

# Investigation reports of the Independent Inquiry into Child Sexual Abuse

## The Anglican Church

### Case Studies:

1. The Diocese of Chichester
2. The response to allegations against Peter Ball

## The Roman Catholic Church

### Case Study:

Archdiocese of Birmingham

*September 2022*



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Presented to Parliament pursuant to section 26 of the  
Inquiries Act 2005

Ordered by the House of Commons to be printed  
5 September 2022

Volume 2  
HC 646-II

The Independent Inquiry into Child Sexual Abuse (IICSA) was established by the then Home Secretary in 2015 to look at the extent to which institutions in England and Wales have discharged their duty to protect children from sexual abuse. The Inquiry is chaired by Professor Alexis Jay OBE.

The programme of public hearings and their investigation reports has now finished, and all 19 investigation reports have been published. The reports which make up this volume and which are now prepared for presentation to Parliament were originally published by the Inquiry in May 2019 and June 2019.

All of the Inquiry's investigation reports are available on the [Inquiry's website](#) and on the [Inquiry's collection page on gov.uk](#).



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ISBN 978-1-5286-3265-2

E02733227 09/22

(Volume 2 of 5)

Printed on paper containing 40% recycled-fibre content minimum.

Printed in the UK by HH Associates Ltd. on behalf of the Controller of Her Majesty's Stationery Office.

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# The Anglican Church

## Case Studies:

1. The Diocese of Chichester
2. The response to allegations against Peter Ball

Investigation Report  
*May 2019*

A report of the Inquiry Panel  
Professor Alexis Jay OBE  
Professor Sir Malcolm Evans KCMG OBE  
Ivor Frank  
Drusilla Sharpling CBE

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This publication is available at <https://www.iicsa.org.uk/reports>

ISBN 978-1-5286-1213-5

CCS0319896362 05/19

Printed on paper containing 75% recycled-fibre content minimum.

Printed in the UK by the APS Group on behalf of the Controller of Her Majesty's Stationery Office.



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# Executive Summary

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This phase of the Anglican Church investigation has examined two case studies. The first was the Diocese of Chichester, where there have been multiple allegations of sexual abuse against children. The second concerned Peter Ball, who was a bishop in Chichester before becoming Bishop of Gloucester. In 1993, he was cautioned for gross indecency, and was convicted of further offences in 2015, including misconduct in public office and indecent assault.

The Church of England should have been a place which protected all children and supported victims and survivors. It failed to be so in its response to allegations against clergy and laity.

## The Diocese of Chichester

The Diocese of Chichester covers East and West Sussex, with 506 churches and 365 parishes. There are 450 clergy and employed lay workers, as well as a significant number of retired clergy.

Over 50 years, 20 individuals with connections to Chichester Diocese have been convicted or have pleaded guilty to sexual offending against children. This figure is higher than in other large dioceses. For example, there were seven convictions in York, five in Birmingham and three in London over similar periods of time. Both case studies provided examples of perpetrators about whom there were allegations and, in one instance, a known conviction, but who were allowed unrestricted access to children and young people. In some cases, they continued to offend.

Some of the convicted perpetrators include:

### Reverend Gordon Rideout

Reverend Gordon Rideout was ordained as a priest in 1962 and became an assistant curate in Sussex. He acted as chaplain to a nearby Barnardo's Children's Home, where he indecently assaulted a number of children. He then moved to an English army base where there were also allegations of indecent assault against three girls, for which he was acquitted. He later returned to Chichester. In 2013, Rideout was convicted of 36 offences of child sexual abuse involving 16 victims. He was sentenced to 10 years' imprisonment. No safeguarding file was ever opened on him by the Diocese, even though the historic allegations were known about. He was allowed permission to officiate, with no conditions attached, despite Bishop John Hind and Bishop Wallace Benn knowing about previous arrests.

### Reverend Robert Coles

In 2012, Reverend Robert Coles pleaded guilty to 11 offences of child sexual abuse. This included seven counts of indecent assault and one count of buggery, which related to his time as a parish priest in Chichester. He was sentenced to eight years' imprisonment. In 2015 he was convicted of two further counts of sexual assault on a male aged under 13 years. He had retired in 1997, but continued to take services without permission. A serious case review in 2015 found that he had sexually groomed a child in 2007-08 and had befriended the

families of teenage boys. He took them out alone and gave them keys to his flat. This was known to some individuals in the Diocese, but no steps were taken to prevent him working with children.

### Reverend Jonathan Graves

In 2017, after a second investigation by Sussex Police, Reverend Jonathan Graves was convicted of seven counts of indecent assault, two counts of indecency with a child and four counts of cruelty to a child. He was sentenced to 12 years' imprisonment. Graves befriended teenage boys in his role as priest, and then engaged in sexual activity with them. This included sadism and masochism. He was warned by the safeguarding adviser in 2000 that he should not have under 18s in the house, but nothing was done to enforce this or follow up on suspicions about him within the parish.

### Reverend Colin Pritchard

Reverend Colin Pritchard was a friend of another perpetrator, Reverend Roy Cotton. Both abused Mr Philip Johnson during his teenage years. Pritchard pleaded guilty in 2008 to seven counts of sexual assault against two boys in a parish in Northamptonshire. He was jailed for five years. In 2018, he was convicted of several counts of indecent assault and rape against a boy aged between 10 and 15, for which he received a sentence of 16 years' imprisonment. The allegations were that he conspired with Cotton to commit these offences, which took place while he was vicar in a Chichester parish.

### The Diocese

From the early 1990s until 2013 onwards, when the conclusions of the Visitation were implemented, there were inadequate safeguarding structures and policies in place within the Anglican Church and in Chichester Diocese. The responses to child sexual abuse were marked by secrecy, prevarication, avoidance of reporting alleged crimes to the authorities and a failure to take professional advice.

It was the opinion of Mr Colin Perkins, Diocesan Safeguarding Adviser, that Coles represented *"the worst case in the Diocese, the most serious case ... a diocesan bishop, an area bishop, an archdeacon and two safeguarding advisers knew that he had admitted some of the matters about which he had been questioned ... and none of them told the police"*.<sup>1</sup>

Several internal reviews failed to expose the nature and scale of the problem of child sexual abuse within the Diocese. Instead, they were used by Church leaders to act out their personal conflicts and antagonisms. The reviews ultimately came to nothing until the Archbishop of Canterbury intervened by ordering a Visitation.

The 1997–98 Sussex Police investigation into Cotton and Pritchard, both later convicted, was inadequate. There was unnecessary delay and a failure to explore all lines of enquiry. As a consequence, no charges were brought and both offenders escaped justice at that time. The later investigations by Sussex Police, namely Operations Perry and Dunhill, were of a much higher quality. The police and the Diocese worked closely together during those investigations.

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<sup>1</sup> Perkins 15 March 2018 131/10-17

## Peter Ball

In his 2015 guilty plea, Peter Ball admitted he had abused his position as Bishop of Lewes and Bishop of Gloucester to offend against 17 teenagers and young men. That offending involved deliberately manipulating vulnerable teenagers and young men for his own sexual gratification and included naked praying, masturbation and flagellation. It was presented by Ball as following the teachings of St Francis. One witness described how Ball had repeatedly suggested they watched television together naked, as such ‘humiliation’ was part of the teachings of St Francis and would provide a more direct route to a closer relationship to God.

Many of Ball’s victims passed through the ‘Give a Year to God’ scheme, which Peter Ball had set up while he was Bishop of Lewes in the early 1980s. This scheme was not subject to any monitoring or supervision by the Diocese of Chichester or by anyone from the Church.

One such victim was Neil Todd, who was seriously failed by the Church and ultimately took his own life at the age of 38. In 1992, Ball’s housekeeper and her husband were so concerned about his treatment of Mr Todd that they reported it to a senior bishop working with the Archbishop of Canterbury. Nothing constructive was done, despite the likely abuse of power by Ball and Neil Todd’s undoubted vulnerability. The Church discounted Ball’s conduct as trivial and insignificant, displaying callous indifference to Neil Todd’s complaints.

Later, during the Gloucestershire Constabulary investigation of the matter, the Church expressed unwavering public support for Peter Ball and, following his caution, gave him extensive financial help. Neil Todd received limited counselling support, but no redress or practical assistance.

The Gloucestershire Constabulary investigation was thorough, but the force failed to share important information with the Church after Ball’s caution. The Crown Prosecution Service (CPS) advice to offer him a caution for one offence of gross indecency was wrong, and contrary to Home Office guidance at that time. Ball could properly have been charged with several other offences in 1992, at least one of which he subsequently pleaded guilty to in 2015.

Peter Ball’s charisma, charm and reputation enabled him to avoid a criminal conviction. He used his power and influence to groom individuals and manipulate the institutions of the Church. The Church’s response to his arrest in 1992 was to minimise his offending and later to return him to ministry with indecent haste, without any kind of basic assessment of risk to children.

On behalf of the Church, the Archbishops’ Council has accepted that it displayed “*moral cowardice*” in its response to the allegations against Peter Ball.<sup>2</sup>

An important aspect of the Peter Ball case study was the failure of leadership of Lord George Carey, then Archbishop of Canterbury. He equivocated throughout the responses to allegations about Ball, seeming frequently to do the wrong thing when there was a choice to be made. His ‘compassion’ whilst often accorded to Ball, did not extend to his victims. Examples of this were Archbishop Carey’s overt support for Ball’s innocence, despite having no justification for his position, and the Christmas letter he sent to parishioners, in which he wrote, “*We hope and pray that the investigation will clear his name*”.<sup>3</sup> Further, he wrote to

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<sup>2</sup> Submissions 27 July 2018 154/17

<sup>3</sup> ACE000255\_001

the Chief Constable of Gloucestershire Constabulary during their investigation of Ball, to say that the allegations against him were “*unrepresentative of his style*”.<sup>4</sup> This statement was neither accurate nor appropriate.

Following Ball’s caution for gross indecency in 1992, Archbishop Carey could have decided to take disciplinary action against him. He did not. The only person with effective power to prevent Ball from returning to ministry, or to limit it, was Archbishop Carey. It was he who granted Peter Ball permission to officiate and he who publicly called for him to be treated “*as any other retired bishop*”.<sup>5</sup> Almost every aspect of his decision-making regarding Peter Ball indicates poor judgement and a failure to recognise the appalling experiences of Ball’s victims.

Peter Ball seemed to relish contact with prominent and influential people. This included royalty and other titled individuals, and heads of well-known public schools. He was frequently described as ‘charismatic’ and an outstanding preacher. Some of these people rushed to support him in the aftermath of his arrest. In the years that followed, they wrote to the police, the CPS and the Church in the belief that their opinion of Peter Ball’s character mattered, despite not knowing all of the facts or the allegations. Lord Lloyd of Berwick, Lord Renton and Tim Rathbone MP all wrote in their support of Ball. Such people in public office should have taken greater care before using their positions of prominence to seek to influence the criminal justice system.

Peter Ball sought to use his relationship with His Royal Highness the Prince of Wales to further his campaign to return to unrestricted ministry. The Prince of Wales informed the Inquiry he was not aware of the significance or impact of the caution that Peter Ball had accepted, and was not sure that he was even told that Peter Ball had been cautioned at the time. During the period of that campaign, the Prince of Wales and his private secretary spoke about Peter Ball with the Archbishop of Canterbury and a member of Lambeth Palace staff. In addition, the Duchy of Cornwall purchased a property specifically to rent to Peter Ball and his brother. The actions of the Prince of Wales were misguided. His actions, and those of his staff, could have been interpreted as expressions of support for Peter Ball and, given the Prince of Wales’ future role within the Church of England, had the potential to influence the actions of the Church.

## The response by the Church

The question remains why the Church’s responses to sexual abuse in Chichester, including the Peter Ball case, were so inadequate. They had devastating consequences for the children and young people who were affected.

There are some reasons already well known to this Inquiry from other investigations, principally concerning the prioritisation of reputation over the protection of children. There was a deep-seated arrogance amongst some senior clergy, including Bishop Wallace Benn. They believed that they were right in their indulgent attitude towards some perpetrators, even when they had been convicted. In Bishop Benn’s case, his failings were compounded by his litigious approach to perceived criticism.

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<sup>4</sup> ACE000437\_001

<sup>5</sup> ACE003298\_058

What marks out faith organisations such as the Anglican Church in this context is their explicit moral purpose, in teaching right from wrong. In Chichester, its neglect of the physical and spiritual well-being of children and young people was in conflict with the Church's mission of love and care.

Another failing in the Church was its 'clericalism' and 'tribalism', which made the present Archbishop of Canterbury so deeply ashamed. Both contributed to an approach to ministry in the Diocese which led to an abuse of power.

In this context, we use clericalism to describe Church structures in which control is largely or entirely vested in the clergy. The consequence of this is the absence of accountability, and the creation of a climate in which clergy may consider themselves superior to laity.

Tribalism is based on the impulse to protect a particular group, belief or way of thinking, regardless of individual responsibility or culpability. In Chichester, this manifested itself in opposing factions. Rivalry between the two groups was in itself destructive, and within each group there was misplaced loyalty to its adherents. In the public hearings, this was acted out by several senior clergy squabbling about responsibility for failing to deal with past sexual abuse. The damaging consequence of this overriding allegiance to one's own 'tribe' was that child protection was compromised.

The Church has issued an unconditional apology to victims and survivors for their suffering. For many people, however, that apology was unconvincing. One female victim, who was abused by Gordon Rideout from the age of 10, received an apology from the Bishop of Chichester in 2013. This was some 40 years after she had been abused. Victims who have been in touch with the Inquiry have described the lifelong consequences of their abuse, as well as their loss of religious faith. Others were unable to cope with their experiences and ended their lives.

The Archbishops' Council has characterised the Church's treatment of complainants, victims and survivors as "*shocking, even callous*".<sup>6</sup> The Church has now acknowledged its errors and recognised that it must take responsibility for the pain suffered by victims and survivors.

We noted the improvements which have occurred in Chichester since 2012, and the commitment of resources by the Church to facilitate these changes. The Diocese has also benefited from the firm leadership of Bishop Martin Warner. We will use the wider Anglican Church public hearings to explore the further steps that should be taken, as well as examining specific issues such as Church structures, disciplinary processes and cultural change.

We make several recommendations which arise directly from the case studies of the Diocese of Chichester and the response to allegations against Peter Ball. These include improving child protection in religious communities affiliated to the Church, criminalising sexual activity between clergy and a person of 16–18 over whom they have spiritual authority, and stronger compliance with the requirement of volunteers and ordained clergy to undergo disclosure and barring checks.

We will make further recommendations directly related to the findings of this report following the hearing in July 2019, which will focus upon the wider Anglican Church.

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<sup>6</sup> ACE026392





Part A

# Introduction

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# Introduction

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1. In 2015 the Inquiry announced an investigation into the nature and extent of, and the institutional response to, allegations of child sexual abuse within the Anglican Church.
2. The Inquiry's definition of scope for this investigation identified the following themes:
  - 2.1. the prevalence of child sexual abuse within the Anglican Church;*
  - 2.2. the adequacy of the Anglican Church's policies and practices in relation to safeguarding and child protection, including considerations of governance, training, recruitment, leadership, reporting and investigation of child sexual abuse, disciplinary procedures, information sharing with outside agencies, and approach to reparations;*
  - 2.3. the extent to which the culture within the Church inhibits or inhibited the proper investigation, exposure and prevention of child sexual abuse; and*
  - 2.4. the adequacy of the Church of England's 2007/09 'Past Cases Review', and the Church in Wales's 2009/10 'Historic Cases Review'."*
3. Two case studies were selected by the Inquiry for the purpose of investigating these themes:
  - 3.1.** The Diocese of Chichester, where there had been a number of convictions of clerics and others involved with the Diocese for child sexual abuse. There have also been a number of internal reviews exploring the institutional response within the Diocese, which raised questions about the Church of England more widely.
  - 3.2.** The response to allegations against Peter Ball, a high-profile figure within the Church of England. Allegations against him were first investigated by the police in 1992, before he was cautioned in 1993 for an offence involving one complainant. In 2015, Peter Ball pleaded guilty to a significantly broader pattern of offending. The purpose of this case study was to investigate whether his status, or that of persons of public prominence with whom he had a relationship, influenced the response to those allegations.
4. The Inquiry held public hearings into both case studies during 2018:
  - 4.1.** three weeks of evidence into the Diocese of Chichester, from 5 to 23 March 2018; and
  - 4.2.** one week of evidence into the Peter Ball case study, from 23 to 27 July 2018.
5. This report addresses the evidence heard and the conclusions reached by the Inquiry in both case studies. The final public hearing in this investigation will take place from 1 July 2019. It will examine a number of other dioceses and institutions within the Church of England and the Church in Wales.

## Background to the Church of England

6. The Church of England is a powerful institution. It is a part of the Anglican Communion, a worldwide family of churches present in over 160 different countries. On any Sunday more than one million people attend Church of England services, making it the largest Christian denomination in the country. It has over 16,000 church buildings and 42 cathedrals.
7. The Church of England is the established Church. This means that it is the state religion and its laws and governance are approved by Parliament. The Queen is the Supreme Commander of the Church. The head of state must be an Anglican.
8. Twenty-six bishops of the Church of England serve as Lords Spiritual in the House of Lords. They therefore have a chance to debate issues of importance to the nation, and to influence legislation.
9. The Church is a significant provider of voluntary services for children. It organises activities such as nursery groups, holiday clubs and worship-based events. In addition, the Church is the biggest religious sponsor of state education in England. One in six children attend an Anglican school, and the Church plays an important role in the supervision of their religious education.
10. The Church of England supplies spiritual sustenance to many people. It is viewed by many as a champion of social issues and a powerful force of moral leadership, irrespective of one's faith. It has occupied and continues to occupy a central position of trust within our nation.

## Structure of the Church

11. The Church of England is divided into the two provinces of Canterbury and York.<sup>7</sup> Each province has an archbishop.
12. The Archbishop of Canterbury is the senior bishop and the chief religious figure of the Church of England. He chairs the General Synod,<sup>8</sup> and sits on or chairs many of the most important boards and committees within the Church. He is also the spiritual leader of the Anglican Communion, being recognised as the 'first amongst equals' of all bishops in the worldwide Anglican Communion. His official residence is located at Lambeth Palace. The Archbishop of York is based at Bishopthorpe Palace in York.
13. Since September 2016, each province has its own Provincial Safeguarding Adviser whose function is to provide professional safeguarding advice as part of the National Safeguarding Team.

## Dioceses

14. Since 2014, the Church of England has consisted of 42 dioceses. Each diocese is overseen by a bishop. The archbishops are involved in the selection of diocesan bishops within their respective provinces. However, they have no legal powers to control or direct the actions of diocesan bishops. This is because the Church does not have a centralised

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<sup>7</sup> ACE025931\_004. Both provinces are responsible for areas outside England. For example, the Diocese in Europe is part of the Province of Canterbury. It includes parishes in Morocco, Turkey and the Asian countries of the former Soviet Union. The Province of York includes the Diocese of Sodor and Man, comprising the Isle of Man and its adjacent islets.

<sup>8</sup> See paragraph 41.

structure of command and control, but is a decentralised body. The power of an archbishop is therefore primarily one of influence. The only legal mechanism by which an archbishop can intervene in a diocese is by way of an Archiepiscopal Visitation, which is considered in detail in Part B.7 of this report.

**15.** Within his or her diocese, a bishop enjoys considerable influence. Bishops are the chief pastor of both clergy and laity,<sup>9</sup> and are responsible for recruiting those who wish to become clergy (known in the Church of England as ‘ordinands’). They ordain clergy (which involves taking vows to serve the Church after a period of study), confirm<sup>10</sup> individuals, and investigate complaints against clergy. They appoint clergy to vacant ‘benefices’ (the offices of vicars or rectors) and provide licences to all clergy in the diocesan area. They also conduct Visitations in parish churches or cathedrals and act as president of the Diocesan Synod.

**16.** A bishop may delegate responsibilities to a suffragan bishop, also known as an assistant bishop. A suffragan bishop often has responsibility for a specific geographic area and is there to assist the diocesan bishop with his duties. Sometimes there are formal schemes of delegation, referred to as ‘area schemes’. One such scheme existed in the Diocese of Chichester from 1984 until 2013, allowing the suffragan bishop to appoint clergy to posts.

**17.** Each diocese also has a Diocesan Synod. This is a representative body of clergy and lay people, which meets with senior office holders at least twice a year. It consists of a House of Bishops, a House of Clergy and a House of Laity. The synod is responsible for implementing national safeguarding policies and practice guidance. The bishop has a duty to consult with the Diocesan Synod on matters of general importance for the diocese.

**18.** The Diocesan Safeguarding Adviser provides advice and training to the diocese about child protection and safeguarding. This role first came into being during the mid-1990s, though it has since been expanded.

**19.** The property and assets of a diocese are managed by a Diocesan Board of Finance, which has separate charitable status and employs the central diocesan administrative staff. This includes the diocesan secretary (the chief administrator for the diocese) and registrar (the bishop’s legal adviser). The Diocesan Board of Education is also a separate charitable entity. It advises church schools and is involved in the appointment of school governors on behalf of the Church.

## Archdeacons, deaneries and parishes

**20.** An archdeacon is appointed by the diocesan bishop to assist him or her, and has responsibility for a certain geographic area. Every three years, the archdeacon undertakes a Visitation to each parish. This now includes discussions about safeguarding practice, although this was not always the case. Archdeacons are expected to work closely with the Diocesan Safeguarding Adviser to monitor safeguarding matters. They are also involved in the appointment of churchwardens, who are lay representatives within a parish.

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<sup>9</sup> Canon C18: <https://www.churchofengland.org/more/policy-and-thinking/canons-church-england/section-c>

<sup>10</sup> At their confirmation, an individual confirms the promises that were made on their behalf at baptism. It usually takes place during his or her adolescence.

- 21.** A deanery is a group of parishes, presided over by a rural or area dean. The dean is a member of the clergy, who is given that responsibility by the bishop. The dean must report any matter of concern in a parish to the bishop. Each deanery has a deanery synod, which brings together the views of the parishes on common problems and seeks advice from the Diocesan Synod.
- 22.** The parish is the heart of the Church of England. It is a group of churches or a single church, under the care of clergy. The clergy member is either a rector, priest or vicar and is often assisted by a deacon or curate. There are some 12,459 parishes within the Church of England.
- 23.** Every parish has a Parochial Church Council (PCC) which organises the day-to-day administration of the parish and is the main decision-making body. All members of the PCC are also charity trustees, as PCCs are charities.<sup>11</sup> Each should also have a Parish Safeguarding Officer (PSO) who is a lay person and provides advice on parish safeguarding matters. The PSO is expected to report all concerns to the Diocesan Safeguarding Adviser.<sup>12</sup>
- 24.** A parish priest is an office holder, rather than an employee. This is important because it affects not only their appointment but also the ability to remove them from their role. They enjoy considerable autonomy and can be described as ‘popes in their own parish’.
- 25.** Many parish clergy are still appointed to a benefice. This is a specific form of ecclesiastical office and usually provides financial support for the vicar. The patron (for whom the benefice is a type of property right) is often the diocesan bishop but can also be the Crown, an Oxbridge college, a City livery company or even an individual. In the case study of Peter Ball, for example, his close friend Lord Lloyd of Berwick was the patron of a parish and considered appointing him. Peter Ball was himself the patron of a parish in East Sussex. The patron is also part of the appointment process.<sup>13</sup> This means that there are a multitude of people involved in appointments to particular parishes, some of whom may not have a day-to-day knowledge of the parish or its needs.
- 26.** A member of the clergy who holds a benefice is known as an incumbent. Before 2009, they held a ‘freehold interest’ in the parish. An incumbent could only be removed by way of disciplinary action under the Ecclesiastical Jurisdiction Measure or Clergy Discipline Measure.
- 27.** The process changed in 2009 with the introduction of ‘common tenure’.<sup>14</sup> This more closely resembles an employment relationship. There is now a grievance procedure against the bishop, a capability process which can lead to dismissal and access to the employment tribunal. However, as clerics are office holders rather than employees, it remains impossible to dismiss them for gross misconduct.<sup>15</sup>

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<sup>11</sup> ACE025247\_019

<sup>12</sup> ACE025247\_022

<sup>13</sup> ACE025931\_012

<sup>14</sup> INQ001087\_001

<sup>15</sup> ACE025931\_010

**28.** All members of the clergy are ordained,<sup>16</sup> and they must then be authorised by the diocesan bishop before they can undertake church services. Such authority is conferred by way of licence or written permission to officiate in the parish in which they hold an office.<sup>17</sup> However, the bishop is not their 'line manager' or employer in any meaningful sense. No central record of licensed clergy currently exists.

**29.** Some clergy are appointed as chaplains to various organisations, including prisons, universities and the army, where they generally perform duties such as the celebration of Holy Communion. They are appointed and employed by the organisation, and are subject to its rules. Whilst they must be granted a licence by the bishop before they can practice as a chaplain, they operate autonomously from the diocese. There is currently no central database to register chaplains.

**30.** There are almost 6,000 retired clergy in the Church of England. They are a valuable tool for the Church, often covering services when clergy are absent or unwell. The granting of permission to officiate to retired clergy, and the practices adopted in response to applications, have been a source of serious concern in the Diocese of Chichester.

## Cathedrals and Royal Peculiars

**31.** The cathedral is the 'mother church' of the diocese. It is essentially an autonomous body, although diocesan bishops have rights of Visitation.<sup>18</sup> It is run by the Dean and Chapter, who are the clergy appointed to the cathedral. A cleric who is a member of a cathedral is known as a canon, because they are bound by the rules or canons of that cathedral. Some canons have a specific role within the life of the cathedral and may be referred to as residentiary canons.

**32.** Cathedrals play a key role in sustaining the English choral tradition of musicianship and singing within the cathedral. They usually have responsibility for a choral foundation, which is often a residential school attached to the cathedral. The structure and governance of cathedrals is considered in more detail in Part B.2.

**33.** A Royal Peculiar is a worshipping community within the Church of England. Examples include Westminster Abbey, St George's Chapel, Windsor and the Chapel Royal. It is not part of a diocese and is not subject to the jurisdiction of the Church of England, but is directly supervised by the Crown. Clerics who are part of Royal Peculiars are not subject to the same disciplinary processes as other clergy, although they are expected to have due regard to safeguarding policies and guidance.

## Religious communities

**34.** Religious communities are small groups of individuals devoted to a life of prayer and work. Some religious communities take vows of poverty, chastity and obedience. They operate autonomously from dioceses and from National Church Institutions. At present, the Church of England has very limited oversight of such communities and practically no realistic enforcement powers, unless members of the community are also ordained.

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<sup>16</sup> Canon C1.3 – <https://www.churchofengland.org/more/policy-and-thinking/canons-church-england/section-c>

<sup>17</sup> Clergy must seek the permission of the bishop if they wish to preach elsewhere.

<sup>18</sup> A Visitation enables diocesan bishops to make recommendations to the Dean and Chapter.

**35.** Prior to his appointment as Bishop of Lewes, Peter Ball founded and ran the Community of the Glorious Ascension as a religious community. He continued to play a role within it after he became a bishop. More detail about the role and operation of religious communities is set out in Part C.2.

## Funding of the Church

**36.** The Church of England's activities are funded through money obtained by parishes, by dioceses from their income from property or other investments or from their weekly collections, and by the Church Commissioners.<sup>19</sup> Individual parishes derive income from a variety of different sources, including collections, grants and donations. Most give a portion of the money generated to the diocese, by way of a 'parish share'.

**37.** Additional support is provided by the Church Commissioners, who manage the historic assets of the Church of England and are a separate charitable organisation. They provide money which is distributed as grants to the dioceses. The Church Commissioners are also involved in the management of non-recent claims of child sexual abuse brought against diocesan bishops, as insurance is not available for claims against bishops. They are generally called upon to meet both the legal costs of such claims and any sums paid out by way of settlement.

**38.** Most Church bodies are also charitable institutions for the purposes of the Charities Act 2011, and so their trustees must act in accordance with charity law. As identified above, there are often several charities operating within a diocese. The parish, cathedral, Diocesan Board of Finance and Diocesan Board of Education are all separate charities. This does not include other charitable organisations run or influenced by the Church, such as nurseries and schools.

## Governance of the Church

**39.** The Queen is the Supreme Governor of the Church of England. Whilst largely ceremonial, her position is of significant symbolic importance. She is also the Defender of the Faith.<sup>20</sup>

**40.** The Church was first established by Henry VIII and Acts of Parliament were passed in 1534 and 1558 to make the Church established, that is, the state church. This means that the Church's internal legislation is scrutinised and approved first by Parliament and then by the Queen, who gives her assent. The Queen, via the Prime Minister and the Crown Appointments Commission, appoints all bishops, archbishops and deans of cathedrals.

**41.** Until 2003, the Prime Minister's appointments secretary would assist in the administration and recruitment process. Since 2007, the Archbishop's appointments secretary is responsible for the appointment of bishops and other senior clergy. In the case of senior appointments, the Prime Minister no longer exercises the royal prerogative to

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<sup>19</sup> Their responsibilities are to fund mission in churches, clergy payroll and pensions and other administrative tasks. Three lay members of the Commission represent the Commissioners in the General Synod of the Church of England. The first and second Church Commissioners are appointed by the monarch, and the third by the Archbishop of Canterbury.

<sup>20</sup> She is the supreme governor because in the Bible, Christ is seen as the head of the Church (Ephesians Chapter 23: Verse 5). The monarch is called such under the Thirty Nine Articles of Faith of 1562, in particular Article 37.

choose between those nominated by the Crown Appointments Commission. This was not always the case, and the appointment of Peter Ball as Bishop of Gloucester is an example of how the Crown Appointments Commission might have operated before 2007.

**42.** The Church has a national assembly called the General Synod, which meets at least twice a year. Like the Diocesan Synod, it is made up of the House of Bishops,<sup>21</sup> House of Clergy and House of Laity. It passes Church legislation (known as ‘measures’ or ‘canons’), debates matters of religious or public interest, and sets the annual Church budget.

**43.** The Archbishops’ Council was established in 1999 to promote and co-ordinate the work of the Church. It is a body of 19 members and is the equivalent of an ‘executive board’. It has a number of specific functions such as initiating legislative proposals for the General Synod, establishing remuneration policy in relation to clergy and distributing funds made available by the Church Commissioners.

**44.** Measures impose binding obligations on clergy and lay people alike. In some cases, they can amend or repeal even Acts of Parliament. For example, the Ordination of Women Measure in 2014 amended the Equality Act to allow women to become bishops. In addition, canons provide a broad framework to identify how bishops, priests and deacons perform their duties. They cover a wide variety of clerical functions, from standards of behaviour to the performance of religious rituals.

**45.** Canon C30 was passed in 2016 and imposes rules in relation to safeguarding. It makes provision about the role of a Diocesan Safeguarding Adviser, and orders mandatory risk assessments of clergy who have been accused of child sexual abuse. Canons provide a route for exercising discipline over clergy, but not over lay individuals or volunteers in the Church.

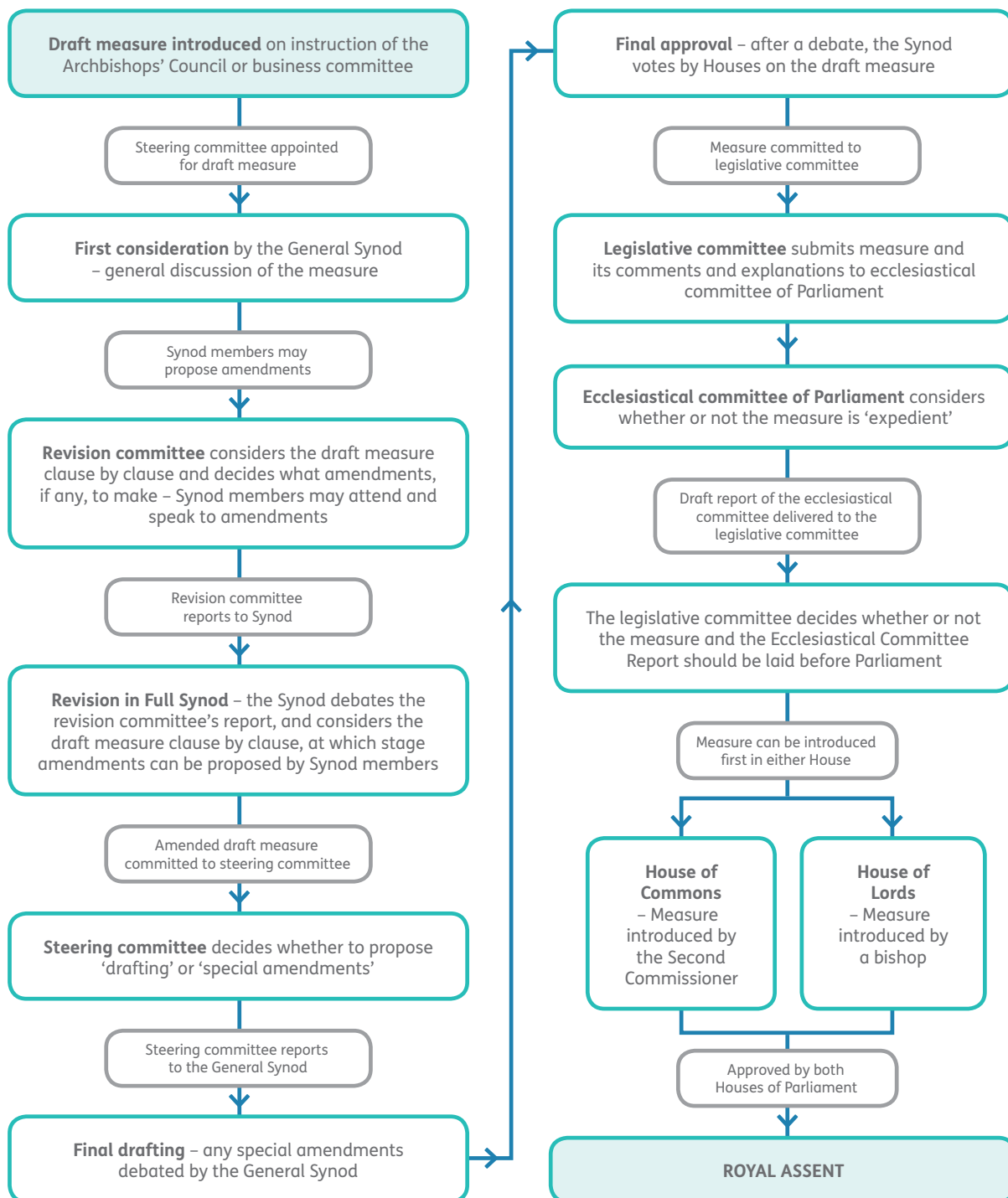
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<sup>21</sup> The House of Bishops meets separately twice a year and makes decisions alongside the General Synod.



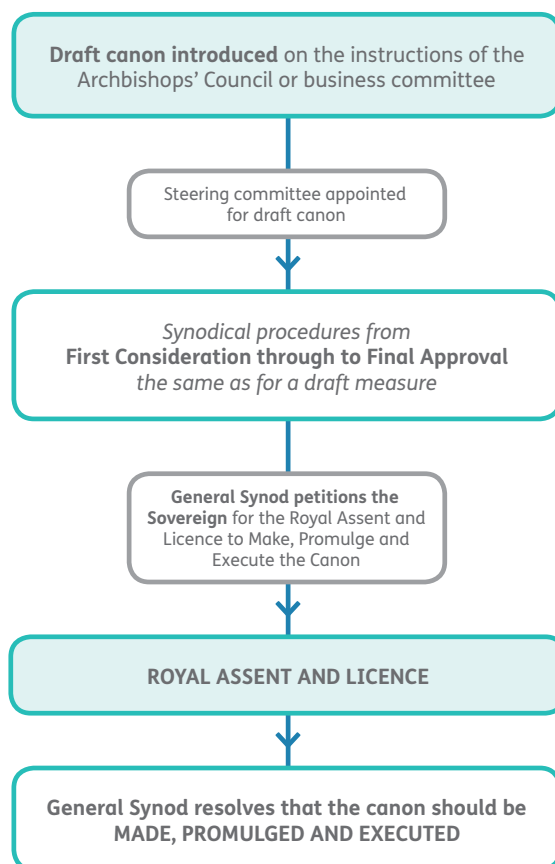
46. The procedures for passing both measures and canons are:

### THE PROCESS BY WHICH A MEASURE BECOMES LAW



A measure can come into force as a whole or different sections of it can come into force on different dates. The designated date (or dates) can be that of Royal Assent and/or a later date (or dates) appointed by a joint instrument of the archbishops.

## THE PROCESS BY WHICH A CANON BECOMES LAW



The making, promulgation and execution of a canon is proclaimed in diocesan synods.

47. However, the government does not conventionally legislate on internal matters without the Church's consent.

### Recruitment and training

48. The initial stages of recruitment operate on a diocesan rather than national level. The bishop is responsible for ensuring that the diocese has proper recruitment procedures in place. Successful candidates at a diocesan level are then required to participate in a national selection process.

49. The current criteria for selection are published in the *Criteria for Selection for the Ordained Ministry in the Church of England*.<sup>22</sup> At present, there is no criterion concerned specifically with safeguarding and suitability for work with children.

50. Once someone has passed these selection processes, they have to undertake pre-ordination training over a period of two or three years. *Formation Criteria with mapped Selection Criteria for Ordained Ministry in the Church of England* was published in 2014.

<sup>22</sup> ACE004257

It sets out criteria and competencies to be met by clerics.<sup>23</sup> These programmes are administered by educational institutions, affiliated to various universities who validate their programmes of study.

**51.** From September 2017, all such institutions must have a safeguarding strategy in place. When a college writes to the bishop who is proposing to ordain the individual, it must indicate that the college understands safeguarding policies and practices.<sup>24</sup> Whilst there are basic standards that every theological institution has to follow, there is no 'national curriculum' for safeguarding which must be universally followed by each institution. The Church of England has national safeguarding training which is often used by institutions, but no part of the academic curriculum is devoted to safeguarding.

**52.** Bishops ordain individuals as deacons. They then work as curates, who are assistants to parish clergy. They are ordained as priests one year later, but usually continue in the role of curate for a further two or three years. At the end of this period, the diocese has to determine whether or not they are suitable to become an incumbent or an assistant minister.

**53.** The *Safer Recruitment* national guidance issued by the Church of England is modelled closely on the guidance issued by the Department for Education.<sup>25</sup> It must be followed for the appointment of all Church officers whose roles involve working with children, young people or vulnerable adults.<sup>26</sup> Under the Church's *Safeguarding Training and Development* guidance, all ordinands and lay people have been required to undergo safeguarding training since September 2016.<sup>27</sup> Training has been provided and issued on a national level since October 2017 by the National Safeguarding team. Four levels of training are available, depending upon seniority and the nature of the work to be undertaken.

## Vetting and barring checks

**54.** In 1995, the Church of England introduced its first policy on safeguarding titled *Policy on Child Abuse*.<sup>28</sup> It required all candidates for ministry to declare whether they have been the subject of criminal or civil proceedings, along with whether they have caused harm to children or put them at risk. The policy applied only to new appointments and excluded those who were already in post. From 1995 onwards, all candidates for ordination were screened by the Department of Health (DH). The DH ran checks of those who were banned from working with children due to safeguarding concerns.<sup>29</sup>

**55.** In 1999, all individuals who worked with children were required to divulge their safeguarding history by way of a confidential declaration form. This included retired clergy, lay ministers, staff and volunteers. In the Diocese of Chichester, the confidential declaration form was used by Reverend Roy Cotton to disclose his previous conviction for child sexual abuse. In practice, the Church did not routinely seek to enforce the policy and chose instead to rely on the honesty of individuals.<sup>30</sup>

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<sup>23</sup> ACE025773\_027 and ACE025143

<sup>24</sup> ACE025773\_029

<sup>25</sup> ACE025425 (the DfE guidance is called *Keeping Children Safe in Education*. Its most recent iteration was published in July 2018, but versions have been in existence since 2007).

<sup>26</sup> ACE025228

<sup>27</sup> ACE025227

<sup>28</sup> ACE002357

<sup>29</sup> ACE025772\_015

<sup>30</sup> WWS000090\_001

**56.** In 2002, Criminal Record Bureau (CRB) checks were made compulsory in England and Wales for those engaging in 'regulated activities'. Even now, there remains confusion amongst some of those in the Church as to what constitutes a regulated activity. Some roles which may involve contact with children, such as a church organist, are not presently categorised as regulated activities. From 2004, all candidates for ministry and all those with permission to officiate were required to undergo an enhanced CRB check every three years. CRB checks were replaced by Disclosure and Barring Service (DBS) checks in 2012.

**57.** A new *Safer Recruitment* policy was introduced by the Church in 2013.<sup>31</sup> This made it clear that all ordained and lay ministers required enhanced criminal record checks and barred list checks, which should be renewed every five years.<sup>32</sup> The Church also now has access to a list of those who have been barred from working with children or vulnerable adults because of sexually inappropriate behaviour, even if this did not amount to a criminal offence. The list is managed and operated by the DBS on a national level.

## Internal discipline within the Church

**58.** The Church has a process for internal discipline.<sup>33</sup> Prior to 2003, the law relating to clergy discipline was set out in the Ecclesiastical Jurisdiction Measure 1963. This measure still governs some aspects of Church discipline that are not related to safeguarding. In 1995, a working party found that this process was rarely used because the system of discipline was inflexible, complex and costly. In 1996, the General Synod passed a resolution agreeing that change was needed. It was not until 2003, however, that those changes were made.

**59.** In 2003, the Church introduced a series of professional conduct guidelines in a document known as the Clergy Discipline Measure (CDM). This is a legal mechanism by which the Church seeks to exercise internal discipline, and is the basis upon which clergy can be removed from ordained office. It was amended in 2013 and 2016. The disciplinary penalties range from a rebuke to prohibition from ministry. At present, nobody can be deposed from holy orders. They cannot be prevented from calling themselves a 'reverend' or a 'bishop' and acting accordingly, although they can voluntarily relinquish these titles.

**60.** The CDM created a new tribunal disciplinary system, run by a body called the Clergy Discipline Commission. This body issues codes of practice and advice to create a consistency of approach. A disciplinary process can ultimately result in a hearing before serving full-time or former judges, who are also members of the Church of England.

**61.** The 2016 CDM amendments enable a bishop to suspend a cleric not only where he or she has been convicted of criminal offending against children, but also where the bishop is satisfied, as a result of information provided by statutory agencies, that the cleric presents a significant risk of harm to the welfare of children or vulnerable adults.<sup>34</sup> This power was extended to those sitting on parochial church councils and churchwardens. It also imposed a duty on all clerics, licensed lay readers, lay workers, churchwardens and parochial church councils to have due regard to House of Bishops' safeguarding guidance. Failure to have due regard is a disciplinary offence. The amendments extended the time within which complaints could be made beyond the usual 12-month limit for cases involving sexual conduct towards a child or vulnerable adult.

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<sup>31</sup> ACE002217

<sup>32</sup> ACE025228

<sup>33</sup> ACE025283

<sup>34</sup> ACE002233 and ACE002238

**62.** Since 2016, incumbents can only invite other clergy to undertake services at their parish if relevant enquiries have been made about their status. Failure to do so, or to allow those who are prohibited from office to minister, is now a disciplinary offence. All those with authority to officiate, whether current or retired, are required to undergo safeguarding training. The 2016 Measure also identified a detailed set of provisions regarding risk assessments for clergy. It provided that each diocese must have a Diocesan Safeguarding Adviser, who has relevant qualifications or expertise in the area of safeguarding.<sup>35</sup>

**63.** The process of clergy discipline is currently subject to consultation with the Church. A working group is being established to examine whether further changes to clergy discipline are required.

## The Archbishops' List

**64.** Reference is made in both case studies to the 'Lambeth List', 'Bishopthorpe List' or 'Caution List'. These were the forerunners of what is now known as the 'Archbishops' List', which was not put on a statutory footing until 2006. The current Archbishops' List enables a record to be kept of all clergy who have been the subject of disciplinary action, who have resigned due to incompetence or disciplinary complaints, or who have acted in a manner which does not amount to misconduct but which may affect their suitability for holding office.

**65.** Before 2006 there were no criteria regarding who should be included on the lists. The lists before 2006 were in two parts. The first part related to those who had been the subject of discipline, and the second to those who were under 'pastoral discipline' (meaning there was a black mark against them but they had not been formally disciplined). There was no consistency as to who was put on these lists.

**66.** Until late 2017, the list could be routinely accessed only by diocesan bishops and not by lay safeguarding advisers. Suffragan or area bishops did not have access to this list in the Diocese of Chichester, meaning that named individuals would not be known to them and could slip through the net.

**67.** Moreover, and as referred to later in this report, there was and remains no central process or system to enable identification of relevant child protection issues. Such a system would enable Church professionals to identify any relevant child protection issues quickly and easily.

## Development of safeguarding policies

**68.** The Safeguarding and Clergy Discipline Measure 2016 also imposes a duty on members of the clergy to have "*due regard*" to safeguarding policies issued by the House of Bishops.<sup>36</sup> It was not until 2017 that the Church issued specific guidance outlining the safeguarding responsibilities of all office holders and others within the Church (from Archbishop of Canterbury down).<sup>37</sup>

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<sup>35</sup> ACE025283\_017-27 and ACE026383\_12-14

<sup>36</sup> ACE002233

<sup>37</sup> ACE025247

**69.** Since 2015, a charity called the Social Care Institute for Excellence (SCIE) has carried out external audits of every diocese. It has produced overarching reports identifying further areas of concern. However there is currently no requirement for auditing of parishes on any structured external level, save for the Visitations carried out by archdeacons as referred to above. Cathedrals have been audited since 2018.

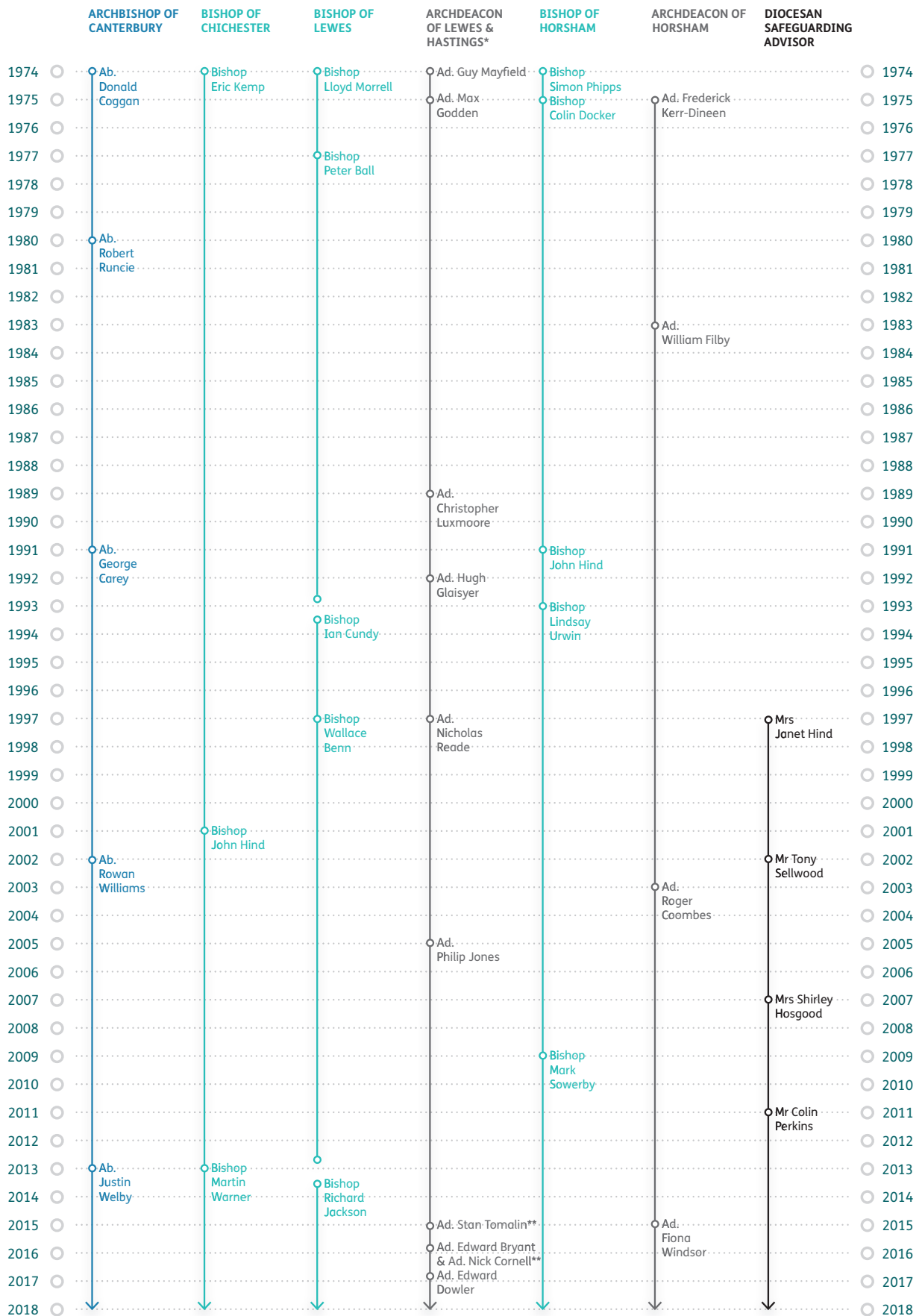
**70.** There was no full-time national safeguarding lead in place until 2015. Since that time, more resources have been dedicated to safeguarding at a national level. National expenditure has increased from £1.6 million in 2011 to £5.1 million in 2017.

## Part B

# Case study 1: The Diocese of Chichester

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## DIOCESE OF CHICHESTER



\* Archdeacon of Hastings since 2014

\*\* Acting Role

Ab. Archbishop

Ad. Archdeacon

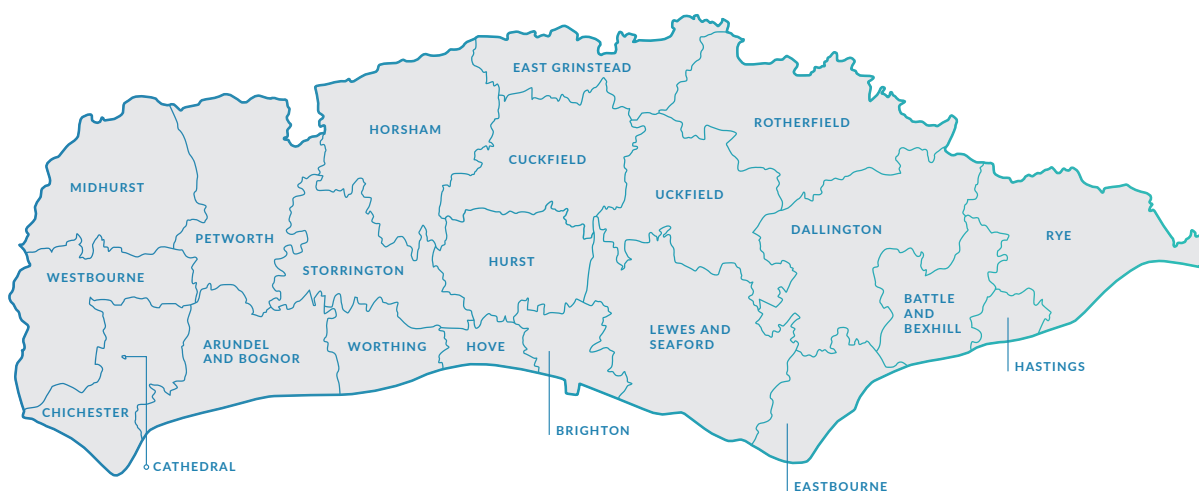


# Case study 1: The Diocese of Chichester

## B.1: Introduction to the Diocese of Chichester case study

### Background

1. The Diocese of Chichester stretches over East and West Sussex, from Hastings in the east to Chichester in the west. It was founded in 681 by St Wilfred and is one of the oldest dioceses in England. During the Anglo Saxon and medieval period, this part of the United Kingdom was of considerable economic and strategic importance.
2. The Diocese is mostly rural, its major urban centres being Crawley, Redhill and the city of Brighton and Hove. It has a larger than average population of retirees in comparison to the rest of the country. This includes a significant number of retired clergy, which was over 400 at the last count.
3. The Diocese has areas of wealth. It also has pockets of significant deprivation, most significantly in East Sussex around Hastings and Brighton. There are 506 churches in the Diocese, 365 parishes grouped into 286 benefices, 450 clergy and employed lay workers, and 265 readers.<sup>38</sup>



*Diocese of Chichester, showing archdeaconries*

4. The Bishop of Chichester is a diocesan bishop. He is assisted by the Bishop of Lewes and the Bishop of Horsham, who are known as suffragan bishops.
5. Some of those who gave evidence told us that Chichester was more limited in its approach to the ordination and ministry of women than other dioceses. Since 2012, the role of ordained women in the Diocese has been enhanced. Following the appointment of Richard Jackson as the Suffragan Bishop of Lewes in 2014, it has been possible to ordain

<sup>38</sup> See [www.chichester.anglican.org/history](http://www.chichester.anglican.org/history)

men and women together. Fiona Windsor was made Archdeacon of Horsham in 2014 and from 2016 the Bishop of Horsham has also ordained women to the priesthood.<sup>39</sup>

6. From 1984, an area scheme operated under which suffragan bishops were responsible for appointments within their area and for granting permission to officiate. They generally administered to their own areas of the Diocese with limited oversight from the Bishop of Chichester. The area scheme was revoked in 2013, at which time these responsibilities reverted to the diocesan bishop.

7. The area scheme had a deleterious impact on the oversight of safeguarding, particularly in the eastern part of the Diocese. It led to an absence of adequate governance during the lifetime of the scheme. A lack of effective leadership, or alternatively a failure of effective oversight, is an issue which the Inquiry has examined in both case studies.

8. The Diocese of Chichester was selected as a case study because a number of its clergy and volunteers have been convicted of sexual offending over the past 10 years. Moreover, internal Church reviews have evidenced patterns of difficulty with governance and leadership, which led to failures in child protection. All of these issues required further examination. However, as the Archbishops' Council has recognised,<sup>40</sup> the problems found in Chichester were not unique to it. They are reflective of difficulties which existed in the Church as a whole at the time in question.

## Child sexual abuse in the Diocese of Chichester

9. Over the last 50 years, the Diocese of Chichester has been home to a substantial number of child sexual abusers. Using the Archbishops' Council's own figures, 18 individuals with connections to the Diocese of Chichester have been convicted or pleaded guilty to sexual offending against children and young people before 2018. This can be compared to seven individuals in the Diocese of York, five in the Diocese of Birmingham, and three in the Diocese of London.<sup>41</sup> We cannot know if the increased focus on Chichester has brought to light more offenders than may otherwise be the case in other dioceses, but in any event it provides the Inquiry with a chance to examine widespread offending.

10. The allegations of abuse perpetrated by those working in the Diocese of Chichester spanned several decades, from the 1950s until the 21st century. A series of allegations came to light within the last 20 years, and were followed by a multitude of further complaints.

11. A full list of convicted perpetrators from the Diocese of Chichester can be found at Annex 6. For the purposes of this case study, the Inquiry has focussed its examination upon the following abusers:

- a. **Terence Banks:** A volunteer steward at Chichester Cathedral. In 2001, he was convicted of 32 sexual offences against 12 boys. The abuse had taken place over a period of 29 years, from the 1970s to the 1990s.
- b. **David Bowring:** He was a teacher at The Prebendal School in the 1970s. This was an independent residential school which had strong links to Chichester Cathedral and provided many of its choristers. In 2003, he was convicted of six charges of indecent assault against four boys. All of the offences were committed in the 1970s, when the victims were pupils at The Prebendal School.

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<sup>39</sup> ACE026143\_037

<sup>40</sup> ACE026327\_003

<sup>41</sup> ACE021306

- c. **Michael Walsh:** He was a teacher at Bishop Luffa School in the 1980s. He was also Head of Music within a parish at an Anglican church. In 1990, he was convicted of five counts of unlawful sexual intercourse involving pupils.
- d. **Roy Cotton:** He was a vicar in the Diocese of Chichester, serving in three different parishes between 1971 and 1999. In 1954, whilst training to be ordained and acting as a Scout leader, he was convicted of indecently exposing himself to a child. He was subsequently ordained as a priest in the late 1960s, despite the Church knowing of his conviction. Allegations were made that he abused boys and young men in the 1970s and 1980s. He was also the subject of two police investigations in the 1990s, neither of which resulted in any charges. He died in 2006 before the police could investigate new allegations and reopen the earlier investigations, which the police now accept were inadequate.
- e. **Colin Pritchard:** He attended theological college with Roy Cotton and was ordained in 1970. Having served in several parishes in the Midlands, he moved to the Diocese of Chichester in 1989. In 2008, he was convicted of three counts of indecent assault of a male and three counts of gross indecency with a child. The offences took place during the 1970s and 1980s, whilst he was a priest in Northamptonshire. In 2018, he was convicted of a further seven offences of child sexual abuse committed in the late 1980s. This offending involved a boy aged between 10 and 14 years, again whilst working in Northamptonshire.
- f. **Gordon Rideout:** He was ordained in the Diocese of Chichester in 1963. Between 1963 and his retirement in 2003, he worked in several parishes in Sussex and was an Army chaplain from 1967 to 1973.<sup>42</sup> In 2013, he was convicted of 36 offences of child sexual abuse against 16 victims. In 2016, he was convicted of a further charge of indecent assault on a girl under the age of 16 years. These offences were committed between 1962 and 1973 in the Diocese of Chichester.
- g. **Robert Coles:** He was ordained as a priest in 1969, and went on to work as a priest in Northampton. Between 1978 and 1997, he was a vicar in Eastbourne. He was convicted in 2012 of 11 offences of child sexual abuse. This included seven counts of indecent assault and one count of buggery, all of which took place between 1979 and 1984.<sup>43</sup> He was a friend of Jonathan Graves.
- h. **Jonathan Graves:** He was a teacher who became a curate in the East Sussex area in 1984. He remained in this position until 2004, when he moved to Devon as chaplain at a boarding school.<sup>44</sup> In 2017, he was convicted of seven counts of indecent assault, two counts of indecency with a child and four counts of cruelty to a child. The offending occurred between 1987 and 1992 in the Diocese of Chichester.
- i. **Peter Ball:** He was the Bishop of Lewes from 1977 to 1992. His offending is set out in detail in this report, but in short he was convicted of multiple offences in 2015, including misconduct in public office and indecent assault.

**12.** During the course of the public hearing, the Inquiry heard and read evidence from several victims. They told us not only of their harrowing experiences at the hands of their abusers, but of the unacceptable treatment they received from the Church after coming

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<sup>42</sup> ACE022300\_0044-5

<sup>43</sup> ANG000214

<sup>44</sup> ACE024211\_001

forward. When individuals found the courage to disclose their abuse to members of the Church, they were often dismissed as liars and troublemakers. On other occasions, they were merely ignored and allegations of serious offending were not reported to the police.

**13.** Little or no pastoral support was offered by way of counselling or contact. Senior clergy steadfastly refused to apologise to victims, even after their perpetrators had been convicted and imprisoned. The Church displayed a flagrant disregard for their suffering, its primary concern being for its own reputation. The Archbishops' Council has acknowledged that the Church's performance fell "*far short of what was to be expected ... the Church could and should have done better at the time*".<sup>45</sup>

**14.** The Inquiry thanks each of the victims, survivors and complainants for their help and for their bravery in telling their individual stories. We could not have conducted this investigation without their contributions.

### Issues covered by the Chichester case study

**15.** The Chichester case study has considered the following themes:

**15.1.** The nature and extent of child sexual abuse by individuals associated with the Diocese.

**15.2.** The nature and extent of any failures of the Church of England, the Diocese, law enforcement agencies, prosecuting authorities and other public authorities or statutory agencies to protect children from such abuse, and to report abuse promptly and in line with relevant standards in force at the time.

**15.3.** The adequacy of the response of the Church of England and any other relevant institutions to allegations of child sexual abuse by individuals associated with the Diocese, including the response to adult survivors.

**15.4.** The extent to which the Church of England (including the Diocese of Chichester) sought to investigate, learn lessons, implement changes and provide support and reparations to victims and survivors, in response to:

**15.4.1.** allegations of child sexual abuse by individuals associated with the Diocese;

**15.4.2.** criminal investigations and prosecutions or civil litigation relating to child sexual abuse by individuals associated with the Diocese;

**15.4.3.** investigations, reviews or inquiries into child sexual abuse within the Diocese including, but not limited to, the Carmi report, the Meekings report, the Butler-Sloss report, and the Archepiscopal Visitation;

**15.4.4.** complaints made under the Clergy Discipline Measure; and

**15.4.5.** other internal or external reviews or guidance.

**16.** These themes have been distilled from the definition of scope set by the Inquiry for the Anglican Church investigation and by the Terms of Reference for the Inquiry set by the Home Secretary. The terms of the definition of scope for this case study are:

*"3.1. the Diocese of Chichester and, in particular, consider:*

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<sup>45</sup> ACE026327\_001

- a) *the nature and extent of child sexual abuse by individuals associated with the Diocese;*
- b) *the nature and extent of any failures of the Church of England, the Diocese, law enforcement agencies, prosecuting authorities, and/or other public authorities or statutory agencies to protect children from such abuse;*
- c) *the adequacy of the response of the Church of England, including through the Diocese of Chichester, and the response of any other relevant institutions to allegations of child sexual abuse by individuals associated with the Diocese;*
- d) *the extent to which the Church of England, including through the Diocese of Chichester, sought to investigate, learn lessons, implement changes and provide support and reparations to victims and survivors, in response to:*
  - i) *allegations of child sexual abuse by individuals associated with the Diocese;*
  - ii) *criminal investigations and prosecutions and/or civil litigation relating to child sexual abuse by individuals associated with the Diocese;*
  - iii) *investigations, reviews or inquiries into child sexual abuse within the Diocese, including, but not limited to, the Carmi report; the Meekings report; the Butler-Sloss report; and the Arch Episcopal visitation;*
  - iv) *complaints made under the Clergy Disciplinary Measure; and/or*
  - v) *other internal or external reviews or guidance.”*

## Chronology of internal reports

**17.** Over the past 20 years, a number of investigations into child sexual abuse have been carried out within the Diocese of Chichester. The Inquiry examined these investigations along with their findings, the recommendations they sought to implement, and whether or not changes were in fact made.

**18.** The process and conclusions of each investigation are explored in more detail within this report. A brief chronology of those investigations is set out below.

Year	Name of report	Description
2001	The Carmi review	Following the conviction of Terence Banks, Mrs Edina Carmi (independent safeguarding consultant) was commissioned to conduct a case review of the Diocese between the 1970s and 2000. The report was not published until 2014.
2007-2009	National Past Cases Review	The Anglican Church conducted a national review of historic child sexual abuse cases. Independent reviewers were appointed in each of the Church's 44 dioceses. The full results of the review have never been published. In July 2018, the Church of England published a report which identified that this review was a "curate's egg". <sup>46</sup> The Church described it as a well-intentioned piece of work, but one which had shortcomings in terms of its scope and execution. The Church has therefore concluded that it cannot be regarded as a comprehensive review of all past cases. <sup>47</sup>

<sup>46</sup> ACE026359\_003

<sup>47</sup> ACE026359\_003

Year	Name of report	Description
2009	The Meekings report	Mr Roger Meekings (independent social work consultant) was commissioned to carry out the Past Cases Review in the Diocese of Chichester. He also produced an addendum and further report into the cases of Reverends Roy Cotton and Colin Pritchard. The Diocese did not accept all of his findings and the Cotton/Pritchard report was not published until 2012.
2011–2012	The Butler-Sloss report	Lady Elizabeth Butler-Sloss (former chairperson of the Cleveland Child Abuse Inquiry and President of the Family Division) conducted a review of the Meekings report. She produced her report in May 2011, but was obliged to issue an addendum in January 2012 after the BBC revealed inaccuracies in some of the factual information.
2012–2013	The Archbishopal Visitation reports	The Archbishop of Canterbury ordered an Archbishopal Visitation to the Diocese, which investigated the handling of child abuse allegations. It was carried out by Bishop John Gladwin and Canon Rupert Bursell QC. An interim report was produced in August 2012, followed by a final report in April 2013.
2017	The Carlile review	The Bishop of Chichester commissioned an independent review by Lord Carlile of Berriew (senior criminal barrister and peer), the purpose of which was to examine the Church's response to the George Bell case. The report was published in December 2017.

## B.2: Chichester Cathedral

**19.** This case study will adopt a chronological approach, dealing with each perpetrator according to the date of their conviction. Therefore the report begins with the case of Terence Banks, although Chichester Cathedral is not within the jurisdiction of the Diocese.

### The Terence Banks case

#### *Convictions for child sexual abuse*

**20.** On 2 May 2001, Terence Banks was convicted of 32 sexual offences against 12 boys. The offences were committed over a period of nearly 30 years. All of his victims were under the age of 16 at the time they were abused.<sup>48</sup> He was sentenced to 16 years' imprisonment.

**21.** Banks met all but one of the victims through his activities with Chichester Cathedral, where he had been a volunteer steward until his arrest in 2000. He also played a part in the organisation of the Southern Cathedrals Festival. This was a music festival which rotated on a yearly basis between the cathedrals of Salisbury, Chichester and Winchester. It was attended by various children's choirs from across the south of England.<sup>49</sup>

<sup>48</sup> OHY000184\_008

<sup>49</sup> <https://www.southerncathedralsfestival.org.uk>

**22.** Of the 12 victims, seven were pupils at The Prebendal School. This is an independent preparatory school for children aged between three and 13 years. It educates both day and boarding pupils, some of whom are choristers at Chichester Cathedral. The Chair of Governors is the Dean of the Cathedral. Members of the Dean and Chapter play a significant role in the governance and management of the school.

### *Evidence of AN-A11*

**23.** One of the children whom Terence Banks was convicted of abusing was AN-A11, who gave evidence at the public hearing. In 1978, AN-A11 joined a choral school in Winchester at the age of 10. He met Banks through their mutual involvement in the Chichester music festival.<sup>50</sup>

**24.** During one of the festivals, Banks invited AN-A11 to stay overnight in his house. They attended a function that evening at a nearby hotel, during the course of which Banks bought him alcoholic drinks. He recalled the older boys jokingly advising him to “*watch out, stick a bun up your arse, here comes Terence*”.<sup>51</sup> Whilst this remark could be characterised as the crude humour of a teenager, it does suggest that choristers were aware of Banks’ preference for boys.

**25.** The alcohol caused AN-A11 to feel queasy and he returned to the house alone.<sup>52</sup> He described waking up later that night to find Banks sitting on his bed. Banks pulled back the covers, took hold of AN-A11’s penis and began to masturbate him. Banks was masturbating himself simultaneously. AN-A11 told us that he “*froze and didn’t know what to do*”. He was 12 or 13 years old at this time.<sup>53</sup>

**26.** AN-A11 recalled a second occasion when Banks invited him to visit the BBC studios in London, where he worked as a floor manager. They watched the recording of a popular television programme. Later that day, they returned to Banks’ flat where he again plied AN-A11 with alcoholic drinks and persuaded him to take a bath. He joined AN-A11 in the bathtub. Both were naked. Afterwards, Banks got into bed with him and began touching AN-A11’s penis. He also placed AN-A11’s hand on his own penis. AN-A11 was 13 years old when this incident occurred.<sup>54</sup>

**27.** In April 2000, AN-A11 reported his abuse to the police. He was subsequently involved in the prosecution that led to the conviction of Banks. He received a letter from the Dean and Chapter at the conclusion of the court case, sympathising with “*all those who have been through this long period of acute stress and strain*” but failing to offer any apology on behalf of the Cathedral.<sup>55</sup>

**28.** At the time of Banks’ arrest in 2000, Mrs Janet Hind was the Diocesan Child Protection Adviser in Chichester. She held this role between 1997 and 2002. Following his conviction, she arranged a meeting “*to look at what had happened and learn lessons for the future*”.<sup>56</sup> This meeting was to take place in the early summer of 2001, attended by various members of the Cathedral, social services, the police and representatives of Banks’ victims.

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<sup>50</sup> AN-A11 20 March 2018 59/1-6

<sup>51</sup> AN-A11 20 March 2018 62/1-2

<sup>52</sup> AN-A11 20 March 2018 64/2-4

<sup>53</sup> AN-A11 20 March 2018 64/13-20

<sup>54</sup> AN-A11 20 March 2018 66-67

<sup>55</sup> INQ000984\_012

<sup>56</sup> Hind 9 March 2018 81/17-19



**29.** Mrs Hind's husband, John Hind, became the Bishop of Chichester in 2001. Concerns were raised by a parent that she might not be sufficiently independent to conduct the planned meeting. Mrs Hind withdrew from her role as Child Protection Adviser because of the potential conflict and was replaced by Mr Tony Sellwood. By the time of her departure in 2002, however, Mrs Hind had set the wheels in motion for what would eventually become known as the Carmi review.

**30.** The review was to be led by Mrs Edina Carmi, a social work consultant. She was supported by a multi-agency steering group chaired by Mr Peter Collier QC. The group included representatives from the police, Victim Support, West Sussex Social and Caring Services and the Education Department, along with a member of the clergy and the Bishop's Adviser for Child Protection. Mrs Carmi drafted the review's terms of reference, which set out that "*the starting point for direct contributions to the review will be the victims*".<sup>57</sup>

**31.** The Carmi review was designed to imitate the serious cases reviews that were conducted by local authorities in cases of death or serious harm to young people. It was commissioned by Bishop Hind shortly after his appointment. His intention was to understand how Banks "*could have been able to perpetrate offences against so many boys over such a long period*".<sup>58</sup>

## The Carmi review

### *Commissioning of the review*

**32.** In September 2001, a letter from Bishop Hind was sent to each of the victims who had been identified during the police investigation.<sup>59</sup> This letter explained that a review would be taking place. AN-A11 agreed to participate in the review. Along with another victim of Banks, he met with Mrs Carmi to discuss his experiences of abuse. The victims' views would form part of the completed report, which was eventually finalised in January 2004.

### *Problems encountered during the Carmi review*

#### The leadership of Dean John Treadgold

**33.** Between 1997 and 2007, Canon Peter Atkinson (currently the Dean of Worcester<sup>60</sup>) was a residentiary canon and chancellor of Chichester Cathedral. In his view, there was a "*failure of leadership*" at Chichester Cathedral at the time of Banks' arrest.<sup>61</sup>

**34.** Dean John Treadgold<sup>62</sup> was the then Dean of Chichester Cathedral. Under his direction, safeguarding matters were handled as pastoral concerns and nothing more. Canon Atkinson described him as a "*rugged individualist*" with traditional views, who found it difficult to relate to members of the Diocese and to external agencies.<sup>63</sup>

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<sup>57</sup> ACE022573\_123

<sup>58</sup> WWS000138\_031

<sup>59</sup> INQ000984\_014-15

<sup>60</sup> WWS000140\_002

<sup>61</sup> WWS000140\_020

<sup>62</sup> This is not the correct nomenclature, but is used in this report for ease of reference.

<sup>63</sup> Atkinson 20 March 2018 147/22



**35.** Dean Treadgold appears to have experienced a particularly strained relationship with Mrs Carmi, Mrs Hind and the police. For instance, at the debrief meeting chaired by Mrs Carmi on 12 June 2001, the police raised concerns regarding his response to the criminal investigation of Banks. It was specifically noted that the Dean “*appeared defensive and seemed to take the side of the Defendant*”.<sup>64</sup>

**36.** Shortly after his retirement in autumn 2001, Dean Treadgold returned to Chichester Cathedral. He instructed the gardeners to burn a number of files held in the basement of the Deanery. This incident was reported to the police by members of the Cathedral. A police investigation was subsequently conducted, during the course of which the Carmi review was suspended.<sup>65</sup> Ultimately, the police took no further action and the Carmi review continued from early December 2002. Canon Atkinson recalled that no internal investigation took place regarding the burning of these potentially important files.<sup>66</sup> Nobody in the Cathedral appears to have questioned Dean Treadgold about this, nor did the Cathedral carry out any enquiries of its own.

### Opposition to the review

**37.** In a letter to Mrs Carmi dated 3 November 2003, Bishop Hind acknowledged receipt of her completed report. He expressed his apologies for the extent to which her review had been hindered by “*members and officials of the Church*”.<sup>67</sup> Indeed, Mrs Carmi told us the Dean and Chapter were reluctant both to engage with the investigation and to assist in encouraging further victims to come forward.<sup>68</sup>

**38.** When the review began two years earlier, Bishop Hind wrote to the Dean and to all members of the Chapter requesting their full co-operation with Mrs Carmi in the completion of her task.<sup>69</sup> The responses to his letter expressed an unreserved willingness to assist, with Dean Treadgold declaring that “*I shall be quite happy to assist Mrs Carmi in any way I can*”.<sup>70</sup> After he resigned from his post in October 2001, he was succeeded by Dean Nicholas Frayling, who echoed these assurances of support for the investigation.

**39.** Despite this ostensible show of compliance by the Dean and Chapter, Mrs Carmi said “*there was a gap between what we were asking of them and what they were prepared to do*”.<sup>71</sup> For example, in addition to proactively contacting those victims whose identities were known to the police, Mrs Carmi planned to offer a chance to contribute to all other individuals who had not previously come forward. She intended to achieve this aim by writing to the wider Cathedral and school communities.

**40.** Unfortunately, Mrs Carmi faced opposition from the Dean and Chapter when she sought to initiate such communication. Dean Frayling was said to have described her request for information as a “*fishing expedition*” which was likely to cause distress to many people in its revival of historic events.<sup>72</sup> As chair of The Prebendal School’s governing body, he expressed similar concerns when Mrs Carmi attempted to contact current and former parents of its pupils.

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<sup>64</sup> ACE022454\_007

<sup>65</sup> Carmi 20 March 2018 150/14-24

<sup>66</sup> Atkinson 20 March 2018 152/7-8

<sup>67</sup> ACE022504\_001

<sup>68</sup> Carmi 20 March 2018 8/7-20

<sup>69</sup> ACE022478\_27

<sup>70</sup> ACE022478\_17

<sup>71</sup> Carmi 20 March 2018 33/15-16

<sup>72</sup> ACE025935\_009

**41.** The reasons for these concerns were articulated in the minutes of various Chapter meetings. In May 2003, Mrs Carmi and her review team met with the Dean and Chair of Governors. Also present were the headmaster of The Prebendal School, a school governor and the Communar.<sup>73</sup> The minutes recorded an unwillingness to be seen to link the Terence Banks and David Bowring<sup>74</sup> cases by including both in the same letter to parents. It was felt the two-year delay caused by the police investigation had altered things; *“what seemed appropriate in June 2001 when the bishop ordered the review might no longer be justified”*.<sup>75</sup>

**42.** At another Chapter meeting, some members protested that the review was adopting the characteristics of an inquiry. The minutes reported that *“considerable disagreement had arisen between Mrs Carmi and her governors on the appropriate way to conduct the case review ... governors had become alarmed at the risk posed to the school’s reputation by the review”*.<sup>76</sup> Mrs Carmi’s view was that both organisations feared the potential legal and financial implications of her enquiries.

**43.** In July 2003, Dean Frayling agreed to include a short notice in the Cathedral newsletter. The notice introduced the review and invited anyone with information to contact Mrs Carmi. As Mrs Carmi recalled, the notice *“did not mention Terence Banks. It did not give any assurance of confidentiality. It did not use the wording that we had suggested”*.<sup>77</sup> The newsletter was also published during the summer holiday period. This unhelpful timing no doubt limited the size of the audience that would have seen the notice.

**44.** In his evidence, Canon Atkinson denied knowledge of any opposition within the Chapter to Mrs Carmi’s proposals. He insisted that Dean Frayling *“was wanting to help as much as he could”*.<sup>78</sup>

**45.** However, we have seen a letter sent to Bishop Hind by Dean Frayling on 30 June 2003. The Dean claimed that he was writing on behalf of the Chapter, and set out in some detail *“the Chapter’s misgivings”* about the case review, which included concerns regarding *“the wisdom of raising the public profile of the Banks case again so long after the event”*.<sup>79</sup> The letter also referred to the Chapter’s agreement to publish a pew note,<sup>80</sup> which would advertise the review and provide contact details for Mrs Carmi. It stated:

*“We do not wish to be seen to be dragging our feet but Chapter felt it inappropriate to circulate this pew note around Eastertide and then in the lead-up to the royal visit ... in effect we are seeking to be released from our obligation to publish a pew note.”*<sup>81</sup>

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<sup>73</sup> The Communar is the senior lay administrator of staff at Chichester Cathedral, and means ‘keeper of the Common Fund’. He is responsible for financial planning, personnel manager for all lay staff, managing the property portfolio and the general administration of the Cathedral. [www.chichestercathedral.org.uk/about-us/whos-who/page\\_6.shtml](http://www.chichestercathedral.org.uk/about-us/whos-who/page_6.shtml)

<sup>74</sup> David Bowring was a maths teacher at The Prebendal School. In 2003, he was jailed for sexually assaulting four boys in the early 1970s. The case came to light whilst the police were investigating the case of Terence Banks. See paragraph 92 for further details.

<sup>75</sup> [ANG000134\\_002](#)

<sup>76</sup> [ANG000133\\_001](#)

<sup>77</sup> [Carmi 20 March 2018 8/23-25](#)

<sup>78</sup> [Atkinson 20 March 2018 154/15-16](#)

<sup>79</sup> [ACE023433\\_012](#)

<sup>80</sup> A note available to those who attended services at the Cathedral.

<sup>81</sup> [ACE023433\\_013](#)

46. The contents of this letter are consistent with the evidence of Mrs Carmi. There was a sharp difference between the promised support for the review and the practical support she actually received. It was entirely appropriate for Mrs Carmi to seek to contact members of the Cathedral community during the course of her investigation. Her efforts to do so were hindered by members of Chichester Cathedral and The Prebendal School.

47. According to Mrs Carmi, the internal opposition from both bodies resulted in the premature termination of her review in 2003. A number of planned interviews did not take place and the decision was made by Bishop Hind that Mrs Carmi “*should just write up where we’d got to*”.<sup>82</sup> If the same review process was undertaken now, Mrs Carmi would “*expect to receive more cooperation from the various organisations involved in contacting those who wished to participate in the review*”.<sup>83</sup>

48. Canon Atkinson complained the Carmi review was not sufficiently thorough. He highlighted the “*embarrassing and inexplicable omission of Dean John Treadgold from any part of the case review*”.<sup>84</sup> It is correct that the Dean was not interviewed until after completion of the report, and his evidence was included as an addendum in December 2003. According to Mrs Carmi, her initial failure to interview the Dean was due wholly to the fact that “*we, as a group, were being told that we had to end the serious case review*”.<sup>85</sup>

#### Lack of diocesan authority

49. Behind the scenes, members of the Cathedral were voicing protestations to the bishop about the review process. Bishop Hind confirmed “*there was a certain amount of resistance on the part of the Dean and Chapter to what they felt was some interference by the bishop*”.<sup>86</sup> Although he tried proactively to obtain support from both the school and Cathedral on Mrs Carmi’s behalf, Bishop Hind lacked the power to compel their full co-operation.

50. As Mrs Carmi said, “*there was no command and control management style. The bishop had no power to do anything and seems to have just stepped back*”.<sup>87</sup> This observation was endorsed by Mrs Hind, who remarked “*the diocesan bishop could not order the cathedral to do anything but had to rely on working in cooperation with them and exerting moral authority*”.<sup>88</sup>

51. When asked to describe his own powers within the Cathedral, Bishop Hind conceded “*the diocesan bishop is responsible for everything, but without any resources or power to effect that*”.<sup>89</sup> Recalling his initial commission of the Carmi review, he said:

*“I was rather pushing the boat out. It was one of those issues where you exercise the authority you wish you had got, rather than the one you have actually got.”*<sup>90</sup>

52. The absence of diocesan authority over the Cathedral presented a barrier to the improvement of safeguarding at that time. It exposed what Mrs Carmi identified as the central challenge to her investigation, namely the fragmented organisational structure of the Church. This made it difficult to attribute accountability for failures and to introduce solutions to the problems identified.

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<sup>82</sup> Carmi 20 March 2018 11/7-8

<sup>83</sup> ACE025935\_009

<sup>84</sup> ACE022520\_013

<sup>85</sup> Carmi 20 March 2018 17/18-19

<sup>86</sup> Hind 7 March 2018 78/13-15

<sup>87</sup> Carmi 20 March 2018 34/1-5

<sup>88</sup> WWS000051\_005

<sup>89</sup> Hind 7 March 2018 74-75

<sup>90</sup> Hind 7 March 2018 77-78

## The structure and governance of cathedrals

### *Relationship between cathedrals and dioceses*

**53.** Since 1999, cathedrals have been governed by the Cathedrals Measure.<sup>91</sup> This created three bodies which together form the body corporate of a cathedral: the Chapter, the Council and the College of Canons.

**54.** The Chapter runs the cathedral, and is formed of both clergy and lay people. It is chaired by the Dean.<sup>92</sup>

**55.** The Council supports the work of the cathedral and advises the Chapter. It is chaired by a lay person who is appointed by the diocesan bishop. The diocesan bishop does not have the right to vote at the Council, although he is permitted to attend and speak at meetings.<sup>93</sup>

**56.** The College of Canons consists of the Dean and residentiary canons,<sup>94</sup> suffragan bishops, archdeacons and honorary and lay canons. It assists the Council with cathedral affairs, and is responsible for electing a new bishop in accordance with the Appointment of Bishops Act 1533.<sup>95</sup>

**57.** The Chapter has a high degree of independence. The diocesan bishop has no executive role and is not involved on a day-to-day basis in the administration of a cathedral's affairs. Bishop Martin Warner explained that "*cathedral clergy, although licensed by the diocesan bishop, are officeholders, subject to the constitution and statutes of the cathedral which the bishop is required to respect*".<sup>96</sup>

**58.** Bishop Hind summarised the situation neatly:

*"Cathedrals are in a very anomalous position in relation to the diocese in which they are set. The dean has his own ordinary jurisdiction within the cathedral and the bishop has no direct responsibility for the life of the cathedral."*<sup>97</sup>

**59.** He described the relationship between Chichester Cathedral and the Chichester Diocese as "*opaque*", as the connection between the two bodies is blurred.<sup>98</sup>

**60.** In our view, this structure directly resulted in the inability of Bishop Hind to secure full co-operation from Chichester Cathedral and The Prebendal School.

**61.** If safeguarding reviews are commissioned, then there must be a clear line of oversight. The Church may consider that clerics or other office holders subject to internal Church discipline could be subject to disciplinary penalties for failing to co-operate with such reviews.

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<sup>91</sup> INQ001068

<sup>92</sup> The Dean is the chief resident clergyman of the Cathedral and head of the chapter of canons (the other clergy who have posts within the Cathedral). See <https://www.churchofenglandglossary.co.uk/dictionary/definition/dean>

<sup>93</sup> ACE025930\_031

<sup>94</sup> Residentiary canons are canons (i.e. clerics) who are members of cathedrals and the word derives from the fact that they are bound by the rules, i.e. the canons of the cathedral. Some canons have specific roles within the life of the cathedral, e.g. the treasurer, and so are known as residentiary canons. [www.churchofenglandglossary.co.uk/dictionary/definition/canon](http://www.churchofenglandglossary.co.uk/dictionary/definition/canon)

<sup>95</sup> ACE025931\_018-19

<sup>96</sup> ACE026143\_054

<sup>97</sup> Hind 7 March 2018 75/9-10

<sup>98</sup> Hind 7 March 2018 76/16

**62.** We consider it is essential that such reviews have the widest possible reach. They should be advertised not just within the parish and cathedral communities, but in the local press and on social media so that individuals can come forward. Appropriate support services must be in place for such individuals if they wish to access them.

### *Relationship between cathedrals and diocesan safeguarding advisers*

**63.** At the time of Terence Banks' arrest, the diocesan arrangements for safeguarding did not apply in the Cathedral. Child protection in the Cathedral was run by the Dean and Chapter, advised by the Council.<sup>99</sup> The Cathedral had no direct obligation to report allegations or concerns to the Diocesan Safeguarding Adviser. Indeed, Bishop Hind described the role of the safeguarding adviser as *"very much a grace and favour matter in relation to the Cathedral, which ran its own affairs as far as safeguarding was concerned"*.<sup>100</sup>

**64.** Canon Atkinson stated that, prior to the arrest of Banks, he did not recall any existing relationship at all between the Chapter and the Diocesan Safeguarding Adviser. He added the relationship changed profoundly after Banks' conviction and the subsequent Carmi review. In his words, *"there was no going back on a close working relationship between the Cathedral and the Diocesan Safeguarding Adviser"*.<sup>101</sup>

**65.** Until 2016, there was no national guidance within the Church advising that cathedrals should liaise with the Diocesan Safeguarding Adviser. Some dioceses have an agreement with cathedrals to provide joint safeguarding arrangements, but it is not necessarily written into a service level agreement and it is certainly not consistent across every diocese.<sup>102</sup>

**66.** Mr Colin Perkins has carried out annual reviews of safeguarding arrangements at Chichester Cathedral since his appointment in 2011. He also decided to include the Cathedral as part of the overall safeguarding picture within the Diocese. He negotiated a service level agreement between the Diocese and the Chapter, which enabled the Cathedral to be monitored in the same way as any parish. Under the terms of the agreement, the Chichester Assistant Diocesan Safeguarding Officer has also recently become the Cathedral Safeguarding Officer. Her role contributes to the provision of direct oversight and close co-operation.<sup>103</sup>

**67.** Cathedrals should be included in the formal safeguarding systems of all dioceses. Despite the failures exposed by the high-profile case of Terence Banks, the Church did not take immediate action to ensure close communication between cathedrals and Diocesan Safeguarding Advisers.

**68.** Documentation published from 2016 onwards made it clear to cathedrals that they must have a formal safeguarding arrangement with the Diocesan Safeguarding Adviser. It was only as a result of the Cathedral Working Group Report in June 2018, and the changes it proposed, that a substantive system of safeguarding process was put in place. This system recognises the requirement for cathedrals to be put on the same canon law footing as other parts of the Church in respect of their safeguarding responsibilities.

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<sup>99</sup> [WWS000051\\_005](#)

<sup>100</sup> [Hind 7 March 2018 77/5-10](#)

<sup>101</sup> [WWS000140\\_005](#)

<sup>102</sup> [Tilby 19 March 2018 203/4-7](#)

<sup>103</sup> [ACE026181\\_016-17](#)

## *Relationship between Chichester Cathedral and The Prebendal School*

**69.** The Carmi review identified strong links between Chichester Cathedral and The Prebendal School. It highlighted the dangers presented by this close relationship, including the consequent inability to ensure the existence of *“a system of independent checks and balances, with constituent parts able to act independently to challenge worrying behaviour within their own and each other’s domain”*.<sup>104</sup>

**70.** This danger became a reality insofar as child protection was concerned. In 1991, two young men separately alleged they had been abused by a member of clergy whilst pupils at the school. The matter was referred to the Dean of Chichester Cathedral and the head teacher of The Prebendal School. However, both failed to inform police or social services of either allegation.<sup>105</sup>

**71.** Mrs Carmi suggested the efficacy of the school’s response was limited by its deference to the Cathedral, to which it surrendered responsibility for addressing child protection concerns. One victim told Mrs Carmi of his feeling that *“the two organisations were one and the same ... when he wanted someone with whom to discuss his concerns, there was no one that he felt was sufficiently independent of Terence Banks”*.<sup>106</sup>

**72.** When Mrs Hind visited The Prebendal School after Banks’ arrest, she was concerned to find many of its governors were also members of the Cathedral Chapter. She advised the headmaster that the school’s governing body should include people who were independent of Chichester Cathedral.<sup>107</sup>

**73.** Indeed, one of the criticisms in the Carmi review was that the Dean of Chichester Cathedral was also the chair of governors of The Prebendal School.<sup>108</sup> In addition, there were two clergy members of the Cathedral who acted as school governors.

**74.** Mrs Carmi was right to emphasise the school required freedom to respond effectively to child protection issues, notwithstanding its relationship with the Cathedral. At present, the Very Reverend Stephen Waine is both the current Dean of Chichester and the Chair of Governors of The Prebendal School.<sup>109</sup>

**75.** When there are any safeguarding concerns which require oversight or intervention by the governing body, such oversight must be independent and be seen to be independent. For example, the Dean as Chair of Governors should not investigate safeguarding concerns raised by the school regarding the Cathedral, clergy and staff as this lacks independence.

## **Publication of the Carmi review**

**76.** Mrs Carmi delivered her completed report to Bishop Hind in January 2004. She recalled she was *“put under a certain amount of pressure by the Dean and Chapter to modify some of the recommendations”*.<sup>110</sup>

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<sup>104</sup> OHY000184\_046

<sup>105</sup> OHY000184\_032

<sup>106</sup> OHY000184\_046

<sup>107</sup> WWS000051\_007

<sup>108</sup> OHY000184\_054

<sup>109</sup> ANG000136\_001

<sup>110</sup> WWS000138\_032



**77.** This pressure is evident from a letter to the diocesan bishop dated 30 March 2004, in which members of the Cathedral expressed their dissatisfaction with the report.<sup>111</sup> In particular, the letter raised concerns about the recommendation that an apology should be provided to victims. The Dean and Chapter claimed this recommendation had been fulfilled three years earlier, through the letter circulated to victims by Dean Treadgold. Bishop Hind was asked to “*consider removing recommendation 10.13 from the list when the recommendations are made public*”.<sup>112</sup>

**78.** Similarly, whilst the letter expressed sorrow for past events, it failed to offer any apology on behalf of Chichester Cathedral. There is no evidence to justify the suggestion that “*the action recommended has in fact been carried out to the best of our ability*”.<sup>113</sup>

**79.** Even before the report was finalised, attempts were being made to avoid its future publication. In Dean Frayling’s letter to Bishop Hind dated 30 June 2003, he said that to publish the report “*would be more likely to damage our efforts to restore the cathedral’s reputation just as these efforts are bearing fruit*”.<sup>114</sup> Restoration of the Cathedral’s reputation seemed to be the main concern for the Dean and Chapter at this time. As the Archbishops’ Council noted in its submissions to this Inquiry, “*the needs of victims repeatedly came a poor second to the Church’s wish to protect its reputation and the reputation of abusers*”.<sup>115</sup>

**80.** The terms of reference provided that a summary report would be made available to all those who participated in the review process, and that the recommendations of the review would be made public. Moreover, the statutory guidance at that time upon which the methods and processes of the Carmi review were based, *Working Together to Safeguard Children*, made clear that:

*“In all cases, the ACPC overview report should contain an executive summary that will be made public, which includes as a minimum, information about the review process, key issues arising from the case and the recommendations which have been made.”*<sup>116</sup>

**81.** However, “*nothing was published*” in 2004.<sup>117</sup> Indeed, the report would not be published for another 10 years.

**82.** The report was not sent to The Prebendal School but the recommendations were sent to the governing body. In a meeting during March 2004, the Governors noted:

*“Although the bishop intended for the recommendations ... to be made public, the full report would remain confidential and the school would not be given the opportunity to view a copy.”*<sup>118</sup>

**83.** The report concerned offending against pupils of the school and those involved in choral activities on Cathedral premises. It was evident that changes to safeguarding practice were required and on that basis, the full report should have been made available to the school.

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<sup>111</sup> ACE023433\_007-8

<sup>112</sup> ACE023433\_008

<sup>113</sup> ACE023433\_008

<sup>114</sup> ACE023433\_014

<sup>115</sup> ACE026327\_022

<sup>116</sup> WWS000104\_102

<sup>117</sup> Carmi 20 March 2018 12/1

<sup>118</sup> ANG000136\_003

**84.** Ofsted would have been responsible for inspecting the school in respect of its welfare provision for residential pupils from 2004 onwards. Helen Humphreys, an inspector of education and children's services, made a statement to the Inquiry on behalf of Her Majesty's Chief Inspector (HMCI) and Ofsted. She confirmed that "*neither the 2004 report of, nor recommendations made by, Mrs Carmi were passed by the Prebendal to Ofsted ... it appears that the reports and its recommendations were never drawn to Ofsted's attention*".<sup>119</sup>

**85.** Shortly after his appointment as Diocesan Safeguarding Adviser in May 2011, Mr Perkins met with senior diocesan and Cathedral staff. At the meeting, he argued that the Carmi review should be published. He was informed that the review could not be published for legal reasons, which had supposedly been agreed at the time it was completed in 2004.<sup>120</sup>

**86.** In 2013, however, it came to light that no legal reasons existed to prevent publication of the Carmi review. Graham Tilby, the current National Safeguarding Adviser, confirmed that he too was "*not aware of any specifically documented reasons for non-publication on receipt of the full report in 2004*".<sup>121</sup> Bishop Warner instructed Mr Perkins to prepare the report for publication. It was finally published in July 2014.

**87.** At the time of publication, there was in place a national panel of independent experts on serious case reviews. The relevant guidance – *Working Together to Safeguard Children* – stated that final serious case reviews should be published (contrary to the guidance in force in 2004) and sent to the national panel for further consideration by them.<sup>122</sup> The Department for Education confirmed the panel was not sent a copy of the Carmi review, despite the fact that it contained recommendations about the organisation and governance of The Prebendal School.<sup>123</sup> Those recommendations had been shared with the forerunner to the Local Safeguarding Children's Board (the Area Child Protection Committee) in 2004.

**88.** The Department was unaware that such a report had even been commissioned until it received the Inquiry's request for information. Whilst not a regulatory requirement, it was nonetheless essential for the governing body, the Dean and Chapter or the Diocese to have informed those responsible for regulating the school. This would have enabled them to check that recommendations had been implemented.

**89.** Neither the report nor any extracts from it were sent to the victims of Terence Banks. AN-A11 described this as "*absolutely astonishing*".<sup>124</sup> Furthermore, the Church did not alert the victims to the report's publication. It was only by chance that AN-11 learned it had been published, on seeing a national news report online.<sup>125</sup> This was highly insensitive, particularly in light of the assurance given to Mrs Carmi and to victims during the course of the review.

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<sup>119</sup> ANG000165\_020

<sup>120</sup> ACE026181\_072

<sup>121</sup> ACE025940\_044

<sup>122</sup> ACE025439\_099-102

<sup>123</sup> DFE000589\_029

<sup>124</sup> AN-A11 20 March 2018 77/1-2

<sup>125</sup> AN-A11 20 March 2018 77/4-8



## Findings of the Carmi review

**90.** The Carmi review considered events that occurred over a period of 30 years, over which time *“the perceptions and recognition of child abuse have dramatically changed”*.<sup>126</sup> The Cathedral gradually fell out of step with society in its approach to child protection. It failed to put in place adequate policies or procedures that would have enabled the swifter identification of Terence Banks as a child sexual abuser.

### The 1970s

**91.** In 1974, the public inquiry into the death of seven-year-old Maria Colwell exposed a serious lack of communication within child protection agencies. It also highlighted a persistent failure to provide sufficient training for social workers.<sup>127</sup>

**92.** During this period, The Prebendal School was aware of concerns relating both to Terence Banks and David Bowring, a teacher at the school. The head teacher responded to the allegations by banning Banks from school premises in 1973.<sup>128</sup>

**93.** In 1976, the head teacher advised the Department of Education that Bowring had been dismissed because of misconduct with a 12-year-old boy. He confirmed that Bowring had *“admitted the offence and gave me his assurance that this incident was the only one of its kind in which he had ever been involved”*. It went on to describe him as a *“talented and dedicated teacher, who has served the school with unswerving loyalty and devotion”*.<sup>129</sup>

**94.** The head teacher appears to have accepted too readily Bowring’s claim that this was an isolated incident. He chose not to pursue any independent investigation into the veracity of that claim and neither perpetrator was reported to the police. Bowring would plead guilty 30 years later to no fewer than six charges of indecent assault against four boys, all of which were committed in the 1970s when the victims were pupils at The Prebendal School.<sup>130</sup>

**95.** We have seen no evidence to confirm whether or not the Governing body were told about Bowring’s dismissal, nor whether they were advised of the relevant reasons. However, it is likely that the Chair of Governors was informed but no investigation took place either within the school or Diocese.

**96.** Mrs Carmi concluded the behaviour of both organisations was consistent with existing societal norms of the day.<sup>131</sup> However, regardless of the era in which the abuse occurred, The Prebendal School should have informed the police.

### The 1980s

**97.** In 1987, Lady Butler-Sloss chaired a public inquiry into child abuse in Cleveland. Work undertaken by the Law Commission led to the passing of the Children Act 1989, which placed a duty on local authorities to safeguard and promote the welfare of children. A 1988 Home Office circular specified the appropriate approaches for investigating child sexual abuse, and created a clear direction for specialist child protection units within the police.<sup>132</sup>

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<sup>126</sup> OHY000184\_029

<sup>127</sup> OHY000184\_029

<sup>128</sup> OHY000184\_030

<sup>129</sup> OHY000316\_002

<sup>130</sup> OHY000184\_028

<sup>131</sup> OHY000184\_023

<sup>132</sup> OHY000184\_029

**98.** These developing societal attitudes were not mirrored by the Dean and Chapter of the Cathedral. There was an absence of effective record-keeping, which led to confusion about why Banks had been banned from school premises. According to Mrs Carmi, the new headmaster of The Prebendal School believed that the ban was due to his disruptive influence on pupils' behaviour. Such misunderstandings resulted in the ban being only partially enforced, with Banks continuing to enter the school and engage with its pupils.<sup>133</sup>

**99.** Mrs Carmi noted that, in the meantime, rumours continued to circulate that Banks was sexually attracted to children. For example, a report was made to the vicar that he had been seen embracing a young boy on Cathedral grounds. No action was taken by the Cathedral.<sup>134</sup>

**100.** Michael Walsh was a teacher at Bishop Luffa School in the 1980s. He was also head of music at an Anglican church in Chichester, and was heavily involved with musical activities in Chichester Cathedral. In 1986 and 1987, several members of clergy received allegations that Walsh had raped a child. These allegations were not reported to the police. It was not until 1990, after a fourth victim contacted the police, that Walsh was convicted of five offences of unlawful sexual intercourse involving pupils at the school. He was sentenced to five years' imprisonment.<sup>135</sup>

### The 1990s

**101.** The 1993 Home Office document *Safe From Harm* contained 13 good practice guidelines for all voluntary organisations about their safeguarding of children.<sup>136</sup> In 1995, the Church of England's response was to publish the House of Bishops' *Policy on Child Abuse*. This was the Church's first national child protection policy.<sup>137</sup> It recommended that each diocesan bishop should appoint a representative to advise on matters of child protection.

**102.** As part of the implementation of this policy, the Diocese of Chichester appointed Mrs Hind in 1997 as its first Diocesan Child Protection Adviser. She drafted a set of diocesan guidelines entitled *The Protection of Children*, which were accepted at a diocesan staff meeting later that year.<sup>138</sup> The Dean of Chichester Cathedral attended this meeting, as did the Archdeacon of Chichester who was a member of the Cathedral Chapter.

**103.** The diocesan guidelines produced by Mrs Hind were more comprehensive and detailed than national policies of the Church of England at the time. As she explained in her evidence, the House of Bishops' policies of 1995 and 1999 were produced by the legal department of Church House in Westminster; neither had any input from child protection professionals.<sup>139</sup> In contrast, Mrs Hind had a professional background in child protection and remarked that "*reading my 1997 policy, it is obvious to me it is written by a social worker*".<sup>140</sup> The national policy focussed heavily on abuse by clergy. The diocesan guidelines were of wider application, covering both clergy and volunteers.<sup>141</sup> It is unclear why the Church, given its lack of relevant expertise, did not seek assistance from external professionals when drafting the policies of 1995 and 1999.

