

<p>1 Friday, 16 November 2018 2 (10.00 am) 3 THE CHAIR: Good morning, everyone, and welcome to the fifth 4 day of this public hearing. Ms Carey? 5 MS CAREY: Good morning, chair. May I, before we call 6 Archbishop Longley, deal with some matters outstanding 7 from yesterday. 8 Housekeeping 9 MS CAREY: You will recall that when both Mrs Shearer and 10 Mr Child were being asked questions, some passages of 11 the statement of Kevin Caffrey were put to them. It was 12 our intention to read out some of his statement into the 13 record, but it seems to all -- and there is no dissent 14 from my learned friends for the core participants -- 15 that it is better to publish his statement, and that 16 will be done. The reference for his statement is 17 CHC001613. Can I make it plain, we will also be 18 publishing the statement of Canon Oakley, which is 19 CHC001597, and that of Monsignor Menezes, CHC001539. 20 Statement of WITNESS RC-A494 (read) 21 MS CAREY: Before I call the archbishop, can I read into the 22 record a summary of a complainant known as RC-A494. 23 A494 says as follows: 24 "I arrived at Croome Court in the 1960s. 25 Croome Court was run by an order of Catholic nuns.</p> <p style="text-align: center;">Page 1</p>	<p>1 I was sent there by Social Services, because they 2 considered me to be retarded. I was not. Many years 3 later, an educational report indicated that I had in 4 fact been misplaced there. 5 The nuns would belittle me. Most days, I would be 6 physically abused. I ran away from Croome Court three 7 or four times, and on one of those occasions, I actually 8 tried to kill myself. 9 "When I ran away, I disclosed to Social Services 10 that I ran away because I was being beaten, but they 11 simply drove me back to Croome Court. 12 "On another occasion after I ran away, I refused to 13 go back. My parents had to go to a meeting as they did 14 not want me to go back to Croome Court, but for reasons 15 that are not clear to me, I remained there. I tried to 16 run away again, but the nuns caught me, they beat me, 17 stripped me naked and lashed me with a leather strap. 18 On another occasion, I ran away and was picked up by the 19 police as I was sleeping rough. I told the police why 20 but they did not believe me. The archbishop visited. 21 I think it was Archbishop Dwyer. I told him what the 22 nuns had done. He said, 'Nuns wouldn't do that. They 23 are nice people'. 24 "From there I went to Father Hudson's Home and 25 a number of other institutions before being placed in</p> <p style="text-align: center;">Page 2</p>
<p>1 a different school. At that school, I remember an 2 occasion where I left my dormitory late one night to see 3 if I could find something to eat. RC-F264 caught me and 4 took me into his office. He shouted at me, asking me 5 why I was out of bed. 6 "He then started caressing my arm in an obviously 7 sexual manner and stroking me. I knew immediately what 8 was going on, so I pushed him away and then he hit me. 9 "F264 did not try to sexually abuse me again, but 10 I believe he was trying to groom me. He would often 11 chat to me and try to find things in common. 12 "I first contacted the archdiocese in 2015. I was 13 told I could get my records from Jane Jones and so 14 I phoned her. In 2016, she came to visit me at my home 15 and I recounted my entire story of the abuse at 16 Croome Court. The abuse has had a huge impact on my 17 life. It sticks with you and it affects your trust in 18 people." 19 Chair, there were, as you know, a number of 20 complainants who have made statements, and indeed 21 victims who have made statements, that we have been 22 unable to adduce during the hearing, but, again, the 23 inquiry will be publishing today the statement of RC-A15 24 at INQ001748; that of Brian Hennessy, INQ001962; A32, 25 INQ002639; A33, INQ002640; Eamonn Flanagan, INQ002767;</p> <p style="text-align: center;">Page 3</p>	<p>1 RC-A579, INQ002955; and Daniel Mackle, INQ003129. 2 Chair, can I now call, please, Archbishop Longley? 3 ARCHBISHOP BERNARD LONGLEY (sworn) 4 Examination by MS CAREY 5 MS CAREY: You are the Most Reverend Archbishop 6 Bernard Longley? 7 A. Yes. 8 Q. And the current Archbishop of Birmingham? 9 A. Yes. 10 Q. A little bit, please, Archbishop, about your background, 11 and I am looking, chair, in the archbishop's first 12 statement behind A/1 in your bundle 8. 13 Archbishop, I think in fact you have made three 14 statements to the inquiry, and we will be going to 15 various passages of those throughout your evidence. If 16 you would like to refer to your statement, please do. 17 A. Thank you. 18 Q. I think, having studied in English language and 19 literature, at New College, Oxford, in the '70s, you 20 went on to study at the seminary, which was 21 St John's Seminary in Womersley, and were ordained deacon 22 in 1980 and a priest on 12 December 1981? 23 A. Yes. 24 Q. You have held a number of appointments within the 25 church, and I would just like to summarise some of</p> <p style="text-align: center;">Page 4</p>

1 those, looking at your paragraph 5.2. You were a deacon
 2 at a parish in Weybridge, an assistant priest in Epsom,
 3 you did some further studies in Dogmatic Theology at the
 4 Venerable English College in Rome, and then,
 5 from September 1987 to August 1996, a staff member at
 6 St John's Seminary in Wonersh. You have held the
 7 position of secretary in the Department for Mission and
 8 Unity of the Catholic Bishops' Conference of England and
 9 Wales, and in 2003 to 2009 were the auxiliary bishop of
 10 Westminster.

11 **A. Yes.**

12 **Q. Could you just help us, please. We haven't heard very**
 13 **much about the role of an auxiliary bishop. How would**
 14 **you summarise that?**

15 **A. Within Westminster and certain other dioceses,**
 16 **particularly a large diocese or an archdiocese, it's**
 17 **quite usual for the bishop of the diocese or the**
 18 **archbishop to be assisted in his work by one or more**
 19 **auxiliary bishops. So that's in order to enable,**
 20 **particularly if there's a large diocese, I say, a wide**
 21 **geographical spread, for the work of the archbishop to**
 22 **be shared. Within Westminster, and this would happen in**
 23 **certain other dioceses as well, a geographical area**
 24 **might be given to an auxiliary bishop as a pastoral**
 25 **area, so that he would have responsibility for**

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1 and sometimes beyond, the schools in the archdiocese.
 2 So particular support for families and for married
 3 life. The catechesis, preparation of children and of
 4 older people for the sacraments. And the preparation of
 5 those who would be catechists, and we are blessed to
 6 have an institution called the Maryvale Institute in
 7 Birmingham which undertakes that work.

8 Alongside that, I suppose there's the whole area of
 9 clergy issues.

10 **Q. Yes.**

11 **A. So both the recruitment of potential clergy -- priests**
 12 **and deacons -- and their formation, the discernment of**
 13 **their vocation. I have some seminarians who are in**
 14 **seminaries overseas, in Rome and in Spain, and some**
 15 **seminarians who are in our own seminary at St Mary's**
 16 **College, Oscott.**

17 Beyond the immediate formation for ordination is
 18 also the responsibility for the continuing formation,
 19 ongoing formation of clergy, and that's an increasingly
 20 important area of responsibility for the ordinary or the
 21 bishop of the diocese.

22 Clergy welfare, clergy discipline, usually through
 23 the Vicar General's office, and of course with the area
 24 bishops also, of whom we have three in Birmingham, and
 25 then the care of the sick or retired clergy. So the

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1 a division of the diocese, a number of parishes, would
 2 have pastoral oversight over those and would, in
 3 particular, get to know the communities there -- the
 4 clergy, the religious and that part of the diocese.

5 Then, typically, he would work with the archbishop
 6 and the other auxiliaries, and the Vicars General, if
 7 there were more than one, in relation to the governance
 8 of the diocese in support of the archbishop as an
 9 advisory group.

10 **Q. I think it was on 1 October 2009 that you were nominated**
 11 **by Pope Benedict as the Archbishop of Birmingham and**
 12 **were installed on 8 December of that year?**

13 **A. Yes.**

14 **Q. Could you just help us, then, please, in your capacity**
 15 **as archbishop, give us a summary of your**
 16 **responsibilities and roles?**

17 **A. Well, it's a very wide scope the responsibility within**
 18 **the archdiocese itself, in particular for all the**
 19 **parishes of the archdiocese, so parish communities, to**
 20 **ensure there is pastoral provision for the parishioners,**
 21 **for the people within each parish, and we have, as you**
 22 **know, more than 220.**

23 Within that also, within each parish, we have
 24 a number of schools -- 240 schools -- so ultimately, I'd
 25 have responsibility, too, for Catholic education within,

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1 whole scope of clergy issues. Schools I have mentioned
 2 and parishes, pastoral provision for parishes,
 3 education, catechesis, and of course, within all of
 4 those areas, safeguarding which pervades, and that's
 5 a responsibility which is -- it is both specific within
 6 the safeguarding unit but also pervasive in all of those
 7 areas of church life.

8 **Q. I obviously want to come on to ask you about**
 9 **safeguarding. Can I just take you back a few years, if**
 10 **I may, to your training in seminary, which I think was,**
 11 **if it is not too rude to say, back in the '70s and early**
 12 **'80s. Back then, can you give us an indication of how**
 13 **much of your training centred around what we would now**
 14 **call safeguarding?**

15 **A. There was really very little under that name. And of**
 16 **course the name then wasn't used at all. I began my**
 17 **seminary formation in 1977. I was at St John's Seminary**
 18 **in Wonersh, and this was not very long after the Second**
 19 **Vatican Council. The council had begun to have an**
 20 **impact on seminary formation, and so at**
 21 **St John's Seminary, Wonersh, I think I benefited from**
 22 **the insights of the rector at that time, Monsignor Budd,**
 23 **who name occurs several times in our papers, Bishop**
 24 **Christopher Budd.**

25 The element of formation which was developing then

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1 was human formation, and so, alongside the spiritual and
 2 intellectual and pastoral experiences in parishes, human
 3 formation had become a much more significant part of
 4 the formation.

5 Within that, I think certainly an awareness in
 6 preparation for being a pastor within the local parish,
 7 but at the heart of the preparation for pastoral work
 8 was an awareness of the dignity of the human person; in
 9 particular, then, recognising the dignity of the human
 10 person, which would have been part of our moral theology
 11 too. But nothing specifically safeguarding.

12 Q. No. So can I take it from that that you weren't, for
 13 example, told that if there was an allegation made about
 14 a parishioner or indeed a fellow clergyman, you should
 15 go and speak to X about it; it wasn't that kind of level
 16 of training?

17 A. Not specifically regarding safeguarding. But there was
 18 an awareness that if there were some issue that did
 19 arise, it would, in the first instance, if you were an
 20 assistant priest, be appropriate to take it to your
 21 parish priest, or to the Vicar General or indeed to the
 22 bishop. So one would have been aware in a general sense
 23 of where to take a complaint.

24 Q. Since your time in the seminary, are you able to give us
 25 a summary of your training in relation to safeguarding

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1 policies, and, as a staff member, I began to be involved
 2 with the plenary meetings of the Bishops' Conference in
 3 taking minutes, and so I heard the full plenary
 4 discussions, which eventually led to the Nolan Review.

5 Q. Moving on in time again, you told us you were an
 6 auxiliary bishop in Westminster between 2003 and 2009.
 7 You said in your statement you assisted in promoting
 8 a culture of safeguarding. Can you give us some
 9 practical examples of what you actually did to provide
 10 that assistance?

11 A. Yes, at that time, quite a lot of my time within my
 12 pastoral area, which was five London boroughs, was
 13 involved in visiting parishes, and specifically, within
 14 parish visitations, taking an opportunity always to meet
 15 with the safeguarding -- then child protection --
 16 representatives. So within that setting, to be aware of
 17 who was in place within parishes and that was something
 18 which we were encouraged to do by the safeguarding team.
 19 Monsignor Harry Turner was the child protection officer
 20 within Westminster.

21 It was really parish by parish, where you would
 22 observe in the setting of the whole parish what the
 23 provision was and who the person responsible was within
 24 the parish.

25 Q. If you had a sort of concern about perhaps the parish

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1 thereafter, and I am looking, if it helps you,
 2 Archbishop, at paragraph 5.9.2 in your statement
 3 onwards. It starts at page 4. I think you said
 4 there -- obviously, you have spoken about your training
 5 when you were studying. You were also a member of staff
 6 at the seminary, I think between 1987 and 1996. So
 7 perhaps moving forward in time, were there any
 8 differences in relation to safeguarding by the time you
 9 were a member of staff there?

10 A. Well, specifically during those nine years when I was on
 11 the staff, I was a lecturer and also formation tutor,
 12 although we didn't use the terminology at that time.
 13 You were simply a member of staff.

14 I was involved with the selection conferences also,
 15 and during the selection conference, it was quite common
 16 for expert advice to be given. There were psychological
 17 analysis of applicants. And so my experience within the
 18 selection conference raised my own awareness of
 19 the range of aptitudes and also attitudes which were
 20 suitable for candidates for priesthood.

21 But, again, at that time, nothing specific on
 22 safeguarding. Later, if you are happy for me to move
 23 forward, when I began working for the Catholic Bishops'
 24 Conference, I became more aware of the development,
 25 specifically of the need for safeguarding principles and

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1 wasn't doing it in the way it ought to be done, to whom
 2 would you relay those concerns?

3 A. I would take that to the Archbishops' Council and I'd
 4 speak to the archbishop about it.

5 Q. I think you said that you have been on occasional
 6 training days for bishops and congregational leaders,
 7 including in 2013, 2016, and you have attended training
 8 sessions offered by the safeguarding coordinator to the
 9 clergy of the archdiocese, and indeed, in 2017, you took
 10 part in a safeguarding awareness session offered by the
 11 safeguarding coordinator?

12 A. Yes.

13 Q. I think you say this at the outset, that you are the
 14 person who has ultimate responsibility for safeguarding
 15 in the Archdiocese of Birmingham. Is that correct?

16 A. Yes.

17 Q. It is for you to resolve any issues that may arise in
 18 that regard.

19 I would like to understand at the outset the
 20 interplay between you and CSAS and the NCSC. Really,
 21 what I want to understand is, who has authority, for
 22 want of a better phrase, over whom. Can I ask it in
 23 this way: if your Safeguarding Commission thought that
 24 something should be done and you disagreed with that,
 25 how would that kind of disagreement be resolved?

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1 **A. If such a circumstance arose, I would first of all want**
 2 **to discuss it with the Safeguarding Commission and with**
 3 **the safeguarding coordinator. If I'm not convinced by**
 4 **the rationale, by the reasons, for a particular**
 5 **decision, then I would seek advice, and the natural**
 6 **place for me to go would be to CSAS to ask for advice.**
 7 **I might also consult another bishop, just as**
 8 **a fraternal link, to see whether anything similar might**
 9 **have occurred within his own experience. But I would go**
 10 **and ask for advice and, on the basis of that advice, I'd**
 11 **come back, I think, to the Commission, and if I still**
 12 **didn't agree with a decision which had been -- with the**
 13 **advice which had been given me, because the Safeguarding**
 14 **Commission advises the archbishop, and if I had reasons**
 15 **for not doing so, I would be careful to record those**
 16 **reasons and to proceed.**
 17 **I can't think of an example where I haven't acted**
 18 **upon the advice of the Safeguarding Commission since**
 19 **I've been in Birmingham, but I think that's what I would**
 20 **do.**
 21 **Q. So ultimately, if I understand you correctly, you would**
 22 **be able to reject the advice given to you by the**
 23 **Commission and make your own decision, because you have**
 24 **the ultimate responsibility?**
 25 **A. In rare cases, I think I would feel free to do so, so**

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1 **of England and Wales that these are our national**
 2 **policies, and I would see it as my responsibility to**
 3 **ensure that these are the policies which are followed**
 4 **within the archdiocese.**
 5 **Q. Can I see if I understand it. If you disagreed with the**
 6 **policy, would you nonetheless take the decision to**
 7 **implement it because that was the national decision?**
 8 **A. If there was an element of a policy which -- and I'd had**
 9 **my opportunity to offer a view within the Bishops'**
 10 **Conference, I would accept the agreement -- the decision**
 11 **of the Bishops' Conference. Latterly -- in fact, in the**
 12 **last two years or so, we brought those policies which**
 13 **had been agreed by the bishops as a conference to the**
 14 **individual dioceses so that they are also -- while they**
 15 **have been implemented in dioceses, they will also have**
 16 **explicit agreement by the trustees of the archdiocese,**
 17 **and I think that's an important element where the**
 18 **trustees have been involved with agreeing the policies**
 19 **for their own trust and, indeed, within the ancillary --**
 20 **the related trusts within the archdiocese.**
 21 **Q. If you are right and it works in that way, there should**
 22 **be, in theory, no deviation then from a national CSAS**
 23 **policy because essentially everyone will have signed up**
 24 **to it, hopefully having had the opportunity to air their**
 25 **views during the formation of that policy?**

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1 **long as I felt I was receiving good advice and recorded**
 2 **the reason. But, as I say, this has never happened to**
 3 **me.**
 4 **Q. If CSAS wanted to implement a policy, in relation to**
 5 **them, are you -- if you disagreed with it, would you be**
 6 **ultimately able to say, "I don't agree with it and I'm**
 7 **not implementing it within my archdiocese"?**
 8 **A. The first place in which I would be free to offer**
 9 **a disagreement would be in the development of**
 10 **the policy, or at least in the presentation of**
 11 **the policy at the Bishops' Conference. The process with**
 12 **which I have been involved is that policies have been**
 13 **presented at the Bishops' Conference, and usually over**
 14 **a period of time which enables one to look carefully at**
 15 **the policy.**
 16 **So I would see it as my responsibility to offer**
 17 **a view at that stage within the discussion within the**
 18 **Bishops' Conference, and that does happen, and indeed**
 19 **has happened, within conference meetings, so that**
 20 **people's views can be shared and the experience around**
 21 **the country also within the Bishops' Conference and**
 22 **CSAS.**
 23 **But subsequently, once a policy is brought and once**
 24 **it's agreed within the Bishops' Conference, I have**
 25 **already made a commitment along with the other bishops**

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1 **A. That's correct, and that would be the intention,**
 2 **certainly.**
 3 **Q. I'd like to look at some of your time as**
 4 **Archbishop of Birmingham starting back at the beginning**
 5 **and what you were told at the outset, please. If the**
 6 **technology is working this morning, can we look, please,**
 7 **at CHC001257. Archbishop, it is behind your tab 21.**
 8 **I think you said before, whilst the document comes up,**
 9 **that when you became Archbishop of Birmingham you had**
 10 **several discussions with Archbishop Nichols about the**
 11 **archdiocese as presumably part of a handover?**
 12 **A. Yes, that was during my time still as auxiliary. I was**
 13 **an auxiliary in Westminster with Archbishop Nichols for**
 14 **about six months.**
 15 **Q. I think during some of those conversations he explained**
 16 **to you the structure of safeguarding, the work of**
 17 **the coordinator and indicated there were some current**
 18 **cases that you would no doubt be about to be made aware**
 19 **of?**
 20 **A. Yes.**
 21 **Q. I think, in fact, then, in December of that year, we can**
 22 **see there a letter to you from Jane Jones where she**
 23 **welcomes you to Birmingham, and in fact gives a brief**
 24 **summary of some of what she called "the most pressing**
 25 **matters"?**

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1 **A. Yes.**
 2 Q. You can see there Father Robinson, Father Jones that we
 3 touched on yesterday, F198 and Bede Walsh. We are going
 4 to come on to look at Bede Walsh in a moment, but she
 5 says there he's been out of ministry for some time:
 6 "He has a conviction for internet offences which was
 7 acknowledged by the judge at the time to be minor. We
 8 have, however, been aware for a long time that there are
 9 other much more serious allegations known to the
 10 police."
 11 And then she updated you on an anonymous call that
 12 had been received the day before she wrote to you.
 13 Then, once you received that letter, did you
 14 actually have any discussions with Mrs Jones about her
 15 work and some of the cases she'd referenced there?
 16 **A. Yes, I did. I received the letter and Jane was very**
 17 **prompt to write to me. Although I was nominated as**
 18 **archbishop, I didn't actually have to take up my post**
 19 **until December. So my installation was 8 December, and**
 20 **just before Jane had written to me. In fact, we met**
 21 **very soon after my installation. I think it was within**
 22 **the same week.**
 23 Q. I think on the 11th, that's the date you give in your
 24 statement.
 25 **A. Yes.**

1 Q. Why did you meet her so soon after being installed
 2 within the archdiocese?
 3 **A. A number of appointments had been placed in my diary**
 4 **already, and so, when I arrived in Birmingham, this was**
 5 **one of those which I presume was regarded as having**
 6 **priority. Another appointment was with the**
 7 **Vicar General.**
 8 Q. I was going to ask about him, because I think you met
 9 with Monsignor Moran, who was the Vicar General. He had
 10 responsibility, really, for support and care of
 11 the clergy, but he would also be responsible for, if
 12 necessary, disciplining the clergy?
 13 **A. He was, yes.**
 14 Q. In general terms, you have clearly received an early
 15 briefing and introduction from Mrs Jones. It is over
 16 a number of years that she was the safeguarding
 17 coordinator. How much contact would you have with her
 18 on a weekly or monthly basis, if you are able to say?
 19 **A. I wouldn't like to hazard a guess, but Jane was always**
 20 **available, and we did arrange regular meetings.**
 21 **Particularly, we had a follow-up meeting following each**
 22 **of the Safeguarding Commissions meetings, and also there**
 23 **were, from time to time, opportunities, either at my**
 24 **initiative or at hers, when we met if there were**
 25 **occasional things which needed to be discussed.**

1 **There was correspondence which arrived and**
 2 **I frequently sent correspondence for advice to**
 3 **Jane Jones and was always helped with that. So we had**
 4 **regular meetings, which I wouldn't say were frequent,**
 5 **though specifically for an update following Safeguarding**
 6 **Commission, and we had occasional meetings as matters**
 7 **arose. I would say -- it would be guessing to say maybe**
 8 **monthly intervals, but it wasn't regular.**
 9 Q. We haven't actually dealt with the geography of
 10 the offices in Birmingham, but is she within the same
 11 office as you or is she in a separate building?
 12 **A. It is an adjacent building which is linked, but it is**
 13 **separate.**
 14 Q. I think from time to time she would also prepare
 15 briefing notes for you?
 16 **A. Yes.**
 17 Q. I would like to look at one of those, please, behind our
 18 tab 2 in that bundle at CHC001281_005. I think we also
 19 looked at this with Mrs Jones herself.
 20 **A. This is behind B?**
 21 Q. Yes, it is. The covering note to you says she's
 22 "enclosing some briefing notes, which I hope will meet
 23 your need ... If there is anything else to help you
 24 prepare for your meeting on 20 December, please let me
 25 know." I'm just wondering, Archbishop, can you recall

1 now why she was sending you this briefing note?
 2 Clearly, you were going to a meeting of some sort?
 3 **A. Yes, I'm assuming that this was -- I note Jane says**
 4 **"your meeting" rather than "our meeting". Usually, Jane**
 5 **would give me briefing notes in preparation for, or**
 6 **during, a meeting which we had arranged with an update**
 7 **on safeguarding issues. I can't recall just now whether**
 8 **this meeting was with Jane or with somebody else.**
 9 Q. What I would like to ask you about, please, is the
 10 paragraph starting "My personal concerns". I won't go
 11 through all of it, but I will start with the first
 12 paragraph. It is on page 5.
 13 **A. Thank you.**
 14 Q. "The most pressing anxiety I have now is that this
 15 extremely bureaucratic system, which seems to be based
 16 on a management model popular with the previous
 17 government, is insensitive to the realities of
 18 the Catholic Church. It is hard to see how this could
 19 be otherwise when the three lead members of staff at
 20 CSAS are not themselves Catholic. It seems to me that
 21 they regard the church as an organisation much like any
 22 other and the systems they create and impose reflect
 23 that understanding."
 24 She goes on to make reference to the volunteers, and
 25 over the page she says:

1 "The emphasis on people with a professional
 2 background in the area means an increasing number of
 3 coordinators are former police officers or social
 4 workers who are not Catholics and see their role as akin
 5 to what they did previously."
 6 You also heard her give evidence about that during
 7 the course of these public hearings. Did you have any
 8 discussion with her about her views as she recounts them
 9 there?
 10 **A. I can't recall taking up this point with Jane directly.**
 11 **Within a meeting, if there were personal views or an**
 12 **analysis of something that she wanted to share with me,**
 13 **then I was always grateful to hear that. I would try**
 14 **and make my own assessment of the issues that she was**
 15 **speaking to, but I don't recall discussing this with**
 16 **Jane.**
 17 Q. Having looked at -- I appreciate I gave you a summary of
 18 it, but having looked at her views in that document,
 19 what were your thoughts about what she was saying?
 20 **A. Today or previously?**
 21 Q. If they are different, start with what you thought then
 22 and you can tell us what you think about it now?
 23 **A. I think I would hold the same view, that within the**
 24 **Catholic Church, the involvement of -- if there are**
 25 **professional roles -- the question of whether somebody**

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1 **difficult. I never witnessed Jane being hostile to CSAS**
 2 **staff, and there were occasions when either COPCA or**
 3 **CSAS staff were present at meetings. But I didn't see**
 4 **that.**
 5 Q. In relation to more recent matters, I think in 2018 you
 6 appointed a chief operating officer for the trust.
 7 I would like your help as to why you did that, firstly?
 8 **A. It was part of a gradual development, and I think an**
 9 **attempt to bring professional processes more into the**
 10 **life of the archdiocese, and in particular in relation**
 11 **to the responsibilities of trustees. When I arrived in**
 12 **the archdiocese, the trustees met regularly, but not**
 13 **frequently, and trustees were largely entirely clergy.**
 14 **With the introduction of lay trustees, which I thought**
 15 **would benefit -- because of their expertise and the**
 16 **range of experience that they bring, would benefit the**
 17 **mission of the archdiocese's trustees. Gradually, we**
 18 **changed, the chief -- the equivalent of a chief**
 19 **operating officer when I arrived was the diocesan**
 20 **treasurer. The treasurer was a priest. After his --**
 21 **after he was appointed to another post, I appointed**
 22 **a deacon as treasurer, very much with in mind the**
 23 **interim move towards the possibility of the appointment**
 24 **of a layperson with suitable skills.**
 25 **Deacon David Palmer, who was the treasurer for five**

