

1 Thursday, 7 February 2019
 2 (10.00 am)
 3 ABBOT MARTIN SHIPPERLEE (continued)
 4 THE CHAIR: Good morning, everyone, and welcome to Day 4 of
 5 this public hearing. Ms Karmy-Jones?
 6 MS KARMY-JONES: Thank you.
 7 Cross-examination by MS KARMY-JONES (continued)
 8 MS KARMY-JONES: Abbot Shipperlee, we were moving on to
 9 Laurence Soper and I'm going to ask you about the period
 10 before 2001 very briefly.
 11 In your witness statement at paragraph 36.1, for
 12 your reference, you say that between 1980 and 2001 there
 13 had, to your knowledge, never been any complaints or
 14 suspicions concerning Laurence Soper. Is that right?
 15 **A. It is.**
 16 Q. Do you recall any concerns being raised about corporal
 17 punishment?
 18 **A. To do with him, I knew that he had been someone who had**
 19 **used corporal punishment, but I did not, myself, hear**
 20 **any such particular concerns that it was being -- that**
 21 **it was being misused.**
 22 Q. So you didn't hear that he kept the tradition of pants
 23 down going?
 24 **A. Absolutely not.**
 25 Q. That's in the statement of RC-F47. You didn't hear that

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1 **A. I was aware of that with regard to Pearce, because**
 2 **I think I mentioned that yesterday, but not with regard**
 3 **to Soper. Not at all.**
 4 Q. Yes, you used the phrase that Pearce liked little boys
 5 with blond hair as well?
 6 **A. Yes.**
 7 Q. In your witness statement at paragraph 36.3, for your
 8 reference, there's reference to Soper in 2002.
 9 In October 2001, is it right that the Archdiocese of
 10 Westminster wrote to you with a claim form in the name
 11 of A420, who had made a claim of abuse by Soper in his
 12 cell at Feltham?
 13 **A. Yes. That 2002 date is clearly a year -- it's the wrong**
 14 **year. It should be the year before.**
 15 Q. At the time of the complaint, Soper was the abbot of
 16 St Alban in Hertfordshire?
 17 **A. He may have taken -- yes, he may have been given that**
 18 **title.**
 19 Q. There is a letter in your bundle from Francis Rossiter,
 20 who nominated him for that role, in May of 2000.
 21 **A. Yes.**
 22 Q. Did you bring the A40 matter to the police's attention?
 23 **A. I did not.**
 24 Q. Why not?
 25 **A. Because I simply did not believe that this was possible.**

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1 he would offer a boy six of the best or just three if on
 2 the bare bottom?
 3 **A. No.**
 4 Q. Mr Halsall remembers rumours about that. Those didn't
 5 come to your ears?
 6 If they had, would it have been of concern?
 7 **A. It would have concerned me. Obviously these things come**
 8 **from a different era, but they are odd. Even hearing**
 9 **about them, they are -- yes, they are concerning.**
 10 Q. Harsha Mortemore, who we have referred to before, had
 11 a little boy who was going to go to the junior school in
 12 around about 1997. I am just going to ask for something
 13 that she says in her statement to be pulled up, please.
 14 Thank you. It is MPS002957. She says, four lines down:
 15 "A senior member of the office staff approached me
 16 and told me not to leave my son, who would have been
 17 4 at the time, on his own in the office at any time when
 18 Father David or Abbot Laurence were there. The person
 19 then told me that the child would be safer because they
 20 preferred boys with blond hair and blue eyes. The
 21 person then told me that Father David had been moved
 22 from the junior school to keep him away from the younger
 23 boys."
 24 Were you aware of that phrase of liking little boys
 25 in respect of Soper and Pearce?

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1 **In fact, I was outraged that such an accusation could be**
 2 **made against someone of whom I -- well, it did not occur**
 3 **to me that it was possible that this sort of thing could**
 4 **happen.**
 5 Q. Do you agree that that decision was wrong?
 6 **A. Oh, yes, absolutely wrong.**
 7 Q. In December 2001, there was a conversation between you
 8 and James Currie of the Diocese of Westminster. I can
 9 show you the reference if you like, but perhaps you can
 10 take it from me that he then wrote a letter relating the
 11 conversation, saying that you had undertaken to report
 12 the claim against Soper to the Metropolitan Police?
 13 **A. Yes, I'm not sure that the conversation actually was**
 14 **with Father James Curry, but the substance of**
 15 **the comment is accurate, certainly.**
 16 Q. Can we just have a look at DOW000030_005. It's the
 17 letter of 11 December, and it reports -- it is signed by
 18 Major James Curry:
 19 "On Friday, 7 December 2001, I had a conversation
 20 with Abbot Martin Shipperlee of Ealing Abbey, informing
 21 him that the child protection team of the diocese had
 22 recommended that the serious claim against
 23 Abbot Laurence Soper should be reported to the child
 24 protection team at Ealing Police Station.
 25 "Abbot Martin undertook to do this, notwithstanding

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1 the civil claim that has been lodged by ..." A6,
 2 presumably.
 3 So do you agree now that you did have that
 4 conversation?
 5 **A. Sorry, I am confusing two -- the initial conversation**
 6 **I had when I reported the matter to the diocese. This**
 7 **is subsequent, yes. This was from -- this letter is**
 8 **from Monsignor Curry and relates a conversation I had**
 9 **with him, yes.**
 10 Q. Did you then refer the matter to the police?
 11 **A. I did not.**
 12 Q. Even though you had given an undertaking to do so?
 13 **A. I had said that I would, yes.**
 14 Q. Why didn't you?
 15 **A. Because, at that stage, I was still convinced in my own**
 16 **mind that this must be a spurious claim.**
 17 Q. But why did you -- why did you undertake to do so, then?
 18 **A. Because that was the advice I was given. It seemed good**
 19 **advice. It was being passed on to me.**
 20 Q. Forgive me, you were given advice to say, "Yes, all
 21 right, I'll do it", but then decided not to do it?
 22 **A. Yes.**
 23 Q. Is that not supreme arrogance on your part?
 24 **A. It's supreme foolishness on my part.**
 25 Q. You took the view that your opinion of the situation had

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1 you should inform them, but you didn't inform the
 2 police?
 3 **A. I cannot account sensibly or rationally for my action.**
 4 **Clearly, I wanted to pass information on. I contacted**
 5 **the diocese, I contacted the army, or the responsible**
 6 **officer there, but, yes, to phone the police concerning**
 7 **my predecessor for whom I had a very high regard,**
 8 **I flinched, I did not do it; I should have done.**
 9 Q. Who exactly were you trying to pass information on to:
 10 the army officer or to Soper?
 11 **A. Oh, no, certainly not.**
 12 Q. Are you sure you weren't trying to warn him --
 13 **A. No.**
 14 Q. -- that an allegation had been made?
 15 **A. No. Absolutely not. I could have done so directly, had**
 16 **I wished.**
 17 Q. And did you?
 18 **A. No.**
 19 Q. In BNT001111, please, B1/C18, page 2. It is a letter
 20 from your solicitors, Beachcroft Wansbrough, dated
 21 29 May 2002 in relation to RC-A420, saying:
 22 "Further to our telephone conversation, I am pleased
 23 to confirm that this matter has been concluded as
 24 envisaged. I enclose a copy of the formal order sealed
 25 by the court discontinuing the claim for your records."

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1 more weight than the opinion of the Diocese of
 2 Westminster, Father Sean Carroll?
 3 **A. Father Curry, yes.**
 4 Q. Curry.
 5 **A. Yes. I was wrong.**
 6 Q. Is that how you have approached safeguarding during your
 7 time?
 8 **A. No, you can see plenty of times when I have not done**
 9 **that, but you do have to make the judgment yourself.**
 10 **You will see the times when I have sought advice and**
 11 **that I have followed it. This is a clear example -- an**
 12 **obvious clear example -- when I didn't. I was wrong to**
 13 **do that; very wrong indeed.**
 14 Q. In 2002, Soper was still acting as chaplain at the army
 15 training regiment in Bassingbourn in Cambridgeshire?
 16 **A. Yes.**
 17 Q. Presumably, you didn't think to inform Bassingbourn?
 18 **A. I did.**
 19 Q. You did. When did you inform them?
 20 **A. It must have been shortly after. I don't have an exact**
 21 **date. It would have been shortly after the initial**
 22 **accusation was made. I can't place it exactly, but**
 23 **I certainly had a telephone conversation with the**
 24 **commanding officer.**
 25 Q. So why did you inform them -- it was serious enough that

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1 What had you asked your solicitors to do for you?
 2 **A. The claim -- the matter reached me in the form of**
 3 **a claim for damages. It was not a criminal complaint.**
 4 **I understand that that doesn't make it not serious. But**
 5 **that was what was placed before me. In my inadequate**
 6 **way of thinking, I couldn't understand why this**
 7 **complaint hadn't been made to other authorities. In**
 8 **fact, as I have now seen in the files, it was. So**
 9 **I simply couldn't see -- it's not a very good reaction,**
 10 **it is a rather poor one -- why the complaint hadn't been**
 11 **made also, if not preferably, through other channels.**
 12 **I was getting a civil complaint, which you often do at**
 13 **the end of a process, so the civil -- the envisaged**
 14 **outcome was that the civil claim would be discontinued.**
 15 Q. Can we pull up, and with apologies to the evidence
 16 handler, a different document: MPS002976. This is the
 17 statement -- no, that's the wrong reference. I may come
 18 back to that in a moment.
 19 Did you put pressure, through your solicitors, on
 20 RC-A420 to withdraw his claim?
 21 **A. I think the solicitors pointed out that there would be**
 22 **legal costs.**
 23 Q. In effect, they threatened him, didn't they?
 24 **A. I don't know if that counts as a threat, but it might --**
 25 **well, yes, from his point of view, that would have been**

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1 **perceived as a threat. But, remember, I at this stage**
 2 **wrongly perceived this as opportunistic; not a good**
 3 **judgment, but that's how I perceived it.**
 4 Q. Was Laurence Soper's departure to Rome linked to this?
 5 **A. Not that I know of, and not through me.**
 6 Q. Your witness statement at paragraph 38.1, BNT007139_022:
 7 "Shortly after RC-A420's complaint, I was contacted
 8 by Notker Wolf, the Abbot Primate, asking if I would be
 9 willing to make Soper available to come to Rome to
 10 become the bursar to the International Benedictine
 11 Confederation based at Sant' Anselmo."
 12 You go on to say:
 13 "In my own mind, there was no connection whatsoever
 14 between this move to Rome and the accusation of
 15 RC-A420."
 16 Do you think that was just a coincidence then?
 17 **A. At the time, I certainly did. I am not aware of any**
 18 **conversation that might have occurred between Soper and**
 19 **the Abbot Primate, but I -- as far as I know, he is not**
 20 **aware of the accusation at this stage, so --**
 21 Q. Did you say anything to him?
 22 **A. No, I didn't.**
 23 Q. Why not?
 24 **A. Because he had, as I say there, found being abbot**
 25 **difficult. He didn't, as it turned out, have the**

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1 corporal punishment and rape in the 1970s. Your
 2 statement is unclear as to when you first heard of this.
 3 You refer to it at paragraph 36.6, for your reference.
 4 Do you recall when it was made to you, when you found
 5 out about it?
 6 **A. I realise that my statement is unclear, and I don't**
 7 **recall for sure. I believe -- I may be wrong about**
 8 **this -- I was told subsequently by Mr Turner, after the**
 9 **decision not to continue with any investigation or**
 10 **prosecution had been reached. But obviously I do say**
 11 **that I was told by the police. So I have confused**
 12 **myself. I am not sure.**
 13 Q. All right.
 14 **A. Certainly --**
 15 Q. Isn't one of the issues here -- forgive me,
 16 Abbot Shipperlee, but isn't one of the issues that you
 17 have no record?
 18 **A. It is, yes.**
 19 Q. And you have no record of what action was to be taken or
 20 what you were told?
 21 **A. At that stage, I do not believe any action was**
 22 **recommended, and I know of nothing that has happened**
 23 **since to suggest that such advice was given.**
 24 Q. When you mention in your statement at paragraph 36.7,
 25 you say:

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1 **strength, really, to fulfil the role. He was ill for an**
 2 **extended period after his election. He resigned in --**
 3 **how could I describe it? He had found it very**
 4 **difficult. He was not in a good place and was angry**
 5 **with a lot of people, including his community. He was**
 6 **a man who I considered to be of integrity, who had tried**
 7 **his best and worked very hard in some very difficult**
 8 **situations and had achieved quite a lot, but had felt he**
 9 **couldn't continue. I did not wish to burden him with**
 10 **yet more in what, at that time, seemed to be one of**
 11 **the good things he'd been doing, giving his time to go**
 12 **to Feltham as a visitor, or acting as a chaplain.**
 13 Q. You didn't think that Notker Wolf, the Abbot Primate, if
 14 he was as ignorant of the matters as you suggest he may
 15 have been, you didn't think that it might be a good idea
 16 to tell him --
 17 **A. No.**
 18 Q. -- that the person he was considering putting into an
 19 extremely important role had been accused of a serious
 20 offence?
 21 **A. I did not, because, at that moment, I did not believe it**
 22 **possible that this could be true.**
 23 Q. There was another allegation of abuse by Soper in 2004
 24 made by RC-A622, who Peter Turner had visited in
 25 a psychiatric unit, and his allegation related to severe

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1 "At the conclusion of the case, it was recommended
 2 by the Archdiocese of Westminster that no action was to
 3 be taken by me on the matter."
 4 You have no record of that. When you say
 5 "conclusion of the case", do you mean no prosecution,
 6 at September 2004?
 7 **A. That's what it looks like, yes.**
 8 Q. Prosecution aside, why did you not ask for a report to
 9 be prepared, a risk assessment?
 10 **A. Because, at that stage, I did not have much information**
 11 **about this accusation, save to say that -- I am going to**
 12 **say -- the complainant -- I can't spot the cipher;**
 13 **I should be able to -- had been unwell. I knew no more**
 14 **than that. I didn't know particularly the details of**
 15 **the case. I did learn them subsequently, and horrifying**
 16 **details they are, too.**
 17 Q. It is not long after this that you are instructing
 18 David Tregaskis in relation to Father Pearce, and you
 19 also instructed him in relation to RC-F41.
 20 **A. Yes.**
 21 Q. Yet here you had received two allegations in respect of
 22 Laurence Soper, and you didn't think it necessary to
 23 seek a risk assessment as far as he was concerned?
 24 **A. Well, I didn't not think it necessary; otherwise,**
 25 **I would have. Both these accusations, as they have come**

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1 to me, come from slightly odd directions. This is not
 2 an excuse, this is an explanation of how I was
 3 perceiving it, in that, one, the first one, in 2001, is
 4 a civil claim without any other seeming process; and the
 5 second – again, something has happened but nothing is
 6 happening. Now, in retrospect, you are quite right, it
 7 would have been a very good thing to do, but I did not.
 8 Q. You see, you had ultimate control over Soper, as a monk
 9 of your monastery?
 10 A. I was his superior, yes.
 11 Q. You were his superior. Even the Abbot Primate was
 12 asking for your permission to make Soper available,
 13 which illustrates the power that you had over him. It
 14 was your decision where he should -- whether he could or
 15 could not go and what he could do?
 16 A. I could have said no, yes.
 17 Q. In terms of Soper, he was, in a sense, senior to you, he
 18 had been your abbot --
 19 A. Yes.
 20 Q. -- for quite some time. He was senior in years. We
 21 have heard he was quite a formidable individual?
 22 A. He could be, yes.
 23 Q. Were you worried because of his position of seniority?
 24 A. Oh, in that sense, no.
 25 Q. You weren't scared of him at all?

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1 Q. Yes.
 2 A. At this stage, there are now other accusations, and it's
 3 now becoming very difficult, if not impossible, to not
 4 believe that there is something seriously wrong or that
 5 something seriously wrong has happened, because the way
 6 the accusations work together, it's not conceivable to
 7 believe that three or four people would make allegations
 8 of essentially the same offence over a period of time.
 9 Q. As had happened with David Pearce, for example?
 10 A. Yes. So it's clear that there is a problem here, and
 11 something needs to be done about it. So I speak with
 12 the Abbot President, Abbot Richard. He goes to Rome
 13 frequently, so he undertook, on my behalf, to speak to
 14 the new prior, and then I went out to meet him,
 15 Abbot Lorenzo. As is said, he had a previous career in
 16 safeguarding in the United States and a very firm grip
 17 on procedures and how to deal with people, and he drew
 18 up the safety plan.
 19 Q. You went to Rome a little while later, in 2010, to
 20 formally place Laurence Soper under restrictions?
 21 A. Yes, because it would have to be me who did that.
 22 Q. Because you're the abbot, you're his abbot?
 23 A. Yes.
 24 Q. I'm going to move on for a moment to a different monk,
 25 RC-F41. You may remember this because it relates to the

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1 A. No. "Scared" wouldn't be the right word. When he was
 2 abbot, and when he was bursar before that and I was
 3 a junior monk, I would have dealt with him carefully and
 4 respectfully, but by this stage, he has, you know, been
 5 abbot and he has retired. I am not afraid of influence
 6 he might have, no.
 7 Q. Even though the Abbot Primate is offering him a fairly
 8 high-up position?
 9 A. These positions sound grand. In this case, it isn't.
 10 I can give you background on the functioning at
 11 Sant' Anselmo, I'm not sure it is necessary -- if you
 12 wish. But it is not as grand an office as it sounds,
 13 I can assure you.
 14 Q. Soper then does go to Rome, and the recently appointed
 15 prior at Sant' Anselmo -- that's, I think,
 16 Father Lorenzo, Elias Lorenzo?
 17 A. That's slightly later.
 18 Q. Sometime later, he is experienced in American
 19 safeguarding practice, and eventually he draws up
 20 a safeguarding plan?
 21 A. Yes.
 22 Q. But when that time comes, that is at his initiative, not
 23 yours?
 24 A. No -- well, if I can think back, we are now getting
 25 towards 2009, possibly, if I have got the right date.

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1 trip to Italy, the boy with constipation.
 2 In April 2005, RC-A421 disclosed to Peter Turner the
 3 incident on the school trip. F41 was on holiday -- the
 4 matter came to you. F41 was on holiday at the time, and
 5 when he returned, you had a discussion with him; yes?
 6 There was subsequently a meeting between you, RC-F41 and
 7 Peter Turner on 5 May, and Mr Turner -- and we have,
 8 I think, already seen this -- recorded that he realised
 9 immediately that what he had done was wrong, was sinful
 10 and that he was worried ever since about it. You were
 11 sympathetic to RC-F41, were you not?
 12 A. I was. I was sympathetic because I've known him a long
 13 time; also, because his reaction, when faced with this
 14 disturb -- highly disturbing charge, Mr Turner contacted
 15 me with the information --
 16 Q. And -- sorry.
 17 A. As has been said, FC41 was aware at the time. When he
 18 came back, I approached him and he immediately
 19 identified -- he could tell me what I was talking about
 20 before I got to the end of talking about it.
 21 Q. He, you did arrange to see?
 22 A. Then we met with Peter Turner very shortly afterwards.
 23 Q. You arranged for him to have a risk assessment?
 24 A. Yes.
 25 Q. And a report was prepared dated 4 July 2005.

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1 Presumably, you read that?
 2 **A. Yes.**
 3 Q. Can we just call it up: BNT001026. I am going to look
 4 at paragraphs 5.2 and 5.3. At 5.2, there's a section
 5 that begins:
 6 "When challenged about this, he [F41] stated that he
 7 was unsure about whether his behaviour was as a result
 8 of 'sexual desire' -- but 'the fact I felt guilty means
 9 perhaps there was (sexual desire)."
 10 At 5.3, he admitted to Tregaskis "an inappropriate
 11 attraction towards some boys" and said that he gave up
 12 the chaplaincy as a consequence of this realisation and
 13 on the previous Sunday he had observed an altar boy and
 14 that sexual images "had come into his mind", so the
 15 Sunday before this interview with Tregaskis.
 16 You gave a statement to the police in 2007 -- that's
 17 at BNT001023_002. In that, you said, referring to the
 18 meeting with Peter Turner:
 19 "Unfortunately, I made no notes of the meeting and
 20 so I am relying on my recollections. The meeting was
 21 not of great length and during which Mr Turner read out
 22 an account of the physical details of the incident to
 23 which RC-F41 assented. It is my belief that he had
 24 treated the child in this way in good faith and that
 25 there was no question of his having deliberately abused

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1 INQ003027, the third paragraph down:
 2 "The court had heard glowing testimonials from
 3 Ealing Abbey's abbot, Father Martin, and a former altar
 4 boy."
 5 Did you give him a glowing testimonial?
 6 **A. I don't know if it was glowing. I gave him a testimony.**
 7 Q. He was acquitted. After the acquittal, you took steps
 8 to have the restrictions upon him removed, didn't you?
 9 **A. I wrote -- yes, I wrote to Peter Turner. I wasn't**
 10 **actually seeking all the restrictions to be removed,**
 11 **but, yes, I did write to him.**
 12 Q. You suggested that there was no risk, that he presented
 13 no risk.
 14 **A. Because, if I may relate to what I said yesterday -- and**
 15 **you may see the logic or the reasoning to be faulty, or**
 16 **indeed entirely erroneous. However, I was looking at**
 17 **a situation where -- I was looking at what he was no**
 18 **longer allowed to do as against what he had been free to**
 19 **do before. I was not looking at what he might do. So**
 20 **he's -- actually, he had taken himself away from the**
 21 **school some time before. He is not -- clearly not --**
 22 **suitable to be working with children and young people.**
 23 **Is it going to be possible, which is essentially the**
 24 **question I'm asking -- the letter isn't well composed --**
 25 **is, is it going to be possible to allow him to**

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1 the boy. RC-F41 expressed his awareness that he may
 2 have acted inappropriately ..."
 3 How do you reconcile your statement that RC-F41
 4 acted this way in good faith with the admissions that
 5 RC-F41 had made?
 6 **A. Because, if I am correct, the admissions that he'd made**
 7 **in his risk assessment do not relate specifically to**
 8 **this episode.**
 9 **What he did in Italy is enormously inappropriate --**
 10 **a much overused word. It is entirely the wrong thing to**
 11 **do. Here is a man trying to make an explanation of it.**
 12 Q. In his risk assessment, not only did he say that when he
 13 did the act, the fact that he felt guilty may have meant
 14 that there was a sexual desire; he also admitted
 15 inappropriate attraction towards boys and said that he
 16 had immediately realised that what he had done was wrong
 17 and sinful. Wrong and sinful. So it appears that F41
 18 had more insight into his own behaviour than you did.
 19 Would you agree?
 20 **A. Yes, that would -- I would hope that would be the case**
 21 **anywhere, that would be the case for anyone. I think we**
 22 **have a case here of someone trying to show insight and**
 23 **trying to be honest.**
 24 Q. He subsequently stood trial and, according to
 25 a newspaper report at the time, the Ealing Times,

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1 **participate in the life of the monastery and the worship**
 2 **of the monks together.**
 3 Q. Let's look at what you did say. It is DOW000022_015.
 4 The letter was dated 4 June 2007. You are writing to
 5 Peter Turner. You say:
 6 "I'm under increasing pressure to bring closure to
 7 this situation about RC-F41. Parishioners do not
 8 understand why he continues to be under restrictions
 9 and, to be honest, I'm not sure I do either."
 10 You go on in the second paragraph to say, "What am
 11 I after?", and you explain that you want him to function
 12 as a retired member of the community. About a third of
 13 the way down, you say:
 14 "Clearly, we need to ensure that there is no or as
 15 little risk to children as possible."
 16 Then you say:
 17 "At the moment, it is far from obvious that RC-F41
 18 has ever posed a risk to children."
 19 Was that your view?
 20 **A. I wrote it, so it must have been.**
 21 Q. Despite the fact that you knew that in somewhat dubious
 22 circumstances he'd inserted his finger into the anus of
 23 a child?
 24 **A. Yes. It's not good reasoning, no.**
 25 Q. You go on to say:

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<p>1 "There is, of course, Mr Tregaskis's risk 2 assessment, but I have expert medical testimony that 3 argues his report has little value ... by far the 4 greater likely cause of scandal is the public perception 5 that an innocent man is being kept under restriction." 6 So you considered him innocent, despite his 7 admissions? 8 A. He was innocent of the crime for which he was tried. 9 Q. There had been a formal finding in a criminal court of 10 an acquittal? 11 A. Yes. 12 Q. He had been found not guilty. He had admitted, 13 nonetheless, behaving in a particular way? 14 A. He had, yes. 15 Q. Did you still consider that that had no bearing on the 16 question of child safeguarding? 17 A. It had a bearing, but he had admitted that he had tried 18 to be as honest as possible. He had not denied, he had 19 not – he could easily have done so, but he did not. He 20 was trying, genuinely, it seemed to me, and it still 21 seems to me, to come to terms with what had happened, 22 and to be open about it, now that it had become – you 23 know, this had to be raised before he was open about it, 24 but once it reached him, he did – he was open about it. 25 Q. Do you have a copy of the expert medical testimony that</p> <p style="text-align: center;">Page 21</p>	<p>1 you refer to? 2 A. The expert medical testimony I believe was medical 3 advice that what he had done in Italy might indeed be 4 medically justified. 5 Q. How did that argue that Mr Tregaskis's risk assessment 6 had little value? 7 A. I don't think it does, actually. I'm not sure -- 8 Q. No. And where is it? That must be a very important 9 document for you to have relied on it to the extent of 10 seeking restrictions be lifted against a monk who others 11 considered was a risk? 12 A. The document, I assume, is still in the monastery. 13 I haven't thrown it away. I don't have it to hand, but 14 it certainly existed at the time and it hasn't been 15 disposed of. 16 Q. Perhaps if you uncover it, you could indicate where it 17 is? 18 A. I will. 19 Q. And whether it has been disclosed to us in the context 20 of this. 21 Did you continue to use David Tregaskis after this? 22 A. Yes. 23 Q. Despite the fact that someone had said his report had 24 little value? 25 A. Yes.</p> <p style="text-align: center;">Page 22</p>
<p>1 Q. Did you continue to rely on his report as far as 2 David Pearce was concerned? 3 A. Yes. 4 Q. You didn't seek to get another report because 5 Tregaskis's opinion clearly had little value? 6 A. No. 7 Q. Was this a case of abandoning a report with which you 8 disagreed? You disagreed with his conclusion, so it 9 held little value? 10 A. No, I would certainly hope not, because his report is 11 something which I do put value on. 12 Q. Do you accept that your response to the RC-F41 incident 13 appears to be that you were seeking to deny a risk, 14 despite RC-F41 himself recognising that there was 15 a risk? 16 A. I think you can see that I'm not -- I am perhaps not 17 looking as close as I should be at the risk. However, 18 Mr Tregaskis's report does point out the need for him to 19 remain in the monastery, to remain living with us, to 20 remain in community, and it's that remain in community 21 which is the purpose -- what I'm seeking in this case, 22 remaining -- so he can actually live in the same way as 23 we do without the external ministry. 24 Q. Help us with this: how can any parent or member of 25 the public have confidence in your judgment in respect</p> <p style="text-align: center;">Page 23</p>	<p>1 of child protection issues if, where there is someone 2 who's admitted digital penetration of a child's anus, 3 admitted concern as to his own motives, admitted 4 a sexual attraction to boys and admitted in fact being 5 asked to be relieved of a teaching post because he has 6 come too close to a pupil, which is something that he 7 subsequently said to the Lucy Faithfull Foundation, how 8 can your judgment be trusted when you take the position 9 of considering there is no risk and no problem? 10 A. It might be that you conclude that my judgment is not 11 good. 12 Q. While F41 was living at Ealing Abbey under restrictions, 13 did you understand him to be complying with them? 14 A. Yes, I did. 15 Q. Did no monks inform you that he might not be? 16 A. No. 17 Q. I won't call it up, because there may be an issue of 18 sensitivity, but there is a reference in a discussion 19 between Abbot President Yeo and a monk that is quoted in 20 his notes as: 21 "RC-F41 behaves very well, very sad can't 22 concelebrate or officiate at mass. Think he does so 23 regardless. Very painful. Better if he wasn't there at 24 all." 25 Concelebrating was one of the things that he was</p> <p style="text-align: center;">Page 24</p>