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<sup>133</sup> OHY000184\_031

<sup>134</sup> OHY000184\_031

<sup>135</sup> OHY000184\_027

<sup>136</sup> INQ001079

<sup>137</sup> OHY000184\_029

<sup>138</sup> ACE021328

<sup>139</sup> WWS000051\_011

<sup>140</sup> Hind 9 March 2018 59/9-10

<sup>141</sup> WWS000051\_011

**104.** Mrs Hind emphasised to us that the guidelines were intended to apply equally to Chichester Cathedral and to other congregations in the Diocese. Her understanding was that cathedrals were firmly within her professional domain. She therefore sent copies of the document to all clergy for implementation, operating in the expectation that the Cathedral would follow diocesan policy. Each congregation was asked to appoint a child protection representative to implement the policy in parishes and to receive training.<sup>142</sup>

**105.** There appears to have been some confusion about whether Church policies applied equally to the Cathedral. Canon Atkinson accepted that the Cathedral was “very slow” in implementing the 1997 guidelines. However, he added that “*it was not a time at which cathedrals automatically, spontaneously assumed that what bishops were putting out to apply to parishes was to be implemented in cathedrals in exactly the same way*”.<sup>143</sup>

**106.** Meanwhile, Walsh was released from prison in the 1990s and returned to the Diocese of Chichester. He applied to sing in the mixed-age Cathedral choir. As Canon Atkinson explained, this application “*was resisted by the Chapter on more than one occasion, out of consideration for the continuing feelings of the families involved in the case; though eventually it was agreed that Mr Walsh could be allowed to sing on a very occasional basis*”.<sup>144</sup> It is difficult to see how it would ever be appropriate for someone convicted of these offences to sing in this choir, at least without a very specific safeguarding contract in place.

**107.** Shortly after the diocesan policy was introduced in September 1997, Mrs Hind was informed by a parish priest that Walsh conducted the choir only occasionally during church services. She later discovered that this was incorrect. Walsh was in fact regularly rehearsing the Cathedral choir, which included child members. He was also providing private music tuition to some of those children.<sup>145</sup>

**108.** Canon Atkinson conceded that allowing Walsh’s application to sing in the choir “*was a complete mistake. We shouldn’t have done that*”.<sup>146</sup> He confirmed that no formal agreement, or indeed any safeguarding procedure at all, was put in place to protect against the risk that Walsh may have posed.

**109.** The House of Bishops’ *Policy on Child Abuse* and the updated 1999 *Policy on Child Protection* both set out the presumption that a convicted child sex offender would not be allowed to return to active ministry. However, as Mrs Carmi identified, neither policy provided guidance on such an individual’s wider involvement in the Church.<sup>147</sup> It is likely that this failure led to some confusion within the Church regarding the management of convicted individuals and may well have contributed to the Cathedral’s inadequate response in the case of Michael Walsh.

**110.** This case occurred before the arrest of Banks and, according to Canon Atkinson, “*before Chapter had been fully sensitised to the subtlety and insidiousness of abuse*”.<sup>148</sup> Indeed, Mrs Carmi observed that the gap between the safeguarding approaches of the Cathedral

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<sup>142</sup> Hind 9 March 2018 73/8-18

<sup>143</sup> Atkinson 20 March 2018 131-132

<sup>144</sup> WWS000140\_007-8

<sup>145</sup> Hind 9 March 2018 65/10-16

<sup>146</sup> Atkinson 20 March 2018 135/22-23

<sup>147</sup> ACE025935\_013

<sup>148</sup> WWS000140\_007

and the rest of society had “*widened to an unacceptable level*”.<sup>149</sup> However, lessons should have been learned from the Walsh case. This might have enabled the Dean and Chapter to avoid some of the mistakes made with Terence Banks.

### Events leading to Terence Banks’ arrest

**111.** During the 1990s, further concerns were voiced within the Cathedral about the behaviour of Terence Banks. In 1991, the Canon of Chichester Cathedral received an allegation that Banks had shown pornographic videos to a 12-year-old boy. According to the boy’s parents, they were spoken to by the Canon who made them feel “*they were making too much of a minor incident*”.<sup>150</sup> No adult should show pornographic images to a child. It is reprehensible that no steps were taken at this time.

**112.** On 29 March 2000, a victim visited Dean Treadgold and reported that he and another boy had been sexually abused by Banks. Dean Treadgold did not report these allegations to the police, the Diocesan Child Protection Adviser or social services. Instead, he said he would discuss the matter with the victim on his return from a trip abroad. He advised the victim to “*act on his conscience as the Dean could not act on mere allegations*”.<sup>151</sup>

**113.** It was not until the father of another victim reported abuse to police that Banks was finally arrested in April 2000.<sup>152</sup> This delay followed a series of concerns spanning nearly three decades, during which time both the Cathedral and The Prebendal School failed to act on the emerging worrying pattern of abuse. They did not recognise that such matters should be reported to the local authority or to the police, or indeed that children in their care were being exposed to risk.

### Aftermath of Terence Banks’ arrest

**114.** Mrs Hind was unaware of the Terence Banks case until the day of his arrest in April 2000, when she was contacted by the Communar of Chichester Cathedral. At the time of his arrest, the Cathedral was yet to implement the diocesan child protection policy, appoint a child protection representative, or request training for its volunteers.<sup>153</sup> Canon Atkinson openly acknowledged that “*child protection was not an issue high on the agenda of the Chapter ... we were not implementing or articulating explicitly a child protection policy*”.<sup>154</sup>

**115.** By 2000, clear child protection procedures existed both in West Sussex and in the Diocese of Chichester. *The Protection of Children* stated unambiguously that, on the making of an allegation, “*the parish priest will discuss the concerns with the Diocesan Child Protection Adviser who will decide ... what action to take*”.<sup>155</sup> Dean Treadgold’s failure to take any appropriate action was therefore inconsistent with existing parish guidance.

**116.** Canon Atkinson described the arrest of Banks as “*the watershed. It was the wake-up ... things began to move very quickly at that point*”.<sup>156</sup> Mrs Hind worked in collaboration with Chichester Cathedral, reviewing its draft child protection policy and encouraging the appointment of an independent child protection representative.

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<sup>149</sup> OHY000184\_033

<sup>150</sup> OHY000184\_032

<sup>151</sup> OHY000184\_033

<sup>152</sup> OHY000184\_033

<sup>153</sup> WWS000051\_005-6

<sup>154</sup> ACE023433\_003

<sup>155</sup> ACE021328\_019

<sup>156</sup> Atkinson 20 March 2018 134/7-11

**117.** She offered similar assistance to The Prebendal School, advising about the inclusion of independent people on its governing body who had no association with the Cathedral. A note was added to *Protecting All God's Children*, clarifying that the responsibilities of parishes apply equally to cathedrals.<sup>157</sup> This guidance was introduced by the House of Bishops in 2004. It made a number of changes to the 1995 policy, including setting out the professional skills required of Diocesan Child Protection Advisers. It also clarified that the Diocese was responsible for appointing a suitably qualified Diocesan Child Protection Adviser and for providing appropriate support.

**118.** In October 2000, the Chapter explicitly adopted its own safeguarding policy titled *Cathedral Child Protection Policy and Guidelines*.<sup>158</sup> This policy was amended and revised in May 2003. Its provisions included regular child protection training, vetting of all staff and volunteers, and arrangements for reporting child protection concerns. Convicted child sex offenders were prohibited from holding any position that would bring them into contact with children.

**119.** However, as Mrs Carmi correctly observed, this policy was deficient in several respects. Although it provided for regular training, it failed to specify which staff and volunteers must receive the training and the frequency at which it should be provided. It also omitted the nature of the training required.<sup>159</sup>

**120.** The policy also stated that staff and volunteers should be provided with copies of the document only “*where appropriate*”.<sup>160</sup> There was a failure to recognise the need for a general awareness of its contents amongst all individuals involved in the life of the Cathedral, regardless of whether or not they had unsupervised access to children.

**121.** Before resigning as Diocesan Child Protection Adviser, Mrs Hind drafted a further child protection policy entitled *The Care and Protection of Children*, which was published in 2002.<sup>161</sup> It made plain that “*any suspicion, allegation or disclosure that a child is suffering or is likely to suffer significant harm, must be referred to the local Social Services Department*”.<sup>162</sup>

**122.** In contrast, the Cathedral’s policy provided merely for the reporting of “*allegations*”.<sup>163</sup> This was a significant omission by the Cathedral. Many of the concerns regarding Banks involved matters such as his provision of alcohol to under-age children and overnight trips. Neither of these would fall into the category of specific allegations, but they were obviously inappropriate and of clear contextual importance. The Cathedral should have widened its guidelines to allow for the referral of suspicions and concerns, in accordance with diocesan procedures at the time.

**123.** In addition, Cathedral guidelines required the reporting of allegations to the Cathedral’s child protection officer.<sup>164</sup> Many individuals would prefer to make disclosures to a person who is independent of the Church, an option that was set out in Mrs Hind’s updated diocesan guidelines. In our view, it is important that all safeguarding guidelines should include the option of alternative reporting routes.

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<sup>157</sup> ACE024892\_057

<sup>158</sup> ACE021320

<sup>159</sup> OHY000184\_038

<sup>160</sup> ACE021320\_003-4

<sup>161</sup> ACE021327

<sup>162</sup> ACE021327\_022

<sup>163</sup> ACE021320\_004

<sup>164</sup> ACE021320\_004

**124.** *The Care and Protection of Children* also contained a significantly higher level of detail than the 1997 diocesan guidelines. Unlike its predecessor, for example, the 2002 policy introduced guidance about the reporting of historical allegations.<sup>165</sup> It specified that all such allegations must be reported to the Diocesan Safeguarding Adviser, although it did not include a requirement to inform the police. As Mrs Carmi pointed out, neither diocesan nor Cathedral procedures addressed the issue of anonymous allegations.<sup>166</sup>

### The provision of pastoral support to victims

**125.** One of the key findings of the Carmi review was the provision of pastoral support to victims. There is no dispute that during the course of his trial, Terence Banks was accompanied at court each day by a member of clergy. In contrast, neither the Diocese nor the Dean and Chapter offered pastoral support to the complainants who had attended to give evidence against their perpetrator. AN-A11 described this situation as “*just astonishing, a slap in the face. There was no support offered to us whatsoever*”.<sup>167</sup>

**126.** As Diocesan Child Protection Adviser, Mrs Hind had no role in providing or arranging support for the complainants at court. She had mistakenly believed that assistance was being offered by Victim Support, although it does not appear that any efforts were made to verify this.<sup>168</sup>

**127.** Canon Atkinson claimed that the Chapter relied on advice from Dean Treadgold, that it could not provide pastoral support to complainants whilst the allegations were being investigated.<sup>169</sup> He also noted that the Chapter could not provide pastoral support to a number of complainants as their identities were unknown to the Dean and Chapter.<sup>170</sup> We do not consider this to be an adequate justification. Their identities would certainly have been known to the police and the prosecutorial authorities, via whom pastoral contact could have been offered.

**128.** It was acknowledged by the Diocesan Child Protection Advisers in post, both prior to and at the time of the Carmi review, that a letter offering diocesan support could have been forwarded by the police. Other than the letter circulated by Dean Treadgold at the conclusion of the trial, Canon Atkinson was not aware of any support having even been offered to the complainants during or after the criminal case.<sup>171</sup>

**129.** The Dean and Chapter and the Diocese failed to respond effectively to victims' needs, and demonstrated a lack of concern for their welfare. In its submissions to this Inquiry, the Archbishops' Council described the shortfall in support as “*appalling*” and “*extraordinary ... it is critical to recognise the harm that this caused to survivors*”.<sup>172</sup> It also recognised that the absence of an appropriate pastoral response, as identified by Mrs Carmi, was not remedied for far too long.

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<sup>165</sup> ACE021327\_025

<sup>166</sup> OHY000184\_039

<sup>167</sup> AN-A11 20 March 2018 74/1-5

<sup>168</sup> Hind 9 March 2018 75-76

<sup>169</sup> Atkinson 20 March 2018 140/12-25

<sup>170</sup> WWS000140\_010

<sup>171</sup> Atkinson 20 March 2018 143/13-17

<sup>172</sup> ACE026327\_021



**130.** The public display of clerical support undoubtedly fuelled the perception that the Cathedral Chapter rallied around Terence Banks rather than his victims. It is not surprising that the victims were left with the impression this was a system which favoured the abuser rather than the abused.

### The Chichester Cathedral community

**131.** The Carmi review went further. It concluded that victims and their families were often ostracised by the Church after coming forward with their allegations. When the father of one victim told his local village vicar about what had happened, the vicar did not respond and subsequently appeared to avoid contact with him.<sup>173</sup>

**132.** The mother of another victim reported she was rejected by the Cathedral community after disclosing an incident of abuse. She was forced to deal not only with the fact that her child had been sexually abused, but with the social isolation she suffered as a consequence of her disclosure.<sup>174</sup>

**133.** Mrs Carmi characterised Chichester Cathedral as a “*closed community*” which encouraged the occurrence of incidents such as these and, in turn, posed a serious risk to safeguarding.<sup>175</sup> The culture she described was a hostile one, in which individuals who chose to criticise the Cathedral community were shunned. Mrs Carmi remarked that “*although it was acceptable to disclose issues to individuals within the community so that they could be dealt with internally, disclosing the issues to external parties was discouraged as this brought the institution into potential disrepute and was perceived as a betrayal*”.<sup>176</sup>

**134.** On 7 June 2005, Canon Atkinson drafted an internal response to the Carmi review on behalf of the Dean and Chapter. His view was that it represented a “*fundamentally flawed judgement on what went on at the cathedral*”.<sup>177</sup> He specifically denied that the Cathedral was a closed community. Rather, he described it as being “*a series of different organisations, involving different groups of people, with some overlap but much discontinuity*”.<sup>178</sup> In his view, Mrs Carmi had insufficient evidence to conclude that the families of victims were ostracised by the Church.

**135.** By contrast, as Mrs Carmi observed, the accuracy of her characterisation depends on the perspective of the viewer. As a matter of common sense, a person who is inside a closed community is able to see and appreciate the various factions contained within it. A person who is outside a closed community does not have that benefit. His or her perception may simply be of a group that puts forward a solidly united front, through which it is seemingly impossible to break.<sup>179</sup>

**136.** For example, one congregation member explained to Mrs Carmi that a select group of individuals existed in Chichester Cathedral who would socialise with the senior clergy and the Dean. From her and others’ viewpoints, Terence Banks was a member of that elite inner circle. Regardless of whether or not this was factually correct, it was the perception that

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<sup>173</sup> OHY000184\_035

<sup>174</sup> OHY000184\_035

<sup>175</sup> OHY000184\_040

<sup>176</sup> OHY000184\_040

<sup>177</sup> ACE022520\_003

<sup>178</sup> ACE022520\_011

<sup>179</sup> Carmi 20 March 2018 26/1-8

created the problems with which we are concerned. His victims found it difficult to report their abuse, in the knowledge that others who had done so felt rejected by the Cathedral community.<sup>180</sup>

**137.** The status enjoyed by Banks has been the subject of some debate. There is no dispute that, following the death of his parents, he was provided with Church-owned property in 1994. The Carmi review described his role as Head Steward of Chichester Cathedral, a title which previously attributed to his father. According to Mrs Carmi, it was perceived to be a powerful position, through which, for example, Banks was able to control the provision of privileged seating.<sup>181</sup>

**138.** In Canon Atkinson's internal memorandum, he dismissed this title as "*entirely incorrect ... even as a description of the role of Head Steward, this is ludicrously overstated*".<sup>182</sup>

**139.** In Canon Atkinson's evidence to the Inquiry, he reasserted that Banks "*was not this immensely important figure, this personage of high importance. I'm quite convinced about that.*"<sup>183</sup> Yet he did acknowledge that Banks' victims perceived him as a person of great influence.<sup>184</sup> However, Bishop Hind referred to Banks as a steward "*with a very, very small 's' ... it simply meant he was somebody who stewarded people to their pews*".<sup>185</sup>

**140.** As Mrs Carmi commented, perhaps from Canon Atkinson's "*position on the pyramid it wasn't all that high, but certainly for victims Terence Banks had a high status*".<sup>186</sup> Banks' ability to provide preferential seating within the Cathedral to those families with whom he was friendly, for instance, only served to reinforce his position of perceived power and prominence.

**141.** In reality, the precise nature of his job does not matter. The widely held perception of Banks was as a distinguished member of the Cathedral. This enabled him successfully to influence, groom and abuse his victims. Indeed AN-A11 recalled that at his young age, he would have had "*no concept of who was a volunteer in that kind of environment. He was part of the religious establishment to me*".<sup>187</sup> His parents allowed him to visit Banks with naivety about what his intentions may have been, purely because "*they hung on every word of anybody within that establishment. They were incredibly proud of me being part of it.*"<sup>188</sup>

**142.** In declining AN-A11's request for a contribution towards his counselling costs, Dean Frayling advised "*Terence Banks was not at any time an employee of the Dean and Chapter. He was, on occasions, a volunteer steward who assisted in showing people to their seats before services.*"<sup>189</sup>

**143.** This attitude was problematic for effective safeguarding. It shows a belief existed within the Cathedral that the title of 'volunteer' minimised both the person's role in the Church and the Church's responsibility for their actions. That is fundamentally flawed. It

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<sup>180</sup> Carmi 20 March 2018 26/9-25

<sup>181</sup> OHY000184\_009

<sup>182</sup> ACE022520\_005

<sup>183</sup> Atkinson 20 March 2018 169/16-18

<sup>184</sup> ACE022520\_004

<sup>185</sup> Hind 7 March 2018 83/19-22

<sup>186</sup> Carmi 20 March 2018 20/3-5

<sup>187</sup> AN-A11 20 March 2018 59/10-12

<sup>188</sup> AN-A11 20 March 2018 65/22-25

<sup>189</sup> INQ000984\_017-18



suggests volunteers do not represent a key pillar of the Church's structure, yet the reality is the Church would collapse without their contribution. As Bishop Hind pointed out, "*the church is primarily a voluntary body*".<sup>190</sup>

### *The implementation of Mrs Carmi's recommendations*

**144.** Bishop Hind said the recommendations of the Carmi review "*made a significant difference to our practice*". He added that, despite the reservations expressed by the Dean and Chapter, they did accept the recommendations which led to a "*marked change of culture within the cathedral*".<sup>191</sup>

**145.** Shortly after completion of the Carmi review in 2004, the Chichester Diocesan Safeguarding Adviser produced an implementation plan. This plan identified the tasks to be undertaken and the resources required for the achievement of each objective set by Mrs Carmi.<sup>192</sup> According to Mr Tilby, all recommendations were accepted except one; namely, the recommendation that the position of Cathedral Dean as Chair of Governors of The Prebendal School be reconsidered.<sup>193</sup>

## **B.3: The cases of Roy Cotton and Colin Pritchard**

### **Reverend Roy Cotton's conviction for child sexual abuse**

**146.** In March 1954, just six weeks before the date of his intended ordination, Reverend Roy Cotton was found guilty of indecently exposing himself to a child in an organ loft. He was acting as a Scoutmaster at the time. The court sentenced him to probation for one year and he withdrew from theological training.<sup>194</sup> He was also banned from the Scout Movement.

**147.** Over the following decade, however, Cotton set up a preparatory school and continued to work closely with children. In 1966, a number of pupils reported that he had sexually abused them and he was dismissed from the school. These allegations do not appear to have been reported to the police by the pupils, their families or those in positions of responsibility at the school.<sup>195</sup>

**148.** In 1967, Cotton was ordained. The Bishop of Portsmouth, John Phillips, believed he should be exempted from the usual recruitment process, saying he "*should not be subjected to a further raking-up of all that has gone before*".<sup>196</sup> In a letter to the Archbishop of Canterbury dated 13 May 1966, Bishop Phillips praised Cotton as "*a man of considerable ability ... free of any trouble for twelve years*".<sup>197</sup>

**149.** As a result of this persistence on his behalf, Cotton's conviction was successfully withheld from the Selection Committee.<sup>198</sup> This enabled him to avoid the objective scrutiny and risk evaluations that prospective ordinands typically received. In our view, any concerns

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<sup>190</sup> Hind 7 March 2018 45/24-25

<sup>191</sup> WWS000138\_032-033

<sup>192</sup> WWS000105

<sup>193</sup> ACE025940\_045

<sup>194</sup> ACE025954\_138

<sup>195</sup> ACE025954\_133

<sup>196</sup> ACE025954\_121

<sup>197</sup> ACE025954\_132

<sup>198</sup> ACE025954\_121

regarding Cotton's criminality were overshadowed by the belief that his offending was "in the past". Even at that time, we consider this to have been a gross error of judgement given the potential risk to children.

**150.** In subsequent correspondence, Bishop Phillips continued to minimise the severity of Cotton's offending. Lambeth Palace indicated its intention to place him on the caution list.<sup>199</sup> Upon learning of this, Bishop Phillips said:

*"Perhaps because there has been a court case this is inevitable, but it was over 12 years ago, and I just wonder how long a man has to be in the clear before his name has to go on a list."*<sup>200</sup>

**151.** Bishop Phillips also exerted heavy pressure on the Scout Association to accept Cotton as a leader. He failed to acknowledge the risk that Cotton could still pose to children and the fact that time would not necessarily diminish the propensity to offend. He went so far as to question the validity of the conviction, declaring in one letter that "I went very carefully indeed into the past, and I discovered that all who then had any dealings with him had grave doubts of his guilt in the matter for which he was accused".<sup>201</sup> In a separate effort to secure Cotton's appointment as the Vicar of Harting, he claimed that the offence "has, I believe, been proved a false one. He pleaded guilty at the time to spare the boys concerned having to appear in court."<sup>202</sup>

**152.** The Scout Association soon succumbed. Despite the terms of its recruitment policy, which excluded convicted offenders from employment, Cotton was granted a Leader Permit in 1969.<sup>203</sup> This provided him with authorised and unsupervised access to young boys, but also established him as a trusted authority figure in the eyes of their parents.

### Further allegations of abuse

**153.** In 1974, Cotton was appointed as parish priest at St Andrew's Church in Eastbourne. He took charge of the choir and organised various activities for young people, including overnight trips away.<sup>204</sup> One of the children involved in these activities was 10-year-old Philip Johnson.

**154.** Mr Johnson told us "Roy Cotton groomed me pretty much from the first time that I ever met him".<sup>205</sup> Cotton singled him out for special attention, including picking him up from home in his car and inviting him to assist with extra tasks. Before long, Mr Johnson was expected to take showers in Cotton's presence which made him feel "very uncomfortable".<sup>206</sup>

**155.** Mr Johnson's parents regarded Cotton as a wealthy and powerful man who could offer their son opportunities in life. He used his status to gain their trust by, for example, purchasing academic books for Mr Johnson and educating him on their contents. He began to spend more unsupervised time with his victim, which led to physical acts such as kissing and cuddling.<sup>207</sup>

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<sup>199</sup> This list is circulated privately to bishops by the Archbishop of Canterbury's staff. It has various categories but is designed to identify individuals towards whom caution should be exercised.

<sup>200</sup> ACE025954\_101

<sup>201</sup> ACE025954\_079

<sup>202</sup> ACE025954\_071

<sup>203</sup> ACE025954\_077

<sup>204</sup> ANG000090\_001

<sup>205</sup> Johnson 6 March 2018 19/20-21

<sup>206</sup> ANG000090\_002

<sup>207</sup> ANG000090\_003

**156.** Mr Johnson recalled his attendance on a group camping trip to France, when he was 11 years old. One night, he felt homesick and unwell. Cotton invited him into his sleeping bag and sexually assaulted him.<sup>208</sup>

**157.** Cotton took Mr Johnson on numerous trips abroad during his teenage years, both alone and with others. On these trips, Mr Johnson says, Cotton gave him alcohol “*to try and wear down my resistance*”.<sup>209</sup> Although parishioners were aware of these trips, nobody appears to have raised concerns about a middle-aged man holidaying for extended periods with a teenage boy.

**158.** Mr Johnson also stayed regularly at Cotton’s vicarage, during which time “*the sexual activity increased and became more serious*”. Cotton would come to his bedroom and remove Mr Johnson’s clothing, before masturbating him until he ejaculated. Mr Johnson told us that on occasion this was “*quite rough and forceful, causing pain and discomfort*”. Cotton attempted anal penetration on several occasions.<sup>210</sup>

**159.** This serious and sustained abuse continued until Mr Johnson went to university at the age of 19. As a result, he suffered negative consequences on his physical and mental health “*which continue to the present day*”.<sup>211</sup> His experiences meant he was unable to build sexual relationships with others. He suffered from flashbacks and struggled to perform academically. He felt “*worthless and inadequate and this infected every aspect of my life*”.<sup>212</sup>

**160.** When he was 15 years old, Cotton took Mr Johnson to stay with Reverend Colin Pritchard. He described this as “*the most frightening evening of my life*”.<sup>213</sup> Having been plied with alcohol by both men, he awoke the next morning to find himself naked in Pritchard’s bed with no memory of the previous night. Pritchard then sexually assaulted him in the kitchen, “*grabbing at my genitals under my dressing gown to such an extent that he cut my penis with his fingernail*”.<sup>214</sup> Pritchard would later plead guilty to this assault.

## The arrests of Reverends Cotton and Pritchard

**161.** In September 1996, Mr Johnson learned that his younger brother had also been sexually abused by Cotton. This prompted him to visit Sussex Police Station, where he reported the offences committed by Cotton and Pritchard. Mr Johnson said he was made to feel uncomfortable by the officers, who appeared to view him “*as a threat to children ... I felt that I was being investigated more than Cotton or Pritchard*”.<sup>215</sup> He was not directed to counselling services or any form of victim support.

**162.** Sussex Police arrested both Cotton and Pritchard in December 1997, 15 months after the initial complaint was made.<sup>216</sup> During this delay, there is no evidence that Sussex Police took any steps to prevent the suspects from having contact with children.<sup>217</sup>

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<sup>208</sup> ANG000090\_006

<sup>209</sup> ANG000090\_010

<sup>210</sup> ANG000090\_009

<sup>211</sup> ANG000090\_022

<sup>212</sup> ANG000090\_016

<sup>213</sup> ANG000090\_011

<sup>214</sup> ANG000090\_011

<sup>215</sup> ANG000090\_018

<sup>216</sup> OHY003521\_002

<sup>217</sup> Hick 9 March 2018 144/3-8

**163.** Detective Sergeant Hick suggested that at this time, child protection was not a widely understood topic within policing.<sup>218</sup> Nevertheless, there was a plethora of guidance in place by the mid-1990s. This included nine Home Office circulars around child sexual abuse, two editions of *Working Together to Safeguard Children* and two thematic investigations by Her Majesty's Inspectorate of Constabulary (HMIC), along with the establishment of area child protection committees.

**164.** The police relied on their computer system to check the details of Cotton's past. DS Hick told us it was "*inconceivable*" that these checks would not have been conducted at the time of his arrest. Accordingly, Sussex Police "*would have been aware*" of his conviction and "*the officer would have been aware when he did his interview*".<sup>219</sup>

**165.** In early 1999, however, the Crown Prosecution Service concluded there was insufficient evidence to prosecute either Cotton or Pritchard. DS Hick said the decision was "*presumably due to a lack of corroborative evidence*".<sup>220</sup> The requirement of formal corroboration was abolished by the Criminal Justice and Public Order Act 1994. The very nature of sexual offending often means there is no 'corroboration' by way of any witness to the offence other than the complainant. We assume that DS Hick meant 'supporting evidence', namely material that makes a complainant's account more likely to be true. The police did not visit the diocesan office to seek out relevant material for their enquiries.<sup>221</sup>

### Relationship between the Church and police

**166.** During the investigation, Mr Johnson was advised by Sussex Police that he should refrain from making a complaint to the Church, as "*all contact with the Church would be via the police*".<sup>222</sup> However, DS Hick told us the force "*did not share any sensitive information*" relating to this case with the Diocese of Chichester.<sup>223</sup>

**167.** In December 1997, Mrs Hind was the Diocesan Child Protection Adviser. Upon learning of the arrests, she contacted the investigating officer at Sussex Police. He declined to share the victims' names or any description of the allegations, including their nature and severity. The police did not request access to the blue files<sup>224</sup> of Cotton and Pritchard, nor was Mrs Hind invited to provide any assistance to the investigation.<sup>225</sup>

**168.** During the 1990s, no information-sharing protocol existed between the Diocese of Chichester and the police.<sup>226</sup> The Diocesan Safeguarding Adviser (DSA) herself could not have viewed the blue file at that time, as access was confined to the Bishop of Chichester and his senior team. The fact that she was denied access to this file, coupled with an absence of inter-agency co-operation, contributed to the investigation's overall lack of progress.

**169.** When the case was discontinued, Sussex Police should have disclosed their written findings to the Diocese. As Mrs Hind observed, failure to do so meant that the Diocese had no evidence on which to base any disciplinary action. The Church was also unable to initiate

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<sup>218</sup> Hick 9 March 2018 147/14-16

<sup>219</sup> Hick 9 March 2018 156/7-12

<sup>220</sup> ANG000212\_002

<sup>221</sup> Hick 9 March 2018 152/20-25

<sup>222</sup> Johnson 6 March 2018 49/24-25

<sup>223</sup> ANG000212\_002

<sup>224</sup> These are personnel files kept by the Diocese which should be a thorough record of someone's appointments as an office holder. They also contain internal material as to their character, conduct and any complaints made against them.

<sup>225</sup> WWS000051\_021

<sup>226</sup> Hick 9 March 2018 137/14-24

contact with the victims, due to the non-disclosure of their identities. This general failure to share information led to a flawed police investigation, and a situation in which the effective safeguarding of children was compromised.<sup>227</sup>

**170.** Equally, the Diocese did not offer Church files to the police. It did not conduct its own enquiries into the two priests. It appears to have adopted a largely passive approach to the investigation, with Mrs Hind admitting that “*we probably would have waited*” for the police to ask for relevant material.<sup>228</sup>

**171.** At this time, Bishop Wallace Benn was the Area Bishop of Lewes in the Diocese of Chichester. He was keen to emphasise that all responsibility for contacting the police lay with Mrs Hind. He accepted her advice that Cotton should have no contact with children during the investigation, and told Cotton the same. He also claimed to have relied on her view that it was unnecessary to suspend Cotton from public ministry. This is despite, on his own account, being oblivious to the nature of the allegations at this stage.<sup>229</sup>

**172.** This raises two important issues. First, a condition of non-contact with children is difficult to enforce on a practical basis, even with the inclusion of relevant safeguards. Bishop Benn was in any case unable to explain how this condition was monitored, or point to any safeguarding agreement signed by Cotton which prevented him from undertaking services with children.<sup>230</sup> Although Bishop Benn verbally instructed him to avoid contact with children, he was effectively free to behave as he wished.

**173.** Bishop Benn repeatedly insisted that the issue of disciplinary action was “*not my role ... the DSA’s responsibility was to initiate any monitoring and I would have acted on this advice*”.<sup>231</sup> Nicholas Reade, Archdeacon of Lewes, 1997–2004, in contrast, told the Inquiry that “*discipline is a matter for the bishop*”.<sup>232</sup> In failing to suspend Cotton from ministry during the police investigation, the Diocese neglected to manage the risks he posed. Bishop Benn’s stated reliance on Mrs Hind allowed him to sidestep his own responsibilities.

**174.** The efforts by the Church were constrained by its inability to correspond with the victim and the lack of multi-agency co-operation. The House of Bishops’ policy guidance at that time stated that the Church would not conduct its own investigations.

## Reverend Roy Cotton’s retirement

**175.** During the police investigation, Cotton notified Bishop Benn of his intention to retire, saying “*I trust that I shall be granted a licence to officiate generally in the Diocese when needs demand*”.<sup>233</sup> In his response, Bishop Benn assured Cotton that “*I shall be very happy to grant you this*”.<sup>234</sup> This does not sit comfortably with his evidence to the Inquiry, in which he claimed that “*I would have preferred not to grant Roy Cotton PTO*”.<sup>235</sup>

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<sup>227</sup> WWS000051\_021

<sup>228</sup> Hind 9 March 2018 110/19

<sup>229</sup> WPB000047\_023

<sup>230</sup> Benn 12 March 2018 55/4-11

<sup>231</sup> WPB000047\_023

<sup>232</sup> WWS000072\_024

<sup>233</sup> WPB000009\_001

<sup>234</sup> WPB000008\_001

<sup>235</sup> WPB000047\_026

**176.** However he did grant permission to officiate (PTO) to Cotton on 17 May 1999, by which time the police investigation had ceased. Bishop Benn concluded that there were, accordingly, no grounds for refusing it, *“especially in the face of the direct instruction from Bishop Eric Kemp, who had expressly told me to do so”*.<sup>236</sup> He told the Inquiry this was a verbal instruction, although he was unable to specify when it was received or produce any written record of the exchange in which it was given.<sup>237</sup> Bishop Benn insisted he knew nothing of Cotton’s earlier conviction until 2001. Whether or not the police investigation had been completed, there should not have been an automatic assumption that there was nothing to concern Church authorities.

**177.** It does not appear that Bishop Benn sought any advice on this issue from Mrs Hind. Her clear understanding was that *“Cotton was ill and was withdrawing from all ministry. I had no expectation that he would be granted PTO”*.<sup>238</sup>

**178.** In light of the recent police investigation, it was unwise of the Diocese to grant Cotton permission to officiate. The inability of either the Diocesan Safeguarding Adviser or Area Bishop to see the blue files impeded any risk assessment being carried out or an adequate analysis of risk being properly considered.

**179.** This incident demonstrates that permission to officiate was regarded as something ‘usual’ to be granted. Few, if any, steps were taken to prevent those who had resigned from ministry from continuing to minister. The Diocese failed to appreciate that because retired clergy often carried out significant functions within the Diocese, they would be viewed by those outside the Church as people of integrity and influence. Consequently, they required the same levels of scrutiny as practising clergy for safeguarding reasons. The Archbishops’ Council has expressed its *“sense of shame”* for *“the seemingly casual grant of permission to officiate to a convicted abuser without proper investigation or monitoring of his current circumstances or how the PTO was being used”*.<sup>239</sup>

## Disclosure of Reverend Roy Cotton’s conviction

**180.** On 9 May 2001, Cotton submitted a confidential declaration form to the Diocese as part of a routine check. This document disclosed his conviction for indecent exposure. In an accompanying letter, he wrote that the offence *“was said to have taken place in the organ loft of a village church. I was rehearsing and the boy was hand pumping the organ”*.<sup>240</sup>

**181.** Bishop Benn told us that, on receipt of this documentation, he was minded to withdraw Cotton’s permission to officiate. He claimed Archdeacon Reade persuaded him not to do so, by protesting that Cotton was a very sick man who lived in a nursing home and posed no risk to children. Bishop Benn agreed to restrict his licence so that he could celebrate Mass only in his own home or the nursing home, with no other form of public ministry.<sup>241</sup> This was not supervised or monitored and could not be practically enforced.

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<sup>236</sup> WPB000047\_026

<sup>237</sup> Benn 12 March 2018 82/17-20

<sup>238</sup> WWS000051\_022

<sup>239</sup> ACE026327\_002

<sup>240</sup> ANG000168\_003

<sup>241</sup> WPB000047\_018-19



**182.** As Cotton came from an Anglo-Catholic background, Archdeacon Reade said he “*would have felt bereft if not allowed to celebrate Mass ... Bishop Wallace wanted to facilitate that*”.<sup>242</sup> Mrs Hind informed us that Bishop Benn did not make her aware of the confidential declaration. As a result, she was not in a position to consider any risk assessment.<sup>243</sup>

**183.** In his witness statement, Bishop Benn said he was confident that both Mrs Hind and Mr Tony Sellwood were told about Cotton’s disclosure.<sup>244</sup> The Meekings report recorded that Bishop Benn had confirmed that he did not discuss Cotton’s conviction with Mr Sellwood at any time.

**184.** This was a clear example of the Diocese failing to prioritise its responsibilities for children and young people. Its approach seems to have been led by pastoral concerns for Cotton, rather than the potential danger he posed to children.

**185.** It is not at all clear why Bishop Benn did not consider it appropriate to pass this information to the Diocesan Safeguarding Adviser. The significance of her role was apparently not appreciated by senior members of clergy. If such an appreciation did exist, it was overridden by less important concerns for a fellow member of clergy.

**186.** Moreover, no written record of the restrictions was made. Instead, they were communicated to Cotton during a visit to his house by Archdeacon Reade. Archdeacon Philip Jones was appointed Archdeacon of Lewes and Hastings in 2005. As he pointed out, “*nothing was formalised*” and it is likely that neither Bishop Benn nor Archdeacon Reade “*knew the extent of his activities on a day-to-day basis*”.<sup>245</sup>

**187.** When questioned about how he intended to enforce these restrictions, Bishop Benn responded, “*You hope a clergyman will take the command of a bishop seriously*”.<sup>246</sup> Cotton’s sexual offending demonstrates a blatant disregard for the moral codes of society and of the Church. A verbal rebuke from a bishop was unlikely to alter his mindset.

**188.** Following Cotton’s retirement, Reverend Duncan Lloyd-James succeeded him as the Rector of Brede with Udimore. Reverend Lloyd-James confirmed that both before and after his appointment, no member of senior clergy alerted him to the allegations against Cotton. Cotton continued to officiate publicly on numerous occasions, including in the presence of children. This was at times with Reverend Lloyd-James’ permission, which he says he “*most certainly would not have given*”<sup>247</sup> had he known of the allegations. This reinforces the deficiencies that were in place on the ground for the granting of permission to officiate.

## Victims’ correspondence with the Diocese

**189.** On 13 March 1999, Sussex Police sent a letter to Mr Johnson. They informed him that no further action would be taken against Cotton and Pritchard, due to a lack of corroborating evidence. He was “*devastated*” to receive this news some two and a half years

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<sup>242</sup> WWS000072\_026

<sup>243</sup> WWS000051\_022

<sup>244</sup> WPB000047\_016

<sup>245</sup> WWS000133\_039

<sup>246</sup> Benn 12 March 2018 94/1-2

<sup>247</sup> ANG000111\_003

after making his complaint.<sup>248</sup> The letter assured Mr Johnson that the statements of both brothers would be *“kept on file ... this information will be invaluable to us should either of these men try to involve themselves with children in the future”*.<sup>249</sup>

**190.** On 6 June 2002, Mr Johnson sent an email to Bishop Benn.<sup>250</sup> He detailed the abuse he had suffered at the hands of Cotton and Pritchard. He explained that he had met with a local man, known as AN-A37, who had also been abused by Cotton. In his response to the email, Bishop Benn stated, *“When you next see this young man, please tell him to go to the police and tell them of his experience. He has made a very serious allegation of a criminal nature.”*<sup>251</sup>

**191.** In 2003, AN-37 approached the Diocese himself. At separate meetings with Bishop Benn and Mr Sellwood (then Diocesan Safeguarding Adviser) he disclosed that he had been sexually abused by Cotton.

**192.** By this stage, a clear picture was emerging of the systematic and sustained abuse, which Cotton had inflicted on more than one young person.<sup>252</sup> Clearly, AN-A37’s account provided the supporting evidence that had been absent during the earlier investigation. His allegation would certainly have lent credence to the concerns that had already been raised about Cotton. In a letter to Bishop Benn, Mr Sellwood recognised this link when he noted that Mr Johnson *“and AN-A37 had very similar narratives concerning Reverend Cotton”*.<sup>253</sup>

**193.** Bishop Benn told us that he did not inform the police himself about the allegations as *“it was the responsibility of the DSA to decide what information should be shared with the police and to share all relevant information with the police”*. Given the serious allegations raised, he should have at least followed up to ensure that Mr Sellwood did inform the police and to find out what had happened.

## The Northamptonshire Police investigation

**194.** On 1 September 2006, a young man attended Northamptonshire Police Station. He alleged that he had been repeatedly abused by Pritchard during his early teenage years. The abuse included mutual masturbation, oral sex and attempted anal penetration.<sup>254</sup>

**195.** On 27 September 2006, a warrant was executed at Pritchard’s home address and items of his property were seized. He was subsequently interviewed under caution by Northamptonshire Police, at which time he denied all allegations. Pritchard was released on bail whilst further enquiries took place.

**196.** In June 2007, Detective Constable David Charman of Northamptonshire Police met with Mrs Hind at the Bishop of Chichester’s Palace. He reviewed the blue files of both Pritchard and Cotton. As a result of this review, he identified that Mr Johnson and his brother, Mr Gary Johnson, may have been further victims of both men. Accordingly, he contacted Sussex Police and requested the file from their original investigation. However, the police advised him that they *“were unable to locate it”*, with the officer adding that *“he was unable to remember anything of the Pritchard case he had investigated previously”*.<sup>255</sup>

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<sup>248</sup> Johnson 6 March 2018 52/2

<sup>249</sup> OHY003521\_004

<sup>250</sup> ACE021705\_033 and 040-45

<sup>251</sup> ACE021705\_034

<sup>252</sup> WPB000047\_031

<sup>253</sup> ACE021705\_030

<sup>254</sup> NNP000026\_002

<sup>255</sup> NNP000026\_004



**197.** Sussex Police confirmed that all records from its investigation had been destroyed in 2004. At that time, its policy was to dispose of files relating to child sexual offences after five years.<sup>256</sup> The damaging consequence was that by the time the Northamptonshire investigation commenced, valuable information on Pritchard and Cotton could no longer be accessed. Furthermore, the promise given by Sussex Police to Mr Johnson that matters would be kept on file was simply not true.

**198.** During the course of the Northamptonshire investigation, Cotton died. His victims were denied the opportunity to see him brought to justice. Pritchard, however, was arrested and charged with sexual offending against children. On 28 July 2008, he pleaded guilty to seven counts of indecent assault and gross indecency, relating in part to Mr Johnson. He was sentenced to five years' imprisonment.<sup>257</sup>

**199.** Mr Johnson praised the efforts of Northamptonshire Police, who aided his understanding of the court process and provided him with regular updates throughout the investigation. He described Northamptonshire and Sussex police forces as "*like night and day*" in terms of the quality of their support for victims and survivors.<sup>258</sup>

## The response of the Diocese

**200.** Bishop Benn, former Bishop of Lewes, was aware of the Northamptonshire Police investigation in 2006. He said he "*took no further steps at that time, because the matter was being dealt with by Tony Sellwood, the Diocesan Safeguarding Adviser*".<sup>259</sup> He did not raise the question of whether Pritchard should be suspended from ministry, nor did Mr Sellwood advise that Pritchard be suspended after his arrest.

**201.** Pritchard announced his retirement in January 2007. The granting of permission to officiate (PTO) was at that time the responsibility of Bishop Benn as area bishop. Pritchard requested permission to officiate from Bishop Benn. It was granted immediately with no conditions attached.<sup>260</sup> This should not have happened. Pritchard was still being investigated by Northamptonshire Police for offences of child sexual abuse, after having been arrested previously by Sussex Police for similar allegations.

**202.** Bishop Benn told the Inquiry that, without any instruction from him, his personal assistant had "*issued the PTO believing that she was supposed to do so and using a signature stamp ... it was an error on her part*".<sup>261</sup> If this was the case, it reflects poorly on the quality of the process and of record-keeping at that time.

**203.** In July 2007, Bishop Benn's assistant informed him that Pritchard had been granted permission to officiate. Bishop Benn discussed this with Mrs Hind and Bishop Hind, who was his diocesan bishop at the time. They advised that Pritchard should not be allowed to work with children. They did not suggest his permission to officiate should be suspended or withdrawn, and Bishop Benn did not raise this issue.<sup>262</sup> Bishop Hind, however, recalled Bishop Benn stating that Pritchard was not "*involved in active ministry*".<sup>263</sup>

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<sup>256</sup> Hick 9 March 2018 140/9-11

<sup>257</sup> NNP000026\_006

<sup>258</sup> Johnson 6 March 2018 58/17

<sup>259</sup> WPB000047\_035

<sup>260</sup> WPB000012\_001

<sup>261</sup> WPB000047\_035-36

<sup>262</sup> WPB000047\_035-36

<sup>263</sup> WWS000138\_040

**204.** In any event, it was not until September 2007 that Pritchard’s permission to officiate was suspended on the advice of Mrs Shirley Hosgood, the newly appointed Diocesan Safeguarding Adviser.<sup>264</sup> Some years later, Bishop Hind discovered that Pritchard had in fact been taking public services prior to his suspension. This was contrary to the statements of Bishop Benn, who told us that “*Pritchard was off sick anyway and was not ministering at all*”.<sup>265</sup> There was a presumption that clergymen would obey the instructions of more senior clerics, who failed to check or monitor those with permission to officiate.

**205.** During the Northamptonshire Police investigation in December 2007, Mr Johnson alerted Bishop Benn to an online blog authored by another victim of Cotton, known to this Inquiry as AN-A31.<sup>266</sup> His account of abuse was relevant to the case against Pritchard, who was accused of conspiring with Cotton to abuse children. Bishop Benn did not inform the police or the Diocesan Safeguarding Adviser of this information. He “*assumed*” they had already been made aware of the issue by Mr Johnson, and failed in his own responsibilities as a recipient of this complaint.<sup>267</sup> Two months later, AN-A31 directly disclosed his abuse to Mrs Hosgood. She immediately advised Northamptonshire Police of the allegations.<sup>268</sup>

**206.** Bishop Benn told us that he passed the blog to Bishop Hind.<sup>269</sup> However, Bishop Hind said that he heard about it from Mrs Hosgood and not from Bishop Benn.<sup>270</sup> This was supported by the evidence of Mrs Hosgood, who gave it to him in February 2008.<sup>271</sup>

**207.** As Mrs Hosgood observed, Bishop Benn should have ensured that this information was passed to either her or the police in December 2007. His failure to notify her was also contrary to diocesan safeguarding procedures, which required that the safeguarding adviser must be informed of all allegations of abuse as soon as possible.

**208.** Shortly after Pritchard was imprisoned, Bishop Hind wrote an open letter to his victims. He expressed his “*compassion for all who have suffered*” but said “*the Church of England cannot accept responsibility for the personal actions of abusers*”.<sup>272</sup> The latter expression was insensitive and hurtful to victims. It was also wrong in law. Bishop Hind told us that he regretted this wording, but that it had been based on legal advice received.

## The Past Cases Review

### *Establishment of the review*

**209.** During the mid to late-2000s, a number of individuals in the Church of England were reported for sexual abuse. In 2007, for example, a choirmaster named Peter Halliday was convicted of 10 counts of sexual abuse of boys between 1986 and 1990. Despite being aware of this abuse before his arrest, the Bishop of Dorking failed to notify the police. In 1990, he allowed Mr Halliday to “*leave quietly as long as he had no more contact with children*”. Mr Halliday went on to act as a governor at a secondary school and work with children in a choir.<sup>273</sup>

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<sup>264</sup> ANG000213\_021

<sup>265</sup> WPB000047\_035

<sup>266</sup> ACE023504\_002

<sup>267</sup> WPB000047\_033

<sup>268</sup> ANG000213\_017

<sup>269</sup> WPB000047\_033

<sup>270</sup> WWS000138\_para 123

<sup>271</sup> ANG000213\_20.5

<sup>272</sup> OHY000111\_001

<sup>273</sup> ACE025937\_003

**210.** In May 2007, the House of Bishops sought assistance from the Church’s Central Safeguarding Liaison Group (CSLG) on how to manage a review of past cases. The CSLG was designed to provide such advice, with its membership including various independent safeguarding experts. Concerns were being expressed within the Church as to the number and nature of child abuse cases that had come to light. As Lord Rowan Williams told the Inquiry, these cases showed *“that the present effects of poor practice in the past were still an acute problem for those who had suffered abuse, and that practice across the Church of England remained uneven in its effectiveness”*. He added that the Church *“could not credibly claim to be putting the interests of children first if we were not willing to review our past and present performance more rigorously”*.<sup>274</sup>

**211.** This led to the establishment of a Past Cases Review Working Group. On 5 December 2007, a protocol for the review was approved by the House of Bishops.<sup>275</sup> The key purpose of the review was to *“ensure that in every case, the current risk, if any, is identified, and appropriate plans are made to manage the identified risk to children and young people and take any action necessary in the light of current statutory and other best practice guidance”*.<sup>276</sup>

**212.** Dioceses were invited to adopt the protocol in a letter circulated by the Bishop of Hereford, Anthony Priddis. He was the lead bishop for safeguarding at this time.<sup>277</sup> All dioceses were required to compile a ‘Known Cases List’ covering all cases *“involving any clergy, employees, readers and licensed lay workers or volunteers in the Church about whom information of concern exists”*. An independent reviewer was to be appointed by each diocese, who would review the list and consider all relevant safeguarding files.<sup>278</sup>

**213.** The Church recently commissioned an independent team to scrutinise the adequacy of the Past Cases Review. A report, published in June 2018, identified various shortcomings in the review process. For example, there was a lack of clarity about which roles were in the scope of the review. Categories ranged from *“clergy, employees, readers and licensed lay workers or volunteers in the Church”* to *“all cases in which it is alleged that a person who holds office in the church, ordained or lay, paid or voluntary”*. There was little involvement of Church bodies and institutions outside episcopal oversight.<sup>279</sup>

## The Meekings report

**214.** Roger Meekings was the independent reviewer appointed by the Diocese of Chichester. Mrs Hosgood identified him as a suitable candidate for this work, having been supervised by him in previous safeguarding roles. Mr Meekings was a qualified social worker and a specialist in child protection issues.<sup>280</sup>

**215.** Bishop Hind appointed Mr Meekings on 7 February 2008.<sup>281</sup> He was given authority to access all relevant files held by the Diocese. Bishop Hind also wrote to a number of key office holders. He asked them to identify any potential cases of concern relating to child sexual abuse, and to provide details of those cases to Mr Meekings.<sup>282</sup>

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<sup>274</sup> ACE026001\_005

<sup>275</sup> ACE025937\_004-5

<sup>276</sup> ACE024730\_003

<sup>277</sup> ACE004958\_009

<sup>278</sup> ACE025937\_006-7

<sup>279</sup> ACE026359\_16

<sup>280</sup> ANG000210\_001-2

<sup>281</sup> ANG000145

<sup>282</sup> ACE022267\_097-98

**216.** Mr Meekings examined approximately 1,500 diocesan files and documents. He also viewed separate case records of individuals about whom there had been previous safeguarding concerns. These records were held by the Diocesan Safeguarding Adviser.<sup>283</sup> Mr Meekings finalised his review of past cases on 12 February 2009.<sup>284</sup>

**217.** In light of Pritchard's recent conviction, Mr Meekings also produced a confidential addendum addressing the cases of Pritchard and Cotton.<sup>285</sup> This document suggested that the Diocese should review the actions of staff in relation to both cases. Bishop Hind subsequently requested that Mr Meekings conduct this review himself and make appropriate recommendations.<sup>286</sup>

## The Cotton and Pritchard report

**218.** During his review of the Cotton and Pritchard cases, Mr Meekings interviewed Bishop Benn on two occasions. He concluded that Bishop Benn "*had found out about Roy Cotton's 1954 conviction during the time that the police were undertaking their 1998/9 enquiries. He had not shared this information with Janet Hind, the Child Protection Adviser at the time.*"<sup>287</sup> According to Mr Meekings, Bishop Benn had learned of Cotton's conviction from Archdeacon Reade, who was Archdeacon of Lewes and Hastings at the time. He then met with Cotton during the late 1990s, who disclosed his conviction but claimed to have been falsely accused. Bishop Benn did not recall ever seeing the 2001 confidential declaration, and suggested it may have been misfiled.<sup>288</sup>

**219.** Based on this information, Mr Meekings drafted a chronology of events concerning Cotton. This chronology included recording the date that Bishop Benn found out about Cotton's "*conviction*". In May 2009 he sent this to Bishop Benn, who confirmed that the narrative was correct.<sup>289</sup>

**220.** Five months later, Bishop Benn submitted written comments on the draft report. He denied that Cotton had disclosed his conviction and claimed he had only made reference to an "*allegation*".<sup>290</sup> Mr Meekings accepted his objection and amended the chronology accordingly. The final version of the Cotton and Pritchard report was submitted to Bishop Hind on 17 December 2009.<sup>291</sup>

**221.** It is notable that, in 2008, Bishop Benn and Mrs Hosgood met with Mr Johnson to discuss his experiences of abuse. Mr Johnson covertly recorded their conversation, in which Bishop Benn admitted to his knowledge of Cotton's conviction in 1998.<sup>292</sup> In his evidence to the Inquiry, Bishop Benn stated that he had used the word 'conviction' in error. He reiterated that Cotton had spoken only of an "*allegation*" and that he had been unaware of the conviction until the formal disclosure was made in 2001.<sup>293</sup>

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<sup>283</sup> ANG000210\_005

<sup>284</sup> ANG000167

<sup>285</sup> ANG000138

<sup>286</sup> ANG000146

<sup>287</sup> ANG000210\_014

<sup>288</sup> ANG000210\_013-14

<sup>289</sup> ANG000210\_015

<sup>290</sup> ACE023515\_002

<sup>291</sup> ACE022267\_58-95

<sup>292</sup> ACE023718\_003

<sup>293</sup> WPB000047\_040

**222.** According to Mr Meekings' handwritten notes of their discussions about Cotton on 20 April 2009, Bishop Benn remarked, "*You can't write off a good guy, just because of a bad day.*"<sup>294</sup> This comment was disturbingly reminiscent of those made 40 years earlier by the Bishop of Portsmouth, when he casually dismissed concerns about Cotton as being "*in the past*". It appeared to privilege the needs and interests of the abuser over the abused.

**223.** Bishop Benn suggested that this comment was made in relation to a separate matter, namely a trivial dispute between the wives of two vicars. He was unable to explain why this would arise during a safeguarding conversation about a sexual offender, other than to comment that "*a lot of these notes are actually not very clear and a bit muddled*".<sup>295</sup> As a matter of common sense, it is unlikely that Mr Meekings would have recorded this information if it was irrelevant to the context of their meeting. Bishop Benn's evidence lacked credibility, as such remarks were clearly inconsistent with the intention of the meeting.

**224.** Having spoken with Cotton in the late 1990s, Bishop Benn said that he considered him to be "*a villain ... I did not believe him and his protestations*".<sup>296</sup> If he truly doubted Cotton's honesty, then the obvious course of action was to make enquiries as to whether his version of events was correct. Bishop Benn failed to do so and, at best, displayed a lack of appropriate curiosity. He should have either requested access to Cotton's blue file or asked Bishop Hind to check it himself. Had either of them examined the blue file, it would have shown that Cotton was a convicted offender.

**225.** Bishop Benn told us that having received the confidential declaration form, he instructed his personal assistant to send it to Chichester Palace for inclusion in Cotton's blue file. When Mr Meekings reviewed the blue file, this document was missing. Bishop Benn took no responsibility for its absence, saying it could only be due to "*a specific failing of my PA*".<sup>297</sup>

**226.** Bishop Benn should have shared Cotton's disclosure with the Diocesan Child Protection Adviser in the 1990s, regardless of whether he believed it to be an allegation or a conviction. This might have prompted a review of his blue file, which may in turn have shown that he was a convicted offender. The consequence of Bishop Benn's failure to share information was that Cotton's past was not made subject to wider or professional scrutiny.

## Findings of the Past Cases Review

**227.** Mr Meekings recommended that the delegation of authority for permission to officiate should be reviewed, having found that crucial information on individuals was not always recorded on their blue file. He specified that area bishops should not make decisions without formally accessing the contents of those files.<sup>298</sup>

**228.** He also noted that the Diocesan Safeguarding Adviser held a separate set of case records, which were stored separately from the blue files. He recommended that all of these documents be integrated, having observed that the Diocesan Safeguarding Adviser was not routinely given access to the blue files.<sup>299</sup>

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<sup>294</sup> ANG000179\_003

<sup>295</sup> Benn 12 March 2018 68/24-25

<sup>296</sup> WPB000047\_014

<sup>297</sup> WPB000047\_017

<sup>298</sup> ANG000167\_002

<sup>299</sup> ANG000167\_003

**229.** Mr Meekings said there should be a clear protocol for resolving disagreements between the Diocesan Safeguarding Adviser and senior clergy. This would ensure that safeguarding matters were addressed professionally and transparently.<sup>300</sup>

## Response of the Diocese

**230.** In February 2009, Bishop Hind informed senior diocesan staff that permission to officiate should not be granted to any person unless written confirmation was received from the Bishop's Palace that all necessary cross-checks had been made.<sup>301</sup>

**231.** Following submission of the draft addendum report into Cotton and Pritchard, however, the Diocese did not respond for almost four months. On 18 September 2009, Bishop Hind sent an email to Mr Meekings expressing his desire to discuss its contents, but adding that he would not be available for another month.<sup>302</sup> Mr Meekings was "*surprised at the apparent lack of urgency and importance given to the findings of the Cotton/Pritchard report by the Diocese*".<sup>303</sup>

**232.** The email included a document entitled 'Points of Action' composed by the Diocese in response to the Past Cases Review generally.<sup>304</sup> Bishop Hind explained that he had appointed Archdeacon Jones to address the findings of the Cotton and Pritchard report.

**233.** In his response, Mr Meekings raised the concern that locating the role at Archdeacon level would "*reduce the perceived importance placed on safeguarding by the Diocese ... there could be an issue as to whether an Archdeacon would have sufficient authority to ensure compliance*".<sup>305</sup> He also noted that Archdeacon Jones worked in the same geographic area as Bishop Benn, with whom he shared a close working relationship. The Cotton and Pritchard report questioned the integrity of Bishop Benn's conduct, but Mr Meekings believed that it may not "*receive the degree of objective introspection and forensic scrutiny it required*".<sup>306</sup>

**234.** Archdeacon Jones denied the validity of these concerns, telling the Inquiry that he was answerable to the Bishop of Chichester and therefore "*worked with, but not for, the Bishop of Lewes*".<sup>307</sup> Bishop Hind agreed that Mr Meekings' fears were "*based on a misunderstanding ... archdeacons are not the officers of area bishops but of the diocesan bishop*".<sup>308</sup>

## Publication of the Cotton and Pritchard report

**235.** Upon receipt of the Cotton and Pritchard report, Archdeacon Jones wrote to Bishop Hind. He suggested the report was "*based in part on speculation and assumptions ... certain imputations, even accusations, are made against Wallace himself ... what is said may amount to actionable defamation and I have accordingly suggested to Wallace that he seek legal advice as soon as possible*".<sup>309</sup> Bishop Benn vehemently opposed its publication, describing its contents as "*selective and not comprehensive ... it contained statements of opinion which did not have any evidential status*".<sup>310</sup>

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<sup>300</sup> ANG000167\_003

<sup>301</sup> WWS000058\_2

<sup>302</sup> ACE023511

<sup>303</sup> ANG000210\_015

<sup>304</sup> ACE023629

<sup>305</sup> ANG000210\_010

<sup>306</sup> ANG000210\_016

<sup>307</sup> WWS000133\_033

<sup>308</sup> WWS000138\_045

<sup>309</sup> ACE021705\_087

<sup>310</sup> WPB000047\_053



**236.** Both Archdeacon Jones and Bishop Benn doubted the independence of the report, given Mr Meekings' professional relationship with Mrs Hosgood. Archdeacon Jones told us that, in his view, Mr Meekings drafted the report *"specifically with the aim of showing Bishop Benn up"*.<sup>311</sup>

**237.** On 5 November 2009, Mr Meekings met with Archdeacon Jones and Mr John Stapleton, the then diocesan registrar. According to Archdeacon Jones, the aim of this meeting was to *"take the sting out of some of the allegations and suggestions in the report, which Roger Meekings ultimately acceded to"*.<sup>312</sup> He insisted that it was a *"professional meeting"* in which *"we made our views clear ... it was certainly not hostile"*.<sup>313</sup>

**238.** Mr Meekings' recollection of this meeting was markedly different. He said it was *"extremely one-sided and in no way a constructive discussion ... there was a threatening undertone to everything they said to me"*. He was asked to amend the Cotton and Pritchard report by removing his criticisms of Bishop Benn, failing which he could be sued for libel. Mr Meekings believed that he was *"being attacked for what I felt was a fair report"*.<sup>314</sup> It was not appropriate to ask Mr Meekings to change the content of the report in order to assuage the concerns of Bishop Benn.

**239.** As a result of this meeting, a final version of the report was submitted by Mr Meekings on 17 December 2009. The final report set out a series of revised recommendations. Bishop Benn, however, remained displeased. Archdeacon Jones understood that he *"would take action, either by way of an injunction to prevent publication or by way of proceedings for libel"*.<sup>315</sup>

**240.** Bishop Benn told us he merely sought legal advice from Mr Stapleton. He denied that he ever threatened or intended to take legal action if the report was published.<sup>316</sup> However, there was undoubtedly a widespread perception in the Diocese that he would do so. Bishop Hind was *"very, very clearly given to understand that Wallace Benn was threatening to take legal action against me or the Diocese, were that report to be shared more widely"*.<sup>317</sup>

**241.** Accordingly, Bishop Hind decided not to publish the Cotton and Pritchard report. He judged that publication *"would be likely to embroil the Diocese in litigation with one of its bishops ... this would have been wasteful of time and financial resources"*.<sup>318</sup> We are unable to say whether it was purely the threat of libel that prevented the report from being disclosed, or whether there were also concerns about embarrassment to the Diocese given the various criticisms of its safeguarding procedures.

## Disclosure of the report to victims and survivors

**242.** Some discussion appears to have taken place as to whether the report should be shared with victims and survivors. In an email to his chaplain on 3 June 2010, Bishop Hind acknowledged that a failure to publish the report would *"leave a serious gap as far as helping victims come to terms not only with their abuse, but also how their cases were handled"*.<sup>319</sup>

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<sup>311</sup> Jones 7 March 2018 155/5-6

<sup>312</sup> Jones 7 March 2018 160/3-5

<sup>313</sup> Jones 7 March 2018 161/10-11

<sup>314</sup> ANG000210\_016-17

<sup>315</sup> Jones 7 March 2018 162/19-21

<sup>316</sup> Benn 12 March 2018 119/22-25

<sup>317</sup> Hind 7 March 2018 94/20-23

<sup>318</sup> WWS000138\_046

<sup>319</sup> WWS000117\_001

**243.** Mr Johnson repeatedly sought to obtain a copy of the report from the Diocese. He was keen to ensure that all relevant information was shared with the victims of Cotton and Pritchard, who believed that its publication would assist with their healing process. Bishop Benn flatly disagreed with this sentiment. He argued, *“How does it help people’s healing if unsubstantiated, ill-founded, defamatory material is there that doesn’t appear to be true?”*<sup>320</sup> Mr Johnson’s letters went unanswered.<sup>321</sup>

**244.** Furthermore, although it appears that Mrs Hosgood was aware of the original, unamended version of the report, the report itself was not disclosed to any member of the newly-established Diocesan Safeguarding Advisory Group. The opinions of the numerous safeguarding professionals in this group would clearly be of value, considering the complexity and importance of the report. However, according to Mrs Hosgood, Archdeacon Jones was *“quite firm in his refusal to share the Meekings report with others, including anyone from the police”*.<sup>322</sup>

**245.** Bishop Hind even declined to share the Cotton and Pritchard report with Mrs Hosgood herself. He told us this decision was based on *“the criticisms of the evidential basis and accuracy of some of its findings in relation to Bishop Benn”*.<sup>323</sup> His reluctance was also due to her rapidly deteriorating relationship with Bishop Benn. Archdeacon Jones noted that *“the main focus was on getting them to work together effectively, which would have been out of the question if the report had been shown to Shirley Hosgood in defiance of Wallace Benn’s wishes”*.<sup>324</sup>

**246.** We heard of Mrs Hosgood’s determined efforts to ensure that the Diocese engaged appropriately with victims and survivors of child sexual abuse. In meetings with senior clergy and staff, she flagged her concerns that these individuals were not receiving the level of support they deserved. Her words appear to have fallen on deaf ears. It is not surprising that she gradually *“lost confidence that the Diocese was willing or able to address historic and current safeguarding concerns”*.<sup>325</sup>

**247.** The Archbishops’ Council has recognised that a lack of communication and transparency was *“a major historic failing on the part of the Church”*. The refusal to publish or disclose reports allowed victims to form the *“understandable conclusion that the Church was engaged in a cover-up”*.<sup>326</sup>

## The resignation of Shirley Hosgood

**248.** In an email attached to his final report on 17 December 2009, Mr Meekings informed Bishop Hind that although he had tried to *“be as reasonable and helpful to the Diocese as possible in dealing with difficult and sensitive issues ... my intentions have not been understood”*. He notified the Bishop of his intention to cease all involvement with the Diocese, including withdrawing his professional support to Mrs Hosgood.<sup>327</sup>

**249.** Following Mr Meekings’ departure, the Diocese did not put arrangements in place to ensure that Mrs Hosgood had continued access to supervision. She wrote a letter to Bishop Hind on 14 January 2010, in which she raised concerns about her role as Diocesan

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<sup>320</sup> Benn 12 March 2018 123/18-20

<sup>321</sup> ANG000213\_024

<sup>322</sup> ANG000213\_023-24

<sup>323</sup> WWS000138\_044

<sup>324</sup> WWS000133\_028

<sup>325</sup> ANG000213\_039

<sup>326</sup> ACE026327\_024

<sup>327</sup> ACE022267\_132



Safeguarding Adviser. In her view, the “*lack of clarity about roles and responsibilities*” meant that serious matters were not being dealt with promptly. She further observed that safeguarding issues were “*not being shared with me or not being shared in a timely way*”.<sup>328</sup>

**250.** Extensive discussions were also taking place between clergy and staff about the Cotton and Pritchard report. Mrs Hosgood was excluded from those discussions. She was not invited to provide her view as to whether the report should be published. Mrs Hosgood described her isolation from the decision-making process as “*an example of Bishop John not wanting to support me in addressing key safeguarding initiatives*”.<sup>329</sup>

**251.** Mrs Hosgood was also frustrated by the struggle to agree suitable terms of reference for the Diocesan Safeguarding Advisory Group (as discussed in Part B.4). She said that “*the Diocese’s failure to cooperate or support me in my efforts to carry out my duties as DSA betrayed at best, a misunderstanding and at worst, an indifference to safeguarding work*”.<sup>330</sup> In these circumstances, Mrs Hosgood could no longer function effectively as Diocesan Safeguarding Adviser. She resigned on 9 September 2010.

## B.4: Diocesan Safeguarding Advisory Group

### Establishment of the Diocesan Safeguarding Advisory Group

**252.** The House of Bishops’ 2004 policy *Protecting All God’s Children* recommended that each diocese should form a child protection management group, chaired by an independent lay person. In addition to meeting formally at least once a year to review diocesan policy, it would advise the bishop on safeguarding cases and report annually to the Bishop’s Council or Diocesan Synod.<sup>331</sup>

**253.** Shortly after this policy was issued, the Diocese of Chichester set up the Child Abuse Advisory Group (CAAG). Archdeacon Philip Jones described it as an “*ad hoc body that met only when the need arose*”. It had no oversight function or involvement in policy implementation, and simply “*dealt with safeguarding on a case by case basis*”.<sup>332</sup> Following Mr Tony Sellwood’s death in early 2007, Mrs Shirley Hosgood was appointed Diocesan Child Protection Adviser. She was concerned the group was “*very informal ... it didn’t have any clear terms of reference*”.<sup>333</sup>

**254.** In November 2007, a meeting was held at which it was decided that the CAAG should be disbanded. It was to be replaced by a new diocesan safeguarding group with fresh terms of reference, so as to ensure its structure and management was consistent with *Protecting All God’s Children*. The new group would be formally organised and take “*collective responsibility for the implementation of child protection strategies*”.<sup>334</sup>

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<sup>328</sup> ACE023543\_001

<sup>329</sup> ANG000213\_011

<sup>330</sup> ANG000213\_038

<sup>331</sup> ACE024892\_030

<sup>332</sup> WWS000133\_052-53

<sup>333</sup> Hosgood 6 March 2018 155/11-15

<sup>334</sup> ANG000213\_034

## Terms of Reference

**255.** A working group was tasked with drafting new terms of reference. Its members were Archdeacon Jones, Archdeacon Roger Coombes, Mrs Hosgood, two former members of the CAAG, and the diocesan secretary. However, the terms were not agreed until February 2010, more than two years after the CAAG had been discontinued.<sup>335</sup> This was because the working group was unable to agree on appropriate and effective terms.

**256.** A period of time taken to debate matters can, on occasion, be helpful for reflective and thoughtful decision-making. In this situation, however, it should not have taken so long for the terms of reference to be agreed. Bishop John Hind should have sought to resolve the disputes.

**257.** According to Mrs Hosgood, *“the professionals and representatives from the Church both wanted a very different safeguarding group”*.<sup>336</sup> In her view, the group required an independent chair with specialist safeguarding experience. Both archdeacons objected, as this would *“weigh things heavily on the side of the statutory agencies in terms of their influence over the group”*.<sup>337</sup> Senior diocesan personnel had featured heavily in the CAAG’s processes and decision-making.

**258.** In Archdeacon Jones’ view, the new group should have retained clergy involvement as it *“needed some input as to the state of the diocese, its structure, its work, its life”*.<sup>338</sup> We recognise that the Church has particularities which require input from those with knowledge about its workings and structure. However, the primary purpose of any such group is to provide expertise in safeguarding.

**259.** In any event, the failure to agree terms of reference in a timely manner meant that, for a significant period, the Diocese was without an effective and transparent safeguarding structure.

## Function of the group

**260.** The formation of the Diocesan Safeguarding Advisory Group (DSAG) was completed in May 2010 and it met for the first time in July 2010. Mr Keith Akerman, a former Detective Chief Inspector of Hampshire Constabulary, was appointed as independent chair. Along with Mrs Hosgood and three archdeacons, the DSAG’s members included representatives of Local Authority Children’s Services, the Probation Service, Sussex Police, as well as a legal adviser and abuse survivors.<sup>339</sup> DS Hick represented Sussex Police in the group. His role was to provide a link to police investigations involving the Diocese. He also provided information, guidance and advice in connection with safeguarding concerns.<sup>340</sup>

**261.** Membership of the DSAG included three clergy members. Mr Akerman *“did not consider that this presented a significant problem”* because *“the role of Archdeacon was the one post within the Church which had appropriate power and authority to get things done”*.<sup>341</sup>

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<sup>335</sup> ANG000213\_035

<sup>336</sup> Hosgood 6 March 2018 156/19-21

<sup>337</sup> Hosgood 6 March 2018 157/12-14

<sup>338</sup> Jones 7 March 2018 188/18-19

<sup>339</sup> WWS000133\_027

<sup>340</sup> ANG000212\_007

<sup>341</sup> ANG000211\_003

**262.** The DSAG’s aim was essentially to assist the Diocese. It was tasked with ensuring that *“the Diocese understood what safeguarding meant, and that as a culture it was embedded in their everyday business, and that everyone in the Diocese, in whatever role – employed or voluntary, was committed to it”*.<sup>342</sup>

**263.** Mrs Hosgood explained that the group’s objectives included monitoring the implementation of both national and diocesan safeguarding policies. The DSAG supported her work as Diocesan Safeguarding Adviser, including the provision of training and professional consultation. It also dealt with the support needs of individuals affected by abuse.<sup>343</sup> Whilst the DSAG was to meet at least four times a year, a designated risk assessment sub-group was also formed to consider specific safeguarding concerns presented by Mrs Hosgood. According to Mr Akerman, the role of the DSAG was *“both strategic and operational”*. For example, it advised the bishop on issues relating to priests with blemished disclosure records, and also formulated a policy regarding the granting and removal of permission to officiate.<sup>344</sup>

**264.** Even after the formation of the DSAG, tensions continued to exist between its clergy and professional representatives. DS Hick recalled a meeting with Archdeacons Jones and Coombes in or around 2010–2011. In this meeting, they suggested all safeguarding concerns should be passed to them for consideration before any referral was made to the statutory agencies. DS Hick *“had to be very clear with them that this was an unacceptable position to adopt, clearly raising the prospect that matters could be suppressed”*.<sup>345</sup>

**265.** In Mrs Hosgood’s view, senior clergy members did not trust external experts to make the correct decisions about safeguarding matters.<sup>346</sup> DS Hick agreed *“there was resentment towards police involvement in their business, and a perception that the Church was losing control of its information”*.<sup>347</sup> It must be remembered that Mrs Hosgood left the Diocese in December 2010.

**266.** DS Hick did note that as time progressed, there was a *“sea-change in the levels of cooperation from the Church”*. He observed a *“genuine acceptance”* by the clergy members that *“action was needed”* to confront a *“culture of abuse”* in parts of the Diocese.<sup>348</sup>

## B.5: The Butler-Sloss report

### The appointment of Lady Elizabeth Butler-Sloss

**267.** In January 2011, Bishop John Hind appointed Lady Elizabeth Butler-Sloss to undertake a review of Mr Roger Meekings’ report into Reverends Roy Cotton and Colin Pritchard. In the four months since Mrs Shirley Hosgood had resigned, safeguarding issues continued to dominate the time of senior figures within the Diocese of Chichester. Bishop Hind sought to resolve these issues by way of an *“expert independent evaluation of the conflict over the accusations made against Bishop Wallace in the Roger Meekings’ report, accusations which closely echoed Shirley Hosgood’s view”*.<sup>349</sup>

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<sup>342</sup> ANG000211\_003

<sup>343</sup> ANG000213\_036

<sup>344</sup> ANG000211\_002

<sup>345</sup> ANG000212\_005

<sup>346</sup> ANG000213\_037

<sup>347</sup> ANG000212\_005

<sup>348</sup> ANG000212\_006

<sup>349</sup> WWS000138\_053

**268.** Bishop Hind decided Lady Butler-Sloss was “*the ideal person*” to conduct an investigation. As a senior judicial figure who had previously chaired the Cleveland Child Abuse Inquiry and had been the President of the Family Division, he believed she could be trusted to assess matters both forensically and independently. Bishop Hind said his choice of reviewer was motivated by his own inadequacy and “*sense of helplessness in taking the Diocese forward*”.<sup>350</sup>

**269.** However, these views were not shared by all members of the Diocese. Prior to her appointment, an email was received by Mr Chris Smith (the Chief of Staff to the Archbishop of Canterbury at the time) from Mr Andrew Nunn, who was the Correspondence Secretary to the Archbishop of Canterbury. Mr Nunn remarked that Bishop Hind knew Lady Butler-Sloss personally. In his opinion, the bishop appointed her because “*he and Benn will be safe in her hands*”.<sup>351</sup>

**270.** Mr Meekings was also doubtful as to her suitability. In 2002, she had chaired the Appointments Commission charged with the selection of the Archbishop of Canterbury. She also chaired the Advisory Council of St Paul’s Cathedral from 2000 to 2009. Mr Meekings questioned whether she could be truly independent. He suspected that her appointment represented “*an attempt to dismiss what I had written and to salvage Bishop Wallace’s reputation and the reputation of the Diocese*”.<sup>352</sup>

**271.** On behalf of victims and survivors at this Inquiry, Mr Scorer compared this to “*the church marking its own homework*” by selecting its own choice of reviewer. He said the Church of England procured a form of oversight that might be sympathetic to its practices, and so the review could not be regarded as genuinely and wholly independent.<sup>353</sup>

**272.** Bishop Hind rejected these suggestions, insisting that his “*own position was utterly irrelevant*”.<sup>354</sup> In his view, a competent reviewer would be capable of separating her personal and professional judgement. He concluded that “*if you are going to require total cordons sanitaires around people, they would have to be Martians*”.<sup>355</sup>

## Conduct of the review

**273.** At the outset of the review, terms of reference were drafted by Archdeacon Philip Jones. These were then amended by Bishop Hind and agreed by Lady Butler-Sloss, and are set out in an appendix to her report.<sup>356</sup> She was to assess the reasonableness of the findings and recommendations made by Mr Meekings, along with the quality of support offered by the Diocese to victims of abuse.

**274.** Lady Butler-Sloss conducted her review between January and March 2011. She was supplied with the Past Cases Review and all documentation relating to the Cotton and Pritchard addendum, along with copies of the national and diocesan policies on safeguarding. She was also granted access to individual clergy blue files,<sup>357</sup> held at the Bishop’s Palace in Chichester.<sup>358</sup>

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<sup>350</sup> [WWS000138\\_053](#)

<sup>351</sup> [ACE023606\\_001](#)

<sup>352</sup> [ANG000210\\_020](#)

<sup>353</sup> [Scorer 23 March 2018 35/4-11](#)

<sup>354</sup> [WWS000138\\_053](#)

<sup>355</sup> [Hind 7 March 2018 103/11-13](#)

<sup>356</sup> [ACE022296\\_046-47](#)

<sup>357</sup> The blue files provided details about an individual’s career in the clergy, and should log any safeguarding concerns about that person.

<sup>358</sup> [WWS000133\\_036](#)

**275.** Lady Butler-Sloss conducted interviews with a number of senior clergy and diocesan staff. She also interviewed officers from Northamptonshire and Sussex Police. Mr Meekings declined to contribute to the process, stating that he had by this point “*lost all faith in the diocesan processes*”.<sup>359</sup>

**276.** According to her report, Lady Butler-Sloss only spoke with one victim as part of her enquiries.<sup>360</sup> This was Mr Philip Johnson, who told us he initiated contact on a number of occasions in an effort to give his account.

**277.** Lady Butler-Sloss also met with Ms Lawrence, who was Chair of Minister and Clergy Sexual Abuse Survivors (MACSAS) at that time. Ms Lawrence advised her of the serious safeguarding concerns unearthed by MACSAS, which were of potential relevance to her review. At Lady Butler-Sloss’ invitation, MACSAS and Mr Johnson subsequently drafted recommendations for the improvement of safeguarding procedures and response to victims.<sup>361</sup> The vast majority of recommendations proposed by MACSAS and Mr Johnson were adopted by Lady Butler-Sloss and set out in her review.

**278.** Lady Butler-Sloss attached an addendum to her report in May 2011. This was due to concerns raised about other individuals during her original review. The addendum reviewed the cases of several priests in the Diocese about whom there had been safeguarding issues. Those priests were Jonathan Graves, Gordon Rideout, Robert Coles, Ronald Glazebrook and two alleged perpetrators known as AN-F2 and AN-F3.

### Findings of the Butler-Sloss report

**279.** The full report of Lady Butler-Sloss was dated 19 May 2011. It was critical of both the Church and the police in their handling of non-recent abuse cases.

#### *Lack of understanding of the seriousness of historic child abuse*

**280.** The review found senior clergy were slow to act on the information available to them and to assess potential risk to children in the Diocese. They failed to adequately communicate with Diocesan Safeguarding Advisers regarding allegations of non-recent child abuse, and to recognise the importance of this role insofar as safeguarding was concerned.<sup>362</sup>

**281.** In his evidence to the Inquiry, Bishop Hind accepted “*this was a reasonable conclusion for her to reach*” although he added he was married to a child protection professional and did personally appreciate the importance of safeguarding.<sup>363</sup> He said these issues had been greatly improved upon during the last decade. Similarly, Archdeacon Jones told us that the attitude of the Diocese towards victims of abuse had “*changed immeasurably*” since 2010, with all claims now being treated “*openly and fairly, however historical*”.<sup>364</sup>

**282.** The review also found that Sussex Police failed to take seriously disclosures of non-recent abuse.<sup>365</sup> It relied on, for example, the decision not to prosecute Cotton, despite similar accounts of abuse having been given by a number of his victims. DS Hick rejected this, arguing that although “*mistakes or errors of judgement may have taken place in particular cases ... both the force and the CPT officers took all allegations of child abuse seriously and*

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<sup>359</sup> ANG000210\_020

<sup>360</sup> ACE022296\_048

<sup>361</sup> ANG000223\_015

<sup>362</sup> ACE022296\_039

<sup>363</sup> Hind 7 March 2018 114/2-3

<sup>364</sup> WWS000133\_046

<sup>365</sup> ACE022296\_040

*understood the impact that such offences can have on the victims and others*".<sup>366</sup> It is impossible for us to reach a conclusion about this, given the absence of records from Sussex Police at the time.

### *Inadequate record-keeping and victim support*

**283.** Lady Butler-Sloss found there was "*seriously inadequate record-keeping of important events affecting clergy ministering in the Diocese, and existing records were not checked*".<sup>367</sup> She also identified a failure to respond appropriately to disclosures of abuse and to provide victims with adequate, timely support.

**284.** Bishop Hind explained that blue files were kept at the Palace, whilst area bishops had their own clergy files. This meant that information on clergy was stored in a number of different places, and there were no dedicated safeguarding files.<sup>368</sup> The report recommended there should be meticulous record-keeping both of issues of safeguarding and general personnel matters. We agree that relevant documentation should be held in the blue file at the Palace and the Diocesan Safeguarding Adviser's safeguarding file, with cross-referencing of important information.

**285.** As identified by Mrs Edina Carmi in the Social Care Institute for Excellence (SCIE) report,<sup>369</sup> recent improvements have been made by Diocesan Safeguarding Advisers. However, there are continuing deficiencies in record-keeping. She emphasised that "*each diocese needs to ensure the systems in place are adequate and consistent with national expectations for all recording systems, including case records and clergy files*".<sup>370</sup>

**286.** The review undertaken by members of the National Safeguarding Panel into the Past Cases Review also identified significant problems with record-keeping.<sup>371</sup> Mr Graham Tilby stated that a national central database is currently being set up to address deficiencies in record-keeping and to provide an accessible record to safeguarding professionals.

**287.** In addition, training must be put in place to ensure a Church-wide understanding of the system, along with regular auditing to verify that there is a consistency of approach across dioceses. The consequence of this approach, as Mr Tilby observed, is that "*the Church as a whole will be in a much better place in terms of oversight of those who may pose a risk ... and obviously much better information sharing across the diocese and with the national Church*".<sup>372</sup>

### *Reverend Roy Cotton's permission to officiate*

**288.** One area of consideration was Cotton's permission to officiate (PTO), which was granted upon his retirement in 1999. In her report, Lady Butler-Sloss commented:

*"A further reason relied upon by WB not to be concerned about the granting of the PTO was the continued ill health of RC and his lack of contact with children. The purpose of the PTO was, according to WB and supported by NR, to permit him to celebrate communion in the nursing home where he was then living."*<sup>373</sup>

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<sup>366</sup> ANG000212\_004

<sup>367</sup> ACE022296\_039

<sup>368</sup> WWS000138\_18-19

<sup>369</sup> ACE025845

<sup>370</sup> ACE025845\_042

<sup>371</sup> ACE026359\_019

<sup>372</sup> Tilby 19 March 2018 141/9-15

<sup>373</sup> ACE022296\_009



**289.** In June 2011, however, Lady Butler-Sloss received a letter from a BBC journalist named Colin Campbell. Following Mr Campbell's investigations, it transpired that Cotton did not in fact reside in a nursing home at this time and had taken a number of public services. Enquiries conducted by Archdeacon Jones confirmed that Cotton was not transferred to a nursing home until September 2003, some four years after the grant of his permission to officiate.<sup>374</sup>

**290.** As a result, Lady Butler-Sloss produced an addendum to her report in January 2012. She conceded that she had been given incorrect information by Bishop Wallace Benn and Archdeacon Nicholas Reade about Cotton's permission to officiate. She noted "*I very much regret that I accepted the information I was given and did not make further inquiries*".<sup>375</sup> This incident highlighted a significant difficulty faced by bishops and archdeacons, namely the practical impossibility of monitoring any clergy member with permission to officiate. Lady Butler-Sloss was misled, but it is unclear whether or not this was inadvertent.

### Publication of the report

**291.** Bishop Hind initially expected the report would be confidential to him, the Archbishop of Canterbury and the National Safeguarding Adviser. However, Lady Butler-Sloss made it clear from the outset that she expected her report to be published. She also strongly advised that the Meekings report should be published, so as to enable a proper understanding of her review. At that time, it had not been published because Bishop Benn had threatened legal action.

### Implementation of the recommendations

**292.** The Butler-Sloss review, coupled with the findings of the Meekings report, highlighted numerous shortcomings and failures. Lady Butler-Sloss told us that the combination of both reports "*sent a real shock throughout the Diocese*".<sup>376</sup> Archdeacon Jones described her conclusions as "*a welcome prompt to move to a point where the Diocese operated to the highest possible standard in safeguarding terms*".<sup>377</sup>

**293.** Shortly after completion of the review, Mr Colin Perkins was appointed as Diocesan Safeguarding Adviser. Bishop Hind said he "*very quickly established an extremely collaborative style*" and had "*every confidence*" that the recommendations would be fully implemented under Mr Perkins' oversight.<sup>378</sup>

**294.** We have seen a schedule prepared by Mr Perkins, in which he helpfully detailed the acceptance and implementation of all recommendations made by Lady Butler-Sloss.<sup>379</sup> For example, he noted that since 2011 there had been a substantial increase in the financial budget for the safeguarding team. The team had therefore significantly expanded its membership, with the addition of a victim-support specialist and three full-time caseworkers. Since 2012, training on allegations management has been provided to approximately 1,200 key parish personnel across the Diocese. According to Mr Perkins, the value of the recommendations was in "*providing a public endorsement for good practice from a source accepted as authoritative by those outside the professional safeguarding sphere*".<sup>380</sup>

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<sup>374</sup> Jones 8 March 2018 6/15-20

<sup>375</sup> ACE022296\_054

<sup>376</sup> ANG000156\_007

<sup>377</sup> WWS000133\_038

<sup>378</sup> Hind 7 March 2018 116/18-19

<sup>379</sup> ACE026013\_10-14

<sup>380</sup> ACE026181\_067

## B.6: Complaints under the Clergy Discipline Measure

### Decision to issue a complaint against Bishop Wallace Benn

**295.** By late 2010, the Diocesan Safeguarding Advisory Group (DSAG) was aware of a series of concerns about Bishop Wallace Benn's safeguarding practice. His actions in the cases of Reverends Robert Coles, Roy Cotton and Colin Pritchard had raised questions about his approach to allegations of child sexual abuse. According to Mr Colin Perkins, his subsequent attempt to conceal Reverend Gordon Rideout's blemished CRB disclosure evidenced "*an ongoing approach to safeguarding casework that had not learnt from previous experience*".<sup>381</sup>

**296.** Bishop Benn refused to accept the validity of these concerns. Moreover, the DSAG considered that the inaccuracies in his evidence to Lady Butler-Sloss cast doubt not only on his appreciation of safeguarding, "*but also his propriety*".<sup>382</sup> The group unanimously agreed that it must not react passively, but instead take proactive steps to address the situation.

**297.** As a result, the DSAG conducted a formal review of all relevant material held at the Bishop's Palace. Mrs Kate Wood, independent safeguarding consultant and former Sussex Police officer, was instructed to investigate the key safeguarding cases in which Bishop Benn had been involved.

**298.** In September 2011, Mr Keith Akerman wrote to the then Archbishop of Canterbury, Rowan Williams. He announced the group's intention to issue a complaint against Bishop Benn under the Clergy Discipline Measure 2003 (CDM).

**299.** Archdeacon Philip Jones told us there were no other "*courses of action that could reasonably be taken, the Church authorities having concluded that there were no grounds upon which to order that Bishop Wallace be suspended from office*".<sup>383</sup> Mr Perkins explained the decision was not "*a pejorative action ... it was an attempt at risk management*".<sup>384</sup> On 9 November 2011, the CDM papers were submitted to Lambeth Palace.<sup>385</sup> Mr Akerman described the effect of the submission "*as like having dropped a bomb*".<sup>386</sup>

### Outcome of the complaint

**300.** The objective of the CDM complaint was to establish a course of conduct by Bishop Benn over a period of time. However, for discipline to be imposed by way of determination pursuant to the CDM at that time, the subject matter must have occurred within the 12 months prior to the making of the complaint. On the facts of this complaint, the evidence about Bishop Benn related to more than 12 months previously. The President of Tribunals, the Right Honourable Lord Justice Mummery, accordingly dismissed the complaint as time-barred.

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<sup>381</sup> ACE026181\_081

<sup>382</sup> ACE026181\_083

<sup>383</sup> WWS000133\_055

<sup>384</sup> Perkins 15 March 2018 122/5-6

<sup>385</sup> ACE025514\_001

<sup>386</sup> ANG000211\_008



**301.** In March 2012, the DSAG submitted a second CDM complaint that was “*more limited and more focused*”.<sup>387</sup> It specifically concerned three allegations: that Bishop Benn had not shared information about Coles with Sussex Police; that he sought to suppress Rideout’s blemished CRB disclosure; and that he failed to advise Mr Meekings that Rideout was the subject of a police investigation in 2002.

**302.** At the same time, a CDM complaint was issued against Archdeacon Reade concerning his actions during the Coles case in 1997.<sup>388</sup> As Mr Perkins stated, Bishop Benn “*was not the only one to blame for what happened*”.<sup>389</sup>

**303.** Ultimately, all complaints against both Archdeacon Reade and Bishop Benn were dismissed by the Clergy Discipline Tribunal, on the basis that either they were out of time or they lacked merit. In October 2012, Bishop Benn retired. He issued a statement claiming the complaints against him were without foundation and that he had been exonerated.

**304.** This process raised several concerns about the effectiveness of the CDM process. Archdeacon Jones observed that its narrow, fact-based requirements and timescales worked against a satisfactory outcome.<sup>390</sup> We question whether issuing a CDM was an appropriate course of action. It is not a suitable tool to deal with ongoing issues of risk management.

## B.7: The Archbishopal Visitation

### Establishment of the Visitation

**305.** On 6 December 2011, in his capacity as Diocesan Safeguarding Adviser, Mr Colin Perkins wrote to Archbishop Rowan Williams. He expressed his concern that the behaviour of Bishop Wallace Benn posed a risk to good safeguarding practice. Despite the concerns identified by Lady Butler-Sloss, no formal steps had been taken by the Diocese to address the issue. Mr Perkins urged the Archbishop to organise “*decisive and forthright action*” to manage safeguarding risks and implement the necessary changes.<sup>391</sup>

**306.** Relationships between senior clergy and staff had seriously deteriorated. Bishop John Hind recalled the bitterness between Mrs Shirley Hosgood and Bishop Benn, noting that “*on one occasion Bishop Benn said of Shirley Hosgood, ‘I hate her,’ and she said of him, ‘I’m going to get him’*”.<sup>392</sup> Bishop Hind found himself in a state of paralysis, unable to support either party in this “*irreconcilable dispute*” without damaging his own relationships with them.

**307.** The Archbishops’ Council has acknowledged that amongst this mutual recrimination, the urgent need to support survivors seemed “*almost to have been lost from view*”.<sup>393</sup> A breakdown in effective communication, coupled with mounting unease about the operation of safeguarding arrangements, led Archbishop Williams to determine that “*intervention of a drastic kind*” was required.<sup>394</sup> The Butler-Sloss report pointed to a negative culture in the Diocese, along with an unwillingness to effectively communicate concerns to the Diocesan Safeguarding Adviser in respect of non-recent abuse.

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<sup>387</sup> ACE026181\_089

<sup>388</sup> ACE025697

<sup>389</sup> ACE026181\_087

<sup>390</sup> WWS000133\_056

<sup>391</sup> ACE025525\_002

<sup>392</sup> WWS000138\_048

<sup>393</sup> ACE026327\_003

<sup>394</sup> ACE026001\_010

**308.** On 21 December 2011, the Archbishop directed that an Archepiscopal Visitation should take place in the Diocese of Chichester.<sup>395</sup> This would suspend “*the functioning of a subsidiary authority so as to take direct responsibility for what is going on*”.<sup>396</sup> It was the first time a Visitation had occurred in the Church of England for more than a century.

**309.** However, the use of a Visitation highlights the limits to Archepiscopal authority. It is currently the only legal course available to an archbishop who seeks to intervene in a diocese. It can transfer authority to the archbishop, who can then decide who is to exercise that power. However, it may not be possible to do this quickly or effectively. The Inquiry wishes to consider further if other interventions need to be available.

**310.** Whilst a Visitation may be valuable in some circumstances, it did not have the power to resolve safeguarding problems. At that time there was no mechanism to suspend a bishop who had not been arrested for sexual offences. There was similarly no mechanism to ensure compliance with safeguarding, other than the full panoply of a Clergy Discipline Measure complaint.

**311.** The Archbishop appointed Bishop John Gladwin and Canon Dr Rupert Bursell QC as his Commissaries for the Visitation. At that time, Bishop Gladwin was a retired Assistant Bishop in the Diocese of St Albans. He had also recently been appointed Chair of the National Board of the Citizens Advice Bureau, and was responsible for ensuring compliance with relevant safeguarding laws and practice across that organisation.<sup>397</sup> Canon Dr Bursell QC was a retired senior circuit judge. He was also the Diocesan Chancellor and Vicar General of the Diocese of Durham, who provided legal advice to that Diocese.<sup>398</sup>

**312.** The Commissaries’ main task was to consider the progress made in the implementation of the diocesan and national safeguarding guidelines by the Diocese of Chichester. They would also explore the action taken in response to the recommendations made by Lady Butler-Sloss, before making “*such further recommendations as may appear necessary and expedient*”.<sup>399</sup>

## Conduct of the Visitation

**313.** Although the Archbishop was formally responsible for safeguarding during the course of the Visitation, he delegated its day-to-day operation in the Diocese to Bishop Hind. When the bishop retired from post in February 2012, the role was temporarily transferred to Bishop Mark Sowerby, the Bishop of Horsham. He became acting Bishop of Chichester pending the appointment of a new diocesan bishop. He was required to inform the Provincial Registrar (legal adviser to the Archbishop of Canterbury) of all proposed appointments, along with all decisions to withdraw permission to officiate from those clergy who did not hold a current CRB check.<sup>400</sup>

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<sup>395</sup> ACE026001\_010

<sup>396</sup> Williams 14 March 2018 156/1-3

<sup>397</sup> ACE025942\_001

<sup>398</sup> ACE025279\_002

<sup>399</sup> ACE025279\_003

<sup>400</sup> Sowerby 13 March 2018 146/7-16

**314.** The Commissaries interviewed a variety of individuals. These included senior diocesan clergy, representatives of MACSAS and several victims and survivors of child sexual abuse.<sup>401</sup> They attended the office of the diocesan bishop and examined the blue files, along with relevant policy documents and previous safeguarding reviews.

**315.** On 30 August 2012, the Commissaries published an interim report of their findings. The Commissaries considered that an interim report was necessary as a new diocesan bishop was soon to be appointed, who “*should not be wrong-footed in any way*”.<sup>402</sup> The interim report contained 32 recommendations for the Diocese and 12 recommendations for the Church of England as a whole. A final report was published on 26 April 2013 which clarified some of the recommendations.

## Difficulties encountered during the Visitation

### *Correspondence between East Sussex County Council and Lambeth Palace*

**316.** On 30 January 2012, the Director of Children’s Services and Chair of the Children’s Safeguarding Board at East Sussex County Council<sup>403</sup> wrote to the Archbishop. They sought to clarify several issues regarding the Visitation process including its scope, timescale and the means by which they should communicate their views to the Commissaries. In light of the safeguarding concerns raised about Bishop Benn, they also queried whether action had been taken to ensure that the welfare of children was being adequately protected.

**317.** In a brief response on behalf of the Archbishop, Mr Chris Smith, his then Chief of Staff, declined to answer the queries but offered the Council an opportunity to meet with the Commissaries.<sup>404</sup> Three months passed before this meeting took place, after which the Council again wrote to the Archbishop. The letter expressed the belief that “*insufficient attention is being paid to the ongoing and immediate safeguarding of children in Sussex*”.<sup>405</sup> It also stated that Bishop Benn continued his involvement with local schools and clergy appointment panels, despite “*widespread misgivings*” about his professional judgement. The Diocese of Chichester and the Church of England had clearly lost the confidence of social services by this stage.

### *The Clergy Discipline Measure*

**318.** The Archbishop conceded that the Council’s letter “*deserved a fuller response than it had*”. At that time, he was attempting to persuade Bishop Benn to retire voluntarily. He explained the circumstances in which a bishop could be suspended were “*very, very, very tightly circumscribed and not quite as simple as the correspondence thought*”.<sup>406</sup>

**319.** He acknowledged that he could have initiated a complaint under the Clergy Discipline Measure (CDM), which may have resulted in the suspension of Bishop Benn. However, the Archbishop chose not to pursue this route because “*the procedures are quite lengthy ... I wasn’t convinced that initiating something from Lambeth along the lines of a CDM would be the most effective and rapid way of dealing with this*”.<sup>407</sup>

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<sup>401</sup> ACE025146\_001

<sup>402</sup> ACE025279\_004-5

<sup>403</sup> ACE024518\_001-2

<sup>404</sup> ACE024518\_003

<sup>405</sup> ACE024518\_008-9

<sup>406</sup> Williams 14 March 2018 166/12-16

<sup>407</sup> Williams 14 March 2018 167/2-12 Our view of this is set out in Part B.6.

**320.** The Clergy Discipline Measure was a long-winded process, involving two stages of internal assessment before being passed to a Disciplinary Tribunal. It was not capable of managing safeguarding risks where decisions needed to be made promptly. At the time of the Visitation, an individual could not be suspended from office by the archbishop or bishop if allegations were made against them under the Clergy Discipline Measure, unless they had been arrested or a formal complaint had been laid which was not dismissed.<sup>408</sup> This provision failed to deal with situations where the issue was not one of discipline, but of competence and ability to understand the realities of safeguarding practice.

**321.** In addition, at that time,<sup>409</sup> disciplinary proceedings could not be instituted more than 12 months after the date of misconduct without permission from the President of the Clergy Discipline Tribunal.<sup>410</sup> It is regrettable that the Church did not take steps to abolish this rule prior to the Visitation in respect of safeguarding allegations. The imposition of a time limit, particularly a short one, displayed a serious lack of understanding of the psychology of trauma. It failed to acknowledge that most people would not report child sexual abuse until they were much older.

**322.** The Archbishop had no power to force Bishop Benn's resignation. The bishop eventually retired in October 2012, but this was "*not because the Archbishop's Commissaries had made any pronouncement on the subject of his conduct*".<sup>411</sup> Although archbishops are influential figures within the Church, they do not have any legal power to direct their bishops. Archbishop Justin Welby confirmed "*diocesan bishops have a largely autonomous role ... the Archbishop is not in direct control of the diocesan bishops in a management sense*".<sup>412</sup>

### *Bishop Wallace Benn's correspondence with the Commissaries*

**323.** In a meeting with the Commissaries on 7 June 2012, Bishop Benn and his lawyers sought to obtain a copy of the draft interim report. They relied on the Commissaries' "*duty to act fairly, since your role is formal and your report is capable of affecting the rights and public reputation of those to whom it might refer, including the Bishop of Lewes*".<sup>413</sup>

**324.** The Commissaries subsequently provided the bishop with an extract from their report, on which he was invited to make comments. He submitted a number of amendments before the report was sent to the archbishop, which focussed on factual accuracy and "*the respects in which the extract continues to be written in a manner designed to reflect and protect Bishop John Hind's position in the matter*".<sup>414</sup> The Commissaries agreed his amendments. There was an inference that without those amendments, legal action may have followed.<sup>415</sup>

**325.** Bishop Hind was not aware that Bishop Benn and his lawyers had seen a draft of the interim report, nor that they had been able to influence its eventual form. He was not afforded the same opportunity.

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<sup>408</sup> ACE002231\_021

<sup>409</sup> This was changed by the Clergy Discipline Measure 2015.

