A response to the report for the consideration of the NSSG

Summary

1. We welcome Lord Carlile’s Review and the many helpful recommendations it contains, in particular the need for consistent membership, an advocate for the accused and the importance of every member of the group seeing all relevant information. We have already begun thinking how these recommendations might be developed and look forward to contributing to the National Safeguarding Team’s work on implementing them.

2. We fully accept Lord Carlile’s view that the Core Group’s process was deficient. We particularly regret the failure to make a number of enquiries we should have made.

3. We would wholeheartedly agree that a public statement should not be made unless a claim is thought to be proved on the balance of probabilities i.e. if it is concluded that it is more likely than not that the abuse happened.

4. The Core Group did consider that the claim was proved on the balance of probabilities, and Lord Carlile agrees that this judgement was arguable justified based on the incomplete information identified. Some of those gaps have been filled by subsequent research either by the Core Group or by Lord Carlile himself, but other gaps remain. Some additional information supported the claim; some did not; some we will now never know. In those circumstances, we do not believe that a confident decision can be made either way on whether the claim would have succeeded in a civil trial.

5. It is important to stress that this belief relates only to a civil claim. As Lord Carlile says, the civil approach was the right test to apply to a civil claim. The criminal test, requiring proof beyond reasonable doubt, requires a higher level of certainty than the civil test. We agree with Lord Carlile that the evidence does not prove the matter beyond reasonable doubt (and r). Although help from the criminal law one, we feel that help is over emphasised in the Review. This emphasis may be because Lord Carlile wondered if we had put more weight on that aspect than we believe we did.

6. Finally, we do respectfully disagree with one recommendation, namely that confidentiality clauses should be imposed on claimants in some circumstances where publication of a settlement is not thought appropriate, we think it would be wrong to go further and attempt to gag a claimant by imposing a confidentiality requirement on him or her. A claimant or she has not been believed by the group assessing his or her claim.

Introduction

First and foremost, we are grateful to the NCIs for implementing Bishop Martin’s request for a lessons learned review. We believe there are many lessons to be learned from this matter, and also believe that many of Lord Carlile’s recommendations are helpful ones which we hope will be adopted at a national level. We also fully accept and agree with Lord Carlile’s core conclusion that the process was deficient in a number of respects. Our comments are set out in more detail below.

The recommendations

1. We agree that a group should be tasked with assessing the merits of a civil claim, and that it should be established with as continuous and permanent membership and chairmanship as possible (paragraph 20). We would suggest that the group should have terms of reference, which name the members of the group and that any changes in membership be carefully justified in the minutes. We would also suggest that a secretary, or failing that the
chair, is tasked with ensuring that all action points, especially those which are deferred for a period, are followed up.

2. However, we agree with Lord Carlile’s footnoted hint that it should not be a Core Group who is tasked with that duty. Core Groups are now well-established in the Church of England’s safeguarding practices (though were not in 2014 when this group in this case was convened). The purpose of a Core Group is to oversee safeguarding concerns or allegations in line with House of Bishops’ policy and practices, ensuring that the rights of the victim/survivor and the respondent to a fair and thorough investigation can be preserved. It is a mechanism for coordinating the actions of various professionals involved. It has wide-ranging functions including liaising and information sharing between internal and external stakeholders, managing risk, ensuring support to the complainant/survivor, the accused and others, and so on. Making decisions on the truth of allegations and action to be taken in response to a civil claim is not and never has been part of the function of a Core Group; in almost all cases, this is done by the police (if there are criminal proceedings) or insurers (if there are civil proceedings) or a Tribunal (if there is a complaint under the Clergy Discipline Measure in respect of a complainant who did not wish to support a criminal prosecution). In each case, the decision makers have the expertise necessary, which the Church more generally has never needed. In our view one of the key failings in process which needs to be identified and corrected for the future is the failure to establish clearly at the outset precisely who would be responsible for deciding the response to the civil claim. The answer to that will not be easy, but one suggestion which may help is for the duty of assessing the claim to be given to a smaller group (which we call “the litigation group” in this document), most if not all of whose members would also be members of the Core Group with its wider responsibilities. That group could assess whether it considered the claim was made out on the balance of probabilities and either make a decision or recommendation to the decision makers as to what action to take in terms of settling or contesting the claim. Careful thought would however need to be given to whether this is a viable option and, if so, who would determine its membership and on what criteria.