1 restricted from doing?
 2 **A. Yes.**
 3 Q. So it would appear that it was known that he was doing
 4 it anyway?
 5 **A. He was not appearing on the sanctuary with -- in the**
 6 **same way as those who were concelebrating.**
 7 Q. When he eventually moved to the Diocese of Brentwood in
 8 2011, did you inform the diocese?
 9 **A. No, I failed to do so.**
 10 Q. It's important, isn't it, that a monk who's under
 11 restrictions is informed?
 12 **A. It is.**
 13 Q. That where he goes to is informed?
 14 **A. Yes. The reason for that is because it had finally**
 15 **become inevitable that he would have to move. As I have**
 16 **explained before, it isn't easy to find a proper**
 17 **location. The first place he moved to briefly, clearly**
 18 **he couldn't stay there for any length of time. The**
 19 **location that he was moved to in Brentwood was, in many**
 20 **ways, absolutely ideal, in that he was staying with**
 21 **a community of people, of religious sisters, who knew**
 22 **him, who knew us, who knew everything about him. It was**
 23 **a retirement community. It was very small. And they**
 24 **would be able -- he would be living with them, in**
 25 **effect.**

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1 **solicitors' letter, or -- I don't know that.**
 2 Q. Do you remember receiving a letter from the Congregation
 3 of the Doctrine of the Faith in Rome on 25 March 2011 in
 4 respect of F41? It is BNT001003_002, which purports to
 5 confirm -- I can't see the line. I think it may be
 6 further down:
 7 "... a priest of your congregation who has been
 8 accused of the sexual abuse of minors.
 9 "... after a careful and attentive study of
 10 the facts presented, as well as Abbot Shipperlee's
 11 votum, has determined to confirm the disciplinary
 12 measures proposed by him. RC-F41 is not allowed to
 13 exercise priestly ministry."
 14 Why were you getting that from the Congregation of
 15 the Doctrine of the Faith?
 16 **A. Because in a serious case like this, you have to refer**
 17 **the matter -- you should refer the matter, and we had.**
 18 Q. This is in 2011?
 19 **A. This is when I received -- is that the date on it?**
 20 Q. This is when you received ...?
 21 **A. This is when the letter is dated, yes.**
 22 Q. Are you saying that's how long it took --
 23 **A. It can take a while, yes.**
 24 Q. -- for it to be referred?
 25 **A. I'm not sure when it was referred, but, clearly, it is**

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1 Q. The Charity Commission received a complaint in 2010
 2 about RC-F41. It's CYC000340_001. It was from
 3 a parishioner. In it, on page 1 -- I think that's the
 4 wrong page. CYC000350. Yes. Down a little, the
 5 paragraph in the centre:
 6 "You could ask Shipperlee how he reacted to
 7 allegations of indecent acts made against RC-F41 by
 8 parents of boys in the ... (which RC-F41 went on as
 9 their chaplain) in 2002 or 2003? (The parents who
 10 complained got a letter from the monks' solicitors
 11 threatening legal action if the parents took the matter
 12 any further. You could try asking the monks'
 13 solicitors, Stone King and Sewell, about this)."
 14 Do you know anything about that?
 15 **A. I am -- I do not. Memory does funny things to you, but**
 16 **this is -- I do not know about this.**
 17 Q. Were Stone King and Sewell the same solicitors in the
 18 A40 matter?
 19 **A. No --**
 20 Q. 420, thank you.
 21 **A. No, Stone King and Wardle -- so, yes, their name changed**
 22 **slightly -- were lawyers we used, and still occasionally**
 23 **use, purely in charity matters.**
 24 Q. So you know nothing about that?
 25 **A. I do not know about this. I certainly know of no**

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1 **referred, and this is their decision.**
 2 Q. And they're acting on your votum?
 3 **A. Which is my opinion.**
 4 Q. Yes. When was that given?
 5 **A. When you make the reference, there is a form, and you**
 6 **give an opinion, you write it for them, so what you**
 7 **think should happen --**
 8 Q. Forgive me. From that, one infers that you made the
 9 reference?
 10 **A. Yes.**
 11 Q. When did you make it?
 12 **A. Now, that, I do not recall, but it clearly -- it has**
 13 **been made.**
 14 Q. There's a date in the letter of 24 April 2010.
 15 **A. Right.**
 16 Q. So something like --
 17 **A. Sorry, yes, I should read my own letter, yes.**
 18 Q. -- five years after the actual incident?
 19 **A. Yes.**
 20 Q. I am going to move on to the Nixon and Wright report of
 21 2009. David Pearce pleaded guilty in August 2009 to
 22 a series of offences against a number of different boys,
 23 then men. You proposed an independent review as
 24 a response and you proposed that to the Ealing Council
 25 on 4 September 2009. Also in September 2009, you had

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1 a meeting with Mr Jonathan West; is that right?
 2 **A. Yes.**
 3 Q. There was an email exchange between you?
 4 **A. There was.**
 5 Q. You were aware that Mr Jonathan West had a blog?
 6 **A. Yes.**
 7 Q. Did you ever tell him that CSAS and NCAS had been in to
 8 review the procedures and policies at Ealing Abbey?
 9 **A. I don't know whether I did. If it's not in the**
 10 **correspondence we have, I might not have done, but**
 11 **clearly I have made reference to a review.**
 12 Q. In September 2009, Jonathan West formed the view that --
 13 well, what he said in his witness statement is that he
 14 gained the definite impression of an absolute
 15 determination not to voluntarily turn over any stones.
 16 That was in his witness statement to the inquiry. Was
 17 that right? Did you give him the impression that you
 18 did not wish to voluntarily turn over any stones?
 19 **A. That is his impression.**
 20 Q. But was he right in that?
 21 **A. No.**
 22 Q. In October 2009, you wrote a letter to parishioners, and
 23 you told them that you were -- and you made a general
 24 press statement to the effect that you were instructing
 25 an independent review, and that is how the independent

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1 report?
 2 **A. No, there isn't.**
 3 Q. That there is no detailed consideration of David Pearce
 4 or of other offending by David Pearce?
 5 **A. No, there isn't.**
 6 Q. There is no mention, for example, of the A595, the 1992
 7 allegation?
 8 **A. No.**
 9 Q. Why not?
 10 **A. Because Mr Wright and Mr Nixon decided that they wanted**
 11 **to concentrate on present matters. That was their**
 12 **decision on what they wanted to do.**
 13 Q. In Nixon's statement for the inquiry, he has said that
 14 the preparation of the report took two days, two working
 15 days. Does that seem a reasonable amount of time to you
 16 to comprehensively consider the safeguarding practices
 17 with the history as we understand it to be?
 18 **A. Well, it's clear they decided they would not look at --**
 19 **particularly at the history. It would have been far**
 20 **better had they done so, and obviously far better if**
 21 **I had insisted that they do so. But I didn't ask them**
 22 **not to. I didn't request them not to. They had come in**
 23 **independently to conduct the review, and I was there to**
 24 **support them and assist them in any way that I could in**
 25 **doing that.**

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1 review came about, isn't it?
 2 **A. Yes.**
 3 Q. That involved Philip Wright, the former safeguarding
 4 coordinator of the Diocese of Arundel and Brighton, and
 5 John Nixon, a safeguarding officer to the Anglican
 6 Diocese of London --
 7 **A. Yes.**
 8 Q. -- who were recommended by Mr Turner to carry out an
 9 audit of the monastery's safeguarding practice after the
 10 conviction of Pearce?
 11 **A. Yes.**
 12 Q. We don't need to look at the report at the moment, but
 13 would you agree that the report -- that its stated
 14 purpose was fairly limited?
 15 **A. That's the way it turned out, yes.**
 16 Q. Well, who drew up the terms of reference?
 17 **A. Mr Wright and Mr Nixon.**
 18 Q. In conjunction with you or not?
 19 **A. I sat with them. They were -- had been asked to conduct**
 20 **this review. They arrived to meet with me. We talked.**
 21 **And I said, "You are here. You can look at anything and**
 22 **everything to do with the monastery and the school, in**
 23 **fact, that you wish", although the focus is primarily on**
 24 **the monastery.**
 25 Q. Do you agree that there is no mention of RC-F41 in that

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1 Q. They didn't --
 2 **A. The result isn't, as useful as -- well, it doesn't do**
 3 **what needed to be done at the time.**
 4 Q. There wasn't even a full review of the documents that
 5 Ealing Abbey held in relation to safeguarding, was
 6 there?
 7 **A. They did not carry out an in-depth document review, no.**
 8 **That was done subsequently.**
 9 Q. That was done subsequently by Mr McCoy?
 10 **A. Yes.**
 11 Q. RC-A50, I think this comes from Mr West's blog, but
 12 there was a conclusion, which was:
 13 "I am left with the suspicion that the school
 14 deliberately laid down a very narrow remit for the
 15 investigation in order to ensure that nothing
 16 embarrassing was discovered. The report was merely
 17 a tool to placate concerned parents and was not intended
 18 to ask serious questions."
 19 Do you think there might be some weight in that
 20 conclusion?
 21 **A. No; if only because the school -- it was commissioned by**
 22 **me. It's not the school acting independently.**
 23 Q. I am going to turn to the Independent Schools
 24 Inspectorate. You met with Independent Schools
 25 Inspectorate inspector Rodney Fox in 2009?

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1 **A. I did.**
 2 Q. Is that right?
 3 **A. I did, yes.**
 4 Q. There had been two visits: a preliminary visit
 5 in July 2009, and a second visit on 9 October 2009. Two
 6 inspections?
 7 **A. Yes.**
 8 Q. Can we call up ISI000087, please. It is an email from
 9 Mr Fox dated 22 March 2010 to Durell Barnes. If you
 10 look at point (iv), it relates to preliminary visit 2,
 11 and he says:
 12 "At PV2, we both interviewed the abbot. He gave us
 13 a copy of the letter that he had sent to the parents and
 14 posted on the website following the conviction of
 15 Father David during the summer, apparently on rather
 16 more than just the one incident. He said that the
 17 community was shocked and saddened but that no-one else
 18 was involved and that he was inviting external advisers
 19 in child protection to review the monastery's
 20 procedures, as promised in his letter to the parents.
 21 The second monk, RC-F41, was an entirely different case,
 22 and was banned from the school premises, even though he
 23 had been acquitted of any offence. We expressed our
 24 concern that, if there were residual concerns about him,
 25 he ought not to be still living in the monastery

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1 Q. Why not?
 2 **A. Because he was not there, he was in Rome. He hadn't had**
 3 **contact with the school for nine years at that point --**
 4 **eight years at that point.**
 5 Q. When you talked to him about RC-F41 and said that the
 6 second monk, RC-F41, was an entirely different case, did
 7 you tell him that RC-F41 was on the barred list and that
 8 he'd admitted the allegation against him?
 9 **A. I don't know if I had done that or not. I imagine we**
 10 **did because we talked quite a lot about it, but I don't**
 11 **know for sure.**
 12 Q. It doesn't seem to be in that note. Do you have a note
 13 of a conversation --
 14 **A. I do not have a note of the conversation.**
 15 Q. Did you tell him of payments that had been made to other
 16 complainants by this stage?
 17 **A. No.**
 18 Q. See, you're not only the abbot at this point, but you
 19 were also the chairman of trustees of St Benedict's
 20 School, so you had an obligation to be frank with the
 21 Independent Schools Inspectorate, didn't you?
 22 **A. Yes.**
 23 Q. But it seems, if I may suggest, that you were
 24 withholding some information from the inspectors between
 25 2009 and 2010?

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1 alongside the school. We also said that the abbot was
 2 in an impossible position as the monk's pastor,
 3 responsible for his well-being, and as the chairman
 4 responsible for the safeguarding of the pupils in the
 5 school, so we asked that the independent review promised
 6 to be completed in time for us to see the
 7 recommendations during the inspection visit."
 8 You didn't make any reference to the
 9 Charity Commission's inquiry, did you, when you saw
 10 them?
 11 **A. I am not aware that I did, so it may be that I didn't.**
 12 Q. At the first visit, they'd not been given any details of
 13 Pearce's other -- the other allegations against him?
 14 **A. I am not sure about that. I met with Mr Fox. I was**
 15 **under the impression that I was there to talk to him**
 16 **about what had happened to Pearce, about his conviction**
 17 **and how that had -- and everything that had led to that.**
 18 Q. Did you tell him about A6 and the civil claim?
 19 **A. I don't know if I did or not -- well, actually, I might**
 20 **not have done, because he wasn't interested. He simply**
 21 **was not concerned about that. He was concerned about**
 22 **F41, and I actually found it rather surprising. But**
 23 **that's what -- that was the extent of his concern.**
 24 Q. Did you tell him about Laurence Soper?
 25 **A. No.**

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1 **A. I don't believe -- "withholding" is a word that**
 2 **describes I'm making a deliberate choice not to do so.**
 3 **As I said, my intention at the meeting was entirely**
 4 **focused on Pearce and that simply wasn't something that**
 5 **got talked about. I was a little puzzled about that.**
 6 **I asked people about it. And it was explained to me**
 7 **that the inspection process focuses on present risk, not**
 8 **on past risk. At that moment, of course, Pearce wasn't**
 9 **a risk because he was in prison. That's how the**
 10 **conversation moved.**
 11 Q. I'm just going to ask you very briefly about RC-F46
 12 against whom there were two allegations -- one in 2004
 13 and one in 2010. There's a note in one of Mr McCoy's
 14 documents in his report saying that RC-F46 revealed that
 15 you had told him that he should avoid the Benet Club at
 16 weekends and remain sick until St Augustine's
 17 investigation is completed?
 18 **A. Yes.**
 19 Q. That's what you told him?
 20 **A. I told him that, yes, he should not be about in public**
 21 **because there's an investigation going on.**
 22 Q. Was that an appropriate response?
 23 **A. He is asked not to go into the school where he had**
 24 **a position, and I am asking him to not frequent the**
 25 **parish social club during that time until the**

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1 **investigation is concluded.**
 2 Q. And said that he should remain sick?
 3 **A. That was the -- was what was asked by the other school.**
 4 **That was what the headmistress I think said would**
 5 **explain his absence, until the investigation was**
 6 **concluded.**
 7 Q. He retired as a trustee on 22 April 2004, around the
 8 same time as David Pearce. Was that in response to the
 9 allegations against him?
 10 **A. I think it's, in that sense, possibly connected.**
 11 Q. Did you report them to Ealing Children's Services?
 12 **A. The allegations in 2004? I reported them to**
 13 **Peter Turner, who -- and I assume he would have done,**
 14 **and to the school.**
 15 Q. Did you keep the record of the incident on file?
 16 **A. I believe I did. There's a note from me describing it**
 17 **somewhere in here, I believe, yes.**
 18 Q. I just wonder because in 2010, Anthony Nelson, your
 19 solicitor, who was representing RC-F46, asked
 20 Ms Gumley-Mason whether she in fact had details of
 21 the allegation?
 22 **A. Well, it would seem sensible, I would assume, to ask**
 23 **because she's the investigating person. But I am -- I'm**
 24 **sure we have a note here. Well ...**
 25 Q. In 2010, moving on to 2010, RC-A423 approached police

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1 that the matter was held to be unsubstantiated
 2 in July 2010; yes?
 3 **A. Yes.**
 4 Q. Then you debate the difference between "unsubstantiated"
 5 and "unfounded"?
 6 **A. Yes.**
 7 Q. But Ealing Council safeguarding manager, on
 8 27 July 2010, at BNT000986, pointed out to you, in the
 9 middle of the page, and Mrs Gumley-Mason, that an
 10 unsubstantiated finding is not the same as a judgment
 11 that the allegation was unfounded?
 12 **A. Yes.**
 13 Q. "... and, therefore, whilst currently restrictions on
 14 the movements and activities of RC-F46 have been lifted,
 15 there is an expectation [on both of you that you] will
 16 have a clear risk assessment plan in place ..."
 17 Were you trying to say that "unsubstantiated" meant
 18 the same as "unfounded"?
 19 **A. No, I was a little -- the actual document -- I think the**
 20 **phrase that came up was "unsubstantiated but not**
 21 **unfounded" and I was a little puzzled, is this a fourth**
 22 **category, because you can obviously have substantiated,**
 23 **unsubstantiated and unfounded. The distinction between**
 24 **the three is perfectly clear. I was a little --**
 25 **momentarily thrown back by "unsubstantiated but not**

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1 complaining of abuse by F46 involving attempts and
 2 fondling, and on 27 April, as a result of a strategy
 3 meeting held by Ealing, Peter Turner recommended that
 4 F46 be subject to conditions, which included no public
 5 ministry, not to enter St Benedict's School or
 6 St Augustine's Priory, to wear ordinary clothes if he
 7 leaves the monastery and only visit families in
 8 a non-professional capacity. Was that the first you had
 9 heard of such restrictions?
 10 **A. Those restrictions were imposed by Mr Turner as a result**
 11 **of the strategy meeting, which I think I am present at.**
 12 **I am present at a lot of them. So I am aware of what is**
 13 **going to happen and I think I have the note. So it is**
 14 **not a surprise that this happens in any way, shape or**
 15 **form. I can't remember specifically whether I was at**
 16 **any particular meeting, but it is not something that**
 17 **I am not aware of in any way.**
 18 Q. The allegation related to a boy who was 13 years old,
 19 RC-F46 had examined his genitals after he'd been kicked
 20 in the groin by a pupil from another school, in
 21 a nutshell. There was also a suggestion that RC-F46
 22 insisted that on a trip the boy join him in his bedroom
 23 and that he undress and get into bed with him. The boy
 24 refused.
 25 In your statement at paragraph 50.1, you comment

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1 **unfounded", but -- I don't think it is a serious point.**
 2 **It is clear what "unsubstantiated" means. It does not**
 3 **mean "unfounded", clearly.**
 4 Q. What does "formal complaint" mean --
 5 **A. A formal complaint --**
 6 Q. -- in your mind?
 7 **A. In my mind, is when some -- an identifiable -- a person,**
 8 **who might be anonymous, but nonetheless, makes a direct**
 9 **complaint to me or to someone in authority, specifying**
 10 **some -- with some degree of detail -- obviously you**
 11 **can't have all the facts or many of them, but something**
 12 **has happened to someone who is identifiable and that --**
 13 **and by someone. So you have a perpetrator -- you have**
 14 **a complainant, a perpetrator and something which has**
 15 **happened.**
 16 Q. Can we turn to ISI000147_003, please. This is a meeting
 17 about the follow-up report on St Benedict's. It is
 18 a note from the Independent Schools Inspectorate and the
 19 meeting related to matters -- and related matters and it
 20 was held at the Independent Schools Inspectorate on
 21 Thursday, 29 July 2010.
 22 At paragraph 4 on page 3, towards the bottom,
 23 Mr Nelson, who was, and I think is, your solicitor,
 24 said:
 25 "... in this case, it might be helpful to go

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1 straight to item 5. He asked the abbot if it was the
 2 case that no formal complaint had been made against
 3 [RC-F46] at all. Father Shipperlee said this was the
 4 case."
 5 So in 2010, you didn't consider that a formal
 6 complaint had been made against F46?
 7 **A. Well, I'm not sure precisely what I think I'm referring**
 8 **to. Clearly, there has been one, because I -- in 2004,**
 9 **I had a meeting with a complainant. I would take that**
 10 **as a formal complaint. And there was a disciplinary**
 11 **process --**
 12 Q. And A423 had approached the police, there had been
 13 strategy meetings --
 14 **A. Yes.**
 15 Q. -- with Social Services. So why were you saying that no
 16 formal complaint had been made?
 17 **A. I'm not sure. I don't know what I am referring to**
 18 **there. But on the face of it, it is a plainly incorrect**
 19 **statement.**
 20 Q. Were restrictions imposed on F46?
 21 **A. They were. It is rather a -- it is a curious story.**
 22 Q. On 21 September 2010, was it determined that he should
 23 have no further unsupervised involvement with children
 24 and young people?
 25 **A. I believe so, yes.**

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1 **Finally, they are reimposed rather like the first**
 2 **version, at my request, slightly later on.**
 3 Q. The question I am asking is really directed not towards
 4 the precision and the change in the restrictions, but
 5 towards what you did to make sure that the restrictions
 6 were upheld.
 7 **A. I spoke to him and I explained what I expected of him.**
 8 Q. And that was it?
 9 **A. Yes.**
 10 Q. Abbot President Yeo has some notes of interviews with
 11 monks during the Apostolic Visitation in 2011, and he
 12 has written:
 13 "RC-F46's community should be told what terms of
 14 covenant are."
 15 Why was the community not informed what the terms of
 16 RC-F46's covenant of care was?
 17 **A. I am not sure. I was --**
 18 Q. Who was going to do it, if not you?
 19 **A. Sorry, it is my job to do it. I'm not suggesting**
 20 **someone else hadn't done it. It is my job to do so.**
 21 **But, clearly, everyone did know that he had a restricted**
 22 **ministry.**
 23 Q. There is a note from the Ealing Council minutes.
 24 I won't ask for it to be brought up. But there is
 25 a note from the Ealing Council minutes on 23 May 2011 --

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1 Q. On 1 November 2010, did you write to him?
 2 **A. I did.**
 3 Q. What else did you do to ensure the restrictions were
 4 upheld?
 5 **A. At that stage, the restrictions are -- I believe he has**
 6 **no ministry.**
 7 Q. I didn't ask what the restrictions were, but what were
 8 you doing to uphold them?
 9 **A. I was talking to him. As I think the letter says, "We**
 10 **will have to work together on this", I think is what**
 11 **I said, meaning, this is a serious matter.**
 12 Q. So there is no record, then, of what the restrictions
 13 were and how they were being dealt with?
 14 **A. No, the restrictions are those -- it is -- if I am**
 15 **correct and the specific dates might be wrong in this**
 16 **case, with the allegations coming out in 2010, there is**
 17 **a restriction placed upon him. Mr Turner drew up that**
 18 **in response to a meeting at -- a strategy meeting.**
 19 **The meetings in this case and related cases carry on**
 20 **for some time, at the end of which there is a decision**
 21 **to raise, remove, the restrictions. It is plainly there**
 22 **in the record.**
 23 **Then they are reimposed but in a different form to**
 24 **the first one, which is not helpful. But that's -- and**
 25 **that version comes from Ealing Social Services.**

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1 I will just give the reference for the record:
 2 BNT007045_061 -- in which it says F46 has not yet agreed
 3 to his covenant. That's in 2011.
 4 **A. Yes.**
 5 Q. So your letter to him in November 2010 about working
 6 together, it doesn't seem that he agreed?
 7 **A. It was a difficult situation.**
 8 Q. He subsequently went on to seek to evade whatever the
 9 restrictions were, didn't he?
 10 **A. It was a difficult situation.**
 11 Q. In the interim report of the Apostolic Visitation, there
 12 was a note that, "He had sought to evade restrictions
 13 placed upon him but he now understands that this is
 14 unacceptable". What did you do to monitor him after
 15 that?
 16 **A. Again, it's the living together in the community.**
 17 Q. One of the things that Abbot Yeo noted in the earlier
 18 Extraordinary Visitation in 2010 was that "Martin
 19 prefers not to challenge". Is that right of you?
 20 **A. I think you can say, and I identify this as a theme**
 21 **throughout this whole very sad tale, that, yes, I am not**
 22 **good at challenging people. I never have been. And**
 23 **certainly in these cases, I haven't -- have frequently**
 24 **failed to do so. That's my failing; trying to make**
 25 **people who don't want to accept what's happened face up**

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1 to it.
 2 Q. Were you aware that RC-F46 had, for example, carried out
 3 a baptism when under restrictions?
 4 **A. I'm not sure I'm aware of that.**
 5 Q. It's within Abbot President Yeo's notes?
 6 **A. All right. But it wouldn't have surprised me, to be**
 7 **honest.**
 8 Q. So if it wouldn't surprise you, what action did you
 9 take?
 10 **A. To keep on trying to speak to him and say, "You cannot**
 11 **behave like this". In the end, his attitude changed,**
 12 **but it was not easy, it was a struggle, and you will**
 13 **doubtless say I could have been firmer with him, should**
 14 **have been firmer with him.**
 15 Q. Of the restrictions that were in place: he was not to
 16 enter Ealing Abbey when the public were present; he was
 17 only to have access to Ealing Abbey Church during
 18 matins, lauds, vespers and compline with members of
 19 the monastic community; he was to attend designated
 20 services within the monastery only; he was to receive
 21 the sacraments within the monastery.
 22 Were you aware that he subsequently stated opening
 23 prayer at St Augustine's Priory in December 2010 and
 24 gave a blessing in a carol service there?
 25 **A. I think -- I am aware. I think you will find -- I think**

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1 **A. Yes.**
 2 Q. It was nonetheless contrary to the restrictions that
 3 were in place?
 4 **A. I think we will have to investigate this, but it is my**
 5 **impression that there weren't and, by definition, he was**
 6 **not unsupervised at that moment.**
 7 Q. Lord Carlile, when he gave his report, said that any
 8 monk who is convicted, banned or otherwise should not
 9 have any contact with children in the school. Did
 10 RC-F46 have capacity to have contact in the school?
 11 **A. No, because he was retired by then and by the time we --**
 12 **the restored final set of restrictions cover that he has**
 13 **no ministry with young people.**
 14 Q. He also in the report said that any monk falling within
 15 those categories should not live in the abbey. But F46
 16 did live in the abbey?
 17 **A. He still does, yes.**
 18 Q. We accept that the position changed, but during the
 19 period when that was Lord Carlile's position, the ISI,
 20 in 2010, also recommended that all staff and members of
 21 the religious community live away from the school if
 22 they are subject to allegations of misconduct related to
 23 safeguarding or convicted of wrongdoing. But RC-F46
 24 remained in the monastery, despite those two
 25 recommendations?

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1 you will find -- that that episode is in the period of
 2 the second set of restrictions, which are vaguer, to say
 3 the least. In fact, they plainly state that it is
 4 possible for him to be in the school. He mustn't have
 5 unsupervised access to children. That's clearly not
 6 acceptable.
 7 Q. All right, we will check that, but the restrictions --
 8 **A. That's my understanding -- I think that's the case.**
 9 Q. We will check that. That carol service was
 10 in December 2010 and our understanding is that
 11 restrictions in 2010 included attending designated
 12 services within the monastery only. In February 2011,
 13 he said mass for St Augustine's?
 14 **A. I believe that this is, again, a case of the second set**
 15 **of restrictions, which is why, in the -- one of**
 16 **the reasons why, in the end, I speak with Mr Turner and**
 17 **say, "We must go back to the original ones".**
 18 Q. As it happens, I think Mr Turner in his evidence did
 19 agree that those had been breached?
 20 **A. Yes.**
 21 Q. The Charity Commission raised concerns with you in
 22 respect of this in March 2012, and your response was
 23 that it wasn't a problem because public events -- they
 24 were public events and there was no unsupervised
 25 contact?