<sup>410</sup> WWS000133\_056

<sup>411</sup> WWS000070\_021

<sup>412</sup> ACE026137\_004

<sup>413</sup> WPB000049\_003

<sup>414</sup> ACE025158\_001

<sup>415</sup> Bursell 13 March 2018 63/22-24

## Findings of the Commissaries' reports

**326.** In their interim report, the Commissaries concluded that safeguarding in the Diocese of Chichester had “fallen woefully short of what should be expected of any institution with a ministry and care for children and young people”.<sup>416</sup> They identified three central themes of concern which contributed to these failings.

### *Dysfunctional leadership*

**327.** In 1984, Bishop Eric Kemp, the diocesan bishop of Chichester, established the area scheme<sup>417</sup> for the ministry of bishops. Under this scheme, Bishop Kemp delegated responsibilities for appointments and for permission to officiate to the two suffragan bishops of Horsham and Lewes. One of these, Bishop Sowerby explained the extent of these responsibilities as follows:<sup>418</sup>

*“I had responsibility for clergy recruitment to parishes in the Horsham Episcopal Area ... whilst I consulted with Bishop John Hind before making appointments ... I did exercise the bishop’s patronage. I was generally responsible for ensuring that incoming clergy had the necessary CRB or DBS checks, and that they were suitable for appointment. I was also responsible for seeking the necessary references.”*<sup>419</sup>

**328.** Each area therefore had significant autonomy, with the suffragan bishops largely running their own parts of the Diocese. Canon Ian Gibson went so far as to describe Bishop Benn as a “mini diocesan bishop”, as the number of parishes in his area almost equalled those in the whole of the Diocese of Leicester.<sup>420</sup>

**329.** The area scheme weakened the capacity of the diocesan bishop to ensure that a consistent and robust central policy was followed by all in respect of appointments and permission to officiate. It was an unusual scheme within the Church of England, and its structure made it vulnerable to misuse.

**330.** When Bishop Hind inherited the scheme, he discovered he had little or no powers over the areas in respect of appointments and permission to officiate. This made it almost impossible to maintain oversight of the Diocese and to impose authority where it was required. The Diocese was also geographically large. This meant that an area bishop may well have had more autonomy than in other, smaller areas.

**331.** By the early 1990s, Bishop Kemp had been the diocesan bishop for nearly 20 years. He was an elderly man whose views about leadership and safeguarding (on the basis of the evidence we heard from those who served under him) had fallen out of step with current practice. We recognise that the Diocese of Chichester is geographically diverse, and that spreading leadership responsibilities may relieve the burden on a diocesan bishop. However, this idea was taken too far during the tenure of Bishop Kemp.

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<sup>416</sup> OHY000185\_005

<sup>417</sup> The area scheme was a legal mechanism by which a diocesan bishop could delegate his own powers to the suffragan bishops.

<sup>418</sup> Bishop Wallace Benn said the same at WPB000047\_003, as did Bishop John Hind at WWS000138\_006.

<sup>419</sup> ACE025934\_003

<sup>420</sup> Gibson 8 March 2018 179/8-11

**332.** The diocesan bishop should have kept adequate oversight of appointments, to ensure that safer recruitment practices were in place. This was part of his ultimate responsibility as the pastor of the Diocese. The area bishops enjoyed such a level of independence that by the time Bishop Hind was appointed, he found it “*difficult to rein them in*”.<sup>421</sup>

**333.** Bishop Lindsay Urwin was the Area Bishop of Horsham from 1993 to 2009. He said Bishop Hind had struggled with the “*theological anomalies*” within the Diocese. He was also critical of the frequency with which the three bishops met alone, without other senior staff present, and complained that this hindered communication and unity of purpose.

**334.** Bishop Hind accepted he failed to engage with the area of East Sussex as much as he should, recalling his own “*sense of powerlessness in being unable to relate effectively with Bishop Benn*”.<sup>422</sup> By the time of his appointment, Bishop Benn had already been the Area Bishop of Lewes for 10 years. The distinct clash of personalities between these two individuals exacerbated the problem.

**335.** As a result, there was no central oversight of the appointment of clergy within the Diocese of Chichester. No policies existed to ensure the central retention of files. Decisions were not made and leadership in respect of safeguarding was not effective because relationships were poor. As the Archbishops’ Council itself conceded:

*“The lack of definition of roles and responsibilities, and uncertainties about accountability brought about by the Area Scheme, contributed to a chaotic and unsatisfactory safeguarding environment.”*<sup>423</sup>

**336.** For a significant period of time in 2010 and 2011, the focus and energy of the senior diocesan team was on the lengthy internal dispute with Bishop Benn regarding the Meekings report. In the meantime, the need to implement the recommendations of the report was deferred. As Bishop Benn himself admitted, “*it was a rabbit in the headlights moment for about two years*”.<sup>424</sup>

**337.** In their interim report, the Commissaries stated they had “*no doubt that this dysfunctionality continues to impinge upon the adequacy of safeguarding within the Diocese*”.<sup>425</sup> Canon Gibson disagreed with the suggestion that the senior team was dysfunctional; it “*worked very efficiently ... the only dysfunctional element was the relationship between Bishop Hind and Bishop Benn*”.<sup>426</sup> Bishop Sowerby concurred that “*notwithstanding the real problems that did exist, the senior staff were working collaboratively and in a healthy fashion in much of their day-to-day work*”.<sup>427</sup>

**338.** There is no evidence pointing to a breakdown of confidence between the wider senior team. However, the dysfunctional relationship between some members led to a focus upon polarisation. It also created an excessive emphasis on trying to manage the dysfunction, rather than addressing critical safeguarding issues. An organisation cannot function effectively if its leaders’ relationships are characterised by mistrust. The Clergy Discipline

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<sup>421</sup> Sowerby 13 March 2018 167/17

<sup>422</sup> WWS000138\_027

<sup>423</sup> ACE026327\_044

<sup>424</sup> Benn 12 March 2018 191/1-2

<sup>425</sup> OHY000185\_007

<sup>426</sup> WWS000070\_021

<sup>427</sup> Sowerby 13 March 2018 167/12-14



Measure complaint against Bishop Benn was understandable, but ultimately caused more problems than it solved. It led to unnecessary time being spent on internal wrangling rather than action.

**339.** The interim report emphasised that the dysfunctionality within the senior team must be urgently addressed. It specifically recommended that “*the area scheme should be reconsidered and the senior team must function as a team throughout the diocese. The diocesan bishop should not have a discrete area of his own*”.<sup>428</sup> The area scheme was indeed revised shortly after this point.

### *Disorder in safeguarding*

**340.** The Commissaries found that the Diocese was very slow to address allegations of sexual abuse. It failed to react to reports of misbehaviour by individuals who were subsequently convicted of child sexual abuse.<sup>429</sup> Although some clergy files contained details of past allegations, those clergy continued to minister in the Diocese and hold senior roles. The Commissaries found that Rideout, for example, was permitted to remain as Chair of Governors at the Bishop Bell School despite having been investigated previously for child sexual abuse.<sup>430</sup>

**341.** The finding in the interim report that the Diocese failed to react with “*rigour and expedition*” was based on the fact that neither the recommendations of the Past Cases Review nor the Butler-Sloss report had been implemented.<sup>431</sup> The Butler-Sloss report recommended that all letters to victims and survivors should be personally addressed and signed by the diocesan bishop. However, the Commissaries concluded that the letters of apology sent to victims and survivors of Roy Cotton were “*insufficient in their actual content and crass in their presentation*”.<sup>432</sup> The Archbishops’ Council has accepted that letters to victims were “*unduly defensive, and dominated by the approach and language of litigation*”.<sup>433</sup> They were signed not by Bishop Hind but by Bishop Sowerby on his behalf. Had the focus been more on acting upon the recommendations and less on internal squabbles, this might not have happened.

**342.** The importance of an appropriate response to victims and survivors cannot be underestimated. It was vital the Church sought to provide adequate redress in circumstances where it had manifestly failed to protect individuals from a predatory paedophile. Mr Johnson had already been let down by the police, the Crown Prosecution Service (CPS) and the Church. The very least that could be done was to face responsibility for the mistakes of the past.

**343.** The Butler-Sloss report also recommended that clergy should have regular safeguarding training. The Commissaries found that the very idea of such training was not clearly understood within the Diocese and that a number of clergy were resistant to it.<sup>434</sup> The Social Care Institute for Excellence’s independent safeguarding audits indicate that this

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<sup>428</sup> OHY000185\_041

<sup>429</sup> OHY000185\_002

<sup>430</sup> ACE025942\_005

<sup>431</sup> OHY000185\_002

<sup>432</sup> OHY000185\_013

<sup>433</sup> ACE026327\_023

<sup>434</sup> OHY000185\_030

was a common problem across many dioceses even in 2016 and 2017.<sup>435</sup> Canon Dr Bursell QC said such training “*was only then in its infancy and was not being followed through with any apparent urgency*”.<sup>436</sup>

**344.** A radical change of culture was needed in which safeguarding was placed at the top of the diocesan agenda. The infighting prevented the presentation of a united front to all clergy which identified that safeguarding was of central importance. It is imperative that such a culture of safeguarding is embedded throughout the Church of England.

**345.** The Commissaries also considered the wider context of the national Church. In one diocese, the safeguarding adviser was the diocesan secretary who had no experience in safeguarding. In another, the diocesan bishop had expressed a view that the safeguarding of vulnerable adults was too politically correct.<sup>437</sup> The Commissaries recognised that this damaging mindset could only be remedied by regular safeguarding training.

**346.** Sir Roger Singleton is a safeguarding consultant and member of the Church of England’s National Safeguarding Panel. Some five years after the final report of the Commissaries, he also identified the need for cultural change. Positive affirmations of the importance of safeguarding are “*insufficient ... the concept of leadership should extend more widely to all clergy because it is in parishes and local church activities where children require most protection*”. Clergy should be the leaders of safeguarding. As Sir Roger identified, this change can be achieved through improved training and effective monitoring by diocesan bishops to ensure compliance with all safeguarding requirements. Archdeacons may contribute to this monitoring process through their annual Visitation to the parishes.<sup>438</sup> We discuss the issue of cultural change further below.

### *Lack of national safeguarding resources*

**347.** According to the interim report of the Commissaries, the failure of the Diocese to implement all the recommendations of the Butler-Sloss report was, in part, due to the absence of human and financial resources. Mr Perkins was under-resourced and overburdened as the sole safeguarding officer. The Commissaries referred to the “*overworked part-time office*” of the Church of England. It had been unable to update protocols or create safeguarding policies due to a lack of time.<sup>439</sup> As National Safeguarding Adviser at this time, Mrs Elizabeth Hall said “*the resources and support available to me were not sufficient ... although I was contracted to work 35 hours a week, I regularly worked 60 hours a week*”.<sup>440</sup>

**348.** The report recommended that clear policies be introduced at a national level. It specified that “*more resources, both in personnel and monies, must be provided for safeguarding*”.<sup>441</sup> The Diocese of Chichester, like all other dioceses at that time, operated without consistent support from any national body. In recent years, the Church has acted sensibly in devoting significantly more resources to the development of a National Safeguarding Team. This provides central resources, guidance and a set of standardised training for all.

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<sup>435</sup> ACE002250

<sup>436</sup> ACE025279\_008

<sup>437</sup> ACE025279\_012

<sup>438</sup> ACE025937\_037

<sup>439</sup> ACE025942\_006

<sup>440</sup> ANG000216\_010

<sup>441</sup> OHY000185\_042



## Response of the Diocese and National Church Institutions to the Visitation reports

**349.** As Mr Graham Tilby observed, the publication of the final Visitation report was a watershed moment for safeguarding in the Church of England. Lord Williams described it as a “wake-up call”, with the Church being forced to acknowledge its continued failures to protect children and young people.<sup>442</sup> Since 2012, there has been an acceleration of safeguarding initiatives at both a diocesan and national level, galvanised by the findings of the Archbishop’s Visitation.

**350.** In 2013, the Diocese of Chichester produced a *Safeguarding Strategy Plan*.<sup>443</sup> This incorporated responses to all the recommendations made by the Visitation reports. In May 2013, final approval for the revocation of the Area Scheme was given by the Diocesan Synod. The diocesan bishop is now able to exercise authority over the whole geographic area of the Diocese. The revocation of this scheme was undoubtedly required to improve the quality of governance and leadership.

**351.** In the same year, the Clergy Discipline Measure 2003 was amended in direct response to concerns raised during the Visitation. A bishop’s powers to remove a cleric from office were extended.<sup>444</sup> Previously, the Measure permitted a bishop to impose a penalty only where the court had passed a sentence of imprisonment. This meant that individuals convicted of serious criminal misconduct, such as downloading child pornography, were able to avoid automatic removal from office if they were not sentenced to custody. Following the amendment, a bishop is now able to impose a penalty following conviction for all serious offences, including those resulting in non-custodial sentences.

**352.** The 2013 Measure also enables a bishop to remove from office a priest or deacon who has been included in a ‘barred list’ operated by the Disclosure and Barring Service. Automatic removal was not permitted under the 2003 Measure. Both of these amendments were overdue. The Church failed to recognise and respond speedily to relevant changes in law, including those introduced by the Sexual Offences Act 2003 and the Vulnerable Safeguarding Groups Act 2006.

**353.** In 2016, further amendments to the Clergy Discipline Measure enhanced the Church’s ability to deal with complaints of abuse. The one-year limitation period for disciplinary proceedings against clergy accused of sexual misconduct with children was removed, so that permission to make a complaint out of time is no longer required.<sup>445</sup> This is welcome and necessary.

**354.** The interim report recommended that bishops be given the power to suspend any cleric who was the subject of a credible safeguarding allegation, until all investigations and proceedings had run their course.<sup>446</sup> This was implemented by the 2016 Measure. A bishop can now suspend a cleric where he is satisfied that the cleric presents a significant risk of harm. It can be imposed before an arrest is made or before any formal complaint has been started under the Clergy Discipline Measure.<sup>447</sup> This is another welcome development, although its necessity should have been obvious well before the Visitation report.

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<sup>442</sup> Williams 14 March 2018 161/10-14

<sup>443</sup> ACE026038

<sup>444</sup> ACE002230\_020

<sup>445</sup> ACE002233\_014-15

<sup>446</sup> OHY000185\_020

<sup>447</sup> ACE002233\_005

**355.** We have serious concerns about whether the Clergy Discipline Measure, even as amended, provides effective disciplinary action in safeguarding cases. Archbishop Welby criticised the length of the process, along with the absence of any intermediate procedural step to enable earlier resolution of complaints. He suggested that a more independent process would enable the bishop to maintain a pastoral role and to “*serve truth and justice more properly*”.<sup>448</sup>

**356.** There needs to be a more appropriate range of interventions with which to address concerns about capability, risk, and past and present failures. The early steps being taken by the Church to build a capability procedure for clergy must ensure that safeguarding is included. In late 2017, Archbishop Welby commissioned a review of the Clergy Discipline Measure process. The review included the approach to safeguarding complaints. The National Safeguarding Team undertook a consultation to obtain views on safeguarding changes that could be made. The outcome of the consultation was presented to the April 2018 National Safeguarding Steering Group meeting.<sup>449</sup> At the hearings in July 2019, we intend to hear more about the common tenure regime and the ministerial development review system.

**357.** There are other limitations. Mrs Elizabeth Hall was the Joint Safeguarding Adviser for the Church of England and the Methodist Church between 2010 and 2014. She agreed that the current Clergy Discipline Measure should be revised “*so that it can respond to risk, and not only to proven past misbehaviour*”.<sup>450</sup> Mr Perkins also pointed out that a cleric cannot be disciplined under the Measure in relation to conduct that occurred pre-ordination, even if a risk assessment concludes that the cleric poses a risk to children.

**358.** The absence of any relevant provision creates challenges for those involved in managing responses to such allegations. The Church should consider making amendments so that suspension and discipline can take place in both these circumstances, as it seeks to improve its safeguarding practices.<sup>451</sup> We wish to hear further in July 2019 about whether amendments are needed to the Clergy Discipline Measure to address the issue.

**359.** We have a number of other concerns as to how the Clergy Discipline Measure currently operates in relation to allegations of child sexual abuse. Once a complaint is made, a preliminary enquiry takes place. The complaint will proceed only if the issues raised are “*not trivial but justify further serious consideration*”.<sup>452</sup>

## **B.8: The allegations against Gordon Rideout, Robert Coles and Jonathan Graves**

### **Reverend Gordon Rideout**

#### *Conviction*

**360.** Gordon Rideout was ordained as a priest in 1962. He was then appointed as an assistant curate at a church in Sussex, where he remained until 1967. He often attended a nearby Barnado’s Children’s Home and, in his role as chaplain and mentor to its young people, indecently assaulted a number of boys and girls.

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<sup>448</sup> ACE026137\_034

<sup>449</sup> ACE025940\_013-14

<sup>450</sup> ANG000216\_048

<sup>451</sup> ACE026181\_031

<sup>452</sup> ACE025221\_020

**361.** Rideout moved to an English army base in 1967, where he took up the post of chaplain in the church associated with the barracks. He was accused of sexual abuse by children during his time there but was acquitted after a court martial. Following his resignation in 1973, he returned to the Diocese of Chichester as a clergyman. He was later appointed as Archdeacon of Lewes and Hastings. This was a senior role in which the archdeacon acted as the ‘eyes and ears’ of the bishop. He performed many duties and responsibilities on the bishop’s behalf, including Visitations to various parishes.<sup>453</sup>

**362.** In May 2013, Rideout was convicted of 36 offences of child sexual abuse involving 16 victims. These offences had taken place between 1962 and 1973. He was sentenced to 10 years’ imprisonment. In December 2016, Rideout pleaded guilty to a further charge of indecent assault on a girl under the age of 16 years, for which he received an additional custodial sentence of nine months.

### *The evidence of AN-A15*

**363.** The Inquiry heard evidence from one of Rideout’s victims, AN-A15. She shared a detailed account of her abuse, which began when she was 10 years old.

**364.** AN-15 lived with her parents on the army base where Rideout was a chaplain. She became acquainted with him through her attendance at Sunday school, choir practice and confirmation lessons. AN-A15 described Rideout as “*very touchy feely ... he was always putting his arm around me or hand on my arm or my back or my bottom*”.<sup>454</sup> This physical contact soon progressed to the touching of her breasts and genitals. He would also force AN-A15 to touch his penis.<sup>455</sup>

**365.** AN-A15 learned that two other girls in the choir had also been sexually abused by Rideout. The parents of one of these girls reported the abuse to the Royal Military Police. In 1972, Rideout was tried for these offences before a court martial. AN-A15 told us that she found this a very intimidating experience. She was required to give her evidence at a “*big D-shape of tables with everyone in uniform and with their hats and everything*”.<sup>456</sup> Rideout was in her direct line of vision throughout, which made her feel “*absolutely terrified*”.<sup>457</sup> At the conclusion of the court martial hearing, Rideout was acquitted of all charges.

**366.** In the years that followed, AN-A15 suffered an emotional breakdown. She struggled to form trusting relationships and was unable to fulfil her academic potential. In 2013, AN-A15 received a letter of apology from the Bishop of Chichester. She described the contents of this letter as “*too little, too late*”.<sup>458</sup> The Archbishops’ Council recognises that “*for some survivors, apologies may sound or feel hollow*”.<sup>459</sup>

### *Sussex Police investigation*

**367.** The court martial proceedings, even in the context of the 1970s, attracted considerable media attention. Shortly afterwards, four victims reported to the Royal Military Police that they had been abused by Rideout at the Barnado’s home. They provided handwritten statements, yet for unknown reasons, no further action was taken. It is unclear whether

<sup>453</sup> WWS000133\_009-10

<sup>454</sup> AN-A15 6 March 2018 4/13-16

<sup>455</sup> AN-A15 6 March 2018 5/5-7

<sup>456</sup> AN-A15 6 March 2018 8/24-25

<sup>457</sup> AN-A15 6 March 2018 9/3-8

<sup>458</sup> AN-A15 6 March 2018 16/4

<sup>459</sup> ACE026327\_020

these allegations were ever investigated by the military.<sup>460</sup> One of these victims complained again to Sussex Police in 2001, but the matter was marked as ‘no crime’ on the grounds that it had already been investigated by the Royal Military Police.<sup>461</sup> An allegation of child sexual abuse should not be dismissed solely on these grounds. The previous enquiries of the Royal Military Police should not prevent investigation of abuse in a children’s home, over which they have no jurisdiction.

**368.** In 2002, Sussex Police received yet another allegation that Rideout had indecently assaulted a teenage girl at the Barnado’s home in 1965. He was arrested and released on police bail. On 25 March 2002, Sussex Police concluded there was insufficient evidence to proceed with a criminal prosecution.<sup>462</sup> Rideout’s fiancée had provided him with an alibi for the time of the alleged incident.

**369.** In a letter to Bishop John Hind on this topic eight years later, Bishop Wallace Benn remarked, “*It is not surprising that the police took no further action*”. He went on to make the irrelevant observation that “*the children in the home were all from problem backgrounds*”.<sup>463</sup>

**370.** Whilst police enquiries were still ongoing, Bishop Hind wrote a supportive letter to Rideout. He said “*I think it goes without saying that you have my full confidence and I hope so much that everything will be soon resolved*”.<sup>464</sup> In her report, Lady Butler-Sloss criticised him for writing this letter. Bishop Hind acknowledged in evidence that he was unwise to make such remarks during the course of a live police investigation.<sup>465</sup>

### *Rideout’s permission to officiate*

**371.** Despite his knowledge of allegations against Rideout, Bishop Hind appointed him as acting Archdeacon of Lewes and Hastings in 2004. This was a senior role within the Diocese and one that involved considerable responsibility. As the ‘eyes and ears’ of the bishop, he played an important role in child protection matters and in assessing whether parishes were following safeguarding advice.

**372.** Following his retirement two years later, Rideout was granted permission to officiate by Bishop Benn.<sup>466</sup> The diocesan bishop, area bishop and diocesan safeguarding adviser all knew of Rideout’s arrest and the court martial. Bishop Benn had even accompanied him to the police station in 2002.

**373.** Despite his knowledge, Bishop Hind chose not to conduct any risk assessment or internal review. No restrictions were attached to his permission to officiate, nor was a safeguarding file created. In addition, Mr Roger Meekings found “*nothing of concern*” in Rideout’s blue file during the 2008 Past Cases Review.<sup>467</sup> Bishop Hind insisted that he acted “*according to the advice I was receiving from the safeguarding adviser*”.<sup>468</sup>

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<sup>460</sup> ACE022140\_010

<sup>461</sup> CPS002854\_012

<sup>462</sup> ACE022301\_219

<sup>463</sup> ACE022301\_217

<sup>464</sup> ACE022301\_222

<sup>465</sup> Hind 7 March 2018 118/4

<sup>466</sup> WPB000047\_084

<sup>467</sup> ANG000210\_006

<sup>468</sup> Hind 7 March 2018 119/8-9

**374.** Although the CRB scheme had been introduced in 2002, many retired clergy were still not being subjected to checks. In 2009, a new CRB clearance procedure was implemented in the Diocese. The area offices were required to inform Canon Ian Gibson of any blemishes on a CRB.<sup>469</sup> In September 2010, the full history of allegations against Rideout was exposed.

**375.** The senior management team, which included bishops, archdeacons and the diocesan secretary, was informed of the CRB result at a meeting in September 2010. A file note made by Canon Gibson shows that Bishop Benn approached Bishop Hind after this meeting. He asked Bishop Hind *“if he could not disclose the information to the safeguarding adviser for the Diocese as ‘he is a friend and a much respected person’”*.<sup>470</sup>

**376.** Bishop Hind said he was *“shocked beyond measure”* to receive this request.<sup>471</sup> To his credit, he refused to oblige and instead informed the Diocesan Safeguarding Adviser. She referred the case to the Diocesan Safeguarding Advisory Group, which unanimously recommended that Rideout’s permission to officiate (PTO) be suspended with immediate effect.<sup>472</sup>

**377.** Bishop Hind’s response was to ask the Group to reconsider its advice, stating *“I do not consider that suspension or withdrawal of PTO would be justified at this stage”*. He relied on the historic nature of the allegations and the decision of the police to take no further action.<sup>473</sup> When the Group maintained its position, Bishop Hind finally accepted he had *“no alternative but to suspend Gordon’s PTO pending a formal risk assessment”*.<sup>474</sup> Following a risk assessment and further advice from the Diocesan Safeguarding Adviser,<sup>475</sup> Rideout’s permission to officiate was permanently withdrawn in August 2011.<sup>476</sup>

**378.** In her addendum report, Lady Butler-Sloss criticised Bishop Hind for his handling of the Rideout case. She specifically referred to his initial refusal to suspend Rideout’s permission to officiate, in accordance with the DSAG’s advice. Lady Butler-Sloss found that this refusal was *“likely to undermine the effectiveness of the Safeguarding Group”* and would indicate *“historic abuse allegations which had not been the subject of a criminal prosecution need not be treated seriously”*.<sup>477</sup>

**379.** Bishop Hind recognised the validity of this criticism, along with the recommendation that the advice of the Safeguarding Advisory Group should always be taken seriously.<sup>478</sup> Lady Butler-Sloss recommended that if senior clergy did not accept advice relating to allegations of abuse, written reasons should be recorded in the blue file. Regular training should also be provided for all clergy in the management of historic abuse allegations.<sup>479</sup>

**380.** This episode shows that both Bishop Benn and Bishop Hind were reluctant to take appropriate action against Rideout. Neither Bishop Benn nor Bishop Hind appear to have put his name forward during the Past Cases Review process, even though all senior office holders had been asked to identify those against whom allegations had previously been made.<sup>480</sup>

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<sup>469</sup> WWS000070\_006

<sup>470</sup> WWS000060\_001

<sup>471</sup> Hind 7 March 2018 124/4

<sup>472</sup> ACE022267\_228-229

<sup>473</sup> ACE022267\_228

<sup>474</sup> ACE022267\_233

<sup>475</sup> ACE025928\_004

<sup>476</sup> ACE022300\_042

<sup>477</sup> ACE023696\_017

<sup>478</sup> WWS000138\_054

<sup>479</sup> ACE022296\_043

<sup>480</sup> ACE022267\_097-100

**381.** When Mrs Shirley Hosgood reviewed Rideout's file in 2010, she located a 1998 Confidential Declaration Form. In this form, he had disclosed details of the court martial hearing and related allegations. Mrs Hosgood did not "*think that Roger Meekings would have missed this information during his review of Blue Files for the Past Cases Review, if these documents were on the Blue File at the time of the review*".<sup>481</sup> She clearly implied that somebody had removed this form to prevent its discovery by Mr Meekings.

**382.** Although it is impossible for us to resolve this issue, we cannot exclude the possibility that the file was tampered with during 2008. However, it seems more likely to be due to error rather than deliberate concealment. There was a general failure to keep up-to-date records, particularly in respect of retired clergy.

### *Response of Bishop Bell School*

**383.** In May 1997, Rideout became a governor of the Bishop Bell School in the Diocese of Chichester.<sup>482</sup> At the time of his appointment, the CRB check system did not exist. It came into force in March 2002.<sup>483</sup> Even after this date, it was not always considered that governors would require such checks.<sup>484</sup> It was not until late 2009 that the school began to obtain enhanced disclosures for its governors from the Criminal Records Bureau.

**384.** The head teacher, Mr Terry Boatwright, consequently discovered Rideout's full history in May 2010. Six months passed before he disclosed this information to the Diocese, following Bishop Hind's request for details of the school's knowledge.<sup>485</sup> Mr Boatwright also believed that Rideout should remain Chair of Governors at the school. He said that he had discussed this issue with the local authority and the Diocesan Director of Education. His reasoning was that the court martial had resulted in an honourable acquittal and he did not know that the 2002 allegation had resulted in an arrest, simply that investigations occurred with no further action being taken. A member of the local authority governing services staff also informed the school that they did not need to take any further action.

**385.** Mr Boatwright's position seemed to contradict the relevant safeguarding policy in place at the time, *Safeguarding Children and Safer Recruitment in Education 2007*. As the Department for Education confirmed to the Inquiry, this CRB disclosure should have indicated a cause for concern. The correct course of action was to immediately remove Rideout from the school, pending further enquiries into the various allegations.<sup>486</sup> Instead, Rideout continued to act as a governor until his resignation in November 2011.

**386.** Rideout's resignation followed the agreement of the Diocesan Safeguarding Adviser, East Sussex County Council local authority designated officer (LADO) and the Diocesan Director of Education that he should cease to be a governor of Bishop Bell School. However, because Rideout was not appointed by the Diocese, neither the Diocesan Board of Education nor the Bishop of Chichester had the authority to terminate his appointment. It was only possible to request that he resign.<sup>487</sup> The local authority alone had the power to terminate his appointment as governor. When Rideout finally tendered his resignation, some 18 months had passed since the full history of allegations came to light.

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<sup>481</sup> ANG000213\_026

<sup>482</sup> ANG000155\_001

<sup>483</sup> DBS000024\_002

<sup>484</sup> ANG000155\_001

<sup>485</sup> ACE025165\_001-2

<sup>486</sup> DFE000589\_036

<sup>487</sup> ACE026133\_009



**387.** Rideout should have told the school about the 2002 police investigation under the general principles of safeguarding outlined in the *Working Together* guidance. His failure to do so was inexcusable.<sup>488</sup> The Diocesan Board of Education confirmed that neither Bishop Hind nor Bishop Benn advised them that a criminal investigation had taken place.<sup>489</sup> They should have done so, regardless of the non-recent nature of the allegations and the fact that they had not led to a conviction. The board is part of the Diocese. The bishop is head of the Diocese. It was imperative that the information was passed to the school so that steps could have been taken, at the very least, to suspend Rideout during the 2002 investigation.

## Reverend Robert Coles

### *Convictions for child sexual abuse*

**388.** On 14 December 2012, Robert Coles pleaded guilty to 11 offences of child sexual abuse. This included seven counts of indecent assault and one count of buggery, all of which had taken place during the 1970s and 1980s. During this time, Coles was a parish priest in the Eastbourne area of the Diocese of Chichester.<sup>490</sup> The court sentenced him to eight years' imprisonment.

**389.** In June 2015, Coles was convicted of two further counts of sexual assault on a male aged under 13 years. A consecutive term of 16 months' imprisonment was added to his sentence.<sup>491</sup> During the hearing, the Crown Court Judge observed that there had been a number of diocesan failures in the handling of this case.<sup>492</sup>

### *The 1997 arrest of Robert Coles*

**390.** In May 1997, Sussex Police received a complaint that Coles had sexually abused an altar server during the 1980s. At this time, Archdeacon Nicholas Reade was Coles' rural dean. Coles told him that the alleged victim had stayed overnight at his house when he was 15 or 16 years old. Before going to bed, Coles "*noticed the boy had thrown the sheets off and that his penis was erect*". According to Archdeacon Reade, Coles admitted he then "*sat down on the boy's penis*" before retreating to his own bedroom. He also claimed "*the boy had buggered him*" but then insisted that no penetrative sex had taken place.<sup>493</sup>

**391.** Bishop Benn recalled meeting with Coles at the time of the police investigation. Coles "*admitted sexual activity with a young man ... Coles described the sexual act as 'inappropriate fondling' and said that it was a one-off event and had not happened again*".<sup>494</sup> Archdeacon Reade arranged legal representation for Coles, and Bishop Benn accompanied him to the police station. He was interviewed under caution, during which time he made no comment to all questions. Coles was not prosecuted for the offence and no further action was taken by the police.

**392.** According to Assistant Chief Constable Laurence Taylor, this was because "*there was no independent evidence and nothing to corroborate the victim's account*".<sup>495</sup> Yet Coles had disclosed to both Archdeacon Reade and Bishop Benn that he was guilty of serious sexual

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<sup>488</sup> ACE025439\_048-49

<sup>489</sup> ACE026133\_008

<sup>490</sup> ACE023972\_001

<sup>491</sup> ACE022255\_001

<sup>492</sup> ACE022158\_001

<sup>493</sup> WWS000072\_030-31

<sup>494</sup> WPB000047\_067

<sup>495</sup> OHY003521\_008

offending against a child. Despite the severity of the admission, neither chose to inform the police. When questioned during this Inquiry, Archdeacon Reade declared that it *“simply did not occur to me”* that the police would not establish the full facts during their investigation.<sup>496</sup>

**393.** Having learned that Coles remained silent in interview and would not be charged with any offence, Archdeacon Reade should have informed the police of his disclosure. He had in his possession highly relevant evidence of guilt, which if known by the police would in all likelihood have altered the outcome of their investigation.

**394.** Archdeacon Reade attempted to justify his failure to alert the police by pointing out that Coles *“never admitted rape”*.<sup>497</sup> He also said that the Church was unable to take action under the Ecclesiastical Jurisdiction Measure 1963 because it required a *“very, very high standard of proof”*.<sup>498</sup> When asked to explain why this would act as a barrier, given Coles had admitted criminal conduct, Archdeacon Reade’s response was, *“What did he admit? ... he admitted that there was no penetrative sex”*.<sup>499</sup>

**395.** Archdeacon Reade failed to appreciate the gravity of what Coles disclosed, regardless of whether or not penetration occurred. Coles had admitted to the indecent assault of a child, yet it was not perceived to be criminal conduct. Archdeacon Reade was unapologetic, insisting he *“told everybody that I should have told, including the diocesan bishop”*.<sup>500</sup> Even 20 years later, he flatly refused to acknowledge or apologise for his gross error of judgement.

**396.** Archdeacon Reade claimed to have immediately informed the Diocesan Safeguarding Adviser (DSA), although Mrs Hind’s daybook indicates this conversation did not take place until September 1997.<sup>501</sup> When she received the information, Mrs Hind did not inform the police. She *“assumed that, since the bishop and archdeacon were in touch with the police, they would have done so”*.<sup>502</sup> Bishop Benn excused himself from blame on the basis that *“it was the responsibility of the DSA to make disclosures to the police ... it was not for me to do Mrs Hind’s job for her”*.<sup>503</sup>

**397.** Archbishop Justin Welby told us he was horrified by what he described as an *“extraordinary and atrocious willingness to turn a blind eye to things going very, very seriously wrong, and entirely damaging human beings for their whole lifetimes”*.<sup>504</sup> He said that *“it was someone else’s job to report it”* was no excuse for an outright failure to report known abuse:

*“That is not an acceptable human response, let alone a leadership response. If you know a child is being abused, not to report it is simply wrong.”*<sup>505</sup>

**398.** It is indisputable that there was an absence of communication in the Diocese at this time. Discussions should have taken place between diocesan staff and the Diocesan Safeguarding Adviser so as to be clear about (a) what had been said, (b) to whom, and (c) the further information that should have been passed to the police.

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<sup>496</sup> [WWS000072\\_032](#)

<sup>497</sup> [Reade 15 March 2018 53/13](#)

<sup>498</sup> [Reade 15 March 2018 54/25](#)

<sup>499</sup> [Reade 15 March 2018 57/15-18](#)

<sup>500</sup> [Reade 15 March 2018 53/19-20](#)

<sup>501</sup> [WWS000034\\_005](#)

<sup>502</sup> [WWS000051\\_019](#)

<sup>503</sup> [WPB000047\\_070-71](#) and [OHY003521\\_008](#)

<sup>504</sup> [Welby 21 March 2018 87/6-9](#)

<sup>505</sup> [Welby 21 March 2018 81/23-82/4](#)



**399.** Of the three individuals, only Mrs Hind was prepared to accept some responsibility for her actions. She acknowledged she should have clarified the position with Bishop Benn and Archdeacon Reade, or alternatively made the police referral herself.<sup>506</sup>

**400.** Following the police investigation, Coles was not subjected to any risk assessment or disciplinary action by the Diocese.<sup>507</sup> He continued in ministry until August 1997, when he retired on the grounds of ill health.<sup>508</sup> He then joined a new parish in East Sussex. The Diocese did not inform the parish churchwarden or parish council that he had recently been investigated for child sexual abuse.

**401.** During his time in the parish, Coles was permitted to behave in ways that should have given rise to concern. He was recognised as someone who specifically befriended families with teenage boys. He regularly took those boys out for meals alone.<sup>509</sup> Despite being without permission to officiate, he took over 100 services at that parish between 1998 and 2002.<sup>510</sup>

**402.** Reverend Jonathan Graves was the priest in charge of the parish. Archdeacon Reade told him, *“I have heard (and obviously the bishop has too) from other sources that he is from time to time operating”*.<sup>511</sup> Given that exercising ministry without permission to officiate is a canonical offence, it is unclear why no steps were taken to investigate these rumours.

**403.** Instead, Archdeacon Reade wrote to Bishop Benn in April 1999. He suggested that Coles should have his permission to officiate reinstated, commenting *“I believe the exercise of his priestly ministry is fundamental to Robert and I would hate him to grow into a bitter person because he was not able to do what he believed he was called to do”*.<sup>512</sup> This was a telling remark. It suggested that his priestly ministry was viewed as more important than the safeguarding of children.

**404.** In 2001, Bishop Benn received reports from parishioners that Coles was exercising ministry without permission to officiate.<sup>513</sup> Graves had allowed him to take services. Bishop Benn telephoned him and stated that Coles must not be given any public ministry. Bishop Benn recalled that *“strong words were exchanged”*<sup>514</sup> during this conversation, after which he was *“satisfied ... that I had sufficient promises to make sure it didn’t happen anymore”*.<sup>515</sup>

**405.** The actions of Coles represented a flagrant breach of canonical law, as did the conduct of Graves. Neither individual was subjected to disciplinary action, nor were any further steps taken to ensure that such *“promises”* were being honoured. Graves’ behaviour was addressed by no more than a stern rebuke over the telephone.

**406.** In March 1999, Coles attended a school trip to Salzburg along with pupils from Bishop Bell school. This is extraordinary, given that disclosures of sexual activity with young men had been made to senior clerics. Archdeacon Reade reminded him that he must not celebrate the Eucharist during the trip. He said that the school was aware of a significant

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<sup>506</sup> Hind 9 March 2018 95/19-20

<sup>507</sup> WWS000051\_019

<sup>508</sup> ACE022138\_013

<sup>509</sup> ACE022265\_005

<sup>510</sup> ACE022265\_003

<sup>511</sup> WWS000010\_001

<sup>512</sup> ACE022138\_078

<sup>513</sup> WPB000047\_070

<sup>514</sup> WPB000047\_073

<sup>515</sup> Benn 12 March 2018 159/7-9

cloud over Coles, but he failed to notify the school of the earlier arrest. He should have done so, given that Coles would be engaging in unsupervised contact with its pupils over an extended period of time.

**407.** In 2002, Bishop Benn received a letter from a priest in another diocese. This detailed allegations by two men that they had been sexually abused by Coles as children.<sup>516</sup> Bishop Benn passed the letter to Mr Tony Sellwood, who was the Diocesan Safeguarding Adviser at this time. Although faced with an emerging pattern of alleged abusive conduct, Mr Sellwood did not alert the police and no further action was taken. His failure to refer the matter to the relevant authorities was inexcusable.

**408.** Mr Colin Perkins opined that Robert Coles represented “*the worst case for the diocese, the most serious case ... a diocesan bishop, an area bishop, an archdeacon and two safeguarding advisers knew that he had admitted some of the matters about which he had been questioned ... and none of them told the police*”.<sup>517</sup> As the evidence demonstrates, the Diocese of Chichester put the interests of its clergy above the needs of children and young people.

### Reverend Jonathan Graves

**409.** Before it transpired that Reverend Jonathan Graves was permitting Robert Coles to minister in his parish without a licence, Mrs Hind received an anonymous telephone call from a mother in the Lewes area. She said that Graves had engaged her 17-year-old son in inappropriate sexual conversations.

**410.** Mrs Hind contacted Archdeacon Reade. He told her that Graves had “*a very fruitful ministry with the young, having boys in the house and giving them a lot of time*”.<sup>518</sup> She asked Archdeacon Reade to speak to him, and to ensure that he did not have unsupervised contact with children in his house.

**411.** Mrs Hind told us that “*with no allegation or named victim, it was impossible to do more than encourage Graves to follow good practice*”.<sup>519</sup> It may have been preferable for Mrs Hind to speak to Graves herself, given that the comments of Archdeacon Reade hinted all may not be well, yet these obvious indicators of concern were not followed up. Although there was no evidence of a criminal offence, it was clearly worrying behaviour.

**412.** In 2005, a complainant reported to Sussex Police that he had been sexually abused by Graves during the 1980s. He was 11 years old at the time of the abuse. The complainant alleged that Graves had subjected him to masochistic sexual abuse, which included being tied up and whipped.

**413.** Graves was arrested and interviewed, yet the CPS declined to charge him.<sup>520</sup> The decision was based on a lack of corroborating evidence and the fact that the complainant suffered from mental health issues. A prosecution can properly proceed without corroborating evidence and in circumstances where a witness is mentally unwell. Without the underlying evidence and documentation, however, we cannot reach a conclusion about the correctness of this decision.

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<sup>516</sup> ACE022138\_008

<sup>517</sup> Perkins 15 March 2018 131/10-17

<sup>518</sup> WWS000051\_020

<sup>519</sup> WWS000051\_020

<sup>520</sup> CPS002854\_040

**414.** During the police investigation, Graves was granted permission to officiate in the Diocese of Chichester by Bishop Benn. According to the Butler-Sloss report, Mr Sellwood knew of the complaint made to the police but did not pass the information to the bishop. This is reprehensible, given the nature and seriousness of the complaint. The Butler-Sloss report determined that was a failure of communication between the Diocese, police and CPS regarding the 2005 investigation and decision not to prosecute.<sup>521</sup>

**415.** In 2008, an enhanced CRB disclosure revealed that Graves had been arrested. Mrs Hosgood arranged for him to undergo a risk assessment, during the course of which he disclosed that he was sexually aroused by humiliating acts with boys. He had asked an 11-year-old boy to urinate on his head for his sexual gratification.<sup>522</sup>

**416.** Graves was referred to the Independent Safeguarding Authority (ISA). At the time, this operated the process for barring individuals from working with children. His permission to officiate was withdrawn and, in October 2011, the ISA barred him from working with children or vulnerable adults. Had a risk assessment been undertaken in 2002 or 2003, it is probable that his offending would have been disclosed at an earlier time. In all likelihood, he would then have been removed from office or barred from working with children.

**417.** After a renewed investigation by Sussex Police, a number of other victims came forward. In September 2017, Graves was convicted of seven counts of indecent assault, two counts of indecency with a child and four counts of cruelty to a child. He was sentenced to 12 years' imprisonment.<sup>523</sup>

**418.** The renewed police investigation became known as Operation Perry. To date, it was the largest criminal case involving non-recent abuse within the Church of England. Operation Perry secured the convictions and imprisonment of all three perpetrators.

## B.9: Operation Perry

### Establishment of Operation Perry

**419.** The completed report of Lady Butler-Sloss, along with the letter she sent to the Archbishop of Canterbury, was given to Sussex Police. Both documents were critical of the force and its handling of child abuse allegations. In response, Sussex Police commissioned two of its own officers to review the police actions in all cases mentioned within the report.

**420.** In August 2011, Mr Colin Perkins allowed the police to attend the diocesan offices and examine all case records. These included the blue files and safeguarding files that were held in respect of each alleged perpetrator.<sup>524</sup> It is important to note that the available records were limited to those kept in the Diocese. Files were stored in different places rather than in a single, comprehensive central record.

**421.** The officers recommended that a team of officers be assigned to reinvestigate the allegations made against Rideout, Coles and Graves. This investigation commenced in October 2011 and was given the title of Operation Perry. We commend Sussex Police for its proactive response to the criticisms of Lady Butler-Sloss. Given its errors during earlier investigations, the force acted correctly in reopening these cases.

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<sup>521</sup> [OHY003060\\_007](#)

<sup>522</sup> [ACE024211\\_002](#)

<sup>523</sup> [CPS002854\\_042](#)

<sup>524</sup> [ACE026181\\_120](#)

## The investigative process

**422.** Sussex Police set up an Investigative Management Group, which met at regular intervals and was chaired by the Senior Investigating Officer. The group comprised representatives from East and West Sussex local authorities and Barnardo's. It also included Mr Keith Akerman as Chair of the Safeguarding Advisory Group, and Mr Perkins on behalf of the Diocese of Chichester.

**423.** During Operation Perry, the police reinterviewed a number of individuals and made efforts to trace other potential witnesses. A further 16 complainants were identified in the Rideout case, leading to his arrest in March 2012.<sup>525</sup> Robert Coles was also arrested in March 2012, after statements were taken from three complainants. These included the victims who had reported their abuse to the Church in 1997 and 2002.<sup>526</sup> In 2015, charges were authorised against Jonathan Graves in respect of four victims.<sup>527</sup>

## Provision of victim support

**424.** AN-A15 described the support provided during Operation Perry as “*worlds apart*” from her experience in 1972. Sussex Police officers were “*much more enlightened and they made it very easy and they were very good*”.<sup>528</sup> The Diocese of Chichester agreed to fund 12 sessions of counselling for each victim of Rideout and Coles.<sup>529</sup> Mr Perkins clarified this offer was “*not a limit ... in many cases, we provided far more than twelve sessions of support*”.<sup>530</sup>

**425.** Operation Perry also set up a dedicated NSPCC hotline for any victims who required support during the investigative process. In addition, Ms Gemma Wordsworth was recruited to join the Diocese of Chichester Safeguarding Team as a specialist Independent Domestic and Sexual Violence Adviser (IDSVA). During Operation Perry, she worked closely with the police to provide ongoing support during investigations and criminal trials. She also guided senior clergy in preparing for their meetings with victims and writing letters of apology.

**426.** Ms Wordsworth described her position as one which achieved “*a balance of independence and connection*”, as it was based within the Church but she was seconded from the local authority. She therefore retained a degree of independence.<sup>531</sup> There was no time limit on the assistance provided to victims and survivors. All support was tailored to the needs of the individual, and “*the door was always left open should they have needed to re-engage at a later date*”. Ms Wordsworth recalled that victims viewed this treatment as a “*luxury*”, given that many other agencies enforced a set number of counselling sessions or limiting criteria.<sup>532</sup>

**427.** The work of Ms Wordsworth has been universally praised by victims and survivors, the Diocese and the police. It continues to provide a practical mechanism for victims to receive support with a degree of independence from the Diocese.

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<sup>525</sup> OHY003521\_010

<sup>526</sup> OHY003521\_008

<sup>527</sup> CPS002854\_042

<sup>528</sup> AN-A15 6 March 2018 13/11-12

<sup>529</sup> ACE023859\_002

<sup>530</sup> Perkins 15 March 2018 139/12-21

<sup>531</sup> ACE026145\_010

<sup>532</sup> ACE026145\_012

**428.** As Mr Perkins suggested, “*dioceses should explore with local ISVA service providers various working arrangements, to incorporate the ISVA role into their response to victims of sexual abuse*”.<sup>533</sup> We consider that the availability of an IDSVAs would be beneficial in all dioceses. His or her expertise, combined with the knowledge of the Diocesan Safeguarding Team, would allow for holistic care of victims and survivors. The Church may wish to employ IDSVAs to run a central service for victims and survivors who are dealt with on a national level. They could also be used to plug gaps in local services.

## Relationship between Sussex Police and the Diocese of Chichester

**429.** Assistant Chief Constable Laurence Taylor remarked that “*good information sharing between Sussex Police and the Diocese has been a feature throughout this investigation*”.<sup>534</sup> All Church records were proactively made available by Mr Perkins, and he liaised closely with the police for the duration of Operation Perry. In an email from the Senior Investigating Officer, Mr Perkins was credited with being “*such a good ally*” who represented the “*calm, collaborative face of the Diocese*”.<sup>535</sup>

**430.** In return, Sussex Police engaged well with both the Diocese and Lambeth Palace. For example, the Archbishop of Canterbury was supplied with a detailed briefing note during the course of Operation Perry. This note included the nature of the investigation, its current status and other planned investigative activity.<sup>536</sup>

**431.** It is evident that a strong and effective relationship was built between the police and the Church. The high level of co-operation from both contributed to a significant level of progress within a short period of time. Ultimately, it allowed for the successful convictions of a number of perpetrators. This is in marked contrast to what had come before, which was a continuing lack of mutual engagement and information sharing. It is a model of good practice which should be practised elsewhere. A set of relevant protocols should be devised and disseminated to every diocese and Church institution.

## B.10: George Bell

### Career

**432.** In 1929, George Bell was appointed as the Bishop of Chichester. He held this post for nearly 30 years, retiring shortly before he died in 1958. During his career, Bishop George Bell enjoyed an exceptional reputation. He was celebrated for his ecumenical work, for his patronage of the arts whilst Dean of Canterbury Cathedral, and for his solidarity with the unemployed during the Great Depression.

**433.** Bishop Bell is also remembered for his work during the Second World War. He opposed National Socialism as false teaching and helped Jewish individuals to escape Germany. In the House of Lords, he repeatedly condemned the bombing of civilian areas of Germany. But for his known opposition to this, it is possible that he would have become Archbishop of Canterbury. After the war, he publicly opposed the atomic arms

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<sup>533</sup> ACE026181\_040

<sup>534</sup> OHY003521\_011

<sup>535</sup> ACE026018\_001

<sup>536</sup> ACE023822

race and the expulsion of German minorities from Eastern Europe and Russia. Bishop Bell was seen as a titanic figure within the Church of England, much revered for his courage and compassion.

### Allegations of abuse

**434.** In 1995, some 37 years after Bishop Bell's death, a letter was sent to his successor as Bishop of Chichester, Eric Kemp. The author of the letter is known by the pseudonym 'Carol'.<sup>537</sup> Carol alleged that when she was aged between five and eight years, she was sexually abused by Bishop Bell. The abuse occurred every few months during visits to the Bishop's Palace in Chichester. It included digital penetration, forced masturbation and attempted rape.<sup>538</sup> The Inquiry cannot determine the truth or otherwise of these allegations. We will focus solely on the Church's response to posthumous allegations of child sexual abuse.

### The Church's response to 'Carol'

**435.** In August 1995, Bishop Kemp responded to Carol's letter. He expressed sorrow for her "*distressing memories*", offered to suggest the names of counsellors<sup>539</sup> and advised her to contact her parish priest. He wrote to her local priest in the same month, informing him of the allegations and stating that "*nothing has been heard of her since, so we may find the whole matter dropped entirely*".<sup>540</sup> His remark implied that inaction was the preferred response and, indeed, no further steps were taken by the Diocese or the bishop to explore the allegations.

**436.** At this time, sexual misconduct was a live and significant issue in the Diocese of Chichester. Bishop Peter Ball had recently been cautioned after admitting gross indecency with a young man. As evidenced by the handwritten notes of Bishop Kemp's chaplain, however, the Diocese's primary concern was to prevent Carol from speaking to the media by way of an injunction.<sup>541</sup> Even in 1995, this was not the correct approach to take.

**437.** Bishop Kemp should have actively explored Carol's complaint. He should have met with her personally and alerted the National Church Institutions. The Church's approach at that time to non-current abuse was unclear, but it did possess written guidance on child protection. At the very least, therefore, Bishop Kemp should have sought advice from the national Church as to how to manage this process. A serious allegation against a high-profile figure warranted attention and consideration at the highest level of the Church.

### Further contact with the Diocese

**438.** In April 2013, Carol reiterated her complaint in an email to Lambeth Palace. This email was forwarded to Mr Colin Perkins, who arranged for Carol to meet with the Independent Domestic and Sexual Violence Adviser. Her complaint was also referred to Sussex Police. Carol subsequently received counselling from a local specialist provider, which was funded by the Diocese of Chichester.<sup>542</sup> Mr Perkins explained the aim was to "*provide a supportive and listening voice for the complainant, and to take the complaint seriously ... our response was*

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<sup>537</sup> ANG000152\_003

<sup>538</sup> OHY000212\_001-4

<sup>539</sup> OHY000212\_005

<sup>540</sup> ANG000152\_020-21

<sup>541</sup> ACE026290\_001

<sup>542</sup> ACE026290\_002



*safeguarding driven*".<sup>543</sup> Mr Perkins "made key staff in Chichester, Church House and Lambeth Palace aware of the complaint".<sup>544</sup> He also reviewed a selection of Bishop Bell's file notes, during which time he discovered Carol's original letter to the Diocese.

**439.** In 2014, Carol issued a civil claim for damages against the Diocese of Chichester. As George Bell had been a diocesan bishop, insurance cover would not have been provided for this claim. This meant that the Church had to decide internally how to address the matter. A core group was convened to respond to the claim, attended by key diocesan and national personnel. Having received legal advice that the claim was likely to succeed, a financial settlement was reached and Carol received monetary compensation from the Church for her abuse.<sup>545</sup>

**440.** The current Bishop of Chichester, Martin Warner, sent a letter of apology to Carol from the Diocese of Chichester. He stated that the Church's response in 1995 "*fell a long way short, not just of what is expected now, but of what we now appreciate you should have had a right to expect then*".<sup>546</sup> A public statement from the Church of England followed in October 2015, confirming "*the Bishop of Chichester has issued a formal apology following the settlement of a legal civil claim regarding sexual abuse against the Right Reverend George Bell*".<sup>547</sup>

**441.** On 22 June 2016, a meeting took place at Lambeth Palace.<sup>548</sup> This involved the Secretary General of the General Synod, the National Safeguarding Team and Bishop Warner. The meeting addressed growing public criticism of the Church's actions in the George Bell case. Shortly after the meeting, Bishop Warner commissioned an independent review. It was intended to examine the handling of Carol's complaint and all decision-making processes.

**442.** The review was conducted by Lord Carlile of Berriew. He is a senior criminal barrister, peer and former independent reviewer of terrorist legislation. Its terms of reference included ensuring that survivors were responded to appropriately in future and that "*good practice is identified and disseminated*", as well as making recommendations to assist the Church in its safeguarding duties.<sup>549</sup> Bishop Warner met personally with Carol to explain the purpose and intended process of the review.<sup>550</sup>

## The Carlile review

**443.** The Carlile review was published in December 2017.<sup>551</sup> It contained criticisms of the Church's actions, both at a diocesan and national level, in its response to posthumous allegations.

### *Decision to issue a public apology*

**444.** Lord Carlile opined that any settlement of Carol's claim should have included a "*confidentiality clause ... providing for repayment of damages and costs in the event of breach*".<sup>552</sup> This would purportedly serve to protect the unblemished reputation of Bishop Bell. In

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<sup>543</sup> ACE026181\_124

<sup>544</sup> ACE026181\_124

<sup>545</sup> ACE026297\_017

<sup>546</sup> ACE021411\_001

<sup>547</sup> ACE019274\_001

<sup>548</sup> ACE026298\_001

<sup>549</sup> ACE026287\_001

<sup>550</sup> ACE026143\_061

<sup>551</sup> ANG000152

<sup>552</sup> ANG000152\_067

our view, the imposition of a confidentiality provision may not always be appropriate in the context of a child sexual abuse claim. Mr Bonehill, UK claims director for Ecclesiastical Insurance Office plc, noted *“It is difficult to imagine a situation where it would be considered ethically proper for an organisation to seek to claw back a damages and costs payment from an individual who, potentially, has been a victim of abuse”*.<sup>553</sup> To this end, the Ecclesiastical Insurance Office sets out in its Guiding Principles that a confidentiality clause will not be included in a settlement unless specifically requested by the claimant.<sup>554</sup>

**445.** The most important factor for the Church was the maintenance of public trust and confidence. This would include acting with transparency and openness. The imposition of a confidentiality undertaking could potentially impede the process of reconciliation and healing.<sup>555</sup> As Archbishop Justin Welby concluded, *“justice is better served by transparency”* within this context.<sup>556</sup>

### *Inadequate regard for good character*

**446.** In his consideration of Bishop Bell’s good character, Lord Carlile said *“the high esteem in which he was held, taken together with the lack of any other allegations, should have been given considerable weight”*.<sup>557</sup> Although the character of any accused person may be relevant, it is not of any more relevance for an individual who is also held in *“high esteem”*. This is supported by research in respect of teaching staff which has found that *“those who sexually abuse students are often among the most competent and popular staff”*.<sup>558</sup>

**447.** People are often reluctant to think ill of individuals who are perceived to be good, or who have behaved in a morally courageous manner. They refuse to believe that such individuals could simultaneously be child sexual abusers, even when faced with damning evidence of their guilt. Lord Carlile’s recommendation runs the risk of exacerbating this tendency.

**448.** When allegations are made against a person, the Church has to act with utmost care. On the one hand, it must guard against the assumed view that someone is not capable of guilt. As Carol said, *“I know George Bell was a man of peace, but that doesn’t mean he didn’t do those things to me”*.<sup>559</sup> On the other, it must guard against thinking that simply because someone is prominent or esteemed, their denials lack weight or substance.

### *Absence of corroborating evidence*

**449.** Lord Carlile criticised the core group for relying on the evidence of a *“single complainant”*.<sup>560</sup> However, the majority of victims of child sexual abuse will be unable to produce any corroborating evidence. As Mr Perkins stated:

*“The typical account is a sole complainant who can offer nothing but their own account. If we are to disbelieve that person, then we are to disbelieve the typical complainant.”*<sup>561</sup>

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<sup>553</sup> EIO000143\_008

<sup>554</sup> EIO000132\_006

<sup>555</sup> ACE026283\_004

<sup>556</sup> ACE026137\_038

<sup>557</sup> ANG000152\_014

<sup>558</sup> *Towards safer organisations: Adults who pose a risk to children in the workplace and implications for recruitment and selection*, NSPCC, London (2009) INQ003773

<sup>559</sup> Perkins 16 March 2018 26/9-10

<sup>560</sup> ANG000152\_032-33

<sup>561</sup> Perkins 16 March 2018 12/11-15



**450.** Researchers in the ‘John Jay’ report, which was conducted in response to revelations of clerical abuse in the American Catholic Church, found that 55 percent of allegations of child sexual abuse against 4,392 clergy between 1950 and 2002 were made by a sole complainant.<sup>562</sup>

### *Flaws in the core group process*

**451.** Lord Carlile considered the core group was “set up in an unmethodical and unplanned way” with a “confused and unstructured process” and members who “had no coherent notion of their roles or what was expected of them”.<sup>563</sup> Bishop Warner accepted the validity of these criticisms, although he added “We were in a situation here of breaking new ground ... the formation of a core group was something which we were unfamiliar with”.<sup>564</sup>

**452.** In 2014, core groups were not well established in the Church of England’s safeguarding practices. The House of Bishops published practice guidance in 2017 called *Responding to, Assessing and Managing Safeguarding Concerns or Allegations against Church Officers*.<sup>565</sup> This clearly defined the purpose of a core group as being “to oversee and manage the response to a safeguarding concern or allegation”.

**453.** It is not the function of a core group to assess the merits of a civil claim. This is usually managed by the Ecclesiastical Insurance Office, but claims against bishops are not covered by an insurance policy. Therefore in this case, responding to the civil claim fell to the core group by default. Clearly, the conflation of a safeguarding process with a legally-informed response to a civil claim does not assist either process.<sup>566</sup>

**454.** It seems to be acknowledged by all that the process was significantly flawed, particularly in its failure to establish at the outset who should be responsible for managing the civil claim. In its response to the Carlile review, the Diocese suggested this should be a separate “litigation group” which would consider whether the claim was proven on the balance of probabilities.<sup>567</sup> We agree that this would be a sensible course of action.

**455.** In his report, Lord Carlile also observed that the core group did not include a representative for Bishop Bell. We agree that the group should always have the benefit of an advocate for the accused. As Canon Dr Rupert Bursell remarked in his evidence about the difficulty of managing posthumous allegations, “there is a duty of fairness in relation to the person who is deceased and is accused ... one almost needs a devil’s advocate to act on behalf of the deceased person”.<sup>568</sup> This view was endorsed by Bishop Warner.<sup>569</sup>

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<sup>562</sup> ACE026284\_010

<sup>563</sup> ANG000152\_065

<sup>564</sup> Warner 14 March 2018 20/7-9

<sup>565</sup> ACE025256\_017

<sup>566</sup> ACE026284\_011-12

<sup>567</sup> ACE026299\_002

<sup>568</sup> Bursell 13 March 2018 93/15-19

<sup>569</sup> Warner 14 March 2018 21/15-18

## The Church's response to posthumous allegations

**456.** Since his appointment as Diocesan Safeguarding Adviser, Mr Perkins estimated that 15 individuals have made complaints of abuse against seven deceased clergy.<sup>570</sup> There is no published or unpublished guidance for dioceses about the management of posthumous allegations, nor is there any guidance on how to set about exploring the credibility of a complaint.

**457.** Senior clergy are usually told that it is for statutory agencies to investigate an allegation of abuse. It should not be treated as an internal matter. Bishop John Hind said "*the Church is not supposed to investigate. These are matters for the public authorities to do*".<sup>571</sup> However, this means that on occasions there will be a gap. This is particularly the case in situations involving deceased persons.

**458.** On occasion, the police will investigate complaints of child sexual abuse where the accused is deceased. However, this is typically confined to high-profile cases such as that of Bishop Bell. The local authority will also usually decline to involve itself, as that person no longer presents a risk to children and young people.<sup>572</sup>

**459.** The case of Bishop Bell is not an isolated one. Given the time lag between the event and report, this may well continue to be the case. The Church needs to have a coherent and consistent model to respond to such allegations, which are often controversial. They may provoke raised emotions both in those defending the deceased, and those who allege they have been the subject of abuse. Undoubtedly, allegations of abuse in these circumstances must be fully addressed with the appropriate support being provided to victims. However, as Canon Dr Bursell QC remarked, "*the Church does not seem to handle such situations well*".<sup>573</sup>

**460.** In a document produced to the Synod by the National Safeguarding Steering Group in June 2018,<sup>574</sup> the Church itself recognised that there may need to be independent investigation of complaints against senior clergy. This would include posthumous allegations. The Church is to undertake a scoping exercise, during which it will consider the appointment of an independent ombudsman to deal with complaints about safeguarding management. Both of these issues require serious consideration. They may present a practical solution to the concerns raised in the Carlile review.

## B.11: Culture of the Church

### Approaches to sexual orientation and influence on responses to allegations of sexual abuse

**461.** A recurring theme of the Carmi review in 2004 was Chichester Cathedral's failure to respond appropriately to safeguarding concerns. In her examination of the possible reasons for this failure, Mrs Edina Carmi considered the complex views held within the Church at that time in relation to homosexuality. She concluded that "*there is a need to address the*

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<sup>570</sup> ACE026284\_012

<sup>571</sup> Hind 7 March 2018 120/13-14

<sup>572</sup> ACE026284\_013

<sup>573</sup> ACE025279\_017

<sup>574</sup> ACE026363\_018

*confusion between homosexuality and child abuse that arises partly from the lack of openness about sexuality within the Church. This is part of a wider national issue that the Church has to address about sexuality*".<sup>575</sup>

**462.** Dame Moira Gibb also emphasised this in her review of the Peter Ball case 13 years later:

*"The Church must promote an open and accepting culture in which everyone, regardless of their sexuality or their views about homosexuality, is clear about their responsibilities towards those who might be abused or who might want to raise concerns about abuse."*<sup>576</sup>

**463.** Attitudes to sexuality seem to have played a role in the Church's deficient response to incidents of child sexual abuse. For example, Mrs Hind recalled being asked by Bishop Wallace Benn at their first meeting in 1997 to explain her views on homosexuality. She was "extremely surprised" by this question. She sought to explain that she was "concerned with the abuse of children and not the sexuality of the abuser".<sup>577</sup>

**464.** Sexuality is a difficult subject for the Church. The Inquiry heard evidence to this effect from a number of senior figures including Bishop Martin Warner, who described a culture of fear amongst clergy insofar as discussions about sex were concerned. He acknowledged this fear may have prevented those in authority from challenging sexual abusers.<sup>578</sup>

**465.** As observed by Canon Peter Atkinson, such unease may also have resulted in the decision to respond pastorally without seeking help from external sources.<sup>579</sup> Lord Rowan Williams said:

*"Where sexuality is not discussed or dealt with openly and honestly, there is always a risk of displacement of emotions, denial and evasion of emotions, and thus a lack of any way of dealing effectively with troubling, transgressive feelings and sometimes a dangerous spiritualising of sexual attraction under the guise of pastoral concern, with inadequate self-understanding."*<sup>580</sup>

**466.** Being gay, lesbian, transgender or bisexual<sup>581</sup> was historically regarded as sinful by the Church of England. Prior to its decriminalisation in 1967, gay clergy were liable to prosecution and social exclusion.<sup>582</sup> As Reverend Dr Rosalind Hunt explained, it is no surprise that clergy who came of age prior to decriminalisation were often fearful and unable to come to terms with their sexuality.<sup>583</sup>

**467.** Sexuality is an issue which has been debated at great length within the Church over the last two decades. Archbishop Justin Welby remarked that "it feels as though we have spent twenty years talking about almost nothing else".<sup>584</sup> According to Archbishop Welby, the Anglican Communion has for many years been opposed to the criminalisation of gay men and women. However, the Church's view remains that sexual relations should take place only

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<sup>575</sup> OHY000184\_054

<sup>576</sup> INQ000560\_061

<sup>577</sup> WWS000051\_011

<sup>578</sup> ACE026143\_073

<sup>579</sup> Atkinson 20 March 2018 149/17-20

<sup>580</sup> ACE026001\_007

<sup>581</sup> As well as intersex, non-binary or queer.

<sup>582</sup> See for example *Queer City* by Peter Ackroyd.

<sup>583</sup> ANG000335\_019

<sup>584</sup> Welby 21 March 2018 90/23-25

in marriage between a man and a woman. Bishop Benn stated that “*God loves all sorts and conditions of people, whatever their sexual orientation, but the traditional Christian view is that God’s best for us is sexual relationships within heterosexual marriage*”.<sup>585</sup>

**468.** It is no surprise that a culture of secrecy and denial was present amongst clergy who were LGBTQIA.<sup>586</sup> Bishop Warner told us that the late 19th century saw the development of an Anglo-Catholic subculture, which offered a safe space for homosexual clergy and laity alike.<sup>587</sup> Mr Colin Perkins helpfully set out the hypothetical example of a gay priest, keen to follow his calling but reluctant to endure a life of celibacy. In the cultural context of Anglo-Catholicism, this resulted in what Mr Perkins described as an “*overt conservatism and a covert liberalism, which will generate a lot of secrecy*”.<sup>588</sup>

**469.** However, homosexuals in the Church were not alone in this need for secrecy. It was shared by a minority of individuals with sinister intentions. We consider there to be merit in Mr Perkins’ suggestion that gay clergy may have inadvertently found themselves “*under the same cloak*” as child sexual abusers, who sought to mask their behaviour by seeking refuge “*in the same cultural hiding place*”.<sup>589</sup> Reverend Hunt asserted that “*the need to be discreet about one’s sexuality has enabled those who wish to abuse to do so with some impunity*”.<sup>590</sup>

### Confusion between homosexuality and child sexual abuse

**470.** It seems that within the Church of England, some people did conflate homosexuality with a tendency to abuse children. Although plainly wrong, this was a view shared widely in society until recent times. Bishop Warner recalled the “*shocking*” comments of the Bishop of Portsmouth in 1966, who sought permission for Roy Cotton to officiate in Chichester. In an effort to justify his request, the Bishop of Portsmouth made the irrelevant observation that Cotton was not homosexual and was engaged to be married.<sup>591</sup>

**471.** Archbishop Welby said he was familiar with the “*concomitant assumption if someone is straight and pro women, then they aren’t a risk*”. He correctly described such an assumption as “*nonsense*”.<sup>592</sup> As Bishop Warner pointed out, child sexual abuse has been committed by married men as well as unmarried men, and against girls as well as boys. Consequently, an allegation should never be discounted “*on the basis of a pre-determined view of the alleged perpetrator being of a particular sexual orientation or marital status and therefore unlikely to commit this crime*”.<sup>593</sup>

**472.** This issue was also highlighted by Mrs Hind’s account of her conversation with Robert Coles on 11 March 1998. He had retired early from ministry after allegations of sexual abuse were made by a former altar boy. According to Mrs Hind’s record of their interview, Coles “*agreed that he had had sexual activity with a boy of 15/16 ... he saw the boy as an equal partner and didn’t think he had harmed him ... Robert was concerned that he was being condemned*”

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<sup>585</sup> Benn 12 March 2018 10/6-10

<sup>586</sup> Lesbian, gay, bisexual, transgender, queer, intersex and asexual.

<sup>587</sup> ACE026143\_072

<sup>588</sup> Perkins 15 March 2018 114/8-9

<sup>589</sup> Perkins 15 March 2018 114/16-19

<sup>590</sup> ANG000335\_019

<sup>591</sup> Warner 14 March 2018 83/9-24

<sup>592</sup> Welby 21 March 2018 86/23-25

<sup>593</sup> ACE026143\_074

for homosexual behaviour”.<sup>594</sup> In making these remarks, he conflated two discrete issues. Mrs Hind explained to him that the concerns related not to his homosexuality, but to his abuse of a child.<sup>595</sup>

**473.** In her report, Mrs Carmi found that Terence Banks’ abuse of boys was generally perceived by those in the Cathedral to be homosexual conduct rather than child abuse. She referred to Dean John Treadgold’s conversation with a parent at the time of Banks’ arrest, in which he is alleged to have stated that *“the entire subject was made the more difficult by the House of Lords and Commons voting to bring down the age of consent for homosexual acts to sixteen”*.<sup>596</sup>

**474.** Dean Treadgold apparently failed to appreciate that child abuse, rather than homosexuality, was the relevant concern in this case. Indeed, Canon Atkinson described him as *“an old-fashioned parish priest”* who experienced *“conflictedness over homosexuality and a tendency to abuse ... I think he regarded homosexual men as not safe in relation to other men or boys”*.<sup>597</sup>

**475.** Moreover, one contributor to the Carmi review:

*“did not suspect that abuse was occurring at the time, just that the boys’ sexuality was being converted for the future. This view, stemming from an intolerance of homosexuality, could not be expressed, but may have made the individual blind to the grooming process for abuse and any visible inappropriate behaviour”*.<sup>598</sup>

**476.** The notion of calculated blindness was explored in some detail by Mrs Carmi in her report. She recounted her interview with an unnamed contributor, who recognised that his personal disapproval of homosexuality did not sit comfortably with modern societal norms. This unearthed an internal conflict which he had no desire to confront. He therefore reacted to the tension by refusing to acknowledge that homosexual activity existed. He avoided the issue altogether by erecting a mental barrier or, to use the common phrase, by turning a blind eye.<sup>599</sup>

**477.** When presented with the fact that Banks was having sex with boys, this contributor locked his knowledge away in what Mrs Carmi characterised as the *“homosexual box”*.<sup>600</sup> By fusing these two distinct behaviours, he failed to detect the serious abuse taking place.

**478.** The Carmi review summarised this process as *“selective blindness towards behaviour caused by intolerance of homosexuality, but awareness that this was not acceptable and a consequent suspension of judgement to the behaviour of those perceived to be homosexuals”*.<sup>601</sup> Canon Atkinson objected to this criticism, claiming it was not well-evidenced. He denied that the Cathedral community was guilty of selective blindness.

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<sup>594</sup> [WWS000034\\_007](#)

<sup>595</sup> [Hind 9 March 2018 108/20-23](#)

<sup>596</sup> [OHY000184\\_042](#)

<sup>597</sup> [WWS000140\\_005-6](#)

<sup>598</sup> [OHY000184\\_042](#)

<sup>599</sup> [Carmi 20 March 2018 29/5-25](#)

<sup>600</sup> [Carmi 20 March 2018 30/1](#)

<sup>601</sup> [OHY000184\\_042](#)

**479.** However, we disagree. Mrs Carmi's conclusion was a valid one. Clearly, the assumption that a gay man is likely to abuse a child is not only incorrect but dangerous. It ignores the reality, which is that sexual abuse can occur in a wide variety of contexts. As Bishop Warner said, "*Any confusion between homosexual orientation and the abuse of children must be clearly identified, clarified and resisted*".<sup>602</sup>

**480.** This assumption creates a culture of fear and secrecy. Bishop Warner explained that it can also "*deflect attention from other traditions in the belief that they are 'safe' when in fact we need to be uniformly vigilant about the care and protection of people who are vulnerable*".<sup>603</sup> For these reasons, it is important not to conflate same-sex orientation and child sexual abuse. Selective blindness is a problem that can arise in any community, religious or otherwise, which is intolerant of homosexual acts and does not openly debate such matters.

**481.** A number of witnesses indicated there has been a striking change in climate over the last two decades. For instance, Lord Williams noted that "*an environment in which, perhaps, thirty or forty years ago, clergy would have been afraid to talk openly about their sexuality if it was minority sexuality ... that's largely disappeared*".<sup>604</sup> The topic of clergy sexuality has been openly debated in Synod. It is also the subject of a proposed teaching document on sexuality and learning resources about human identity and sexuality. However, as Lord Williams commented, the Church's growing discomfort with traditional closeted attitudes may have contributed to the reluctance of some individuals to deal appropriately with abuse.<sup>605</sup>

**482.** For example, Mrs Hind explained the anti-homosexual views of Bishop Benn "*made him bend over backwards to be fair, or perhaps even more than fair on occasion, to homosexual abusers*".<sup>606</sup> There is evidence to suggest that an embarrassment about homosexuality can on occasion be coupled with a desire to avoid taking a publicly severe approach. Lord Williams summarised this as "*a rather paradoxical consequence of the traditional view of homosexuality within the Church; you want to overcompensate a bit for it*".<sup>607</sup> When AN-A8 was asked whether the Church displayed a positive approach to sexuality, he replied "*Neither at that time nor at the present time*".<sup>608</sup>

**483.** A common theme on cultural attitudes emerged from a number of witnesses, that the Church must focus on encouraging clear, open and transparent conversation regarding human sexuality.

## The dynamics of communities

**484.** The Carmi review effectively illustrated the difficulties with safeguarding that can be created when institutions act defensively, by perceiving external influence as interference. This reflects a deeper cultural issue which, as Mrs Carmi identified, can be remedied by exercising "*openness with others outside the community rather than a defensive barrier against all external interference*".<sup>609</sup> The Terence Banks case exemplifies this tendency.

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<sup>602</sup> ACE026143\_073

<sup>603</sup> ACE026143\_072-73

<sup>604</sup> Williams 14 March 2018 143/11-15

<sup>605</sup> Williams 14 March 2018 144/3-12

<sup>606</sup> WWS000051\_011

<sup>607</sup> Williams 14 March 2018 144/14-16

<sup>608</sup> AN-A8 19 March 2018 29/17

<sup>609</sup> OHY000184\_041



**485.** In a community, there can be a tendency for members to be predisposed to think well of each other. Those equipped with a high status are most likely to be regarded as entirely trustworthy and incapable of committing an act of abuse. This perception requires deep-seated cultural change. It must be recognised that the most common barrier to reporting is a failure to acknowledge that such individuals are capable of criminal behaviour.

**486.** In her report of the Peter Ball case, Dame Moira Gibb found that this confusion and denial “*promoted the view that a person of Ball’s religious stature was incapable of truly abusive behaviour, so that the accusations against him must be misguided or malicious*”.<sup>610</sup> Bishop Warner expressed a similar view in his evidence to this Inquiry:

*“There had been an historic bias within the Diocese in favour of adults in positions of power and authority. This had led to an unwillingness to take allegations of sexual abuse made by children or by adults who had been abused as children sufficiently seriously.”*<sup>611</sup>

**487.** A person’s social or professional status should play no part in determining their guilt or innocence. As Archbishop Welby observed:

*“The fact that someone is a titanic figure doesn’t tell you anything at all, except that they have done remarkable things in one area ... it’s not something that we can take into account. Because otherwise, what are you saying? Well, you’re just a survivor of abuse, so you’re just a midget and this is a titan, so it doesn’t matter.”*<sup>612</sup>

**488.** We agree that victims must be treated as being of equal value to the person who is accused of perpetrating their abuse.

### ‘Anti-woman’ culture

**489.** In a letter to Mr Chris Smith on 25 May 2011, Lady Butler-Sloss drew the Archbishop’s attention to an “*anti-woman culture*” in the Diocese of Chichester.<sup>613</sup> She told us that she did not investigate this further, as it was outside her terms of reference, but she was made aware by several clergy and laymen that they considered that such a culture existed.<sup>614</sup>

**490.** Lord Williams agreed that misogyny may have impacted negatively upon the effectiveness of safeguarding. He viewed it as part of a wider mindset in which the authority of the ordained ministry was thought of as “*beyond criticism, and in which a close-knit male body of clergy tended to be protective of each other’s dignity and authority. Abusive behaviour is one extreme symptom of this mind-set*”.<sup>615</sup>

**491.** Bishop John Hind said that the opposition to the ordination of women cannot be equated with an ‘anti-woman’ culture. However, he stated that he took steps during his tenure to ensure both genders were treated equally. For example, he proactively appointed the first two female diocesan secretaries so as to involve women in the senior leadership of the Diocese.<sup>616</sup> Nevertheless, Archdeacon Philip Jones acknowledged the

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<sup>610</sup> INQ000560\_060-61

<sup>611</sup> ACE026143\_005

<sup>612</sup> Welby 21 March 2018 124/4-11

<sup>613</sup> ACE005501\_001

<sup>614</sup> ANG000156\_005

<sup>615</sup> ACE026001\_006

<sup>616</sup> WWS000138\_057



Diocese was known as one “*in which women clergy were not welcome*”. He noted this culture has since changed, citing as an example the appointment of a female Archdeacon of Horsham in 2014.<sup>617</sup>

## B.12: Mandatory reporting

**492.** Many safeguarding concerns in Chichester should have been reported to the statutory authorities at an earlier date. For example, Bishop Wallace Benn failed to share his knowledge of abuse perpetrated by Roy Cotton. Both he and Archdeacon Nicholas Reade were aware that Robert Coles had admitted sexually assaulting a child, yet neither told the police.

**493.** The consequences of these failures were grave. Victims were denied justice. Prosecutions were delayed or, in the case of Cotton, did not take place at all. The Church must take action to ensure that this catalogue of errors does not occur again, and that all allegations of child sexual abuse are reported swiftly to statutory bodies.

**494.** One suggestion made by several victims and survivors within these cases studies, along with the groups representing them, is the introduction of a criminal offence for those who fail to report allegations of abuse to public authorities. This is known as a ‘mandatory reporting’ duty. Other jurisdictions, including some states and territories in Canada and all states in Australia, have already introduced such offences.<sup>618</sup>

### The current position

**495.** The House of Bishops’ guidance *Responding to, Assessing and Managing Safeguarding Concerns or Allegations against Church Officers* was published in October 2017. It states that a safeguarding concern or allegation should be passed to the Diocesan Safeguarding Adviser, who will refer the matter to the statutory agencies where appropriate.<sup>619</sup>

**496.** There is currently no absolute duty in canon law for clergy to follow the safeguarding guidance issued by the House of Bishops. In 2016, the Clergy Discipline Measure was amended to identify that “*due regard*” must be had to this guidance by all clergy on the safeguarding of children and vulnerable adults.<sup>620</sup> Failure to have due regard represents a breach of canon law and is therefore a disciplinary offence.<sup>621</sup> The evidence given to us showed that this term was not understood and there is a need for greater clarity regarding the sense of the obligation.

### Support for mandatory reporting

**497.** We heard widespread support for compulsory reporting to statutory authorities in some form, although there was no agreement as to what should be reported, to whom and when. Bishop Peter Hancock, the current lead bishop on safeguarding, considered that criminal sanctions should apply where “*knowledge or significant suspicion of abuse*” is

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<sup>617</sup> WWS000133\_044-45

<sup>618</sup> Further and detailed discussion about the reporting duty in other jurisdictions took place during the Inquiry’s seminar on mandatory reporting:

<https://www.iicsa.org.uk/key-documents/8725/view/mandatory-reporting-seminar-one-summary-report.pdf>

<https://www.iicsa.org.uk/key-documents/7065/view/seminar-transcript-27-september-2018.pdf>

<sup>619</sup> ACE025256\_026

<sup>620</sup> ACE002233\_013

<sup>621</sup> Canon C30 <https://www.churchofengland.org/more/policy-and-thinking/canons-church-england/section-c>

not reported.<sup>622</sup> Mr Johnson also strongly supported mandatory reporting. He compared the introduction of mandatory safeguarding measures to the use of seat belts in cars, the enforcement of which encouraged positive cultural change.<sup>623</sup> Without a legal onus to report, *“there is nothing to stop institutions from protecting their image and their reputation ahead of children”*.<sup>624</sup>

**498.** Ms Lawrence of MACSAS observed that, even with the benefit of education and training, there is often a reluctance to report child sexual abuse.<sup>625</sup> This can stem from a refusal to believe that a respected authority figure could abuse a child. Ms Lawrence suggested that a mandatory obligation to report is the only way to address the issue. It would ensure that all relevant information is considered by independently minded people from outside the institution, who are properly equipped to assess its significance.

**499.** Support from other senior clerics was more ambivalent. Bishop Martin Warner questioned whether mandatory reporting is *“the way that we are going to achieve best protection for children”*. In his view, the current requirements of clergy are *“right and proper”*.<sup>626</sup> Bishop Mark Sowerby remarked that *“the clergy are already under an obligation to inform where child sexual abuse is there”*.<sup>627</sup> Both considered that the Church’s safeguarding policies and guidance effectively impose a mandatory reporting duty upon clergy and those undertaking offices within the Church (such as churchwardens). It does not, however, place a mandatory duty upon volunteers within the Church unless they are also office holders. Volunteers make up the vast majority of people who may have suspicions or to whom disclosures may be made.

## Practical considerations

**500.** Before determining if a mandatory reporting duty should be put in place, we note that there are different views as to what the threshold for making such a report ought to be. Mr Colin Perkins, the Diocesan Safeguarding Adviser for Chichester, distinguished between three levels of awareness: allegation, suspicion and admission. His view was that *“if people know of abuse occurring or if people receive an allegation, they should be mandated to report that”*.<sup>628</sup> Suspicion, by contrast, is a much more uncertain concept. Sir Roger Singleton recognised similarly that *“setting a threshold ... might be more challenging than saying a threshold needs to be set”*, although he agreed that reporting requirements need greater clarity.<sup>629</sup>

**501.** Witnesses also suggested that a mandatory reporting duty might lead to over-reporting,<sup>630</sup> which could overwhelm safeguarding resources and distract from serious cases of abuse. As Mr Graham Tilby stated, there could be *“a very real risk of actually missing the proper risk because you couldn’t see the wood for the trees”*.<sup>631</sup> However, Ms Lawrence pointed out that, according to recent studies, mandatory reporting does not in fact increase the proportion of unsubstantiated allegations.<sup>632</sup>

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<sup>622</sup> Hancock 21 March 2018 220/23-24

<sup>623</sup> Johnson 6 March 2018 108/12-13

<sup>624</sup> Johnson 6 March 2018 109/12-14

<sup>625</sup> Lawrence 8 March 2018 74/5-17

<sup>626</sup> Warner 14 March 2018 91/4-9

<sup>627</sup> Sowerby 13 March 2018 192/22-24

<sup>628</sup> Perkins 16 March 2018 67/8-13

<sup>629</sup> Singleton 16 March 2018 160/10-11

<sup>630</sup> A report from the Department for Education, published 8 March 2018, raised this as a substantive concern of many consultees following a large-scale consultation in 2015/2016.

<sup>631</sup> Tilby 20 March 2018 116/16-18

<sup>632</sup> Lawrence 8 March 2018 68/14

**502.** There were also differing views as to who should be obliged to report. Ms Lawrence suggested that the duty could apply to the general public, although she conceded that this would be practically impossible to enforce. She then suggested the duty be restricted to office holders and volunteers within the Church, including clergy and Diocesan Safeguarding Advisers.<sup>633</sup>

**503.** In terms of the body to whom the report should be made, Mr Tilby distinguished between reporting to the statutory authorities and informing the National Safeguarding Team. In his view, “*the important thing is they have reported it to the statutory authorities. That’s where the ‘must’ must really lie*”.<sup>634</sup> He told us that the National Safeguarding Team will deal with only the most complex cases.

**504.** Lastly, no witness had a clear plan for how the Church of England would effect mandatory reporting without larger statutory change (which, in the document published by the Department for Education in March 2018, has not been envisaged). Bishop Hancock said it may be possible to “*tighten*” the existing policy by changing “*should*” to “*must*”. He cautioned that the current guidance may be “*as near to mandatory reporting as the Church can get*”.<sup>635</sup>

## Seal of the confessional

**505.** The seal of the confessional protects the confidentiality of words spoken during confession. It refers specifically to the private confession of sins by an individual in the presence of a priest. Confession is not practised by all communicant members of the Church of England and is not a compulsory element of religious ritual or practice imposed by the canons of the Church.

**506.** As Bishop Warner noted, it can be a source of “*immense spiritual release and encouragement and comfort*” for survivors of abuse. They are able to speak openly about their experiences, free from any fear that a member of the clergy will report such to the police or social services.<sup>636</sup>

**507.** Some within the Church of England have called for the seal of the confessional to be broken in the case of reports of child sexual abuse. This would compel clergy to inform the statutory authorities if an individual admits to child sexual abuse whilst under the seal of the confessional.

## Application of the seal

**508.** Sacramental confession is a specific act most often practised by those who are on the Anglo-Catholic wing of the Church. Bishop John Hind described it as a “*minority practice*”.<sup>637</sup> He explained that it traditionally takes place “*at an advertised time, in church, with a priest robed and wearing a purple stole*”.<sup>638</sup>

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<sup>633</sup> Lawrence 8 March 2018 67/10-22

<sup>634</sup> Tilby 20 March 2018 126/1-3

<sup>635</sup> Hancock 21 March 2018 221/15-22

<sup>636</sup> Warner 14 March 2018 92/21-25

<sup>637</sup> Hind 7 March 2018 10/19

<sup>638</sup> Hind 7 March 2018 12/11-13

**509.** Pursuant to canon law, a confessor can and should refuse to grant absolution unless satisfied that a penitent is sincerely repentant. Thus, if a disclosure of criminal activity is made, a confessor should withhold absolution until the penitent has admitted their crime to the statutory authorities.<sup>639</sup>

**510.** Under the 2015 *Professional Conduct of the Clergy* guidelines, the duty of confidentiality under canon law does not apply outside the context of a formal confession. Therefore, a priest would be able to report anything uttered during a confidential discussion.<sup>640</sup>

**511.** However, the understanding of what constitutes a ‘formal confession’ can give rise to some confusion. Lord Rowan Williams was clear that the seal applied only to sacramental confessions heard “*under the purple stole*”, in church at an advertised time, in a confession box with the inclusion of linguistic and liturgical formalities.<sup>641</sup>

**512.** According to Bishop Hind, some confessors mistakenly believe the seal also attaches to an “*unregulated confession ... people get that confused with sacramental confession and sometimes imagine that the same degrees of confidentiality apply*”. The solemn act of sacramental confession must be distinguished from an informal pastoral conversation.<sup>642</sup>

**513.** In contrast, Ms Lawrence told us that the seal can also attach to confession outside of a box “*if someone truly believes they are telling someone, who can absolve them of sin in God’s name, that they have committed an offence*”.<sup>643</sup> The principle would apply whether the penitent was in a confession box or “*talking over the kitchen table ... it depends on the interpretation of the people in that room*”.<sup>644</sup>

**514.** Bishop Hancock informed us that the Church of England has put in place a working party to discuss the issue.<sup>645</sup> It has reported that there is confusion about this topic and that the training given to clergy is inadequate.

### The seal of the confessional in child sexual abuse

**515.** We heard a range of opinions as to whether the seal of the confessional should apply to prevent disclosures of child sexual abuse. Canon Dr Rupert Bursell QC argued strongly that it should not apply; no such seal exists in relation to terrorism. Change could be effected by way of primary legislation or by amending canon law.<sup>646</sup>

**516.** Bishop Hancock concurred, on the basis that “*the safeguarding and the welfare of children and young people is paramount*”.<sup>647</sup> Ms Lawrence thought that the Church should move away from the inviolability of the confessional through the introduction of a mandatory reporting regime, which would apply even to disclosures made in the confessional.<sup>648</sup>

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<sup>639</sup> Hind 7 March 2018 54/13-17

<sup>640</sup> Iles 16 March 2018 78/19-24

<sup>641</sup> Williams 14 March 2018 148/1-5

<sup>642</sup> Hind 7 March 2018 12/10-16

<sup>643</sup> Lawrence 8 March 2018 84/23-25

<sup>644</sup> Lawrence 8 March 2018 83/11-19

<sup>645</sup> Hancock 21 March 2018 214/9-18

<sup>646</sup> Bursell 13 March 2018 80/23-25. Also see the Terrorism Act 2006, which is binding on the Church of England.

<sup>647</sup> Hancock 21 March 2018 214/1-2

<sup>648</sup> ANG000223\_023

**517.** Others considered that the seal should remain in place. Bishop Warner characterised the confessional as *“a vital and important forum”* that cannot be compromised *“just a little bit ... it is all or nothing”*.<sup>649</sup> Lord Williams expressed *“real qualms”* about removing the seal, as it allows vulnerable people to *“make use of an absolutely guaranteed confidential space”*.<sup>650</sup>

## B.13: Current situation in Chichester

### Changes within the national Church

**518.** In recent years, the Church of England has altered a significant number of its policies and practices in respect of safeguarding. Many of these changes were prompted by the findings of the Archepiscopal Visitation, which served to expose the serious failures and injustices of the Church’s existing systems. As Archbishop Justin Welby summarised:

*“The increased activity in relation to safeguarding has come out of a deep sense of conviction that there needed to be repentance for our past failures, and a consistency and quality of practice of safeguarding at all levels.”*<sup>651</sup>

**519.** The Visitation provided the impetus for the creation of the National Safeguarding Panel (NSP) in 2014. This is an advisory panel of external experts and survivors of sexual abuse, which meets four times each year. It provides the Archbishops’ Council and House of Bishops with high-level strategic advice and direction on safeguarding. It also performs a key role in the development of national policy and guidance, in partnership with the Methodist Church.

**520.** In 2014, the House of Bishops approved the development of an independent programme of diocesan safeguarding audits. The Social Care Institute for Excellence (SCIE) was commissioned to deliver this programme, and all dioceses had been audited by the end of that year. The audits are currently being extended to cathedrals, Lambeth Palace and Bishopthorpe Palace. In its overview report to July 2016, SCIE identified that *“there has in recent years been, and continues to be, progress towards embedding a safe culture”*.<sup>652</sup>

**521.** The National Safeguarding Team (NST) was established in 2015. It led to the appointment of the Church’s first full-time National Safeguarding Adviser which, in Archbishop Welby’s view, represented *“a critical moment in the evolution of safeguarding practice within the Church of England”*.<sup>653</sup> The NST provides advice and support to dioceses, cathedrals and National Church Institutions in respect of policies and training. It is described by Mr Graham Tilby as a *“developing resource”* which aims to provide the Church with coherent leadership in respect of safeguarding issues.<sup>654</sup>

**522.** In May 2016, the House of Bishops approved the creation of the National Safeguarding Steering Group (NSSG). Its primary role is to offer strategic oversight of national safeguarding activity. It has a much more extensive remit than the NSP, which is an advisory body. Bishop Peter Hancock referred to the NSSG as *“the main body in the Church of England for overseeing national safeguarding policy and activities at national level”*.<sup>655</sup>

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<sup>649</sup> Warner 14 March 2018 93/8-10

<sup>650</sup> Williams 14 March 2018 146/9-10

<sup>651</sup> ACE026137\_016

<sup>652</sup> ACE002250\_007

<sup>653</sup> ACE026137\_016

<sup>654</sup> ACE025940\_008

<sup>655</sup> ACE025930\_051

**523.** In 2018, the budget for the NST was £1.6 million. This included the appointment of a part-time Human Resources Adviser, who provides specialist recruitment advice to dioceses and other Church bodies. The expansion of the NST has considerably improved the quality of training, policy and practice guidance within the Church.

**524.** In addition, the NST is currently in the process of developing the *Safe Spaces* project in collaboration with the Roman Catholic Church. This project represents a single national resource that can be accessed easily and swiftly. It provides pastoral support for victims of abuse, and allows for personal contact via a telephone helpline or email.

**525.** The NST recently supplied all dioceses with a copy of the *Parish Safeguarding Handbook*, which contains a range of tools to support day-to-day practice in the parishes. The handbook, along with all safeguarding policies and resources, is within an electronic manual, as part of the development of the national Safeguarding Hub. The Hub is designed to present safeguarding information in a user-friendly way, and is referred to by Bishop Hancock as a “one-stop shop for parishes and dioceses to access safeguarding resources”.<sup>656</sup>

**526.** On 1 January 2017, the Diocesan Safeguarding Adviser Regulations came into force. These were issued by the House of Bishops under Canon C30, which was created in response to the findings of the Chichester Commissaries. The Regulations require all 42 dioceses to appoint a Diocesan Safeguarding Adviser (DSA). They allow the DSA to act independently of the bishop and diocese.

**527.** Regulation 4(1)(a) makes it clear that the DSA may make a referral to the police where he or she considers that to be desirable. The regulations present a specific example of the DSA’s power to override decisions made by clergy or others within a diocese.

**528.** Canon C30.2(1) gives an archbishop the power to direct a bishop who holds office in his or her province, or has authority to officiate in it or in a diocese, to undergo a risk assessment. It also enables each archbishop to direct the other archbishop to undergo a risk assessment. Canon C30(2) confers a corresponding power on a diocesan bishop, in relation to priests or deacons who have authority to officiate in the diocese.

**529.** In 2017, the national Church issued a further policy document entitled *Responding to Serious Safeguarding Situations*.<sup>657</sup> This clarified the role and boundaries of a support person to victims once a disclosure of abuse has been made. It reiterates that all victims must be allocated a supporter, who may be an authorised listener specifically trained to hold this role. In October 2017, the NSSG also agreed further guidance called *Key Roles and Responsibilities of Church Officers*. This document provides further detail on the duties of key personnel, including the Diocesan Safeguarding Adviser.

**530.** The NST has issued a series of mandatory core safeguarding training modules. The ‘C4’ training module relates to the handling of disclosures of abuse. This material was piloted with the archbishops in June 2016, and its delivery to each diocese began in September 2017.

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<sup>656</sup> ACE025930\_059

<sup>657</sup> ACE002226



## Changes in the Diocese of Chichester

### *Relationship with victims and survivors*

**531.** In their Visitation of the Chichester Diocese, the Commissaries called for a “*radical change of culture*”.<sup>658</sup> Since the publication of their reports, a number of initiatives have sought to contribute to the achievement of this aim. Importantly, the Diocese has chosen to confront its historic safeguarding failures. It has engaged openly with the media and with survivors’ groups, expressing a frank recognition of its culpability in child sexual abuse cases. Bishop Martin Warner met personally with several victims and wrote personal letters of apology.

**532.** The introduction of an Independent Domestic and Sexual Violence Adviser (IDSVA) has led to a shift in the Diocese’s engagement with victims. Until Ms Gemma Wordsworth’s arrival in January 2013, clergy and staff did not routinely have direct contact with survivors of abuse. Most referrals for counselling were made through either the police or the NSPCC. Since 2013, the IDSVA has made referrals to specialist counselling agencies local to where the survivor lives.

**533.** Mr Colin Perkins described the recruitment of Ms Wordsworth as “*the single best decision I have made during my tenure*”.<sup>659</sup> Bishop Warner categorised her work as “*the most important contribution to the Diocese’s attempts to assist survivors and other parties affected by abuse*”.<sup>660</sup> These sentiments were echoed by Dame Moira Gibb in her review of the Peter Ball case, when she commented upon the “*remarkable*” level of support currently offered to victims in the Diocese. The Carlile review described Ms Wordsworth as “*an outstanding professional*” and praised her care of the complainant in the Bishop Bell case. Bishop Warner told us that “*our offer to provide support and to meet survivors, their families or others affected by child sex abuse is an open-ended and continuing one*”.<sup>661</sup>

**534.** There has also been an increased willingness of statutory bodies to engage with the Diocese and contribute to its work. The November 2016 SCIE safeguarding audit referred to “*strong engagement from the Diocese’s safeguarding partners, with good attendance at the SAP by people at a senior level in the police, probation and adult and children’s social services*”.<sup>662</sup>

**535.** Moreover, the appointment of a Diocesan Director of Education in 2014 has helped to build up good relationships of trust across the education sector. East Sussex County Council is of the view that “*safeguarding practice in the Diocese has significantly improved since 2012*”.<sup>663</sup> DS Hick of Sussex Police commented on the “*excellent relationships*” that now exist between the Diocese and statutory agencies.<sup>664</sup>

**536.** Bishop Warner said that “*I and my colleagues in the Diocese do not consider this work complete. Our understanding of the causes and consequences of sexual abuse demands continued attention, as does the task of ensuring a culture that protects the vulnerable and confronts abuse effectively*.”<sup>665</sup>

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<sup>658</sup> OHY000185\_003

<sup>659</sup> ACE026181\_040

<sup>660</sup> ACE026143\_057

<sup>661</sup> ACE026143\_027

<sup>662</sup> OHY003073\_008

<sup>663</sup> ESC000110\_012

<sup>664</sup> ANG000212\_006

<sup>665</sup> ACE026143\_006



## Current safeguarding procedures

**537.** The Diocese has invested increased financial resources in safeguarding. In 2010, its total spend on safeguarding was £59,000. In 2018, the safeguarding budget increased to £226,000. The Diocese retained its own safeguarding policy and procedure documents until November 2016. At this time, the Diocesan Synod voted to adopt the national Church of England safeguarding documents and incorporate them as Diocesan policy and practice guidance.

**538.** The current safeguarding arrangements allocate responsibility between dioceses and the national Church. The investigation of alleged sexual abuse by Church officers is now governed by *Responding to, Assessing and Managing Safeguarding Concerns or Allegations Against Church Officers, 2017*. This sets out in detail what should be done at a diocesan level when an allegation of current or past abuse is made, and when it should be referred to the NST for their involvement.

**539.** In accordance with the *Key Roles Guidance 2017*, the incumbent of each parish is now responsible for appointing a designated Parish Safeguarding Officer (PSO). The PSO should be a lay person who has undergone safeguarding training. It is their role to receive allegations or concerns about children in the parish and report them to the Diocesan Safeguarding Adviser within 24 hours.

**540.** If the Diocesan Safeguarding Adviser considers that a referral to any statutory agency is necessary, he or she must also make that referral within 24 hours.<sup>666</sup> The Diocesan Safeguarding Adviser will then work with the parish and statutory agency to ensure that a risk assessment is conducted and a safeguarding agreement is formulated where required.

**541.** In May 2016, the Diocese launched an online tool called *Simple Quality Projects*. This comprises a checklist of key safeguarding practices required in each parish. It enables the safeguarding team to monitor progress remotely and is the primary tool for oversight of safeguarding quality in the Diocese. As Mr Perkins recognised, “in a diocese of 375 parishes and 500 churches, oversight cannot rely on the physical presence of a small safeguarding team in each parish”.<sup>667</sup> By January 2018, 72 percent of parishes had commenced *Simple Quality Projects*. This indicates a willingness amongst parish personnel to take safeguarding seriously.

## Training

**542.** The Diocese now places a much greater emphasis on the training of clergy and laity. Records are maintained on a diocesan database to ensure that all clergy are receiving the necessary training. In 2014, a children’s social worker called Morag Keane joined the Diocese. She worked with Mr Perkins to improve safeguarding training in the Diocese. They formulated an advanced training module to be delivered to leaders at parish level. This covered topics such as parish culture, safer recruitment and the identification of grooming behaviours. The training was offered to each Deanery throughout 2014 and 2015.