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1 **is a Roman Catholic or a practising Roman Catholic,**
 2 **apart from a very few specified roles, where there is**
 3 **a professional requirement -- for example, head teachers**
 4 **of schools, Catholic schools, and heads of RE, my own**
 5 **view is the first requirement is the qualification for**
 6 **a particular post.**
 7 **It can help if somebody is already -- if somebody**
 8 **already has a working understanding and a knowledge, not**
 9 **only of the structure of the Catholic Church, but also**
 10 **is aware of some of the cultural emphases within it.**
 11 **I'm not saying particularly that they would necessarily**
 12 **agree with those, but to have an awareness, particularly**
 13 **if that's the environment in which they are going to be**
 14 **working.**
 15 **I don't recall discussing with Jane the staff at**
 16 **CSAS. I would have observed Jane's view here and no**
 17 **doubt made my own assessment when meeting them.**
 18 Q. You mentioned there her view about the staff at CSAS and
 19 certainly the tenor of the evidence from Mrs Shearer and
 20 Mr Child was they sensed a hostility from Mrs Jones
 21 towards both COPCA and CSAS. Does that accord with your
 22 view of Jane's view about them?
 23 **A. I didn't recognise that. I didn't see hostility.**
 24 **I know that within the -- Jane expressed distress and**
 25 **experienced some of the aspects of the 2010 audit as**

Page 22

1 **years or so, introduced quite a number of structural**
 2 **changes within the trustee's body as well as staffing**
 3 **changes, from which I think we benefited.**
 4 **The final one, which he was very keen we should**
 5 **develop, was the appointment of a chief operating**
 6 **officer.**
 7 Q. Will the chief operating officer have any kind of role
 8 to play in respect of safeguarding?
 9 **A. Yes.**
 10 Q. In what way?
 11 **A. The chief operating officer has responsibility for all**
 12 **the staff, and so, within the staffing of**
 13 **the archdiocese, he would know the safeguarding unit,**
 14 **and indeed he does. He also, I think, brings an**
 15 **awareness because he has been a member of**
 16 **a multi-academy company, that is, the equivalent of**
 17 **a governor of two Catholic schools. He brings the**
 18 **awareness of safeguarding from within education, and**
 19 **he's demonstrated that in conversations with me and also**
 20 **in the part that he's played in our preparations for the**
 21 **inquiry since he was appointed in March.**
 22 Q. I'd like to turn to a different topic and look at the
 23 parishes and then move on to the religious. If we start
 24 with the parishes, please, Archbishop. I think there
 25 are approximately 222 within the archdiocese, of which

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1 46 are run by religious congregations. I take those
 2 figures from your June 2018 statement. Are they roughly
 3 accurate?
 4 **A. I believe they are still accurate, yes.**
 5 Q. We know that within each parish there is to be a parish
 6 safeguarding representative?
 7 **A. Yes.**
 8 Q. As at the time of the 2017 CSAS returns, there were
 9 13 parishes that were awaiting the appointment of
 10 a parish representative. Are you aware, is that a sort
 11 of figure that is relatively constant throughout all of
 12 the returns that have been provided over the years?
 13 **A. Relatively. Since 2017, we have, I believe, filled**
 14 **seven vacancies, and five more have occurred. It is**
 15 **a kind of rolling programme, as, with 220 parishes,**
 16 **I think there will always be a percentage where there's**
 17 **a need to refresh representation. So at present we have**
 18 **11 vacancies.**
 19 Q. There will always be someone who perhaps needs to move
 20 on and can't fulfil the role anymore and you will have
 21 to bring someone new in. I think we understand that.
 22 **A. Seven were filled in the last year or so and five**
 23 **vacancies have occurred.**
 24 Q. Can I ask you about one thing you say in your statement,
 25 at your paragraph 6.7.11 on page 18. At (d),

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1 **the parish priest. So it would in fact be -- there**
 2 **would be a clergy element to this. So I would normally**
 3 **ask the auxiliary bishop to take that up.**
 4 **I can't say whether I did in either of these cases.**
 5 Q. Turning to the religious, and that starts, Archbishop,
 6 at your page 20 in your statement, the chair and panel
 7 already know that each religious order or congregation
 8 is governed by its own constitution. I think at the
 9 time of the drafting of your June statement, there were
 10 65 institutes ministering within the archdiocese. Is
 11 there any update to that figure?
 12 **A. Yes, and in preparation for today, it seemed important**
 13 **to ascertain there are now 60 religious congregations in**
 14 **the archdiocese. In the course of time, some of**
 15 **the religious orders, congregations, have ageing**
 16 **members, and indeed dwindling numbers, and so a number**
 17 **of houses have closed, as they have regrouped elsewhere.**
 18 Q. Can you give us an indication -- clearly 60 is a large
 19 number. What is the smallest and what's the largest, so
 20 we have some idea of the scale of the institutes?
 21 **A. Well, the smallest would be a group of two, two**
 22 **religious sisters living together, and although they are**
 23 **very small, nevertheless, their presence is known and,**
 24 **again, canonically, it's required that we know if there**
 25 **are any religious. But religious, part of their**

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1 Archbishop, you are talking about each parish is
 2 expected to have at least one nominated and trained
 3 safeguarding representative. You said:
 4 "Having checked with the safeguarding coordinator,
 5 I understand that generally vacancies are outstanding
 6 for not more than two years ..."
 7 One might make the observation that's a rather long
 8 time for any parish to be without a safeguarding
 9 representative. Does that surprise you to learn that
 10 there might have been parishes without a rep for two
 11 years?
 12 **A. I did know that in certain circumstances there were**
 13 **parishes with a long vacancy. I can't recall the**
 14 **particular reasons for that. I don't think it is**
 15 **satisfactory, and I know that the safeguarding unit**
 16 **didn't feel that either.**
 17 Q. If that had come to your attention, is there anything
 18 that you can practically do to try and make sure there
 19 is a swifter appointment?
 20 **A. It would be possible for me to -- if I had been**
 21 **approached, to ask one of the auxiliary bishops**
 22 **responsible for that particular parish to pick up the**
 23 **matter directly with the parish priest, since the**
 24 **nomination, and I presume also the recruitment, of**
 25 **safeguarding representatives is the responsibility of**

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1 **charism, is that they do live in communities, so very**
 2 **small communities would be two.**
 3 Q. And the largest?
 4 **A. The largest would be, I think -- in Oxford there are**
 5 **some very large communities, including the Dominicans,**
 6 **with between 25 and 30. Sometimes it's difficult to**
 7 **ascertain the exact numbers from time to time because**
 8 **the Dominican community, for example, at Blackfriars in**
 9 **Oxford is also a house of studies, and so quite**
 10 **frequently there are Dominicans from overseas who come**
 11 **to study there. They wouldn't necessarily have**
 12 **a pastoral role.**
 13 Q. I think, Archbishop, you have been made aware that
 14 in May 2017, according to the archdiocesan website,
 15 there were 83 religious under the ministry of
 16 the archdiocese. Can you help with the change in the
 17 figures from 83 to 65?
 18 **A. I regret to say that the diocesan directory and the**
 19 **website would use the same source of information. CSAS**
 20 **has the accurate numbers for our religious**
 21 **congregations. That was in the -- that directory and**
 22 **the website, the figure was wrong, it was a mistake.**
 23 **The management of the directory is now in fresh hands.**
 24 Q. So it is not the position that that were a number of
 25 religious within the archdiocese that you weren't aware

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1 of or there weren't proper records for?

2 **A. No. Looking at the information that you mention there,**

3 **there are certain groupings of people who are not**

4 **religious congregations but who have been mentioned.**

5 **There are free associations of lay people, sometimes**

6 **known as the lay apostolate, that are not religious**

7 **congregations, so some of those were mentioned, who are**

8 **not actually religious.**

9 Q. Of those within the archdiocese, I would like to ask you

10 about the alignment of them, and I think in your

11 statement there were 26, three more very recently, and

12 one going through the process of alignment. So of

13 the 60, there are 30 religious who are aligned with the

14 Birmingham Safeguarding Commission. Is that right?

15 **A. It is, yes.**

16 Q. It follows there are 30 who are not aligned to the

17 Birmingham Safeguarding Commission. Do you know if

18 those other 30 are aligned to another different

19 Safeguarding Commission?

20 **A. I do, and they are. That was ascertained as well in**

21 **preparation for this week. Again, it is one of the --**

22 **I realise it is one of the complications of**

23 **the alignment of religious, that it's important that we**

24 **know that any religious congregation is aligned**

25 **somewhere to a Safeguarding Commission.**

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1 Safeguarding Commission or AN Other Safeguarding

2 Commission?

3 **A. With the one exception of the Italian religious who**

4 **I think we mentioned who are in the process of**

5 **alignment.**

6 Q. Who are in the process of alignment, right.

7 **A. The reason for that is that they arrived under an**

8 **interim arrangement for a year to see whether they**

9 **wished to stay or not. Having taken the decision to**

10 **stay, then they are required both to align either with**

11 **us -- well, they have only one house, and to become**

12 **members of the Conference of Religious.**

13 Q. Now, you make it plain in your statement, Archbishop,

14 that you are required by Canon law to uphold the

15 autonomy or independence, for want of a better word, of

16 life of each religious institute. Can you, therefore,

17 compel a religious institute to align?

18 **A. I can't compel an institute to align, but the backstop**

19 **measure for me would be that, if an institute refused to**

20 **align either with the Archdiocese of Birmingham, the**

21 **Safeguarding Commission or another Commission, then**

22 **I could revoke permission to be in the archdiocese. So**

23 **they couldn't have a religious house in the archdiocese.**

24 Q. In practical terms, would it mean they would have to

25 leave the geographical area of the archdiocese?

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1 Q. It may not be obvious to all how it can be that there

2 are religious ministering within the Archdiocese of

3 Birmingham but they are aligned to a different

4 Safeguarding Commission. Can you explain why that might

5 be the position?

6 **A. Yes. Perhaps if I -- may I give an example of**

7 **a religious congregation that is aligned to Birmingham**

8 **but which is present in several other places?**

9 Q. Yes.

10 **A. I mentioned the Dominicans earlier. They have houses**

11 **certainly in London and in Cambridge, quite sizeable**

12 **communities of Dominicans -- Dominican friars, not nuns.**

13 **I think because one of their largest communities is**

14 **at Blackfriars in Oxford, they chose, as a congregation,**

15 **to align with Birmingham. So similarly, if the mother**

16 **house or the religious headquarters of an order were**

17 **established in a diocese -- and many of them are in**

18 **London and therefore within Westminster, I don't know**

19 **the exact number of religious aligned with Westminster,**

20 **but I think it is quite large. But many of those would**

21 **have houses in other dioceses too, and indeed within our**

22 **own archdiocese.**

23 Q. So as far as you are aware, there is no religious order

24 or congregation ministering within the Archdiocese of

25 Birmingham that is not aligned either to your Birmingham

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1 **A. Yes.**

2 Q. Have you ever had to do that?

3 **A. No. No, that's not occurred.**

4 Q. I think you explain in your statement that you have made

5 it a diocesan policy since 2013 that new and renewed

6 canonical agreements include a clause that "religious

7 institute is expected to join the Conference of

8 the Religious and, if not already aligned to another

9 Safeguarding Commission, that that institute should

10 align itself with the Birmingham Safeguarding

11 Commission". Can I break that down, please?

12 **A. Yes.**

13 Q. Help us, firstly, with what a canonical written

14 agreement is, please?

15 **A. It would be -- it is an agreement which would be**

16 **recognised in Canon law, and which was drawn up by the**

17 **chancellor of the archdiocese, my canonical adviser. So**

18 **it would be recognised as a requirement for their**

19 **canonical presence within the archdiocese.**

20 Q. Shall I put it in lay terms, and correct me if I am

21 wrong: is it effectively an agreement written according

22 to the rules?

23 **A. Yes.**

24 Q. Written according to Canon law?

25 **A. Yes.**

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1 Q. You have said that it is diocesan policy. What sort of
 2 status does diocesan policy have?
 3 **A. It holds good within my own diocese, within the**
 4 **Archdiocese of Birmingham, but doesn't obtain elsewhere.**
 5 **Consequently, this is -- this was a decision which**
 6 **I felt was important for our own archdiocese, and it's**
 7 **the kind of practice that might apply elsewhere, but it**
 8 **only holds good within the Archdiocese of Birmingham.**
 9 Q. Why did you think it important that your archdiocese
 10 include this policy that the religious should join the
 11 conference and align either to your commission or
 12 another commission?
 13 **A. Well, I feel it's very -- it's important that any**
 14 **religious congregation is aligned to a Safeguarding**
 15 **Commission, and at that time, I had just become a member**
 16 **of what's known as the Mixed Commission, which is the --**
 17 **the Bishops' Conference and the Conference of Religious**
 18 **have a Mixed Commission which meets twice a year.**
 19 **I became more conscious in discussions within the**
 20 **Mixed Commission of our policy, our "one church" policy,**
 21 **and I think it was important that we demonstrated and**
 22 **used the "one church" policy in my own archdiocese.**
 23 **I think because there had been religious who had**
 24 **newly arrived, it was important also to establish that**
 25 **those who were coming into the archdiocese actually**

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1 **A. Yes.**
 2 Q. I don't wish to be overly simplistic, but effectively
 3 you could throw them out of the archdiocese and that
 4 fact would become known to other archdioceses or
 5 dioceses so that they would know there was the religious
 6 who had refused to go through that alignment process?
 7 **A. I think that would be the ultimate sanction of them,**
 8 **certainly.**
 9 Q. I think you said, though, that hasn't happened within --
 10 **A. Not in -- no.**
 11 Q. -- at Birmingham. Staying with the religious, though,
 12 I think as part of the preparation for the statement for
 13 the inquiry, you issued a number of questionnaires to
 14 the religious; seeking to establish what?
 15 **A. We specifically wanted to engage them in preparation for**
 16 **the inquiry, and it was seeking update information about**
 17 **their alignment. So we wrote and I think we heard from**
 18 **all but --**
 19 Q. Thirteen?
 20 **A. -- thirteen.**
 21 Q. What of the 13, though?
 22 **A. We have subsequently ascertained -- we found out that**
 23 **they are aligned. It is regrettable that they didn't**
 24 **engage in the process.**
 25 Q. Did you take any steps to find out why they didn't

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1 **followed best practice.**
 2 Q. In practical terms, does the religious institute
 3 actually sign a document saying, "We are joining the
 4 conference and we are aligned either to you or another
 5 commission"?
 6 **A. No, in practical terms, they would -- I would know if**
 7 **they'd aligned with the Birmingham Diocesan Commission,**
 8 **and I also -- I would be informed that they had joined**
 9 **the Conference of Religious, and we do have**
 10 **documentation from some of the congregations who have**
 11 **newly arrived to say they have done that.**
 12 Q. You have, I think, told us that a refusal or a failure
 13 by a religious to align would be grounds for you to
 14 refuse to let them minister within the archdiocese?
 15 **A. Yes.**
 16 Q. I think you said that's never actually had to happen.
 17 Apart from refusing them permission, do you have any
 18 other powers to try to enforce alignment?
 19 **A. There is no structured or -- there is no policy which**
 20 **would govern that, but it would be -- I would consider**
 21 **it good practice to inform the Bishops' Conference, as**
 22 **well as the Conference of Religious, so that other**
 23 **bishops were aware that religious congregation had**
 24 **refused to --**
 25 Q. I was going to ask you that.

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1 engage, what the reason was for that non-engagement?
 2 **A. No, I didn't.**
 3 Q. Did it concern you, though, that there were 13 who
 4 hadn't even bothered, to put it colloquially, to return
 5 the questionnaire?
 6 **A. I didn't actually follow up which were the ones that**
 7 **hadn't. The episcopal vicar for religious undertook**
 8 **this. But I am aware from conversations with him that**
 9 **some of them were some of the small and elderly**
 10 **congregations and I put it down to human frailty rather**
 11 **than --**
 12 Q. Rather than perhaps a desire not to engage?
 13 **A. Yes.**
 14 Q. You mentioned that there are some parishes within the
 15 archdiocese that are run by the religious. Can you help
 16 with how the parish priest in those circumstances is
 17 appointed? I'm looking, chair, at paragraph 6.7.11 in
 18 the archbishop's statement, which starts at page 18.
 19 But in general terms, how does one appoint a parish
 20 priest where in fact the parish is run by religious?
 21 **A. In the majority of those parishes, it's more -- all**
 22 **except for four, so more than forty. Within the**
 23 **religious congregation itself, the religious superior --**
 24 **each religious congregation operates within a province,**
 25 **which would be national or regional. The religious**

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<p>1 superior who is responsible for all the priests or 2 religious sisters and brothers within that province 3 would deploy them and they would regularly -- the 4 religious superior, together with his or her council, 5 would determine where they want their members of 6 the religious congregation to be deployed. So where is 7 their next mission going to be, where will they next be 8 employed within the congregation? 9 If a religious superior decides that he wants to 10 withdraw a priest who is a parish priest at present and 11 replace him with another, then he would nominate the 12 parish priest. 13 And so I receive the nomination, and unless there is 14 any reason to be hesitant about a nomination, I take 15 advice from within the Archbishops' Council on this, 16 I would normally then appoint the nominee. 17 Q. So in appointing the nominee, do you have any eye to 18 whether the nominee has good safeguarding knowledge, has 19 implemented it before, is up to date? Is safeguarding 20 a factor that comes into that appointment process? 21 A. It hasn't been specifically, I have to say, and it would 22 be on the understanding that the priest is -- has good 23 standing but also has experience to be a parish priest. 24 But not specifically -- I wouldn't have asked questions 25 specifically on safeguarding.</p> <p style="text-align: center;">Page 37</p>	<p>1 Q. I assume it follows that the religious institute that is 2 nominating the priest would inevitably have to be 3 aligned to a Safeguarding Commission; otherwise, this 4 process wouldn't be able to happen in the first place? 5 A. Yes, that's right. 6 Q. Although there is no specific provision within the 7 appointment process to try to understand whether the 8 nominee has good safeguarding knowledge and experience, 9 it is sort of taken as a given by virtue of the fact 10 that they are so aligned to a commission? 11 A. That would be given within -- taken as given within the 12 appointments process. 13 Q. Once a religious nominates a priest and indeed you 14 appoint him, who is then responsible for ensuring that 15 those parishes are adhering to the safeguarding 16 principles? 17 A. That remains with me and with our Safeguarding 18 Commission for the parish. 19 Q. I would just like to look at a few examples in relation 20 to the interaction between you and the religious. If we 21 could have a look, please, behind tab 23 at CHC000291. 22 There are two documents I would like to look at. The 23 first is the minutes of the Safeguarding Commission 24 in May 2014. Do you get to see, Archbishop, the minutes 25 of a Safeguarding Commission or get told about what was</p> <p style="text-align: center;">Page 38</p>
<p>1 discussed at the meeting? 2 A. Yes. They are always presented to me by Jane Jones and 3 usually at our post-commission meeting if there is an 4 issue that needs discussion, and we can address it. 5 Q. If you turn over to page 2 of that document, and the 6 section entitled "Cases", you can see there that it is 7 noted: 8 "Since the religious were aligned with the diocese 9 in April 2013, a number of cases have had to be dealt 10 with. One of these will be in court on 21 May 2014. 11 His congregation has been very difficult to work with 12 but in response to a letter sent following the last 13 Commission meeting, the chair and an independent person 14 held a meeting with the religious superior. As 15 a result, relations seem to be slightly better." 16 Reading a note like that, what action, if any, do 17 you take? 18 A. Well, I would be -- I would ask, of course, which 19 particular situation this refers to, which religious 20 congregation, and what is the specific situation; what 21 are the responsibilities or the role of the person who 22 has -- about whom the issue has arisen; the case. And 23 normally, it would be -- I would always be informed if 24 this was a parish priest or somebody responsible for 25 parish ministry.</p> <p style="text-align: center;">Page 39</p>	<p>1 Q. Can I look at a later example towards the back of that 2 section, CHC000292. Archbishop, it will be the final 3 page behind tab C. Page 3. These are Commission 4 minutes from June 2015, so a year later, and the section 5 that starts, "Case updates": 6 "A letter of complaint was sent to the superior in 7 Rome about the noncooperation with all agencies of 8 the local superior. The superior in Rome has written to 9 the archbishop but this matter is not the archbishop's 10 responsibility and we await the outcome from Rome." 11 There clearly was a concern about a religious 12 institute. The letter of complaint was sent to the 13 superior in Rome. Who is that written by? 14 A. I think that was a letter from me. 15 Q. You? 16 A. Yes. This was to the Superior General, who has 17 responsibility for the entire religious congregation 18 worldwide. 19 Q. I don't need you to name the religious institute 20 concerned, but where you say there has been 21 noncooperation, can you give us an idea what it was they 22 weren't cooperating with? 23 A. Yes, I think over a period of time there had been 24 difficulties, for example, about the location of 25 the individual, where he would live. That, in due</p> <p style="text-align: center;">Page 40</p>

1 course, was resolved.
 2 **Then I think there were concerns about the**
 3 **development of a covenant of care, or a safeguarding**
 4 **plan.**
 5 Q. Right.
 6 **A. The other element that was here was a lack of clarity,**
 7 **I think, and perception, and --**
 8 Q. Lack of clarity about what?
 9 **A. Clarity about whose responsibility the circumstances and**
 10 **the covenant of care were.**
 11 Q. Was there any suggestion that this religious
 12 congregation was refusing to put into place the CSAS
 13 policies which would govern them?
 14 **A. I'm not aware that there was a refusal to put them in**
 15 **place.**
 16 Q. A reluctance?
 17 **A. But there may have been reluctance.**
 18 Q. Where there is reluctance, is this the position: you
 19 cannot compel the religious congregation to adhere to
 20 that policy? Do I understand that right?
 21 **A. The Safeguarding Commission -- in this case it was the**
 22 **Birmingham Safeguarding Commission -- advised the**
 23 **religious superior -- not the Superior General**
 24 **elsewhere, but the local superior. I understand that**
 25 **there were difficulties about communicating that advice**

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1 **about doing so or resistance to it. Ultimately, if it**
 2 **was done, then I would be glad.**
 3 Q. I think when I asked Mrs Jones about the lack of
 4 cooperation, if I can call it that, in 2014 and 2015,
 5 I asked whether it was in respect of one order or of
 6 wider application. Are you able to help? Is this often
 7 a specific problem or, in general terms, have you found
 8 the religious to be uncooperative?
 9 **A. This was rare, in my experience, and it concerned only**
 10 **one religious congregation.**
 11 Q. Two other linked topics, please, if I may, and I would
 12 like to turn, please, to paragraph 6.7.11 in your first
 13 statement, subparagraph (c), where you speak there of
 14 four parishes that were originally established by the
 15 Benedictine Congregation and are still served today by
 16 the Benedictines. You say:
 17 "These Benedictine parishes predate the existence of
 18 the archdiocese. These parishes are sometimes known as
 19 incorporated parishes."
 20 I think we touched on that:
 21 "The appointments of the parish priests, by
 22 historical convention, has rested with the relevant
 23 abbot. Hence the parish priest of Little Malvern has
 24 traditionally been appointed by the Abbot of Downside
 25 and Somerset, while the parish priests of

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1 **and about implementing it. But if the -- in fact, the**
 2 **advice was accepted and implemented. If it hadn't been,**
 3 **then the only recourse that I would have would be to ask**
 4 **them to refrain from being present. But that would have**
 5 **been, of course, very complicated since it was a large**
 6 **parish that they were running.**
 7 Q. So, effectively, you would try through cooperation
 8 between your commission, or any commission, to encourage
 9 them to comply, and ultimately, if they refused, your
 10 only sanction, for want of a better word, is to refuse
 11 to let them minister within the archdiocese?
 12 **A. Well, again, I think -- yes. Ultimately, yes. But at**
 13 **this point, the relationship was between the**
 14 **Safeguarding Commission and the religious congregation.**
 15 Q. Can I ask you this: I know you say it hasn't happened,
 16 but there may be a period of time where there is
 17 dialogue ongoing between the Commission and the
 18 religious to try and see if resolution can be agreed.
 19 How long would you be willing to wait before you took
 20 the ultimate decision as to whether to let them minister
 21 or not within the archdiocese?
 22 **A. If a policy were not implemented, then I'd proceed to**
 23 **discuss with the congregation's superior the**
 24 **alternative. But I haven't had experience of a policy**
 25 **not being implemented, even if there was hesitation**

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1 Stratford-upon-Avon, Studley and Alcester have
 2 traditionally been appointed by the Abbot of Douai Abbey
 3 in Berkshire. I accepted this historical convention and
 4 these appointments."
 5 In relation to this paragraph, does it follow that
 6 if you accept the appointments, you retain ultimate
 7 responsibility for ensuring that safeguarding is adhered
 8 to?
 9 **A. Yes.**
 10 Q. If you had safeguarding concerns about them, would you
 11 have power to remove that parish priest?
 12 **A. I could require a change of appointment there. I could**
 13 **withdraw my agreement. Even though this is the**
 14 **convention, I think canonically it's still my own**
 15 **appointment. So I -- in fact, I have agreed the**
 16 **convention since that's been in place for a long time,**
 17 **but I think canonically, the responsibility to appoint**
 18 **lies with the archbishop.**
 19 Q. I am asked to ask you about what you term "autonomous
 20 monasteries" at your paragraph 6.7.17 at page 23, chair,
 21 in the archbishop's statement. I am afraid you are
 22 going to have to help me, Archbishop, with what an
 23 autonomous monastery is?
 24 **A. I am sure you don't want a long history of this.**
 25 Q. Ideally not, and ideally in layman's terms.

