the cardinal, but the reality is, as 6 far as the inquiry's timetable is concerned, that is the 7 only day that we are available. I am sure we will all 8 do our best to discuss that and see what arrangements we 9 can make. Thank you very much. 10 THE CHAIR: I would be grateful. Thank you very much, 11 Ms Carey. The hearing is concluded today. Thank you. 12 (4.38 pm) 13 (The hearing was adjourned to 14 Tuesday, 13 November 2018 at 10.30 am) 15 16 I N D E X 17 18 Welcome and opening remarks by THE1 19 CHAIR 20 21 Opening statement by MS CAREY4 22 23 Opening statement by MR SCORER81 24 25 Opening statement by MS GALLAGHER97</p> <p style="text-align: center;">Page 174</p>
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