**543.** From 2015 onwards, the Diocese adopted the ‘C1’ and ‘C2’ national training modules, which are delivered by a volunteer safeguarding training team. During 2017, just over 2,700 people were trained on either C1 or C2 throughout the Diocese.<sup>668</sup>

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<sup>666</sup> ACE025256\_024

<sup>667</sup> ACE026181\_016

<sup>668</sup> ACE026181\_033

### *Permission to officiate*

**544.** There are currently around 400 clergy in the Diocese with permission to officiate. The Bishop of Chichester is directly responsible for all clerical appointments. All requests for permission to officiate are referred to the Diocesan Safeguarding Adviser, even when the applicant has previous convictions and should not be granted permission to officiate. This is to ensure firstly that the person is known to the safeguarding team, and secondly that a suitable agreement is in place to monitor his or her attendance at church.

**545.** Bishop Warner made it plain that the Diocese would be “*extremely cautious*” about granting permission to officiate to a person against whom allegations of abuse had been made.<sup>669</sup> In this situation, the advice of the Diocesan Safeguarding Adviser would invariably be sought and a risk assessment commissioned if appropriate. A diocesan database logs the details of all individuals with permission to officiate or a licence.

**546.** Churchwardens are required to consult this database to ensure that retired clergy and others officiating have permission to officiate. Clergy are instructed that the signatures on church registers, required from every minister who takes a service, must be legible so that the relevant minister can be clearly identified. Archdeacons carry out checks of these registers during their Visitations.

**547.** Furthermore, the printed diocesan directory no longer contains details of clergy who have permission to officiate. This change ensures that all up-to-date information is accessed online, and removes the risk of reliance on potentially out-of-date information in a printed directory.

**548.** Anyone active in public ministry must have appropriate DBS checks. Since 2015, the Diocese has also asked for a note from an incumbent or the rural dean before permission to officiate (PTO) can be granted or renewed, to confirm that the person’s ministry would be welcomed and deployed in the local context. Bishop Warner described this as an “*additional safeguard*” that is intended to “*ensure some degree of accountability in respect of where clergy with PTO are ministering and who is overseeing their deployment*”.<sup>670</sup> Appropriate engagement with safeguarding training is also a requirement.

### *Record-keeping*

**549.** All blue files are now held centrally and securely at the Bishop’s Palace in Chichester. The Diocesan Safeguarding Adviser has unlimited access to the files, and is the only person permitted to remove them from the system. Files can be consulted by senior diocesan clergy and staff during office hours, for the purpose of writing references or handling disciplinary matters.

### *Role of women in the Diocese*

**550.** Since 2012, the role of ordained women in the Diocese has been greatly enhanced. Following the appointment of Richard Jackson as the Suffragan Bishop of Lewes in 2014, it has been possible to ordain men and women together. Fiona Windsor was made Archdeacon

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<sup>669</sup> ACE026143\_034

<sup>670</sup> ACE026143\_034

of Horsham in 2014, and from 2016 the Bishop of Horsham has also ordained women to the priesthood.<sup>671</sup> However, it remains the case that Chichester has fewer women in incumbency posts than almost any other diocese.

**551.** Bishop Warner said that *“I and my colleagues in the Diocese do not consider this work complete. Our understanding of the causes and consequences of sexual abuse demands continued attention, as does the task of ensuring a culture that protects the vulnerable and confronts abuse effectively.”*<sup>672</sup>

### Current position on safeguarding in cathedrals

**552.** Bishop Peter Hancock, the Bishop of Bath and Wells and the lead bishop on safeguarding, explained that the Dean of Gloucester currently represents cathedrals in the NSSG. He is the lead dean on safeguarding and provides a link to the two main cathedral forums, namely the Association of English Cathedrals and the Deans’ Conference.<sup>673</sup>

**553.** In February 2015, the Deans’ Conference approved the development of a safeguarding checklist. This checklist was to be completed by each cathedral and returned to the Dean of Gloucester. According to Bishop Hancock, *“the results received have been analysed and are informing the ongoing work with cathedrals”*.<sup>674</sup>

**554.** These results did, however, highlight a number of concerns in relation to safeguarding. As Mr Tilby outlined, a significant number of cathedrals had failed to adopt guidance for responding to sexual or domestic abuse. Very few cathedrals had made any specific arrangements regarding support to survivors, relying instead on the diocese to provide this.<sup>675</sup>

**555.** Moreover, some cathedrals acknowledged that their own safeguarding advisers were not sufficiently qualified to provide professional advice. In Mr Tilby’s opinion, a number of cathedrals had failed to recognise potential deficiencies in the expertise of these advisers. In addition, many cathedrals had only a low level of safeguarding agreements in place with offenders who posed a known risk to the community.

**556.** In an effort to address these difficulties, *“the Church has nominated leads for safeguarding and safeguarding awareness training at appropriate levels for those within the cathedral, so that they know what to look out for. Further, cathedral staff are encouraged to build links with Diocesan Safeguarding Advisers and other statutory services so that they know who to contact if a safeguarding situation does arise.”*<sup>676</sup>

**557.** The Inquiry was keen to understand whether cathedrals have adopted specific guidance given their role in educating young people through the choral traditions. It is accepted that the majority of these young people will be in the care of the cathedral whilst undertaking their role as choristers, or live on or around the premises. We were concerned to learn from Bishop Hancock that, according to the Cathedral safeguarding checklist, a number of cathedrals have not yet developed specific policies to safeguard choristers.<sup>677</sup>

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<sup>671</sup> ACE026143\_037

<sup>672</sup> ACE026143\_006

<sup>673</sup> ACE025930\_030

<sup>674</sup> ACE025930\_030

<sup>675</sup> ACE025940\_107-108

<sup>676</sup> ACE025940\_109

<sup>677</sup> ACE025930\_032

## Safeguarding audits

**558.** In 2014, the House of Bishops received a paper entitled *Developing a Quality Assurance Safeguarding Process for Dioceses and Parishes*. One of the recommendations in this paper was that each diocese should be made subject to a safeguarding audit. In May 2015, this culminated in the appointment of the SCIE as an independent auditor. The diocesan safeguarding audits were piloted in the same year and implemented nationally from February 2016.<sup>678</sup>

**559.** It is our view that cathedrals should have been included in these audits from the outset. We do not agree that the audits should have focussed only on the work of the Diocese. It is difficult to reconcile this decision with the clear recommendations made by Mrs Edina Carmi over a decade earlier.

**560.** Indeed, it was not until spring 2017 that the Deans' Conference and the House of Bishops agreed to extend the independent safeguarding audits to cathedrals. This methodology was extended to all cathedrals from late 2018.<sup>679</sup>

## Cathedrals Working Group

**561.** In April 2017, the Church announced that the archbishops had established a Cathedrals Working Group. The creation of the group formed part of the Church's response to the Gibb Review, which recommended:

*"The Church should review its organisational arrangements so that, for safeguarding purposes, all Church bodies come within the relevant diocesan arrangements where safeguarding capacity and expertise can be both concentrated and deployed most efficiently."*<sup>680</sup>

**562.** According to Mr Tilby, the group's purpose was to consider the sufficiency of the Cathedrals Measure in relation to the governance structure in cathedrals, including safeguarding.<sup>681</sup>

**563.** The report of the Cathedrals Working Group was presented to the Archbishops' Council in December 2017. The report made a number of recommendations in respect of safeguarding. For example, it specified that all cathedrals should work jointly with their diocese and that all Chapter role descriptions should include a list of safeguarding responsibilities.<sup>682</sup>

**564.** The Working Group published its final report in June 2018.<sup>683</sup> A draft measure is to be considered at General Synod in July 2019, which will implement a large number of recommendations. This will include a model partnership arrangement with a diocese, along with ensuring that cathedrals are on the same footing as Parochial Church Councils and other Church bodies in respect of safeguarding requirements.

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<sup>678</sup> ACE025935\_021-22

<sup>679</sup> ACE025930\_031

<sup>680</sup> INQ000560\_075

<sup>681</sup> The full terms of reference, membership and scope of the Working Group are set out on the Church of England website at <https://www.churchofengland.org/about/our-cathedrals/cathedrals-working-group>

<sup>682</sup> ACE025940\_110

<sup>683</sup> [https://www.churchofengland.org/sites/default/files/2018-06/Cathedrals%20Working%20Group%20-%20Final%20Report\\_0.pdf](https://www.churchofengland.org/sites/default/files/2018-06/Cathedrals%20Working%20Group%20-%20Final%20Report_0.pdf)

**565.** At the moment, there is no requirement for all cathedrals to have a formal arrangement with the diocese. The *Key Roles and Responsibilities 2017* guidance requires that every cathedral should have access to a paid, professional and appropriately qualified safeguarding adviser.<sup>684</sup>

**566.** Bishop Hancock noted that in some cathedrals this is already in place, either through the employment of its own adviser or through the role being formally commissioned from the diocese. Data from the 2016 diocesan self-assessments shows that, out of 42 cathedrals, there are 20 which have formal agreements with a diocese and a further 15 with joint working arrangements.<sup>685</sup> In 2004, the Carmi review recommended that specialist safeguarding advice and support should be provided to all cathedrals during the investigation of abuse claims. It was specifically recommended that all concerns and allegations should be reported to the Diocesan Child Protection Adviser.<sup>686</sup>

**567.** Despite the 2004 recommendations, the safeguarding responsibilities of the Dean and Chapter were not defined until October 2017 with the publication of the *Key Roles and Responsibilities* guidance. Section 5.1 of the guidance provides that a cathedral dean will “*inform and work in cooperation with the Diocesan Safeguarding Adviser in the event of allegations, suspicions or disclosures of abuse and ensure that those who may present a risk to children, young people and vulnerable adults are effectively managed*”.<sup>687</sup> The guidance also introduced the expectation of an annual safeguarding report to the diocesan bishop. However, the Cathedral’s constitution and statutes remain silent on the question of safeguarding at present.

### **Cathedral Visitation**

**568.** Although the diocesan bishop is unable to exercise control over the cathedral on a daily basis, he is also the Visitor of the cathedral by virtue of section 6(3) of the Cathedrals Measure 1999. The bishop may hold a Visitation of the cathedral “*when he considers it desirable or necessary to do so or when requested by the Council or the Chapter*”.<sup>688</sup> Following the Visitation, he may give such direction to the Chapter, to the holder of any office in the cathedral or to any person employed by the cathedral “*as will, in the opinion of the Bishop, better serve the due observance of the Constitution and Statutes*”.<sup>689</sup>

**569.** Bishop Warner conducted a “one-off” Visitation to Chichester Cathedral in November 2016. During the Visitation, he was responsible for “*meeting with cathedral staff, exploring cathedral policies, its constitution and statutes, and making directions on the basis of areas where the bishop has concerns and where requirements can be made for a response that meets the bishop’s concerns*”.<sup>690</sup>

**570.** In his report following the Visitation, Bishop Warner recorded that the Cathedral’s safeguarding policy is now updated annually.<sup>691</sup> One year after completion of the report, it was reviewed to consider the implementation of its recommendations. A further review took place in November 2018.<sup>692</sup>

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<sup>684</sup> ACE025247\_025

<sup>685</sup> ACE025930\_030

<sup>686</sup> OHY000184\_053

<sup>687</sup> ACE025247\_025

<sup>688</sup> WWS000083\_001

<sup>689</sup> WWS000083\_001

<sup>690</sup> Warner 14 March 2018 59-60

<sup>691</sup> ACE026044

<sup>692</sup> ACE026143\_055

**571.** However, Bishop Warner confirmed that the Chapter retains to this day a high level of autonomy. As the current Bishop of Chichester, his powers to supervise safeguarding within the Cathedral remain “*limited, in terms of direct day-to-day powers*”.<sup>693</sup> It is clear that, despite the events of the last two decades, cathedrals continue to operate autonomously in matters of safeguarding. In our view, the national Church should follow through its work to ensure that cathedrals are brought firmly into diocesan safeguarding structures. Chichester Cathedral and the Diocese of Chichester provide an example of good practice. This example should be followed by all dioceses, which should ensure both that safeguarding is effectively managed and that it is treated as a priority within cathedrals.

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<sup>693</sup> Warner 14 March 2018 59/12

## Part C

# Case study 2: The response to allegations against Peter Ball

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# Case study 2: The response to allegations against Peter Ball

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## C.1: Introduction to the Peter Ball case study

### Background

1. Peter Ball was ordained in 1957. With his brother he founded a monastic order, the Community of the Glorious Ascension, of which he was a leading member for 20 years. In 1977, he became the Suffragan Bishop of Lewes in the Diocese of Chichester. He became the Diocesan Bishop of Gloucester in 1992, a post he held for less than two years.
2. In 2015 he was convicted of two offences of indecent assault and an offence of misconduct in a public office, which involved 16 different victims. By his plea he accepted that he “*obtained sexual gratification from the deliberate manipulation of vulnerable young men*”.<sup>694</sup>
3. The Inquiry received evidence about allegations against Peter Ball from 33 individuals, including children and young men. There are allegations of sexual misconduct by Peter Ball as far back as 1969, when he was the Prior of the Community of the Glorious Ascension. As the Bishop of Lewes, he established an unregulated and unsupervised scheme in which young men would live with him in his diocesan home. He abused his position as Bishop of Lewes to groom, exploit and commit offences against teenage boys and young men. There is evidence that some within the Diocese of Chichester, in particular Bishop Eric Kemp, knew or suspected Peter Ball might have been involved in sexual misconduct but did nothing about it.
4. Despite this, in 1991, he was appointed as Diocesan Bishop of Gloucester with a favourable reference from Bishop Kemp. Peter Ball’s chaplain was informed that Peter Ball had been warned, upon appointment to Gloucester, that there should be “*no more boys*”.<sup>695</sup> In 1992 a young man named Neil Todd tried to take his own life. He subsequently tried to raise the alarm within the Church, reporting allegations against Peter Ball to a number of clergy, including two bishops. After he attempted to take his own life for a second time, Neil Todd’s parents reported his allegations to the police.
5. An investigation by Gloucestershire Constabulary identified a further six complainants. Lambeth Palace received letters containing accounts of sexual misconduct from seven teenagers and young men. In 1993, despite there being four potential charges available relating to offences concerning three young men, Peter Ball received a caution for one single offence of gross indecency with Neil Todd. As a result, he resigned as the Bishop of Gloucester on 7 March 1993.

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<sup>694</sup> CPS003468\_001

<sup>695</sup> ANG000275\_5

- 6.** Peter Ball surrounded himself with powerful and influential friends. He had connections with members of parliament, headmasters of prominent public schools, Lord Lloyd of Berwick (who was a judge of the Court of Appeal at the time of Peter Ball's arrest and was subsequently a Law Lord) and His Royal Highness the Prince of Wales. When Peter Ball was under police investigation, some of these persons of public prominence wrote in support of him. After he resigned, some of them encouraged his return to ministry and sought to assist him do so.
- 7.** Following his resignation, Peter Ball was not placed on the list of clergy about whom there were concerns – known within the Church as the 'Caution List' – and no disciplinary action was taken by the Church. Within two years of his resignation, following a campaign by Peter Ball, his brother and their supporters, Peter Ball was permitted to carry out services without a risk assessment or any real restriction upon his access to or work with children and young men. It took until 2012, and a fresh police investigation, for the extent of his offending to become known. He was convicted in 2015 and sentenced to 32 months in prison.
- 8.** After this conviction, the Church prohibited him from ministry for life. Peter Ball can, however, still use the title 'bishop' if he wishes. Victims and survivors are concerned that he can continue to use this clerical address, despite his offending and his prohibition from ministry. For that reason, we will refer to him as 'Peter Ball' throughout this report.
- 9.** The majority of Peter Ball's convictions relate to sexual misconduct against vulnerable young men over the age of 18. Peter Ball also pleaded guilty to misconduct in public office in relation to children under 18.

### *Reasons for selection of the case study*

- 10.** The Inquiry wanted to investigate why an individual with a prominent position within the Church was able to offend so widely and for so long. When Peter Ball was arrested for the first time in 1992 he received a caution, despite the number of other witnesses and complainants who provided evidence capable of supporting the allegations by Neil Todd.
- 11.** Questions have been raised about why Peter Ball was not subject to further criminal or disciplinary penalties in 1992, and why his offending had not come to light until 1992, when it appeared that some within the Church had knowledge of inappropriate behaviour between Peter Ball and young men prior to that. Some suggested Peter Ball's status and powerful friends may have caused him to be treated more favourably than another, less prominent, member of the clergy would have been.
- 12.** This case study enables the Inquiry to examine the approach of the Church, the police and the prosecution authorities, in particular, to offending by prominent individuals who were powerful within the institution they served. The following themes emerged during the course of this investigation:
  - a. The potential for members of clergy to abuse their position, and the trust placed in them, to commit offences against teenagers and young men.
  - b. The extent to which an offender's presentation of charm, charisma and spiritualism could be used as a mask for offending behaviour.
  - c. The understanding of sexual offending within the Church at the time of the offending, arrests and subsequently.

- d. The role of the Archbishop of Canterbury and his senior staff (which we will call collectively 'Lambeth Palace') and the Church's willingness to respond appropriately to allegations of sexual offending.
- e. The Church's attitude towards homosexuality and the ways in which that attitude can impede the disclosure of sexual offending and influence the Church's response to sexual offending.
- f. The potential for institutions to be influenced by persons of public prominence in their response to allegations of sexual offences.
- g. The extent to which persons of prominence influenced or attempted to influence institutions in the case of Peter Ball.
- h. The extent to which the Church placed concern for its own reputation over concern for complainants, victims and survivors in its public and private responses to the allegations against Peter Ball.
- i. The suitability of the Church's disciplinary procedures to deal with cases of this kind, against bishops in particular.
- j. The issue of clericalism and the way in which it affected the Church's response to allegations against Peter Ball and its approach to complainants, victims and survivors. Clericalism was described by Archbishop Justin Welby as "*a wider mindset in which the authority of the ordained ministry was thought of as beyond criticism*".<sup>696</sup>
- k. Whether the old sexual offences regime was able to address such offending, and whether the new sexual offences regime is able to do so.

**13.** These issues are extracted from the definition of scope set by the Inquiry for the Anglican Church investigation, and by the Terms of Reference for the Inquiry set by the Home Secretary. The terms of the definition of scope for this case study are:

*"3.2. the sexual offending by former Bishop of Lewes and subsequently Bishop of Gloucester, Peter Ball, including the extent to which the Church of England, law enforcement agencies, prosecuting authorities, and/or any other institutions, bodies or persons of public prominence failed to respond appropriately to allegations of child sexual abuse by Peter Ball."*

## C.2: Peter Ball's ordination and progression within the Church of England

### Ordination

**14.** Peter Ball was born in 1932. He attended Lancing College and then Cambridge University. He was made a deacon in 1956 and ordained as a priest in 1957.

**15.** In 1951 Peter Ball was interviewed for the first time by the Church Assembly Central Advisory Council of Training for the Ministry (CACTM), who were responsible for selecting individuals for ministry. He was not recommended because the board thought that his religious life was, at that stage, "*immature and underdeveloped*".<sup>697</sup> He was encouraged to return after he had completed university.

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<sup>696</sup> Welby 14 March 2018 139/4-8

<sup>697</sup> ANG000209\_001

**16.** Bishop George Bell, then the Bishop of Chichester, wrote to the CACTM that he was “*not inclined to accept the judgement of the Selectors*”. Having interviewed Peter Ball, he threatened to accept him as a diocesan candidate for ordination regardless of the recommendation.<sup>698</sup> He wrote that Peter Ball was:

*“Junior Squash champion for the South of England and Sussex, and is regarded as a possible Blue at Cambridge. He represented Lancing at soccer, athletics and tennis, besides being head prefect, and managing the school remarkably well, though undoubtedly a reserved boy. Surely this says something for character?”<sup>699</sup>*

**17.** In 1953, Peter Ball returned to the CACTM and was accepted for ordination. Bishop Bell sponsored him and placed him within a parish in Chichester for his curacy<sup>700</sup> in 1957, where he visited him.<sup>701</sup> Peter Ball told others he was “*a sort of blue eyed boy of his*”.<sup>702</sup> A curate usually would spend three to four years in a parish but, almost as soon as he was ordained, Peter Ball sought an exemption to leave within a year to spend time in a school and in a religious community.<sup>703</sup> This was to further his desire to become a monk and establish his own religious community. Bishop Bell allowed him to reduce his time in the parish to two years.<sup>704</sup>

## The Community of the Glorious Ascension

**18.** Religious communities are very much a minority within the Church of England. At present, there are no more than a few hundred individuals in the UK who are part of a religious order aligned with the Church. Religious communities vary from those which take monastic vows of poverty, chastity and obedience to individuals who live together in lay communities devoted to a common life of prayer and work.

**19.** Bishop David Walker, Chair of the Advisory Council for Relations between Bishops and Religious Communities (The Advisory Council), and the Bishop of Manchester, gave detailed evidence about the workings of a monastic order and how it would have been set up both now and in the past 60 years.<sup>705</sup> To want to become a member of a religious order was unusual for an Anglican young person, and to want to set up one’s own religious order was even more unusual.

**20.** In March 1960 Peter Ball and his brother Michael established a monastic community, the Community of the Glorious Ascension (CGA). The stated aim was to provide a monastic community which would provide teachers for state schools and engage in other work with young people. At the time of starting his order, Peter Ball was 28 years old. He was Prior of the CGA until 1977.

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<sup>698</sup> ACE000015

<sup>699</sup> ACE000013

<sup>700</sup> The first post after ordination as an assistant to a parish priest.

<sup>701</sup> ANG000209\_002

<sup>702</sup> ACE001405

<sup>703</sup> ACE000025

<sup>704</sup> ACE000026

<sup>705</sup> ACE025770

**21.** Over time, CGA communities were set up in Stroud, Birmingham, Burton-on-Trent, Old Cleeve and Sheffield.<sup>706</sup> At its peak, the CGA consisted of 18 professed brothers and around the same number of novices and postulants (those training to become members of the community).<sup>707</sup> There were also six to eight female members who lived separately. Michael Ball taught in schools whilst Peter Ball focussed on “*pastoral work within the community*”.<sup>708</sup>

**22.** Religious communities are not part of dioceses, and are run as distinct and independent organisations in accordance with their constitutions. At present they are not subject to regulation by way of canon law (save that any member of a religious order who is also ordained will be subject to canon law). They may or may not be formally recognised by the Advisory Council. This is a body established by the Church of England which ‘recognises’ such communities.<sup>709</sup> However, it was not and is not necessary to make an application to the Advisory Council before establishing a religious order and the Council does not and has not ever had the power to prevent someone from doing so.<sup>710</sup> Nonetheless Peter Ball and his brother sought support from the Advisory Council as early as 1957 to establish the CGA. The CGA was not recognised by the Advisory Council until 1974.<sup>711</sup>

**23.** The CGA rules permitted 17-year-olds, with their parents’ permission, to become postulants and live with the CGA. They would be the responsibility of Peter Ball.<sup>712</sup> In publicity material, the CGA sought to emphasise the CGA’s involvement with young people.<sup>713</sup>

**24.** Whilst the Church of England has no formal oversight or supervision of religious orders, it is expected that recognised communities will follow the *Handbook of the Religious Life* published by the Advisory Council. It is, however, a guide; it is not legally binding nor a direction to the communities involved. Its purpose is to provide assistance to visitors<sup>714</sup> to such communities as to what standards should be applied.

**25.** The 1957 edition of the *Directory of the Religious Life* did not require any religious community to have guidance about what would now be called safeguarding. The 1976 edition added a prohibition on postulants under 18 and required communities to make enquiries of postulants’ background and health. Nonetheless the CGA rules were not changed.

**26.** There was no supervision or oversight of the CGA as a recognised religious order by the Church. Nor were there any safeguarding procedures or checks on the suitability of the monks working with the children and young people who lived with the CGA or were postulants.

**27.** Members of a recognised religious community are subject individually to the oversight of the bishop of the diocese in which they reside, but the diocesan bishop does not have a direct right to intervene in the affairs of the community.<sup>715</sup> The CGA had a formal Visitor,

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<sup>706</sup> ANG000209\_003-004

<sup>707</sup> ANG000209\_007

<sup>708</sup> ANG000209\_007

<sup>709</sup> ACE025770\_002-004

<sup>710</sup> ACE025933\_003

<sup>711</sup> ACE025933\_005 & 007

<sup>712</sup> ACE025933\_005-006

<sup>713</sup> ACE025933\_005

<sup>714</sup> Visitors are individuals who visit and examine the community and look at what the standards are, usually bishops or other senior clerics.

<sup>715</sup> ACE025933\_003

in the same way that a cathedral would,<sup>716</sup> but their formal visits only occurred once every five years.<sup>717</sup> Members of the CGA do not remember seeing the Visitor often.<sup>718</sup> It was the expectation at that time that there be a record of the visits kept in reports or minutes.<sup>719</sup> Only one set of notes of any Visitation can be found, and Bishop Walker concluded that it was not thorough and seemed to be more in the way of a ‘chat’ with relevant members.<sup>720</sup>

**28.** Peter Ball exploited his position as a member in the CGA for his own sexual gratification. In 2015 he accepted he had taken advantage of AN-A97, who joined the CGA when he was 19 years old. He considered Peter Ball to be a “*charismatic holy leader with authority*”. He told police in 2013 that in 1969 at Peter Ball’s request, he had massaged Peter Ball, beaten him with a slipper, and been beaten in return. He also said they watched each other masturbate and masturbated one another. AN-A97 said he “*felt very trapped*” and that there was “*a huge emotional blackmail inside*”.<sup>721</sup> In a document setting out his 2015 guilty plea, Peter Ball accepted that when he did this, AN-A97 was a vulnerable young man who looked upon Peter Ball as his spiritual leader.<sup>722</sup>

**29.** AN-A110, another member of the CGA, saw Peter Ball’s “*obsession*” with AN-A97 and recognised signs of abuse. He reported this to an Anglican priest affiliated with the CGA. AN-A110 says that the next day he was asked to leave the CGA by Peter Ball and the Anglican priest, although Peter Ball says this was not the case.<sup>723</sup>

**30.** AN-A110 also told the Inquiry that religious communities live their lives on the margins of ecclesiastical authority. There needs to be, he thought, a dialogue between communities, their members and leaders, and the authorities of the established denominations to encourage communities to safeguard the spiritual, psychological and social welfare of their members.<sup>724</sup>

**31.** Bishop Walker confirmed that even in 2018 there was no canon for the regulation of religious communities.<sup>725</sup> The Advisory Council has produced the *Handbook on the Religious Life* since the 1940s.<sup>726</sup> The last handbook issued was 2004, which had no real mention of safeguarding or child protection but set the minimum age for postulants as 18.<sup>727</sup> In 2015 specific practice guidance *Safeguarding in Religious Communities* was issued.<sup>728</sup> However, this does not bring together all relevant safeguarding advice and requires religious communities to look also at the general House of Bishops’ guidance.<sup>729</sup> A canon has been drafted on religious life and was brought to General Synod in February 2019, alongside an updated handbook on the religious life.

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<sup>716</sup> ANG000209\_005

<sup>717</sup> Walker 19 March 2018 92/13

<sup>718</sup> ANG000260\_003

<sup>719</sup> ACE025933\_007

<sup>720</sup> Walker 19 March 2018 80/4-12

<sup>721</sup> INQ001348\_010-011

<sup>722</sup> CPS003468\_001-003

<sup>723</sup> ANG000258\_004

<sup>724</sup> ANG000258\_006

<sup>725</sup> Walker 19 March 2018 72/16-21

<sup>726</sup> Walker 19 March 2018 74/19-75/4

<sup>727</sup> Walker 19 March 2018 80/17-81/14 and 88/14-18

<sup>728</sup> ACE025136

<sup>729</sup> Walker 19 March 2018 87/23-88/5

**32.** There is no power for the Advisory Council to close religious communities where there are problems<sup>730</sup> and no power to expel individual members from religious communities.<sup>731</sup> The only power it has available is to cease to recognise religious communities, but this would not prevent the community from operating.<sup>732</sup> If a religious community is also a charity then the Charity Commission could intervene. However, that would not stop individuals continuing to be a community, it would simply mean they could not run it as a charity. The Church of England relies upon the influence of the local diocese and encourages religious communities to integrate with the diocese.<sup>733</sup> Whilst the bishop is only required to formally visit once every five years, he would be expected to attend the community more regularly (at least yearly) to get a sense of what is going on.<sup>734</sup> Communities should have a safeguarding representative who will then report any matters to the Diocesan Safeguarding Adviser.<sup>735</sup>

**33.** The Church of England is in the process of revising its approach to religious communities, as identified above, and addressing the recommendations made by Dame Moira Gibb. A canon on the religious life and an updated *Handbook on the Religious Life* are being drafted. This is to be welcomed. If religious communities are to be recognised by the Church, there should be common and enforceable standards and appropriate regulation by the Church.

### C.3: Peter Ball's time in Lewes

#### Peter Ball's appointment as Bishop of Lewes

**34.** Peter Ball's ambition to become a bishop was evident from the early 1970s. At least one bishop, in 1976, commented "*it is strange, perhaps, to voice one's ambitions in this way*".<sup>736</sup>

**35.** Following encouragement from Jock Henderson, Bishop of Bath and Wells,<sup>737</sup> Bishop Eric Kemp decided to suggest Peter Ball as the new Bishop of Lewes (at that time a suffragan bishop). Peter Ball was appointed in February 1977. He remained a member of the CGA but stepped down as Prior.<sup>738</sup> As one of the very few members of a religious community to be appointed as a bishop since the establishment of the Church of England, Peter Ball was not a usual choice in many respects. He moved to a cottage near Lewes, and subsequently the Priory at Litlington, with a number of the CGA brothers.<sup>739</sup>

**36.** Peter Ball spent 14 years as the Bishop of Lewes. As diocesan bishop, Bishop Kemp appeared to exercise minimal supervision over Peter Ball and visited Litlington Priory rarely. According to Bishop John Hind (principal of the nearby Chichester Theological college for a significant period during this time), Peter Ball treated the area of Lewes as his "*independent fiefdom*".<sup>740</sup>

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<sup>730</sup> Walker 19 March 2018 81/15-82/13

<sup>731</sup> Walker 19 March 2018 91/16-92/12

<sup>732</sup> Walker 19 March 2018 92/6-12

<sup>733</sup> Walker 19 March 2018 83/1-16

<sup>734</sup> Walker 19 March 2018 93/1-16

<sup>735</sup> Walker 19 March 2018 86/20-87/4

<sup>736</sup> ACE000087

<sup>737</sup> ACE000076

<sup>738</sup> ANG000209\_008

<sup>739</sup> ANG000260\_003

<sup>740</sup> Hind 7 March 2018 30/21



### *Peter Ball's offending whilst Bishop of Lewes*

**37.** Peter Ball, when entering his guilty plea in 2015, accepted that he had “*abused his position as a bishop*” to “*identify, groom and exploit*” sensitive teenagers and young men aged between 17 and 25. He used religion as “*a cloak behind which he hid a search to satisfy his sexual interest*”. He induced people to remove their clothes or otherwise engage in activity for his sexual gratification by telling them that “*their social life would be improved by engaging in the acts he suggested*”.<sup>741</sup>

**38.** He also suggested to all of his victims that the sexual acts were part and parcel of religious practice or spiritual observance as he viewed it. For example, Peter Ball met AN-A102 in 1977 when AN-A102 was 15 years old and Peter Ball conducted his confirmation. When he was 16 years old, AN-A102 sought pastoral guidance from Peter Ball. Peter Ball asked him to remove his clothing and stand naked in front of the vestry mirror which, he said, was a metaphor for the eyes of God. Peter Ball claimed this would help him to find humility.<sup>742</sup> He likewise asked AN-A102 to remove his clothing under the guise of providing pastoral support when he was 18 years old.

**39.** In order to be put forward as a potential cleric, the approval of a bishop was and is required as a sponsor. Peter Ball therefore had power to recommend or not those who wished to become ordained. Peter Ball abused the power and influence his role gave him. For example, when AN-A114 met with Peter Ball to ask for his recommendation for ordination, he used these meetings to repeatedly ask AN-A114 to remove his clothing.<sup>743</sup>

**40.** Mr Graham Sawyer (now Reverend Sawyer) was sponsored by Peter Ball for ordination. During their meetings, Peter Ball would play “*mind games*” by emphasising the importance of commitment to God in the way of St Francis of Assisi. He repeatedly put his arm around Mr Sawyer in a “*groping way*” and suggested he should take his clothes off before him. On one occasion, he started to remove Mr Sawyer’s clothes.<sup>744</sup> Peter Ball denied telling Mr Sawyer that his ordination depended on his response, but Mr Sawyer alleged that Peter Ball made it very clear that it did. When Mr Sawyer refused, Peter Ball withdrew his endorsement. As a result, Mr Sawyer withdrew his application for ordination.<sup>745</sup> He applied again for ordination some years later and was rejected, because it was said that by refusing the first recommendation, he had shown “*instability of life*”. He was told there was “*a big black mark*” against his name in the Church of England.<sup>746</sup> He was subsequently ordained. Reverend Sawyer believes that his disclosures and his vocal criticism of Peter Ball alienated him from people within the Church and had a very damaging effect upon his clerical career.<sup>747</sup>

### *The Give a Year to God scheme*

**41.** In 1980, Peter Ball established his Give a Year to God scheme (the scheme). He said that its purpose was to evangelise young people and to act as an opportunity for those who were considering a career in the Church to test their commitment by living with him in Litlington Priory, a house owned by the Diocese of Chichester and used by Peter Ball as his

<sup>741</sup> INQ001348\_001 and CPS003468\_002

<sup>742</sup> INQ01348\_011-012

<sup>743</sup> INQ01348\_010

<sup>744</sup> INQ001348\_016

<sup>745</sup> Sawyer 23 July 2018 167/3-168/13

<sup>746</sup> Sawyer 23 July 2018 169/10-20

<sup>747</sup> Sawyer 23 July 2018 176/10-24

home. This was meant to be for a year or so.<sup>748</sup> The scheme was set up with the knowledge and endorsement of Bishop Kemp. There is no evidence that anyone ever came to check on those enrolled on the scheme, and there seems to have been no formal oversight of it by the Diocese.<sup>749</sup>

**42.** Members of the scheme (commonly referred to as schemers) were predominantly male. They were accommodated throughout East Sussex but most of the males would stay with Peter Ball at Litlington Priory.<sup>750</sup>

**43.** The scheme was run by Peter Ball with assistance from a friend and cleric who lived nearby, Reverend Vickery House, and another brother from the CGA. Those on the scheme learned about monastic life whilst living and working at Litlington or nearby, before being sent to work in the community and parishes of Lewes.<sup>751</sup> There were some religious discussion groups and religious teaching was carried out, mainly by Vickery House and Peter Ball who would debate and discuss religious matters over meals or after dinner. There was no formal or set programme but the theological element of the scheme emphasised humility, obedience and living a spartan life.

**44.** The scheme does not seem to have been advertised widely or run on any kind of systematic basis. From the evidence given both by Peter Ball and by others who participated in the scheme participants learned about it through word of mouth. Most individuals approached Peter Ball after hearing about the scheme through a school or university chaplain. In addition, Peter Ball spoke regularly at public and independent schools, including about the scheme, and often people would approach him afterwards. There were usually between two and 10 schemers at any one time<sup>752</sup> but there were as many as 24 in 1985.<sup>753</sup>

**45.** The scheme seemed to attract some young people who were vulnerable and confused about the direction of their lives. For example, when AN-A117 joined, he was 17 years old and struggling to come to terms with his sexuality. He said he was filled with self-hatred and, for him, Christianity was a form of 'salvation'.<sup>754</sup>

**46.** AN-A117 was woken by Peter Ball in the mornings, expected to undress and follow him downstairs. He was required to take a cold shower for a full minute whilst Peter Ball watched and timed him. AN-A117 said he was terrified but believed this to be necessary to pursue his religious calling. Peter Ball also made lewd comments to AN-A117 and suggested repeatedly that they watch television together naked. Peter Ball told him that such 'humiliation' was part of the teaching of St Francis and would provide a more direct route to a closer relationship to God.<sup>755</sup>

**47.** Peter Ball admitted that he used the scheme to commit offences against vulnerable young men. He told the young people that acts of nudity – which gave Peter Ball sexual gratification – were part and parcel of monastic life and religious teaching, which they were not. The acts in which some young people participated on the scheme were not part of the approved teaching of either the Church of England or of St Francis of Assisi.<sup>756</sup> For example,

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<sup>748</sup> ANG000209\_009

<sup>749</sup> A117 23 July 2018 121

<sup>750</sup> INQ001348\_003

<sup>751</sup> ANG000260\_005

<sup>752</sup> ANG000209\_009

<sup>753</sup> ACE025933\_010

<sup>754</sup> A117 23 July 2018 111/13-22

<sup>755</sup> A117 23 July 2018 114/19-116/6

<sup>756</sup> CPS003468\_002

he told AN-A117 that if he were to ‘sin’ by masturbating, he and Peter Ball should beat one another or masturbate one another to humiliate themselves. AN-A117 was encouraged not to tell people about this activity. Peter Ball has accepted that he often told young people who participated in such acts not to say anything about what had happened.<sup>757</sup>

**48.** Peter Ball knew people were concerned about what was happening at Litlington Priory and considered it “*inappropriate*”. He denied that Bishop Kemp had ever tried to ‘shut down’ the scheme. Bishop Kemp did speak to Peter Ball about whether or not his relationships with the young men were appropriate and advised him to “*be careful*” (rather than trying to prevent any risk of harm to young people).<sup>758</sup>

**49.** Reverend Malcolm Dodd was the diocesan youth officer for Chichester whilst Peter Ball was running the scheme. He was told in 1982, by the then Bishop of Horsham, that there were problems of a sexual nature concerning Peter Ball and young people.<sup>759</sup>

**50.** Peter Ball used the scheme as a way to attract young people to be near to him, and to provide the opportunity to offend when they were in his house. He accepted in 2015 that he:

*“whilst having established a genuine course of religious thinking and tuition for young people to study and follow under the Scheme, then took the opportunity to commit the acts comprising the misconduct under the guise of those acts being a further part of the austere regime of devotion and religious teachings, when they were not”.*<sup>760</sup>

**51.** He did not seek to engage in sexualised behaviours with all those who were on the scheme, but seemed to recognise or identify those who were more vulnerable or naive in some way. To that extent, his actions were calculating.

**52.** Some individuals within the Church thought his behaviour was at the least odd, but no one took any action about it. There was a significant absence of supervision or oversight; someone from the Diocese could and should have enquired about what was happening at the Priory. In the context of the 1980s, it was unusual to have a residential scheme designed and run for young people with no external pastoral oversight or supervision, if only to check the accommodation met basic requirements.

### *Work in schools*

**53.** Peter Ball developed a reputation for his work with children and young people. In 1983, the Scout Association was looking for a ‘religious consultant’. The then Archbishop of Canterbury, Robert Runcie, consulted Bishop Kemp, who said Peter Ball had “*for a good many years been well into this field of headmasters and chaplains of public schools*” and so he should take the role.<sup>761</sup>

**54.** Peter Ball was a member of the governing body of a number of schools, sometimes because as Bishop of Lewes he was a nominated governor on behalf of the Church of England, and sometimes because of his personal connection with the school or individuals who taught there. Peter Ball said he would go to schools on invitation from headmasters

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<sup>757</sup> CPS003468\_002

<sup>758</sup> ANG000209\_019

<sup>759</sup> INQ000643

<sup>760</sup> CPS003468\_002

<sup>761</sup> ACE025933\_011

and other bishops. He was invited regularly to preach, and sometimes stay overnight. He would also provide counselling to students, often on an individual basis. On such occasions, according to Peter Ball, no steps were taken to supervise the work he undertook.<sup>762</sup>

**55.** James Woodhouse, former headmaster at Rugby School and Lancing College, said Peter Ball had attended both schools to preach and speak to the pupils. He did on occasion meet with pupils 'one-to-one' by arrangement with the staff. Mr Woodhouse was never aware, from pupils, parents or staff, of sexual advances at that time.<sup>763</sup> He wrote to police in 1993 in support of Peter Ball. He confirmed he was aware that Peter Ball had been involved, with young people, in "*acts of penitence and contrition*" and that "*these may have been open to misunderstanding and mis-representation ... The Bishop may have failed to judge the appropriateness of such exercises*".<sup>764</sup>

**56.** Peter Ball met AN-A96 when he was 13 years old and boarding at Lancing College. He had regular counselling sessions with Peter Ball when he was aged between 13 and 18. Peter Ball admitted suggesting to AN-A96, during one of these sessions when AN-A96 was 13 years old, that he should remove his clothing and kneel naked before him to be 're-baptised'. This baptism did not take place until he was over 18. AN-A96 said that, at Peter Ball's request and whilst naked, he would massage Peter Ball's groin area close to his genitals because Peter Ball claimed he had muscular pain.<sup>765</sup>

**57.** Ian Beer, who had been headmaster of Ellesmere College and subsequently Lancing College, recalled an occasion when a pupil from one of these schools went to stay at the priory of the CGA for one week. The priory was not inspected by the school but the child's parents were consulted. They received no report or complaint upon his return.<sup>766</sup>

**58.** AN-A2 was 15 or 16 years old in 1985 when he was suspended from his boarding school for getting into trouble. He was sent to stay with Peter Ball at Litlington Priory. He alleged Peter Ball came to his bedroom, got into bed with him, and hugged him and offered reassurance. AN-A2 also said that sometimes Peter Ball would masturbate whilst in bed with him.<sup>767</sup> Peter Ball entered a not guilty plea to this allegation and maintains that the conduct did not occur.

**59.** These examples show that Peter Ball's home was used as a place of refuge. As he was considered to be a man of God, his character was viewed as unimpeachable. This was why no serious thought was given to the child's welfare and safety.

## C.4: Peter Ball's appointment as Bishop of Gloucester

**60.** The Crown Appointments Commission<sup>768</sup> (the Commission) is responsible for the nomination of diocesan bishops to the Crown through the Prime Minister. Candidates are nominated by a variety of sources, including the diocese concerned, bishops or individuals known to members of the Commission. The nomination of candidates is completely confidential.<sup>769</sup> In the 1980s, the Commission was made up of the two archbishops, six

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<sup>762</sup> ANG000209\_007 and OHY000096\_013-14

<sup>763</sup> ANG000324\_002

<sup>764</sup> OHY000096\_013-014

<sup>765</sup> INQ001348\_009

<sup>766</sup> ANG000286\_001-2

<sup>767</sup> ANG000122\_005-006

<sup>768</sup> Now known as the Crown Nominations Commission.

<sup>769</sup> WWS000143

representatives elected by and from the General Synod and six representatives elected by the diocese concerned. The appointments secretaries of the Archbishops and the Prime Minister were non-voting members.<sup>770</sup>

**61.** Peter Ball openly expressed his ambition to become a diocesan bishop for some time.<sup>771</sup> In 1985 he was a candidate for the position of Bishop of Norwich. A member of the Commission said they had been under some pressure from the Prime Minister's appointments secretary, Robin Catford (subsequently Sir Robin Catford) to appoint him. He was a resident of West Sussex and sat on the Chichester Diocesan Synod from 1979 to 1984 and 1980 to 1990.<sup>772</sup> It had been hinted that Peter Ball would be especially welcome at Sandringham.<sup>773</sup> His appointment had been opposed by diocesan representatives who reported that "*Norwich could not take a group of young men living with the bishop in the Bishop's House*".<sup>774</sup>

**62.** In 1990, Peter Ball was considered for the Archbishopric of Melbourne, Australia<sup>775</sup> and for the Diocese of Leicester.<sup>776</sup> Bishop Eric Kemp provided a reference for the latter, mentioning Peter Ball's "*particular gift with young people*" and his dependence "*on companionship which he has found particularly in the communities of young people who have gathered around him*".<sup>777</sup> Comments made by Bishop Kemp at the time of Peter Ball's subsequent arrest<sup>778</sup> show that he knew, at least by 1992, that Peter Ball had been involved in naked prayer with some of those young people. In 2015, the Crown Prosecution Service (CPS) relied on such behaviour in the prosecution of Peter Ball.

**63.** In 1991, Peter Ball was nominated for the role of Bishop of Gloucester. The Commission, chaired at the time by Archbishop George Carey (now Lord Carey of Clifton), did not have any evidence about inappropriate or abusive behaviour by Peter Ball.<sup>779</sup> The Commission met for two days to discuss candidates.

**64.** Afterwards, the Archbishop wrote to the Prime Minister, John Major (now Sir John Major), on behalf of the Commission and put forward two candidates for his selection. Both carried the full recommendation of the Commission but two-thirds had voted in favour of the first candidate, with Peter Ball as second choice.<sup>780</sup> The Archbishop did not personally express a view and wrote even-handed references for both candidates. Peter Ball was described as having a remarkable reputation as an evangelist, and having "*particularly winning ways with the young and unchurched*".<sup>781</sup>

**65.** When the Archbishop's letter was provided to the Prime Minister, it was accompanied by a covering note from Mr Catford expressly advising the Prime Minister to select Peter Ball.<sup>782</sup> He included summaries of both candidates. There was one paragraph on the first candidate, "*a creative thinker who communicates well*". By contrast, almost three pages were devoted to Peter Ball, who was described as:

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<sup>770</sup> ACE025772\_024

<sup>771</sup> ACE000087, ACE000088

<sup>772</sup> <https://www.telegraph.co.uk/news/obituaries/2107567/Sir-Robin-Catford.html>

<sup>773</sup> ACE000545

<sup>774</sup> ACE000545

<sup>775</sup> ACE000146, ACE000149

<sup>776</sup> ACE000152, ACE000154

<sup>777</sup> ACE000155

<sup>778</sup> INQ000604

<sup>779</sup> Carey 24 July 2018 38

<sup>780</sup> CAB000010\_001

<sup>781</sup> CAB000010\_002

<sup>782</sup> CAB000013

*“A man of humility, holiness and vision combined with a quite extraordinary sparkling personality, impish humour and an unrivalled ability to communicate to the highest and the lowest of all ages and background.”*

**66.** Peter Ball’s connections within the establishment were also emphasised. Besides recording Peter Ball’s friendship and support to the family of Ian Gow MP (who was killed in 1990 by an IRA bomb at his home in East Sussex) and the victims of the 1984 Brighton hotel bombings (which targeted those staying at the hotel for the Conservative Party conference), Mr Catford noted:

*“Many people on both the church and state sides have long wanted the two Ball brothers to become diocesan bishops ... This is probably the last chance for Peter.”*<sup>783</sup>

**67.** There was a convention that the first candidate would be selected; indeed John Major had done so on his four previous appointments.<sup>784</sup> Yet, on this occasion, Mr Catford advised the Prime Minister to exercise his “*limited freedom to act independently*” and select Peter Ball.

**68.** Having seen the note, Archbishop Carey found it “*deeply disturbing*” and “*appalling*”;<sup>785</sup> in his view, this showed the Prime Minister’s appointments secretary “*going beyond his responsibilities*” and clearly influencing the mind of the Prime Minister.<sup>786</sup> The appointments secretary was intended to be a neutral administrator but Mr Catford appears to have gone beyond that.

**69.** The Prime Minister appointed Peter Ball as Bishop of Gloucester in March 1992. His enthronement was attended by His Royal Highness the Prince of Wales, whose home was within the Diocese. There were some within the Diocese who were unhappy about a monk becoming bishop, but this objection was short-lived and largely limited to Peter Ball’s first six months in office. Although there were many in the Diocese who were impressed by his work,<sup>787</sup> Peter Ball felt that he was unpopular with senior members of diocesan staff, including the Dean of Gloucester Cathedral, the Archdeacons of Gloucester and Cheltenham, and the Bishop of Tewkesbury.

**70.** Peter Ball’s chaplain was Reverend Stephen Eldridge. When Reverend Eldridge assumed the role, he was assured he would be all right because Peter Ball had “*been told ‘no more boys’*”. However, Reverend Eldridge saw young men with Peter Ball at Bishopscourt, the official residence. He also witnessed what he considered to be Peter Ball’s inappropriate behaviour with or towards young men more than once.<sup>788</sup>

## **C.5: The events leading to Peter Ball’s arrest**

### **The allegations by Neil Todd**

**71.** For a significant part of his adolescence, Mr Neil Todd had wanted to be part of a religious community or lead a religious life. In 1991 he wrote to Peter Ball expressing his wish to join the Little Brothers and Sisters of Christ, an offshoot organisation from the Give a Year to God scheme. Mr Todd learnt about this scheme from his local parish.

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<sup>783</sup> CAB000013\_004-005

<sup>784</sup> CAB000013

<sup>785</sup> Carey 24 July 2018 46/24 and 47/3

<sup>786</sup> Carey 24 July 2018 44/25

<sup>787</sup> INQ000656

<sup>788</sup> ANG000275



**72.** Mr Todd first visited Peter Ball in Sussex in 1991, when he was 17 years old. On his first night at Peter Ball’s home, Mr Todd was told he must be obedient and give his all to God. Alone with Peter Ball in his chapel, Mr Todd was told to remove his clothes in order to recite the ‘Penitential Psalms’. Peter Ball preached to him about the life of St Francis and said they should emulate him by praying whilst nude. Mr Todd said he was required to take a cold shower whilst Peter Ball watched. When Mr Todd tried to wear his underwear in the shower Peter Ball called him “silly” and removed it.<sup>789</sup>

**73.** After Peter Ball’s appointment to the Diocese of Gloucester, Mr Todd visited him at Bishopscourt to begin his postulancy (the start of his route to becoming a monk) in July 1992. He was 18 years old at that time.

**74.** Mr and Mrs Moss, the housekeeper and chauffeur to the Bishop of Gloucester (both Peter Ball and Bishop John Yates before him) met Mr Todd and considered him a quiet and naive young man. He acted, more or less, as a servant in the house and went out very rarely.<sup>790</sup>

**75.** When he was interviewed by police in 1992, Mr Todd said that Peter Ball spoke to him during that time about the pain of Christ and told him that if he was disobedient he would be beaten with a stick or whip. Mr Todd was frightened of being beaten but Peter Ball pressed for a date when this would take place. This was set for 5 September 1992.<sup>791</sup>

**76.** Mr and Mrs Moss had noticed, as they had become friendly with Mr Todd, that he seemed very frightened of Peter Ball. He came to them when they were about to go on holiday, worried about being left alone with Peter Ball. Mr Todd told them that Peter Ball wanted to whip or beat him, and showed them one of a large bundle of letters in which Peter Ball spoke of a final act which would be required to show that Mr Todd had given himself to God. Reluctant to leave him alone, Mr and Mrs Moss took Mr Todd away with them on their holiday.<sup>792</sup>

**77.** When they all returned from holiday on 21 September 1992, Mr Todd told Peter Ball he intended to go to Crawley Down, a monastery in Sussex, to continue his training. He told police that the night before he left, Peter Ball said they should “*share their love*”. Mr Todd said that Peter Ball came to his bedroom that night. They embraced naked. Mr Todd said he felt uncomfortable, embarrassed and ashamed but felt that he had to accede to the request. Obedience, he had been told by Peter Ball, was a fundamental feature of the monastic life.<sup>793</sup>

**78.** Mr and Mrs Moss had become concerned about the behaviour of Peter Ball. Firstly, this was because of what Mr Todd had told them and because of their concern for him. They had also noted that numbers of young men came and went from the Bishop’s residence, often staying over and drinking late into the night. They were worried about what was going on, and resolved to speak to Bishop Yates about it because, as the previous diocesan bishop, they knew and trusted him.

**79.** Bishop Yates had moved to be Bishop at Lambeth (a senior cleric who would provide advice and support to the Archbishop of Canterbury). Mr and Mrs Moss visited him at Lambeth Palace and told him what was happening and about Peter Ball’s wish to beat

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<sup>789</sup> OHY000086\_24-36

<sup>790</sup> INQ000646 and INQ000647

<sup>791</sup> OHY000086\_24-36

<sup>792</sup> INQ000647

<sup>793</sup> OHY000086\_24-36



Mr Todd. They asked him to put a stop to it. Bishop Yates did not say anything they considered to be helpful. He simply told them that if they had any further concerns they should go and see the Bishop of Tewkesbury, Jeremy Walsh.<sup>794</sup> Archbishop George Carey said this information was never passed to him, although he and Bishop Yates had a relationship of trust.<sup>795</sup>

**80.** Mr and Mrs Moss also visited Bishop Walsh, who had not heard anything from Bishop Yates. He was surprised at what they told him but offered no helpful solution. Mr and Mrs Moss were left feeling isolated and did not know what to do. They had told two senior clerics about Peter Ball's behaviour but, as far as they could see, nothing was done.<sup>796</sup>

**81.** After a month at Crawley Down, in October 1992 Mr Todd returned to Bishops court. Again, at Peter Ball's request, Mr Todd said they removed their clothes and contact took place by way of rubbing of bodies, which resulted in ejaculation by Peter Ball. Peter Ball asked him not to tell anyone. Mr Todd, who had been totally committed to his monastic life, trusted Peter Ball's word that this nakedness and this behaviour was part of his spiritual education and was necessary to learn obedience.

**82.** Shortly after this event, Mr Todd went to London and met with AN-A92, who was a member of the Little Brothers and Sisters of Christ. He told AN-A92 what had happened. AN-A92 was shocked and explained this was not a normal part of monastic life; he said he would speak to Peter Ball. Distraught, vulnerable and feeling that he had been deceived by someone he respected and admired, Mr Todd tried to take his own life in November 1992. He was by this time 19 years old.<sup>797</sup>

### Mr Todd's disclosures to the Church

**83.** Whilst in hospital in London, Mr Todd began to disclose what had happened, firstly to Reverend Nigel Godfrey (then a local vicar in London). Reverend Godfrey organised for Mr Todd to meet with the then Bishop of Southwark, Roy Williamson. On his first visit, Mr Todd was in great distress and was too tearful to give a full account. He returned the next day and was able to tell the bishop that when he stayed with Peter Ball he "*would require us all to be naked*". Although this concerned Bishop Williamson, he did not think there was any "*suggestion of impropriety*", though he did identify that Mr Todd was in some significant distress.<sup>798</sup> That same day the bishop met with Bishop Eric Kemp (Peter Ball's former diocesan bishop) and relayed the disclosure to him. Bishop Kemp commented "*oh, he's still on that nakedness business is he*",<sup>799</sup> which shows he was aware of at least some of Peter Ball's activities.

**84.** Around the same time, Bishop Kemp was also contacted by AN-A92 who relayed the allegations by Mr Todd.<sup>800</sup> Bishop Kemp interpreted Mr Todd's allegations as a "*homosexual relationship*".<sup>801</sup> Bishop Kemp spoke to Peter Ball who denied any sexual contact with Mr Todd. Peter Ball then wrote an account of his relationship with Mr Todd which he faxed to Bishop Kemp. This was apparently wholly defensive and denied sexual activity;<sup>802</sup> he

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<sup>794</sup> INQ000646 and INQ000647

<sup>795</sup> Carey 24 July 2018 51

<sup>796</sup> INQ000647

<sup>797</sup> OHY000086\_37-47

<sup>798</sup> INQ000604

<sup>799</sup> INQ000604

<sup>800</sup> RTY000001\_159

<sup>801</sup> ANG000301\_012

<sup>802</sup> ANG000301\_012

claimed to have taught Mr Todd about discipline (including getting up at 5.30am and having a cold shower). He accepted embracing Mr Todd at his request but denied any genital contact. Bishop Kemp destroyed this fax at Peter Ball's request, shortly after his arrest.<sup>803</sup>

**85.** Bishop Kemp met with Mr Todd to try to negotiate a reconciliation with Peter Ball, which Mr Todd refused. He disclosed to Bishop Kemp what had happened whilst he was staying with Peter Ball, including sexual contact in Mr Todd's bed, during which Peter Ball "*had an emission*".<sup>804</sup> Mr Todd said that all he wanted was for Peter Ball to admit what had happened and for him to cease to be a bishop.<sup>805</sup>

**86.** In the meantime, Peter Ball also contacted and met with Superintendent John Horan, a Gloucestershire Constabulary officer with whom he was friendly. Superintendent Horan's father had previously been the Bishop of Tewkesbury. At their meeting, Peter Ball told Superintendent Horan the only thing he had done was to give Mr Todd a hug, on which basis Superintendent Horan advised him no criminal offence had been committed.<sup>806</sup>

**87.** By the time of Peter Ball's arrest, at least three senior bishops and a number of other clergy knew of the allegations by Mr Todd. None of them told the police or thought to do so. Overall, this has the appearance of an attempt to ensure that the matter did not become known to the authorities. The reputation of the Church and Peter Ball was given a higher priority than the obvious distress of a vulnerable young man.

### The response of Lambeth Palace to Mr Todd's disclosures

**88.** On 11 December 1992, Archbishop Carey was briefed about Mr Todd's disclosures by Bishop Kemp and Bishop Williamson at Lambeth Palace.

**89.** The Archbishop described that time as a "*perfect storm*". He was facing "*impending threats of schism*" within the Church on the question of the ordination of women. This had been debated by the General Synod only a month before, with significant numbers of clergy indicating that they would leave the Church of England or refuse to accept a woman as a member of clergy within their parish. In addition, he was facing a "*potential constitutional crisis*" in the separation of His Royal Highness the Prince of Wales and Diana, Princess of Wales, of which he had been informed two days earlier.<sup>807</sup>

**90.** He was told by Bishop Kemp and Bishop Williamson that the allegations involved both naked prayer and genital touching, and that Mr Todd had tried to take his own life.<sup>808</sup> Archbishop Carey did not tell the police or instruct the police to be informed. He immediately summoned Peter Ball to see him.<sup>809</sup>

**91.** Archbishop Carey said in 2014 that he had arranged for pastoral care to be provided to Mr Todd once he had been told of what had happened. No such arrangement ever happened because on the same day, 11 December 1992, Mr Todd tried again to take his own life. This time, his parents were informed of what he had done and visited him in hospital, where they described him as "*a physical and emotional wreck*". He told them about Peter Ball's criminal

<sup>803</sup> ANG000301\_015

<sup>804</sup> RTY000001\_165

<sup>805</sup> RTY000001\_167

<sup>806</sup> ANG000301\_013

<sup>807</sup> WWS000143\_028

<sup>808</sup> MPS002746\_002

<sup>809</sup> Carey 24 July 2018 55

behaviour. He also told his father he had already disclosed this to individuals within the Church because he did not want anyone to go through what he had suffered. Mr Todd's parents contacted the police the same day to report Peter Ball for his sexual offending.<sup>810</sup>

**92.** The next day, 12 December 1992, Archbishop Carey received a written briefing from Bishop Yates about Mr Todd's second suicide attempt and the fact that the allegations against Peter Ball had been reported to the police.<sup>811</sup> The only concern expressed in the briefing was that the story could be leaked to the media. Bishop Yates queried whether they should contact the local police to flag the catastrophic effect that an investigation could have on Peter Ball and the Church. Other than noting that the chaplain at the hospital in Brixton had assisted Mr Todd, there was no discussion of what support would be offered to him by the Church.

**93.** By making disclosures to bishops and, indirectly, to the Archbishop of Canterbury, Mr Todd had raised the alarm at the very highest level of the Church. He had been encouraged to 'reconcile' with Peter Ball and did not feel that he had been taken seriously. When he tried to take his own life for the second time, Mr Todd had not received reassurance or support from senior Church figures and, so far as he could see, nothing had been done to prevent Peter Ball from posing a risk to anyone else or to begin a disciplinary process.

**94.** On the information known to the Church prior to Peter Ball's arrest, he had allegedly been involved in naked prayer with a young man who had been led to believe it was a necessary sign of obedience and part of monastic living. Whatever the criminality, the alleged conduct was sordid and contrary to the vows taken by bishops and canons of the Church. No action was taken to put a stop to Peter Ball's behaviour or to protect others from it. The Church failed to support and protect a vulnerable young man who had done nothing wrong.

**95.** Whilst it is true that there were not, at that time, any policies in place for dealing with such situations and that the concept of protection of a vulnerable adult was either not known or not well understood, the response of the Church was weak and focussed on protecting its own reputation.

## **C.6: The Gloucestershire Constabulary investigation**

### **The beginning of the investigation**

**96.** The investigation by Gloucestershire Constabulary lasted from December 1992 to February 1993, and cost approximately £10,000. There were six police officers investigating, four of whom were full time. They took 63 witness statements from former schemers, members of clergy, members of the CGA and witnesses from Gloucester, Sussex and Cambridge. This was a large-scale enterprise for the police.<sup>812</sup>

**97.** The officer in day-to-day charge of the investigation was Detective Inspector Wayne Murdock. When the case was referred from the Metropolitan Police on 12 December 1992, he travelled to see Mr Todd at his parents' address that same day to take a statement. The family's first concern was that the Church would "*cover this up*", but DI Murdock reassured

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<sup>810</sup> INQ001755

<sup>811</sup> ACE000175

<sup>812</sup> Murdock 25 July 2018 62/12-25

them that the police would not.<sup>813</sup> DI Murdock took a detailed account from Mr Todd over two days, at the end of which he said he had no reason to doubt the truth of his account. Mr Todd's main concern was for Peter Ball to admit he had done wrong and be removed from office, so that nobody else should go through what he had.<sup>814</sup>

**98.** Gloucestershire Constabulary attempted to identify other potential complainants and witnesses. They recognised complainants might not be willing to come forward and speak to the police, so they approached all young men who were registered at or had been part of the Little Brothers and Sisters of Christ. Others came forward as a result of press coverage. The police took statements from six young men, in addition to Mr Todd. A consistent picture began to emerge; the young men described naked prayer, anointing of their genitals and requests to masturbate before Peter Ball. He told the young men these were not sexual acts but acts of Franciscan spirituality or part and parcel of monastic life. Many of them had been expressly warned by Peter Ball they should not tell anyone about this. Two individuals told police they had met Peter Ball during individual spiritual counselling sessions whilst they were children and still at school, and he had asked them to take their clothes off or to masturbate before him on school premises.<sup>815</sup>

**99.** Two of the individuals spoken to by the police were AN-A117 and AN-A98. Since his time on the scheme, AN-A117 had stayed with and been supported by Reverend Dr Rosalind Hunt in Cambridge, who had become a friend and was described by him as his spiritual mentor. There AN-A117 met AN-A98.

**100.** AN-A98 was attending a public school in Surrey when he first met Peter Ball in 1985. When he was 18 years old he left school and joined Peter Ball's scheme at the Litlington Priory. He told police that in addition to naked prayer, Peter Ball had anointed his genitals with oil in the chapel. He said Peter Ball would ask him to massage his inner thigh whilst he was naked, and on occasion he would have an erection and ejaculate. AN-98 alleged that, at Peter Ball's request, they masturbated one another and would lie in bed together. He said on a number of occasions he was beaten by Peter Ball whilst kneeling naked on the floor. He was beaten so hard that the flesh on his buttocks was broken and would bleed. Peter Ball would also ask AN-A98 to flog him.<sup>816</sup>

**101.** In January 1993, AN-A117 and AN-A98 disclosed what had happened with Peter Ball to Reverend Hunt. She did not herself go to the police, as in her view it should have been AN-A117's decision, but she encouraged him to do so. She called Rowan Williams (then Bishop of Monmouth, now Lord Williams of Oystermouth) for advice, as she had known him whilst he was a professor of theology at the University of Cambridge. She told him she was aware that Peter Ball had been behaving inappropriately with young men.<sup>817</sup> She asked him to warn off Peter Ball – he advised her to go to her diocesan bishop.<sup>818</sup>

**102.** During the police investigation, both AN-A117 and AN-A98 were contacted by or on behalf of Peter Ball and encouraged to keep quiet. AN-A117 saw Peter Ball the week before his arrest. At that time he still felt loyal to Peter Ball, who told him Mr Todd was making allegations against him and that any sexual connotation was total fantasy on Mr Todd's part.

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<sup>813</sup> Murdock 25 July 2018 55/1-10

<sup>814</sup> Murdock 25 July 2018 55/21-56/23

<sup>815</sup> GSP000005

<sup>816</sup> OHY003487 20-23

<sup>817</sup> Hunt 26 July 2018 145-149

<sup>818</sup> Williams 14 March 2018 171/14-16

Peter Ball telephoned him the day before his arrest and said he was relying on his support. He added that all AN-A117 had to do was to tell them of the cold showers and the naked praying but nothing more.<sup>819</sup>

**103.** Following Peter Ball's arrest, AN-A98 was contacted by Bishop Michael Ball who told him he thought if no one else made a complaint about Peter, they would be "*home and dry*". He said that a private detective working for Peter Ball was contacting people but he only wanted to hear positive things about Peter. Bishop Michael Ball also suggested to AN-A98 that if anyone came to ask him questions he should "*shut up*" or similar. Bishop Michael Ball called a second time to ask whether AN-A98 knew anyone else who may wish to complain about Peter, and to impress upon him that if no one else complained Peter may be okay.<sup>820</sup>

**104.** Reverend Hunt was also contacted and placed under improper pressure to keep quiet during the investigation. Bishop Michael Ball telephoned her and told her it would not be good for Peter Ball or the Church for AN-A98 or AN-A117 to go to the police. Reverend Hunt also discovered Bishop Michael Ball had tried to record their call, because he inadvertently played the tape back to her.<sup>821</sup> Two other bishops, one of whom was himself later accused of sexual abuse against children, also discouraged Reverend Hunt from speaking to the police and told her it would be better if these allegations remained private and if, rather than go to the police, Peter Ball was placed under Church discipline. Reverend Hunt was so troubled by this she again sought advice from Rowan Williams. He told her she was only required to obey a bishop in matters that are lawful and honest; in his view what she was being asked to do was neither. He encouraged her to speak to her diocesan bishop.<sup>822</sup>

**105.** No senior member of the Church, including Bishop Michael Ball, should have used their position and influence in the Church to try to dissuade a junior member of clergy, or complainants, from reporting allegations to the police.

**106.** DI Murdock became aware of Bishop Michael Ball contacting potential witnesses. He also suspected he was behind a number of letters supporting Peter Ball that were sent to the police, the CPS and Lambeth Palace. DI Murdock spoke with Peter Ball's solicitor and warned him that Bishop Michael Ball was, in his view, coming very close to the offence of perverting the course of justice.<sup>823</sup>

**107.** With the support of each other, and of Reverend Hunt, AN-A117 and AN-A98 spoke with the police. Though they did not want Peter Ball to get into trouble, they knew what had happened to Mr Todd was true and they wished to make statements to support him.<sup>824</sup> AN-A117 and AN-A98 were supported throughout by Reverend Hunt and her colleague Professor Christopher Rowland, and AN-A117 described the officers who interviewed him as "*gentle*".

**108.** AN-A117 told the officers that Peter Ball beat him on the backside on a number of occasions, sometimes with a wooden clothes brush. Afterwards he would ask AN-A117 to beat him in return. When AN-A117 did not feel able to do so, Peter Ball made him feel that he was a failure. On one particular occasion AN-A117 recalled he had been in pain for days

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<sup>819</sup> AN-A117 23 July 2018 138-140

<sup>820</sup> OHY003488\_001-002

<sup>821</sup> Hunt 26 July 2018 159/5-160/15

<sup>822</sup> ANG000335\_011-012

<sup>823</sup> Murdock 25 July 2018 101/8-19

<sup>824</sup> AN-A117 23 July 2018 141

afterward and that his backside had been bruised. Peter Ball also asked AN-A117 to roll around naked in the rain, telling him it was something he did with others when they were living the life of St Francis. Afterwards, Peter Ball took AN-A117 into bed with him. Given the nature of the power imbalance, this was inappropriate behaviour.

**109.** AN-A117 said he agreed to the beatings only because he felt he had no choice, and that it was expected of him. Peter Ball made him feel he would be letting down God and him if he did not agree. When he had left the scheme, AN-A117 had asked Peter Ball to promise he would not beat anyone else.<sup>825</sup>

**110.** DI Murdock said both men were clearly fragile. They were willing to give witness statements and to go to court, but they wanted to support Mr Todd rather than be considered complainants themselves. That did not, he said, prevent him treating them as the subjects of potential charges.<sup>826</sup>

**111.** A number of witnesses, including AN-A117 and AN-A98, were homosexual. It was clear to DI Murdock that they were struggling with their sexuality, particularly within the context of the Church, which at that time was very conservative in its outlook on same-sex relationships. He thought Mr Todd was struggling likewise. His perception of the Church's attitude towards homosexuals was that it was willing to accept them outside the Church but not within it. As a result, one witness had not felt able to give the police the whole truth. He called the police after the interview to ask them to come back to take a correction statement. DI Murdock was aware of other potential complainants who were not willing to come forward, he thought because they did not want to have their sexuality exposed.<sup>827</sup> It is possible they believed that identification as homosexual may have hindered their chosen clerical careers.

**112.** Gloucestershire Constabulary has accepted that there were further complainants, victims and survivors who could have been identified in 1992–1993. In their view, if further complainants been identified it may have led to a successful prosecution of Peter Ball at this time.<sup>828</sup>

## Peter Ball's interviews

**113.** DI Murdock arrested Peter Ball on 14 December 1992. He was interviewed four times in total, the last of which was simply to clarify matters.

**114.** In his first interview, Peter Ball claimed there was an enormous element of fantasy in Mr Todd's account. He also said Mr Todd had wanted to be beaten, but that he had refused to do so on a number of occasions. Peter Ball said he only saw Mr Todd taking cold showers because he would time him, at Mr Todd's request.

**115.** Peter Ball completely denied any allegation of masturbation in his second interview, but explained that he was drawn to nakedness to share Christ's experience in the Garden of Gethsemane. On occasion, he said, people had joined him voluntarily but he denied telling Mr Todd it was necessary if he wanted to be a monk.

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<sup>825</sup> AN-A117 23 July 2018 139

<sup>826</sup> Murdock 25 July 2018 95/6-96/15

<sup>827</sup> Murdock 25 July 2018 96/18-98/18

<sup>828</sup> GSP000005\_043



**116.** In his third interview, Peter Ball accepted hugging Mr Todd whilst naked but said he avoided all genital contact and denied masturbation. He accepted that he may have had “*an emission*” because it would take only the slightest body contact.<sup>829</sup>

### The work of Reverend Brian Tyler

**117.** Reverend Brian Tyler was a former Sussex Police officer and an ordained member of the clergy, known to both Bishop Eric Kemp and Bishop Michael Ball. Early in the Gloucestershire Constabulary investigation, he was asked to act as a private investigator to seek material to assist with Peter Ball’s defence. It is unclear by whom he was instructed. His fees were met in part by Peter Ball’s solicitors and in part by Bishop Kemp. In addition to Peter Ball’s defence team, Reverend Tyler was providing updates to senior clergy within the Church, including those at Lambeth Palace. On a number of occasions he spoke to Bishop John Yates in order to provide updates to the Lambeth Palace team.

**118.** He conducted interviews with a number of individuals who had been part of the Give a Year to God scheme, the CGA or the Little Brothers and Sisters of Christ. In reports to Bishop Kemp, he recorded his intention to get to a number of witnesses before the police did. DI Murdock believed he was trying to dissuade them from giving evidence<sup>830</sup> and on occasion encouraged witnesses to contact the police to ‘correct’ or ‘amend’ their statements.

**119.** On one occasion, whilst DI Murdock was interviewing Bishop Kemp, Reverend Tyler waited outside in his car. He was surreptitiously recording the conversation. There was an arrangement that Bishop Kemp would open the curtains if there was anything of concern, to signal to Reverend Tyler that he should come in. DI Murdock considered this to be “*devious*” and it was not something he would expect from a very senior member of the Church.<sup>831</sup> Whilst it has the quality of farce, this incident shows that individuals within the Church were willing to undermine the police investigation to keep Peter Ball’s reputation intact.

**120.** Reverend Tyler set out with the intention to clear Peter Ball’s name. He attempted to build a case to discredit AN-A92 and support the theory that he was part of or responsible for a conspiracy to incriminate Peter Ball. He contacted DI Murdock and asked him to look into AN-A92, telling him that this was a blackmail attempt.<sup>832</sup> DI Murdock duly investigated and found no evidence to support this assertion. Peter Ball now accepts that he was wrong in his attempts to blame AN-A92.<sup>833</sup>

**121.** Whilst Reverend Tyler spoke to a number of schemers who spoke favourably of Peter Ball and denied any knowledge of nakedness, he was also told there were many stories that involved Peter Ball requesting youths to undress in front of him, anointing people naked, stripping naked with others “*and all that sort of thing*”.<sup>834</sup> He met with the Guardian of the Franciscan Order to ask him about Peter Ball’s defence that this was all part of Franciscan Spirituality. He was told that it was nothing more than “*an excuse for his lustful way of life. The Franciscans do not pray naked. There is nothing at all to support Peter’s ideas about Saint Francis.*”<sup>835</sup>

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<sup>829</sup> OHY003480\_005

<sup>830</sup> Murdock 25 July 2018 122/17-22

<sup>831</sup> Murdock 25 July 2018 103/13-105/9

<sup>832</sup> Murdock 25 July 2018 130/21-25

<sup>833</sup> ANG000301\_023

<sup>834</sup> RTY000001\_153-157

<sup>835</sup> RTY000001\_182



**122.** Reverend Tyler was forced to conclude that there “*is ample evidence ... to prove that Bishop Peter has been involved in a sexually promiscuous way of life*”.<sup>836</sup> He thought they should try to secure a caution for Peter Ball. His final report, sent to Bishop Kemp for inclusion on Peter Ball’s file, stated that:

*“Without doubt the Police have powerful evidence of years of masturbation and abuse of young men by Bishop Peter. If a trial follows any decline by Peter to resign it would be a disastrous result for the church at this time.”*

**123.** Being in possession of such a report, it was entirely wrong for Bishop Kemp to have written in his autobiography that Peter Ball’s resignation had been the result of work by “*mischief makers*”.<sup>837</sup> This very public statement exacerbated the distress of victims and survivors, such as AN-A10, who said he had tried to speak out about Peter Ball but did not feel heard.<sup>838</sup>

**124.** This report remained on file in Chichester until 2012. It was addressed to Bishop Kemp but expressly stated that it was to be shared with the Archbishop of Canterbury. The Archbishop was aware Reverend Tyler had been engaged to investigate the allegations for the defence, but says that he never met with him and never saw the report.<sup>839</sup> He said he thought it was a dangerous decision for the Church to undertake its own investigations and washed his hands of it.<sup>840</sup> Nonetheless, on 15 February 1993, Bishop Yates reported to Archbishop George Carey that Reverend Tyler had concluded Peter Ball had a case to answer.<sup>841</sup>

**125.** Despite Archbishop Carey, Bishop Yates and Bishop Kemp all knowing that Reverend Tyler’s investigation supported the allegations against Peter Ball, no one in the Church took steps to ensure this information was shared with the police or the CPS. If Archbishop Carey had not seen the reports by Reverend Tyler, he should have obtained Reverend Tyler’s findings and, when told of them, he should have acted upon them.

### The meeting between the police and the defence team

**126.** During a meeting with Reverend Tyler and his defence team on 23 January 1993, Peter Ball admitted acts capable of amounting to gross indecency. He asked whether he could accept a caution. He maintained that the idea of a caution had been raised before this meeting but he could not remember by whom.<sup>842</sup> He was advised by Mr Chris Peak, his solicitor, that should he be cautioned he must offer his resignation. It was also suggested that he might wish to leave the country to avoid the publicity.<sup>843</sup>

**127.** The idea of Peter Ball’s resignation came from within his own defence team, including Mr Peak and Reverend Tyler, who were simultaneously reporting to the Church and working for Peter Ball. From this point onwards, Peter Ball’s resignation was bound up with the defence request for the case to be dealt with by way of a caution.

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<sup>836</sup> RTY000001\_183

<sup>837</sup> INQ000632\_005

<sup>838</sup> CPS002345\_002-003

<sup>839</sup> Carey 24 July 2018 142/14-18

<sup>840</sup> Carey 24 July 2018 143/1-6

<sup>841</sup> ACE001251

<sup>842</sup> ANG000301\_024

<sup>843</sup> RTY000001\_173

**128.** Peter Ball's defence team, including Reverend Tyler, requested a meeting with DI Murdock. On 24 February 1993 DI Murdock attended with another officer. The defence wished to enquire whether matters would be resolved if Peter Ball were to resign and accept a caution.<sup>844</sup> Reverend Tyler described the meeting as friendly and helpful. He formed the view that DI Murdock, who knew of the CGA, was "*endeavouring to help ... avoid any unpleasantness in this investigation*".<sup>845</sup> He agreed, Reverend Tyler reported, to recommend to the CPS that this should be dealt with by way of a caution.

**129.** DI Murdock denied trying to help the defence. Before his involvement in the case, DI Murdock had known Brother Kenneth, who was Peter Ball's successor as Prior of the CGA and had taught him at school. He had not seen him for 25 years. DI Murdock did not consider that this precluded him from running the investigation. He declared the association to his supervisors and subsequently included it in his report to the CPS.

**130.** DI Murdock recorded the meeting in detail in his diary.<sup>846</sup> He informed the Director of Public Prosecutions (DPP) that Peter Ball would be prepared to accept a caution for an offence of indecency in respect of Mr Todd only and that, if he did so, he would offer his resignation.<sup>847</sup> However, DI Murdock said he did not agree to recommend a caution. He was not in a position to make any such promise. He agreed to do no more than pass on the offer of Peter Ball's resignation to the CPS. Whatever was said at the meeting, the report to the CPS did not recommend a caution. It covered every possible outcome, concluding that there was a case to answer against Peter Ball but the decision lay with the CPS, having consulted the DPP.<sup>848</sup>

### Information received about other alleged perpetrators

**131.** During his investigation, Reverend Tyler obtained a witness statement from Vickery House, who was considered a potential witness in support of Peter Ball's defence.

**132.** In his report Reverend Tyler wrote that, at the meeting on 25 January 1993, DI Murdock recommended "*unofficially*"<sup>849</sup> that it would not be a good idea to call House as a witness as Gloucestershire Constabulary had received information about AN-F11 (a priest in the Chichester Diocese), which they intended to pass to Sussex Police. In relation to House, AN-A108 alleged he had got him drunk and fondled his testicles whilst he was a member of the scheme.<sup>850</sup>

**133.** Reverend Tyler reported that he had dissuaded DI Murdock from passing the information about AN-F11 and House to Sussex Police by assuring him Bishop Kemp would deal with it. He reported that DI Murdock agreed to provide copies of the statements when Peter Ball's case concluded.<sup>851</sup> He wrote to DI Murdock on 29 March 1993:

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<sup>844</sup> [Murdock 25 July 2018 112/1-115/23](#)

<sup>845</sup> [RTY000001\\_174](#)

<sup>846</sup> [GSP000007\\_27](#)

<sup>847</sup> [OHY003480\\_030-031](#)

<sup>848</sup> [Murdock 25 July 2018 125/10-126/6](#)

<sup>849</sup> [GSP000005\\_041](#)

<sup>850</sup> [GSP000005\\_041](#)

<sup>851</sup> [RTY000001\\_174](#)

*“When we last met, you told me of Fr House and AN-F11. I told Bishop Kemp of this, and told him of my promise to you that we would deal with this situation internally ... I would appreciate if in utter confidence you would send me any evidence or copies of statements relating to House and AN-F11. This is with Bishop Kemp’s knowledge and approval.”<sup>852</sup>*

**134.** DI Murdock had no recollection of receiving Reverend Tyler’s letter<sup>853</sup> which was sent at a time when DI Murdock was posted elsewhere.<sup>854</sup> DI Murdock was adamant that he would not have promised to withhold evidence from Sussex Police, which would be akin to perverting the course of justice.<sup>855</sup> DI Murdock did not conceal information about House in his report to the CPS.

**135.** Officers from Sussex Police contacted DI Murdock in July 1993 and attended Gloucester in August in relation to two priests in Sussex who *“may also have committed criminal offences”*.<sup>856</sup> There is no record of what information they were given. If the situation arose now, Gloucestershire Constabulary would seek to ensure there was no ambiguity in cross-border communications.<sup>857</sup>

**136.** House was convicted of five sexual offences against four young men during the 1970s and 1980s. He was sentenced to six and a half years’ imprisonment in October 2015. AN-F11 died before any investigation was ever carried out. Both Gloucestershire Constabulary and Sussex Police were aware of allegations about House in 1993, yet failed to undertake any detailed investigation until 2012.

**137.** Bishop Kemp was aware of the allegations against House which, at the very least, questioned his suitability for ministry and to work with young people in particular. Nothing was done about this information and he had unrestricted ministry until his arrest in 2012. When Mr Roger Meekings carried out his Past Cases Review in Chichester in 2008, House’s name was not included on any list of known cases and there was no record of this on the blue file.<sup>858</sup>

## Expressions of support for Peter Ball

**138.** At the outset of the investigation, DI Murdock thought that Peter Ball’s status and profile would mean the investigation might be the subject of outside influence; the *“jungle drums will start going and the phone calls will start”*.<sup>859</sup> He was right.

**139.** When Archbishop Carey became aware that Mr Todd had reported Peter Ball to the police, he contacted Sir Peter Imbert, the head of the Metropolitan Police, to find out what was going on.<sup>860</sup> Sir Peter in turn contacted senior officers in Gloucestershire Constabulary, who spoke to DI Murdock. Peter Ball had himself already made contact with a superintendent in Gloucestershire Constabulary.

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<sup>852</sup> RTY000001\_208

<sup>853</sup> Murdock 25 July 2018 131/6-24

<sup>854</sup> GSP000012\_050

<sup>855</sup> Murdock 25 July 2018 121/1-122/13

<sup>856</sup> GSP000007\_41-42

<sup>857</sup> GSP000005\_041-042

<sup>858</sup> ANG000210\_006

<sup>859</sup> Murdock 25 July 2018 53/10-54/7

<sup>860</sup> WWS000143\_10

**140.** Throughout the investigation, Gloucestershire Constabulary, the CPS and Lambeth Palace received a significant volume of contact from supporters of Peter Ball, from all sections of society.<sup>861</sup> For example, letters were written from the leaders of elite private schools with which Peter Ball had an association, including Radley College,<sup>862</sup> Harrow and Cranleigh School.<sup>863</sup> Ian Beer, headmaster of Ellesmere College and Lancing College, wrote of Peter Ball's influence on young people and his success in helping young boys sent to stay with him. He said there had never been any reports or concerns from either children or parents.<sup>864</sup>

**141.** James Woodhouse, former headmaster of Lancing College and Rugby School, wrote to support Peter Ball's account that his inappropriate acts were ill-judged but nonetheless founded in spirituality.<sup>865</sup> Mr Woodhouse wrote this letter because he had no reason to believe that Peter Ball was guilty of the crimes of which he had been accused.<sup>866</sup> He thought that it was in such a contrast to his experience of Peter Ball and so, it seemed to him, possible there had been a false accusation.

**142.** Lord Lloyd of Berwick, at that time a Lord Justice of Appeal, was a close friend of Peter Ball and held senior roles within the Church.<sup>867</sup> During the investigation, Lord Lloyd telephoned DI Murdock, he said, to offer a testimonial about Peter Ball. As DI Murdock was the investigating officer, he did not discuss the case and Lord Lloyd agreed to put anything he wished to say in writing. DI Murdock found the call embarrassing and thought that Lord Lloyd had acted very naively but not improperly.<sup>868</sup>

**143.** Lord Lloyd wrote to the Chief Constable.<sup>869</sup> He said he was not going to write about the case as he knew nothing about it and it would be "*quite improper*" for him "*to seem to be influencing the decision which must rest with the Director of Public Prosecutions*". He said that he only wanted to pass on what he knew about Peter Ball:

*"He is, quite simply, the most gentle upright and saintly man I have ever met ... if there is a latter day St Francis, then Peter Ball is him."*

**144.** He said Peter Ball was suffering greatly and had to call in a psychiatrist. He was concerned that Peter Ball would not be able to cope if it went on much longer. Lord Lloyd also wrote in similar terms to the DPP. He provided a copy of this letter to DI Murdock, with a cover note on official headed paper.<sup>870</sup>

**145.** Lord Lloyd was adamant that he was not, in sending this letter, trying to influence the police or the DPP. This was in his view purely a character reference. However, he accepted that character references are normally sent through the defence representatives and do not become relevant until sentencing. His letters were sent before the case was charged. It is difficult to see any other purpose for this letter, other than to influence. He believed it was important for those investigating the case to know what sort of person Peter Ball was. He did not mean to emphasise that he should be listened to because of his status, but he did

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<sup>861</sup> Murdock 25 July 2018 70/15-72/20

<sup>862</sup> ACE021184\_016-017

<sup>863</sup> ACE021184\_010-011

<sup>864</sup> ACE021184\_014-015

<sup>865</sup> OHY000096\_013-014

<sup>866</sup> ANG000324

<sup>867</sup> The Anglican Ecclesiastical Appellate Court and Chair of the Ecclesiastical Committee.

<sup>868</sup> Lloyd 27 July 2018 7/3-11

<sup>869</sup> OHY000096\_069-070

<sup>870</sup> OHY000096\_069-070

write in his official capacity.<sup>871</sup> At the least he must have realised, or possibly intended, that his letter would be given significant weight or at least taken seriously because of his position at the time.

**146.** Peter Ball also had friends within government. Tim Rathbone MP wrote to Gloucestershire Constabulary on House of Commons headed paper. He said he knew Peter Ball and it was “*literally inconceivable that he would ever become involved with anyone in the way the newspapers have described or insinuated*”.<sup>872</sup> He added that Peter Ball was “*a shining example of applied and practical goodness of a very special, if not unique quality*”, and asked that “*these facts ... be borne in mind when assessing the validity of criticism from any quarter*”.

**147.** At Lord Lloyd’s suggestion, the Right Honourable Tim Renton MP (now Lord Renton) wrote, on parliamentary headed paper, to the DPP Dame Barbara Mills in February 1993. This was before the case had even been submitted by the police. He said he had never written to a DPP about an individual case before, but he did so for Peter Ball because he believed him to be “*a man of outstanding Christian sincerity and goodness*”. He wrote with the explicit intention that he may have an effect on the outcome of the case.<sup>873</sup>

*“In all the years he was with us in Sussex, surrounded by his Order or young men, we never heard a breath of any suggestion of impropriety. I do hope you will not mind my writing to you personally and that you will take these thoughts ... into consideration when reaching your decision.”*

Lady Renton, Lord Renton’s wife, confirmed that they heard that Peter Ball had been arrested for naked praying with young males. They thought it was odd and an “*overzealous Church thing, rather than something sexual in nature*”. They wrote using House of Commons paper because they knew that to do so would give it extra weight and authority; they thought the DPP would be more likely to take their views seriously.

**148.** Gregor McGill of the CPS confirmed that if a member of the public wrote to the DPP, it would just be sent to the individual dealing with the case locally to consider and respond. As this letter was written by an MP on House of Commons headed paper, it was passed to the DPP’s office for a background note and a draft reply to be prepared. It was shown to the DPP personally for her views. It also triggered a request from the DPP’s office to the Gloucestershire office for an update about the investigation. Mr McGill agreed this may create the risk that an MP, purely because of their position, may have more influence through writing letters than an ordinary member of the public.<sup>874</sup>

**149.** Peter Ball’s defence team claimed, during the investigation, to hold a letter of support for Peter Ball from a member of the Royal Family. This was expressed to DI Murdock, who in turn reported it to the CPS. No such letter has been found and no such letter was seen at the time by the police. The Prince of Wales has denied that he, at any stage, sought to influence the outcome of the investigation or encouraged his staff to do so.<sup>875</sup>

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<sup>871</sup> OHY000096\_070

<sup>872</sup> OHY000096\_036

<sup>873</sup> ACE021184\_002-003

<sup>874</sup> McGill 26 July 2018 10/2-9

<sup>875</sup> ANG000333

**150.** When the case was referred to the CPS, they were informed about the support Peter Ball had received from persons of public prominence.<sup>876</sup> In Mr McGill's view this was interesting but irrelevant to the decision to be made by the CPS.<sup>877</sup> Similarly, DI Murdock said that these letters "*cut no ice*" with him and he thought to himself that they would not have been written had the authors known what he knew about the allegations.<sup>878</sup> On behalf of the victims and survivors it was submitted that it is to DI Murdock's credit that he did not falter in the face of sustained pressure.<sup>879</sup> Mr McGill did not find any evidence that the CPS had been influenced in its work by any of the letters received.<sup>880</sup>

**151.** These individuals are only a small selection of those who wrote on Peter Ball's behalf. Like many who wrote, it is likely that they genuinely believed in Peter Ball's innocence. Their support demonstrates the effect of Peter Ball's position, his charisma and the veneer of spirituality that he portrayed. In short, these individuals could not conceive of the possibility that someone like Peter Ball could be guilty of such offending behaviour. They were trying to ensure that those investigating Peter Ball knew what kind of person he was so that they too would realise how inherently unlikely it was that he was guilty. This demonstrates a misunderstanding of those who commit sexual offences and those who, like Peter Ball, use their charm and charisma to facilitate and conceal their offending behaviour. Peter Ball's supporters thought they knew more than they did and, in fact, knew nothing of the extent of the allegations faced by Peter Ball.

**152.** Those individuals in positions of public prominence must have been aware of the potential influence that they held. They must have either recognised or intended that their testimonial may be given greater weight by institutions because of their position.

## **C.7: The response of the Church of England during the 1992 police investigation**

### **The response of the Church to Peter Ball's arrest**

**153.** The Church should have ensured that there was no blurring of the boundaries between its pastoral role towards Peter Ball, the position of the Church, and the Archbishop's potential role in taking disciplinary action against him. Such clarity was not evident.<sup>881</sup> The Church's position was that Peter Ball should be protected in order to protect the Church of England and its reputation. Steps were therefore taken to assist Peter Ball in his defence,<sup>882</sup> which created a perception by victims and survivors that the Church was using its power to cover up criminal activity.

**154.** When Peter Ball was arrested on 14 December 1992, he sought assistance from June Rogers, a lawyer and Chancellor of the Diocese of Gloucester. Ms Rogers told the Inquiry that her first thought was to ensure that Peter Ball had some legal representation.<sup>883</sup> She

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<sup>876</sup> OHY003480\_029

<sup>877</sup> McGill 26 July 2018 16/2-9

<sup>878</sup> Murdock 25 July 2018 74/2-10 75/5-10

<sup>879</sup> ANG000340

<sup>880</sup> McGill 26 July 2018 10/18-19

<sup>881</sup> ACE026392

<sup>882</sup> WWS000204\_21

<sup>883</sup> ANG000304\_001



therefore pointed him towards Chris Peak, a solicitor and the Diocesan Registrar (the legal adviser to the Diocese of Gloucester, a paid role to provide legal advice to the Diocese). Mr Peak had limited experience in criminal law.

**155.** Mr Peak represented Peter Ball in his capacity as the Diocesan Registrar. His fees were paid in part by the Church and in part by the Ball brothers. Peter Ball believes that there was a conflict of interest in Mr Peak's role, as the interests of the Diocese of Gloucester and of himself personally within the criminal proceedings were not the same. Peter Ball believes that Mr Peak did not represent him appropriately. Mr Peak was also, Peter Ball claimed, "*out of his depth*".<sup>884</sup> There is no evidence that this potential conflict was declared by Mr Peak or accepted by Peter Ball at the time. Mr Peak accepts the possibility of a conflict of interest but maintains this did not colour his advice to Peter Ball. Furthermore, Peter Ball had access to a solicitor within Mr Peak's firm without links to the Diocese to secure impartiality, and also instructed an experienced senior barrister who had criminal expertise.<sup>885</sup> Mr Peak maintained that the caution and resignation were in the best interests of both Peter Ball and the Diocese of Gloucester.

**156.** Peter Ball was not suspended upon his arrest nor at any time during the criminal investigation. Whilst a priest or deacon could have been suspended if criminal charges were pending, ecclesiastical legislation did not give the Archbishop or anyone else the power to suspend a bishop at this time.<sup>886</sup> The Clergy Discipline Measure (CDM) 2003 allowed a bishop to be suspended but only if there had been an arrest. It was only from 2016 that there was power to suspend even without an arrest, if there was information to be satisfied that there was a significant risk of harm to children or vulnerable adults.<sup>887</sup>

**157.** On 15 December 1992, when Peter Ball was released on bail, he went straight to Lambeth Palace with Bishop Michael Ball to meet Archbishop George Carey.<sup>888</sup> Peter Ball says he told him everything.<sup>889</sup> Archbishop Carey told us Peter Ball protested his innocence, and that he and his brother said Peter "*would never do a thing like that*".<sup>890</sup> Archbishop Carey told us Peter Ball accepted having a close relationship with Mr Todd but denied touching him sexually in any non-consensual way. The Archbishop asked whether there had been any penetrative sex and he was told there had not.<sup>891</sup>

**158.** There does not appear to have been any meaningful exploration of what had happened between Peter Ball and Mr Todd. The Archbishop failed to recognise the seriousness of offending which did not include penetration or the significance of the unequal power relationship which existed. He appeared at the time either unwilling or unable to distinguish between consensual homosexual relationships and the abusive behaviour displayed by Peter Ball.

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<sup>884</sup> ANG000301\_016

<sup>885</sup> ANG000276

<sup>886</sup> The Ecclesiastical Jurisdiction Measure 1967.

<sup>887</sup> ACE025283\_020

<sup>888</sup> Carey 24 July 2018 56

<sup>889</sup> ANG000301\_17

<sup>890</sup> Carey 24 July 2018 57

<sup>891</sup> MPS002746



**159.** No notes made at the time of this meeting have been located. Dr Frank Robson, the provincial registrar (the lawyer responsible for providing ecclesiastical and other specialist legal advice to the Archbishop of Canterbury), was summoned part way through the meeting but does not recall taking any notes.<sup>892</sup> Those who knew Dr Robson would have expected him to take notes at such a significant meeting, and for them to have been retained on file.

**160.** Archbishop Carey wrote to Peter Ball after their meeting. Regardless of what he was told by Peter Ball, he knew the nature of the allegations from Bishop Eric Kemp and Bishop Roy Williamson. He had been told that Peter Ball, then 60 years old, had abused his position to engage in sexual activity with a much younger man. Yet the Archbishop wrote to Peter Ball:

*"You need to know further that the matter does not diminish my admiration for you or my determination to keep you on the episcopal bench ... so be encouraged and do not lose heart."*<sup>893</sup>

**161.** Despite now finding it "sickly", Archbishop Carey stands by his letter and by his intention to keep Peter Ball on the episcopal bench because Peter Ball was a man with many gifts.<sup>894</sup> He "couldn't believe that a bishop in the church of God could do such evil things". Archbishop Carey said "I actually believed him for quite a time, because who else were complaining about him? I didn't know these people".<sup>895</sup> The Archbishop, possibly because of personal affection for Peter Ball, or his reputation, or simply his role as a bishop, attached more weight to Peter Ball's word than that of Mr Todd.

**162.** It is clear that Archbishop Carey hoped the case would simply go away. He wrote to Bishop Michael Ball after Peter Ball's arrest:

*"If the police do not take this to prosecution ... then we could find the matter ends then and there. That is my hope and fervent prayer."*<sup>896</sup>

**163.** On 16 December 1992, Lambeth Palace issued a press release expressing unqualified support for Peter Ball:

*"It must be emphasised that no charges have been brought against the Bishop, and the allegations made about him are unsubstantiated. Moreover, the Bishop has a proven record of outstanding pastoral work, particularly amongst young people."*<sup>897</sup>

The press release also promised that appropriate inquiries would be conducted by the Church and confirmed that the Archbishop had Peter Ball in his prayers at a difficult time. No mention was made of the complainant and no prayers were offered for his wellbeing. The public and Mr Todd were "left in no doubt as to where the Church's sympathies lay".<sup>898</sup>

**164.** Dr Andrew Purkis (the Archbishop of Canterbury's Secretary for Public Affairs) accepts it is likely that this statement would have been written at Lambeth Palace and checked by him and by the Archbishop. He now thinks that this statement was "a hostage to fortune".<sup>899</sup>

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<sup>892</sup> INQ002054

<sup>893</sup> ACE000195

<sup>894</sup> Carey 24 July 2018 60/22-61/9

<sup>895</sup> Carey 24 July 2018 24

<sup>896</sup> ACE000197

<sup>897</sup> ACE002104

<sup>898</sup> ACE026392\_4

<sup>899</sup> Purkis 25 July 2018 5/18-21

## Letters received at Lambeth Palace

**165.** During the course of the police investigation, a significant number of letters in support of Peter Ball were sent to Lambeth Palace.<sup>900</sup> Archbishop Carey was aware of a campaign by Bishop Kemp, and also Peter and Michael Ball themselves, to collect letters of support for Peter Ball. The knowledge that the campaign was orchestrated does not seem to have reduced the weight he attached to them.<sup>901</sup>

**166.** Lambeth Palace also received a number of letters which supported the allegations made by Mr Todd, or provided very similar examples of such behaviour from Peter Ball towards others. The first was received on 15 December 1992<sup>902</sup> from someone who had known Peter Ball for 14 years and held him in high esteem. He disclosed that when he was 23, as with Mr Todd, Peter Ball had suggested to him that they remove their clothes and pray together naked.

Obviously I do not know the nature of the allegation, but as someone who worked closely with him for 14 years - and knew nearly all the young men who passed through his care - I would be amazed if any indecent act took place.

What I suspect may be the foundation for the allegation is an incident which, until now, I have only mentioned to my wife.

I was 23 when Peter and I first met, and our friendship developed through prayer, conversation and partnership in mission and training young people. Coming from such different backgrounds, we had contrasting ideas about the best format for training young men. But he was the Bishop and so a monastic model was used.

I gave him my full support, and he suggested that we seal our commitment in the work of the gospel in a similar way to St Francis - by stripping of our clothes in his chapel, as a symbol of no going back, and praying together.

We did this, there was no physical contact or sexual 'atmosphere' and - in truth - it was a deeply meaningful spiritual experience which seems to have been part of bonding Peter and myself together in the service of Christ. It was never repeated, and was clearly meant and understood as a 'symbolic' beginning.

I have no idea whether he ever asked others to pray in a similar manner. None of the young men ever suggested that he had, and I would have thought that at least one of them would have commented to me if he had. But it does seem possible to me that Peter, in his new role in Gloucester, may have asked somebody to make a similar spiritual gesture of commitment - which has been mis-interpreted and has become the foundation of this allegation.

**167.** This had the potential to support not only the truth of Mr Todd's allegation but also Peter Ball's defence.

**168.** A second letter was received on 19 December 1992 from AN-A93 who alleged that, when he was 17 years old, Peter Ball had used a counselling session at a school to ask him to masturbate in front of him.<sup>903</sup> Bishop John Yates did no more than acknowledge the letter:

<sup>900</sup> Carey 24 July 2018 104/20-105/4

<sup>901</sup> WWS000143\_016 and ACE000223

<sup>902</sup> ACE000179

<sup>903</sup> ACE003053\_016-018

Bishop at Lambeth  
The Right Reverend John Yates

COPY

Lambeth Palace  
London SE1 7JU

tel: **DPA**  
fax:

26th December 1999

See **AN-A93**,

The Archbishop is away from Lambeth for Christmas, but I will of course make sure that he is informed about your letter after his return.

Yours sincerely

**DPA**

**AN-A93**

**DPA**

**DPA**

RECEIVED 19 DEC 1999

18. xii. 99.

Your Grace,

I notice from the front page of Wednesday's 'Daily Telegraph' that the Church is conducting an investigation into allegations of indecent behaviour on the part of Bishop Peter Ball of Exeter.

This is to let you know that when I was a 17 year old schoolboy at **DPA** in 1990 Peter Ball, during the course of a counselling exercise for

people who did not want to go to the school chaplain, asked me to masturbate in front of him, in order, he said, to allow me to relieve my guilt and tension.

I never went to the authorities about this then, but wish I had. Now I notice he is up to his old tricks with another 17 year old I thought I ought to allow you, and the police, know about it.

