



Investigation reports of the Independent Inquiry into Child Sexual Abuse

The Anglican Church

The Roman Catholic Church

September 2022

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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 October 2020 and November 2020.

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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The Anglican Church
The Roman Catholic Church

The Anglican Church

Safeguarding in the Church of England and the Church in Wales

Investigation Report
October 2020

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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Executive Summary

This investigation concerns the extent to which the Church of England and the Church in Wales protected children from sexual abuse in the past. It also examines the effectiveness of current safeguarding arrangements. A public hearing on these specific areas was held in 2019. This report also draws on the previous two case studies on the Anglican Church, which related to the Diocese of Chichester and Peter Ball.

In addition to recommendations made in the case studies, we make eight recommendations in this report, covering areas such as clergy discipline, information-sharing and support for victims and survivors. We will return to other matters raised in this investigation, such as mandatory reporting, in the Inquiry's final report.

The Church of England

The Church of England is the largest Christian denomination in the country, with over a million regular worshippers. Convictions of sexual abuse of children by people who were clergy or in positions of trust associated with the Church date back to the 1940s. The total number of convicted offenders associated with the Church from the 1940s until 2018 is 390. In 2018, 449 concerns were reported to the Church about recent child sexual abuse, of which more than half related to church officers. Latterly, a significant amount of offending involved the downloading or possession of indecent images of children. The Inquiry examined a number of cases relating to both convicted perpetrators and alleged perpetrators, many of which demonstrated the Church's failure to take seriously disclosures by or about children or to refer allegations to the statutory authorities. These included:

- Timothy Storey, who was a youth leader in the Diocese of London from 2002 to 2007. He used his role to groom teenage girls. Storey is currently serving 15 years in prison for several offences against children, including rape. He had admitted sexual activity with a teenager to diocesan staff years before his conviction, but denied coercion.
- Victor Whitsey, who was Bishop of Chester between 1974 and 1982. Thirteen people complained to Cheshire Constabulary about sexual abuse by Whitsey and the Church of England is aware of six more complainants. The allegations included sexual assault of teenage boys and girls while providing them with pastoral support. He died in 1987.
- Reverend Trevor Devamanikkam, who was a priest until 1996. In 1984 and 1985 he allegedly raped and indecently assaulted a teenage boy, Matthew Ineson, on several occasions when the boy was living in his house. From 2012 onwards, Reverend Matthew Ineson made a number of disclosures to the Church and has complained about the Church's response. Devamanikkam was charged in 2017 and took his life the day before his court appearance.

Between 2003 and 2018, the main insurer of the Church of England (the Ecclesiastical Insurance Office) managed 217 claims relating to child sexual abuse in the Church.

The culture of the Church of England facilitated it becoming a place where abusers could hide. Deference to the authority of the Church and to individual priests, taboos surrounding discussion of sexuality and an environment where alleged perpetrators were treated more supportively than victims presented barriers to disclosure that many victims could not overcome. Another aspect of the Church's culture was clericalism, which meant that the moral authority of clergy was widely perceived as beyond reproach. As we have said in other reports, faith organisations such as the Anglican Church are marked out by their explicit moral purpose, in teaching right from wrong. In the context of child sexual abuse, the Church's neglect of the physical, emotional and spiritual well-being of children and young people in favour of protecting its reputation was in conflict with its mission of love and care for the innocent and the vulnerable.

Culture change is assisted by senior Church leaders now saying the right things, but lasting change will require more than platitudes. It will need continuous reinforcement of the abhorrent nature of child sexual abuse and the importance of safeguarding in all of the Church's settings.

We examined how well current safeguarding practice within the Church was responding to the issue of child sexual abuse. Until recently, at least 2015, the Church of England did not properly resource safeguarding. Funding has increased considerably, in particular for safeguarding staff. A further recent change means that the advice of safeguarding staff should not be ignored by senior clergy if they do not like the advice they are given. Nevertheless, examples of this continuing to occur were found in the file sampling undertaken on behalf of the Inquiry. Diocesan bishops hold ultimate responsibility for safeguarding within a diocese, and diocesan safeguarding advisers (DSAs) still do not provide a "*sufficient counterweight to episcopal authority*" according to Mr Colin Perkins (DSA for the Diocese of Chichester).¹

We concluded that diocesan safeguarding officers – not clergy – are best placed to decide which cases to refer to the statutory authorities, and what action should be taken by the Church to keep children safe. Diocesan bishops have an important role to play, but they should not hold operational responsibility for safeguarding.

In respect of cathedrals, the Church has proposed a number of changes which should integrate safeguarding in cathedrals into the mainstream of the Church's safeguarding structures, though there remains much to do to ensure better protection of children in cathedrals and their linked choir schools.

The Church has failed to respond consistently to victims and survivors of child sexual abuse with sympathy and compassion, accompanied by practical and appropriate support. This has often added to the trauma already suffered by those who were abused by individuals associated with the Church. This failure was described as "*profoundly and deeply shocking*" by Archbishop Justin Welby.²

Excessive attention was often paid to the circumstances of the alleged perpetrator in comparison to the attention given to those who disclosed they had been sexually abused or to the issue of the risk that alleged perpetrators posed to others. For example, Robert Waddington (the Dean of Manchester Cathedral from 1984 to 1993) was the subject of a

¹ ANG000645_002

² ACE027710

number of allegations of child sexual abuse over many years. Nevertheless, his permission to officiate was allowed to continue on the grounds of his age and frailty, without seemingly any consideration of the risks to children with whom he came into contact. He died in 2007.

Sometimes sexual offending was minimised. Reverend Ian Hughes was convicted in 2014 of downloading 8,000 indecent images of children. Bishop Peter Forster suggested to us that Hughes had been “*mised into viewing child pornography*” on the basis that “*pornography is so ubiquitously available and viewed*”.³ More than 800 of the images downloaded by Hughes were graded at the most serious level of abuse.

On some occasions public support was given to offending clergy. Perhaps the most stark example was that of the former bishop, Peter Ball. In that instance, Lord George Carey, the former Archbishop of Canterbury, simply could not believe the allegations against Ball or acknowledge the seriousness of them regardless of evidence, and was outspoken in his support of his bishop. He seemingly wanted the whole business to go away.

Although there have been a number of important improvements in child protection practice within the Church, it has some way to go to rebuild the trust of victims. When the Church did try to uncover past failures, such as the Past Cases Review, which was completed in 2009, the exercise was flawed and incomplete. There were difficulties locating files and an inaccurate impression was given of the scale of the problem, which was likely to have been compounded by the inconsistencies of diocesan returns. The exercise must be repeated to obtain a more accurate picture.

The Clergy Discipline Measure (CDM) sets out the procedure for managing most disciplinary complaints made about the clergy. It is not confined to safeguarding issues. A member of the clergy may face disciplinary action on a broad range of allegations, but it is not designed to deal with risk management and the general capability of clergy. Since 2015, the clergy have a duty to pay due regard to safeguarding policies, and failure to do so is a disciplinary offence.

A number of penalties are available in the CDM, including the imposition of a penalty by consent without a hearing taking place. It is unclear whether this is a suitable disposal that is used sparingly and only in appropriate cases. Under the CDM, members of the clergy cannot be deposed from holy orders – that is to have their status as clergy revoked – in relation to safeguarding matters even if an individual has been convicted. Although such an option would make little practical difference if someone was otherwise removed from office, there is a symbolic difference from the perspective of a victim or survivor.

Archbishop Welby criticised the CDM, stating that it needed “*significant revision*”.⁴ It was suggested by others that a more focussed, victim-centred process was required. Bishop Peter Hancock (then Lead Bishop on Safeguarding) agreed, saying that “*the church needs to get on with this ... let’s look at what we are trying to achieve, find a process that does that*”.⁵

³ Forster 3 July 2019 37/17-25

⁴ Welby 11 July 2019 207/13-208/20

⁵ Hancock 11 July 2019 139/1-5

The Church in Wales

The Church in Wales is a Province of the Anglican Communion. Since 1920, it has been 'disestablished' and is not the 'state' religion of the country. It has six dioceses, with 1,295 churches organised into 594 parishes, and is served by some 600 clergy. In 2018, the electoral roll showed more than 42,000 worshippers in the Church in Wales.⁶

In recent years, a number of clergy have been deposed from holy orders following convictions for sexual assaults on children, or for offences concerning indecent images of children, although no precise data are available. Clergy convicted of child sexual offending include:

- Canon Lawrence Davies, who was sentenced to 10 years' imprisonment following his conviction for sexual assault against two boys from within his parish over many years. He was deposed from holy orders in 2003.⁷
- Reverend Darryl Gibbs, who was convicted of two offences of making indecent photographs of children and conditionally discharged for 12 months in respect of each offence (to run concurrently). In 2004, he was prevented from exercising his ministry as a priest for eight years.⁸
- Reverend Richard Hart, who was sentenced to three and a half years' imprisonment following his conviction for making, taking and possessing indecent images of children between 1991 and 2008. Police found 56,000 indecent images on his computer.⁹ He was deposed from holy orders in 2009.¹⁰

Each parish should have a safeguarding officer. A Historic Cases Review, published in 2012, concluded that there was a need to improve compliance with existing safeguarding policies, and to adopt additional policies to better protect children. In 2016, a further review was undertaken focussing on files of deceased clergy and a new safeguarding policy was adopted.

Further improvements are still required, particularly in the area of record-keeping, which the Inquiry's sampling found to be almost non-existent and of little use in trying to understand past safeguarding issues. Provincial safeguarding officers lack the capacity to fulfil the wide range of tasks assigned to them and need additional support. The obligation to comply with advice from the Provincial Safeguarding Panel must be reinforced, and monitored for non-compliance. Since the third public hearing, the Church in Wales has proposed to introduce a new disciplinary heading of "*failure to comply with advice from the Provincial Safeguarding Panel without reasonable excuse*".¹¹

⁶ <https://churchinwales.contentfiles.net/media/documents/Membership-Finance-2019.pdf>

⁷ ANG000362

⁸ ANG000354_008

⁹ ANG000348

¹⁰ ANG000348

¹¹ ANG000664

Pen portraits

Bishop Victor Whitsey

Victor Whitsey was ordained in the Diocese of Blackburn in 1949. Between 1955 and 1968 he was a priest in the Diocese of Manchester and the Diocese of Blackburn. He was appointed the suffragan Bishop of Hertford in the Diocese of St Albans in 1971 and then the Bishop of Chester in 1974, a position which he held until his retirement in early 1982. He continued to officiate in the Diocese of Blackburn until his death in 1987.¹²

In January 2016, an adult male disclosed to a vicar that he had been indecently assaulted by Whitsey as a child in the early 1980s. The diocesan safeguarding adviser (DSA) was immediately informed. In addition to offering pastoral support to the complainant, she alerted the Bishop of Chester, Peter Forster (who told us that he “*had little more to do with the matter*”) and referred the case to the National Safeguarding Team.¹³

The complainant also stated that he had disclosed his abuse to Bishop Forster in 2002. He was offered counselling but said that no further action was taken. Bishop Forster had a “*vague memory of somebody ... saying that Victor Whitsey had put his arm around him*”.¹⁴ He said that this “*didn’t register at the time*” because Whitsey “*did have a reputation for odd behaviour, in general*”.¹⁵ Bishop Forster did not make any written record or undertake any additional enquiries. This was contrary to the Church of England’s *Policy on Child Protection* (1999), which stated that the recipient of an allegation of abuse “*must keep detailed records of their responses*”, including “*the content of all conversations ... all decisions taken and the reasons for them*”.¹⁶

In July 2016, the DSA received disclosures from two further males who alleged that Whitsey had sexually abused them as children, between 1974 and 1981.¹⁷ She informed Cheshire Constabulary, which subsequently commenced an investigation – Operation Coverage. It focussed on incidents between 1974 and 1982, during Whitsey’s time as the Bishop of Chester. It identified a further 10 potential victims, including teenagers and young adults of both sexes. Police enquiries showed that it was “*clear that those who reported abuse had previously disclosed details of their allegations to the Church*”.¹⁸ In October 2017, Cheshire Constabulary concluded that, had he been alive, there was sufficient evidence to interview Whitsey in relation to 10 allegations.¹⁹

By the time of our third hearing in July 2019, a total of 19 individuals had disclosed that they were sexually abused by Whitsey.

¹² ACE027644_001

¹³ WWS000228_006; ACE027644_009

¹⁴ Forster 3 July 2019 49/7-9

¹⁵ Forster 3 July 2019 49/10-11; Forster 3 July 2019 51/12-13

¹⁶ ACE025265_008

¹⁷ ACE026765_006

¹⁸ ACE026765_007

¹⁹ ACE026765_008

One of those 19 complainants was AN-A88. She was invited to meet Whitsey with her brother in 1979, when she was 13 years old. Her family hoped Whitsey would “*solve all problems*” after their father (who was a vicar) had left the family home.²⁰ She was left alone in a room with Whitsey for approximately half an hour. He enveloped AN-A88 in a “*whole body hug*” and told her that “*men have urges*”.²¹ He told her to sit on his knee and AN-A88 could feel that he had an erection. She recalled that he quoted from the Bible – “*Suffer the little children to come unto me*” – before stroking her through her clothes and “*rubbing up against me*”.²² AN-A88 was then ordered to leave the room and her brother was sent in. She described feeling “*shame and guilt*” after this incident.²³ AN-A88 did not tell anybody about the abuse at the time as she “*wouldn’t have known who to tell ... we were, as a family ... ostracised by the Church at that point because the family was splitting up*”.²⁴

In April 2015, AN-A88 and her brother attended the interment of their mother’s ashes at an Anglican church in Cheshire. They noticed that the Book of Remembrance had been signed by Whitsey. Her brother said “*That bastard abused me*”; AN-A88 “*looked at him ... and I just went ‘Me too’*”.²⁵

Reverend Canon Elaine Chegwin Hall, who conducted the interment, overheard the exchange between AN-A88 and her brother. Her recollection of this conversation was that the siblings had both received “*an extra long hug*” from Whitsey. In June 2017, “*a mention was made of Bishop Whitsey*” during a meeting of the Diocesan Safeguarding Advisory Panel at which Reverend Hall was present. This led her to inform the DSA of the “*extra long hug*” that she had overheard 26 months earlier.²⁶ The DSA passed the information to police and AN-A88 provided a statement to Operation Coverage.²⁷

AN-F15

AN-F15 was a priest and a prominent member of the Church of England. He knew the family of AN-A4 well and was attentive and kind towards AN-A4 during his teenage years. AN-F15 asked AN-A4 to visit him at his house. When he did so, AN-A4 was given alcohol by AN-F15, despite this not being permitted by his family.²⁸ In the 1970s, when AN-A4 was 16 years old, he went to visit AN-F15 at his home. AN-F15 asked him about his sexuality, which AN-A4 described as a “*grilling*”. He also asked AN-A4 whether he became sexually aroused by fighting and then began to act in a verbally aggressive manner. He ordered AN-A4 to remove his clothes and tried to “*fight*” with him when both were naked, pinning AN-A4 down on the bed. AN-F15 tried to rape AN-A4.²⁹

²⁰ ANG000388_002

²¹ AN-A88 3 July 2019 6/20-23

²² AN-A88 3 July 2019 7/7-25

²³ AN-A88 3 July 2019 8/23-24

²⁴ AN-A88 3 July 2019 9/1-3

²⁵ AN-A88 3 July 2019 11/9-13

²⁶ ANG000615_002

²⁷ The Church appointed His Honour Judge David Pearl to undertake a case review of the Victor Whitsey case in two phases. The first phase will consider the allegations against Whitsey. In the second phase (which has not yet been commissioned), the Church has joined the case of Gordon Dickenson, a former chaplain to Whitsey who was imprisoned in March 2019 after admitting sexual assault of a boy in the 1970s (ACE027811_023).

²⁸ AN-A4 1 July 2019 141/20-142/20

²⁹ AN-A4 1 July 2019 143/3-7

When he was 18 years old, AN-A4 disclosed the abuse to a priest, AN-F14, during confession. AN-F14 asked for details of the assault, and after the confession started to kiss AN-A4 passionately. AN-F14 engaged AN-A4 in a romantic and physical relationship for around a year, before AN-F14 became a bishop.³⁰

From the 1980s onwards, AN-A4 disclosed his abuse by AN-F15 to a number of senior Church of England priests and bishops. AN-A4 said that none of them offered any advice as to what he should do. Some treated his disclosure as part of the sacrament of confession and so viewed it as confidential. One bishop, to whom he disclosed in 1987, promised to make discreet inquiries but nothing happened.³¹

In 2003, AN-A4 said that he disclosed his abuse to Bishop Tim Thornton (now the Bishop at Lambeth, a senior adviser to the Archbishop of Canterbury), who told him to report it to the Church. No record exists of that meeting. Bishop Thornton does not remember it. AN-A4 also said that he asked for help from Bishop Paul Butler, who was the Lead Bishop on Safeguarding at the time.³²

AN-A4 wrote 17 letters to Lambeth Palace with his concerns about the response of senior clergy. The only response he received was a letter from the correspondence secretary, which stated that the Archbishop would “*be sure to hold him in his prayers when he hears that you have written again*”.³³ The Church of England recognises that using a correspondence secretary to reply to letters from victims and survivors of abuse can be insensitive and states that all correspondence relating to safeguarding which is sent to the Archbishop of Canterbury or the team around him at Lambeth Palace is now dealt with by the provincial safeguarding adviser, rather than the correspondence secretary.³⁴

Timothy Storey

Between 2002 and 2007, Timothy Storey was employed as a youth and children’s worker in the Diocese of London. He also acted as a youth leader for a missionary organisation. In September 2007, with the sponsorship of the Diocese, he commenced ordinand training at a theological college in Oxford.³⁵ A senior leader of the missionary organisation received four disclosures of sexual abuse against Storey between 2007 and 2009. They were made by girls and young women between 13 and 19 years old, known to Storey through his youth work and leadership roles in the Church.³⁶

In February 2009, the senior leader of the missionary organisation informed the Diocese of London of the allegations of abuse. Reverend Jeremy Crossley, the Director of Ordinands in the Two Cities Area,³⁷ met with Storey in March 2009 “*to ask for his response*”.³⁸

³⁰ AN-A4 1 July 2019 143/21-144/9

³¹ ANG000502_001-004

³² AN-A4 1 July 2019 148/20-149/11

³³ AN-A4 1 July 2019 149/20-151/6

³⁴ ACE025948_003; ACE026137_029

³⁵ ACE027646_001

³⁶ ACE027646_002-003

³⁷ A diocesan director of ordinands oversees, on behalf of the bishop, the process of selecting, training and the ordination of new ministers into the Church of England. The Two Cities Area is part of the Diocese of London, and includes the two cities of London and Westminster.

³⁸ ACE027646_011

This meeting was inconsistent with the Church's own policy at the time (*Protecting All God's Children*, 2004), which stated that a member of the Church should "never speak directly to the person against whom allegations have been made".³⁹ During the meeting, Storey admitted to Reverend Crossley that he had sexual intercourse with a 16-year-old girl, who he met through a residential Christian event that he attended in a position of leadership.⁴⁰ According to Church policy, these disclosures should have been reported immediately to the police and social services.⁴¹

Following his meeting with Storey, Reverend Crossley told Reverend Hugh Valentine, the Bishop's Adviser for Child Protection, that Storey "was basically a good man who could be an effective priest".⁴² The matter was referred to the local authority designated officer (LADO) who said it was not a live matter for them.⁴³ Reverend Valentine then concluded that he did not believe the circumstances to be "a child protection matter". A subsequent review concluded that this was "hugely short-sighted ... it takes no account of the risk that Storey may have posed to others, who may have been within his sphere of influence and under the age of 18".⁴⁴

Later in March 2009, Reverend Valentine discussed the matter with the police, but on an informal basis by telephone. No further action was taken by the police because the girl was aged 16 at the time. However, "if there had been any suggestion of coercion mentioned, then it is possible that the advice would have been very different".⁴⁵ The police were not informed about the full history of allegations against Storey or that emails received by the Diocese of London, including Reverend Valentine, showed that the complainants considered there to have been coercion. A subsequent review concluded that this conversation was a "missed opportunity" by the Diocese, as the police "did not have all the available information that they should have had to make a proper assessment".⁴⁶ The police considered that Storey had not abused a position of trust because he was a volunteer and therefore did not fit the "strict legal criteria" required to prove this offence.⁴⁷

In 2014, after Storey's conviction for unrelated grooming offences, further contact by a number of victims prompted a review of the diocesan case files. As a result, the London DSA contacted the police.⁴⁸ In February 2016, Storey was convicted of three offences of rape and one offence of assault by penetration. These offences took place during 2008 and 2009, and related to two of the female victims (aged 16 and 17 years) who had been in contact with the Diocese. Storey was sentenced to 15 years' imprisonment.⁴⁹

During his sentencing remarks, the judge severely criticised the Diocese of London for its "utterly incompetent" handling of the case and the "wholesale failure by those responsible at that time for safeguarding, to understand whose interests they should have been safeguarding".⁵⁰

³⁹ ACE024892_037

⁴⁰ ACE027477_008-009

⁴¹ ACE024892_013

⁴² ACE027646_010

⁴³ ACE027477_010

⁴⁴ INQ000468_004

⁴⁵ ACE027477_038

⁴⁶ ACE027477_038

⁴⁷ ACE027477_038. Where a person engages in sexual activity with a child under the age of 18, and is in a position of trust in relation to that child, a criminal offence is committed under section 16 of the Sexual Offences Act 2003.

⁴⁸ ACE027477_017

⁴⁹ ACE027646_032-033

⁵⁰ ACE027477_018

Storey received ongoing care and supervision from the Church, while some of Storey's victims "did not feel they were believed and felt on their own with no support".⁵¹

The Diocese commissioned two independent reviews of the Storey case, in relation to its handling of the victims' original disclosures.⁵² Both reports identified a number of inadequacies in the Diocese's response between 2009 and 2014, including its failure to implement the policies and procedures that were in place at that time.

A further review in 2019 by the independent chair of the Diocese of London Diocesan Safeguarding Steering Group reiterated the diocesan failings. It also stated that the senior leadership within the Diocese of London should have taken responsibility for the failings in this case rather than allowing Reverends Crossley and Valentine to be the focus of public "censure".⁵³

Reverend Trevor Devamanikkam

Trevor Devamanikkam was ordained in 1977 as a priest in the Diocese of Ripon and Leeds. In March 1984, he moved to a parish in the Bradford diocese, where he remained until 1985. Devamanikkam retired in 1996 but between 2002 and 2009 had permission to officiate in the Diocese of Lincoln.⁵⁴

Reverend Matthew Ineson is an ordained priest in the Church of England. During his teenage years, he had difficulties with his parents and went to live with his grandparents.⁵⁵ His family were religious and attended church regularly. Matthew Ineson was a member of the church choir and an altar server. As his grandparents were struggling, a local priest organised a respite placement living with Reverend Devamanikkam.⁵⁶

In 1984, aged 16, Matthew Ineson went to live with Devamanikkam and his housekeeper. On his second night, Devamanikkam came into Matthew Ineson's bedroom, put his hand underneath the covers and played with his penis. When asked if he liked it, Matthew Ineson said no. This continued for two or three nights, and then progressed to Devamanikkam telling Matthew Ineson to share his bed with him. Devamanikkam made it plain that, if he did not do so, he would be thrown out of the vicarage and would have nowhere to go.⁵⁷ While sharing a bed over a number of weeks, Devamanikkam raped Matthew Ineson at least 12 times and also sexually assaulted him.⁵⁸

After approximately two months, Matthew Ineson's grandmother came to the vicarage and spoke to Devamanikkam. Matthew Ineson was not part of that conversation and his grandmother left without talking to him. The next day, Matthew Ineson said that the Bishop of Bradford visited the vicarage and told him that he had to leave, saying that "It's not my problem where you go but you have to leave here". No reason was given.⁵⁹

⁵¹ ACE027477 022

⁵² The first was the *Safeguarding Case Review Report: A Report on the Management of the Safeguarding Case concerning Tim Storey*, by Justin Humphreys, Head of Safeguarding at Churches' Child Protection Advisory Service (CCPAS), dated August 2014 (known as the CCPAS report) (INQ000468). The second was *Independent Case Review Report: Diocese of London Response to the Case of Timothy Storey*, by David Marshall QPM, retired Detective Chief Inspector, dated September 2016 (the Marshall report) (ACE027477).

⁵³ ACE027813; ACE027815

⁵⁴ ACE027647 001

⁵⁵ Ineson 10 July 2019 3/13-4/3

⁵⁶ Ineson 10 July 2019 3/13-4/3

⁵⁷ Ineson 10 July 2019 4/14-6/19

⁵⁸ Ineson 10 July 2019 6/20-22

⁵⁹ Ineson 10 July 2019 7/8-8/17

Bishop Roy Williamson (who was then Bishop of Bradford) told us that there was “*disquiet about the arrangement*” between Matthew Ineson and Devamanikkam but he did not remember visiting the vicarage. A licensed deacon at Devamanikkam’s church (who made a detailed report at the time about Devamanikkam’s mental health) said that it was the then Archdeacon of Bradford (David Shreeve) who had visited the vicarage. There was no written record of this visit.⁶⁰

Reverend Ineson went to the police first in 2013 and then again in 2015. In 2017, the police investigated and charged Devamanikkam. Devamanikkam took his own life in June 2017, the day before his court appearance for three counts of buggery and three counts of indecent assault between March 1984 and April 1985, all relating to Reverend Ineson.⁶¹

⁶⁰ ACE027647_005-006

⁶¹ ACE027647_023-025

Part A

Introduction

Introduction

A.1: Background to the investigation

1. This investigation is concerned with the nature and extent of and the institutional response to allegations of child sexual abuse within the Anglican Church, including the Church in Wales and the Church of England.
2. In March and July 2018 the Inquiry held public hearings in two case studies:
 - the Diocese of Chichester (where there had been a number of convictions of clergy and others linked to the Church for child sexual abuse); and
 - the response to allegations against Peter Ball (a high-profile figure within the Church of England, who pleaded guilty in 2015 to two counts of indecent assault and one count of misconduct in a public office, relating to the “*deliberate manipulation*” of 16 vulnerable young men for his own “*sexual gratification*”, although allegations were first investigated in 1992).⁶²

The Inquiry published *The Anglican Church Case Studies: The Diocese of Chichester/The response to allegations against Peter Ball Investigation Report* (the Chichester/Peter Ball Investigation Report) in May 2019.⁶³

3. The Inquiry’s third public hearing in this investigation, in July 2019, examined safeguarding in a number of other dioceses and institutions within the Church of England and the Church in Wales. This included current practice in both churches, as well as possible reforms. We considered in particular whether the Church of England and the Church in Wales are currently dealing appropriately with safeguarding and responses to allegations of child sexual abuse.
4. This report considers the evidence heard in that hearing as well as common themes and issues identified by the Inquiry in relation to the Anglican Church as a whole and as set out within the Chichester/Peter Ball Investigation Report.

A.2: The Church of England

Background

5. The Church of England, part of the Anglican Communion, is the established church within England (with the Queen as its Supreme Governor). It is the largest Christian denomination in England, with around one million people attending Church of England services on any Sunday.⁶⁴ The Church is a significant provider of voluntary services for children, including nursery groups, holiday clubs, youth clubs and religious activities designed particularly for children and young people. It estimates that over 100,000 children participate in activities connected to the Church, with more than 80,000 volunteers and around 2,700 church

⁶² CPS003468_001

⁶³ *Anglican Church Case Studies: Chichester/Peter Ball Investigation Report*

⁶⁴ See <https://www.churchofengland.org/more/media-centre/church-england-glance> ‘Church attendance and visits’ which states that in October 2016, each week 930,000 people participated in a Church of England service.

staff providing support and activities for children and young people.⁶⁵ It is also the biggest religious sponsor of state education in England, with one in four primary-aged children and one in 16 secondary-aged children attending an Anglican school.⁶⁶

6. The Church has 42 dioceses in England, the Channel Islands and the Isle of Man as well as the Diocese in Europe (which covers continental Europe, Morocco and some states in central Asia and the Caucasus). Each diocese has a cathedral (which is governed separately by a dean and canons) alongside other churches, some of which – such as minsters or abbeys – may have a prominent role on a regional or national level. More than 9.4 million people visited a Church of England cathedral in 2015 (the last date for which figures are available), and 37,000 people regularly participated in cathedral services.⁶⁷

7. There are around 12,500 Church of England parishes with some 16,000 churches.⁶⁸ In 2019, there were almost 20,000 priests in ordained ministry, including more than 7,000 ministers with permission to officiate (often retired clergy) and over 1,000 chaplains (employed by bodies such as the Army, hospitals or schools).⁶⁹ From November 2018 to the end of 2019, there were 574 people who were newly ordained and 552 ordinands entered training in 2019/20.⁷⁰

Table 1: Church of England statistics

42 dioceses/cathedrals
6,853 benefices (parishes or groups of parishes to which clergy will be attached)
12,366 parishes
15,529 churches
7,253 stipendiary clergy
3,320 non-stipendiary clergy

Source: Church of England Statistics for Mission 2018 (https://www.churchofengland.org/sites/default/files/2019-10/2018StatisticsForMission_0.pdf)

8. The Church of England is not a centralised institution. As Bishop Peter Hancock (then Lead Bishop on Safeguarding) said, the Church is not a single institution but a “*family of essentially autonomous office holders and charitable bodies, including both ancient ecclesiastical corporations and modern statutory corporations*”.⁷¹ It is divided into the two provinces of Canterbury and York, each with its own archbishop.⁷² The Archbishop of Canterbury is the senior bishop and the chief religious figure of the Church of England, who is also recognised as the first amongst equals of all bishops in the worldwide Anglican Communion.

⁶⁵ <https://www.churchofengland.org/more/media-centre/church-england-glance>

⁶⁶ See *Anglican Church Case Studies: Chichester/Peter Ball Investigation Report Part A* and <https://www.churchofengland.org/more/media-centre/church-england-glance>

⁶⁷ See <https://www.churchofengland.org/more/media-centre/church-england-glance> ‘Church attendance and visits’.

⁶⁸ See <https://www.churchofengland.org/more/media-centre/church-england-glance> and <https://www.churchofengland.org/researchandstats>

⁶⁹ ACE027812

⁷⁰ ACE027812_001

⁷¹ ACE025930_014

⁷² ACE025931_004



Map of Church of England dioceses

Source: Church of England (based on <https://www.churchofengland.org/about/dioceses-our-regional-presence>)

9. Each of the 42 dioceses is overseen by a bishop. While archbishops are involved in the selection of diocesan bishops within their respective provinces, they have no legal powers to control or direct the actions of diocesan bishops other than through an Archepiscopal Visitation.⁷³ Within his or her diocese, a bishop has considerable power and influence. He or she is the chief pastor of both clergy and lay people, and is responsible for recruiting those who wish to become clergy (known as ordinands), ordaining clergy, performing confirmations, appointing clergy to vacant 'benefices' (the offices of vicars or rectors), providing licences to all clergy in the diocesan area and investigating the first stages of complaints against clergy.⁷⁴

10. In 2018, the last date for which statistics are available, all 42 dioceses had a diocesan safeguarding adviser (DSA).⁷⁵ He or she advises the diocesan bishop and senior staff about safeguarding issues, and is responsible for training, advisory work for parishes, organising risk assessments and liaising with statutory agencies (including reporting allegations of abuse) as required. Safeguarding strategies and plans were in place in 41 dioceses⁷⁶ and all 42 diocesan synods had adopted the House of Bishops' safeguarding guidance and policies and had a system for responding to safeguarding concerns in line with the statutory guidance *Working Together to Safeguard Children* (2018).⁷⁷

11. The National Safeguarding Team provides and devises standardised training and issues guidance for all dioceses, to which all individuals in the Church must have "due regard". In 2017, data collated from the dioceses indicated that 73 percent of all licensed clergy had up-to-date safeguarding training (an increase from 62 percent in 2015) and 61 percent of clergy with permission to officiate had up-to-date safeguarding training.⁷⁸

12. As at June 2018, all dioceses reported that they had complied with the Church of England's *Practice Guidance: Safer Recruitment* (2016), including using application forms, taking up references, carrying out a criminal record (Disclosure and Barring Service or DBS) check and using confidential declarations.⁷⁹ In 2018, the Church made 49,856 requests of the Disclosure and Barring Service.⁸⁰ Thirty-two dioceses had electronic systems to track DBS checks were in place and four dioceses were able to confirm in 2018 that all DBS checks were up to date for all clergy, including those who have permission to officiate.⁸¹ In 2018, the Church referred 15 church officers and dioceses referred 33 church officers to the DBS for investigation as to whether or not they should be placed on the register for those unsuitable to work with children and vulnerable adults.⁸²

Sexual abuse within the Church of England

13. It is not possible to accurately identify the scale of sexual offending within the Church of England. The Church provided the Inquiry with a list of 390 individuals (either clergy or those in positions of trust) who have been convicted of child sexual abuse offences since the

⁷³ See *Anglican Church Case Studies: Chichester/Peter Ball Investigation Report B.7*

⁷⁴ Canon C13: <https://www.churchofengland.org/more/policy-and-thinking/canons-church-england/section-c>

⁷⁵ ACE027643_063-066. Most of these are social workers, though some come from the police and others from probation and health services (ACE027811_055).

⁷⁶ This figure is from 2017.

⁷⁷ ACE027643_068-069; <https://www.gov.uk/government/publications/working-together-to-safeguard-children-2>

⁷⁸ ACE027643_071

⁷⁹ ACE025228

⁸⁰ The latest date for which figures are available. This number does not include statistics from two dioceses, which did not provide this information in the survey that gathered such data (ACE027812_004).

⁸¹ ACE025228. (Permission to officiate is a licence from the bishop to preach particular services; it is used mainly for retired clergy.)

⁸² ACE027812_003

1940s. There have also been 330 civil claims against the Church of England for child sexual abuse. The majority of these relate to offending carried out before 1990 and some of these are multiple claims against one individual.

Safeguarding concerns reported to the diocesan safeguarding adviser

14. From 2015 to 2018 (the latest date at which accurate figures were provided), there was an increase in the safeguarding concerns or allegations (including sexual and other forms of abuse) reported to the diocesan safeguarding team about anyone who may be involved with the Church.⁸³ These involved clergy, office holders, members of the congregation or those otherwise involved in the Church.

14.1. In 2018, there were 2,504 safeguarding concerns reported to dioceses about either children or vulnerable adults.⁸⁴

14.2. In 2018, there were 449 concerns about recent child sexual abuse. In addition, 155 concerns were reported about non-recent sexual abuse. (The remaining concerns involved physical abuse, neglect, emotional abuse, domestic abuse or other form of concern.)⁸⁵

14.3. In 2018, 25 percent of all concerns were reported to statutory authorities. In particular, 44 percent of all recent concerns relating to children were reported to statutory authorities.⁸⁶

14.4. In 2018, dioceses became aware of 242 allegations of recent sexual abuse of children relating to church officers, and 83 allegations of non-recent sexual abuse relating to church officers. Sixty-three percent of all allegations received against church officers were for recent allegations of child sexual abuse. Twenty-four percent of the allegations related to volunteers; 41 percent of allegations related to ordained priests, ministers or ordinands.⁸⁷

15. In 2018, the Church carried out 670 risk assessments of individuals in respect of the risk they may pose to children. The majority of these did not relate to members of clergy. Only 183 related to those holding some church office. There were 11 independent risk assessments in respect of clergy in 2018 (compared with 27 in 2017).⁸⁸

A.3: The Church in Wales

16. The Church in Wales is a province of the worldwide Anglican Communion, with its own constitution and systems of governance and administration.⁸⁹ It was disestablished from the Church of England in 1914. It has 1,295 churches and around 600 clergy. On average, in 2018, the Church in Wales had approximately 26,000 worshippers on a Sunday, but it is not the largest religious denomination in Wales.⁹⁰

⁸³ ACE027812; ACE027811_054

⁸⁴ ACE027812

⁸⁵ ACE027812

⁸⁶ ACE027812_002

⁸⁷ ACE027812

⁸⁸ ACE027643_080-084; ACE027812

⁸⁹ ANG000538_001

⁹⁰ <https://churcheinwales.contentfiles.net/media/documents/Membership-Finance-2019.pdf>

17. The Church in Wales has six dioceses, each with a diocesan bishop. The collective bench of bishops meets four to six times a year to discuss a wide range of matters. Each diocese also has its own board of finance and administration, run by a diocesan Secretary. Bishops are responsible for faith and ministry – ie how worship is conducted – and how Christianity is to be taught and spread in the area.⁹¹ One diocesan bishop is elected as Archbishop of Wales. While he or she is considered to be “*first amongst equals*”, he or she has no control or jurisdiction over the other diocesan bishops. The six cathedrals – each with a dean and a number of canons (who make up the chapter, which is the governing body of the cathedral) – are independent of the diocese so are not under the control of the diocesan bishop.⁹²

18. Decision-making is through the Governing Body, a body of elected lay members (people who worship in a parish or cathedral), elected clergy and the diocesan bishops. It meets twice a year, but a standing committee organises and implements the work of the Governing Body.⁹³ Administration is managed by the Representative Body (made up of 26 clergy and lay people, half of whom are elected), which meets three times each year.⁹⁴ It controls the Church’s policies and procedures, and looks after the assets of the Church (including property ownership). It is insured along with each parish, so any claims for child sexual abuse would be brought against the Representative Body.

19. Clergy in the Church in Wales are office holders, but are subject to standard terms of service. Their current terms of service identify that all clergy should have training in safeguarding and all relevant guidelines issued by the Church in Wales must be observed. The guidelines also require them to refer disclosed allegations of abuse to social services, and also to the provincial safeguarding officer.⁹⁵

20. Decisions about safeguarding issues are made by provincial safeguarding officers and a provincial safeguarding committee of provincial safeguarding advisers (from dioceses) and lay members with expertise in child protection with an independent chair.⁹⁶ Updated safeguarding policies were implemented in 2016. The Church has had national compulsory safeguarding training since 2015, run by the NSPCC and which all clerics are expected to attend. Training was also recently implemented for all lay members who work with children and young people.⁹⁷ The Church in Wales meets regularly with the Children’s Commissioner for Wales about safeguarding.

21. The Church in Wales has a disciplinary tribunal (made up of judges and lawyers) separate from Church structures. Since 2000, the Church in Wales has been the subject of 11 civil claims brought against it by individuals alleging child sexual abuse.⁹⁸

A.4: Methodology

22. This investigation was established to consider the adequacy of safeguarding policies and practices, such as governance, training, recruitment, leadership, reporting and investigation of child sexual abuse, disciplinary procedures and reparation.⁹⁹

⁹¹ ANG000538_005-006

⁹² ANG000538_005-006

⁹³ ANG000538_001-005

⁹⁴ ANG000538_001-005

⁹⁵ ANG000538

⁹⁶ ANG000617

⁹⁷ ANG000538_009-012

⁹⁸ ANG000535_002-003

⁹⁹ <https://www.iicsa.org.uk/investigations/investigation-into-failings-by-the-anglican-church?tab=scope>

- 23.** The process adopted by the Inquiry in this phase is set out in Annex 1 to this report. Core participant status was granted under Rule 5 of the Inquiry Rules 2006 to 29 complainants, victims and survivors, nine institutions and five other interested parties.
- 24.** The Inquiry held a preliminary hearing on 15 January 2019, and then substantive public hearings over 10 days between 1 and 12 July 2019.
- 25.** The Inquiry obtained a large volume of documentary evidence from both the Church of England and the Church in Wales. We heard evidence from a range of senior figures within the Church of England and the Church in Wales as well as from governmental and charitable bodies which have some involvement with the Churches. We also heard evidence from a number of complainants, victims and survivors who described the abuse they suffered and how their allegations were handled.
- 26.** The Inquiry instructed an independent safeguarding expert, Mrs Edina Carmi, to undertake a sampling exercise of the day-to-day management of child safeguarding by the Church. A number of case files from both the Church of England and the Church in Wales were selected and reviewed, to determine whether the safeguarding policies were followed and whether those policies were an appropriate response.
- 27.** The investigation's third hearing focussed on evidence about a number of topics, as set out in the Chichester/Peter Ball Investigation Report,¹⁰⁰ which are addressed throughout this report. These include:
- The cultural attitudes towards safeguarding, including whether or not the current structures of the Church of England and the Church in Wales and the way that safeguarding is managed inhibit their responses to child sexual abuse.
 - The procedures for reporting and responding to allegations of abuse, including allegations against clergy who are deceased, as well as whether or not there should continue to be absolute confidentiality if someone reports child sexual abuse whilst under the 'seal of the confessional'.
 - Safeguarding training for clergy prior to their ordination and throughout their career, including the extent to which someone's understanding of and ability to respond effectively to safeguarding concerns can or should be assessed as part of their fitness for office.
 - Procedures for the management of concerns about clergy, including clergy discipline and capability procedures, and specifically whether these procedures are suitable for responding to safeguarding concerns.
 - The current system for vetting and barring checks, including the difficulty in deciding what is a regulated activity.
 - The development and funding of safeguarding structures both within dioceses and within cathedrals and other Church bodies, including the effectiveness of oversight, auditing and external scrutiny that has been carried out.
 - Whether the Archbishops' Council or National Safeguarding Team and provincial safeguarding advisers have sufficient powers to intervene within dioceses to keep children safe if appropriate standards are not met.

¹⁰⁰ See *Anglican Church Case Studies: Chichester/Peter Ball Investigation Report Part D*

- 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 who hold permission to officiate.
- Record-keeping and data collection within dioceses and the National Safeguarding Team and Provincial Safeguarding Team in Wales.
- The management of civil claims against the Church of England and the Church in Wales, and the role of insurers.

28. The Inquiry's Chichester/Peter Ball Investigation Report (published in May 2019) concluded that there were a number of serious failings in the Church of England's response to allegations against both clergy and others linked to the Church, including the treatment of complainants, victims and survivors. Safeguarding structures and policies in place at a national and diocesan level were inadequate.¹⁰¹

29. As a result, five recommendations were made:

- The Church of England should introduce appropriate guidance which deals with safeguarding within the context of a religious community affiliated to the Church.
- The Church of England should amend Canon C30, requiring clerics to comply with the House of Bishop's guidance on safeguarding. The use of the words 'due regard' lacks sufficient clarity.
- 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.
- 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.
- 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).

30. In February 2020, the General Synod of the Church of England unanimously passed a motion welcoming the Inquiry's report and recommendations, committing to bringing forward proposals to ensure that the recommendations were implemented. The Synod will be updated on the development and implementation of responses to the Inquiry's recommendations, including the following, not later than July 2021.¹⁰²

30.1. The Church has introduced Amending Canon No. 40 in response to the first recommendation, which will be approved in early 2021. This will make religious communities part of the legal framework of the Church of England for the first time. A religious community will only be registered if it meets conditions set out in regulations, including those relating to the safeguarding of children and vulnerable adults. The Safeguarding in Religious Communities Practice Guidance is also being updated.¹⁰³

¹⁰¹ *Anglican Church Case Studies: Chichester/Peter Ball Investigation Report*

¹⁰² ACE027811_028-029

¹⁰³ ACE027811_029-030. The canon would have been implemented earlier but relied upon other legislation which was delayed by the election of December 2019. (Changes to canon law require approval of Parliament if they involve new Measures for the Church.)

30.2. Section 5 of the Safeguarding and Clergy Discipline Measure 2016 and the Church's policy documents will be amended to make compliance with the House of Bishops' guidance on safeguarding matters compulsory, rather than voluntary. Pending such changes, guidance has been issued to senior clergy and others involved in safeguarding in the Church (such as churchwardens) clarifying the meaning of 'due regard' and explaining the limited scope for non-compliance as well as potential sanctions in the event of non-compliance.¹⁰⁴

30.3. The Church has indicated that it strongly supports the change in law recommended by the Inquiry in respect of the Sexual Offences Act 2003 to include not just clergy but also lay officers engaged in regulated activity.¹⁰⁵ In March 2020, the Ministry of Justice confirmed it had undertaken a review of current criminal legislation regarding the definition of 'position of trust' in sexual offences.¹⁰⁶ To date, no decision has been taken about the recommended amendment of the Sexual Offences Act 2003. The Inquiry will consider further evidence about this during its investigation in relation to Child Protection in Religious Organisations and Settings.

30.4. The Church confirmed that discipline should be considered for leaders such as clergy who knowingly allow volunteers to remain in regulated roles without an appropriate DBS check and safeguarding training. Revised policy wording is being prepared to make the position clear.¹⁰⁷

30.5. The Church will send its national learning lessons published reviews to the Child Safeguarding Practice Review Panel facilitated by the Department for Education and will hold six-monthly meetings with the panel to enable areas of common interest to be explored. The Church will include provision for sharing reviews and learning in its revised Learning Lessons Case Review guidance, which is in draft form and is due to be circulated to dioceses and cathedrals for feedback in the second quarter of 2020.¹⁰⁸

30.6. The Church intends that all current and future case reviews will be modelled on child safeguarding practice reviews and that they will be published when complete.¹⁰⁹

A.5: Terminology

31. The following terms are used in this report:

- 'Clergy': This refers to someone who has taken holy orders, including a vicar, priest, rector, deacon or curate. In both the Church of England and the Church in Wales, they are often office holders rather than employees (ie they are appointed to a position and so do not have a contractual relationship with their parish). Many ministers in the Church of England and the Church in Wales are non-stipendiary (ie receive no payment for their work). Since 2009, many Church of England office holders adhere to 'common tenure', which is closer to employment. Those in the Church in Wales are also office holders but have standard terms of service. Priests enjoy considerable autonomy, described on occasion as 'popes in their own parish'.

¹⁰⁴ ACE027811_030; ACE027796

¹⁰⁵ ACE027811_032

¹⁰⁶ MOJ000911

¹⁰⁷ ACE027811_032

¹⁰⁸ ACE027811_033

¹⁰⁹ ACE027811_021

- ‘Church officer’: A church officer is “*anyone appointed or elected by or on behalf of the Church to a post or role, whether they are ordained or lay, paid or unpaid*”,¹¹⁰ including clergy, churchwardens, lay readers and others.
- ‘Parochial church council’: The parochial church council is responsible for maintaining the church and surrounding areas, as well as for appointing the vicar. Congregations may be large or a handful of people. Rural or small parishes in both England and Wales are often grouped together and served by one member of the clergy.

32. Where we refer to those who have made allegations of child sexual abuse and where those allegations have not been proven by way of criminal conviction, civil findings or findings in the context of disciplinary proceedings, they will be referred to as complainants. Where findings have been made, individuals will be referred to as victims and survivors.

33. Where this report refers to members of clergy, their full name will be used when first referred to and thereafter their title and surname only.

A.6: References

34. References in the footnotes of the report such as ‘ACE000123’ are to documents that have been adduced in evidence or posted on the Inquiry website. A reference such as ‘Archbishop Welby 12 July 2019 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).

¹¹⁰ [ACE025256_007](#)

Part B

The Church of England

The Church of England

B.1: Safeguarding in the Church of England

B.1.1: Introduction

1. Specific legislation and guidance about child sexual abuse was developed from the late 1980s. This included:

- the Children Act 1989, which came into force in 1991 and established the key principles for decisions concerning the welfare and safety of children, including the ‘Paramountcy Principle’ (which requires the child’s welfare to be the paramount consideration);¹¹¹
- *Working Together Under The Children Act 1989* (1991) guidance, which was issued to various public authorities, police forces and voluntary organisations and included child sexual abuse;¹¹² and
- the Home Office’s *Safe from Harm* code of practice (1993), child protection guidance for voluntary organisations in England and Wales, which covered how to protect children and deal with abuse, based on 13 core principles.¹¹³

2. Despite these national developments, the Church of England acknowledged that its child protection systems were inadequate at a national and diocesan level until 2013. The report of the Archbishop’s Visitation to the Diocese of Chichester in 2012 to 2013 represented a “*wake-up call*” for the Church.¹¹⁴ Its findings led to a revised approach to safeguarding in the Church.

3. In the view of Ms Melissa Caslake (the Director of Safeguarding within the National Church Institutions¹¹⁵ since July 2019), there is still a lack of “*consistent transparency and challenge in decision making*”. She also considered that there needs to be a “*deeper improvement culture*”, although the Church has improved governance, training, audit and guidance.¹¹⁶

¹¹¹ [Children Act 1989, s.1](#). The legislation was designed to reflect the United Nations Convention on the Rights of the Child, to which the UK government is a signatory.

¹¹² [INQ001095](#)

¹¹³ [INQ001079](#)

¹¹⁴ [Anglican Church Case Studies: Chichester/Peter Ball Investigation Report Part B7; Williams 14 March 2018 161/10-14](#)

¹¹⁵ National Church Institutions is the collective name for the seven administrative bodies that work to support the Church of England. These are the Archbishops’ Council, Lambeth Palace, Bishopthorpe Palace, The Church Commissioners, The Church of England Central Services, The Church of England Pensions Board and the National Society for Promoting Religious Education.

¹¹⁶ [ACE027811_004](#)

B.1.2: Safeguarding structures

National safeguarding structure

4. The Archbishops' Council is responsible for the delivery of safeguarding work across the Church of England. It sets its own budget (although a draft is submitted to the General Synod for approval annually). Since 2013, there has been a significant increase in the funding of Church safeguarding.

Table 1: Funding for Church of England safeguarding by the Archbishops' Council

Spending on safeguarding	
2013	£37,000
2014	£168,000
2015	£401,000
2016	£1,086,000
2017	£1,391,000
2018	£1,582,000
Budget for safeguarding	
2019	£1,963,000
2020	£3,189,000

Source: ACE027643_107-108

5. There are several national bodies which provide day-to-day guidance to dioceses on safeguarding issues. Their roles often overlap, although the National Safeguarding Team is the "key national resource for the provision of strategy, advice, policy and training development".¹¹⁷

Table 2: Church of England national safeguarding structure

National Safeguarding Panel	National Safeguarding Steering Group	National Safeguarding Team
<p>Body of external experts. Provides strategic advice to Archbishops' Council and House of Bishops.</p>	<p>Lay and clerical members appointed from within the Church.</p> <p>Provides strategic oversight of national safeguarding activity and monitoring of National Safeguarding Team.</p> <p>Recommends development of safeguarding processes to Archbishops' Council, House of Bishops and National Church Institutions.</p>	<p>18 full-time equivalent employees.¹¹⁸</p> <p>Provides support to Church bodies on safeguarding policy, training and casework.</p> <p>Provides progress updates on a quarterly basis to the Archbishops' Council – also reports to House of Bishops on policy and strategic direction.</p>

¹¹⁷ ACE025940_006

¹¹⁸ ACE027643_045

National Safeguarding Panel

6. As a result of the recommendations from the report of the Archbishop's Visitation to the Diocese of Chichester, the National Safeguarding Panel (NSP) was created in 2014. It is an advisory body of external experts, including two survivors of child sexual abuse. The NSP provides "*high level strategic advice*" about the Church's safeguarding systems to the Archbishops' Council and House of Bishops.¹¹⁹ It also represents "*an important element in the scrutiny and oversight of the Church's safeguarding activity*".¹²⁰

7. The NSP was chaired by Bishop Peter Hancock (then Lead Bishop on Safeguarding) until September 2018, when Ms Meg Munn was appointed as its first independent chair to "*hold the Church to account for the progress it is making*".¹²¹

8. Ms Munn concluded that the NSP "*did not have a separate identity from the Church*".¹²² She reviewed the NSP's membership and revised its terms of reference (approved by the Archbishops' Council in April 2019). Its membership is now more independent and diverse, and its meetings have increased from four to six times annually.¹²³ Ms Munn replaced a "*rubber-stamping approach*" with a focus "*in-depth on one issue, and through that, bringing that challenge and scrutiny*".¹²⁴ The NSP now "*takes a specific issue linked to safeguarding and investigates it in detail*" in a similar way to a select committee in Parliament.¹²⁵

9. The NSP 2019 annual report outlined its recommendations for training, complaints, the Clergy Discipline Measure and the Church's response to the Inquiry's recommendations. It also set out areas on which it will focus in the future, namely redress, quality assurance, working with other faiths on safeguarding and the Past Cases Review 2.¹²⁶

National Safeguarding Steering Group

10. The National Safeguarding Steering Group (NSSG) was created in 2016 to provide strategic oversight of national safeguarding activity. Members include the Lead Bishop on Safeguarding, members of the House of Bishops, Archbishops' Council and Church Commissioners, a cathedral dean, and the chair of the NSP.

11. The NSSG is the "*primary driver of standards*", in addition to monitoring the performance of the National Safeguarding Team (NST).¹²⁷ It makes recommendations on the development of safeguarding processes to the Archbishops' Council, the House of Bishops and the National Church Institutions.

12. In April 2018, following the Inquiry's public hearing about the Diocese of Chichester, the NSSG identified a number of issues which required urgent remedial action. It agreed (with the subsequent endorsement of the House of Bishops) key priorities for the future:¹²⁸

¹¹⁹ ACE027643_019-020

¹²⁰ INQ004362_004

¹²¹ ACE025930_067; Ms Munn is a former social worker and was also a Member of Parliament and Minister, at one time chairing the All-Party Parliamentary Group on Child Protection.

¹²² ACE026861_009

¹²³ ACE026861_010-011; ACE027687_002

¹²⁴ Munn 9 July 2019 131/8-13

¹²⁵ ACE027720_004

¹²⁶ ACE027811_012; NSP Annual Report 2019 (ACE027793).

¹²⁷ ACE026330_055

¹²⁸ MAC000006_001-002

- **Clergy selection, suitability and discipline**, including:
 - introducing a revised national policy on permission to officiate (PTO)¹²⁹ and
 - producing a publicly available national register¹³⁰ of clergy.
- **Structure, independence, oversight and enforcement**, including:
 - developing a proposal for an independent ombudsman service, to examine the handling of safeguarding complaints, address survivors’ concerns and provide “an independent complaints mechanism”;¹³¹
 - considering the findings of the Social Care Institute for Excellence (SCIE) final overview report following the completion of the independent diocesan safeguarding audits; and
 - analysing the benefits and risks associated with the development of a national safeguarding service employing all safeguarding staff centrally.
- **Support for survivors**, including:
 - work with the Roman Catholic Church to develop a central community hub-and-spoke model of support known as Safe Spaces and
 - work with survivors to develop an independently chaired Independent Survivors’ Panel.

The Church provided us with updates on this work during the third public hearing.

National Safeguarding Team

13. The NST was established in 2015. It provides advice and support to dioceses, cathedrals, National Church Institutions and other Church bodies about safeguarding policy, training and casework. It reports quarterly progress to the Archbishops’ Council and to the House of Bishops on matters of policy and strategic direction.¹³²

14. The Church’s first full-time National Safeguarding Adviser (NSA), Mr Graham Tilby, was appointed to lead the NST. According to Bishop Hancock:

*“When Mr Tilby was appointed there was a lack of cohesion around practice and policy, and safeguarding staffing levels within the national church were clearly inadequate.”*¹³³

Upon his appointment, the NSA identified “gaps in legislation”, an absence of “whole-church thinking” and “variability in professional competence across the dioceses”.¹³⁴

15. Since its creation, the NST has made a number of changes to safeguarding at a national level.

¹²⁹ ACE026383

¹³⁰ As there was no requirement in canon law for a national list of all clergy to be maintained, new legislation was required (ACE027643_089).

¹³¹ INQ004362_004; ACE027715; Ms Jo Kind, a survivor of clergy sexual abuse and a member of MACSAS (Minister and Clergy Sexual Abuse Survivors), described the proposed service as “a fig leaf to deal with horses which have already bolted” (MAC000004_011).

¹³² ACE025940_010

¹³³ ACE027720_006

¹³⁴ Tilby 11 July 2019 7/4-23

15.1. The NST's resources have increased, including the addition of three "key" posts: a training manager, a senior casework manager and a policy manager.¹³⁵ It now consists of 18 full-time equivalent employees, supported by associates to progress specific elements of the team's business plan.

15.2. In September 2016, the NST appointed two provincial safeguarding advisers, one for each of the provinces of Canterbury and York, to provide professional safeguarding advice and support. They also act as direct links between the NST and the dioceses of each province.

15.3. The NST established a framework of external oversight by commissioning the SCIE to conduct independent diocesan safeguarding audits. This work was undertaken between 2015 and 2017, before being extended to cathedrals. The audits are now planned to take place on a five-year rolling programme.

15.4. In March 2018, the NST recruited a safeguarding support officer to professionally advise the Lead Bishop on Safeguarding and to expand pastoral engagement with victims and survivors by offering "*significantly increased contact and support*".¹³⁶

16. In June 2018, an assurance review of the NST was conducted by the Archbishops' Council's internal audit team. The audit report acknowledged that "*the profile of safeguarding within the Church of England has increased, and the foundations for a positive safeguarding culture are being laid*".¹³⁷ However, it also identified a number of difficulties, including:

- a lack of formal enforcement powers over individual dioceses;
- insufficient engagement with victims and survivors;
- a limited ability to effectively prioritise and resource key safeguarding activities; and
- a substantial volume of casework, which meant that a casework management system was "*desperately needed*".¹³⁸ It often had to manage cases which spanned a number of dioceses, or where the profile or complexity of the case meant that it was more sensibly dealt with at that level.

17. In September 2018, the Archbishops' Council agreed that the head of safeguarding should be a member of the senior management team of the National Church Institutions.¹³⁹ This led to the creation of the role of Director of Safeguarding, held by Ms Caslake since July 2019.¹⁴⁰ She is responsible for the strategic leadership of the NST, engaging with the chair of the NSP and supporting the Lead Bishop on Safeguarding.¹⁴¹ In spring 2020, Ms Caslake proposed the creation of a regional safeguarding service, staffed by professionals, to provide support both to dioceses and to the NST. It would supervise diocesan safeguarding advisers (DSAs), commission arrangements for independent reviews and risk assessments, and lead regional networks for survivor engagement.¹⁴² The regional advisers would develop consistency between dioceses, work with cathedrals, develop more sophisticated systems of data analysis, and create a system for resolution of disputes and complaints. This was in

¹³⁵ [Tilby 11 July 2019 3/15-22](#)

¹³⁶ [ACE027720_013](#)

¹³⁷ [ACE026727_003](#)

¹³⁸ [ACE026727_003](#)

¹³⁹ [ACE026732_003](#)

¹⁴⁰ [ACE027783_001-002](#)

¹⁴¹ [ACE026732_004-005](#)

¹⁴² [ACE027811_010](#)

development in April 2020.¹⁴³ A budget of some £1.4 million in additional funding has been approved 'in principle', but not finalised, to invest further in training and development of diocesan, parish and national staff and developing the model of regional safeguarding.¹⁴⁴

18. Further planned improvements include:

- A national online case management system to document all ongoing safeguarding cases and promote a consistent approach across dioceses.¹⁴⁵ A new design and procurement process will take place in mid-2020, with the system expected to be introduced in June 2021.¹⁴⁶
- An information-sharing protocol to improve consistency of approach.¹⁴⁷
- Implementing the changes recommended by the SCIE final overview report (published in April 2019).¹⁴⁸
- A survivor-led strategy and a Survivors Charter.¹⁴⁹
- Considering a form of ombudsman scheme or complaints procedure.¹⁵⁰
- Implementing safeguarding progress reviews – structured conversations with each diocese following their audit to review progress.¹⁵¹
- Revising and updating guidance, including the Safeguarding Training and Development Practice Guidance.¹⁵²
- Implementing continuing professional development for DSAs, and changes in safeguarding training.¹⁵³
- Producing an e-manual of all national safeguarding policies to be placed on the main Church of England website.¹⁵⁴
- Developing national standards to create consistent expectations for safeguarding work in each diocese.¹⁵⁵
- Assisting in the development of a Master's degree in Promoting Safer Organisations: Safeguarding for Senior Leaders.¹⁵⁶
- Drafting guidance about dealing with posthumous allegations against church officers.
- Working with the rest of the Anglican Communion to produce guidance on managing child sexual abuse throughout the Anglican world.¹⁵⁷

¹⁴³ [ACE027811_010](#)

¹⁴⁴ [ACE027811_005](#)

¹⁴⁵ [ACE027643_055](#); [ACE026751_006](#)

¹⁴⁶ [ACE027811_047-048](#)

¹⁴⁷ [ACE027643_050](#); [ACE027811_044-046](#)

¹⁴⁸ [SCI000005](#)

¹⁴⁹ [ACE027643_111](#)

¹⁵⁰ [ACE026733](#); [ACE027643_107](#)

¹⁵¹ [ACE027643_107](#); [ACE027681](#); [ACE027661](#)

¹⁵² [ACE027643_114](#)

¹⁵³ [ACE027811_012](#)

¹⁵⁴ [ACE027811_036-037](#)

¹⁵⁵ [ACE027643_023](#)

¹⁵⁶ [ACE027643_031](#)

¹⁵⁷ [ACE027643_054-057](#); [ACE026758](#); [ACE026723](#); [ACE027653](#); [ACE027680](#)

Dioceses

19. The majority of safeguarding practice is undertaken locally within dioceses. Each diocese – “*the key institutional unit of the Church*” – is responsible for supporting the safeguarding response of its parishes and other local Church bodies.¹⁵⁸

20. By the end of 2018, all 42 Diocesan Synods had adopted the House of Bishops safeguarding policies and practice guidance issued in 2017.¹⁵⁹ Church officers across all dioceses had access to safeguarding policies and practices with regard to children and adults. By July 2019, all dioceses had some form of safeguarding strategy or plan in place (as required by the relevant practice guidance) as well as a system for responding to and recording safeguarding concerns and allegations.¹⁶⁰

21. Safeguarding funding at the diocesan level has increased significantly, rising from a total of £895,000 in 2014 to £5.9 million in 2018.¹⁶¹ However, funding varies considerably between dioceses. We were told by the current DSA for the Diocese of York that there should be “*parity across dioceses*” in resourcing, so that victims and survivors receive “*the same experience regardless of where they are in the country*”.¹⁶² The Archbishops’ Council has accepted that work is required to ensure safeguarding provision is consistent across the dioceses, but it has not yet established the means by which such consistency can be achieved.¹⁶³

The diocesan safeguarding adviser

22. Each diocese now employs or commissions a diocesan safeguarding adviser (DSA), as required by the *Diocesan Safeguarding Advisors Regulations 2016*.¹⁶⁴ All safeguarding concerns should be reported to the DSA.¹⁶⁵

23. All DSAs must have “*appropriate qualifications and experience*”.¹⁶⁶ This includes a relevant professional qualification in, for example, social work or criminal justice, and the equivalent of at least Level 3 training accreditation in child or adult protection.¹⁶⁷ As a result, DSAs typically come from professional backgrounds such as the police, health, education and social services. They must undergo safeguarding training and attend NST events to promote the implementation of practice guidance.¹⁶⁸

24. The role of a DSA requires “*a number of specialist skills*”.¹⁶⁹ As well as coordinating the provision of safeguarding training, working with offenders and providing support to those who have suffered abuse, DSAs are responsible for advising the diocesan bishop on all safeguarding matters, including the referral of safeguarding concerns to statutory agencies and clergy risk assessments.¹⁷⁰

¹⁵⁸ ACE025930_015

¹⁵⁹ The Diocesan Synod 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.

¹⁶⁰ ACE027643_067-068

¹⁶¹ ACE027761_004

¹⁶² O’Hara 9 July 2019 85/4-9

¹⁶³ ACE027761

¹⁶⁴ ACE025220

¹⁶⁵ ACE025256_024

¹⁶⁶ ACE025247_016

¹⁶⁷ ACE025247_043; the *Diocesan Safeguarding Advisors Regulations 2016* set out their required qualifications (ACE025220).

¹⁶⁸ ACE025940_038

¹⁶⁹ ACE026755_020

¹⁷⁰ ACE025247_015

25. As discussed below, 33 dioceses have a formal agreement with cathedrals. Some also have formal agreements with religious communities or theological training institutions to provide joint safeguarding arrangements. Where this is not the case, the DSA is expected to *“liaise regularly with the named safeguarding leads ... and offer advice on safeguarding matters, as required”*.¹⁷¹

The Diocesan Safeguarding Advisory Panel

26. By June 2018 (the last date for which figures are available), 38 of the 42 dioceses had established a Diocesan Safeguarding Advisory Panel (DSAP).¹⁷²

27. The DSAP monitors diocesan requirements relating to safer recruitment, criminal record disclosures and safeguarding training. It is expected to *“oversee safeguarding arrangements in the diocese”*, although it has no powers of enforcement.¹⁷³ Each DSAP should be chaired by an independent lay person and have a *“balanced membership”*¹⁷⁴ of the diocese’s senior staff team, church officers and statutory agencies such as the police and social services.

28. Dr Eleanor Stobart, in her 2018 independent review of the Church’s training and development framework, noted discrepancies between dioceses.¹⁷⁵

28.1. DSAP chairs exercise their role differently, with no consensus across dioceses as to how to achieve the appropriate level of scrutiny.

28.2. In *“some dioceses a bishop or senior member of clergy may simply approach someone who they consider would be ‘ideal’”*; a more transparent process for recruiting chairs would demonstrate that the Church is not *“drawn towards using some sort of ‘old boys’ network”*.¹⁷⁶

28.3. Some dioceses have little or no representation from professionals in external agencies, due to *“time constraints and lack of resources in the statutory sector”*.¹⁷⁷

29. The new independent chair of the NSP has suggested that the DSAP’s role could be extended. Diocesan bishops might be required to report their safeguarding decisions to the DSAP, to increase the accountability of bishops, who have *“a lot of power ... a lot of influence, and they aren’t really held to account”*.¹⁷⁸

The diocesan bishop

30. Within each diocese, the diocesan bishop exercises significant autonomy, including in relation to safeguarding. He or she has overall responsibility for upholding effective safeguarding arrangements in the diocese, although the guidance identifies that advice should be sought from the DSA about the execution of these functions.¹⁷⁹

¹⁷¹ ACE025247_015-016

¹⁷² ACE027643_063-064

¹⁷³ ACE025247_012

¹⁷⁴ ACE025247_014

¹⁷⁵ In 2018, the National Safeguarding Team (NST) commissioned Dr Eleanor Stobart (an independent consultant) to evaluate the implementation of the Safeguarding Training and Development Framework. Her report was published in November 2018 (ACE026755).

¹⁷⁶ ACE026755_022-023

¹⁷⁷ ACE026755_023

¹⁷⁸ Munn 9 July 2019 144/11-13

¹⁷⁹ ACE025256_012

31. Not every diocesan bishop has complied with this guidance in respect of consultation with safeguarding professionals. In its safeguarding audit for the Diocese of Chester in May 2016, SCIE noted that Dr Peter Forster, Bishop of Chester, “takes lead responsibility for safeguarding and does not delegate it to any of his staff, choosing to retain overall control”.¹⁸⁰ He took all decisions about the threshold for referral to statutory agencies.¹⁸¹ The DSA was unable to take effective action to prevent this.

32. Following the SCIE audit in the Diocese of Chester, the Diocesan Safeguarding Advisors Regulations were amended in July 2017 to clarify that the DSA is able to refer matters to the police, with or without the agreement of the diocesan bishop.¹⁸²

33. As a result of criticism made in the SCIE interim report, compulsory safeguarding training for all diocesan bishops has been in place since 2015.

34. The sampling exercise (see Annex 3) considered by the Inquiry showed that day-to-day safeguarding management was carried out by the DSA, without intervention from diocesan bishops. The final SCIE overview report concluded that in audits subsequent to their interim report:

*“there has been no evidence of any conflicts on such decision making and many Bishops have been clear that operational responsibility for casework lies with the safeguarding team and their independence is critical”.*¹⁸³

35. Following independent audits in all 42 dioceses and a number of cathedrals between 2016 and 2019, the SCIE overview report stated that:

*“Bishops have embraced their leadership role in safeguarding generally with some helpfully making positive public messages around its vital importance and integral place in Christian life.”*¹⁸⁴

However, it was less clear “how this breaks down in terms of strategic, operational and theological/spiritual leadership” in a religious context. While theological leadership lies with clergy and the bishop in particular, there was a “lack of clarity around what can be delegated and who has the ultimate operational responsibility for case decisions”, including who receives referrals and decides on next steps.¹⁸⁵

36. Mr Colin Perkins (DSA for the Diocese of Chichester) stated that even now the DSA may not provide a “sufficient counterweight to episcopal authority – especially in situations of disagreement or conflict”.¹⁸⁶ There remained, as Mr Perkins said, a potential conflict of interest between a bishop’s “sense of pastoral responsibility towards his/her clergy, and the responsibility to ensure good safeguarding and disciplinary practice in their diocese”.¹⁸⁷

37. Mr Perkins advocated for the creation of a new role – the diocesan safeguarding officer (DSO) – to undertake key safeguarding tasks such as risk assessments, suspension and reports to statutory agencies. The diocesan bishop would be “informed of the outcome

¹⁸⁰ ACE025871_006

¹⁸¹ ACE025871_016-17

¹⁸² ACE025402_001-002

¹⁸³ ACE027761; ACE025220; SCI000005_023

¹⁸⁴ ACE026753_021

¹⁸⁵ ACE026573_022

¹⁸⁶ ANG000645_002

¹⁸⁷ ANG000645_003

of those actions rather than being involved in delivering them”.¹⁸⁸ Mrs Edina Carmi is an independent safeguarding consultant who has conducted a number of reviews of the Church of England, including for this Inquiry. She considered that a DSO or similar officer would “certainly be an improvement”, although safeguarding should still be at a “more national level” such as a national safeguarding service.¹⁸⁹

38. Archbishop Justin Welby also supported further change in this respect:

*“there needs to be a failsafe mechanism which holds bishops accountable ... if the bishop fails, there is a failsafe means in which [the DSAs] go to their regional supervisor or the national director and say, ‘I am really concerned about this’, and that the national system or the regional system can call in cases”.*¹⁹⁰

In his view, there were “considerable advantages”¹⁹¹ to DSAs controlling operational safeguarding, making “sure that the DSA has the final word”.¹⁹²

Parishes

39. The parish is the heart of the Church of England. Each has a parochial church council (PCC) which organises the day-to-day administration of the parish and is the main decision-making body. By mid-2019, all dioceses confirmed that they had a system for monitoring safeguarding in parishes. Ninety percent of parishes had a parish safeguarding officer (PSO) to advise on parish safeguarding matters, although each parish should have one according to Church guidance.

Parish clergy

40. The role of parish clergy is to “provide leadership concerning safeguarding, and to encourage everyone to promote a safer church”.¹⁹³ Many are part-time or non-stipendiary (ie unpaid).¹⁹⁴ They are often responsible for multiple parishes across a wide geographical area. Parish priests therefore require support from the Church, at both a diocesan and national level, to assist with safeguarding, including training, guidance and pastoral oversight of volunteers. They often have significant responsibilities in smaller and less well-attended parishes, and may need to give considerable support to the PSO.

The parish safeguarding officer

41. The PSO acts as “the key link between the diocese and the parish concerning safeguarding matters”.¹⁹⁵ He or she should ensure that diocesan safeguarding guidance is being fully implemented within the parish. On a day-to-day basis, the PSO should be the person in the parish to whom most people will turn when a safeguarding concern arises, including receiving allegations and concerns about children or adults. He or she is expected to report all concerns to the DSA, as well as to ensure that necessary referrals are made.

¹⁸⁸ ANG000645_005-006

¹⁸⁹ Carmi 8 July 2019 144/21-145/14

¹⁹⁰ Welby 11 July 2019 192/4-25 and 193/1

¹⁹¹ Welby 11 July 2019 194/11

¹⁹² Welby 11 July 2019 195/9-10

¹⁹³ ACE025247_019

¹⁹⁴ Clergy may be known as vicar, rector, parson or priest-in-charge. They may also be known as ‘incumbent’.

¹⁹⁵ ACE025247_051

42. The *Parish Safeguarding Handbook* (published in July 2018 and amended in November 2019) is distributed to parishes via diocesan safeguarding teams.¹⁹⁶ It sets out key safeguarding responsibilities for parishes and is intended to “*support the day-to-day safeguarding work of parishes*”.¹⁹⁷ It is designed to be used by the parish priest and the PSO, who will often be a lay person acting on a voluntary and part-time basis. The parish will require considerable support from the diocese in most safeguarding situations.

Cathedrals

43. Cathedrals are largely autonomous bodies and are governed on a day-to-day basis by the dean and chapter.¹⁹⁸

Safeguarding in cathedrals

44. Each cathedral is now expected to have a safeguarding officer, who should work with the dean and chapter to implement the House of Bishops’ policy and guidance.¹⁹⁹

45. Dean Stephen Lake (Lead Dean on Safeguarding) told us that, of the 42 cathedrals, four employ a dedicated safeguarding professional. A further 29 have a service level agreement or memorandum of understanding with their diocesan teams to provide safeguarding services.²⁰⁰

46. A programme of independent safeguarding audits by SCIE was initiated in 2018 and is due to be completed in 2021. SCIE has made some positive – albeit early – findings, noting for example that there are “*strong systems and procedures for keeping people safe and well-monitored*” at Canterbury Cathedral.²⁰¹

Choirs

47. An additional consideration for cathedrals is that all have choirs, which may be made up of both adults and children. Children may be drawn from a choir school or local schools.²⁰² Cathedrals with choir schools produce their own safeguarding policies. Schools also have a statutory requirement to produce their own policies in accordance with Department for Education guidance. As explained by Dean Lake, cathedrals and schools should liaise in the preparation and implementation of policies, to avoid inconsistencies.²⁰³

48. All cathedrals have a safeguarding policy that covers the care and well-being of the choristers during periods when they are on cathedral premises or involved in the life of the cathedral. Such a policy should make clear when choristers become the responsibility of the cathedral.²⁰⁴

¹⁹⁶ ACE027811_036; ACE027643_039

¹⁹⁷ ACE026718_005

¹⁹⁸ *Anglican Church Case Studies: Chichester/Peter Ball Investigation Report Part A*

¹⁹⁹ ACE025247_025

²⁰⁰ ACE027555_004

²⁰¹ SCI000002_035

²⁰² ACE027555_021

²⁰³ ACE027555_027-028

²⁰⁴ ACE027555_023

49. Adult choristers in cathedrals must undergo basic and foundation levels of safeguarding training if they are to sing with children.²⁰⁵ An adult chorister singing with children must have a criminal record (Disclosure and Barring Service or DBS) check at basic level,²⁰⁶ while a more detailed enhanced DBS check must be sought for those with responsibility for teaching, training or supervising children or vulnerable adults.²⁰⁷

50. The SCIE audit of cathedrals (intended to be completed by March 2021) may identify further issues with safeguarding practice in cathedrals.²⁰⁸

B.1.3: Safeguarding policies

National safeguarding policies

51. While each diocese might have its own system to manage safeguarding concerns, the Church of England has legislation and regulations relating to safeguarding, and national policy and guidance (prepared by the NST and the NSSG) to ensure a necessary level of consistency.²⁰⁹

52. The Church's safeguarding policies, practice guidance and training framework have undergone a "wholesale revision" since 2015.²¹⁰

52.1. A new statutory duty requires bishops, authorised clergy and other church office holders to have "due regard" to the House of Bishops' safeguarding guidance.²¹¹ There may be disciplinary consequences for those who fail to do so.²¹²

52.2. The Church's policy statement – *Promoting a Safer Church* (approved by the House of Bishops in December 2016 and published in March 2017²¹³) – brings all Church bodies within the umbrella of national policy and guidance. It confirms a "whole church approach to safeguarding" to ensure "that all those within the Church, regardless of their role, have a part to play".²¹⁴

52.3. *Key Roles and Responsibilities of Church Office Holders and Bodies Practice Guidance* (2017) updates and expands previous guidance. For example, it requires cathedrals to appoint a safeguarding officer to work with the dean and chapter to implement national policy.²¹⁵

52.4. *Responding to, Assessing and Managing Safeguarding Concerns or Allegations Against Church Officers* (2017)²¹⁶ makes clear that the DSA should receive all concerns or allegations and refer them to the appropriate statutory agencies within 24 hours.

²⁰⁵ ACE027555_009

²⁰⁶ The current Disclosure and Barring Service (DBS) system has four levels of checks; two of them (enhanced and enhanced certificates with barred list checks) are relevant for those who work with children or vulnerable adults (DBS000024_005). An organisation can only ask for enhanced checks to be carried out if either the role or the activities that will be undertaken is set out in the legislation and is therefore considered to be 'regulated activity'. An employer or organiser of a voluntary activity can only request a DBS check where they will undertake a regulated activity (DBS000024_007-010).

²⁰⁷ ACE025380_029-030

²⁰⁸ Fish 3 July 2019 85/14; ACE027555_027

²⁰⁹ ACE025282_052

²¹⁰ ACE027643_181

²¹¹ ACE002233 section 5

²¹² ACE002233_013

²¹³ ACE025431

²¹⁴ ACE025930_010

²¹⁵ ACE025247 (published in October 2017, and subject to minor amendments in December 2017), updating *Protecting All God's Children* (2010), section 4 (ACE002487).

²¹⁶ ACE025256 (also published in October 2017, and subject to minor amendments in December 2017)

53. Further changes are also planned. As set out above, in February 2020, the NSSG approved the introduction of a set of nationally agreed safeguarding standards.²¹⁷ The Archbishops' Council anticipates that the national standards will represent "*an important step in transforming the safeguarding practice of the Church*".²¹⁸

54. Ms Caslake said that the standards will form part of a quality assurance framework, identifying what issues need to be covered by the Church, the expectations in each area and the information that will be required to determine how the standards are being achieved.²¹⁹

55. The Church has circulated a two-year plan to update, rationalise and combine key policies,²²⁰ including obtaining feedback from those using the guidance and survivors to identify areas of concern, and providing examples of good practice.

56. There remain a number of concerns about the Church's current policies.

56.1. As noted in the SCIE overview report, the Church uses terms such as 'practice guidance' to cover a variety of national policies, procedures and guidance.²²¹

56.2. In its Chichester/Peter Ball Investigation Report, the Inquiry recommended the amendment of Canon C30 to require clergy to comply with the House of Bishops' safeguarding guidance, as the term "*due regard*" lacks sufficient clarity.²²²

56.3. Mrs Carmi considered that the *Responding to, Assessing and Managing Safeguarding Concerns or Allegations Against Church Officers* guidance would benefit from a number of improvements.²²³ These included:

- emphasising the need to offer victims the opportunity to speak directly and alone to safeguarding officers, and the need to investigate the history of any allegations or offending;
- providing guidance about appropriate timescales;
- advising that conflicts of interest are to be avoided; and
- preparing templates for risk assessments to ensure:
 - sufficient focus on assessment prior to establishing a management plan;
 - advising on what is and what is not low risk; and
 - providing further guidance about implementing and managing safeguarding agreements.

Since the third public hearing, the Church has introduced a new risk assessment template and a new safeguarding agreement template, together with compulsory training for those carrying out such assessments.²²⁴

²¹⁷ ACE026734_003; ACE027811_038; ACE027799

²¹⁸ ACE027761_005

²¹⁹ ACE027811_038-040

²²⁰ ACE027811_035; ACE027807; ACE027808

²²¹ SCI000005

²²² *Anglican Church Case Studies: Chichester/Peter Ball Investigation Report* Part D

²²³ EWM000466_017-018

²²⁴ ACE027811_039; ACE027801; ACE027802

Diocesan policies

57. Each diocese is responsible for implementing locally the House of Bishops' national policies and guidance. Some dioceses regarded producing local policies as a “*duplication of effort*” which is likely to provide “*no or limited added value*”. Others supported the introduction of local policies, which they found easier to comprehend than the large volume of national documentation.²²⁵

58. SCIE identified issues in relation to diocesan safeguarding policies:

- Dioceses varied in their approaches to complaints procedures. Procedures were not in place in every diocese. The Church told us that, as at 2018, there were 40 dioceses which had either a complaints or whistleblowing policy, or both.²²⁶ Where they existed, they were often “*very brief and partial ... only covering particular aspects of safeguarding work*”.²²⁷ Most procedures did not provide clear expectations of the process (including timescales and expected responses) and were not easily accessible.
- The use of whistleblowing procedures in dioceses was “*equally variable*”.²²⁸ Some applied only to specific groups of staff, such as cathedral employees, and might not be applicable to volunteers. Many dioceses did not have a whistleblowing procedure in place at all.

This further supports the case for consolidating Church policies, procedures and guidance.

B.1.4: Safeguarding in recruitment and training

59. The Church of England must recruit the “*right clergy*” and other church officers, and “*train them well*”.²²⁹ Archbishop Justin Welby observed that “*we should see whether people ... get safeguarding*”.²³⁰

Safeguarding in recruitment

60. Although the Church has national *Safer Recruitment* guidance, each diocese is responsible for ensuring that it has in place proper recruitment procedures.²³¹ Every diocese reported in 2018 that it complied with this guidance.²³² Throughout the selection process various qualities and skills are assessed, but this report focuses on the extent to which safeguarding is considered during selection and training. Bishop Mark Tanner, a member of the Ministry Council (which is responsible for the procedures for selection for ordination) and the chair of the Church's Selection Oversight Group, admitted that the Church is still “*playing catch-up*” in respect of selection and training in this regard.²³³

²²⁵ SCI000005_044

²²⁶ ACE027817

²²⁷ SCI000005_045

²²⁸ SCI000005_046

²²⁹ Tanner 3 July 2019 133/4-25

²³⁰ Welby 21 March 2018 76/15-19

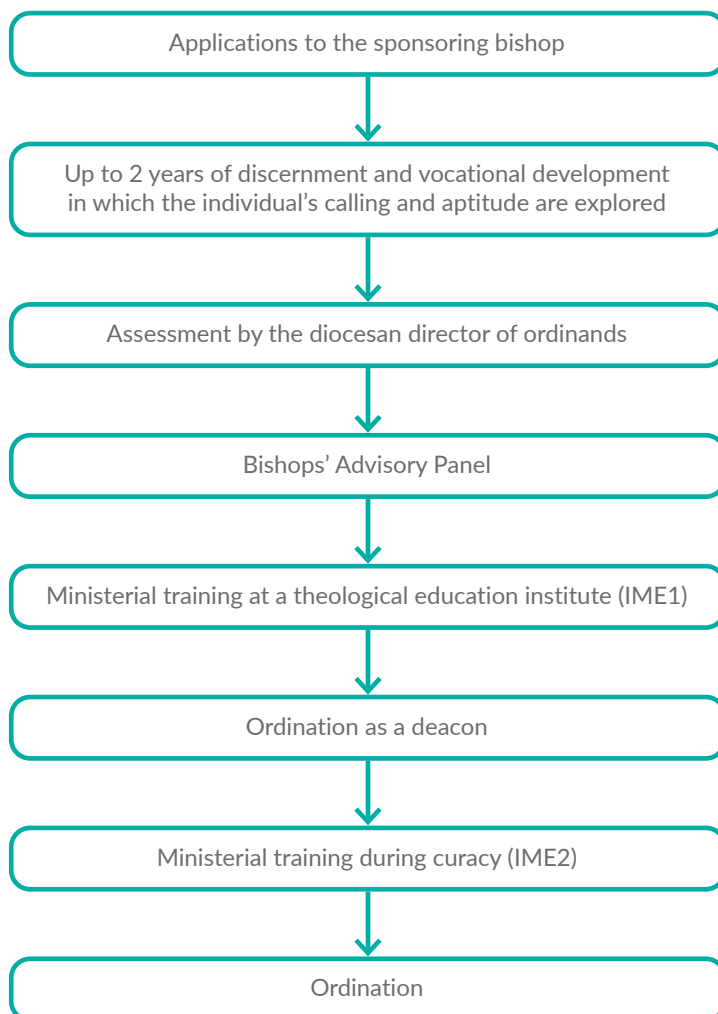
²³¹ ACE025228; the diocesan bishop is responsible for ensuring that these procedures are consistent with the national guidance (ACE025773_004).

²³² ACE027643_065

²³³ Tanner 3 July 2019 140/21-25

Clergy

61. A candidate for ordination is sponsored by a specific bishop (the sponsoring bishop), and the process is overseen by the diocesan director of ordinands, who works with candidates to prepare them for assessment.²³⁴



Process for ordination

62. In addition to submitting four references and a full CV, the Church's recruitment policy requires a candidate to undergo an enhanced DBS check.²³⁵ He or she must also submit a confidential declaration form about whether a court has made a finding that "you have caused significant harm to a child and/or vulnerable adult, or ... that any child and/or vulnerable adult was at risk of significant harm from you".²³⁶ A candidate cannot go further in any discernment process without satisfactorily meeting these requirements.²³⁷

63. Candidates are then measured against seven selection or formation criteria, agreed in 2014. However, there is no criterion concerned specifically with safeguarding and suitability for work with children.²³⁸ A revised set of criteria including one specific safeguarding

²³⁴ ACE027524_003-004

²³⁵ An enhanced disclosure shows all spent and unspent convictions, cautions, reprimands and final warnings, as well as any information held by local police considered relevant to the role.

²³⁶ ACE026776_012

²³⁷ ACE025773_014-015; ACE027811_056-057

²³⁸ The existing criteria are: Christian Tradition, Faith and Life; Mission Evangelism and Discipleship; Spirituality and Worship; Personality and Character; Relationships; Leadership, Collaboration and Community; and Vocation and Ministry within the Church of England (ACE025773_026).

criterion was proposed in 2018 but was rejected by the House of Bishops²³⁹ as it was considered too simple, suggesting that safeguarding was a “one time action” rather than “a present, continuous action”.²⁴⁰

64. Diocesan directors of ordinands also use a ‘traffic light questioning’ tool to identify issues that require further exploration with a candidate which include safeguarding.²⁴¹ Concerns will be referred to the DSA and to statutory services if required.²⁴²

GREEN LIGHT	AMBER LIGHT	RED LIGHT
Fine.	More work: ask candidate to reflect, discuss with incumbent, do some reading, etc. If no change, discussion with safeguarding officer, possible referral to outside help to explore any personal difficulties with own power.	Safeguarding officer; risk assessment; psychotherapy referral. Possibly proceed no further.