3. We agree that the litigation group should have the benefit of an advocate for the accused and his or her descendants (paragraph 21). It is not clear if Lord Carlile’s recommendation is that this person should be a voting member of the group; our provisional view is that they should not but more discussion would be needed.

4. Similarly, we agree that the litigation group should have the benefit of an advocate for the complainant, a role in this case fulfilled by the Chichester IDSVA and (in her absence) the Chichester DSA. Again, at present we do not believe that this person should be a voting member of the group but again more discussion would be needed.

5. We also agree that the litigation group should have the benefit of legal advice and that legal advisers should not be voting members (paragraph 30); indeed the Core Group did have the benefit of advice from a solicitor with extensive experience of sexual abuse claims, who was not a voting member of the Core Group. However, we find Lord Carlile’s recommendations on this point difficult to understand. It is not clear to us how many legal advisers he considers there should be in total, what areas of specialisation he considers they should cover, and what he considers their status should be.

   a. It seems to us that the most crucial area is civil law and procedure as it pertains to the investigation and determination of allegations of sexual assault. There must be a lawyer instructed to advise on the civil claim, which is the actual presenting issue,
who, as Lord Carlile says must be “trained in dealing with vulnerable witnesses and who understands what is meant by the “myths and stereotypes” which, historically, have bedevilled the prosecution of sexual offences” — and which is also crucial understanding for civil claims relating to sexual offences.

b. It is also not clear to us whether he thinks that (a) there should be advice from a non-voting criminal lawyer or (b) that there should be a voting member of the group with legal experience including practical and up-to-date knowledge of criminal law and procedure as it pertains to the investigation and determination of allegations of sexual assault. If the former, it is not clear to us whether he thinks that it is realistic to expect to find an appropriate adviser with both legal aspects and expertise. If the latter, it is

c. We would agree that advice should be available to the litigation group on the criminal aspects of the matter. We are not presently convinced that it is important whether that experience and expertise comes from a member of the litigation group, if one happens to have that expertise, or advice from others. We would agree that if there is doubt on whether a criminal prosecution would succeed, then it may well be appropriate to seek specialist legal advice. We are not immediately convinced that funds should be spent on an additional lawyer in a case such as this, where it was obvious to all involved that a prosecution would probably not succeed (paragraphs 18-22 below).

d. We would also suggest that it is essential that some experience of ecclesiastical law is available to the litigation group either as member or adviser.

e. Finally we would note that the litigation group would probably need to have the benefit of advice from experts in other disciplines, notably safeguarding, if members do not have that expertise themselves.

6. We would accept the recommendation that a premium should be placed on attendance at litigation group meetings (paragraph 23). We would note that this would be easier to achieve with a smaller litigation group than with a larger Core Group. The suggestion of pre-selected substitutes is a helpful one, but if this will be practicable given the nature of many of the roles of those likely to be members. However, we would hope that the availability of telephone conferencing would make this less necessary.

7. We wholeheartedly endorse the recommendation that all members of the litigation group must see all relevant material (paragraph 24). We note that this is consistent not only with the requirements of disclosure in criminal cases but also with the requirements of disclosure in civil cases, which provides a closer parallel. Again, we would note that this raises fewer issues with a smaller litigation group than with a larger Core Group.

8. Again we wholeheartedly endorse the recommendation of assistance for complainants (paragraph 25) and welcome both Lord Carlile’s praise for the IDSVA seconded to the Diocese from Worth Services who performed that role so admirably in this case and also the NST’s exploration of this model for potential wider adoption.

9. We accept the recommendation that it should be made clear to complainants that their complaints are not considered to be proved, even on the balance of probabilities, until findings of fact have been made by the litigation group (paragraph 26). We would however stress that those who receive the initial disclosure and anyone providing support for the complainant must operate from a position of “We take you seriously”.

10. We wholeheartedly agree that there should be an assumption of anonymity for complainants (paragraph 27). In most cases this will be a legal requirement under the Sexual
Offences (Amendment) Act 1992 and should there be a case where it was not, we agree that the spirit of the Act should be followed.

11. The recommendation of a call for evidence in appropriate cases (paragraph 28) is a helpful suggestion which we welcome.