I should be happy to help you with any further details about this incident. yours sincerely,

**DPA**

**AN-A93**

169. On 21 December 1992, Lambeth Palace received a third letter from someone who had considered priesthood and met with Peter Ball on several occasions during that time:<sup>904</sup>

<sup>904</sup> ACE000198

I was a member of the anglican communion for many years and converted to become a catholic in 1982 . I knew Fr.Peter for many years when he was the Bishop Of Lewis . When Fr.Peter arrived as our Bishop I was advised to see him by Fr. D. Carter as I felt at the time I had a vocation to the priesthood . I went to see Fr Peter numerous times and on one occasion he came to see me . I always found him to be a saintly and kind man who was un-assuming and always acted in a professional manner . A retired priest who has since died divulged certain personal matters about Fr. Peter of which I found hard to believe .

I do not believe the facts as presented via the media to be true from a man with whom I had numerous interviews with who was truly sincere. caring. and with whom there was never any impropriety . I earnestly ask you to take heed of my petition for Fr.Peter . this man does.nt deserve the hell he is going through at the moment .

Yours Sincerely .

**DPA**

**Name Redacted**

Registered Nurse .

**LAMBETH PALACE**

**170.** When he saw the newspaper coverage of Peter Ball's arrest, AN-A10 wrote to Lambeth Palace on 21 December 1992, but did not feel able to write in further details.<sup>905</sup>

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<sup>905</sup>ACE000213\_001

18th December 1992

To: Dr George Carey  
Archbishop of Canterbury  
Lambeth Palace  
Lambeth Palace Road  
LONDON SE1 7JU

**DPA**

001709

RECEIVED 21 DEC 1992

My Lord,

I have wrestled with my conscience these last few days, and I have very reluctantly decided to get in touch with you, as I read in the newspapers that the Church is carrying out its own inquiry into the recent allegations made to the police about the Bishop of Gloucester.

DPA

**DPA** Also, he is revered by my mother. I am very anxious that confidentiality should be maintained concerning my communication to you.

I have something which I am uncertain whether or not I ought to relate, concerning a private meeting and talk which I had with Bishop Peter 10½ years ago, when I was 21 years old: I am unsure whether it is of substantive relevance to the present inquiry.

I am sorry to write to you in this roundabout fashion - but I do not think that it would be proper for me to write you an unsolicited letter setting out my (maybe) irrelevant 10½ year old story, which is of a personal nature.

If you wish to contact me, I would be grateful if you could write, rather than phone, and send any letter to me in an unmarked envelope.

Yours faithfully,

**DPA**

LAMBETH PALACE

AN-A10

**171.** His letter was acknowledged by Lambeth Palace but no one ever wrote to ask him what had happened or to arrange to meet with him. He felt very disappointed and let down.<sup>906</sup> In fact, AN-A10's experience was similar to others. He met Peter Ball when he was 18 years old. They played squash together and afterwards he saw Peter Ball looking at his penis in the changing rooms. When he was 21, going through a difficult time and confused about his sexuality, he sought support from Peter Ball. During a counselling session, Peter Ball suggested they masturbate as a spiritual experience which would cleanse them of sin.<sup>907</sup>

**172.** Two further letters were received on 22 December 1992. Archbishop Carey received and read both.<sup>908</sup> The first was very brief and said only that the author was concerned to ensure that Peter Ball be prevented from running any further schemes or damaging any more young lives.<sup>909</sup> The Archbishop replied personally, encouraging the author to contact the police if they had any information;<sup>910</sup> she responded on 4 January 1993 with detailed allegations of abuse perpetrated against her son, AN-A108.<sup>911</sup>

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<sup>906</sup> AN-A10 23 July 2018 160/25-161/8

<sup>907</sup> AN-A10 23 July 2018 149/13-155/18

<sup>908</sup> Carey 24 July 2018 83/4-7

<sup>909</sup> ACE003053\_006

<sup>910</sup> ACE003053\_005

<sup>911</sup> ACE003053\_003-4



COPY

DPA

DPA

RECEIVED - 6 JAN 1993

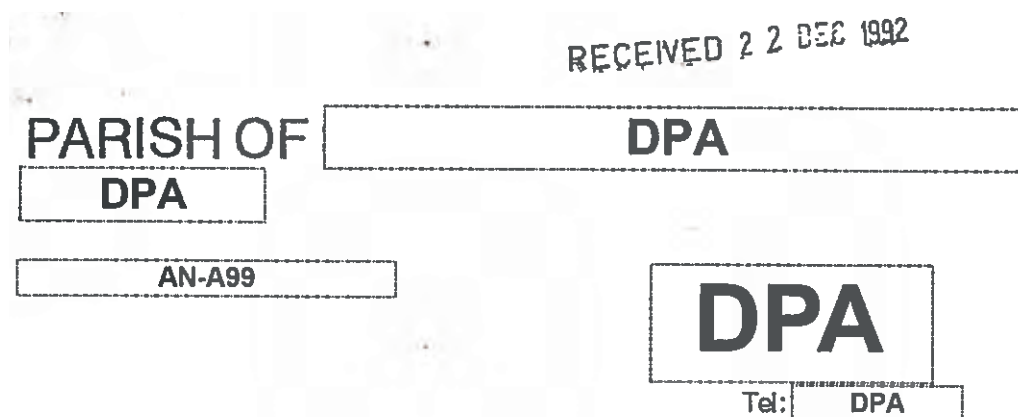
14th January 1993

Dear Archbishop, Thank you for your letter dated 22nd December 1992 in which you invite me to write again with fuller details of incidents affecting young people.

My own son is my source of information in this matter as he participated in Bishop Peter's Scheme for Youth and was approached by the Bishop on a number of occasions with unwelcome suggestions of a homosexual nature. Bishop Peter would I believe deny the homosexual aspect of his suggestions, claiming them to constitute a "freeing experience". The whole scheme has had a very bad long term effect on my son. Consequently this family has also suffered over the years as my husband & I strive to help our son to 'pick up the pieces' of his life even now.

There was also a priest on the scheme, Reverend Vicary House who behaved in a similar manner. Since I have recently heard that, with Bishop Peter's help, he has been appointed Chaplain to Airedale Public School for Boys I feel it right to say that he too should not occupy such an official position. In my view neither of them should ever again have contact  
PTO

173. The author of the second letter made clear allegations about Peter Ball's abuse of power, imploring Lambeth Palace to do something about it:<sup>912</sup>



ITS LONG BUT PLEASE GET THIS LETTER TO THE ARCHBISHOP

Dear Archbishop George,

I am writing in connection with the recent allegations against Father Peter, Bishop of Gloucester. I imagine that many will write to you in reference to this matter, but I do hope you read this since I have direct knowledge, and not hearsay, of what lies behind the allegations.

In 1982 I belonged to Father Peter's "Scheme", which was a sort of young people's community. I remained on it for one year, although I kept in contact with it for longer, as I tried to test a vocation to the priesthood, and also I was considering celibacy, even the monastic life. By the way, you have met me, and ordained me deacon.

I joined the "Scheme" and was very impressed by the round of daily prayer, the call to holiness, and the comradeship of those on it. Father Peter was a very charismatic man and he gave us a very strong community sense, which I had not felt so strong before. My initial months in Sussex were very exhilarating. Like many, I put enormous trust in Peter, and his vision seemed compulsive. Perhaps I should have been more grown-up (I was in my early twenties), but Peter was very persuasive.

To cut a long story short my time around Father Peter side-tracked me from my calling and filled my head with many notions (about celibacy, the state of the church, a radical christianity etc...), which I have just had to ditch.

...

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<sup>912</sup>ACE003053\_012

This may sound extremely odd but I sort of slid into his way of thinking, as many did, and it seemed O.K. I would like to point out that I am not homosexual nor bisexual. I am married with a lovely wife and child, and have never been unfaithful. I admit that I have had pre-marital sex (some of which I am not proud of), but I do not consider myself in any way sexually "hung up". I did go into chapel with him and caress him but I was unhappy with it. I came to this conclusion that Peter was really using me and not helping me as he claimed. We did not have sex, but he did subtly imply that I "could do anything if it helped me" (or words to that effect). At the time I believed this to mean genital contact. Later, on a different occasion, Peter asked me to do the same thing. I was uneasy, I felt like a woman who is being pressurised by a man to do something she does not want to. I felt that he was using his "power" (the respect and loyalty that I felt for him) to use me. I went into the garden at \_\_\_\_\_ where we were living, into the dark, as a pretext that I was going to ask God about it. Really I had decided but I needed to get away. I came back and said no.

I knew this behaviour was going on with others but I cannot say if they felt like me. I think some had no problems about it all. What I do know is that in my case the loyalty and my ideals that I had invested in Peter and his "Scheme" were dealt a severe blow. I could no longer trust him.

...

Many will probably write and support Peter. In one way that is good because it is hard for him, but it's been hard for many of us as well, through him (I have at least one other person who has experienced what I have and would be prepared to collaborate my story. There are more too).

PLEASE DO NOT CLOSE IT DOWN, TALK TO HIM, DO SOMETHING ABOUT IT.

174. On 23 December 1992, a further letter was received:<sup>913</sup>

Some 2½ years ago our son, \_\_\_\_\_ was 17 and a boarder in his final term at \_\_\_\_\_ DPA \_\_\_\_\_, Sussex. Following an internal disciplinary decision we were asked to take him out of school until his exams. \_\_\_\_\_ Sensitive \_\_\_\_\_ Sensitive it would have been exceedingly difficult to have \_\_\_\_\_ at home. The Headmaster told us that the Bishop of Lewes, as he then was, had a small resident group of those contemplating life in religious orders, and that he had sometimes been able to take boys from the school in similar difficult circumstances. It was arranged for \_\_\_\_\_ to go there and we much appreciated the kindness which had made this possible.

When \_\_\_\_\_ returned home for a long weekend shortly before his A levels he was very reticent about the prospect of going back to the Bishop's house. When pressed it became apparent that he felt 'uncomfortable' there. While there was no specific action which could have caused concern, we understand that the Bishop had suggested that \_\_\_\_\_ should share his bedroom as there was a shortage of accommodation (though \_\_\_\_\_ subsequently, and through idle curiosity, discovered that there was at least one other unoccupied room). The Bishop also enquired what \_\_\_\_\_ normally wore in bed and approved as 'natural' the fact that like many others he usually slept naked.

We do not believe that there was any physical approach made to \_\_\_\_\_, nor that there was anything more than innuendo, but \_\_\_\_\_ certainly felt that he had been propositioned, if only indirectly.

As he was able to return to school at this stage, and in the absence of any specific damaging events, we decided to do nothing. Any complaint would have embarrassed the Bishop himself who had acted charitably towards us: it would also have reflected badly on the school who had been very understanding of the circumstances, and on \_\_\_\_\_ himself who was only there as a result of disciplinary action already taken. We felt it best to put matters behind us and were, in any case, uncertain what action might have been appropriate as it could not have been a matter of formal complaint.

<sup>913</sup> ACE003053\_008-009



*\_\_\_\_\_ himself is a strong enough character not to have responded to any implied suggestion which might have drawn him away from his own natural inclinations: he did however express concern about other boys who might go there in similar circumstances. We have relations in senior professional position in Sussex who knew that \_\_\_\_\_ had lived for a short period in the Bishop's household, but not of any of the above events. They independently expressed concern that he should have been there as local 'knowledge' indicated that the circumstances would not have been ideal for placing a boy of impressionable age.*

**175.** Each letter had the potential to support the truth of the allegations by Mr Todd. They were from a number of individuals who were unrelated and unknown to one another; they could not be dismissed as part of any conspiracy to discredit Peter Ball. On the contrary, their tone suggests they were not mischief makers but supporters of Peter Ball and the Church who were genuine in their concern and not seeking publicity. Bishop Ronald Gordon, having discussed the letters with Peter Ball but without contacting any of the complainants directly, concluded "there is already enough evidence to suggest a picture of what has been happening".<sup>914</sup>

**176.** Every letter was read and responded to by Lambeth Palace. The Archbishop replied to two personally and Bishop Yates to the rest.<sup>915</sup> Whilst Archbishop Carey was saddened and ashamed at some of the abuse described in these letters, he never considered it to amount to child sexual abuse, despite the fact that at least one of the individuals was under 18 when he was propositioned by Peter Ball in a school setting.<sup>916</sup>

### The failure to provide the letters to the police

**177.** Gloucestershire Constabulary had reason to believe that there might be others who had written to the Archbishop and disclosed similar behaviour to that alleged by Mr Todd.<sup>917</sup> They had been contacted by AN-A93 and took a statement from him.

**178.** On 22 December 1992, DI Wayne Murdock attended Lambeth Palace. He believed arrangements had been made between Detective Superintendent John Bennett and Bishop Yates for the provision of everything held by Lambeth Palace on Peter Ball. DI Murdock reiterated this fact to Bishop Yates by telephone prior to his visit.<sup>918</sup> However, Bishop Yates provided DI Murdock with only one letter, from the individual who had considered naked prayer to be a spiritual experience.<sup>919</sup> He was not notified of the existence of any of the other letters.

**179.** Although his memory of this period is not very clear, Archbishop Carey does not accept that the meeting at Lambeth Palace was arranged for the purpose of receiving letters. Whilst he doubts that any conscious decision was made to withhold the letters, they were not something that Lambeth Palace at that time would naturally hand over to the police:

*"There was a presumption at the time that private letters were private. It was also thought that exposure of embarrassing things would cause distress and damage careers."<sup>920</sup>*

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<sup>914</sup> WWS000161

<sup>915</sup> WWS000143\_12

<sup>916</sup> Carey 24 July 2018 81/3-9

<sup>917</sup> Murdock 25 July 2018 83/20-84/9

<sup>918</sup> Murdock 25 July 2018 82/16-83/15

<sup>919</sup> ACE000179

<sup>920</sup> WWS000143\_014

**180.** However, Lambeth Palace felt able to provide one of the letters received to the police. Selecting the one which was not particularly damaging to Peter Ball, and indeed that might actually assist him, indicates that it was chosen carefully. The unavoidable conclusion is that someone at Lambeth Palace chose to withhold the remaining, and more damaging, letters from the police.

**181.** Whilst Archbishop Carey was present at Lambeth Palace, he did not personally meet with DI Murdock.<sup>921</sup> He was aware of the existence of all the letters before the conclusion of the investigation, and had read and responded to a number before DI Murdock attended Lambeth Palace. However, he took no action to request or ensure that all of these potentially relevant letters were provided to the police. He says no one ever advised him that they should be passed to the police.<sup>922</sup> Archbishop Carey also argued that the letters were not all handed over because the police had not requested them.<sup>923</sup>

**182.** These explanations are unimpressive. DI Murdock did not know what information Lambeth Palace held so he could not possibly have been expected to ask specifically for any of the letters. It was reasonable for him to expect that anything relevant would be provided. Furthermore, this provides no explanation as to why Lambeth Palace did volunteer one letter received but only the one capable of assisting Peter Ball. Archbishop Carey was likewise never advised against providing the letters to Gloucestershire Constabulary. He should have been able to recognise their potential relevance, as well as the importance of sharing them with the police.

**183.** DI Murdock and Gloucestershire Constabulary told us the letters might have affected both the course of the police investigation and its outcome. The police had heard from three of the individuals. If they had seen all of the letters it may have alerted them to other potential complainants and revealed new lines of inquiry. It was not for the Church to decide their use or relevance.<sup>924</sup> DI Murdock said that the *“bottom line was, those letters should have been passed on for us to look at and for us to make the judgement in terms of what their evidential value was”*.<sup>925</sup>

**184.** Archbishop Carey now accepts that these letters should all have been passed to the police<sup>926</sup> but it was submitted on his behalf that the police, through other means, had already identified and spoken to three of the individuals who had written to Lambeth Palace.<sup>927</sup> The fact that the police had already spoken with some of these complainants does not diminish the seriousness of the failure. The attitude at Lambeth Palace is reflected in the response from Lambeth Palace to one author, confirming the Archbishop had read the letter and *“entirely endorses and supports your decision not to pass the information ... to the police”*.<sup>928</sup>

**185.** The day after failing to provide DI Murdock with the potentially incriminating letters, Archbishop Carey received a memorandum from Bishop Yates. This shows that senior staff knew or believed that Peter Ball’s chances of avoiding a criminal prosecution depended on no further evidence of complaints coming to the attention of the police:

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<sup>921</sup> [WWS000143\\_014](#)

<sup>922</sup> [WWS000143\\_013](#)

<sup>923</sup> [Carey 24 July 2018 91/1-19](#)

<sup>924</sup> [Murdock 25 July 2018 91/4-92/17](#) and [OHY006402](#)

<sup>925</sup> [Murdock 25 July 2018 91/6-7](#)

<sup>926</sup> [Carey 24 July 2018 94/5-18](#)

<sup>927</sup> [WWS000219](#)

<sup>928</sup> [ACE000398](#)

*"If no more evidence is brought to the police, the prospect of a prosecution may be receding (but there are several worrying letters on which we await Frank Robson's advice)."*<sup>929</sup>

**186.** The Archbishops' Council agree that there was "no good excuse" for the failure to pass those letters to the police, regardless of whether they were specifically requested. It was the Church's responsibility to assist the police to reach a fully informed decision, not to select what material to give the police or to make assumptions about what information they already had.<sup>930</sup>

*"It was no part of the Church's function to shield any person from proper investigation by the police, or to act in a manner that might have caused decisions about prosecution to be taken on the basis of inadequate or inaccurate information."*

### Archbishop George Carey's Christmas message

**187.** On 23 December 1992, Archbishop Carey prepared a pastoral message to be read in the Diocese of Gloucester. He expressed his concern about the investigation and explained that, at his suggestion, Peter Ball had gone away to rest.

*"We hope and pray that the investigation will clear his name and that he will be restored to his great work of Christian ministry ... Aware of the devastating effect that any such accusation has on those accused the Archbishop asks that people continue to remember Bishop Peter in their prayers."*<sup>931</sup>

**188.** Archbishop Carey made no mention at all of concern for Mr Todd, or indeed the other complainants who had written to him. He could not conceive that Peter Ball could have done anything too terrible. Looking at it now, Archbishop Carey accepted it was very one-sided and an unwise message to have sent. Such a statement would not be considered appropriate today.<sup>932</sup>

**189.** Archbishop Carey expressly asked people to pray that Peter Ball's name be cleared. He did so despite having already received five letters from other complainants, which supported the allegations by Mr Todd and should have raised concerns about Peter Ball's behaviour. He did so knowing that Peter Ball's actions had caused a vulnerable young man to attempt suicide.

**190.** The impression created by this message was that Peter Ball had the full support of both the Archbishop of Canterbury and the Church. The Archbishops' Council has acknowledged that, in issuing such a message, the Church paid little or no regard to the interests of the complainants.

### The investigation into the letters received

**191.** The authors of the letters received at Lambeth Palace were promised that the Archbishop would ensure that they were investigated. From the original documents, what little investigation that did occur was focussed on protecting the reputation of the Church.

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<sup>929</sup> CPS002513\_48-49

<sup>930</sup> ACE026392\_003

<sup>931</sup> ACE000255\_001

<sup>932</sup> Purkis 25 July 2018 7/20-23

**192.** In a memorandum dated 23 December 1992, Bishop Yates expressed concern, not about the young men who had made allegations against Peter Ball, but that the stories could be offered to the media and pose a risk to his continuing ministry. He suggested that someone may need to see the men who had written of “*incriminating incidents with Peter*”.<sup>933</sup> This was not for the purpose of offering support, but to protect Peter Ball by assessing the truth of their accounts and checking whether they would go to the press.

**193.** Dr Purkis advised the Archbishop to instruct a senior and trusted person to carry out “*a swift, pastoral enquiry*” and “*assess the veracity and significance of all the letters received at Lambeth*”.<sup>934</sup> A handwritten note from Bishop Yates shows he thought the person appointed should be someone used to assessing evidence such as a lawyer or a retired judge, rather than a priest.

**194.** However, rather than appoint someone external or a retired judge, the letters were reviewed by Bishop Gordon, a retired clergyman who had previously been Bishop at Lambeth and chief of staff to the Archbishop of Canterbury.<sup>935</sup> He was assisted by Dr Robson, the provincial registrar. Neither had experience in responding to allegations of abusive behaviour. Their investigation involved little more than speaking to Peter Ball about the complaints made by Mr Todd and those set out in the letters received by Lambeth Palace in December 1992. They did not speak to any of the complainants because they thought this would place the Church “*in a very difficult position indeed*” if they made allegations which Peter Ball denied.<sup>936</sup>

**195.** Archbishop Carey agreed it would have been far better if they had selected an experienced lawyer. It was also a shame, he said, that he selected two older men who had no idea of child protection or safeguarding. Neither of them considered that these allegations amounted to child sexual abuse and therefore Archbishop Carey did not think he had to do anything.<sup>937</sup> This was despite the fact that a number of those who had written were under the age of 18 at the relevant time, and two alleged incidents occurred on school premises.

**196.** On 29 January 1993, Dr Robson and Bishop Gordon met with Peter Ball and one of his solicitors. Peter Ball admitted that although he did not accept everything Mr Todd alleged, he accepted enough to be guilty of gross indecency. He would not accept that he acted immorally.<sup>938</sup> Despite being withheld from the police, the letters at Lambeth Palace were shared with Peter Ball’s defence team in this meeting. The further allegations by AN-A117 and AN-A98 were also discussed. Peter Ball sought to explain them away by saying that he had “*wanted to live out the suffering of Christ in a soft world*”.<sup>939</sup> He said he had shown those on the scheme a film about St Francis after which they had, he claimed, chosen to go to the chapel and “*fling off their own clothes*”.<sup>940</sup> His explanation is implausible. Anyone who heard it should have questioned seriously if Peter Ball was telling the truth.

**197.** Dr Robson advised the Archbishop of Canterbury that even if Peter Ball was not charged, there were arguments that he should resign because “*a bishop should not put himself*

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<sup>933</sup> CPS002513\_048-49

<sup>934</sup> ACE000281

<sup>935</sup> Carey 24 July 2018 112/18-25

<sup>936</sup> WWS000204\_021

<sup>937</sup> WWS000143\_012

<sup>938</sup> WWS000146

<sup>939</sup> WWS000146\_003

<sup>940</sup> WWS000146\_002



*in a position where matters such as these can even be contemplated*".<sup>941</sup> He was concerned that the failure to take action would *"reinforce the view that ... improper sexual behaviour, is rife in the C of E"*.<sup>942</sup>

**198.** Bishop Gordon conducted no real analysis of the letters.<sup>943</sup> The letters alleged that a 58-year-old bishop had suggested that an unaccompanied 17-year-old schoolboy share his bed whilst naked<sup>944</sup> and that he had used a school counselling session to ask a 17-year-old schoolboy to masturbate in front of him.<sup>945</sup> Lambeth Palace had already received advice from the director of the Franciscan movement<sup>946</sup> that Peter Ball's defence that he had acted in the Franciscan tradition was unsupported. Bishop Gordon concluded there was no tradition of individual or corporate nakedness as part of the expression of Christian spirituality, which Archbishop Carey read as saying that St Francis and his movement would wholly disapprove of this kind of behaviour.<sup>947</sup> Nonetheless, Peter Ball's explanation was accepted.

**199.** Following the meeting, on 4 February 1993, Bishop Gordon advised Archbishop Carey that if Peter Ball resigned or was sent to trial he was sure that nothing more needed to be done with regard to the letters.<sup>948</sup> If, however, he were to resume his ministry as Bishop of Gloucester, he said it would be wise to prepare a defence against the possibility that these complainants would complain that no notice had been taken of them. He suggested writing to them to the effect that the Archbishop had spoken with Peter Ball and was sure there would be no recurrence of this *"misjudgement"*.

### Archbishop George Carey's letter to the police

**200.** On 5 February 1993, Archbishop Carey wrote to the Chief Constable of Gloucestershire Constabulary. He claimed his letter was intended to *"offer a few personal reflections"* about Peter Ball. The letter stated that he was not attempting to influence the police enquiries. He repeated this to the Inquiry but acknowledged he would not write such a letter if he did not want it to have an impact.<sup>949</sup> In the letter, Archbishop Carey expressed his view that the allegations were *"improbable"* because Peter Ball was *"an honourable man"*. He went so far as to say that the allegations would be *"quite unrepresentative of his style"*.<sup>950</sup>

**201.** The Archbishops' Council told us that whilst it may be appropriate for individuals within the Church to tell the police about Peter Ball's wellbeing and mental health, it was not appropriate to do so in a way which might be misleading or inaccurate.

*"The Church should not have engaged in anything which amounted to lobbying of the police or the prosecuting authorities on Peter Ball's behalf, or indeed which might have been perceived in that way by the recipients of the relevant communications."*

The Archbishop's letter fell below that standard.<sup>951</sup>

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<sup>941</sup> WWS000146\_004

<sup>942</sup> WWS000146\_004

<sup>943</sup> WWS000161

<sup>944</sup> ACE003053\_003

<sup>945</sup> ACE003053\_0017-0018

<sup>946</sup> ACE000283

<sup>947</sup> Carey 24 July 2018 37

<sup>948</sup> ACE000438

<sup>949</sup> Carey 24 July 2018 152/11-24

<sup>950</sup> ACE000437\_001

<sup>951</sup> ACE026392

**202.** By this time, Lambeth Palace was aware of allegations relating to nine children and young men of a similar nature to those made by Mr Todd. In his letter, Archbishop Carey presented a misleading impression of his knowledge of Peter Ball's character to Gloucestershire Constabulary. This was either because he disbelieved the other complainants who made allegations about Peter Ball or because he was hoping to protect Peter Ball from the possibility of prosecution. Neither conclusion is edifying and this letter should not have been written, particularly by a man seen as a leader on issues of morality and conscience.

## C.8: The decision to caution

### The Gloucestershire Constabulary report

**203.** In 1993 it was the responsibility of police to arrest individuals and to initiate criminal proceedings, but they would take legal advice from the Crown Prosecution Service (CPS) in important or complicated cases.<sup>952</sup> DI Wayne Murdock had spoken with the CPS soon after Peter Ball's arrest, wanting to get them involved because of the high-profile nature of the investigation. Gloucester CPS decided they could not deal with the case locally and that it should be referred to the office of the Director of Public Prosecutions (DPP) in London, at that time Dame Barbara Mills QC.<sup>953</sup> This was because it was a serious matter involving a high-profile individual and they wanted to ensure there was true independence, to avoid a suggestion the local CPS office could be influenced in relation to a person of prominence in their local community. The DPP herself, though not making decisions personally, was informed and consulted during the course of the investigation.<sup>954</sup>

**204.** DI Murdock submitted his report to the CPS on 9 February 1993 in order for them to determine which charges should be brought. The comprehensive<sup>955</sup> report was 633 pages in length, describing the investigation in full, including summaries of all witnesses (as well as DI Murdock's views on each), potential offences and possible outcomes.

**205.** DI Murdock was clear that he believed the accounts of the complainants which, looked at together, showed a pattern of behaviour.<sup>956</sup> By contrast, Peter Ball's account was inconsistent and was not supported by the police investigations. If Mr Todd had wanted Peter Ball to beat him, why did he run away to France with Mr and Mrs Moss? Why did Peter Ball tell Bishop Eric Kemp that it was Mr Todd who had gone to his room and then tell the police something different? Why did Peter Ball write to AN-A117 to say there was "*little doubt it will all come out*" following his arrest? DI Murdock suggested Peter Ball had been less than truthful and gained sexual gratification from voyeurism, masturbation and naked flagellation. Peter Ball, he concluded, had been calculating and had hidden his sexual desires behind the robe of religion.<sup>957</sup>

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<sup>952</sup> GSP000005\_036

<sup>953</sup> Murdock 25 July 2018 79/4-80/14

<sup>954</sup> McGill 26 July 2018 5/21-7/18

<sup>955</sup> McGill 26 July 2018 11/4-7

<sup>956</sup> Murdock 25 July 2018 137/1-18

<sup>957</sup> OHY003480\_034-038

**206.** Solicitors representing Peter Ball indicated to DI Murdock that Peter Ball would accept a caution and offer his resignation. If it proceeded to trial, Peter Ball would plead not guilty and they would argue he was the victim of an orchestrated attempt to discredit him, with AN-A92 at the centre of it. They were, DI Murdock thought, “*clutching at straws*”. He had never seen anything to suggest the complainants were anything other than genuine, and he thought AN-A92’s role was of support for Mr Todd and for a justice he believed the Church incapable of offering. DI Murdock obtained evidence from 15 witnesses who had spoken of being naked with Peter Ball; it is unlikely they would all be lying.<sup>958</sup>

**207.** Having considered all of the evidence, DI Murdock concluded there were cases to answer in respect of:

- gross indecency with Mr Todd;
- assault occasioning grievous bodily harm with respect to AN-A98; and
- assault occasioning actual bodily harm with respect to AN-A117.

However, he recommended the CPS may wish to proceed only with the charge of gross indecency with respect to Mr Todd, using the evidence of assaults on AN-A98 and AN-A117 as corroboration because they were less inclined to be complainants.<sup>959</sup>

**208.** It was for the CPS to advise the police whether they should charge Peter Ball, caution him, or to conclude that no further action was in the public interest. DI Murdock summarised the relevant factors they should consider. Charging Peter Ball would vindicate Mr Todd and therefore avoid any suggestion of an ‘establishment cover up’. Despite what the defence had said, DI Murdock believed that Peter Ball, if charged, would plead guilty. Mr Todd might, he thought, be satisfied with a caution “*as long as it was publicly acknowledged that a caution amounted to an admission of the offence*” and was accompanied by Peter Ball’s resignation.<sup>960</sup>

**209.** Throughout DI Murdock’s report, Peter Ball’s resignation and the possibility of a caution were entwined, with the expectation that one would lead to the other. This reflected, in part, Mr Todd’s wish to ensure Peter Ball be removed from office so he was not be in a position of power around young men again. It had also been proposed initially by those representing Peter Ball as a “*bargaining chip*” to persuade the CPS to caution rather than charge him.<sup>961</sup>

**210.** DI Murdock also dealt with the effect of a prosecution on Peter Ball, who was considered to be in a fragile mental state and at risk of suicide, and upon the Church. Charges, he said, would have a potentially “*devastating effect on the Church*”, which was already in turmoil. However, if no charges were brought, this could drive dissatisfied parties to the press and trigger a “*trial by media*” which would be more damaging for both Peter Ball and the Church in the longer term.<sup>962</sup> DI Murdock included this, he said, because the Church was viewed in a different light; it was “*the rock, the bed of society. It stood for good*”.<sup>963</sup> He maintained he was right to do so and it was a matter for the CPS whether to consider it.<sup>964</sup>

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<sup>958</sup> OHY003480\_034-035

<sup>959</sup> OHY003480\_038

<sup>960</sup> OHY003480\_040

<sup>961</sup> Murdock 25 July 2018 88/15

<sup>962</sup> OHY003480\_038-043

<sup>963</sup> Murdock 25 July 2018 145/1-147/25

<sup>964</sup> Murdock 25 July 2018 145/1-147/25

## The offences considered by the CPS

**211.** After the case was passed to the CPS, Peter Ball's defence team wrote to the CPS to indicate they understood that only the allegations by Mr Todd would be considered and that Peter Ball would not be charged in relation to AN-A117 and AN-A98.<sup>965</sup> It is not clear why they reached such an assumption and DI Murdock denied making any such assurance. The CPS responded to make clear they were considering all of the evidence and not just the allegations made by Mr Todd.<sup>966</sup> Although both AN-A117 and AN-A98 told the police that they did not want to pursue complaints in their own right, the ultimate decision on whether or not to pursue those charges was for the police, with the advice of the CPS. Sometimes, given the seriousness of a charge, the CPS may tell a victim that notwithstanding their wishes it is in the public interest for the CPS to bring a case.<sup>967</sup>

**212.** However, the CPS could not charge Peter Ball for gross indecency<sup>968</sup> with either AN-A98 or AN-A117 as, by law, such prosecutions had to start within 12 months of the offence being committed.<sup>969</sup> They could however charge Peter Ball with gross indecency relating to Mr Todd.

**213.** The CPS also concluded they could not charge Peter Ball with indecent assault in relation to any of the complainants. Even if his motive was sexual, all complainants had ostensibly consented to the nudity and the contact. Whilst they were clear they only consented because they believed it was part of their spiritual training, the CPS considered that the law at the time would have made it difficult to argue their consent was not genuine or freely given.<sup>970</sup>

**214.** The accounts of AN-A117 and AN-A98, in particular Peter Ball beating them hard enough to leave injuries, were capable of amounting to assault occasioning actual bodily harm or assault occasioning grievous bodily harm. The CPS dismissed the possibility of charging these offences because they believed that AN-A117 and AN-A98 had consented to the assault.

**215.** However, as Mr McGill agreed, this was wrong; consent could not be a defence to either charge. Peter Ball could have been charged with two counts of assault.<sup>971</sup> Mr McGill commented that, had the decision been his, he would have charged him with both.

**216.** There is no justifiable explanation for Peter Ball not being charged with assault. At the time of Peter Ball's case, the UK courts were considering and ultimately confirmed the law on consent, but for 60 years before that consent had not been a defence to allegations such as those made by AN-A117 and AN-A98. This case was being considered at the very highest level within the CPS, by lawyers who we would expect to be aware of the law in this area and to have applied it as it stood.

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<sup>965</sup> CPS000792\_183

<sup>966</sup> CPS000792\_188

<sup>967</sup> McGill 26 July 2018 32/12-33/1

<sup>968</sup> This offence was created after homosexuality was decriminalised in 1967 to cover sexual activity between adult men which was not consensual but did not involve penetration. It was abolished in 2003.

<sup>969</sup> McGill 26 July 2018 24/16-25

<sup>970</sup> McGill 26 July 2018 24/16-26/21

<sup>971</sup> McGill 26 July 2018 29/5-33/1

217. The offence of misconduct in a public office was not well known or regularly prosecuted in 1993, either within the police<sup>972</sup> or the CPS.<sup>973</sup> Ultimately the issue of whether or not a bishop was or was not a public office holder for the purposes of this offence was a complex legal problem.

### The factors for and against prosecution

218. The CPS identified a list of factors in favour of the prosecution of Peter Ball.<sup>974</sup>

#### For and Against Prosecution

##### For

1. Corruption of young persons. Substantial disparity in age. Assaults were more than trivial and were repeated.
2. Victims were particularly vulnerable. Totally dedicated to joining a monastic order and anxious not to offend a person they looked up to as a "role model" whose endorsement they ~~needed~~ <sup>valued and</sup> needed.
3. Abuse of power and authority. Relationship of trust and responsibility.
4. Element of deceit and disguise. homosexual gratification as monastic procedure.
5. Deterrent to others in authority.
6. Caution may be seen as a cover-up and <sup>as</sup> preferential treatment.

<sup>972</sup> Murdock 25 July 2018 136/2-23, GSP000005\_040

<sup>973</sup> McGill 26 July 2018 28/13-29/2

<sup>974</sup> CPS0001072\_026



As Mr McGill commented, the second bullet point is key. Once you reach that, he thought, little more was required to justify prosecution.<sup>975</sup>

219. The factors against prosecution were somewhat shorter.<sup>976</sup>

## Against

- (1) No previous convictions -
- (2) Charges would, I suggest, be confined to Gross Indecency ~~and~~ <sup>with</sup> Indecent Assault ~~on~~ <sup>on</sup> Todd.
- (3) Traumatic experience for Church and victims in the event of a trial.
- (4) Possible light sentence -

220. On 26 February 1993, at DI Murdock's request, a meeting took place between the CPS and the police. He was noted to have "strong views on the case and is particularly concerned lest there be suggestions of some 'cover-up' by the Church".<sup>977</sup> The DPP was not present<sup>978</sup> but was briefed about the outcome.<sup>979</sup> She was advised there was no prospect of success in any prosecution except the allegations of Mr Todd. Regarding these, it was the consensus of the police and the CPS that a caution would be the most appropriate course and in the best interests of all concerned. The DPP agreed.

221. Peter Ball later claimed his caution was made conditional upon his resignation<sup>980</sup> and therefore unlawful. From the material seen in this investigation, Peter Ball's resignation was not a prerequisite for his caution, though it was anticipated that it would inevitably follow.

222. The view reached by Peter Ball's representatives was that the wisest course would be to lobby the police and the CPS to offer Peter Ball a caution. To persuade them, Mr Chris Peak told DI Murdock at the meeting on 25 January 1993 that Peter Ball would resign in the event of a caution. On 12 February 1993, Mr Peak spoke to Mr Prickett of Gloucestershire CPS and told him Peter Ball had signed a "deed in escrow" resigning from his post as diocesan bishop and that if he was cautioned it would be put into effect.<sup>981</sup>

<sup>975</sup> McGill 26 July 2018 41/18-20

<sup>976</sup> CPS0001072\_027

<sup>977</sup> CPS000792\_348

<sup>978</sup> Murdock 25 July 2018 148/14-24

<sup>979</sup> CPS000792\_351-353

<sup>980</sup> ACE000151\_007

<sup>981</sup> CPS000792\_349

**223.** The main objective for the CPS was to prevent any further abuse and breach of trust by Peter Ball by making him resign his position. That objective could be achieved by way of a caution,<sup>982</sup> which the CPS had been told would render Peter Ball's position untenable.

**224.** However, Mr McGill suggested the severity of this step should have raised concerns about whether a caution was appropriate. As he said:

*"If you're considering asking someone to resign as a result of the caution and the conduct, you would have to ask yourself in those circumstances, I think, whether a caution was appropriate."*<sup>983</sup>

## The Home Office Guidelines on cautions

**225.** The Home Office Guidelines on The Cautioning of Offenders made clear that a caution will not be appropriate where a person has not made a clear and reliable admission of the offence.<sup>984</sup>

**226.** Peter Ball had not, by the time the CPS considered this case, made any such admission. Therefore, a caution should not in these circumstances have been recommended.<sup>985</sup> DI Murdock expressly emphasised in his report to the CPS that Peter Ball had suggested repeatedly that Mr Todd was a fantasist and was lying. Peter Ball's defence team had repeated the claims that he was following the teachings of St Francis of Assisi, though he accepted that he had been very foolish.<sup>986</sup> DI Murdock thought this did *"not sit particularly comfortably ... with a caution being administered"*.<sup>987</sup>

**227.** The guidance also stated that a caution would not be appropriate for the most serious offences, or offences where the victim has suffered significant harm.<sup>988</sup> The police had queried whether allegations were too serious to be appropriately dealt with by way of caution.<sup>989</sup> Mr McGill agreed *"the circumstances of this offence don't sit well with a caution"*.<sup>990</sup>

## Whether the caution was appropriate

**228.** Although it is unclear from the CPS file, Mr McGill put the decision to go against the guidance down to the vulnerability of the complainants, including Mr Todd's suicide attempts. This clearly was on the minds of the CPS and the officers.<sup>991</sup> DI Murdock was concerned about all of the complainants and the effect that court proceedings would have on them; all had already required some form of psychiatric counselling. He also recorded the fear of the effect that it would have on Mr Todd if he were not to be publicly vindicated.<sup>992</sup>

**229.** In accordance with the Code for Crown Prosecutors,<sup>993</sup> the CPS were concerned about the impression that the complainants would make as witnesses and also how they would stand up to cross-examination. There was not, at that time, any of the special

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<sup>982</sup> CPS003477\_029 and CPS000792\_353

<sup>983</sup> McGill 26 July 2018 22/4-16

<sup>984</sup> ACE000151\_007

<sup>985</sup> McGill 26 July 2018/48/1, McGill 26 July 2018 53/1-4 and OHY003480\_029 & 031

<sup>986</sup> CPS000792\_184

<sup>987</sup> McGill 26 July 2018 50/5-9

<sup>988</sup> ACE000151\_008

<sup>989</sup> OHY003480\_040

<sup>990</sup> McGill 26 July 2018 51/6-13

<sup>991</sup> McGill 26 July 2018 51/6-13

<sup>992</sup> Murdock 25 July 2018 155/9-25

<sup>993</sup> CPS002785



measures which may be put in place now to protect or assist complainants, nor was there anything to protect them from difficult or upsetting questioning in relation to sexuality and sexual history.<sup>994</sup>

**230.** DI Murdock believed that in court proceedings as they were at that time, defence barristers would have had “*a field day*” with the complainants. They would have been “*taken apart*” and would have faced difficult questions about their sexuality. In particular, for those within the Church, they would be forced to swear on the Bible and face questions about their sexuality and intimate lives which he believed they might feel they needed to lie about.

“*You had to think about the collateral damage that could be caused.*”<sup>995</sup>

**231.** DI Murdock told Mr Todd about the decision to caution Peter Ball shortly before it was administered. He was content with the outcome.<sup>996</sup>

**232.** Nonetheless, both the CPS and Gloucestershire Constabulary have now accepted the decision in 1993 to administer a caution was wrong.<sup>997</sup> The investigation revealed a significant pattern of calculating or corrupt behaviour towards children and impressionable young men by Peter Ball, who was in a position of trust. His behaviour was aggravated by requests to victims not to mention the acts to anyone else. Whilst the ultimate decision to caution was for the police, once the advice of the CPS was sought they were obliged to follow it, not least because the charge of gross indecency required the consent of the DPP or someone acting on her behalf.<sup>998</sup>

**233.** The allegations made by Mr Todd and others did not fall clearly within any of the sexual offences then in force and there were a number of complex legal issues to be considered. The CPS accepted that the evidence of AN-A98 and AN-A117 could have supported charges of assault occasioning actual bodily harm. Whilst it is the case that AN-117 and AN-98 had expressed reluctance to be complainants in their own right, Mr McGill accepted that this did not preclude the CPS from charging Peter Ball with these offences. The paperwork shows only the briefest consideration of these serious charges, which in the circumstances was not sufficient. The CPS made that decision at a very senior level based on an incorrect analysis of the law. This does not inspire confidence in the decision-making process. Had Peter Ball been charged on both those counts, he could and should also have faced a trial in relation to the gross indecency alleged by Mr Todd.

## The administration of the caution

**234.** On 5 March 1993, the CPS wrote to Peter Ball’s legal representatives to say that there was sufficient admissible, substantial and reliable evidence available to support proceedings for indecent assault.<sup>999</sup> However, in all the circumstances, the CPS would be prepared to accept a caution for one offence of gross indecency. The caution would only take place “*on the basis of a full and unequivocal admission of the offence in question*”. Notwithstanding that two clear and separate allegations had been made by Mr Todd, Mr McGill could not

<sup>994</sup> McGill 26 July 2018 33/12-36/7

<sup>995</sup> Murdock 25 July 2018 99/16-101/5

<sup>996</sup> Murdock 25 July 2018 150/5-151/2

<sup>997</sup> McGill 26 July 2018 87/14 and OHY006402

<sup>998</sup> OHY006402

<sup>999</sup> CPS000792\_190

find a good reason why Peter Ball should not have been cautioned for two charges of gross indecency.<sup>1000</sup> This letter incorrectly referred to indecent assault instead of gross indecency; they could not charge him with indecent assault.

**235.** Peter Ball was cautioned on 8 March 1993. There is no surviving copy of the record of Peter Ball's caution. It is likely to have been destroyed in line with the national retention policy at that time.<sup>1001</sup> As a result, neither the CPS nor the police file contained any record of the date on which the caution was administered or the facts amounting to gross indecency. The absence of paperwork hindered the subsequent Sussex Police investigation, because officers could not establish the nature of the conduct admitted by Peter Ball and reflected in the caution.<sup>1002</sup>

**236.** Given this lack of clarity, Peter Ball argued in 2015 that he had been led to believe that the caution was intended to encapsulate all allegations made prior to that date. He claimed that the officer administering the caution had said words to the effect that it was now all over, and that Mr Peak had likewise been under the impression that a 'deal' had been struck, such that the caution covered anything that might subsequently come up.<sup>1003</sup>

**237.** Mr McGill confirmed that it was not the intention of the CPS to promise or imply the caution would encapsulate the allegations made by AN-A98 and AN-A117, or provide Peter Ball with immunity from future prosecution on those or any other allegations.<sup>1004</sup> The confusion was caused, in part, by the fact that the letter was imprecise and, in some respects, incorrect. That confusion was exacerbated by the absence of any clear record of the circumstances of the offending for which Peter Ball accepted a caution.

**238.** In any event, when assessing submissions made about this during Peter Ball's case in 2015, Mr Justice Sweeney, the trial judge, found that the correspondence did not contain any such assurance and that Peter Ball did not receive any such assurance from the officers in question.

## C.9: Peter Ball's resignation and the consideration of disciplinary action

### The immediate response to the caution

**239.** Peter Ball was told on 5 March 1993 that he would be cautioned, and Bishop Michael Ball immediately wrote to inform Archbishop George Carey. On 7 March 1993, Peter Ball wrote to the Archbishop, asking whether his resignation could be post-dated to 1 April 1993 because it would be "*worth four thousand pounds to him*".<sup>1005</sup>

**240.** In anticipation of Peter Ball's caution and resignation, staff at Lambeth Palace had already considered the mechanics of his resignation, including how they could avoid any impediments to his receiving a disability pension.<sup>1006</sup> Following his caution Peter Ball immediately resigned and went on holiday at the Archbishop's expense.<sup>1007</sup>

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<sup>1000</sup> McGill 26 July 2018 54/23-55/1

<sup>1001</sup> OHY006402\_020

<sup>1002</sup> Hughes 25 July 2018 178/21-179/2

<sup>1003</sup> ANG000301\_032

<sup>1004</sup> McGill 26 July 2017 58/21-60/3

<sup>1005</sup> ACE000499

<sup>1006</sup> WWS000146\_005

<sup>1007</sup> ACE001251\_2

**241.** Peter Ball's caution and resignation were accompanied by a press statement, written for him by Lambeth Palace:

*"It was never my intention, in any way, to do anything which might have caused distress to anyone. My motivation has always been the pursuit of deeper Christian commitment and spiritual growth ... I regret, with great penitence and sorrow the circumstances that have led to this police caution."*<sup>1008</sup>

**242.** A press release was also issued by Lambeth Palace on behalf of the Archbishop:

*"Bishop Peter is a highly gifted and original man ... He has been much loved, both in his Diocese and in the wider Church ... His resignation as Bishop of Gloucester is therefore a cause of great sorrow. However, given that he has accepted the caution, his resignation is a responsible decision made in the best interests of the Diocese of Gloucester and the wider Church."*<sup>1009</sup>

The Archbishop concluded by asking Christian people "to bear up all those involved in their prayers". This final line was included as a "balancing factor", intended to cover Mr Todd. Dr Andrew Purkis agreed it was inadequate.<sup>1010</sup>

**243.** Although the press release acknowledged that Peter Ball had accepted a caution, it did not acknowledge that Peter Ball had abused his position in the Church. Instead it inappropriately praised Peter Ball and presented his resignation as a self-sacrifice. The Church offered no apology to Mr Todd and did not express any concern for his welfare. The Archbishops' Council has accepted that there was a "shocking, even callous" lack of consideration for Mr Todd and the other complainants who had written to Lambeth Palace.<sup>1011</sup>

**244.** Following this statement, on 11 March 1993, Victim Support (which had been supporting Mr Todd during the police investigation) wrote to Archbishop Carey. They stated that the Todd family had been deeply disturbed by the absence of any expression of concern for Neil from senior representatives of the Church of England during the investigation. There had been many public expressions of concern for Peter Ball, but the only reference to Mr Todd was one diocesan bishop who said he hoped that Mr Todd "will be able to forgive Bishop Peter". This "apparent insensitivity" by the Church was having serious effects on Mr Todd and his family.<sup>1012</sup>

**245.** Two days after Peter Ball's caution, the Archbishop was contacted by Reverend Dr Rosalind Hunt and another individual on behalf of Mr Todd.<sup>1013</sup> They suggested that some kind of apology or reparation be made by the Church in recognition of Peter Ball's misuse of his power as a bishop, in taking advantage of young men. They also wanted to ensure that having abused his position before, Peter Ball would not be entrusted with pastoral responsibility for young men in the future.

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<sup>1008</sup> ACE000003

<sup>1009</sup> ACE000166

<sup>1010</sup> Purkis 25 July 2018 18/20-25

<sup>1011</sup> ACE026392

<sup>1012</sup> ACE000527

<sup>1013</sup> ACE003298\_193

**246.** At the time, Archbishop Carey wrote “*we resist such demands*”.<sup>1014</sup> He told the Inquiry that this was, in effect, because he did not like being told what to do and the decision was for him alone.<sup>1015</sup> Archbishop Carey did not apologise on behalf of the Church to the complainants, victims and survivors, or take any steps to make reparations.

**247.** More generally, Archbishop Carey told this Inquiry he agreed not enough was done for Mr Todd but maintained it would be wrong to say that Mr Todd did not receive any help.<sup>1016</sup> He received care from a hospital chaplain following his second suicide attempt and he was visited by the Bishop of Southwell following Peter Ball’s arrest.<sup>1017</sup> He was informally supported by his local parish priest and his wife who was a trained counsellor. The Church paid for Mr Todd to have two sessions of counselling.<sup>1018</sup>

### The extent to which there was any further investigation

**248.** As a result of negative press coverage, a further and more defensive press statement was issued on 11 March 1993 to deny there had been any Church cover-up.<sup>1019</sup> This also promised that the Archbishop’s own pastoral investigations were ongoing, a promise repeated in letters to a number of the complainants who had written to Lambeth Palace.<sup>1020</sup> In fact, no further meaningful enquiries were made by Archbishop Carey or on his behalf following Peter Ball’s caution.

**249.** Archbishop Carey told us he was not aware of the precise circumstances of the offence for which Peter Ball was cautioned.<sup>1021</sup> Following the caution, he contacted Gloucestershire Constabulary to ask for details about the allegations and the evidence of the witnesses, because it might help to inform his decision about disciplinary action and pastoral care.<sup>1022</sup> The Chief Constable refused. The first reason he gave was because the information was gathered for the purposes of criminal investigation and on a confidential basis. However, he said:

*“Whilst it may be possible to approach some of the witnesses in the way that you suggest, I feel that to do so would be fraught with danger. Inevitably our action would lead to the press and there would be a renewed focus on the whole matter which may be counter productive. This, in turn may lead to fresh allegations which I would be duty bound to investigate and thereby re-open the whole business.”*

**250.** The Chief Constable then identified that even if the witnesses were persuaded to release the evidence to them, the Church would be faced with the problem of determining which part of their evidence was accepted by Peter Ball, and to what extent. The Archbishop was warned by the Chief Constable that “*witnesses frequently change their accounts*” and so speaking to the complainants may not assist him. Lastly, the Chief Constable was concerned that seeking to persuade witnesses to disclose information to someone who is the employer of the suspect could lead to allegations of unethical conduct, and some kind of outside scrutiny which would “*open up the whole issue again*”.<sup>1023</sup>

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<sup>1014</sup> ACE003298\_193

<sup>1015</sup> Carey 24 July 2018 181/12-18

<sup>1016</sup> Carey 24 July 2018 66/4-66/14

<sup>1017</sup> Carey 24 July 2018 63/1-10

<sup>1018</sup> ACE000537

<sup>1019</sup> Purkis 25 July 2018 23/12 and ACE000518

<sup>1020</sup> ACE000590

<sup>1021</sup> Carey 24 July 2018 146/10-21

<sup>1022</sup> ACE000591

<sup>1023</sup> ACE000595

**251.** The police should not have sought to discourage further investigation by Lambeth Palace. In as much as this letter seeks to let sleeping dogs lie, that should not have been a concern of the police. The police should have at least contacted some of the witnesses to test the waters about information-sharing.

**252.** Whilst the response from Gloucestershire Constabulary was unhelpful, it need not have put an end to the Archbishop's investigation. Even without a complete picture, as the Archbishops' Council recognises, the information already available to Lambeth Palace should have at the very least put the Church on notice that a fuller investigation was required.<sup>1024</sup>

**253.** Lambeth Palace and those investigating on behalf of Archbishop Carey were aware of allegations made by eight teenagers and young men, including those who had written to Lambeth Palace, AN-A98, AN-A117 and Mr Todd. Even after the caution, they did not meet with or speak with any of them to discuss the allegations. They met with Peter Ball but did not question the explanations he gave in response to their allegations, some of which were highly implausible.

**254.** After Peter Ball's caution, Bishop John Yates wrote to AN-A93 and AN-A10 to say that, in view of Peter Ball's resignation and caution, and the length of time since the incidents they wrote about, "*the Archbishop is not minded to pursue this particular incident further*". They were told if they were still uneasy they could contact the Archbishop.<sup>1025</sup>

**255.** AN-A10 did not contact the Archbishop again. He thought that, as Peter Ball had been cautioned and had resigned, in some ways he did not need to pursue anything. However, he was also confused as to why no one from the Church had ever asked him what had happened to him.<sup>1026</sup> He had genuinely believed the Archbishop of Canterbury would conduct proper enquiries in good faith, having promised AN-A10 and promised publicly that he would. He now feels that was a sham.<sup>1027</sup>

**256.** Whilst there was no guidance, best practice or procedure for such investigations at the time,<sup>1028</sup> Archbishop Carey accepted they did "*very little by way of follow up*". He agreed that the investigation by Bishop Ronald Gordon – little more than reading the letters and listening to Peter Ball's explanation – "*did not amount to much*".<sup>1029</sup> Yet, in addition to accepting the caution in respect of Mr Todd, Peter Ball later pleaded guilty to the allegations of four of those who wrote to Lambeth Palace (AN-A93, AN-A108, AN-A10 and AN-A99).<sup>1030</sup>

**257.** Once Gloucestershire Constabulary concluded their investigation and Peter Ball was cautioned, the Archbishop's investigation at best ceased to be a priority.<sup>1031</sup> It "*fizzled out*" in circumstances which Archbishop Carey accepted were very damaging to those involved.<sup>1032</sup> He also accepted that the response to the letters was handled badly and they had been "*fobbing people off*" but he did not accept personal responsibility for these

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<sup>1024</sup> ACE026392

<sup>1025</sup> ACE006855\_001

<sup>1026</sup> AN-A10 23 July 2018 160/1-16

<sup>1027</sup> AN-A10 23 July 2018 161/16-162/4

<sup>1028</sup> WWS000143\_021

<sup>1029</sup> Carey 24 July 2018 97/12-18

<sup>1030</sup> CPS003468\_1-3

<sup>1031</sup> Purkis 25 July 2018 1-18

<sup>1032</sup> Carey 24 July 2018 115/9-15

failings.<sup>1033</sup> Archbishop Carey was the most senior cleric in the Church and was in charge at Lambeth Palace. The investigation had been announced in his name and it was ultimately his responsibility.

### Possible disciplinary action under the Ecclesiastical Jurisdiction Measure

**258.** Archbishop Carey said that it had been clear to him and others, even before the police investigation concluded, Peter Ball would need to be disciplined.<sup>1034</sup> Soon after Peter Ball's caution he wrote that there was:

*"clear evidence of misdemeanours that would have indicted any clergyman under the Ecclesiastical Jurisdiction Measure ... we can't have two standards in the Church and though the police investigation may have finished, I know that my responsibilities have not, and I have no doubt that more work needs to be done at many different levels".<sup>1035</sup>*

Despite this, following his caution in 1993, Peter Ball was not placed under any form of clergy discipline until 2016.

**259.** Archbishop Carey said he did not consider disciplinary action to be justified without more information from the police or the statutory authorities.<sup>1036</sup> Whilst he was certainly not assisted by the refusal of Gloucestershire Constabulary to provide information, Archbishop Carey still needed to consider independently the need for disciplinary action. The information already available to the Church in 1993 indicated that Peter Ball's conduct was *"behaviour that most people would regard as being unacceptable by a bishop".<sup>1037</sup>*

**260.** This could amount to an offence under the Ecclesiastical Jurisdiction Measure (EJM 1963) of *"conduct unbecoming the office and work of a clerk in holy orders"* regardless of whether or not it was a criminal offence.<sup>1038</sup> It could also be considered contrary to Canon C18, which describes the duty on diocesan bishops *"to teach and to uphold sound and wholesome doctrine, and to banish and drive away all erroneous and strange opinions; and, himself an example of righteous and godly living, it is his duty to set forward and maintain quietness, love, and peace among all men".<sup>1039</sup>*

**261.** As Archbishop Carey recorded in his diary on 7 April 1993, in relation to Peter Ball:

*"Truth is he failed his high office – could not see that if you 'counsel' teenagers, naked on your bed and touch genitals you could hardly complain if the police call it "gross indecency!"<sup>1040</sup>*

**262.** Whilst the EJM 1963 did not provide for automatic prohibition from ministry on the basis of a caution alone (as opposed to a conviction), disciplinary action could have been instigated under Part V by establishing an Episcopal Committee of Convocation, a hearing before Peter Ball's peers. Archbishop Carey was advised as much by Dr Frank Robson and Canon John Rees<sup>1041</sup> at the time.<sup>1042</sup> The potential length and complexity of the process

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<sup>1033</sup> Carey 24 July 2018 100/4-9

<sup>1034</sup> Carey 24 July 2018 109/14-15

<sup>1035</sup> WWS000201\_047

<sup>1036</sup> WWS000201\_049

<sup>1037</sup> WWS000204\_08

<sup>1038</sup> WWS000204\_021

<sup>1039</sup> Carey 24 July 2018 130/13-23

<sup>1040</sup> WWS000143\_022

<sup>1041</sup> Dr Frank Robson was the Provincial Registrar (the legal adviser on canon law to the Archbishop of Canterbury) at the time; John Rees became his successor. Both were eminent canon lawyers.

<sup>1042</sup> WWS000201\_049



would have been amongst the factors considered when deciding whether to initiate proceedings but should not have been decisive,<sup>1043</sup> particularly in light of the extent and nature of the allegations against Peter Ball.

**263.** Archbishop Justin Welby wrote to Archbishop Carey in 2017:

*"I am unable to accept that you 'did not have the benefit of any procedures in those pre-Savile days'. The files at Lambeth make clear that there were processes regularly used at the time under both the Ecclesiastical Jurisdiction Measure and the use of the 'Caution List', and that you made firm disciplinary decisions in relation to clergy who offended."*<sup>1044</sup>

**264.** Archbishop Carey said he thought Peter Ball's resignation and ill-health would preclude future ministry.<sup>1045</sup> He also said he thought at the time that Peter Ball had been punished enough because *"he lost his career, he lost his job, he lost his reputation, he lost a future"*.<sup>1046</sup> He was no longer going to be a troublemaker and so Archbishop Carey wanted to let him get on with his life. However, that explanation is not supported by the evidence from that time. In 1993 the Archbishop wrote to Peter Ball to say he hoped that he would be able to return to ministry in the future, when his health allowed.<sup>1047</sup>

**265.** Even if Peter Ball was unwell in the immediate aftermath of his caution and resignation, this does not explain why disciplinary procedures were not commenced later, particularly when he was clearly well enough and was agitating for a return for ministry. Archbishop Carey had no explanation for the failure to take disciplinary action at that later time.<sup>1048</sup>

*"We should have done something more firmly about this. We should have followed up procedures to discipline the man more fully. We failed to do that."*<sup>1049</sup>

**266.** Archbishop Carey described the collaborative working environment at Lambeth Palace and said the decision not to take disciplinary action was a collective one. Whilst he was entitled to take advice from all of those around him, Archbishop Carey was the only person who could have commenced disciplinary proceedings and so it was ultimately his decision. He now recognises he did have enough information, if only from Peter Ball's admissions, to take firm action.

## The caution list

**267.** The caution list was a list of names kept at Lambeth Palace (or Bishopthorpe Palace for those clergy allocated to the Archdiocese of York) of clergy who had either been subject to clerical discipline, or had behaved contrary to the teachings of the Church or *"about whom there was some concern"*.<sup>1050</sup> Prior to 1 January 2006, the caution list had no statutory basis and there were no detailed criteria as to when an entry on the caution list was to be made. It was circulated on a confidential basis to all diocesan bishops so that they could consult it before making appointments.<sup>1051</sup>

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<sup>1043</sup> ACE026392

<sup>1044</sup> WWS000173

<sup>1045</sup> WWS000143\_021

<sup>1046</sup> Carey 24 July 2018 28/9-14

<sup>1047</sup> ACE000600

<sup>1048</sup> Carey 24 July 2018 131/15-132/16

<sup>1049</sup> Carey 24 July 2018 126/10-14

<sup>1050</sup> ACE025283, para 191

<sup>1051</sup> ACE025283\_50-51



**268.** Peter Ball could have been placed on the second part containing the names of those who were under “*pastoral discipline*”.<sup>1052</sup> He would not have been the first or even the only bishop on the caution list at that time; for example, there was a bishop on the list for adultery.<sup>1053</sup>

**269.** It has been suggested on behalf of Archbishop Carey that since the list was confidential, it would not have helped to silence Peter Ball’s supporters. As Peter Ball’s caution had been so widely publicised, placing him on the caution list would have had little practical effect.<sup>1054</sup>

**270.** Peter Ball’s inclusion on the caution list would have reflected the seriousness of his misconduct. It would have highlighted that there were concerns about his continued or resumed ministry. As a result, it may have made it more difficult for Peter Ball to have been treated as “*rehabilitated without a proper consideration of the issues*”.<sup>1055</sup>

**271.** The very reason Mr Todd initially reported his allegations was to try and ensure Peter Ball was removed from office and no one else would go through the same experience. The CPS and the police decided to caution Peter Ball, at least partly on the understanding that this would be achieved through his resignation. Placing Peter Ball on the list would not necessarily have amounted to a disciplinary act but it may have helped to ensure that he did not have any more access to children and young men through the Church of England.<sup>1056</sup>

**272.** Archbishop Carey had been advised by Bishop Yates that once Peter Ball retired, adding him to the caution list may not be the appropriate course,<sup>1057</sup> but he was also told there was no reason why Peter Ball could not be placed on the list.<sup>1058</sup> Even in retirement, clergy and in particular bishops often play an active role in their parishes and continue aspects of their ministry. Mr Andrew Nunn, the Archbishop’s correspondence secretary, thought that if Peter Ball had been a parochial clergyman he would have been placed on the caution list.<sup>1059</sup>

**273.** It is unclear why Peter Ball was never placed on the caution list. Archbishop Carey has since claimed variously that it was because he had thought the list was not intended for retired clergy<sup>1060</sup> or because he had acted out of pity or a longing that at some point in the future Peter Ball would return to ministry.<sup>1061</sup> With the benefit of hindsight, Archbishop Carey regrets he did not place Peter Ball on the caution list, if only because of the difficult position he put himself in.

*“I put myself in an impossible situation/position by not putting him on that list, which would have helped enormously.”<sup>1062</sup>*

**274.** Peter Ball should have been placed on the caution list. No good reason has been provided for the failure to do so, which was a significant error of judgement. It appears that those in positions of power at Lambeth Palace, including the Archbishop, were unduly

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<sup>1052</sup> ACE025283\_50-51

<sup>1053</sup> Sergeant 26 July 2018 177/6-18

<sup>1054</sup> WWS000213 para 5.4

<sup>1055</sup> ACE026392

<sup>1056</sup> Hunt 26 July 2018 164/17-24

<sup>1057</sup> ACE000572

<sup>1058</sup> WWS000201\_049

<sup>1059</sup> Nunn 26 July 2018 102/13-21

<sup>1060</sup> Carey 24 July 2018 162/3-12

<sup>1061</sup> Carey 24 July 2018 136/14-23

<sup>1062</sup> Carey 24 July 2018 134/5

influenced by feelings of pity for Peter Ball and their respect for his skills as a preacher. This was compounded by a mistaken belief that Peter Ball had not really done anything wrong and therefore had already paid a harsh price.

## Understanding of the caution

**275.** Soon after Peter Ball's caution, Archbishop Carey wrote:

*"if the same allegations and admissions had been made against and by a parish priest, would one not have expected the diocesan bishop concerned to have put him on the List? I did not do so, for in the end I believed him to be basically innocent, and as you well know, my personal regard for him is very high. But I will not conceal from you that the decision was one I needed to agonise over."*<sup>1063</sup>

**276.** For victims and survivors this statement is "extraordinary" and "simply wrong", particularly in the face of the information available to him at that time.<sup>1064</sup> Archbishop Carey told the Inquiry that he did not recognise the seriousness of Peter Ball's behaviour, viewing it less as abuse but as "more narcissistic relationships, rather pathetic, but still bad, still wrong".<sup>1065</sup> This was compounded by his belief that the police caution was "the mildest of responses".<sup>1066</sup> Nonetheless, Archbishop Carey had known since December 1992 what Mr Todd had alleged and he should have recognised that in accepting a caution, Peter Ball had admitted his guilt. He could not therefore be described as "innocent".

**277.** This was not the first caution that Archbishop Carey had dealt with. Prior to his appointment as Archbishop of Canterbury, whilst teaching at a theological college, he was involved in a case relating to "interference with children" for which the individual received a caution. The police at that time explained the caution to him, and he said he understood it.<sup>1067</sup> More recently, in December 1992, the Archbishop received detailed advice from Dr Robson about cautions; it was a statement by the police that they considered they had sufficient evidence to lay charges but have decided not to do so,<sup>1068</sup> and that in accepting the caution Peter Ball accepted he had committed the offence.<sup>1069</sup>

**278.** In Dr Purkis' experience, there were times when the Archbishop believed in Peter Ball's innocence, and others when he was perfectly clear the admission of guilt was just that and "something very wrong had happened".<sup>1070</sup>

**279.** Archbishop Carey minimised the seriousness of Peter Ball's behaviour because it did not involve any penetration:<sup>1071</sup>

*"I think all of us at the time were saying, well he wasn't raping anybody, there was no penetrative sex. I think our weakness was actually to put it as the lowest of the low instead of seeing that, whatever it is, it's conduct unbecoming of a bishop."*<sup>1072</sup>

<sup>1063</sup> ACE000700

<sup>1064</sup> INQ002771\_09-10

<sup>1065</sup> Carey 24 July 2018 27/9-17

<sup>1066</sup> Carey 24 July 2018 27/11-22

<sup>1067</sup> Carey 24 July 2018 11-13

<sup>1068</sup> WWS000204\_008

<sup>1069</sup> WWS000204\_009

<sup>1070</sup> Purkis 25 July 2018 36/10-13

<sup>1071</sup> Carey 24 July 2018 27/3-17

<sup>1072</sup> Carey 24 July 2018 146/16-21

That misconception was not limited to the Archbishop. Mr Nunn, 18 years later, considered Peter Ball's offence not to be of "*the most serious sort*" because "*there had been no penetration ... and the victims were adults or adolescents, rather than children and, to that extent, I thought they weren't of the most serious sort*".<sup>1073</sup> He did recognise that it was a betrayal of trust by a man in a position of authority.<sup>1074</sup> Dr Purkis likewise viewed the allegations as an act of homoerotic impulse that had slipped beyond the boundaries of challenging spiritual practice.<sup>1075</sup>

**280.** It was suggested to the Inquiry, on behalf of Archbishop Carey, that the offence of gross indecency was at the less serious end of the spectrum because it is not 'an assault' perpetrated by an aggressor against a victim, but an offence designed to criminalise homosexual behaviour.

**281.** This repeats the mistake of 1993, focussing on the offence for which Peter Ball was cautioned at the expense of the bigger picture. The allegations reported to the Church, including ultimately to Archbishop Carey, by Mr Todd and others in 1992–1993, presented a clear and consistent picture of an abuse of trust and power through the manipulation of vulnerable young men and boys. As was accepted by the Archbishop, the age difference should have alerted him to the exploitative nature of Peter Ball's behaviour but Archbishop Carey had assumed there was "*a hard border between children (with whom sexual activity by an adult would have been obviously criminal) and adults (with whom it was not)*".<sup>1076</sup> This itself ignores that Lambeth Palace had received allegations about both teenagers and adults.

## Financial support

**282.** Following his resignation, and in addition to his disability pension, Peter Ball received significant financial support from the Church in response to repeated requests for more money.<sup>1077</sup> It is estimated Peter Ball received more than £12,500 between 1992 and 1994 alone, which was used to pay his legal fees and household expenses. This came in large part from the Archbishop's discretionary fund,<sup>1078</sup> but Archbishop Carey also persuaded the Church Commissioners to contribute and gave Peter Ball money from his personal sources.<sup>1079</sup> Such requests for financial support from retired bishops were unusual but Archbishop Carey thought there was nothing improper in this decision. He agreed with the Inquiry that the provision of significant sums of money to Peter Ball, including help to fund his defence, may well be galling to victims and survivors.<sup>1080</sup>

**283.** It was not acceptable, as the Archbishops' Council agrees,<sup>1081</sup> for such sums to have been paid to Peter Ball, particularly where there did not appear to be any consideration of the needs of those other than Peter Ball or any investigation into Peter Ball's means.

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<sup>1073</sup> Nunn 26 July 2018 120/1-11

<sup>1074</sup> ACE005339\_001

<sup>1075</sup> Purkis 25 July 2018 25/14-26/2 and WWS000202

<sup>1076</sup> WWS000219

<sup>1077</sup> ACE000738; ACE000787

<sup>1078</sup> Carey 24 July 2018 156/10-25

<sup>1079</sup> ACE001251

<sup>1080</sup> Carey 24 July 2018 157/9-24

<sup>1081</sup> ACE026392

## C.10: Peter Ball's return to ministry

**284.** The CPS, the police and Mr Todd believed Peter Ball's resignation would put an end to his ministry and to his influence, and thereby the risk he posed to children and young men. That was not to be the case. Almost as soon as the ink was dry upon Peter Ball's resignation, he and his brother began a campaign for Archbishop George Carey to exonerate him and restore him to ministry. This campaign continued, with frequent letters and conversations with senior staff at Lambeth Palace, for over 17 years. It only stopped with Peter Ball's further arrest in 2012.

**285.** The evidence shows Archbishop Carey always intended to restore Peter Ball to some form of ministry at some point through the grant of permission to officiate. As Peter Ball said of their meeting on 7 April 1993, one month after his resignation:

*"Archbishop George Carey called me to him at Canterbury. And sitting in a window looking out on the cathedral he made a solemn promise that the Church would not take any further action against me because I had been punished enough."*<sup>1082</sup>

Following this, Bishop Michael Ball wrote to the Archbishop to thank him for his continuing faith in Peter Ball and his wish to see him minister again in some way in the future.<sup>1083</sup>

**286.** Just six weeks after Peter Ball's caution and resignation, the Archbishop told a group of evangelical bishops who supported Peter Ball that it was his *"intention to see him in some retired ministry in the future, but there is still a lot of healing to be done"*.<sup>1084</sup>

**287.** Archbishop Carey told the Inquiry that he had been anxious to keep Peter Ball away from ministry for as long as possible.<sup>1085</sup> However his correspondence shows that by July 1993 he was writing to Bishop Michael Ball about organising a *"cautious return to ministry"* for Peter Ball.<sup>1086</sup> To the extent to which Archbishop Carey did postpone Peter Ball's return to ministry, his reasons for doing so were to protect Peter Ball and the Church from negative publicity,<sup>1087</sup> not out of concern for what he described as the *"so-called 'victims'"*<sup>1088</sup> or to prevent future offending.<sup>1089</sup> In June 1994 he wrote to Bishop Michael Ball:

*"I have never disguised the fact that I have always longed for Peter to have a ministry in the Church again but the basic problem has always been balancing Peter's desire to get cracking with questions about his health and, perhaps of equal importance, the credibility of the Church in the eyes of the public ... having said that, I have consistently said it has been my intention to restore Peter to ministry gradually."*

**288.** Archbishop Carey's opinion that Peter Ball would return to ministry set the tone for everything that followed. The Archbishop's then chaplain, Reverend Colin Fletcher, recalls they were *"working all the time in a framework set by the Archbishop that assumed that Peter Ball would return to ministry at some stage in the future"*.<sup>1090</sup> Dr Andrew Purkis agreed the

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<sup>1082</sup> ACE003088\_001-002

<sup>1083</sup> ACE000600

<sup>1084</sup> ACE000606

<sup>1085</sup> Carey 24 July 2018 133/18-134/9

<sup>1086</sup> ACE000657

<sup>1087</sup> ACE000657

<sup>1088</sup> ACE000657

<sup>1089</sup> ACE000822 and WWS000212\_003

<sup>1090</sup> WWS000212\_004

“*direction of travel*” had been set by the Archbishop and so the best his advisers at Lambeth Palace could do was to make Peter Ball’s return to ministry as gradual and as far as possible into the future as they could.<sup>1091</sup>

**289.** By September 1993, only six months after his resignation, Peter Ball was permitted to administer the eucharist privately in the convent in Truro. This was extended to small conferences and clergy retreats in July 1994.<sup>1092</sup> Peter Ball and Bishop Michael Ball wrote often to Lambeth Palace to press for a public return to ministry. The tone of their letters led Dr Purkis to warn the Archbishop that Peter Ball was trying to manipulate him.<sup>1093</sup> Reverend Fletcher, in June 1994 likewise concluded Peter Ball was “*manipulative, status ridden and hypocritical (about money and obedience)*”, and thought he put an “*intolerable burden*” on the Archbishop.<sup>1094</sup>

**290.** In December 1993, the Church of England published an interim paper called *Elements of Pastoral Practice – Allegations of Sexual Abuse by the Clergy*,<sup>1095</sup> reflecting the House of Bishops’ view that guidance was required to assist clergy in managing allegations of sexual abuse. Despite this developing understanding and knowledge of abuse by clergy, the need (i) to take steps to ensure it is dealt with effectively, and (ii) to respond sensitively and with compassion to those who had been subject to such abuse, did not impact upon the view of the Archbishop of Canterbury that Peter Ball should be returned to ministry. In May 1994 Bishop John Yates advised him of the options: the Archbishop taking responsibility for Peter Ball’s return to public ministry; allowing the decision to be taken at a diocesan level; or making it clear once and for all that he would never sanction a return to public ministry because “*a bishop, once ‘disgraced’ in the media, has to accept that there is no way back*”.<sup>1096</sup> Presciently, Bishop Yates warned that, should the Archbishop grant Peter Ball a limited permission to officiate, he would use it as “*a lever to extort more and more out of you, and perhaps other bishops, and you will have no peace*”.

**291.** In Peter Ball’s correspondence with Lambeth Palace, he showed no remorse for his behaviour towards Mr Todd and the other complainants, victims and survivors. Instead, he sought to portray himself as the victim of the entire affair. He tried to minimise the nature of the charge against him and to persuade Archbishop Carey that he had done nothing wrong. He convinced himself, and sought to convince others, that he had been unjustly treated, in particular by being ‘forced’ to retire. He had no insight into the distress he had caused to others. He was supported throughout this correspondence by his brother who was also a diocesan bishop and a person of significant influence within the Church; “*Both of them felt that Peter was more sinned against than sinning*”.<sup>1097</sup> Some senior staff at Lambeth Palace recognised Peter Ball’s manipulation of the situation and urged Archbishop Carey to stand up to him. With hindsight, Archbishop Carey accepted he should have acted more decisively and imposed a total ban on Peter Ball’s ministry.<sup>1098</sup>

**292.** By October 1994, a plan was put in place by Archbishop Carey that Peter Ball would return to public ministry in the Diocese of Truro from January 1995.<sup>1099</sup>

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<sup>1091</sup> Purkis 25 July 2018 37/13-17

<sup>1092</sup> INQ000627

<sup>1093</sup> WWS000166

<sup>1094</sup> ACE000839\_004

<sup>1095</sup> ACE025428\_001-005

<sup>1096</sup> WWS000166\_001

<sup>1097</sup> WWS000143\_028

<sup>1098</sup> Carey 24 July 2018 165/9-12

<sup>1099</sup> ACE000877\_001

**293.** In November 1994, Peter Ball stayed with Archbishop Carey at Lambeth Palace.<sup>1100</sup> He met with the Archbishop and Bishop Frank Sargeant (then Bishop at Lambeth, a senior clerical role of adviser to the Archbishop of Canterbury) to discuss the plan to return him to supervised ministry in the new year. At that meeting, Peter Ball requested the names of all those who had written letters of complaint about him to Lambeth Palace and Archbishop Carey agreed to provide them. Bishop Sargeant thought now this was “*very bad practice*”.<sup>1101</sup> Even though the names and the letters had not been provided to the police, they were provided to Peter Ball without the consent of the writers. One letter was anonymous, but in the others, the writers’ names were revealed. Having considered them, Peter Ball said that none concerned him but he was worried in case the anonymous letter came from one particular person, whose name he provided.<sup>1102</sup> Bishop Sargeant looked again to check whether there had been any letter from that person, and confirmed that there had not.<sup>1103</sup>

**294.** It seems no thought was given to the fact that the Church was now aware of yet another individual from whom there may be allegations against Peter Ball. Nothing was done with this information.<sup>1104</sup>

**295.** In anticipation of his return to ministry in early 1995, Peter Ball suggested that Archbishop Carey write to the complainants who had contacted Lambeth Palace, to tell them Peter Ball would be returning to ministry and to ask whether they thought it would be appropriate. He wanted to make sure they wouldn’t cause any trouble about it. However, Bishop Sargeant thought “*the danger of doing this is they may say yes they do object and therefore we have lost the initiative*”.<sup>1105</sup> Archbishop Carey did not think they should contact people.

**296.** Despite this recognition by Archbishop Carey and his senior staff that Peter Ball’s return to ministry would be opposed by the complainants, victims and survivors, it is clear that the Archbishop determined the best way to avoid any impediment to Peter Ball’s return to ministry was not to tell them. This displays a lack of transparency and a disregard for the feelings of complainants, victims and survivors. This is particularly the case given that the national guidance issued by the House of Bishops about safeguarding identified that the Church expected “*the exploitation of any relationship for self-gratification will not be tolerated*”.<sup>1106</sup>

**297.** The time for Peter Ball’s return to ministry was “*disconcertingly short*”. Peter Ball’s approaches to the Church could best be described as wheedling. Further, there was nothing in the correspondence in which he indicated any real and consistent remorse for what had occurred much less any insight into the nature of his behaviour.<sup>1107</sup>

## Contact with the Church from persons of public prominence

**298.** As a result of Peter Ball’s status, and possibly at his request, Archbishop Carey began to receive letters pressing him to allow Peter Ball to return to both ministry either as a clergyman or as a bishop<sup>1108</sup> almost as soon as he resigned.

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<sup>1100</sup> ANG000301\_039

<sup>1101</sup> Sargeant 26 July 2018 182/3-11

<sup>1102</sup> ACE000910

<sup>1103</sup> ACE000913

<sup>1104</sup> Sargeant 26 July 2018 183/19-184/11

<sup>1105</sup> ACE000920

<sup>1106</sup> ACE025440\_002

<sup>1107</sup> ACE026392

<sup>1108</sup> WWS000212\_002



**299.** Peter Ball had a significant number of friends and allies within the senior echelons of the clergy, including, for example, Lord Donald Coggan, a former Archbishop of Canterbury.<sup>1109</sup> Many of these continued to support him and his cause even after his caution. For example, despite having access to the full report of Reverend Brian Tyler and his damning conclusion, Bishop Eric Kemp maintained unstinting support of Peter Ball. He wrote to Archbishop Carey that there was *“a great deal of resentment ... that Peter has been excluded for so long, and ... they regard it as very unjust”*.<sup>1110</sup>

**300.** Peter Ball ensured that Lambeth Palace and Archbishop Carey were aware of his friendship with His Royal Highness the Prince of Wales and, later, that he resided in a Duchy of Cornwall property.<sup>1111</sup> He did so in the hope this would influence their treatment of him and, ultimately, ease his return to ministry.

**301.** In his evidence to the Inquiry, the Prince of Wales said Peter Ball occasionally wrote to him and he replied, believing it to be the polite thing to do. He said that, as with many other senior clergy, Peter Ball had been invited to give Holy Communion at his home.<sup>1112</sup> The Inquiry reviewed the correspondence between Peter Ball and the Prince of Wales following Ball's resignation,<sup>1113</sup> the relevant portions of which were read at the hearings in July 2018. They indicate that Peter Ball viewed the Prince of Wales as a friend, and that the replies are suggestive of cordiality rather than mere politeness.

**302.** In August 1994, during Peter Ball's campaign to return to ministry, the Prince of Wales' private secretary met with Dr Purkis at Lambeth Palace and in the course of their discussions asked about Peter Ball. Dr Purkis tried to dampen any hopes of an early public rehabilitation.<sup>1114</sup> On 11 November 1994, the Prince of Wales wrote to Peter Ball saying he had personally seen the Archbishop and had been told that the Archbishop was trying to bring Peter Ball back to public ministry.<sup>1115</sup> The Prince of Wales has informed the Inquiry that he had seen the Archbishop at an event and had asked about Peter Ball. He recalled that the Archbishop told him that he was thinking of trying to bring Peter Ball back to a public ministry at some stage but there were some complications, which were not described.<sup>1116</sup>

**303.** Archbishop Carey said that Peter Ball's friendship with the Prince of Wales had not altered his approach towards Peter Ball at all.<sup>1117</sup> He had a brief conversation with the Prince of Wales about Peter Ball but he did not suggest to the Prince of Wales that Peter Ball should return to public ministry.<sup>1118</sup>

**304.** In February 1995, when Peter Ball had not yet returned to ministry, the Prince of Wales wrote:

*“I wish I could do more. I feel so desperately strongly about the monstrous wrongs that have been done to you and the way you have been treated. It's appalling that the Archbishop has gone back on what he told me, before Xmas, that he was hoping to restore you to some form of Ministry in the Church. I suspect you are absolutely right*

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<sup>1109</sup> [WWS000166\\_001](#)

<sup>1110</sup> [WWS000143\\_025](#)

<sup>1111</sup> [WWS000202\\_009](#) and [ANG000301\\_038](#) and [063](#)

<sup>1112</sup> [ANG000333](#)

<sup>1113</sup> [27 July 2018 from 49/5](#)

<sup>1114</sup> [Purkis 25 July 2018 15/11-16/17](#) and [WWS000202](#)

<sup>1115</sup> [27 July 2018 from 50/5](#)

<sup>1116</sup> [27 July 2018 from 44/19-24](#)

<sup>1117</sup> [Carey 24 July 2018 190/11](#)

<sup>1118</sup> [Carey 24 July 2018 190/14-24](#)



*– it is due to fear of the media ... If it is any consolation, the Archbishop has written me a letter (between you and me) in which it is also clear that he is frightened of the press – what he calls ‘public perception’, which in fact, perception of events and characters based entirely on lies, invention, speculation and sensation.”<sup>1119</sup>*

**305.** In June 1996, arrangements began for Peter Ball and Michael Ball to move to a home owned by the Duchy of Cornwall, the private estate of the Prince of Wales. The Prince of Wales informed the Inquiry that he had mentioned Peter Ball’s situation to the Duchy, which thereafter handled the rental arrangements. The correspondence shows the Duchy purchased the house for the specific purpose of renting it to Peter Ball and his brother.<sup>1120</sup> The Ball brothers were involved in the selection of the property<sup>1121</sup> and the Prince of Wales was kept informed about its progress.<sup>1122</sup>

**306.** While the Prince of Wales has stated that he took no position on Peter Ball’s return to ministry, he and his private secretary enquired about Peter Ball within Lambeth Palace. He should have recognised the potential effect that his apparent support for Peter Ball could have had upon decision-making within Lambeth Palace.

**307.** The Prince of Wales’ evidence was that he did not understand the nature or extent of Peter Ball’s offending until his conviction in 2015, although the allegations by Mr Todd and AN-A117 had been reported in a number of national newspapers at the time of the 1992–1993 investigation.<sup>1123</sup> He said he had been told by Peter Ball that the caution was the result of a false complaint from an individual who was persecuting him.<sup>1124</sup> When writing to the Prince of Wales, Peter Ball maintained he had been the victim of a “malicious campaign”.<sup>1125</sup> Peter Ball said that he wished that “the police and the CPS had seen and known from the beginning the nature of the young man”.<sup>1126</sup>

**308.** The Prince of Wales has stated that he was not aware of the significance or impact of the caution that Peter Ball had accepted, and was not sure that he was even told that Peter Ball had been cautioned at the time. He was aware that there was a police investigation but Peter Ball had told him that the police and the CPS had not taken any action. He did not know of the exact details of the allegations and did not try to find out:

*“In the 1980s and 1990s there was a presumption that people such as Bishops could be taken at their word and, as a result of the high office they held, were worthy of trust and confidence.”<sup>1127</sup>*

**309.** Lord Lloyd remained a firm supporter of Peter Ball. He knew Archbishop Carey through their membership of a private dining club called ‘Nobody’s Friends’ which met twice a year, often in Lambeth Palace.<sup>1128</sup> He wanted to meet the Archbishop in October 1994, to discuss possibilities for Peter Ball’s return to ministry but instead met with Bishop Sargeant. Already

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<sup>1119</sup> Schedule of letters relating to the Peter Ball police investigation

<sup>1120</sup> 27 July 2018 51/15-23

<sup>1121</sup> INQ000590

<sup>1122</sup> 27 July 2018 51/24-52/11

<sup>1123</sup> CPS000813 41-50

<sup>1124</sup> ANG000333

<sup>1125</sup> 27 July 2018 49/15-18

<sup>1126</sup> 27 July 2018 51/1-8

<sup>1127</sup> ANG000333

<sup>1128</sup> Carey 27 July 2018 13/11-14/4

aware that Archbishop Carey was planning for Peter Ball's return to ministry,<sup>1129</sup> he proposed a parish in Portsmouth, for which a mutual friend Edward Nugee QC held the patronage. Bishop Sargeant concluded:

*"This appears to be an old boy arrangement and there is a powerful group of friends who are coming to Peter's aid."*<sup>1130</sup>

**310.** Lord Lloyd did not agree with this description of the offer. Although Peter Ball had resigned, Lord Lloyd thought he could not be left with nothing whatsoever to do; *"no decent employer would do that"*.<sup>1131</sup> This was notwithstanding Peter Ball's caution and Lord Lloyd's knowledge of the circumstances of the offending. Bishop Sargeant concluded that Lord Lloyd viewed *"two men being together in the nude and holding each other as being not very serious ... he takes no account of the fact that it was a bishop/member of religious community relationship"*.<sup>1132</sup>

**311.** Archbishop Carey said in evidence that it was inevitable that the support of persons of public prominence *"affected our attitude to Ball's return to ministry. The fact that people wanted to use him in ministry demonstrated that he could have an effective ministry in future."*<sup>1133</sup>

**312.** The decision whether Peter Ball should have any ministry, restricted or otherwise, was a decision for the Church and was being managed by Archbishop Carey. He agreed that those writing and speaking in support of Peter Ball were not in possession of all of the information, and certainly were not in possession of as much information as he was. When pressed on whether, in those circumstances, he should properly have had regard to their representations he could only reply that in the absence of a clear understanding of the circumstances of Peter Ball's caution he could not disabuse them of their belief that he had done nothing wrong.<sup>1134</sup> That should not have mattered. Archbishop Carey should not have been concerned about or swayed by the fear of upsetting Peter Ball's supporters or the Ball brothers.

**313.** The Archbishops' Council has accepted that the Church's lack of candour and openness, at the time of and following Peter Ball's caution, allowed for such individuals to support Peter Ball in ignorance of the facts that were known within the Church about his offending.<sup>1135</sup>

## The grant of permission to officiate

**314.** In 1995 there was no Church of England policy dealing with the grant of permission to officiate to those who had been convicted of sexual offences, nor any professional safeguarding advice available to Archbishop Carey on this matter.<sup>1136</sup> Nonetheless the Church's approach to Peter Ball's 'rehabilitation' was *"wholly inappropriate"*.<sup>1137</sup>

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<sup>1129</sup> Carey 27 July 2018 19/10-13

<sup>1130</sup> ACE000877\_001

<sup>1131</sup> Lloyd 27 July 2018 21/1-5

<sup>1132</sup> ACE000877\_002

<sup>1133</sup> WWS000143\_025

<sup>1134</sup> Carey 24 July 2018 165/17-167/10

<sup>1135</sup> ACE026392

<sup>1136</sup> WWS000143\_027

<sup>1137</sup> ACE026392

**315.** Peter Ball was granted permission to officiate on 1 March 1995, less than two years after his caution and resignation. It was granted by the Archbishop of Canterbury for two parishes within the Diocese of Truro,<sup>1138</sup> initially for six months but extended for a further three years in September 1995.

**316.** There has been some significant confusion around how, and under what powers, Archbishop Carey granted permission to officiate to Peter Ball. Permission to officiate is usually only granted by the diocesan bishop in the relevant diocese. This would have been Bishop Michael Ball as Bishop of Truro, but Archbishop Carey did not think it would be right for Peter Ball's brother to grant permission to officiate and there had been some resistance to that suggestion.<sup>1139</sup> The Archbishop of Canterbury can grant permission to officiate only in his own diocese of Canterbury or more generally by way of a provincial licence, often used for foreign clergy.<sup>1140</sup>

**317.** Bishop Sargeant doubts whether the Archbishop had any power to grant permission to officiate to Peter Ball but thought the staff at Lambeth Palace were "*bending over backwards*" to find a way for the Archbishop to do so.<sup>1141</sup> No risk assessment was carried out before Peter Ball was allowed to return to ministry.<sup>1142</sup> No restrictions were placed upon his ministry to prevent him from having unsupervised access to children and young people.

**318.** The only way in which the geographic restriction on Peter Ball's permission to officiate could be monitored or enforced was by relying on the local parish priest.<sup>1143</sup> Any ministry outside those parishes was to be approved in advance by Lambeth Palace.<sup>1144</sup> Archbishop Carey accepted that he and his team failed with supervision.<sup>1145</sup> Within two months, the limited grant of permission to officiate was being interpreted by many as a provincial permission to preach from the Archbishop of Canterbury, so that Peter Ball could officiate more widely.<sup>1146</sup> It was certainly seen by Lambeth Palace as permission to preach throughout the southern province.<sup>1147</sup>

## Ministry in schools

**319.** Peter Ball consistently sought to exercise his ministry as widely as possible because he believed he had gifts that other people did not have.<sup>1148</sup> In particular, he began to take services and undertake matters which only a bishop can perform, such as presiding at confirmations.

**320.** This permission was granted only to officiate at two particular schools because Peter Ball had personal links with them.<sup>1149</sup> Peter Ball was likewise granted permission to conduct confirmations in schools with which he had a connection.<sup>1150</sup> Archbishop Carey now accepts

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<sup>1138</sup> ACE000982

<sup>1139</sup> Carey 24 July 2018 170/9-11

<sup>1140</sup> Sargeant 26 July 2018 191

<sup>1141</sup> Sargeant 26 July 2018 191/1-192/19

<sup>1142</sup> Carey 24 July 2018 162/15-18

<sup>1143</sup> Carey 24 July 2018 171/4-9

<sup>1144</sup> INQ000311\_004

<sup>1145</sup> Carey 24 July 2018 179/8-11

<sup>1146</sup> WWS000143\_026

<sup>1147</sup> ACE001137

<sup>1148</sup> Carey 24 July 2018 171/13-17

<sup>1149</sup> Carey 24 July 2018 172/14-15

<sup>1150</sup> ACE003298\_059

that the fact Peter Ball was friends with the head teacher at a school has no bearing on the extent to which he posed a risk, but he and those at Lambeth Palace did not think about the risk he posed at the time.<sup>1151</sup>

**321.** Over time, these permissions were interpreted by Peter Ball as a *carte blanche* regarding schools work.<sup>1152</sup> He had officiated at about 20–25 confirmations by the time that Lambeth Palace found out in 2000 that he had been preaching regularly.<sup>1153</sup> Archbishop Carey was “*deeply shocked*” that without reference to Lambeth Palace, Peter Ball had confirmed young people and preached in schools on such a wide basis.<sup>1154</sup> Peter Ball denies having ever accepted invitations without first seeking permission from Lambeth Palace.<sup>1155</sup>

**322.** The allegations received by Lambeth Palace in 1992, which were denied by Peter Ball, included allegations that Peter Ball had misused his links with schools he sought to attend. There were allegations that he asked a boy in his care to share a bed with him naked<sup>1156</sup> and asked another to masturbate in front of him during a counselling session on school premises.<sup>1157</sup> In the light of these allegations it was inappropriate for Archbishop Carey to allow him to minister in these or any other schools. It was not sufficient that the Archbishop was “*pretty sure*” there would be proper supervision and no opportunity for “*impropriety*”.<sup>1158</sup> There is no evidence of any measures being put in place by the Archbishop or anyone on behalf of the Church to ensure there was supervision, or that the schools were provided with information to enable them to put proper measures in place. Notwithstanding Peter Ball’s caution, he was allowed to perform episcopal functions before impressionable children, enabling him to present himself as a man who could be trusted and to ingratiate himself with staff and students.

**323.** Archbishop Carey did not think they warned the schools beforehand about Peter Ball’s caution, although he would have expected them to be aware because of the press coverage. He wrote in May 1995 to grant Peter Ball permission to attend a mission held in Cardiff which would involve preaching to young people. His only concern was, again, with press coverage. The letter would not have been sufficient to inform the reader that Peter Ball may have posed a risk if he was left alone with young people:

*“I would also urge you to ‘ring fence’ Peter discreetly so that he has proper support; and that he does not minister alone to young people – a matter that would be seriously misunderstood by the Press.”*<sup>1159</sup>

**324.** In 2001, the issue of confirmations was discussed at Lambeth Palace. Mr Andrew Nunn recorded that “*the Archbishop said that it had never been his intention that PB should do work in schools*”.<sup>1160</sup> Having reviewed the correspondence for the Archbishop of Canterbury in 2001, to determine what had been said over the years by Lambeth Palace, Mr Nunn concluded Archbishop Carey’s message was confusing and contradictory as to whether Peter Ball was permitted to officiate at schools.<sup>1161</sup> Staff from Lambeth Palace had sometimes tried to

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<sup>1151</sup> WWS000201\_017

<sup>1152</sup> WWS000201\_018

<sup>1153</sup> WWS000201\_020

<sup>1154</sup> Carey 24 July 2018 173/20

<sup>1155</sup> ANG000301\_040

<sup>1156</sup> ACE003053\_008

<sup>1157</sup> ACE003053\_0017-0018

<sup>1158</sup> Carey 24 July 2018 172/17-24

<sup>1159</sup> WWS000143\_026

<sup>1160</sup> ACE003298\_078

<sup>1161</sup> Nunn 26 July 2018 97/19-24

stop such preaching taking place. On one occasion Bishop Richard Llewellyn (then Bishop at Lambeth and chief of staff to the Archbishop of Canterbury) discouraged Peter Ball from preaching but the approach of Lambeth Palace was not always consistent.<sup>1162</sup>

**325.** Peter Ball resisted the attempt to limit his work in schools. Rather than persisting, Lambeth Palace backed down. Their approach was that as there had been no problem thus far, Peter Ball should be allowed to continue<sup>1163</sup> with “*business as usual*”.<sup>1164</sup>

### The statement to the House of Bishops in 1997

**326.** In November 1996 Archbishop Carey met Peter Ball for lunch. He agreed to tell the next House of Bishops meeting that Peter Ball could exercise “*a full ministry*” and that they may use him in their dioceses if they wished.<sup>1165</sup> This was in the context of the forthcoming retirement of Bishop Michael Ball as Bishop of Truro, which would emphasise the difference in their ability to preach, teach and act as a bishop in retirement.<sup>1166</sup>

**327.** Bishop Sargeant advised the Archbishop about the form of such a statement. When doing so he recorded what he recalled to be the prevailing and mistaken attitude at Lambeth Palace:

*“it is to be remembered that he was never actually convicted of any offence and that he acted in the interests of the Church to his own detriment”.*<sup>1167</sup>

**328.** Archbishop Carey’s handwritten annotation indicates his intention had been that (i) Peter Ball should have a ministry that was “*priestly rather than episcopal*”, (ii) if Peter Ball was to be used for ministry, the Bishop should inform the Archbishop of Canterbury or York of that fact, and (iii) if they were to allow him to provide ministry in schools or with young people “*for his sake, supervise*”.<sup>1168</sup>

**329.** In January 1997, as agreed, Archbishop Carey made a public statement to the House of Bishops that Peter Ball could minister everywhere without reference to him. However, he said if Peter Ball was to perform episcopal acts such as confirmation then it would be wise to inform (but not seek permission from) the Archbishop, in case there would be any difficulties.<sup>1169</sup>

**330.** At Peter Ball’s request, a form of words was circulated to bishops after the meeting, intended to represent the Archbishop’s statement. It was prepared by Peter Ball and agreed by Bishop Sargeant and Archbishop Carey (who was out of the country):<sup>1170</sup>

*“Bishop Peter Ball may now be regarded in the same way as any other retired bishop, but should he be invited to do any public episcopal acts, for his own protection, it would be helpful if you would let me know.”*<sup>1171</sup>

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<sup>1162</sup> [WWS000201\\_018](#)

<sup>1163</sup> [WWS000201\\_019](#)

<sup>1164</sup> [ANG000301\\_41](#)

<sup>1165</sup> [WWS000201\\_021](#)

<sup>1166</sup> Retired bishops are permitted to continue performing the functions of a bishop and clergy with the appropriate permission to officiate licence.

<sup>1167</sup> [Sargeant 26 July 2018 194/15-195/6](#)

<sup>1168</sup> [WWS000201\\_024](#)

<sup>1169</sup> [WWS000201\\_024-025](#)

<sup>1170</sup> [WWS000201\\_025-026](#)

<sup>1171</sup> [ACE003298\\_058](#)

**331.** This further reduction of Archbishop Carey’s limited ability to exercise some form of supervision over Peter Ball’s ministry was inappropriate. The diocesan bishops, whose responsibility it was to decide whether it was appropriate to permit Peter Ball to accept invitations, had nowhere near the amount of information held by Lambeth Palace about the extent of Peter Ball’s past.

**332.** Archbishop Carey denied this was an instruction to diocesan bishops to use Peter Ball, but simply an expression of his approval for their doing so, if they wished.<sup>1172</sup> This is not how it seemed to Bishop David Bentley, Peter Ball’s successor as Bishop of Gloucester. He had consistently refused to allow Peter Ball to officiate in the Diocese of Gloucester, even when pressed by Ian Beer (a head teacher and friend of Peter Ball who wished him to undertake services related to his family).<sup>1173</sup> In August 2000, having refused again, Bishop Bentley received a letter from Archbishop Carey to emphasise that Peter Ball had *“my provincial authority to exercise non-episcopal ministries and I really don’t think you have any canonical right to stop him. But I will not insist on this because it will only look very bad for the Church if I pressed the matter.”*<sup>1174</sup>

**333.** Archbishop Carey denied he had placed Bishop Bentley under any pressure.<sup>1175</sup> When they met to discuss the matter, he ultimately supported Bishop Bentley in his decision to refuse.<sup>1176</sup> It does however demonstrate that the Archbishop of Canterbury had endeavoured to remove impediments to Peter Ball’s officiating.

**334.** In any event, the Archbishop’s statement granted Peter Ball the right to undertake functions reserved for bishops. It also represented a public and unequivocal statement in support of Peter Ball, less than four years after he had received the caution. Such a statement was unheard of.<sup>1177</sup> It was made because Peter Ball was, in Archbishop Carey’s view, a bishop who had many gifts and who many people were *“clamouring”* to use.<sup>1178</sup>

**335.** Archbishop Carey made repeated reference in his evidence to the Inquiry of Peter Ball’s skills and his gifts. However, a person’s skills or ‘value’ to an institution cannot affect the assessment of the risk they pose, nor justify inappropriate decisions on matters of safeguarding.

