

<p>1 Thursday, 28 July 2016 2 (10.30 am) 3 Preliminary remarks by THE CHAIR 4 THE CHAIR: Good morning, everybody, and welcome to this 5 first preliminary hearing of the Inquiry's investigation 6 into the Catholic Church. 7 With me on the bench this morning are my fellow 8 panel members, Professor Sir Malcolm Evans, Ivor Frank, 9 Professor Alexis Jay and Drusilla Sharpling. 10 Together, it is our collective responsibility to 11 consider all of the material that be will placed before 12 this Inquiry, to determine our findings of fact based on 13 that material, to make recommendations and to take those 14 forward in reports to the Home Secretary. 15 I should perhaps explain that any procedural rulings 16 are reserved to the chair alone, so if any of those 17 arise today I will be considering those. 18 Thank you. I will now ask Mr Emmerson, Counsel to 19 the Inquiry, to open this morning's business. 20 General remarks on the progress of the Inquiry into the 21 Catholic Church by COUNSEL TO THE INQUIRY 22 MR EMMERSON: Madam Chair, members of the Panel. 23 In November of last year, you announced that one of 24 the 13 investigations undertaken as part of the 25 Inquiry's first phase of work would be into the nature</p> <p style="text-align: center;">Page 1</p>	<p>1 MR EMMERSON: The Archdiocese of Birmingham by my learned 2 friend Mr Richard Horwell. 3 THE CHAIR: Mr Horwell. 4 MR EMMERSON: The Secretary of State for Education, as 5 before, by my learned friend Ms Cathryn McGahey. 6 THE CHAIR: Ms McGahey. 7 MR EMMERSON: West Midlands Police by Matthew Holdcroft. 8 THE CHAIR: Mr Holdcroft. 9 MR EMMERSON: Ampleforth, comprising a number of 10 Ampleforth-related institutions, by my learned friend 11 Mr Matthias Kelly. 12 THE CHAIR: Mr Kelly. 13 MR EMMERSON: The Catholic Church institutions for 14 co-operation with this Inquiry, and the English 15 Benedictine Congregation, by my learned friend 16 Ms Kate Gallafent. 17 THE CHAIR: Ms Gallafent. 18 MR EMMERSON: The Benedictine Community at Ealing and 19 St Benedict's School Ealing by my learned friend 20 Lord Carlile. 21 THE CHAIR: Lord Carlile. 22 MR EMMERSON: The group of complainants that are represented 23 by Imran Khan & Partners by my learned friend 24 Mr Philip Dayle. 25 THE CHAIR: Mr Dayle.</p> <p style="text-align: center;">Page 3</p>
<p>1 and extent of, as well as institutional responses to, 2 child sexual abuse in the Roman Catholic Church in 3 England and Wales. 4 In attendance at today's preliminary hearing are 5 Aileen McColgan, lead junior counsel for this 6 investigation -- 7 THE CHAIR: Ms McColgan. 8 MR EMMERSON: -- and representatives of individuals and 9 organisations who have or have applied for core 10 participant status in this investigation. 11 Can I deal with the introductions now? 12 THE CHAIR: Yes, thank you, Mr Emmerson. 13 MR EMMERSON: North Yorkshire Police, which is not at 14 present a core participant but is here today to renew an 15 application for core participant status, is represented 16 by my learned friend Mr Alan Payne. 17 THE CHAIR: Mr Payne. 18 MR EMMERSON: Mr Adrian Child, who was former assistant 19 director of the Catholic Office for the Protection of 20 Children and Vulnerable Adults, is here today, towards 21 the back of the court, and is representing himself. 22 THE CHAIR: Mr Child. 23 MR EMMERSON: The Independent Schools Inspectorate is 24 represented by Mr Peter Jones. 25 THE CHAIR: Mr Jones.</p> <p style="text-align: center;">Page 2</p>	<p>1 MR EMMERSON: The single renewed application by D2, 2 an individual who has applied for but has been refused 3 core participant status, and is represented by 4 Bhatia Best solicitors, who will be renewing an 5 application -- I'm sorry, what I have just said is not 6 correct. 7 D2 has submitted a late application for core 8 participant status. My learned friend Ms Gallagher is 9 here today to address you in support of 10 that application. 11 THE CHAIR: Ms Gallagher. 12 MR EMMERSON: The group of complainants represented by 13 Switalskis are here today represented by Mr Greenwood. 14 THE CHAIR: Mr Greenwood. 15 MR EMMERSON: The Howe & Co clients, including, of course, 16 Sawyer, from whom you have heard before, are today 17 represented by Mr Enwright. 18 THE CHAIR: Mr Enwright. 19 MR EMMERSON: The complainants represented by 20 Slater & Gordon are represented by Mr Richard Scorer. 21 THE CHAIR: Mr Scorer. 22 MR EMMERSON: In addition, Mr Scorer, for the purposes of 23 today, will be representing the interests of a man 24 called Jonathan West, who has been refused core 25 participant status but is seeking a renewal through</p> <p style="text-align: center;">Page 4</p>