‘Traffic light’ questioning tool

Source: [ACE026777_001](#)

65. The Church of England is reviewing its recruitment processes to improve safeguarding through its Future Clergy Review, which is considering:

- replacing the criteria with a selection framework focussing on the qualities expected of candidates, including the ability to deal with abuses of power, understanding and awareness of child protection and adult safeguarding, and an ability to follow guidance and take advice from safeguarding experts;²⁴³ and
- using mandatory psychological assessment to provide an initial appraisal of a candidate’s fitness to practise,²⁴⁴ albeit that this cannot be a “silver bullet”.²⁴⁵

66. A shared discernment framework, including an updated set of qualities, was produced in March 2020.²⁴⁶

67. At the Bishops’ Advisory Panel stage (which involves interviews, presentations and exercises to assess candidates), a candidate must also declare that they have “read, understood and are committed to the Church of England’s policy on Promoting a Safer Church”.²⁴⁷ The panel then makes a recommendation, but it is the sponsoring bishop who decides whether a candidate should proceed to ecclesiastical training.²⁴⁸ This is a decision where there is the potential for lack of transparency and consistency. Since the third public hearing, the Church of England has written to all bishops to clarify their responsibility for ordaining candidates and has put in place measures intended to ensure transparency and consistency in this area.²⁴⁹

²³⁹ [Tanner 3 July 2019 141/10-17](#)

²⁴⁰ [Tanner 3 July 2019 138/13](#)

²⁴¹ [Tanner 3 July 2019 157/19-158/7](#)

²⁴² [ACE026777_001](#)

²⁴³ [ACE026772_002](#)

²⁴⁴ [ACE027524_011](#)

²⁴⁵ [Tanner 3 July 2019 163/11-23](#)

²⁴⁶ [ACE027811_056-057](#); [ACE027810](#)

²⁴⁷ [ACE027524_008](#)

²⁴⁸ [Tanner 3 July 2019 167/6-168/25](#)

²⁴⁹ [ACE027811_058](#)

68. By the end of the first stage of ecclesiastical training (Initial Ministerial Education Phase 1 – IME1 – which takes three years full time or longer on a part-time basis at a theological education institute (TEI)), a candidate should leave “*knowing how to recognise signs of abuse, knowing how to respond appropriately, knowing how to keep records, knowing how to refer*”.²⁵⁰ Safeguarding is not part of the current academic curriculum for IME1.²⁵¹ At present, safeguarding training is limited to online basic awareness safeguarding training (C0) before commencing IME1 and then foundation safeguarding training (C1) before commencing any placement within a parish.²⁵² However, in future, the Church will require that both C0 and C1 are completed before commencing IME1.²⁵³

69. Upon successful completion of ecclesiastical training, a Principal’s Recommendation to Ordain is issued by the principal of the TEI. This sets out if a candidate is ready to be ordained and whether they have the right personal qualities and skills.²⁵⁴ Other than setting out the safeguarding training received, the recommendation is unlikely to comment explicitly on safeguarding. The Cambridge Theological Foundation considered that it was unclear how anything beyond a theoretical knowledge of safeguarding would be assessed as there will be few, if any, opportunities during IME1 for ordinands to respond to such issues in the context of current theological training.²⁵⁵

70. The Church of England is now working to develop its assessment at the conclusion of IME1 so that it would be more in line with a ‘fitness to practice’ approach taken in other professions.²⁵⁶ Other professions where ethics and child protection are a focus involve practical assessment of someone’s ability to apply safeguarding issues in practice during their training.

71. The ordaining bishop will decide whether to ordain the candidate as a deacon, which is required before they can become a curate. Prior to commencing curacy, a candidate must undertake leadership safeguarding training (C2). As a curate, he or she will complete safeguarding training for clergy and lay ministers (C3) and the second stage of Initial Ministerial Education (IME2).²⁵⁷

72. At the conclusion of their curacy, a candidate will be ordained provided he or she has completed satisfactorily the Assessment at the End of Curacy against the formation criteria.²⁵⁸ Under the ‘Relationships’ element of this assessment, a candidate must show that they “*understand policies and best practice in safeguarding and their application in a variety of contexts*”.²⁵⁹

73. After ordination, when clergy move from one diocese to another, any known safeguarding risks or previous allegations should be identified by one diocese to another, so that the new diocese can manage any risk. This was achieved previously by sending a ‘safe to receive’ letter, reflecting the opinion of the sending bishop. In 2012, this was replaced by a

²⁵⁰ [Tanner 3 July 2019 177/15-178/11](#)

²⁵¹ [ANG000386](#)

²⁵² [ACE027524_009](#)

²⁵³ [ACE027524_021](#)

²⁵⁴ [Tanner 3 July 2019 177/15-178/11](#)

²⁵⁵ [CTF000010_008](#)

²⁵⁶ [ACE027811_059](#)

²⁵⁷ [ACE027524_009](#); [Tanner 3 July 2019 183/18-25](#). Proposed revision to the Safeguarding Training guidance will remove the C3 module from the framework ([ACE027524_025-026](#)).

²⁵⁸ [ACE027524_005-006](#)

²⁵⁹ [ACE025773_032](#)

'clergy current status letter', a formal and standard document, completed following a review by the sending bishop of an individual's 'blue file' (a personnel file) of any concerns about the individual or their work of which the receiving bishop should be aware.²⁶⁰

74. A list of names (the caution list) is kept by each archdiocese of clergy who have either been subject to clergy discipline, behaved contrary to the teachings of the Church or "*about whom there was some concern*".²⁶¹ Bishop Hancock told us that the caution list is issued to all diocesan bishops and could be shared with suffragan or area bishops if appropriate.²⁶²

The selection of bishops

75. A candidate's potential to fulfil their safeguarding responsibilities is considered part of the process for selecting a bishop. It has been included in interviews since 2013. Since January 2016, a candidate must provide a written submission in support of their application, to explain the actions he or she would take as diocesan bishop to ensure that children and vulnerable adults are protected, survivors receive appropriate pastoral care and a culture is created "*in which all will flourish and which is coherent with the safeguarding policies of the Church of England*".²⁶³

76. Once selected, a bishop must be consecrated by the Archbishop of Canterbury. Archbishop Welby has said that he would not consecrate any bishop unless they had completed safeguarding training at the appropriate level.²⁶⁴ As far as safeguarding is concerned, "*the buck stops with the diocesan bishop*".²⁶⁵

Lay ministers and volunteers

77. Lay ministers – readers and licensed lay workers – are recruited within dioceses by a Diocesan Reader Board, in accordance with *Reader Selection in the Church of England 2014* guidance. The Church's *Safer Recruitment* guidance also applies to these appointments and requires:

- references to be obtained, which must specifically comment on "*an individual's suitability to work with vulnerable people*";
- candidates to submit a confidential declaration;
- interviews, including about the applicant's values and attitude to working with children or vulnerable adults; and
- a DBS check if the Church is minded to recommend the applicant. Lay ministers working with children will require an enhanced DBS check with barring information unless they are supervised or do not fulfil the frequency criteria.²⁶⁶

They are required to undergo C3 safeguarding training, which places them at the same level as ordained clergy.²⁶⁷

²⁶⁰ [Wilson 2 July 2019 128/1-22](#)

²⁶¹ [ACE025283_051](#)

²⁶² [Hancock 11 July 2019 141/15-18](#)

²⁶³ [ACE025772_025](#)

²⁶⁴ [Hall 21 March 2018 8/7-15](#)

²⁶⁵ [Welby 21 March 2018 80/23-81/7](#)

²⁶⁶ [ACE025772_014-015](#)

²⁶⁷ [ACE025772_015](#)

78. The *Safer Recruitment* guidance must also be followed for the appointment of volunteers who may have contact with children, including churchwardens and members of the parochial church council.²⁶⁸

78.1. Volunteers must provide a confidential declaration form and two references, which should include commenting on the applicant's experience of working with children and any evidence that they would not be suitable to work with children.²⁶⁹

78.2. Volunteers must also undergo DBS checks before starting work and then every five years.²⁷⁰

78.3. A person will be disqualified from the office of churchwarden or as a member of the parochial church council if they are convicted of certain criminal offences or are included on the DBS barred list.²⁷¹ A diocesan bishop may waive disqualification for conviction but must consult the DSA before doing so.²⁷²

79. The level of DBS check an individual requires depends on whether the work they will be doing is legally defined as 'regulated activity' with children. The definition of regulated activity does not always apply easily to the way that a church operates. In broad terms, regulated activity includes:

- any form of teaching, training, instruction and caring for children if that activity is unsupervised, or providing guidance on physical, educational or emotional well-being, again if unsupervised; if supervised by someone who has a DBS check, then other volunteers do not need to have such checks; and
- work in a limited number of establishments – including schools, but not including work done by supervised volunteers in those settings – which must be undertaken frequently or on more than three days in any period of 30 days.

(There is no statutory definition of what is considered to be supervision.)

80. Susan Young, Director of the Public Protection Directorate at the Home Office (which has partial policy responsibility for vetting and barring), explained that the intention was to "scale it back to common sense levels". She says that regulated activity will include activities which provide "the highest levels of risk". The Home Office states that regulated activity does not include minimal or limited access to vulnerable groups.²⁷³

81. As a result, for example, the following volunteers may not be subject to a DBS check:

- adults in a choir with children if they are supervised by an adult with a DBS check;
- individuals working with children in cathedrals such as organists and choirmasters if they are supervised; and
- those performing confirmations if supervised.

The Inquiry is aware of examples of such individuals being convicted of child sexual offences, including Mark Mytton, Michael Walsh and Duncan Hanner.²⁷⁴

²⁶⁸ ACE025773

²⁶⁹ ACE025772_037-038

²⁷⁰ ACE025772_038

²⁷¹ Offences under Children and Young Persons Act 1933, Schedule 1.

²⁷² ACE025772_041

²⁷³ HOM003294

²⁷⁴ Anglican Church Case Studies: Chichester/Peter Ball Investigation Report Annex 6

82. In deciding whether to obtain an enhanced DBS check, Church of England guidance dated 2017 recommends that the DSA considers the following question:

“Does the role mean that the relevant individual either supervised/unsupervised on a frequent/infrequent basis, trains, instructs, cares for or supervises children or provides advice/guidance on physical, emotional or educational well-being to children?”²⁷⁵

Ongoing safeguarding training

83. The Safeguarding Training and Development Framework was introduced by the House of Bishops in January 2016.²⁷⁶ Members of clergy and non-clergy office holders attend regular safeguarding training every three years.²⁷⁷

Table 3: Church of England safeguarding training modules

Module	Who attends	Learning aims	How often
C0 (Basic awareness)	<p>Recommended* for anyone who needs a basic level of awareness of safeguarding.</p> <p>May include but not limited to vergers, servers, welcomers, caretakers, refreshment helpers, shop staff, sidepersons, parochial church council members, church wardens, bell ringers, choir members/music group members, employees of the Diocesan Boards of Education and Finance.</p> <p>This course is a prerequisite for attendance at any other core training module.</p>	Develop a basic awareness of safeguarding in the context of the Church and Christian pastoral care.	Refreshed every three years by a revised C0 module.
C1 (Foundation)	<p>Required for anyone who has safeguarding responsibilities or contact with children, young people and/or adults who may be vulnerable.</p> <p>Including but not limited to: safeguarding officers, safeguarding lead on PCC, church wardens, readers in training, ordinands prior to placement, spiritual directors, pastoral visitors, bishops visitors, helpers at activities, servers, church administrative staff, members of religious communities who are in active ministry and work with vulnerable groups.</p>	Situate safeguarding in the context of the Church and equip participants with knowledge and skills in knowing what, when and how to report concerns.	<p>Must refresh every three years through a refresher module known as C5.†</p> <p>Completing C1 and C2 gives an equivalent level of training to C3. The difference is the content and focus of the case studies.</p>

²⁷⁵ ACE025898_002

²⁷⁶ ACE026740_001

²⁷⁷ ACE025772_014-015

Module	Who attends	Learning aims	How often
C2 (Leadership)	<p>Required for anyone who has safeguarding leadership responsibilities or responsibilities for leading activities involving children, young people and/or adults who may be vulnerable.</p> <p>Including but not limited to safeguarding officers, safeguarding lead on PCC, church wardens, youth and children’s pastors, bishops visitors, directors of music, bell tower captains, home visitors, ordinands prior to leaving TEI, safeguarding leads in religious communities, choir leaders.</p>	<p>Equip parish officers to embed healthy parish safeguarding practice.</p> <p>To explore the roles and personal vulnerabilities of parish officers in implementing parish safeguarding procedures and responding to serious situations.</p>	<p>Must refresh every three years through a refresher module known as C5.</p> <p>Completing C1 and C2 gives an equivalent level of training to C3. The difference is the content and focus of the case studies.</p>
C3 (Clergy and Lay ministers)	<p>Required for all those holding a license, commission, authorisation, permission to officiate from a Bishop – ordained and lay.</p> <p>Including but not limited to: all clergy holding a licence or licensed/authorised lay ministers and readers.</p> <p>For those holding PTO, the Bishop granting permission should determine the level of training required in consultation with the Diocesan Safeguarding Adviser; for those whose ministry will be active C3 is the required module, for those for whom PTO will rarely be used it may be more practicable for C1 to be completed.</p>	<p>Equip incumbents, licensed and authorised ministers to embed healthy parish safeguarding practice and respond well to safeguarding situations.</p>	<p>Must refresh every three years through a refresher module known as C5.</p>

* C0 is mandatory for those who are required to complete further safeguarding training core modules. However, it is recommended for anyone in the church, including those who are not in any form of ministry or church officer role.

† C5 refresher will be mandatory for those required to do C1, C2 and C3. This module has yet to be developed.

Source: [ACE025773_044-046](#)

84. Safeguarding training is organised in dioceses. It is delivered by qualified trainers engaged by the dioceses.²⁷⁸ Between January 2016 and March 2019, both clergy and volunteers attended training:²⁷⁹

- 69,000 people completed basic training (C0);
- 68,000 people completed foundation training (C1);
- 16,178 people completed the leadership module (C2); and
- 1,600 people completed the senior leadership module (C4).

²⁷⁸ [ACE025773_037](#)

²⁷⁹ [ACE027643_070-073](#)

While these are significant numbers for this three-year period, there remain 56,000 people who need to complete the foundation stage of training.²⁸⁰

85. In 2017, data returned by the dioceses showed that 73 percent of licensed clergy and 63 percent of readers had up-to-date safeguarding training compared to 62 percent and 50 percent respectively in 2015. Sixty-one percent of clergy with permission to officiate had up-to-date safeguarding training in 2017, compared with 33 percent in 2015.²⁸¹

86. In her 2018 report, Dr Stobart concluded that the framework was “*neither interpreted nor implemented consistently*” across dioceses, cathedrals and other Church bodies.²⁸² She noted that participants in some dioceses considered that the framework was “*too ambitious*” while others were of the view that it was a necessary part of standardising safeguarding across the Church.²⁸³ As set out in Dr Stobart’s report, some participants said that they were:

*“a long way from seeing a Church where men and women are equal, where there is less deference to those in power and where everyone’s voice is heard and respected equally. Participants felt that until some of these changes are ingrained, safeguarding will remain on the periphery.”*²⁸⁴

87. Church officers who attended training felt that they had a good understanding of their safeguarding duties.²⁸⁵ As a result, Dr Stobart made five recommendations, including that:²⁸⁶

- a process should be introduced to enable diocesan safeguarding trainers to report to their local bishop any member of clergy who attends training and “*does not engage*”;
- clarity is required about whether formal training arrangements should always exist between a diocese and cathedral, TEs and religious communities; and
- the Church must decide whether there should be stronger central guidance and oversight of safeguarding.

The NST has already initiated a number of actions in response, including publishing a revised version of the framework in 2019. This included guidance on how to monitor attendance and engagement with training. New modules focusing on the seal of the confessional and grooming will be introduced.²⁸⁷ The Church has also revised its senior leadership training.²⁸⁸ In February 2020, it produced a new draft plan for the future development of safeguarding training.²⁸⁹

88. Since 2010, clergy on ‘Common Tenure’ have been required to have ministerial development reviews (MDRs) annually or at least every two years.²⁹⁰ Usually the diocesan bishop will conduct the MDRs of senior colleagues and delegate the remainder. Feedback is provided by parishioners and others within the diocese on any issue they deem significant, although it is not sought expressly about safeguarding.²⁹¹ Within the Church, MDRs are

²⁸⁰ ACE027643_072-073

²⁸¹ ACE027643_071

²⁸² Dr Stobart recognised that her review was undertaken shortly after the framework was introduced and before many dioceses had the opportunity to roll out the training in full (ACE026740_003).

²⁸³ ACE026740_003

²⁸⁴ ACE026755_033

²⁸⁵ ACE026740_003

²⁸⁶ ACE026740_003

²⁸⁷ ACE027643_030

²⁸⁸ ACE027811_033-034

²⁸⁹ ACE027811_034; ACE027797

²⁹⁰ A way by which clergy can hold office that involves rights which are similar to employment rights (in force since 2009).

²⁹¹ ACE025773_038

about spiritual reflection and formation, rather than performance.²⁹² As the Church has now provided safeguarding training to a large proportion of clergy, Archbishop Welby told us that there is a better baseline against which conversations can be held, in ministerial development reviews or otherwise, about the degree to which leaders, clergy and others are acting appropriately in safeguarding.²⁹³

89. There is also regular and compulsory safeguarding training (C4) for bishops, introduced in 2016, which was revised and updated in 2019.²⁹⁴ A modular training course was also introduced in 2019 for all safeguarding leads (for dioceses, and for cathedrals and other institutions) to be provided with standardised risk assessment training and to introduce a new national standard risks analysis.²⁹⁵

90. Volunteers are not required to complete any training prior to appointment but must attend training after they start and the modules required will be dictated by their role.²⁹⁶ The Church considers it is good practice, though not compulsory, to have regular reviews and supervision for volunteers, so that they feel supported and issues can be discussed and dealt with.²⁹⁷

Permission to officiate and the National Clergy Register

91. In the Chichester/Peter Ball Investigation Report, we concluded that “*The system for granting permission to officiate (PTO) did not have sufficient regard to safeguarding*”.²⁹⁸

92. The Church of England intends to introduce a publicly accessible national register of clergy who hold office, have a licence from the bishop or have permission to officiate. It will identify an individual's current and past posts, their licence or PTO, and safeguarding training, as well as confirmation that they hold a valid DBS certificate.²⁹⁹ To do so, the Church will produce regulations requiring diocesan bishops to inform the Archbishops' Council of those acting as clergy and other ministers within their diocese. It is anticipated that this regulation will go before Synod for approval before March 2021.³⁰⁰

B.1.5: Reviews of safeguarding practice

93. There have been a number of reviews of the Church of England's safeguarding practice since 2007.

Past Cases Review

94. During the mid to late 2000s, a number of clergy and Church officials were prosecuted for child sexual abuse offences. In the course of the high-profile criminal trials, it became clear that the Church had often failed to act or to act appropriately in response to allegations.

²⁹² Welby 11 July 2019 72/19-73/13

²⁹³ Welby 11 July 2019 74/20-75/13

²⁹⁴ Welby 21 March 2018 58/13-59/6; ACE027811

²⁹⁵ ACE027811_039-040; ACE027801; ACE027802

²⁹⁶ ACE025772_038

²⁹⁷ ACE025772_038

²⁹⁸ *Anglican Church Case Studies: Chichester/Peter Ball Investigation Report Part A*

²⁹⁹ ACE027811_048-051

³⁰⁰ ACE027811_047

The Past Cases Review 2007–2009

95. These events led to the establishment of a Past Cases Review (PCR) working group in 2007. The PCR was intended 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”.*³⁰¹

96. The PCR involved an examination of a ‘Known Cases List’ by a “*suitably qualified*” independent reviewer (appointed by each diocese). A list was prepared in each diocese, based on a proforma, of all cases “*involving any clergy, employees, readers and licensed lay workers or volunteers in the Church about whom information of concern exists*”.³⁰² The reviewer also scrutinised the personnel files of clergy (known as blue files) and employees in contact with children.³⁰³ Any safeguarding issues were referred to the Diocesan Child Protection Management Group, which prepared a report for the diocesan bishop.³⁰⁴ A copy of each diocesan report, together with an anonymised version of the Known Cases List and a statistical report, were sent to the national safeguarding adviser.

97. The PCR was completed in 2009, and was described by the Church as “*the most comprehensive of its type*”.³⁰⁵ More than 40,000 files were reviewed, but only 13 cases were identified as requiring formal action, of which 11 were referred to statutory agencies. In the other two cases, the independent reviewers deemed that formal disciplinary action by the Church was appropriate.³⁰⁶ As Lord Williams (Archbishop of Canterbury at the time of the review) stated, it “*gave the Church a clearer bill of health than was really appropriate*” and failed to “*look carefully enough at how those making allegations of abuse were understood and treated*”.³⁰⁷

Independent scrutiny of the Past Cases Review 2016–2018

98. In 2016, the Church commissioned an independent scrutiny team of safeguarding experts (led by Sir Roger Singleton, a safeguarding specialist³⁰⁸) to review the process and content of the PCR and to assess the extent to which it was conducted effectively in each diocese.

99. The team’s 2018 report summarised the PCR as “*A Curate’s Egg*”,³⁰⁹ ie “*a thing that is partly good and partly bad*”.³¹⁰ While it was “*a thoughtful and well-intentioned piece of work*”, the team concluded that the PCR was “*essentially a retrospective desk review with a number of flaws and limitations*”.³¹¹ It identified a number of inadequacies, including:

³⁰¹ ACE024730_003

³⁰² ACE025937_006; ACE024730_003. Diocesan bishops also contacted key personnel to obtain any relevant information which may not have been recorded (ANG000327_009).

³⁰³ However, Bishop Alan Wilson stated that the review was “*almost entirely limited to an examination of clergy ‘blue files’*” and that it “*made no serious attempt to contact those who may have been abused by lay office holders, or where perpetrators were no longer active in ministry*” (ANG000637_010).

³⁰⁴ ACE025937_007. Diocesan Child Protection Management Groups are now known as Diocesan Safeguarding Advisory Panels.

³⁰⁵ ACE004883

³⁰⁶ ANG000327_011

³⁰⁷ ACE026001_006

³⁰⁸ From 2016 to 2018, Sir Roger Singleton was the independent chair of the Chelmsford Diocesan Safeguarding Panel and a member of the Church of England’s National Safeguarding Panel (ACE026964_001-002).

³⁰⁹ ACE026359_003

³¹⁰ ACE026964_004

³¹¹ ACE026359_003; ACE026359_021

- “a lack of clarity about which roles were included within the scope”, for example whether parish employees and volunteers were within the scope of the PCR;³¹²
- there were some difficulties “in locating files” within dioceses and those reviewing the files “commented adversely on the quality of case recording”;³¹³
- little, if any, work was undertaken with victims and survivors during and after the review, which “had a constraining impact on the value of the initiative ... by not including them, their views were absent from the review and perhaps particularly from the lessons learned”;³¹⁴ and
- there were “considerable inconsistencies” in the completion of the statistical returns by dioceses; for example, some were only partially completed. The form was only available after many dioceses had begun or almost completed their reviews, and was itself confusing, while the accompanying instructions contained ambiguities.³¹⁵

The Church’s oversight was limited to responding to questions and seeking reports, with little interrogation of what had been found and whether it looked accurate or comprehensive. Its reporting of the PCR also “failed to reflect the true extent of the issues which needed to be addressed”, which could “expose the Church to the accusation that it did not report the full picture”.³¹⁶

100. The team made a number of recommendations, including:

- All dioceses should conduct an independent review of any files not included in the PCR, with the DSA dealing with any concerns as if they were new referrals.
- Dioceses should check with every parish that all safeguarding concerns about the behaviour of any parish employee or volunteer towards children have been notified to the DSA.
- All dioceses should focus on maintaining improvements in record-keeping, file maintenance and cross-referencing of safeguarding issues.
- An “updated version” of the PCR should be conducted in the dioceses of Ely, Lichfield, Rochester, Salisbury, Sheffield, Winchester, and Sodor and Man given “the absence of evidence that the Past Cases Review had been carried out competently in these dioceses”.³¹⁷
- The NST and diocesan safeguarding teams should prioritise their plans to improve the Church’s response to victims and survivors.

These recommendations were intended to help protect children from persons of previously unidentified or unmanaged risk, and to improve the Church’s response to the needs of victims and survivors.³¹⁸

101. The NSSG agreed in April 2018 that a further review – Past Cases Review: Part Two (PCR-2) – would take place covering 2007 to the present day.³¹⁹

³¹² ACE026964_004

³¹³ ACE026964_005

³¹⁴ ACE026359_018

³¹⁵ ACE026359_004

³¹⁶ ACE026359_004-005; ACE026359_028

³¹⁷ ACE026964_023-024

³¹⁸ ACE026359_040-041

³¹⁹ ACE027643_172

Past Cases Review: Part Two (PCR-2)

102. PCR-2 is expected to be completed in 2022. A project management board was established in July 2018.³²⁰ By the end of the PCR-2 process, it is intended that:

*“any file that could contain information regarding a concern, allegation or conviction in relation to abuse by a living member of the clergy or church officer (whether still in that position or not) will have been identified, read and analysed by an independent safeguarding professional”.*³²¹

As a result, its objectives include:

- identifying all cases of concern relating to clergy or church officers causing harm to children or adults (including where domestic abuse is alleged) and ensuring they have been independently reviewed;
- ensuring that all identifiable safeguarding concerns relating to living clergy or church officers have been referred to the DSAs;
- ensuring any allegation made since the original PCR took place have been handled appropriately and proportionately to the level of risk identified and that the support needs of survivors have been considered; and
- ensuring that cases meeting the relevant thresholds have been referred to statutory agencies and that all cases have been managed in line with current safeguarding practice guidance.³²²

103. An overview report regarding the outcome of PCR-2, including recommendations and proposals for practice improvement where necessary, will be submitted to the NSSG and to this Inquiry.³²³ Dioceses will complete their work on PCR-2 in 2021, and the final overview report is expected to be published within one year of completion.³²⁴

Audits

104. Following a consultation with bishops, senior staff and DSAs, the NST sought the approval of the House of Bishops for a quality assurance package to be applied throughout the Church of England.³²⁵ It comprised:

- an annual safeguarding data return by each diocese to be collated by the Church;
- a safeguarding self-audit by each diocese;
- parish self-audits;
- peer reviews of the work of individual dioceses; and
- an independent safeguarding audit of each diocese every five years.

³²⁰ It is chaired by Bishop Mark Sowerby (Deputy Lead Bishop on Safeguarding) and includes clergy, lay people, an independent domestic and sexual violence adviser, an associate with experience of the PCR, a consultant psychologist and a survivor of abuse (ACE026748_002).

³²¹ ACE027643_174

³²² ACE027697_001; ACE027811_051-052

³²³ ACE027760_010

³²⁴ ACE027811_052-053

³²⁵ ACE025438; ACE025435

Independent safeguarding audits: dioceses

105. In May 2015, SCIE was commissioned by the Church to deliver a national programme of diocesan safeguarding audits given “*the differences in the quality of safeguarding policies and processes across dioceses*”.³²⁶ This is “*the main means for externally monitoring compliance with House of Bishops policy and guidance on safeguarding*”.³²⁷

106. SCIE undertook 42 audits between 2016 and 2019, led by Mrs Carmi. Case records and recruitment files were examined. Meetings were also held with key diocesan staff, clergy and parish representatives to seek their individual perspectives. Three days were spent in each diocese, which Mrs Carmi said enabled “*a good understanding of the main strengths and weaknesses of safeguarding practice in each diocese*”.³²⁸

107. In April 2019, SCIE published its final overview report.³²⁹

107.1. Part One provided an overview of findings from the diocesan safeguarding audits and set out considerations for further action by the Church. It reached two key conclusions:

- There had been a “*major improvement*” between 2015 and 2018 in the Church’s safeguarding resources, policies and safeguarding training courses. Those developments were enabled by an increase in staffing levels and the extensive revision of practice guidance, which now benefits from “*increased clarity, less duplication and more consistency than the procedures that have been replaced*”. The NST had strengthened consistency of practice by, for example, the introduction of core groups and risk assessment training.³³⁰
- However, there were a series of “*systemic underlying vulnerabilities*”³³¹ arising from the organisation, structure and management of safeguarding. Diocesan bishops were largely autonomous so could overrule the decisions of their advisers. As a result, safeguarding “*remains locally managed and led by those without any requirement to have safeguarding knowledge and expertise*”.³³²

107.2. Part Two presented the results of a confidential survey designed by SCIE in consultation with the survivor support organisation MACSAS (Minister and Clergy Sexual Abuse Survivors).³³³ It analysed 58 survey submissions from victims and survivors,³³⁴ the overwhelming majority of whom were dissatisfied with the Church’s response to their disclosures of abuse, in terms of both timeliness and quality.³³⁵ The issues included:³³⁶

³²⁶ ACE025935_021

³²⁷ ACE027643_021

³²⁸ ACE026753_016

³²⁹ SCI000005

³³⁰ SCI000005_017-018

³³¹ SCI000005_019

³³² SCI000005_019

³³³ SCIE acknowledged that its ability to reach conclusions from the audits alone was hindered by the absence of victim and survivor voices. As a result, SCIE and MACSAS designed a survey to “*ascertain the views of people who have first-hand experience of Church responses, including survivors of clergy and Church-related abuse*” (SCI000005_009). Its primary aim was to improve the quality of the Church’s conduct by learning from participants “*about what a good response from the Church should look like*” (ACE027643_195).

³³⁴ Of the 58 participants, 47 reported that they had been abused by clergy or others with specific roles within the Church, and in 29 cases the abuse was sexual (SCI000005_084).

³³⁵ SCI000005_086

³³⁶ SCI000006_010-011

- the importance of telling difficult stories about abusers and abuse during safeguarding training;
- recognising the contributions of survivors in public narratives about the safeguarding journey of the Church;
- positive senior role models being seen to hold their hands up to having got it wrong;
- recognising the need for long-term support; and
- taking a person-centred approach in safeguarding policy and practice, and keeping the victim at the heart of the Church response.

108. SCIE audits do not include recommendations, as SCIE sees its role as being to “*shed light on the nature of the systemic vulnerabilities*”, identifying improvements and providing an understanding of the nature of the problems.³³⁷ The final overview report therefore posed a series of questions intended to help the Church decide how to address its findings and to allow the Church to “*engage survivors of abuse and others in what the best solutions might be, and generate ownership within the Church of the strategies and actions agreed*”.³³⁸ The issues raised concerned:

- **Leadership and culture:** SCIE reflected the view of survivors that the Church does not attach adequate value to the contributions of survivors. It often reacts defensively when presented with evidence of its safeguarding failures, which inhibits the growth of an open and transparent learning environment.³³⁹
- **Church processes for the management of allegations:** Survivors told SCIE that processes do not currently support a “*person-centred approach*”. Recent revisions to policy and guidance do not yet constitute “*a strong golden thread about keeping the person who has come forward at the heart of everything*”.³⁴⁰
- **The term ‘practice guidance’:** Survivors considered that using this as an umbrella term to cover policy, procedures and guidance leads to confusion for the reader. It is “*inadvertently encouraging inconsistency, as guidance suggests advice as opposed to procedures that must be followed*”.³⁴¹

109. SCIE concluded that there remained a key role for bishops in “*the spiritual or theological leadership*” of safeguarding in dioceses on matters specifically linked to faith. In the view of Dr Sheila Fish (Head of Learning Together at SCIE), clergy should not play “*any role at all*” in the operational management of safeguarding.³⁴² However, senior leaders within dioceses also have a role to play in terms of strategic leadership on safeguarding, although safeguarding expertise will be needed, such as through a requirement for the DSA to report into that group.

110. A further round of independent safeguarding audits will be undertaken from 2021, as agreed by the House of Bishops in December 2016.³⁴³

³³⁷ Fish 3 July 2019 94/11-95/2

³³⁸ SCI000005_123

³³⁹ SCI000005_124

³⁴⁰ SCI000005_125

³⁴¹ SCI000005_019

³⁴² Fish 3 July 2019 101/16-102/1

³⁴³ ACE025940_026

Independent safeguarding audits: cathedrals

111. In December 2016, the House of Bishops agreed to extend the independent safeguarding audits to cathedrals. The cathedral safeguarding audit programme began in October 2018. Of the Church's 42 cathedrals, as of April 2020, 24 have been audited or have an audit in progress.³⁴⁴ Dean Lake described the audits as "*comprehensive, covering a range of activities and arrangements within the life of the cathedral*".³⁴⁵ They included casework and information-sharing, training, recruitment and the application of safeguarding policies.

112. From the audits completed by SCIE, Dr Fish identified three overarching challenges for all cathedrals.

112.1. The dean and chapter are responsible for all three strands of leadership: strategic, operational and theological. This means that they are "*often wearing different hats at different times*".³⁴⁶

112.2. Cathedrals have a largely volunteer workforce. Key safeguarding roles are likely to be filled by volunteers rather than Church employees. This "*creates the need for very good links and communication with the professional safeguarding role situated in the linked dioceses*".³⁴⁷

112.3. Cathedrals are places, rather than networks. They may have "*particular challenges about managing the boundary between pastoral care and safeguarding, and referring to external agencies where necessary*".³⁴⁸

Internal safeguarding self-assessments for dioceses

113. In December 2016, the House of Bishops agreed that each diocese must complete an annual safeguarding self-assessment administered by the NST. The self-assessments included questions about safeguarding arrangements, recruitment, training and record-keeping in the diocese in the previous year.³⁴⁹ Its purpose was to enable the DSA and senior leadership team "*to assess diocesan safeguarding arrangements against national government and church guidance expectations, identify areas of good practice and areas that need further work*".³⁵⁰

114. The NSSG considered the results in July 2018, together with an analysis of the safeguarding position in the dioceses in 2015 and 2016. It concluded that an "*urgent deep dive file review*" should be undertaken in a sample of dioceses, to further explore the key issues that were identified in the self-assessments, including:

- a variation across dioceses in the use of risk assessments and safeguarding agreements;
- a significant disparity between dioceses in recorded numbers of reporting cases to statutory authorities; and
- a limited use of disciplinary action in safeguarding cases and referrals to the DBS.³⁵¹

³⁴⁴ ACE027811_053

³⁴⁵ ACE027555_006

³⁴⁶ Fish 3 July 2019 107/10-13

³⁴⁷ SCI000006_003

³⁴⁸ SCI000006_003

³⁴⁹ ACE027643_060-061; a guidance note was provided to those responsible for completing the survey (ACE027654).

³⁵⁰ ACE027672_001

³⁵¹ ACE026377_009

115. To determine the current state of safeguarding in the Church, an extensive report on data arising from annual diocesan self-assessments of safeguarding activity in 2015, 2016 and 2017 was then considered by the NSSG in April 2019.³⁵² As at 2018, the key findings included:³⁵³

- 38 of 42 dioceses had Diocesan Safeguarding Advisory Panels, which were compliant with the House of Bishops' safeguarding guidance. All panels included senior clergy representatives.
- 33 of 42 dioceses had formal safeguarding arrangements in place with their cathedrals.
- 41 of 42 dioceses employed a DSA, of which 15 were from social work backgrounds, 9 from police backgrounds and the remaining from professional disciplines including probation and health.
- 34 of 42 dioceses had protocols in place to enable routine engagement between the DSA and the diocesan bishop.
- DSAs in all dioceses had access to clergy personnel files.
- Less than one third of dioceses had information-sharing agreements in place with key statutory agencies.
- 39 of 42 dioceses had arrangements in place to monitor safeguarding in parishes.

116. The NST recommended to the NSSG that 'deep-dive' audits are undertaken with sample dioceses in respect of the following areas:³⁵⁴

- safeguarding concerns and allegations reported to the dioceses;
- reporting of safeguarding concerns and allegations by dioceses to statutory partners;
- completion of standard risk assessments and use of safeguarding agreements;
- use of disciplinary processes such as the CDM; and
- reporting to the DBS.

Monitoring of safeguarding in parishes

117. Each diocese has an archdeaconry, presided over by one or more archdeacons who assist the diocesan bishop and ensure that the duties of church officers are performed diligently. Their safeguarding responsibilities, set out in the Key Roles Guidance 2017, include "*working with the DSA to assist in monitoring good safeguarding practice in parishes*".³⁵⁵

118. This is achieved by yearly visitations by the archdeacon to each parish.³⁵⁶ Churchwardens in each parish, its principal lay representatives, are responsible for completing the archdeacon's Articles of Enquiry, a list of questions sent to the parish prior to each visitation to assess the implementation of diocesan policy in parishes.³⁵⁷

119. As set out in its Final Overview Report, SCIE found that while archdeacons are aware of their responsibility to monitor safeguarding in the parishes, there are inconsistencies amongst dioceses in how this task is carried out.³⁵⁸

³⁵² ACE027643_062

³⁵³ ACE027643_063-074

³⁵⁴ ACE027643_062-063

³⁵⁵ ACE025247_018

³⁵⁶ ACE025247_018

³⁵⁷ ACE025931_015

³⁵⁸ SCI000005_071

119.1. In the Diocese of York, for example, Articles of Enquiry “*are used but not always every year*” and “*safeguarding is not always in the Articles*”.³⁵⁹

119.2. In the Diocese of Coventry, the Articles include safeguarding questions but “*the questions asked do not judge the depth of understanding of what is required, or the exact level of compliance*”.³⁶⁰

119.3. Archdeacons in the Diocese of Manchester conduct visitations only once every five years, which were described as “*a useful if infrequent check on parish safeguarding arrangements*”.³⁶¹

120. There is no national standard for the means by which dioceses monitor the state of safeguarding within parishes. Several dioceses are developing their own processes, which include independent case reviews and case peer review between neighbouring DSAs.

120.1. The Diocese of Worcester has collected parish-level data by questionnaire since 2003.³⁶² In 2016, it introduced a parish self-audit (known as the Parish Toolkit) which requires each parish to self-assess, including in relation to safer recruitment, adoption of policies and the role of the parish safeguarding officer. It also seeks numerical data about allegations and safeguarding agreements. SCIE commented that the Parish Toolkit provides “*a wealth of information about safeguarding at the grassroots level*”.³⁶³

120.2. Parish Safeguarding Dashboards were initially developed in the Dioceses of Canterbury and Coventry, and are now used in 10 dioceses across the East and West Midlands region.³⁶⁴ The dashboards “*show the status of safeguarding in the parish at a glance, through the use of simple checkpoints that reflect the requirements of national policy and practice guidance*”.³⁶⁵

120.3. The Simple Quality Protects process, used by the Diocese of Chichester in each of its parishes, is an online tool for community organisations to demonstrate compliance with certain standards. SCIE considered that the process “*has the potential to provide a systemic and detailed picture of safeguarding in the parishes, and identify where effort is needed in terms of training, parochial safeguarding policies and other measures*”. It could be improved by prompting parishes to require safeguarding agreements for convicted perpetrators and any individual about whom there may be safeguarding concerns.³⁶⁶

120.4. In 2019, all parishes in the Diocese of York received a parish safeguarding audit on a number of key safeguarding areas to demonstrate compliance with the House of Bishops’ practice guidance. Where parishes were not compliant, they were asked to provide action plans to address any deficiencies. Subsequently, each parish was provided with feedback and recommendations for learning and improvement.³⁶⁷

120.5. In addition, some dioceses, parishes and cathedrals have commissioned external auditors and reviews on an ad hoc basis. For example, ThirtyOne:Eight (an independent safeguarding charity that works predominantly with Christian organisations to provide

³⁵⁹ ACE025888_024

³⁶⁰ ACE025881_016

³⁶¹ ACE025916_023

³⁶² ACE025890_023

³⁶³ ACE025890_009

³⁶⁴ ACE027643_204-205

³⁶⁵ ACE027576_006

³⁶⁶ OHY003529_021

³⁶⁷ ACE027585_005-006

training courses, policy advice and consultancy assignments for complex safeguarding issues³⁶⁸) has undertaken 41 separate pieces of commissioned work across the Church of England since January 2018.³⁶⁹

Samples of recent safeguarding casework

121. As referred to in the Chichester/Peter Ball Investigation Report, there is often a difference between safeguarding policy and safeguarding practice in the Church of England. In 2019, the Inquiry commissioned an expert analysis of case files to assess how safeguarding is managed in practice by the Church. This analysis was conducted by Mrs Carmi.³⁷⁰

Methodology

122. Mrs Carmi was instructed to review case files from four dioceses in the Church of England, chosen to represent varying geographic locations and sizes. These were:

- the Diocese of London;
- the Diocese of Sheffield;
- the Diocese of Worcester; and
- the Diocese of York.

To ensure a representative sample, the Inquiry obtained a full list of all safeguarding casework undertaken by the dioceses between April 2017 and April 2018. Four cases were then selected from each diocese for analysis, in order to provide a recent 'snapshot' of various aspects of safeguarding in practice.

123. Mrs Carmi's review was based on a desktop audit of the dioceses' written safeguarding records, with reference to the relevant Church guidance that was in place at that time.³⁷¹ Her report sets out her expert opinion on the quality of this guidance, the extent to which it was followed by dioceses and the adequacy of the steps taken by each diocese in response to the sample cases. The report also notes that she was not able to speak to victims and survivors or those engaged with the safeguarding processes.

124. Detailed summaries of all sample cases can be found in Annex 3 of this report. For ease of reference, the individual cases are identified by initials only. For example, 'L1' is used to refer to the first sample case from the Diocese of London.

Summary of findings

125. Based on the 16 sample cases and drawing on her expertise, Mrs Carmi made a number of observations about the Church's response to allegations of child sexual abuse.

³⁶⁸ ANG000389_002

³⁶⁹ ANG000389_004

³⁷⁰ Mrs Carmi undertook the safeguarding review and subsequent report about the Diocese of Chichester from 2001 to 2003 (the Carmi Report) (*Anglican Church Case Studies: Chichester/Peter Ball Investigation Report* Part B) and led the diocesan safeguarding audits on behalf of SCIE between 2016 and 2019 discussed above. She was assisted by Ms Lucy Erber, an independent safeguarding consultant who has previously undertaken safeguarding reviews for both children and adults, along with individual management reviews for local safeguarding children boards (EWM000466_083).

³⁷¹ EWM000466_004

125.1. The Church must distinguish between safeguarding and disciplinary investigations. Disciplinary investigations are separate from risk assessments, although disciplinary conclusions may contribute to the risk assessment.³⁷² Mrs Carmi thought that many cases that require a disciplinary investigation will also require an assessment of the risk to children or other vulnerable people.

125.2. Mrs Carmi thought that allegations against church officers receive a “*more thorough response*”.³⁷³ Church safeguarding policy requires a core group (from the diocesan team and the parish) to be convened where safeguarding allegations are made against church officers, as defined by Church of England policy.³⁷⁴ A core group was not convened in two cases sampled because neither individual fell within the definition of a ‘church officer’ but both were involved in children’s activities on behalf of the Church (one in a paid capacity and the other as a volunteer). Mrs Carmi concluded that the Church’s response should focus on the individual circumstances of each case, including the level of risk, rather than on the role of the individual.³⁷⁵ Mr Tilby agreed that additional guidance may be useful.³⁷⁶

125.3. Clergy in parishes receive disclosures from perpetrators, complainants, victims and survivors. They are also responsible for managing the risk posed by perpetrators who worship within their parish. Safeguarding for parish priests, however, is only one aspect of their roles. For example, we heard from a parish priest of 34 years’ experience who had only dealt with one safeguarding case.³⁷⁷ In these circumstances, Mrs Carmi emphasised that it is crucial that a DSA’s safeguarding advice is followed. Where a DSA proposes a risk assessment, there should be a risk assessment. A member of the clergy should not attempt to delay or obstruct good safeguarding practice, or to put pressure on the DSA to adopt a position contrary to national guidance. In Mrs Carmi’s view, this was closely linked to “*the way the Church of England is structured and the limited options available to DSAs to enforce safe practice on individual incumbents*”.³⁷⁸

125.4. Where the advice of a DSA is not followed, Mrs Carmi said he or she will require “*more effective support*”, including the use of disciplinary processes should individuals attempt to hinder the implementation of safe practice.³⁷⁹ The Archbishops’ Council accepted that further work is required on the Church’s capability processes.³⁸⁰

125.5. In Mrs Carmi’s view, the PSOs were “*largely invisible*” in the sample cases.³⁸¹ She thought that PSOs should be given a larger role, with more responsibility (for example monitoring safeguarding agreements), despite the PSO being in a voluntary role, because this would ease the burdens on parish priests who often try to provide support for both alleged perpetrators and complainants. This would require more knowledge on their part and more direct communication with the DSA.

³⁷² [EWM000466_045](#)

³⁷³ [EWM000466_078](#)

³⁷⁴ [ACE025256_017](#). There is detailed guidance for the core group about multi-agency management, the nature of the investigation and risk assessment: [ACE025256_023-076](#)

³⁷⁵ [EWM000466_078](#)

³⁷⁶ [Tilby 11 July 2019 120/1-12](#)

³⁷⁷ [AN-X3 9 July 2019 17/16-25](#)

³⁷⁸ [EWM000466_054](#)

³⁷⁹ [EWM000466_058](#)

³⁸⁰ [ACE027761_022](#)

³⁸¹ [Carmi 8 July 2019 57/12-16](#)

125.6. The Church’s risk assessment templates focus on the management of risk, rather than the assessment of risk. In three sample cases in Sheffield, this led to “*an identical plan being made in all cases*” without first exploring the specific risk-level posed by an individual and to whom.³⁸² The Church has now introduced a new national standard risk analysis assessment template alongside a modular risk assessment training course, risk-level guidance and a safeguarding agreement template.³⁸³

125.7. There were varying levels of success in obtaining “*relevant history and risk assessments from statutory agencies that have been involved*”.³⁸⁴ The refusal to share information presented an obstacle to effective safeguarding. Diocesan safeguarding teams require good information-sharing channels with local authorities, probation services and the police.

125.8. Complete case logs should be maintained, recording actions and reasons.³⁸⁵ In Mrs Carmi’s view, the record-keeping in the Diocese of Worcester cases was “*very, very good*”.³⁸⁶

³⁸² Carmi 8 July 2019 62/6-7

³⁸³ ACE027811_039-040

³⁸⁴ EWM000466_032

³⁸⁵ Carmi 8 July 2019 44/3-8

³⁸⁶ Carmi 8 July 2019 44/3-8

B.2: Reporting abuse within the Church of England

B.2.1: Introduction

1. The Chichester/Peter Ball Investigation Report identified a wide range of deficiencies in the Church’s engagement with victims and survivors and its behaviour towards them.

1.1. Responses to disclosures of sexual abuse did not demonstrate the necessary level of urgency, nor an appreciation of the seriousness of allegations. In particular, the significance of non-recent sexual abuse allegations was overlooked. This was often due to a failure to understand that the passage of time had not erased the risk posed by the offender and a lack of understanding about the lifelong effects of abuse on the victim.

1.2. Many allegations were retained internally by the Church, rather than being immediately reported to external authorities.

1.3. Many who reported sexual abuse were ignored or actively disbelieved by the Church. They were provided with little or no pastoral support or counselling, while their perpetrators enjoyed assistance from those in senior positions of authority.³⁸⁷

During the third public hearing, the Inquiry considered these issues in the context of the Church of England as a whole.

2. Ms Jo Kind, a survivor of sexual abuse perpetrated by the clergy and a member of MACSAS (Minister and Clergy Sexual Abuse Survivors), told us that victims and survivors continue to face “vilification and judgement in the way they are treated, both by Church officers and by the congregations where abuse has been alleged”.³⁸⁸ She said that in the experience of MACSAS, the Church’s responses to clergy sexual abuse reports are “in almost every case inadequate and suffer from lack of consistency, lack of training and education, lack of independence and in many cases blanking and hostility towards complainants”.³⁸⁹

3. Archbishop Justin Welby expressed “sincere sorrow” that the Church of England “has failed to properly assist survivors of sexual abuse” and said that it is his “absolute priority to continue to try and get this right”.³⁹⁰

B.2.2: Internal reporting and investigation

Table 1: Safeguarding concerns or allegations regarding child sexual abuse

	2015	2016	2017	2018
Total number of safeguarding concerns about children	1,052	1,342	1,257	1,209
Number of above related to sexual abuse	578	838	668	607
Number of above related to sexual abuse by church officers	493	537	457	210
Percentage reported to statutory authorities	34%	32%	32%	33%

Sources: ACE027643_075-080 and ACE027812

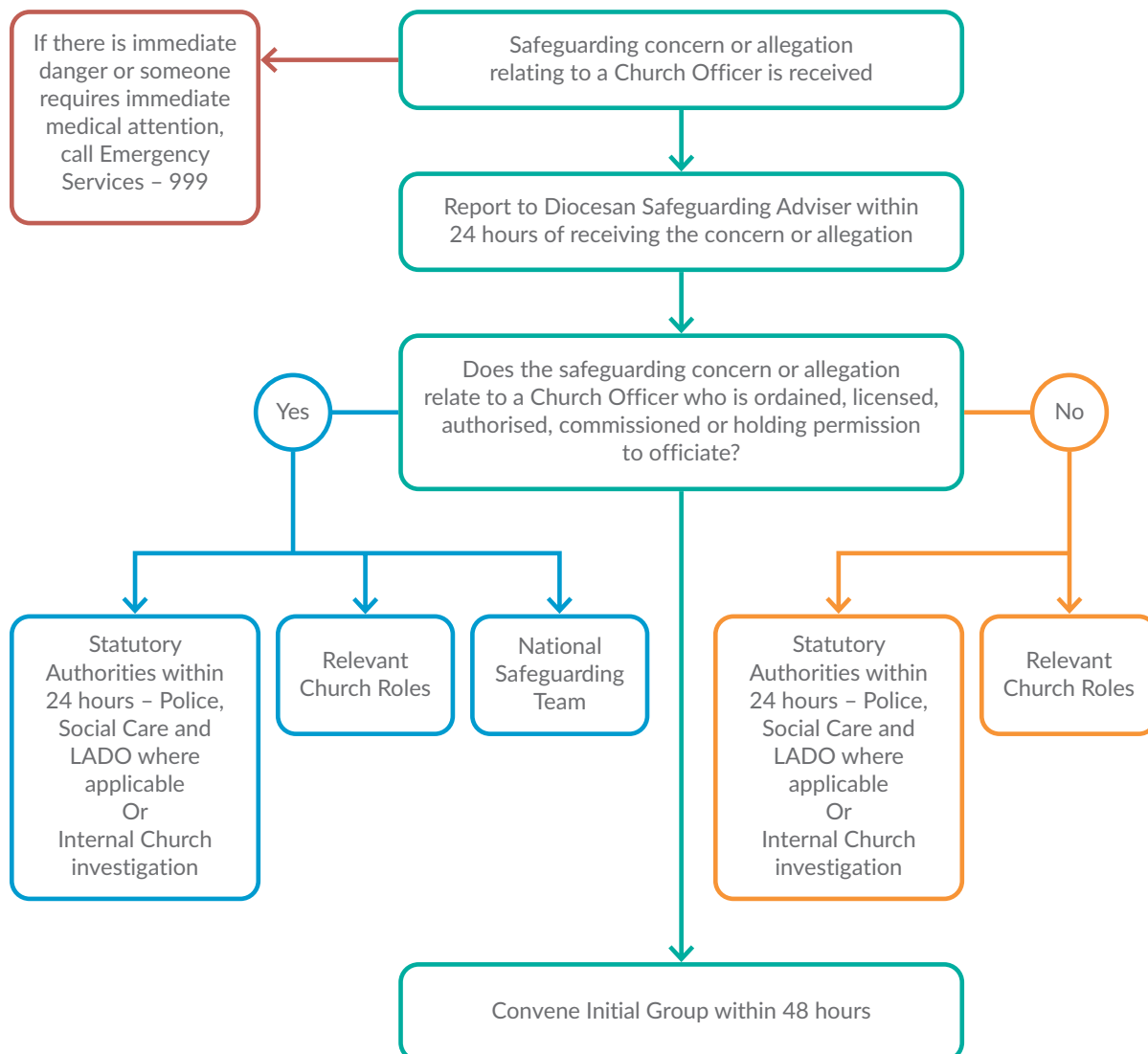
³⁸⁷ Anglican Church Case Studies: Chichester/Peter Ball Investigation Report Part D

³⁸⁸ MAC000004_004

³⁸⁹ MAC000004_005

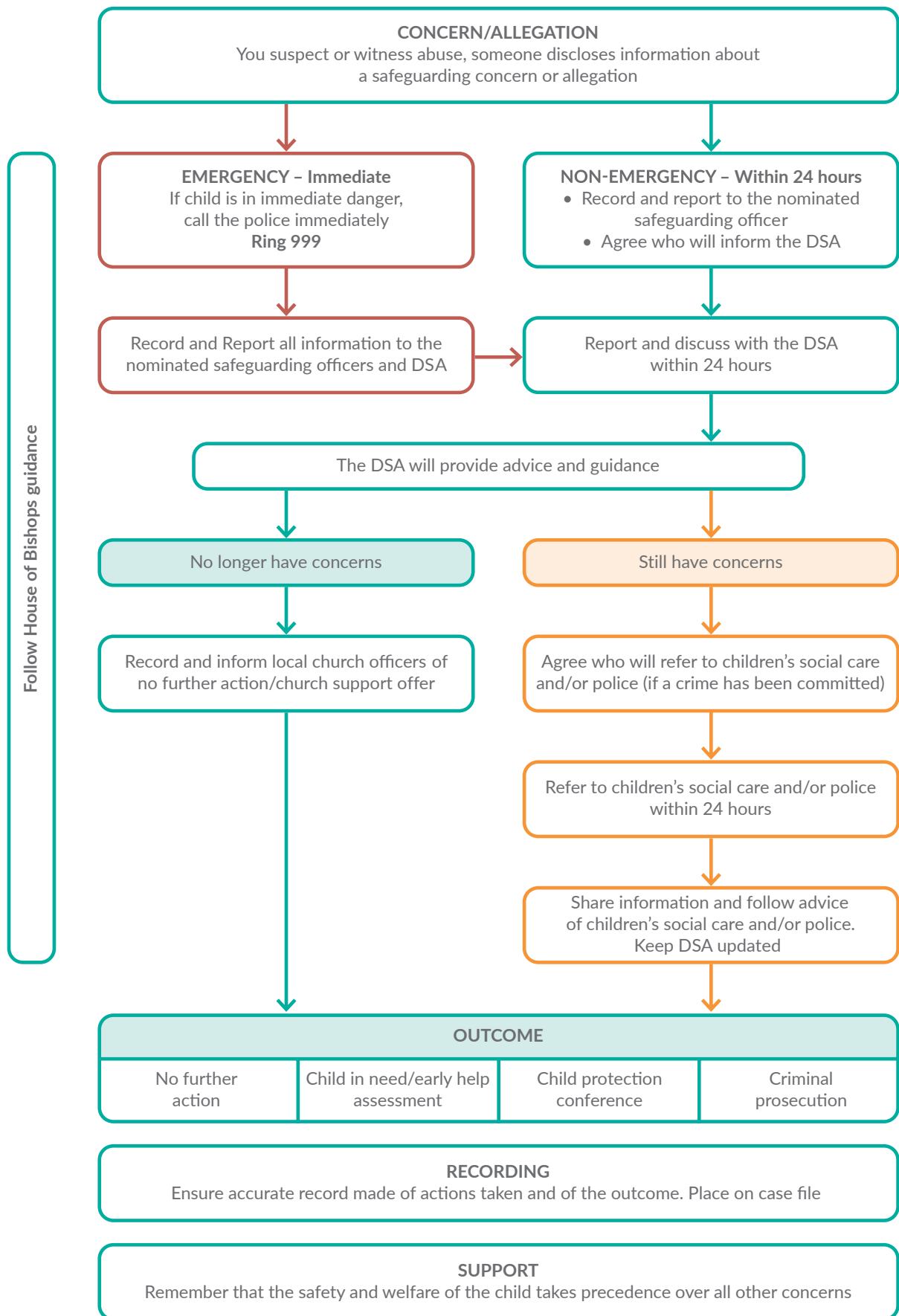
³⁹⁰ ACE027710_018-019

4. The Church’s internal procedures for responding to allegations are set out in separate practice guidance, one for church officers and another for volunteers.



The process for responding to safeguarding concerns relating to church officers

Source: Based on *Responding to, Assessing and Managing Safeguarding Concerns or Allegations against Church Officers* (October 2017) ACE025256_024.



The process for responding to safeguarding concerns relating to volunteers

Source: Based on *Responding to Safeguarding Concerns* (2018) ACE026719_013

5. Both policies require that, within 24 hours of receipt, a safeguarding concern or allegation against a church officer or volunteer must be reported to the diocesan safeguarding adviser (DSA). The DSA will then conduct an initial review to determine whether the threshold has been met for referral to external statutory agencies.³⁹¹ The efficacy of the DSA's response is dependent upon being given appropriate information in a timely manner.

6. If statutory agency involvement is not required but a safeguarding issue is identified, the Church will conduct an internal investigation. This will assess the level of risk posed by the alleged perpetrator and establish his or her suitability to fulfil a Church role.³⁹² It is undertaken through the Church's core group process, which was established in June 2015.³⁹³ Its function is to:

*“oversee and manage the response to a safeguarding concern or allegation in line with House of Bishops’ policy and practice guidance, ensuring that the rights of the victim/survivor and the respondent to a fair and thorough investigation can be preserved”.*³⁹⁴

7. Within 48 hours of receiving a relevant concern or allegation, the DSA must convene a core group. Members may include church officers from the parish or cathedral, diocesan officers and national bodies officers.³⁹⁵ The diocesan bishop and the archbishop are excluded as members of the core group, in order not to compromise potential decisions about disciplinary matters.³⁹⁶

8. Consideration should always be given to suspension of a church officer for the duration of any investigation.

*“It should be emphasised suspension is an entirely neutral act and is a precautionary to ensure cases can be investigated in a dispassionate manner and to protect all parties involved.”*³⁹⁷

Members of clergy can be suspended after arrest, complaint or where the bishop is satisfied on the basis of information from a local authority that the member of clergy presents a significant risk of harm.³⁹⁸

9. If there are ongoing statutory investigations, the core group will be *“informed by the recommendations from the statutory agencies”*.³⁹⁹

10. Where there is no statutory agency involvement, the core group identifies lines of enquiry to be followed by the DSA, who produces an investigation report.⁴⁰⁰ The core group makes an assessment of the facts, in light of the DSA's report, and decides whether *“there is a case to answer, the case is unsubstantiated ... or the case is manifestly false or unfounded”*.⁴⁰¹

³⁹¹ ACE025256_025-026

³⁹² ACE025256_039

³⁹³ ACE002226_016-018

³⁹⁴ ACE025256_017

³⁹⁵ Where an allegation is made against a member of another Church body such as a cathedral, senior representatives of that body should be engaged in the core group (for example, the dean).

³⁹⁶ ACE025256_040

³⁹⁷ ACE025256_044

³⁹⁸ ACE025256_044

³⁹⁹ ACE025256_039

⁴⁰⁰ ACE025256_041

⁴⁰¹ ACE025256_039_051

11. Where there is evidence of ongoing safeguarding concerns, a risk assessment will be undertaken to inform the contents of a safeguarding agreement. For clergy, the core group should consider whether to recommend disciplinary action to the bishop.⁴⁰²
12. The core group process has led to improvements across dioceses in safeguarding decision-making, as Archbishop John Sentamu agreed.⁴⁰³ In its Final Overview Report published April 2019, the Social Care Institute for Excellence (SCIE) described it as “*a helpful process in managing responses*”.⁴⁰⁴ However, SCIE identified that there have sometimes been delays in convening groups.
13. In addition, SCIE found that core groups were not always convened across the Church, due to uncertainty amongst some as to what constitutes a church officer.⁴⁰⁵ Mrs Edina Carmi agreed that the Church of England’s policy lacked clarity about who is a church officer and, as a result, the response of the Church can be inconsistent from diocese to diocese.⁴⁰⁶
14. In one case, she praised the decision of the DSA to take a broad interpretation of church officer⁴⁰⁷ and to focus on what a child may think: “*would a child look at an individual and think that they were part of the church and, therefore, might they assume that the individual was ‘safe’*”.⁴⁰⁸ The national safeguarding adviser, Mr Graham Tilby, agreed that this was a good approach to the question of who is a church officer.⁴⁰⁹ In its closing submissions to the Inquiry, the Church accepted that if there is any doubt as to whether or not someone is carrying out the role of a church officer, a core group should generally be convened and that the guidance should make this clear.⁴¹⁰

B.2.3: External reporting

Policy and practice guidance

15. *Responding to, Assessing and Managing Safeguarding Concerns or Allegations Against Church Officers*, produced by the House of Bishops, makes it clear that the Church should engage closely with statutory agencies. Where the DSA has been notified of a safeguarding concern or allegation against a church officer or volunteer and finds that the requirement for external referral has been reached, he or she must inform the relevant authorities within 24 hours of receipt.⁴¹¹
16. In 2017, only 28 percent of safeguarding concerns or allegations relating to the sexual abuse of children were reported to statutory agencies. Mr Tilby told us there could be various explanations for this. For example, reports received by dioceses might not reach the threshold for referral to statutory agencies, but instead “*lead to advice or signposting assistance being given or a record kept of the concern without the need for action*”.⁴¹²

⁴⁰² ACE025256_054_061

⁴⁰³ Sentamu 10 July 2019 119/2-8

⁴⁰⁴ SCI000005

⁴⁰⁵ SCI000005_053

⁴⁰⁶ EWM000466_059

⁴⁰⁷ Carmi 8 July 2019 113/10-21

⁴⁰⁸ O’Hara 9 July 2019 33/23-34/10

⁴⁰⁹ Tilby 11 July 2019 120/1-12

⁴¹⁰ ACE027761_058

⁴¹¹ ACE025256_026. Thresholds for referral to social care can be accessed via local safeguarding procedures as published by local safeguarding children boards and safeguarding adults boards. Where there is an indication that a crime may have been committed, the case should also be referred to the local police.

⁴¹² ACE027643_076

17. A failure to make prompt referrals can permit perpetrators of child sexual abuse to evade justice for many years, as shown by the Timothy Storey case (see the Pen Portraits above).

B.2.4: Provision of counselling and pastoral support

18. In 2001, the Church's practice guidance *Responding Well to Those Who Have Been Sexually Abused* introduced the requirement for each diocese to appoint an 'authorised listener'. This individual supports those who have disclosed abuse from within the Church community, by providing a "listening ear ... to talk about their experiences".⁴¹³

19. The importance of this role was reiterated in *Responding to, Assessing and Managing Safeguarding Concerns or Allegations Against Church Officers* (2017). It states that a "support person" should be offered to all victims and survivors. This individual may be an 'authorised listener', whose duties include liaising with statutory agencies and identifying the victim's therapeutic needs.⁴¹⁴

20. By 2017, although the Church had appointed approximately 100 authorised listeners, the role was utilised by only 32 dioceses.⁴¹⁵ The SCIE audits also found that authorised listeners are "not universally accepted as desirable".⁴¹⁶ For many victims of sexual abuse by the clergy, a discussion of their experiences with a member of the Church is "the last thing they will want".⁴¹⁷

21. The DSA should ensure that "the needs of the victim/survivor are fully recognised and acknowledged throughout the safeguarding process".⁴¹⁸ While the Archbishops' Council considers that offering counselling services on an unlimited basis would not be "realistic or appropriate", it acknowledges that there is "much work to be done in improving its relationships with victims and survivors of abuse".⁴¹⁹ It believes that a greater level of consistency "is key to building the trust and confidence of survivors", as this would enable them to have clear expectations of the support they should expect to receive. SCIE suggested that the National Safeguarding Team should consider whether additional local arrangements are appropriate, depending on the individual context of each case.⁴²⁰

22. Victims and survivors have varying needs; they may require counselling, pastoral support, or both. Continuing and persistent concerns remain about the provision of counselling and separately pastoral support to victims and survivors.

22.1. As set out in Part Two of its final overview report (published April 2019), the participants in SCIE's survey were "overwhelmingly unsatisfied" with the timeliness and quality of the Church's response.⁴²¹ According to some survivors with whom Mr Justin Humphreys of ThirtyOne:Eight (an independent safeguarding charity which works predominantly with Christian organisations) had spoken, the supply of support is "not quick enough; it doesn't go as far as it needs to go".⁴²²

⁴¹³ ACE002229_012

⁴¹⁴ ACE025256_014-015

⁴¹⁵ Tilby 11 July 2019 25/19-21; see update at ACE027817

⁴¹⁶ SCIO000005_062

⁴¹⁷ Tilby 11 July 2019 26/18-21

⁴¹⁸ ACE025256_013

⁴¹⁹ ACE027761_018; ACE027761_013

⁴²⁰ SCIO000005_063

⁴²¹ SCIO000005_009

⁴²² Humphreys 3 July 2019 188/10-11

22.2. Independent audits of diocesan safeguarding arrangements, conducted by SCIE, identified inconsistencies amongst dioceses in their provision of support services. There were differences both in the types of support that were available to victims and survivors, and the duration of that support.⁴²³

22.3. Counselling for victims and survivors is currently funded at a diocesan level. The Church's current practice guidance (in place since 2017) stipulates that provision of funds for treatment costs should be:

"considered on a case to case basis ... the duration of this funding cannot be open-ended but should be discussed with the survivor and their therapist or counsellor".⁴²⁴

This guidance appeared to be applied differently across the Church. This resulted in "different services and resources in different dioceses".⁴²⁵ Mr Humphreys described discrepancies in pastoral support as "a real concern".⁴²⁶ Bishop Alan Wilson stated that caps for counselling services are "almost always woefully inadequate and insulting to survivors, who commonly have long-term, serious and complex needs and see the Church invest millions in other projects".⁴²⁷

23. The Church is considering a number of improvements to its provision of support.

23.1. According to Mr Tilby, a set of national safeguarding standards (see Part B.1) would remove the existing "postcode lottery", ensuring that all geographical areas of the Church are subject to identical expectations, including in relation to counselling and other support.⁴²⁸ The Archbishops' Council anticipates that these standards will "ensure greater consistency in the provision of counselling across the dioceses", although it acknowledged that national funding may be required to promote those standards.⁴²⁹ The NST has now undertaken "an exercise in mapping" where survivor support services, independent sexual and domestic violence advisers and other centres or clinics are available across the country. A map of the available services has been sent to all DSAs.⁴³⁰

23.2. In June 2019, the NST confirmed that it has created a new role of adviser on survivor engagement to provide victims with an identifiable point of contact within the team.⁴³¹

23.3. The adviser on survivor engagement is also responsible for the co-production of a Victims' and Survivors' Charter, in partnership with victims and survivors. It is intended that this will provide "a baseline of standards" for the support to be delivered by dioceses. Victims and survivors would then know their entitlement to support "regardless of where they live or whether the abuse is current or non-recent".⁴³²

⁴²³ SCI000005

⁴²⁴ ACE025256_065

⁴²⁵ Tilby 11 July 2019 29/5-6

⁴²⁶ Humphreys 3 July 2019 188/1-2

⁴²⁷ ANG000637_014

⁴²⁸ Tilby 11 July 2019 76/14-16

⁴²⁹ ACE027761_018

⁴³⁰ ACE027811_015

⁴³¹ INQ004362_002

⁴³² ACE027643_110

23.4. This charter will be underpinned by a revised version of *Responding Well to Those Who Have Been Sexually Abused* (2011), setting out the pastoral support that should be provided consistently across all dioceses. There is a survivor working group to help revise this guidance.⁴³³ This will improve the current language, which Mr Tilby accepted is “sufficiently loose to be interpreted in different ways”.⁴³⁴ In his view, counselling should be provided locally but funded at a national level, in order to ensure uniformity throughout the country.⁴³⁵

24. A central hub known as Safe Spaces, a joint initiative with the Roman Catholic Church, was put forward in 2013 by Mr Philip Johnson (a survivor of child sexual abuse and the current Chair of MACSAS) and Ms Alana Lawrence (a former Chair of MACSAS), and has been in development by the NSSG (with the Roman Catholic Church) since 2015. It is intended to be an online pastoral resource and national helpline for survivors to easily access support services, operating independently of both Churches. The scheme was due to begin in 2020. There were difficulties in finding a suitable provider until Victim Support was appointed in June 2020.⁴³⁶ The Church of England estimated that the project may commence by summer 2020.⁴³⁷ It has been “too slow in its progression”.⁴³⁸ This has done little to help the Church of England gain the trust of victims and survivors. Mr Johnson was of the view that the Church has spent a “huge amount of money”⁴³⁹ on a project that should have been “simple and relatively inexpensive”⁴⁴⁰ to set up, while failing to spend “money on supporting victims and survivors” during that time.⁴⁴¹

25. Greater clarity is also needed from the Church in several other areas which directly affect the experience of victims and survivors.

25.1. Long-term counselling and support: A significant number of victims and survivors have reported long-term effects on their health, employment and relationships.⁴⁴² Many are left “entirely incapable of work as a result of their psychological injuries” and require life-long support to manage their needs.⁴⁴³ In her independent review of the Peter Ball case dated June 2017, Dame Moira Gibb stated that the Church’s support arrangements “must be underpinned by a recognition that the harm caused by clerical abuse is enduring”.⁴⁴⁴ Participants in the SCIE survey commented on the “lack of a framework for longer-term engagement and responses”.⁴⁴⁵ Mr Tilby said that this will be addressed in the revised version of *Responding Well to Those Who Have Been Sexually Abused* (2011).⁴⁴⁶

25.2. Independent advocacy services: In 2017, three dioceses were reported to have commissioned or employed specialist survivor workers.⁴⁴⁷ The Dioceses of Chichester and Lincoln are currently assisted by independent sexual violence advisers (ISVAs).⁴⁴⁸

⁴³³ ACE027811_008

⁴³⁴ Tilby 11 July 2019 20/10-12

⁴³⁵ Tilby 11 July 2019 30/7-23

⁴³⁶ <https://www.churchofengland.org/safeguarding/promoting-safer-church/news-and-views/charity-victim-support-run-church-support>

⁴³⁷ ACE027783; ACE027811_014-015

⁴³⁸ ACE027643_120

⁴³⁹ Johnson 6 March 2018 105/22-23

⁴⁴⁰ Johnson 6 March 2018 102/23-24

⁴⁴¹ Johnson 6 March 2018 106/1-3

⁴⁴² SCI000005_085

⁴⁴³ ANG000661_021

⁴⁴⁴ INQ000560_066

⁴⁴⁵ SCI000005_131

⁴⁴⁶ ACE027643_110

⁴⁴⁷ Chichester, Lincoln and York dioceses: see ACE027643_083

⁴⁴⁸ Tilby 11 July 2019 27/5-10

ISVAs work with dioceses and statutory agencies “in a ‘trauma-informed’ way, in supporting victims of abuse from the point of reporting through subsequent investigations, court cases and beyond”.⁴⁴⁹ The ISVA’s expertise, combined with the knowledge of a diocesan safeguarding team, allows for holistic care of those who have suffered abuse. The NST has now identified where survivor support services can be found across the Church of England to ensure referrals to appropriate agencies.⁴⁵⁰

25.3. National Survivors Panel: In October 2018, the NSSG accepted a proposal that a group of 17 survivors be “*formally recognised and supported as the standing Survivor Reference Group of the Church*”.⁴⁵¹ The group was formed with the intention of co-designing a strategy with the Church, for the engagement of survivors in future safeguarding work. In due course, this may contribute to the Church formulating a National Survivors Panel to support the work of the NST and NSSG. As Mr Tilby noted, this model could be extended “*at least regionally to enable survivors to contribute and shape work within dioceses*”.⁴⁵² The Church told us that draft terms of reference are being agreed with this group, who have been asked to provide advice and co-produce guidance and proposals on a number of areas of the work of the Church.⁴⁵³

25.4. Restorative practice: The Church has acknowledged that its response to survivors in the past has compounded harm. It is considering the introduction of restorative practice (a form of conflict resolution to improve relationships) within the Church, in particular where there have been previous poor responses.⁴⁵⁴

25.5. Redress scheme: The Church is currently considering the introduction of a redress scheme.⁴⁵⁵

⁴⁴⁹ ACE027643_083

⁴⁵⁰ ACE027811_007-015

⁴⁵¹ ACE026730_002

⁴⁵² ACE027643_118

⁴⁵³ ACE027811_014-015

⁴⁵⁴ ACE027811_020

⁴⁵⁵ ACE027811_019-020

B.3: Clergy discipline

B.3.1: Introduction

1. In the Church of England, the procedure for managing most disciplinary complaints made about the clergy is set out in the Clergy Discipline Measure 2003 (CDM).⁴⁵⁶ In 2017 (the last date for which figures were available), disciplinary measures were taken against 39 clergy. The Church of England is unable to confirm how many of those related to safeguarding matters.⁴⁵⁷ The CDM is not specific to safeguarding allegations and a member of clergy may face disciplinary action under the CDM for a broad range of allegations and issues. This section focuses upon how the CDM functions in relation to safeguarding matters, which may include allegations of abuse by members of clergy as well as allegations that members of clergy failed to have ‘due regard’ to the safeguarding policies of the House of Bishops.

B.3.2: Procedure under the Clergy Discipline Measure

Commencing a clergy discipline complaint

2. A complaint must be made in writing to the diocesan bishop or the relevant archbishop.⁴⁵⁸ The diocesan registrar (legal adviser to the diocese) then advises on whether the complaint is of “*sufficient substance*” and whether the person making the complaint has a proper interest to bring the complaint.⁴⁵⁹ This preliminary stage is intended to “*weed out cases which are clearly of no substance ... safeguarding-related matters will easily satisfy the test of sufficient substance*”.⁴⁶⁰

3. Sir Roger Singleton stated that bringing a CDM complaint involved a “*convoluted church process*”. He brought a CDM complaint against Bishop Peter Forster in his capacity as the Church’s Interim Director of Safeguarding. Even in that role the process for determining whether he could bring the complaint was protracted.⁴⁶¹ This could discourage the making of complaints by others.

4. Preliminary scrutiny of a complaint takes place within a diocese. Bishops are responsible for discipline within their diocese, although they may delegate this to a suffragan bishop or an assistant bishop.⁴⁶² He or she will decide whether or not to recognise the complaint as a disciplinary matter. A bishop may deal with a disciplinary matter internally or it may be referred to the Church’s designated officer.⁴⁶³ The majority of cases under the CDM will be dealt with by the diocesan bishop, with only a small minority passed to the designated officer.⁴⁶⁴

⁴⁵⁶ [ACE002230](#). There are residual powers for disciplining someone about ritual and doctrine under the Ecclesiastical Jurisdiction Measure but these are not relevant for safeguarding purposes.

⁴⁵⁷ [ACE027643_080](#)

⁴⁵⁸ [Iles 10 July 2019 66/1-18](#)

⁴⁵⁹ [Iles 10 July 2019 66/1-18](#)

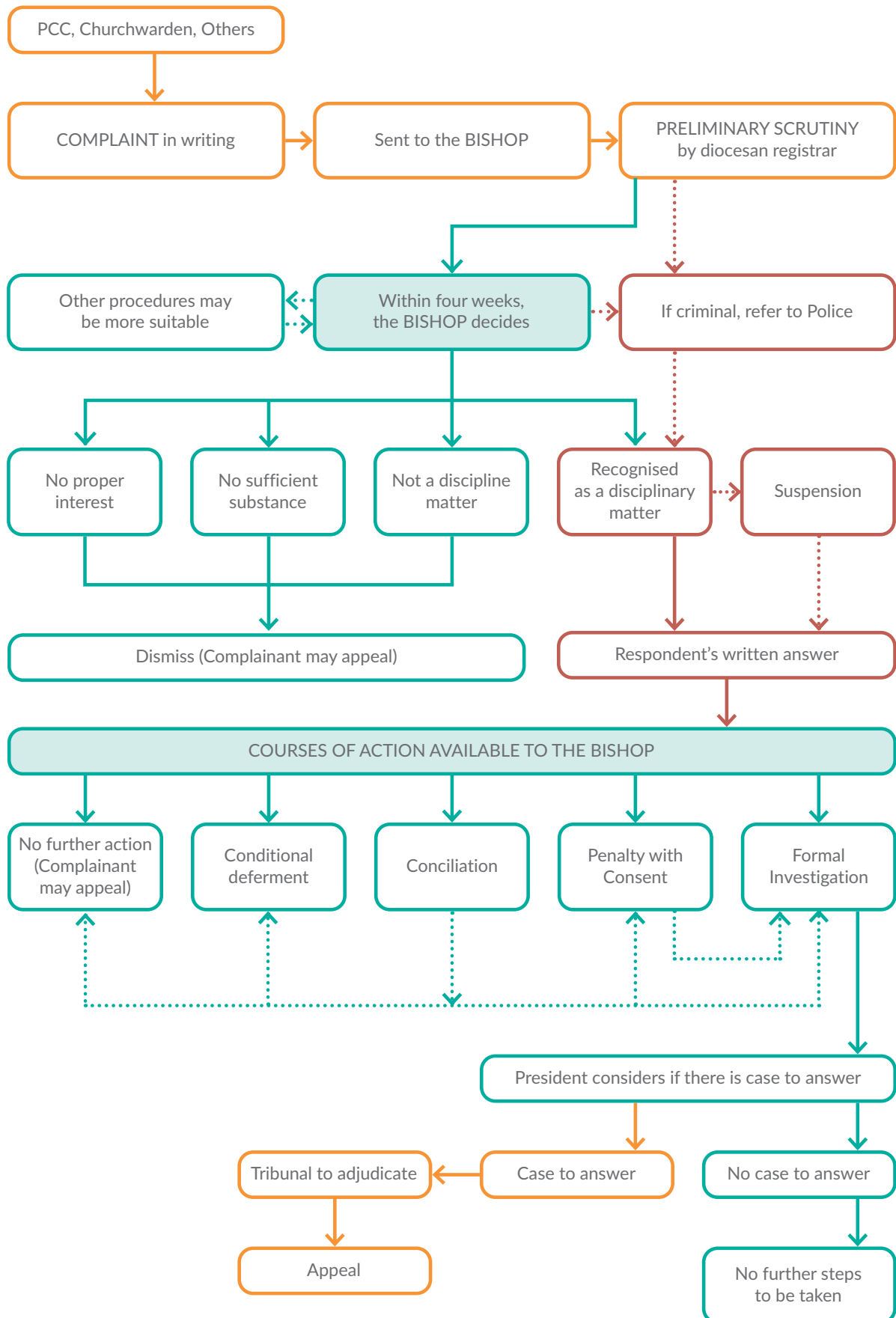
⁴⁶⁰ [Iles 10 July 2019 67/20-25](#)

⁴⁶¹ [Singleton 2 July 2019 200/1-200/12](#)

⁴⁶² [Iles 10 July 2019 101-20-102/16](#)

⁴⁶³ [Iles 10 July 2019 69/5-17](#)

⁴⁶⁴ [ACE025283_012](#)



The disciplinary process under the Clergy Discipline Measure 2003

Source: The Church of England (based on <https://www.churchofengland.org/sites/default/files/2017-10/diagram.pdf>)

5. The designated officer has two functions: to investigate cases referred by diocesan bishops, and to prepare a report for the President of Tribunals (the Chair of the Clergy Discipline Commission, who exercises judicial functions in disciplinary proceedings).⁴⁶⁵ Mr Adrian Iles, the Church’s designated officer at the time of our hearing, considered it was “*blindingly obvious*” that safeguarding complaints were so serious as to require referral for investigation, but this is not a current requirement of the *Clergy Discipline Measure 2003: Code of Practice*.⁴⁶⁶ Safeguarding complaints about abuse by church officers or significant failings to manage safeguarding allegations effectively should be sent to the Church’s designated officer where an investigation is required, but there is no system of oversight to ensure that this is the case at present.
6. A diocesan bishop may suspend clergy until a complaint is determined.⁴⁶⁷ Under the CDM, suspension is an “*entirely neutral act*”.⁴⁶⁸ It is a holding position, before any decision is taken about the substance of the complaint. However, the National Safeguarding Steering Group is considering introducing mandatory suspension of clergy where a safeguarding allegation has been made.⁴⁶⁹

Time limits

7. Complaints – including those relating to a failure to respond to allegations of abuse or to comply with safeguarding duties – must be brought within 12 months of the conduct involved.⁴⁷⁰ Since 2016, this time limit does not apply to allegations of child sexual abuse.⁴⁷¹
8. The case of Reverend Matthew Ineson (an ordained priest in the Church of England) demonstrates the potential difficulties in imposing or upholding such a time limit in cases relating to safeguarding.⁴⁷² He alleged that he was abused by Reverend Trevor Devamanikkam between 1984 and 1985, when he was 16 years old and that Bishop Roy Williamson was aware of the abuse at the time.⁴⁷³
- 8.1.** Between 2012 and 2014, Reverend Ineson said he disclosed his abuse by Devamanikkam to senior Church leaders – Steven Croft, the Bishop of Sheffield; Glyn Webster, the Bishop of Beverley; and John Sentamu, the Archbishop of York.⁴⁷⁴
- 8.2.** In 2017, Reverend Ineson made CDM complaints against Devamanikkam for the alleged abuse and also the members of clergy above for failing to respond to his disclosures appropriately or in accordance with the House of Bishops’ safeguarding policy (and other related matters).⁴⁷⁵ Reverend Ineson’s CDM complaints were made more than 12 months after the events. As regards his allegations against Devamanikkam

⁴⁶⁵ Iles 10 July 2019 64/15-20

⁴⁶⁶ The *Clergy Discipline Measure 2003: Code of Practice* (ACE025221) was produced by the Clergy Discipline Commission as a guide to the Clergy Discipline Measure and its disciplinary procedures (Iles 10 July 2019 69/18-70/5).

⁴⁶⁷ Iles 10 July 2019 92/1-2

⁴⁶⁸ ACE025256_044

⁴⁶⁹ ACE027643_013

⁴⁷⁰ Iles 10 July 2019 83/5-12

⁴⁷¹ ACE025283_043

⁴⁷² Ineson 10 July 2019 18/1-23/6. The Church commissioned a case review into the allegations against Devamanikkam, which will be carried out by Jane Humphreys, a former director of social services. This review is ongoing (ACE027811_024-026).

⁴⁷³ Ineson 10 July 2019 27-28

⁴⁷⁴ Steven Croft became Bishop of Oxford in 2016. Reverend Ineson raised concerns about his being consecrated to this role.

⁴⁷⁵ Ineson 10 July 2019 27-28

and Bishop Williamson, this was in part because he thought that he would not be believed.⁴⁷⁶ At the request of the police, Reverend Ineson delayed making the remaining complaints while an investigation into Devamanikkam was ongoing.

8.3. When the President of Tribunals wrote to the clergy who were the subject of the complaints (including Devamanikkam) asking for their observations on granting permission for the complaints to be outside of the time limit, none of them agreed.⁴⁷⁷ The President of Tribunals extended the time limits only in relation to the complaints against Devamanikkam and Bishop Williamson.⁴⁷⁸

The investigation and hearing

9. If a case is referred to the designated officer for investigation, that investigation may continue even if the individual resigns or if a complainant chooses to withdraw.⁴⁷⁹

10. The designated officer meets with and interviews complainants, who may be accompanied by a companion if they wish.⁴⁸⁰ While the current holder of the post has received some training in his other judicial posts, the designated officer does not receive specific training about handling or interviewing vulnerable witnesses.

11. At the conclusion of the investigation, the President of Tribunals considers whether there is a case to answer for conduct unbecoming or inappropriate to the office and work of the clergy, or a failure to comply with the duty to have due regard to the House of Bishops' guidance on safeguarding children and vulnerable adults.⁴⁸¹ If a case goes to a hearing, it is dealt with by a disciplinary panel (of clergy and lay people, with a legally qualified chair). A complainant is asked to submit written evidence, and he or she gives evidence and is cross-examined on behalf of the respondent.⁴⁸² Findings are made on the balance of probabilities.⁴⁸³

Penalties

12. If a member of the clergy is convicted of an offence by a criminal court, the bishop may remove them from office without a complaint being made and without the need for disciplinary proceedings.⁴⁸⁴

13. In other cases, a bishop or a tribunal may:

- take no further action;
- record the complaint conditionally for up to five years; or
- refer the complainant to a conciliator to mediate an agreement between the complainant and the respondent.⁴⁸⁵

⁴⁷⁶ ACE027721_006-017

⁴⁷⁷ Ineson 10 July 2019 27/3-18; Sentamu 10 July 2019 136/9-25

⁴⁷⁸ ACE027721_006-017

⁴⁷⁹ Iles 10 July 2019 103/7-20

⁴⁸⁰ Iles 10 July 2019 69/18-70/5 and 77/2-18

⁴⁸¹ Iles 10 July 2019 73/15-74/8; ACE025283_011

⁴⁸² Iles 10 July 2019 98/19-25

⁴⁸³ ACE025283_013

⁴⁸⁴ Iles 10 July 2019 72/1-14. The offence must either result in a sentence of imprisonment (including a suspended sentence) or be capable of being tried in either the Magistrates or Crown Court (see ACE002230_020 and ACE025218_026-030).

⁴⁸⁵ ACE025283_012

14. Other penalties vary, depending on whether a CDM case is dealt with by a tribunal or by the bishop.

14.1. A bishop may impose a penalty by consent (ie a penalty agreed with the respondent, without the need for a hearing). Witnesses told us that there may be a lengthy negotiation and a confidentiality agreement (which may allow clergy to apply for work elsewhere, particularly if he or she is not included on the caution list).⁴⁸⁶ As there is no oversight of cases of penalty by consent, it is unclear whether this is a suitable disposal used only in appropriate cases. Mr Iles said that there should be no “horse trading”.⁴⁸⁷ Negotiating disposals of complaints may lead to a penalty at a lower level than merited by the offence or likely to have been imposed by a tribunal, as noted by some bishops in a 2019 survey led by the Bishops of Lincoln and Salisbury.⁴⁸⁸

14.2. The tribunal may impose various penalties, ranging from a rebuke to removal from office and prohibition from ministry for life.⁴⁸⁹

The penalty will be recorded on the Church’s caution list.

15. Under the CDM, an individual cannot be deposed from holy orders (ie have their status as clergy revoked) following disciplinary findings on safeguarding matters even if there has been a conviction for sexual offending. It is available only for disciplinary matters which relate to “*doctrine, ritual and ceremonial*” under the Ecclesiastical Jurisdiction Measure.⁴⁹⁰ While Mr Iles suggested there was little practical difference between prohibition for life and deposing from holy orders, there is a symbolic difference which may be important to some victims and survivors.⁴⁹¹ For example, unless an individual is deposed from holy orders, they may wear clerical dress and be addressed as ‘Reverend’ or ‘Father’.