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1 **A. He did. Now, this might be a misunderstanding on my**
 2 **part. If there is a current investigation into someone,**
 3 **that's clearly subject to allegations. Now, it was my**
 4 **thought that if a case, in effect, has ceased -- it**
 5 **doesn't mean to say that nothing has been found; it**
 6 **depends what's been found, it depends what's been**
 7 **identified. You have someone who has not been subject**
 8 **to a barring order, there is an application for one, the**
 9 **response is that, whatever -- that what has happened**
 10 **does not meet that threshold; you have someone who,**
 11 **however you want to describe it, the behaviour that has**
 12 **come into question meets no criminal threshold; you have**
 13 **someone who has behaved unwisely -- certainly that is**
 14 **the situation in 2004, but the school and, I understand,**
 15 **Social Services did not seek to act further in those**
 16 **circumstances. Now, I'm not trying to blame someone**
 17 **else, but that is the information available to me.**
 18 I did speak to Lord Carlile and say, "What in this
 19 particular case?", because, again, I'm thinking, using
 20 the -- such training as made sense to me, that if you
 21 have someone who has a weakness or a problem, you should
 22 try and keep them within a structured environment, you
 23 should try and keep them with people who know them, you
 24 should try and immerse them in, for them, ordinary life.
 25 Q. All right. Thank you.

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1 **A. That's what I was trying to do.**
 2 Q. You said that you discussed him with Lord Carlile. You
 3 then went on to make representations about the
 4 conversation that you'd had with Lord Carlile to the
 5 Charity Commission. In a letter -- and I won't bring it
 6 up -- you say that you had discussed the case directly
 7 with Lord Carlile, who is not opposed to Father RC-F46
 8 remaining in the monastery. Do you have a letter from
 9 Lord Carlile or a document --
 10 **A. No, I don't.**
 11 Q. -- in which he expresses that view?
 12 **A. No, I don't.**
 13 Q. So this was just an informal conversation?
 14 **A. It was, yes.**
 15 Q. I'm going to move on from this point, but ask one final
 16 question: do you regard RC-F46 as a personal friend?
 17 **A. Not especially, no. He is one of my brethren. I have**
 18 **lived with him for a number of years. No, I wouldn't**
 19 **say he was a special friend or a personal friend, no.**
 20 Q. When was the McCoy report commissioned?
 21 **A. I'm not sure I have that date immediately in my head.**
 22 **It's about this time, 2010/2011, thereabouts -- no,**
 23 **'12 -- no, 2011, I think.**
 24 Q. Why was it commissioned?
 25 **A. Because it was clear the Wright/Nixon report hasn't**

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1 **hasn't done what's necessary. So we need to do**
 2 **something much bigger and do probably what you say we**
 3 **should have done earlier on, but that's when we get**
 4 **around to doing it.**
 5 Q. Was it commissioned at the suggestion of your solicitor,
 6 Mr Nelson?
 7 **A. He suggested that we need to do something more.**
 8 Q. Was it with a view to restoring the good name of
 9 the school?
 10 **A. It was with a view to addressing the concerns of**
 11 **the regulators; to say, "What is going on here?"; to**
 12 **say, "What is the problem here? What is going wrong**
 13 **here?"**
 14 Q. There is a note from Mr Nelson at BNT001139_003. It is
 15 called an Ealing Abbey narrative. At the bottom of
 16 page 3, what's written is:
 17 "The good name of the school needs to be restored
 18 and, as a consequence, Mr Nelson suggested that an
 19 eminent QC who has carried out investigations of this
 20 nature before, in the world of child abuse, and is so
 21 well-considered that he is being chosen as the
 22 independent adviser to the government on terrorism,
 23 Lord Carlile of Berriew QC, be instructed to prepare
 24 a full review on the allegations of abuse over the past
 25 40 years, and steps are now being taken in that regard."

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1 **achieved its purpose, it hasn't turned into the review**
 2 **that was necessary. We do need a proper review of**
 3 **the paperwork.**
 4 Q. So when was the Carlile Report commissioned?
 5 **A. That was commissioned in July 2010.**
 6 Q. I think August 2010.
 7 **A. Yes.**
 8 Q. With the McCoy report, you have a number of reports
 9 going on --
 10 **A. At the same time, yes.**
 11 Q. -- at roughly the same time?
 12 **A. Yes.**
 13 Q. Why was Carlile commissioned?
 14 **A. Because -- the McCoy report, just to go back, would be**
 15 **a documentary process to see what we have, what's**
 16 **recorded, what's there, what evidence is there, are**
 17 **there things in the files which, you know, haven't been,**
 18 **you know, adverted to so far, are there obvious gaps,**
 19 **are there problems there?**
 20 **The Carlile Report was commissioned because it**
 21 **becomes clear, immensely clear, at the meeting with the**
 22 **agencies in July that I, St Benedict's School,**
 23 **Ealing Abbey, has lost the confidence of the regulators.**
 24 **We are clearly regarded with suspicion. And that what**
 25 **I have done so far to try and review what's happened**

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1 So did Mr Nelson suggest the review, the purpose of
 2 the review, and indeed the person to carry out the
 3 review?
 4 **A. He suggested that Lord Carlile would be a very good**
 5 **person to do it.**
 6 Q. And on 29 July, you indicated to the ISI that you had
 7 instructed Queen's Counsel to carry out the review?
 8 **A. Yes.**
 9 **MS KARMY-JONES: That might be a convenient moment.**
 10 THE CHAIR: Yes. We will return at 11.45 am.
 11 (11.30 am)
 12 (A short break)
 13 (11.49 am)
 14 MS KARMY-JONES: Can we bring up BNT001124_002, please.
 15 Five principles for reform were set out in
 16 Lord Carlile's report, as identified and decided on.
 17 Who decided these five principles?
 18 **A. I believe that I did.**
 19 Q. I think in your statement you say you were assisted by
 20 your advisers in making that decision?
 21 **A. Right. On those five points? I'm not aware that**
 22 **anyone -- the actual breaking down -- the creation of**
 23 **those five points and the language used, that is mine.**
 24 Q. So who were your advisers?
 25 **A. My advisers would be my monastic council, my legal**

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1 **advisers.**
 2 Q. So did you actually decide the course that the report
 3 was to take?
 4 **A. Certainly not. Lord Carlile decided the course that the**
 5 **report was to take. I didn't tell him where he should**
 6 **go. I did tell him that this is -- if we want to reform**
 7 **the school, this is -- this is where I think --**
 8 **I think -- we should try and end up.**
 9 Q. This was meant to be an independent report?
 10 **A. Yes.**
 11 Q. How can it be independent if you decide the principles,
 12 the five key principles, of the report?
 13 **A. Because the author of the report has the capacity to**
 14 **reject and say, "No, I don't think that's suitable, I'm**
 15 **not doing that, I'm not going that way", and he is quite**
 16 **capable of doing that. If you look at the report he's**
 17 **written, it's not a friendly, gentle document. It**
 18 **really isn't.**
 19 Q. It is a question that comes from some core
 20 participants -- in fact, it doesn't fit right here, so
 21 I will move on from that.
 22 I am going to move on from Lord Carlile's report,
 23 which will be published in full on the website, on to
 24 the Extraordinary Visitation of 2010. What prompted
 25 that visitation, as far as you were aware?

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1 **thick and fast. It feels like a very unstable and**
 2 **uncertain circumstance. And, as a response, we've got**
 3 **to try and get some sort of external measure upon how**
 4 **we're coping or what we're doing or what we're failing**
 5 **to do.**
 6 Q. What did you think it achieved?
 7 **A. It allowed the community -- and this is essentially what**
 8 **visitations do. It allowed the president to formally**
 9 **and -- and interact with the community. So it's not**
 10 **just me, the abbot, or a few people telling him what's**
 11 **going on. The whole community is involved. So he gets**
 12 **a feel of how they are responding, and he will pick up**
 13 **all sorts of things. You've seen in his notes things**
 14 **he's picking up.**
 15 Q. But once he's picked them up, what happens? Did
 16 anything change? Did it make any difference?
 17 **A. In every visitation, he has a lengthy interview with the**
 18 **abbot, with me. He then speaks to the council and then**
 19 **he speaks to the whole community.**
 20 Q. Then there was the Apostolic Visitation in 2011, and
 21 that was prompted, as far as you were concerned, by
 22 what?
 23 **A. It seems to have been prompted by the intervention of**
 24 **people -- by public citizens who went to the Nuncio.**
 25 **I can't say more than that because I know no more than**

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1 **A. That's the action of the Nuncio.**
 2 Q. Do you know why it was felt that it would be useful?
 3 **A. Apostolic Visitations are more frequent than people**
 4 **generally realise.**
 5 Q. I'm talking about the Extraordinary Visitation?
 6 **A. I'm sorry. I'm sorry, I completely -- I'm sorry, can we**
 7 **start again, please? I'm sorry.**
 8 Q. It's all right. Take a pause.
 9 **A. Start again.**
 10 Q. The Extraordinary Visitation in 2010.
 11 **A. The Extraordinary Visitation. Ah, right, sorry.**
 12 Q. The Apostolic Visitation is in 2011.
 13 **A. Sorry.**
 14 Q. Just for clarity, the Extraordinary Visitation is the
 15 one that Abbot Yeo made I think at the prompting of
 16 the Congregation of the Doctrine of the Faith?
 17 **A. Actually, the Extraordinary Visitation was made out of**
 18 **both of us desiring that it should be so.**
 19 Q. So that is one that you may have had some involvement in
 20 prompting?
 21 **A. Absolutely, absolutely.**
 22 Q. Why did you think an Extraordinary Visitation would be
 23 useful?
 24 **A. Because we need some sort of external examination of**
 25 **what is going on. We are having accusations coming**

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1 **anybody else.**
 2 Q. Where was Laurence Soper at the time?
 3 **A. In 2011, he's -- he's disappeared at this point, has he**
 4 **not?**
 5 Q. The Apostolic Visitation did conclude with some
 6 criticisms of you; you're conscious of that?
 7 **A. Mmm.**
 8 Q. One of which was that you were not responding adequately
 9 to the needs of individual victims or to the sense of
 10 pain suffered by the parish community?
 11 **A. Yes, I'm aware of that, yes.**
 12 Q. Do you accept that?
 13 **A. I accept that, whatever I am doing to respond to victims**
 14 **and complainants isn't being perceived to be adequate.**
 15 Q. Is it just the perception --
 16 **A. Well --**
 17 Q. -- or do you accept that it wasn't adequate?
 18 **A. One problem that happens here is that I'm constantly not**
 19 **given -- and I try and find out -- no-one says exactly**
 20 **what is it that I'm doing wrong, what is it that I'm not**
 21 **doing. I try wherever I can, I speak to complainants,**
 22 **I offer them such reassurance as I can. I know one**
 23 **interview which went very badly. But for the most part,**
 24 **I try my best. I give people the advice of how to take**
 25 **a complaint forward if they so wish to. What -- I will**

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<p>1 tell them what I will do in taking their complaint</p> <p>2 forward. I try to do those things. I don't know.</p> <p>3 I still don't know for sure. But if people are saying</p> <p>4 regularly, "This is what's happened" --</p> <p>5 Q. Isn't one of the problems that you do just that: you</p> <p>6 talk to people, you maybe think about things and talk</p> <p>7 about things, but you do very little that is proactive</p> <p>8 to make change?</p> <p>9 A. If you look --</p> <p>10 Q. To impose restrictions?</p> <p>11 A. If you --</p> <p>12 Q. To ensure that restrictions are monitored?</p> <p>13 A. That is a criticism, I'm -- yes, I'm not good at that,</p> <p>14 I haven't been good at that. But if you look at how</p> <p>15 I have responded over the years, you can see a series of</p> <p>16 attempts to address the issues brought to me. We have</p> <p>17 an external review which doesn't do what's required --</p> <p>18 that's one attempt. Then we get to Carlile, which</p> <p>19 certainly makes a very, very considerable impact.</p> <p>20 I have a strong working relationship with Mr Turner,</p> <p>21 sometimes a bit combative, but that's because it's</p> <p>22 a good working relationship.</p> <p>23 Q. May I move on to a different topic?</p> <p>24 A. Yes.</p> <p>25 Q. I don't want to stop you if there is something that you</p> <p style="text-align: center;">Page 57</p>	<p>1 particularly want to say about it, but I think we</p> <p>2 understand.</p> <p>3 I'd like to move on to reparations, please, and ask</p> <p>4 for BNT007055 just to come up on the screen. I'm not</p> <p>5 going to go through it in any detail. But so that</p> <p>6 people can see, it is a table of how the Soper/Pearce</p> <p>7 claims have been settled. If we can turn to the next</p> <p>8 page, these are instances where there may have been</p> <p>9 a settlement or not by the monastery.</p> <p>10 A. Mmm.</p> <p>11 Q. Yes? Do you recognise this?</p> <p>12 A. I am sure I do if I look in detail.</p> <p>13 Q. It's all right. We don't need to. At BNT007139_037, at</p> <p>14 paragraph 57.1, we asked you why and for what purposes</p> <p>15 external advisers were engaged, and we set out that</p> <p>16 list, and you say:</p> <p>17 "DE Ford, insurance brokers, gave support early on</p> <p>18 in developing policies. Since 2003, they have been the</p> <p>19 Trust insurance brokers and have been involved in</p> <p>20 managing claims arising out of safeguarding incidents."</p> <p>21 A. Yes.</p> <p>22 Q. Do they give advice to you as to taking decisions</p> <p>23 whether to defend a claim or not?</p> <p>24 A. They do -- well, they will -- actually, that sort of</p> <p>25 advice tends to come directly from the legal</p> <p style="text-align: center;">Page 58</p>
<p>1 representatives who are connected with insurance</p> <p>2 companies, not directly through the brokers.</p> <p>3 Q. Is there any conflict, as far as you can see, any</p> <p>4 conflict of interests, between the legal advisers acting</p> <p>5 for the insurance companies, bearing in mind that, in</p> <p>6 a sense, they receive the complaint and so, in a sense,</p> <p>7 they're acting on your behalf, trying to preserve your</p> <p>8 insurance position, and yet, at the same time, in</p> <p>9 a sense, acting on behalf of the complainant?</p> <p>10 A. I'm not sure I'm competent to comment on that particular</p> <p>11 issue. Someone has to. If you have two -- well, the</p> <p>12 complainants often, and they do, have their own legal</p> <p>13 representatives. The aim -- what we are all aiming at</p> <p>14 is that, wherever possible, reparation or claims are</p> <p>15 made and claims are satisfied as swiftly as possible.</p> <p>16 Q. Have your insurers, on any of those occasions, advised</p> <p>17 you that a limitation defence could be used, time</p> <p>18 limitation?</p> <p>19 A. I have come across that in the correspondence, but it's</p> <p>20 not something that we -- that is, in general, applied,</p> <p>21 I think. I don't think we do. I don't think we do</p> <p>22 that.</p> <p>23 Q. If we can turn up BNT000812_005, it is just to give an</p> <p>24 example of a letter of apology after settlement to</p> <p>25 RC-A11. It is from you:</p> <p style="text-align: center;">Page 59</p>	<p>1 "Following the settlement of your claim, I am</p> <p>2 writing to offer you an apology. I am deeply sorry that</p> <p>3 you suffered abuse when you were a pupil ... such</p> <p>4 abusive behaviour was wholly wrong, offends all our</p> <p>5 values and is indefensible. It should never happen.</p> <p>6 "I apologise for any decisions taken in the</p> <p>7 past ..."</p> <p>8 You acknowledge that the matter has caused distress</p> <p>9 and suffering and you give assurance that Ealing Abbey</p> <p>10 and St Benedict's School's practices now, with recently</p> <p>11 introduced statutory procedures, including Criminal</p> <p>12 Records Bureau checks and much closer collaboration</p> <p>13 between agencies, makes it as certain as possible that</p> <p>14 such unacceptable behaviour does not occur. You say</p> <p>15 your own procedures are under constant review and you</p> <p>16 are committed to doing all that you can to put in place</p> <p>17 best practice in the future, and that you are doing, and</p> <p>18 will do, all that is in your power to seek to ensure</p> <p>19 that "no-one else suffers as you do. Anyone who suffers</p> <p>20 abuse by employees or anyone else for whom the</p> <p>21 Ealing Abbey and St Benedict's School is responsible is</p> <p>22 assured of prompt and compassionate attention, in</p> <p>23 conjunction with the police and other statutory</p> <p>24 authorities."</p> <p>25 Can I then turn to MPS002929. This is a question</p> <p style="text-align: center;">Page 60</p>

<p>1 from core participants in the room. This is the 2 statement of A591, dated 22 July 2016. As it is a core 3 participant question, I'm afraid I'm going to need to 4 scroll through it, please, a little, so that we can find 5 the relevant passage. At the bottom of the page, he 6 references making a claim and it was understanding that, 7 "The claim was made and an offer made at an amount to 8 the school by the solicitor on my behalf. Initially, 9 the offer made was rejected so at this time I requested 10 full disclosure from them about Laurence Soper. 11 I wanted everything they had on him. I then received 12 a response from them stating they'd pay the full amount 13 initially requested, £5,900. 14 "My solicitor had been informed by the school that 15 this matter was passed onto an insurance company who'd 16 be dealing with this matter and after the initial 17 contact my solicitor had with the school, all other 18 contact was made via the insurance company." 19 And he received the amount: 20 "The reason I wanted to make the claim was to get 21 hold of someone accountable for what had happened to 22 me." 23 So the first response in that instance, 24 in March 2012, appears to be that the request was 25 originally rejected, then accepted, after a request for</p> <p style="text-align: center;">Page 61</p>	<p>1 full disclosure about Soper. Were you involved in that 2 settlement? 3 A. I'm not involved in -- obviously, I am involved in the 4 settlement, because I have to -- the trustees have to 5 give permission for it. 6 Q. What about the decision as to how the claim should be 7 dealt with? 8 A. I am not aware of this discussion. I am not aware of -- 9 that we are being prompted by a claim for full 10 disclosure. That is not what I know about. 11 Q. Can we bring up MPS002976. It is the document I sought 12 to bring up earlier. It relates to A420 and, with my 13 apologies, it is misciphered. We have checked over the 14 break. 15 There is a section in the centre: 16 "... I sent a claim to Ealing Abbey detailing what 17 Laurence Soper had done to me; the fact that he had 18 assaulted me whilst I was at Feltham. I received 19 a letter back from a solicitor, either his personal one 20 or one from the abbey, basically telling me to drop the 21 claim or they would take me to court for costs which ran 22 in the £1,000s from what they said. I could not afford 23 this and I couldn't afford a solicitor, so I contacted 24 one solicitor by 'phone' and told them I was dropping 25 the claim. They then sent me paperwork to discontinue</p> <p style="text-align: center;">Page 62</p>
<p>1 this, which I completed and sent back. On top of not 2 having enough money, I was scared, as all I wanted to do 3 was have Laurence Soper pay for what he had done and on 4 getting a letter from powerful solicitors scared me, 5 I guess." 6 Not every claim was dealt with in quite the 7 compassionate way of first letter, was it? 8 A. This one wasn't. It is the first one I'm dealing with. 9 I hope the others aren't. But I remember this one was 10 and my view was coloured. 11 Q. It's 420, so it was much earlier. Although the 12 statement is dated 2016, it was written many years after 13 the claim. 14 A. Many years. 15 Q. But we have seen the letter from the solicitor 16 confirming that the matter had been discontinued -- 17 A. Absolutely, yes. 18 Q. -- as contemplated, I think, or words to that effect. 19 Just one question, and this is a question from core 20 participants that relates to Mr Nelson, who acts as your 21 solicitor and has been for some time; as we have seen, 22 was involved in the instruction of Carlile. The 23 question is, do you perceive any conflict of interest in 24 his position in respect of his acting for the abbey and 25 acting as a solicitor for David Pearce and Maestri in</p> <p style="text-align: center;">Page 63</p>	<p>1 their criminal cases? Do you perceive there to be any 2 conflict in his position? 3 A. I am not an expert on legal procedure. 4 Q. Did you have any concerns? 5 A. Those people did need proper representation. I had 6 already experienced, in an earlier aspect of this, what 7 can happen when people simply don't have adequate 8 representation. And I wanted to make sure that people 9 had proper representation. Because, whatever you've 10 done, you should have that right. That should be 11 possible. 12 Q. Are the covenants for F41 and F46 now updated and 13 reviewed? 14 A. They are. 15 Q. Every year? 16 A. They have been reviewed -- yes, there was a gap. They 17 are reviewed now. 18 Q. I don't think that we have seen copies of those for 19 every year. 20 A. I will -- I can give you the current ones. 21 Q. Thank you. In Anthony Domaille's review of safeguarding 22 Ealing Abbey in February 2016, he noted that those two 23 covenants of care had not properly been reviewed for 24 a very long time. Were you aware of that? 25 A. I am aware of that. The original covenant, which took</p> <p style="text-align: center;">Page 64</p>

1 the form of a letter from Mr Turner, didn't have
 2 a review mechanism built into them, and so they sat
 3 there for quite a while. At some point, the format, the
 4 structure -- not the content -- is changed. They become
 5 a more elaborate document, I think what you would refer
 6 to as a formal covenant of care, which did have the
 7 proviso they should be annually reviewed.
 8 I'm afraid I wasn't -- I didn't ask for them to be
 9 annually reviewed and no-one, until recently, asked me.
 10 But, yes, they should be annually reviewed.
 11 Q. Three points just to finish: in relation to Soper, when
 12 he absconded, were you aware of the amount of money he
 13 had access to?
 14 A. I wasn't aware of the amount, no.
 15 Q. Were you aware that he had access to personal funds?
 16 A. I was aware, yes -- well, potentially had access, yes.
 17 Q. Isn't it generally the rule of monastic life that your
 18 own personal funds go to the monastery --
 19 A. It is.
 20 Q. -- and you don't retain your own personal funds?
 21 A. You don't, no.
 22 Q. How had it come to be that he had retained his own bank
 23 accounts?
 24 A. Because he -- well, there is -- he has his own bank
 25 account simply because he's working in Rome. Those

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1 Q. It might have been something that potentially might have
 2 affected the bail decision?
 3 A. It might have done. He had returned willingly twice
 4 before.
 5 Q. We have heard the evidence of Commander Jerome on that.
 6 It was a significant amount of money he had in his
 7 account --
 8 A. At the end --
 9 Q. -- not just stipends?
 10 A. Well, he --
 11 Q. It was inheritance; were you aware of that?
 12 A. Well, put it this way: he is the only son of his
 13 parents. His parents had no other -- hardly any other
 14 living relatives. His mother had died shortly before.
 15 Therefore -- and he -- I knew he was their executor. He
 16 had charge of their finances because he used to come
 17 back and visit them during his time when he was in Rome.
 18 He would pay reasonably frequent visits to keep an eye
 19 on them and to administer their affairs, and he's
 20 naturally gifted in financial administration.
 21 So, yes, I must be aware that there must be an
 22 inheritance of some sort. I suppose the value of
 23 a bungalow in Littlehampton.
 24 Q. I would like to move on, please, to a couple of final
 25 points?

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1 people who work for the Roman institutions -- mostly
 2 educational colleges of all sorts, and he is an
 3 administrative officer in such a place -- aren't paid
 4 a salary. If they are clergy or religious, they are not
 5 paid a proper salary, they are paid a stipend, a sort of
 6 expenses.
 7 The general principle is that -- obviously, that
 8 money ought to be sent back to their home, institute,
 9 monastery or whatever it is, and then the money will be
 10 sent back to them to spend. That's a complicated
 11 process.
 12 What's commonly called the Vatican Bank offers free
 13 banking services for people working in that sort of
 14 circumstance and, in general, people have accounts for
 15 the relatively small amounts of money that they are
 16 paid.
 17 Q. Did you tell the police that he had a bank account, or
 18 two bank accounts?
 19 A. I don't think he had -- oh, I didn't know he had two.
 20 Yes, of course, if he had -- well, because I tell them
 21 that he -- when, sorry? I have tried to explain the
 22 circumstances in which he lived in Rome and that they --
 23 that people living in Rome did have access to banking
 24 services. I hope I've said that. It's not
 25 controversial or difficult.

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1 A. Yes.
 2 Q. First of all, do you have any views as to why these
 3 safeguarding issues have occurred?
 4 A. Could you be more specific?
 5 Q. All right.
 6 A. Which --
 7 Q. Do you have any views as to why the monks at
 8 Ealing Abbey, some of the monks at Ealing Abbey, have
 9 offended in the ways that they have?
 10 A. It isn't easy for me, and certainly to come to any
 11 determination on that. Everything that's been heard in
 12 the course of these days which would tend to suggest
 13 there's some sort of connection is -- when you see the
 14 picture in the whole, it slightly changes your point of
 15 view. Remember, throughout this, I'd been reacting to
 16 information piling up from all the different directions
 17 and sometimes quite rapidly. I still don't know, was --
 18 they had been -- they had overlapped in the school --
 19 I don't -- when there were pupils there. Were they
 20 victims of abusers? I honestly do not know. It is not
 21 clear to me what is causing this, because it's -- I'll
 22 stop. I'll stop blathering. No, I don't understand
 23 yet. It's not clear.
 24 Q. Have you any observations that you want to make?
 25 A. I can observe that, as has been serially revealed, my

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1 administration of safeguarding is of an insufficient
 2 standard, that I have made at least one extraordinary -
 3 a very serious mistake which isn't creditable to me and
 4 that my brethren who have offended have done serious
 5 wrong. I can only apologise for what I've done wrong,
 6 and I'm aware of it. It's been presented here, and I've
 7 got to carry on apologising for that, because it's
 8 a serious matter, and you can't escape the consequences
 9 of the things you've done or not done, and the questions
 10 you haven't asked. It's important you try and do that.
 11 And I haven't clearly done that nearly enough. So
 12 everyone has to learn.

13 One thing that does strike me, and it is a concern
 14 I have for the work of this inquiry going forward, it's
 15 easy to say sorry, though not every institution seems to
 16 notice the need, but I'm here to do this for me if for
 17 no-one else. It's easy to say, "Yeah, that was bad, we
 18 were confused, we didn't know, the practices were
 19 different, it was a different age, but it's different
 20 now because we've now got a different policy, we have
 21 got a different care, we have got a different thing and
 22 it is all much more secure now". Now, safeguarding has
 23 improved enormously everywhere -- I hope everywhere;
 24 certainly in schools everywhere, even in monasteries
 25 everywhere. But if you can't see that -- if you think

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Questions by THE PANEL

1 MR FRANK: In 2011, there was an Apostolic Visitation
 2 conducted, I think, under the auspices of Bishop Arnold;
 3 is that right?
 4
 5 **A. Yes.**

6 MR FRANK: In 2017, you were asked by the police about the
 7 report of Bishop Arnold following the visitation. Do
 8 you remember they asked you concerning it, and what you
 9 told them is, yes, Bishop Arnold had produced a report,
 10 you were aware that a version of it had been handed to
 11 the police, but that that version was an abridged
 12 version -- is that right?
 13 **A. Well, I suppose I have to be -- check what I'm saying**
 14 **here. Bishop Arnold's report, the report of a visitor,**
 15 **is not shown -- it belongs to the Holy See that's**
 16 **commissioned it. No-one else sees it. I am aware,**
 17 **because I have seen abridged copies -- now, I do know**
 18 **that a copy was given, was divulged, to the police, to**
 19 **this inquiry. Now, I don't know for sure what that copy**
 20 **contains. I have only received a very, very truncated**
 21 **version. It's the way that system works.**

22 MR FRANK: Well, have you ever asked to see the full
 23 version?
 24 **A. I haven't because you won't be shown it. It's not what**
 25 **happens.**

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1 that you've arrived because you've improved your
 2 policies, then I think you're missing the point, because
 3 you thought you were okay before. You've done a lot to
 4 improve things, but you need to carry on watching: what
 5 am I not doing? That's what I've learnt, because you
 6 see me not being inquisitive a lot, and you have to --
 7 everyone has to, and I am -- you have picked up the
 8 times when I haven't asked questions, and the need to
 9 say to ourselves, "What am I doing about safeguarding
 10 for children now?", because too much of what I have been
 11 doing is reacting to past problems, past failures, and
 12 I'm not looking around sufficiently, until we get to,
 13 say, to the actions following on from Carlile, but
 14 they're only partial, what we are doing now. And too
 15 often, and certainly I have heard it in these few days,
 16 people are still saying, "That's not my job, that's not
 17 my responsibility, that's not this, that's not that".
 18 For all of us, that does need to change. Certainly it
 19 needs to change in me and in my community. I think it
 20 needs to change everywhere.