<p>1 Mr Scorer and the submissions that he will make today. 2 THE CHAIR: Mr Emmerson, could I just ask you to pause for 3 one minute? 4 Mr Carlyon, I don't seem to have a pen or any 5 writing paper. If you wouldn't mind -- 6 Thank you very much. 7 Do you have any paper? 8 Yes, Mr Emmerson? 9 MR EMMERSON: Madam, since this is the first hearing in this 10 investigation and for those following the procedures who 11 may be unfamiliar with the procedures under the 2005 12 Inquiries Act, I should explain that the responsibility 13 of Counsel to the Inquiry is to advise on the Inquiry's 14 investigations, to assist the Inquiry by making 15 independent submissions on the law and on the evidence, 16 to present witness evidence at public hearings in 17 a neutral and non-partisan manner, and to assist the 18 Panel where necessary by advising them on the 19 conclusions that are open to them on the evidence. 20 Madam, this investigation focuses on four main 21 themes. First, the prevalence of child sexual abuse 22 within the Catholic Church generally. Secondly, the 23 adequacy of the Catholic Church's policies and practices 24 around safeguarding and child protection. Thirdly, the 25 extent to which the culture of the Catholic Church has</p> <p style="text-align: center;">Page 5</p>	<p>1 West Midlands, Warwickshire, Worcestershire and parts of 2 Oxfordshire and Berkshire. It is public knowledge that 3 serious and repeated reports of child sexual abuse, 4 occurring across the archdiocese over a significant 5 period of time, have been made, including in churches 6 and children's homes under the administration of the 7 archdiocese. 8 A number of priests associated with the Birmingham 9 Archdiocese have been convicted of offences of child 10 sexual abuse, including Father Eric Taylor, 11 Father Samuel Penney, Father Alexander Bede Walsh and 12 Father James Robinson. 13 Significant concerns have been raised about the way 14 in which allegations of abuse were handled by the 15 archdiocese, particularly when under the management of 16 Archbishop Couve de Murville in the 1980s and 1990s. 17 The Inquiry will be investigating all of these matters, 18 which may be illustrative of wider failings in the 19 Catholic Church. 20 The English Benedictine Congregation, which I will 21 refer to as "the Benedictines", are a Catholic religious 22 order whose affiliated monasteries run or have run 23 a number of prestigious private boarding schools. Many 24 allegations of child sexual abuse have been made by 25 former pupils at those schools, including Ampleforth,</p> <p style="text-align: center;">Page 7</p>
<p>1 or does inhibit the proper investigation and prevention 2 of child sexual abuse. And fourthly, the adequacy of 3 previous reviews of safeguarding arrangements, including 4 but not limited to the Nolan Review and the 5 Cumberlege Commission, including the extent to which the 6 recommendations of those inquiries were or were 7 adequately put into practice. 8 In order to investigate these matters, two case 9 studies have been selected, based on the assessment of 10 the existing evidence. They are the Archdiocese of 11 Birmingham and the English Benedictine Congregation. 12 There is cause to suspect significant failures to 13 protect children from and respond properly to 14 allegations of child sexual abuse in those 15 two communities. 16 Those case studies have been selected because it is 17 anticipated that they will provide insight into the 18 broader institutional safeguarding failures that are 19 believed to have blighted the Catholic Church both at 20 Diocesan level and in religion orders as well as in the 21 associated organisations run by those institutions. 22 The Archdiocese of Birmingham is one of the largest 23 administrative units of the Roman Catholic Church in 24 England and Wales. It comprises a significant 25 geographical area, encompassing Staffordshire, the</p> <p style="text-align: center;">Page 6</p>	<p>1 St Benedict's Ealing and Fort Augustus, a school 2 in Scotland. 3 The Inquiry's scope is limited to England and Wales, 4 but because clergy involved in the Benedictine schools 5 have been moved between Scotland, England and Wales, and 6 because, despite being in Scotland, Fort Augustus Abbey 7 and its schools were affiliated with the English 8 Benedictine Congregation, we will investigate failures 9 related to that school as well. The investigation will 10 also look at allegations made against individuals 11 associated with Benedictines outside the order's 12 educational institutions. 13 A number of investigations into English Benedictine 14 institutions have already taken place. As part of this 15 Inquiry's investigation, we will review the adequacy of 16 those investigations and their thoroughness, as well as 17 the response to the investigation reports, and I'm 18 referring in particular to the Independent Schools 19 Inspectorate 2010 inspection of St Benedict's School, 20 Lord Carlile's 2011 Inquiry into St Benedict's School 21 and Ealing Abbey, the Apostolic Visitation to 22 St Benedict's in 2011, and the Charity Commission's 23 Inquiry into Ealing Abbey. 24 It will, of course, be necessary to keep under 25 review whether other institutions of the Catholic Church</p> <p style="text-align: center;">Page 8</p>

<p>1 should be the subject of further specific case studies. 2 The Inquiry has, for example, received a written 3 submission from the Comboni Survivor Group for the 4 Comboni Missionary Order and St Peter Claver College to 5 be designated as a case study. This organisation has 6 been granted core participant status in the Catholic 7 investigation as a whole, but you have provisionally 8 declined the application for these institutions to be 9 included as a separate case study. You have provided 10 the Comboni Survivors Group with an opportunity to make 11 further written submissions on that issue if they wish 12 to do so.</p> <p>13 Madam, as a background to the Inquiry's 14 investigative work, the research team has begun by 15 carrying out a Rapid Evidence Assessment into the 16 literature and evidence which exists concerning the 17 prevalence of child sexual abuse in the Roman Catholic 18 Church. The purpose of this assessment is to understand 19 what is known currently about child sexual abuse and 20 exploitation in the Catholic Church in terms of 21 prevalence and characteristics of victims and 22 perpetrators and to review available source material 23 relating to the scope of the investigation.</p> <p>24 A great deal of evidence has so far been requested 25 from a range of organisations, and provided, among them</p> <p style="text-align: center;">Page 9</p>	<p>1 civil actions for sexual abuse brought against the 2 church, including any settlements made with or without 3 admissions of liability, criminal convictions of all 4 Catholic clergy, and directions prohibiting Catholic 5 clergy from working with children or vulnerable adults.</p> <p>6 Turning to the English Congregation of Benedictines, 7 we have requested information about matters, including 8 allegations of child sexual abuse in Benedictine schools 9 or by members of the congregation, the response of the 10 Benedictine congregation to reports of abuse, steps 11 taken to settle civil claims and steps taken in response 12 to criminal convictions.</p> <p>13 Essentially similar requests have been made to the 14 Archdiocese of Birmingham. Information has also been 15 requested from a number of police services and from, 16 amongst others, Lord Carlile, in connection with his 17 investigation into St Benedict's School Ealing, the 18 Crown Prosecution Service and the Independent 19 Schools Inspectorate.</p> <p>20 Almost 4,000 documents, many of them consisting of 21 multiple other documents, have already been received 22 from the English Congregation of Benedictines alone, 23 with a large quantity of information also having been 24 received from the Catholic Church's Council for the 25 Independent Inquiry into Child Sexual Abuse.</p> <p style="text-align: center;">Page 11</p>
<p>1 some of the core participants represent today. In 2 particular, we have made wide-ranging requests for 3 information to the Catholic Church's Council for the 4 Independent Inquiry into Child Sexual Abuse, which has 5 representatives from both the Bishops' Conference and 6 the Conference of the Religious.</p> <p>7 The information sought includes but is not limited 8 to: policies; procedures; practice documents; guidelines 9 and guidance relating to safeguarding children; 10 documents relating to the way in which the church and 11 its constituent entities responded to being notified 12 about allegations or incidents of child sexual abuse 13 where the abuse or alleged abuse was being perpetrated 14 by staff or volunteers who came into contact with 15 children and young adults; documents which would inform 16 the Inquiry as to the way in which the church and its 17 constituent entities collected data and managed and 18 addressed reports of child sexual abuse; information as 19 to training and counselling programmes to which priests 20 have been directed after allegations or findings of 21 sexual abuse; any internal or externally commissioned 22 reports on the nature and extent of sexual abuse within 23 the church and its institutions, and on approaches to 24 priests against whom allegations have been made.</p> <p>25 We have also requested information in relation to</p> <p style="text-align: center;">Page 10</p>	<p>1 Information has also been received from a number of 2 police forces and, of course, from solicitors acting on 3 behalf of victims and survivors, including some of whom 4 have or have applied for core participant status in 5 this investigation.</p> <p>6 All of that material, and that which is to follow, 7 will of course be analysed for relevance and then 8 decisions taken about which of it is appropriate for use 9 in the Inquiry and therefore for disclosure.</p> <p>10 The preliminary analysis of evidence so far received 11 is well under way. Additional requests for evidence 12 will be made as necessary and the task of identifying 13 possible witnesses to the investigation has begun, 14 although it will take some considerable time 15 to complete.</p> <p>16 The evidence received to date gives some indication 17 of the scale of the task to be carried out in this 18 investigation, and it is at this stage too early to 19 predict a proposed hearing date.</p> <p>20 I move on, then, to other items on today's agenda. 21 The first of those is the question of core participants. 22 Again, since this is the first hearing, I will outline 23 briefly what the criteria for core participant 24 status are.</p> <p>25 Under Rule 5 of the 2006 Rules, a core participant</p> <p style="text-align: center;">Page 12</p>