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<p>1 A. A monastery would be a house of religious monks or nuns 2 and whereas most religious -- many religious 3 congregations operate on a regional basis, so there is 4 a regional superior, somebody has responsibility for 5 several houses. 6 With these religious congregations, the superior of 7 the house has responsibility and is independent of 8 the other houses, except by association or sometimes 9 federation. 10 Very recently, the Holy See has produced a document 11 called "Cor Orans" only this year, which requires some 12 of the smaller autonomous monasteries to begin to 13 federate or become part of a larger congregation. 14 Q. Right. 15 A. So it would be typically, I think, in our own case, 16 Carmelites and Carmelite monasteries of nuns and 17 Benedictine monasteries of nuns. We have no Benedictine 18 monks in monasteries. 19 Q. Would they be subject to any process of alignment? 20 A. Yes. 21 Q. Again, is it your expectation that they will align 22 either with the Birmingham Safeguarding Commission or 23 AN Other Commission? 24 A. Exactly, yes. 25 Q. Again, if they refuse to align, would you have the power</p> <p style="text-align: center;">Page 45</p>	<p>1 to refuse to let them minister, if that be the right 2 phrase, within the archdiocese? 3 A. Yes, canonically, one can withdraw the agreement. 4 Q. You mentioned Canon law, and I'd like to just look at 5 that, perhaps, please, before we take our mid-morning 6 break. I am turning, Archbishop, to paragraph 7.5.2 7 onwards in your statement which starts at page 28. You 8 were asked by the inquiry to comment on aspects of Canon 9 law which you consider apply to the archdiocese in 10 relation to safeguarding. You said at the outset: 11 "I emphasise I do not see Canon law as an 12 alternative or replacement legal system to the criminal 13 and civil laws of England and Wales. In safeguarding 14 matters, the criminal and civil laws of the land take 15 precedent." 16 You go on to explain there that you have diocesan 17 chancellor, Father Smith, whom you have discussions with 18 in relation to safeguarding and Canon law, and he 19 advises you that most of the Canon law provisions in 20 replying to allegations of child sexual abuse are 21 concerned with the disciplining of those convicted of 22 offences. He informs you there has never been 23 a canonical trial in the archdiocese, since all clerics 24 convicted of sexual offences against minors have 25 resigned their ministry or been dealt with by</p> <p style="text-align: center;">Page 46</p>
<p>1 administrative means not requiring a canonical trial. 2 I want to understand about what you term 3 a preliminary investigation whenever you receive 4 information. We have heard from Mrs Jones that if an 5 allegation is made in relation to child sexual abuse, 6 whether historic or current, she refers the matter to 7 a third party, normally the police in the first 8 instance. 9 Where the matter is handed over to the police, what 10 role, if any, does the archdiocese play in investigating 11 the allegation? 12 A. Apart from collaborating with whatever is required by 13 the police, the statutory authorities, nothing beyond 14 that. 15 Q. If there is in fact no further action taken by the 16 police or perhaps the matter goes to trial and there is 17 no verdict that returns a finding, what, then, does the 18 archdiocese do to investigate the allegation? 19 A. Then there would be a -- the Safeguarding Commission 20 would be asked to put in place in most cases, I think, 21 if not in all, a risk assessment of the individual, so 22 that it can be demonstrated whether there is a remaining 23 risk, and I think that would involve some analysis of 24 the allegations and the reasons why, if it didn't 25 involve somebody not being convicted, why there wasn't</p> <p style="text-align: center;">Page 47</p>	<p>1 a conviction and how the matter had unfolded within the 2 statutory authorities. 3 Q. In relation to risk assessments, you said a little later 4 on in the statement you have "no doubt it is correct 5 that failing a conviction for which there is a high 6 standard of proof (ie, the jury must be sure beyond 7 reasonable doubt), there may still be concerns for the 8 safety of children that would meet a lesser evidential 9 level which cannot be ignored, and I recognise at times 10 this can be difficult to explain to the alleged offender 11 and others who are concerned with reputation". 12 So where there is no criminal finding, there is then 13 a risk assessment carried out. Who is responsible in 14 the archdiocese for commissioning that risk assessment? 15 A. That is the Safeguarding Commission, with my -- 16 obviously authorised by myself. But the specific 17 decision and the commissioning will be the Safeguarding 18 Commission's. 19 Q. So do I understand that where there is a risk assessment 20 being undertaken, is that something you are always 21 notified of? 22 A. Yes. 23 Q. Presumably, the Vicar General, he, too, has a role in 24 disciplining the clergy? 25 A. Yes. If it is a priest of the archdiocese, and of</p> <p style="text-align: center;">Page 48</p>

<p>1 course it would be the religious superior if it was 2 a member of the religious congregation. 3 Q. Once the assessment has been undertaken and there is 4 a report presumably prepared for you, what is the status 5 of the risk assessment? 6 A. It forms the basis of the advice, I think, within the 7 Safeguarding Commission. The Safeguarding Commission 8 would give me that advice and, on the basis of that 9 advice, a recommendation. Then I would take a decision. 10 Q. I ask you about it because the issue of risk assessments 11 is picked up within the SCIE audit that was conducted in 12 2018, and it might be just useful to look at that now. 13 Can we go, please, behind tab 8, chair, and 14 CHC001643_051, at the bottom of that page, starting "One 15 action". 16 Is this the position, that whilst the criminal 17 standard of proof is beyond reasonable doubt or to make 18 the jury sure, the civil standard is, more likely than 19 not or on the balance of probabilities, a lesser 20 standard? 21 A. Yes. 22 Q. The SCIE report in 2018 said this: 23 "One action I noticed regularly in response to 24 allegations of sexual abuse was the commissioning of 25 a risk assessment of the perpetrator. I am curious</p> <p style="text-align: center;">Page 49</p>	<p>1 about the approach to this, as it seemed that the 2 perpetrator generally was sent to a place to someone he 3 has never met and who did not know him and that the 4 assessment was largely completed in private and that 5 other people were not consulted. Also, the status of 6 the document was that it could be accepted in full, in 7 part, or disregarded. If this is the case now, I would 8 suggest that this might be reviewed." 9 Archbishop, have you ever not accepted in full an 10 assessment undertaken whilst you've been archbishop? 11 A. No. I understand this also to be referring to the 12 acceptance by the Safeguarding Commission, initially, 13 that had to be communicated to me. 14 Q. It is probably my fault for not making it clear: are you 15 ever aware of the Safeguarding Commission not accepting 16 a recommendation in a risk assessment? 17 A. I'm not. 18 Q. Right. As far as you're concerned, you have never not 19 accepted a recommendation in a risk assessment? 20 A. So far as I can recall, no. 21 Q. Do you know where, or have you asked to be undertaken, 22 any investigation as to where SCIE came to the view that 23 at times they might not have been accepted in full or 24 might have been disregarded? 25 A. No, I'm not aware of where that arises.</p> <p style="text-align: center;">Page 50</p>
<p>1 Q. If I can put it this way: if it happened, it wasn't on 2 your watch? 3 A. Not that I'm aware. 4 Q. We were just looking at Canon law before that diversion 5 to risk assessments. I think you can confirm, though, 6 that the age of the minor in Canon law was raised from 7 16 to 18 to bring it into line with the criminal justice 8 system and the offences there? 9 A. Yes. 10 Q. Mrs Pickles, in her review, considered Canon law and 11 what you would term civil law, and I think -- I will 12 just check my reference. Yes, we can stick with the 13 SCIE report and page 55, it is actually _056, for 14 putting up on screen. Forgive me, have I called it the 15 SCIE report? I am talking about Mrs Pickles' Past Cases 16 Review of the Archdiocese of Birmingham at 17 CHC0001643_056. So it is behind tab 8, still with the 18 Past Cases Review. I'm sorry, it is my fault, I got 19 ahead of myself with SCIE. 20 Can we look, please, slightly up the page at the 21 section just above where it says "Recommendations". 22 Mrs Pickles said this: 23 "Finally, I was left in doubt as to whether Canon 24 law was more influential than criminal law in the 25 diocese. I found much more reference made to the former</p> <p style="text-align: center;">Page 51</p>	<p>1 than the latter in matters relating to dealing with 2 priests about whom there were either allegations or 3 concerns involving children." 4 I just want to see how that conclusion by 5 Mrs Pickles fits in with your assertion in your 6 statement that, as far as you were concerned, criminal 7 and civil law has primacy? 8 A. Yes. I had assumed that this was an analysis that arose 9 from the past cases, which I know go back quite a long 10 way. I could fully understand why over 40 years or so, 11 and her analysis does go back a long way, I had 12 understood that this arose from an overview, but 13 I wouldn't recognise that as the case today. 14 Q. So if there is any question at all as to whether Canon 15 law is more influential than criminal law in your 16 archdiocese, Archbishop, what do you have to say to 17 that? 18 A. I take the view that Mrs Pickles presents there very 19 seriously, and I think it is worthy of further 20 consideration, because she is speaking about the 21 influence of Canon law and if there is evidence to show 22 that it is regarded as more significant, then I think 23 that needs to be investigated. 24 MS CAREY: May we pause there, chair, and take our 25 mid-morning break?</p> <p style="text-align: center;">Page 52</p>

<p>1 THE CHAIR: Yes, thank you. We will return at 11.35 am. 2 (11.20 am) 3 (A short break) 4 (11.35 am) 5 MS CAREY: Archbishop, I would like to turn, please, to 6 paragraph 8.18 in your first statement, and consider 7 with you the nature and extent of the support provided 8 by the archdiocese to a victim or complainant in 9 relation to child sexual abuse. You said this at the 10 outset: 11 "The archdiocese seeks to meet the expectations 12 found in the national policies." 13 Is that a CSAS policy? 14 A. Yes. 15 Q. "The church seeks to provide a caring response to all 16 individuals who have been affected by allegations of 17 abuse within the church setting and who seek its help 18 and healing. The church is committed to providing 19 pastoral support where needed. Where allegations of 20 abuse lead to additional support needs, the church will, 21 so far as is reasonably practicable and appropriate, 22 either address those needs or liaise with the statutory 23 agencies to assist the individual accessing appropriate 24 support." 25 I think we heard from Mrs Jones that she would be</p> <p style="text-align: center;">Page 53</p>	<p>1 the one in practice responsible for finding some 2 counselling or providing other support that might be 3 needed by the victim or complainant. 4 I would like to ask you, please, for your comments 5 on the statement of A491, whom I read out earlier this 6 week. The actual statement from that witness in our 7 bundle 2, chair, behind tab 15, but I will ask for the 8 relevant passages to be put up on screen. It is 9 INQ001723. 10 A. Can you say which tab it was again, please? 11 Q. Yes, the second bundle behind tab 15. If it helps, 12 Archbishop, we will put it up on the screen, because he 13 produced some documents -- letters and the like -- and 14 it may be we will need to look at those as well. 15 To put it in context, A491 had been abused at 16 Croome Court and Croome Court had basically passed him 17 Jane Jones' number so that he could gain access to his 18 records. Back in 2009, in October, he received a letter 19 from Jane Jones and then received a letter from you. We 20 have the actual letter in tab 4 of our bundle. Sorry, 21 no, I have that wrong. We have a letter from 22 Jane Jones' records in our tab 4, where she makes it 23 clear to him that they have measures in place to help 24 vulnerable people. But did, in fact, you write to A491? 25 A. I did, yes. This is probably the letter which has the</p> <p style="text-align: center;">Page 54</p>
<p>1 heading "Without prejudice", I imagine. 2 Q. Yes, it is. Yes, it is tab 4 in bundle 1. Let's put up 3 on screen INQ001723_034 so everyone can see. This is 4 the letter dated 6 December 2010. Could we enlarge it, 5 please? Thank you. I will read the letter first. You 6 state there that you were deeply moved and felt very sad 7 when Jane shared with you his account of life at 8 Croome Court: 9 "I know how significant childhood experiences can be 10 and how difficult it may be to leave painful memories 11 behind even later in life. Perhaps being able to have 12 a copy of the records the school kept on you with its 13 photographs of you as a boy will be of some help. 14 "The church deeply regrets that any child committed 15 to its care may have suffered abuse or been subject to 16 harsh treatment. 17 "It may also help you to know that we now have very 18 clear measures in place to protect children and 19 vulnerable people and to ensure that if anyone needs to 20 speak about any form of abuse, either current or 21 historic, there are people like Jane who will not only 22 listen, but who will be in a position to take action. 23 "I will keep you and your family in my thoughts and 24 prayers and I do hope that you will be able to find some 25 peace of mind."</p> <p style="text-align: center;">Page 55</p>	<p>1 Why is it that that letter to A491 is headed 2 "Without prejudice"? 3 A. I have given quite a lot of thought to this letter, and 4 the correspondence with A491. The answer is that this 5 was a draft that I received by way of response. I had 6 hoped and had made an opportunity -- well, sought an 7 opportunity to meet with A491, but I realised that 8 wasn't -- it wasn't what was desired, but an apology of 9 some kind. 10 I sought advice from Jane and -- Jane Jones. 11 I imagine that Jane would have sought advice from our 12 legal advisers and insurers, and I'm sure that's where 13 the phrase comes from. 14 I didn't realise the import, I have to say, of 15 "without prejudice". I was relatively new to legal 16 dealings and it was early on in my time as archbishop, 17 and I didn't realise, either, the impact that it would 18 have upon the survivor or victim of abuse to receive 19 a letter with that heading. 20 Q. You said it was a draft received. Who in fact then 21 wrote the apology that I have just read out? 22 A. I received the draft from Jane, but having discussed it, 23 and what it says about me being deeply moved was what 24 I communicated to Jane. I received quite a long account 25 by A491 of the suffering and the experiences which he'd</p> <p style="text-align: center;">Page 56</p>

1 **had, and it did move me to read it and I wanted to**
 2 **express that, but I was conscious, too, of advice from**
 3 **our legal advisers and insurers, and I am conscious that**
 4 **that had an influence on the tone of what was said.**
 5 Q. Does it follow, therefore, that you certainly were
 6 dependent on Jane to draft a letter like this?
 7 **A. Yes, I needed that help and advice.**
 8 Q. Do you still now use the coordinator to help draft
 9 letters of apology?
 10 **A. Yes.**
 11 Q. Do you think, Archbishop, given what we have heard this
 12 week, it might be better for you to draft your own
 13 letter in your own words to the victims of abuse?
 14 **A. I do generally draft -- in fact, my practice has**
 15 **changed. I usually draft my own letter and send it to**
 16 **Jane for her observations. At this time, I did rely**
 17 **upon a draft, though. I did communicate what I felt**
 18 **about receiving the account.**
 19 Q. Do you still head letters of apology like this with the
 20 phrase "Without prejudice"?
 21 **A. I believe I have never done so since.**
 22 Q. There may be those who are surprised to hear that an
 23 apology sent to a victim or survivor is not in fact your
 24 own words.
 25 **A. Some of it is my own words. I would have expressed**

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1 Q. I think in due course, if we turn behind tab 5 and call
 2 up on screen INQ001723_035, you then wrote again to
 3 A491, if we can just enlarge it. It is not headed
 4 "Without prejudice". It is from, I think,
 5 5 August 2015, and it says:
 6 "It is some time since we wrote to one another at
 7 the end of 2010 and I hope that everything has been
 8 proceeding well for you, and those who are close to you,
 9 in the intervening years.
 10 "Some time ago, Mrs Jane Jones kindly gave me a copy
 11 of your account of your life story as a former pupil at
 12 Besford Court and Croome Court. I realise how important
 13 it was for you to record your experiences in this
 14 way ..."
 15 You say in the next paragraph:
 16 "As I said in my letter of 16 December 2010, the
 17 Catholic Church deeply regrets that any child committed
 18 to its care may have suffered abuse or been subject to
 19 harsh treatment. With that in mind, I assure you that
 20 I continue to pray for you and your intentions with
 21 gratitude for all that you have achieved over the
 22 years."
 23 This letter, was that again drafted in part by
 24 Jane Jones with words added by you?
 25 **A. I believe so.**

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1 **myself, and do, if I am moved by an account that**
 2 **I receive, and I was grateful that that was included in**
 3 **this letter. It also reflected my -- the sense of**
 4 **regret, though it's not worded specifically, and my**
 5 **regret was that A491 had experienced this suffering**
 6 **within a school, which was a diocesan school, so many**
 7 **years ago.**
 8 Q. I think you have said in your statement, so that it is
 9 clear, though:
 10 "I do not understand why this letter was written
 11 "without prejudice" as I was not engaged in
 12 litigation!"
 13 **A. No, I could only offer supposition, but I don't know --**
 14 **and I don't think it was appropriate to have "without**
 15 **prejudice". Furthermore, I apologise to A491 for him**
 16 **receiving that letter in that way.**
 17 Q. Does receiving a without prejudice letter accord with
 18 the church seeking to provide a caring response to all
 19 individuals, in your view?
 20 **A. I don't believe it does.**
 21 Q. Dealing with A491, I know that many years later he spoke
 22 with Jane again. He told her that he was not happy with
 23 the letter that you had written. Was that communicated
 24 to you?
 25 **A. Yes. I did -- indeed, that was.**

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1 Q. Following on from that, I think 18 months later, A491
 2 wrote to you again personally in a handwritten letter
 3 and set out the abuse that had been suffered by him, and
 4 he said he explained to you that he had reported the
 5 matter to the police and was sharing his story with the
 6 Truth Project of the inquiry. He also said that he
 7 believed he was entitled to compensation, but after
 8 taking legal advice, he understood that compensation was
 9 out of time. Courts do have a discretion. He said:
 10 "This will not go away. I will fight for justice
 11 for myself, for the suffering I endured whilst under the
 12 care of the Catholic Church. I will not let it be
 13 pushed under the carpet any longer."
 14 Did you communicate with A491 after that letter?
 15 **A. I don't believe I did.**
 16 Q. Archbishop, can I ask you this: at the start of your
 17 statement, you made it plain that you wanted to
 18 apologise unreservedly to the victims and survivors of
 19 child abuse. I haven't asked you to expand on that, and
 20 I'd like you to do so now, please. What is it that you
 21 wish to say to those victims and survivors?
 22 **A. I speak both personally but also as**
 23 **Archbishop of Birmingham and I am deeply sorry.**
 24 **I apologise to those survivors and victims of abuse for**
 25 **what they have suffered within the archdiocese over the**

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1 years. I am mindful of individual survivors and victims
 2 who have been present throughout these five days, with
 3 me and with all of us. I am conscious that some of them
 4 are here just with us today. I apologise to them, and
 5 I would certainly wish to seek some way of lifting the
 6 burden, but I can -- I know that apologies may feel as
 7 if they have come too late and are inadequate. I accept
 8 that. But I am sorry.

9 Q. There may be some who hold the view that all it hears
 10 from the church is apologies. Even Archbishop Couve
 11 de Murville offered apologies at times. We heard
 12 them -- and we will hear them from the cardinal, no
 13 doubt -- in the letter from the Pope earlier this year,
 14 in the cardinal's statement to the inquiry, and I think,
 15 as one core participant put it, they don't want prayers,
 16 they don't want to hear repeated apologies, they want
 17 action from the church. What do you have to say to
 18 that?

19 A. I agree with that. In the summer, I was in Dublin at
 20 a world gathering of families and attended a gathering
 21 of 1,000 people to reflect on safeguarding. One of
 22 the members of the Vatican's Commission on Safeguarding
 23 said that, "Words are easy, but love needs action".
 24 I have repeated that, and I have taken it to heart.
 25 I believe that is important for all -- for the future.

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1 response, which would always be my first response.
 2 I think the pastoral response has to find a way, but it
 3 is a very difficult issue, and I would hope that
 4 whatever recommendations we may look to receive from the
 5 inquiry would help us with this.

6 Q. Considering apologies to the victims and complainants,
 7 I think your statement sets out a range of options, and
 8 sometimes you meet personally with the victims of abuse,
 9 sometimes an individual might be directed to other
 10 services or counselling. In deciding which response to
 11 give, whom do you rely on to help guide you in that
 12 response?

13 A. Well, I have largely relied upon the safeguarding
 14 coordinator, Jane Jones, because she's had extensive
 15 contact with victims and survivors of abuse. Jane has
 16 spent many hours supporting victims and survivors of
 17 abuse, and she's come to know very many of them in that
 18 time. She's been able to guide me in preparing for
 19 meetings, she's been able to advise me about how I might
 20 be received, or perceived, by somebody who does agree to
 21 come and spend time to come and visit me, and I have
 22 been very grateful for that advice and the steer that
 23 Jane has been able to give me.

24 I do acknowledge the many, many more hours that
 25 she's spent with survivors and victims than I have,

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1 If I may say also that attending the hearing is
 2 certainly something which has emphasised -- one of
 3 the Nolan Review's recommendations which wasn't
 4 implemented, but has been commented on, is learning from
 5 mistakes, and I believe that being here this week has
 6 revealed some serious mistakes and I wish to learn from
 7 them.

8 Q. Some may say it's too late and that you should have
 9 learnt from the mistakes before. It shouldn't take an
 10 inquiry and hearing from A31 and the other
 11 complainants/survivors who have either been called or
 12 read out to learn from them, and this may be another
 13 example of saying that you are hearing from the
 14 survivors but not actually doing anything about it.

15 How are you going to provide the chair and panel and
 16 those listening that you have learnt and will move on?

17 A. I can only say that I hope that it is not too late.
 18 I represent a church whose message is that it is never
 19 too late, but that's not for me to say in relation to
 20 victims and survivors of abuse.

21 One of the areas which I think this correspondence
 22 with A491 emphasises is the difficult position which
 23 I think I and probably others, as charities, experience:
 24 how to hold together the requirements of charitable
 25 status, the legal requirements, and the pastoral

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1 either directly or over the telephone.

2 Q. So I think it flows from what you say that there is no
 3 "one size fits all" response by the church. There is no
 4 policy in place for how you should deal and support
 5 those victims and survivors?

6 A. I think that's right. And it is -- because each
 7 person's case is different and each person's response --
 8 I'm aware that, for some people, their trust in the
 9 church has been totally undermined, and some would be
 10 unable to come at all and, for others, it takes a great
 11 deal of courage and trust to step over the doorstep of
 12 Archbishop's House, to come into my house. I realise
 13 that.

14 Q. If there were those who haven't yet met you personally,
 15 would you still be willing to meet with the victims and
 16 survivors?

17 A. Yes. Yes.

18 Q. You also have responsibility, though -- is this
 19 right? -- for the pastoral support of the accused
 20 person?

21 A. Yes.

22 Q. I think at paragraph 8.19:
 23 "The bishop ... is responsible for the pastoral
 24 support of the accused person, who can contact the
 25 bishop in relation to support their needs. The

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1 safeguarding coordinator should be present at [those]
 2 meetings ..."

3 Clearly, the Vicar General may have a role to play
 4 in this but there may be many who think there is too
 5 much emphasis on support for the accused rather than
 6 support for the victim. How would you respond to that
 7 assertion?

8 **A. Largely, support for the -- either the accused or, in
 9 due course, convicted or perpetrators has been through
 10 the Vicar General and through the safeguarding
 11 coordinator and the safeguarding unit. If a case is
 12 being handled by the police, generally, I haven't seen
 13 the accused, and waited for the outcome of that case.**

14 **Also, I think the nature of the support is
 15 different. There is a requirement on me, while a man is
 16 a priest and not laicized, to offer pastoral support and
 17 to offer material support where that's required. So
 18 those are generally mediated through the Vicar General's
 19 office, but I'm aware that contact from Jane Jones and
 20 the safeguarding office has also fulfilled that.**

21 Q. The inquiry has heard that in the case of
 22 James Robinson -- I know you weren't the archbishop at
 23 the time when he was returned to the UK -- he continued
 24 to receive approximately £800 a month from when he moved
 25 to the States until about 2003, I think it was. Why is

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1 167 was still receiving financial support from the
 2 archdiocese?

3 **A. Yes.**

4 Q. Did that change in 2011?

5 **A. I can't recall exactly.**

6 Q. Can I ask you to have a look at this letter to see if
 7 this might help: it is a letter from January 2011 from
 8 the treasurer to the Vicar General in relation to 167.
 9 It says:

10 "I enclose a letter that I have received from him
 11 following my writing to him recently asking for a review
 12 of the monthly support that we have been giving him
 13 since 1998."

14 That is the year that the court case was stayed in
 15 the Crown Court. The treasurer says:

16 "I am puzzled by the fact that a man of his
 17 abilities has no paid employment, nor has he had for
 18 some considerable time, but it is clear that he has been
 19 spending more than his income to the tune of [a certain
 20 amount]. However, he does not ask for any more from me,
 21 at least at present.

22 "I think if I am approached for an increase in his
 23 allowance as and when his bungalow comes up for sale,
 24 I would want to interview him to know why he is still
 25 unemployed."

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1 it that the church continues to provide financial
 2 assistance where there is, in his case, at that stage,
 3 the allegation that he had committed acts against
 4 children, sexual acts against children?

5 **A. I don't know why that decision was made. I don't know
 6 what were the factors that influenced that decision in
 7 those circumstances. I can quite see that that level of
 8 support -- indeed, any kind of support, to a convicted
 9 or an accused --**

10 Q. At that stage he wasn't convicted, Archbishop.

11 **A. I can see that that -- but that balanced against the
 12 care for the victims and survivors of abuse can seem
 13 incomprehensible.**

14 Q. F167, who was the teacher who I think resigned in the
 15 mid '80s, became a priest, had his trial stayed and then
 16 had further allegations, we have looked at him briefly.
 17 Can I see if, through some documentation, you were
 18 involved in that? Can I ask to look behind tab 22,
 19 chair, please, CHC001082_001. He, of course, was not
 20 convicted and as we have looked at through some of
 21 the COPCA and CSAS documentation, there was no ability
 22 by anyone to decide whether those allegations were true
 23 or not, and it caused the church a great deal of time to
 24 try and assess him and work out what to do with 167.
 25 Whilst that was going on, is it the position that

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1 He has not been laicized, there has been no finding
 2 against him, but it would appear, on the basis of this
 3 letter, the church was still providing financial
 4 assistance for him?