16. By contrast, clergy convicted of child sexual abuse are deposed from holy orders within the Church in Wales.⁴⁹² The Church of England considered reinstating the deposition “*a few years ago*” but it was rejected because “*it did not add anything in practical terms to what could be achieved by prohibition for life*”.⁴⁹³ In Bishop Alan Wilson’s view, deposition from holy orders should be reintroduced:

“I think there are people who should not be in Holy Orders. It’s as simple as that. And I think that not to have that red line sends up a very powerful signal in any profession.”⁴⁹⁴

B.3.3: The efficacy of clergy discipline

17. In Mr Iles’ view, the CDM process “*worked well for serious cases*”, including cases of sexual abuse whether or not there have been convictions.⁴⁹⁵

18. However, in the April 2019 survey by the Bishops of Lincoln and Salisbury, diocesan bishops identified a number of concerns about the operation of the CDM. The most frequent was delay which impacted both upon complainants and clergy subject to complaints.⁴⁹⁶ They

⁴⁸⁶ Wilson 2 July 2019 135/15-136/16

⁴⁸⁷ Iles 10 July 2019 70/13-71/17

⁴⁸⁸ ACE027685_008

⁴⁸⁹ ACE002230_018

⁴⁹⁰ Iles 10 July 2019 74/23-24

⁴⁹¹ Iles 10 July 2019 74/16-76/9

⁴⁹² Davies and Lloyd 5 July 2019 58/1-59/2

⁴⁹³ ACE027659_003

⁴⁹⁴ Wilson 2 July 2019 137/4-12

⁴⁹⁵ Iles 10 July 2019 80/20-81/2

⁴⁹⁶ ACE027685; ACE027659_003

were also concerned about “a lack of connection between CDM and safeguarding” and how the CDM and safeguarding could work as “complementary and interlinked processes”.⁴⁹⁷ Bishops also expressed a widespread desire for more extensive guidance and training on how to adjudicate and investigate in disciplinary situations.⁴⁹⁸

19. Mrs Edina Carmi considered that there was “a reluctance to consider the use of disciplinary measures”.⁴⁹⁹ In her view, the Church needs:

*“A disciplinary process, better able to deal with clergy who in effect place obstacles in the delivery of a safer service and a culture which uses the process in such cases.”*⁵⁰⁰

20. The CDM is not designed to deal with risk management and it is not designed to deal with capability, while there will be overlap between cases of capability and discipline. In some cases, there will be an overlap with issues around risk management and capability. CDM is a disciplinary tool, the primary purpose of which is to make findings of fact and impose sanctions in respect of past wrongdoings. It is not intended to manage future risk or drive professional development. Capability procedures are more likely to be applicable where there is to be remedial action, for example through training. This may arise where someone has not reached the CDM threshold but is not sufficiently demonstrating adequate leadership in respect of safeguarding matters. Mr Tilby accepted that the capability procedures required further thought.⁵⁰¹

21. Since 2015, clergy have had a duty to have due regard to the Church of England’s safeguarding policies. A failure to do so is a disciplinary offence and clergy discipline proceedings can be commenced. Although no CDM hearings have been conducted since 2016 for a failure to have due regard to safeguarding guidance, Mrs Carmi’s sampling exercise identified where the CDM might have been effectively deployed.⁵⁰²

22. The Chichester/Peter Ball Investigation Report included a consideration of the adequacy of the CDM and concluded that it was inappropriate as a means of addressing safeguarding concerns in a timely manner.⁵⁰³ In May 2019, the Inquiry recommended that the Church amend Canon C30 requiring clergy to comply with the safeguarding guidance because the term ‘due regard’ lacked sufficient clarity.⁵⁰⁴ The legal office of the Church of England is still “considering how best to implement this recommendation in order that some aspects of policy and guidance are seen as mandatory”.⁵⁰⁵

23. More generally, Archbishop Justin Welby told us that there needs “to be a really significant revision” of the CDM, moving away from the diocesan bishop as both prosecutor and judge to panels for investigations.⁵⁰⁶ Mr Tilby agreed that there is a need for “more radical” reform of the CDM system, centred more around the victim or survivor; “a system which is much more focused and a proper justice process, a fair process”.⁵⁰⁷

⁴⁹⁷ ACE027685_009_15

⁴⁹⁸ ACE027659_002

⁴⁹⁹ EWM000466_077

⁵⁰⁰ EWM000466_078

⁵⁰¹ Tilby 11 July 2019 72/15-73/25

⁵⁰² Iles 10 July 2019 78/4-11; see Annex 3 (Y3 case)

⁵⁰³ Anglican Church Case Studies: Chichester/Peter Ball Investigation Report Part D

⁵⁰⁴ Anglican Church Case Studies: Chichester/Peter Ball Investigation Report Part D

⁵⁰⁵ ACE027643_086

⁵⁰⁶ Welby 11 July 2019 207/13-208/20

⁵⁰⁷ Tilby 11 July 2019 81

24. In autumn 2019, the Church’s legal office and the National Safeguarding Team began work on developing proposals for improving the CDM through a working group. When speaking on radio about the proposed revision to the CDM, Bishop Tim Thornton (a member of the working group) said:

*“I wonder whether it’s right for us to think more generally about what I would call professional standards and see clergy properly as a profession and with other professions you then have perhaps independent people who come in and are used in panels where matters have to be assessed and adjudicated.”*⁵⁰⁸

It was intended that these proposals would be submitted to the House of Bishops in May 2020.⁵⁰⁹

25. Archbishop Welby told us that *“it doesn’t seem to me to be an impossible task and I don’t see why it should take too long, but I’m constantly frustrated by the length of time things take”*.⁵¹⁰ As Bishop Peter Hancock (then Lead Bishop on Safeguarding) said:

“the church needs to get on with this ... let’s look at what we are trying to achieve, find a process that does that”.⁵¹¹

26. The working group on CDM is considering:⁵¹²

- whether the CDM in its present form is the right process for matters concerning safeguarding;
- the further development of *Guidelines for the Professional Conduct of the Clergy* (2015), which is intended to provide clarity and definition to the standards expected of clergy and provide a benchmark against which questions related to misconduct and capability should be judged;
- a triage process where complaints are brought, to ensure that complaints are dealt with in proportion to their seriousness, with less serious complaints being initially referred to mediation or other forms of alternative dispute resolution;
- a single body to process complaints with the judicial function currently exercised by bishops being delegated to this body, which will determine which if any safeguarding elements arise from the matters referred to it (whether in respect of matters which are issues of professional discipline or capability) and which should include the input of safeguarding professionals; this should include examining whether disciplinary processes, or other routes are appropriate ways of dealing with the concern; and
- various methods to supplement the current provision of ecclesiastical legal aid.

Any proposals will require formal consultation with clergy, the laity and complainants.

⁵⁰⁸ ACE027811_041

⁵⁰⁹ ACE027643_086

⁵¹⁰ Welby 11 July 2019 208/22-209/1

⁵¹¹ Hancock 11 July 2019 139/1-5

⁵¹² ACE027811_039-044

B.4: Civil claims and redress in the Church of England

B.4.1: Introduction

1. The Inquiry's Accountability and Reparations investigation examined the extent to which the civil justice system, criminal compensation and support services promoted accountability and reparations to victims and survivors of child sexual abuse. Its September 2019 report made a number of recommendations about changes to the civil and criminal justice systems.⁵¹³ In this investigation, we considered the management of civil claims against the Church of England specifically, including against those who have died.

B.4.2: Civil claims in the Church of England

2. The response to civil claims against the Church of England depends on whether the claim is insured. Not all claims are covered by insurance. For example, claims against bishops must be funded by the Church.

3. The Ecclesiastical Insurance Office (EIO) provides insurance for the largest proportion of Church of England bodies.⁵¹⁴ It is an independent company regulated in the same way as all insurance providers.⁵¹⁵ The EIO is owned by the Ecclesiastical Insurance Group (EIG),⁵¹⁶ which in turn is owned by the Allchurches Trust Limited (ATL), a registered charity which promotes the Christian religion and makes charitable grants, in particular to the Church of England.⁵¹⁷ The EIG gives a significant proportion of its profits to ATL but neither are involved in the day-to-day running of the EIO or in how it responds to claims.⁵¹⁸

4. Between 2003 and 2018, the EIO has managed 217 claims relating to child sexual abuse in the Church of England:⁵¹⁹

- 215 claims involved male perpetrators or alleged perpetrators and two involved female perpetrators;
- 122 claims involved abuse perpetrated or allegedly perpetrated by clergy (of whom 30 were deceased), while 86 claims involved abuse by non-clergy (including volunteers or others in paid positions within the Church);⁵²⁰
- 36 alleged perpetrators had multiple claims made about them; and
- out of 217 claims, one claim resulted in a trial.

5. Where a claim is brought, for example against a parochial church council for the conduct of a parish priest, it is usually managed by the insurer.⁵²¹ While the EIO works closely with it, the Church is not in "any position to dictate to the EIO how it should respond in any particular

⁵¹³ *Accountability and Reparations Investigation Report*. The second phase of the investigation is considering in particular the potential for reform of the law of limitation to make it easier for victims and survivors to bring claims in respect of non-recent child sexual abuse and also a possible redress scheme to offer accountability and reparation to victims and survivors of child sexual abuse. These matters will be dealt with in the Inquiry's final report.

⁵¹⁴ Bonehill 2 July 2019 47/3-15

⁵¹⁵ EIG000001_001

⁵¹⁶ EIG000001_002

⁵¹⁷ ACT000002_002_004_007_009; EIG000001_005

⁵¹⁸ ACT000002_009

⁵¹⁹ EIO000149_003. The number of claims relating to child sexual abuse handled by the EIO is very small in comparison to other sorts of insurance claims (EIO000149; EIO000143).

⁵²⁰ The Inquiry does not have the equivalent information about the remaining nine claims.

⁵²¹ ACE027643_124

case”.⁵²² This may be difficult for victims and survivors to understand, but the Church is bound by the terms of its contract with the EIO and cannot tell the EIO what to do within the boundaries of that contract.⁵²³

The EIO’s guiding principles

6. The EIO produced its first internal guidance document relating to child sexual abuse in 1997, for those who deal with child sexual abuse claims on a day-to-day basis. It stated that “Should an allegation arise, it is important to follow the procedures detailed” in the House of Bishops’ policy document.⁵²⁴

7. The EIO’s 2009 guidance was not specific to child sexual abuse but stated that:

*“It is important that the response ... is not experienced as negative, resistant or unhelpful because this can create relationship difficulties.”*⁵²⁵

8. In 2016, the EIO developed its guiding principles, prepared in collaboration with Dr Julie MacFarlane (a survivor of child sexual abuse by a Church of England priest, and who had asked the EIO to set out how it handled such claims during a settlement process), the Church and other stakeholders. The principles – which apply to all policyholders, including the Church – include that:

- “Claims arising from physical and sexual abuse can be challenging and traumatic for all concerned, regardless of how long ago the abuse occurred.”
- “Early admission of liability quickens the claim and also helps to keep legal costs to a minimum.”
- “Policyholders should consider providing or offering pastoral care, counselling and/or other forms of available support to the claimant if it would aid the claimant’s well-being.”
- “The making of a formal claim ... should not however prevent any policyholder continuing to support the claimant through the provision of pastoral care that is being provided or offering support/counselling.”
- “Ecclesiastical is committed to acting fairly towards all parties who are affected by the claim.”
- “Ecclesiastical will not insist or include a confidentiality requirement in a settlement agreement unless specifically requested by the claimant.”
- A claimant who was “under 16 when the abuse took place should not be deemed to have consented to such abuse and this will not be raised as a possible defence. Ecclesiastical will be mindful of the power imbalance that is often presented in such cases.”⁵²⁶

If followed, the principles have the potential to make the civil claims process less traumatic for victims and survivors.

⁵²² ACE027643_125

⁵²³ Phillips 12 July 2019 73/13-74/9

⁵²⁴ Bonehill 2 July 2019 56/5-57/13

⁵²⁵ Bonehill 2 July 2019 63/8-24

⁵²⁶ EIO000132

B.4.3: Key issues in civil claims against the Church of England

Limitation

9. Under the Limitation Act 1980, there are time limits – known as limitation periods – within which claimants must bring their claims. The purpose is to strike a balance between the rights of claimants to bring claims and the interests of defendants in not having to defend historic cases when, for example, it may be difficult to establish what happened due to the passage of time.

10. A decision whether to use the defence of limitation is made by the EIO. Its guiding principles state:

“Ecclesiastical acknowledges that limitation should be pleaded as a defence to a claim very sparingly in relation to sexual abuse claims. Ecclesiastical has an internal escalation procedure which requires the pleading of a limitation defence to be considered and approved before it is pleaded in any individual case.”⁵²⁷

The EIO will take a view on whether a fair trial is possible for all parties where significant time has elapsed, including whether the relevant evidence is available, once it has carried out a full investigation.⁵²⁸ The EIO said that it is mindful of the particular barriers to reporting child sexual abuse, especially within the context of religious organisations, and EIO staff received training from the Lucy Faithful Foundation to improve their understanding of those issues.⁵²⁹

11. In relation to Church claims, the EIO relied upon the defence of limitation in less than 4 percent of cases (nine claims) between 2003 and 2018. Mr David Bonehill, UK claims director for the EIO, accepted that it was used by the EIO in a case which went to trial in May 2019. The EIO is currently reviewing its position on the defence of limitation and confirmed in February 2020 (to the Inquiry’s Accountability and Reparations investigation) that it had placed a moratorium on its use pending the Inquiry’s report in that investigation.⁵³⁰

Psychiatric reports

12. Victims and survivors complained about the impact of the process of producing separate defence psychiatric reports as part of the defence to a legal claim.⁵³¹

13. The EIO’s guiding principles include a commitment to appointing joint medical experts where appropriate:

“Ecclesiastical recognises that requiring claimants to undergo multiple medical evaluations may cause further distress. Ecclesiastical will always consider the appropriateness of agreeing with the claimant the instruction of a joint expert.”⁵³²

⁵²⁷ EIO000132_005

⁵²⁸ Bonehill 2 July 2019 69/21-70/03

⁵²⁹ Bonehill 2 July 2019 72/25-73/12

⁵³⁰ EIO000154_015; Phillips 5 February 2020 170/4-6

⁵³¹ For example A11 20 March 2018 86/2-88/19

⁵³² EIO000132_005

Mr Bonehill told us that the EIO “*makes great efforts*” to agree joint experts with claimant lawyers at the outset of a claim. It has agreed to the claimant’s expert in 28 of its last 30 settled cases.⁵³³ However, there is further work to be done; for example, agreeing a list of specialists with claimant lawyers.

Apologies

14. The Church of England’s policy on issuing apologies states that at the conclusion of any internal process, criminal trial or statutory investigation, the diocesan safeguarding adviser (DSA) should advise the bishop about the need for and content of an apology:

*“In most situations, the diocesan bishop or archbishop ... should write to the survivor, offering a full apology for what occurred, and offering to meet with the survivor to hear their concerns and answer any ongoing questions.”*⁵³⁴

15. There may be practical difficulties in some cases. For example, the Church is not always given the names of complainants by the police if they have exercised their right to anonymity.⁵³⁵ The point at which a civil claim is brought may be the first time that the Church learns the identity of a complainant, in order to apologise.

16. Where claimants desire an apology, it should be genuine, meaningful and personal. AN-A88, a complainant in the case of Victor Whitsey, told us that an apology where “*nothing has changed*” was “*a candy floss apology*” or “*prattle without practice*”.⁵³⁶ As she said, “*a true apology has to include things such as an acknowledgement, some affect, perhaps no defence and some reparation*”. Bishop Peter Forster agreed:

*“the question of when apologies are made, by whom, is ... a really difficult question. In one sense you can’t apologise too often; on the other hand you have to do it in an appropriate way”.*⁵³⁷

He also considered that an apology is more complicated where there are civil claims because it “*intersects with ... the whole issue of admission of liability*”, although since 2019 the EIO’s position is that apologies would not prejudice the claim or void the insurance contract.⁵³⁸

17. In any event, an insurer such as the EIO would not make the apology, though it might “*facilitate*” an apology where one is requested and where the Church is prepared to apologise.⁵³⁹ We were told that the EIO is working with the Church to bring forward apologies; the earlier the apology, the more value it has to the recipient.⁵⁴⁰

Redress

18. The Church has recognised that its approach to redress for survivors of abuse such as therapy, counselling and offers of apology is not consistent and in many cases is not enough.⁵⁴¹ It wishes to introduce a redress scheme, to provide financial compensation,

⁵³³ Bonehill 2 July 2019 77/2-25

⁵³⁴ ACE025256_063

⁵³⁵ Sentamu 10 July 2019 137/23-138/8

⁵³⁶ AN-A88 3 July 2019 19/13-21/5

⁵³⁷ Forster 3 July 2019 55/22-25

⁵³⁸ Forster 3 July 2019 56/15-22; Bonehill 2 July 2019 59/21-60/25

⁵³⁹ Bonehill 2 July 2019 81/12-82/18

⁵⁴⁰ Bonehill 2 July 2019 81/12-82/18

⁵⁴¹ ACE027811_016

apologies and continuing support but also “*comfort to survivors for their injuries*” and to attempt to “*put right the wrong which they have suffered, acknowledging for some that will never be possible*”.⁵⁴²

19. The National Safeguarding Steering Group (NSSG) has identified a number of propositions for consideration.

19.1. It is the duty of the Church to take reasonable steps to compensate those who have been harmed as far as possible, and this should lie where legal liability arises. A redress scheme should not disadvantage victims and survivors from accessing existing methods of compensation and support.

19.2. Redress should take account of both the harm caused and the wrong done and so should lead to both elements of restoration (financial recompense and support) and repentance (ie apology). It should be consistent and not dependent upon geographic location or governance processes.

19.3. The process of redress should not compound or repeat harm, and should be trauma-informed.

19.4. The provision of redress should not (within the confines of relevant civil law) be hindered by the structures of the Church.

19.5. Redress is part of the safeguarding and pastoral responsibilities of the Church, and sits alongside the responsibility to support the “*cure of souls*” in every parish.⁵⁴³

20. The Church has indicated that it wishes to include input from survivors in the design of a redress scheme, into the initiation, principles, design and governance.

B.4.4: AN-A4 and the Elliott review

21. AN-A4 has said that, between the late 1970s and 2012, he disclosed his abuse by AN-F15 (a member of clergy) to a number of senior clergy in the Church of England. These included Bishop John Eastaugh (then Bishop of Hereford), Bishop Tim Thornton (at that time the Bishop of Sherborne) and Bishop Paul Butler (the Bishop of Durham).⁵⁴⁴

22. In 2014, AN-A4 started a civil claim, which was insured by the EIO. Prior to this, AN-A4 was receiving pastoral support from Bishop Butler (Lead Bishop on Safeguarding at the time) and the then DSA for the Diocese of London, Sheryl Kent. After his claim began, AN-A4 was told by the DSA and Bishop Butler that they were no longer able to engage with him.⁵⁴⁵ Contact ceased as a result of advice within the Church and from the EIO.⁵⁴⁶

23. Bishop Butler and Ms Kent both expressed concern about the advice to cease contact with AN-A4. Bishop Butler sought to have another member of the clergy provide pastoral support to AN-A4.⁵⁴⁷ While communication and pastoral support were reinstated two weeks later, the effect on AN-A4 was profound.⁵⁴⁸

⁵⁴² ACE027811_016

⁵⁴³ ACE027811_016-020

⁵⁴⁴ ANG000502; AN-A4 1 July 2019 148/15-22

⁵⁴⁵ AN-A4 1 July 2019 151/7-25

⁵⁴⁶ Elliott 2 July 2019 5/16-6/10

⁵⁴⁷ ACE027739

⁵⁴⁸ A4 1 July 2019 159/7-160/4

24. In 2015, the Church asked Mr Ian Elliott (an experienced social worker⁵⁴⁹) to undertake a review into its response to the allegations by AN-A4. He concluded that the Church of England’s policies were of good quality. However, the management of AN-A4’s case showed a clear difference between what the policy stated and the practice.⁵⁵⁰ He criticised the Church for the withdrawal of pastoral support to AN-A4:

“The church has a responsibility to respond and to provide pastoral support, and they also need to move beyond the idea that that pastoral support is simply defined by financial considerations. It is not.”⁵⁵¹

He also made 11 recommendations for the improvement of safeguarding.⁵⁵² Bishop Sarah Mulally (who led the Church’s response to the Elliott review) considered that the Elliott review was an “*important catalyst*” for changes to the safeguarding systems and structures of the Church of England.⁵⁵³

25. Following the publication of Mr Elliott’s report there was a protracted, public dispute between the Church of England and the EIO regarding whether the insurer had instructed the Church to cease pastoral support.⁵⁵⁴

26. In evidence to this Inquiry, Mr Bonehill, on behalf of the EIO, maintained that the EIO did not instruct “*the church to withdraw pastoral care and support*”.⁵⁵⁵ It was only after Mr Bonehill’s evidence that the Inquiry received further evidence about this dispute, which included the Church’s contact log about the AN-A4 case and two recordings of telephone calls between the EIO and a journalist in June 2016.⁵⁵⁶ The EIO objected to the disclosure of this important material by the Inquiry despite having previously discussed it with the press.

27. It is clear from the contact log that the Church’s internal lawyer advised the DSA that, because there was a claim, contact between the Church and AN-A4 should be through his lawyers.⁵⁵⁷ The EIO reiterated that the Church “*should not be in any further contact with the claimant*”.⁵⁵⁸ That advice was incorrect. The Inquiry recalled Mr Bonehill to explain his earlier evidence, because the effect of the advice given by the EIO was that there should be no contact with AN-A4, preventing the Church from providing pastoral care and support. It was suggested to us that the EIO’s intention had been to advise that there should be no further contact specifically about the claim. If so, the advice was not sufficiently clear.⁵⁵⁹

28. The EIO now accepts responsibility for its part in the withdrawal of support from AN-A4⁵⁶⁰ and has updated its most recent guiding principles.

“The making of a formal claim should not prevent any policyholder continuing to support the claimant through the provision of pastoral care or offering support/counselling.”⁵⁶¹

⁵⁴⁹ Mr Elliott was a former director of the NSPCC in Northern Ireland and Chief Executive of the National Board of Safeguarding Children in the Catholic Church in Ireland.

⁵⁵⁰ Elliott 2 July 2019 12/7-13/3

⁵⁵¹ Elliott 2 July 2019 21/18-22/3

⁵⁵² INQ000457_014_015

⁵⁵³ ACE027709_008

⁵⁵⁴ EIO000139_004; EIO000135_002

⁵⁵⁵ Bonehill 2 July 2019 99/15-17

⁵⁵⁶ Bonehill and Titchener 12 July 2019 8/4-10/19

⁵⁵⁷ ACE027739_006

⁵⁵⁸ ACE027739_005

⁵⁵⁹ Bonehill and Titchener 12 July 2019 23/1-24/10

⁵⁶⁰ EIO000154

⁵⁶¹ EIO000147_002

Moreover, the public dispute between the Church and the EIO failed to take account of the effect that the dispute may have on AN-A4.

B.4.5: Allegations against deceased individuals

29. The Church does not keep records about the number of allegations made against deceased individuals.⁵⁶²

30. If a claim relates to an individual for whom there would have been a valid insurance policy were they alive, it is dealt with by the EIO and the principles and procedures set out above would apply. If the claim relates to a deceased bishop – such as Victor Whitsey, Peter Ball or George Bell – it is managed by the Church Commissioners, whose role is to ensure proper investigation before taking decisions about settlement.⁵⁶³

31. The Church Commissioners (who are responsible for payment of compensation in claims which are not insured) are considering introducing mediation as part of their process for redress.⁵⁶⁴

The first George Bell case and the Carlile review

32. A complainant known as Carol alleged in 1995 and again in 2013 that she was abused by the late George Bell, former Bishop of Chichester. When Carol sued the Church for damages in 2014, a core group was convened. The Church settled Carol's claim, apologised and issued a public statement.

33. Lord Carlile of Berriew was instructed by the Church to consider its response to the allegations. In his report (dated December 2017), he was critical of the Church's actions, particularly in making a public statement about the allegations and the settlement reached. In the Chichester/Peter Ball Investigation Report, the Inquiry expressed concern about a number of Lord Carlile's conclusions. These included that:

- a confidentiality clause should have been included in the settlement;
- “considerable weight” should have been given to the “high esteem” in which George Bell was held; and
- the core group was criticised for relying on the evidence of “a single complainant”.⁵⁶⁵

34. Lord Carlile's recommendations only apply to a small minority of claims, those that are uninsured or where no claim is issued.⁵⁶⁶ There may also be claims where there was no insurance policy in place.

35. In Mr Bonehill's view, the process suggested by Lord Carlile was not consistent with the approach that an insurer would take in insured cases, and that it was “something that certainly we would not be able to support”.⁵⁶⁷

35.1. Lord Carlile recommended the assistance of advice from a lawyer with practical knowledge of criminal law and procedure. Although civil claims are judged on the balance of probabilities, Lord Carlile stated that “the examination of a case of this kind

⁵⁶² ACE027643_131

⁵⁶³ ACE027643_133_135

⁵⁶⁴ ACE027811_016-020

⁵⁶⁵ Anglican Church Case Studies: Chichester/Peter Ball Investigation Report B.10

⁵⁶⁶ ACE027643_127

⁵⁶⁷ Bonehill 2 July 2019 113/22-114/11

against the criminal standard is a useful and instructive exercise".⁵⁶⁸ Mr Bonehill said that this would not be considered relevant to an insured claim because the standard of proof is the balance of probabilities.⁵⁶⁹

35.2. Lord Carlile stated that the core group was wrong to dismiss the defence of limitation.⁵⁷⁰ Mr Bonehill did not agree and repeated the EIO's position that limitation should be used very sparingly.⁵⁷¹

35.3. Lord Carlile considered that where a claim was settled without admission of liability the settlement should generally include a confidentiality provision. The EIO does not and never has insisted on confidentiality provisions unless they are sought by the complainant, but there is no distinction between claims settled with liability and without.⁵⁷² In Mr Bonehill's view:

"serious consideration would need to be given to enforcing such a clause. In reality, 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/survivor of abuse".⁵⁷³

The second George Bell case

36. Following the publication of Lord Carlile's report, a further allegation of abuse by Bishop George Bell was made by an individual known as Alison. This second George Bell case is the most recent example of how the Church of England manages an uninsured allegation against a deceased individual.

37. The National Safeguarding Team convened a core group to oversee and manage the response to the allegation, to comply with Lord Carlile's recommendations.⁵⁷⁴

38. A former detective superintendent, Raymond Galloway, was appointed to undertake an investigation. His investigation was thorough and included as many witnesses as possible.⁵⁷⁵ An independent consultant was also appointed to represent the interests of Bishop Bell's family, with an independent sexual and domestic violence adviser to ensure that Alison's viewpoint was heard.⁵⁷⁶ Both were subsequently represented by counsel during the process. A senior ecclesiastical judge, Timothy Briden, was appointed as the decision-maker in relation to the complaint.⁵⁷⁷

39. The core group concluded that no reasonable tribunal could find that the allegations were proven on the balance of probabilities. Mr Briden concluded that no further allegations were proven on the balance of probabilities.⁵⁷⁸

⁵⁶⁸ ANG000152_007_011

⁵⁶⁹ Bonehill 2 July 2019 111/17-24

⁵⁷⁰ ANG000152_034_038

⁵⁷¹ Bonehill 2 July 2019 112/1-17

⁵⁷² Bonehill 2 July 2019 113/14-21

⁵⁷³ EIO000143_008

⁵⁷⁴ ACE027643_136-137

⁵⁷⁵ ACE027643_136-137

⁵⁷⁶ ACE027643_138

⁵⁷⁷ ACE027643_138-140

⁵⁷⁸ ACE027643_138-142

B.5: The seal of the confessional

B.5.1: Introduction

1. The seal of the confessional is the expectation, in English law and canon law, that words spoken to a priest by a penitent during confession will remain confidential.⁵⁷⁹
2. Confession is a “*minority practice*” within the Church of England and it is unclear how many people participate.⁵⁸⁰ A Church of England working party on the seal of the confessional has stated that confession is regarded “*by a significant part of the Church of England as an extremely important pastoral ministry*”.⁵⁸¹
3. Some – in particular victims and survivors and their representative groups – have suggested that there should be some form of mandatory reporting duty.⁵⁸² This would impose an obligation to inform statutory authorities if an individual admitted that he or she had sexually abused a child. It would, in effect, break the seal of the confessional. The duty might be supported by a criminal offence for anyone who failed to report allegations as required.⁵⁸³ This report deals with reporting in the context of the Church of England, including one case where concerns were raised about the perpetrator’s use of the seal to silence his victims. The issues of the seal of the confessional and mandatory reporting will form part of the Inquiry’s final report as they have arisen in several of the Inquiry’s investigations.

B.5.2: Robert Waddington

4. Robert Waddington was the Dean of Manchester Cathedral from 1984 to 1993, as well as a member of the governing body of Chetham’s School of Music, which provided choristers for Manchester Cathedral. Upon his retirement in September 1993, Waddington was granted permission to officiate in the Diocese of York.⁵⁸⁴
5. In 2013, Archbishop John Sentamu received an allegation of sexual abuse by Waddington in the 1950s. The male complainant also said that Waddington had told him – falsely – that he could not disclose the abuse, as Waddington had been “*absolved of sinful child abuse in the context of the sacramental ministry of reconciliation*”.⁵⁸⁵ Although Waddington’s explanation was clearly inaccurate – it is only the priest who is bound by any seal – this case was a significant factor in the establishment of the Church’s working group on the seal of the confessional in 2014.⁵⁸⁶

The allegations and the Church’s response

6. In January 1999, the Bishop of North Queensland informed the then Archbishop of York, David Hope (now Lord Hope) of a “*serious allegation*” of child sexual abuse by Waddington between 1961 and 1971, when he was headmaster of a school in Australia.⁵⁸⁷ In February 1999, Archbishop Hope said that he had met with Waddington who “*was deeply sorry for*

⁵⁷⁹ ACE027523_003. For a detailed explanation of the seal of the confessional (formally known as the sacrament of reconciliation), see ACE027523 and ACE027207.

⁵⁸⁰ Hind 7 March 2018 10/18-11/3; ACE027574_006 paras 23–24

⁵⁸¹ ACE027207_014 paras 2.2–2.3

⁵⁸² *Anglican Church Case Studies: Chichester/Peter Ball Investigation Report C.1*

⁵⁸³ *Anglican Church Case Studies: Chichester/Peter Ball Investigation Report B.13*

⁵⁸⁴ ACE027648_001

⁵⁸⁵ ACE027207_016

⁵⁸⁶ ACE027207_004-010

⁵⁸⁷ ACE027648_004

anything he may have done to offend". As Waddington was now "severely debilitated" by ill-health, Archbishop Hope said he had "no doubt whatever that there is simply no possibility of his acting as has been alleged of him".⁵⁸⁸ Archbishop Hope considered that this referred to Waddington's current ability to pose a risk to children, not whether he had committed offences in the past.⁵⁸⁹

7. At the time, the Church's practice guidance – *Policy on Child Protection: A Policy Document by the House of Bishops (1999)* – stated that a person who received a report of abuse should inform the bishop's representative whose role it was to advise the bishop on procedures in cases of alleged child abuse.⁵⁹⁰ Archbishop Hope did not do so, nor did he seek further information from the Bishop of North Queensland about the allegation.⁵⁹¹ Meeting personally with Waddington was contrary to the policy that the Church "will not conduct investigations on its own".⁵⁹² Archbishop Hope did not, as required, consider with his representative whether Waddington's permission to officiate should be suspended pending the outcome of enquiries.⁵⁹³ Waddington continued to officiate in the Diocese of York.

8. Between August 2003 and June 2005, other senior members of the Church (including the Bishop of Manchester's chaplain and the Dean of Carlisle Cathedral) received disclosures of child sexual abuse against Waddington. The allegations related to his time in both Manchester and Australia. In November 2004, Archbishop Hope withdrew Waddington's permission to officiate. Waddington was also interviewed by the diocesan child protection officer but denied all allegations of sexual abuse. No further action was taken by the Church.

9. In December 2004, Archbishop Hope wrote to Waddington stating that he was "very pleased to note the matter is now closed". Waddington died in 2007.⁵⁹⁴

The Cahill Inquiry

10. Archbishop John Sentamu, then Archbishop of York, first learned of the allegations against Waddington in June 2013. His office was contacted by a newspaper journalist, who had spoken with "at least two survivors" of abuse by Waddington. Archbishop Sentamu said that:

"given the seniority of the clergy involved in handling the case ... this would need independent scrutiny from a Judge with significant safeguarding experience".⁵⁹⁵

He subsequently commissioned an inquiry in July 2013, chaired by Her Honour Judge Sally Cahill QC.⁵⁹⁶ Its purpose was to establish what information was known in the Church, the extent to which relevant child protection policies were applied and whether it might have been handled differently if current safeguarding policies had been in place.⁵⁹⁷

⁵⁸⁸ ACE004643_036

⁵⁸⁹ ACE004643_071

⁵⁹⁰ ACE025265_008. The policy, at the relevant time, did not make direct reference to allegations of non-recent abuse (ACE004643_020).

⁵⁹¹ ACE004643_035

⁵⁹² ACE025265_004

⁵⁹³ ACE025265_009

⁵⁹⁴ ACE027648_005-006

⁵⁹⁵ ACE923700_019

⁵⁹⁶ ACE027648_002; JSC000058_001

⁵⁹⁷ ACE004643_005

11. The Cahill Inquiry's report (published in October 2014) identified a lack of contemporaneous records in both the Dioceses of York and Manchester.⁵⁹⁸ It criticised the then Bishop of Manchester for his inadequate recording of disclosures.⁵⁹⁹ Lord Hope was also criticised for his failure both to inform his representative of the allegation in 1999 and to consider whether permission to officiate should be suspended or withdrawn. The report stated that his:

"pastoral responsibility for Robert Waddington, and his belief that Robert Waddington was an old and ill man, led him to disregard the risk Robert Waddington might be to children and in doing so make decisions that were flawed".⁶⁰⁰

It made eight recommendations for the improvement of the Church's child protection procedures, including introducing:

- a national policy, applicable to all dioceses and covering both current and historic cases;
- a national safeguarding service, and the development of a structured scheme to promote cross-diocesan liaison;
- independent decision-makers in child protection cases, without pastoral responsibility for the alleged perpetrator; and
- a national record-keeping system, so that child protection records were kept in one central location.⁶⁰¹

12. In response, the Church created national guidance about responding to allegations, established the National Safeguarding Team and appointed a National Safeguarding Adviser.⁶⁰² One recommendation remains outstanding, a national casework mechanism, which we were told was being commissioned.⁶⁰³

B.5.3: The seal of the confessional in the Church of England

13. The Church's internal guidance – *Responding to, Assessing and Managing Safeguarding Concerns or Allegations against Church Officers 2017* – states:

"All suspicions, concerns, knowledge or allegations, that reach the threshold for reporting to the statutory authorities, will be reported via the diocesan safeguarding adviser or designated safeguarding adviser/officer in another church body to the appropriate statutory authorities. This will be done irrespective of the status of the person."⁶⁰⁴

The only exception to this requirement concerns information received under the seal of the confessional; information disclosed during confession *"is subject to a duty of absolute confidentiality arising from ... Canon 113 of the Code of 1603"*.⁶⁰⁵

⁵⁹⁸ ACE004643_014-015

⁵⁹⁹ ACE004643_108

⁶⁰⁰ ACE004643_125

⁶⁰¹ ACE004643_122-127

⁶⁰² ACE025940_048-053

⁶⁰³ ACE025940_048-053

⁶⁰⁴ ACE026719_004

⁶⁰⁵ ACE025256_032; Canon 113 of 1603; ACE027574_003 para 9

Canon law

14. The seal of the confessional does not apply to each private or confidential conversation between a congregant and a priest.⁶⁰⁶ In accordance with Canon B29, the practice of confession requires:

- a priest wearing suitable robes – a stole – and being the priest of the relevant parish or district (unless there is the danger of death or other urgency, in which case any priest can hear a confession);
- an advertised or pre-arranged time;
- it to be conducted in a private space or in a space where only the priest and penitent are present; and
- that the penitent is a baptised member of the Church of England who confesses their sins in order to demonstrate penitence and seek the forgiveness of God.⁶⁰⁷

The priest hearing the confession may give absolution (forgiveness). However, absolution may be withheld if the individual refuses to make appropriate reparations, such as refusing to report themselves to the police.⁶⁰⁸

Concerns about the seal of the confessional

15. MACSAS (Minister and Clergy Sexual Abuse Survivors) and other survivor groups have identified occasions where it is alleged that multiple allegations of child sexual abuse have not been passed to the authorities.⁶⁰⁹ In 2015, diocesan safeguarding advisers (DSAs) noted that it was rare for someone to admit to child sexual abuse during confession.⁶¹⁰ However, it is unclear whether breaking the seal of the confessional would have made any difference to the safety of a particular child.⁶¹¹

16. Canon Dr Rupert Bursell QC (a canon lawyer and a survivor of abuse) told the Inquiry that the seal of the confessional should not continue, but he did not consider that the Church would make this change itself. As a result, in his view, Parliament should impose a general duty to report any reasonable suspicion of abuse – “*whether in the past or in the future*”.⁶¹²

17. Under English law, there is no absolute right to the confidentiality of information. For example, a doctor may receive confidential information but is obliged, if ordered to do so, to give this information to the civil or criminal courts if there is a risk to the welfare of a child or if he or she knows a crime has taken place or is going to take place.⁶¹³ To date, no recent case in England and Wales has decided whether or not a priest may refuse to answer questions in a court of law about the content of a confession. As a result, the Legal Advisory Commission of the General Synod and canon lawyers are undecided whether or not priests might be required to disclose information today.⁶¹⁴

⁶⁰⁶ [ACE027207_005](#)

⁶⁰⁷ See [Canon B29](#); [ACE027207_007](#); [ACE027523_17-21](#). (There is academic discussion about who is a penitent, but they must be a baptised member of the Church of England and wish to confess and atone for their sins – see [ACE027523_17-21](#).)

⁶⁰⁸ [ACE027523_006-021](#); [ACE027207_006-045](#)

⁶⁰⁹ [ACE005487_186](#); [ACE027207_015](#)

⁶¹⁰ [ACE027207_017](#)

⁶¹¹ [ACE027207_017](#)

⁶¹² [ACE027523_025](#); Bursell 4 July 2019 41/1-42/16

⁶¹³ [ACE027207_030-032](#); [ACE027523_012-013](#)

⁶¹⁴ [ACE027523_010-017](#); [ACE027207_031-033](#); [ACE026593](#)

The seal of the confessional working group

18. The seal of the confessional working group was established by the Church of England in November 2014. It was chaired by Bishop Paul Butler (then Bishop of Durham and Lead Bishop on Safeguarding) and included the Bishop of Horsham (Vice-Chair), a number of General Synod members, an ecclesiastical lawyer and a representative of the Roman Catholic Church.⁶¹⁵ Its purpose was to re-examine *“the whole issue of the seal of the confessional in the light of the failures of the church generally in its safeguarding; in particular, in consequence of the report on the Waddington case”*.⁶¹⁶

19. It concluded that Waddington was *“manipulative”* in his use of the seal to silence his victim. As one anonymous DSA also told the working group, there were other incidents in which *“the priest abuses a victim and then hears their confession ... and tells the victim that this is now all under the seal and therefore must never be spoken of again”*.⁶¹⁷ The seal did not prevent and would not have prevented Waddington’s victim reporting abuse to the authorities.⁶¹⁸

20. The working group considered the experience of the Australian Anglican Church. In 2014, the Australian General Synod passed a canon stating that the seal of the confessional would not apply in cases where a person had committed a *“serious offence”* (ie a criminal offence involving child abuse, child exploitation material, or a punishment of imprisonment for life or for a term of five years or more). The term *“child abuse”* required evidence that the child had suffered or was likely to suffer *“significant harm”* to their well-being or development.⁶¹⁹ Following the introduction of this new canonical provision, concerns were raised about its *“workability and validity”*.⁶²⁰ For example, some considered that a non-legally trained priest could not be expected to make the required assessments. As a result, the exception was extended to criminal offences involving abuse of a *“vulnerable person”* and to *“other conduct”*.⁶²¹

21. The working group concluded that the Australian model was *“unworkable”* as the concepts of *“other conduct”* and *“significant harm”* were wide and relied on subjective judgement.⁶²² Canon Dr Bursell QC considered that the approach taken in Australia was *“far too complicated”* and should not be endorsed by the Church of England.⁶²³

22. The working group’s report (published in May 2019) stated:⁶²⁴

- *“there have been priests ... who have misused and abused their position to exercise dominant power over those making confession, and in some cases seriously abusing those who had placed their trust in them”*;⁶²⁵

⁶¹⁵ ACE027574_002-003

⁶¹⁶ Sowerby 4 July 2019 57/3-7

⁶¹⁷ ACE027207_016

⁶¹⁸ ACE027207_016

⁶¹⁹ ACE027207_034-035

⁶²⁰ ACE027207_036

⁶²¹ ACE027207_077-078

⁶²² ACE027207_078

⁶²³ Bursell 4 July 2019 36/24

⁶²⁴ ACE027207; ACE027206

⁶²⁵ ACE027207_005

- there was a need for clarity as to when the seal applies; while the 2015 *Guidelines for the Professional Conduct of the Clergy* state that the duty of confidentiality does not apply outside the context of a formal confession, it may not be clear what constitutes a formal confession, “*especially amongst those whose church tradition is less familiar with the practice of confession*”;⁶²⁶ and
- as there is currently “*no formal definition of the ministry of absolution*”, there should be a compulsory training programme for clergy about confession and each diocese should appoint an adviser as a point of reference for training, supervision and advice “*underpinned by clearer guidance*”.⁶²⁷

While the working group agreed that the seal of the confessional should either be retained or abolished entirely, it was unable to reach a unanimous view as to which option should apply.⁶²⁸ It made no recommendations other than improved training for priests during both initial ministerial education and afterwards.⁶²⁹

23. Bishop Mark Sowerby (suffragan Bishop of Horsham and vice chair of the working group) told the Inquiry that a “*half-broken seal was not a workable compromise*”.⁶³⁰ In May 2019, the House of Bishops concluded that it “*did not favour*” the introduction of a qualified exemption to the absolute seal of confidentiality. As it “*preferred to retain the seal on its present footing, though recognised that such ministry should be rooted in good practice*”, it agreed to implement the recommendations for training, guidance and the appointment of a diocesan adviser about the seal.⁶³¹ The duty of absolute confidentiality therefore remains in canon law.

24. Some in the Church consider that the absolute nature of the seal is “*a fundamental principle of shared Christian doctrine*”.⁶³² In their view, parliamentary legislation that overrides the seal would impose “*an unacceptable restriction on freedom of religion*”.⁶³³ Bishop Sowerby said that the seal “*is there to assist those people, rather than to protect somebody from the consequences of their own crime*”.⁶³⁴ Similarly, the working group report on the seal of the confessional suggested that the abolition of the seal may in fact lead to victims and survivors being reluctant to disclose details of their own abuse in the confessional, for fear that the person would then be reported to the authorities.⁶³⁵ The National Safeguarding Team made a submission that the seal should be abolished.⁶³⁶

25. The Archbishops’ Council endorsed qualifying the seal with specialist and enhanced training, considering this to be a “*better route to ensuring that disclosures of abuse are reported wherever possible*”.⁶³⁷ However, as Canon Dr Bursell QC noted:

*“anything which leads to noise or reasonable suspicion of abuse, particularly sexual abuse, should be outside the seal of the confessional”.*⁶³⁸

⁶²⁶ ACE027207 para 3.5; ACE027207_021

⁶²⁷ ACE027207 para 3.5.6; ACE027574_004

⁶²⁸ ACE027207_005

⁶²⁹ ACE027207_063-066

⁶³⁰ Sowerby 4 July 2019 73/18-19; ACE027761_041

⁶³¹ ACE027574_006

⁶³² ACE027761_041

⁶³³ ACE027761_042

⁶³⁴ Sowerby 4 July 2019 63/3-5

⁶³⁵ ACE027207_018

⁶³⁶ ACE027207_082-084

⁶³⁷ ACE027761_043

⁶³⁸ Bursell 4 July 2019 6/23-7/1

Archbishop Sentamu agreed that the seal “*really cannot be left watertight ... if there’s anything that stands in the way of disclosure, it should be removed*”.⁶³⁹ This could be possible without impacting on the confidentiality of disclosures of abuse, with the seal being absolute for those who disclose that they have been abused but not for those who abuse.

B.5.4: Mandatory reporting

The Church’s requirement to report

26. There is no absolute duty in canon law for clergy to follow safeguarding guidance issued by the House of Bishops, However, under Canon C30 all clergy must have “*due regard*” to the guidance. Failure to do so is a disciplinary offence.⁶⁴⁰ The Church considers this to amount to some form of mandatory reporting.

27. As observed by Bishop Alan Wilson, due regard “*does not impose a sufficiently unambiguous obligation on individuals to report*”.⁶⁴¹ As discussed above, the Inquiry recognised a need for greater clarity regarding the sense of the obligation and recommended that the language of Canon C30 be amended.⁶⁴²

Mandatory reporting under the general law

28. The government conducted a consultation process in 2016, in which it sought views on the introduction of a statutory mandatory reporting duty in the general law of England and Wales. This would require specified practitioners or organisations to report child abuse or neglect to statutory authorities, if they knew or had reasonable cause to suspect it was taking place. Failure to comply would be a criminal offence.⁶⁴³

29. As set out in the consultation report (published in March 2018), only 12 percent of respondents supported the introduction of mandatory reporting.⁶⁴⁴

- 49 percent of respondents believed that mandatory reporting could lead to greater prevention and awareness of abuse and neglect;
- 66 percent of respondents considered that increased reporting may divert attention from the most serious cases; and
- 29 percent were also concerned about the increased pressure on resources.

The government therefore declined to introduce any change to the law in this area.

Views on mandatory reporting

30. During its three public hearings, the Inquiry heard widespread support for a mandatory reporting law with failures to comply being enforced through the criminal law.

⁶³⁹ Sentamu 10 July 2019 171/6-12

⁶⁴⁰ Canon C30

⁶⁴¹ ANG000637_012

⁶⁴² Anglican Church Case Studies: Chichester/Peter Ball Investigation Report Part D

⁶⁴³ CYC000377_018

⁶⁴⁴ CYC000377_019

31. This was prominent amongst victims and survivors, some of whom described the need for legislative change as “*a no-brainer*”.⁶⁴⁵ For example:

- AN-A4 said that mandatory reporting “*has to be the bedrock for the future*”.⁶⁴⁶
- AN-A88 thought that it would cause “*fewer problems for people because there’s no decision to be made. You don’t have to think, ‘Is this something that I should do or something that I shouldn’t do?’ You do it.*”⁶⁴⁷
- Reverend Matthew Ineson noted that a mandatory reporting law would make it a matter of routine to “*pick the phone up to the police*”.⁶⁴⁸

32. The Archbishops of Canterbury and York both endorsed a mandatory reporting law. Archbishop Justin Welby told us he was “*convinced that we need to move to mandatory reporting for regulated activities*” and that he would “*firmly believe in a disciplinary sanction*”.⁶⁴⁹ Archbishop Sentamu said that there is:

*“no doubt in my mind that mandatory reporting could give more confidence to survivors that the matter will not be swept under the carpet.”*⁶⁵⁰

33. There were conflicting views, however, as to what should be reported, to whom and when. Some victims and survivors advocated the introduction of a law:

*“that compels those in regulated organisations ... to inform, as soon as reasonably possible, a safeguarding service and also external agencies such as the police, whenever they believe a child has been abused, or they have been told by a child that he or she has been abused.”*⁶⁵¹

A failure to report would be a criminal offence, creating “*a culture of disclosure*” and making people “*feel normal when they disclose, rather than feeling that by disclosing allegations they are doing something abnormal*”.⁶⁵² This was supported by Canon Dr Bursell QC, who told us that there should be mandatory reporting, backed by criminal sanctions, where there is a “*reasonable suspicion*” of abuse.⁶⁵³ The Archbishops’ Council observed that this might act as a disincentive to those considering work in social care professions.⁶⁵⁴

34. The view was also expressed that mandatory reporting might lead to additional administration and an increase in referrals. The Charity Commission was concerned that this could overwhelm smaller agencies without “*additional resources to risk assess and handle the increased volume of reports*”.⁶⁵⁵ An increase in referrals could divert attention from the most serious cases, and could lead to a “*tick-box approach*” with the sole objective being to obtain legal immunity rather than identifying the key cases. The Charity Commission therefore supported a criminal offence of deliberately concealing child sexual abuse, to “*address deliberate non-compliance*”.⁶⁵⁶

⁶⁴⁵ ANG000662_003

⁶⁴⁶ AN-A4 1 July 2019 168/16-19

⁶⁴⁷ AN-A88 3 July 2019 22/9-14

⁶⁴⁸ Ineson 10 July 2019 57/3-5

⁶⁴⁹ Welby 11 July 2019 216/5-14

⁶⁵⁰ Sentamu 10 July 2019 173/16-19

⁶⁵¹ ANG000661_019

⁶⁵² ANG000661_019

⁶⁵³ Bursell 4 July 2019 37/3-8

⁶⁵⁴ ACE027761_038

⁶⁵⁵ CYC000386_010

⁶⁵⁶ CYC000386_011

B.6: The culture of the Church of England

B.6.1: Introduction

1. The culture of the Church of England and the extent to which this inhibited the proper investigation, exposure and prevention of child sexual abuse was considered in the Chichester/Peter Ball investigation.
2. It was suggested, during the third public hearing, that many individuals struggled to reconcile pastoral care for fellow clergy, with whom they may have professional and personal ties, with their duty to uphold effective safeguarding. AN-A4 described the current Church structure as “*riven with protection of hierarchy, protection of each other ... protection of institution*”.⁶⁵⁷ Clergy accepted the need to change the culture of the Church, noting that this would be a long and difficult process. Sir Roger Singleton, former Interim National Director of Safeguarding, described the necessity of:

*“bringing about fundamental alterations in the way people think, feel and act. And you need more than agreed policies and prods in the back to be able to do that.”*⁶⁵⁸

Bishop Peter Hancock, then Lead Bishop on Safeguarding, agreed that “*culture change must be driven; in our structures, resourcing, appointments and our decisions*”.⁶⁵⁹

3. In this section, the Inquiry considers the culture of the wider Church of England and its recent action to bring about necessary changes to its culture, including embedding and prioritising safeguarding.

B.6.2: Concerns regarding the culture of the Church of England

4. In the Chichester/Peter Ball Investigation Report, the Inquiry identified a number of concerns regarding the culture of the Church.⁶⁶⁰

4.1. Clericalism: Power was vested chiefly in the clergy, without accountability to external or independent agencies or individuals. A culture of clericalism existed in which the moral authority of clergy was widely perceived as beyond reproach. They benefited from deferential treatment so that their conduct was not questioned, enabling some to abuse children and vulnerable adults. In the third public hearing Bishop Hancock (then Lead Bishop on Safeguarding) agreed that “*issues of clericalism and deference have allowed abuse to be covered up and the voices of the vulnerable to be silenced*”.⁶⁶¹ In his view, “*the abuse of power has been perhaps the most significant reason why abuse has been allowed to foster*” in the Church of England.⁶⁶²

4.2. Tribalism: Within the Church, there was disproportionate loyalty to members of one’s own ‘tribe’ (a group within an institution, based upon close personal ties and shared beliefs). This extended inappropriately to safeguarding practice, with the protection of some accused of child sexual abuse. Perpetrators were defended by their peers, who also sought to reintegrate them into Church life without consideration of the welfare or protection of children and vulnerable adults. Contributors to the

⁶⁵⁷ AN-A4 1 July 2019 161/22-25, 162/1-2

⁶⁵⁸ Singleton 2 July 2019 184/21-25

⁶⁵⁹ ACE027720_014-015

⁶⁶⁰ Anglican Church Case Studies: Chichester/Peter Ball Investigation Report B.11

⁶⁶¹ ACE027720_015

⁶⁶² Hancock 11 July 2019 144/15-20

Inquiry's Truth Project, who described their abuse in religious contexts, said that they were “*disbelieved, discredited and not supported after disclosing their experiences of sexual abuse*”.⁶⁶³

4.3. Naivety: There was and is a view amongst some parishioners and clergy that their religious practices and adherence to a moral code made sexual abuse of children very unlikely or indeed impossible. Reports of abuse were on occasions dismissed without investigation.⁶⁶⁴ There are some within the Church exploring how to respond to these attitudes through academic research.⁶⁶⁵

4.4. Reputation: The primary concern of many senior clergy was to uphold the Church's reputation, which was prioritised over victims and survivors. Senior clergy often declined to report allegations to statutory agencies, preferring to manage those accused internally for as long as possible. This hindered criminal investigations and enabled some abusers to escape justice. In her review of the Peter Ball case, Dame Moira Gibb concluded that senior clergy placed more emphasis on the Church's high standing than on the welfare of victims and survivors.⁶⁶⁶ Church leaders sought to keep allegations out of the public domain and the resulting lack of engagement with external agencies helped to create a culture of “*almost unchallengeable authority*” in the Church.⁶⁶⁷

4.5. Sexuality: There was a culture of fear and secrecy within the Church about sexuality. Some members of the Church also wrongly conflated homosexuality with the sexual abuse of children and vulnerable adults.⁶⁶⁸ There was a lack of transparency, open dialogue and candour about sexual matters, together with an awkwardness about investigating such matters. This made it difficult to challenge sexual behaviour.⁶⁶⁹ Mr Colin Perkins, diocesan safeguarding adviser (DSA) for the Diocese of Chichester, told us that homosexual clergy may have found themselves inadvertently “*under the same cloak*” as child sexual abusers, who sought to mask their behaviour “*in the same cultural hiding place*”.⁶⁷⁰

5. In May 2019, the Inquiry published its thematic report *Child Sexual Abuse in the Context of Religious Institutions*, which included accounts from those abused by individuals within the Church of England. Many contributors saw their perpetrators as prominent members of society, with “*privilege, respect and reverence*” by virtue of their influential positions; their actions were “*never questioned*” and their ability to abuse was “*never contemplated*”.⁶⁷¹ The report stated that the “*particularly high regard and trust placed in religious institutions*” amongst other factors facilitated abuse and discouraged appropriate responses to allegations in the Church.⁶⁷²

⁶⁶³ *Truth Project Thematic Report: Child Sexual Abuse in the Context of Religious Institutions* Key findings p2

⁶⁶⁴ *Anglican Church Case Studies: Chichester/Peter Ball Investigation Report B.8*

⁶⁶⁵ ACE026757

⁶⁶⁶ INQ000560_059

⁶⁶⁷ INQ000995_063

⁶⁶⁸ *Anglican Church Case Studies: Chichester/Peter Ball Investigation Report B.11*

⁶⁶⁹ Williams 14 March 2018 144/3-16

⁶⁷⁰ Perkins 15 March 2018 114/16-20

⁶⁷¹ *Truth Project Thematic Report: Child Sexual Abuse in the Context of Religious Institutions*, Chapter 6, Experiences of disclosure and responses by institutions

⁶⁷² *Truth Project Thematic Report: Child Sexual Abuse in the Context of Religious Institutions*, Chapter 6, Experiences of disclosure and responses by institutions

6. During the third public hearing the Inquiry heard evidence which demonstrated that there are still some within the Church who do not understand the nature and impact of child sexual abuse and do not respond appropriately.

6.1. Until his retirement in September 2019, Peter Forster was the Bishop of Chester and the longest serving bishop in the Church of England. In his evidence to the Inquiry, Bishop Forster declined to accept the seriousness of the offending of Reverend Ian Hughes, who was convicted in 2014 of downloading 8,000 indecent images of children. Bishop Forster suggested to us that Hughes had been “*misled into viewing child pornography*”, on the basis that “*pornography is so ubiquitously available and viewed*”.⁶⁷³ He maintained his view, expressed in a letter to the President of Tribunals, that “*many people who download child pornography believe it to be different from direct abuse of a child*”.⁶⁷⁴ Archbishop John Sentamu described these comments as “*shocking*”.⁶⁷⁵ Bishop Forster minimised the seriousness of Hughes’ offending, despite more than 800 of the images being graded at the most serious level of abuse. He argued for Hughes’ prohibition from ministry to be reduced from life to 20 years, relying on Hughes’ “*relative youth*”, his “*good ministry*” and that he was “*very well regarded by his parishioners*”.⁶⁷⁶ These observations were irrelevant to safeguarding. The President of Tribunals ultimately agreed that a prohibition for a minimum of 20 years, rather than for life, should be imposed.

6.2. In September 2017, AN-X7 (a rector in the Diocese of York) failed to understand why AN-F71, a perpetrator who held positions of responsibility within the parish, required a risk assessment, despite the fact that AN-F71 had been convicted in 1997 of indecent assault on a child.⁶⁷⁷ When the DSA tried to request a Disclosure and Barring Service (DBS) check and undertake a risk assessment, AN-X7 attempted to delay this process due to concerns that it would make AN-F71 “*extremely upset*”.⁶⁷⁸ AN-X7 was said to have become “*angry and emotional*” himself at the prospect of a risk assessment.⁶⁷⁹ AN-X7 described himself as AN-F71’s pastor, who sought to “*look after him as best I could through this process*”.⁶⁸⁰ However, the DSA considered that AN-X7’s “*personal level of attachment to AN-F71 ... appeared to impact on Reverend AN-X7’s consideration of the needs of the wider congregation*”.⁶⁸¹

B.6.3: Recent initiatives to improve the culture of the Church of England

7. The Church of England has acknowledged that:

*“in order to secure a deep-rooted change in its culture, the Church will have to challenge expressions of unreformed culture or bad practice via a variety of different strategies”.*⁶⁸²

To address this, it has introduced a number of initiatives in recent years.

⁶⁷³ Forster 3 July 2019 37/17-25

⁶⁷⁴ WWS000222_001

⁶⁷⁵ Sentamu 10 July 2019 151/8

⁶⁷⁶ Forster 3 July 2019 31/18; WWS000222_002

⁶⁷⁷ O’Hara 9 July 2019 50/1-51/7

⁶⁷⁸ ACE027585_034

⁶⁷⁹ EWM000466_054

⁶⁸⁰ AN-X7 9 July 2019 117/21-22

⁶⁸¹ ACE027585_037

⁶⁸² ACE027761_007

Diversity within the Church

8. The Church is seeking to introduce more diversity in those who are recruited, trained and ordained, as well as in those who are appointed to senior clergy positions, in terms of clerical traditions, class, sex, sexual orientation, race and gender.

9. Archbishop Justin Welby told us that the practice of individuals attending theological colleges which reflected their own religious tradition created *“a like-minded approach to things, and also a tendency to defend the tribe”*.⁶⁸³ As a result, theological training now includes ordinands from different traditions. For example, participants in the Strategic Leadership Development Programme (a three-year training initiative for prospective future leaders of the Church) reported that they have *“met clergy from a variety of theological backgrounds, from across the whole of the Church”*.⁶⁸⁴

Internal and periodic reviews

10. Diocesan peer reviews were introduced in 2016 and should take place once every two years.⁶⁸⁵ A panel of individuals drawn from various dioceses reviews another diocese, giving an external perspective on areas such as leadership, strategy, governance and finance as well as any proposals for improvements. Bishop Hancock described the process in the Diocese of Bath and Wells as *“particularly helpful ... our last Peer Review challenged us to think about our priorities and resourcing, and how safeguarding can remain a very clear priority across the whole diocese”*.⁶⁸⁶

11. Regional bishops’ groups, introduced to bring together diocesan and suffragan bishops, were re-started by the Church in 2017. They meet several times a year to discuss various issues, including safeguarding. Archbishop Welby said, *“it is easier to develop mutual accountability in smaller groups”*.⁶⁸⁷

12. Bishops and archbishops are encouraged to participate in ministerial development reviews once every two years but this is not currently mandatory for all clergy or bishops.⁶⁸⁸ Since 2018, only 28 ministerial development reviews for bishops have taken place or are planned.⁶⁸⁹ The Archbishop of York or Canterbury will conduct the reviews and give feedback on performance, including the management of safeguarding issues.⁶⁹⁰ The review includes:

- a self-assessment statement completed by the reviewee, evaluating their performance of a range of duties, of which safeguarding is one; and
- feedback and evaluation of performance by other members of the parish (clergy or lay) or, in the case of bishops, senior staff with whom they work (such as the diocesan secretary, DSAs, archdeacons and other bishops).

13. The Church has introduced independent scrutiny through the Social Care Institute for Excellence (SCIE) audit programme, as well as individual case reviews (such as the Elliott review) or thematic external reviews (such as the training review by Dr Eleanor Stobart).⁶⁹¹

⁶⁸³ Welby 11 July 2019 201/15-17

⁶⁸⁴ ACE027643_209

⁶⁸⁵ ACE027710_015

⁶⁸⁶ ACE027720_007

⁶⁸⁷ ACE027710_015

⁶⁸⁸ ACE027643

⁶⁸⁹ ACE027811_060

⁶⁹⁰ ACE027710_015

⁶⁹¹ ACE026775

Work to address attitudes towards sexuality in the Church

14. The Pastoral Oversight Group was tasked by the General Synod in 2017 to provide principles and a teaching document for use within all parts of the Church on addressing questions of human sexuality.⁶⁹² It identified some concerns.

- Some individuals (both clergy and laity) who held strong views on certain issues – including same-sex relationships – may band together, leading to the formation of groups based upon close personal ties (as seen in the Diocese of Chichester case study).⁶⁹³
- Some clergy and others within the Church have felt unable to openly acknowledge their own sexuality.

Both are seen to have the “*potential to impact the extent to which a culture of honesty and openness is developed*”.⁶⁹⁴ However, the group did not find recent evidence within the Church of England of individuals conflating “*issues of sexual orientation with child sexual abuse*”.⁶⁹⁵

15. In January 2019, the group published *Held Together in the Love of Christ: Pastoral Principles for Living Well Together* to encourage good practice within the Church. It is designed to foster a culture of openness around issues of sex and sexuality, and aims to allow victims of abuse to disclose their experiences without fear of dismissal.⁶⁹⁶

16. It also produced, in 2019, *Living in Love and Faith: Christian Teaching and Learning about Human Identity, Sexuality and Marriage*, as a “*large scale teaching document around the subject of human sexuality*”.⁶⁹⁷ It covers topics such as identity, sexuality, gender and marriage within a framework of Christian anthropology and in a spirit of openness.⁶⁹⁸ Resources are due to be published from June 2020 to be used in all parishes across the country to facilitate discussion.⁶⁹⁹

Programmes to address clericalism and the abuse of power

17. ‘Setting God’s People Free’ is a programme – presented to General Synod in 2017 – to address a culture which “*over-emphasises the distinction between sacred and secular*”. Its purpose is to convince clergy and laity that they are “*equal in worth and status*”. The programme recommended introducing improved resources in every diocese and parish to deal with these issues, re-focusing clergy selection and development, reforming church structures and developing “*‘lay-integrated’ communication strategies*”.⁷⁰⁰

18. *Living in Love and Faith* also addresses the abuse of power:⁷⁰¹

- Principle 2: “*Silence, when misused, can shelter abuses of power. People must be given space, permission and opportunities to speak if they want to – so that those who are vulnerable can hear and thus not feel that they are alone*”.

⁶⁹² ACE026855; ACE026860

⁶⁹³ ACE027583_011

⁶⁹⁴ ACE027583_011

⁶⁹⁵ ACE027583

⁶⁹⁶ ACE027583_013

⁶⁹⁷ ACE026860

⁶⁹⁸ ACE027583_013

⁶⁹⁹ ACE027583_014

⁷⁰⁰ See report of the Archbishops’ Council, “*Setting God’s People Free*”, p24

⁷⁰¹ ACE027583_012_013

- Principle 4: Members of the Church should consider how they can encourage one another in “*rejecting pastoral practice that is coercive or abusive*”.
- Principle 6: “*inequalities of power have led to abuses in the past and will continue to do so unless all who exercise pastoral care reflect continuously on the power that they hold. Power must always be acknowledged.*” It also states that “*we need to learn to become more aware both of our own power and our vulnerability to the perceived power of others*”, and to notice and call out when power is exercised inappropriately. It calls upon people to “*look for ways to identify, acknowledge, dispel and dismantle inappropriate power dynamics in our communities*”.

19. In February 2019, the Anglican Communion Safe Church Commission introduced guidelines to enhance the safety of young people and vulnerable adults.⁷⁰² These guidelines were to be used by all Anglican churches around the world. They refer expressly to the abuse of power:⁷⁰³

*“Abuse often occurs and continues because of the unequal power relationships between the abuser and their victim. Victims will be afraid to disclose abuse where there is a culture of silence in the community and the church. Even when victims disclose abuse, no effective action will be taken where community and church leaders have believed the alleged abuser rather than the victim”.*⁷⁰⁴

The role of women in the Church

20. In the Diocese of Chichester case study, we heard evidence of an “*anti-woman culture*” which affected the way in which female DSAs were regarded by clergy. This impacted negatively upon the effectiveness of safeguarding.⁷⁰⁵ In 2014, the Ordination of Women Measure permitted women to become bishops. Fifty-eight percent of suffragan bishops and 38 percent of diocesan bishops are now female, which equates to just over half of all episcopal appointments.⁷⁰⁶ As Archdeacon Rosemary Lain-Priestley (Adviser to the Bishop of London) told us, “*a room full of male and female clergy has a different feeling to it than a room full of male clergy*”. In her view, the increasing number of women in senior roles has brought “*a slightly different approach*”.⁷⁰⁷ The Church accepts that further action is needed to bring about true gender equality.⁷⁰⁸

21. In an independent review of the Church’s training and development framework dated January 2019, Dr Eleanor Stobart sought the views of all dioceses, cathedrals, theological education institutions and religious communities. The majority of participants felt that they were “*a long way from seeing a Church where men and women are equal*”.⁷⁰⁹ Many respondents believed that more women were needed in senior positions. One participant commented that, within the Church, there is “*an attitude of an old boys’ club and looking out for one another, and as more women come in those attitudes could change*”.⁷¹⁰

⁷⁰² ACE027658

⁷⁰³ ACE027653; ACE027658

⁷⁰⁴ ACE027658_08

⁷⁰⁵ *Anglican Church Case Studies: Chichester/Peter Ball Investigation Report* B.13

⁷⁰⁶ Welby 11 July 2019 199/21-25

⁷⁰⁷ Priestley 4 July 2019 177/10-18

⁷⁰⁸ ACE027761_011

⁷⁰⁹ ACE026740_003

⁷¹⁰ ACE026755_030

Attitudes to forgiveness

22. Forgiveness of those who have sinned is a core element of Anglican doctrine. Many members of the Church regard forgiveness as the appropriate response to any admission of wrongdoing. Some religious leaders use ‘forgiveness’ to justify a failure to respond appropriately to allegations. Timothy Storey, for example, was permitted to continue working with children after expressing “*remorse for everything he had done wrong*”.⁷¹¹ As observed by Archbishop Welby:

*“the idea that forgiveness means that you pretend nothing has happened is absolute nonsense ... actions have consequences”.*⁷¹²

23. In September 2017, the Faith and Order Commission published *Forgiveness and Reconciliation in the Aftermath of Abuse*, which recognises that “*the Church’s primary pastoral task is to listen with care and sensitivity to those who have been abused*”.⁷¹³ Perpetrators who repent must be willing to face the legal consequences of their sin and should be prevented from accessing environments in which re-offending could occur.

24. In 2019, the Anglican Consultative Council, which facilitates cooperation between Anglican Churches around the world and coordinates common action, published guidelines to “*enhance the safety of all persons, especially children, young people and vulnerable adults, within the provinces of the Anglican Communion*”.⁷¹⁴ They state that victims of abuse:

*“must never be pressured by church workers to forgive their abuser. Further harm can be caused to a victim through pressure to forgive, and re-establish their relationship with their abuser. They may condemn themselves and believe they are condemned by others if they are not willing, or able to forgive.”*⁷¹⁵

B.6.4: Further steps to be taken

25. The Church has said that it is committed to “*leading the way forward and pioneering best practice in safeguarding, not just nationally but globally*”.⁷¹⁶ Bishop Hancock told us that the Church is now “*making significant strides towards this goal*” with a number of recent initiatives.⁷¹⁷

25.1. In July 2018, the National Safeguarding Steering Group (NSSG) published a report that identified that culture change was essential for the Church to be a place of safety, which was presented to General Synod.⁷¹⁸

25.2. In November 2018, members of the National Safeguarding Panel (NSP) and the NSSG attended a joint workshop about barriers to cultural change, including clericalism, tribalism and a lack of transparency in the response to disclosures of abuse. It also examined potential solutions to these issues in order to achieve “*openness, dialogue and shared responsibility at all levels*”.⁷¹⁹

⁷¹¹ ACE027646_011

⁷¹² Welby 11 July 2019 174/9-13

⁷¹³ ACE025399_013

⁷¹⁴ ACE027658_004

⁷¹⁵ ACE027658_011

⁷¹⁶ ACE026363_004

⁷¹⁷ ACE027720_015

⁷¹⁸ ACE026363

⁷¹⁹ ACE026747_002

25.3. The Church established an Education and Safeguarding Task Group involving dioceses and the Church of England Education Office. Its aim is to engage children in co-producing safeguarding material and to raise their awareness of protective behaviours in order to prevent abuse.

25.4. The Faith and Order Commission produced several resources designed to provide a theological as well as a practical response to safeguarding issues. In 2016, it published *The Gospel, Sexual Abuse and the Church*,⁷²⁰ which aims to change the culture of the Church “so that safeguarding becomes fully embedded within it as an outworking of the gospel”.⁷²¹

However, as Bishop Hancock recognised, it would be a “*fallacy*” to suggest that a wholesale culture shift has been achieved.

26. The Inquiry concluded that significant further work is required to achieve this.

26.1. Senior clergy must lead by example to drive a change to the Church’s culture. It is their responsibility to exhibit appropriate attitudes and behaviours, and encourage that in others. To date, SCIE audits suggest that “most” senior clergy have made efforts to change the culture of their dioceses, in order to embed safeguarding in all aspects of Church life.

26.2. The Church must adopt a culture of transparency, in which it is willing to recognise its past failures. Bishop Hancock described it as the Church having to “*lament*” for its past.⁷²²

26.3. The Church must recognise and address the ways and means utilised by perpetrators to groom and abuse children, as well as to justify their actions and to silence their victims. This should include theological arguments.

26.4. The Church and statutory agencies must work more closely with each other in responding to safeguarding concerns and allegations, while ensuring that information and resources are shared consistently across dioceses.

27. There remain significant challenges that the Church must address.

27.1. Bishops remain in a potentially “*conflicted position*”, having responsibility for both the oversight of safeguarding and the handling of complaints made against clergy in their dioceses, given their responsibility for ensuring pastoral support is available to alleged perpetrators.⁷²³

27.2. Despite considerable improvements to practices and procedures, they must be implemented “*in every small part of the Church, from the province down to the most tiny rural parish*”.⁷²⁴ They must also be “*reflected in the attitudes and daily actions of those working and worshipping at every level*” in order to “*produce real results*”.⁷²⁵

⁷²⁰ ACE025286

⁷²¹ ACE025286_006

⁷²² Hancock 11 July 2019 144/1-2

⁷²³ MAC000004_003

⁷²⁴ Singleton 2 July 2019 185/1-3

⁷²⁵ ACE025930_004

Part C

The Church in Wales

The Church in Wales

C.1: Introduction

1. The Church in Wales is a province of the worldwide Anglican Communion. It was disestablished in 1914,⁷²⁶ taking effect in 1920. In 2018, the Church’s electoral roll showed more than 42,000 worshippers in the Church in Wales,⁷²⁷ which equates to 1.4 percent of the Welsh population.⁷²⁸

Table 1: Church in Wales statistics

6 dioceses/cathedrals
349 benefices (parishes or groups of parishes to which clergy will be attached)
594 parishes
1,295 churches
417 stipendiary clergy
139 non-stipendiary clergy
£437 million of general funds

Source: ANG000538

- 2. The most recent iteration of Welsh safeguarding practice reflects the Social Services and Well-being (Wales) Act 2014. It includes a duty upon statutory bodies to report to a local authority where there is a “reasonable cause to suspect” abuse of a child, but this does not apply to religious organisations.⁷²⁹ Investigations of child protection concerns are run by local police forces or local authorities.
- 3. Statutory guidance is provided to school settings in *Keeping Learners Safe*.⁷³⁰ The *All Wales Child Protection Procedures 2008* provide guidance to social care bodies and authorities.⁷³¹ Neither of them apply directly to religious organisations.
- 4. While there is no requirement that voluntary organisations must operate in line with safeguarding requirements of statutory bodies, there is an expectation by the Welsh government that they will operate in a similar manner.⁷³² The Welsh government does not regulate, audit, inspect or have any oversight of the safeguarding policies or practices of the Church in Wales. Concerns about such practice and policy could be reported to local authority safeguarding boards, which may make enquiries but have no statutory powers to intervene.⁷³³

⁷²⁶ Welsh Church Act 1914
⁷²⁷ <https://churchinwales.contentfiles.net/media/documents/Membership-Finance-2019.pdf>
⁷²⁸ www.ukpopulation.org
⁷²⁹ Social Services and Well-being (Wales) Act 2014 section 130
⁷³⁰ *Keeping Learners Safe*
⁷³¹ INQ004213
⁷³² WGT000441_001
⁷³³ There are six regional safeguarding children boards, overseen by a National Independent Safeguarding Board. There is no current obligation for any faith organisation to be a member of the regional safeguarding board but they can be co-opted if they wish, although none have done so to date (WGT000442).

C.2: Structure of the Church in Wales

5. The Church in Wales consists of:⁷³⁴

- the Representative Body of the Church in Wales, which is responsible for looking after the assets of the Church in Wales; and
- the Governing Body of the Church in Wales, which is the policy-making body and supreme legislature of the Church and comprises the Bench of Bishops (six diocesan bishops), 51 representatives from the clergy and 86 lay representatives.

It is made up of six dioceses (Bangor, Llandaff, Monmouth, St Asaph, St David's, and Swansea and Brecon), each of which is led by a diocesan bishop.



Diocesan map of the Church in Wales

6. Bishops in the Church in Wales are elected by an electoral college made up of elected clergy and lay people. The electoral college also elects the Archbishop of Wales from amongst the existing diocesan bishops.⁷³⁵

⁷³⁴ ANG000538_003-005

⁷³⁵ Davies and Lloyd 5 July 2019 17/4-8

7. One member of the Bench of Bishops has specific responsibility for safeguarding.⁷³⁶ When diocesan bishops are elected in the Church in Wales they swear an oath of canonical obedience to the Archbishop, but this does not provide the Archbishop with any power of compulsion or direction over other bishops. The Archbishop has no jurisdiction over the dioceses of other bishops, they are entirely self-governing. He can try to influence but cannot exercise any command or control.⁷³⁷

8. The Church in Wales has started to group parishes together into ministry areas (which are larger than parishes, often grouping several parishes over a wide geographic area), with a team of lay people and clergy taking responsibility for running the area. These teams are intended to enable specialisation in different types of ministry, in particular the development of ministry to connect with young people.⁷³⁸

C.3: Safeguarding in the Church in Wales

Safeguarding personnel

9. Each parish in Wales has a parish safeguarding officer.⁷³⁹

10. In addition, as at July 2019, the Church has two part-time provincial safeguarding officers (PSOs); all dioceses should refer all cases to the PSOs for management. PSOs provide day-to-day management and advice on safeguarding issues, and deal with attendance agreements, including for convicted perpetrators, and with managing cases relating to vulnerable adults. While calls to the PSO about child sexual abuse are infrequent, we were told that two officers were not enough, particularly given the large geographic area to cover.⁷⁴⁰ In July 2019, a full-time safeguarding manager commenced work, but it is not yet clear whether this will be sufficient to meet demand.⁷⁴¹

11. Cathedrals in Wales are treated as any other church in the diocese for safeguarding purposes. As a result, they are also subject to the oversight of the PSOs and must comply with the relevant guidelines produced by the diocese or archdiocese.⁷⁴² The cathedrals of St Woolos, Newport and Llandaff share two named safeguarding officers (who are volunteers) and have participated in recent Safe Church training.⁷⁴³

12. The Church in Wales has a safeguarding panel, appointed by the Standing Committee of the Governing Body, which meets approximately every six weeks. It has a lay chair (currently a former chief constable) and the majority of members are lay people, including social work professionals, two GPs and a retired teacher. All safeguarding cases are referred to the panel, with reports (including recommendations) prepared by the PSOs.⁷⁴⁴ The panel makes decisions and follows up to make sure that they have been implemented.⁷⁴⁵ Mrs Edina Carmi

⁷³⁶ [Davies and Lloyd 5 July 2019 7/10-21](#)

⁷³⁷ [Davies and Lloyd 5 July 2019 15/3-20](#)

⁷³⁸ [ANG000538_001-002](#)

⁷³⁹ [Davies and Lloyd 5 July 2019 9/11-16](#)

⁷⁴⁰ [Howe 5 July 2019 144/23-145/25](#); [Howe 5 July 2019 140/20-141/10](#)

⁷⁴¹ [Davies and Lloyd 5 July 2019 87/8-88/22](#); [ANG000664](#)

⁷⁴² [Davies and Lloyd 5 July 2019 34/1-8](#)

⁷⁴³ [ANG000635_001](#)

⁷⁴⁴ [ANG000636_002](#); [Howe 5 July 2019 152/20-153/6](#)

⁷⁴⁵ [Davies and Lloyd 5 July 2019 88/12-89/5](#)

(an independent safeguarding consultant, who conducted an analysis of case files to assess the management of safeguarding in practice on behalf of this Inquiry) commended the use of the Provincial Safeguarding Panel, which is utilised in each safeguarding case.⁷⁴⁶

13. Where risk assessments are recommended, they are undertaken by an independent organisation.⁷⁴⁷

14. When required, an offender management plan is prepared by the PSO, and is signed by the PSO, the parish priest, the offender and the offender manager. A plan will usually be reviewed annually but, if an offender is considered higher risk, it may be reviewed more regularly. It may also be reviewed less frequently (every three years) if an individual is considered low risk. This reflects the volume of work of PSOs, but in those low risk cases the PSOs will review annually with the parish priest and the probation service to confirm if there have been any issues.⁷⁴⁸

15. Currently, the advice of the Provincial Safeguarding Team to clergy in individual cases is a recommendation. Archbishop John Davies, the Archbishop of the Church in Wales, said that he would like to see it become mandatory, although personally he could not imagine ignoring the advice given.⁷⁴⁹

Safeguarding policies

16. The Church's first safeguarding policy – *Children and Young People: a Code of Practice for use by parishes in the Church in Wales* – was developed in 2000.⁷⁵⁰ As a result of the Church in Wales' Historic Cases Review in 2009 (discussed below), it was agreed that this text was obsolete and not sufficiently comprehensive.

17. The Church in Wales commissioned an independent consultant to prepare a "*fit for purpose whole of Wales safeguarding policy*" in 2014, combining policies for children and vulnerable adults, in accordance with Welsh legislation (the Social Services and Well-being (Wales) Act 2014).⁷⁵¹ This became the Church in Wales' Safeguarding Policy in 2016, which is reviewed annually by a committee of human resources and safeguarding professionals.⁷⁵²

18. The safeguarding policy requires the early involvement of the PSO, who then coordinates the Church's response.⁷⁵³ It is the responsibility of the safeguarding team to report allegations of child sexual abuse to statutory authorities. While there are no formal timescales for referrals, we were told that referrals to social services or the police would be done on the same day if possible.⁷⁵⁴

19. There are 22 unitary authorities in Wales, with at least five local bases in each. The PSO must contact the correct base to speak to the duty officer (who changes twice a day). We were told that this creates inconsistency, which the PSO thought was "*quite worrying*".⁷⁵⁵

⁷⁴⁶ Carmi 8 July 2019 13/1-21

⁷⁴⁷ Howe 5 July 2019 165/20-22

⁷⁴⁸ Howe 5 July 2019 166/2-167/9

⁷⁴⁹ Davies and Lloyd 5 July 2019 49/18-50/8

⁷⁵⁰ ANG000538_008

⁷⁵¹ ANG000538

⁷⁵² ANG000538_012 (amended in November 2018)

⁷⁵³ ANG000636_003

⁷⁵⁴ Howe 5 July 2019 147/15-25

⁷⁵⁵ Howe 5 July 2019 149/3-16

20. Where a referral is made to social services and a multi-agency investigation commences, the Church in Wales may attend the strategy meetings if invited to do so.

21. There are also no information-sharing protocols in place with either the police or social services. The Church recognises that this is an issue, as currently it relies on personal networks.⁷⁵⁶

Record-keeping

22. Each member of clergy has a personal file, which contains their career history from preparation for ordination to the end of their ministry. There is a ‘no destruction’ policy for these files, as the information is considered to be vital to the ongoing ministry development of the individual concerned.

23. If clergy move from the Church of England to the Church in Wales (which is common), the Church in Wales will not necessarily receive the English clergy file (known as the ‘blue file’). There are no clear protocols for sharing such information. Some dioceses send the original file or a copy of it; others do not. A file may be incomplete. As Archbishop Davies commented, this practice is “*unsatisfactory and inconsistent*”.⁷⁵⁷ The Church in Wales indicated to the Inquiry that it hopes to enter into a formal information-sharing agreement with the Church of England to allow a more consistent sharing of personal data between the two churches.⁷⁵⁸

24. The clergy personal files are kept by the diocesan bishop, and only the bishop has access to them. Access may be granted upon request, for example, to disciplinary tribunals and safeguarding officers.⁷⁵⁹ Following the Inquiry’s hearing, the Church in Wales drafted a new clergy personal file policy, to allow access to personal files by PSOs.⁷⁶⁰

25. Ms Fay Howe, the current PSO, accepted that the current record-keeping system for referrals to the PSO needed a complete overhaul and that the current system was “*in the dark ages*”.⁷⁶¹ She said that a central record-keeping service would make it easier to access relevant information.⁷⁶²

Clergy discipline

26. Discipline in the Church in Wales is carried out by a disciplinary tribunal. The bishops are not involved in the investigative process or in decision-making.⁷⁶³ The tribunal has 24 members (six appointed by the Bench of Bishops, 12 members of the clergy, two legally qualified lay members, two lay members who are either medically qualified or a trained counsellor, and two lay members of the Church in Wales), each holding office for five years.⁷⁶⁴ The tribunal’s powers apply to bishops and the Archbishop, as well as parish priests.⁷⁶⁵

⁷⁵⁶ Howe 5 July 2019 149/24-151/10

⁷⁵⁷ Davies and Lloyd 5 July 2019 69/2-70/7

⁷⁵⁸ ANG000663_002

⁷⁵⁹ ANG000538_010-011

⁷⁶⁰ ANG000664

⁷⁶¹ Howe 5 July 2019 146/8-147/22

⁷⁶² Howe 5 July 2019 164/2-10

⁷⁶³ ANG000535_003

⁷⁶⁴ ANG000345_001-003

⁷⁶⁵ Davies and Lloyd 5 July 2019 56/1-5

27. The disciplinary process involves a number of steps.

27.1. If a complaint is made about the conduct of a member of clergy (whether written or oral), it is referred immediately to the registrar of the tribunal who undertakes a triage system within the provincial office to determine the relevant next step. If there is a safeguarding element, the safeguarding panel may become involved (irrespective of whether any disciplinary action takes place) and insurers may need to be notified, alongside investigatory work.⁷⁶⁶

27.2. After triage, cases of clergy discipline are formalised in writing and sent to the registrar of the tribunal. An investigatory committee may be formed to decide whether there is a case to answer. The committee includes legally or medically qualified individuals, as well as clergy.⁷⁶⁷

27.3. The tribunal may suspend anyone under investigation until the hearing and determination of a complaint.⁷⁶⁸ (Currently, the Archbishop does not have the power to suspend another bishop at any stage, although the Church in Wales is considering this.⁷⁶⁹)

27.4. At the conclusion of a disciplinary hearing, the tribunal may impose a range of sanctions, including absolute or conditional discharge, rebuke, inhibition, disqualification, deprivation or suspension of their office, and deposition from holy orders and expulsion as clergy from the Church in Wales.⁷⁷⁰ Deposition is used by the Church in Wales for individuals convicted of child sexual abuse.⁷⁷¹

27.5. Until 2017, an individual was no longer subject to disciplinary rules if they resigned from office. Since then, even if an individual resigns, the disciplinary process will continue.⁷⁷²

28. In 2017, a report was prepared into the disciplinary process by a working group. The working group made eight recommendations, including to:

*“Retain the right of the Bishop to make such referrals [to the disciplinary tribunal] ... the Chair of the Safeguarding Panel and/or the Chair of the Representative Body should also be able to draw matters to the attention of the Archbishop’s Registrar who may also refer matters to the President of the Tribunal”.*⁷⁷³

29. Five members of clergy in the Church in Wales have been the subject of disciplinary proceedings related to child sexual abuse.⁷⁷⁴

29.1. In 2003, Canon Lawrence Davies was deposed from holy orders following conviction for sexual assault against boys.⁷⁷⁵

⁷⁶⁶ Davies and Lloyd 5 July 2019 51/17-53/9

⁷⁶⁷ Davies and Lloyd 5 July 2019 54/15-55/1

⁷⁶⁸ ANG000346_010

⁷⁶⁹ Davies and Lloyd 5 July 2019 16/2-13

⁷⁷⁰ Deposition from holy orders would mean that the individual is no longer clergy and is no longer entitled to officiate, wear clerical dress or call themselves ‘Reverend’.

⁷⁷¹ Davies and Lloyd 5 July 2019 58/1-59/2

⁷⁷² Davies and Lloyd 5 July 2019 60/3-25; ANG000535_009

⁷⁷³ ANG000365_008-009

⁷⁷⁴ Davies and Lloyd 5 July 2019 57/17-19

⁷⁷⁵ ANG000362

29.2. In 2004, Reverend Darryl Gibbs was convicted of two offences of making indecent photographs of children and conditionally discharged for 12 months in respect of each offence (to run concurrently). He was also prevented from exercising his ministry as a priest for eight years.⁷⁷⁶

29.3. In 2006, a priest was accused of indecent assault and rape of a child. The CPS did not prosecute but the disciplinary tribunal found the allegations proved on a balance of probabilities and ordered the individual to be deposed from holy orders. Following an appeal to the Provincial Court of the Church in Wales, he was reinstated but ordered that he would not be permitted to officiate without a risk assessment. The same priest was referred to the tribunal again in 2015 for failing to report abuse by another to the police. The Archbishop of Wales dismissed the argument that the seal of the confessional provided a defence. On appeal the Provincial Court found that the tribunal had no jurisdiction to discipline a member of clergy who was not in office. The Church in Wales was dissatisfied with this conclusion, as it considered that it would lead people to seek to avoid disciplinary action by taking steps to resign or retire. Disciplinary rules and regulations were changed so as to apply to all ordained clergy in the Church in Wales, regardless of whether they were in office or retired.⁷⁷⁷

29.4. In 2007, a perpetrator admitted sending messages of a sexual, “unseemly” and intimate nature to a girl under the age of 18. He was prohibited from officiating unless and until he provided to a bishop the written opinion of a consultant psychiatrist as to his fitness for office; the individual bishop would then decide whether to grant a licence.⁷⁷⁸

29.5. In 2009, Reverend Richard Hart was deposed from holy orders following convictions relating to indecent images of children.⁷⁷⁹

30. The Church in Wales is reviewing its historic safeguarding records to ensure that consideration is given to deposition from holy orders for any clergy convicted of a safeguarding offence in the past.⁷⁸⁰

31. Since the third public hearing, the Church in Wales has proposed to introduce into the constitution a new disciplinary heading of “*failure to comply with advice from the Provincial Safeguarding Panel without reasonable excuse*”.⁷⁸¹

C.4: Recruitment and training of clergy in the Church in Wales

Prior to ordination

32. A candidate for ordination first approaches the local priest. He or she is then referred to the Diocesan Director of Vocations. If considered suitable for training (after a period of discernment, discussions and assessments), the application is sent to the Provincial Discernment Board.⁷⁸²

⁷⁷⁶ ANG000354

⁷⁷⁷ Davies and Lloyd 5 July 2019 63/3-24

⁷⁷⁸ ANG000352

⁷⁷⁹ ANG000348

⁷⁸⁰ ANG000663_003

⁷⁸¹ ANG000664

⁷⁸² Davies and Lloyd 5 July 2019 38/3-12

33. Ecclesiastical training for the Church in Wales is provided by a single institute, St Padarn's. The training involves a significant amount of experiential learning, with candidates spending half of their week in a learning environment and the other half in a parish. Candidates receive safeguarding training throughout their theological education.⁷⁸³

34. Newly ordained and appointed clergy are monitored by the parish priest for six months, and formally reviewed at the end of that period. In the event of any earlier indications of concern, these will be looked into immediately, usually by an archdeacon.⁷⁸⁴

Recruitment

35. Each diocesan bishop is responsible for the appointment of clergy in their own diocese.⁷⁸⁵ Before any individual can be appointed or recruited, they must have attended Church in Wales safeguarding training. They must also have an up-to-date criminal records check.⁷⁸⁶

36. The Church in Wales has engaged in checks on potential clergy appointments and volunteers since before 1996. Initially these were police record checks and checks against the 'List 99' maintained by the Department of Health.⁷⁸⁷ They are now undertaken through the Disclosure and Barring Service (DBS) system. They are required before the appointment of all ministers (lay and ordained, including clergy with permission to officiate) and any other people, whether volunteers or employed, who are authorised to undertake regulated activity with children on behalf of the Church in Wales.⁷⁸⁸ Those requiring DBS checks are identified by the bishops' offices, parishes and diocesan offices, then coordinated and monitored by the Representative Body's DBS team. A DBS check must be renewed every five years.⁷⁸⁹ Records are kept centrally for each individual checked.⁷⁹⁰

37. When a blemished disclosure is received:

- the provincial staff contact lead clergy in the parish concerned for further information about the matters disclosed, and an assessment of risk relating to the role concerned is undertaken by the parish working with the provincial staff;
- a provincial triage team (which includes the Provincial Secretary, the Head of Legal Services, the Head of Human Resources and the Head of Safeguarding) will provide further advice – in some cases, advice will be sought from the Provincial Safeguarding Panel; and
- the advice of the triage meeting is presented to the appropriate person who appoints or employs or is responsible for the candidate (in the case of a volunteer).⁷⁹¹

The applicant is not permitted to undertake any authorised activity unless and until the matter is resolved. The final decision is recorded in the Church's provincial DBS database.