<p>1 is a person or organisation who played or may have 2 played a direct and significant role in relation to the 3 matters to which the Inquiry relates, who has 4 a significant interest in an important aspect of the 5 matters to which the Inquiry relates, or who may be 6 subject to explicit or significant criticism during the 7 Inquiry proceedings or in the report or in any interim 8 report. Other matters may also influence whether 9 a person is granted core participant status.</p> <p>10 The decision to designate as to core participant 11 status is one for you alone. The effect of such 12 a designation is to bestow on the core participant the 13 right to make opening and closing statements under 14 Rule 11 and, if legally represented, to seek leave under 15 Rule 10 to ask questions of a witness.</p> <p>16 Although there is no statutory right to disclosure, 17 fairness is likely to lead to a core participant being 18 granted disclosure of relevant documentation in relation 19 to those parts of an inquiry in which they have 20 a clear interest.</p> <p>21 The Inquiry has a statutory obligation to avoid 22 unnecessary cost. In that regard, whilst an individual 23 or institution may be designated as a core participant 24 in relation to a particular investigation, you have 25 indicated that it will be appropriate to manage the</p> <p style="text-align: center;">Page 13</p>	<p>1 Service, the Avon and Somerset Police and the Chief 2 Constable of Staffordshire.</p> <p>3 Each of these has either indicated that they do not 4 intend to renew their application or else they have 5 failed to submit representations within the requisite 6 deadline or at all. However, two of the applicants who 7 were refused core participant status have indicated an 8 intention to renew and have made short written 9 submissions in support. The first is Mr Jonathan West. 10 I trust he won't mind me describing him as a 11 "campaigner" in connection with Ealing Abbey and 12 St Benedict's School.</p> <p>13 Mr West can't be here today but, as I have 14 indicated, Mr Scorer is going to be addressing you on 15 his behalf in just a moment.</p> <p>16 The other renewal application is from 17 North Yorkshire Police. You provisionally declined that 18 application by a notice dated 15 July. You are being 19 invited to reconsider that decision on the grounds that 20 North Yorkshire Police carried out significant 21 investigations into child sexual abuse at Ampleforth and 22 Gilling Castle School, in particular through 23 Operation Ellipse, and that it is currently 24 reinvestigating allegations of non-recent abuse at 25 Ampleforth. On that basis, it is said that</p> <p style="text-align: center;">Page 15</p>
<p>1 process of disclosure and potentially involvement at 2 public hearings with a view to the specific interest of 3 each core participant within that investigation. As an 4 example, those core participants whose interest is only 5 in the case study on the English Benedictine 6 Congregation may only receive disclosure that would 7 enable them to properly engage with the Inquiry in 8 relation to that aspect of the investigation.</p> <p>9 It is worth observing that core participant status 10 is not required in order for evidence to be provided to 11 the Inquiry. Anyone can assist the Inquiry as 12 a witness, and we envisage that there will be many 13 people who will not satisfy the test for core 14 participant status but will nevertheless have relevant 15 evidence to give which they wish to share with the 16 Inquiry.</p> <p>17 In this investigation, the Inquiry has received 74 18 applications for core participant status. Applying the 19 principles contained in the Inquiry Rules, you granted 20 core participant status to 63 applicants. In relation 21 to each of the applicants you have granted, you have 22 designated a recognised legal representative under 23 Rule 7 of the Rules. 11 applicants were refused core 24 participant status, including a number of complainants, 25 the parent of one complainant, the Metropolitan Police</p> <p style="text-align: center;">Page 14</p>	<p>1 North Yorkshire Police has a direct and significant 2 interest in the subject matter of the investigation.</p> <p>3 Mr Payne is going to make some submissions in 4 support of that renewal application.</p> <p>5 So I may give the floor first to Mr Scorer and then 6 to Mr Payne.</p> <p>7 THE CHAIR: Yes.</p> <p>8 Mr Scorer?</p> <p>9 Submissions on behalf of Jonathan West by MR RICHARD SCORER</p> <p>10 MR SCORER: Thank you, Madam. I think you will have 11 received a number of documents from Mr West.</p> <p>12 THE CHAIR: Yes.</p> <p>13 MR SCORER: First of all, a detailed chronology of events 14 involving primarily St Benedict's but also Downside 15 School, and on that chronology Mr West has highlighted 16 in bold a number of instances where he had significant 17 involvement in the way that the events unfolded.</p> <p>18 He seeks to highlight through that chronology 19 a number of instances where he believes he was 20 influential in the way events unfolded, particularly, 21 for example, by instigating interventions and visits by 22 the Independent Schools Inspectorate, and also very 23 specific suggestions that he made in relation to child 24 protection policies and practices at St Benedict's and 25 also at Downside, some of which we understand were</p> <p style="text-align: center;">Page 16</p>