5 **A. Yes, the decision which my predecessor had taken on the
 6 basis of advice from the Safeguarding Commission was
 7 that he could not return to active ministry, so he had
 8 restricted circumstances. Consequently, he couldn't
 9 work within the archdiocese as a pastor, as a priest,
 10 but the canonical responsibility remained to offer
 11 material support to him unless he were working.**

12 **I understand, in his circumstances, there were
 13 periods when he did work, and of course that's another
 14 subject, I think, his working in the school and what
 15 followed from that.**

16 **However, this is still his situation today. The
 17 level of support would be the same as for a retired
 18 priest, and that has been what determined the
 19 Vicar General and the finance department's decision, so
 20 that if he received any income from employment or indeed
 21 any statutory benefits, that would be deducted from what
 22 he would receive from the archdiocese.**

23 **But of course it depends on regular review.**

24 Q. So if I can summarise that, there may be circumstances
 25 in which the archdiocese still provides financial

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1 support to those who have been convicted of an offence?
2 **A. Who have been convicted?**
3 Q. Yes. Would you still provide for them then, before they
4 were laicized?
5 **A. Before they were laicized, yes. Yes, that's correct.**
6 Q. In F167's case, an unconvicted priest not in active
7 ministry, though, in those circumstances, the
8 archdiocese would continue to provide financial support
9 subject to review?
10 **A. That's correct. In part, that relates to the ability of**
11 **the diocese to have some kind of oversight also so that**
12 **there's knowledge consequently of where he lives and the**
13 **arrangements under which he lives.**
14 Q. It follows from what you have said that there will be
15 a period of time between conviction and laicization
16 where the archdiocese may still consider it appropriate
17 to provide financially for the perpetrator. Between
18 conviction and laicization?
19 **A. Yes.**
20 Q. In the case, I think, of Samuel Penney, convicted in
21 '93, not laicized until November 2006, so a three-year
22 period. Robinson, the process started in June 2015, not
23 laicized until February 2018. Again, a three-year
24 period. I think in a different case, that of
25 Bede Walsh, who was convicted in 2012 and is still not

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1 **sins and, as an expression of that, to seek laicization**
2 **is something which is regarded as actually assisting an**
3 **individual in the process of redemption.**
4 **But I recognise that that shouldn't be -- there**
5 **shouldn't be a long period of time before there is**
6 **further action.**
7 Q. There are two things that flow from that: there is the
8 length of time that a convicted offender remains
9 a priest, even though, certainly in Bede Walsh's case
10 I think he received a sentence of 22 years,
11 James Robinson's case, 21 years, Father Penney, I think
12 he got seven and a half years' imprisonment. Why is it
13 taking so long to return these convicts to the lay
14 state?
15 **A. In the case of James Robinson, I think the delay was**
16 **because of the process in the Vatican. I can't explain**
17 **that fully, I can only suggest that, with the number of**
18 **laicization requests, that the staffing and the focus**
19 **within the Vatican is inadequate. I suggested in my own**
20 **statement that it would be possible for the Holy See to**
21 **consider setting up regional or national tribunals in**
22 **order to facilitate that.**
23 **In the case of Bede Walsh, it is different, and**
24 **I have to take the blame there, because I -- the process**
25 **within the archdiocese was mine and, with hindsight,**

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1 laicized as at today's date -- is that right?
2 **A. That is correct.**
3 Q. So that's a six-year period?
4 **A. Yes.**
5 Q. Why is it that the -- two questions, really. Firstly,
6 why does it take so long to laicize someone who has been
7 convicted of offences such as these?
8 **A. There are a variety of reasons. Well, two main reasons.**
9 **One would be because of a delay within the processes**
10 **within the Holy See. Another would be because of delay**
11 **within the process within the archdiocese.**
12 Q. You clearly have control over one of those, at the very
13 least. Why is there a delay in the archdiocese?
14 **A. There was -- there has been a delay, certainly in the**
15 **case of Bede Walsh. Shortly after his conviction and**
16 **then his imprisonment, it was -- and this would be**
17 **generally the case, that in seeking a laicization, the**
18 **church will encourage -- the church encourages us to**
19 **obtain from such an individual, a priest in those**
20 **circumstances, a voluntary request, so to try to**
21 **persuade or to give somebody sufficient time to request**
22 **laicization. That's permitted, or that's encouraged, as**
23 **a way of reinforcing their own contrition, their sorrow**
24 **for what they have done, so an acknowledgement that not**
25 **only these are offences, first of all, they are also**

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1 **rather than entrusting it to a senior cleric to carry**
2 **this forward, it lay within my hands, and with the,**
3 **I have to admit, intervening work within the archdiocese**
4 **this was something where the time lapse went by.**
5 **Partly -- this is not an excuse, but it is part of**
6 **the rationale -- partly knowing that he wasn't a danger**
7 **to children, so the paramountcy principle while he is in**
8 **prison, but at the same time not sufficiently taking**
9 **into consideration what it means to survivors --**
10 Q. Well, I was going to ask you about that, because what
11 kind of message does it send out that someone receives
12 a sentence, in those cases long sentences, and yet the
13 church, if I put it in its simplest sense, doesn't throw
14 them out?
15 **A. Yes, I think that that must be a very bitter thing for**
16 **a survivor or a victim of abuse to witness. It would**
17 **lead to the impression that the church cares less about**
18 **actually disciplining or seeing somebody return to the**
19 **lay state, and I realise that it adds to the burden of**
20 **suffering.**
21 Q. If a convicted priest weren't to receive a prison
22 sentence but were to receive a community order, or
23 something like that, clearly, the decision to laicize
24 may become more complicated, but until laicized, would
25 it be the position that they could be convicted and the

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1 church would still provide financial assistance for
 2 them?
 3 **A. That would be, yes, the case if they were still -- if**
 4 **they were not imprisoned and were not yet laicized, yes.**
 5 Q. So they are not thrown out of the church and the church
 6 would still provide for them. What kind of message do
 7 you think that sends out to the victims and survivors?
 8 **A. I think very much the same one, that this would be --**
 9 **that the church is caring for a victim -- I realise that**
 10 **that's hypothetical because I would say that if somebody**
 11 **were not in prison, then I think there would be**
 12 **a greater urgency to carry the laicization process**
 13 **forward.**
 14 Q. In the case of Samuel Penney, can I ask you about
 15 a document behind our tab 7, which is a letter that you
 16 wrote to him in December 2015. Now, he was convicted in
 17 1993 and was released in about 1997, and we heard,
 18 I think from Mrs Jones, that he ended up in a friary in
 19 Dorset for a number of years and there were some
 20 difficulties with his remaining in that establishment.
 21 You then wrote to him -- can we have a look, please, at
 22 CHC001135_004. He'd obviously sent you a Christmas card
 23 and was updating you on the fact. You said:
 24 "I am pleased to learn you have now settled into
 25 your new home. It is good to know you are in a familiar

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1 Q. Are you aware, since his laicization until your
 2 involvement in this in December 2015, whether the
 3 archdiocese had in fact given him money, even though he
 4 was laicized?
 5 **A. Yes. There was an offer. I was aware of that. It was**
 6 **in order to enable him to resettle in the West Country**
 7 **where he'd previously lived in the Anglican community.**
 8 **The situation in which I found him was, I felt,**
 9 **unsatisfactory. Given the hurt that had been caused to**
 10 **so many people within Birmingham and in the**
 11 **West Midlands, that he was then residing in the**
 12 **West Midlands in Wolverhampton. I didn't feel that that**
 13 **was a good situation, and I approved of -- I suppose it**
 14 **was assisting him to resettle elsewhere. But it seemed**
 15 **important that he had the opportunity to be at**
 16 **a distance from the West Midlands where he could run**
 17 **into people, and so forth. I think he was also living**
 18 **with his family then, which I didn't feel was a very**
 19 **good situation.**
 20 Q. We have touched there on some of the historic cases of
 21 Penney, Robinson. There are others well known --
 22 Christopher Clonan and Eric Taylor, all of which were
 23 before your tenure as archbishop. But looking back at
 24 those cases and what you have heard this week, what do
 25 you think of the response of the church to those

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1 and pleasant part of the world."
 2 This is the paragraph I would like to ask you about,
 3 please. It starts:
 4 "I am sorry that the decision communicated to you by
 5 the diocesan treasurer, Deacon David Palmer, has evoked
 6 renewed feelings of pain and hurt within you. I know
 7 that you realise that this was far from intended but,
 8 nevertheless, I do hope that these feelings will lessen
 9 as time goes by."
 10 Do you know what decision was made by the treasurer?
 11 Was it a withdrawal of financial support?
 12 **A. I think it was a denial of a request for financial**
 13 **support. He expressed pain and hurt because he felt**
 14 **that that was an abandonment by the archdiocese. We**
 15 **didn't have a responsibility to him any longer.**
 16 Q. No, he was laicized in November 2006.
 17 **A. He was laicized. He did ask to come and see me and**
 18 **I agreed to meet with Sam Penney, together with**
 19 **Jane Jones. Since his laicization, and I suppose --**
 20 **I don't know whether this is a naive hope, but I did**
 21 **entertain the hope that he might, himself, be seeking**
 22 **some kind of repentance and trying to reform his life.**
 23 **There seemed to me to be some evidence of that. He**
 24 **clearly felt that there wasn't an interest in that -- in**
 25 **an improvement in his own attitude.**

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1 well-known cases that we have been looking at?
 2 **A. In a general sense to those --**
 3 Q. Yes.
 4 **A. Other than the four chosen cases?**
 5 Q. The four chosen cases and, indeed, the other well-known
 6 ones, such as Clonan and Taylor. What do you think of
 7 the response now?
 8 **A. I think there is a mixed picture that emerges, and**
 9 **I think it reflects the development of the national**
 10 **policies over the years. I think that there have been**
 11 **improvements since Nolan and Cumberlege. I think there**
 12 **is still room for a lot of improvement. I know that**
 13 **within this week there are two or three examples that**
 14 **I can think of, of mistakes, some of which have been**
 15 **acknowledged today, from which we can learn.**
 16 **I hope that the inquiry will, in its recommendations**
 17 **to the archdiocese, enable to us -- I'm sure it will --**
 18 **to know what others there are.**
 19 Q. We have not looked at any cases where you have been the
 20 archbishop when an allegation is made, but reference was
 21 made a moment ago to Bede Walsh. I would just like to
 22 ask you about him. So that everyone is aware, in 2004,
 23 he was before the criminal courts in relation to
 24 allegations of possession of indecent imagery. He
 25 resigned from his parish and, indeed, I think went to

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1 live with his mother and didn't return to active
 2 ministry and he received a community order for those
 3 offences. But the church then became aware, as did the
 4 police, that there were allegations of physical child
 5 sexual abuse and in due course, in 2012, he was
 6 convicted of abusing, I think, eight complainants. The
 7 abuse occurred between 1982 and 1993 when the
 8 complainants were 8 to 15 years old, and as a result of
 9 that conviction, he received a 22-year sentence of
 10 imprisonment.

11 So by 2012, you were the Archbishop of Birmingham
 12 and were involved in the investigation conducted by the
 13 police. So you have some knowledge of this case.

14 Did you meet the complainants or some of
 15 the complainants in Bede Walsh's case?

16 **A. Yes, I did.**

17 **Q. What did you learn from meeting with those victims?**

18 **A. Something of the trauma which they had experienced; an**
 19 **insight into the way in which the circumstances of abuse**
 20 **had evolved. After Bede Walsh's conviction, I took two**
 21 **steps.**

22 **I hope the inquiry will forgive me if my**
 23 **recollection of this is not as detailed as it might be.**
 24 **It is simply that, as counsel knows, I was only informed**
 25 **last night or this morning about this particular**

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1 **Q. Yes.**

2 **A. In this case, either the article or going to the parish,**
 3 **it did actually result in some meetings with**
 4 **survivors/victims of -- in this case.**

5 **Q. I would like to ask you about a few other matters that**
 6 **have arisen during the course of the evidence this week,**
 7 **and we have obviously spent a long time looking at the**
 8 **response of the church to the perpetrator and indeed to**
 9 **the victim or the survivor. But one of the matters**
 10 **I asked Mrs Jones is, what, if anything, is done in**
 11 **relation to those who may have either covered up**
 12 **abuse -- a fellow clergyman or a nun, for example -- or**
 13 **failed to take action when they have been made aware of**
 14 **an allegation.**

15 **Does the archdiocese review or investigate those who**
 16 **have covered up or failed to take action?**

17 **A. Well, I think, first of all, if it were a matter of**
 18 **criminal activity, then very clearly that would be --**
 19 **the police would be informed of this and proper**
 20 **procedure would be followed.**

21 **If it didn't involve criminal -- some criminal**
 22 **action, then if it were a priest or a deacon, then**
 23 **I think I would establish some kind of disciplinary**
 24 **meeting because it would certainly be a breach of**
 25 **the policies, the CSAS national policies, which we have**

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1 **enquiry.**

2 **But, nevertheless, from my recollection, I issued**
 3 **a statement following Bede Walsh's conviction in which**
 4 **I said -- and I remember the phrase because I asked for**
 5 **it specifically -- I put it there, that my door is open**
 6 **to the victims and survivors of abuse.**

7 **The second thing I did was to go to the parishes,**
 8 **two of the parishes, where he had served. One was in**
 9 **Coventry and the other in Cheadle in Staffordshire.**

10 **I indicated ahead of my visit that I would come and**
 11 **celebrate a mass on Sunday within each of those**
 12 **parishes, and I asked the parish clergy to make it known**
 13 **that I would be available after mass if anybody wished**
 14 **then to come and see me.**

15 **It highlights one of the -- again, one of**
 16 **the difficulties which I have experienced, of knowing**
 17 **whether simply to say, "I am available. My door is**
 18 **open", and wait for a survivor or victim to take the**
 19 **initiative, and many have; or to be more proactive, and**
 20 **somehow communicate, either directly or possibly through**
 21 **the statutory authorities, through the police, to say**
 22 **that there is the possibility of meeting to hear from**
 23 **them, and that is -- it is a dilemma, actually, because**
 24 **not every approach directly from me would be welcome,**
 25 **I realise that.**

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1 **agreed. So it would be an indication that somebody had**
 2 **not followed the policies.**

3 **I would want to know whether this was deliberate**
 4 **and, if it was, why, what were the reasons for this,**
 5 **and, if it were not deliberate, then I would have**
 6 **a concern that, first of all, these policies are not**
 7 **sufficiently known or understood, and I would want, in**
 8 **warning such a person -- a priest or a deacon -- to**
 9 **ensure that they had some training in this.**

10 **I suspect also, if that were to happen, and I have**
 11 **to say, it hasn't, in my experience --**

12 **Q. That was my next question.**

13 **A. -- then I would want -- if it were to happen, then it**
 14 **might alert me to a more extensive issue, and I would**
 15 **want there to be some training in place for all the**
 16 **clergy, everybody in those circumstances.**

17 **If it were a parish safeguarding representative,**
 18 **then I would -- it is something I would ask the**
 19 **safeguarding coordinator and the Commission to consider,**
 20 **about how best to address it. And if it were**
 21 **a religious, then I would refer it to the religious**
 22 **superior.**

23 **Q. We also considered, I think, yesterday, the issue of**
 24 **the provision of names to COPCA, as it was, CSAS as it**
 25 **now is, where there is an enquiry made on behalf of**

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<p>1 the archdiocese. Clearly, the CSAS policy as now is 2 they determine whether a name needs to be provided on 3 a case-by-case basis. But having heard the evidence, 4 Archbishop, do you have any view about whether the 5 provision of names is a good thing and it should be 6 encouraged? 7 A. I can see if CSAS -- and Colette Limbrick's evidence 8 made this plain. If CSAS believe there are good reasons 9 for divulging a name, then I would want to see that that 10 was followed. If my Safeguarding Commission agreed with 11 that, then I'd be pleased to do so. If they disagreed 12 with that, I'd give careful attention to their reasons 13 and I can't say whether I'd be persuaded by them or not. 14 But if I didn't think the reasons were good, then 15 I wouldn't hesitate to -- directly to share the name 16 with CSAS. 17 Q. One of the other matters we touched on with Mrs Jones 18 was the question of funding. Is there in fact a budget 19 for the safeguarding team within the archdiocese? 20 A. It relates, really, to a dimension of not just 21 management but also of governance. The trustees of 22 the archdiocese have been gradually working towards 23 proper budgetary procedures in all departments. What 24 has happened is that a certain figure -- 2 per cent -- 25 of the income from parishes, which is not the total</p> <p style="text-align: center;">Page 81</p>	<p>1 income, it's almost twice that, but 2 per cent has been 2 set aside for safeguarding purposes. Sometimes the 3 expenditure has exceeded that and there hasn't been any 4 question that that would be met. It has increased in 5 the last five years, from about £120,000 to roughly 6 £150,000, but the -- wherever something has been 7 required by the Safeguarding Commission or the 8 safeguarding office, I believe that those requests have 9 been met within the Treasurer's Department. 10 But overall, within our overall income, which 11 includes, of course, income from investments as well as 12 the revenue from parish donations, to me it looks a very 13 small amount that's dedicated per annum -- approximately 14 0.7 per cent. 15 Q. Can I just perhaps -- we may know more about the figures 16 than those that are watching or listening in. Just two 17 questions before we look at the figures. Clearly, the 18 levy raises -- let's call it £150,000 on average. Is it 19 out of that that the salaries of the safeguarding team 20 are paid? 21 A. Yes. 22 Q. It is currently a staff of four? 23 A. Yes. 24 Q. Out of that levy, would there have to be things like the 25 copying of leaflets or the safeguarding booklet? Would</p> <p style="text-align: center;">Page 82</p>
<p>1 it all come out of that £150,000 pot? 2 A. Salaries, office expenses. Some income is raised, and 3 has been raised, by Jane Jones, as coordinator, from 4 activities which she's undertaken, some of them in the 5 seminaries, for example. I wasn't aware until recently 6 that in fact the income from those came to the diocese. 7 But the office expenditure, salaries, and also 8 contributions to the national bodies, so to CSAS and the 9 NCSC. 10 Q. If Mrs Jones wanted to ask for a significant piece of 11 expenditure -- I think she explained she'd have to ask 12 through the board of trustees, of which you are chair? 13 A. Yes. 14 Q. Whilst you have been archbishop, do you recall any 15 example of significant expenditure that Mrs Jones 16 requested from you and was granted? 17 A. I'm not aware of anything which Jane has requested 18 directly through -- either through me or through the 19 trustees. I am aware that she has mentioned requests to 20 the Treasurer's Department. I imagine they were 21 relatively small requests. 22 Q. I think she said in evidence that she had never asked 23 for a salary review. Were you aware of that fact? 24 A. I don't know whether Jane ever asked for -- if Jane -- 25 Q. There may be a distinction between asking for one</p> <p style="text-align: center;">Page 83</p>	<p>1 and in fact the salary increasing. I don't want to 2 confuse the two. The first question is, were you ever 3 aware that she had asked for a review? 4 A. No. 5 Q. Does it surprise you that she never asked? 6 A. No. 7 Q. Does it trouble you, in fact, that there weren't regular 8 reviews to discuss this kind of thing? 9 A. It doesn't trouble me because there was. 10 Q. Right. Did her salary, in fact, increase while she was 11 the safeguarding coordinator? 12 A. Yes. 13 Q. I ask because there's clearly going to be an issue about 14 the level of oversight of Mrs Jones when we come on to 15 look at the 2018 reports, but to expand on the issue of 16 figures, it might assist if you look behind, Archbishop, 17 please, tab 24, and if we call up on screen 18 INQ003536_001. It should be at the back of your bundle. 19 You have it, and certainly chair and panel have it, 20 but it looks like we have a difficulty putting it up on 21 our screens. The Birmingham Diocesan Trust has to 22 publish their annual accounts. 23 A. Yes. 24 Q. They are available on the website, and certainly for the 25 year ended 31 December 2017, there is a short statement</p> <p style="text-align: center;">Page 84</p>

<p>1 setting out the income and, of course, the expenditure 2 by the trust. For 2017, is this right, that the income 3 amounted to £22.65 million? 4 A. Those figures are correct, yes. 5 Q. The expenditure -- I haven't put it in your bundle, but 6 so that you know, Archbishop -- that year was in fact 7 £25.55 million. So there was a deficit. 8 A. Yes. 9 Q. But, just standing back for a moment, the church has an 10 income of £22 million and the levy raises approximately 11 £150,000. One might make a crude observation that that 12 is paltry in comparison with the money that the 13 archdiocese receives and it is indicative of 14 the archdiocese's attitude towards safeguarding. What 15 would you say to a contention like that? 16 A. I'd say that the -- when I noticed that the figure -- 17 the annual figure on safeguarding centrally was 18 0.7 per cent of the income for the archdiocese, 19 I thought this was really small. I have asked others -- 20 and we have 240 schools in the archdiocese -- what 21 percentage of the schools' income is devoted to 22 safeguarding, and that also seems to be quite small. 23 There aren't any other benchmarks against which I've 24 been able to look at this, so I think it is important 25 that there are benchmarks to assess this. But it does</p> <p style="text-align: center;">Page 85</p>	<p>1 seem that within education and within -- I don't know 2 whether other dioceses are the same. I think this is 3 something that one should look at. 4 Q. How do you propose that it is looked at? Who is going 5 to look at this now? 6 A. Well, you mentioned earlier, we have a new chief 7 operating officer who has taken within the scope of his 8 responsibility quite a lot of review. The trustees also 9 is a much stronger body than it was when I arrived in 10 the archdiocese. It includes people from a variety of 11 backgrounds, not just education, but from business and 12 so on, and they are looking quite carefully at 13 expenditure. So I believe within the trustees we do 14 have good advice, and this is certainly something 15 I would expect to be scrutinised by them. 16 Q. We might return to the issue of funding when we look at 17 the current safeguarding arrangements. 18 A. Will you permit me to say, it may not be clear to the 19 panel, I asserted that Jane Jones' salary had increased. 20 It increased in line -- we have a remuneration 21 subcommittee, and it increased annually in line with the 22 increases which were varied between 2.5 and 1 per cent 23 over the last five years. There were some years when it 24 was zero per cent, but the remuneration subcommittee has 25 been in place for the last two years, but there have</p> <p style="text-align: center;">Page 86</p>
<p>1 been annual increases for all staff. I just wanted to 2 explain that point. 3 Q. Thank you very much. As a precursor, before we turn to 4 the 2018 reviews, clearly, at the time you joined the 5 archdiocese, they were about to be, or were in the 6 process of being, audited which led to the 2010 CSAS 7 audit. I think you make plain in your statement, 8 Archbishop, at page 42 that the audit was critical of 9 the safeguarding service in a number of areas. Clearly, 10 that was a topic discussed at the Safeguarding 11 Commission in May 2010. Can we have a look, please, 12 behind tab B/3 at CHC001514_175. 13 There had been the audit. It had been critical of 14 some areas. I think, was Adrian Child asked to come to 15 talk to the Commission? 16 A. Yes, on two occasions. 17 Q. I think you were present, in fact, at this meeting? 18 A. The second of those. The second occasion, on 5 May. 19 Q. Which is the -- I think it is 18 May. Certainly if you 20 look at who is present, you are named as the first -- 21 A. The 18th, I beg your pardon. 22 Q. An action plan had been put into place? 23 A. Yes. 24 Q. You can see there in the middle of the page: 25 "Adrian Child said there was little he could add to</p> <p style="text-align: center;">Page 87</p>	<p>1 the action plan and that he was aware that some of the 2 criticisms had already been addressed prior to the 3 audit. Case records were not compliant with current 4 recommendations but Adrian Child was aware that 5 practices had already been amended." 6 He went on to raise issues with a certain case 7 around which there was a discussion concerning the 8 disclosure of information. 9 After that 2010 audit and the action plan, was there 10 any other audit of the safeguarding team prior to the 11 SCIE audit in 2018? 12 A. There wasn't another audit, as I understand it. But 13 after Mr Child said that he was at this point satisfied, 14 Kevin Caffrey -- I can't recall exactly where it is, but 15 there is a document which records Kevin Caffrey's review 16 or communication about the implementation of the 2010 17 recommendations. 18 I haven't been directly involved. The audit in 2010 19 happened about four weeks after I was installed as 20 archbishop, so it was an audit of what was currently in 21 place and obviously had some retrospect, but 22 I understood from the meeting which I attended with 23 Mr Child that CSAS/COPCA were satisfied with the action 24 plan and it was -- I assumed that the Safeguarding 25 Commission would put in place what had been agreed in</p> <p style="text-align: center;">Page 88</p>

1 **the action plan.**
 2 **In 2011, there was some indication from**
 3 **Kevin Caffrey that that had been done. So between 2011**
 4 **and, really, the nomination of our archdiocese in 2016**
 5 **as a case study for this inquiry, I don't think there**
 6 **was any other checks -- there were no checks or balances**
 7 **that I'm aware of that were in place to look at this.**
 8 Q. Do you think it is odd that there was no checks or
 9 balances within that at least five-year period?
 10 **A. I do, and I think that this was a time when we were**
 11 **developing the trustee body, so that I am certain that**
 12 **this -- the absence of checks or balances is something**
 13 **which would be caught by the trustees.**
 14 **I think it is odd, too, that in the audit -- again,**
 15 **I'm not trying to deflect responsibility away from the**
 16 **archdiocese, but it seems to me strange that there**
 17 **wasn't any follow-up from COPCA subsequently. I think**
 18 **since there were annual reports about the -- referring**
 19 **to the audits, I dare say that that kind of watching**
 20 **brief would have been helpful to us.**
 21 Q. Let's turn, please, to some of the conclusions in the
 22 various reviews and the audit. Can I start with the
 23 Past Cases Review this time, behind our tab 8.
 24 Can you help me, Archbishop: we know that the
 25 Archdiocese of Birmingham was nominated as a case study

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1 the review is that summary of that June 2018
 2 presentation. Can we have a look, please, at
 3 CHC001643_059. Really I just want to, through you,
 4 Archbishop, so that those watching can understand what
 5 it is that Mrs Pickles presented to you, I think she
 6 went through a number of themes and identified why
 7 things potentially had happened and what she could glean
 8 from her review of those case files. Clearly, she
 9 looked at the prevalence of grooming and the abuse of
 10 trust and power; the vulnerability of victims; she
 11 touched on celibacy, I think, and the role that may or
 12 may not have played. I would just like to ask you about
 13 that because we heard from a witness who also gave some
 14 evidence about that.
 15 Do you, Archbishop, have any views about the role of
 16 celibacy and whether that may or may not play a part in
 17 some of the offending behaviour we have looked at?
 18 **A. I was grateful for the observations -- for the way in**
 19 **which Jan Pickles set out these themes, and I think it**
 20 **was important that she did include celibacy within them.**
 21 **In formation for priesthood within the Latin Rite**
 22 **Catholic Church, celibacy is a required part of**
 23 **a priest's lifestyle, and the formation for a celibate**
 24 **way of life is one which is quite demanding and**
 25 **consequently takes some six or seven years in seminary**

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1 in 2016, but when was this Past Cases Review actually
 2 commissioned?
 3 **A. It wasn't commissioned until earlier this year.**
 4 Q. Why is that, when you knew in 2016 that you were going
 5 to be under the spotlight, so to speak?
 6 **A. We were aware, certainly, at the very outset, in fact,**
 7 **of the -- at the inception of this inquiry -- well, in**
 8 **fact it was under a previous chair, Chair Goddard, that**
 9 **charities and institutions should undertake audits and**
 10 **reviews. We had discussed that, both among the trustees**
 11 **and then with -- the Safeguarding Commission, I think,**
 12 **had reflected on this. There was a gap of more than**
 13 **18 months before the audit was undertaken.**
 14 **I believe we received good advice to put in place**
 15 **the Jan Pickles reviews and the SCIE audit, and that was**
 16 **in the course of preparing for this inquiry.**
 17 Q. Mrs Pickles, we have heard, is in fact an independent
 18 safeguarding consultant who is a registered social
 19 worker, a former NSPCC manager, and adviser to the Welsh
 20 Government. Just in relation to the Past Case Review,
 21 she looked at 15 case files, I think it was, involving
 22 45 victims; is that correct?
 23 **A. Yes, that's correct.**
 24 Q. She gave an interim presentation to the archdiocese,
 25 I think in June 2018. Appended to the back of

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1 **formation. It is part of human formation, too, to**
 2 **understand, if not to be able to predict, the sort of**
 3 **demands which would be there.**
 4 **However, I don't believe that Mrs Pickles' review**
 5 **has beyond doubt established a link between child sexual**
 6 **abuse and celibacy, but I do think that she raises**
 7 **questions which are very helpful to look at.**
 8 Q. I think you dealt in part with the Pickles review in
 9 your second statement provided to the inquiry, and,
 10 chair, if it will help you, that's behind tab A/2 in the
 11 first bundle.
 12 Mrs Pickles came to the view that there were past
 13 decisions made within those cases that appear to be made
 14 to protect the church's reputation. I think you, at
 15 your paragraph 6.14 of that statement, at page 5 if
 16 anyone is following, said:
 17 "From my reading of the case summaries, I believe it
 18 is very likely that some decisions were made as a result
 19 of fear that negative publicity about a priest's
 20 behaviour would undermine the church's mission. The
 21 church must never put its reputation above properly
 22 dealing with an allegation. This should be a valuable
 23 lesson from the past."
 24 How do you intend to teach those that may still need
 25 to learn that lesson?

