



Investigation reports of the Independent Inquiry into Child Sexual Abuse

Ampleforth and Downside

(English Benedictine Congregation case study)

**Sexual Abuse of Children in Custodial
Institutions: 2009–2017**

September 2022

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Custodial Institutions: 2009–2017**

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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 August 2018 and February 2019.

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



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Ampleforth and Downside (English Benedictine Congregation case study)

Investigation Report
August 2018

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

There are 10 English Benedictine Congregation (EBC) monasteries in England and none in Wales. Some of the abbeys have schools associated with them, including Ampleforth and Downside. Both are regarded as leading Catholic independent schools, each with acknowledged academic and sporting achievement, and both are now co-educational.

The EBC is not pyramidal in structure; it has no recognisable line management oversight. Each abbot or abbess has responsibility for their own community, which is autonomous. Nor does the monastic order fit neatly into the Catholic diocesan structure, meaning that the relationship to a diocesan bishop is usually collaborative rather than hierarchical.

It is difficult to describe the appalling sexual abuse inflicted over decades on children aged as young as seven at Ampleforth School, and 11 at Downside School.

Ten individuals, mostly monks, connected to these two institutions have been convicted or cautioned in relation to offences involving sexual activity with a large number of children, or offences concerning pornography. The true scale of the abuse however is likely to be considerably higher. Some examples of the abuse are set out below.

Piers Grant-Ferris was convicted of 20 counts of indecent assault against 15 boys who attended the junior school at Ampleforth. A victim of Piers Grant-Ferris described how he had made him remove his clothes in the confessional of the chapel, then beat his bare bottom. Another incident took place in a bathroom when he was forced to strip naked and to place his hands and feet on each side of a bathtub, so he was straddling the bath, with his genitals hanging down. He was then beaten on his bare bottom, an event he found 'absolutely terrifying'. During these repeated beatings, Grant-Ferris would masturbate.

One man, whose alleged victims appear to have been aged between eight and 12 years, would give and receive oral sex, both privately and in front of other pupils in the Ampleforth school workshop. He was said to have abused at least 11 children over a sustained period of time but died before the police investigated. Statements given to the police indicate that the alleged abuse consisted of mutual masturbation, digital penetration of the anus, oral sex and forcing children to perform sex acts on each other.

One monk, Nicholas White, sexually abused a number of boys over several years, while he was a geography teacher in Downside's junior school.

In addition, there have been allegations of a wide spectrum of physical abuse, much of which had sadistic and sexual overtones. One victim, from the 1960s, described his abuser at Ampleforth as 'an out-and-out sadist' who would regularly beat boys in front of each other and would 'beat me for no reason at all'.

Many perpetrators did not hide their sexual interests from the children. At Ampleforth, this included communal activities both outdoors and indoors where there was fondling of children, mutual masturbation and group masturbation. Participation was encouraged and sometimes demanded. The blatant openness of these activities demonstrates there was a culture of acceptance of abusive behaviour.

In 2001, the Nolan Report made recommendations on how the Catholic Church should deal with the safeguarding of children. This was a turning point in the Church's policy. The Nolan Report clearly set out the agenda for change, which was based on taking a unified approach across the Roman Catholic Church in England and Wales, to be adopted by bishops, their dioceses and religious orders. The report further recommended they should all work together to develop and implement a single set of arrangements nationally. In 2007, the Cumberlege Review endorsed this.

The Nolan Report in 2001 recommended that incidents or allegations of sexual abuse should be referred to the statutory authorities who must be given full cooperation. At Ampleforth and Downside, a number of allegations were never referred to the police but were handled internally. On occasion, abbots saw fit to set up their own procedures, contrary to the Nolan Report, despite the fact that they lacked expertise in child protection and risk assessment.

By 2002/3 the Catholic Church had appointed diocesan safeguarding officers who were expected to be involved in handling any allegations or disclosures. There was hostility to the Nolan Report in both institutions for some time after its formal adoption. They seemed to take a view that its implementation was neither obligatory nor desirable. This failure to comply appeared to go unchallenged by the Catholic Church.

In Ampleforth and Downside, any move to change or develop safeguarding practices was unduly dependent on the attitude and leadership of the abbot. For example, in Ampleforth, Abbot Timothy Wright held strong views about child sexual abuse allegations which amounted to a repudiation of the Nolan recommendations. Although he initially appeared to engage with the recommendations, in essence, he wanted nothing to do with their implementation. He clung to outdated beliefs about 'paedophilia' and had an immovable attitude of always knowing best. For much of the time under consideration by the Inquiry, the overriding concern in both Ampleforth and Downside was to avoid contact with the local authority or the police at all costs, regardless of the seriousness of the alleged abuse or actual knowledge of its occurrence.

Rather than refer a suspected perpetrator to the police, in several instances the abbots in both places would confine the individual to the abbey or transfer him and the known risk to a parish or other location. On occasions, the recipient of the erring monk would not be adequately informed of the risk, with the result that constraints on access to children were not fully enforced. Some children were abused as a consequence.

The 'confinement' of monks to the abbey, as a precautionary measure, had some merit, but it was no substitute for referral of suspected abuse or allegations to the police.

Porous boundaries between the abbey and schools within the extensive grounds made it easy for 'confined' monks to breach the conditions of their confinement. The abbots at Ampleforth and Downside were often lax in their enforcement of such conditions.

When abuse committed by Nicholas White came to light, he was moved to the senior school and was even allowed to assume the role of housemaster to his first victim. The abuse of a second victim could have been prevented if the abbot, John Roberts, and the headmaster had referred the first abuse to the police and social services. Regarding Nicholas White's return to Downside Abbey in 1999, the abbot wrote to the abbot at Fort Augustus: 'I am hopeful that the climate among our national witch-hunters will be sufficiently muted for him to take up a strictly monastic residence again.'

In common with other Inquiry investigations, the issue of destruction of records arose. Recently, he thought possibly in 2012 (when he was headmaster of Downside School), Dom Leo Maidlow Davies spent some time removing files from the basement of a Downside building. He made several trips with a wheelbarrow loaded with files to the edge of the estate and made a bonfire of them. These files were reported to be primarily the personal records of individual monks and staff stored over a lengthy period of time, which were required to be disposed of to create more storage space. It is impossible to say whether these files contained either potentially incriminating information or, indeed, information which could have enabled victims to have a better understanding of what had happened to them. Regardless of the motivation for the destruction of these records, it adds to the perception of cover-up on the part of Downside.

Time and again within the public hearing, the most senior clergymen in the EBC and in the two abbeys, including past presidents of the EBC Dom Richard Yeo and Dom Charles Fitzgerald-Lombard, admitted wrong-headed judgements, and expressed regret at past failures to protect children. This was necessary but not sufficient. It was not accompanied by full acknowledgement of the tolerance of serious criminal activity, or the recognition that previous 'misjudgements' had devastating consequences for the lives of the young people involved. Nor has any comprehensive redress scheme been offered to victims.

As to why such abuse took place, in his reflections on the past, Dom Leo said that the culture at Downside Abbey had, for some time, been 'relatively individualistic'. Monks were not often challenged ... 'Looking back, this culture was very wrong and helps explain how incidents of abuse took place at Downside and why they were poorly managed with inadequate responses.' In his corporate statement on behalf of the EBC, Richard Yeo said 'I have not been able to identify an overarching reason why abuse took place in the monasteries of the EBC during the last 50 years or so, since each monastery has its own rather different story.'

A victim of abuse at Downside offered his interpretation of why abuse occurred:

To put it melodramatically, unexpressed sexual tension stalked the corridors of Downside. Some people are able to contain it and find, I guess, a spiritual vessel; other people probably go into those places to try to protect themselves from it. And at the right place – or the wrong place at the wrong time, two individuals meet, something is constellated, and abuse happens.

A curious 'twist' in the catalogue of mismanagement of child protection at Downside occurred in 2016 and 2017, with two letters sent by Aidan Bellenger, formerly abbot of Downside, to Dom Leo. Bellenger told us that he has left the abbey and is seeking a dispensation from being a priest and a monk. He wrote in the first letter: 'At the heart of darkness in the community is the issue of child abuse which was tolerated by all my predecessors as Abbot.' The second letter, some months later, went into more detail about his concerns regarding safeguarding in the school. He referred to the imprisonment of Nicholas White and another monk, saying that neither was penitent and 'both were protected (and implicitly) encouraged by their Abbots'. He went on to say two other monks avoided trial but their activities were 'perverse and criminal'. A further two monks were both open to allegations of 'paedophilia'. All these four remained at Downside. He closed by predicting that more historic cases would emerge.

There is no question that these letters should have been notified to the local authority safeguarding lead. The headmaster in 2017, Dr Whitehead, was insistent on this point, but it did not happen.

Dom Leo's evidence to us was that they were 'strongly personal' letters, but as there were no specific allegations within them, he did not need to disclose them. Over time, his view changed, and he apologised for their late disclosure to the Inquiry. Nevertheless, the whole incident, having occurred so recently, gives no cause for confidence that the attitudes at Downside had changed enough to put children first over threat to reputation and embarrassment to senior members of the monastic order.

According to recent inspection reports, the situation at both schools reflects the requirement to have detailed safeguarding procedures in place. On 3 April 2018 the Charity Commission announced that it had stripped the charities that operate Ampleforth School of their safeguarding oversight and appointed an interim manager. They found they were not satisfied that the current safeguarding policies, procedures and practices are adequate and working properly.

Downside has recently commissioned an independent audit of its safeguarding arrangements by the Social Care Institute for Excellence, which has confirmed that some improvements have been made, but there remain important weaknesses.

There was general agreement that the separation of governance between the school and the abbey on both sites was a positive move to restrict the scope for conflict of interests, and to address the issue of undue influence of the monks. Ampleforth took seven years to achieve this. The governance body of Downside first mooted the

issue in 2009–10, but has still not made the separation, despite a stated commitment to do so. Nine years later, this demonstrates a lack of priority being given to the issue.

We agreed with Dr Whitehead's views about the safeguarding challenges still facing Downside. He talked of a 'massive issue' in relation to structure and governance, with a culture of 'monastic superiority', ineffective governance and a lack of transparency as to who was actually running the organisation. He said they needed to 'wake up' to the realities of modern compliance.

David Molesworth, a safeguarding specialist with the local authority, gave his contemporary assessment of child protection at Ampleforth: 'I do not believe currently that the organisation as a whole understands or accepts their responsibilities for child protection issues We appear to be dealing with denial or downright obstruction.'

A public hearing on a third EBC abbey and school (Ealing and St Benedict's) will be held in early 2019, following which a further report will be published which will include recommendations arising from the overall case study.

Part A

Introduction

Introduction

The background to the investigation

1. For decades there have been concerns about the sexual abuse of children within the Roman Catholic Church and associated institutions, both nationally and internationally. There have been a number of criminal investigations and prosecutions in England and Wales of Roman Catholic priests, monks and others associated with Roman Catholic institutions who have been entrusted with the care of children but have taken advantage of their positions to sexually abuse these children. In England in December 2017, Andrew Soper (formerly known as Father Laurence Soper) was found guilty of 19 charges of rape and other sexual offences committed during the 1970s and 1980s, when he was master at St Benedict's School, Ealing Abbey. In May of this year, in an apology for abuses in Chile, Pope Francis wrote of 'the culture of abuse and cover-up' within the Catholic Church, saying that 'one of our principal faults and omissions [... is] to not know how to listen to victims'. He said that the Church must say 'never again' to a culture that has not only allowed sexual abuses to occur, but also 'considered a critical and questioning attitude as betrayal The culture of abuse and cover-up is incompatible with the logic of the Gospel ...' .¹

2. During the past 30 years there have been many legislative developments and guidance documents issued by statutory bodies, as well as a number of reviews, responses and recommendations. Despite these, allegations of child sexual abuse have continued, and there are continuing concerns in respect of the protection and safeguarding of children in institutions governed by the Roman Catholic Church.

3. The Catholic Church has commissioned significant reviews to consider the way in which allegations of sexual abuse have been handled and how improvements can be made. For example:

- a. 1994 – The Budd Report² 'Child abuse: pastoral and procedural guidelines: a report from a working party to the Catholic Bishops' Conference of England and Wales on cases of sexual abuse of children involving priests, religious and other church workers', produced by Bishop Christopher Budd of Plymouth. In his introduction Bishop Budd said:

I wish to apologise sincerely to the survivors of abuse and their families and communities, particularly when there has been abuse by people exercising responsibility in the Church. They have been hurt, not just by the abusers but also by mistaken attitudes within the Church community at all levels. I acknowledge that far too often there has been insensitivity and inadequate response to their hurt.

¹ <http://www.catholicerald.co.uk/news/2018/06/01/pope-francis-ashamed-of-culture-of-abuse-and-cover-up-in-chilean-church/>; <http://www.thetablet.co.uk/news/9183/pope-francis-never-again-will-church-ignore-sex-abuse-victims>

² <https://copac.jisc.ac.uk/id/685160?style=html>

In commending this document to the dioceses, I wish to repeat once again the Church's commitment to dealing with this evil wherever it occurs.³

- b. 2001 – The Nolan Report 'A Programme for Action – Final Report of the Independent Review on Child Protection in the Catholic Church in England and Wales', commissioned by Cardinal Cormac Murphy-O'Connor, then Archbishop of Westminster, and produced by the Rt Hon the Lord Nolan and his committee. In the concluding comments Lord Nolan said:

[T]he Church has a tremendous opportunity to move forward and this report is designed to help it do that by setting out the principles and actions that we believe reflect current best practice, and by implementing which the Church will achieve that end. We believe that the Church can become an example of best practice in the prevention of child abuse, and that it has the will to do so ... 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.⁴

- c. 2007 – The Cumberlege Commission Review 'Safeguarding with Confidence' was commissioned by Cardinal Cormac Murphy-O'Connor to meet Lord Nolan's final recommendation, which was that his report should be reviewed in five years' time. The commission was chaired by Baroness Julia Cumberlege. In the foreword she wrote: '[there is] a determination to ensure that the future will be different, that a vigilant parish or religious community will prevent abuse and if it should take place it is detected and dealt with speedily and with care.'⁵

4. There have also been some independent reviews focused on specific institutions, such as that of Lord Carlile of Berriew, CBE, QC, who in 2011 was commissioned to produce a report into matters relating to Ealing Abbey and St Benedict's School, Ealing.

5. Yet despite these reviews, the commitment to change that they spoke of and the recommendations made, allegations of child sexual abuse within educational establishments associated with the Roman Catholic Church have continued, as have complaints about how those institutions have handled them. Our Inquiry has therefore considered how committed the Roman Catholic Church in England and Wales has been to the implementation of recommendations, and whether the protection of children has come second to the protection of accused clergy, their institutions and the wider Catholic Church.

6. We have identified two case studies within the Roman Catholic Church investigation: the English Benedictine Congregation (EBC) and the Archdiocese of Birmingham. This report focuses on the EBC case study and two of its institutions, Ampleforth and Downside abbeys and their associated schools, where there have been numerous accounts of child sexual abuse. This report will examine the schools in the particular context of educational institutions run by a religious organisation.

³ <https://www.indcatholicnews.com/news.php?viewStory=13948>

⁴ Nolan Report Conclusions, para 4.1–4.3

⁵ CHC000002_003

7. There will be a further hearing in respect of Ealing Abbey and St Benedict's School in February 2019, during which we will also consider some wider issues. Once our investigation of these three EBC-related institutions is concluded, taken together they will provide insight into the nature of the institutional failures, the challenges faced by the EBC and the efforts made to comply with the recommendations of previous reviews, in particular the Nolan Report in 2001. This in turn will inform the investigation into the wider Roman Catholic Church.

8. The content of this report will not preclude us from making further observations or criticisms in respect of Ampleforth and Downside or the EBC when we consider Ealing Abbey and School. We expect that there will be some additional relevant evidence received in that case study. We may also hear further evidence about the roles of the Office for Standards in Education, Children's Services and Skills (Ofsted), the Independent Schools Inspectorate (ISI) and the Department for Education (DfE). This report must be read in the context of the broader Inquiry. There are a number of areas of potential overlap with other investigations such as the Anglican Church, residential schools, and accountability and reparations. Therefore, some topics and themes may be revisited in those case studies and reports.

Ampleforth and Downside: the reasons for their selection

9. Ampleforth Abbey is located in North Yorkshire, in the diocese of Middlesbrough.⁶ Downside Abbey is in Somerset, in the diocese of Clifton.⁷ Each abbey has an affiliated boarding school and is still operating.⁸ At the time of their selection, and during our public hearings, each abbey was without an abbot in residence.

10. The background, structure, governance and safeguarding measures of these two institutions and their schools are notably different. These differences have allowed us to consider and contrast their approaches and have also informed us of the manner in which the wider EBC engage with and oversee their individual institutions.

11. While a significant part of the investigation has necessarily been backward-looking, allegations have been made both before and after the Nolan Report (2001) and the Cumberlege Review (2007). This provides insight into the institutions' approaches towards safeguarding and responses over time.

12. The accounts that we have heard have encompassed a wide spectrum of behaviour, including excessive physical chastisement, sometimes for sexual gratification and sometimes as a precursor to further sexual abuse, grooming, fondling of genitalia, oral, anal and vaginal penetration, buggery and rape. We cannot deal with every allegation in this report, and the true scale of sexual abuse of children in the schools over more than 40 years is unknown. However, 10 individuals have been convicted or cautioned for offences involving sexual acts against children, including some involving highly publicised criminal proceedings. These include, at Ampleforth, Fr Bernard Green (1995), Fr Gregory Carroll (2005), Fr Piers Grant-Ferris (2006), David Lowe (2015) and Dara De Cogan (2016); at Downside, Fr Nicholas White (2012) and Dunstan O'Keefe (2003 and 2004).

⁶ MID000045_003 paragraph 15

⁷ Liam Ring 7 December 2017 108/2-3

⁸ We understand that St Martin's, Ampleforth's junior school, is set to close from September 2018

Issues considered

13. In this investigation, the Inquiry has sought to address issues derived from the Terms of Reference set by the Home Secretary⁹ and the definition of scope for the EBC investigation.¹⁰ Having considered the evidence received, we identified a number of questions which form the core focus of our considerations. These include:

- a. To what extent children at Ampleforth School and Downside School were sexually exploited by monks or others associated with these two institutions.
- b. Whether children were sexually abused by individuals against whom allegations had previously been made and not properly acted upon.
- c. Whether efforts made to implement the Nolan Report (and to a lesser extent to pay regard to the Cumberlege Review) were adequate, or merely box-ticking exercises, absent of any real desire to implement change, and leading to a culture of complacency.
- d. Whether adequate safeguarding structures were properly put in place.
- e. Whether there was a culture of 'victim blaming' or a suggestion that because a child had not made a formal complaint it was less serious than claimed.
- f. Whether the first instinct was to protect the perpetrator rather than to safeguard the child, or to consider the perpetrator's wellbeing over that of the vulnerable child.
- g. Whether decisions were taken with a view to the protection of the reputation of the Church over and above the safety of children.
- h. Whether any events were deliberately hidden or covered up.
- i. Whether the general attitude was one of minimisation of allegations.
- j. Whether there was and is still an entrenched belief that the clergy are superior to the laity and that their methods of safeguarding are better than those that have been recommended to them.
- k. Whether rehabilitation within the religious community is ever a suitable option and if it is, under what conditions.

Guide to this report

14. We have set out below a brief explanation of the EBC, its structure and how it fits within the wider Roman Catholic Church. We then outline in summary the relevant legislation, reports and guidance.

15. We describe what we heard of the sexual abuse of children who attended the schools associated with Ampleforth and Downside. The way in which such allegations came to light and the timing of the relevant disclosures does not follow the same pattern for both institutions. The structure of the sections is therefore slightly different. The evidence summarised includes allegedly 'consensual' sexual activity, and in some cases 'relationships'

⁹ <https://www.iicsa.org.uk/terms-reference>

¹⁰ <https://www.iicsa.org.uk/key-documents/584/view/CHILDSEXUALABUSEINTHEROMANCATHOLICCHURCHamended.pdf>

that developed between a vulnerable child and an adult in a position of authority. It is axiomatic that although the changes in awareness and approach over the years may impact on what might be expected of institutions in terms of preventive or protective measures, they do not exempt those entrusted with the care of children from failures to protect children and young people from sexual abuse and harm.

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 63 victims and survivors, three groups of victims and survivors, three other individuals and 11 institutions. The Inquiry held preliminary hearings in July 2016 and June and October 2017. The Inquiry held substantive public hearings in this investigation over 14 sitting days between 27 November 2017 and 15 December 2017.

17. The Inquiry took evidence from a number of sources. Witnesses who gave evidence to the Inquiry included complainant core participants, who gave accounts of the sexual abuse they suffered. The Inquiry also took evidence from corporate witnesses on behalf of the EBC, Ampleforth and Downside, the Catholic Church's safeguarding bodies (Catholic Office for the Protection of Children and Vulnerable Adults (COPCA), Catholic Safeguarding Advisory Service (CSAS) and National Catholic Safeguarding Commission (NCAS)), the North Yorkshire Police and the Metropolitan Police Service, the Crown Prosecution Service, and safeguarding coordinators from the relevant dioceses. The Inquiry heard a brief opening statement from counsel to the Inquiry on 27 November 2017 and closing statements from all core participants on 15 December 2017.

Modes of address

18. It used to be customary for monks to adopt new names upon taking their vows. Here where we refer to a monk by name we use their religious name. If they have been convicted of a relevant offence, we also identify their birth name.

19. When discussing a monk, we refer to him as Father (Fr). When naming someone who was abbot at the time we are considering, we call them Abbot. Once they cease to hold that position, we refer to them as Dom.

Ciphering

20. Some of the accused whom we consider within this report have not been convicted of any offence and some are deceased. The allegations against them are nonetheless relevant because there may be institutional failings in responding to them. In such cases we have applied ciphers such as 'RC-F18' to the names of those accused and sought to prevent their identification through other means, such as not revealing the dates and the subject that they may have taught. In some instances, however, the position they held in the school or abbey is relevant to an issue, for example why a child may not have sought to complain at the time the abuse was taking place. In these instances, we have ciphered the name as described, but included other necessary information.

21. The names of complainants, victims and survivors are also ciphered, unless they have specifically waived their right to anonymity. The term 'complainant' is used to indicate someone who has made an allegation of abuse that has not yet been proved. Again, we have removed details that might lead to identification through other means, such as specific personal characteristics and the house in the school they attended.

References

22. References in the footnotes of the report such as ‘AAT000966’ are to documents that have been adduced in evidence or posted on the Inquiry website. A reference such as ‘Dom Richard Yeo 28 November 2017 110/9’ is to the witness, the date he or she gave evidence and the page(s) and line(s) reference within the relevant transcript. Hearing transcripts are also available on the Inquiry website.

The English Benedictine Congregation

The Benedictine Confederation and the English Benedictine Congregation: structure in outline

23. This simple outline is intended to provide context to the more detailed analysis of events at Ampleforth and Downside. There is a glossary which gives short explanatory descriptions of relevant bodies and terms at Annex 2.

24. The Benedictine Confederation is a collection of approximately 20 different congregations of Roman Catholic Benedictine monks and nuns, of which the English Benedictine Congregation (EBC) is just one. The congregations are made up of individual autonomous communities of monks under the leadership of their elected abbot (or abbess), who leads the spiritual life of the community and manages its relationships with the wider Catholic Church.¹¹ The abbot is directly supported by his prior, who deputises for him in his absence and is involved in the day-to-day administration of the monastery, and by his abbot’s council. Each Benedictine congregation has its own abbot president, and the abbot primate is the representative of all the Benedictine congregations in Rome, based in Sant’Anselmo.

25. The English Benedictine Congregation (EBC) is the umbrella term for the comparatively small number of English Benedictine communities¹² that exist worldwide.¹³ Like other Benedictine congregations, the EBC follows the Rule of St Benedict, a book of precepts written by St Benedict of Nursia in the early 6th century that establishes a way of life based upon the teachings and values of the Gospel. This, together with the constitutions of the EBC, determine how an EBC monastery should be run and how it should operate within the wider English Benedictine community.¹⁴

26. Although there are many Benedictine communities in England and Wales, only 10 of these are ‘English Benedictine’ communities. These 10 are all situated in England. Seven of them house monks: Downside, Ampleforth, Douai, Belmont, Ealing, Buckfast and Worth. Three house nuns: Stanbrook, Curzon Park and Colwich. There was an EBC monastery and associated school in Scotland at Fort Augustus,¹⁵ but the school closed in 1993 and the Abbey in 1998. Downside is one of the smallest of the existing EBC communities in England and houses fewer than 20 monks. The largest is Ampleforth, which presently houses approximately 60 to 70

¹¹ [AAT000966_009-010](#)

¹² [Dom Richard Yeo 28 November 2017 91/8-11](#)

¹³ [Dom Richard Yeo 28 November 2017 91/8-11](#)

¹⁴ [Dom Richard Yeo 28 November 2017 94/ 7-25_95/1](#)

¹⁵ [Dom Richard Yeo 28 November 2017 93/4-17](#)

monks.¹⁶ There are affiliated congregations in Europe, the United States, Peru and Zimbabwe,¹⁷ which members of the monasteries visit from time to time, and associated parishes where monks may assist, for example, by carrying out the functions of the parish priest.

27. The EBC, as a congregation within the Catholic Church, has its own General Chapter, which is a meeting or assembly of representatives from each of the monasteries. The General Chapter acts as the governing body of the whole congregation and writes the constitutions (or laws) which govern all its monasteries.¹⁸ Dom Richard Yeo, both formerly abbot of Downside and abbot president of the EBC, told us that ‘it would be rare for the General Chapter to make a law applying just to one individual monastery. That would only happen ... if that monastery was causing serious concern.’

28. The General Chapter is made up of the abbot president who is the leader of the EBC, an abbot or abbess from each monastery, a delegate elected by the monastery’s own chapter, and four officials of the EBC. They have ‘ordinary’ and ‘extraordinary’ meetings (or chapters). Ordinary chapters are held every four years, and extraordinary chapters are held in times of need. The last extraordinary chapter was held in 2015.¹⁹

29. The EBC abbot president is elected every four years from the pool of ruling EBC abbots. As the most senior figure he prepares and runs the General Chapter with the help of his Council.²⁰ Dom Richard Yeo was abbot president from 2001 to 2017. The current abbot president is Dom Christopher Jamieson, former abbot of Worth Abbey.

30. The EBC is not pyramidal in structure but is ‘almost entirely flat’.²¹ As Dom Richard Yeo told us, this ‘can probably be frustrating for people who expect a clear structured hierarchy’. The monasteries are autonomous, and each individual abbot or abbess has overarching responsibility for his or her own monastery and the monks or nuns associated with them. Because of this ‘the General Chapter has less authority than would be expected in the General Chapter of a centralised order’.

31. The wider EBC provides ‘an independent check’ on English Benedictine monasteries, and will offer assistance, advice and guidance when sought,²² but the abbot president is limited in his power.²³ His formal role is to preside over the elections of abbots and abbesses, and to undertake ‘visitations’, a form of inspection of the individual monasteries conducted with the help of his assistants (co-visitors). He will also provide advice to any abbot who wishes to consult him²⁴ but Dom Richard Yeo, emphasising the autonomy of the individual monasteries, told us: ‘the Abbot President cannot run a monastery. [He] has to ensure that the monastery is well run ... he cannot intervene and control things himself. What he can do, if he thinks things are being badly mismanaged, is to conduct a visitation to try to put things right.’²⁵

¹⁶ Dom Richard Yeo 28 November 2017 114/15-18, <https://www.ampleforth.org.uk/>

¹⁷ BNT004910_007

¹⁸ Dom Richard Yeo 28 November 2017 102/ 21_104/25 (Note the nuns of the EBC have a different set of constitutions to the monks)

¹⁹ Dom Richard Yeo 28 November 2017 97/1

²⁰ Dom Richard Yeo 28 November 2017 97/1-25

²¹ AAT000966_011

²² Dom Richard Yeo 28 November 127/7-128/6

²³ Dom Richard Yeo 28 November 2017 68/8-16

²⁴ Dom Richard Yeo 28 November 2017 106/2-8

²⁵ Dom Richard Yeo 28 November 2017 101/15-23

32. Visitations take place approximately every four years, between each General Chapter. They have been described to us by Dom Richard as being something like an audit, the most important part of which is 'the quality of the spiritual life of the monastery'. During the visitation, the abbot president's formal role is 'to ensure that the law of the Church, the Rule and the constitutions are being observed'.²⁶ The length of the visitation will depend on the size of the monastery. 'The formal purpose of the visitation is to pick up any failure to follow the Rule of St Benedict, the constitutions of the congregation or the law of the church.' However, in doing this the abbot president is reliant on being informed of failures within a monastery.²⁷

33. During a visitation, he will observe how the monastery is working and will have an opportunity to ask questions of any resident or individual on any topic concerning the life and running of the monastery.²⁸ Generally all members of the community, including the abbot and any lay members with integral roles, such as a lay headmaster, are interviewed.²⁹ Findings are conveyed to the abbot of the monastery and to his Council, and a report is provided to the whole community.³⁰ At the conclusion of the visitation the abbot president can advise, give directions or recommendations, encourage or warn the monastery of the findings.³¹ The abbot president and his co-visitor can require change if they find significant failures, but it is only seldom that an Act of Visitation (a decree requiring something to be done) will be made. Six months after every visitation, the abbot president makes enquiries to ensure that any requirements resulting from his visitation have been, or are being, implemented. Since 2013, the abbot president may enquire into the adequacy of safeguarding in the individual monasteries visited and is now required to commission an independent report into safeguarding provisions at the monastery.³²

34. Although visitations are commonly four years apart, Dom Richard Yeo told us that as abbot president his practice was to periodically make other visits to the monasteries.³³ During the past four years the EBC has started a system where the visitor returns to the monastery six months after a visitation for what is essentially a progress update. In times of grave need, extraordinary visitations outside the four-year period may be made.

35. An Apostolic visitation is different in that it is ordered by the Holy See, which will appoint visitors to investigate a situation and then report back to Rome.

36. Once a year the abbot president of the EBC meets with the abbot primate in order both to give and receive advice. However, the abbot primate would not seek to involve himself in any matter without being asked to do so by the abbot president.³⁴

²⁶ [BNT004910_010-111](#)

²⁷ [Dom Richard Yeo 28 November 2017 106/6-25](#)

²⁸ [Ibid 105/4-10](#)

²⁹ [Dom Richard Yeo 28 November 2017 108/22-25_109/1-18](#)

³⁰ [Dom Richard Yeo 28 November 2017 108/13-19](#)

³¹ [Dom Richard Yeo 28 November 2017 105/4-10](#)

³² [Dom Richard Yeo 28 November 2017 111/12-25_112/1-8; AAT000966_011](#)

³³ [Dom Richard Yeo 28 November 2017 109/5-17](#)

³⁴ [Dom Richard Yeo 28 November 2017 100/4-15](#)

37. The relationship between the Holy See and the individual monasteries is limited. The Holy See is made up of a number of bodies which together regulate the conduct of the Church generally, but those which have immediate relevance to the monasteries and to this Inquiry are:

- a. the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL), which among other things deals with complaints about the general conduct of monastic life in a monastery or of an individual monk and
- b. the Congregation for the Doctrine of the Faith (CDF), which is specifically tasked with the investigation of cases of child sexual abuse and the juridical resolution of such cases, and has the ability to expedite the process of laicising a monk when it makes a finding against him.³⁵

38. As far as the schools affiliated with the monasteries are concerned, these are governed by their own boards of governors and the abbot president has no formal role in the schools, their governance, or their safeguarding arrangements. We have been told that he ‘can encourage’,³⁶ but it is not clear precisely what this encouragement entails. The wider EBC exercises no authority over the schools, and the schools have no formal relationship with the Holy See.

39. There is no centralised system of record keeping within the EBC. Dom Richard Yeo told us that he could not ‘see the value of having centralised records’, and he expressed the view that it was the responsibility of individual monasteries to keep records and to have liaison with the Safeguarding Commission.³⁷ If a monk wishes to transfer membership to another Benedictine monastery, the consent of both abbots or abbesses and the chapter of the monastery is required.³⁸ The abbot president is unlikely to be involved or informed of a transfer as the monk remains a member of his community and is the responsibility of his abbot. (This is unless it is a large group of monks that is transferred, which is unusual, and would be likely to result in the abbot president being told.) Instead he relies on the individual monasteries to deal with these transfers. Dom Richard told us that the abbots of the two monasteries should discuss and share information about the monk, but the information that is actually given is wholly dependent upon what, and how much, the sending abbot chooses to divulge.³⁹ Such disclosure therefore depends on his own personal judgement.

40. Dom Richard Yeo told us that in such situations ‘the right thing to do’ would be for the abbot of one institution to be quite frank with the abbot receiving his monk about any issues.⁴⁰ But we also heard that this did not always happen in practice.

41. Similarly, the decision to report concerns about a monk’s activities to the police lies with their individual abbots, who are given no advice or direction by the abbot president or EBC about when and in what circumstances this should happen. Dom Richard told us that it was not thought necessary as that would be dealt with by national policies.⁴¹

³⁵ AAT000966_012-013

³⁶ Dom Richard Yeo 28 November 2017 107/1-4

³⁷ Dom Richard Yeo 28 November 2017 120/15-121/18

³⁸ BNT004910_6

³⁹ Dom Richard Yeo 28 November 2017 116/5-9

⁴⁰ Dom Richard Yeo 28 November 2017 120/15-121/18

⁴¹ Dom Richard Yeo 28 November 2017 122/25-123/24

Functions of an English Benedictine monastery

42. EBC monasteries have a number of functions and there is a strong commitment to making a contribution to society. As part of this, English Benedictine abbeys extend hospitality by receiving day visitors⁴² and staying guests, who may come to the monastery on a spiritual retreat, or just for rest and recuperation. The monasteries will also work in the wider community; for example, the Bishop of a Diocese may entrust an English Benedictine community to carry out the pastoral work of the diocese, instead of appointing a parish priest. This does not give the Bishop authority or oversight of the monastery, however, and the relationship is collaborative rather than hierarchical.⁴³

43. EBC congregations were not intended historically to come within the diocesan structure and do not fit neatly within it, including in respect of the particular geographical area in which a congregation will work. This will vary and may not be the same as that designated by the local diocese.⁴⁴

44. Education is an important part of the EBC philosophy, and some of the abbeys have schools associated with them. Historically the teachers for the schools would be drawn from the monastic community. This overlap between the schools and the communities at times has caused a conflict in loyalties between the requirement to safeguard children and the desire to protect monastic brethren, the reputation of the monastery and the reputation of the Church.

The safeguarding framework – legislation and guidance in outline

45. There is no single piece of legislation or guidance that deals with all aspects of child welfare and safeguarding in the UK, but there are many laws and regulations that relate to different bodies, which are frequently the subject of amendment and change. In this section we have set out a brief chronology and explanation of some of the key events that had, or should have had, a direct impact on the institutions and their responses to child sexual abuse. This is included to give context to our analysis of the events at Ampleforth and Downside. This summary is not intended to be comprehensive or exhaustive, nor is it a critique of the safeguarding procedures of the Catholic Church as a whole. It does however illustrate that from the mid-1990s a great deal was being done in policy and practice about child safeguarding.

46. The 'Child Abuse – Working Together for the Protection of Children' national guidance was issued in draft form by the Department of Health and Social Security in May 1986. However, it was not finalised until 1988. The Working Together national guidance was then issued to local authorities, health authorities, police forces and voluntary organisations. The guidance set out the agencies' responsibilities as well as procedures for working together, monitoring and training review. Child sexual abuse was given some prominence and its own

⁴² Dom Richard Yeo 12 December 2017 65/10-25-66/1-6

⁴³ Fr Luke Beckett 28 November 2017 13/3-17

⁴⁴ Fr Luke Beckett 28 November 2017 16/18-20

chapter in the guidance, which has frequently been updated to take account of more recent legislation on safeguarding children.⁴⁵ The current version – ‘Working Together to Safeguard Children’ – was published in March 2015⁴⁶ and was last updated on 4 July 2018.⁴⁷

47. The Children Act 1989 (the Act) was passed in November 1989 and came into force in 1991. It gave every child the right to protection from abuse and established the key principles which now govern the way decisions concerning the welfare and safety of children are made, including the ‘Paramountcy Principle’. This sets out that when a court determines any question with respect to the upbringing of a child, or the administration of a child’s property or the application of any income arising from it, the child’s welfare shall be the court’s paramount consideration.⁴⁸

48. The Act was designed to provide a framework for the safeguarding of children in England and Wales. It imposes a duty on local authorities⁴⁹ to safeguard and to promote the welfare of children in need, and to make enquiries where it is believed that a child is suffering or likely to suffer significant harm. The welfare of children accommodated in boarding schools and colleges was specifically addressed, and a duty placed upon schools to safeguard and promote the welfare of any child accommodated at the school: ‘the safeguarding duty’. Section 87(1) of the Act places a duty on the proprietor of an independent school, and in relation to any other school the governing body of the school, to safeguard and promote the welfare of any child accommodated at the school.⁵⁰

49. When the Act came into force in 1991, the area local authority was under a duty ‘to take such steps as were reasonably practicable to enable them to determine whether the child’s welfare was adequately safeguarded and promoted whilst they were accommodated at an independent school’. This came to be known as ‘the welfare inspection duty’. Subsequent amendments⁵¹ transferred the welfare inspection duty to the National Care Standards Commission (NCSC). (The NCSC was replaced by the Commission for Social Care Inspection (CSCI) by amendments made by the Health and Social Care (Community Standards and Health) Act 2003 (HSCA 2003).)⁵²

50. Until that time there were no systematic, regular inspections of schools. The CSCI responsibility for the inspection of children’s services was later transferred to the Office for Standards in Education (Ofsted), established by the Education (Schools) Act 1992 as a non-ministerial government department with responsibility for inspecting a range of educational institutions, and their first inspections were in 1993. The intention was that Ofsted would ‘make a contribution, through these inspections, to raising standards and improving the quality of educational experience and provision’.⁵³ Since that time it has been given a number of additional responsibilities, and the Education and Inspection Act 2006 merged a number of other bodies with Ofsted, which from 1 April 2007 became the Office for

⁴⁵ [DFE000585_011](#)

⁴⁶ [DFE000585_011](#); [BNT000177](#) (Working Together 2015)

⁴⁷ <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

⁴⁸ [Children Act 1989 s.1](#)

⁴⁹ [Children Act 1989 s.17](#)

⁵⁰ [OFS005003_003](#)

⁵¹ The Deregulation and Contracting Out Act 1994 added new s.87A and 87B, which were subsequently amended by the Care Standards Act (CSA 2000). These amendments widen the scope of welfare inspections under s.87 (boarding schools and colleges)

⁵² [OFS005003_005](#)

⁵³ <https://publications.parliament.uk/pa/cm201011/cmselect/cmeduc/writev/ofsted/28.htm>

Standards in Education, Children's Services and Skills. The Head of Ofsted is Her Majesty's Chief Inspector (HMCI), who reports to the Secretary of State for Education and is formally accountable to Parliament.⁵⁴

51. In 1993, the Home Office published 'Safe from Harm', a code of practice for safeguarding the welfare of children in voluntary organisations in England and Wales. This contained extensive guidance on how to protect children in the context of managing an organisation, paid staff and volunteers, selection and training of staff and volunteers and dealing with abuse which has been disclosed or discovered. It set out 13 core principles that voluntary organisations should consider in the context of their structures and the nature of their activities. In 2001, the Nolan Report recommended that the Church should adopt these 13 principles as the guiding principles to create a safe environment for children.⁵⁵

52. In 1994, the Budd Report 'Child abuse: pastoral and procedural guidelines: a report from a working party to the Catholic Bishops' Conference of England and Wales on cases of sexual abuse of children involving priests, religious and other church workers' was published. It was produced by a working party chaired by Christopher Budd, Bishop of Plymouth. It is important as it 'was effectively the first time that the Catholic Church in England and Wales had prepared a codified and unified set of guidelines to be adhered to in responding to allegations of child sex abuse'.⁵⁶

53. The document was split into two principal parts. First, 'Definitions and Principles' posed the questions 'What is Child Abuse?' and 'Why Speak Out?' These considered the issues of neglect, physical injury, sexual abuse and emotional abuse, and gave guidance on the responsibility of the Church and the Paramountcy Principle. Secondly, 'Structures and Procedures' set out guidance on the diocesan structures, the role of the diocesan representative and communications officer and provided information on the investigation of allegations, including the responsibility of the Church to victims and survivors.⁵⁷

54. In 1996, 'Healing the Wound of Child Sexual Abuse' was published. This was produced by a working party, chaired by the Rt Rev Terence Brain, Auxiliary Bishop of Birmingham. This followed a request for advice from the Catholic Bishops' Conference (CBC) as to how the Church could best offer care and support to victims and survivors of abuse, families and other groups and individuals affected by abuse.⁵⁸ The introduction stated the importance for everyone in the Church to 'appreciate the depth of pain in the lives of those who suffer; listen carefully to those who are victims and survivors, and acknowledge their prophetic voice in the Church; promote open dialogue about child sexual abuse in the Church; activate pastoral resources'. Among other things the report dealt with issues relating to victims and survivors of abuse and their families, and gave guidance on traumatic sexualisation, powerlessness and betrayal, as well as advice to colleagues of abusers. It also covered issues such as celibacy, confidentiality, the role of the priest and the 'culture of disbelief', the Church's response and the 'special contribution of the Church to healing'.

⁵⁴ <https://publications.parliament.uk/pa/cm200607/cmselect/cmeduski/165/165.pdf>

⁵⁵ CHC000053

⁵⁶ AAT000962_021-022

⁵⁷ BNT000192

⁵⁸ CHC000052

55. The Protection of Children Act 1999 (PoCA) came into force in October 2000. This introduced the PoCA List, in which the Secretary of State has a duty to record the names of individuals who are considered unsuitable to work with children. It also requires organisations that work with children both to check the register before employing individuals, and to add to the list anyone who fulfils certain criteria making them unsuitable to work with children.

56. The Independent Schools Inspectorate (ISI) was established in 1999⁵⁹ and is an independent Government-approved body. Its purpose is to provide objective inspections to safeguard the quality and effectiveness of education, care and welfare of children in independent schools in England which are members of the seven associations of the Independent Schools Council (ISC). Members of the associations comprise head teachers, bursars and governors of the relevant schools.

57. The ISI is one of two independent schools inspectorates currently empowered to carry out inspections through an agreement with the Department for Education (DfE). Those schools in the independent sector in England which are not a member of the associations will be inspected either by Ofsted or another independent inspectorate. A proportion of the work of the ISI is monitored and reviewed by Ofsted on behalf of the DfE and a public report is published annually to the Secretary of State.⁶⁰

58. The ISI reports to the DfE on the extent to which independent schools meet their statutory requirements. Previously the ISI inspections focused on the quality and effectiveness of the education provision offered at independent schools, while Ofsted undertook a separate inspection focusing on the standards for boarding welfare. To avoid duplication the ISI sought an extension of its responsibilities and so, since January 2012, it undertakes the welfare inspections.

59. Independent schools must also meet the statutory requirements contained in the Education (Independent School Standards) Regulations 2014 (the Regulations).⁶¹ These have developed over time and there are now over 400 different regulations or requirements. Part three of the Regulations concerns the welfare, health and safety of pupils including regulation eight:

Where section 87(1) of the 1989 Act applies in relation to a school the standard in this paragraph is met if the proprietor ensures that—

(a) arrangements are made to safeguard and promote the welfare of boarders while they are accommodated at the school; and

(b) such arrangements have regard to the National Minimum Standards for Boarding Schools or, where applicable, the National Minimum Standards for Residential Special Schools or the National Minimum Standards for Accommodation of Students under Eighteen by Further Education Colleges.⁶²

60. The DfE requires that the responsible inspectorate reports on a school's compliance with each regulation.

⁵⁹ ISI000232_003

⁶⁰ ISI000232_007

⁶¹ ISI000232_005

⁶² Education (Independent School Standards) Regulations 2014, Schedule, Part III s8

The Nolan Report

61. The Nolan Report was 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 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'.⁶³ The final report 'A Programme for Action – Final Report of the Independent Review on Child Protection in the Catholic Church in England and Wales' was published on 17 September 2001. This made no significant changes to the proposals outlined in the earlier version but refined and developed their conclusions, adding a further 33 recommendations.

62. The Nolan Report recommended that there should be a unified approach across the Roman Catholic Church in England and Wales, including the religious orders, to be adopted both by bishops and their dioceses and by the religious superiors, who should work together to develop and implement a single set of arrangements nationally.⁶⁴ The position of the religious orders was specifically considered in the final report, with Lord Nolan commenting that 'the written and oral responses from the religious communities have confirmed their desire to play the fullest possible part in implementing our recommendations to secure the protection of children and to respond to abuse'.⁶⁵ The Conference of Religious (COR) were also represented on the Catholic Bishops' Conference team set up to implement the recommendations of the report.

63. The report was clear that what was required, throughout the dioceses and religious orders in England and Wales, were arrangements that were thorough, integrated and as far as possible the same. It noted that the many religious orders were formally independent of the bishops but emphasised that it was essential that those religious orders which have contact with children should appoint 'Child Protection Co-ordinators' (CPCs). The report also made it clear that all religious orders, whether or not their work normally brings them directly into contact with children, should have child protection arrangements, including CPCs. This is because any member of any religious order might have contact with children, and their particular status will make that a privileged relationship. It also recommended that it would be appropriate for the religious orders to join with each other, or with a chosen diocese, to appoint a CPC jointly or a diocesan CPC to act for them.⁶⁶

64. It also recognised that commitment to a single set of policies and practices was 'not as straightforward as it may sound' because of the complicated structure of the Church, the dioceses and the various religious orders. Religious orders are governed by their own law and constitutions, and in general the diocesan bishops have no capacity to intervene in their internal affairs. Nonetheless, based on indications given during the review process, Nolan

⁶³ [CHC000053_005](#)

⁶⁴ [CHC000053_007](#)

⁶⁵ [CHC000053_007](#)

⁶⁶ [CHC000053_008](#)

expressed confidence that by acting together in the best interests of the Church, bishops and religious superiors could and would put in place arrangements which were effective and would restore confidence in the approach of the Church.⁶⁷

65. 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 ... [d]iversity of policy and practice, insufficiency of resources and a lack of national support and coordination will, in our view, lead to a weakened, inconsistent and inadequate response The fact is that should every parish throughout England and Wales follow our recommendations the problem of child abuse would not thereby be eradicated. 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.

66. We set out the Nolan recommendations in full in Annex 4 to this report. In summary, amongst the recommendations of particular relevance for this report and the evidence that we heard, were the following:

- a. A Church-wide commitment to a single set of policies and practices based on the Paramountcy Principle, the 13 principles of Safe from Harm, and the Working Together guidance. (1–3)
- b. An organisational structure in the parish, supported by Child Protection Coordinators in the diocese and in religious orders. Each bishop and religious superior should appoint a CPC. Religious orders may, where appropriate, jointly appoint or work with the diocesan CPC. (5–8)
- c. The CPC, who does not have to be a child care professional but should have sufficient time, training and resources to support them, will ensure that the safeguarding guidelines are implemented, advise on the application of the guidelines and how to make the necessary checks, facilitate training and awareness, and oversee arrangements for responding to allegations and for risk assessments. (10–11)
- d. A National Child Protection Unit should be set up which should collect data, monitor that effective arrangements are implemented in the dioceses and religious orders and seek improvements where necessary, issue guidance and codes of conduct on safe working with children, monitor and report on progress and liaise with the statutory authorities. (16 & 22)
- e. Church organisations should register with the Criminal Records Bureau and use its services, including in the selection process for candidates being considered for ordination. (33–36)

⁶⁷ [CHC000053_018](#)

- f. The Church should maintain a single national database of information on all applicant candidates for ordained priesthood, the permanent diaconate and male and female applicants for the consecrated life. Decisions should not be made by selection boards, bishops or religious superiors without reference to the database. Successful candidates should continue to be included in the database. Dioceses and religious orders should themselves also maintain records. (37–38)
- g. When individuals go to serve elsewhere, be it to another country or another place in England and Wales, any relevant concerns should be explicitly made known to the new employer even if they are not requested, and in all cases any relevant information requested by the new employer should be willingly and candidly provided. (42)
- h. Records in relation to individuals and allegations should be kept for a long time, 100 years as a minimum. (47)
- i. Disclosures and suspicions should always be acted on swiftly, and the Paramountcy Principle applies. Disclosures should be shared with the statutory authorities and CPC as soon as possible. The statutory authorities should be brought in straight away, without any process of filtering, to take the lead in investigating and assessing the situation. When there is only a suspicion, the CPC should arrange for an initial assessment, and if there are concerns, the statutory authorities should be brought in. (52–62)
- j. Current allegations about abuse that took place some years ago (historical allegations) should be treated in exactly the same way as allegations of current abuse. Bishops and religious superiors should ensure that any cases which were known of in the past but not acted on satisfactorily (historic cases) should be the subject of review as soon as possible and reported to the statutory authorities wherever appropriate. They should also ensure that there is appropriate follow-up action, possibly including regular continuing assessment. (69–70)
- k. As a general rule, clergy and lay workers who have been cautioned or convicted of an offence against children should not be allowed to hold any position that could possibly put children at risk again. Any exceptions to this approach should be justified publicly (for example, by means of a letter to be read out in churches at Mass). (77–78)

67. The Nolan Report led to the establishment of the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA), as an independent body reporting to and funded partly by the Catholic Bishops' Conference and partly by the Conference of Religious. Eileen Shearer was appointed as director, and Adrian Child later became acting director. The independent management board was chaired by Vincent Nichols, Archbishop of Birmingham. In October 2003, Archbishop 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.

The English Benedictine Congregation (EBC) response

68. A working group was set up by Richard Yeo, then the abbot president of the EBC, to consider the implementation of the Nolan Report and to provide guidance to, EBC monasteries. A guidance document was published in January 2002. Among other things, it recommended that each EBC monastery should:

- Cooperate closely with its local diocesan child protection structures with a view to 'each monastery becoming part of the remit of its local diocesan CPC [Child Protection Coordinator] and his/her management team'.⁶⁸
- Inform its local diocesan CPC of every disclosure of abuse, including historic cases.⁶⁹ In cases where the disclosure does not amount to an actual allegation but only constitutes grounds for suspicion, the monastery should err on the side of caution and still report it to the diocesan CPC in line with the principle of the child's welfare being paramount. Historic allegations should be treated in the same way as disclosures regarding current behaviour.⁷⁰
- Appoint its own 'Child Protection Representative' (CPR) whose remit should be distinct from that of the CPR of any school or parish attached to the monastery.⁷¹ The CPR should be 'offered appropriate training ... to ensure that he/she is well prepared for the task'⁷² and his or her duties should include 'keeping records of all disclosures and of all actions taken subsequent to a disclosure'.⁷³
- Establish and implement 'a thoroughly professional child protection policy. This task is the responsibility of the monastery CPR, in very close liaison with the abbot or abbess. Appropriate expertise should be sought inside and outside the monastic community, especially from the diocesan CPC'.⁷⁴ This policy should be drawn up in line with EBC guidance.
- Have in place an 'emergency plan of action' 'to guide every member of the monastic community and every employee of the community in how to respond to the situation of a disclosure being made'.

69. A 'Draft Emergency Plan of Action for Responding to Allegations of Sexual Abuse' was included in the EBC Guidance. It contained the following recommendations:

(i) If a disclosure [is] made whether allegation or suspicion [is] aired, this to be communicated immediately to monastic CPR. He/she informs the abbot, although CPR is responsible for handling the disclosure. Abbot principal role to supervise the actions taken and to give support to the monk against whom the allegation is made. Complainant not to be promised confidentiality, that social services will not be informed or that identity can be kept secret – [the] criteria for action is protection of children now from serious harm. Record of disclosure to be made.

⁶⁸ [AAT000472_001](#)

⁶⁹ [AAT000472_001](#)

⁷⁰ [AAT000472_002](#)

⁷¹ [AAT000472_001](#)

⁷² [AAT000472_002](#)

⁷³ [AAT000472_003](#)

⁷⁴ [AAT000472_001](#)

(ii) Using the criteria of immediate or serious harm to a child – paramountcy principle, Diocesan CPC informed and Statutory Authorities informed by them. Communities (and) criminal law advisor/firm to be informed. Full records to be kept of actions taken. Monk concerned to be placed on administrative leave from his office and placed in a situation where no access to children. In all cases where an allegation or suspicion is aired, even if manifestly frivolous, the Diocesan CPC must be immediately informed ...

(vii) Whatever the outcome of any disclosure, whether suspicion or allegation and whatever the result of any investigation and or legal action, a risk assessment is to be conducted on the monk concerned by the CPR, Abbot and if appropriate statutory authorities, legal and medical advice. Need for regular annual risk assessments of monk concerned. Results of this risk assessment and advice on placement of monk in question with regard to medical treatment and where it is appropriate for him to live and what work to do, must be adhered to.⁷⁵

70. It also recommended that each institution should engage their respective diocesan CPC to ‘achieve greater transparency, and ... establish common practice between the monasteries’.

71. The individual monasteries and their abbots were left to decide whether and to what extent to implement these recommendations. The approach was not consistent. Ampleforth was one of two abbeys (the other was Buckfast) that chose instead to set up its own internal safeguarding commission rather than align itself with the diocesan safeguarding commission.⁷⁶

Continuing developments

72. In March 2002, ‘Boarding Schools: National Minimum Standards, Inspection Regulations’ was published by the Secretary of State for the Department of Health, pursuant to section 87 of the Children Act 1989. Its purpose was to safeguard and promote the welfare of children for whom accommodation is provided by a boarding school, including all mainstream boarding schools, for age groups of pupils up to 18. The welfare standards were said to be minimum standards, ‘in the sense that they provide minimum standards, below which no school is expected to fall in safeguarding and promoting the welfare of boarders. Many schools already meet these standards or exceed them’.⁷⁷

73. In 2003, Lord Laming produced his report following the Victoria Climbié inquiry. Lord Laming made 108 recommendations towards the overhaul of child protection, which included the establishment of a National Agency for Children and Families, to be led by a children’s commissioner. Although not specific to educational establishments, this high-profile report emphasised the need for communication across agencies, and the establishment of a ‘common language’ and coherent approach to safeguarding children.

74. In response to this, in September 2003, the Government published a green paper ‘Every Child Matters’, which proposed changes in policy and legislation to maximise opportunities and minimise risks for all children and young people, by focusing services more effectively

⁷⁵ AAT000472_006

⁷⁶ BNT004910_013-14

⁷⁷ http://webarchive.nationalarchives.gov.uk/+/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4006331?PageOperation=email
(There is a separate set of NMS for residential special schools)

around their needs and those of their families.⁷⁸ The proposals set out in the green paper focused on the need to create clear accountability for children's services, to enable better joint working and to secure a better focus on safeguarding children.

75. The Children Act 2004 mandated that each local authority appointed a children's director and that statutory Local Safeguarding Children Boards replaced Area Child Protection Committees. It also introduced a new system for serious case reviews.

76. The Charity Commission, formed in February 2007, is a non-ministerial government department that regulates registered charities in England and Wales and maintains the Central Register of Charities.⁷⁹ The duties of the charities, and their charity trustees, include both common law and statutory obligations. Under the Charities Act 2011, charity trustees are responsible for their charities, and are defined as those who have 'the general control and management of the administration of the charity'.⁸⁰ The trustees of any charity which works with vulnerable groups and children have a duty of care to their charity which includes taking the necessary steps to safeguard and take responsibility for those children and vulnerable adults. They must always act in their best interests and ensure they take all reasonable steps to prevent any harm to them. Trustees also have duties to manage risk and to protect the reputation and assets of the charity. Failure by trustees to safeguard those in their care or to manage risks adequately may be regarded by the commission as misconduct or mismanagement in the administration of the charity, which is a ground for exercising their protective and remedial powers under the Act.⁸¹

The Cumberlege Report 2007 – 'Safeguarding with Confidence'

77. In 2007, the Cumberlege Commission, under the chairmanship of Baroness Cumberlege, was established at the invitation of Cardinal Cormac Murphy-O'Connor in response to Lord Nolan's final recommendation that there should be a further review five years after the publication of 'A Programme for Action'. One of the members of the Cumberlege Commission was Dom Richard Yeo, abbot president of the EBC.

78. The commission met on 15 occasions between July 2006 and June 2007, coming together for a two-day session at Downside Abbey to consider recommendations and draft the report, which reflected the unanimous views of the commission. Its report 'Safeguarding with Confidence' was presented to the Catholic Bishops' Conference in mid-2007.⁸² It:

- a. reviewed the implementation of the Nolan Report nationally
- b. made further recommendations for change taking account of the more recent developments in statutory requirements and good practice
- c. considered the role of COPCA in delivering the recommendations

79. In summary, it found that of the 83 recommendations made by Lord Nolan, 79 had been addressed either completely or partially.⁸³ Those that had not been addressed were:

⁷⁸ Children Act 2004

⁷⁹ <https://www.gov.uk/government/organisations/charity-commission/about>

⁸⁰ Charities Act 2011 s.177

⁸¹ CYC000140_007 paragraphs 27, 28

⁸² <http://www.csgbi.org/history/the-nolan-to-cumberlege-report/>

⁸³ CHC000002_16

- a. rec 40 – consideration of a national selection board for seminary candidates
- b. rec 60 – development of a whistle-blowing policy
- c. rec 80 – dealing with mistakes openly and learning from them
- d. rec 82 – development of a brief, user-friendly parish leaflet

80. While applauding the Nolan Report, and saying that it ‘set out a blueprint for child protection in the Catholic Church’ together with the progress that had been made since its report, the Cumberlege Commission was also critical of the Nolan Report, which it considered ‘a product of its time’, saying it was:

a response to the continuing adverse, predominantly media, pressures facing the Church to address the historic child abuse in its midst ... with the benefit of hindsight, a more measured period of reflection, debate, and genuine consensus around the report’s recommendations and priorities for implementation, may have produced a rather different medium-term outcome and, arguably, one that was more in keeping with the spirit of A Programme for Action.

81. The report concluded that the implementation process had been flawed. In the context of this Inquiry, the following observations are relevant:

2.10 ‘Programme for Action’ assumed that the Catholic Church operated as a functioning, hierarchical organisation capable of responding to, and implementing a secular (in essence social work) model of child protection and prevention.

2.11 The reality however is very different, and many within the Church have been critical of this approach. The Church is collegiate, not a homogenous organisation working to a clearly established hierarchy with lines of accountability as generally understood by the secular world. Authority rests with each Bishop in his diocese and each Congregational Leader in his or her congregation. Though they come together through the Conference of Bishops and the Conference of Religious respectively, they have differing priorities and, just as importantly, different levels of resources upon which to draw.

2.12 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 secular child protection worlds – has limited precedent.

2.13 The system ... is heavily dependent on a volunteer rather than paid workforce.

[Point 2.14 discussed the problems in organisational and resourcing gap between national and parish levels as most of the changes that had been put in place were at the national and diocesan levels]

2.15 A culture of vigilance ... depends fundamentally on engaging ‘hearts and minds’ from the leadership down through the grass roots, clergy and laity alike. Producing much needed policy documents and introducing structural changes can only go so far ...

[Point 2.15 also cited evidence that some felt the policies can appear so foreign, bureaucratic, and even irrelevant.]

2.16 For some therefore 'A Programme for Action' remains a report addressed to, and for, the laity. This may go some way to explaining why the cornerstone of child protection policies ... 'the paramountcy principle' ... is still not universally accepted within the Church. Indeed there exists a misguided interpretation that sees its unequivocal adoption as a means of protecting the Church and its leaders at the expense of the accused, especially where the accused is also a priest.

2.17 This latter is indicative of a far more damaging tension that has driven a wedge between bishops and priests. A strong and vocal lobby of priests now believe that the system for dealing with allegations against them leaves them exposed and vulnerable and is a breach of Canon Law and natural justice ... [and continued to say that this had led to ...] the erosion of trust between priests and bishops ... religious and congregational leaders, and has engendered a fear amongst them ... of the false or malicious allegation ...

2.20 Religious congregations 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 ... The ... uptake among the religious of the national policies is hugely variable ... 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.

2.21 Ultimately Lord Nolan's prescription for a culture of constant vigilance depends on the Church at every level taking ownership of the safeguarding agenda. Responsibility for driving that agenda, however, belongs firmly with the Bishops ... and Congregational Leaders Yet it is clear from the evidence before us that the will needed to do so is patchy ... In part this is due to a growing confidence – some would say complacency – that with the establishment of COPCA child protection has been adequately addressed ... We are concerned that five years after Lord Nolan reported Bishops and Congregational Leaders may be minimising the distressing consequences, the harmful impact and the anguish that follows in the wake of child abuse. This coupled with some resistance to change and a fear and suspicion that the authority of the leadership is being undermined, has impeded the delivery of consistently good – let alone excellent – safeguarding arrangements.

82. The Cumberlege Commission made 72 recommendations, the first of which was to call for a public renewal of the affirmations that had been made to Lord Nolan's call for a 'One Church' approach to safeguarding children, young people and vulnerable adults.⁸⁴ It also recommended that there should be a clear national strategy for safeguarding children and vulnerable adults, which was the responsibility of the bishops and congregational leaders, with structures in place to ensure dialogue between Church leaders, and those in dioceses and religious congregations tasked with delivering the safeguarding agenda.⁸⁵

83. In considering the role of COPCA, the commission again praised their work and progress that had been made. However, it found that many in the Church used the terms 'child protection' and 'COPCA' interchangeably, that there was confusion around its role and a perception among some that it held a rigid and directive approach and had exceeded its

⁸⁴ [CHC000002_018](#)

⁸⁵ [CHC000002_026](#)

mandate, which made it 'not universally popular'. This, they said, 'may ... mean that COPCA has become a focus for the sadness, anger and frustration that many understandably feel in the Church about having to confront those issues at all. As a result, COPCA has at times been unfairly scapegoated when things go wrong.'⁸⁶

84. The commission observed that COPCA was attempting to both 'challenge' and 'support', to be 'both enforcer and a source of friendly but authoritative advice'. It concluded that COPCA's attempt to take on both these roles was probably unrealistic.⁸⁷

85. They therefore proposed removing the responsibility for compliance from COPCA to a new organisation to be named the Catholic Safeguarding Advisory Service (CSAS). That organisation should sit within a department of Christian Responsibility and Citizenship of the Catholic Bishops' Conference, and an appointed member of the COR should be invited to join the department.⁸⁸ In order to allow for 'independence that is credible', they recommended that the existing COPCA board be disbanded and a new national safeguarding commission established, with both lay and clerical representation (including one bishop with oversight of CSAS) and COR representatives.⁸⁹

86. Following the publication of the Cumberlege Report, Eileen Shearer stepped down as director of COPCA, to be succeeded by her assistant Adrian Child who became acting director in July 2007. In July 2008, he became director of COPCA's replacement, the Catholic Safeguarding Advisory Service (CSAS), which was established to drive forward improvement in practice. CSAS operates under the guidance of the National Catholic Safeguarding Commission (NCSC), which was established at the same time. Its primary role is to set the strategic direction of the Church's safeguarding policy for children, providing coordination, advice and support in respect of the wider job of safeguarding children, young people and adults at risk. The NCSC sets and directs the work of CSAS.⁹⁰

87. Following the Cumberlege Report, there have been further relevant developments and independent reviews of specific institutions. One of these reviews was in 2011, when Lord Carlile of Berriew, CBE, QC produced an independent report specific to Ealing Abbey and St Benedict's School. This will be considered in our public hearing into Ealing Abbey and St Benedict's School.

88. The Protection of Freedoms Act 2012 established the Disclosure and Barring Service (DBS). The DBS is a non-departmental public body set up by the Home Office, which sets out to help employers make safer recruitment decisions and to prevent unsuitable people from working with children and other vulnerable individuals, including voluntary work. It replaced the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA).

89. The DBS processes requests for criminal records checks and decides who is unsuitable to work with children and vulnerable groups. It manages the Barred Children's and Barred Adults' Lists (which used to be referred to as List 99). It is illegal for a barred person to apply for such work (paid or voluntary), or for a charity to employ a barred person in such work. Employers have a legal duty to refer someone to the DBS if they:

⁸⁶ [CHC000002_023](#)

⁸⁷ [CHC000002_030](#)

⁸⁸ [CHC000002_034](#)

⁸⁹ [CHC000002_034](#)

⁹⁰ <http://www.catholicsafeguarding.org.uk/>

- a. dismiss them because they have harmed a child or vulnerable adult
- b. dismiss them because there is a risk of such harm
- c. were planning to dismiss them for either of these reasons, but the person resigned first.⁹¹

90. It can be seen from this short summary that since the 1990s there has been a considerable focus on child protection and safeguarding and developments in policy and practice, both within and outside of the Catholic Church. It is against this context we consider the events at Ampleforth and Downside.

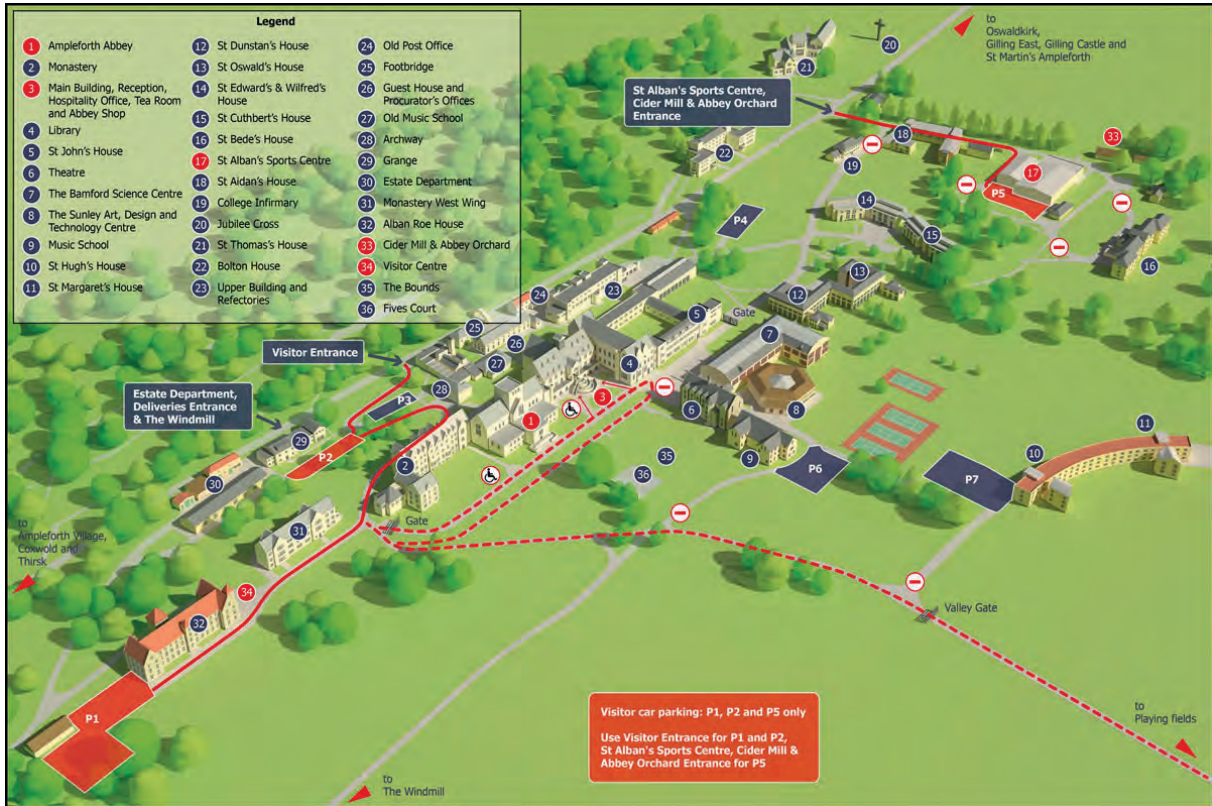
⁹¹ <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

Part B

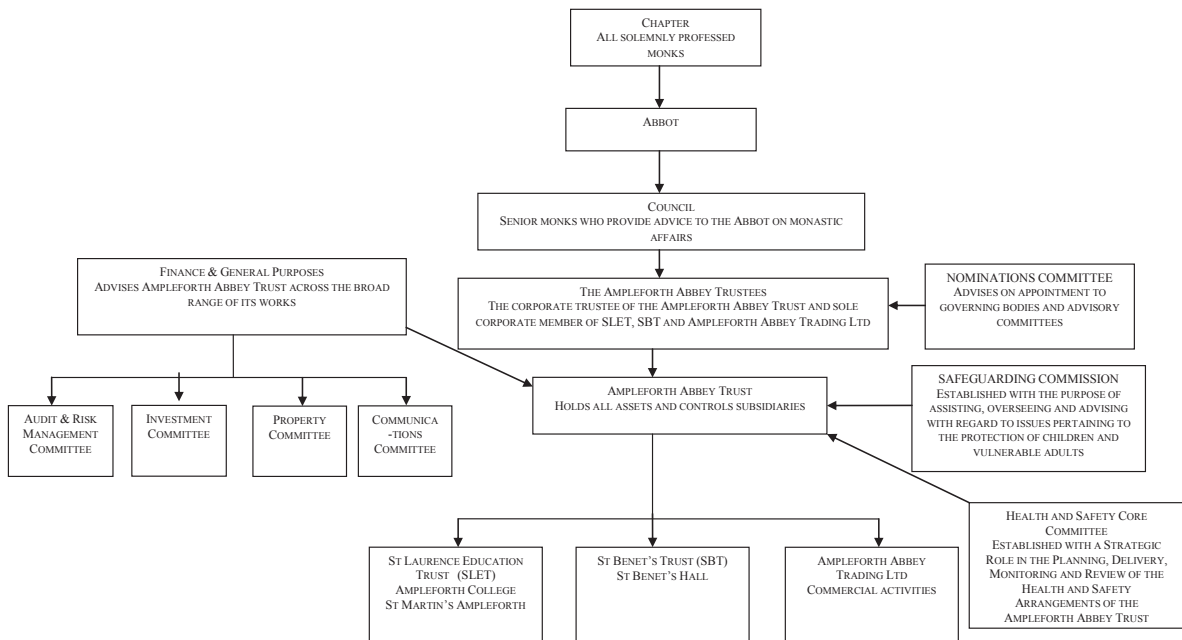
Ampleforth

Ampleforth





GOVERNANCE STRUCTURE 2015



Chronology of abbots, priors and headmasters

Abbots of Ampleforth Abbey	
Abbot Herbert Byrne	1939–1963
Abbot Basil Hulme	1963–1976
Abbot Ambrose Griffiths	1976–1984
Abbot Patrick Barry	1984–1997
Abbot Timothy Wright	1997–2005
Abbot Cuthbert Madden	2005–present ¹

Priors of Ampleforth Abbey	
Fr Justin Pryce	1995–1997
Fr George Corrie ²	1997–2005
Fr Colin Battell	2005–2011
Fr Terence Richardson	2011–2018
Fr Gabriel Everitt	2018–present

Headmasters of Ampleforth College	
Fr Patrick Barry	1964–1979
Fr Dominic Milroy	1980–1991
Fr Leo Chamberlain	1992–2003
Fr Gabriel Everitt	2004–2014
Mr David Lambon	2014–2016
Fr Wulstan Peterburs	June 2016–present

Gilling Castle Preparatory School (1930–1992/1993)	
Fr Hilary Barton	1942–1965
Fr William Price	1965–1971
Fr Justin Caldwell	1971–1981
Fr Adrian Convery	1981–1987
Graham Sasse	1987–1993

¹ Fr Terence Richardson (in Abbot Madden's absence)

² Fr Corrie was also appointed as Ampleforth's Child Protection Officer in 1997 by Abbot Wright

Ampleforth College Junior School (1993–2001)	
Fr Jeremy Sierla	1993–2000
John Hampshire	2000–2001

St Martin's Ampleforth (2001–present)	
Stephen Mullen	2001–2004
Nicholas Higham	2004–2014
Mark O'Donnell	2014–2016
Dr David Moses	2016–present

Background

1. Ampleforth Abbey in Yorkshire is an English Benedictine monastery founded in 1802.³ The monastery presently houses approximately 60–70 monks⁴ who live in a community under the care of their abbot.
2. A chronological list of abbots, priors and headmasters of Ampleforth from 1939 to the present day is at the beginning of this section. The current abbot is Abbot Cuthbert Madden, who was elected on 15 February 2005 for an eight-year renewable term and re-elected on 12 February 2013. Abbot Cuthbert Madden, although remaining abbot in name, stepped aside in August 2016,⁵ due to allegations of child sexual abuse being made against him. His duties were delegated to his prior, Fr Terence Richardson. As a result, Abbot Cuthbert Madden was living away from the monastery at the time of our Inquiry hearings. We understand that the allegations have been investigated by North Yorkshire Police (NYP), who found that there was insufficient evidence, and the Salford Diocese. A further independent review concluded in March of this year. We understand that Abbot Cuthbert Madden will be returning to Ampleforth as abbot and that a prior administrator has been appointed to carry out the duties of abbot in the interim.
3. Ampleforth College is a boarding and day school situated adjacent to Ampleforth Abbey. It was established by the abbey as a boys' school in 1803.⁶ Girls were admitted into the sixth form in 2002, and St Margaret's, a girls' boarding house, was opened in 2004.⁷ The school became fully co-educational in 2010,⁸ and presently has approximately 600 pupils aged 13–19.⁹ Fr Wulstan Peterburs has been the headmaster of Ampleforth College since

³ <http://www.abbey.ampleforth.org.uk/the-community/history>

⁴ https://www.ampleforth.org.uk/college/sites/default/files/downloads/matthias_kelly_qc_opening_statement_iicsa_27_nov.pdf paragraph 1 ('Ampleforth Opening Statement'); <https://www.ampleforth.org.uk/>

⁵ AAT000969_003 paragraph 7, 26

⁶ <https://www.ampleforth.org.uk/abbey/community/our-history>

⁷ <http://www.boardingedu.com/school/ampleforth-college-united-kingdom/>

⁸ <http://www.boardingedu.com/school/ampleforth-college-united-kingdom/>

⁹ Independent Schools Inspectorate ('ISI'), Regulatory compliance inspection report for schools with residential provision, Ampleforth College, March 2018, page 3 (https://www.ampleforth.org.uk/college/sites/default/files/downloads/isi_inspection_report_march_2018_ampleforth_college.pdf)

12 November 2016. He is also a trustee of the Ampleforth Abbey Trust (AAT) and the St Laurence Educational Trust¹⁰ (SLET, discussed below) and a member of the abbot's Council.¹¹

4. In 1908, the monks of the abbey established a preparatory section of Ampleforth College for boys under the age of 14.¹² The monks later purchased Gilling Castle, situated approximately three miles from Ampleforth College,¹³ and in 1930 the lower part of the preparatory section was moved there to form Gilling Castle Preparatory School. Pupils aged 12–13 years remained at Ampleforth College, in what became known as Junior House. The preparatory school remained split until 1974, when it was decided to give Gilling its own top two years and allow boys to stay there until they moved to Ampleforth College. At the same time, the junior house was expanded, taking pupils from the age of 11. There were therefore two separate preparatory schools for Ampleforth College, one within Gilling Castle and one within Ampleforth College.

5. In 1992, the two preparatory schools were merged to form the Ampleforth College Junior School.¹⁴ In 2001, Ampleforth College Junior School merged with St Martin's, a small preparatory school eight miles away in Nawton, becoming St Martin's Ampleforth (SMA).¹⁵ SMA is now located at Gilling Castle and is the preparatory school for Ampleforth College.¹⁶ It is also a boarding and a day school. It currently has capacity for 177 pupils aged three to 13.¹⁷ Dr David Moses has been the headmaster of SMA since September 2016.¹⁸ We understand that SMA will permanently close at the end of the 2018 summer term, to be replaced by a new junior house at Ampleforth College for boarding and day pupils in years 6, 7 and 8.¹⁹

6. As can be seen from the map, the senior school Ampleforth College is situated within the precincts of the abbey. Although Ampleforth College and SMA are on separate sites, they share the 2,200 acres of woodland, orchards and playing fields that belong to the abbey.²⁰ In addition to this geographical association between schools and the abbey, monks from the abbey may serve as teachers and chaplains,²¹ and may lead religious services in schools.²² As of November 2017, the number of monastic teaching staff employed at Ampleforth College was 12 (out of 106)²³ and at SMA was five (out of 90).²⁴

7. Several witnesses have referred to Ampleforth College and SMA collectively as 'the school'. Some have referred to the abbey and schools separately or collectively simply as 'Ampleforth'. We will adopt the same approach, but will distinguish between them where necessary, and when dealing with allegations.

¹⁰ AAT000962_004 paragraphs 6–8

¹¹ AAT000962_007 paragraph 4

¹² <https://www.eteach.com/DataFiles/VacDocs/18096/652203/Recruitment%20Pack.pdf>

¹³ <http://www.hpo.ampleforth.org.uk/resource.aspx?id=35709>

¹⁴ <https://www.eteach.com/DataFiles/VacDocs/18096/652203/Recruitment%20Pack.pdf>

¹⁵ AAT000962_005 paragraph 17

¹⁶ <https://www.ampleforth.org.uk/stmartins/>

¹⁷ AAT000962_010 paragraph 35

¹⁸ <https://www.ampleforth.org.uk/college/news/head-st-martins-ampleforth-appointment>

¹⁹ <https://www.ampleforth.org.uk/stmartins/>

²⁰ <https://www.ampleforth.org.uk/college/our-school/tatler-schools-guide-2017>

²¹ AAT000962_002 paragraph 2

²² AAT000962_006 paragraph 22

²³ Ampleforth Opening Statement, p.6 Appendix 1

²⁴ <https://www.eteach.com/DataFiles/VacDocs/18096/564718/Job%20Details.pdf>

Governance and safeguarding

8. The relationship between the abbey and school has evolved over time. In the past there was no strict delineation between the two, including in matters of safeguarding. We heard from Ampleforth that it ‘took the decision in 1997 to separate school effectively from the abbey and has been working ever since to solidify that aim’. As is described below, there are currently separate governance and safeguarding arrangements for the school and abbey,²⁵ with several different bodies involved. An organogram setting out the structure of Ampleforth appears at the front of this section.

9. AAT is the parent trust of Ampleforth and holds all its assets.²⁶ It is responsible for the overall management of the abbey,²⁷ including safeguarding matters.²⁸ Although AAT works to ensure that the school retains its Benedictine character, it has no direct safeguarding function within the school.²⁹ The trustees of AAT are all monks of the community,³⁰ and all are presently members of the abbot’s council. In recent times Abbot Cuthbert Madden has made it a policy that where the dismissal of a monk has been approved by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL) or the Congregation for the Doctrine of the Faith (CDF), it is noted in the minutes of AAT meetings together with the reason for the dismissal.³¹ In 2006, Abbot Cuthbert Madden established the Ampleforth Child Protection Commission (now known as the Ampleforth Safeguarding Commission) to advise the AAT on safeguarding at Ampleforth. The safeguarding commission meets twice a year.³²

10. The school has been run by a separate educational trust, the SLET, since 1997.³³ SLET is a wholly owned subsidiary trust of the AAT. Up until 2010, all SLET trustees were monks. SLET and its trustees are responsible for the governance of both Ampleforth College and SMA.³⁴ They design and implement policies relating to the management and staffing of the school, including staffing structure, employment conditions, staff discipline³⁵ and safeguarding.³⁶ The headmasters of Ampleforth College and SMA are directly accountable to SLET.

11. A separate body known as the abbot’s advisory committee for Ampleforth College, made up of lay members of the legal, financial and education sectors amongst others, provided guidance to the SLET trustees. In 2010, the abbot’s advisory committee and SLET merged when members of the committee were invited to become SLET trustees as part of a series of changes made by Fr Wulstan Peterburs, with the result that the membership of SLET became one-third monastic and two-thirds lay. As of October 2017, there were six lay

²⁵ Oral closing submissions on behalf of Ampleforth to IICSA, 15 December 2017, paragraphs 3–4

²⁶ AAT000962_005 paragraph 15

²⁷ Abbot Cuthbert Madden 5 December 2017 37/23-25

²⁸ Abbot Cuthbert Madden 5 December 2017 38/10-12

²⁹ AAT000962_007 paragraphs 22–23

³⁰ AAT000962_005 paragraph 16

³¹ AAT000966_006 paragraphs 20–21

³² AAT000963_002-003 paragraphs 8–9, 16

³³ Oral closing submissions on behalf of Ampleforth to IICSA, 15 December 2017, paragraph 3

³⁴ Abbot Cuthbert Madden 5 December 2017 38/1-4

³⁵ AAT000962_008 paragraph 27.a-27.e

³⁶ Abbot Cuthbert Madden 5 December 2017 38/8-9

trustees and four monastic trustees. Until 2017, the abbot chaired SLET,³⁷ but would step aside when safeguarding issues were addressed to avoid any possible conflict of interest. Then the meeting would be chaired by the vice-chair or another senior lay trustee.³⁸

12. The leadership of SLET changed in September or October 2017 and Mrs Claire Smith, who has been a lay trustee since 2010, replaced the abbot as chair. The evidence of Fr Wulstan Peterburs is that:

this [is] an important move because historically the advice of our lay trustees has been integral to the improvement of the operation of Ampleforth generally. The input of SLET's lay trustees has been invaluable in gaining a comprehensive understanding of how the quality of education and safeguarding can best be improved.

13. The abbot's decision-making powers in respect of safeguarding are limited to the monastery and are exercised in consultation with the safeguarding commission and safeguarding coordinator. Safeguarding within schools is dealt with by the headmasters of Ampleforth College and SMA, who oversee the running of each institution and who are ultimately responsible for safeguarding at their respective schools, and for the welfare of their pupils,³⁹ though inevitably some day-to-day responsibility is delegated to a number of senior staff members. These will include the designated safeguarding leads (DSLs) who are responsible for recording all safeguarding issues, liaising with the public authorities (social services and the police), training students on safeguarding and maintaining internal safeguarding policies.

14. SLET also has a safeguarding trustee, with lead responsibility for safeguarding matters in school, who works with both the headmasters and with the safeguarding commission to ensure that the school's safeguarding policies are up to date, effective and properly implemented.⁴⁰

15. These developments in the membership and changes to the leadership of SLET are a positive step forward in the management of the governance of the schools, but it is not clear why it should have taken them until 2017 to appoint a lay chair. More extreme and swifter measures are now required.

External oversight

16. After the Nolan Report, rather than align itself with the Middlesbrough diocese, AAT chose to set up its own safeguarding commissions.⁴¹ The school (run by SLET, the subsidiary trust of the AAT) is subject to the oversight of the Independent Schools Inspectorate (ISI) and the Office for Standards in Education, Children's Services and Skills (Ofsted).

17. The AAT and SLET are both registered as charities with the Charity Commission: the AAT since 24 September 1993⁴² and SLET since 31 July 1997.⁴³ The charitable objects of both trusts include 'the education of children and young persons in the Roman Catholic faith'.⁴⁴

³⁷ AAT000962_005/006/007 paragraphs 17.b, 21, 24.a

³⁸ AAT000966_007 paragraph 26

³⁹ AAT000962_007 paragraph 24.c

⁴⁰ AAT000962_007/008 paragraph 27.k

⁴¹ MID000045_003 paragraph 15

⁴² CYC000140_013 paragraph 60

⁴³ CYC000140_014 paragraph 62

⁴⁴ CYC000140_013-014 paragraphs 61, 63

18. Ampleforth College and SMA have been inspected on several occasions by North Yorkshire County Council (NYCC), the Commission for Social Care Inspection (CSCSI), Ofsted, ISI and the Charity Commission. In November 2016, the Charity Commission opened a statutory inquiry into the SLET and AAT.⁴⁵ It announced the findings on 3 April 2018. In summary it was not satisfied that AAT and SLET's current safeguarding policies, procedures and practices are adequate and working properly. This is dealt with below.

Allegations

19. There have been a number of allegations of child sexual abuse at Ampleforth between the 1960s and the present day. However, with the exception of one or two cases, such as that of Fr Bernard Green in 1995, the vast majority only came to light as a result of developments following the Nolan Report in 2001 and Operation Ellipse in 2005, considered further below.

20. The purpose of the Nolan Report was to examine the arrangements that the Catholic Church had in place to protect and prevent the abuse of children within its institutions in England and Wales, including the religious orders. The Nolan Committee first met in September 2000. The committee's first report was presented to the Catholic Bishops' Conference at Easter 2001, when the recommendations were said to have been unanimously accepted by the Bishops' Conference. The final Nolan Report was published in September 2001 and made 83 recommendations.

21. In 2000, psychologist Dr Elizabeth Mann met Abbot Timothy Wright at a Catholic conference at which she presented a paper dealing with the psychosexual and related problems of priests and religious. Abbot Timothy Wright was interested in Dr Mann's research and invited her to Ampleforth⁴⁶ to 'assist with the personal development'⁴⁷ of monks. As part of this work she carried out psychological assessments of several monks at the abbey. There were no safeguarding measures or child protection policies in place at the time. In May 2001 Abbot Wright asked Dr Mann for advice on how to proceed with the recommendations of the first draft of the Nolan Report.

22. The bulk of Dr Elizabeth Mann's work at Ampleforth took place between 2000 and 2003.⁴⁸ During this time she met many monks, including Fr Piers Grant-Ferris and Fr Gregory Carroll. There were several complaints of child sexual abuse against Fr Piers Grant-Ferris going back to 1975, and as a result Dr Elizabeth Mann recommended that Abbot Timothy Wright appoint Dr Ruth Mann to produce a risk assessment of him, which he did. Dr Ruth Mann (who was Elizabeth Mann's daughter) was a principal forensic psychologist who specialised in the assessment and treatment of men accused of child sexual abuse. During her assessments of Fr Piers Grant-Ferris it became clear that the abuse went back even further than they had been told, to the 1960s, and that Ampleforth had not initially disclosed everything to the Manns.⁴⁹ Similarly, when Dr Elizabeth Mann assessed Fr Gregory Carroll, she discovered he too had been accused of child sexual abuse, but this had not been disclosed to her by Abbot Timothy Wright.⁵⁰

⁴⁵ CYC000140_013 paragraphs 57-59

⁴⁶ Fr George Corrie 1 December 2017 26/15-22

⁴⁷ AAT000968_005 paragraph 30

⁴⁸ EMA000748_003 paragraph 3

⁴⁹ EMA000748_022 paragraph 11.1. b

⁵⁰ EMA000748_039-040 paragraph 11.4

23. Recommendations made by Dr Ruth and Dr Elizabeth Mann were not followed, and there was disagreement as to how some offending monks, including Piers Grant-Ferris and Gregory Carroll, should be dealt with, including in respect of reporting them to the statutory authorities. As a result, both the Manns fell out of favour with Abbot Timothy Wright. Following disclosures about Piers Grant-Ferris made by Dr Ruth Mann to Eileen Shearer, then director of the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) in September 2002, and about Fr Gregory Carroll made by Elizabeth Mann made to David Molesworth, then general manager of North Yorkshire social services in October 2003, police became involved and began to liaise with Ampleforth, holding a first meeting there in August 2003.

24. The result was Operation Ellipse, the police operation set up to investigate allegations of child sexual abuse at Ampleforth. It formally began in 2004 and concluded in 2006. It led to the convictions of Piers Grant-Ferris and Gregory Carroll for the sexual abuse of boys under the age of 14 who had been boarders at school. During the investigation, several other allegations against monks and lay members of staff came to light relating to sexual abuse and inappropriate behaviour towards children at the school.

25. To provide an overview of what took place at Ampleforth, and to illustrate the changes and progression, we have set out the key accounts of abuse given below. There is significant overlap in time between the events. We set them out as far as is possible in chronological order.

26. We begin with what we heard about physical and emotional abuse at Ampleforth in the early years (1960–1980), which on numerous occasions paved the way for sexual abuse. We then outline the key accounts of sexual abuse that took place between approximately 1960 and 2010, listing them by alleged perpetrator. This is followed by an assessment of the institutional responses to the allegations, both before and after the Nolan Report. This includes Ampleforth's own response and Operation Ellipse. Finally, we consider what we heard of more recent accounts of sexual abuse upon Ampleforth pupils, and the inspection reports of 2016–2017.

27. We have not been able to hear evidence from several individuals who are now deceased. These include Cardinal Basil Hume, Dom Ambrose Griffiths and Dom Patrick Barry. Others were too unwell to attend but did provide statements, including Fr Dominic Milroy, Dom Timothy Wright (who died on 13 May 2017), DS Hartnett, Dr Elizabeth Mann and Dr Ruth Mann.

Physical and emotional abuse 1960–1980

28. The evidence about the school between 1960 and 1980 has revealed several accounts of both physical and emotional abuse towards pupils, often intertwined. Children as young as six or seven were sent to board at the school, where they were placed into the care of individuals, some of whom went on to mistreat them. The environment as described to us by the witnesses was not conducive to pupils making disclosures of sexual or other abuse; the person who was supposed to be their first port of call was often unsympathetic and even frightening.

29. Three accounts of experiences of physical abuse at Gilling Castle between the 1960s and 1980s are set out below. We have chosen these accounts because either (i) the physical abuse appears to us to have sexual overtones, (ii) the victim was subsequently sexually abused, (iii) the abuser went on to sexually abuse another child, or (iv) there may be a suggestion that the way children were treated was known to others within the institution who were either complicit or did nothing to prevent it.

RC-A61

30. RC-A61 went to Gilling Castle in 1965 at the age of seven and remained there for four years, before going on to study at Ampleforth College until the age of 18. His form master was RC-F4, who he described as 'physically violent from the outset' and 'a nasty, cruel, physically violent man'.⁵¹ RC-A61 told us that he had been both physically and psychologically abused while at Ampleforth. He recalled how RC-F4 would place him on the long tables and then beat him on his backside 'so that my whole body would be moved by the force of the beatings along a shined table top',⁵² and how he often didn't know what he was being beaten for.

31. RC-A61's form master in his second and third years at Gilling Castle was Fr Piers Grant-Ferris, who was also physically abusive, beating boys for the slightest transgression such as climbing a tree above the height of their head or reading a Marvel comic.⁵³ Sometimes he would simply walk around the tables at meal times and tap a boy on the shoulder for no apparent reason, choosing him to be his next victim. RC-A61 told us:

*If he stopped behind you, then you knew it was you, and if he stopped behind someone else and tapped them – one thing that disturbs me to this day was the feeling of relief that it wasn't going to be me, but I knew what was going to happen to those boys as well.*⁵⁴

32. RC-A61 also described how another form tutor, RC-F10, appeared to be complicit in what Fr Piers was doing, as he would pass boys on to him for punishment. RC-A61 said he was 'absolutely sure, absolutely no doubt in my mind'⁵⁵ that RC-F10 was aware of the way such punishments were delivered. The boys thought that RC-F10 was creepy, and RC-A61 gave RC-F10 the nickname 'Feeder Priest'.⁵⁶

RC-A154

33. RC-A154 also attended Gilling Castle in the mid-1960s when he was seven years old, and progressed to Ampleforth College, where he remained until he was 16.⁵⁷ He describes another monastic teacher as 'an out-and-out sadist' who 'would regularly beat boys in front of each other' and 'would beat me ... for no reason at all' and was 'known for his sadistic wrath'.⁵⁸

⁵¹ RC-A61 29 November 2017 31/14-32/24

⁵² RC-A61 29 November 2017 36/25-37/1

⁵³ RC-A61 29 November 2017 33/17-22, 39/1-7

⁵⁴ RC-A61 29 November 2017 40/2-7

⁵⁵ RC-A61 29 November 2017 50/4

⁵⁶ RC-A61 29 November 2017 50/17-22

⁵⁷ RC-A154 5 December 2017 3/13-14, 10/24

⁵⁸ RC-A154 5 December 2017 5/25-6/18

RC-A2

34. RC-A2 was a pupil at Gilling Castle from 1972 to 1978. He was put down for Ampleforth at birth and joined the school as a boarder at the age of six. He recalls leaving his mother at the train station on the first day. When he and the other boys, many of whom had been crying or sick on the train, arrived at Gilling:

It was dark, it was cold ... and it was quite imposing ... we went into the refectory and had milk and biscuits. Again, it was a heavily-panelled, dark-wood refectory, with wooden tables, and, being totally unfamiliar to us it was quite – it was just quite big and difficult It felt like Colditz, what I saw as a kid.⁵⁹

35. He described his first impressions of seeing monks in habits, saying:

It's just quite an unusual sight, really, isn't it, for a monk in black robes, you've never seen ... in a castle, you're six and you're away from home, and you don't want to be there, you want to be with your mum ... it made me feel quite nervous, to be honest.⁶⁰ ... The monks used to walk through the dormitories, but they appeared to be floating in a way because they were very quiet and they were in robes ... you'd sort of see them, so you just had shadows. It was quite unnerving, really.⁶¹

36. He described his form master, again RC-F4, as having a very bad temper who he remembered as:

A picture of a man shouting at six-year-old boys ... a big bloke, screaming at a young lad, going red ... He was a scary bloke, really scary ... [but] he was like our mum and dad. He was the last person you saw at night who put the lights out, he came and woke us up every morning and if we had any problems we had to – he was our reference point ... he was the person who was basically everything to us. He was the person who we had to see if we had any problems.⁶²

37. RC-A2 remembered how one night he was crying with his head under the blanket and RC-F4 came in and pulled back his covers, but rather than asking if he was all right, said: 'Are you trying to keep the rest of the dormitory awake?' RC-A2 added: 'I think that is the last time I ever cried. I don't think I ever cried again.'⁶³

38. RC-A2 went on to tell us how he was hit quite a few times by teachers in the school. He described one master, who was an alcoholic, hitting him on the head so hard that his head bounced off his desk.

He used to do that regularly for no apparent reason ... For me, my biggest problem has been having a shutdown of emotions for most of my life and that was caused because I had to at school, otherwise I wouldn't have got on and been able to deal with school,

⁵⁹ RC-A2 29 November 2017 7/13-14

⁶⁰ RC-A2 29 November 2017 8/5-10

⁶¹ RC-A2 29 November 2017 10/9-15

⁶² RC-A2 29 November 2017 11/17-12/7

⁶³ RC-A2 29 November 2017 10/16-11/1

and I believe that deserves an apology.⁶⁴ ... I've had my issues, and that's why I'm here, because I think some of the things that happened to me were wrong and I think the atmosphere there was wrong.⁶⁵

39. RC-A2 also told us that he thought that: 'If you run an institution like that, your very best person possible should be looking after the smallest children, the very best, the cream of the crop.'⁶⁶

Accounts of child sexual abuse before the Nolan Report (1960–2001)

RC-F3 (1960s–1970s)

40. RC-F3 was a monk in a senior position at Gilling Castle from 1953 to 1964. RC-A154, one of the three pupils mentioned above, has said that he was abused over two years, starting in 1967 or 1968:

At nights in the dorm after lights out, RC-F3 would come and sit on my bed and comfort me. After about two weeks, he asked me if I wanted some cocoa ... I followed him to his study ... RC-F3 asked if he could wash me, which meant me undoing my pyjamas and placing my penis into his mouth. I would do the same to him. I can remember his striped pyjamas and having to untie the white drawstring. It eventually landed up with me in RC-F3's bed where he would also join me, and I remember him putting his penis into my backside.⁶⁷

41. RC-A154 was only seven or eight years old. He made no complaint at the time. He told us that he was also physically abused by RC-F4 during this period (see above) and that he was later sexually abused by RC-F1⁶⁸ and then by Fr Piers Grant-Ferris.⁶⁹ RC-A154 moved up to Ampleforth College at the age of 14, in the mid-1970s, where he was abused again, by a senior pupil RC-F164.⁷⁰ RC-A154 made a statement to the police on 29 December 2004 for the purpose of the police investigation Operation Ellipse, and this was used in the prosecution of Fr Piers Grant-Ferris in 2006.⁷¹

42. It is not known whether any other children have suggested abuse by RC-F3. At the time of Operation Ellipse, in 2005, North Yorkshire Police (NYP) were contacted by an individual who described him as being 'the worst offender by far',⁷² but the police have been unable to confirm this information, and no other victims have come forward. RC-F3 died in 1971,⁷³ so no prosecution was possible. The Inquiry has seen no evidence to suggest that any of those teaching or in governance at the school or the abbey were aware of what may have been taking place.