12. We accept the recommendation that perpetrators should not be identified publicly unless adverse findings of fact have been made, whether by insurers or a litigation group, and the relevant body has decided that making the identity public is required in the public interest (paragraph 29). The devil here will be in the detail: as far as the Core Group in this case were concerned, both those tests were met, albeit not articulated as clearly as they would have been had this recommendation already been in place. We fully accept the criticism that further investigations should have been made, which might or might not have changed the Core Group's assessment of the first criterion. If it did not, it is hard to see that the assessment that it was in the public interest to publish would have changed.

13. We consider Lord Carlile puts it too high in saying that it is unavoidable that the Core Group (or a litigation group) will be required to make findings of fact in the case of posthumous allegations (paragraph 31). If the claim is insured, the insurers will undertake that task in the usual way. By contrast, if the claim is uninsured, the litigation group will be required to make findings of fact even if the accused is still alive. If, for example, a civil claim is brought before an arrest, and the police require us not to give any notice of the possibility of an arrest to the accused, the same situation arises, of a claim needing to be dealt with without the input of the accused, through no choice of the accused. With that caveat, it is self-evidently right that the civil standard of proof should be applied to all civil claims, and that is the test that was articulated to the Core Group, as recorded in the minutes.

14. The recommendations about the presumptions relating to publication (paragraphs 32 and 33) are the recommendations which we find most difficult.

a. There are a number of different possibilities:

i. A settlement agreement which states on its face that liability is denied. We believe that to make so clear to the complainant that he or she is not believed, in circumstances where it will usually be impossible to know for sure, would be unduly harsh and unnecessarily unpalatable. It was certainly not the stated basis of the settlement agreement, and is not one we would have countenanced.

ii. A settlement agreement which states on its face that no admission as to liability is made. We regard this as less offensive to a claimant as it does not make clear to the claimant whether the settlement is for nuisance value alone, for litigation risk with a greater or lesser degree of acceptance of the likelihood of the claim succeeding, a commercial decision protecting the defendant in wider context, or something else.

iii. A settlement agreement which says nothing at all about whether liability is admitted or denied, and is thus similar to option (ii). We would hope this is even less offensive to the claimant as it does not encourage speculation on the reason for inserting the statement that no admission of liability is made. This was in fact the basis of the settlement with [ ], and would remain our preferred option.

iv. A settlement agreement with an explicit acceptance of liability. We are doubtful that it would be appropriate in a case such as this. The reality of

1 As has happened in at least one (insured) case of which we are aware.
allegations of sexual abuse against a deceased perpetrator is that it will rarely if ever be possible to be satisfied so that we are sure that the abuse took place (i.e. to the criminal standard of proof), and it is unlikely that the Church would ever wish to explicitly accept liability in such sensitive matters without that degree of assurance.

b. That said, if the litigation group internally agreed that the claim was made out on the balance of probabilities, we would agree that there should be a presumption that the perpetrator’s name should be published together with a general description of the conduct concerned. That presumption could be displaced, most probably by a reasonable objection from the survivor/victim (as they would now be), but potentially by other considerations which it would identify exhaustively in advance. It would, as recommended in paragraph 29, be necessary in particular also to consider the public interest.

c. We would also accept that if the litigation group internally agreed that the claim was not made out on the balance of probabilities, publication would be unlikely to be appropriate.

d. The form of any publication also needs careful consideration. With hindsight, we would accept the criticism (in paragraph 237) that carefully not actually containing a statement that the Church considered Bishop Bell read as such. For any future statements in similar circumstances, we would wish to explore making clearer the difficulties of knowing for sure what happened, and on the basis that it was more likely than not that the abuse occurred, not on the basis that the Church was sure it occurred.