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1 **A. I think the development of a culture of safeguarding is**
 2 **a very important part of that. I know that in her work**
 3 **for the last -- I have experienced it in the last nine**
 4 **years and beyond that, training within -- of our**
 5 **church -- our parish safeguarding representatives within**
 6 **our seminaries and amongst our clergy have raised the**
 7 **profile of safeguarding, and I think that's quite right.**
 8 **Jane Jones' work, that is. I think there is much more**
 9 **awareness of the issues which Jan Pickles has**
 10 **illustrated, and, in particular, her reference to the**
 11 **culture of deference, which went alongside, I think,**
 12 **a desire to preserve the reputation of**
 13 **the Catholic Church.**
 14 **I'm not saying I can't understand why that might**
 15 **have been -- why preserving the reputation might have**
 16 **been a factor if you believe that reputation has also**
 17 **a bearing upon the effectiveness of your mission in**
 18 **actually taking the gospel to people, but I believe that**
 19 **the paramountcy principle now overrides that, and that**
 20 **has been in place for some years.**
 21 **But it is taking time, I think, still for that**
 22 **culture to turn. It is a slow process, but it is one**
 23 **where there are and there have been real signs through**
 24 **the work of COPCA and CSAS.**
 25 Q. One of the other themes or factors you picked up on was

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1 the Doctrine of Faith, which is the body that deals with
 2 priests who have got themselves into difficulties around
 3 sexual abuse ..."
 4 Do you think the use of the word "difficulties" is
 5 perhaps the very euphemistic language that was being
 6 deprecated by Mrs Pickles?
 7 **A. I believe it may be. In 2006, it is difficult for me to**
 8 **know exactly what Jane meant by that in conversation.**
 9 Q. Well, it is what Jane said yesterday.
 10 **A. Oh, I beg your pardon. It would depend on what she was**
 11 **referring to. If she was referring then to offences,**
 12 **then it would be inappropriate to refer to them as**
 13 **"difficulties". If there was some other aspect in**
 14 **relation to safeguarding which wasn't specified, I don't**
 15 **know. But certainly if by "difficulties" is meant**
 16 **offences, child sexual offences, then "difficulties" is**
 17 **inappropriate.**
 18 Q. In your dealings with Mrs Jones, have you frequently
 19 encountered her using that kind of euphemistic language?
 20 **A. No, I haven't.**
 21 Q. Can we look at the conclusions of that Past Cases
 22 Review, which commences at page 49, or _050 for those
 23 following on screen.
 24 At the bottom of that first paragraph, Mrs Pickles
 25 said:

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1 on what she termed "euphemistic language". The
 2 reference in past cases to "misbehaviour" by a priest or
 3 a "misdemeanour", when in fact what was being spoken of
 4 was a crime and child sexual abuse.
 5 How are you going to try to address that throughout
 6 the archdiocese?
 7 **A. I don't believe that that is still a problem today.**
 8 **I noticed Jan Pickles referred, for example, to**
 9 **malfesance or misfesance. I think that euphemisms are**
 10 **used for a variety of purposes, sometimes in**
 11 **communication where one doesn't want to embarrass or**
 12 **even to reveal the full truth of something. But today,**
 13 **I believe much more straightforward terms are being**
 14 **used, and that's part of the culture of safeguarding,**
 15 **and indeed I think most people are aware that those**
 16 **euphemisms -- that they serve no purpose.**
 17 Q. Can I ask you about that in relation to something that
 18 Mrs Jones said yesterday, because she was giving
 19 evidence and she explained how she had gone and done
 20 safeguarding work internationally, and she made
 21 reference to the fact that in 2006 she had gone and had,
 22 I think, been involved in a meeting with the Archbishop
 23 of Malta, and she said:
 24 "Answer: ... who had done an awful lot of work in
 25 this area. He was involved with the Congregation for

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1 "It is significant that within the culture of
 2 the archdiocese there is not an expectation to either
 3 receive or give regular supervision to the staff that
 4 work within it -- in terms of securing awareness of, and
 5 compliance with safeguarding policies and procedures.
 6 The absence of this is, I believe, critical. In terms
 7 of ensuring the ability of the archdiocese to establish
 8 and maintain a consistent application of those
 9 standards, such a level of oversight and accountability
 10 must be established."
 11 That conclusion is picked up, if I can call it that,
 12 in the SCIE report in particular, but were you aware
 13 that there was very little, if any, oversight of
 14 the work of the safeguarding team? Had that come to
 15 your attention before the Past Cases Review and the SCIE
 16 audit?
 17 **A. I wasn't aware that there was very little oversight.**
 18 **Reference there is made to supervision, and I was aware**
 19 **that Jane's work was supervised and she had mentioned**
 20 **her supervisor to me on a number of occasions. In**
 21 **relation to the management of staff, I was aware that**
 22 **the line management of Jane Jones and within the**
 23 **safeguarding team -- Jane line managed the other staff**
 24 **there, but the Vicar General line managed Jane. It may**
 25 **be that this is the culture to which Mrs Pickles is**

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1 referring. I don't know, she may have something beyond
 2 that. But that's what I understood and part of
 3 the culture of clergy line managing professionals is
 4 something which she does pick up, and indeed the SCIE
 5 report also picks that up as being inappropriate.
 6 That's certainly something which will be addressed.
 7 Q. Lest everyone thinks it all bad, there was in the Past
 8 Cases Review an acknowledgement that better training is
 9 now given to seminarians at Oscott and there's more
 10 practical help given to the priests with their personal
 11 development. Mrs Pickles went on to say that the
 12 victims and their families that she had dealt with and
 13 looked at the evidence within those case files felt the
 14 church could have done more to protect them and, upon
 15 reading that conclusion by her, is there anything that
 16 you feel more could be done now in 2018?
 17 A. To protect them. With regard to victims and survivors
 18 of abuse and their families, if this is retrospective,
 19 I can understand --
 20 Q. It is.
 21 A. Yes, I can fully understand. I don't know how far back
 22 their recollections would stretch, but, clearly, their
 23 experiences do show evidence of a failure to protect in
 24 the past. With the policies and processes that we have
 25 now, it's -- I know that it is impossible to rule out

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1 office, as far as I can recall.
 2 Q. Given the fairly strong conclusion there, "Not fit for
 3 purpose", can we look at some of the recommendations at
 4 page 55, or _056 digitally. To some extent, these may
 5 have been overtaken by the SCIE audit, but in total,
 6 Mrs Pickles made 11 recommendations. How is it
 7 envisaged that they will be implemented and who by?
 8 A. Well, as you can imagine, on receipt of this and the
 9 SCIE review, the trustees took up the responsibility
 10 immediately to put in place an action plan. I think
 11 that is available to the inquiry.
 12 The action plan refers both to Mrs Pickles' review
 13 and to the SCIE review, and there is a list of action
 14 points to be undertaken.
 15 Alongside that, a working party was established
 16 because it would have been impossible for the trustees
 17 to have carried this out, but a smaller working party
 18 involving trustees has been established.
 19 Q. Can I pause you there, only for this reason. I am going
 20 to look at the working party once we have looked at the
 21 SCIE audit.
 22 A. I see.
 23 Q. So it may well be there is a degree of overlap between
 24 the recommendations of the Past Case Review and what
 25 flowed from the SCIE audit?

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1 every danger in every circumstance, I realise that, but
 2 I do think that we put in -- continue to put in place
 3 the best practices in order to safeguard children and
 4 vulnerable adults or adults in vulnerable situations.
 5 Q. If one looks over the page at our page 51, _052 on
 6 screen, the final conclusion that Mrs Pickles came to
 7 was a comment she made -- sorry, the page before, top
 8 paragraph:
 9 "Finally, I would like to comment on the case
 10 management system in operation. It appears mostly to be
 11 paper based and handwritten."
 12 There are files there going back many years, if not
 13 in fact decades, and that should be acknowledged. You
 14 say:
 15 "This at times has made it difficult to read and it
 16 also makes it difficult to share with others. A digital
 17 system would allow and encourage contemporaneous
 18 recording. The system feels not fit for purpose. The
 19 organisation of file documentation could be
 20 improved ..."
 21 And she goes on. Had you, yourself, ever looked at
 22 a case file or a historic case file, I should say?
 23 A. Yes. But I had required files but only from my own
 24 office, I think I'd looked at past cases. I hadn't
 25 asked for a previous case file from the safeguarding

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1 A. Well, if I may just add that at the trustees' meeting on
 2 19 October, these reviews and the SCIE review were
 3 considered by the trustees and the action plan agreed.
 4 Q. Thank you. In the few moments that are left between now
 5 and lunch, can we just look at the parish review that
 6 was undertaken, and that's behind our tab 10. That was
 7 also conducted by Mrs Pickles, who visited, I think, six
 8 parishes in September and October of this year. But
 9 I just want to understand the rationale behind the
 10 commissioning of the parish review.
 11 A. Yes.
 12 Q. Why did you consider it necessary to conduct a review?
 13 A. Originally, we had asked SCIE to undertake their review
 14 in relation to not only the office, but also to go out
 15 into parishes. SCIE instructed or informed us that
 16 within the timescale that they had that they would be
 17 unable to undertake that. So simultaneously, while they
 18 were working, we returned to Mrs Pickles and asked her.
 19 She undertook this additional third review -- well,
 20 second -- her second review, but it had originally been
 21 expected that it would be incorporated in the SCIE
 22 review, to see how the policies and what was actually
 23 agreed, both nationally and at the diocesan level, were
 24 implemented locally.
 25 Q. We, I think, looked yesterday at the conclusions of

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1 the parish report which start, Archbishop, at page 9.
 2 There were a number of areas that were considered to be
 3 working well and we looked at those with Mrs Jones
 4 yesterday. There were a number of areas of challenge
 5 and risk and recommendations for improvement which start
 6 at paragraph 5.1 in that document.
 7 The parish review concluded that the safeguarding
 8 unit at present -- can I have it on screen, please,
 9 CHC001644_010. Thank you very much. The areas of
 10 challenge at the bottom of that page there start with
 11 the paragraph:
 12 "The safeguarding unit at present is a limited
 13 resource and does not appear to meet the level of
 14 demands that are made on it. It is also in essence
 15 dependent on an individual who has very useful legacy
 16 knowledge."
 17 Prior to all of these reports, I think you said it
 18 would be the Vicar General who would have had oversight
 19 of the safeguarding team and of Mrs Jones; is that
 20 right?
 21 **A. Yes.**
 22 Q. Were you aware that they were -- just couldn't meet
 23 demand?
 24 **A. I was certainly aware in the last two years or so, the**
 25 **period of preparation for the inquiry, that the team**

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1 safeguarding team, no matter any number of meetings or
 2 groups is going to be able to remedy that problem. I'm
 3 just trying to understand that, you having acknowledged
 4 that there was a great deal of strain on Mrs Jones in
 5 the unit, what practically you did to try to alleviate
 6 that?
 7 **A. I did see that in Jan Pickles' report the observations**
 8 **were there that it was difficult -- I don't know how**
 9 **many observations, but difficult to access the**
 10 **safeguarding team and a response came that they were**
 11 **busy with IICSA preparations. However, I know that**
 12 **Jane Jones would have responded and that she does**
 13 **respond without delay to telephone messages. People**
 14 **might have left a message on her answer phone, but she**
 15 **would certainly respond.**
 16 **In the course of that time, I did also ask the**
 17 **Vicar General to speak with Jane to ask her whether more**
 18 **help was needed, and that happened on several occasions,**
 19 **but we understood -- and this may well have been simply**
 20 **the safeguarding team indicating that, while they were**
 21 **under pressure, they felt that they could cope, and that**
 22 **was the response and that was respected. However, as**
 23 **time went by, we went back and indeed, as the pressure**
 24 **was mounting in preparation for this hearing, there were**
 25 **two or three times Jane was asked either by the**

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1 **were under a lot of pressure. Jane Jones had**
 2 **communicated that certainly to me and also to the**
 3 **Vicar General. There was recognition of the additional**
 4 **work both of the very considerable task of disclosing**
 5 **documents alongside the day-to-day work of safeguarding**
 6 **which continued, of course, and was overseen within the**
 7 **Safeguarding Commission.**
 8 **This was putting stress and quite a lot of strain on**
 9 **the team there.**
 10 Q. How was that dealt with?
 11 **A. Well, that having been acknowledged, we sought some help**
 12 **from the -- in due course, from the Catholic Council for**
 13 **IICSA because we benefited from the support of**
 14 **Will Kent, who is present here with the council**
 15 **representatives, in order to help us with the redaction**
 16 **process for the disclosure documentation.**
 17 **But we also set up a steering group in order to**
 18 **assist with the preparations for IICSA, and that was**
 19 **chaired by Bishop Robert Byrne and with Jane Jones and**
 20 **Liz Fisher, the chair of the Safeguarding Commission and**
 21 **Father Stephen Wright also.**
 22 Q. There may be some here who think it is all well and good
 23 having all of the meetings and the steering groups, and
 24 call them what you will, but if the person in the parish
 25 can't get hold of Jane Jones or anyone in the

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1 **Vicar General -- I met with Jane in order to see whether**
 2 **there was something -- on two occasions, in August**
 3 **and September more recently.**
 4 Q. Were you aware of the numbers of hours that she was
 5 working over and above?
 6 **A. I can't say -- no, I wouldn't be -- I certainly couldn't**
 7 **say specifically how many hours Jane worked. I was**
 8 **aware -- I think as I mentioned earlier -- of the hours**
 9 **and hours that she spent, and I knew that she was**
 10 **available -- she'd told me this -- outside office hours.**
 11 **I know that because there have been occasions when --**
 12 **one might think of unsociable hours -- I have contacted**
 13 **Jane for advice and she's been readily available.**
 14 Q. Do you think perhaps now, given that she's told us she
 15 saw her work as the coordinator as a demonstration of
 16 her faith and of her commitment to safeguarding, that
 17 perhaps the problem was covered up?
 18 **A. Jane spoke of her work as a vocation. A vocation to me**
 19 **is something that actually is thoroughgoing within**
 20 **a person's life. I think that has been the motivation**
 21 **for Jane Jones' work and the dedication that she's**
 22 **brought to it. She did see it as a vocation.**
 23 **But one of the things that doesn't sit comfortably,**
 24 **I realise, within any charity is the vocational**
 25 **motivation a person feels and the professional support**

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<p>1 and the structures which should be in place. And 2 I realise that those two can sometimes be in conflict. 3 Q. I know you have told us that the salary was reviewed and 4 did go up. 5 A. Yes. 6 Q. But did it strike you as odd that in the nine years 7 whilst you have been archbishop she never asked for 8 a raise? 9 A. I didn't know whether she had, actually, and certainly 10 it wasn't put to me directly, so I wasn't -- I wasn't 11 aware whether Jane had asked or not. 12 Q. In fact, part of the problem here, because she views it 13 as her vocation, she takes on this additional work, she 14 doesn't do the things that a less-committed Catholic or 15 someone who wasn't a Catholic would otherwise do. Is 16 that, do you think, part of the potential problem here? 17 A. I have to say, I have not been aware of any things which 18 she hasn't undertaken which a less-committed Catholic or 19 non-Catholic would do. 20 Q. It may be the case that she's taken on too much because 21 of her vocation, and that's masked some of the problems 22 with the lack of the professionalism within the 23 safeguarding team? 24 A. That may be -- it is not an assessment that I find easy 25 to make, certainly.</p> <p style="text-align: center;">Page 105</p>	<p>1 MS CAREY: I see the time. I think it may be sensible to 2 pause there. This afternoon, we will return to the SCIE 3 audit and conclude the archbishop's evidence shortly 4 thereafter. 5 THE CHAIR: Thank you. We will return at 2.00 pm. 6 (1.00 pm) 7 (The short adjournment) 8 (2.00 pm) 9 MS CAREY: Archbishop, I would like to look this afternoon, 10 please, at the SCIE audit and what is happening in the 11 archdiocese as a result of that review. Can we turn, 12 please, to behind tab 12, chair, and put up on screen 13 the audit itself at CHC001649. 14 I think, Archbishop, in your letter to the 15 parishioners on the weekend of 3/4 November, you 16 informed the parishioners that you had commissioned the 17 reports, including this and the Past Cases Review, and 18 you describe the SCIE report as highlighting "current 19 areas of significant improvement required"? 20 A. Yes. 21 Q. In the statement that you made to the inquiry, you said 22 in that that you have fully accepted the criticism made 23 in the SCIE report; is that correct? 24 A. It is, yes. 25 Q. I want to just look at some of the areas where perhaps</p> <p style="text-align: center;">Page 106</p>
<p>1 improvement is required. Can we turn, please, to the 2 paragraph in the SCIE report at 2.2.1, which is on _008 3 of the electronic version. 4 The auditors, as you can see there, looked at six 5 files that were identified by the archdiocese as 6 safeguarding cases: 7 "In addition, they saw ten safeguarding 8 agreements ... and looked at the enquiries dealt with by 9 the safeguarding team in 2016, 2017 and 2018 to date." 10 The auditors, as we can see from the next paragraph 11 down, found the recording systems used to manage and 12 document safeguarding case work by the archdiocese to 13 be, in their words "wholly inadequate": 14 "At best, each case file is a series of handwritten 15 notes and email print-outs; sometimes they are simply 16 handwritten notes, often of poor legibility. There is 17 no case management system which could enable the 18 safeguarding team to track cases over time and across 19 different locations or cross-reference abusers and 20 victims. The ability of anyone to get a clear sense of 21 what is going on in a case is completely compromised and 22 this raises genuine safeguarding concerns that issues 23 that need follow-up are overlooked and that patterns of 24 abuse and other issues are being missed." 25 On any view, that is a pretty damning assessment of</p> <p style="text-align: center;">Page 107</p>	<p>1 the 2016 to 2018 files that were assessed by SCIE. Were 2 you aware that there were problems with the recording 3 systems in the more recent cases? 4 A. No, I wasn't aware of either the scope of the problem 5 and it came to me and I think the trustees saw the 6 significance of this. 7 Q. Had you not commissioned the review, was there any 8 system in place which would look at the casework, look 9 at the recording systems? 10 A. No, I think, as I said earlier today, there were not 11 those checks and balances in place which would have 12 shown that. 13 Q. I think, since this assessment, you have appointed 14 Jane Foster, a former local authority designated 15 officer, a LADO as we have called it, to go through the 16 2016 to 2018 cases and check that nothing further needs 17 to be done, that enquiries which were incomplete are in 18 fact completed? 19 A. Yes, and I am informed that that work has been 20 completed, or at least I have had an interim report on 21 it. 22 That was -- in the action plan, that was highlighted 23 as a priority. So I was very grateful to see that, with 24 the support -- the help of the safeguarding team, that 25 whatever was found to be incomplete was actually</p> <p style="text-align: center;">Page 108</p>

<p>1 complete.</p> <p>2 I understand that in a number of cases actions which</p> <p>3 had been taken had not been recorded, but clearly, if an</p> <p>4 action is taken, there must be a demonstration for</p> <p>5 everybody that it has been undertaken.</p> <p>6 Q. We, I'm afraid, do not have time to go through the</p> <p>7 entirety of the audit. But a number of observations in</p> <p>8 different areas -- the audit wasn't saying that the work</p> <p>9 wasn't done, but there was simply no paper trail or</p> <p>10 proper paper trail by which you could see that the work</p> <p>11 had been done?</p> <p>12 A. Yes.</p> <p>13 Q. Is that a fair way of trying to summarise a running</p> <p>14 theme throughout the audit?</p> <p>15 A. I think so, and I'm grateful for what the audit</p> <p>16 demonstrated, that, while work was done, it has to be</p> <p>17 shown to have been done in order for us to know.</p> <p>18 Q. Also, if someone new came into the team or Mrs Jones</p> <p>19 were ill one day, one could pick up the file and be able</p> <p>20 to see what had happened and if anything further needed</p> <p>21 to be done on it?</p> <p>22 A. Yes, I'm aware of the importance of that.</p> <p>23 Q. One of the other areas SCIE looked at was in relation to</p> <p>24 responding to survivors and their family members. Can</p> <p>25 we call up on screen paragraph 2.2.25, which is _012,</p> <p style="text-align: center;">Page 109</p>	<p>1 page 8 of the report, Archbishop. As part of the audit,</p> <p>2 I think it was 11 survivors or their family members got</p> <p>3 in touch with SCIE to share their views, and the report</p> <p>4 makes clear they have no way of knowing whether that</p> <p>5 11 is a representative sample, but that was the 11 that</p> <p>6 they spoke to. There was some positive feedback about</p> <p>7 the safeguarding coordinator, and perhaps there was what</p> <p>8 was described in the report as "trenchant criticism" of</p> <p>9 her and, indeed, of the response of you and the</p> <p>10 auxiliary bishop, although others noted that your</p> <p>11 response was compassionate.</p> <p>12 I want to ask you about this paragraph, though,</p> <p>13 where the SCIE audit said:</p> <p>14 "The following are illustrations of the kinds of</p> <p>15 concerns shared. One common theme to the criticisms was</p> <p>16 that responses were dominated by a desire to protect the</p> <p>17 church's reputation, to fend off perceived threats of</p> <p>18 litigation, and to protect fellow clergy at all costs.</p> <p>19 Another was that anyone raising concerns was rebused by</p> <p>20 hostile, isolating responses from priests and</p> <p>21 congregations locally, so that people were left feeling</p> <p>22 marginalised and unsupported."</p> <p>23 How do you envisage that that observation by the</p> <p>24 SCIE audit is going to be practically overcome or</p> <p>25 mediated -- whatever the right word may be?</p> <p style="text-align: center;">Page 110</p>
<p>1 A. There are two criticisms there, and I believe the first</p> <p>2 criticism has been corroborated by what we have already</p> <p>3 heard during the course of this week. First of all,</p> <p>4 I was -- I found it reassuring that, for us in</p> <p>5 preparation for SCIE, communicating the SCIE review did</p> <p>6 actually result in responses from survivors and victims</p> <p>7 of abuse.</p> <p>8 A theme which Jan Pickles has picked up and which</p> <p>9 I think is going to be very important for us was that</p> <p>10 survivors and victims of abuse are not to be seen as</p> <p>11 a problem, but actually an asset, in the sense that we</p> <p>12 can learn a great deal from them, and the survivors'</p> <p>13 panel at national level, which CSAS has organised, could</p> <p>14 be replicated at a local level.</p> <p>15 There was also, I think, either in SCIE or</p> <p>16 Jan Pickles, some indication that some survivors and</p> <p>17 victims would be prepared to serve and actually to</p> <p>18 assist in such a way. The second of those criticisms</p> <p>19 regarding the hostile response within parish settings is</p> <p>20 one which I think again arose from some of</p> <p>21 the experiences of survivors in their own testimony,</p> <p>22 that in relation to the four cases which the inquiry</p> <p>23 chose for this case, there is evidence that people who</p> <p>24 are families and individuals in their parishes felt</p> <p>25 isolated because there wasn't a trusting or a believing</p> <p style="text-align: center;">Page 111</p>	<p>1 response to the allegations that were made. So I think</p> <p>2 those two criticisms are corroborated. It is finding</p> <p>3 a way for the present to assess whether this is</p> <p>4 universally the case or widely the case within the</p> <p>5 archdiocese, and I think that requires reflection.</p> <p>6 Q. If I can summarise it this way, there was a large</p> <p>7 passage of the audit devoted to the lack of oversight of</p> <p>8 the safeguarding team, and we have alluded to that</p> <p>9 already.</p> <p>10 A. Yes.</p> <p>11 Q. I think the chair and panel are aware that there is</p> <p>12 a new or an interim director who is coming in. How is</p> <p>13 it envisaged that he will be overseen?</p> <p>14 A. Will be overseeing or --</p> <p>15 Q. No, he will be overseen.</p> <p>16 A. Thank you, his line manager will be the chief operating</p> <p>17 officer, David Brooks.</p> <p>18 Q. In terms of ensuring that he oversees the other members</p> <p>19 of the safeguarding team, what is going to be put into</p> <p>20 place to ensure that that happens?</p> <p>21 A. Well, the working group is going to continue. This is</p> <p>22 part of our response to the inquiry. The working group</p> <p>23 will continue in place. So it will be able to</p> <p>24 monitor -- that's the trustees' working group -- the</p> <p>25 work over the coming six months we envisage for the new</p> <p style="text-align: center;">Page 112</p>

1 **director of safeguarding improvement, or transformation.**
 2 **I can't remember the exact title that we have chosen for**
 3 **it. But it is not a replacement for the safeguarding**
 4 **coordinator. This is an additional role ad interim in**
 5 **order to enable us to put the action plan in place.**
 6 Q. Had Mrs Jones not resigned, there would be the interim
 7 director, Mrs Jones and then the other members of
 8 the team that we have heard about?
 9 **A. Yes, and Mrs Jones' role will continue.**
 10 Q. Yes. Does it follow from that that you are now in the
 11 process of trying to recruit a new coordinator?
 12 **A. That, I think, will be one of the first tasks that**
 13 **Andrew Haley begins when he takes up his post on Monday.**
 14 Q. The audit also looked at the Commission itself and came
 15 to the view that in fact the Commission was good at
 16 providing advice and scrutinising individual cases but
 17 that the Commission did not provide strategic direction
 18 or independent oversight. How is it proposed that the
 19 latter concern, the lack of direction and lack of
 20 oversight, is going to be addressed?
 21 **A. There will be a discussion both within the Commission,**
 22 **which is meeting next week, and also within the trustees**
 23 **to look at the way in which trustees relate to the**
 24 **Safeguarding Commission.**
 25 **At present, we don't have a trustee who is a lead**

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1 **guarantees their independence I think will be**
 2 **a challenge.**
 3 Q. I would like to look at one particular paragraph, at
 4 page 23 in the report, or page 27 on the digital system,
 5 and the passage at paragraph 2.9.2, Archbishop. This
 6 was a conclusion of the audit in relation to a section
 7 dealing with complaints and whistleblowing. I am going
 8 to read this out in full:
 9 "Further, the auditors have been troubled by the
 10 extent to which there has been a tangible and explicit
 11 fear on the part of people from across the archdiocese
 12 who made contact with the auditors. This anxiety has
 13 been expressed by survivors and their families, by
 14 parish safeguarding representatives, by Cathedral House
 15 staff and by parish priests. All were hugely concerned
 16 that their identities not become known and placed great
 17 emphasis on their contributions remaining confidential.
 18 Some people were even fearful of their children losing
 19 places at their church school for having spoken out.
 20 This does not indicate a culture whereby providing
 21 feedback, complaints or whistleblowing is assumed to be
 22 something constructive and actively welcomed by the
 23 archdiocese. On the contrary, it suggests a culture
 24 where it is not deemed safe to criticise or even discuss
 25 safeguarding practices in the church."