⁷⁸³ [Davies and Lloyd 5 July 2019 39/10-25](#)

⁷⁸⁴ [ANG000535_010](#)

⁷⁸⁵ [ANG000535_010](#)

⁷⁸⁶ [ANG000535_011](#)

⁷⁸⁷ List 99 was a database maintained by the Department of Health of those who had been barred from working with children.

⁷⁸⁸ An enhanced disclosure shows all spent and unspent convictions, cautions, reprimands and final warnings, as well as any information held by local police considered relevant to the role.

⁷⁸⁹ [ANG000535_011](#)

⁷⁹⁰ [ANG000535_011-012](#)

⁷⁹¹ [ANG000535_012](#)

38. The Church in Wales has a list, known as the Archbishop's Registrar's list (held in the provincial office), which records individuals about whom there have been previous concerns. As at July 2019, there were 18 people on its list, of whom 10 have been convicted or accused of child sexual offences.⁷⁹² Bishops may consult the list by asking for information about a candidate but it is not circulated. Church in Wales policy recommends that bishops consult the list before appointing candidates but there is no guarantee that an appointing bishop would check the list or become aware of the individual's history.⁷⁹³ The Church in Wales has now created a monitoring system to ensure that the Archbishop's Registrar's list is referred to for every clergy appointment and constitutional changes are being brought forward to enable bishops to have access to the list online.⁷⁹⁴ However, the Church in Wales does not have access to the Church of England's caution list, including where a member of clergy moves from the Church of England to the Church in Wales.

Terms of service

39. The terms of service of Church in Wales clergy (implemented in 2010) include an express requirement to undertake any necessary training:

*"When a requirement is identified that a Cleric should obtain a particular proficiency, attend training or retraining in an area of Ministry, the Cleric must satisfy such requirement within a reasonable time as agreed with the Bishop. ... Failure to comply with this requirement may be dealt with as a disciplinary matter."*⁷⁹⁵

40. Safeguarding training is specified in professional ministerial guidelines introduced in 2007:

*"Every ordained person should have appropriate training in child protection. Provincial and diocesan guidelines and requirements must be known and observed."*⁷⁹⁶

Records are maintained of who has completed training and when.⁷⁹⁷

41. A member of clergy found to be in breach of professional ministerial standards will be subject to the Disciplinary Policy and Procedure of the Church in Wales.

*"Serious acts or admissions may result in removal from office and could result in deposition from Holy Orders."*⁷⁹⁸

42. The Church in Wales conducts ministry development reviews. These are conducted by area deans or archdeacons and lay people with HR or management skills. The reviews cover resilience training, well-being advice and self-review, which the Church in Wales considers "important aspects of the process of maintaining an appropriate level of scrutiny".⁷⁹⁹

Permission to officiate

43. In June 2019, the Church in Wales introduced a formal policy on permission to officiate (PTO), through which a retired member of clergy is allowed to minister in a diocese,

⁷⁹² Powell 12 July 2019 64/1-4

⁷⁹³ Davies and Lloyd 5 July 2019 66/6-68/18

⁷⁹⁴ ANG000663_002

⁷⁹⁵ ANG000359_021

⁷⁹⁶ ANG000374_009

⁷⁹⁷ Davies and Lloyd 5 July 2019 47/1-48/10

⁷⁹⁸ ANG000359_019

⁷⁹⁹ ANG000535_010-011

although this was amended in October 2019.⁸⁰⁰ A member of clergy seeking PTO requires an enhanced DBS check and to have undergone compulsory ‘Safe Church’ training. They also require a ‘Clergy Current Status Letter’, which includes information about the clergy’s performance, whether there is anything in their past that would give rise to a concern and their previous bishop’s view on their suitability for continuing ministry.⁸⁰¹ As a result of this investigation, a new template was agreed by the Bench of Bishops in October 2019 to ensure that the letters prompt full disclosure of all relevant safeguarding matters.⁸⁰²

44. The Church in Wales’ policy states that PTO should be granted without any restriction, such as excluding ministry involving children and adults at risk. If a geographical limit is imposed – such as limiting ministry to a particular diocese – that must be notified in writing to all archdeacons and the relevant PSO so that it can be monitored.⁸⁰³

45. PTO is granted only for a five-year period and a fresh application must be made each time. A list of all of those holding PTO is held centrally by the provincial office.⁸⁰⁴

Safeguarding training

46. Following the Historic Cases Review (discussed below), the Church’s first safeguarding training strategy came into force in 2015. At the direction of the Bench of Bishops, safeguarding training became mandatory for any clergy or layperson in ministry or operating with PTO.⁸⁰⁵ Initially it was delivered separately, but clergy and lay people now train together to build ministry teams.⁸⁰⁶ Retraining is required every three years but some do not consider this to be sufficiently frequent.⁸⁰⁷

47. The responsibility for delivering all safeguarding training rests with St Padarn’s (the theological education institute), so that training is delivered by experts within a theological as well as safeguarding context.⁸⁰⁸

48. Safeguarding training is also fully embedded into the ecclesiastical training of ordinands.⁸⁰⁹ The content will be authorised by the Provincial Safeguarding Team, composed of social work qualified staff.⁸¹⁰ The training framework is under development and the Church in Wales is working with the Church of England to ensure similar structures are in place.⁸¹¹

C.5: Responding to abuse within the Church in Wales

49. Any victims or survivors should be automatically referred to PSOs, who are responsible for making reports to statutory authorities where required. The Church’s protocol states that the police should be informed immediately.⁸¹²

⁸⁰⁰ ANG000664

⁸⁰¹ Davies and Lloyd 5 July 2019 65/10-68/8

⁸⁰² ANG000664

⁸⁰³ Davies and Lloyd 5 July 2019 75/6-76/25

⁸⁰⁴ Davies and Lloyd 5 July 2019 79/21-80/3

⁸⁰⁵ Davies and Lloyd 5 July 2019 93/11-94/20

⁸⁰⁶ Davies and Lloyd 5 July 2019 94/21-95/7

⁸⁰⁷ Davies and Lloyd 5 July 2019 96/13-97/13

⁸⁰⁸ Howe 5 July 2019 157/15-21

⁸⁰⁹ ANG000538_015

⁸¹⁰ Davies and Lloyd 5 July 2019 96/13-97/13

⁸¹¹ Davies and Lloyd 5 July 2019 98/16-99/8

⁸¹² ANG000357_010-012

50. Victims and survivors are also to be offered support immediately, including offering to pay for counselling if required.⁸¹³ However, we were told that examples of counselling were “*few and far between*” and were on an ad hoc basis. Referrals are to external counsellors paid for by the Church or other organisations in Wales.⁸¹⁴ After the third public hearing, the Church in Wales entered an agreement with an organisation called New Pathways to provide access to independent sexual violence advisers from January 2020. Victims and survivors can access this service through the PSOs or directly without speaking to the Church in Wales first.⁸¹⁵

51. All safeguarding claims are reported to the Representative Body and disclosed to the Church’s external safeguarding auditors, who report to the trustees of the Representative Body and the Charity Commission.⁸¹⁶

52. The Church in Wales’ protocols for responding to allegations of abuse are the same for both living perpetrators and those who are deceased.⁸¹⁷

Seal of the confessional

53. In 1984, the Church in Wales revised its prayer book. It provided a right for the ministry of confession and absolution but prefaced it with a reference to the “*practice of confessing to a priest under the oath of secrecy*” being maintained.⁸¹⁸

54. Archbishop Davies told us that it was his “*firm opinion and belief that the Seal of the Confessional cannot and should not be used to protect those who perpetrate abuse*”.⁸¹⁹ In his view, reliance upon the seal of the confessional is inconsistent with scripture, which says that the vulnerable should never suffer as a result of any neglect on the part of a Christian.⁸²⁰

55. The ministerial guidelines state that:

*“Clergy should be aware of the circumstances in which confidential information can or should be disclosed to third parties, particularly where the safety of children is concerned. In these circumstances, clergy should refer to the guidance in provincial and diocesan child protection policies. Children ... who disclose evidence of significant harm will need to know that their concerns will be taken seriously and referred to the appropriate statutory agency ... In such cases the welfare of the child ... should be regarded as of paramount importance.”*⁸²¹

This is subject to:

“Where abuse of children ... is admitted in the context of confession, the priest should urge the person to report his or her behaviour to the police or social services, and should also make this a condition of absolution, or withhold absolution until this evidence of repentance has been demonstrated.”

⁸¹³ ANG000538_018

⁸¹⁴ Howe 5 July 2019 158/1-159/25

⁸¹⁵ Howe 5 July 2019 158/20-159/2; ANG000664

⁸¹⁶ ANG000538_018

⁸¹⁷ ANG000357_046

⁸¹⁸ Davies and Lloyd 5 July 2019 105/4-18

⁸¹⁹ ANG000535_010

⁸²⁰ Davies and Lloyd 5 July 2019 105/4-108/20

⁸²¹ ANG000374_011

*“If a penitent’s behaviour gravely threatens his or her own well-being or that of others, particularly children ... the priest should insist upon action on the penitent’s part. It should be noted that at law there is no absolute duty of confidentiality. ... In exceptional circumstances there may also be an over-riding duty to break confidence, especially where the safety of children ... is involved”.*⁸²²

56. Archbishop Davies said he would have no hesitation in referring to the disciplinary tribunal any clergy known to have failed to report an instance of abuse to the PSOs.⁸²³ He believed that his views were shared by the other diocesan bishops.⁸²⁴ While he “*couldn’t see how anyone, in good conscience, could not pass the information on*”, Archbishop Davies stated that the ministerial guidelines about the need of clergy to refer matters to safeguarding officers (even if this information is given in confidence or under the seal of the confessional) are “*unsatisfactory and insufficiently clear*”.⁸²⁵

Managing claims

57. The Representative Body is jointly and severally insured with each parish and, as a result, a claim of sexual abuse in a parish is brought against the Representative Body.⁸²⁶ The Church in Wales is insured by the Ecclesiastical Insurance Office. Since 2000, 11 individuals have made claims (some of which were multiple claims against one individual) against the Church in Wales.⁸²⁷

C.6: Past case reviews

58. The Church in Wales has undertaken a number of reviews over recent years about its handling of safeguarding cases.

Historic Cases Review

59. In 2009, the Church in Wales commissioned the Historic Cases Review. It was undertaken by Mrs Elaine Cloke (who was seconded from the Children’s Commissioner for Wales’ Office for this purpose) and involved the review of 1,381 personal clergy files.

59.1. A total of 219 files were referred to the Provincial Safeguarding Panel established to oversee the work. The majority related to incomplete service records, and complaints relating to clergy conduct or personnel issues.

59.2. Five files were identified as having information relating to child protection and safeguarding issues requiring further action. All were referred to the appropriate statutory agencies following discussion with the relevant bishop.⁸²⁸

59.3. One further file related to allegations of child sexual abuse made by the complainant’s mother against a member of the clergy in 1999. At the time of the Historic Cases Review, the alleged perpetrator had retired but held PTO. The allegation was reported to the police but the police took no further action as the complainant and the complainant’s mother did not wish to take matters further. The alleged perpetrator’s

⁸²² ANG000374_019

⁸²³ ANG000535_007-008

⁸²⁴ Davies and Lloyd 5 July 2019 107/25-108/20

⁸²⁵ Davies and Lloyd 5 July 2019 108/7-10

⁸²⁶ ANG000538_004

⁸²⁷ ANG000538_018

⁸²⁸ ANG000538_009-010

PTO was reinstated without any further action taken by the Church in Wales. In preparing for this Inquiry, the Church in Wales reviewed the case again and a letter was discovered from a parishioner to whom the alleged perpetrator had admitted his offending. As a result the case was referred to the police again in 2016. Although no further action was taken by the police, the alleged perpetrator's PTO was removed and has not been reinstated.⁸²⁹

60. The final report (published in April 2011) made 36 recommendations, including:⁸³⁰

- All clergy authorised for ministry should continue to be subject to DBS enhanced checks. References and 'safe to receive' letters should not be the only checks to be relied upon. All necessary checks must take place prior to appointment.
- All DBS checks which return information indicating that the person concerned could pose a risk to children should be referred for consideration by a provincial panel (which is independent of the Bench of Bishops and has at least one person with relevant qualifications and extensive safeguarding experience).
- Children or young people and alleged perpetrators should not be interviewed by Church staff prior to being referred to statutory agencies or during any criminal or child protection process.
- Risk assessments should be required as a matter of course prior to a disciplinary tribunal or during the process if there are any safeguarding concerns in relation to clergy.
- Policies and protocols should be established between the Church in Wales, the police and social services departments on "*the way forward in safeguarding*". This should include advice on communication, ongoing sharing of information, accountability and the avoidance of delays in investigations in reaching conclusions.
- The clergy as a role model, as seen by children and young people, is significant. This should be fully recognised and appreciated by the Church in Wales. Inappropriate and unacceptable conduct should be a professional development issue and, where necessary, subject to disciplinary procedures.
- The Church should be equipped with the necessary professional advice, support and training by the employment of a PSO.

Review of deceased clergy files

61. While preparing for this Inquiry, the Church in Wales decided that the files of members of clergy who had died before the Historic Cases Review should be reviewed.

62. An independent social worker, Mrs Anest Gray Frazer, was engaged to review 150 files. Her report, published in 2016, concluded there was no information that required further investigation by statutory authorities.⁸³¹ This was largely because the record-keeping was so poor that it was difficult to identify problems and how they had been resolved. In the personal files where safeguarding concerns were identified, there was no clear record of the safeguarding allegations and the nature of the concerns, how these were handled, how the information was followed up, the actions taken, the decisions reached or the outcome.

⁸²⁹ ANG000538_010

⁸³⁰ ANG000538_010-011; ANG000368_015-023

⁸³¹ ANG000387

Personal files were inconsistent, both in their structure and the information they contained. There was little information in relation to any safeguarding issues, whether the individual had attended any training, notes of appraisals or supervisions where safeguarding issues were addressed. Some individuals did not even have personal files.

63. Mrs Frazer made the following recommendations:⁸³²

- The Church in Wales should implement a robust process to record and manage all safeguarding concerns to ensure compliance with statutory duties and requirements. If a safeguarding concern is raised, it must be recorded and stored on the personal and personnel file.
- A quality assurance process should be established to ensure adequate recording procedures are in place and adhered to when a safeguarding concern is raised.
- All staff would benefit from training about basic record-keeping and case note recording.
- Safeguarding matters should be included as a standard agenda item and discussed at all staff supervision or annual performance meetings.

Review of personnel files at the Diocese of St Davids

64. In July 2018, Bishop Joanna Penbethy commissioned a review of all personnel files in the Diocese of St Davids to ensure that all safeguarding matters had been handled appropriately.⁸³³ She was concerned about reassurances about the nature and extent of investigation of potential safeguarding matters and the appropriateness of the resultant action.⁸³⁴

65. The review was conducted by Ms Samantha-Jayne Waters (a lawyer employed by Dyfed-Powys Police for many years). She examined the 310 clergy personal files held by the Diocese of St Davids, not those held by the PSOs, and did not speak directly to any individuals.⁸³⁵ Ms Waters did not make recommendations about individual safeguarding cases but made the following recommendations about record-keeping and the clergy personnel files:

- All safeguarding and disciplinary incidents should document the allegation, the process followed and the outcome reached.
- Where a member of clergy transfers and there has been a historical concern, a full understanding should be obtained.
- Where disciplinary matters are “*prima facie*” actionable then appropriate referrals should be made rather than a bargaining with potential retirement.
- A uniform filing system should be introduced which encapsulates the requirements of information that must be held within the personnel files and in accordance with a retention schedule.
- Consideration should be given as to the most effective means of retaining a safeguarding or discipline file system.

⁸³² [ANG000387_019-020](#)

⁸³³ [ANG000378_001](#)

⁸³⁴ [Howe 5 July 2019 161/4-7; ANG000378_002](#)

⁸³⁵ [Howe 5 July 2019 161/11-23](#)

Auditing

66. The Church in Wales does not, presently, have a system of auditing safeguarding actions within provinces, dioceses or parishes. We were told that regular external auditing would be useful, particularly to avoid complacency after the conclusion of this Inquiry.⁸³⁶ The Church in Wales has indicated that it is investigating the commission of an external provider to audit safeguarding policies, procedures and case work on a regular basis.⁸³⁷

Deference

67. In 2012, the Church commissioned an external review of the Church in Wales, with particular focus on its structures and use of resources. The Review Group⁸³⁸ identified “*too much deference and dependence*” in the Church in Wales and that bishops needed to collaborate more.⁸³⁹ The review also found that clergy were leading the initiatives in safeguarding, but that lay people needed “*to take more responsibility and more ownership*” of safeguarding in the Church.

68. In Archbishop Davies’ view, the attitude that “*Father knows best and what Father says goes*” is to be discouraged; it disempowers lay people and fails to recognise their role in the Church’s ministry. However, he conceded that culture very much depended on local circumstances and personalities.⁸⁴⁰ The Church is increasing the profile of safeguarding amongst lay people as well as clergy to combat a common inability to believe that clergy are capable of abuse. This begins in the parish and includes disseminating information about safeguarding practice and safeguarding matters, for example, through parish magazines.⁸⁴¹ The Provincial Safeguarding Panel seeks to ensure lay empowerment and ownership of safeguarding in the Church by providing that only three of the 10 members are to be clergy.⁸⁴²

C.7: Samples of safeguarding casework in the Church in Wales

69. The Inquiry commissioned Mrs Carmi to conduct a desktop audit of the Church’s written records for samples of casework as well as its safeguarding policies.

70. To ensure a representative sample, the Inquiry obtained a full list of all safeguarding casework undertaken by the Church in Wales between April 2017 and April 2018. One case was selected from each diocese for analysis, in order to provide a recent snapshot of various aspects of safeguarding in practice. Mrs Carmi also considered the quality of the Church’s guidance and the extent to which it was followed by dioceses, although she was not able to speak to victims and survivors or those engaged with the safeguarding processes.

71. A summary of key sample cases can be found in Annex 3, together with Mrs Carmi’s report. For ease of reference, the individual cases are identified by initials only. (For example, ‘Wa1’ is used to refer to the first sample case from the Church in Wales.)

⁸³⁶ Howe 5 July 2019 179/8-20

⁸³⁷ ANG000663_003

⁸³⁸ The Review Group included Lord Harries of Pentregarth, the former Bishop of Oxford; Professor Charles Handy, the eminent writer and adviser on business and organisational theory (and son of a Church of Ireland archdeacon); and Professor Patricia Peattie, former Convenor of the Scottish Episcopal Church’s Standing Committee and the first chairwoman of the Lothian University Hospitals NHS Trust.

⁸³⁹ Davies and Lloyd 5 July 2019 27/20-28/24

⁸⁴⁰ Davies and Lloyd 5 July 2019 29/5-12

⁸⁴¹ Davies and Lloyd 5 July 2019 7/10-21

⁸⁴² ANG000538_009

72. Mrs Carmi identified a number of concerns.

72.1. The Church in Wales' safeguarding policy, in Mrs Carmi's view, provided comprehensive guidance and procedures for the Church. It was "*less good at explaining what happens once cases have been referred to the provincial safeguarding officers*". It did not give clear explanations of when and how to undertake internal investigations, risk assessments or put in place safeguarding agreements.⁸⁴³ The Church in Wales has undertaken to review their policies in order to address the concerns raised by Mrs Carmi and an updated policy will be released in summer 2020.⁸⁴⁴

72.2. Mrs Carmi concluded that the documents she reviewed from the provincial safeguarding team were sometimes difficult to understand. It was not always clear what happened and when. There was no case record providing a log of each contact, such as telephone calls and internal discussions. This included the work of the Provincial Safeguarding Panel. It was not always evident what, if any, decisions or recommendations had been made by the panel.⁸⁴⁵ There were no notes of discussions at, for example, panel meetings, to provide a rationale for any decisions. Following the third public hearing, the Church in Wales purchased an electronic case management system.⁸⁴⁶ As a result, in August 2019 the Provincial Safeguarding Panel began formally minuting its discussions and conclusions.⁸⁴⁷

72.3. There was a reluctance to implement suspension in a case examined by Mrs Carmi (known as Wa1).⁸⁴⁸ First, a priest refused to implement the suspension of a lay person with responsibilities in a parish, contrary to the clear advice of the PSO and Provincial Safeguarding Panel. The bishop then did not suspend the priest for failing to follow the guidance of the PSO and Provincial Safeguarding Panel. There was also a reluctance by the diocese to carry out a full investigation into the concerns.⁸⁴⁹ In Mrs Carmi's view, responsibility for suspension should be transferred to PSOs in such cases. Archbishop Davies agreed that it would be appropriate for there to be a direction from safeguarding professionals to the bishop that they must suspend, although there is "*something to be said for the bishop being the person who might ... ultimately suspend*".⁸⁵⁰ The Church in Wales is putting in place alternative routes to suspension in the event that a bishop refuses to implement suspension on professional advice, which is expected to be in force by September 2020.⁸⁵¹

⁸⁴³ [EWM000466_075](#)

⁸⁴⁴ [ANG000663](#); [ANG000664](#)

⁸⁴⁵ [EWM000466_075](#)

⁸⁴⁶ [ANG000664](#)

⁸⁴⁷ [ANG000664](#)

⁸⁴⁸ [EWM000466_060](#)

⁸⁴⁹ [EWM000466_073](#)

⁸⁵⁰ [Davies and Lloyd 5 July 2019 135/5-136/12](#)

⁸⁵¹ [ANG000663_001](#)

Part D

Conclusions and recommendations

Conclusions and recommendations

D.1: Conclusions in respect of the Church of England

1. The Church of England failed to protect some children and young people from sexual predators within their midst. In the past, the system of child protection was under-resourced. Safeguarding personnel were at times ignored and their advice overlooked, in favour of protecting the reputation of clergy and the Church. During the Inquiry's hearings, senior leaders in the Church apologised for its actions, recognising that failings identified by this investigation and other reviews were "*profoundly and deeply shocking*".⁸⁵²
2. Since the publication of the Archbishop's Visitation to the Diocese of Chichester in 2013 much has improved, in terms of governance, training, audit, personnel, policies and procedures. However, there is still more to be done. Senior leaders have demonstrated a determination to make necessary changes to keep children safe but, to be effective, this determination needs to be translated into action throughout the Church of England. There is a lack of challenge in decision-making; there remain areas of insufficient oversight. Engagement with and support for victims and survivors requires improvement.

Engaging with victims and survivors

3. The Social Care Institute for Excellence (SCIE) final overview report, published in July 2019 following an extensive programme of audits, found that the Church of England is yet to regain fully the trust of those who have been abused. It has been slow to find ways to engage effectively with victims and survivors or to learn from their experiences.
4. The Safe Spaces project, which was first proposed six years ago as an online resource and national helpline for survivors in partnership with the Catholic Church, has taken too long to implement.

Safeguarding policies and practices

5. Prior to 2013 (and the publication of the report of the Archbishop's Visitation to the Diocese of Chichester), many of the Church of England's safeguarding policies had significant weaknesses and implementation of those policies was patchy.
6. The review and redraft of the policies by the National Safeguarding Team since 2015 has been comprehensive. For example, the *Parish Safeguarding Handbook* (launched in 2019) and the e-safeguarding manual help to reinforce and simplify the safeguarding message.⁸⁵³

⁸⁵² ACE027710

⁸⁵³ *Parish Safeguarding Handbook*

7. There are still improvements to be made to the development of policies and practice. The comments made by SCIE⁸⁵⁴ and by Mrs Edina Carmi during the course of this investigation, including that the volume of guidance has created some confusion and should be rationalised into one simple and accessible set of procedures, merit consideration by the Church in order to see whether any action should be taken.

The structure of safeguarding in the Church of England

8. The Church of England has struggled to develop a model for effective safeguarding within its organisational structure. The building blocks of the Church are the dioceses. The Church of England has not resolved the need for safeguarding to function at a diocesan level with the requirement for sufficient accountability to and oversight from the National Safeguarding Team to ensure consistency of decision-making.

9. Effective safeguarding is required at parish, diocesan and Church-wide levels. The model suggested by Mr Colin Perkins, the Chichester diocesan safeguarding adviser (DSA), provides a helpful starting point for the Church to consider. In particular, Mr Perkins' suggestion that the DSA should become a diocesan safeguarding officer (DSO). The change in title is significant. It indicates that DSOs should be taking decisions, not only providing advice. It is essential that operational decisions about safeguarding are made by safeguarding professionals.

10. DSOs need sufficient authority to take action, without the approval of the diocesan bishop, in respect of key safeguarding tasks, in particular:

- reporting all safeguarding matters to statutory authorities;
- managing or commissioning lessons learned reviews;
- commissioning investigations;
- commissioning and instructing risk assessments during or following safeguarding investigations;
- ensuring that pastoral support is given to complainants in safeguarding investigations (including during police or Clergy Discipline Measure (CDM) investigations);
- reporting safeguarding-related matters to the National Safeguarding Team; and
- reporting serious incidents to the Charity Commission.

11. The SCIE recommendation for the introduction of a national arrangement for the appointment, management and supervision of DSAs or DSOs would replace the local ownership of DSAs that currently exists and may help to increase their independence by providing a route, outside of the diocese, through which concerns could be raised.

12. The National Safeguarding Team has proposed by the end of 2020 a regional leadership structure with regional safeguarding advisers to provide a point of escalation for disputes and professional supervision for DSAs. They will also monitor and seek to provide consistency between dioceses and to lead work on survivor engagement. Such a proposal may help to provide the level of oversight which was previously lacking.⁸⁵⁵

⁸⁵⁴ ACE026753_043-046

⁸⁵⁵ ACE027811

13. DSOs – not clergy – are best placed to decide which cases to refer to the police or social services, and what action should be taken by the Church to keep children safe. Diocesan bishops have an important role to play, in particular to help congregations and clergy to understand safeguarding and to make it a priority, “*intrinsic to the beliefs*” of the Church of England, but they should not hold operational responsibility for safeguarding.⁸⁵⁶

14. The theological work undertaken by the Faith and Order Commission is valuable in the development of a theology of safeguarding and its spiritual underpinning.

The role of the National Safeguarding Team

15. As the reports of SCIE demonstrate, there are some continuing weaknesses with aspects of the Church’s policies, in particular with the escalation process for raising concerns about how a diocese manages safeguarding.⁸⁵⁷ The policies lack clarity about what needs to be referred to whom and when.⁸⁵⁸ The National Safeguarding Team does not have the power to intervene in a diocese, even where it appears that safeguarding is being inadequately managed or handled prior to any crisis arising. The only legal power currently available is that of an Archbishop’s Visitation. While the CDM can be used against individuals, it does not solve systemic problems with Church organisation. A Visitation is not an appropriate tool to address emerging safeguarding issues at a diocesan level.

16. To be effective, the role of the National Director of Safeguarding requires overall responsibility for managing safeguarding within the Church and providing oversight of those operating at a diocesan level. It is the responsibility of the National Safeguarding Team to ensure that safeguarding policies and practices are of a good standard and are properly implemented within dioceses.

Funding of safeguarding

17. Until 2015 the funding of safeguarding was piecemeal and insufficient. Since then, there has been a significant increase in funding of safeguarding activity at all levels of the Church (parish, diocesan and central) but from a very low base.⁸⁵⁹ There is still a disparity between needs and resources across some dioceses.

18. Every diocesan safeguarding team requires sufficient resources to fulfil its essential functions, having regard to the size and needs of that diocese.

External monitoring

19. The Church’s programme of external audits has provided a valuable source of independent scrutiny of its safeguarding policies and procedures, as well as its practice on the ground. The Church would also benefit from a suitable programme of regular internal progress reviews.

20. When independent reviews of individual cases are commissioned about the most serious safeguarding cases, the process for their commissioning could benefit from liaison with the victim or survivor as well as other relevant parties.

⁸⁵⁶ ACE026753_022

⁸⁵⁷ ACE026753; ACE025256; ACE025220

⁸⁵⁸ ACE026753_048

⁸⁵⁹ ACE027643

Cathedrals

21. Although cathedrals are situated within dioceses, they are independent and are separately governed by the cathedral chapter. 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.

22. The Chichester/Peter Ball Investigation Report dealt with safeguarding concerns which had arisen in respect of cathedrals.⁸⁶⁰ Since the publication of that report, SCIE has commenced a series of audits of the safeguarding arrangements in cathedrals. The preliminary results of those audits indicate continuing problems with the safeguarding governance of the cathedrals audited so far.

23. The Church of England's own cathedrals working group identified that, in comparison to dioceses, cathedrals still had much more to do in respect of safeguarding.⁸⁶¹ The concerns set out in that working group report have led the Church to promote a new Cathedrals Measure⁸⁶² which will amend the governance structure of cathedrals and set out the relationship between a cathedral and a diocese. Cathedrals will become charitable organisations regulated by the Charity Commission, which will be the first time that cathedrals become externally accountable.⁸⁶³

24. The guidance and the cathedrals working group have now made clear that the dean of a cathedral is accountable to the diocesan bishop on safeguarding matters,⁸⁶⁴ and that the diocesan bishop must ensure that there are clear safeguarding arrangements in place. These changes resolve a number of the concerns which we have previously expressed but it remains important that the cathedral safeguarding arrangements are compatible with those of the diocese. It is likely, given the emerging findings from the SCIE cathedrals audits, that cathedrals will require considerably greater resourcing.

25. Where a cathedral has links with choir schools, clarity is required between each cathedral and school to ensure that there are commonly understood policies. There should be no ambiguity about where responsibility for responding to safeguarding concerns lies.

Civil claims

26. Sensitivity and tact are required throughout the management of civil claims relating to child sexual abuse. Those managing claims need to demonstrate an understanding of the psychological effects of child sexual abuse and the potential for additional distress to be caused by the litigation process.

27. Over time, the Ecclesiastical Insurance Office (EIO) has developed its understanding of handling civil claims about child sexual abuse. It has acknowledged that it has improved its practices and procedures in the light of what it calls "*sometimes bitter experience*".⁸⁶⁵ The EIO's Guiding Principles for managing claims of child sexual abuse are constructive. The Guiding Principles should also be used by the Church as a starting point in assessing uninsured cases.

⁸⁶⁰ *Anglican Church Case Studies: Chichester/Peter Ball Investigation Report B.2 and Part D.*

⁸⁶¹ ACE026362

⁸⁶² ACE027746

⁸⁶³ ACE027555_013

⁸⁶⁴ ACE026157_031-032; ACE025247_010_021

⁸⁶⁵ EIO000154

28. However, the Guiding Principles are only effective if they are followed and if they are reflected in the advice provided to the Church of England. The case of AN-A4 showed the Church of England being provided with unclear advice, the result of which was that pastoral support was withdrawn from a highly vulnerable individual at a time of need. This is not acceptable. It is disappointing that the EIO was unable to recognise or accept its failings in that case upon the publication of the Elliott review. This was compounded by its failure to provide evidence to this Inquiry in a candid manner, requiring us to recall a witness to explain why the information previously given to us was incomplete.⁸⁶⁶

29. While the Church is not directly responsible for the management of an insured claim, in which its insurer acts on its behalf, the Church retains responsibility for providing pastoral support to complainants, victims and survivors.⁸⁶⁷ What many victims and survivors want is a genuine and meaningful apology. The EIO has made plain that it does not apologise on the Church's behalf and does not prevent the Church from doing so. It is a matter for the Church as to how such apologies should be made and who would be the appropriate person to do this.

Recruitment, training and professional development

Recruitment and training of clergy

30. As set out in the Chichester/Peter Ball Investigation Report, there are examples of clergy being ordained despite a history of child sexual offences and examples of clergy who were unable or unwilling to properly fulfil their safeguarding responsibilities.

31. Whilst the Church has reviewed and developed its approach to recruiting and training clergy, it accepts that even now the criteria against which candidates' suitability for ordination are judged do not specifically include safeguarding. The Church says that it is addressing this through the ongoing work of the Future Clergy Review.

32. Attitudes to safeguarding ought to be an important element of the selection and training of clergy.

33. Psychological assessment of candidates is a valuable mechanism for use in the selection of clergy for ordination. Nevertheless, the Church has yet to make a decision about how it is going to make use of psychological assessment within its recruitment process, and how it will ensure that this is used consistently.

Disclosure and Barring Service checks

34. In all three hearings for this investigation we heard concerns, including from DSAs and the national safeguarding adviser, about the difficulty in identifying who is eligible for an enhanced criminal record (Disclosure and Barring Service or DBS) check. This arises because the current definition of 'regulated activity' within the statutory guidance is unclear and narrow. It focuses exclusively on the time spent with an individual, rather than the nature of the relationship that individual may have with a child.

35. The definition does not transfer easily to a religious organisation like the Church of England or the Church in Wales.

⁸⁶⁶ Bonehill and Titchener 12 July 2019_001-030

⁸⁶⁷ EIO000147_001

36. A DBS check is one part of the process of safer recruitment. It is a valuable tool, particularly to identify those who may not have been convicted of offences but whose behaviour may have placed them on the barred list for children or vulnerable adults.

Ministerial development for ordained clergy

37. The current bi-annual reviews of clergy ministerial development do not assess or monitor the performance or understanding of their safeguarding functions. Considering safeguarding in these reviews would be a logical continuation of its inclusion in the consideration of a candidate's suitability for ordination.

38. The current capability procedures do not effectively deal with performance concerns about safeguarding. The responsibilities of members of clergy can be difficult to fulfil. As can be seen from some of the sampling cases, they have to make difficult decisions or investigate with only limited assistance. Ordained clergy lack a system of assistance, support and performance management.

Clergy Discipline Measure

39. The Clergy Discipline Measure (CDM) is a complex process that takes too long to reach a conclusion in relation to safeguarding matters.

40. A 12-month limit for bringing a complaint continues to apply to allegations that a member of clergy has failed to have "*due regard*" to safeguarding policies in their response to a disclosure of abuse or management of a safeguarding matter. This is not appropriate. Victims and survivors often find it difficult to report abuse until some time after the event. As a result, safeguarding failures are equally likely to come to light outside of the 12-month limit.

41. In addition, we have seen from our sampling exercise that some bishops are still reluctant to start proceedings against those who have failed in their safeguarding duties. It is possible that the proposals endorsed above for enhancing the powers of the DSO and the National Safeguarding Team may, in part, address such concerns.

42. The CDM needs to be reviewed in respect of how it manages allegations of child sexual abuse by clergy and how it treats complaints about a failure to have "*due regard*" to safeguarding guidance in responding to allegations of abuse. The most significant flaws are:

- The initial investigation of complaints which concern safeguarding that would merit 'rebuke' (a warning) or more serious disciplinary action is not independent of the diocese.
- There are no alternative processes, similar to capability reviews, through which concerns that someone is struggling to manage safeguarding issues effectively could be dealt with outside of the CDM.
- There is no suitable pastoral support, guidance and counselling available for victims and survivors if they have to engage in the CDM process as complainants or witnesses.
- Case management does not effectively ensure that CDM cases, particularly those involving safeguarding, are dealt with expeditiously.
- Individuals carrying out fact-finding investigations, which involve taking evidence from complainants, victims and survivors, do not have specialist training in interviewing complainants.

43. The penalty of deposition from holy orders (through which clergy are stripped of their clerical title) retains symbolic importance, particularly to victims and survivors. It is not available in the Church of England for those convicted of or disciplined for child sexual abuse.

Seal of the confessional

44. The Archbishop of Canterbury and Archbishop of York both advocated a Church of England internal policy of mandatory reporting. We heard powerful evidence from an eminent canon lawyer, who is also a survivor of sexual abuse, and from others, that the seal of the confessional should be removed in cases of child sexual offending. Whilst there has been considerable discussion of this topic within the Church of England, it cannot agree internally. This was well-illustrated by the failure of the seal of the confessional working party to make any conclusions or recommendations on its subject matter.

45. This issue is one of significance in other Inquiry investigations. We will consider the evidence and return to it in the Inquiry's final report.

D.2: Conclusions in respect of the Church in Wales

46. The Church in Wales has a centralised safeguarding structure with provincial safeguarding officers responsible for safeguarding in dioceses throughout the Church in Wales. The provincial safeguarding officers are spread too thinly. There are not enough provincial safeguarding officers to meet the demands of the role. Greater resources, both in funding and personnel, are required.

47. The Church in Wales recognises that its policies and procedures require review and reform in the light of changing circumstances.

48. There were examples of good practice in individual cases. Reverend Christopher Watkins dealt very effectively with a safeguarding case by responding quickly, taking decisive action and putting the welfare of the child at the heart of his decision-making (see Annex 3).

49. The Church in Wales has not, to date, had a programme of external auditing. As a result, it has not benefited from independent scrutiny of its safeguarding policies and procedures.

50. A significant problem for the Church in Wales is record-keeping. The sampling exercise demonstrated both poor record-keeping and an absence of records. This is consistent with other internal reviews of the Church in Wales. There should be clear policies in place on record-keeping. In addition, safeguarding staff need to have access to the relevant personnel files.

51. The Church in Wales has struggled to identify what action it should take where statutory authorities determine that no action is required by the police or local authority. In such cases, the Church in Wales requires a clear process for carrying out an investigation and fact-finding to determine whether disciplinary action is required and to inform a risk assessment.

52. There has been no clarity or consistency in how agreements enabling offenders to worship in the Church in Wales are organised and managed. The Church in Wales is producing written procedural guidelines concerning the establishment, monitoring and review of offender management safeguarding agreements.

53. The system of discipline in the Church in Wales has some strengths. In particular, the Church in Wales has an independent safeguarding body which reviews all complaints and decisions about whether complaints go to the Clergy Discipline Tribunal. This body is not tied to a diocese. Having a disciplinary tribunal process which is wholly separate to the dioceses has provided a measure of independence and impartiality. However, currently the Church cannot discipline clergy or other church officers if they fail to follow professional advice from provincial safeguarding officers or recommendations from the safeguarding panel.

54. It should be for provincial safeguarding officers and not for clergy to decide which cases should be referred to the police or social services, and what action should be taken to keep children safe.

55. The Archbishop of Wales admitted that there is no effective monitoring of the ministry of Church in Wales chaplains operating in external organisations, even though they are licensed by the Church.

56. The Church in Wales is clear that persons convicted of child sexual offences cannot hold trustee positions but does not have a clear stated policy in relation to appointing other members of its Governing Body.

57. There has been very little systematic provision by the Church in Wales for victims and survivors of child sexual abuse. There has been no systematic access to counselling, therapy and other forms of help.

58. Information-sharing about matters relevant to safeguarding between the Church of England and the Church in Wales is piecemeal and lacking any formality. The Church in Wales and the statutory authorities have no formal information-sharing protocol with the police forces and social services departments in Wales.

D.3: Matters to be explored further by the Inquiry

59. The Inquiry will return to a number of issues which emerged during this investigation. These include:

- the seal of the confessional;
- mandatory reporting; and
- the disclosure and barring regime, and how it applies to volunteers and to religious organisations.

We anticipate these issues will be addressed in our final report.

D.4: Recommendations

The Chair and Panel make the following recommendations, which arise directly from this investigation.

The institutions named below should publish their response to these recommendations, including the timetable involved, within six months of the publication of this report.

Recommendations relating to the Church of England

Recommendation 1: The structure of safeguarding in the Church of England

The Church of England should create the role of a diocesan safeguarding officer to replace the diocesan safeguarding adviser. Diocesan safeguarding officers should have the authority to make decisions independently of the diocesan bishop in respect of key safeguarding tasks, including:

- i) escalating incidents to the National Safeguarding Team, statutory authorities and the Charity Commission;
- ii) advising on the suspension of clergy in safeguarding matters;
- iii) investigating and/or commissioning investigations into safeguarding incidents;
- iv) risk assessments and associated plans for church officers and members of the congregation; and
- v) supporting complainants in safeguarding-related issues.

Diocesan safeguarding officers should be employed locally, by the Diocese Board of Finance. The diocesan safeguarding officer's work should be professionally supervised and quality assured by the National Safeguarding Team. The National Safeguarding Team should set the broad requirements for anyone applying to be a diocesan safeguarding officer (adapting as required the existing requirements in respect of diocesan safeguarding advisers).

It should be enshrined in policy that those who are volunteers and who do not follow the directions of diocesan safeguarding officers should be removed from responsibility of working with children.

Recommendation 2: Revising clergy discipline

The Church of England should make changes and improvements to the way in which it responds to safeguarding complaints (whether related to allegations of abuse, or a failure to comply with or respond to the Church's safeguarding policies and procedures) to:

- disapply the 12-month time-limit for all complaints with a safeguarding element brought under the Clergy Discipline Measure;
- reintroduce the power to depose from holy orders where a member of the clergy is found guilty of child sexual abuse offences;
- introduce a mandatory 'code of practice' to improve the way that safeguarding issues are handled across the Clergy Discipline Measure and capability procedures, including a framework for responding to issues that do not amount to misconduct;
- make clear that penalty by consent must never be used in relation to such complaints;

- ensure confidentiality agreements are not put in place in relation to such complaints; and
- ensure that those handling such complaints are adequately and regularly trained.

Recommendations relating to the Church in Wales

Recommendation 3: The structure of safeguarding in the Church in Wales

The Church of Wales should make clear that the operational advice of provincial safeguarding officers must be followed by all members of the clergy and other Church officers.

It should be enshrined in policy that those who are volunteers and who do not follow the directions of provincial safeguarding officers should be removed from working with children.

Recommendation 4: Record-keeping in the Church in Wales

The Church in Wales should introduce record-keeping policies relating to safeguarding, complaints and whistleblowing. These should be implemented consistently across dioceses. The Church should develop policies and training on the information that must be recorded in files.

The Church should provide its provincial safeguarding officers with the right to see personnel files of clergy, office holders, employees or others if concerns and complaints are raised about child protection or safeguarding.

Recommendations relating to both Churches

Recommendation 5: Information-sharing between the Church of England and the Church in Wales

The Church of England and the Church in Wales should agree and implement a formal information-sharing protocol. This should include the sharing of information about clergy who move between the two Churches.

Recommendation 6: Information-sharing between the Church of England, Church in Wales and statutory partners

The Church of England, the Church in Wales and statutory partners should ensure that information-sharing protocols are in place at a local level between dioceses and statutory partners.

Recommendation 7: Support for victims and survivors

The Church of England and the Church in Wales should each introduce a Church-wide policy on the funding and provision of support to victims and survivors of child sexual abuse concerning clergy, Church officers or those with some connection to the Church. The policy should clearly set out the circumstances in which different types of support, including counselling, should be offered. It should make clear that support should always be offered as quickly as possible, taking into account the needs of the victim over time.

The policy should take account of the views of victims and survivors. It should be mandatory for the policy to be implemented across all dioceses.

Recommendation 8: Auditing

The Church in Wales should introduce independent external auditing of its safeguarding policies and procedures, as well as the effectiveness of safeguarding practice in dioceses, cathedrals and other Church organisations. Audits should be conducted regularly and reports should be published.

The Church of England should continue independent external auditing of its safeguarding policies and procedures, as well as the effectiveness of safeguarding practice in dioceses, cathedrals and other Church organisations. Audits should continue to be conducted regularly and reports should continue to be published.

Annexes

Annex 1

Overview of process and evidence obtained by the Inquiry

1. Definition of scope

The Anglican Church investigation (including case studies into the Diocese of Chichester and the response to allegations against Peter Ball) examines the extent of any institutional failures to protect children from sexual abuse within the Anglican Church.

The scope of this investigation is as follows:

“1. The Inquiry will investigate the nature and extent of, and institutional responses to, child sexual abuse within the Church of England, the Church in Wales and other Anglican churches operating in England and Wales (collectively referred to here as ‘the Anglican Church’). The inquiry will incorporate case specific investigations and a review of information available from published and unpublished reports and reviews, court cases, and previous investigations in relation to child sexual abuse by those associated with the Anglican Church.

2. In doing so, the Inquiry will consider the experiences of victims and survivors of child sexual abuse within the Anglican Church, and investigate:

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. 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.

4. The Inquiry will consider the extent to which any failings identified in relation to the Diocese of Chichester and Peter Ball are representative of wider failings within the Church of England and/or the Anglican Church in general.

5. In light of the investigations 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.”⁸⁶⁸

2. Core participants and legal representatives in the Anglican Church investigation

Counsel to this investigation:

Fiona Scolding QC

Nikita McNeill

Lara McCaffrey

Anna Bicarregui

Olinga Tahzib

Ben Fullbrook

⁸⁶⁸ Definition of scope: <https://www.iicsa.org.uk/investigations/investigation-into-failings-by-the-anglican-church?tab=scope>

Complainant core participants:

AN-A7, AN-A8, AN-A9, AN-A10, AN-A11, AN-A13, AN-A14, AN-A15, AN-A16, AN-A17, AN-A18, AN-A19, AN-A20, AN-A21, AN-A87, AN-A88, AN-A89, AN-A90, AN-A114	
Counsel	Iain O'Donnell
Solicitor	Richard Scorer (Slater and Gordon Lawyers)
Mr Philip Johnson, Professor Julie MacFarlane, Reverend Graham Sawyer, Reverend Matthew Ineson, AN A1, AN A2, AN A4, AN A5, AN A19, AN A117	
Counsel	William Chapman
Solicitor	David Greenwood (Switalskis Solicitors)

Institutional core participants:

Archbishops' Council for England	
Counsel	Nigel Giffin QC, Madeleine Reardon and Tim Johnstone
Solicitor	Peter Frost, Nusrat Zar and James Wood (Herbert Smith Freehills LLP)
Church in Wales	
Counsel	Mark Powell QC
Solicitor	Matthew Chinery (In-house Head of Legal Services) and Lynette Chandler (Consultant Solicitor)
Ecclesiastical Insurance Office	
Counsel	Rory Phillips QC
Solicitor	Angharad Hurlle (Eversheds Sutherland LLP)
Secretary of State for Education	
Counsel	Cathy McGahey QC, Emily Wilsden.
Solicitor	William Barclay (Government Legal Department)
National Police Chiefs' Council	
Counsel	James Berry
Solicitor	Matthew Greene (East Midlands Police Legal Services)
Gloucestershire Constabulary	
Counsel	Gerry Boyle QC, Aaron Rathmell
Solicitor	Michael Griffiths (Gloucestershire Constabulary)
Sussex Police	
Counsel	Ashley Underwood QC, Judi Kemish
Solicitor	Gareth Jones (East Sussex County Council)
Northamptonshire Police	
Counsel	Samantha Leek QC
Solicitor	Craig Sutherland (East Midlands Police Legal Services)

Crown Prosecution Service	
Counsel	Edward Brown QC
Solicitor	Laura Tams (In-house Head of Legal Services)
Minister and Clergy Sexual Abuse Survivors	
Counsel	William Chapman
Solicitor	David Greenwood (Switalskis Solicitors)

Individual core participants:

AN A3 (unrepresented)	
Baron Carey of Clifton, Bishop John Hind and Mrs Janet Hind	
Counsel	Charles Bourne QC
Solicitor	Susan Kelly (Winckworth Sherwood LLP)
Peter Ball	
Counsel	Richard Smith QC, Sam Jones
Solicitor	James Mumford (Amicus Law)

3. Evidence received by the Inquiry

Number of witness statements obtained:
Statements were sought from 138 different individuals for the Chichester and Peter Ball case studies, with multiple statements from some witnesses.
Statements were sought from a further 79 individuals for the third public hearing, with multiple statements from some witnesses.
Organisations and individuals to which requests for documentation or witness statements were sent for the case studies:
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, Gloucestershire Constabulary
Alice Renton, 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
Annie Maclver, Director of Children's Services, 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, 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 Advisor
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 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 (commissioned by the Church) and the sampling exercise report on behalf of IICSA (see Annex 3)
Edmund Hick, former Detective Sergeant, Sussex Police
Lady Elizabeth Butler-Sloss, retired Lady Justice of Appeal and author of report into the Chichester Diocese
Elizabeth Hall, former National Safeguarding Advisor
Fiona Gardner, Safeguarding Adviser for the Diocese of Bath and Wells
Frank Sergeant, Bishop at Lambeth and Chief of Staff to the Archbishop of Canterbury
Gemma Marks-Good (nee Wordsworth), Independent Sexual and Domestic Violence Advisor
George Carey, Lord Carey of Clifton, former Archbishop of Canterbury
Graham James, Bishop of Norwich and former suffragan Bishop of St Germans
Graham Sawyer, Reverend and complainant witness
Graham Tilby, National Safeguarding Adviser to the Church of England
Gregor McGill, Director of Legal Services for the Crown Prosecution Service
Hannah Foster, Director of Human Resources at the Church of England
Harvey Grenville, Head of Investigations and Enforcement at the Charity Commission
Helen Humphrey, Ofsted
Hugh Ellis, Reverend and former Team Rector, Langport Area Ministry Team, Diocese of Bath and Wells
Ian Beer, former headmaster of Lancing College
Ian Gibson, former Episcopal Vicar for Ministry and Senior Chaplain to Bishop John Hind
Ian Johnson, Reverend and team rector of Southampton City Centre, Diocese of Winchester
Ian Sandbrook, author of report into the Chichester Diocese
James Woodhouse, former headmaster of Rugby School and Lancing College
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

John Titchener, Group Compliance Director, Ecclesiastical Insurance Office
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
Kate Dixon, Director of School Quality and Safeguarding Group, Department for Education
Kate Richards, Independent Schools Inspectorate
Kate Wood, Independent Safeguarding Consultant at Lambeth Palace and former acting Safeguarding Consultant with the Diocese of Chichester
Keith Akerman, Chair of Diocesan Safeguarding Advisory Group
Laurence Taylor, Assistant Chief Constable, Sussex Police
Lesley Perry, Reverend and former Press Secretary for the Archbishop of Canterbury
Lindsay Urwin, former Area Bishop of Horsham
Malcolm Dodd, former Chichester Diocesan Youth Officer
Mark Sowerby, suffragan Bishop of Horsham
Martin Warner, Bishop of Chichester
Mary Briggs, Chair of Governors at St Mary's Special School
Michael Angell, Church Operations Director at the Ecclesiastical Insurance Office
Michael Ball, former Bishop of Truro
Michael and Christine Moss, former employees of the Bishop of Gloucester
Moira Gibb, Dame, author of the review into the Church of England's handling of the case of Peter Ball (commissioned by the Church of England)
Nicholas Reade, former Bishop of Blackburn
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 Advisor 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 on Safeguarding until February 2020
Peter Price, former Bishop of Bath and Wells
Philip Johnson, complainant witness
Philip Jones, former Archdeacon of Lewes & 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, Lord Williams of Oystermouth and former Archbishop of Canterbury
Rupert Bursell QC, Canon, 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 Advisor for Chichester
Simon Drew, former Senior Crown Prosecutor, South East Complex Casework Unit
Sir Roger Singleton, Safeguarding Consultant and Interim National Director of Safeguarding for the Church of England
Stephen Cullen, Assistant Chief Constable, Avon and Somerset Police
Stephen Eldridge, Reverend and Chaplain to Bishop Peter Ball, Diocese of Gloucester
Stephen Lynas, Prebendary and former Senior Chaplain and Adviser to the Bishops of Bath and Wells and Taunton, Diocese of Bath and Wells
Stephen Porter, Detective Chief Superintendent, Gloucestershire Constabulary
Stephen Slack, Head of the Legal Office at the Church of England
Stephen Waine, Dean and Chair of Governors at The Prebendal School
Stuart Gallimore, Director of Children's Services, East Sussex County Council
The family of Neil Todd
Tim Carter, Connexional Safeguarding Advisor for the Methodist Church
Tim Thompson, former Senior District Crown Prosecutor
Timothy Royle, Member of the General Synod of the Church of England
Wallace Benn, former suffragan Bishop of Lewes
Wayne Murdock, former Detective Inspector, Gloucestershire Constabulary
William Nye, Secretary General of the Archbishops' Council and General Synod
Organisations and individuals to which requests for documentation or witness statements were sent for the third public hearing:
AN-A4, complainant witness
AN-A18, complainant witness
AN-A20, complainant witness
AN-A21, complainant witness
AN-A88, complainant witness
AN-A89, complainant witness
AN-A90, complainant witness
Adele Downey, Disclosure and Barring Service
Adrian Iles, Barrister employed by Legal Office of the Church of England
Alan Wilson, suffragan Bishop of Buckingham
Alastair Oatey, Chief Operating Officer of the Cambridge Theological Foundation

Albert Heaney, Director of Social Services and Integration, Welsh Government
Alexander Carlile, Lord Carlile of Berriew CBE QC, author of The Carlile Review
Almudena Lara, Head of Policy and Public Affairs, NSPCC
Christine Hardman, Bishop of Newcastle
Colin Perkins, Diocesan Safeguarding Adviser for the Diocese of Chichester
David Bonehill, UK Claims Director for the Ecclesiastical Insurance Office
Elaine Chegwin Hall, Reverend Canon of the Parish of St George and St Gabriel's, Stockport
Elaine Cloke, Provincial Safeguarding Officer in the Church in Wales
Fay Howe, Provincial Safeguarding Officer in the Church in Wales
Glenys Armstrong, Diocesan Safeguarding Adviser for the Diocese of Bath and Wells
Graham Tilby, National Safeguarding Adviser to the Church of England
Gregor McGill, Director of Legal Services for the Crown Prosecution Service
Harvey Grenville, Head of Investigations and Enforcement at the Charity Commission
Ian Elliott, independent safeguarding consultant and author of the Elliott Review
Jackie Croft, Wells Cathedral Administration and Chapter Clerk
Jo Kind, MACSAS (Minister and Clergy Sexual Abuse Survivors)
John Davies, Archbishop of Wales
John Sentamu, Archbishop of York
Justin Humphreys, Chief Executive Officer (Safeguarding) at Thirtyone:eight
Justin Welby, Archbishop of Canterbury
Kate Dixon, Director of School Quality and Safeguarding Group, Department for Education
Mark Sowerby, suffragan Bishop of Horsham
Mark Tanner, Bishop of Berwick and former Warden of Cranmer Hall
Matthew Ineson, Reverend, complainant witness
Meg Munn, independent Chair of National Safeguarding Panel for the Church of England
Michael Angell, Church Operations Director at the Ecclesiastical Insurance Office
Mike Higton, Professor of Theology and Ministry, Durham University
Peter Forster, former Bishop of Chester
Peter Hancock, Bishop of Bath and Wells and Lead Bishop on Safeguarding until February 2020
Peter Lee, former Rector of Christleton, Chester
Rachael Hall, Ecclesiastical Insurance Office
Richard Fewkes, Detective Superintendent and National Coordinator of Operation Hydrant
Rick Hatton, Detective Superintendent, Lincolnshire Police
Rosemary Lain-Priestley, Adviser to the Diocesan Bishop in the Diocese of London
Rowan Williams, Lord Williams of Oystermouth, former Archbishop of Canterbury
Rupert Bursell QC, Canon, Diocesan Chancellor and Vicar General of the Diocese of Durham and Commissary for the Archepiscopal Visitation of the Diocese of Chichester

Sally Cahill QC, Circuit Judge
Sally Holland, Professor, Children's Commissioner for Wales
Samantha Waters, solicitor, Taylor Law Associates
Sarah Mullally, Bishop of London
Sheila Fish, Head of Learning Together, Social Care Institute for Excellence (SCIE)
Simon Lloyd, Provincial Secretary in the Church in Wales, the Lay Secretary to the Governing Body of the Church in Wales and the Archbishop of Wales' Registrar
Sir Philip John Courtney Mawer, Chairman of Allchurches Trust (ALT)
Sir Roger Singleton, safeguarding consultant and Interim National Director of Safeguarding for the Church of England
Stephen Lake, Dean of Gloucester
Stephen Slack, Head of the Legal Office at the Church of England
Susan Young, Director of the Public Protection Directorate, Crime Policing and Fire Group at the Home Office
Sampling exercise witnesses:
AN-X1, parish priest, Diocese of London
AN-X2, non-stipendiary priest, Diocese of London
AN-X3, parish priest
AN-X4, team rector, Diocese of Worcester
AN-X5, Parish Safeguarding Officer, Diocese of Sheffield
AN-X6, parish priest, Diocese of York
AN-X7, team rector, Diocese of York
AN-X8, parish priest, Diocese of St Asaph
Allan Flexman, Safeguarding Officer, East Radnor Ministry Area
Annette Gordon, Safeguarding Adviser, Diocese of London
Becci Leckenby, DBS administrator for the Diocese of York
Christopher Watkins, Reverend, Diocese of Monmouth
Delia Stokes, Assistant Diocesan Safeguarding Adviser, Diocese of Worcester
Hilary Higton, Diocesan Safeguarding Adviser, Diocese of Worcester
Julie O'Hara, Diocesan Safeguarding Adviser, Diocese of York
Linda Langthorne, Diocesan Safeguarding Adviser, Diocese of Sheffield
Margaret McMahon, Diocesan Safeguarding Adviser, Diocese of London
Paul Ferguson, Bishop of Whitby
Roger Hughes, former Archdeacon, Diocese of St Davids
Wendy Lemon, Provincial Safeguarding Officer in the Church in Wales

4. Disclosure of documents

Total number of pages disclosed: 88,876 (73,179 pages in the case studies and a further 15,697 pages for the third public hearing)

5. 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
6	15 January 2019
Public hearings	
Chichester case study	5–23 March 2018
Peter Ball case study	23–27 July 2018
Third public hearing	1–12 July 2019

6. List of witnesses

Chichester case study hearing

Surname	Forename	Title	Called or read	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

Surname	Forename	Title	Called or read	Hearing date
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			Read	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	Mrs	Called	20 March 2018
Atkinson	Peter	Dean	Called	20 March 2018
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
Maclver	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	Detective Inspector	Called	25 July 2018
Renton	Alice	Lady	Read	25 July 2018
Hunt	Rosalind	Reverend Doctor	Called	25 July 2018
Hughes	Carwyn	Detective Superintendent	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
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

Third public hearing

Surname	Forename	Title	Called, read or adduced	Hearing day
Elliott	Ian	Mr	Called	2 July 2019
Bonehill	David	Mr	Called	2 July 2019
Wilson	Alan	Bishop	Called	2 July 2019
Singleton	Roger	Sir	Called	2 July 2019
AN-A88			Called	3 July 2019
Forster	Peter	Bishop Dr	Called	3 July 2019
Fish	Sheila	Dr	Called	3 July 2019
Tanner	Mark	Bishop	Called	3 July 2019
Humphreys	Justin	Mr	Called	3 July 2019
Bursell QC	Rupert	Canon Dr	Called	4 July 2019
Sowerby	Mark	Bishop	Called	4 July 2019
Oatey	Alastair	Mr	Called	4 July 2019

Surname	Forename	Title	Called, read or adduced	Hearing day
Lain-Priestley	Rosemary	Archdeacon	Called	4 July 2019
Davies	John	Archbishop	Called	5 July 2019
Lloyd	Simon	Mr	Called	5 July 2019
Howe	Fay	Ms	Called	5 July 2019
Watkins	Christopher	Reverend	Called	5 July 2019
AN-X2			Called	8 July 2019
Carmi	Edina	Mrs	Called	8 July 2019
McMahon	Margaret	Mrs	Called	8 July 2019
AN-X3			Called	9 July 2019
O'Hara	Julie	Ms	Called	9 July 2019
AN-X7			Called	9 July 2019
Munn	Margaret	Ms	Called	9 July 2019
Ineson	Matthew	Reverend	Called	10 July 2019
Iles	Adrian	Mr	Called	10 July 2019
Sentamu	John	Archbishop	Called	10 July 2019
Tilby	Graham	Mr	Called	11 July 2019
Hancock	Peter	Bishop	Called	11 July 2019
Welby	Justin	Archbishop	Called	11 July 2019
Titchener	John	Mr	Called	12 July 2019
Mullay	Sarah	Bishop	Adduced	1 July 2019
Angell	Michael	Mr	Adduced	4 July 2019
Carlile QC	Alexander	Lord	Adduced	4 July 2019
Fewkes	Richard	Mr	Adduced	4 July 2019
Perkins	Colin	Mr	Adduced	4 July 2019
Kind	Jo	Mrs	Adduced	4 July 2019
Young	Susan	Ms	Adduced	4 July 2019
Higton	Mike	Professor	Adduced	4 July 2019
Holland	Sally	Professor	Adduced	4 July 2019
Waters	Samantha	Ms	Adduced	4 July 2019
Heaney	Albert	Mr	Adduced	4 July 2019
Slack	Steven	Mr	Adduced	9 July 2019
Lake	Stephen	Very Reverend	Adduced	9 July 2019
Hardman	Christine	Bishop	Adduced	9 July 2019

7. 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 core participants’). 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 core participant. The order meant that any complainant core participant within this investigation was granted anonymity, unless they did not wish to remain anonymous.⁸⁶⁹

On 13 June 2019, the Chair issued a restriction order under section 19 of the Inquiries Act 2005 granting anonymity to the witnesses known as AN-X1 to AN-X8. The order covered the identities of eight witnesses who provided statements in connection with the sampling exercise. The order prohibited the publication and disclosure of their names or information capable of identifying them.⁸⁷⁰

On 1 July 2019, the Chair issued a restriction order under section 19 of the Inquiries Act 2005 to prohibit the disclosure or publication of the name of any individual whose identity has been redacted or ciphered by the Inquiry, and any information redacted as irrelevant and sensitive, in connection with this investigation and referred to during the course of evidence adduced during the Inquiry’s proceedings.⁸⁷¹

8. Broadcasting

The Chair directed that the proceedings would be broadcast, as has occurred in respect of public hearings in other investigations.

9. Redactions and ciphering

The material obtained for this phase of the investigation was redacted and, where appropriate, ciphers applied, in accordance with the Inquiry’s Protocol on the Redaction of Documents (the Protocol).⁸⁷² 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

⁸⁶⁹ <https://www.iicsa.org.uk/key-documents/791/view/restriction-order-complainant-core-participants-23-march-2018-1.pdf>

⁸⁷⁰ <https://www.iicsa.org.uk/key-documents/12059/view/2019-06-13-restriction-order-re-sampling-evidence-wider-anglican-church-hearing.pdf>

⁸⁷¹ <https://www.iicsa.org.uk/key-documents/12195/view/2019-07-01-restriction-order-anglican-church-investigation-wider-church.pdf>

⁸⁷² <https://www.iicsa.org.uk/key-documents/322/view/2018-07-25-inquiry-protocol-redaction-documents-version-3.pdf>

(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.

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 who 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 investigation.

10. 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

Glossary

This is not an exhaustive guide to all terminology used by the Church of England and the Church in Wales. It is intended to assist readers to understand some of the terminology used in this report or underlying documents.

Advisory Council on Relations of Bishops and Religious Communities	A Church of England body which advises diocesan bishops and religious communities on all matters related to the religious life. It is able to register two types of religious community on behalf of the House of Bishops: 'recognised' and 'acknowledged' communities. Religious communities are expected to follow the guidance set out in <i>A Handbook of the Religious Life</i> , published in 2004. The Council is currently chaired by the Bishop of Manchester, the Right Reverend David Walker.
Anglican	A member of the Church of England or the Church in Wales or other Anglican Church.
Anglican Communion	Global family of Anglican Churches. The Archbishop of Canterbury is the first amongst equals and is the spiritual leader of all Anglican Churches.
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	A National Church Institution which provides the lead on leadership and strategy of the Church of England. Works with parishes, dioceses, and national and international bodies. Distributes the money obtained by the Church Commissioners from the management of assets to dioceses.
Archbishops' List (England)	Records of clergy who have been the subject of disciplinary action or who have acted in a manner incompatible with their office. (Sometimes known as the Lambeth List or Bishopthorpe List.)
Archdeacon	Senior member of the clergy chosen by a diocesan bishop to be responsible for a geographic area of a diocese. They share the pastoral care of the clergy and do much 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 (England)	Full-time assistant bishop in an English diocese, who takes their title from a place in the diocese. Responsible for a particular geographic area of a diocese. May 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 (ie that the area bishop is in fact in charge of things such as appointments within their area).
Bench of Bishops (Wales)	The six diocesan bishops of Wales.

Benefice	A parish or group of parishes served by one incumbent, ie 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, both lay and clerical, work there to support the Archbishop.
Canon law (England)	Body of English law designed to regulate the Church 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.
Canon law (Wales)	The Church in Wales governs itself and has its own laws and measures which are passed by the Governing Body. They are not enshrined in civil law, however, as the Church in Wales is not established.
Canons	<p>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 in England are not applicable in Wales and vice versa.</p> <p>Canon is the title given to a cleric who is a member of a cathedral. Some canons have specific roles within the life of the cathedral and are known as residentiary canons. Canon is also an honorary title, conferred upon clergy or lay persons by the diocesan bishop, in recognition of their service to the diocese.</p>
Cathedral	<p>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).</p> <p>Cathedrals operate separately from dioceses. While an English or a Welsh diocesan bishop has the power to undertake a visitation (which enables diocesan bishops to make recommendations to the dean and chapter), cathedrals are largely autonomous in respect of their governance and management. They also have separate charitable status to dioceses.</p> <p>In England, cathedrals are currently exempt from charity registration (although this is to change). In Wales, cathedrals must register as a charity if they have an income over a certain threshold.</p>
Chancellor (of a diocese)	Heads the 'consistory court' (England) or diocesan court (Wales) (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. They require 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 relevant institution and are subject to their rules and not those of the diocese.
Chapter	A group of clergy, including the dean and residentiary canons who administer a cathedral.
Charity Commission	Public body responsible for supervision and monitoring of those appointed to run registered charities (known as trustees). May take steps to dismiss individuals as trustees of charities if they act contrary to their duties.

Church Commissioners (England)	Body made up of clergy, MPs and lay members, and a registered charity separate from dioceses etc. Manages the historic property assets of the Church and is responsible for funding in churches, dioceses and cathedrals, organising and assisting with mergers of parishes, paying clergy and managing records.
Church of England Central Services (England)	Provides IT, HR and legal advice to the National Church Institutions and to dioceses, where needed.
Churchwarden	A lay person elected by members of the parish who, once elected, becomes an officer of the diocese. Represents parishioners and works with the parish priest as the principal lay representative in a parish. Also a guardian of the parish church, responsible for everything in the Church which is not fixed and for maintaining the church and the churchyard. At least two are appointed in each parish in England.
Clergy	The general name for all ordained ministers.
Clergy Discipline Measure (England)	The mechanism to deal with breaches of canon law/disciplinary offences by clergy in England. Introduced in 2003 and amended in 2013 and 2016.
Clergy Discipline Tribunal (England)	Body set up by the Church to hear cases concerning clergy discipline. Judges and experienced lawyers (who are also members of the Church of England) are appointed.
Clergy Terms of Service (Wales)	Standard terms upon which all incumbents in Wales agree to hold office and be subject to clerical discipline.
Common tenure (England)	A way by which clergy can hold office which involves many more rights, similar to employment rights and in force since 2009. Means clergy can be dismissed by the Church (in comparison to incumbents – see below) with a right of appeal to the employment tribunal.
Communion	A sacrament (ie 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 this is performed. It is known in the Anglican Church as Eucharist, Holy Communion or Mass.
Confirmation	A service taken by a bishop where a person (who has been baptised) affirms their faith and receives prayer as the bishop lays hands on them. In the Anglican Church this often happens during adolescence.
Consistory court (England)	A court presided over by the Chancellor which deals with matters relating to Church of England buildings and lands, and also matters of doctrine, ritual and ceremony.
Constitution of the Church in Wales	Document setting out rules and procedures for administering the Church in Wales.
Curate	Ordained clergy 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 or bishop provides. In canon law, priests and bishops have the ‘cure of souls’ of their geographic area.
Deacon	An assistant member of the clergy; a priest who has been ordained who can preach and assist with (but not be in charge of) the sacraments (see ‘communion’ above) and pastoral care.

Dean	<p>An area or rural dean is a member of clergy 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.</p> <p>Also the senior clergy within a cathedral (eg the Dean of Chichester Cathedral).</p>
Deanery	A collection of parishes which are looked after by a dean.
Deanery Synod	A deliberative body (like a council) made up of clergy and lay people from the parishes which make up the deanery. The synod should 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	<p>The principal minister (ie bishop in charge) of a diocese with specific legal status. Responsible for visiting every aspect of the diocese and for giving directions where needed.</p> <p>Also has rights of visitation to cathedrals (which enables making recommendations to the dean and chapter).</p>
Diocesan Board of Education (England)	A separate charity run by the diocese which appoints school governors for Church of England state schools (ie maintained schools) and provides advice and support to Church schools within the diocese. It may also sponsor 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 Court (Wales)	Body set up under the Constitution of the Church in Wales to determine issues around Church property and parochial church councils.
Diocesan Director of Education (Wales)	Director to provide support and advice to diocesan schools. There is also a Provincial Director of Education to advise on education policy. Schools in Wales may have governors appointed by the Diocesan Board of Education if they have a religious character.
Diocesan registrar	Legal adviser to the diocese. Usually a solicitor or barrister in private practice but who undertakes work on behalf of the diocese.
Diocesan safeguarding adviser (DSA) (England)	A compulsory role within each diocese. Role requires qualifications and experience in safeguarding (under Diocesan Safeguarding Advisors Regulations 2016). They provide advice and make decisions about safeguarding on a diocesan basis.
Diocesan secretary	The chief administrator of a diocese, who is a lay person.
Diocesan Synod	Decision-making body of each diocese for both the Church of England and the Church in Wales, which usually meets at least twice a year. Made up of the bishops within the diocese in England and the bishop in Wales, certain members of the clergy but also elected lay members. It considers matters of importance to the Church of England and also makes arrangements to make sure that provisions are made within the diocese (for example that it has a safeguarding policy), advises the bishop, considers matters referred to it by the General Synod (see below) and considers the annual accounts.
Diocese	Main administrative area within the Church of England or the Church in Wales. There are 42 in England, which roughly coincide with the borders of one or several counties. There are six in Wales.

Disciplinary Tribunal of the Church in Wales	Body administering all discipline over clergy in the Church in Wales. It is independent of any diocese. The President and Vice President are both lawyers. The Tribunal can impose sanctions on a cleric, depose him from holy orders and order risk assessments.
Ecclesiastical Jurisdiction Measure (England)	Prior to 2003, the mechanism to bring disciplinary procedures against clergy in the Church of England. 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).
General Synod (England)	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, all of which are elected. There should be balance between the House of Clergy and House of Laity. The General Synod meets 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.
Governing Body of the Church in Wales	The policy-making body of the Church in Wales set up under its Constitution. Made up of the Bench of Bishops (the six diocesan bishops in Wales) and elected members of the clergy and the laity.
Incumbent	<p>The vicar, priest or rector of a particular benefice or parish (see above).</p> <p>An incumbent in England 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.</p> <p>Responsible for example for control of the church, church music, the ringing of bells, and the church building and rectory or parsonage (where appropriate).</p>
LADO (local authority designated officer)	Individual within the children's services department of a local authority. Receives reports of allegations or concerns about the protection of children and is responsible, under statute, for investigating such complaints.
Lambeth Palace (England)	The home and office of the Archbishop of Canterbury. Made up of a team of lay and clergy staff, including bishops. A National Church Institution.
Lay members	For the purposes of this report, this means an individual 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	A general term for the work of the Church in worship, mission and pastoral care.
Ministry areas (Wales)	Broader geographic areas in Wales consisting of a number of parishes, served by both lay and ordained ministers. Currently being introduced.
Ministry Development Review (England)	The system of appraisal of clergy.
National Church Institutions (England)	The collective name for the seven administrative bodies that work to support the Church of England and act as central points on various issues. The bodies are the Archbishops' Council, Lambeth Palace, Bishopthorpe Palace, The Church Commissioners, The Church of England Central Services, The Church of England Pensions Board and the National Society for Promoting Religious Education.
National Safeguarding Team (England)	Central group of Church of England staff charged with providing national strategy and advice on safeguarding.

Ordinand	A person who is training to be a member of the clergy.
Ordination	Ceremony which is sacramental in nature, in which a person becomes a deacon, priest or bishop.
Parish	The smallest geographic area in the Church of England and the Church in Wales (although in Wales, parishes are currently being merged into ministry areas). An incumbent (see above) can be appointed to a parish or group of parishes as their benefice (see above).
Parish safeguarding officer (England)	A lay individual appointed by each parish to provide advice on parish safeguarding matters. They are expected to report all concerns to the diocesan safeguarding adviser.
Parochial Church Council	The main decision-making body of a parish. In conjunction with the incumbent (see above), it is responsible for the financial affairs and day-to-day administration of the parish. It consists of clergy, churchwardens and laity.
Permission to officiate	A licence given by a diocesan bishop, typically to retired clergy, enabling them to undertake services in specific parishes.
Priest	An ordained person who celebrates the sacraments and provides pastoral care.
Professional Ministerial Guidelines (Wales)	Guidelines to be followed by all clergy, breach of which can give rise to disciplinary action.
Province	A large geographic area with an archbishop as its head.
Provincial safeguarding adviser (England)	A member of Church staff who provides safeguarding advice to the offices of the Archbishops of Canterbury and York and acts as part of the National Safeguarding Team.
Provincial safeguarding officer (Wales)	Safeguarding adviser to dioceses and parishes, operating across all dioceses. Provides training, advice and risk assessments, as well as policy development.
Provincial Safeguarding Panel (Wales)	Provides advice and makes decisions about safeguarding cases brought to it by the provincial safeguarding officer, including for example making decisions about whether those with blemished Disclosure and Barring Service (DBS) checks should be appointed to post and providing advice to the provincial safeguarding officer, dioceses or parishes as to steps which should be taken. Made up largely of lay personnel with backgrounds in safeguarding.
Provincial Secretary (Wales)	Chief administrator to the Province of Wales. Current incumbent also holds the role of Secretary to the Governing Body of the Church in Wales and also Registrar (ie legal adviser) to the Archbishop of Wales.
Reader	A person authorised by a bishop for lay ministry, including leading public worship.
Rector	A term often used interchangeably for the priest of a parish or benefice.
Religious communities (or monastic orders)	Groups who bind themselves to lifelong commitment according to monastic discipline and rule. May involve men or women, clergy or lay people. Some of them may take formal vows. They are run autonomously from the Church and are loosely recognised by the Advisory Council on Relations of Bishops and Religious Communities.
Representative Body of the Church in Wales (Wales)	Body responsible under the Constitution of Wales (and by Royal Charter) for managing the assets of the Church. Owns the buildings of the Church in Wales.

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 two official sacraments are baptism and eucharist (or communion).
Stipend	A sum of money paid to a clergyman for his living. Clergy may be stipendiary (ie paid by a parish or groups of parishes) or non-stipendiary (ie not paid for their role as a priest but would receive expenses).
Verger	A volunteer who leads processions in the church and is involved in its day-to-day running.
Vicar	A member of clergy responsible for a parish.

Annex 3

Expert analysis of safeguarding case files

Introduction

1. The Inquiry instructed Mrs Edina Carmi (an independent safeguarding consultant, who has previously undertaken independent reviews of the Church of England and safeguarding audits on behalf of SCIE) to provide an expert report examining the recent management of safeguarding in both the Church of England and the Church in Wales.
2. Mrs Carmi analysed a number of case files from four of the 42 dioceses in the Church of England:
 - the Diocese of London;
 - the Diocese of Sheffield;
 - the Diocese of Worcester; and
 - the Diocese of York.

These dioceses were chosen by the Inquiry to represent a spread of geographic locations and sizes. To ensure a representative sample, the Inquiry obtained a full list of all safeguarding casework undertaken by those dioceses between April 2017 and April 2018 and selected a sample of cases to be considered by Mrs Carmi.

3. As regards the Church in Wales, the Inquiry obtained a full list of all safeguarding casework undertaken between April 2017 and April 2018. One case was selected from each of the six dioceses, with each case reflecting a different issue.

The Church of England

Diocese of London

Safeguarding resources

4. The Diocese of London covers a large area with a diverse population and more than 500 worshipping communities.
5. The diocesan safeguarding team is presently made up of three diocesan safeguarding advisers (DSAs) and a safeguarding manager. In addition, one bishop within the diocese oversees safeguarding together with the Bishop of London.⁸⁷³
6. The Diocese of London has seen a significant increase in its safeguarding budget, from £50,000 in 2013 to £281,000 in 2019.⁸⁷⁴ Of the safeguarding cases seen each year by the diocese, 25 percent relate to children.⁸⁷⁵

⁸⁷³ ACE027579_014-015

⁸⁷⁴ McMahon 8 July 2019 164/7-12

⁸⁷⁵ McMahon 8 July 2019 165/15-25

London sample cases

L1

7. In this sample case, it was alleged in 2017 that L1, who was a volunteer at a 'kids club', hugged an eight-year-old girl and pinched her bottom. When the police and the local authority designated officer (LADO)⁸⁷⁶ decided to take no action, an internal investigation was recommended. That investigation, carried out by the DSA, involved meeting with the alleged perpetrator but did not include meeting with the complainant.⁸⁷⁷ The allegation was found to be unsubstantiated.

L2

8. The L2 case involved a perpetrator who was convicted in 2007 of child sexual offences. He worshipped for seven or eight years in a London church without any safeguarding agreement or risk assessment in place.

9. Church policy was that the offender should have been referred to the DSA for risk assessment and offender agreements. The DSA only became aware of the conviction in 2017, when she was contacted by the perpetrator's offender manager in the probation service.⁸⁷⁸ The DSA then put in place a safeguarding agreement to ensure the perpetrator had no contact with children.⁸⁷⁹

10. Mrs Carmi described as "worrying practice" that the individuals in this case "didn't recognise, either eight years ago or at any time since, that the DSA needed to be informed about this and there needed to be a safeguarding agreement in place".⁸⁸⁰

11. A current DSA for the Diocese of London, Ms Margaret McMahon, agreed that it was "really concerning that in the current climate people were not coming to us with that information".⁸⁸¹ She did not think that this would be an isolated case and there could be other perpetrators worshipping within congregations of which they were not aware.

L3

12. The L3 case involved a three-year-old boy. In July 2018, while visiting the family home, it was alleged that a church employee, AN-F23 (who also ran activities for children on behalf of the church), had been "rough wrestling" with the child on a trampoline. The child reported that they had both had their penises out on the trampoline and touched their penises together. AN-F23's belt was seen by the parents to be undone when he climbed off the trampoline. The parents also saw the child lick AN-F23's tongue.⁸⁸²

13. This was reported by the parents to the rector and his wife, who in turn reported it to the DSA. On the advice of the DSA, AN-F23 was immediately suspended from duty. The police and the LADO were also informed.⁸⁸³

⁸⁷⁶ The individual within a local authority who is responsible for overseeing the multi-agency response to allegations of abuse made against adults working with children.

⁸⁷⁷ Carmi 8 July 2019 97/19-98/14

⁸⁷⁸ Carmi 8 July 2019 98/15-99/7

⁸⁷⁹ EWM000466_046

⁸⁸⁰ Carmi 8 July 2019 99/8-15

⁸⁸¹ McMahon 8 July 2019 175/20-24

⁸⁸² EWM000466_039

⁸⁸³ EWM000466_039

14. When no further action was taken by the police or the LADO, an internal investigation was carried out on behalf of the parish. AN-X2, a part-time priest within the parish, conducted the investigation. He had some relevant experience but was not a specialist in safeguarding or in risk assessments. The investigation was a fact-finding exercise, to inform a decision on whether or not disciplinary action would be required.⁸⁸⁴ This was treated as a disciplinary matter, not a safeguarding investigation.⁸⁸⁵

15. AN-X2 interviewed AN-F23, the parents of the child, and the rector and his wife. He could not be satisfied that any “*touching of penises*” had taken place. However, he was satisfied that there had been “*rough play on the trampoline*” and “*touching of tongues in the kitchen of the family house*”. His conclusion was that these acts were “*infantile*” and “*not very pleasant*” rather than sexual.⁸⁸⁶ As a result, no disciplinary hearing was required. AN-X2 did note that, despite being employed by the parish to run children’s activities, AN-F23 had not received formal church safeguarding training. He therefore recommended that AN-F23 undertake safeguarding training before he would be permitted to return to work.⁸⁸⁷

16. AN-X2’s report was praised by the local authority but Mrs Carmi questioned whether AN-X2 was the right person to have done the investigation because he was a priest and had no specialist knowledge of safeguarding.⁸⁸⁸ Mrs Carmi said that the Church must distinguish between a safeguarding and a disciplinary investigation. Disciplinary processes are separate from the need to carry out a risk assessment.⁸⁸⁹ AN-X2 agreed that it would have been preferable for the whole investigation to have been carried out by the DSA.⁸⁹⁰

Diocese of Sheffield

Safeguarding resources

17. The Diocese of Sheffield includes 175 parishes.⁸⁹¹ The Bishop of Sheffield is responsible for safeguarding practice in the diocese but has delegated the day-to-day management of safeguarding to the Archdeacon of Doncaster, who also manages the DSA. The Bishop of Sheffield is notified of any allegation against a church officer.⁸⁹²

18. The diocesan safeguarding team includes a full-time DSA, an assistant DSA (ADSA, who also acts as the safeguarding adviser for Sheffield Cathedral), a full-time training officer and a part-time member of staff responsible for DBS checks of criminal records and training administration. The diocese has external support via agency workers for administrative tasks and Thirtyone:eight (an independent safeguarding charity which works predominantly with Christian organisations) provides out-of-hours and leave cover.⁸⁹³

19. The funding of safeguarding in the Diocese of Sheffield has been increasing since 2009, rising from £79,103 in 2016 to £183,337 in 2018.⁸⁹⁴

⁸⁸⁴ X2 8 July 2019 9/1-11/25

⁸⁸⁵ X2 8 July 2019 9/1-11/25

⁸⁸⁶ X2 8 July 2019 17/1-22

⁸⁸⁷ X2 8 July 2019 21/4-22/13

⁸⁸⁸ X2 8 July 2019 23/5-13

⁸⁸⁹ EWM000466_42

⁸⁹⁰ X2 8 July 2019 10/8-11/2

⁸⁹¹ ACE027639_002

⁸⁹² ACE027639_010

⁸⁹³ ACE027639_004

⁸⁹⁴ ACE027639_004

Sheffield sample cases

S1

20. The perpetrator in sample case S1 was a high-risk offender. He was first convicted of sexual offences when he was 14 years old. He reoffended on a number of occasions and breached a sexual harm prevention order. Following his release from prison in 2017, the Church put in place a safeguarding agreement to manage his attendance at the parish church. The safeguarding agreement placed little restriction upon his activities; it allowed him to attend all services, social activities and house groups.⁸⁹⁵

21. The DSA was not informed by the Probation Service when the perpetrator was recalled to prison for breaching his sexual harm prevention order. She found out through a chance encounter some months later.⁸⁹⁶ Mrs Carmi observed that “*statutory authorities ... are not recognising that churches need to know this*”.⁸⁹⁷ In addition, the DSA was not informed by churchwardens that the perpetrator, upon release, began attending community meals at which children would be present. It only came to the DSA’s attention when she was contacted by the perpetrator’s probation officer to raise a concern. It took phone calls to the churchwarden, the parish safeguarding officer (PSO), a deputy PSO and an archdeacon before she was able to establish what was happening and try to put safeguarding measures in place.⁸⁹⁸

22. While the DSA used the correct Church of England risk assessment templates, Mrs Carmi criticised the quality of those templates, which in her view focussed on the management of risk and the deployment of practical steps at the expense of a real and detailed assessment of the risk that might be posed.⁸⁹⁹ Mrs Carmi said “*it is important to try to obtain any relevant history and risk assessments from statutory agencies that have been involved*”.⁹⁰⁰

S2

23. In the sample case of S2 the perpetrator was a former headteacher, churchwarden and youth leader who was convicted of possessing indecent images of children, including extreme images. While under police investigation for further offences, he wished to join church home group meetings (where worship occurs in parishioners’ homes). When this was raised with the PSO and the local priest, they refused to allow the perpetrator to attend until a safeguarding agreement was in place. When consulted, the DSA advised that – as home group meetings provided access to children – it would not be safe for the perpetrator to attend. The perpetrator refused to engage with a risk management agreement and left the diocese.⁹⁰¹

24. When attempting to assess the risk posed by the perpetrator, the DSA contacted (with permission) Derbyshire Police about the ongoing investigation. The lead officer refused to share any information with her. The Diocese of Derby had not previously had difficulties in getting information from Derbyshire Police.⁹⁰² It may have been because the Diocese of

⁸⁹⁵ Carmi 8 July 2019 77/2-78/9

⁸⁹⁶ ACE027639_025

⁸⁹⁷ Carmi 8 July 2019 82/7-17

⁸⁹⁸ ACE027639_025-027

⁸⁹⁹ EWM000466_032

⁹⁰⁰ EWM000466_032

⁹⁰¹ EWM000466_024

⁹⁰² ACE027639_031

Sheffield did not have an information-sharing agreement with that particular force. In Mrs Carmi's view, the DSA should have escalated this difficulty in information-sharing.⁹⁰³ The National Police Chiefs' Council (NPCC) accepted that there were no information-sharing templates for police forces in existence at the time of the hearing.⁹⁰⁴ The NPCC has since prepared such a template and further guidance on its use, which was circulated to all chief officers in June 2020.⁹⁰⁵

S4

25. In the case of S4, a youth worker at a church youth group learned that a 13-year-old girl was in a sexual relationship with a 17-year-old boy. The youth worker initially informed the boy that if he "*promised not to have sex with the girl*" then he would not tell her parents.⁹⁰⁶ Mrs Carmi considered that this was "*clearly totally inappropriate*".⁹⁰⁷

26. When volunteers became aware that the two were having sex and that the boy may have been coercing the young girl, it was reported to the DSA by the head of the youth group. The DSA provided advice over the phone and via email. As a result, the girl's parents were informed and the matter was referred to the police. The DSA did not, however, advise on whether a safeguarding agreement should be put in place.