⁶⁴ RC-A2 29 November 2017 26/3-7

⁶⁵ RC-A2 29 November 2017 27/15-17

⁶⁶ RC-A2 29 November 2017 26/17-19

⁶⁷ RC-A154 29 November 2017 69/18-70/7

⁶⁸ RC-A154 5 December 2017 5/2-7, 10-23

⁶⁹ RC-A154 5 December 2017 9/9-23

⁷⁰ RC-A154 5 December 2017 6/25, 7/1-25

⁷¹ [AAT000128_221-227](#)

⁷² [AAT000073_003](#)

⁷³ [AAT000210_029](#)

RC-F1 (1960s–1970s)

43. RC-F1 was not a monk but worked as a cleaner at Gilling Castle in the late 1960s and early 1970s.⁷⁴ He also ran one of the school's extracurricular clubs, and we have learnt that he used this to access, groom and sexually abuse at least 11 children over a sustained period of time.⁷⁵ The majority of RC-F1's victims appear to have been aged between eight and 12. They include RC-158, RC-183, RC-162, RC-180 and RC-A238. Many of them were also abused by Fr Piers Grant-Ferris.

44. Witness statements from two of RC-F1's pupils were read out to us during the hearings.⁷⁶ RC-A154 (as referred to elsewhere) gave the following account:

I will always remember my first meeting with him. I was in the toilets standing at the urinals when RC-F1 came in. He put his hand up my bottom which stemmed the flow of urine. I didn't know how, but I was not able to pass urine due to the position of his hand.⁷⁷ [During the club] he asked to hold me ... [he] knelt down. He took out my penis and put it in his mouth. There was this thing called the circle jerk where we [a group of boys] would hold each other, we would hold penises in our hand or in our mouths. RC-F1 would give us rewards. This went on until I left Gilling, which I did moving on to junior house.

45. RC-A182 said:

[RC-F1 would] give and receive oral sex, both privately and in front of other pupils in the workshop. The pupils would then independently go off in groups for oral sex with each other in the woods. An atmosphere was created which made it easier for Fr Piers to operate and find previously groomed victims.⁷⁸

46. No complaints were made at the time and RC-F1 died in 1994, around 10 years before the start of Operation Ellipse. Statements given to the police indicate that the alleged abuse consisted of mutual masturbation, digital penetration of the anus, oral sex and forcing children to perform masturbation and oral sex on each other, and that it primarily took place at the club. In a meeting between Detective Superintendent (DSU) Barry Honeysett, the senior investigating police officer in Operation Ellipse, and Abbot Cuthbert and others from Ampleforth on 25 April 2006, it was said that the allegations against RC-F1 may well have been the most serious of all the child abuse allegations at the school. It is recorded in the minutes of the meeting that DSU Honeysett commented: 'The fact that this was common knowledge would indicate that there was no way of making ... the pupils' concerns to staff [known].' He also said he 'had very strong information that members of the community and other staff were aware of RC-F1's behaviour but did nothing about it ... there was knowledge of inappropriate behaviour and it was not dealt with properly.'⁷⁹

Fr Piers Grant-Ferris (1960s–1970s)

47. Fr Piers Grant-Ferris joined the teaching staff at Gilling Castle in 1966.⁸⁰

⁷⁴ AAT000210_033

⁷⁵ AAT000073_002

⁷⁶ RC-A154 29 November 2017 68/10-25-71/1-2; RC-A182 29 November 2017 83/7-25-89/9; RC-A154 5 December 2017 3/4-25-12/1-10

⁷⁷ RC-A154 5 December 2017 5/2-6

⁷⁸ RC-A182 29 November 2017 89/2-7

⁷⁹ AAT000073_002-003

⁸⁰ AAT000210_028

48. In 1975, the then Abbot Basil Hume received a complaint from the parents of a pupil, RC-A152, that Fr Piers had inappropriately touched their son. The abbot, together with Fr Justin Caldwell and Fr Patrick Barry (then headmasters of Gilling Castle and Ampleforth College respectively), launched an internal investigation.

49. RC-A152 and his parents were spoken to,⁸¹ as were eight other pupils. RC-A170 stated that Fr Piers had repeatedly fondled his genitals while he was sleeping at night in his dormitory and taken his temperature rectally.⁸² Fr Piers admitted going to RC-A170's dormitory at night but said he merely wanted to teach him how to pull back his foreskin when urinating to avoid dribbling. He denied any sexual gratification.⁸³ RC-A177 claimed that in 1973 he was made to lie naked across Fr Piers' lap with his buttocks spread apart. His anus was then 'examined'. RC-A177 also said that he saw Fr Piers abusing RC-A170.⁸⁴ The others, RC-A235, RC-A233, RC-A230, RC-A234, RC-A232 and RC-A213 said that they had never been abused by Fr Piers, nor seen him abuse others.⁸⁵

50. The school did not accept RC-A152's account. Nonetheless, Abbot Basil Hume did, with reluctance, recognise that because of his admission in respect of RC-A170,⁸⁶ Fr Piers was unsuited to working with children.

51. The school did not refer any of the complaints to the statutory authorities. Instead, the abbot had Fr Piers assessed by a consultant psychiatrist, Dr Seymour Spencer. Dr Spencer's opinion was that:

As a result of [Fr Piers'] personality factors, his lack of exact judgment in terms of his intimate relations with boys and his admitted 'use' of boys in the past for sexual stimulation in spanking and in the recent past of RC-A152 for sexual stimulation during anal inspection, [Fr Piers] is not a suitable person to continue as master at Gilling.

Despite this clear acknowledgment of risk, Dr Spencer's preliminary assessment was that there were enough 'protective factors' in place to justify allowing Fr Piers to stay in post until the end of the academic year. These included, in his view, the fact that few allegations had been made in the 10 years that he had been at Gilling and Fr Piers' 'natural obedience' which would make him highly likely to comply with an instruction 'not to touch boys during this present term'. These factors made 'his unsuitability "wearable" during the rest of this term'. Dr Spencer also referred to the potential for 'special talk or scandal' if Fr Piers was removed from the school.⁸⁷

52. Ultimately, however, Dr Spencer did agree with the abbot that the best course of action was for Fr Piers to be withdrawn from his post at once. It appears that this was less based on the current risk he posed to children and more because, as Dr Spencer told the abbot:

I feel that there is already a large amount of potential smoke round a quite definite fire of 'hard' evidence. I think that this smoke could increase enormously under any sparking during the course of term and produce a conflagration quite impossible to control. I think that if this did happen [Fr Piers] could himself be sorely affected. He is already

⁸¹ [AAT000320_271](#)

⁸² [AAT000128_474-478](#)

⁸³ [AAT000320_096](#)

⁸⁴ [AAT000128_487-491](#)

⁸⁵ [AAT000320_139, 143](#)

⁸⁶ [AAT000320_231-235](#)

⁸⁷ [AAT0000320_428-429](#)

at the present time willing to depart ... the argument for retaining him would be very unconvincing to pressing parents and that such pressure could increase as term went on and put you into an impossible position.⁸⁸

53. According to a 'safeguarding briefing document' prepared by Abbot Cuthbert Madden for the AAT in August 2017: 'the common view at the time ... [was] that the condition of paedophilia was a curable one.' It seems that after this first assessment on Fr Piers, Dr Spencer was subsequently regularly called upon by the abbots of Ampleforth to assess monks who had been accused of child sexual abuse. As we will see, he had earlier been used by Downside to assess Anselm Hurt in 1970.

54. Fr Piers was moved from Ampleforth and given parish assignments in Garforth (May–August 1975), St Mary's Warrington (1975–1977) and Workington, Cumbria (1977–1989).⁸⁹ (Workington was the same parish to which Fr Gregory Carroll and RC-F29 were later sent in 1995 and 1997 respectively.) He was also sent to Leyland (1989–1993), Brindle (1993–1998) and Osmotherley (1998).

55. The parish priests were apparently made aware 'in general terms that there might be a problem'⁹⁰ and instructed that Fr Piers be kept under supervision and 'away from all opportunities to have dangerous contact with children'.⁹¹ However, there is evidence that when Fr Piers was at Osmotherley he did not abide by these guidelines and arranged children's pilgrimages to the local shrine.⁹² The evidence we have seen indicates that this was not limited to his time in Osmotherley. In material disclosed to the Inquiry relating to his eventual prosecution in 2006 he said: 'I continued to work with children in our parishes'⁹³ and 'Abbot Barry put no restrictions on me when I went out to do the pastoral work in the parishes.'⁹⁴

56. During this period, in October 1995, when Fr Piers was at Leyland parish, a further allegation of child sexual abuse relating to the 1960s was made by RC-A61, a former Gilling pupil, who will be remembered from his account of physical abuse above. RC-A61 disclosed to the diocese of Middlesbrough.⁹⁵ His evidence, summarised below, suggests Piers Grant-Ferris had been sexually abusing boys for many years before the allegation of abuse in respect of RC-A152 was made in 1975. Indeed, Piers Grant-Ferris must have begun abusing boys almost as soon as he arrived and began teaching at the college in 1966, and continued for nearly 10 years.

57. RC-A61 told us that he joined Gilling in 1965, when he was seven years old⁹⁶ and that Fr Piers Grant-Ferris arrived at school when he was in his second year,⁹⁷ which would have been 1966. Shortly after his arrival, Fr Piers Grant-Ferris began to abuse the boys.⁹⁸ This often took the form of beatings, ostensibly to punish, but which were for his own sexual

⁸⁸ [AAT000320_428-429, 434](#)

⁸⁹ [AAT000210_028](#)

⁹⁰ [AAT000320_281](#)

⁹¹ [AAT000320_271](#)

⁹² [NYC000005_074](#)

⁹³ [AAT000320_90](#)

⁹⁴ [AAT000320_220](#)

⁹⁵ [RC-A61 29 November 2017 58/5-6](#)

⁹⁶ [RC-A61 29 November 2017 31/10-14](#)

⁹⁷ [RC-A61 29 November 2017 33/23-25, 34/1](#)

⁹⁸ [RC-A61 29 November 2017 34/7-9](#)

gratification. It escalated to what would today amount to serious offences of assault of a child under the age of 13 by penetration, for which the maximum sentence is now life imprisonment.⁹⁹

58. RC-A61 gave a vivid account of the abuse he suffered at the hands of Fr Piers. He said that, on one occasion, Fr Piers made him remove his clothes and beat his bare bottom with his hands. This happened in the confessional of the chapel. Another incident took place in a bathroom. RC-A61 was forced to strip naked and to place his hands and feet on each side of the bathtub, so that he was in effect over the top of the bath 'like a crab ... with [his] genitals hanging down'. Fr Piers then beat his bottom with his hands. RC-A61 told us that this event was 'absolutely terrifying'. He explained that whenever Fr Piers administered such beatings, his hands would always linger on his bottom. It also appears that Fr Piers would masturbate during the beatings. A third instance of abuse took place in Fr Piers' private room. Fr Piers asked RC-A61 if he had wet himself and put his hands down his trousers, into his underwear. He told him to get undressed and made him lie face down on his bed before proceeding to take his temperature rectally. RC-A61 had never had his temperature taken this way before. He begged him to stop, but Fr Piers continued.¹⁰⁰

59. RC-A61 was not sexually abused by anyone else during his time at Ampleforth¹⁰¹ but, as set out above, he was physically abused by RC-F4 over a sustained period of time.¹⁰² RC-A61 also felt that another monk, RC-F10, enabled the abuse by handing over discipline to Fr Piers, despite knowing what he was capable of.¹⁰³

60. RC-A61 disclosed the abuse to his parents at the time but they did nothing about it.¹⁰⁴ He told us that 'there wasn't any reaction'. It seems that his father took the view that 'these things happened in boys' schools and that we were probably exaggerating'.¹⁰⁵ It may be that this was because his father was of 'the belief that the reputation of the Catholic Church was of utmost importance ... he went to church every day'.¹⁰⁶

61. In 1976, while in his final year at Ampleforth College, RC-A61 attended a summer retreat with other students.¹⁰⁷ They discussed Fr Piers, and Fr Justin Price told them that when Fr Piers was first sent to Gilling in 1966 'it was known that he had a problem with boys' bottoms'. RC-A61 told us that this came as 'a stunning shock' to him.¹⁰⁸

62. It was not until September 1995, when he was in his 30s,¹⁰⁹ that RC-A61 made formal disclosure of what had happened to him. Initially he contacted Middlesbrough diocese, and a meeting was arranged. This took place in London, in a chapel, on 2 October 1995.¹¹⁰ The location, which it seems was chosen by the representative from Middlesbrough, was entirely inappropriate and RC-A61 found meeting there very traumatic.¹¹¹ He asked that his details be kept secret, but his name was passed on to the abbey and he subsequently received a

⁹⁹ s.6(1) & (2) Sexual Offences Act 2003

¹⁰⁰ RC-A61 29 November 2017 42/5-25, 43/1-13

¹⁰¹ RC-A61 29 November 2017 47/5-7

¹⁰² RC-A61 29 November 2017 32/14-24

¹⁰³ RC-A61 29 November 2017 50/14-25, 51/1

¹⁰⁴ RC-A61 29 November 2017 47/2-4

¹⁰⁵ RC-A61 29 November 2017 53/2-6

¹⁰⁶ RC-A61 29 November 2017 65/1-4

¹⁰⁷ INQ001001_003 paragraph 17

¹⁰⁸ RC-A61 29 November 2017 54/23-55/1

¹⁰⁹ RC-A61 29 November 2017 61/18, AAT000320_269

¹¹⁰ AAT000320_269

¹¹¹ RC-A61 29 November 2017 58/20-59-8

telephone call from Fr Justin Price. In contrast to what Fr Justin had told RC-A61 at the camp, he now said that RC-A61 was the first person that had ever suggested wrongdoing.¹¹² He also said that Fr Piers – who at this time was not at the abbey but had been moved to a parish¹¹³ – was not deemed to be of any threat,¹¹⁴ something that was later again repeated to him by Fr Michael Morrison.¹¹⁵ Given the previous investigation into Fr Piers in the 1970s, both these statements were untrue.

63. Following RC-A61's disclosure, Fr Piers was interviewed by Abbot Patrick Barry on 12 October 1995. He denied the allegations. Ampleforth's view at the time was that RC-A61's complaint was unfounded and possibly malicious. This can be seen from Abbot Barry's report on the interview, where he wrote:

It appears to me to be entirely possible that the current complainant (who is curiously anxious to keep his name secret) is founded not on personal experience but ... on ... gossip and rumour. If that is so, then the motive might well be to provide scandalous copy for a newspaper, for which payment would be made to the complainant. If at this moment the complaint had already been handed over to the police (as some guidelines seem to require) then the necessary trigger for that copy would already have been provided to the newspapers by the police, and it would be quite impossible to undo the harm which would have been done to an innocent party and to the whole of Ampleforth and all involved in it. The danger still exists and I think we must proceed with great caution.

64. Abbot Patrick Barry did however arrange for Fr Piers to be reassessed by Dr Spencer. In his report dated 30 October 1995, Dr Spencer found that 'Piers may have been, all the time that he was at Gilling, repressing deeper homosexual tendencies towards the boys [which] came out in these slightly oblique ways of beating [them] bare'¹¹⁶ and that Fr Piers was not 'sufficiently in command of his sexuality' to take 'any risks'. Fr Piers had suggested to Dr Spencer that he wished to travel to Zimbabwe, but Dr Spencer advised against him being allowed to travel. Despite these findings, Dr Spencer did not recommend that he be removed from the parish, or that there should be any restrictions on his movements or ministry, saying:

Piers mentioned to me the possibility of a move to Fort Augustus. From my point of view I would not have thought there is any necessity to move him at the present time in any way. I think there is a good chance that you will not need to move him, so to speak, into outer darkness at all. It may well be able to be resolved amicably.¹¹⁷

65. In his report, Dr Spencer also revisited the allegations that had been made by RC-A152 20 years earlier in 1975, saying:

¹¹² RC-A61 29 November 2017 59/9-23-60/12-14

¹¹³ AAT000210_028

¹¹⁴ RC-A61 29 November 2017 60/16

¹¹⁵ RC-A61 29 November 2017 61/12-13

¹¹⁶ AAT000320_419

¹¹⁷ AAT000320_420

I recall well the visit to 66 Old Road of the abbot (now the cardinal) [Hume] and Fr Patrick [Barry], not in his capacity as headmaster but as confidant of the abbot, and my visit ... to see the parents (mother and stepfather it seems) and persuading them that we could handle the situation satisfactorily for them and their boy if they did not take the matter up with the civic authority.¹¹⁸

66. He concluded: 'I would only be too happy to do anything I could to resolve the present recrudescence and, particularly, to avoid the spread out of the sphere of the ecclesiastical authorities.' This statement is telling and shows that, when Dr Spencer wrote this second report on Fr Piers Grant-Ferris in 1995, his concern was to prevent the involvement of the statutory authorities, and to avoid any consequent scandal and damage to the institution, rather than to protect the children that it housed. It is plain that he was still holding onto outdated beliefs that matters of sexual abuse were better dealt with quietly, and that the reputations of the individual and the institution were more important than the welfare of the children.

67. RC-A61 told us that in 1998 Ampleforth agreed to pay for counselling, it being understood that this did not amount to an acceptance of liability.¹¹⁹ Abbot Cuthbert Madden told us that an admission of liability might invalidate the insurance cover that exists for the benefit of survivors.¹²⁰ RC-A61 told us that he has been left deeply traumatised by his experiences at Ampleforth. To this day he suffers from anxiety, depression and post-traumatic stress disorder. He told us that he was still waiting for the form of treatment he wished to receive.

68. We heard evidence that shows that RC-A61's experiences were far from isolated events. RC-A154 (see above) was also abused by Fr Piers around 1970, when he was 10 years old, after having apparently been sexually abused by RC-F1 and RC-F3, and beaten by RC-F4. He said he witnessed Fr Piers make one boy stand in front of all the others in the locker room:

He made him drop his trousers. Piers took hold of the boy's foreskin and said: 'This is what you have to do before you pee if you are not circumcised.' The boy was made to stand there for a long time. Piers seemed to excessively demonstrate what he was doing.¹²¹

69. He also recalls Fr Piers taking his temperature rectally on several occasions. 'I recall leaning over a bed with my bottom exposed ... He would fondle my [bare] buttocks ... cup them in his hands and squeeze them ... then would whack you with his hand which would be hard and cause pain and then would fondle you again.'¹²²

70. RC-A154 has said that, in addition to the abuse by the monks, he was also later abused by an older boy who befriended him when he went up to the senior school.

71. RC-A182 (who also made comments about RC-F1's behaviour) also described having his temperature taken this way. He told us that Fr Piers said that this was 'the French method'¹²³ and that, while he was taking the temperature, Fr Piers would be massaging RC-A182's bottom and masturbate as he did so.¹²⁴

¹¹⁸ EMA000541_001

¹¹⁹ RC-A61 29 November 2017 62/9-13

¹²⁰ Abbot Cuthbert Madden 5 December 2017 127/10-14. This is not necessarily unusual

¹²¹ RC-A154 5 December 2017 8/15-24

¹²² RC-A154 5 December 2017 9/23-10/1-6

¹²³ RC-A182 29 November 2017 77/17

¹²⁴ RC-A182 29 November 2017 78/7-25, 79/1-8

72. Another former pupil RC-A156 also said that when he was nine or 10 years old, Fr Piers inserted a thermometer and also his fingers into his anus, while fondling his genitals.¹²⁵ Another boy, RC-A90 told the police that one evening Fr Piers exposed himself to a group of pupils in his private room. On another occasion, he removed RC-A90's shorts, pushed his underwear into his anus and beat his bare buttocks.¹²⁶ RC-A157,¹²⁷ RC-180,¹²⁸ RC-A1533,¹²⁹ RC-A185,¹³⁰ RC-158¹³¹ and RC-183¹³² all described similar incidents where Fr Piers would force them to strip, beat them on their bare buttocks and/or insert a thermometer into their anus, in some cases while masturbating.

73. As explained above, following the Nolan Report in 2001, Abbot Timothy Wright sought the input of Dr Elizabeth Mann, having met her at a conference. He invited her to Ampleforth to meet with members of the community and, following this, her role at Ampleforth was to:

*assist the abbot in the management of Fr Piers and Fr Gregory ... to assess the young people applying to join the religious life ... to assess people who the abbot was proposing to change their role and [to provide] a kind of general psychological help for monks that he or they felt needed some psychological help.*¹³³

It was on Elizabeth Mann's recommendation that Abbot Timothy Wright contacted Dr Ruth Mann and asked her to carry out a risk assessment on Fr Piers Grant-Ferris.

74. By this time, Fr Piers was acting as a parish priest in the nearby village of Osmotherley, where he had been since 1998.¹³⁴ Dr Ruth Mann met and interviewed Fr Piers, completing her assessment in October 2001.¹³⁵ She concluded that Fr Piers posed a risk to children and recommended that he be recalled from the parish and placed in a secure environment where he would have no unsupervised contact with children.¹³⁶ As discussed below, the abbot failed to follow these recommendations. As a result, the Manns reported the case to the statutory authorities in July 2003.¹³⁷

75. On 26 January 2006, following the NYP investigation, Operation Ellipse, Fr Piers was convicted of 20 counts of indecent assault against 15 separate former Gilling Castle pupils from 1965 to 1975, including RC-A61. He was sentenced to two years' imprisonment¹³⁸ and to registration on the Sex Offenders Register for a period of 10 years. He was also barred from working with children until further notice of the court.¹³⁹ While Fr Piers was in prison, Abbot Cuthbert Madden consulted the Congregation for the Doctrine of the Faith in Rome on suitable restrictions for him on release. Having been presented with these restrictions, Fr Piers opted to petition the Holy See for a dispensation from monastic life and from the priesthood.

¹²⁵ [AAT000128_321-325](#)

¹²⁶ [AAT000128_141-145](#)

¹²⁷ [AAT000128_169-173](#)

¹²⁸ [NYP000251_001-005](#)

¹²⁹ [AAT000128_115-120](#)

¹³⁰ [AAT000128_522-525](#)

¹³¹ [AAT000128_265-275](#)

¹³² [AAT000128_431-436](#)

¹³³ [EMA000748_014](#) paragraph 11.1.a, [AAT000320_448](#)

¹³⁴ [David Molesworth 1 December 2017 76/12-13](#)

¹³⁵ [AAT000320_448-457](#)

¹³⁶ [AAT000320_448-457](#)

¹³⁷ [David Molesworth 1 December 2017 74/2-8](#)

¹³⁸ [AAT000965_012](#) paragraph 66

¹³⁹ [AAT000328_003](#) paragraph 2.8

His request was approved on 12 January 2007. On 25 January 2007, he was released from prison¹⁴⁰ and the abbey provided him a place to live, where he remained until his death on 8 October 2015.¹⁴¹

Fr Gregory Carroll (1970s–1980s)

76. Fr Gregory Carroll taught at Gilling Castle and at the junior house at Ampleforth College in the 1970s and 1980s.¹⁴² During this period, he was also the warden of Redcar Farm, a facility on the south side of the Ampleforth valley used for outward-bound school activities.¹⁴³ Fr Gregory often asked young boys to help with work at Redcar Farm and abused several of them there.¹⁴⁴

77. Police records show that in around 2005 at least six men (RC-A316, RC-A294, RC-A110, RC-A111, RC-A88 and RC-A112) said that Fr Gregory had sexually abused them as children at school at the junior house. Their accounts spanned from the early 1970s to the late 1980s. They variously said that when they had gone to the farm, Fr Gregory would expose himself, touch the boys' genitals and ask them to touch him, encouraging mutual masturbation, sometimes in the presence of other boys. Such encounters also took place at the porters' lodge, which was on school grounds. One boy, RC-A316, said that Fr Gregory invited him to take it a stage further, but that he ran away. None of these boys complained at the time of the incidents, and only three (RC-A110, RC-A111, RC-A112) made police statements.¹⁴⁵

78. However, in 1987, before these disclosures, Fr Gregory told the then headmaster of the junior house, Fr Dominic Milroy, that he had had inappropriate sexual contact at Redcar with a pupil, RC-A87. He suggested it was an isolated incident and said nothing about any other pupils. Fr Milroy suspended Fr Gregory and reported him to Abbot Patrick Barry. RC-A87's parents were notified; they told school that they wished for the incident to be dealt with internally. No records were kept of the decision to suspend Fr Gregory.¹⁴⁶

79. As with Fr Piers, no disclosure was made to the statutory authorities. Instead, Abbot Barry removed Fr Gregory from school in 1987. He was sent to the parish at Workington, where Fr Piers had also been sent in 1977, and arrangements were made for him to see a consultant psychiatrist, Dr Kamlana,¹⁴⁷ annually. On this occasion, unlike with Fr Piers, the parish priest was made aware of what had happened at Ampleforth¹⁴⁸ and was told that Fr Gregory was not to work with or be left alone with children. No other restrictions were put in place within the parish.¹⁴⁹

80. Dr Kamlana's assessments consistently found that Fr Gregory posed a low level of risk. For example, in February 1995 he wrote to Abbot Barry that 'his paedophilic fantasies have abated and his sexual fantasies are mostly adult and heterosexual ... it is unlikely that he would act on his paedophilic fantasies again'.¹⁵⁰ In 2001, he wrote to the new abbot

¹⁴⁰ [AAT000965_012](#) paragraph 67

¹⁴¹ [AAT000210_028](#)

¹⁴² [AAT000671_005](#)

¹⁴³ [AAT000210_035](#)

¹⁴⁴ [EMA000748_040-41](#) paragraph 11.4.c

¹⁴⁵ [NYP000217](#), [NYP000220](#)

¹⁴⁶ [NYP000455_003](#)

¹⁴⁷ [Abbot Cuthbert Madden 5 December 2017 43/13-14, 44/1-3](#); [AAT000210_035](#)

¹⁴⁸ [Abbot Cuthbert Madden 5 December 2017 44/6](#)

¹⁴⁹ [AAT000145_006](#)

¹⁵⁰ [AAT000820_005](#)

Timothy Wright that 'Father Gregory Carroll is not a risk working in the parish'. One of the main reasons he gave for this was that Fr Gregory 'no longer views relationships primarily in terms of power and has narcissistic object choice, which are considered as a risk factor in paedophiles'.¹⁵¹ Fr Gregory subsequently told Dr Elizabeth Mann that he had become attracted to two altar servers aged nine or 10 and 12 or 13. Although he told her that he had not acted on his feelings, Fr Gregory admitted that if circumstances had been different he might have done.¹⁵² It had therefore been inappropriate to send Fr Gregory to Workington, as it had been with Fr Piers Grant-Ferris before him.

81. Fr Gregory was removed from Workington in October 2002 and transferred back to Ampleforth 'in light of [Ampleforth's] increasing knowledge of the problems associated with the sexual abuse of children'.¹⁵³ This, however, was over a year after the Nolan Report and that 'knowledge' should have prompted Ampleforth to act with a greater sense of urgency. According to Dr Elizabeth Mann, Abbot Timothy Wright's reason for returning Fr Gregory to Ampleforth was that he felt 'the Bishop of Workington would be horrified if he knew there was a monk from Ampleforth in one of his parishes who had sex troubles with children'. Thus while the parish priest had been told, it seems that the bishop had not. Dr Mann commented that 'in order "to cover himself" in light of the Nolan Report, Abbot Timothy had given Fr Gregory a choice between going away on a course or speaking to me on his return to Ampleforth. He chose to work with me.' It is plain that Abbot Wright's first concern was Ampleforth's reputation rather than the welfare of children with whom Fr Gregory might have contact.

82. Fr Gregory was housed in Plantation House, a building located in the grounds of Ampleforth, approximately two miles south of the abbey,¹⁵⁴ just north of Redcar Farm, the site of many of his acts of abuse. Abbot Timothy Wright asked Dr Elizabeth Mann to carry out a risk assessment. Dr Mann requested access to the files on Fr Gregory held by the abbey to conduct a full assessment and make the appropriate recommendations but, despite Fr Gregory giving his own consent, the abbot refused. He then withdrew from his role of commissioning reports and delegated his prior, Fr George Corrie, to liaise with Dr Elizabeth Mann. The abbot also told Dr Mann that he would not sign the protocol agreement they had agreed, and that he would not release the papers concerning past incidents to her.¹⁵⁵ After extensive correspondence, both with the abbot and Fr George Corrie, Dr Mann referred Fr Gregory's case to social services on 22 October 2003.

83. Dom Timothy Wright was too ill to attend the public hearings. He did not address the matter in his written statement to the Inquiry and he died in May 2018. Abbot Cuthbert Madden has however recognised that 'it was clearly inappropriate that they [Fr Piers Grant-Ferris and Fr Gregory Carroll] were ever sent to a parish. It was quite wrong. Very very mistaken.'

¹⁵¹ [AAT000821](#)

¹⁵² [EMA000748_041](#) paragraph 11.4.c

¹⁵³ [AAT000145_007](#) paragraph 4.4.

¹⁵⁴ [NPS000001_008](#) paragraph 57

¹⁵⁵ [EMA000748_039](#) paragraph 11.4.a

84. Ampleforth failed in this regard, and in its safeguarding duty. As we shall see, during Operation Ellipse, Fr Gregory Carroll was arrested and charged with 15 counts of indecent assault and five counts of gross indecency. He pleaded guilty and was sentenced to four years' imprisonment on 23 September 2005. In January 2006, this sentence was reduced, on appeal, to three years' imprisonment.¹⁵⁶

85. Following his release from prison, he lived first at Ampleforth Abbey until September 2012, with the approval of the local multi-agency public protection arrangements (MAPPA) board. Then the Department for Education (DfE) informed Abbot Cuthbert Madden that the arrangement was incompatible with national boarding standards.¹⁵⁷ In the light of this, Abbot Cuthbert Madden decided that Fr Gregory had to leave Ampleforth and he was sent to Pluscarden Abbey, a strictly contemplative community with no external mission. The entire Pluscarden community was made aware of his history and offending, and he was also bound by a disciplinary decree and a Covenant of Care. In June 2013, however, Fr Gregory developed a fixation towards a young novice and propositioned him on two separate occasions, in breach of his Covenant of Care.¹⁵⁸ As a result, Fr Gregory infringed the conditions and Abbot Cuthbert Madden gave him a formal warning. He infringed again and his case was referred to the CDF for dismissal action. He was immediately removed from the community and placed in a MAPPA-approved safe house in York, where he lived until his dismissal from Ampleforth was processed. He subsequently petitioned for a dispensation and was laicised in 2013.¹⁵⁹

RC-F8 (late 1970s–1980s)

86. RC-F8 was a monk who taught at Ampleforth College during the 1970s and 1980s.

87. RC-A215 attended Ampleforth College from 1978 to 1986. He started in the junior house, at the age of 10. RC-A215 has said that there was a 'culture of violence' at the school and that he was physically abused by members of staff, including RC-F8, in his first term. He has described one incident, in or around 1978–1981, when RC-F8 made him remove his underwear and bend over a bed, with his buttocks exposed. RC-F8 then stood and looked at RC-A215 for some time, before beating his bare bottom. RC-A215 believes that this was done for sexual gratification and that other boys may have suffered the same treatment.¹⁶⁰ He reported the matter to the police in 2004 or 2005, including his belief that the physical assault may have been sexually motivated. Another ex-pupil reported to the police that he would often see RC-F8 with an erection during swimming lessons.¹⁶¹

88. In February 2006, the Crown Prosecution Service (CPS) advised NYP that while RC-F8 appeared to have exhibited 'inappropriate behaviour', there was insufficient evidence to prosecute.¹⁶² By that stage, RC-F8 had left Ampleforth and as with Fr Piers and Fr Gregory before him, he was moved to the parish of Workington.¹⁶³ In a meeting held towards the end of Operation Ellipse, in April 2006, Abbot Cuthbert Madden told police that RC-F8 worked at a small parish on his own at weekends and resided with a group of monks during the

¹⁵⁶ [NYP000490_024](#) paragraph 98

¹⁵⁷ [AAT000281](#)

¹⁵⁸ [Abbot Cuthbert Madden 5 December 2017 117/8-11](#)

¹⁵⁹ [AAT000966_038](#) paragraph 184.a

¹⁶⁰ [NYP000456_001-003](#)

¹⁶¹ [NYP000490_032](#) paragraph 143

¹⁶² [NYP000490_032](#) paragraph 144

¹⁶³ [NYP000511_009](#) paragraph 63

week. DSU Honeysett's view at the time was that unless the school was aware of any other allegations in his case, there was insufficient material to indicate that he presented a risk to children.¹⁶⁴

89. The police took the view that this was a case of excessive corporal punishment only. As a result, no further action was taken and RC-F8 was neither arrested nor interviewed.¹⁶⁵ In our view such further inquiries would have been the logical step to take and would have been appropriate. Deputy Chief Constable (DCC) Lisa Winward of the NYP agreed that it would have been proportionate to arrest and interview RC-F8 at the time of the first complaint in 2006.¹⁶⁶

90. In January 2015, David Lowe, a former music teacher at Ampleforth College, stood trial and was convicted of multiple counts of indecent assault against pupils in the 1980s (see further below). In the wake of the publicity of his trial, RC-A215 contacted the NYP and repeated his original complaint against RC-F8.¹⁶⁷ A multi-agency meeting was held on 31 July 2015, with the NYP, the Ampleforth safeguarding coordinator and the local authority designated officer (LADO). It was decided that RC-F8 should be removed from the parish, where it had been confirmed that he had access to children. He returned to Ampleforth Abbey in August 2015 pending the completion of the police investigation. A disciplinary decree was put in place during this period, to ensure that he had no unsupervised contact with children.¹⁶⁸

91. RC-F8 voluntarily attended a police interview. He admitted corporal punishment but denied gaining any sexual gratification from it. No assault charges could be brought as by that stage they were time-barred.¹⁶⁹

92. In September 2015, RC-F8 was permitted to return to his parish, after completing a one-day safeguarding course. This decision was supported by the archdiocese of Liverpool and the diocese of Lancaster.¹⁷⁰

David Lowe (1978–1982)

93. David Lowe was a lay music teacher who taught at Westminster Cathedral Choir School from 1977 to 1981, before moving to Ampleforth at short notice in 1981. It is now known that Lowe sexually abused at least three boys at Westminster Cathedral Choir School,¹⁷¹ but the reason for the move is not clear. There is a note from Fr Dominic Milroy, dated 22 July 1981, in which Fr Dominic Milroy says that he has 'spoken on the telephone at length with Peter Hannigan who employed David Lowe at Westminster'. The suggestion was that Lowe was having some personal problems when he was offered the job at Ampleforth, but there is no indication of concerns about his behaviour, or of allegations of child sexual abuse having

¹⁶⁴ [AAT000073_010](#)

¹⁶⁵ [NYP000511_009](#) paragraph 63

¹⁶⁶ [DCC Lisa Winward 1 December 2017 115/22-25](#)

¹⁶⁷ [DCC Lisa Winward 1 December 2017 116/23-25, 117/1-11](#)

¹⁶⁸ [DCC Lisa Winward 1 December 2017 118/4-15](#)

¹⁶⁹ [DCC Lisa Winward 1 December 2017 117/4-11](#)

¹⁷⁰ [AAT000042](#)

¹⁷¹ [NYP000105](#)

been discussed.¹⁷² The process by which he was appointed was very quick, as Ampleforth needed to find a replacement for his predecessor who had left at short notice, which Fr Dominic Milroy has described as being 'slightly unsatisfactory'.¹⁷³

94. After moving to Ampleforth, David Lowe went on to abuse at least four children between 1981 and 1984.¹⁷⁴

95. RC-A207 was a pupil at Ampleforth between 1979 and 1988. He joined the school when he was 10 years old. David Lowe touched him in a sexual manner on three occasions between 1981 and 1984. On one of these he was feeling unwell and on a pretext of helping, Lowe began to massage his back and then slid his hands into his pyjamas¹⁷⁵ and touched his buttocks.¹⁷⁶ RC-A208 was at Ampleforth between 1980 and 1982. He told police that when he was aged 10 or 11, Lowe put him over his lap and cupping his genitals 'under the pretext of inspecting his bottom'. RC-A209 was nine years old when he started school at Ampleforth in 1982. At some point between 1982 and 1984 Lowe kept him behind after class, to be punished. Lowe told him to remove all his lower clothing and struck him on his bare bottom with a shoe. RC-A210 was another pupil from 1981 and 1989 and was taught piano by Lowe from 1981 to 1982. He has recalled how Lowe would put him on his knee while he was playing and, on multiple occasions, would place his hands on his crotch area.¹⁷⁷

96. There is no record of Lowe's victims coming forward at the time, nor is there any suggestion that the school was aware of the abuse. The allegations first came to light during Operation Ellipse after NYP contacted former Ampleforth pupils.¹⁷⁸ RC-A207 spoke to an officer by telephone in December 2004. The report of that conversation outlines several indecent assaults, or attempted indecent assaults, against him by David Lowe on and off school premises. These occurred around 1981 when RC-A207 was aged 10 or 11 years old. The off-site incident was said to have taken place at Lowe's home. The report also details that Lowe left the school abruptly, amidst rumours of him touching another pupil inappropriately. Two further reports dated February 2005 record allegations of indecent assault by Lowe against RC-A111 and RC-A209.¹⁷⁹

97. NYP conducted enquiries with Ampleforth to trace Lowe. However there is no record in the Operation Ellipse documents to show that any complainant statements were taken. No further investigation into these allegations was conducted by Operation Ellipse, despite a clear account of criminal conduct being disclosed in respect of RC-A207.¹⁸⁰ The NYP did, however, seek advice from the CPS on the basis of the information they had from RC-A207. In 2006, the CPS advised that while Lowe's behaviour towards RC-A207 was 'probably an assault', it was 'minor in nature'. The CPS concluded that it was not in the public interest to 'resurrect it at this stage'.¹⁸¹

¹⁷² [AAT000027_123](#)

¹⁷³ [AAT000027_081](#)

¹⁷⁴ [NYP000104](#)

¹⁷⁵ [CPS002848_12](#) paragraph 52

¹⁷⁶ [NYP000104_001](#)

¹⁷⁷ [CPS002848_12-13](#) paragraphs 53-55

¹⁷⁸ [DCC Lisa Winward 1 December 2017 120/613](#)

¹⁷⁹ [NYP000511_10](#) paragraph 72

¹⁸⁰ [DCC Lisa Winward 1 December 2017 121/13-25, 122/1-2](#)

¹⁸¹ [DCC Lisa Winward 1 December 2017 122/10-16](#)

98. In 2012, the Metropolitan Police Service in London received a complaint of historical child sexual abuse at Westminster Catholic Choir School. Police enquiries then revealed that David Lowe had abused students there between 1978 and 1981 before going on to teach at Ampleforth. The police investigation also identified the four Ampleforth victims.¹⁸² In November 2014,¹⁸³ Lowe was charged with 15 counts of indecent assault on boys under 14 years, relating to his abuse of pupils both at Ampleforth and Westminster.¹⁸⁴ He pleaded not guilty but in February 2015 he was convicted by a jury on all counts and sentenced to 10 years' imprisonment.¹⁸⁵

99. In her evidence to us on behalf of the North Yorkshire Police, DCC Winward accepted these failings, and has agreed that the NYP should have taken statements, should have located and interviewed Lowe, and should have dealt with the complaint at the time it was made.¹⁸⁶

100. There were numerous failings in the NYP's handling of this case. While David Lowe did not go on to teach after Ampleforth, he should have faced prosecution some 10 years earlier than he did.¹⁸⁷ The NYP should have made greater efforts to locate and interview Lowe, to follow up complainants and to take formal statements from them. Delays such as these inevitably make the process of gathering accounts and evidence of past allegations much more difficult.

RC-F40 (1980s-1990s)

101. RC-F40 was a lay teacher at Ampleforth College during the summer term of 1989.¹⁸⁸

102. In 1998 or 1999, the father of a pupil, RC-A60, threatened Ampleforth with legal action for allegedly failing to protect RC-A60 from bullying. Fr Chamberlain told us that the school had 'looked carefully' into the bullying allegations but ultimately concluded 'in the end they were without merit'. No complaint of sexual abuse was raised at that time.¹⁸⁹ In 2008, RC-A60's father again complained to school on his son's behalf and said that RC-F40 had repeatedly raped RC-A60 in 1989.

103. The allegation of rape made in 2008 was referred to the police by the school. Although attempts were made by NYP through Interpol to trace RC-F40, believed to be living in Kuwait at the time,¹⁹⁰ the police's view was that they could take no further action without a formal complaint being made by RC-A60 himself. It appears that no such complaint was made.

104. RC-A60 committed suicide in July 2013. In August 2013, his father renewed his complaint, saying that Ampleforth had failed in its duty of care towards his son and that the headmaster at the time, Fr Dominic Milroy, and his son's housemaster had been aware of RC-F40's abusive behaviour.¹⁹¹

¹⁸² [DCC Lisa Winward 1 December 2017 119/4-22](#)

¹⁸³ [NYP000511_010](#) paragraph 70

¹⁸⁴ [CPS002848_013](#) paragraph 56; [DCC Lisa Winward 1 December 2017 119/23-25, 120/1-4](#)

¹⁸⁵ [CPS002848_013](#) paragraph 57

¹⁸⁶ [DCC Lisa Winward 1 December 2017 122/18-25](#)

¹⁸⁷ [DCC Lisa Winward 1 December 2017 120/25, 121/1-6](#)

¹⁸⁸ [CPS002848_008](#) paragraph 24

¹⁸⁹ [Fr Leo Chamberlain 4 December 2017 36/18-23](#)

¹⁹⁰ [MID000028_001](#) paragraph 2.2

¹⁹¹ [AAT000511_120-121](#)

105. On 6 September 2013, Mick Walker, safeguarding coordinator for AAT and Middlesbrough diocese, attended a meeting convened by the LADO at which it was decided that the police should further investigate the claims.¹⁹²

106. Allegations of indecent assault dating back to 1989 were subsequently made by three former pupils, all of whom had been 11 or 12 years old at the time. RC-A296 told police that RC-F40 took him to a private area and smacked him on his bare buttocks while either touching or cupping his penis. Another boy, RC-A297 said that he had been punished by RC-F40 by being made to go on a cross-country run. RC-F40 had accompanied him and told him to perform sit-ups. When he refused, RC-F40 is said to have laid on top of him and held him down while pressing his face close to his. RC-A199, while not himself abused, told police that on one occasion in school infirmary he had seen RC-F40 go to the bed of RC-A212 where he was lying asleep at the time. He said that he saw RC-F40 stroke RC-A212 and kiss him on the head.¹⁹³

107. RC-F40 was arrested at Heathrow Airport in December 2014,¹⁹⁴ and the CPS authorised four charges of indecent assault covering the conduct complained of by RC-A296, RC-A297 and RC-A199. RC-F40 pleaded not guilty to all counts and was tried at York Crown Court in September 2015. Two counts were abandoned by the prosecution at the start of the trial and RC-F40 was acquitted of the remaining two.¹⁹⁵ As indicated above, RC-A60 had never himself made a formal complaint, and by this time had committed suicide, so the rape allegation was never prosecuted.

RC-F27 (1980–1987)

108. RC-F27 is a monk who taught at Ampleforth College between 1965 and 1980. He continued to hold a role in school that would bring him into contact with pupils until 2002.

109. Two pupils, RC-A223 and RC-A99, have alleged that RC-F27 groomed them to enter into sexual relationships with them when they were older.¹⁹⁶ There are also accounts of inappropriate sexual behaviour by RC-F27 towards adults.

110. RC-A223 attended Ampleforth College between 1980 and 1985, and met RC-F27 because of his role at the school. RC-A223 has said that there was a lot of ‘emotional contact’ between himself and RC-F27,¹⁹⁷ who seems to have been a valued confidant during RC-A223’s adolescence. There is evidence of intensive correspondence between the two,¹⁹⁸ including of a sexual nature.¹⁹⁹ RC-A223 has also said that on one occasion RC-F27 put his hands inside his underwear.²⁰⁰

¹⁹² [AAT000211_003](#)

¹⁹³ [CPS002848_008](#) paragraphs 24–27

¹⁹⁴ [AAT000211_003](#)

¹⁹⁵ We understand that a charging decision is awaited from the CPS in respect of similar complaints of indecent assault made by four other former pupils, two of whom made statements to the police at around the same time as the initial complainants and two which were received after RC-F40’s trial. These were passed to CPS in August 2017 ([CPS002848_010](#) paragraph 35)

¹⁹⁶ [AAT000940](#), [AAT000571](#)

¹⁹⁷ [AAT000940_001](#)

¹⁹⁸ [AAT000889](#)

¹⁹⁹ For example [AAT000889_011-012](#) and [AAT000889_015-016](#)

²⁰⁰ [AAT000940_001](#)

111. After leaving Ampleforth in 1985, RC-A223 went on holiday with RC-F27 twice, in 1986 and 1989.²⁰¹ He shared a bed with RC-F27 on one of these trips. During another encounter, RC-F27 beat RC-A223 across the buttocks with a cane.²⁰² In 1987, RC-A223 returned to the abbey as a guest, and the two engaged in mutual masturbation.²⁰³

112. In 1995, RC-A223 started having psychotherapy. His correspondence with RC-F27 was reviewed by his therapist who suggested that he should contact Abbot Patrick Barry, which he did. It seems that RC-A223 subsequently met with Abbot Barry in 1997, however Mick Walker, Ampleforth's safeguarding coordinator, has said that he has found no records of this meeting.²⁰⁴ From the evidence we have seen, it appears that no action was taken by Ampleforth at the time.

113. In 2001, RC-A223 renewed his complaint, to Abbot Wright. Abbot Wright asked RC-F27 to undergo a risk assessment.²⁰⁵ RC-F27 initially refused²⁰⁶ but Abbot Wright insisted, and the assessment was conducted by Alice Newman of the Lucy Faithfull Foundation (LFF) in 2002. During the assessment, RC-F27 admitted to the sexual relationship with RC-A223. He also described another encounter, which followed a similar pattern, with a 14-year-old pupil. RC-F27 told Ms Newman that the two had developed a 'friendship'. In 1993, a year after the young man left Ampleforth, RC-F27 invited him on a trip to France. RC-F27 said:

We slept together in the course of the fortnight. I had the feeling I needed to be close to someone. This occurred on three nights. Twice at my request and once ... he asked me to come into his bed. This was the most satisfying to me – there was no masturbating.

While it appears that there was no penetration on that occasion, Ms Newman's view was that:

RC-F27 sought to meet his need for affection, intimacy and being in control by sexualising some of his relationships with his pupils. By his own account, he would foster relationships with certain boys at school, would begin to introduce a sexual agenda in the course of his conversations with them there, and, in some cases, would then act out upon his sexual activities when the boys had left school, if he was able to create an opportunity to do so. It appears that he 'targeted' boys who were particularly vulnerable for one reason or another ...²⁰⁷

114. Ms Newman recommended that RC-F27 undergo psychotherapy²⁰⁸ and concluded that he represented 'an ongoing risk of sexual abuse to adolescent males with whom he can form a relationship'. Because RC-F27 no longer had any involvement with school at that stage (as he was working in the monastery), she decided that it was unlikely that he would have the opportunity 'to foster and sexualise relationships with young people' and she recommended against his performing 'pastoral duties amongst the young, such as religious instructions and hearing confessions, as well as ongoing contacts with families who have male children'. She

²⁰¹ [AAT000940_001](#)

²⁰² [AAT000822_008](#) paragraphs 32-34

²⁰³ [NYP000451_004](#)

²⁰⁴ [AAT000490_001](#)

²⁰⁵ [Abbot Cuthbert Madden 5 December 2017 110/7-11](#)

²⁰⁶ [Dom Richard Yeo 12 December 2017 133/25; 134/1-2](#)

²⁰⁷ [AAT000822_090](#) paragraph 38

²⁰⁸ [AAT000822_012](#) paragraphs 49-51

concluded that RC-F27's 'risk' seemed to be towards particularly vulnerable young men and said that he should not be placed in a position where he is expected to advise and support prospective or actual novices.²⁰⁹

115. During an August 2003 meeting between the Ampleforth Abbey trustees and the statutory authorities, RC-A223's case was discussed. RC-F27 had denied the allegations, but the prevailing view was that he may well have groomed students and that he posed an ongoing risk to adolescent males. However, it was found that 'his opportunity for inappropriate conduct is greatly diminished' on the basis that he was no longer involved with school or with novices and had been barred from undertaking parish work.²¹⁰ That same year, RC-F27 was referred to a psychotherapy centre in York,²¹¹ in accordance with Ms Newman's recommendation.

116. RC-F27 was allowed to remain in the abbey. We have been told that he was monitored at all times and not permitted to go anywhere near school or to have any contact with people under the age of 19,²¹² and that the community and school were made aware of the position.²¹³ Parents were not informed.²¹⁴

117. RC-F27 was eventually given work in the abbey shop. As will be seen below, this decision was heavily criticised by Dr Elizabeth Mann in April 2003.²¹⁵

118. RC-A223's account was subsequently investigated by NYP as part of Operation Ellipse. However, he did not wish to engage with the authorities and police did not pursue a prosecution. The matter was investigated by police again in 2012 after RC-A223 renewed his complaint. This time they took the view that there was insufficient evidence to proceed. During this time RC-F27 remained living at Ampleforth.

119. In 2013, for the first time, RC-F27 admitted to Abbot Cuthbert Madden that he had indeed been in a sexual relationship with RC-A223.²¹⁶ The abbot notified the police and social services and in June 2013 the safeguarding commission became involved in managing RC-F27 and drew up a Covenant of Care and Disciplinary Decree.²¹⁷ On 15 June 2013, Abbot Madden wrote to the Bishop of Middlesbrough and requested that RC-F27's faculties concerning preaching, hearing confessions and celebrating sacraments within the diocese of Middlesbrough be revoked. The revocation was approved by the bishop on 21 June 2013.²¹⁸

120. In June 2014, RC-F27 sought to appeal his Covenant of Care. The Holy See however not only determined that the conditions were appropriate, but that if RC-F27 failed to adhere to them he should be dismissed from monastic life.²¹⁹

121. In November 2014, another victim came forward. RC-A99 claimed that RC-F27 had attempted to groom him and had, on one occasion, hugged him in such a manner that he could feel his erect penis. The allegations were made to RC-F91 (see below) and to Mick

²⁰⁹ [AAT000822_011](#) paragraph 47

²¹⁰ [AAT000671_013](#) paragraph 4.8

²¹¹ [AAT000307_034](#)

²¹² [Abbot Cuthbert Madden 5 December 2017 107/21-25; 108/1-4](#)

²¹³ [Abbot Cuthbert Madden 5 December 2017 106/24-25; 107/1-3](#)

²¹⁴ [Abbot Cuthbert Madden 5 December 2017 107/4-7](#)

²¹⁵ [EMA000748_027-032](#) paragraph 11.2

²¹⁶ [NYP000451_003](#)

²¹⁷ [AAT000804_004](#) paragraph 5.4, [AAT000618_003](#) paragraph 7.2, [AAT000228_041](#)

²¹⁸ [MID000037](#)

²¹⁹ [Abbot Cuthbert Madden 5 December 2017 108/15-25](#)

Walker, who referred them to the statutory authorities. In 2015, NYP indicated that no further action would be taken as there was insufficient evidence to proceed. The abbey agreed to fund a course of counselling for RC-A99 but without any admissions as to liability being made.²²⁰

122. A further risk assessment was commissioned by Abbot Madden, in late 2015. RC-F27 admitted having sexual relationships with four former pupils, including RC-A223, who at the time were aged between 18 and 20 years. The assessment found that he continued to pose a risk and that the restrictions should be maintained.²²¹

123. RC-F27 still resides at Ampleforth. Abbot Cuthbert Madden told us that, although he considers RC-F27 to be an ongoing risk,²²² both Ampleforth and the statutory authorities share the view that it is better for RC-F27 to be in the abbey, where he can be monitored.²²³ RC-F27's case was referred to the Disclosure and Barring Service in 2016 and he may ultimately be removed from Ampleforth, depending on their findings.²²⁴

RC-F16 (1989–1991)

124. RC-F16 was a monk who joined Ampleforth as a teacher in 1978. He was removed from post in 2002, when information was received that he had groomed RC-A96, a pupil in the mid-1980s.²²⁵ It was said that the two of them swam together naked on one occasion and showered together on two occasions. It was also said that they would, on occasion, share a bed. RC-F16 is also said to have fondled RC-A96's genitals. On an occasion in 1991, after RC-A96 had turned 18, he invited RC-F16 to stay at his family home while his parents were away, the two had engaged in mutual oral sex.

125. The allegation came from a third party in 2002,²²⁶ and so further details of the account and the way school handled it post-Nolan are set out below. In summary, in April 2002, RC-F16 was suspended from his post at school.²²⁷ He was assessed by Joe Sullivan of the LFF. The LFF is a UK-wide specialist child protection charity founded in 1992. It provides a broad range of services connected to the prevention of child sexual abuse and the protection of victims. These include undertaking expert clinical assessments of known or suspected perpetrators of child sexual abuse, providing treatment and care for victims of abuse and their families, and training for professionals, school governors and parents on issues related to sexual offences against minors. The foundation's staff includes former probation and police officers, health workers and psychologists.²²⁸ Sullivan recorded in his report that RC-F16 had admitted to acting in a sexually inappropriate manner towards RC-A96 while he was a pupil, and to the sexual encounters after RC-A96 had left school.²²⁹ The assessment report concluded that RC-F16's continued work as a teacher was untenable.²³⁰

²²⁰ [AAT000550](#)

²²¹ [NYP000451](#)

²²² [Abbot Cuthbert Madden 5 December 2017 106/14-16](#)

²²³ [Abbot Cuthbert Madden 5 December 2017 111/1-5](#)

²²⁴ [AAT000954_015](#) paragraph 47

²²⁵ [AAT000210_036](#)

²²⁶ [AAT000210_036](#)

²²⁷ [AAT000210_036](#)

²²⁸ [LFF000007_002](#) paragraphs 2.1–2.3

²²⁹ [AAT000503_017](#) paragraph 51

²³⁰ [AAT000503_018](#) paragraph 55

126. RC-F16 was placed on List 99 (now the Barred Children's and Barred Adults' Lists) in February 2003 by the Department for Education. That same year he was suspended from the priesthood by Abbot Wright and removed from the abbey for three years. RC-F16 did not return to Ampleforth at the end of the three-year period and in 2013 was permanently dismissed from monastic life.²³¹

RC-F18 (1990s)

127. RC-F18 was a monk who taught at Ampleforth College from 1987 until 1993, and then at the newly formed Ampleforth College Junior School where he held a significant post, remaining there until 2000. He was appointed to work in the abbey shop, becoming co-manager in 2003.²³²

128. On 14 January 2004, a solicitor acting on behalf of RC-A123, a former Ampleforth pupil, contacted NYP and said that RC-A123 had been sexually abused by RC-F18 over a three-year period,²³³ between 1990 and 1993. RC-A123 said that the abuse had started within his first week at the junior house one night when he was in bed. RC-F18 would come into the dormitory and tickle him under his bedclothes, leading up to touching his genitals both over and under his pyjamas. RC-F18 would suck on RC-A123's index finger when abusing him in this way. On other occasions, RC-F18 gave him alcohol and anally raped him. He was also sent on 'punishment' runs at night to the T-junction outside the Ampleforth grounds. He would be punished if RC-F18 arrived at the junction before him in his car. The punishment consisted of being anally raped while bent over the bonnet of the car. RC-A123 referred to five or six other boys being called to RC-F18's office, given alcohol and forced to kneel and administer oral sex to him in turn. The final allegation made by RC-A123 was that, when he was in year 3, RC-F18 inserted what he believes to have been cutlery into his anus.²³⁴

129. At the time these allegations were made in 2004, RC-F18 was still a senior member of the Ampleforth community.²³⁵ He was arrested in February 2004 for several offences including buggery, indecent assault and incitement to commit gross indecency offences. His computer was also seized and searched as part of the police enquiry; pornographic material was found, as well as evidence that he had posed as a 19-year-old girl in order to engage in sexually explicit online chats with males.²³⁶ DSU Honeysett told us that while this material 'clearly indicated an interest in adolescent boys, there was no evidence to show that those boys were [in fact] under age'.²³⁷

130. RC-F18 was interviewed multiple times but denied all allegations of abusing any children.²³⁸ In June 2004, the CPS reviewed the file and advised that there was no realistic prospect of conviction.²³⁹ This decision is addressed in more detail later.

²³¹ [AAT000210_037](#). We understand that a further account of historic grooming and sexual assault was made against RC-F16 in 2017. This is currently being investigated by the NYP - [NYP000414_004](#)

²³² [AAT000210_037](#)

²³³ [NYP000490_024-025](#) paragraph 103; DS Barry Honeysett 4 December 2017 [119/23-24](#)

²³⁴ [LFF000013_006-007](#) paragraphs 19-20

²³⁵ DS Barry Honeysett 4 December 2017 [120/2-3](#)

²³⁶ DS Barry Honeysett 4 December 2017 [121/20-23](#)

²³⁷ DS Barry Honeysett 4 December 2017 [123/5-10](#)

²³⁸ [NYP000490_025](#) paragraph 106

²³⁹ [NYP000490_025](#) paragraph 107

131. Abbot Wright subsequently asked Dr Stuart Carney, a clinical lecturer in psychiatry at Oxford University whose specialist field was general adult psychiatry, to conduct a risk assessment of RC-F18.²⁴⁰ He found that RC-F18 did not pose a significant sexual risk to children.²⁴¹ RC-F18 agreed to remove himself from any direct involvement with school but did remain involved in the abbey and the abbey shop, where Fr Piers and RC-F27 also worked.

132. Although no charges were ultimately brought, the police indicated that they had 'serious concerns' about RC-F18's suitability to work with children.²⁴² This was because during their investigation several other pupils who had boarded at Junior House at the same time as RC-A123 had made allegations, albeit of less serious misconduct. In particular, it was alleged that RC-F18 had encouraged the use of alcohol and given alcohol to boys aged as young as 10 to 13 at late night meetings, had showered naked with students and knowingly permitted boys to masturbate in his presence.²⁴³

133. In 2005, risk management measures were agreed with North Yorkshire Police. While he was allowed to work in the Ampleforth Abbey shop, restrictions included that RC-F18 should not have any further role with the school, that his association with children be minimal, and that he should not take confession from any person under 18.²⁴⁴

134. Two risk assessments were subsequently completed. In April 2005, Dr Carney found that there was 'little ... evidence to suggest that RC-F18 presents a significant sexual risk to minors'.²⁴⁵ In July 2007, he was reassessed by Dr Judith Earnshaw of the LFF after a referral was made by the Department for Children, Schools and Families. In her report dated December 2007, Dr Earnshaw concluded that the allegations of sexual abuse from RC-A123 were likely unfounded,²⁴⁶ but that there were sufficient concerns about RC-F18's conduct to render it inappropriate for him to carry on working with young people.²⁴⁷

135. The events that followed are set out in more detail below, but in summary, in September 2009, the Secretary of State for Children, Schools and Families made an order under section 142 Children's Act 2002 disqualifying RC-F18 from working with children and young people.²⁴⁸ In June 2010, RC-F18 was placed on the Independent Schools Authority (ISA) Children's Barred List, and in February 2012, a criminal records board check arising out of RC-F18's employment in the abbey shop led to a review of his position at Ampleforth.²⁴⁹ In September 2012 the DfE raised concerns about RC-F18's continued presence on Ampleforth grounds.²⁵⁰ RC-F18 was moved from Ampleforth to a strictly contemplative monastery with no external ministry. The receiving abbey was made aware of the allegations against him. In 2013, RC-F18 was moved to York to 'supervise' Fr Gregory Carroll. This was done at the instigation of Ampleforth's safeguarding coordinator, Mick Walker, and had the approval of MAPPA.

²⁴⁰ [AAT000198_023](#) paragraph 2

²⁴¹ [AAT000198_033](#) paragraph 4.2

²⁴² [NYP000490_025](#) paragraph 109

²⁴³ [BNT002454_001](#), [AAT000198_059-060](#) paragraphs 45-46

²⁴⁴ [AAT000198_002](#)

²⁴⁵ [AAT000198_033](#) paragraph 4.2

²⁴⁶ [LFF000013_024](#) paragraph 88

²⁴⁷ [LFF000013_025](#) paragraph 91

²⁴⁸ [NYP000490_028-029](#) paragraph 131

²⁴⁹ [NYP000490_029](#) paragraphs 132-134

²⁵⁰ [AAT000281](#)

136. After Fr Gregory Carroll was laicised, RC-F18 was sent to another abbey, a contemplative community of Benedictine nuns with no external apostolate.²⁵¹ He was placed under a Covenant of Care.²⁵² In 2014, Dom Richard Yeo, who was then abbot president of the EBC, and the archdiocese of Birmingham safeguarding commission agreed that RC-F18 could take up an appointment as assistant chaplain at the abbey.²⁵³

137. Dom Richard Yeo told us that he had some involvement in RC-F18's placement there and that, although the abbess knew that RC-F18 had been investigated, he had not told her the reasons for his move. This is dealt with more fully below.

138. RC-F18 currently works as an assistant chaplain at an abbey,²⁵⁴ and he regularly teaches at another abbey.²⁵⁵ He remains subject to the safeguarding plan (formerly known as a Covenant of Care), which was first imposed in 2012 and of which there have been no reported breaches. He remains on the Disclosure and Barring Service barred list.²⁵⁶

Fr Bernard Green (1995)

139. Fr Bernard taught at Ampleforth College between 1981 and 1995.²⁵⁷ On the evening of 25 November 1995, Fr Bernard went into the dormitory where a pupil, RC-A97, was sleeping and fondled his genitals.²⁵⁸ RC-A97, who was around 13 years old at the time, disclosed this to another pupil and together they went to Fr Cuthbert Madden, who was then a tutor, for advice. He told the boys that the matter:

absolutely ... had to come to the headmaster within the next 24 hours ... there was a potential to do that in a number of different ways: RC-A97 could go and see the headmaster; [the head of house] could go and see the headmaster; Fr Bernard could go and see the headmaster; or I could go and see the headmaster. But somehow or other, that matter had to come to the headmaster.

Fr Bernard eventually approached Fr Leo Chamberlain, who at the time was headmaster, and told him what had happened.²⁵⁹

140. The school removed Fr Bernard from his post²⁶⁰ and notified the police of the sexual assault on 28 November 1995.²⁶¹ He was arrested the next day.²⁶² The case officer at the time was Detective Sergeant (DS) Nicholas Hartnett, now retired. He told us:

²⁵¹ AAT000966_039 paragraph 184 (b)

²⁵² AAT000085

²⁵³ BNT002454_001-003

²⁵⁴ BNT002454_013

²⁵⁵ AAT000406_004 paragraph 4.4.1

²⁵⁶ NYP000414_004 paragraph 6.6.1. We understand that he has challenged this listing and that his appeal will be heard in 2019

²⁵⁷ AAT000014_001

²⁵⁸ NYP000490_011 paragraphs 50-52

²⁵⁹ Father Leo Chamberlain 4 December 2017 22/16-19, Fr Abbot Cuthbert Madden 5 December 2017 41/5-20

²⁶⁰ NYP000490_012 paragraph 59

²⁶¹ NYP000490_011 paragraph 54

²⁶² NYP000490_011 paragraph 55

Although Fr Chamberlain appeared to be cooperating and assisting the investigation ... I felt that he wanted the investigation dealt with swiftly and on his terms. Once I explained what the investigation would entail, I felt Fr Chamberlain changed and he was trying to exert his authority over me, for example he mentioned that he was on good terms with the then Chief Constable.²⁶³

DS Hartnett went on to say that Fr Leo Chamberlain was adamant that pupils would not be spoken to by police without a member of staff from Ampleforth being present, and he told us that 'again I felt he was trying to exert control over my investigation'.²⁶⁴

141. Fr Bernard Green was interviewed on 29 November 1995 and admitted what he had done.²⁶⁵ RC-A97 was due to be interviewed the next day,²⁶⁶ but then Fr Leo telephoned the police and told them that he had taken it upon himself to contact the boy's father, who was now saying that he did not want his son spoken to by police.²⁶⁷ DS Hartnett went to Ampleforth the next day to find out why there had been a change of mind. At DS Hartnett's instigation, Fr Leo telephoned RC-A97's father from his office but asked the officer to step outside while he spoke to him first. When DS Hartnett was invited back to speak to him, the boy's father reiterated his decision.²⁶⁸

142. DS Hartnett persevered and submitted the case to the CPS without a complainant's statement, which was rare in those days.²⁶⁹ Both Fr Leo and RC-A97's father wrote to the CPS suggesting that Fr Bernard should not be prosecuted. Nonetheless, the CPS agreed with DS Hartnett and charges were brought. In February 1996, Fr Bernard pleaded guilty to one count of indecent assault on a child under the age of 14 (RC-A97). He was sentenced to two years' probation, with 50 hours of community service, mandatory attendance at a sex offenders treatment programme and a five-year registration on the Sex Offenders Register.²⁷⁰

143. In July 1996, Fr Bernard was banned from undertaking teaching or related work by the DfE. This included work in independent schools and further education institutions, as well as any work with children or young persons under the age of 19.²⁷¹ In addition, his faculty to preach and hear confessions was withdrawn by the Bishop of Middlesbrough.²⁷²

144. Between August 1996 and February 1997, Fr Bernard attended a rehabilitation course for sexually offending priests at Our Lady Victory, in Brownhill. He was assessed as posing a very low risk of reoffending and found not to be a paedophile or hebephile (a homosexual paedophile).²⁷³ In April 1997, Abbot Wright arranged for Fr Bernard to move to the parish of Our Lady Mount Grace (a chapel in Osmotherley, a village in the Middlesbrough diocese)²⁷⁴ and to receive regular counselling.²⁷⁵ We note that this is the same parish to which Fr Piers Grant-Ferris was sent in 2002 and RC-F95 in 2006. Although

²⁶³ DS Nicholas Hartnett 29 November 2017 92/10-17

²⁶⁴ DS Nicholas Hartnett 29 November 2017 93/2-3

²⁶⁵ NYP000490_011 paragraph 55

²⁶⁶ DS Nicholas Hartnett 29 November 2017 93/4-10

²⁶⁷ DS Nicholas Hartnett 29 November 2017 93/15-23

²⁶⁸ DS Nicholas Hartnett 29 November 2017 94/5-15

²⁶⁹ DS Nicholas Hartnett 29 November 2017 91/21-25

²⁷⁰ NYP000490_012 paragraph 56-58

²⁷¹ Abbot Cuthbert Madden 5 December 2017 81/18-25-82/1-16

²⁷² MID000013

²⁷³ AAT000671_018-019 paragraphs 7.7-7.8

²⁷⁴ Fr Leo Chamberlain 4 December 2017 96/19-20, MID000020_001

²⁷⁵ MID000020_001

there is correspondence between Abbot Wright and the Bishop of Middlesbrough, which makes it clear that Fr Bernard would not be undertaking any pastoral duties, we have not seen anything that expressly sets out what restrictions were put into place. We do not know what, if anything, was said to the superior, but it seems they may have been told very little as in correspondence to the Bishop of Middlesbrough, Abbot Wright says: 'If anyone asks why there is an extra monk at Osmotherley, the answer is simple: he is there to support the community.'²⁷⁶

145. In March 1998, Fr Bernard's priestly faculties, which had been revoked in July 1996, were reinstated by the Bishop of Middlesbrough. The bishop made clear however that Fr Bernard was to remain excluded from unsupervised ministry with young people.²⁷⁷

146. In October 1998, Fr Bernard moved to St Benet's Hall, a permanent private hall of the University of Oxford, as he was to begin to study for a doctor of philosophy. In 2000, Fr Bernard began teaching at Oxford.²⁷⁸ That teaching was in breach of the restriction that had been imposed by the DfE in 1996 as it would have brought him into contact with students below the age of 19, though it was only some time later that Ampleforth came to realise this.²⁷⁹ In June 2005, a 19-year-old undergraduate claimed that Fr Bernard had harassed him. A disciplinary panel convened by the university found that he was guilty of serious misconduct. He was issued a five-year final written warning.²⁸⁰

147. On 25 April 2010, Abbot Cuthbert Madden asked Fr Francis Davidson, then safeguarding coordinator for the abbey, to investigate a fresh complaint against Fr Bernard involving sexual misconduct towards two adult males. The abbey's investigation was inconclusive. In June 2012, Fr Bernard was dismissed from all roles at St Benet's Hall following a review of his case which revealed that he had been barred from teaching under 19s by the DfE since 1996. He died 23 March 2013. After his death, an examination of his computer by university authorities found that, contrary to the views of the earlier psychiatric report, he had downloaded indecent images of children.²⁸¹

Accounts of child sexual abuse after the Nolan Report (2001–2010)

RC-F91 (2001–2004)

148. Girls were first admitted into the sixth form at Ampleforth College and into SMA in September 2001. We have heard that RC-F91, a monk and senior member of staff, who at the time had safeguarding responsibilities, may have had inappropriate physical contact with several female pupils at SMA between 2001 and 2004. Records are scant, but it seems that in 2002 and 2004 a number of students and pupils reported RC-F91's behaviour, which was brought to the attention of the then headmaster of SMA, Stephen Mullen. This was said to include RC-F91 holding pupils' hands, putting his arms around them and allowing them to sit on his knee. One pupil reported that on one occasion, RC-F91 accosted her and pinned her up against a wall. This behaviour is alleged to have taken place on school grounds.²⁸²

²⁷⁶ MID000020_001

²⁷⁷ MID000014_002

²⁷⁸ AAT000014_002

²⁷⁹ Abbot Cuthbert Madden 5 December 2017 81/7-25-83/11

²⁸⁰ AAT000228_032

²⁸¹ AAT000210_031

²⁸² AAT000678_019-022

149. In 2004, Stephen Mullen wrote to RC-F91 advising him to ‘reflect upon these observations and if necessary review your relationships with certain pupils’.²⁸³ No formal complaint was made and no further action was taken by the school at that stage.

150. In October 2005, social services opened an investigation into RC-F91 following a complaint from a parent. Although they concluded that no further action should be taken, they did say that ‘in this case the record-keeping fell short of the standard one would reasonably expect’.²⁸⁴ In January 2006, the police started their own investigation as part of Operation Ellipse. Three strategy meetings were held between Ampleforth and the statutory authorities between January and May 2006. After the second meeting, in February 2006, RC-F91 was suspended pending the outcome of the police investigation. The investigation concluded on 16 May 2006 and the CPS advised that there was insufficient evidence to prosecute.²⁸⁵

151. Thereafter, the school conducted a paper review to determine whether a full internal investigation was justified, finally concluding that it was not. This was because RC-F91’s behaviour was deemed inappropriate rather than indecent or sexual in nature, and because after Stephen Mullen raised his concerns directly with him, no further allegations had been made.²⁸⁶

152. RC-F91 was reinstated. It was agreed that he would undergo a risk assessment and be subject to a Covenant of Care, to be reviewed after six months.²⁸⁷ The risk assessment found that RC-F91 did not pose a risk to children but recommended that lines of reporting and staff training be improved, and that child protection policies be reviewed on an annual basis.²⁸⁸

RC-F95 (2006)

153. RC-F95 was a monk who taught at Ampleforth between 1998 and 2002.

154. In November 2001, RC-F95 was referred to Dr Elizabeth Mann by Abbot Wright for his addiction to pornography, which he viewed online.²⁸⁹ It appears that his preference was for sites depicting ‘fresh-faced’ young men aged 18–24.²⁹⁰ Dr Mann assessed RC-F95 and in her report to Abbot Wright, dated 26 June 2002, she wrote that his growing addiction to pornography had:

caused RC-F95 great distress and developed to such a level that he is a risk to himself and potentially to vulnerable others in school. He is out of control of his sexuality, psychologically not free to choose a celibate life and insufficiently emotionally mature to take on the responsibilities of the ordained life in terms of assured pastoral boundaries.

She noted further that the ‘seriousness of the problem’ was underlined by three risk factors, namely RC-F95’s ‘history of social isolation’, his ‘addiction to pornographic material with progressively slipping boundaries’ and his ‘emotional investment seemingly exclusively in

²⁸³ [AAT000678_021](#)

²⁸⁴ [AAT000678_005](#)

²⁸⁵ [AAT000965_011](#) paragraphs 60–61

²⁸⁶ [AAT000678_008-017](#)

²⁸⁷ [AAT000965_011](#) paragraphs 62–63

²⁸⁸ [AAT000678_040-043](#)

²⁸⁹ [EMA000748_032](#) paragraph 11.3.a; [AAT000845_001](#)

²⁹⁰ [EMA000748_033](#) paragraph 11.3.c

interaction with the boys in school'. She concluded that 'if his boundaries slipped further he would become a significant risk to himself and in school' and recommended that RC-F95 urgently seek appropriate professional help.

155. In light of Dr Mann's report, Abbot Wright arranged for RC-F95 to attend the Our Lady of Victory community at Brownhill, Stroud, in July 2002. Our Lady of Victory is a therapeutic community for the treatment of priests and religious who have problems with addictions, including sexual addiction.²⁹¹ RC-F95 was assessed by Dr Royston Williams, who found that although there was no suggestion that RC-F95 had sexually abused any pupil, because the pornography viewed involved young men it was not suitable for him to remain in school. Dr Williams stated the view that: 'If the situation is allowed to continue as it is at the moment, I believe it will inevitably end in tragedy.'²⁹²

156. RC-F95 agreed to enter the residential treatment programme at Brownhill for approximately seven months, from July 2002 to March 2003. During this time, he was also seen by Dr Elizabeth Mann. This appears to have been because there was no programme available at Brownhill at the time which specifically addressed the risk of sexual abuse to minors. In a report dated March 2003, Dr Mann strongly recommended that RC-F95 remain in therapy for at least two years following completion of the Brownhill programme and that he not be left in unsupervised charge of children or young men.²⁹³

157. It was agreed with Brownhill and the abbot that Dr Mann would be responsible for arranging RC-F95's after-care. She recommended that he be treated by a clinical psychologist who could evaluate and treat his addiction and any risk of sexual abuse. The evidence of Dr Mann is that three local clinical psychologists were approached but refused to take on the case 'as they felt the responsibility was too great'. Abbot Wright arranged for him to be seen by a psychologist employed at the time by the abbey.²⁹⁴ He was later sent on a 10-month religious formation training course in Dublin, Ireland.²⁹⁵ According to Dr Mann, this course would not have addressed the question of risk.²⁹⁶

158. RC-F95 returned to Ampleforth Abbey in June 2004 and was ordained into the priesthood in 2005.²⁹⁷

159. On 5 May 2006, NYP were contacted by the school. They reported that an audit of their computer systems had revealed that RC-F95 had attempted to access sites restricted by Ampleforth's firewall. A strategy meeting was held that same day and RC-F95 was suspended from his teaching post. His computer was seized by NYP. Forensic examinations were conducted which showed that RC-F95 had 'attempted to access adult homosexual sites, but not those involving children'. There was no evidence that RC-F95 had committed a criminal offence. The investigation was therefore closed by police.²⁹⁸

²⁹¹ EMA000748_035 paragraph 11.3.d

²⁹² AAT000846_015

²⁹³ EMA000748_035-036 paragraph 11.3.d

²⁹⁴ AAT000849

²⁹⁵ EMA000748_036 paragraph 11.3.d

²⁹⁶ EMA000748_036 paragraph 11.3.d

²⁹⁷ AAT000854_012

²⁹⁸ NYP000490_033 paragraphs 150-151

160. Following this incident, a further risk assessment was commissioned, which found that RC-F95 posed a significant risk.²⁹⁹ His employment at the school was terminated in 2007.³⁰⁰ The statutory authorities were informed of this decision and, in an email to Fr Francis Davidson dated 28 June 2007, David Molesworth of North Yorkshire social services acknowledged that 'this 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'.³⁰¹

Dara De Cogan (2007-2010)

161. Dara De Cogan was a lay music teacher at Ampleforth between 2003 and 2016. For five years between 2005 and 2010 he groomed and sexually abused a female pupil, RC-A30. The sexual abuse began in 2007, when RC-A30 was 16 years old, and went on for three years. She did not report it until April 2016, after she had had counselling.³⁰²

162. RC-A30 gave evidence to this Inquiry. She joined Ampleforth College as a boarder in 2005. She told us that she initially felt out of place and found it difficult to fit in,³⁰³ and that De Cogan took an interest in her 'very, very early on', in 2005,³⁰⁴ when she was still only about 13 years old. She said that the attention he gave her made her feel special,³⁰⁵ and in the absence of friends De Cogan became her confidant, and that she would discuss her personal life with him during their one-to-one lessons.³⁰⁶ She described how he groomed her, giving her a beer to drink at a party when she was 14,³⁰⁷ becoming increasingly tactile and tickling her.³⁰⁸ He would also snap her bra strap, something he did in front of other members of staff and students.³⁰⁹ She recalled:

He seemed to like the idea, I think, that he could do it publicly and nobody was saying anything. People clearly noticed, because they might smile ... or give you the odd look, but nobody actually said anything. So that was something he did quite frequently in front of staff and he would compliment me on my looks in front of other staff as well He would act as if the whole thing were a big joke. He would always have this kind of quite creepy but very fixed smile on his face, like it was a joke I somehow wasn't getting. I felt very awkward and uncomfortable, and also humiliated sometimes as well ...³¹⁰

... no one said anything, they clearly saw what was going on, it gave him more power. He obviously liked it and he grew in confidence in that area. He could get away with a lot more in public because – well, because he was getting away with more in public. Nobody was doing anything.³¹¹

163. In December 2007, De Cogan began to call RC-A30 a flirt, and then ask if she thought about him, and whether she had fantasies about him. On one occasion during a private lesson, he tickled her until she fell over, then pulled up her top, exposed her breasts and

²⁹⁹ AAT000854_030 paragraph 5.a

³⁰⁰ AAT000857_002

³⁰¹ AAT000857_001

³⁰² NYP000490_039 paragraphs 173-175

³⁰³ RC-A30 29 November 2017 96/4-24

³⁰⁴ RC-A30 29 November 2017 98/5-15

³⁰⁵ RC-A30 29 November 2017 100/2-13

³⁰⁶ RC-A30 29 November 2017 104/15-18

³⁰⁷ RC-A30 29 November 2017 101/7-9, 21-24; 102/7-10

³⁰⁸ RC-A30 29 November 2017 105/5-12

³⁰⁹ RC-A30 29 November 2017 106/20-23

³¹⁰ RC-A30 29 November 2017 131/25-132/5

³¹¹ RC-A30 29 November 2017 131/25-132/5

began to blow raspberries on her stomach. Other members of staff were aware of the meetings and extra tutorials they were having, which often took place late in the evening. RC-A30 had to tell her housemistress where she was going, so that nobody would come out looking for her when she did not return in time for her curfew. But the tutorials and the late hour were never questioned. De Cogan also gave her his mobile number and personal email address. On 6 December, a Saturday, he told her to come to see him to work on a project. He commented that he could see her nipples through her sweater, and then put his hand up her sweater and groped her breasts. He started to kiss her neck and moved his hand between her legs. She asked him to stop and grabbed his hand to prevent him from going further. But despite her saying 'No' he continued to massage her breasts, saying: 'It's wrong, but it feels nice', and smiling. She described feeling humiliated and told us that he asked her not to tell anyone, saying that he would lose his job and she would be expelled.³¹²

164. After that there were several occasions, often daily, when he would grab her and press her against the wall.

I felt very confused. It seemed paradoxical to me that somebody I had previously trusted to tell incredible, you know, personal things ... how he could be so understanding ... and then do things like this ... I felt terribly confused, partly because ... he seemed to have this reputation of integrity, and people would frequently comment that ... he knew a lot about child protection and that, you know, he was very safe in that regard.³¹³

165. The abuse continued and developed; there were regular incidents of sexual touching, digital penetration and of giving and receiving oral sex. These incidents took place on school grounds and became an almost daily occurrence.³¹⁴

166. The assaults were often violent. RC-A30 told us that sometimes De Cogan would tie her up with ropes from the recording studio that were used to tie up the instruments. He told her that he fantasised about restraining her while having intercourse with her 'so that he would be able to have complete control'.³¹⁵ She would then have to try and get out of the ropes. This happened late at night, in the music room, or at times he would take her into woods by school in a secluded area and tie her up there.³¹⁶ During another incident, De Cogan pushed RC-A30 against a wall and pulled her top. He then started to suck on her nipples and bite her. She told us:

I was struggling and protesting. It was very rough and very quick and abrupt. It was over and done within a few minutes ... I was trying to ... physically push him off ... I was twisting and turning quite a lot and then it was over and he just ... walked out of the room without saying anything, as if nothing had happened.

167. RC-A30 described several other incidents when De Cogan forced his hands inside her vagina, exposed himself, forced her to perform oral sex on him³¹⁷ and forcibly inserted his fingers and penis³¹⁸ inside her anus. She told us: 'After he did an action once, then it became like it was just expected that he would do that. Even if I made it clear, as I did all the time,

³¹² RC-A30 29 November 2017 108/15-115/25

³¹³ RC-A30 29 November 2017 117/3-118/13

³¹⁴ RC-A30 29 November 2017 117/14-18, 120/6-9, 125/21-24, 126/10-11, 129/15-17, 130/11-13

³¹⁵ RC-A30 29 November 2017 130/17-18

³¹⁶ RC-A30 29 November 2017 130/13-25, 131/1,132/6-9

³¹⁷ RC-A30 29 November 2017 123/4-11-124/19-25

³¹⁸ RC-A30 29 November 2017 139/18-25

that it wasn't okay, that I didn't want it.'³¹⁹ She blamed herself for the abuse and began to self-harm as a result.³²⁰ She explained that: 'I thought that I deserved – on the one hand ... to be punished for what I was doing somehow, but also because he was making me feel so helpless and vulnerable and like I was nothing.'

168. RC-A30, reflecting on her experience of child protection at Ampleforth, told us that it became 'less about what was best for the child, and more [about] what the school should do if a false accusation or ... allegation was made against a member of staff. It was more an atmosphere of fear rather than an atmosphere of caring and commonsense, I think.'³²¹ She said that De Cogan had boasted about the fact that he had learned the child protection policies very carefully, so he was able to turn them to his advantage, circumventing the rules to continue to abuse her.³²²

169. RC-A30 left Ampleforth in 2010. In 2011/2012 she began to disclose to a pastor what De Cogan had done to her. In April 2016, after several years of counselling, she reported the abuse to the police.³²³ De Cogan was arrested on 13 April 2016. On 27 February 2017, he pleaded guilty to 10 counts of sexual activity with a child aged 16/17 while in a position of trust. On 31 March 2017, he was sentenced to 28 months' imprisonment. In addition, the court imposed a restraining order (under the 1997 Protection of Harassment Act) in respect of RC-A30 and placed him on the Sex Offenders Register for 10 years as well as the DBS barring list.³²⁴

The institutional response

170. In this section we will address the evolution of child protection policies and safeguarding at Ampleforth following the publication of the Nolan Report in 2001. We will also consider Ampleforth's relationship with and response to the statutory authorities, including the police and other safeguarding agencies, during this period. While Ampleforth's responses in individual cases have been dealt with in the previous section, this section provides an overview of safeguarding procedures and Ampleforth's response to the allegations set out above.

Response before the Nolan Report (1960–2001)

171. We have heard that before the publication of the Nolan Report in 2001, safeguarding within the Catholic Church was 'essentially firefighting. That is to say, it was about coping with situations as they arose rather than what we today call a culture of safeguarding. I think that's what was absent.'³²⁵ It is clear that in the 1970s and 1980s Ampleforth's response to allegations of abuse was limited to transferring offending monks from school to parishes, arranging for them to be assessed by external psychiatrists and to receive treatment where recommended. This occurred on at least two occasions, in the cases of Fr Piers Grant-Ferris (1975) and Fr Gregory Carroll (1987) under Abbot Hume (1963–1976) and Abbot Barry (1984–1997) respectively. In both cases, no disclosure was made to the statutory authorities.

³¹⁹ RC-A30 29 November 2017 125/16-19

³²⁰ RC-A30 29 November 2017 120/21-23

³²¹ RC-A30 29 November 2017 147/11-16

³²² RC-A30 29 November 2017 142/7-22

³²³ NYP000490_039 paragraph 174

³²⁴ NYP000490_040 paragraphs 177–180

³²⁵ Dom Richard Yeo 28 November 2017 130/17-20

In his evidence to us, Fr Chamberlain, who was the headmaster of Ampleforth College between 1992 and 2003, accepted this was the practice at the time. He told us that his predecessors tended to deal with safeguarding matters ‘in-house’³²⁶ and that:

*back in the 1980s, it was, I think not just at Ampleforth, common that if something of that sort happened, a teacher who had committed abuse would be got rid of and it was thought, wrongly, that to keep it all very quiet was in the best interests of the victim.*³²⁷

172. There is evidence of a change in practice from the early 1990s and we have heard from Fr Chamberlain that this was in part due to the passing of the Children Act 1989.³²⁸ Within a few months of becoming headmaster, Fr Chamberlain produced, in September 1993, the school’s first child protection policy, a one-page document titled ‘Short guidelines for dealing with allegations of abuse of boys in school by adults or other boys (physical, sexual, emotional abuse)’ (the 1993 guidelines).³²⁹

173. The 1993 guidelines provided that ‘all allegations must be taken seriously’; that the general conduct of enquiries was the responsibility of the headmaster who was to ‘act as liaison with the appropriate outside agencies’; and that this responsibility had been delegated to Fr Timothy Wright, who at the time was the second master. The guidelines applied in cases where abuse was reported by a victim, a third party (such as a teacher), or where a monk had reason to suspect that a child was being abused. Staff were instructed to inform Fr Wright immediately and to refrain from conducting their own enquiries. We note that Fr Leo Chamberlain accepted that the document did not stipulate the process to be followed in cases of self-disclosure by a perpetrator (as in the case of Fr Bernard Green).³³⁰

174. A further child protection policy for school was adopted in 1994, the ‘Guidelines for the response to allegations of abuse by any monk of the monastery’.³³¹ Unlike the 1993 document, these guidelines expressly referred to members of the community and provided that:

- a. allegations are to be investigated by the abbot who then reports his findings to Ampleforth’s solicitors;
- b. the solicitors in turn are responsible for advising as to whether disclosure to the police and/or social services is required;
- c. if such a disclosure is made, the abbot withdraws from the process and focuses on the pastoral care of the community and others involved.

It appears that these policies were followed in the case of Fr Bernard Green in 1995, whose case was reported to the statutory authorities, albeit with some delay.

175. In respect of Fr Bernard Green, Abbot Madden told us:

³²⁶ Fr Leo Chamberlain 4 December 2017 21/24-25, 22/1

³²⁷ Fr Leo Chamberlain 4 December 2017 22/2-7

³²⁸ Fr Leo Chamberlain 4 December 2017 8/19-25

³²⁹ AAT000288, Fr Leo Chamberlain 4 December 2017, 9/6-11

³³⁰ Fr Leo Chamberlain 4 December 2017, 11/7-19

³³¹ AAT000468

I think 1995 represents a very significant watershed when, for the first time, the safeguarding authorities, statutory authorities were called in to deal with a case. There may be some criticism about how promptly they were called in, but they were called in and that's a very important shift, I believe. Before 1995, I do not think that our practices would pass muster.³³²

The evidence of Fr Leo, who was the principal author of these policies, was that: 'By today's standards they required much more development, but ... they gave us what we needed, except that in this difficult case that then came concerning RC-F16, there was no way forward.'³³³

176. In 1997, Fr Timothy Wright was elected Abbot of Ampleforth. In 2000, Cardinal Cormac Murphy-O'Connor, then Archbishop of Westminster, asked Lord Nolan to chair an independent committee 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. Lord Nolan's First Report was presented in April 2001 and was followed by a Final Report in September 2001 ('A Programme for Action') which made 83 recommendations. Of particular significance to Ampleforth were recommendations 69 and 70, which related to 'historical allegations' and said that bishops and religious superiors should ensure that any cases which had been known of in the past but not acted on satisfactorily (historic cases) should be reviewed and reported to the statutory authorities wherever appropriate. Dom Richard Yeo was elected abbot president of the EBC in July 2001.

Response after the Nolan Report (2001)

Abbot Timothy Wright (1997–2005)

Approach to policies, COPCA, culture and attitudes

177. We have identified at least three related obstacles to the proper and effective implementation of the Nolan recommendations at Ampleforth under the abbacy of Timothy Wright (1997–2006). These are:

- a. The abbot's immovable attitude to allegations of child sexual abuse.
- b. The weaknesses of the internal measures taken in response to the Nolan Report to prevent and minimise the risk of abuse.
- c. The refusal to cooperate with outside bodies to ensure effective safeguarding, including health professionals, police, social services and the Church authorities themselves.

178. First, there was a strong reluctance on the part of Ampleforth to engage with the Nolan recommendations, particularly when dealing with historical allegations of abuse. Although Abbot Timothy Wright was the one who first began to take steps by engaging the services of Dr Elizabeth Mann, it is clear that he became increasingly unwilling to act in accordance with safeguarding principles, and he prioritised the interests of his monks ahead of the needs and welfare of children in his care. As Dr Elizabeth Mann put it, there was a:

³³² Abbot Cuthbert Madden 5 December 2017, 119 /19-120/1

³³³ Fr Leo Chamberlain 4 December 2017 20/23-25, 21/1-2

*pervading lack of serious understanding in religious life at the time, of the destructive effect of sexual abuse on children ... a serious dissonance between the culture of religious life in the Benedictine Order which protected offending priests, and the secular culture of the law of the land which emphasises the need to protect children.*³³⁴

179. As already mentioned, David Molesworth was at the time the general manager for North Yorkshire County Council Children's Social Services, with responsibility for safeguarding across the county area. His contemporary assessment of Ampleforth was that:

*I find myself [questioning] whether the community has either the mechanisms, the understanding or even a basic willingness (leadership?) to properly deal with child protection matters. I do not believe currently that the organisation as a whole understands or accepts their responsibilities for child protection issues We appear to be dealing with obfuscation, denial or downright obstruction.*³³⁵

180. Fr George Corrie, who was appointed child protection coordinator in 2001, recognised that the implementation of the Nolan recommendations at Ampleforth was a 'long process'³³⁶ and said:

*This was always difficult because of the close relationship of school, of members of staff and victims. It was known, of course that Ampleforth is a school attached to the Benedictine monastery. In the past many monks were teachers, housemasters, with a very close link to, in those days, the boys, [and] boys and girls now. There is a very close family relationship. Because of that close relationship some matters were very difficult to explore because of the nature of that friendship. Monks were friends of so many families, and this is why I think a lot of the monks in the early 2000s found it very difficult to accept that these guidelines, these recommendations were being introduced.*³³⁷

181. Abbot Cuthbert Madden told us he believed that Abbot Timothy Wright found it very difficult to fit the recommendations of the Nolan Report together with his view of the role of the abbot: 'I think he had a view that the abbot was somebody that should support his monks through thick and thin and that he would often be the one person to whom a monk would confide, and that confidence had to be absolute.'

182. Timothy Wright's approach to child protection and safeguarding may be understood by looking at a document that he wrote, titled 'Assessing Risk'.³³⁸ The document is not dated, but its content indicates that it must have been written in around 2002, after the Nolan Report was published. In it Timothy Wright stated that 'paedophilia is a compulsive illness, and for that reason dangerous'.³³⁹ He also said:

*It is likely that there are many who by prayer and self-discipline have been able to control their emotions and have never offended. Others again who have offended once and following treatment have been able to lead to work well in the community [sic]. In the light of this, it is both wrong and unjust to treat them in the same way, assuming that those who admit to a single offence are concealing further offences.*³⁴⁰

³³⁴ EMA000748_061 paragraph 23

³³⁵ NYC000005_170-171

³³⁶ Fr George Corrie 1 December 2017 15/19

³³⁷ Fr George Corrie 1 December 2017 48/24-49/12

³³⁸ AAT000461

³³⁹ AAT000461_001

³⁴⁰ AAT000461_001

183. The Nolan Report and the EBC guidance made clear that disclosures of child sexual abuse must be reported to the statutory authorities. Abbot Wright however tried in his document to draw a distinction between ‘disclosures’ and what he called ‘admissions’, saying:

If a religious was to own up to abuse to his superior, he should be advised to make only an admission, as defined above [no such definition is included however]. In that way there is no obligation to report the matter. For the ongoing health of community relations it is important that trust and confidentiality are maintained, that the brethren do not see their superior as both ‘father in God’ and ‘police informer’ at the same time. It is recognised that a disclosure carries no confidentiality. The subject needs to know that before informing the superior ...³⁴¹ individuals should be advised that it is better to remain silent than make any comment which might be used against them ...³⁴²

Psychologists and other professionals cannot be relied on to behave professionally, unless they are know [sic] already and trust has been built up All involved will assume guilt, so superiors and brethren should be supportive and affirmative.³⁴³

184. Abbot Wright went on to observe that it was ‘important to distinguish admission from disclosure’ and suggested that ‘admissions’ are confidential while ‘disclosures’ are not,³⁴⁴ but that: ‘[if] an admission is made then the superior ... should ensure the person is kept away from children at once’, and that ‘[w]aiving confidentiality in furthering the paramountcy principle has produced some eccentric results; eg historic offenders, with over two decades of blameless and effective life, treated as if they had acted yesterday’.

185. In another document entitled ‘Response to the National Policy for Responding to Allegations’, he wrote that there was a ‘vital distinction between and [sic] “admission” and a “disclosure” An “admission” by an abuser is simply a general statement saying something has happened, without supporting information ... no legal action can be taken A “disclosure” ... occurs when the abuser gives the details of the abuse, name, place, etc. and that is a criminal offence.’³⁴⁵

186. Abbot Wright was also dismissive of psychological assessments, which he said that he had:

seen ... used with an insensitivity and brutality that can only destroy trust ... any superior seeking a psychological assessment can only go forward with the willing cooperation of the subject. The way the Chartered Psychologists have handled them in my community have rendered it impossible to insist on them. Such has been their power to cause problems for innocent and vulnerable people.³⁴⁶

No doubt he was here reflecting on the assessments of Frs Piers Grant-Ferris and Gregory Carroll. In Abbot Wright’s view: ‘The best way to safeguard children is to either provide close supervision or bring [the alleged/suspected offender] back to the community. The latter removes the danger from children.’

³⁴¹ [AAT000461_002](#)

³⁴² [AAT000461_004](#)

³⁴³ [AAT000461_004](#)

³⁴⁴ [AAT000461_003-004](#)

³⁴⁵ [AAT000460](#)

³⁴⁶ [AAT000461_002](#)

187. Fr George Corrie told us that he believed that Abbot Timothy Wright ‘accepted the Nolan Report in full’ and ‘saw the need to cooperate with this [process] because this was something that was going to be important in the life of the church’.