21 **MS KARMY-JONES: Thank you very much. I have no further**
 22 **questions. I don't know whether you, chair and panel,**
 23 **have some questions.**

24 **THE CHAIR: Yes. Mr Frank has a question.**
 25

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1 MR FRANK: Well, you won't be shown it if you don't ask for
 2 it.
 3 **A. That is true, but --**

4 MR FRANK: But if you ask for it --
 5 **A. No, because it was made clear to me at the time that the**
 6 **full version belongs to the relevant office in Rome.**
 7 **They own the report. And they don't divulge them to the**
 8 **people who are being inspected. What they will divulge**
 9 **in due course is what conclusions they draw, what action**
 10 **you want you to take, what they conclude from what they**
 11 **have learnt.**

12 MR FRANK: The objective of the visitation was to look into
 13 and possibly assist you and your fellow monks in
 14 improving the -- learning the lessons of the Soper
 15 events.
 16 **A. Yes.**

17 MR FRANK: Well, didn't you want to see the full version of
 18 that, to see whether there was more that you could learn
 19 to help you improve?
 20 **A. It would be helpful, but that's not what happens. It**
 21 **simply isn't. It would be better if there were more**
 22 **information.**

23 MR FRANK: Well, will you ask to see the full version?
 24 **A. I shall, but I don't hold -- I shall request, but --**
 25 MR FRANK: Thank you. And if you do get it, will you please

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1 forward it to the inquiry?
 2 **A. I will certainly do so.**
 3 MR FRANK: Thank you.
 4 THE CHAIR: Sir Malcolm?
 5 PROF SIR MALCOLM EVANS: Thank you. Just one, perhaps,
 6 final general question, and, in a way, it builds but
 7 goes, I think, slightly beyond what you were saying
 8 a few moments ago.
 9 As we have heard across the course of your evidence,
 10 there is so much abuse now known about, or came to be
 11 known about, but one of the striking things is the
 12 length of time it took for that, shall we say,
 13 realisation to emerge. I suppose what I'm wondering is
 14 whether you have any more concrete reflections on why so
 15 little seems to have been known or even suspected or
 16 even contemplated as being possible within the school
 17 and abbey at the time when, in fact, as we now know,
 18 there was so much to know, to suspect and to
 19 contemplate?
 20 **A. It isn't easy to understand what is going on there. You**
 21 **get the concept that there is gossip, there is innuendo,**
 22 **there are stories circulating. But those don't turn**
 23 **into what I might call formal complaints. I mean, I'm**
 24 **not suggesting that you sit around and wait for that,**
 25 **but there's nothing particular to act on. This is**

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1 **avalanche -- the great increase in comment and in**
 2 **complaint occurs from 2007, 2008, 2009, it grows very,**
 3 **very rapidly at that point and, at that point, you can't**
 4 **not be aware of what's happening and that's when you can**
 5 **see us/me attempting to respond and attempting, one, to**
 6 **deal with events as they are occurring, and making some**
 7 **attempts, repeated attempts, to actually gain a better**
 8 **and bigger picture, and other people become involved in**
 9 **that. We have asked for a visitation, we have the**
 10 **review, we have the Carlile Report. We are trying to do**
 11 **that.**
 12 **It takes -- it is when these -- when the details**
 13 **start to accumulate, that's when -- then it becomes**
 14 **obvious that there's something deeply wrong here that**
 15 **must be attended to.**
 16 PROF SIR MALCOLM EVANS: Thank you.
 17 THE CHAIR: We have no further questions. Thank you,
 18 Abbot Shipperlee.
 19 MS KARMY-JONES: Can I say something at the request of
 20 Ms Gallafent QC, that for the panel's information, you
 21 have a copy of the full report of the Apostolic
 22 Visitation in your bundle that relates to
 23 Dom Richard Yeo's evidence. It has been disclosed as
 24 part of the inquiry's proceedings.
 25 THE CHAIR: Thank you.

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1 **a deeply, deeply unpleasant subject, and I will admit**
 2 **I flinch from it. I find it mentally difficult to even**
 3 **read closely and to write out what happens. That's**
 4 **a personal reaction. I'm not saying that that's**
 5 **justified. But that's my reaction to it.**
 6 **It's not something that in detail people talk about**
 7 **or want to. I think that there is a failure to see the**
 8 **primary importance of, "What are we doing now to protect**
 9 **children?" If you see that, then you'll see, well,**
 10 **actually, there are things that need to be changed,**
 11 **because, even if we can't go back to the past, we need**
 12 **to look at what we're doing now. And that isn't -- it**
 13 **takes a long time to change your heart and your**
 14 **conscience to see that that is -- should be first in**
 15 **every decision you're making. That's where I'm failing**
 16 **or have failed.**
 17 PROF SIR MALCOLM EVANS: Perhaps, then, that probably
 18 answers what my second and follow-up question in
 19 relation to that is, which was that when there was --
 20 had become, let us call it, generic knowledge of, let us
 21 call it, potentially troubling proclivities, if you
 22 like, let us put it no higher than that, why was this
 23 simply allowed to lie?
 24 **A. The knowledge of the amount of potentially troubling**
 25 **proclivities emerges over time. It is not until the**

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1 MS KARMY-JONES: The witness can then stand down.
 2 (The witness withdrew)
 3 MS KARMY-JONES: I will now call Dom Richard Yeo.
 4 DOM RICHARD YEO (sworn)
 5 Examination by MS KARMY-JONES
 6 MS KARMY-JONES: Dom Yeo, you have made a statement to the
 7 inquiry specifically dealing with your involvement with
 8 Ealing Abbey?
 9 **A. I have.**
 10 Q. It is a comprehensive statement, and I am not going to
 11 ask you everything from it. If I can summarise some
 12 aspects of it quickly, and then we can move on to some
 13 of the more key questions around your evidence that
 14 perhaps you can assist us with?
 15 **A. Certainly.**
 16 Q. In terms of the relationship between the English
 17 Benedictine Congregation and Ealing Abbey, you summarise
 18 that in your witness statement at paragraphs 1 to 7 at
 19 page 4. I am going to give the reference for the
 20 evidence handler, so that he can follow along, and
 21 perhaps flash some of the pages up as I go. It is
 22 BNT006991. The statement is at page 1, and then, at
 23 page 4 -- sorry, forgive me. Page 1 and over to page 2,
 24 you set out the relationship between the Congregation
 25 and Ealing Abbey. In short, as with Ampleforth and

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1 Downside, the Ealing Abbey is autonomous and the formal
 2 powers of the Abbot President -- you were
 3 Abbot President during the time we are discussing. The
 4 formal powers of the Abbot President are limited.
 5 Really, you say it amounts to presiding over the
 6 election of the abbot and conducting visitations?
 7 **A. That is true. I think it probably ought to be added**
 8 **that, in 2013, our constitutions were revised, which**
 9 **gave the president additional powers to intervene in the**
 10 **affairs of the monastery when safeguarding issues were**
 11 **involved.**
 12 Q. Yes, that's very helpful. Thank you. But up until
 13 2013, your role would largely be advisory, in terms of
 14 engagement with the schools and the monastery; you
 15 didn't have any formal powers to make or force change?
 16 **A. As regards the monastery, I would stand by what I said.**
 17 **My formal powers relate to visitations and elections and**
 18 **giving certain permissions.**
 19 **As regards the school, I would not be directly**
 20 **involved; only inasmuch as the school Trust was part of**
 21 **the -- the school was part of the monastery Trust. That**
 22 **would come under my purview.**
 23 Q. Understood. Now, from 1985 to 2001, we have heard that
 24 the Abbot President was Francis Rossiter, Abbot of
 25 Ealing. You were familiar with the position where you

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1 you carried out at Ealing and the dates are given. I am
 2 going to move on to individual cases and your dealings
 3 with them, again in summary. Looking first at Father
 4 Maurice David Pearce. You had known him since 1972, so
 5 quite a long time, and he spoke to you as a friend?
 6 **A. Yes.**
 7 Q. You considered him a friend?
 8 **A. Yes.**
 9 Q. You heard there had been allegations against him shortly
 10 before you became Abbot President; is that right?
 11 **A. I'm pretty certain it was the spring of 2001. It was**
 12 **orally, so I haven't got a record of it, but I'm pretty**
 13 **certain that was the date.**
 14 Q. But that information came to you from Abbot Stephen and
 15 not Abbot Martin; is that right?
 16 **A. Yes. Abbot Stephen -- we were in the car driving to**
 17 **a meeting together, and he had done the last visitation**
 18 **of Ealing because he was the Abbot of Worth and occupied**
 19 **the position of Abbot President in regard to Ealing, and**
 20 **I presumed that he knew about the allegations as**
 21 **a result of his having conducted the previous visitation**
 22 **of Ealing.**
 23 Q. But you didn't do anything about it, did you? You
 24 didn't contact Abbot Martin or discuss it with him?
 25 **A. No.**

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1 have your own monastery, the Abbot President functions
 2 at Ealing were carried out as a result by the Abbot of
 3 Ampleforth, Patrick Barry, and the Abbot of Worth during
 4 that period?
 5 **A. Yes.**
 6 Q. Because the Abbot President couldn't carry out the
 7 functions and carry out the role of Abbot President at
 8 the same time?
 9 **A. Correct.**
 10 Q. At paragraphs 9 to 13 of your statement, you set out
 11 your own relationships, such as they were, with the
 12 various Abbots of Ealing. In respect of Abbot
 13 Martin Shipperlee, he was a member of your council
 14 between 2005 and 2009?
 15 **A. Yes.**
 16 Q. So someone that you knew quite well?
 17 **A. Yes.**
 18 Q. He was also your assistant visitor on a number of
 19 occasions, and Ealing Abbey, because of its location in
 20 London, hosted many of the Congregation's meetings?
 21 **A. Yes.**
 22 Q. You say you often found Martin Shipperlee's insights and
 23 advice helpful?
 24 **A. Yes.**
 25 Q. At paragraph 14, you summarise the six visitations that

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1 Q. In fact, in your statement you say you can't remember
 2 when Abbot Martin spoke to you first about it?
 3 **A. No, I can't.**
 4 Q. You conducted a visitation in 2003 and several members
 5 of the monastic community expressed concern about
 6 David Pearce to you and said that they ought to have
 7 been given more information; that's right, isn't it?
 8 **A. That's one of the concerns.**
 9 Q. They also expressed anger and distress and said that
 10 that anger and distress was being felt by school staff?
 11 **A. I think the principal concern was that he was going on**
 12 **to the school territory in order to get to the trust**
 13 **office. That was the main concern. The second concern**
 14 **was, we aren't fully informed, and we ought to be.**
 15 Q. Did you do anything about that?
 16 **A. Yes. I spoke to Abbot Martin.**
 17 Q. Did you advise him that Pearce should not be going into
 18 the school?
 19 **A. I did.**
 20 Q. You did not mention that in your 2003 report, however;
 21 why not?
 22 **A. I didn't mention it in my report to the community.**
 23 **I felt that this was something which the abbot needed to**
 24 **deal with and, at that stage, I didn't see that it was**
 25 **appropriate for me, as visitor, to go into details about**

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<p>1 a personal case.</p> <p>2 Q. Might it not have assisted, given the community concerns</p> <p>3 that had been raised with you about a lack of</p> <p>4 transparency, might it not have assisted if you had</p> <p>5 addressed it directly?</p> <p>6 A. It might have done, and you will note that in -- at all</p> <p>7 the subsequent visitations I did take that line.</p> <p>8 Q. The next one is, I think, 2007?</p> <p>9 A. Correct.</p> <p>10 Q. So four years past?</p> <p>11 A. Yes.</p> <p>12 Q. It might have assisted the community to monitor Pearce,</p> <p>13 if they had known the detail?</p> <p>14 A. I don't think at that stage it was so much a question of</p> <p>15 monitoring as a question of knowing what the situation</p> <p>16 was. That was the real concern.</p> <p>17 Q. During the visitation -- and this is a question from</p> <p>18 some of the core participants -- in December 2003,</p> <p>19 issues were raised with you about the risk management of</p> <p>20 David Pearce, and the document referenced is BNT006981.</p> <p>21 If you wish, you can cross-reference this to</p> <p>22 paragraph 19 of your witness statement. This is your</p> <p>23 handwritten note?</p> <p>24 A. Yes.</p> <p>25 Q. In which there are concerns raised. I'm not going to</p> <p style="text-align: center;">Page 81</p>	<p>1 draw your attention to anything in particular. Your</p> <p>2 writing is not as clear, and certainly on the screen</p> <p>3 I appreciate it is difficult to read. But concerns</p> <p>4 being raised.</p> <p>5 Were you satisfied -- you have told us that you</p> <p>6 spoke to Abbot Martin. Were you satisfied with his</p> <p>7 appreciation of risk on the facts then known to him?</p> <p>8 A. I think at that stage, 2003, I was a novice in this</p> <p>9 business. It probably wasn't a question I asked myself.</p> <p>10 Q. Just turn over to page 2, please. Just below the</p> <p>11 RC-F41, three lines below, it says:</p> <p>12 "David accused. We haven't been told how the issue</p> <p>13 has been resolved. A lot of resentment against David in</p> <p>14 the community. My position unhealthy."</p> <p>15 Is that what that says?</p> <p>16 A. Yes.</p> <p>17 Q. The next page, please. Below the RC-F46, three lines</p> <p>18 down:</p> <p>19 "David should not have been involved ..."</p> <p>20 Invited/involved?</p> <p>21 A. Involved.</p> <p>22 Q. "... in book. Abbot should have taken him off. Should</p> <p>23 not be involved in ..."</p> <p>24 Do you want to read it to us?</p> <p>25 A. "Should not be involved in site or in charge of</p> <p style="text-align: center;">Page 82</p>
<p>1 archives. Paedophile accusations, still current talk</p> <p>2 about it."</p> <p>3 "Current" has been crossed out:</p> <p>4 "Abbot has done necessary things but visits to</p> <p>5 school should be stopped, certainly to the junior</p> <p>6 school."</p> <p>7 Q. Were you satisfied that Abbot Martin's risk management</p> <p>8 of David Pearce was sufficient?</p> <p>9 A. I think what came across to me and what I hope</p> <p>10 I communicated to Abbot Martin was that it all seemed to</p> <p>11 be rather casual and that it shouldn't be.</p> <p>12 Q. So what advice did you give him as to how to rectify it?</p> <p>13 A. In the first place, that he should be stopped from going</p> <p>14 through the school. I don't -- my notes indicate that</p> <p>15 this was one of the subjects which I spoke to</p> <p>16 Abbot Martin about, but my notes don't indicate exactly</p> <p>17 what I said to Abbot Martin.</p> <p>18 What I think I -- I think I communicated the fact</p> <p>19 that the community felt they didn't know.</p> <p>20 Q. Abbot Martin subsequently didn't, if you like, keep you</p> <p>21 informed of allegations as they arose, did he?</p> <p>22 A. He didn't, no.</p> <p>23 Q. There were further allegations in respect of</p> <p>24 David Pearce that weren't raised with you during the</p> <p>25 2007 visitation and, also, in your statement you say it</p> <p style="text-align: center;">Page 83</p>	<p>1 was only at the time of the 2010/2011 visitations that</p> <p>2 you were made aware of the 2004 allegations and the</p> <p>3 civil claim of A6?</p> <p>4 A. Can you remind me where I say that?</p> <p>5 Q. Yes. Paragraph 18.</p> <p>6 A. I have phrased that badly, because I'm pretty certain</p> <p>7 I knew in 2007 that there had been a civil case.</p> <p>8 I didn't know in 2007 that the allegation had come in</p> <p>9 2004. I didn't know the details about it. And I don't</p> <p>10 think I knew then about the judge's comments. So if</p> <p>11 I'm --</p> <p>12 Q. Perhaps you became aware of the judge's comments after</p> <p>13 the visitations in 2010 and 2011, looking at your</p> <p>14 statement?</p> <p>15 A. Yes, I can't say exactly, because that was not</p> <p>16 communicated to me by someone from Ealing.</p> <p>17 Q. So you think that you were told at some point around the</p> <p>18 time of the 2007 Visitation about the A6 civil claim?</p> <p>19 A. I knew that there had been a civil claim, because I knew</p> <p>20 that he had been away from Ealing for a time, and I'm</p> <p>21 pretty certain I knew that that was because of the -- he</p> <p>22 was sent away during the trial.</p> <p>23 Q. Did you know what restrictions David Pearce and RC-F41</p> <p>24 were subject to?</p> <p>25 A. In 2007, no, I didn't.</p> <p style="text-align: center;">Page 84</p>

1 Q. Did you enquire?
 2 **A. No.**
 3 Q. Did you have knowledge of the risk management strategy
 4 in relation to David Pearce?
 5 **A. No.**
 6 Q. Did you advise that David Pearce be sent away from the
 7 monastery?
 8 **A. No, I didn't.**
 9 Q. In respect of RC-F41, given what was then known about
 10 him, did you agree that the risk management plan for him
 11 was appropriate at the time, or did you not have any
 12 involvement?
 13 **A. Can I answer that in a sideways way? My concern with**
 14 **both these two was that we must be transparent within**
 15 **the community, and that was the principal reason,**
 16 **I think, why we wanted to speak to them as well as**
 17 **speaking to the community, so that everybody knew what**
 18 **the situation was.**
 19 **I didn't look into specific issues of risk**
 20 **management, no.**
 21 Q. David Pearce was arrested a little while after the 2007
 22 Visitation and subsequently laicized, and you were
 23 involved in that process, weren't you?
 24 **A. Yes.**
 25 Q. Turning to the Extraordinary Visitation in 2010 and the

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1 **breach them, you are liable to be dismissed.**
 2 Q. The Extraordinary Visitation in 2010 came about in part
 3 because Abbot Martin was asking for help, wasn't he?
 4 **A. I think we both realised that something needed to be**
 5 **done.**
 6 Q. As part of the Visitation, you acquainted yourself with
 7 the safeguards that were then in place within the abbey
 8 to protect children, you reviewed those?
 9 **A. I looked at them.**
 10 Q. What did you do --
 11 **A. Do you mean the policies?**
 12 Q. Yes.
 13 **A. Not in great detail, because that was the business of**
 14 **the safeguarding professionals.**
 15 Q. What did you advise him to do?
 16 **A. There were two main issues in the 2010 Visitation. One**
 17 **was the quality of the monastic life, and there's a good**
 18 **deal of advice on that, but I take it you're not**
 19 **concerned with that.**
 20 Q. What did you advise him to do? Can we look at -- this
 21 might help -- BNT002394?
 22 **A. That looks to me like my report to the community.**
 23 Q. Paragraph 1. You outline the position as far as
 24 Father David is concerned:
 25 "[He] was charged last year with 26 counts of

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1 recommendations, you deal with this at your witness
 2 statement paragraphs 52 to 53, 55 and then 90 to 98. At
 3 paragraph 55, you say:
 4 "One of the issues which emerged at the
 5 Extraordinary Visitation in 2010 was poor compliance
 6 with safeguarding restrictions."
 7 Bearing in mind the advice that you had given to
 8 Abbot Martin, was that disappointing?
 9 **A. Yes, it was.**
 10 Q. Can you clarify whether anyone ever breached the
 11 safeguarding restrictions and, if so, if they were
 12 dismissed as a result?
 13 **A. No, and it was because we knew that people had been --**
 14 **I don't know if -- "playing fast and loose with the**
 15 **restrictions", I think, would be a fairer way to put**
 16 **it -- no, "breaching the restrictions" is fair. And**
 17 **also because it didn't seem that things had been done.**
 18 **That was why I made an Act of Visitation.**
 19 Q. Do you think people should have been dismissed, as
 20 a result?
 21 **A. No, because they should have been warned, and that is**
 22 **what was done in the Act of Visitation. It gave**
 23 **a formal warning that if you breach restrictions --**
 24 **sorry, the formal warning was that the safeguarding**
 25 **restrictions bind under the vow of obedience. So if you**

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1 child abuse. He pleaded guilty to 11 counts relating to
 2 five children ..."
 3 You go on:
 4 "A rumour appears to have started that he might be
 5 released this October. That is not true ..."
 6 Then you go on to:
 7 "His canonical position is that he remains a priest
 8 and a monk at St Benedict's Abbey. In accordance with
 9 the church's law, his offences have been reported to the
 10 CDF. We have received instructions from the
 11 Congregation for the Doctrine of the Faith about how to
 12 proceed. Father Abbot is to invite Father David to
 13 request a dispensation from all his priestly and
 14 religious observations. I have asked Father Abbot to
 15 forward Father David's request to me ... in the event of
 16 Father David not making this request, I will ask the
 17 Holy See to dismiss him from the clerical state and from
 18 the religious life."
 19 **A. In other words, what I was saying is, we must do**
 20 **something and do it rapidly.**
 21 Q. But did you give any advice as to how safeguarding
 22 should be improved or what should be done to prevent
 23 such instances happening again?
 24 **A. No, I felt that was the business of the professional**
 25 **safeguarding advisers.**

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<p>1 Q. BNT006837, again, a handwritten note. It may be we 2 don't need to pull many up. If we can go to page 2. 3 There are a number of references made by monks that you 4 interviewed at the Extraordinary Visitation about 5 longstanding knowledge or suspicion of David Pearce. At 6 the bottom of page 2, two lines below "name redacted": 7 "When arrived -- 25 years ago -- rumours, and 8 denied; but disappointed RC-F307 says never knew 9 anything about it ... 10 "Don't know who to ask, don't know how to talk about 11 it." 12 Another note -- I won't take you to it -- is: 13 "Abbot felt very angry at David when arrested, felt 14 betrayed by one he had tried to help." 15 Another says: 16 "Still an abusive mentality in the community." 17 Another says: 18 "Mid 1970s. Knew David engaged in dubious 19 activities." 20 Another says: 21 "Since I knew I was junior school head, there was 22 something wrong." 23 Something said about graffiti that said 24 "Father David is bent". 25 So there were a lot of concerns raised with you</p> <p style="text-align: center;">Page 89</p>	<p>1 during this Visitation? 2 A. There were, and I go back to what I said before: the 3 concerns weren't exclusively about safeguarding, or, to 4 put it another way, resolving the malaise, if I can put 5 it like that, in the community wasn't just a matter of 6 improving safeguarding procedures; it was a matter of 7 improving the community's human formation, to use 8 a modern term. 9 Q. What was your reaction to this extensive knowledge of 10 Pearce that appears to have gone back decades? 11 A. A certain amount of amazement. When I first heard about 12 it in 2001, I was extremely surprised. 13 Q. Did you think that -- sorry? 14 A. Sorry, if I can go on. And I challenged Abbot Martin 15 about this. 16 Q. You did? 17 A. Towards the end of the Visitation, I saw him and asked 18 him very specifically what he'd known about Father David 19 and he answered -- 20 Q. What did he say? 21 A. Much the same as what he said to the inquiry, that is to 22 say, he knew that he was -- in the school, he was 23 unfair, that he was harsh, and he was guilty of 24 favouritism. He -- 25 Q. Did you -- I'm so sorry, I keep cutting -- I should look</p> <p style="text-align: center;">Page 90</p>
<p>1 at you and see when you have stopped. 2 A. He knew that a nickname had been given him, but he said 3 that he felt that this was just boys talking and didn't 4 take it as an allegation. 5 Q. Did you think that the community was at fault or that 6 Abbot Martin may have been at fault for not reporting 7 David Pearce to the civil authorities when rumours first 8 surfaced -- well, in the 1970s, that the community had 9 not dealt with it. Should it have been dealt with? 10 A. I don't know whether you can report on the basis -- 11 report rumours. I would have thought that -- 12 Q. You can investigate on the basis of rumours, can't you, 13 and if something is reported, enquiries can be made? 14 A. Fine. My concern was, above all, how is the community 15 going to get out of this mess? Those are the questions 16 I was looking at. 17 Q. Did you disclose the extent and the duration of 18 knowledge, or at least suspicion, in respect of Pearce 19 in your meetings after you'd had them? Did you pass 20 this information on to the civil authorities? 21 A. No. 22 Q. Why not? 23 A. Pearce was already in prison. 24 Q. Nonetheless, there may be other victims that you could 25 have been told about or enquiries could have unfolded,</p> <p style="text-align: center;">Page 91</p>	<p>1 as far as you were aware? 2 A. I wasn't given anything more specific than what you 3 were -- what you have just spoken about. It was all 4 rather vague. 5 Q. Your notes make it clear that there is knowledge within 6 the community that RC-F41 and RC-F46 were breaching 7 their restrictions? 8 A. Yes. 9 Q. That is precisely the problem that eventually led to 10 Pearce abusing his last victim. Are you aware of that? 11 A. That the breaches of 41 and 46 led to the -- 12 Q. No, that breaching of restrictions -- 13 A. Pardon, yes, yes, I am aware of that. 14 Q. So did it concern you at all that 41 and 46 were 15 breaching their restrictions? 16 A. Yes. That is why I made a special Act of Visitation. 17 Q. But thereafter what did you do about it? 18 A. I asked Abbot Martin, and he told me that the breaching 19 restrictions had stopped. 20 Q. Did you sell the civil authorities with whom you had 21 discussions? Are? 22 A. I had a meeting with Peter Turner, and we discussed it 23 there. 24 Q. Did you tell archbishop Vincent Nichols? 25 A. No.</p> <p style="text-align: center;">Page 92</p>

1 Q. Why not?
 2 **A. Because I'd spoken to his safeguarding officer, who was**
 3 **the person who archbishop Nichols delegated**
 4 **responsibility for safeguarding matters to.**
 5 Q. With that background, you reported to the archbishop in
 6 a letter dated 22 September 2010, you said to him:
 7 "I am writing to assure you in the first place that
 8 I have taken seriously the situation at Ealing and taken
 9 action which will, I hope, help the monastery flourish
 10 in the future."
 11 **A. Yes.**
 12 Q. Was the action simply talking to Abbot Martin?
 13 **A. I wasn't talking simply about the safeguarding issues;**
 14 **I was talking about the monastic life issues. And that**
 15 **letter to Archbishop Vincent Nichols was -- it was,**
 16 **above all, a matter of courtesy, because he was the**
 17 **archbishop, and while he had no responsibility for**
 18 **Ealing Abbey, I thought he ought to be informed of**
 19 **the intervention that I had made and given a brief**
 20 **summary of what had happened. It is an attempt -- it is**
 21 **not an attempt to give an exhaustive explanation of**
 22 **the situation.**
 23 Q. There was an overlap between your 2010 Visitation and
 24 Lord Carlile's review, wasn't there?
 25 **A. Lord Carlile had been appointed before that Visitation**

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1 MR FRANK: Thank you very much.
 2 THE CHAIR: Thank you. We will return at 2.00 pm.
 3 (1.00 pm)
 4 (The short adjournment)
 5 (2.00 pm)
 6 MS KARMY-JONES: Dom Yeo, we were discussing the
 7 Carlile Report, and I was asking you about the overlap
 8 between his review and, in a sense, your Visitation.
 9 You have answered that question. Can I ask you about
 10 a document BNT003195_001. This is an email to Bishop
 11 John Arnold sent on 26 August 2012, and in it you say
 12 this:
 13 "... just remember that the one thing you are not
 14 allowed to say is that Rome endorsed Carlile!"
 15 What did you mean by that?
 16 **A. That in the instructions which Bishop Arnold had**
 17 **received from the Holy See, they said they approved all**
 18 **his points, except they did not want him to say that the**
 19 **Holy See endorsed Lord Carlile's report.**
 20 Q. For the evidence handler, it is the paragraph that
 21 begins "As regards" towards the bottom, if you can pull
 22 that up. Thank you.
 23 But why?
 24 **A. Well, officially, I wasn't told. What I understood was**
 25 **that they were saying, "Well, as Abbot Martin has**

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1 **and I met Lord Carlile during the Visitation.**
 2 Q. And you accept in your statement that your meeting of
 3 Lord Carlile caused some disquiet in the community?
 4 **A. I don't know that my meeting caused disquiet. I think**
 5 **that the fact that I told the community that I would let**
 6 **Lord Carlile have a copy of my report to the community**
 7 **caused disquiet to one person.**
 8 **MS KARMY-JONES: I see the time. Is that a convenient**
 9 **moment?**
 10 THE CHAIR: Yes, but just briefly before we take the break,
 11 Mr Frank has been issue which he needs to raise.
 12 MR FRANK: I would just be grateful if I could ask for some
 13 assistance in relation to the documentation? It has
 14 been indicated that we have received a copy of
 15 the unredacted report that we referred to earlier.
 16 I can tell you that I have looked in my file and I can
 17 see -- all the copies I have are redacted. I gather
 18 that efforts are going to be made over the adjournment
 19 to look for the unredacted, and if it can be made
 20 available, I would be grateful.
 21 MS KARMY-JONES: I think what I said is that the full report
 22 has been disclosed to the inquiry, rather than the
 23 unredacted report. But certainly the redactions can be
 24 checked and I will make an enquiry about that over
 25 lunchtime.