27. Mrs Carmi commented that it was difficult for professionals and volunteers to identify when to report concerns about adolescent sexual relationships, and to identify appropriate relationships between children.⁹⁰⁸ The DSA also noted that there was no guidance from the Church of England on harmful sexual behaviour between children.⁹⁰⁹ There was also no specific guidance as to whether or not it was appropriate for safeguarding agreements to be put in place for alleged perpetrators under 18 years old.⁹¹⁰

Diocese of Worcester

Safeguarding resources

28. The Diocese of Worcester has 169 parishes. The Bishop of Dudley is Lead Bishop on Safeguarding within the diocese and manages the DSA. There is a full-time DSA and an ADSA. They receive administrative support from the HR and safeguarding coordinator as well as the Disclosure and Barring Service (DBS) and training administrator. There is also a diocesan youth officer and a diocesan children's officer.

29. The diocesan budget for safeguarding was £55,000 in 2014. In 2018, it had increased to £109,000.⁹¹¹

Worcester sample cases

Wo1

30. A parish priest, AN-X3, was contacted by parents who reported that an older parishioner had been sending inappropriate, potentially grooming, text messages to their teenage daughter (AN-A138).

⁹⁰³ EWM000466_027

⁹⁰⁴ NAP000006

⁹⁰⁵ NPC000009; NPC000010; NPC000011; NPC000012

⁹⁰⁶ EWM000466_031

⁹⁰⁷ Carmi 8 July 2019 90/23-24

⁹⁰⁸ EWM000466_032; Carmi 8 July 2019 90/23-24

⁹⁰⁹ ACE027639_045

⁹¹⁰ EWM000466_031

⁹¹¹ ACE027576_004

31. AN-X3 took action immediately, over a weekend, contacting the diocesan safeguarding team and speaking to the ADSA. He met with AN-A138 and her parents, and took safeguarding measures to prevent the alleged perpetrator having any contact with the complainant.⁹¹² He had been prepared to insist that the alleged perpetrator attend a different service to avoid meeting AN-A138's family, but this was not necessary as the family offered to change their worshipping arrangements.⁹¹³ AN-X3 advised AN-A138 that she could contact him or the ADSA directly if she wished.⁹¹⁴

32. AN-X3 had no further discussions with AN-A138 and spoke only to her father. Mrs Carmi emphasised that it may have been beneficial to meet with AN-A138 alone, as this could have elicited further relevant details about the allegation.⁹¹⁵ The matter was reported to the LADO but, when the LADO was slow to act, it was the ADSA who pursued the matter to arrange a 'positions of trust meeting'.

33. Mrs Carmi noted that this was not the only case in which she had seen delay on behalf of the statutory agencies. She thought that it occurred when they did not see the case as urgent, within the context of the more serious cases they were dealing with.⁹¹⁶ In Mrs Carmi's view, the information-sharing from the LADO was not good enough. The alleged perpetrator worked with children as a coach for a national sports organisation, but the LADO did not share this information with the ADSA.⁹¹⁷

34. It was five months from the allegation being made to the ADSA visiting the alleged perpetrator, and a further two months before she met with the complainant's family. In total it was nine months before a formal safeguarding agreement was put in place. The delays were caused by a combination of factors. AN-X3 was very busy at that time both professionally and personally, and the ADSA was dealing with a heavy workload.⁹¹⁸ Mrs Carmi considered that:

"there could be sometimes, perhaps, more direct communications between the DSAs and the people they are dealing with, rather than always doing it via the vicars or somebody else in the local church".⁹¹⁹

35. In Mrs Carmi's view, the record-keeping in the Worcester cases was "very good". A complete case log was maintained, recording what had been done and why.⁹²⁰

Wo3

36. In this case, a safeguarding agreement was required for a congregant who held a number of voluntary roles within the parish but had convictions for child sexual offences from more than 35 years before. Contrary to national policy, the PSO (who was the congregant's brother) did not inform the DSA of the convictions until the congregant wished to take on a pastoral role which required a DBS check (which would reveal the fact of the convictions).

⁹¹² Carmi 8 July 2019 44/7-16

⁹¹³ X3 9 July 2019 8/10-12

⁹¹⁴ X3 9 July 2019 7/14-22

⁹¹⁵ Carmi 8 July 2019 48/1-14

⁹¹⁶ Carmi 8 July 2019 46/12-25

⁹¹⁷ Carmi 8 July 2019 47/1-10

⁹¹⁸ EWM000466_006

⁹¹⁹ Carmi 8 July 2019 52/1-5

⁹²⁰ Carmi 8 July 2019 44/3-8

This was despite the congregant's existing voluntary roles bringing him into contact with children, although he was not alone with them.⁹²¹ When a safeguarding agreement was put in place for the perpetrator, it was, effectively, managed solely by his brother.⁹²²

37. Mrs Carmi recognised that finding individuals to manage safeguarding agreements was difficult in small parishes but she concluded there was a clear conflict of interest in the PSO acting as the parish's representative in this case.⁹²³

Diocese of York

Safeguarding resources

38. The Diocese of York is made up of 472 parishes. The diocesan safeguarding team now includes a full-time DSA, a full-time ADSA and a part-time ADSA. They are assisted by a part-time DSA administrator and an events coordinator. In addition, the diocesan training team assists with the delivery of theological and pastoral aspects of the safeguarding training.

39. As he is both the Archbishop of the Province of York and the diocesan bishop of the Diocese of York, the Archbishop of York has delegated his safeguarding responsibility to the diocesan secretary, who also acts as line manager for the DSA.⁹²⁴ The diocesan safeguarding budget increased from £118,878 in 2017 to £191,049 in 2019.

York sample cases

Y1

40. In this case, the DSA responded to the arrest of a volunteer server for indecent assault on a child the server met through the church. The DSA became aware of the arrest in June 2017, three months before the trial, when the alleged perpetrator himself disclosed it. There had been no contact from the police.⁹²⁵ As soon as the allegations were disclosed, a plan was put in place to limit the alleged perpetrator's contact with children.⁹²⁶

41. The DSA interpreted broadly the term 'church officer' in the relevant guidance, focussing on:

"the point of view of a child sitting at the front of a congregation: would a child look at an individual and think that they were part of the church and, therefore, might they assume that the individual was 'safe'".⁹²⁷

As a result, the DSA initiated a core group even though the members of the group doubted it was required.⁹²⁸

42. Mrs Carmi considered that the approach taken by the DSA to the question of who is a church officer was insightful and the decision to convene a core group was one of the reasons why the case was handled so well.⁹²⁹

⁹²¹ EWM000466_014-017

⁹²² EWM000466_016

⁹²³ Carmi 8 July 2019 70/3-25

⁹²⁴ O'Hara 9 July 2019 30/3-7

⁹²⁵ O'Hara 9 July 2019 31/14-32/4

⁹²⁶ O'Hara 9 July 2019 33/1-13

⁹²⁷ O'Hara 9 July 2019 33/23-34/10

⁹²⁸ Carmi 8 July 2019 114/14-21. The Church's core group process was established in June 2015 to "oversee and manage the response to a safeguarding concern or allegation in line with House of Bishops' policy and practice guidance, ensuring that the rights of the victim/survivor and the respondent to a fair and thorough investigation can be preserved" (ACE025256_017).

⁹²⁹ Carmi 8 July 2019 114/10-21

43. A risk assessment was carried out promptly (prior to the criminal trial) and measures were put in place to restrict the alleged perpetrator's access to children. The police refused to provide any information about the allegations, so the DSA relied upon information provided by the alleged perpetrator himself.⁹³⁰

44. The DSA arranged for someone to attend every day of the trial and, when the alleged perpetrator was acquitted, another risk assessment was carried out based upon what she had heard during that trial.⁹³¹ Mrs Carmi considered this case to demonstrate very good practice.⁹³²

Y3

45. A congregant (AN-F71) was convicted in 1997 of indecent assault on a child. In 2011, a complainant contacted the parish priest (AN-X7) and requested a meeting to discuss further allegations of grooming behaviour that occurred in 1999.⁹³³

46. A very brief written agreement was put in place by AN-X7, on the advice of the Archdeacon of Cleveland and the DSA then in post. This was not sufficiently detailed and lacked clarity about what was expected of AN-F71.⁹³⁴ Though the Church's actions in 2011 were not the focus of Mrs Carmi's analysis, she observed that the response of church officers was "*hostile, inappropriate and unsafe*" and that they were focussed on protecting AN-F71's emotional welfare.⁹³⁵ AN-X7 agreed that his response in 2011 had been inappropriate but denied being hostile or unsafe.⁹³⁶

47. Between 2011 and 2017, AN-F71 held a number of roles within his parish, including leading a house group, in which worship is led at an individual's home, and being a member of the parochial church council (PCC).

48. In 2016, the Church's national guidance was changed so that PCC members were required to have a DBS certificate and to complete a confidential declaration form. It was only as a result of AN-F71's confidential declaration that, in 2017, the DSA then in post became aware of the conviction, the 2011 allegations and the written agreement.

49. When the DSA informed AN-X7 that she wished to conduct a risk assessment, he resisted. He said that a risk assessment was not necessary because the risk had already been managed and it would make AN-F71 extremely upset.⁹³⁷ The DSA agreed to wait until the DBS certificate had been received, because they usually came through quickly.⁹³⁸ However, the DBS certificate was not received until January 2018, as AN-F71 said he had struggled to find any documents with his address. During this 12-month period, contrary to the Church's *Safer Recruitment* guidance, AN-F71 continued on the PCC.⁹³⁹ Whenever the DSA contacted AN-X7 to chase this up, he repeated his view that the risk assessment was not necessary.⁹⁴⁰

⁹³⁰ O'Hara 9 July 2019 36/21-37/22

⁹³¹ Carmi 8 July 2019 114/23-115/14

⁹³² EWM000466_048

⁹³³ O'Hara 9 July 2019 50/1-51/7

⁹³⁴ O'Hara 9 July 2019 52/2-7

⁹³⁵ EWM000466_050_054

⁹³⁶ X7 9 July 2019 93/10-99/1

⁹³⁷ ACE027585_034

⁹³⁸ O'Hara 9 July 2019 52/22-56/11

⁹³⁹ O'Hara 9 July 2019 58/6-59/13

⁹⁴⁰ X7 9 July 2019 107/20-108/5

50. In February 2018, the DSA realised that – regardless of the outcome of any risk assessment – AN-F71 was precluded from being on the PCC because of his conviction.⁹⁴¹ When AN-X7 was informed, he did not immediately follow the advice of the DSA or comply with the *Safer Recruitment* guidance to remove AN-F71 from the PCC.⁹⁴² Instead AN-X7 asked that AN-F71 remain on the PCC for its final meeting of the year and then be allowed to withdraw without bringing attention to himself. The DSA remained firm in her advice.

51. AN-X7 denied contributing to any delay or acting as an obstacle. In his view he was acting pastorally towards AN-F71 but he accepted pastoral support for AN-F71 cannot be placed above safeguarding.⁹⁴³

52. In February 2018, the DSA referred the case to the Archdeacon of Cleveland and the Bishop of Whitby. Separately, they reinforced the position that AN-F71 must step down immediately. AN-X7 was very upset, as the DSA recalled:

*“He reflected on the challenges of supporting somebody who had – he felt had been redeemed, had gone on a redemption journey, and how that sat against the safeguarding process, and he felt quite strongly that the individual had changed and the decisions we were making were unfair.”*⁹⁴⁴

In the meantime, AN-F71 left the parish. It is unclear whether he is worshipping elsewhere and, if so, whether steps have been taken to manage any risk he may pose.

53. Mrs Carmi described AN-X7 as “very, very protective” of AN-F71 throughout the risk assessment process,⁹⁴⁵ objecting to the advice of the DSA at every stage and obstructing her attempts to follow the requirements of national safeguarding policy. The DSA accepted that she was partly responsible for the delays in this case, and that she could have handled it differently.⁹⁴⁶ At the time, she was new in post and was not familiar with “church structure and church process”. She said that she felt “stuck” in her attempts to progress discussions with AN-X7, which always “revisited a position of, ‘Is this necessary? Do we have to undertake this?’”⁹⁴⁷

54. Mrs Carmi thought this case highlighted the need for more effective support for the DSA, particularly when their advice is not followed. Mrs Carmi would have expected senior clergy involved to have considered the use of disciplinary proceedings rather than persuasion to get the risk assessment done expeditiously.⁹⁴⁸

The Church in Wales

Sample cases

Wa1

55. The first sample case, Wa1, related to an allegation made by a 17-year-old boy that he was raped by his former choirmaster at the choirmaster’s church-owned home. The matter was investigated by the police, who took no further action. The choirmaster was not suspended during the police investigation.

⁹⁴¹ O’Hara 9 July 2019 60/8-63/4

⁹⁴² EWM000466_050-055

⁹⁴³ X7 9 July 2019 117/7-15; 105/11-18

⁹⁴⁴ O’Hara 9 July 2019 62/11-63/18

⁹⁴⁵ Carmi 8 July 2019 121/1-6

⁹⁴⁶ O’Hara 9 July 2019 69/17-21

⁹⁴⁷ O’Hara 9 July 2019 58/15-21

⁹⁴⁸ Carmi 8 July 2019 123/23-124/6

56. Without informing the Provincial Safeguarding Team, AN-X8 met with the choirmaster together with a member of the PCC to discuss the incident. AN-X8 claimed that they carried out a risk assessment but no safeguarding agreement was signed. AN-X8 wrote to the choirmaster to say that he must not entertain children under 18 years old in his home.

57. When the matter was referred to the Provincial Safeguarding Panel, it recommended suspension, a risk assessment and a safeguarding agreement.⁹⁴⁹ AN-X8 declined to suspend the choirmaster and considered it might harm the choirmaster's career unnecessarily as well as risk the allegations being made public,⁹⁵⁰ despite the fact that the choirmaster admitted that he had engaged in oral sex with a 17-year-old (AN-A145) but denied any non-consensual sexual activity. AN-X8 also thought it was sufficient to have agreed informally that the choirmaster would not be alone with children.⁹⁵¹ According to Ms Fay Howe (a PSO for the Church in Wales), AN-X8 wrote directly to the diocesan bishop and threatened to resign should the Provincial Safeguarding Team insist on suspension.⁹⁵² The diocesan bishop tried to mediate and suggest a safeguarding agreement could be drafted without the need for an independent risk assessment but the Provincial Safeguarding Panel confirmed its recommendation was unchanged. This was reinforced by a letter to the diocesan bishop from the Church in Wales legal department.⁹⁵³

58. AN-X8 felt bullied by the Provincial Safeguarding Team and its insistence upon suspension and a formal risk assessment. AN-X8 also felt that the Provincial Safeguarding Team was slow to act upon its own recommendations.⁹⁵⁴ Mrs Carmi noted that the discussion around suspending the choirmaster had been dominated by his being 'key' to a forthcoming music festival, AN-X8 denied that their decision had anything to do with any music festival.⁹⁵⁵

59. It took six months for a safeguarding agreement to be put in place and almost nine months for a risk assessment to be carried out. This was, in part, because the external organisations which undertake those risk assessments would not do so until the individual had been suspended from post.⁹⁵⁶ When that risk assessment recommended safeguarding training for the choirmaster, he avoided completing this despite being offered four different dates and it took nearly two years for the training to be completed. The choirmaster stayed in post throughout.⁹⁵⁷ As the complainant was no longer a member of the parish, though he had been in the choir just two years before, no attempt was made to contact him or provide him with any pastoral support. Mrs Carmi considered this to be a "significant omission".⁹⁵⁸

60. Mrs Carmi thought that the overall delay in the parish agreeing the safeguarding response was "inappropriate and inadequate". The actions of AN-X8 contributed directly to that delay. The Church in Wales procedures expressly provide that "Where appropriate

⁹⁴⁹ ANG000636_002

⁹⁵⁰ ANG000636_002

⁹⁵¹ ANG000611_003

⁹⁵² ANG000636_003

⁹⁵³ ANG000636_004

⁹⁵⁴ ANG000611_003-005

⁹⁵⁵ EWM000466_063; ANG000611_005

⁹⁵⁶ Howe 5 July 2019 175/14-22

⁹⁵⁷ EWM000466_061

⁹⁵⁸ EWM000466_062

the Diocesan Bishop will invoke Disciplinary Procedures” but that did not happen in this case.⁹⁵⁹ Safeguarding advice should have been followed and the priest should have been suspended.⁹⁶⁰

61. The Church in Wales is examining whether there should be a specific disciplinary heading for failure to comply with professional advice from the provincial safeguarding officers or recommendations from the safeguarding panel.⁹⁶¹

Wa2

62. In the Wa2 case, a former priest and convicted perpetrator Ian Galt was convicted in 1999 of assaulting a young boy, at which time his permission to officiate was removed. He was convicted again of child sexual offences in 2013 and a safeguarding agreement was put in place which restricted him to a specific church and prohibited him from being alone with or in the immediate vicinity of a child. When Reverend Christopher Watkins took over the parish, he was told that the safeguarding agreement was in place but he did not see a copy of it. There was no copy saved in the parish. The attendance agreement was reviewed by Reverend Watkins in 2015 and renewed. It was, in the main, easy to enforce and when Ian Galt tried to circumvent it, Reverend Watkins remained firm and would allow no exceptions.⁹⁶²

63. In 2017, a parishioner disclosed a further allegation to Reverend Watkins, of which Ian Galt was subsequently convicted. As soon as he heard the allegation, Reverend Watkins contacted the provincial safeguarding officer and then Ian Galt. He told him that he was not allowed to attend church at all. The diocesan bishop was informed within 48 hours. Reverend Watkins forbade Ian Galt from attending church throughout the police investigation and instead arranged for someone to minister to him at home, and subsequently in hospital. Reverend Watkins did so because he thought it presented too great a risk, because he could never know whether a family would attend church out of the blue.⁹⁶³ Mrs Carmi considered the practice in this case to have been good, and to have shown good communication between the parish priest and the provincial safeguarding officer.⁹⁶⁴

Wa3

64. The Wa3 case related to a bell ringer (AN-F26), against whom there had been allegations of, but no convictions for, inappropriate behaviour towards teenage bell ringers in the Church of England which included inappropriate jokes, conversations about sex and social media communications. As a result, a detailed risk assessment had been conducted by the Church of England. When AN-F26 moved to the Church in Wales, the Church of England's DSAs informed the provincial safeguarding officers. Both the risk assessments and the safeguarding agreements were shared. The provincial safeguarding officers spoke with the relevant parishes in Wales and safeguarding arrangements were put in place. The case was reviewed by both the Church of England DSAs and the Church in Wales, including the Provincial Safeguarding Panel, when formal agreements were no longer considered necessary.⁹⁶⁵

⁹⁵⁹ [EWM000466_061](#)

⁹⁶⁰ [Davies and Lloyd 5 July 2019 126/16-127/16](#)

⁹⁶¹ [Church in Wales closing submissions p1](#)

⁹⁶² [Watkins 5 July 2019 183/7-186/8](#)

⁹⁶³ [Watkins 5 July 2019 187/10-189/19](#)

⁹⁶⁴ [EWM000466_065](#)

⁹⁶⁵ [ANG000635_002-005](#)

65. Mrs Carmi thought that the actions were consistent with the policies of both the Church of England and the Church in Wales. In particular, she praised the liaison between the Church of England DSAs and the Church in Wales provincial safeguarding officers.

The Roman Catholic Church

Safeguarding in the Roman Catholic Church in England and Wales

Investigation Report
November 2020

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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Executive Summary

This investigation report examines the extent of institutional failings by the Roman Catholic Church in England and Wales to protect children from sexual abuse and examines the Church's current safeguarding regime. It draws on evidence from the Inquiry's three case studies on Ampleforth and Downside Abbeys and their respective schools, Ealing Abbey and St Benedict's School, and the Archdiocese of Birmingham.

Between 1970 and 2015, the Roman Catholic Church received more than 900 complaints involving over 3,000 instances of child sexual abuse against more than 900 individuals connected to the Church, including priests, monks and volunteers. In the same period, there were 177 prosecutions resulting in 133 convictions. Civil claims against dioceses and religious institutes have resulted in millions of pounds being paid in compensation.

It would be wrong, however, to regard child sexual abuse within the Roman Catholic Church as solely a historical problem. Since 2016, there have been more than 100 reported allegations each year. Across the entire period of nearly 50 years covered by this Inquiry, the true scale of sexual abuse of children is likely to have been much higher.

As we have said previously, faith organisations are marked out from most other institutions by their explicit moral purpose. The Roman Catholic Church is no different. In the context of the sexual abuse of children, that moral purpose was betrayed over decades by those in the Church who perpetrated this abuse and those who turned a blind eye to it. The Church's neglect of the physical, emotional and spiritual well-being of children and young people in favour of protecting its reputation was in conflict with its mission of love and care for the innocent and vulnerable.

Throughout this investigation, we heard appalling accounts of sexual abuse of children perpetrated by clergy and others associated with the Roman Catholic Church. The sexual offending involved acts of masturbation, oral sex, vaginal rape and anal rape. On occasions, it was accompanied by sadistic beatings driven by sexual gratification, and often involved deeply manipulative behaviour by those in positions of trust, who were respected by parents and children alike.

Victims and survivors described the profound and lifelong effect of this abuse. One witness said "*the psychological effects have continued ever since, resulting in years of unbearable guilt, depression, nightmares, anxiety and PTSD symptoms*".¹ Another victim said the abuse which he experienced at junior and senior residential schools affected every aspect of his life, and led to him self-harming. It "*nearly wrecked*" his marriage and "*destroyed my trust, not just in the church but in any authority*".²

In another instance, a young boy estimated that he was abused several hundred times by a senior priest between the ages of 11 and 15 years. After each incident he was required to make confession, and the priest concerned made it plain that his sister's place at a local convent school depended on his compliance.

¹ INQ000977_013 para 42

² INQ002669_026 paras 113–114

Amongst the many convictions of priests and monks was that of Father James Robinson. In 2010 he was convicted of 21 sexual offences against four boys. When sentencing him to 21 years' imprisonment, the trial judge said that Robinson had used his position of authority and total trust to commit "*the gravest set of offences of sexual abuse of children*" that were "*unimaginably wicked*".³

Another notorious perpetrator, Father David Pearce, was convicted in 2009 of indecently assaulting a boy aged seven or eight by beating and caning him on his bare buttocks. Pearce would smile as he caned him, and afterwards make the naked child sit on his knee. As a result of the abuse, the victim said "*he hated himself*" which built up and eventually resulted in him "*having a nervous breakdown*".⁴ His mother said:

*"His father and I live with the guilt of sending him to St Benedict's, trusting a priest ... and the guilt of not realising why the change in our son was not more evident to us."*⁵

Historical response to child sexual abuse

The evidence in this investigation has revealed a sorry history of child sexual abuse in the Roman Catholic Church in England and Wales. There have been too many examples of abusive priests and monks preying on children for prolonged periods of time. Responses to disclosures about sexual abuse have been characterised by a failure to support victims and survivors in stark contrast to the positive action taken to protect alleged perpetrators and the reputation of the Church.

Child sexual abuse was swept under the carpet. Resistance to external intervention was widespread. Father Samuel Penney was a priest in the Archdiocese of Birmingham from 1967. Reports that he sexually abused children in the 1970s were raised with senior clergy on a number of occasions. He was moved from parish to parish. There was no internal investigation and the statutory authorities were not informed. Little thought was given to the victims or the risks that he posed to other children. The failure to act decisively when the allegations were first raised consigned other children to the same fate. It permeated the responses of the Roman Catholic Church with little accountability and sometimes active cover-up, until the Nolan report in 2001.

The Nolan report (2001) and the Cumberlege report (2007)

In 2000, Lord Michael Nolan was commissioned to review the arrangements for child protection and the prevention of abuse within the Catholic Church in England and Wales. His report, published in 2001, contained 83 recommendations applicable to the dioceses and religious institutes. At the heart of the Nolan report was the 'One Church' approach – a single set of principles, policies and practices across the Church that put the welfare of the child first. The first recommendation required the Church to "*become an example of best practice in the prevention of child abuse and in responding to it*".⁶

As a result of the Nolan report, the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) was established. Its role was to provide advice and support to the dioceses and religious institutes, including on the implementation of the Nolan

³ OHY005370_002

⁴ BNT001177_011-012

⁵ MPS003540_001-002

⁶ CHC000053_018

recommendations and the adoption of the ‘One Church’ approach. Some, however, did not behave in ways which demonstrated a wholehearted acceptance of this approach. The first Director of COPCA, Eileen Shearer, found some resistance to the changes by bishops and religious institutes, not least because of the misguided perception that the paramountcy principle of the child’s welfare and canon law were “*diametrically opposed*”.⁷

Nevertheless, the Nolan report initiated change. The Church formalised its child protection structures to improve responses to sexual abuse. Independent child commissions were established to review risk assessments and liaise with external bodies, and child protection coordinators were appointed to improve practice at local level.

In 2007, the Cumberlege report was published, setting out the progress that had been made since the Nolan report. Much had improved over time. The report noted that 79 of the 83 Nolan recommendations had been addressed in full or in part, although religious institutes tended to lag behind in these developments.

Further structural changes were made. The National Catholic Safeguarding Commission (NCSC) was formed in 2008 to set the strategic direction of child protection policy and to monitor compliance. COPCA’s name was changed to the Catholic Safeguarding Advisory Service (CSAS) to reflect its primary role in providing support and advice on safeguarding children and adults. Each diocese now had a safeguarding commission supported by safeguarding coordinators and safeguarding representatives in parishes and religious institutes.

Current safeguarding

The changes brought about by Nolan and Cumberlege resulted in improvements over the years. These included more formal handling of reports of child sexual abuse, better training for the clergy, religious and those involved in safeguarding, and greater cooperation with the statutory authorities. This is in contrast, however, with slower progress in other areas.

In May 2019, Cardinal Vincent Nichols said: “*We humbly ask forgiveness ... for our slowness and defensiveness and for our neglect of both preventative and restorative actions*”.⁸ That slowness is exemplified by the Church’s failure to fully implement two of the Cumberlege Recommendations (one of which was 13 years overdue) and by its failure to establish the Safe Spaces joint project with the Anglican Church until September 2020. Six years have elapsed since this project was commenced and it seems little progress has been made to ensure that victims and survivors have access to the pastoral and therapeutic support that the Safe Spaces project was set up to provide.

CSAS audits in 2019 focussed on the management of safeguarding concerns and risk identification. While there was “*good evidence of cooperation*” between the safeguarding commissions and the statutory agencies in relation to the reporting of allegations, there remained concerns about the use of risk assessments and reviews of safeguarding plans.⁹

The Pontifical Commission for the Protection of Minors (PCPM) was established by Pope Francis in 2014 to advise him on effective child protection policies. In 2016, one of the PCPM’s founding members resigned, citing “*what she called ‘unacceptable’ resistance to the*

⁷ INQ000989_009 para 54.5

⁸ INQ004789_002

⁹ CHC002129_011 para 3.1

commission's proposals from the Vatican's doctrine office".¹⁰ That same year, the Diocese of Westminster described a victim of sexual abuse as "manipulative" and "needy" in internal correspondence amongst members of its safeguarding commission.¹¹ The Church's contact with the victim was characterised by a lack of empathy and compassion.

Real and lasting changes to attitudes have some way to go if the Roman Catholic Church is to shake off the failures of the past.

Leadership of safeguarding within the Roman Catholic Church

Individual leaders in the Roman Catholic Church, as in other institutions, set the tone for how the organisation responded to the major issues with which they were confronted, through their words and deeds.

Across the Inquiry's hearings on the Roman Catholic Church, weaknesses in leadership were significant in the failures to address child sexual abuse. The responses of Church leaders over time were marked by delay in implementing change as well as reluctance to acknowledge responsibility, to hold individuals to account or to make sincere apologies. They conveyed on occasions a grudging and unsympathetic attitude to victims. Failure in some of these areas contributed to more children experiencing actual abuse and many others being exposed to the risk of sexual abuse.

In the English Benedictine Congregation Ealing Abbey case study, the current Abbot President (Dom Christopher Jamison) accepted that "*there was catastrophic moral failure on the part of monks, followed by a chronic weakness of leadership to address that ... I think individual abbots and the Abbot President have not, in the past, exercised sufficient authority and leadership*".¹²

In the Archdiocese of Birmingham, the Social Care Institute for Excellence report in 2018 found significant failings in safeguarding, and a need for "*radical culture change ... to professionalise the leadership, governance, management and delivery of safeguarding in the Archdiocese*".¹³ The Archbishop of Birmingham, Bernard Longley, spoke directly to victims and survivors in making his personal apology for what happened in Birmingham, and offering to find some way of "*lifting the burden*" for them.¹⁴ The Archdiocese subsequently made additional ex gratia payments to two victims because it considered it was "*fair and reasonable*" to do so.¹⁵ This is a positive example of leadership.

As the figurehead and the most senior leader of the Roman Catholic Church in England and Wales, Catholics look to Cardinal Nichols to lead by example. During the final public hearing in November 2018, he apologised for the Church's failings, noting that this was a source of "*great sorrow and shame for me and, indeed I know, for the Catholic Church*".¹⁶ But there was no acknowledgement of any personal responsibility to lead or influence change. Nor did he demonstrate compassion towards victims in the recent cases which we examined.

¹⁰ INQ004641

¹¹ INQ004695_001; INQ004697_001

¹² Dom Christopher Jamison 8 February 2019 76/21-77/18

¹³ CHC001649_035 para 3.1.2

¹⁴ Archbishop Bernard Longley 16 November 2018 61/1-8

¹⁵ CHC002162_004

¹⁶ Cardinal Vincent Nichols 13 December 2018 110/22-25

His acknowledgement that “*there is plenty for us to achieve*” applies as much to him as it does to everyone else in the Church. He did not always exercise the leadership expected of a senior member of the Church, at times preferring to protect the reputation of the Roman Catholic Church in England and Wales and in Rome.¹⁷

The Holy See

In 2018 and 2019, the Inquiry asked the Apostolic Nuncio (the Holy See’s ambassador to the United Kingdom) and the Holy See for information relevant to both the public hearing on Ealing Abbey and St Benedict’s School and the final hearing on the Roman Catholic Church, held in late 2019. The Holy See is a foreign state and the Apostolic Nuncio’s diplomatic status means that neither the institution nor the individual can be compelled to provide a statement to the Inquiry or to give evidence. Despite efforts by the Inquiry, very limited information was forthcoming. Much of the information that was provided was already in the public domain. After several months of correspondence, the Holy See belatedly confirmed it would not provide a witness statement. This response appears to be at odds with the May 2019 Papal pronouncements from Rome in which Pope Francis asserted that there needed to be “*concrete and effective actions that involve everyone in the Church*” regarding its approach to child sexual abuse.¹⁸

The Holy See’s limited response on this matter manifestly did not demonstrate a commitment to taking action. Their lack of cooperation passes understanding.

Recommendations

This report makes seven recommendations, covering leadership and oversight on safeguarding matters, a framework for dealing with cases of non-compliance with safeguarding policies and procedures, re-framing canonical crimes relating to child sexual abuse, reviewing policies and procedures, and also a complaints policy for safeguarding cases. These recommendations are made in order to ensure that the Roman Catholic Church in England and Wales has consistent and accessible policies and procedures for dealing with cases concerning child sexual abuse.

¹⁷ Cardinal Vincent Nichols 6 November 2019 14/17-20

¹⁸ http://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio-20190507_vos-estis-lux-mundi.html

Pen portraits from the case studies

As part of the investigation into the Roman Catholic Church in England and Wales, the Inquiry undertook case studies into the institutional responses of the Archdiocese of Birmingham and the English Benedictine Congregation (EBC). The pen portraits below summarise some of the evidence we heard.

Archdiocese of Birmingham

The Archdiocese of Birmingham has a Catholic population of approximately 450,000 people and is one of the largest archdioceses within the Roman Catholic Church in England and Wales.

Since the mid-1930s, there have been over 130 allegations of child sexual abuse made against 78 individuals associated with the Archdiocese, including many 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, the true scale of offending and the number of children who were abused are likely to be far greater.¹⁹

Samuel Penney was born in Ireland in 1939 and became a priest in the Archdiocese of Birmingham in March 1967. In March 1993, he pleaded guilty to 10 offences of indecent assault against seven boys and girls when he was the local parish priest. Penney was sentenced to seven and a half years' imprisonment.²⁰

In the mid-1980s, RC-A15 told his mother that Penney (the local parish priest) had sexually abused him. When she confronted Penney, he accused RC-A15 of exaggerating. She also told Monsignor Daniel Leonard, the then Vicar General, who said that Penney would be removed from the parish and not allowed contact with children. Penney was moved to Olton Friary, Solihull. The superior of the friary was told that Penney had made an improper suggestion to a young boy. This was not an accurate report of RC-A15's allegations.

When Penney left Olton Friary, he was appointed as parish priest at St Joseph's in Nechells in Birmingham.

In May 1990, Eamonn Flanagan told his parents that he had been sexually abused by Penney during the 1970s when he was in his early teens. They informed their parish priest, who raised the matter with Bishop Philip Pargeter and also with Monsignor Leonard. In July 1991, Mr Flanagan also personally told Bishop Pargeter about the abuse. At the time, Mr Flanagan did not want to report the matter to the police or for Penney to be removed from the priesthood but he did want Penney to be prevented from having contact with children and to

¹⁹ For further details about this case study, see the Inquiry's [Archdiocese of Birmingham Investigation Report](#).

²⁰ [CHC000299_122](#)

no longer work in a parish. Bishop Pargeter subsequently wrote to Mr Flanagan stating that the matter had been resolved and that “*All the conditions you asked for will have been met*”.²¹

In autumn 1991, Penney was sent to Heronbrook House, a therapeutic centre for clergy and members of religious congregations. Penney was free to leave when he wanted and, in direct contravention of the Archdiocese’s wishes, he returned to the Nechells area of Birmingham where he had been a parish priest. He stayed as a guest in RC-A357 parents’ home and, while there, he sexually abused RC-A357.

In June 1992, the Archdiocese stopped Penney from working as a priest. He was sent to the Gracewell Institute, a clinic providing treatment for those accused or convicted of child sexual abuse. While Penney was at Gracewell, Monsignor Leonard told another parish priest to go to Gracewell and warn Penney that he was about to be arrested. The priest was told to give Penney several hundred pounds with the message that Penney was to make his way to Ireland and, from there, to the USA. Shortly afterwards, Monsignor Leonard told the priest not to go to Gracewell but told him to visit Penney’s sister and tell her that her brother was about to be arrested. Whatever response Monsignor Leonard envisaged, Penney remained at Gracewell until his court appearance in March 1993.

On each occasion that Penney’s abuse was reported to the Roman Catholic Church, it seems that little, if any, thought was given to victims and the risk Penney posed. The Archdiocese simply sought to move Penney on. Action could have been taken by the Archdiocese of Birmingham in the 1980s and early 1990s which might have prevented Penney from abusing other children.

Ampleforth Abbey and School

Ampleforth Abbey is an English Benedictine monastery. In 1803, it established Ampleforth College as a boys’ boarding school. In 2010, it became fully co-educational, admitting both boarders and day pupils.

We heard accounts of appalling sexual abuse inflicted on pupils at Ampleforth School. Five individuals, mostly monks, connected to Ampleforth have been convicted or cautioned in relation to offences involving sexual activity with a large number of children, or offences concerning pornography.²²

One abuser was Father Piers Grant-Ferris, who was a monk at Ampleforth Abbey. In 1966, he joined Gilling Castle, the junior school at Ampleforth.²³

In 1975, RC-A152’s parents complained that Grant-Ferris had inappropriately touched their son (then aged eight or nine years), who was a pupil at Gilling Castle. The school conducted an internal investigation, during the course of which RC-A170 and RC-A177 (also eight or nine years old) said that Grant-Ferris also abused them. The school did not refer any of the complaints to the statutory authorities. A psychiatrist assessed Grant-Ferris as “*not a suitable person to continue as a master at Gilling*”.²⁴ Although withdrawn from his post at the school, Grant-Ferris was moved to at least six other parishes and continued to have contact with children.

²¹ CHC001240_009 para 2

²² For further details about this case study, see the Inquiry’s *Ampleforth and Downside Investigation Report*.

²³ AAT000210_028

²⁴ *Ampleforth and Downside Investigation Report* Part B Allegations para 51

From the mid-1990s onwards, more pupils from Gilling Castle reported that Grant-Ferris had sexually abused them. For example, RC-A61 reported that he was about eight years old when Grant-Ferris first abused him. RC-A61 recalled that during beatings, often on RC-A61's bare bottom, Grant-Ferris would masturbate. When, in 1995, RC-A61 reported the abuse to the Diocese of Middlesbrough, one of the priors of Ampleforth contacted RC-A61 and told him that he was the first person to make such an allegation against Grant-Ferris. That assertion was untrue.

The vast majority of allegations of child sexual abuse at Ampleforth only came to light as a result of developments following the Nolan report in 2001 and a police investigation in 2005.

Even after the 2001 Nolan report, Ampleforth and its Abbot, Timothy Wright, resisted the involvement of external agencies. In contravention of the Nolan report and the EBC's own guidance that disclosures of child sexual abuse must be reported to the statutory authorities, Abbot Wright drew an artificial distinction between 'admissions' of abuse by monks (which he considered to be confidential) and 'disclosures' of abuse (which were not confidential), such that admissions did not need to be reported.²⁵

The statutory authorities also had difficulties with the prevailing approach at Ampleforth. The then general manager of North Yorkshire social services, David Molesworth, said:

*"we encountered extraordinary resistance ... it was something I had not encountered before anywhere else, this resistance to simply doing safeguarding well ... Ampleforth was the most complicated professional task I dealt with in 35 years of social work ... I found it, in the early days, inward looking, closed and even secretive. I felt they resented external involvement and in particular resented challenge. ... I felt there was no child protection leadership."*²⁶

In 2006, Grant-Ferris was convicted of 20 counts of indecent assault against 15 boys who attended Gilling Castle.

Downside Abbey and School

Downside Abbey in Somerset is the senior Benedictine monastery of the EBC. Downside School is situated within the historic buildings of the monastery and was originally established as a Catholic boarding school for boys, although it became co-educational in 2005.²⁷

From the 1960s onwards, there have been a number of accounts of child sexual abuse in relation to Downside, some of which have also involved allegations of physical abuse. Five individuals connected to Downside have been convicted or cautioned for sexual offences against children.²⁸

One monk, Father Nicholas White, sexually abused a number of boys over several years, while he was a geography teacher at the school.

RC-A221 started in one of the 'prep houses' at the school in 1986 when he was 11 years old. He told us that, whilst in his first year at the school, White would sexually abuse him, which

²⁵ *Ampleforth and Downside Investigation Report* Part B The institutional response para 84

²⁶ David Molesworth 1 December 2017 82/4-10; 100/17-101/17

²⁷ BNT006645_003 para 11

²⁸ For further details about this case study, see the Inquiry's *Ampleforth and Downside Investigation Report*.

included White touching RC-A221's penis and masturbating him on a number of occasions. RC-A221 eventually told both his grandmother and father about the abuse and RC-A221's father reported the abuse to the school. RC-A221 recalled that thereafter White stopped teaching him. However, on his first day at the senior school, RC-A221 was "completely shocked" to learn that White was his housemaster, responsible for him and approximately 80 other boys aged 12 to 13. RC-A221 said that White recommenced his abuse and also began to abuse a second boy.

Following RC-A221's disclosure, White should not have been permitted to continue to teach or act as housemaster at Downside School. In allowing him to do so, Downside showed complete disregard for safeguarding principles and enabled him to abuse not only RC-A221 again, but also another boy. As RC-A221 told us:

"had my original declaration to my grandmother and, therefore, to the Downside authorities been taken seriously, that second boy would never have been abused".²⁹

In the 1990s, White lived away from Downside, but he returned in 1999 without a proper assessment of the potential risks he posed. It was not until 2010 that an audit of school records by the Diocese of Clifton and the police uncovered the original complaints against White. He subsequently pleaded guilty to seven child sexual abuse offences and was sentenced to five years' imprisonment.³⁰

Ealing Abbey and St Benedict's School

Established in 1897, Ealing Abbey is an English Benedictine monastery. St Benedict's School is situated adjacent to the Abbey. It is the only Benedictine day school in England. It started as a boys' school but became fully co-educational in 2008.

Child sexual abuse at St Benedict's School was extensive. Since 2003, two monks (Laurence Soper and David Pearce) and two lay teachers (John Maestri and Stephen Skelton) have been convicted of multiple offences involving the sexual abuse of over 20 children. In 2016, another teacher, the deputy head Peter Allott, was convicted of offences relating to the possession of indecent images of children. The Inquiry received evidence of at least 18 further allegations against these men and eight other monks and teachers.

David Pearce was born in 1941 and attended St Benedict's as a child. He joined Ealing Abbey in 1969 and was ordained as a priest in 1975. From 1976 to 1992, he taught at the school, later becoming headmaster of the junior school, the bursar and novice master.

In June 1992, RC-A595 (who was 11 years old) alleged that Pearce sexually abused him, including by digitally penetrating RC-A595's anus.³¹ A report was made to the Metropolitan Police but the Crown Prosecution Service declined to prosecute Pearce. Following a formal complaint about the abuse to the trustees of St Benedict's, insurers paid £24,400 to RC-A595 in an out-of-court settlement. An ex gratia payment (without an admission of liability) of £10,000 was also made to RC-A595's mother after she asked for a refund of school fees.

It appears that many in the school and Abbey – teachers and monks alike – were aware of Pearce's behaviour. There was gossip amongst the boys and staff. Complaints, including from

²⁹ RC-A221 7 December 2017 23/18-21.

³⁰ White was released from prison on licence in 2015 and died in May 2016.

³¹ MPS003066_030-031

parents, failed to trigger any action by the school. Staff were afraid that by speaking up they would lose their jobs. Accountability for inaction primarily rests on those in charge during this period. They were the Abbots of Ealing Abbey (Francis Rossiter and Laurence Soper³²) and the headmasters of St Benedict's (Father George Brown, Father Anthony Gee and Dr Anthony Dachs).

In August 2009, Pearce pleaded guilty to sexually abusing five pupils between 1972 and 2007. The sexual abuse included Pearce exposing himself, filming the boys in the showers and sexually assaulting them over and under clothing. In October 2009, he was sentenced to eight years' imprisonment.³³

Pearce's abuse had a devastating impact on his victims. As one of his victims (RC-A596) said:

*"He destroyed the foundations of mental, emotional and psychological wellbeing and stability ... His despicable conduct robbed me of the ability to trust other[s], destroying my capacity to form loving and lasting relationships ... The self-loathing and self-hatred his crimes engendered in me saw me go through a lifetime of self harm, beginning at the age of 15 ... I was repeatedly confined to psychiatric institutions over the next 25 years. I found myself unemployable and homeless, incapable of pulling out of the negative spiral that is substance abuse and dependence, a direct result of Pearce's crimes ... He still appears in my nightmares ... his crimes are woven into the very fabric of my existence."*³⁴

³² Soper was subsequently convicted of sexual offences against nine children and sentenced to 18 years' imprisonment.

³³ On appeal, the sentence was reduced to five years' imprisonment (INQ003069).

³⁴ [MPS004245](#)

Part A

Introduction

Introduction

A.1: Background to the investigation

1. This investigation is concerned with the nature and extent of, and the institutional response to, allegations of child sexual abuse within the Roman Catholic Church in England and Wales.
2. Between 1970 and 2015, the Church received more than 3,000 complaints of child sexual abuse against more than 900 individuals connected to the Church. Those complaints involved over 1,750 victims and complainants. Civil claims against dioceses and religious institutes have resulted in millions of pounds being paid in compensation. Even so, the true scale of child sexual abuse is likely to be greater than these figures.
3. The Inquiry has held public hearings in the following case studies:
 - **Ampleforth and Downside abbeys and their respective schools** (part of the English Benedictine Congregation (EBC)): As set out in the Ampleforth and Downside Investigation Report (published in August 2018),³⁵ “monks in both institutions were secretive, evasive and suspicious” of anyone outside the EBC and the reputations of monks and institutions were prioritised over the protection of children.
 - **The Archdiocese of Birmingham**: The Archdiocese has received over 130 allegations of child sexual abuse since the 1930s. The Archdiocese of Birmingham Investigation Report (published in November 2018)³⁶ found that inaction by the Archdiocese meant that in some cases abusers were able to continue sexually abusing children. As recently as 2018, audits identified significant problems with the Archdiocese’s safeguarding arrangements.
 - **Ealing Abbey and St Benedict’s School** (also part of the EBC): As identified in the Ealing Abbey and St Benedict’s School Investigation Report (published in October 2019),³⁷ there was extensive child sexual abuse and a culture of ‘cover-up’ and denial at both institutions.
4. The Inquiry’s fourth public hearing, held in October and November 2019, examined the extent of institutional failings by the Roman Catholic Church in England and Wales to protect children from sexual abuse and its current safeguarding regime. This report considers the evidence heard in that hearing and also deals with cross-cutting themes and issues identified by the Inquiry throughout the investigation, including the case studies.

³⁵ *Ampleforth and Downside Investigation Report* Part D para 3

³⁶ *Archdiocese of Birmingham Investigation Report*

³⁷ *Ealing Abbey and St Benedict’s School Investigation Report*

A.2: The Roman Catholic Church

5. Catholicism is the second largest Christian denomination³⁸ with approximately 3.8 million Catholic adults in England and Wales.³⁹ The Roman Catholic Church is made up of 22 archdioceses and dioceses with 4,119 priests and includes approximately 340 religious institutes (groups with a particular spiritual focus reflected in their work).⁴⁰

Dioceses

6. A diocese is a geographical district under the authority and leadership of a bishop. The 22 dioceses are grouped into provinces and a province is presided over by an archbishop (the title given to bishops who govern an archdiocese).

7. Within each diocese, the bishop's responsibility is "to teach, to sanctify and to govern".⁴¹ The bishop has autonomy to make any decision he chooses, providing he abides by canon law.⁴² Each bishop has ultimate responsibility for safeguarding within his own diocese. No bishop has authority over any other bishop.

8. An archbishop governs his own diocese and has oversight of – but not jurisdiction over – the dioceses within his province. An archbishop does not have authority over a bishop.

9. Bishops in England and Wales are collectively known as the Catholic Bishops' Conference of England and Wales (the Bishops' Conference), which meets twice a year. Its role is wide-ranging and includes education and promotion of the Catholic faith and engagement with civic authorities and other Bishops' Conferences outside England and Wales. There is no line of authority between the Pope and the Bishops' Conference; if the Pope wishes to issue a directive, he will issue it directly to the bishop rather than through the Bishops' Conference.

10. Cardinal Vincent Nichols is the current president of the Bishops' Conference. In 2014, Archbishop Vincent Nichols, the Archbishop of Westminster, was made a cardinal by Pope Francis. Cardinals usually hold the rank of archbishop and together they form the College of Cardinals, whose primary responsibility is to elect a new pope. As Cardinal Nichols explained, he oversees the work of the Bishops' Conference but he does not have additional authority in his role as president or as cardinal:

*"My role as President does not make me head of the Church in England and Wales. There is no such position. Individual bishops retain their responsibility and accountability within their dioceses."*⁴³

³⁸ *Child sexual abuse within the Catholic and Anglican Churches: A rapid evidence assessment*, November 2017 (INQ000995_027)

³⁹ *Contemporary Catholicism in England and Wales: a statistical report based on recent British Social Attitudes survey data*, Stephen Bullivant, February 2018 (<https://www.stmarys.ac.uk/research/centres/benedict-xvi/docs/2018-feb-contemporary-catholicism-report-may16.pdf>)

⁴⁰ This is the total number of diocesan incardinated priests (ie those working under the jurisdiction of the bishop) and other priests working in dioceses (CHC001946).

⁴¹ CHC000396_005 para 16

⁴² If an archbishop or bishop receives a complaint that an individual within his diocese (whether clergy or lay person) is not abiding by canon law then he has the power to direct that individual to comply.

⁴³ Cardinal Vincent Nichols 6 November 2019 5/9-12



Map of Roman Catholic Church dioceses in England and Wales

Source: Catholic Directory for England and Wales (based on <https://directory.cbcew.org/>)

Religious institutes

11. There are approximately 340 Roman Catholic religious institutes in England and Wales.⁴⁴ These are religious societies of men or women with a particular spiritual focus that is reflected in their work in the Church. While there are canonical differences between a religious order and a religious congregation, the terms are often used interchangeably. The term ‘religious institutes’ encompasses both orders and congregations; it is used in canon law as an “*all-embracing term covering all religious societies*”.⁴⁵

12. All members of a religious institute live under the authority of a religious superior and must abide by canon law. Institutes vary greatly in size and spiritual focus.⁴⁶ For example, the Institute of Our Lady of Mercy has over 180 members and focusses on teaching and nursing. By contrast, the Poor Clare Colletines have eight members and are an enclosed contemplative community focussed on prayer and worship.⁴⁷

13. While a religious institute cannot operate within a diocese without the permission of the bishop, each religious institute is governed by its own constitution. The bishop is required by canon law to respect the right of the religious institute to self-govern.

14. More than 240 institutes are members of the Conference of Religious (CoR). The CoR was established to promote the welfare of the religious institutes, encourage collaboration between leaders of institutes and “*to speak to civil society ... from a Roman Catholic perspective*”.⁴⁸ It is voluntary to join and as such the CoR has no authority or power over its membership.⁴⁹

A.3: Scope of the investigation

15. This investigation examined the nature and extent of, and institutional responses to, child sexual abuse within the Roman Catholic Church in England and Wales (the Catholic Church).⁵⁰ It considered the scale of child sexual abuse within the Church, the experiences of victims and survivors of child sexual abuse, the adequacy of the Church’s policies and practices in relation to safeguarding, any impact of the culture of the Church, and the adequacy of previous reviews related to safeguarding.

16. The process 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 68 victims and survivors and 14 institutions and other interested parties.

17. The Inquiry held nine preliminary hearings between July 2016 and September 2019. In addition to public hearings in respect of the two case studies, the Inquiry held a final public hearing over 10 days between 28 October and 8 November 2019.

18. In preparation for the final public hearing, the Inquiry obtained a significant volume of evidence. We heard accounts from complainants, victims and survivors who told us about the abuse they suffered and how their allegations were handled. The Inquiry also heard evidence from the Catholic Safeguarding Advisory Service (CSAS), the past and current

⁴⁴ CHC002028_002 para 7; CHC002035

⁴⁵ BNT004911_005

⁴⁶ CHC002033

⁴⁷ CHC002033

⁴⁸ CEW000014_003 para 2.1

⁴⁹ CEW000014_003 para 2.4

⁵⁰ <https://www.iicsa.org.uk/investigations/investigation-into-failings-by-the-catholic-church>

chairs of the National Catholic Safeguarding Commission (NCSC), the Charity Commission, the Catholic Insurance Service (CIS), the Survivor Advisory Panel (SAP), Father Paul Smyth (President of the CoR), and Cardinal Vincent Nichols (President of the Bishops' Conference and Archbishop of the Diocese of Westminster). We also heard about the role of the Pontifical Commission for the Protection of Minors (PCPM) and the Congregation for the Doctrine of the Faith (CDF).

19. As part of the evidence gathered for the wider hearing, the Inquiry commissioned Mrs Edina Carmi, an independent safeguarding consultant, to undertake a review of a number of recent diocesan and religious safeguarding files. The Inquiry also commissioned a rapid evidence assessment (REA), entitled *Child sexual abuse within the Catholic and Anglican Churches*.⁵¹ The REA considered research evidence available on the scale of child sexual abuse, institutional factors that might have enabled the abuse to have occurred and how the Catholic Church responded to child sexual abuse allegations.

20. A number of witnesses, including all complainant and victim core participants, were invited to provide their views about which if any practical recommendations they would like the Inquiry to consider. Those views were collated into a schedule which was published on the Inquiry website.⁵²

A.4: Terminology

21. The following terms are used in this report:

- the Holy See: the Pope and the offices of the Catholic Church based in Rome that assist him in exercising his role as Leader of the Catholic Church worldwide;
- clergy: those ordained for religious service, namely bishops, priests and deacons;
- religious institutes: religious orders and religious congregations – members (often referred to as 'the Religious') include monks, nuns and friars; and
- abbot: the head of a monastery.

22. As explained above, the Roman Catholic Church in England and Wales consists of a number of archdioceses and dioceses. References in this report to general matters relating to a diocese and a bishop should be read as also relating to an archdiocese and an archbishop. The Roman Catholic Church also consists of a number of separate institutions. Where appropriate, this report identifies the relevant institution but the report also uses the term 'Catholic Church' to encompass and include a specific institutional response.

23. Where this report refers to members of clergy, their full name will be used when first referred to and thereafter their title and surname only. Where this report refers to those members of the clergy who have been laicised (ie removed as a member of the clergy), they will be referred to by their full name without any religious prefix.

24. 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 review (2007) introduced the concept of safeguarding and led to a change

⁵¹ *Child sexual abuse within the Catholic and Anglican Churches: A rapid evidence assessment*

⁵² INQ004787

in the titles to that of safeguarding coordinator and the Safeguarding Commission. In this report, the title applicable at the relevant time is used. Where reference is made to general matters of child protection and safeguarding, the terms are used interchangeably.

25. Many reports of child sexual abuse relate to offences or alleged offences committed years or decades earlier. The Sexual Offences Act 1956 was the predominant legislation and included offences of indecent assault and buggery. The Sexual Offences Act 2003 created a number of new offences including specific offences for sexual acts committed against children under 13 years old.⁵³ Indecent assault was replaced with sexual assault and non-consensual buggery included in the definition of rape.

26. Where allegations of child sexual abuse have not been proven by criminal conviction, civil findings or findings in the context of disciplinary proceedings, we refer to those making the allegations as complainants. Where findings have been made, individuals will be referred to as victims and survivors.

References

27. References in the footnotes of the report such as 'CHC000253_011' are to documents that have been adduced in evidence or posted on the Inquiry website. A reference such as 'Christopher Pearson 31 October 2019 84/24-25' 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).

⁵³ Sexual Offences Act 1956; Sexual Offences Act 2003, which came into force in May 2004.

Part B

Child sexual abuse within the Roman Catholic Church

Child sexual abuse within the Roman Catholic Church

B.1: Accounts of child sexual abuse within the Church

1. Throughout this investigation, we heard appalling accounts of child sexual abuse perpetrated by clergy and those associated with the Roman Catholic Church. The abuse covers a spectrum of sexual offending including acts of masturbation, oral sex, vaginal rape and anal rape, accompanied on occasions by beatings and other acts of violence. There have been many hundreds of victims and complainants over many decades.

2. During the English Benedictine Congregation (EBC) and Archdiocese of Birmingham case studies, we heard accounts of sickening abuse.

2.1. In the early 1970s, RC-A31 (then under 13 years old) met James Robinson, a trainee priest within the Archdiocese of Birmingham. Robinson took RC-A31 for car rides and began to sexually abuse him by touching him and masturbating. He also took RC-A31 to his (Robinson's) mother's house and sexually abused him. RC-A31 said that his family not only trusted Robinson but "*worshipped him*",⁵⁴ such that Robinson would stay in their home and share a bed with RC-A31. The abuse became more severe involving acts of oral sex and, on a number of occasions, Robinson anally raped RC-A31. RC-A31 told us that as a result of the abuse he had weekly therapy for a number of years and suffered from depression. He told us that it had "*destroyed*" his life.⁵⁵ In 2010, Robinson was convicted of 21 offences against four boys, one of whom was RC-A31. When sentencing him to 21 years' imprisonment, the judge said Robinson had abused his "*position of authority and total trust*" to commit the "*gravest set of offences of sexual abuse of children*" that were "*unimaginably wicked*".⁵⁶

2.2. Between 1972 and 1974, RC-A622 (then between 12 and 14 years old) was repeatedly sexually abused by Laurence Soper. RC-A622 was a pupil at St Benedict's School in Ealing (run by the EBC); Soper was a monk and taught at the school. He used physical chastisement as a guise for touching RC-A622's genitals. Over time the abuse progressed to making RC-A622 watch as Soper masturbated himself, forcibly masturbating RC-A622 and, on three or four occasions, anally raping RC-A622. RC-A622 was subsequently diagnosed with post-traumatic stress disorder (PTSD) and alcohol dependency syndrome. He also suffered two nervous breakdowns requiring hospital admission.⁵⁷ In December 2017, Soper was convicted of offences relating to RC-A622 and eight other boys and sentenced to 18 years' imprisonment.⁵⁸

⁵⁴ RC-A31 13 November 2018 3/20-23

⁵⁵ RC-A31 13 November 2018 38/16

⁵⁶ OHY005370_002

⁵⁷ BNT001094_004 para 7

⁵⁸ *Ealing Abbey and St Benedict's School Investigation Report* Part C para 59

2.3. At 10½ years old, RC-A117 was misdiagnosed with a mental illness. As a consequence, she spent much of her childhood in psychiatric units in hospitals. She described her childhood as “*exceptionally traumatic and physically abusive*”.⁵⁹ In 1984, aged 17, RC-A117 was diagnosed with a medical condition which left her confined to a wheelchair. Her parents took her on a pilgrimage to Lourdes. RC-F80 (aged 52) was a chaplain on that pilgrimage and RC-A117’s parents told him much about what RC-A117 had been through. The following year, RC-F80 sexually assaulted RC-A117 in the grounds of Downside Abbey. She told us that RC-F80 took her to a secluded part of the monastery gardens and touched her breasts and kissed her. He began to pay visits to her at home where the sexual abuse continued. In 2010, RC-F80 received a police caution for sexually assaulting RC-A117. She said:

*“the psychological effects have continued ever since, resulting in years of unbearable guilt, depression, nightmares, anxiety and PTSD symptoms”.*⁶⁰

3. The Inquiry also received accounts of sexual abuse of children (both alleged and proven) by priests and others connected with the Roman Catholic Church.

3.1. Between 1963 and 1967, Thomas (James) Kirby attended St Peter Claver College in Yorkshire (the seminary of the Catholic Comboni Missionaries). Mr Kirby told us that from about the age of 14, RC-F339 would sexually abuse him under the guise of a genital inspection, whereby RC-F339 felt Mr Kirby’s genitals, rolled his foreskin back and forwards, and after “*washing*” his penis applied vaseline to it.⁶¹ This took place in the infirmary once a week for approximately two and a half years.⁶² Mr Kirby said that there was no medical need for this ‘inspection’.⁶³ He told us about the “*terrible confusion*” he felt as a child trying to understand how a member of the clergy “*could do the things they did*”.⁶⁴ He said that the consequences of the abuse have “*come right through with me ... right through my life*”.⁶⁵

3.2. RC-A1 told us that during the 1970s he was sexually abused at his Catholic junior and senior residential schools.⁶⁶ He said that his junior school teacher, RC-F267, would touch his (RC-A1’s) genitals during reading lessons⁶⁷ and that this occurred every time he was asked to read for RC-F267. RC-A1 said that another junior school teacher, RC-F268, also sexually abused him when the boys had swimming lessons. RC-A1 told us that over the course of a two-year period, RC-F268 would touch himself as he put his hand down RC-A1’s swimming shorts.⁶⁸ At senior school, RC-A1 told us a teacher (RC-F270) sexually touched him on his bottom and legs⁶⁹ and that he was anally raped by another student.⁷⁰ RC-A1 said the abuse affected every aspect of his life. He said it led to him self-harming, “*nearly wrecked*” his marriage and “*destroyed my trust, not just in the Church but in any authority*”.⁷¹

⁵⁹ INQ000977_002 para 5

⁶⁰ INQ000977_013 para 42

⁶¹ INQ004681_008-009 paras 46-51

⁶² Thomas James Kirby 30 October 2019 41/13-16

⁶³ INQ004681_010 para 61

⁶⁴ Thomas James Kirby 30 October 2019 66/10-13

⁶⁵ Thomas James Kirby 30 October 2019 67/18-19

⁶⁶ INQ002669_002 para 7

⁶⁷ INQ002669_004 paras 13-14

⁶⁸ INQ002669_004 paras 15-16

⁶⁹ INQ002669_006 para 23

⁷⁰ INQ002669_008 para 30

⁷¹ INQ002669_026 paras 113-114

3.3. In 1972, RC-A594 (aged seven or eight years old) joined St Benedict's School, Ealing, which was linked to Ealing Abbey. In August 2009, Father David Pearce was convicted of indecently assaulting RC-A594 by beating and caning him on his bare buttocks.⁷² Pearce would smile as he caned him and afterwards made the naked RC-A594 sit on his knee.⁷³ RC-A594 said that as a result of the abuse "*he hated himself*", which "*built up and eventually resulted in me having a nervous breakdown*".⁷⁴ His mother said her son was a "*happy little boy, bright, good worker, gentle and very popular*" when he started at St Benedict's but began to play truant and was not motivated to work.⁷⁵ She said:

*"His father and I live with the guilt of sending him to St Benedicts, trusting a priest ... and the guilt of not realising why the change in our son was not more evident to us."*⁷⁶

3.4. RC-A20 stated that in the 1970s and 1980s, she was sexually assaulted by a priest of the Salesian Order. She was under 13 years old when the abuse first started. The priest told RC-A20's parents that she needed private counselling. At those counselling sessions, he insisted that she was naked. He massaged her body, hit her buttocks and penetrated her vagina with his fingers. The abuse occurred repeatedly over many years, during which time RC-A20 tried to jump off a bridge to end her life and took a number of overdoses. Years later, RC-A20 brought a civil claim against the Salesian Order. As part of the claim, she was assessed by a psychiatrist who concluded that the abuse was likely to have caused "*significant difficulties*" during her childhood and into adulthood and to have contributed to her lifelong problems with self-esteem, anxiety, self-confidence and her relationships with family.⁷⁷

3.5. Between 1987 and 1991, RC-A704 (then aged 11 to 15 years old) told us he was sexually abused by a senior priest, RC-F352. He estimated that he was abused several hundred times and said the abuse included acts of rape. RC-A704 said that after each incident, RC-F352 required him to make confession. He also made it plain to RC-A704 that his sister's place at the local convent school was dependent on RC-A704's compliance with his wishes. RC-A704 said the abuse has had a "*lifelong impact*" on his mental health.⁷⁸

3.6. While at Ampleforth College, in 2005–2010, RC-A30 was sexually abused by her music teacher, Dara De Cogan.⁷⁹ When she was 14 years old, De Cogan began to groom her, including by buying her beer at a party.⁸⁰ He would snap her bra strap in front of other members of staff and students.⁸¹ When she was 16 years old, he groped her breasts, kissed her neck and put his hand in between her legs.⁸² The abuse developed into regular incidents of sexual touching, digital penetration, and giving and receiving

⁷² BNT001190_003-004

⁷³ MPS003091_006-007

⁷⁴ BNT001177_011-012

⁷⁵ MPS003540_001

⁷⁶ MPS003540_001-002

⁷⁷ INQ004739_004 para 38

⁷⁸ INQ004577_001-002

⁷⁹ In 2017, De Cogan pleaded guilty to offences of sexual activity with a child (RC-A30) aged 16 or 17 while in a position of trust and was sentenced to 28 months' imprisonment (NYP000490_040 paras 177–180).

⁸⁰ RC-A30 29 November 2017 101/7-9, 21-24; 102/7-10

⁸¹ RC-A30 29 November 2017 106/20-23

⁸² RC-A30 29 November 2017 108/15-115/25

oral sex.⁸³ The abuse lasted for three years. She began to self-harm as a result and continues to have therapy for complex PTSD.⁸⁴

B.2: The Church's response

4. The evidence heard during the EBC and Archdiocese of Birmingham public hearings revealed failings by parts of the Church to act in child sexual abuse cases and, in some instances, active steps taken by members of the Church to cover up or frustrate investigations. Some of the evidence we heard is summarised below.

Ampleforth and Downside case study

5. Ten individuals, mostly monks, connected with these institutions have been convicted or cautioned for child sexual abuse offences or offences of possession of indecent images of children.⁸⁵ At both institutions, allegations that should have been referred to the police were handled internally. We concluded that there was an overriding concern by both institutions to avoid contact with the police and local authority irrespective of the seriousness of the case. Abbots established their own procedures despite the fact that they lacked expertise in child protection and assessing the risks posed by a perpetrator. There were examples of alleged perpetrators being transferred to another parish or location, including cases where the recipient was not adequately informed of the individual's risk.

6. At Ampleforth we heard that many perpetrators did not hide their sexual interests in and from children. There was fondling of children and instances of mutual and group masturbation both indoors and outdoors, such that there was a "culture of acceptance" of such behaviour.⁸⁶ One of those monks, Father Gregory Carroll, was jailed in 2005 for sexually abusing a number of boys in the 1970s and 1980s.⁸⁷ In 2020, he was sentenced to more than 20 years' imprisonment for historical sexual abuse of an Ampleforth pupil and two boys at the parish he was sent to having left Ampleforth.⁸⁸

7. In around 2012, the headmaster of Downside School, Dom Leo Maidlow Davies, burnt numerous files thought to contain personal records of monks and staff. It was said that the school needed the storage space. It is impossible to say whether these files contained information that might relate to past or future safeguarding allegations but as Dom Leo tellingly accepted, he "wasn't thinking in safeguarding terms".⁸⁹ The destruction of these records undoubtedly adds to the perception of cover-up at Downside and is indicative of a failure to embed safeguarding in the minds of those with responsibility for child protection.

Ealing Abbey and St Benedict's School case study

8. Four individuals (two monks and two lay teachers) from Ealing Abbey and St Benedict's School have been convicted of child sexual abuse offences. Those convictions alone related to over 20 children but the Inquiry also received evidence of at least 18 further allegations against these men and eight other monks and teachers.

⁸³ RC-A30 29 November 2017 117/14-18, 120/6-9, 125/21-24, 126/10-11, 129/15-17, 130/11-13

⁸⁴ RC-A30 29 November 2017 120/21-23; INQ000976_005 para 24

⁸⁵ *Ampleforth and Downside Investigation Report* Executive Summary

⁸⁶ *Ampleforth and Downside Investigation Report* Executive Summary

⁸⁷ NYP000490_024

⁸⁸ [https://www.yorkpress.co.uk/news/national/18230978.evill-former-monk-catholic-boarding-school-jailed-abusing-boys/](https://www.yorkpress.co.uk/news/national/18230978.evill-former-monk-catholic boarding-school-jailed-abusing-boys/)

⁸⁹ Dom Leo Maidlow Davis 12 December 2017 32/17

9. We heard evidence that this abuse was facilitated by a culture of cover-up and denial. There were significant opportunities to stop abusers in the school which were not acted upon. When Martin Shipperlee became Abbot of Ealing Abbey in 2000, he made some improvements to child protection but he also failed to pass on information to the police and those undertaking reviews of safeguarding procedures. The deficiencies in his leadership were compounded by the failures of others around him. This included, for example, Christopher Cleugh, the headmaster of St Benedict's from 2002 to 2016. Mr Cleugh repeatedly minimised questions of child sexual abuse to teachers, parents and external institutions to the point of misrepresenting significant facts. He was defensive when questioned by external bodies and did not address safeguarding issues openly.

Archdiocese of Birmingham case study

10. At least 13 individuals connected with the Archdiocese of Birmingham have been convicted of child sexual abuse offences. Those cases involved 53 victims. This figure is likely to be an underestimate as, in addition to the criminal cases, from 1935 to 2018, at least 65 other individuals were accused of committing child sexual abuse.⁹⁰

11. There were repeated instances where the Archdiocese failed to notify the police when an allegation was made. Sometimes no action was taken against the perpetrator or the priest was simply moved to another parish. Little, if any, thought was given to the risk posed to children. In some cases we saw no evidence that the receiving parish was even made aware of the allegations. As the Archdiocese of Birmingham 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."*⁹¹

B.3: The scale of child sexual abuse

12. In order to examine the prevalence and scale of child sexual abuse within the Roman Catholic Church in England and Wales, the Inquiry considered a number of sources of information.

The Inquiry's rapid evidence assessment

13. In 2016, the Inquiry commissioned a rapid evidence assessment (REA) – *Child sexual abuse within the Catholic and Anglican Churches* – to understand existing data and research on the scale of abuse within both churches.⁹²

14. The REA reported that there was "no robust study" for prevalence of child sexual abuse within the Catholic Church in England and Wales.⁹³ An American study in 2004 stated that around 4 percent of Catholic priests in the US have been the subject of allegations of child sexual abuse. In Australia, a 2017 survey for the Australian Royal Commission analysed data

⁹⁰ INQ003537

⁹¹ INQ003860_001 para 1

⁹² A rapid evidence assessment (REA) is an overview of the amount and quality of evidence on a particular topic as comprehensively as possible within a set timetable.

⁹³ INQ000995_027

for claims made between 1990 and 2014 against Catholic Church personnel which found that “7 per cent of priests were alleged perpetrators”.⁹⁴

15. The studies considered by the REA suggested that both under-reporting and delays in reporting made it difficult to ascertain the number of victims of child sexual abuse. The REA considered that boys are more likely to have been abused than girls, “with studies all reporting similar proportions of male victims at around 70–80 percent”.⁹⁵ Studies suggested that abuse of boys is more prevalent because there is “greater access” in the Church to boys, for example as altar servers, and because “of the higher proportion of boys in residential institutions”.⁹⁶

The Bullivant review (2018)

16. The Catholic Safeguarding Advisory Service (CSAS), on behalf of the Bishops’ Conference and the National Catholic Safeguarding Commission (NCSC), asked Professor Stephen Bullivant to gather data about the number of allegations of child sexual abuse (the Bullivant review). The analysis related to complaints (ie allegations or concerns of childhood sexual abuse) against clergy, members of religious institutes and lay workers (paid and voluntary).

17. The report – *Allegations of child sexual abuse in the Catholic Church in England and Wales between 1970 and 2015: A Statistical Summary* (finalised in January 2018) – was based on anonymised data provided by each diocese and 328 religious institutes in England and Wales, populating a template from individual case records.⁹⁷ Allegations relating to Catholic schools run by religious institutes were included, but the data did not include allegations related to state-run Catholic schools. Care was taken to avoid duplication; for example, if a diocese managed a case for a religious institute, the diocese included the case in its return. The review emphasised that, when analysing the complaints:

“A single complaint may be made by one or more people, may include one or more instances of alleged abuse and may specify one or more alleged perpetrators as the subjects of the complaint”.⁹⁸

18. The Bullivant review identified 931 complaints of child sexual abuse made to the Catholic Church in England and Wales between 1970 and 2015.⁹⁹ This equates to an average of 20 complaints each year for 45 years. Of those 931 complaints, 344 complaints were made to religious institutes and 587 complaints were made to dioceses. When comparing the number of diocesan and religious complaints, Professor Bullivant observed, the religious institutes account “for around half of all complaints in the 1960s and 1970s, but this noticeably decreases in the years following”.¹⁰⁰ He suggested that this might be due to religious institutes making up a higher proportion of total priests in the 1960s and 1970s and due to the involvement of many religious institutes in running schools and children’s homes.¹⁰¹

⁹⁴ *Child sexual abuse within the Anglican and Catholic Churches: A rapid evidence assessment*

⁹⁵ *Child sexual abuse within the Anglican and Catholic Churches: A rapid evidence assessment*

⁹⁶ INQ000995_031

⁹⁷ CHC001938. Of the 328 religious orders, 264 orders declared that they had no complaints to report. Of these 264 orders, 216 were female-only, 47 male-only and 1 was a mixed order. Of the 64 orders that did provide data, the majority were male-only (46 orders) and 18 were female-only. (See CHC001938_011.)

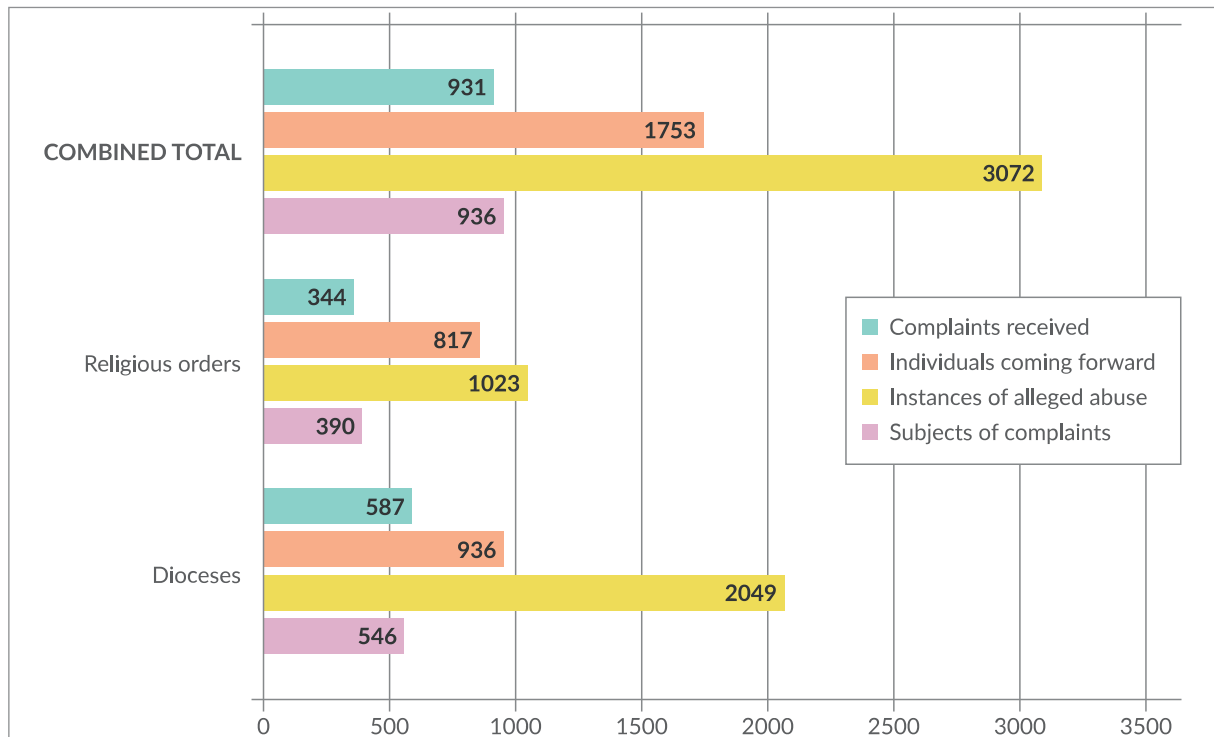
⁹⁸ CHC001938_007

⁹⁹ CHC001938_008

¹⁰⁰ CHC001938_017

¹⁰¹ CHC001938_017

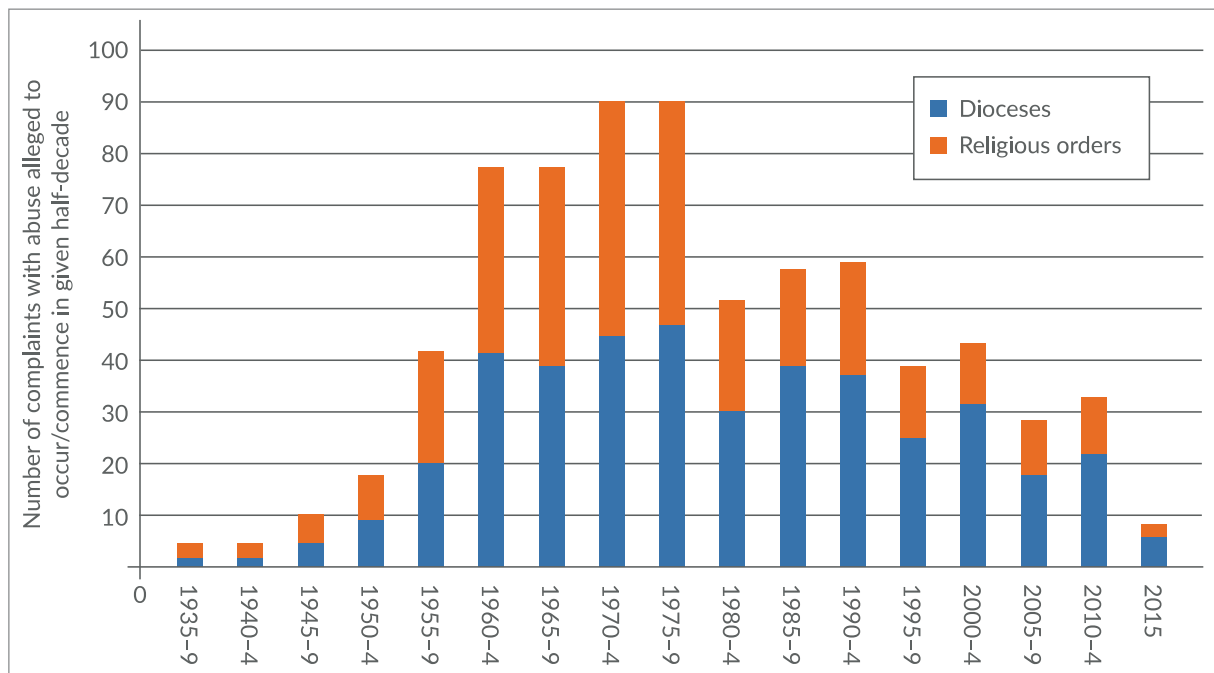
19. The complaints involved 3,072 instances of alleged abuse made by 1,753 individuals in respect of 936 alleged perpetrators.



Number of complaints and subjects 1970–2015

Source: Based on [CHC001938_009](#)

20. Where the complaint included a start date for the alleged abuse, the analysis found that a large proportion of the abuse was alleged to have started in the 1960s and 1970s.¹⁰²



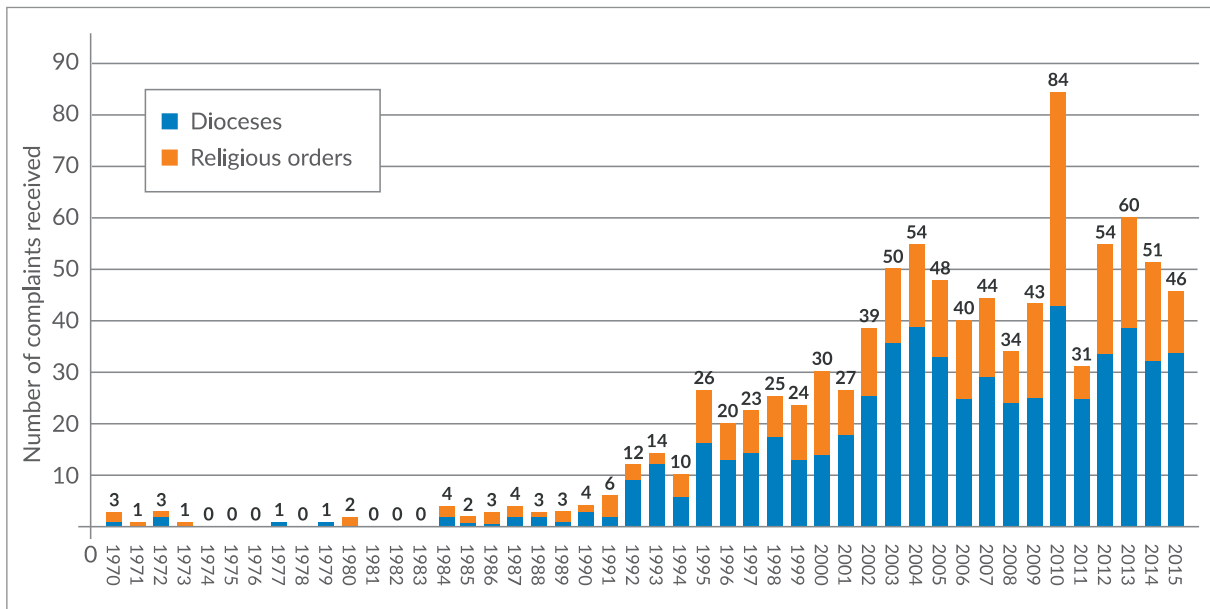
Dates of the start of the alleged abuse

Source: Based on [CHC001938_016](#)¹⁰³

¹⁰² 726 of the 931 complaints included a start date ([CHC001938_016](#)).

¹⁰³ The report makes clear that this table is based on data from 726 complaints and that, given that “there is frequently a degree of imprecision in the dates recorded”, it is an approximation of the pattern of offending ([CHC001938_016-017](#)).

21. The analysis also showed that there was an increase in reporting of complaints from the mid-1990s onwards, with a particularly high number of complaints in 2010.



Year in which complaints were received 1970–2015

Source: Based on CHC001938_013

22. On the basis of the data provided, the Bullivant report identifies the shocking scale of child sexual abuse allegations against individuals within or connected to the Roman Catholic Church in England and Wales. It is likely that the true number of complaints is considerably higher than the figures set out here.

NCSC annual reports

23. Since 2008, the NCSC has published safeguarding data in its annual report.¹⁰⁴ This includes the number of reports made to the Church relating to allegations of sexual abuse and allegations relating to the possession of child abuse images. Over the years, the way in which this information is recorded has changed.

23.1. The annual reports from 2008 to 2013 published the number of overall sexual abuse allegations (not limited to child sexual abuse allegations) and included additional detail about the role the alleged abuser had within the Church.¹⁰⁵

23.2. The 2013–14 annual report included figures based on a 10-year review of data collected. This referred to child protection allegations and so did not record the information in the same way as the previous annual reports.

23.3. Since 2015, the annual report has made reference to the number of ‘child protection allegations’ and subdivided this category to indicate the number of those allegations that related to sexual abuse.

¹⁰⁴ Prior to the establishment of the NCSC, the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) collected data. The NCSC annual reports make reference to the COPCA data.

¹⁰⁵ These figures are presumed to include allegations of sexual abuse that related to children.

Table 1: Allegations of abuse as recorded by the NCSC in its annual report up to 2018¹⁰⁶

NCSC annual report	Sexual abuse allegations	Child abuse image allegations
2008–2009 ^a	38	2
2009–2010 ^b	31	2
2010–2011 ^c	71	4
2011–2012 ^d	32	1
2012–2013 ^e	48	5
2013–2014 ^f	N/A	N/A
2015 ^g	60 child protection allegations related to sexual abuse	11
2015–2016 ^h	61 child protection allegations related to sexual abuse	7
2016–2017 ⁱ	102 child protection allegations related to sexual abuse	10
2018 ^j	104 sexual abuse allegations and concerns relating to children	6

^a CHC000100_025; ^b CHC000101_019; ^c CHC000102_024; ^d CHC000103_024; ^e CHC000104_032; ^f CHC000105; ^g CHC000106_037; ^h INQ001010_041; ⁱ INQ001009_043; ^j INQ004786_036

24. The annual reports do not consistently identify the years in which the abuse is alleged to have occurred. For example, the 2016–17 report includes information about the date when the abuse was first said to have occurred.¹⁰⁷ This information was not included in the 2018 annual report.

25. It is unclear whether the increase in the number of complaints is indicative of an increase in offending or an increase in the reporting of such matters or both. However, with more than 100 allegations each year since 2016, there is a continuing need for the Church to have procedures in place to ensure that allegations are properly investigated, victims and complainants supported, and children protected.

B.4: Reports of sexual abuse to the Charity Commission

Background

26. Each of the 22 dioceses in England and Wales is a charity registered with the Charity Commission.¹⁰⁸ Charities are responsible for ensuring that “*the charity has proper systems in place to mitigate the risk of child sexual abuse and deal with it properly if a report is made to them of such abuse*”.¹⁰⁹ As such, the Charity Commission does not investigate individual allegations of child sexual abuse but acts as the regulator “*to hold charities to account for wrongdoings*”.¹¹⁰

¹⁰⁶ At the time of drafting this report, the NCSC’s 2019 annual report had not been published.

¹⁰⁷ INQ001009_044

¹⁰⁸ Michelle Russell 1 November 2019 122/18-19. The Charity Commission is unable to provide the number of religious institutes that are registered as charities (CYC000503).

¹⁰⁹ Michelle Russell 1 November 2019 127/1-6

¹¹⁰ Michelle Russell 1 November 2019 122/17-18

27. A charity’s trustees must act “*exclusively*” in the charity’s best interests and “*avoid exposing the charity’s assets, beneficiaries or reputation to undue risk*”.¹¹¹ Avoiding exposure to reputation does not mean that a trustee should “*sweep a child sexual abuse allegation under the carpet*”.¹¹² A charity’s reputation would be best protected by demonstrating that any failures that happened were dealt with responsibly.

Serious incident reports

28. Allegations of child sexual abuse are considered by the Charity Commission to fall within the definition of a ‘serious incident’, which requires the matter to be reported to the Charity Commission.¹¹³

29. In relation to the Roman Catholic Church, the Charity Commission told us that between April 2014 and July 2019 there had been:

- 203 serious incident reports relating to child sexual abuse;
- a further 13 serious reports which were “*classified as notification of IICSA interest*” by charities connected with the Roman Catholic Church in England and Wales;¹¹⁴ and
- an additional five cases where it was not possible to say whether the serious incident report related to child sexual abuse.

30. The Charity Commission reviewed the numbers of serious incidents (of any category, not just relating to child sexual abuse) reported to it by the 22 Catholic diocesan trusts.¹¹⁵

¹¹¹ CYC000140_007, para 27

¹¹² Michelle Russell 1 November 2019 129/19-14

¹¹³ A ‘serious incident’ is defined as “*an adverse event, whether actual or alleged, which results in significant loss of the money or assets, damage to a property and harm to the charity’s work, beneficiaries or reputation*” (<https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>).

¹¹⁴ CYC000417_002

¹¹⁵ CYC000417_005. This included the number of reports across any category of harm. Ms Russell considered it likely that a number of reports would relate to child sexual abuse and safeguarding (Michelle Russell 1 November 2019 143/5-9).

Table 2: Serious incident reports against diocesan trusts recorded by the Charity Commission between April 2014 and July 2019¹¹⁶

Name	Recorded reported serious incidents (RSIs) of any category
Arundel and Brighton Diocesan Trust	4
Birmingham Diocesan Trust	16
Brentwood Roman Catholic Diocesan Trust	6
Cardiff Roman Catholic Diocesan Trust	0
Clifton Diocese	3
East Anglia Roman Catholic Diocesan Trust	0
Roman Catholic Diocese of Hallam Trust	1
Roman Catholic Diocese of Hexham & Newcastle	6
The Lancaster Roman Catholic Diocesan Trust	0
Leeds Diocesan Trust	3
Liverpool Roman Catholic Archdiocesan Trust	5
Menevia Diocesan Trust	0
Middlesbrough Diocesan Trust	8
Northampton Roman Catholic Diocesan Trust	6
Roman Catholic Diocese of Nottingham	10
Plymouth Diocesan Trust	19
Portsmouth Roman Catholic Diocesan Trust	6
The Salford Diocesan Trust	2
Shrewsbury Roman Catholic Diocesan Trust	0 ¹¹⁷
The Roman Catholic Archdiocese of Southwark	3
The Westminster Roman Catholic Diocesan Trust	5
Wrexham Diocesan Trust	0

Source: CYC000417_005

31. Some of the dioceses had made no serious incident reports at all, which was “of concern” to the Charity Commission.¹¹⁸ Given the number of complaints of child sexual abuse across the Church, it is not clear why so few serious incidents were recorded. Mrs Edina Carmi, an independent safeguarding consultant, was commissioned by the Inquiry to undertake a review of a number of recent diocesan and religious safeguarding files. She found there was “a real confusion” about the circumstances in which the Charity Commission needed to be notified of a serious incident.¹¹⁹

32. The Charity Commission has recorded its own concerns about under-reporting of serious incidents across the charity sector as a whole.¹²⁰ The apparent under-reporting of

¹¹⁶ The Charity Commission noted that “dioceses may have reported RSIs to the Commission via alternative routes” (CYC000417_005).