188. Many of the views that Abbot Wright espoused in his note, whether earnestly held or not, were far from practical in reality. The distinction that he sought to draw between ‘admissions’ and ‘disclosures’ was a semantic argument that was artificial and disingenuous. In his evidence to this Inquiry, Abbot Wright has accepted that this distinction was wrong and that all ‘incidents’ of child sexual abuse should be reported to the authorities without delay.³⁴⁷ But it is our view that the evidence shows that Timothy Wright, abbot and leader of the Ampleforth community, was trying to find a way to evade his responsibilities under the Nolan recommendations. He was clinging to increasingly outdated beliefs that continued to guide his actions in matters of child sexual abuse in the years that followed.

189. Second, the internal measures adopted in response to the Nolan Report were inadequate to minimise the risk of abuse and to create a safe environment for children.

190. For example, in 2001, Abbot Wright appointed his prior, Fr George, as child protection coordinator,³⁴⁸ and said at the time that ‘he [the abbot] passes all papers re [child protection] which arrived “many of which were utterly ridiculous” to him. The prior would deal with everything.’³⁴⁹ Fr George had no previous experience in child protection and safeguarding³⁵⁰ and, contrary to the EBC guidance,³⁵¹ he did not receive any training at the time of his appointment.³⁵² Moreover, while the abbot had, consistent with EBC guidance, delegated responsibility for responding to disclosures to his CPC, it is clear that in practice Fr George had no authority over the abbot when it came to child protection and safeguarding. Eileen Shearer told us: ‘I think [Fr George] did feel that it was impossible, if not difficult, to challenge the abbot, to whom he owed obedience. So he was in a very difficult position.’³⁵³ Fr George in his evidence to us accepted that he did not have any power over the abbot,³⁵⁴ that he had made ‘many mistakes’ as CPC³⁵⁵ and that ‘many people were let down by inefficiency’.³⁵⁶

191. A further example of the inadequacy of the internal measures is the failure of the abbey to put in place effective policies for child protection and to prevent abuse. Abbot Timothy Wright contacted Dr Elizabeth Mann in May 2001 for advice on the risk assessment process for ‘historic cases’ and on:

*what steps I should consider when clearing the brethren for work as confessors to boys and girls in our schools and parishes. At the moment we fit in with local diocesan policy with regard to regulations of this nature. But that is a little haphazard and I think we should perhaps look at something for ourselves.*³⁵⁷

Arguably, this was not an unfair assessment.

³⁴⁷ AAT000968_004 paragraph 26

³⁴⁸ Fr George Corrie 1 December 2017 11/9-12

³⁴⁹ Eileen Shearer 30 November 2017 89/11-15

³⁵⁰ Fr George Corrie 1 December 2017 12/6-11

³⁵¹ AAT000472_002

³⁵² Fr George Corrie 1 December 2017 12/25, 13/1-2

³⁵³ Eileen Shearer 30 November 2017 90/16-19

³⁵⁴ Fr George Corrie 1 December 2017 41/14

³⁵⁵ Fr George Corrie 1 December 2017 41/19

³⁵⁶ Fr George Corrie 1 December 2017 48/15-16

³⁵⁷ EMA000748_011 paragraph 9

192. On 3 June 2001, the abbot issued the 'Guidelines for the Brethren'. The guidelines were drafted with the assistance of Dr Elizabeth Mann and purported to deal with 'pastoral abuse', defined as 'those occasions when a monk uses his position of authority, actual or assumed, to meet his own needs while at the same time inflicting harm on the other. It is an offence when it damages the other psychologically, physically or spiritually in ways that can be demonstrated.' This was said to include 'developing relationships, emotional or sexual, to meet his own needs'. The document noted that 'more often than not such behaviour results from a weakness in human development' and that guidelines were required in order to 'provide fraternal support and encouragement to seek professional help'.

193. The key points in the guidelines were as follows:

- a. As a general rule, professional help was to be provided by a chartered psychologist engaged by the abbot for that purpose.
- b. All applicants to the monastery were required to have a 'police check' before they could be admitted as postulants. A full psychological assessment could also be required pre-admission.
- c. Before appointing monks to positions of responsibility 'involving much interchange with others be they lay or clerical' (for example to the role of housemaster, parish priest or chaplain), assurances should be sought that 'the individual is able to cope emotionally and humanly with the demands that will be made in the new post'.
- d. Where sexual abuse was alleged, 'the approved guidelines are to be followed'. Members of the Community were advised to resist watching online pornography and to refrain from being alone with young boys or girls in school or parish as 'suspicion arises easily'.
- e. With regards to historical cases of abuse, they 'should be revisited and a risk assessment made', however 'everyone ... must know they have a home and family in the monastery, where they are always welcome'.

194. In respect of this last point Abbot Cuthbert Madden told us that he did not agree with Abbot Timothy. He said that in his view:

There are things ... which tell you that a particular monk has forfeited the right to remain in his monastery ... if you carry that attitude to its logical conclusion, that a monk can remain in his monastery no matter what, it's pretty obvious where that's going to lead you, and that's why it is a view that's unacceptable.³⁵⁸

195. While the guidelines may have provided some guidance to monks, they did not amount to the type of child protection policy envisaged by the Nolan Report or the EBC. Dr Elizabeth Mann has told us that during the time she was involved with Ampleforth (2000–2003) there were no safeguarding or child protection policies in place for the

³⁵⁸ Abbot Cuthbert Madden 5 December 2017 99/6-25

monastery.³⁵⁹ Policies were in place in relation to the school, as explained above. It is clear from correspondence and notes of meetings between Dr Mann and Ampleforth from this period (2001–2003) that Abbot Wright did not want to adopt a policy for the monastery.

196. One such document is Dr Mann’s note of a telephone conversation with Abbot Wright in October 2002, in which she recorded that:

He [the abbot] said that the monastery is a non-child protection area. It is nothing to do with Eileen Shearer (the director of COPCA). ‘I am not having child protection policies in the monastery. Eileen Shearer is coming nowhere near this monastery. COPCA should get its feet off the ground. It was causing profound depression amongst clergy.’ He said he does not have a child protection policy for the monastery and that he will not have one³⁶⁰ ... in the case of school, there are references here and there in the handbooks for the students, parents, staff and housemasters, but there is no explicit policy articulated. In the case of hospitality there is one page which says that laypersons with responsibility have to have the usual police checks. There is a policy of no policy for monks.³⁶¹

197. In July 2003, nearly two years after the publication of the final Nolan Report, Dr Elizabeth Mann wrote to Abbot Yeo, then abbot president of the EBC, about the lack of information or guidance at Ampleforth Abbey on the procedures which should be followed when members of the community admitted to abusing a child. It appears that the only information available was contained in two small booklets produced by the Middlesbrough diocese which related to procedures for responding to allegations made by victims, but not cases of self-disclosure by monks.³⁶²

198. Fr George has confirmed that between 2001³⁶³ and 2007,³⁶⁴ when he served as CPC, there was no separate child protection policy in place at the abbey. His explanation for this was firstly that ‘we always were aware that it was school who were providing guidelines/policies for students, and the monastery took its lead from school’,³⁶⁵ and secondly that ‘no policies had been put in place because we did not have anything from the church. We were obviously waiting to receive information as a result of the Nolan recommendations, which were, we thought, going to be developed by COPCA.’³⁶⁶ Thus the responsibility for not putting in place a policy expressly in relation to the abbey was being placed on COPCA.

199. Third, there was an unwillingness to work together with external bodies to ensure effective safeguarding. This is apparent, for example, from the relationship between Abbot Wright and Drs Elizabeth and Ruth Mann. The Manns had been brought in by the abbot in 2001 to provide psychological assistance to members of the community. They were asked by the abbot to conduct risk assessments of Fr Piers, RC-F27, RC-F95, Fr Gregory and RC-F25. We have heard evidence that this was not an easy task as the Manns were viewed with suspicion by many members of the community, including the abbot himself. As will be expanded upon below, Abbot Wright repeatedly failed to follow their recommendations.

³⁵⁹ EMA0000748_011 paragraph 9

³⁶⁰ Fr George Corrie 1 December 2017 21/5-13

³⁶¹ Fr George Corrie 1 December 2017 23/ 17-25

³⁶² BNT002412_001

³⁶³ Fr George Corrie 1 December 2017 11/9-12

³⁶⁴ AAT000216_005 paragraph 31

³⁶⁵ Fr George Corrie 1 December 2017 13/22-24

³⁶⁶ Fr George Corrie 1 December 2017 13/11-15

He failed to draw up a child protection policy for the monastery, to cooperate with the risk assessment process and share information (in the case of Fr Gregory). He refused to recall promptly offending monks, who had been removed from school, to the abbey. When he eventually did, with the knowledge of the police, he placed them in an environment where they had access to children (in the cases of Fr Piers, RC-F27 and RC-F18). The Manns became increasingly alarmed by Ampleforth's refusal to adhere to their recommendations and their failure to protect children and contacted the statutory authorities in July 2003.

200. In addition, we have heard there was frustration among members of the community, including Abbot Wright, about what they considered to be a lack of guidance from COPCA as to how to best implement the recommendations.³⁶⁷ Fr George also told us that some felt that COPCA did not fully appreciate the needs of a community such as Ampleforth.³⁶⁸

201. Abbot Wright considered the role of Catholic Office for the Protection of Children and Vulnerable Adults (COPCA), in a document entitled 'Response to National Policy for Responding to Allegations'. It appears that this document was intended for circulation beyond the monastery, as it begins with a short biography of Abbot Timothy Wright. In it he wrote that COPCA 'exists to serve the Church, not the other way round'. He continued:

Once a body is set up to ensure quality performance in whatever area, it is doomed to fail. We are all tainted by original sin. By highlighting the problem, its existence can then encourage failure. That is why I propose a more realistic approach, low key documentation, minimum regulation, maximum reliance on common sense ... abuse, its reporting and the way it is handled are of great sensitivity. When it goes wrong huge damage is caused to communities in ways that neither the Nolan Report, nor COPCA seem to have little awareness [sic]. That lack of awareness is precisely why the work of COPCA is causing so much unease If paedophilia is a form of compulsive illness then the degree of responsibility for their actions is to some extent diminished ... God continues to love them in their compulsion, they are not cast out of the Church.³⁶⁹

202. It is also clear to us that in the period 2001–2005, after the Nolan Report and prior to the election of Cuthbert Madden as abbot, Ampleforth was not as open and transparent as it could have been with the statutory authorities and in some cases hindered their investigations. David Molesworth told us:

Initially the idea of working openly, transparently, trust, that felt very difficult indeed, and 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 that 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.

203. This was echoed by Abbot Cuthbert Madden who told us that Timothy Wright's relationship with police and social services was 'very uneasy if not profoundly secretive'.³⁷⁰ We find that Ampleforth fell short of what was required under the Working Together guidance.

³⁶⁷ Fr George Corrie 1 December 2017 31/19-22

³⁶⁸ Fr George Corrie 1 December 2017 47/8-10

³⁶⁹ AAT000460_2/7-3/8

³⁷⁰ Abbot Cuthbert Madden 5 December 2017 51/17

Approach to individual cases, risk management and school inspection reports (2001–2005)

204. In 2001, Abbot Timothy Wright asked Dr Ruth Mann to carry out a fresh psychological assessment of Fr Piers, who was at this time still at Osmotherley.³⁷¹ In her report, dated 31 October 2001, Dr Ruth Mann stated that:

*While it cannot be concluded on the available evidence that Piers is exclusively attracted to young boys (i.e. that he is a 'paedophile') there is clear evidence that he is capable of sexual arousal to boys, and that he has sought opportunities in the past to experience this arousal by taking advantage of his position as their carer at Gilling ... there is some suggestion that Piers is also sexually aroused by the idea of violence within sexual encounters. He has admitted becoming sexually aroused while beating young boys.*³⁷²

205. Dr Mann also noted that Fr Piers' work took him regularly both into schools and into homes where children were present.³⁷³ She recommended he should be removed from parish work and returned to a more secure environment, that for the rest of his life he be given work that excluded the possibility of working with children, and that the abbot consider informing the statutory authorities of the historical allegations.³⁷⁴

206. Abbot Wright agreed with Dr Mann that Fr Piers' risk had been poorly managed in the past and acknowledged that he had contact with children through his parish work. Nonetheless, his view was that there was nothing to be gained by contacting the police; his preferred approach was to 'find an excuse for moving him back to the abbey and then [give] him work with no contact with children'.³⁷⁵ This response was contrary to the Nolan Report recommendations, which were clear that historical and contemporary allegations should be treated in the same way and that any such allegations should be reported to the statutory authorities.

207. It was also at about this time, in late 2001, that RC-F29 (dealt with above) returned to Ampleforth. In his case, although Fr Leo Chamberlain recommended that he be subjected to a risk assessment, RC-F29 refused. In contrast to his approach to Fr Piers, Abbot Wright disagreed with Fr Leo, and unilaterally decided that RC-F29 was not a risk to children.

208. As explained above, in January 2002 Fr Chamberlain received information from a past pupil that another monk, RC-F16, may have abused a boy (RC-A96) in his care while a housemaster during the 1980s.³⁷⁶ The informant said that RC-F16 had groomed RC-A96 and, once the boy turned 18, began a sexual relationship that lasted until RC-A96 was 21.

209. The following month, in February 2002, the ISI carried out an inspection at Ampleforth College. The college had last been inspected in 1995.³⁷⁷ While the focus of the report was on the quality of education provided, in relation to pupils' welfare the inspection report notes that child protection policies at the college are 'well documented and clearly stated' and properly understood by staff.³⁷⁸

³⁷¹ [AAT000320_448](#)

³⁷² [AAT000320_452](#)

³⁷³ [AAT000320_456](#)

³⁷⁴ [AAT000320_457](#)

³⁷⁵ [AAT000320_458](#)

³⁷⁶ [Fr Leo Chamberlain 4 December 2017 14/11-19](#)

³⁷⁷ [ISI000044_011](#)

³⁷⁸ [ISI000044_023](#) paragraph 6.18

210. Despite the very recent Nolan recommendations, Ampleforth delayed reporting RC-F16's case to social services for about four months, until the end of March 2002.³⁷⁹ The explanation for this delay was that having become aware of the allegations through a third party, Ampleforth took the view that it was appropriate to first make enquiries themselves. Fr Leo Chamberlain told us that this was justified because the information he had received amounted to a 'rumour', rather than 'what would amount to an allegation' and so was insufficient to report it to the police.³⁸⁰ Instead Fr Leo not only took it upon himself to contact RC-A96,³⁸¹ speaking to him directly on the phone,³⁸² but also other former pupils who had been his friends. Abbot Wright apparently paid RC-A96 a visit, though this may have been without Fr Leo's knowledge.³⁸³

211. Upon receiving the complaint, social services immediately notified the police and arranged to visit Ampleforth the following day, 28 March 2002, to meet with Fr Leo, Fr Dominic, Fr George and Abbot Madden (who was third master at the time).³⁸⁴ David Molesworth told us that he was at this stage already 'alarmed' to learn of Ampleforth's delay in contacting the authorities and its decision to visit RC-A96.³⁸⁵ In his view, this was contrary to the Nolan Report, which requires historical allegations to be dealt with in the same way as current ones.³⁸⁶ It was also clear to Mr Molesworth that one of Ampleforth's main concerns at the time was the reputational and publicity implications of the allegation.³⁸⁷

212. A further source of concern to the police³⁸⁸ and social services³⁸⁹ was that Ampleforth initially refused to withdraw RC-F16 from a school skiing trip that was due to take place the week after the allegations were reported to the statutory authorities. DSU Honeysett has told us that 'even though there was clearly information that that individual was a risk to children, the concerns that abounded were about the impact on the ski trip. These were the sorts of things that were difficult for us ... to understand ... that they could think like that.'³⁹⁰ This was challenged at the time by the statutory authorities, but Fr Leo's response was:

In my judgment I cannot withdraw RC-F16 from the ski trip ... I accept that there could be subsequent criticism of my having left him in place on the trip and in the house. The best judgment that I can make is that I can provide a coherent defence and that I would be immediately criticised for immediate action without sufficient reason.

It appears that this course of action was at the time also supported by Fr (now Abbot) Cuthbert Madden.³⁹¹

³⁷⁹ David Molesworth 1 December 2017 53/7-12

³⁸⁰ Fr Leo Chamberlain 4 December 2017 16/20-25

³⁸¹ Fr Leo Chamberlain 4 December 2017 17/9-10; DSU Barry Honeysett 4 December 2017

³⁸² Fr Leo Chamberlain 4 December 2017 16/19-20

³⁸³ Fr Leo Chamberlain 4 December 2017 40/18-20

³⁸⁴ NYC000005_067

³⁸⁵ David Molesworth 1 December 2017 54/15-17

³⁸⁶ David Molesworth 1 December 2017 55/4-6

³⁸⁷ David Molesworth 1 December 2017 59/12-25, 60/1-3

³⁸⁸ DSU Barry Honeysett 4 December 2017 114/20-25; 115/1-9

³⁸⁹ David Molesworth 1 December 2017 57/2-9

³⁹⁰ DSU Barry Honeysett 4 December 2017 114/24-25, 115/1-5

³⁹¹ Abbot Cuthbert Madden 5 December 2017 57/3-18

213. RC-A96 was eventually spoken to by police but refused to make a formal complaint. Records from the time indicate that this was because RC-A96 was concerned about the impact on himself and his family.³⁹² The police also invited RC-F16 to attend an interview, but he declined.³⁹³ As a result, no charges were brought.³⁹⁴

214. In April 2002, RC-F16 was suspended from his post at the school but instructed to remain in the abbey.

215. On 2 June 2002, just two months after RC-F16 had been suspended, Dr Ruth Mann wrote to Abbot Timothy expressing her concerns, shared by Dr Elizabeth Mann, about Ampleforth's ongoing failure to recall Fr Piers from Osmotherley (where he had been sent in 1998), as she had recommended on 31 October 2001 (see above). She told the abbot that she had spoken to COPCA about the case in general terms, without revealing Fr Piers' name, and that Eileen Shearer was 'extremely clear that Fr Piers should have been moved back to the monastery on the day the risk assessment report was provided to [the abbot]'.³⁹⁵ Ruth Mann reiterated her advice that Fr Piers be moved back to the abbey and said that she would notify COPCA if this was not done within seven days (by 9 June 2002).³⁹⁶

216. Abbot Wright responded on 3 June 2002. He refused to move Fr Piers, saying that a sudden move would cause 'more harm than good by increasing speculation'.³⁹⁷ He assured Dr Mann that both the diocesan child protection officer (at the time Fr Michael Marsden) and Fr George Corrie agreed with his position, and that increased safeguards had been put in place to manage Fr Piers.³⁹⁸ Dr Ruth Mann alerted COPCA to the contents of her report and the response from the abbot.³⁹⁹ She concluded she was obliged to notify social services and the police.⁴⁰⁰

217. On 25 June 2002, there was a multi-agency meeting between Ampleforth and representatives from the statutory authorities, including Detective Chief Inspector (as he then was) Honeysett and David Molesworth, in respect of RC-F16. Fr Leo and RC-F18 (who held a position of responsibility in the monastery) were also in attendance. Ampleforth's actions were criticised by NYP, who said that by contacting the victim, RC-A96, and other potential witnesses, Ampleforth may well have compromised the police investigation.⁴⁰¹

218. During this meeting, DSU Honeysett said that he did not trust Ampleforth because it had excluded the police from the investigation into RC-F16 and was seeking to protect itself. Fr Leo did not accept this criticism at the time. He maintained that it was appropriate for Ampleforth to conduct its own inquiries first, as they had become aware of the allegation through a third party which did not amount to a disclosure in the sense of the Nolan Report. It is striking that, despite the police's clear view that Ampleforth had mishandled the case, Fr Leo refused to undertake to change Ampleforth's approach and procedure to allegations of this nature.⁴⁰²

³⁹² [NYP000200_001](#)

³⁹³ [NYP000200_001](#)

³⁹⁴ [Fr Leo Chamberlain 4 December 2017 17/6-8](#)

³⁹⁵ [EMA000748_018](#) paragraph 11.1 a

³⁹⁶ [EMA000748_018](#) paragraph 11.1 a

³⁹⁷ [EMA000748_019](#) paragraph 11.1 a

³⁹⁸ [EMA000748_019](#) paragraph 11.1 a

³⁹⁹ [AAT000320_495](#)

⁴⁰⁰ [AAT000320_478-479](#)

⁴⁰¹ [AAT000503_021-025](#), [DSU Barry Honeysett 4 December 2017 71/21-25, 72/1-7](#); [David Molesworth 1 December 2017 68/1-10](#)

⁴⁰² [NYP000200_002](#)

DSU Honeysett told us that in his view Ampleforth had knowingly acted in breach of the Nolan recommendations and that they should have referred the case to the statutory authorities at the earliest stage, in January 2002.⁴⁰³

219. In evidence to us, Fr Leo Chamberlain accepted that Abbot Timothy Wright's conduct 'understandably gave the police the impression that their investigation had been tampered with'⁴⁰⁴ and told us that this created a degree of mistrust between the abbey and the police that would last for some time.⁴⁰⁵ Abbot Madden also agreed that Ampleforth had been wrong to contact RC-A96⁴⁰⁶ and that 'certainly by the light of today, and possibly then, it should have gone straight to the police'.⁴⁰⁷

220. Both Fr Leo and Abbot Wright's actions were undoubtedly wrong. No efforts should have been made to engage directly with RC-F96, or other potential witnesses, and the matter should have been reported immediately to the statutory authorities, as recommended by the Nolan Report.

221. In August 2002, Fr Piers returned to the abbey and was given work in the abbey shop.⁴⁰⁸ This is a gift shop in the centre of the main hall at Ampleforth, open to monks, students and visitors alike.⁴⁰⁹

222. During this period, following the police investigation, RC-F16 was referred to the Lucy Faithfull Foundation (LFF) by Abbot Timothy Wright for a risk assessment. The assessment was conducted by Joe Sullivan, then principal therapist of the LFF. In his assessment report, dated 20 September 2002, Mr Sullivan made a number of findings. In relation to grooming, he noted that:

*RC-F16 admitted befriending RC-A296 and treating him differently because he was attracted to him and enjoyed his company. The impact of this on RC-A296 is likely to have been significant given the position of authority held by RC-F16. In addition, the fact that RC-A296's mother befriended RC-F16 will also have made the disclosure of any feeling of discomfort about RC-F16's behaviour more difficult for RC-A296.*⁴¹⁰

223. Mr Sullivan went on to note more broadly that:

*It would appear that RC-F16 has normalised his emotionally intimate contact with boys as the years progressed and his position as housemaster solidified. He created routines which allowed him to spend time with the boys he chose as helpers. In addition, his undoubted commitment to and interest in the boys and their parents will have made his behaviour more difficult to challenge as his reputation was reinforced.*⁴¹¹

224. In terms of specific incidents of sexual abuse, the report stated that RC-F16 admitted to:

⁴⁰³ DSU Barry Honeysett 4 December 2017 70/1-3, 22-24

⁴⁰⁴ Fr Leo Chamberlain 4 December 2017 40/15-17

⁴⁰⁵ Fr Leo Chamberlain 4 December 2017 41/4-6; 59/6-11

⁴⁰⁶ Abbot Cuthbert Madden 5 December 2017 73/23-25, 74/1-4

⁴⁰⁷ Abbot Cuthbert Madden 5 December 2017 58/10-11

⁴⁰⁸ AAT000320_491 paragraph 3.7

⁴⁰⁹ Fr George Corrie 1 December 2017 30/24-25, 31/1-4

⁴¹⁰ AAT000503_016 paragraph 47

⁴¹¹ AAT000503_017 paragraph 49

*acting in a sexually inappropriate manner towards RC-A296 while he was still a student at school. He admits to sexually assaulting RC-A296 on two separate occasions after his eighteenth birthday ... he does not wish to disclose this abuse to the police but has indicated that he would not deny the allegations if RC-A296 was to report the incidents to the police.*⁴¹²

225. The report concluded that RC-F16:

appears to have been meeting his own emotional needs through his contact with RC-A296 and perhaps other boys. This pattern of behaviour would seem to have developed over a number of years and has become part of RC-F16's instinctive behaviour. This would suggest that the behaviour is likely to have been used more widely by RC-F16 than exclusively with RC-A296. Hence the suggestion that at least one other boy may have been abused in a similar way by RC-F16 needs to be treated as highly possible In my opinion RC-F16 does represent a risk to children.

226. Mr Sullivan recommended that RC-F16 be prevented from future work with children and vulnerable adults and that he undertake a residential therapeutic treatment programme.⁴¹³ RC-F16 was subsequently placed on List 99 by the Department for Education and Skills, in February 2003. He was suspended from priestly ministry in August 2003 by Abbot Wright. In October 2003, he was formally exlaustrated (removed from the abbey) for a period of three years. Records indicate that RC-F16 stayed away from the abbey for approximately seven years. We understand that Ampleforth funded his training as a solicitor during this period. In 2012, Abbot Madden began dismissal proceedings and on 1 February 2013 RC-F16 was finally dismissed from the monastery by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life.⁴¹⁴

227. Turning back to the cases of Fr Gregory and Fr Piers, in October 2002, Abbot Wright recalled Fr Gregory from Workington parish, moved him back to Ampleforth Abbey, and asked him to undertake a risk assessment.⁴¹⁵ According to Abbot Madden, this decision was made on the basis of Ampleforth's 'increasing knowledge of the problems associated with the sexual abuse of children'.⁴¹⁶

228. As is set out below, the relationship between Abbot Wright and the Manns began to deteriorate in early 2003 following disagreements over the risk management of three monks, Fr Gregory, Fr Piers and RC-F27, and Abbot Wright's failure to cooperate and refusal to disclose information that the Manns had requested in order to complete their assessments. Drs Ruth and Elizabeth Mann ultimately took the view that the safeguarding measures at Ampleforth were inadequate and that the Nolan recommendations were not being properly implemented. Faced with the abbot's lack of cooperation they alerted the statutory authorities in July 2003.

⁴¹² [AAT000503_017/018](#) paragraphs 51-52

⁴¹³ [AAT000503_018](#) paragraph 59

⁴¹⁴ [AAT000210_036-037](#)

⁴¹⁵ [AAT000145_006](#) paragraph 4.4

⁴¹⁶ [AAT000145_006](#) paragraph 4.4

229. In early 2003, Dr Elizabeth Mann became aware that Fr Piers and RC-F27 had been working in the abbey shop, where they had unsupervised contact with children, visitors and guests. On 18 January 2003, Dr Mann shared her concerns about the inappropriateness of the two monks being appointed to the shop with Fr George and urged him to warn the abbot of the risk this created.⁴¹⁷

230. We note that SMA was first inspected by the National Care Standards Commission (NCSC) during this period. The purpose of the inspection was to 'determine whether the welfare of children ... is adequately safeguarded and promoted while they are accommodated by the school' and specifically 'the extent to which the school is meeting the National Minimum Standards for Boarding Schools'.⁴¹⁸ In a report dated 24 February 2003, the inspectors concluded that overall there had been no failure by SMA to comply with its safeguarding duty under section 87(1) Children Act 1989. However, it was observed that 'discussions with boarding staff indicated different levels of awareness and experience in dealing with child protection issues' and further that 'while clearance is undertaken for teaching and matronal staff school is not undertaking CRB checks for some staff having contact with boarders including Gap Students and visiting activity staff'.⁴¹⁹ The NCSC recommended that 'all staff with boarding duties should receive up to date training in child protection issues'⁴²⁰ and that 'in the interests of child welfare and good standards of professional practice school needs to develop the practice it uses to recruit and vet staff'.⁴²¹

231. On 27 February 2003, Abbot Wright asked Dr Elizabeth Mann to assess Fr Gregory.⁴²² Dr Mann told us that the abbot did not disclose prior to the assessment that Fr Gregory had a history of child sexual abuse⁴²³ (namely the RC-A87 case described above). In fact, the abbot said that the purpose of the assessment was 'to help provide basis for future ministry'. We have heard that, during the assessment process, Fr Gregory admitted to Dr Mann that he had sexually abused numerous children while teaching at school. (These were boys other than RC-A87 who was the only known victim at the time.) Dr Mann reported Fr Gregory's disclosures to the abbot and requested access to his files, but the abbot refused to comply with her request. He did however disclose details of his previous psychiatric assessments, but these were brief, leading Dr Mann to believe that the abbot was withholding vital information. Dr Mann told the abbot that he needed to report Fr Gregory to the statutory authorities and that if he failed to do so she would notify them herself.

232. As for Fr Piers, on 10 March 2003, Fr George wrote to COPCA and maintained that Ampleforth had complied with Dr Ruth Mann's recommendations.⁴²⁴ He informed COPCA that Fr Piers had been recalled to the abbey where he was subject to the 'normal rules of monastic enclosures and permissions'⁴²⁵ and excluded from teaching in the school and from any involvement in the pastoral needs of children.⁴²⁶ Fr George was asked to comment about this letter during the Inquiry hearings, and to clarify the extent of the restrictions placed upon Fr Piers once he returned to Ampleforth. He stated that Fr Piers could not leave the

⁴¹⁷ EMA000748_025-026 paragraph 11.1.f

⁴¹⁸ OFS004685_005

⁴¹⁹ OFS004685_034

⁴²⁰ OFS004685_020

⁴²¹ OFS004685_013

⁴²² EMA000748_039 paragraph 11.4.a

⁴²³ EMA000748_040 paragraph 11.4.b

⁴²⁴ CSA004128_002

⁴²⁵ Fr George Corrie 1 December 2017 42/19-20

⁴²⁶ Fr George Corrie 1 December 2017 43/2-12

monastery without permission. No other restrictions were put in place. Fr George told us that at the time he wrote the letter he believed the restrictions to be adequate, however he now accepted that the measures were insufficient.⁴²⁷

233. On 24 March 2003, Dr Elizabeth Mann met with Fr Leo at Ampleforth. She reiterated her concern over the lack of a child protection policy at the abbey,⁴²⁸ and over Fr Piers and RC-F27 being allowed to work in the shop (which in her view was contrary to the recommendations in their respective risk assessments)⁴²⁹ considering the risk they represented and in the absence of the knowledge or consent of the parents of the pupils. Fr Leo said that he was also concerned about the situation.⁴³⁰ He described the difficulties that he had experienced in other cases where allegations had been made and the abbot had intervened unilaterally, as in the case of RC-F16. Dr Mann suggested that she could write to the abbot saying that if Fr Piers and RC-F27 were not removed immediately from the shop, she would report the situation to the statutory authorities. Fr Leo advised against this course of action on the basis that 'to proceed in that way would certainly end the relationship with the [A]bbot'. Instead, he agreed to take Dr Mann's concerns to the abbot, which he did, in writing, on 12 April 2003.⁴³¹

234. In or around April 2003, Abbot Wright sought a second opinion about Fr Piers Grant-Ferris, and commissioned a third expert's report from Dr Seymour Spencer, upon whom he had previously relied in 1975 and 1995. In that report, dated 21 May 2003, Dr Spencer criticised Dr Elizabeth Mann's assessment of the level of risk, saying that the restrictions placed on Fr Piers at the abbey, where he was prohibited from having any dealings with the pupils and from hearing confessions, were appropriate.⁴³²

235. On 10 May 2003, Fr George Corrie, with whom she then had a good relationship, and who had himself in correspondence expressed concerns about Abbot Wright's actions, appeared now to change his mind and, in a sudden U-turn, wrote to Dr Elizabeth Mann:

*There is no concern about any monk working in any of our monastic works. In our central building, there is now the abbey shop, which is for the use of our increasing number of guests and visitors. Father Piers and RC-F27 work for one session per week in the shop. They are never alone. Neither of these monks work in school. Neither has any pastoral responsibility whatsoever with the students As child protection coordinator, I do not see the central building area in which the abbey shop is situated as a risk area. It is a much less risk area than any public area or any public shopping arcade in the country.*⁴³³

236. Similarly, three days later, on 13 May 2003, Fr Leo wrote to Dr Elizabeth Mann saying that he had spoken to the abbot and Fr George about Fr Piers and RC-F27 working in the shop. It is apparent from the contents and tone of his letter that Fr Leo's attitude had changed since his meeting with Dr Mann only two months prior. He said:

⁴²⁷ Fr George Corrie 1 December 2017 43/13-18

⁴²⁸ Fr Leo Chamberlain 4 December 2017 47/2-5

⁴²⁹ Fr Leo Chamberlain 4 December 2017 45/25, 46/1-4, 47/10-14, 20-24

⁴³⁰ Fr Leo Chamberlain 4 December 2017 47/25-48/1-14

⁴³¹ EMA000248

⁴³² AAT000320_473-477

⁴³³ Fr George Corrie 1 December 2017 44/2-15

Since I raised the concerns of which you informed me, I have been given an account of proper and sufficient steps taken by Father Abbot, with the help of Father Prior as the community child protection coordinator. I'm not clear how you have a responsibility regarding these historic cases because others carried out the risk assessment. Fr Abbot tells me that both RC-F27 and Father Piers Grant-Ferris are in continuing contact with psychiatrists, who are ordinarily obliged by the ethics of the profession to provide information if it is their view that harm is threatened to others, especially children. He has not been so informed, and it appears that there might be a professional disagreement with the risks assessments In these circumstances, I would judge it acceptable, and in accord with my own duty of care, that these brethren should be able to work with others in the abbey shop, something of a goldfish bowl situated in the main hall which is open territory for visitors, guests and students The monks concerned do not enter school.⁴³⁴

237. Fr Leo was asked about this letter during the hearing. He told us:

The question was that Abbot Timothy wanted these two men to have something to do in the shop, and the easiest thing, and I did suggest it at some point, was that they should be withdrawn so that matters could be considered. He was not willing to do that He knew my view was that they should be withdrawn ... I was trying to work with everyone concerned. If it was an absolute point of principle with the [A]bbot, then because it was a very visible place, I thought, well we can probably make it work, but I think I may have been wrong about that.⁴³⁵

238. Eileen Shearer, formerly director of COPCA, gave evidence to the Inquiry, and was asked about the decision that had been made to allow Fr Piers and another monk, RC-F27, to work in the shop. She told us that in her view it had plainly been inappropriate.⁴³⁶ This was a correct assessment.

239. On 1 July 2003, Dr Elizabeth Mann contacted social services to report Ampleforth's handling of Fr Piers' case and failure to respond to her and Dr Ruth Mann's advice. Social services notified NYP and a strategy meeting between the Manns and statutory authorities was held on 10 July 2003.⁴³⁷ The strategy meeting concluded that there was sufficient level of concern to warrant an investigation into Fr Piers and, more generally, into Ampleforth's ability to safeguard children.⁴³⁸

240. Between July and November 2003, the statutory authorities conducted preliminary enquiries into Ampleforth.⁴³⁹ On 29 July 2003, there was a meeting attended by DSU Honeysett, David Molesworth and representatives from the National Care Standards Commission, amongst others. They outlined their concerns relating to Ampleforth's failure to act within the Working Together and Nolan guidance, share information and adopt effective child protection procedures.⁴⁴⁰

⁴³⁴ Fr Leo Chamberlain 4 December 2017 55/3-25-56/1-7

⁴³⁵ Fr Leo Chamberlain 4 December 2017, 56/19-23, 57/3-4, 9-13

⁴³⁶ Eileen Shearer 30 November 2017 100/6-15, 101/5-20

⁴³⁷ David Molesworth 1 December 2017 79/7-13

⁴³⁸ NYC000383_012 paragraph 56

⁴³⁹ NYP000486_003-004 paragraphs 18-28

⁴⁴⁰ NYC000383_012 paragraph 56

241. A further meeting took place on 4 August 2003 at which Abbot Wright was present. During this meeting, the abbot said that it had been inappropriate for the Manns to have reported the Fr Piers case to social services without his consent. He emphasised that he had a duty of care to his monks. NYP told the abbot that they disagreed with his view that Fr Piers was a low risk, and that they preferred Dr Mann's assessment to that of Dr Spencer. A risk management plan was put in place for Fr Piers, pending the completion of the police investigation. Fr Piers was to be accompanied at all times by another monk whenever he left Ampleforth and was prohibited from entering school buildings and having any unsupervised contact with children.⁴⁴¹ On 13 August 2003, Ampleforth provided information to the statutory authorities about seven monks in respect of whom there were child protection concerns, including RC-F29, Fr Gregory, Fr Piers, Fr Bernard and RC-F27.

242. In relation to Fr Gregory, by October 2003 Abbot Wright was still refusing to cooperate with Dr Elizabeth Mann and to disclose the information she had requested to complete her assessment of the monk.⁴⁴² On 22 October 2003, Dr Mann referred Fr Gregory's case to David Molesworth.

243. As outlined, on 14 January 2004 the NYP investigation team was contacted by a solicitor who complained that his client, RC-A123, had been abused by RC-F18 for three years in the early 1990s. The allegations included anal rape and named other boys (see above). This disclosure required immediate action given RC-F18 still retained a role at school at the time. The police took statements from RC-A123 and on 9 February 2004 arrested RC-F18 at the abbey. DSU Honeysett told us that no liaison took place between Ampleforth and the statutory authorities prior to the arrest, and that the community cooperated with police during the arrest and the subsequent search of RC-F18's living quarters.⁴⁴³

244. RC-F18 denied the allegations. DSU Honeysett told us that the police were then 'faced with a difficult position'. He could not impose bail conditions on someone who had been arrested but not yet charged. He had no option but to release RC-F18 back to the abbey into the Ampleforth community without the police having the power to impose any restrictions.⁴⁴⁴ RC-F18 however did voluntarily agree to withdraw from school and to have no access to children while the investigation was ongoing.⁴⁴⁵

245. In parallel, the statutory authorities completed their preliminary inquiries into Ampleforth during this period and formally launched Operation Ellipse. A multi-agency strategic planning meeting took place in February 2004 with senior representatives from NYP, NYCC Child Services, the Commission for Social Care Inspection, NYCC Local Education Authority and the CPS. Terms of reference and policies were agreed in relation to the media, witness management, prosecutions and decisions to take 'no further action'.⁴⁴⁶

246. In March 2004, both SMA and Ampleforth College were inspected by the NCSC. The inspections were carried out in the wake of the publicity surrounding Operation Ellipse and were focused on child protection.⁴⁴⁷ In relation to SMA, the inspection report concluded that: 'The school continues to comply with its obligations to safeguard and promote the

⁴⁴¹ AAT000049, AAT000645, AAT000307_032-033

⁴⁴² EMA000748_039-040 paragraph 11.4, Fr George Corrie 1 December 2017 29/1-5

⁴⁴³ NYP000486_004 paragraphs 32-35

⁴⁴⁴ DSU Barry Honeysett 4 December 2017 124/25, 125/1-4

⁴⁴⁵ NYP000486_004 paragraph 37

⁴⁴⁶ NYP000486_003-004 paragraphs 20-30

⁴⁴⁷ OFS004686_008 and OFS004689_008

welfare of boarding pupils ... child protection policies and procedures are in place and staff, including ancillary staff, have an understanding of child protection issues and appropriate responses.⁴⁴⁸ A similar conclusion was reached in respect of Ampleforth College, with inspectors noting that overall they were 'satisfied that the measures in place for the protection of children and for the wider purpose of promoting and safeguarding their welfare at the time of inspection were of a high quality'.⁴⁴⁹

247. Although the college's child protection policy was found to be compliant with the Working Together guidance, it was noted that 'the requirement for a referral to social services within 24 hours, while known to senior staff, is not explicit within that document' and the NCSC recommended that the policy be amended to make this clear.⁴⁵⁰ We also note that in terms of the recruitment of monastic staff, the inspectors recorded that:

These staff do not apply for posts in the same way as lay people but are deployed by the abbey as part of their service to the community. The headmaster described the assessment process which is undertaken by senior office holders in the monastic community and himself. Appropriate checks are also undertaken. These records, however, are held by the abbey and not evidenced with staff recruitment records held within school. Inspectors felt that this could be dealt with in a similar way to gap students by an appropriate office holder within the monastery giving a written report that such checks have been undertaken and that there was no reason to believe the person was unsuitable to work within the college.⁴⁵¹

248. In June 2004, Rob Turnbull, a senior crown prosecutor with the CPS, reviewed RC-F18's file and advised that there was insufficient evidence to support the allegations and therefore no realistic prospect of conviction.⁴⁵² We have not heard any evidence from him nor has he made a statement, but it appears the basis of this decision was that the other boys named by RC-A123 had not corroborated his account. They did indicate that a good deal of inappropriate activity had taken place while RC-F18 was present but said that he had not taken part.⁴⁵³ It was thought that this was likely to affect his credibility as a witness.⁴⁵⁴ Another potential bar to successful prosecution was said to be RC-A123's mental condition. He was suffering from depression and bipolar disorder and had begun to make his disclosures shortly after a release from hospital. Dr Judith Earnshaw of the LFF, who assessed RC-F18 in 2007 (as outlined above), said in her report that 'RC-A123's bipolar disorder may have been a factor in his making the allegations'.⁴⁵⁵ The material recovered in RC-F18's computer was also considered by the CPS. Although obscene chat material and pornographic photos of young males had been found,⁴⁵⁶ which as DSU Honeysett told us in evidence clearly indicated an interest in adolescent boys, there was no proof that the males in the pornographic images were under age and that a criminal offence had been committed.⁴⁵⁷

⁴⁴⁸ [OFS004686_008-009](#)

⁴⁴⁹ [OFS004689_008](#)

⁴⁵⁰ [OFS004689_016](#)

⁴⁵¹ [OFS004689_028-029](#)

⁴⁵² [NYP000490_025](#) paragraph 107

⁴⁵³ [DSU Barry Honeysett 4 December 2017 122/23-25, 123/1-4](#)

⁴⁵⁴ [NYP000490_025](#) paragraph 107

⁴⁵⁵ [LFF000013_010-011](#) paragraphs 36-37

⁴⁵⁶ [DSU Barry Honeysett 4 December 2017 121/20-23](#)

⁴⁵⁷ [DSU Barry Honeysett 4 December 2017 123/5-10](#)

249. In relation to the CPS decision not to prosecute, DSU Honeysett said:

I think the best way to describe how we felt about it was that this appeared to be a grooming offence, and grooming I think had become an offence in 2003, but these offences were all committed well before that offence existed ... [The CPS] gave it detailed consideration and, despite the fact that it left us with some difficulties, I understand fully why this decision was made.⁴⁵⁸

250. As indicated above, although no charges were ultimately brought in relation to RC-A123, the police indicated that they had 'serious concerns' about RC-F18 and his suitability to work with children because of what other pupils had said about his behaviour as housemaster, including that he encouraged boys to masturbate in his presence.

251. In September 2004, there was a full boarding welfare inspection by NCSC at Ampleforth College. The NCSC report noted that the recommendations made in March 2004 (discussed above) had been fully addressed by the college⁴⁵⁹ and found that it met the applicable regulatory requirements.

252. On 9 December 2004, Fr Piers was arrested for offences of indecent assault and released on bail.

253. On 31 January 2005, Assistant Chief Constable Peter Bagshaw of NYP wrote to Abbot Wright to agree risk management measures for RC-F18. He noted that:

[w]hilst RC-F18's presence at Ampleforth is considered to present some risk given the close proximity of the college it was felt by all concerned that the most appropriate way forward, at this time, was through a combination of surveillance and support from within the Ampleforth community who would be aware of the concerns and risks and could act to reduce these to a minimum.⁴⁶⁰

254. Assistant Chief Constable Bagshaw recommended that RC-F18 continue to be excluded from any role connected with school; that arrangements be made to minimise his contact with children arising from his role at the abbey shop; that he be excluded from all school events attended by prospective or current pupils; and that he be prevented from taking confession from any person under the age of 18.⁴⁶¹

255. On 9 February 2005, Abbot Wright confirmed he would cooperate with the NYP and that appropriate steps would be taken to manage the risk posed by RC-F18.⁴⁶² He arranged for him to be risk assessed and instructed Dr Stuart Carney.

256. DSU Honeysett was asked during our hearings whether it was appropriate for RC-F18 to return to the monastery and in particular to work in the abbey shop. He told us:

⁴⁵⁸ DSU Barry Honeysett 4 December 2017 123/11-20

⁴⁵⁹ OFS004690_009

⁴⁶⁰ AAT000198_002

⁴⁶¹ AAT000198_002

⁴⁶² NYP000490_027 paragraph 123

*That was the best we could manage He was within the abbey and our view was that, actually, that's the best place. In all of this, the abbot has more control over priests than certainly I had over my staff He worked in the shop ... but he was never alone. If he was there and students walked in ... he was required to leave, and these things were set in place.*⁴⁶³

257. He continued:

*I think the difficulty – this is where you go back to, that is their home ... and [in] the abbey itself ... there were no children, access was not for children. So we were satisfied that the risk management that was in place was safe for children who were there during that time ... I'm not sure if we could have said 'he has to leave the monastery' but we'd already decided that ... by keeping him in the monastery, that was the best option to protect children.*⁴⁶⁴

258. The approach of the police was here inconsistent. Less than 18 months before, in August 2003, the NYP had been clear that it was inappropriate for Fr Piers Grant-Ferris – then still unconvicted – to work in the abbey shop where he might have contact with children and young people (see above). Yet here, in February 2005, the police appear to have endorsed RC-F18 being allowed to do so. The lack of consistency may well have led to confusion over the serious decisions that the abbey had to make over the management and placement of accused monks.

Abbot Cuthbert Madden (2005–present)

Approach to individual cases, risk management and school inspection reports (2005–2016)

259. On 15 February 2005, Cuthbert Madden was elected abbot of Ampleforth. He has told us that he has taken a very different view about the role of abbot from that which was held by Dom Timothy Wright. Abbot Cuthbert Madden said that he now shares everything to do with safeguarding with his council, AAT and SLET. He said:

*I can see no reason for keeping materials away from people who are helping us to run our school safely. ... My duty is to run a school where children are safe to the best of my abilities, and that's what I have tried to do.*⁴⁶⁵

We have also been told by Ampleforth that:

*[it] has had since 2005, a policy of immediately passing on all allegations and concerns to the statutory authorities in the first instance. Ampleforth recognises the need to involve, as early as possible, external agencies in the investigation of allegations and complaints. That practice has remained consistent since 2005 Nevertheless, it should not be forgotten that, since 1995, contemporaneous allegations of abuse had been passed to the police and statutory authorities with little delay.*⁴⁶⁶

⁴⁶³ DSU Barry Honeysett 4 December 2017 125/10-11,18-25; 126/1

⁴⁶⁴ DSU Barry Honeysett 4 December 2017 126/24-25; 127/1-4; 128/7-11

⁴⁶⁵ Abbot Cuthbert Madden 5 December 2017, 50/21-51/7

⁴⁶⁶ Interim closing submissions on behalf of Ampleforth to the Independent Inquiry into Child Sex Abuse, 20 December 2017, paragraph 27

260. On 16 February 2005, the day after Abbot Madden’s election, Fr Gregory Carroll was arrested and charged. That April, Dr Carney completed his assessment of RC-F18 and found that there was little evidence to suggest that RC-F18 presented a significant sexual risk to minors.⁴⁶⁷ His report was disclosed by Ampleforth to the statutory authorities and the DfE.⁴⁶⁸ We note in that regard that Abbot Wright initially stated that he considered it would be a breach of RC-F18’s medical confidentiality and human rights to share the report, unless it indicated a serious risk.⁴⁶⁹

261. In May 2005, there was an ISI inspection at SMA. The purpose of the inspection was to report on SMA’s compliance with the Education (Independent School Standards) (England) Regulations 2003 (2003 Regulations). It made no findings on the National Minimum Boarding Standards.⁴⁷⁰ This was the first ISI inspection since the merger between Ampleforth College Junior School and St Martin’s School, Nawton.⁴⁷¹ The inspectors found that SMA complied with the requirements as set out in the 2003 regulations for the welfare of pupils⁴⁷² and that ‘measures to safeguard and promote the welfare of pupils are “very good”’. It was also said that ‘child protection procedures are in place with clear guidance to staff’, however ‘[a] governor has yet to be appointed to oversee the procedures’ and ‘[t]he current policy of permitting teachers to counsel or advise individual pupils in private does not match recommended best practice’.

262. On 23 September 2005, Fr Gregory was sentenced to four years’ imprisonment (reduced to three years on appeal in January 2006), lifelong registration on the Sex Offenders Register and a lifelong ban from working with children.⁴⁷³

263. Following Fr Piers’ conviction and sentence, Abbot Cuthbert Madden consulted the Congregation for the Doctrine of the Faith in Rome on suitable restrictions for him on release, but Fr Piers requested dispensation, which was approved on 12 January 2007. He was released from prison later that month,⁴⁷⁴ after which the abbey provided him a place to live until his death on 8 October 2015.⁴⁷⁵

264. Operation Ellipse came to an end in June 2006. By this point, the relationship between Ampleforth and the statutory authorities had, on the face of it, improved. In June 2006, Abbot Madden organised a ‘safeguarding conference’ at Ampleforth with the statutory authorities. David Molesworth told us that, at the time, he saw this as ‘very positive’ and a ‘real leap forward’ as it showed that Ampleforth was finally taking steps to ‘own’ the safeguarding agenda.⁴⁷⁶

265. On 22 June 2006, Abbot Cuthbert Madden wrote to Andrew Dawson, Ampleforth’s lawyer:

⁴⁶⁷ [AAT000198_033](#) paragraph 4.2

⁴⁶⁸ [NYP000490_28](#)

⁴⁶⁹ [NYP000192_003](#)

⁴⁷⁰ [ISI000022_002](#)

⁴⁷¹ [ISI000022_007](#) paragraph 1.27

⁴⁷² [ISI000022_007](#) paragraph 1.27

⁴⁷³ [NYP000490_024](#) paragraphs 98, 100; [AAT000145_003](#) paragraph 2.9

⁴⁷⁴ [AAT000965_012](#) paragraph 67

⁴⁷⁵ [AAT000210_028](#)

⁴⁷⁶ [David Molesworth 1 December 2017 92/7-12](#)

What I would like to achieve, if this was possible, was some consensus that Ampleforth has been seen to change – at least as far as the police are concerned. Following on from this, I would hope that the social service department would agree that we have also done our best to be open and transparent in the recent past. I believe that this antedates my election, Father George had an important part in this process, but if they want to tie things to a new headmaster and a new abbot, I will let them. I do think we need to raise with them our concerns that our own desire to be seen to be open now seems to work against us because we are referring everything to them – which could lead, I hope, to a suggestion about how we obtain information about ‘grey’ cases – always the most difficult area. It would be good if we could tackle the area of suspensions and their effect in boarding schools.⁴⁷⁷

266. However, we have also seen correspondence from that period which suggests that although senior members of the community appeared to cooperate with the statutory authorities, they were in reality still reluctant to openly engage with them. We do note that, despite becoming aware of this correspondence, Mr Molesworth nonetheless concluded his evidence by saying:

I felt they resented external involvement and in particular resented challenge ... I was there to challenge There was no child protection leadership. As I say, I believe Cuthbert Madden wished to put in place proper child protection leadership, so having been not happy with what I [have] read, I'll step aside from that and say I do think he wanted to make it better.

267. In November 2006, the Commission for Social Care Inspection (CSCI) carried out an inspection at SMA. The CSCI was created by the Health and Social Care (Community Health and Standards) Act 2003 and replaced the NCSC.⁴⁷⁸ It was dissolved in 2009 and succeeded by the Care Quality Commission.⁴⁷⁹ The CSCI's report, published in January 2007, found that the school had met the national minimum standards related to safeguarding and promoting pupils' health and welfare.⁴⁸⁰ It was noted that:

The school has a policy for responding to child protection concerns and the headmaster is currently updating these. He intends to develop links with the local Safeguarding Board. Training for staff in child protection is provided and the boarders say they feel staff are concerned about their safety. The headmaster is the child protection officer for school, and where there has been concerns requiring further enquiry, the headmaster has responded in a positive and professional way in line with the procedures.⁴⁸¹

268. In July 2007, the Cumberlege Commission published its report, 'Safeguarding with Confidence: Keeping Children and Vulnerable Adults Safe in the Catholic Church'.

⁴⁷⁷ David Molesworth 1 December 2017 94/3-19

⁴⁷⁸ OFS005003_005 paragraph 13

⁴⁷⁹ https://www.datadictionary.nhs.uk/data_dictionary/nhs_business_definitions/c/care_quality_commission_de.asp?shownav=1

⁴⁸⁰ OFS004687_009

⁴⁸¹ OFS004687_012

269. Fr Gregory was released from prison in 2007. With the agreement of the statutory authorities, he returned to Ampleforth and moved into Plantation House,⁴⁸² a building located in the grounds of Ampleforth, approximately two miles south of the abbey,⁴⁸³ just north of Redcar Farm. A Covenant of Care was put in place⁴⁸⁴ and he was assigned to live with a minder, an older monk called Fr Adrian Gilman.

270. Fr Gregory was subsequently moved back into the abbey after Fr Adrian became infirm. Abbot Cuthbert Madden sought advice from the statutory authorities and the safeguarding commission on suitable risk management measures.⁴⁸⁵ NYP conducted an assessment and advised the abbot that Fr Gregory could reside in the abbey.⁴⁸⁶

271. RC-F18 remained barred from school until July 2007. A referral made by the Department for Children, Schools and Families led to his being reassessed by Dr Earnshaw. That same month, the department also advised RC-F18 that his suitability to work with children was under review.⁴⁸⁷

272. Dr Earnshaw completed her report in December 2007. She concluded that the allegations of sexual abuse from RC-A123 were likely unfounded⁴⁸⁸ but that there were sufficient concerns about his conduct as housemaster to render it inappropriate for him to carry on working with young people.⁴⁸⁹ She found RC-F18's behaviour was likely to have created 'an atmosphere which felt unsafe or uncomfortable for some pupils'⁴⁹⁰ and further that '[RC-F18] is likely to have been meeting some of his frustrated emotional and sexual needs through his contact with the boys, even though I do accept that he had no intention of abusing them ...'.⁴⁹¹ With regards to the abbey, she concluded as follows:

*I also think that the Ampleforth community of the time is even more responsible by failing to provide preparation, feedback for such an inexperienced teacher in such a sensitive environment the facilities for showering and changing at Ampleforth militate against appropriate privacy.*⁴⁹²

273. In April 2008, there was an ISI inspection at Ampleforth College. The focus of the inspection was the college's compliance with the 2003 Regulations and no findings were made in respect of the national minimum standards.⁴⁹³ The college was said to meet the regulatory requirements for the welfare of pupils.⁴⁹⁴

⁴⁸² [Abbot Cuthbert Madden 5 December 2017 115/9-14](#)

⁴⁸³ [NPS000001_008](#) paragraph 57

⁴⁸⁴ [Abbot Cuthbert Madden 5 December 2017 115/16-17](#)

⁴⁸⁵ [AAT000342](#)

⁴⁸⁶ [AAT000305_002](#)

⁴⁸⁷ [NYP000490_028](#) paragraph 129

⁴⁸⁸ [LFF000013_024](#) paragraph 88

⁴⁸⁹ [LFF000013_025](#) paragraph 91

⁴⁹⁰ [LFF000013_025](#) paragraph 89

⁴⁹¹ [LFF000013_025](#) paragraph 89

⁴⁹² [LFF000013_016](#) paragraph 57

⁴⁹³ [ISI000014_001](#)

⁴⁹⁴ [ISI000014_013](#) paragraph 3.8

274. In January 2009, there was an Ofsted inspection at Ampleforth College. The previous full boarding welfare inspection at the college had been carried out by the NCSC around four years before, in September 2004 (see above). The inspectors found that Ampleforth College provided an excellent quality of care for children who were boarders and gave school an ‘outstanding’ quality rating,⁴⁹⁵ including in relation to child protection.⁴⁹⁶

275. In September 2009, the Secretary of State for Children, Schools and Families made an order under section 142 Children’s Act 2002 disqualifying RC-F18 from working with children and young people, including both paid and unpaid work in the public, private, voluntary and volunteering sectors.⁴⁹⁷ He further directed that no appeal against his decision was possible for a period of 10 years.⁴⁹⁸

276. In October 2009, SMA was inspected by Ofsted and rated ‘outstanding’ overall. The inspectors found that the school provided ‘an excellent quality of care for those children who are boarders’, that there was ‘a high level of awareness of safeguarding at the school’ and that ‘positive links [had] been established between the school and the Local Safeguarding Children’s Board All boarding staff have been trained in child protection awareness.’⁴⁹⁹ It was further noted that the headmaster had updated the school’s child protection policy, as recommended during the 2006 inspection⁵⁰⁰ (see above). The report’s sole recommendation was for all staff involved in recruitment to receive safer recruitment training.⁵⁰¹

277. In June 2010, RC-F18 was notified by the Independent Safeguarding Authority of his transfer to the ISA Children’s Barred List following a change in the law. In February 2012, the authority was notified by the Criminal Records Bureau of a positive match for RC-F18. This was because of his employment in the abbey shop. As a result, there was a review of RC-F18’s position at Ampleforth carried out in conjunction with the DfE.⁵⁰²

278. In February and March 2011, SMA was inspected for the second time by the ISI. As noted above, the last ISI inspection had been carried out some six years prior, in May 2005. As with the 2005 ISI inspection, the focus of the 2011 inspection was to assess SMA’s compliance with the Education (Independent Schools Standards) (England) Regulations 2010 (which replaced the 2003 Regulations). The inspectors found that SMA continued to meet all its regulatory obligations (under the 2010 Regulations). With regards to safeguarding, it was said that ‘the quality of the arrangements for welfare, health and safety are excellent’, ‘due attention is given to safeguarding and promoting pupils’ health and well-being’ and that ‘the safeguarding policy is clear and training for all staff has been undertaken’.⁵⁰³ The school’s governance arrangements were ‘good’⁵⁰⁴ and the governing body was found to be ‘aware of its responsibilities for child protection ... and appropriate training has been undertaken, confirming its commitment to the safeguarding and welfare of pupils, throughout school’.⁵⁰⁵

279. The Carlile Review of Ealing Abbey was published in September 2011.

⁴⁹⁵ [OFS004691_004](#)

⁴⁹⁶ [OFS004691_005-006](#)

⁴⁹⁷ [NYP000490_028-029](#) paragraph 131

⁴⁹⁸ [AAT000210_038](#)

⁴⁹⁹ [OFS004688_004](#)

⁵⁰⁰ [OFS004688_004](#)

⁵⁰¹ [OFS004688_008](#)

⁵⁰² [NYP000490_029](#) paragraphs 132-134

⁵⁰³ [ISI000025_013](#) paragraph 4.8

⁵⁰⁴ [ISI000025_015](#) paragraph 5.1

⁵⁰⁵ [ISI000025_015](#) paragraph

280. In September 2012, the Department, as mentioned above, wrote to the abbot to raise concerns about RC-F18's continued presence on site.⁵⁰⁶ Because of these concerns, RC-F18 was removed from Ampleforth and sent to a contemplative monastery with no external apostolate. The abbey was made aware of the allegations against him.⁵⁰⁷

281. In January and February 2012, Abbot Madden wrote to the DfE to inform them of the measures that had been put in place for Fr Gregory (and for RC-F18 and RC-F32, two other monks who potentially posed a risk to children and who were living in the abbey at the time).⁵⁰⁸ In September 2012, the DfE responded, indicating that in their view the arrangements were incompatible with Lord Carlile's recommendation that abusive monks should not reside in monasteries attached to schools, and of the Independent Schools Standards Regulations and the national minimum standards for boarding schools.⁵⁰⁹ A meeting was subsequently arranged on 6 November 2012⁵¹⁰ between representatives of the abbey, the SLET and the DfE at which Abbot Cuthbert Madden tried to persuade the DfE the three monks could be safely accommodated at the abbey.⁵¹¹ He failed.

282. Fr Gregory was moved to a strictly contemplative monastery with no external mission. A revised Covenant of Care was put in place and the community was made aware of his offending history.⁵¹²

283. In early 2013, while there, Fr Gregory developed a fixation towards a young novice and breached his Covenant of Care.⁵¹³ As a result, Abbot Madden gave him a formal warning and then referred his case to the Congregation for the Doctrine of the Faith (CDF) for dismissal action⁵¹⁴ and removed him into a MAPPA-approved private property in York.⁵¹⁵ RC-F18 was removed from his abbey and moved to York to supervise Fr Gregory.⁵¹⁶

284. Meanwhile, in January 2013, the ISI inspected Ampleforth College in relation to both the 2010 regulations and the national minimum standards. We note that until September 2011, boarding welfare inspections were carried out by Ofsted.⁵¹⁷ The January 2013 inspection report concluded that school had met all its regulatory requirements.⁵¹⁸ In relation to safeguarding, the arrangements in place were said to be 'excellent', the inspectors finding that 'school has put in place safeguarding arrangements which have regard to official guidance, and which take proper account of the context of school. A suitable strategy for safe recruitment, and arrangements for the training of staff for child protection both meet requirements.' The inspectors also commented on the recent addition in 2012 of lay trustees as members of the SLET (see above) and noted that 'trustees ensure that excellent systems are in place for safeguarding and child protection'.⁵¹⁹

⁵⁰⁶ [AAT000281](#)

⁵⁰⁷ [AAT000966_039](#) paragraph 184.b

⁵⁰⁸ [AAT000211_007-011](#)

⁵⁰⁹ [AAT000211_012-013](#)

⁵¹⁰ [AAT000211_016-023](#)

⁵¹¹ [Abbot Cuthbert Madden 5 December 2017 116/6-14](#)

⁵¹² [AAT000966_038](#) paragraph 184.a

⁵¹³ [Abbot Cuthbert Madden 5 December 2017 117/8-11](#)

⁵¹⁴ [Abbot Cuthbert Madden 5 December 2017 117/12-13](#)

⁵¹⁵ [AAT000966_038](#) paragraph 184.a

⁵¹⁶ [AAT000966_039](#) paragraph 184.b

⁵¹⁷ [ISI000013_003](#)

⁵¹⁸ [ISI000013_008](#) paragraph 2.b

⁵¹⁹ [ISI000013_017](#) paragraph 5.3

285. In May 2013, the ISI carried out another inspection at SMA, this time focused on boarding welfare and compliance with the national minimum standards. The previous boarding welfare inspection had been undertaken by Ofsted, in October 2009 (see above), and it was observed by the ISI that school had complied with the recommendation in the Ofsted report that appropriate staff undertake safer training recruitment.⁵²⁰ The ISI inspectors found that school continued to meet the national minimum standards for welfare and safeguarding.⁵²¹

286. Fr Gregory subsequently asked to be allowed to petition for a dispensation from the obligations of the priesthood and his monastic vows, rather than go through the dismissal process. His petition was forwarded to the CDF in Rome and was granted in December 2013.⁵²²

287. After Fr Gregory was laicised, RC-F18 was sent under a Covenant of Care⁵²³ to a different abbey⁵²⁴ which is a contemplative community of Benedictine women and has no external apostolate. In 2014, it was agreed by Dom Yeo and the archdiocese of the Birmingham safeguarding commission that RC-F18 would remain at that abbey. He currently works as an assistant chaplain and regularly teaches at the abbey.⁵²⁵ We heard evidence from Dom Yeo that although the abbess of the abbey to which he was sent knew that RC-F18 had been investigated, she did not know the details of the allegations that had been made against him, nor did she wish to know.⁵²⁶ Dom Yeo told us that he had 'sympathy with her position'.⁵²⁷ He did not consider that it was his role to provide her with the details of what RC-F18 was alleged to have done,⁵²⁸ the most he could do was make sure that 'Abbot Cuthbert knew that this was an issue which needed to be looked at'.⁵²⁹

288. We take the view that Dom Yeo should have made sure that the abbess had all the relevant information about RC-F18, particularly as it was he who was in correspondence with her. While it may have been the case that it was Abbot Cuthbert Madden's responsibility, Dom Richard Yeo had an obligation to ensure that the full information was conveyed to the abbess, and should himself have told her.

289. In May 2013, RC-F27 admitted to Abbot Cuthbert Madden that he had indeed been in a sexual relationship with RC-A223 (see above). The abbot notified the police and social services. In June 2013, the safeguarding commission became involved in managing RC-F27 and drew up a Covenant of Care and Disciplinary Decree. His faculties concerning preaching, hearing confessions and celebrating sacraments within the diocese of Middlesbrough were revoked.⁵³⁰ He sought to appeal his covenant, but this was ultimately rejected by the Holy See.

⁵²⁰ [ISI000026_007](#) paragraph 2

⁵²¹ [ISI000026_007](#) paragraph 3

⁵²² [AAT000210_036](#)

⁵²³ [AAT000966_038](#) paragraph 184.b

⁵²⁴ [AAT000966_039](#) paragraph 184.b

⁵²⁵ [BNT002454](#); [AAT000406_004](#) paragraph 4.4.1

⁵²⁶ [Dom Richard Yeo 12 December 2017 130/7-11](#)

⁵²⁷ [Dom Richard Yeo 12 December 2017 130/25](#)

⁵²⁸ [Dom Richard Yeo 12 December 2017 131/9](#)

⁵²⁹ [Dom Richard Yeo 12 December 2017 130/5-6](#)

⁵³⁰ [MID000037](#)

290. In July 2014, Fr Gregory, with the approval of the statutory authorities, moved into a house purchased for him by the abbey in nearby Redcar. He is currently under a new Covenant of Care managed by the diocese of Middlesbrough.⁵³¹

291. In November 2014, there was a further accusation levelled at RC-F27, which Mick Walker referred to the statutory authorities, but NYP decided that there was insufficient evidence to proceed. The abbey agreed to fund a course of counselling for the victim, RC-A99, but without any admissions as to liability.⁵³² We now know that in late 2015, during a risk assessment commissioned by Abbot Cuthbert Madden, RC-F27 made further admissions to having sexual relationships with four former pupils who at the time were aged between 18 and 20, including RC-A223. The assessment found that he continued to pose a risk and that the restrictions should be maintained.⁵³³

292. In giving evidence, Abbot Cuthbert Madden told us that he considers RC-F27 to be an ongoing risk,⁵³⁴ but that the view of both Ampleforth and the statutory authorities is that it is better for him to be in the abbey, where he can be monitored.⁵³⁵ RC-F27 has therefore remained at the abbey for more than 20 years after the first allegations were made in 1995.⁵³⁶

293. In January 2016, the ISI inspected Ampleforth College. The focus of the inspection was the school's compliance with the national minimum standards. As set out above, boarding welfare had previously been inspected by the ISI in 2013. The 2016 inspection report found that the Ampleforth College continued to comply with its regulatory requirements,⁵³⁷ including in relation to welfare and safeguarding. There were no boarding recommendations.⁵³⁸

294. At a meeting of Ampleforth's safeguarding commission in June 2017, it was recorded that RC-F18 (referred to above) remains subject to the safeguarding plan (formerly known as a Covenant of Care) first imposed in 2012 and that there had been no reported breaches. He is still on the Disclosure and Barring Service's barred list.⁵³⁹

More recent allegations (2016–present)

295. In August 2016, Abbot Cuthbert Madden himself faced allegations of child sexual abuse. As soon as he became aware of the allegations, Abbot Cuthbert Madden, in line with church policy, stepped aside and handed his power as religious superior of Ampleforth Abbey to his prior, Fr Terence Richardson. On 19 August 2016 he left Ampleforth at the request of the prior and the abbot's council, and moved to monastery 115 miles away, where he remains.⁵⁴⁰ NYP launched a full investigation. In November 2016, having considered all the evidence, NYP made a formal decision to discontinue proceedings on the basis that there was insufficient evidence.

⁵³¹ [AAT000210_036](#)

⁵³² [AAT000550](#)

⁵³³ [NYP000451](#)

⁵³⁴ [Abbot Cuthbert Madden 5 December 2017 106/14-23](#)

⁵³⁵ [Abbot Cuthbert Madden 5 December 2017 111/1-5](#)

⁵³⁶ We understand that his case has been referred to the Disclosure and Barring Service (in 2016) and that he may ultimately be removed from Ampleforth, depending upon their findings ([AAT000954_015](#) paragraph 47)

⁵³⁷ [ISI000355_007](#) paragraph 2.1

⁵³⁸ [ISI000355_009-010](#) paragraph 3.b

⁵³⁹ We understand that he has challenged this listing and that his appeal will be heard in 2019. ([NYP000414_004](#) paragraph 6.6.1)

⁵⁴⁰ [Abbot Cuthbert Madden 5 December 2017 129/3-14](#)

296. On conclusion of the police investigation, the diocese of Salford announced that there would be an internal review into Abbot Cuthbert Madden's suitability to resume his duties as abbot of Ampleforth. The investigation has now concluded. There has also been a further review by an independent panel which gave its conclusions on 28 March 2018. We understand that Abbot Cuthbert will be returning to his post.

297. In his evidence to the Inquiry, Abbot Cuthbert Madden reflected on his experience, and was critical of the Salford diocese investigation process. He said:

The police investigation was swift, comparatively speaking. It was 11 weeks. The police were courteous, concerned with the welfare of everybody involved in that investigation, and I think they worked through the matter as comprehensively as they could. There's something of a contrast with the church investigation, which has been going on now for at least 55 ... weeks. It is a very lengthy process. I am not entirely clear about the allegations that are being investigated because they have shifted. I have been required to be alone when I am interviewed, which was not the case with the police investigation, which I have found very stressful ... I have had, in effect, two psychosexual assessments. I'm not sure about the qualifications of the person carrying out the first It was certainly a very different experience to the second, which was carried out by a professional I have had no access to the papers on which my case is being judged. I have been unable to have these papers so I can reflect calmly and carefully on what's being said and receive appropriate legal advice, and so I think there is something of a contrast between the two processes.⁵⁴¹

298. He went on to comment that:

The kind of skills and the kind of talents which you need to investigate this kind of situation well are unlikely to be found in every single diocese. The diocese is too small a structure to have the finance available to do this. I think that probably needs to be reframed on a provincial or national basis, and I think the process itself needs some fairly careful re-examination. I think, finally, that accountability probably needs to be to some kind of board with a wide-ranging and appropriate membership, because one of the things that I have learnt from these past years at the abbey when I have been trying to deal with safeguarding is that it's wrong to put the burden of safeguarding onto one person's shoulders, and actually, you're in a much, much, better position in terms of making a right decision when you have access to social services and the police.⁵⁴²

299. In January 2017, the DfE asked the ISI to carry out an unannounced emergency visit at Ampleforth College to assess child protection and safeguarding arrangements. Specifically, the ISI was commissioned to report on how the school had handled recent complaints, including against Abbot Madden, Dara de Cogan and RC-F91.⁵⁴³ The ISI inspection team found that in each case:

the school followed appropriate procedures as outlined in their safeguarding policy, liaised appropriately with external agencies and followed the advice given ... evidence shows provision and procedures at both abbey and education trust level to be both effective

⁵⁴¹ Abbot Cuthbert Madden 5 December 2017 129/24-25, 130/1-24

⁵⁴² Abbot Cuthbert Madden 5 December 2017 131/4-20

⁵⁴³ ISI000288_012 paragraph 56

and transparent, and rigorously implemented to the benefit of pupils' well-being. This is replicated in knowledgeable and effective implementation of the school's safeguarding procedures, which benefits from unusually close links with both LADO and police.

The inspectors concluded that the school was meeting its regulatory requirements.

Recent reviews and inspections (2016–2018)

300. As a result of continued concerns about the extent to which current safeguarding risks to pupils at schools run by the charities are adequately managed, the Charity Commission opened a statutory inquiry into the SLET and AAT in November 2016.⁵⁴⁴ Their inquiry investigated the approach taken by the trustee of both AAT and SLET to safeguarding and the handling of allegations, in particular considering:

- a. The administration, governance and management of the charities by the trustees and whether or not the trustees had complied with and fulfilled their duties and responsibilities as trustees under charity law.
- b. Whether and to what extent there was/has been misconduct or mismanagement on the administration of the charities by the trustees.
- c. The charities' handling of safeguarding matters, including the creation, development, substance and implementation of their safeguarding policy and review procedures.
- d. How the charities dealt with the risks to the charities and their beneficiaries arising from alleged abuse incidents, including the application of their safeguarding policy and procedures.

301. Also in November 2016,⁵⁴⁵ the AAT commissioned an independent external review into safeguarding and child protection policies and practices at Ampleforth. They instructed Professor Susan Proctor, an independent consultant with expertise in the conduct of complex investigations into allegations of historic sexual abuse and matters relating to leadership, safeguarding and governance. She previously led the Savile investigation at Leeds Teaching Hospitals and the Kendall House Review for the Anglican dioceses of Rochester and Canterbury and is the current independent chair of the strategic safeguarding group for the diocese of York.⁵⁴⁶

The independent external review (2016–2017) – the Proctor Report

302. The review began in January 2017 and Professor Proctor produced her full report on 31 March 2017.⁵⁴⁷ Among areas of strength, she found that the safeguarding of children and young people is taken seriously at Ampleforth. The relevant school safeguarding policies have been produced and updated in recent years in line with DfE guidance, and the processes to monitor these are currently being developed. Safeguarding policies and practices for the recruitment and selection of staff are robust, and staff training is based on DfE guidance. The monastic community have also had regular safeguarding training. She also

⁵⁴⁴ CYC000140_013 paragraphs 57–59

⁵⁴⁵ INQ001309_002 paragraph 8

⁵⁴⁶ INQ001309_001 paragraphs 2–6

⁵⁴⁷ AAT000205

commented that the Catholic Safeguarding Advisory Service (CSAS) and the North Yorkshire local authority designated officer (LADO) are of the opinion that the management of current cases is appropriate.

303. Professor Proctor did however note that the Ampleforth governance arrangements are complex, and there is a risk of duplication and confusion in lines of accountability. She identified several areas for further improvement, and among other things found that:

- a. Overall, across the organisation leadership capacity for safeguarding is insufficient, and communication is less effective. No one is in overall charge of safeguarding for the organisation, and strategic relationships with external partners are not fostered.
- b. There is no safeguarding strategic plan for schools or for the wider organisation.
- c. The role and purpose of the safeguarding commission is not clear to these partners and their attendance is inconsistent.
- d. Assurance is needed on the robustness of the safeguarding policy for those facing unfounded or malicious allegations, or those who wish to complain about the handling of an allegation.
- e. New policies are required, including in respect of safeguarding vulnerable adults and raising concerns about inappropriate behaviour.

304. Professor Proctor made 90 detailed recommendations. We have heard from Ampleforth that they 'have accepted her recommendations' and 'are in the process of implementing them' and 'will in the future commission similar periodic independent external reviews'.⁵⁴⁸

ISI inspection at Ampleforth College (March 2018)

305. In March 2018, there was an ISI inspection of Ampleforth College. The inspection found that the college did not meet all the required standards contained in the schedule to the Education (Independent School Standards) Regulations 2014 as well as the national minimum standards for boarding schools. The inspection report states that:

2.9 Arrangements to safeguard pupils are not all secure or well managed. School has a suitable safeguarding policy, but this is not fully implemented with regard to making referrals to statutory bodies for safeguarding; in the arrangements for training of staff in safeguarding; in the accuracy of recording safeguarding issues; and in safe recruitment of staff. School does not have due regard to the guidance of the Secretary of State, Keeping Children Safe in Education (KCSIE) on allowing the [Designated Safeguarding Lead] sufficient time to fulfill the role effectively, and there is confusion about the division of responsibilities between deputy designated safeguarding leads. Staff recruitment to safeguard pupils does not follow its own stated procedures for checking the suitability of staff with sufficient rigour with regard to checks of barred lists, prohibition from teaching

⁵⁴⁸ Interim closing submissions on behalf of Ampleforth to the Independent Inquiry into Child Sex Abuse, 20 December 2017, paragraph 19

and/or management, and the seeking of references before appointment is confirmed. Governance and leadership have not ensured that effective systems are in place to monitor safeguarding procedures on school site to ensure the safety of pupils.⁵⁴⁹

Charity Commission findings – April 2018

306. The Commission’s statutory inquiry announced its findings on 3 April 2018. In summary, the Commission was not satisfied that AAT and SLET’s current safeguarding policies, procedures and practices are adequate and working properly. This includes concerns about their compliance with established safeguarding procedures.

307. The Commission reviewed the progress made by the trustees in implementing the recommendations made by Professor Proctor in March 2017 and said: ‘It is of paramount importance that beneficiaries, and others who come into contact with charities, are protected from harm. We are not satisfied that the trustees of these charities have made enough progress in improving the safeguarding environment for pupils in schools connected to the charities.’

308. As a result, on 3 April 2018, the Commission announced that it had stripped Ampleforth and SLET of their safeguarding oversight and appointed an interim manager for both charities. Her responsibilities include:

- Reviewing the sufficiency of the charities’ governance, leadership, management, culture, policies and practices with regard to safeguarding.
- Scrutinising and reviewing the charities’ progress with implementing the recommendations arising from the independent review in 2017.
- Identifying and implementing any additional actions which are considered necessary or appropriate to provide a safe environment for children, young persons and vulnerable people at Ampleforth.

309. The interim manager will have all the powers and duties of a trustee, to the exclusion of the trustees, in respect of a number of safeguarding-related matters.⁵⁵⁰

Looking forward

310. It is clear to us from all the evidence we have heard during this Inquiry that several systemic child protection and safeguarding challenges remain at Ampleforth to this day.

⁵⁴⁹ <https://www.isi.net/school/ampleforth-college-6197?results=true>

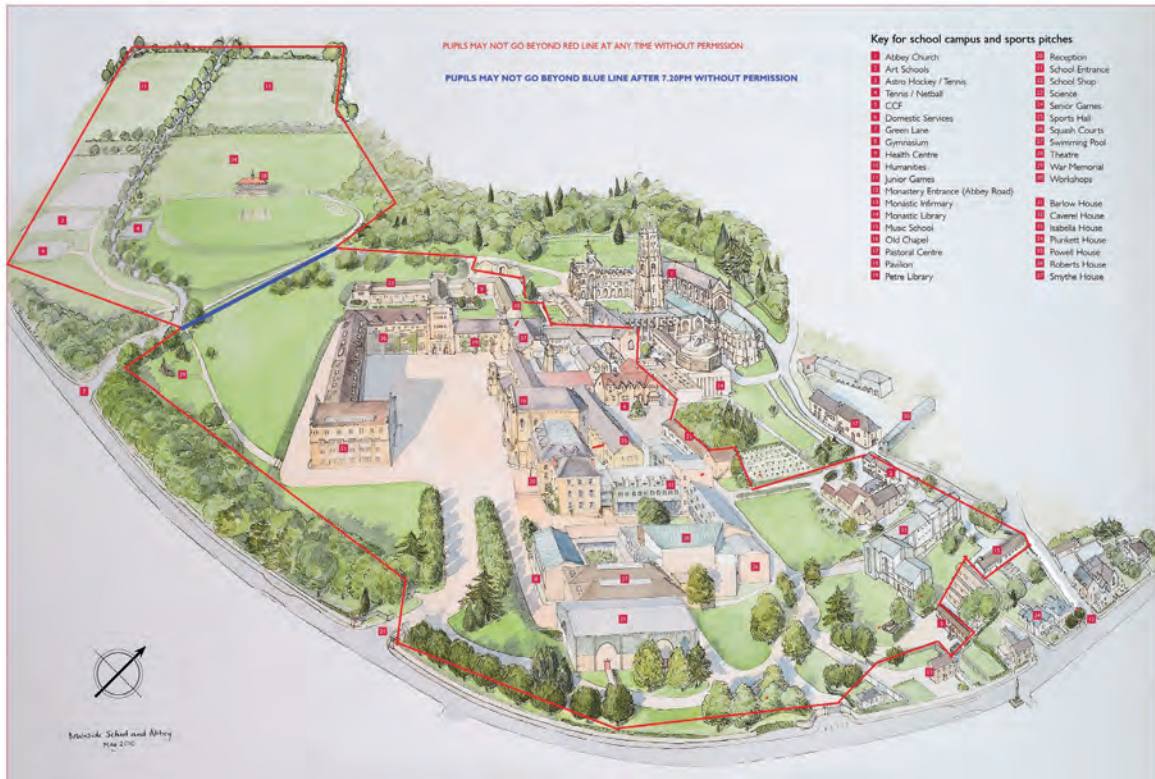
⁵⁵⁰ <https://www.gov.uk/government/news/charity-commission-appoints-interim-manager-to-ampleforth-abbey-and-the-st-laurence-education-trust>

Part C

Downside

Downside





Chronology of abbots, priors and headmasters

Abbots of Downside Abbey	
Abbot Edmund Ford	1900–1906
Abbot Cuthbert Butler	1906–1922
Abbot Leander Ramsey	1922–1929
Abbot John Chapman	1929–1933
Abbot Bruno Hicks	1933–1938
Abbot Sigebert Trafford	1938–1946
Abbot Christopher Butler	1946–1966
Abbot Wilfrid Passmore	1966–1974
Abbot John Roberts	1974–1990
Abbot Charles Fitzgerald-Lombard	1990–1998
Abbot Richard Yeo	1998–2006
Richard Yeo appointed abbot president of EBC 1 August 2001–1 August 2017. During this period Abbot Thomas Frerking (of St Louis Abbey in the United States) acted as abbot president in respect of issues that arose at Downside.	
Abbot Aidan Bellenger	2006–2014
Dom Leo Maidlaw Davis ¹	2014–present ²
Christopher Jamieson, Abbot of Worth Abbey, appointed Abbot President of EBC 1 August 2017	

Priors of Downside Abbey	
Dom John Roberts	1966–1974
Dom Ninian Fair	1974–1985
Dom Daniel Rees	1985–1991
Dom Philip Jebb	1991–2001
Dom Aidan Bellenger	2001–2006
Dom Anselm Brumwell	2014–present

Headmasters of Downside School	
Dom Wilfred Passmore	1946–1962
Dom Aelred Watkin	1962–1975
Dom Raphael Appleby	1975–1980
Dom Philip Jebb	1980–1991

¹ Elected as prior administrator rather than abbot

² Re-elected in 2016

Headmasters of Downside School	
Dom Aidan Bellenger	1991–1995
Dom Antony Sutch	1995–2003
Dom Leo Maidlow Davis	2003–2014
Dr James Whitehead	2014–December 2017
Andrew Hobbs ³	December 2017–present

Background

- Downside Abbey in Somerset is the senior Benedictine monastery of the English Benedictine Congregation. It was the first monastic community to revive the English Benedictine traditions following the dissolution of the monasteries in 1530, and was originally founded at St Gregory's in Douai, France in 1606. Following the French Revolution, the community returned to England in 1814 and settled at Downside.⁴ A chronological list of abbots, priors and headmasters at Downside appears at the front of this section.
- There is at present no abbot of Downside. Dom Aidan Bellenger was abbot of Downside between 2006 and 2014. When he completed his eight-year term of office in 2014, because of the small number of monks in residence at Downside (fewer than 20) it was considered that there were no eligible candidates, so the decision was taken not to hold an abbatial election. Instead, Dom Leo Maidlow Davis was appointed as prior administrator, a position that carries the same responsibilities as abbot, and to whom the monks at Downside are expected to show the same 'obedience and reverence', in accordance with the EBC Constitutions. He was re-appointed in 2016, and currently carries out what would be the functions of the abbot. We understand he will be stepping down in 2018.
- The community of St Gregory's became involved in the education of young people as early as the 17th century. During the 19th century, the school at Downside was a small monastic school for boys. Downside School today provides a Catholic boarding school education for boys and girls aged between 11 and 18, having become co-educational in 2005.⁵ The school is situated within the historic buildings of the monastery, and the proximity can be seen from the plans and photographs at the front of this section. We have heard that there is an intrinsic and a very physical connection between the two, and that 'You can't get away from either side of it geographically.'⁶ Also that 'in the early days' it was easy to walk from one building to another, and to walk from the school into the abbey and it was common for students and monks to intermingle.⁷ Following the investigations in 2010/2011, a system to separate the abbey and the school was introduced, as set out in the school's bounds policy.

³ Acting Headmaster

⁴ <https://www.downside.co.uk/benedictine-monastery/downside-abbey-church/history-of-downside/>

⁵ BNT006645_003

⁶ Liam Ring 7 December 2017 121/18-23

⁷ Jane Dziadulewicz 6 December 2017 65/24-66/18

4. Several witnesses have referred to the abbey or the school or both as 'Downside'. We will adopt that approach but will distinguish between them where necessary when dealing with the allegations below.

Governance and safeguarding structure

5. The Downside Abbey General Trust is a charitable company responsible for both the abbey and the school.⁸ Downside School therefore does not have a separate legal status, and the monastic trustees have financial and executive control of the school. The school's governing body is responsible for the governance, general direction and ensuring the proper management and control of the school, but remains accountable to the trustees in all matters.⁹

6. The school's governing body is currently made up of members of the monastic community and lay people from a range of different professional backgrounds. Executive authority is delegated in general terms to the headmaster and the school leadership team (SLT), although, at the time of the hearings, some members of the SLT reported directly to Dom Leo as prior administrator, chair of governors and chair of the trustees (although he has since ceased to be the chair of governors – see below). Safeguarding matters are the responsibility of the trust, as it retains a position of oversight of the school.¹⁰

7. There is a designated governor for safeguarding. There is also a monastic compliance trustee. The monastic compliance trustee meets the human resources manager and designated safeguarding lead (DSL) for the school, checks the single central register (SCR), the record that illustrates whether or not all necessary record-keeping measures have been followed in terms of safer recruitment, and also provides a report at every month's trustees' (abbot's and prior's council) meeting. The monastic compliance trustee also receives termly reports from the school's DSL for the governors of the school and passes this on to the trustees.¹¹

8. The relationship between the abbey and the school has evolved over time. Until 2014 the headmasters of Downside School were always members of the monastic community. At the time of the public hearing the headmaster was Dr James Whitehead, who took up his appointment in April 2014 and was the first lay headmaster of Downside.¹² We understand that Dr Whitehead is currently on sabbatical and steps down on 31 August 2018. Andrew Hobbs, also not a member of the monastic community, has been acting headmaster since 16 December 2017 and becomes headmaster on 1 September 2018.

9. There has also been a significant decline in the involvement of members of the monastic community in the school. There are currently 74 teachers at the school, and only one of these is a monk. Today the main role of the monastic community in the life of Downside School, apart from in terms of governance, is to assist with chaplaincy arrangements. Subject to rare exceptions, monks will not usually be in the area of the school unless they are members of the chaplaincy team, who are required to comply with the same code of conduct as the teaching staff.¹³

⁸ INQ001187_006

⁹ BNT006645_003-004

¹⁰ BNT006645_004-005

¹¹ BNT006645_008

¹² Dr James Whitehead 7 December 2017 27/20-24, 28/15-17

¹³ BNT003248_005-006

10. Historically the abbot was chairman of both the trustees and the school governing body. At the time of the hearings, the Downside School Instrument of Government stated that the 'Chair of the board of Governors shall be the abbot ex officio',¹⁴ and so, in the absence of an abbot, until very recently Dom Leo Maidlow Davies as prior administrator sat in both roles. In January 2018, he was replaced by the first lay chair.¹⁵

11. Despite developments in the relationship between the school and abbey, they remain one institution. In 2009–2010 (following recommendations made by the ISI in respect of St Benedict's, Ealing), the Downside governing body considered the feasibility of a complete separation of the school from the monastery. However, they concluded this was not a practicable option, on the basis that the school could not be financially viable if separated from the rest of the trust. The decision was made in consultation with the abbot and the abbot's council. Dom Leo Maidlow Davis told us that Downside is still now, more than eight years on, working towards the school becoming both legally and financially separate and independent from the monastery.¹⁶

12. At the time of the hearings, Mr Hobbs was the school's DSL. There are two other members of staff who are deputy DSLs. All three DSLs attend regular external training in safeguarding, delivered by the local authority, as Mr Whitehead did as headmaster.¹⁷ At the time of the hearings, Mr Hobbs reviewed the school's safeguarding arrangements each year and provided a twice-termly child protection report on safeguarding to the governing body, at the governors' education committee meeting and the governors' plenary meeting. He also prepared and issued the annual report on safeguarding children which is issued to the governing body.¹⁸

13. The headmaster attends regular internal training provided by the DSL, as well as external training where appropriate, including in respect of topics such as safe recruitment and allegation management. He also ensures that safeguarding is a standing item on the agenda for all formal school meetings. Since approximately May 2011 he has been responsible for chairing the termly meetings of two new safeguarding committees: (i) the safeguarding subcommittee, which comprises the headmaster, the deputy headmaster/DSL, the director of pastoral care (one of the two deputy DSLs), the abbot/prior administrator and the compliance trustee and (ii) the safeguarding committee, which comprises the members of the subcommittee, as well as the child protection governor, the second deputy DSL and a representative from the Clifton diocese safeguarding office (with which Downside is currently aligned, see below).¹⁹

14. Mr Hobbs told us that the current procedures for the recruitment and oversight of staff at the school (including monks) are consistent with the duties and protocols for safer recruitment (as set by the Independent Schools Standards Regulations) and are upheld and inspected by the Independent Schools Inspectorate (ISI).²⁰ Since 2011, all monks, whether involved with the school or not, must undergo Disclosure and Barring Service (DBS) checks.

¹⁴ BNT006645_006

¹⁵ INQ001187_004, 007

¹⁶ BNT006645_027; Dom Leo Maidlow Davis 11 December 2017 121/15-23

¹⁷ BNT006645_007

¹⁸ BNT003248_006-007

¹⁹ BNT003248_007

²⁰ BNT003248_006

Downside Abbey is also obliged to inform Downside School of the return to the monastery of any individual against whom 'relevant allegations have been made (whether or not these have been proven)',²¹ though what precisely would fall into this category was not explained.

15. In addition to the compliance trustee, the headmaster completes a termly check of the single central register (SCR) appointments. This record evidences the necessary record-keeping measures required by safer recruitment procedures.²²

16. In terms of the school's reporting duties to the abbey, we are told that the school is required to report allegations or suspicions of abuse to the abbey through the committees and reports to the governing body.²³

External oversight

17. As noted above, the Downside Abbey General Trust is a charitable company and therefore registered with the Charity Commission. Downside School is also subject to the oversight of Clifton diocese, ISI and Ofsted.

18. Following the 2001 Nolan Report, Downside Abbey began the process of aligning itself with Clifton diocese in 2002. This process was finalised in 2003.²⁴ However, between 2003 and 2013, any safeguarding advice or support was provided on a case-by-case basis. It was only in 2013, following pressure from the Catholic Safeguarding Advisory Service (CSAS) that all religious orders aligned themselves to a safeguarding office, that Downside Abbey became officially aligned to Clifton diocese.²⁵ The current safeguarding coordinator is Liam Ring, who provided the Inquiry with case summaries setting out Clifton diocese's involvement.

19. In the course of their evidence, witnesses have made reference to Clifton diocese's safeguarding commission, Clifton child protection commission and Clifton safeguarding office. Liam Ring and his predecessor Jane Dziadulewicz have both explained Clifton diocese's safeguarding structures. Clifton diocese has both a safeguarding commission and a safeguarding office. The commission is an independent body and comprises a mixture of lay people and clergy. Following the Nolan Report in 2001 it was initially called the child protection management team and in 2003 it became the safeguarding commission. The safeguarding office employs a safeguarding coordinator who reports to the commission, trustees and the bishop.²⁶ Because of the many changes in nomenclature and structure, for the purposes of this report we will generally refer to Clifton diocese rather than seeking to distinguish between the office and the commission, but will be more specific if the evidence requires it.

20. Over the period covered by this investigation, Downside School has been inspected by Somerset County Council, the Commission for Social Care Inspection (CSCI), Ofsted and ISI.

²¹ [BNT003248_016](#)

²² [BNT006645_008](#)

²³ [BNT003248_008](#)

²⁴ [BNT006439_008-009](#)

²⁵ [CFD000243_005](#)

²⁶ [CFD000243_002-004](#); [INQ001310_003](#)

Allegations

21. There have been a number of accounts of child sexual abuse in relation to Downside between the 1960s and the present day, some of which, like Ampleforth, have also involved allegations of physical abuse. This will be included within the allegations, where appropriate. This section focuses on the key accounts to illustrate Downside's response to child protection and safeguarding issues across approximately 50 years.

22. The Final Report of the Nolan Review was published in September 2001, and in 2002 Downside Abbey began the process of aligning itself with Clifton diocese. Over the years that followed, several allegations were referred to Clifton diocese CPC.

23. In 2010, following one such referral to Clifton diocese in relation to RC-F80, several multi-agency strategy meetings were held, and the police investigation, Operation February, was begun by Avon and Somerset Constabulary. As enquiries progressed, other external agencies became involved, namely Ofsted, ISI, the Department for Education and the Charity Commission.

24. During this time, Downside commissioned David Moy to conduct and produce a safeguarding audit. They also commissioned Anthony Domaille (who had previously conducted past case reviews on behalf of Clifton diocese) to conduct further past case reviews in accordance with recommendation 70 of the Nolan Report. The Catholic Safeguarding Advisory Service (CSAS) also asked Mr Domaille to carry out preliminary enquiry protocol investigations to assess risk²⁷ in a number of cases. These reports were submitted to Clifton diocese, who subsequently appointed Mr Domaille to act as locum safeguarding coordinator for the diocese.²⁸

25. The 2010 investigations and Operation February ultimately led to the conviction of Nicholas White for a number of sexual offences. During and after these investigations, several other allegations of sexual abuse and inappropriate behaviour towards children at the school came to light.

26. Several allegations of sexual abuse are largely recent. The accounts and responses to them significantly overlap, for example in the cases of Anselm Hurt, Nicholas White and F65. Here therefore, we have found it most helpful to approach our summaries of the events by separating the accounts into those that were known before the Nolan Report in 2001 and those that became known after Nolan. Some of the latter abuse took place earlier in time, for example in the cases of RC-F66, RC-F77 and RC-F84. We look then at Downside's response to allegations before and after the Nolan Report, including Operation February. Finally, we consider what we heard about Downside following these investigations, and the developments in safeguarding procedures.

27. As with Ampleforth, a number of witnesses are now deceased, including Dom Wilfrid Passmore, Dom John Roberts, Dom Aelred Watkin and Dom Philip Jebb.

²⁷ <https://www.csas.uk.net/publicdocuments/Information%20Sheet%201.pdf>

²⁸ [INQ001304_002](#)

Accounts of child sexual abuse made before the Nolan Report (1960–2001)

Anselm Hurt (1960s)

28. On 12 February 1969, Fr Aelred Watkin, headmaster of Downside School, wrote to Fr Anselm Hurt, who was at that time based in Liverpool, to reprimand him for taking four Downside pupils to the pub (the Bell Inn).²⁹ Anselm Hurt sought to justify the incident,³⁰ but on 24 February 1969 Fr Aelred Watkin wrote to him:

*You know as well as I do, it is not simply a question of a visit to the Bell. Surely you cannot imagine that I am unaware of such things as your drinking whisky with the school prefects until the early hours of the morning, and to your room on the first floor of the King's Arms – though I have no wish to go back into the past, even the recent past.*³¹

29. Later that year Anselm Hurt returned to Downside and was appointed to the position of teacher and assistant housemaster during the autumn term of 1969.³² Shortly after the end of the autumn term, Fr Aelred became aware of an incident between Anselm Hurt and a 16-year-old pupil, RC-A216.³³ Having been alone drinking beer together in Hurt's room in the school, Hurt had invited RC-A216 to his room in the monastery where mutual masturbation had taken place. Hurt admitted the incident to Abbot Wilfrid and was sent away from Downside immediately. Fr Aelred also discovered that another pupil had said that he and Hurt had slept in the same bed in a private house during the half-term holiday in November 1969. The details are not clear, but Hurt's behaviour was such that this latter boy, who was 17 at the time, had left the bed and chosen to sleep on the floor instead.³⁴ We do not know whether Hurt made any admissions about this.