<p>1 eventually adopted after some initial resistance. 2 So that is one document. He has also sent you the 3 text of his first blog article from 2009, the text of 4 his letter to the Abbot of Ealing in November 2009 5 identifying specific improvements that he was seeking in 6 relation to safeguarding at the school, and he has also 7 sent you the text of a prize-giving day speech at 8 St Benedict's by the headmaster of the school in 2010. 9 That speech included an attack on Mr West by the 10 headmaster. Mr West is not directly named by the 11 headmaster, but the reference in the speech which refers 12 to "blog coverage" is clearly a reference to Mr West. 13 You will see that the headmaster in that speech 14 suggested that those who were campaigning in relation to 15 child abuse at St Benedict's were part of an 16 anti-Catholic plot timed to coincide with the 17 Papal visit. 18 So you should have those documents. 19 THE CHAIR: Yes, I have them, thank you. 20 MR SCORER: Mr West has set out a number of written 21 submissions, which I am sure you will consider 22 carefully. There are simple two points that I would 23 like to highlight today. 24 Madam, firstly, as you know, central to this Inquiry 25 is not only the question of whether abuse had occurred</p> <p style="text-align: center;">Page 17</p>	<p>1 staff member at the school. There had at that stage 2 been no criminal prosecution of David Pearce, but A47 3 brought a civil claim in 2006. 4 That case went to trial and the judge made a very 5 clear finding that A47 had been sexually abused by 6 David Pearce on a number of occasions. The judge was 7 clear that David Pearce was a paedophile. Following 8 that court decision and following St Benedict's paying 9 compensation to A47, David Pearce went on to abuse 10 another boy, we understand, in the monastery. So 11 clearly the child protection measures which had been or 12 ought to have been put in place following that decision 13 were inadequate. 14 That is one example from the very recent past of 15 inadequacies at St Benedict's, and there are more 16 examples, no doubt, in the various reports that you 17 will see. 18 Mr West, Madam, became a vocal campaigner against 19 abuse at St Benedict's from 2009. We say, Madam, that 20 in assessing how St Benedict's, as an institution, 21 responded to abuse allegations, it is very important to 22 understand how they responded to Mr West. 23 I say that principally for two reasons. Firstly, 24 Mr West was not simply one campaigner amongst many, he 25 was probably the central campaigner on this issue,</p> <p style="text-align: center;">Page 19</p>
<p>1 in particular institutions but, perhaps even more 2 importantly, the question of how institutions have 3 responded to allegations of abuse and concerns about the 4 adequacy of safeguarding. That concern about how 5 institutions have responded is particularly critical in 6 the recent past. 7 I doubt that anybody is going to come to this 8 Inquiry and seriously dispute that child protection 9 practice in the 1970s and 1980s was inadequate. The 10 Catholic Church, however, have argued that since the 11 introduction of reforms in 2001 and then subsequently in 12 2007, child protection practice is now much improved. 13 As you will appreciate, what has happened at 14 St Benedict's particularly and also other institutions 15 such as Downside in the recent past is obviously central 16 to interrogating that argument, and that is why the 17 Inquiry has quite rightly decided to focus some of its 18 attention on Benedictine institutions. 19 You will be aware about concerns about safeguarding 20 at St Benedict's in the very recent past. I just give 21 one illustration of that to give the context in which 22 Mr West is campaigning. One of my clients, a core 23 participant A47, brought a civil claim against 24 St Benedict's in 2006 in relation to abuse by 25 David Pearce. David Pearce at that stage was a monk and</p> <p style="text-align: center;">Page 18</p>	<p>1 particularly through his blog. You will see from the 2 chronology that he has submitted the material influence 3 that he had on the way that events unfolded. 4 But secondly, Madam, I think if you look at any of 5 the blog posts he posted, any of the statements he made, 6 any of the arguments he made about safeguarding at 7 St Benedict's and other institutions, it is clear that 8 his criticisms were reasonable, they were sensible, they 9 were well-informed. He was not simply having a rant, as 10 it were. He was making sensible and reasonable and 11 indeed constructive criticisms, because he put forward 12 specific proposals for how the safeguarding arrangements 13 should be changed. And indeed, his overarching point 14 that allegations of abuse needed to be reported outside 15 the institution to the external authorities is one that 16 I think St Benedict's has ultimately accepted after some 17 initial resistance. 18 Madam, we say that in order for you to properly 19 understand how St Benedict's and other Benedictine 20 institutions responded to child abuse in the recent past 21 you have to consider how they responded to Mr West. 22 Mr West was a key campaigner. He was making reasonable 23 points. And it is significant, we say, that they 24 responded, we say, in a somewhat -- and I have given you 25 the illustration from the headmaster's speech --</p> <p style="text-align: center;">Page 20</p>

<p>1 hysterical fashion to the points that Mr West was making 2 sensibly and reasonably. 3 So Madam, that is our first point. The second point 4 I simply wanted to highlight is that you can see from 5 the chronology in the documents and in particular from 6 the headmaster's speech that I have quoted that Mr West 7 has at times been attacked by the school. We don't know 8 whether those attacks are going to be reproduced in the 9 Inquiry, but to the extent that Mr West is criticised by 10 other participants in the Inquiry it is clearly 11 appropriate that he has the ability to respond. And we 12 say that that should be through core participant status. 13 So Madam, those are the two key points I wanted to 14 highlight, but obviously Mr West has provided you with 15 an amount of detail which I am sure you will 16 consider carefully. 17 THE CHAIR: Yes. Thank you, Mr Scorer. 18 I take both the points that you have made: first 19 that the response of the church to Mr West as a key 20 campaigner is of great relevance to the Inquiry. That 21 is the point you make. I'm just seeking your 22 clarification of that. 23 And the second point that during the course of the 24 hearings in this investigation into the Catholic Church 25 Mr West may be attacked by those who do have CP status</p> <p style="text-align: center;">Page 21</p>	<p>1 published on the website, and in the context of the 2 investigation into the English Benedictine Congregation. 3 Paragraph 3.3 refers to the Inquiry investigating 4 the adequacy of the response of, amongst others, law 5 enforcement agencies, and today counsel for the Inquiry 6 confirmed that indeed the Inquiry would be looking at 7 and reviewing the adequacy of investigations. 8 In this context, the Inquiry, in terms of looking at 9 Ampleforth College, will be looking at the sort of 10 historic abuse that occurred over a long period of time 11 in a school that is located in the area for which 12 North Yorkshire Police is and was responsible. And 13 North Yorkshire Police has had considerable involvement 14 in responding to and tackling the allegations of abuse. 15 First, their initial involvement related to the 16 initial response to Dr Mann's report and a number of 17 allegations or complaints of sexual abuse, and that 18 initial response involved liaising with a number of 19 other public institutions, engaging with 20 Ampleforth College and seeking to agree with 21 Ampleforth College adequate safeguarding measures to 22 protect children at the college. 23 Shortly after these steps were taken, 24 North Yorkshire Police started a criminal investigation 25 into abuse, historical abuse, at Ampleforth College, and</p> <p style="text-align: center;">Page 23</p>
<p>1 and be unable to respond. 2 So do I have your main points clearly? 3 MR SCORER: Correct. 4 THE CHAIR: Thank you. I will consider with care what you 5 have said additionally in your oral submissions to the 6 written material and the renewed application submitted 7 by Mr West, and I will let you or Mr West have my 8 decision in due course. Thank you. 9 Now, Mr Emmerson. 10 MR EMMERSON: Next you are due to hear from Mr Payne. 11 THE CHAIR: Mr Payne. 12 Submissions on behalf of North Yorkshire Police by 13 MR ALAN PAYNE 14 MR PAYNE: Good morning, Madam. 15 THE CHAIR: Mr Payne, just give me one minute. 16 Yes, Mr Payne, what do you wish to say? 17 MR PAYNE: Madam, I propose briefly just to respond to the 18 four points that you made in your preliminary decision, 19 as to why it might not be appropriate to grant 20 North Yorkshire Police core participant status. 21 Now, the first point was the issue as to whether in 22 fact North Yorkshire Police can be said to have played 23 a direct and significant role in relation to the matters 24 that the Inquiry is focusing on. In that regard, 25 I would just point to the terms of reference that are</p> <p style="text-align: center;">Page 22</p>	<p>1 that was called Operation Ellipse. Since then, there 2 are a number of ongoing investigations into allegations 3 of historical abuse. 4 For all those reasons, we submit that 5 North Yorkshire Police have played a direct and 6 significant role and indeed continue to play a role in 7 relation to matters that the Inquiry are looking at. 8 The next point that is made in your letter, Madam, 9 is that there is no evidence at this stage in relation 10 to failures in terms of the actions taken by 11 North Yorkshire Police. We entirely accept that in 12 circumstances where the Inquiry has yet to consider the 13 evidence, it has only been served with schedules of 14 evidence, this must be correct. But we would submit 15 that this is not a good reason for not granting core 16 participant status, given the extent of North Yorkshire 17 Police's involvement in a college that is, amongst 18 others, a focus of a case study. And given the extent 19 of North Yorkshire Police's involvement, there must be 20 a possibility of failures being identified in terms of 21 their response to the allegations of abuse that were 22 made. 23 In terms of the interest in the practicability of 24 any recommendations made, the point that the letter of 25 your decision makes, Madam, is that it is not</p> <p style="text-align: center;">Page 24</p>