¹¹⁷ On 9 January 2020, the Charity Commission informed the Inquiry that the Diocese of Shrewsbury had in fact made eight serious incident reports (CYC000418).

¹¹⁸ Michelle Russell 1 November 2019 143/21

¹¹⁹ Edina Carmi 5 November 2019 16/23-25

¹²⁰ Michelle Russell 1 November 2019 140/18

serious incidents by the diocesan trusts means that scrutiny might not be brought to bear when it is needed. On the basis of the evidence we heard, it is difficult to say whether this is because there is a reluctance by diocesan trustees to report these matters or for some other reason. The Charity Commission plays an important role in ensuring the Church's trustees have appropriate procedures in place for the handling of allegations and the management of risk to children. It is the responsibility of the Church and the Charity Commission to ensure that trustees report both recent and historic allegations of child sexual abuse to the Charity Commission.

Part C

The Holy See

The Holy See

C.1: Introduction

1. The Pope is the Bishop of Rome and leader of the worldwide Roman Catholic Church (the Universal Church). He is assisted by a number of organisations and bodies to help him exercise his universal role. The Pope and those organisations and bodies are known as the Holy See. Based in Rome, the Holy See is in effect the seat of government of the Roman Catholic Church. As an international legal person, the Holy See has rights and obligations under public international law.
2. The Holy See's ambassador in England and Wales is known as the Apostolic Nuncio (also referred to as the Papal Nuncio) and has diplomatic status.¹²¹ He acts as the Holy See's official representative to the UK government. He also engages with the Bishops' Conference in "an advisory and supportive role".¹²² The Apostolic Nuncio's involvement in a child sexual abuse allegation "consists of transmission of documentation to and from" the relevant department of the Holy See.¹²³

C.2: The Church's canonical framework

Canon law

3. The Catholic Church is governed by divine law and legislation made by the Pope.¹²⁴ Prior to 1917, the law of the Church was found in collections of decrees of Church Councils and the Popes.¹²⁵ In 1917, these decrees were consolidated into "a single authoritative code" – the 1917 Code of Canon Law.¹²⁶ In 1983, the Code was revised and replaced. The 1983 Code of Canon Law remains in force (subject to various amendments).
4. Canon 1395 of the 1983 Code contains the main canonical crime applicable to child sexual abuse allegations. It states:

*"A cleric who in another way has committed an offence against the sixth commandment of the Decalogue, if the delict was committed by force or threats or publicly or with a minor below the age of sixteen years,¹²⁷ is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants."*¹²⁸
5. Monsignor Gordon Read, an expert in canon law, explained that historically "any kind of sexual sin" was considered an offence against the sixth of the Ten Commandments ('Thou shalt not commit adultery').¹²⁹ Canon 1395 is therefore part of a group of offences "that

¹²¹ APN000002_001

¹²² APN000002_002

¹²³ APN000002_002

¹²⁴ Divine law is derived from scripture (for example from the Ten Commandments) and from principles of natural law. CHC001929_003 (see footnote 8).

¹²⁵ Church Councils are departments of the Holy See that assist the Pope in the exercise of his power.

¹²⁶ CHC001929_005 para 12

¹²⁷ Subsequently amended to 'under 18' (CHC001929_013 para 30).

¹²⁸ Monsignor Gordon Read 4 November 2019 131/12-18; CHC001929_013

¹²⁹ Monsignor Gordon Read 4 November 2019 131/4-10

relate specifically to the responsibilities/expectations of clergy including celibacy".¹³⁰ Monsignor Read told us that another section of the Code *"deals with offences against human life and freedom"* which Monsignor Read considered to *"be a much better place to locate this particular area of legislation not least because it applies not only to clergy but to anyone"*.¹³¹

6. Describing child sexual abuse as the canonical crime of 'adultery' is wrong and minimises the criminal nature of abuse inflicted on child victims. A canonical crime relating to child sexual abuse should be clearly identified as a crime against the child.

Papal laws

7. The Pope can make laws in his own right. He also approves legislative changes presented to him by the various departments and bodies of the Holy See.

8. Legislation made by the Pope is applicable to the Church worldwide (universal law). One of the ways the Pope can legislate is by issuing a *Motu Proprio*. A *Motu Proprio* is a personal decree (or law) issued by the Pope which amends or replaces any code of canon law (or other provision) which is contrary to the decree. Some examples relevant to this Investigation include:

- In 2001, Pope John Paul II issued a *Motu Proprio* which included procedural rules for dealing with cases of alleged child sexual abuse.¹³²
- In 2010, Pope Benedict XVI issued a *Motu Proprio* amending Canon 1395 to read *"a person below the age of eighteen years"*.¹³³
- In 2016, Pope Francis issued a *Motu Proprio* stating that the negligence of a bishop in handling child sexual abuse allegations might satisfy the test for removing the negligent bishop from office.¹³⁴

Motu Proprio – Vos estis lux mundi

9. On 7 May 2019, Pope Francis issued the *Motu Proprio* 'Vos estis lux mundi' ('You are the light of the world').¹³⁵ At the outset of the *Motu Proprio*, he wrote:

*"The crimes of sexual abuse offend Our Lord, cause physical, psychological and spiritual damage to the victims and harm the community of the faithful. In order that these phenomena, in all their forms, never happen again, a continuous and profound conversion of hearts is needed, attested by concrete and effective actions that involve everyone in the Church, so that personal sanctity and moral commitment can contribute to promoting the full credibility of the Gospel message and the effectiveness of the Church's mission ... Even if so much has already been accomplished we must continue to learn from the bitter lessons of the past, looking with hope towards the future."*¹³⁶

¹³⁰ Monsignor Gordon Read 4 November 2019 135/11-14

¹³¹ Monsignor Gordon Read 4 November 2019 135/20-24

¹³² CHC001929_007 para 18

¹³³ CHC001929_013 para 30

¹³⁴ CHC001929_008 para 18(b)

¹³⁵ CHC001930

¹³⁶ CHC001930_001

10. The *Motu Proprio* prescribes:

- clerics and religious must report sexual abuse, and any cover-up, to the appropriate Church authorities, including the relevant bishop or religious institute leader (save where to do so would be a breach of the sacramental seal);
- cooperation with state authorities, including adherence to any national reporting obligations;
- the procedure for handling allegations made against a bishop or leader of a religious institute;¹³⁷ and
- a commitment by the Church to ensure that victims and complainants and their families are to be “*treated with dignity and respect*”, including being “*listened to and supported*” and offered spiritual and medical assistance as required by the specific case.¹³⁸

11. The *Motu Proprio* was described by the Bishops’ Conference in England and Wales as the Catholic Church taking “*a further and incisive step in the prevention and fight against abuse, putting the emphasis on concrete actions*”.¹³⁹

C.3: The institutions of the Holy See

Congregation for the Doctrine of the Faith

12. The Congregation for the Doctrine of the Faith (CDF) is one of the administrative institutions of the Holy See. The CDF has:

*“overall responsibility for passing on the Catholic faith. One of the ways in which it does this is to exercise disciplinary responsibility for canonical crimes in the area of faith and the celebration of the sacraments, as well as the moral issues connected with these.”*¹⁴⁰

13. In general terms, the CDF will become involved in a complaint of child sexual abuse against a member of the clergy in two ways:

- a canonical process to establish whether a canonical crime has been committed; and
- the laicisation process.

Canonical process in a child sexual abuse allegation

14. Where an allegation of child sexual abuse is made against a member of the clergy, canon law requires the matter to be reported to the relevant bishop or religious institute leader.¹⁴¹ This requirement exists alongside the Church’s obligations to report a child sexual abuse allegation or concern to the statutory authorities. In England and Wales “*canonical rules and processes must be subordinated*” to any statutory investigation and so the canonical process is adjourned until the state’s investigations are completed.¹⁴²

¹³⁷ [CHC001929_046](#) para 126; [VAT000027_003](#)

¹³⁸ [VAT000027_004](#)

¹³⁹ <https://www.cbcew.org.uk/new-norms-for-the-whole-church-against-those-who-abuse-or-cover-up/>

¹⁴⁰ [CHC001929_006](#). The Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL) is the department of the Holy See responsible for matters concerning religious communities. It deals with complaints about the general conduct of monastic life in a monastery or of an individual monk/nun but the CDF maintains responsibility for the canonical investigation of cases of child sexual abuse.

¹⁴¹ [CHC001929_014](#) para 35; [CHC001929_017](#) para 45

¹⁴² [CHC001929_017-018](#) para 46

15. Once the state’s investigations have concluded, the substantive canonical process begins. This involves the bishop or religious leader conducting a preliminary investigation to establish whether “*there is knowledge, which at least seems true*” of a canonical crime.¹⁴³ As Monsignor Read put it, the question to be determined is: “*Is there something to investigate here?*”¹⁴⁴ The bishop or religious leader will then issue a decree (ie a decision) providing the reasons for the decision.

16. Where the decree states that there is ‘something to investigate’, the matter is referred to the CDF. The CDF instructs the bishop or religious leader how to proceed. In practice, the CDF usually advises that an ‘administrative process’ be followed whereby the bishop or religious leader and two assessors oversee the substantive investigation and the bishop or religious leader decides whether a canonical crime has been proven to the standard of “*moral certitude*”.¹⁴⁵ The CDF retains the right to impose any penalty at the end of this process, including a recommendation that the priest be laicised (see below).

Laicisation

17. Laicisation is the process by which a member of the clergy is ‘returned to the lay state’. The CDF is the department responsible for ensuring that laicisation procedures are followed and that the correct paperwork has been submitted before the Pope grants the petition dispensing the priest from the obligations of ordination.

18. In both case studies, the Inquiry heard that priests convicted of child sexual abuse were laicised, but the length of time taken to do so often varied. For example, Laurence Soper was laicised within 18 months of his convictions for child sexual abuse offences.¹⁴⁶ By contrast it took nearly seven years for James Robinson to be laicised following his convictions.¹⁴⁷

19. The Holy See declined to provide the Inquiry with any information about the length of time taken to laicise a priest or provide any information about the delay in laicising James Robinson.

20. We heard that the CDF had a small number of staff, between 10 and 20 people.¹⁴⁸ Adrian Child (director of the Catholic Safeguarding Advisory Service (CSAS) from 2007 to 2015) told us that:

*“The CDF are hugely understaffed and simply cannot deal with the deluge of referrals they receive. It is not unusual for a CDF response to take 2 or 3 years and in the context of safeguarding this is obviously unsatisfactory.”*¹⁴⁹

It is unsurprising therefore that when Christopher Pearson (NCSC Chair) wrote to the CDF to ask for an assurance that personal and sensitive information about a survivor of child sexual abuse (RC-A711) was not leaked by them, he did not even receive a response. He was told there would be little point in chasing the letter due to the “*extremely slow*” responses previously obtained from the CDF.¹⁵⁰

¹⁴³ [CHC001929_019](#) para 49

¹⁴⁴ [CHC001929_020](#) para 50

¹⁴⁵ [CHC001929_033](#) para 88

¹⁴⁶ [MPS003065_032-034](#); [BNT007157](#)

¹⁴⁷ [Archdiocese of Birmingham Investigation Report Part B.4](#) para 42

¹⁴⁸ [Baroness Sheila Hollins 1 November 2019 25/12](#)

¹⁴⁹ [INQ000979_020](#) para 73 [INQ000979_021](#)

¹⁵⁰ [Christopher Pearson 31 October 2019 108/24-110/11](#)

21. The Inquiry's rapid evidence assessment (REA) *Child sexual abuse within the Catholic and Anglican Churches* reported that, in 2010, the Catholic Church "revealed that between 2001 and 2010 the Congregation [for the Doctrine of the Faith] had discussed allegations regarding improper sexual conduct relating to about 3000 priests".¹⁵¹ No definition of the term 'improper sexual conduct' is provided. The REA suggests the figure of 3,000 is an underestimate when compared with other evidence about the numbers of allegations against priests. The absence of published data about the number of priests laicised for child sexual abuse offences (whether in crimes in civil or canonical law) diminishes confidence in the Church's handling of such cases.

Pontifical Commission for the Protection of Minors

22. In 2014, Pope Francis established the Pontifical Commission for the Protection of Minors (PCPM) to advise him on "effective policies for the protection of minors and vulnerable adults and educational programmes for all who are involved in this work".¹⁵²

23. The PCPM, a department of the Holy See, is made up of experts who act as an advisory body to the Pope. Baroness Sheila Hollins, one of the eight founding members, told us that the remit of the PCPM was "very broad".¹⁵³ Where the PCPM identifies best practice, it makes recommendations to the Pope to adopt such practice; where weaknesses are identified, it proposes initiatives to address any shortcomings.¹⁵⁴ In 2016, Pope Francis approved the PCPM's guidelines template.¹⁵⁵ The template was intended to be a model set of guidelines with which each country's own guidelines complied.¹⁵⁶ It was sent to each Bishops' Conference and all major religious institutes. However, as Baroness Hollins accepted, the guidelines were "advisory"¹⁵⁷ and ultimately it was for bishops to decide how to act.

24. Baroness Hollins told us that by 2017 (when her time as a member of the PCPM came to an end) it "became increasingly apparent" to her that "advice would not be enough unless methods were found to support church leaders to implement the guideline recommendations in different regions and countries".¹⁵⁸ Sister Jane Bertelsen, a PCPM member since 2018, also expressed her concern that the advisory nature of the PCPM meant its "capacity to influence the global church in this area" was "limited".¹⁵⁹

25. Baroness Hollins said she "sensed resistance in some quarters" because although people within the Church understood the legal requirements and procedures, they did not "truly understand" the subject of child abuse.¹⁶⁰ She felt that the PCPM had "recommended the best policies" but said that:

*"unless they were implemented, and implemented really with the heart that's required to carry this through and to understand that this is going to be an essential and ongoing commitment, then the guidelines on their own wouldn't work".*¹⁶¹

¹⁵¹ *Child sexual abuse within the Catholic and Anglican Churches: A rapid evidence assessment* p28

¹⁵² Baroness Sheila Hollins 1 November 2019 4/2-6

¹⁵³ Baroness Sheila Hollins 1 November 2019 5/18

¹⁵⁴ Baroness Sheila Hollins 1 November 2019 5/4-6/5

¹⁵⁵ INQ004373

¹⁵⁶ Baroness Sheila Hollins 1 November 2019 12/2-12

¹⁵⁷ Baroness Sheila Hollins 1 November 2019 13/7-12

¹⁵⁸ Baroness Sheila Hollins 1 November 2019 20/1-3

¹⁵⁹ CHC001942_005 para 12.1

¹⁶⁰ Baroness Sheila Hollins 1 November 2019 20/14

¹⁶¹ Baroness Sheila Hollins 1 November 2019 21/25-22/4

26. For example, in 2016 the PCPM advised that the CDF should respond to letters received from victims and survivors rather than referring the inquirer back to the bishop in the inquirer's diocese.¹⁶² Baroness Hollins said that:

*"Whilst the CDF did not directly refuse to follow that advice, it did not do so."*¹⁶³

As a result, Ms Marie Collins, a PCPM member, survivor of child sexual abuse and prominent campaigner, resigned from the PCPM. An article published in the *Catholic Herald* stated that Ms Collins criticised the CDF:

*"citing what she called 'unacceptable' resistance to the commission's proposals from the Vatican's doctrine office ... Collins mentioned in particular the alleged refusal by the Congregation for the Doctrine of the Faith to implement proposals approved by the Pope and to collaborate with the commission."*¹⁶⁴

27. This incident led Baroness Hollins to comment *"some church leaders get it and some church leaders don't"*.¹⁶⁵

28. Sister Bertelsen thought it would *"take time"* for the PCPM to be seen as *"a vital force in the church"* and thought there needed to be a central office in Rome with authority to coordinate efforts across the Church.¹⁶⁶ She thought this office should have *"functional independence, be well resourced and remain directly accountable to the Pope"*.¹⁶⁷ She explained that Pope Francis had embarked on a process of an entire reform of the Roman Curia (government departments of the Vatican), which she described as *"like cleaning the sphinx with a toothbrush"*. She hoped the PCPM would *"have a significant voice"* in that reform.¹⁶⁸

29. In December 2013, safeguarding was identified by the College of Cardinals as an *"urgent"* priority.¹⁶⁹ It was not until September 2019 that the PCPM gathered together 11 departments of the Vatican to discuss the Church's response to safeguarding.¹⁷⁰ While Sister Bertelsen described this as being a *"very significant step forward"*, she could not explain the delay of almost six years.¹⁷¹

30. The PCPM plays an important advisory role but its value depends on the extent to which other departments in the Holy See heed its advice and engage with it. It remains to be seen whether it will provide the Roman Catholic Church with effective policies or is simply another well-meaning body that fails to effect any real change to the way the Church approaches the issue of child sexual abuse.

¹⁶² INQ004361_003 para 13

¹⁶³ INQ004361_003 para 13

¹⁶⁴ INQ004641

¹⁶⁵ INQ004641; Baroness Sheila Hollins 1 November 2019 28/13-23

¹⁶⁶ Sister Jane Bertelsen 4 November 2019 27/5-7

¹⁶⁷ Sister Jane Bertelsen 4 November 2019 27/12-19; CHC001942_005 para 12.3

¹⁶⁸ Sister Jane Bertelsen 4 November 2019 27/20-28/1

¹⁶⁹ Sister Jane Bertelsen 4 November 2019 19/4-15; CHC001942_001 para 2

¹⁷⁰ Sister Jane Bertelsen 4 November 2019 29/21-24

¹⁷¹ Sister Jane Bertelsen 4 November 2019 30/5-7

C.4: The Holy See and leadership

31. In recent years, Pope Francis has issued a number of statements on the subject of the Church's response to child sexual abuse.

31.1. When he established the Pontifical Commission for the Protection of Minors in 2014, Pope Francis said:

*"Many painful actions have caused a profound examination of conscience for the entire Church, leading us to request forgiveness from the victims and from our society for the harm that has been caused. This response to these actions is the firm beginning for initiatives of many different types, which are intended to repair the damage ..."*¹⁷²

31.2. In December 2018, he wrote that the Church *"will spare no effort to do all that is necessary to bring to justice whosoever has committed such crimes"*.¹⁷³

31.3. In his May 2019 *Motu Proprio*, Pope Francis said *"concrete and effective actions"* were required.¹⁷⁴

Inquiry requests to the Apostolic Nuncio and the Holy See

32. In autumn 2018, the Inquiry requested a statement from the Holy See's ambassador to the United Kingdom, the Apostolic Nuncio, Monsignor Edward Adams. The request was for information relevant to the English Benedictine Congregation (EBC) case study hearing in respect of Ealing Abbey and St Benedict's School (in February 2019) and in particular, about the Apostolic Nuncio's involvement in handling child sexual abuse allegations and the Apostolic Visitation of 2011/12.

33. The Apostolic Nuncio has diplomatic status and so cannot be compelled to provide a statement or to give evidence. This was therefore a voluntary request for the Apostolic Nuncio to provide information. The Apostolic Nuncio indicated that he needed to consult with the Holy See before replying. The Inquiry also sent the request of the Nuncio to the Holy See and liaised with the Foreign & Commonwealth Office to ensure that the request was made through established diplomatic channels.

34. Despite efforts by the Inquiry, no information was provided by the Apostolic Nuncio or the Holy See prior to the Inquiry's public hearing in relation to Ealing Abbey in February 2019.

35. In preparation for the wider hearing in October and November 2019, the Inquiry asked the Holy See for information about a number of other matters and repeated the requests made of the Nuncio. The Inquiry continued to press the Holy See, via the Foreign & Commonwealth Office, for confirmation as to whether it intended to respond to any or all of the Inquiry's requests. In due course, the Holy See confirmed that it would not be providing a witness statement. It did provide a response which included information about the 2011 Apostolic Visitation of Ealing Abbey and the disappearance and subsequent dismissal of Laurence Soper from the priesthood.

¹⁷² http://w2.vatican.va/content/francesco/en/letters/2014/documents/papa-francesco_20140322_chirografo-pontificia-commissione-tutela-minori.html

¹⁷³ http://w2.vatican.va/content/francesco/en/speeches/2018/december/documents/papa-francesco_20181221_curia-romana.html

¹⁷⁴ CHC001930_001

36. In August 2019, the Holy See provided a document entitled *Notes on the measures adopted by the Holy See and by national Conferences of Catholic Bishops to prevent and contrast child abuse* (the Notes).¹⁷⁵ The opening sentence of the Notes states:

*“The Holy See condemns the sexual abuse and ill-treatment of minors and vulnerable persons in the strongest possible terms. As Pope Francis has observed, ‘the crimes of sexual abuse offend Our Lord, cause physical, psychological and spiritual damage to the victims and harm the community of the faithful’.”*¹⁷⁶

37. The Notes appended a number of publicly available documents (for example, the 2001 and 2019 *Motu Proprios*). The Notes also explained that the Holy See did not exercise jurisdiction over individuals and institutions outside the Vatican, as bishops have autonomy within their own diocese.¹⁷⁷ The document concluded:

*“The Holy See is committed to continue to assist local dioceses and national Episcopal Conferences in preventing and countering the scourge of sexual abuse by members of the clergy. At the same time, the measures already adopted both by the Holy See and at the local level have contributed greatly towards creating a safe environment for children and vulnerable persons.”*¹⁷⁸

38. The Holy See provided limited information in respect of the Ealing Abbey case study. In respect of the final public hearing, it did little more than confirm the bishops’ authority within their own dioceses and provide documents already within the public domain. As recently as May 2019, the Pope made his position on child sexual abuse clear – there needed to be action not just words. This pronouncement stands in direct contrast to the limited information the Holy See provided to the Inquiry. In responding in this way, the Holy See’s stance was contrary to the spirit of its public statements and it missed the opportunity to demonstrate its engagement and leadership on the issue of child sexual abuse.

¹⁷⁵ [VAT000027](#)

¹⁷⁶ [VAT000027_001](#)

¹⁷⁷ [VAT000027_003](#)

¹⁷⁸ [VAT000027_005](#)

Part D

The Nolan and Cumberlege reviews

The Nolan and Cumberlege reviews

D.1: The Nolan report (2001)

1. In September 2000, Lord Michael Nolan was asked by the then Archbishop of Westminster to chair an independent committee to review arrangements made for child protection and the prevention of abuse within the Roman Catholic Church in England and Wales.¹⁷⁹ The report, *A Programme for Action* (the Nolan report), was published in September 2001. It encouraged a Church-wide commitment to one set of policies and procedures based on the paramountcy principle and other guidance. The paramountcy principle was enshrined in the Children Act 1989 (which came into force in 1991) and requires the child's welfare to be the "*paramount consideration*".¹⁸⁰

2. The Nolan report also made 83 recommendations applicable to both the dioceses and religious institutes.¹⁸¹ The first recommendation was that the Church should "*become an example of best practice in the prevention of child abuse and in responding to it*".¹⁸²

*"In our society we expect all organisations that have responsibility for the care of children to have arrangements that protect those children and promote their welfare. The care of children is at the forefront of the teachings of Christ and is, therefore, one of the primary responsibilities of all members of the Church ... "*¹⁸³

3. The report also recommended:

- an organisational structure to include a parish child protection representative and a child protection coordinator (CPC) for the diocese or religious institute;
- a National Child Protection Unit to advise the Bishops' Conference, the Conference of Religious (CoR), the dioceses and religious institutes, to issue guidance about safe working with children, to monitor the effectiveness of child protection arrangements in each diocese, and to liaise with the statutory authorities;
- a single national database of information on all applicants for the priesthood and religious life;
- registration by Church organisations with the Criminal Records Bureau (now the Disclosure and Barring Service (DBS)) and use of its services, including in the selection process for candidates for ordination;¹⁸⁴
- disclosures and suspicions always be "*acted on swiftly*",¹⁸⁵ applying the paramountcy principle, and shared with the CPC and with statutory authorities as soon as possible

¹⁷⁹ Lord Nolan was a former chairman of the Committee on Standards in Public Life and a retired judge.

¹⁸⁰ Children Act 1989 section 1

¹⁸¹ *Ampleforth and Downside Investigation Report* Part A paras 61–67

¹⁸² CHC000053_018

¹⁸³ CHC000053_018

¹⁸⁴ This recommendation was implemented – see INQ002671_002

¹⁸⁵ CHC000053_033 recommendation 52

without any filtering – the statutory authorities should take the lead in investigating the allegation;

- the use of risk assessments, including in cases where the investigation was closed or the alleged perpetrator found not guilty;
- records in relation to individuals and allegations kept for a minimum of 100 years; and
- historical allegations should be treated in the same way as allegations of current abuse. Bishops and religious superiors should ensure that historic cases should be the subject of review as soon as possible and reported to the statutory authorities where appropriate.

4. The Nolan Committee was clear:

“The structure of the Church means that formal responsibility for action lies primarily with individual bishops and superiors of religious orders. We are confident that this need create no difficulty provided that the whole Church in England and Wales and the individual bishops and superiors commit themselves wholeheartedly to the programme we have set out ... But our hope is that this report will help to bring about a culture of vigilance where every single adult member of the Church consciously and actively takes responsibility for creating a safe environment for children. Our recommendations are not a substitute for this but we hope they will be an impetus towards such an achievement.”¹⁸⁶

D.2: The post-Nolan child protection structure

5. As a result of the Nolan report, the Church made a number of structural changes in relation to its handling of child sexual abuse allegations.

Catholic Office for the Protection of Children and Vulnerable Adults

6. The Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) was established in January 2002 as the national child protection unit envisaged by the Nolan report. COPCA was funded by the Bishops’ Conference and by the CoR. Its director was Mrs Eileen Shearer and its work included:

- providing advice and support to both Conferences, the dioceses and religious institutes;
- establishing a duty scheme to provide advice on individual cases;
- liaising with statutory agencies at national level, and with professional bodies and leading charities;
- publishing an annual report which included information on the number of allegations received and information about how they were handled;
- facilitating child protection training; and
- introducing self-audits in the dioceses and religious institutes.

¹⁸⁶ CHC000053_042-043

Diocesan structure

7. One of COPCA's first recommendations was for the Church to establish a formalised organisational structure. This was approved by the Bishops' Conference and resulted in the introduction of a number of structural changes.

- **Independent child protection commissions:** The commissions' role included providing a support structure for child protection coordinators (see below), improving relationships between the Church and external agencies, and reviewing risk assessments for the management of child sex offenders in the Church.¹⁸⁷ Members included child protection experts such as the police and probation and social workers.¹⁸⁸
- **Child protection coordinators (CPC):** The role of CPCs was wide-ranging and included:
 - leading and managing the development of child protection practice and implementation of the policies at archdiocesan level;
 - responding to allegations of abuse, including referrals to statutory authorities and providing support and advice to survivors and victims;
 - providing guidance and advice to parish child protection representatives;
 - overseeing the arrangements for covenants of care (now known as safeguarding agreements or safeguarding plans); and
 - dealing with issues concerning vulnerable adults.¹⁸⁹
- **Parish child protection representatives:** Each parish had a parish child protection representative, responsible for ensuring that diocesan policies and procedures were followed in everyday practice.

Structure in religious institutes

8. Mrs Shearer stated that achieving a similar organisational structure for the religious institutes was "*highly problematic*".¹⁹⁰ One proposal was for the religious institutes to join the diocesan child protection structure. Mrs Shearer told us that this proposal was "*unacceptable*" to:

"some of the religious, partly because they were fiercely independent, partly because they did not view it as correct that they should come under ... the rule of a bishop when they had their own governance structures of various kinds".¹⁹¹

9. In 2005, COPCA suggested that four regional religious commissions be established with membership, roles and responsibilities similar to those of the diocesan child protection commissions. Each regional religious commission was intended to have a safeguarding coordinator but in practice this did not happen "*in part due to the lack of resources available*" to the institutes and also "*a failure to fully understand safeguarding for many of the orders*".¹⁹²

¹⁸⁷ Eileen Shearer 30 November 2017 22/1-23/1

¹⁸⁸ INQ000989_003 para 15

¹⁸⁹ Jane Jones 14 November 2018 19/1-21/17

¹⁹⁰ INQ000989_003 para 18

¹⁹¹ Eileen Shearer 30 November 2017 23/22-24/10

¹⁹² INQ000979_007 para 33

10. Adrian Child, who was appointed as assistant director of COPCA in 2006, told us that the regional religious commissions “*didn’t really have the professional expertise that was required*” nor did they have a safeguarding coordinator.¹⁹³

11. As discussed in Part E, the religious institutes ultimately aligned with diocesan safeguarding commissions or established their own safeguarding commissions.

D.3: ‘One Church’ post-Nolan

12. The Nolan report’s core recommendation was what became known as the ‘One Church’ approach – a single set of principles, policies and practices applicable across the Church based on the paramountcy principle and other government guidance.

13. In order to achieve this, the Nolan report said there was to be “*effective and speedy implementation in parishes, dioceses and religious orders*” and “*the provision of adequate resources to support these arrangements*”.¹⁹⁴ As the report acknowledges:

*“Diversity of policy and practice, insufficiency of resources and a lack of national support and co-ordination will, in our view, lead to a weakened, inconsistent and inadequate response”.*¹⁹⁵

14. Mrs Shearer noted that the Cumberlege report identified “*several crucial barriers to the effective implementation of the Nolan Report*”.¹⁹⁶ She said that in her experience bishops and leaders of religious institutes:

*“did not take full responsibility for using their legitimate authority to lead the changes that were needed ... too often paying lip service ... viewing it as a regrettable and temporary necessity to deal with the unwelcome and damaging publicity at the time”.*¹⁹⁷

15. She said that other barriers included:

- the diversity of the religious institutes, although, in her view, female religious institutes were “*by and large more engaged with and supportive of the need for COPCA’s work*” than the male religious institutes;¹⁹⁸
- the Church’s unfamiliarity with working with internal and external partners;
- the use of people in key roles (some with little or no experience of child protection work); and

*“A (misguided) perception that the paramountcy principle and Canon Law were diametrically opposed.”*¹⁹⁹

16. Evidence we heard during the case studies suggests that concerns about the implementation of the ‘One Church’ approach were not unfounded.

16.1. At Ampleforth Abbey, Abbot Timothy Wright (1997–2005) had “*an immovable attitude to allegations of child sexual abuse*” which hampered the proper and effective

¹⁹³ Adrian Child 13 December 2017 84/1-85/3; INQ000979_007 para 33

¹⁹⁴ CHC000053_042

¹⁹⁵ CHC000053_042

¹⁹⁶ INQ000989_009 para 52

¹⁹⁷ INQ000989_009 para 52

¹⁹⁸ INQ000989_004 para 23

¹⁹⁹ INQ000989_009 para 54.5

implementation of the Nolan recommendations. There were examples of Ampleforth refusing to cooperate with the statutory agencies and the Church itself.²⁰⁰

16.2. In 2003, Downside informally aligned itself with the Diocese of Clifton's safeguarding structure. Abbot Richard Yeo of Downside Abbey (1998–2006) considered that Downside engaged well with the diocese. However, the diocesan safeguarding coordinator thought that Abbot Yeo struggled with the paramountcy principle and was more focussed on protecting the clergy than victims.²⁰¹

16.3. In 2004 to 2007 there was a lengthy dispute between COPCA and the Archdiocese of Birmingham's safeguarding commission about whether COPCA should be provided with the name of an alleged perpetrator when COPCA's advice was sought. Mrs Shearer considered that there was a desire to keep COPCA at a distance.²⁰² Cardinal Vincent Nichols (then Archbishop of Birmingham) did not accept this but he should have intervened to ensure both resolution of the dispute and compliance with COPCA's protocol.²⁰³

17. In October 2003, Archbishop Vincent Nichols wrote that Lord Nolan's recommendations were:

*"accepted and the work of implementation began immediately. That work represents a sea-change in many of the habits and procedures that underlie the life of the Church in every parish, youth group, voluntary association and care institution. The scope of the change, then, is very widespread indeed."*²⁰⁴

18. As the Cumberlege review noted, there was however "some resistance to change" among certain bishops and religious leaders and "a resistance among some Chairs/Commissions to the idea that they should be 'answerable' to some other body".²⁰⁵ More recently, Cardinal Nichols told the Inquiry that the 'One Church' policy was "difficult to implement for a number of reasons".²⁰⁶ These included:

- the number of religious institutes and the diversity of their purposes;
- the relevance of child protection to some institutes which were small and consisted of elderly members;
- the capacity of smaller institutes to resource the changes; and
- the historical and canonical independence of the institutes from oversight by a bishop.

19. In his view, it took time to change the attitudes and culture within the Church post-Nolan; the "changes ... were a little like climbing a hill".²⁰⁷ He "found the procedures to be impersonal and somewhat inflexible" but he said that access to expert advice and the

²⁰⁰ *Ampleforth and Downside Investigation Report* Part B para 177

²⁰¹ *Ampleforth and Downside Investigation Report* Part B para 276

²⁰² Eileen Shearer 15 November 2018 69/12-18

²⁰³ *Archdiocese of Birmingham Investigation Report* Part C.4 para 58

²⁰⁴ AAT000287_009

²⁰⁵ CHC000002_022 para 2.21; CHC000002_044 3.48

²⁰⁶ CHC001615_009 para 36

²⁰⁷ CHC001615_009 para 40

introduction of procedural requirements benefited the Church and him personally when child protection decisions needed to be made.²⁰⁸ As he put it:

*“Judgment based on personal contact and relationship ... is not always the best basis for decisions about what is to be done.”*²⁰⁹

20. Cardinal Nichols believed that a *“lot of good was achieved”* between the Nolan and Cumberlege reports.

*“Without doubt ... COPCA ... changed the culture of safeguarding in the dioceses of England and Wales.”*²¹⁰

21. The Inquiry heard evidence of how the Nolan report brought about positive changes in the dioceses and religious institutes.

21.1. In 2004, the Archdiocese of Birmingham sought COPCA’s advice about RC-F167. Although he had been the subject of two investigations – one for alleged child sexual abuse offences, the other in respect of making inappropriate comments to children during confession – RC-F167 was working as a teacher. The Archdiocese followed COPCA’s advice and informed the police about the previous investigations. Shortly afterwards, RC-F167 resigned as a teacher.

21.2. In 2006, Ampleforth suspended RC-F95 after he attempted to access websites restricted by its firewall.²¹¹ It was reported to the police, who concluded that RC-F95 had *“attempted to access adult homosexual sites, but not those involving children”* and the investigation was closed.²¹² A number of the accessed sites contained the word ‘boy’ in the title and showed *“young adolescent males”*.²¹³ A risk assessment found that RC-F95 posed a significant risk to students in the school and his employment at the school was terminated.²¹⁴ North Yorkshire social services were informed and acknowledged that the risk assessment *“underlines the commitment to good child protection procedures and practice that has been established at Ampleforth over recent years, and the willingness to take questions outside the community”*.²¹⁵

22. The Nolan report was a significant milestone in the Church’s child protection arrangements and the recommendations brought about a number of improvements to the Church’s response to child sexual abuse allegations. There was however some resistance to the involvement of COPCA and active resistance to the involvement of the statutory authorities. Some parts of the Church did not fully embrace the key message that child protection and the welfare of the child was paramount, and some actively resisted this.

²⁰⁸ [CHC001615_010](#) para 45

²⁰⁹ [CHC001615_010](#) para 47

²¹⁰ [CHC001615_011](#)

²¹¹ [NYP000490_033](#) paras 149–150

²¹² [NYP000490_033](#) paras 150–151

²¹³ [AAT000854_013](#)

²¹⁴ [AAT000854_030](#) para 5.a; [AAT000857_002](#)

²¹⁵ [AAT000857_001](#)

D.4: The Cumberlege review (2007)

23. The Nolan report stated that its recommendations should be reviewed after five years. This led to the Cumberlege Commission review – *Safeguarding with Confidence* – in July 2007.²¹⁶

24. The Cumberlege review examined the progress of the Nolan recommendations. It concluded that 79 of the 83 recommendations had either been completely or partially addressed. The review noted:

- the achievements of COPCA “*in such a relatively short time, have been considerable*”;²¹⁷
- the complex structure of the Church meant that the implementation of the ‘One Church’ approach was not straightforward:

*“‘Programme for Action’ assumed that the Catholic Church operated as a functioning, hierarchical organisation capable of responding to, and implementing, a secular (in essence a social work) model of child protection and prevention. The reality, however, is very different ... The Church is collegiate ... Authority rests with each Bishop in his diocese and each Congregational Leader in his or her congregation ... So the Nolan prescription has compelled the Church to work in ways that are unfamiliar to it and where ‘internal’ partnership working – dioceses working with each other and congregations working with dioceses – let alone ‘external’ partnership working with the secular child protection world – has limited precedent”;*²¹⁸ and

- religious institutes were:

*“a late addition to the diocesan led thinking and recommendations underpinning the Nolan review. Five years later they continue to be so. The very nature and diversity of these religious congregations ... bring with it a particular challenge to the One Church approach ... uptake among the religious of the national policies is hugely variable. It is slower and more grudging in some places, especially among those congregations whose concerns are not primarily with children or vulnerable adults ... others are more willing to engage with the new processes than their diocesan counterparts. Substantial inputs of support and training are required to enable all religious congregations, given their diversity and later inclusion, to embrace the One Church approach.”*²¹⁹

25. The Cumberlege report replaced the language of ‘child protection’ with that of ‘safeguarding’ and made 72 recommendations, including that:

- diocesan child protection commissions should become safeguarding commissions responsible for safeguarding children and vulnerable adults;
- COPCA’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;
- CSAS should ensure the safeguarding policies are accessible at all levels with an emphasis on people in parishes;

²¹⁶ [CHC000002](#)

²¹⁷ [CHC000002](#)

²¹⁸ [CHC000002_019-020](#)

²¹⁹ [CHC000002_022](#)

- CSAS should report and be accountable to the Bishops' Conference and the CoR through a new National Safeguarding Commission; and
- the Bishops' Conference and the CoR *"should publicly declare and renew their affirmation of the One Church approach to safeguarding children, young people and vulnerable adults through the promotion of a sustained and sustainable culture of constant vigilance"*.²²⁰

26. The implementation of the Cumberlege recommendations and the resulting changes to the Church's child protection structure, policies and procedures are considered in Part E.

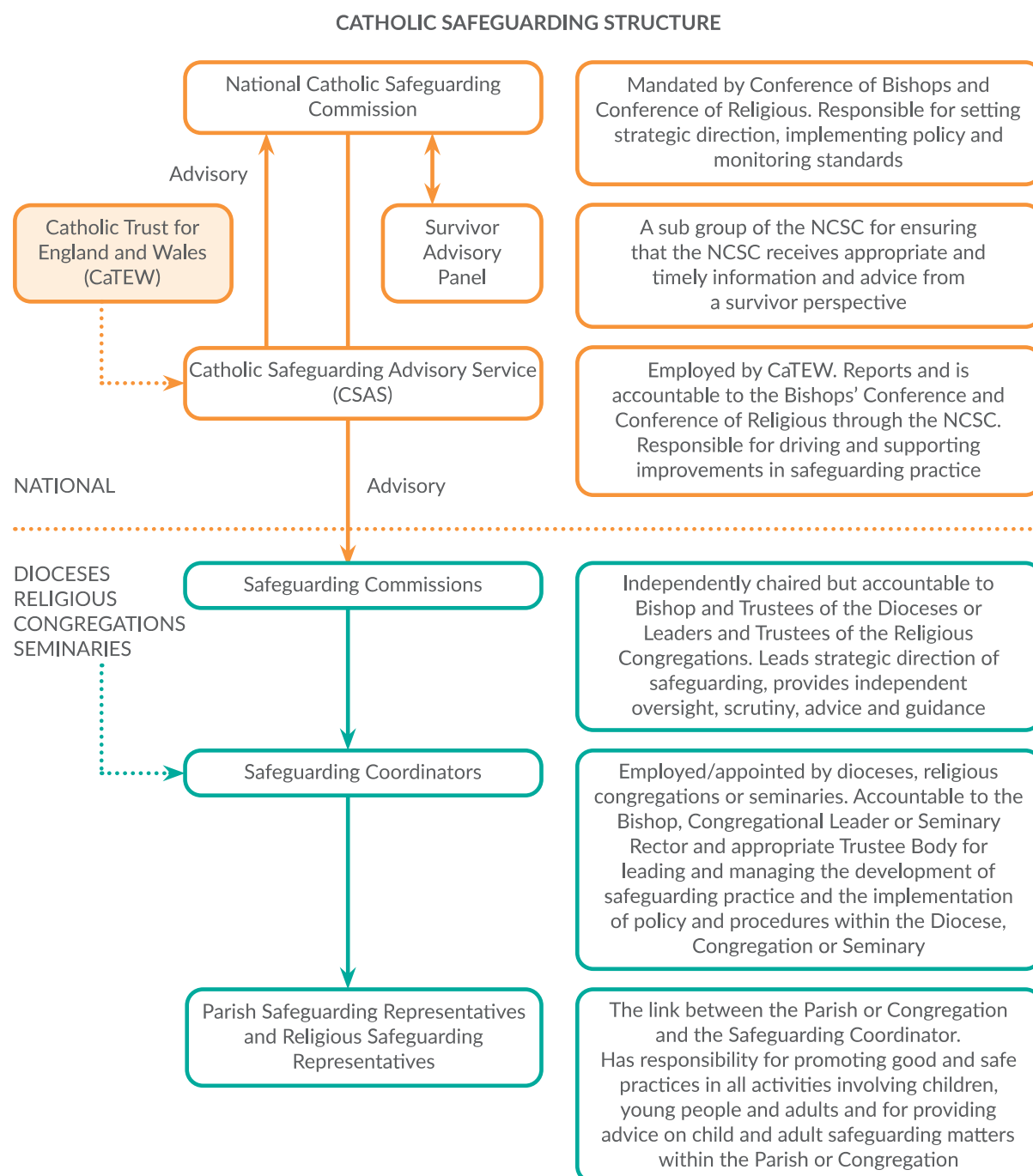
Part E

Child protection structure and policies

Child protection structure and policies

E.1: The Church's child protection structure post-Cumberlege

1. In response to the Cumberlege report, the Roman Catholic Church made a number of changes to its child protection structure, many of which remain in place today.



The current Catholic Church safeguarding structure
 Source: Based on NCS000002_002

National Catholic Safeguarding Commission

2. The National Catholic Safeguarding Commission (NCSC) was created in July 2008.²²¹ It is responsible for setting the strategic direction of the Church's safeguarding policy (with the agreement of the Bishops' Conference and the Conference of Religious (CoR)) and monitoring compliance to ensure that child protection standards are met and policies implemented.²²² It does not have any role in investigating individual allegations of child sexual abuse.²²³ The NCSC is chaired by a lay member (currently Christopher Pearson) and its membership includes other lay members as well as representatives from the Bishops' Conference and the CoR.²²⁴

Catholic Safeguarding Advisory Service

3. The Catholic Safeguarding Advisory Service (CSAS) is "*the national agency for driving and supporting improvements in safeguarding practice within the Catholic Church*".²²⁵ Its functions include:

- acting as an advisory service to those within the Church in England and Wales;²²⁶
- processing criminal record disclosure applications to the Disclosure and Barring Service (DBS) on behalf of the Church;²²⁷
- quality assurance and auditing to ensure effective arrangements are implemented in the dioceses and religious institutes;
- developing and supporting safeguarding training; and
- producing and revising policy and procedure.²²⁸

4. CSAS is accountable to the Bishops' Conference and the CoR. The Director of CSAS, Dr Colette Limbrick, has meetings with both Conferences, but she told us that they do not exert any influence over safeguarding "*in terms of the day-to-day work of CSAS*".²²⁹

5. CSAS' involvement in a safeguarding case predominantly arises in two ways:²³⁰

- When an allegation is made against a bishop, CSAS must be informed and a different diocese assumes management of the complaint. CSAS monitors the progress of the complaint and may provide advice to whoever is managing the complaint. CSAS also informs the Chair of the NCSC about the case.²³¹ Dr Limbrick could not recall a case that she was monitoring being dealt with in a way that was not compliant with CSAS procedures.²³²

²²¹ Christopher Pearson 31 October 2019 84/24-25; NCS000010_002 para 1.5

²²² Christopher Pearson 31 October 2019 84/17-21, 100/16-19; NCS000010_002 para 1.4

²²³ Christopher Pearson 31 October 2019 113/17-18

²²⁴ Christopher Pearson 31 October 2019 93/17-21, 94/23-95/1, 96/4-15

²²⁵ CSA005625_002

²²⁶ Dr Colette Limbrick 1 November 2019 50/24-51/2

²²⁷ Dr Colette Limbrick 1 November 2019 67/12-15

²²⁸ Dr Colette Limbrick 1 November 2019 51/4-16

²²⁹ Dr Colette Limbrick 1 November 2019 62/9-10

²³⁰ Dr Colette Limbrick 1 November 2019 63/1-20

²³¹ Dr Colette Limbrick 1 November 2019 63/1-64/22

²³² Dr Colette Limbrick 1 November 2019 64/23-65/2

- When CSAS is contacted for advice,²³³ Dr Limbrick said the advice is often regarding a procedural rather than case-specific point and that CSAS rarely has any further involvement once the advice is provided.²³⁴

Safeguarding commissions

6. Each diocese in England and Wales has a safeguarding commission, accountable to the bishop and the trustees. The safeguarding commission has a “*regulatory, advisory and supportive function and it exists to discharge these functions at a strategic level in all matters relating to Safeguarding in the Diocese or Religious Congregation it serves*”.²³⁵ CSAS policy requires the commission to have an independent chair and members with direct experience of safeguarding.²³⁶

Alignment of religious institutes with diocesan safeguarding commissions

7. In 2010, an NCSC working group identified “*shortfalls*” in the work of the four regional religious safeguarding commissions.²³⁷ In 2012, the Bishops’ Conference and CoR endorsed an NCSC proposal that a religious institute must either align with a diocesan safeguarding commission or establish its own commission. Six religious institutes established independent religious safeguarding commissions.²³⁸

8. The Inquiry was told that, as at May 2019, with a small number of exceptions, all other religious institutes are aligned to diocesan safeguarding commissions.²³⁹ In April 2020, the Bishops’ Conference agreed that “*all domiciled religious orders who are undertaking ministry ... but are not currently aligned, are advised that they must sign an alignment agreement*”.²⁴⁰ The alignment of religious institutes to a diocesan safeguarding commission is an important part of facilitating the ‘One Church’ approach and the remaining non-aligned institutes should sign an agreement as soon as practicable.

9. All diocesan and independent religious safeguarding commissions are expected to adhere to the NCSC and CSAS standards and procedures.²⁴¹ The standards are set out in the document *Towards a Culture of Safeguarding*, which was approved by the NCSC and both Conferences in 2012.²⁴² In the same year, the NCSC created link roles in which NCSC members are ‘linked’ to the safeguarding commissions. The link member helps the NCSC understand how ‘One Church’ is operating “*on the ground*” and reports back on local practice and any challenges faced by the commissions.²⁴³

Safeguarding coordinators

10. Safeguarding coordinators play a vital role within the safeguarding team of a diocese or religious institute. They are often a key point of contact and support for victims and survivors who report allegations of child sexual abuse and are responsible for making or

²³³ Dr Colette Limbrick 1 November 2019 65/22-66/4

²³⁴ Dr Colette Limbrick 1 November 2019 66/5-14

²³⁵ <https://www.csas.uk.net/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

²³⁶ INQ005966

²³⁷ INQ004593_005 para 4.6

²³⁸ The Society of Jesus (the Jesuits), The Society of the Divine Saviour (the Salvatorians), The Institute of Our Lady of Mercy, The Safeguarding Commission for Orders in Schools (SCOE), Ampleforth Abbey and Buckfast Abbey.

²³⁹ CHC0001962_003

²⁴⁰ CHC002158_003

²⁴¹ NCS000010_013 para 6.3

²⁴² NCS000010_013 para 6.3; AAT000170

²⁴³ CHC001954_011 para 21

overseeing referrals to the police and other external agencies. They are also accountable to the bishop, religious leader (or seminary rector) and the appropriate trustees for:

- leading on implementation and management of safeguarding and child (and adult) protection policy and practice within the diocese, religious institute or seminary;
- developing and implementing best practice in national and local initiatives to minimise the opportunity for abuse to occur;
- informing and advising the bishop or religious leader on best practice in managing concerns and allegations relating to children (and adults) at risk;
- assisting the bishop or religious leader to identify support needs for those accused of child sexual abuse; and
- providing national safeguarding training modules.²⁴⁴

Parish safeguarding representative

11. Each parish and religious institute is required to have a parish safeguarding representative (PSR) to act as the link between it and the safeguarding coordinator. He or she is responsible for “*good and safe practices in all activities involving children, young people and adults and for providing advice on child and adult safeguarding matters within the Parish or Congregation*”.²⁴⁵

12. CSAS prescribes that PSRs should have minimum standards of induction, a clear job description, training on the national policies and procedures and know who to contact if a concern or allegation is raised.²⁴⁶ Adrian Child, former director of CSAS, said that in his view safeguarding within the Church “*relies on the parish reps*”. He said:

*“Generally speaking, I believe it works well, reliant as it is on the tireless efforts of volunteers at parish level and mainly appropriately qualified staff in the safeguarding offices. A good level of competence and understanding has been built up since 2000.”*²⁴⁷

13. As at the end of 2018, 2,126 of 2,227 parishes had safeguarding representatives.²⁴⁸

E.2: Implementing the Cumberlege review recommendations

14. During the fourth public hearing, the Inquiry examined the progress, or otherwise, of implementation of Cumberlege recommendations 2 and 72.

Recommendation 2: Codes of conduct

15. Recommendation 2 of the Cumberlege review stated that the Bishops’ Conference and the CoR “*should develop Codes of Conduct for all clergy, non clergy religious and those who work in the service of the Church, including volunteers*”.²⁴⁹ The proposed timeline for implementation of the Code was “*within 12 months*”.²⁵⁰

²⁴⁴ <https://www.csas.uk.net/wp-content/uploads/2018/06/Catholic-Key-words..pdf> p7

²⁴⁵ NCS000002_002

²⁴⁶ <https://www.csas.uk.net/wp-content/uploads/2018/05/Organisational-structure-and-key-roles.pdf>

²⁴⁷ INQ004629_019 para 105

²⁴⁸ INQ0004786_031

²⁴⁹ CHC000002_092

²⁵⁰ CHC000002_114

15.1. Code of conduct for religious: The CoR's code of conduct – *Integrity in Ministry, A Document of Principles and Standards for Religious in England and Wales* – was produced in October 2015, eight years after the Cumberlege review.²⁵¹

15.2. Code of conduct for bishops and clergy: In preparation for the final public hearing, the NCSC and Bishops' Conference produced a chronology of work undertaken by them to prepare a code of conduct.²⁵² This chronology shows that from 2007 to 2016 the code was discussed and draft papers for consultation were circulated but no actual code was produced. At the final hearing, Cardinal Vincent Nichols told us that Bishop Marcus Stock, the Conference's lead member for safeguarding matters, was now responsible for producing the Code and he would "*be surprised*" if the proposed Code was not available by the Bishops Conference meeting in April 2020.²⁵³ The Code was subsequently approved at the April meeting and circulated to the bishops in July 2020.

16. Cardinal Nichols accepted that "*On this matter, we have made very slow progress*".²⁵⁴ That was certainly true given it took 13 years to reach this point.

Recommendation 72: Adherence to safeguarding policies and procedures

17. The Cumberlege review recognised that its recommendations (like that of the Nolan report) would not, "*according to the rules of Canon Law, be binding on individual Bishops or Congregational Leaders*".²⁵⁵ Therefore, where a bishop or religious leader refuses to follow or comply with those rules, "*there are not the resources or mechanisms sufficiently effective to hold people to account*".²⁵⁶

18. It sought to address this with recommendation 72. This recommended that the Bishops' Conference and CoR draft a 'general decree' (ie a law covering the Church in England and Wales) making adherence to "*the Church's most important safeguarding rules for children and vulnerable adults*" obligatory, under canon law, throughout England and Wales.²⁵⁷

19. A general decree only comes into force once it receives '*recognitio*' (or recognition) from the Holy See. *Recognitio* involves scrutiny by the Holy See to ensure that the general decree complies with the other laws of the Church. The Cumberlege report was "*much encouraged*" that a COPCA working party had already begun to formulate a general decree and recommended that *recognitio* should be sought within 12 months.²⁵⁸

20. Minutes of NCSC meetings record that *recognitio* was discussed in meetings from 2010 onwards.²⁵⁹ It was not until June 2019, however, that the final draft text of the general decree was approved by the Bishops' Conference and delivered to the Holy See.²⁶⁰

21. When asked about this delay, Cardinal Nichols acknowledged that "*It could have been quicker*" but explained that "*part of the narrative*" was as a result of the experience of the Bishops' Conference in the US which had sought a decree for the US but "*then got into difficulties because they wanted to change it, and so they had to go through the whole process of*

²⁵¹ [CHC002041](#)

²⁵² [CHC002111_005-009](#)

²⁵³ [Cardinal Vincent Nichols 6 November 2019 118/2-5](#)

²⁵⁴ [Cardinal Vincent Nichols 6 November 2019 115/3-4](#)

²⁵⁵ [CHC000002_089](#)

²⁵⁶ [CHC001741_013](#)

²⁵⁷ See recommendation 72 ([CHC000002_090](#)). A general decree is a law covering the whole territory of England and Wales.

²⁵⁸ [CHC000002_090](#) para 7.5; [CHC000002_115](#)

²⁵⁹ [CHC002111_010](#) para 1

²⁶⁰ [Cardinal Vincent Nichols 6 November 2019 91/9-17](#)

submitting new proposals”.²⁶¹ He said it was “*partly in light of this*” that the Bishops’ Conference decided to wait:

*“until it was clearer that our procedures and policies were mature enough. In the process of that, we did take advice from one of the officials in the Holy See, and he said there are advantages in waiting until this process matures”.*²⁶²

22. Cardinal Nichols said that the text of the general decree “*is specifically designed and includes our right to revise the details of what we do, now we await for the judgment of the Holy See on that as to whether it fits the universal law of the church*”.²⁶³

23. As at mid October 2020, *recognitio* has still not been granted.

24. The 2007 Cumberlege review made clear that a general decree was needed to give the safeguarding procedures the appropriate legal status. The Bishops’ Conference took 12 years to submit the general decree to the Holy See, shortly before the Inquiry’s hearings. It should have been done sooner.

25. Monsignor Gordon Read, an expert in canon law, was asked what would be the practical consequences of a breach of the general decree. He said this would:

*“be a matter for the Nuncio to report to the Holy See for action to be taken ... I suspect, initially, the Holy See would try to persuade the bishop that he ought to do what he’s required to do ... [the] ultimate sanction is open to the Holy See to either effectively strip the bishop of his powers and put someone else in with them, leaving him in office or simply to remove him from office altogether”.*²⁶⁴

26. Pope Francis’s 2019 *Motu Proprio* sets out the procedure to be adopted where a bishop or a religious leader mishandles allegations of child sexual abuse. In the event that recognition is granted, it remains to be seen whether the procedure laid down in the *Motu Proprio* will be invoked and the bishop or religious leader held to account.

E.3: CSAS policies and procedures

Adequacy of the safeguarding policies and procedures

27. The current CSAS safeguarding policies and procedures are available on the CSAS website. They include policies on responding to allegations, information-sharing and data protection, safer recruitment and safer working practices, and Disclosure and Barring Service (DBS) checks. The website contains references to UK legislation and other statutory guidance that underpins the policies and procedures, along with other sources of material including the national safeguarding training standards set out in *Towards a Culture of Safeguarding*. In addition to the CSAS website, a variety of safeguarding leaflets and posters are on display in churches and mass centres.

28. Mr Pearson said that, following the appointment of Dr Colette Limbrick as the director of CSAS (in June 2015), there had been a “*significant programme of review and improvement of policy*”.²⁶⁵ The redrafting of any policy involves consultation across the Church, including with

²⁶¹ Cardinal Vincent Nichols 6 November 2019 81/14-24

²⁶² Cardinal Vincent Nichols 6 November 2019 81/11-82/7

²⁶³ Cardinal Vincent Nichols 6 November 2019 79/19-82/12

²⁶⁴ Monsignor Gordon Read 4 November 2019 161/23-162/9

²⁶⁵ NCS000010_018 para 10.4

child protection staff and the safeguarding commissions. Legal advice is sought to ensure a proposed policy does not contravene canon law or civil law.²⁶⁶ Mr Pearson said that:

*“any changes to policy or procedures are robustly scrutinised by the NCSC and the Survivors Advisory Panel before they are recommended for submission to Bishops and Religious Leaders”.*²⁶⁷

29. No witness told us that the policies were inadequate. Mrs Edina Carmi, an independent safeguarding consultant, was commissioned by the Inquiry to undertake a review of a number of recent diocesan and religious safeguarding files. Her review involved consideration of the CSAS policy for managing allegations and concerns relating to children. When asked if she thought this policy was fit for purpose, she said:

*“if you were to strip all the policy and guidance so you could actually see what the instructions are, within it is the embryo of a procedure that could work, if you could then sort of make it clear who does what and when, so you would reorder it. But it needs a complete review. It needs that stripping of the information that’s not needed if you are trying to find out what you need to do, and it needs extra parts added. You also need to integrate all the bits and pieces that you’ve got in lots of other documents so it’s all in one document, not duplicated ... So overall, there’s the embryo within it of what could become a ‘fit for purpose’ procedure.”*²⁶⁸

Degree to which CSAS policies and procedures are followed

30. Adrian Child (director of CSAS 2007–2015) considered that “*by and large*” there was a national acceptance that safeguarding requirements needed to be followed.²⁶⁹ His successor, Dr Limbrick, stated that she was not aware of any diocese or religious institute that either deliberately adopted a policy that was inconsistent with a CSAS safeguarding policy or refused to comply with a CSAS safeguarding policy.²⁷⁰

31. When Stephen Spear (a lay member of the NCSC between June 2016 and July 2019) was asked if he had seen any evidence of the NCSC systematically monitoring compliance with safeguarding policies and procedures, he said “*I’ve seen none at all*”.²⁷¹

32. Throughout its public hearings, the Inquiry heard examples of non-compliance with CSAS policies and procedures.

32.1. In January 2011, Abbot Martin Shipperlee moved RC-F41 from Ealing Abbey due to safeguarding concerns, to an address in the Diocese of Brentwood. He failed to inform the Diocese of Brentwood, in breach of the CSAS cross-boundary placement policy.²⁷²

32.2. A 2018 audit of the Archdiocese of Birmingham found that the Archdiocese’s policies and procedures were not in accordance with CSAS policies and procedures and the Archdiocese’s reviews of safeguarding agreements were not conducted with the frequency they should have been.²⁷³

²⁶⁶ Dr Colette Limbrick 1 November 2019 53/20-54/12.

²⁶⁷ NCS000010_018 para 10.4

²⁶⁸ Edina Carmi 5 November 2019 78/10-23

²⁶⁹ INQ000979_026-027 para 88.9

²⁷⁰ CSA005816_012 para 31

²⁷¹ Stephen Spear 31 October 2019 56/20

²⁷² Abbot Martin Shipperlee 7 February 2019 25/9; Peter Turner 6 February 2019 35/14-37/9

²⁷³ Archdiocese of Birmingham Investigation Report Part D.3 para 11

33. The NCSC introduced auditing of safeguarding commissions to monitor implementation of policies and to “create greater consistency of good practice”.²⁷⁴ Where sub-standard safeguarding practice is identified, CSAS makes recommendations to the NCSC but neither CSAS nor the NCSC are able to ensure that the recommendations are implemented. Dr Limbrick told us that the bishop or religious leader would be responsible for enforcement.²⁷⁵ Recent audits of safeguarding commissions have shown that consistent compliance with policies and procedures remains some way off (see Part G).

Enforcement and sanction where policies and procedures are not followed

34. When the NCSC and CSAS were established, they were not vested with any powers to enforce compliance with their policies. Accountability for safeguarding practice sits within the diocesan or religious safeguarding commission itself, with the bishops or religious leaders responsible for enforcing compliance with policies and for taking remedial action where there are concerns.²⁷⁶ If CSAS considered the bishop or religious leader was not performing his safeguarding role properly, he would be reported to the Charity Commission. Dr Limbrick told us that she has never made such a report, but she recalled that a diocesan safeguarding coordinator referred a religious order to the Charity Commission.²⁷⁷

35. Danny Sullivan (chair of the NCSC between 2012 and 2015) described the lack of authority provided to the NCSC as “a gaping hole” in the Church’s approach.²⁷⁸

E.4: The Elliott review

36. In September 2018, the Bishops’ Conference gathered in Rome for meetings with Pope Francis and offices of the Holy See.²⁷⁹ As a result of discussions, the Bishops’ Conference decided to ask the NCSC to commission “an independent and comprehensive review of our safeguarding structures, fully informed by the voices of the victims and survivors of abuse”.²⁸⁰ Cardinal Nichols said he thought “it was quite timely to have a radical review”.²⁸¹

37. In July 2019, Ian Elliott (a safeguarding consultant) was appointed to chair the independent review into ‘Safeguarding Structures and Arrangements within the Catholic Church in England and Wales’ (the Elliott review).

38. On 25 October 2019, shortly before the public hearing commenced, the Terms of Reference for the Elliott review were published.²⁸² Cardinal Nichols was not able to explain why it took more than a year for the NCSC to devise these terms.²⁸³ The scope states:

“The review is not required to make specific recommendations for action, but to identify different models of structure and operations and the means by which these could be achieved, presenting a view on which models seem best suited to supporting and delivering the ‘One Church’ approach to safeguarding.”²⁸⁴

²⁷⁴ INQ004593_004; INQ004593_003 para 3.1.2

²⁷⁵ Dr Colette Limbrick 1 November 2019 118/13-119/3, 119/19-25

²⁷⁶ Dr Colette Limbrick 1 November 2019 119/7-14, 80/20-81/5

²⁷⁷ Dr Colette Limbrick 1 November 2019 120-1-17

²⁷⁸ INQ004397_004-005; INQ004397_006 para 23

²⁷⁹ These are ‘ad limina’ visits, ie visits to the Pope and offices of the Holy See that bishops from a particular country or region are required to make (CHC002085_008 para 24).

²⁸⁰ CHC002085_009 para 25

²⁸¹ Cardinal Vincent Nichols 6 November 2019 73/25

²⁸² INQ004788

²⁸³ Cardinal Vincent Nichols 6 November 2019 70/7-15

²⁸⁴ INQ004788_003

39. The review will consider the following “key elements”:²⁸⁵

- the safeguarding infrastructure and organisation;
- alignment of dioceses and religious congregations;
- accountability;
- training;
- safeguarding structures and arrangements;
- policy and procedures; and
- financial arrangements.

40. The interim report of the Elliott review was expected by April 2020. In June 2020, the Inquiry received a letter from Mr Elliott providing an update on his review which stated that the interim report made four recommendations which he “summarised” as follows:

- *“There is a need to restructure safeguarding within and across the church, to develop a ‘One Church’ approach*
- *A new body at the centre should be created and given the powers required to advance and operationalize this.*
- *There must be a planned process of transition to move to a ‘One Church’ approach.*
- *The changes should be supported by the creation of a high-level Safeguarding Review Committee or Steering Committee, to provide agreement in principle, to proposed developments.”²⁸⁶*

He said that the four recommendations had been accepted by the NCSC and the Bishops’ Conference, adding that the “last recommendation came from a realisation that the current leadership structures within the Church would not be able to provide this support through the fact that they do not meet often enough”.²⁸⁷

41. The final report is expected “to be received no later than 1st October 2020”.²⁸⁸

²⁸⁵ INQ004788_003

²⁸⁶ CHC002161

²⁸⁷ CHC002161

²⁸⁸ INQ004788_005

Part F

Safeguarding training and education

Safeguarding training and education

F.1: Introduction

1. The Roman Catholic Church has made changes to its own recruitment procedures and child protection training. This includes changes to the selection of trainees for the priesthood as well as to the safeguarding training given to prospective and current members of the clergy and those involved in child protection.

F.2: Safeguarding training prior to ordination

2. Dioceses and religious institutes are expected to observe Catholic Safeguarding Advisory Service (CSAS) policies for safer recruitment and safeguarding training. For example:

- Prior to commencing their training, candidates for the diocesan or religious priesthood must undergo a psychological assessment.²⁸⁹ This includes an assessment of the candidate's "*personal history ... relationships, sexuality ... Attention should also be given to childhood experiences, especially to areas of abuse/neglect*".²⁹⁰
- Where there is "*credible evidence that a candidate is sexually attracted to minors he must immediately be dismissed from the seminary*".²⁹¹
- Those seeking to work with children and vulnerable adults must provide an enhanced criminal record (DBS) check.²⁹²

3. We heard evidence about the embedding of safeguarding in training. For example, training for the priesthood includes a diocesan safeguarding officer providing a three-day course, to:

*"help candidates come to see that safeguarding in the Church is about them and their formation, what kind of person they are capable of being, rather than a simple series of forms to fill in or rules to keep".*²⁹³

Seminarians also undertake a number of placements – for example, in hospitals and schools – and an extended placement in a parish, during which time they will be inducted into and gain experience of the parish safeguarding procedures.

4. Father Paul Smyth (President of the Conference of Religious (CoR)) told us that each religious institute is responsible for ensuring that its members receive safeguarding training. He said that each institute integrates safeguarding training into the different stages of

²⁸⁹ CHC002052_027 paras 52–54

²⁹⁰ CHC002071_011 para 7.23

²⁹¹ CHC002071_005 para 6.1

²⁹² CHC002039_005 para 13. The Disclosure and Barring Service (DBS) carries out criminal record checks. The current system has four levels of checks; two of them (enhanced and enhanced certificates with barred list checks) are relevant for those who work with children or vulnerable adults (DBS000024_005).

²⁹³ CHC002067_015 para 5.52

training depending “on their own particular circumstances”.²⁹⁴ Where members of the institute have contact with children (or vulnerable adults), the “expectation” is that they would “undergo the training provided by their Order and the commission they may be aligned with”.²⁹⁵ He said “the goal” is to ensure that every member “is aware of the area of safeguarding and the inherent implications and responsibilities”, including knowledge about the national safeguarding structure and how to respond to concerns and allegations.²⁹⁶

F.3: Current safeguarding training to clergy and religious orders or congregations

5. In 2012, the National Catholic Safeguarding Commission (NCSC) and CSAS made 10 recommendations to raise safeguarding standards throughout the Church. The recommendations were set out in *Towards a Culture of Safeguarding*.²⁹⁷ Many of those recommendations focus on training for clergy and those individuals involved in safeguarding.

5.1. An induction for members of the safeguarding commissions is required to identify if they require any training or additional training to that received as part of their professional safeguarding background.

5.2. Clergy are required to “regularly update their knowledge and skills in relation to safeguarding” by attending “updating sessions every three years”.²⁹⁸ Dr Colette Limbrick, director of CSAS, told us that there were three national training modules for the clergy which “have been recently updated and they’re due to be developed further to involve the perspective of the Survivor Advisory Panel”.²⁹⁹ The training is endorsed by the NCSC and monitored through the national audit process. In May 2019, the Bishops in England and Wales approved recommendations to mandate biennial safeguarding refresher training for clergy.³⁰⁰

5.3. Parish safeguarding representatives are required to undergo initial training followed up with annual training sessions thereafter.³⁰¹

6. There are also a number of additional ways that individuals involved in safeguarding are currently trained.

6.1. The CoR has “collaborated and supported the work of CSAS and the safeguarding commissions by providing some seminars and gatherings”.³⁰² There is also ongoing training within the institutes provided by, for example, the safeguarding commissions to which the institute is aligned. CoR is also recruiting a safeguarding adviser.³⁰³

6.2. The CSAS website sets out the ‘National Standards for Induction, Supervision, Support, Training and Appraisal’ which includes 19 training topics with which a safeguarding coordinator must become familiar. The document also prescribes the timescale, following appointment to the role, within which these topics should be

²⁹⁴ [CHC002039_018](#) para 60

²⁹⁵ [CHC002039_018-019](#) para 61

²⁹⁶ [CHC002039_018](#) para 60

²⁹⁷ [AAT000170](#)

²⁹⁸ [CSA005623_009](#)

²⁹⁹ [Dr Colette Limbrick 1 November 2019 94/4-20](#)

³⁰⁰ [CSA005921_018-019](#)

³⁰¹ [CSA005623_030](#)

³⁰² [Father Paul Smyth 5 November 2019 129/5-16](#)

³⁰³ [Father Paul Smyth 5 November 2019 122/6-20](#)

covered.³⁰⁴ CSAS organises national safeguarding coordinator meetings three times a year, which may include “*learning and development opportunities through the provision of training or workshops*”. Coordinators also “*share with each other current issues or practice learning*”.³⁰⁵

6.3. In turn, the safeguarding coordinator is involved in “*the training of anyone in the Archdiocese who works with children or adults in vulnerable circumstances*”, including “*priests, chaplains, seminary students, Parish Safeguarding Representatives, members of the community, volunteers, youth workers, Archdiocese staff and others*”.³⁰⁶ It is for the safeguarding coordinator to ensure national training standards are met in line with national policy.³⁰⁷ In 2019, CSAS appointed a full-time safeguarding training coordinator.³⁰⁸

6.4. Since 2017, the Survivor Advisory Panel (SAP) has undertaken training on the perspective of victims and survivors. This training was given at local level to Ampleforth Abbey, bishops and the NCSC.³⁰⁹ This training is not part of a national programme and is therefore delivered on an *ad hoc* basis. This is the subject of review and will be considered in due course by Baroness Sheila Hollins.³¹⁰ In August 2020, Baroness Hollins informed the Inquiry that the SAP and NCSC are to hold a “*joint development day*” in October 2020 (and then annually) and that the “*key proposals include*” involving the SAP in developing NCSC core strategic plan as well as ensuring that SAP members and the NCSC committees meet each other “*regularly*” including at NCSC meetings.³¹¹

F.4: Safeguarding conference in Valladolid in 2019

7. Bishops have a regular cycle of in-service training. Every two years the spring plenary assembly is designated either a spiritual retreat or an “*in-service training conference*”.³¹² In May 2019, the spring plenary meeting for the English and Welsh bishops was held in Valladolid, Spain and was focussed entirely on safeguarding. Baroness Hollins, a former member of the Pontifical Commission for the Protection of Minors, devised the training programme which covered bishops’ safeguarding experience and concerns, safeguarding during formation, international perspectives and CSAS’ work.³¹³ Baroness Hollins told us:

*“The guiding theme of the programme was to help the bishops to understand more clearly the importance of listening to and accompanying people who have been abused and those close to them and to recognise the long-term effects of abuse.”*³¹⁴

8. The training team included members of the SAP and other survivors of sexual abuse, and the bishops heard testimonies from survivors of clerical abuse.³¹⁵ Baroness Hollins said that although the bishops “*probably had met victims and survivors of clerical abuse ... what I*

³⁰⁴ CSA000764

³⁰⁵ CSA005625_005 para 13

³⁰⁶ INQ002009_010 para 4.20

³⁰⁷ CFD000107

³⁰⁸ Dr Colette Limbrick 1 November 2019 52/3-9

³⁰⁹ CHC001934_010 para 31c; David Marshall 31 October 2019 164/25-165/2

³¹⁰ David Marshall 31 October 2019 166/5-18

³¹¹ INQ006135

³¹² Cardinal Vincent Nichols 6 November 2019 36/11-19; CHC001831_005 para 23

³¹³ Formation is the process by which the Church prepares individuals for priesthood or membership of a religious order. It includes both academic and spiritual training.

³¹⁴ INQ004361_006 para 25

³¹⁵ INQ004361_005 para 24

think is that they hadn't all actually had the confidence and the skill to really sit and listen".³¹⁶ She thought the training helped the bishops develop "an emotional empathy with victims and survivors"³¹⁷ and all the bishops referred to the testimonies of the victims and survivors as one of the most significant features of the conference.³¹⁸

9. Cardinal Vincent Nichols summarised the meeting as:

*"days which have touched every bishop very deeply. We have listened to the deep and lasting confusion, pain and despair, inflicted by the people who abused them. We have listened with horror to the ways in which precious gifts of our faith have been used to groom and dominate both children and vulnerable adults in crimes of abuse. We humbly ask forgiveness of all who carry this pain, for our slowness and defensiveness and for our neglect of both preventative and restorative actions. (For us Bishops these days are a watershed.)"*³¹⁹

10. As explained in Part E, the Bishops' Conference has drafted a decree (law covering the Church in England and Wales) which states:

*"Clergy, religious and lay persons exercising appointed offices, roles or responsibilities within the Church will be required to undergo personalised safeguarding training, some of which will be designated as mandatory by the Catholic Bishops' Conference of England and Wales".*³²⁰

11. The decree states that failure to undertake this training may "result in removal from office or restrictions being imposed on ministry, or the exercise by clergy, religious or the lay faithful of a role or responsibility".³²¹ Cardinal Nichols told us that this was similar to the current position but that the general decree would give this the "force of law" and "gives much greater strength to the duty for us to undergo appropriate training".³²²

F.5: Future plans for safeguarding training

12. Notwithstanding the impact and benefit of the Valladolid safeguarding training, Baroness Hollins said that she had neither been asked to provide more training nor offered to do so.³²³ Cardinal Nichols described future plans for the bishops in-service training as an "open page".³²⁴

13. When asked if CoR had plans for any further safeguarding training in the future, Father Smyth said there was "nothing planned for the moment".³²⁵ In April 2020, the Inquiry was informed that the Conference of Religious Safeguarding Committee are intending to organise a "conference or training session" for CoR members "focussing specifically on listening to victims and survivors".³²⁶

³¹⁶ Baroness Sheila Hollins 1 November 2019 38/5-15

³¹⁷ Baroness Sheila Hollins 1 November 2019 30/7-8

³¹⁸ INQ004317_003-004

³¹⁹ INQ004789_002

³²⁰ CHC002075_004

³²¹ CHC002075_003-004

³²² Cardinal Vincent Nichols 6 November 2019 102/21-104/6

³²³ Baroness Sheila Hollins 1 November 2019 46/6-11

³²⁴ Cardinal Vincent Nichols 6 November 2019 55/5-7. The Inquiry was subsequently informed that the November plenary of the Bishops' Conference has been extended by half a day to allow for regular annual safeguarding training and four bishops have been nominated as lead bishops for safeguarding training.

³²⁵ Father Paul Smyth 5 November 2019 130/8-25

³²⁶ CHC002158_006

14. A number of witnesses, including some safeguarding staff within the Church, spoke of the need for improvements to training.³²⁷ For example:

- Dawn Lundergan, Director of Safeguarding at the Diocese of Salford, said:

*“The development of a nationally approved accredited training programme for those at all levels who are involved with safeguarding would be worthy of serious consideration to aim at consistent and robust training for all at whatever the appropriate levels their roles may entail”.*³²⁸

- Sister Agnes Clare Smith, safeguarding coordinator of the Institute of Our Lady of Mercy, said:

*“I would also like to recommend that a national training team be set up to enable safeguarding training across the Roman Catholic Church in England to ensure consistency of training and content”.*³²⁹

15. The value of safeguarding training across the entire Church is obvious and the Inquiry encourages the involvement of the SAP in this regard. In seeking to make safeguarding training mandatory as part of canon law, the Church has taken a positive step. The Church lacks regular and ongoing training which includes the victim and survivor perspective.

³²⁷ INQ004787

³²⁸ INQ004787_028

³²⁹ INQ004787_023-024

Part G

Audits

Audits

G.1: Introduction

1. In 2006 and 2007, the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) introduced self-auditing of the child protection commissions. The audits included straightforward questions such as “Are you aware there are safeguarding policies and where they are kept?”³³⁰ The COPCA annual reports for 2006 and 2007 recognise that these self-audits were limited in their scope.³³¹ Mrs Eileen Shearer (COPCA’s director) told us that the self-audits were introduced “in full recognition that this was a first step and could not be a rigorous independent process”.³³² She said a lack of resources and the “climate of resistance within the Church to any external scrutiny of the workings of Dioceses and Congregations militated against a full external audit process”.³³³

G.2: Audits by the Catholic Safeguarding Advisory Service 2010 to 2018

2. Between 2010 and 2013, the Catholic Safeguarding Advisory Service (CSAS, COPCA’s successor) conducted two further rounds of audits of the diocesan safeguarding commissions.³³⁴ The audits focussed on compliance with:

- standards set out in *Towards a Culture of Safeguarding*;
- Disclosure and Barring Service (DBS) requirements; and
- case recording standards.³³⁵

3. Adrian Child, former director of CSAS, said the second and third round of audits were “more comprehensive” and involved CSAS conducting a two-day visit of the safeguarding commission and undertaking a review of their records. CSAS prepared an audit report which was provided to the safeguarding commission.³³⁶ An action plan was devised to implement the audit report’s recommendations.

4. Some diocesan audits gave cause for concern.

4.1. In 2010, the Archdiocese of Birmingham completed a self-assessment and considered that “it met the highest standard in all but two areas”.³³⁷ When CSAS conducted the audit, it found a number of areas where the Archdiocese was either “not compliant” or “improvement was needed”.³³⁸

³³⁰ INQ000979_016 para 57

³³¹ CHC000099_008; CHC000098_014-015

³³² INQ000989_006 para 37

³³³ INQ000989_006 para 36

³³⁴ CSA005816_002-005 paras 2-5

³³⁵ CSA005625_013 para 34

³³⁶ INQ000979_016 para 58

³³⁷ Archdiocese of Birmingham Investigation Report p42 para 70

³³⁸ CHC000336_001

- 4.2.** As set out in the *Ealing Abbey and St Benedict's School Investigation Report*, a 2011 audit of the Diocese of Westminster found that standards were “not met in a number of areas, including casework and recording practice”.³³⁹
- 4.3.** In its 2011 audit, the Diocese of Menevia “performed particularly poorly”.³⁴⁰
- 5.** Two of the six independent religious safeguarding commissions were audited in 2014/15. The remaining four audits were completed by Dr Colette Limbrick after she joined CSAS in June 2015.³⁴¹ These audits highlighted both good and bad practice at the independent religious safeguarding commissions. For example, the audit of the Society of Jesus (the Jesuits) safeguarding commission found “good evidence” of inter-agency working and a good quality of risk management practice³⁴² but noted that the case files “lack structure and can be difficult to follow”.³⁴³ When Buckfast Abbey independent commission was audited, the findings were generally positive, including reference to an “Excellent level of detail in Covenants of Care which are also subject to regular review”.³⁴⁴
- 6.** In the view of Mr Child, with each successive round of audits, there was increasing “professionalisation of safeguarding”. He considered “that practice (and certainly case recording) had improved” post-Nolan with “yet further improvement” after the publication of the Cumberlege report and implementation of its recommendations.³⁴⁵
- 7.** Save for two exceptions, between 2015 and 2018, CSAS did not conduct any audits.³⁴⁶ Dr Limbrick told us that this was because she “wasn’t aware that there was a need to revisit” any of the audits. CSAS was reviewing its policies and procedures as well as “looking at an appropriate methodology or structure for ongoing quality assurance work”.³⁴⁷

G.3: Audits carried out during the case studies

- 8.** In preparation for the public hearings in the case studies, both the English Benedictine Congregation (EBC) and the Archdiocese of Birmingham commissioned external audits or reviews of their own safeguarding practices and teams.

8.1. Ampleforth: In addition to scheduled inspections by the Independent Schools Inspectorate and an unsatisfactory statutory inquiry by the Charity Commission, in 2017 Ampleforth’s trustees commissioned Professor Susan Proctor to conduct an independent external review into child protection policies and practices at Ampleforth Abbey and school.³⁴⁸ The Proctor report (published in March 2017) concluded that safeguarding “was taken seriously”, with “robust” policies for the recruitment and selection of staff, appropriate staff training and regular safeguarding training for

³³⁹ *Ealing Abbey and St Benedict's School Investigation Report* p70 para 11

³⁴⁰ CHC001464_007 para 27; INQ000979_017; Part E

³⁴¹ Dr Colette Limbrick 1 November 2019 68/11-24

³⁴² CHC000383_009 paras 6.7–6.8

³⁴³ CHC000383_008 para 6.4

³⁴⁴ BNT002023_019

³⁴⁵ INQ000979_017-018 para 62

³⁴⁶ The two exceptions were the Archdiocese of Westminster, which asked CSAS to conduct an audit to ascertain whether a new safeguarding coordinator had brought about improvements within the Diocese and the Diocese of Hallam, which had a “difficult staffing situation” leading to concerns within the Diocese about the quality of work they were producing.

³⁴⁷ Dr Colette Limbrick 1 November 2019 69/20-25

³⁴⁸ A statutory inquiry in the Charity Commission is a formal investigation conducted where there are “either serious concerns in the charity or where public trust and confidence dictates that the commission needs to formalise its engagement with the charity” (Michelle Russell 1 November 2019 146/7-9). It resulted, in April 2018, in the Charity Commission appointing an interim manager due to continued concerns about the extent to which the safeguarding risks to pupils at the schools were being adequately managed.

the monastic community.³⁴⁹ However, it stated that “*No one is in overall charge of safeguarding for the organisation*” and there was no safeguarding strategic plan for the school or the wider organisation.³⁵⁰ Ampleforth accepted Professor Proctor’s 90 recommendations and told us that it “*will in the future commission similar periodic independent external reviews*”.³⁵¹

8.2. Downside: In February and March 2018 (following our public hearings in the Ampleforth and Downside case study), the Social Care Institute for Excellence (SCIE) conducted an audit of safeguarding at Downside Abbey and the inter-relationship between the school and Abbey.³⁵² It found a “*good safeguarding culture*” at the school but that the culture was “*less well-embedded*” at the Abbey.³⁵³ An examination of 14 cases “*gave a reassuring picture of responses*” with most cases (including non-recent abuse cases) “*handled well*”.³⁵⁴ The audit identified some areas of practice requiring further consideration, including the need for Downside to consider “*proper levels of disciplinary action in low-level cases*” and whether the Abbey should appoint its own safeguarding professional.³⁵⁵

8.3. Birmingham: The Archdiocese of Birmingham commissioned an audit by SCIE in summer 2018. Its report (published in October 2018) identified a number of failures by the Archdiocese, including failures to adhere to CSAS policies and to adequately record work on case files. SCIE concluded that “*a radical culture change is needed in order to professionalise the leadership, governance, management and delivery of safeguarding in the Archdiocese*”.³⁵⁶ SCIE identified 43 safeguarding files (the majority relating to adult offenders convicted of a sexual crime against a child or adult) that were incomplete and had not been reviewed.³⁵⁷ Although the Archdiocese took some action in respect of these files, “*the trustees were unable to provide the [Charity] Commission with sufficient assurance that all live risks were being managed as promptly and robustly as should be expected*”.³⁵⁸ As a result, the Charity Commission conducted a statutory inquiry between December 2018 and September 2019, which found “*serious misconduct and/or mismanagement in the administration ... in relation to its safeguarding oversight and governance*”.³⁵⁹ It directed the trustees to “*take further action necessary to address ongoing concerns with safeguarding governance*”.³⁶⁰

8.4. Ealing: During the Ealing Abbey hearing, we were told that the safeguarding practices of all EBC monasteries, including Ealing Abbey, would be audited by summer 2019 by Praesidium (a secular, non-profit safeguarding organisation based in the US).³⁶¹ The preliminary status report (dated 4 September 2019) for Ealing Abbey found that

³⁴⁹ AAT000205

³⁵⁰ AAT000205_002-003

³⁵¹ *Ampleforth and Downside Investigation Report* Part C: Recent reviews and inspections para 304

³⁵² INQ001187

³⁵³ INQ001187_009-010

³⁵⁴ INQ001187_025

³⁵⁵ INQ001187_037

³⁵⁶ CHC001649_031 para 3.1.2

³⁵⁷ Concerns about record-keeping were raised in the CSAS audit in 2010 (CHC000336_001), but neither the Archdiocese of Birmingham nor CSAS had identified the apparent failure to remedy this.

³⁵⁸ CYC000413_002

³⁵⁹ CYC000413_005

³⁶⁰ CYC000413_006

³⁶¹ *Ealing Abbey and St Benedict’s School Investigation Report* Part G.3 paras 11-13

across the risk management areas of “*Prevention, Responding and Supervision*”, the Abbey was either in full or partial compliance with Praesidium’s accreditation standards.³⁶²

9. The external audits of the EBC and Archdiocese of Birmingham were conducted at a time when CSAS was not carrying out its own audits and so it is not possible to say whether a CSAS audit would have identified the same (or similar) areas of good and bad practice.

G.4: Audit of recent safeguarding case files

10. Much of the evidence during the case studies focussed on the historical response of the Roman Catholic Church to allegations of child sexual abuse. In order to examine more recent responses of the Church, the Inquiry instructed Mrs Edina Carmi to conduct an expert analysis of a selection of recent diocesan and religious institute safeguarding files. Mrs Carmi is an independent safeguarding practitioner with a background in social work and has been involved in safeguarding in a religious context since 2001.³⁶³

11. The Inquiry requested the two most recent child sexual abuse safeguarding files that were referred to the statutory authorities from 10 dioceses and 10 religious institutes.³⁶⁴ Two religious institutes (the Society of the Sacred Heart and Our Lady of Fidelity) reported that no safeguarding allegations had been made against them and so Mrs Carmi reviewed 36 safeguarding files. The majority of files involved allegations against clergy and members of religious institutes, many of whom were teachers. Other files involved allegations against lay members of the Church, for example a volunteer youth worker. A small number of files involved Church members who were registered sex offenders and were the subject of safeguarding agreements. Mrs Carmi was also provided with current and past CSAS policies and procedures as well as statements from safeguarding staff and clergy involved in the cases. As this review was a “*desktop audit of the paperwork*” of a relatively small number of files, Mrs Carmi did not speak to victims and survivors or any members of the respective safeguarding teams involved.³⁶⁵

12. Mrs Carmi’s report sets out her expert opinion on the quality of policies and procedures, the extent to which these were followed by dioceses and religious institutes, and the adequacy of the steps taken by each institution in response to the sample cases.³⁶⁶ Mrs Carmi identified a number of broad themes.

12.1. Support to the victim was inadequate, particularly when compared with support provided to the alleged perpetrator. Mrs Carmi stated that:

*“the service seems to function extremely well when it comes to supporting perpetrators, and which is in stark contrast with a lack of support in many cases for – and the lack of consideration of perhaps supporting victims, survivors and their families”.*³⁶⁷

³⁶² BNT007159

³⁶³ INQ004782_006

³⁶⁴ The dioceses were Westminster, Nottingham, Cardiff, Plymouth, Liverpool, East Anglia, Clifton, Menevia, Middlesbrough and Salford. The religious orders were the Comboni Missionaries, Daughters of Charity of St Vincent de Paul, Dominican Friars, Institute of Our Lady of Mercy, Order of St Augustine, Salesians of Don Bosco, Society of Jesus, the De La Salle Brothers, Society of the Sacred Heart and Our Lady of Fidelity.