**336.** The Archbishops’ Council said that this public statement (compounded by the failure to take decisive action or make a clear statement at the time of the caution) was *“moral cowardice”*.<sup>1179</sup> Peter Ball was allowed to use the Archbishop’s public vote of confidence to support his narrative, namely that he was now *“completely restored”* because there had been *“some new recognition of his accuser’s malice”*.<sup>1180</sup> One member of clergy, aware of the Archbishop’s statement, said:

*“I gather now that the Archbishop is completely satisfied that the charges made against him were groundless and malicious, and that the police agree.”*<sup>1181</sup>

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<sup>1172</sup> WWS000201\_021

<sup>1173</sup> INQ000311\_004

<sup>1174</sup> INQ000311\_006

<sup>1175</sup> WWS000143\_027

<sup>1176</sup> INQ000311\_006

<sup>1177</sup> ACE003298\_122

<sup>1178</sup> Carey 24 July 2018 176/1-3

<sup>1179</sup> Submissions 27 July 2018 154/17-19

<sup>1180</sup> WWS000201\_022

<sup>1181</sup> WWS000201\_022



**337.** While Archbishop Carey tried to correct such misconceptions, many believed that he was in fact an ally of Peter Ball.

### Permission to officiate under Archbishop Rowan Williams

**338.** When Archbishop Rowan Williams (now Lord Williams of Oystermouth) succeeded George Carey as Archbishop of Canterbury, he did not receive any briefing about the case of Peter Ball.<sup>1182</sup> When Peter Ball began to write to him, as he had his predecessor, Archbishop Williams received piecemeal information from Mr Nunn, correspondence secretary to the Archbishop. Archbishop Williams was given no reason to believe there was further information known or held at Lambeth Palace about offending by Peter Ball, a misapprehension that would have been corrected by simply reviewing the file. Whilst Archbishop Williams was “*taken aback*” by the extent of Peter Ball’s public ministry, he did not feel able to question his predecessor’s judgement because he was not aware of any current complaints.<sup>1183</sup>

## C.11: Internal Church reviews

### The 2000 review by Bishop Richard Llewelin

**339.** Even in 2000, Peter Ball and his supporters refused to accept he had done anything worthy of resignation or rebuke. The letters and telephone calls in support of him criticised the perceived lack of concern and pastoral care shown by the Church towards Peter Ball.

**340.** This prompted a fresh review of the files held at Lambeth Palace in September 2000.<sup>1184</sup> It was carried out by Mr Andrew Nunn and co-signed by Bishop Richard Llewelin (then Bishop at Lambeth and chief of staff to the Archbishop of Canterbury). Bishop Llewelin co-signed the memorandum setting out the conclusions of the review to protect Mr Nunn from “*archiepiscopal explosions*”, anticipating their conclusions would not be welcomed by Archbishop George Carey.<sup>1185</sup>

**341.** The review concluded Archbishop Carey believed Peter Ball’s version of events all along, and had given him very generous pastoral support in terms of time and money. Peter Ball had been restored to ministry “*sooner than might have been expected in comparison to similar cases*”. Archbishop Carey “*gave him a Provincial Permission to Preach – thereby giving him a far wider authority to minister than most ordinary retired bishops*”.<sup>1186</sup>

**342.** The reviewers thought one might have expected Peter Ball to have been placed on the caution list for a minimum of five years, indicating his offence was so serious it was considered inappropriate for him to exercise his orders. Precedent at the time also suggested that, after five years, his restoration to ministry might have been more gradual. There was little or no apparent acceptance of responsibility or recognition of the harm he caused to the children and young men in question and to the Church’s reputation.<sup>1187</sup>

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<sup>1182</sup> ACE026001\_014

<sup>1183</sup> ACE026001\_014

<sup>1184</sup> ACE001251

<sup>1185</sup> Nunn 26 July 2018 99/15-22

<sup>1186</sup> ACE001251

<sup>1187</sup> ACE001251\_003



**343.** As anticipated, the review was not well received by Archbishop Carey. He wrote an intemperate response to Bishop Llewelin's memo, which he insisted be filed alongside it to set out the justification for his own actions. He thought Bishop Llewelin and Mr Nunn had been "over-critical" of him and had not taken into account (i) the acute anguish, despair and pain caused to Peter Ball and Bishop Michael Ball, (ii) that the police had not informed him exactly what had happened, (iii) that his reason for not placing Peter Ball on the caution list was because he had resigned and was too ill to exercise a ministry, and (iv) that Peter Ball was not allowed to exercise a ministry for some time. He was unapologetic for the pastoral support provided to Peter Ball:

*"I am sure it was right to be compassionate and tender ... Peter Ball lost everything: I stand by a man who, overall, has been a wonderful priest and bishop".<sup>1188</sup>*

**344.** Even in the face of advice from his senior staff, Archbishop Carey could not see that he had been overly generous towards Peter Ball and had failed to respond to the gravity of the allegations. Archbishop Carey continued to focus upon and emphasise the harm caused to Peter Ball, not that caused to the complainants, victims and survivors.

**345.** With the benefit of hindsight, Archbishop Carey has now accepted he had been "too pastoral" towards Peter Ball.<sup>1189</sup> He denied this was because of Peter Ball's position. Rather, he thought Peter Ball had been punished enough because he had lost more and suffered more public humiliation than someone else may have expected.<sup>1190</sup>

**346.** Archbishop Carey told the Inquiry that he thought the 2000 review reflected the changes in society since the early 1990s and that this was the first time anyone started to realise the seriousness of Peter Ball's actions.<sup>1191</sup>

**347.** However, the Archbishop had received advice on these issues in 1994, before he allowed Peter Ball to return to ministry. His chaplain, Reverend Colin Fletcher (subsequently the Area Bishop of Dorchester), warned him in 1994 that if he were to allow Peter Ball to return to ministry the questions and criticisms that may follow would include:

*"a) Is this the kind of length of punishment that other clergy who have admitted to illegal acts of this nature normally receive?*

*b) Why has a Bishop who has admitted such a grave offence been treated so leniently?*

*c) What are the signals the Church is sending to society as a whole about how it views betrayal of trust and child abuse?"<sup>1192</sup>*

**348.** Dr Andrew Purkis said that Reverend Fletcher was not a lone voice and, at the time of Peter Ball's return to ministry, there had been a greater awareness within Lambeth Palace of the seriousness of Peter Ball's actions than was acknowledged by Archbishop Carey.<sup>1193</sup>

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<sup>1188</sup> ACE001252\_001

<sup>1189</sup> Carey 24 July 2018 167/6-10

<sup>1190</sup> WWS000201\_006

<sup>1191</sup> WWS000143\_012

<sup>1192</sup> ACE000839\_003

<sup>1193</sup> Purkis 25 July 2018 31/25-33/23

**349.** Even though Mr Nunn and Bishop Llewelin referred to seven letters from other complainants which had not been resolved, neither Archbishop Carey nor anyone at Lambeth Palace took any action in relation to them. No action was taken to restrict, revoke or review Peter Ball's permission to officiate, or to commence disciplinary action. Archbishop Carey thought it was too late to do so and it would have been quite difficult.<sup>1194</sup>

**350.** No one considered taking any action to ensure Peter Ball was unable to work with or approach young people again, notwithstanding that he was ministering in schools.<sup>1195</sup> Archbishop Carey did not realise (perhaps reflecting the lack of oversight) that Peter Ball, in his retired episcopal ministry, was publicly preaching and performing confirmations, presenting himself as a man of good standing before parents, young people and children. This of course could allow the same breach of trust displayed in his previous offending behaviour.<sup>1196</sup>

**351.** Mr Nunn said that, in 2000, there was still no concept of safeguarding in the Church. They were concerned only with whether or not someone had committed a crime.<sup>1197</sup> As a result, the status quo was maintained. Mr Nunn recognised he could have challenged this but he did not consider it his place to do so.<sup>1198</sup>

## The Past Cases Review in Chichester

**352.** When Mr Roger Meekings undertook his Past Cases Review in Chichester in 2009, Peter Ball's name was recorded amongst the known cases, but only in relation to the caution.<sup>1199</sup>

**353.** He reviewed the correspondence file relating to Peter Ball held at the Palace in Chichester. A subsequent 2012 review of this file found the reports by Reverend Brian Tyler to Bishop Eric Kemp. Mr Meekings was "*pretty certain*" these reports were not included within the file at the time that he reviewed it. Had they been, he would have raised this in his findings.<sup>1200</sup> Peter Ball's case was not one where it was identified that further action was required.

**354.** When Lady Butler-Sloss was appointed to conduct a further review in Chichester, she met with Philip Johnson and the meeting was recorded. Mr Johnson told her that Roy Cotton had introduced him to Peter Ball and on one occasion Peter Ball had pulled him to sit on his lap and stroked his inner thigh. He had also disclosed this to Bishop John Hind.<sup>1201</sup> Peter Ball entered a not guilty plea to this allegation and it was left to lie on the file. Lady Butler-Sloss did not include any of the allegations made by Mr Johnson about Peter Ball in her report. She told Mr Johnson about her intention to omit these allegations from her report, giving two reasons. The first was that she cared about the Church and therefore "*did not want to give the press that which is not terribly important in the context*". The second was that if she mentioned a bishop in her report that is all the press would focus on. She said she did not mind Peter Ball being humiliated but she did not want Mr Johnson's story to be hijacked.<sup>1202</sup>

<sup>1194</sup> Carey 24 July 2018 188/7-11

<sup>1195</sup> Carey 24 July 2018 188/7-11

<sup>1196</sup> Carey 24 July 2018 189/13-190/2

<sup>1197</sup> Nunn 26 July 2018 104/13-105/9

<sup>1198</sup> Nunn 26 July 2018 110/13-113/8

<sup>1199</sup> Meekings 8 March 2018 112/1-15

<sup>1200</sup> Meekings 8 March 2017 114/2-115/5

<sup>1201</sup> CPS001720\_007

<sup>1202</sup> CPS001720\_016-017

**355.** Mr Johnson felt “*rather pressurised and steam rolled*” during his meeting with Lady Butler-Sloss.<sup>1203</sup> He said Lady Butler-Sloss had promised to send details about Peter Ball and other matters confidentially to Bishop Hind. Whilst she sent a confidential note on other priests to Mr Chris Smith at Lambeth Palace, it did not include any mention of Peter Ball.<sup>1204</sup> Lady Butler-Sloss, in evidence to the Inquiry, accepted with hindsight that she should have included Peter Ball in her report.<sup>1205</sup>

## The Past Cases Review at Lambeth Palace

**356.** It was decided that as each diocese was undertaking a Past Cases Review, the same should also be carried out of files held at Lambeth Palace. The case of Peter Ball was selected for a separate and independent review because it was large and complex, and also because of its high profile.<sup>1206</sup>

**357.** A review team was assembled. It was led by Professor Anthony Mellows (a senior legal academic and eminent lay figure within the Church of England) along with the Diocesan Registrar for London and Southwark, and Mrs Kate Wood (a former police officer and independent safeguarding consultant). Its objective was to review the material held at Lambeth Palace and to suggest the best way of proceeding. Its primary consideration was to be the protection of children, in particular to “*indicate how any outstanding moral, legal, and pastoral obligations and responsibilities on the part of the Church could be discharged*”.<sup>1207</sup> Mrs Wood thought its focus was more about the legal and disciplinary processes than about safeguarding.<sup>1208</sup> It was not considered necessary for Reverend Pearl Luxon, at that time the National Safeguarding Adviser, to be involved in any way.<sup>1209</sup>

**358.** The resulting Mellows report was provided to Archbishop Rowan Williams on 17 December 2008. It concluded there had been:

*“a remarkable, and, indeed, shocking, difference between the lenient treatment afforded to Bishop Ball on the one hand and that which would be afforded to other clergy who committed comparable offences. This is so both as a matter of substance and of perception.”*<sup>1210</sup>

**359.** It concluded there was no further pastoral action that could or should have been taken by the Church in respect of Mr Todd, but that pastoral support should have been offered to the other complainants. The Mellows report also concluded that whilst there had been no follow-up of the additional allegations against Peter Ball, there was no evidence of a deliberate cover-up.

**360.** The Mellows report made a number of recommendations about Peter Ball:<sup>1211</sup>

- a. Disciplinary proceedings should not be instituted against Peter Ball and he should not be added to the caution list.
- b. Peter Ball should be subject to a risk assessment.

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<sup>1203</sup> ANG000222\_047

<sup>1204</sup> ACE023696

<sup>1205</sup> ANG000156\_008

<sup>1206</sup> ACE025948\_011

<sup>1207</sup> ACE025948\_012

<sup>1208</sup> Wood 27 July 2018 65/1-22

<sup>1209</sup> ACE025948\_013

<sup>1210</sup> ACE001425\_015

<sup>1211</sup> ACE001425\_017-022

- c. Peter Ball should not be permitted to preach without such a risk assessment and, should the assessment conclude that he poses a risk to children and young people, there should be a permanent ban on his unrestricted access to children and young people.
- d. A new statement should be made to the House of Bishops which “*accurately reflects the position*”.

**361.** Archbishop Williams decided to defer action on the recommendations until after the ongoing Northamptonshire Police investigation.<sup>1212</sup>

**362.** However, by May 2009, the recommendations had still not been implemented and the risk assessment had not been arranged.<sup>1213</sup> Peter Ball was at that time living in the Diocese of Bath and Wells. In 2009, the Diocese became aware that Peter Ball had involved himself in a case in which allegations of harassment had been made against a member of clergy by a 17-year-old complainant. He had written to the complainant to dissuade him from pursuing the allegations.<sup>1214</sup> Mrs Wood became aware of this case. She considered that the risk presented by Peter Ball was ongoing.<sup>1215</sup>

**363.** As a result, Peter Ball finally underwent a risk assessment in July 2009. The delay was in part caused by a dispute about whether it should be funded by the Diocese or by Lambeth Palace.<sup>1216</sup>

**364.** Having heard about the risk assessment from Peter Ball, Lord Lloyd wrote to the Bishop of Bath and Wells to ask him to review his decision or at least to postpone the assessment because Peter Ball was too frail. He described the letter asking Peter Ball to undergo a risk assessment as “*the coldest and most inhuman letter*” he had ever seen from an employer. He considered the Church to be cruel and the risk assessment to be akin to torture.<sup>1217</sup> Lord Lloyd also telephoned the Bishop’s chaplain, who recorded he had “*been subject to a choleric grilling*” and that Lord Lloyd thought that Lambeth Palace should have made an exception for Peter Ball.<sup>1218</sup> Lord Lloyd also called the chief of staff at Lambeth Palace, who recorded that Lord Lloyd told him that if they were to persist with the risk assessment “*some powerful people would be very upset*”.<sup>1219</sup>

**365.** The assessment ultimately concluded that at the time of the allegations by Mr Todd, Peter Ball could:

*“rightly be called a sexual predator, His behaviours at that time representing an abuse of power and trust by someone who was not only in a position of authority but has also been described as having a charismatic personality. It is precisely these attributes which enable many offenders to create situations in which they are able to gain the trust which makes it easier to create situations in which to abuse and to overcome the resistance of victims.”*<sup>1220</sup>

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<sup>1212</sup> See Part C.12.

<sup>1213</sup> Wood 27 July 2018 73/10-73/24

<sup>1214</sup> ACE025948\_014

<sup>1215</sup> Wood 27 July 2018 72/17-73/9

<sup>1216</sup> Williams 14 March 2018 188/3-191/17

<sup>1217</sup> ACE001491\_001-002

<sup>1218</sup> Lloyd 27 July 2018 30/10-25

<sup>1219</sup> Lloyd 27 July 2018 31/14-32/5

<sup>1220</sup> ACE001424\_015

**366.** In relation to ongoing risk, the assessment concluded that Peter Ball’s “*sexual interest is more akin to an hebophile than a paedophile, his arousal having been to post pubertal adolescents and young adults rather than pre-pubertal children*”. Although the risk he posed in 2009 was lower than that posed in the past, it found there were “*aspects of his behaviour which may be seen as highly manipulative and controlling*”.<sup>1221</sup>

**367.** Peter Ball shared the report with Lord Lloyd and reported to Mr Nunn that Lord Lloyd denounced it as “*meaningless*”. Having re-read the report, Lord Lloyd told the Inquiry that he withdrew that comment.<sup>1222</sup>

**368.** In any event, as a result, a formal ‘safeguarding children agreement’ was put in place between Peter Ball and the Diocese. Peter Ball’s permission to officiate was also limited to one parish, and he was referred to the Independent Safeguarding Authority and the Local Authority Designated Officer.<sup>1223</sup>

**369.** At this time, Peter Ball tried to solicit the support of the Prince of Wales and sent him a copy of the letter from the Diocesan Safeguarding Adviser for Bath and Wells informing him of the need for a risk assessment. He said:

*“They have smashed me with the bully of an assessor, from a child protection officer, and no pastoral care, except two nice letters from the archbishop. Suddenly I am not allowed to baptise or go to any parish without informing the church warden that I had a caution all those years back.”*<sup>1224</sup>

**370.** The Mellows report was a thorough attempt to examine the material held by Lambeth Palace and sensibly suggested a risk assessment. It took too long to carry out this review, leading to suspicions of prevarication. Irrespective of any police investigation, a review should have taken place as soon as practicable.

## C.12: The Northamptonshire Police investigation

**371.** In the course of their 2006–2008 investigation into Colin Pritchard and Roy Cotton,<sup>1225</sup> Northamptonshire Police were informed by Mrs Shirley Hosgood (at that time the Chichester Diocesan Safeguarding Adviser) that, when reviewing files about Cotton and Pritchard, she had come across information about Peter Ball and consequently made enquiries about him. She told Detective Constable David Charman, the officer in charge of the case, that Lambeth Palace held letters containing allegations against Peter Ball. Northamptonshire Police then sought copies of those letters from Lambeth Palace but were informed by the Church of England that they would not provide them without an order from a court.<sup>1226</sup>

**372.** Northamptonshire Police began the process of applying for the necessary order. In the meantime, Lambeth Palace wrote to each author asking for permission to share the information with Northamptonshire Police.

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<sup>1221</sup> ACE001424\_016

<sup>1222</sup> Lloyd 27 July 2018 33/1-11

<sup>1223</sup> INQ000560\_34

<sup>1224</sup> 27 July 2018 53/7-21

<sup>1225</sup> See Part B.3.

<sup>1226</sup> NNP000026\_005-6

**373.** The letters were sent to Northamptonshire Police after consent was obtained<sup>1227</sup> and Northamptonshire Police were offered the opportunity to attend Lambeth Palace and review the files held there.<sup>1228</sup> All the letters were reviewed by a detective inspector in Northamptonshire Police and passed to the CPS. The CPS advised verbally that the letters did not disclose any criminal offences. No official record was made of this advice by the CPS. However, Mrs Kate Wood (a former police officer)<sup>1229</sup> considered the allegation of AN-A93 may amount to a criminal offence and, as a result, Northamptonshire Police asked for AN-A93's letter<sup>1230</sup> to be reviewed again by the CPS. The advice, again received verbally, was that no criminal offences had been committed.<sup>1231</sup> Mr McGill agreed the advice provided by the CPS should have been provided clearly and in writing.<sup>1232</sup>

**374.** On the basis of the content of the letters, without knowing further relevant information such as the circumstances, or the age of the complainant, it is the case that they do not disclose obvious criminal offences.

**375.** After the CPS reviewed the letters, Northamptonshire Police wrote to each author, saying they were “*trying to identify anyone who may have been a victim of Rev Colin Pritchard, Rev Roy Cotton or Bishop Peter Ball*”. The police asked whether the author was “*ever introduced to Rev Colin Pritchard and Rev Roy Cotton and whether they abused*” them. They did not ask the individuals to discuss or disclose any further information about Peter Ball's offending, having explained that the CPS had reviewed the original letter about Peter Ball and had advised either that no criminal offence had been committed,<sup>1233</sup> or that there was not enough detail in the letter to Lambeth Palace to reach a view.<sup>1234</sup>

**376.** In relation to AN-10, whose letter to Lambeth Palace was one of those on which there was not enough information for the CPS to reach a view, Northamptonshire Police said:

*“You do not refer to anything criminal. If anything of a criminal nature did happen then you could contact the Police Force that covers the geographical area in which it happened and ask for it to be investigated.”*<sup>1235</sup>

**377.** AN-A10 said that when he received this letter he was relieved that someone was finally getting in touch with him. However, as the letter asked him whether he had met, or was abused by, Cotton or Pritchard, he responded to say no.<sup>1236</sup>

**378.** Mrs Wood said that having reviewed the material held at Lambeth Palace, she indicated to DC Charman that she was concerned there was more to the case of Peter Ball than met the eye.<sup>1237</sup> However, there is no record of further investigations carried out by Northamptonshire Police into Peter Ball.<sup>1238</sup>

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<sup>1227</sup> NNP000026\_005-6

<sup>1228</sup> Wood 27 July 2018 74/14-20

<sup>1229</sup> Wood 27 July 2018 74/21-75/20

<sup>1230</sup> ACE003053\_016-018 (See Part C.7: AN-A93 alleged that, when he was 17 years old, Peter Ball had used a counselling session at a school to ask him to masturbate in front of him.)

<sup>1231</sup> NNP000026\_10 and ACE025951\_014

<sup>1232</sup> McGill 26 July 2018 58/12-19

<sup>1233</sup> CPS000803\_183-184

<sup>1234</sup> CPS000803\_211-212

<sup>1235</sup> CPS000803\_195-196

<sup>1236</sup> AN-A10 23 July 2018 162/17-25

<sup>1237</sup> ACE025951\_014-015

<sup>1238</sup> NNP000026\_10



**379.** Northamptonshire Police were at that time investigating the allegations against Cotton and Pritchard. It was not an investigation into Peter Ball, but when they became aware of information about possible offending by him, it should have been fully investigated.

**380.** Northamptonshire Police did contact each of the authors of the letters, but focussed on whether they had information about Cotton and Pritchard. This was because the CPS had already advised that the letters did not disclose any criminal offences.

**381.** The complainants should have been seen in person before the CPS were consulted. Many of the letters did not provide enough information for an informed view to be reached about whether any criminal offence had been committed. For example, there was no information about the complainant's age or the details of the allegation. The CPS should not have provided advice without knowing all the necessary information. Further, any advice should have been thorough and provided in writing.

## C.13: Operation Dunhill

### Further review by Kate Wood in 2012

**382.** The letters sent to Lambeth Palace in 1992–1993 were considered by Northamptonshire Police in 2008 and by Sussex Police in 2010. In 2012, Mrs Kate Wood remained concerned there had not been any “*digging going on*”. She continued to have real concerns about Peter Ball, which were shared by the Diocesan Safeguarding Advisers in Chichester and Bath and Wells.<sup>1239</sup>

**383.** In 2012, press interest in the case of Peter Ball was growing. As a result, Lambeth Palace decided to collate and examine all files relating to Peter Ball.<sup>1240</sup> Archbishop Rowan Williams was advised by Mr Andrew Nunn that:

*“the clouds are gathering around Peter Ball and we need to prepare ourselves for the inevitable storm ... too much has been swept under the carpet for too long: the furniture in this particular room will no longer stand steady and may be about to topple. We feel quite strongly that for your own reputation you need to take the initiative and pre-emptive action.”*<sup>1241</sup>

**384.** Information was sought from Lambeth Palace and the dioceses of Chichester, Gloucester, and Bath and Wells. At the time of the Mellows review,<sup>1242</sup> there were nine files in relation to Peter Ball available to the reviewers. When the information from the dioceses was collected at Lambeth Palace, “*a significant pile*” of information was identified. The most significant new information was found in the Chichester correspondence file, held at the Palace in Chichester separately from Peter Ball's blue personnel file. Here, Mrs Wood found the report Reverend Brian Tyler commissioned in 1992; this was not found at Lambeth Palace and so was unknown to reviewers from 1992 to 2012.<sup>1243</sup>

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<sup>1239</sup> Wood 27 July 2018 76/14-77/10

<sup>1240</sup> Wood 27 July 2018 76/14-77/10

<sup>1241</sup> ACE001817

<sup>1242</sup> An independent review panel, chaired by Professor Anthony Mellows, reviewed the Peter Ball case in December 2008.

<sup>1243</sup> Wood 27 July 2018 85/18-86/22



**385.** Mrs Wood was both shocked and angry that she had not been aware of this report during her work in the preceding four years.<sup>1244</sup> She was concerned by the issues raised in Reverend Tyler’s report about DI Wayne Murdock, and the further allegations against Peter Ball that he had unearthed. As a result, she wrote a further report for the Archbishop and spoke to Mrs Elizabeth Hall, the National Safeguarding Adviser at that time.<sup>1245</sup>

**386.** They sought advice from Mr Peter Davies, a senior police officer from the Association of Chief Police Officers and chief executive of the Child Exploitation and Online Protection Command. As a result of that discussion, Mrs Wood conducted further investigative work. Having identified that most of the allegations related to offending within the Sussex area, they referred their findings, with the assistance of Peter Davies, to Sussex Police in May 2012.<sup>1246</sup>

**387.** Operation Dunhill formally began on 25 July 2012. Detective Chief Inspector Carwyn Hughes (now Detective Superintendent Hughes) was the officer in charge of the case.

**388.** Tragically, Neil Todd took his own life in July 2012, just days before Operation Dunhill formally commenced. Mrs Wood had been in contact with Mr Todd, who had been made aware of the renewed inquiries into Peter Ball’s offending by a BBC journalist. Sussex Police had not formally commenced their investigation, and she was concerned she could not provide Mr Todd with much information, which could be reported in the press and risk prejudicing the investigation.<sup>1247</sup> Mrs Wood had already put Mr Todd in touch with Sussex Police and he had spoken once or twice to one of the investigating officers. They had not yet put in place witness support arrangements and so no formal support had been offered or provided to Mr Todd.<sup>1248</sup> However, Mrs Wood discussed with Mr Nunn the possibility of the Church arranging counselling for Mr Todd, as well as an apology from the Archbishop of Canterbury.

**389.** As part of the investigation, Sussex Police obtained files from Gloucestershire Constabulary and Northamptonshire Police. They received all papers relating to Peter Ball held at Lambeth Palace, including all letters sent to Lambeth Palace in 1992–1993 and a full copy of Reverend Tyler’s report. As a result of information in the report, DCI Hughes began with real concerns about the Gloucestershire Constabulary investigation. Upon receipt of the Gloucestershire file, he thought DI Murdock had made some brave decisions in the course of the investigation.<sup>1249</sup>

**390.** The first priority for Operation Dunhill was to identify potential complainants, contact them and protect them from any influence by Peter Ball or his supporters. DCI Hughes was aware of the significant levels of support for Peter Ball within the Church, although there were no instances of attempted influence during his investigation.<sup>1250</sup> In order to identify further potential complainants, all of the former schemers were traced and contacted including those who had written to Lambeth Palace in 1992–1993, AN-A10 being one of them.<sup>1251</sup> In total, the investigation spoke to 22 complainants and found evidence of wide-ranging and serious allegations against Peter Ball.

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<sup>1244</sup> Wood 27 July 2018 78/7-16

<sup>1245</sup> Wood 27 July 2018 79/1-81/7

<sup>1246</sup> Wood 27 July 2018 81/14-84/18

<sup>1247</sup> Hughes 25 July 2018 87/10-93/12

<sup>1248</sup> Hughes 25 July 2018 166/16-167/15

<sup>1249</sup> Hughes 25 July 2018 176/9-177/1

<sup>1250</sup> Hughes 25 July 2018 163/20-164/16

<sup>1251</sup> Hughes 25 July 2018 161/11-163/4

**391.** Such was Peter Ball's health throughout the investigation that he could not be formally arrested or interviewed under caution. He provided, through his solicitor, a written response to the allegations in which he claimed that his caution in 1993 encapsulated all other offences committed and so presented a bar to his prosecution.<sup>1252</sup>

### Co-operation between the Church and Sussex Police

**392.** Throughout Operation Dunhill, an *"unprecedented working relationship was developed by the Church and the police. The flow of information was essential"*.<sup>1253</sup> Mrs Wood was seconded from Lambeth Palace to the investigation team and there was a close working relationship with Mr Colin Perkins, Diocesan Safeguarding Adviser in Chichester.<sup>1254</sup> Mrs Wood was able to receive firsthand information from the officer in charge and to pass it on to the Church and the Diocese of Chichester as appropriate.

**393.** The co-operation was particularly effective in providing support to complainants, victims and survivors. Following the model established in Operation Perry,<sup>1255</sup> they were given a designated point of contact within the investigation. They were also separately provided with support via the Diocese of Chichester and Ms Gemma Wordsworth (now Mrs Marks-Good), the Independent Domestic and Sexual Violence Adviser who also worked closely with the police.<sup>1256</sup>

### External contact with the investigation

**394.** The new investigation was reported widely as soon as it began and throughout its course. This prompted eight new complainants to approach the police during the investigation and a further three following Peter Ball's conviction.<sup>1257</sup>

**395.** Sussex Police did not receive anything like the volume of letters in support of Peter Ball that Gloucestershire Constabulary had in 1992–1993. They did receive three letters from Lord Lloyd of Berwick, who wrote to complain about Peter Ball's treatment on arrest and to question why they were investigating him at all. He wrote again later to complain about the length of time being taken and, in particular, the effect this was having on Peter Ball's health. Though Sussex Police responded to Lord Lloyd's letters, they did not have any effect on the course or conduct of the investigation.<sup>1258</sup>

**396.** Lord Carey maintained his support for Peter Ball, telling the investigating officers that he believed Peter Ball *"had been punished enough"*.<sup>1259</sup> He provided a witness statement to the defence team in support of their argument that Peter Ball's prosecution would be an abuse of process,<sup>1260</sup> but did not provide a statement to the police.

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<sup>1252</sup> Hughes 25 July 2018 181/2-182/12

<sup>1253</sup> Wood 27 July 2018 84/19-24

<sup>1254</sup> Hughes 25 July 2018 160/23-161/10

<sup>1255</sup> See Part B.9.

<sup>1256</sup> Hughes 25 July 2018 167/16-23

<sup>1257</sup> Hughes 25 July 2018 165/2-20

<sup>1258</sup> Hughes 25 July 2018 160/6-170/7

<sup>1259</sup> Carey 24 July 2018 191/1-193/12

<sup>1260</sup> CPS002513\_63-70

**397.** DCI Hughes was aware from the outset of the investigation that Peter Ball had a friendship with the Prince of Wales, and that there was a large amount of correspondence between them held at Lambeth Palace. He recorded this in his files, including that he did not consider it to be relevant to the investigation and so had not taken possession of it.<sup>1261</sup>

**398.** During the investigation, Sussex Police were contacted by a staff officer to the Prince of Wales who believed the police had seized, in the course of their investigation, material which might be embarrassing to the Prince of Wales. As a result of this contact, the Chief Constable of Sussex Police spoke to DCI Hughes and asked him to check the material for anything that could be embarrassing to the Prince of Wales. He confirmed there was not. DCI Hughes recorded at the time, and confirmed to the Inquiry, that he did not feel that any pressure had been placed upon him or his team by the Chief Constable as a result of this contact.<sup>1262</sup>

**399.** In his letter to the Inquiry, the Prince of Wales said the contact was made by a member of the Metropolitan Police Royal Protection team. They “*wished to avoid any appearance of influence*” and the enquiry was about the “*correct ownership*” of a letter from the Prince of Wales to Peter Ball seized by Sussex Police.<sup>1263</sup>

## Referral to the Crown Prosecution Service

**400.** Sussex Police referred the case to the Crown Prosecution Service (CPS) for a decision in January 2013. No decision was taken until March 2014.

**401.** This significant delay caused the police very real difficulties in managing the expectations of complainants, victims and survivors. Reverend Graham Sawyer complained that the police could have kept in touch with him more and that months elapsed between contacts.<sup>1264</sup> There was a growing belief, in particular from the family of Neil Todd, that there was a conspiracy or “*establishment cover up*” involving the police and the CPS to allow Peter Ball to evade justice.<sup>1265</sup> One complainant withdrew from the prosecution, and he was not alone in his feelings.<sup>1266</sup> He said:

*“It is clear to me that the CPS are dragging their feet because of Ball’s connections and his former status, although you can dress it up as legal complications ... This has gone on too long. It has put enormous strain on me and it is not fair. My current circumstances mean I am withdrawing.”*<sup>1267</sup>

**402.** In trying to explain the delay, Mr McGill told us it was a complicated case. As the decision to caution had been taken by, or with the agreement of, the DPP in 1993, Peter Ball’s case had to be considered at the most senior level and was referred to the Principal Legal Adviser (PLA) to the DPP. However, the case was with the Sussex CPS office for six months before preliminary advice was drafted and the case referred to the PLA.<sup>1268</sup> It was a further four months before a case conference was arranged between the PLA, the CPS team and the police.

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<sup>1261</sup> Hughes 25 July 2018 170/14-172/3

<sup>1262</sup> Hughes 25 July 2018 172/4-173/10

<sup>1263</sup> ANG000333

<sup>1264</sup> Sawyer 23 July 2018 174

<sup>1265</sup> Hughes 25 July 2018 184/10-186/5

<sup>1266</sup> Hughes 25 July 2018 187/22-25

<sup>1267</sup> CPS001622\_001

<sup>1268</sup> CPS003477\_035

**403.** A possible charge of misconduct in a public office was considered for the first time in December 2013, 11 months after the referral to the CPS. At that time, misconduct in a public office was being litigated in the appellate courts and, therefore, the delay from December 2013 until March 2014 was understandable. Nonetheless, it had taken too long to reach this point.

**404.** The CPS were informed a number of times by the police about the detrimental effect the delay was having upon the complainants, victims and survivors. Mr McGill agreed *“14 months to take a charging decision instinctively feels ... too long, even for a complicated matter like this”*.<sup>1269</sup>

### The selection of charges

**405.** As in 1992–1993, it was difficult for the CPS to identify charges which encapsulated the criminality of Peter Ball’s actions. The primary difficulty was that many of the complainants, victims and survivors had ostensibly consented, albeit reluctantly. This would generally provide a defence to charges of indecent assault. As the law stands, neither the fact that they had not been aware of Peter Ball’s true sexual motive, nor the fact that they had believed his activities to have a religious purpose, was likely to prevent him relying upon their consent in his defence.<sup>1270</sup>

**406.** The Sexual Offences Act 2003 contains a category of offences which criminalise the abuse of positions of trust to engage in sexual activity with children, in particular those between the ages of 16 and 18, or to cause or incite a child to engage in sexual activity.<sup>1271</sup> Positions of trust are defined to include those who look after children in local authority care or in a hospital, care home or residential school. A member of the clergy would not be included in the current definition of a position of trust. Had the category of offences been broad enough to include members of clergy or those with positions of responsibility within the Church, Peter Ball could have been charged with a number of such offences, without consent being an issue as it was in 1992–1993 and 2013–2014.<sup>1272</sup> Mrs Hall endorsed making this amendment and said she was aware of other cases that had faced similar challenges.<sup>1273</sup>

**407.** Ultimately, the CPS advised that Peter Ball would be charged with:

- a. misconduct in a public office in respect of misusing his position as Bishop of Lewes and Bishop of Gloucester as regards 16 complainants;
- b. indecent assault of Reverend Sawyer;
- c. indecent assault of AN-A117;
- d. indecent assault of Mr Johnson; and
- e. indecent assault of AN-A2.

**408.** On 26 March 2014, Sussex Police were informed the CPS had reached their decision but were not told what the charges would be. Instead the police were to receive the information the following day, one hour before it was announced publicly to the press. DCI Hughes said this put Sussex Police in a difficult position, trying to contact all of the

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<sup>1269</sup> McGill 26 July 2018 66/12-22

<sup>1270</sup> CPS003477\_038

<sup>1271</sup> Sexual Offences Act 2003 sections 16-24

<sup>1272</sup> McGill 26 July 2018 86/18-21

<sup>1273</sup> ANG000216\_041 and 047

complainants, victims and survivors to inform them of this important decision before it became public knowledge. In his view, it was highly unusual and placed the interests of the CPS above those of the complainants, victims and survivors.<sup>1274</sup>

### Peter Ball's defence and guilty pleas

**409.** There were lengthy and complex legal arguments from Peter Ball's defence team about the charges. In particular, it was argued that he had been told in 1993 that his acceptance of the caution would preclude further action on other allegations. Once the defence arguments were dismissed and the trial judge ordered the trial to go ahead, the defence approached the prosecution about potential guilty pleas and the basis on which Peter Ball would plead guilty.

**410.** There was some correspondence between the prosecution and the defence about what pleas would be acceptable. The main area of disagreement was that Peter Ball would not accept indecently assaulting AN-A2 or Philip Johnson, who had been children at the relevant times. Mr McGill said this was not plea bargaining. He said that if the defence indicates their willingness to plead guilty in relation to some counts on an indictment and indicates the factual basis on which they do so, the prosecution must review the case to determine whether it would be in the public interest to proceed to trial on the remaining counts, and whether those guilty pleas would provide the court with sufficient sentencing powers to reflect the seriousness of the case.<sup>1275</sup>

**411.** By the time the case was considered by the CPS, the police had allegations from 21 individuals, 17 of which were encapsulated in the misconduct in a public office charge.<sup>1276</sup> AN-A2 and Mr Johnson were consulted by Sussex Police about the potential guilty pleas. AN-A2 was unhappy that his case would not be taken forward but accepted the decision.

**412.** Mr Johnson was very unhappy with the decision. He understood the rationale for why the pleas were being strongly considered, but he felt a lack of acknowledgement of the truth because his story would not be told to the court at sentencing. In addition, he would not be able to say how he felt about the offending and this felt like a denial of the impact that the offending had had upon him.<sup>1277</sup> Prosecution counsel emphasised in open court, at the time of Peter Ball's sentence, that the truth of those allegations was maintained by the prosecution.

**413.** DCI Hughes sympathised but thought a plea to the charge of misconduct in a public office gave justice to the majority of the complainants. He was also concerned about Peter Ball's health, and the real risk that he would not be fit to be tried. The idea of Peter Ball publicly acknowledging guilt to the world was, for him, important. He therefore fully supported the difficult decision.<sup>1278</sup>

**414.** Whilst the CPS considered the views of those two complainants, its decision had to be made on behalf of the wider public, not in the name of any individual complainant.<sup>1279</sup> The CPS considered that the plea adequately reflected the criminality and the nature of Peter Ball's offending against complainants who were children at the relevant time, and provided the judge with sufficient sentencing powers.

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<sup>1274</sup> Hughes 25 July 2018 193/1-194/7

<sup>1275</sup> McGill 26 July 2018 75/16-76/5

<sup>1276</sup> Hughes 25 July 2018 7/15-25

<sup>1277</sup> McGill 26 July 2018 82/3-17

<sup>1278</sup> Hughes 25 July 2018 197/22-199/2

<sup>1279</sup> McGill 26 July 2018 82/24-83/19

**415.** Although the CPS were the decision-makers, Sussex Police played a critical role in the decisions about plea. The process was not a speedy one and Sussex Police were consulted throughout.<sup>1280</sup>

**416.** Whilst the offences relating to children may have provided the court with higher sentencing powers, the court would have been required to apply the principle of 'totality', looking at the case as a whole and taking the offending in the round in order to select the appropriate sentence. Mr McGill did not think that even if there had been pleas to the other offences, the sentence would have been significantly higher.<sup>1281</sup>

**417.** The resulting press coverage led to four further complainants coming forward. Their allegations included that Peter Ball had anointed the penis of a 17 or 18-year-old in his chapel, and had an erection whilst he sat a 16-year-old boy, who was confused about his sexuality and seeking advice, on his lap.<sup>1282</sup> It was not considered by the police to be in the public interest for any further action to be taken in relation to three of those allegations, because Peter Ball had recently been imprisoned for 32 months.

**418.** However, there was one allegation from a child aged 17 that Peter Ball had touched his genitals after they had played squash together. This allegedly occurred in 1995, after Peter Ball had been cautioned and around the time that Archbishop Carey was preparing to return him to some form of ministry. In that case, because of the complainant's age and the fact that it was post-caution, Sussex Police determined it would be in the public interest to pursue an investigation. The complainant, however, did not wish to pursue the allegation because of the effect it might have had on him and his family, and because Peter Ball was imprisoned already.<sup>1283</sup>

**419.** Following his conviction and sentencing, Peter Ball was prohibited from ministry for life by Archbishop Justin Welby as of 23 December 2015.<sup>1284</sup>

## Review by Dame Moira Gibb

**420.** On 5 October 2015, shortly after Peter Ball's sentencing, the Archbishop of Canterbury announced that he was commissioning an independent review into the way that the Church of England had responded to the case of Peter Ball. In February 2016 he announced that the review would be chaired by Dame Moira Gibb. Archbishop Welby said:

*"We have offered an unreserved apology to all the survivors and commend the bravery of those who brought these allegations forward, acknowledging how difficult and distressing this would have been. It is a matter of deep shame and regret that a bishop in the Church of England committed these offences. There are no excuses whatsoever for what took place and the systematic abuse of trust perpetrated by Peter Ball over decades. I hope the review will provide the Church as a whole with an opportunity to learn lessons which will improve our safeguarding practice and policy."*<sup>1285</sup>

**421.** Dame Moira Gibb described her purpose as:

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<sup>1280</sup> Hughes 25 July 2018 195/1-196/14

<sup>1281</sup> McGill 26 July 2018 81/1-17

<sup>1282</sup> OHY005027\_048

<sup>1283</sup> Hughes 25 July 2018 199/3-201/15

<sup>1284</sup> Nunn 26 July 2018 93/3-8

<sup>1285</sup> [www.chichester.anglican.org/news/2016/02/25/archbishop-announces-chair-independant-review/](http://www.chichester.anglican.org/news/2016/02/25/archbishop-announces-chair-independant-review/)

*“to set out for the public, as well as for survivors and the church, a clear narrative of what had actually gone wrong and what Peter Ball had done and how the church had responded to it. And from that to develop recommendations for the church in order to avoid such failures in the future.”<sup>1286</sup>*

**422.** In June 2016, Dame Moira Gibb published her report *An Abuse of Faith*.<sup>1287</sup> It contained 11 recommendations for the reform of the Church of England on a number of issues, including getting the right support in place for survivors, senior engagement with Peter Ball’s victims and their families, the need for leadership from bishops, strengthening the role of diocesan safeguarding to include all Church bodies, and giving Diocesan Safeguarding Advisers direct access to the Archbishops’ List.<sup>1288</sup>

**423.** Following receipt of Dame Moira Gibb’s report, the Church of England prepared an action plan in relation to her recommendations. The report was considered by the House of Bishops in December 2017.<sup>1289</sup> Mr Graham Tilby, National Safeguarding Adviser, has provided updates to the Inquiry about the work completed under this action plan. The Inquiry will consider this work in greater detail in the third public hearing for this investigation in July 2019.

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<sup>1286</sup> Gibb 27 July 2018 99/17

<sup>1287</sup> [www.churchofengland.org/sites/default/files/2017-11/report-of-the-peter-ball-review-210617.pdf](http://www.churchofengland.org/sites/default/files/2017-11/report-of-the-peter-ball-review-210617.pdf)

<sup>1288</sup> ANG000303

<sup>1289</sup> ACE026283





## Part D

# Conclusions and recommendations

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# Conclusions

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The Church of England should have been a place which cared for and supported victims of child sexual abuse. The investigations into the Diocese of Chichester and the events surrounding Peter Ball revealed a number of serious failings in its response to allegations against both clergy and laity alike. From the early 1990s there were inadequate safeguarding structures and policies in place at a national level and, as a result, at a diocesan level.<sup>1290</sup>

Each case study provided examples of perpetrators who were able to hide in plain sight for many years. In the Diocese of Chichester, there were perpetrators about whom there were allegations, or even known convictions, who were provided with unrestricted access to children and young people and as a result, continued to offend.

There were occasions when the Church put its own reputation above the needs of victims and survivors.<sup>1291</sup> It did not always treat victims and survivors with the compassion or dignity they deserved. The Church acknowledged that *“it failed some victims because it allowed its response to civil claims to become unduly defensive, and dominated by the approach and language of litigation”*.<sup>1292</sup>

Disclosures of abuse were handled inadequately, both at a diocesan level in Chichester and by Lambeth Palace in the case of Peter Ball. Responses did not display an appropriate level of urgency or an appreciation of the seriousness of allegations made. In particular, there was also a failure to appreciate the significance of allegations of non-recent sexual abuse, either because they did not understand the continuing harm suffered by some victims and survivors or because they thought that the passage of time had erased the risk posed by the offender.

In allegations involving victims and survivors over the age of 16, a number of individuals in the Diocese of Chichester and Lambeth Palace misinterpreted the actions of abusers as homosexual behaviour. In such cases, there was an unwillingness to challenge that behaviour or to recognise that the abuse may not be about sex alone, but the exercise of control.

The Church has now offered unreserved apologies to victims of child sexual abuse. It has acknowledged its errors and recognised that it must take responsibility for the pain suffered by victims and survivors. However, apologies are not sufficient in themselves. As stated by the current Archbishop of Canterbury, Justin Welby:

*“Apologies are fine, but we have got to find a way of making it different and we have got to do it as quickly as we can.”*<sup>1293</sup>

## Conclusions in respect of the Diocese of Chichester

**1.** The Diocese of Chichester has seen more convictions for child sexual abuse than any other diocese in the Church of England. By 1997, it should have been fully aware of the need to respond appropriately to allegations of this nature. It had recently appointed its

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<sup>1290</sup> ACE026392\_011

<sup>1291</sup> ACE026327\_022

<sup>1292</sup> ACE026327\_023

<sup>1293</sup> Welby 21 March 2018 148-149

first diocesan child protection adviser, safeguarding guidance was in place at both a national and diocesan level, and no fewer than three clergy members (Reverends Coles, Cotton and Pritchard) had been arrested in the space of one year. Yet it was not until 2011, with the commencement of Operation Perry, that the Diocese proved itself willing and able to take the necessary action.

2. The Diocese was divided on a number of issues. In responding to allegations of child sexual abuse, members of clergy acted primarily out of loyalty to those with whom they enjoyed a shared viewpoint, and contrary to their safeguarding obligations. The damaging consequence of this overriding allegiance to one's own 'tribe' was that child protection was compromised.<sup>1294</sup>
3. There were a number of occasions on which allegations that ought to have been reported immediately to external authorities were retained internally for as long as possible. The Church not only declined to share serious allegations with the relevant statutory agencies, but in at least one case no steps were taken to report known sexual abuse to the police by senior clergy.<sup>1295</sup> The absence of co-operation hindered the progress of criminal investigations and safeguarding arrangements and enabled abusers to escape justice.
4. Insufficient weight was placed by the Diocese on the need to act upon applicants' backgrounds. Cotton was ordained in the 1960s (in the Diocese of Portsmouth) despite having a conviction for indecently exposing himself to a child. This conviction was known upon his transfer to the Diocese of Chichester, but no steps were taken to ensure he did not continue to pose a risk to children.
5. Until the appointment of Bishop Martin Warner in 2012, there was an absence of strong leadership within the Diocese of Chichester and little unity of approach.<sup>1296</sup> Disciplinary procedures were not followed and inadequate resources were devoted to protecting the children who passed through its doors every year. Senior clergy were not required to undertake safeguarding training before the appointment of Archbishop Justin Welby<sup>1297</sup> and, in many cases, had not received any safeguarding training at all during their time in office.

### *Victim support and reparations*

6. Victims and survivors in the Diocese of Chichester were disbelieved and dismissed by those in authority within the Diocese.<sup>1298</sup> On occasion, they were stigmatised because there was a perception that they were from "*problem backgrounds*" and therefore less credible in the eyes of the Diocese.<sup>1299</sup>
7. In contrast, during his trial Terence Banks was accompanied to court by a member of clergy on a daily basis. Meanwhile, his victims were not provided with any support by the Diocese.<sup>1300</sup>

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<sup>1294</sup> ACE026327\_016

<sup>1295</sup> ACE026327\_021

<sup>1296</sup> ACE026327\_012

<sup>1297</sup> Hall 21 March 2018 6/7-15

<sup>1298</sup> ACE026327\_021

<sup>1299</sup> ACE022301\_217

<sup>1300</sup> ACE026327\_022

### *Permission to officiate*

- 8.** The system for granting permission to officiate (PTO) did not have sufficient regard to safeguarding. Reverend Roy Cotton was granted PTO when it was known that he had recently been investigated by the police for child sexual abuse. Reverend Gordon Rideout was granted PTO despite Bishop Wallace Benn and Bishop John Hind having been aware that he had been investigated by three separate police forces for child sexual abuse. Reverend Jonathan Graves was granted PTO during the course of a police investigation for child sexual abuse.
- 9.** Members of clergy with PTO were not supervised or monitored, and many were not the subject of Disclosure and Barring Service (DBS) checks as recently as 2010. Even before those checks became compulsory, the Church should have ensured that all clergy with access to children had been appropriately vetted.
- 10.** When a routine check highlighted worrying information about Reverend Vickery House, the response of the Diocese was unacceptable. Bishop Benn asked for the information to be withheld from the Diocesan Safeguarding Advisor. Whilst Bishop Hind insisted that the information be passed to the Diocesan Safeguarding Advisor, he did not immediately accept the advice of the Diocesan Safeguarding Advisory Group that House should be suspended.

### *Disciplinary action*

- 11.** Clergy about whom concerns were voiced were not subjected to either disciplinary action or risk assessment in a consistent manner. The Archbishops' Council have accepted that the previous Clergy Discipline Measure was not fit for purpose in relation to safeguarding; nor was its predecessor, the Ecclesiastical Jurisdiction Measure. The disciplinary processes under both measures were lengthy and cumbersome.
- 12.** Even in its amended form, the Clergy Discipline Measure remains flawed and is an inappropriate means by which to address safeguarding concerns. It does not provide an adequate route to resolving safeguarding complaints timeously and fairly.

### *Relationship between the Diocese and the police*

- 13.** The 1997–1998 Sussex Police investigation into Cotton and Pritchard was inadequate. There was unnecessary delay and a failure to explore all lines of enquiry. As a consequence, no charges were brought and both offenders escaped justice at that time.
- 14.** Cotton's diocesan file (blue file) clearly contained the fact of his earlier conviction for indecent exposure, but this was not brought to the attention of the police. At the conclusion of their investigation, the police failed to share any written findings with the Diocese. As a result, no Church disciplinary action was taken against either suspect, nor was it possible to initiate contact with the complainants to offer them support.
- 15.** When Northamptonshire Police revived the investigation in 2006, all records held by Sussex Police had already been destroyed in accordance with their policies at the time. As a result, the relevant evidence could no longer be accessed.
- 16.** The quality of the investigation in Operations Perry and Dunhill by Sussex Police was better. The police and the Diocese worked closely together to ensure that victims were treated with compassion and respect. The use of an Independent Domestic and Sexual Violence Adviser (IDSVA) worked well in assisting victims and survivors.

## *The Cathedral*

**17.** In 2004, an independent review by Edina Carmi identified that the relationship between Chichester Cathedral and the Diocese had hindered the effectiveness of safeguarding practices. The Cathedral managed child protection issues independently of the Diocese, and was not required to comply with the diocesan arrangements for safeguarding. It did not, however, put in place any adequate safeguarding procedures for the Cathedral. Nor was there a productive partnership between the Diocese and the Cathedral that prioritised the welfare of children and young people. Only now, 18 years after the completion of the review, are there external audits of safeguarding within cathedrals.

**18.** The Carmi review explored the interrelationship between Chichester Cathedral and The Prebendal School. It concluded that the nature of the relationship between the two discouraged an appropriate level of independence. This led to an inability to challenge concerning behaviour within each other's domain. The school's response to allegations was at times compromised by its deference to the Cathedral. The Diocese or the school should have shared its findings with the Department for Education and the Independent Schools Inspectorate.

## *Internal reviews*

**19.** The Diocese of Chichester's Past Cases Review in 2008–2009 did not unearth the full scale of the abuse that was taking place inside its doors. It failed to take into account the actions of all volunteers and retired clerics. Despite the limitations of this review, the issues that it did raise should have been considered and dealt with by the Diocese at the time. This would at least have served to reduce the risks to children and young people.

**20.** The relationship between Bishop John Hind and Bishop Wallace Benn collapsed during this key period. Their personal conflict distracted the Diocese of Chichester from more pressing matters, particularly the need to address the findings of Mr Meekings and Lady Butler-Sloss. Numerous meetings and discussions took place but seemed to focus on internal squabbles between senior clerics, rather than on the welfare of victims of child sexual abuse. Indeed, the acrimonious nature of their relationship remained evident some six years later during the course of the hearing.

**21.** Bishop Benn failed to recognise that his actions contributed to a paralysis in the Diocese. He lay the blame for his own failings on others, including junior members of staff. Archdeacon Nicholas Reade adopted a similarly defensive approach when confronted with evidence of Bishop Benn's approach. Archdeacon Reade declined to report a serious indecent assault to the police, yet repeatedly sought to justify this failure on the basis that "*he had not raped the boy*".<sup>1301</sup> Coles should have been reported to the police and subject to disciplinary action or a risk assessment.

**22.** All senior clergy and senior office holders in the Diocese should have taken collective responsibility for the series of errors that were made, whilst acknowledging the effect of their individual omissions on victims and survivors.

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<sup>1301</sup> Reade 15 March 2018 48/11

## Conclusions in respect of the Peter Ball case study

### *Peter Ball's offending*

**23.** In his 2015 guilty plea, Peter Ball admitted that he had abused his position as Bishop of Lewes and Bishop of Gloucester to offend against 17 teenagers and young men, from 1977 to 1992. His offending involved deliberately manipulating vulnerable teenagers and young men for his own sexual gratification.

**24.** Peter Ball, having developed a reputation for working with children and young people, took advantage of the invitations he received to preach at or provide counselling in schools.

**25.** Many of Peter Ball's victims and survivors passed through the 'Give a Year to God' scheme, which Peter Ball set up whilst he was Bishop of Lewes in the early 1980s. This scheme was not subject to any monitoring or supervision by the Diocese or by anyone from the Church. Peter Ball used this scheme to offend against often vulnerable young men under the guise of those acts forming part of religious teachings.

**26.** Peter Ball also admitted that, whilst Prior of the Community of the Glorious Ascension, he took advantage of a vulnerable young man who looked upon him as a spiritual leader. We heard that religious communities at that time were the subject of very little oversight by anyone from a diocese or any other part of the Church from 1957 to 1992.

### *The treatment of complainants, victims and survivors*

**27.** The Archbishops' Council has characterised the Church's treatment of complainants, victims and survivors as "*shocking and even callous*".<sup>1302</sup> Archbishop George Carey has accepted that they were not treated with "*belief and compassion*" by him as well as others within the Church.<sup>1303</sup>

**28.** The Church of England seriously failed Neil Todd. It chose not to act when, out of concern for Mr Todd, Peter Ball's domestic staff reported their concerns about Peter Ball and Mr Todd to a senior bishop working with the Archbishop of Canterbury. It chose not to respond when their account was repeated to a number of other bishops. It failed to do anything at all until Mr Todd tried to take his own life, at which time the matter was finally reported to the police.<sup>1304</sup>

**29.** Despite Peter Ball's abuse of power and Mr Todd's obvious vulnerability, the Church discounted Peter Ball's conduct as trivial and insignificant. In the days following Mr Todd's initial disclosures and following Peter Ball's arrest, Lambeth Palace focussed on controlling what information was disclosed, either to protect the Church's reputation or to protect Peter Ball. Those involved at best displayed a fundamental misunderstanding of Peter Ball's behaviour and at worst, were indifferent to Mr Todd's complaints.<sup>1305</sup>

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<sup>1302</sup> Giffin 27 July 2018 150/15-16

<sup>1303</sup> WWS000219\_015

<sup>1304</sup> ACE026392\_004

<sup>1305</sup> Giffin 27 July 2018 152/21-24



**30.** Throughout the Gloucestershire Constabulary investigation, the Church expressed unwavering public support for Peter Ball. In contrast, little was said or done in support of Mr Todd. Even after Peter Ball’s caution and resignation the Church, both privately and publicly, failed to recognise or acknowledge the seriousness of Peter Ball’s misconduct and the long-term harm that it had caused to complainants, victims and survivors.<sup>1306</sup>

**31.** Privately, whilst some limited counselling support was offered to Mr Todd, no support or redress was offered, on behalf of the Church, to other complainants who came forward during the course of the Gloucestershire Constabulary investigation. This is in contrast to the extensive support provided to Peter Ball, and the subsequent financial support he received via the Church Commissioners and the Archbishop of Canterbury’s discretionary fund. The Archbishops’ Council has admitted that it “*was not acceptable*” for Peter Ball to have received such significant payments in these circumstances.<sup>1307</sup>

**32.** It was a conflict of interest for Lambeth Palace, and Archbishop George Carey in particular, to provide personal and vocal support to Peter Ball. As the Archbishop of Canterbury, he would be responsible for deciding whether Peter Ball would be subject to disciplinary action or returned to ministry.<sup>1308</sup>

### *The conduct of the Church during the Gloucestershire Constabulary investigation*

**33.** During the Gloucestershire Constabulary investigation, Lambeth Palace received seven letters capable of supporting the allegations made by Mr Todd. Some of those letters included allegations about Peter Ball’s sexualised conduct towards teenagers who had met Peter Ball at their schools. Of those seven letters, Lambeth Palace passed only the single least incriminating letter to the police. This suggests that the remaining six letters were withheld. There is no excuse for this failure to provide potentially relevant evidence to the police.<sup>1309</sup>

**34.** The Archbishops’ Council has accepted that the Church, both at Lambeth Palace and through senior members of clergy, took an active role in Peter Ball’s defence. Their actions went beyond ensuring he had access to legal representation, including partially funding that representation. Individuals at Lambeth Palace, and Bishop Eric Kemp in Chichester, communicated with Reverend Brian Tyler about the course of his enquiries on Peter Ball’s behalf which sought expressly to discredit the complainants against Peter Ball.<sup>1310</sup>

**35.** In addition, Bishop Michael Ball sought to interfere with potential witnesses. He telephoned potential complainants to dissuade them from making any accusations against his brother. Whilst sympathy for his brother was understandable, it was improper for a bishop to exert such pressure.

**36.** Archbishop Carey should not have written to the Chief Constable of Gloucestershire Constabulary on behalf of Peter Ball to say that the allegations were “*unrepresentative of his style*”. This was not, in light of the information available to him, accurate. In addition, the Archbishops’ Council characterised this as “*lobbying*” in Peter Ball’s favour, which was inappropriate for a representative of the Church.<sup>1311</sup>

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<sup>1306</sup> ACE026392\_004

<sup>1307</sup> ACE026392\_005

<sup>1308</sup> ACE026392\_005

<sup>1309</sup> ACE026392\_005

<sup>1310</sup> ACE026392\_005-6

<sup>1311</sup> ACE026392\_006

### *The Gloucestershire Constabulary investigation*

**37.** The 1992 Gloucestershire Constabulary investigation was thorough and comprehensive. This Inquiry has not identified any actual or apparent bias on the part of the police towards Peter Ball.

**38.** Following Peter Ball's caution, however, Gloucestershire Constabulary failed to share important information with the Church. This information could have enabled the Church to reach an informed view on the seriousness of his offending and on the risk he posed. Instead, Gloucestershire Constabulary appeared keen to simply put the matter behind it and take no further action.

**39.** The CPS advice that Peter Ball should be offered a caution for one offence of gross indecency was wrong. It was contrary to Home Office guidance in place at that time. The CPS also failed to correctly apply, or even adequately consider, the potential criminal offences arising from allegations that Peter Ball had beaten and injured a number of young men. Peter Ball could properly have been charged with several other offences in 1992. In particular, Peter Ball could have been charged with offences relating to the allegations by AN-A117 in 1992, a charge which he subsequently pleaded guilty to in 2015.

**40.** Between 2012 and 2015, both the CPS and Sussex Police demonstrated much greater ingenuity in their effort to identify charges which captured the criminality of Peter Ball's acts. These efforts enabled them to bring a successful prosecution.

### *The Church's response to Peter Ball's 1992 caution*

**41.** Following Peter Ball's caution, Archbishop Carey promised that an investigation would be carried out on his behalf. However, no meaningful or thorough investigation occurred into the ten allegations that had, by that time, come to the attention of the Church. The investigation should, at least, have involved meeting with the complainants. In addition, the allegations received and the behaviour admitted by Peter Ball should have been closely scrutinised so that an informed view could be reached about whether any disciplinary action should be taken, and about whether or not Peter Ball posed any further risk to teenagers or young men.

**42.** To the extent to which there was an investigation, it focused unduly on the potential for complainants to take their concerns to the press or to create difficulties for Peter Ball or his return to ministry.

**43.** The Church could have taken disciplinary action against Peter Ball following his 1992 caution. That power, and that decision, lay with Archbishop Carey but no such action was taken and no adequate explanation has been provided.

**44.** In addition, Peter Ball's name could and should have been included on the caution list (the record of individuals who have been disciplined or about whom there are concerns about their behaviour). When he subsequently sought a return to ministry, it would have alerted bishops to the fact that there had been concerns about his past behaviour, and therefore that they should think carefully before permitting him to officiate, in particular to officiate in schools.

### *Peter Ball's return to ministry*

**45.** No acceptable explanation has been given as to why Peter Ball was returned to ministry either at all or “*within a disconcertingly short space of time*”<sup>1312</sup> after his resignation. He showed neither remorse nor insight into his behaviour.

**46.** The Archbishops’ Council has accepted that the predominant concern of the Church was to return Peter Ball to ministry in a way which would not damage the reputation of the Church, rather than considering whether he should return to ministry, or could do so safely.<sup>1313</sup>

**47.** The Church failed to undertake sufficient or adequate risk assessments in respect of Peter Ball, formal or otherwise. As a result, Peter Ball was permitted to exercise ministry without any effective oversight and to “*go into schools cloaked with the respectability and authority of the Church*”.<sup>1314</sup> This was despite allegations received about his conduct on school premises.

**48.** The Church failed to take any steps to limit Peter Ball’s ministry. The only person with effective power to do so was Archbishop Carey. It was he who granted Peter Ball permission to officiate and he who publicly endorsed Peter Ball to be treated as any other retired bishop.

**49.** The response of Archbishop Carey, from the time that the allegations emerged and throughout the period covered in this case study, was weak. He failed to have sufficient regard for the wellbeing of complainants, victims and survivors affected by Peter Ball’s behaviour. He was undoubtedly faced with difficult decisions by virtue of Peter Ball’s position, by Peter Ball’s own manipulative behaviour, and by the support of Bishop Michael Ball and other vocal individuals. It was nonetheless Archbishop Carey’s responsibility to display strong leadership and to act decisively. He did neither.

**50.** On behalf of the Church, the Archbishops’ Council has accepted that the institutional response to the allegations against Peter Ball displayed “*moral cowardice*”.<sup>1315</sup>

### *Support for Peter Ball*

**51.** Several highly prominent individuals rushed to support Peter Ball in the aftermath of his arrest. In the years that followed, they wrote to the police, the CPS and the Church. They sought to clear his name and return him to ministry. They did so despite not knowing all of the facts or all of the allegations. They did so in the belief that their opinion of Peter Ball’s character mattered and in the hope that their reference would carry weight.

**52.** Those in positions of prominence, particularly those in a public office, should exercise great care before using their position, especially when they are not in possession of all of the relevant information. It was foolish of Lord Lloyd of Berwick to write to a police officer involved in Peter Ball’s investigation. The same criticism can be made of Lord Renton and Tim Rathbone MP, who wrote on House of Lords and House of Commons paper respectively in support of Peter Ball.

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<sup>1312</sup> ACE026392\_009

<sup>1313</sup> ACE026392\_003

<sup>1314</sup> Submissions 27 July 2018 153/7-9

<sup>1315</sup> Submissions 27 July 2018 154/17

**53.** Peter Ball sought to use his relationship with the Prince of Wales to further his campaign to return to unrestricted ministry. The Prince of Wales informed the Inquiry he was not aware of the significance or impact of the caution that Peter Ball had accepted, and was not sure that he was even told that Peter Ball had been cautioned at the time. During the period of that campaign, the Prince of Wales, and his private secretary, spoke about Peter Ball with the Archbishop of Canterbury and a member of Lambeth Palace staff. In addition, the Duchy of Cornwall purchased a property specifically to rent to Peter Ball and his brother.

**54.** The actions of His Royal Highness the Prince of Wales were misguided. His actions, and those of his staff, could have been interpreted as expressions of support for Peter Ball and, as a result of the Prince of Wales' future role within the Church, had the potential to influence the actions of the Church of England.

### **Matters to be explored in the wider Anglican Church hearing**

**55.** During the course of the first two public hearings we have heard evidence of the steps taken by the Church of England to improve its safeguarding practices and procedures. We are also aware from the National Safeguarding Panel's report to General Synod in July 2018 that the Church continues to undertake work based upon the evidence heard so far.

**56.** During the third public hearing scheduled for July 2019, the Inquiry will return to a number of issues which emerged in the Diocese of Chichester and Peter Ball case studies. We will gather evidence about how these issues are being addressed within the wider Anglican Church. They will include:

- a. The cultural attitudes towards safeguarding and whether safeguarding has been embedded within its structures.
- b. The procedures for reporting abuse within the Church and steps taken to remove barriers to reporting.
- c. The challenges posed by responding to allegations of abuse made about deceased members of clergy and the work undertaken by the Church following the Carlile review.
- d. How the Church manages concerns about the capability of staff and clergy to fulfil their safeguarding responsibilities.
- e. The extent to which the Church's disciplinary processes are suitable for responding to concerns relating to safeguarding.
- f. The system in place for providing counselling, support and/or redress for complainants, victims and survivors.
- g. The current diocesan and national structures (including the role of the National Safeguarding Panel), and whether they aid or inhibit the Church's response to child sexual abuse. This will involve considering the developments in respect of safeguarding within cathedrals.
- h. How the Church monitors the standard of safeguarding services within dioceses, including how effective the current system of auditing has been. This will include considering what steps the Church is taking to identify current patterns of safeguarding difficulty and what data collection exists on a diocesan and national level.

- i. What action the Church can take or should take to intervene within a diocese to keep children safe where standards are not being met.
- j. The funding of safeguarding both nationally and at the diocesan level.
- k. Whether someone's understanding of and ability to respond effectively to safeguarding concerns can or should be assessed as part of their fitness for office or included in ecclesiastical training, including the newly introduced national training resources and system.
- l. The extent to which the system for granting permission to officiate for retired clergy has been reformed and the Church's ability to supervise retired clergy.
- m. The results of the working group set up by the Church of England into the seal of the confessional.
- n. The adequacy of the Church's record-keeping and whether there is a need for a centralised system accessible to those who work on safeguarding within the Church.
- o. The current system for vetting and barring checks, including the difficulty in deciding what is a regulated activity.
- p. How civil claims work and the role of insurers. We will need to consider whether or not the system can be improved for victims and survivors, and what redress should look like in these contexts.

# Recommendations

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## **Recommendations arising from the case studies of the Diocese of Chichester and the response to allegations against Peter Ball**

The following recommendations arise directly from the case studies of the Diocese of Chichester and the response to allegations against Peter Ball.

### *Recommendation 1: Introduction of safeguarding guidance for religious communities*

The Church of England should introduce appropriate guidance which deals with safeguarding within the context of a religious community affiliated to the Church. It must ensure that these organisations meet adequate requirements for safeguarding and child protection. The needs of victims should be prioritised when designing safeguarding policies and practices.

The regulation and management of religious communities should include a mandatory requirement both to have and to follow safeguarding guidance. The requirement to comply with this safeguarding guidance should be the same as would be expected in any other Church institution. There needs to be clarity in respect of how safeguarding should be managed in these communities, along with appropriate auditing of compliance.

### *Recommendation 2: Amendment of Canon C30*

The Church of England should amend the current canon requiring clerics to comply with the Bishop's Guidance on Safeguarding. The use of the words 'due regard' in Canon C30 is an acceptable term of art,<sup>1316</sup> but lacks sufficient clarity. Very few individuals who gave evidence to the Inquiry said they understood what this meant, including the Archbishop of Canterbury himself.

### *Recommendation 3: Amendment of the Sexual Offences Act 2003*

The government should amend Section 21 of the Sexual Offences Act 2003 so as to include clergy within the definition of a position of trust. This would criminalise under s16–s20 sexual activity between clergy and a person aged 16–18, over whom they exercise pastoral authority, involving the abuse of a position of trust.

### *Recommendation 4: Sanctions for failures to comply with safeguarding procedures*

Individuals engaged in regulated activity who have failed to undergo a DBS check or complete compulsory training should not be permitted to hold voluntary offices within the Church. Failure by ordained clergy to comply with either requirement should result in disciplinary proceedings.

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<sup>1316</sup> A term of art is a word or phrase that has a specific meaning in a particular field or profession.

***Recommendation 5: Disclosure of internal reviews to the national review body***

If religious organisations have undertaken internal reviews or enquiries into individual safeguarding incidents, their findings should be sent to the national review body (set up under the Children and Social Work Act 2017).

**We will make further recommendations directly related to the findings of this report following the hearing in July 2019, which will focus upon the wider Anglican Church.**





# Annexes

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# Annex 1

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## Overview of process and evidence obtained by the Inquiry

### 1. Definition of Scope for the case studies

3. As case studies, the Inquiry will investigate:

3.1. the Diocese of Chichester and, in particular, consider:

- a) the nature and extent of child sexual abuse by individuals associated with the Diocese;
- b) the nature and extent of any failures of the Church of England, the Diocese, law enforcement agencies, prosecuting authorities, and/or other public authorities or statutory agencies to protect children from such abuse;
- c) the adequacy of the response of the Church of England, including through the Diocese of Chichester, and the response of any other relevant institutions to allegations of child sexual abuse by individuals associated with the Diocese;
- d) the extent to which the Church of England, including through the Diocese of Chichester, sought to investigate, learn lessons, implement changes and provide support and reparations to victims and survivors, in response to:
  - i) allegations of child sexual abuse by individuals associated with the Diocese;
  - ii) criminal investigations and prosecutions and/or civil litigation relating to child sexual abuse by individuals associated with the Diocese;
  - iii) investigations, reviews or inquiries into child sexual abuse within the Diocese, including, but not limited to, the Carmi report; the Meekings report; the Butler-Sloss report; and the Arch Episcopal visitation;
  - iv) complaints made under the Clergy Disciplinary Measure; and/or
  - v) other internal or external reviews or guidance.

3.2. the sexual offending by former Bishop of Lewes and subsequently Bishop of Gloucester, Peter Ball, including the extent to which the Church of England, law enforcement agencies, prosecuting authorities, and/or any other institutions, bodies or persons of public prominence failed to respond appropriately to allegations of child sexual abuse by Peter Ball.

## 2. Counsel to this investigation

Fiona Scolding QC
Nikita McNeill
Lara McCaffrey
Ben Fullbrook
Olinga Tahzib

## 3. Core participants and legal representatives

### Complainant core participants:

<b>Mr Philip Johnson, Professor Julie MacFarlane, Reverend Graham Sawyer, AN A1, AN A2, AN A3, AN-A5, AN-A117</b>	
Counsel	William Chapman (Peter Ball Case Study)
Solicitor	David Greenwood (Switalskis Solicitors)
<b>AN-A7, AN-A8, AN-A9, AN-A10, AN-A11, AN-A13, AN-A14, AN-A15, AN-A16, AN-A17, AN-A87, AN A114</b>	
Counsel	Laura Hoyano (Chichester Case Study) Iain O'Donnell (Peter Ball Case Study)
Solicitor	Richard Scorer (Slater + Gordon Lawyers)

### Institutional and other core participants:

<b>The Archbishops' Council</b>	
Counsel	Nigel Giffin QC, Madeleine Reardon, Tim Johnstone
Solicitor	Peter Frost and Nusrat Zar (Herbert Smith Freehills LLP)
<b>Minister and Clergy Sexual Abuse Survivors organisation (MACSAS)</b>	
Counsel	William Chapman (Peter Ball Case Study)
Solicitor	David Greenwood (Switalskis Solicitors)
<b>Archbishop George Carey, Bishop John Hind and Mrs Janet Hind</b>	
Counsel	Charles Bourne QC
Solicitor	Susan Kelly (Winckworth Sherwood LLP)
<b>The Ecclesiastical Insurance Office</b>	
Counsel	Rory Phillips QC
Solicitor	Peter Jones (Eversheds Sutherland LLP)
<b>Chief Constable of Sussex Police</b>	
Counsel	Ashley Underwood QC, Judi Kemish
Solicitor	Gareth Jones (East Sussex County Council)
<b>Gloucestershire Constabulary</b>	
Counsel	Gerry Boyle QC, Aaron Rathmell
Solicitor	Michael Griffiths (Gloucestershire Constabulary)

Northamptonshire Police	
Counsel	Samantha Leek QC
Solicitor	Craig Sutherland (East Midlands Police Legal Services)
Peter Ball	
Counsel	Richard Smith QC, Sam Jones
Solicitor	James Mumford (Amicus Law)
Secretary of State for Education	
Counsel	Cathryn McGahey QC
Solicitor	William Barclay (Government Legal Department)
Crown Prosecution Service	
Counsel	Edward Brown QC
Solicitor	Alastair Tidball (Government Legal Department)

#### 4. Evidence received by the Inquiry

Number of witness statements obtained:
Statements sought from 138 different individuals, multiple statements were received from some witnesses
Organisations and individuals to which requests for documentation or witness statements were sent:
AN-A1, complainant witness
AN-A2, complainant witness
AN-A3, complainant witness
AN-A4, complainant witness
AN-A5, complainant witness
AN-A7, complainant witness
AN-A8, complainant witness
AN-A9, complainant witness
AN-A10, complainant witness
AN-A11, complainant witness
AN-A12, complainant witness
AN-A13, complainant witness
AN-A14, complainant witness
AN-A15, complainant witness
AN-A16, complainant witness
AN-A17, complainant witness
AN-A18, complainant witness
AN-A19, complainant witness
AN-A87, complainant witness

AN-A92, complainant witness
AN-A96, complainant witness
AN-A109, complainant witness
AN-A111, complainant witness
AN-A112, complainant witness
AN-A113, complainant witness
AN-A114, complainant witness
Adele Downey, Disclosure and Barring Service
Adrian Iles, barrister employed by Legal Office of the Church of England
Alana Lawrence on behalf of MACSAS
Albert Pacey, former Chief Constable of Gloucestershire Constabulary
Lady Alice Renton, wife of the Right Honorable Timothy Renton former Member of Parliament
Alistair MacGowan, Suffragan Bishop of Ludlow
Andrew Nunn, Correspondence Secretary to the Archbishop of Canterbury
Andrew Purkis, Archbishop of Canterbury's Secretary for Public Affairs
Angela Sibson, Chichester Diocesan Secretary
Anne McIver, West Sussex County Council
Anthony Lloyd, Lord Lloyd of Berwick former Lord of Appeal in Ordinary
Anthony Priddis, Honorary Assistant Bishop and former Chair of the Church's Central Safeguarding Liaison Group
Carwyn Hughes, Detective Chief Superintendent of Sussex Police
Chris Peak, Diocesan Registrar of the Diocese of Gloucester
Chris Smith, Chief of Staff to the Archbishop of Canterbury
Christopher Rowland, former Dean of Jesus College Cambridge
Colin Fletcher, Area Bishop of Dorchester, Diocese of Oxford and Domestic Chaplain to George Carey, Archbishop of Canterbury
Colin Perkins, Chichester Diocesan Safeguarding Adviser
David Bentley, former Bishop of Gloucester
David Bonehill, UK Claims Director for the Ecclesiastical Insurance Office
David Charman, Detective Constable Northamptonshire Police
David Jeffries, Chair of Governors at Bishop Bell School
David Walker, Bishop of Manchester and Chair of the Advisory Council on the Relations of Bishops and Religious Communities
Dominic Oliver, headmaster of Lancing College
Duncan Lloyd James, Reverend and Rector of Brede with Udimore
Edina Carmi, author of report into the Chichester Diocese
Edmund Hick, former Detective Sergeant of Sussex Police

Janet Hind, former Chichester Diocesan Child Protection Adviser and former National Child Protection Adviser to the Church of England

Jarwant Kaur Narwal, Chief Crown Prosecutor for the South East

Jeremy Walsh, former Suffragan Bishop of Tewkesbury

John Alpass, retired civil servant and author of a 'Narrative of Events' in connection with the independent review chaired by Dame Moira Gibb

John Booth, Chichester Diocesan Board of Finance

John Gladwin, Bishop of Chelmsford and Commissary for the Archiepiscopal Visitation of the Diocese of Chichester

John Hind, former Bishop of Chichester

John Inge, Bishop of Worcester

John Rees, Provincial Registrar to the Archbishop of Canterbury, Registrar of the Clergy Discipline Tribunals for the Province of Canterbury and Vice-Chair of the Legal Advisory Commission of the Church of England

Jonathan Greener, Dean of Exeter Cathedral, Diocese of Exeter

Julian Hubbard, Director of Ministry in the Archbishops' Council

Julie Macfarlane, complainant witness

June Rodgers, Chancellor of the Diocese of Gloucester

Justin Welby, Archbishop of Canterbury



Nick Flint, Reverend and rector of Rusper

Nigel Philip Godfrey, Dean of St German's Cathedral, Diocese of Sodor and Man and former Vicar of Christ Church, Brixton, Diocese of Southwark

Pearl Luxon, Reverend and Joint National Safeguarding Adviser for the Church of England and the Methodist Church

Peter Atkinson, Dean of Worcester and former Canon and Chancellor of Chichester Cathedral

Peter Ball, former Suffragan Bishop of Lewes and Bishop of Gloucester

Peter Hancock, Bishop of Bath and Wells and Lead Bishop for Safeguarding

Peter Price, former Bishop of Bath and Wells

Philip Johnson, complainant witness

Philip Jones, former Archdeacon of Lewes and Hastings

His Royal Highness the Prince of Wales

Rachel Swann, Deputy Chief Constable Northamptonshire Police

Richard Llewelin, former Bishop at Lambeth and Chief of Staff to the Archbishop of Canterbury

Richard Morgan, former Warden of Radley College

Roger Meekings, Past Cases reviewer and author of report into the Chichester Diocese

Rosalind Hunt, Reverend and former Chaplain of Jesus College Cambridge

Rowan Williams, Baron Williams of Oystermouth and former Archbishop of Canterbury

Rupert Bursell QC, Diocesan Chancellor and Vicar General of the Diocese of Durham and Commissary for the Archepiscopal Visitation of the Diocese of Chichester

Shirley Hosgood, former Diocesan Safeguarding Adviser for Chichester

Stephen Lynas, Prebendary and former Senior Chaplain and Adviser to the Bishops of Bath and Wells and Taunton, Diocese of Bath and Wells

5. Disclosure of documents

**Total number of pages disclosed: 73,179**

6. Public hearings including preliminary hearings

Preliminary Hearings	
1	16 March 2016
2	27 July 2016
3	4 October 2017
4	30 January 2018
5	6 June 2018
Public Hearings	
Chichester Case Study	5-23 March 2018
Peter Ball Case Study	23-27 July 2018

## 7. List of witnesses

## Chichester Case Study hearing

Surname	Forename	Title	Called, read or adduced	Hearing date
AN-A15			Called	6 March 2018
Johnson	Philip	Mr	Called	6 March 2018
Hosgood	Shirley	Mrs	Called	6 March 2018
Hind	John	Bishop	Called	7 March 2018
Jones	Philip	Archdeacon	Called	7 March 2018
Lawrence	Alana	Ms	Called	8 March 2018
Meekings	Roger	Mr	Called	8 March 2018
Gibson	Ian	Canon	Called	8 March 2018
Wood	Kate	Mrs	Read	8 & 13 March 2018
Sibson	Angela	Ms	Called	9 March 2018
Hind	Janet	Mrs	Called	9 March 2018
Hick	Edmund	Detective Sergeant	Called (via video link)	9 March 2018
Benn	Wallace	Bishop	Called	12 March 2018
MacFarlane	Julie	Professor	Called	13 March 2018
Bursell QC	Rupert	Dr	Called	13 March 2018
Sowerby	Mark	Bishop	Called	13 March 2018
Butler-Sloss	Elizabeth	Lady	Read	14 March 2018
Warner	Martin	Bishop	Called	14 March 2018
Williams	Rowan	Baron	Called	14 March 2018
Perkins	Colin	Mr	Called	15 & 16 March 2018
Reade	Nicholas	Bishop	Called	15 March 2018
AN-A17				23 March 2018
Carey	George	Lord	Read	16 March 2018
Iles	Adrian	Mr	Called	16 March 2018
Tilby	Graham	Mr	Called	16 March 2018
Singleton	Roger	Sir	Called	16 March 2018
AN-A8			Called	19 March 2018
AN-A7			Called	19 March 2018
Walker	David	Bishop	Called	19 March 2018
AN-A11			Called	20 March 2018
Carmi	Edina	Ms	Called	20 March 2018
Atkinson	Peter	Dean	Called	20 March 2018

Surname	Forename	Title	Called, read or adduced	Hearing date
Hall	Elizabeth	Mrs	Called	20 & 21 March 2018
Welby	Justin	Archbishop	Called	21 March 2018
Hancock	Peter	Bishop	Called	21 March 2018
Humphrey	Helen	Ms	Adduced	22 March 2018
Richards	Kate	Ms	Adduced	22 March 2018
Luxon	Pearl	Reverend	Adduced	22 March 2018
Akerman	Keith	Mr	Adduced	22 March 2018
Taylor	Laurence	Assistant Chief Constable	Adduced	22 March 2018
Smith	Chris	Mr	Adduced	22 March 2018
Nunn	Andrew	Mr	Adduced	22 March 2018
Marks-Goode	Gemma	Mrs	Adduced	22 March 2018
Grenville	Harvey	Mr	Adduced	22 March 2018
Booth	John	Mr	Adduced	22 March 2018
Ball	Peter	Bishop	Adduced	22 March 2018
Gallimore	Stuart	Mr	Adduced	22 March 2018
MacIver	Annie	Ms	Adduced	22 March 2018
Gladwin	John	Bishop	Adduced	22 March 2018
Kaur Narwal	Jarwant	Ms	Adduced	22 March 2018

#### Peter Ball Case Study hearing

Surname	Forename	Title	Called or read	Hearing date
AN-A117			Called	23 July 2018
AN-A10			Called	23 July 2018
Sawyer	Graham	Reverend	Called	23 July 2018
Carey	George	Lord	Called	24 July 2018
Purkis	Andrew	Dr	Called	24 July 2018
Murdock	Wayne	DI	Called	25 July 2018
Renton	Alice	Lady	Read	25 July 2018
Hunt	Rosalind	Reverend Doctor	Called	25 July 2018
Hughes	Carwyn	Det. Supt.	Called	25 July 2018
Beer	Ian	Mr	Read	25 July 2018
McGill	Gregor	Mr	Called	26 July 2018
Nunn	Andrew	Mr	Called	26 July 2018
Sargeant	Frank	Bishop	Called	26 July 2018

Surname	Forename	Title	Called or read	Hearing date
Wood	Kate	Mrs	Called	27 July 2018
The Prince of Wales		His Royal Highness	Read	27 July 2018
Lloyd	Anthony	Lord	Called	27 July 2018
Gibb	Moira	Dame	Called	27 July 2018

## 8. Restriction Orders

On 23 March 2018, the Chair issued an updated restriction order under section 19(2)(b) of the Inquiries Act 2005, granting general anonymity to all core participants who allege they are the victim and survivor of sexual offences (referred to as 'complainant CPs'). The order prohibited (i) the disclosure or publication of any information that identifies, names or gives the address of a complainant who is a core participant; and (ii) the disclosure or publication of any still or moving image of a complainant CP. The order meant that any complainant CP within this investigation was granted anonymity, unless they did not wish to remain anonymous. That order was amended on 23 March 2018 but only to vary the circumstances in which a complainant CP may themselves disclose their own CP status.<sup>1317</sup>

## 9. Broadcasting

The Chair directed that the proceedings would be broadcast, as has occurred in respect of public hearings in other investigations. For anonymous witnesses, all that was 'live streamed' was the audio sound of their voice.

## 10. Redactions and cipherng

The material obtained for this Case Study was redacted, and where appropriate, ciphers applied, in accordance with the Inquiry's Protocol on the Redaction of Documents (the Protocol).<sup>1318</sup> This meant that (in accordance with Annex A of the Protocol), for example, absent specific consent to the contrary, the identities of complainants and victims and survivors of child sexual abuse and other children have been redacted; and if the Inquiry considered that their identity appeared to be sufficiently relevant to the investigation a cipher was applied.

Pursuant to the Protocol, the identities of individuals convicted of child sexual abuse (including those who have accepted a police caution for offences related to child sexual abuse) will not generally be redacted unless the naming of the individual would risk the identification of their victim in which case a cipher would be applied.

The Protocol also addresses the position in respect of individuals accused, but not convicted, of child sexual or other physical abuse against a child, and provides that their identities should be redacted and a cipher applied. However, where the allegations against an individual are so widely known that redaction would serve no meaningful purpose (for example where the individual's name has been published in the regulated media in connection with allegations of abuse), the Protocol provides that the Inquiry may decide not to redact their identity.

<sup>1317</sup> <https://www.iicsa.org.uk/key-documents/791/view/restriction-order-complainant-core-participants-23-march-2018.pdf>

<sup>1318</sup> <https://www.iicsa.org.uk/key-documents/322/view/2018-07-25-inquiry-protocol-redaction-documents-version-3.pdf>

Finally, the Protocol recognises that while the Inquiry will not distinguish as a matter of course between individuals who are known or believed to be deceased and those that are, or are believed to be, alive, the Inquiry may take the fact that an individual is deceased into account when considering whether or not to apply redactions in a particular instance.

The Protocol anticipates that it may be necessary for Core Participants to be aware of the identity of individuals whose identity has been redacted and in respect of whom a cipher has been applied, if the same is relevant to their interest in the Case Study. Accordingly, the Inquiry varied the Restriction Order and circulated to certain Core Participants a key to some of the ciphers.

## 11. Warning letters

Rule 13 of the Inquiry Rules 2006 provides:

*“(1) The chairman may send a warning letter to any person –*

- a. he considers may be, or who has been, subject to criticism in the inquiry proceedings; or*
- b. about whom criticism may be inferred from evidence that has been given during the inquiry proceedings; or*
- c. who may be subject to criticism in the report, or any interim report.*

*(2) The recipient of a warning letter may disclose it to his recognised legal representative.*

*(3) The inquiry panel must not include any explicit or significant criticism of a person in the report, or in any interim report, unless –*

- a. the chairman has sent that person a warning letter; and*
- b. the person has been given a reasonable opportunity to respond to the warning letter.”*

In accordance with rule 13, warning letters were sent as appropriate to those who were covered by the provisions of rule 13 and the Chair and Panel considered the responses to those letters before finalising the report.

# Annex 2

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## Glossary

*This is not intended to be an exhaustive guide to all terminology used by the Church of England; it is designed to assist readers of this report to understand some of the terminology used.*

Advisory Council on Religious Communities	Body run by the Church which formally 'recognises' religious communities and provides them with a handbook on religious life which is a document intended to provide assistance to those running such communities.
Anglican	A member of the Church of England or other Anglican Church.
Anglican Communion	Global family of Anglican Churches whose links include their relationship to the Archbishop of Canterbury, who is the first amongst equals and is the spiritual leader of all Anglican Churches.
Anglo Catholic	A form of worship and ritual which has more emphasis upon doctrine and ritual which is similar to the Roman Catholic Church.
Archbishop	Bishop with authority for a province which is a large geographic area made up of many dioceses. England has two Archbishops – York and Canterbury – which are split geographically, with Canterbury being the largest geographic Province. Wales has one Archbishop.
Archbishops' Council	Body which provides assistance and provides the lead on leadership and strategy of the Church. Works with parishes, dioceses and national and international bodies. A National Church Institution. Distributes the money obtained by the Church Commissioners from the management of assets to dioceses.
Archbishops' List	Sometimes known as the Lambeth List or Bishopthorpe List. Record kept of clergy who have been the subject of disciplinary action, or who have acted in a manner incompatible with their office.
Archdeacon	Senior member of the clergy chosen by a diocesan bishop to be responsible for a geographic area of the diocese – for example in Chichester there was an archdeacon responsible for East Sussex and one for West. They are responsible for the pastoral care of clergy in their geographic area (i.e. looking after their concerns and making sure that they are acting appropriately) and do a lot of practical, legal and administrative work on behalf of the diocesan bishop.
Archdeaconry	A geographic area of the diocese for which an archdeacon is responsible.
Area Bishop	<p>An assistant bishop who works full time in the diocese, taking their name from the place or area which they serve – for example the Bishop of Lewes, the Bishop of Horsham. Responsible for a particular geographic area of a diocese.</p> <p>Can sometimes be known as a suffragan bishop but there can be a distinction between the two, depending upon whether or not the diocese has a formal scheme of delegation (i.e. that the area bishop is in fact in charge of things such as appointments within his area).</p>
Assistant Curate	Deacon or priest who assists the incumbent or takes charge of a parish during a time when there is a vacancy (i.e. where there is no incumbent).



Benefice	A parish, or group of parishes served by one incumbent, i.e. one member of the clergy. In both rural and urban areas, clergy can be the incumbents of a number of parishes grouped together. Benefices are in technical language an ecclesiastical office as part of which property and income are provided to support the priest's duties.
Bishopthorpe Palace	Home and office of the Archbishop of York. A team of staff work there to support the Archbishop, both lay and clerical.
Canon Law	Body of Church law designed to regulate itself and all its members, including clergy and lay members. Includes matters such as Acts of Parliament concerning the Church, measures (similar to Acts of Parliament), Canons (see below) and statutory instruments, as well as some forms of quasi-legislation, such as guidance, failure to adhere to which can be a breach of canon law.
Canons (1st definition)	Church laws which deal with a diverse range of issues, but set out a broad framework within which bishops, priests and deacons perform their duties.
Canons (2nd definition)	Clerical office holders working within the cathedral, known as residentiary canons. People are also awarded the title of canon for long or distinguished service by the diocese.
Cathedral	Principal Church building of a diocese, staffed by a dean (the senior cleric of the Cathedral) and chapter (other clergy working principally within the Cathedral). Where the diocesan bishop (see below) has his cathedra – which is Latin for a seat or throne. Cathedrals operate separately to dioceses and whilst a diocesan bishop has power to undertake a Visitation (see below) of the Dean and Chapter, they are largely autonomous. They also have separate charitable status to dioceses.
Chancellor (of a diocese)	Heads the 'consistory court' – see below.
Chaplain	A minister, priest or lay representative attached to a non-church institution such as a hospital, prison, military unit, school, university or private chapel. Have to have a licence from the diocese where their Chaplaincy relates (or in the case of the Armed Forces from the Bishop responsible for the Armed Forces) but are employed by the institution and are subject to their rules, and not those of the diocese.
Chapter	A group of clerics, including the Dean and residentiary canons that administer a Cathedral.
Charity Commission	Public body responsible for supervision and monitoring of those appointed to run registered charities (known as trustees). Can take steps to dismiss individuals from being trustees of charities if they act contrary to their duties.
Church Commissioners	Body made up of clerics, MPs and lay members, and a registered charity separate to dioceses etc. Is the body which manages the historic property assets of the Church. They are responsible for funding mission (i.e. action to help to spread the word of the Church) in churches, dioceses and cathedrals, to organise and assist with mergers of parishes and pay clergy, and manage records.
Church of England Central Services	Provide IT, HR and legal advice to the central Church and to dioceses, where needed.

Churchwarden	A lay person elected by members of the parish who, once elected, become officers of the bishop. They are there to represent parishioners and to work with the parish priest. They are the principal lay representative in a parish. They are also the guardians of the parish church, in effect being responsible for everything in the church which is not nailed down and to maintain the church and the churchyard. There are two elected for every parish.
Clergy	The general name for all ordained ministers.
Clergy Discipline Measure	Introduced in 2003 and amended in 2013 and 2016 – mechanism to deal with breaches of canon law/disciplinary offences by clergy.
Clergy Discipline Tribunal	Name for body set up by the Church to hear cases concerning discipline of clerics. Judges/experienced lawyers are appointed who are also members of the Church of England.
Common Tenure	A way (in force since 2009) by which clergy can hold office that involves many more rights which are similar to employment rights and so can be dismissed by the Church (in comparison to incumbents – set out below) with a right of appeal to the employment tribunal.
Communion	A sacrament (i.e. a sacred religious ritual) involving the sharing of bread and wine that has been blessed by a member of the clergy, or a service where such communion is received. Is known in the Church as Eucharist, Holy Communion or Mass.
Confirmation	A service taken by a bishop where a person who has been baptized affirms their faith and receives prayer as the bishop lays hands on them. In the Church of England often happens during adolescence.
Consistory Court	A court presided over by the Chancellor that deals with matters relating to Church buildings and lands, and also matters of doctrine, ritual and ceremony.
Curate	Ordained cleric usually in their first post as an assistant to a priest.
Cure of souls	Ancient term meaning the pastoral care and religious oversight that a priest/bishop provides. In canon law priests and bishops have the “cure of souls” of their geographic area.
Deacon	A priest who has been ordained who can preach and assist (but not be in charge) of the sacraments (see communion above) and pastoral care. In other words, an assistant member of the clergy.
Dean	An area or rural dean is a cleric within a part of a diocese, made up of a geographic grouping of parishes, who is asked to perform extra administrative functions and to report to the bishop any matter which it might be useful to know within his “deanery”. Also the senior cleric within a Cathedral (e.g. the Dean of Chichester Cathedral).
Deanery	A collection of parishes which are looked after by a Dean.
Deanery Synods	A deliberative body (i.e. like a council) made up of clerics and lay people from the parishes which make up the Deanery. They are meant to consider matters within their deanery, express views on common problems, advise on common policies and consider the business of the Diocesan Synod (see below).
Diocesan Bishop	The principal minister (i.e. bishop in charge) of a diocese. Has specific legal status, and is the chief pastor of all within the diocese. Responsible for visiting every aspect of the diocese and giving directions where needed. Visitors (see below) to Cathedrals.

Diocesan Board of Education	A separate charity run by the diocese which has a role under canon law to appoint school governors for Church of England state schools (i.e. maintained schools) and provide advice and support to Church schools within the diocese. They may also be the sponsors of academy trusts and appoint the trustees for academy trusts.
Diocesan Board of Finance	A charity which manages the property and assets of the diocese and employs diocesan staff.
Diocesan Registrar	Legal adviser to the diocese. Usually a solicitor/barrister in private practice but who undertakes work on behalf of the diocese.
Diocesan Safeguarding Adviser	Compulsory role within each diocese: someone who has under 2016 Regulations qualifications and experience in safeguarding and provides advice and makes decisions about safeguarding on a diocesan basis.
Diocesan Secretary	The chief administrator of the diocese – a lay person.
Diocesan Synod	Decision-making body of each diocese. Usually meets at least twice a year. Made up of the bishops within the diocese, certain members of the clergy but also lay members. They consider matters of importance to the Church of England and also make arrangements to make sure that required provision is made within the diocese (for example that the diocese has a safeguarding policy), to advise the bishop or to consider matters referred to it by the General Synod (see below) and to consider the annual accounts.
Diocese	Main administrative area of the Church of England. There are 42 in England. Roughly coincide with the borders of one or several counties.
Ecclesiastical Jurisdiction Measure	Prior to 2003, the mechanism to bring disciplinary procedures against clerics. Now only used for breaches of ecclesiastical law involving matters of doctrine, ritual or ceremony (for example, wearing the wrong clothes, not using the correct texts).
Evangelical	Member of the Church of England who believes in the literal word of the Bible.
General Synod	The decision-making body of the Church of England as a whole. Made up of the House of Bishops, the House of Clergy and the House of Laity. There is meant to be balance between the House of Clergy and Laity and they are elected by Diocesan Synods. They meet at least twice a year to debate issues of importance to the Church and to pass and amend the legislation of the Church of England.
Incumbent	The priest who is in charge of church life in a particular benefice (see above). His title can be vicar, rector or priest in charge. An incumbent is also a priest who holds the office other than by way of common tenure (which was the position for the majority of clergy prior to 2009). This means that they had the right of tenure once appointed and so could only be dismissed in very limited circumstances. An incumbent is responsible for the keys of the church and for control of it, over music and the ringing of bells, and the church building and rectory/parsonage (where appropriate) are part and parcel of the office.
LADO	Local authority designated officer. Individual within the Children's Services Department of every local authority to whom individuals report allegations or concerns about the protection of children. Responsible under statute for investigating such complaints.
Lambeth Palace	The office of the Archbishop of Canterbury. Made up of a team of lay and clerical staff including bishops. A National Church Institution.
Lay members	Everyone in the Church who is not ordained.

Minister	A person with responsibility for the work of the Church in worship, mission and pastoral care. May or may not be ordained.
Ministry	Term often used by the Church and clerics to refer to their work, including looking after the parish, carrying out sacraments or worshipping.
National Church Institutions	The collective name for the seven administrative bodies that work to support the Church of England and act as central points on various issues.
National Safeguarding Team	Central group of individuals charged with providing national strategy and advice on safeguarding. Someone has been in post since 2000, but only a larger team since 2015.
Oath of Supremacy	Any person taking Church office has to swear allegiance to the monarch as the Supreme Governor of the Church of England.
Ordinand	Someone training to be a member of the clergy.
Ordination	The ceremony which is sacramental in nature where someone becomes a deacon, priest or bishop.
Parish	The smallest geographic area in the Church of England.
Parish Safeguarding Officer	Every parish has to appoint a lay individual to provide advice on safeguarding matters in the parish.
Parochial Church Council	Body of elected lay members and the churchwarden and cleric who undertake the day-to-day administration of the parish. Often informally known as parish councils. Possess along with the incumbent (see above) the church and its fixtures. Responsible for the financial affairs of the church. Registered as separate charities.
Patron	Someone who is responsible for “presenting” a clergyman to a particular parish. Form of property right which can be inherited, granted or which rests in a diocesan bishop. May be the Crown, an Oxbridge College or even an individual. Dates back to the days when parishes were paid for and funded by large landowners who would provide property and an income for someone to celebrate religious services for them.
Permission to officiate	Licence given by a diocesan bishop largely to retired clergy enabling them to undertake services in specific parishes.
Priest	An ordained person who celebrates the sacraments and provides pastoral care.
Province	Large geographic area with an archbishop as its head.
Provincial Safeguarding Advisers	Provide safeguarding advice as part of the national team.
Reader	A lay person who has a specific licence and has been trained to carry out ministry and to lead worship.
Rector	Alternative title for clergy, synonymous with vicar.
Religious communities/ monastic orders	Groups of men or women, clerics or lay people who bind themselves to life-long commitment according to monastic discipline and rule. Some of them may take formal vows. Run autonomously, not by the Church, and loosely recognised by the Advisory Council on Religious Communities.

Royal Peculiar	A church community not subject to oversight by either a Bishop or Archbishop and so under the direct jurisdiction and supervision of the Crown. They are not subject to governing or monitoring by the diocese. These are Westminster Abbey, St George's Chapel, Windsor and the Chapels Royal. This idea and system predates the reformation. Clerics appointed to Royal Peculiars are not subject to the same disciplinary processes as other clergy but are subject to discipline to the Dean, who is the chief cleric of the Royal Peculiar.
Sacrament	A specific religious ritual or act which provides a means of expressing one's faith and obtaining grace, sanctification and forgiveness (all theological terms which mean obtaining spiritual assistance or succour from God). In the Anglican Church the only two 'official' sacraments are baptism and Eucharist/Communion.
Service	An act of public worship.
Stipend	Sum of money paid to a clergyman for his living.
Verger	Leads processions in the church and is involved in its day-to-day running. Voluntary role.
Vicar	A member of the clergy responsible for a parish and the cure of souls.