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1 **already endorsed Carlile, there's no need for us to do**
 2 **so".**
 3 Q. But why do you think that Rome would worry about
 4 endorsing Carlile? Surely it was considered as just
 5 a positive step forward?
 6 **A. This was the Congregation for the Doctrine of the Faith,**
 7 **which had no jurisdiction over schools, and my guess was**
 8 **that it didn't want to make a statement about a subject**
 9 **which it had no jurisdiction over.**
 10 Q. But it was happy, nonetheless, to, in effect, endorse
 11 and approve the position? It just didn't want that --
 12 **A. It didn't want it to be stated, yes.**
 13 Q. Just touching on your appointment to the Apostolic
 14 Visitation, BNT002473. This is a letter from
 15 Jonathan West. We will just flash it up. If you can
 16 make it a little bigger, I would be grateful. It is
 17 a letter to the Nuncio that relates to safeguarding, and
 18 particularly to you. You had had an issue at Downside
 19 in terms of Richard White, hadn't you?
 20 **A. Yes.**
 21 Q. Is that why you advised the Nuncio that you should not
 22 conduct the Apostolic Visitation?
 23 **A. I never advised the Nuncio that I shouldn't conduct the**
 24 **Apostolic Visitation.**
 25 Q. You suggested, didn't you, that perhaps it might be

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<p>1 a good idea if he stood down?</p> <p>2 A. No -- we are in June 2011. The Nuncio summoned me at</p> <p>3 the end of June 2011 and he summoned me back on, I think</p> <p>4 it was 3 July, in which he said that he thought an</p> <p>5 Apostolic Visitation would be good. I think at that</p> <p>6 stage he said, "And we would ask for you to be one of</p> <p>7 the visitors", and when the appointment came through,</p> <p>8 which I think was on 5 July, I was one of the people</p> <p>9 appointed.</p> <p>10 Q. Given that Ealing is geographically within the Diocese</p> <p>11 of Westminster and is aligned with the diocesan</p> <p>12 safeguarding office, did you consider whether there was</p> <p>13 some criticism of the archbishop and diocesan</p> <p>14 supervision which would make an auxiliary bishop of</p> <p>15 the diocese insufficiently independent to carry out an</p> <p>16 Apostolic Visitation?</p> <p>17 A. No, I didn't.</p> <p>18 Q. Why not?</p> <p>19 A. I thought -- in the first place, I thought it was an</p> <p>20 excellent choice, because Bishop Arnold knew the</p> <p>21 religious life well and he was well acquainted with</p> <p>22 safeguarding procedures.</p> <p>23 The fact that it is geographically within the</p> <p>24 Diocese of Westminster really makes very little</p> <p>25 difference because it was not under the jurisdiction of</p> <p style="text-align: center;">Page 97</p>	<p>1 the Archbishop of Westminster.</p> <p>2 The link with Westminster safeguarding, I suppose</p> <p>3 you could say that would be a problem, but it had never</p> <p>4 occurred to me, before you mentioned it now, that it</p> <p>5 could be a problem.</p> <p>6 Q. Mr West in his letter offered to provide you information</p> <p>7 in relation to safeguarding at Ealing. Did you take him</p> <p>8 up on that offer?</p> <p>9 A. Well, again, it's not this letter here. This letter</p> <p>10 here is addressed to the Nuncio.</p> <p>11 Q. Subsequently?</p> <p>12 A. Subsequently --</p> <p>13 Q. I just hadn't --</p> <p>14 A. Oh, fine. In September -- October, I think it was,</p> <p>15 Mr West wrote a long letter to Bishop John Arnold in</p> <p>16 which he offered to share various details with him. And</p> <p>17 Bishop Arnold wrote a reply in which he said that if</p> <p>18 he'd got details of allegations, he should take them to</p> <p>19 the statutory authorities, not to us.</p> <p>20 Q. You told us in your statement -- it is at paragraph 101,</p> <p>21 if you wish to refer to it -- that you wrote to the</p> <p>22 Apostolic Nuncio on 28 June 2011, and you sent him the</p> <p>23 documents relating to the Extraordinary Visitation of</p> <p>24 2010?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 98</p>
<p>1 Q. Was there any reason why you did not send the</p> <p>2 Apostolic Nuncio the information that related to the</p> <p>3 Extraordinary Visitation earlier than June 2011?</p> <p>4 A. Because I didn't think it was any part of his concern --</p> <p>5 no, sorry, that's not quite true. I wrote to the Nuncio</p> <p>6 in October 2010, shortly after the</p> <p>7 Extraordinary Visitation. The Nuncio, however,</p> <p>8 Archbishop (inaudible)'s predecessor, was ill. So</p> <p>9 instead of writing a long letter to him as I had written</p> <p>10 to Archbishop Nichols, I wrote a short letter saying,</p> <p>11 "I have conducted a Visitation. If you want more</p> <p>12 information, I will happily give it".</p> <p>13 Q. So you put the ball in his court to ask you for</p> <p>14 information as opposed to simply providing it?</p> <p>15 A. Because he was ill and I didn't want to load him with</p> <p>16 information which he didn't need at that stage.</p> <p>17 I think, actually, I said, "If you want more</p> <p>18 information, I will come up to Wimbledon and give it to</p> <p>19 you".</p> <p>20 Q. Didn't you think it was relevant that he should know?</p> <p>21 A. I think if something is going to become public</p> <p>22 knowledge, and there was always the possibility of</p> <p>23 headlines in the press, it was important that the Nuncio</p> <p>24 should be kept informed, generally informed, about</p> <p>25 things that are going on.</p> <p style="text-align: center;">Page 99</p>	<p>1 Q. But only if something might become public in the press,</p> <p>2 so, what, only for damage limitation purposes, or other</p> <p>3 reasons?</p> <p>4 A. Not just for damage limitation. Something which can</p> <p>5 have a wider -- an effect on the wider church.</p> <p>6 Q. The Apostolic Visitation took place from</p> <p>7 18 to 20 September 2011. By the time of that visit, you</p> <p>8 say that some progress had been made in relation to</p> <p>9 safeguarding, and one of the things you say in your</p> <p>10 statement at paragraph 106 is that observance of</p> <p>11 restrictions by monks against whom allegations have been</p> <p>12 made was no longer a problem.</p> <p>13 A. Yes.</p> <p>14 Q. So there had been some problems up until that point?</p> <p>15 A. At the time of the Extraordinary Visitation.</p> <p>16 Q. Yes.</p> <p>17 A. And the problems, I think, were solved after the</p> <p>18 Extraordinary Visitation.</p> <p>19 Q. Mr West -- I think the reference is BNT003191 -- I will</p> <p>20 just ask for it to be flashed up. But, in summary, he</p> <p>21 suggested to you that you should forward allegations in</p> <p>22 relation to Pearce's activities going back decades, the</p> <p>23 knowledge of -- that you should forward any allegations</p> <p>24 to the police or Social Services?</p> <p>25 A. Mr West said that?</p> <p style="text-align: center;">Page 100</p>

<p>1 Q. Mr West didn't say -- forgive me, I'm going from 2 a rule 10 question, so I'm possibly summarising it 3 badly. 4 You knew from your previous discussions with monks 5 that there were issues that we looked at before the 6 lunch break. You knew from those discussions that 7 allegations in respect of Pearce went back decades, or 8 concerns went back decades; you knew that F41 and F46 9 were breaching their restrictions. Jonathan West 10 suggested to you that you could forward any allegations 11 to the police or Social Services. What did you make of 12 that suggestion? 13 A. In the first place, I met the police, both at the 14 Extraordinary Visitation and at the Apostolic 15 Visitation. We made an appointment and -- yes. We did 16 not receive allegations. We received statements, such 17 as the one which you said -- which you mentioned before, 18 namely, that Pearce had been involved in -- I have 19 forgotten now what the expression was, but it was 20 something like "nefarious activities". In other words, 21 there was nothing specific. There was nothing which 22 could be turned into an allegation. And, as the man was 23 in prison, it seems to me excessive to complain that we 24 weren't reporting these concerns to the police. 25 Q. Did you consider -- because at this point Mr West was</p> <p style="text-align: center;">Page 101</p>	<p>1 carrying out a number of his own investigations and was 2 doing his own reporting, if you like, through his blog. 3 Did you consider him an irritation? 4 A. I think when he wrote that letter to Bishop John Arnold, 5 John Arnold felt -- 6 Q. I don't need to know what Bishop Arnold felt. I'm 7 asking you what you felt; all right? 8 A. An irritation would probably be quite a good way of 9 putting it. I think we felt that, in the first place, 10 he didn't understand what an Apostolic Visitation was. 11 He was giving us this information. He was implying that 12 he was the person who had organised the Apostolic 13 Visitation. And, obviously, it meant that Bishop John 14 had to spend quite a lot of time preparing a proper 15 response to him. So, in that sense, an irritation 16 but -- 17 Q. In -- I'm so sorry. 18 A. No. 19 Q. BNT003150. It is an email to Bishop Arnold on 20 6 September 2011. "Some musings": 21 "I am a bit concerned about Jonathan West and 22 Brian Dunne. I wonder what the Nuncio said to them. 23 Ealing regards Jonathan West as public enemy number one. 24 He wrote to the Nuncio asking for an Apostolic 25 Visitation; if West writes on his blog that the Nuncio</p> <p style="text-align: center;">Page 102</p>
<p>1 agrees with him and that he has scored a victory over 2 Ealing, Ealing will feel humiliated; probably not 3 helpful. That's really why I wrote before that I wasn't 4 too keen on Brian Dunne knowing that there was an 5 Apostolic Visitation." 6 In the same email, you say: 7 "The other side of the coin is that Ealing feels 8 unable to do anything to counter the anti-Ealing 9 publicity that Jonathan West consistently spreads. Is 10 there any way that our cooperating with West would 11 persuade him to be moderate [in] his tone? I don't 12 know." 13 Did you consider that it was possible that Ealing, 14 and indeed yourself, had taken a defensive response to 15 Mr West's involvement in the issues at Ealing, rather 16 than considering the suggestions that he made? 17 A. And that's what I'm writing here: is there any merit 18 in -- well, I say "some musings": would it be a good 19 idea to see if we can cooperate with him? 20 Q. And did you, or not? 21 A. I'm not quite certain of the date of this letter, but 22 I suspect it is shortly before -- 23 Q. 6 September 2011, if that helps? 24 A. Right. Yes. Is it before we replied to Jonathan West? 25 I'm not certain. Anyway. What happened fairly soon</p> <p style="text-align: center;">Page 103</p>	<p>1 after that was that an article appeared in The Times on 2 the front page about the Apostolic Visitation with quite 3 a lot of correct information but also quite a lot of 4 inaccuracies. I think Bishop Arnold -- well, I think 5 both of us felt that this was Jonathan West's work, and 6 I think it was after that that Bishop Arnold said that 7 he wasn't going to reply any further to Jonathan West, 8 and I didn't disagree with him. 9 Q. BNT003140, please. It is an email to Bishop Arnold on 10 28 September 2012 in which you summarise the hostile 11 attitude of the Ealing community towards the conclusions 12 of the Apostolic Visitation. 13 A. Yes. 14 Q. It would appear, therefore, that the Ealing community 15 were far from accepting their safeguarding failings and 16 appear that, in some cases, they were unaware what the 17 Visitation was about. What do you think the Visitation 18 actually achieved? 19 A. May I comment on this letter first, because I think what 20 happened is that I arrived at Ealing and it was just one 21 of those days when everybody was feeling in a bad mood 22 and the bad mood was -- resulted in people venting 23 against the Apostolic Visitation. I don't -- you'll 24 find a little later in the letter someone said that Rome 25 just seems to be picking on Ealing. I don't think they</p> <p style="text-align: center;">Page 104</p>

<p>1 were objecting to the Visitation as such. I think it 2 was just the whole situation was getting them down. 3 Sorry, that is preliminary. Can I ask you to repeat 4 the question which you asked me? 5 Q. What do you actually think the Visitation achieved, or 6 did it not achieve a great deal in terms of improving 7 safeguarding? 8 A. Again, if I can make a preliminary observation, as you 9 probably realise, I was not very keen on the idea of an 10 Apostolic Visitation because it's not a very efficient 11 way of doing things. I think it had two good effects: 12 in the first place, I think the appointment of 13 Bishop John Arnold was a very positive thing; it brought 14 a fresh face, a person with new ideas, a person who 15 hadn't been involved in the situation before into the 16 situation. 17 Secondly, we engaged in setting up a consultation 18 with members of the parish so that people could express 19 their views, and I think the opportunity for members of 20 the wider Ealing constituency to be able to participate 21 and give their thoughts about the situation in the 22 monastery. I think that was a very good thing. 23 Q. I am going to move on from the question of 24 the Visitation. In your witness statement, at 25 paragraph 131, you express concerns about</p> <p style="text-align: center;">Page 105</p>	<p>1 Abbot Martin Shipperlee. 2 A. I don't think it is 131, is it? 3 Q. I may have got the paragraph wrong. Let me just check. 4 A. 132, possibly. 5 Q. It is 132, 139 and 140. Thank you. Tell us about those 6 concerns, please, and, for the evidence handler, the 7 reference is BNT006991_028. What concerns did you have 8 about Abbot Martin? 9 A. Well, what I state in 132 is what Abbot Martin himself 10 has stated, that he is not very good at administration, 11 and that was one of the reasons why I set up a system at 12 the Extraordinary Visitation to try and ensure that 13 things were carried through. 14 Q. Did you find they had been carried through by the time 15 of the Apostolic Visitation? 16 A. They were. And progress was made on the issues on which 17 I'd asked for progress. 18 Q. So, number one, he wasn't a very good administrator? 19 A. I don't know whether I would call that the first issue, 20 but, I mean, it was one of the things which certainly 21 stood out. 22 Q. Paragraph 139? 23 A. Well, I make the same point there about administration, 24 don't I? 25 Q. You also make the point that several monks remarked that</p> <p style="text-align: center;">Page 106</p>
<p>1 they thought he found it very difficult to deal with 2 Maurice Pearce. You make the point, as you have before, 3 that Abbot Martin is not by nature a person who finds 4 the details of administration congenial. He didn't have 5 a good support system in place. Presumably, it would be 6 his responsibility to ensure that he had a good support 7 system in place, as abbot? 8 A. Yes. It takes time to get that. But he'd been in 9 office for 10 years and it was a little bit 10 disappointing that he hadn't got that sorted out. 11 There is -- Abbot Martin himself said I think this 12 morning that he's not good at challenging. I don't know 13 who is good at challenging, and one of the arts of being 14 an abbot is knowing the right time and circumstances to 15 say disagreeable things to people. 16 Q. Did Abbot Martin, as far as you were aware, say many 17 disagreeable things to people at all? 18 A. I think he probably found it difficult. 19 Q. Isn't that the reality of the situation, that in fact he 20 didn't challenge? The challenges that were made were 21 weak and, as a result, those who were accused had very 22 little control and restriction placed upon them? 23 A. They had restrictions placed upon them, but the 24 implementation of the restrictions was a bit spasmodic. 25 Q. We can see that you also comment later on on the page</p> <p style="text-align: center;">Page 107</p>	<p>1 that the enforcing of the restrictions, for example, on 2 F41 and F46, was a problem; they didn't take the 3 restrictions seriously; the responsibility for enforcing 4 the restrictions would fall on the abbot; and, as you 5 say, he found that difficult. 6 A. And that was where I thought that I, as abbot president, 7 could help; not only by making an Act of Visitation, but 8 also by seeing both F41 and F46 myself. Telling F41 9 that he should longer come to the conventual mass and 10 trying to explain to F46 the importance of following 11 safeguarding rules. Because one of the jobs of 12 Abbot President can be to say the disagreeable things 13 which is difficult for an abbot to say. 14 Q. You also comment that Abbot Martin remarked to you that 15 dealing with sexual abuse cases made him feel physically 16 ill? 17 A. (Witness nods). 18 Q. Does not any abbot have to be strong enough to deal with 19 all manner of issues? 20 A. I don't know any abbot who is perfect. All of us have 21 our weaknesses, and to feel ill at hearing about sexual 22 abuse does not strike me as a bad weakness to have. 23 Q. No, not at all. But to feel ill and then, as a result, 24 do nothing, would you agree, might be a weakness? 25 A. I would agree with that, but I think that is</p> <p style="text-align: center;">Page 108</p>

<p>1 exaggerating. I don't think he did nothing. I just 2 think that it wasn't firm and consistent enough. 3 Q. What are your views of the safeguarding challenges that 4 were specific to Ealing Abbey over and above issues with 5 Abbot Martin? 6 A. In the first place, the community of Ealing is a pretty 7 small community. You have the statistics, I think it 8 was either 14 or 16, something like that, at the time. 9 And to have four people who were accused of serious 10 offences was a large number. That was one of the things 11 which was specific. 12 There was the height of publicity, which was 13 unhelpful, and it meant that the Ealing community was 14 dealing with a situation badly because it was feeling as 15 though it was under attack all the time. 16 I think I mentioned three things, and I have 17 forgotten what the third one was. 18 Q. On the publicity point, do you recognise that some of 19 that publicity brought further victims to light? 20 A. Oh, I don't object to the publicity. All I'm saying is 21 that it doesn't help a community to respond in a good -- 22 in a helpful way. 23 Q. Do you think that you bear any responsibility for any of 24 the failings or you have any responsibility or are 25 guilty of any responsibility for any failings in respect</p> <p style="text-align: center;">Page 109</p>	<p>1 of the way that you dealt with issues at Ealing? 2 A. I regret two things. In the first place, I probably 3 should have spoken to the Abbot Primate earlier about 4 Soper. I suppose it didn't occur to me, partly because 5 the allegations against him -- the first allegation 6 seemed to disappear. The second issue, where I have to 7 look and ask whether I blame myself, is whether I should 8 have said something more about David Pearce's situation 9 in 2007. I, myself, feel -- and I wrote this in my 10 formal submission to Bishop Arnold, the Apostolic 11 Visitation, that I felt that the root of the problem was 12 not the decision to let Pearce back into Ealing, but the 13 fact that Pearce was in denial of his guilt, and to 14 control a paedophile predator who denies his guilt is 15 extremely difficult. 16 Add to that the fact that the monastery had not been 17 made a safe place, inasmuch as it was possible for them 18 to give casual employment to an under-18, that was not 19 good. 20 I wasn't aware of that fact, that last fact, at the 21 time of the Extraordinary Visitation. But I should -- 22 Q. You should have been, did you say? I may have misheard. 23 A. No, I was about to say something else. I was about to 24 say -- 25 Q. Do you think you should have been?</p> <p style="text-align: center;">Page 110</p>
<p>1 A. I should have reflected more on this issue of whether 2 it's possible to control Pearce. 3 On the other hand, I fully accept Abbot Martin's 4 point that if he was sent away, there would be even less 5 restriction on him. To my mind, this is one of the huge 6 challenges of dealing with offenders. 7 Q. This is a question from one of the core participants in 8 the room: in a letter to his abbot, Father RC-F307 -- 9 the reference is BNT002388_003 -- says in respect of 10 safeguarding structures: 11 "No lay group has the power or the authority to 12 require one of your monks to abstain from public 13 ministry ..." 14 We have seen that the abstention from public 15 ministry has frequently been a restriction placed on 16 monks. This opinion in this letter, the attitude that 17 RC-F307 holds, is that widely held by other monks at 18 Ealing and at other abbeys? 19 A. I think you'll find -- sorry, can I answer this at a bit 20 of length? I think you will find in the records 21 certainly of Visitations a sense from some of 22 the younger monks that there was a significant number of 23 older monks who simply did not understand safeguarding, 24 and I think F -- I'm sorry, I have forgotten the cipher. 25 Q. 307.</p> <p style="text-align: center;">Page 111</p>	<p>1 A. 307 would be counted among those. 2 Q. So is it something that you say is widely held but only 3 amongst the older monks? 4 A. I think the problem at Ealing -- if you have a few older 5 monks who just cannot keep up with modern developments, 6 I fully understand that. But you had a significant 7 number of people and they were a bit vocal. That did 8 not help. 9 Q. You were asked questions for the preparation of your 10 statement in relation to how safeguarding can be 11 improved by individual monasteries, how the EBC can 12 assist, whether Canon law and the Rule of St Benedict's 13 support child safeguarding and child protection, and 14 also whether Canon law may be amended and, if so, how, 15 and one specific question you were asked was, should 16 offences related to child sexual abuse be framed as 17 crimes against the child rather than delicts against 18 morals or a breach of the obligation to observe them, 19 celibacy. 20 You have in fact today, through Ms Gallafent QC, 21 provided us with two pages which are your thoughts on 22 those matters, which is helpful. Thank you. They have 23 been handed to all parties in the room and the chair and 24 the panel have them, and they will be published in due 25 course. I thank you for that and I don't need to ask</p> <p style="text-align: center;">Page 112</p>

1 you anything about it.
 2 **A. Fine.**
 3 Q. I understand those to be what you would wish to say, in
 4 any event.
 5 **A. Yes.**
 6 **MS KARMY-JONES: So unless anyone, chair, you have any**
 7 **questions, that is all I have to ask Father Richard.**
 8 THE CHAIR: Mr Frank?
 9 Questions by THE PANEL
 10 MR FRANK: One matter, if I may. Perhaps we could just look
 11 up document BNT003756_001, behind tab 58, I think, if
 12 you have bundles in front of you. You might find it
 13 behind that. A document dated 13 May 2012. I just
 14 wonder if you could help us with understanding some of
 15 the language here. It is headed "Regimen business".
 16 Can you help with what that refers to?
 17 **A. The Carlile Report said that the Ealing Abbey Trust**
 18 **should no longer control the school, that it should**
 19 **become an independent trust. That means that it is not**
 20 **automatically a Catholic school. That means that if it**
 21 **is to remain a Catholic school, it has to be recognised**
 22 **as such by the local bishop, in this case the Archbishop**
 23 **of Westminster. The Westminster Diocesan Education**
 24 **Service was concerned about what happens if you have**
 25 **a rogue governor who in some way fights against the**

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1 **CHRISTOPHER JOSEPH CLEUGH (sworn)**
 2 **Examination by MS KARMY-JONES**
 3 **MS KARMY-JONES: Can you give us your full name, please,**
 4 **sir?**
 5 **A. Yes, my name is Christopher Joseph Cleugh.**
 6 Q. Mr Cleugh, you have an extensive teaching background,
 7 beginning in 1975. In 1993, you were appointed head of
 8 a Roman Catholic grammar school for boys?
 9 **A. That's correct.**
 10 Q. Between 2002 and 2016, you were head of St Benedict's
 11 School in Ealing?
 12 **A. That's correct.**
 13 Q. And, as part of that headship, you were head of
 14 the senior school but with overarching responsibility
 15 for the junior school as well?
 16 **A. Well, I was appointed as head of the senior school and**
 17 **I was head of the senior school only until the beginning**
 18 **of January 2005, and then I accepted responsibility for**
 19 **the whole school.**
 20 Q. Thank you. Between 2014 and 2016, you were chairman of
 21 the Catholic Independent Schools Conference?
 22 **A. That's correct.**
 23 Q. You have been an ISI inspector --
 24 **A. I have.**
 25 Q. -- between 1994 and 1996?