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1 **trustee on safeguarding. I can see that that's going to**
 2 **be necessary, and maybe is something we should have had**
 3 **in place previously. But such a trustee would be able**
 4 **to monitor and scrutinise the work of the Safeguarding**
 5 **Commission, obviously working closely with the**
 6 **chairperson. There are, I think, structural ways in**
 7 **which the trustees can exercise our responsibility more**
 8 **effectively in relation to the Safeguarding Commission.**
 9 **One element which the inquiry may wish to**
 10 **consider -- I don't know; it has a generic**
 11 **significance -- is that there has been, since**
 12 **safeguarding and, before that, Child Protection**
 13 **Commissions were established in dioceses, a desire to --**
 14 **not to set them exactly at arm's length, but to**
 15 **guarantee their independence. That's not just for**
 16 **perception's sake, but to ensure that, partly through**
 17 **the membership, but also through the degree of distance**
 18 **that they have from the central decision-making bodies**
 19 **of a diocese, that there is that degree of -- not**
 20 **exactly autonomy, because they do depend for support on**
 21 **the diocese, but, nevertheless, to demonstrate an**
 22 **independence. I think that might have also had an**
 23 **influence.**
 24 **Finding a link between the trustees and the**
 25 **Safeguarding Commission which is effective but also**

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1 Now, Archbishop, when you read that paragraph, were
 2 you aware of the tangible and explicit fear that is
 3 enunciated there?
 4 **A. Not to the extent to which it is described here.**
 5 Q. How did you feel upon reading that paragraph?
 6 **A. Two things. I think that -- it indicates that there is**
 7 **much more to be done with regard to whistleblowing**
 8 **policy, and, clearly, that's something that the**
 9 **recommendation -- the action plan will pick up.**
 10 **The second thing was, a degree of -- I won't say**
 11 **perplexity, but if I think of my own post bag, usually**
 12 **in the course of the week there are usually many more**
 13 **letters of complaint than there are of applause for**
 14 **actions, and that is the case. In my experience,**
 15 **certainly in communicating with me, people don't defer**
 16 **in the way that that seems to suggest with regard to**
 17 **writing to complain.**
 18 **I think that's a healthy thing and it is not**
 19 **something that I would want to see change, but it did**
 20 **surprise me a little bit, because -- also, I think my**
 21 **relationship with priests, I feel the evidence is there**
 22 **in the letters that I receive, they do feel able to**
 23 **raise difficult and challenging issues with me in a way**
 24 **which I would encourage and expect.**
 25 **I would hope, though, that we will take -- we will**

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<p>1 take this seriously and try to develop a better</p> <p>2 understanding of what whistleblowing actually is -- for</p> <p>3 staff, for parish communities and for clergy.</p> <p>4 Q. It speaks to a cultural problem potentially, certainly</p> <p>5 of those that made themselves known to the auditors.</p> <p>6 How, in reality, can that be best tackled?</p> <p>7 A. The cultural problem itself?</p> <p>8 Q. Mmm.</p> <p>9 A. I think it would manifest itself in different ways. The</p> <p>10 accessibility of the safeguarding team has been</p> <p>11 applauded elsewhere within the documentation that we</p> <p>12 have had. Making certain that there is access to</p> <p>13 independent helplines. One of the things which we put</p> <p>14 in place, in the knowledge that there would be likely to</p> <p>15 be an upsurge of contact on safeguarding issues at this</p> <p>16 period, was the NSPCC helpline. So I think to have an</p> <p>17 independent helpline which is widely advertised. Over</p> <p>18 the last three weekends, we have made certain that</p> <p>19 accompanying my pastoral letter, newsletters in parishes</p> <p>20 had that number available. We continue to make it</p> <p>21 available. Having an independent agency that people can</p> <p>22 approach without fear, as this seems to indicate, it</p> <p>23 seems to me one step which is positive.</p> <p>24 Q. I alight on a cultural issue because the conclusion, if</p> <p>25 we turn to page 31 -- page 35 electronically -- speaks</p> <p style="text-align: center;">Page 117</p>	<p>1 in paragraph 3.1.1 and 3.1.2 of "a radical culture</p> <p>2 change is needed". You just referred to the pastoral</p> <p>3 letter that went out I think a week and a bit ago.</p> <p>4 Although that letter made reference to the fact that</p> <p>5 there were concerns in these reports, were the reports</p> <p>6 actually made available for the parishioners if they</p> <p>7 wanted to read them?</p> <p>8 A. Not before this inquiry sat.</p> <p>9 Q. Are they going to be made available if anybody wants to</p> <p>10 read them?</p> <p>11 A. Yes, they are available. I think -- they are certainly</p> <p>12 already available through the inquiry and there is</p> <p>13 a link with the inquiry's website on our own website</p> <p>14 where these reports can be read. I do note that the</p> <p>15 radical change of culture which is mentioned in this</p> <p>16 report refers particularly, though, to management and</p> <p>17 governance, and I think that's something we have also</p> <p>18 noted and take very seriously.</p> <p>19 Q. Is there any particular reason why you didn't go through</p> <p>20 in that pastoral letter some of the identified concerns</p> <p>21 and say, "I'm afraid there is a problem with our team.</p> <p>22 There does appear to be a problem with the</p> <p>23 whistleblowing"? Why didn't you go into some of</p> <p>24 the specifics with the parishioners so they could really</p> <p>25 understand what the concerns were?</p> <p style="text-align: center;">Page 118</p>
<p>1 A. Well, there are two reasons. The nature of a pastoral</p> <p>2 letter is that it replaces a sermon in the context of</p> <p>3 a mass. It is the most effective way for a bishop to</p> <p>4 communicate with the people when they are gathered</p> <p>5 together. It is set in the liturgical setting and</p> <p>6 therefore there has to be some reference, I believe, to</p> <p>7 the scriptures and to what people are celebrating that</p> <p>8 day. It is limited in terms of its length and scope.</p> <p>9 I didn't want this pastoral letter to be longer than the</p> <p>10 average sermon of eight or nine minutes and, also,</p> <p>11 I didn't wish to anticipate what might be discussed in</p> <p>12 the context of this hearing. I wanted to alert people</p> <p>13 to the fact that we were the subject of the hearing and</p> <p>14 to ask for their prayers, especially for the survivors</p> <p>15 and victims of abuse, to be aware that that would be the</p> <p>16 focus of the hearing, but also to be aware there is an</p> <p>17 ongoing programme that follows from these reports.</p> <p>18 Q. Do you intend to say anything in any future pastoral</p> <p>19 letter in the next few weeks about what you have heard</p> <p>20 during this last week?</p> <p>21 A. I do. I intend to write a pastoral letter for the</p> <p>22 Sunday after Christmas.</p> <p>23 Q. Just concluding with the report, looking at</p> <p>24 paragraph 3.1.1, the conclusions they say are "clear and</p> <p>25 concise. The vision and aspiration for safeguarding</p> <p style="text-align: center;">Page 119</p>	<p>1 held by the archbishop and key clergymen is positive and</p> <p>2 a clear strength. However, the gap between this vision</p> <p>3 and a safe, reliable safeguarding system functioning</p> <p>4 across the archdiocese is stark. In discussion of the</p> <p>5 draft of this report, we were told that there is urgent</p> <p>6 work already under way to identify whether anyone has</p> <p>7 been left at risk of harm as a result."</p> <p>8 Did it identify whether there was anyone at risk of</p> <p>9 harm as a result of these failings?</p> <p>10 A. The immediate exercise was in the offices last week.</p> <p>11 I'm not aware -- the report that I received didn't</p> <p>12 identify anybody who was at risk of harm or as a result.</p> <p>13 However, I think these recommendations and this</p> <p>14 conclusion will form part of the brief which Mr Haley</p> <p>15 undertakes.</p> <p>16 Q. I want to turn, then, to Mr Haley and what is being done</p> <p>17 as a result of receiving this report. I think the draft</p> <p>18 was received on 28 September and SCIE met with the</p> <p>19 Safeguarding Commission on 1 October. Is that right?</p> <p>20 A. That's right.</p> <p>21 Q. Take the dates from me and, if I have got them wrong,</p> <p>22 I will be corrected.</p> <p>23 A. Thank you.</p> <p>24 Q. As a result of that, there was a safeguarding response</p> <p>25 group set up, and there was a working group meeting on</p> <p style="text-align: center;">Page 120</p>

<p>1 9 October. Can we have a look, please, behind tab 18 at 2 CHC001646_019. This is the notes of the working group 3 on the safeguarding response. You were present? 4 A. Yes. 5 Q. Just to speak to the procedure that was gone through, 6 clearly there was reflection on the Past Cases Review; 7 reflection on the SCIE report; and if one goes to the 8 next page, there was discussion of the employment 9 implications of the proposal to bring in an interim 10 safeguarding strategic lead to whom the coordinator will 11 report. This post was seen as a necessary response to 12 the findings to quickly move to best practice and it was 13 recognised this was not proposed to be a replacement for 14 Mrs Jones but a new interim post? 15 A. Yes. 16 Q. As part of that meeting, did you then meet with 17 Andrew Haley? 18 A. Yes. We had agreed that we wanted to move quickly and, 19 as a consequence, it wasn't possible to put in place 20 what would normally be a process of recruitment. So we 21 had an opportunity. We understood that Mr Haley was 22 open to meeting with us and so consequently he did. We 23 met with him informally on this occasion. 24 Q. Just a couple of points from that paragraph dealing with 25 the meeting with Andrew Haley. I think he emphasised</p> <p style="text-align: center;">Page 121</p>	<p>1 the importance of good record keeping and the need to 2 find an IT system that is fit for the archdiocese's 3 needs? 4 A. Yes. 5 Q. Has that been done yet or is that still a work in 6 progress? 7 A. That is still in progress, as far as I know. 8 Q. He told you in that informal meeting that he was not yet 9 familiar with the church structures, but willing to 10 learn, as he has in other roles? 11 A. Yes. His description of his work, particularly with the 12 National Scouting Movement and in other places, 13 indicated his own capacity to learn quickly systems with 14 which he wasn't hitherto familiar. 15 Q. At the bottom of the paragraph, he commented that he 16 would draw a distinction of resources for perpetrators 17 and victims and survivors and that the two should not be 18 found in the same person? 19 A. Yes. 20 Q. He stated that, if appointed, he would be remunerated 21 and that's a matter for his employment contract. Just 22 on that comment about the distinction of resources for 23 perpetrators and resources for victims and survivors, 24 what did you understand him to be saying to you there, 25 Archbishop?</p> <p style="text-align: center;">Page 122</p>
<p>1 A. That we should consider -- we didn't go into detail 2 about this, but my understanding was that we should 3 consider separating the way in which -- most of 4 the activities of safeguarding are undertaken from the 5 provision of support for victims and survivors of abuse. 6 I was familiar, from my time in the archdiocese of 7 Westminster, with a period when there was a survivors' 8 support officer who was employed by the archdiocese. 9 I saw the impact of that. Her role was principally to 10 signpost, but she was available for people. 11 At the same time, I was aware that this was 12 a dimension of Jane Jones' work which she'd carried out 13 very effectively, though I'm sure there were times when 14 the strain of supporting survivors and victims and also 15 investigating the usual work of the safeguarding 16 coordinator must have been quite heavy. 17 Q. It is a possibility, but I put it no higher than that at 18 this stage, that you might consider whether there should 19 be a support officer or that type of role implemented 20 again within the archdiocese? 21 A. I would certainly want to wait and see what 22 Andrew Haley's thoughts are as they develop on this, but 23 it would certainly be consonant with the establishment 24 of a survivors' panel to help us understand. 25 Q. You were meeting with him informally there in that</p> <p style="text-align: center;">Page 123</p>	<p>1 meeting but I think a short while later, on 2 15 October -- and if we go behind tab 19, chair, 3 CHC001646_024, there was a safeguarding working group 4 convened. Again, you were present. This was on 5 15 October. What was the purpose of this meeting, 6 Archbishop? 7 A. This was a formal interview for the new post. 8 Q. Was it -- 9 A. You will note that -- I'm so sorry. 10 Q. Sorry. 11 A. The interview panel was slightly different, in fact. We 12 involved then Elisabeth Fisher as chair of 13 the Safeguarding Commission and Bishop Robert Byrne. 14 Q. This was with a view, was it, to considering whether to 15 recommend Andrew Haley to the trustees? 16 A. It was. 17 Q. Again, I think he gave a presentation. He said he saw 18 the interim role as a six-month one. Doubtless there 19 were questions asked. But I would like to just go to 20 the end of that document. Clearly he had come in, given 21 his presentation, been interviewed and, between you, you 22 had a discussion -- sorry, too far. Page 26. 23 A discussion of him and whether there should be 24 a decision to recommend him to trustees or not. We can 25 see there the note was 4:2 to recommend. All three</p> <p style="text-align: center;">Page 124</p>

<p>1 trustees who were at that meeting voted to recommend?</p> <p>2 A. Yes.</p> <p>3 Q. So clearly the decision was not unanimous?</p> <p>4 A. Correct.</p> <p>5 Q. Can I deal with it in this way: is it right that some of</p> <p>6 those present commented that Andrew Haley had not read</p> <p>7 Catholic policies and a further member was disappointed</p> <p>8 that during Andrew Haley's presentation there had been</p> <p>9 no reflection on national Catholic policies?</p> <p>10 A. That's correct. Disappointment was expressed in</p> <p>11 relation to the question which he had been asked to</p> <p>12 prepare for, which specifically referred to the CSAS and</p> <p>13 national policies. Any requirement -- and that was</p> <p>14 a requirement of the presentation, and any work that</p> <p>15 Andrew Haley does would of course be according to those</p> <p>16 national policies.</p> <p>17 Q. A further member of the meeting that day commented that</p> <p>18 Andrew Haley was not familiar with the culture of</p> <p>19 the church. Given we have heard a lot about Jane Jones'</p> <p>20 commitment to her faith and her vocation, was that being</p> <p>21 seen as a negative or a positive?</p> <p>22 A. It wasn't regarded as an essential thing for somebody</p> <p>23 coming into this role, and in fact, if we could actually</p> <p>24 take advantage from a fresh approach which wasn't in any</p> <p>25 sense unduly influenced by the culture which you would</p> <p style="text-align: center;">Page 125</p>	<p>1 encounter, we realised that he'd entered into</p> <p>2 organisations with whose culture he wasn't familiar in</p> <p>3 the past, such as the National Scouting Movement, and</p> <p>4 thought this would be an advantage.</p> <p>5 Q. I think you, yourself, said that Andrew Haley was</p> <p>6 a challenging character who may well be impervious to</p> <p>7 forthcoming difficulties. I am summarising, really,</p> <p>8 what is encapsulated at the bottom of that document.</p> <p>9 You said that both qualities are probably what is needed</p> <p>10 in the immediate future. I would like you, please, to</p> <p>11 expand on that so everyone understands what it was</p> <p>12 really you were trying to say. I will read it again</p> <p>13 because it is not in that document. You said:</p> <p>14 "Andrew Haley was a challenging character who may</p> <p>15 well be impervious to forthcoming difficulties and that</p> <p>16 both qualities are probably what is needed in the</p> <p>17 immediate future."</p> <p>18 A. Could I ask which document it is in?</p> <p>19 Q. It is in fact on that page where the "irrelevant"</p> <p>20 section is. I am just summarising it from you, but</p> <p>21 these are your words, Archbishop?</p> <p>22 A. Yes.</p> <p>23 Q. You have said that he might be what is needed,</p> <p>24 basically, but yet there was clearly a concern that he</p> <p>25 perhaps hadn't read the policies, he wasn't familiar</p> <p style="text-align: center;">Page 126</p>
<p>1 with the culture of the church. You seemed to be siding</p> <p>2 with the fact that he might be the breath of fresh air.</p> <p>3 Why did you form that view about him?</p> <p>4 A. Well, I suppose I thought this was something which would</p> <p>5 be helpful in the circumstances since he'd be</p> <p>6 implementing an action plan which had resulted from the</p> <p>7 reports, which themselves, of course, had been an</p> <p>8 external reflection on our safeguarding. I thought that</p> <p>9 Andrew Haley would have the capacity to undertake this</p> <p>10 work, and I also said it because I thought I might then</p> <p>11 also influence the discussion about a decision whether</p> <p>12 to employ him or not.</p> <p>13 Q. I think then was a decision taken to recommend him to</p> <p>14 the board of trustees?</p> <p>15 A. Yes.</p> <p>16 Q. In due course, he was engaged for a six-month period in</p> <p>17 what is described as being the interim director of</p> <p>18 safeguarding. Why is it, on what might seem to be</p> <p>19 a short period of time, just six months?</p> <p>20 A. It was his own suggestion, I think.</p> <p>21 Q. There appears, Archbishop, to be much to do, both in the</p> <p>22 immediate term, looking at the immediate cases, which</p> <p>23 has been done, but at the longer term. Do you think,</p> <p>24 having listened to what you have heard this week, that</p> <p>25 six months is really going to be long enough?</p> <p style="text-align: center;">Page 127</p>	<p>1 A. Not for the task which is in hand, no; but whether we</p> <p>2 would continue to employ Andrew Haley for that task or</p> <p>3 seek a safeguarding coordinator who would pick up the</p> <p>4 task as part of his or her brief I think would be for</p> <p>5 the trustees to reflect on.</p> <p>6 Q. All right. I mentioned the amount of work that needs to</p> <p>7 be undertaken because the action plan which we find</p> <p>8 behind our tab 15 really divides the work to be done</p> <p>9 into what is urgent -- if we can call up on screen</p> <p>10 CHC001646_006, please. You can see there the urgent</p> <p>11 action plan:</p> <p>12 "A case management system needs to be brought in as</p> <p>13 a matter of urgency.</p> <p>14 "The databases ... need reviewing ..."</p> <p>15 "... satisfy itself that case and enquiries from</p> <p>16 2016 onwards have been satisfactorily dealt with ..."</p> <p>17 That has been dealt with by, I think, Ms Foster's</p> <p>18 work:</p> <p>19 "An urgent review of all safeguarding</p> <p>20 agreements ..."</p> <p>21 Has that been undertaken?</p> <p>22 A. No, not yet.</p> <p>23 Q. "Immediate adoption of the CSAS risk assessment ... as</p> <p>24 the basis for all safeguarding agreements.</p> <p>25 "To adopt immediately the CSAS blemished risk</p> <p style="text-align: center;">Page 128</p>

<p>1 assessment form wherever relevant." 2 Have those matters been attended to? 3 A. I expect -- I don't know. I couldn't verify that. But 4 because they're relatively straightforward things to 5 undertake, I think they -- I would assume they have been 6 done. 7 Q. Then there is what are termed non-urgent or 8 non-immediate actions recommended by the SCIE report. 9 They go through at the bottom of this page and all the 10 way over to the second page. I won't go through all of 11 them. For what is termed "non-urgent" or 12 "non-immediate", do you have a timeframe in mind for 13 when it is expected those matters will be attended to? 14 A. Certainly within the six months of Andrew Haley's 15 certain employment, and it may be that some of them, as 16 you indicated earlier, will take considerably longer 17 than six months, but to have begun to have assessed 18 what's necessary, to put in place what's necessary to 19 achieve that, would, I think, be a refinement of 20 the action plan, and it is hoped the trustees intend 21 that we would have regular reports from Andrew Haley on 22 precisely how this action plan is undertaken. 23 As part of that, I think there should be -- there 24 are likely to be regular reports and reviews to the 25 trustees.</p> <p style="text-align: center;">Page 129</p>	<p>1 Q. Clearly, there will be much for the Commission to do, 2 much for Mr Haley to do and for the operating officer to 3 review Mr Haley's work. But in terms of your role in 4 ensuring that these matters are attended to, how do you 5 foresee you personally ensuring that these problems are 6 now resolved? 7 A. I am going to remain as part of the working group which 8 will meet from time to time as a group set up by the 9 trustees. 10 Q. In the aftermath of the reports and the decision to 11 appoint Mr Haley, we know that Jane Jones resigned. You 12 have sat and heard her evidence. You have no doubt 13 looked at the 1993 position paper. Had you seen that 14 before it was brought up by the inquiry? 15 A. No, I never saw that before. 16 Q. Having heard from her now and looked at the conclusions 17 of the reviews, do you have any observations to make as 18 to whether she was in fact the right person to be your 19 safeguarding coordinator? 20 A. I would make that judgment on my experience of 21 Jane Jones over nine years, from my appointment, from 22 the induction which she gave me as archbishop and from 23 my work alongside her over those years. I believe that 24 Jane achieved a great deal of good as safeguarding 25 coordinator for the archdiocese. I have spoken about</p> <p style="text-align: center;">Page 130</p>
<p>1 some of that already earlier today. 2 I believe that she -- I continue to believe that she 3 was the right person in the post over these nine years. 4 You referred to the 1993 paper which I have only 5 seen in the last few weeks. I never saw any evidence of 6 the observations which were made in the paper there in 7 Jane's work or in what she said to me. She didn't speak 8 other than of victims and survivors of abuse as the 9 priority for her work. 10 In the work that I saw, for nine years, they were 11 the number one victims for Jane and that was my 12 observation from my experience of her work. So I didn't 13 recognise in some of the phrases which were used in that 14 1993 paper what I'd experienced at her side over these 15 last nine years. 16 Q. In the course of your evidence, we have considered 17 briefly the 2010 audit which highlighted some concerns, 18 and now 2018 audit which continues with highlighting 19 some of the same concerns and raises new matters and 20 areas of concerns. 21 Archbishop, what confidence can the chair and panel 22 have that the problems that exist today will now in fact 23 be remedied within the archdiocese? 24 A. I would be very happy to produce reviews of what has 25 been achieved over the coming months. It is my</p> <p style="text-align: center;">Page 131</p>	<p>1 intention that those reviews should be there for the 2 trustees, and I would certainly be happy to -- even to 3 produce what we have by the time the inquiry takes its 4 next tranche of evidence for the Birmingham Archdiocese. 5 MS CAREY: Archbishop, those are all the questions I want to 6 ask. Chair, is there any matter you would like to ask? 7 THE CHAIR: Ms Sharpling? 8 Questions by THE PANEL 9 MS SHARPLING: Thank you, Archbishop. Just a couple of 10 questions, if I may. If you could clarify something for 11 me, I didn't quite understand when you said it. Can you 12 enlarge on what you described, I think, as a conflict 13 between the pastoral care that is offered by the church 14 and its charitable status? 15 A. Yes, I was speaking, I think, in personal terms. 16 I suppose it reflects the reality of Canon law alongside 17 the law of the state and charity law; that I was 18 appointed by the Pope as Archbishop, but at the same 19 time, in order to carry forward the mission of 20 the archdiocese as a charity, I chair the trustees, and, 21 therefore, have responsibilities for the employees. 22 It was mentioned earlier that Jane saw her calling 23 as a vocation, and I think that's a view which would be 24 shared by quite a lot of people who are either employed 25 by the church or who offer their time as members of</p> <p style="text-align: center;">Page 132</p>

1 parish communities and whom I would quite happily style
 2 as "volunteers".
 3 I think sometimes there is a conflict between what
 4 is expected of priests and bishops as pastors and what
 5 is actually required of them in terms of governance.
 6 MS SHARPLING: I was particularly concerned whether you saw
 7 the pastoral role and the charitable status as being
 8 a conflict in relation to the payment of potential
 9 compensation to the victims and survivors of abuse?
 10 A. I think that was a slightly different issue which I had
 11 in mind. It was one which I indicated advice or
 12 recommendations from this inquiry would help. It is
 13 that the pastoral response to survivors and victims,
 14 which I think is demonstrated through the correspondence
 15 with A491, that my first instinct is to make a pastoral
 16 response, and, as you know -- well, as we have seen,
 17 some of the correspondence was modified when it was
 18 submitted to the safeguarding office and through legal
 19 advice.
 20 There is, I think, a challenge, if it is not
 21 a conflict, about how the -- accepting the advice of
 22 insurers, the requirements on us as a charity, sit
 23 alongside the desire to be supportive and to respond to
 24 claims.
 25 MS SHARPLING: Do you think that the description that you

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1 would enable you to feel confident that you were not
 2 doing something that would invalidate your insurance,
 3 which obviously would be a serious matter?
 4 A. I would say two things. When that letter was written,
 5 I was relatively new as an archbishop, and I was an
 6 auxiliary bishop before, but the change from being
 7 auxiliary to responsible for an archdiocese was
 8 considerable. So I was inexperienced.
 9 Now, though, I would look to advice from within my
 10 fellow trustees, but also particularly to our new chief
 11 operating officer, and I would discuss the matter with
 12 him, and I would feel confident that I would have good
 13 advice.
 14 MR FRANK: Because, of course, you will appreciate that you
 15 pay the premium, you pay for the service, so you take
 16 responsibility for it?
 17 A. Yes.
 18 MR FRANK: Thank you.
 19 THE CHAIR: Thank you very much. There are no further
 20 questions.
 21 MS CAREY: Thank you very much, Archbishop.
 22 (The witness withdrew)
 23 MS CAREY: Chair, that does in fact conclude all of
 24 the evidence that we are going to hear during the course
 25 of the public hearing.