# Annex 3

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## Chronology relating to the Chichester Case Study

Date	Event
1958	Bishop George Bell dies shortly after his retirement.
1995	A complainant writes to Bishop Eric Kemp, alleging that she was abused by Bishop George Bell in the 1940s as a seven-year-old girl.
May 1997	Sussex Police arrest Reverend Robert Coles on suspicion of child sexual abuse. He admits the assault to Bishop Wallace Benn and Archdeacon Nicholas Reade, but declines to answer questions in his police interview. No further action is taken against him.
December 1997	Sussex Police arrest Reverends Roy Cotton and Colin Pritchard on suspicion of child sexual abuse.
March 1999	Sussex Police discontinue the investigations against Reverends Roy Cotton and Colin Pritchard. Reverend Robert Coles retires and joins a new congregation. He engages in public ministry despite being without permission to officiate.
May 1999	Reverend Roy Cotton is granted permission to officiate by Bishop Wallace Benn.
May 2001	Reverend Roy Cotton completes a Confidential Declaration Form, in which he discloses his 1954 conviction.
September 2001	Bishop John Hind commissions the Carmi Review. This is an independent review into the Church's handling of the Terence Banks case.
2002	Sussex Police arrest Reverend Gordon Rideout on suspicion of child sexual abuse. No further action is taken against him.
2004	The Carmi Review is completed. It is not published at this time.
2005	Sussex Police arrest Reverend Jonathan Graves on suspicion of child sexual abuse. No further action is taken. During the police investigation he is granted permission to officiate by Bishop Wallace Benn.
September 2006	Reverend Roy Cotton dies. Reverend Colin Pritchard is interviewed under caution by Northamptonshire Police.
Early 2007	Reverend Gordon Rideout and Reverend Colin Pritchard are granted permission to officiate by Bishop Wallace Benn.
September 2007	On the advice of Mrs Shirley Hosgood, Bishop Wallace Benn suspends Reverend Colin Pritchard's permission to officiate.
September 2008	An enhanced Criminal Record Bureau (CRB) disclosure reveals that Reverend Jonathan Graves was arrested. His permission to officiate is suspended.
Early 2009	Mr Roger Meekings finalises his review of past cases. He is instructed to conduct a further review relating to the cases of Reverend Cotton and Reverend Pritchard.
December 2009	Following a meeting with Archdeacon Philip Jones and Mr John Stapleton, Mr Meekings produces an amended version of the Cotton and Pritchard report. Bishop Wallace Benn suggests that its criticisms of him amount to libel.

Date	Event
May 2010	The Diocesan Safeguarding Advisory Group (DSAG) is formed. Its members are not provided with a copy of the Cotton and Pritchard report.
September 2010	A CRB check discloses the history of allegations against Reverend Gordon Rideout. On the advice of the DSAG, his permission to officiate is suspended.
May 2011	Lady Elizabeth Butler-Sloss completes her review of the Reverend Roy Cotton and Reverend Colin Pritchard cases.
October 2011	Sussex Police reinvestigate the allegations against Reverend Rideout, Reverend Coles and Reverend Graves. The investigation is titled 'Operation Perry'.
November 2011	The DSAG submits a complaint against Bishop Wallace Benn under the Clergy Discipline Measure.
January 2012	Lady Elizabeth Butler-Sloss produces an addendum to her report into the cases of Reverend Roy Cotton and Reverend Colin Pritchard.
March 2012	The DSAG submits a second complaint against Bishop Wallace Benn under the Clergy Discipline Measure. It also submits a complaint against Archdeacon Nicholas Reade. Both complaints are ultimately dismissed.
August 2012	The Interim Report of the Chichester Visitation is published.
April 2013	The Final Report of the Chichester Visitation is published.
July 2014	The Carmi Review is published with a foreword by Bishop Martin Warner.
October 2015	The alleged victim of Bishop George Bell receives monetary compensation from the Church for her abuse.
December 2017	The independent Carlile review into the Church's handling of the Bishop George Bell case is published.



# Annex 4

## Chronology relating to the Peter Ball Case Study

Date	Event
March 1960	Peter Ball and his twin brother jointly found a monastic institution for the training of monks. It is named the Community of the Glorious Ascension. Peter Ball becomes its first Prior.
October 1992	Peter Ball commits an offence of gross indecency against Neil Todd.
Mid-November 1992	Neil Todd attempts to take his own life. He reports his abuse to the Bishop of Southwark, Roy Williamson.
Early December 1992	Neil Todd reports his abuse to the Bishop of Chichester, Eric Kemp. Following a second suicide attempt, his mother informs the Metropolitan Police of his allegations, who pass the matter to Gloucestershire Constabulary.
Mid-December 1992	Peter Ball is arrested on suspicion of indecent assault and gross indecency. He is interviewed and bailed by Gloucestershire Constabulary. His solicitor instructs Reverend Brian Tyler to investigate Neil Todd's allegations independently of the police.
Late December 1992	A number of letters are sent to Archbishop George Carey by members of the public, alleging child sexual abuse by Peter Ball.
January 1993	Peter Ball is arrested on suspicion of offences against two further complainants. He is released on police bail.
March 1993	Peter Ball is cautioned for one offence of gross indecency against Neil Todd. He resigns as the Bishop of Gloucester. Reverend Brian Tyler submits his final report to Bishop Eric Kemp.
March 1995	Archbishop Carey grants Peter Ball Provincial Permission to Officiate as a priest in the parishes of All Saints Falmouth and Feock, in the Diocese of Truro, for a period of six months. This is later extended to three years.
December 2004	Following an enquiry initiated by Archbishop Williams, it comes to light that Peter Ball has been staying on the premises of a public school in Oxford and carrying out confirmations there without consent. No action is taken by the Church.
February 2008	Peter Ball accompanies a priest, who had received a police warning for harassing an adolescent, to a review meeting with the Child Protection Officer in the Diocese of Bath and Wells. The Child Protection Officer is unaware of Peter Ball's background and he does not disclose this.
October 2008	With their consent, copies of the letters sent by complainants to Archbishop Carey in 1993 are disclosed to Northamptonshire Police.
December 2008	An Independent Review Panel chaired by Professor Anthony Mellows reviews the Peter Ball case.
May 2009	Kate Wood, Independent Safeguarding Adviser, carries out a Past Cases Review of files held at Lambeth Palace.
July 2009	Peter Ball undergoes a risk assessment. It concludes that he should be denied unsupervised access to young people.

Date	Event
September 2009	A contract and formal 'safeguarding children' agreement are put in place between Peter Ball and the Diocese of Bath and Wells.
May 2010	Peter Ball is referred to the Independent Safeguarding Authority for inclusion on the children's barred list.
April 2012	Mrs Kate Wood reviews files relating to Peter Ball. She recommends that all the information should be passed to Sussex Police.
July 2012	An investigation is set up by Sussex Police into the criminal activity of Peter Ball. The investigation is named Operation Dunhill.
August 2012	Neil Todd dies in hospital following a third suicide attempt.
November 2012	Peter Ball and Vickery House are arrested by Sussex Police. It becomes apparent that Peter Ball is unwell. He is de-arrested without interview. Vickery House is interviewed under caution and denies any wrongdoing.
September 2015	Following an agreed basis of plea, Peter Ball pleads guilty to two counts of indecent assault and one count of misconduct in public office. Archbishop Justin Welby writes letters of apology to the victims of Peter Ball.
January 2016	Peter Ball is prohibited from ministry for life under the Clergy Discipline Measure 2003.
August 2016	Sussex Police conclude that it is not in the public interest to proceed with four further complaints of abuse made against Peter Ball.
February 2017	Peter Ball is released from prison on licence.
June 2017	'An Abuse of Faith', the Independent Peter Ball Review by Dame Moira Gibb, is published.

# Annex 5

## Key individuals

Name	Role	Dates in Post
George Carey, Lord Carey of Clifton	Archbishop of Canterbury	1991–December 2002
Rowan Williams, Lord Williams of Oystermouth	Archbishop of Canterbury	December 2002–December 2012
Justin Welby, Archbishop of Canterbury	Archbishop of Canterbury	February 2013–present
Bishop George Bell	Bishop of Chichester	1929–1958
Bishop Eric Kemp	Dean of Worcester Cathedral	1969–1974
	Bishop of Chichester, Province of Canterbury	October 1974–2001
Bishop Peter Ball	Suffragan Bishop of Lewes, Diocese of Chichester	October 1977–1984
	Area Bishop of Lewes, Diocese of Chichester	1984–March 1992
	Bishop of Gloucester, Province of Canterbury	March 1992–March 1993
Bishop Michael Ball	Suffragan Bishop of Jarrow, Diocese of Durham	1980–1990
	Bishop of Truro, Province of Canterbury	1990–1997
Bishop Wallace Benn	Area Bishop of Lewes, Diocese of Chichester	June 1997– October 2012
Bishop John Hind	Area Bishop of Horsham, Diocese of Chichester	1991–1993
	Bishop of Gibraltar in Europe	1993–2001
	Bishop of Chichester, Province of Canterbury	2001–April 2012
Bishop Nicholas Reade	Archdeacon of Lewes, Diocese of Chichester	1997–2004
	Bishop of Blackburn, Province of York	2004–2012
Bishop Martin Warner	Suffragan Bishop of Whitby, Diocese of York	January 2010–May 2012
	Bishop of Chichester, Province of Canterbury	November 2012–present
Bishop Mark Sowerby	Area Bishop of Horsham, Diocese of Chichester	July 2009–present
Bishop Richard Jackson	Area Bishop of Lewes, Diocese of Chichester	May 2014–present

Name	Role	Dates in Post
Bishop Ronald Gordon	Bishop of Portsmouth, Province of Canterbury	1975–1984
	Bishop at Lambeth and Chief of Staff to the Archbishop of Canterbury	1984–1991
	Canon and Sub-Dean of Christ Church Cathedral, Oxford	1991–1996
Bishop John Yates	Suffragan Bishop of Whitby, Diocese of York	1972–1975
	Bishop of Gloucester, Province of Canterbury	1975–1992
	Bishop at Lambeth and Chief of Staff to the Archbishop of Canterbury	1992–1994
Bishop David Bentley	Suffragan Bishop of Lynn, Diocese of Norwich	1986–1993
	Bishop of Gloucester, Province of Canterbury	1993–2003
Bishop Peter Price	Area Bishop of Kingston, Diocese of Southwark	1997–2001
	Bishop of Bath and Wells, Province of Canterbury	2001–2013
Bishop Richard Lewellin	Suffragan Bishop of St Germans, Diocese of Truro	1985–1992
	Suffragan Bishop of Dover, Diocese of Canterbury	1992–1999
	Bishop at Lambeth and Chief of Staff to the Archbishop of Canterbury	1999–2003
Bishop Jeremy Walsh	Suffragan Bishop of Tewkesbury, Diocese of Gloucester	1986–1995
Bishop David Walker	Suffragan Bishop of Dudley, Diocese of Worcester	2000–2013
	Bishop of Manchester, Province of York	October 2013–present
	Chair of the Advisory Council on the Relations of Bishops and Religious Communities	2013–present
Bishop Gordon Roe	Suffragan Bishop of Huntingdon, Diocese of Ely	1980–1997
Bishop Frank Sargeant	Bishop at Lambeth and Chief of Staff to the Archbishop of Canterbury	1994–1999
Bishop Colin Fletcher	Domestic Chaplain to George Carey, Archbishop of Canterbury	March 1993–2000
	Area Bishop of Dorchester, Diocese of Oxford	2000–present

Name	Role	Dates in Post
Bishop Paul Butler	Suffragan Bishop of Southampton, Diocese of Winchester	2004–2009
	Bishop of Southwell and Nottingham, Province of York	2009–2014
	Lead Bishop of Safeguarding	2010–2016
	Bishop of Durham, Province of York	2014–present
Bishop Anthony Priddis	Suffragan Bishop of Warwick, Diocese of Coventry	July 1996–2004
	Bishop of Hereford, Province of Canterbury	2004–September 2013
	Honorary Assistant Bishop, Diocese of Worcester	September 2013–present
	Honorary Assistant Bishop, Diocese of Gloucester	2014–present
	Chair of the Church’s Central Safeguarding Liaison Group	
Bishop Roy Williamson	Suffragan Bishop of Bradford, Diocese of Leeds	1984–1991
	Bishop of Southwark, Province of Canterbury	1991–1998
Bishop Michael Perham	Dean of Derby, Cathedral Church of All Saints	2000–2004
	Bishop of Gloucester, Province of Canterbury	2004–2014
Bishop Graham Richard James	Domestic Chaplain to George Carey, Archbishop of Canterbury	1987–1993
	Suffragan Bishop of St Germans, Diocese of Truro	1993–1999
	Bishop of Norwich, Province of Canterbury	1999–present
Bishop Stephen Sykes	Bishop of Ely, Province of Canterbury	1990–1999
Bishop John Bickersteth	Bishop of Bath and Wells, Province of Canterbury	1975–1986
Bishop Alastair MacGowan	Suffragan Bishop of Ludlow, Diocese of Hereford	2009–present
Bishop John Gladwin	Bishop of Chelmsford, Province of Canterbury	2003–2009
	Assistant Bishop, Diocese of St Albans	2009–present
	Author of the Archepiscopal Visitation Report, Diocese of Chichester	December 2011–April 2013
Bishop Peter Hancock	Bishop of Bath and Wells, Province of Canterbury	2014–present
	Lead Bishop on Safeguarding	November 2016–present
Archdeacon Philip Jones	Archdeacon of Lewes and Hastings, Diocese of Chichester	2012–2015

Name	Role	Dates in Post
Mrs Janet Hind	Child Protection Adviser, Diocese of Chichester	February 1997–2002
	National Child Protection Adviser to the Church of England	2002–2006
Dean John Treadgold	Dean of Chichester Cathedral	1989–2001
Dean Nicholas Frayling	Dean of Chichester Cathedral	September 2002–February 2014
Canon Peter Atkinson	Residentiary Canon and Chancellor of Chichester Cathedral	1997–2007
	Dean of Worcester, Province of Canterbury	2007–present
Canon John Rees	Provincial Registrar to the Archbishop of Canterbury	2000–present
	Vice-Chair of the Legal Advisory Commission of the Church of England	2001–present
	Registrar of the Clergy Discipline Tribunals for the Province of Canterbury	2006–present
Canon Ian Gibson	Acting Archdeacon of Lewes and Hastings, Diocese of Chichester	2003–2004
	Domestic Chaplain to the Bishop of Chichester and Research Assistant	2004–2009
	Episcopal Vicar for Ministry and Senior Chaplain to the Bishop of Chichester	2009–2013
	Residential Canon and Treasurer of Chichester Cathedral	2009–2014
Reverend Stephen Eldridge	Chaplain to Bishop Peter Ball, Diocese of Gloucester	1992–1993
Reverend Rosalind Hunt	Chaplain of Jesus College, Cambridge	1988–1992
Reverend Malcolm Dodd	Diocesan Youth Officer, Diocese of Chichester	1976–1983
Reverend Lesley Perry	Press Secretary for the Archbishop of Canterbury	October 1990–August 2000
Reverend Brian Tyler	Private investigator instructed by Peter Ball's legal team to investigate the allegations against him	1992–1993
The Right Reverend Stephen Platten	Archbishop of Canterbury's Secretary for Ecumenical Affairs	1990–1995
Prebendary Stephen Lynas	Parish Resources Adviser, Diocese of Bath and Wells	2001–2007
	Senior Chaplain and Adviser to the Bishops of Bath and Wells and Taunton, Diocese of Bath and Wells	2007–2017

Name	Role	Dates in Post
Dean Nigel Godfrey	Vicar of Christ Church, Brixton, Diocese of Southwark	1989–2001
	Chaplain at Southwark Cathedral, Diocese of Southwark	2002–2007
	Vice-Dean of St Germans Cathedral, Diocese of Sodor and Man	2007–2011
	Dean of St Germans Cathedral, Diocese of Sodor and Man	2011–present
Professor Christopher Rowland	Dean of Jesus College, Cambridge	1979–1991
	Professor of the Exegesis of Holy Scripture, University of Oxford	
Dr Frank Robson	Provincial Registrar to the Archbishop of Canterbury	1982–2000
Dr Andrew Purkis	Archbishop of Canterbury's Secretary for Public Affairs	1992–1998
Ms June Rodgers	Chancellor of the Diocese of Gloucester	1990–present
Ms Fiona Gardner	Safeguarding Adviser for the Diocese of Bath and Wells	September 2004–August 2010
Mr Tony Sellwood	Safeguarding Adviser for the Diocese of Chichester	May 2002–January 2007
Mrs Shirley Hosgood	Safeguarding Adviser for the Diocese of Chichester	September 2007–September 2010
Mr Colin Perkins	Safeguarding Adviser for the Diocese of Chichester	May 2011–present
Mrs Gemma Marks-Good (nee Wordsworth)	Independent Domestic and Sexual Violence Adviser for the Diocese of Chichester	2012–2017
Ms Francesca del Mese	Chichester Diocesan Secretary	
Ms Angela Sibson	Chichester Diocesan Secretary	Jan 2011–August 2014
Mr Keith Akerman	Chichester Safeguarding Advisory Group Chair	2010–2014
Mrs Kate Wood	Independent Safeguarding Consultant at Lambeth Palace and Past Cases Reviewer	May 2008–2015
	Acting Safeguarding Consultant with the Diocese of Chichester	2016–2017
Mr Tim Carter	Connexional Safeguarding Adviser for the Methodist Church	December 2015–present
Mr Colin Campbell	BBC South East Home Affairs Correspondent	
Dame Barbara Mills QC	Director of Public Prosecutions	1992–1998
Ms Alison Saunders	Director of Public Prosecutions	2013–present
Ms Alison Levitt QC	Principal Legal Adviser to the Director of Public Prosecutions	



Name	Role	Dates in Post
Mrs Bobbie Cheema-Grubb QC (now Mrs Justice Cheema-Grubb)	Leading prosecution counsel in the case of Regina v Peter Ball	2014–2015
Mr James Woodhouse	Headmaster of Rugby School	1967–1981
	Headmaster of Lancing College	1981–1993
Mr Ian Beer	Headmaster of Lancing College	1969–1981
Mr Dominic Oliver	Headmaster of Lancing College	2014–present
Mr Richard Morgan	Warden of Radley College	1991–2000
Lord Anthony Lloyd of Berwick	Lord of Appeal in Ordinary	October 1993–December 1998
Mrs Edina Carmi	Author of the Carmi Review	Appointed 2001
Mr Roger Meekings	Author of the Past Cases Review	Appointed 2008
Professor Anthony Mellows	Author of the report to the Archbishop of Canterbury on the review of files relating to Peter Ball	December 2008
Dame Moira Gibb	Chair of the Church of England Independent Review into the Peter Ball case	January 2016–June 2017
Lady Elizabeth Butler-Sloss	Chair of the Cleveland Child Abuse Inquiry	1987–1988
	Lady Justice of Appeal	1988–1999
	President of the Family Division	October 1999–April 2005
	Author of the Butler-Sloss review regarding the Diocese of Chichester	2010–2011
Mr Ian Sandbrook	Author of Report into Chichester Safeguarding	Appointed 2011
Mr John Alpass	Retired civil servant and author of a ‘Narrative of Events’ in connection with the independent review chaired by Dame Moira Gibb	October 2015–March 2016
Chancellor Dr Rupert Bursell QC	Diocesan Chancellor and Vicar General, Diocese of Durham	1998–November 2017
	Chairman of the Legal Advisory Commission of the General Synod of the Church of England	2007–present
	Author of the Archepiscopal Visitation Report, Diocese of Chichester	December 2011–April 2013
Reverend Pearl Luxon	National Safeguarding Adviser for Church of England & Methodist Church	2006–September 2010
Mrs Elizabeth Hall	Connexional Safeguarding Adviser for the Methodist Church	May 2010–August 2014
	National Safeguarding Adviser for the Church of England	September 2010–August 2014

Name	Role	Dates in Post
Mr Graham Tilby	National Safeguarding Adviser for the Church of England	February 2015–present
Mr Andrew Nunn	Correspondence Secretary to the Archbishop of Canterbury	1992–2017
Mr Chris Smith	Chief of Staff to the Archbishop of Canterbury	September 2003–October 2013
Mr Chris Peak	Diocesan Registrar, Diocese of Gloucester	1985–2012
	Defence solicitor for Peter Ball, Madge Lloyd & Gibson Solicitors	1992–1993
Mr Chris Read	Defence solicitor for Peter Ball, Madge Lloyd & Gibson Solicitors	1992–1993
Ms Hannah Foster	Director of Resources for the National Church Institutions	November 2014–present
Mr Julian Hubbard	Director of Ministry in the Archbishops' Council	2011–present
Sir Roger Singleton	Safeguarding consultant and member of the Church of England's National Safeguarding Panel	2016–present
Mr Stephen Slack	Head of the Legal Office of the National Church Institutions of the Church of England	March 2001–present
Mr Adrian Iles	Barrister employed by Legal Office of the Church of England	2004–present
Mr William Nye	Secretary-General of the Archbishops' Council and General Synod	December 2015–present
Detective Superintendent John Bennett	Detective Superintendent at Gloucestershire Constabulary	
Superintendent John Horan	Superintendent at Gloucestershire Constabulary	January 1993–mid-1998
Detective Inspector Wayne Murdock	Detective Inspector at Gloucestershire Constabulary	1989–1995
Acting Detective Sergeant Andrew Wasley	Acting Detective Sergeant at Gloucestershire Constabulary	
Chief Constable Albert Pacey	Chief Constable of Gloucestershire Constabulary	1987–1993
Detective Constable David Charman	Detective Constable at Northamptonshire Police	2000–present
Deputy Chief Constable Rachel Swann	Deputy Chief Constable at Northamptonshire Police	

Name	Role	Dates in Post
Detective Superintendent Carwyn Hughes	Detective Chief Inspector at Sussex Police and Senior Investigating Officer on Operation Dunhill	2012–November 2015
	Detective Superintendent, Public Protection (Investigations) at Sussex Police	November 2015–present
Detective Sergeant Jane Wooderson	Detective Sergeant at Sussex Police	
Detective Constable Helen Upton	Detective Constable at Sussex Police	
Assistant Chief Constable Laurence Taylor	Assistant Chief Constable at Sussex Police	
Reverend Robert Coles	Parish Priest in Chichester, Horsham and St Philip's in Eastbourne	
Reverend Colin Pritchard	Parish Priest St Andrews Church, Wellingborough	
	Vicar at St Barnabas, Bexhill	
Canon Gordon Rideout	Chaplain at Moira House School, Eastbourne	
	Assistant Curate & Chaplain at St Mary's School, Crawley	
	Chair of governors at St Mary's special school in Bexhill	
	Chair of Governors at Bishop Bell Anglican School in Eastbourne	
	Rural Dean	
	Interim Archdeacon of Lewes	
Mr Terence Banks	Chichester Cathedral Steward	
Mr David Bowring	Teacher at Prebendal School, Diocese of Chichester	
Reverend Vickery House	Peter Ball's Chaplain. Assistant priest at the Church of the Annunciation in Brighton	
Reverend Christopher Howarth	Non-Stipendary Priest at Holy Cross Church, Uckfield and Deputy Principal at Uckfield Community Technology College	
Mr David Gutteridge	Teacher at The Prebendal School and former secretary of the Chichester Cathedral Choristers' Association	
Reverend Roy Cotton	Vicar, Eastbourne St Andrew	
	Rector at Brede with Udimore	
Reverend Jonathan Graves	Priest at St Luke's, Stone Cross	

# Annex 6

**Table of convicted perpetrators of child sexual abuse in the Diocese of Chichester**

Name	Role	Nature of the offence	Date of conviction/ caution	Sentence received
Reverend Noel Moore	Parish priest and chaplain	Indecent assault x 8	1951	Unknown
		Sexual activity with a child x 1	September 2010	Unknown
Reverend Roy Cotton	Parish priest	Indecent exposure	15 March 1954	12 months' probation
Mr Michael Mark Mytton	Organist	Gross indecency x 2	29 April 1981	2 years' probation
		Indecent assault x 3	9 May 2013	9 months' imprisonment (suspended)
Mr Michael Walsh	Organist, music teacher and lay vicar	Indecent assault x 5. A further 8 similar offences are taken into consideration	13 November 1990	5 years' imprisonment
Mr Terence Banks	Cathedral Steward	32 offences	2 May 2001	16 years' imprisonment
Mr David Bowring	Teacher at the Prebendal School	Indecent assault x 6	May 2003	3 years' imprisonment
Reverend Colin Pritchard	Incumbent	Indecent assault x 7	28 July 2008	5 years' imprisonment
		Inciting a child to commit an act of gross indecency x 2, gross indecency x 2, buggery x 2, conspiring with Roy Cotton to commit acts of indecency with a child	22 February 2018	16 years' imprisonment
Reverend Anthony John Sergeant	Team Vicar	Possessing and making indecent images of children x 17	2012	Unknown

Name	Role	Nature of the offence	Date of conviction/ caution	Sentence received
Reverend Robert Coles	Vicar	Buggery x 1 Indecent assault x 7	14 December 2012	8 years' imprisonment
		Sexual assault x 2	12 June 2015	16 months' imprisonment (to run consecutively to previous sentence)
Reverend Keith Wilkie Denford	Rector	Indecent assault x 3	April 2013	18 months' imprisonment
Canon Gordon Rideout	Assistant curate, chaplain, Archdeacon of Lewes and Hastings	36 offences	20 May 2013	10 years' imprisonment
		Indecent assault	20 December 2016	9 months' imprisonment (to run consecutively to previous sentence)
Mr Duncan Hanner	Organist	Sexual activity with a child x 6	August 2013	15 months' imprisonment
Mr David Gutteridge	Secretary of the Chichester Cathedral Choristers Association. Teacher at The Prebendal School (Chichester Cathedral's Choir School)	Indecent assault x 2	February 2015	18 months' imprisonment
Reverend Christopher Howarth	Priest	Causing or inciting a child to engage in sexual activity x 4, sexual activity with a child x 12, sexual assault x 4, sexual assault of a child under 13 x 4, taking indecent photographs of a child x 2, causing a child to watch a sexual act x 2	17 July 2015	10 years' imprisonment followed by a 4-year period of extended licence
Reverend Vickery House	Vicar	Indecent assault x 5	27 October 2015	6.5 years' imprisonment
Mr Timothy Dumbrell	Voluntary church youth worker	Causing or inciting a child aged between 13 and 15 to engage in sexual activity x 5	14 November 2015	3 years' imprisonment

Name	Role	Nature of the offence	Date of conviction/ caution	Sentence received
Reverend Peter Keeley-Pannett	Non-stipendiary deacon	Making indecent images of children x 2, attempting to incite a child to engage in sexual activity x 1, inciting a child under 16 to engage in sexual activity x 2, causing a boy aged between 13 and 15 to watch sexual activity x 2	19 November 2015	32 months' imprisonment
Reverend Jonathan Graves	Parish priest	Indecent assault x 7, indecency with a child x 2, cruelty to a child x 4	14 September 2017	12 years' imprisonment
Reverend Giles White	Lay vicar	Possessing indecent images of children	Unknown	Unknown
Reverend Stephen Richard Talbot	Chaplain	Making indecent images of children x 14, possessing indecent images of children x 4, perverting the course of justice x 1	27 February 2015	15 months' imprisonment

# Annex 7

## Tables of convictions and allegations against Peter Ball

### Part 1: Table of convictions

Name of victim/ complainant	Date of alleged offence	Age of victim/ complainant at the relevant time	Nature of allegation
Graham Sawyer	1977-1981	16-18 years	<p>Graham Sawyer attended the Scheme when he was 16 or 17 years old. On one occasion during prayer, Peter Ball requested that he remove his clothes. He put his arms around Graham's waist and shoulders, removed his jacket and started to unbutton his shirt. Graham then stopped him. He was over 18 years old at this time. It was alleged that Peter Ball made it clear that if Graham did not take all his clothes off, he would not sponsor him to go forward for ordination.</p> <p>On 8 September 2015, Peter Ball pleaded guilty to this indecent assault. The agreed basis of plea stated that Peter Ball did not say that Graham's attitude would affect his chances of being ordained.</p>
AN-A117	1990	18 years	<p>AN-A117 joined the Scheme when he was 18 years old. He was requested to take cold showers whilst Peter Ball watched him. Peter Ball also suggested a naked re-baptism. He was persuaded to hug Peter Ball whilst they were both naked and to roll around naked in the rain. He was beaten by Peter Ball on three occasions.</p> <p>Peter Ball was charged with indecent assault. On 8 September 2015, he entered a guilty plea on an agreed basis, in which he accepted the beatings detailed in the case summary, and that he hugged and prayed naked with AN-A117.</p>



Name of victim/ complainant	Date of alleged offence	Age of victim/ complainant at the relevant time	Nature of allegation
AN-A111	1977	26 years	<p>AN-A111 came to England to be part of a Christian community. He was living with Peter Ball as part of this enterprise. Peter Ball complained of muscle pain and asked AN-A111 to massage his legs. Peter Ball was naked from the waist down with a handkerchief covering his genitals. AN-A111 noticed that Peter Ball had an erection during the massage. He was surprised by this and left the room.</p> <p>Peter Ball was charged with misconduct in public office. On 8 September 2015, he pleaded guilty to this offence.</p>
AN-A102	1977	15–17 years	<p>When AN-A102 was 15 years old, Peter Ball conducted his confirmation. When he was 16 years old, he asked to meet Peter Ball for pastoral guidance. Peter Ball asked him to remove his clothing and stand naked in front of the vestry mirror. AN-A102 refused to comply with this request.</p> <p>Peter Ball was charged with misconduct in public office. On 8 September 2015, he pleaded guilty to this offence.</p>
AN-A108	1979–1988	18–21 years	<p>AN-A108 joined the Scheme when he was 18 years old. Peter Ball requested that they pray naked together and described himself as a father figure. AN-A108 initially declined to do so, but later left the Scheme and agreed to pray naked in the chapel. Peter Ball persuaded him that AN-A108's lustful thoughts could be addressed if he allowed Peter Ball to anoint his genitals.</p> <p>Peter Ball was charged with misconduct in public office. On 8 September 2015, he pleaded guilty to this offence. The agreed basis of plea stated that he did not touch the genitalia of any complainant.</p>
AN-A103	1979	18 years	<p>When AN-A103 was a schoolboy at college, he visited Peter Ball for pastoral support. Peter Ball told him that he needed to experience pain. AN-A103 removed his own trousers and pants on request. He then felt uncomfortable and told Peter Ball to stop. No physical contact took place.</p> <p>Peter Ball was charged with misconduct in public office. On 8 September 2015, he pleaded guilty to this offence.</p>

Name of victim/complainant	Date of alleged offence	Age of victim/complainant at the relevant time	Nature of allegation
AN-A96	1980–1985	13–17 years	<p>AN-A96 visited Peter Ball for pastoral guidance when he was 13 years old. He was asked to strip naked for a re-baptism but declined.</p> <p>On later occasions when he was 17 years old, AN-A96 would sleep naked in bed with Peter Ball. AN-A96 would massage his crotch and Peter Ball would ejaculate.</p> <p>Peter Ball was charged with misconduct in public office. On 8 September 2015, he pleaded guilty to this offence. The agreed basis of plea stated that AN-A96 was at least 18 years old before any naked activity took place.</p> <p>Peter Ball accepted as part of the agreed basis of plea that the offer of naked re-baptism was made when AN-A96 was 17 years old.</p>
AN-A93	1980	16–17 years	<p>AN-A93 spoke to Peter Ball when he was 16 or 17 years old, after Peter Ball came to his school to offer counselling sessions. AN-A93 was concerned about whether excessive masturbation could damage his eyesight. Peter Ball allegedly suggested that he should undress and masturbate in front of him. AN-A93 declined and no physical contact took place.</p> <p>Peter Ball was charged with misconduct in public office. The agreed basis of plea stated that Peter Ball did not masturbate any complainant or cause them to masturbate him, and that he did not touch the genitalia of any complainant or cause any complainant to touch his genitalia.</p>
AN-A114	1980–1983	17–20 years	<p>AN-A114 visited Peter Ball to discuss being ordained as a priest. Peter Ball asked him to strip naked as a sign of abandonment and commitment to God. AN-A114 refused to do so.</p> <p>As part of the ordination process, he had to meet with Peter Ball again. During these meetings, Peter Ball repeatedly asked him to remove his clothes. AN-A114 declined these requests.</p> <p>Peter Ball was charged with misconduct in public office. On 8 September 2015, he pleaded guilty to this offence.</p>

Name of victim/ complainant	Date of alleged offence	Age of victim/ complainant at the relevant time	Nature of allegation
AN-A10	1982	21 years	<p>Peter Ball knew AN-A10 and his family. AN-10 sought pastoral guidance from him. Whilst they were in the study, Peter Ball allegedly suggested that they should masturbate each other. He allegedly removed his own upper clothing and placed AN-A10's hand on his exposed stomach, just above his pubic line. He then moved his hand away.</p> <p>Peter Ball was charged with misconduct in public office. On 8 September 2015, he pleaded guilty to this offence. It is stated in the agreed basis of plea that Peter Ball did not masturbate any complainant or cause them to masturbate him.</p>
AN-A104	1982–1983	18 years	<p>AN-A104 joined the Scheme when he was 18 years old. At Peter Ball's suggestion, they went to the chapel and took their clothes off. They embraced whilst naked. Afterwards, Peter Ball suggested that it would not be sensible to tell anyone else about it as they may misunderstand.</p> <p>Peter Ball was charged with misconduct in public office. On 8 September 2015, he pleaded guilty to this offence.</p>
AN-A99	1982	23–24 years	<p>AN-A99 was a member of the Scheme. As part of his initiation, he was persuaded to take off all his clothes and go to the chapel with Peter Ball. They caressed each other whilst naked.</p> <p>Peter Ball was charged with misconduct in public office. On 8 September 2015, he pleaded guilty to this offence.</p>

Name of victim/complainant	Date of alleged offence	Age of victim/complainant at the relevant time	Nature of allegation
<p>AN-A7</p> <p>(this witness gave evidence at the Chichester hearing)</p>	<p>1985</p>	<p>22 years</p>	<p>AN-A7 was a member of the Scheme. He was aware that Peter Ball had a sore hip and offered to massage it. During the massage, Peter Ball moved his genitals to one side. He ejaculated and had a handkerchief ready. This took place on a number of occasions, and after some of them Peter Ball stated, "Can I do anything for you?" AN-A7 also removed his clothes in the chapel at Peter Ball's request. They embraced whilst naked.</p> <p>AN-A7 was also spanked with a slipper by Peter Ball and told that it would help him to reconnect with the Lord.</p> <p>Peter Ball was charged with misconduct in public office. The agreed basis of plea stated that Peter Ball did not masturbate any complainant or cause them to masturbate him, and that he did not touch the genitalia of any complainant or cause any complainant to touch his genitalia.</p>
<p>AN-A5</p>	<p>1985</p>	<p>21 years</p>	<p>AN-A5 joined the Scheme. He and other boys were taken into the chapel, where they removed all of their clothing. Peter Ball would then anoint various parts of his body, including his lower back and allegedly his pubic area.</p> <p>The agreed basis of plea stated that Peter Ball did not masturbate any complainant or cause them to masturbate him, and that he did not touch the genitalia of any complainant or cause any complainant to touch his genitalia.</p>
<p>AN-A8</p> <p>(this witness gave evidence at the Chichester hearing)</p>	<p>1987</p>	<p>23 years</p>	<p>AN-A8 joined the Scheme in September 1987. The following incidents then occurred:</p> <ol style="list-style-type: none"> <li>1. Peter Ball suggested that he could get somebody to whip AN-A8 across the back with his belt.</li> <li>2. Peter Ball and AN-A8 said penitential psalms together whilst naked. They would put their arms around each other and lie on the floor. When this occurred, Peter Ball would point out that he had an erection.</li> <li>3. AN-A8 slept in Peter Ball's bedroom. Peter Ball had an erection and ejaculated.</li> </ol> <p>Peter Ball was charged with misconduct in public office. He pleaded guilty to this offence.</p>

Name of victim/ complainant	Date of alleged offence	Age of victim/ complainant at the relevant time	Nature of allegation
AN-A106	1982	16 years	<p>AN-A106 joined the Scheme when he was 16 years old. He was requested to undergo an initiation, which involved undressing in front of the altar and lying on the floor. Peter Ball stroked his torso, arms and legs.</p> <p>Peter Ball was charged with misconduct in public office. On 8 September 2015, he pleaded guilty to this offence.</p>
Neil Todd	1991-1992	18 years	<p>Neil Todd applied to join the Scheme when he was 17 years old. He visited Peter Ball at his address. It is alleged that Peter Ball took him to the chapel at midnight, where he told him that they should say the psalms naked in order to feel the cold. It is alleged that he would stare at Neil Todd whilst he was naked. It is alleged that Neil Todd then took a cold shower whilst Peter Ball watched him.</p> <p>When Neil Todd was 18 years old, he went to stay with Peter Ball again. In September 1992, it is alleged that Peter Ball suggested that Neil should agree to be beaten whilst naked with a stick or a whip. A date was set for this beating, but it never took place. This is because Neil Todd relayed the suggestion to the bishop's chauffeur and his wife, who then took him to France on holiday.</p> <p>Following the trip to France, Neil Todd returned to Peter Ball's residence. That night, Peter Ball came to his room and both of them removed their clothes. Peter Ball kissed and caressed Neil's body. He also took hold of his penis. Peter Ball then kissed him on the lips.</p> <p>Neil Todd visited Peter Ball's home again in October 1992. A further incident took place in Peter Ball's study. Both men were naked. They caressed and embraced. Both had erections and when Neil Todd's elbow made accidental contact with Peter Ball's penis, Peter Ball ejaculated.</p> <p>On 8 March 1993, Peter Ball was cautioned for one offence of gross indecency against Neil Todd.</p>

## Part 2: Table of allegations

Please note that these allegations have never been the subject of adjudication nor have they been admitted by Peter Ball.

It is not the purpose of this Inquiry to determine the truth or otherwise of these allegations.

Name of victim/complainant	Date of alleged offence	Age of victim/complainant at relevant time	Nature of allegation
AN-A2	1985	15-16 years	<p>In April 1985, AN-A2 was suspended from school. It is alleged that he was sent to stay with Peter Ball in Litlington to await his exams at the end of May. He then remained at Litlington until late August.</p> <p>It is alleged that one night, Peter Ball entered his room and climbed into bed with him. He hugged him from behind and then left. It is further alleged that after approximately one week of visits to AN-A2's bedroom, Peter Ball began masturbating in the bed and ejaculating. These nightly visits allegedly continued for around three months.</p> <p>Peter Ball was charged with indecent assault. He pleaded not guilty to this offence. The Crown did not pursue the case and the offence was left to lie on file.</p>
AN-A98	1985	18 years	<p>AN-A98 was a member of the Scheme. It is alleged that a number of incidents took place over several years:</p> <ol style="list-style-type: none"> <li>i. Anointment of his genitals by Peter Ball.</li> <li>ii. Massaging Peter Ball when he had an erection.</li> <li>iii. Praying naked with Peter Ball.</li> <li>iv. Embracing each other in bed when they were both naked.</li> <li>v. Being touched on the genitals by Peter Ball.</li> <li>vi. Being asked to touch Peter Ball.</li> <li>vii. Mutual masturbation.</li> <li>viii. Being beaten with the wooden part of a clothes brush, sometimes until he bled.</li> </ol> <p>In March 1993, the Crown Prosecution Service advised against charging Peter Ball with any offences in relation to AN-A98.</p> <p>In April 2014, AN-A98 informed Sussex Police that he did not wish to support a prosecution of Peter Ball.</p>

Name of victim/ complainant	Date of alleged offence	Age of victim/ complainant at relevant time	Nature of allegation
AN-A115	1981	22-23 years	AN-A115 was seeking ordination and it is alleged that Peter Ball visited him at his home where he was asked to strip naked and pray. Peter Ball remained clothed. They allegedly embraced around the shoulder and there followed a strange conversation about masturbation.
AN-A105	1987	25 years	<p>AN-A105 travelled to England in 1985 and joined the Scheme. In August 1987, it is alleged that Peter Ball requested that they pray together in the chapel. It is also alleged that Peter Ball removed all of his own clothing. It is alleged that he embraced AN-A105 and kissed him on the cheek. It is alleged that Peter Ball talked about his love of the New Testament scripture, making reference to “<i>leaving old being behind and receiving a new being</i>”. It is alleged that AN-A105 was puzzled and told Peter Ball that he preferred females.</p> <p>Peter Ball was charged with misconduct in public office. According to the agreed basis of plea, the Crown agreed not to open the complaint by AN-A105.</p>
AN-A116	1979-1980	22-23 years	<p>AN-A116 was sent to Litlington by his parents when he was 16 or 17 years old. He returned to Litlington in 1979-1980, when he was 22 or 23 years old. It is alleged that during a one-to-one meeting in the study, Peter Ball asked him to strip naked before God. AN-A116 refused to do so.</p> <p>Following the advice of the Crown Prosecution Service in 2015 no charges were pursued relating to this complainant.</p>



Name of victim/ complainant	Date of alleged offence	Age of victim/ complainant at relevant time	Nature of allegation
AN-A97	1969	21 years	<p>AN-A97 joined the Community of the Glorious Ascension in 1967. This was before Peter Ball was appointed as a Bishop. The following incidents took place during 1969:</p> <ul style="list-style-type: none"> <li>i. AN-A97 massaged Peter Ball.</li> <li>ii. AN-A97 beat Peter Ball with a slipper.</li> <li>iii. Peter Ball beat AN-A97 with a slipper.</li> </ul> <p>It was also alleged that:</p> <ul style="list-style-type: none"> <li>i. Peter Ball watched AN-A97 masturbate.</li> <li>ii. AN-A97 watched Peter Ball masturbate.</li> <li>iii. Peter Ball masturbated AN-A97.</li> <li>iv. AN-A97 masturbated Peter Ball.</li> </ul> <p>In the agreed basis of plea, Peter Ball accepted that his consensual relationship with AN-A97 was one in which he took advantage of a vulnerable young man who looked upon the defendant as a spiritual leader. Accordingly the facts would be opened as part of the relevant background of the facts to the case, but did not form part of the misconduct in a public office.</p>
AN-A113		16 years	<p>AN-A113 attended Litlington to seek spiritual advice, having been sexually abused by his father and another individual. Peter Ball allegedly encouraged him to sit on his lap, during which time Peter Ball had an erection.</p>
AN-A120		17-18 years	<p>AN-A120 was a member of the Scheme. It is alleged that whilst in the chapel, Peter Ball stroked his penis and anointed it with oil.</p> <p>AN-A120 did not wish to support a prosecution as Peter Ball had already been convicted for similar offences.</p>
AN-A119	1996	16-17 years	<p>AN-A119 played squash with Peter Ball. It is alleged that Peter Ball exposed his penis to AN-A119 on the squash court. On another occasion, Peter Ball allegedly touched AN-A119's genital area in the changing rooms.</p> <p>This alleged offence took place three years after Peter Ball had been cautioned by Gloucestershire Constabulary.</p> <p>AN-A119 informed Sussex Police that he did not wish to pursue his complaint as this would involve people close to him and his family members having to give evidence.</p>

Name of victim/ complainant	Date of alleged offence	Age of victim/ complainant at relevant time	Nature of allegation
AN-A118	1974-1975	20-22 years	<p>Whilst at the Community of the Glorious Ascension in Somerset, AN-A118 approached Peter Ball to discuss a sexual problem. Peter Ball allegedly suggested that he debase himself. It is alleged that this was done whilst Peter Ball watched. After the incident, Peter Ball allegedly instructed AN-A118 not to tell anyone what had happened.</p> <p>AN-A118 said that his report was made to Sussex Police for information only. He did not wish to pursue his complaint.</p>
Philip Johnson	1978	12-13 years	<p>Philip Johnson was at a confirmation class with Roy Cotton. Peter Ball was also in attendance. It was alleged that after the class, the three of them returned to Roy Cotton's vicarage where Peter Ball grabbed Philip Johnson and pulled him onto his lap. It was further alleged that he then stroked his inner thigh and genitals over clothing. This was alleged to have been done in front of Roy Cotton.</p> <p>Peter Ball was charged with indecent assault. On 8 September 2015, he pleaded not guilty to this offence.</p> <p>As part of the agreed basis of plea, the Crown did not pursue the case and the offence was left to lie on file.</p>
Gary Johnson	1983	12 years	<p>Gary Johnson alleges that he first met Peter Ball when he was eight or nine years old. When Gary was 12, Peter Ball confirmed him. After the service, a reception was held at the local church hall. It is alleged that Peter Ball sat down and pulled Gary Johnson onto his lap, placed his right arm around Gary's stomach with a firm grip. It is further alleged that he then put his hands on either side of Gary's waist and guided him to his feet.</p> <p>Peter Ball was charged with misconduct in public office. In the agreed basis of plea, the prosecution agreed not to open the complaint by Gary Johnson.</p>

Name of victim/ complainant	Date of alleged offence	Age of victim/ complainant at relevant time	Nature of allegation
AN-A107	1977-1979	12-14 years	<p>AN-A107 is transgender and identified as a boy at the time of the abuse. She alleged there were three occasions during which she was touched by Peter Ball on her chest and groin areas.</p> <p>The first incident of alleged abuse occurred when she was 12 years old: Peter Ball rubbed her clothed genitals in the vestry. The second alleged incident was at Chichester Cathedral when she was 13 years old; he touched and squeezed her chest and groin. It is alleged that he repeated this assault on a third occasion in church.</p> <p>In her second interview, she also alleged a single incident not previously mentioned in which she was taken to a house and buggered by Peter Ball and another priest.</p> <p>Following advice from the Crown Prosecution Service, no charges were pursued relating to this complainant.</p>
AN-A87	1979-1987	9-17 years	<p>Whilst on a weekend trip to Old Cleeve, AN-A87 allegedly visited a monastery which was used by the Community of the Glorious Ascension. Whilst there he was introduced to Peter Ball who took him to a chapel within the barn and made him strip naked and lie on the chapel floor. He alleged that Peter Ball beat him with a stick, after which he dressed again in choir robes. He alleges that he was tied up by Peter Ball and anally raped whilst face down over a table.</p> <p>AN-A87 told Avon and Somerset Police that he did not want the matter investigated further and provided reasons for his decision.</p>

The following corrections were made to the report on 9 May 2019:

Page iii: 18 updated to 20.

Page 206: Recommendation 4 was updated to make it clear that it refers to individuals engaged in regulated activity.

The following corrections were made to the report on 13 June 2019:

Page 35: The phrase 'late 1990s' was amended to '1990s'.

Page 58: Updated to remove reference to the Diocesan Safeguarding Adviser.

Pages 126 and 136: Typographical error December 1993 corrected to December 1992.



# The Roman Catholic Church

## Case Study: Archdiocese of Birmingham

Investigation Report  
*June 2019*

A report of the Inquiry Panel  
Professor Alexis Jay OBE  
Professor Sir Malcolm Evans KCMG OBE  
Ivor Frank  
Drusilla Sharpling CBE

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CCS0519276634 06/19

Printed on paper containing 75% recycled-fibre content minimum.

Printed in the UK by the APS Group on behalf of the Controller of Her Majesty's Stationery Office.



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# Executive Summary

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The Archdiocese of Birmingham serves a Catholic population of nearly half a million people and is one of 22 dioceses within the Roman Catholic Church in England and Wales. It has been the subject of considerable press attention due to the number of child sexual abuse cases that have come to light and concerns about the way they have been handled.

Since the mid 1930s, there have been over 130 allegations of child sexual abuse made against no fewer than 78 individuals associated with the Archdiocese. Many of the allegations have been made against priests and deacons. Thirteen individuals have been convicted of some of the most serious sexual offences against children. Three other individuals received cautions. Those 16 criminal cases involved no fewer than 53 victims. However, many of the 78 individuals accused of committing child sexual abuse are no longer alive and the allegations cannot now be fully investigated by the Archdiocese or the police.

Civil claims have also been brought against the Archdiocese and significant sums of money have been paid out in compensation and legal fees.

The true scale of offending and the number of children who were abused is likely to be far greater than set out in this report.

This case study investigated the response of the Archdiocese of Birmingham to child sexual abuse by examining the cases of four people: Samuel Penney, James Robinson, Father John Tolkien, and RC-F167. These cases enabled the Independent Inquiry into Child Sexual Abuse to consider the Archdiocese's response in relation to those perpetrators convicted before the criminal courts (Penney and Robinson) and, in contrast, cases where there have been no formal findings in criminal or civil jurisdictions (Father Tolkien and RC-F167). The cases have also enabled the Inquiry to consider the Archdiocesan response both before and after the publication of the 2001 Nolan report.

The Nolan report was a significant milestone for the Roman Catholic Church because it examined the Church's child protection arrangements and made recommendations for structural and procedural reforms. Importantly, the report set out how the Church should respond to allegations of sexual abuse and recommended that the Church conduct a further review after five years. This led to the 2007 Cumberlege report which was intended to bring about further changes to child protection arrangements, placing greater emphasis on safeguarding. It is clear that whatever the state of child protection arrangements prior to 2002, the recommendations set out in these reports provided a clear direction for the Church. The recommendations were intended to bring about major reforms.

In March 1993, Samuel Penney was sentenced to seven and a half years' imprisonment for sexually abusing seven children who were members of the church where he was the parish priest. Other complainants have since come forward. His offending spanned the late 1960s to 1992. On a number of occasions, his offending was brought to the attention of the Archdiocese. Rather than make progress by facilitating an investigation and assisting any potential victims, Monsignor Daniel Leonard, the Vicar General in charge of investigating such allegations, attempted to make arrangements for Penney to leave the UK and evade arrest.

James Robinson was a serial child abuser. The Archdiocese's responses were characterised by failures to act. On one occasion when a complaint was made, Robinson was ultimately moved to another parish; when subsequent complaints were made, the police were not informed and there was no internal investigation. In May 1985, a victim confronted Robinson and recorded their conversation. Robinson knew the police had been informed of the allegation. The Archdiocese had also been informed of the nature of the complaint. Very shortly afterwards Robinson fled to the USA. Once settled there, Monsignor Leonard sought to suggest that Robinson was not a child abuser but someone against whom false allegations had been made. Although in 1993 there appeared to have been some recognition by Archbishop Couve de Murville of Robinson's behaviour, Robinson was nevertheless supported financially by the Archdiocese for the next seven years.

In 2003, the BBC broadcast an episode of the documentary 'Kenyon Confronts' entitled 'Secrets and Confessions'. The programme makers traced Robinson to a caravan park in the USA. After the programme was broadcast, Archbishop Vincent Nichols (the former Archbishop of Birmingham) issued a press release complaining about the tone of the programme and hostility to the Roman Catholic Church. While the Archbishop was entitled to express a view about the programme, he now recognises that he failed to give sufficient attention to the fact the programme gave a platform to those who had been abused. The effect of the press release, and subsequent publicity, was to defend the reputation of the Church rather than fully acknowledge the possibility of its shortcomings.

Robinson was able to remain in the USA until he was extradited in 2009. In 2010 he was convicted of 21 offences of child sexual abuse relating to four complainants. He was sentenced to 21 years' imprisonment. As with Penney, the Inquiry is aware that a number of other complainants have accused Robinson of abusing them.

The sexual abuse perpetrated by Penney and Robinson could have been stopped much earlier if the Archdiocese had not been driven by a determination to protect the reputation of the Church. In doing so, it sealed the fate of many victims whose trust was placed in these abusers. The plight of victims was ignored or swept under the carpet, allowing the perpetrators to carry on abusing, often for many years.

In 1957, Father Tolkien was alleged to have sexually abused Christopher Carrie, a 12-year-old boy. In 1993, Mr Carrie reported this to the then Archbishop of Birmingham, Archbishop Couve de Murville. The Archbishop made some notes which revealed that, in the mid 1960s, an allegation had also been made against Father Tolkien by a teenage Scout. The Archbishop advised Mr Carrie that Father Tolkien was soon to retire and added that, if the matter were reported to the police, the Archdiocese would cooperate with any investigation.

In 2001, the police commenced an investigation although the number of allegations that were investigated is now unclear. Due to his failing health, however, no charges relating to sexual abuse were brought against Father Tolkien, who died in early 2003. Further complainants were identified as being potential victims of Father Tolkien, including RC-A343 and RC-A348.

Mr Carrie and RC-A343 commenced civil claims against the Archdiocese which were settled without any finding of liability by a court. There have therefore been no formal findings against Father Tolkien. The Archdiocese cannot, however, absolve itself from any responsibility towards the complainants and should have taken action to manage the potential risks arising from Father Tolkien's conduct. An allegation was recorded as long ago

as the 1960s. This early warning put the Archdiocese on notice of the alleged wrongdoing. Recognising that his behaviour required some form of response, the Archdiocese sent Father Tolkien for treatment but no thought was apparently given to the potential consequences for children. In 1993, the Church was again alerted to the potential risk posed by Father Tolkien but once more failed to take appropriate action to ascertain whether other children might have been put at risk.

In 1985 RC-F167 was accused of sexually abusing two boys at the school where he taught. Following the allegation he resigned and applied to become a priest. As part of the application process, RC-F167 was asked why he resigned. Even though RC-F167 did not deny the allegations, the Archdiocese did not pursue the matter and did not properly consider whether he posed a risk to children. Many years later, in 1997, the two complainants reported the matter to the police but the criminal case did not proceed to trial. There have been no formal findings against RC-F167 but the Archdiocese required RC-F167 to undertake an assessment which concluded that he should not have unsupervised contact with children. RC-F167 was then alleged to have asked inappropriate questions of children during confession. He was placed on leave and retired from the priesthood.

In 2004, the Archdiocese of Birmingham was informed that RC-F167 was teaching again and the Archdiocese's safeguarding coordinator sought advice from the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA). What should have been a straightforward exercise turned into a long-running dispute between the Archdiocese of Birmingham and COPCA about the provision of RC-F167's name to COPCA – a matter which, in the spirit of cooperation, should have been resolved speedily. The Archdiocese did not appear to readily accept the role of COPCA in safeguarding, contrary to the Nolan recommendations.

The past response of the Archdiocese to child sexual abuse failed to recognise the harm and potential harm to children.

As the Archdiocese accepted:

*“This Inquiry has heard more than sufficient evidence to be satisfied that during the second half of the last century, the Archdiocese was responsible for a number of institutional failings which on occasions permitted the sexual abuse of children to continue when it might otherwise have been stopped ...”*

Archbishop Vincent Nichols described the steps taken to gain a better understanding of the lifelong and corrosive impact that child sexual abuse causes. In 2018, the current Archbishop of Birmingham, Archbishop Bernard Longley, commissioned a review of past cases to help learn lessons from failings and to deepen the Archdiocese's understanding of the effects of the abuse on the victims.

Following the Nolan report, there have been improvements in the way child sexual abuse allegations are handled and increased cooperation between the Archdiocese and the police and statutory agencies. Nevertheless, recent reviews conducted by the Archdiocese in 2018 have uncovered significant problems with record keeping and case management. One of the reviews – an independent audit of the Archdiocese's safeguarding arrangements – found that the current safeguarding team was not adequately supervised and was critical of the recording systems. The audit found it was difficult to follow what had happened from the

case files and ascertain what action had been taken. Despite the passage of time since the publication of the Nolan report – some 17 years have elapsed – there are still significant gaps in the Archdiocese’s child safeguarding arrangements.

This report on the Archdiocese of Birmingham case study forms part of the Inquiry’s wider investigation into the Roman Catholic Church. As part of that investigation there will be a hearing in late 2019 following which a further report, including any recommendations, will be published.

Part A

# Introduction

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# Introduction

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## A.1: The background to the investigation

1. The Archdiocese of Birmingham is one of the largest archdioceses within the Roman Catholic Church in England and Wales. Geographically, the Archdiocese covers Oxfordshire in the south of England to North Staffordshire, and from the east of Birmingham to the Welsh border. It serves a Catholic population of approximately 450,000 people.
2. In the mid 1990s, the Archdiocese of Birmingham was the subject of numerous allegations of child sexual abuse perpetrated by its clergy. There were a number of criminal cases, some of which resulted in lengthy prison sentences. Civil claims resulted in thousands of pounds in compensation being paid to victims and survivors.
3. The Roman Catholic Church has repeatedly apologised for its failures to protect children from sexual abuse and to respond properly to allegations. Most recently, in August 2018, Pope Francis acknowledged publicly the pain and suffering caused to children who had been sexually abused by priests and members of the clergy.<sup>1</sup>
4. The concerns and complaints about the Church's response to allegations of child sexual abuse have not arisen in a vacuum. Over the past 30 years, the Roman Catholic Church has commissioned a number of reviews to consider the ways in which it has handled allegations of child sexual abuse, including:
  - 4.1. the 2001 Nolan report, *A programme for action*<sup>2</sup>, the purpose of which was to "examine and review arrangements made for child protection and the prevention of abuse within the Catholic Church in England and Wales, and to make recommendations" and
  - 4.2. the Cumberlege Commission, which published its report *Safeguarding with Confidence: keeping children and vulnerable adults safe in the Catholic Church*<sup>3</sup> in 2007 and had as one of the main aims to "review the implementation of the Nolan Report both nationally and locally in the dioceses and religious congregations".
5. In addition to these national, Church-wide reviews, the Archdiocese of Birmingham was audited in 2010 by the Church's national advisory body, the Catholic Safeguarding Advisory Service<sup>4</sup> (CSAS). The audit concluded that the Archdiocese fell below the standard required in every area that it inspected.
6. It is against this background that the Archdiocese of Birmingham was selected by the Independent Inquiry into Child Sexual Abuse as one of two case studies<sup>5</sup> within the investigation into the extent of any institutional failures to protect children from sexual abuse within the Roman Catholic Church in England and Wales.

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<sup>1</sup> INQ002670

<sup>2</sup> CHC000053

<sup>3</sup> CHC000002

<sup>4</sup> An advisory service for the Roman Catholic Church in England and Wales in relation to safeguarding matters.

See <https://www.csas.uk.net>

<sup>5</sup> The other case study relates to the English Benedictine Congregation. The Inquiry has already held a public hearing and published its report concerning Ampleforth and Downside Abbeys and their respective schools (see <https://www.iicsa.org.uk/reports>).

## A.2: Scope of the investigation

7. The scope for this investigation is:<sup>6</sup>

*“3. As case studies, the Inquiry will investigate:*

*3.2. the Catholic Archdiocese of Birmingham and, consider, in particular:*

*3.2.1. the nature and extent of child sexual abuse by individuals associated with the Archdiocese;*

*3.2.2. the nature and extent of any failures of the Catholic Church, the Archdiocese, law enforcement agencies, prosecuting authorities, and/or other public authorities or statutory agencies to protect children from such abuse;*

*3.2.3. the adequacy of the response of the Catholic Church, including through the Roman Catholic Archdiocese of Birmingham, and the response of any other relevant institutions to allegations of child sexual abuse by individuals associated with the Archdiocese;*

*3.2.4. the extent to which the Catholic Church, including through the Archdiocese, sought to investigate, learn lessons, implement changes and provide support and reparations to victims and survivors, in response to:*

*a) allegations of child sexual abuse by individuals associated with the Archdiocese;*

*b) criminal investigations and prosecutions, civil litigation and other complaints relating to child sexual abuse by individuals associated with the Diocese;*

*c) investigations, reviews or inquiries into child sexual abuse within the Archdiocese;*

*d) disciplinary measures taken against clergy; and/or*

*e) other internal or external reviews or guidance.”*

8. To assist its examination of the institutional response, the Inquiry selected the cases of four individuals: Samuel Penney, James Robinson, Father John Tolkien and RC-F167. Penney and Robinson were former priests convicted of multiple offences of child sexual abuse. Father Tolkien and RC-F167 have been the subject of allegations of child sexual abuse but there have been no criminal or civil court findings made against them. These four cases enabled the Inquiry to consider the approach of the Archdiocese both before and after the Nolan and Cumberlege reports and to consider the circumstances in which the Archdiocese had contact with CSAS (and its predecessor, the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA)).

9. In 2018, the Archbishop of Birmingham, Archbishop Bernard Longley, commissioned three reviews into different aspects of safeguarding within the Archdiocese:

**9.1.** an examination of past cases for the Archdiocese of Birmingham,<sup>7</sup> conducted by Jan Pickles OBE;

<sup>6</sup> <https://www.iicsa.org.uk/investigations/investigation-into-failings-by-the-catholic-church?tab=scope>

<sup>7</sup> CHC001643

**9.2.** the parish review<sup>8</sup> conducted by Jan Pickles OBE, regarding the attitudes and abilities of clerical and lay members of parishes to contribute to the wider diocesan safeguarding agenda; and

**9.3.** an independent audit of the safeguarding arrangements within the Archdiocese, which was undertaken by the Social Care Institute for Excellence (SCIE) and was published in October 2018.<sup>9</sup>

These reviews concluded that, while there had been improvements in the way that the Archdiocese handled allegations of child sexual abuse, its current safeguarding team was overstretched and inadequately supervised. The SCIE review also found that there remains a perception that the Church still does not understand the impact of abuse on victims and their families.

**10.** One consequence of the reviews is that the Archdiocese has appointed an interim safeguarding strategic lead, Mr Andrew Haley, to help implement the changes recommended by the reviews. It is envisaged that these changes will take a minimum of six months to complete and the Archdiocese has publicly committed to keeping the Inquiry informed as to its progress.

**11.** The safeguarding team and the procedures adopted within the Archdiocese of Birmingham are in the process of undergoing significant change. The true impact of these changes will not be known until some time after the publication of this report. The Archdiocese will therefore need to satisfy itself that all necessary changes are put into effect and that there is sufficient monitoring and internal oversight of its safeguarding team.

**12.** In light of these recent reviews, and the fact that this case study is only one part of the Inquiry's investigation into the broader response of the Roman Catholic Church, this report will not make any recommendations on future safeguarding arrangements within the Archdiocese of Birmingham. The findings in this report will be used to inform the Inquiry about the topics and issues that are likely to arise within the wider Roman Catholic investigation. However, we expect the Archdiocese to reflect on this investigation report and take such steps as are necessary to protect children in the future.

**13.** Matters relating to child protection are not only the focus of reviews by the Archdiocese of Birmingham. On 24 September 2018, senior clergy in England and Wales announced that they have asked the National Catholic Safeguarding Commission to commission a review of safeguarding. In February 2019, the Pope convened a summit in Rome attended by senior members of the Church from around the world. The summit was focused on the 'Protection of Minors in the Church'.

### **A.3: Procedure adopted by the Inquiry**

**14.** The procedure adopted by the Inquiry is set out in Annex 1 to this report. Core participant status was granted under Rule 5 of the Inquiry Rules 2006 to 13 victims and survivors and seven institutions and other interested parties. The Inquiry held several preliminary hearings between July 2016 and September 2018, and then substantive public hearings over six days between 12 and 16 November 2018 and on 13 December 2018.

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<sup>8</sup> CHC001644

<sup>9</sup> CHC001649

**15.** The Inquiry received evidence from a number of sources. It heard accounts given by complainant core participants, including those whose statements were read or published. The complainant core participants provided the Inquiry with compelling accounts of the sexual abuse they suffered and the long-lasting effects that sexual abuse had on them. On behalf of the Archdiocese of Birmingham, the Inquiry heard evidence from Archbishop Vincent Nichols and Archbishop Bernard Longley, as well as the safeguarding coordinator, Jane Jones. The Inquiry also heard evidence from the former directors of COPCA and CSAS, Eileen Shearer and Adrian Child.

## A.4: Terminology

**16.** The Roman Catholic Church in England and Wales consists of a number of archdioceses and dioceses. An archdiocese is headed by an archbishop and a diocese by a bishop. The powers of an archbishop are the same as those of a bishop. References in this report to general matters relating to an archdiocese and an archbishop should therefore be read as also relating to a diocese and a bishop.

**17.** The language of the 2001 Nolan report was one of child protection; for example, in the creation of the post of child protection coordinator and the Child Protection Commission. The Cumberlege report introduced the concept of safeguarding and led to a change in the titles given to roles within the Archdiocese of Birmingham to that of safeguarding coordinator and the Safeguarding Commission. In this report, the Inquiry will use the title applicable at the relevant time. If general matters of child protection and safeguarding are referred to, the terms have been used interchangeably.

**18.** Many of the reports of child sexual abuse within the Archdiocese of Birmingham related to allegations of offences that were committed many years, if not decades, earlier. The Sexual Offences Act 1956 was then the predominant legislation and referred to offences of indecent assault<sup>10</sup> and buggery.<sup>11</sup> On 1 May 2004, the Sexual Offences Act 2003 came into force. This Act created a wide number of new offences. It included specific offences for sexual acts committed against children under 13, a new offence of 'meeting a child following sexual grooming'<sup>12</sup> and an increase in maximum sentences for a number of offences. It also replaced the offence of indecent assault with sexual assault, and a non-consensual act of buggery is now charged as rape.

### Modes of address

**19.** Following his tenure as Archbishop of Birmingham, Archbishop Vincent Nichols was installed as the Archbishop of Westminster in May 2009. In 2014 he became Cardinal. For the purposes of this report, he will be referred to as Archbishop Nichols. In relation to clergy, their full name will be used when first referred to and thereafter their title and surname only.

**20.** Following their respective convictions, Penney and Robinson were subject to the Church's internal disciplinary procedure which resulted in them being laicised (ie removed from the status of being a member of the clergy). The effect of that process is that they are no longer considered to be priests and are not entitled to call themselves or be referred to as 'Father'. For the purposes of this case study, they and any other laicised member of the clergy will be referred to by their full name without any religious prefix.

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<sup>10</sup> Sections 14 and 15, Sexual Offences Act 1956

<sup>11</sup> Section 12, Sexual Offences Act 1956

<sup>12</sup> Section 15, Sexual Offences Act 2003

## References

**21.** References in the footnotes of the report such as 'CHC00053' are to documents that have been adduced in evidence or posted on the Inquiry website. A reference such as 'Archbishop Longley 16 November 2018 1/1' is to the witness, the date he or she gave evidence, and the page and line reference within the relevant transcript (which are available on the Inquiry website).

**Part B**

# The Archdiocese of Birmingham

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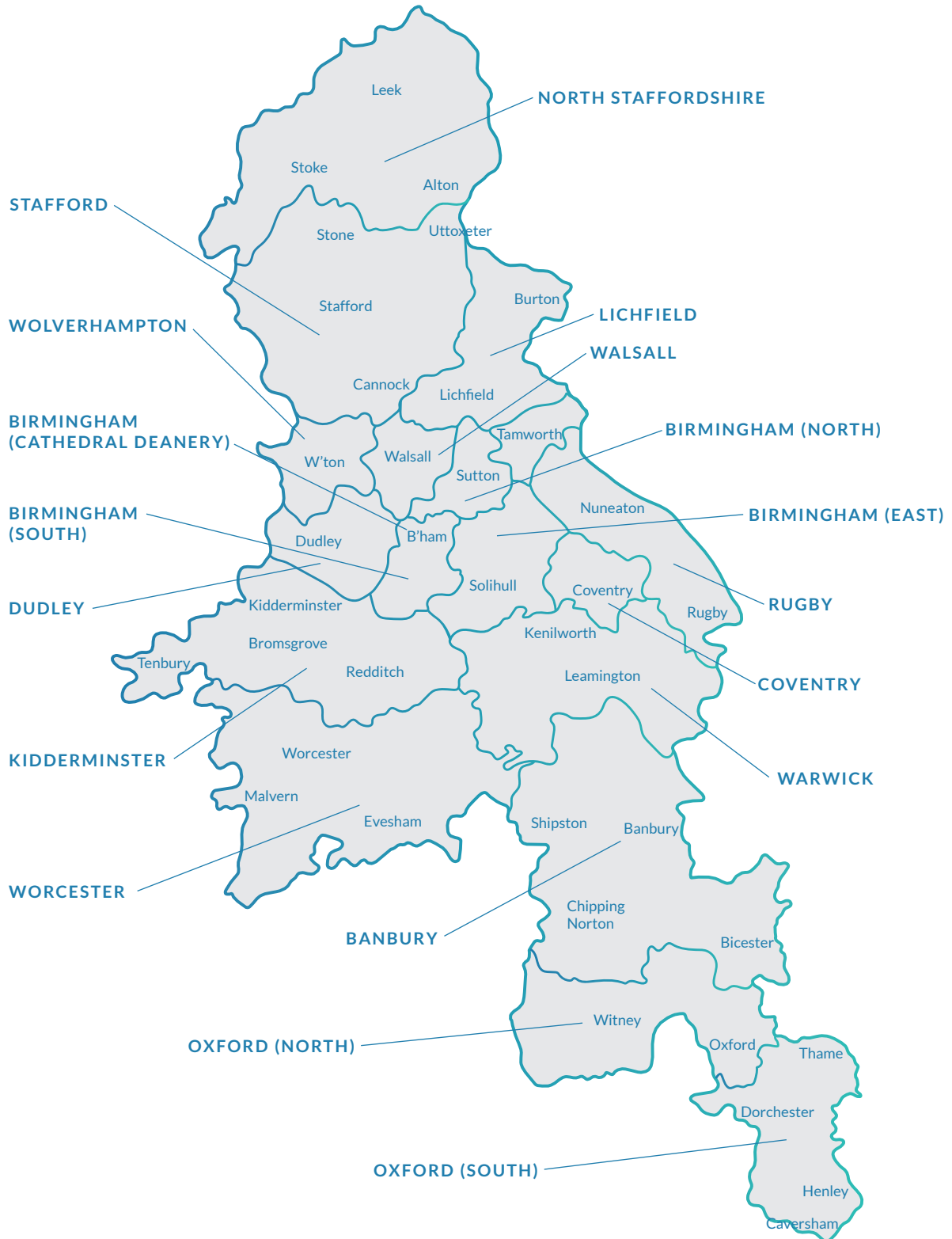
# The Archdiocese of Birmingham

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## **B.1: The structure of the Roman Catholic Church and the Archdiocese of Birmingham**

- 1.** The Pope is the head of the Roman Catholic Church. He is supported by a number of organisations and bodies that make up the Holy See, the central administration of the Roman Catholic Church which includes the Pope and the offices of the Vatican. The Roman Catholic Church is governed by a system of laws known as the Code of Canon Law. The current code is the 1983 Code of Canon Law.
- 2.** The Roman Catholic Church has local branches of the Church in the form of geographical areas known as dioceses and archdioceses. There are 22 dioceses and archdioceses in England and Wales. Within a diocese and archdiocese, the bishop or archbishop must abide by canon law but is otherwise autonomous. No archbishop in England and Wales has authority over any other archbishop, likewise with the bishops. An archbishop does not have authority over a bishop.
- 3.** Within each archdiocese or diocese, there are a number of parishes and each parish is served by a parish priest. The Archdiocese of Birmingham consists of approximately 225 parishes. As shown below, the Archdiocese of Birmingham covers a large geographical area.





Archdiocese of Birmingham deaneries

4. In 2014, Archbishop Vincent Nichols, the Archbishop of Westminster, was made a cardinal by Pope Francis. Cardinals usually also hold the rank of archbishop and together they form the College of Cardinals, whose primary responsibility is to elect a new pope. A cardinal does not have authority over an archbishop or bishop and so it is a misconception to refer to Cardinal Nichols as the 'head' of the Roman Catholic Church in England and Wales.
5. All of the archbishops and bishops in England and Wales are collectively known as the 'Catholic Bishops' Conference for England and Wales' (the Conference). The Conference meets twice a year. The current President of the Conference is the Archbishop of Westminster, Archbishop Nichols. If the Conference wishes to pass a law applicable in England and Wales then approval must be sought from the Holy See. However, if the Pope wishes to issue a directive he will issue it directly to the individual archbishop or bishop.
6. In an archdiocese as large as Birmingham, the archbishop has great responsibility and power. The current incumbent, Archbishop Bernard Longley, is assisted by auxiliary bishops who help him serve the archdiocese.
7. In relation to matters of child protection and safeguarding, the recommendations in the Nolan and Cumberlege reports proposed many changes to the way the Church handled allegations of child sexual abuse. However, as Archbishop Longley said, responsibility for safeguarding within the Archdiocese of Birmingham rests with him.<sup>13</sup>

## Religious orders

8. There are now 60 Roman Catholic religious orders (also referred to as religious institutes or religious congregations) operating within the Archdiocese of Birmingham. These range in size from an order with two religious sisters to orders containing 25 to 30 members. A religious order cannot operate within an archdiocese or diocese without the permission of the archbishop or bishop. However, each religious order is governed by its own constitution and the archbishop is required by canon law to respect the right of the religious order to self-govern.
9. Since 2013, it has been the policy within the Archdiocese of Birmingham that any religious order operating within it must be aligned to either the Birmingham Safeguarding Commission or another safeguarding commission. Archbishop Longley told us that this was to ensure that national policies would be followed and to demonstrate the Archdiocese's commitment to following the 'One Church' policy that was advocated by the Cumberlege review.<sup>14</sup> Archbishop Longley stated that although he could not compel an order to align with a safeguarding commission, he does have the power to revoke permission for that order to remain within the Archdiocese. This is not a power he has ever had to use and he stated that all 60 orders within his Archdiocese are aligned to a safeguarding commission.

## Historic response to allegations of child sexual abuse

10. Before the late 1990s, when allegations of child sexual abuse were made against a member of the clergy within the Archdiocese of Birmingham, the Archbishop and the Vicar General<sup>15</sup> were informed. Both were responsible for investigating the allegation and then

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<sup>13</sup> Archbishop Longley 16 November 2018 12/16

<sup>14</sup> Archbishop Longley 16 November 2018 33/13-25

<sup>15</sup> The Vicar General is responsible for the welfare of the clergy including responsibility for clergy discipline.

taking whatever action was considered necessary.<sup>16</sup> However, this process lacked formality and there was no set procedure for how an investigation should be handled. Although in some instances notes of a complaint were made and kept on an individual's personal file, some files contained scant detail about the allegation and any subsequent investigation.

## B.2: Prevalence and scale

**11.** In order to consider the nature and extent of child sexual abuse by individuals associated with the Archdiocese, the Inquiry prepared a schedule of allegations.<sup>17</sup> This schedule sets out the number of allegations, a brief description of the allegation and the outcome (where known). Where a perpetrator abused or allegedly abused a number of children, there is a separate entry for each victim or complainant.

**12.** In total, between the mid 1930s and 2018, there were no fewer than 78 individuals associated with the Archdiocese who were the subject of at least 134 allegations of child sexual abuse.<sup>18</sup> In a great number of cases, by the time the allegation was reported to either the Archdiocese, the police or another statutory agency, the perpetrator had died. Of those individuals who could be prosecuted, 13 individuals were convicted and three individuals were cautioned.<sup>19</sup> The vast majority of those who faced such allegations were priests and deacons.

**13.** The schedule depicts only what the documents reviewed by the Inquiry say about the scale of offending and allegations. The documents came from several different sources, spanned a number of decades, and were in some parts difficult to decipher. On that basis, the schedule should not be considered a definitive list of all allegations and actual abuse committed within the Archdiocese of Birmingham. Some entries may relate to the same allegation where, for example, different institutions have recorded the same allegation differently. Equally, given the poor quality of some of the records provided, it could not be said with confidence that every allegation ever made has been captured. Indeed it is likely that the true scale of the allegations and offending is far higher than that set out in the schedule.

**14.** In any event, it is clear that serious allegations of child sexual abuse were reported to the Archdiocese decade after decade. Most reports to the police or the Archdiocese were made from the late 1990s onwards, with the majority of allegations relating to incidents that occurred in the 1960s and 1970s.

**15.** The schedule cannot convey the devastating impact that child sexual abuse can have on the victims and complainants. The Inquiry considered with care the statements of those complainant core participants whose evidence was either read at the public hearing or published. The accounts describe the many ways in which the abuse has affected them. RC-A491, who was sexually abused at Croome Court (a children's home run by the Archdiocese), told us that he was "*robbed of that childhood*".<sup>20</sup> RC-A493, who was also sexually abused at Croome Court, said that the abuse made him angry, aggressive, and unable to trust people. To this day it gives him "*such bad nightmares that I cannot sleep*

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<sup>16</sup> [CHC000585\\_034](#)

<sup>17</sup> [INQ003537](#)

<sup>18</sup> [INQ003537](#)

<sup>19</sup> A caution is a formal warning issued by the police where the offender admits they have committed the crime.

<sup>20</sup> [RC-A491 INQ001723\\_019](#)

*through the night*".<sup>21</sup> RC-A1, another victim of sexual abuse at Croome Court, self-harmed from childhood into adulthood and is now diagnosed with post traumatic stress disorder, requiring lifelong treatment and care.<sup>22</sup>

**16.** It is against the background of such a large number of allegations and such widespread abuse that the Inquiry selected the four individual cases (Samuel Penney, James Robinson, Father John Tolkien and RC-F167) through which to examine the response of the Archdiocese of Birmingham.

### **B.3: Samuel Penney**

**17.** On 16 March 1993, Samuel Penney pleaded guilty to 10 offences of indecent assault against seven boys and girls.<sup>23</sup> He was sentenced to seven and a half years' imprisonment. The victims of these offences all belonged to two families who worshipped in parishes where Penney was the parish priest. The victims were abused on multiple occasions – the children from one family between November 1969 and May 1982, and those from the second family between April 1989 and June 1992.

**18.** Samuel Penney's abuse did not stop with those seven victims. The Inquiry received evidence from RC-A15 and Eamonn Flanagan who alleged that Penney had also abused them. The Archdiocese of Birmingham also received compensation claims from two other men, RC-A247 (who received £6,000)<sup>24</sup> and RC-A465 (who did not pursue his claim).<sup>25</sup>

**19.** Born in Ireland in 1939, Penney became a priest in March 1967. He was laicised in November 2006.<sup>26</sup> He was by all accounts a charismatic man<sup>27</sup> praised for his enthusiasm. He engaged the children of the parishes in youth clubs and trips.<sup>28</sup> Between 1967 and 1991, he served in at least four parishes.

#### **The 1980s**

**20.** The Archdiocese first became aware of concerns about Penney in 1980, when he was affiliated to St Joseph's primary school in Stourbridge. In March 1980, the headteacher wrote to a monsignor in the Archdiocese complaining that Penney was interfering in the internal workings of the school. In that letter, the headteacher wrote:

*"His power over the children now is such that what he says overrides and interferes with the teachers' authority. He enters classrooms and interrupts lessons to discuss football. He is interviewing children privately during class time and has forbidden them to divulge the nature of the matter discussed between them. Concerning this he was very abusive to the class teacher. On more than one occasion he has been openly hostile to me."*<sup>29</sup>

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<sup>21</sup> RC-A493 INQ001707\_018

<sup>22</sup> RC-A1 INQ002669\_026

<sup>23</sup> CHC000299\_086-122

<sup>24</sup> CHC001533\_025-029

<sup>25</sup> CHC001533\_025-029

<sup>26</sup> CHC000299\_012

<sup>27</sup> Eamonn Flanagan INQ002767\_3

<sup>28</sup> RC-A15 12 November 2018 145/8-24

<sup>29</sup> CHC001143\_016

**21.** This description of Penney’s behaviour demonstrates his determination to ignore boundaries. As the allegations began to mount, the Inquiry heard no evidence that the Archdiocese referred back to previous concerns or complaints. This letter was on Penney’s file and ought to have been considered as the complaints came to light.

**22.** RC-A15 said he first met Penney in the 1980s, when he was under 13 years old and Penney became his parish priest. On one occasion, Penney organised a camping trip to Rhyl and RC-A15 went along. On the fourth night of the trip, Penney made RC-A15 sleep next to him. In the middle of the night, RC-A15 woke to find Penney touching his genitals. RC-A15 described it as a “*shocking moment*”.<sup>30</sup> About a week later, Penney organised a sleepover at the Presbytery and RC-A15 stayed in Penney’s room. Penney asked RC-A15 to get into bed with him for “*a cuddle*”. Although RC-A15 refused, he explained that Penney spent two hours trying to persuade him, before telling RC-A15 “*I trust you are adult enough not to tell your parents about this*”.<sup>31</sup>

**23.** In fact RC-A15 did speak to his mother. Although he did not tell her about the abuse on the camping trip, he told her that he thought Penney was “*gay*” because, as he told us, he did not know the word paedophile. He also told his mother about what happened in the Presbytery at the sleepover.

**24.** RC-A15’s mother confronted Penney.<sup>32</sup> She told him what RC-A15 had told her and Penney accused RC-A15 of exaggerating. She said:

*“He made me feel I was misinterpreting something that was wholly innocent. He said things like ‘what are you implying, it was just for a cuddle and nothing more’ ... My overriding emotion was anger. I could see he was a liar and an arch manipulator.”*<sup>33</sup>

**25.** RC-A15’s mother tried to speak to Archbishop Maurice Couve de Murville, the then Archbishop of Birmingham. She was told that Monsignor Daniel Leonard, the Vicar General, would be in contact with her. RC-A15’s mother and her husband then met with Monsignor Leonard. Monsignor Leonard asked her to describe what had happened to her son without naming the priest. She did so, and at the end said “*you know who I am talking about don’t you?*” Monsignor Leonard nodded. When she confirmed that she was talking about Penney, he showed no surprise. She asked if this had happened before, and Monsignor Leonard nodded and looked embarrassed.<sup>34</sup> The Inquiry has not seen any documentation relating to an allegation of child sexual abuse made prior to RC-A15’s complaint.

**26.** Monsignor Leonard told her that the Church would deal with the matter, that Penney would be moved from the parish and would not be allowed contact with children. Penney was moved to Olton Friary. The Superior of the Friary was told that Penney had been accused of making an improper suggestion to a young boy.<sup>35</sup> Clearly this did not accurately reflect what RC-A15’s mother told Monsignor Leonard. Penney spent several months at the Friary and when the time came for him to leave he asked Archbishop Couve de Murville to return him to a parish. The then Superior at Olton Friary, the Very Reverend Sheridan,

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<sup>30</sup> RC-A15 12 November 2018 148/16-25

<sup>31</sup> RC-A15 12 November 2018 150/15-152/18

<sup>32</sup> RC-A15’s mother INQ001749\_003

<sup>33</sup> RC-A15’s mother INQ001749\_003

<sup>34</sup> RC-A15’s mother INQ001749\_004

<sup>35</sup> CHC001145\_023

said that based on Penney's conduct at the friary he could see "*no reason why I should not support this*".<sup>36</sup> In March 1985, Archbishop Couve de Murville appointed Penney to a parish in Nechells in Birmingham. While at that parish, he went on to sexually abuse more children.

**27.** Some years later, in 1992, RC-A15's mother was contacted by the BBC, which was making an 'Everyman' documentary about Penney. RC-A15's mother agreed to be interviewed for the programme because she wanted "*to make the church better*".<sup>37</sup> She watched the programme, which included an interview with Archbishop Couve de Murville who said that she had only alleged "*too close an association; she never complained about sexual abuse*".<sup>38</sup> During the programme the Archbishop was challenged with RC-A15's mother's account and he replied "*That is not the truth as we see it*". She described being "*appalled that an Archbishop could twist the truth of what I had reported in such a way*".<sup>39</sup>

**28.** In 1986, RC-A247 made a complaint to Malvern Police. He alleged that, in 1982, Penney had touched his genitals when they had been swimming. He also alleged that Penney had sexually abused him on occasions when he stayed overnight at the Presbytery. RC-A247 was under 13 at the time. No police documentation now exists about this complaint.<sup>40</sup> In a press release in May 1993, the Archdiocese said that neither the complainant nor Penney nor the police had made the Church aware of this investigation.<sup>41</sup> This incident demonstrates a lack of information sharing between the police and the Church. Had either institution shared information properly, this may have caused the police and the Church to take further steps to investigate the allegations surrounding Penney.

## The 1990s

**29.** In May 1990, the parents of Eamonn Flanagan (a core participant in this investigation who has waived his right to anonymity) told their parish priest, Father Pat Browne, that Penney had abused their son. Father Browne was advised by Bishop Philip Pargeter to tell the Vicar General, Monsignor Leonard. In a letter written in 1994, Bishop Pargeter said he knew that Father Browne did raise it with Monsignor Leonard.<sup>42</sup> It is likely that no action was taken by Monsignor Leonard. By this time, Penney was parish priest at St Joseph's in Nechells and was abusing two victims (RC-A357 and RC-A360).

**30.** On 1 July 1991, Eamonn Flanagan told Bishop Pargeter, in person, that Penney had sexually abused him in the mid 1970s. The abuse included Penney kissing and masturbating him on numerous occasions over a number of years, including three or four occasions whilst Penney was at Olton Friary.<sup>43</sup> At that time, Mr Flanagan did not want to report the matter to the police or for Penney to be removed from the priesthood. He simply wanted Penney to be stopped from parish work and not to have contact with children.<sup>44</sup> By 16 July 1991, Bishop Pargeter wrote to Mr Flanagan saying that the matter had been resolved and all the conditions asked for had been met.<sup>45</sup>

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<sup>36</sup> [CHC001145\\_023](#)

<sup>37</sup> [RC-A15's mother INQ001749\\_005](#)

<sup>38</sup> [RC-A15's mother INQ001749\\_005](#)

<sup>39</sup> [RC-A15's mother INQ001749\\_006](#)

<sup>40</sup> [CHC001507\\_006](#)

<sup>41</sup> [CHC001123\\_004](#)

<sup>42</sup> [CHC001125\\_093](#)

<sup>43</sup> [Eamonn Flanagan INQ002767\\_4-5](#)

<sup>44</sup> [Eamonn Flanagan INQ002767\\_8](#)

<sup>45</sup> [CHC001240\\_009](#)

- 31.** It is not entirely clear what happened to Penney in the immediate aftermath of Mr Flanagan’s complaint, but he may have gone to a retreat house in Scotland.<sup>46</sup> The May 1993 press release by the Archdiocese stated that Penney was warned not to have any future contact with the parish and to cancel his future engagements.<sup>47</sup> It is evident that the matter was not reported to the police.
- 32.** By September 1991, Penney had been sent to Heronbrook House, a therapeutic centre for clergy and members of religious congregations. He underwent a psychiatric assessment, which concluded that he would benefit from a period of residential treatment.<sup>48</sup> Funded by the Archdiocese, Penney was under the care of Heronbrook from approximately November 1991 to May 1992.
- 33.** However, Heronbrook was not a secure unit and Penney was free to leave when he wanted.<sup>49</sup> He did leave and, in direct contravention of the Archdiocese’s wishes, returned to Nechells and stayed in RC-A357 parents’ home. Whilst a guest there, he sexually abused RC-A357. The abuse occurred on a number of occasions.<sup>50</sup> Penney had told RC-A357’s parents not to tell those at Archbishops’ House that he was planning to visit.
- 34.** In June 1992, Archbishop Couve de Murville dispensed Penney from the ‘obligations of the priesthood’ (ie stopped him from working as a priest).<sup>51</sup> That same month Penney left Heronbrook and was committed to the Gracewell Institute, a clinic that provided treatment for those accused or convicted of child sexual abuse.<sup>52</sup>
- 35.** Whilst he was at Gracewell, Monsignor Leonard contemplated making arrangements for Penney to leave the Gracewell Institute and flee to America. These proposed arrangements only came to light in December 2018 after the Inquiry had concluded the first five days of evidence at the public hearing. Father Gerard Doyle had been watching the public hearing and the evidence in relation to Penney triggered his memory.
- 36.** Father Doyle recalled that in the early 1990s, Monsignor Leonard rang him and asked him to dress in lay clothes and go to Gracewell. Father Doyle was, at that time, a young parish priest in Wolverhampton. Father Doyle was told to tell Penney that he was about to be arrested and so should make his way to Ireland and, from there, to the USA. He was told to give Penney several hundred pounds. Father Doyle said that this request came ‘out of the blue’. He did not know what Penney was going to be arrested for but said:
- “For the Vicar General to be phoning me was in some ways like receiving a phone call from God, in that we held him in the highest regard ... at that time it was not acceptable for a young priest to refuse instructions from the Vicar General.”<sup>53</sup>*
- 37.** Father Doyle was in a state of shock and so told his housekeeper what he had been asked to do. He said that he knew what he was being asked to do was “wrong”<sup>54</sup> but before he had a chance to ring Monsignor Leonard back, Monsignor Leonard rang him. Monsignor Leonard said that he should not go to Gracewell, but should instead visit Penney’s sister and

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<sup>46</sup> CHC001125\_009

<sup>47</sup> CHC001123\_003

<sup>48</sup> CHC001137\_015

<sup>49</sup> CHC001129\_002

<sup>50</sup> Penney subsequently pleaded guilty to abusing RC-A357 during the time when he was resident at Heronbrook.

<sup>51</sup> CHC001129\_001

<sup>52</sup> CHC001129\_002

<sup>53</sup> CHC001677\_003

<sup>54</sup> CHC001677\_003-004



tell her that her brother was about to be arrested. Father Doyle complied to the extent that he telephoned Penney's sister and told her of the impending police action. Father Doyle did not know what Penney's sister did with this information, but Penney remained at Gracewell until his Court appearance in March 1993.

**38.** There were a number of failures in the institutional responses in Penney's case:

**38.1.** In 1984, RC-A15's mother told Monsignor Leonard that Penney had abused her son. The only action taken by the Archdiocese was to move Penney to Olton Friary and from there on to a different parish.

**38.2.** In 1986, the police failed to take more decisive action against Penney when they did not tell the Archdiocese that Penney had been arrested on suspicion of sexually abusing RC-A247.

**38.3.** In 1990, when Eamonn Flanagan reported to the Church that he had been abused by Penney, Penney was sent to Heronbrook House but was still able to continue committing acts of child sexual abuse.

**38.4.** In 1991, given the evidence of Father Doyle, it is clear that Monsignor Leonard contemplated making efforts for Penney to evade arrest.

**39.** Action could have been taken by the Archdiocese in the 1980s and early 1990s which might have prevented Penney from abusing other children. On each occasion that Penney's abuse was reported, it seems little, if any, thought was given to victims, both past and future. Monsignor Leonard simply sought to move Penney on, after treatment, to another parish. Whatever his reasons for doing so, the consequence was to allow Penney to continue sexually abusing children.

## **B.4: James Robinson**

**40.** James Robinson was born in Ireland in the late 1930s.<sup>55</sup> He was a trained professional boxer.<sup>56</sup> He rode a motorbike<sup>57</sup> and drove a sports car. He was seen by many of his young victims as a role model. He studied for the priesthood at Oscott College in the Archdiocese of Birmingham and was ordained in 1971.<sup>58</sup> Concerns about Robinson surfaced shortly after his ordination. However, based on the testimony of RC-A33<sup>59</sup> and RC-A324,<sup>60</sup> it seems he started abusing children before and during his training for the priesthood.

**41.** On 22 October 2010, Robinson was found guilty of 21 offences of child sexual abuse.<sup>61</sup> The offences related to four male complainants<sup>62</sup> and included offences of buggery and attempted buggery, indecent assaults and indecency with a child.<sup>63</sup> During the trial two further complainants gave evidence but, for legal reasons, could not be added as formal charges to the indictment. The verdicts brought to an end significant efforts by his victims, including a number of complainant core participants, to bring Robinson to justice.

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<sup>55</sup> CHC000246\_044

<sup>56</sup> CHC001037\_002-004

<sup>57</sup> CHC001037\_002-004

<sup>58</sup> CHC000246\_044

<sup>59</sup> CHC001037\_002-004

<sup>60</sup> OHY005330\_002

<sup>61</sup> CHC000243\_048

<sup>62</sup> CHC001224\_006

<sup>63</sup> OHY005370\_003

42. Robinson was sentenced to 21 years' imprisonment.<sup>64</sup> Although the laicisation process began in 2011,<sup>65</sup> Robinson was not laicised until February 2018.<sup>66</sup>

43. In addition to those complainants who featured in the criminal case, the Archdiocese is now aware of at least three other complaints of child sexual abuse against Robinson.<sup>67</sup>

## The 1960s

44. In the early 1960s, Robinson would take RC-A324 (who was then under 13 years old) out for a drive in his sports car.<sup>68</sup> This was just before Robinson started his training to become a priest. RC-A324 went to Robinson's mother's house and it was whilst staying over at her house that RC-A324 was first sexually abused. RC-A324 was abused, including being anally raped, on a number of subsequent occasions and the abuse continued until Robinson joined the seminary in 1964. Robinson told RC-A324 "*I did this 'cause I love you, it's our secret you must never tell anyone*".<sup>69</sup> It was not until 1998 that RC-A324 first told anyone that he had been abused.

45. While he was training to be a priest, Robinson repeatedly sexually assaulted RC-A33 (who was under 13 years old).<sup>70</sup> Robinson developed a relationship with RC-A33's family such that RC-A33 was encouraged to go out on motorbike rides with Robinson. Whilst on those rides, Robinson would take RC-A33 to his (Robinson's) mother's house and sexually abuse him. The abuse occurred about twice a week over the course of three months. RC-A33 did not tell anyone about the abuse. As he saw it, "*I was just a lad, nothing special, a nobody, my word against his. I remember thinking to myself, I mustn't tell anyone because, they would not believe me*".<sup>71</sup> RC-A33 did not tell anyone about the abuse until the mid 1980s when he told his wife and stepson.

## The 1970s

46. In the early 1970s, Robinson took RC-A31 (then aged under 13) and his brother out for car rides. Robinson progressed to taking RC-A31 out on his own and started to abuse him by touching his genitals over clothing. From then until the mid 1970s, Robinson abused RC-A31 by touching him, masturbating him and anally raping him. RC-A31 was a young teenager at the time. The abuse occurred in Robinson's car, at Robinson's mother's house and at RC-A31's own home. During the period when the abuse was going on, RC-A31 told a priest during confession what Robinson was doing to him but he did not tell anyone else. The effect of the abuse on RC-A31 was plain to see; as RC-A31 himself said, it "*has destroyed my life*".<sup>72</sup>

47. A further victim came to light. In 1972 RC-A347 told his friend, RC-A350,<sup>73</sup> that he had been abused by Robinson when Robinson visited Father Hudson's Home<sup>74</sup> in Coleshill, Birmingham. The abuse started in the 1960s when RC-A347 was under 13 years old. The next day, RC-A350 states he reported what he had been told to Canon McCartie, the administrator of St Chad's Cathedral in Birmingham. RC-A350 informed the Inquiry that,

<sup>64</sup> CHC000243\_048

<sup>65</sup> CHC001035\_37

<sup>66</sup> CHC000599\_002

<sup>67</sup> CHC001532

<sup>68</sup> OHY005337\_003

<sup>69</sup> OHY005337\_004

<sup>70</sup> INQ002640

<sup>71</sup> INQ002640\_003

<sup>72</sup> RC-A31\_13 November 38/16

<sup>73</sup> RC-A350 had himself been abused by (Father) Eric Taylor whilst in care at Father Hudson's Home.

<sup>74</sup> Father Hudson's Home was a children's home run by Father Hudson's Society, the social care agency of the Archdiocese.

a short while after this, he told three other adults connected with the Archdiocese about Robinson's abuse of RC-A347. The Inquiry has no knowledge of what action, if any, may have been taken by the four individuals to whom RC-A350 had spoken.

**48.** According to RC-A350, in 1977 he personally informed Archbishop George Dwyer (the then Archbishop of Birmingham) of RC-A347's allegations. He asked the Archbishop what action had been or would be taken against Robinson. RC-A350 said Archbishop Dwyer told him that the Church was dealing with the matter "*in its own way*".<sup>75</sup> Archbishop Dwyer died in 1987. There is no record of the Archbishop's response nor is there a record as to whether he informed the police.

## The 1980s

**49.** In 1980 or 1981, Robinson began sexually abusing RC-A337. By this time, Robinson was an assistant priest at St Elizabeth's Church in Coventry, where RC-A337 and his family worshipped. The abuse included Robinson attempting to bugger RC-A337, acts of masturbation and making RC-A337 perform oral sex on him. The abuse occurred approximately twice a week for a period of 18 to 24 months when RC-A337 was in his early teens.<sup>76</sup> RC-A337 eventually told his aunt that he did not want to see Robinson again but did not say why. RC-A337's aunt told Robinson to stop contacting her nephew and to stay away from him. Robinson did not comply and instead arranged to meet RC-A337. When RC-A337 did not attend the meeting, Robinson then wrote to RC-A337.

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<sup>75</sup> CHC000611\_093

<sup>76</sup> OHY005332

Hi RC-A337  
 Just in case I do not see you, but if I don't I will be very dissappointed as I look forward to seeing you. It has been so long, three months, and all I have had is a few words with you and I couldn't really say anything. That's no good. As I said, I thought that you had finished with me as I had had no phone call, or not a letter for three months. It is easy as I said to forget especially as I am not around. But you must keep in some contact and if that phone or any other phone is available to phone me. If I am not in just say you called and that will put my mind at rest. Or write that letter and say what you want to say. You must make a special effort and not forget. You have to do this if you still think anything of me. This is the only way I will know. I had got tickets for Davis and Griffiths snooker match but I couldn't get in touch to take you as you didn't phone or write so I had to scrap the tickets. I can arrange with you only if you phone then we can work something out. You have to taken no notice of anything and they can't rule your life, you must be allowed to do what you want to do and have your happiness. You have done nothing and neither have I, and you shouldn't have to pay for anything. Name Redacted you can trust and the girls, so if you want anything just pass on the message to them. Name Redacted will also tell you and advise you what is best. She is very good and knows how you have been hurt and wants to make up for it. If you can't get a letter out give it to her and she will post, or go and phone from her house. I am sure you can make the excuse if you wish and IF you want to. Sorry for all the undercover work, but that is how it is. It will all work out in the end you see for the good, but you must do your part. I can only do so much and I have done as much as I could do now, the rest has to come from you. The Name Redacted sent their love. I guess youx will be getting a card from Name Redacted. Not all is lost, IF you want it not to be lost, but it takes two. I do miss you and miss caring for you.  
RIP THIS UP AND REMEMBER. Take care. U&M always.  
Remember: I will be here until around January 0th and then will get a break at home. Pop over to see me. Get on a bus to Rubery, or catch the train to Longbridge. Anyone will direct you here. I will take you back.

Robinson's letter to RC-A337

50. RC-A337's aunt showed the letter to Father Hanlon, the parish priest at St Elizabeth's, who called it "a funny little letter".<sup>77</sup> He asked her not to take the matter further and said he would deal with it. RC-A337's aunt recalled that, shortly after this, Robinson left her parish. Records confirm that in August 1982 Robinson moved to Our Lady, Rednal. Father Hanlon died in 2014. There is no record of whether Father Hanlon reported the matter to the police.

51. In late autumn 1984, Robinson became unwell and was away from his parish for many months. To assist his physical recovery, Robinson made tentative plans to move to the USA. It appears that those plans were accelerated as a result of RC-A31's complaint.

<sup>77</sup> OHY005767\_26

**52.** On 5 May 1985, RC-A31 (now in his mid twenties) attended Digbeth Police Station. He told the police that Robinson had abused him and arrangements were made for officers to take a full statement from RC-A31 on a future date. RC-A31 left the police station and went straightaway to visit Father Sean Grady in Small Heath, Birmingham and told him about the abuse. Father Grady said to RC-A31 to 'leave the matter with him'. Father Grady met Monsignor Leonard and told him of RC-A31's complaint. According to Father Grady, Monsignor Leonard was "upset and angry. He felt that if the accusation were true, it would be a big scandal for the diocese".<sup>78</sup> Monsignor Leonard said he would speak to Robinson.<sup>79</sup>

**53.** On 7 May 1985, RC-A31 confronted Robinson and tape recorded the conversation. One copy of the tape was given to the police in 1985 but was subsequently lost. Another copy was kept by a friend of RC-A31. The Inquiry has been provided with a transcript<sup>80</sup> of their conversation. Robinson did not deny that he had been in a 'relationship' with RC-A31.