15. On balance, we would not be inclined to accept the recommendation that a confidentiality provision should be included in a settlement agreement where the litigation group has concluded that the claim was not made out on the balance of probabilities (paragraph 33). We do not share Lord Carlile’s view in paragraph 52 that the recommendations of the Commissions that a confidentiality clause should never be included in any agreement reached with a survivor clearly did not apply to this situation, or to any situation where the claim is not accepted on the balance of probabilities.

a. First, as Lord Carlile notes at paragraph 244, we were proceeding on the basis, rightly or wrongly, that the claim was made out on the balance of probabilities, so even on Lord Carlile’s interpretation of the Commissions’ recommendation, we were right to consider it applied.

b. Secondly, a conclusion that the claim is not made out on the balance of probabilities could fall anywhere on a spectrum between being almost satisfied that it was made out but not quite, to being absolutely sure that the claim was unfounded. Where the conclusion is that a claim may well be true, but we are not satisfied that it is more likely to be true than not, we believe it would be wrong to attempt to gag the unsuccessful claimant.

c. Thirdly, the Commissions have confirmed that it is their view that a confidentiality clause should never be included in a settlement agreement with a person who was, or may have been, a survivor of sexual abuse, stressed that “or may have been”. They point out that when a settlement is reached without there having been a trial, the Church can, of course, never be sure that the person is, in fact, a survivor; indeed, if an agreement is reached on a non-admission basis, the person may, or may not, be a survivor. (It is for that very reason that it is on a non-admission basis.)
They consider that in those circumstances it cannot be said either that he or she is a survivor or is not a survivor, and that it would be wrong to make an assumption of non-survivorship which may, or may not, be correct.

16. When the national Church is considering the final recommendation, we would urge any guidance to be clear as to who information should be disclosed to. We would suggest that it should be the advocate for the accused appointed in accordance with the recommendation in paragraph 21. That person would have principal responsibility for searching out others with an interest, such as relatives of the accused, and would be able to share material as appropriate; the litigation group would have responsibility for making clear to the advocate what material could not be shared.

The role of criminal law

17. Paragraph 17 asserts that it is material whether the CPS evidential charging standard (a realistic prospect of conviction) would be met. We do not agree with this. We are unsure why the fact that, as in this case, it is clear that it is highly unlikely that a jury would be satisfied beyond reasonable doubt that the abuse happened should be of real assistance in assessing whether to be satisfied on the balance of probabilities. As noted above, on occasion, an allegation is pursued against a living priest under the Clergy Discipline Measure, where the standard of proof is the same as in the civil courts. We do not believe that the Tribunal I consider the CPS charging standard in such cases; nor do we believe a civil court does if a claim is brought without an accompanying prosecution.

18. Similarly, it is suggested in paragraph 41 that an examination against the criminal standard is a useful and instructive exercise. Again, it is difficult to understand why. However, we read the remainder of paragraph 41 with interest and although we are doubtful that the criminal standard is of great assistance, we consider that the CPS approach would be: making according to the evidence, having regard to any defence and any other information that the suspect has put forward or on which he or she might rely; must assume that the case will be considered by a properly directed, objective, impartial and reasonable tribunal acting in accordance with the law; and must not be directed by myths or stereotypes, by predictions based on the he has heard, read or seen elsewhere. We agree with this, and accept that the omission of the in the investigation adversely affected our ability to achieve this approach; we woul not hope that Lord Carlile’s recommendations would help us to achieve it should any future cases like this arise.

19. In the same vein, it is suggested in paragraph 170 that the issue of whether a prosecution accompanying reasoning, was at least as important for the Core Group’s deliberations as the issue of which part of the Church (if any) would have to meet any award of damages. Again, it is not clear to us why: one question is directly relevant to the civil litigation being faced, the other is (at best) tangentially relevant to the civil litigation and, as discussed in the next paragraph, chiefly aimed at answering a question we already knew the answer to.

20. Next, it is suggested in paragraph 173 that had the Core Group been in possession of an assessment from experienced criminal counsel that the prospects of a successful criminal prosecution were low, “there can be little doubt” that it would have affected their approach to the fundamental question of whether civil proceedings should have been settled without the considerable resistance and without further factual enquiry. In the Core Group thought there was a realistic prospect of a criminal prosecution succeeding if
it had been possible to bring one, so we are unsure why being told what they already believed would have made any difference at all. We accept that Lord Carlile does not share our view that the Core Group did not think a criminal prosecution stood good prospects of success, but it is unfortunate in that context that he did not explore that question in any of his interviews with members of the Core Group, or quote the minute of the crucial March 2015 meeting recording that the Provincial Registrar specifically drew attention to the fact that “if it were in a criminal Court it is less likely he would have been convicted on the beyond reasonable doubt test”.