<p>1 particular. North Yorkshire Police's interest is not 2 particular to the Roman Catholic investigation. This, 3 of course, insofar as it goes, is correct. 4 North Yorkshire Police will scrutinise and take on board 5 any recommendations made by the Inquiry in relation to 6 matters relevant to the discharge of its functions. 7 However, for obvious reasons, North Yorkshire Police 8 will have a special interest in any recommendations that 9 are made in the context of investigations that it has 10 undertaken. North Yorkshire Police will be particularly 11 anxious to be involved in the process that leads to any 12 such recommendations being made, and to ensure that it 13 can provide the Inquiry with all the assistance 14 necessary for the Inquiry to understand the rationale or 15 reasons for any steps or the approach taken in the 16 investigation or response or dealings with 17 Ampleforth College. 18 The last point that is made in your decision, Madam, 19 is that there is no reason to consider at this stage 20 that North Yorkshire Police will be subject to 21 significant criticism. Again, North Yorkshire Police 22 entirely accepts that proposition, given that the 23 evidence has not yet been served in the Inquiry. But we 24 would say, Madam, that it is only fair to point out that 25 insofar as recommendations are made in relation to the</p> <p style="text-align: center;">Page 25</p>	<p>1 North Yorkshire Police will be providing information 2 that relates to the identity of some of the 3 core participant complainants, and to that extent North 4 Yorkshire Police obviously has an interest in ensuring 5 that the guidance that applies to service of that 6 information reflects some of the concerns that 7 North Yorkshire Police might have in providing 8 that information. 9 So for those reason, Madam, I would invite you to 10 reconsider perhaps your preliminary view as to whether 11 or not North Yorkshire Police should be granted core 12 participant status. 13 THE CHAIR: Yes. 14 MR PAYNE: Thank you for your patience. 15 THE CHAIR: Yes, Mr Payne, thank you for your very succinct 16 submissions, which were very helpful. I will certainly 17 give consideration to them, as with the matters that 18 Mr Scorer has adverted to. 19 There are certain anticipatory aspects to both your 20 sets of submissions, as you are well aware. As 21 Mr Emmerson said, this is a very large investigation, 22 notwithstanding the Inquiry has had to be selective in 23 the case studies that it has selected, because it must 24 work in an efficient and focused manner, but it is 25 relatively early days in this particular investigation.</p> <p style="text-align: center;">Page 27</p>
<p>1 investigations that have been undertaken, those 2 recommendations are likely to -- or may be -- in 3 response to steps that the Inquiry considers weren't 4 taken and should have been taken. And in that context, 5 recommendations may well or are likely to amount to 6 implicit or express criticisms of the investigations 7 that have been undertaken. We would submit that for 8 those reasons, North Yorkshire Police ought to be made 9 a core participant. 10 The last point that we wish or urge you to consider 11 is that, in providing as much material as 12 North Yorkshire Police is providing to the Inquiry, this 13 material is likely to contain very sensitive 14 information, some of it relating to ongoing criminal 15 investigations. In this context, North Yorkshire Police 16 is keen to have the opportunity to address the Inquiry 17 on matters relating to the procedure adopted by the 18 Inquiry. To take as an example, the agenda that is set 19 out for today's preliminary hearing. As is made clear, 20 North Yorkshire Police is not entitled to make 21 submissions on the various matters in the agenda, so I'm 22 not going to make submissions on them. But to give an 23 example, we would have liked to have made submissions on 24 the graft guidance on the redaction of the identity of 25 individuals or complainant core participants.</p> <p style="text-align: center;">Page 26</p>	<p>1 I will certainly give consideration to your renewed 2 application at this stage, so the matter does remain 3 open for the time being. 4 MR PAYNE: Thank you very much. 5 THE CHAIR: Thank you. 6 MR EMMERSON: Madam, in a slightly different category, as 7 I mentioned -- 8 THE CHAIR: Yes, I'm sorry, Mr Emmerson, I didn't ask if you 9 had anything to say in response -- 10 MR EMMERSON: No, no, I think these applications speak 11 for themselves. 12 THE CHAIR: Since these applications are very much for my 13 determination, I did not feel it necessary to call 14 on you. 15 MR EMMERSON: I do now need to deal with the slightly 16 different procedural application -- which is the one 17 I tripped up over myself when I was making the 18 introduction -- and that is the application for core 19 participant status on behalf of D2, who is represented 20 today by my learned friend Ms Caoilfhionn Gallagher. 21 The position with this application is that, for 22 reasons that Ms Gallagher can explain, it arrived 23 shortly after the deadline and has not been determined 24 one way or the other. Therefore this is not a renewal 25 application but rather an opportunity at this hearing</p> <p style="text-align: center;">Page 28</p>

<p>1 for Ms Gallagher to make representations and then give 2 you an opportunity, Madam, to reserve your decision on 3 the application as a whole. 4 Without prejudging matters, it will certainly be our 5 submission in due course that Ms Gallagher having had 6 this opportunity, it will not be appropriate to provide 7 a further opportunity for renewal. In other words this 8 is two bites of the cherry at one opportunity. 9 May I sit down and allow Ms Gallagher to develop the 10 submissions? 11 THE CHAIR: Yes, of course. 12 Ms Gallagher, as this is really a first instance 13 application, if I can put it that way, I will take 14 a careful note, although we do have a verbatim 15 transcript as you are probably aware which is very 16 efficiently being recorded as we speak, so I will have 17 the benefit of that. But I would like to make a careful 18 note of your points as we go. 19 Submissions on behalf of D2 by MS CAOLFHIONN GALLAGHER 20 MS GALLAGHER: I'm very grateful, and we are very grateful 21 for the opportunity to make oral submissions today on 22 behalf of this individual, D2, who seeks designation of 23 core participant status. He's also very grateful for 24 the early indication of anonymity which was particularly 25 important to him.</p> <p style="text-align: center;">Page 29</p>	<p>1 decision. 2 MS GALLAGHER: I'm very grateful. We can certainly provide 3 the documents. 4 THE CHAIR: It would not be appropriate for me to make 5 a hasty decision today. 6 MS GALLAGHER: We can certainly provide the documents today, 7 immediately afterwards, if that would be of assistance. 8 THE CHAIR: Perhaps you make them available to Mr Carlyon -- 9 MS GALLAGHER: We can do that. 10 THE CHAIR: -- and he will hand them on to me in due course. 11 MS GALLAGHER: We can provide them electronically to 12 Mr Carlyon as well if that would be helpful. 13 THE CHAIR: Thank you. 14 MS GALLAGHER: There are three matters which I intend to 15 deal with. The first is just to give a brief factual 16 overview -- not delving into much of the detail but just 17 a brief factual overview -- of D2's position; secondly, 18 to deal with the process issue about this being a late 19 application; then, thirdly, to deal with the substance 20 of the application. 21 So firstly, by way of factual summary: D2 is 22 an individual who was abused over a period of time since 23 1970 at five separate institutions, two of which were 24 Catholic schools and one of which was run by the 25 Archdiocese of Birmingham, Croome Court Catholic school</p> <p style="text-align: center;">Page 31</p>
<p>1 As Mr Emmerson has noted, this is a late application 2 and it has not yet been considered. I'm conscious that 3 there are very limited papers before you. I think you 4 may only have a brief letter from Bhatia Best Solicitors 5 dated 25 July. 6 THE CHAIR: I have that, and the follow-up email. 7 MS GALLAGHER: Yes, there was an email on 21 July. There is 8 a follow-up email after the 25th. 9 THE CHAIR: There is a follow-up email, yes. 10 MS GALLAGHER: There was some earlier contact between D2 and 11 the Inquiry in November 2015. 12 THE CHAIR: Yes. 13 MS GALLAGHER: We did attempt to get a record of that. We 14 have not been able to do that. I understand it was 15 standard correspondence after contacting the line. 16 I do have some additional documents which may be of 17 assistance. 18 THE CHAIR: Do you wish to hand those up or make them 19 available to counsel? 20 MS GALLAGHER: It may be sensible to make them available 21 afterwards, particularly if you are reserving your 22 position. A number of the items in them are sensitive 23 so I suggest that I summarise in broad terms the 24 position -- 25 THE CHAIR: If I could indicate, I will be reserving my</p> <p style="text-align: center;">Page 30</p>	<p>1 in Worcester. Throughout the 1970s and 1980s he was 2 abused in that series of institutions. 3 We have evidence, which we will provide to you, from 4 Derbyshire Healthcare Foundation Trust which indicates 5 the extent to which this has had a very grave impact 6 upon his life, including him having PTSD, and it 7 indicates that his healthcare professionals consider 8 that his endurance of sexual, emotional and physical 9 abuse when a child, over the age of seven to 18, has 10 caused him very long term difficulties. 11 It has resulted in him being an isolated and 12 vulnerable adult. You will see reference in the 13 correspondence to him having learning difficulties, 14 intellectual impairments and mental health difficulties, 15 and he also has communication difficulties which are 16 referred to in some of the medical documentation. And 17 that is why this application is coming to you in the way 18 that it is, because by virtue of his vulnerabilities 19 he's not in fact part of one of the larger survivor 20 groups and he hasn't been able to make a group 21 application as part of an organisation like that and 22 that stems from his abuse. 23 As I will come on to submit, a voice such as his 24 should be heard and shouldn't be shut out because he's 25 a single individual. The alternative of him giving his</p> <p style="text-align: center;">Page 32</p>