*RC-A31: "... You must admit that was a pretty strange start in life. Strange as unusual for a child to get involved in a gay affair at the age of under 13 and carry it on for six years."*

*Robinson: "It wasn't a gay affair, though, was it?"*

*RC-A31: "How do you mean? What, you don't regard yourself as gay then? Well, I don't mind saying I will never know really, will I? I don't mind if I am gay, I don't mind if I am. I fell in love with a woman."*

*Robinson: "It was just something that happened ... That is why I'm saying it happened at the time. I can't explain, it happened and it was finished and we put it to bed."<sup>81</sup>*

**54.** The next day RC-A31 telephoned Robinson to tell him he had been to the police. RC-A31 then told his parents. RC-A31 also told Father Grady about the tape recording, which Father Grady then discussed with Monsignor Leonard. Monsignor Leonard said he would confront Robinson again. A short time later, Father Grady told RC-A31 and his parents that the matter had been referred to Monsignor Leonard, and that Robinson was being removed from his parish.

**55.** On 14 May 1985, RC-A31 made his statement to the police and recounted the abuse he had suffered. He also stated that he did not want to attend court or give evidence.<sup>82</sup> RC-A31 said he never heard anything further from the police.

**56.** Robinson's precise movements between May and September 1985 are not known. A note in Robinson's file suggests that Robinson arrived in the USA on 16 May 1985.<sup>83</sup>

**57.** It was not until September 1985 that Archbishop Couve de Murville wrote to formally approve Robinson's request to work as a priest in the USA. As part of the move, on 2 October 1985, Monsignor Leonard wrote to his counterpart in the USA:

*"The immediate reason for his being in the United States just now is that a few months ago he met a man with whom he had an unwholesome relationship about thirteen years*

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<sup>78</sup> CHC000611\_029

<sup>79</sup> CHC000611\_029

<sup>80</sup> INQ002478\_007-012

<sup>81</sup> INQ002478\_007-012

<sup>82</sup> INQ002477\_004

<sup>83</sup> CHC000246\_277



*ago. We have no reason to believe that there has been any recurrence of this problem, but Father Robinson says that he would feel safer a long distance away and untraceable by this man.”<sup>84</sup>*

**58.** On 15 October 1985, the Archdiocese of Los Angeles wrote to Robinson informing him that they wanted him to return to Birmingham, or at the very least leave their Archdiocese.<sup>85</sup> In December 1985, Archbishop Couve de Murville personally wrote to the Archbishop of Los Angeles asking for Robinson to remain in California, stating *“how beneficial it would be for him if you could see your way to continuing the arrangement for a further period”*.<sup>86</sup> As a result of the lack of documentation from 1985, the Inquiry cannot now ascertain whether Archbishop Couve de Murville (who died in 2007) knew of RC-A31’s allegations at the time Robinson left for America.

**59.** Robinson continued to deny the allegations<sup>87</sup> and wrote to Monsignor Leonard asking him to clarify to the Archdiocese of Los Angeles that the accusations remained just that.<sup>88</sup> In light of that request, on 6 February 1986, Monsignor Leonard wrote to Monsignor Curry:

*“In view of the fact that Father Robinson has proved to be a completely open and uncomplicated priest since his ordination in 1971, I have no doubt about the accuracy of the account he has given you in maintaining that the alleged relationship with a man was an entirely false accusation.”<sup>89</sup>*

**60.** Thereafter, Robinson was allowed to stay in the Archdiocese of Los Angeles until his extradition in 2009.

**61.** Robinson knew about RC-A31’s allegations from both his meeting with RC-A31 and his meeting (or meetings) with Monsignor Leonard. RC-A31 explicitly told Robinson that he had reported the matter to the police. There is no evidence that Monsignor Leonard (or anyone else in the Archdiocese) ‘tipped off’ Robinson that there was an impending police investigation and asked him to leave the UK.

**62.** In light of Father Doyle’s evidence in the Penney case however, it remains a possibility that Monsignor Leonard did encourage Robinson to flee. In any event, having been told of RC-A31’s complaint, Robinson hastily arranged to go to America and Monsignor Leonard’s correspondence with the Archdiocese of Los Angeles clearly assisted Robinson to remain in the USA.

**63.** Monsignor Leonard’s description of RC-A31’s abuse as an *“unwholesome relationship”* sought to minimise the seriousness of what had happened. RC-A31 had been sexually abused when he was still a child and Monsignor Leonard knew this.<sup>90</sup> His description of the abuse was as inexcusable in 1985 as it would be today. It misled the Archdiocese of Los Angeles about Robinson’s true character and enabled Robinson to remain in the USA and avoid prosecution for the next quarter of a century.

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<sup>84</sup> CHC000246\_044

<sup>85</sup> CHC000246\_291

<sup>86</sup> CHC000246\_289

<sup>87</sup> CHC000246\_287

<sup>88</sup> CHC001044\_025

<sup>89</sup> CHC000246\_285

<sup>90</sup> See Father Grady’s evidence and the evidence of Monsignor Leonard’s own correspondence with RC-A31’s parents (INQ002478\_013).

**64.** Monsignor Leonard died in 2003. We cannot say whether his motive for describing the abuse in this way was the protection of the Archdiocese or simply a wish to move Robinson away from those whom he had abused and make Robinson another Archdiocese's problem. Whatever the motive, Monsignor Leonard's actions failed to consider both the protection of children (including in the Californian parishes) and the impact that Robinson's departure would have on his victims and their attempts to bring Robinson to justice.

**65.** As Father Grady concluded:

*"After I had learned that Jimmy Robinson had gone to the United States my own thoughts were that it had been arranged for him to leave or that he was given no other option other than to leave the country quickly to avoid a scandal and to avoid being interviewed by the police. I felt I had let RC-A31 down."*<sup>91</sup>

This failure extends to all of James Robinson's victims.

## The 1990s

**66.** In August 1993, Archbishop Couve de Murville wrote to the Cardinal in Los Angeles to inform him that he was in possession of "*entirely reliable information*"<sup>92</sup> to suggest that in the 1970s Robinson had a paedophilic relationship with a boy which lasted for 5 to 6 years. The "*entirely reliable information*" was a reference to RC-A31's allegations<sup>93</sup> but it is not known what caused the Archbishop to now describe the complaint in this way. Archbishop Couve de Murville asked that Robinson be stopped from carrying out his priestly duties. It seems the Archdiocese of Los Angeles did take some action, as Robinson wrote letters protesting his innocence and requesting financial assistance as well as a return to his role as a priest.

**67.** From April 1994 the Archdiocese regularly sent money to Robinson (via his mother) to assist him with his medical bills and other living expenses. In December 2001, Archbishop Nichols (the then Archbishop of Birmingham) decided that payments to Robinson should cease. By December 2001, the Archdiocese of Birmingham had given Robinson approximately £81,600 (which equates to just under £800 per month).<sup>94</sup> Archbishop Nichols said he stopped these payments because there was "*a substantial criminal case against him, and, therefore, I viewed him as a fugitive of justice*".<sup>95</sup>

**68.** In 1997, Robinson returned to the UK on two occasions to visit his mother. On both occasions he tried, unsuccessfully, to make contact with Archbishop Couve de Murville.<sup>96</sup> He did visit his friend, Father Patrick Joyce, who wrote to Monsignor Leonard informing him that Robinson had been back and enclosing a letter Robinson had written to the Monsignor.<sup>97</sup> Father Joyce told Monsignor Leonard to destroy Robinson's letter once he had read it. It does not appear that the Archbishop, Monsignor Leonard or Father Joyce reported Robinson's return to the police.

**69.** On 18 September 1999, RC-A324 told Father Gerry McArdle (who was then in charge of matters relating to child protection within the Archdiocese) that he had been abused by Robinson in the early 1960s.

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<sup>91</sup> [CHC000611\\_031](#)

<sup>92</sup> [CHC000684\\_024](#)

<sup>93</sup> [CHC000684\\_012](#)

<sup>94</sup> [IPC000812](#)

<sup>95</sup> [Archbishop Vincent Nichols 13 December 2018 28/22-24](#)

<sup>96</sup> [CHC001044\\_018](#) and [CHC001044\\_071](#)

<sup>97</sup> [CHC001044\\_19](#)



**70.** Father McArdle was aware (although we do not know how) that Robinson had been back in the UK. Father McArdle said he made several calls to the police asking for Robinson to be arrested but that Robinson left the country before this happened.<sup>98</sup>

## The 2000s

**71.** In December 2000, Archbishop Nichols met with RC-A324 who had told him about the abuse perpetrated by Robinson.

**72.** In November 2002, West Midlands Police commenced an investigation into Robinson.<sup>99</sup> It became apparent that West Midlands Police had no documentation relating to RC-A31's 1985 complaint,<sup>100</sup> and the Archdiocese then gave to West Midlands Police a copy of his 1985 police statement. The investigating police officer told RC-A31 that she thought that one of the 1985 investigating officers – DI Higgins – had passed the statement to the Church “for their information and usage in expelling Robinson from the Church”.<sup>101</sup> It is not known upon what information that assertion was based.

**73.** In December 2002, Archbishop Nichols was aware of the police investigation and tried to trace Robinson to assist with the police enquiries.<sup>102</sup>

*“The purpose of my letter is to ask you, plead with you to return to the United Kingdom and to give an account of your actions at the time”.*<sup>103</sup>

Robinson emailed back denying the allegations and stating that he was unable to travel.<sup>104</sup> Although, at the hearing, Archbishop Nichols expressed his regret for the fact that he did not pass the email address to the police,<sup>105</sup> he had in fact done so in a letter written in October 2003.<sup>106</sup>

**74.** In October 2003, the BBC broadcast an episode of the documentary ‘Kenyon Confronts’, entitled ‘Secrets and Confessions’. It focussed on the extent of child sexual abuse within the Roman Catholic Church and in particular within the Archdiocese of Birmingham. The programme makers traced Robinson to a caravan park in the USA and one victim, accompanied by Paul Kenyon, confronted Robinson about his childhood abuse.

**75.** After the programme was broadcast, Archbishop Nichols issued a press release. He said that he considered the timing of the broadcast, on the eve of the silver jubilee of Pope John Paul II, confirmed “the suspicions of many, that within the BBC there is hostility towards the Catholic Church in this country”.<sup>107</sup> In evidence, Archbishop Nichols maintained that the broadcasting of the programme was “insensitive”,<sup>108</sup> adding that “it was only the fourth time in the history of the Catholic Church that there’s been a Silver Jubilee of a Pope”.<sup>109</sup> There had also been two recent programmes criticising the Roman Catholic Church and Archbishop Nichols considered that the BBC had deliberately chosen to air ‘Kenyon Confronts’ at a time

<sup>98</sup> [CHC000246\\_264](#)

<sup>99</sup> [IPC000829](#)

<sup>100</sup> [INQ002778\\_022](#)

<sup>101</sup> [INQ002478\\_019](#)

<sup>102</sup> [CHC000246\\_247](#)

<sup>103</sup> [CHC001044\\_90](#)

<sup>104</sup> [CHC001044\\_91](#)

<sup>105</sup> [Archbishop Vincent Nichols 13 December 2018 33/7-11](#)

<sup>106</sup> [CHC001044\\_095](#)

<sup>107</sup> [CHC000246\\_224-225](#)

<sup>108</sup> [Archbishop Vincent Nichols 13 December 2018 36/7](#)

<sup>109</sup> [Archbishop Vincent Nichols 13 December 2018 36/9-11](#)

of celebration for the Church. The Archbishop told us that in that press release he was trying to convey an “*unease*”<sup>110</sup> felt by members of the Church about it being portrayed with a “*negative slant*”.<sup>111</sup>

**76.** He also said he objected to the way the programme makers had approached and “*harassed*”<sup>112</sup> priests within the Archdiocese. When asked whether it might be thought that his main concern with the programme was the upset of his priests and not a focus on the victims of child sexual abuse, he said “*I accept that perspective now and it wasn’t my perspective at the time*”.<sup>113</sup> He also accepted that he did not, at the time, “*acknowledge sufficiently*” the fact that the broadcast gave “*a platform to the voices of those who had been abused*”<sup>114</sup> and said that he would not now issue a similar press release.

**77.** Whilst Archbishop Nichol’s response to the broadcasting of ‘Kenyon Confronts’ did acknowledge the damage done to those who had been abused, it focussed overwhelmingly on the tactics employed by the programme makers and the Pope’s silver jubilee. This response was misplaced and missed the point. The focus should have been on recognising the harm caused to the complainants and victims. Instead, the Archbishop’s reaction led many to think that the Church was still more concerned with protecting itself than the protection of children.

**78.** Changes to extradition law in 2007 meant that Robinson could be extradited. He was brought back to the UK in August 2009 and stood trial in October 2010.

**79.** From the mid 1990s, RC-A31 complained to West Midlands Police about their handling of his 1985 complaint and what he considered to be collusion between West Midlands Police and the Archdiocese which enabled Robinson to evade arrest. Following Robinson’s trial and imprisonment, RC-A31 continued to request that his complaints be independently investigated and in 2016 the Independent Office for Police Conduct (IOPC)<sup>115</sup> agreed to carry out an investigation. The IOPC final report was published in October 2018.<sup>116</sup> The investigation included interviewing DI Higgins, who declined to answer questions. The report concluded that “*it cannot now be ascertained how the 1985 witness statement ... came to be in the possession of the Roman Catholic Church or when and how that occurred*”.<sup>117</sup>

**80.** It is not in dispute that someone in West Midlands Police provided the Archdiocese with RC-A31’s 1985 statement. The Inquiry has seen no evidence to support the allegation that this was done to assist the Church in ‘a cover up’ of Robinson’s offending. It may have been that the statement was passed by police as part of appropriate information sharing in allegations of this nature and that this may have been done once Robinson had already left the UK.

**81.** James Robinson was a serial child abuser who started to abuse children before he began his training to become a priest. There were a number of failures in the institutional response in his case:

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<sup>110</sup> Archbishop Vincent Nichols 13 December 2018 37/9

<sup>111</sup> Archbishop Vincent Nichols 13 December 2018 37/6

<sup>112</sup> Archbishop Vincent Nichols 13 December 2018 39/23

<sup>113</sup> Archbishop Vincent Nichols 13 December 2018 41/1-2

<sup>114</sup> Archbishop Vincent Nichols 13 December 2018 39/11-12

<sup>115</sup> The IOPC is an independent body set up to investigate the most serious complaints made about police standards and conduct.

<sup>116</sup> IPC000829

<sup>117</sup> IPC000829\_030

**81.1.** In 1972, it is unclear whether any action was taken by those members of the Archdiocese who were told by RC-A350 that RC-A347 was being abused.

**81.2.** In 1977, RC-A350 told Archbishop Dwyer that Robinson had abused RC-A347. There is no record of the police being informed.

**81.3.** In 1982, RC-A337's aunt showed her parish priest the letter Robinson wrote to RC-A337. Robinson was moved to a new parish. The police were not informed.

**82.** As can be seen from the above, in the 1970s and early 1980s, when complaints about Robinson's behaviour were brought to the attention of the Church, there were repeated opportunities for the Archdiocese to report Robinson to the police, but it appears no such report was ever made.

**83.** Monsignor Leonard's 1985 and 1986 correspondence with the Archdiocese of Los Angeles deliberately misled the Californian Church about the allegations against Robinson. In doing so, Monsignor Leonard showed a total disregard for victims both past and future. The hurt and damage caused by Robinson was compounded by the response of Archbishop Nichols to the 'Kenyon Confronts' programme which focussed too much on his grievance with the programme makers and too little on the public interest in exposing the abuse committed by the clergy and the harm done to the victims of such abuse.



## Part C

# Post-Nolan safeguarding in the Archdiocese

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# Post-Nolan safeguarding in the Archdiocese

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## C.1: Nolan report recommendations

1. In 2000, the then Archbishop of Westminster, Cardinal Cormac Murphy-O'Connor, invited Lord Nolan to chair an independent committee to carry out a review of child protection in the Roman Catholic Church in England and Wales. The report *A programme for action* (more commonly known as the Nolan report) was published in September 2001.<sup>118</sup>
2. In total, the Nolan report made 83 recommendations covering:
  - the structures required at parish, diocesan and national level;
  - the steps which were needed to create a safe environment for children and those who work with children; and
  - the action needed to respond to allegations of abuse.
3. Some of the key recommendations included:
  - Before taking up a post involving working with children (whether paid or voluntary), the person should complete an application form, provide references and details of any relevant criminal convictions and agree to a criminal records check (Rec 29).
  - Each parish should have a Parish Child Protection Representative (PCPR) (Rec 5).
  - Each Diocese should have a Child Protection Coordinator (Rec 8) and it was envisaged that in the larger dioceses this would most likely be a full-time role.
  - A National Child Protection Unit should be established to advise the Catholic Bishops' Conference and the Conference of the Religious on child protection policies and principles (Rec 16) and the National Child Protection Unit should issue codes of conduct and practical guidance on safe working with children (Rec 22).
  - Statutory authorities should be brought in straight away where there is a disclosure so that the statutory authority would take the lead on investigating and assessing the situation (Rec 61).
  - Contemporaneous records should be kept at the time of an allegation or other event (Rec 45) and be kept for 100 years (Rec 47).
4. Once the Nolan report was ratified by the Bishops' Conference and Conference of the Religious,<sup>119</sup> the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) was established as the National Child Protection Unit. COPCA was set up to provide advice and support to the Conferences, the dioceses and religious congregations.<sup>120</sup> Its remit also included liaising with statutory agencies at national level as well as with

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<sup>118</sup> [CHC000053](#)

<sup>119</sup> This is the permanent assembly of Catholic Bishops and Personal Ordinaries in England and Wales, and its members include the archbishops, bishops and auxiliary bishops, and other senior clergy (<http://www.cbcew.org.uk>).

<sup>120</sup> [Dr Colette Limbrick CSA005625\\_002-003](#)

professional bodies and leading charities. Mrs Eileen Shearer was appointed as director. As part of her duties, she oversaw the creation and implementation of the national policies, principles and practice, known as the 'One Church' approach for the protection of children and vulnerable adults. COPCA was accountable to an independent management board, chaired by Archbishop Vincent Nichols.

## C.2: The child protection coordinator

5. As a result of the Nolan report, the Archdiocese of Birmingham sought to recruit a qualified child protection coordinator (CPC, and later the safeguarding coordinator) to:

- lead and manage the development of safeguarding practice and implementation of the policies at Archdiocesan level;
- ensure the Archbishop is up to date on safeguarding matters;
- take the lead on developing preventative practice;
- respond to allegations of abuse;
- liaise with, guide and advise parish safeguarding representatives;
- make or oversee referrals to the police or any other statutory authority;
- oversee the arrangements for the production, monitoring and review of covenants of care (now called safeguarding agreements or plans);
- provide support and advice to survivors or victims;
- be available by mobile telephone (switched on during out-of-office hours) to anyone wanting to discuss a safeguarding concern; and
- deal with issues concerning vulnerable adults as well as children.<sup>121</sup>

6. The vacancy was advertised publicly. The Archdiocese interviewed three people for the role.<sup>122</sup> Mrs Carmel Knowles was appointed in 2001,<sup>123</sup> supported by Mrs Jane Jones.

### Appointment of Jane Jones as child protection coordinator

7. In 2003, Mrs Knowles' personal circumstances changed and on 7 January 2004<sup>124</sup> Mrs Jones was appointed as CPC. Mrs Jones was, of course, already known to the Archdiocese from her work with Mrs Knowles. Nevertheless, the vacancy was not advertised internally or externally but Mrs Jones was invited to submit a curriculum vitae before taking up the post.<sup>125</sup> She was the only person the Archdiocese considered for the role. Opening up the recruitment process could have offered the Archdiocese a range of candidates from which to choose.

8. When Mrs Shearer learned of Mrs Jones' appointment, she expressed concern to the Archdiocese. She objected to the process by which Mrs Jones was appointed and was concerned that she received no explanation as to why the role had not been advertised

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<sup>121</sup> Jane Jones 14 November 2018 19/1-21/17

<sup>122</sup> Jane Jones 14 November 2018 9/8-22

<sup>123</sup> CHC000627 110-111

<sup>124</sup> Jane Jones 14 November 2018 9/23-10/16 and CHC000627 008

<sup>125</sup> Jane Jones 14 November 2018 61/20-62/4



externally. Mrs Shearer felt the senior clergy were perpetuating the culture of “*appointing people ... by tapping them on the shoulder rather than through a formal process and by external advert finding a range of suitable candidates*”.<sup>126</sup>

9. Archbishop Nichols (the then Archbishop of Birmingham) thought most of the required recruitment steps had been taken but accepted the post of CPC was not advertised externally. He said this was because “*continuity was a great benefit*”, and Mrs Jones had valuable knowledge of the Archdiocese and the work itself so that she was “*an excellent candidate*”.<sup>127</sup> The Archbishop was also guided by the commission who, as senior members of local social services, would not have “*accepted something which they thought was fundamentally flawed*”.<sup>128</sup> His view was that the appointment procedure might have been a “*blemish but not a disaster*”, and that Mrs Jones was “*an excellent child protection coordinator*”.<sup>129</sup>

### *The 1993 position paper*

10. In 1993, having watched a television programme about the Samuel Penney case, Mrs Jones wrote a ‘position paper’ called ‘Sexual Abuse by Catholic Priests’.<sup>130</sup> Although she had no direct knowledge of the Penney case or the people involved in it, she said the victims’ families were “*dysfunctional*”, appearing to blame the mother of one victim for acting irresponsibly in leaving her daughter alone with Samuel Penney. She stated that abuse committed by a stranger was “*a straightforward criminal matter*”. By contrast, she said familial or other forms of sexual abuse involved “*a very complex web of power relationship*” and “*a balance between pleasure and pain*”. Of one victim she said, “*The impression I got was that this inappropriate behaviour probably went on in an affectionate environment. I know that that was not what the victim said on the television but he had allowed this to continue into his twenties.*”<sup>131</sup> Towards the end of the paper she wrote:

*“All the victims in cases such as this need our support. The first victim here is Father Penney himself.”*<sup>132</sup>

11. Mrs Jones told us that the paper was written a long time ago, when she had little experience of such cases or any specific knowledge of the Penney case. The paper had been written for her own edification and for discussion with a small group of people.<sup>133</sup> It was not for wider circulation and Mrs Jones said she did not distribute it amongst the Archdiocese. She was aware that Archbishop Maurice Couve de Murville (Archbishop of Birmingham from 1982 to 1999) had sight of it but did not know how it came to be seen by him.<sup>134</sup> She understood Archbishop Couve de Murville found the document “*useful*” and he wrote a letter to her about it.

12. In a 2012 paper addressed to Archbishop Bernard Longley (Archbishop of Birmingham from 2009 to present), Mrs Jones considered that she was invited to join the child protection advisory group “*at least in part because of a paper I had written following the Sam Penney case*

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<sup>126</sup> Eileen Shearer 15 November 2018 53/15-20

<sup>127</sup> Archbishop Vincent Nichols 13 December 2018 77/15-21

<sup>128</sup> Archbishop Vincent Nichols 13 December 2018 79/6-80/11

<sup>129</sup> Archbishop Vincent Nichols 13 December 2018 81/1-2

<sup>130</sup> CHC001640\_001-004

<sup>131</sup> CHC001640\_003

<sup>132</sup> CHC001640\_004

<sup>133</sup> Jane Jones 14 November 2018 127/21-128/17

<sup>134</sup> Jane Jones 14 November 2018 127/24-128/17

*about the treatment of offending priests*".<sup>135</sup> This was clearly a reference to the 1993 paper. The Inquiry is concerned that, in the mid to late 1990s, Archbishop Couve de Murville considered the paper to be "useful" and that it may have formed part of the background to Mrs Jones becoming more involved in church safeguarding policy.

**13.** Neither Archbishop Nichols nor Archbishop Longley had seen the 1993 position paper until shortly before the Inquiry's public hearings in November 2018. There is no copy of it in files kept by the Archdiocese.<sup>136</sup> Both Archbishops said that they did not consider Mrs Jones to be anything other than committed to the needs of victims and survivors, and that this was the priority for her work.

**14.** Mrs Jones told us that she did not now adhere to the views expressed in the 1993 paper.<sup>137</sup> She denied it was indicative of her putting the clergy first.

*"The victims have to take priority. Their care and support is essential. I have always held to that, it might not show it in this paper, but from the early days of my career I have worked with those who are poor and vulnerable and damaged in some way, and the whole function of my life to date has been to enable those people to be listened to and for their issues to be taken up."*<sup>138</sup>

**15.** In July 2001, Mrs Jones wrote a paper entitled 'Victims of Abuse: Who are they and what could be done to help them?', in which she considered how best to help victims and survivors of child sexual abuse.<sup>139</sup>

*"Child abuse is a terrible and shocking thing ... Rightly policies have also had to be formulated in an attempt to protect children from abuse in the future ... Perhaps the best place to start would be by listening to victims and by asking them what they think could be done to ease their pain or find out how they managed to succeed despite it. The resulting information should indicate a way forward."*

In our view, as this paper was written far closer to Mrs Jones' appointment as CPC than the 1993 paper, it demonstrates that Mrs Jones' views had changed.

**16.** However, the views expressed in the 1993 paper were reprehensible and were not views that the Inquiry would expect to come from someone with an experienced background in social work. The paper displayed an ignorance of the facts of the Penney case and a failure to appreciate the continuing harm caused to victims of such abuse.

**17.** A number of the complainant core participants suggested that Mrs Jones should not have been appointed as CPC. While the process by which Mrs Jones was appointed was flawed, there is no evidence that anyone concerned with her appointment knew of the 1993 paper or its contents. We do not consider that the 1993 paper had, or indeed could have had, any impact on Mrs Jones' appointment as CPC in 2004.

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<sup>135</sup> [CHC001281\\_002](#)

<sup>136</sup> [INQ003860\\_022](#)

<sup>137</sup> [Jane Jones 14 November 2018 134/10-14](#)

<sup>138</sup> [Jane Jones 14 November 2018 138/12-19](#)

<sup>139</sup> [CHC001640\\_006-009](#)

### C.3: Father John Tolkien: an example of safeguarding response pre and post-Nolan

**18.** A number of the allegations reported to the Archdiocese of Birmingham were made against clergy who had since died. In cases where the perpetrator was still alive, not all allegations resulted in a prosecution or indeed a finding that the abuse had occurred. The case of Father John Tolkien is one such example. We have examined Father Tolkien's case, not to determine his guilt or innocence, but in order to assess how the Archdiocese responds where the accused remains unconvicted and how risk to children is managed. Institutions are responsible for managing potential risks to children of sexual abuse. In the absence of any formal findings against the perpetrator, the management of risk in these circumstances plays a vital role in keeping children safe.

**19.** John Tolkien was born in 1917. He was a priest in the Archdiocese of Birmingham between 1946 and 1994. From the early 1990s until his death in January 2003, Father Tolkien was the subject of allegations of child sexual abuse. He repeatedly and consistently denied the allegations made against him. There have been no criminal convictions or civil court findings against Father Tolkien, although the Archdiocese have settled claims arising from these allegations.

#### Allegations by Christopher Carrie

**20.** On 2 September 1993, Christopher Rooney (who subsequently changed his name to Carrie) met with Archbishop Couve de Murville. He told the Archbishop that he had been sexually abused by Father Tolkien when he was 12 years old. He said that, on three occasions in 1957, Father Tolkien had taken him into the presbytery and committed sexual acts on him, including masturbation carried out in a "pseudo religious way".<sup>140</sup> The Archbishop took handwritten notes of Mr Carrie's complaint which were kept on Father Tolkien's personal file.

**21.** The notes from 2 September 1993 suggest that Archbishop Couve de Murville knew something of Father Tolkien's past behaviour. The notes refer to a 16 or 17-year-old Scout, recording that "*I spoke > him in 1966. He agreed that Fr Tolkien had done these things and others.*"<sup>141</sup> It is apparent therefore that Mr Carrie was not the only person to disclose abuse by Father Tolkien.

**22.** In October 1993, Archbishop Couve de Murville wrote to Mr Carrie, saying the "*passage of more than 35 years makes it difficult to establish precisely what happened and when but I have carefully investigated your complaints as far as possible. I have also interviewed Father Tolkien. He is more than 76 years old and not in good health.*"<sup>142</sup> Father Tolkien was soon to retire and was to cease active ministry, and the Archbishop said "*Perhaps Father Tolkien's retirement is the answer you seek*". He added that if the matter were reported to the police, the Church would assist with any police investigation. In summer 1994, Mr Carrie reported the abuse to the police<sup>143</sup> but it appears that no police action was taken.

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<sup>140</sup> [CHC000253\\_013](#)

<sup>141</sup> [CHC000253\\_014](#)

<sup>142</sup> [CHC000253\\_021](#)

<sup>143</sup> [CHC000253\\_069](#)

**23.** In November 2000, Mr Carrie wrote to Archbishop Nichols<sup>144</sup> informing him of the alleged abuse and asking him to investigate. Earlier that year, Mr Carrie had written a book called *Klone it* (an anagram of Tolkien) in which he repeated his allegations.

**24.** By May 2001, West Midlands Police commenced an investigation<sup>145</sup> into Father Tolkien. The Crown Prosecution Service (CPS) were asked to advise on whether he should be charged in relation to Mr Carrie’s complaints. On 14 February 2002, the CPS issued a press release, stating that Father Tolkien would not be charged with any offences as *“it would not be in the public interest to proceed”*.<sup>146</sup> A CPS spokesperson at the time confirmed that the evidential test was passed<sup>147</sup> but that medical evidence relating to Father Tolkien’s health<sup>148</sup> meant it was not in the public interest to bring charges against him.<sup>149</sup> Mr Carrie then commenced a civil compensation claim against the Archdiocese.

**25.** In June 2002, RC-A348 came forward, writing to Archbishop Nichols.<sup>150</sup> He said he had read an article about Mr Carrie which stated that Father Tolkien denied the allegations but he said *“well I know for sure Mr Carrie is telling the truth because I too was abused myself”*. He went on to say *“I know Father John Tolkien is 84 years old and suffering from dementia but it is wrong for him to keep denying he never did these things – he did”*.<sup>151</sup> The Archbishop advised RC-A348 to report the matter to the police.<sup>152</sup>

**26.** As part of Mr Carrie’s compensation claim, the Archdiocese and their solicitors carried out inquiries into Father Tolkien. The solicitors spoke with two other men, one of whom was himself a priest, who alleged that Father Tolkien had also abused them. This led the solicitors to advise that they thought it likely that a court would conclude that Father Tolkien had abused Mr Carrie.<sup>153</sup>

**27.** The solicitors’ advice also referred to Archbishop Couve de Murville’s meeting with Mr Carrie in 1993.<sup>154</sup> As part of his own inquiries, Archbishop Couve de Murville appears to have read a 1968 file note which alleged that Father Tolkien had made a number of Boy Scouts strip naked and possibly sprinkled holy water on them. The actual 1968 note is not available but the Archbishop’s 1993 note of the 1968 note includes reference to Father Tolkien admitting these allegations<sup>155</sup> and possibly being sent for treatment. Aside from the reference to treatment, it seems no action was taken in 1968. The matter was not reported to the police in either 1968 or 1993.

**28.** Archbishop Nichols was aware of the existence of the 1968 note. In a letter to him on 10 February 2003, the Archdiocese’s solicitors noted:

*“You have said that the Archdiocese would prefer not to disclose this note even if this means settling the action.”*<sup>156</sup>

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<sup>144</sup> [CHC000253\\_069](#)

<sup>145</sup> [CHC001514\\_306](#)

<sup>146</sup> [CHC000251\\_081](#)

<sup>147</sup> The evidential test requires the Crown Prosecution Service to consider whether there is enough evidence to provide ‘a realistic prospect of conviction’.

<sup>148</sup> Father Tolkien suffered from dementia.

<sup>149</sup> [CHC000255\\_052](#)

<sup>150</sup> [CHC000251\\_051](#)

<sup>151</sup> [CHC000251\\_050-052](#)

<sup>152</sup> [CHC000251\\_050](#)

<sup>153</sup> [CHC000251\\_032](#)

<sup>154</sup> [CHC000251\\_033](#)

<sup>155</sup> [CHC000251\\_033](#)

<sup>156</sup> [CHC000251\\_10](#)

The letter stated:

*“to settle this claim on the basis that the Archdiocese would not wish to make a damaging disclosure must mean that any subsequent claim brought by others arising from the activities of Father Tolkein (sic) would also have to be settled since the Note would be equally relevant in any subsequent action. We have details of as many as six potential Claimants.”<sup>157</sup>*

**29.** By July 2003, the Archdiocese and Mr Carrie reached an out-of-court settlement in respect of the civil case. Mr Carrie received £15,000, without admission of liability.<sup>158</sup>

### **Allegations made by RC-A343**

**30.** RC-A343 told the Inquiry that in the early 1970s, when he was under 13 years old, his father enrolled him in a nearby Catholic junior school attached to the local church where Father Tolkien was the parish priest.<sup>159</sup> The school’s headteacher was a nun who was very strict with the pupils. There was a strong emphasis, he said, on obedience to both the Roman Catholic Church and to Father Tolkien. He said Father Tolkien was seen as the “*creme de la creme of the church and the schools. He was on the board of a few schools around the area*”<sup>160</sup> and was much revered as the local parish priest.

**31.** RC-A343 became an altar boy at the church. He recalled an occasion when Father Tolkien asked him to do the first reading at mass. RC-A343 struggled with reading and, when this became apparent, Father Tolkien asked RC-A343 to go to his house for “*special reading lessons*”. RC-343 did so and, once there, he was left on his own in a room with Father Tolkien who told him that he had been chosen to participate in a “*special prayer ceremony*”. Reading was not mentioned.<sup>161</sup> RC-A343 was told that he must keep the ceremony a secret and that Jesus would find out if he broke the secret. RC-A343 went on to tell us that Father Tolkien made RC-A343 remove his trousers, kneel down and then sexually abused him.<sup>162</sup> RC-A343 said that he visited Father Tolkien on a further three to five occasions<sup>163</sup> and that on each visit he was sexually abused.

**32.** RC-A343 reported his abuse to the police in the early 2000s after seeing an article placed in the local newspaper by West Midlands Police regarding Father Tolkien abusing young boys.<sup>164</sup> It is not clear if RC-A343’s allegations formed part of the police investigation into Mr Carrie’s complaints as neither West Midlands Police nor the CPS retained the case papers. RC-A343 did recall he was ultimately informed that Father Tolkien would not be prosecuted.

**33.** In the mid 2000s, RC-A343 brought a civil claim against the Archdiocese. He was asked if he could prove definitively that he had been in contact with Father Tolkien,<sup>165</sup> which he could not. The Archdiocese contested the civil claim on the basis the claim was made outside of the relevant time limit.<sup>166</sup> Eventually his compensation claim was settled for a modest sum.

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<sup>157</sup> [CHC000251\\_11](#)

<sup>158</sup> [CHC000251\\_003](#)

<sup>159</sup> [RC-A343 13 November 2018 43/13-23](#)

<sup>160</sup> [RC-A343 13 November 2018 44/14-16](#)

<sup>161</sup> [RC-A343 13 November 2018 48/14-23](#)

<sup>162</sup> [RC-A343 13 November 2018 48/14-49/14](#)

<sup>163</sup> [RC-A343 13 November 2018 51/2-7](#)

<sup>164</sup> [RC-A343 13 November 2018 52/4-14](#)

<sup>165</sup> [RC-A343 13 November 2018 60/3-9](#)

<sup>166</sup> [RC-A343 13 November 2018 60/14-17](#)

**34.** Having learned that Archbishop Nichols did not want to disclose the 1968 note during the civil claim brought by Mr Carrie, RC-A343 told the Inquiry:

*“in 1968 Father Tolkien was reported to the archbishop that he’d abused two boys, and they sent him for therapy. Knowing that two years later he abused me in the same church or the same school, and then they had the nerve to deny the claim that he did anything wrong when they must have known about it for years, and Vincent Nichols, the so-called Cardinal of England and Wales, has the nerve to start talking to the solicitors on how to cover things up. That’s not Christian.”<sup>167</sup>*

RC-A343 felt the Church’s handling of his claim was “Disgusting. Low level”.<sup>168</sup>

### *The response of the Archdiocese*

**35.** Archbishop Nichols said that throughout the course of Mr Carrie’s civil claim his main objective was “to try and avoid civil action in court”.<sup>169</sup> During the course of the compensation claim, the Tolkien family engaged solicitors who, according to Archbishop Nichols, “were very firm in asserting their position that it would be quite improper for the diocese to admit legally that these acts had taken place because Father Tolkien would have no opportunity to defend himself”.<sup>170</sup>

**36.** While not disputing he had said “the Archdiocese would prefer not to disclose this note even if this means settling the action”, Archbishop Nichols thought a more accurate reflection of his views would be if it read “The Archdiocese would prefer not to take this matter to court and therefore not to disclose the note”.<sup>171</sup> He accepted that he did not write back to the Archdiocese’s solicitors to correct this inaccuracy.<sup>172</sup> The Archbishop denied settling the claim with the intention of covering up any documentation, and said the note had been disclosed to the police.<sup>173</sup>

**37.** When asked if the reason for non-disclosure of the note in the civil proceedings was a desire to protect the reputation of the Church, he said “I don’t remember that being uppermost in my mind ... uppermost in my mind was a desire to settle this claim so that these difficult situations certainly for Mr Carrie, certainly for the Tolkien family ... could be closed”.<sup>174</sup> The Archbishop accepted that, having settled Mr Carrie’s case, it did not occur to him that people might have a legitimate interest in knowing that in 1968 the Church had failed to take action against Father Tolkien, “for which I apologise”.<sup>175</sup>

**38.** The passage of time and the paucity of contemporaneous documentation make it difficult to establish precisely what steps the Archdiocese took in 1968. Had any steps been taken, any potential risk to children might have been reduced.

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<sup>167</sup> RC-A343 13 November 2018 61/8-18

<sup>168</sup> RC-A343 13 November 2018 60/20-22

<sup>169</sup> Archbishop Vincent Nichols 13 December 2018 53/25

<sup>170</sup> Archbishop Vincent Nichols 13 December 2018 54/5-9

<sup>171</sup> Archbishop Vincent Nichols 13 December 2018 54/3-5

<sup>172</sup> Archbishop Vincent Nichols 13 December 2018 54/6-11

<sup>173</sup> Archbishop Vincent Nichols 13 December 2018 64/19-21

<sup>174</sup> Archbishop Vincent Nichols 13 December 2018 59/23-60/4

<sup>175</sup> Archbishop Vincent Nichols 13 December 2018 63/15



**39.** Similarly, in 1993, the Archdiocese failed to take appropriate action in response to Mr Carrie's complaints made against Father Tolkien. Archbishop Couve de Murville was aware that there was a previous allegation against Father Tolkien. The police should have been informed and steps taken to ensure that Father Tolkien did not have unsupervised contact with children.

**40.** Given Archbishop Nichols was advised by solicitors that a court would be likely to conclude that Father Tolkien had abused Mr Carrie, it was understandable he wished to settle the civil claim. The 1968 note was disclosed to the police so it cannot be suggested that the Archdiocese sought to cover up the note. However, the note does demonstrate that the Church was aware of the risk Father Tolkien posed to children and yet the Archdiocese took little or no steps to protect children from those risks. As Archbishop Nichols said, "*by any standards today, what happened then was not right. It was wrong. And it led directly to his [RC-A343] abuse, which I sincerely regret. Now that he knows that that report was given in 1968, I'm sure that has renewed and deepened his sense of betrayal and his sense of hurt, and I apologise for that.*"<sup>176</sup>

## C.4: Relationship between the Archdiocese and COPCA

**41.** From its creation in 2002 to 2007, COPCA was the national advisory body for the Roman Catholic Church. Advice could be sought on a voluntary basis and there was no obligation on any part of the Church to seek advice or refer any case to COPCA.<sup>177</sup>

**42.** As part of this case study, through the case of RC-F167, the Inquiry examined the working relationship between the Archdiocese of Birmingham and COPCA and its successor, Catholic Safeguarding Advisory Service (CSAS). This was of particular importance because, between 2001 and 2008, Archbishop Nichols was Chair of the COPCA management board as well as the Archbishop of Birmingham.

### RC-F167

**43.** In 1985, RC-F167 was working as a teacher at a school within the Archdiocese of Birmingham when he was accused of indecently assaulting two young pupils. The boys alleged that he touched their bottoms and genital areas over clothing. RC-F167 resigned from the school.

**44.** He began training for the priesthood in 1986. During the course of his application to become a priest, RC-F167 was asked about his resignation from the school. He explained that he had been accused of touching the bottoms of some boys and is recorded as saying "*he could not honestly deny doing this, but that it was an involuntary action with no malicious intent*".<sup>178</sup> RC-F167 said because he could not deny it and did not want to bring adverse publicity for the school, he resigned. Beyond asking him about his resignation, the Archdiocese appears to have taken ineffective action to ascertain whether he posed a risk to children. He was ordained in 1990.

**45.** In 1997, the two boys, now men, reported the matter to the police. RC-F167 was interviewed by the police and denied sexual assault. In August 1997, the Archdiocese put RC-F167 on administrative leave and prohibited him from carrying out any public duties

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<sup>176</sup> Archbishop Vincent Nichols 13 December 2018 62/23-63/3

<sup>177</sup> Eileen Shearer 15 November 2018 72/4-8

<sup>178</sup> CHC000267\_003



as a priest. In February 1998, the Crown Court ruled that RC-F167 could not receive a fair trial and the case was 'stayed' by the court,<sup>179</sup> which meant that the proceedings could not continue. RC-F167 therefore could not be prosecuted.

**46.** In April 1998, RC-F167 was appointed to a parish affiliated to a large primary school.<sup>180</sup> A month later, the Child Protection Advisory Group recommended that RC-F167 "*undergo a full psychological/psychosexual assessment before being assigned further duties*".<sup>181</sup> The report was completed on 11 December 1998 and recommended that RC-F167 did not return to a position where he had unsupervised access to children.<sup>182</sup> Three days later the Vicar General received a complaint from a school headteacher that RC-F167 had asked inappropriate questions to two boys during confession. The Archdiocese spoke with the headteacher of the school and the matter was referred to the police and social services that same day.<sup>183</sup>

**47.** RC-F167 was again put on administrative leave. He declined the Archdiocese's offer of counselling. In a joint interview by the police and social services, RC-F167 categorically denied using sexual terminology or making any sexual references with any child during confession.<sup>184</sup> The police investigation resulted in no further action being taken in relation to the complaints about confession.<sup>185</sup> In 1999, RC-F167 decided not to return to active ministry and he subsequently resigned from his parish.

**48.** By 2004, RC-F167 was working as a teacher again.<sup>186</sup> As part of his application to become a teacher, RC-F167 was required to undergo a 'DBS check'. Enquiries with the Disclosure and Barring Service (DBS) revealed that when the check was undertaken in July 2002, only certain case disposals would have been recorded and so the 1998 stayed court case did not appear on RC-F167's records.<sup>187</sup>

### The sharing of information between the Archdiocese and COPCA

**49.** On 15 January 2004, Mrs Jones sought advice from COPCA, and spoke with Ms Penny Nicholson, a member of COPCA staff. Mrs Jones informed COPCA that the Archdiocese knew a former priest – the subject of allegations of indecent assault in the 1980s and a further investigation in 1998 involving alleged inappropriate comments to children – was now teaching again and she wanted to know who or which agency should be informed. The COPCA referral form states "*Jane does not feel able to give a name for this man or further detail without reporting back to the Archbishop*".<sup>188</sup> Ms Nicholson told her that it was not COPCA's policy to deal with referrals without a name but did go on to advise that the name of the alleged perpetrator should be shared with the statutory agencies in order to protect children. On 29 January 2004, Mrs Jones informed the police that RC-F167 was working in a school and that he had been the subject of previous allegations and complaints. Shortly thereafter RC-F167 resigned as teacher.

<sup>179</sup> [CHC000269\\_009](#)

<sup>180</sup> [CHC001073\\_001](#)

<sup>181</sup> [CHC000269\\_026](#)

<sup>182</sup> [CHC001082\\_012](#)

<sup>183</sup> [CHC001076\\_011](#)

<sup>184</sup> [CHC000268\\_004](#)

<sup>185</sup> [CHC000269\\_010](#)

<sup>186</sup> The precise date when he started this role is not known and it appears that it was RC-F167 himself who told the Archdiocese that he was working in education. It is not known whether this was in a local authority or private school.

<sup>187</sup> [DBS000025](#)

<sup>188</sup> [CSA003224\\_002](#)

**50.** In January and February 2004 there was correspondence between the Archdiocese and COPCA about whether the Archdiocese needed to provide a name when seeking advice from COPCA. Mrs Jones said the Birmingham Child Protection Commission had taken the view that it was not necessary to provide the name of the alleged perpetrator. Ms Nicholson repeated her advice that the provision of the name was essential for child protection. Mrs Shearer became involved. She said she had spoken to Archbishop Nichols to explain the basis of the requirement to provide names when making referrals.<sup>189</sup> Mrs Shearer recalled she met with Archbishop Nichols to discuss this issue and that the Archbishop had not “*dissented*” from the need for names to be provided. For that reason, Mrs Shearer told us she was puzzled as to why this issue was not resolved sooner.<sup>190</sup>

**51.** Mrs Jones made another referral to COPCA in January 2005 and did not provide the name of the alleged perpetrator. The Archdiocese had reported the matter, including the name of the alleged perpetrator, to the relevant statutory authorities. On 3 March 2005 Mrs Shearer wrote to Mrs Jones requesting that COPCA be provided with both names. The letter states that Mrs Jones had explained she was withholding the names because “*this was not a referral but rather a policy query*”.<sup>191</sup>

**52.** The Birmingham Child Protection Commission (the predecessor of the Archdiocese Safeguarding Commission<sup>192</sup>) met on 15 March 2005. Mrs Jones told the commission that she was being asked formally to provide names of alleged perpetrators. The commission disagreed and said it was “*inappropriate and possibly illegal for files to be generated in this way*”<sup>193</sup> and that based on its collective experience of working with statutory agencies, there was no requirement to provide a name.

**53.** On 13 May 2005 Archbishop Nichols chaired the COPCA Management Board and Mrs Shearer proposed what was called a ‘Duty Service Protocol’. Paragraph 4.2 of the protocol required that “*details of the alleged abuser/s and alleged victim/s will be obtained, and COPCA files will be cross-referenced and checked for previous contacts before advice is provided*”.<sup>194</sup> The Management Board agreed to the protocol being issued. Mrs Shearer told us that this protocol was proposed as a result of the disagreement that had taken place between COPCA and the Archdiocese of Birmingham, which was the only Archdiocese to object to sharing this information.<sup>195</sup> The correspondence continued into summer 2006. The duty service protocol therefore had no impact on the Archdiocesan Commission’s position.<sup>196</sup> By the time Mrs Shearer left her post in 2007, the issue had still not been resolved.<sup>197</sup> She said no action could be taken to enforce compliance with the protocol other than to repeat the points she was making to the Archdiocese.<sup>198</sup>

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<sup>189</sup> CSA005726\_004

<sup>190</sup> Eileen Shearer 15 November 2018 57/24-58/7

<sup>191</sup> CSA005746\_001

<sup>192</sup> Established following the Cumberlege report. It was created to have an overview of safeguarding practice within the Archdiocese in line with the national policies and procedures. It was appointed by and accountable to the Archbishop. In addition to the Chair, it comprised the Safeguarding Team, representatives of the clergy and religious and lay members with safeguarding expertise mainly from statutory bodies. See CHC0001613\_007

<sup>193</sup> CHC001482\_156

<sup>194</sup> INQ002671\_017

<sup>195</sup> Eileen Shearer 15 November 2018 62/20-21

<sup>196</sup> CSA005790\_007

<sup>197</sup> Eileen Shearer 15 November 2018 68/15-17

<sup>198</sup> Eileen Shearer 15 November 2018 65/24-66/4

**54.** Mrs Shearer told us that she believed Mrs Jones did not want to pass on names of accused individuals to COPCA, and that she and Archbishop Nichols did not think that COPCA were “*part of the professional confidentiality boundary around all child protection matters*”.<sup>199</sup> She felt there was a desire to keep COPCA at a distance from the work of child protection in the Archdiocese,<sup>200</sup> and that the Archbishop did not think she had a mandate to discuss how child protection was working in the Archdiocese.<sup>201</sup> Mrs Jones was asked whether she thought the name should be provided. She said she could not now recall what she thought but thought she probably agreed with what the Commission members were telling her.<sup>202</sup>

**55.** Mrs Shearer did not agree with the Commission’s view that it was illegal to generate such records. The information was held securely and confidentially.<sup>203</sup> The Nolan report had highlighted the disparate and fluid nature of the Church, with instances of abusers moving between parts of the Church. In light of that, Mrs Shearer considered that it was best practice for COPCA to be given the required information so it could be properly considered in the event of any future enquiry. It was important to have as much information as possible when assessing risk in a particular case<sup>204</sup> and therefore she considered that this requirement was necessary in the interests of protecting children.

**56.** Archbishop Nichols accepted that the duty service protocol, although not a national policy, was a procedural agreement that should be followed if an archdiocese or diocese were to seek advice from COPCA.<sup>205</sup> He said, from his point of view, “*it was a clear position that the Birmingham Diocesan Commission took that they did not think it was necessary to disclose the name*”.<sup>206</sup> He did not think that it was a matter on which he should intervene and thought that the Commission had the right to disagree with COPCA.<sup>207</sup> He said it would have been unwise as Archbishop to compel the Commission to follow the COPCA duty service protocol as to do so would undermine the independence of the Commission. He did not consider the provision of a name to COPCA to be a matter “*of any great substance*”<sup>208</sup> and stated that, had the dispute related to a major matter, he probably would have intervened.

**57.** Archbishop Nichols said he did not wish to overstate the impact of the disagreement between the Commission and COPCA. However, this simple issue being incapable of resolution is indicative of a lack of cooperation between COPCA and the Archdiocese, where a good working relationship was essential. COPCA was established, post-Nolan, with the specific remit of providing advice and guidance. Whether it was a national policy or not, the subsequent duty service protocol made it plain that a name should be provided. The minutes of the Commission’s meetings in March 2005 do not provide any clear rationale behind the Commission’s decision not to provide COPCA with the name.

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<sup>199</sup> Eileen Shearer 15 November 2018 69/2-6

<sup>200</sup> Eileen Shearer 15 November 2018 69/12-18

<sup>201</sup> Eileen Shearer 15 November 2018 70/16-19

<sup>202</sup> Jane Jones 14 November 2018 75/4-6

<sup>203</sup> Eileen Shearer 15 November 2018 61/21-24

<sup>204</sup> Eileen Shearer 15 November 2018 60/6-19

<sup>205</sup> Archbishop Vincent Nichols 13 December 2018 82/17-83/3

<sup>206</sup> Archbishop Vincent Nichols 13 December 2018 84/9-12

<sup>207</sup> Archbishop Vincent Nichols 13 December 2018 84/7-18

<sup>208</sup> Archbishop Vincent Nichols 13 December 2018 85/5

**58.** Archbishop Nichols should have intervened to ensure that the dispute was resolved and to ensure compliance with the COPCA protocol. His failure to intervene contributed to the two-year-long exchange of correspondence which was time-consuming for those involved and contributed to the difficult relationship between the Archdiocese and COPCA.

## C.5: Cumberlege report and recommendations

**59.** The final Nolan recommendation was that progress should be reviewed after five years, which led to the Cumberlege Commission report, published in 2007.<sup>209</sup> In the foreword, the Cumberlege Commission chair said:

*“In our report we have congratulated the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) in formulating policy. Their achievements, in such a relatively short time, have been considerable. However, much of the progress has been made at national and diocesan level; as a result COPCA’s reach has not really extended to the parishes where the supporting, training, and advising particularly in the prevention of abuse needs to happen. If awareness and a safe environment is all important – and it is – it is here in the parishes where children and vulnerable people live that we could have expected a greater emphasis and a stronger attempt to win over ‘hearts and minds’.”*

**60.** Of the 83 Nolan recommendations, the Cumberlege review reported that 79 had been addressed either completely or partially. Amongst the four recommendations still to be addressed, one related to the development of a whistleblowing policy, and another to a cultural issue that mistakes should be dealt with openly and learning from them.

**61.** In total, the Cumberlege report made 72 recommendations, including that:

- the national unit’s name should be changed to the Catholic Safeguarding Advisory Service (CSAS) to reflect its primary future role as one of coordination, advice and support in respect of the wider job of safeguarding children and vulnerable adults (Rec 3);
- CSAS should report and be accountable to the Bishops’ Conference and Conference of Religious through the new National Safeguarding Commission (Rec 6);
- CSAS should focus on matters including providing advice to members of the Church about safeguarding issues, overseeing and coordinating training within the Church, ensuring the safeguarding policies are accessible at all levels with an emphasis on people in parishes and producing an annual report (Rec 16);
- the Bishops’ Conference and Conference of Religious should reaffirm their commitment to the paramountcy principle, ie the welfare of the child is the paramount concern (Rec 40); and
- the Diocesan Child Protection Commissions should become Safeguarding Commissions responsible for safeguarding children and vulnerable adults (Rec 70).

**62.** Mrs Shearer left as director of COPCA and, in July 2008, Mr Adrian Child became the director of CSAS when CSAS was established following the Cumberlege recommendation. The current director is Mrs Colette Limbrick. The primary role of CSAS is to provide advice to members of the Church and lay people about safeguarding issues. CSAS develops the

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<sup>209</sup> CHC000002

safeguarding training that is then utilised by the Archdiocese and ensures that national policies and procedures are up to date. While CSAS may provide advice about a case, the case remains the responsibility of the Diocese.<sup>210</sup>

**63.** Following the Cumberlege report, in 2008, the National Catholic Safeguarding Commission (NCSC) was established to set the strategic direction of the Church's safeguarding policy and to monitor compliance. The NCSC sets and directs the work for CSAS to implement and put into practice. Policies and procedures reviewed by CSAS are ratified by the NCSC before submission to the Bishops' Conference and Conference of Religious.

## C.6: COPCA and CSAS audits of the Archdiocese

**64.** In 2006, COPCA began auditing the Church, including the Archdiocese of Birmingham. The audit consisted of a self-assessment with a series of basic questions, including whether the Archdiocese had access to national procedures,<sup>211</sup> whether it had a commission that met quarterly and had an independent chair, and how many allegations it had received.<sup>212</sup>

**65.** The Archdiocese was also asked to provide COPCA with the number of volunteers required to have a CRB check. The answer given by the Archdiocese on the relevant form was "?". The Archdiocese wrote:

*"Questions about CRB checks and Volunteers are very difficult for us to answer accurately. In this diocese other agencies also process some applications. At the moment we have no way of knowing the total number of volunteers at any given time and even if we were able to ascertain that number it would change on a daily basis. We also have some difficulty in identifying volunteers from the database because insufficient information was registered in the early days of use of the database."*<sup>213</sup>

**66.** COPCA audited the self-assessment response.<sup>214</sup> A number of points of concern were highlighted, in particular, the Archdiocese's inability to monitor how many CRB checks were outstanding for its volunteers. COPCA said *"Without an approximate figure of total volunteers it is not known how many CRB checks (approximately) are outstanding"*. Consequently, COPCA recommended that the Archdiocese should have an internal monitoring system that would monitor how many CRB checks were outstanding.

**67.** In 2009, the Chair of the NCSC, Bill Kilgallon, received a letter from Archbishop Nichols<sup>215</sup> which enclosed a paper written by Mrs Jones.<sup>216</sup> In this correspondence, the Archbishop queried whether it was necessary for everyone that fell within the scope of the CRB regime to undergo a CRB check, whether the confidential declaration form was excessive, and referred to a debate around the term 'volunteer'. This latter point was connected to a passage in the enclosed paper which appeared to suggest that people 'well known' within the parish who took on parish roles should not be required to complete a CRB check.

<sup>210</sup> Dr Colette Limbrick CSA005625\_005

<sup>211</sup> Adrian Child 15 November 2018 100/5-20

<sup>212</sup> CHC001451\_014-031

<sup>213</sup> CHC001451\_023-024

<sup>214</sup> CHC001451\_006

<sup>215</sup> CHC001639\_001-005

<sup>216</sup> The paper was titled 'All we like sheep have gone astray'.

**68.** This correspondence caused both the NCSC and Mr Child concern.<sup>217</sup> Mr Child was troubled because there appeared to him to be a suggestion from the Archdiocese that national standards did not need to be followed if people within parishes were known in the Church community.

**69.** As a result, the Archdiocese of Birmingham was selected again for audit. The 2009 audit was also a self-assessment which asked similar questions to 2006.<sup>218</sup> Again, the Archdiocese could not say how many volunteers<sup>219</sup> needed to be CRB checked. It did, however, record that 5,016 volunteers had been CRB checked.<sup>220</sup> CSAS wrote to the Archdiocese on 25 September 2009, noting that an internal monitoring system was still not in place and recommended that Mrs Jones take action in this regard.<sup>221</sup>

**70.** In 2010, CSAS audited the Archdiocese for a third time to determine compliance with CSAS guidelines and other relevant safeguarding practices. In its self-assessment, the Archdiocese considered that it met the highest standards in all but two areas.<sup>222</sup>

**71.** The findings of the CSAS audit were rather different. The Archdiocese was assessed as either 'not compliant' or 'improvements needed' in every area of two sections concerning 'Induction, supervision, support and training' and 'Casework and recording practice'. As regards the third section – 'CRB and safer recruitment practice' – the Archdiocese was fully compliant in all but two of the seven areas inspected.<sup>223</sup> There was no reference to the establishment of an internal monitoring system in this audit.

**72.** The failings included:

**72.1.** In relation to record keeping, the case files had no obvious structure and notes were unsigned, and in some cases undated. The Archdiocese was one of only two dioceses where cases had to be referred back to the Commission for urgent review because the way the cases were managed caused immediate concern.<sup>224</sup>

**72.2.** A lack of understanding between the Safeguarding Commission and the safeguarding coordinator about their respective roles and responsibilities.<sup>225</sup> There was "no structured adherence to 'responding to allegations' procedure", the "role of safeguarding coordinator [was] blurred eg advocate for victim, for accused, risk manager, pastoral support provider etc?", and "in 1 case [an] indication that not all potentially relevant information was shared with the statutory agencies".<sup>226</sup>

**73.** Mr Child felt the Archdiocese was reluctant to be audited and that, following the delivery of the audit report, "there was quite a lot of discontent expressed".<sup>227</sup> However, in due course, the Commission met with Mr Child and the mood was more positive. An action

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<sup>217</sup> Adrian Child 15 November 2018 104/2-105/2

<sup>218</sup> CSA005648 and CSA005692

<sup>219</sup> As defined in section 2 of the Police Act 1997 (Criminal Records) Regulations 2002.

<sup>220</sup> CSA005648\_008

<sup>221</sup> CHC001464\_015-016

<sup>222</sup> CHC000386\_004

<sup>223</sup> CHC000336\_001-002\_-005

<sup>224</sup> Adrian Child 15 November 2018 109/17-110/24

<sup>225</sup> CHC000336\_008

<sup>226</sup> CHC000336\_006

<sup>227</sup> Adrian Child 15 November 2018 113/5-8



plan was prepared by a member of the Commission to deal with the shortcomings<sup>228</sup> and the Commission provided the NCSC with an update on the actions taken in response to the audit.<sup>229</sup>

**74.** The audits demonstrate that some progress had been made by the Archdiocese. For example, over 5,000 volunteers had been CRB checked, which was clearly a large and onerous task. However, the audits also uncovered a number of fundamental problems within the Archdiocese. It was of particular concern that relevant information in one case may not have been shared with the statutory authorities. Case files were in a disordered state. A decade after the Nolan report, the Archdiocese had not put in place effective systems of record keeping and the 2010 audit found deficiencies within each of the three areas<sup>230</sup> that were reviewed.

## C.7: Safeguarding cases post-Nolan

**75.** Using the schedule of allegations prepared by the Inquiry,<sup>231</sup> we examined how the Archdiocese dealt with allegations of child sexual abuse said to have taken place after the Nolan report in 2001.

**76.** In a large number of cases, since the Nolan report, important details, such as when the allegation was reported and when the incident was said to have occurred, were unclear from the records provided. This suggests poor record keeping – a failing which was also found by CSAS during their 2010 audit of the Archdiocese – remains an issue.

**77.** We reviewed seven cases that clearly related to allegations of child sexual abuse said to have taken place since 2001. All of the allegations were referred by the Archdiocese to the statutory authorities and, as a result, two offenders were cautioned by the police.<sup>232</sup>

**78.** In one case, from 2002, RC-F179 (a priest) was charged with offences relating to possession of indecent images of children. The indecent images were found on the parish computer, having been seized with the consent of RC-F179 and the Church. RC-F179 was placed on administrative leave. The prosecution withdrew the charges due to complications in the investigation. RC-F179 resigned as a priest and thereafter his whereabouts became unknown.<sup>233</sup> Mrs Knowles, the CPC at the time, sought advice from COPCA (in which the name was provided to COPCA).<sup>234</sup> COPCA advised the Archdiocese to make all dioceses and religious orders aware of this matter in case RC-F179 sought appointment elsewhere in the Church. The Archdiocese followed that advice.<sup>235</sup> It was also apparent from the safeguarding file that the Archdiocese also liaised with social services and the police during the course of the investigation.<sup>236</sup> This appeared to be a good example of the safeguarding team liaising effectively with COPCA and other agencies.

**79.** There was evidence that safeguarding within the Archdiocese had improved since the Nolan report in 2001. However, by the time of the 2010 CSAS audit, nearly a decade had elapsed since the Nolan report and much work remained to be done.

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<sup>228</sup> Adrian Child 15 November 2018 114/5-14

<sup>229</sup> CSA005689

<sup>230</sup> 'Induction, supervision support and training', 'Casework and recording practice' and 'CRB and safer recruitment practice'.

<sup>231</sup> INQ003537

<sup>232</sup> INQ003537\_015-020

<sup>233</sup> CHC000298\_001

<sup>234</sup> CHC000298\_014

<sup>235</sup> CHC000298\_011-014

<sup>236</sup> CHC00298\_003





## Part D

# Current safeguarding arrangements

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# Current safeguarding arrangements

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## D.1: Introduction

1. In 2018, the Archdiocese of Birmingham commissioned three separate reviews in respect of safeguarding within the Archdiocese:

**1.1.** an examination of past cases for the Archdiocese of Birmingham,<sup>237</sup> conducted by Jan Pickles OBE;

**1.2.** an independent audit of the safeguarding arrangements within the Archdiocese, undertaken by the Social Care Institute for Excellence (SCIE) and published in October 2018;<sup>238</sup> and

**1.3.** the parish review<sup>239</sup> conducted by Jan Pickles OBE, regarding the attitudes and ability of clerical and lay members of parishes to contribute to the wider diocesan safeguarding agenda.

2. Each report highlighted aspects of safeguarding which were considered to work well. In summary:

- training was well regarded both in terms of training to those involved in safeguarding roles and training given to seminarians;
- the Archdiocese now conducts DBS checks online;
- people with the appropriate qualifications and backgrounds were acting in the role of parish safeguarding representatives (PSRs); and
- PSRs spoke highly of the support they received from the safeguarding team, acknowledging the fact that the team worked long hours often over and above their contracted hours.

3. However, in general terms, the reviews found more weaknesses than strengths and the SCIE report in particular identified significant problems within the safeguarding team and with oversight of it.

## D.2: Examination of past cases review

4. The *Examination of past cases for the Archdiocese of Birmingham* (the past cases review) was undertaken by Jan Pickles OBE, a qualified social worker with extensive experience in safeguarding. Its aim was to help the Archdiocese prepare for this Inquiry and also to “Learn

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<sup>237</sup> CHC001643

<sup>238</sup> CHC001649

<sup>239</sup> CHC001644

*lessons from the past to help safeguarding and to help victims and survivors today and in the future*".<sup>240</sup> In preparing her report, Mrs Pickles reviewed case files involving 15 perpetrators and 45 victims of child sexual abuse.

5. Mrs Pickles identified a number of broad themes, including:

**5.1.** the ways in which the perpetrator was able to groom the victim by gaining access to the victim and their family, the level of trust and deference shown by the victim and family to the priest;

**5.2.** the power and status of the priest created both the opportunity to abuse and often made the victim feel that it was impossible to disclose the abuse for fear of being disbelieved;

**5.3.** the lifelong impact that abuse had on victims pervading all aspects of their lives. In particular, victims and the families of victims felt the Church should have done more to protect them and were concerned about the length of time it took to dismiss a priest from the clerical state;<sup>241</sup>

**5.4.** the perception of a culture of secrecy which is founded in the way the Archdiocese historically has dealt with cases, showing a reluctance to involve police and local authorities and a preference to manage matters internally;<sup>242</sup> and

**5.5.** there was a reluctance or inability by peers to challenge or question colleagues about behaviours that may have looked suspicious<sup>243</sup> and a use of euphemistic language, such as 'misbehaviour' and 'misdemeanour' to describe criminal acts of child sexual abuse.<sup>244</sup>

6. The review concluded that staff working within the safeguarding team were not regularly supervised. This led to a lack of consistency of approach within the case files and a need for more accountability and oversight.<sup>245</sup> The case management system was not "*fit for purpose*" with paper-based, handwritten files which were difficult to read and made it hard to follow events and difficult to share information with others.<sup>246</sup> These final two conclusions were matters that also featured in the SCIE audit.

7. Jane Jones, the safeguarding coordinator, told us that she accepted the general conclusions of the report but was concerned about the factual inaccuracies in the review. She said that, although case management systems were now different from those used in the historic cases, there would still be handwritten notes as she would take contemporaneous handwritten notes and she considered this to be best practice.

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<sup>240</sup> CHC001643\_002

<sup>241</sup> CHC001643\_050

<sup>242</sup> CHC001643\_038

<sup>243</sup> CHC001643\_053

<sup>244</sup> CHC001643\_054

<sup>245</sup> CHC001643\_050

<sup>246</sup> CHC001643\_052 and 055

8. Archbishop Bernard Longley said he was grateful for the way Mrs Pickles had identified a number of themes common throughout the cases she had reviewed. He agreed it was:

*“very likely that some decisions were made as a result of fear that negative publicity about a priest’s behaviour would undermine the church’s mission. The church must never put its reputation above properly dealing with an allegation. This should be a valuable lesson from the past”.*<sup>247</sup>

9. The past cases review is a valuable resource for the Archdiocese as it explains how abusers target and groom their victims, highlights patterns of abuse common within the clerical setting and, importantly, broadens the Archdiocese’s understanding of the widespread impact that abuse can have on the victims and their families.

### D.3: Independent audit of safeguarding by SCIE

10. The SCIE audit of the safeguarding arrangements within the Archdiocese of Birmingham was carried out during summer 2018 and published in October 2018. The SCIE auditors visited the Archdiocese and spoke with a number of the key participants including Archbishop Longley, the Vicar General, the chair of the Safeguarding Commission and Jane Jones. They also had contact with 11 survivors of clerical abuse, and a number of parish safeguarding representatives. They reviewed safeguarding policies and procedures and also looked at case files, safeguarding agreements and enquiries handled by the safeguarding team between 2016 and 2018.<sup>248</sup>

11. In respect of work conducted by the safeguarding team, the audit found that:

11.1. The safeguarding policies and procedures of the Archdiocese of Birmingham were not in accordance with national Catholic Safeguarding Advisory Service (CSAS) policies and procedures;<sup>249</sup> some policies were out of date and others seemed “*almost apologetic*”<sup>250</sup> about the role safeguarding should play within Church life.

11.2. The recording systems used to manage the case work files between 2016 and 2018 were “*wholly inadequate*”.<sup>251</sup> While the auditors spoke with those who said action had been taken in the respective cases, this action was not recorded in the case file and so it was often difficult if not impossible to determine what action, if any, had been taken.

11.3. In respect of safeguarding agreements, most files had no risk assessment setting out why the person was subject to a safeguarding agreement. Reviews of these agreements were not being undertaken with the frequency they should have been.

11.4. The current supervision and management arrangements for the safeguarding team were inadequate, and oversight of the safeguarding coordinator’s role was “*ineffective*”.<sup>252</sup>

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<sup>247</sup> Archbishop Longley 16 November 2018 92/17-23

<sup>248</sup> See CHC001649\_033-034 for full methodology.

<sup>249</sup> CHC001649\_004

<sup>250</sup> CHC001649\_007

<sup>251</sup> CHC001649\_005

<sup>252</sup> CHC001649\_019

**11.5.** In relation to information sharing with statutory safeguarding agencies such as the police, social services and probation, there was *“a good level of operational information”* but the auditors added the caveat that this conclusion was *“in as far as the recording could allow the auditors to ascertain”*.<sup>253</sup>

**11.6.** The Safeguarding Commission was good at providing advice and guidance on case work but *“does not fulfill the functions of providing strategic direction or independent oversight and scrutiny”*.<sup>254</sup>

**11.7.** Quality assurance processes were not adequate or effective.

**11.8.** In respect of those who wished to complain or ‘whistleblow’, the audit found that it was not easy to locate the policy and procedures on the Archdiocese’s website, nor were they actively promoted, *“suggesting that they are not meaningfully available to people across the Archdiocese”*.<sup>255</sup> More importantly, the auditors were *“troubled by the extent to which there has been tangible and explicit fear”*<sup>256</sup> on the part of those who made contact with the auditors which included victims and their families, parish safeguarding representatives, staff at Cathedral House<sup>257</sup> and parish priests. As the audit noted, *“All were hugely concerned that their identities not become known and placed great emphasis on their contributions remaining confidential.”*<sup>258</sup> The audit noted that *“Some people were even fearful of their children losing places at their church school for having spoken out”*.<sup>259</sup>

**11.9.** A *“radical culture change is needed”* which professionalises *“the leadership, governance, management and delivery of safeguarding in the Archdiocese”*.<sup>260</sup>

**12.** As regards the SCIE audit, Jane Jones explained that the Archdiocese did not have separate policies and procedures to those prepared by CSAS. She said that the Archdiocese did have *“a simplified booklet that’s intended to be user friendly”*<sup>261</sup> which was introduced following a recommendation made by CSAS after the 2010 audit.<sup>262</sup> She was not aware of the precise documentation provided to CSAS and rejected any suggestion that the Archdiocese did not follow the national guidance. Mrs Jones accepted that the recording systems needed to be improved and that risk assessments had not been reviewed as frequently as they should have been.<sup>263</sup> She said that, for her, *“this was more vocation than it was employment”*<sup>264</sup> and that it was *“a privilege”*<sup>265</sup> to be able to help those who needed her support and assistance. She thought that the Safeguarding Commission had provided oversight. When asked whether she accepted that the overall conclusions of the audit were unfavourable to the Archdiocese, she said *“I have no choice but to accept those conclusions”*.<sup>266</sup>

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<sup>253</sup> [CHC001649\\_007](#)

<sup>254</sup> [CHC001649\\_023](#)

<sup>255</sup> [CHC001649\\_024](#)

<sup>256</sup> [CHC001649\\_024](#)

<sup>257</sup> Cathedral House is where the staff involved in the administration of the Archdiocese are based.

<sup>258</sup> [CHC001649\\_024](#)

<sup>259</sup> [CHC001649\\_024](#)

<sup>260</sup> [CHC001649\\_032](#)

<sup>261</sup> [Jane Jones 14 November 2018 159/3-6](#)

<sup>262</sup> [CHC000336\\_007](#)

<sup>263</sup> [Jane Jones 14 November 2018 37/16-17](#)

<sup>264</sup> [Jane Jones 14 November 2018 166/22](#)

<sup>265</sup> [Jane Jones 14 November 2018 166/25](#)

<sup>266</sup> [Jane Jones 14 November 2018 168/22](#)

**13.** Archbishop Longley accepted the conclusions of the SCIE report. He was not aware of the problems with recording systems in more recent cases and acknowledged that there were “*not those checks and balances*”<sup>267</sup> which would have brought those problems to light. It was, he said, a priority for him to ensure that no further work was required on the 2016–18 case work files and appointed Jane Foster (a former local authority designated officer) to check the files. Archbishop Longley said that Jane Foster had found that appropriate action had been taken on the respective cases but this had not been recorded in the files. As the Archbishop succinctly put it, “*while work was done, it has to be shown to have been done for us to know*”.<sup>268</sup>

**14.** The Archbishop expressed a degree of surprise that the auditors felt there was a reluctance to criticise the Church because he received many letters each week which were critical or raised complaints. He thought this was “*a healthy thing*”. He acknowledged, however, that more work could be done in respect of whistleblowing and said that this would feature in the Archdiocese’s action plan. The Archbishop also hoped people would feel able to contact the NSPCC independent helpline if they wished to seek advice about safeguarding issues, and this helpline number was being given more prominence, including being published in parish newsletters. Given that the 2007 Cumberlege report highlighted the need for the Church to address a whistleblowing policy, SCIE’s findings suggest that the Archdiocese of Birmingham had not taken sufficient steps to ensure that this policy was publicised and accessible.

#### **D.4: Parish review**

**15.** Archbishop Longley explained that the original intention was for SCIE to also conduct a review of safeguarding work at parish level. Timescales were such that SCIE was unable to undertake this work and so Jan Pickles was asked to conduct the parish review.

**16.** Between September and October 2018, Mrs Pickles visited six parishes chosen at random from a cross-section of socio-economic and geographic backgrounds. She met with clergy and other parish volunteers, and she observed two children’s liturgies and four masses.

**17.** The review found that, across the range of parishes visited, “*within the Parish everyone was completely committed to the principle and importance of safeguarding*”.<sup>269</sup> The parish safeguarding representatives had backgrounds in professions where safeguarding had either been their job or a significant element of their job.

**18.** Although most people were not able to describe the Archdiocese’s policies and procedures in any detail, most people were aware of the safeguarding team and said they would contact the team if they were concerned about a child. They spoke positively about the team, in particular about Jane Jones and the support she provided. Those spoken to did not consider that the Archdiocese’s website was easy to use and there was limited awareness of the CSAS website.<sup>270</sup>

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<sup>267</sup> Archbishop Bernard Longley 16 November 2018 108/10-11

<sup>268</sup> Archbishop Bernard Longley 16 November 2018 109/16-17

<sup>269</sup> CHC001644\_012

<sup>270</sup> CHC001644\_007



**19.** One area of concern at parish level was what was described in the report as “*The ability to identify risk*”.<sup>271</sup> Mrs Pickles found that most lay and ordained members of the parish were aware of the need to ensure that children were not left alone with a priest and to be careful in situations where they may encounter a lone child. What was not evident, however, was an ability to identify behaviours that might indicate that a child was being groomed or sexually exploited. For example, when asked ‘what would you do if you had a concern?’, all those asked stated that they would contact the safeguarding team. As the review acknowledges, this “*is the right thing to do*”. However, Mrs Pickles did not observe any evidence that indicators of abuse (such as missed appointments or changes in behaviour) might be picked up and acted upon. Training to identify that a child is being abused is an essential feature of safeguarding.

**20.** Jan Pickles considered that there was a high level of dependence on the safeguarding team and notably on Jane Jones.

*“The Safeguarding Unit is a limited resource and does not appear to meet the level of demands that are made on it.”*<sup>272</sup>

Jane Jones did not accept this, saying “*I think we have met the demands placed on us pretty well for a long time*”.<sup>273</sup>

**21.** The parish review states that the practical effect of this demand was that other areas of work, such as updating and simplifying the policies and procedures or referral forms that were to be used in the parishes, could not be undertaken. Jane Jones rejected the suggestion that she or the safeguarding team was responsible for simplifying policies and procedures, saying “*That’s a CSAS role*”.<sup>274</sup> Having undertaken her role as child protection and safeguarding coordinator for a number of years, Mrs Jones felt the reports were critical of her. She displayed a reluctance to accept the problems uncovered by the reports.<sup>275</sup>

**22.** The SCIE report has recommended that where the safeguarding coordinator and assistant safeguarding coordinator are qualified social workers, they ought to be registered with the Health and Care Professions Council (HCPC) to help professionalise the role within the Archdiocese.

## D.5: Post publication of the 2018 reviews

**23.** When all three reviews are considered, common problems were identified, in particular, the amount of responsibility placed on the role of the safeguarding coordinator; the need for a more professional approach by the safeguarding team, including their recording systems; and the need for proper oversight of that team.

**24.** As a consequence of those reviews, in November 2018, the Archdiocese appointed Andrew Haley as the newly created Interim Director of Safeguarding. It was envisaged that Jane Jones would report to Andrew Haley and that he would work alongside her. This did

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<sup>271</sup> [CHC001644\\_007](#)

<sup>272</sup> [CHC001644\\_010](#)

<sup>273</sup> [Jane Jones 14 November 2018 155/1-2](#)

<sup>274</sup> [Jane Jones 14 November 2018 156/6](#)

<sup>275</sup> [Jane Jones 14 November 2018 168/18-22](#)

not happen. Jane Jones tendered her resignation as she felt her position was “*completely untenable*”.<sup>276</sup> We concluded that Jane Jones did not modernise the safeguarding team and manage her numerous responsibilities effectively.

**25.** The Archdiocese’s action plan<sup>277</sup> categorised work into ‘urgent’ and ‘non-urgent/non-immediate’ and Archbishop Longley said that he was going to remain a member of the working group which would report back to the Archdiocese’s trustees. He hoped that many of the actions on the action plan would be completed within six months, although he recognised that some work may take longer to complete.

**26.** All three reviews were commissioned after the Inquiry announced that the Archdiocese of Birmingham was to be included as a case study within the investigation into the Roman Catholic Church. The findings, in particular of the SCIE audit, highlighted important failings in respect of safeguarding within the Archdiocese. It is likely that these concerns would not have come to light without the inclusion of the Archdiocese of Birmingham as part of this investigation.

**27.** There was a disparity between the Archdiocese’s self-audits in 2006 and 2009 and the CSAS audit in 2010. Some of the problems, for example with record keeping, were identified in the 2010 audit and do not seem to have been addressed to date. It is also unclear why, following the 2010 audit, the Archdiocese of Birmingham did not ensure that effective action was taken to address the ‘non-compliant’ areas.

**28.** Subsequent to our hearings, in February 2019, the Charity Commission announced that it had opened a statutory inquiry into the Birmingham Diocesan Trust. The Inquiry is focussed on the charity’s safeguarding governance and the adequacy of its response to recent safeguarding reviews.

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<sup>276</sup> Jane Jones 14 November 2018 169/9

<sup>277</sup> CHC001646\_006

Part E

# Conclusions

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# Conclusions

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## E.1: Introduction

From the late 1990s to approximately 2010, the Archdiocese of Birmingham was the focus of much publicity over its involvement in and response to cases of alleged child sexual abuse. There were a number of high-profile criminal cases, about which numerous articles appeared in both local and national newspapers, and at least two television documentaries focussed on the Archdiocese's handling of child sexual abuse allegations. As the Archdiocese accepted:

*"This Inquiry has heard more than sufficient evidence to be satisfied that during the second half of the last century, the Archdiocese was responsible for a number of institutional failings which on occasions permitted the sexual abuse of children to continue when it might otherwise have been stopped. Such failings are to the immense discredit of the Archdiocese and it is for Archbishop Longley to demonstrate that during this century, not only have significant improvements to safeguarding been made but also, for the present and future, children are and will be safe."*<sup>278</sup>

## E.2: Conclusions

1. At least 13 individuals associated with the Archdiocese have been convicted before the criminal courts and three others were cautioned. There were 53 victims arising from those criminal cases. In addition, the Archdiocese has faced allegations that no fewer than 78 individuals were accused of committing child sexual abuse.
2. Material seen by the Inquiry suggests that the number of complainants is likely to be higher than the figures set out here.
3. In those cases where there has been no criminal or civil finding, the issue for the Inquiry has been to examine how the Archdiocese has considered and managed the potential risk to children.

### Historical failings (prior to Nolan report 2001)

4. Historically, the Archdiocese repeatedly failed to alert the police when an allegation of child sexual abuse was made. The default position was to take no action or to move the priest to another parish. Occasionally the perpetrator was sent for treatment but typically he returned to parochial life and was not subject to further supervision.
5. The consequence of these failings cannot be overstated. In some cases, the lack of action by the Church meant that the abuser was free to continue to commit acts of child sexual abuse. In the cases we examined where the abuser was moved to a new parish, there was no evidence that the new parish was made aware of the allegations, let alone appropriate measures put in place to limit or supervise the abuser's access to children.

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<sup>278</sup> INQ003860

6. In the case of James Robinson, Monsignor Daniel Leonard deliberately misled the Archdiocese of Los Angeles about the nature of the allegations faced by Robinson and, as a result, Robinson was able to remain in America and avoid prosecution for nearly 25 years. It is hardly surprising therefore that we heard evidence that the complainants and victims felt there was a culture of secrecy within the Archdiocese, and that protection of the Church was the paramount concern. As RC-A15 stated, “*the Church should never be guarded, it should always be guarding*”.<sup>279</sup>

7. The breach of trust – by a priest, trusted by children and their families – was at the core of many of the accounts we heard and read. There was little if any acknowledgement of the harm that this abuse caused, which still affects victims and complainants today.

8. The Archdiocese of Birmingham was reluctant to report matters of child sexual abuse to the authorities and remained more committed to protecting itself and dealing with matters internally than protecting the victims. A radical culture change was needed.

### Response post Nolan and Cumberlege reports

9. The recommendations of the 2001 Nolan report initiated change not only within the Archdiocese of Birmingham but across the entire Roman Catholic Church in England and Wales. There was evidence that most allegations were reported to the police or other statutory agencies and we heard of improving cooperation between the Archdiocese and the police. The Archdiocese established the Child Protection Team and, from 2004 to 2018, Jane Jones was the Child Protection Coordinator.

10. There was mistrust and a poor working relationship between the Archdiocese and Catholic Office for the Protection of Children and Vulnerable Adults (COPCA). This was exemplified by firstly, the mishandling of Jane Jones’ appointment and secondly, the prolonged argument about the Archdiocese’s refusal to provide COPCA with an alleged perpetrator’s (RC-F167) name – a dispute that Archbishop Nichols should have intervened in to resolve. The reluctance to adopt the ‘One Church’ approach when dealing with COPCA and a failure to follow basic recruitment practice when appointing the safeguarding coordinator demonstrated the Archdiocese’s unwillingness to embrace fully the new culture of child protection advocated by the Nolan report.

11. Archbishop Nichols stated that during his tenure as Archbishop of Birmingham he met with a number of victims of sexual abuse and learnt first hand about the “*lasting, corrosive, destructive influence/effect/impact of child sexual abuse*”.<sup>280</sup> However, his 2003 press release in response to the BBC programme ‘Kenyon Confronts’ focussed too heavily on perceived BBC bias and not enough on the victims’ accounts of abuse and the harm caused.

12. In the cases of Father John Tolkien and RC-F167 there were no findings of fact in relation to sexual abuse and so the Inquiry examined the Archdiocese’s handling of risk. In the case of Father Tolkien, when child sexual abuse allegations were made in 1968 and 1993, no thought was given to considering whether Father Tolkien posed a risk to children. In RC-F167’s case, when he applied to become a priest in late 1985 there was no consideration of the potential risk he posed. By contrast, in 1998, when further allegations were made against him, the Archdiocese did require RC-F167 to be assessed to ascertain whether he should have supervised or unsupervised access to children.

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<sup>279</sup> RC-A15 12 November 2018 169/17-18

<sup>280</sup> Archbishop Nichols 13 December 2018 22/4-5

**13.** Following the publication of the Cumberlege report in 2007, the Archdiocese appears to have placed greater emphasis on safeguarding and a more victim-focussed approach was adopted by the safeguarding team. Priests and other clergy who face such allegations are now placed on administrative leave and procedures put in place to ensure that children are protected.

**14.** Notwithstanding the developments post the Nolan and Cumberlege reports, the 2010 Catholic Safeguarding Advisory Service audit highlighted a number of areas which required further work to be done, including in respect of record keeping. As Lord Nolan acknowledged in his 2001 report, the maintenance of accurate and up-to-date records in respect of an allegation of child sexual abuse is paramount. As a result of the 2010 audit, the Archdiocese should have recognised that the safeguarding team required further resources to enable them to carry out their work. The audit identified that there needed to be proper oversight of the team to ensure that these changes were implemented. The 2018 Social Care Institute for Excellence (SCIE) audit found multiple failings. This included, again, reference to incomplete and substandard records, indicating that little had changed since 2010.

### **Safeguarding failures in the Archdiocese in 2018**

**15.** The Inquiry considered the findings of the past cases review, the parish review and the SCIE audit. All three reviews were commissioned by the Archdiocese in 2018 and were published shortly before the November 2018 public hearing. Two consistent problems emerged. Firstly, there was a lack of supervision of the safeguarding team. Secondly, the case management systems were inadequate and the paper-based, handwritten files made it hard to follow events. The concerns about case management and record keeping mirrored the difficulties encountered by the Inquiry when it reviewed the case files and prepared the schedule of allegations.

**16.** The deficiencies with case management and recording of actions were identified in the 2010 audit and were not addressed by the time of the 2018 reviews. Ensuring that there is a proper system of supervision and oversight of the safeguarding team is an essential part of the Archdiocesan response to ensure that children are properly protected. Had this Inquiry not focussed upon the Archdiocese of Birmingham, it is doubtful whether the Archdiocese would have itself recognised that these problems needed to be resolved.

**17.** The Archdiocese of Birmingham must professionalise both the way the safeguarding team operates and the way the team is managed and overseen. Change must be led by Archbishop Longley and the Birmingham Safeguarding Commission, and there must be a systematic programme of review to ensure the current concerns about safeguarding in the Archdiocese are remedied.

# Annexes

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# Annex 1

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## Overview of process and evidence obtained by the Inquiry

### 1. Definition of scope for the case study

This case study is an inquiry into the extent of any institutional failures to protect children from sexual abuse within the Catholic Archdiocese of Birmingham.

The scope of this investigation, in so far as it relates to this case study, is that the Inquiry will investigate:<sup>281</sup>

*3.2.1. the nature and extent of child sexual abuse by individuals associated with the Archdiocese;*

*3.2.2. the nature and extent of any failures of the Catholic Church, the Archdiocese, law enforcement agencies, prosecuting authorities, and/or other public authorities or statutory agencies to protect children from such abuse;*

*3.2.3. the adequacy of the response of the Catholic Church, including through the Roman Catholic Archdiocese of Birmingham, and the response of any other relevant institutions to allegations of child sexual abuse by individuals associated with the Archdiocese;*

*3.2.4. the extent to which the Catholic Church, including through the Archdiocese, sought to investigate, learn lessons, implement changes and provide support and reparations to victims and survivors, in response to:*

- a) allegations of child sexual abuse by individuals associated with the Archdiocese;*
- b) criminal investigations and prosecutions, civil litigation and other complaints relating to child sexual abuse by individuals associated with the Diocese;*
- c) investigations, reviews or inquiries into child sexual abuse within the Archdiocese;*
- d) disciplinary measures taken against clergy; and/or*
- e) other internal or external reviews or guidance.*

*4. In relation to each case study, the Inquiry will consider:*

*4.1. how the specific relationship between the Order or Archdiocese which is the subject of the case study and the Catholic Church in England and Wales impacts on child protection; and*

*4.2. the extent to which any failings identified by the Inquiry in relation to the Order or Archdiocese which is the subject of the case study are representative of failings within the Catholic Church in general.*

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<sup>281</sup> <https://www.iicsa.org.uk/investigations/investigation-into-failings-by-the-catholic-church?tab=scope>

5. In light of the investigations and case studies set out above, the Inquiry will publish a report setting out its findings, lessons learned, and recommendations to improve child protection and safeguarding in England and Wales.

## 2. Core participants and legal representatives

### Counsel to this investigation:

Jacqueline Carey
Christopher Saad
Ellen Shaw

### 3. Complainant core participants:

<b>A55, A56, A57, A58, A80</b>	
Counsel	Iain O'Donnell
Solicitor	Richard Scorer (Slater and Gordon)
<b>C14, C15, C16</b>	
Counsel	William Chapman
Solicitor	David Greenwood (Switalskis)
<b>D2</b>	
Counsel	Caoilfhionn Gallagher QC and Angela Patrick
Solicitor	Jon Wakefield (Bhatia Best)
<b>F48, F49, F51, F53, F59</b>	
Counsel	Christopher Jacobs
Solicitor	David Enright (Howe and Co)

4. Institutional core participants:

<b>Adrian Child, Eileen Shearer</b>	
Counsel	Tanya Griffiths QC and Julian King
Solicitor	Lachlan Nisbet (Brabners)
<b>Archdiocese of Birmingham</b>	
Counsel	Richard Horwell QC and Genevieve Woods
Solicitor	David Smellie (Farrer and Co)
<b>Jane Jones</b>	
Counsel	Peter Mant
Solicitor	Matthew Smith (Bircham Dyson Bell)
<b>The Catholic Council for IICSA</b>	
Counsel	Kate Gallafent QC
Solicitor	Stephen Parkinson (Kingsley Napley)
<b>Secretary of State for Education</b>	
Counsel	Cathryn McGahey QC
Solicitor	Gary Howard (Government Legal Department)
<b>West Midlands Police</b>	
Counsel	Allison Hewitt
Solicitor	Lisa-Marie Smith (Staffordshire and West Midlands Legal Services)

5. Evidence received by the Inquiry

<b>Number of witness statements obtained:</b>
29
<b>Organisations and individuals to which requests for documentation of witness statements were sent:</b>
Daniel Mackle (Complainant)
RC-A15 (Complainant)
RC-A15's mother
Eamonn Flanagan (Complainant)
RC-A343 (Complainant)
Juliet Hill (daughter of the complainant, Christopher Carrie)
RC-A1 (Complainant)
Brian Hennessy – Second Statement (Complainant)
RC-A493 (Complainant)
RC-A491 (Complainant)
RC-A494 (Complainant)
RC-A33 (Complainant)



Forename	Surname	Title	Called/Read	Hearing day
Adrian	Child	Mr	Called	4
A-491			Read	2
Bernard	Longley	Archbishop	Called	5
Gerard	Doyle	Father	Read	Special sitting day
Vincent	Nichols	Cardinal	Called	Special sitting day

## 9. Restriction orders

On 15 August 2016, the Chair issued a restriction order under section 19(2)(b) of the Inquiries Act 2005, granting general anonymity to all core participants who allege that they are the victim and survivor of sexual offences (referred to as ‘complainant CPs’). The order prohibited (i) the disclosure or publication of any information that identifies, names or gives the address of a complainant who is a core participant and (ii) the disclosure or publication of any still or moving image of a complainant CP. The order meant that any complainant CP within this investigation was granted anonymity, unless they did not wish to remain anonymous. That restriction order was amended on 23 March 2018 but only to vary the circumstances in which a complainant CP may themselves disclose their own CP status.

The following further restriction orders were made during the course of this case study:

- Restriction order re documents published on the Inquiry website during the Archdiocese of Birmingham (RC Church investigation) public hearing, dated 9 November 2018.<sup>282</sup>
- Restriction order arising during the Birmingham case study hearing in the RCC investigation public hearing on 13 November 2018 (RC-A343), dated 14 November 2018.<sup>283</sup>
- Restriction order arising during the Birmingham case study hearing in the RCC investigation public hearing on 14 November 2018 (RC-A31), dated 16 November 2018.<sup>284</sup>
- Restriction order arising during the Birmingham case study hearing in the RCC investigation public hearing on 13 December 2018 (Cardinal Vincent Nichols), dated 13 December 2018.<sup>285</sup>

## 10. Broadcasting

The Chair directed that the proceedings would be broadcast, as has occurred in respect of public hearings in other investigations. For anonymous witnesses, all that was ‘live streamed’ was the audio sound of their voice.

<sup>282</sup> <https://www.iicsa.org.uk/key-documents/7561/view/2018-10-9-restriction-order-re-documents-published-inquiry-website-during-archdiocese-birmingham-rc-church-investigation-public-hearing-.pdf>

<sup>283</sup> <https://www.iicsa.org.uk/key-documents/7711/view/2018-11-14-restriction-order-arising-during-birmingham-case-study-hearing-rcc-investigation-public-hearing-13-november-2018-rc-a343.pdf>

<sup>284</sup> <https://www.iicsa.org.uk/key-documents/7710/view/2018-11-16-restriction-order-arising-during-birmingham-case-study-hearing-rcc-investigation-public-hearing-14-november-2018-rc-a31.pdf>

<sup>285</sup> <https://www.iicsa.org.uk/key-documents/8730/view/2018-12-13-restriction-order-arising-during-birmingham-case-study-hearing-rcc-investigation-public-hearing-13-december-2018-cardinal-vincent-nichols.pdf>

## 11. Redactions and ciphering

The material obtained for the investigation was redacted and, where appropriate, ciphers applied, in accordance with the Inquiry's Protocol on the Redaction of Documents.<sup>286</sup> This meant that (in accordance with Annex A of the Protocol), absent specific consent to the contrary, the identities of complainants, victims and survivors of child sexual abuse and other children were redacted; and if the Inquiry considered that their identity appeared to be sufficiently relevant to the investigation a cipher was applied. Pursuant to the Protocol, the identities of individuals convicted of child sexual abuse (including those who have accepted a police caution for offences related to child sexual abuse) were not generally redacted unless the naming of the individual would risk the identification of their victim in which case a cipher would be applied.

## 12. Warning letters

Rule 13 of the Inquiry Rules 2006 provides:

*"(1) The chairman may send a warning letter to any person –*

- a. he considers may be, or who has been, subject to criticism in the inquiry proceedings; or*
- b. about whom criticism may be inferred from evidence that has been given during the inquiry proceedings; or*
- c. who may be subject to criticism in the report, or any interim report.*

*(2) The recipient of a warning letter may disclose it to his recognised legal representative.*

*(3) The inquiry panel must not include any explicit or significant criticism of a person in the report, or in any interim report, unless –*

- a. the chairman has sent that person a warning letter; and*
- b. the person has been given a reasonable opportunity to respond to the warning letter."*

In accordance with rule 13, warning letters were sent as appropriate to those who were covered by the provisions of rule 13 and the Chair and Panel considered the responses to those letters before finalising the report.

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<sup>286</sup> <https://www.iicsa.org.uk/key-documents/322/view/2018-07-25-inquiry-protocol-redaction-documents-version-3.pdf>

# Annex 2

## Glossary

Administrative leave	Leave from public ministry imposed on a member of the clergy alleged to have committed abuse pending formal investigation. <sup>287</sup>
Archbishop of Birmingham	The current Archbishop of Birmingham is Archbishop Bernard Longley. He was appointed in October 2009. Prior to Archbishop Bernard Longley, the position of Archbishop was held by: June 1947–March 1965. Archbishop Francis Grimshaw (deceased 1965). October 1965–September 1981. Archbishop George Dwyer (deceased 1987). March 1982–June 1999. Archbishop Maurice Couve de Murville (deceased 2007). February 2000–May 2009. Archbishop Vincent Nichols (now the Archbishop of Westminster and Cardinal). <sup>288</sup>
Bishops and archbishops	Bishops and archbishops are appointed by the Pope. By choosing them the Pope appoints these men to have episcopal oversight over the faithful in the dioceses. Whoever is the ordaining bishop bestows the episcopal power upon them which comprises three elements: to teach, to sanctify and to govern (canon 375). No other members of the Catholic Church are endowed with the fullness of these tasks. Unless canon law states otherwise, each bishop is the supreme authority within his own diocese. Each bishop is, however, accountable to the Pope. <sup>289</sup>
Canon Law	The system of laws which govern the Catholic Church. Laws are articulated in a code, known as the ‘Code of Canon Law’. The current code is the 1983 Code of Canon Law. It superseded the 1917 Code of Canon Law, which was the first comprehensive codification of canon law in the Latin Church. <sup>290</sup>
Covenants of care	Now known as a Safeguarding Plan <sup>291</sup> (see Safeguarding Plan, below)
DBS checks (formerly CRB checks)	A check carried out by the Disclosure and Barring Service of an individual’s criminal record. Employers can then ask to see this certificate to ensure that they are recruiting suitable people into their organisation. <sup>292</sup> The Disclosure and Barring Service is an organisation that replaced the Criminal Records Bureau and the Independent Safeguarding Authority. <sup>293</sup>
Dioceses	Ecclesiastical districts. These are grouped into provinces, and a province is presided over by a metropolitan who is an archbishop. <sup>294</sup>
Holy See	The Holy See is the ecclesiastical jurisdiction and administrative apparatus of the Pope. <sup>295</sup> It is located in Vatican City, Italy. <sup>296</sup>

<sup>287</sup> [CHC001218](#)

<sup>288</sup> [CHC000585\\_011](#)

<sup>289</sup> [CHC000396\\_005](#)

<sup>290</sup> [CHC000396\\_005](#)

<sup>291</sup> [CHC000585\\_006](#)

<sup>292</sup> <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

<sup>293</sup> <https://ckan.publishing.service.gov.uk/publisher/about/criminal-records-bureau>

<sup>294</sup> [CHC000396\\_006](#)

<sup>295</sup> [CHC000396\\_003](#)

<sup>296</sup> <http://www.vaticanstate.va/content/vaticanstate/en.html>



Laicisation	The process of dismissal from the clerical state (laicisation), or from a Religious Congregation, in accordance with the norms of Canon Law. <sup>297</sup>
Lay	For the purposes of this report, this means not a member of the clergy.
Local authority designated officer (LADO)	Individual within the Children's Services Department of a local authority to whom individuals report allegations or concerns about the protection of children. Responsible under statute for investigating such complaints.
Monsignor Daniel Leonard	The Vicar General from 1967 to 1988. He died in 2003. <sup>298</sup>
'One Church' approach	The commitment by the Catholic Church in England and Wales to using the same policies, procedures, standards and systems in relation to safeguarding. <sup>299</sup>
Paramountcy principle	Parents, local authorities and the courts have a duty to safeguard the welfare of children and in legal proceedings it is the best interests of the child that are the primary consideration when determining what action should be taken. <sup>300</sup>
Parishes	Within each diocese there are a number of parishes. For example, there are over 200 parishes in the Diocese of Westminster. Each parish is governed by a parish priest who is appointed by the archbishop/bishop of the diocese. A bishop may entrust a Religious Order with a parish, to carry out the apostolic work of the diocese (that is, sanctifying and teaching work), where, for example, there are not enough priests. <sup>301</sup>
Parish priests	The parish priest has the responsibility of ensuring the sacramental life of the parish. Parish priests are also responsible for managing the finances of the parish for which they are responsible and for maintaining any church buildings. <sup>302</sup>
Pope	The head of the Universal Church. <sup>303</sup>
Presbytery	The house where the parish priest and curate live, often adjacent to the parish church. <sup>304</sup>
Safeguarding Plan	An agreement between those (clergy/religious or parishioners who wish to remain in the parish) alleged to have committed abuse and the Safeguarding Commission and the bishop/congregation leader. The Safeguarding Plan details out restrictions on ministry intended to protect the public. <sup>305</sup>
Safeguarding representatives	Appointed to ensure that child protection policies and procedures are known and followed; that awareness is raised and that safeguarding principles are worked through into everyday practice. The safeguarding representative is also the DBS ID verifier for the parish. <sup>306</sup>
Vicar General	The bishop's deputy for all matters. <sup>307</sup> The present Vicar General of the Archdiocese of Birmingham is Monsignor Timothy Menezes. He was appointed in 2011 by Archbishop Longley. <sup>308</sup>

<sup>297</sup> <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

<sup>298</sup> CHC000585\_012

<sup>299</sup> <https://www.csas.uk.net/wp/wp-content/uploads/2018/05/Policy-Statement.pdf>

<sup>300</sup> <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

<sup>301</sup> CHC000396\_008

<sup>302</sup> CHC000396\_008

<sup>303</sup> CHC000396\_003

<sup>304</sup> <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

<sup>305</sup> <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

<sup>306</sup> <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

<sup>307</sup> <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

<sup>308</sup> CHC000585\_012

The following corrections were made to the report on 23 July 2019:  
Page 17: clarification of language – ‘anally rape’ changed to ‘sexually abuse’.