30. Fr Aelred wrote to the Department of Education and Science to report Hurt on 22 January 1970.³⁵ In his letter Fr Aelred did not detail what he had been told but referred to the 'particularly gross circumstances' of the incident involving RC-A216 and to what he described as 'an inappropriate suggestion' made to the second boy. In his view Hurt 'should not do work in a school or youth club or anything of that character in future'. The fact that Fr Aelred involved the Department of Education and Science is notable, not only because it illustrates that reporting was then considered to be appropriate, but also because it contrasts with the approach taken to some allegations in later years when there were blatant attempts to exclude outside authorities.

31. Anselm Hurt was sent away from Downside immediately, although he described this as a 'holiday' after which he briefly returned. Abbot Wilfrid Passmore then strongly suggested that Hurt should apply for an *exclaustratio qualificata* (which Dom Leo Maidlow Davis told us³⁶ authorised Hurt to live for a limited time as a layman without exercising the priesthood). He agreed and applied on 4 January 1970. He was then sent away again and went to Oxford.³⁷

²⁹ [BNT002342_046](#); [BNT002342_050-051](#)

³⁰ [BNT002342_050-051](#)

³¹ [CFD000174_074](#)

³² [BNT002342_037](#)

³³ [ASP000021_027-28](#); Mark White 8 December 2017 26/7-27/16

³⁴ [BNT002342_037](#); [BNT002342_045](#); [BNT002342_047-048](#)

³⁵ [BNT002342_045](#)

³⁶ [BNT006645_015](#)

³⁷ [BNT002342_039-040](#)

32. The Department of Education and Science (DES) replied to Fr Aelred Watkin on 9 February 1970. They said that a report to the police was expected in all cases in which there appeared to have been a sexual offence against a child and asked if there were any reasons why Fr Aelred thought it inadvisable to inform the police.³⁸ Fr Aelred wrote to DES on 11 February 1970 and told them that it had not been thought necessary to report the matter to the police because:

- i. RC-A216's parents 'were not anxious for this course'
- ii. Hurt had been sent away immediately
- iii. given RC-A216's age, 'a certain element of possible willing participation cannot be excluded'

The DES wrote back, noting the reasons given and stated that they did not want to press the matter of reporting to the police any further.³⁹

33. In their submissions the Department for Education (DfE) say that they have been 'unable to locate anyone currently employed who had any direct involvement with the issues or is qualified to make a judgment on the decision making at that time'. However, the first letter from the DES, written at the relevant time, clearly said Fr Aelred should have reported Anselm Hurt to the police, and the DfE have confirmed that this was the DES's policy in 1970, but comment that sometimes exceptions would be made where there was good reason. It appears that they simply accepted the reasons given by Fr Aelred. This was a failing on their part, as Fr Aelred's explanation did not provide any proper justification for not informing the police.⁴⁰

34. The DfE have also said that if this matter were to arise today, it would be referred to the relevant designated officer, notwithstanding any objections from the family. The designated officer would then refer the case to the multi-agency safeguarding hub, and a decision would be taken by that body as to whether police action or another approach was appropriate. The decision-makers would have the best interests of the children as a paramount consideration.⁴¹

35. On 9 March 1970, the DES wrote to Anselm Hurt saying that it was considering whether or not he was suitable for employment as a teacher and suggesting that he submit a psychiatric report.⁴² Downside Abbey paid for Hurt to see Dr Seymour Spencer (who was later used to assess monks at Ampleforth, including Fr Piers Grant-Ferris) and for reports to be prepared for both the abbey and DES.⁴³

36. On 1 April 1970, a parent wrote to the abbot, then Wilfrid Passmore, to raise concerns over Anselm Hurt's behaviour towards her 15-year-old son, a pupil at Downside, including an invitation by Hurt to his rooms in Oxford. She demanded that the abbot take responsibility as Hurt was still a member of the community.⁴⁴ Abbot Wilfrid responded on 5 April 1970, saying:

³⁸ [BNT002342_049](#)

³⁹ [BNT002342_042](#)

⁴⁰ [INQ001039_001](#)

⁴¹ *ibid.*

⁴² [BNT002342_037](#)

⁴³ [BNT002341_018](#);

⁴⁴ [BNT002342_052](#); [ASP000021_026-027](#)

I am indeed grieved that your son should have received such a letter from Fr Anselm. He has been taken out of my jurisdiction for the present and is subject to the Holy See. I have written to him very strictly and I will see him next week ... he needs prayers badly and is under psychiatric treatment. I am indeed sorry that this problem should have arisen.

37. On 2 April 1970, Dr Spencer wrote to Abbot Wilfrid. In his letter he explained what he had written to a doctor who had been named by the ministry, saying:

I covered very much the same ground as I covered in my report/letter to you of March 23rd with the suggestion that Father Anselm's medical needs from their point of view would be well satisfied if he were suspended from teaching for say three years in order that he might get his homosexual tendencies fully treated. I felt that this was the best compromise that I could possibly seek.⁴⁵

38. On 28 June 1970, following a request from Anselm Hurt for a testimonial, Abbot Wilfrid Passmore wrote to Mr GL Macey at the DES. He suggested that Dr Spencer's report should be given the 'greatest weight'. He also stated that in his view Hurt had made a mistake in entering a monastery and that despite Abbot Passmore's views that Hurt should try a different profession: 'He is keen on teaching. Quite apart from the episode last December, I do not feel he is really suitable.' Downside Abbey continued to pay for Hurt to see Dr Spencer until July 1970, when he was discharged.⁴⁶ In August 1970, Hurt was granted an absolute dispensation from his vows, left the order and went on to marry.⁴⁷

39. In a letter dated 12 August 1970,⁴⁸ Hurt informed Abbot Wilfrid that the DES had decided that he was unsuitable for employment as a teacher. He explained that there would be the opportunity of a review in August 1973.

40. It appears that Hurt was debarred by the DES for applying for certain types of employment.⁴⁹ Documents that the Inquiry have seen indicate that Hurt applied for numerous posts in 1970 and 1971, some of which would undoubtedly have involved contact with children, including 'trainee child care officer' and 'probation officer', which 'entailed supervision of offenders of all ages as well as of young people'.⁵⁰

41. In a letter dated 7 January 1971,⁵¹ Anselm Hurt wrote to Abbot Passmore and thanked him for what he described as a 'glowing' reference for the 'Birmingham Community Relations job'. The job he was applying for was 'Assistant Community Relations Officer (Education)'⁵² and he was shortlisted but not ultimately selected.⁵³ In what appears to be a letter of reference from Abbot Wilfrid Passmore for this job, he stated that he was pleased to recommend Anselm Hurt for the post and does not mention the allegations or the ban.⁵⁴

42. In the same letter from Anselm Hurt to Abbot Wilfrid he said that he was applying for a course in 'Community and Youth work'. He stated that this provided training for a much wider range of posts than those concerning the young and therefore, he said, there should

⁴⁵ [BNT002341_016](#)

⁴⁶ [BNT002341_006-009](#)

⁴⁷ [CFD000174_009](#)

⁴⁸ [BNT002342_027-029](#)

⁴⁹ [CFD000174_054](#)

⁵⁰ [CFD000174_012_016](#)

⁵¹ [CFD000174_021](#)

⁵² [CFD000174_019](#)

⁵³ [CFD000174_021](#)

⁵⁴ [CFD000174_020](#)

be nothing contrary to the ban, although he would have to wait to see if it was lifted before he could apply for any post that ‘involves first-hand work with youth’. However, he asked if Abbot Wilfrid could refrain from mentioning the ban imposed from the DES as this could complicate things and weigh against him in a competitive selection.⁵⁵ It is not clear whether the abbot provided references for other job applications.

43. In October 1973, Hurt informed Abbot Passmore that the DES was reviewing his case and asked that the abbey pay for another assessment by Dr Seymour Spencer.⁵⁶ They agreed, and on 11 July 1974, Anselm Hurt wrote to Abbot Wilfrid Passmore informing him that the Secretary of State had lifted the ban entirely. He said that he had obtained a job in adult education but discussed the possibility of being able to move into ‘one of the fields of employment from which [he] had been excluded’. He thanked Abbot Wilfrid Passmore for his ‘part in this’.⁵⁷ We have not seen any explanation in the correspondence which clarifies why the ban was lifted, or what the DES’s reasons for lifting it were. The DfE in their submissions say that they no longer have copies of Dr Spencer’s reports. They also say that they are hampered by a lack of records because the general ‘barring’ function for teaching staff passed to the Disclosure and Barring Service (DBS) in 2009. At that time all historical records held by the DfE passed to the (then) Independent Safeguarding Authority, now the DBS.

44. In 1994, around 20 years after the ban had been lifted, Hurt went to Glenstal Abbey. Glenstal Abbey is in Ireland and, although it is a Benedictine Monastery, it is not a member of the English Benedictine Congregation. By this stage the abbot of Downside was Charles Fitzgerald-Lombard, who told us that he understood that Anselm Hurt had applied to go there as a ‘lay brother’, having unsuccessfully made the same request of Downside in 1992. Dom Charles Fitzgerald-Lombard told us that when the abbot of Glenstal, Abbot Christopher Dillon, asked him for information about Hurt, he had sent him a copy of Dom Aelred’s letter from January 1970, which reported Hurt to the DES. He also sent some more recent notes dated 14 March 1994, which referred to the ban on employment imposed by the Ministry of Education, although stated he could not find a copy of the ban itself.⁵⁸

45. On 18 March 1994, Abbot Dillon wrote to Abbot Charles and thanked him for ‘digging in the past’. He said ‘[i]t makes painful reading and I shall destroy what is specifically damaging to Anselm, as some recent document from Rome recommends’.⁵⁹ Neither Dom Charles nor Dom Richard could remember seeing such a document from Rome, but Dom Charles told us that he presumed it was advice from the Congregation of Religious in Rome. Dom Charles told us that in his view this was appropriate because the document he had sent to Abbot Dillon was a copy. He accepted that by today’s standards, particularly in relation to an original document, such advice would seem unacceptable.⁶⁰ Similarly, Dom Richard Yeo told us that it would not be appropriate to recommend the destruction of documents.⁶¹

⁵⁵ [CFD000174_021](#)

⁵⁶ [BNT002342_025-026](#)

⁵⁷ [BNT002342_021-022](#)

⁵⁸ [Dom Charles Fitzgerald-Lombard 8 December 2017 120/19-127/18](#); [BNT002342_013-014](#); [BNT002340_001](#)

⁵⁹ [BNT002342_013-014](#)

⁶⁰ [Dom Charles Fitzgerald-Lombard 8 December 2017 129/21-131/15](#)

⁶¹ [Dom Richard Yeo 12 December 2017 88/10-90/18](#)

46. Two years later, in 1996, Abbot Dillon informed Abbot Charles that the abbey was likely to receive Hurt as a quasi-novice with a view to full membership of its community. Abbot Charles was asked whether he thought this was appropriate and said that ‘for a sinner to repent is always something that we applaud’.⁶²

47. On 9 August 2000, Abbot Richard (as he then was) wrote to Anselm Hurt telling him that he would be very welcome to visit Downside. Given the background, that invitation was plainly ill-advised. Dom Richard told us that he now accepts that this invitation was a ‘mistake’.

48. On 11 April 2001, Abbot Richard wrote to Abbot Dillon of Glenstal Abbey saying that he had no difficulty with Abbot Dillon’s decision to support Anselm Hurt’s request to be allowed to exercise his priestly ministry. In his evidence to us, however, Dom Richard accepted that it was not right to support Anselm Hurt’s return to the priesthood, and told us that he would not write the same letter today. He said that when he had written it he thought that the offence was ‘ancient history’ and, like Dom Charles, felt it was good that a person who had left the monastery should return. He agreed that he did not take account of the ‘safeguarding implications’ of this.⁶³

49. Just two weeks later, on 30 April 2001, a *motu proprio* (an edict personally issued by the Pope to the Roman Catholic Church) was issued by Pope John Paul II. This made the abuse of minors a *gravius delictum* or ‘more serious delict’ (crime in canon law) and required bishops and religious superiors to report clerics against whom there was probable knowledge that they had committed sexual abuse of minors to the Congregation for the Doctrine of the Faith (CDF). Dom Richard told us that he did not report Anselm Hurt to the CDF because they ‘variously knew about it’ already and because he did not think that the *motu proprio* applied retrospectively.⁶⁴

50. Dom Richard was asked about the publication of the Nolan Report in September 2001 and he told us that it had not caused him to reflect on the position of Anselm Hurt. Nor did he think of reporting him to the statutory authorities in 2002, once the association between the Clifton diocese and Downside was underway.⁶⁵ Downside accept that it could be said that they fell below the standard required by recommendation 70 but that it is unclear that any obligation arose. This they suggest is in view of (a) Hurt’s absence and (b) the fact that there was no suggestion that at the time it was dealt with (in 1970) it had been dealt with unsatisfactorily.⁶⁶

51. In March 2011, the police investigated RC-A216’s complaint. RC-A216 stated that he had been too drunk to consent to anything.⁶⁷ The police interviewed Anselm Hurt. He admitted supplying home-brew to RC-A216 and that mutual masturbation had taken place. He accepted a police caution, which resulted in his being placed on the Sex Offenders Register.⁶⁸

⁶² BNT002342_010-011; Dom Charles Fitzgerald-Lombard 8 December 2017 132/3–135/4

⁶³ CFD000174_013; Dom Richard Yeo 12 December 2017 96/10-100/10

⁶⁴ Dom Richard Yeo 12 December 2017 100/17-101/24

⁶⁵ Dom Richard Yeo 12 December 2017 103/18-105/20

⁶⁶ INQ001046_088

⁶⁷ ASP000021_027-28

⁶⁸ Mark White 8 December 2017 26/7-27/16

Nicholas [born Richard] White (1985–1989)

52. The case of Fr Nicholas White, born Richard White, spans approximately 20 years. During the mid to late 1980s he committed several child sexual abuse offences. In the 1990s he lived away from Downside, until he returned in the later 1990s.

53. RC-A221 was 11 years old when he arrived at Downside in 1986. He was placed there following a series of family traumas which left him a particularly vulnerable child. He told us that he had been ‘desperately looking forward’ to school until the moment when he walked through the door. He said that then he had ‘cried and cried and cried. It was an utterly horrible experience ... I was very much a fish out of water.’⁶⁹

54. White was his geography teacher, and RC-A221 had been warned that he was very strict, so he kept his head down. One afternoon however, White came and was very kind to him. He asked him if he were all right, which RC-A221 told us felt ‘wonderful’, and they went for a walk together. After that they frequently went for walks together. White took him to the monastery gardens, which were out of bounds to pupils, ‘so it felt very special’. White also asked him to pose for some photographs in the garden.⁷⁰

55. One day White took him to the monastery library, also out of bounds to pupils, on the pretext of showing him some maps. While there, as RC-A221 stood looking at a book, White put his hand down RC-A221’s trousers and fondled his penis. RC-A221 could hear rustling going on behind him, which he now realises must have been masturbation, though he did not understand this at the time. He told us:

I remember knowing something profoundly wrong had just happened, and I was quite certain that ‘I am going to go into that monastery building and I am going to tell someone, because these are good, holy people’, and then very quickly I had this sudden wave of terror that I was making a tremendous mistake because it’s possible that I had been given an utterly sacred gift, only given to the special few, and if I went in there, these men would be desperately disappointed and angry with me because I had revealed this secret. That was the logic of my 11-year-old mind, and I think – so I held it in.’⁷¹

56. RC-A221 told us that the abuse continued over a period of time until eventually on a visit to his grandmother he told her about it. She was mortified and told him that he had to tell his father, which he did. The next day RC-A221’s father reported what had happened to the then abbot, John Roberts, who told him: ‘I will sort it out.’⁷² When RC-A221 returned to school, White was no longer his geography teacher. He remembers this as being around 1987 and does not recall having any further significant contact with White while he was in the lower school.⁷³ RC-A221 was never asked to tell anyone at the school what White had done,⁷⁴ but one day he was taken out for lunch by Abbot John Roberts. He described this as an awkward experience. Nothing was spoken about what White had done until the journey home, when Abbot John simply said something like: ‘I’m terribly sorry for what happened, and it won’t happen again.’ Unfortunately, this would not turn out to be true.

⁶⁹ RC-A221 7 December 2017 2/14-25

⁷⁰ RC-A221 7 December 2017 3/1-4/4

⁷¹ RC-A221 7 December 2017 5/19-6/5

⁷² RC-A221 7 December 2017 6/6-24

⁷³ RC-A221 7 December 2017 7/1-8/10

⁷⁴ RC-A221 7 December 2017 8/14-10/11

57. RC-A221 moved up to the senior school in September 1988. As he and his father walked in on his first day, they saw Nicholas White there, greeting the new pupils. RC-A221 has described to us how his father has since said that he was completely shocked to see that this man was to be his custodian and that of roughly 80 boys aged 12 and 13. Then they discovered that White was to be his housemaster:

He was my Housemaster. He was responsible for everything, the day-to-day, right from making sure everyone was getting up in the morning to morning assembly, evening ... he was directly and, to a certain extent, solely responsible for the entire year of 80-odd boys ... [My father] shook his hand, which was puzzling to me. I think I took from that that it's been sorted out, it won't happen again. But I think that there was an enormous blindness at play. My father then became part of brushing it under the carpet.⁷⁵

58. The sexual abuse started again a few weeks into the term, eventually becoming a weekly occurrence, with White becoming so reckless that RC-A221 questioned how no one knew what was happening.

I remember very clearly walking down corridors with him on the way to the monastery library and passing monks and other teachers, and just thinking, 'Does nobody know? Is nobody looking at me and this man and worrying about ... does nobody have any idea what's going on?'⁷⁶

59. RC-A221 explained that he did not report the abuse again because he had done so before, and he felt that to do so again would be 'completely pointless'. He had become 'part of the kind of systemic sense of "This can't be talked about. This isn't something you speak about".'

60. RC-A221 told us that suddenly it became public knowledge in the school that White had abused another boy. This had happened in circumstances that were very similar to RC-A221's experience one year before, but the abuse of this second boy had included anal penetration. RC-A221 told his father about this and also that White had continued to abuse him. RC-A221's father has since told RC-A221 that he telephoned the headmaster Dom Philip Jebb, who was apparently outraged, and RC-A221's father's impression was that Philip Jebb had not known anything of the earlier abuse of RC-A221.⁷⁷ Dom Leo told us that as far as he is aware Philip Jebb had been unaware.⁷⁸ Dom Richard told us that he thought Philip Jebb had 'felt betrayed' by Abbot John Roberts.⁷⁹

61. RC-A221 told us that he understood his own father 'to be very conflicted. He had to take a choice between his beloved – the beloved framework of the Catholic Church and his son.' Reflecting back on what had happened to him, RC-A221 said:

I don't think Father Nicholas was a bad man. I think this was a man desperately struggling with demons, to use a sort of Catholic terminology. I think there was tremendous naivety on the behalf of the authorities, the belief in the power of redemption. I suspect Father Nicholas confessed, was absolved.

⁷⁵ RC-A221 7 December 2017 10/12-11/11

⁷⁶ RC-A221 7 December 2017 10/12-13/15

⁷⁷ RC-A221 7 December 2017 15/6-23

⁷⁸ Dom Leo Maidlow Davis 11 December 17 125/21-126/12

⁷⁹ Dom Richard Yeo 13 December 2017 29/19-30/2; BNT006439_018

If you have an organisation that neatly partitions good and evil, then, you know, you go in as a young child and you believe that stuff; these guys are the representatives of God. But of course, to put it melodramatically, unexpressed sexual tension stalked the corridors of Downside. Some people are able to contain it and find, I guess, a spiritual vessel; other people probably go into those places to try to protect themselves from it. And at the right place – or the wrong place at the wrong time, two individuals meet, something is constellated, and abuse happens.⁸⁰

62. The parents of the boys obtained an injunction to prevent the children's names being mentioned in the press.⁸¹ RC-A221 told us that his father wanted to protect his son and the family name, in addition to being 'mindful of protecting the Catholic Church'.⁸²

63. The parents of the boys also did not want the matter to be reported to the police. However, it nonetheless became public. An article was published in the *News of the World* in the summer of 1989, followed by a front page report in the Bath evening paper. Dom Leo told us that it was at this point that Nicholas White was sent away from Downside.⁸³ After he had left, RC-A221 was called to see Roger Smerdon, who may have been his deputy housemaster at the time. He was very kind and said 'I'm so sorry that this has happened to you', but then moved on to ask RC-A221 who he had told.⁸⁴ As RC-A221 put it, '[t]his was now about damage-limitation'.⁸⁵

64. At some point after the news coverage, the diary of the abbot of Douai, Geoffrey Scott, was stolen. This contained reference to the Nicholas White matter. In a letter that was dated 23 August 1994 to 'Aidan', Abbot Geoffrey Scott wrote:

The abbot may have mentioned the story of the diary. I may have told you that I had it stolen about four years ago. When a friend of the thief tried to sell it to the News of the World some weeks ago for £5000(!), the paper tipped the police off, who arrested the young man. The NofW never therefore saw the diary, only three selected pages, which were pretty innocuous, and one of which made a comment about the Downside NW case (which I think I must have seen in the paper at the time) ... the NofW published a dreadful article, but covered itself by not mentioning my name (rather speaking of a middle-aged, unemployed ex-master!) and saying that it was the young man who had made allegations of gay sex between staff and pupils (I knew there was nothing like this in the diary). For once, the police were very helpful. They said immediately that they could find nothing to substantiate the allegations, that the fellow was just after a quick buck, that they would put him on a lengthy bail until September, when they expected the story to die, and then they would recommend caution rather than a court case.⁸⁶

65. Dom Charles Fitzgerald-Lombard said, in relation to the stolen diary, 'I remember hearing that the police later told [Abbot Geoffrey Scott] that the Bath police were aware but were taking no further action'.⁸⁷ He also told us that the school secretary at the time was a retired police officer, Richard Maggs, who retained contacts in the local police force.

⁸⁰ RC-A221 7 December 2017 24/4-22

⁸¹ BNT006403_011

⁸² RC-A221 7 December 2017 16/11-23

⁸³ BNT006645_016

⁸⁴ RC-A221 7 December 2017 17/11-12

⁸⁵ RC-A221 7 December 2017 18/14

⁸⁶ BNT003371_109-110

⁸⁷ BNT006403_007

Dom Charles Fitzgerald-Lombard recalled being assured that the Bath police knew about the allegations but took the view that Downside would deal with the matter appropriately and did not intend to interfere.⁸⁸ As we will see, it was not until 2011 that Nicholas White was finally arrested and prosecuted in respect of several offences.

66. White should not have been permitted to continue to teach at Downside School after RC-A221's disclosure. He should never have been allowed to become RC-A221's housemaster, or to remain as a teacher in the 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. In RC-A221's words, 'had my original declaration ... to the Downside authorities been taken seriously, that second boy would never have been abused ... I had told them, and it carried on, and he did it to someone else.'⁸⁹

67. Much more recently, in May 2016, another former pupil RC-A28 disclosed to police that he too had been sexually abused by White, and that this had taken place in around 1985, which would have been about a year before RC-A221 had joined the school. He said that he had been subjected to over a dozen acts of sexual abuse, including penetration.⁹⁰ It is not known whether this was known to the school at the time.

68. In 2017, a fourth former pupil, RC-A196, came forward and raised concerns about White's behaviour. According to the case summary prepared by Liam Ring, safeguarding coordinator for Clifton diocese,⁹¹ these related to the 1980s. RC-A196 told Liam Ring that on one occasion White stroked his arm and shoulder. He thought that White might have been naked at the time. He recalled White touching his groin, but he managed to push him away. RC-A196 gave details of other times when White would go into the shower area for no good reason and ask to see him. He also said that he was called to White's rooms, where he found White naked, sat with nothing but a towel over his lap which he slowly removed while talking to RC-A196, revealing his penis. He said that on another occasion in 1986 or 1987 during an argument in a queue in the refectory, White had 'cupped him' and squeezed his scrotum. RC-A196 had reacted by punching White and then running off.

69. RC-A196 told Liam Ring that he had spoken to the then headmaster Dom Philip Jebb about White's actions, but we have seen no evidence to suggest that any action was taken.⁹² In March 2017, RC-A196 met with Mr Hobbs to go through his school notes but there was no record of any such report to Dom Philip Jebb or anyone else.⁹³

70. After leaving Downside, Nicholas White was moved first to Buckfast Abbey in Devon, and then to Benet House, Cambridge.⁹⁴

⁸⁸ [BNT006403_011-012](#)

⁸⁹ [RC-A221 7 December 2017 23/17-24](#)

⁹⁰ [ASP000008_036-038](#)

⁹¹ [CFD000136](#)

⁹² [CFD000136](#)

⁹³ [CFD000136](#)

⁹⁴ <http://www.monlib.org.uk/papers/ebch/1997jebb.pdf>

71. Having been bursar since 1975, Charles Fitzgerald-Lombard became abbot in December 1990.⁹⁵ In his written statement he said that he had been aware that the fathers of ‘the two boys’ had sought to ensure that the incidents remained confidential. He had spoken to one of the fathers in August 1989.⁹⁶ Dom Charles also stated that:

[t]he allegation as it first emerged was that he had put his hand down the boy’s trousers while they were alone together for one-to-one tuition. This was serious enough for his dismissal and exile from the abbey which Abbot John ordered. It was only years later, after I had ceased to be abbot, that I learnt Richard faced a more serious charge following a police investigation. I have never known the detail of these allegations.⁹⁷

72. Having become abbot in December 1990, it appears that Abbot Charles Fitzgerald-Lombard instructed Cambridgeshire Consultancy in Counselling to provide an assessment of White in early 1991. On 19 March 1991, they wrote to Abbot Charles. They said that White was anxious to return to Downside and that ‘[a]s for the particular incident that led to his departure from Downside, I think given friendly support and freedom from undue pressure and temptation that it is most unlikely to recur’.⁹⁸

73. Dom Charles Fitzgerald-Lombard was asked whether he had been trying to bring White back to Downside. He explained that when he had written his statement for the Inquiry he had thought that he had not been involved in any arrangements for White to return to Downside, and that it had been Abbot Richard Yeo who had eventually allowed White back into the abbey. But now, looking at correspondence and at Abbot Richard’s statement, he accepted that White’s return was not only under discussion during his time as abbot, but also that he had been involved in the decision-making process.⁹⁹ Abbot Charles Fitzgerald-Lombard was in fact instrumental in arranging White’s eventual return to Downside Abbey.

74. Dom Aidan Bellenger has said ‘Richard [White] was away for the whole of my time as headmaster and I had no contact with him during his absence. I rather assumed he would not be returning to Downside at all, but [his] management was not considered a school matter so ... I was not consulted about it.’¹⁰⁰

75. In May 1991, Abbot Charles Fitzgerald-Lombard wrote to White, stating that: ‘[b]roadly speaking’ he thought it was in everyone’s interest that he should remain out of sight and out of mind of the school until at least July 1994, and that even then care would need to be taken to avoid ‘scurrilous gossip which might set the clock back’ ... ‘I would be inclined to allow an increased presence [of Nicholas White] in the school during holiday time and perhaps even midweek in term time.’ Dom Charles told us that in one sense he was trying to protect the reputation of the school but said he did not think that the letter suggested that was ‘the overriding consideration’. He said that Nicholas White was very keen to return to Downside and he was ‘trying to slow that ... to limit that.’ It is clear however that his purpose in setting a date was not to protect the children at the school, but to ensure that those who might remember White’s acts had gone and to avoid any scandal that might arise from his return.

⁹⁵ [BNT006403_002](#)

⁹⁶ [BNT006403_007_012](#)

⁹⁷ [BNT006403_007_012](#)

⁹⁸ [BNT003371_148-149](#)

⁹⁹ [Dom Charles Fitzgerald-Lombard 8 December 2017 137/9-139/5](#)

¹⁰⁰ [BNT006401_007](#)

76. In August 1991, Abbot Charles wrote to Abbot Finbar of Douai Abbey in Berkshire asking to place Fr Nicholas at a parish in Cheltenham the following summer. He explained his request, saying that two and a half years earlier Abbot John had had to remove White 'owing to a scandal involving two boys', but that as far as he knew 'the moral lapses were single, isolated incidents of a comparatively minor nature'. He said that it was his 'feeling Father Nicholas should soon make a move towards eventual return to community life here [at Downside] but this would obviously be inappropriate for several more years'. When questioned about this, Dom Charles told us that he had not been secretly trying to bring White back into Downside, rather his intention was that White should not be seen around Downside while there were boys in the school who knew what he had done 'because that would just start sort of gossip'.¹⁰¹

77. In August 1993, Abbot Charles wrote to the abbot of Fort Augustus in Scotland, Abbot Mark Dilworth asking him to give a temporary place to White. In this letter Abbot Charles explained that five years earlier White had committed a 'comparatively minor offence of indecency involving a boy at a time that he was under great pressure'. Dom Charles was asked about this in evidence and told us that at that stage 'we did not know about a more serious offence'.¹⁰² Nevertheless, it is clear from Dom Charles' witness statement that at the very least he was aware that there were two boys who had made allegations, and that one account had involved Nicholas White putting his hands down a boy's trousers. Of itself, that was sufficiently serious to send Nicholas White away.

78. Arrangements were then made for White to go to Fort Augustus. Dom Charles told us that by that time the school at Fort Augustus had closed so it was a suitable location for him.¹⁰³ There was further correspondence with Abbot Dilworth in August 1993, in which Abbot Charles stated: 'The nature of his (I hope past) problem is politically very sensitive and I have stressed to him the great importance of avoiding any, even entirely open, situations, which bring him into contact with children.' This, he said, was because he did not want either himself or Abbot Dilworth to be considered negligent by putting White into unacceptable situations. He concluded that he knew he could leave it to the abbot's good judgement. When asked in the hearing whether he considered this to be sufficient management of Nicholas White, Dom Charles said that at the time he did, because it was thought that the offences were 'relatively minor', albeit that they are 'never absolutely minor', and that it was simply part of resolving the ongoing problem. He said that he had not reported the matter to the police because the more serious aspect was not known, and at that point White's rehabilitation was going well. He felt that with the passage of time his 'notoriety ... was not particularly active and there seemed to be no particular advantage in stirring the pot and bringing it all up again'.¹⁰⁴

79. When asked whether he had monitored White at Fort Augustus, Dom Charles said: 'to a certain extent'. He explained that this meant that he had asked White to write to him from time to time. When asked what steps he took to ensure that White had no contact with children, Dom Charles replied that none of the jobs he was given involved children,¹⁰⁵ though it is not clear how he would have known this.

¹⁰¹ BNT003371_145; Dom Charles Fitzgerald-Lombard 8 December 2017 143/6-144/20

¹⁰² BNT003371_134; Dom Charles Fitzgerald-Lombard 8 December 2017 144/21- 145/12

¹⁰³ Dom Charles Fitzgerald-Lombard 8 December 2017 136/19-137/1; 145/13-20

¹⁰⁴ BNT003371_127; Dom Charles Fitzgerald-Lombard 8 December 2017 145/21-147/19

¹⁰⁵ Dom Charles Fitzgerald-Lombard 8 December 2017 148/10-149/5

80. In April 1994, Abbot Charles wrote to Abbot Dilworth again, saying that they should review the position in about a year's time but there was no possibility that Fr Nicholas could return to Downside until at least July 1996. He said it 'all depends on the "political temperature" on an issue which is currently very high profile'.¹⁰⁶ Dom Charles told us that he was concerned that White should not return to Downside when there were still people who knew who he was, so that he, White, did not feel gossiped about. Dom Charles told us that he did also consider the families and the old Gregorians who might be in attendance at certain types of gatherings, and said that he asked White to leave when these took place. White, he said, was good at adhering to restrictions.¹⁰⁷

81. In 1997, Abbot Charles again wrote to Abbot Dilworth about the return of Fr Nicholas in August 1998. In this letter he said: 'I am hopeful that the climate among our national witch-hunters will be sufficiently muted for him to take up a strictly monastic residence again.'¹⁰⁸ Dom Charles told us that this was a very flippant comment made in a private letter, but that it had seemed at the time as though there was a campaign against the Catholic clergy which involved digging up historic scandals. He expressed regret at making the comment and said that he did not feel the same way now, with the approach to child sexual abuse having revolutionised over the last 10 years or so.¹⁰⁹

82. In fact, White remained at Fort Augustus until January 1999, when he did return to Downside Abbey. Dom Richard Yeo, who was abbot by this time, has told us that he had known that Nicholas White had abused two pupils in the 1980s. Although he could not recall the exact date when he first heard this, it would have been shortly after it became known by the Downside community. Dom Richard Yeo explained that when he had become abbot of Downside, the outgoing abbot, Charles Fitzgerald-Lombard, had informed him that arrangements had been made for White's return. Dom Richard Yeo accepted that, once abbot, he could have stopped White from returning, but said that the arrangements made by Abbot Charles were overtaken by events, namely the closure of Fort Augustus.¹¹⁰ Dom Richard Yeo told us that 'in response to some careless remark of mine, Dom Phillip Jebb stopped me, and reminded me that the reason Richard White should be at Downside was to keep children safe, not to keep Richard safe'. He said that this 'dictated' his decision to accept him back at Downside.¹¹¹

83. Downside accept that White was allowed to return without a proper assessment of the potential risks, however they point to the 1991 assessment (discussed above) that concluded that with support and freedom from temptation White was unlikely to reoffend.¹¹²

84. A group of Old Gregorians (the name given to former pupils of Downside) commissioned Krystyna Kirkpatrick, a barrister specialising in family law, to advise them on the implications there might be for an independent educational establishment, if the institution should become aware that a member of their wider group was not fit to be in the proximity of children.¹¹³

¹⁰⁶ [BNT003371_112](#)

¹⁰⁷ [Dom Charles Fitzgerald-Lombard 8 December 2017 149/6-151/13](#)

¹⁰⁸ [BNT003371_101](#)

¹⁰⁹ [Dom Charles Fitzgerald-Lombard 8 December 2017 151/14-152/17](#)

¹¹⁰ [Dom Richard Yeo 13 December 2017 31/6-32/4](#)

¹¹¹ [BNT006439_019](#)

¹¹² [INQ001046_058](#)

¹¹³ [Dom Richard Yeo 13 December 2017 33/8-36/1](#)

85. In her advice, Ms Kirkpatrick concluded that failure by ‘an educational establishment’ to comply with its duty to protect and safeguard children in its care could lead to local authority or Secretary of State intervention, and to ‘scandal with far-reaching consequences’. Dom Richard told us that, after receiving this advice in November 2000, he realised that his actions in respect of restrictions were ‘insufficient’. On 28 November 2000, and in response to concerns raised by the governing body, he wrote to the governors and acknowledged that several had expressed concern about the way in which he had dealt with White. He informed them that he would seek the advice of another barrister, Mr Eldred Tabachnik, and asked the governors to keep the matter confidential to limit damaging publicity.¹¹⁴

86. By December 2000, Abbot Richard was considering the issue of whether he had an obligation to report Nicholas White to the police. He told us that at that stage he did not consider that he was obliged to report him, but instead was of the view that he needed to obtain further advice. He therefore went to see Mr Gregg of Gregg Galbraith Quinn, a firm of solicitors in Bristol.¹¹⁵ On 15 December 2000,¹¹⁶ Mr Gregg wrote to Abbot Richard Yeo with his initial advice, which was that the abbot could be regarded as ‘the relevant person’ as termed under the Childcare Standards Act 2000, and that he was therefore under a duty to safeguard and protect the welfare of the pupils at Downside. He continued to say that, in his opinion, notwithstanding the date of the offences, there was no doubt that if a formal complaint were made to the police it would result not only in a full investigation but also a prosecution. The letter also gave advice as to the action that Abbot Richard should take, including the commission of an up-to-date psychological report. On 20 December 2000, Mr Gregg wrote a second letter.¹¹⁷ In this he said that, having canvassed the views of senior colleagues at the Bar, in his view Abbot Richard Yeo was not under a duty to report the matter to the police. However, he said that there was a school of thought which would support the theory that the duty of the relevant person would go so far as to require them to make such a report. Dom Richard told us that while this did cause him some concern, he did not go to the police.¹¹⁸

87. Abbot Richard then received the advice from Mr Tabachnik QC in February 2001. In summary, this concluded that:

- a. The abbey could not monitor Fr Nicholas White 24 hours a day.
- b. Downside was not the ideal location for him.
- c. The more precautions taken, the more the risk of anything untoward taking place would be reduced.
- d. Downside would be justified in taking steps to minimise the risk by locating White to another monastery where the prospect of contact with boys was remote.¹¹⁹

88. Abbot Richard decided not to move White to another monastery. He told us that it would have been extremely difficult by that stage to have found another monastery which would have been prepared to take him. He said that instead he had decided to ask Fr Leo,

¹¹⁴ [BNT006439_019](#); [BNT003371_094-95](#); [Dom Richard Yeo 13 December 2017 32/12-35/18](#)

¹¹⁵ [BNT004908_056](#); [Dom Richard Yeo 13 December 2017 36/8-39/8](#)

¹¹⁶ [BNT003371_089-091](#); [Dom Richard Yeo 13 December 2017 39/9-41/10](#)

¹¹⁷ [BNT003371_088](#); [Dom Richard Yeo 13 December 2017 41/11-42/22](#)

¹¹⁸ [Dom Richard Yeo 13 December 2017 41/11-42/22](#)

¹¹⁹ [Dom Richard Yeo 13 December 2017 42/23-43/13](#)

Fr Aidan Bellenger and Fr Philip Jebb to conduct an assessment 'of what we could do' while he carried out the steps as recommended by the solicitor Mr Gregg. He accepted that he had referred to this as a 'risk assessment' in his witness statement. When asked about their qualifications to conduct any form of risk assessment, he responded that they 'knew Downside very well and they knew what Downside could do and what it couldn't do. They knew Richard well.'¹²⁰

89. The assessment carried out by Frs Leo, Aidan and Philip was not a recognised form of risk assessment. Both Dom Leo and Dom Aidan have acknowledged that they were not qualified to properly assess any risk that White posed. Dom Leo Maidlow Davis said that the 'feeling was that the abuse was connected with [Nicholas White's] position of authority in the school and that, without a position of authority and with surveillance, it was a risk that could be successfully managed'. However, he accepted that he was not qualified to make that assessment and it was 'largely' logistics that were being assessed.¹²¹ Dom Aidan Bellenger said that while they did not have formal qualifications in safeguarding, it was 'more of a managerial approach, that is to say, how could he be kept away entirely from any contact with the school and its pupils?'¹²² It should not have been suggested to us that it was a risk assessment and given the seriousness of the matter Abbot Richard should have reported it to the external authorities and the police without delay.

90. Instead Richard White attended Our Lady of Victory Trust, Brownhill, for a fuller course of treatment between April and October 2001.¹²³

91. As already mentioned above, Pope John Paul II issued a *motu proprio* (papal edict)¹²⁴ on 30 April 2001 which made the abuse of minors a serious delict and required offenders to be reported. As with Anselm Hurt, Abbot Richard did not report White to the CDF because the offences had occurred before the edict had been issued, and he did not consider that it might apply retrospectively.¹²⁵

92. Abbot Richard did not report White to the statutory authorities, despite the Nolan recommendations made that September. Nor did Abbot Richard think of reporting White to the statutory authorities in 2002 once the association between Clifton diocese and Downside was underway.¹²⁶ Downside accept that they fell below the standard required by recommendation 70.¹²⁷

93. A meeting between Richard White, Dom Philip Jebb, Dom Lawrence Kelly,¹²⁸ Mr John L van der Waals (director of continuing care at Our Lady of Victory) and Abbot Richard was held on 23 November 2001.¹²⁹ The meeting concluded that White was 'committed to

¹²⁰ Dom Richard Yeo 13 December 2017 42/23-44/1

¹²¹ Dom Leo Maidlow Davis 11 December 2017 128/12-131/9; 148/9-22. NB He was mistakenly talking about RC-F66 and RC-F77 before it was later clarified that the advice related to Nicholas White

¹²² Dom Aidan Bellenger 11 December 2017 28/17-22

¹²³ BNT006439_020; as explained above, Our Lady of Victory is a therapeutic community for the treatment of priests and religious who have problems with addictions, including sexual addiction

¹²⁴ As explained above, this edict, personally issued by the Pope to the Roman Catholic Church, made the abuse of minors a serious delict and required bishops and religious superiors to report clerics against whom there was probable knowledge that they had committed sexual abuse of minors to the Congregation for the Doctrine of the Faith (CDF)

¹²⁵ Dom Richard Yeo 12 December 2017 100/17-102/3

¹²⁶ Dom Richard Yeo 12 December 2017 103/6-106/4

¹²⁷ INQ001046_088

¹²⁸ A monk and priest of Downside, died 1 September 2009

¹²⁹ BNT003784_021-027

maintaining the changes he has made'.¹³⁰ Dom Richard told us that he 'remained alive however to the role I needed to play in ensuring that the wider community – lay and monastic – were protected from Richard'. Therefore, in February 2002, he sought further advice from Gregg Galbraith Quinn solicitors on the wording of the strengthened guidelines to be provided to Richard White.¹³¹ On 8 July 2002, Brownhill wrote to Downside enclosing a copy of a risk assessment report by Royston Williams in June 2002. According to the letter, Royston Williams had stated that he believed any risk of re-offending was 'low'. In 2003, Abbot Richard appointed Nicholas White as his own secretary, taking the place of RC-F123 who had replaced O'Keefe.¹³² Dom Richard told us that the guidelines were reviewed periodically, and a revised version was agreed in February 2006. He said that Nicholas White engaged with continuing care throughout his time at Downside up to the end of Dom Richard's term as abbot.¹³³

94. Fr Aidan Bellenger told us that after Nicholas White had returned he did think that there had been instances when White had come across children in the gardens.¹³⁴ Fr Aidan Bellenger became abbot in 2006. He told us that the reason he had not considered reporting Nicholas White to the statutory authorities was because he had inherited the matter from Richard Yeo, and there was in some sense 'continuity'.¹³⁵

95. As a result of the multi-agency strategy meetings which commenced on 24 June 2010, an audit of school records was undertaken by the Clifton diocese and the police. This uncovered the original complaints made against Richard White. Richard White was arrested and subsequently charged with 10 offences – six of indecent assault against a boy under 14, and four of gross indecency against a boy under 14, with a further four offences of indecent assault against a boy under 14 taken into consideration, despite his not having made a statement. Richard White pleaded guilty to seven out of 10 counts, accepted by the prosecution. The three remaining matters were left to lie on the court file. On 3 January 2012, White was sentenced to five years' imprisonment and made subject to a Sexual Offences Prevention Order. He was placed on the Sex Offenders Register and was indefinitely disqualified from working with children. He was released on licence in March 2015.¹³⁶ White died on 18 May 2016.

RC-F65 (1996 and 1991)

96. On 28 January 1996, Carol Redmond-Lyon, a senior tutor at Downside,¹³⁷ wrote to Abbot Charles Fitzgerald-Lombard to inform him that a 16-year-old pupil, RC-A95, had come to her in distress with a 'very disturbing and detailed account' of a recent 'sexual experience' with RC-F65, who was at that time in a senior leadership position at the school. The boy had told her, during private counselling, that he had had homosexual feelings for some time.¹³⁸ Dom Charles Fitzgerald-Lombard told us that at the time he had not felt it appropriate to enquire any further into the details of what had happened because of the nature of the relationship between the boy and Carol Redmond-Lyon. He was not informed

¹³⁰ [BNT003784_027](#)

¹³¹ [BNT006439_021](#)

¹³² [BNT006439_013](#)

¹³³ [BNT006439_021](#)

¹³⁴ [Dom Aidan Bellenger 11 December 2017 29/6-22](#)

¹³⁵ [Dom Aidan Bellenger 11 December 2017 29/23-30/3](#)

¹³⁶ [ASP000025_006](#); [ASP000035_006](#); [CPS002848_015-016](#)

¹³⁷ [BNT006404_005](#)

¹³⁸ [BNT002349_098, 100](#)

of RC-A95's name, apparently because the information was considered to have been given to Ms Redmond-Lyon in confidence, rather than as a formal complaint, and it was therefore not thought necessary to give further details to Abbot Charles.¹³⁹

97. Anthony Domaille carried out a number of preliminary enquiry protocol investigations for Clifton diocese. In a later interview with Mr Anthony Domaille for a report dated 19 June 2011, RC-A95 recalled that he and RC-F65 had spent some time kissing before RC-F65 had performed oral sex on him. In those interviews, Ms Redmond-Lyon (referred to in the document as Mrs Matthews) said that she remembered being told about an inappropriate encounter by RC-A95, but that she could not recall him describing any sexual contact in detail. In contrast to this, Mr Martin Fisher, the deputy headmaster at the time of the incident, recalled there being a reference to oral sex in the written record that Ms Redmond-Lyon had made at the time (which appears to have since been destroyed). Dom Charles Fitzgerald-Lombard told Mr Domaille that he did not know RC-A95's name or the details of what had happened.¹⁴⁰

98. Abbot Charles called a meeting with Carol Redmond-Lyon, Martin Fisher and Dom Philip Jebb, the prior and former headmaster. In a private memorandum dated 29 January 1996, Abbot Charles recorded that at this meeting he explained that although they had not yet formally adopted a set of procedures for such situations, all procedures placed great emphasis on the Paramountcy Principle.¹⁴¹ He wrote that RC-A95 was 'over the age for ordinary sexual consent but under the age for consenting to specific homosexual acts. There being no witnesses and both parties being drunk it is not entirely clear what happened and possibly never would be.' Ms Redmond-Lyon's opinion, as set out in his memo, was that the Paramountcy Principle made it essential that the matter be dealt with quietly, since RC-A95 had told her of the incident in confidence and had not made a formal complaint. She also was said to feel that that there was no short-term risk, rendering immediate removal of RC-F65 unnecessary. Abbot Charles concluded that since RC-A95's own interest was paramount, taking account of his age, circumstances and opinion, and the fact that he was not making a formal complaint, he could accept the recommendation for a low-key response on an interim basis. He would consider the matter further and would speak to RC-F65.¹⁴²

99. Abbot Charles had a meeting with RC-F65. In a second private memorandum dated 29 January 1996 he recorded that RC-F65 had told him that the incident had been initiated by RC-A95, and was essentially a problem of alcohol rather than sexual urge. Abbot Charles was of the view that there was 'a conflict between the application of the principle of paramouncy of the young man's interest as indicated by the unanimous opinion of the committee [he] had set up and the normal routine of calling in external investigators as a matter of course'. Abbot Charles continued to say that given his understanding of the Paramountcy Principle, the lack of formal complaint and the committee's view of future risk, he decided to await a further report from Ms Redmond-Lyon before considering what action to take.¹⁴³

¹³⁹ BNT006403_013-015

¹⁴⁰ CSA002604_001, 007-009

¹⁴¹ The principles in the 1989 Act were incorporated into national guidance and guidance issued by the Roman Catholic Church, such as the Diocese of Clifton's 'Child Protection Procedures' document from 1999 (revised 2002) which states that it 'unhesitatingly accepts and will maintain the "paramouncy principle" when dealing with any matter of alleged abuse of minors: that is that all other considerations are secondary to the protection of minors from actual or possible abuse'.

¹⁴² BNT002349_100-101

¹⁴³ BNT002349_102-103

100. A further meeting took place on 7 February 1996. In preparation for this, Abbot Charles put together a document summarising the issues. In this he expressed the opinion that:

The main problem in the case of RC-F65 would seem to be one of drink (which is now being taken in hand) while the sexual problem rests mainly with the young man (who acknowledges his own homosexuality). This does not exonerate RC-F65 from responsibility for his conduct, even when drunk, but it focuses attention on the best interests of the young man and suggests that RC-F65 is not, as is usual in such cases, a sexual deviant who is a danger to youths.

Abbot Charles acknowledged that the usual response would have been to call for external investigators and suspend RC-F65 but stated that this had to be tested against the paramountcy principle. He concluded that it would not be in the best interests of RC-A95 were the incident to be exposed.¹⁴⁴

101. The meeting was again attended by Abbot Charles, Dom Philip Jebb, Mr Fisher and Ms Redmond-Lyon. The note of this meeting recorded that Ms Redmond-Lyon agreed with Abbot Charles' document and its conclusions. It also stated that Dom Philip, who had taken RC-F65 'under his special care', thought that what was needed was monitoring and confidence-building. Abbot Charles in his note recorded that: 'It was an odd case. Sometimes when I thought about it I felt it was the most appalling imaginable situation and then on reflection I would think that it was really a silly passing incident between two males who had had too much to drink.' All agreed to continue monitoring and offering support to both parties, and to review the situation at a later date.¹⁴⁵ On 4 July 1996, Ms Redmond-Lyon wrote to Abbot Charles saying that she was satisfied that the action taken had been appropriate.¹⁴⁶

102. In his report dated 19 June 2011, when reviewing this case, Anthony Domaille said that all parties accepted that Abbot Charles never knew the identity of RC-A95 nor the exact nature of the alleged sexual activity. However, it was clear that Abbot Charles had known he was dealing with a serious matter. Mr Domaille said that Abbot Charles, Dom Philip, Mr Fisher and Ms Redmond-Lyon were wrong not to inform the statutory authorities. He stated they should have considered the best interests of the other young people with whom RC-F65 may have had contact. He concluded that had he been conducting the investigation in 1996, he would have found that RC-F65 potentially posed a grave risk to young people.¹⁴⁷

103. Dom Charles has told us that the committee would almost certainly have acted differently today and removed RC-F65 from his post immediately.¹⁴⁸ But RC-F65 was allowed to remain in his post. This was plainly wrong, and Downside have accepted that.¹⁴⁹ RC-F65 should have been removed from his post and the matter reported to the authorities immediately. While RC-A95's wishes were a factor to take into consideration, it should have been reported. The issue was one of how to report it, not whether to do so, and the matter should have been reported.

¹⁴⁴ [BNT002349_104-105](#)

¹⁴⁵ [BNT002349_106-107](#)

¹⁴⁶ [CFD000226_006_012](#)

¹⁴⁷ [CSA002604_001_012-013_015](#)

¹⁴⁸ [BNT006403_15](#)

¹⁴⁹ [INQ001046_062](#)

104. Shortly after this incident, because of his position in the school, RC-F65 was involved in the investigation of an allegation of inappropriate behaviour by a lay master. Jane Dziadulewicz felt that the matter had not been investigated appropriately¹⁵⁰ and, referring to RC-F65's part in that investigation, told us that it was a recurrent problem at Downside that 'complaints' were investigated by individuals who themselves had been accused of child sexual abuse. She said that 'it was no wonder that there would be times when they would find those children at fault rather than their colleagues'.

105. Richard Yeo became abbot in 1998. RC-F65 remained in the school. Dom Richard Yeo has said that when he became abbot, his predecessor Charles Fitzgerald-Lombard had told him that the 1996 incident had been indecent exposure, which Dom Richard Yeo agreed would not be accurate, though he could not say whether it was his memory that was at fault. He said that Mr Fisher told him that the allegation was not substantiated because both parties had been drunk and it was unclear what had happened. Dom Richard did not recall seeing Abbot Charles' notes about the incident.¹⁵¹ Dom Charles did not remember any such handover conversation but was happy to accept Dom Richard Yeo's evidence.¹⁵²

106. Again, as with Anselm Hurt and Nicholas White, despite the papal edict on 30 April 2001, Abbot Richard Yeo did not report RC-F65 to the CDF because the incident had taken place before 2001, and he did not think it applied retrospectively.¹⁵³ Dom Richard also told us that again recommendations 69 and 70 of the final Nolan Report in September 2001 did not cause him to reflect on the position of RC-F65. Nor did he think of reporting RC-F65 to the statutory authorities in 2002, once the association between the Clifton diocese and Downside was underway.¹⁵⁴ Downside accept that they also fell below the standard required by recommendation 70 of the Nolan Report¹⁵⁵ in respect of RC-F65.¹⁵⁶

107. Dom Leo Maidlow Davis became headmaster in 2003. He told us that he was not aware of the allegation against RC-F65 until 2010.¹⁵⁷ Downside state that the initial errors in the handling of the case were compounded by a failure to ensure that Dom Leo Maidlow Davis was informed about the matter.¹⁵⁸

108. In 2003, RC-F65 was appointed a parish priest in East Anglia.¹⁵⁹ Despite having apparently been told the allegation against him was unreliable, Dom Richard told us that he became 'a bit uneasy about this as time went on because [he] worried about some of the assumptions made in coming to th[at] conclusion'.¹⁶⁰ As a result, Abbot Richard went to speak to the priest who was the child protection officer of the diocese (presumably the diocese of East Anglia) about the 1996 allegation, who said he would pass it on to the bishop.¹⁶¹ Downside have accepted that the matter 'ought more properly' to have been referred to the Clifton diocesan safeguarding office, which plainly it was not.¹⁶²

¹⁵⁰ [CFD000139](#)

¹⁵¹ [Dom Richard Yeo 13 December 2017 45/17-47/10](#)

¹⁵² [Dom Charles Fitzgerald-Lombard 8 December 2017 93/16-94/24](#)

¹⁵³ [BNT006439_011](#)

¹⁵⁴ [Dom Richard Yeo 12 December 2017 103/6-105/20](#)

¹⁵⁵ [CHC000053_037](#)

¹⁵⁶ [INQ001046_088](#)

¹⁵⁷ [BNT006645_017](#)

¹⁵⁸ [INQ001046_064](#)

¹⁵⁹ [Dom Richard Yeo 13 December 2017 47/17- 47/21](#)

¹⁶⁰ [Dom Richard Yeo 13 December 2017 48/6-17](#)

¹⁶¹ [BNT006439_022](#)

¹⁶² [INQ001046_064-065](#)

109. In 2006, RC-F65 became a school governor¹⁶³ of a school in East Anglia.¹⁶⁴ Aidan Bellenger succeeded Richard Yeo as abbot that same year. Dom Aidan told us that when he became abbot, Dom Richard had informed him of the allegation against RC-F65. He was surprised that Dom Richard had not told him during his time as prior, and 'looked at from today's perspective' thought that he should have done. He accepted that there was potential for a safeguarding issue.¹⁶⁵ Dom Aidan could not recall whether it was he or Abbot Richard who had allowed RC-F65's appointment as a school governor.¹⁶⁶ Regardless of who was responsible, allowing such an appointment was plainly inappropriate, something that Dom Richard has accepted in his evidence.¹⁶⁷ Downside have accepted that the appointment was a serious error.¹⁶⁸

110. It appears that no further action was taken in respect of RC-F65. As a result of the strategy meetings and investigations, the statutory authorities became aware of RC-A95's complaint. At the fourth review strategy meeting on 17 November 2010, it was agreed that RC-F65 should be suspended from active public ministry.¹⁶⁹ Claire Winter, local authority designated officer (LADO) for Somerset County Council told us that around that time she received two telephone calls from the Secretary of State for Education's office, asking for information about when the decision was going to be made. Ms Winter replied by explaining that it was a child protection matter, and she was not prepared to discuss it. She then received a further telephone call from someone who described himself as the Secretary of State for Education and pressed her for the same information. She declined to give it.¹⁷⁰

111. The Rt Hon Michael Gove MP, who was then Secretary of State for Education, has responded to Ms Winter's evidence and provided us with a statement.¹⁷¹ He has said that there was no attempt at intervention by the DES, nor did he personally make any such telephone calls. He has said that there is no record of any such calls being made from his offices, and that he would have no reason to make such calls as he did not know RC-F65 and would have had no interest in the matter. Claire Winter has now provided a further statement making it clear that her evidence reflected her recollection of the events and telephone calls.¹⁷² We take the view that there is insufficient evidence on this point from which to draw any conclusions.

112. The police interviewed RC-F65 on 11 January 2011. He stated that, without warning or encouragement, RC-A95 touched his testicles and that when he left his study to go to his bedroom, RC-A95 followed him and undressed himself. RC-F65 claimed that he did not see RC-A95 naked and there was no physical contact between them. The police then spoke on the telephone to RC-A95. He stated that after drinking, he and RC-F65 had kissed and touched each other. The police considered that, as this had happened before the Sexual

¹⁶³ [CYC000113_066](#)

¹⁶⁴ [INQ001046_065](#)

¹⁶⁵ [Dom Aidan Bellenger 11 December 2017 30/4-18](#)

¹⁶⁶ [Dom Aidan Bellenger 11 December 2017 54/17-56/11; CYC000113_066](#)

¹⁶⁷ [Dom Richard Yeo 12 December 2017 108/1-19](#)

¹⁶⁸ [INQ001046_065](#)

¹⁶⁹ [SOM000005_018-019](#)

¹⁷⁰ [Claire Winter 13 December 2017 170/4-171/7](#)

¹⁷¹ [INQ001178_002-005](#)

¹⁷² [INQ001176](#)

Offences Act 2003, the potential offence would have been sexual assault under the Sexual Offences Act 1956.¹⁷³ They concluded that under the 1956 Act, RC-A95 was over the legal age (16 years) and therefore no offence had been disclosed.¹⁷⁴

113. On 18 March 2011, Anthony Domaille conducted a preliminary enquiry protocol investigation in order to assess whether or not RC-F65 presented a risk to children and/or vulnerable adults.¹⁷⁵ In his report dated 19 June 2011, Mr Domaille stated that he interviewed all the people involved in the 1996 matter, excluding Dom Philip Jebb.¹⁷⁶ As we have already seen, RC-A95 told him that RC-F65 had performed oral sex on him. RC-F65 denied that any sexual activity had taken place. Mr Domaille stated that on balance he preferred RC-A95's account to that of RC-F65. Having concluded that RC-F65 had potentially posed a grave risk to young people back in 1995, he said that 15 years on, and in the absence of any suggestion of any other inappropriate conduct, any risk was smaller, although he was not qualified to conduct a risk assessment.¹⁷⁷

114. A panel was convened to consider Mr Domaille's report. A handwritten note from Abbot Aidan on a message from RC-F65 dated 6 July 2011 said that he was sorry to hear of the 'glum report' and hoped that the panel 'took it lightly'. Dom Aidan told us that when he wrote this he was trying to encourage RC-F65 to keep going as he was in quite a volatile state.¹⁷⁸ On 9 August 2011, the panel hearing took place. The panel understood that RC-F65 did not intend to attend the hearing, and so he was not present. The panel endorsed Mr Domaille's report and said that it would have come to the same conclusion. The panel was concerned that RC-F65 denied an allegation which they considered to be upheld on the balance of probabilities. They recommended that an independent risk assessment be commissioned as soon as possible.¹⁷⁹

115. On 26 October 2011, the panel reconvened as there had apparently been a misunderstanding about RC-F65's desire to be at the previous hearing. On this occasion RC-F65 did attend. He maintained his position that he had not sexually assaulted RC-A95 but that RC-A95 had made advances to him, which he had rejected. As a result, the panel modified their previous conclusions, saying that given the length of time since the incident, and the fact that no action had been taken then, it would be unfair to prefer RC-A95's version to that of RC-F65. The panel recommended a risk assessment to determine whether RC-F65 was a risk to children or young people.¹⁸⁰

116. The risk assessment was carried out around December 2011 by Dave Tregaskis, who worked as independent practitioner specialising in risk assessments for the diocesan clergy and members of religious organisations.¹⁸¹ An email from Mr Domaille to Abbot Aidan on 4 January 2012 summarised that the report's conclusion was that a return to public ministry would not represent a risk in terms of public protection. The report apparently also said that although the same might be said of a return to the abbey, the recommendations made in Lord Carlile's report into Ealing Abbey might be interpreted as making such a return

¹⁷³ [Sexual Offences Act 1956 \(sexual assault\)](#)

¹⁷⁴ [ASP000041_003](#)

¹⁷⁵ [CSA002604_003](#)

¹⁷⁶ [CSA002604_006](#)

¹⁷⁷ [CSA002604_015](#)

¹⁷⁸ [BNT002354_161](#); Dom Aidan Bellenger 11 December 2017 58/22-60/4

¹⁷⁹ [BNT002353_038-039](#)

¹⁸⁰ [BNT002353_023-024](#)

¹⁸¹ [INQ001316_001](#)

inappropriate. Mr Domaille advised that if RC-F65 were to return to his ministry, Abbot Aidan should require him to enter into a written agreement preventing him from seeing young people alone.¹⁸²

117. On 9 January 2012, Abbot Aidan Bellenger informed RC-F65 that, following the risk assessment, his options were either (i) to return to East Anglia or (ii) to decide to stay or to leave the active ministry. Abbot Aidan said that '[g]iven the fall-out I do not think that a return to Downside (at least at the moment) is on'. RC-F65 responded that he would like to continue in East Anglia.¹⁸³ Dom Aidan told us that he 'did not expect him to return to Downside, nor did [I] hope for it'. He said that he was concerned that RC-F65 was 'very keen on remaining in some sense a monk, but [I] thought of him more as a distant member of the community rather than a resident one'.¹⁸⁴

118. In April 2012, a further allegation came to light when RC-A103, a former Downside pupil, said that around 1991, following discussion with RC-F65 in his private rooms in the school, RC-F65 had put his hand down his trousers. They had both been drinking. RC-A103 was then 18 years old. He said that he had raised it with Aidan Bellenger and Dom Leo Maidlow Davis at the time.¹⁸⁵ We have not seen any records or further details about this disclosure.

119. As a result of RC-A103's complaint, Mr Tregaskis was asked to prepare an addendum risk assessment. In his report, dated 2 July 2012, Mr Tregaskis said that his previous conclusion (in 2011) that the incident in 1996 was an isolated one could no longer be sustained. In addition to RC-A103's recent allegation, he referred to a further matter that had been raised by a former pupil. The latter did not amount to an allegation, although the individual concerned indicated that he might make further contact with the safeguarding office. Mr Tregaskis also referred to the fact that RC-F65 would not be returning to East Anglia and that consideration was being given to him acting on a supply basis in parishes in Northampton, where he was then living. Mr Tregaskis felt that the developments made it necessary to review the issue of risk, and the question of whether there should be restrictions attached if he returned to the ministry. Mr Tregaskis found the 1991 and 1996 allegations credible on the balance of probabilities, and concluded that restriction should be placed on interaction with post-pubescent males under 18 years of age.¹⁸⁶

120. On 2 August 2012, a meeting was held with RC-F65, Abbot Aidan Bellenger, Bishop Peter Doyle and Kay Taylor-Duke (safeguarding coordinator from Northampton diocese) and Ms Jane Dziadulewicz (from Clifton diocese). The decision was reached that RC-F65 would remain in Northampton under restrictions and a Covenant of Care. Day-to-day management would rest with Northampton, but the management plan would be shared with Clifton diocese. It was also agreed that Abbot Aidan and Ms Dziadulewicz would discuss the issue of visits to Downside.¹⁸⁷ In October 2012, Abbot Aidan wrote to RC-F65 to inform him that he could return to Downside in very limited circumstances, and 'definitely not at Easter, Christmas or during term time'.¹⁸⁸

¹⁸² [BNT002353_021](#)

¹⁸³ [BNT002354_112](#)

¹⁸⁴ [Dom Aidan Bellenger 11 December 2017 63/1-22; BNT002354_112](#)

¹⁸⁵ [CFD000128; BNT003370_002](#)

¹⁸⁶ [BNT002353_016-020](#)

¹⁸⁷ [BNT002354_065-067](#)

¹⁸⁸ [Dom Aidan Bellenger 11 December 2017 56/12-57/2](#)

121. In November 2012 concerns were raised by Clifton diocese in relation to the lack of restrictions in RC-F65's Covenant of Care, which had been created by the Northampton diocese. This was reviewed toward the end of 2013.¹⁸⁹

122. Ms Dziadulewicz told us that information was not shared with Clifton diocese, which had caused problems. She said that she had attempted to raise the matter with Ms Taylor-Duke but she had not been receptive. In Ms Dziadulewicz's opinion, Ms Taylor-Duke was conflicted by her dual role as safeguarding coordinator and clergy welfare adviser, and her support for RC-F65 prevented her from properly addressing the safeguarding concerns.¹⁹⁰

123. Ms Dziadulewicz expressed the view that this was an example of the difficulties that abbots and bishops have in exerting their authority. She said that RC-F65 was:

*running rings around people and that to have two safeguarding officers, two dioceses, having difficulty information sharing could have been resolved by the abbot actually being more directive with this individual. It felt like we were being left, as safeguarding officers, to try and resolve this, and I do believe this has been an ongoing problem since ... I left the diocese.*¹⁹¹

124. On 12 March 2014, at the request of Northampton, Mr Tregaskis provided yet another risk assessment, in which he concluded that at that time RC-F65 represented a low risk of further sexually abusive behaviour. In his opinion allowing RC-F65 to return to limited pastoral work would be a defensible decision, provided that any safeguarding coordinator was given sufficient relevant information.¹⁹²

125. On 3 April 2014, Ms Dziadulewicz emailed Abbot Aidan expressing concern that RC-F65 had been doing supply work in the Clifton diocese for a second time without her having been given prior notification. She also said that Ms Taylor-Duke was considering a request from East Anglia for him to do supply work there without having asked for her view.¹⁹³

126. A case chronology prepared by Mr Liam Ring shows that there were ongoing concerns about the communication between Clifton diocese and Northampton diocese.¹⁹⁴ These were raised at a Downside meeting on 18 December 2014, where it was said that matters appeared to be exacerbated by the safeguarding officer, Ms Taylor-Duke, acting not only in her formal role, but also as RC-F65's 'advocate'. On 2 February 2015, there was reference to Dom Leo expressing disquiet about a plan for RC-F65 to be placed in a parish in Northampton without consulting him. Like Ms Dziadulewicz, Mr Ring told us that Ms Taylor-Duke had potentially put more of an emphasis on her pastoral support of RC-F65 than on the safeguarding concerns.¹⁹⁵

127. On 25 February 2015, there was a meeting between Downside and Clifton diocese at which further concerns were raised about issues involving RC-F65 and adult males. On 27 March 2015 there was a meeting between Downside, Clifton diocese and Northampton diocese where the potential impact of the new information on RC-F65's management was

¹⁸⁹ [CFD000099_006](#)

¹⁹⁰ [Jane Dziadulewicz 6 December 2017 101/8-18](#)

¹⁹¹ [Jane Dziadulewicz 6 December 2017 101/23-102/18](#)

¹⁹² [BNT002353_009-013](#)

¹⁹³ [BNT002354_033](#)

¹⁹⁴ [CFD000099_006](#)

¹⁹⁵ [Liam Ring 7 December 2017 138/14-139/25](#)

discussed. It was decided that another risk assessment process should be considered once Mr Ring had concluded his review, and agreed that there would be 'no ministry', and that RC-F65 would remain in Northampton and not go to East Anglia.¹⁹⁶

128. On 1 April 2015, Dom Leo Maidlow Davis wrote to Bishop Peter Doyle to inform him that he could not agree to the supply arrangement that had been suggested by Bishop Peter in a letter dated 30 March 2015. Dom Leo referred to a safeguarding meeting held on 30 March 2015, the same date as Bishop Peter's letter, in which Ms Taylor-Duke had said that RC-F65 would be 'grounded' while further historical concerns were looked into by Clifton diocese.¹⁹⁷ On 16 April 2015, a meeting was held with amongst others, Bishop Peter Doyle (Northampton), Kay Taylor-Duke, Liam Ring, Dom Leo Maidlow Davis and RC-F65. Particular concern was expressed about Bishop Peter's proposal for RC-F65 to do long-term supply work.¹⁹⁸

129. On 3 August 2015, there was a further meeting between Clifton diocese and Northampton diocese, on this occasion to discuss a request by RC-F65 to return to some degree of active ministry.¹⁹⁹ In October 2015, Dom Leo was still trying to assess whether or not it was safe or prudent for RC-F65 to return to ministry.²⁰⁰ Mr Ring advised Dom Leo to formalise the 'no ministry' for RC-F65.²⁰¹ Thereafter meetings and discussions continued between Clifton diocese, Northampton diocese and Downside about the appropriate management of RC-F65 and his ability to undertake active ministry. A risk assessment was carried out by the Lucy Faithfull Foundation (LFF) in October 2017,²⁰² but the results of this assessment are not known to the Inquiry.

130. Several witnesses have described to us the challenges involved in the management of RC-F65. Mr Ring told us that this was one of the current cases where there was an 'element of inertia' in trying to resolve ongoing issues, but he explained that the difficulty in finding an appropriate place for RC-F65 'mirror[ed] secular society' in terms of when 'nobody wants to deal with ... an offender or perpetrator'. Steve Livings, the current chair of the Clifton diocese safeguarding commission, has said that RC-F65 has been the main safeguarding challenge during his time at the commission. Dom Leo also told us that RC-F65 has been 'difficult to manage'.²⁰³

Dunstan (born Desmond) O'Keeffe (1997, 1999, 2003 and 2004)

131. Dunstan (born Desmond) O'Keeffe was a monk and teacher. In 1997 Malcolm Daniels, the head of information and communication technology (ICT) at the school, discovered that a member of staff, subsequently identified as Dunstan O'Keeffe, had been accessing indecent images on the school's computer equipment.²⁰⁴

132. Following our public hearings in November and December 2017, Mr Daniels approached the Inquiry and has provided a statement and several documents from his personal files that were not previously available to us. These include letters that he wrote

¹⁹⁶ [CFD000099_007](#)

¹⁹⁷ [BNT002354_014](#)

¹⁹⁸ [BNT002376_014](#); [Dom Leo Maidlow Davis 11 December 2017 138/16-139/14](#)

¹⁹⁹ [CFD000099_009](#)

²⁰⁰ [BNT002351_074](#)

²⁰¹ [CFD000099_010](#)

²⁰² [CFD000099_010-012](#); [LFF000004_010](#)

²⁰³ [Dom Leo Maidlow Davis 11 December 2017 139/24-25](#)

²⁰⁴ [INQ001638_001](#)

to Martin Fisher, who was deputy headmaster at the time of the school's investigation into Dunstan O'Keeffe. It is surprising that the school did not seem to have copies of these documents. We would expect them to have been retained in the school records.

133. One of the documents is a report entitled 'The investigation of irregularities in the unauthorised use of the internet in the IT centre'. The first page states that it 'involves the use of shocking, depraved and probably paedophilic material' and appeals for the matter to be treated 'thoroughly, quickly and very sensitively'. This page was prepared on 21 September 1997, and the rest of the report on 30 September 1997. There are also two appendices to the report.²⁰⁵

134. Mr Daniels also provided a note outlining the allegations against Fr Dunstan O'Keeffe, dated Friday 26 September 1997, which he told us was written by Martin Fisher. This indicates that the images accessed related to 'homosexual activity between adults and minors, and at least one of which originates from a paedophile organisation'.²⁰⁶

135. On 28 September 1997, Abbot Charles wrote to Mr Fisher to tell him that the prior, then Dom Philip Jebb, had informed him of 'very serious suspicions regarding the misuse of a credit card and the internet'. Abbot Charles asked Mr Fisher to set up a committee of enquiry, suggesting that this should consist of Mr Fisher as Chair, Dom Philip Jebb and Ms Redmond-Lyon (provided that she agreed). Abbot Charles said that although there was no suggestion of 'physical abuse', the committee should consider at its first meeting whether immediate suspension was called for. He went on, '[h]owever the greatest sensitivity is called for bearing in mind the suicide which occurred recently in a similar situation'.²⁰⁷

136. The remainder of Malcolm Daniels' report followed on 30 September 1997 and was sent to senior management. He set out the history of his suspicions, including how his own Switch debit card had been used to purchase the material in August, and his discovery of a hidden directory on a school computer on 19 September 1997. He made a copy of the directory to preserve its contents. He stated that '[v]ery soon I realised from the words that I saw in the files that someone ... at best was looking at pictures of boys and teenage young men, possibly much worse'.²⁰⁸

137. Malcolm Daniels found that the programme had been installed on 3 May 1997. From the date and time of the files, it was possible to deduce when the programme was in use and therefore when the person using it was in Malcolm Daniels' office.²⁰⁹ Appendix B to the report showed that the material was accessed across a two-month period, always late at night or in the early hours of the morning. A gap of about 18 days corresponded with a holiday taken by Dunstan O'Keeffe.²¹⁰ Malcolm Daniels also set out instances where he had found Dunstan O'Keeffe in the IT office. On one occasion Mr Daniels had found O'Keeffe using his [Daniels'] own Apple computer. On another, at the end of the summer term, he returned late at night to retrieve something he had forgotten and found Dunstan O'Keeffe sitting at the IBM computer.²¹¹

²⁰⁵ [INQ001638_002](#); [INQ001639](#); [INQ001640](#)

²⁰⁶ [INQ001638_003](#); [INQ001642](#)

²⁰⁷ [BNT003777_145](#)

²⁰⁸ [INQ001638_002](#); [INQ001639_003-005](#)

²⁰⁹ [INQ001639_004](#)

²¹⁰ [INQ001641](#)

²¹¹ [INQ001639_003-004](#)

138. In terms of the material accessed, Malcolm Daniels' report stated that there were 1,540 files in the cache directory and therefore it was not possible to print them all. However, he stated that a selection had been provided in Appendix C (no longer available) and 'this instantly gives a flavour of the type of material being accessed. I find it shocking and disgusting with a full range of gay sexual, deviant and paedophilic practices.' The names of the jpeg files included '15boy.jpg' and '16boy.suk' and 'boysex()1.jpg'.

139. According to Martin Fisher, Malcolm Daniels concluded that there had been no criminal activity, other than the fraudulent use of his own debit card, and that there was no suggestion that the material downloaded related to children. Martin Fisher told us that report 'was for the eyes of the abbot' and that he saw one sample photograph, which was of young men. Martin Fisher told us that Abbot Charles told the committee that he had reviewed the file and had only found adult gay pornography.²¹²

140. In his written statement, Dom Charles stated 'I believe that Malcolm's report referred to him having discovered two or three images of naked young men and one of a child in trousers. I summoned Desmond and when I confronted him with the findings he immediately admitted to me that he was responsible and that most of them were of children.'²¹³

141. During the hearings, Dom Charles corrected this. He told us that he had forgotten that there were two separate offences regarding Dunstan O'Keeffe's misuse of computers, the first being in 1997 and the second in 2004 (see below). He stated that it was in relation to the second incident that police found indecent images of children. He now recalls that some time after the second incident became known, but when he was no longer abbot (although he remained at Downside until 2006),²¹⁴ he had a conversation with Dunstan O'Keeffe in which O'Keeffe 'explicitly acknowledged that young children were involved'. He also said that it remained possible that Dunstan O'Keeffe acknowledged that there were photographs of children in the first case in 1997 but that he had no specific memory of this.²¹⁵

142. On 15 October 1997, Abbot Charles wrote to Mr Fisher thanking him for the committee of enquiry's work. He told him that having attended a meeting with the committee he was 'on the one hand profoundly depressed but on the other hand reasonably hopeful that something can be salvaged from the wreckage'. Abbot Charles said that he thought that they had broadly agreed that while the overriding concern must always be the welfare of the pupils, there was no suggestion or evidence of 'any impropriety in that area'. In his view the greatest risk to the boys was the potential for trauma, distress and disruption to their education if unnecessarily dramatic action were to be taken in the middle of term, particularly if it might lead to a suicide. Abbot Charles went on to say that assuming the allegations were accepted by 'the accused', it was inevitable that he would be relieved of his senior pastoral post and almost certain that he would also have to be relieved of all teaching duties. The abbot concluded that it would therefore be best to delay the 'day of confrontation' until the end of term to prevent excessive scandal and shock.²¹⁶

²¹² [BNT006404_011](#)

²¹³ [BNT006403_017](#)

²¹⁴ [BNT006403_002-003](#)

²¹⁵ [BNT006403_017](#); [Dom Charles Fitzgerald-Lombard 8 December 2017 94/25-96/17](#)

²¹⁶ [BNT003777_144](#)

143. Dom Charles was asked about this letter, and whether he had given any thought to the potential for risk to pupils. He told us that a 'risk assessment of sorts' was carried out by the committee and that Martin Fisher had been asked to keep a close eye on the situation. He said that there was no accusation relating to the assault of a young person or child.²¹⁷

144. On 23 November 1997, Malcolm Daniels wrote to Mr Fisher expressing his deep concern about how the matter was being handled. He pointed to reports that had been in the press that very week, which dealt with the arrest of Gary Glitter in similar circumstances, raids at 17 schools where computers had been seized, a raid of the home of a Church of England priest and the arrest of another priest for sexual abuse in the 1980s. He quoted the National Confederation of Parent Teacher Associations, who said: 'We have to be assured that internal checks in school are increased', and the head of the Association of Teachers and Lecturers who said: 'the protection of pupils is paramount. It's absolutely crucial there are checks that work'. Mr Daniels said that he was very concerned about the delay that there had been in dealing with the matter, particularly in light of the events of the previous week, saying 'the papers would really have a field day now'. He commented that he had presented the evidence, which he described as 'overwhelming' to Mr Fisher, and called for the computer to be investigated, which he said he had been advocating since the beginning. He said 'I would like it to go on record that I am totally opposed to the delay that has been decided upon. I feel that the protection of the pupils should have been the paramount consideration ...'. He concluded by commenting that his wife Frances, who also worked at the school, felt so strongly that if the matter were not resolved by Christmas she would seek a position elsewhere.²¹⁸

145. On 28 November 1997, Mr Daniels wrote again to Martin Fisher, asking him to bring his letter to the attention of all the members of the committee and the abbot 'as it does not seem that they want to interview me, or indeed Frances'. He also asked for confirmation that his previous letter had been considered. He went on to say that he had had conversations with Mr Fisher and each of the committee members at the end of September, and all had agreed that Fr Dunstan O'Keeffe should be removed from any contact with boys in the school. He said: 'I am now getting the strong impression that this will no longer be the case. I find this quite unbelievable. The evidence is there for all to see. I have presented the evidence from three computers and from telephone records, with probably more to come over the weekend.' He went on to address a suggestion that although the title pages were looked at, no actual material was in fact thereafter downloaded, which he described as 'preposterous', saying that there was definite evidence that files were downloaded, and referred to the names of some of the files, including 'boysex()1.jpg' and 'fingerhim.jpg'.²¹⁹

146. He went on to say:

I feel as though I am being backed into a corner, against my will where I have two options. One, go along with the thought that he will be allowed to deal with young people and keep my mouth shut, or the other is to take advice from my union representative as to whether I should go to the police ... if it had been me doing these things, I would have been shown the door in September and would have been put on a list such that I would never be able to deal with children again. I feel in a state of despair My conscience is

²¹⁷ Dom Charles Fitzgerald-Lombard 8 December 2017 153/3-155/5

²¹⁸ INQ001644

²¹⁹ INQ001645

telling me that, above all, I have to protect the pupils in my care. But it seems to me that all anyone is worried about is him – he who has done these dreadful things ... I have not even been invited to put the case to the abbot.

147. In an addendum report dated 30 November 1997, Mr Daniels outlined that there seemed to be two doubts in the minds of the committee: (i) whether Dunstan O’Keeffe had stumbled on the material and did not mean to access it – the consideration of which seemed to Mr Daniels ‘almost unbelievable’ – and (ii) that O’Keeffe had just looked at cover pages and not actually at pictures, which Mr Daniels considered unrealistic given the many hours that the records revealed had been spent on the laptop, all late at night and early in the morning. He then described some of the warnings that appeared on files when they were opened. These included ‘if you proceed you will see Cock Sucking, Rim Licking, Ass Fucking, Sperm Spurting Gay Teenage Boys’ and ‘WARNING This site contains sexually explicit images of teenage boys’. Another warned that the site contained pictures of boys as young as 16 engaged in acts of gay sex so may be illegal in ‘your country’. The investigation of the computer showed that O’Keeffe had entered these sites. Mr Daniels also referred to there being additional information which could still extend the investigation.²²⁰ Mr Daniels told us that copies of this report were made available for each of the senior management, abbot and prior.²²¹

148. On 1 December 1997, Martin Fisher wrote to Abbot Charles thanking him for seeing him on ‘Friday night’, presumably 28 November 1997. He said that he remained firmly of the view that for the safety and sanity of Dunstan O’Keeffe, he should be dealt with in a ‘very low-key fashion’. He explained that they were:

*not talking about an accusation but about known facts. In all our talk about this subject, we have tended to be over-scrupulous simply because the final ocular proof is not yet in place. But the reality is that these things are facts. **The evidence – and I have received yet more this morning** [the Inquiry’s emphasis] – is conclusive enough to put the thing beyond any real doubt at all. Discussion of whether or not these things have taken place is a waste of time, the only real issue is how it is to be coped with. Therefore it does seem much better to make a simple abbatial decision ... quietly issuing an abbatial order which delineates the next stage in his career ... the computer in that room will need to be impounded in any case, as will the computer discs and any print-outs which there are, plus any videos, because these are a very real possibility.*

Although Martin Fisher told us that Malcolm Daniels’ report was for ‘the eyes of the abbot’, it appears from this letter that Martin Fisher had in fact seen at least some of the evidence.

149. Martin Fisher said that while he had felt supported by Abbot Charles in his investigation, in hindsight the matter should have been looked at in more detail and he should have insisted that the abbot allow him to review the report and the files. He said that because Dunstan O’Keeffe was a monk, the final decision on what to do about him had rested with the abbot.²²²

²²⁰ INQ001646

²²¹ INQ001638_003

²²² BNT006404_011

150. On 8 December 1997, the committee of enquiry produced their report, which Dom Charles told us was ‘in [a] sense ... a risk assessment’. The committee concluded there could be no reasonable doubt that the person responsible for downloading the images was Fr Dunstan O’Keeffe. The report said that the unacceptable use of the internet had been going on for about a year, but in contrast to Mr Daniels’ reports and letters, stated that the explicitly sexual material which had been retrieved involved young men rather than children. The committee agreed that the nature and extent of the activities rendered it impossible that O’Keeffe should continue to hold any of his responsibilities in the school. It concluded, however, that there was no evidence or suggestion of any sexual misconduct with any individual either in the school or elsewhere. Dom Charles told us that while they were concerned about having Dunstan O’Keeffe in the school, they did not want to cause upheaval in the middle of the term, and did not think that he would commit an offence in the school. He acknowledged that today the decision would be different, and that action would be taken within a matter of hours.²²³ There was a clear lack of urgency demonstrated by those dealing with this case. In addition, what was described to us as ‘in [a] sense ... a risk assessment’ was in fact an internal inquiry undertaken by three individuals from Downside with no relevant expertise.

151. Anthony Domaille conducted a past case review of the O’Keeffe case on 7 September 2010. He commented that: ‘When the abbey became aware of the circumstances of the access to pornography via the Internet in 1997, swift measures were taken to remove Father O’Keeffe from a position where he might pose a risk to young people.’²²⁴ Given the history set out above, it is unclear to us how he could have come to such a conclusion. Dunstan O’Keeffe’s activities were discovered in September 1997 but no action taken until December 1997.

152. As indicated, none of Mr Daniels’ material was available to us during the public hearing. However, we did have a handwritten note dated 9 December 1997 (the day after the committee report).²²⁵ This note, which appears to have been written by Dom Philip Jebb,²²⁶ then prior of Downside, stated:

hard + floppies destroyed ✓ IT key? ✓ change locks
 Malcolm, destroyed? wiped? ✓
 also Apple.
 Recompense for swish card. + internet calls
 Abbot will keep reports. ✓

And ‘children photos’ had been added in red pen.

²²³ BNT002345_066; Dom Charles Fitzgerald-Lombard 8 December 2017 155/6-156/13

²²⁴ BNT002345_001-002

²²⁵ BNT002345_073

²²⁶ BNT006404_011; INQ001638_003-004

153. When asked about this note during his evidence, Dom Charles told us that he did not destroy the computer nor was it destroyed by the monastery. He suggested that Malcolm Daniels was responsible.²²⁷ Mr Daniels has subsequently confirmed that he did not destroy the computer equipment.²²⁸ We accept his evidence. Dom Charles Fitzgerald-Lombard has now confirmed he entirely accepts Malcolm Daniels' recollection.²²⁹ Mr Fisher has said that the disposal of the disks, printouts and other material was carried out by the monastery.²³⁰

154. Dom Charles was asked about the reference to 'children photos' that had been written in red, and whether he was sure that the downloaded photographs were indeed of young men only. He told us: 'The ones I saw were, yes. I don't know why it says "Children photos", I mean, whether there was a question mark or whether it was referring to the young men I don't know.'²³¹

155. Downside have suggested that because it is not known what date the reference to 'children photos' was added or to what it refers, it would be unsafe to assume it meant that anyone was aware that the images were of children. The reference could have been intended, for example, as a need to enquire into the point.²³²

156. Downside also state that the report made to Abbot Charles on 8 December 1997 suggested that the images were at the time lawful images of young people, but not of children. The definition of a child for the purposes of the legislation relating to indecent images of children was altered to mean a person under the age of 18, as opposed to 16, by the Sexual Offences Act 2003 with effect from 1 May 2004.²³³

157. Downside did not adequately respond to this as a safeguarding issue. Regardless of the precise age of the individuals depicted in the photographs, if there was any possibility the images were of children, it was not for them to make judgements on the issue and it should have been reported to the external authorities to be properly investigated. We are entirely unimpressed by the way Downside responded to this issue.

158. In a letter dated 16 December 1997, Dunstan O'Keeffe informed the parents of the pupils that he was resigning.²³⁴ There was no reference to the details of what had happened. Mr Fisher has told us that there was a collective decision not to tell the parents exactly what had happened. In today's context however, he said that he would certainly have advocated informing the parents.²³⁵

159. Dom Leo told us that O'Keeffe was returned to the monastery but was not restricted 'as clearly and strongly as he should have been'.²³⁶ He was not forbidden from going into the school, or from talking to boys. Abbot Charles offered him psychological help, which he declined, and the matter was dropped.²³⁷

²²⁷ [Dom Charles Fitzgerald-Lombard 8 December 2017 157/13-17](#)

²²⁸ [INQ001638_004](#)

²²⁹ [BNT006866](#)

²³⁰ [BNT006404_011](#)

²³¹ [Dom Charles Fitzgerald-Lombard 8 December 2017 156/14-157/17](#)

²³² [INQ001046_072](#)

²³³ [INQ001046_072-073](#)

²³⁴ [BNT003777_138](#)

²³⁵ [BNT006404_012](#)

²³⁶ [Dom Leo Maidlow Davis 11 December 2017 145/24-146/5](#)

²³⁷ [EMA000074_001](#); [Dom Richard Yeo 13 December 2017 10/3-11/15](#)

160. Richard Yeo became abbot of Downside in 1998 and therefore responsible for the management of O’Keeffe. Much of what is set out below comes from Abbot Richard Yeo’s note dated 2 January 2004, which summarises the history of the Dunstan O’Keeffe matter and which he was taken through in the oral hearings.

161. Dom Richard Yeo told us that he had heard about O’Keeffe having downloaded indecent images from a friend, when visiting Downside in 1997 or early 1998.²³⁸

162. At the time Abbot Richard Yeo recorded that he had also seen some of the material that O’Keeffe had downloaded, and that while none of it had involved ‘pre-pubescent children’, some had involved ‘young (possibly teenage) males’. It appears that he would have viewed this material in around 1999 or 2000.²³⁹ When asked about his note during the public hearing, Dom Richard told us ‘I really could not say what age they were.’²⁴⁰ In general we do not recognise any categorisation by age of indecent images of children. Such images, whatever the age of the child, are by their very nature abusive.

163. He told us that when he became abbot of Downside, O’Keeffe asked him about returning to the school. Abbot Richard Yeo consulted those who had been involved in the investigation of the indecent images. He concluded that there had never been any suggestion that O’Keeffe had harmed a child, but there was some evidence that some boys in the school might have known what he was up to.²⁴¹

164. Abbot Richard Yeo told O’Keeffe that he had to stay out of the school for at least five years, which he said was the time needed for all the boys who had been under his care to have left the school.²⁴² This is reminiscent of Dom Charles Fitzgerald-Lombard’s actions in respect of Nicholas White, and seems to have been a stock response – to remove the abuser until his actions were out of memory and those who would or could have been aware of them had left. The removal of the monk was not therefore designed to protect children, but to protect from the risk of scandal.

165. Abbot Richard was under the impression that the five-year ban was a ‘disagreeable shock’ to O’Keeffe, who did not seem to appreciate the seriousness of what he had done. Abbot Richard told O’Keeffe that he wanted him to see a psychiatrist and asked him to see Dr Danny Rogers, who was not an expert in the area but was available to see him.²⁴³

166. Despite this, O’Keeffe was appointed as Abbot Richard’s secretary in 1998.²⁴⁴ Later that year, Abbot Richard heard an uncorroborated hearsay report that while O’Keeffe had been a student in Rome (around 1992–1995), he used to take photographs of children. Abbot Richard had also been in Rome then, but had heard nothing about this at the time.²⁴⁵ He continued to retain O’Keeffe as his secretary for about another three years.²⁴⁶

²³⁸ [Dom Richard Yeo 13 December 2017 8/25-9/6](#)

²³⁹ [BNT006439_016](#)

²⁴⁰ [EMA000074_001; Dom Richard Yeo 13 December 2017 10/20-11/9](#)

²⁴¹ [EMA000074_001; Dom Richard Yeo 13 December 2017 11/17-11/24](#)

²⁴² [EMA000074_001; Dom Richard Yeo 13 December 2017 12/5-10](#)

²⁴³ [EMA000074_002; Dom Richard Yeo 13 December 2017 12/14-20-13/11](#)

²⁴⁴ [Dom Richard Yeo 12 December 2017 105/21-106/1](#)

²⁴⁵ [EMA000074_001; Dom Richard Yeo 13 December 2017 10/3-17](#)

²⁴⁶ [Dom Richard Yeo 12 December 2017 105/21-106/1](#)

167. In an undated letter (described by Dom Richard as a 'report'), Dr Danny Rogers, consultant neuropsychiatrist, wrote to O'Keeffe's GP, Dr Rye, copying in Abbot Richard, about a meeting he had had with O'Keeffe on 18 March 1999. He reported that O'Keeffe had told him that he had, since the age of 10, been sexually attracted to boys below the age of 16 and to women above that age. Dr Rogers was of the opinion that O'Keeffe's involvement with children did not pose any serious risk to those children but that there was a small but potentially overwhelming risk of public scandal if he were ever again to be involved in the teaching of children.²⁴⁷

168. Dunstan O'Keeffe's admission in 1999 that he was sexually attracted to boys under the age of 16 should have triggered a safeguarding response to remove him from contact with children within the school or abbey. Downside accept that a safeguarding issue arose at this time.²⁴⁸ On the same day as O'Keeffe's meeting with Dr Rogers (18 March 1999), Abbot Richard received evidence that O'Keeffe had returned to misusing the internet. O'Keeffe admitted this and Abbot Richard disciplined him, and imposed a ban on the use of the internet in his cell.²⁴⁹ Abbot Richard consulted Dr Rye, who was concerned that O'Keeffe showed some signs of 'cognitive distortion', which he stated was a 'common feature of paedophilia'. He recommended that O'Keeffe see Dr Blackwell, a psychiatrist.²⁵⁰ According to Richard Yeo's note, Dr Blackwell's report gave no indication of cognitive distortion and even suggested that O'Keeffe could return to be a housemaster in the school.²⁵¹

169. Dom Richard told us that recommendations 69 and 70 of the Nolan Report did not cause him to reflect on the position of O'Keeffe. Nor did he think of reporting him to the statutory authorities in 2002, once the association between Clifton diocese and Downside was underway.²⁵²

170. In the note dated 2 January 2004, Abbot Richard Yeo also wrote that he felt that he was unable to draw any conclusion from the two psychiatric reports other than that O'Keeffe had no psychological issues which needed professional help. However, he also recorded that a casual remark of Mr Fisher's – to the effect that he thought 'O'Keeffe intelligent enough to fool any psychologist' – had always stuck in his mind. When asked about this, Dom Richard told us he did not place great weight on Dr Rogers' letter in 1999 and had been dissatisfied with both reports.²⁵³

171. In 2002, having unsuccessfully raised the question of O'Keeffe's return to school with Mr Fisher, Abbot Richard decided to 'take the risk' of appointing him to the post of novice master as there had been no evidence of wrongdoing since the incident in 1997.²⁵⁴ The post of novice master involved his being responsible for the training of novices at the monastery. Boys may become novices once they reach the age of 17.²⁵⁵ Dom Richard told

²⁴⁷ [EMA000074_002](#); [BNT002343_004-005](#); [Dom Richard Yeo 13 December 2017 13/21-14/22](#)

²⁴⁸ [INQ001046_073](#)

²⁴⁹ [EMA000074_002](#); [Dom Richard Yeo 13 December 2017 15/14-23](#)

²⁵⁰ [BNT003777_122-123](#); [EMA000074_002](#)

²⁵¹ [EMA000074_002](#)

²⁵² [Dom Richard Yeo 12 December 2017 103/18-105/20](#)

²⁵³ [EMA000074_002](#); [Dom Richard Yeo 13 December 2017 14/23-16/18](#)

²⁵⁴ [EMA000074_002-003](#); [Dom Richard Yeo 13 December 2017 17/25-18/23](#)

²⁵⁵ <https://www.downside.co.uk/benedictine-monastery/a-monastic-vocation/stages-becoming-monk/>

us that he now agreed this had not been a good idea, but said he had felt he needed to do something. However, he told us that overall he believed the way O’Keeffe was dealt with was appropriate.²⁵⁶

172. On 17 October 2003, the police were called after O’Keeffe was caught masturbating in a car outside a primary school.²⁵⁷ He was charged under the Public Order Act 1986.²⁵⁸ Ms Dziadulewicz told us that she heard about this from a friend, not from Abbot Richard. She said:

I was having coffee with a friend, and she asked me if I’d heard about Dunstan – this monk from Downside Abbey who had been caught masturbating outside a primary school. ... It was on a day off, it may have been at the weekend, I don’t remember, but it was through a friend.

She followed it up with Abbot Richard, who told her he had informed Mr Fisher and assumed he had referred the incident to her. Commenting on this, Ms Dziadulewicz described the situation as ‘tricky’ because there was no formal alignment between Downside Abbey and Clifton diocese until much later, in 2013. However, given that Clifton child protection management commission had been offering help on ‘a goodwill basis’, she would have hoped that they would have been contacted immediately.