³⁶⁵ INQ004782_006

³⁶⁶ INQ004782

³⁶⁷ Edina Carmi 5 November 2019 79/4-9

For example, in 27 of the cases no support was offered to the complainant or their family.³⁶⁸ In her view, this was appropriate in only five of these cases. By contrast, Mrs Carmi described that the support provided by the Church to perpetrators was “*extremely comprehensive*” and included emotional support, help with accommodation, assistance with legal representation and provision of regular updates.³⁶⁹ In her view, there needed to be “*more comprehensive procedures and guidance, as well as training*” regarding, for example, who was to offer support, how and when the offer was to be made, and the identification of the support required.³⁷⁰ There is a CSAS national policy which sets out how support is to be provided to those affected by allegations of abuse and so it is difficult to understand why this policy is not being consistently applied.³⁷¹

12.2. Potential conflicts of interest when clergy are in safeguarding roles. In Mrs Carmi’s view, formal safeguarding positions should not be held by members of the clergy because:

*“it is more likely to be a conflict of interest, and they are unlikely to have the requisite experience, training, skills for it, although I do accept there are some that have had previous training as social workers, but, even still, I would think it would be a conflict”.*³⁷²

One of the files from the Diocese of Liverpool concerned actions taken by the safeguarding coordinator who was a member of the clergy. In 2017, a priest was arrested on suspicion of sexually assaulting four altar boys in the 1980s. The priest was allowed to remain in ministry with a safeguarding agreement in place but Mrs Carmi found no evidence that this decision was based on any risk assessment. In relation to the safeguarding coordinator, Mrs Carmi said “*you got the sense that this was a colleague that we were talking about*”.³⁷³ For example, he was “*constantly keeping the priest updated on where things were with the prosecution*”.³⁷⁴

12.3. Insufficient liaison with safeguarding commissions. The safeguarding commissions “*have both a strategic and detailed case management function*” and play a key role in deciding whether there is a need for an investigation into potential risks posed by an alleged perpetrator.³⁷⁵ In 14 of the 36 cases, Mrs Carmi said that there was “*no mention*” of notification, consultation or discussion with the safeguarding commission. In another four cases, “*there were references to such activity having happened, but no actual evidence of when it occurred and with what outcome*”.³⁷⁶ Mrs Carmi said that “*records need to contain internal discussions and telephone conversations, including decisions and the rationale for them*” and that those records should be kept on the safeguarding file.³⁷⁷

12.4. Variation of practice in safeguarding planning. Mrs Carmi found that the variety of “*different documents within the procedure manual*” contributed to “*a wide variation of practice in relation to safeguarding practice, suggesting that the procedures on this are not*

³⁶⁸ The lack of support included not considering whether counselling should be funded and not providing the victim or complainant with regular written updates.

³⁶⁹ INQ004872_007 section 4.2

³⁷⁰ INQ004872_006 para 3.3.4

³⁷¹ <https://rcdow.org.uk/att/files/safeguarding/national-policy-for-the-support-of-those-affected-by-allegations-of-abuse-within-a-church-setting%202020.pdf>

³⁷² Edina Carmi 5 November 2019 72/8-14

³⁷³ Edina Carmi 5 November 2019 69/7-8

³⁷⁴ Edina Carmi 5 November 2019 69/25-70/2

³⁷⁵ INQ004872_011 para 6.2.8

³⁷⁶ INQ004794_011 para 6.2.3

³⁷⁷ INQ004872_011 para 6.2.9

well understood".³⁷⁸ In her view, the Risk Information Framework (the tool for making a risk assessment) did not appear to "*be producing a good quality risk assessment*". Mrs Carmi also found "*little evidence*" that safeguarding plans were reviewed.³⁷⁹

12.5. Assessment of risk in the event of an acquittal or 'no further action' by the statutory authorities. There were 10 cases where Mrs Carmi considered that further investigation was necessary to understand the potential risk of individuals who were either acquitted after a criminal trial or where the police or statutory authorities decided to take no further action. She said there were "*sufficient concerns but actually no investigation undertaken, that's where you don't know what the risk is*".³⁸⁰ In one case file from the Institute of Our Lady of Mercy, a nun was accused of sexually abusing one of her pupils in 1967–71. No risk assessment was located in the file either at the time the allegation was made in 2011 or at any time thereafter. The Institute of Our Lady of Mercy commissioned a preliminary enquiry report which Mrs Carmi considered to be "*a very comprehensive, well-argued report*".³⁸¹ It recommended that a risk assessment be completed. However, the safeguarding panel set up to consider the preliminary enquiry report did not accept that recommendation and their reasons for doing so could not be ascertained from the records in the file. Mrs Carmi thought "*that risk assessment was by then very much overdue*".³⁸²

12.6. Record-keeping. Mrs Carmi noted "*a wide variation in standards of recording, and a difference between religious orders and dioceses in particular*".³⁸³ For example, she said that most religious institutes provided "*what appeared to be sparse records*"³⁸⁴ with less evidence of any overview, records of telephone calls, internal communications and the rationale for decision-making. In Mrs Carmi's view, the CSAS CM1 form (which is available on its website) is an invaluable guide to a case file and a useful tool for the safeguarding officers to use when an allegation is reported.³⁸⁵

13. More generally, when she and her fellow auditor reflected on the culture of safeguarding, Mrs Carmi told us that:

"we had the distinct impression that this was one which was largely focused on the needs of the clergy as opposed to the needs of victims and survivors".³⁸⁶

She observed that there was "*a sense of hostility and irritation in some responses to alleged victims, with inadequate compassion and understanding of their current problems and the link of these with past abuse*".³⁸⁷

CSAS policies and procedures

14. Mrs Carmi said that she found it difficult to follow the policies and procedures given the number of different documents in the CSAS procedures manual that might apply to a single

³⁷⁸ INQ004872_013 para 7.3.1

³⁷⁹ INQ004872_013 para 7.2.6

³⁸⁰ Edina Carmi 5 November 2019 77/18-22

³⁸¹ Edina Carmi 5 November 2019 27/18-19

³⁸² Edina Carmi 5 November 2019 28/4-5

³⁸³ INQ004872_009 para 5.1.1

³⁸⁴ INQ004872_009 para 5.1.2

³⁸⁵ Edina Carmi 5 November 2019 18/24-19/10

³⁸⁶ INQ004872_015 para 9.1.1

³⁸⁷ INQ004872_015 para 9.1.3

issue. She found this led to duplication within and between documents and that the format was not clearly numbered, which led to a difficulty in cross-referencing information.

"I find them extremely difficult and I'm somebody who has spent some years actually writing child protection procedures".³⁸⁸

15. Whilst some witnesses found the policies and website helpful,³⁸⁹ Mrs Carmi was not the only witness to encounter these difficulties. Mr Child told us that he found that the lack of hyperlinks on the current CSAS website made *"the whole affair rather unwieldy"*.³⁹⁰ Similar views were expressed by members of the Church that conduct safeguarding work. For example, Sister Agnes Clare Smith, the safeguarding coordinator for the Institute of Our Lady of Mercy, said that the CSAS website was *"not easy to navigate ... some of the information sections on the website, particularly the policies and procedures are very dense"*.³⁹¹ Monsignor Seamus O'Boyle (the Episcopal Vicar for Safeguarding in the Archdiocese of Westminster) said that, while the CSAS policies and procedures were helpful, they *"can be disjointed with information relating to the same topic held in different areas"*.³⁹²

16. The policies and procedures section of the CSAS website contains important instructions and guidance for those involved in safeguarding within the Church, but the website is not easy to use. The policies and procedures themselves are also sometimes difficult to follow. The CSAS website needs review, to ensure that the policies and procedures are easy to access and that the documents themselves are more easy to understand.

G.5: CSAS audits since 2019

17. Dr Limbrick told us that although previous CSAS audits covered several important areas, she thought that they did not look at certain areas in *"sufficient detail"*.³⁹³ To improve consistency in safeguarding, in August 2017 CSAS introduced a National Quality Assurance Framework.³⁹⁴ The framework looks at six areas of safeguarding practice:³⁹⁵

- prevention of harm and promotion of well-being;
- management of safeguarding concerns and allegations;
- risk identification, assessment and management;
- the response of the Church to survivors, victims and others affected by abuse;
- management and care of individuals accused or convicted; and
- governance.

Dr Limbrick considers that this framework will allow *"a more in-depth analytical look at the work undertaken and the rationale for certain actions"*.³⁹⁶

³⁸⁸ Edina Carmi 5 November 2019 9/4-6

³⁸⁹ For example, the safeguarding coordinators of the British Society of Jesus (the Jesuits) (INQ004531_005 para 4.2.3) and the Diocese of Middlesbrough (INQ004536_001 para 4).

³⁹⁰ INQ004861_005 para 28

³⁹¹ Dr Colette Limbrick 1 November 2019 114/25-115/2; INQ004541_006 para 23 (c) and (d)

³⁹² INQ004787_025

³⁹³ Dr Colette Limbrick 1 November 2019 69/2-4

³⁹⁴ CSA005622

³⁹⁵ CSA005816_009-010 para 22

³⁹⁶ CSA005816_010 para 23

18. The 2019 CSAS audits of the diocesan and independent religious safeguarding commissions focussed on the management of safeguarding concerns and allegations as well as risk identification, assessment and management.³⁹⁷ There were a number of key findings from some of these audits.

18.1. The April 2019 audit of Ampleforth's safeguarding commission acknowledged that, since the Inquiry's report in August 2018, there had been "*a significant amount of change*" in respect of safeguarding arrangements.³⁹⁸ It noted that whilst a number of statutory agencies had conducted reviews, CSAS remained concerned that recommendations to commission risk assessments and review safeguarding plans had "*not yet been fully implemented*" and that safeguarding plans were not the subject of timely reviews. The audit concluded that management of individuals was "*not always effective, resulting in refusals to comply with restrictions and in breaches of plans*".³⁹⁹

18.2. The Archdiocese of Birmingham's June 2019 audit "*found a significant improvement in record keeping; evidence of robust management of subjects and cases; and active, regular and appropriate supervision*".⁴⁰⁰ CSAS revisited the Archdiocese in January 2020 to monitor the improvements and confirmed "*that the improvements had been sustained*".⁴⁰¹

18.3. The Archdiocese of Westminster's June 2019 audit found that supervision of cases and files was "*well documented*" and that "*appropriate and consistent*" actions were taken once a case had been referred, including "*working in partnership with colleagues within and outside of the Church and informing regulatory bodies*".⁴⁰²

18.4. The Archdiocese of Menevia's May 2019 audit noted that the safeguarding coordinator role was part time and had no administrative support.⁴⁰³ The audit was concerned about cases not being referred to the coordinator in a "*timely way*" but said that, once notified, the coordinator's case management was "*appropriate*" and information was shared with the internal and external individuals/agencies to "*manage risks*".

19. Each bishop, religious institute leader, safeguarding commission chair and safeguarding coordinator receives a copy of the audit report for their institution. Action plans continue to be used where recommendations are made or areas for development identified. CSAS (on behalf of the National Catholic Safeguarding Commission (NCSC)) will "*follow up on progress*" of any action plan.⁴⁰⁴ One safeguarding coordinator told us that recent audits were:

*"very helpful but are very limited ... Given the limited resourcing available to CSAS and the time that such reviews take this will always be the case."*⁴⁰⁵

20. CSAS also prepares an overview report, which is shared with a number of individuals and organisations, including with the NCSC.⁴⁰⁶ The overview report for the 2019 audits reached a number of "*thematic*" conclusions.⁴⁰⁷

³⁹⁷ CSA005816_010 para 25

³⁹⁸ CHC002134_019

³⁹⁹ CHC002134_019

⁴⁰⁰ CSA005921_003 para 6

⁴⁰¹ CHC002158_014

⁴⁰² CHC002130_010

⁴⁰³ CHC002132_009

⁴⁰⁴ CSA005816_007 para 14

⁴⁰⁵ INQ004787_021-022

⁴⁰⁶ CSA005816_007 para 11

⁴⁰⁷ CHC002129

20.1. There was “*good evidence of cooperation*” between the safeguarding commissions and the statutory agencies, where allegations and concerns were “*mostly reported unless there is an identified rationale for not doing so e.g. already known, not considered appropriate for referral*”.⁴⁰⁸

20.2. There was evidence of “*diligent*” record-keeping in some safeguarding commissions.⁴⁰⁹ Where there was poor record-keeping, it was difficult to understand the action that had been taken and to ascertain whether risks were being managed. Electronic case management systems improved record-keeping.

20.3. Although not the focus of the audits, there was “*some evidence of good victim/survivor focused work*”.⁴¹⁰ The inclusion in the quality assurance framework of an assessment of the response of the Church to survivors, victims and others affected by abuse is to be welcomed.

21. However, there remain concerns about:

- the use of risk assessments: in over half the files it was not clear how the risk assessment was used to inform risk management and the report suggested that future audits could focus on this issue;⁴¹¹
- reviews of safeguarding plans: 101 of the 205 individual safeguarding plans reviewed “*appeared*” to be operational but, in the absence of regular reviews, it was not always possible to determine whether a plan was operational and still relevant:⁴¹²

*“11 of the dioceses and religious safeguarding commissions had safeguarding plans that had not been reviewed in accordance with national policy and procedure”;*⁴¹³

- inconsistent record-keeping and lack of reviews of safeguarding plans: both of these factors made it difficult to ascertain which safeguarding plans were active and managing risk and which safeguarding plans were no longer required or may no longer be addressing risk and require urgent attention.⁴¹⁴

22. Safeguarding plans play a crucial role in keeping children safe and must be regularly reviewed to ensure that the risk posed by the subject is actively managed. Failure to review plans in accordance with national policy exposes children to the risk of harm.

G.6: Future plans for auditing

23. The Cumberlege report acknowledged that COPCA’s attempts to “*offer both ‘challenge and support’ ... to be both ‘the enforcer’ and a source of friendly but authoritative advice ... was brave but probably unrealistic*”.⁴¹⁵ Similar observations have been made about its successor CSAS, which has led some members of the NCSC to consider whether an independent body should carry out safeguarding audits.

⁴⁰⁸ [CHC002129_011](#) para 3.1

⁴⁰⁹ [CHC002129_011](#) para 3.1

⁴¹⁰ [CHC002129_012](#) para 3.1

⁴¹¹ [CHC002129_010](#) para 2.2.4

⁴¹² Where an individual has been convicted of a child sexual abuse offence or they are someone about whom there is a safeguarding concern and they wish to attend Mass or take part in Church-related activities, a safeguarding plan sets out restrictions on those activities to minimise any potential risk they may pose.

⁴¹³ [CHC002129_011](#) para 2.5.1

⁴¹⁴ [CHC002129_012](#) para 3.1

⁴¹⁵ [CHC000002_030](#) para 3.6

23.1. During his time as NCSC Chair (2012–2015), Danny Sullivan said he explored the possibility of external auditing, which he thought would lead to greater “objectivity”.⁴¹⁶ He found though that there was resistance from the bishops to having the results of audits published.

23.2. Bishop Marcus Stock, the current Episcopal Vice-Chair of the NCSC, said that it was his view that:

*“As the primary role of CSAS is to provide support and advice to dioceses and religious congregations, I believe that in the future an independent body should be commissioned to carry out this audit function instead. This is now the view of the Commission.”*⁴¹⁷

23.3. Rachel O’Driscoll, current lay Vice-Chair of the NCSC said:

*“The NCSC needs to be in a position to assess the degree to which policies and procedures are being implemented. While not wanting to pre-empt the findings of the Independent Review of Safeguarding Structures, my feeling is that there needs to be an independent, comprehensive and systematic programme of audit in place – with audit activity conducted by an external body and the outputs reported to NCSC (to inform its strategic activity). Without a programme of this nature, the degree to which a ‘culture of safeguarding’/‘One Church’ approach is being achieved cannot be assessed in a systematic manner.”*⁴¹⁸

23.4. Christopher Pearson, current Chair of the NCSC, considered that there were both “advantages and disadvantages” of having an external audit process and that “one of the difficulties of externalising audits is, it then is not owned by those who are carrying out the process of safeguarding”.⁴¹⁹

23.5. Dr Limbrick considered that there were “pros and cons” to independent auditing. Although it was “definitely advantageous” to have an external body looking at the work of safeguarding within the Church, internal audits were helpful “because you can mobilise fairly quickly if you need to perhaps look at a particular area”. She said:

*“there is an inherent tension, I feel, with CSAS as an advisory body drafting up policy and procedure and also being the body that then does the quality assurance, and I think that maybe the breadth of all of those things in one place – that’s why I think external scrutiny would be helpful as well”.*⁴²⁰

24. Auditing is a valuable way to ensure that institutions are doing what is required to safeguard children. The Church needs to assure itself that its safeguarding commissions are complying with safeguarding policies and procedures, in order to take its own action to remedy any deficiencies. The Church’s quality assurance framework lacks external review and validation by an independent agency. The publication of such an external review would promote compliance, accountability and transparency.

⁴¹⁶ Danny Sullivan 31 October 2019 11/5-10

⁴¹⁷ CHC001949_004 para 14

⁴¹⁸ CHC001955_010 para 41

⁴¹⁹ Christopher Pearson 31 October 2019 145/16-146/10

⁴²⁰ Dr Colette Limbrick 1 November 2019 107/20-108/11

Part H

Engaging with victims and complainants

Engaging with victims and complainants

H.1: Introduction

1. The Cumberlege report made a specific recommendation that *“those with pastoral responsibility should be ready to listen to those who have suffered abuse, and to learn from them because they have much to teach the Church”*.⁴²¹
2. Baroness Sheila Hollins said that whilst she was a member of the Pontifical Commission for the Protection of Minors (PCPM) she heard about *“many situations from different countries where there had been delays or refusals to meet people making complaints”* and that this was *“devastating”* for them.⁴²² She said that the value and impact of meeting with a victim or complainant was:

*“Because if you are able to sit and to hear something which is extraordinarily painful and which a person has not been able to tell before, and you are able to hear it, then that goes a huge way to feeling believed ... I mean, it just changes everything.”*⁴²³

3. Danny Sullivan said that whilst he was chair of the National Catholic Safeguarding Commission (NCSC) between 2012 and 2015, members of the Roman Catholic Church told him that, as a result of legal advice, they would not meet with victims and survivors as a meeting *“might imply accountability and they must protect the assets of the diocese or the religious order”*.⁴²⁴ He said that he heard this:

“on quite a number of occasions and I heard bishops discuss it openly, about the tension they felt between being pastoral and then being given legal advice about how they should behave, and which one should be the more important”.⁴²⁵

H.2: Meetings with victims and complainants

4. The Inquiry heard many accounts of meetings between the Church and victims and complainants. Two contrasting examples are set out below.

The experience of the Comboni core participants

Background

5. In the 1960 and 1970s, the Comboni Order⁴²⁶ ran a seminary for boys at St Peter Claver College (known as Mirfield), Yorkshire. A number of the Mirfield staff have been the subject

⁴²¹ [CHC000002_077](#)

⁴²² [Baroness Sheila Hollins 1 November 2019 18/21-19/1](#)

⁴²³ [Baroness Sheila Hollins 1 November 2019 47/14-18](#)

⁴²⁴ [Danny Sullivan 31 October 2019 20/8-10](#)

⁴²⁵ [Danny Sullivan 31 October 2019 20/11-15](#)

⁴²⁶ The Comboni Order was established to spread the Gospel to people who had not heard it. The London Province is one of 27 semi-autonomous Provinces and is the only part of the order based in England and Wales. One Province has no responsibility or control over the actions of another.

of child sexual abuse allegations and in 2014 the Comboni Order settled (without an admission of liability) a civil claim brought by 11 former pupils arising out of such allegations.

6. Some of Mirfield's former pupils were core participants in this investigation (the Comboni core participants). Two of these former pupils, Thomas (James) Kirby and RC-A49, told us that they reported to members of staff at the college that they had been sexually abused. RC-A49 recalled that following his disclosure one of the alleged perpetrators (RC-F338) was removed from Mirfield but it does not appear that the college took action in relation to any other individual. We have seen no evidence that the allegations were reported to the police.

Mark Murray's experience

7. Mark Murray started at Mirfield in September 1969 when he was 13 or 14 years old. He told us that he was sexually abused by Father Romano Nardo (a priest of the Italian Province of the order who was then based at Mirfield). Under the guise of re-enacting Jesus washing the feet of the disciples at the Last Supper, Father Nardo progressed from washing Mr Murray's feet and body to touching his genitals. Mr Murray said he was made to wash Father Nardo and on one occasion Father Nardo sexually abused Mr Murray in his own home.⁴²⁷ Mr Murray left Mirfield in June 1974. He did not feel able to tell anyone about his experiences for the next 21 years.

8. In 1995, Mr Murray contacted a firm of solicitors with a view to commencing a civil claim against the Comboni Order. By this time, Father Nardo was based in Uganda and he was asked to return to Italy by the Italian Province. By May 1997, the solicitors acting on behalf of the Italian Province of the Comboni Order made the following admission:

"In view of the very long period of time which has passed since the actions are said to have occurred, there is a caveat as regards relying on recollections and memories. However, we are instructed that nonetheless it would appear that Father Nardo did act inappropriately towards your client but not with the intention deliberately to hurt him. Father Nardo deeply regrets any hurt that may, in fact, have resulted from his inappropriate action... neither the Trustees nor the Religious Superiors of the Order knew at the time nor had any reason to be aware that any of Father Nardo's actions were wrongful or even awry. Nonetheless, we are asked to express their profound sorrow that your client has suffered from the inappropriate action of a man who is a member of their Order."⁴²⁸

9. The Inquiry has seen a number of instances where abuse was understated or described as "inappropriate", "a misdemeanour" or "misbehaviour".⁴²⁹ To describe the sexual abuse of children in such ways is to minimise the appalling acts and the effect on the victims. As Mr Murray told us:

"Instead of using the word 'sex abuse' they say 'inappropriate behaviour'. What upset me about this letter is the caveat of 'memories lost' or 'recollections'. You don't forget. I don't forget abuse ... You live it every day ... it's their lawyers writing this. It's not from the heart of the Combonis. It's not written from them, really ... I found it quite insulting and not very helpful."⁴³⁰

⁴²⁷ Mark Murray 29 October 2019 125/8-133/20

⁴²⁸ INQ004655_001

⁴²⁹ Archdiocese of Birmingham Investigation Report Part D.2 para 5

⁴³⁰ Mark Murray 29 October 2019 141/8-21

10. The letter also stated that having received “*professional independent advice*” Father Nardo might return to active ministry.⁴³¹

11. In 2007, Mr Murray met with the Comboni’s UK safeguarding officer who assured him that Father Nardo would not have access to children and was to remain in the founding or ‘mother’ house in Verona. The following year Mr Murray saw photographs online of Father Nardo taking mass surrounded by children and taking part in a Youth Comboni Mission Programme. Mr Murray wrote a number of letters, including to the Superior General (head of the Comboni Order worldwide), to set out his concerns about Father Nardo’s access to children. He asked to meet Father Nardo but was told that Father Nardo was “*in very poor mental health ... with a limited and closely supervised ministry and with no access to children*”.⁴³²

12. In April 2015, Mr Murray travelled to Verona to speak to Father Nardo. When asked why he wanted to speak to his abuser, he said:

*“I wanted to get back some power that I had lost or had taken away from me when I was a child ... I felt the person ... that would give me back most of that power was the priest that abused me ... I wanted him to listen to me, to know what I had been through, and to know what I was going through, and I also, and ... some people find this very hard to understand. I also wanted to have the opportunity or to be in a situation where I could forgive him.”*⁴³³

13. Mr Murray video-recorded his meeting with Father Nardo. The footage shows Father Nardo kneeling down apologising to Mr Murray. Mr Murray told us that as Father Nardo got up to leave Mr Murray said “*I forgive you*”.⁴³⁴

14. Mr Murray told us he returned the following day and told the Vice-Superior of the house what Father Nardo had done to him. The Vice-Superior threatened Mr Murray shouting “*You and your lot are all money grabbers*”, a reference to a recently settled group civil action.⁴³⁵ When Mr Murray explained that he wanted an apology, he was told:

*“If you are waiting for an apology, you will be waiting a long time and your wait will be in vain”.*⁴³⁶

15. Approximately nine months later, guardians appointed to administer Father Nardo’s personal and financial affairs issued a notice of an intention to prosecute Mr Murray for trespassing on their property and for “*interfering with private life and stalking*”.⁴³⁷ There was a prosecution in Italy which Mr Murray had to defend at his own expense. The case was dismissed. Those acting on behalf of Father Nardo appealed and that appeal was also dismissed. Mr Murray told us about the effect the Italian court case had on him:

*“It was a massive – it frightened me, I suffered bouts of depression. I also have to add that I was admitted on two occasions to a psychiatric hospital for depression and suicidal ideation.”*⁴³⁸

⁴³¹ INQ004655_001

⁴³² INQ004680_106

⁴³³ Mark Murray 29 October 2019 149/12-150/2

⁴³⁴ Mark Murray 29 October 2019 155/2-4

⁴³⁵ Mark Murray 29 October 2019 157/3-4

⁴³⁶ Mark Murray 29 October 2019 158/2-4

⁴³⁷ Mark Murray 29 October 2019 157/10

⁴³⁸ Mark Murray 29 October 2019 160/10-13

Recent developments

16. In summer 2019, the Comboni Order declined a request to meet with the Comboni core participants.⁴³⁹ The response on behalf of the Comboni Order stated:

*“The Provincial Superior has publicly stated that the Comboni Missionaries are deeply sorry for any suffering experienced by individuals who attended their junior seminary at St Peter Claver College in Mirfield ... our clients believe it would be best to allow the Inquiry to conclude before they consider any engagement with your clients”.*⁴⁴⁰

The Inquiry has never asked that any institution delay meeting with victims and survivors nor did it do so in respect of the Comboni Order.

17. When asked if he still wanted to meet with the Comboni Order, Mr Murray said:

*“I’d meet with anyone. But I don’t know if I would trust or accept their apology ... I don’t understand how they can send that letter. I see meeting victims of abuse by their priest as something totally separate from the inquiry.”*⁴⁴¹

18. RC-A49 also said he would “dearly like” to meet with the Comboni Order.⁴⁴² He said:

*“I didn’t want money, I just wanted them to say sorry. I just wanted them to acknowledge that it happened ... They just ignore us. Totally ignore us. That’s double abuse. That’s abusing us all over again. All we want is just a word from them. And they won’t even give us that.”*⁴⁴³

19. The Comboni Order’s response to Mr Murray lacked the pastoral approach urged by the Cumberlege report. Its recent decision not to meet with the Comboni core participants suggests that its attitude has not changed.

RC-A491’s experience

20. In October 2009, RC-A491 informed the Archdiocese of Birmingham that he had been sexually abused in the 1950s whilst at St Joseph’s School, Worcestershire. In December that year, Archbishop Bernard Longley, the Archbishop of Birmingham, replied to RC-A491 stating how “deeply moved” and “sad” he was to learn of RC-A491’s childhood experiences.⁴⁴⁴ The letter went on to say that the Church had “very clear measures in place” to protect children and that RC-A491 and his family would be in the Archbishop’s “thoughts and prayers”.⁴⁴⁵

21. The letter was headed ‘without prejudice’. In legal correspondence, the phrase ‘without prejudice’ is used to allow parties to correspond or negotiate without it being used as an admission, which might harm their own prospects of success. In this case, however, RC-A491 was not engaged in litigation and did not understand why the letter was written ‘without prejudice’.

⁴³⁹ INQ004565_020

⁴⁴⁰ INQ004565_023

⁴⁴¹ Mark Murray 29 October 2019 164/16-20

⁴⁴² RC-A49 30 October 2019 24/18

⁴⁴³ RC-A49 30 October 2019 6-14

⁴⁴⁴ INQ001723_012 para 106

⁴⁴⁵ INQ001723_013 para 106

22. During the course of the Archdiocese of Birmingham public hearing (November 2018), Archbishop Longley was asked why he had written to RC-A491 on a ‘without prejudice’ basis. He said:

*“I didn’t realise the import, I have to say, of ‘without prejudice’. I was relatively new to legal dealings and it was early on in my time as archbishop, and I didn’t realise, either, the impact that it would have upon the survivor or victim of abuse to receive a letter with that heading.”*⁴⁴⁶

He said that he was deeply moved by what RC-A491 had said:

*“but I was conscious, too, of advice from our legal advisers and insurers, and I am conscious that that had an influence on the tone of what was said”.*⁴⁴⁷

23. Archbishop Longley said that he would be willing to meet with any victims and survivors and in July 2019 he met RC-A491.⁴⁴⁸ The meeting lasted approximately four hours. RC-A491 said that Archbishop Longley *“appeared to listen to me in a genuine way and was in no hurry to leave”*.⁴⁴⁹ He said that the Archbishop *“told me he believed that I deserved an apology”* and *“that he was very sorry for [what] had happened to me. He told me he felt ashamed about what had happened to me”*.⁴⁵⁰ Archbishop Longley followed up the meeting with a letter of apology.

24. RC-A491 said:

*“It meant a lot to me for the head of the institution that failed me so terribly to look me in the eye and acknowledge my suffering, acknowledge their failure to protect me and ask for my forgiveness.”*⁴⁵¹

25. RC-A491’s experience demonstrates the importance of the Church being willing to meet with victims and complainants and in particular the significance of a meaningful and genuine apology. However, the experiences of the Comboni core participants and RC-A491 demonstrate that a consistently compassionate approach to meetings with victims and survivors is yet to be achieved.

H.3: The Survivor Advisory Panel

26. In 2015, the NCSC announced its intention *“to prioritise and develop a more sensitive and pastoral response to victims and survivors of abuse”*.⁴⁵² This led to the establishment of the Survivor Advisory Panel (SAP) in 2016. The SAP’s purpose is:

“to ensure the NCSC receive appropriate and timely information and advice from the survivor perspective that will help inform the work of the NCSC and subsequently the safeguarding policies and practices within the Catholic Church of England and Wales”.⁴⁵³

27. The SAP consists of eight members (including the chair) and includes victims and survivors, safeguarding professionals, and professionals who have worked with perpetrators

⁴⁴⁶ Archbishop Bernard Longley 16 November 2018 56/14-19

⁴⁴⁷ Archbishop Bernard Longley 16 November 2018 57/2-4

⁴⁴⁸ Archbishop Bernard Longley 16 November 2018 64/14-17

⁴⁴⁹ INQ004568_007 para 38

⁴⁵⁰ INQ004568_007 para 39

⁴⁵¹ INQ004568_007 para 45

⁴⁵² NCS000010_006 para 2.11

⁴⁵³ CHC001934_003 para 5

as well as with victims.⁴⁵⁴ David Marshall, the chair of the SAP, described one of the SAP's functions as being a "critical friend" to the NCSC.⁴⁵⁵ As an example, Mr Marshall told us about the NCSC leaflet *Hurt by Abuse*, a guide to help victims and survivors disclose their abuse. The SAP was asked to comment on the draft. Rather than revising the NCSC version, the SAP created its own leaflet which was adopted by the NCSC.⁴⁵⁶ Mr Marshall also told us that in January 2019, in preparation for the conference in Rome, Cardinal Vincent Nichols met with a number of members of the SAP. Mr Marshall said that this meeting with the victims and survivors, and subsequent meetings in Valladolid in May 2019 were "essential" and that Cardinal Nichols' response was "very genuine" from which "the survivors took great comfort".⁴⁵⁷

28. While the SAP now provides local training sessions and training for bishops, there is currently no national programme of training that includes the SAP. Mr Marshall said that this will be considered in a review of the SAP by Baroness Hollins.⁴⁵⁸ Baroness Hollins said she will:

"look at the strengths, any barriers. I want to see how far that the remit the SAP was given when it was first founded have been fulfilled ... and to see whether its role could be extended or developed in any way".⁴⁵⁹

29. The SAP will also be involved in the review of the Church's safeguarding structure being undertaken by Ian Elliott (a safeguarding consultant).⁴⁶⁰ Bishop Marcus Stock, the Episcopal Vice-Chair of the NCSC, said that the SAP provides "invaluable input" into the current and future direction of the work of the NCSC.⁴⁶¹

30. The creation of the SAP is a positive addition to the Church's safeguarding structure. The Church should actively work with the SAP to incorporate the victims and survivors' views into any future changes to its safeguarding work.

H.4: Safe Spaces project

31. In 2013, the Roman Catholic Church of England and Wales and the Church of England were considering – independently – the establishment of a service to enable victims and survivors to obtain pastoral support. Following discussions in 2015 between the national safeguarding leads for both Churches, the Churches decided to jointly procure an independent organisation to deliver the Safe Spaces project.⁴⁶² Safe Spaces is intended to "provide an independent national hub and local community network of therapeutic support services".⁴⁶³ This will include a national helpline operating five days a week (with some evening and weekend access), access to online counselling, and some advocacy provision for victims and survivors. Dr Colette Limbrick, Director of the Catholic Safeguarding Advisory Service (CSAS), said there would also be provision for small grants to develop localised services for the benefit of victims and survivors of abuse.⁴⁶⁴

⁴⁵⁴ David Marshall 31 October 2019 154/19-155/14

⁴⁵⁵ CHC001934_006 para 7

⁴⁵⁶ David Marshall 31 October 2019 162/14-164/5

⁴⁵⁷ David Marshall 31 October 2019 169/23-171/10 and 176/8-177/9

⁴⁵⁸ David Marshall 31 October 2019 166/13-18; see also Part F para 6.4

⁴⁵⁹ Baroness Sheila Hollins 1 November 2019 31/25-32/15

⁴⁶⁰ David Marshall 31 October 2019 177/15-16

⁴⁶¹ CHC001949_003 para 11

⁴⁶² It will be funded by £292,000 from the Allchurches Trust (an independent charity) and £150,000 from each Church.

⁴⁶³ CSA005921_015 para 47

⁴⁶⁴ Dr Colette Limbrick 1 November 2019 93/2-15

32. Stephen Spear (a lay member of the NCSC from June 2016 to July 2019) was critical of the time taken to implement this project. He said:

*“Well, there is normal time and there is church time, and it is very, very, very slow and laborious ... Safer Spaces, you know, five years after deciding, it’s still not up and running. In essence, it is a relatively simple helpline and support service that, in the normal course of events, I would have expected certainly within 12 months, if not within six to nine months, and we are still not there, after five years.”*⁴⁶⁵

33. At the public hearing in 2019, the Inquiry was told that the tender process was underway.⁴⁶⁶ and that the “*anticipated date*” of commencement for Safe Spaces was February 2020.⁴⁶⁷ In April 2020, the Inquiry was informed that the shortlisted bidder could not fulfil the project’s requirements and so further providers were sought and were in the process of being interviewed.⁴⁶⁸

34. Safe Spaces did not commence until September 2020. As stated in the Inquiry’s *Anglican Church Investigation Report*, the Church has been too slow in its progression of this project.⁴⁶⁹

H.5: A recent safeguarding response: RC-A711

35. RC-A711 provided evidence about her experience of the way the Diocese of Westminster handled a recent complaint about safeguarding responses. That evidence cast a depressing light on the way those responsible for safeguarding in the Diocese of Westminster spoke about a victim.

Background

36. RC-A711 is a survivor of child sexual abuse. She gave impressive evidence to the Inquiry in a calm and dignified manner.

37. RC-A711 told us that from the late 1970s onwards (then aged 15 years old) she was groomed and sexually abused by RC-F500. RC-F500 was her local parish priest and a member of the Servite Order and in his 30s or 40s. She told us the abuse continued during her university years and that when she was 24 years old RC-F500 raped her. Many years later, RC-A711 received a qualified apology from him.⁴⁷⁰

38. In October 2016, RC-A711 reported the abuse to the Church and the Servite Order.⁴⁷¹ In December 2016, her case was transferred to the Diocese of Westminster due to the ill-health of the original safeguarding officer. RC-A711 told us she thought that because Cardinal Vincent Nichols was Archbishop of Westminster, she would “*be well looked after*” and that things would “*run smoothly*” but “*that could not have been further from the truth*”.⁴⁷²

Complaints about the Diocese of Westminster

39. RC-A711 raised a number of issues regarding the handling of her case by the Diocese of Westminster and its safeguarding team.

⁴⁶⁵ Stephen Spear 31 October 2019 65/21-66/4

⁴⁶⁶ David Marshall 31 October 2019 167/10-17

⁴⁶⁷ Dr Colette Limbrick 1 November 2019 93/17

⁴⁶⁸ CHC002158_015

⁴⁶⁹ *The Anglican Church Investigation Report* Part B.2

⁴⁷⁰ INQ004665_001

⁴⁷¹ The matter was also reported to the police: INQ004560_011 para 53; CHC002106_035

⁴⁷² RC-A711 29 October 2019 24/8-16

39.1. Failure to provide risk assessment feedback. When RC-A711 reported the abuse, the Servite Order commissioned a risk assessment of RC-F500 and she was told by her previous diocese that she would be given verbal feedback about the assessment. The Diocese of Westminster told RC-A711 in a one-line email that “*We confirm there will be no feedback*”.⁴⁷³ RC-A711 contacted Father Jeremy Trood, the Episcopal Vicar for Safeguarding in the Diocese of Westminster, to question this. He told her it was not for one diocese to comment on another diocese’s practices and, when she asked to speak to him, he passed her back to the assistant safeguarding coordinator.⁴⁷⁴ In her view, it was clear that Father Trood did not wish to engage with her on this issue.⁴⁷⁵

39.2. Failure to correspond or meet. Following the transfer of her case to Westminster, RC-A711 asked to meet with someone from the safeguarding office. The Diocese of Westminster told her that they had received legal advice to the effect that a representative of the Servite Order had to be present at any meeting with the Westminster safeguarding team. RC-A711 did not want a member of the Order to be present. She said, “*it would cause me a lot of anxiety to have to be in the same room as a Servite priest*”.⁴⁷⁶ When she raised this with the safeguarding coordinator, RC-A711 said she felt the response was “*patronising and intimidating*”, and that there was no attempt to be “*understanding and compassionate*”.⁴⁷⁷ In May and June 2017, RC-A711 sent Cardinal Nichols four emails outlining her complaints and concerns about the way she was being treated by the safeguarding office. His private secretary responded to her first email conveying the Cardinal’s sorrow for the difficulties she described and assuring RC-A711 of the Cardinal’s prayers. The reply also suggested that RC-A711 should take her complaints to the NCSC.⁴⁷⁸ RC-A711 had in fact already met Christopher Pearson (the chair of the NCSC). She found him to be “*supportive and very willing to listen*” but he had made clear that he had no jurisdiction over individual dioceses and was therefore limited in what he could do. She wrote:

*“To be advised by the Cardinal to go back to the NCSC makes me feel as though I am being passed from pillar to post”.*⁴⁷⁹

40. At the end of June 2017, RC-A711 was asked to detail all of her concerns and complaints into a single email. She did so that same day, stating:

*“I am not raising these issues to be awkward or difficult but to share my perspective on how survivors may experience their dealings with the Church”.*⁴⁸⁰

She told us that she was made to feel she was “*at best, being a nuisance and, at worst, being manipulative*”.⁴⁸¹ RC-A711’s composite summary of complaints caused the Westminster safeguarding commission to refer the matter to CSAS and, in July 2017, the commission asked CSAS to assist in identifying a suitable investigator.

⁴⁷³ RC-A711 29 October 2019 29/7-10

⁴⁷⁴ RC-A711 29 October 2019 25/4-24

⁴⁷⁵ RC-A711 29 October 2019 55/6-56/4

⁴⁷⁶ RC-A711 29 October 2019 52/17-19

⁴⁷⁷ RC-A711 29 October 2019 52/2-23 and 53/9-10

⁴⁷⁸ INQ004671_002

⁴⁷⁹ INQ004671_001-002

⁴⁸⁰ INQ004669_002-003

⁴⁸¹ RC-A711 29 October 2019 77/20-79/1

41. In November 2017, the independent investigating officer, Karen Abrams, found that:

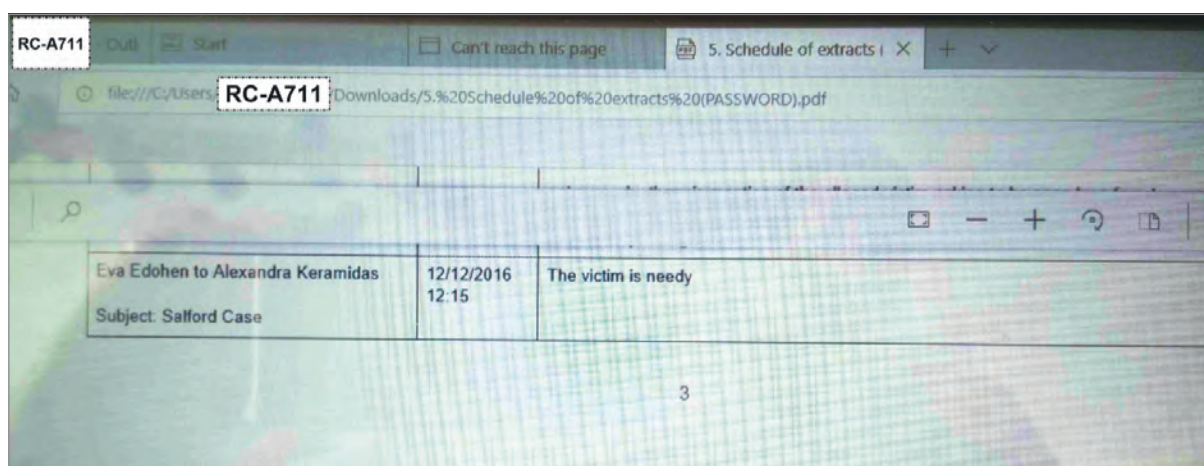
- the safeguarding coordinator failed to respond appropriately to RC-A711;⁴⁸² and
- the insistence that a member of the Servite Order be present at any meeting showed “a lack of empathy and compassion for the survivor”.⁴⁸³

42. Ms Abrams also upheld or partially upheld RC-A711’s complaints regarding the reluctance of the Diocese to engage with her⁴⁸⁴ and her report concluded with seven recommendations. Cardinal Nichols later told RC-A711 that the recommendations would “continue to be developed” in partnership between the Diocese, CSAS and the NCSC.

43. Cardinal Nichols told us that he did not think he was the right person to investigate and adjudicate upon RC-A711’s complaints about staff members within the safeguarding office.⁴⁸⁵ He accepted that he did not respond to some of RC-A711’s emails. When asked why he did not even acknowledge receipt of her emails, he said “Well I didn’t, I’m sorry”.⁴⁸⁶

RC-A711’s subject access request

44. In December 2018, RC-A711 made a subject access request.⁴⁸⁷ She was given extracts from internal emails.



Email from the Westminster safeguarding office in December 2016

Source: [INQ004697_001](#)

⁴⁸² The safeguarding coordinator maintains that she did not act inappropriately or unprofessionally during the phone call, and regrets not having challenged this aspect of the report.

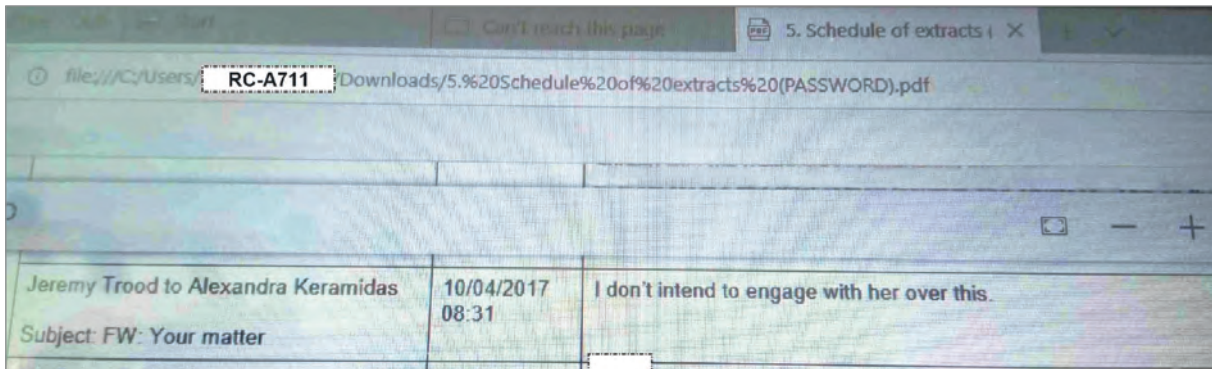
⁴⁸³ [INQ004720_009](#) para 6.22

⁴⁸⁴ [INQ004720_012-015](#)

⁴⁸⁵ [Cardinal Vincent Nichols 6 November 2019 137/17-138/4](#)

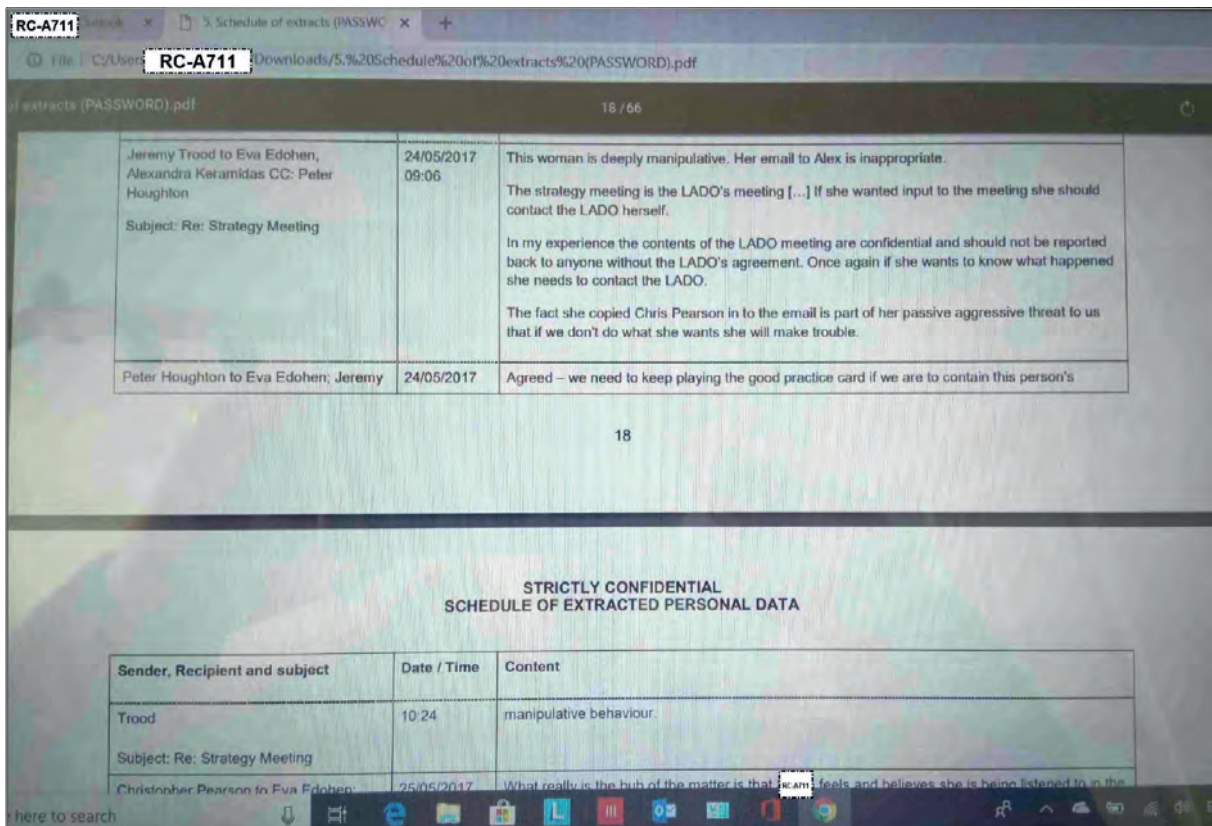
⁴⁸⁶ [Cardinal Vincent Nichols 6 November 2019 143/12](#)

⁴⁸⁷ A subject access request is a written request made by or on behalf of an individual for information they are entitled to under the Data Protection Act 1998.



Email from Father Trood in April 2017

Source: [INQ004692_001](#)



Email from Father Trood in May 2017

Source: [INQ004695_001](#)

45. As RC-A711 told us, the descriptions of her were “*absolutely appalling*”.⁴⁸⁸

46. The emails were intended to be private internal communications but, by describing RC-A711 in this way, they highlight what those individuals really thought of RC-A711 when they wrote that correspondence. The language was cynical and hostile towards RC-A711, lacking victim empathy or compassion. As these were some of the individuals responsible for child protection in the Diocese, it is troubling that they spoke about RC-A711 and her complaint in such terms.

⁴⁸⁸ [RC-A711 29 October 2019 61/18](#)

47. Cardinal Nichols was asked about these emails. He said that he had spoken to Father Trood about the language used in the emails but said he did not speak to Peter Houghton.

“Q. But why not?”

A. No. I haven’t.

...

Q. Did it ever cross your mind that, perhaps, as the Archbishop of Westminster and the cardinal, that was a conversation you ought to have had?

A. He’s a very, very experienced child protection officer, as you know. His credentials are – he’s very senior. That doesn’t answer your question.

Q. No. All the more reason he shouldn’t have been writing in these terms?

A. Yes, I agree. I agree.

Q. And he’s still in place?

A. Yes, he is.⁴⁸⁹

48. The Inquiry was subsequently informed that Cardinal Nichols and Peter Houghton did discuss the email.

49. In September 2018, RC-A711 sent Cardinal Nichols a copy of Karen Abrams’ findings. She told us that his reply simply noted that the report had been made final in 2017 and that the safeguarding office had responded. Cardinal Nichols acknowledged that his “rather terse” email was “unacceptable”. He denied RC-A711’s suggestion that he was ‘shutting her down’ and told us that he was trying to avoid complicating what was already “a very complicated nexus of connections and feedback”.⁴⁹⁰

50. As Cardinal Nichols accepted in evidence, the subject access request also revealed that he was not prepared to engage with RC-A711.⁴⁹¹

STRICTLY CONFIDENTIAL SCHEDULE OF EXTRACTED PERSONAL DATA		
Sender, Recipient and subject	Date / Time	Content
Ellen Dunleavy to Cardinal Nichols Subject: FW: RC-A711 - complaints findings	20/09/2018 10:41	Am I right in thinking that you will not be sending a further reply to RC-A711? Would you like a copy of her email to go to Fr Jeremy and Eva?
Cardinal Nichols to Ellen Dunleavy Subject: FW: RC-A711 - complaints findings	20/09/2018 11:14	Thank you. You are right in your assumption.
Natalie Creswick to Fr Paul Addison Subject: RC-F521	21/09/2018 15:58	I have been contacted by RC-A711 who disclosed that RC-F521 has been in contact with a friend of hers to request information about RC-A711. Understandably, this has concerned RC-A711.
Fr Paul Addison to Natalie Creswick CC: Vincent M. Coyne OSM Subject: Re: RC-F521	21/09/2018 16:52	Thank you for your note concerning RC-F521 and disclosure by RC-A711 re contact with a friend of hers. I have read your e-mail clearly to RC-F521. He wishes to assure you, as well as myself, that he has had absolutely no contact whatever with any friend or relative of RC-A711. He considers her disclosure to be mistaken and possibly malicious.

Emails between Ellen Dunleavy and Cardinal Nichols in September 2018

Source: INQ004693

⁴⁸⁹ Cardinal Vincent Nichols 6 November 2019 151/13-152/6

⁴⁹⁰ Cardinal Vincent Nichols 6 November 2019 160/14-162/8

⁴⁹¹ Cardinal Vincent Nichols 6 November 2019 164/14-16

When asked about this, Cardinal Nichols said that at the time his priority was to meet with victims who wished to talk about the impact of abuse, whereas RC-A711 wanted to raise shortcomings relating to the safeguarding staff. He accepted that RC-A711 had not been given this explanation.⁴⁹² RC-A711 stated this was:

*“an artificial distinction to make, that he feels he can categorise me as ... having less of a story. All of this is the continuation of an awful, awful experience”.*⁴⁹³

Meeting with Cardinal Nichols

51. In January 2019, RC-A711 asked to meet Cardinal Nichols as she thought the findings of the Abrams report and her own experience might be helpful for the Protection of Minors meeting taking place in Rome in February 2019. She was told:

*“The Cardinal has had a number of meetings with survivors of childhood sexual abuse prior to the meeting in February. His Eminence’s diary is very full between now and that meeting. However, if you wish to note, in writing, any key points that you would like the Cardinal to bear in mind for the meeting, I am sure that he would be grateful to receive them.”*⁴⁹⁴

She asked that Cardinal Nichols read the report, adding:

*“The report raises the question – who is being safeguarded/protected – the Church or the survivor? It would be really helpful to think that the Church today is willing to listen to survivors and is not just dismissing us. Sadly, that is not my experience at all and the Cardinal declining my offer to meet highlights this even more.”*⁴⁹⁵

52. On Cardinal Nichols’ return from Rome, she again requested that he meet her and sent him the product of the subject access request. By this time, RC-A711 had approached a newspaper which reported that Cardinal Nichols had declined to meet her. It was then that she received an invitation to meet him. RC-A711 said that she didn’t know if the newspaper article prompted the invitation; she thought that it might have been the comments in the subject access request.⁴⁹⁶ The meeting itself took place in April 2019 and focused on the comments in the emails. It was followed by a letter apologising for the language used in the emails: *“I regret deeply the hurt that those words have caused you”*.⁴⁹⁷

53. RC-A711 told us that although she found meeting Cardinal Nichols face-to-face *“helpful”*, she felt it was about *“damage limitation”*.⁴⁹⁸ She also said that the apology only came about:

“because they were found out ... those remarks and the Cardinal’s unwillingness to engage with me should actually never, ever have happened, and I think that’s the scandal of it, really”.⁴⁹⁹

54. Cardinal Nichols told us that he had publicly offered to meet with victims and *“will continue to meet with survivors in the future”*.⁵⁰⁰ Yet, as the subject access request reveals,

⁴⁹² Cardinal Vincent Nichols 6 November 2019 165/3-15

⁴⁹³ RC-A711 29 October 2019 82/14-17

⁴⁹⁴ INQ004702_002-003

⁴⁹⁵ INQ004702_001-002

⁴⁹⁶ RC-A711 29 October 2019 86/18-87/6

⁴⁹⁷ INQ004668

⁴⁹⁸ INQ004706_001

⁴⁹⁹ RC-A711 29 October 2019 92/12-20

⁵⁰⁰ CHC001615_006; Cardinal Vincent Nichols 13 December 2018 94/19-21; CHC001831_002

in September 2018 he decided not to engage with RC-A711. In RC-A711's case, Cardinal Nichols failed to take account of or to understand the effect of his behaviour on her.

55. She described her experience of the Diocese of Westminster as "*an exhausting battle*", adding they were "*re-traumatising me, and, in that sense, re-abusing*".⁵⁰¹ She said:

*"Over the best part of two and half years, I came face to face with the Church at its most defensive and protective of its own."*⁵⁰²

56. More generally, RC-A711's experience demonstrates the need for the Church to have in place a complaints procedure for complaints about the safeguarding team. Mrs Edina Carmi, an independent safeguarding consultant commissioned by the Inquiry to undertake a review of a number of recent diocesan and religious safeguarding files, recommended that such a procedure would "*provide learning and improvement*".⁵⁰³

⁵⁰¹ RC-A711 29 October 2019 25/25-27/11

⁵⁰² INQ004560_011-012 para 56

⁵⁰³ INQ004794_004; see Part G

Part I

Reporting of child sexual abuse cases

Reporting of child sexual abuse cases

I.1: Introduction

1. Throughout this investigation, we have seen numerous examples of child sexual abuse allegations made to the Roman Catholic Church that were not passed to the police or other statutory authorities. For example, the Archdiocese of Birmingham failed to inform the police that they were aware of allegations against Father Samuel Penney⁵⁰⁴ and Father James Robinson.⁵⁰⁵ At both Ampleforth and Downside schools “a number of allegations were never referred to the police but were handled internally”.⁵⁰⁶
2. Against this background, a number of core participants and other witnesses suggested that the Inquiry should recommend the introduction of mandatory reporting of all child sexual abuse allegations.⁵⁰⁷ The phrase ‘mandatory reporting’ is commonly used to refer to a legal duty requiring specified practitioners or organisations to report child sexual abuse if they know or have reasonable cause to suspect it was taking place. Failure to comply would be a criminal offence.
3. This part of the report deals with the Church’s current policies and guidance about reporting and the evidence relating to child sexual abuse revealed in the course of confession.

I.2: Reporting statistics

4. As discussed in Part B, the 2018 Bullivant review identified 931 separate complaints (ie allegations or concerns of child sexual abuse) against clergy, members of religious institutes and lay workers (paid and voluntary) reported to the Church between 1970 and 2015.⁵⁰⁸ Of the 931 complaints:

- 753 complaints (81 percent) were reported to the statutory authorities, which related to 768 individuals and resulted in 177 prosecutions (from which there were 133 convictions);⁵⁰⁹
- 158 complaints (17 percent) were not reported; and
- in 20 cases (2 percent), it was unclear whether the complaint was reported.⁵¹⁰

The data returns from the dioceses and religious institutes identified 10 reports (1 percent) that should have been referred to the statutory agencies but were not.⁵¹¹

⁵⁰⁴ *Archdiocese of Birmingham Investigation Report* Part B.3 para 38.1

⁵⁰⁵ *Archdiocese of Birmingham Investigation Report* Part B.4 paras 81–82

⁵⁰⁶ *Ampleforth and Downside Investigation Report* Executive Summary

⁵⁰⁷ INQ004787

⁵⁰⁸ *Allegations of child sexual abuse in the Catholic Church in England and Wales between 1970 and 2015: A statistical summary.*

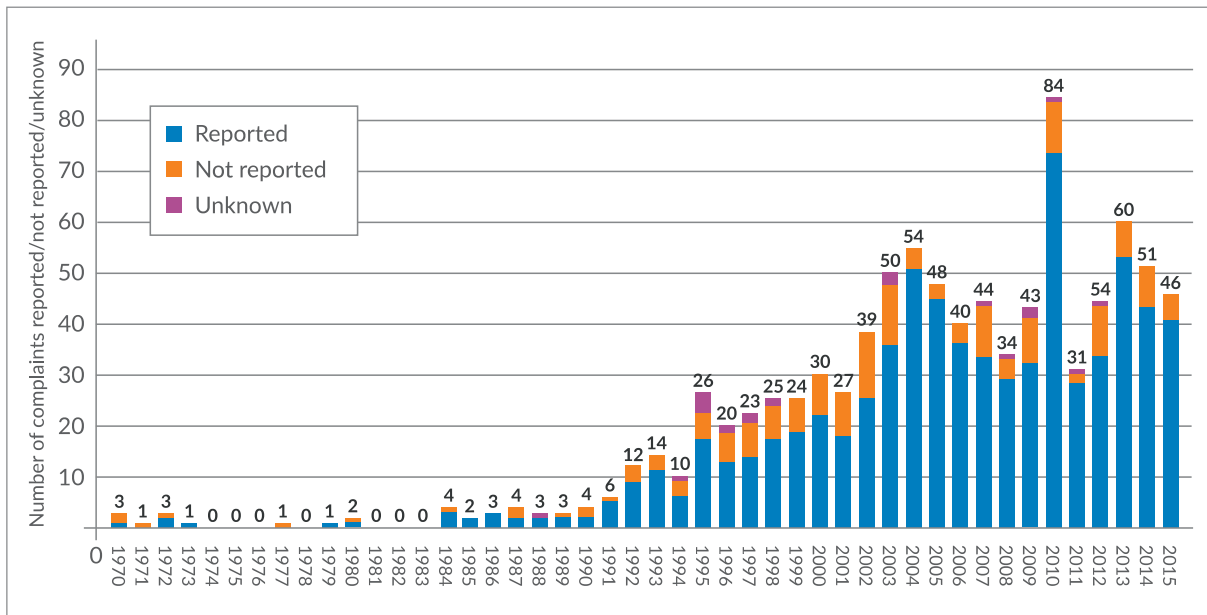
Professor Stephen Bullivant’s report: CHC001938_008

⁵⁰⁹ CHC001938_025

⁵¹⁰ CHC001938_020 table 3.1

⁵¹¹ CHC001938_022

5. The figure below shows the year-by-year breakdown of whether the complaints were reported.

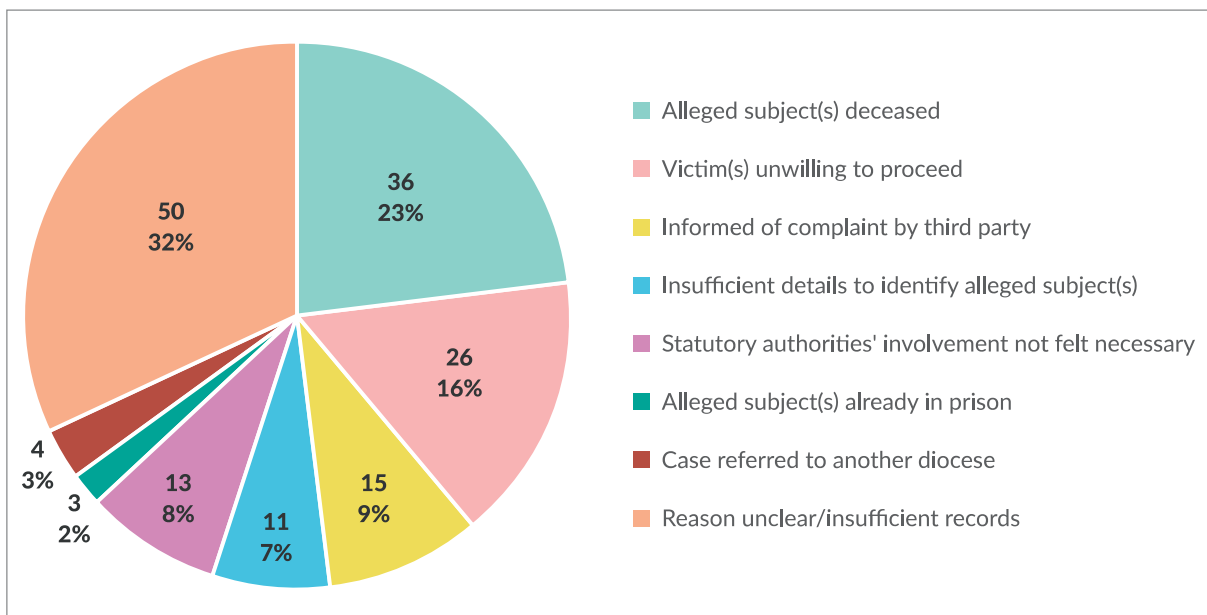


Reporting of complaints to statutory authorities by year of complaint

Source: Based on [CHC001938_021](#)

6. During the 1970s and 1980s, there were no or few reports to the statutory authorities.⁵¹² Victims and complainants repeatedly told us that they reported their allegations to the Church but that external agencies were not involved.⁵¹³ Complaints to statutory authorities increased steadily throughout the 1990s and 2000s, peaking in 2010 when 84 referrals were made.

7. In his report, Professor Stephen Bullivant analysed the reasons for non-reporting.



Reasons for complaints not being reported to statutory authorities at the time of the report

Source: Based on [CHC001938_022](#)

⁵¹² [CHC001938_021](#)

⁵¹³ For example, the case of Samuel Penney in the Archdiocese of Birmingham ([Archdiocese of Birmingham Investigation Report Part B.3](#)) and the case of Piers Grant-Ferris at Ampleforth School ([Ampleforth and Downside Investigation Report Part B para 47](#)).

In the 11 cases where there was no reporting, the dioceses and religious institutes recorded that there were “*insufficient details*” for a referral to be made. This included, for example, complaints where the alleged perpetrator could not be identified.⁵¹⁴

I.3: Reporting policies within the Church

Guidance and papal laws

8. In February 2019, at the conclusion of the meeting in the Vatican on ‘The Protection of Minors in the Church’, the Congregation for the Doctrine of the Faith (CDF)⁵¹⁵ issued guidance which states:

*“It is essential that the community be advised that they have the duty and the right to report sexual misconduct to a contact person in the diocese or religious order. These contact details should be in the public domain ... In every case, and for all the phases of dealing with cases, these two points should be followed at all times: (i) protocols established should be respected; (ii) civil or domestic laws should be obeyed.”*⁵¹⁶

9. An instruction by the CDF does not change canon law but, as Monsignor Gordon Read (an expert in canon law) explained, it is “*guidance that ought to be followed*”.⁵¹⁷

10. However, in May 2019, Pope Francis issued a papal law (*Motu Proprio*) which focussed specifically on crimes of sexual abuse.⁵¹⁸ The papal law stated that where a priest or member of a religious institute has “*notice of, or well-founded motives to believe*” that child sexual abuse has been committed, that person “*is obliged to report promptly*” the matter to their bishop or religious superior.⁵¹⁹ Cardinal Vincent Nichols said that:

*“This is, in effect, the canonical establishment of a duty to report suspicions of abuse within the Church.”*⁵²⁰

11. The *Motu Proprio* also states that there must be cooperation with state authorities in compliance with national law.

12. As a result of both the *Motu Proprio* and the CDF guidance, it is clear that child sexual abuse allegations should be reported internally within the Church and externally to the statutory authorities.

Catholic Safeguarding Advisory Service policies and procedures

13. The CSAS procedures manual (published on its website) sets out the circumstances in which allegations made to the Church must be referred to statutory authorities. At the time of the final hearing, this included a 25-page chapter entitled ‘Children – policy and procedure for the management of allegations and concerns’, which provides separate advice for management of allegations and concerns depending on whether the individual who is the subject is:

⁵¹⁴ [CHC001938_023](#)

⁵¹⁵ The CDF is the Roman Congregation with responsibility for passing on the Catholic faith and for exercising disciplinary responsibility for canonical crimes.

⁵¹⁶ [CHC001871_001](#)

⁵¹⁷ [Monsignor Gordon Read 4 November 2019 130/14-17](#)

⁵¹⁸ A *Motu Proprio* is a legislative decree issued by the Pope which must be followed (see Part C).

⁵¹⁹ [CHC001930_003](#)

⁵²⁰ [Cardinal Vincent Nichols 6 November 2019 77/9-11](#)

- not in a role within the Catholic Church; or
- “Clergy, Religious, Rectors, Vice Rectors, Seminary Staff Members, Members of the Safeguarding Structure, Lay Persons and Volunteers acting in the name of the Catholic Church”.⁵²¹

14. In relation to reporting, Christopher Pearson (chair of the National Catholic Safeguarding Commission (NCSC)) said that the Church “expect[s] if an allegation comes in, it’s reported”.⁵²² When shown a passage of the CSAS policy for managing allegations and concerns for those not in roles within the Church, Mr Pearson acknowledged that it appeared that in some circumstances the safeguarding coordinator had a discretion whether to refer the allegation to the statutory authority.⁵²³ He said this discretion was “at variance” to what he had understood the position to be. He considered that there should be mandatory reporting “in any allegation where somebody is in a position of trust in the Catholic Church”.⁵²⁴ As a result of this evidence, CSAS and the NCSC told us that they have reviewed and amended this part of the policies and procedures to ensure there is no possibility of it being interpreted as allowing discretion in respect of reporting.

15. Mrs Edina Carmi considered the policies and procedures on the CSAS website when conducting her review of recent safeguarding case files (see Part G). She was critical of the CSAS manual merging the policy with the procedure itself, and the layout required cross-referencing different documents (which in turn lacked, for example, paragraph numbers). Despite her experience in “writing child protection procedures”, Mrs Carmi said that she found navigating the policies and procedures “extremely difficult”. She also identified some inconsistencies between policies relating to the circumstances in which local authority designated officers needed to be notified of an allegation where the accused is deceased. CSAS told us that these policies have been amended to make clear that such referrals need to be made.⁵²⁵

16. The CSAS policies and procedures manual for the management of allegations and concerns in relation to children is not an easy document to follow. It is essential that the Church’s reporting policies are set out clearly and succinctly in language that is easy to understand.

I.4: The seal of the confessional

Sacramental seal

17. The sacramental seal is described in the Church’s teachings as follows:

“the church declares that every priest who hears confessions is bound under very severe penalties to keep absolute secrecy regarding the sins that his penitents have confessed to him. He can make no use of knowledge that confession gives him about penitents’ lives. This secret, which admits of no exceptions, is called the ‘sacramental seal’ because what the penitent has made known to the priest remains ‘sealed’ by the sacrament.”⁵²⁶

⁵²¹ INQ004784_006-007. In June 2020, the CSAS procedures manual was updated and the chapter now runs to 59 pages.

⁵²² Christopher Pearson 31 October 2019 116/3-9

⁵²³ INQ004784_005 para 3

⁵²⁴ Christopher Pearson 31 October 2019 146/25-147/2

⁵²⁵ Edina Carmi 5 November 2019 8/20-9/8, 11/8-12/15

⁵²⁶ Monsignor Gordon Read 4 November 2019 163/23-164/6

18. Monsignor Read described the sacramental seal as “*an ancient and fundamental matter of Catholic Church doctrine*”,⁵²⁷ the breach of which leads to ‘automatic’ excommunication. This means that the individual remains a priest but is “*not able to either receive or confer the sacraments or take part in the public worship of the church*”.⁵²⁸ He said that the priest would need to go to confession and would need to “*seek the lifting of the excommunication which is something which is reserved to the Holy See*”.⁵²⁹ Monsignor Read explained that there would be no breach of the seal if:

- a priest answered “*an entirely generic*” question about whether anyone had ever confessed that they were the victim or perpetrator of child sexual abuse; and
- if a perpetrator were to repeat his admissions outside of confession and the priest reported the matter to the statutory authorities.⁵³⁰

Disclosure of abuse during confession

Disclosure of abuse by victims and survivors

19. A number of victims and survivors (for example RC-A31, RC-A705 and Frank McGinnis) told us that during confession they had told the priest that they were being sexually abused.⁵³¹ Father Paul Smyth recalled one occasion approximately 27 years ago while working in Guatemala where “*a young girl*” confessed that she was the victim of familial child sexual abuse and that he “*kind of encouraged her not to feel it was her fault, what was happening, and to try to encourage her to tell her parents*”.⁵³² He said he did not tell her to speak to him about this outside confession “*because the social situation in Guatemala where I was working at that time wouldn’t have had any organisational structure in place to deal with cases like that*”.⁵³³

20. The CSAS guidance *Disclosure of Abuse and the Sacrament of Reconciliation* (published on its website) makes clear that a victim or survivor of abuse “*is not guilty of any sin in respect of the abuse suffered*”.⁵³⁴ It states that the priest should ‘encourage’ the victim “*to pass on the information to an appropriate person*”.⁵³⁵

Disclosure of abuse by perpetrators

21. A study of interviews with “*a small sample*” of perpetrators from the Roman Catholic Church in Ireland reported that those perpetrators had disclosed their offences during confession. The Australian Royal Commission also heard some evidence of perpetrators confessing during confession.⁵³⁶

22. The Inquiry asked a number of clerical witnesses whether they had personally experienced a perpetrator confessing to acts of child sexual abuse during confession. Bishop

⁵²⁷ Monsignor Gordon Read 4 November 2019 163/2-3

⁵²⁸ Monsignor Gordon Read 4 November 2019 166/22-23. Excommunication should not be confused with the process of laicisation; laicisation is the process of dismissal from the clerical state.

⁵²⁹ Monsignor Gordon Read 4 November 2019 167/7-8

⁵³⁰ Monsignor Gordon Read 4 November 2019 169/12-17

⁵³¹ RC-A31 13 November 2018 11/19-24; INQ004582_004; Frank McGinnis 29 October 2019 113/6-114/4

⁵³² Father Paul Smyth 5 November 2019 152/12-14

⁵³³ Father Paul Smyth 5 November 2019 152/2-5

⁵³⁴ INQ004677_001

⁵³⁵ INQ004677_001

⁵³⁶ INQ000995_045

Peter Doyle, Bishop Philip Egan, Monsignor Read, Father Smyth and Cardinal Nichols all said that this had not happened in their experience.⁵³⁷

23. Monsignor Read said that if a perpetrator confessed to him, he would:

*“make them realise the seriousness of what has happened, that they have an obligation in justice, especially to the victim, but also to society in general, to do what they can to remedy that, and that that should involve reporting the matter to the police”.*⁵³⁸

He explained that a priest could not refuse absolution if a perpetrator refused to report a matter to the police. He would want to defer absolution and say to the perpetrator *“come back when you have thought about it”*.⁵³⁹

24. Cardinal Nichols told us that, during some training he undertook with the Lucy Faithfull Foundation (a UK charity dedicated to preventing child sexual abuse), he was told:

*“that an abuser of children does not believe they are doing something wrong ... and, therefore was very unlikely to confess it as a sin”.*⁵⁴⁰

This accords with the Inquiry’s rapid evidence assessment *Child sexual abuse within the Catholic and Anglican Churches* which found that *“disclosure during confession is likely to be one of the less common ways in which the Church becomes aware of abuse”*.⁵⁴¹

25. In the event that a perpetrator confessed to acts of child sexual abuse, CSAS guidance states that the priest *“should ask for action consistent with a firm purpose of amendment as a constituent part of an assigned penance”*.⁵⁴² This demonstrates the impenetrability of the wording of some CSAS policies.

Mandatory reporting and the sacramental seal

26. Cardinal Nichols said that the sacramental seal *“is an essential part of the exercise of priesthood, as a nexus between my sinful humanity and the mercy of God. And I would defend the seal of the confession, absolutely”*.⁵⁴³ He agreed with a number of witnesses (including Monsignor Read, Dr Colette Limbrick and Mrs Carmi) that there was tension between the paramouncy principle and the confidentiality of a disclosure made during confession. When asked how that tension is resolved, he said:

*“The history of the Catholic Church has a number of people who have been put to death in defence of the seal of the confession. It might come to that. But the seal of confession is of a sacred nature, and it is at the heart of the priest’s ministry, acting in the name of the Father and of the Son and of the Holy Spirit.”*⁵⁴⁴

⁵³⁷ Bishop Peter Doyle 30 October 2019 141/19-142/3; Bishop Philip Egan 30 October 2019 178/3-10; Monsignor Gordon Read 4 November 2019 169/18-22; Father Paul Smyth 5 November 2019 151/10-15; Cardinal Vincent Nichols 7 November 2019 52/17

⁵³⁸ Monsignor Gordon Read 4 November 2019 165/15-19

⁵³⁹ Monsignor Gordon Read 4 November 2019 166/7-8

⁵⁴⁰ Cardinal Vincent Nichols 7 November 2019 53/12-18

⁵⁴¹ INQ000995_045

⁵⁴² INQ004677_001

⁵⁴³ Cardinal Vincent Nichols 7 November 2019 51/4-7

⁵⁴⁴ Cardinal Vincent Nichols 7 November 2019 51/13-18

27. He also said that, as a mandatory reporting law would in effect break the seal of the confessional, the Bishops' Conference would reject any recommendation to this effect:

*"It would not be well received. It would be rejected".*⁵⁴⁵

28. Mandatory reporting has arisen in other investigations. The Inquiry has also held a number of seminars on this issue.⁵⁴⁶ As a result, it is a subject that will form part of the Inquiry's final report.

⁵⁴⁵ [Cardinal Vincent Nichols 7 November 2019 52/1](#)

⁵⁴⁶ [IICSA Seminar Mandatory Reporting of Child Sexual Abuse 27 September 2018 and 29 April 2019 and 30 April 2019](#)

Part J

Redress

Redress

J.1: Introduction

1. Victims and survivors of child sexual abuse react to their experiences in different ways. Redress therefore takes many forms. It may include seeking an apology from the institution or perpetrator, wanting pastoral support from the Church, as well as reporting the matter to the police or other statutory authority. Compensation (perhaps through legal proceedings) is another form of redress.

2. During our public hearings in this investigation we heard evidence that some within the Church viewed victims and survivors as being motivated by money. For example:

- In 2003, Abbot Richard Yeo wrote to RC-F77, a fellow monk, saying he thought RC-A82 (who had accused RC-F77 of physical abuse which may have had a sexual element) “*is out to get compensation*”.⁵⁴⁷
- Mark Murray (a victim and survivor of clerical child sexual abuse) told us that in 2015 he and others were accused of being “*money grabbers*” by a member of the Italian Province of the Comboni Order.⁵⁴⁸

3. Views such as these are misplaced and inaccurate. As Sister Jane Bertelsen (a member of the Pontifical Commission for the Protection of Minors) told us, compensation “*very often is not the primary purpose. Victims and survivors want to be believed, they want to be listened to, they want their story to be heard*”.⁵⁴⁹ Based on his experience as chair of the Survivor Advisory Panel (SAP), David Marshall told us that from victims and survivors:

*“One of their key messages ... is emphasising ... the fact that if people say sorry and they listen, that that’s really crucial. Often compensation, they describe it as a bit of a myth, really. Compensation is often a last resort because no-one is listening.”*⁵⁵⁰

J.2: Civil claims for compensation

4. The Inquiry’s Accountability and Reparations investigation examined the extent to which the civil justice system, criminal compensation and support services promoted accountability and reparations to victims and survivors of child sexual abuse.⁵⁵¹ In this report, we focussed on claims against the Roman Catholic Church in England and Wales.

5. Claims relating to child sexual abuse fall within the ambit of personal injury claims and are usually brought against the institution in which the abuse took place or against those responsible for that institution. This generally means that the claim is brought against the diocese or religious institute on the basis of vicarious liability, the legal principle which may

⁵⁴⁷ BNT003779_050

⁵⁴⁸ Mark Murray 29 October 2019 157/3-4

⁵⁴⁹ Sister Jane Bertelsen 4 November 2019 40/13-16

⁵⁵⁰ David Marshall 31 October 2019 172/19-25

⁵⁵¹ *Accountability and Reparations Investigation Report*. The second phase of the investigation is considering in particular the potential for reform of the law of limitation to make it easier for victims and survivors to bring claims in respect of non-recent child sexual abuse and also a possible redress scheme for victims and survivors of child sexual abuse. These matters will be dealt with in the Inquiry’s final report.

make institutions liable for their employees. Claims may be covered by a public liability insurance policy, but if there is no insurance in place or the insurer cannot be identified due to the passage of time, the institution will be responsible for meeting any successful claims.

Claims data

6. The Catholic Insurance Service (CIS) insures 20 of the 22 Roman Catholic dioceses.⁵⁵² As at November 2019, it also provided insurance services to 20 religious institutes.

7. In November 2019, CIS compiled a schedule of claims “*Going back as far as records allow*”.⁵⁵³ The schedule indicates that there have been 439 child sexual abuse claims made against dioceses and 49 claims against religious institutes.⁵⁵⁴ Millions of pounds have been paid in compensation and millions more in legal fees.

The role of insurers

8. Kathy Perrin, Chief Executive Officer of CIS, told us that CIS enables the dioceses to bulk purchase insurance and acts as “*an advisory body to the Bishops’ Conference on matters relating to insurance and risk*”.⁵⁵⁵ She explained that when a claim is brought against a diocese, CIS’s role is “*to act as an intermediary facilitating effective communication between the dioceses and insurers*”.⁵⁵⁶ In acting for the diocese her role is to “*ensure the diocese is made aware of insurers’ approach to each claim and has an opportunity to question that approach should they wish to do so*”.⁵⁵⁷

9. Ms Perrin told us that the dioceses’ insurance policies “*have always included*” two clauses that affect the way a claim is handled:⁵⁵⁸

- a claims notification clause, which requires the diocese to notify the insurer “*as soon as they are aware of anything which could give rise to a claim*”⁵⁵⁹ and
- a claims control clause, which in essence means that the insurers “*have control of the claim*”.⁵⁶⁰

10. The practical effect of the claims control clause means that a diocese will ultimately have to follow the insurer’s approach if they want to be indemnified under the insurance policy. Were a diocese to act contrary to the insurer’s wishes, the diocese would have to pay any costs and compensation.

⁵⁵² The Diocese of Hexham and Newcastle and the Archdiocese of Birmingham use commercial insurance brokers.

⁵⁵³ Kathy Perrin 4 November 2019 52/19-23

⁵⁵⁴ CHC001880; CHC001881; Kathy Perrin 4 November 2019 59/2-20

⁵⁵⁵ Kathy Perrin 4 November 2019 49/25-50/1

⁵⁵⁶ CHC001877_005 para 24

⁵⁵⁷ CHC001877_005-006 para 25

⁵⁵⁸ CHC001877_004 para 19

⁵⁵⁹ Kathy Perrin 4 November 2019 66/15-16

⁵⁶⁰ CHC001877_005; Kathy Perrin 4 November 2019 69/3

11. Ms Perrin was asked whether, in her experience, the claims control clause meant that dioceses tended to adopt the insurer's approach in order to avoid being liable for the costs and any compensation. She said:

*"It's certainly a consideration that dioceses have. Dioceses are charities ... and they have duties in charity law regarding the protection of their assets and their funds. So it isn't a simple and straightforward decision for a diocese to walk away from an insurance indemnity because the only funds then left available to pay a claim are charitable funds."*⁵⁶¹

Although she was aware of cases where there have been disagreements, Ms Perrin said that this was not to the extent that a diocese has "walked away from the insurance indemnity".⁵⁶²

Limitation periods in civil claims

12. Research shows that "it is common for victims and survivors of child sexual abuse to delay disclosure".⁵⁶³ As set out in the *Accountability and Reparations Investigation Report*, child sexual abuse claims are, by virtue of the Limitation Act 1980, subject to time limits (known as limitation periods) within which claimants must bring their claims.⁵⁶⁴ A claim related to sexual abuse (which is a type of personal injury claim) must be pursued within three years of the abuse or, if later, the date of knowledge of the person abused. If the defence of limitation is raised by the defendant, the claimant must ask the court to exercise its discretion (under section 33 of the Limitation Act) to extend the period within which the claim can be brought.

13. We heard evidence about the use of the limitation defence in this investigation.

13.1. In the Archdiocese of Birmingham case study, RC-A343 told us that during the course of his civil claim for compensation, brought in the mid-2000s, the Archdiocese contested the claim on the basis that the claim was outside the relevant time limit.⁵⁶⁵

13.2. RC-A711 told us that in July 2017 she commenced a civil claim against the Servite Order. Although the claim was settled (without any admission of liability), had the case been contested, RC-A711 said that the Order's insurer's solicitors indicated that the limitation defence would have been invoked.⁵⁶⁶

14. The 2018 Bullivant review (discussed in Part B) found that there was a "growing trend, especially evident from the early 1990s onwards, of reporting complaints of so-called 'historical abuse'".⁵⁶⁷

⁵⁶¹ Kathy Perrin 4 November 2019 70/25-71/7

⁵⁶² Kathy Perrin 4 November 2019 70/18/19

⁵⁶³ INQ000995_036

⁵⁶⁴ *Accountability and Reparations Investigation Report* Part C.6; Limitation Act 1980

⁵⁶⁵ RC-A343 13 November 2018 60/14-17

⁵⁶⁶ RC-A711 29 October 2019 51/4-22

⁵⁶⁷ CHC001938_018

Table 3: Average time elapsed between start of abuse and year of complaint

Period of complaint	Mean number of years since alleged abuse began
1980 to 1984	2 years
1985 to 1989	4 years
1990 to 1994	11 years
1995 to 1999	17 years
2000 to 2004	21 years
2005 to 2009	31 years
2010 to 2014	33 years
2015	34 years
OVERALL	26 years

Source: [CHC001938_018](#)

15. A number of core participants and other witnesses suggested that limitation periods should be removed in child sexual abuse claims or that the Roman Catholic Church should no longer rely on the limitation defence when defending a civil case. Reference was made to the fact that, in October 2017, the law in Scotland changed so that, in general terms, childhood sexual abuse claims were no longer time-barred.⁵⁶⁸

16. Cardinal Vincent Nichols' personal view of the limitation defence was that:

"dioceses should consider a limitation defence only in cases where the passage of time means that a fair trial is no longer possible – for example where the alleged perpetrator is deceased, was not convicted and was not the subject of any other allegations".⁵⁶⁹

He later clarified that it was only if "all three" of those examples were met that he would expect the limitation defence to be raised.⁵⁷⁰ He told us that he had never considered a limitation defence while Archbishop of Westminster and said he was "offered one in Birmingham and I declined to use it".⁵⁷¹

17. When asked if there was anything preventing a diocese adopting a practice of non-implementation of the limitation defence, Cardinal Nichols said:

"I think it's a matter that goes beyond canonical responsibilities and control, because we are talking about civil trusts, and they can't be legislated for through Canon law."⁵⁷²

He said that the use of the limitation defence had not been on any formal agenda at the Bishops' Conference. In Cardinal Nichols' view:

"it would be inappropriate for an ecclesiastical body like the Bishops' Conference to delve into the responsibilities of separate charitable trusts".⁵⁷³

18. The Inquiry will further consider the use of limitation in respect of non-recent child sexual abuse in its final report.

⁵⁶⁸ [Section 1 Limitation \(Childhood Abuse\) \(Scotland\) Act 2017](#)

⁵⁶⁹ [CHC002085_033](#) para 106

⁵⁷⁰ [Cardinal Vincent Nichols 6 November 2019 123/5-13](#)

⁵⁷¹ [Cardinal Vincent Nichols 6 November 2019 124/7-13](#)

⁵⁷² [Cardinal Vincent Nichols 6 November 2019 127/3-11](#)

⁵⁷³ [Cardinal Vincent Nichols 6 November 2019 128/12-18](#)

Apologies in the context of civil litigation

19. Ms Perrin told us that in 2007 there were:

*“tensions between the desire to provide a meaningful pastoral response to victims and survivors and taking action which could compromise the diocese’s legal position or jeopardise the provision of an indemnity in respect of any future potential civil claim”.*⁵⁷⁴

The Cumberlege Commission asked the Catholic Church Insurance Association (CIS’ predecessor) to produce a set of guidelines setting out how dioceses could provide a meaningful pastoral response without causing insurance difficulties.

20. Those guidelines, *Guidelines for Catholic Church Organisations Responding to Complaints of Abuse*, were drafted in 2007 to assist safeguarding coordinators and insurance officers.⁵⁷⁵ In relation to apologies, the guidance differs.⁵⁷⁶

20.1. Where no legal action is intimated, the guidance states that where the accused has been convicted or has made admissions *“it is often appropriate to acknowledge this to the Complainant and to issue an apology”* but that it would not be appropriate to do so where there has been no conviction or admission.⁵⁷⁷

20.2. Where legal action is intimated the guidance states:

*“Unless otherwise agreed by Insurers, the Organisation must not provide the Complainant with any assistance other than pastoral support ... Specifically, the Organisation must not ... make any concessions, admissions or apologies in respect of matters relating to the complaint”.*⁵⁷⁸

21. Ms Perrin said that at the time these guidelines were drafted, there was a *“lack of understanding and knowledge”* on the part of safeguarding coordinators about the insurance aspects of claims.⁵⁷⁹

*“So the safest thing, from that perspective, was to get the claim to the solicitors acting for the insurers and to allow all correspondence to go through that route ... 13 years later, that’s relaxed to some degree, in the sense that I know now there is quite a lot of contact between some safeguarding coordinators and some claimants ... ”.*⁵⁸⁰

22. Ms Perrin said that the current position is that there is no *“blanket ban”* on a diocese making an apology.⁵⁸¹ It was however:

*“in their interests not to make any admission or apology ... unless they have spoken to the insurers and agreed that with them ... There are cases in which it is quite clear that it’s right and proper for an apology to be given. Insurers will recognise that and the apology will be made.”*⁵⁸²

⁵⁷⁴ [CHC001877_006 para 27](#)

⁵⁷⁵ [CHC001878](#); [CHC001879](#)

⁵⁷⁶ [Kathy Perrin 4 November 2019 74/4-10](#)

⁵⁷⁷ [CHC001878_013 para 6.2](#)

⁵⁷⁸ [CHC001879_008-009 para 4.5](#)

⁵⁷⁹ [Kathy Perrin 4 November 2019 78/13](#)

⁵⁸⁰ [Kathy Perrin 4 November 2019 78/15-23](#)

⁵⁸¹ [Kathy Perrin 4 November 2019 79/15-18](#)

⁵⁸² [Kathy Perrin 4 November 2019 79/8-14](#)

Each year, Ms Perrin said that there were between approximately six and 12 requests, asking insurers to consent to an apology being made.⁵⁸³

23. In November 2018, the Catholic Safeguarding Advisory Service (CSAS) asked CIS to draft a new set of guidelines for the handling of abuse claims. The intention is for the guidelines to assist the insurance policy holders but also to be drafted so that victims and survivors can understand the claims process.⁵⁸⁴ Ms Perrin said the draft has been “*backwards and forwards*” between her, CSAS and the solicitors who routinely act for insurers on these matters.⁵⁸⁵ At the hearing in November 2019, Ms Perrin said that the guidelines were being consulted on, including by the National Catholic Safeguarding Commission (NCSC) and the SAP. These guidelines were published on 7 October 2020.