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1 **Catholic nature of the school, who is going to decide**
 2 **where he gets -- whether he is dismissed. And the**
 3 **suggestion was made, I think by Abbot Martin's lawyers,**
 4 **that maybe the EBC, the Abbot President, could do that**
 5 **job.**
 6 MR FRANK: Yes.
 7 **A. My short answer was, I wasn't very keen on it, but**
 8 **I would consult my council, and consulting the council**
 9 **is what I was doing there.**
 10 MR FRANK: Indeed, there is some anecdote that something
 11 similar to that concern had arisen in the past, I think.
 12 **A. One of the members of the council gave it --**
 13 MR FRANK: Raised it in that document?
 14 **A. Yes.**
 15 MR FRANK: Then there is a rather unusual expression,
 16 "I think Richard [assuming that's referring to you]
 17 should have a brainwashing session with Martin."
 18 **A. I assume he meant a "brainstorming" session.**
 19 MR FRANK: Thank you very much.
 20 THE CHAIR: Thank you very much, Dom Richard. No further
 21 questions.
 22 **A. Thank you.**
 23 **(The witness withdrew)**
 24 **MS KARMY-JONES: The next witness will be**
 25 **Christopher Cleugh.**

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1 **A. Yes.**
 2 Q. And again between 2004 and 2011?
 3 **A. That's correct.**
 4 Q. You have also been governor of several schools over the
 5 years?
 6 **A. That's correct.**
 7 Q. Before arriving at St Benedict's School in 2002, had you
 8 had any direct experience of dealing with allegations of
 9 child sexual abuse yourself?
 10 **A. No, not within the school at St Anselm's, no.**
 11 Q. Anywhere?
 12 **A. There was a student at St Anselm's, I believe he was in**
 13 **the sixth form, who had been being abused by**
 14 **a neighbour, and that came to light during my headship,**
 15 **and that was dealt with by the police and, in fact, the**
 16 **Wirral Local Education Authority.**
 17 Q. Given your long career as a teacher and in education and
 18 your work with the ISI and through your periods as
 19 governor of several schools, you must have been alert to
 20 the fact that child sexual abuse was something that you
 21 would have to be observant about and look out for in
 22 a school?
 23 **A. Absolutely right. It is fair to say that it was really**
 24 **from the '90s onwards that there was a lot higher**
 25 **profile on it. But of course, my priority, as**

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1 a teacher, was always that the safety of the child was
 2 paramount.
 3 Q. Dr Anthony Dachs was the headmaster at SBS before you
 4 joined, wasn't he?
 5 A. That is correct.
 6 Q. Did he, in fact, interview you for the role?
 7 A. No. No, he didn't interview me for the role. I think
 8 I said in my statement that how I knew -- the only
 9 reason I knew anything about St Benedict's School is,
 10 when I was appointed to the headship in St Anselm's, he
 11 was on that interview panel.
 12 Q. I see. So he interviewed you for St Anselm's?
 13 A. Yes.
 14 Q. Did you have a long relationship with him that predated
 15 your joining --
 16 A. Not really. When I was appointed to St Anselm's, he
 17 sent me a note of congratulations to which I replied,
 18 and I met him at one or two conferences -- well,
 19 headmasters' conferences since that day, but didn't have
 20 a long, established relationship with him at all.
 21 Q. So was there any sort of link between St Anselm's and
 22 St Benedict's School?
 23 A. No.
 24 Q. In your witness statement at paragraph 35.1 and it's
 25 BNT007138_019, you comment that Anthony Dachs was,

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1 policy.
 2 Q. Can I call up MPS002947. This is the witness statement
 3 of --
 4 A. Marek Nalewajko.
 5 Q. Thank you. It is on page 3. Have you seen this?
 6 A. Yes.
 7 Q. The penultimate paragraph on the page, second from the
 8 bottom, he says:
 9 "Prior to these allegations coming to light during
 10 Mr Chris Cleugh's time as headmaster, there was very
 11 little in the way of safeguarding policy or training
 12 present. Prior to the allegations coming out."
 13 Just for context, he was a math teacher between 1977
 14 and 2016, so had been at the school for a significant
 15 period of time?
 16 A. Absolutely.
 17 Q. And through Dachs' time and into yours?
 18 A. Yes, that's absolutely true. Marek Nalewajko had spent
 19 just about his entire teaching career in St Benedict's
 20 School. I think it's also true to say that when
 21 I was -- when I arrived in 2002, there was an allegation
 22 that I'd just been made aware of re Pearce, and so
 23 safeguarding was a priority, and very early into my
 24 headship I spent time refining the policy and discussing
 25 it with staff, and we did -- I can't -- I would be wrong

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1 himself, very passionate about the safeguarding and
 2 well-being of young people in his care?
 3 A. Absolutely, because I believe that to be the case. When
 4 I was appointed, which would have been February 2001,
 5 and I didn't take office up until January 2002,
 6 I came -- I think it was on two occasions -- to visit
 7 the school to have conversations with it, and it was
 8 clear he was a man of integrity and cared very much
 9 about the welfare of the children, and that comment is
 10 based on that.
 11 Q. So it's on the basis of conversations?
 12 A. Yes.
 13 Q. But what tangible evidence did you have, when you
 14 arrived at the school, of it? What were the existing
 15 provisions in place at St Benedict's when you began in
 16 2002?
 17 A. Well, there was clearly a child protection policy in
 18 place. I arranged one that I reviewed very early in my
 19 headship to make sure it was compliant. And I think
 20 I refer to it in my -- I don't think; I know in my
 21 statement I refer to the headmaster of the junior
 22 school, a Dennis McSweeney, who had worked very hard on
 23 the child protection policy for the junior school and,
 24 when we met, I agreed to adapt it to come to the senior
 25 school whilst running in tangent with it, a very similar

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1 to say exactly when, but we did ensure that staff were
 2 trained on what they were supposed to do and what was
 3 expected of them.
 4 Q. Here we have a math teacher who doesn't appear to think
 5 that he was trained very much, or that there was clarity
 6 in what was expected of him?
 7 A. Well, I can't add to that, except that, once I took
 8 over, I did have safeguarding as a priority, and I'd
 9 highlight the issue with staff on a regular basis.
 10 Q. You say that there was a safeguarding policy, protection
 11 policy, a child protection policy, in place when you
 12 joined in 2002?
 13 A. Yes.
 14 Q. Where is that?
 15 A. Well, I updated it straight away, so the first policy
 16 you will have in place is the one I introduced in
 17 I think it was September 2002, which would have gone to
 18 the advisers and trustees in June. I can't comment on
 19 the other one, I'm sorry.
 20 Q. Can I ask you a bit about the governance structure when
 21 you became --
 22 A. Certainly.
 23 Q. -- head.
 24 A. Yes. I mean, it was an unusual structure --
 25 Q. Can I pause? I was going to ask you a question.

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<p>1 A. Sorry. 2 Q. Because in your witness statement at paragraph 3.1, on 3 page 3, this is. 4 A. Yes. 5 Q. You say: 6 "The [board of advisers] had no executive powers and 7 recommendations were subject to ratification by the 8 Monastic Council ..." 9 Who were the trustees, in effect? 10 A. Absolutely. 11 Q. "... but this was invariably granted." 12 A. That's right. 13 Q. Can you recall any occasions when the trustees disagreed 14 with the board of advisers? 15 A. No, in truth. The only time that there would have been 16 a question of it is when there was to be serious 17 investment into the school. Now, I have to say, from 18 when I was head and the number of investments that we 19 had, the millions of pounds that were invested, was 20 ultimately always supported by the monastic community. 21 But it was quite right the then chair, the man who 22 became chair of the advisers, as I became head, 23 Patrick Tobin, his standard at the end of the meetings 24 was always to Father Abbot, that "In fact, these are the 25 points that we would like you to take to the trustees</p> <p style="text-align: center;">Page 121</p>	<p>1 for ratification". I was never aware of anything coming 2 back turned down. 3 Q. So Patrick Tobin, who you have just mentioned, there 4 came a point when he stepped down from the board of 5 advisers, and I think you suggest that may have been 6 five years into your headship? 7 A. It was 2007, I believe, when he stepped down. 8 Q. Then Abbot Martin took on the role of chairman of 9 the board of advisers? 10 A. Yes, that's correct. 11 Q. Do you know why that was? 12 A. Yes. When Patrick was stepping down, which was when -- 13 what was a momentous decision for the school to move to 14 full co-education across the school, Patrick was 15 stepping down, he was retiring, and it was the advisers 16 themselves, they were seeing who would be suitable to 17 take over the chair, and they actually said -- it came 18 from the advisers themselves -- that logical sense was 19 for the abbot to chair because he could then take the 20 views, as chair, direct to his council. 21 Q. Did you have -- 22 A. I supported that. 23 Q. You did? 24 A. Yes. 25 Q. So you didn't have any concerns about Abbot Martin being</p> <p style="text-align: center;">Page 122</p>
<p>1 chairman? 2 A. No, not at the time at all. And, in fairness, he was 3 always a very fair man and he would always take the 4 comments that were made -- you know, say there were six 5 requests, for instance, he would take them and put them 6 one by one to the trustees. 7 Q. But you knew -- 8 A. And I have to say -- sorry to interrupt. 9 Q. No, of course. 10 A. I have to say that the advisers themselves felt 11 comfortable with that. Now, eventually, after the 12 publication of the Carfile Report, which I am sure we 13 will come to in due course, the abbot immediately 14 stepped down and his -- the deputy chair of 15 the advisers, Christopher Field, took up the office 16 straight away. 17 Q. You knew at the time, though, that he didn't have the 18 experience that someone like Patrick Tobin had, who had 19 been headmaster at two independent schools, had been 20 chairman of the headmasters' conference, and 21 Abbot Shipperlee didn't really have much experience at 22 all, did he? 23 A. Well, not in those terms, of course, but of course 24 you've got to look at the rest of the board at the time, 25 which included a person who had been the second master</p> <p style="text-align: center;">Page 123</p>	<p>1 at Dulwich College, you had a man who had been a senior 2 servant in the -- senior civil servant in the Ministry 3 of Defence. These were all advising him. He was 4 literally chairing the meetings. 5 Q. In your witness statement at paragraph 36.1, you suggest 6 that structural problems can exist if a school is not 7 independent of the monastery. Do you see any 8 inconsistency with that and what your evidence is today? 9 A. Well, I have to say, between when that decision was 10 taken, which was I think September 2007, what ensued 11 over the next three years, in terms of revelations of 12 what had happened historically in the school, I think 13 the situation changed dramatically, and, yes, I totally 14 stand by my statement there in 36.1. 15 Q. So, with hindsight -- 16 A. With hindsight, yes. 17 Q. -- now looking back, would you have had concerns about 18 Abbot Martin as chairman? 19 A. Not Abbot Martin as an individual, but I could see the 20 conflict between his role as abbot of the Trust or, 21 rather, the overall Trust and chair of the school part 22 of the Trust. 23 Q. Did you find Abbot Martin took decisions easily? 24 A. He -- I wasn't ever aware of Abbot Martin making what 25 I would call an independent decision as regards anything</p> <p style="text-align: center;">Page 124</p>

1 to do with governance. To all intents and purposes, the
 2 advisory body ran as a governing body but just needed
 3 all its decisions ratified, which I accept, in the
 4 modern age, is not the right way forward. But that
 5 actually happened. But he would never have made
 6 a decision without consultation, or I was never aware of
 7 him making a decision without consultation.

8 Q. When you joined the school, what did you know about
 9 David Pearce?

10 A. Well, what I knew was just -- I had obviously met him at
 11 the time of the interview process, because I met a lot
 12 of the monastic community at that time. But I became
 13 aware of an allegation that was made, I believe, in
 14 about October 2001, and I became aware of that -- the
 15 abbot had asked the headmaster of the junior school,
 16 whom I'd established contact with and invited him to
 17 come and spend some time with me in Birkenhead so we
 18 could discuss the transition period, and he mentioned
 19 that there'd been -- that the abbot had asked him to
 20 mention an allegation had been made about David Pearce.
 21 So that's when I was first aware of it.

22 Q. So you knew of the 2001 allegation, and I just clarify
 23 that because in your statement you suggest you knew
 24 about the civil claim, and of course that came later?

25 A. I must apologise for that. I mean, one of the downsides

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1 welcome this."

2 A. Well, I can honestly say i do not remember that. That
 3 gentleman was a member of my senior team, so he would
 4 have had access to the discussions that were going on
 5 but I have no recollection of that.

6 Q. You don't remember him leaving the meeting after your
 7 suggestion that you should pray for him?

8 A. Actually, I think that refers to a meeting when the
 9 allegations -- probably when the civil action was going,
 10 and I held a staff meeting and at the end of the meeting
 11 I said to people, "We need to pray for everybody
 12 involved", that's the nature of myself, but I would
 13 certainly have thought about the abused, I would
 14 certainly -- and do repeatedly, and I would have said to
 15 pray for everybody involved.

16 And, yes, I probably even said, "and pray for
 17 David Pearce as well", but it wasn't meant that I was
 18 condoning in any way the crimes that he perpetrated.

19 Q. MPS002950_002. Statement of Katherine Ravenscroft.

20 A. Yes.

21 Q. The first paragraph, the last line:
 22 "When the police came to see me, the new headmaster,
 23 Mr Cleugh, was obviously unhappy and treated me like
 24 a Judas."
 25 A. Well, I'm not sure where that came from, but my

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1 since I've retired, I haven't got all the timeline, but
 2 it's quite right, the civil case actually came two years
 3 later, two or three years later.

4 Q. So knowing about Father David when you took up the job,
 5 did you do anything about it?

6 A. Well, I'm not sure what you -- directly, no, there was,
 7 as I understand, no restriction on him in the school at
 8 that particular time. I think I made in my statement
 9 that I was only ever really aware of him being in school
 10 once, which -- that was the centenary of the school.
 11 I arrived as the centenary was there beginning, and one
 12 of the events was a visit from a very eminent
 13 Old Priorian, who happened to be a personal friend of
 14 Pearce's, and he brought him over to the school. On
 15 that occasion -- that was the only occasion I was aware
 16 of him there. I do remember the head of drama saying to
 17 me that he shouldn't be in the school, but, as I was
 18 aware, there were no restrictions at that time.

19 Q. Just looking at what some of the other staff in the
 20 school said, can we look at MPS002946_003. This is
 21 Mr Halsall's witness statement. You will have read it.
 22 About a third of the way through the big paragraph in
 23 the middle, he says:
 24 "When Cleugh became head, I attempted to make him
 25 aware of past issues with Pearce and others. He did not

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1 recollection of the issue -- number one, I had nobody at
 2 any time, Anthony Dachs or anybody else, ever mention
 3 anything to me about a time bomb waiting to explode.
 4 The first time I read that was when I read this
 5 particular statement.

6 Now, I think the answer to your question, with
 7 respect, is that I did ask to speak to Katie on that
 8 occasion, because I believed -- the police were in
 9 school and I was not aware of it, and I was just
 10 reminding her that, if she was going to see the police,
 11 it would have been a courtesy to me, as head, to let me
 12 know the police were coming in.

13 Q. To forewarn you of it?

14 A. Not to forewarn me what it was about, but I would have
 15 thought it was normal for a head to be aware that
 16 somebody was coming in to school.

17 Q. Can we turn to the next statement, MPS002957. This is
 18 Harsha Mortemore. In the last paragraph, she says:
 19 "The first time I knew that Father David was being
 20 investigated was when the headmaster, Chris Cleugh,
 21 called a meeting and told us not to talk to anybody
 22 outside the school."
 23 A. Right. What would have happened on that particular
 24 occasion -- quite right, I got all the staff and said,
 25 "These are very serious allegations", and I would have

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1 said, "My advice would be ..." -- I don't have the right
 2 to say to anybody they can't discuss anything, I'm aware
 3 of that, "My advice is not to have a conversation about
 4 it". I would have said that. But I wouldn't be in any
 5 way condoning what was alleged, under any circumstances.
 6 Q. The impression seems to be that you didn't welcome the
 7 intervention, and perhaps that you were trying to
 8 protect the reputation of the school?
 9 A. Absolutely not. I would emphatically deny that.
 10 Q. What did you understand the position to be about
 11 reporting Pearce to the external authorities when you
 12 started and in the first year, few years?
 13 A. In a sense, the whole issue of reporting developed
 14 tremendously in the first decade of the -- of this
 15 millennium, very much do, and in fact, my understanding,
 16 if there was a certain particularly about a teacher at
 17 the time is you would refer it to the conduct team at
 18 the DfE as it was in those days.
 19 Now, David Pearce was not working in the school at
 20 the time and, had it happened five or six -- you know,
 21 a couple of years later, when the legislature was far
 22 more clear, I would definitely have referred it straight
 23 away.
 24 Q. Presumably, you knew that he was a Trustee when you
 25 joined?

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1 Q. Didn't mention that?
 2 A. No.
 3 Q. So he did step down from becoming a Trustee -- from
 4 being a Trustee as a result of the allegations made
 5 against him?
 6 A. I think this was when the civil action was coming
 7 forward, yes.
 8 Q. This is April 2004, but that didn't start until a little
 9 bit later.
 10 A. Okay.
 11 Q. What did you know about restrictions on Pearce and how
 12 he was monitored?
 13 A. Well, I was -- once the restrictions were put on him,
 14 I was fully aware that he was not allowed into the
 15 school and I conveyed that to the staff.
 16 Q. How were you aware of that?
 17 A. I would have been informed by the abbot.
 18 Q. Did you see what the restrictions were?
 19 A. I can't remember that.
 20 Q. So it was through a conversation?
 21 A. Yes. I mean, I'm not saying I didn't see it, but I have
 22 no recollection of it.
 23 Q. Who did you tell of the restrictions?
 24 A. I would have told the staff.
 25 Q. You would have or you did?

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1 A. Well, he stepped down fairly soon after it. As soon as
 2 the allegations were aired, I believe he stepped down as
 3 Trustee. The allegations --
 4 Q. 2004. You have told us earlier you knew before you
 5 joined --
 6 A. Oh, I knew about the alleged one, yes.
 7 Q. -- about the allegations, yes, an allegation?
 8 A. Well --
 9 Q. Nonetheless, he stayed trustee until 2004?
 10 A. All I can say is, I clearly got that wrong, for which
 11 I very, very much regret, but at the time, there wasn't
 12 a mandatory duty to report, and I regret that I did not
 13 do it.
 14 Q. Did you think it was appropriate or raise any concerns?
 15 Did you just not think about it, that he was a Trustee?
 16 A. I clearly did not think about it and clearly I should
 17 have reported it, but there wasn't -- it wasn't an
 18 automatic thing that I thought about at that time, which
 19 I most certainly would have done four or five years
 20 later.
 21 Q. Did Mr Dachs raise with you concerns that had been
 22 raised with him by Harsha Mortemore about Pearce
 23 bringing children to the junior school on Friday
 24 afternoons?
 25 A. No, absolutely not.

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1 A. Well, I did, as far as ...
 2 Q. Did you feel it was satisfactory having someone accused
 3 of child sexual abuse against whom, once we got to 2006,
 4 there had been a civil judgment, did you think it was
 5 satisfactory that he should be living adjacent to the
 6 school?
 7 A. I think the answer is, in hindsight, I definitely know
 8 that that wasn't the case, but I never flagged it up as
 9 an issue. And I realise that that's something that
 10 I might well -- I should have done; not might well have
 11 done, should have done.
 12 Q. Did you just not consider that there might be a risk to
 13 children in your care?
 14 A. I didn't consider there was a risk to the children in my
 15 care, because he was not allowed on the school premises,
 16 and I did -- I was aware that staff were alert that if
 17 he was on the school premises, that they would be
 18 alerted to it -- that I would be alerted to it.
 19 Q. What was your understanding of the circumstances in
 20 which a student might work at the abbey?
 21 A. Well, I was only ever aware of one student who was
 22 working in the abbey, and I think I have already stated
 23 in my statement that this was -- I think it's reported
 24 somewhere that it was work experience. It most
 25 certainly was not a work experience. It was that the

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<p>1 young man concerned was considering a vocation to the 2 Benedictine life, and had been for a number of years, 3 very closely, as an altar boy within the abbey, 4 et cetera, and was interested particularly in the 5 vocation in that way. He was -- I don't know the 6 circumstances, actually, how he was, but he accepted 7 a job of basically washing dishes in the library -- 8 sorry, in the library, in the monastery, and, you know, 9 it's an event that very much -- that I regret, I know 10 everybody else regrets, happening, including his 11 parents, who were rather quite close friends of mine in 12 a professional sense, if you understand what I mean, 13 and, you know, he was working there with their blessing.</p> <p>14 Q. Indeed. But you knew that he was working in the 15 monastery; you knew that David Pearce was living in the 16 monastery; you knew that David Pearce was a danger, 17 potentially; and you also knew that A621 was friends 18 with some of the monks, didn't you?</p> <p>19 A. Yes.</p> <p>20 Q. Can we call up ISI000564_053.</p> <p>21 A. I can't read that.</p> <p>22 Q. If you look at the beginning, it is a meeting with the 23 head?</p> <p>24 A. Yes, that's fine.</p> <p>25 Q. It is dated 30 April 2010?</p> <p style="text-align: center;">Page 133</p>	<p>1 A. Yes.</p> <p>2 Q. If we go to over the page, if you look just below 3 halfway down, a third of the way from the bottom, it 4 says: 5 "HT [head teacher] thought and said he probably did, 6 as was interested in training for priesthood ..." 7 That you've mentioned?</p> <p>8 A. Yes.</p> <p>9 Q. Forgive me, I should have said the first line: 10 "RVLS asked if head teacher knew boy was working in 11 the abbey?" 12 You said you thought you probably did as he was 13 interested in training for priesthood?</p> <p>14 A. Yes.</p> <p>15 Q. "Close friends with some of the monastic community."</p> <p>16 A. Yes.</p> <p>17 Q. You said it did not enter your head?</p> <p>18 A. I have already unreservedly apologised for what was 19 a very bad judgment on my part in that particular case, 20 yes, absolutely.</p> <p>21 Q. What did you make of the Pearce situation and his 22 offending with A621? Did you feel, as a result of that, 23 let down by Abbot Martin at all?</p> <p>24 A. I think the answer is, because, as I think you're aware, 25 he disclosed it first of all to the designated</p> <p style="text-align: center;">Page 134</p>
<p>1 safeguarding -- the child protection leader, as it was 2 in those days, my deputy, and we were both informed at 3 the same time, and of course there was a deep sense of 4 shock and upset about it. We immediately referred it. 5 You know, "feel let down" is the wrong word, but 6 obviously I was deeply upset that it ever actually 7 happened, and I accept totally that everything should 8 have been done to prevent that happening.</p> <p>9 Q. And do you accept that you bore some responsibility for 10 that failure?</p> <p>11 A. I accept that -- and, once again, in hindsight, in 12 hindsight, I maybe should have spoken or I should have 13 spoken to the parents, said, "This should not actually 14 happen". But it is also true to say that a number of 15 the staff were also aware that he was working in the 16 monastery, because the young man concerned was very open 17 in his interest -- in his perceived vocation and also 18 was always sharing it with colleagues.</p> <p>19 Q. Forgive me, but when I asked you the question about 20 accepting responsibility, you said, "I accept", and then 21 you seemed to baulk at --</p> <p>22 A. I'm not baulking.</p> <p>23 Q. -- the idea of you, yourself, bearing responsibility and 24 you said "I accept it shouldn't have happened". That's 25 a different question, isn't it?</p> <p style="text-align: center;">Page 135</p>	<p>1 A. Okay, I'm prepared to say I accept responsibility. In 2 hindsight, I should have acted differently.</p> <p>3 Q. In 2010 -- can we go to ISI001095. Can we go to the top 4 section, please, the last sentence of the top section: 5 "The school accepted no responsibility for the 6 failure of the restrictive conditions imposed on 7 Father David Pearce and regarded the restrictions on 8 RC-F41 as sufficient."</p> <p>9 A. Okay. I think -- I obviously remember that very well. 10 I actually strongly believe that it was by his 11 disclosure within the school situation and the 12 subsequent referral to the police and to the LADO that 13 in fact the criminal case came to a head and the charges 14 were actually brought. 15 When I said -- the point I was making was that, in 16 fact, it was an event that happened outside school. 17 Whether I could have prevented the young man working 18 there, given that it was -- we are a day school and it 19 was his parents' responsibility for what he did out of 20 school situation. I think that's where that came from. 21 I think the point I was trying to make to inspectors 22 was that the young man, and all the young men and young 23 ladies in the school, were protected by our child 24 protection policies.</p> <p>25 Q. So what did you say to Abbot Shipperlee?</p> <p style="text-align: center;">Page 136</p>

1 **A. Well, obviously, I informed him of the complaint, made**
 2 **him very aware, and obviously he was --**
 3 Q. Wasn't he aware? What do you mean you informed him of
 4 it?
 5 **A. Of the allegation after it had been known.**
 6 Q. He wasn't aware?
 7 **A. He wasn't aware.**
 8 Q. Go on. So what did you --
 9 **A. So, basically -- and he was obviously very, very, very**
 10 **dismayed and quite rightly so. I also, at the young**
 11 **man's request, told his parents in his presence.**
 12 Q. Did you think you and Abbot Martin, that anything needed
 13 to be reviewed following this incident with A621?
 14 **A. Clearly, yes.**
 15 Q. So what did you actually do about it?
 16 **A. Well, I was aware that from -- obviously, once the**
 17 **allegation got out, staff became aware pretty quickly**
 18 **what happened, I would have informed the staff, and**
 19 **there was certainly no question of anybody under the age**
 20 **of 18 working in the monastery.**
 21 Q. What lessons were learnt after his re-offending?
 22 **A. I think the answer to that is very clear, that it was**
 23 **inappropriate for a perpetrator such as Pearce to be in**
 24 **a place where he could make contact with people -- with**
 25 **children.**

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1 **A. I don't believe so.**
 2 Q. At what point did you come to know that he had admitted
 3 the actions that were alleged against him? I use that
 4 word carefully, because of course he didn't admit -- the
 5 case went to trial and he was acquitted.
 6 **A. He actually -- at the time of his charging, he asked to**
 7 **come and speak to me in my home, which actually the**
 8 **headmaster's home in Ealing is beside the abbey. He**
 9 **asked to come and see me in there, and he told me.**
 10 Q. F41 told you?
 11 **A. Yes.**
 12 Q. Forgive me. When I said it went to trial, it was my
 13 confusion over ciphers. It did not go to trial because
 14 the incident had taken place in Italy.
 15 **A. He told me of that incident when he came to see me. He**
 16 **had been charged, I think, with something else.**
 17 Q. Yes, another allegation had come to light later on, in
 18 2010.
 19 **A. Yes.**
 20 Q. When did you first get the Tregaskis report then?
 21 **A. I don't think I saw the Tregaskis report.**
 22 Q. You don't think you were given it?
 23 **A. No.**
 24 Q. Don't you think it would have been relevant for it to
 25 have been given to you?

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1 **MS KARMY-JONES: Would that be a convenient moment for**
 2 **a break?**
 3 THE CHAIR: Yes, indeed. We will return just before
 4 3.30 pm.
 5 (3.14 pm)
 6 (A short break)
 7 (3.33 pm)
 8 MS KARMY-JONES: When did you first come to know of
 9 the allegations that had been made against RC-F41? Do
 10 you need reminding as to who F41 is?
 11 **A. I know who RC-F41 is. It would have been at the time of**
 12 **his arrest. There's nothing on the screen here, but at**
 13 **the time of his arrest. I can't remember, without**
 14 **referring to the papers, when it is. But that was when**
 15 **I -- and then he -- and when he was charged.**
 16 Q. But not before?
 17 **A. No.**
 18 Q. He was arrested on 21 December 2005?
 19 **A. That would be -- it would have been around that time**
 20 **I was aware of the allegations, yes.**
 21 Q. Did you know that he had admitted the actions alleged?
 22 **A. Not at that time, no.**
 23 Q. He was assessed in July 2005 by David Tregaskis?
 24 **A. Yes.**
 25 Q. Did you get a copy of that report?