173. According to his own note, Abbot Richard told O’Keeffe that he should ‘lie low’ and stay out of the school. He felt that O’Keeffe did not take the matter seriously, because although to Abbot Richard’s knowledge he did not go into the school, O’Keeffe did continue to talk to boys in church. Abbot Richard had to intervene on several occasions.²⁵⁹

174. O’Keeffe was convicted, and on 22 December 2003 received a conditional discharge. The police record indicates that O’Keeffe acknowledged similar behaviour on at least 10 occasions.²⁶⁰ Abbot Richard apparently spoke to the police on 23 December 2003, and they told him that they could not be sure whether Dunstan O’Keeffe was interested in the primary school children, their mothers or the secondary school children.²⁶¹

175. Abbot Richard recorded that, after consultation with his council, he decided to remove O’Keeffe from the post of junior master, director of vocations and from the charge of Bainesbury House, which was let out to groups, frequently including young people (access to which was through the school). He did not however ‘see the need to humiliate him more than necessary’, so allowed him to remain as novice master. He told us that this was because there were no novices as they had left in July 2003. O’Keeffe was also allowed to remain a member of the abbot’s council and a trustee of Downside’s charitable trusts. His term of office was due to come to an end in mid-February, so Abbot Richard decided that he would wait until then and simply allow these appointments to lapse. When asked whether he had placed a significant amount of weight on the need not to humiliate O’Keeffe, Dom Richard told us that it was painful to watch events unfold and it was not the time to humiliate him. He said that he told O’Keeffe to stay out of the school, and that he would need him to

²⁵⁶ Dom Richard Yeo 13 December 2017 18/24-20/7

²⁵⁷ ASP000025_005; CFD000095_001; Jane Dziadulewicz 6 December 2017 90/10-14

²⁵⁸ ASP000025_005

²⁵⁹ EMA000074_003; Dom Richard Yeo 13 December 2017 20/8-21/25

²⁶⁰ BNT003368_002

²⁶¹ EMA000074_003

undergo a psychological assessment. After this he said he would consider any necessary restrictions, as he felt it was necessary to re-examine Dr Rogers' earlier assessment that O'Keefe did not pose a serious risk to children.²⁶²

176. Abbot Richard Yeo had been aware since 1999 that Desmond O'Keefe had admitted to having a sexual interest in male children. His subsequent appointment of O'Keefe as his secretary, his reticence to remove him from the various posts that he held, including that of novice master (whether or not there were novices at the monastery at the time), yet again demonstrates poor judgement on his part. Downside accept that Abbot Richard did not act as promptly as he might have done.²⁶³

177. In his report dated 7 September 2010, Mr Domaille further said that following O'Keefe's conviction in 2003 'the abbey again took steps to manage any risks that Father O'Keefe posed'. While this may be the case, whatever the steps Downside took, they were not sufficient.

178. After O'Keefe's arrest in 2003, Abbot Richard commissioned Dr Elizabeth Mann to conduct a risk assessment. In her report, dated 1 February 2004, she recorded what O'Keefe told her about the 1997 incident, which she described as involving 'downloading images of boys'. She quoted O'Keefe as telling her that the images were of 'pre-teens, early teens, so very much fitting into the pattern of fantasies at that time. but (sic) also because there was a sort of challenge to ... you know, you can't get these in any other way, so you're always trying to push the limits of what you can find'.²⁶⁴ Dunstan O'Keefe had therefore admitted to her that the images were of children, and regardless of how much Richard Yeo knew in 1997, he became aware of this admission on receipt of Elizabeth Mann's report in February 2004.

179. Dr Mann concluded that Abbot Richard was under a legal obligation to report the downloading of indecent images of children as soon as she had told him that children were involved. This was on 23 January 2004 after the psychological interviews, but before the final report was written.²⁶⁵ Abbot Richard told us that it was 'very helpful to have that push', and he and Dr Mann together reported the matter to the police on 24 January 2004. O'Keefe was arrested in February 2004.²⁶⁶

180. Detective Superintendent William White told us that when O'Keefe's room was searched, a computer, external media and a number of photographs of young boys, some of whom had been pupils at the school, were seized.²⁶⁷ An investigation of the computer and external media found 700 video clips involving children, and 12,000 indecent images, of which more than 98% related to children, 'the vast majority being of young boys'. In evidence, Dom Richard qualified a question about the images being of children by saying 'well including minors in their teens'.

²⁶² [EMA000074_003](#); Dom Richard Yeo 13 December 2017 22/1-25/16

²⁶³ [INQ001046_073](#)

²⁶⁴ [BNT002345_046, 052](#); Dom Leo Maidlow Davis 11 December 2017 141/9-142/24

²⁶⁵ [BNT002345_053](#)

²⁶⁶ Dom Richard Yeo 13 December 2017 28/5-18

²⁶⁷ [ASP000025_005](#)

181. The images included 16 onto which the heads of boys at the school had been superimposed onto the bodies of adult women in various sexual poses.²⁶⁸ Dunstan (Desmond) O’Keeffe was convicted of 16 specimen charges²⁶⁹ of making an indecent pseudo photograph of a child,²⁷⁰ committed between January 1997 to February 2004.²⁷¹ He was sentenced on 3 September 2004 to 18 months’ imprisonment and placed on the Sex Offenders Register for 10 years. DC White stated that full cooperation was given to the police by the school in this investigation, but that the fact that the school had dealt internally with O’Keeffe in 1997 would not occur today. Now the failure to report the matter immediately would be a breach of the school’s duty under the Working Together guidance 2015.²⁷²

182. Abbot Richard reported O’Keeffe to the Congregation for the Doctrine of the Faith (CDF) in 2004.²⁷³ Thereafter there were discussions as to the best course of action. O’Keeffe was released in June 2005.²⁷⁴ In January 2006, O’Keeffe decided that he should ask to leave the monastic life, and on 5 May 2006 he was granted full dispensation.²⁷⁵

183. In the period between O’Keeffe’s release from prison and his laicisation, there was an issue as to where he should live, because although he remained under the care of Downside it was impossible for him to stay living at the abbey. Abbot Richard arranged for alternative accommodation at Prinknash Abbey, a Benedictine, but not English Benedictine, monastery in Gloucestershire, where a psychologist from the Lucy Faithfull Foundation (LFF) visited him and gave him treatment.²⁷⁶

Accounts of child sexual abuse made after the Nolan Report (2001–2010)

RC-F66 and RC-F77 (1990s)

184. The focus of this section is on the allegations made by RC-A82 against RC-F66 and RC-F77 in 2003. The way in which these two monks were dealt with by Downside in relation to allegations in 2003 are intertwined, so both are considered together. It is noted that Downside have suggested that the allegation against RC-F77 is not a direct allegation of child sexual abuse but rather physical abuse.²⁷⁷ However, from what follows below it is clear (i) that RC-A82 thought that there might have been a sexual element to the caning and (ii) that clear safeguarding concerns arose in respect of RC-F77 as well as RC-F66.

185. It appears safeguarding concerns were also raised in respect of both RC-F66 and RC-F77 before 2003. In respect of RC-F66, on 7 April 1971 RC-F66 was written to and asked to give up his room in the monastery. The letter referred to the ‘unfortunate business’ but gave no further details.²⁷⁸ Thirty-three years later, on 1 April 2004, Fr Raphael Appleby

²⁶⁸ [BNT003368_002](#)

²⁶⁹ Where there are a large number of similar offences committed over a protracted period of time, the charges on the indictment may reflect samples of the offending behaviour which the prosecution can invite the judge to deal with as a continuing course of conduct.

²⁷⁰ ‘Making’ an image includes downloading. ‘Pseudo photographs’ include images, whether made by computer graphics or otherwise, which appear to be photographs.

²⁷¹ [BNT003368_002](#)

²⁷² [ASP000025_005](#)

²⁷³ [Dom Richard Yeo 13 December 2017 8/19-24](#)

²⁷⁴ [BNT006645_021](#)

²⁷⁵ [BNT006645_021](#)

²⁷⁶ [BNT006645_022](#)

²⁷⁷ [INQ001046_068](#)

²⁷⁸ [BNT003783_016](#)

(headmaster from 1975 to 1980) wrote that the request was due to some 'inappropriate behaviour involving a boy in the school' and that he had 'a faint recollection that RC-F66 might have sat the boy on his lap and fondled him in an inappropriate way'. He also said: 'I don't think anything serious or overtly sexual was involved.'²⁷⁹

186. In respect of RC-F77, in 2013 RC-A159's mother alleged that RC-F77 had been complicit in the bullying of her son, a former pupil, by a group of his fellow pupils in around 1990–1991. There do not appear to be any records of this from the 1990s, and what we know comes from more recent documents relating to the 2013 complaint, including Liam Ring's case summary. It appears from the case summary that it was suggested there might have been a sexual motivation behind the bullying. The behaviour included RC-A159 being hit whilst naked, placed into a bath half filled with urine, and forced outside naked at night during the winter. RC-A159's mother confronted the boys in the presence of Aidan Bellenger and RC-F77. At first the boys denied it, but later 'made admissions'.²⁸⁰ Although there do not appear to be any records of the incident at the time, Dom Aidan has told us that he does recall a 'bullying matter' involving RC-F77 being brought to his attention in the early 1990s.²⁸¹

187. An inspection carried out by Somerset County Council in 1992 identified that corporal punishment was being used in one of the boarding houses. The report stated that such punishment should only be delivered by the headmaster and was not acceptable at house level. The school was therefore 'strongly advised to take appropriate action on this matter'.²⁸² Dom Aidan Bellenger told us that the teacher concerned was allegedly RC-F77. He denied it, but Dom Aidan Bellenger said that he nonetheless told him 'he shouldn't do it' and required RC-F77 to provide a written undertaking that he would comply with all school disciplinary policies.²⁸³

188. In April 2003,²⁸⁴ another former pupil, RC-A82, wrote to Abbot Richard about both RC-F77 and RC-F66.²⁸⁵ He said that across two years in the early 1990s, RC-F66 would invite him to tea regularly, and would find excuses to 'tickle' him and to 'fondl[e his] chest'. RC-A82 recalled that RC-F66 had been aroused when this happened, but at the time he was 14 years old and did not know exactly what it meant. He had confronted RC-F66 in a letter but said that RC-F66's response had avoided the matter. In June 2000 he went to Downside to speak to him in person. He said that RC-F66 admitted his guilt, saying that he had not responded in writing because it could be used legally against him. He did not apologise, but sought to justify himself, saying 'we are all [I] screwed up in some way'. In his letter to Abbot Richard, RC-A82 wrote: 'I relied on him heavily as a support figure in my life at that time, and cherished him; it is extremely hurtful to know now that although he also had caring feelings for me, all along he was also taking advantage of me.' He described how he had written again to RC-F66 explaining how traumatic the events had been for him, but that RC-F66 had only replied 'that friends should not get angry at each other'. RC-F66 went on to say that this was

²⁷⁹ [BNT003783_011](#)

²⁸⁰ [CFD000137](#)

²⁸¹ [Dom Aidan Bellenger 11 December 2017 10/5-16](#)

²⁸² [BNT003779_084,088](#)

²⁸³ [Dom Aidan Bellenger 11 December 2017 10/17-12/20](#)

²⁸⁴ [CFD000198](#)

²⁸⁵ [BNT003779_001](#)

'[y]et another example of his cowardice and denial. Indeed it is in the silencing of victims and the secrecy that sexual abuse is perpetrated. I feel hurt, shamed by this and everything that happened to me at Downside.'²⁸⁶

189. In respect of RC-F77, in the same letter,²⁸⁷ RC-A82 said that during the same period RC-F77 would find any excuse to cane the pupils. He wrote that in his case it was 'worse than complacency' and that 'Christ's tender compassion is contrary to his cruelty and blatant abuse of power. The very ones he was given to care for where [sic] the ones he abused.' He described a specific incident where he could not find an important document. He had thought RC-F77 may have it. When he eventually found it, he went to tell RC-F77 the good news. RC-F77 told him to remove his trousers and his underwear and kneel on the floor supporting himself on his hands and knees while he canded him from behind.

190. As we have explained above. Downside have suggested that this is not a direct allegation of child sexual abuse. However, we note that RC-A82 said in his letter:

I would not be surprised if this satiated a sexual sadistic desire of his for it certainly was not a 'normal' sort of caning. I have felt deeply humiliated and traumatized by such an experience. Surely the school authorities knew about his infamous caning. It is bewildering to know they turned a blind eye to this illegal and condemned act.

In any event, it is clear from what follows below that this case, along with RC-F66, raises safeguarding concerns.

191. Abbot Richard wrote an initial brief reply to RC-A82 and contacted Jane Dziadulewicz about RC-A82's complaints against both RC-F66 and RC-F77.²⁸⁸ On 23 April 2003, he also wrote to Abbot Thomas Frerking, who carried out the abbot president's duties on behalf of Abbot Richard Yeo when issues arose at Downside. In this letter he set out the allegations, explaining in respect of RC-F77 that, at the time of the incident, corporal punishment had ceased to be used at Downside, although it was not then illegal. He explained that he had given RC-A82's letter to Jane Dziadulewicz and she had told him to report it to social services, who had in turn communicated it to the police. Abbot Richard Yeo understood that the police and social services had decided not to take action, as the evidence was 'too slight'. Abbot Richard Yeo said, although there was insufficient evidence for a prosecution, 'these allegations are probably not without foundation' and explained that the plan was to 'confront' both monks on 14 May 2003.²⁸⁹

192. Detective Superintendent William White of Avon and Somerset Constabulary told us it was decided that without a formal complaint there was insufficient evidence to commence an investigation. It was not known if the victim was contacted again, other than by the school, and no police enquiries were made at the school. He told us that as a result of child protection changes since then, he believed that police enquiries would now be made in respect of such an allegation in the same circumstances.²⁹⁰

²⁸⁶ [BNT003779_004](#)

²⁸⁷ [BNT003779_003](#)

²⁸⁸ [Dom Richard Yeo 13 December 2017 49/23-50/10](#)

²⁸⁹ [BNT003779_009-010](#)

²⁹⁰ [ASP000025_003](#)

193. On 30 April 2003, there was a meeting between the safeguarding coordinator, insurance broker representative and Abbot Richard in respect of the allegations against RC-F66.²⁹¹ It would not be uncommon practice for an abbey (or anybody) to inform insurers of such complaints, nor for them to take legal advice.²⁹²

194. On 14 May 2003, Abbot Richard Yeo, Jane Dziadulewicz and Martin Fisher interviewed both RC-F66 and RC-F77. RC-F66 called the letter from RC-A82 'a lot of nonsense' and denied having admitted the allegations.²⁹³ RC-F77 confirmed that he was willing to apologise for the bullying.²⁹⁴ Subsequently a meeting was held on 1 July 2003 with RC-A82, at which Dom Leo Maidlow Davis, then headmaster, apologised for the abuse which had taken place. Dom Richard Yeo told us that he had tried but failed to get RC-F66 to attend and apologise.²⁹⁵

195. In her evidence to the Inquiry on the way in which Abbot Richard Yeo handled the allegations, Jane Dziadulewicz said that 'I think that at that time he worked hard to try to find a resolution, given that [RC-A82] didn't want to involve the statutory authorities.'²⁹⁶ However, she also told us more generally that Abbot Richard Yeo struggled with the Paramountcy Principle and she felt that 'his emphasis was more on protecting the clergy than it was [on] victims'.²⁹⁷ She acknowledged that initially it was a learning exercise for Downside Abbey, for herself and for the first abbot.²⁹⁸

196. On 18 July 2003, Abbot Richard wrote to Abbot Frerking,²⁹⁹ expressing the opinion that RC-F66 was 'probably innocent'. He went on to explain that Ms Dziadulewicz was not so sure, and that she believed that RC-F66 should undergo a risk assessment. He said that although he planned to collaborate fully, he also believed that 'a monastery runs on trust, and that until [I have] clear proof of RC-F66's guilt, I should continue to trust him'. However, he did arrange that RC-F66 should no longer have the exclusive use of a room in the school.

197. In respect of RC-F77, he told Abbot Frerking that the monk had in fact admitted that RC-A82's allegation was true, but that RC-F77 clearly did not regard it as serious. Abbot Richard said that RC-F77 would cease in his then position of parish priest, but that the bishop was of the view he could continue as vicar for the religious of his particular diocese, provided that the matter did not become public.

198. Abbot Yeo told Abbot Frerking that RC-A82 had also raised the question of compensation and that a solicitor appointed by the insurance company would be attending Downside on 21 July 2003 to review the matter, together with himself and the child protection coordinator. He said that he anticipated that the question of financial compensation was going to become the most serious matter, and expressed concern that if compensation were paid, other boys might then come forward and make complaints about RC-F77.

²⁹¹ [CFD000198](#)

²⁹² [Liam Ring 7 December 2017 123/25-124/10](#)

²⁹³ [BNT003779_022-025](#)

²⁹⁴ [BNT003779_018-021](#)

²⁹⁵ [Dom Richard Yeo 13 December 2017 49/4-50/10](#)

²⁹⁶ [Jane Dziadulewicz 6 December 2017 89/9-13](#)

²⁹⁷ [Jane Dziadulewicz 6 December 2017 73/1-17](#)

²⁹⁸ [Jane Dziadulewicz 6 December 2017 70/8-13](#)

²⁹⁹ [BNT003779_048-049](#)

199. On the same day, 18 July 2003, Abbot Richard also wrote to RC-F77 saying that RC-A82 was 'out to get compensation'. He said that he feared the RC-A82 'business' might be with them for some time, especially if he were to claim compensation, but that he wanted to help RC-F77 put it behind him so that he could 'look forward to the future with confidence'.³⁰⁰ The following day, 19 July 2003, Richard Yeo also wrote to RC-F66 to tell him that he would have to see Downside's solicitor about the claim for compensation. He wrote '[o]bviously I am sorry about this, but it is essential, as we have to ensure that both you personally and Downside as a whole are properly protected'.³⁰¹ The tone of this correspondence was inappropriate and illustrative of Abbot Yeo's emphasis on the welfare of the clergy and the reputation of the institution rather than the victims of abuse.

200. Dom Richard has told us that Downside did impose restrictions on RC-F66 and RC-F77³⁰² but, other than the loss of RC-F66's room, it is not clear what those restrictions were.

201. Dom Richard has said that the allegation against RC-F77 was only one of physical abuse and that therefore it was not required to report him to the Congregation for the Doctrine of the Faith (CDF). In the case of RC-F66, he said that although the allegation was of sexual abuse, and 'the evidence submitted suggested that the abuse had probably been committed', he 'did not think it appropriate to report it to the CDF', because he 'believed that it was objectively not serious enough to constitute a delict at canon law since a delict requires grave material' (citing canon 1321 §1).³⁰³

202. In 2007, RC-F77 was made a trustee. In his evidence to the Inquiry, Dom Aidan accepted that he must have allowed this appointment.³⁰⁴ Dom Leo Maidlow Davis told us that while he did not think so at the time, he now thought that the appointment was not appropriate.³⁰⁵ Dom Richard agreed with this.³⁰⁶

203. On 8 July 2008, Anthony Domaille carried out a past case review on behalf of Clifton diocese. In his report, when summarising the actions taken in respect of RC-F66 and RC-F77, he referred to steps having been taken to 'limit the opportunities' for them to be in contact with children but did not outline what these steps were. He stated that at a minimum both had engaged in inappropriate behaviour, and the fact that Downside's insurers felt that RC-A82 should be compensated was a clear indication of the veracity of his account. He said that both men 'pose/posed' a risk to children, and the restrictions imposed upon their work and ministry then were proportionate to that risk. He recommended that Clifton diocese should contact Downside to make sure that protective measures were still in place. He also suggested that it would be useful to establish whether or not the abbey had paid compensation as '[i]n the event of any future disclosures this effective admission of guilt would be an important factor'.³⁰⁷

³⁰⁰ [BNT003779_050-051](#)

³⁰¹ [BNT003779_052](#)

³⁰² [Dom Richard Yeo 13 December 2017 50/11-17](#)

³⁰³ [BNT006439_011](#)

³⁰⁴ [Dom Aidan Bellenger 11 December 2017 54/17-55/5](#)

³⁰⁵ [Dom Leo Maidlow Davis 11 December 2017 132/18-24](#)

³⁰⁶ [Dom Richard Yeo 12 December 2017 108/20-22](#)

³⁰⁷ [BNT003369_001-003](#)

204. On 16 March 2009, Anthony Domaille was asked to carry out his own recommendations.³⁰⁸ He wrote to Dom Richard Yeo, then abbot president, on 18 May 2009, acknowledging the 'prompt and appropriate action' that he had taken when the allegations were made, and asked for further information.³⁰⁹ Abbot President Richard Yeo responded on 22 May 2009³¹⁰ to say that the last thing he had heard from the insurers was that they had agreed to pay a sum of money to RC-A82, but there had been difficulty in making contact with him. He also indicated that he would ask the abbot at that time, Aidan Bellenger, to respond about the safeguarding issue. Abbot Aidan Bellenger wrote to Mr Domaille on 8 June 2009³¹¹ and told him RC-A82 had received apologies but no compensation had been paid. Abbot Aidan Bellenger also told Anthony Domaille that RC-F66 (and RC-F77) had 'limited access' to the school. Mr Domaille concluded that the file could be closed.³¹² It was inappropriate to close the file in the light of the earlier finding that both men posed a risk to children.

205. These cases were later revisited. In his past case review of RC-F66 and RC-F77, report dated 2 August 2010, Anthony Domaille observed that the Downside Abbey files did not contain comprehensive information about the allegations made by RC-A82, nor the management of risk. He recommended that there should be a record of regular reviews on RC-F66 and RC-F77's circumstances, together with clear written documents outlining the restrictions designed to safeguard children and young people, whether in a Covenant of Care or some other form, and agreed with both monks, RC-F66 and RC-F77.³¹³

206. The minutes of a strategy meeting on 27 January 2011 record that Jane Dziadulewicz had met with Abbot Aidan Bellenger to discuss the implementation of restrictions on RC-F66 and RC-F77. It was also recorded that, while at the abbey, Jane Dziadulewicz saw RC-F77 in the school, which was against the term of his restrictions. The plan was for Jane Dziadulewicz to ask the abbot to issue a formal warning. Concern was also expressed about allowing RC-F77 to remain in the abbey since he had breached his restrictions. It was agreed that Jane Dziadulewicz would take advice on this, but it was noted that it would be difficult to try to find another place of residence for him and therefore it was necessary to try to enforce the restrictions at Downside Abbey.³¹⁴ On 11 May 2011, the minutes of the final strategy meeting record that restrictions had been tightened. Jane Dziadulewicz stated that all monks resident in the abbey, as well as the head and deputy head, knew of the restrictions and would challenge him if necessary.³¹⁵

207. RC-F77 remained at Downside. Dom Aidan told us that he was not happy about this, but the task of finding somewhere for him to go was very difficult. On being shown the minutes of a meeting on 17 May 2011 which recorded that he 'does not wish' RC-F77 to leave the monastery, Dom Aidan said that this was 'a grammatical point', and that he was keen for RC-F77 to take up a chaplaincy. Commenting on the notes, he told us '[s]o saying "does not wish this", I don't think I was able to get him to move outside'. He told us that it was a real problem because the victim had disappeared, and RC-F77 was a difficult person to

³⁰⁸ [BNT003369_004](#)

³⁰⁹ [BNT003776_020-021](#)

³¹⁰ [BNT003776_022](#)

³¹¹ [BNT003776_023](#)

³¹² [BNT003369_004](#)

³¹³ [BNT003776_025-027](#)

³¹⁴ [ISI000276_002-005](#)

³¹⁵ [ISI000272_001](#)

deal with. Dom Aidan said he therefore felt it was better for RC-F77 to be managed by the monastery as he could not find anywhere else for him to go. He denied that the preservation of the monastic life of RC-F77 had been placed above the welfare of the children.³¹⁶

208. Nevertheless, when Anthony Domaille became locum safeguarding coordinator for Clifton diocese in August 2011, he discovered that the advice he had given about RC-F66 and RC-F77 the year before, in August 2010, had not been followed. Neither Covenant of Care for RC-F66 and RC-F77 had been reviewed, and the existing conditions and restrictions required updating. He therefore created new Covenants of Care.³¹⁷ RC-F77 signed his on 9 September 2011,³¹⁸ and RC-F66 signed his on 11 September 2011.³¹⁹ RC-F77 was resistant to restrictions, so Mr Domaille met with him and then Abbot Aidan Bellenger. Although Abbot Aidan said that he was considering moving RC-F77 from the abbey unless he complied,³²⁰ Mr Domaille formed the view that ‘little urgency’ was demonstrated in finding a solution. He also accepted that he could have been more prescriptive with the abbey, but said that it was important to recognise that he still had no authority over Downside.³²¹

209. The files on RC-F66 and RC-F77 were subsequently passed to Andrew Hobbs, deputy headmaster and child protection officer at the time. On 26 October 2011, he wrote to Abbot Aidan Bellenger. He said that he was aware that measures to safeguard the children at the school had been agreed by Abbot Aidan and Dom Leo, the headmaster, and he enclosed a risk assessment that he had drawn up based on the agreed conditions, with a review date of January 2012.³²²

210. In February 2012, RC-F77, who was still at the monastery, was investigated for breaching the terms of his Covenant of Care by walking over the school playing fields. This was not the first time that RC-F77 had walked through school areas. Andrew Hobbs concluded that RC-F77 should no longer be resident at Downside Abbey and stated there should be further clarification of the risk assessment. On 7 February 2012, this was done in respect of the risk assessments for RC-F66 and RC-F77.³²³ RC-F66 died sometime afterwards.³²⁴

211. On 7 February 2012, Anthony Domaille emailed Claire Winter, LADO for Somerset County Council, informing her of Andrew Hobbs’ recommendation. He stated that Abbot Aidan Bellenger had been considering the removal of RC-F77 even before the breach because he did not trust him. Anthony Domaille stated that he had a meeting with Abbot Aidan Bellenger and RC-F77 on 14 February 2012 and expected that the decision to remove him would follow. He explained that it would not be easy to find somewhere for him to go, but he believed that ‘a tipping point’ had been reached.³²⁵ On 7 February 2012, Claire Winter emailed Louise Goll, director of Somerset children’s services, stating that she felt that ‘the

³¹⁶ [Dom Aidan Bellenger 11 December 2017 53/2-54/16](#)

³¹⁷ [INQ001304_006](#)

³¹⁸ [BNT002339_024-028](#)

³¹⁹ [CFD000037](#)

³²⁰ [INQ001304_006](#)

³²¹ [INQ001304_007_008](#)

³²² [BNT005074_001-002](#)

³²³ [BNT006268_001-002](#)

³²⁴ [Dom Richard Yeo 13 December 2017 50/11-15](#)

³²⁵ [SOM000008_003-005](#)

abbot is being protective, in practical terms, even if not from an appropriate value base'.³²⁶ In a further email on 16 April 2012, Anthony Domaille informed Claire Winter that RC-F77 would leave the abbey to become chaplain at a convent at the end of May.³²⁷

212. However, safeguarding committee meeting minutes from July 2013 show that RC-F77 remained at Downside. His Covenant of Care had been redrafted and he was to remain at Downside until a placement could be found.³²⁸ In October 2014, Andrew Hobbs received a complaint that RC-F77 had attended a memorial service and been seen sitting with parents, former pupils and children. When asked whether this was a breach of the covenant, Dom Leo said that he would have to look at the document again, but he then accepted that RC-F77 should not have been mingling with parents, former pupils and children.³²⁹

213. Dr James Whitehead, headmaster of Downside between 2014 and 2017, told us that even before the memorial service, he had reviewed RC-F77's file and the risk assessment, and had written to Dom Leo to ask that RC-F77 be removed from the campus. As we have seen, Andrew Hobbs had already made the same view clear. A meeting with Clifton diocese followed on 18 December 2014. Dr Whitehead told us that several people believed that it was safer to manage RC-F77 under the supervision of the monastery. Dom Leo thought that RC-F77 was in a great deal of denial about the seriousness of what he had done, but he did not think that RC-F77 was a risk to children as he did not have contact with them, although he agreed there was a reputational risk. Dr Whitehead told us he did not agree that the only risk was reputational, and in his view there was a potential, albeit relatively low-level, risk to children. RC-F77 remains on site under a risk assessment despite repeated requests from himself and Mr Hobbs that he should be removed.³³⁰

214. Dom Leo told us that having discussed the matter with Liam Ring and Andrew Hobbs, they agreed that the risk to pupils is very low and can be best managed where he is at the abbey. It would probably increase if they moved him, due to lack of surveillance.³³¹ However, when asked how well RC-F77 has in fact been managed, he replied: 'not perfectly'.³³² Similarly, Liam Ring told us that when he said that RC-F77 was being 'managed' by the abbey, the term 'managed' needed to have a 'a very loose interpretation'.³³³

Brian Pike (1988)

215. In the case of Brian Pike, the safeguarding response straddles both the pre- and post-Nolan Report period. Brian Pike was first employed by Downside in 1981 as a cleaner in the school, before moving to work in the school kitchens. In July 2003, following the introduction of CRB checks, it was discovered that Brian Pike had been convicted of sexual offences against a child while working at Downside in 1988 (not committed at Downside, and not in relation to a Downside pupil).³³⁴ According to Abbot Richard Yeo, when confronted, Brian Pike told the bursar that Abbot John Roberts (deceased in 2000) had known of the conviction but had been sympathetic.³³⁵

³²⁶ SOM000008_003-005

³²⁷ SOM000008_003-005

³²⁸ CFD000022_001; Dr James Whitehead 7 December 2017 82/22-83/16

³²⁹ Dom Leo Maidlow Davis 11 December 2017 134/19-135/1

³³⁰ Dr James Whitehead 7 December 2017 83/14-85/11; CFD000022_043

³³¹ Dom Leo Maidlow Davis 11 December 2017 133/14-134/5

³³² Dom Leo Maidlow Davis 11 December 2017 135/24-25

³³³ Liam Ring 7 December 2017 126/23-127/17

³³⁴ CFD000042_001

³³⁵ CFD000036_016

216. On 10 February 2011, Eugene Gallagher, safeguarding officer for Clifton diocese, reviewed the file at Downside Abbey to assess the risk posed by Pike.³³⁶ He found that while the file contained basic information, it was difficult to establish a full picture as a great deal of paperwork was undated and unsigned. However, it revealed that Abbot John Roberts had given Brian Pike a character reference for court and allowed him to remain working at the school after his conviction. He noted that there was no indication that the statutory authorities had been consulted about this. The information about his offences appeared not to have been formally passed on when changes of management had occurred at the school and/or abbey.

217. When Pike's conviction was rediscovered in 2003, the school did not terminate his employment. This was because it had received legal advice to do so might leave the school open to an unfair dismissal claim, as the abbot had provided a reference and allowed Brian Pike to remain.³³⁷ Brian Pike was therefore moved to work in the monastery, and restrictions were imposed on his movement.³³⁸ Pike went on to break the restrictions in 2004,³³⁹ but still nothing of note was done. Downside accept that although the matter was dealt with to some extent in 2003, the response by the abbey was wholly inadequate.³⁴⁰ Pike plainly posed a risk to children and should have been removed from Downside immediately.

218. On 14 February 2005, Jane Dziadulewicz wrote to Abbot Richard Yeo to inform him that she had received an anonymous telephone call from someone who advised her that Brian Pike was employed by the abbey and had been convicted of a sexual offence some years ago. There was also concern that Brian Pike had been 'eyeing up the boys a lot' in the sacristy and had been seen in the school canteen. Ms Dziadulewicz stated in her letter that she had no evidence in respect of these matters and asked Abbot Richard Yeo to confirm some details of Brian Pike's appointment, including whether a CRB check had been undertaken, and whether the abbey had ever received any complaints about his conduct.³⁴¹ Clearly Clifton diocese should have been informed of Pike's conviction in 2003. While Downside accept that '[g]ood practice may have suggested that a report should have been made to Clifton diocesan safeguarding office in 2003', they point to the fact that Downside's relationship with the office was still in its infancy at this time.³⁴²

219. Abbot Richard Yeo responded to Jane Dziadulewicz on 19 February 2005, setting out the relevant details of Pike's offence and the action taken once it came to light in 2003. He expressed doubt about Pike having been in the school since 2004, but stated that further investigation was necessary as to whether boys were going to play the organ unaccompanied in the abbey church during the times Pike was working there.³⁴³

³³⁶ [CFD000042_001-004](#)

³³⁷ [CFD000042_002](#)

³³⁸ [CFD000042_002](#); [CFD000036_016](#)

³³⁹ [CFD000042_003](#)

³⁴⁰ [INQ001046_061](#)

³⁴¹ [BNT006256_003](#)

³⁴² [INQ001046_061](#)

³⁴³ [CFD000036_016-017](#)

220. On 22 February 2005, an email was sent from the PA administrator to the child protection coordinator to Abbot Richard Yeo, explaining that Jane Dziadulewicz was out of the office all week. The PA stated that she had spoken to Fr Richard McKay, who was Jane Dziadulewicz's replacement during her absence. He said that no further action was required, but that Jane Dziadulewicz would contact him on her return.³⁴⁴

221. No further action was taken for five years between 2005 and 2010.³⁴⁵ In April 2010, Anthony Domaille conducted a review of the case. A document that appears to be an extract of this review shows that the last entry on file recorded that Abbot Richard Yeo had said that Pike was observing his restrictions and had no contact with children. Given Brian Pike was nearing retirement age, Anthony Domaille suggested 'an enquiry with the abbey would establish his current situation'. He recommended that unless there were new concerns the file be closed.³⁴⁶

222. No further action was taken until February 2011.³⁴⁷ On 4 February 2011, Eugene Gallagher, safeguarding officer for Clifton diocese, emailed Abbot Aidan Bellenger, stating that Jane Dziadulewicz had asked for a formal Covenant of Care to be completed in respect of Brian Pike.³⁴⁸ On 10 February 2011, Eugene Gallagher carried out his review, prompted by the multi-agency investigations at this time. In addition to what he said of Abbot John Roberts, Mr Gallagher noted although Brian Pike was not supposed to have contact with the pupils, 'the geography and interdependence of the school and abbey, plus the numerous access points to the abbey church, [make it] impossible to guarantee this'. Mr Gallagher concluded that Pike must still be considered a risk to children and although he was due to retire that year, a new CRB check should be undertaken.³⁴⁹ In May 2011, the plan was to place Pike on paid leave until his retirement.³⁵⁰

223. The case of Brian Pike was also referred to during a safeguarding audit carried out by David Moy in April 2011, which was discussed in a strategy meeting on 11 May 2011. The minutes of this meeting record that although Abbot Aidan Bellenger believed that Brian Pike had no contact with children, Jane Dziadulewicz had walked his round and come across three unaccompanied children. It was noted that the abbot was currently negotiating for Brian Pike to resign or retire as soon as possible.³⁵¹

224. ISI and Ofsted reports on 23 June 2011 described the approach taken to Pike as 'serious mismanagement'.³⁵²

RC-F84

225. Complaints were made in relation to RC-F84's behaviour, including towards two adult novice monks which do not fall within the Inquiry's remit. A further complaint was made by a former pupil, RC-A102, but no detail was ever given. The pupil himself said that he

³⁴⁴ [CFD000036_010](#)

³⁴⁵ [CFD000036_001](#)

³⁴⁶ [CFD000041_011](#)

³⁴⁷ [CFD000036_001](#)

³⁴⁸ [CFD000036_009](#)

³⁴⁹ [CFD000042_001](#)

³⁵⁰ [BNT002316_001](#)

³⁵¹ [SOM000005_033](#)

³⁵² [ISI000296_005](#); [OFS004951_010](#)

was not sure whether anything untoward took place and it was subsequently found by an independent investigator there was no suggestion that RC-F84 posed any risk to children or vulnerable adults.³⁵³

226. However, in April 2005, Abbot Richard Yeo wrote to Jane Dziadulewicz and told her that Fr Aidan Bellenger had been to see him to inform him that another monk had been to visit RC-A102's mother. The monk had reported back that she had remarked that her son was difficult. Abbot Richard wrote that the reporting monk had said 'that RC-A102 was gay, alcoholic, and always pestering his mother for money ...'. He continued: 'I told Fr Aidan that I would pass that little nugget on to you!'³⁵⁴ Dom Richard Yeo told us that he thought he knew Ms Dziadulewicz well enough to use a 'colloquial expression', but Ms Dziadulewicz told us she interpreted the phrase as an example of Abbot Richard 'finding problems with the victim'.

RC-F80 (1980s and 2005–2010)

227. RC-F80 was a teacher in a senior position in the school. Several allegations were made against RC-F80 over the years, which while not necessarily amounting to child sexual abuse, clearly raised child protection issues.

228. In summary, in 2005, it was discovered that RC-F80 had been ignoring school policy and providing pupils with alcohol. In 2006, RC-F80 interfered in safeguarding procedures by trying to prevent the proper reporting of an incident in which another teacher had hit a child. Dr Whitehead, a teacher at the time, complained about this to Dom Leo Maidlow Davis, the headmaster. Dom Leo told us that while both these matters had caused concern, he had been conflicted over the situation because RC-F80 was 'highly charismatic and appreciated', by pupils and parents alike. Dom Leo Maidlow Davis told us that after Dr Whitehead's complaint in 2006, he had discussed the possibility of removing RC-F80 with Abbot Richard Yeo, who left the decision to him. Dom Leo Maidlow Davis told us that although he initially decided to remove RC-F80, he then changed his mind.³⁵⁵

229. In June 2007, by which time the abbot of Downside was Aidan Bellenger (and Dom Leo Maidlow Davis was still headmaster), RC-A117 made an allegation against RC-F80 in respect of events which had occurred in the 1980s, having previously complained to the headmaster at the time, Dom Philip Jebb.

230. RC-A117 was not a pupil of Downside, but was a particularly vulnerable young woman, who had suffered from a serious and debilitating medical condition from a young age.³⁵⁶ Her family had a close association with RC-F80, Downside and the Roman Catholic Church. She told us that she first met RC-F80 when she was 17 and he was about 52,³⁵⁷ and that he took advantage of his relationship with her parents to sexually abuse her. She told us this began in 1985 when she was 18. In 2010, RC-F80 was eventually cautioned for sexually assaulting. Although an adult, Downside's response to her complaint, and specifically to concerns she

³⁵³ CSA003249_017

³⁵⁴ BNT002363_035

³⁵⁵ Dom Leo Maidlow Davis 12 December 2017 14/15-16/6

³⁵⁶ RC-A117 6 December 2017 2/16-3/5

³⁵⁷ RC-A117 6 December 2017 4/4-9

later raised in relation to RC-F80 and his association with Downside pupils, is clearly relevant to the Inquiry. This is particularly so because of the concerns that she later raised about RC-F80's association with pupils, including inappropriate contact on social media.

231. RC-A117 made it clear in her evidence that she felt taken advantage of by RC-F80 and very distressed at the sexual encounters with him, which continued for a number of years. She told us she complained to Cardinal Basil Hume, Archbishop of Westminster (now deceased) and Dom Philip Jebb, headmaster of Downside, but they did nothing to help her. She felt 'completely confused that [RC-F80] was so loved and idolised by everyone', including her parents.³⁵⁸

232. RC-A117 also told us that after spring 1990, Cardinal Hume suggested that she should go to Ampleforth to 'rest and recover'. Here she told us she was sexually assaulted by RC-F118.³⁵⁹

233. She described confronting Dom Philip Jebb in 2004, as a result of which he arranged a meeting between himself, RC-A117 and RC-F80. RC-A117 described their joint attitude at the meeting as 'trying to draw a line under the matter' and told us that she felt that she had to go along with it.³⁶⁰

234. In June 2007, RC-A117 asked for a meeting with Aidan Bellenger, who was by then abbot. She told him what had happened with RC-F80 and that Dom Philip had known. Abbot Aidan was shocked and said that he would confront the people in question. Several days later he rang RC-A117 and told her that he had had a meeting with RC-F80 and Dom Philip Jebb in which he had 'expressed his displeasure', and that both Dom Philip and RC-F80 had admitted that what she had said was true. Dom Aidan Bellenger told us that he informed them that the relationship had been 'totally inappropriate' and that Dom Philip Jebb should not have kept it secret, and that Dom Philip Jebb and RC-F80 were 'apologetic'.³⁶¹

235. RC-A117 told Abbot Aidan she was 'concerned about RC-F80's position in the school' because she had been 17 when he first saw her 'situation' and she knew there were 17-year-olds in the school. However, Abbot Aidan did not take any further action. RC-A117 continued to be concerned about RC-F80's position in the school but did not think it was for her to tell Abbot Aidan Bellenger what to do.³⁶² Dom Aidan told us he had no reason to think that RC-A117 was not telling the truth and did not think she was delusional. However, he did not take any action against RC-F80 and he did not inform the statutory authorities. He told us that RC-A117 had been an adult and he had been attempting to respect her wishes, which were to keep her identity secret.³⁶³ This wish was born out of her family's close association with Downside and the Church, what she described to us as 'the old boys' network'.³⁶⁴

236. In May 2009, RC-A117 discovered that RC-F80 had a Facebook account, and that he was 'friends' with a lot of children, many of whose parents were friends of hers. She told us this made her feel sick and anxious, and so she contacted Abbot Aidan. He told her he would

³⁵⁸ RC-A117 6 December 2017/19/2-20/17

³⁵⁹ RC-A117 6 December 2017 43/15-46/25

³⁶⁰ RC-A117 6 December 2017 29/23-31/10

³⁶¹ BNT006835_003; A117 6 December 2017 31/14-32/15

³⁶² RC-A117 6 December 2017 31/14-33/6

³⁶³ Dom Aidan Bellenger 11 December 66/20-67/25

³⁶⁴ A117 6 December 2017 22/4-12

speak to RC-F80.³⁶⁵ Later that month she wrote to Abbot Aidan about the matter, but after waiting for over a month had no reply. RC-F80's Facebook account was still active and so she wrote to Abbot Aidan again, saying that she was going to consider 'other options'.³⁶⁶

237. Abbot Aidan told us he had not replied to RC-A117's initial letter because he had been away. When asked if those 'other options' concerned him, he said 'no'. When he finally did respond to RC-A117, he told her that RC-F80 had said that what had happened between them was not abuse but was 'motivated by love',³⁶⁷ which illustrates he had decided to accept RC-F80's version of events over that of RC-A117. Abbot Aidan also said that RC-F80's position in the school was under review. RC-F80's Facebook page eventually came down.³⁶⁸

238. RC-A117 did not think sufficient action was being taken in respect of RC-F80, so she appealed to Fr Pat Browne, who had been Cardinal Hume's private secretary.³⁶⁹ Fr Pat contacted Abbot Aidan and asked why he had done nothing during the previous three years. Abbot Aidan replied that it was because RC-A117 had never made a 'formal' complaint.³⁷⁰ In saying this, Abbot Aidan was being disingenuous. It is plain that RC-A117 had been complaining vociferously for some time and had clearly been asking for help and for something to be done about RC-F80, requests which were ignored for far too long.

239. As a result, RC-A117 made a formal report. On 14 June 2010, Mr Hobbs disclosed RC-A117's complaint against RC-F80 to Clifton diocese. Concerns about RC-F80's speaking to girls at a school assembly about 'love [and] sex' were also passed on.³⁷¹ RC-A117 spoke to Ms Dziadulewicz, who referred the matter to the police. Claire Winter, LADO at Somerset County Council, was also notified and a decision taken to hold multi-agency strategy meetings under section 47 of the Children Act 1989.³⁷² A police investigation was also commenced.

240. At the first strategy meeting on 24 June 2010, the allegations against RC-F80 were discussed. By this stage RC-F80 had been removed from the school. Various actions were agreed, including that Ms Dziadulewicz would discuss with the abbot that RC-F80's internet use be supervised, and that he should have no access to social networking sites.³⁷³

241. DC Mark White told us he recalled that from the outset Abbot Aidan was less than fully cooperative. During the police investigation, he discovered that RC-F80 had admitted to Abbot Aidan Bellenger that he had had a sexual relationship with RC-A117, but Abbot Aidan was initially reluctant to provide details of this conversation. However, the police log shows that on 30 June 2010, Abbot Aidan Bellenger provided DC White with RC-F80's personnel file, which included the letters between RC-A117 and the abbot. Abbot Aidan said that he was willing to make a statement, and confirmed that RC-F80 had admitted to a sexual relationship with RC-A117.³⁷⁴

³⁶⁵ RC-A117 6 December 2017 34/22-36/16

³⁶⁶ RC-A117 6 December 2017 36/17-37/12

³⁶⁷ RC-A117 6 December 2017 37/13-18

³⁶⁸ Dom Aidan Bellenger 11 December 2017 68/17-69/10

³⁶⁹ RC-A117 6 December 2017 37/25-39/5

³⁷⁰ RC-A117 6 December 2017 39/6-18

³⁷¹ ASP000023_046-048

³⁷² Claire Winter 13 December 2017 146/1-148/22

³⁷³ SOM000005_005

³⁷⁴ ASP000013_031; DC Mark White 8 December 2017 50/24-52/1

242. At the second strategy meeting on 25 August 2010, it was recorded that while Abbot Aidan Bellenger agreed to the restrictions on RC-F80's internet use, DC Mark White had witnessed RC-F80 having unsupervised access to the internet. By this stage RC-F80 had been arrested and interviewed and the police had seized his letters, which included one from a 13-year-old in 1975 saying: 'Don't get caught'.³⁷⁵

243. The minutes of the meeting recommended that DC White compile a list of concerns in relation to Abbot Aidan's obstruction of the investigations.³⁷⁶ A handwritten note added that the list had been compiled, but there had been some progress in cooperation, though the police were still alert. DC White duly emailed Ms Dziadulewicz on 11 September 2010 to say that while Abbot Aidan had not done enough to be arrested for obstruction, he had been making the investigation difficult. DC White set out a number of concerns:

- a. Abbot Aidan's initial reluctance to provide him with RC-F80's personnel file and his sudden recollection of an incident involving RC-F80 at another abbey, of which there was no reference in the file.
- b. At the strategy meeting prior to RC-F80's arrest, DC White had asked for a number of restrictions be placed on RC-F80, but when he checked a few days later he discovered the abbot had suggested to RC-F80 he should go and stay indefinitely with his sister.
- c. Abbot Aidan's delay in obtaining records in relation to RC-F80's internet use.
- d. DC White had been told that Dom Philip Jebb was unable to speak to him due to age and ill health, but on one occasion when Abbot Aidan was away he had come across him at Downside, and found that Dom Philip had remembered RC-A117.

In respect of this last point, DC White also told us that he felt that he was being kept away from Dom Philip.³⁷⁷ However, the email also stated that Abbot Aidan had approached DC Mark White, unprompted, and provided a file of letters which caused DC Mark White to hope that Abbot Aidan Bellenger was then fully cooperating.³⁷⁸

244. On 28 September 2010, Ms Dziadulewicz sent an email to Claire Winter and DC White, telling them that complaints had been made against RC-F80 by some of the female pupils at Downside. During a relationship lesson with girls, RC-F80 had asked 'how many of you girls finger yourselves?' He had made similarly unsuitable comments at an assembly during Lent of the previous year (2009), saying 'this is the beginning of Lent so no hand jobs or fingering'. He had used the word 'orgasm' seven times during a house assembly. No one had challenged RC-F80 because he was popular. Ms Dziadulewicz felt this raised several issues, including the school's response to behaviour that was at the very least inappropriate. As a result, the police made further enquiries.³⁷⁹

245. In December 2010, Mr Domaille was commissioned through CSAS to conduct a preliminary enquiry protocol investigation into the case of RC-F80.³⁸⁰ In February 2011, before the report was finished, RC-F80 accepted a caution for one offence of indecent

³⁷⁵ [SOM000005_009](#)

³⁷⁶ [SOM000005_010](#)

³⁷⁷ [CFD000045_022-024](#); DC Mark White 8 December 2017 38/17-45/13

³⁷⁸ [DC Mark White 8 December 2017 44/8-16](#)

³⁷⁹ [ASP000023_059](#); DC Mark White 8 December 2017 45/14-47/20

³⁸⁰ [INQ001304_002](#)

assault, relating to the first time he had touched RC-A117 in May 1985, when she was over the age of 18.³⁸¹ Following the caution, RC-F80 was placed on the Sex Offenders Register. Detective Inspector Lindsay Shearlock, who reviewed the details of the case for this Inquiry, told us that in her view RC-F80 had taken advantage of RC-A117, an exceptionally vulnerable young woman.³⁸²

246. On 24 January 2011, Mr Domaille interviewed a number of individuals for his report, including Dom Philip Jebb who denied knowing what had happened but said that he had feared the relationship was inappropriate. Mr Domaille was left feeling unsure ‘whether his memory was genuinely poor or selective in protection of his friend. This feeling was exacerbated when he made a statement to police only days later.’³⁸³ Dom Philip Jebb was at that stage advanced in age, and unwell. We have not seen his police statement.

247. Mr Domaille’s report was completed on 11 March 2011. In it he noted RC-A117 felt that Abbot Aidan was too slow to react to her concerns about RC-F80 and his Facebook account.³⁸⁴ He concluded, on the balance of probabilities, that the sexual relationship between RC-F80 and RC-A117 was abusive and non-consensual. He recommended that RC-F80 be subject to an independent risk assessment, restrictions be put in place and safeguarding training provided to clergy and staff at Downside. An independent review panel endorsed the report in July 2011.³⁸⁵

248. In October 2011, a risk assessment by Steve Lowe, independent consultant and director of Phoenix Forensic Consultants, suggested that RC-F80 should either be retired from ministry or placed where any potential risks he might pose could be limited and/or managed.³⁸⁶

249. In an email to Abbot Bellenger in 2012, Anthony Domaille said ‘for those steeped in safeguarding it’s easy to identify that A117’s [first] 2007 disclosure reached the threshold where onward reporting was required.’³⁸⁷ Dom Aidan Bellenger told us he now agrees that something should have been done in 2007 and accepts that he was slow to respond.³⁸⁸

250. We have been told that RC-F80 does not currently live at the abbey but remains subject to a Covenant of Care.³⁸⁹

The institutional response

251. In this section we will address the evolution of child protection policies and safeguarding at Downside. We will also consider Downside’s relationship with, and responses to, the statutory authorities, such as the police and other safeguarding agencies, during this period. While Downside’s responses in individual cases have been dealt with above, this section provides an overview of safeguarding procedures and Downside’s response to the allegations set out above, and then deals with investigations from 2010 onwards.

³⁸¹ [CFD000078_011-012](#); [ASP000035_005](#) (The relevant legislation was the 1956 Sexual Offences Act not the broader 2003 Act)

³⁸² [ASP000035_005](#)

³⁸³ [CFD000078_014](#)

³⁸⁴ [CSA004342_012](#)

³⁸⁵ [CFD000078_020-023](#); [CFD000091_35-36](#)

³⁸⁶ [CFD000091_001_30-32](#)

³⁸⁷ [BNT002334_046](#)

³⁸⁸ [Dom Aidan Bellenger 11 December 2017 68/24-69/10](#)

³⁸⁹ [Dom Leo Maidlow Davis 12 December 2017 17/6-8](#)

Response before the Nolan Report (1960–2001)

252. A number of witnesses from this period are now deceased, including Wilfrid Passmore and John Roberts, abbots in the late 1960s–1980s. Dom Leo Maidlow Davis, currently the prior administrator, has been unable to point us to any policies that may have been created as a result of the developments in safeguarding made outside the Church in the early 1970s.³⁹⁰ As we have seen, the institutional responses to Anselm Hurt in the late 1960s and to Nicholas White in the late 1980s were very different. The involvement of the external agencies in Anselm Hurt’s case contrasts with the approach taken to Nicholas White, and subsequent cases, when there were blatant attempts to exclude outside authorities.

253. When Charles Fitzgerald-Lombard became abbot in December 1990,³⁹¹ the Children’s Act 1989 had recently been enacted, coming into force in 1991. Dom Charles Fitzgerald-Lombard told us that he was aware of the act but would have expected it to have been of more interest to those in the school who, in his view, had the direct responsibility for safeguarding. He also did not recall the 1994 Catholic Bishops’ Conference working party report entitled ‘Child Abuse: Pastoral and Procedural Guidelines’ in any significant detail. He added he was not given any training around either this document or the act until ‘quite a bit later’.³⁹²

254. In contrast to this, Dom Aidan Bellenger, who was headmaster of the school between 1991 and 1995, told us that while responsibility for running the school was delegated to him by the abbot, ultimately responsibility for child protection matters during his time rested with Abbot Charles.³⁹³ These two conflicting answers make it plain that there was a lack of clarity as to where responsibility lay, yet no enquiry was made, and no clarification sought. Nobody took the responsibility for safeguarding or made it a priority. This was a pattern that was repeated over time.

255. Dom Charles explained that during his abbacy (1990–1998) the abbot was ultimately responsible for making all senior appointments, including that of headmaster.³⁹⁴ He told us that before the formation of a governing body in 1998/1999 there was no formal interview process for the appointment of headmaster. Rather, the abbot would consider candidates he felt appropriate, and would call an extraordinary meeting of the abbot’s council. In terms of teaching staff, the headmaster would simply select the individuals that he wanted.³⁹⁵

256. Dom Aidan Bellenger told us that prior to his appointment as headmaster, because of the act, there was ‘the beginning of an understanding of the importance of safeguarding’ but that formal procedures were ‘pretty rudimentary’.³⁹⁶ He described the school and monastery as ‘very much a single entity’ with the ‘gradual independence’ of the school beginning to emerge later, during his time as headmaster, and increasingly so during Richard Yeo’s Abbacy, followed by his own.

³⁹⁰ BNT006645_015

³⁹¹ Dom Charles Fitzgerald-Lombard 8 December 2017 69/19-20

³⁹² Dom Charles Fitzgerald-Lombard 8 December 2017 74/25-76/23

³⁹³ Dom Aidan Bellenger 11 December 2017 4/23-5/7; 7/16-8/1

³⁹⁴ Dom Charles Fitzgerald-Lombard 8 December 2017 75/16-76/3

³⁹⁵ Dom Charles Fitzgerald-Lombard 8 December 2017 82/13-83/21

³⁹⁶ Dom Aidan Bellenger 11 December 2017 2/21-3/4

257. When asked what the general approach to child protection and safeguarding was in the 1990s, Dom Charles replied: ‘Quite a bit less than would be the case these days.’ They had a senior safeguarding officer, Martin Fisher, who was deputy headmaster from 1995 and child protection officer from 1998. There were no formal processes or guidance in place as to how to respond to allegations of inappropriate behaviour or child sexual abuse, and such complaints would not necessarily have been reported to the abbot, even if the teacher was one of the monks, although more serious cases would be.³⁹⁷ Dom Charles Fitzgerald-Lombard accepted that safeguarding was a fast-developing issue in the 1990s, and that Downside had lagged behind and been slow to produce its own written policies.³⁹⁸ The lack of formal processes and guidance is illustrated by the cases of RC-F65 in 1996 and Dunstan O’Keeffe in 1997.

258. In relation to his time as headmaster, Aidan Bellenger has told us that while he believed that the school was compliant with legislation (for example, notices for pupils on how to report abuse were displayed), he now recognises that child protection policies and procedures were rather thin, albeit that they did exist. He said that the evolution of the school’s approach to child protection and safeguarding was probably not assisted by the lack of a formal management structure, and the lack of a governing body beyond the abbot, until Abbot Richard’s period of office.³⁹⁹

259. As noted above, in 1992 Somerset County Council carried out an inspection of Downside School and identified an issue relating to the use of corporal punishment at house level. However, the report concluded that overall the school had taken a ‘proactive approach to implementing the main thrust of the Children Act for which we commend those involved’.⁴⁰⁰ It appears that a further inspection was carried out by ‘the independent inspectorates’ in 1995. However, no report is available.⁴⁰¹

260. Richard Yeo became abbot in 1998. It is worth noting that, prior to the Nolan Report, the revised ‘Working Together to Safeguard Children’ guidance for inter-agency working was published by the Department of Health, Home Office, Department for Education and Employment on 30 December 1999.⁴⁰² Dom Leo Maidlow Davis told us that this demonstrated the growing external focus on child safeguarding.⁴⁰³

261. Dom Richard Yeo told us that after his election as abbot, he ‘became conscious that safeguarding had become an important element in the administration of the school, under the leadership of Mr Martin Fisher (child protection officer)’. For example, he recalled an ‘abuse policy’ being drawn up by the school into which he had some input. He said that: ‘It was these proactive measures to ensure a structure was in place for dealing with safeguarding matters which led me to believe that the school was on the correct path to ensuring it had the right policies and procedures in place.’⁴⁰⁴

³⁹⁷ [Dom Charles Fitzgerald-Lombard 8 December 2017 89/20–92/24](#)

³⁹⁸ [Dom Charles Fitzgerald-Lombard 8 December 2017 114/19-25](#)

³⁹⁹ [BNT006401_004](#)

⁴⁰⁰ [BNT003779_090](#)

⁴⁰¹ [OFS005003_011](#)

⁴⁰² https://webarchive.nationalarchives.gov.uk/20121206090835/http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_4075824.pdf

⁴⁰³ [BNT006645_018](#)

⁴⁰⁴ [BNT006439_008](#)

262. The school was inspected by ISI in 2000. The report stated that ‘Downside is a very good school’ and identified one of the school’s main strengths as the ‘high quality of individual care, greatly influenced by Benedictine, monastic traditions and values’. It also said that ‘the school has no serious weaknesses’. Child protection procedures were found to be in place.⁴⁰⁵

263. As we have already seen, prior to the Nolan Report, Richard Yeo failed to respond sufficiently to safeguarding concerns in the cases of Nicholas White and Dunstan O’Keeffe and, like his predecessor Abbot Charles, failed to engage the external authorities when appropriate. Dom Richard contrasted safeguarding within the school with the position of the monastery, about which he said:

Safeguarding at that stage was little more than ensuring that children were kept safe from any possible abuse by Richard White, [Nicholas White’s legal name] who was due to return to Downside about six months after I became Abbot, and that Desmond O’Keeffe did not access pornography on the internet. At this time my impression was that safeguarding was a reactive rather than proactive obligation. A more proactive approach was taken after the 2001 Nolan Report.

264. Dom Charles Lombard-Fitzgerald reflected on what had happened at Downside and told us:

Looking back over the 20th century, I would say that local agencies such as the police and district or even county councils seem generally content to leave the abbey and school to manage their own affairs. This deferential attitude was complemented by the abbey and school’s rather conservative, paternalistic ‘we know best’ approach to deal with matters which would now be reported. The school was a renowned institution widely considered to provide a good education and proper environment for pupils. Downside was run on convention, precedent and tradition.⁴⁰⁶

Response after the Nolan Report (2001)

265. The Nolan Committee met for the first time on 25 September 2000. The first report, which made 50 recommendations, was presented in April 2001 for the Catholic Bishops’ Conference. Richard Yeo was elected abbot president in July 2001. He told us that the General Chapter also met that July and asked him, as the newly elected abbot president, to appoint a working group to examine the recommendations of the Nolan Report and their implications for the EBC (including consideration of a common EBC framework of procedures), and to report at a meeting of the abbots by the end of January 2002.⁴⁰⁷

266. Richard Yeo combined this with his role as abbot of Downside, but when issues arose at Downside that needed to be referred to the abbot president, Abbot Richard Yeo could not deal with them himself. He delegated them to a senior member of the abbot president’s council, called the first assistant, who took his place in fulfilling the abbot president’s functions in respect of Downside, including the conduct of visitations. Abbot Stephen

⁴⁰⁵ [ISI000008_001, 004, 027](#)

⁴⁰⁶ [Dom Charles Fitzgerald-Lombard 8 December 2017 49/24-50/14](#)

⁴⁰⁷ [BNT004910_013](#)

Ortger, then abbot of Worth, was first assistant until July 2002, after which Abbot Thomas Frerking, the abbot of St Louis Abbey in the United States, became first assistant for the remainder of Richard Yeo's time as abbot president, until 2017.⁴⁰⁸

267. As a result of his appointment as abbot president, Abbot Richard Yeo was away from the abbey a good deal. Dom Aidan Bellenger, who had been appointed as his prior (also in 2001), dealt with all monastic matters in his absence, although Dom Aidan has said they had frequent meetings during this time. He had already been aware of the cases of Richard White and RC-F66, RC-F77 and RC-F84, but Abbot Richard kept him informed of developments, and Dom Aidan told us that 'he kept nothing from me ... he would not have wanted me to be caught in an embarrassing situation if he happened to be away'.⁴⁰⁹ This however, was not correct, for as we have seen, Abbot Richard did not tell Dom Aidan about the situation with respect to RC-F65.

268. Lord Nolan's Final Report, entitled 'A Framework for Action', was published in September 2001. This refined the earlier draft, adding a further 33 recommendations. Dom Leo Maidlow Davis said that Lord Nolan's Review was instrumental in beginning to promote good safeguarding practice at Downside, and that from about 2000 onward, the safeguarding profile had been rising, policies had begun to emerge and members of staff were being specifically appointed to be responsible for safeguarding.⁴¹⁰

269. As with Ampleforth, of particular significance to the historic allegations of child sexual abuse at Downside were recommendations 69 and 70, which made it clear that 'historical allegations' of child sexual abuse should be treated exactly the same as current allegations. They also said any cases known of in the past but not acted on satisfactorily should be reviewed and reported to the statutory authorities wherever appropriate. When asked if any alarm bells were triggered by the Nolan Report in relation to individuals Downside were aware of on site, Dom Leo responded: 'I would say that there must have been, or there was some slight growing sense of unease about these situations and whether, in fact, we were doing the right thing, but it didn't result in any significant change in what we were doing.'⁴¹¹

270. Dom Richard told us that recommendations 69 and 70 had not caused him to reflect on the position of White, RC-F65, Hurt or O'Keeffe. Nor did he think of reporting any of them to the statutory authorities in 2002, once the association between Clifton diocese and Downside was underway.⁴¹² Downside accept that they fell below the standard required by recommendation 70 in respect of RC-F65 and White. They state that while the same may be said in respect of Hurt, it was unclear that the initial obligation arose because (a) Hurt was absent from the monastery at the time and (b) there was no suggestion that it had been dealt with unsatisfactorily when it had come to light in the 1970s.⁴¹³

271. Following the Nolan Report, in 2002 Downside began the process of aligning itself with Clifton diocese.⁴¹⁴

⁴⁰⁸ [BNT006439_006-007](#)

⁴⁰⁹ [BNT006401_007](#)

⁴¹⁰ [BNT006645_20](#)

⁴¹¹ [Dom Leo Maidlow Davis 11 December 2017 131/10-17](#)

⁴¹² [Dom Richard Yeo 12 December 2017 100/14-106/9](#)

⁴¹³ [INQ001046_088](#)

⁴¹⁴ [BNT006439_008, 009](#)

272. Dom Leo Maidlow Davis was appointed headmaster of Downside School in 2003. He told us that the Nolan Review had encouraged Downside to ‘think about safeguarding in a slightly more unified way’, and that by 2003 they were beginning to have contact with Clifton diocese. This, however, was done in a ‘piecemeal way’, and he described the relationship between Clifton diocese and Downside as more ‘ad hoc’ at that stage. In his view they were not ‘really far along the route of a coherent safeguarding culture’.⁴¹⁵

273. Martin Fisher, who was already the school’s deputy headmaster and child protection officer, was also appointed child protection representative/supervisor for the monastery. The evidence is not clear, but he believes this appointment was in 2002.⁴¹⁶ Michael Barber succeeded him as deputy headmaster in 2003, and then as child protection officer in 2004⁴¹⁷ (and also, it appears, as child protection representative/supervisor). Dom Richard told us that it was helpful to have this coordination between the monastery and the school,⁴¹⁸ but it is not clear how this coordination worked.

274. Dom Richard Yeo’s view was that Downside’s engagement with the Clifton diocese worked well. He told us that from 2003, he would approach the relevant Diocesan child protection commission as and when allegations were made. He said that this happened three times during his abbacy, including RC-F66 and RC-F77, who he appears to have considered together, O’Keeffe further to the 1997 incident, and RC-F84. Details of these cases are set out above. In respect of all, Dom Richard said he relied on the child protection coordinators to ensure that Downside followed the proper procedures. He thought they did, except perhaps for the delay in informing the Clifton coordinator, Jane Dziadulewicz, about the allegations against O’Keeffe.⁴¹⁹ Downside should have taken responsibility for making sure that the matter was properly reported to the diocesan safeguarding office.

275. Jane Dziadulewicz, who was appointed safeguarding coordinator for Clifton diocese in March 2003, told us that Clifton diocese did not then have any formal safeguarding role in respect of Downside, and the support they provided was on a ‘goodwill basis’.⁴²⁰ It was not for another 10 years that Clifton diocese’s role in relation to Downside was properly established, in 2013.⁴²¹

276. Ms Dziadulewicz told us that in her dealings with him Abbot Richard was ‘pleasant’ but that he ‘struggled with matching safeguarding with the requirements of canon law and those of the Nolan Report’. In her opinion, he also struggled with the Paramountcy Principle and she felt that ‘his emphasis was more on protecting the clergy than it was [on] victims’.⁴²² This is borne out by some of his communications in the cases of RC-F66 and RC-F77.

277. In terms of the school, a policy entitled ‘Protection of Pupils from Sexual Abuse’, dated 2002, was in place⁴²³ and there were several external inspections. Somerset County Council’s inspection report in January 2002 identified two areas of concern: the standard of the boarding accommodation and the quality and quantity of food provided at the school.

⁴¹⁵ Dom Leo Maidlow Davis 11 December 2017 120/6-17

⁴¹⁶ BNT006439_009-010; BNT006404_002

⁴¹⁷ BNT006440_001

⁴¹⁸ BNT006439_010

⁴¹⁹ BNT006439_010_015-017

⁴²⁰ Jane Dziadulewicz 6 December 2017 59/6-15; 64/10-14; 90/15-24; CFD000243_005-006 (Liam Ring statement details 2003–2013 period relationship)

⁴²¹ CFD000243_005-006

⁴²² Jane Dziadulewicz 6 December 2017 73/1-17

⁴²³ BNT006404_007-008

No safeguarding concerns were identified.⁴²⁴ The Commission for Social Care Inspection (CSCI) Report of Downside Boarding School in 2005 made a number of recommendations including that all staff, including ancillary staff, should be given training in child protection; the school's child protection policy should be revisited and discussed with the local social services; the boarding staff should be provided with more detailed up-to-date written guidance on the school's boarding practice and the school's recruitment procedure should include all elements of the recommended checks with verifiable evidence on file. The school was requested to provide an action plan setting out how the recommended actions were to be addressed.⁴²⁵ The school's action plan was stamped 13 June 2005.⁴²⁶

278. Fr Aidan Bellenger succeeded Dom Richard Yeo as abbot in 2006. Dom Leo Maidlow Davis had been headmaster of the school since 2003 and remained in that position until the end of Aidan Bellenger's abbacy in August 2014, at which point Dom Leo was elected as prior administrator.⁴²⁷

279. Dom Leo told us that in 2006–2007 Downside continued to engage with safeguarding issues. A new complaints policy and a pupils' complaints procedure were produced in May 2006 by Mike Barber, deputy head and child protection officer.⁴²⁸ Dr James Whitehead, who was later to become headmaster, taught at Downside between 2004 and 2007. Dr Whitehead told us that his impression was that Mr Barber was conscientious in his roles as deputy head and child protection officer, and that there had been a child protection policy at that time. He thought that although child protection was not as developed as it is now, there was a sense that the lay staff in particular were trying to move the agenda forward in terms of safeguarding.⁴²⁹

280. ISI produced its second report on Downside in November 2006. This found that appropriate procedures existed for child protection, and that all staff had undertaken the required training.⁴³⁰ An Ofsted (replacing CSCI) inspection in November 2007 noted improvements since the last inspection in 2005. The overall quality rating was 'good' and 'protecting children from harm or neglect and helping them stay safe' was rated as 'good'. The report also stated that the school had no ongoing child protection issues.⁴³¹

281. In September 2007, the Cumberlege Commission published its report 'Safeguarding with Confidence: Keeping Children and Vulnerable Adults Safe in the Catholic Church'.

282. Andrew Hobbs was appointed deputy headmaster in 2008.⁴³² He told us that the school's child protection policy was up to date and 'probably in line with other schools' child protection policies at that time', but that it needed a great deal more detail. However, he was not aware of any safeguarding protocols setting out the relationship between the school and the monastery.⁴³³

⁴²⁴ [OFS004692_001-003](#)

⁴²⁵ [OFS004693_001_010-012](#)

⁴²⁶ [OFS004883_001-006](#)

⁴²⁷ [BNT006645_001](#)

⁴²⁸ [BNT006645_026](#)

⁴²⁹ [Dr James Whitehead 7 December 2017 39/10-22](#)

⁴³⁰ [ISI000007_001_013](#)

⁴³¹ [OFS004953_001_004_006-007](#)

⁴³² [Andrew Hobbs 11 December 2017 85/12-14](#)

⁴³³ [Andrew Hobbs 11 December 2017 87/13-25; 88/20-89/1](#)

283. Despite the apparent increased focus on safeguarding in the school, it appears that during the initial period of Abbot Aidan's abbacy from 2006 until early 2010 there was relative inactivity in the abbey, and little development in respect of the positions of Nicholas White, RC-F65, RC-F66 and RC-F77. As we have seen, it was the allegations against RC-F80 that led to the multi-agency strategy meetings in 2010.

The 2010–2012 investigations

284. To provide an overview of the investigations between 2010 and 2012, we have set out summaries of the relevant actions and decisions made in respect of individual cases at strategy meetings.

285. As a result of the allegation made by RC-A117 against RC-F80 in June 2010, a series of multi-agency strategy meetings were held and a police operation began.⁴³⁴ The first formal strategy meeting would have been called by Claire Winter, LADO at Somerset County Council, in conjunction with Ms Dziadulewicz.⁴³⁵

286. Claire Winter explained that in general terms a strategy discussion under section 47 of the Children Act 1989⁴³⁶ would involve all the parties who were statutory or had a link critical to the situation. Everybody would be involved in the discussions about what action should be taken and how children should be protected. Ms Winter's role was to coordinate the meetings and to ensure that there were representatives from the relevant parties, including the local authority, police and the school.⁴³⁷

287. The first meeting took place on 24 June 2010.⁴³⁸ It was attended by Liz Bidmead (local safeguarding children's board (LSCB)), Claire Winter, Jane Dziadulewicz, Eugene Gallagher (safeguarding officer at Clifton diocese), Lindsay Shearlock (acting detective inspector) and Dom Leo. There were discussions about RC-F84, RC-F80 and several recommendations made, as we have already seen. They had also been informed about the allegations against Nicholas White and planned to investigate them further.

288. It was also agreed during this meeting that Ms Dziadulewicz would tell Abbot Aidan Bellenger that all previous historic cases (before 2003) would need to be reviewed by the diocesan safeguarding team or an independent person, in line with national procedures.⁴³⁹

289. On 15 July 2010, Abbot Aidan Bellenger commissioned Anthony Domaille to conduct past case reviews for Downside Abbey in accordance with recommendation 70 of the Nolan Report. It was agreed that he would review the cases of RC-F84, RC-F66 and RC-F77, Dunstan O'Keeffe and Nicholas White. Anthony Domaille told us he did not know what criteria the abbot used to select those files and that he subsequently learnt they were not the only past cases in existence. He told us that in hindsight he could have made Abbot Aidan Bellenger sign a declaration of full disclosure to ensure he saw all the files.⁴⁴⁰

⁴³⁴ [SOM000012_002](#); [ASP000034_002](#)

⁴³⁵ [Claire Winter 13 December 2017 141/1-13](#)

⁴³⁶ s.47(1)(b) places a duty on the local authority to investigate: 'Where a local authority have reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer, significant harm, the authority shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child's welfare'

⁴³⁷ [Claire Winter 13 December 2017 148/12-149/12](#)

⁴³⁸ [SOM000005_002-006](#)

⁴³⁹ [SOM000005_006](#)

⁴⁴⁰ [INQ001304_008](#)

290. The minutes were circulated to all attendees.⁴⁴¹ Claire Winter told us she would have been very clear at the beginning of the meeting that the information discussed was confidential and could only be shared with others outside the meeting with the permission of the chair. It was proposed that certain cases would be discussed with Abbot Aidan Bellenger, but in Ms Winter's view this would not have led to confusion about what was permissible to tell him.⁴⁴²

291. A second strategy meeting took place on 25 August 2010. On this occasion Dom Leo Maidlow Davis arrived accompanied by Abbot Aidan Bellenger. The minutes of the meeting record that before the meeting began it was agreed that Abbot Aidan should not be present, as he was a potential witness in the criminal matters, and that Dom Leo was also asked to leave the meeting with the abbot. It was agreed that neither would receive copies of the minutes. Before leaving the meeting, Abbot Aidan asked for a clarification of confidentiality. It was made clear that information discussed in strategy meetings was only to be shared between the participants and that the previous strategy document had been shared with the abbot by Dom Leo in error. It was agreed that David Byrne, a school governor, would represent the school at future meetings and Abbot Aidan would not be informed or involved in decisions relating to actions taken by the school.⁴⁴³

292. A note of a conversation on 24 November 2010, between Durrell Barnes of ISI and Claire Winter, records things slightly differently. The note shows that when Dom Leo arrived with Abbot Aidan it was evident he had told the abbot everything that had been discussed at the first meeting. According to the note, when asked why he had done so, Dom Leo replied that he was 'obliged' to do so as the abbot was his superior, and Abbot Aidan had confirmed this. Ms Claire Winter has said they were very unhappy about this, due to concerns about the abbot, and both were asked to leave the meeting and not given any further information about deliberations.⁴⁴⁴

293. Ms Winter told us that she had been surprised when Abbot Aidan arrived with Dom Leo and she explained that it was not appropriate for him to be present. She told us that there had been an implication in one case that he had not taken appropriate action. Her evidence was that Abbot Aidan was insistent that if the headmaster attended the meetings, he would have to report back to him and therefore the decision was taken that it was inappropriate for either of them to be present. It was agreed that they would be provided with a summary of any relevant information. Ms Winter also told us that Dom Leo should not have shared the minutes of the meeting with Abbot Aidan. She thought the phrase 'in error' in the minutes was used to reflect that that had happened.⁴⁴⁵

294. Dom Leo, however, said he did not remember being given advice about confidentiality between himself and Abbot Aidan, and since he was invited to the subsequent meeting, he presumed it was all right for him to tell the abbot what had been going on.⁴⁴⁶ Dom Aidan told us that when Dom Leo informed him about school matters, he was 'wearing [his] hat' as chairman of governors.⁴⁴⁷ Dom Aidan said that he could not recall why it had been

⁴⁴¹ [SOM000005_006](#)

⁴⁴² [SOM000005_002-006](#); [Claire Winter 13 December 2017 150/15-155/9](#)

⁴⁴³ [SOM000005_007](#)

⁴⁴⁴ [ISI000368_001](#)

⁴⁴⁵ [Claire Winter 13 December 2017 155/10-158/21](#)

⁴⁴⁶ [Dom Leo Maidlow Davis 12 December 2017 37/7-23](#)

⁴⁴⁷ [Dom Aidan Bellenger 11 December 2017 42/2-43/19](#)

agreed that he would not be involved or informed in decisions relating to actions taken by the school but referred to trying to avoid any potential conflict of interest by having the delegated governor (David Byrne) deal with the matter rather than a monk.⁴⁴⁸

295. After Abbot Aidan Bellenger and Dom Leo Maidlow Davis left the meeting, an update was provided in relation to RC-F84, RC-F80 and Nicholas White. The minutes set out the information that could be provided to the school in relation to RC-F84 and RC-F80 only.⁴⁴⁹

296. As we have seen, DC White had several concerns in relation to Abbot Aidan's cooperation and the case of RC-F80. Both DC White and Jane Dziadulewicz told us that they did not feel Abbot Aidan Bellenger was fully cooperative more generally.⁴⁵⁰ Ms Dziadulewicz said that she and the police were of the view that they were perhaps being 'drip-fed' information. When files were requested, although they might be provided with something, they were not always provided with all relevant files from the outset. She spoke of additional information being found separated and in brown envelopes. Ms Dziadulewicz said that things improved as time went on, but she could not trust that she had all the relevant information, which is why ultimately she interviewed all of the monks.⁴⁵¹

297. DC White also referred to the brown envelopes, which he said were not initially provided to him, were kept separately from the personnel files in a safe and were found to contain records of safeguarding issues. He told us that initially he found Abbot Aidan very difficult and spoke of unreturned phone calls and difficulty in obtaining all the relevant files. He added that he did not feel that Abbot Aidan was doing his best to assist the investigation, although he agreed that things improved later.⁴⁵²

298. In contrast, Dom Aidan told us he thought that his relationship with Ms Dziadulewicz was very good. In relation to her evidence on disclosure of the files, he said that on the contrary, he had 'wholeheartedly' given them everything that he had, though perhaps it had been difficult to locate the files.⁴⁵³ Similarly, Dom Aidan evidence was that nothing was kept back from the police. He said all the records were kept in brown envelopes, or manila files, and any piecemeal disclosure was because the police and safeguarding authorities only asked for files on certain individual monks, then a larger group of monks and then eventually they looked at the entirety. He told us that he thought the authorities were always given the complete file on each monk,⁴⁵⁴ and said that he was not aware of concerns about his level of cooperation and found it extraordinary that had been suggested. He believed his working relationship with DC Mark White had been good, despite it starting off 'stickily' due to 'cultural differences'. He said that he did not encourage other members of the community not to have contact with DC White and it had to be borne in mind that there was a rule of silence in the monastery that could appear rather off-putting and unfriendly.⁴⁵⁵ He also said he did not have an ordinary office and was moving around

⁴⁴⁸ Dom Aidan Bellenger 11 December 2017 37/19-39/14

⁴⁴⁹ SOM000005_011

⁴⁵⁰ DC Mark White 8 December 2017 50/24-52/1

⁴⁵¹ Jane Dziadulewicz 6 December 2017 71/3-72/11

⁴⁵² DC Mark White 8 December 2017 35/6-37/8_59/12-60/16

⁴⁵³ Dom Aidan Bellenger 11 December 2017 44/5-23

⁴⁵⁴ Dom Aidan Bellenger 11 December 2017 36/1-37/2

⁴⁵⁵ Dom Aidan Bellenger 11 December 2017 39/15-41/6

the place all the time, hence short delays in returning calls. His evidence was that it had also been virtually impossible to contact either DC White or the safeguarding officers at other times.⁴⁵⁶

299. In terms of the wider community, DC White told us he spoke to a number of individuals, some of whom were very welcoming and very positive towards safeguarding, while others were the 'opposite'.⁴⁵⁷ It was made known to him that some of the people he was interviewing were well known within the Roman Catholic Church and had high-ranking connections to people outside the Church.⁴⁵⁸ In one email dated 10 January 2012, DC White said he had always described his investigation as 'trying to drag the monastery out of the past and up to modern-day standards. There are many at Downside who welcome the changes but like everywhere there are others who don't like change.' He told us: 'It really was as if they were lagging behind in the current legislation and current routines and policies of protecting children.'⁴⁵⁹

300. A further strategy meeting was held on 22 September 2010, where a decision was taken that, due to the 'possible institutional nature' of the concerns in addition to the confidentiality issue, Downside Abbey representatives, whether school or abbey, should not be invited to further strategy meetings and updates to them would be limited to 'investigations are ongoing'.⁴⁶⁰

301. On 23 and 24 November 2010, Ofsted and ISI conducted a joint inspection of the school. The inspection was suspended when the inspectors were informed by Ms Winter that a police investigation was underway.⁴⁶¹ Following this, the Department for Education became aware of the investigation, and in turn informed the Minister of State and Permanent Secretary.⁴⁶²

302. The ISI interim report from the 23/24 November 2010 inspection found that overall governance of the school was inadequate 'because it has not been rigorous enough in its oversight of policies and practice in relation to staff recruitment and the safeguarding of pupils'. It found the child protection policy was detailed and wide in scope but did not meet all requirements. It was dated July 2009, which indicated that it had not been reviewed after a year, as required. The report concluded that the school as a whole fell short of all of the requirements of the Independent School Standards and identified the action that was necessary.⁴⁶³

303. On 26 November 2010, Ms Penny Jones, deputy director of the independent education and school governance division for the Department for Education (retired May 2013),⁴⁶⁴ chaired an official strategy meeting which was conducted by telephone conference. This included representatives from the local authority, police, Catholic Church safeguarding authority, Ofsted, ISI and the Charity Commission.⁴⁶⁵

⁴⁵⁶ [Dom Aidan Bellenger 11 December 2017 45/14-46/9](#)

⁴⁵⁷ [DC Mark White 8 December 2017 30/8-16](#)

⁴⁵⁸ [DC Mark White 8 December 2017 30/17-31/25](#)

⁴⁵⁹ [ASP000016_004](#); [DC Mark White 8 December 2017 48/19-49/20](#)

⁴⁶⁰ [SOM00005_013](#)

⁴⁶¹ [BNT003248_021](#)

⁴⁶² [DFE000586_008](#)

⁴⁶³ [ISI000009_009, 11](#)

⁴⁶⁴ [DFE000586_001](#)

⁴⁶⁵ [DFE000586_009](#)

304. Claire Winter outlined the allegations under investigation, which had been covered in a briefing note previously circulated, and which included RC-F84, RC-F80, White, RC-F65, RC-F77 and O'Keeffe.⁴⁶⁶ (The document also appears to mention RC-F60, but from the context we believe this is an error and should read RC-F66). She explained that Dom Leo Maidlow Davis and Abbot Aidan Bellenger were only aware of those in relation to RC-F84 and RC-F80.⁴⁶⁷

305. The role of the trustees was then discussed. Amy Spiller (Charity Commission compliance and investigations) explained that she would need to gather evidence and that action would only normally be taken where there was evidence that the trustees had been given the opportunity to improve and failed to do so.⁴⁶⁸

306. Claire Winter stated that there was one trustee who appeared to be 'trustworthy and a positive force' but in respect of the other trustees there were either allegations against them or worries about complicity. Amy Spiller said that the Charity Commission would want to contact trustees about whom there were no concerns and give them the chance to take 'positive action'. Claire Winter expressed concern that those trustees would report back to Abbot Aidan Bellenger, given the issues there had been in respect of his response to the investigations. It was acknowledged that there were difficulties because of the religious duty to report to the abbot, who was ultimately in control of the trust. It was agreed that Amy Spiller would discuss the matter with the local authority, the police and Clifton diocese and then decide what action to take.⁴⁶⁹

307. Louise Goll, director of Somerset children's services, commented that there was 'no one in a position of leadership in the school who appear[ed] able to address safeguarding concerns'. They discussed the need to 'change the culture of the school and abbey in relation to safeguarding'. Penny Jones suggested that the inspectorates should return to the school to look specifically at the issue of safeguarding.⁴⁷⁰

308. Concern was also expressed that the school and/or abbey might try to conceal evidence should they discover that the local authority and police were investigating additional allegations. Jane Dziadulewicz agreed to visit the abbey to remove all the monks' files.⁴⁷¹

309. As a result of the issues raised, the Charity Commission opened a regulatory compliance case.⁴⁷² Ofsted conducted another inspection of the school on 9 December 2010. The report noted there had been improvements but still gave the school an overall rating of 'inadequate' and rated it 'inadequate' in its provision for 'protecting children from harm or neglect and helping them stay safe'. It found that while there were some areas of good practice, procedures and practices were 'not sufficiently robust' to protect pupils. It referred by way of example to recruitment practices and risk assessments. Again, it listed the actions that Downside needed to take to meet national minimum standards.⁴⁷³

⁴⁶⁶ [CYC000113_051-054](#)

⁴⁶⁷ [OFS004708_001](#)

⁴⁶⁸ [OFS004708_001-002](#)

⁴⁶⁹ [OFS004708_002](#)

⁴⁷⁰ [OFS004708_002](#)

⁴⁷¹ [OFS004708_002-003](#)

⁴⁷² [CYC000140_023-24](#); [CYC000113_062-068](#); Claire Winter 13 December 2017

⁴⁷³ [OFS004954_004,006-008,11](#)

310. Following this, on 20 January 2011, the DfE sent a formal notice to the school, requiring it to devise and implement an action plan to address the failings.⁴⁷⁴ In February 2011, the school sent an action plan and then a revised action plan to the DfE.⁴⁷⁵

311. There was a further strategy meeting on 27 January 2011, attended by representatives from the DfE, the local authority, police, Clifton diocese, Ofsted, ISI and the Charities Commission. Jane Dziadulewicz reported that on 24 January 2011 she had interviewed a further 16 monks at the abbey in relation to their understanding of safeguarding. She identified a 'clear cultural divide between the more elderly monks, who d[id] not understand safeguarding and s[aw] no role for it, and the younger group, who d[id] understand and [we]re frustrated by the resistance of the older group'.⁴⁷⁶ Jane Dziadulewicz also told us of a 'bullying culture within the community'. One individual had told her it was difficult to 'challenge monks within the community who had very strong personalities about whom they had concerns'. When asked if she encountered a view that things should be kept 'in-house', she replied 'absolutely'.⁴⁷⁷

312. In the meeting, it was agreed that Claire Winter would write to the chair of governors requesting that a representative of the LSCB, Liz Bidmead, attend the school to read the files of all monks who, at that time, had a teaching, pastoral or voluntary role with the school.⁴⁷⁸

313. In April 2011, a safeguarding audit commissioned by the school took place. The report, dated 25 May 2011, was by David Moy and identified several issues in relation to safe recruitment practice, safeguarding policies and procedures, staff supervision and the school's overarching management. It included an update of the progress made since the April 2011 audit. He noted that work was underway in respect of personnel files, child protection files, policies and procedures, and recorded that the governors had confirmed to him on 24 May 2011 that a review of governance would be instigated.⁴⁷⁹

314. The final multi-agency strategy meeting took place on 11 May 2011. Reference was made to Liz Bidmead's work, David Moy's report and a letter identified as being from a member of staff to the governors in March 2001. This expressed a lack of confidence in the headmaster's response to safeguarding concerns about poor management in the boarding houses leading to the bullying of children. These issues did not appear to have been dealt with. It was noted that David Moy had raised this with the child protection lead at the school, Andrew Hobbs.⁴⁸⁰

315. The meeting also recorded that Jane Dziadulewicz was aware from the abbot that Ministers wanted to table questions in the House of Commons in support of the abbey and 'the poor treatment they have received during recent investigations'. She said that the abbot had prevented these questions being asked by not providing the information ministers requested, but was likely to accede once the criminal investigations are concluded.⁴⁸¹

⁴⁷⁴ [DFE000586_011](#)

⁴⁷⁵ [DFE000586_011](#)

⁴⁷⁶ [SOM000005_021, 24](#)

⁴⁷⁷ [Jane Dziadulewicz 6 December 2017 95/7-25](#)

⁴⁷⁸ [SOM000005_025](#)

⁴⁷⁹ [BNT005093_001_022-027](#)

⁴⁸⁰ [SOM000005_028-34](#)

⁴⁸¹ [SOM000005_031](#)

316. In her evidence to the Inquiry, Ms Dziadulewicz spoke of what she perceived as a veiled threat from Abbot Aidan at the beginning stages of her enquiries. She told us that he referred to having a friend or friends who were MPs and who were going to raise a question in the House of Commons about the treatment of Downside.⁴⁸² Dom Bellenger told us that Ms Dziadulewicz's interpretation of it was not correct. He told us that in passing he had told her that someone had asked him whether they should raise a question about the school inspection (see more below).

317. An update was also provided by the DfE and ISI. It was recorded that the DfE had received two versions of the school action plan and, having clarified which was the correct version, forwarded it to Ofsted for evaluation. Ofsted evaluated the plan as satisfactory. During the meeting the DfE realised that they had omitted to forward the plan to ISI, so Christine Ryan from ISI reviewed it briefly, giving an initial view that ISI would also find the plan to be satisfactory.⁴⁸³

318. An update in respect of the police investigation was provided. Only one police investigation remained live, that in respect of Anselm Hurt, who was then resident in Ireland. The group agreed that, as the criminal processes were drawing to a close, it was now appropriate for the Charity Commission to begin their tasks, and that no further strategy meetings were needed.⁴⁸⁴

319. We received evidence from several witnesses involved in the strategy meetings, including Jane Dziadulewicz, who had been dealing with Downside since 2003, DC Mark White and Claire Winter. They were all asked about the main safeguarding challenges they faced. Several issues were brought to our attention, which included:

- a. poor record keeping
- b. inadequate internal investigation
- c. governance
- d. the prevailing culture of respect for monks
- e. the proximity of the school and abbey
- f. the reluctance on the part of Downside and the community to engage with the external authorities⁴⁸⁵

320. In May 2011, Downside commenced regular safeguarding meetings to address safeguarding procedures and incidents. These were initially divided amongst three committees resulting in safeguarding committee meetings, safeguarding sub-committee meetings and child protection committee meetings.⁴⁸⁶

⁴⁸² Jane Dziadulewicz 6 December 2017 131/19-132/16

⁴⁸³ SOM000005_030

⁴⁸⁴ SOM000005_030-031

⁴⁸⁵ Jane Dziadulewicz 6 December 2017 117/10-25; 120/18-121/6; 122/19-123/1; Claire Winter 13 December 2017 166/19-25; 167/11-168/1; 168/2-8; Mark White 8 December 2017 60/21-61/4

⁴⁸⁶ BNT003248_026

321. In spring 2011, Louise Goll, corporate director children and young people at Somerset County Council, visited Downside on two occasions following which she arranged an interagency telephone conference.⁴⁸⁷ This took place on 17 June 2011 and was chaired by Ms Jones. It was attended by representatives of the council, ISI, Ofsted and the Charity Commission. Louise Goll expressed concern that there was 'no capacity to improve under the current leadership'. She said that Andrew Hobbs appeared to be responsible for a lot of work, but without the time to do it. She said that she had pursued the issue with the Bishop of Clifton, but he had no authority over the monastery. He had agreed to visit the school with Louise Goll to try to use his influence to persuade the abbot of the need to change. Claire Winter confirmed that Rome was aware and was concerned about the situation but nevertheless was not exerting any pressure. There was a discussion about the ability of the Charity Commission and the DfE to remove trustees.⁴⁸⁸

322. Following this, on 21 June 2011, representatives of the Charity Commission met members of the Downside Abbey General Trust. The commission's senior investigations manager, Amy Spiller, raised concerns about the length of time it had taken the trustees to start to address the failings which had been brought to their attention in David Moy's earlier audit. The trustees explained that the delay was caused by the time it had taken for the DfE to approve their action plan. They stated that they were working on a number of things, including CRB checks, risk assessments and ensuring that the child protection policy had been read by all staff.⁴⁸⁹

323. Ms Spiller stressed the seriousness of the forthcoming Ofsted and ISI inspection, and told the trustees that the consequences would be very serious if the reports showed that they were still failing safeguarding standards.⁴⁹⁰ She explained that if they found serious failings the commission would conclude that the trustees were not managing the charity properly. This could amount to mismanagement and/or misconduct, with the potential consequence that the commission could escalate the case to a statutory inquiry, and a decision could then be made to remove the trustees. The representative from the commission's specialist schools team explained that the school's governing document was confusing and advised 'a thorough root and branch governance review'.⁴⁹¹

324. On 23 June 2011, Ofsted and ISI conducted a further inspection to monitor progress. The reports found that the school had now addressed some matters in the action plan, but progress was unsatisfactory in respect of safeguarding, recruitment and the child protection policy.⁴⁹²

325. On 5 July 2011, Ms Jones chaired a telephone conference attended by representatives from Somerset County Council, Ofsted, ISI, the LSCB and the Charity Commission. Serious concern was expressed about the lack of action taken at safeguarding meetings and the ability of the school's leaders to implement the necessary changes. Penny Jones asked if the headmaster could be removed, but one of the representatives from the Charity Commission explained that all trustees were equally responsible for the management of the charity. It was

⁴⁸⁷ [INQ001005_003-004](#)

⁴⁸⁸ [ISI000274](#)

⁴⁸⁹ [ASP000005_046-48](#)

⁴⁹⁰ [ASP000005_048-050](#)

⁴⁹¹ [CYC000140_028](#)

⁴⁹² [ISI000296](#); [OFS004951](#)

agreed that the minister (Nick Gibb, Minister of State for Schools) would be written to, and the following options put to him: (a) allow the school more time; (b) serve a deletion order; (c) look at options for restricting the operation of the school.⁴⁹³

326. Following discussion with the Minister, Ms Jones sent a letter to Downside warning of the very real risk that the school would be de-registered. The letter was accompanied by a formal notice, requiring the school to submit an action plan by 31 August 2011. The school responded with such a plan on 26 August 2011 and, shortly afterwards, its child protection policy and sample of its single central register. The DfE forwarded these documents to Ofsted and ISI for evaluation. Ofsted approved the action plan, but ISI found that there were still failings in the policy and register.⁴⁹⁴

327. A further joint inspection took place on 24–25 November 2011, and the resulting Ofsted and ISI reports were published in February 2012. They confirmed that the school was by then meeting all national minimum standards.⁴⁹⁵ The Charity Commission’s compliance case was then closed.⁴⁹⁶

328. ISI carried out an integrated inspection between 20 and 23 November 2012. The inspection found that Downside was continuing to meet national minimum standards. The inspectors described the arrangements for welfare, health and safety as excellent and noted: ‘The school’s safeguarding arrangements are much improved since the November 2010 inspection and, as in the advisory visit in November 2011, policies and practice meet the requirements in full.’ On receipt of this report, Downside was removed from the ‘follow up list’ and returned to the normal cycle of inspection.⁴⁹⁷

Safeguarding and developments in the school and the monastery (2010–present)

329. Although the school and abbey are not yet fully separated, the evidence suggests that developments in safeguarding have been different in each. It appears that improvements have been made in the school but the monastery is still some way behind. This section looks at each in turn following the 2010/2011 investigations, before looking at the ongoing challenges caused by the governance structure.

330. Mr Hobbs referred to the inspections of 2010/11 as a ‘watershed moment’,⁴⁹⁸ and told us that, in hindsight, ‘everybody would probably recognise that ... we didn’t move as quickly as we might have’. He said that it was a difficult environment and that they were ‘firefighting’ a lot of things. That term was also used by Dom Richard Yeo when he spoke about safeguarding before the Nolan Report.⁴⁹⁹ Mr Hobbs told us that they probably underestimated the resources required and it was a very stressful time to try and achieve a cultural shift.⁵⁰⁰

331. Mr Hobbs said that ultimately he was very well supported by the local safeguarding children’s board, particularly by Liz Bidmead, Claire Winter and Jane Dziadulewicz, who scrutinised policies and measures. In addition, he said that Downside instituted regular

⁴⁹³ [SOM000005_035-037](#)

⁴⁹⁴ [DFE000586_013-014](#)

⁴⁹⁵ [OFS004698_001_004](#)

⁴⁹⁶ [CYC000140_012](#)

⁴⁹⁷ [DFE000586_015](#)

⁴⁹⁸ [Andrew Hobbs 11 December 2017 90/6-12](#)

⁴⁹⁹ [Dom Richard Yeo 28 November 2017 130/17-20](#)

⁵⁰⁰ [Andrew Hobbs 11 December 2017 95/6-100/18](#)

safeguarding meetings, demarcated the abbey and school as separate, incorporated safeguarding as part of the appraisal system and issued guidance on reporting concerns.⁵⁰¹ However, we note the delays and difficulties that there were in 2011, as described above.