21. Similarly, in paragraph 167, Lord Carlile speculate that the Core Group may well have taken an exaggerated view of the use of the word ‘arrest’, as being in some way of itself evidence pointing towards guilt, which as he rightly says it is not. So far as we are aware this was not the case, and again, it is unfortunate that Lord Carlile chose not to explore that question in most of his interviews with the Core Group; the two where he did explore it made clear that they did not understand arrest as pointing to guilt (Page 36 of the annexes at paragraph 23 and page 59). We also regret his decision to criticise the police’s understanding without contacting the officers in question to explore their understanding with them; we understand that he considers that they should have proactively contacted him, although we note that they did not know that they would be criticised. We are grateful that he did at least accede to the Chief Constable’s request not to name them.

Whether the claim should have been denied

22. Lord Carlile’s ultimate conclusion is that the claim should have been denied (paragraph 283) and no apology made (paragraph 261). This appears to be on the basis of the following considerations:

a. The advising solicitor’s carefully considered and conscientious advice was that the case should be settled, given the civil standard of proof of the balance of probabilities. This was arguably justified, based on the incomplete information under consideration at the time (paragraphs 244 and 257). It is worth noting that this advice was circulated at the start of the crucial March 2015 meeting and therefore weighed heavily on the minds of those present and voting. However:

b. No further complainants came forward (paragraphs 5 and 79), as we would probably have known if we had issued a call for evidence (paragraph 28).

c. Additional people should have been identified and spoken to (paragraph 36).

d. Additional questions should have been asked of (paragraph 249).

e. More weight should have been put on Bishop Bell’s good character (paragraphs 53-58).

23. As to these points:

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2 We note that Lord Carlile goes on to say that it was for the Core Group to carry out further investigations, which is consistent with his wise recommendation that an advocate be appointed to the Core Group (or to advise the litigation group). However, we are also struck by Lord Carlile’s comment during one interview that a solicitor is supposed to think of everything that could be said on behalf of the defendant (although the notes fail to identify that this was an interjection by Lord Carlile), and it may be that an experienced solicitor is better placed than staff to advise on what further investigations might usefully be undertaken. We would welcome further consideration of this point.

3 That said, we do not believe that a call for evidence was actually issued as stated in paragraph 36, merely a posting on the Church of England website inviting interested persons to contact Lord Carlile, which attracted, so far as we are aware, little attention. We note that the call for evidence is not exhibited as an annex, so we are unaware of its terms and unsure where it appeared.
a. We would agree that the claim would have been strengthened if additional complainants had come forward, and we are grateful for Lord Carlile’s suggestions on how a call for evidence could be achieved in future cases without naming the perpetrator. However, publicity of the name of the alleged perpetrator may well bring forward complainants who would not respond to a call for evidence without a name, particularly in the case of such a revered alleged perpetrator, so even had a call for evidence been made, it would still have been able to give us confidence there were no other complainants. Even now, we cannot know for sure if there were other potential complainants who have died, moved on in their lives, or are simply unwilling to risk the hostile attention they have had, though we proceed on the basis that there are no other allegations. Furthermore, while cases of single victims are very much less common than cases with multiple victims, they are very far from unknown. This cannot therefore be a determining factor, as Lord Carlile notes in paragraph 79, merely one factor to be weighed in the balance.

b. We agree that it should have been possible to identify and speak to Canon Carey, and we greatly regret this failure. Lord Carlile was of course able to speak to him with ease, as his existence had been made known after the media attention in October 2015 and the months following, before Lord Carlile was appointed.

c. We understand Lord Carlile’s emphasis on the importance of the woman referred to as [redacted]. He had the benefit of the extensive publicity in 2015 and 2016 to assist him in being put in touch with her. That was an advantage we could not have had prior to publication, and would face any Core Group prior to disclosure. We note that Lord Carlile feels strongly that we should have only contacted him “after the existence of my review was publicised”, and only then because a friend of hers told her of the existence of the review. Although we asked Lord Carlile to explain how we would have traced her with a reasonably organised investigation pre-settlement, particularly in circumstances where she had not apparently learned of the matter after the extensive earlier publicity we would still welcome further guidance on this.