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1 **A. Well, in hindsight, again, yes, but I am not aware that**
 2 **I ever read that report. Until, of course, now.**
 3 Q. And now you have seen David Tregaskis's comments about
 4 what he was told by F41?
 5 **A. Yes.**
 6 Q. On 30 April 2010 -- this is ISI000564 -- you told the
 7 ISI -- this is on page 54 --
 8 **A. Yes, I have got it, yes.**
 9 Q. You told the ISI that F41 had been exonerated.
 10 **A. Well, found not guilty, yes, and they wrote down the**
 11 **word -- I probably did use the word "exonerated", but**
 12 **I felt "not guilty". It was my -- it was my -- I hadn't**
 13 **twigged to the fact that they were unrelated, the two**
 14 **events were unrelated. So that was an error on my part.**
 15 **I was making the comment he'd been charged and trialed**
 16 **and found not guilty.**
 17 Q. You also say:
 18 "He sits in the same row as the head teacher before
 19 mass and with monks for mass."
 20 **A. Sorry?**
 21 Q. The line above.
 22 **A. He was sitting in the choir with monks for mass, but**
 23 **I don't think I would have mentioned him sitting with**
 24 **me.**
 25 Q. So did you not know at this point that he had admitted

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1 digitally penetrating a boy's anus?
 2 **A. I told you, he had told me that he had done that, and he**
 3 **gave me a reason, which I understood had been --**
 4 **obviously incorrectly, had been accepted.**
 5 Q. Did he tell you that he himself had expressed concerns
 6 about some of his feelings towards boys?
 7 **A. No, he didn't tell me that.**
 8 Q. Did Abbot Shipperlee tell you?
 9 **A. Abbot -- the abbot actually told me also about the**
 10 **penetration that you referred to.**
 11 Q. Did he tell you that David Tregaskis had raised concerns
 12 over F41's --
 13 **A. I have no --**
 14 Q. -- reasons for doing it?
 15 **A. I have no recall of that.**
 16 Q. And that F41 had, to David Tregaskis, accepted there
 17 might have been a sexual motivation?
 18 **A. I wasn't aware of that at that time.**
 19 Q. What did you know about the restrictions on F41, bearing
 20 in mind, in 2010, he was sitting in the row with you?
 21 **A. I knew he wasn't allowed -- I don't understand what you**
 22 **mean by saying he was sitting in the row with me. I'm**
 23 **not aware that he ever sat in a row with me.**
 24 Q. We have just looked at the line halfway through ISI --
 25 **A. And I did say I don't remember -- the way the abbey**

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1 **A. Well, no, but, I mean, I hadn't seen that in advance.**
 2 Q. What did you know about the restrictions?
 3 **A. I knew he wasn't allowed to enter into the school.**
 4 **I knew he wasn't allowed to say public mass.**
 5 **I obviously saw the covenant of care that he actually**
 6 **was put on.**
 7 Q. You did? Do you have a copy of that?
 8 **A. I have here now, yes.**
 9 Q. You do?
 10 **A. Well, sorry, it's -- I've seen it in the files.**
 11 Q. How was it monitored?
 12 **A. Well, as regards the school, I was responsibility --**
 13 **responsible for making sure he didn't enter the school.**
 14 **All my staff were aware of the restrictions upon him.**
 15 **And, consequently, that's the way I managed that part.**
 16 **As regards the monastic part, all as I can say, as**
 17 **I think I said in my statement, I was never aware in the**
 18 **times that I was in the abbey that he broke the covenant**
 19 **of care as he had it.**
 20 Q. Did you know he was barred in 2008?
 21 **A. When it -- I didn't know until 2008. I became aware of**
 22 **it then.**
 23 Q. Do you feel at all that you were kept in the dark about
 24 some salient information that you should have known?
 25 **A. Well, I think -- I've admitted that I actually knew the**

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1 **works out for prayers, the monks are up on the -- in the**
 2 **choir at the back of the altar, and I don't think I was**
 3 **ever in the choir. So I wouldn't have been sat beside**
 4 **[redacted].**
 5 Q. Well --
 6 **A. I mean, I don't see these documents when --**
 7 **MS KARMY-JONES: Cut the feed. I'm sorry, can we pause for**
 8 **a moment?**
 9 **A. Can I speak again now?**
 10 **MS KARMY-JONES: No.**
 11 THE CHAIR: I will make the restriction order.
 12 MS KARMY-JONES: Thank you very much. Just a reminder,
 13 please take care over mentioning any names.
 14 **A. Sorry. My apologies. Can I just come back to the**
 15 **question you made, because I've now been able to read**
 16 **it. I think what I will have said at that stage is,**
 17 **I was a regular worshipper in the abbey myself at 7 am**
 18 **mass in the morning, and I frequently would go into the**
 19 **chapel at 20 to 7 or somewhere like that. I might have**
 20 **been referring to the fact, at that time, the monks,**
 21 **having finished their office, could be sitting in a row**
 22 **preparing for mass. So I could have been referring to**
 23 **that. That's my only possible explanation of that.**
 24 Q. It's not actually what it says, though, is it? So it is
 25 not what was recorded?

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1 **information. I hadn't properly thought about it in that**
 2 **particular sense. So I can't say I wasn't informed, and**
 3 **I do -- I certainly I'm not condoning the actions that**
 4 **F41 was alleged to have done, or admitted doing,**
 5 **I should say.**
 6 Q. Had you warned your staff about him?
 7 **A. Well, staff were aware that he was on a restricted**
 8 **covenant and could not come into school.**
 9 Q. When do you think that covenant was put in place?
 10 **A. I saw it -- it was either 2005 or 2006 time. I haven't**
 11 **got it right in front of me, but I have seen it. It was**
 12 **about the time of his arrest.**
 13 Q. F46, moving on.
 14 **A. Yes.**
 15 Q. Allegations in 2004 and 2010.
 16 **A. Yes.**
 17 Q. What did you know about the restrictions on F46?
 18 **A. The restrictions, I became aware of FC46 were actually**
 19 **in -- was around the 2010 time. I wasn't --**
 20 Q. Did you know about the 2004 matter?
 21 **A. I have no recollection of it.**
 22 Q. Did you know about the 2004 matter in 2010?
 23 **A. I became -- I was made aware at that time, yes.**
 24 Q. And restrictions?
 25 **A. I was aware that -- when his covenant of care came in,**

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1 **I was obviously aware of them too, yes.**
 2 Q. Again, did you tell your staff?
 3 **A. Yes.**
 4 Q. So all would have been aware, would they?
 5 **A. Yes.**
 6 Q. Soper. Can we move on to Soper?
 7 **A. Yes.**
 8 Q. Soper, had he already gone to Rome --
 9 **A. When I arrived, yes.**
 10 Q. -- when you arrived?
 11 **A. Yes.**
 12 Q. Did you ever meet him?
 13 **A. Only once, and that was at the -- he came back to**
 14 **a funeral of two of the monks.**
 15 Q. When you joined the school, were you told about the
 16 allegation of RC-A420?
 17 **A. No.**
 18 Q. Did you come to hear about that?
 19 **A. Only I became aware -- I think it was towards the end**
 20 **of November 2010.**
 21 Q. Do you think you should have known?
 22 **A. Well, because he was living abroad and he had no direct**
 23 **contact with the school, I didn't perceive it as**
 24 **a problem, but, in hindsight, once again, I should have**
 25 **done.**

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1 **inspection was the 10th and the 11th. So I definitely**
 2 **did not know about it at the time of the 2009**
 3 **inspection.**
 4 Q. So, in addition -- we don't need to go into the detail,
 5 but were you aware of A420 in 2001; in 2004, A622; A11
 6 in 2008; and A591 in 2009?
 7 **A. They all became aware to me in that period**
 8 **between November 2009, and of course when Lord Carlile**
 9 **produced his report, so I became --**
 10 Q. So you were completely kept in the dark until this
 11 point, were you?
 12 **A. I wasn't aware of the allegations until after 2009.**
 13 **I have already said that.**
 14 Q. Did you know that from July 2006 the Charity Commission
 15 were undertaking a statutory enquiry into Ealing Abbey?
 16 **A. I do.**
 17 Q. And that those followed safeguarding concerns in respect
 18 of David Pearce?
 19 **A. I do. Once again, that report was published after the**
 20 **inspection had taken place.**
 21 Q. Did you know that it was after notification of Pearce's
 22 re-offending that the Charity Commission had opened the
 23 second statutory inquiry in February 2009?
 24 **A. I have read it. I was aware of the Charity Commission**
 25 **writing, because part of the complaint was -- was, in**

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1 Q. He was not abroad until 2002, and, as you have already
 2 mentioned, it was open to him to come back?
 3 **A. Sorry, he'd gone before I arrived as head, and I came**
 4 **in -- I arrived in January 2002. He'd already left --**
 5 **he was already working in Rome then.**
 6 Q. Did you subsequently learn of the allegations of
 7 RC-A622. It is a 1970s allegation and an allegation of
 8 rape --
 9 **A. I did.**
 10 Q. -- and repeated chastisement.
 11 **A. I did later on, yes. But that would have been -- well,**
 12 **post the 2009 inspection.**
 13 Q. Did you not know about those allegations until after the
 14 2009 inspection?
 15 **A. Until after the 2009.**
 16 Q. Can we just look at the Carlile Report, BNT001113_017.
 17 **A. Yes.**
 18 Q. This suggests at the bottom that the allegation in
 19 respect of Father Soper was received in November 2009?
 20 **A. That's right.**
 21 Q. You were aware of it then?
 22 **A. If I remember the date of that, it was about a week**
 23 **after the inspection had occurred.**
 24 Q. If you remember the date?
 25 **A. Well, I do. I'm sure it was 17 or 19 November and the**

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1 **fact, that a member of staff -- it implied it was me --**
 2 **had been over to America and taken my wife on Trust**
 3 **expenses, which was totally unfounded, of course.**
 4 Q. Did you get a copy of the 2009 report, the
 5 Charity Commission report?
 6 **A. After its publication, yes.**
 7 Q. We know that Pearce and F41 stepped down as trustees
 8 in April 2004. The ISI interviewed the bursar for the
 9 school and secretary for the Trustees in April 2010.
 10 Can we look at ISI000564_059, please. This just is the
 11 question form for staff, the general form. It may come
 12 up in a moment. It shows the inspector's initials and
 13 it shows who was being interviewed, the bursar and the
 14 secretary to the trustees?
 15 **A. Yes.**
 16 Q. Then if we go to page 62, the sentence at the bottom:
 17 "School has not made notifications over Father David
 18 or RC-F41. Father David -- 2004, no-one told the
 19 Department of Children, Schools and Families that he had
 20 stepped down as a trustee. In 2008, had nothing to do
 21 with the school at that time."
 22 So no-one -- the school did not make notifications?
 23 **A. That was admitted. I seem to recall there being one**
 24 **particular case, one notification had happened. I can't**
 25 **remember whether it was Pearce or whether it was RC41.**

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<p>1 Retrospectively, it turned out she had that. But we 2 certainly hadn't on the other occasion. 3 Q. Underneath it says someone, I can't quite read the 4 initials, "came to see abbot about a week ago, and said 5 the department should be told"? 6 A. AGBIS, I think that is, the board of independent schools 7 governors. 8 Q. As far as they were concerned, the school did not make 9 any notifications. As far as the bursar was concerned, 10 no notifications had been made. You can see at the very 11 bottom of the page: 12 "The bursar wants to do things correctly ..." 13 A. That's correct. 14 Q. Clearly, things had not been done correctly up until 15 that point? 16 A. Yes. 17 Q. You say in your witness statement at paragraph 31.5 that 18 the Independent Safeguarding Authority: 19 "We had responsibility for reporting certain matters 20 to them. At the time of the 2010 inspection, we had not 21 done so in the case of David Pearce." 22 You call that an unfortunate oversight? 23 A. Well, it was a huge mistake, then. 24 Q. If we look at ISI001121_002. It may not be that 25 reference. Just give us a moment.</p> <p style="text-align: center;">Page 149</p>	<p>1 In a document in August 2010, I think -- we will 2 check the date -- Mr Fox said: 3 "I believe that the real failure of compliance seems 4 to have been that of the head." 5 It is there, forgive me. If we can go back to that. 6 Just below the sentence beginning, "In the light of 7 the above", about halfway down the block of text -- 8 A. I see it. 9 Q. The next sentence: 10 "I also believe that although this was not a fully 11 expressed finding of the ISI follow-up inspection, the 12 real failure of compliance seems to have been that of 13 the head in not reporting to the Department for 14 Education or ISA the various cases that had led to 15 members of the monastic community or teachers being 16 barred from access or ceasing to work in the school in 17 circumstances that would have provoked further enquiries 18 and concerns had they remained." 19 A. Well, I think the answer to that is, when he was -- when 20 we were inspected in November 2009, that reporting 21 inspector was aware of the two cases that I was aware of 22 at the time. He was aware that David Pearce had been 23 imprisoned on a number of charges, and he was also aware 24 that RC41 was on a restrictive covenant. In fact, 25 during the inspection, he made a point of -- first of</p> <p style="text-align: center;">Page 150</p>
<p>1 all, on the pre-visit and then on the inspection 2 itself -- of checking with the chief inspector that in 3 fact the school was complying and doing everything that 4 it possibly could. 5 Q. Shall we look at what he says after that: 6 "Had this been done in accordance with statutory 7 requirements, then we should not have gone to inspect 8 this school with no information about the situation 9 there other than what the school chose to reveal to us. 10 If it was done, then the failing lies with those 11 agencies for not sharing the information appropriately. 12 "I will wait with interest to hear what action ISI 13 decides to take with respect to all this. I am not 14 happy about what has occurred and wonder whether it 15 merits some form of complaint to HMC about one of their 16 members, a person who I found congenial on a personal 17 level and who mostly seems to be doing a very good job, 18 as was apparent from the school's excellent inspection 19 report. He has, however, evidently not been completely 20 frank about the situation at the school, possibly out of 21 deference to the abbot (also a former head of the junior 22 school), for whom he clearly has a great deal of 23 respect, which may have inhibited what he felt he could 24 tell us." 25 A. I can refute that utterly, in that I believed that I had</p> <p style="text-align: center;">Page 151</p>	<p>1 disclosed everything that I needed to, that I should 2 have had responsibility to do, that I was aware of at 3 the time, I revealed to that reporting inspector. 4 Q. But you know that the ISI considered that there was 5 material non-disclosure during the process of the 2009 6 inspection, don't you? 7 A. There was not, no. They don't say that. They actually 8 say in the follow-up inspection in 2010 there was 9 non-disclosure. 10 Q. Why do you think there was a follow-up inspection in 11 2010? 12 A. Well, because I know there was a complaint from 13 a concerned member of public and I know that's their 14 particular right and I would have fully cooperated with 15 them. 16 Q. It was because of non-disclosure, wasn't it, in part? 17 A. I don't get privy to what was actually said to the ISI, 18 but there was concern about our policies, but in actual 19 fact, it was disclosed of events that happened after 20 that November inspection. 21 Q. Can we pull up the next reference, ISI001293_039, 22 paragraph 164. By way of context, you knew that under 23 the Independent School Standards in force in 2009, the 24 school was obliged -- obliged -- to provide any body 25 conducting an inspection with any information reasonably</p> <p style="text-align: center;">Page 152</p>

<p>1 requested in connection with it that is necessary for 2 the purpose of the investigation. You know that 3 provision? 4 A. Absolutely. 5 Q. You, yourself, had been an inspector? 6 A. Absolutely. 7 Q. You have said at your witness statement, paragraph 32.2: 8 "Prior to the 2009 ISI inspection, we received 9 a visit from the reporting inspector, Rodney Fox. At 10 that meeting, I was open and honest about the case of 11 David Pearce, by which time he had been sentenced and 12 was [serving] in prison, and [in the] case of RC-F41." 13 Can we go to the next document, ISI001121_001. It 14 is the one that we have just looked at. It is plain, is 15 it not, that Rodney Fox's view, which appears in various 16 documents, is that you were not revealing information to 17 him. If we look at what he says on page 1, he says: 18 "With respect to Father David Pearce, I was not 19 informed, but I have subsequently read in the 20 newspapers -- (i) that he had been under a restricted 21 covenant because of previous concerns about his 22 behaviour; (ii) that he had been involved in a previous 23 civil action in 2006 when substantial damages were 24 awarded to the victim; (iii) that he had been accused of 25 offences dating back to 1972 which involved 8 pupils and</p> <p style="text-align: center;">Page 153</p>	<p>1 that there was a history of complaint about him; (iv) 2 that he had at one time been head of the junior school. 3 "What I was told by the head was that one of 4 the monks had been accused (and subsequently convicted 5 between my first and second visits) of an offence which 6 took place off school premises in the monastery 7 [kitchen] and which came to light when the victim, who 8 happened to be a pupil, complained through the school's 9 child protection procedures, which led to the incident 10 being reported and investigated. The head commented to 11 me that the incident was a vindication of 12 the effectiveness of the school's CP procedures. It is 13 now evident that what I was told was only part of 14 the truth with respect to Father David Pearce." 15 He goes on and speaks about Maestri, a former 16 teacher at the senior school? 17 A. Yes. 18 Q. Described as head of the middle school, who had been 19 convicted of offences, but that this had come not from 20 the senior school head but the junior school head, 21 Rod -- no, forgive me. 22 Then: 23 "When I asked the head for more details about these 24 cases, he told me (i) that RC-F41 was now very old, not 25 allowed to come into contact with the pupils, was</p> <p style="text-align: center;">Page 154</p>
<p>1 innocent rather than devious and caused him (the head) 2 no concerns." 3 Was that your view, that he was innocent rather than 4 devious? 5 A. I have to say that I believe it was. But can I just 6 comment on Mr Fox's -- 7 Q. Can we pause, please, and can we conclude this, and then 8 by all means I will give you an opportunity to comment? 9 A. Yes, sure. 10 Q. "(ii) [The head] said that he knew very little about the 11 former teacher as it had all happened before [he] was in 12 post (but the ISI follow-up report seems to suggest that 13 the conviction of this man was much more recent than 14 this response led me to understand and the newspaper 15 report refers to convictions on three occasions and 16 ongoing enquiries). 17 "Neither [the other inspector] nor I was told about 18 any other concerns or complaints. We were not told 19 about the several independent reviews of the school's 20 child protection policies and procedures that were 21 evidently taking place (eg, the Charity Commission 22 review [you knew of that], the diocesan review, the 23 Benedictine review), although we were told (and so were 24 the parents via a circular letter and website notice) 25 that the abbot had invited an independent review of</p> <p style="text-align: center;">Page 155</p>	<p>1 the steps being taken by the school to minimise future 2 risk." 3 A. If I can comment on that, because in actual fact, 4 I presume you're referring to the Carlile Report at the 5 end, but the decision which the abbot had on advice was 6 to get an independent investigation, enquiry, into 7 everything that had gone on, and, in actual fact, it was 8 between November 2009 and -- 9 Q. The dates are wrong. It is actually the Nixon and 10 Wright report that's being referred to? 11 A. Oh, I'm sorry, I thought you said -- the Nixon and 12 Wright -- sorry, that reported after the 2009 inspection 13 as well. 14 Q. But it was in hand, wasn't it? 15 A. I was aware it was going on, but I didn't have a copy of 16 the report. 17 Q. Did you mention -- 18 A. I think the abbot mentioned it in his discussions with 19 Mr Fox. I think if you check, Abbot Martin did in fact 20 raise that with him. 21 Q. But what did you say? 22 A. Well, I referred to the two cases that were actually 23 live at that particular time. I most certainly did not 24 to Rodney Fox indicate that in fact it was just one 25 charge that Pearce had been convicted on. In fact,</p> <p style="text-align: center;">Page 156</p>

<p>1 a letter that went out to the parents on 2 October 2009, 2 which went out under the abbot's signature with 3 a covering letter from myself and the head of the junior 4 school, actually cites the number of cases that he was 5 accused of going back 25/30 years. And he most 6 certainly would have seen that letter.</p> <p>7 Q. There are certainly two things that you say, aren't 8 there: you tell Fox that Pearce has been accused and 9 convicted of an offence which took place off the school 10 premises, in the monastery; and you say that the abbot 11 has commissioned a review. But what you don't say is 12 that he's been under a restrictive covenant since 2005 13 because of previous behaviour; you don't refer to the 14 fact that there's been a High Court judgment against 15 Pearce and the Trust in 2006 when substantial damages 16 were awarded to the victim?</p> <p>17 A. Well --</p> <p>18 Q. Do you agree with that?</p> <p>19 A. No, I don't.</p> <p>20 Q. You did say those things, did you?</p> <p>21 A. Sorry?</p> <p>22 Q. You did say those things?</p> <p>23 A. I can't actually remember an interview that I had with 24 the reporting inspector that actually happened 10 years 25 ago, but in actual fact, from the word go, I tried to be</p> <p style="text-align: center;">Page 157</p>	<p>1 open and honest with Rodney Fox about David Pearce and 2 about [redacted] -- sorry, David Pearce and RC41.</p> <p>3 MS KARMY-JONES: Sorry, same thing. Can we pause the feed, 4 please?</p> <p>5 A. Sorry.</p> <p>6 MS KARMY-JONES: May we have a restriction order, please?</p> <p>7 THE CHAIR: Yes, I will make that restriction order.</p> <p>8 MS KARMY-JONES: We have the notes from your conversations 9 on that occasion. You will have seen them in your 10 bundle.</p> <p>11 A. Yes.</p> <p>12 Q. Behind divider 24?</p> <p>13 A. Yes.</p> <p>14 Q. Can you identify where there is a note of those 15 conversations that you say you had?</p> <p>16 A. Well, it's not up at the moment.</p> <p>17 Q. It's ISI001301_001. You have had an opportunity to look 18 at this. This is the July meeting.</p> <p>19 A. Yes.</p> <p>20 Q. At the bottom, at the very bottom:</p> <p>21 "Headmaster told me that a monk has been charged 22 with assaulting a boy."</p> <p>23 A. That's right. That was before he eventually pleaded 24 guilty, which was later than that, but before the 25 inspection.</p> <p style="text-align: center;">Page 158</p>
<p>1 Q. Over the page, please:</p> <p>2 "Headmaster told me that one of the monks has been 3 charged with assault on a pupil who was doing work 4 experience in the monastery. Case due to be heard 5 during the summer holiday. The matter came to 6 light ..."</p> <p>7 This is in effect what he's put here in this 8 document?</p> <p>9 A. That was the initial visit. By the time he came back 10 for his second visit, which was after the -- well, he 11 didn't go to trial, he pleaded guilty, and his 12 sentencing. There was a letter to parents that went out 13 with all the information about what Pearce had been -- 14 pleaded guilty to and his sentencing, and it was very 15 clear that it -- I was sure Rodney Fox saw that letter.</p> <p>16 Q. Do you accept that you did not say anything about the 17 offending with A621, despite that restrictive covenant 18 that was in place?</p> <p>19 A. I don't understand your question, because A621 is the 20 case that he's talking about.</p> <p>21 Q. The point is that on that page that we have just looked 22 at, where do you say that there was a restrictive 23 covenant in place?</p> <p>24 A. Oh, I'm sorry. Well, it doesn't say, but, in actual 25 fact -- I can't remember the exact conversation I had,</p> <p style="text-align: center;">Page 159</p>	<p>1 but inspectors do not write down everything that's said 2 between two people.</p> <p>3 Q. So perhaps he failed to write that down?</p> <p>4 A. Well, I don't know.</p> <p>5 Q. What about the scale of the offending of which Pearce 6 was convicted: four boys plus A621 over a 30-year 7 period?</p> <p>8 A. Well, he was told of all those in his October visit.</p> <p>9 Q. Was he told on this visit?</p> <p>10 A. I honestly can't remember, but it wasn't a deliberate 11 act on my part.</p> <p>12 Q. And you're not suggesting, are you, that he has 13 deliberately left it out of his notes?</p> <p>14 A. I am not suggesting he deliberately left it out of his 15 notes, because I -- and I can't remember the exact 16 conversation, but there was nothing for me to be gained 17 by trying to infer it was one offence.</p> <p>18 Q. Well, you didn't mention that all victims had been 19 pupils of the school, did you?</p> <p>20 A. Well, once again, after the case had come to court, yes, 21 I did. It was all in the letter.</p> <p>22 Q. You did not mention that David Pearce had been head of 23 the junior school and that some of his offending had 24 been committed whilst he'd held that position?</p> <p>25 A. I honestly can't remember. But, I mean, I -- if that's</p> <p style="text-align: center;">Page 160</p>

1 **what the notes are saying, maybe we didn't. But it's**
 2 **not something I ever tried to hide.**
 3 Q. You made no reference to the Charity Commission enquiry
 4 either, did you?
 5 **A. I didn't. I didn't think that was particularly relevant**
 6 **at the time.**
 7 Q. You didn't think that the --
 8 **A. I mean, in retrospect, I should have done it, I accept**
 9 **that. But I obviously didn't mention it at the time.**
 10 **But the report didn't come out until after that.**
 11 Q. In this meeting of July 2009, you didn't mention RC-F41
 12 at all, did you?
 13 **A. No, I didn't, subsequently, but in fact that offending**
 14 **had happened some sort of 10, 15, 20 years earlier, and**
 15 **in fact the -- the head at the junior school was quite**
 16 **right to raise it. But he had actually been a member of**
 17 **staff at the time. He'd been a pupil there first and**
 18 **a member of staff in that person's tenureship.**
 19 Q. And you didn't, as a -- it follows, doesn't it, in not
 20 mentioning him, you also didn't mention that he'd made
 21 admissions, in effect, to sexually assaulting a boy or
 22 doing a sexual -- inappropriate sexual act?
 23 **A. I accept I didn't mention that, and I -- but I would**
 24 **reiterate, I was focused on the school where it was in**
 25 **2009 and not focusing on what the school was in the**

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1 Q. On that occasion, you said you knew very little about
 2 the former teacher, as it had all happened before you
 3 were in your post?
 4 **A. Absolutely, but you will also find reference to the fact**
 5 **that I gave co-operation to the police in the**
 6 **prosecution of Maestri and I gave a statement confirming**
 7 **his employment, albeit that employment was well**
 8 **terminated before I became headmaster.**
 9 Q. And you didn't mention Soper or F46?
 10 **A. I wasn't aware of those incidents at the time.**
 11 Q. Do you agree now -- I think you do -- that these were
 12 all obviously relevant and important matters to draw to
 13 the ISI's attention?
 14 **A. And had I known about them, I most certainly would have**
 15 **done.**
 16 Q. On prize giving day, in 2010, you gave a speech?
 17 **A. I did.**
 18 Q. It is INQ002991_005. It was in the News letter?
 19 **A. No, it's the Priory magazine.**
 20 Q. In that speech -- on the left-hand side of the page --
 21 you said:
 22 "I absolutely refute that anyone associated with the
 23 Benedictine school has misled the inspectors or
 24 protected offenders -- such allegations are, at best,
 25 misguided and, at worst, deliberately malicious. Recent

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1 **'90s. In retrospect, I realise I should have done that**
 2 **and I regret any hurt that I caused as a consequence.**
 3 Q. What you said was:
 4 "He was very different, he was not guilty and he was
 5 not allowed to come onto the premises."
 6 **A. Who are you talking about, I'm sorry?**
 7 Q. F41?
 8 **A. Oh, absolutely.**
 9 Q. You described him as not guilty?
 10 **A. Well, he was found not guilty.**
 11 Q. Not guilty doesn't necessarily mean not a safeguarding
 12 concern, does it?
 13 **A. Okay, in retrospect, yep.**
 14 Q. You didn't mention Maestri at all?
 15 **A. Not -- I think I did on the second visit in October,**
 16 **yes.**
 17 Q. It was the junior head who told one of the inspectors
 18 that there was a former teacher described as head of
 19 the middle school who had been convicted of offences.
 20 We have covered that?
 21 **A. It was.**
 22 Q. That was Maestri, but you, as senior head, should have
 23 brought that to his attention?
 24 **A. I accept that on the first time. I did on the second**
 25 **occasion, though.**

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1 media and blog coverage seem hell-bent on trying to
 2 discredit the school and at the same time destroy the
 3 excellent relationship between the school and the
 4 monastery. Is this part of an anti-Catholic movement
 5 linked to the papal visit? I do not know, but it feels
 6 very much as if we are being targeted."
 7 **A. I mean, I would stress that before I said that,**
 8 **I actually had said, "There is no excuse for abuse of**
 9 **anyone, and particularly children. There have been**
 10 **failures here in the past and, quite rightly, those**
 11 **involved have been or are being exposed and punished".**
 12 **That was the surmise to it. Now, to put it into**
 13 **context, if I -- should I have said those words?**
 14 **Probably not. But you have to understand that the -- at**
 15 **the time, there was -- particularly on the blog, there**
 16 **was very sort of personal and offensive comments being**
 17 **made, both about the school and my personal -- and me**
 18 **personally, which caused great distress, and it really**
 19 **did feel as if we were being targeted.**
 20 **I felt, in terms -- of course everything that came**
 21 **out subsequently, everything to do with -- that came out**
 22 **as a consequence of the Carlile Report showed there was**
 23 **a really major issue in St Benedict's in the '70s, '80s**
 24 **and '90s -- into the '90s.**
 25 Q. And in your time, because you didn't, you say, know