332. We have heard evidence about the access between the school and abbey. The ‘demarcation’ of the abbey and school involved signs being put up to identify school and monastery areas, rules being put in place that pupils are no longer allowed in the monastery areas without being accompanied by a member of staff and are not to engage with anyone not meant to be on the school grounds. Monks are not permitted to access the school grounds without appropriate authorisation, and all those working at the school are obliged to wear coloured lanyards so that they can be easily identified. We have been told that these provisions ‘rigidly demarcate’ the boundaries between school and monastery.⁵⁰²

333. Dr James Whitehead was appointed headmaster of Downside in March 2013 and took up the position in April 2014.⁵⁰³ He was the first lay headmaster, and Dom Leo Maidlow Davis’s view was that, although he remained chair of the trustees, this appointment created ‘an important degree of separation between the two institutions’.⁵⁰⁴

334. Dr Whitehead told us that he found the appointment process ‘rather unusual’ in that the post was not advertised. He had previously taught at Downside, and he simply received a phone call from Abbot Aidan inviting him to apply. At the interviews there were two other candidates, both of whom were serving governors of the school.⁵⁰⁵ When he subsequently raised his concern about the application process with Abbot Aidan, the abbot dismissed it. Dr Whitehead thought that Abbot Aidan saw it as ‘very much his prerogative as abbot to make that appointment in the way that he chose’.⁵⁰⁶

335. Dr Whitehead told us that he arrived when certain measures had been implemented following the ‘appalling’ school inspections of previous years. He inherited positive things, such as the review process created by the safeguarding committee and subcommittee. He felt he made a particular contribution to improving knowledge of compliance delivery and also made improvements in the human resources department and specifically to staff recruitment processes.⁵⁰⁷ In addition, when he arrived work on improving the filing system was ongoing, which he made clear had to be taken forward as a priority. He made and still makes regular inspections of the single central register, which keeps a record of all necessary checks, and instituted monthly checking and sharing of relevant ISI updates.⁵⁰⁸

336. Ms Dziadulewicz told us that Dr Whitehead, who became headmaster towards the end of her time, was a ‘breath of fresh air’ and was very positive about safeguarding.⁵⁰⁹ Liam Ring similarly told us that Dr Whitehead has been very forthright in his views about safeguarding and very clear that he wants the school to be a safe place.⁵¹⁰

⁵⁰¹ Andrew Hobbs 11 December 2017 98/24-99/25; 100/19-101/22

⁵⁰² BNT003248_015-016

⁵⁰³ Dr James Whitehead 7 December 2017 27/20-28/17

⁵⁰⁴ BNT006645_034

⁵⁰⁵ Dr James Whitehead 7 December 2017 29/17-32/10

⁵⁰⁶ Dr James Whitehead 7 December 2017 41/25-42/14

⁵⁰⁷ Dr James Whitehead 7 December 2017 39/23-41/24

⁵⁰⁸ Dr James Whitehead 7 December 2017 45/2-48/20

⁵⁰⁹ Jane Dziadulewicz 6 December 2017 73/4-11

⁵¹⁰ Liam Ring 7 December 2017 120/11-23

337. We understand that Dr Whitehead, currently on sabbatical, steps down on 31 August 2018. Andrew Hobbs, also not a member of the monastic community, has been acting headmaster since 16 December 2017 and becomes headmaster on 1 September 2018.

338. Dr Whitehead told us that Mr Hobbs had been through a time where there had been a 'steep learning curve' due to the past failings at the school, but throughout the time he has worked with him, he had always found him 'utterly conscientious and determined to get it right in terms of safeguarding'. Dr Whitehead described Mr Hobbs as 'one of the linchpins' of Downside.⁵¹¹ Ms Dziadulewicz and Mr Ring both spoke about Mr Hobbs in similarly positive terms, with Mr Ring also saying that Downside is now 'right up there' in terms of their safeguarding policies and is 'ahead of the game in some respects'.⁵¹²

339. In November 2015, ISI carried out a boarding welfare intermediate inspection and found that the school continued to meet the national minimum standards.⁵¹³

340. Mr Hobbs' evidence was that action points from the meetings are now acted upon as quickly as possible. The plan at the time of the hearings was for an audit to take place in February 2018 and Mr Hobbs thought this would take account of how swiftly actions are being taken and review the effectiveness of the safeguarding committees.⁵¹⁴

341. Mr Hobbs' concluding comments were as follows:

I think that my feeling is that there has been a cultural shift, and my aim is to keep that going, keep that momentum going. I think that we can always get better. We are going to have the review done by the Social Care Institute for Excellence, and that's going to look at all aspects of safeguarding.

I think that we can refine and develop our systems further, and what I'd like to see is that we put safeguarding right at the centre of everything we do so that it underpins everything we do. I see no conflict there between Benedictine values and the foundation of the school and safeguarding. Those two things, for my money, go hand in hand.

I think we have come a long way, but that's not to be complacent at all. I think we need to always remain vigilant and to make sure that we are making it the highest priority.⁵¹⁵

342. Although it does appear that following the inspections in 2010 and 2011 improvements have been made in the school, the evidence suggests the abbey has made less progress in safeguarding.

343. Dom Leo Maidlow Davis became prior administrator in August 2014. Dr Whitehead told us that he has had a difficult working relationship with Dom Leo and has felt unsupported by him. Dr Whitehead stated there have been issues in relation to safeguarding where they have had differences of view. He felt that Dom Leo had found it challenging to have a first lay head give firm views on how things should be done when he is his predecessor.⁵¹⁶

⁵¹¹ [Dr James Whitehead 7 December 2017 56/2-16](#)

⁵¹² [Jane Dziadulewicz 6 December 2017 75/13-21](#); [Liam Ring 7 December 2017 120/24-121/9](#)

⁵¹³ [ISI000011_001-002_007](#)

⁵¹⁴ [Andrew Hobbs 11 December 2017 105/8-106/3](#)

⁵¹⁵ [Andrew Hobbs 11 December 2017 110/25-111/24](#)

⁵¹⁶ [Dr James Whitehead 7 December 2017 56/18-57/9](#)

344. Ms Dziadulewicz told us she found Dom Leo ‘very positive’ about safeguarding but thought that he struggled with managing the strong personalities within the community and trying to balance competing interests.⁵¹⁷ Similarly Mr Ring told us that Dom Leo, while responsive, struggled with safeguarding.⁵¹⁸ He said that actions agreed in safeguarding meetings with the abbey do not materialise in the way that one would hope.⁵¹⁹ He also spoke of people being ‘in something of a bubble’ about the reality of abuse and there being:

a sort of hope it might go away rather than an effort to actually make it a better place ... Dom Leo suffers slightly from that situation. I think he’s a lot better than he was, because he’s got much more understanding. But I think all the monks – I think there’s a deference to the monastery that isn’t helpful, and, you know, when you throw faith and religion into the mix in this context, it is quite a toxic mix in relation to trying to deal with safeguarding issues.

Burning files (~2012) and Bellenger letters (2016–2017)

345. Two clear examples of Dom Leo’s struggle with safeguarding issues can be seen in his decision to burn files and in his response to the letters sent by Aidan Bellenger in 2016/17.

346. In relation to the files, Dom Leo told us that he burnt several staff files. He could not recall the year in which this occurred but guessed that it was 2012. He told us that he loaded up a wheelbarrow and took the files into a distant part of the gardens to burn. It took him several trips. He said that he just took a rather casual look at these files, and that ‘they were staff files going back, I think, into the early ’80s, and I felt that it would be reasonable just to destroy them. There were quite a quantity of them in the filing cabinet, and I didn’t read through every single file.’ He told us that he had no idea what he had destroyed and accepted that he could have destroyed documents relating to allegations. He was sure, however, that he was not trying to conceal anything. His evidence was he ‘simply didn’t think of it in safeguarding terms’ but was ‘simply thinking of getting rid of what seemed ... to be unnecessary old material’.⁵²⁰

347. As for the letters, Dom Aidan Bellenger told us that he has left the abbey and is seeking a dispensation from being a priest and a monk.⁵²¹ After he left, Aidan Bellenger sent Dom Leo two letters, one in August 2016⁵²² and one in July 2017.⁵²³ In these he raised concerns about the Downside community, child abuse and safeguarding. The relevant parts of the first letter read as follows:

Dear Leo,

Some thoughts to accompany my short letter.

(i) I read Richard’s letter prayerfully but with no ... joy. It was a sad and depressing piece ... It made me ask the question ‘what is it all about?’

⁵¹⁷ Jane Dziadulewicz 6 December 2017 72/14-19, 132/17-18

⁵¹⁸ Liam Ring 7 December 2017 120/1-9

⁵¹⁹ Liam Ring 7 December 2017 121/17-122/7

⁵²⁰ Dom Leo Maidlow Davis 12 December 2017 32/20-35/17

⁵²¹ Dom Aidan Bellenger 11 December 2017 81/19-82/1

⁵²² BNT004950

⁵²³ BNT004949

- (ii) *When I was abbot, Jane D, the erstwhile safeguarding official, said that what happened in opening up safeguarding was done at great personal cost to me.*
- (iii) *All those who led me to the Downside cloister – RC-F84, [name redacted] and RC-F80 in particular were revealed as deeply flawed. Their extramural sexual activities, as well as those of [name redacted] worried me ... the deep unhappiness of so many of the community shocked me.*
- (iv) *The continued presence of RC-F77 at Downside worries me. His profound personal problems are not suited to a community context.*
- (v) *Gossip and half-information pervades Downside and is not helped by the homosexual network which is too close to the heart of the community.*
- (vi) *There are some good men at Downside and in the EBC (including, above all, yourself) but the whole structure dominated by a failing public school is not one fit for monastic purpose. This has been true for nearly all my four decades at Downside.*
- (vii) *At the heart of darkness in the community is the issue of child abuse which was 'tolerated' by all my predecessors as abbot. I am particularly concerned that Richard, who should have known better, attempted to protect Nicholas and Dunstan when he should have been protecting their victims. You have been exemplary in your efforts but there are still three members of the community who have weaknesses in that direction.*
- (viii) *I remain a convinced Catholic and have a romantic attachment to monasticism. But as I need to make my own position clear I thought I should share these thoughts with you.*

With best wishes

Yours ever,

Aidan

348. When Dom Aidan was asked to explain what he meant by para (vii), where he said that the 'issue of child abuse' was 'tolerated' by his predecessors, and his following comments about Richard Yeo's approach, he told us that this was 'one of the difficult ones'. He said Abbot John Roberts handled Nicholas White poorly and that cast a shadow on both Dom Charles and Dom Richard. He went on to say that Charles and Richard were both exceptionally kind, good men and excellent abbots, but thought that Richard should have reported White when he had received legal advice on this. He thought that Dunstan was treated too gently in his use of computers. Beyond that, Abbot Richard was a 'pioneer in proper safeguarding'. Dom Aidan told us that at the time he wrote this letter, it contained his true and honest views.⁵²⁴

349. The relevant parts of the second letter read as follows:

⁵²⁴ Dom Aidan Bellenger 11 December 2017 74/8-75/10

Confidential to D. Leo

1 July 2017

In my absence from Downside I have been reflecting on the present community and its life.

(i) *Personal*

As prior and abbot I became increasingly aware of the long-term personal problems of the community and I would like to take this opportunity to share some thoughts with you. Some you have heard from me already.

- (a) *Dom Nicholas and Dom Dunstan were both imprisoned for pedophile offences. Neither were penitent. Both were protected (and implicitly) encouraged by their abbots (John, Charles and Richard) ...*
- (b) *RC-F65 and RC-F77 avoided trial but their offences (more than allegations) remain on record. RC-F77's activities are perverse and criminal and he should not be allowed to remain at Downside. His case parallels that of RC-F18 at Ampleforth.*
- (c) *RC-F130 and RC-F123 are both open to allegations of 'pedophillia'. Small fry perhaps but in outside perceptions (or those of hostile past pupils) they w/ could be in trouble. [name redacted] too is vulnerable on account of his taking 'minors' to swimming pools ...*
- (d) *...*
- (e) *RC-F80's behaviour in the school viewed from outside was monstrous not to mention the [...] case. [in respect of RC-A117]*
- (f) *David and Richard's pontifications about the 'safeguarding' of an all too obviously worldly-wise novice show a lack of proportion and judgement. Richard's high-handed manner has alienated many in the congregation.*
- (g) *Christopher and especially Dominic, both lovely as they are, both advocate (or advocated) 'keeping things quiet' about safeguarding cases. RC-F84's obsession with homosexuality is unhealthy.*
- (h) *More historic cases will emerge viz, e.g. ... [name redacted, name redacted, name redacted] RC-F98, [name redacted] ... etc and ex-monk [name redacted]*

(ii) *Community*

All this reflects a community undermined by individuality ...

Survival needs a spiritual ...

Sorry to present such a bleak picture but I thought I should put my reflections in writing

Aidan

(This page contains no new information. I have not hidden my safeguarding views).⁵²⁵

⁵²⁵ The writing is in places difficult to decipher: the last word here may be 'issues'

350. When asked about this letter, Dom Aidan told us that Dom Richard sometimes gave the impression of high-handedness but that he had the highest regard for him at professional level. He also told that 'protection' manifested itself in failing to report allegations to the authorities, but he did not believe there were any 'active attempts' to cover up abuse. He said that all the abbots acted from the 'best of [intentions]' and Dom Richard in particular was 'a pioneer among church leaders in seeing the primacy of child protection in their actions'. His principal concern was that the White and O'Keeffe cases revealed the possible conflict of interest. Dom Aidan accepted there was a contrast between how he justified the letters now and how they appeared on the page.⁵²⁶

351. Both Dom Richard Yeo and Dom Charles Fitzgerald-Lombard were asked about these letters. Dom Charles hoped that 'encouraged' did not imply encouragement of the 'misdemeanour'. He felt that 'protected' could mean 'anything' and referred to the abbot's role in supporting members of the community, but said he 'would want to quite firmly deny that we were trying to protect or maintain a situation in which re-offending or anything like that was likely to occur'.⁵²⁷ Dom Richard accepted he had made mistakes but rejected any suggestion that he had protected White or O'Keeffe, referring to the actions he had taken in those cases.⁵²⁸

352. As to Downside's response to these letters, they were brought to Dr Whitehead's attention in August 2017, about a month after the second letter had been received.⁵²⁹ On 17 August 2017, Dr Whitehead wrote to Dom Leo thanking him for coming over to his office on the previous day to discuss the issue of the correspondence received from Dom Aidan, which he had been given a copy of. He said it was not entirely clear whether the letters contained any new information about non-recent abuse or monks currently working in the school. Dr Whitehead told Dom Leo that he had asked Mr Hobbs to contact the designated officer at the local authority (previously referred to as the LADO) for advice on how to proceed. It was Dr Whitehead's understanding that the designated officer had recommended that Dom Leo meet with Dom Aidan together with Liam Ring. Dr Whitehead asked Dom Leo that if he received any communication from anyone relating to safeguarding concerns or allegations that he inform him immediately so they could seek advice urgently, as required under the relevant safeguarding procedures.⁵³⁰

353. Dr Whitehead told us he felt the safeguarding procedures had not been followed appropriately and that there had been a delay. He told us that Dom Leo had apologised to him and Mr Hobbs for not bringing the letters to their attention sooner. Dr Whitehead thought that Dom Leo had felt they were confidential and there may not be any new information within them, but Dr Whitehead was clear they needed to be followed up.⁵³¹

354. Mr Ring's view was that the initial letter in 2016 did not specifically raise any safeguarding concerns. He told us that, as he understood it, in Dom Leo's mind it was a private communication. But Mr Ring also told us the letter of 2017 was more worrying because there was a lot of detail about monks and opinions from Dom Aidan about how things had been managed. Mr Ring felt a meeting should be held with Dom Aidan but

⁵²⁶ [Dom Aidan Bellenger 11 December 2017 79/23-81/11](#)

⁵²⁷ [Dom Charles Fitzgerald-Lombard 8 December 2017 159/14-161/4](#)

⁵²⁸ [Dom Richard Yeo 13 December 2017 54/2-55/17](#)

⁵²⁹ [BNT006830](#)

⁵³⁰ [BNT006830](#)

⁵³¹ [BNT006830; Dr James Whitehead 7 December 2017 66/5-14, 72/6-75/23](#)

that did not happen as it was superseded by the letters being provided to solicitors and Dom Aidan being asked to submit a response to the Inquiry. Subject to having a meeting, Mr Ring did not believe that any new issues had been raised in the letters.⁵³²

355. Dom Leo's evidence was that his own response to these letters was an example of him being conflicted. He told us they were strongly personal letters and he had thought that since there were no specific allegations he did not need to disclose them. However, as time went on his view changed. He apologised for their late disclosure.⁵³³

356. We understand that Dom Leo Maidlow Davis will step down as prior administrator sometime this year. A new prior administrator, who will be an EBC monk but not a member of the Downside community, will be appointed.

357. Leaving aside the contrasting positions of the school and abbey, it is clear that the critical issue of the relationship between the two remains. Dr Whitehead, in providing his view of the principal safeguarding challenges faced by Downside in recent years, talked of a 'massive issue' in respect of the structure and governance arrangements, and the potential conflict of interest in the position of the chair of governors and the monastic superior. At the time of writing, this remains unresolved, but we understand that Dom Leo Maidlow Davis has also stepped down from his role as chair of governors and Downside is now working towards the separation of school and monastery.

358. Dr Whitehead also referred to a range of other issues, such as:

- a. a culture of monastic superiority
- b. the ineffectiveness of governance due to a reduced number of governors
- c. a lack of transparency as to who is actually running the organisation
- d. the need to 'wake up' to the realities of modern compliance⁵³⁴

359. As already made clear, it was not until 2014 that Downside appointed a headmaster who was not a member of the monastic community. Dr Whitehead highlighted the problems that might arise where the headmaster was also a senior member of the monastic community. For example, he said: 'If there was an allegation against either the headmaster, or another member of the monastic community involved in the school, the duty to protect children would potentially be in conflict with the imperative to demonstrate loyalty and pastoral support to monastic brethren.'

360. Until recently, the abbot or prior administrator was both chairman of the trustees and of the school governing body. Several witnesses from both the abbey and school spoke of a conflict of interest, actual or potential, in the abbot holding both roles, given that he has responsibility for both the welfare of the monks and the welfare of the pupils.⁵³⁵ In January 2018, Dom Leo stepped down from his role as chair of the governors. Adrian Aylward has taken over and becomes the first lay chair of governors.⁵³⁶

⁵³² Liam Ring 8 December 2017 9/22-11/18

⁵³³ Dom Leo Maidlow Davis 12 December 2017 39/1-40/20

⁵³⁴ Dr James Whitehead 7 December 2017 90/20-94/16

⁵³⁵ Dom Charles Fitzgerald-Lombard 8 December 2018 101/18-102/13; Dom Aidan Bellenger 11 December 2017 33/9-23

⁵³⁶ [INQ001187_004_007](#)

361. However, at the time of our hearing, the abbey and school were still not separate. Dr Whitehead's view was that the governance structure does not work well because in effect all important decisions in the school are referred up to the trustees. He told us that while most of the time this does not impact on safeguarding and child protection issues, it can do and there is always the risk of conflict of interest if issues arise involving a member of the monastic community.⁵³⁷

Recent reviews and inspections (2018)

Social Care Institute for Excellence audit (2018)

362. We have recently been provided with 'A Safeguarding Audit of Downside Abbey & School February–March 2018', which was carried out by the Social Care Institute for Excellence (SCIE). Dr Whitehead had expressed concerns to us about a decision that was made in August/September 2017 not to have an external safeguarding audit,⁵³⁸ for which two reasons appear to have been given in two separate emails: (i) the external oversight to which the school was already subject, including by ISI, Ofsted and the diocese, rendered it unnecessary; (ii) there were no significant safeguarding issues to be addressed.⁵³⁹

363. Dom Leo Maidlow Davis told us the second email did make the possibility of an audit at a later date clear. He said he reconsidered the issue and, after a meeting on 17 October 2017, commissioned SCIE to undertake the audit. Dom Leo stated that by this stage there was insufficient time to prepare for and conduct the audit prior to the Inquiry's hearings and so Downside agreed with SCIE that the audit would take place after the hearings, which would also provide them a useful opportunity to consider any safeguarding issues that might arise as a result.⁵⁴⁰

364. In respect of the school, the report states that safeguarding appears to be well understood, and well managed, and referred to the development of a 'strong safeguarding culture'. The report explained that nearly everyone to whom the auditors spoke credited Andrew Hobbs as 'the main ongoing force' behind the school's safeguarding improvement.⁵⁴¹ However, the point was also made that '[r]obust systems are of course more reliable than robust people who may move on, and this is a further reason to support the separation of school and monastery'.⁵⁴²

365. The report noted the child protection policy was comprehensive, and the bounds policy was generally clear and specific, although some weaknesses were identified in respect of the latter, including the question of monks' permission to be on school premises.⁵⁴³

366. In respect of recent allegations, the auditors examined 14 files, all of which involved issues that had arisen, or been reported, within the last four years. Of those, a small number fell into the category of safeguarding. The records provided a reassuring picture of responses

⁵³⁷ [Dr James Whitehead 7 December 2017 51/1-52/23](#)

⁵³⁸ [INQ001031; Dr James Whitehead 7 December 2017 87/4-88/2_89/23-91/3](#)

⁵³⁹ [INQ001031](#)

⁵⁴⁰ [INQ001188_001-002](#)

⁵⁴¹ [INQ001187_011-012](#)

⁵⁴² [INQ001187_016](#)

⁵⁴³ [INQ001187_020-022](#)

which were prompt and compliant with the need to engage statutory partners. Most cases, including cases of non-recent abuse, were found to have been well handled. However, four vulnerable areas were identified:

- a. the extent to which the wishes of parents may come into play when making safeguarding decisions
- b. concern relating to the school either being aware of possible issues, and not acting, or simply being unaware of possible triggers for responding (e.g. indications on one file of behaviour which could readily be interpreted as grooming, of which the school was apparently aware)
- c. there appeared to be an inclination to issue warnings to teachers, rather than institute formal safeguarding procedures in relation to conduct raising 'low level' concerns
- d. there was a response to a disclosure of non-recent abuse, which was of 'mixed quality'. The survivor was satisfied with the response of the school but upset by the response of the monastery⁵⁴⁴

367. The provision of safeguarding training was found to be 'thorough' and 'well regarded'. Safe recruitment was found to be extremely rigorous, and well-monitored.⁵⁴⁵ Information-sharing was found to generally work well. The report found that '[c]ase files demonstrate that information is shared appropriately with the Clifton diocesan staff in individual cases. The files show too that matters are routinely referred to the Somerset LADO service, and the LADO to whom the auditors spoke.' The report found that some improvements could be made to information-sharing in relation to the school counsellor and independent listener.⁵⁴⁶

368. In terms of the abbey, the report found the culture is perhaps less 'well-embedded'. The report noted that, in part, this is because safeguarding will be less central to the functioning of a monastery as compared to a school.⁵⁴⁷ However, the report also went on to say that 'many people at Downside, and external professionals, spoke of the genuine efforts on the part of the prior administrator and others in the abbey to improve safeguarding, and of the serious consideration they are giving to the further improvements they need to make'.⁵⁴⁸

369. One auditor looked at monastic files concerning the ongoing management of four Downside monks, one resident and three now non-resident. The abuse was non-recent. The report stated of the four, one monk lives in the diocese, is elderly and unwell, and while there would appear to be no safeguarding risk there was no risk assessment, which was poor practice. Another monk, also very elderly, lived in another diocese which manages his case in conjunction with Clifton, but the preliminary enquiry protocol review was not on the monastery files and there is no indication that his situation is regularly reviewed jointly by all those with a concern for the case. A third non-resident monk described as a high-profile figure was currently barred from any active ministry and was difficult to manage. The auditor concluded that the final monk, RC-F77, is well managed. Despite acknowledging

⁵⁴⁴ [INQ001187_025-026](#)

⁵⁴⁵ [INQ001187_030](#)

⁵⁴⁶ [INQ001187_032-033](#)

⁵⁴⁷ [INQ001187_009-010](#)

⁵⁴⁸ [INQ001187_018](#)

that there remains a reputational risk to the institution, as allowing RC-F77 to remain ‘seems to complicate the message that children’s welfare is always of paramount importance at Downside’, the report accepted that moving him elsewhere would mean fewer restrictions.⁵⁴⁹

370. On the question of the interrelationship between the school and Abbey, the report considered that there is a potential conflict of interest where the prior administrator has joint responsibility for the welfare of both the school pupils and the monastic community.⁵⁵⁰ The report found that poor safeguarding decisions had been made by Dom Leo (for example, the burning of the files and the delay in passing on Aiden Bellenger’s letters), although its aim was not to place undue emphasis on one individual.⁵⁵¹

371. The report said:

There remains within Downside a sense of deference, especially to the monastic community, but also to the whole history and culture of the organisation. Staff who felt comfortable asking anyone to make sure they were wearing their lanyards, as a key part of the mechanics of safeguarding around the site, said they could not bring themselves to challenge a monk in the same way. A sense of Downside belonging to the monks persists in the school, despite efforts to stress that the school site is there for the benefit of the children.

372. The report recommended that timely progress be made towards the corporate separation of the school and abbey.⁵⁵²

Looking forward

373. Dom Leo told us that Downside is currently working towards the school becoming separate and independent from the monastery.⁵⁵³ We were not convinced by this statement, but we now understand that after our public hearings a consultancy firm was appointed in April 2018 to manage the separation. It took nearly 10 years to organise this separation, which is yet to be complete.

374. As with Ampleforth, the evidence that we have seen and heard during the course of our Inquiry, outlined above, indicates that a number of systemic child protection and safeguarding challenges remain at Downside to this day.

⁵⁴⁹ [INQ001187_026-028](#)

⁵⁵⁰ [INQ001187_007](#)

⁵⁵¹ [INQ001187_008](#)

⁵⁵² [INQ001187_009](#)

⁵⁵³ [Dom Leo Maidlow Davis 11 December 2017 121/15-23](#)

Part D

Conclusions

Conclusions

- 1.** The true scale of sexual abuse of children in the schools that occurred over 40 years is likely to be considerably greater than numbers cited in the convictions. There were 10 men at Ampleforth and Downside, mostly monks, who were convicted of, or cautioned for, offences involving sexual activity towards children or pornography.
- 2.** Many perpetrators did not hide their sexual interests from the boys. At Ampleforth, this included communal activities, outdoors and indoors, involving fondling of children, mutual masturbation and group masturbation. The blatant openness of this behaviour demonstrates there was a culture of acceptance of abusive behaviour.
- 3.** In the matter of child protection, monks in both institutions were very often secretive, evasive and suspicious of anyone outside the English Benedictine Congregation. For decades, they tried to avoid giving information, other than what was specifically requested, to the statutory authorities, that might have assisted the investigation of the abuse of children in their care.
- 4.** Even after the Nolan Report, when monks were obliged to work with the statutory authorities and gave the appearance of cooperation and trust, their approach could be summarised as a 'tell them nothing' attitude.
- 5.** On the few occasions where parents raised complaints about sexual abuse, or were informed about it by either institution, some preferred not to have the matters treated as a crime requiring police investigation, but to keep it quiet at all costs. Their interest was to protect the school, the Benedictine Congregation and the Catholic Church. In some instances, parents also wished to protect their children from the process of police investigation.
- 6.** Both Ampleforth and Downside prioritised the monks and their own reputations over the protection of children, manoeuvring monks away from the schools in order to avoid scandal. The known risk of child sexual abuse was thus transferred to other locations. Those who received them would sometimes not be adequately informed of the risk, with the result that constraints on access to children were not fully enforced.
- 7.** Downside, in particular, tried to pave the way for the return of abusive monks, such as Nicholas White, when the boys who might have known the monk in question had left.
- 8.** Nicholas White, who was sentenced in 2012, should not have been permitted to stay at Downside School after the disclosure of abuse of one of the pupils. Nor should he have been allowed to become the victim's housemaster. In permitting this, the abbot and headmaster John Roberts showed complete disregard for the safety of the children in their care, and of the well-being of the victims. This led not only to the continued abuse of the victim but also of another boy. If they had behaved differently, the abbot and the headmaster could have prevented this abuse.

- 9.** Monks against whom an allegation had been made were on a number of occasions removed from the school but allowed to remain at the abbey, sometimes with no restrictions, sometimes under a Covenant of Care. The restriction of monks to the abbey, as a precautionary measure, had some merit but was no substitute for notifying the police of allegations or suspected abuse.
- 10.** The oversight of monks who were known or suspected abusers was rarely as vigilant as it should have been. There was a lack of effective communication within the institutions. There was also a tendency to focus on semantic arguments. Although there may have been an intention to reduce the risk to children, the safeguarding responses were almost always managed in favour of the alleged abuser.
- 11.** Porous boundaries between the abbey and school at Downside, and within the extensive grounds, made it easy for monks who were known or suspected abusers to breach the conditions of their restriction to the abbey. There was a laxity in the attitudes of abbots to the rigorous enforcement of such 'confinements'.
- 12.** The Nolan Report, in 2001, was a turning point in Catholic Church safeguarding policy and practice, but we heard no evidence that demonstrated Downside and Ampleforth did any more than pay lip service to it. There was hostility to the Nolan Report in both institutions for some years after its adoption. They seemed to take a view that its implementation was neither obligatory nor desirable. This view appeared to go unchallenged by the wider Catholic Church.
- 13.** Recently, possibly in 2012 when he was headmaster, Dom Leo Maidlow Davies spent some time removing files from the basement of a Downside building. He made several trips with a wheelbarrow loaded with files to the edge of the estate and made a bonfire of them. The fact that we do not precisely know what was burned and what the motivation was is in itself of concern. The files could have contained important information about the behaviour of individual monks and the lives of the children at the school.
- 14.** It is notable that in both Ampleforth and Downside the focus of safeguarding arrangements was to protect children from the very people – the monks and staff – charged with their care in the institution concerned.
- 15.** A strict separation between the governance of these two abbeys and schools will be required if safeguarding arrangements are to be free from the often-conflicting priorities of the abbeys. This took too long to achieve at Ampleforth. More than eight years following the Downside governing body considering the issue, Downside is still working towards the school becoming both legally and financially separate and independent of the monastery.
- 16.** On occasions abbots used semantic justifications for inadequate action. Timothy Wright at Ampleforth referred to admissions of abuse rather than disclosures of abuse, as if the distinction allowed them to avoid taking the action which Nolan prescribed on 'disclosures'. Downside suggested that a monk who regularly accessed pornography at night on a school computer using somebody else's debit card had only looked at sites involving young adult males, ignoring the safeguarding risks in such activity.

17. In both institutions, abbots designated people from within the order to carry out a form of 'risk-assessment' of known or alleged abusers, despite them having no expertise or relevant experience to do so. The results of these 'assessments' were often biased, tending to tolerate abusers and indulge behaviours as 'one-off' slips with no foundations for reaching such conclusions.

18. The actions of the statutory authorities have limited scrutiny in this investigation. In many instances they were not informed of safeguarding issues when they should have been.

19. Nevertheless, the North Yorkshire Police conducted a number of criminal investigations. On occasions their approach was patchy. In the face of opposition, they properly pursued investigations against Fr Bernard Green, but they failed to investigate David Lowe. The task of criminal investigation is made more difficult if the circumstances of offending are notified by the relevant institution some years after the event.

20. The role of inspectors and regulators in scrutinising child protection and safeguarding in these two schools, as well as in Ealing Abbey and School, will be included in the second part of the English Benedictine Congregation case study which will be published after completion of that hearing next year.

21. While some steps have been taken, neither Ampleforth nor Downside has formally established a comprehensive redress scheme, financial or otherwise, and other than in the context of this Inquiry, no public apology has been made.

22. This case study has given rise to a number of issues which have wider implications than for the English Benedictine Congregation. These include issues of self-governance relating to safeguarding, 'failure to report' and 'position of trust' offences, and the extension of statutory procedures governing state schools to independent schools. We shall address these in future Inquiry reports.

Annexes

Annex 1

Overview of process and evidence obtained by the Inquiry in connection with this public hearing

1. Definition of scope for this case study

The case study will investigate:

1.1. The English Benedictine Congregation and, consider, in particular:

- 1.1.1. The nature and extent of child sexual abuse by individuals associated with the Congregation including, but not limited to, teachers in Benedictine schools.
- 1.1.2. 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.
- 1.1.3. The adequacy of the response of the English Benedictine Congregation, the Catholic Church, law enforcement agencies, prosecuting authorities and any other relevant institutions to allegations of child sexual abuse by individuals associated with the Congregation.
- 1.1.4. 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.
- 1.1.5. 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.

2. Counsel to this investigation

Riel Karmy-Jones QC
Lois Williams
Jelia Sane
Ellen Shaw

3. Core participants with a particular interest in this case study and their legal representatives

Complainant core participants:

A43	
A44	
A45	
A46	
A47	
A48	
A49	
A50	
A51	
A52	
A53	
A54	
A64	
A65	
A66	
A69	
A70	
A72	
A75	
West London Benedictine Order Abuse Survivors	
Jonathan West	
Counsel	Iain O'Donnell
Solicitor	Richard Scorer (Slater and Gordon)
F13	
Counsel	Sam Stein QC
Solicitor	David Enright (Howe and Co)

C18	
C19	
Counsel	William Chapman
Solicitor	David Greenwood (Switalskis)
G1	
G3	
G4	
G6	
White Flowers Alba	
Counsel	Dominic Ruck Keene
Solicitor	Alan Collins (Hugh James)
G2	
Counsel	Imran Khan QC (Imran Khan and Co)

Institutional core participants:

Ampleforth Abbey Trust	
Counsel	Matthias Kelly QC
Solicitor	Giles Ward (Milners)
Downside Abbey English Benedictine Congregation Catholic Council for the Independent Inquiry into Child Sexual Abuse (CCIICSA)	
Counsel	Kate Gallafent QC
Solicitor	Stephen Parkinson (Kingsley Napley)
Adrian Child	
Eileen Shearer	
Counsel	Tania Griffiths QC and Julian King
Solicitor	Lachlan Nisbet (Brabners)
Ealing Abbey St Benedict's School	
Counsel	Alex Carlile QC
Solicitor	Anthony Nelson (Haworth and Gallagher)
North Yorkshire Police	
Counsel	Alan Payne
Solicitor	Emma Cruickshank (North Yorkshire Police Legal Department)
Metropolitan Police Service	
Counsel	Jonathan Dixey
Solicitor	Asma Karam-Aslam (Directorate of Legal Services, Metropolitan Police Service)

Secretary of State for Education	
Counsel	Cathryn McGahey QC
Solicitor	William Barclay (Government Legal Department)
Independent Schools Inspectorate	
Counsel	David Lawson
Solicitor	Sarah McKimm (Independent Schools Inspectorate Legal Department)
Ofsted	
Counsel	Jessica Simor QC
Solicitor	Sandra Walker (Ofsted Legal Services)

4. Evidence received by the Inquiry

Organisations and individuals to which requests for documentation or witness statements were sent
The English Benedictine Congregation
Ampleforth Abbey Trust
Downside Abbey and Downside School
Conference of Religious England and Wales
Catholic Safeguarding Advisory Service
Charity Commission
Diocese of Middlesbrough
Lucy Faithfull Foundation
North Yorkshire Police
Avon and Somerset Constabulary
Northamptonshire Police
Cumbria Constabulary
Ofsted
Clifton Diocese
Diocese of East Anglia
Diocese of Northamptonshire
Department for Education
Independent Schools Inspectorate
Crown Prosecution Service
National Probation Service
Somerset County Council
North Yorkshire County Council
Elizabeth Mann

Malcolm Daniels

St Luke's Centre

5. Disclosure of documents

Total number of pages disclosed	62,898
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6. Public hearings including preliminary hearings

Preliminary hearings	
1	28 July 2016
2	6 June 2017
3	5 October 2017
Substantive public hearings	
Day 1-5	27 November 2017 - 1 December 2017
Day 6-10	4 December 2017 - 8 December 2017
Day 11-15	11 December 2017 - 15 December 2017

7. List of witnesses

Forename	Surname	Title	Called/Read	Hearing day
Luke	Beckett	Father	Read	2
Christopher	Thomas	Rev	Read	2
Paul	Smyth	Father	Read	2
Christopher	Pearson	Mr	Read	2
Colette	Limbrick	Ms	Read	2
Richard	Yeo	Dom	Called	2, 12, 13
RC-A2			Called	3
RC-A61			Called	3
RC-A154			Read	3
RC-A182			Read	3
Nicholas Mark	Hartnett	Mr	Read	3
RC-A30			Called	3
Eileen Lesley	Shearer	Ms	Called	4
George	Corrie	Father	Sworn	5
Arthur David	Molesworth	Mr	Called	5
Lisa	Winward	Detective Chief Constable	Called	5
Leo	Chamberlain	Father	Called	6

Barry	Honeysett	Mr	Called	6
RC-A154			Read	7
Dominic	Milroy	Father	Read	7
Susie	Hayward	Ms	Read	7
Cuthbert	Madden	Abbot	Called	7
RC-A117			Called	8
Michelle Jane	Dziadulewicz	Mrs	Called	8
RC-A221			Called	9
James Sebastian	Whitehead	Dr	Called	9
Liam Dominic Vincent	Ring	Mr	Called	9, 10
Mark Arthur	White	Mr	Called	10
Charles	Fitzgerald-Lombard	Dom	Called	10
Dominic Aidan	Bellenger	Dom	Called	11
Andrew Richard	Hobbs	Mr	Called	11
Leo	Maidlow Davies	Dom	Called	11, 12
Adrian	Child	Mr	Called	13
Claire	Winter	Ms	Called	13
Helen	Humphries	Mrs	Called	13
Kate	Richards	Ms	Called	13

8. Restriction orders

On 15 August 2016, the Chair issued a restriction order under s.19(2)(b) of the Inquiries Act 2005, granting general anonymity to all core participants who allege that they are the victim and survivor of sexual offences (referred to as ‘complainant CPs’).¹ The order prohibited (i) the disclosure or publication of any information that identifies, names or gives the address of a complainant who is a core participant; and (ii) the disclosure or publication of any still or moving image of a complainant CP. The order meant that any complainant CP within this investigation was granted anonymity, unless they did not wish to remain anonymous. That restriction was amended on 23 March 2018 but only to vary the circumstances in which a complainant CP may themselves disclose their own CP status.²

On 8 December 2017, the Chair issued a restriction order under s.19(2)(b) of the Inquiries Act 2005,³ prohibiting the disclosure or publication of the name of any individual whose identity has been redacted or ciphered by the Inquiry in connection with its investigation into the English Benedictine Congregation, as part of the wider Roman Catholic Church investigation and referred to during the course of the

¹ https://www.iicsa.org.uk/key-documents/791/view/restriction-order-15-august-2016_2.pdf

² <https://www.iicsa.org.uk/key-documents/791/view/restriction-order-complainant-core-participants-23-march-2018.pdf>

³ <https://www.iicsa.org.uk/key-documents/3494/view/2017-12-08-restriction-order-re-documents-published-inquiry-website-during-ebc-case-study-public-hearing-.pdf>

evidence. This includes, but is not limited to, the identities of individuals ciphered within the documentation or referred to in the transcripts published in the following ways:

- a. On the 'hearings' and 'documents' pages of the Roman Catholic Church section of the Inquiry's website.
- b. In any report of the Inquiry published in connection with this investigation, and any documents published with it.

9. Broadcasting

The Chair directed that the proceedings would be broadcast, as has occurred in respect of public hearings in other investigations. For anonymous witnesses, all that was 'live streamed' was the audio sound of their voice.

10. Redactions and ciphering

The material obtained for the investigation was redacted, and where appropriate, ciphers applied, in accordance with the Inquiry's Protocol on the Redaction of Documents.⁴ This meant that (in accordance with Annex A of the protocol), absent specific consent to the contrary, the identities of complainants, victims and survivors of child sexual abuse and other children was 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 abuse 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 that are, or are believed to be, alive, the Inquiry may take the fact that an individual is deceased into account when considering whether or not to apply redactions in a particular instance.

The protocol anticipates that it may be necessary for core participants to be aware of the identity of individuals whose identity has been redacted and in respect of whom a cipher has been applied, if the same is relevant to their interest in the case study. Therefore, the Inquiry varied the Restriction Order and circulated to certain core participants a key to some of the ciphers.

⁴ https://www.iicsa.org.uk/key-documents/322/view/inquiry-protocol-on-redaction-of-documents_2.pdf

11. Warning letters

Rule 13 of the Inquiry Rules 2006 provides:

- (1) The chairman may send a warning letter to any person –
 - a. he considers may be, or who has been, subject to criticism in the inquiry proceedings; or
 - b. about whom criticism may be inferred from evidence that has been given during the inquiry proceedings; or
 - c. who may be subject to criticism in the report, or any interim report.
- (2) The recipient of a warning letter may disclose it to his recognised legal representative.
- (3) The inquiry panel must not include any explicit or significant criticism of a person in the report, or in any interim report, unless –
 - d. the chairman has sent that person a warning letter; and
 - e. 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 of terms

Abbot/Abbess	The superior of a religious community responsible for governing their institution's life and work. (See religious superior) ¹
Abbot president	The leader of a Benedictine Congregation. ² In the context of this report, the English Benedictine Congregation.
Abbot primate and the Congress of Abbots	The abbot primate is the representative of all the Benedictine congregations, including the EBC, in Rome. The abbot presidents of the Benedictine Confederation meet every four years at the Congress of Abbots to elect the abbot primate, who serves for four years as the Confederation's representative leader. ³ The abbot primate has a council to advise him, including the 'vicar of the abbot primate' who in the event of the abbot primate being unable to act or ceasing to act for any reason would take over on a temporary basis. ⁴
Apostolate	Internal apostolate is the work carried out within the religious community, and external apostolate relates to work in parishes or schools where the community also carry out the work of the Church. ⁵
Apostolic visitation	A visitation (see also 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. ⁶
Benedictine Confederation	The Benedictine Confederation is 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 (EBC) is one, has its own abbot president. The Confederation has its headquarters at Sant'Anselmo in Rome, which is the seat of the abbot primate, who is currently Gregory Polan OSB (2016). ⁷ Today there are many affiliated Benedictine congregations around the world, as well as Benedictine orders in England and Wales, but only 10 of these are English Benedictine monasteries. ⁸
Chapter	A Chapter is when the monks or nuns of a monastery meet together as an assembly or body which assists the abbot or abbess in governing the monastery. ⁹

¹ BNT004910_003

² BNT004911; BNT004910_010-011

³ BNT004910_011; Dom Richard Yeo 28 November 2017 86/22-87/18; 100/1-15; 105/19-24; 128/19-129/3

⁴ Dom Richard Yeo 28 November 2017 89/5-16

⁵ AAT000966_038

⁶ BNT004911

⁷ Dom Richard Yeo 28 November 128/15-129/3; <https://www.osb.org/the-benedictine-order/the-benedictine-confederation/>

⁸ <http://www.osb.org/intl/confed/confed.html>; BNT004910_011

⁹ BNT004911; BNT004910_005

Charity Commission	The Charity Commission is a non-ministerial government department that regulates registered charities in England and Wales and maintains the Central Register of Charities. ¹⁰
Code of Canon Law	The system of laws which govern the Catholic Church is known as the Code of Canon Law. ¹¹ The most recent version is the 1983 Code. Canon law is not an alternative or replacement for English law but a complementary system to English law and it has no role in the primary response to allegations of child sexual abuse. ¹²
Constitutions of the EBC	Every religious congregation has constitutions. Benedictine monastic congregations have constitutions as well as the Rule of St Benedict ('the Rule'). Constitutions of the EBC govern all its monasteries, and individual monasteries do not have individual constitutions. Nuns of the EBC have a different set of constitutions to the monks. The constitutions consist of two parts: (i) The Declarations on the Rule – this is complementary to the Rule of St Benedict. (ii) The Statutes – these set out the structure and government of the congregation as a whole. ¹³
Covenant of Care	Following the Nolan Report, the Catholic Church began a new policy asking individuals about whom a concern had been made to accept a Covenant of Care (now called a safeguarding plan). They are agreements drawn up between the Church and the individual in question to minimise risks to others by making clear what conditions and restrictions apply, as well as what support is available. ¹⁴
Customary	A written document that sets out the customs of each monastery. ¹⁵
Delict	A crime in canon law, an external violation of a law or precept gravely imputable by reason of malice or negligence. ¹⁶ This is not the same definition as a delict in civil law jurisdictions.
Gravus delictum	A more serious delict, for example the sexual abuse of minors by a cleric. ¹⁷
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. ¹⁸ 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. ¹⁹

¹⁰ <https://www.gov.uk/government/organisations/charity-commission/about>

¹¹ BNT004911; BNT004910_008

¹² AAT000958_004-005

¹³ BNT004911; BNT004910_008-009

¹⁴ https://www.csas.uk.net/_cm_faqs.php

¹⁵ BNT004911

¹⁶ BNT006439_011; http://www.vatican.va/resources/resources_glossary-terms_en.html

¹⁷ BNT003825; BNT006439_11

¹⁸ AAT000958_005

¹⁹ Dom Richard Yeo 28 November 2017 111/12-112/18

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. ²⁰
Exclaustration	Exclaustration is the formal authorisation that a monk should reside outside their monastery for a three-year period, usually with a view to discerning whether to depart definitively. Exclaustration is not the same as dispensation. The exclaustrated monk remains a monk, and remains bound both by his vows and to his Abbey. Qualified exclaustration (<i>exclaustration qualificata</i>) is where a monk is authorised to live for a limited time as a layman, without exercising priestly duties and free from all clerical obligations apart from celibacy. This is granted in circumstances where there is reasonable hope that the monk will return to his vocation. ²¹
Excommunication	Excommunication is the most severe form of penalty available under canon law. The concept of excommunication is depriving a person of community life and the disciplinary code contains spiritual advice on excommunication. In practical terms someone who has been excommunicated may not receive any of the sacraments or hold any position of office or authority within the Church. ²²
Extraordinary visitations	A visitation (see visitations) held outside of the regular four-yearly intervals of the ordinary visitations and held when needed, usually for serious or grave reasons. ²³
First assistant	The senior member of the council of the abbot president, who takes on the role of the abbot president for the monastery of which the abbot president is a member. ²⁴

²⁰ BNT004910_018; Dom Richard Yeo 28 November 2017 98/21-99/21

²¹ INQ001046_048; BNT006861_007_068; Mr Barry Honeysett 4 December 2017 100/10-14

²² Dom Richard Yeo 28 November 2017 146/12-21; BNT006861_025-026

²³ BNT004911; BNT004910_010-011

²⁴ BNT004911

General Chapter of the EBC	<p>All Roman Catholic congregations, including the 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, or chapters. Ordinary chapters are held every four years and extraordinary chapters are held in times of need. The last extraordinary chapter was held in 2015.²⁵</p>
Holy See	The Holy See is the central administration of the Catholic Church which includes the Pope and the offices of the Vatican. ²⁶ It is located in Vatican City, Italy. ²⁷
Laicisation	Laicisation is the loss of the clerical state, either through dismissal for offences or through a request from the individual themselves, for example to enable a monk to marry. ²⁸
List 99	List 99 was a list of people whose employment with children was prohibited or restricted by the Secretary of State for Education and Skills. It was replaced in 2009 by the Children's Barred List, which was formerly maintained by a non-departmental public body known as the Independent Safeguarding Authority. In 2012, the Independent Safeguarding Authority merged with the Criminal Records Bureau to form the Disclosure and Barring Service. ²⁹
Lourdes	A small town in France, where the Sanctuary of Our Lady of Lourdes is situated. It is a destination of Catholic Pilgrimage as it is said to have been the site of an apparition of the Virgin Mary, and is believed to be a place of miraculous healing. ³⁰
Monastic Congregation	A union of several autonomous monasteries, under a superior. ³¹
Motu proprio	An edict issued personally by the Pope, signed by him, and addressed to either the whole Church or part of it. ³²

²⁵ [BNT004911](#); [BNT004910_009-010](#)

²⁶ [AAT000966_012](#); [BNT004911](#)

²⁷ <http://www.vaticanstate.va/content/vaticanstate/en.html>

²⁸ [BNT004910_017](#)

²⁹ [DFE000586_001-002](#); <https://www.criminalrecordchecks.co.uk/other-services/list-99>

³⁰ <https://www.lourdes-france.org/en>

³¹ [BNT004911](#); [BNT004910_003](#)

³² [BNT006439_011](#)

<p>Novice</p>	<p>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.³³</p>
<p>Our Lady of Victory, Brownhill</p>	<p>A therapeutic community (now closed) for the treatment of priests and religious who have problems, including those of alcohol or sexual addiction.³⁴</p>
<p>Police caution</p>	<p>In England and Wales, a police caution is an alternative to prosecution and can be given by the police to anyone aged 10 or over for minor crimes. Before a caution can be given, the individual must admit their guilt and agree to be cautioned; if the individual does not agree, they can be arrested and formally charged. A caution is not a criminal conviction, but can be used as evidence of bad character and will show on standard and enhanced Disclosure and Barring Service (DBS) checks.³⁵</p>
<p>Pontifical Right</p>	<p>A congregation which is under the jurisdiction of the Pope for matters regarding its internal affairs.³⁶</p>
<p>Postulant</p>	<p>An individual seeking to become a monk can begin as a postulant, usually after several visits to the monastery they wish to join. The postulancy is for the length of time determined by the abbot of the community the postulant is seeking to join, during which they share life and work of novitiate by attending prayers and studying some aspects of monastic life. The purpose of this is to get to know the monks and consider their future, before undertaking the period of the novitiate.³⁷</p>
<p>Preliminary enquiry protocol</p>	<p>Where there are allegations or concerns regards an accused individual's conduct with children or vulnerable adults within the Church, a preliminary enquiry is used to assess any internal risk. This can include (but is not limited to) allegations investigated by the police, resulting in no charges or an acquittal. The safeguarding coordinator undertakes an initial assessment to determine if there is any basis for the allegations. If there appears to be a basis for the allegations, and with the approval of the Safeguarding Commission, the safeguarding coordinator must appoint an independent person (from an approved list) to carry out further enquiries and produce a report within six months.³⁸</p>
<p>Priest (Priesthood)</p>	<p>A priest may be connected to a diocese or religious order and so a monk may also be ordained as a priest and take up 'active ministry', which means doing the work of a priest in a parish, including celebrating mass and hearing confession.³⁹</p>

³³ <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

³⁴ Dr James Whitehead 7 December 2017 85/15-20

³⁵ <https://www.gov.uk/caution-warning-penalty>

³⁶ BNT004911

³⁷ <https://www.downside.co.uk/benedictine-monastery/a-monastic-vocation/stages-becoming-monk/>; BNT006861_049-050

³⁸ <https://www.csas.uk.net/publicdocuments/Information%20Sheet%201.pdf>

³⁹ CHC000396_014; http://www.vatican.va/archive/ccc_css/archive/catechism/p2s2c3a6.htm

Prior	An abbot is supported by his prior, who 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. ⁴⁰
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. ⁴¹
Religious life	A form of consecrated life within the Church wherein the members profess vows of chastity, poverty and obedience within a congregation approved by the Church. ⁴²
Religious order	A religious order is a group of men or women with a particular spiritual focus. ⁴³
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. ⁴⁴
Roman Curia	The central government of the Church (including its administrative function) which exists to support and serve the Pope whilst exercising his authority. ⁴⁵
Rule of St Benedict	The Rule of St Benedict ('The Rule') was 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. ⁴⁶
Seal of confession	<p>The act of confession is a confession to God typically made to a priest (required to take confession under canon law) who is considered to be a conduit of the confession.</p> <p>The seal of confession is the absolute duty of priests not to disclose anything that they might learn from a person during the course of a confession. It is inviolable, which means it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason. That means that the identity, the sin, any ancillary details, or whether absolution was granted or refused cannot be disclosed. Canon law states that any priest who does break the seal may be excommunicated.⁴⁷</p>
Seven sacraments	According to Catholic theology there are seven sacraments (or rites) of the Catholic Church. The seven sacraments are baptism, confirmation, Eucharist, reconciliation (confession), anointing of the sick, Holy Orders and matrimony. ⁴⁸

⁴⁰ Fr George Corrie 1 December 2018 9/18-25; [AAT000966_010](#)

⁴¹ [BNT004911](#); [BNT004910_003](#)

⁴² [BNT004911](#); [BNT004910_003](#)

⁴³ [CHC000396_013-014](#)

⁴⁴ [BNT004911](#); [BNT004910_003](#)

⁴⁵ [BNT004911](#); http://www.vatican.va/roman_curia/index.htm

⁴⁶ [BNT004911](#); Dom Richard Yeo 28 November 2017 94/7-25; 100/21-101/8; 141/10-25; 143/1-5

⁴⁷ [AAT000958_006-007](#)

⁴⁸ http://www.vatican.va/archive/ccc_css/archive/catechism/p2s2.htm

Sex Offenders Register	The Sex Offenders Register holds the details of people who have been convicted, cautioned or released from prison for sexual offence against children or adults. Introduced September 1997 after being established by the Sex Offenders Act 1997 (amended by the Sexual Offences Act 2003). ⁴⁹ The register is monitored by the police.
Visitations	Inspections of the EBC monasteries conducted by the abbot president (and his assistants) which take place approximately every four years, whose 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. These 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. ⁵⁰
Vows	Temporary vows: after the period of the novitiate, if the individual wishes to commit to the monastic way of life, he must apply to the institution he wishes to join. If accepted, the individual makes a temporary commitment (usually three years). During those years the individual takes further study to expand his understanding of the monastic life and the Catholic faith. Solemn vows: after the three years of temporary vows the individual in question can make his solemn vows to become a member of the community as a monk and then gains the right to discuss and vote on issues in the community. ⁵¹

⁴⁹ Sex Offenders Act 1997; Sexual Offences Act 2003

⁵⁰ BNT004911; BNT004910_010-011; Dom Richard Yeo 28 November 2017 91/12-22; 105/4-10; 107/5-109/17

⁵¹ Dom Charles Fitzgerald-Lombard 8 December 2017 79/4-14; 109/7-22; BNT003832_010-012

Annex 3

Acronyms

AAT	Ampleforth Abbey Trust AAT is a parent trust. It owns all the buildings and property of Ampleforth Abbey and is concerned with the running of the monastery and abbey. ¹
CBC	Catholic Bishops' Conference of England and Wales CBC is the official, permanent assembly of Catholic Bishops in England and Wales made up of the archbishops, bishops and auxiliary bishops of the 22 Catholic dioceses, together with some others. ²
CDF	Congregation for the Doctrine of the Faith CDF is one of the congregations of the Roman Curia. Its responsibilities include promoting safeguarding and exercising its judicial function. ³
CICLSAL	Congregation for Institutes of Consecrated Life and Societies of Apostolic Life CICLSAL is the office of the Vatican which is responsible for supervising the different religious communities in the Catholic Church. ⁴
COPCA	Catholic Office for the Protection of Children and Vulnerable Adults Recommendation 16 of the Nolan Report led to the establishment of the Catholic Office for the Protection of Children and Vulnerable Adults COPCA in 2002. ⁵ This organisation was replaced by CSAS (see CSAS).
COR	Conference of Religious COR is an unincorporated association established for the benefit of the major superiors of the religious congregations in England and Wales who choose to join, including the English Benedictine Congregation ('EBC'). The COR encourages collaboration between congregations and their superiors but does not compromise their autonomy. ⁶
CPR	Child protection representative Each monastery appoints its own CPR, whose remit should be distinct from that of the CPR of any school or parish attached to the monastery. ⁷

¹ Abbot Cuthbert Madden 5 December 37/23-25

² <http://www.cbcew.org.uk/>

³ AAT000966_012-013; CHC000396_004

⁴ BNT004911; AAT000966_012-013; CHC000396_014

⁵ CSA005625_002

⁶ BNT004911; <http://www.corew.org/>; CEW000014_002

⁷ AAT000472_001

CSCI	The Commission for Social Care Inspection The CSCI replaced the NCSC by amendments made by the Health and Social Care (Community Standards and Health) Act 2003 to carry out 'the welfare inspection duty'. ⁸
CSAS	Catholic Safeguarding Advisory Service CSAS is the national agency for driving and supporting improvements in safeguarding practice within the Catholic Church in England and Wales. ⁹ This organisation replaced COPCA (see COPCA) from 1 July 2008 on the basis of recommendation 3 of the Cumberlege Report, ¹⁰ and is responsible for implementation, training and advice. ¹¹
DBS/CRB/ISA	The Disclosure and Barring Service DBS replaced the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) 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. ¹²
DfE	Department for Education The DfE is responsible for children's services and education, including early years, schools, higher and further education policy, apprenticeships and wider skills in England. Their responsibilities include teaching and learning for children in the early years and in primary schools and secondary schools. ¹³ This department replaced DES (see DES) in 1992, then became the Department for Education and Employment (DfEE) in 1995, then the Department for Education and Skills (DfES) in 2001, then the Department for Children, Schools and Families (DCSF) in 2007, before becoming the Department for Education again in 2010.
DES	Department of Education and Science Replaced by the DfE (see DfE) in 1992.
DSL	Designated safeguarding lead The DSL has several responsibilities set out in the school's child protection policy. These duties include being the first point of contact in matters of child protection and safeguarding. The DSL liaises closely with the relevant LADO (see LADO). ¹⁴
ISI	Independent Schools Inspectorate The ISI has a number of functions, including inspecting and monitoring the educational, boarding care and early years provision of association independent schools against standards set by the government and publishing reliable objective reports, as well as evaluating the educational provision of association schools against the ISI inspection framework. ¹⁵

⁸ [OFS005003_004-005](#)

⁹ [CSA005625_002](#)

¹⁰ [CSA005625_004](#)

¹¹ [CEW000014_012-013](#)

¹² <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

¹³ <https://www.gov.uk/government/organisations/department-for-education/about>

¹⁴ [BNT006646_011](#)

¹⁵ https://www.isi.net/about/what-we-do; ISI000232_001-002

LADO	Local authority designated officer The role and responsibilities of the LADO are set out in the Working Together guidance 2015. Their role is to give advice, liaise with other agencies and investigate allegations on behalf of the local authority. Every agency that works with children should have a designated officer whose role is to liaise with the LADO. ¹⁶
LFF	The Lucy Faithfull Foundation A charitable organisation which works with individuals in an effort to prevent child sexual abuse as well as with victims of abuse and other family members. ¹⁷
MAPPA	Multi-agency public protection arrangements The name given to arrangements in England and Wales for the responsible authorities tasked with the management of registered sex offenders, violent and other types of sexual offenders, and offenders who pose a serious risk of harm to the public. The responsible authorities of the MAPPA include the National Probation Directorate and England and Wales police forces. ¹⁸
NCPU	National Child Protection Unit The Nolan Report in recommendation 3 stated the National Child Protection Unit would advise dioceses and orders, coordinate where necessary, and monitor and report on progress. ¹⁹
NCSC	National Care Standards Commission Amendments to the Children Act 1991 transferred the 'welfare inspection duty' to the NCSC. The NCSC was replaced by the Commission for Social Care Inspection (CSCI) by amendments made by the Health and Social Care (Community Standards and Health) Act 2003. ²⁰
NCSC	National Catholic Safeguarding Commission In April 2008, the recommendations of the Cumberlege Commission were accepted. This included the establishment of the National Catholic Safeguarding Commission (NCSC) and CSAS (see CSAS). The NCSC is responsible for safeguarding policy development and compliance and for setting and directing the work of CSAS. ²¹
NFA	When the police determine that 'No further action' is necessary or possible to be taken when investigating potentially criminal matters. ²²
Ofsted	Office for Standards in Education, Children's Services and Skills Ofsted is a non-ministerial government department who inspect and regulate services that care for children and young people, and services providing education and skills. ²³

¹⁶ SOM000012_001-002

¹⁷ <https://www.lucyfaithfull.org.uk/>

¹⁸ <https://www.gov.uk/government/publications/multi-agency-public-protection-arrangements-mappa--2>

¹⁹ CEW000014_008

²⁰ OFS005003_004-005

²¹ CEW000014_012-013

²² <https://www.iicsa.org.uk/interim-report/overview/operation-hydrant>

²³ <https://www.gov.uk/government/organisations/ofsted/about>

PCPM	Pontifical Commission for the Protection of Minors A commission, forming part of the Holy See, established by Pope Francis in 2014. Its purpose is to propose initiatives to the Pope for the purpose of promoting local responsibility in churches for the protection of minors and vulnerable adults. ²⁴
SCIE	Social Care Institute for Excellence The Social Care Institute for Excellence (SCIE) was set up by the Government in 2001 as part of their strategy to improve social care provision and practice. SCIE develops and promotes knowledge about good practice in social care and social work by undertaking research and training. ²⁵
SLET	St Laurence Educational Trust ²⁶ Ampleforth School has been run by a separate educational trust, the SLET, since 1997. ²⁷ SLET is a wholly owned subsidiary trust of the AAT (see AAT). SLET and its trustees are responsible for the the governance of both Ampleforth College and SMA (see SMA). ²⁸
SLT	The school leadership team for Downside School Executive authority from the school's governing body is delegated to the headmaster and the school leadership team. ²⁹
SMA	St Martin's Ampleforth In 2001, Ampleforth College Junior School merged with St Martin's, a small local preparatory school eight miles away in Nawton, becoming St Martin's Ampleforth (SMA). ³⁰

²⁴ [BNT004911](#)

²⁵ <https://www.scie.org.uk/>

²⁶ [AAT000962_004](#)

²⁷ Oral closing submissions on behalf of Ampleforth to IICSA, 15 December 2017, paragraph 3

²⁸ [Abbot Cuthbert Madden 5 December 2017 38/1-4](#)

²⁹ [BNT006645_004-005](#)

³⁰ [AAT000962_005](#) paragraph 17

Annex 4

Extract from the Nolan Report

Summary of recommendations

(Those of particular relevance to our Inquiry and the evidence that we heard are highlighted in bold)

1. The Catholic Church in England and Wales should be an example of best practice in the prevention of child abuse, and in responding to it. (3.1.7)
2. The top priority is to have preventative policies and practices operating effectively in parishes, dioceses and religious orders that will minimise the opportunity for abuse. (3.1.8)
3. The whole Church in England and Wales and the individual bishops and religious superiors should commit themselves to
 - a single set of policies, principles and practices based on the Paramountcy Principle, the 13 principles of Safe From Harm, and the revised Working Together guidelines;
 - effective and speedy implementation in parishes, dioceses and religious orders, including a comprehensive programme to raise awareness and train those involved in implementing child protection policies;
 - an organisational structure in the parish, supported by the Child Protection Co-ordinator and his/her Teams at the diocese and in religious orders;
 - a national capability (the National Child Protection Unit) which will advise dioceses and orders, co-ordinate where necessary, and monitor and report on progress; and
 - the provision of adequate resources to support these arrangements. (3.1.12)

Policy statement

4. The Church should adopt this policy statement:

The Church recognises the personal dignity and rights of children towards whom it has a special responsibility and a duty of care. The Church, and individual members of it, undertake to do all in their power to create a safe environment for children and to prevent their physical, sexual or emotional abuse. The Church authorities will liaise closely with statutory agencies to ensure that any allegations of abuse are promptly and properly dealt with, victims supported and perpetrators held to account. (3.1.13)

Organisation

In the parish

5. A lay Parish Child Protection Representative (PCPR) should be appointed in every parish and have these general responsibilities, to ensure:

- that diocesan policies and procedures are known and followed,
- that awareness is raised, and
- that principles are worked through into everyday practice. (3.2.3)

6. The PCPR should be appointed by the diocesan Child Protection Co-ordinator (see below) after appropriate consultation in the parish. (3.2.3)

7. PCPRs within each deanery should meet together regularly to provide each other with mutual support and help. (3.2.4)

In the diocese and religious order

8. Each bishop and religious superior should appoint a Child Protection Co-ordinator (CPC) for the diocese or religious order. Religious orders may, where appropriate, jointly appoint a CPC or they may request a diocesan CPC to act for them. In the larger dioceses and religious orders the role of CPC is likely to be a full-time responsibility. (3.2.6)

In seminaries and other training institutions

9. Seminaries and other institutions where candidates for the priesthood or permanent diaconate are trained should also appoint Child Protection Co-ordinators and implement child protection arrangements as prescribed in this report for dioceses or religious orders. (3.2.7)

10. The Child Protection Co-ordinator and his/her team will (a) ensure that the diocese (or religious order or seminary) has implemented the national policies, principles and practices through guidelines based on Safe From Harm and Working Together to prevent abuse, and regularly reviews its performance; (b) help parishes and others in the diocese (or religious order or seminary) apply the guidelines – by giving advice on how to apply them and how to make the necessary contacts and checks, by facilitating training and awareness events, and so on; and (c) oversee arrangements for responding to allegations and for risk assessment. (3.2.8)

11. The CPC does not need to be a child care professional but he/she must have the time, resources, training and supporting arrangements (including access to professional support) to do the job properly. (3.2.9)

12. The CPC and his/her team should take steps to form and maintain close liaison with the statutory agencies and the statutory Area Child Protection Committees. (3.2.10)

13. What matters is that the CPC is the right person for the job irrespective of whether they are clerical or lay, female or male. (3.2.11)

- 14.** We commend arrangements (based on one diocese) where there is an overarching Child Protection Policy Team having the oversight of further teams focusing on (i) implementation and training, (ii) response to allegations and risk assessment, and (iii) pastoral care. (3.2.12)
- 15.** Each CPC should make an annual report to the bishop (or religious superior) on actions taken and progress made during the year. Copies of these reports should be sent to the National Child Protection Unit. (3.2.13)

Nationally

- 16.** A National Child Protection Unit (NCPU) should be set up. It would advise the Conferences of Bishops and Religious on child protection policies and principles, give expert advice and moral support to dioceses and religious orders, collect and disseminate good practice, hold databases of training facilities and other useful information, and maintain the central confidential database of information (see Recommendation 37). The Unit would liaise with the statutory agencies (including the Criminal Records Bureau) at national level, with professional bodies and leading charities in the field and with other churches. (3.2.14)
- 17.** The Unit should also collect data, monitor that effective arrangements are implemented in dioceses and religious orders, and seek to secure improvements where necessary. (3.2.14)
- 18.** The Unit should make regular reports to diocesan bishops and religious superiors on the effectiveness of arrangements in each diocese and order. (3.2.14)
- 19.** The Unit should make a public annual report to the Bishops' Conference on the overall position in dioceses, and a public annual report to the Conference of Religious on the position in religious orders. (3.2.14)
- 20.** The Unit should have a standing advisory (or reference) group with which it can consult and discuss issues, and which will include professionals in the field, representatives of the relevant statutory agencies and other major stakeholders. (3.2.17)

NOTE: Other recommendations for the National Child Protection Unit are at numbers 22, 23, 24, 27, 44, 57, 60, 72, 81 and 82.

Creating a safe environment

- 21.** The Church should adopt the 13 principles in the Home Office document Safe From Harm and policies from Working Together as the guiding principles to create a safe environment for children and to keep them safe from harm. (3.3.1)
- 22.** The NCPU should issue recommended codes of conduct and practical guidance on safe working with children, and keep them under review. (3.3.6)
- 23.** The National Unit should issue guidance on raising the awareness of children on child protection issues. (3.3.7)
- 24.** The guidance issued by the NCPU under Recommendation 22 should cover advice for adults other than workers as to what is appropriate and inappropriate behaviour and what children's expectations should be. (3.3.8)

25. The sacrament of reconciliation (confession) for children should wherever possible be administered in a setting where both priest and child can be seen but not heard. (3.3.9)

26. Each diocese should make arrangements either at diocesan or parish level to ensure that there is an independent person for children to talk with. Their contact details, together with contact details for appropriate children's helplines, should be easily available in the parish church and other places where activity with children takes place. Some parishes may wish to appoint their own independent person. (3.3.10)

27. For all posts (paid or voluntary) involving work with children there should be clear job descriptions. The National Unit should prepare and circulate model job descriptions for a range of posts. (3.3.12)

28. For all posts (paid or voluntary) involving work with children there should be effective supervision providing an opportunity to review progress and discuss issues. (3.3.13)

Selection and appointment

29. Before taking up a post (paid or voluntary) involving work with children, those concerned should complete an application, give references, give details of any relevant previous criminal convictions and agree to a criminal record check. (3.3.15)

30. Failure to comply with Recommendation 29 must mean that the individual cannot be appointed to the post. (3.3.16)

31. References must be taken up, and the candidate must be given a personal interview. Any doubts must be pursued. (3.3.16)

32. On appointment, individuals should serve a probationary period before being confirmed in the post. (3.3.16)

33. **The Church and relevant Church organisations should register with the Criminal Records Bureau and use its services as a matter of course.** (3.3.17)

34. Recommendations 29 to 33 should be strictly applied when candidates are being considered for ordination, and those involved in their initial selection and in their continuing formation before ordination should err on the side of caution. (3.3.18)

35. Bishops and religious superiors should not overrule Selection Boards where reservations are expressed about a candidate's suitability for ordination on the grounds of possible risks to children. (3.3.19)

36. **It is essential that seminary rectors and others responsible for the formation and ordination of candidates should have access to all the necessary information from the selection process.** (3.3.20)

37. **The Church should maintain a single national database of information on all applicant candidates for ordained priesthood, the permanent diaconate, and male and female applicants for the consecrated life, and decisions should not be made by Selection Boards, bishops or religious superiors without reference to it. Successful candidates should continue to be included in the database.** (3.3.20)

- 38.** Dioceses and religious orders should themselves maintain records of checks and references on prospective staff and volunteers for the diocese or order, and such records should be consulted by other dioceses and orders as necessary. (3.3.21)
- 39.** Paid workers and volunteers who are already in posts working with children, and who did not go through our recommended procedures or something like them on appointment, should now give details of any relevant previous criminal convictions and agree to a criminal record check. (3.3.22)
- 40.** The idea of a National Selection Board for candidates should be considered for adoption if implementation of Recommendations 34 to 37 fails to secure uniformity of approach. (3.3.23)
- 41.** Candidates from other countries for clerical, lay or voluntary posts should be the subject of the procedures in the preceding recommendations. (3.3.24)
- 42.** When individuals from England and Wales go to serve elsewhere, any relevant concerns should be explicitly made known to the new employer even if they are not requested, and in all cases any relevant information requested by the new employer should be willingly and candidly provided. Where the employer is in fact based in England and Wales (e.g. a religious order), they should follow the same principles as we have recommended for use in this country. (3.3.25)

Review

- 43.** On moving to a new post outside the diocese, diocesan clergy, those who belong to religious orders, and lay workers should have their position reviewed and appropriate action taken if necessary. (3.3.26)

Training and awareness

- 44.** Training and the raising of awareness is a key requirement. Child Protection Co-ordinators have a particular responsibility for ensuring that appropriate training and awareness raising is undertaken; the National Unit will have a facilitating role. (3.3.30)

Records

- 45.** As far as possible, records should be made at the time of a check, allegation or other event (so that the memory is fresh and accurate). (3.4.1)
- 46.** Confidentiality of records should be scrupulously maintained. Information in them should only be released to those in positions of responsibility who have good reason to need it for the protection of children. (3.4.1)
- 47.** Records in relation to individuals and allegations should be kept for a long time – we recommend 100 years as a minimum. (3.4.1)

Responding to allegations

Structures

- 48.** The CPC must ensure that arrangements and trained personnel are in place to respond to allegations. (3.5.3)

49. Every diocese and religious order must have a properly composed Child Protection Management Team to deal effectively with any reports or incidents. (3.5.4)

50. The CPC should normally chair the Child Protection Management Team, which should include suitably trained child care professionals, a solicitor, a communications officer, a lay person and a priest. Other expert members may be appropriate in particular circumstances. (3.5.4)

51. The Child Protection Management Team should meet at least quarterly. Its tasks include advising and supporting the CPC, assisting with decision making, hearing what action has been taken in response to disclosures or suspicions, ensuring that the statutory agencies are involved with appropriate speed, receiving information on steps taken to remove paid or lay workers, or a priest, from post while enquiries are made, and satisfying themselves that arrangements are made to safeguard the interests of children. (3.5.5)

Disclosures and suspicions

52. Disclosures and suspicions should always be acted on swiftly. The Paramountcy Principle (that the welfare of the child is the paramount consideration in proceedings concerning children) applies. (3.5.6)

53. Anybody who receives a disclosure should advise the maker of it to share it with the statutory agencies and the CPC as soon as possible and should support him or her in doing so, especially if the maker of the disclosure is a child. The person receiving the disclosure should him/herself share it with the statutory agencies and the CPC if he/she believes that it will not otherwise be shared with them. (3.5.6)

54. Anybody who receives a suspicion should advise the reporter of it to share it at least with the CPC and should support him or her in doing so, especially if the reporter of the suspicion is a child. The CPC will arrange for an initial assessment and bring in the statutory agencies as necessary. The person receiving the suspicion should him/herself share it with the CPC if he/she believes that it will not otherwise be shared with them. (3.5.6)

55. The person receiving the disclosure or suspicion (or the CPC) should write to the person who has made the disclosure or reported the suspicion setting out the advice they gave and providing information about contact addresses, etc. Where the person who raised the concern is a child or vulnerable adult particular care will be needed about how, and sometimes about whether, this is done. (3.5.6)

56. When information about a disclosure or suspicion is received by the CPC, she/he should write to the person who raised the concern to indicate how the matter will be dealt with and to give an estimate of how long it may take. Subsequently they should be kept informed about what is being done, subject to legal constraints and appropriate confidentiality; in the case of a disclosure such action will be a matter for the statutory agencies. Where the person who raised the concern is a child or vulnerable adult particular care will be needed about how, and sometimes about whether, this is done. (3.5.6)

57. In due course the National Unit should issue guidance on best practice timescales for follow up action on disclosures and suspicions. (3.5.6)

58. Any information offered 'in confidence' (unless it is the confidentiality of the confessional which is absolute) should be received on the basis that it will be shared with the CPC and, if appropriate, the statutory agencies. (3.5.6)

59. Otherwise careful confidentiality should be observed and information only be shared on the basis of a strict 'need to know'. (3.5.6)

60. The NCPU should draw up a policy on whistle blowing in the context of concerns about child abuse. (3.5.13)

Risk assessment

61. When there is a disclosure, the statutory authorities should be brought in straight away, without any process of filtering, to take the lead in investigating and assessing the situation. (3.5.14)

62. When there is or was only a suspicion, the CPC should arrange for an initial assessment to be made to discern simply whether there are concerns that should be acted upon. If there are any such concerns, then the statutory authorities should be brought in as in Recommendation 61. (3.5.14)

63. After an allegation has been investigated, the case may be dropped or the alleged perpetrator found not guilty. In these cases, a thorough risk assessment should be made. Desirably this assessment will be undertaken with the statutory authorities, or at least with the benefit of relevant evidence collected by them in the course of their investigations. The outcome of this risk assessment should always be acted on so that a person is not placed in any role that might put children at risk. (3.5.14)

64. The subject of a risk assessment should normally be informed of its outcome face to face. (3.5.14)

Withdrawal and leave

65. Where judged necessary by the police, social services, or the CPC and his/her Team

- volunteers should be required to withdraw from any church situation involving children until investigations are complete;
- any person employed by the Church should be required to take leave from their duties on full pay until investigations are complete. (3.5.15)

66. On the recommendation of the CPC and his/her Team following consultation with social services and the police, any priest or deacon should be required to take administrative leave at a location to be determined by the bishop or religious superior. (3.5.16)

67. If the concerns or allegations are about the bishop or religious superior him/herself, similar procedures should be followed. We invite bishops and religious superiors to signify their consent to such arrangements. (3.5.17)

68. If the concerns or allegations are about the CPC, they should be reported to the bishop or religious superior who will arrange for them to be handled by the CPC and Team of another diocese or religious order. Allegations about members of the child protection teams should also be handled by the CPC and team of another diocese or religious order. (3.5.19)

Past events

69. It is important to treat current allegations about abuse that took place some years ago ('historical allegations') in exactly the same way as allegations of current abuse. (3.5.21)

70. Bishops and religious superiors should ensure that any cases which were known of in the past but not acted on satisfactorily ('historic cases') should be the subject of review as soon as possible, reported to the statutory authorities wherever appropriate, and that there is appropriate follow-up action including possibly regular continuing assessment. (3.5.21)

Support for those involved

71. A 'support person' should be available to those who have, or may have, suffered abuse and their families, to assist them in making a complaint, to facilitate them in gaining access to information and other more specialised help, and to represent their concerns on an ongoing basis. (3.5.24)

72. Support may continue to be needed long after the allegation has been dealt with. The Church should do whatever it can to support and foster the development of support services to meet the needs, including the spiritual needs, of survivors and their families. The National Unit should compile and maintain a database of such services. (3.5.24)

73. The bishop should provide appropriate support to help parishes cope where there are allegations against the priest or a parish worker. (3.5.25)

74. A 'support person' should be available to those (whether clergy, paid staff or volunteer) against whom allegations are made, to provide advice, to ensure legal representation if necessary, to look to any accommodation or other needs, and to advise on other sources of help. (3.5.26)

75. The CPC should be responsible for ensuring the appointment of people to provide support to victims and alleged abusers and for overseeing that they receive appropriate training, but they should operate completely independently of the CPC and his/her team in relation to particular cases. (3.5.26)

76. A person against whom allegations are made should not be legally represented by the solicitor who is representing the diocese or religious order. (3.5.27)

Abusers who have been convicted or cautioned

77. As a general rule, clergy and lay workers who have been cautioned or convicted of an offence against children should not be allowed to hold any position that could possibly put children at risk again. The bishop or religious superior should justify any exceptions to this approach publicly (for example, by means of a letter to be read out in churches at Mass). (3.5.28)

78. If a bishop, priest or deacon is convicted of a criminal offence against children and is sentenced to serve a term of imprisonment of 12 months or more, then it would normally be right to initiate the process of laicisation. Failure to do so would need to be justified. Initiation of the process of laicisation may also be appropriate in other circumstances. (3.5.32)

79. ‘Suspending’ a priest, or declaring him ‘impeded’, will usually be an appropriate penalty for a conviction or caution for a child abuse offence. (3.5.33)

Mistakes and lapses

80. Mistakes and lapses should be acknowledged (publicly if necessary), recorded, reported (as appropriate) and rectified wherever possible. If the mistake indicates that systems need to be changed, then that should be done. (3.6.2)

Child abusers in the congregation

81. The National Unit should prepare and issue guidance on arrangements to enable the safe participation of former child abusers in the life of the Church. (3.7.1)

A wide understanding

82. A brief user-friendly leaflet should be prepared by the NCPU for wide distribution within parishes explaining the policies and practices that the Church has put in place. (3.9.1)

Further review

83. These recommendations should be reviewed after five years. (3.10.1)

Sexual Abuse of Children in Custodial Institutions: 2009–2017

Investigation Report
February 2019

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

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Executive summary

In England and Wales, there are currently three types of institution where children may be detained within the criminal justice system. These are young offender institutions (YOIs), secure training centres (STCs) and secure children's homes (SCHs). There are five YOIs, one of which is in Wales, for boys aged 15 to 17; three STCs, all in England, for boys and girls aged from 12 to 17; and eight SCHs which accept children detained for criminal justice reasons, one of which is in Wales, for boys and girls aged 10 to 17.

This investigation concentrated on the period from 2009 to 2017.

The numbers of children detained in these institutions have reduced considerably over time, with a current population of around 900. Several witnesses told us how, in the 1950s, 1960s and 1970s, they had been placed in custodial institutions for reasons apparently unconnected with any need for either a punitive or a custodial environment. These included truancy, death of parents, running away from home, being beyond parental control and family breakdown. Children as young as nine were detained in these establishments, some of which were previously designated as 'assessment centres' and 'approved schools'.

Over decades it has continued to be the case that children detained in a custodial or secure setting are among the most vulnerable in society, experiencing unhappy and disrupted childhoods. Many have become involved in regular offending, some of it of a violent or sexual nature.

A further matter of concern regarding the current child population in custody is the proportion of children on remand prior to trial, at around one-third. This number of children exposed to the risks associated with custody seems very high and should be investigated by the Youth Custody Service, with a view to reducing that population in the future.

The accounts from adult survivors of child sexual abuse who were detained in custodial institutions in earlier years were among the worst the Inquiry has heard. One example of this was a witness who as an 11-year-old boy was sexually assaulted by two members of staff at the same time. Another witness detailed at least 35 examples of times when he was raped and sexually assaulted by four members of staff and a former pupil at Stanhope Castle Approved School. On several occasions he was choked unconscious while being abused.

Examples of more recent allegations were that in 2015 a female member of staff at Medway STC had masturbated children there, and that in 2014 members of staff at Rainsbrook STC had permitted two young people to go into a bedroom there together, knowing that one of the young people was going to defecate on the other's face, and that they observed while this happened.

The combination of challenging behaviour and vulnerability within the current population in custodial settings often presents difficulties in safely managing and caring for these children and young people, some of whom may be violent to staff and other children. Nevertheless, we concluded that children in YOIs and STCs are not safe from harm, either physical or sexual. Recent inspection reports from Ofsted and HM Inspectorate of Prisons also raised serious concerns about the safety of children in several units in the custodial estate.

The culture of these institutions, particularly their closed nature and focus on containment and control, has not provided an environment that protects children from either physical or sexual abuse. Many witnesses supported this view, with a former Chief Inspector of Prisons describing children in custody as “*very vulnerable children in a very dangerous place*”.

Work carried out by the Inquiry has shown that the number of reported incidents of sexual abuse is much higher than was previously understood. Information obtained directly from the relevant custodial institutions and related authorities has found 1,070 reported incidents of alleged sexual abuse in the period 2009–2017, despite the significant drop in numbers of detained children over that time and the relatively low number overall. These allegations were mostly against staff and were often alleged to have taken place during restraint or body searches. Nor do the numbers show any sign of reducing over time, with allegations in the years 2016 and 2017 running at similar levels, at just over 200 in each year.

Complaints of sexual abuse in YOIs and STCs were rarely investigated properly, with very little evidence of involvement of the statutory authorities, signifying a failure to adhere to normal child protection procedures.

The perception and reality of a habitually violent atmosphere in YOIs and STCs has been made worse by the approach of these institutions to restraint, strip searching and pain compliance techniques. The latter includes such methods as bending of a child’s thumbs and wrists, which are permitted by Ministry of Justice guidance. From March 2016 to March 2017, there were 119 recorded incidents of pain compliance being used on children. This form of control is particularly intimidating to children who have been sexually abused. In itself, this use of pain compliance should be seen as a form of child abuse and must cease.

Throughout this investigation, the differences between the regimes in YOIs and STCs and those in SCHs became increasingly clear. The latter are more child centred, with better staff ratios and training requirements. These institutions are subject to similar standards of care to those applied by Ofsted to children’s homes. Importantly, the environment is one in which it is potentially easier to build trusting relationships with children, where they would feel safer and more likely to disclose sexual abuse. A serious concern is the uneven availability of SCHs which accept children detained for criminal justice reasons, with none in London and the south east of England.

Consideration of these issues led us to examine the context of policy formulation for children in custody at government level. At present, for YOIs and STCs, it lies with the Ministry of Justice, with the Department for Education having ultimate oversight for SCHs. These two departments have distinct but overlapping priorities

in relation to the justice system, education and child welfare. We conclude that the needs of children in custody would be better served by the Ministry of Justice and the Department for Education sharing policy responsibility for managing and safeguarding children in custodial institutions. This is to ensure that standards applied in relation to children in custody are jointly focussed on securing child welfare as well as discipline.

For much of the period under investigation, custodial institutions for children have been very poorly resourced. Staff turnover ran at unacceptable levels in YOIs and STCs, with low morale and inadequate training, including safeguarding training. In 2016, the outsourced contract for operating Medway STC had to be taken back into government control, while the contract for Rainsbrook STC was transferred to another private provider. Few of the recommendations contained in inspection reports of YOIs and STCs have been achieved. There is little doubt that the service was in crisis towards the end of the period under investigation.

In 2017, the Youth Justice Board itself said that the youth secure estate was “*on the edge of coping*”. In the same year, the Youth Custody Service was set up with a view to making improvements. It has introduced measures to professionalise the workforce in YOIs and STCs, but this falls short of individual workforce regulation, which the Inquiry recommended in its Interim Report for staff working with children in residential care settings. We recommend that arrangements are introduced for the professional registration of staff in roles which involve responsibility for the care of children in YOIs and STCs.

The history of the children’s custodial estate has been marked by structural change and instability, following attempts by various governments to provide an effective model of care and control. These have largely failed. The Youth Custody Service has recently proposed a ‘secure school’ model, which is now in development. While this is welcomed, it must not repeat the weaknesses of current and previous ways of working, and must make child safety a top priority. The secure school should be the final attempt to get it right for every child in custody, to ensure they are free from the risk of sexual abuse and harm. Recent reports indicate that the timetable for tendering for the contract to run the pilot secure school has already slipped. The new system should be brought in with speed and efficiency. If the secure school model does not work, more radical change will be required to ensure the protection of these children, whose safety, welfare and education is the responsibility of the state.

We make a series of recommendations, covering areas such as children on remand, the practice of ‘mixed’ justice and welfare placements, staff training, workforce regulation, pain compliance and the response to allegations of sexual abuse.

‘Pen portraits’ from children in custody

Peter Smith

Peter was placed in care when he was eight because his parents had difficulties looking after him. He was placed in several institutions, including one known as “*the black hole of Calcutta*”. He spent a few months at Aycliffe Assessment Centre and saw other boys being beaten. In 1963, aged nine, he was moved to Stanhope Castle Approved School. There was a degrading and physically violent atmosphere at Stanhope. Deep bruises from beatings by the staff would stay on the boys’ bodies for weeks and Peter recalled rampant bullying by older boys.¹

Peter was sexually abused many times. The incidents he described were just the “*tip of the iceberg*”. Within a few days of arriving, two older boys made him give oral sex to one, while he masturbated the other. One of the boys tried to anally rape him but he was too small. He told the teachers, who did not believe him and beat him, saying he was lying. For the next two weeks, he was made to wear two boards that read “*I am a pig*” on the front and “*Treat me like a pig*” on the back. On numerous occasions older boys attempted to anally rape him, and he was orally raped by other boys. He knew it was wrong but hoped that if he did it, the older boys would take care of him. There was also an ex-pupil in his mid to late 20s who was not a teacher but had returned to the school (CI-F108). He would give Peter chocolates before attempting to masturbate him under the bedclothes.

Peter’s first thought every morning was “*How do I get through today without being abused or assaulted?*” He lived in constant fear with no-one to help him and felt powerless. He reminded us that there could be a young lad called Peter in custody now, and he urged us to stop and think “*How does Peter see the world?*”²

Peter Robson

Peter Robson went into care in 1963, when he was 11. He was placed at Stanhope Castle Approved School from 1963 to 1967. It was a strict, “*military*” place, with regular violence committed by the children and the staff. He was caned across his bare bottom by the headmaster, which he saw as a sexual and sadistic act. In late 1963, an older boy who was in the next bed started to touch his penis and raped him. This type of abuse then started to occur every night. Peter does not know how the prefect and nightwatchman could not have known this was going on. He strongly suspects he suffered further sexual abuse which he has “*blocked out*”. He said there was no opportunity to speak privately to or build a trusting

¹ Smith 9 July 2018 98–113

² Smith 9 July 2018 113–128; 140

relationship with anyone at Stanhope. He did not want to be seen as a “grass”, so did not feel able to report the abuse. Peter said he had become institutionalised and frightened of the outside world by the time he left.³

CI-A17

CI-A17 had experienced a difficult home life and was placed in care because he ran away. He was detained at Aycliffe for four weeks, before being detained at Stanhope Castle from 1963 to 1967. Aycliffe staff were very violent towards the boys on a daily basis. He was slapped, punched and caned regularly. The boys would often need medical treatment, but there was never any investigation as everybody knew what happened and the violence against the boys was seen as “normal”.⁴

When CI-A17 was around 10 or 11, a former resident of the school who had returned as an unofficial member of staff (CI-F108) forced his penis into CI-A17’s mouth when he was in the bathroom one night, saying “Don’t say nothing”. He was so shocked he wet the bed and was caned as a result.

CI-A17 told us of a particularly shocking incident of sexual abuse. Around Christmas 1963, when he was about 11, CI-F108 anally raped him in one of the dormitories, while the deputy head (CI-F11) orally raped him at the same time and then anally raped him. CI-A17 collapsed on the floor in tears; there was blood on the floor.⁵

After this incident, CI-A17 lived in constant fear of being raped and started carrying a concealed nail in his sock to enable him to fight back. On one occasion, CI-F108 tried to assault him in the school play area toilets but his screams alerted other boys which caused CI-F108 to leave. He said he never reported the attacks because he did not know who to trust or who to complain to, not least because the people in positions of authority to whom he otherwise might have disclosed the abuse were also his abusers. He also feared reprisals from the teachers.⁶

Colin Watson

Colin Watson was sentenced to an approved school in 1958 and spent short periods in remand homes where he was physically abused. He then was moved to Aycliffe, where he was subjected to significant staff violence and absconded several times. He was moved to Stanhope Castle in 1960, when he was 11. Again he experienced staff violence, including being dragged across the dining hall and slammed into a wall, which broke his nose. Later that day, when he was alone in the sick bay, the head of house (CI-F110) anally raped him and said “Say that I’ve been here and I’ll kill you”. Shortly after this incident, the deputy headteacher (CI-F11) took him to the store rooms at the back of the gym and forced him to masturbate him.⁷

³ Robson 9 July 2018 144; 149; 151; 154-159; 162

⁴ CI-A17 10 July 2018 2; 4-5; 8

⁵ CI-A17 10 July 2018 13; 15

⁶ CI-A17 10 July 2018 16-17

⁷ Watson 10 July 2018

Colin Watson detailed at least 35 examples of times when he was raped and sexually assaulted by four members of staff and a former pupil resident (CI-F108). On several occasions he was choked unconscious while being abused. He also witnessed other boys being abused. He believed there was an organised group who knew of each other's abuse and abused together. This group included the head of house (CI-F110), the deputy headteacher (CI-F111), a female teacher who lived in the school (CI-F114) who groomed and controlled him and a former pupil of the school (CI-F108). He was also abused by a teacher and Scoutmaster (CI-F116) who forced him to masturbate him. The violence meant he was too frightened to report the abuse, but when he did tell a police officer about the abuse in 1961 the officer's response was to punch him and tell him "*That's our friends you're talking about*".⁸

CI-A34

CI-A34 was placed in a custodial institution due to his family breaking down. He spent time in Aycliffe but did not recall any abuse there. In 1968 he moved to Stanhope Castle, when he was 11 or 12. There was a culture of violence there; he was hit at least once or twice a day by members of staff. A housemaster (CI-F112) offered him cigarettes in return for masturbation and, when CI-A34 initially refused, he threatened to make his life hard in the school. This continued throughout his time at Stanhope Castle. CI-F112 took CI-A34 to his home twice and forced him to masturbate him there. When CI-A34 began to refuse, CI-F112 started hitting him more and more for no reason.⁹

CI-A34 used to run away, but could not tell his father about the abuse. When he told a female member of staff about the abuse, she apparently reported this to CI-F112 as CI-F112 announced publicly CI-A34 had been spreading lies and then gave him the hardest beating of his life. The consequences of his disclosure taught him to suppress thoughts of the abuse and he did not report it again. When he was 17, CI-A34 was moved to Medomsley Youth Detention Centre, where the violence was worse than at Stanhope and where he knew of other boys being sexually abused.¹⁰

CI-A30

In 1970, when he was around eight or nine, CI-A30 was placed in custody due to his parents failing to take him to school and unsatisfactory home conditions. He had previously been sexually abused by a family member. He went to Vinney Green and Kingswood, and then Forde Park from around 1973. There was violence between the boys and the staff would cane the boys publicly at Forde Park.¹¹

One of the older boys tried to sexually attack him, but CI-A30 managed to fight him off. However, there was extensive sexual abuse by staff. CI-A30 was sexually abused by a maintenance worker (CI-F121, who touched CI-A30's penis inside his shorts while playing with his own penis); another maintenance worker (CI-F122, who touched CI-A30's penis in the showers and tried to make CI-A30 touch his erect penis); the Scoutmaster (who slapped him, perforating his eardrum, and then put his hands down CI-A30's trousers and grabbed

⁸ Watson 10 July 2018 29; 34-36; 40; 47; 52

⁹ CI-A34 10 July 2018 73-77; 81-83

¹⁰ CI-A34 10 July 2018 78; 83-84; 91

¹¹ CI-A30 10 July 2018 106; 109; 113

his penis); a woodwork teacher (CI-F24, who beat him with a piece of wood in the workshop, before touching him in a sexual manner, asking CI-A30 to perform oral sex on him and pulling CI-A30's head towards his groin); and a gardener (who put his hands down CI-A30's shorts while he masturbated himself and who anally raped him in the garden shed). One of the PE teachers (CI-F125) also showered naked with the boys and appeared to show an interest in them, which made CI-A30 feel uncomfortable.¹²

CI-A30 described Forde Park as a centre for paedophiles who were well cemented within the organisation. He did not report the abuse because he had been threatened by CI-F122; he felt he would not be believed and would be punished. The only people he could have reported it to would have been other paedophiles or their friends.¹³

Recent complaints from the Inquiry's case study material

HMYOI Feltham

- A 17-year-old detainee submitted a written complaint after being searched by a female prisoner officer in September 2009, saying "*She sexually assaulted me by squeezing my penis a couple of times. I have several witnesses who saw the assault*".¹⁴
- A detainee at HMYOI Feltham disclosed to his advocate in March 2012 that an officer had come into his cell to hand out lunch and then grabbed him by the genitals.¹⁵
- There was a report made to Childline by a child who said he had witnessed other children raping a child in the shower.¹⁶

HMYOI Werrington

- In April 2013, a detainee stated "*A female officer touches my bum and dick and grabs me during searches on visits*".¹⁷
- In August 2014, an unidentified person told Childline he had been informed by a person recently released from HMYOI Werrington that a 16-year-old had been raped while detained there by an inmate from a rival gang.¹⁸

Medway STC

- In October 2015, a male trainee reported that another detainee had pulled a knife on him, tried to kiss him and inserted his finger into his bottom, then hit him three or four times. He said it had happened in a classroom where there was no CCTV. As a result of the incident, he suffered from pain when he went to the toilet. He complained about not seeing a doctor.¹⁹

¹² CI-A30 10 July 2018 106; 125; 127; 129; 131-132; 136; 138; 139

¹³ CI-A30 10 July 2018 128; 130; 139; 142

¹⁴ Wood 16 July 2018 58

¹⁵ Wood 16 July 2018 58

¹⁶ Wood 16 July 2018 88

¹⁷ Wood 16 July 2018 132

¹⁸ Wood 16 July 2018 133

¹⁹ Wood 17 July 2018 2-3

- In April 2016, a 16-year-old trainee contacted police and described a male member of staff touching him in the groin area.²⁰
- An allegation was made in April 2016 that a female member of staff had formed an inappropriately close relationship with a trainee. Another person had said *"He follows her around like a puppy. They sit on the sofa. It appears like something is occurring. It's uncomfortable to watch. It looked like a physical interaction."*²¹
- It was reported in April 2016 that a female member of staff had masturbated children there.²²
- According to an allegation made in April 2016, a member of staff overheard a child tell another child he had received a love bite to his chest from a member of staff.²³

Rainsbrook STC

- In November 2010, a male trainee said staff member B had inappropriately touched his genital area while carrying out searches and had then said to another trainee *"Get your knob out"*.²⁴
- In May 2011, it was alleged that staff member B had restrained a female trainee and touched her inappropriately, trying to remove her top. She said *"I'm disgusted by this incident"*.²⁵
- On 30 April 2013, a 14-year-old trainee telephoned Childline and reported that people at the institution knew he was "gay". He said others thought they could do what they wanted with him when he was in the shower. He added he had dropped the soap and someone put their willy in his bum, and that prison guards had laughed at him when he told them. He was worried if he wrote a letter to his solicitor that the guards would read it and not pass it on.²⁶
- In April 2014, it was alleged a staff member had restrained a 16-year-old boy, which was caught on CCTV. The staff member had stood over the boy, who was sitting on a sofa, and put his knee on the boy's stomach. The boy threw a DVD cover at the staff member, who then tickled and bear-hugged the boy. The boy ended up on all fours with the staff member squatting behind him, thrusting his hips towards the boy, who was crying. The boy said he had found the experience degrading.²⁷
- In July 2014, a child told his mother (and made a written complaint) that a staff member had threatened, if he did not behave and calm down, he would rape him.²⁸
- It was alleged that in October 2014 a female member of staff permitted a male trainee to put his hand on her thigh and also permitted other trainees to touch her in a sexual way. It was also suggested she had kissed at least one trainee.²⁹

²⁰ Wood 17 July 2018 3

²¹ Wood 17 July 2018 3

²² Wood 17 July 2018 5

²³ Wood 17 July 2018 5

²⁴ Wood 17 July 2018 30

²⁵ Wood 17 July 2018 31

²⁶ Wood 17 July 2018 31

²⁷ Wood 17 July 2018 31-32

²⁸ Wood 17 July 2018 32

²⁹ Wood 17 July 2018 33

- In December 2014, it was alleged members of staff had permitted two young people to go into a bedroom together, knowing that one of the young people was going to defecate on the other's face and observed while this happened.³⁰

Vinney Green SCH

- It was alleged in February 2010 that a member of staff told a female resident she had a "nice arse" and asked if she would "*like to be part of a threesome*".³¹
- In March 2010, a female resident told a social worker that a male staff member had entered her bedroom and then touched her bottom and thigh in a sexual way. She said he would not stop when asked but rather made inappropriate comments such as "*You're just so sexy*" and also commented on how her breasts looked.³²

Aycliffe SCH

- In February 2016, a 15-year-old female resident said a member of staff touched her breasts and vagina during restraint.³³

³⁰ Wood 17 July 2018 33

³¹ Wood 18 July 2018 92

³² Wood 18 July 2018 92

³³ DUC000273

Part A

Introduction

Introduction

- 1.** The Sexual Abuse of Children in Custodial Institutions investigation is an inquiry into the extent of any institutional failures to protect children from sexual abuse and exploitation while in custodial institutions. Children in detention are particularly vulnerable to sexual abuse. However, very little is known about their experiences or the extent to which institutions in England and Wales have discharged their duty of care to protect them. The Inquiry's work on children in custody seeks to address this gap in public understanding.
- 2.** This phase of the investigation has focussed on recent and current issues relating to the sexual abuse of children in custody. Specifically, we have considered the nature and extent of, and institutional responses to, recent sexual abuse of children in custodial institutions, and the adequacy of current institutional and systemic protections of children in those institutions from sexual abuse. For the purposes of this phase, 'recent' was considered to mean sexual abuse which allegedly occurred on or after 1 January 2009.
- 3.** 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 one group of complainants, one individual complainant and four institutions. We held two preliminary hearings in February and June 2018 to open this phase of the investigation and to deal with procedural matters.
- 4.** In March 2018, the Inquiry's research team published a Rapid Evidence Assessment (REA) on child sexual abuse in custodial institutions. This summarised the existing evidence and provided an invaluable context for the public hearings that followed over nine days in July 2018.
- 5.** The Inquiry's legal team collated and reviewed a large amount of witness and documentary evidence, which was disclosed to the core participants when relevant.
- 6.** The overarching issues considered in this phase of the investigation, derived from the definition of the scope³⁴ of the investigation set by the Inquiry and the Terms of Reference³⁵ for the Inquiry set by the Home Secretary, were:
 - a. How much sexual abuse of children in custodial institutions in England and Wales has been alleged to have taken place in recent years (ie since 1 January 2009)? What has been the nature of the sexual abuse alleged?
 - b. Has there been recently, and is there now, a culture within custodial institutions which inhibits the proper prevention, exposure and investigation of child sexual abuse?
 - c. What are the current institutional or systemic protections for children in custodial institutions in respect of sexual abuse? Are they effective?