<p>1 account through the Truth Inquiry is not something 2 which, in his submission, meets his requirements. 3 Very briefly, the two key institutions for him for 4 present purposes are Croome Court, which was St Joseph's 5 School for Disadvantaged Boys, bought and run by the 6 Birmingham Archdiocese in 1948; and, secondly, 7 Besford Court in Worcester, where he moved at the age of 8 13. 9 The abuse which he describes at Croome Court was 10 both physical and sexual by male and female staff 11 members. When he moved to Besford Court, the abuse was 12 of a different nature and it was abuse by fellow pupils, 13 and there are safeguarding concerns about him having 14 raised issues and them not having been addressed. 15 I will provide documentation, including a police 16 statement from 2005 and some of the healthcare material 17 relating to that background. 18 Secondly, if I could turn to the issue of process, 19 we are conscious of course that the deadline for D2's 20 application was 4.00 pm on 24 June. There was 21 a four-week window and D2 failed to meet that. The 22 reason for that is that D2 was simply unaware of the 23 window. He learnt of it from discussions with someone 24 involved in the Survivor Group in July, and he then was 25 referred to his solicitors, Bhatia Best, on 7 July 2016.</p> <p style="text-align: center;">Page 33</p>	<p>1 relation to one of the case studies because Croome Court 2 was run by the Catholic Archdiocese of Birmingham. 3 We are conscious that a number of the decisions made 4 in relation to individual complainants in other strands 5 of the Inquiry have been refused, and that they have 6 been directed to perhaps give their testimony through 7 the Truth Inquiry. That is something which D2 is not 8 anxious to do. Because of his vulnerabilities, he's 9 very keen to have legal support and an advocate, and 10 he's also very keen to have the opportunity to explore 11 the evidence and put questions. 12 That would, of course, however, be in 13 a proportionate manner. When seeking leave to ask 14 questions of witnesses, it would of course be very 15 focused on particular parts of this Inquiry so it is 16 a proportionate request. 17 In broad summary, they are the reasons for his 18 application. I suggest, if the Chair is content with 19 this, that I can provide the documents later in the day 20 today. 21 THE CHAIR: Yes, of course. 22 MS GALLAGHER: In respect of what Mr Emmerson said regarding 23 a second bite of the cherry -- this being a first bite 24 of the cherry -- we are in your hands. 25 If it would be of assistance to provide you with any</p> <p style="text-align: center;">Page 35</p>
<p>1 They were unable to take instructions by telephone in 2 the circumstances and needed to meet him in person. The 3 first time that could be done was last week, 20 July, 4 and they contacted the Inquiry the following day, on the 5 21st. 6 He had, however, indicated his interest as far as 7 back as November 2015 and had some discussions with the 8 Inquiry at that stage. He simply didn't have an 9 understanding -- and this is in part because of his 10 vulnerabilities and his intellectual impairments -- he 11 simply didn't have an understanding regarding the 12 different strands of the Inquiry, the difference between 13 core participant status and the Truth Inquiry, his 14 entitlement to seek legal advice and so on. He's now 15 aware of that and hence wishes to make this application. 16 Thirdly, in relation to the substance, my submission 17 on D2's behalf is that by reference to the factors set 18 out in Rule 5(2), and particularly factor (b), D2 should 19 be designated a core participant. He has a significant 20 interest in an important aspect of the matters to which 21 this Inquiry relates, and that concerns both the generic 22 issues relating to the Roman Catholic Church and, in 23 particular, the first three of the main themes outlined 24 by Mr Emmerson earlier and in the scope document; but 25 also, specifically, he has a significant interest in</p> <p style="text-align: center;">Page 34</p>	<p>1 further written submissions pointing out, for example, 2 the key parts of the documents which we are providing 3 you with -- they are only about seven pages in total so 4 it is not an onerous amount of material -- that could 5 also be provided today if that would be of assistance. 6 THE CHAIR: Are these submissions you are speaking to now? 7 MS GALLAGHER: No, what I have for you is material which 8 I have just received overnight. 9 I think you will be aware that I was instructed at 10 very short notice. So it is a police statement from 11 2005 summarising his background, some healthcare 12 materials, and I can also just provide, if it would be 13 of assistance, any further written submissions today if 14 that would be of help to supplement the submissions that 15 I have made orally this morning. 16 THE CHAIR: Well, I think that you have made actually a very 17 comprehensive submission on both aspects of your 18 application: first, that it be received out of time; 19 and, secondly, that it be favourably considered and 20 granted. Both of those matters I will reserve as 21 I indicated earlier. 22 Any written material you have with you, would you 23 please make available to counsel. Perhaps to 24 Ms McColgan, rather than handing it up to me now, 25 because I will want to take the time to consider all</p> <p style="text-align: center;">Page 36</p>