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<p>1 about many of these things, and you should have, 2 shouldn't you?</p> <p>3 A. Well, all as I can say is, the one incident that 4 I became aware of in school that happened during that 5 particular -- I raised it straight away.</p> <p>6 Q. You really maintain, do you, that these omissions of 7 significant, important facts were just innocent 8 omissions on your part?</p> <p>9 A. They were -- I absolutely had no reason to hold back 10 from being as open as I could with the inspectors.</p> <p>11 Q. When the reports, the blogs, were coming out, you 12 reacted in an extremely defensive way. Did you ever 13 think to actually look behind it and consider whether 14 you might be wrong?</p> <p>15 A. I actually -- I think I hinted at that a moment, chair, 16 in that I actually said that I very, very much regret 17 all the hurt that had happened over the years and there 18 can never be any excuse, and I'll never -- I feel the 19 shame and the pain, as everybody associated with the 20 school felt about those incidents that happened 21 historically.</p> <p>22 Q. The ISI found these failings so significant that they 23 withdrew their report and instigated an unannounced 24 follow-up inspection, and if we can quickly look at 25 ISI001293_015, please, so the previous page -- sorry,</p> <p style="text-align: center;">Page 165</p>	<p>1 paragraph 62 on page 15, please. This is from 2 Kate Richards' statement. She says: 3 "It seems ... that the school: 4 "Had provided the 2009 inspection team with 5 a minimised version of the crimes committed by 6 Father David Pearce, in terms of number, connection with 7 the school and involvement of pupils; 8 "Had not been candid with the inspectors about the 9 extent of other offending behaviour at SBS; 10 "Had not been clear about what reviews and 11 investigations were going on and that they had not yet 12 all reported; and 13 "Had not mentioned that they were subject to an 14 investigation by the Charity Commission." 15 A. The answer to the first one is, I refute that totally. 16 I did not minimise. I was very honest about the 17 situation as regards Pearce. I did provide the 18 inspection team with everything I knew at the time. It 19 is true I never mentioned the Charity Commission, but 20 I would repeat the other three.</p> <p>21 Q. Other the page at 65, she confirms that the ISI wrote to 22 the department to notify them formally that the report 23 of the 2009 inspection had been withdrawn, and at 66, 24 the department commissioned the ISI to return to SBS to 25 carry out a further unannounced non-routine follow-up</p> <p style="text-align: center;">Page 166</p>
<p>1 inspection?</p> <p>2 A. That's correct.</p> <p>3 Q. You don't take responsibility at all, do you?</p> <p>4 A. I think the -- I think that's unfair, in truth, because, 5 in actual fact, the allegations that came up 6 subsequently to do with Soper, to do with RC46, I was 7 unaware of at the time of the 2009 inspection.</p> <p>8 Q. Did you then produce a report for the ISI explaining 9 exactly what had gone wrong?</p> <p>10 A. No, I did not.</p> <p>11 Q. Did you set out for them that this had all been 12 a mistake and it was because of your lack of knowledge?</p> <p>13 A. No, I did not.</p> <p>14 Q. I am going to ask you some questions about the school 15 child protection policy at the time of the inspection in 16 2009. You say that on your arrival you adapted and 17 adopted the policy for the junior school?</p> <p>18 A. Mmm-hmm.</p> <p>19 Q. That's the section from your statement.</p> <p>20 A. Yes.</p> <p>21 Q. Was that because there was no senior school policy in 22 place?</p> <p>23 A. There was a policy in place, there had to be, but 24 I produced a new policy. I think I referred to that 25 earlier, for 2002.</p> <p style="text-align: center;">Page 167</p>	<p>1 Q. You did. I think you also said that you only have 2 a copy of the policy that you ultimately produced?</p> <p>3 A. Yes.</p> <p>4 Q. And you only have a copy of the policy as it has 5 developed, you don't have a copy of it as it stood in 6 2002?</p> <p>7 A. I haven't.</p> <p>8 Q. And you don't seem to have a copy of the policy that 9 your predecessor had in place?</p> <p>10 A. I haven't produced that as evidence, no.</p> <p>11 Q. There's a version of a policy at BNT000766. This is --</p> <p>12 A. That is a section from the staff handbook.</p> <p>13 Q. Is that the policy?</p> <p>14 A. No.</p> <p>15 Q. Sorry, I'm looking at the wrong document. It is 16 BNT000076. I'm sorry, it is BNT000765. Yes, that's it. 17 Did you draft this?</p> <p>18 A. Well, we had -- that's the September 2009 policy. It 19 was actually drafted with our solicitors who were 20 Veale Wasborough. I think if you look at the front of 21 the document, it says "Compiled by" -- are you talking 22 about the 2009 policy?</p> <p>23 Q. If one looks at page 11, it confirms that?</p> <p>24 A. Yes.</p> <p>25 Q. It's compiled with -- well, it confirms that it is</p> <p style="text-align: center;">Page 168</p>

<p>1 compiled with the DCSF guidance? 2 A. Yes. 3 Q. Complies. Complies with the DCFS guidance Safeguarding 4 Children and Safer Recruitment in Education, SCSRE. 5 A. Yes. 6 Q. Was that something that you were familiar with? 7 A. Yes. 8 Q. Presumably, you satisfied yourself that the policy was 9 compliant? 10 A. Yes. 11 Q. Or did you leave that to your assistants? 12 A. Well, we were satisfied that the policy was compliant. 13 I didn't have the -- I had the overall responsibility 14 and I never take away from that, but it was my deputy 15 who was the safeguarding lead at the time. 16 Q. In terms of external referral of allegations, if we look 17 at INQ003830_001, this is the SCSRE guidance, and it 18 came into force on 1 January 2007. Just to highlight 19 some elements, at page 63, we see paragraph 5.1: 20 "This chapter is about managing cases ... it should 21 be used in respect of all cases in which it is alleged 22 that a teacher or member of staff (including 23 a volunteer) in a school, FE college or other education 24 establishment that provides education for children under 25 18 years of age has:</p> <p style="text-align: center;">Page 169</p>	<p>1 "Behaved in a way that has harmed a child, or may 2 have harmed a child; 3 "Possibly committed a criminal offence against or 4 related to a child; or 5 "Behaved towards a child, or children, in a way that 6 indicates she or he is unsuitable to work with 7 children." 8 At page 67 -- I think my emphasis has probably made 9 the point, but it doesn't say anything about possibly 10 committed a criminal offence, does it? It's the 11 behaviour. 12 A. I see that, yes. 13 Q. It is something that applies to all cases? 14 A. Yes. 15 Q. There is no real discretion, is there, in that? 16 A. Agreed. 17 Q. Page 67 at paragraph 5.14, halfway through the 18 paragraph, where it says, "However": 19 "However, it is important ..." 20 All right, I will go from the top: 21 "In rare cases, allegations will be so serious as to 22 require immediate intervention by children's social care 23 and/or police. Others that meet the criteria in 24 paragraph 5.1 may seem much less serious and, on the 25 face of it, will not warrant consideration of a police</p> <p style="text-align: center;">Page 170</p>
<p>1 investigation, or enquiries by children's social care. 2 However, it is important to ensure that even allegations 3 that appear less serious are seen to be followed up and 4 taken seriously, and that they are examined objectively 5 by someone independent of the school or FE college 6 concerned. Consequently, the local authority designated 7 officer should be informed of all allegations that come 8 to the school's or FE college's attention and appear to 9 meet the criteria in paragraph 5.1 ..." 10 Which we have just read? 11 A. Yes. 12 Q. There are other provisions that indicate that following 13 referral for police or Social Services to investigate, 14 and only if decisions don't go any further, may the 15 school investigate in discussion with the local 16 authority designated officer. We don't need to go to 17 it, but it is 5.20, 5.21 and so on. 18 At page 71, paragraph 5.36: 19 "If the allegation meets any of the criteria set out 20 in paragraph 5.1, the head teacher or principal should 21 report it to the local authority designated officer the 22 same day." 23 The CP policy on external referral in the document 24 that we were just looking at is at paragraph 22, and it 25 starts out with the local interagency procedures of</p> <p style="text-align: center;">Page 171</p>	<p>1 the Ealing Safeguarding Children's Board, the nature and 2 seriousness of the suspicion or complaint, the action to 3 be taken will take these into complaint: 4 "A complaint involving a serious criminal offence 5 will always be referred to the SSD or the police without 6 further investigation ..." 7 There is no reference, is there, to a serious 8 criminal offence in the statutory guidance? You set the 9 bar rather high there. 10 A. I see that. I can only reiterate that at the time of 11 the 2009 inspection, that was deemed to be a compliant 12 policy. 13 Q. Deemed by whom? 14 A. The ISL. 15 Q. You have been an inspector. 16 A. Yes, and I can honestly say I've been on other 17 inspection of other schools where I believe our policy 18 was better than theirs. 19 Q. So just because your policies are better than someone 20 else's -- 21 A. No, I'm not -- sorry, I'm giving the wrong message. 22 I obviously regret that the policy wasn't watertight in 23 the eyes -- and had it been flagged up to us in 2009, we 24 would certainly have done that. But the policy, we were 25 so keen to make sure that we were fully compliant, that</p> <p style="text-align: center;">Page 172</p>

<p>1 we took the advice of our solicitors.</p> <p>2 Now, there are clearly faults in that policy that</p> <p>3 were pointed out, and in fact it was the lead inspector</p> <p>4 for the follow-up inspection, a man called</p> <p>5 Richard Shannon, who actually, then, on the first visit</p> <p>6 on 30 April 2010, picked up a number of issues with the</p> <p>7 policy, which we attempted to -- well, which we amended</p> <p>8 immediately, I think he says, by the time he came back</p> <p>9 on the 17th. We'd implemented his changes.</p> <p>10 What I did find is that between then and going on</p> <p>11 right through to the publication of Carlile and beyond,</p> <p>12 I think we ended up producing somewhere in the region of</p> <p>13 30 updated policies to try and make sure we got this</p> <p>14 example of best practice. It was interesting, looking</p> <p>15 at things, that even at times the DfE and ISI couldn't</p> <p>16 totally agree on what was, although they did come to</p> <p>17 a consensus.</p> <p>18 I, for a long time, regret that we didn't get it to</p> <p>19 the model of excellence straight away, but it wasn't in</p> <p>20 any way malicious.</p> <p>21 Q. Who was going to make the decision about whether</p> <p>22 something was a serious criminal offence?</p> <p>23 A. Well, in reality, we referred anything that we had</p> <p>24 a concern about for, and that would have been true of --</p> <p>25 Q. That's not the question. Could you please answer the</p> <p style="text-align: center;">Page 173</p>	<p>1 question?</p> <p>2 A. Well, it would have been the person it was reported to</p> <p>3 in the first place, which would have been the child</p> <p>4 protection officer, the safeguarding lead, as it is</p> <p>5 called.</p> <p>6 Q. There is no definition in this of a serious criminal</p> <p>7 offence?</p> <p>8 A. I accept that.</p> <p>9 Q. Bullet 6 speaks of the lawful rights and interests of</p> <p>10 the school community as a whole and including its</p> <p>11 employees and insurers?</p> <p>12 A. Yes.</p> <p>13 Q. Was that a principal concern?</p> <p>14 A. Well, as I say, this was an issue that -- this was</p> <p>15 a policy that we did in consultation with our solicitors</p> <p>16 at the time and which was approved by ISI in</p> <p>17 the November 2009 inspection. Of course, in retrospect,</p> <p>18 I would prefer that the policy was much tighter, and</p> <p>19 I do know, by the time I left St Benedict's, it very</p> <p>20 much was.</p> <p>21 Q. How does paragraph 23 fit with the guidance, the</p> <p>22 statutory guidance? It's on page 8:</p> <p>23 "A referral to the SSD or police will not normally</p> <p>24 be made where:</p> <p>25 "A complaint does not involve a serious criminal</p> <p style="text-align: center;">Page 174</p>
<p>1 offence ..."</p> <p>2 Again, we have no definition:</p> <p>3 "A referral would be contrary to the wishes of</p> <p>4 a pupil complainant who is of sufficient maturity and</p> <p>5 understanding and properly informed and contrary also to</p> <p>6 the wishes of the complainant's parents."</p> <p>7 A. I obviously know now that is not accepted policy --</p> <p>8 practice. I obviously do. But, once again, we were</p> <p>9 trying to get a policy that was fully compliant so that</p> <p>10 we could ensure that the young people in our care were</p> <p>11 properly protected. I see all -- I know that the policy</p> <p>12 had flaws, but we were not made aware of those flaws in</p> <p>13 2009.</p> <p>14 Q. And the --</p> <p>15 A. Maybe -- you can say maybe I should have picked them up</p> <p>16 and I didn't, and I regret that.</p> <p>17 Q. The case is one that can be satisfactorily investigated</p> <p>18 and dealt with under the school's internal procedures?</p> <p>19 A. Yes, I understand that, yes.</p> <p>20 Q. You understand that that --</p> <p>21 A. That was wrong. I accept that.</p> <p>22 Q. It is also -- I am going to cut from this -- mentioned</p> <p>23 in the ISI letter that there is a problem with the</p> <p>24 definition of abuse. Do you accept that the definition</p> <p>25 is not in accordance with the guidance?</p> <p style="text-align: center;">Page 175</p>	<p>1 A. I realised it needed -- I do, and I see from that</p> <p>2 letter, which was August 2010 -- is that the letter</p> <p>3 you're showing me at the moment, to the abbot? Is that</p> <p>4 the letter you're referring to?</p> <p>5 Q. I will pull it up for you. ISI000162.</p> <p>6 A. Yes, it is up. It is on the screen here.</p> <p>7 Q. If you look at paragraphs 11 to 14:</p> <p>8 "The definitions of abuse need to be updated as they</p> <p>9 do not currently reflect DfE guidance."</p> <p>10 A. Yes.</p> <p>11 Q. We bear in mind that this is August 2010:</p> <p>12 "The description of sexual abuse is particularly</p> <p>13 concerning. They should be brought in line with</p> <p>14 Working Together. The 'possible signs of abuse' should</p> <p>15 also be brought in line with Ealing SCB procedures.</p> <p>16 "Paragraphs 22 and 23 need updating to be in line</p> <p>17 with 'what to do if you're worried a child is being</p> <p>18 abused' and Ealing SCB procedures. The policy should</p> <p>19 always make it clear that the school should not</p> <p>20 investigate concerns but should always refer them to</p> <p>21 children's social care and/or the police."</p> <p>22 A. I totally agree with that. I can --</p> <p>23 Q. You told us earlier that you attempted to:</p> <p>24 "We amended immediately, by the time the ISI came</p> <p>25 back, the man called Richard Shannon."</p> <p style="text-align: center;">Page 176</p>

1 **A. And he actually says that when he came back we had put**
 2 **in the changes he recommended.**
 3 Q. But he came back on the 17th?
 4 **A. Of May, that's right.**
 5 Q. And this letter is August?
 6 **A. Yes, because then -- I wasn't aware, because of course**
 7 **the report wasn't ultimately published until -- I think**
 8 **it was 4 August when the actual report was published.**
 9 **It was -- ISI and the DfE together had been looking at**
 10 **the policy in detail and made suggestions of**
 11 **the amendment, and hence that letter to the abbot.**
 12 **But bear in mind, from 17 May until 4 August, there**
 13 **was no report. For me, it was very unfortunate that the**
 14 **report was published in the school holidays, and there**
 15 **happened to be -- I regret, but I was actually on my**
 16 **annual holiday, because I only ever had a three-week**
 17 **window before I had to be back for A level results. So**
 18 **I wasn't actually present when the report was published.**
 19 Q. You say in your witness statement at paragraph 9.2 that
 20 the reporting inspector found a number of minor
 21 discrepancies in the safeguarding policy and practice?
 22 **A. And it --**
 23 Q. Did you really think they were minor?
 24 **A. Well, he told us that this needed to be -- he didn't**
 25 **suggest to me they were serious. Genuinely, that was my**

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1 Under the guidance, surely, potentially, all of them
 2 should have been referred?
 3 **A. Most certainly, and most certainly now, and by the time**
 4 **there was the separation of the two Trusts, that was**
 5 **actually practice in the old Trust and in the new Trust.**
 6 **MS KARMY-JONES: I note the time. We have a little way to**
 7 **go yet. I wonder if that would be an appropriate moment**
 8 **to rise and to pick this up tomorrow for a short period?**
 9 **I have a couple of matters that I need to raise, if**
 10 **you are content with that?**
 11 **Housekeeping**
 12 **MS KARMY-JONES: In terms of the arrangements tomorrow, all**
 13 **core participants have been informed that you intend to**
 14 **sit at 9.30 am tomorrow. The inquiry intends to call**
 15 **Michelle Russell and Dom Christopher Jamison to give**
 16 **evidence. We are also considering whether it is in fact**
 17 **necessary to call Mr Johnson, Andrew Johnson, to give**
 18 **evidence tomorrow. If he is not called, his witness**
 19 **statement will be published instead, and we understand**
 20 **that Mr Johnson will be present tomorrow anyway, so**
 21 **further consideration can be given to that during the**
 22 **course of tomorrow morning.**
 23 **We therefore intend to finish the evidence of**
 24 **Ms Russell and Mr Johnson in sufficient time -- forgive**
 25 **me, Dom Jamison in sufficient time tomorrow to enable**

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1 **understanding of it. Now, obviously, in retrospect,**
 2 **once it's been checked by officials at the DfE and ISI,**
 3 **there obviously became more and more, and, as I said,**
 4 **even after this and we implemented those changes,**
 5 **there's another at least 20 drafts of the policy over**
 6 **a period that it almost became a monthly thing that the**
 7 **policy was being updated on advice of external advisers.**
 8 **I understood why, because we were a school that was full**
 9 **scrutiny and understandably and deservedly so, but it**
 10 **was very difficult to keep abreast of it to make sure it**
 11 **was a model of best practice, and, in fact, one of**
 12 **the problems I felt is the authorities themselves had**
 13 **difficulty in trying to get a policy which they**
 14 **considered of best practice, and I would have personally**
 15 **welcomed if the DfE and/or ISI had given us a model**
 16 **policy for all schools that could be adapted.**
 17 Q. The ISI advice note to the department in 2010 --
 18 CYC000013_014 -- says for the period September 2008
 19 to June 2009 the June minutes of the board of school
 20 advisers, including the Trustees, record that 13
 21 referrals were made by staff in the senior school to the
 22 child protection officer. Four of these were referred
 23 on to Social Services and one to the police. It is
 24 recorded that the remainder of the cases did not require
 25 further investigation.

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1 **core participants to make short closing statements**
 2 **before concluding the hearing by 4.00 pm.**
 3 **We don't consider that further time will in fact be**
 4 **required, as matters, we think, can be taken relatively**
 5 **swiftly.**
 6 **You will recall that an issue was raised the other**
 7 **day arising out of my opening statement on Monday when**
 8 **I referred to the inquiry's request for evidence from**
 9 **the Apostolic Nuncio. I explained that the inquiry had**
 10 **not received the statement that had been requested or**
 11 **any substantive response to the inquiry's request.**
 12 **During the course of this hearing, the inquiry has**
 13 **been liaising with the Foreign and Commonwealth Office**
 14 **to do everything that it can to progress the matter.**
 15 **There are two updates that I am now able to provide.**
 16 **Firstly, yesterday afternoon, the inquiry received**
 17 **a letter and document from Father Christopher Thomas,**
 18 **the general secretary of the Catholic Bishops'**
 19 **Conference of England and Wales. In his document,**
 20 **Father Thomas, on behalf of the Conference, sought to**
 21 **explain the Nuncio's role. We are very grateful to**
 22 **Father Thomas for seeking to assist the inquiry in that**
 23 **way. In the absence of any evidence from the**
 24 **Apostolic Nuncio, it does provide some useful context.**
 25 **Father Thomas's document will be published on the**

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<p>1 website later today. However, the information he 2 provides does not cover all of the topics covered by the 3 inquiry's request to the Nuncio. There is, therefore, 4 still a need for the Apostolic Nuncio to respond to the 5 inquiry's request.</p> <p>6 The second update is that the FCO -- Foreign 7 Commonwealth Office -- confirmed it had formally passed 8 the inquiry's request to the Apostolic Nuncio yesterday. 9 The FCO also suggested that the inquiry has been 10 previously advised to direct requests for evidence to 11 the Conference as opposed to the Holy See. In fact, the 12 previous correspondents, the -- in previous 13 correspondence, the Catholic Council for IICSA informed 14 the inquiry that the appropriate channel for requests it 15 made was via the British Embassy to the Holy See itself.</p> <p>16 As I will come on to explain, the inquiry followed 17 that approach.</p> <p>18 The inquiry has, of course, made a large number of 19 requests for evidence from institutions relating to the 20 Catholic Church in England and Wales. Requests are, 21 whenever possible, directed to institutions within this 22 jurisdiction. That, of course, ensures, chair, that you 23 have the power under section 21 of the Inquiries Act of 24 2005 to compel the production of evidence where you 25 consider that necessary.</p> <p style="text-align: center;">Page 181</p>	<p>1 So far, you have not needed to use those powers to 2 compel the production of evidence in this investigation.</p> <p>3 The Apostolic Nuncio is physically located within 4 the jurisdiction but it is subject to diplomatic 5 immunity, which would provide a complete defence to any 6 section 21 notice that you issued.</p> <p>7 Before making its request for a statement from the 8 Apostolic Nuncio, the inquiry gave careful thought as to 9 whether the evidence it seeks could properly be provided 10 by an individual or institution within the jurisdiction. 11 The inquiry considered, and still considers, that it 12 could not. Whilst the information from Father Thomas 13 has assisted and we are grateful for it, that position 14 has not changed.</p> <p>15 The inquiry has taken a number of steps in order to 16 obtain this evidence from the Apostolic Nuncio and at 17 each stage it has adopted the approach that it has been 18 advised to take.</p> <p>19 Firstly, the inquiry sent its request to the 20 Apostolic Nuncio via the British Embassy to the 21 Holy See. Secondly, having provided its request to the 22 British Embassy, the Embassy suggested that the inquiry 23 should send the request directly to the 24 Apostolic Nuncio. Thirdly, the initial response from 25 the Apostolic Nuncio in early December last year was</p> <p style="text-align: center;">Page 182</p>
<p>1 provided to the inquiry via the Protocol Directorate of 2 the Foreign and Commonwealth Office. However, the 3 Protocol Directorate suggested that the inquiry seek an 4 update from the Apostolic Nuncio directly and provided 5 contact details to enable it to do so. Fourthly, the 6 Protocol Directorate notified the inquiry last week that 7 the Holy See had indicated that the inquiry's request 8 should be provided through appropriate diplomatic 9 channels.</p> <p>10 For completeness, the inquiry again sent its request 11 to the British Embassy to the Holy See and the 12 Protocol Directorate with a request that it be provided 13 through formal channels. In any event, it is abundantly 14 clear that the Apostolic Nuncio and, it seems likely, 15 the Holy See, have been in receipt of the inquiry's 16 requests since early December.</p> <p>17 Chair, we consider that it is relevant to this 18 matter that the Pope has made a number of recent 19 announcements related to the Roman Catholic Church's 20 handling of allegations of child sexual abuse. This 21 inquiry was established in 2015 with an important remit: 22 to consider the extent to which institutions have failed 23 to protect children from sexual abuse. It is important, 24 therefore, that the panel has access to all evidence 25 relevant to its work.</p> <p style="text-align: center;">Page 183</p>	<p>1 The inquiry is disappointed that, despite the fact 2 the Apostolic Nuncio clearly received the inquiry's 3 request in early December, so far no statement has been 4 provided and it remains unclear whether the Nuncio or 5 Holy See will accede to the inquiry's request for 6 a statement to assist with its investigation.</p> <p>7 In any event, it is clear that, even if a statement 8 is provided today, it will come too late for us to use 9 it in this particular hearing. That is very much to be 10 regretted. However, the inquiry will ensure that it 11 continues to press for the evidence required so that it 12 may be disclosed and considered by you and the panel and 13 adduced in evidence during the further hearing in this 14 investigation which has been scheduled to take place 15 in October.</p> <p>16 I outlined the topics that the inquiry had asked the 17 request to cover on Monday. Given that a number of 18 those topics are of broader relevance to this 19 investigation, it remains open to you, chair, to 20 consider the evidence during the hearing scheduled 21 for October this year.</p> <p>22 THE CHAIR: Thank you, Ms Karmy-Jones. We, as a panel, are 23 also grateful --</p> <p>24 MS GALLAFENT: I'm sorry, before you continue, I wonder if 25 I can provide an update? I'm so sorry to interrupt. It</p> <p style="text-align: center;">Page 184</p>

1 is just that Father Christopher Thomas did actually send
2 through to the solicitors to the inquiry, about
3 three-quarters of an hour ago, the response that has
4 been received from the Apostolic Nuncio, indicating he
5 is still awaiting instructions from the Holy See.
6 I just thought it would be helpful to put that on
7 record. It isn't there has been a deafening silence
8 today. There have been a lot of efforts on our part as
9 well to ensure that a response is provided. That's the
10 response that's currently with the FCO, but we have
11 provided a copy in the meantime. As I understand it,
12 you should be receiving the formal copy, as it were, via
13 the diplomatic protocol.

14 THE CHAIR: Thank you, Ms Gallafent. I will continue with
15 what I was saying.

16 As a panel, we are also grateful to Father Thomas
17 for providing some information in his attempt to assist
18 the inquiry with its work, but we continue, indeed, to
19 be very disappointed with the lack of clarity. I will
20 be taking into account what you have just said, the lack
21 of clarity from either the Apostolic Nuncio or the
22 Holy See as to its position, as well as being in the
23 interests of transparency for all concerned.

24 I hope that they will reflect upon the need to make
25 sure this inquiry has all the information it requires so

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1 we would not have enough time to deal with all of
2 the matters. With that in mind, I don't know whether it
3 is an appropriate moment for us to consider whether
4 there is the possibility of having another day sometime
5 in the future for both those matters to be addressed and
6 so we are not seen to be -- I make no criticism of
7 counsel to the inquiry's questions of the witnesses,
8 they are absolutely important and it is important that
9 we have that evidence, but I do feel that tomorrow there
10 may be a sense that we are seeking to squeeze everything
11 into that day and, with those extant enquiries, and it
12 looks promising that we might eventually get something
13 from the Holy See -- we have been pressing for it --
14 whether it is appropriate to do that, chair.

15 I recognise the time and I apologise, but I do think it
16 is important that it is raised and it is raised now.

17 THE CHAIR: Thank you, Mr Khan. We will take into account
18 what you have said and respond tomorrow. But I would,
19 of course, wish to see whatever has been received this
20 afternoon that Ms Gallafent has referred to.

21 MS KARMY-JONES: Yes.

22 THE CHAIR: If there are no further points, then we will
23 conclude today --

24 MR CHAPMAN: Chair, only this, that we would wish to support
25 Mr Khan and his suggestion and, in addition, to confirm

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1 we can properly fulfil our important task as set out in
2 the terms of reference, and we look forward to
3 significantly more clarity being made available to us.

4 MR KHAN: Chair, I know it is late, and I apologise, but
5 I do think it is important that we raise or deal with
6 the two matters. I appreciate that counsel to the
7 inquiry has said we will have enough time to reach
8 closing submissions tomorrow. I am not so certain that
9 we will, given the number of witnesses we have. Then,
10 given the information we have just been provided in
11 relation to enquiries still pending, I don't know
12 whether this is an appropriate moment for the panel to
13 consider whether, given that there are extant enquiries
14 relating to important evidence that this module should
15 hear, and given the length of time that we have for
16 further witnesses tomorrow and closing submissions,
17 whether it might be appropriate that we have another
18 opportunity further along in the next few weeks for
19 a hearing at which that evidence, or the result of those
20 enquiries, can be made available and that material be
21 placed in the context of this inquiry and closing
22 submissions be made then.

23 I know, and I don't want to be the person that says,
24 "I told you so", but there were concerns at the previous
25 preliminary hearings where indications were given that

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1 that we would get permission to supply written
2 submissions as we have done previously to supplement the
3 oral submissions.

4 THE CHAIR: Oh, of course. Thank you very much, Mr Chapman.
5 Thank you.
6 (4.52 pm)
7 (The hearing was adjourned to
8 Friday, 8 February 2019 at 9.30 am)

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