³⁴ www.iicsa.org.uk/investigations/sexual-abuse-of-children-in-custody-including-medomsley-youth-detention-centre?tab=scope

³⁵ www.iicsa.org.uk/terms-reference

- d. In respect of a sample of allegations of sexual abuse in custodial institutions, what have the institutional responses been? How effective, overall, have these responses been?

7. In order to address the overall culture and systems issues, we heard evidence about a range of factual issues. These included broad questions, such as whether children in custody can ever be fully protected from sexual abuse, whether children are more at risk of sexual abuse in institutions run by private contractors and whether the sexual abuse of children in custody is part of a wider pattern of declining safety in the custodial estate. They also included more specific questions, such as whether the complaints process available to children in custodial institutions is effective, whether they have adequate access to family and friends and whether there should be greater use of CCTV or body-worn cameras to better protect children in custody from sexual abuse.

8. At the public hearings we heard from several complainant core participants, who described being sexually abused while children in custody some years ago. These powerful accounts served as a reminder of how vulnerable children in custody can be and of the need for vigilance to ensure that they are protected from the risk of sexual and other abuse as far as possible. They also reminded us that the sexual abuse of children in custody can be hidden from view. The Inquiry's own prevalence analysis confirms this.

9. It was not possible for us to hear directly from any complainant who described sexual abuse in the post-2009 period on which this phase of the investigation was focussed. The Inquiry legal team made significant efforts to contact complainants by, for example, publicising the investigation on the website, inviting lawyers and organisations in contact with children in custody to assist, and following up through institutions with some individuals whose experiences were set out in the institutional disclosure, but this was without success. This could be for a number of reasons, such as the transient nature of the youth custodial estate and the inherent vulnerabilities of those who have been abused as children in custody. This makes them particularly hard to reach. However, we ensured the voices of complainants of recent sexual abuse in custody were heard in the hearings as much as possible.

10. We heard from professionals with extensive experience of children in custody:

- Dr Laura Janes (Legal Director of the Howard League for Penal Reform)
- Carolyne Willow (a children's rights campaigner and founder of Article 39)
- Pam Hibbert OBE (former Chair of the National Association of Youth Justice)
- Professor Nick Hardwick (former Chief Inspector of Prisons)
- Angus Mulready-Jones (a current inspector of prisons)
- Mark Johnson (founder of User Voice)
- Katherine Willison (Director of Children's Social Care, Practice and Workforce within the Department for Education, DfE)
- Matthew Brazier (Ofsted specialist adviser for looked after children who also has some responsibility for the secure estate)

- Chief Constable Simon Bailey (the National Police Chiefs' Council's lead on child protection)
- Albert Heaney (Director of Social Services and Integration, Welsh Government)
- Sara Robinson and Peter Savage (Youth Custody Service – respectively, its Interim Executive Director and Head of Operational Contract Management).

11. Many witnesses addressed the issue of the culture in custodial institutions for children. We were keen to understand whether these cultural elements inhibit the proper prevention, exposure and investigation of child sexual abuse. Cultural factors are considered in Part D of this report.

12. Where we looked at systems issues, the REA provided us with a thorough overview. The witnesses developed this evidence and all, to varying degrees, addressed the question of what reforms are needed to the current systems.

13. We heard evidence from Alan Wood, who was instructed by the Inquiry to act as an independent expert witness. Mr Wood has been a qualified social worker since 1995 and has focussed on child protection and safeguarding practice in both the private and public sectors. His work has included carrying out case file reviews, investigating complaints and performing his own 'front line' social work. The Inquiry asked him to provide his opinion on a number of issues and to identify key themes that might have a bearing on the commission, detection and reporting of child sexual abuse in custodial settings.³⁶

14. We conducted a review of a series of recent allegations of sexual abuse made by children at six custodial institutions: HM Young Offender Institutions at Feltham and Werrington; Medway and Rainsbrook Secure Training Centres; Vinney Green Secure Unit; and Aycliffe Secure Centre. We understand this is the first time specific institutional responses to a series of allegations of sexual abuse of children in custody have been subjected to such an analysis. Although we have not made findings about the adequacy of the response in respect of a particular case, the broad themes that emerged from the analysis have given us a clear sense of how these allegations are currently investigated.

15. Further witness statements were read or summarised to us. We also considered a number of further documents obtained by the Inquiry and disclosed to the core participants.

16. Howe and Co made written submissions setting out a series of proposals for reform,³⁷ on which the witnesses were invited to comment.

17. After the hearings, the Inquiry's research team published its report from primary research in four institutions that hold children.³⁸ Interviews have been carried out with staff and detained children about safeguarding procedures and practices in relation to child sexual abuse. The findings of the primary research support and inform the conclusions we have reached in this investigation.

³⁶ Wood 12 July 2018 2

³⁷ INQ001751

³⁸ *Safe inside? Child sexual abuse in the youth secure estate*

18. References in this report such as 'HWL000001' and 'HWL000001_001' are to documents or specific pages of documents that have been adduced in evidence and that can be found on the Inquiry website. A reference such as 'Janes 11 July 2018 5-6' is to the hearing transcript (which is also available on the website); that particular reference is to the evidence of Dr Janes on 11 July 2018 at pages 5-6 of that day's transcript.

Part B

Context

Context

B.1: The children in custody

1. The age of criminal responsibility in England and Wales is 10. Children aged 10 or over may be charged and detained in custody, both on remand and after being sentenced. In criminal justice legislation, the word 'child' sometimes refers to a person under 14 and 'young person' to a person who is 14 to 17.³⁹ However, the Inquiry's Terms of Reference define a 'child' as being any person under 18, which is the terminology we have used throughout this investigation.⁴⁰
2. The number of children in custody has declined considerably since mid-2008, from over 3,000 to fewer than 900 children.⁴¹ At July 2018, there were 883 children in custody.⁴²
3. This reduction in numbers has led to significant changes in the characteristics of the population, in that those who have committed less 'serious' offences or who have less extensive criminal histories are now less likely to receive a custodial sentence.⁴³ Changes in the prison demographic mean that there is now a higher proportion of children in custody who have committed a serious crime, in particular a violent or sexual offence.⁴⁴ For example, Ministry of Justice statistics show that the proportion of children in custody for sexual offences increased from 5 percent in the year ending March 2011 to 10 percent in the year ending March 2016.⁴⁵ However, children can be placed in secure children's homes (SCHs) on welfare grounds as well as on remand or under sentence, as explained below.
4. Statistics from July 2018 indicate that, of the 883 children in custody, 348 had been sentenced to a Detention and Training Order⁴⁶ (DTO), 246 were on remand, 233 had been sentenced under section 91⁴⁷ of the Powers of Criminal Courts (Sentencing) Act 2000 and 56 had been given other sentences.⁴⁸
5. The most recent published figures for sentence length are for the year ending March 2017: 57 percent were up to 3 months, 20 percent were 3–6 months, 9 percent 6–9 months, 6 percent 9–12 months and 8 percent more than 12 months.⁴⁹ The median length of time a child spends in custody, whether on remand or in custody, is 90 nights.⁵⁰

³⁹ See, for example, Children and Young Persons Act 1933, section 107

⁴⁰ www.iicsa.org.uk/terms-reference

⁴¹ REA, figure 4.3

⁴² www.gov.uk/government/statistics/youth-custody-data

⁴³ REA, section 4.2

⁴⁴ Mulready-Jones 16 July 2018 7

⁴⁵ REA, paragraph 4.5

⁴⁶ A DTO is given to a persistent offender between 12 and 17 years of age, and lasts between 4 months and 2 years. The first half of a DTO is served in custody, the second half is served in the community.

⁴⁷ A section 91 sentence is given to a child who commits certain serious offences.

⁴⁸ Youth Custody Data: November 2018

⁴⁹ *Length of time spent in Youth Custody 2016/17*, Youth Justice Board, 2018, p10

⁵⁰ Robinson 13 July 2018 7

6. The changes in the demographic have practical consequences for the youth custodial estate. As indicated in the REA, there are now proportionally more children in custody with ‘challenging behaviours’ who may present significant risk to themselves and to others.⁵¹ The literature also suggests children in custody are now typically more vulnerable and disadvantaged. The Howard League and others have pointed out that, as young offender institutions (YOIs) accommodate the majority of children who offend, children deemed more vulnerable may now be in YOIs, rather than the smaller secure training centres (STCs) or SCHs.⁵²

7. These themes were confirmed by the witnesses. Sara Robinson described the current youth custody estate as including a “*concentration of highly complex, high-needs young people*” who pose “*a risk of harm to others*”.⁵³ Peter Savage similarly referred to the cohort of children in custody as “*very challenging and complex young people*”.⁵⁴

8. We do not underestimate the difficulties of safely managing and caring for this group of challenging yet vulnerable children, some of whom may be violent to staff and other children.

9. As the REA⁵⁵ sets out, the profile of the children in custody is varied:

- The population of white children in custody has decreased over the last 10 years disproportionately compared to the black, Asian and minority ethnic (BAME) population. By March 2017, children from a BAME background made up around 43 percent of the population of children under 18 in custody.⁵⁶
- Prior experience of abuse, including sexual abuse, and neglect is common among children in custody. Around four in 10 children in the youth secure estate have previously been in local authority care. Many come from backgrounds of general social or economic disadvantage.
- The prevalence of mental health problems within the population of the youth secure estate is significant.
- Girls make up a very small proportion of children in custody – around 3 percent in March 2017. However, the health needs of girls in the youth secure estate are more complex than the needs of boys, and girls have higher rates of co-morbidity, self-harm and attempted suicide.

B.2: The custodial institutions

10. Children remanded in custody or detained after sentence are generally detained in a YOI, STC or SCH.

11. When a child is remanded in custody or sentenced to youth detention, the Youth Custody Service placement team will decide on the type of establishment to which the child will be sent. There are no fixed criteria, except that boys cannot be accommodated in YOIs

⁵¹ REA, section 4.2

⁵² REA, section 4.2

⁵³ Robinson 13 July 2018 65–66

⁵⁴ Savage 13 July 2018 69–70

⁵⁵ REA, section 4.3

⁵⁶ A figure that had increased to 47 percent according to data from July 2018 (Youth Custody Data: November 2018)

unless they are aged 15 or over, and there is no YOI accommodation for girls. The Youth Custody Service will consider a range of factors in deciding on the appropriate placement. The Youth Custody Service's placement procedures indicate, for example, if the child is young, immature or requires a high level of support that a SCH or STC may be more suitable. A YOI might be suitable for someone who is emotionally mature and resilient.⁵⁷

Young offender institutions



Feltham YOI

12. Most children detained are in YOIs, which were created by the Criminal Justice Act 1998 and operate under the Young Offender Institution Rules 1988 and 2000.⁵⁸ There are currently five YOIs that hold children operating in England and Wales: Cookham Wood, Feltham, Werrington, Wetherby and Parc.

13. These institutions hold boys aged from 15 to 17. YOIs can accommodate 40 to 440 children, usually split into smaller units of 30 to 60. They typically hold children considered to be more resilient, who may be older and who “externalise their risk”. There is a relatively low staff to offender ratio of around 1:10. Places currently cost around £81,000 each per annum. As at December 2017, there were 641 boys detained in YOIs across England and Wales, approximately 70 percent of the total number of children detained. Only Parc is privately run.

⁵⁷ INQ001808, paragraphs 14–36

⁵⁸ REA, section 4.1 and appendix E; Savage 13 July 2018 14



Werrington YOI

Secure training centres



Medway STC

14. Secure training centres were created by the Criminal Justice and Public Order Act 1994 and operate under the Secure Training Centre Rules 1998. There are three STCs operating in England: Medway, Rainsbrook and Oakhill. There are none in Wales. The STCs accommodate boys and girls aged from 12 to 17. One STC is male only and Rainsbrook has a separate mother and baby unit. Each STC accommodates 50 to 80 children, with accommodation usually split into smaller units of five to eight. They typically hold those children assessed as more independent, who are motivated to attend school or who have risk factors which make it inappropriate for them to be placed in a YOI. There is a higher staff to offender

ratio than is present in YOIs, of between 2:5 and 3:8. Places cost around £178,000 each per annum in 2014. At December 2017, there were 169 children held in STCs across England, approximately 18 percent of the total number of children detained. Medway was privately run by G4S until 2016, when it returned to the public sector. Rainsbrook was also run by G4S until 2016 but the contract was then transferred to MTC Novo. Oakhill is still run by G4S.⁵⁹



Rainsbrook STC

⁵⁹ REA, section 4.1 and appendix E

Secure children's homes



Aycliffe SCH

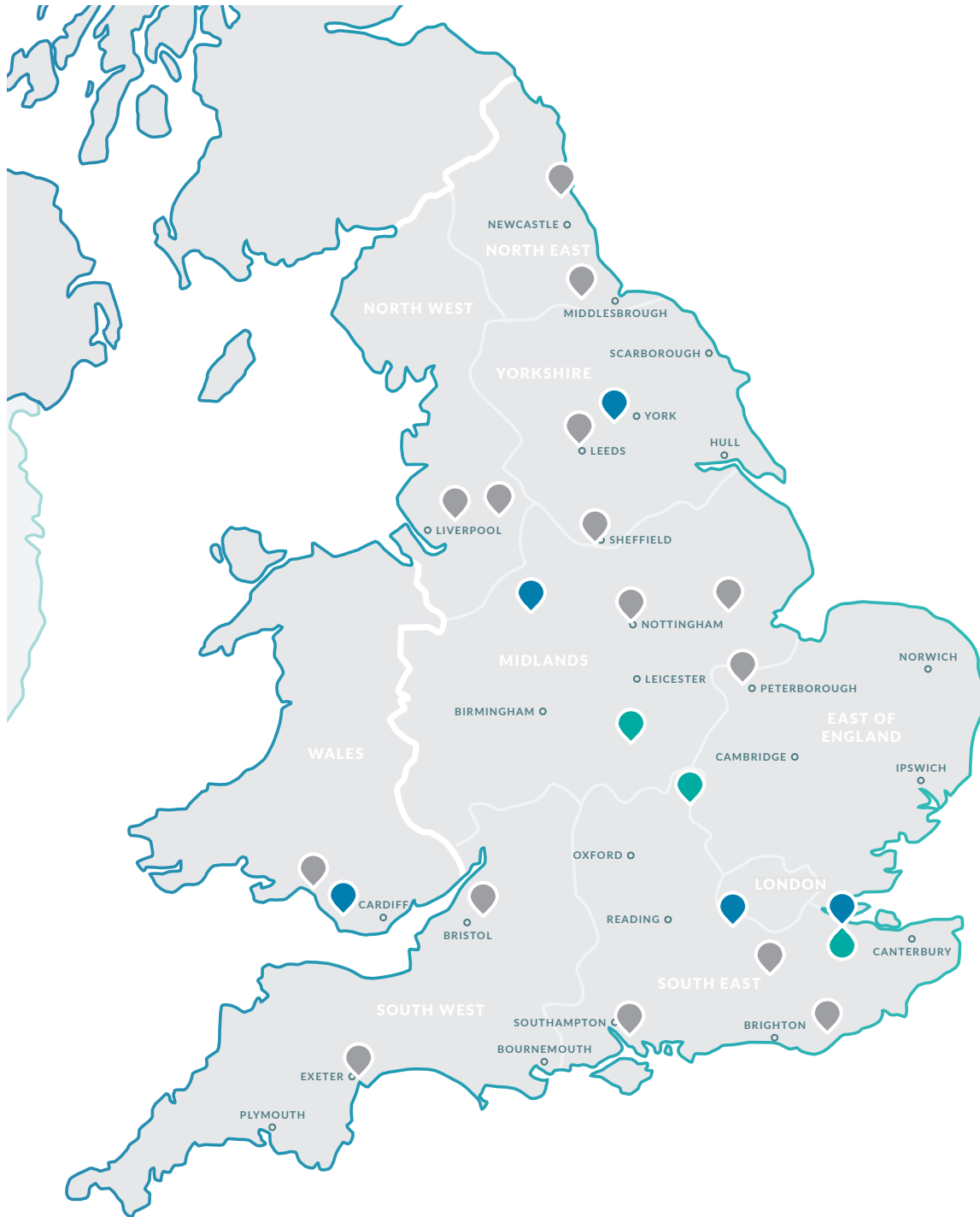
15. Secure children's homes were created by the Children Act 1989 and operate under Part 2 of the Care Standards Act 2000 and applicable regulations. There are currently seven SCHs in operation in England which accept children detained for criminal justice reasons: Adel Beck, Aldine, Aycliffe, Barton Moss, Clayfields, Lincolnshire and Vinney Green. There is one in Wales: Hillside. SCHs accommodate boys and girls aged from 10 to 17. Uniquely, SCHs detain children who are on remand or convicted (on 'justice placements') and also children placed there for the protection of themselves or others (on 'welfare placements').⁶⁰ Welfare placements can be arranged by a local authority if it considers that a child who it is looking after⁶¹ is likely to abscond in any other form of accommodation and may cause harm to themselves or others.

16. SCHs accommodate eight to 40 children, with accommodation usually split into smaller units. They typically hold those considered to be the most vulnerable, who have more complex needs and who are younger. Of the three types of institution, SCHs have the highest staff to offender ratio of between 1:2 and 6:8. Places currently cost around £231,000 each per annum. At December 2017, there were 114 children detained in SCHs on justice placements, approximately 12 percent of the total number of children detained. All SCHs are run by local authorities.⁶²

⁶⁰ Under the Children Act 1989, section 25

⁶¹ Under the Children Act 1989, section 22

⁶² REA, section 4.1 and appendix E; Savage 13 July 2018 14



SCH, STC AND YOI PROVISION MAPPED ACROSS COUNTRY

- YOUNG OFFENDER INSTITUTIONS
- SECURE TRAINING CENTRES
- SECURE CHILDREN'S HOMES

Adolescent Secure Estate in the UK map from NHS England - commissioned research

This includes all SCHs, including those which do not detain children for criminal justice reasons.

B.3: Management and inspection

17. In 2017, the Youth Custody Service was created as a distinct service for youth custody within Her Majesty's Prison and Probation Service (HMPPS),⁶³ taking over many of the previous functions of the Youth Justice Board.⁶⁴

18. The secure estate for children and young people is subject to various inspection processes:⁶⁵

- YOIs are inspected annually by HM Inspectorate of Prisons (HMIP) alongside Ofsted or Estyn (Wales), and the Care Quality Commission or Healthcare Inspectorate Wales. In YOIs, Ofsted and Estyn inspect only education, skills and purposeful activity.
- Inspections of STCs are led by Ofsted or Estyn (Wales) and are carried out alongside HMIP and the Care Quality Commission or Healthcare Inspectorate Wales. Individuals acting as monitors are also placed on site in each STC.
- Ofsted regulates and inspects children's social care services, including SCHs. SCHs have a minimum of two inspections a year and both are unannounced.

19. Each YOI has an independent monitoring board. Its purpose is to provide independent oversight of treatment and care in prisons, including YOIs. (STCs and SCHs do not have such boards.) The board has to satisfy itself as to the humane and just treatment of those held there. Its members must inform the Secretary of State of any concern and report annually to the Secretary of State on how well the prison had met the standards and requirements placed on it and what impact these had on those in custody. Board members have the right of access to every prisoner and every part of the prison and also to the prison's records.⁶⁶

20. The Prisons and Probation Ombudsman (PPO) carries out independent investigations into deaths and complaints in custody. Its terms of reference include a duty to investigate complaints made by children in YOIs and STCs, to understand what happened, to correct injustices and to identify learning.⁶⁷ The PPO's role in complaints applies once an internal complaints process has been exhausted.⁶⁸

21. The role of the Children's Commissioner is to promote and protect the wellbeing and safety of children, particularly vulnerable children, and give them the opportunity to have their voices heard. This includes those in the secure estate. The Children's Commissioner and her team undertake regular visits to YOIs, STCs and SCHs, although there is no agreed timescale for the visits. During their visits, they have informal conversations in open settings with the children, ranging from 5–10 minutes to 30 minutes. There is no formal policy about what is discussed. Between September 2017 and April 2018, the Commissioner and her team undertook four such visits. They do not publish a report of the visit but can share observations and insights with the institution.⁶⁹

⁶³ Formerly the National Offender Management Service.

⁶⁴ [Savage 13 July 2018 2–3](#)

⁶⁵ [REA, table 8.1](#)

⁶⁶ [IMB000001](#), paragraphs 3, 4 and 7

⁶⁷ [PPO000001](#); [PPO000003](#)

⁶⁸ www.ppo.gov.uk/investigations/make-complaint/how-to-make-a-complaint-dvd

⁶⁹ [INQ001175](#)

22. Alan Wood summarised the role of local authorities with respect to children in custody. All children on remand are treated as being ‘looked after’ within the meaning of the Children Act 1989.⁷⁰

B.4: Safeguarding policies and procedures

23. The overall policy and legislative framework for YOIs and STCs is set by the Ministry of Justice. Operational oversight of the institutions is carried out by the Youth Custody Service, part of HMPPS, an executive agency of the Ministry of Justice. The DfE has responsibility for setting the overall policy and legislative framework for SCHs but not YOIs or STCs.⁷¹

24. The Secretary of State for Education has a duty to promote the wellbeing of all children but the Children Act 1989 gives statutory responsibilities to local authorities, which carry out the Secretary of State’s responsibilities in practice.⁷² The Children Act 2004 puts local authorities, and directors and governors of YOIs and STCs, under a statutory duty to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children.⁷³

25. Section 47 of the Children Act 1989 requires local authorities to make inquiries when they have reasonable cause to suspect that a detained child is suffering, or is likely to suffer, significant harm. If allegations of abuse are staff-related, they may be referred to a local authority designated officer.

26. The recently updated *Working Together to Safeguard Children* guidance⁷⁴ is a statutory document to which local authorities and all other bodies working with children must have regard in carrying out their functions. The guidance applies across YOIs, STCs and SCHs. It provides overarching guidance on topics including section 47 enquiries and how to carry out assessments. It also sets out the overall responsibilities of individual organisations. The guidance seeks to put in place a protective environment with specific rules around training and safeguarding. One of the common issues it addresses is the response to a disclosure of abuse.⁷⁵

27. The National Health Service also has a role in custodial institutions for children. NHS England does not directly provide health services but commissions them. This includes both primary care (general practice services) and secondary care services (hospital services)⁷⁶ and facilities for children detained in the secure estate.

28. In December 2016 the report of the Taylor review into youth justice was published.⁷⁷ The Youth Custody Service has commissioned *A Review of Safeguarding in the Secure Estate* (June 2018) led by Sonia Brooks OBE, which will encompass safeguarding from sexual abuse. This will be completed by April 2019. The review will take into account the Inquiry’s analysis of the case studies and the material that the Inquiry has produced. The terms of

⁷⁰ Under the *Legal Aid, Sentencing and Punishment of Offenders Act 2012*, section 104

⁷¹ Willison 12 July 2018 140; 141; 148

⁷² Willison 12 July 2018 141; 142

⁷³ Under the *Children Act 2004*, section 11

⁷⁴ DFE000876

⁷⁵ Willison 12 July 2018 141–146

⁷⁶ NHS000027

⁷⁷ *Review of the Youth Justice System in England and Wales*, Ministry of Justice, December 2016 (INQ001422)

reference include a review of current operational policies for safeguarding and the processes for handling allegations and complaints (including the responses, investigation and support offered to children), corporate governance of safeguarding, and training.⁷⁸

⁷⁸ [Robinson 13 July 2018 46–49](#); [HMP000427_005](#), paragraph 12; [HMP000426_006](#)

Part C

The prevalence of sexual abuse of children in custody

The prevalence of sexual abuse of children in custody

C.1: The REA's findings on prevalence

1. Relatively little has been known historically about the prevalence of sexual abuse of children in custody in England and Wales. As set out in the Inquiry's Rapid Evidence Assessment (REA):⁷⁹

- There are significant challenges in collecting accurate data on child sexual abuse in custody, and there are very limited data available.
- The best available source of information on child sexual abuse in young offender institutions (YOIs) and secure training centres (STCs) in England and Wales is the HM Inspectorate of Prisons (HMIP) *Children in Custody* annual survey. This survey asks a number of children at each YOI and STC (it does not cover secure children's homes (SCHs)) a series of questions, including whether they have experienced sexual abuse from young people or staff.
- The HMIP survey has consistently reported relatively low levels of sexual abuse in YOIs and STCs. In the 2015/16 survey, sexual abuse by staff was reported by 1 percent of children in YOIs and 2 percent in STCs; and sexual abuse by peers was reported by 1 percent of children in YOIs and 3 percent in STCs.⁸⁰

2. As identified in the REA, there are some limitations to the data available from the HMIP survey. It is a sample conducted once each year and not all detained children are surveyed. The questionnaire does not include a definition of the term 'sexual abuse' (so children may omit reporting incidents of sexual abuse due to a lack of understanding, or report incidents which do not amount to sexual abuse for the same reason). The questions in the STC survey may be confusing to children because of its structure. It is also unclear whether those who may require assistance in completing the surveys for literacy or other reasons adequately take up the support that is offered. Children may not feel comfortable disclosing being sexually abused on a survey to someone they do not know, and may be concerned about who will hear about what they say.⁸¹

3. Unlike the youth survey carried out by the American Bureau of Justice, the HMIP survey does not collect data on the circumstances surrounding the allegation of sexual abuse.⁸²

⁷⁹ REA, section 5.2.2

⁸⁰ YJB000125

⁸¹ Brazier 18 July 2018 25; Hardwick 11 July 2018 141

⁸² REA, section 5.2.2

C.2: Barriers to disclosure

4. When approaching the issue of prevalence, it is important to note barriers to the disclosure of sexual abuse may mean that abuse is not reported for many years, or at all. The National Society for the Prevention of Cruelty to Children (NSPCC) told us that a high number of incidents of sexual abuse might go unreported, undetected, unprosecuted and untreated.⁸³ There is also research indicating that up to two-thirds of children are not able to disclose abuse during childhood.⁸⁴

5. The Australian Royal Commission identified general barriers to disclosure:

- Barriers for the victim: feelings of shame and embarrassment; fear or experience of a negative response to disclosure; attitudes to sexuality, masculinity and gender; uncertainty about what is abusive; and difficulty communicating child sexual abuse.
- Perpetrator behaviours that create barriers to identifying and disclosing: grooming behaviours and tactics; perpetrators' position and authority; threatening the victim or others; isolating the child; and making victims feel complicit or responsible.
- Institutional barriers to identifying and disclosing child sexual abuse: cultures of child sexual abuse, punishment and violence; inadequate avenues for disclosure; the nature of relationships within institutions; and inadequate record-keeping and information-sharing.⁸⁵

6. Of these, the Commission considered the following were of particular application to contemporary detention environments:

- children not understanding what sexual abuse is;
- children not feeling safe to disclose abuse; and
- issues around the avenues for disclosure.⁸⁶

7. Many witnesses reflected these themes. We heard that children in custody may withhold information about abuse because they:

- do not have someone they trust fully;
- have insufficient emotional support;
- fear they will be blamed, doubted or not believed;
- fear of reprisal or victimisation, particularly because of the power staff have over almost every aspect of the child's life;
- feel shame and fear of the stigma associated with sexual abuse;

⁸³ Noyes 12 July 2018 85

⁸⁴ Australian Royal Commission into Institutional Responses to Child Sexual Abuse: Final Report, *Volume 4 Identifying and disclosing child sexual abuse*, paragraph 2.3.3

⁸⁵ Australian Royal Commission into Institutional Responses to Child Sexual Abuse: Final Report, *Volume 4 Identifying and disclosing child sexual abuse*, sections 4–6

⁸⁶ Australian Royal Commission into Institutional Responses to Child Sexual Abuse: Final Report, *Volume 15 Contemporary detention environments*, section 3.6

- feel unsafe;
- fear being labelled a 'grass';
- are isolated from family and friends;
- are concerned that the disclosure may not be confidential;
- are concerned that the investigation or response to the disclosure will be poor, because in order for children to have confidence in reporting something as significant as sexual abuse, they need to have confidence that staff will take their allegations seriously and will respond effectively;
- do not fully understand that the abuse is wrong, or do not fully understand how to complain and what the response will be; and
- have difficulty understanding or communicating.⁸⁷

8. A key theme Dr Laura Janes (Legal Director of the Howard League for Penal Reform) took from speaking to children in custody was their feeling that they will not be believed. When they are offered help to make a complaint, they say *"There's no point. It's not going to make any difference"*. Against the overarching power imbalance, Dr Janes said it was not surprising that children think their word stands for little, especially when many children in custody have low self-esteem to start with. In her view, if children are in a fearful state, the chances of them disclosing something as sensitive as being sexually abused are very low.⁸⁸

9. Alan Wood, the Inquiry's independent expert, said the creation of a safe environment for disclosure starts with the child's cultural experience. While confidentiality is hard to achieve in custodial settings, a child's experience of disclosures will be passed on to other children and a cultural view will emerge about what happens if children talk about abuse. Carlyne Willow, a children's rights campaigner and founder of Article 39, agreed children 'test' how staff respond to general complaints they make; if they see a poor response, they are unlikely to be confident to disclose abuse.⁸⁹

10. Disclosing abuse is likely to be very complex and difficult for children, especially those in custody, as they may feel isolated and may not have a complete understanding of why they are being detained. Mr Wood told us it requires a *"leap of faith"* for children to disclose abuse and trust is an essential element to this. He also noted further barriers to reporting abuse for children in custody, including that 33 percent of children in custodial institutions have mental health disorders, 11 percent have attempted suicide, 60 percent have communication difficulties and 25 percent have a learning disability. While there are a multitude of reasons why a child may not disclose abuse, these are *"enhanced to a greater extent if the child ... is in the custodial arena"*.⁹⁰

⁸⁷ Janes 11 July 2018 11-12; HWL000001, sections 5 and 6; Hardwick, 11 July 2018 45; NHK000003, paragraphs 42-51; Hibbert 11 July 2018 112-115; Wood 12 July 2018 11-22; Noyes 12 July 2018 85-88, NSP000025, paragraph 17; *No one noticed, no one heard: a study of disclosures of childhood abuse*, Allnock and Miller, NSPCC, 2013, pp24-31 (INQ001489); Willow 12 July 2018 115-116; INQ001073, paragraphs 16 and 41-46; Johnson 17 July 2018 185-187 and 193, referring to 'Why are they going to listen to me?' *Young people's perspectives on the complaints system in the youth justice system and secure estate*, Children's Commissioner, July 2012 (INQ001607); USV000001, paragraphs 3.1-3.2; Brazier 18 July 2018 25; Whellans 18 July 2018 164; Newcomen 16 July 2018 171; *Why do women and young people in custody not make formal complaints?*, PPO, March 2015 (INQ001560). See also *Commission on Sex in Prisons, Coercive Sex*, Howard League, 2014

⁸⁸ Janes 11 July 2018 36-37, 48-49

⁸⁹ INQ001073_013, paragraph 46

⁹⁰ Wood 12 July 2018 5; 11-12; 15, 74

11. Many institutional and other witnesses told us they had received very few reports of sexual abuse. Having analysed more than 800 enquiries and case files within the Howard League over the last 10 years, Dr Janes identified only a “*small handful*” of instances where children have reported any form of sexual abuse. She listed six such cases, and in only three of those instances had the child reported the sexual abuse themselves. She was clear that a range of cultural factors explained the reluctance of children to report sexual abuse and was likely to provide the context for these figures.⁹¹ The Prisons and Probation Ombudsman (PPO) received two complaints of sexual abuse of a child detained in a YOI or STC between 2006 and 31 December 2017.⁹² The Independent Monitoring Board⁹³ and Children’s Commissioner⁹⁴ received respectively eight and no disclosures of sexual abuse between 2009 and 2017. Rosamond Roughton said that, since 2013, NHS England has not received any formal notification of child sexual assault in the youth justice secure estate involving healthcare provider staff or occurring while under the care of such staff.⁹⁵

12. As historical examples show, the sexual abuse of children in custody may be hidden for many years.

- Durham Constabulary received allegations of sexual abuse against 229 children detained at Medomsley Detention Centre between 1962 and 1987. Only nine of those children (4 percent) are recorded as reporting sexual abuse to the authorities while they were in custody or shortly after being released.⁹⁶
- West Yorkshire Police received a considerable number of allegations of sexual assault against 28 different children who had been resident at Thorpe Arch Grange (a home where children were detained on remand, and also held under care orders). The alleged assaults occurred between 1971 and 1989. West Yorkshire Police report that two of the allegations were reported in 2001, and the remainder between 2008 and 2018. A number of prosecutions have resulted and 21 convictions.⁹⁷

C.3: The Inquiry’s work on prevalence

Methodology

13. The Inquiry has carried out extensive work on the prevalence issue:

- Reviewing the overall prevalence figures for different types of institution in the HMIP *Children in Custody* series reports.⁹⁸
- Reviewing HMIP and Ofsted surveys at each institution between 1 January 2009 and 31 December 2017, and other information provided by HMIP.

⁹¹ HWL000001, paragraphs 3.2, 3.6 and 5.1–5.2; Janes 11 July 2018 11–22

⁹² 16 July 2018 171; 18 July 2018 185; 20 July 2018 3; PPO000001; PPO000003

⁹³ Stuart 16 July 2018 171; IMB000001, paragraph 18; 20 July 2018 3

⁹⁴ Longfield 16 July 2018 171–172; INQ001175; 20 July 2018 3

⁹⁵ NHS000027, paragraph 13

⁹⁶ OHY003832; OHY003943

⁹⁷ OHY003945; OHY003947

⁹⁸ www.justiceinspectors.gov.uk/hmiprisons/inspections?s&prison-inspection-type=children-and-young-people-in-custody-reports

- Using its powers under Rule 9 of the Inquiry Rules 2006, obtaining information about disclosures of child sexual abuse received by custodial institutions, local authorities, police forces and the bodies who inspect or visit these institutions, covering incidents said to have occurred between 1 January 2009 and 31 December 2017.⁹⁹

14. This material has now been analysed by the Inquiry and, for the first time, provides a clearer picture of: (i) the total number of reported incidents, including by category; (ii) the rate of incidents per year; (iii) the different types of abuse; and (iv) the alleged perpetrators, each of which can be broken down by type of institution.¹⁰⁰

15. This analysis, together with the underlying material, was disclosed to the core participants and their observations sought. No core participants disagreed with the analysis.¹⁰¹

Analysis

16. We are aware of the limitations on the data described above. However, despite those limitations, we can conclude that there has been even more sexual abuse of children than is disclosed by the evidence we have seen.

Total number of allegations

17. For the period between 1 January 2009 and 31 December 2017, the Inquiry's analysis shows:

- There were 1,070¹⁰² alleged incidents¹⁰³ of child sexual abuse within custodial institutions.
- Of these, 578 alleged incidents were described in terms equating to sexual assault or rape.

⁹⁹ The requests asked for, in respect of any allegation or report of child sexual abuse occurring at a custodial institution:

(a) a brief description of the alleged incident;

(b) the number of victims;

(c) the date(s) of the incident(s);

(d) the type of investigation undertaken;

(e) the outcome of the investigation; and

(f) whether the alleged perpetrator was a member of staff, detainee or someone else.

The requests also asked, in respect of incidents in SCHs, whether the victim had a justice or a welfare placement at the institution.

¹⁰⁰ See Annex 2 to Inquiry Counsel's analysis, summarised at [10 July 2018 168-180](#)

¹⁰¹ See Note from Inquiry Counsel dated 11 June 2018 at [INQ001709](#) and Addendum to Note from Inquiry Counsel dated 5 July 2018 at [INQ001769](#) and accompanying Annexes, as summarised at [10 July 2018 168-180](#) and [20 July 2018 4-7](#)

¹⁰² There were, in addition, two alleged sexual assaults of children resident in custodial institutions where the incident happened at court, and one by a manager of a custodial institution while the victim was on licence. In any case where it can be inferred from the date, description and/or action taken that different records are likely to be referring to the same incident, the Inquiry has counted it as a single incident for the purpose of the analysis. In most cases, the position is reasonably clear. However, in relation to 26 incidents, it is unclear whether they are duplicated in other records. In relation to those cases the analysis has rounded 'down' rather than 'up'. It is possible therefore that there are 26 more alleged incidents of abuse, above those recorded here.

¹⁰³ Each act of abuse has been counted as an incident. Sometimes several incidents of abuse were recorded as part of the same case, ie in the same allegation, complaint or report. This was usually where a group of incidents occurred on the same date and close in time, involving the same parties, but sometimes where there were series of similar incidents for which only the date of the last incident was recorded in material provided to the Inquiry. Each case is recorded in a single row of data, and the number of incidents is reflected in the 'incidents' column. There were in total 990 such cases of abuse, the explanation for the difference between this figure and the total number of incidents being that some cases were recorded as a group of incidents of the types described.

- Around 1,109¹⁰⁴ children were alleged victims of sexual abuse.
- There were more alleged incidents per year in 2016 and 2017 than in any previous reporting year. Between 2009 and 2015, there were never more than 114 incidents per year. However, in 2016 and 2017 there were 203 and 205 alleged incidents respectively.
- For reasons that were not always clear, the vast majority of these allegations were not found to be substantiated.
- In 10 cases where the alleged perpetrator was a member of staff, he or she was issued with a warning, reprimand or had a letter placed on his or her file. In a further nine cases, the alleged perpetrator was dismissed for reasons connected to the alleged incidents. Some other action was taken against the alleged perpetrator in another 120 cases¹⁰⁵ (including suspension, monitoring, words of advice, supervision or being moved to a different location).¹⁰⁶
- Only nine alleged incidents resulted in criminal charges, of which four resulted in conviction.¹⁰⁷

18. We have identified a significant number of complaints of child sexual abuse in custody which have not otherwise come to light. For example, there is no published survey of children at Feltham in 2016, and the January 2017 survey¹⁰⁸ revealed no sexual abuse. However, the evidence provided to the Inquiry refers to five allegations in 2016, and a further allegation in January 2017 before the survey. Again, despite alleged incidents of sexual abuse being recorded elsewhere prior to January 2017, no child took the opportunity to refer to it in the survey. Similarly, in surveys undertaken between October 2012 and February 2017 at Medway, it was in only one year – 2014¹⁰⁹ – that any sexual abuse was reported and only by 2 percent of respondents, which equates to one child. This compares with 44 alleged incidents revealed in the Inquiry’s evidence during the same period of time. Finally, in the October 2016¹¹⁰ survey of Rainsbrook STC, only one child reported having been sexually abused, whereas the Inquiry’s evidence has revealed 20 alleged incidents of sexual abuse in 2016 prior to the survey.¹¹¹

¹⁰⁴ This is an estimate because although the figures have been adjusted where it is clear that the same victim was involved in two or more incidents, the material did not indicate in every case whether two or more incidents involved the same victim, or the exact number of victims for some incidents involving multiple victims.

¹⁰⁵ The figure of 139 for ‘Count of action against perpetrator’ in the third sheet of Annex 2 includes the 19 cases where action as specified in this paragraph was taken.

¹⁰⁶ However, in many cases it is unclear whether the action was taken only temporarily during the investigation, or at the end of it.

¹⁰⁷ Albeit that one of the incidents which resulted in conviction, and possibly a further incident which resulted in charge only, occurred outside the relevant custodial institution: the perpetrators paid for sexual activity with a child, the child having been moved from the institution to other premises.

¹⁰⁸ [INQ001125](#)

¹⁰⁹ [INQ001481](#)

¹¹⁰ [INQ001571](#)

¹¹¹ This pattern is reflected in other establishments. For example, the [July 2014 survey at Hassockfield STC](#) disclosed no complaints of sexual abuse but the Inquiry’s evidence shows that there were a total of five alleged incidents in 2014. Similarly, the [June 2014](#) and [August 2017](#) surveys of Cookham Wood revealed no reports of sexual abuse. However, the Inquiry’s evidence found 12 alleged incidents recorded or occurring between May 2013 (when the previous survey of Cookham Wood had been undertaken) and June 2014; and 10 alleged incidents of sexual abuse between September 2016 (when a survey was undertaken) and August 2017 (when a survey revealed no sexual abuse).

19. In all of the surveys referred to in which respondents reported no sexual abuse, or where only one respondent reported such abuse, survey questionnaires were offered to the vast majority or all of the children within the institution at that time. While some children may choose not to return questionnaires and some may leave before the next survey is undertaken, it seems children who do complete the surveys are not taking up the opportunity to report sexual abuse that may have been recorded elsewhere.

Trends by institution

20. There were more alleged incidents in 2016 and also 2017 than in any previous period. When the figures are broken down by institution type, on the data currently available, incidents in STCs account for most of the increase: in 2015, there were only 19 alleged incidents but this figure rose to 79 in 2016 and 110 in 2017. This increase is of more concern when the population size of the STC is taken into account; when incidents are expressed as a percentage of the average under-18 population for the year, the increase from 2015 to 2016 rises from 9.1 percent to 54.9 percent.¹¹²

Types of abuse

21. Based on the information to the Inquiry, the types of abuse alleged for each case¹¹³ of alleged child sexual abuse can be broken down as follows:

¹¹² It is important to note that the percentages show rate of incidents (which, for the avoidance of doubt, is the number of incidents expressed as a percentage of the average population of the institution for the same year) and not the percentage of detainees who have been sexually abused. The latter is impossible to ascertain from data available because in many cases no victim identifier was used by evidence providers.

¹¹³ Here, 'case' refers to an incident or group of incidents, within the same allegation, complaint or report, either occurring on the same date at around the same time between the same parties, or forming part of a series of similar incidents where only the last incident date is recorded. The total number of such 'cases', 990, is lower than the total number of incidents, 1,070, because some cases involved a group of similar incidents.

Table 1 Type of abuse by institution and in total

Type of abuse (main event)	Type of institution						Total
	YOI	STC	SCH*	SCH W	Other [†]	Unknown	
Rape	28	5	4	3		1	41
Attempted rape	2	1					3
Sexual assault	219	132	91	27	2		471
Attempted sexual assault	5	7	2	1			15
Exposure	12	30	9	4			55
Sexual acts between detainees possibly consensual	8	19	20	3		2	52
Sexual/inappropriate relationship between staff and detainee	15	11	3	4		1	34
Threat of sexual abuse	10	1	2			2	15
Other [‡]	96	59	44	10		2	211
Insufficient detail	45	32	14	1	1		93
Total	440	297	189	53	3	8	990[§]

*‘SCH’ refers to SCHs holding children on both justice and welfare placements, whereas ‘SCH W’ refers to SCHs only holding children on welfare placements.

[†]The ‘Other’ column includes the three incidents of abuse which occurred outside a custodial institution, referred to above.

[‡]This includes, for example, sexual comments, voyeurism, grooming behaviour and sexual gestures.

[§]This refers to the 990 cases of abuses: see explanation for ‘case’.

Perpetrators

22. Based on the information to the Inquiry, the perpetrators for each case of alleged child sexual abuse can be summarised as follows:

Table 2 Type of abuse by perpetrator and in total

Perpetrator	Type of institution						Total
	YOI	STC	SCH*	SCH W	Other [†]	Unknown	
Detainee	113	143	98	23		8	385
Staff	240	112	74	30	3		459
Staff member and detainee together	1	1					2
Religious figure	4						4
Teacher	34	5	5				44
Ex-teacher	1						1
Other type of perpetrator	9	10	4				23
Not stated	38	26	8				72
Total	440	297	189	53	3	8	990[‡]

*'SCH' refers to SCHs holding children on both justice and welfare placements, whereas 'SCH W' refers to SCHs only holding children on welfare placements.

[†]The 'Other' column includes the three incidents of abuse which occurred outside a custodial institution, referred to above.

[‡]This refers to the 990 cases of abuses: see explanation for 'case'.

23. Of the 990 cases, 385 (38.9 percent) related to other detainees and 461 in total (46.6 percent) involved a staff member acting alone or with a detainee.

24. There were 121 cases involving abuse allegedly perpetrated by detainees in SCHs (including those on welfare placements), 143 in STCs and only 113 in YOIs. This is despite the overall population of YOIs being several times higher than the populations of SCHs and STCs at any given time. It raises the question of whether the higher ratio of staff per detainee in the SCHs and STCs compared with YOIs may make it more likely that abuse between detainees is identified, recorded and reported to agencies by staff.

Circumstances of abuse

25. Some patterns have emerged in the circumstances of the reported abuse:

- 92 incidents were alleged to have taken place during search or restraint. The percentage was highest in YOIs. Of the 469 alleged incidents occurring in YOIs, 57 (11.1 percent) occurred during search or restraint.
- 53 alleged incidents happened in the showers or bathrooms. Again, the percentage was highest in YOIs. Of the 469 alleged incidents occurring in YOIs, 40 (8.5 percent) happened in the showers or bathroom.

- 27 incidents were alleged to have happened in a cell. This raises the question of whether the absence of CCTV in these areas may increase risk of sexual abuse.¹¹⁴

26. The figures which the Inquiry's analysis gives for incidents in each category may be lower than the actual numbers. This is because the precise details of each allegation were not always apparent from the material provided, and so there may be further incidents falling within the above categories which have not been counted above.

How incidents were reported and responded to

27. Many allegations (where such information is available) were disclosed to someone within the institution by the alleged victim, a witness or fellow detainee. A small number of incidents (19) were not reported at the institution where the alleged abuse took place, but rather at another custodial institution by a witness or victim. Some were reported after release.

28. In 166 allegations, it was recorded that the alleged victim withdrew, retracted or was unwilling to pursue the allegation. Investigators described 49 allegations as malicious or similar. Many other complaints were found not to be substantiated for other reasons, though those reasons were not always clear.

Limitations and issues

29. The Inquiry has identified a number of limitations in relation to the data obtained from the published surveys:

- The sample group included 18-year-olds, ie adult not child victims.
- The survey results give the percentages of respondents who have been sexually abused, but not the total number of incidents of abuse.
- Prior to October 2012, children in STCs did not take part in surveys in which a question about sexual abuse was asked.
- Children in SCHs have never been asked specifically about sexual abuse.¹¹⁵

30. The further data obtained by the Inquiry may also have limitations:

- A number of respondents, including the PPO, the Youth Justice Board, HM Prison and Probation Service (HMPPS), Ofsted, police forces and at least six local authorities, highlighted shortcomings in the data provided or the methods used to search for it, which may mean those bodies received more allegations of sexual abuse than those they have provided to the Inquiry.
- Similarly, there are significant levels of incomplete records held by the various bodies, including some YOIs, some STCs (and some STCs' records have not been made available to the Inquiry), and some local authorities, although we note there might be various reasons for this.

¹¹⁴ Where figures are higher than the number of incidents in the third sheet of Annex 2, this is to take account of where more than one incident was recorded in a case.

¹¹⁵ See Annex 1 to Note from Inquiry Counsel at [INQ001710](#)

- Using existing systems, it is not possible to categorise an incident as sexual abuse of a child in custody, so as to allow records to be retrieved easily and thus to distinguish custody-related abuse from other categories.
- We have also seen incidents recorded in one place but not in others as we would have expected.¹¹⁶ There were 130 occasions on which police were said to have been informed about an incident which the relevant police force did not refer to when responding to requests. Similarly, there were 211 occasions on which a local authority was informed about incidents, but which were not included in local authority evidence.
- There were also issues with inaccurate recording or missing details.¹¹⁷

¹¹⁶ For example: (i) In February 2015, Ofsted received from the Youth Justice Board a spreadsheet of alleged incidents at Rainsbrook recorded on the Youth Justice Board's IARMS system. This spreadsheet has been compared to IARMS records provided directly to the Inquiry investigation team from the Youth Justice Board. There are four incidents referred to on the former but not on the latter. (ii) Several allegations of sexual abuse were not recorded on child protection logs but instead in other places such as on security information reports or complaint forms. (iii) The NSPCC's Childline service received eight disclosures of sexual abuse from detainees in 2015 regarding children in YOI Werrington which do not appear to have been recorded by any state body (INQ001709; INQ001769)

¹¹⁷ For example (i) the date of incident is not always given; (ii) the location of abuse may not always have been recorded accurately, such as where different custodial institutions are geographically close to each other; (iii) the categorisation of abuse may not always be consistent, such as in respect of incidents of alleged sexual abuse being recorded by an evidence provider as physical abuse, and so the relevant information was not provided until further queries by the investigation were made; and (iv) in just over 10 percent of the PPO's records, the age of the victim is missing and so it is impossible to know whether the alleged victim is a child or adult (INQ001709; INQ001769)

Part D

The role of culture

The role of culture

1. A key issue for this investigation was whether the culture within custodial institutions from 2009 onwards has inhibited the prevention, exposure and investigation of child sexual abuse.

D.1: The REA's observations on culture

2. As set out in the Inquiry's Rapid Evidence Assessment (REA), there are a number of potentially relevant cultural factors:

- Punitive rather than rehabilitative cultures are said in some of the research to lead to environments where sexual abuse is more likely to occur. Young offender institutions (YOIs) in particular have a culture focussed on punishment. There is also research suggesting that control can take priority over care or rehabilitation in secure training centres (STCs). By contrast, a number of reports indicate the culture in secure children's homes (SCHs) is more focussed on safeguarding and supportive relationships.¹¹⁸
- 'Closed' and hierarchical environments have been associated with instances of abuse of power within institutions for children. Some argue that YOIs and STCs, and even some SCHs, have elements of 'defensive' practice, such as referring to children by their surnames, over-reliance on procedures and inflexible application of the rules, rather than 'child-centred' practices.¹¹⁹
- The 'macho' culture identified by some within the youth secure estate has also been a factor in a number of inquiries into child abuse in residential settings, particularly in relation to identification and reporting. (This 'macho' culture might be evident through an inability to express feelings or emotional vulnerability, a denial of feelings or an inability to recognise them in other children or staff.) Most children in custody and the vast majority of staff are male, leading to a male-dominated environment, which has also been identified as relevant. For example, one study – which looked at how the needs of children are met in secure accommodation in Scotland (the equivalent of SCHs) – suggested a 'macho culture' and a fear of being labelled as gay may have inhibited young boys from revealing involvement in or discussing circumstances related to child sexual exploitation.¹²⁰
- Trusting relationships between staff and children are important to enable children to raise concerns or problems, and staff members to identify victimisation. However, surveys and inspections have highlighted differences in the quality of these relationships, and of children's perceptions of staff both between institutions of the same type, between different establishment types and

¹¹⁸ REA, sections 6.1.1 and 8.4.7

¹¹⁹ REA, section 6.1.2

¹²⁰ REA, section 6.1.3

between individuals. While it is obviously important that staff can identify potential victims of abuse (including sexual assault), they find this difficult. This may be due partly to cuts in staffing levels and the consequent reduction in contact time. Detained children are also often seen as lacking credibility because of their backgrounds, offending behaviour and age.

- There is a significant power imbalance between detainees and staff, but this is further exaggerated when those detained are children. The nature of secure units also gives staff power and the opportunity for the exercise of this power to become abusive.¹²¹

D.2: The Inquiry's findings on culture

The current culture within custodial institutions

3. From all the evidence we heard, there are a number of cultural factors within custodial institutions which inhibit the proper prevention, exposure and investigation of child sexual abuse.

4. The position was summarised by Professor Nick Hardwick, formerly HM Chief Inspector of Prisons, that there are very serious risks that children in custody may be subject to sexual or other forms of abuse, and that the reasons for this are linked with the following cultural factors within custodial institutions:

- These are closed institutions, where the normal scrutiny of parents, friends and visitors is not possible. It is very difficult for a person from outside to see what is actually happening, other than what they are shown. As an example, abusive behaviour by staff at Medway STC was hidden from inspectors and official visitors in some cases.
- There is a power imbalance between staff and children. Staff are trained to use force, including pain compliance techniques. In addition, the child is dependent on staff for every part of day-to-day life, including access to privileges, status, food, unlock, visits and more.
- Children in detention often lack credibility because of their offending behaviour, mental health or age.
- If staff are encouraged to create an 'unpleasant experience', this makes poor behaviour normal. In Professor Hardwick's view, there was likely to have been a direct link between the policy to create an 'unpleasant experience' and the brutality and sexual abuse that followed at HMP Medomsley, echoed in some of the language of juvenile custody. He thought there was a similar subculture between staff at HMP Medomsley to that at Medway STC.

Overall he described children in custody as "*very vulnerable children in a very dangerous place*".¹²²

¹²¹ REA, sections 6.1.4 and 8.4.3

¹²² Hardwick 11 July 2018 128-130; 133; NHK000003, paragraphs 44-51

5. There was a focus on achieving a closed and controlled environment rather than welfare in YOIs and STCs. The Medway Improvement Board (established after the January 2016 *Panorama* documentary regarding Medway STC, discussed below in greater detail) had concluded that the culture at Medway was focussed on control and contract compliance at the expense of child welfare.¹²³ Pam Hibbert, a social worker and former Chair of the National Association for Youth Justice,¹²⁴ believed that children in custody have become more vulnerable because institutions have become *more* closed and the protective factor of contact with the outside world has reduced.¹²⁵ Dr Laura Janes, Legal Director of the Howard League for Penal Reform,¹²⁶ described the culture in custody as a generally punitive one.¹²⁷ Matthew Brazier, an Ofsted special adviser on looked-after children, said the key difference between SCHs and STCs/YOIs is that SCHs tend to be much more child-centred.¹²⁸ These characterisations of the secure estate were borne out by the evidence concerning how SCHs operate compared to YOIs and STCs.

6. Complainants regarded physical and sexual abuse as inextricably linked. Witnesses described physical violence making them so frightened they submitted to sexual abuse and were too afraid to complain about it. Effectively the culture of violence contributed to the opportunities for sexual abuse to occur and go undetected.¹²⁹ Angus Mulready-Jones, the lead inspector for children in detention for HM Inspectorate of Prisons, agreed that today there remains a link between violence and sexual abuse. One consequence may be that children are less likely to trust the institution to protect them if they report sexual abuse.¹³⁰

7. There seems to be a perception of detained children as somehow “undeserving” and not reliable historians. In Pam Hibbert’s experience, children in custodial institutions are considered offenders first and children second; they are seen as malicious or different from other children. Her examples included a member of STC staff saying it was okay to refer to children in custody as “animals”, and other staff expressing the view that children made false allegations. To disclose abuse, a child must feel they will be believed and that something would happen as a result; however, the children Pam Hibbert had spoken with did not believe the staff who looked after them would put their interests before those of the establishment.¹³¹ As Carolyne Willow, a social worker and founder of Article 39,¹³² highlighted, a child in custody has a “tarnished” reputation before they even enter an institution.¹³³

8. This is exacerbated by feelings of powerlessness experienced by the child in custody, which are made worse still by practices such as strip searching and pain compliance. As Dr Janes explained, it is a fact of detention that children often are in positions where they feel vulnerable, lonely and afraid. This, coupled with the acute and inherent power imbalance, puts them at greater risk of abuse.¹³⁴ Pam Hibbert also suggested there is a link between power dynamics and abuse. Many children in custody have already

¹²³ *Medway Improvement Board: Final Report*, 30 March 2017, vii (MED000003_006); *Petherick* 17 July 2018 51–60

¹²⁴ <http://thenayj.org.uk>

¹²⁵ *Hibbert* 11 July 2018 104–107; 112–113; 115; INQ001637; INQ001750

¹²⁶ <https://howardleague.org>

¹²⁷ *Janes* 11 July 2018 3–6; 13–16

¹²⁸ *Brazier* 18 July 2018 21

¹²⁹ *Smith* 9 July 2018 131; *CI-A17* 10 July 2018 18; *Watson* 10 July 2018 41; *CI-A34* 10 July 2018 86

¹³⁰ *Mulready-Jones* 16 July 2018 5–6 and 30–31

¹³¹ *Hibbert* 11 July 2018 104–107; 112–113; 115; INQ001637; INQ001750

¹³² <https://article39.org.uk>

¹³³ *Willow* 12 July 2018 99–100

¹³⁴ *Janes* 11 July 2018 3–6; 13–16

experienced neglect, abuse and chaotic lifestyles, and some have been involved in gangs. As a consequence, the dynamic in which “*the strongest person wins*” might be replicated in custody.¹³⁵ In Carolyne Willow’s view, practices such as strip searching and pain techniques to induce compliance or facilitate restraint are the antithesis of what children need to feel safe and cared for.¹³⁶

9. These broad themes were reflected by others. Mark Johnson, founder and CEO of User Voice,¹³⁷ explained the power imbalance between adults and children in the community was amplified in custody and children are reliant on the systems and people within the institution to protect them.¹³⁸ Angus Mulready-Jones said staff need to take positive action in many aspects of how detainees are treated. For example, only 25 percent of children in YOIs said their emergency cell bell was answered within 5 minutes. If the institution cannot guarantee basics, it will undermine the child’s confidence in reporting, including incidents of abuse.¹³⁹ Such an approach is also likely, in our view, to make a child feel powerless.

10. The friendships, intimacy and sexual activity that would be normal in the community are likely to be absent from the custodial environment. Dr Janes noted there were no authorised sexual outlets and no opportunities to develop relationships in custody. Parents not being allowed to hug their children during visits and teenagers in detention being punished for masturbating creates an artificial state of “*untouchedness*”, as well as a secretive and unhealthy atmosphere around sexuality. These factors make it harder for children to know what is normal and what is abusive.¹⁴⁰ Mark Johnson commented that the very nature of excluding people from normal sexual activity, the volatility and social immaturity of children in custody, and gang or other peer pressures all increase the risk of sexual abuse occurring. They also reduce the likelihood of a child disclosing abuse in custody.¹⁴¹

11. Finally, according to Steve Gillan, General Secretary of the POA,¹⁴² there are a number of matters which limit the time staff can spend building trusting, professional relationships with children, leading to fear that they might be deterred from coming forward to discuss concerns.¹⁴³

12. Alan Wood, the independent expert appointed to advise the Inquiry, considered these cultural issues at some length.

- He described various potential risk factors for the occurrence of sexual abuse in custody, including the use of drugs, gang membership and violence committed by other children, although there are many variables that could cause a child to become isolated and at risk.¹⁴⁴

¹³⁵ Hibbert 11 July 2018 104–107; 112–113; 115; INQ001637; INQ001750

¹³⁶ Willow 12 July 2018 101

¹³⁷ www.uservoice.org

¹³⁸ Johnson 17 July 2018 182–184

¹³⁹ Mulready-Jones 16 July 2018 30–31

¹⁴⁰ Janes 11 July 2018 3–6; 13–16

¹⁴¹ Johnson 17 July 2018 182–184

¹⁴² Professional Trades Union for Prison, Correctional & Secure Psychiatric Workers

¹⁴³ POA000001_001, Q1

¹⁴⁴ Wood 12 July 2018 44. More generally, the evidence from the National Society for the Prevention of Cruelty to Children (NSPCC) was that there were a number of factors which could increase a child’s risk of sexual abuse, including a history of previous sexual abuse or other forms of neglect, having a disrupted home life and social isolation. Young or disabled children may not be able to tell someone what is happening or may not understand they are being abused (Noyes 12 July 2018 84–85)

- He noted that in the community the possible symptoms and signs of abuse may be detected by a wide range of people with whom a child interacts, whereas children in custody are dependent on the professionals they come into contact with to recognise those signs. In a custodial environment, some of the signs associated with past or current abuse¹⁴⁵ may be present because the child is reacting to custody.¹⁴⁶
- One of the strongest protective factors for children is having a positive educational experience, which feeds into their self-esteem, self-awareness, positive peer contact and ability to build trusting relationships with adults. Despite the importance of education, he noted from the *Review of the Youth Justice System in England and Wales* by Charlie Taylor in 2016 (Taylor Review) that children were only accessing 17 hours of education per week, rather than the expected 30 hours. He explained that children need to be given information about what is abusive or neglectful behaviour so they can identify it, as they might not realise they are being harmed or their prior experiences may have skewed their idea of what constitutes consensual activity. He thought children should be given practical information in an age-appropriate way about what would happen if they made a disclosure.¹⁴⁷
- In Mr Wood's experience, the most successful ways to enable children to disclose abuse have involved creating a culture where there is access to a trusted and close professional (eg social worker) as well as other independent people. However, his view was that once a disclosure is made, achieving the necessary multi-agency response is more complicated in custody than in the community.¹⁴⁸
- In the context of the case studies analysis relating to Medway, he described an incident when staff members failed to protect another child who was being assaulted and having his clothes removed by other detainees. He expressed concern about the effect this would have had on children's expectations of the protection they would receive from members of staff.¹⁴⁹

13. Chief Constable Simon Bailey, the National Police Chiefs' Council lead on child protection, was more optimistic. He thought that while the culture within custodial institutions may well be such as to operate as a barrier to disclosure, the culture and working relationship between the police and prison service is improving, and there is now a greater understanding about how to meet the current challenges.¹⁵⁰

¹⁴⁵ He referred to "externalising" behaviour such as running away, being aggressive or being upset, or "internalising" actions such as isolation, depression or self-harm (Wood 12 July 2018 6). In this respect we were referred to research in which some respondents said they had not felt able to disclose abuse at the time it happened, but would have liked someone to notice and ask more questions to uncover the nature of their depression and self-harming behaviours which stemmed directly from the abuse they were experiencing: *No one noticed, no one heard: a study of disclosures of childhood abuse*, Allnock and Miller, NSPCC, 2013, p6 (INQ001489)

¹⁴⁶ Wood 12 July 2018 5; 6; 42

¹⁴⁷ Wood 12 July 2018 6; 13; 24–25; 34; 38

¹⁴⁸ Wood 12 July 2018 10; 17–18

¹⁴⁹ Wood 17 July 2018 6

¹⁵⁰ Bailey 11 July 2018 97–98

14. On behalf of the Youth Custody Service, Sara Robinson recognised that the environment in custodial environments is not always conducive to staff being able to create a culture of enabling children to have positive outcomes and not re-offend, albeit there were many staff who worked hard and wanted to make a difference.¹⁵¹

Proposals to reform culture

15. Various witnesses gave their views as to what cultural change is needed within custodial institutions for children.

16. Dr Janes suggested a common set of rules and standards based on the rights of children is required.¹⁵² Children in custody need to be treated with great care but, in her view, they also need to be empowered to take responsibility for their own futures and to demand to be treated with respect and dignity.¹⁵³ Recommendations to this end have been made by a number of experts. For example, the Bach Commission report *The Right to Justice (2017)*¹⁵⁴ recommended that “*all matters involving children should be brought back into the scope of funded legal aid*”.¹⁵⁵

17. Experts in this area, including Pam Hibbert and Dr Tim Bateman,¹⁵⁶ have expressed disappointment that the government rejected the recommendation of the Taylor Review¹⁵⁷ that the focus should be on the child first and offending second. Pam Hibbert considered that there needed to be a “*fundamental rethink*” about children in custody, and that they should be removed from Prison Service responsibility.¹⁵⁸

18. Professor Hardwick told us “*the most important factors in reducing risk are sufficient well trained professional staff, a child-centred culture and a management culture which encourages challenge and discussion*”. He shared the view that child detainees should not be the responsibility of the Ministry of Justice but rather of the Department for Education or Department of Health or somewhere else. Overall the protection of children should be at the top of the list of important aims; the bedrock has to be safety and protection of children from abuse.¹⁵⁹

19. Of the key themes Mr Wood identified, those relating most directly to the reform of culture were that the need for a child-centred approach and that issues of trust are key.¹⁶⁰

20. Phillip Noyes of the NSPCC indicated there were a number of ways that professionals and non-professionals could make it easier for children to disclose abuse, including:

- being aware of, recognising and responding appropriately to emotional distress, behavioural changes and other signs;
- asking sensitive questions;

¹⁵¹ Robinson 13 July 2018 174-175

¹⁵² Janes 11 July 2018 60

¹⁵³ Janes 11 July 2018 61

¹⁵⁴ <http://researchbriefings.files.parliament.uk/documents/LLN-2017-0093/LLN-2017-0093.pdf>

¹⁵⁵ HWL000003_003-004, paragraphs 2.4-2.5; www.fabians.org.uk/wp-content/uploads/2017/09/Bach-Commission_Right-to-Justice-Report-WEB.pdf

¹⁵⁶ *The state of youth justice 2017: An overview of trends and developments*, Dr Tim Bateman/National Association for Youth Justice, September 2017 (INQ0001598_003-055)

¹⁵⁷ *Review of the Youth Justice System in England and Wales*, Charlie Taylor, Ministry of Justice, December 2016 (INQ001422)

¹⁵⁸ Hibbert 11 July 2018 120-123

¹⁵⁹ Hardwick 11 July 2018 157-159; 162; 164; 166; INQ001757_002

¹⁶⁰ Wood 12 July 2018 74

- using age and developmentally appropriate words and communication styles;
- giving children a safe space to talk and tell;
- giving children a sense of control over the process of disclosure;
- taking prompt action to protect children; and
- giving children better information.

To help children disclose sexual abuse sooner, Phillip Noyes thought cultural change in organisations was needed; in summary, the key change needed is “*kindness*”.¹⁶¹

21. Sara Robinson said that the Youth Custody Service was looking at developing a code of practice on the management of behaviour across the sectors. She agreed they ought to consider whether the clear quality standards relating to children that apply in the SCH context¹⁶² can be carried over to YOIs and STCs.¹⁶³ Sara Robinson said, generally, all the steps the Youth Custody Service is undertaking are aimed at creating an improved and more child-centred culture in custodial institutions.¹⁶⁴

22. Peter Savage, formerly of the Youth Justice Board, stressed the importance of “*porous boundaries*” in youth custody, where a range of different organisations and individuals come into the establishment who are independent of HMPPS. He thought this was an area where HMPPS needed to continue to do more.¹⁶⁵

23. Jonathan French, governor of Medway, told us about the attempts he has made to change the culture at Medway STC since taking over in early 2017. He has, for example, introduced a “*rewards-based approach*”, as a foundation for the behaviour management policy. The previous regime had been overly punitive and was ineffective. The new scheme gives children points for positive behaviour.¹⁶⁶

24. Likewise, Peter Gormley, the former governor of HMYOI Werrington, told us that at the institution they had tried to create a reward culture for good behaviour, rather than a punitive one for poor behaviour.¹⁶⁷

¹⁶¹ [Noyes 12 July 2018 87–88](#)

¹⁶² These include that staff engage and develop positive relationships with children and provide them with support: the Children’s Homes (England) Regulations 2015, regulations 7 and 11 ([INQ001426](#)).

¹⁶³ [Robinson 13 July 2018 95–96](#)

¹⁶⁴ [Robinson 13 July 2018 175](#). Since the hearings, we have been provided with some further information about the Youth Custody Service’s new programme entitled ‘Building Bridges: The Positive Behaviour Framework for Children and Young People in the Secure Estate’. This is being implemented in the early part of 2019 and is a further initiative intended to address some of these cultural issues.

¹⁶⁵ [Savage 13 July 2018 176](#)

¹⁶⁶ [French 17 July 2018 140–141](#)

¹⁶⁷ [Gormley 16 July 2018 165](#)

Part E

The institutional response to child sexual abuse in custody

The institutional response to child sexual abuse in custody

E.1: The fact of custody

1. Beyond the cultural issues discussed in Part D, some experts have argued that children can never be safe from sexual abuse in custody, and that the best way to protect children from abuse is not to detain them at all.¹⁶⁸
2. Some complainants gave evidence on this issue. Peter Smith said imprisoning children should be a last resort.¹⁶⁹ CI-A30 said consideration should be given to whether some children really needed to be in custody, or whether they were troubled children from poor backgrounds who had done “lots of small things that build up into a prison sentence”. He questioned whether for some children the money would be better spent on intensive support rather than custody.¹⁷⁰
3. Institutional witnesses also addressed this.
4. The written evidence from Dr Laura Janes, Legal Director of the Howard League for Penal Reform, was that “the starting point is that prison is inherently risky and it will be impossible to eradicate the risk of sexual abuse for children in penal detention”. The Howard League has long advocated for a penal policy that detains only a very small number of children who genuinely cannot be managed safely in the community.¹⁷¹ Its position is that the population of children in custody should continue to fall.¹⁷² It has concerns that children in care are criminalised for minor incidents (which police consider care homes should be able to deal with) and placed there to punish and control them. Efforts should be made to reduce criminalisation of children in care.¹⁷³
5. Dr Janes’ understanding is that of the one-third of children in custody who are on remand, over half will not receive a custodial sentence. This suggests they ought not to be there. Her view is that many children are remanded into custody simply because there is not appropriate provision available for them in the community¹⁷⁴ and that greater caution should be taken before remanding a child in custody. She thought research into any regional variations in local authority provision would be very worthwhile.¹⁷⁵

¹⁶⁸ See, for example, Carolyne Willow’s book, *Children Behind Bars: Why the Abuse of Child Imprisonment Must End*, 2015.

¹⁶⁹ Smith 9 July 2018 138–139

¹⁷⁰ CI-A30 10 July 2018 105, 161–163; INQ001743, paragraphs 7–9

¹⁷¹ HWL000001, paragraph 3.1

¹⁷² Janes 11 July 2018 6

¹⁷³ HWL000003_005-007, paragraphs 3.3 and 4.4

¹⁷⁴ *Review of the Youth Justice System in England and Wales*, Charlie Taylor, Ministry of Justice, December 2016 (INQ001422, paragraphs 122 and 123) concluded that too many children are securely remanded by the courts when alternative arrangements could be made, and made some recommendations about this issue.

¹⁷⁵ Janes 11 July 2018 6, 7 and 71

6. Dr Janes' experience was that short Detention and Training Orders (DTOs) were inappropriate for children (noting that the disruption can be particularly difficult for them). She considered that DTOs should be abolished. At the other end of the spectrum, she had observed an increase in the average length of custodial sentences for children. She considered that, under the current guidance, sentences often gravitate towards being offence-specific rather than being focussed on the specific child.¹⁷⁶

7. Carlyne Willow, a children's rights campaigner and founder of Article 39, considers that penal institutions are fundamentally unsafe for children and that the only way of preventing sexual abuse in child prisons is to stop incarcerating children.¹⁷⁷ In short, prison is no place for a child.¹⁷⁸

8. On behalf of the Youth Custody Service, Sara Robinson, Interim Executive Director, said children can never be entirely protected from abuse in any setting. There are always going to be individuals who will take an opportunity to abuse children; all that can be done is to try and minimise the risk as far as possible. She stressed that custody is seen as very much a last resort and that the Youth Custody Service works closely with the Youth Justice Board and Youth Offending Teams to try and prevent the need for custody. While there was a significant reduction in the number of children in detention between 2006/07 and 2017/18, numbers have reached "a kind of steady state" and may have reached their lowest point. She accepted the remand population was quite high, around a quarter of the children in detention,¹⁷⁹ with children being remanded in custody due to limited specialist provision in the community. The Youth Custody Service's policy unit is examining whether there are other things that can be done to reduce the number of children in detention further, particularly in the remand population.¹⁸⁰

9. We considered whether the mechanisms for sentencing children effectively leave magistrates and judges with limited choices for children. At present:

- A DTO is a type of custodial sentence imposed on children aged 12–17. It would only be imposed if the offence is so serious that neither a fine nor a community sentence is justified, or certain other conditions are met, and a custodial sentence of longer than two years is not warranted. The Secretary of State for Justice has not appointed a date from which DTOs may be imposed on children aged 10 or 11. In the case of children aged 12–14, the court must be of the opinion that the child is a 'persistent offender' before it may impose a DTO. Half the sentence is spent in custody and the other half is spent under the supervision of the Youth Offending Team in the community. The minimum period of a DTO is four months and the maximum is two years. There is no power to suspend a DTO.¹⁸¹
- Referral Orders may be imposed by the Youth Court or Magistrates' Court, as well as by the Crown Court on appeal. When a child without any previous finding of guilt pleads guilty to an offence which is punishable with imprisonment in the

¹⁷⁶ Janes 11 July 2018 8, 9

¹⁷⁷ INQ001073, paragraph 11

¹⁷⁸ Willow 12 July 2018 98

¹⁷⁹ In fact, the latest figures from July 2018 show 268 out of 883 detained children, or about 30 percent, were on remand (www.gov.uk/government/statistics/youth-custody-data)

¹⁸⁰ Robinson 13 July 2018 6–9

¹⁸¹ Powers of Criminal Courts (Sentencing) Act 2000, ss.100 and 101; Criminal Justice Act 2003, s.152

case of someone aged 21 or over, the court must impose a Referral Order unless the offence carries a sentence which is fixed by law (for example, murder) or the court is proposing to impose a custodial sentence, hospital order, absolute discharge or conditional discharge. If the child has previously been found guilty of an offence, the court may impose a Referral Order. Under a Referral Order, the child meets with the youth offender panel and agrees to undertake activities aimed at preventing reoffending. If the child fails to agree to this or does not comply, the youth offending panel may refer the case back to the court.¹⁸²

- The length of any custodial sentence imposed must be the shortest term commensurate with the seriousness of the offence, regardless of whether the offender is an adult or a child.¹⁸³
- When sentencing children, the court must consider the welfare of a child.¹⁸⁴
- Current sentencing guidelines applicable to child offenders emphasise that custody is a measure of last resort and that the younger the child, the shorter the custodial sentence should be.¹⁸⁵

E.2: Different types of institution

Young offender institutions, secure training centres and secure children's homes

10. The Inquiry's REA directed us to evidence from a range of sources that children are generally safer in secure children's homes (SCHs) as compared to young offender institutions (YOIs) and secure training centres (STCs).¹⁸⁶ The witnesses we heard from agreed, and generally suggested that children were also safer from sexual abuse in SCHs. For example:

- Dr Janes told us that the Howard League's position has long been that SCHs are a safer environment for children.¹⁸⁷ For the very small number of children who genuinely cannot be managed safely in the community, they should only be detained in small local SCHs.¹⁸⁸
- Pam Hibbert, a social worker and former Chair of the National Association for Youth Justice, thought SCHs were better at safeguarding than YOIs and STCs because their ethos was rooted in a social care tradition rather than criminal justice, and staff in SCHs were more aware that children may be both victims and abusers.¹⁸⁹
- Carlyne Willow, a social worker and founder of Article 39, considered that children in SCHs are much better protected from sexual abuse than those in YOIs and STCs, because the law, policy, staffing ratio, professional expertise, size,

¹⁸² Powers of Criminal Courts (Sentencing) Act 2000, ss.16, 17 and 23

¹⁸³ Criminal Justice Act 2003, s.153

¹⁸⁴ Children and Young Persons Act 1933, s.44(1)

¹⁸⁵ *Sentencing Children and Young People: Overarching Principles and Offence Specific Guidelines for Sexual Offences and Robbery Definitive Guideline*, Sentencing Council, 1 March 2017, pp28-29, paragraphs 6.42-6.49

¹⁸⁶ REA, p72, section 6.2.3

¹⁸⁷ Janes 11 July 2018 63-64

¹⁸⁸ HWL000001, paragraph 3.1

¹⁸⁹ Hibbert 11 July 2018 107-108

physical environment, education, health, culture and respect generally afforded to children in those homes is far superior. She said that when detention of children is required, this should be in a SCH.¹⁹⁰

11. Matthew Brazier, an Ofsted special adviser on looked-after children, referred to Ofsted's most recent annual report, dated 13 December 2017, which noted a "marked contrast" between the inspection outcomes for SCHs and STCs. While 86 percent of SCHs were judged good or outstanding, the three STCs were judged less than good.

- Inspectors of SCHs noted strengths in matters such as the ability of the staff to develop positive and effective relationships with young people who are disaffected.¹⁹¹
- In contrast, inspectors of STCs had "serious concerns" about "poor behaviour management ... the safety of children and staff ... rising levels of violence between children and young people and assaults on staff ... rules and sanctions being inconsistently applied ... difficulties in recruiting and retaining staff". Overall, Ofsted considered that although there were some "pockets of better practice", the STCs' staff "often did not have the skills and experience to respond to children's needs with the necessary sensitivity and care".¹⁹²

12. Mr Brazier said the reasons for these problems within the STCs were instability of leadership, at certain points very high staff turnover and high levels of violence. The report had concluded that outcomes for children and young people in YOIs and STCs were much less good and sometimes extremely poor. The report said: "lessons need to be learned urgently about how best to educate and take care of children in the secure estate".¹⁹³

13. Alison Sykes, Head of Secure and Emergency Services for South Gloucestershire Council and the registered manager for Vinney Green SCH, gave us a practical insight into the different establishments. She told us that at Vinney Green there are 150 staff for 24 children. She knew all of the children personally, but it would be impossible for her to do this when looking after 70, 100 or more young people. By comparison with YOIs and STCs, children in SCHs have much greater private contact with their families. Unlike the other contexts, there are clear, published child safety standards governing SCHs, which make child welfare a primary aim. A person working in a care role in a SCH must have minimum childcare qualifications and there is regular supervision of staff.¹⁹⁴

14. On behalf of the Youth Custody Service, Sara Robinson accepted the evidence from the inspectorates that the SCHs generally provide a safer environment.¹⁹⁵

15. However, SCH places form a relatively small part of the child custody estate. By March 2017, the number of children in SCHs had dropped to 210, of which 49 percent (or around 102) were on justice placements.¹⁹⁶

¹⁹⁰ Willow 12 July 2018 127; 129-130

¹⁹¹ Brazier 18 July 2018 16-17; INQ001492

¹⁹² Brazier 18 July 2018 17

¹⁹³ Brazier 18 July 2018 17-19

¹⁹⁴ Whellans 18 July 2018 169-172; 179; Sykes 18 July 2018 127-128; Children's Home (England) Regulations 2015, regulations 4, 22, 23 and 32-34 (INQ001426)

¹⁹⁵ Robinson 13 July 2018 15

¹⁹⁶ Willison 12 July 2018 155

16. Some children who should be in SCHs are in fact in YOIs or STCs. Matthew Brazier told us of children in “*very, very difficult and upsetting situations*” in STCs who should be in “*a nurturing environment*” in a SCH.¹⁹⁷

Smaller establishments

17. The Inquiry’s REA cited evidence that children are generally safer in smaller establishments¹⁹⁸ because they are more likely to facilitate positive staff/child relationships.

18. Many witnesses considered that children were better protected from sexual abuse in smaller institutions:

- Pam Hibbert agreed with Dr Tim Bateman, an expert in this area, who suggested the size of the establishment and the staff-to-child ratios in combination with a care-based ethos were fundamental.¹⁹⁹
- Professor Hardwick, former Chief Inspector of Prisons, said that detained children were at risk from the closed nature of the establishments, whether they were big or small, but that smaller establishments, closer to a child’s home, would get many better outcomes.²⁰⁰
- Carolyne Willow considered children feel safer in smaller establishments.²⁰¹
- Angus Mulready-Jones, the lead inspector for children in detention for HM Inspectorate of Prisons (HMIP), agreed with the recommendations from Martin Lomas (the Deputy Chief Inspector of Prisons) that custodial units holding children should be smaller to facilitate positive relationships between staff and children.²⁰²

19. However, Sara Robinson said that one has to be careful not to think simplistically that small is best. It is not necessarily about the size of the operation, it is more about the culture of the leadership, the interventions and the processes that are in place to safeguard children.²⁰³

Privately run establishments

20. Prior to the hearings we were aware of the allegations of serious abuse of children by staff at Medway STC, when it was run by G4S, as featured in a *Panorama* programme broadcast in January 2016. In particular:

- HMIP’s Advice Note on Medway,²⁰⁴ produced shortly after the allegations emerged, noted concerns that staff had carried out ‘poor practice’ in areas not covered by CCTV, that there was a very high rate of staff turnover, and that

¹⁹⁷ Brazier 18 July 2018 35–37

¹⁹⁸ REA, p72, section 6.2.2

¹⁹⁹ Hibbert 11 July 2018 121–122; *The State of Youth Justice 2017: An Overview of Trends and Developments*, Tim Bateman/ National Association for Youth Justice, September 2017 (INQ0001598_055)

²⁰⁰ Hardwick 11 July 2018 156–157

²⁰¹ Willow 12 July 2018 136

²⁰² Mulready-Jones 16 July 2018 33–34

²⁰³ Robinson 13 July 2018 17

²⁰⁴ INQ001478

managerial oversight had failed to protect young people from harm. The final report of the Medway Improvement Board concluded there had been a focus on contract delivery at the expense of the welfare of the children.²⁰⁵

- The Secretary of State for Justice responded to the Medway Improvement Board report by saying that the fundamental problem was *“those running Medway conceived it as a place of coercion, where the culture and incentives – as they were designed in the contracts – were centred around corralling and control of children, rather than their full rehabilitation”*.²⁰⁶
- The Youth Custody Improvement Board report in February 2017 concluded: *“The appalling situation at Medway and the decision of G4S to sell its remaining STC contract indicate that these arrangements have not played out as intended. It raises questions as to the capacity to manage contracts and suggests the contracting arrangements are insufficiently flexible to deal with underperformance, ensure high-quality provision and effective recruitment and retention of skilled staff”*.²⁰⁷

21. A press release from the Prison Governors Association in January 2018 stated that contracts for prisons and other services had not been fit for purpose, and running the contracts had diverted managers from running prisons.²⁰⁸

22. In light of this evidence, we addressed the question of whether children are generally safer in establishments that are run by state bodies rather than by private contractors, and if so whether this means they are likely to be better protected from sexual abuse in establishments run by state bodies.

23. Some witnesses remained concerned about private custody providers:

- Pam Hibbert considered that the state should be responsible for the care of detained children and that problems were exacerbated when the focus was on contract compliance and profit.²⁰⁹
- Carlyne Willow expressed concern that financial considerations and reputational risk may get in the way of protecting children in privately run institutions.²¹⁰
- Steve Gillan, the General Secretary of the POA, said the POA’s position is that the Government should be responsible for all custodial care, because public-sector staff are more likely to have broader experience and publicly run establishments have improved security and vetting procedures.²¹¹

24. However:

- Angus Mulready-Jones said there was no evidence that links private companies to poor outcomes; there are very poor outcomes in some public provision as well as private provision. He referred to an internal report by Her Majesty’s Prison and Probation Service (HMPPS) which raised concerns that too much reliance was

²⁰⁵ MED000003_006, vii

²⁰⁶ YJB000139

²⁰⁷ INQ001618

²⁰⁸ INQ001493_001

²⁰⁹ Hibbert 11 July 2018 111

²¹⁰ Willow 12 July 2018 129

²¹¹ 11 July 2018 173–176; POA000003, Q7

placed on information provided by the contractor, so that inaccurate reporting was hard to detect. The report also noted that the focus is on process rather than the quality of service.²¹²

- Professor Hardwick stressed that children were at risk from being detained, whether the establishment was privately or publicly run.²¹³
- Sara Robinson said there were polarised views about whether private provision should be used, but there are examples of where private provision has been successful. She said the evidence does not show children are safer in publicly run institutions compared to those run by the private sector.²¹⁴

25. We heard directly from those involved in providing custodial services on a private basis.

26. G4S had run Medway and Rainsbrook STCs until 2016. Medway had been taken over by HMPPS and Rainsbrook by MTC Novo. Jerry Petherick, managing director of G4S Custodial and Detention Services, acknowledged the concerns raised by the Medway Improvement Board and HMIP about Medway in 2016, specifically in HMIP's case that safety, and the institution as a whole, was inadequate.²¹⁵ He accepted that the 2015 HMIP report on Rainsbrook had also found that safety was inadequate,²¹⁶ but other reports had not been so critical. He explained that, since the issues that had arisen at Medway, significant efforts had been made by G4S with respect to whistleblowing, safeguarding processes, CCTV, body-worn cameras, shower viewing panels and the introduction of an additional layer of leadership at the chief operating officer level.²¹⁷ Nearly all of the personnel who worked at Medway and Rainsbrook are no longer employed by G4S.²¹⁸

27. In terms of other G4S-run institutions:

- The June 2017 Ofsted report for Oakhill STC found safety to be inadequate, raised several concerns about safeguarding and management of it, and noted there were still areas where children did not feel safe due to an ongoing lack of CCTV coverage.²¹⁹
- The December 2017 HMIP report for HMYOI Parc²²⁰ concluded that although safety had been a challenge and violence remained too high, it was encouraging to see many previous recommendations attended to, which was said to be to the great credit of the Director and her staff.²²¹

28. Jerry Petherick was asked about the May 2018 Independent Monitoring Board's report on the Brook House detention centre run by G4S (although children are not detained there).²²² A further Panorama programme had revealed disturbing scenes of ill-treatment of detainees by some staff. Mr Petherick accepted this reflected some serious

²¹² Mulready-Jones 16 July 2018 14-15

²¹³ Hardwick 11 July 2018 156

²¹⁴ Robinson 13 July 2018 20-24

²¹⁵ INQ001479

²¹⁶ INQ001568

²¹⁷ Petherick 17 July 2018 52; 56; 61-74; 90-92; 98; 103-105; 114

²¹⁸ Petherick 17 July 2018 52; 61-64; 75; 79-80; 83-88; 90-91

²¹⁹ Petherick 17 July 2018 95-98

²²⁰ INQ001798

²²¹ Petherick 17 July 2018 99

²²² INQ001697

concerns. He said there is risk in every custodial situation worldwide of some staff behaving inappropriately and referred to “*small pockets of very negative behaviour*” that were “*well hidden*”.²²³

29. Stuart Jessup of MTC Novo is the current Director of Rainsbrook Secure Training Centre. Mr Jessup was involved in the transition of Rainsbrook, following the transfer from G4S. He explained that after the 2017 Ofsted score of ‘inadequate’ an action plan was implemented to address the recommendations.²²⁴ Mr Jessup told us about MTC Novo’s improvements. These included the early implementation of the SECURE STAIRS framework, the changes it has made to enable children to have better contact with the outside world, improvements to the company’s recruitment processes, its staff training programme, the system of supervision for staff, increases to its senior management team, its systems with respect to body-worn cameras, shower viewing panels and night staff rotas.²²⁵ We are aware that the most recent Ofsted report on Rainsbrook noted the improvements that had been made in the four areas of the inspection.²²⁶

30. Jonathan French of HMPPS has been the governor of Medway since January 2017. The number of children at Medway was very low when he arrived (14) but gradually increased. Since taking over, he has prioritised staff training because many staff indicated they had had very little training at Medway and did not feel equipped to deal with the children they were looking after. He had also initiated training around sexual abuse for some staff. A comparatively high proportion of staff are enrolled on the youth justice foundation degree. The Custody Support Plan (CuSP) scheme was rolled out 12 months ago. Medway is now fully staffed. The Ofsted report in March 2017²²⁷ rated the establishment as ‘inadequate’. However, by March 2018²²⁸ the overall grade had improved to ‘requires improvement’ and the report stated “*Medway had improved in all areas since the last inspection*”.²²⁹

31. In terms of the future, Sara Robinson explained there are currently no plans within the Youth Custody Service to put more children in publicly run establishments. Instead the Youth Custody Service intends to follow the recommendation from the *Review of the Youth Justice System in England and Wales* by Charlie Taylor in 2016 to develop “*a secure school, which is built on a principle of smaller provision, looking at 60/70 beds, it’s more geographically based, that is led by a culture that is more akin to education and health and security being secondary, although it is a primary factor in terms of safety for children*”. She said these schools would use the approach set out in the Department for Education legislation currently applicable to SCHs. The main differences between secure schools and SCHs is that the former will be run by an education authority and will be bigger.²³⁰

E.3: Potential environmental risk factors

32. We heard evidence about issues arising from the physical environment of custodial institutions.

²²³ Petherick 17 July 2018 100–102; 115–116

²²⁴ Jessup 17 July 2018 159; 176

²²⁵ Jessup 17 July 2018 164; 168–169; 171–174

²²⁶ <https://files.api.ofsted.gov.uk/v1/file/50040904>
²²⁷ INQ001480

²²⁸ <https://files.api.ofsted.gov.uk/v1/file/50004467>

²²⁹ French 17 July 2018 51; 126; 134–136; 139

²³⁰ Robinson 13 July 2018 25–28

Access to children's cells and rooms

33. As explained in Part C, there is some evidence from the Inquiry's prevalence analysis of abuse occurring in a cell, but it was not always clear whether the alleged perpetrator was another child or a member of staff.

34. Children sharing cells: Peter Savage, formerly of the Youth Justice Board, explained that the only place in the secure estate where children may now share cells is HMYOI Parc. This reflects the Youth Custody Service gradually moving away from cell sharing as a policy, partly driven by capacity issues rather than safety concerns.²³¹ Before a child shares a cell, a Cell Sharing Risk Assessment is carried out, following PSI 20/2015.²³² Peter Savage said the assessment was a detailed process, looking at the risk of violence and sexual abuse both as a victim and as a perpetrator. However, we note that the wording of PSI 20/2015 – which appears to have expired in June 2017 – focusses on identifying whether a child was “*at risk of murdering or very seriously assaulting another prisoner in a closed space*”. It does not mention sexual abuse or any lower threshold of violence. Overall, insofar as children do share cells, Peter Savage considered there was a sufficiently effective system in place to minimise the risk of children engaging in sexually harmful behaviour with each other.²³³

35. The ability of staff to enter cells and rooms: Peter Savage said that in YOIs and STCs a member of staff may enter a child's cell if it is thought to be necessary to do so, even if the young person does not consent. He thought the position in SCHs is the same in practice.²³⁴ Steve Gillan, General Secretary of the POA, said the POA considers that two staff members should always be present when entering an occupied room.²³⁵ Alison Sykes, Head of Secure and Emergency Services for South Gloucestershire Council and the registered manager for Vinney Green SCH, explained that staff are encouraged not to go into bedrooms at Vinney Green “*for obvious reasons*”. However, there are exceptions; for example, if the child is self-harming.²³⁶

36. We note there are some policies and procedures for staff working alone,²³⁷ but it seems these are not of general application.

CCTV and body-worn cameras

37. As set out in the Inquiry's REA, there is evidence indicating that the presence of CCTV in custodial environments has had some positive impacts (but there is a risk of over-reliance on CCTV in investigations).²³⁸ The Youth Custody Service said CCTV is now “*routinely used*”²³⁹ in child custody and is being extended to reduce ‘blind spots’.²⁴⁰ HMIP and Ofsted reports

²³¹ Savage 13 July 2018 29–33

²³² INQ001567

²³³ Savage 13 July 2018 29–33

²³⁴ Savage 13 July 2018 37

²³⁵ POA000003, Q2

²³⁶ Sykes 18 July 2018 106

²³⁷ YJB000132

²³⁸ REA, section 6.3.3

²³⁹ Only SCHs have full CCTV coverage of all areas (DFE000591, paragraph 2.18). CCTV covers all areas of the Vinney Green (Sykes 18 July 2018 105) and Aycliffe (Whellans 18 July 2018 160) units, with the exception of bedrooms and toilets.