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1 have just provided inhibits the church's duty of candour
 2 towards victims and survivors?
 3 A. I think it has influenced it. I hope it doesn't totally
 4 inhibit it. But I think it has influenced. And
 5 certainly, as I mentioned earlier, in my letter to A491,
 6 it changed the tone of that correspondence.
 7 MS SHARPLING: Thank you.
 8 THE CHAIR: Mr Frank?
 9 MR FRANK: This is really supplementary to what you have
 10 already been asked, but what I want to ask, first of
 11 all, is this, because you are going to remain actively
 12 involved in this issue, aren't you, you have told us,
 13 and you are going to help us by sending reports in the
 14 near future as they are available?
 15 A. Yes, I will.
 16 MR FRANK: When it comes to your relationship with your
 17 legal advisers and your insurers, you of course,
 18 I assume, are not legally qualified and would take
 19 advice appropriately. But in terms of challenging that
 20 advice, what assistance can you get, as it were, on that
 21 subject?
 22 I have in mind the letter that you initially signed
 23 as "without prejudice", which I think you have accepted
 24 was inappropriate, possibly even a clumsy way of
 25 addressing somebody. What advice could you get now that

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1 Housekeeping
 2 MS CAREY: Can I, before we embark on closing submissions by
 3 those core participants who wish to make them, return,
 4 then, please, to one matter in relation to
 5 Cardinal Nichols.
 6 As I explained on Tuesday, the inquiry was informed
 7 on Monday morning that Cardinal Nichols was taken ill
 8 during a service on Sunday afternoon. The inquiry then
 9 received a letter from the cardinal's general
 10 practitioner on Monday afternoon and, in summary, that
 11 letter explained that the cardinal was unfit to give
 12 evidence this week and that he would be unable to do so
 13 for a period of three weeks.
 14 Following receipt of that letter, the solicitor to
 15 the inquiry's team has corresponded with the cardinal's
 16 solicitors, Farrer & Co, to pose a number of additional
 17 questions that you considered would assist you to
 18 understand the reasons behind the cardinal's inability
 19 to give evidence this week.
 20 Three further letters have since been provided over
 21 the course of this week responding to the questions
 22 posed by the inquiry. Chair, I understand that, having
 23 considered the information provided by the cardinal's
 24 doctor to date, you are satisfied that the cardinal is
 25 not able to attend to give evidence this week. We have

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<p>1 made arrangements for the cardinal to attend on 2 13 December to give his evidence and it is his doctor's 3 current view that it will be possible for him to do so. 4 THE CHAIR: Yes, thank you, Ms Carey. I have indeed 5 carefully considered all of the information that has 6 been provided on the cardinal's behalf. Whilst it has 7 been necessary for the inquiry to press for further 8 information over the course of this week, I am now 9 satisfied, for the purposes of his non-attendance this 10 week, with the information provided about the cardinal's 11 inability to attend. 12 Arrangements have been made for the cardinal to 13 attend on 13 December and it is of course important that 14 he does so. I therefore wish to be provided with 15 regular updates. If at any stage during the intervening 16 period there is any indication that the cardinal is not 17 able to give evidence on December 13, we will require 18 full reasons, including a medical report giving 19 a detailed assessment of why that may be the case. 20 In the meantime, I hope the cardinal's recovery 21 continues and it will not be necessary. Thank you. 22 MS CAREY: Thank you, chair. I do not intend, on behalf of 23 the team, to make a closing address to you, but I think 24 it is certainly the case this afternoon that 25 Mr O'Donnell firstly, on behalf of his core</p> <p style="text-align: center;">Page 137</p>	<p>1 participants, would like to address you in closing. 2 THE CHAIR: Thank you. Could I just remind everybody to 3 restrict themselves to the 10 minutes allocated, and 4 particularly to say that there will be an opportunity 5 on December 13 to make any further short closing 6 submissions out of anything that arises from the 7 evidence we hear that day. 8 MS CAREY: Thank you very much. 9 THE CHAIR: Mr O'Donnell? 10 Closing submissions by MR O'DONNELL 11 MR O'DONNELL: Chair, thank you very much. Given that we do 12 have that opportunity on 13 December, I propose today to 13 focus on one issue in closing and consider how the 14 evidence that we have heard so far in this case study 15 impacts upon that. 16 There is a dichotomy in the way that the Roman 17 Catholic Church deals with its survivors. That 18 dichotomy is between the rhetoric it presents in the 19 modern era through this inquiry and in the media 20 generally and the reality of how it continues 21 aggressively to defend claims for compensation brought 22 against it by survivors of childhood abuse for which it 23 was responsible. 24 Firstly, the rhetoric. The church gives every 25 impression that its past failures are behind it and the</p> <p style="text-align: center;">Page 138</p>
<p>1 modern-day reality of its approach to safeguarding 2 children and investigating allegations of historic 3 sexual abuse is now its paramount concern. The language 4 of its leaders paints a picture of an institution that's 5 listened and has changed and will continue to change in 6 the future. 7 Indeed, in his statements produced for this case 8 study, Archbishop Longley, from whom you have just 9 heard, says: 10 "The safety of children must always be the church's 11 paramount concern. I place their interests above the 12 reputation of the church." 13 He also says: 14 "I recognise that the church's national policies and 15 procedures need always to foster confidence and that 16 cooperating fully with statutory authorities will always 17 assist in revealing the truth about an allegation. 18 Where suspicions of child sexual abuse arise, the 19 paramountcy principle and best interests of the child 20 must always be our guide." 21 Indeed, as was put to him in his evidence this 22 morning, he said: 23 "The church must never put its reputation above 24 properly dealing with an allegation. This should be 25 a valuable lesson from the past."</p> <p style="text-align: center;">Page 139</p>	<p>1 This eloquent rhetoric contrasts with the current 2 reality. This case study contains two examples of that 3 reality in relation to the church's approach to 4 compensation claims. The first is Christopher Carrie's 5 case. He brought a claim in systemic negligence for 6 compensation against the church in 2003 for historic 7 abuse by Father John Tolkien in 1957. The Roman 8 Catholic Church's solicitors sent a six-page briefing 9 note to then Archbishop Nichols in 2003 on this and 10 other claims involving Father Tolkien. That briefing 11 note firstly advised the church: 12 "Our conclusion is that Carrie is likely to satisfy 13 the court that Father Tolkien abused him in the manner 14 he alleges." 15 But the briefing note then went on to advise that: 16 "We consider that we have reasonable prospects of 17 successfully defending this case on limitation." 18 Then further down: 19 "A difficult issue has arisen following our recent 20 meeting with Archbishop Couve de Murville. He read 21 Father Tolkien's file and noted a report dated 22 15 January 1968. That reports seems to have been 23 compiled following allegations from Boy Scouts that 24 Father Tolkien had made them strip. Whilst that report 25 is no longer available, the archbishop's note of its</p> <p style="text-align: center;">Page 140</p>

1 contents suggests that Father Tolkien admitted these
 2 allegations. However, it is not clear that any action
 3 was taken against him at that time nor did the
 4 archbishop take any action against Father Tolkien in
 5 1993. The difficulty we face is that the archbishop's
 6 note may have to be disclosed to the claimant. It goes
 7 to the truth of Carrie's factual allegations showing
 8 that he's been consistent in them."

9 Then in a later letter to Archbishop Nichols on the
 10 Carrie claim, the church's solicitor said:
 11 "You have said that the archdiocese would prefer not
 12 to disclose this document, even if this means settling
 13 the action."

14 So we can see the following from the course of
 15 Christopher Carrie's claim: firstly, the church was
 16 advised that his allegations of sexual abuse by
 17 Father Tolkien were likely to be found to be true.
 18 Secondly, the church was also advised it still had
 19 reasonable prospects of defeating his claim on
 20 limitation nonetheless. Thirdly, the only reason
 21 a limitation defence wasn't brought against Mr Carrie
 22 seems to have been because that would have meant the
 23 church disclosing a note by a former archbishop that
 24 proved that the church knew of other abuse in 1968 by
 25 Father Tolkien but had effectively done nothing about

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1 Now, the church may say that their approach to
 2 survivors' compensation claims has changed, but
 3 Eamonn Flanagan's claim was brought in 2012. It is an
 4 example of the manner in which the Roman Catholic Church
 5 was defending a compensation claim just six years ago,
 6 and, in my submission, it continues to defend them in
 7 this aggressive manner as a matter of routine.

8 Adrian Child, who was director of COPCA, as you
 9 know, and then director of the successor organisation
 10 CSAS until 2015 gives a straightforward summary on the
 11 Roman Catholic Church's approach to compensation claims
 12 in his statement. He says:
 13 "My view from the matters I had direct involvement
 14 with in my role of providing advice to coordinators as
 15 well as interpretation of national procedures was that
 16 the legal response to victim and survivor claims on
 17 behalf of the Catholic Church was insensitive and too
 18 robust."

19 It is no good for the Roman Catholic Church to say
 20 they are simply doing as their insurers tell them when
 21 they defend these compensation claims in this
 22 insensitive manner. The documentation that's been
 23 disclosed in this case study in the Carrie matter
 24 indicates that the decisions weren't taken by the
 25 lawyers or the insurers, they were made by the church.

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1 it.

2 A similar story is told by Eamonn Flanagan. In his
 3 statement to the inquiry in this case study,
 4 Mr Flanagan described being abused by Father
 5 Samuel Penney in 1975. He informed the archdiocese in
 6 1991 and gave a statement to the police in 1993. He
 7 then brought a claim in vicarious liability against the
 8 church for the Samuel Penney abuse after the law changed
 9 to permit such claims.

10 That claim was fiercely resisted by the archdiocese.
 11 Despite the fact that Mr Flanagan brought his claim as
 12 soon as the change in the law permitted it, the Roman
 13 Catholic Church raised its usual limitation defence
 14 arguing that he should have brought that case many years
 15 earlier. It also denied that Mr Flanagan had been
 16 abused by Samuel Penney at all and argued that if he had
 17 been abused, then it was because Penney had gained
 18 access to him as a result of a private arrangement
 19 between Penney and Mr Flanagan's parents and had
 20 nothing to do with the church. Those defences were
 21 raised despite the church knowing that Mr Flanagan had
 22 reported the abuse to them in 1991, knowing that he'd
 23 reported it to the police in 1993 and knowing that
 24 Samuel Penney had already pleaded guilty to abusing
 25 seven other children between 1970 and 1992.

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1 Picking up on a point that was just made by the
 2 archbishop at the end of his evidence this afternoon, in
 3 my submission, there is no challenge between accepting
 4 the advice of insurers and "being supportive". The
 5 insurers are the church's servants.

6 The Roman Catholic Church, after all, pays the
 7 premium.

8 For that reason, this inquiry should recommend that
 9 time limits are removed from historic abuse claims
 10 because limitation defences lead to unfairness and
 11 inconsistency in the law.

12 They are no longer permitted in historical abuse
 13 claims brought in Scotland. In June 2017, every single
 14 MSP approved the relevant bill and, as a result, time
 15 bars were abolished in historic abuse cases in Scotland
 16 on 28 July 2017. That means that if a survivor was
 17 abused in childhood north of the border, his prospects
 18 of obtaining compensation today are far stronger than if
 19 he was abused in England and Wales. The problem is that
 20 the current limitation rules lead to inconsistencies in
 21 the court's treatment of victims and survivors. The
 22 panel should know that the Anglican Church doesn't
 23 usually run limitation defences against survivors of
 24 those who claim against it, whereas the Roman Catholic
 25 Church, despite the rhetoric we have heard this week,

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<p>1 usually does.</p> <p>2 This means that a Christian who is abused in</p> <p>3 childhood by a priest in one church will have a very</p> <p>4 different experience in pursuing a claim for</p> <p>5 compensation to one abused in childhood by a priest from</p> <p>6 the other. But perhaps it is correct that defendants</p> <p>7 like the Roman Catholic Church have access to limitation</p> <p>8 defences. After all, it may be said perhaps some</p> <p>9 survivors are making it up and, when alleged abusers are</p> <p>10 dead, how can the courts come to safe conclusions</p> <p>11 regarding whether or not the alleged abuse really did</p> <p>12 occur?</p> <p>13 Well, in Scotland, survivors still have to prove</p> <p>14 that the abuse occurred in order to obtain compensation</p> <p>15 but up there, defendants are denied the possibility of</p> <p>16 using legal time bars in order to run technical defences</p> <p>17 that would otherwise have no merit.</p> <p>18 So to conclude, we shouldn't forget that the vast</p> <p>19 majority of survivors who bring these claims have</p> <p>20 suffered psychological injuries as a result of</p> <p>21 the abuse. The Roman Catholic Church's aggressive</p> <p>22 approach to these compensation claims means many</p> <p>23 deserving survivors just don't bother to bring claims</p> <p>24 against it. Why? Because this type of institutional</p> <p>25 approach can cause even more harm to genuine survivors.</p> <p style="text-align: center;">Page 145</p>	<p>1 Mr Flanagan puts it very well in paragraph 97 of</p> <p>2 his statement to the inquiry. He says:</p> <p>3 "The archdiocese's behaviour in the legal action</p> <p>4 showed a complete lack of compassion and understanding</p> <p>5 of the effects of sexual abuse on its parishioners by</p> <p>6 their priests. The Catholic Church had caused myself</p> <p>7 and my family more pain as a result of their response to</p> <p>8 my claim. They couldn't have been more unsupportive to</p> <p>9 me and the other survivors of sexual abuse by their</p> <p>10 priests if they'd tried."</p> <p>11 Now, Archbishop Longley stated this morning in</p> <p>12 evidence that he'd taken to heart the phrase that "Words</p> <p>13 are easy, but love needs action", and indeed in his</p> <p>14 second statement for this case study he concluded with</p> <p>15 the words:</p> <p>16 "I greatly hope that the outcomes of this inquiry</p> <p>17 may bring some comfort to those who have suffered in</p> <p>18 this way and that I, the archdiocese which I serve and</p> <p>19 the Catholic Church in England and Wales may learn</p> <p>20 something of great value for the future from their</p> <p>21 dignified example in recounting their stories of</p> <p>22 suffering and abuse."</p> <p>23 Well, the Roman Catholic Church can indeed, in my</p> <p>24 submission, learn something from this, and if it really</p> <p>25 is interested in taking action to put survivors first,</p> <p style="text-align: center;">Page 146</p>
<p>1 well, one, as I shall argue again in due course, and</p> <p>2 I have already argued, it will no doubt accept that it</p> <p>3 should be subject to external enforced mandatory</p> <p>4 reporting; and, two, in relation to these closing</p> <p>5 submissions, I say the church should take a less</p> <p>6 aggressive approach to claims brought against it in</p> <p>7 order to avoid genuine survivors of abuse by its priests</p> <p>8 suffering additional trauma and accept, as the</p> <p>9 Anglican Church generally accepts, that it should stop</p> <p>10 arguing that these claims should be struck out because</p> <p>11 they are brought out of time. Thank you.</p> <p>12 THE CHAIR: Thank you, Mr O'Donnell. Mr Chapman?</p> <p>13 Closing submissions by MR CHAPMAN</p> <p>14 MR CHAPMAN: I'm grateful, chair, panel. I act for A31 to</p> <p>15 A33. I am instructed by Mr Greenwood who sits on my</p> <p>16 left, by Switalskis.</p> <p>17 Two of the core participants we represent were</p> <p>18 abused by James Robinson, the other by Eric Taylor. You</p> <p>19 heard evidence from A31. All have campaigned</p> <p>20 tenaciously over decades for some justice. The church</p> <p>21 opposed them, vigorously.</p> <p>22 The Archdiocese of Birmingham has proved itself</p> <p>23 deceitful, malign and thoroughly unchristian. It has</p> <p>24 demonstrated little understanding or desire to</p> <p>25 understand how to protect children in its care.</p> <p style="text-align: center;">Page 147</p>	<p>1 Successive, top-level staff and clerics covered up</p> <p>2 allegations and known abuse. We reject the excuses and</p> <p>3 the apologies. The evidence you have heard has</p> <p>4 emphasised the evidence you heard in the Ampleforth and</p> <p>5 Downside investigation, that there are insuperable</p> <p>6 impediments to self-governance by the Catholic Church</p> <p>7 relating to its teaching, its hierarchical structure,</p> <p>8 its culture and its unincorporated status.</p> <p>9 We urge you to extend the criminal law to make</p> <p>10 individuals accountable; the creation of a "failure to</p> <p>11 report" offence with no exception for the confessional;</p> <p>12 the creation of a "failure to protect" offence; and an</p> <p>13 extension of the "position of trust" offences. What</p> <p>14 happened in this case by the Archdiocese of Birmingham</p> <p>15 is properly described as criminal. It must be caught by</p> <p>16 the criminal law.</p> <p>17 Secondly, we recommend the creation of a new</p> <p>18 statutory body with powers to police and enforce basic</p> <p>19 standards of child protection and we envisage that body</p> <p>20 as a similar body to the Health and Safety Executive.</p> <p>21 If I just outline the facts that you have heard</p> <p>22 insofar as they bear upon our core participants, you</p> <p>23 have seen 78 reported cases of abuse in Birmingham, but</p> <p>24 in Robinson's case, he was sentenced to 21 years in</p> <p>25 prison. I do not know if that is a record for the many</p> <p style="text-align: center;">Page 148</p>

<p>1 perpetrators you have heard in the course of this 2 inquiry but it is a sentence that is reserved in our 3 society only for the gravest crimes, and the diocese's 4 response must be measured against the seriousness of 5 what they knew or suspected their priests had done. 6 It is a measure of the sort of criminal that the 7 Catholic Church has harboured, protected and supported. 8 You heard from A31 that he had confessed as a child 9 to the sexual abuse in the confessional. You heard how 10 Robinson then vanished overnight to 11 Newcastle-under-Lyme. The seal of the confessional was 12 apparently breached to protect Robinson and the church. 13 Later, Robinson was allowed to make a new life in 14 California after the police had probably tipped the 15 church off about A31's allegation in 1985. The police 16 who had told him that he was a blackmailer. The police 17 who told his father to keep his son quiet. The police 18 who had helped the church and Robinson. 19 It is deeply concerning that Robinson felt able to 20 implore the Vicar General at that time to use his 21 influence with the police to stop any investigation. It 22 took a BBC investigative journalist to help track 23 Robinson down in 2003, and Archbishop Nichols' response 24 was not gratitude, but fury at what he took to be BBC 25 bias.</p> <p style="text-align: center;">Page 149</p>	<p>1 The IOPC only decided to investigate the police's 2 actions at the start of this inquiry. Three years in 3 the making, the report is cursory and superficial. And 4 Detective Inspector Higgins refused to cooperate. That 5 investigation has exposed serious shortcomings with the 6 agency and the police complaints legislation. 7 These victims, these damaged men, have had to fight 8 for right largely on their own against formidable 9 opponents. Many others will have been broken before 10 they got any justice. These are only some of the cases 11 that we know about. Many others will have been 12 successfully covered up or dealt with internally in 13 closed ecclesiastical courts. 14 Robinson, we heard, was only defrocked in February 15 this year. A31 and our other core participants have not 16 received a penny in compensation. Anybody involved in 17 litigation with the Catholic Church will know how hard 18 they fight even the clearest cases. Any technical 19 defence available to the Church is seized upon and 20 argued to the bitter end. You will look around this 21 room and note the eminent counsel and expensive 22 solicitors that we have heard about deployed on the 23 church's behalf. When it comes to the church's 24 interest, no expense is spared. When it comes to the 25 victims of their most heinous crimes, parsimony.</p> <p style="text-align: center;">Page 150</p>
<p>1 You have heard how hard COPCA and the Safeguarding 2 Commission had to fight for resources. How Jane Jones 3 would put money from speaking engagements into the pot. 4 How badly paid the staff were compared to their 5 professional peers. The reliance on volunteers, 6 part-timers, agency staff. It is hardly surprising and 7 perhaps it was the intention that only devout Catholics 8 with a sense of vocation were likely to take these 9 posts. In Jane Jones' case, it resulted in a biddable 10 amateur with, to the church, agreeable views on the 11 nature of child abuse as child protection coordinator in 12 Birmingham. This was a safeguarder who committed to 13 paper and circulated her views that the first victim was 14 the abuser himself. This was a safeguarder who never 15 did, and was never likely to, challenge the authority of 16 the archbishop. This was a safeguarder who refused 17 point blank to provide the name of a suspected abuser to 18 COPCA, despite clear and repeated requests to do so. 19 Her answer to why she refused was simply that that was 20 what the Commission had resolved. This was 21 a safeguarder who took exceptional umbrage at failing 22 Adrian Child's audit. 23 You have heard how Cardinal Nichols was, despite the 24 obvious conflict of interest, both chair of COPCA and 25 archbishop of one of the most scandal-ridden dioceses in</p> <p style="text-align: center;">Page 151</p>	<p>1 the country. You have heard how he was seemingly unable 2 to get his own diocese to comply with what 3 Eileen Shearer said were the clear national policy 4 requirements of the church. COPCA was powerless to do 5 anything about it. The church instead cavilled about 6 the meaning of a volunteer, the use of the word 7 "compliance" and tried to chisel away at policies that 8 they regarded as too onerous. 9 That is, in the opening words of counsel to the 10 inquiry, the uncontroversial background. 11 Uncontroversial because that background is not and could 12 not be controverted. But it remains one of the most 13 scandalous accounts of coverup in the Catholic Church 14 that we know about. 15 So you will understand that when His Eminence 16 Cardinal Nichols writes that, "I wish to express my 17 profound distress and sorrow for these repeated acts of 18 evil committed in our church", the victims wonder at the 19 sincerity of it. When he writes: 20 "We have not always understood the dynamics of 21 the abusers, the web of deceit and manipulation which 22 create to imprison a victim", he understands only too 23 well because the church was a party to that deceit and 24 manipulation. When he says he offers no excuses, he 25 knows the church has ducked responsibility at every</p> <p style="text-align: center;">Page 152</p>

<p>1 turn.</p> <p>2 That uncontroversial background demonstrates that</p> <p>3 the church will go to extreme lengths to protect even</p> <p>4 the most heinous abusers and cover up. It demonstrates</p> <p>5 a lack of will, even to this day, to do the right thing</p> <p>6 by those they know to have been victims of that serious</p> <p>7 abuse.</p> <p>8 He's demonstrated a willingness to pay lip service</p> <p>9 only, and sometimes not even that, to their own national</p> <p>10 policies and guidelines. And that the leaders of</p> <p>11 the church, even if they do possess any goodwill, are</p> <p>12 incapable of imposing that goodwill on their own</p> <p>13 organisation.</p> <p>14 The structure of the church means that every bishop</p> <p>15 and head of religious is accountable ultimately only to</p> <p>16 himself. As the SCIE audit concluded only a month ago:</p> <p>17 "The gap between the vision and a safe, reliable</p> <p>18 safeguarding system functioning across the archdiocese</p> <p>19 is stark. A radical culture change is needed."</p> <p>20 But it will not come from within. That is why we</p> <p>21 make the recommendations we do, chair, and panel, and</p> <p>22 I will complete my submissions in writing.</p> <p>23 THE CHAIR: Thank you very much. Ms Gallagher?</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 153</p>	<p>1 Closing submissions by MS GALLAGHER</p> <p>2 MS GALLAGHER: Chair, members of the panel, I make these</p> <p>3 submissions on behalf of D2, a courageous and brave and</p> <p>4 principled man who was sexually abused at Besford Court</p> <p>5 and Croome Court as schools owned by the Archdiocese of</p> <p>6 Birmingham, and he seeks answers, accountability and</p> <p>7 importantly change to protect other children from the</p> <p>8 fate that he has suffered.</p> <p>9 We intend to make our closing statement on</p> <p>10 13 December after we have heard from Cardinal Nichols</p> <p>11 but in the time available today we intend to address</p> <p>12 three specific points arising from the partial evidence</p> <p>13 we have heard so far and they are, number one, duality;</p> <p>14 two, resources; and, three, the importance of looking</p> <p>15 back and uncovering historic failings by the Archdiocese</p> <p>16 of Birmingham even when there's no known, active current</p> <p>17 safeguarding issue.</p> <p>18 So to start with the first one, duality, you have</p> <p>19 heard in our opening about the dual role of</p> <p>20 the safeguarding coordinator as described by CSAS and</p> <p>21 indeed your counsel took Jane Jones to that description</p> <p>22 from CSAS a number of days ago. It is a role which</p> <p>23 faces in two directions: maintaining covenants of care</p> <p>24 and providing support for clergy who have been accused</p> <p>25 of abuse; and simultaneously providing support for</p> <p style="text-align: center;">Page 154</p>
<p>1 victims and survivors of abuse. Jane Jones, throughout</p> <p>2 her time in that role, has been required to both support</p> <p>3 offenders, perpetrators, suspects, and also to provide</p> <p>4 assistance and support to D2 and other survivors</p> <p>5 reporting abuse within the care of the church.</p> <p>6 The evidence suggests that that combination was in</p> <p>7 fact in keeping with some views expressed by Jane Jones</p> <p>8 previously in any event. In 1993, you will recall she</p> <p>9 said, "The first victim here is Father Penney himself",</p> <p>10 in 1998, commenting on the first draft guidelines for</p> <p>11 child protection in the Birmingham Archdiocese she said:</p> <p>12 "In the introduction, we read that the document is</p> <p>13 part of our response to assist in the healing of those</p> <p>14 directly affected by abuse, namely, the victims. Is it</p> <p>15 not also vital to acknowledge the need of the wider</p> <p>16 group of people who are lesser victims, friends and</p> <p>17 colleagues of the perpetrator?"</p> <p>18 Now, the archdiocese, as you have heard, has now</p> <p>19 appointed Andrew Haley as the interim director of</p> <p>20 safeguarding improvement. During his interview, in</p> <p>21 records that you have got before you, the archdiocese</p> <p>22 asked a number of questions about that dual role and his</p> <p>23 response was forthright:</p> <p>24 "Support of victims must be independent from the</p> <p>25 support of perpetrators."</p> <p style="text-align: center;">Page 155</p>	<p>1 For our client, chair and panel, it is utterly</p> <p>2 undermining of his trust to know that the person</p> <p>3 apparently charged with supporting him as a victim and</p> <p>4 survivor is also the person offering comfort and support</p> <p>5 to abusers. He, like other survivors who have struggled</p> <p>6 for many years to access services for counselling and</p> <p>7 support without resources of their own, have heard over</p> <p>8 the past five days how offending priests have been sent</p> <p>9 away for therapy paid for by the archdiocese -- we heard</p> <p>10 about that on Day 1; have financial support of £800</p> <p>11 a month; helped James Robinson to evade justice in the</p> <p>12 United States; and how, even years after conviction,</p> <p>13 Jane Jones took steps to help Samuel Penney find</p> <p>14 accommodation and move house.</p> <p>15 We suggest it is imperative that the inquiry grapple</p> <p>16 with the question of whether a single individual can do</p> <p>17 both of those roles credibly and without conflict or</p> <p>18 whether national standards for recruitment should</p> <p>19 instead make plain that safeguarding responsibilities</p> <p>20 and the provision of care and support for survivors, on</p> <p>21 the one hand, will be split from, on the other, the</p> <p>22 responsibility to provide pastoral care and support to</p> <p>23 alleged and convicted sex offenders.</p> <p>24 There is, of course, a Birmingham-specific issue</p> <p>25 which arose earlier regarding whether there should be</p> <p style="text-align: center;">Page 156</p>

1 a support officer role. But there is a more general
 2 question about duality.
 3 Secondly, resources. The SCIE report auditors heard
 4 from many that the safeguarding team within the
 5 archdiocese was under-resourced and overstretched and
 6 they couldn't conclude whether the team was
 7 under-resourced or whether the current division of
 8 labour wasn't optimum to the task or a mixture of both.
 9 You have heard questions about that today.
 10 CTI, counsel to the investigation, attempted to
 11 explore the critical question of resources with
 12 Jane Jones earlier this week. But she gave evidence
 13 that she had a very limited grasp on the budget that was
 14 available to her. In her own words, despite her
 15 significant responsibilities, she said, "I really don't
 16 know how the finances work". She couldn't explain
 17 whether, from the 2 per cent levy for safeguarding,
 18 salaries came out of the annual budget for the
 19 safeguarding team. Now, despite that lack of knowledge
 20 and despite the heavy criticisms of her and her team in
 21 the 2010 audit and the SCIE report, she wouldn't accept
 22 when asked directly whether her role was unreasonably
 23 under-resourced and under pressure. So asked by your
 24 counsel whether she's ever considered in her time at the
 25 archdiocese the team to be under-resourced financially,