d. It is not surprising that Lord Carlile’s review was able to obtain evidence from Canon Carey and [redacted] without difficulty (paragraph 174) after the significant publicity the matter had received. We do however consider that there is a significant difference between seeking evidence in the midst of ample publicity about a name which attracts attention, and seeking evidence with out that assistance. ⁴

e. However, even assuming that we would have been able to discover [redacted]’s existence, we are not sure that this would have made a significant difference to the assessment of the evidence. Lord Carlile surmises that the Core Group “might well have approached their task differently” (paragraph 220), but there is nothing in [redacted]’s account which casts doubt on anything in [redacted]’s account, except perhaps the frequency of [redacted]’s visits which is not central to the case. It is unclear why Lord Carlile considers there might be any question of “choosing between them”. To the extent that he is suggesting that the fact that [redacted] felt there was “nothing remotely weird about him” (paragraph 217) is relevant, we would note that there

⁴ Similarly, we note that Lord Carlile was able to discover descendants with ease. We are aware of two relatives who had come forward after October 2015 and before Lord Carlile was appointed, who of course would then have been able to discover with ease. If he has discovered additional relatives, we hope he will tell us so that we can contact them. It would also be extremely useful to know how he approached the task to give guidance for any future cases.
are numerous examples (including of Chichester case contact with those who were abusing others but who Furthermore, many of these people had entirely pos imagine the person in question even being capable of s) of people with considerable tive experiences and cannot f abuse.

f. Turning to Canon Carey, we are interested to note t comment is made as to the accuracy of his recollect ion in particular which is contradicted by we do not know if Lord Carlile explored that with him; it was an area which might lead to——’s identification, so he may well have felt unable to do so. From the dates, we presume that he was not able to explore w ith Canon Carey the contradiction between his recollection that there w ere no children present at the Palace and——’s account of having lived there aged 9/10-11 at the same time as he did.

g. We would wholeheartedly agree that——should have been asked additional questions, and are gratified that Lord Carlile has reproduced word for word some of the questions we identified post-settlement (paragraph 249). We would go further and suggest that the rest of the questions we identif ed, directed at other individuals in particular Canon Carey, should also have been as recollections of layout and practice against each o ther and against contemporaneous documentary evidence. In our view, this is the area which might potentially have made a difference to the assessment of the claim, but for various reasons we cannot now ask the questions.

h. On the question of good character, the appropriate careful exposition. We quite agree that this should Lord Carlile’s observation that the Core Group gave (paragraph 56), and accept that it does not feature not accord with our recollection of Core Group and here seems to be that the minutes etc were written for a particular audience, all of whom knew full well Bell’s sain tly reputation – it was so obvious, it was taken as read. We quite agree that this does not come over in the minutes, but we believe it is for this reason rather than failing to take these points into consideration. We certainly talked about his sain tly reputation enough. We would however concede that a more explicit direction on the correct legal test would have been valuable at least for the non-lawyer members of the Group.

i. We would also note that it is difficult, in light of the available evidence from research and casework, to know precisely how much weight to be given requires scant, if any, regard to it in the minutes. That said, it does not accord with our recollection of Core Group and other meetings. The difficulty here seems to be that the minutes etc were written for a particular audience, all of whom knew full well Bell’s sain tly reputation – it was so obvious, it was taken as read. We quite agree that this does not come over in the minutes, but we believe it is for this reason rather than failing to take these points into consideration. We certainly talked about his sain tly reputation enough. We would however concede that a more explicit direction on the correct legal test would have been valuable at least for the non-lawyer members of the Group.

couldn’t do anything wrong, which was rather hurtful because a lot of men who have done good things have also done very evil things. He might be a man of peace but that doesn’t take away the fact of what he did to me.” And again: “All I’m saying is what he did to me wasn’t good. He still did good things elsewhere. But I was his weakness”.

24. All in all, we do not think that anyone can now be in a position to say categorically that the claim should have been either accepted or denied and the apology for the memories of abuse made or not, and thus whether publication was led to both the decision to settle and the decision to publish, and acknowledge that without those deficiencies, the decisions might have been different. But we can never know whether they would have been or not.