Compensation Act 2006

24. Section 2 of the Compensation Act 2006 states:

*“An apology, an offer of treatment and other redress shall not in itself amount to an admission of negligence or a breach of statutory duty.”*⁵⁸⁶

25. However, the Act only refers to negligence or breach of statutory duty cases, and not to vicarious liability cases. Ms Perrin said that in vicarious liability claims “*an apology could be regarded as an admission of liability*”⁵⁸⁷ and so, in her view, she thought it would be “*helpful*”⁵⁸⁸ if the matter was clarified (whether by amending the 2006 Act or by passing new legislation) to “*make it clear that an apology does not amount to an admission of liability*”.⁵⁸⁹

26. In the *Accountability and Reparations Investigation Report*, the Inquiry recommended:

*“The government should introduce legislation revising the Compensation Act 2006 to clarify that section 2 facilitates apologies or offers of treatment or other redress to victims and survivors of child sexual abuse by institutions that may be vicariously liable for the actions or omissions of other persons, including the perpetrators.”*⁵⁹⁰

27. In April 2020, in its response, the Government said it recognised:

*“the positive impact that receipt of an apology can have for victims of child sexual abuse, and the desirability of encouraging institutions to give apologies in relation to such abuse wherever possible ... the Ministry of Justice will explore further whether it would be helpful to amend the 2006 Act or take alternative action to clarify that this is the case, and we will update the Inquiry in due course”.*⁵⁹¹

Given the significance of this issue to victims and survivors, the Inquiry would expect the Ministry of Justice to take action sooner. The Inquiry is concerned about the Government’s procrastination over this issue.

⁵⁸³ Kathy Perrin 4 November 2019 82/7-13

⁵⁸⁴ Kathy Perrin 4 November 2019 91/11-19

⁵⁸⁵ Kathy Perrin 4 November 2019 89/24-25

⁵⁸⁶ Compensation Act 2006 section 2

⁵⁸⁷ Kathy Perrin 4 November 2019 93/20-21

⁵⁸⁸ Kathy Perrin 4 November 2019 93/22

⁵⁸⁹ Kathy Perrin 4 November 2019 93/23-24

⁵⁹⁰ *Accountability and Reparations Investigation Report* Part G.3 (see recommendation 3)

⁵⁹¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878316/government-ar-response.pdf

J.3: Ex gratia payments

28. As dioceses and some religious institutes are registered charities, they must comply with charity law which requires the trustees to only apply the charity's funds in furtherance of the purposes of the charity. This may affect the way a charity can make an ex gratia payment from the charity's funds. An ex gratia payment is a payment which the trustees believe they are under a moral – but not legal – obligation to make but which they cannot justify as being in the interests of the charity.

29. Michelle Russell (on behalf of the Charity Commission) told us that, if a trust's governing powers did not enable counselling to be paid for, she considered that an ex gratia payment could be used to fund counselling.

30. Cardinal Nichols told us that when he was Archbishop of Birmingham, the Archdiocese sought to fund new accommodation for a family whose children had been abused by a priest in their own home:

*“we had quite a long and difficult negotiation with the Charity Commission to say that that was a legitimate use of diocesan assets”.*⁵⁹²

31. In July 2020, press articles reported that the Archdiocese of Birmingham had paid additional sums of money to two of Father John Tolkien's victims, Mr Eamonn Flanagan and RC-A343. The Archdiocese was asked to provide further information about these payments. Archbishop Bernard Longley informed the Inquiry that the sums were paid as “*additional, separate and discretionary*” ex gratia payments by the Archdiocese's trustees.⁵⁹³ He explained that during and following the public hearing in the Archdiocese of Birmingham case study, he met with both victims and “*offered to review the overall way the Archdiocese had responded in the past to the case, one part of which was the settlement*”.⁵⁹⁴ The Archdiocese reviewed Mr Flanagan and RC-A343's records and reported to the trustees, who “*did not consider that the settlements negotiated in 2015 were fair and reasonable settlements of the claims*” and that the further ex gratia payments were “*the right thing to do*”.⁵⁹⁵ Archbishop Longley stated that the Archdiocese will review “*similar cases on a case by case basis if or when they arise*”.⁵⁹⁶ This proactive approach by the Archdiocese of Birmingham and Archbishop Longley to meeting with victims and survivors and to reviewing the past handling of cases shows how the Church can make genuine and meaningful redress.

J.4: A recent example: RC-A710

Background

32. In the early 2000s, RC-A710 reported to the police that she had been abused as a child by Michael Hill, a former priest.⁵⁹⁷ In 2008, RC-A710 also alleged that Cardinal Cormac Murphy-O'Connor (Archbishop of Westminster from 2000 to 2009, who died in 2017) had been present and involved in the abuse by Hill.⁵⁹⁸ As part of the police investigation,

⁵⁹² Cardinal Vincent Nichols 6 November 2019 131/2-5

⁵⁹³ CHC002162_002 para 10.1

⁵⁹⁴ CHC002162_003 paras 14.1 and 14.2

⁵⁹⁵ CHC002162_004 paras 17 and 18

⁵⁹⁶ CHC002162_004 para 20

⁵⁹⁷ In 1997, Michael Hill was imprisoned for five years for sexually abusing young boys. In 2002 he faced further child sexual abuse offences and was sentenced to an additional term of five years' imprisonment.

⁵⁹⁸ Cardinal Vincent Nichols 7 November 2019 14/10-16/4

Cardinal Murphy-O'Connor was interviewed. He denied the allegations and, in due course, the police took no further action.

33. In February 2011, confidential and sensitive documents about RC-A710's allegations were hand-delivered to the Congregation for the Doctrine of the Faith (CDF) in Rome. In May 2011, Cardinal Nichols was asked by the CDF to provide an opinion (*votum*) about the allegations against Cardinal Murphy-O'Connor.⁵⁹⁹ Cardinal Nichols said that having considered the evidence, including the findings of the police investigation and independent Preliminary Enquiry commissioned by CSAS, he considered that the matter "*should now be regarded as completed and closed*".⁶⁰⁰ On 28 June 2011, the CDF wrote to Cardinal Murphy-O'Connor confirming that it agreed with Cardinal Nichols' view.

34. In September 2018, details of RC-A710's confidential account were leaked to the media with widespread reporting across Europe (Italy in particular), the US and the UK. Angela McGrory, the then safeguarding coordinator for the Diocese of Portsmouth, provided RC-A710 with pastoral support. Ms McGrory told us that some individuals within the Church "*who had never met her had sought to brand her as non-credible and her account as sensational*".⁶⁰¹ Ms McGrory said that RC-A710 was "*alarmed and understandably hurt*" that "*intimate*" details of her account had been leaked.⁶⁰²

35. Throughout her dealings with the Church, RC-A710 was supported by Bishop Philip Egan, the Bishop of Portsmouth, the Portsmouth safeguarding coordinator, and her former parish priest, now Bishop Peter Doyle (the Bishop of Northampton). Bishop Doyle told us that the leak caused RC-A710 "*much distress*" and he thought that she was owed an apology.⁶⁰³ Her experience thereafter provided the Inquiry with an opportunity to examine the Church's contemporary response to RC-A710's case and the issue of apologies.

The Church's response to the leak

36. Following the leak, Bishop Egan thought that Cardinal Nichols should issue an apology and, if not him, that the Diocese of Portsmouth should apologise.⁶⁰⁴ He was told that the Diocese of Westminster wished him to say and do nothing about the case and that they would assume responsibility for handling the matter.⁶⁰⁵ Bishop Egan said he thought Westminster's interest in this matter arose out of the Vigano affair.

37. During his evidence, Cardinal Nichols explained the Vigano affair. He told us that in August and September 2018, Archbishop Carlo Vigano, the former Apostolic Nuncio to the US, published letters on two major American websites attacking Pope Francis.⁶⁰⁶ One letter claimed that Pope Francis had blocked the investigation into the allegations against Cardinal Murphy-O'Connor. Although neither letter referred to any confidential information about RC-A710, Cardinal Nichols told us that further media reporting included leaked confidential information about the handling of RC-A710's case.⁶⁰⁷

⁵⁹⁹ [CHC002117_002 para 6](#)

⁶⁰⁰ [CHC002117_002 para 6](#)

⁶⁰¹ [Angela McGrory 30 October 2019 71/6-25](#)

⁶⁰² [Angela McGrory 30 October 2019 71/8-11](#)

⁶⁰³ [Bishop Peter Doyle 30 October 2019 152/4](#)

⁶⁰⁴ [Bishop Philip Egan 30 October 2019 152/8-153/18](#)

⁶⁰⁵ [Bishop Philip Egan 30 October 2019 154/4](#)

⁶⁰⁶ [Lifesitenews.com and marcotosatti.com](#)

⁶⁰⁷ [Cardinal Vincent Nichols 7 November 2019 19/16-21/14](#)

38. Bishop Egan was approached by the press for a response about the leak and decided first to visit RC-A710.⁶⁰⁸ During that visit he apologised to RC-A710 for the leak. Following the visit, Bishop Egan thought it appropriate to write a letter to Cardinal Nichols asking him to reopen and review the case.⁶⁰⁹ He thought the letter to Cardinal Nichols would have more weight if it also came from Bishop Doyle.

39. In addition to the letter, Bishop Doyle and Bishop Egan agreed that a statement should be drafted which repeated the apology and noted “*the consequent damage from comments in the digital media about the survivor, who is known to be a credible witness*”.⁶¹⁰ Both bishops were advised against issuing any statement as it was felt a statement “*would be detrimental*” for RC-A710 and could “*possibly create a national and international response, for which they didn’t have the resources to cope*”.⁶¹¹

Involvement of the Diocese of Westminster

40. The bishops’ letter (which did not include the draft statement) was hand-delivered to Cardinal Nichols during the safeguarding training that took place in Valladolid in Spain in early May 2019.⁶¹² In addition to requesting a review of RC-A710’s case, it requested:

*“More specifically, may we ask you, in your role as Chair of the Bishops’ Conference, to write to [RC-A710] on behalf of the Church in our land to express an apology for the leak of information and for the distress it will have caused her? Indeed, I wonder too whether you might even consider yourself making a visit to [RC-A710]. We are both sure it would bring her great healing and solace.”*⁶¹³

41. Whilst in Valladolid, RC-A710’s case was discussed. Cardinal Nichols told us that he agreed he would meet with RC-A710 and that Baroness Nuala O’Loan (chair of the Catholic Council for IICSA) would review the paperwork about the case.

42. We were told that, in July 2019, the Portsmouth safeguarding commission recommended to the trustees of the Portsmouth Diocese that a statement should be published. On the advice of the communications officer, the trustees decided that a statement should not be published.⁶¹⁴

43. Bishop Doyle said that he decided unilaterally to publish his own statement.⁶¹⁵ It read:

*“In September 2018, confidential information requested by me and submitted with trust to the Church was leaked to the media by an unknown source. I want to apologise for the distress and further abuse this leak caused, abuse which was further exacerbated by the responses to the leak published in the press and the digital media. The survivor and alleged victim is a person of integrity and credibility.”*⁶¹⁶

44. The draft statement was sent to Alexander DesForges, Director of News and Information at the Bishops’ Conference. Bishop Doyle told us that he spoke with Mr DesForges, who accepted that something needed to be done on RC-A710’s behalf “*but it*

⁶⁰⁸ Bishop Philip Egan 30 October 2019 156/6-25

⁶⁰⁹ Bishop Philip Egan 30 October 2019 157/1-158/13

⁶¹⁰ Bishop Peter Doyle 30 October 2019 113/13-20

⁶¹¹ Bishop Peter Doyle 30 October 2019 115/12-17

⁶¹² CHC002085_006-008

⁶¹³ DOP000001

⁶¹⁴ INQ004679_003

⁶¹⁵ Bishop Peter Doyle 30 October 2019 129/22-25

⁶¹⁶ INQ004747_001

was his opinion that the statement would be used by sections of the media internationally to get at Pope Francis".⁶¹⁷

45. Bishop Doyle told us he also discussed the draft statement with Cardinal Nichols. According to Bishop Doyle, the Cardinal said that the draft statement "asked more questions than it answered" and "again voiced his concern for A710 and thought there were too many unknowns".⁶¹⁸ One apparent unknown was the origin of the leak. Bishop Doyle agreed the leak had not come from RC-A710 and so could only have come from a Church source in London or Rome.⁶¹⁹ Bishop Doyle felt that a meeting with Cardinal Nichols and Baroness O'Loan would be "much more helpful than a statement coming from me which might disappear into the stratosphere" and so decided not to publish his statement.⁶²⁰

July 2019 email to RC-A710

46. On 15 July 2019, Bishop Doyle emailed RC-A710 to explain why he had decided not to issue his own personal statement. He told her about his discussions with Cardinal Nichols and wrote:

*"The Cardinal ... said that the statement raised more questions which media agencies like Lifesite News in the States would take up in their campaign against the Holy Father. By the end of that conversation I was convinced that a statement would not be the answer for us."*⁶²¹

47. Bishop Doyle accepted that his email conveyed the impression that it was Cardinal Nichols' concern for the Pope that had persuaded him not to issue the statement. He said "that wasn't ... the entire basis of why I made that decision" and told us that a combination of Cardinal Nichols' concern for RC-A710 and his willingness to meet her, along with his own discussions with Cardinal Nichols, underpinned his decision to not issue the statement.⁶²²

48. Cardinal Nichols told us that Mr DesForges' concern was that Bishop Doyle's statement would cause "world-wide, or wide interest" which Mr DesForges "did not feel he could defend, but would be left to defend". Cardinal Nichols did not recall he (or Mr DesForges) talking Bishop Doyle out of it; they were "essentially reiterating the discussion and conclusions reached at Valladolid".⁶²³ He said his overriding focus had been on RC-A710's welfare. He feared that a statement "would lead to a further barrage of questions and speculation" which would be damaging to her, and he was looking for the best way forward for her. Cardinal Nichols did not accept that his reluctance publicly to support RC-A710 was about "putting the reputation of the Church first or about PR people driving safeguarding".⁶²⁴

49. When asked about Bishop Doyle's email referencing his conversation, Cardinal Nichols told us that he recalled the conversation also covered RC-A710's well-being which was his "substantial concern". He added that the conversation was substantially about her, although "It did not exclude the evident and obvious fact that further publicity would be used to attack Pope Francis".⁶²⁵

⁶¹⁷ INQ004747_001

⁶¹⁸ Bishop Peter Doyle 30 October 2019 131/22-132/3

⁶¹⁹ Bishop Peter Doyle 30 October 2019 131/22-132/16

⁶²⁰ Bishop Peter Doyle 30 October 2019 133/4-6

⁶²¹ INQ004746_002

⁶²² Bishop Peter Doyle 30 October 2019 137/21-138/13

⁶²³ Cardinal Vincent Nichols 7 November 2019 31/10-34/22

⁶²⁴ Cardinal Vincent Nichols 7 November 2019 34/23-36/6

⁶²⁵ Cardinal Vincent Nichols 7 November 2019 38/1-40/17

50. Cardinal Nichols said he could not explain why Bishop Doyle did not include the most important aspect of their conversation, ie that Cardinal Nichols was more concerned about her welfare than the campaign against the Pope. He said, “*I can’t answer for Bishop Doyle*”, repeating that his concern throughout had been for RC-A710 and adding that “*Pope Francis is quite capable of looking after himself*”.⁶²⁶

51. While we accept that in the course of his July conversation with Bishop Doyle, Cardinal Nichols raised concerns for RC-A710, the primary focus of Cardinal Nichols’ concern was the impact of Bishop Doyle’s statement on the reputation of the Church and the Pope. This is evident from the focus Bishop Doyle himself placed on that aspect of their conversation in the email he sent to RC-A710 on 15 July 2019.⁶²⁷

Meeting and apologising to RC-A710

52. Cardinal Nichols was asked whether, in May 2019, there had been any difficulty about sending RC-A710 a letter of apology for the leak and the obvious distress it had caused her. He said “*I could have done that, yes*” but said he did not do so as he left Valladolid “*with an alternative pathway*” – a personal meeting with RC-A710 – which he hoped would be more effective.⁶²⁸

53. Cardinal Nichols did not accept failing to sustain RC-A710 in a difficult period of her life. He did not accept that he had let her down or left her without support. He added:

*“I think she’s had substantial, fundamental, unfailing support given in the name of the Church”.*⁶²⁹

He said that he could not support an objective statement of her credibility but did regret that the leaks occurred.

54. When asked what he had done to establish if the CDF or the police in the Vatican had investigated the leak, Cardinal Nichols said that he did not know if they were conducting an investigation. He had not asked.

“Q. Do you not think you ought to have done?”

A. I could do so.

Q. I know you could do so, but do you not think you ought to have done?”

A. I hesitate to say this, but the leaking of information, gossip, is rife in ... across Rome and the Holy See.

Q. This isn’t gossip, Cardinal ... You couldn’t imagine a more highly sensitive, confidential and damaging exposure to a victim or survivor of sexual abuse ... That is not gossip, by any person’s definition, is it?

A. It’s the leaking of information.

Q. Are you not prepared to agree with me?

A. It’s not gossip, it’s the leaking of information.

⁶²⁶ Cardinal Vincent Nichols 7 November 2019 40/18-42/10

⁶²⁷ INQ004746

⁶²⁸ Cardinal Vincent Nichols 7 November 2019 48/8-49/17

⁶²⁹ Cardinal Vincent Nichols 7 November 2019 50/1-3

Q. *Highly sensitive and confidential information?*

A. *Highly sensitive and confidential and, at the point at which it occurred, the target was Pope Francis and the person whose confidence had been betrayed explicitly was Cardinal Cormac Murphy-O'Connor.*⁶³⁰

55. This exchange reveals Cardinal Nichols' primary motivation and views about this incident; he was particularly concerned about the impact the leak would have on the reputation of Cardinal Murphy-O'Connor, rather than the impact the disclosure of RC-A710's personal information had on her. In the 13 months between the leak and the final public hearing, RC-A710 had not received an apology from Cardinal Nichols. It appears that he did not do so as a result of his misplaced desire to give priority to the protection of the reputation of the Church, the Pope and Cardinal Murphy-O'Connor.

56. Cardinal Nichols told us that he had a meeting with RC-A710 scheduled for December 2019.⁶³¹ In April 2020, we were told that Cardinal Nichols had commissioned an inquiry to "try and ascertain whether there was a leak of information relating to RC-A710 from the Church in England and Wales".⁶³² In June 2020, Cardinal Nichols was told that the investigation was "unable to conclusively identify the source of the disclosure". The report stated "our findings exonerate" the bishops, the safeguarding coordinators and their teams, the trustees and the safeguarding commissions of the Dioceses of Brighton and Arundel, Portsmouth, Northampton and Westminster.⁶³³ Frustratingly for RC-A710, the source of the leak remains unknown.

⁶³⁰ [Cardinal Vincent Nichols 7 November 2019 44/20-45/23](#)

⁶³¹ The Inquiry was subsequently informed that the meeting took place on 17 December 2019.

⁶³² [CHC002158_017](#)

⁶³³ [CHC002159](#)

Part K

The role of Roman Catholic Church leaders in safeguarding

The role of Roman Catholic Church leaders in safeguarding

K.1: Introduction

1. The structure of the Roman Catholic Church in England and Wales is not pyramidal. There is no ‘head’ of the Catholic Church in England and Wales. However, there are individuals and institutions that provide leadership, including:

- each bishop within his own diocese and major superiors in the religious institutes;⁶³⁴
- the Catholic Bishops’ Conference of England and Wales (the Bishops’ Conference) and, to a lesser extent, the Conference of Religious (CoR);
- the National Catholic Safeguarding Commission (NCSC), which sets the Church’s strategic direction and monitors compliance with safeguarding standards and the Catholic Safeguarding Advisory Service (CSAS), which is responsible for “*driving and supporting improvements in practice*”;⁶³⁵ and
- Archbishop Vincent Nichols, who in his capacity as Archbishop of Westminster, a cardinal and President of the Bishops’ Conference, acts as a figurehead.

2. These individuals and institutions all set the tone and agenda for the Catholic Church’s approach to child protection and its response to child sexual abuse allegations.

K.2: Leadership in the Church in England and Wales

3. In his 2019 *Motu Proprio* setting out the Church’s procedures for reporting child sexual abuse, Pope Francis stated that the responsibility for the Church’s response “*falls above all*” on the bishops and those “*chosen by God to be pastoral leaders of his People*”.⁶³⁶

4. In the smaller religious institutes, the authority of an abbot means the leadership of the particular abbot is especially important. If the abbot is ineffective, as admitted by Abbot Martin Shipperlee in relation to Ealing Abbey, that is a significant impediment to effective action. Likewise during his tenure as Abbot President, Richard Yeo showed too little commitment to addressing safeguarding in the English Benedictine Congregation (EBC). As Dom Christopher Jamison, Abbot President of the EBC, subsequently accepted:

*“there was catastrophic moral failure on the part of individual monks, followed by a chronic weakness of leadership to address that ... I think individual abbots and the Abbot President have not, in the past, exercised sufficient authority and leadership”.*⁶³⁷

⁶³⁴ Father Paul Smyth 5 November 2019 122/25-123/16

⁶³⁵ CSA005625_002 para 6

⁶³⁶ CHC001930_001

⁶³⁷ Dom Christopher Jamison 8 February 2019 76/21-77/18

5. Throughout the investigation, the evidence demonstrated failings in the Church’s response and in particular we were concerned by the role of those vested with leadership in relation to:

- the laboriously slow pace of change;
- a lack of empathy and understanding towards many victims and survivors; and
- uncertainty as to whether a culture of safeguarding is fully embedded across the entire Church.

Pace of change

6. When the Church does act, the speed with which change is effected is laboriously slow.

6.1. The 2007 Cumberlege review recommended that the Bishops’ Conference, in conjunction with the CoR, should seek a general decree within 12 months (Recommendation 72). Twelve years elapsed before the draft decree was submitted to the Holy See for its approval.

6.2. The Cumberlege review also recommended that – within 12 months – the Bishops’ Conference and CoR should publish a Code of Conduct (Recommendation 2). The CoR’s Code of Conduct was published eight years later. Thirteen years later, in spring 2020, the Bishops’ Conference Code of Conduct was approved.

6.3. The Safe Spaces joint project with the Anglican Church was proposed in 2015 and was “*anticipated*” to be launched by May 2019.⁶³⁸ It did not commence until late September 2020.

6.4. In November 2018, CSAS asked CIS to draft a new set of guidelines for the handling of abuse claims. One year on the matter was still being consulted upon. The revised guidelines were published on 7 October 2020.

6.5. At the conclusion of the Archdiocese of Birmingham hearing (on 13 December 2018) we were told that the Bishops’ Conference had initiated an independent review of safeguarding structures and arrangements. We were told that “*the aim*” was for it to be completed by autumn 2019.⁶³⁹ It is now due for completion in October 2020.

7. The inordinate delays in respect of the implementation of Recommendations 2 and 72 suggest a comprehensive failure by both the Bishops’ Conference and CoR to get on and execute the work required of them. The delays also suggest failings by the NCSC to take steps to ensure that these recommendations were put into effect. In their respective ways, they have failed to lead. As Sister Jane Bertelsen said, the “*safeguarding story*” in England and Wales (and beyond) has been “*far too slow*” and that delay could not be defended.⁶⁴⁰

Failures of leadership: victims and survivors

8. When examining the ways in which many within the Church engage with victims and survivors (at all levels, including clergy and safeguarding staff), we heard evidence of some cases where the response did, and still does, lack compassion and empathy. This reflects directly upon the leadership given by some senior figures in the Church:

⁶³⁸ Kate Gallafent QC 13 December 2018 152/13

⁶³⁹ Kate Gallafent QC 13 December 2018 151/11

⁶⁴⁰ Sister Jane Bertelsen 4 November 2019 30/12-21

8.1. Danny Sullivan (chair of the NCSC between 2012 and 2015) said he thought the Church lacked “*a profound understanding of the experience of victims and survivors*”.⁶⁴¹ He said that “*At times one felt that the priority was still the reputation of the church*”.⁶⁴² He gave two examples:

- He told us that, while he was chair of the NCSC, he was asked by the Bishops’ Conference media office to make a statement in response to a news story about a possible public inquiry into abuse. Having sent his draft to the media office, he received an email in response which:

*“removed my last sentence, where I said, ‘The Catholic Church unreservedly apologises to all victims and survivors of abuse’”.*⁶⁴³

When he asked why this sentence had been removed, Mr Sullivan was told “*The church has already apologised for abuse*”.⁶⁴⁴ He told the media office to reinstate the sentence or he would not allow the statement to be released. It was reinstated but Mr Sullivan said that this incident:

*“reinforced my feeling that the media office were accountable to the Bishops’ Conference. If I was going to make a public statement critical of a bishop or a religious leader, I could be putting them in a difficult position”.*⁶⁴⁵

- At the public hearing in October 2019, he said:

*“Three weeks ago, Cardinal Peter Turkson, who is a senior cardinal in Rome often named as a future Pope, stated publicly that it was time for the church to move on from the abuse issue”.*⁶⁴⁶

8.2. Baroness Sheila Hollins (one of the founding members of the Pontifical Commission for the Protection of Minors) explained that from her perspective, “*people understand the need for procedures and policies, but – at a cognitive level, there is a sort of cognitive empathy, but not an emotional empathy*”.⁶⁴⁷ She believed this applied to some leaders within the Church in England and Wales and hoped that the bishops’ training in Valladolid had helped the bishops develop “*a different capacity*” for emotional empathy with victims and survivors.⁶⁴⁸

8.3. Mrs Edina Carmi’s review of recent safeguarding files identified an imbalance in the support provided to alleged perpetrators when compared with the support provided to victims, survivors and complainants. There was:

*“a sense of hostility and irritation in some responses to alleged victims with inadequate compassion and understanding of their current problems and the link of these with past abuse”.*⁶⁴⁹

⁶⁴¹ Danny Sullivan 31 October 2019 23/21-24/11

⁶⁴² INQ004397_004 para 13

⁶⁴³ Danny Sullivan 31 October 2019 27/21-24

⁶⁴⁴ Danny Sullivan 31 October 2019 28/4-5

⁶⁴⁵ Danny Sullivan 31 October 2019 28/16-20

⁶⁴⁶ Danny Sullivan 31 October 2019 52/14-17

⁶⁴⁷ Baroness Sheila Hollins 1 November 2019 29/1-6

⁶⁴⁸ Baroness Sheila Hollins 1 November 2019 29/22-30/10

⁶⁴⁹ INQ004872_015 para 9.1.3

8.4. These conclusions accord with comments made by Stephen Spear (a lay member of the NCSC from June 2016 to July 2019) that, in the context of safeguarding:

*"I have struggled to understand why the Catholic Church is out of step with society as a whole, and still do ... Most of – society understands, I think ... that it should be victim- and survivor-centred, at the centre of things, but it feels to me that it's not – there's not that same balance within the Catholic Church".*⁶⁵⁰

9. In the cases of RC-A710 and RC-A711, Cardinal Nichols demonstrated a lack of understanding of the impact of their abuse and experiences and seemingly put the reputation of the Church first. As a senior leader and the figurehead for the Roman Catholic Church in England and Wales, Catholics look to Cardinal Nichols to lead by example. It is difficult to exercise good leadership if you engage in bad practice. Cardinal Nichols' acknowledgement that *"there is much more we have to achieve"* applies as much to him and other senior leaders as it does to the rest of the Catholic Church.⁶⁵¹

K.3: Embedding a culture of safeguarding and the 'One Church' approach

10. Both the Nolan report and the Cumberlege review sought to establish and embed the 'One Church' approach – a Church-wide commitment to one set of policies and procedures based on the paramountcy principle. As Cardinal Nichols said, the 'One Church' approach describes the need for a consistent approach to safeguarding across the Church. He accepted that post-Cumberlege, the Church *"started from a position where consistency was some way off"*.⁶⁵²

11. The institutional response to child protection is not only about the mechanics of implementing and adhering to policies and procedures but rather, as the Cumberlege report noted:

*"A culture of vigilance ... depends fundamentally on engaging 'hearts and minds' from the leadership down through to the grass roots, clergy and laity alike."*⁶⁵³

12. The evidence we heard included criticism of the Church leadership and suggested that parts of the Church had not yet successfully engaged 'hearts and minds'.

12.1. Adrian Child said that, during his tenure as director of CSAS (from 2007 to 2015), there was *"ineffective moral leadership within the church"*, which led to the delivery and support of safeguarding services being more difficult.⁶⁵⁴ He referred to:

"a mismatch between rhetoric and practice on the ground. It would sometimes be the case that the Papacy and/or Catholic Bishops conferences would make good sound public statements in relation to safeguarding but those statements were simply not reflective of implementation of safeguarding on the ground".⁶⁵⁵

⁶⁵⁰ Stephen Spear 31 October 2019 75/9-76/7

⁶⁵¹ Cardinal Vincent Nichols 6 November 2019 14/17-20

⁶⁵² CHC002085_020 para 60

⁶⁵³ CHC000002_020

⁶⁵⁴ INQ000979_011 para 40

⁶⁵⁵ INQ000979_011 para 40

12.2. Mr Sullivan told us that, when he attended his first Bishops' Conference, he told the Conference:

*"If you are looking for me, as chair of the NCSC, to resolve the issue of safeguarding, then you'll be very disappointed, because it's not an issue; it's something that's always going to be with us', and I think my view is that some people ... some bishops saw it, and religious leaders saw it, as an issue ... An irritating issue that wouldn't go away."*⁶⁵⁶

12.3. Dr Colette Limbrick referred to the guiding principles set out in the 2012 document 'Towards a Culture of Safeguarding' (TACOS) which recommended that work should be done at national and local level to *"identify ways to raise the profile of safeguarding as a positive occurrence"*.⁶⁵⁷ Dr Limbrick said that this recommendation was:

"work in progress. That's not a recommendation that you can sign off and say, 'We have done that'. It has to be relentless ... I think there's evidence of it being embedded. I think we have to continue ... It is something that just has to keep going".⁶⁵⁸

12.4. Cardinal Nichols made a similar point:

*"I think we should do more in the general life of our parishes to set the task of safeguarding in a much more positive context ... "*⁶⁵⁹

*"I would affirm absolutely that the culture within the Catholic Church today is radically different than it was in 2001, or even in 2007. But I do think there's much, much more we have to achieve."*⁶⁶⁰

13. When the NCSC was established in 2008, it was tasked with setting the strategic direction of the Church's safeguarding policy. Mr Spear was critical of this aspect of the NCSC's work. He said:

"it's not strategic in the sense I understand 'strategy', in that there is no coherent framework for making decisions ... there is no sense about what they are trying to achieve".⁶⁶¹

14. The NCSC's '3 Year Strategic Business Plan 2018/2021' (produced in March 2018) sets out its *"strategic objectives"*, which include developing *"a culture of sensitivity throughout the Church based on listening and responding to both adult and child victims and survivors"* and promoting the 'One Church' approach.⁶⁶²

15. The current NCSC chair, Christopher Pearson, said that safeguarding needs to be *"an automatic response"* that is *"embedded within thought"*, rather than the Church or individuals *"constantly having to look at procedures"*.⁶⁶³ He added:

*"The church, in terms of dealing with safeguarding, is relatively new ... and so there are elements, I think, that still need to be embedded ... there needs to be more of a better understanding of what 'One Church' approach means ... "*⁶⁶⁴

⁶⁵⁶ Danny Sullivan 31 October 2019 24/4-11

⁶⁵⁷ Dr Colette Limbrick 1 November 2019 94/23-95/8

⁶⁵⁸ Dr Colette Limbrick 1 November 2019 94/23-95/8

⁶⁵⁹ Cardinal Vincent Nichols 6 November 2019 13/25-14/2

⁶⁶⁰ Cardinal Vincent Nichols 6 November 2019 14/17-20

⁶⁶¹ Stephen Spear 31 October 2019 54/21-55/3

⁶⁶² CHC001726_002

⁶⁶³ Christopher Pearson 31 October 2019 108/6-12

⁶⁶⁴ Christopher Pearson 31 October 2019 106/20-21

16. The Catholic Church is not “*relatively new*” to safeguarding – nearly two decades have elapsed since Lord Nolan’s report and the NCSC itself is now 12 years old. However, as Mr Pearson acknowledged, embedding the ‘One Church’ approach remains work in progress. It remains unclear whether the NCSC has the capacity required to ensure this aim is met.

Part L

Conclusions and recommendations

Conclusions and recommendations

L.1: Conclusions

1. Lord Nolan's first recommendation in 2001 was that the Roman Catholic Church in England and Wales should be "*an example of best practice in the prevention of child abuse and in responding to it*".⁶⁶⁵ This remains an aspiration.

The scale and impact of abuse

2. Between 1970 and 2015, there were 931 allegations or concerns of child sexual abuse made by 1,753 individuals against clergy, members of religious institutes and lay workers (paid and voluntary).⁶⁶⁶ These complaints involved more than 3,000 instances of alleged abuse made against 936 alleged perpetrators.

3. As shown in the National Catholic Safeguarding Commission's (NCSC) annual reports from 2016 to 2018, the Church still receives, on average, over 100 allegations of child sexual abuse per year.

4. As a result of likely under-reporting and delays in reporting, the precise number of victims of child sexual abuse within the Catholic Church in England and Wales cannot be ascertained. The true scale of offending and the number of victims of child sexual abuse is likely to be far higher.

5. As shocking as the figures are, they tell only part of the story. Child sexual abuse has a devastating and often lifelong impact on the victims and survivors. Over the course of the case studies, the Inquiry heard accounts of lives blighted by child sexual abuse, compounded by cover-ups and failures by the Catholic Church to take action against perpetrators.

The historical response of the Church to allegations

6. The response of the Catholic Church in England and Wales to allegations of child sexual abuse focussed too often on the protection of the clergy and the Church's reputation. Some institutions and individuals in the Church failed to report allegations and concerns to police and statutory authorities as required. In some cases, members of the dioceses and religious institutes actively took steps to shelter and shield those accused of child sexual abuse.

7. This was done at the expense of protection of children. There were failures to consider the risks posed to children by perpetrators who were seen as colleagues, brethren and friends and not as sexual abusers of children. In some cases, suspects were moved from one institution to another – from parish to parish, abbey to abbey – with the receiving body not informed of the dangers posed by the individual being sent to them.

⁶⁶⁵ [CHC000053_018](#)

⁶⁶⁶ [CHC001938](#). A single complaint may be made by one or more people, may include one or more instances of alleged abuse and may specify one or more alleged perpetrators as the subjects of the complaint.

8. As set out in our case studies into the institutional responses of the English Benedictine Congregation (EBC) and the Archdiocese of Birmingham, some children would not have been sexually abused had these failings not occurred.⁶⁶⁷

The Church's safeguarding reviews

The 2001 Nolan report

9. The 2001 Nolan report brought about significant changes to child protection structures at parish, diocesan and national levels of the Catholic Church. The Church established the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) as its national unit for child protection and set up formal child protection commissions and recruited child protection coordinators and parish representatives. Policies and procedures were developed to create a safe environment for children (and those who work with children) and to respond appropriately to allegations of abuse. The Church took a number of positive steps to adopt safer recruitment practices such that safeguarding training is now a component part of training for the clergy or religious life.

10. The number and diversity of religious institutes made implementation of the Nolan recommendations difficult within the religious institutes. Some within the Church – bishops, religious leaders as well as other members of the clergy – were reluctant to accept the Nolan recommendations and in particular were actively resistant to the involvement of COPCA and statutory agencies.

The 2007 Cumberlege review

11. The Cumberlege review in 2007 acknowledged COPCA's "*considerable*" achievements in formulating policies (especially at national and diocesan level). It also brought about further changes to the Church's child protection structures.

12. The National Catholic Safeguarding Commission (NCSC) was created in 2008 with responsibility for setting the strategic direction of safeguarding policy and for monitoring compliance with the national policies and procedures. The Catholic Safeguarding Advisory Service (CSAS) replaced COPCA and the language of child protection was changed to that of safeguarding. The Church sought to adopt a more consistent approach to safeguarding with the alignment of the majority of religious institutes with the diocesan safeguarding commissions.

The Elliott review

13. In autumn 2018, the Bishops' Conference asked the NCSC to commission an independent review of the Church's safeguarding structures. In July 2019, Ian Elliott was appointed to chair the review. The Elliott review has a broad remit including reviewing the safeguarding infrastructure, organisations, arrangements, policies and procedures, alignment of diocese and religious congregations, accountability and training. The final report is due in October 2020, but a summary of the interim report suggests that the Catholic Church is yet again contemplating restructuring its approach to safeguarding.

⁶⁶⁷ *Ealing Abbey and St Benedict's School Investigation Report Executive Summary; Archdiocese of Birmingham Investigation Report Part E.1*

The 'One Church' approach

14. The Nolan report recommended the introduction of the 'One Church' approach, namely *"a single set of policies, principles and practices based on the Paramountcy Principle"* which required the child's welfare to be the paramount consideration.⁶⁶⁸ The Cumberlege review called on the Bishops' Conference and Conference of Religious (CoR) to *"publicly declare and renew their affirmation of the One Church approach"*.⁶⁶⁹

15. The 'One Church' approach continues to underpin the Church's response to child protection. The national policies and procedures set out how the Church should respond to a child sexual abuse allegation. Those policies and procedures are available on the CSAS website. While we heard no evidence to suggest that the policies themselves were deficient or inadequate, two different problems emerged.

15.1. The CSAS website and the wording of the policies and procedures themselves are sometimes difficult to follow. There is a clear need for the website to be reviewed to make it more accessible and comprehensible.

15.2. Evidence in the case studies and the results of CSAS audits suggest compliance with national policies and procedures is inconsistent. While the NCSC is tasked to monitor compliance, it has no enforcement powers to ensure compliance.

Audits and compliance

16. Auditing of the diocesan safeguarding commissions was introduced in 2006 and 2007. Since then CSAS has conducted three further rounds of audits and the audits themselves have evolved from a 'tick-box exercise' to a more comprehensive review of safeguarding practice.

17. The most recent round of CSAS audits in 2019 involved a quality assurance exercise of safeguarding practice. An overview of these audits found *"good evidence of cooperation"* between the diocesan and independent religious safeguarding commissions and the statutory agencies.⁶⁷⁰ However, the audits also identified that a number of diocesan and religious safeguarding commissions did not review safeguarding plans in accordance with national policy and procedure – a concern also identified in Mrs Edina Carmi's review of recent safeguarding files.⁶⁷¹ As the need to review safeguarding plans is not a new requirement, it is difficult to understand why this remains an area of poor practice.

18. Mrs Carmi's review also revealed a number of other areas of concern, including insufficient evidence of liaison with safeguarding commissions and a wide variation in standards of recording. Inadequate and insufficient recording was particularly apparent in her review of files from the religious institutes.

19. External audits carried out during the case studies in this investigation revealed areas of concern for the institutions to address. There were acute problems in the Archdiocese of Birmingham, where the external audit found failures to adhere to CSAS policies and adequately record work on case files. It highlighted the recurring problem of safeguarding

⁶⁶⁸ Children Act 1989, s.1

⁶⁶⁹ CHC000002_018

⁶⁷⁰ CHC002129_011 para 3.1

⁶⁷¹ CHC002129_011 para 2.5.1

files that had not been reviewed. The external audit concluded that “*a radical culture change*” was needed and led to an overhaul of the Archdiocese’s safeguarding practices.⁶⁷²

20. The external audits exposed deficiencies in the Church’s response at a time when CSAS was not conducting any audits. The Church needs to assure itself that its safeguarding commissions are complying with safeguarding policies and procedures, in order to take its own action to remedy any deficiencies. There is currently no independent assessment or evaluation of the CSAS quality assurance framework.

Lack of enforcement powers

21. Where a CSAS audit identifies an area of concern or a working practice that requires improvement, an action plan is drawn up by the diocese or religious institute. It is for the relevant safeguarding commission to ensure the action plan is implemented. While CSAS monitors implementation of these action plans on behalf of the NCSC, the NCSC has no power to enforce compliance.

22. This lack of enforcement powers is compounded by delay in the Bishops’ Conference seeking a general decree (*recognitio*) from the Holy See to make adherence to CSAS policies and procedures obligatory in canon law throughout England and Wales. The decree will provide the Holy See with the ability to sanction bishops and religious leaders for non-compliance, although it will not give the NCSC power to enforce compliance by the Church.

23. The Cumberlege report recommended that this decree be sought within 12 months. Notwithstanding the fact that the NCSC said its first priority was to implement the Cumberlege recommendations, it took 12 years (until June 2019) for the decree to be sent to the Vatican. As at mid October 2020, *recognitio* has still not been granted.

Delay

24. The delay in seeking the general decree is not the only example of the Church’s slow response to matters of safeguarding.

24.1. The Cumberlege review (2007) recommended that the Bishops’ Conference and CoR should develop a Code of Conduct for those who work “*in the service of the Church, including volunteers*”.⁶⁷³ The CoR took eight years to publish its code for members of religious institutes. At our final public hearing in October 2019, the Bishops’ Conference had still not published its code for the diocese – it was finally circulated to the bishops in July 2020.

24.2. In 2015, the Catholic Church established the ‘Safe Spaces’ joint project with the Anglican Church, designed to enable victims and survivors to obtain pastoral support. Safe Spaces did not commence however until late September 2020.

25. The overall impression created by these delays is that the Catholic Church still does not give sufficient urgency and priority to implementing all safeguarding recommendations and practices.

⁶⁷² Archdiocese of Birmingham Investigation Report Part D.3 para 11.9 and Part D.5

⁶⁷³ CHC000002_092

Engaging with and supporting victims and survivors

26. The experiences of some victims and survivors demonstrate ongoing failings by parts of the Church to respond promptly and properly to their inquiries, concerns and complaints. That evidence also suggests that on too many occasions the response to victims and survivors had insufficient focus on their needs.

26.1. RC-A711: In her case, members of the Diocese of Westminster safeguarding team sent emails in 2016 and 2017 suggesting that the team needed to play the “*good practice card*” and described her as “*needy*” and “*deeply manipulative*”.⁶⁷⁴ The language used by those involved in her case was disrespectful and conveyed a worrying underlying attitude. RC-A711’s experience highlights the obvious need for the Church to put in place a complaints procedure for complaints related to the service provided by the safeguarding teams.

26.2. RC-A710: In 2018, private and confidential information about RC-A710’s case was leaked to the press. The source of the leak remains unknown. RC-A710 was owed an apology for the distress caused by the leak; no witness has suggested otherwise. In her case, there was too much focus on protection of reputations to the detriment of RC-A710. It took over a year for Cardinal Vincent Nichols to meet with RC-A710 to discuss her experience.

26.3. Mark Murray: In 1997, Mr Murray received an acknowledgement from the Comboni Order that his abuser, Father Romano Nardo, had acted “*inappropriately*” towards him as a child. In 2015, Father Nardo apologised in person to Mr Murray. Nonetheless, the Vice-Superior of the Comboni house in Italy accused Mr Murray of being a ‘money grabber’ and in 2019 the Comboni Order in the UK refused to meet with Mr Murray to discuss his case.

26.4. RC-A15: During the Archdiocese of Birmingham investigation, RC-A15 told us that he had been sexually assaulted by Samuel Penney in the 1980s, when he was under 13 years old.⁶⁷⁵ His mother confronted Monsignor Daniel Leonard, the then Vicar General. When RC-A15’s mother described what had happened, Monsignor Leonard did not look surprised.⁶⁷⁶ Penney was moved away from the parish to a friary. After spending several months there he was appointed to a different parish, where he sexually abused more children. Some years later, in 1992, RC-A15’s mother gave an interview to the BBC’s ‘Everyman’ programme about her experience. Archbishop Maurice Couve de Murville, the then Archbishop of Birmingham, also gave an interview, saying that RC-A15’s mother had only alleged “*too close an association; she never complained about sexual abuse*”.⁶⁷⁷ When RC-A15’s mother’s account was put to him, the Archbishop said “*That is not the truth as we see it*”.⁶⁷⁸ RC-A15’s mother said she was “*appalled that an Archbishop could twist the truth of what I had reported in such a way*”.⁶⁷⁹

27. CSAS policies state that safeguarding coordinators are responsible for ensuring that the support needs of the victim or complainant are addressed. Bishops and religious leaders are responsible for providing pastoral support for an accused member of the clergy or religious

⁶⁷⁴ INQ004695

⁶⁷⁵ RC-A15 12 November 2018 148/16-25

⁶⁷⁶ INQ001749_004 paras 49 and 50

⁶⁷⁷ INQ001749_005 para 69

⁶⁷⁸ INQ001749_005 para 69

⁶⁷⁹ INQ001749_006 para 69

institute. Despite this, Mrs Carmi’s review of recent diocesan and religious institutes’ safeguarding files found an imbalance in the support offered to perpetrators – described as “*extremely comprehensive*” – and the support offered to victims which was in some cases entirely absent or, in one case, “*grudgingly offered*”.⁶⁸⁰ She told us that when reading the records she could feel “*the compassion*” for those accused of child sexual abuse.

*“When it came to the alleged victims, that was rarely visible in the reports. If there was consideration for their needs, it was rarely ... with any sense of great compassion.”*⁶⁸¹

28. There remains a lack of focus on the needs of the victims. Whether pastoral, emotional or financial, the Church’s response needs to be more compassionate and more understanding of the lifelong damage that child sexual abuse can cause.

29. In 2015, the NCSC established the Survivor Advisory Panel (SAP) to provide advice to the NCSC from the victim and survivor perspective. More recently, the SAP has been involved in providing training to some dioceses and some of its members attended the bishops’ safeguarding training in Valladolid in May 2019. The SAP is a positive addition to the NCSC’s structure and the Valladolid training in May 2019 proved highly beneficial for the bishops in furthering their understanding of the impact of abuse on victims and survivors. This kind of training needs to be on a more regular and ongoing basis and be more widely available.

Mandatory reporting and the seal of the confessional

30. The introduction of mandatory reporting (a legal duty requiring child sexual abuse to be reported if an individual or organisation knew or had reasonable cause to suspect it was taking place) could affect the Catholic Church in the context of the seal of the confessional.

31. Under the seal of the confessional, matters revealed to a priest during confession are private and must not be revealed by the priest. Were a perpetrator to admit to being an abuser during confession, the priest cannot report that abuse. While we heard accounts of victims reporting their abuse within the confessional, we heard no evidence of a perpetrator confessing to being an abuser. Although the tension between the seal and the paramountcy principle does not appear to be in dispute, the Catholic Church maintains that a law which required the clergy to break the seal would cause fundamental conflict with the sanctity of the confessional.

32. This issue has arisen in a number of the Inquiry’s investigations and we shall return to mandatory reporting in the Inquiry’s final report.

Leadership in the Roman Catholic Church

33. Cardinal Nichols, the bishops, religious leaders and the major Catholic safeguarding institutions (including the Bishops’ Conference and the NCSC) all play a role in providing leadership to the Catholic Church in England and Wales. That leadership is shaped and influenced by Pope Francis, who has made a number of public statements condemning the scourge of child sexual abuse within the Catholic Church worldwide. Given this approach, the main canonical crime in child sexual abuse cases should not be expressed as crime of adultery but as a crime against the child.

⁶⁸⁰ INQ004872_005 para 3.2.12

⁶⁸¹ Edina Carmi 5 November 2019 40/24-41/3

34. The response of Church leaders, both individuals and the institutions, has too often focused on child protection structures and processes. While this is important, there is insufficient focus at present on the substance of its response. The delays in implementing major change suggest that the Church leadership has not prioritised aspects of safeguarding. The absence of a dedicated safeguarding lead within the Bishops' Conference and the CoR may be a contributing factor to this.

35. While there have undoubtedly been improvements in the Church's response to child sexual abuse, based on the evidence we heard, Church leaders need to do more to encourage and embed a culture of safeguarding throughout the entire Catholic Church in England and Wales.

36. At its core, the 'One Church' approach requires the Church to engage 'hearts and minds' when it comes to matters of child protection. The Church still has work to do to achieve this aim.

L.2: Matters to be explored further by the Inquiry

37. The Inquiry will return to a number of issues which emerged during this investigation, including but not limited to:

- mandatory reporting;
- the law of limitation in respect of non-recent child sexual abuse; and
- the applicability of section 2 of the Compensation Act 2006 in cases of vicarious liability.

L.3: Recommendations

The Chair and Panel make the following recommendations, which arise directly from this investigation.

The Roman Catholic Church in England and Wales should publish its response to these recommendations, including the timetable involved, within six months of the publication of this report.

Recommendation 1: Leadership

The Catholic Bishops' Conference of England and Wales and the Conference of Religious in England and Wales should each nominate a lead member of the clergy for safeguarding to provide leadership and oversight on safeguarding matters to their respective Conferences and the wider Roman Catholic Church in England and Wales.

Recommendation 2: Training

The Catholic Bishops' Conference of England and Wales should ensure that safeguarding training is mandatory for all staff and volunteers in roles where they work with children or victims and survivors of abuse. It should also be a requirement that regular refresher training is completed. The training should consider the impact of child sexual abuse, including the impact of trauma and the perspective of victims and survivors, and should be developed in conjunction with the Survivor Advisory Panel.

Recommendation 3: Compliance

The Catholic Bishops' Conference of England and Wales and the Conference of Religious should publish a clear framework for dealing with cases of non-compliance with safeguarding policies and procedures. That framework should identify who is responsible for dealing with issues of non-compliance at all levels of the Church, and include the measures or sanctions for non-compliance.

Recommendation 4: External auditing

The Catholic Safeguarding Advisory Service should have the effectiveness of its audit programme regularly validated by an independent organisation which is external to the Church. These independent reports should be published.

Recommendation 5: Canon 1395

The Catholic Bishops' Conference of England and Wales should request that the Holy See redraft the canonical crimes relating to child sexual abuse as crimes against the child.

Recommendation 6: Catholic Safeguarding Advisory Service website and policies and procedures manual

The Catholic Safeguarding Advisory Service should review its policies and procedures manual and the documents within it to ensure that they are consistent, easier to follow and more accessible.

Recommendation 7: Complaints policy

The Catholic Bishops' Conference of England and Wales and the Conference of Religious should publish a national policy for complaints about the way in which a safeguarding case is handled.

The policy should deal with communication with complainants during the complaints process and set out an escalation process for all complainants to have their complaint assessed by an independent adjudicator, if they are unhappy with how their complaint has been handled.

Annexes

Annex 1

Overview of process and evidence obtained by the Inquiry

1. Definition of scope

This is an inquiry into the extent of any institutional failures to protect children from sexual abuse within the Roman Catholic Church in England and Wales.

The scope of this investigation is as follows:⁶⁸²

“1. The Inquiry will investigate the nature and extent of, and institutional responses to, child sexual abuse within the Roman Catholic Church in England and Wales (‘the Catholic Church’). The inquiry will incorporate case-specific investigations and a review of information available from published and unpublished reports and reviews, court cases, and previous investigations in relation to child sexual abuse by those associated with the Catholic Church.

2. In doing so, the Inquiry will consider the experiences of victims and survivors of child sexual abuse within the Catholic Church, and investigate:

2.1. the prevalence of child sexual abuse within the Catholic Church;

2.2. the adequacy of the Catholic 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 Catholic Church inhibits or inhibited the proper investigation, exposure and prevention of child sexual abuse; and

2.4. the adequacy of previous reviews of safeguarding and child protection in the Catholic Church, including but not limited to the Nolan Review and Cumberlege Commission; and the extent to which the recommendations made in such reviews have been implemented in policy and practice.

3. As case studies, the Inquiry will investigate:

3.1. the English Benedictine Congregation and, consider, in particular:

3.1.1. the nature and extent of child sexual abuse by individuals associated with the Congregation including, but not limited to, teachers in Benedictine schools;

3.1.2. the nature and extent of any failures of the English Benedictine Congregation, the Catholic Church and/or other institutions or agencies to protect children from such abuse;

3.1.3. the adequacy of the response of the English Benedictine Congregation, the Catholic Church, law enforcement agencies, prosecuting authorities and any other

⁶⁸² <https://www.iicsa.org.uk/investigations/investigation-into-failings-by-the-catholic-church?tab=scope>

relevant institutions to allegations of child sexual abuse by individuals associated with the Congregation;

3.1.4. the extent to which the English Benedictine Congregation and the Catholic Church sought to investigate, learn lessons, implement changes, and/or provide support and reparation to victims and survivors, in response to:

- a) allegations of child sexual abuse by individuals associated with the Congregation;
- b) criminal investigations and prosecutions and/or civil litigation relating to child sexual abuse by individuals associated with the Congregation;
- c) investigations, reviews or inquiries into child sexual abuse within the Congregation, including but not limited to: Dr Elizabeth Mann's 2003 review of Ampleforth School; the Independent School Inspectorate's 2010 inspection into St Benedict's School; Lord Carlile's 2011 inquiry into St Benedict's School/Ealing Abbey; the apostolic visitation of 2011; and the Charity Commission's inquiries into Ealing Abbey; and/or
- d) other external guidance.

3.1.5. the adequacy of child protection and safeguarding policy and practice across the English Benedictine Congregation during the relevant period, including the adequacy of any response to the recommendations of the Nolan and Cumberlege Commissions.

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.

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.

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:

Brian Altman QC
Jacqueline Carey
Christopher Saad
Matthew Donmall

Complainant core participants

C14, C15, C16, C17, C18, C19, C20	
Counsel	William Chapman
Solicitor	David Greenwood (Switalskis)
D2	
Counsel	Caoilfhionn Gallagher QC and Angela Patrick
Solicitor	Jon Wakefield (Bhatia Best)
F1, F2, F3, F4, F5, F6, F7, F8, F9, F11, F12, F13, F44, F48, F49, F51, F53, F56, F59, Comboni Survivors Group	
Counsel	Christopher Jacobs
Solicitor	David Enright (Howe and Co)
A43, A44, A45, A46, A47, A48, A49, A50, A51, A52, A53, A54, A55, A56, A57, A58, A59, A60, A61, A62, A63, A64, A65, A66, A69, A70, A72, A75, A80, A81, the West London Benedictine Order Abuse Survivors, Stephen Bernard	
Counsel	Iain O'Donnell
Solicitor	Richard Scorer (Slater and Gordon)
G2	
Solicitor	Imran Khan QC (Imran Khan and Partners)
G3, G4, G6 and J4	
Solicitor	Alan Collins (Hugh James)
White Flowers and G1	
Solicitor	Robbie Brodie (Livingstone Brown)

Institutional/other core participants:

Archdiocese of Birmingham	
Counsel	Richard Horwell QC and Genevieve Woods
Solicitor	David Smellie (Farrer and Co)
Catholic Council for IICSA	
Counsel	Kate Gallafent QC
Solicitor	Stephen Parkinson (Kingsley Napley)
Secretary of State for Education	
Counsel	Cathryn McGahey QC
Solicitor	Gary Howard (Government Legal Department)
West Midlands Police	
Counsel	Allison Hewitt
Solicitor	Lisa-Marie Smith (Staffordshire and West Midlands Legal Services)
The Monastic Community of Ealing	
Counsel	Ruth Henke QC
Solicitor	Anthony Nelson (Haworth and Gallagher Solicitors)
The English Benedictine Congregation	
Counsel	Kate Gallafent QC
Solicitor	Stephen Parkinson (Kingsley Napley)
Ampleforth Abbey and Ampleforth School	
Counsel	Matthias Kelly QC
Solicitor	Giles Ward (Milners Law)
Ofsted	
Counsel	Sarah Hannett
Chief Constable North Yorkshire Police	
Solicitor	Alan Payne/Emma Cruickshank
Metropolitan Police Service	
Counsel	Sam Leek QC
Solicitor	Jonathan Dixey
Independent Schools Inspectorate	
Counsel	David Wolfe QC
Solicitor	David Lawson

Adrian Child, Eileen Shearer	
Counsel	Tanya Griffiths QC and Julian King
Solicitor	Lachlan Nisbet (Brabners)
Jane Jones	
Counsel	Peter Mant
Solicitor	Matthew Smith (Bircham Dyson Bell)
Jonathan West	
Counsel	Iain O'Donnell
Solicitor	Richard Scorer (Slater and Gordon)

3. Evidence received by the Inquiry

Number of witness statements obtained:
177
Organisations and individuals to which requests for documentation or witness statements were sent:
Reverend Christopher Thomas, Catholic Bishops' Conference of England and Wales
Adrian Child, former Director of Catholic Safeguarding Advisory Service
Eileen Shearer, former Director of Catholic Office for the Protection of Children and Vulnerable Adults
Dr Colette Limbrick, Director of Catholic Safeguarding Advisory Service
Cardinal Vincent Nichols, Archbishop of Westminster and President of the Catholic Bishops' Conference of England and Wales
Monsignor Gordon Francis Read, Catholic Council for the Independent Inquiry into Child Sexual Abuse
David Marshall QPM, former Chair of National Catholic Safeguarding Commission's Survivor Advisory Panel
Sister Jane Bertelsen, member of Pontifical Commission for the Protection of Minors
Baroness Sheila Hollins, Pontifical Commission for the Protection of Minors
Danny Sullivan, former Chair of National Catholic Safeguarding Commission
Sean Harford, Ofsted
Kathy Perrin, Catholic Insurance Service
Stephen Spear, former member of National Catholic Safeguarding Commission
Reverend Marcus Stock, Bishop of Leeds
Sister Lyndsay Spendelow, former Religious Vice-Chair of National Catholic Safeguarding Commission
Peter Houghton, National Catholic Safeguarding Commission
Dom Richard Yeo, English Benedictine Congregation
Father Paul Smyth, President of the Conference of Religious in England and Wales
Archbishop Bernard Longley, Archdiocese of Birmingham
Canon David Oakley, former Rector of St Mary's College Oscott
Michelle Russell, Charity Commission
Christine Ryan, Independent Schools Inspectorate
Kate Richards, Independent Schools Inspectorate

Christopher Pearson, Chair of National Catholic Safeguarding Commission
Amanda Spielman (Ofsted)
Andrew Johnson, St Benedict's School
Christopher Cleugh, former headmaster of St Benedict's School
Abbot Martin Shipperlee, Ealing Abbey
Gregor McGill, Crown Prosecution Service
Kate Dixon, Department for Education
Peter Turner, former Child Protection Officer/Safeguarding Advisor at the Diocese of Westminster
Reverend Jeremy Trood, Downside Abbey
Jonathan West, Campaigner
Philip James Falconer, Safeguarding Coordinator for Diocese of Arundel & Brighton
Michael Sheridan, Ofsted
Lord Carlile of Berriew QC
Carolyn Fair, Ealing Council
Abbot President Christopher Jamison, English Benedictine Congregation
Bishop John Arnold, undertook Apostolic Visitation of 2011
Penny Jones, Department for Education
John Nixon, independent child protection specialist, co-author of 2009 report on safeguarding at Ealing Abbey
Commander Neil Jerome, Metropolitan Police Service
Rachel O'Driscoll, National Catholic Safeguarding Commission
Reverend Mark Davies, National Catholic Safeguarding Commission
Reverend Canon Dr Brendan Killeen, National Catholic Safeguarding Commission
Sister Philomena McCluskey, Franciscan Missionaries of St Joseph
Elizabeth Manero, National Catholic Safeguarding Commission
Sue Cox, Survivors Voice Europe
Reverend Bishop Paul Mason, National Catholic Safeguarding Commission
RC-A33, Complainant
RC-A711, Complainant
RC-A704, Complainant
Bill Kilgallon, former Chair of National Catholic Safeguarding Commission
RC-A56, Complainant
Reverend Martin James Devenish, Comboni Missionaries Order
Gerard Francis McLaughlin, Complainant
RC-A41, Complainant
RC-A42, Complainant
Bede Mullen, Complainant
Mark Stephen Murray, Complainant
Thomas James Kirby, Complainant
RC-A669, Complainant
RC-A491, Complainant
RC-A494, Complainant
Christopher Speight, Complainant
RC-A493, Complainant
RC-A579, Complainant

RC-A49, Complainant
RC-A50, Complainant
RC-A52, Complainant
Peter Murray, Complainant
Brian Mark Hennessy, Complainant
RC-A705, Complainant
Paul Barber, Catholic Education Service
Mark Andrew Miller, Assistant Parish Safeguarding Representative, St Cuthbert's Durham
Janet Perman, Parish Safeguarding Representative, St Anne's Cathedral Leeds
Stephanie Mary Brown, Parish Safeguarding Representative, St Cuthbert's Durham
RC-A51, Complainant
Frank McGinnis, Complainant
RC-A117, Complainant
Pamela Lythe, Parish Safeguarding Representative, St Anne's Cathedral Leeds
Harvey Grenville, Charity Commission
Reverend Canon Roger Taylor, Rector of Allen Hall Seminary
Canon Paul Farrer, Rector of the Royal and Pontifical English College of St Alban, Valladolid, Spain
Monsignor Philip Whitmore, Rector of the Venerable English College, Rome
RC-A62, Complainant
Dr Nuala Graham, The Augustinian Province
Father Martin Ganeri, Dominicans
Sister Joan Moriarty, Daughters of Charity of St Vincent de Paul
Joanne Norman, Safeguarding Coordinator, British Society of Jesuits
John Mervyn Williams, Salesians of Don Bosco
Father Robert Gay, Dominicans
Sister Agnes Clare Smith, Institute of Our Lady of Mercy
Sister Marie Raw, Daughters of Charity of St Vincent de Paul
Angela McGrory, Diocese of Portsmouth
Bishop Philip Egan, Diocese of Portsmouth
Bishop Peter Doyle, Diocese of Northampton
Sandra Davey, Our Lady of Fidelity
Monsignor Patrick McKinney, Diocese of Nottingham
Sister Francis Ridler, Diocese of East Anglia
Bridget McNulty, Parish Safeguarding Representative for St Mary's All Saints Newport
Catherine Taylor, Diocese of Salford
Dawn Lundergan, Diocese of Salford
Deacon Desmond Bill, Archdiocese of Liverpool
Martin Mahoney, Archdiocese of Cardiff
Michael Kenneth Thurley, Diocese of East Anglia
Michael Walker, Diocese of Middlesbrough
Morgan James Beake, Diocese of Menevia
Robert David Scott Brown, Diocese of Plymouth
Monsignor Seamus O'Boyle, Diocese of Westminster
RC-A37, Complainant
RC-A31, Complainant

RC-A32, Complainant
RC-A20, Complainant
Eammon Flanagan, Complainant
Clare McKenzie, Diocese of Nottingham
Rebecca Cawsey, Archdiocese of Clifton
Liam Ring, Archdiocese of Clifton
Baroness Patricia Scotland QC, former Chair of National Catholic Safeguarding Commission
RC-A1, Complainant
Canon Brian Coyle, Rector of St John's Seminary Womersh
Graham Wilmer, Complainant
RC-A54, Complainant
Father Andrew Richardson, President of the Conference of Diocesan Directors of Vocations
Susie Hayward, National Catholic Safeguarding Commission
RC-A19, Complainant
Eva Edohen, former Safeguarding Officer, Diocese of Westminster
Melissa Caslake, Director of Safeguarding within the National Church Institutions (the collective name for the seven administrative bodies that work to support the Church of England)

4. Disclosure of documents

Total number of pages disclosed: 14,587

5. Public hearings including preliminary hearings

English Benedictine Congregation case study

Preliminary hearings	
1	28 July 2016 (Ampleforth and Downside)
2	6 June 2017 (Ampleforth and Downside)
3	5 October 2017 (Ampleforth and Downside)
4	5 June 2018 (Ealing)
5	1 November 2018 (Ealing)
Public hearing	
Days 1-5	27 November-1 December 2017 (Ampleforth & Downside)
Days 6-10	4 December-8 December 2017 (Ampleforth & Downside)
Days 1-5	4-8 February 2019 (Ealing)

Archdiocese of Birmingham case study

Preliminary hearings	
1	9 May 2018
2	25 September 2018
Public hearing	
Days 1-5	12-16 November 2018
Special sitting day	13 December 2018

Wider Catholic Church

Preliminary hearings	
1	23 May 2019
2	25 September 2019
Public hearing	
Days 1-5	28 October-1 November 2019
Days 6-10	4 November-8 November 2019

6. List of witnesses

Surname	Forename	Title	Called, read, summarised or adduced	Hearing day
RC-A711			Called	2
RC-A49			Called	3
Kirby	Thomas James	Mr	Called	3
McGrory	Angela	Ms	Called	3
Howarth Doyle	Peter John	Bishop	Called	3
Egan	Philip Anthony	Bishop	Called	3
Sullivan	Danny	Mr	Called	4
Spear	Stephen	Mr	Called	4
Pearson	Christopher	Mr	Called	4
Marshall	David John	Mr	Called	4
Hollins	Sheila	Baroness	Called	5
Limbrick	Colette Alexandra	Dr	Called	5
Russell	Sharon Michelle	Ms	Called	5
Hayward	Susie	Ms	Read	6
Bertelsen	Jane	Sister	Called	6
Perrin	Kathy Janina	Ms	Called	6
Read	Gordon Francis	Monsignor	Called	6
Carmi	Edina	Mrs	Called	7

Smyth	Paul Andrew	Father	Called	7
Nichols	Vincent Gerard	Cardinal	Called	8, 9
Farrer	Paul	Canon	Read	9
Coyle	Brian	Canon	Read	9

7. 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 core participants’). 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 core participant. The order meant that any complainant core participant within this investigation was granted anonymity, unless they did not wish to remain anonymous. That restriction was amended on 23 March 2018 but only to vary the circumstances in which a complainant core participant may themselves disclose their own core participant status.

On 30 October 2019, the Chair issued a restriction order under section 19 of the Inquiries Act 2005 prohibiting the disclosure or publication of the name of RC-F338.⁶⁸³

On 30 October 2019, the Chair issued a further restriction order under section 19 of the Inquiries Act 2005 prohibiting the disclosure or publication of the name of RC-F338.⁶⁸⁴

On 30 October 2019, the Chair issued a further restriction order under section 19 of the Inquiries Act 2005 prohibiting the disclosure or publication of the name of the organisation that RC-F338 was involved with and the country in which they operated.⁶⁸⁵

On 30 October 2019, the Chair issued a restriction order under section 19 of the Inquiries Act 2005 to prohibit the disclosure or publication of the name of any individual whose identity has been redacted or ciphered by the Inquiry, and any information redacted as irrelevant and sensitive, in connection with this investigation and referred to during the course of evidence adduced during the Inquiry’s proceedings.⁶⁸⁶

8. 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.

9. Redactions and ciphering

The material obtained for this phase of the investigation was redacted and, where appropriate, ciphers were applied, in accordance with the Inquiry’s Protocol on the Redaction of Documents (the Protocol).⁶⁸⁷ This meant that (in accordance with Annex A

⁶⁸³ <https://www.iicsa.org.uk/key-documents/15551/view/2019-10-29-restriction-order-arising-during-roman-catholic-church-wider-hearing-29-october-2019-mark-murray.pdf>

⁶⁸⁴ <https://www.iicsa.org.uk/key-documents/15553/view/2019-10-30-restriction-order-arising-during-roman-catholic-church-wider-hearing-30-october-2019-james-kirby.pdf>

⁶⁸⁵ <https://www.iicsa.org.uk/key-documents/15555/view/2019-10-30-restriction-order-arising-during-roman-catholic-church-wider-hearing-30-october-2019-rc-a49.pdf>

⁶⁸⁶ https://www.iicsa.org.uk/key-documents/15229/view/2019-10-30-restriction-order-re-documents-published-inquiry-website-during-rc-church-investigation-public-hearing-oct_nov-2019.pdf

⁶⁸⁷ <https://www.iicsa.org.uk/key-documents/322/view/2018-07-25-inquiry-protocol-redaction-documents-version-3.pdf>

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 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.

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.

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 who 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 investigation.

10. 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

Glossary

Abbot/abbess	The superior of a religious community responsible for governing their institutions' life and work. ⁶⁸⁸ (See 'Religious superior')
Abbot President	The leader of a Benedictine Congregation. ⁶⁸⁹ In the context of this report, the English Benedictine Congregation.
Absolution	Forgiveness of sins.
Administrative leave	Leave from public ministry imposed on a member of the clergy alleged to have committed abuse pending formal investigation. ⁶⁹⁰
Apostolic Nunciature	The diplomatic office of the Holy See in Great Britain, established in 1982. The location of the Apostolic Nuncio's offices and residence is Wimbledon, south-west London.
Apostolic Visitation	A Visitation (see 'Visitation') ordered by the Holy See, which appoints one or more Visitors to investigate a situation and to report back to the Holy See on what they find. ⁶⁹¹
Archbishop of Birmingham	<p>The current Archbishop of Birmingham is Archbishop Bernard Longley. He was appointed in October 2009.</p> <p>Prior to Archbishop Bernard Longley, the position of Archbishop was held by:</p> <ul style="list-style-type: none"> • 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).⁶⁹²
Benedictine Confederation	<p>A union of autonomous monastic congregations which all follow the teachings (the Rule) of St Benedict. Each of the congregations (of which the English Benedictine Congregation is one) has its own Abbot President.</p> <p>The Benedictine Confederation has its headquarters at Sant'Anselmo in Rome, which is the seat of the Abbot Primate. (The current Abbot Primate – as at 2019 – is Gregory Polan OSB.)⁶⁹³</p> <p>There are many affiliated Benedictine congregations around the world, as well as Benedictine orders in England and Wales, 10 of which are English Benedictine monasteries.⁶⁹⁴</p>

⁶⁸⁸ BNT004910_003

⁶⁸⁹ BNT004911; BNT004910_010-011

⁶⁹⁰ CHC001218

⁶⁹¹ BNT004911

⁶⁹² CHC000585_011

⁶⁹³ Dom Richard Yeo 28 November 128/15-129/3; <https://www.osb.org/the-benedictine-order/the-benedictine-confederation/>

⁶⁹⁴ BNT004910_011

Bishops and archbishops	Appointed by the Pope 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. ⁶⁹⁵
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. ⁶⁹⁶
Catholic Council for the Independent Inquiry into Child Sexual Abuse (CCIICSA)	Body set up to support the numerous organisations that make up the Catholic Church in England and Wales in responding to the Inquiry and to speak on the Catholic Church's behalf. ⁶⁹⁷
Catholic Safeguarding Advisory Service (CSAS)	National agency that advises the Catholic Church on safeguarding practice.
Catholic Trust for England and Wales (CaTEW)	Legal entity for the Catholic Bishops' Conference of England and Wales.
Charity Commission	A non-ministerial government department that regulates registered charities in England and Wales and maintains the Central Register of Charities. ⁶⁹⁸
Clergy	The body of all people ordained for religious duties in the Church.
College of Cardinals	The body of all the Cardinals who elect and advise the Pope.
Constitutions of the EBC	<p>Every religious congregation has constitutions. Benedictine monastic congregations have constitutions as well as the Rule of St Benedict (the Rule). Constitutions of the English Benedictine Congregation (EBC) govern all its monasteries, and individual monasteries do not have individual constitutions. Nuns of the EBC have a different set of constitutions from the monks.</p> <p>The constitutions consist of two parts:</p> <p>(i) The Declarations on the Rule: this is complementary to the Rule of St Benedict.</p> <p>(ii) The Statutes: these set out the structure and government of the congregation as a whole.⁶⁹⁹</p>
Covenants of care	Now known as a safeguarding plan ⁷⁰⁰ (see 'Safeguarding plan').
Cumberlege Commission review	Commissioned by Cardinal Cormac Murphy-O'Connor in 2007 to meet Lord Nolan's final recommendation, which was that his report should be reviewed in five years' time. It was chaired by Baroness Julia Cumberlege.

⁶⁹⁵ CHC000396_005

⁶⁹⁶ CHC000396_005

⁶⁹⁷ <https://www.iicsa.org.uk/key-documents/702/view/catholic-catholic-council-independent-inquiry-into-child-sexual-abuse-cp-application-notice-determination.pdf>

⁶⁹⁸ <https://www.gov.uk/government/organisations/charity-commission/about>

⁶⁹⁹ BNT004911; BNT004910_008-009

⁷⁰⁰ CHC000585_006

DBS checks (formerly CRB checks)	Carried out by the Disclosure and Barring Service on an individual's criminal record. Employers can ask to see this certificate to ensure that they are recruiting suitable people into their organisation. ⁷⁰¹ The Disclosure and Barring Service is an organisation that replaced the Criminal Records Bureau and the Independent Safeguarding Authority. ⁷⁰²
Deacon	A man ordained to serve and assist the Church, however not with the same status or authority as a priest. ⁷⁰³
Decree	A formal order. Canon Law 601 gives a religious superior power to compel a member of their community to act in a particular way. If the member does not do so then sanctions can result. This rule is the basis for Covenants of Care and Disciplinary Decrees. ⁷⁰⁴ An example is an Act of Visitation made after a Visitation (see 'Visitation') where the Abbot President can issue a formal decree (made in writing) requiring steps to be taken by the Abbot and institution subject to the Visitation. ⁷⁰⁵
Delict	A crime in canon law, an external violation of a law or precept gravely imputable by reason of malice or negligence. ⁷⁰⁶ This is not the same definition as a delict in civil law jurisdictions.
Diocese	A geographical district under the authority and leadership of a bishop. These are grouped into provinces; a province is presided over by a Metropolitan Archbishop. ⁷⁰⁷
Dispensation	On application from an abbot, the Abbot President can grant a dispensation from temporary vows for a member of the community. However, to be granted dispensation from perpetual vows the Abbot President's Council must agree with the application (although the Abbot President can take the final decision) before it is forwarded to the Holy See for approval. ⁷⁰⁸
Ecclesiastical	Relating to the Church or its clergy.
Excommunication	Excluding someone from the services of the Church.
Ex gratia payment	A payment for damages, made voluntarily but without any admission of liability or guilt.
Extraordinary Visitation	A Visitation (see 'Visitation') held outside of the regular four-yearly intervals of the Ordinary Visitation. Held when needed, usually for serious or grave reasons. ⁷⁰⁹
Formation	The process by which the Church prepares individuals for priesthood or membership of a religious order. It includes both academic and spiritual training.
Friary	A building in which friars live.

⁷⁰¹ <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

⁷⁰² <https://ckan.publishing.service.gov.uk/publisher/about/criminal-records-bureau>

⁷⁰³ <https://www.csas.uk.net/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

⁷⁰⁴ AAT000958_005

⁷⁰⁵ Dom Richard Yeo 28 November 2017 111/12-112/18

⁷⁰⁶ BNT006439_011; http://www.vatican.va/resources/resources_glossary-terms_en.html

⁷⁰⁷ CHC000396_006

⁷⁰⁸ BNT004910_018; Dom Richard Yeo 28 November 2017 98/21-99/21

⁷⁰⁹ BNT004911; BNT004910_010-011

General Chapter of the EBC	<p>All Roman Catholic congregations, including the English Benedictine Congregation (EBC), have General Chapters. These exercise supreme authority and write the constitutions of the order (with the approval of the Holy See) and elect the General Superior/ Abbot President. Due to the structure of the EBC, the monasteries are more autonomous than other congregations of the Roman Catholic Church and therefore the General Chapter of the EBC has less authority than in other orders where there is a centralised system and a more obvious hierarchy of accountability.</p> <p>The General Chapter of the EBC is made up of the Abbot President, an abbot or abbess from each monastery, a delegate elected by the monastery’s own chapter and four officials of the EBC. The Abbot President as the most senior figure prepares and runs the General Chapter with the help of his Council. It is the supreme legislative authority of the congregation, saving the right of the Holy See to approve the constitutions. It elects the Abbot President and his Council, and discusses matters of common interest to the monasteries.</p> <p>The General Chapter has ordinary and extraordinary meetings, known as chapters. Ordinary chapters are held every four years and extraordinary chapters are held in times of need. The last extraordinary chapter was held in 2015.⁷¹⁰</p>
Holy See	The ecclesiastical jurisdiction and administrative apparatus of the Pope. ⁷¹¹ It is located in Vatican City, Italy. ⁷¹²
Independent Schools Inspectorate (ISI)	An independent, government-approved body which provides objective inspections to safeguard the quality and effectiveness of education, care and welfare of children in independent schools in England which are in membership of the Associations of the Independent Schools Council. ⁷¹³
International legal personality	An entity endowed with rights and obligations under public international law.
Laicisation	The process of dismissal from the clerical state, or from a religious congregation, in accordance with the norms of canon law. ⁷¹⁴
Lay	For the purposes of this report, this means not a member of the clergy.
Monastic congregation	A union of several autonomous monasteries, under a superior. ⁷¹⁵
Monk	Member of a male religious community.
Monsignor	A title for various senior Catholic posts.
Mother house	Founding convent or house of a religious institute.

⁷¹⁰ BNT004911; BNT004910_009-010

⁷¹¹ CHC000396_003

⁷¹² <http://www.vaticanstate.va/content/vaticanstate/en.html>

⁷¹³ ISI000232_002 para 13

⁷¹⁴ <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

⁷¹⁵ BNT004911; BNT004910_003

Nolan report	Commissioned in summer 2000 by Cardinal Cormac Murphy-O'Connor, then Archbishop of Westminster, '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'. The Nolan Committee, chaired by the Rt Hon the Lord Nolan, was made up of individuals from a variety of backgrounds and experiences, four of whom were Catholics, six of whom were not. They met for the first time on 25 September 2000. Their first report was presented in April 2001 and made 50 recommendations about the structures and actions the Church should put in place 'to enable it to be an example of best practice in the prevention of child abuse, in responding to it, and to rebuild confidence'. The final report <i>A Programme for Action – Final Report of the Independent Review on Child Protection in the Catholic Church in England and Wales</i> was published on 17 September 2001. ⁷¹⁶ This made no significant changes to the proposals outlined in the earlier version but refined and developed their conclusions, adding a further 33 recommendations.
Notification requirements	Sometimes referred to as the sex offenders' register. Created by the Sex Offenders Act 1997 and subsequently amended by the Sexual Offences Act 2003. ⁷¹⁷ A tool, monitored by the police, for the management of those convicted, cautioned or released from prison for sexual offences against children or adults. It requires the offender to provide the police with a number of personal details, and to keep the police informed of any changes to those details. The length of time that an offender is on the sex offenders' register and subject to notification requirements depends on the sentence or order received upon conviction or caution. A person who does not comply with the notification requirements commits a further offence and may receive a prison sentence on conviction.
Novice	On completing the postulancy, an individual may apply to become a novice monk. If accepted, this position is still one of a prospective member of a monastery, although it is the first formal training period towards becoming a monk. It is a probationary period during which the individual receives training (within the EBC, this training includes studying the Rule of St Benedict and the constitutions). They also receive guidance from a novice master, who is usually an experienced monk from the institution they wish to join. ⁷¹⁸
Nun	Member of a female religious community.
'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.
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. ⁷¹⁹

⁷¹⁶ CHC000053

⁷¹⁷ Sex Offenders Act 1997; Sexual Offences Act 2003

⁷¹⁸ <https://www.downside.co.uk/benedictine-monastery/a-monastic-vocation/stages-becoming-monk/>; BNT006861_049-050; Dom Charles Fitzgerald-Lombard 8 December 2017 108/17-23

⁷¹⁹ <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

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 institute with a parish to carry out the apostolic work of the diocese (that is, sanctifying and teaching work), where, for example, there are an insufficient number of available priests. ⁷²⁰
Parish priests	Responsible for ensuring the sacramental life of the parish. Parish priests are also responsible for managing the finances of their parish and for maintaining any church buildings. ⁷²¹
Plenary session	A session of a conference which all members of all parties are to attend.
Pope	The head of the Universal Church. ⁷²²
Preliminary enquiry	A report commissioned by a part of the Church using an independent investigator to investigate an allegation that the statutory authorities did not feel could be proven to the criminal standard. ⁷²³
Presbytery	The house where the parish priest and curate live, often adjacent to the parish church. ⁷²⁴
Priest	Ordained minister of the Church.
Prior	A senior member of the monastery who supports the Abbot and is involved in the day-to-day administration of the monastery. The Prior deputises for the Abbot when the Abbot is absent from the monastery. ⁷²⁵
<i>Recognitio</i>	The approval by the Holy See of a General Decree issued by the Bishops' Conference giving it the force of law.
Rector	Head of a religious community of men.
Redress scheme	A scheme designed to provide reparations and support to victims and survivors of child sexual abuse, including in the form of financial compensation and counselling and psychological care.
Religious	A person bound by religious vows. A Benedictine monk or a nun is a religious, and so are men and women belonging to all the religious congregations in the Church. ⁷²⁶
Religious superior	The person who is the head of a religious congregation or a part of a religious congregation. The term encompasses a local superior, a provincial superior and a general superior. In a monastic congregation, the abbot of a monastery of monks, the abbess of a monastery of nuns and the Abbot President of the congregation are all religious superiors. ⁷²⁷
Roman Curia	The central government of the Church (including its administrative function) which exists to support and serve the Pope whilst exercising his authority. ⁷²⁸

⁷²⁰ CHC000396_008

⁷²¹ CHC000396_008

⁷²² CHC000396_003

⁷²³ INQ000979_013

⁷²⁴ <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

⁷²⁵ Father George Corrie 1 December 2017 9/18-25; AAT000966_010

⁷²⁶ BNT004911; BNT004910_003

⁷²⁷ BNT004911; BNT004910_003

⁷²⁸ BNT004911; http://www.vatican.va/roman_curia/index.htm

Rule of St Benedict	Written by St Benedict of Nursia (c. AD 480–547) for monks living in monasteries under the authority of a rule and an abbot. The Rule is a book containing a prologue and 73 chapters. It sets out the rules by which Benedictine monks living together in a community under the authority of an abbot should live and specifies punishments for monks who show fault through disobedience, pride and other grave faults. ⁷²⁹
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 the restrictions on ministry intended to protect the public. ⁷³⁰
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. ⁷³¹
Seminarian	A student studying for the priesthood, attending a seminary. ⁷³²
Seminaries	A training place for students to the priesthood. ⁷³³
Serious incident	An adverse event, whether actual or alleged, which results in significant loss of the money or assets, damage to a property and harm to the charity's work, beneficiaries or reputation.
Statutory agencies	Government agencies created by legislation.
'Towards a Culture of Safeguarding' (TACOS)	A 2012 document that considered a 2010 review of safeguarding organisational structures that highlighted areas of good practice and areas that required improvement or development and provided recommendations to progress. ⁷³⁴
Vicar General	The Bishop's deputy for all matters. ⁷³⁵ The present Vicar General of the Archdiocese of Birmingham is Monsignor Timothy Menezes. He was appointed in 2011 by Archbishop Bernard Longley. ⁷³⁶
Visitation	Inspection of English Benedictine Congregation monasteries conducted by the Abbot President (and his assistants) which takes place approximately every four years. Their purpose is to pick up on failures to follow the Rule of St Benedict, the constitutions of the congregation or the law of the Church. Visitations are also an opportunity for the Abbot President to give the monasteries a general inspection to see how they are being governed and are working, including to give support and encouragement.

⁷²⁹ BNT004911; Dom Richard Yeo 28 November 2017 94/7-25; 100/21-101/8; 141/10-25; 143/1-5

⁷³⁰ <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

⁷³¹ <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

⁷³² <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

⁷³³ <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

⁷³⁴ AAT000170

⁷³⁵ <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

⁷³⁶ CHC000585_012

Annex 3

Acronyms

CDF	<p>Congregation for the Doctrine of the Faith</p> <p>The Roman Congregation with responsibility for passing on the Catholic faith and for exercising disciplinary responsibility for canonical crimes.</p>
CICLSAL	<p>Congregation for Institutes of Consecrated Life and Societies of Apostolic Life</p> <p>Congregation responsible for everything that concerns institutes of apostolic life and consecrated life (religious orders and congregations) regarding their government, discipline, studies, goods, rights and privileges. CICLSAL is based at St Peter's Basilica in Vatican City.</p>
COPCA	<p>Catholic Office for the Protection of Children and Vulnerable Adults</p> <p>Recommendation 16 of the Nolan report led to the establishment of COPCA in 2002. This organisation was replaced by the Catholic Safeguarding Advisory Service (see 'CSAS').</p>
CoR	<p>Conference of Religious</p> <p>A membership organisation for Catholic religious orders throughout England and Wales. It promotes and represents the work, views and aims of those in Catholic religious life.</p>
CSAS	<p>Catholic Safeguarding Advisory Service</p> <p>The national agency for driving and supporting improvements in safeguarding practice within the Catholic Church in England and Wales. Replaced COPCA from 1 July 2008 on the basis of recommendation 3 of the Cumberlege report, and is responsible for implementation, training and advice.</p>
DBS	<p>Disclosure and Barring Service</p> <p>Replaced the Criminal Records Bureau and the Independent Safeguarding Authority in 2012. The DBS carries out criminal record checks that result in DBS certificates being issued to an individual. Employers can then ask to see this certificate to ensure that they are recruiting suitable people into their organisation. There are currently three levels of criminal record check: basic, standard and enhanced.</p>
EBC	<p>English Benedictine Congregation</p> <p>Autonomous Roman Catholic communities of monks and nuns with priories and abbeys in the UK, USA, South America and Africa.</p>
NCSC	<p>National Catholic Safeguarding Commission</p> <p>Created in July 2008. It is responsible for setting the strategic direction of the Church's safeguarding policy (with the agreement of the Bishops' Conference and the Conference of Religious) and monitoring compliance to ensure that child protection standards are met and policies implemented.</p>

The following updates were made to the report on 4 December 2020:

Page 95, paragraph 7, the last sentence was amended to read “Millions of pounds have been paid in compensation and millions more in legal fees.” The change reflects the fact that the Catholic Insurance Service itself does not pay fees or compensation.

Page 99, paragraph 23, the final sentence was amended to read “These guidelines were published on 7 October 2020.”

Page 100, paragraph 32, the first sentence was amended to read “In the early 2000s, RC-A710 reported to the police that she had been abused as a child by Michael Hill, a former priest”.

Page 109, paragraph 6.4, the final sentence was amended to read “The revised guidelines were published on 7 October 2020.”

The following update was made to the report on 7 January 2021:

Page 130, the reference to Sister Jane Bertelsen is amended to read “Sister Jane Bertelsen, member of Pontifical Commission for the Protection of Minors”, removing an incorrect reference to her being a ‘former’ member.