<p>1 material.</p> <p>2 As for any further written submissions that you</p> <p>3 might put in today, if you feel there is something</p> <p>4 further that you have not addressed that is material to</p> <p>5 either of those applications, then you certainly have my</p> <p>6 permission to do so by the end of today.</p> <p>7 MS GALLAGHER: I'm very grateful.</p> <p>8 I'm conscious also that, because this is an</p> <p>9 application that is just being made now, there may of</p> <p>10 course be issues which Ms McColgan and Mr Emmerson have</p> <p>11 concerns about or questions about, and I can address</p> <p>12 those.</p> <p>13 THE CHAIR: Of course. The interests of fairness will</p> <p>14 prevail, so that is my interim decision for now.</p> <p>15 It is for counsel to engage with each other and to</p> <p>16 make sure all relevant material comes before me. I will</p> <p>17 let you have my decision in due course.</p> <p>18 MS GALLAGHER: I'm very grateful. Thank you.</p> <p>19 THE CHAIR: Thank you for your submissions.</p> <p>20 Yes, Mr Emmerson?</p> <p>21 MR EMMERSON: For the record, Madam, may I finally record in</p> <p>22 relation to core participant renewal applications that,</p> <p>23 as you know, on Tuesday of this week you heard a renewal</p> <p>24 application for CP status on behalf of SOIA, the</p> <p>25 Survivors of Institutional Abuse, which related to</p> <p style="text-align: center;">Page 37</p>	<p>1 I think it might be helpful if Ms Gallafent were just</p> <p>2 very briefly to outline the principal points that her</p> <p>3 clients wish to make so that they are on the record in</p> <p>4 public.</p> <p>5 THE CHAIR: Yes, Ms Gallafent, do you wish to address me on</p> <p>6 this?</p> <p>7 Submissions on behalf of the Catholic Council for the</p> <p>8 Independent Inquiry into Child Sexual Abuse and the English</p> <p>9 Benedictine Congregation by MS KATE GALLAFENT QC</p> <p>10 MS GALLAFENT: Yes, Madam.</p> <p>11 I'm conscious that you have had quite detailed</p> <p>12 observations from my solicitors dated 21 July. The</p> <p>13 draft redaction guidance, of course, set out a series of</p> <p>14 general principles differentiated into seven categories</p> <p>15 of individuals.</p> <p>16 We have provided our observations in relation to</p> <p>17 those particular categories. Those are primarily issues</p> <p>18 of process rather than substance, but in particular</p> <p>19 raise issues, for example, under the Rehabilitation of</p> <p>20 Offenders Act 1974.</p> <p>21 Across all categories, however, we have raised some</p> <p>22 particular issues in relation to jigsaw identification.</p> <p>23 We are conscious that this was an issue that was raised</p> <p>24 earlier this week in relation to one of the other</p> <p>25 investigations. We, too, consider that it would be very</p> <p style="text-align: center;">Page 39</p>
<p>1 a number of investigations including the present one.</p> <p>2 THE CHAIR: Yes.</p> <p>3 Submissions regarding anonymity by COUNSEL TO THE INQUIRY</p> <p>4 MR EMMERSON: May I turn now to deal with the issue of</p> <p>5 anonymity?</p> <p>6 In my general update on the investigations on</p> <p>7 Tuesday, I outlined the draft restriction order you have</p> <p>8 made giving anonymity to all complainant</p> <p>9 core participants.</p> <p>10 As a result, any complainant core participant in</p> <p>11 this investigation will be granted anonymity and</p> <p>12 a cipher applied in documentation, unless they expressly</p> <p>13 consent to being identified. We have also posted</p> <p>14 a redaction protocol on the website and circulated draft</p> <p>15 redaction guidance which reflects the approach on</p> <p>16 anonymity and addresses a broader range of individuals</p> <p>17 whose identities may be revealed in documentation.</p> <p>18 The Inquiry has received two sets of written</p> <p>19 submissions concerning the draft redaction guidance,</p> <p>20 both of which have been circulated. The first is</p> <p>21 submitted on behalf of the Catholic Council for the</p> <p>22 Independent Inquiry into Child Sexual Abuse and the</p> <p>23 English Benedictine Congregation. The submissions are</p> <p>24 detailed and drafted with considerable care and you</p> <p>25 will, of course, be taking them into account, but</p> <p style="text-align: center;">Page 38</p>	<p>1 helpful if the Inquiry could provide further guidance on</p> <p>2 the extent of redactions necessary in order to avoid</p> <p>3 that mosaic or jigsaw identification arising.</p> <p>4 In particular, we have made our own suggestions for</p> <p>5 the Inquiry to consider as to whether a particular</p> <p>6 approach might be sensible for all participants and</p> <p>7 therefore all participants being invited to follow it,</p> <p>8 which goes along the lines of identifying obvious</p> <p>9 identifiers -- that is name, address and telephone</p> <p>10 number for example -- and then possible identifiers.</p> <p>11 There we have suggested there are three potential</p> <p>12 categories in relation to possible identifiers. Common</p> <p>13 possible identifiers, for example in the context of the</p> <p>14 ECB part of the investigation, the names of abbeys and</p> <p>15 schools; reasonably likely identifiers, such as whether</p> <p>16 the victim, for example, was the captain of a sports</p> <p>17 team, so within the context of an institution or an</p> <p>18 organisation such identifiers may lead to the individual</p> <p>19 being identified; and then remote risk identifiers.</p> <p>20 Again, we think it might be helpful for the Inquiry to</p> <p>21 identify those broad areas of facts that might, we</p> <p>22 suggest, assist all core participants in adopting</p> <p>23 a common uniform approach to the issue of redaction.</p> <p>24 But we have made our submissions in the letter of</p> <p>25 21 July, and I don't, unless I can assist any further,</p> <p style="text-align: center;">Page 40</p>