Observations on criticisms and comments made in the report

25. At paragraph 41, Lord Carlile states that there is no evidence that the members of the Core Group with experience of the criminal justice system shared, let alone harnessed, that experience. We would not accept this criticism (and it is regrettable that Lord Carlile did not explore this in his interviews with the members of the Core Group to allow him a fuller understanding of their understanding). However, we include the comment from the police in the public statement in October 2015, which implied we had put more weight on this than we believe we did.

26. While we would accept the reflections Lord Carlile makes on the arguments made by solicitor on limitation (paragraph 146), we would add that he has omitted any reflection on the difficulties in bringing a claim for compensation in 1995 vs 2013.

27. We are saddened by the comment at paragraph 254(vi) that the process was predicated on Bishop Bell’s guilt of what alleged. That is certainly not what we aimed to do, and believed that we had not done that. The members of the Core Group at the March 2015 meeting specifically debated and voted on whether the allegations were believed on the balance of probabilities, and prior to the vote it was minuted that “it was agreed that a judgment on this had to be made before publicity could be discussed”. We fully accept that the debate might well have been very different if additional investigations had been made, as not a presumption of guilt; it was failure to identify the avenues for exploration, which we greatly regret. Of course the debate afterwards was however predicated on the decision that had been made at the March 2015 meeting, as no reason to re-open it was put forward.

28. Similarly, we are doubtful about the assertion at paragraph 245 that “there was never any real doubt that whatever was said and published was based upon acceptance that Bishop Bell had abused”. We do not know what was in the solicitor’s file on this, nor do we know if Lord Carlile was able to read the voluminous email correspondence on this that he was provided with. However, as those emails demonstrate, the Diocesan Bishop, Secretary and Registrar in particular went to considerable lengths to avoid any explicit statements that the abuse had happened because we felt we couldn’t know, one way or the other. We do of course acknowledge with hindsight that these efforts resulted only in a text which avoided it technically; it failed to do so in respect of the conclusions that would reasonably be drawn from it. We fully accept the criticism on this, and were we to repeat the exercise, we would want to explore further whether a clearer explanation could be given of the state of our knowledge.

29. We would also question the conclusion at paragraph 254(xii) that the discussion and approval of the apology letter and media statement was poorly structured and based on a
false premise that disclosure was inevitable. Unlike the other conclusions, this is not discussed in the preceding text, with the exception of Lord Carlile’s assessment that would be unlikely to be the source of any disclosure, which we would accept. However, there is no discussion of the other routes of disclosure, or recognition that we were not considering only the likelihood of immediate disclosure.

Additional minor matters

Paragraph 2: The Bishop of Chichester also released a statement on the Diocese of Chichester’s website, which can be found at http://www.chichester.anglican.org/news/2015/10/22/statement-rt-revd-george-beil-1883-1958/.

Paragraph 98: This related to dealings in the period 1997-2008 (not 2011) concerning Roy Cotton and Colin Pritchard. An apology was issued by Bishops John and Wallace, shortly after the Butler Sloss report was published; the letter quoted in paragraph 100 followed the publication of an addendum to the report in March 2012.

Paragraph 117: The Bishop of Chichester has no recollection of receiving such an email, or any email from so we are unsure where Lord Carlile obtained this from; he has not provided us with a copy in response to our query. The wording, and spelling, is identical to the email sent to the Archbishop of Canterbury on 4 April 2013, so we wonder if he may have been thinking of that email.

Paragraph 153: We are not sure if it is suggested that there is a connection between (a) being risk-averse and (b) being more interested in damage limitation than risk. As far as we are aware, both risk averse clients and those with a higher appetite for risk are usually much more interested in the best outcome for them than notions of justice and we think we did aim to give more regard to notions of justice than we think most clients would, even if the assessment is that we failed to achieve it. We would question the “risk-averse” comment in any event; an excessive interest in damage-limitation would probably not have led us to the actions we took.

Paragraph 158: The reasons for showing the public parts of the Palace are not entirely clear to us either. This was done on the initiative of her Counsellor, without consultation with the Church; she apparently thought it would be helpful to .

Paragraphs 210-212: Further Core Group meetings took place, even though Lord Carlile’s history ceases here.

Paragraph 250: The electoral registers were, like the plans, inspected, but like the plans inspected post-settlement when they should have been inspected pre-settlement. They were consistent with account.

Gabrielle Higgins
Diocesan Secretary, Diocese of Chichester
18 December 2017