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1 £22 million. Indeed you heard this morning from
 2 Archbishop Longley that everything comes from that tiny
 3 pot, from photocopying to salaries to national subs to
 4 the safeguarding organisations.
 5 But despite those very small sums available for
 6 safeguarding, monies have been made available to
 7 perpetrators and suspects, unclear whether it is from
 8 a different budget or this pot, but the key point is,
 9 they have been made available, and indeed Jane Jones's
 10 time has been taken to deal with that matter.
 11 It is perhaps no wonder that survivors like A31 on
 12 Day 2 have reacted with incredulity to the knowledge
 13 that, even given the limited budget available to the
 14 archdiocese for safeguarding, funds were easily found to
 15 support those who committed the most horrific offences
 16 against children, including post laicization many years
 17 post conviction.
 18 The evidence also suggests that the archdiocese has
 19 no strategy or policy on when victims and survivors
 20 should receive financial support or access to services
 21 which they will fund or help recovery. There is one
 22 limited example in the papers at CHC000755. It is the
 23 safeguarding coordinator's report of February 2014 which
 24 refers to counselling paid by the congregation being
 25 provided to a man who is "extremely demanding of

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1 she said, "That's quite difficult to answer within the
 2 context of the church. I wouldn't -- you can always use
 3 more money than you've got but we have managed with what
 4 we have got and, when we have asked for something, we
 5 have generally been given it".
 6 Now, that evidence has caused us serious concern
 7 given that her role leads on both policy and delivery
 8 for safeguarding. She is the lead but gave evidence
 9 that she didn't know what and how her budget is or how
 10 it can be allocated. She was reluctant this week to
 11 criticise or question resourcing of the role or her team
 12 even now that she's distanced from the role. In
 13 contrast, we say, you can look at the considered and
 14 professional view of Eileen Shearer, identifying where
 15 cuts to resourcing both for COPCA and individual
 16 archdioceses could be damaging to building a culture of
 17 safeguarding.
 18 Now, we recognise that the figures available to the
 19 inquiry are perhaps of limited value, as they aren't
 20 broken down, but we can extrapolate a number of things
 21 from the numbers. There was scarcely a rise in
 22 contribution over the years. You have seen that figure
 23 of the tiny rise between 2005 to 2018, which we suggest
 24 is in real terms a cut, and the sum of under £150,000 is
 25 a tiny percentage of the archdiocese's budget of

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1 attention". So you see that kind of grudging reference
 2 to providing funding for a victim in contrast to the
 3 support provided to perpetrators.
 4 In that context, D2 asks whether the church accepts
 5 a moral responsibility to fund professional care and
 6 support for the victims, such as paying for counselling.
 7 Archbishop Longley this morning spoke reflectively about
 8 whether there was some way of lifting the burden. There
 9 are obvious practical ways of lifting the burden and
 10 this is one.
 11 Another resources issue concerns Jane Jones'
 12 description of her pay and her approach to it and she
 13 described her work as a vocation. Now, we can see of
 14 course that she's plainly someone very committed to the
 15 Catholic Church and it may appear from her evidence that
 16 she seems to have seen her job not simply as a job, but
 17 as a form of active devotion to God and that fits with
 18 her writings from 2012 where she describes the need for
 19 a measured approach to child sexual abuse, when she
 20 says, given the limited and largely historical nature of
 21 clerical abuse, the response needs to be measured and to
 22 be administered with a light touch that doesn't impede
 23 the church's pursuit of its main objectives.
 24 That mind-set is at the heart of many of
 25 the troubling comments that you have seen, references to

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<p>1 exceptionalism, how different the church is to other 2 organisations, how she considers it heavy handed and 3 bureaucratic for COPCA and CSAS to impose national 4 standards upon the archdiocese. I expect that's an 5 issue we will return to on 13 December. 6 For now, we suggest, first, Jane Jones was tasked to 7 do too much with too little and she was required to 8 prioritise her time and the very limited funds available 9 to her without having a knowledge of the budget. In 10 considering that, the inquiry may also wish to ask 11 whether there's evidence to support the conclusion that, 12 whether conscious or not, the first call on her personal 13 and budgetary resources was the church to which she'd 14 devoted her life and the priests and members of 15 the Catholic community to the detriment of the interests 16 and unmet needs of victims and survivors, some of whom 17 are no longer members of the church. 18 In doing that, however, we do agree very much with 19 what Mr Mant said in opening, when he said the context 20 of this is that Jane Jones did not act in isolation, she 21 was part of a process. And we don't make these as 22 personal criticisms of Jane Jones, we make them as 23 systemic criticisms of the archdiocese. 24 Finally, the third point, looking back and 25 uncovering historic failings. We said in opening it is</p> <p style="text-align: center;">Page 161</p>	<p>1 critical for the alleviation of the effects of 2 childhood abuse that there be formal and full 3 recognition of the abuse that occurred and the suffering 4 of the victims. There can be no clean slate on child 5 sexual abuse. Now, that's reflected in Cumberlege 6 recommendation 64. That says an allegation made against 7 a person who is dead or not capable of responding to the 8 allegation should be listened to by the church and 9 investigated as far as possible. This should be done 10 even though it will often be difficult to establish the 11 truth, the statutory authorities may not be willing to 12 investigate the matter, and even though it may be 13 impossible to sustain claims for compensation. 14 We say the evidence shows the archdiocese's systems 15 are not able or ready to comply with that obligation 16 when there's no criminal investigation likely to ensue. 17 As CTI has asked questions of Jane Jones and 18 Archbishop Longley on this point about what happens in 19 historic cases such as when perpetrators are long since 20 deceased. The answers she's had are that they are still 21 referred to the statutory authorities, to the police and 22 Social Services, but this misses D2's key point: the 23 issue here is whether the archdiocese undertakes any 24 investigation itself in such cases, where there is no 25 current known safeguarding issue, no known perpetrator</p> <p style="text-align: center;">Page 162</p>
<p>1 is alive, referring the matter on to statutory agencies 2 and the trail going cold and there being no further 3 investigation is simply not good enough. This is 4 a fundamental gap in the archdiocese's and the church's 5 mechanisms for accountability and lesson learning. 6 Sadly, we say the system is designed to protect the 7 church from liability, and, to focus most effectively on 8 the protection of children from ongoing risk, means that 9 those children like D2 who were least likely to get 10 redress at the time of their abuse, whether through the 11 naivety or negligence of the time or otherwise, are now, 12 as damaged adults, less likely to see redress when they 13 finally report. 14 Finally on that point, Archbishop Longley today 15 said, "Being here this week has revealed some serious 16 mistakes and I wish to learn from them". That's 17 laudable. To do so, it's necessary that they uncover 18 past failings in cases such as this rather than simply 19 focusing on future safeguarding, referrals to statutory 20 authorities and letting investigative trails such as 21 these go cold. Thank you. 22 THE CHAIR: Thank you, Ms Gallagher. Mr Jacobs? 23 Closing submissions by MR JACOBS 24 MR JACOBS: Madam chair, thank you. I act for F48, F49, F53 25 and F59, and I am instructed by Howe & Co, Mr Enright.</p> <p style="text-align: center;">Page 163</p>	<p>1 I would like to start by thanking Mr Carlyon and his 2 team for assisting us in this process. 3 Madam chair, I will focus on the facts of my 4 clients' cases in written submissions. Today I address 5 you on three issues. Firstly, the culture of 6 the Catholic Church; then the structure of 7 the Catholic Church; then finally, the need, and we say 8 it is an urgent need, for interim findings and 9 recommendations. 10 Firstly, culture. We heard from Ms Carey on Monday 11 that Pope Francis has written an open letter 12 in August 2018: 13 "Looking ahead to the future, no effort must be 14 spared to create a culture able to prevent such 15 situations from happening and also to prevent the 16 possibility of their being covered up and perpetuated." 17 Madam chair, it is acknowledged that a culture must 18 be created in place of that which has gone before. 19 Cardinal Nichols details the culture within the church 20 in his evidence, and he says: 21 "Priests remain part of a community of a diocese for 22 life, even if removed from office, and bishops remain 23 bound to their priests, whether they are retired, aboard 24 or even imprisoned." 25 The cardinal goes on to say:</p> <p style="text-align: center;">Page 164</p>

<p>1 "The archdiocese is more like a family." 2 This, chair, is not an approach which could ever be 3 taken by a local authority with responsibility for the 4 care of children. We invite the inquiry to proceed on 5 the basis that where child sexual abuse is concerned, 6 churches are not to be given any leeway or special 7 treatment. Children, whether they be in a church hall 8 or council care, are entitled to exactly the same 9 standard of protection. So the archdiocese we hear is 10 like a family and with reference to the case studies the 11 evidence shows that, like many families, the church has 12 instinctively sought to protect its more wayward 13 members. 14 We have seen that the church sought to suppress the 15 1968 complaint against Father Tolkien. It made 16 arrangements to relocate a priest to the USA, Robinson, 17 after allegations of child sexual abuse had been made 18 against him. And Archbishop Couve de Murville publicly 19 defended Samuel Penney's offending. This all brings to 20 mind your reference to a "tell them nothing" attitude in 21 the conclusions to your Ampleforth and Downside 22 investigation report. 23 Over the decades, chair, nothing has changed. 24 Eileen Shearer stated in her evidence yesterday that 25 there was mistrust and a desire not to have COPCA</p> <p style="text-align: center;">Page 165</p>	<p>1 involved in child protection work of the diocese. 2 Adrian Child also gave evidence yesterday of hostility 3 towards CSAS by the archdiocese's Safeguarding 4 Commission. You have also heard about the very recent 5 SCIE report, October 2018, which suggests in the section 6 entitled "Culture" that there remains a culture where it 7 is not deemed safe to criticise or even discuss 8 safeguarding practices within the church. As matters 9 stand today, the culture of the Catholic Church remains 10 that the reputation of the church and its priests will 11 be put first to the detriment of victims. 12 We say the paramountcy principle is secondary. 13 Secondly, chair, I make submissions on structure. 14 The Catholic Church is organised as a Byzantine system 15 comprising hundreds of autonomous organisations. These 16 organisations include religious orders which in turn 17 comprise 50 per cent of the church. Canon law imposes 18 a requirement on archbishops to uphold the independence 19 of these religious orders or institutions. The need for 20 an appropriate church structure was flagged up in 2001 21 in the Nolan Report as a prerequisite to safeguarding. 22 Paragraph 3.2.1 of that report has a subheading "The 23 structures required to safeguard children from abuse". 24 The text reads: 25 "Carrying through our recommendations on preventing</p> <p style="text-align: center;">Page 166</p>
<p>1 child abuse and responding to allegations depends 2 critically on the church being an effective and aware 3 organisation at every level. The parish, the diocese 4 and religious order, and nationally." 5 However, chair, 18 years further on, the evidence of 6 Cardinal Nichols before this inquiry accepts that the 7 structure of the church has been an obstacle to reform. 8 At paragraph 36 of his first witness statement, the 9 cardinal acknowledges that the "one church" policy, 10 a recommendation of Nolan and Cumberlege, has been 11 difficult to implement for a number of reasons, 12 including the sheer number of religious congregations 13 present in the country. He refers to the independence 14 from the ultimate oversight of the bishop which is an 15 historic and canonical characteristic of 16 the Catholic Church throughout the world. 17 Archbishop Longley, similarly, confirms in his statement 18 that the structure of the wider Catholic Church presents 19 challenges to a consistent safeguarding approach. 20 We know in the archdiocese that there are 21 65 religious organisations and 45 parishes are run by 22 those organisations. However, only 30 organisations are 23 aligned to the archdiocese. Others, we hear, may be 24 aligned to a Commission, but we don't know anything 25 about how they comply with safeguarding standards and</p> <p style="text-align: center;">Page 167</p>	<p>1 the point is, neither does the archdiocese. 2 Jane Jones stated on Wednesday that tea parties were 3 held to try and persuade other orders to align and that 4 those orders were protective of their independence. She 5 said that she believes there may possibly be some 6 resistance still with 30 organisations, and these are 7 the ones that have aligned, some of them have issues 8 with safeguarding because they don't understand it. The 9 situation is not acceptable. Not only does the 10 structure of the church facilitate resistance to 11 safeguarding, it perpetuates a lack of awareness. 12 Recent evidence shows that safeguarding issues have not 13 filtered down to the parishes. 14 In her 2018 report Jan Pickles OBE found that 15 priests and lay volunteers have limited knowledge of 16 CSAS and were not able to identify indicators which 17 suggested a child may be at risk. Importantly, the 18 disparate structure of the Catholic Church itself 19 endangers children because it has enabled abusers and 20 potential abusers to move around undetected between 21 parts of the church as stated by Eileen Shearer in her 22 evidence yesterday. Orders do not share information and 23 so the church is unable to track child abusers operating 24 within it. 25 Chair, in my submission, the autonomy and</p> <p style="text-align: center;">Page 168</p>

<p>1 nonalignment of the orders and other institutions within 2 the Catholic Church is a fundamental institutional 3 failing which inhibits the protection of thousands of 4 children in the archdiocese and ultimately in the 5 Catholic Church as a whole. We ask the question, how 6 can the archdiocese impose safeguarding when there is no 7 personal committee able to direct the actions of its 8 constituent parts? 9 Thirdly and finally, chair, I make the following 10 submissions on interim recommendations which we say are 11 urgently required. Howe & Co have maintained for 12 18 months that the church has profound structural and 13 cultural obstacles to child protection. The argument 14 should no longer be contentious. We say, as 15 a consequence of these issues, the church is no longer 16 capable of implementing uniform minimum standards of 17 child protection. Madam chair, the church has failed to 18 act over a number of years. You may recall on 19 13 December 2017 Adrian Child gave the following 20 evidence to the inquiry: 21 "The Catholic Church has had two excellent 22 opportunities, through Nolan and Cumberlege, to get 23 safeguarding right on a kind of goodwill, internal 24 basis." 25 He went on:</p> <p style="text-align: center;">Page 169</p>	<p>1 "I don't see any value in tinkering around the edges 2 and saying, 'Here you are, here is a third opportunity. 3 Go and sort this out yourself'. I think there needs to 4 be accountability and some kind of mandatory 5 enforcement." 6 These points are valid today and we endorse them. 7 Yesterday, Mr Child referred in his evidence to 8 shortfalls in the existing structure and lack of 9 accountability. 10 To conclude, then, the inquiry has had more than 11 enough evidence before it now to make findings on the 12 culture and structure of the Catholic Church in relation 13 to child protection. The first position of all my 14 clients and those of Howe & Co across the investigation 15 is that the Catholic Church can no longer be entrusted 16 with the care of children and must submit to regulation 17 by an independent body. That time has now come. 18 We therefore ask for interim findings and 19 recommendations to this effect when you report 20 specifically on this investigation. It is important 21 that the findings are made in relation to this 22 investigation because the Birmingham Archdiocese, as we 23 know, has a Catholic population of over 450,000 people 24 and contains 240 Catholic schools. 25 However, if, contrary to our primary case, the view</p> <p style="text-align: center;">Page 170</p>
<p>1 is taken that there should be a final opportunity for 2 the church to put its house in order, then the church 3 must persuade you that it has a plan. The church should 4 have resolved these issues many years ago. In my 5 submission, further action is not acceptable. 6 Archbishop Longley agreed in his evidence just now that 7 action is needed. 8 In this alternative scenario, I would suggest that, 9 pursuant to the inquiry's discretion to determine the 10 procedure and conduct of an inquiry under section 17 of 11 the Inquiries Act 2005, the church should be required in 12 this investigation to set out a clear action plan as 13 part of this process. 14 We say the Catholic Church should ask SCIE to 15 provide it with a best practice safeguarding model. The 16 church should be required to present its proposals to 17 the inquiry for consideration before the Catholic Church 18 investigation resumes in February 2019. If the inquiry 19 is satisfied with those proposals, then progress of 20 their implementation could be reviewed at the wider 21 Catholic Church hearing in October 2019. 22 One item of progress the inquiry should look for 23 would be that all Catholic orders and institutions are 24 to be fully and permanently aligned to a central 25 National Safeguarding Commission. The inquiry could</p> <p style="text-align: center;">Page 171</p>	<p>1 reconvene in October 2020 to consider and determine 2 whether best practice safeguarding has been implemented 3 nationally and permanently. 4 Chair, a line must be drawn. The church must either 5 put its house in order or have its house put in order 6 for it. The safety of children, in my submission, is 7 not negotiable. 8 Finally, it is incumbent on the Catholic Church to 9 "lift the burden", in the words of Archbishop Longley, 10 and establish a national reparations scheme, 11 particularly for the victims of historic clerical abuse. 12 This is something that all my clients demand and are 13 entitled to demand. 14 The scheme should incorporate an acknowledgement of 15 the abuse, a genuine apology and compensation 16 commensurate with the harm caused. Those who instruct 17 me look to the church to repay the bravery and dignity 18 displayed by my clients and those who have come forward 19 to engage with this process and for the church to 20 confirm as a matter of priority that such a scheme will 21 be put into place. 22 Madam chair, panel, unless I can assist further, 23 those are my submissions. 24 THE CHAIR: Thank you, Mr Jacobs. Mr Mant? 25</p> <p style="text-align: center;">Page 172</p>

<p>1 Closing submissions by MR MANT 2 MR MANT: Madam, in the brief time available, I propose to 3 address you on four matters. First, Mrs Jones' 4 dedication to safeguarding children; second, her 5 position in respect of some of the main themes raised in 6 the evidence; third, her involvement in the individual 7 cases under consideration in this case study; and, 8 fourth, some brief observations on the circumstances in 9 which she came to be a core participant. 10 Turning then to the first issue, much emphasis has 11 been placed on a paper written some 25 years ago. At 12 times, a caricature has been painted of a person who 13 puts priests first and has no regard for modern 14 safeguarding standards. But I suggest that it is clear 15 from the evidence, when considered fairly and as 16 a whole, that that caricature is wrong. 17 You have heard from Mrs Jones in her own words about 18 her dedication to tackling what she describes as "the 19 huge evil that is child abuse". You have also heard 20 from Bishop Longley today about his experiences of 21 Mrs Jones. But I don't invite you to draw these 22 conclusions simply on the basis of words, but in fact 23 consider Mrs Jones' actions, the tangible evidence that 24 we have about what she has done. 25 That's not to say, of course, that there aren't many</p> <p style="text-align: center;">Page 173</p>	<p>1 areas where improvements could have been made, and 2 indeed Mrs Jones recognises many of those. But consider 3 for a moment some of the core aspects of what she's done 4 and what is not controversial. Referrals to statutory 5 agencies and liaison with those agencies, a core 6 recommendation of Nolan. Nobody has suggested that she 7 hasn't complied fully with those requirements and, 8 indeed, she has been praised for doing so. 9 We also have her training, the training that she 10 offers in seminaries and across the dioceses. Again, 11 SCIE has looked at the training materials that she 12 produced and they have commended them. Again, if she 13 had no sense of what it meant to safeguard children, of 14 paramountcy, then you wouldn't see praise for her 15 training materials. And safeguarding agreements. 16 Again, there are concerns about whether at times they 17 have been underpinned by appropriate risk assessments, 18 but SCIE does describe the many strengths in the ten 19 safeguarding agreements that have been put in place. 20 There is no evidence that Mrs Jones has ever taken 21 actions that put the church before victims or survivors. 22 That is my first point. 23 Turning to the second submission, and these of 24 course are just some broad submissions in outline that 25 will be developed further in writing, but turning to</p> <p style="text-align: center;">Page 174</p>
<p>1 some of the themes that have arisen over the course of 2 this week, Mrs Jones' qualifications. They have been 3 criticised by Eileen Shearer and Adrian Child, but SCIE 4 notably considered the social work background of 5 Mrs Jones to be one of the strengths of the Birmingham 6 team, and it is important to recall that a social work 7 qualification or background is not a current requirement 8 for the post. 9 DBS checks. There has been much focus on this, but 10 Mrs Jones was clear in her evidence that she has never 11 questioned the importance of checks for those involved 12 with children and vulnerable adults. In 2010, there was 13 an audit of the checks and safe recruitment processes. 14 We have heard a lot about criticisms identified in 2010, 15 but in fact there were no significant criticisms 16 identified of DBS checking. 17 Indeed, a letter sent by Mr Child on 13 May 2011 18 expressly commended Mrs Jones for her compliance with 19 the requirements of DBS checks. The fact that Mrs Jones 20 was concerned about some of the bureaucratic systems 21 surrounding checking, that perhaps the net was cast too 22 widely, not in respect of people who are the subject of 23 this inquiry, but more generally, was a concern that was 24 shared by many across society and indeed has been 25 vindicated by the fact that there have been statutory</p> <p style="text-align: center;">Page 175</p>	<p>1 changes to ensure that, where checks are made, they are 2 focused. 3 Sharing of information. This was a live issue in 4 respect of a couple of cases some ten years ago. 5 Mrs Jones said in answer to questions from the panel 6 that she recognised the importance of information 7 sharing. At the time, she was acting on the advice and 8 direction of an independent Commission. If there is to 9 be any criticism, it should not be directed at 10 Mrs Jones. 11 Recent audits. Mrs Jones has set out her position 12 in respect of those in a witness statement, and given 13 the time available, I needn't say a great deal more, but 14 just to highlight one point, that she does not accept 15 there was any failure to comply with or implement 16 national policies. She is unclear what documents SCIE 17 saw, and that creates a great difficulty in terms of 18 responding more substantively. But her clear evidence 19 that you heard is that there was full compliance with 20 national policies. There has been no recent 21 disagreements with CSAS. 22 Insofar as any confusion has been created, it may be 23 because in some circumstances additional, simplified 24 explanations were produced. 25 That brings me on to relations with COPCA.</p> <p style="text-align: center;">Page 176</p>

<p>1 Mrs Jones was not hostile to them. She does not 2 recognise some of the descriptions of events from 3 Eileen Shearer and Adrian Child. They do not reflect 4 anything that was said or concerns that were raised at 5 the time. 6 You may consider it significant that the current 7 director, Colette Limbrick, describes a positive working 8 relationship with Mrs Jones who was, in her words, 9 experienced and knowledgeable and had a positive 10 attitude to safeguarding. 11 You did hear that at times Eileen Shearer and 12 Adrian Child's approach was not what Mrs Jones described 13 as collaborative. When considering that, perhaps at 14 times going on to intransigence, you will bear in mind 15 the background of the Cumberlege Report and their 16 consideration of COPCA, where they said they would have 17 expected greater emphasis and a stronger attempt to win 18 over hearts and minds. 19 I move on then to the third point, and I am 20 conscious I may be running slightly over time, but in 21 terms of the specific cases, no involvement with 22 Tolkien; no involvement with Robinson. In respect of 23 Penney, the involvement was very limited, in respect of 24 discussions around housing. One concern arose in 25 respect of ministering to people who were not vulnerable</p> <p style="text-align: center;">Page 177</p>	<p>1 and were not children, and that was appropriately 2 addressed with the Vicar General. 3 In respect of 167, we have already touched on the 4 anonymous reporting, but the key point is, there was an 5 appropriate referral to statutory agencies and, as 6 a consequence of that, appropriate steps were taken, and 7 he was then no longer in the teaching role. 8 I come then to the fourth and final submission, and 9 that is the circumstances in which Mrs Jones came to be 10 in this position in this inquiry. In my opening on 11 Monday, I addressed the fact that she had only very 12 recently become a core participant and the significance 13 of that is twofold. 14 Firstly, it is practical. I and those instructing 15 me simply have not been able to read all of the mass of 16 documents that have been disclosed, and following from 17 that, we haven't been able to prepare detailed 18 submissions on every single point. In the week or so 19 available, that's simply not been possible. 20 In respect of these recent audits, we have a further 21 practical difficulty, that we don't know what the 22 auditors saw, so when Mrs Jones then comes to seek to 23 defend aspects of her approach, she is in an impossible 24 position. So I invite you to bear in mind those 25 practical difficulties that we have faced when</p> <p style="text-align: center;">Page 178</p>
<p>1 considering any personal criticism of Mrs Jones. 2 The second significance of how we have come to be 3 here is perhaps more important still. The conflict that 4 the archdiocese identified at the eleventh hour was 5 a conflict arising from Mrs Jones' initial response to 6 those very recently procured audits. The archdiocese 7 did not say, and has never said, that they disagreed 8 with Mrs Jones' view or her approach to safeguarding. 9 Now, that is crucial because, insofar as there is any 10 criticism to be made, that criticism should not be 11 personal. The criticism is one of institutional 12 failings. Those are my submissions. 13 THE CHAIR: Thank you, Mr Mant. Mr Horwell? 14 Closing submissions by MR HORWELL 15 MR HORWELL: Madam chair, there is much on which the 16 archdiocese must reflect and much from which it must 17 learn. There is much which we have to say following 18 this week and following 13 December. We take the view 19 that it is more appropriate to do so in calm and 20 measured words in writing, and that we will do 21 by December 20. 22 The archbishop says that he looks forward to your 23 report so that the archdiocese may learn from it. Now 24 that you have seen and heard from him, it is obvious 25 that he means it.</p> <p style="text-align: center;">Page 179</p>	<p>1 Many submissions have been made this afternoon 2 criticising the archdiocese for its relationship with 3 lawyers and insurance companies. I reiterate what 4 I said in opening: that evidence is only available 5 because the archbishop decided to waive privilege to 6 assist this inquiry. 7 When opening our case on Monday, I unintentionally 8 overran. Courtesy dictates, with one eye on the clock, 9 that I should give that time back to you now by sitting 10 down, and that, madam chair, I shall do. Thank you. 11 THE CHAIR: Thank you, Mr Horwell. If that concludes the 12 submissions today, and I understand it does -- 13 MS CAREY: It does, chair, thank you very much. 14 THE CHAIR: Thank you. I would like to thank everyone who 15 has attended, particularly the witnesses who gave 16 evidence this week, and to all those who have gathered 17 and provided evidence for the purposes of this case 18 study. We will reconvene on 13 December to hear 19 evidence from Cardinal Nichols, following which all core 20 participants will have an opportunity to make further 21 oral closing submissions. 22 As I am sure all core participants appreciate, there 23 is likely to be limited time on 13 December, and with 24 that in mind, we anticipate core participants will wish 25 to focus their submissions on matters that arise in</p> <p style="text-align: center;">Page 180</p>

<p>1 respect of Cardinal Nichols' evidence, but for the 2 purpose of clarification, of course, how they use the 3 time available that day and their allotted minutes is 4 a matter for them. Thank you. We will reconvene on 5 13 December. 6 MS CAREY: Thank you, chair. 7 (3.47 pm) 8 (The hearing was adjourned to 9 Thursday, 13 December 2018 at a time to be fixed) 10 11 12 I N D E X 13 14 Housekeeping1 15 16 Statement of WITNESS RC-A494 (read)1 17 18 ARCHBISHOP BERNARD LONGLEY (sworn)4 19 20 Examination by MS CAREY4 21 22 Questions by THE PANEL132 23 24 Housekeeping136 25</p> <p style="text-align: center;">Page 181</p>	<p>1 Closing submissions by MR O'DONNELL138 2 3 Closing submissions by MR CHAPMAN147 4 5 Closing submissions by MS GALLAGHER154 6 7 Closing submissions by MR JACOBS163 8 9 Closing submissions by MR MANT173 10 11 Closing submissions by MR HORWELL179 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 182</p>

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