<p>1 intend to go through those in any greater detail today. 2 THE CHAIR: No. 3 Thank you very much indeed, Ms Gallafent. As you 4 correctly say, this matter, this issue, has been raised 5 earlier in the week. It is clearly something that 6 requires further careful thought and it is quite a 7 sensitive, of course, aspect, and could be critical for 8 some participants. 9 So rest assured, the counsel team and the solicitor 10 team will be giving serious consideration to perhaps 11 refining or developing the redaction protocol and 12 guidance further, and advising the Panel and myself 13 accordingly. 14 MS GALLAFENT: I'm very grateful, thank you, Madam. 15 THE CHAIR: Thank you. 16 Mr Emmerson? 17 MR EMMERSON: We also received, Madam, a very short 18 submission by letter from the Archdiocese of Birmingham, 19 essentially raising some questions about the operation 20 of the redaction protocol and guidance. 21 The Solicitor to the Inquiry has responded by letter 22 and the parties are agreed that this is an issue that is 23 best resolved without the need for oral submissions. 24 THE CHAIR: Yes, thank you. 25</p> <p style="text-align: center;">Page 41</p>	<p>1 Submissions on behalf of the complainants represented by 2 Imran Khan & Partners by MR PHILIP DAYLE 3 MR DAYLE: Madam, you would have noted our very brief 4 submissions dated 22 July of this year. 5 Very briefly, the points that we would wish to raise 6 at this point are perhaps process points. The first 7 deals with the matter of the actual designation, and we 8 are grateful we have been designated core participant 9 status in relation to seven persons, G1 to G6 and White 10 Flowers Alba. 11 The actual designation in relation to G5, there is 12 a slight correction we wish to make. It refers to -- 13 THE CHAIR: Just pause for one minute. 14 Yes? 15 MR DAYLE: Yes. It refers to "father" instead of "mother", 16 and there follows the inappropriate pronoun reference in 17 paragraphs 5 and 6. 18 We would ask that those corrections be made and 19 I can particularise them for the Solicitor to the 20 Inquiry. 21 THE CHAIR: Thank you. 22 MR DAYLE: In relation to G1, our very brief application 23 would be that the very last sentence in paragraph 5 be 24 deleted just out of an abundance of caution, having 25 regard to questions of anonymity and possible jigsaw</p> <p style="text-align: center;">Page 43</p>
<p>1 Submissions in relation to broadcasting and redaction 2 guidance by COUNSEL TO THE INQUIRY 3 MR EMMERSON: Lastly, I should mention very briefly your 4 broadcasting ruling. 5 If any core participants wish to make submissions on 6 the application of that ruling in the present 7 investigation or seek a variation of it, then this would 8 be the appropriate moment to do so. 9 Nobody has indicated that there is such an 10 application, and I see there is no indication behind me 11 now. 12 THE CHAIR: No. 13 MR EMMERSON: So, Madam, as in previous hearings, as regards 14 the restriction order and redaction guidance, we will 15 invite you to reserve judgment to consider all 16 submissions together. 17 Very lastly, the core participants represented by 18 Imran Khan & Partners, such as White Flowers Alba, have 19 raised a number of matters in correspondence. 20 I indicated just before the hearing that I would give my 21 learned friend just an opportunity to say anything that 22 he wishes to do so in relation to that, and indeed of 23 course any other core participants who wishes to raise 24 an issue. 25 THE CHAIR: Yes, Mr Dayle.</p> <p style="text-align: center;">Page 42</p>	<p>1 identification. 2 Those would be the only submissions that I would 3 wish to make at this point. We are in broad agreement 4 in relation to all the other points of principle that 5 have been canvassed to date. 6 THE CHAIR: Yes, Mr Dayle, thank you very much for drawing 7 those matters to my attention. 8 MR DAYLE: Thank you. 9 THE CHAIR: Yes, Mr Emmerson? 10 MR EMMERSON: Madam, in light of those submissions, unless 11 there are any other matters anybody wishes to raise, 12 I will turn to the question of directions. 13 THE CHAIR: Does any other counsel wish to be heard about 14 any other matter? 15 Submissions in relation to timetable by COUNSEL TO THE 16 INQUIRY 17 MR EMMERSON: Then, Madam, may I invite you to make 18 directions on the timetable for the next steps in this 19 investigation? 20 There are four. The first is that by 4 o'clock on 21 Thursday, 8 September, any core participant who wishes 22 to do so should file an application for an award of 23 legal expenses or other expenses under section 40 of the 24 2005 Act, an application that will need to address the 25 matters set out in paragraph 12 of the Inquiry's costs</p> <p style="text-align: center;">Page 44</p>

1 protocol.
 2 Secondly, by the same time on the same day, any
 3 complainant core participant who wishes to waive
 4 anonymity to please inform the Inquiry in writing, and
 5 any non-complainant core participant who wishes to apply
 6 for anonymity should file an application for
 7 a restriction order under section 19 of the 2005 Act,
 8 again by the same time and date, 4.00 pm on 8 September.
 9 Restriction order applications must specify the terms of
 10 the restriction sought as well as addressing the test
 11 laid down in section 19(3) of the Act.
 12 Thirdly, all applications received in relation to
 13 restriction orders should be circulated to other
 14 core participants in this investigation, redacted and
 15 anonymised as necessary.
 16 Fourthly, by 4.00 pm on 22 September, any core
 17 participant who wishes to file submissions in relation
 18 to applications by other core participants for
 19 restriction orders should have the opportunity to do so.
 20 Finally, Madam, may I ask you to indicate that there
 21 will be a further preliminary hearing in this
 22 investigation in the later part of the year, so that we
 23 can take stock and hope to start planning for hearing
 24 dates.
 25 THE CHAIR: Yes, thank you, Mr Emmerson.

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1 Does any counsel wish to be heard on any of those
 2 proposed orders?
 3 MR KELLY: Yes, Madam. Not on those orders, save that for
 4 obvious reasons --
 5 THE CHAIR: Mr Kelly, yes.
 6 Submissions on behalf of Ampleforth by MR MATTHIAS KELLY QC
 7 MR KELLY: Yes, I'm representing Ampleforth.
 8 THE CHAIR: Yes, Mr Kelly.
 9 MR KELLY: We would like an indication as to when the
 10 hearing might take place, because it is clearly of
 11 importance not only to me but to my clients in terms of
 12 forward planning, even if it is just guidance as to it.
 13 Otherwise diaries, for example, have to be kept free and
 14 so on. It is the obvious --
 15 THE CHAIR: Yes.
 16 MR KELLY: We would like a hint, at least, and preferably
 17 a date.
 18 THE CHAIR: Yes, thank you.
 19 Yes, Mr Emmerson.
 20 MR EMMERSON: Madam, as I indicated during the course of
 21 submissions, it is unfortunately far too early at this
 22 stage in this investigation for us to be in a position
 23 to indicate what the date is likely to be.
 24 What I can indicate is that it will not be this year
 25 and that the Inquiry's diary for hearings is now full

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1 for the first half of next year, and possibly into the
 2 beginning of the second half of next year, with other
 3 hearings. So if that provides some assistance, it won't
 4 be before the second half of next year.
 5 THE CHAIR: Yes.
 6 That should give you ample time for preparation.
 7 I'm sorry you cannot have a more precise indication than
 8 that, but the enormity of just this investigation module
 9 cannot be underestimated, nor should the Inquiry proceed
 10 without all care and responsibility in the pursuance of
 11 its work.
 12 MR KELLY: Yes.
 13 THE CHAIR: So what Mr Emmerson has suggested is that
 14 I indicate, as I do now, that there will be a further
 15 preliminary hearing in this investigation later this
 16 year, and no doubt there will have to be further
 17 preliminary hearings before we embark upon definitive
 18 hearings, substantive hearings.
 19 So thank you for your submission, Mr Kelly, which
 20 was heard and received. I'm sorry I don't have a more
 21 definitive answer for you but practicalities carry the
 22 day.
 23 MR KELLY: Yes. I take it from that that the second half of
 24 next year means not before June 2017?
 25 THE CHAIR: I would take that as an indication, thank you.

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1 MR KELLY: Yes, thank you.
 2 THE CHAIR: All right. In respect of the four orders that
 3 were outlined by Mr Emmerson, those orders as sought are
 4 made accordingly.
 5 Does that conclude the business of this
 6 investigation hearing?
 7 MR EMMERSON: Madam, that concludes the business of the
 8 hearing, save to say, of course, that we are resuming at
 9 2 o'clock in relation to the child migrants.
 10 THE CHAIR: Yes, thank you.
 11 Thank you, the Panel and I will retire.
 12 (11.38 am)
 13 (The hearing adjourned to a date to be fixed)
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