²⁴⁰ HMP000398, paragraphs 20–22. Professor Hardwick noted that some of the poor practice at Medway STC had occurred in places that did not have CCTV (Hardwick 11 July 2018 144–145)

indicate that CCTV in communal areas generally improves safety.²⁴¹ Body-worn cameras are now in “widespread use”,²⁴² and they have the additional benefit of audio coverage, unlike CCTV.²⁴³

38. The witnesses expressed mixed views about the benefits of CCTV and body-worn cameras:

- Dr Janes, Legal Director of the Howard League, said some children feel safer with CCTV present, while others say it is intrusive. Similarly, some young people feel safer in the presence of an officer using a body-worn camera, whereas others see the operation of it by the person in charge turning it on and off as another power dynamic.²⁴⁴
- Steve Gillan of the POA observed that the use of CCTV and body-worn cameras has increased dramatically, but acknowledged that abuse by its nature would be perpetrated covertly.²⁴⁵
- Katherine Willison, Director of Children’s Social Care, Practice and Workforce within the Department for Education, suggested there is a balance to be struck between safeguarding on the one hand and recording everything inside a children’s home, if we are to encourage the development of positive relationships, mutual trust and respect.²⁴⁶
- Sara Robinson, Interim Executive Director of the Youth Custody Service, described CCTV as being “incredibly helpful”, but both she and Peter Savage, Head of Operational Contract Management, Youth Custody Service, were concerned that widespread body-worn camera use could inhibit the personal relationship between a child and a staff member.²⁴⁷
- The experience of Chief Constable Bailey (the National Police Chiefs’ Council’s lead on child protection) was that the use of body-worn cameras may make a difference but comes with unresolved issues about turning devices on or off and the volumes of data generated.²⁴⁸
- Jonathan French, of HMPPS, told us that Medway STC has invested heavily in CCTV and put over 70 cameras into the centre so that it now covers all classrooms, stairwells and kitchen areas on the residential units. Body-worn cameras are now in optional use at Medway, and staff have been positive about them.²⁴⁹

39. The retention policies for such footage seem to vary. For example, MTC Novo’s policy states that footage is normally deleted after 31 days, except if it will be required later for evidence or for some other specific reason.²⁵⁰

²⁴¹ See, for example, 8 August 2017 report on Rainsbrook ([INQ001569_006](#))

²⁴² [HMP000398](#), paragraph 20

²⁴³ [HMP000397](#), paragraph 23

²⁴⁴ [Janes 11 July 2018 59; 73](#)

²⁴⁵ [11 July 2018 173–176; POA000001](#), Q5

²⁴⁶ [Willison 12 July 2018 177](#)

²⁴⁷ [Savage 13 July 2018 43, 50–55; Robinson 13 July 2018 54–55](#)

²⁴⁸ [Bailey 11 July 2018 97](#)

²⁴⁹ [French 17 July 2018 144–145](#)

²⁵⁰ [MTC000094_028-029](#), paragraph 6.1

Placing children for justice and welfare reasons together in secure children's homes

40. As set out in the Inquiry's REA, some research from the USA suggests that juvenile sexual offending can be a predictor of sexual misconduct in secure institutions. The REA noted that this raises concerns about the policy in England and Wales of accommodating children who have been found guilty of sexual offences with other children, especially with those who have been abused prior to custody. This is particularly the case in SCHs when some of the children have been placed there on welfare grounds.²⁵¹ We explored how the potential safeguarding challenges presented by this practice are being addressed.

41. Katherine Willison told us all children in SCHs are sent there by a court order, and the regulations and quality standards apply equally, regardless of the route by which the child came to be there. While the children may have arrived by different routes, their needs are often not vastly different. She said combining welfare and justice placements in SCHs appeared to be working reasonably well.²⁵²

42. Sara Robinson said a judgement is made about whether a new entrant to a SCH is appropriate but that, in reality, children coming in from both welfare and justice placements are often similar.²⁵³

E.4: Safety

43. A series of recent reports have been highly critical of the levels of safety in institutions detaining children.

- The 2016/17 HMIP report²⁵⁴ described the lack of safety in establishments which hold children as “dire” and noted a “staggering decline” in safety. It said that there was “not a single establishment that we inspected in England and Wales in which it was safe to hold children and young people”.
- The 2017 Youth Custody Improvement Board report²⁵⁵ concluded that “the youth estate was on the edge of coping”.
- The 2017 Ofsted annual report²⁵⁶ said its inspection findings reflected serious concerns held nationally about, among other things, the safety of children in STCs.

44. It appears the level of physical violence is higher in custodial institutions holding children than those holding adults, but also that it is increasing:

- Ministry of Justice figures from 2014 suggest that, despite comprising just 1 percent of the prison population, 11 percent of recorded prison assault victims were children.

²⁵¹ REA, pp58–59

²⁵² Willison 12 July 2018 160; 162; 182

²⁵³ Robinson 13 July 2018 56–58

²⁵⁴ Annual Report 2016–17, HM Chief Inspector of Prisons for England and Wales, 18 July 2017 (INQ001442_009)

²⁵⁵ Findings and recommendations of the Youth Custody Improvement Board, 24 February 2017 (INQ001618_001)

²⁵⁶ The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2016/17, Ofsted, 13 December 2017 (INQ001492)

- Youth Justice Board data from 2016 indicated there were 1,294 recorded assaults in custody, equivalent to 18.9 assaults per 100 children in 2016, up from 9.7 in 2011.
- The HMIP report from 2016/17 also indicates that levels of violence in the youth secure estate have increased. Of the four YOIs inspected, levels of violence had risen at three and there were concerns about under-reporting at the fourth. Levels of the use of force by staff were high at the YOIs and STCs, and the latter were found to be insufficiently safe overall.²⁵⁷

45. Dr Janes referred to a wider pattern of data from the five years leading up to 2015/16. For this period she explained that Ministry of Justice figures indicate the use of force by staff had increased by 36 percent, assaults had increased by 95 percent and self-harm by 120 percent.²⁵⁸

46. There is also evidence of increased reports of children feeling unsafe. The Inquiry's REA noted that, within YOIs in England and Wales in 2015/16, 18 percent of boys reported they felt unsafe. The proportion who reported ever having felt unsafe was 46 percent, the highest recorded figure. Children reported feeling least safe in YOIs and most safe in SCHs, with STCs in between.²⁵⁹ Dr Janes told us that from April 2016 to March 2017 HMIP figures suggest that 39 percent of boys in YOIs and more than one in five in STCs reported that they did not feel safe.²⁶⁰

47. We explored the safety issue with several witnesses in order to understand what had led to these findings on declining safety and whether this pattern of decline was related to sexual abuse of children in custody.²⁶¹

48. Although Dr Janes did not explicitly link declining safety to child sexual abuse, she was of the opinion that child abuse in custody should be considered in the context of the wider environment of violence and power imbalance. There is of course a very low chance of children disclosing abuse if they are too afraid to speak out.²⁶²

49. Angus Mulready-Jones, the lead inspector for children in detention for HMIP, considered the causes of the decline in safety included children being held further from home; there being a higher proportion of those in custody who have committed a violent or sexual offence; instability in management in some institutions, particularly in STCs; and instability in staffing at all levels, including senior leadership. He said the HMIP report for 2017/18,²⁶³ published during our hearings, concluded there had been some improvement. Three YOIs received the 'reasonably good' rating in respect of safety in their most recent reports. However, safety in YOIs had declined in as many places as it had improved; the remaining three YOIs and all STCs received the lowest two ratings in all respects. Levels of violence in STCs were the highest in any type of institution inspected. For example, in Oakhill STC, an institution holding 75 children, there were 110 incidents involving the use of force each

²⁵⁷ REA, pp52-53

²⁵⁸ Janes 11 July 2018 36-37

²⁵⁹ REA, p62

²⁶⁰ Janes 11 July 2018 36-37

²⁶¹ Janes 11 July 2018 36-37

²⁶² Janes 11 July 2018 36-37

²⁶³ HIP000022

month. Angus Mulready-Jones considered there is a link between violence and sexual abuse. One reason was that children are less likely to trust the institution to protect them if they were to report sexual abuse.²⁶⁴

E.5: Resources

50. There is evidence from several sources that limited funding and low staff to child ratios in YOIs have in the recent past made it difficult for staff to provide for the needs of detained children and to ensure their safety.²⁶⁵ Others had also pointed to a potential link between the decline in safety in the custodial estate and reductions in resourcing and staff.²⁶⁶ We therefore considered whether there is a link between the reductions in the custody budget since 2010 and child sexual abuse in custodial institutions, and more generally whether resourcing is adequate to protect children in custody from sexual abuse.

51. The evidence heard was summarised below:

- Professor Hardwick, former Chief Inspector of Prisons, understood there is some evidence of the spending per child in YOIs having increased in recent years. There is also evidence of recent increases in staffing levels, including at Medway STC, which might imply staffing levels had fallen too far, and that there was a link between this and the widespread concerns about the safety of these institutions.²⁶⁷
- Dr Janes noted that in February 2018 the Ministry of Justice announced it had £64m to invest in the reform of the youth custody estate. Overall she did not consider that funding and resources were a major issue in the children's estate.²⁶⁸
- Angus Mulready-Jones agreed staffing levels have been too low at times. This has had an impact on the regime in YOIs because a child is locked up for longer, the response to issues is not as swift or as good and children may be unable to use a telephone. This can also mean staff are relocated, which causes the same problems.²⁶⁹
- Steve Gillan told us budget cuts from 2010 have had a serious impact on safety. He also referred to problems in relation to the recruitment and retention of staff, commenting that staffing levels have fallen to an all-time low, with vast numbers of experienced staff leaving the Prison Service and a new recruitment programme encountering difficulties, resulting in the recruitment of inexperienced staff.²⁷⁰
- Pam Hibbert, a social worker and former Chair of the National Association for Youth Justice, said it was difficult to see how reductions in staffing and funding of YOIs have not impacted on their ability to safeguard children. When she visited

²⁶⁴ Mulready-Jones 16 July 2018 4–6; 29

²⁶⁵ REA, section 6.2.3

²⁶⁶ See, for example, *Review of the Youth Justice System in England and Wales*, Charlie Taylor, Ministry of Justice, December 2016, paragraphs 127–128 (INQ001422) and *The Government's austerity measures have left our prisons in meltdown*, POA General Secretary, August 2016 (INQ001554)

²⁶⁷ See the letter from Professor Nick Hardwick dated 29 June 2018, pp3–5 (INQ001757)

²⁶⁸ Janes 11 July 2018 33–34

²⁶⁹ Mulready-Jones 16 July 2018 10–11

²⁷⁰ POA000001, Q2 and POA000003, Q3

a YOI in April 2018, she was told by a prison officer that routinely there was one member of staff per 40 children.²⁷¹ (In contrast, we note that Vinney Green has a staff ratio of no more than four young people to one member of staff).²⁷²

52. On behalf of the Youth Custody Service, Sara Robinson said the reasons for safety figures in recent years included low staff numbers and the quality of staff. However, efforts are currently being made to increase the ratio of staff to children, back to the levels they were in 2013. Sara Robinson made clear that the HMPPS had the money to pay for staff, but the difficulty was recruiting and retaining good quality staff.²⁷³ As an example, Glenn Knight, Governor of HMYOI Feltham until May 2018, told us that in June 2018 Feltham A was fully staffed for the first time. He added that attrition rates had been high, due to job opportunities at Heathrow Airport nearby, but a pay rise had since been implemented in line with the local labour market to address this.²⁷⁴

E.6: Potential staff risk factors

53. We acknowledge that the very challenging, and sometimes violent and sexually harmful, behaviour of children in custody requires great skill and experience to manage. This is especially so given that children in custody have some of the most complex needs of any children in the country.²⁷⁵ However, staffing issues are plainly integral to the institutional response to child sexual abuse. We therefore considered staff recruitment, diversity, training, supervision, retention and whistleblowing.

Recruitment

54. The Inquiry's REA highlighted concerns that have been raised historically about the skills and experience of those recruited to work in youth custody. In 2016, for example, the Taylor review²⁷⁶ concluded:

“many staff working in YOIs and STCs do not have the skills and experience to manage the most vulnerable and challenging young people in their care, nor have they had sufficient training to fulfil these difficult roles.”

There were particular concerns about YOIs, where staff are drawn from the Prison Service more generally and therefore may not have a specific motivation to work with children, or experience of doing so. More recently, the 2017 Youth Custody Improvement Board report²⁷⁷ (which reviewed the state of YOIs and STCs) repeated issues of poor behaviour management of children and stated that staff lacked the skills to meet the needs of some of the children in their care. In responding to the Taylor review, the Government committed to introducing a new Youth Justice Officer role. These officers would be recruited with experience of youth work, social work or teaching, or would be trained on the job.²⁷⁸

²⁷¹ Hibbert 11 July 2018 112

²⁷² Sykes 18 July 2018 115–116

²⁷³ Robinson 13 July 2018 65–70

²⁷⁴ Knight 16 July 2018 106; 124

²⁷⁵ Hardwick 11 July 2018 135–136

²⁷⁶ INQ001422

²⁷⁷ INQ001618

²⁷⁸ REA, section 8.2.1

55. We agree with the National Society for the Prevention of Cruelty to Children (NSPCC) that no single test or screening process can identify an individual who poses a risk. Recruitment procedures should evaluate an individual's values, motives and behaviour in certain situations.²⁷⁹

56. All staff recruited to work with children in public or private institutions are vetted through the Disclosure and Barring Service.²⁸⁰

57. Every person working in a care role in a SCH is required by regulations²⁸¹ to hold a Level 3 Diploma for Residential Childcare or equivalent.²⁸² By contrast, even though working with children in custody is a highly skilled and demanding job,²⁸³ there is in general no requirement that staff who are recruited to STCs or YOIs have any prior experience of working with challenging children, or any childcare qualifications. A number of witnesses – including Dr Laura Janes, Legal Director of the Howard League for Penal Reform,²⁸⁴ Steve Gillan, General Secretary of the POA²⁸⁵ and Angus Mulready-Jones, a current HMIP inspector²⁸⁶ – considered a minimum qualification should be a prerequisite for all those working with children in the secure estate. This is expected in other environments involving children.

58. Professor Hardwick, former Chief Inspector of Prisons, noted that the roles are not well paid and are not high status.²⁸⁷ Alan Wood agreed that the worth placed on the role of custody officers, in light of the stresses and demands on them, is not always reflected in the pay received.²⁸⁸ While the current background checks and references are required, he also considered the current recruitment process does not always establish why people want to work with children. In any event, he stressed the recruitment process should be compliant with the Bichard Inquiry recommendations, as set out in London Safeguarding Children Board Child Protection Procedures.²⁸⁹

59. The Youth Custody Service recognises that working with children requires specialist knowledge and skills, and is actively seeking to recruit people with a background in working with young people, such as those with experience of probation and social work.²⁹⁰ The Youth Custody Service accepts that it is "*vital to continue with the drive to professionalis(e) the workforce in YOIs, STCs and SCHs*".²⁹¹ However, Youth Custody Service Interim Executive Director Sara Robinson said there is no proposal to require staff to have a minimum level of qualification or experience. In her view, a statutory requirement that staff working in custody have specific child-related training, as is in place in the SCHs, would create difficulties for recruitment.²⁹²

²⁷⁹ NSP000025, paragraph 12

²⁸⁰ HMP000397, paragraph 29

²⁸¹ The Children's Home (England) Regulations 2015, regulations 32(3 and 4) (INQ001426)

²⁸² Willison 12 July 2018 164; Sykes 18 July 2018 146

²⁸³ Willow 12 July 2018 128

²⁸⁴ Janes 11 July 2018 39

²⁸⁵ POA000003, Q2

²⁸⁶ Mulready-Jones 16 July 2018 18; 20

²⁸⁷ Hardwick 11 July 2018 135-136

²⁸⁸ Wood 12 July 2018 44

²⁸⁹ www.londoncp.co.uk

²⁹⁰ HMP000397, paragraph 31

²⁹¹ HMP000397, paragraph 70

²⁹² Robinson 13 July 2018 65-70; 80-81; 89

Diversity

60. There is overrepresentation of black, Asian and minority ethnic (BAME) children in custody. Dr Janes did not see any positive action being taken over this. She felt correlations between ethnicity, sexual orientation and the likelihood of abuse are areas that should be looked at more carefully. In respect of the divergence between the diversity of staff and the children detained, she said while there is no evidence to suggest this inhibits children speaking to staff, logically it could be a factor.²⁹³

61. Professor Hardwick pointed out that only 9 percent of staff are from a BAME background,²⁹⁴ whereas July 2018 figures indicate around 47 percent of children in the youth secure estate are from a BAME background.²⁹⁵ His view was that the lack of ethnic diversity among staff has an impact on trust, and trust is critical in this sort of institution.²⁹⁶

62. Chief Constable Simon Bailey, the National Police Chiefs' Council's lead on child protection, thought it was important to understand the profile of BAME groups in the youth justice system and to obtain more data on why some groups were overrepresented.²⁹⁷

63. Sara Robinson referred to the Ministry of Justice diversity strategy,²⁹⁸ which showed 9 percent of staff were from a BAME background, although the ethnicity of 35 percent of staff was unknown. She explained the current aim is that 14 percent of new recruits will be from a BAME background, and noted that 21 percent of new starter prison officers since January 2017 are from a BAME background.²⁹⁹

Training

64. Several issues relating to staff training are noted in the Inquiry's REA. In the past recommendations have been made that all staff working in custodial settings, especially those in YOIs, should receive specialist training on working with children. The Juvenile Awareness for Staff Programme (JASP) – a seven-day training course covering safeguarding, mental health, substance misuse and behaviour management – was criticised by some commentators as being too brief, basic and lacking in appropriate content. Some 2011 research indicated that staff themselves did not feel they were properly trained, equipped or supported to work effectively with children and young people. The REA also noted:

- evidence that delivery of the training was 'patchy' and in some settings few people had been trained;
- significant variability in the training provided between establishment types, individual establishments, roles and members of staff; and
- some of the literature had raised specific issues about a lack of training in dealing with children with sexually harmful behaviour.

²⁹³ Janes 11 July 2018 10; 20; 23; 46

²⁹⁴ Letter from Professor Nick Hardwick, dated 29 June 2018 (INQ001757)

²⁹⁵ www.gov.uk/government/statistics/youth-custody-data

²⁹⁶ Hardwick 11 July 2018 159

²⁹⁷ Bailey 11 July 2018 96

²⁹⁸ *MoJ Inclusion and Diversity Strategy*, Ministry of Justice, 2017 (HMP000400)

²⁹⁹ Robinson 13 July 2018 99

Although some concerns had been expressed about the staff training available in SCHs, generally the range of training had been described as wider than that available in YOIs.³⁰⁰

65. The Taylor review in 2016 also concluded that many staff working in YOIs and STCs had not had sufficient training to fulfil their difficult roles.³⁰¹

66. Several complainants stressed the need for staff training. Peter Smith told us staff should be trained to spot signs of abuse, like changes in behaviour, and that bad behaviour can be a sign of abuse.³⁰² Colin Watson said staff should be trained to see changes in children's behaviour and to be trained to see the world through children's eyes.³⁰³ CI-A34 felt there should be strong training on caring for children's emotional needs.³⁰⁴ CI-A30 said staff should be trained to think about things the way a child does.³⁰⁵

67. The institutional witnesses also identified various training issues:

- Professor Hardwick's view was that specialist and ongoing training is required for staff working with children in custody to equip them to identify and deal with abuse appropriately; having sufficient well-trained professional staff is one of the most important factors in reducing risk.³⁰⁶
- Steve Gillan said questions remain as to whether the JASP training is adequate. He recommended there should be specific safeguarding training with regular updates and refresher training.³⁰⁷
- Angus Mulready-Jones noted that the new safeguarding training is valuable but is only a day in length.³⁰⁸

68. Improvements have been made to training in the youth custody estate. We heard about various Youth Custody Service training initiatives, including the Prison Officer Entry Level Training (POELT) course,³⁰⁹ externally provided courses available on the Youth Justice Resource Hub,³¹⁰ the Working with Young People in Custody training programme, the three-year refresh cycle for the Child Protection and Safeguarding element of the course, and the 'tiering structure' to support establishments in identifying the correct level of child protection and safeguarding training for their staff. However, significant proportions of staff do not receive the mandatory child safeguarding training: between 12 percent and 23 percent of staff working in Feltham and Werrington YOIs had not received this training in 2014 and 2015.³¹¹ By contrast, in Vinney Green SCH all staff received all mandatory training in both years, and all current staff have received it.³¹²

³⁰⁰ REA, section 8.2.1

³⁰¹ *Review of the Youth Justice System in England and Wales*, by Charlie Taylor, Ministry of Justice, December 2016, paragraph 27 (INQ001422)

³⁰² INQ001174, p10

³⁰³ INQ001170, p12; INQ001745, p2

³⁰⁴ INQ001753, p3

³⁰⁵ CI-A30, 10 July 2018 160-161; INQ001223_009

³⁰⁶ Hardwick 11 July 2018 135-136; INQ001757_002

³⁰⁷ POA000001, Q3

³⁰⁸ Mulready-Jones 16 July 2018 17-18

³⁰⁹ HMP000397, paragraph 33; HMP000321, paragraph 14

³¹⁰ HMP000321_016

³¹¹ HMP000001, paragraph 13; HMP000131, paragraphs 9-10

³¹² Sykes 18 July 2018 111

69. Sara Robinson also explained HMPPS’s Youth Justice Foundation degree, which is available to all frontline staff. It is currently voluntary and 243 officers have volunteered so far, but it is intended that – over five years – the first year will become mandatory, with staff being given time off to complete the course, although they will not need to complete it before starting work with children. HMPPS is also developing a specific version of the POELT, focused on young people.³¹³

70. Alan Wood considered that professional development and training must be firmly embedded further into the role of custodial care officers as part of professionalising the role. He gave examples of areas that staff should be trained in: child-centred communication; safeguarding in a secure setting; the impact of abuse on child development and communication; whistleblowing policy and practice; communication in conflict settings; professional roles and responsibilities when responding to allegations of abuse; exercising care within secure settings; and moving children into and from custodial settings. Practitioners need to participate in relevant skills and practice-based training in order to remain focussed on ensuring that the needs of children and young people remain central.³¹⁴

71. In our Nottinghamshire hearings, Professor Hackett, Professor of Child Abuse and Neglect in the Department of Sociology at Durham University, said that all staff working in children’s services should be trained in how to respond to allegations of sexual abuse, including the question of confidentiality. He explained standard practice in this respect.³¹⁵

Supervision

72. The Inquiry’s REA noted several issues with respect to staff supervision, which is recognised as part of good safeguarding practice, as well as a variability in the supervision provided.

73. In an SCH, under the Children’s Home (England) Regulations 2015 and the DfE’s related guide, supervision and performance management of staff helps safeguard children and minimise potential risks.³¹⁶ As an example, at Aycliffe SCH, staff have a nominated supervisor who ensures supervision takes place on a monthly basis for each staff member, with arrangements set out clearly in guidance. In addition, any allegation of sexual abuse is referred to a senior manager, who is responsible for reflecting on and learning from experience as well as addressing practice concerns.³¹⁷

74. By contrast, the National Children’s Bureau concluded in 2008 that, unlike in STCs and SCHs, the prison service “*does not have a culture of individual supervision or learning from peers*”.³¹⁸ In 2016, the Medway Improvement Board found there was insufficient oversight of the work of operational staff in the STC.

³¹³ Robinson 13 July 2018 5. After the hearing we were provided with more information about this programme and were told it has now been introduced.

³¹⁴ Wood 12 July 2018 47, 74

³¹⁵ INQ002045_078, paragraphs 9.5 and 9.7–9.12

³¹⁶ Willison 12 July 2018 161–165; Children’s Home (England) Regulations 2015, regulations 31–33 (INQ001426) and *Guide to the Children’s Homes Regulations including the quality standards*, Department for Education, paragraphs 13.1–13.2 (INQ001439)

³¹⁷ Whellans 18 July 2018 169

³¹⁸ *A Review of Safeguarding in the Secure Estate*, Youth Justice Board and National Children’s Bureau, 2008 (YJB000009_036)

75. A number of witnesses (including Dr Janes,³¹⁹ Professor Hardwick,³²⁰ Steve Gillan³²¹ and Alan Wood³²²) said that staff and detainees would benefit from proactive and reflective supervision and support. As Angus Mulready-Jones said, supervision is an important tool to promote good-quality childcare practice; it is difficult to see how custodial officers will maintain a child-centred focus without this, or how poor performance by staff is dealt with. Staff need guidance from management and supervision to explain how to do this.³²³

76. ‘Mainstream’ custody staff do not receive regular supervision.³²⁴ In the hearings, Ms Robinson confirmed that in YOIs and STCs there is no standard minimum requirement or a model for staff supervision, but indicated that the Youth Custody Service intends to develop a system of staff supervision.³²⁵ Whether this will include the necessary elements of accountability, personal development and support remains unclear.

Retention

77. The issue of high staff turnover in the youth secure estate has also been raised previously. For example, one of the concerns identified by the Medway Improvement Board final report included the rapid turnover of staff.³²⁶ This is a concern to us because a lack of continuity in staff is of course likely to hamper the ability of children to form meaningful relationships with staff, and so protect them from sexual abuse.

78. Professor Hardwick referred us to HMPPS workforce statistics to the effect that the leaving rate for Band 3–5 Officers (the main operational grades) increased from 2.8 percent in 2009/10 to 11.2 percent in 2017/18. Difficulties caused by high staff turnover contribute to staff being poorly equipped to face the challenges of the environment,³²⁷ as well as impacts on children’s feelings of safety and their ability to form relationships with staff.³²⁸

79. By contrast, SCHs have a much smaller turnover of staff and therefore good, consistent relationships and adult role models are more likely.³²⁹

80. Ms Robinson said remedies for recent high staff turnover rates may include higher pay (and pay has been increased recently), a better culture and better support for staff.³³⁰ She explained the youth justice reform programme is looking to make youth custody a place of safety and to create a professional and stable workforce.³³¹

³¹⁹ Janes 11 July 2018 42

³²⁰ Hardwick 11 July 2018 147 and INQ001757_002

³²¹ POA000001, p3

³²² Wood 12 July 2018 47, 74

³²³ Mulready-Jones 16 July 2018 20–22; HIP000017_004

³²⁴ HMP000321, paragraphs 9–10

³²⁵ Robinson 13 July 2018 92–94

³²⁶ Hardwick 11 July 2018 135–136; 148–149; *Medway Improvement Board: Final Report*, 30 March 2017 (MED000003)

³²⁷ Hardwick 11 July 2018 135–136

³²⁸ Mulready-Jones 16 July 2018 12–13

³²⁹ INQ001750, Q4

³³⁰ Robinson 13 July 2018 65–70; 97

³³¹ HMP000427_003; HMP000425

Whistleblowing

- 81.** *Working Together to Safeguard Children* requires organisations to have clear whistleblowing procedures (reflecting the principles in Sir Robert Francis’ *Freedom to Speak Up* review), which should be suitably referenced in staff training and codes of conduct, and to have a culture that enables issues about safeguarding and promoting the welfare of children to be addressed.³³²
- 82.** Both the YOI and STC Rules state “an officer shall inform the governor promptly of any abuse or impropriety which comes to his knowledge”.³³³ There are also Prison Service Instructions (PSIs)³³⁴ in place to cover whistleblowing in YOIs and STCs. A staff member with a concern can complete an intelligence report or a corruption prevention intelligence report, either of which would be actioned by the security team within the institution. Staff can also refer immediate concerns directly to the local safeguarding manager or duty governor.³³⁵ All sites operate current and site-specific whistleblowing policies.³³⁶
- 83.** However, there is evidence that these rules, PSIs and policies have not been working effectively in practice.
- 84.** The Medway Improvement Board final report noted there had been a history of similar concerns being raised in letters from whistleblowers and former members of staff, and that action was needed to ensure that whistleblowers and children inside the STC feel safe to raise concerns and complaints.³³⁷
- 85.** Angus Mulready-Jones said that, in common with a range of other settings, there is evidence to suggest that staff rarely blow the whistle on poor practice and abuse carried out by colleagues.³³⁸ Carlyne Willow said it is uncommon for staff in prisons to “break rank” and support a child’s version of events.³³⁹ Pam Hibbert said organisations which have an open learning culture and operate on a reasonably ‘flat’ hierarchy are those where disclosure of concerns by staff are more likely.³⁴⁰ Professor Hardwick was clear that what was important was the development of a culture where staff feel if they have concerns about anything they can talk about them openly, which he linked with the issue of staff supervision.³⁴¹
- 86.** Some complainants gave evidence about the importance of this issue. Peter Smith said staff should be trained not to ‘trust’ other staff, but should question and monitor each other.³⁴² CI-A30 said policies need to be introduced that protect the identities of whistleblowing staff.³⁴³ Alan Wood felt whistleblowing should be an element of safeguarding

³³² *Working Together to Safeguard Children*, April 2018 (DFE000876)

³³³ Namely the Young Offender Institution Rules 2000, rule 67(2) (INQ001617) and the Secure Training Centre Rules 1998, rule 39(2) (INQ001599)

³³⁴ There are a number of rules, regulations and guidelines by which prisons are run. These are outlined in Prison Service Instructions (PSIs) and Prison Service Orders (PSOs).

³³⁵ Namely PSI 21/2013 *Reporting Wrongdoing* (HMP000152) and PSI 01/2016 *Corruption Prevention* (INQ001563); NOM000008, paragraphs 24, 44 and 65

³³⁶ HMP000397, paragraph 57

³³⁷ *Medway Improvement Board: Final Report*, 30 March 2017 (MED000003)

³³⁸ *Mulready-Jones 16 July 2018 35*

³³⁹ *Willow 12 July 2018 115*

³⁴⁰ INQ001750, Q7

³⁴¹ *Hardwick 11 July 2018 147*

³⁴² *Smith 9 July 2018 136*

³⁴³ *CI-A30 10 July 2018 162*

training; merely having a whistleblowing procedure was not enough. He explained that because it was difficult for staff to go above the management structure, whistleblowing needs to be embedded into the culture.³⁴⁴

87. On behalf of the Youth Custody Service, Sara Robinson explained that the whistleblowing procedures had been reviewed after the Medway issues arose. She indicated referrals were being made and the systems were there; the issue was whether or not they were being used. She said the Youth Custody Service uses different intelligence methodologies to assist with this, and that HMPPS is introducing an ‘annual thematic review’ across the sector, whereby each provider will submit a thematic review of their locally managed whistleblowing matters (and other issues) to the Youth Custody Service. Central teams, including an audit team which sits outside the Youth Custody Service, will review this information so that lessons can be learned.³⁴⁵

E.7: Restraint, strip searching and pain compliance

88. There are occasions when staff in custodial institutions consider it necessary to physically restrain or strip search children. Force may be used to achieve ‘good order and discipline’ in children. Pain compliance techniques are also used on children in custody: the Youth Custody Service confirmed they were used in 119 incidents in STCs and YOIs in the year to March 2017.³⁴⁶

89. We were concerned to understand whether there are appropriate safeguards in place around this kind of physical contact with children, not least because 92 of the complaints of sexual abuse in our prevalence analysis involved situations of restraint. In addition, as noted in the Inquiry’s REA, there is evidence of a growing understanding of the adverse impact that restraint and strip searching can have on children who have been abused previously.³⁴⁷ As Peter Gormley, former Governor of HMYOI Werrington, said, it is also likely that a violent and unsafe environment will discourage children from reporting abuse.³⁴⁸

90. The Minimising and Managing Physical Restraint (MMPR) programme is the framework within which restraint is used in child custody. It requires staff to ensure that physical restraint is only ever used as a last resort, and there should be a de-escalation of incidents and the prevention of the use of force, as well as a process of review and learning from incidents.³⁴⁹

91. Strip searching can be extremely intrusive and distressing. Peter Savage, Head of Operational Contract Management, explained on behalf of the Youth Custody Service that it is ‘risk-led’, ie there has to be a good reason why it is necessary. It must be authorised by a senior person and there must be at least two members of staff present.³⁵⁰ (The same approach is taken, for example, at Vinney Green SCH.³⁵¹) Dr Janes, Legal Director of the Howard League for Penal Reform, raised concerns over the use of strip searching, particularly in relation to children who have had previous negative sexual experiences or girls

³⁴⁴ Wood 17 July 2018 7

³⁴⁵ Robinson 13 July 2018 150–152; 164–166

³⁴⁶ Savage 13 July 2018 114–115; 122–123; 180–181; HMP000427_005, paragraphs 13–16

³⁴⁷ REA, sections 6.3.1–6.3.2

³⁴⁸ Gormley 16 July 2018 150, 166

³⁴⁹ HMP000321, paragraphs 5–6; HMP000398, paragraphs 25 and 38–40; HMP000321_005, Q6

³⁵⁰ Savage 13 July 2018 114–116; 119–121

³⁵¹ Sykes 18 July 2018 106

who are pregnant.³⁵² Angus Mulready-Jones, the lead inspector for children in detention for HM Inspectorate of Prisons (HMIP), told us HMIP has noted that the required forms for strip searching are not completed appropriately at times.³⁵³

92. Professor Hardwick, former Chief Inspector of Prisons, referred to the HMIP 2015 report about restraint in YOIs and STCs,³⁵⁴ including examples of how children experience restraint. He was very concerned about the use of pain compliance techniques, and considered their use starts to pervade the culture, normalises pain for staff and for children, and is contrary to staff building trusting relationships with children. As a result, he considered this practice should be stopped.³⁵⁵

93. Dr Janes agreed with the abolition of pain compliance techniques. She also discussed the relationship between the use of restraint and allegations of sexual abuse, including the sexualised nature of some restraint. She said the use of restraint for ‘good order and discipline’ reasons has been ruled unlawful in STCs³⁵⁶ but is still permitted in YOIs. More generally, Dr Janes commented that, whatever was recorded as the reason for the restraint, children often perceived that they had been subjected to force for not doing what they were told. If children in custody are deliberately subjected to pain by staff, that is also likely to seriously impact on their ability to trust staff or report other concerns. In Dr Janes’ experience, the sense of injustice and powerlessness experienced by children as a result of the use of force is compounded by the fact it is often followed by disciplinary processes.³⁵⁷

94. Other witnesses shared these concerns about the impact of pain compliance techniques:

- Both CI-A17³⁵⁸ and CI-A34³⁵⁹ thought that pain compliance or force techniques should not be allowed.
- Pam Hibbert, a social worker and former Chair of the National Association for Youth Justice, said that while some children exhibited very challenging behaviour, the response to such behaviour should be increased confinement, control and restraint.³⁶⁰
- Carlyne Willow, a social worker and founder of Article 39, agreed that pain-inducing restraint should be prohibited.³⁶¹

³⁵² Janes 11 July 2018 21; 27–30; 44; 66; HWL000004_006, paragraph 2.11

³⁵³ Mulready-Jones 16 July 2018 24–25; HIP000023_002; HIP000023_005

³⁵⁴ INQ001441

³⁵⁵ Hardwick 11 July 2018 131; 156; INQ001757_003; NHK000003_007, paragraphs 32–35

³⁵⁶ In 2008, the Court of Appeal decided that the use of pain compliance techniques for the purpose of ensuring good order and discipline in STCs breached Article 3 of the European Convention on Human Rights, the right not to be subjected to inhuman and degrading treatment: *R (C) v. Secretary of State for Justice* [2009] QB 657

³⁵⁷ Janes 11 July 2018 21; 27–30; 44; 66; HWL000004_006, paragraph 2.11

³⁵⁸ CI-A17 10 July 2018 25; INQ001744_003

³⁵⁹ INQ001753_002

³⁶⁰ Hibbert 11 July 2018 121–124

³⁶¹ Willow 12 July 2018 127–128; 135; INQ001747_025-043

- Phillip Noyes, NSPCC, considered there were no circumstances in which pain compliance techniques should be used.³⁶² The NSPCC considers physical restraint of children should only ever be used as a measure of last resort, and there were no circumstances which warranted the use of pain or distraction techniques on children.³⁶³
- Angus Mulready-Jones said that reducing restraint requires better conflict resolution and pain-infliction techniques should not be used.³⁶⁴

95. The Youth Custody Service witnesses told us that a review of whether pain-inducing techniques should remain authorised in YOIs and STCs, and in the MMPR syllabus, is in progress. A review of the updated behaviour management code of practice was expected in autumn 2018.³⁶⁵

96. Alan Wood's view was that the child's perception of restraint and what it means to them must be considered, particularly given the impact on children who have been abused.³⁶⁶ This is supported by the experience at Feltham, where a clear focus on reducing violence with a new behaviour management strategy and restraint minimisation plan has led to a reduction in violence.³⁶⁷

E.8: Mental health, drugs and gangs

97. We explored with witnesses whether (i) psychiatric disorders, mental health conditions or other psychological factors, (ii) the use of drugs and synthetic substances, and (iii) gang membership and culture have an impact on the prevalence and reporting of child sexual abuse in custody.

98. Angus Mulready-Jones indicated that HMIP has various expectations relating to mental health.³⁶⁸ We understand that the SECURE STAIRS programme³⁶⁹ is intended to help staff understand where emerging mental health issues might create a challenge in working with a young person. It also hoped to assist them on a day-to-day basis to better build better relationships.³⁷⁰

³⁶² Johnson 17 July 2018 193; *Young People's Views on Safeguarding in the Secure Estate*, User Voice, 2011 (INQ001129_020, 21, 29, 35 and 38); Noyes 12 July 2018 95

³⁶³ *Response to the Secure College Rules Consultation*, NSPCC, December 2013 (INQ001490_005). We note that since our hearings, the Serious Case Review arising from incidents at Medway Secure Training Centre has been published (<http://www.mscb.org.uk/pdf/MSCB%20-%20Medway%20STC%20Overview%20Report.pdf>).

³⁶⁴ Mulready-Jones 16 July 2018 24-25; HIP000023_002; HIP000023_005

³⁶⁵ Savage 13 July 2018 114-115; 119-121; 122-123; 180-181; HMP000427_005, paragraphs 13-16; HMP000321, paragraphs 5-6; HMP000398, paragraphs 25 and 38-40; HMP000321_005 Q6

³⁶⁶ Wood 18 July 2018, 152

³⁶⁷ Knight 16 July 2018 100-104; www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2018/05/Feltham-A-Web-2018.pdf

³⁶⁸ HIP000023_004-5

³⁶⁹ The Framework for Integrated Care project (also known as 'SECURE STAIRS') is the development and roll out of an integrated care framework that addresses the needs of children and young people in SCHs, STCs and YOIs. This framework allows for a joined-up approach to assessment, sentence/intervention planning and care, including input from mental health staff regardless of previous diagnosis, as well as from social care professionals, education professionals and the operational staff working on a day-to-day basis at the setting. It also seeks to ensure that staff have the right skills and support to care for the children and young people appropriately (www.england.nhs.uk/commissioning/health-just/children-and-young-people/).

³⁷⁰ Savage 13 July 2018 100

99. HMIP also requires establishments to have in place an effective strategy to reduce the prevalence of drugs.³⁷¹ Peter Savage told us that drug issues in child custodial institutions were not on the same scale as in the adult estate; it was not a major factor. His view was that typically teenage detainees are experimenting rather than dependent, and some recent work by User Voice suggests they had limited interest in psychoactive substances which might be more of a risk.³⁷²

100. The Youth Custody Service does work to identify gangs and is building on its understanding from the police of the potential conflict between gangs to consider how to keep people safe from gang-related conflict in custody.³⁷³

E.9: Identifying ‘warning signs’

101. A number of factors are associated with an increased risk of child sexual abuse in custody. These include gender, ethnicity, sexual orientation, history of experiencing sexual assault prior to custody, and having been convicted of a sexual offence prior to custody. It has also been suggested that children who have committed sexual offences may be at greater risk of being victimised themselves in custody as well as victimising others.³⁷⁴

102. Alan Wood said that all members of staff should be trained appropriately to recognise and respond to sexual abuse.³⁷⁵

103. SCH staff are directed to continually monitor and actively assess the risks to each child and the arrangements in place to protect them. Staff skills should include being able to identify signs that children may be at risk and to support children in strategies to manage and reduce any risks.³⁷⁶

104. We were told that the Comprehensive Health Assessment Tool (CHAT)³⁷⁷ system, together with the Youth Custody Service’s ASSETPlus³⁷⁸ system, would adequately identify those children most at risk of sexual abuse in custody.³⁷⁹ However, the Inquiry’s REA noted evidence that CHAT assessments in YOIs and STCs are not always completed consistently, and that children’s health records are often unavailable so establishments may not always be aware of children’s pre-existing health conditions.³⁸⁰

105. PSI 08/2012, *Care and Management of Young People*,³⁸¹ recognises that young people held in custody are inherently at risk of harm. It provides that staff must be able to recognise, and know how to act upon, evidence that a child is suffering or is at risk of suffering serious

³⁷¹ HIP000023_004-5

³⁷² Savage 13 July 2018 101

³⁷³ Savage 13 July 2018 101-102

³⁷⁴ REA, section 5.3

³⁷⁵ Wood 12 July 2018 20-22

³⁷⁶ Willison 12 July 2018 161-165; *Guide to the Children’s Homes Regulations including the Quality Standards*, Department for Education, paragraphs 9.5 and 9.10 (INQ001439)

³⁷⁷ Rosamond Roughton from the NHS told us the Comprehensive Health Assessment Tool (CHAT), used in secure settings, was designed to provide a comprehensive picture of the needs of each child, resulting in the development of a specific care plan with appropriate care and interventions indicated. If a child was vulnerable, or at risk of harm to themselves or others, this would be referenced on the CHAT care plan, and risk management discussed in the wider setting (NHS000027_005).

³⁷⁸ ASSETPlus includes a section on the young person’s safety and wellbeing, which asks whether he or she is at risk of sexual exploitation. It mentions familial child sexual abuse as a factor indicating vulnerability to exploitation (Savage 13 July 2018 126; HMP000340_143-149, paragraph 8.3.3.1).

³⁷⁹ NOM000008, paragraph 33; HMP000398, paragraphs 18 and 48

³⁸⁰ REA, section 7.1

³⁸¹ PSI 08/2012 (NOM000003)

harm. It recommends that staff report concerns to the relevant safeguarding manager. This policy is supported by mandatory training on safeguarding in YOIs and STCs, which includes how to identify signs of sexual abuse and recommends that staff report concerns to the relevant safeguarding manager.³⁸²

106. However, as set out above, the safeguarding training is only a day in length and there is evidence that, although it is mandatory, not all staff have received it.³⁸³ HMPPS has recently commissioned a *Review of Safeguarding in the Secure Estate* (June 2018) by Sonia Brooks OBE. The terms of reference include a review of safeguarding training.³⁸⁴

107. Dr Janes told us that therapeutic interventions for children who have engaged in harmful sexual behaviour used to be provided in custodial institutions by groups such as the Lucy Faithfull Foundation and GMP, but these stopped some years ago. There is now no standardised service.³⁸⁵ Stuart Jessup of MTC Novo told us about one specialist psychology-led harmful sexual behaviour service, led by Northamptonshire Health Foundation Trust.³⁸⁶

E.10: Enabling children to disclose sexual abuse

108. It is clearly important that children being sexually abused have available to them a range of routes to disclose what is happening to them. Regular contact with family and friends is a safeguarding measure. Given how difficult it is to disclose abuse, a child must trust the person they tell. In Pam Hibbert's experience as former Chair of the National Association of Youth Justice, children would rarely disclose abuse to someone within an establishment but would rather disclose it to a relative, a friend or sometimes a social worker if they had a good relationship with them.³⁸⁷ Other witnesses went further and said that initial disclosures are most often made to a parent or friend.³⁸⁸ Similarly, surveys in STCs show if children had a problem they were most likely to turn to family.³⁸⁹ We have therefore considered the various ways in which children can disclose sexual abuse in custody.

Family, friends and peers

109. Several complainants told us about the need for children to access their family, friends and peers. Peter Smith stressed the difficulties caused by children being detained at a distance from their families.³⁹⁰ CI-A17 said it might be easier to trust people who are closer in age to the children so they can understand the children's needs.³⁹¹

³⁸² [HMP000321_012](#), paragraph 14; [HMP000325](#); [HMP000381](#); [HMP000390](#); [HMP000392](#)

³⁸³ [Mulready-Jones 16 July 2018 17-18](#); [HMP000001](#), paragraph 13; [HMP000176](#); [HMP000184](#), paragraph 13

³⁸⁴ [HMP000427_005](#), paragraph 12; [HMP000426](#)

³⁸⁵ [Janes 11 July 2018 16-17](#)

³⁸⁶ [Jessup 17 July 2018 161-164](#); 166; 170; 174

³⁸⁷ [Hibbert 11 July 2018 109-110, 115](#)

³⁸⁸ [Noyes 12 July 2018 91](#), referring to *No one noticed, no one heard*, NSPCC, 2013 ([INQ001489_006](#))

³⁸⁹ [Mulready-Jones 16 July 2018 31-34](#); [HIP000023_003](#)

³⁹⁰ [INQ001746_003](#)

³⁹¹ [CI-A17 10 July 2018, 24](#)

110. To this end, the rules for YOIs³⁹² and STCs,³⁹³ and PSI 08/2012,³⁹⁴ make provision for children to have contact with the outside world. The SCH framework is more generous.³⁹⁵ In all STCs, children have telephones in their rooms, and they can have as many incoming phone calls outside of the school day as they want. This has also been established in Cookham Wood YOI and the Keppel Unit in Wetherby YOI, and the intention is to ensure children have free access to telephone calls from their family in all YOIs.³⁹⁶

111. However, as Dr Janes, Legal Director of the Howard League for Penal Reform, explained, the length of time a child can spend on the phone is often limited to 10 minutes before it cuts off automatically. There are limits on a child's phone credit, and calling mobiles phones is extremely expensive. For the children in YOIs without in-cell phones, their calls are not likely to be private. The children also know their calls will be monitored and recorded.³⁹⁷

112. In YOIs and STCs, family visits do not take place in private and so children's conversations may be overheard by detainees or staff.³⁹⁸

113. Witnesses also told us of problems associated with children being placed further away from their families and communities, which had resulted from the closure of some YOIs and SCHs.³⁹⁹ For example, Professor Nick Hardwick, former Chief Inspector of Prisons, Angus Mulready-Jones, HMIP inspector, and Martin Lomas, Deputy Inspector of Prisons all agreed that children should be held closer to home, to facilitate positive, protective external relationships with family, friends and community-based professionals.⁴⁰⁰ We were troubled to be told that there is no SCH in the Greater London area.⁴⁰¹

114. However, we recognise there may also be other ways to facilitate this kind of support. For example, at Aycliffe Secure Centre, a bookable room has been set up for Skype and video conferencing facilities are available.⁴⁰² At Rainsbrook STC, MTC Novo has provided tablets with secure messaging functions so children have improved contact with the outside world, can request a visit from Barnardo's or make confidential complaints; they also have peer mentors to assist young people.⁴⁰³ Children in STCs can send and receive as many letters as they wish.⁴⁰⁴ We also understand the intention is to ensure children have free access to telephone calls from their family in all YOIs.⁴⁰⁵

³⁹² Under the Young Offender Institution Rules 2000, rules 9–11 ([INQ001617](#)), a young person's entitlement to communication with the outside world is restricted to sending and receiving a letter once a week, and receiving a visit twice every four weeks, and letters other than communications with lawyers are capable of being randomly opened by the Governor.

³⁹³ Under the Secure Training Centre Rules 1998, rule 9 ([INQ001599](#)), arrangements must be made for children to receive visits, taking account of the importance of contact by a trainee with his family, and the need to keep to a minimum any disruption of his or her education and training. In all STCs children have telephones in their rooms, and they can have as many incoming phone calls outside of the school day as they want.

³⁹⁴ PSI 08/2012 on the *Care and Management of Young People* requires arrangements to be put in place to promote the positive contact and involvement of the family with every child where appropriate ([NOM000008](#), paragraph 64).

³⁹⁵ Under the Children's Home (England) Regulations 2015, regulations 22 and 23 ([INQ001426](#)). In SCHs, under the applicable regulations, "visits should be permitted as freely as possible". There must also be suitable facilities for a child to meet privately at any reasonable time with family, friends and certain others; the child must normally be able at all reasonable times to make and receive telephone calls, emails, and post, in private, without reference to persons working in the home.

³⁹⁶ [Savage 13 July 2018 147-148](#)

³⁹⁷ [Janes 11 July 2018 32](#); [HWL000001_024](#), paragraph 6.17

³⁹⁸ See, for example, HMIP's 2017 report on HMYOI Feltham ([INQ001125](#)), paragraph 2.6

³⁹⁹ [Hibbert 11 July 2018 109-110, 115](#)

⁴⁰⁰ [Hardwick 11 July 2018 161](#); [HIP000017_004](#), paragraphs 19–26; [Mulready-Jones 16 July 2018 31-34](#); [HIP000023_003](#)

⁴⁰¹ [Hibbert 11 July 2018 110](#)

⁴⁰² [Whellans 18 July 2018 164; 170](#)

⁴⁰³ [Jessup 17 July 2018 161-162; 168; 171](#)

⁴⁰⁴ [YJB000101](#), paragraph 63

⁴⁰⁵ [Savage 13 July 2018 147-148](#)

The complaints process

115. The Inquiry's REA set out a range of well-recognised issues with the complaints process for children in custody, including children's lack of satisfaction with it, concerns over its credibility, accessibility and formality, and fears of 'grassing' and reprisals.⁴⁰⁶

116. It is clear that these issues persist. During Professor Hardwick's tenure as Chief Inspector of Prisons, survey results about complaints indicated that only 26 percent of children in YOIs felt their complaint had been dealt with fairly.⁴⁰⁷ Pam Hibbert agreed that children had very little faith in the complaints system: it tends to be used for minor matters such as requesting an extra pillow, rather than to report that someone had abused them.⁴⁰⁸ Dr Janes also identified issues with the complaints process, such as computers being situated on communal landings, confidentiality, and literacy barriers. If the Prisons and Probation Ombudsman (PPO) becomes involved, delays mean that children are often released by the time the PPO has made a decision.⁴⁰⁹ Some children had also expressed a view that there might be retaliation against someone who made a complaint.⁴¹⁰

117. Consideration is being given to improvements, such as to making provision across the secure estate for children to use tablets on which they can make complaints.⁴¹¹ We agree with Alan Wood that the complaints process should be age and developmentally appropriate.⁴¹²

Personal officers, external professionals and advocates

118. Several complainants stressed the need for children in custody to have access to independent professionals. Peter Smith said children should have access to 'outside', independent people.⁴¹³ CI-A17 agreed independent lines of communication should exist between children and trained youth and social workers.⁴¹⁴ Colin Watson said telephones should be available to children to call Childline or someone completely independent, and that social workers should visit children at least once per week and speak to them on the phone on other occasions.⁴¹⁵ CI-A30 thought children should be able to report problems anonymously to someone outside the institution.⁴¹⁶ Peter Robson said there should be independent people available at all times who the young person can talk to in private.⁴¹⁷

119. Legislation and statutory guidance states children who are on remand, but not those who have been sentenced, are treated as being 'looked after'.⁴¹⁸ For children in custody who are 'looked after', the home local authority must visit roughly once every six weeks, and also

⁴⁰⁶ REA, pp99-105

⁴⁰⁷ Hardwick 11 July 2018 160

⁴⁰⁸ Hibbert 11 July 2018 116-117

⁴⁰⁹ Janes 11 July 2018 49-50

⁴¹⁰ Hibbert 11 July 2018 113-114

⁴¹¹ Robinson 13 July 2018 136-137

⁴¹² Wood 12 July 2018 20; 51

⁴¹³ Smith 9 July 2018 133; INQ001174_009

⁴¹⁴ INQ001744_002

⁴¹⁵ INQ001745_003

⁴¹⁶ CI-A30 10 July 2018 150; INQ001743_003

⁴¹⁷ INQ001761, paragraph 117.11

⁴¹⁸ Legal Aid, Sentencing and Punishment of Offenders Act 2012, section 104

if requested by the child or others.⁴¹⁹ Social workers have been based in YOIs since a review in 2003.⁴²⁰ However, for the majority of children given a custodial sentence, an English home local authority will not visit them regularly.

120. Dr Janes considered there is overall a shortage of permanent external adults, such as advocates or social workers, in these institutions. A number of children on remand, who are treated as being ‘looked after’, did not receive regular visits from their social workers. Her experience was that there are normally only one or two general social workers based in each establishment, which may hold well over 100 young people, and they are not required to meet regularly with each child. She also observed that, at times, independent professionals may not have a private space to talk to children about sensitive issues.⁴²¹

121. Several witnesses, including Professor Hardwick,⁴²² Carlyne Willow, a children’s rights campaigner and founder of Article 39,⁴²³ and our expert Alan Wood,⁴²⁴ considered that access to advocacy workers and other independent people was important. Mark Johnson, founder of User Voice, referred to a User Voice report which found that young people would use independent advocacy services if they were available; comments from young people included that it would be good to have someone independent to visit once a week.⁴²⁵

122. However, there are also problems with advocacy. For example, Medway Improvement Board found the Barnardo’s advocacy service was not fit for purpose⁴²⁶ and raised concerns about the effectiveness of the role of the Youth Justice Board Monitors in STCs.⁴²⁷ The child may also be responsible for approaching the advocate who then relays and represents what the child has told them but, as Pam Hibbert noted, a child might say for example “*I want another pillow*” when they really want to talk about something else.⁴²⁸

123. We note that in Wales an advocate is proactive. He or she approaches the child and makes direct contact, rather than passively waiting for a child who may be struggling to articulate a concern or raise a complaint. Developing a relationship with a trusted adult in this way is important for them to be able to speak out and have support and assistance.⁴²⁹ Albert Heaney, Director of Social Services and Integration, Welsh Government, also told us that in Wales the home local authority is required to visit all children in detention; for many children, a visit must take place once within the first 10 days and after that if the child, parent, staff or Youth Offending Team worker requests it.⁴³⁰

124. However, it is important to note that advocates are only one possible option for detained children. In a survey in STCs, children were asked “*If you had a problem, who would you turn to?*”:

⁴¹⁹ Legal Aid, Sentencing and Punishment of Offenders Act 2012, section 104

⁴²⁰ REA 8.5.3; Gormley 16 July 2018 147

⁴²¹ Janes 11 July 2018 32; 53–54; HWL000001_025, paragraph 6.18; HWL000004_007, paragraph 2.14

⁴²² Hardwick 11 July 2018 162

⁴²³ Willow, 12 July 2018 124; INQ001412_011-012

⁴²⁴ Wood 16 July 2018 127–128; HOU000018_009-010

⁴²⁵ Johnson 17 July 2018 193; ‘Why are they going to listen to me?’, User Voice, July 2012 (INQ001607_029)

⁴²⁶ REA, paragraph 8.4.8

⁴²⁷ HMP000398, paragraph 46

⁴²⁸ Hibbert 11 July 2018 116–117

⁴²⁹ Heaney 13 July 2018 106–107

⁴³⁰ Heaney 13 July 2018 112–113; WGT000003_011, paragraph 8

	2015 16*	2016 17†
Advocate	11%	9%
Another young person here	19%	19%
Key worker	35%	25%
Case worker	43%	34%
Staff on the unit	51%	41%
Family	54%	43%

*INQ001199

†INQ001200

125. This may reflect the irregular contact with current advocacy services. It may also reflect, as Sara Robinson, Interim Executive Director, Youth Custody Service, pointed out, that a child might turn to other staff within the establishment, including education and healthcare staff, social workers, Youth Offending Team workers and probation offender managers. A child is able to see an Independent Monitoring Board member at any time in confidence, and can access chaplaincy services, legal helplines from children's rights groups such as the Howard League, and confidential helplines run by Childline and the Samaritans. They can also access the PPO if they lodge a complaint and this has been dealt with internally.

126. Whatever the range of people available, the critical question is whether the child trusts one of them enough to disclose. As Professor Hackett commented, it is the availability of an accessible and trusted adult that is vital and these relationships take time to develop. Children are not likely to spontaneously disclose abuse, but are more likely to talk about their experiences when invited to do so and this means they should be given frequent opportunities, in private, to discuss any concerns.⁴³¹

127. The Youth Custody Service therefore needs to build young people's confidence in the available staff, to show there will be support mechanisms when they disclose, and to demonstrate that their concerns are being taken forward, addressed and investigated.⁴³²

128. At Medway STC, the Custody Support Plan (CuSP) officer has replaced the personal officer and will spend one hour per week with their allocated child. The intention is to foster positive relationships, motivate the young person, identify unmet needs and set goals.⁴³³ Sara Robinson said it is hoped that, by the end of this financial year, every child across the estate will have a CuSP officer.⁴³⁴ This appears to be a positive step.

129. Peter Savage, Head of Operational Contract Management, Youth Custody Service, stressed that there needs to be a range of different organisations and individuals available who are independent of HMPPS.⁴³⁵

⁴³¹ INQ002045_074, paragraph 8.23, 8.25

⁴³² Robinson 13 July 2018 141; 173-174; YJB000101, paragraph 68; HMP000397, paragraph 47; HMP000398, paragraphs 40, 44, 47

⁴³³ HMP000398, paragraph 45

⁴³⁴ Robinson 13 July 2018 138-139

⁴³⁵ Savage 13 July 2018 176

Legal advice

130. Dr Janes considered the best way to protect any child from the risk of abuse is to empower them to understand and enforce their rights. She noted that a number of recommendations have been made to that end by a range of experts. For example, the Bach Commission (2017)⁴³⁶ recommended that “*all matters involving children should be brought back into the scope of funded legal aid*”.⁴³⁷ We note the concerns expressed by the Joint Committee on Human Rights that the reductions in legal aid will increase the vulnerability of children in custody.⁴³⁸

131. More generally, we note that legal visits are held in sight but out of hearing of a member of staff⁴³⁹ which may inhibit a child’s willingness to disclose abuse.

General steps to build trust

132. As discussed above, it is important that staff and children are able to form positive relationships; this is crucial to gain the child’s trust and confidence and to enable a child to disclose sexual abuse.

133. We recognise that building relationships in the context of a custodial institution may be extremely challenging. Staff need guidance, experience, qualifications, training and supervision to explain how to do this.⁴⁴⁰ As the DfE 2015 Guide⁴⁴¹ for SCHs states, children should be loved, valued and nurtured, and “*staff should strive to build positive relationships with children in the home and develop a culture of openness and trust that encourages them to be able to tell someone if they have concerns or worries about their safety*”.⁴⁴² However, the regulations, policy and contracts governing YOIs and STCs contain very much less about building positive relationships, trust and confidence. For example, in YOIs, PSI 08/2012 briefly mentions positive relationships⁴⁴³ and the STC contract states “*young people will develop positive relationships with adults...*”.⁴⁴⁴ We recognise that several elements of the Youth Custody Service reform programme aim to address this.

134. In our Nottinghamshire hearing, Professor Hackett explained that he considered that the availability of an accessible and trusted adult is vital. The essential point is that these relationships take time to develop, and consistency is important. He said that children are not likely to spontaneously disclose abuse, but are more likely to talk about their experiences when invited to do so. This means children should be given frequent opportunities (in private) to discuss any concerns.⁴⁴⁵

⁴³⁶ <http://researchbriefings.files.parliament.uk/documents/LLN-2017-0093/LLN-2017-0093.pdf>

⁴³⁷ [HWL000003_003](#), paragraphs 2.4–2.5

⁴³⁸ *The UK’s Compliance with the UN Convention on the Rights of the Child – Eighth Report of Session 2014–15*, House of Lords and House of Commons Joint Committee on Human Rights, 24 March 2015, paragraph 125 ([INQ001465](#))

⁴³⁹ [NOM000008](#), paragraph 60

⁴⁴⁰ [Mulready-Jones 16 July 2018 12–13, 21–22](#) and [HIP000017_004](#), paragraph 20

⁴⁴¹ *Guide to Children’s Homes Regulations including the Quality Standards*, Department for Education, April 2015 ([INQ001439](#))

⁴⁴² *Guide to Children’s Homes Regulations including the Quality Standards*, Department for Education, April 2015, paragraph 9.11 ([INQ001439](#))

⁴⁴³ [YJB000068](#), paragraph 2.9 and Annex B, paragraph 23

⁴⁴⁴ [YJB000030_031](#), p33, paragraph 6.1

⁴⁴⁵ [INQ002045_074](#), paragraphs 8.23, 8.25

E.11: Education and information given to children

135. The Inquiry's REA referred to:

- the Howard League's position that there is a need for greater sex education for children in custody, and a greater recognition of the need to acknowledge normal sexual experimentation⁴⁴⁶ and
- concerns that have been raised about the quality of induction processes used when a child arrives in custody, and the potential link between a lack of information that sexual abuse is prohibited and its prevalence.⁴⁴⁷

Sex and relationships education

136. Dr Laura Janes rightly stressed the importance of sex and relationships education, because if children do not recognise abuse this will be a barrier to reporting it.⁴⁴⁸

137. Peter Savage understood sex and relationships education is being widely taught in most of HMPPS's establishments.⁴⁴⁹

138. However, Dr Laura Janes noted that the curriculum in YOIs and STCs is different from that in the community; her opinion was that some of the sex education in some STCs was very good but it needs to be on a rolling basis in custody because of the transient population. There are also gaps. For example, children do not routinely receive education about the relationship between sex and the law.⁴⁵⁰ Children need to understand what abusive behaviour is as well as about their own sexual development and identity.⁴⁵¹ Staff also do not get routine training about talking to children about sexual behaviour, sexual identity, the law around sex and healthy sexual relationships. However, when Dr Janes spoke to staff about this, they have found it very helpful particularly when facing complex situations that require supporting children without crossing boundaries.⁴⁵²

139. Following DfE guidance, SCHs must produce a 'Children's Guide' in 'age appropriate' language, through which children "*must be supported by staff to understand what abuse is and what constitutes inappropriate behaviour*".⁴⁵³ Margaret Whellans took us through the Aycliffe sex education materials which give guidance to children about appropriate boundaries, including that overtly sexual behaviour is not acceptable.⁴⁵⁴

140. Statistics suggest harmful sexual behaviour between children has increased. Alan Wood thought this risk might be reduced through training, sending a consistent message to children about bullying and sexually harmful behaviour in a clear and unambiguous way, proper sex education, proper risk assessment processes, and making support available to victims and alleged perpetrators.⁴⁵⁵

⁴⁴⁶ REA, section 7.4

⁴⁴⁷ REA, p108

⁴⁴⁸ Janes 11 July 2018 12

⁴⁴⁹ Savage 13 July 2018 129

⁴⁵⁰ Janes 11 July 2018 16-17

⁴⁵¹ Johnson 17 July 2018 187

⁴⁵² Janes 11 July 2018 40-41

⁴⁵³ The Children's Home (England) Regulations 2015, regulation 7 (INQ001426) and *Guide to Children's Homes Regulations including the Quality Standards*, Department for Education, April 2015, paragraphs 4.20-4.23 and 9.8-9.18 (INQ001439)

⁴⁵⁴ Whellans 18 July 2018 167-169

⁴⁵⁵ Wood 12 July 2018 27; 35

141. Professor Hackett said that factors which helped children disclose abuse include children being provided with information about sexual abuse that is developmentally appropriate, and frequent opportunities to talk about their concerns.⁴⁵⁶

142. Sara Robinson confirmed she had asked the Brooks review to consider whether key principles around sex education should be developed and provided to children.⁴⁵⁷

Information about procedures and rights

143. The SCHs 'Children's Guide' explains how children can report concerns to the Office of the Children's Commissioner, and provides details of helplines such as the NSPCC's Childline. It also explains how to make a complaint and how the complaint will be dealt with. The policies for the protection of children from abuse and neglect must be available and explained to children and their families.⁴⁵⁸

144. In terms of more general information being given to children about their rights, Peter Savage and Sara Robinson accepted the SCH model described above could well be applied in YOIs and STCs.⁴⁵⁹

E.12: Responding to allegations

145. A key part of this investigation was the issue of how custodial institutions respond to allegations of child sexual abuse when they are made. We therefore obtained evidence on this issue from a range of sources, both at a general systems level and in our review of a series of 'case studies'.

The REA's observations on response issues

146. The Inquiry's REA set out what was known about how custodial institutions respond or are likely to respond to allegations of child sexual abuse, and similarly about failings in that response. For example, in 2008 the National Children's Bureau's safeguarding review noted:

- safeguarding practice was hindered by the lack of clear definitions about what constituted a child protection concern;
- examples of child protection matters being overlooked in YOIs;
- evidence of unfair pressure being put on young people;
- in YOIs children were not always provided with independent support; and
- there were delays and poor communication with children in some cases.

In 2014, the Association of Independent LSCB (Local Safeguarding Children Board) Chairs noted that in the previous year YOI and STC inspections found several cases where child protection referrals had not been made by the establishments when they should have been.⁴⁶⁰

⁴⁵⁶ [INQ002045_072](#), paragraphs 8.18 and 8.25–8.26

⁴⁵⁷ [Robinson 13 July 2018 131](#)

⁴⁵⁸ The Children's Home (England) Regulations 2015, regulation 7 ([INQ001426](#)) and *Guide to Children's Homes Regulations including the Quality Standards*, Department for Education, April 2015, paragraphs 4.20–4.23 and 9.8–9.18 ([INQ001439](#))

⁴⁵⁹ [Robinson and Savage 13 July 2018 131–133](#)

⁴⁶⁰ [REA, section 8.3](#)

147. HM Inspectorate of Prisons (HMIP) has also been critical of the way certain institutions have responded to child protection issues, including in 2015 at HMYOI Cookham Wood and in 2016 at Medway STC.⁴⁶¹

148. More recently, in 2016, the European Committee for the Prevention of Torture visited HMYOI Cookham Wood. Its report, published in April 2017, indicated that in several cases where children had alleged violence or abusive behaviour by staff, there had been no referral to the police or local authority. It recommended staff members allegedly involved in ill-treatment should be allocated duties that do not bring them into contact with the alleged victim until the results of the disciplinary proceedings are clear.⁴⁶²

149. The Youth Justice Board *Review of child protection in Secure Training Centres (2016)* raised a series of concerns about child protection. It found between 2014 and 2016 only 6 percent of child protection referrals from STCs were substantiated. The Youth Justice Board recommended there should be a new national policy on how to manage allegations against adults who work in the secure estate. It considered a dedicated, qualified and independent social worker should be more involved in responding to safeguarding issues.⁴⁶³

Responding to a disclosure of child sexual abuse in custody

Best practice

150. Alan Wood, who was instructed by the Inquiry to act as an independent expert witness, provided us with an overview of the recognised best practice in responding to a disclosure of child sexual abuse. The immediate response by staff to a disclosure of sexual abuse should include:

- listen carefully to the child;
- let them know they have done the right thing;
- tell them it is not their fault;
- explain that the allegation will be taken seriously;
- explain to the child what will be done next;
- do not talk to the alleged abuser; and
- do not delay reporting the abuse.

He also said the response can have an impact on whether children have confidence in the procedure and whether they subsequently withdraw their allegation.⁴⁶⁴ Carlyne Willow, a children's rights campaigner and founder of Article 39, also reflected on this, saying that children 'test' how staff respond to general complaints they make. If children see a poor response, they are unlikely to be confident to disclose abuse.⁴⁶⁵

⁴⁶¹ HIP000017, paragraph 8

⁴⁶² Report to the Government of the United Kingdom on the visit to the United Kingdom carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 30 March to 12 April 2016, 19 April 2017, pp53-55 (INQ001182_053-055)

⁴⁶³ Review of Child Protection in Secure Training Centres, 2016, paragraphs 37, 40, 43, 49-51, 86-88 and 95-98 (YJB000141)

⁴⁶⁴ Wood 12 July 2018 19; 54; 58-59; INQ001652_028, paragraph 6.32(a)(3); INQ001764_012, paragraph 4

⁴⁶⁵ INQ001073_013, paragraph 46

151. As to the immediate response, Phillip Noyes, NSPCC, and Pam Hibbert, a social worker and former Chair of the National Association for Youth Justice, explained disclosures are often veiled and subtle, and so may not be recognised or understood. At times, children do not willingly report abuse but would do if a trusted adult asked them if something was wrong and explored their answers. Adults should create opportunities for disclosure.⁴⁶⁶ The professional should be vigilant about whether something is wrong, be able to recognise the signs of abuse and of a veiled disclosure, and ask sensitive questions to explore what is wrong.⁴⁶⁷

152. As to the further stages of the response, Alan Wood said the person investigating the allegation should be totally independent of the agency or geographical area where the alleged perpetrator is employed. Independence is important to ensure children have confidence in the process. Confidentiality is also central. His opinion was that the default position should be that an allegation against a member of staff is subject to a section 47 inquiry by the local authority. The investigation should be fair and transparent to the child. He noted that *Working Together to Safeguard Children*⁴⁶⁸ is clear that the process should be child-centred: children want vigilance, understanding, respect, information, engagement, support and protection. He told us support for the child within the process is essential. At the end of an investigation, children should be supported regardless of the outcome, even if the disclosure is retracted.⁴⁶⁹

153. Alan Wood stated, in his experience, it was “quite rare” for a child to lie completely about an allegation of sexual abuse.⁴⁷⁰ There are a range of possible pressures which may lead to a child retracting an allegation, and a retraction should not be taken at face value. He said there is a likelihood of retraction or refusal to comment further if the child’s experience of disclosure is a negative one. He noted that in the case studies the child often had to explain the same allegation over and over to different people, and this could undermine their willingness to pursue the allegation.⁴⁷¹

154. Similarly, the Australian Royal Commission concluded an allegation may be retracted for a variety of reasons, and adults should not assume that a retraction means the abuse did not occur or is not occurring. It said research consistently shows that false allegations of child sexual abuse are rare.⁴⁷²

155. Chief Constable Simon Bailey, the National Police Chiefs’ Council’s lead on child protection, explained that detailed guidance is given to police about how to investigate an allegation of abuse against a child. Subject to the best interests of the child, following an allegation of a sexual offence against a child, it would normally be expected that the child would be interviewed using an ‘Achieving Best Evidence’ interview. Statements would be taken from all eyewitnesses, and video or photographic evidence would be preserved and viewed. A medical examination would often be expected if there are any marks or injuries.

⁴⁶⁶ *Working Together to Safeguard Children*, 2018 (DFE000876) indicates establishments should have in place arrangements which instill “a culture of listening to children and taking account of their wishes and feelings, both in individual decisions and the development of service”.

⁴⁶⁷ Noyes 12 July 2018 81; 86–87 and 90; NSP000025_006, paragraph 15, referring to *No one noticed, no one heard*, NSPCC (INQ001489_006); Hibbert 11 July 2018 117–118

⁴⁶⁸ DFE000876

⁴⁶⁹ Wood 12 July 2018 57; 60–67; 75; Wood 17 July 2018 18–19; INQ001652_029–30; INQ001652_033

⁴⁷⁰ Wood 17 July 2018 38

⁴⁷¹ Wood 12 July 2018 26–28, 59 and 75; Wood 16 July 2018 63; INQ001652_028, paragraph 6.32(a)(2)

⁴⁷² Australian Royal Commission into Institutional Responses to Child Sexual Abuse: Final Report, *Volume 4 Identifying and disclosing child sexual abuse*, pp53–54 and footnote 28

To investigate a crime in a custodial institution, police must have the permission of the governor or manager; it may be therefore that staff within the custodial institution would take initial investigative steps.⁴⁷³

Current procedures

156. There are several areas of concern about the current procedures for responding to an allegation of child sexual abuse in custody.

157. Chief Constable Simon Bailey referred to *The appropriate handling of crimes in prison*,⁴⁷⁴ a protocol between the National Offender Management Service, the Association of Chief Police Officers and the Crown Prosecution Service. This states that any sexual offence should be reported “to the police for investigation”. He expected the police to investigate all sexual offences committed against a child in custody, at least by an adult in a position of trust. There appears to be a conflict between that protocol and national Her Majesty’s Prison and Probation Service (HMPPS) policy, which states that allegations of ‘serious’ sexual assault are referred to the police.⁴⁷⁵ He could not draw any reliable conclusions from the high number of alleged incidents of child sexual abuse within custodial institutions between 1 January 2009 and 31 December 2017 compared to the low number of convictions, as revealed in the Inquiry’s prevalence analysis. He thought that it was a “*really worrying statistic*”.⁴⁷⁶

158. Although local policies or procedures may be in place, the main written guidance or policy on responding to an allegation of sexual abuse against a child in a YOI is contained in Prison Service Instruction (PSI) 08/2012, *Care and Management of Young People*. (This also appears to apply in STCs.) It indicates that, when investigation by the police or social services does not occur, the procedures set out in Prison Service Order (PSO) 1300, *Investigations*, must be followed. However, PSO 1300 does not contain any specific guidance about how an allegation of sexual abuse of a child in custody should be responded to. In addition, PSI 08/2012 expired on 31 March 2016 and does not appear to have been updated.

159. The documents provided indicate that in YOIs and STCs an allegation of sexual abuse against a child will often be referred to a member of staff working within the same establishment, even if it is against another member of staff. There is no provision to prevent this from happening, nor any requirement that the allegation should to be kept confidential so far as possible from the alleged abuser or their associates. Generally each allegation will be referred to the child protection coordinator, safeguarding manager and/or deputy governor, who may discuss the matter with any member of staff he or she considers appropriate. In those cases which are not subject to a section 47 inquiry or full investigation by the police, the establishment conducts the response and investigation, with assistance from the local authority designated officer (LADO), even if the allegation is against a current member of staff. There is no requirement for allegations against staff to be investigated and responded to by someone independent of the establishment.⁴⁷⁷

⁴⁷³ Bailey 11 July 2018 77; 82–83; 84–91; OHY004799_002, paragraphs 3.5–4.1

⁴⁷⁴ OHY004800

⁴⁷⁵ Bailey 11 July 2018 84–87; Savage and Robinson 13 July 2018 160–161; YJB000068_048, Annex C, paragraph 4

⁴⁷⁶ Bailey 11 July 2018 93–94

⁴⁷⁷ Robinson 13 July 2018 156–159; PSI 08/2012, Annexes B and C (YJB000068); see *Review of Child Protection in Secure Training Centres*, Youth Justice Board, paragraphs 95–98 (YJB000141_014-015)

160. It also appears that, in contrast to the detailed guidance available for police, there is no guidance for staff working in YOIs or STCs who are conducting an investigation into an allegation of child abuse on how the complainant should be interviewed or what evidence to seek. National policy for YOIs and STCs is also not clear about what support should be offered to a child who has alleged abuse when the case is not referred to the local authority.⁴⁷⁸

161. The LADO's role is somewhat unclear. In the community, the LADO should coordinate the safeguarding and investigative processes for allegations against adults.⁴⁷⁹ However, PSI 08/2012 states that when an allegation is made against a member of staff, Appendix 5 of the *Working Together to Safeguard Children* guidance 2010 must be followed, and when allegations meet the criteria in paragraph 1, the LADO must be contacted.⁴⁸⁰ The role of the LADO described by PSI 08/2012 appears to be one of monitoring and discussing the progress of an investigation carried out by the establishment.⁴⁸¹ However, in any event, this guidance is out of date: Appendix 5 and paragraph 1 no longer exist and the *Working Together to Safeguard Children* guidance⁴⁸² has been superseded three times.

162. Procedures in SCHs for responding to allegations of abuse were generally better. For example, the Aycliffe Child Protection Policy contains guidance on how any member of staff should respond to a child who discloses abuse.⁴⁸³

Current practice

163. We heard substantial evidence that the current procedures for responding to allegations of child sexual abuse in YOIs and STCs do not work effectively.

164. Dr Janes, Legal Director of the Howard League for Penal Reform, told us that an increasing part of the work of the Howard League legal team is making child protection referrals and that they receive a varied response from local authorities and prisons. This included a referral being refused on technical grounds by a LADO, who would have a role to perform if there were an allegation of sexual abuse. Young people have also said they “*don't see the point*” in a referral being made to the LADO, which has been a concern. Dr Janes has experienced social services suggesting issues referred to them were for the establishment to deal with. She suggested that it would assist if LADOs dealing with children in custody were given specialist information, training and guidance about the particular vulnerabilities of children in custody. She said overall when she had seen child protection referrals made, she rarely saw “*responses dealt with rigorously or urgently*”.⁴⁸⁴

165. Carlyne Willow understood that HMIP would refer concerns of sexual abuse of a child in custody to the prison rather than to the local authority. Research she conducted using freedom of information indicated that a low proportion (24 percent) of child protection referrals from an establishment to the local authority result in a section 47 inquiry. She pointed out there is no requirement for LADOs to be registered social workers or to have professional child protection training or experience. That is one of the reasons why she

⁴⁷⁸ YJB000068_050, paragraphs 14 and 22

⁴⁷⁹ Wood 12 July 2018 65–67; INQ001752_003, paragraph 1.9(a)

⁴⁸⁰ YJB000068_048, paragraph 6; YJB000068_051, paragraphs 24–28

⁴⁸¹ YJB000068_052, paragraphs 28–29

⁴⁸² DFE000876

⁴⁸³ Whellans 18 July 2018 167; DUC000423, pp2–3

⁴⁸⁴ Janes 11 July 2018 1; 43–47; INQ001766, paragraph 3.8

considered all institutional abuse allegations should be referred directly to children's social services in the local authority; there is insufficient involvement of social services with children in custody. She explained that Article 39 is pressing for the introduction of statutory guidance on the response to a disclosure of sexual abuse against a child in custody. All abuse allegations should be investigated by child protection professionals independent of the establishment, and the child should receive support from an independent advocate.⁴⁸⁵

166. Angus Mulready-Jones, the lead inspector for children in detention for HM Inspectorate of Prisons, told us there are concerns about the response to child protection referrals in some institutions. It is not unusual to see delays in the process.⁴⁸⁶

167. Mark Johnson, the founder of User Voice, said that when a child disclosed abuse there was often no therapeutic intervention when there should have been. Other factors affecting the response included the skill level of staff in the environment and their relationship with the child. A child who had seen a number of different Youth Offending Team workers over a short space of time would not be likely to perceive that any one of them was particularly interested in him or her.⁴⁸⁷

168. Matthew Brazier noted that ordinarily if a child makes an allegation of sexual abuse in a survey it will be passed back to the establishment, not to an independent person.⁴⁸⁸

169. The Inquiry's case studies analysis supports these concerns regarding the response to allegations.

170. Sara Robinson, Interim Executive Director of the Youth Custody Service, said the principles of good practice for responding to child sexual abuse that are applied in the community (as described by Alan Wood) should also apply in custody. The *Review of Safeguarding in the Secure Estate* (June 2018), led by Sonia Brooks OBE, will look into some of the issues raised by Alan Wood, such as the extent to which allegations are referred to social services. She said there are clear procedures in place but it is the application of those procedures which needs to be looked at. It is the process of auditing and assurance which needs improving. She accepted there is still work to be done about how evidence is gathered and how children are interviewed when police do not investigate.⁴⁸⁹

The Inquiry's case studies analysis

Introduction

171. The Inquiry instructed Alan Wood to conduct a detailed review of recent allegations of sexual abuse made by children at six custodial institutions: HM Young Offender Institutions at Feltham and Werrington; Medway and Rainsbrook STCs; and Vinney Green and Aycliffe SCHs. In total, Alan Wood reviewed 72 cases, and examples of cases from each of the six establishments appear in the pen portraits at the start of this report.

⁴⁸⁵ Willow 12 July 2018 104-106; 117-119; 121-122; INQ001073_014, paragraph 47

⁴⁸⁶ Mulready-Jones 16 July 2018 36-37; INQ001479

⁴⁸⁷ Johnson 17 July 2018 187-188

⁴⁸⁸ Brazier 18 July 2018 26-28

⁴⁸⁹ Robinson 13 July 2018 153; 159-162

172. The case studies were selected in order to illustrate a range of themes or issues, including sexual abuse by institutional staff or other children, allegations involving restraint or searching, the role of CCTV, the involvement of the local authority, and investigations by the police.

173. The Inquiry asked relevant bodies to disclose all documentary records relating to the 72 cases, their investigation and the outcome of the investigation. Alan Wood then reviewed the material to identify key or recurring themes in the institutional responses. All of the underlying documentary evidence from the case studies was made available to the Inquiry and in part formed the basis of its conclusions.

174. The following key themes arose and apply to both YOIs and STCs:

- In some cases staff appeared to pre-judge the allegation, indicating suspicion that the child was making it up. In some cases, Mr Wood was surprised that a child's statement that he did not want to pursue the allegation was taken at face value.
- In case studies from several establishments, children or others appeared to be concerned about the confidentiality of their allegations. Mr Wood observed that allegations could become "overexposed" whereby a number of members of staff within the establishment would become aware of it, including at times the alleged abuser or their close associates. There was little evidence of how the risk of doing so would be managed.
- In many allegations against staff, other members of staff from within the establishment were involved in the investigation, for example by interviewing the child or witnesses and gathering evidence. In a significant proportion of those cases, there appear to have been flaws in the investigation of the allegation. Obvious investigative opportunities were missed, or the decision not to pursue the allegation or find it substantiated was made on an inadequate basis. A number of allegations were retracted or denied after the child was spoken to by a member of staff at the establishment.
- A focus on the support needs of the children in the investigation was "universally absent".
- Very few cases were subject to an investigation by the police. Only one allegation out of 53 in YOIs and STCs led to a section 47 inquiry. In YOIs, the LADO often had little significant input.⁴⁹⁰

175. As Mr Wood said, the highest levels of safeguarding should be expected of members of staff working in YOIs and STCs because the children detained there are so vulnerable. These high levels of safeguarding were not routinely evident in the case studies material. We agree with his overall conclusion that the key elements of the *Working Together to Safeguard Children* guidance on investigations were absent in the records from the case studies.⁴⁹¹

⁴⁹⁰ Wood 16 July 2018 82–85; Wood 17 July 2018 41–42; INQ001764_009-012, paragraphs 1.45–1.57; Wood 17 July 2018 10; 36–37; INQ001210, paragraphs 2.1.8, 7.1.5 and 8.1.2; INQ001764_002, paragraphs 1.1–1.2; Wood 16 July 2018 63–69; 138

⁴⁹¹ Wood 12 July 2018 75; Wood 16 July 2018 56; 142; INQ001764_009, paragraph 1.44; Wood 16 July 2018 56

176. The responses by SCHs appear to be generally of a higher standard. Investigations were more extensive, outside agencies were better involved, the process was more child-centred, the child's credibility was not doubted, and more support was offered. He noted the higher staff to child ratio gave a greater opportunity for children to build trusting relationships and that it is easier to spot safeguarding issues when they arise.⁴⁹²

Case studies from YOIs

HMYOI Feltham

177. We examined 14 allegations of sexual abuse at HMYOI Feltham, including a number against staff. These covered the period 2009 to 2015.

178. Alan Wood considered there was a wide variation in the standard of the initial response. The records reflected a lack of understanding of the complications caused by the child being in custody and of their fear of reporting. It was difficult to keep track of issues across various different methods of recording. Having a system which tracked how many allegations were made, against whom and with what results was a "*fundamental keystone*".⁴⁹³

179. Alan Wood had particular concerns about the investigation by staff of allegations against other staff from the establishment. Some decisions not to pursue allegations were made on apparently flawed grounds. Alan Wood had concerns about the substantive involvement of the LADO, for example when an allegation of sexual assault by a member of staff was not referred to the LADO, or the LADO did not attend a key strategy meeting. He also had concerns that the threshold being applied in respect of section 47 investigations was too high. He noted that there were no substantive police investigations in respect of the allegations he considered. Finally, none of the allegations were substantiated.⁴⁹⁴

180. Glenn Knight, Governor of HMYOI Feltham until May 2018, gave evidence in response to concerns raised by Alan Wood. He pointed to improved versions of Feltham's child protection policy and procedure, which were reviewed annually and would be reviewed again in light of the 2018 *Working Together to Safeguard Children* guidance. This included Feltham's safeguarding strategy dated September 2017, which post-dated the allegations of sexual abuse reviewed by Alan Wood. He also referred to a new local protocol agreed between Feltham and the London Borough of Hounslow, which applied when a member staff was the subject of an allegation of sexual abuse. He also identified a risk assessment matrix designed in 2018, which was used to document the decision-making process and could also be used to track how many safeguarding referrals had been made against a particular staff member. Finally, he referred to a draft service level agreement, the purpose of which was "*to standardise the interagency response to sexual offences within prison establishments in London*". He would like to see more social workers, ideally five or six, and more staff at Feltham.⁴⁹⁵

181. Lara Wood, Head of Safeguarding and Quality Assurance at the London Borough of Hounslow (the relevant local authority for Feltham), gave evidence to respond to the issues Alan Wood raised. She explained that when a young person discloses abuse, the social work

⁴⁹² Wood 18 July 2018 91-95 and 100

⁴⁹³ Wood 16 July 2018 59; 61; 78

⁴⁹⁴ Wood 16 July 2018 82; 85; 89-91; INQ001764_007, paragraphs 1.38-1.39

⁴⁹⁵ Knight 16 July 2018 108; 110-115; 126; HMP000411; HMP000413; HMP000414; HMP000415

team should refer the young person to the appropriate services such as Hounslow Youth Counselling, Barnardo's wellbeing team and psychological interventions. She also referred to the new local protocol agreed between Feltham and the London Borough of Hounslow. The number of referrals to the LADO from Feltham increased from 6 in 2015/16 to 25 in 2016/17, which Alan Wood thought showed improvements in recognising, reporting and recording abuse allegations.⁴⁹⁶

HMYOI Werrington

182. We examined 10 allegations at HMYOI Werrington, covering the period from 2011 to 2016.

183. With the exception of one allegation, Alan Wood felt that Werrington responded to allegations in a timely and structurally appropriate way. However, he observed that some allegations were regarded with suspicion from the outset and that a complainant's past use of the complaints procedure sometimes framed the approach to the current allegation. One complaint was regarded as potentially not being genuine prior to any investigation of what the allegation actually was. Further examples included a suggestion there were doubts over the credibility of multiple allegations as the boys submitted them on the same day, and that an allegation of rape by a rival gang was a malicious referral.⁴⁹⁷

184. In a few cases, there was a lack of full investigation, such as CCTV not being checked, eyewitnesses not being questioned, or other investigative opportunities being missed. In some cases the reasons given by staff for a decision not to pursue an investigation were flawed. Alan Wood found examples of allegations against staff, including of sexual assaults, either not being reported to social services or being reported to social services but not being deemed to have reached the threshold for investigation. The police were only involved in a very small minority of investigations. Allegations were investigated largely by staff from the establishment.⁴⁹⁸

185. Peter Gormley, the Governor at Werrington until April 2018, responded to Alan Wood. He observed that Alan Wood's comments were based on a small sample size and that seven years is a long time in the life of an establishment. He felt the latest HMIP report was a more helpful indicator of Werrington's performance, although he welcomed Alan Wood's view that Werrington generally responded in a timely and structurally appropriate way.⁴⁹⁹

186. In response to Alan Wood's observations about the support offered to children after they have made a disclosure, Peter Gormley suggested there was other evidence of support outside the papers reviewed by Alan Wood. He told us that any child who makes an allegation will be seen by one of the social workers, who will stay with that child in terms of support until the investigation is concluded. Peter Gormley also said that every child who makes a serious allegation will be seen by the duty governor or the orderly officer for an initial assessment of needs to be undertaken. This assessment will consider whether there is any vulnerability arising from the making of the allegation and the requirement for any immediate steps such as enhanced observations.⁵⁰⁰

⁴⁹⁶ Wood 16 July 2018; HOU000017; HOU000018

⁴⁹⁷ Wood 16 July 2018 129-133

⁴⁹⁸ Wood 16 July 2018 136-139; 143; INQ001764_009-10, paragraphs 1.45-1.51

⁴⁹⁹ Gormley 16 July 2018 153

⁵⁰⁰ Gormley 16 July 2018 156-157

187. Peter Gormley told us the local authority independently scrutinises incidents at Werrington as part of the multidisciplinary approach. Members of the local authority also chair a quarterly board meeting in relation to the use of force. In reply to Alan Wood's observation about allegations being approached with suspicion, Peter Gormley stated this was one example and, irrespective of the initial response, the same process is followed for all allegations, including the independent rigour of a multidisciplinary meeting. He was conscious of the need to ensure staff were aware of the importance of approaching allegations with an open mind and recording them in a neutral and objective way. However, Peter Gormley accepted there may have been variability of practice.⁵⁰¹

188. We also considered evidence from Yvonne Gordon, the Strategic Lead for Specialist Safeguarding Delivery at Staffordshire County Council, the relevant local authority. This provides an overview of the local authority involvement at Werrington, including the training of Werrington staff on child protection matters from the Staffordshire Safeguarding Children Board.⁵⁰²

Case studies from STCs

Medway STC

189. In respect of Medway, we examined 11 allegations, which spanned a relatively narrow period⁵⁰³ from May 2015 to December 2016.⁵⁰⁴

190. Alan Wood had an overarching concern about themes of grooming, abusive and inappropriate behaviour by staff, and that other staff who were aware of this did not report it until one relatively young member of staff acted as a whistleblower. He expressed surprise at the wide range of allegations and the responses to them. For example, he was concerned staff alleged to be involved in these incidents were allowed to have continued contact with the children.⁵⁰⁵

191. Alan Wood found there was an unhealthy culture of control and a perception of controlling children from a "security guard type point of view". He raised concerns about the lack of confidentiality of a child's complaint within the staff group. He identified a repeated theme of there being a lack of documented support to children who had made disclosures. However, he noted that, compared to other institutions, Medway had a higher level of LADO involvement.⁵⁰⁶

192. Sharron Rollinson performed the role of LADO at Medway STC until April 2017. She said that the policies at Medway were woefully inadequate and the approach to safeguarding inexperienced. Staff and managers appeared to prioritise protection of staff over the protection of young people. The room she used for meeting with children was not private, and staff were able to hear any disclosures the children might be making. New staff often lacked experience of working with children who were highly vulnerable, and training was not robust enough. Children had told her about being given oral sex by staff in the kitchen area.

⁵⁰¹ [Gormley 16 July 2018 159-161](#)

⁵⁰² [Gordon 16 July 2018 170; SFC000023](#)

⁵⁰³ This covered the period of time during which responsibility for running Medway passed from G4S back to HMPPS, the Medway Improvement Board having reported in early 2016.

⁵⁰⁴ [Wood 17 July 2018 2](#)

⁵⁰⁵ [Wood 17 July 2018 5-8, 21-25](#)

⁵⁰⁶ [Wood 17 July 2018 9-13; 20](#)

She referred to an allegation that a member of staff had given a child a love bite. She recalled that this was discussed internally, and when she visited the complainant he seemed fearful and withdrawn. Sharron Rollinson told us that the uncut footage from *Panorama* showed a staff member describing to other staff in the smoking area how children could be moved out of view of camera to be assaulted. The reaction of a manager (Jonathan French) to this was that staff were letting off steam.⁵⁰⁷

193. Jerry Petherick of G4S addressed Alan Wood's evidence regarding Medway, commenting that the report read as if the allegations were substantiated but in fact some of them were not. He said that there might have been other documents which might have shown that support was given to children. However, he did agree with a number of the comments made by Alan Wood, for example that a medical examination referred to in one particular case should have taken place but did not.⁵⁰⁸

194. We also heard from Jonathan French, Governor of Medway since January 2017. He noted the majority of the alleged incidents referred to by Alan Wood occurred before Medway was transferred back to HMPPS. He described several changes made since that time, as discussed above. Broadly Jonathan French did not take issue with Alan Wood's observations as to the adequacy of the response on the basis of the documents he had. He indicated that there might be additional material available that showed support having been given to a child that had not been provided to the Inquiry.⁵⁰⁹

195. Jonathan French denied having told Sharron Rollinson that staff were just "letting off steam". He said he took the footage very seriously, noting "*The officer did allude, although not explicitly, to blind spots in the CCTV coverage*". The officer was suspended and a formal disciplinary investigation was conducted into the matter. Jonathan French noted he did not have access to the full unedited footage of the conversation between the officer and journalist. After the hearing, Jonathan French produced a new statement dated 19 July 2018. He said that on the footage, the officer did not mention assaulting young people. Jonathan French believed that Sharron Rollinson may have confused the footage of the smoking area with footage of staff during induction training (which Jonathan French did not receive until April 2017). He said "*The comments of the then training manager on the footage were particularly inappropriate ... I immediately suspended him and a disciplinary investigation was commenced*".⁵¹⁰

Rainsbrook STC

196. We considered 18 allegations in relation to Rainsbrook, spanning from 2010 through to 2016.⁵¹¹ They related to the period when G4S was running Rainsbrook.

197. There were cases in which the staff's initial response to a disclosure appeared inappropriate, such as when staff were said to have laughed at a boy who disclosed that another detainee had "*put his willy in my bum*". Alan Wood told us there was an apparent disparity between the support given to the alleged victims and the support given to the alleged perpetrator staff members. He did not think that children were

⁵⁰⁷ Rollinson 18 July 2018 44–52, 57, 62

⁵⁰⁸ Petherick 17 July 2018 77

⁵⁰⁹ French 17 July 2018 127–128

⁵¹⁰ HMP000431

⁵¹¹ Wood 17 July 2018 30

appropriately informed about the investigation and its outcome. Overall he did not feel that the expectations within the *Working Together* guidelines had been met in the cases he examined.⁵¹²

198. Jerry Petherick also gave evidence on the Rainsbrook case studies. He expressed surprise at the use of the word “*malicious*”, and thought some of the tone of letters to the children was inappropriate. Whilst he thought there might have been more material available showing the support given to the child, he broadly agreed with Alan Wood’s observations.⁵¹³

199. We also heard from Stuart Jessup, current Director of Rainsbrook Secure Training Centre. He could not respond to the specific allegations within Alan Wood’s evidence because MTC Novo took over Rainsbrook STC after the last of those allegations. However, he explained a number of changes which have been made at Rainsbrook STC since MTC Novo took over,⁵¹⁴ which are set out in Part E2 where we consider privately run institutions more generally.

200. We received evidence on behalf of Northamptonshire County Council from Lesley Hagger and Alex Hopkins, who have both held the role of Director for Children, Families and Education. Lesley Hagger accepted the response in some of the case studies fell below the standards she expects for safeguarding. However, she offered reassurance that the local authority is aware of the issues and working hard to ensure improvements are sustained through service redesign and development. For example, they are making changes to their multi-agency safeguarding hub arrangements. She also informed us that the review undertaken by Northamptonshire Children’s Safeguarding Board Assurance Group found there was a significant staff shortage during the transition from G4S to MTC Novo, but that MTC Novo reported that Rainsbrook had been fully staffed since November 2016.⁵¹⁵

Case studies from SCHs

Vinney Green SCH

201. We examined six allegations from Vinney Green, dating from 2010 to 2015.

202. Alan Wood felt the information given to children in response to an allegation being received was not appropriate and the outcome notifications were unduly formalistic. Overall, Alan Wood felt there was evidence of a child-focussed approach from the minutes of the strategy meetings but that the associated actions connected to those meetings did not always match. He observed good evidence that staff were aware of children’s previous experiences and their likely reaction to being restrained, but there was a gap when it came to translating this knowledge into practice. He noted the paperwork was not always clear in relation to the outcome of the investigation.⁵¹⁶

203. Alison Sykes, Head of Secure and Emergency Services for South Gloucestershire Council and the registered manager for Vinney Green SCH, explained in more detail the process that would be followed after a disclosure of sexual abuse. For example, a nurse would be contacted as would the mental health team; steps would be taken to see if the

⁵¹² Wood 17 July 2018 43

⁵¹³ Petherick 17 July 2018 87-90

⁵¹⁴ Jessup 17 July 2018 159-179

⁵¹⁵ NTC000026; NTC000029

⁵¹⁶ Wood 18 July 2018 93-94; 98

member of staff should have contact with the young person; Alison Sykes would attend and view the CCTV; and relevant professionals would be involved. A child would also be able to request a transfer to another unit if they felt it appropriate to do so. Alison Sykes responds to every allegation made by a child. She said great care in Vinney Green is taken to what support will be given to the young person. The problem was a lack of recording of this, rather than a lack of it happening; she agreed the lack of recording of outcomes was surprising and concerning and assured the Inquiry that this does not happen now. She noted that the three recent reports by Ofsted about Vinney Green all rated the home as 'good'.⁵¹⁷

Aycliffe SCH

204. Finally, we looked into 13 allegations at Aycliffe, which were said to have occurred between 2009 and 2016.⁵¹⁸

205. Alan Wood said the themes at Aycliffe were similar to those at Vinney Green. He commented that some of the language recorded was inappropriate. He gave an example of a record stating that a young person had made "*flirtatious comments*" towards a member of staff. Whilst there was good evidence of recording the allegations, this was not matched by evidence of planning post-disclosure.⁵¹⁹

206. We heard evidence from Margaret Whellans from Durham County Council, who spoke to written evidence provided by her colleague Carol Payne.⁵²⁰ Margaret Whellans noted the June 2017 Ofsted⁵²¹ report judged Aycliffe to be good, and said a range of positive things about the centre. For example, staff built close and trusting relationships with young people. There were some concerns, such as about restraint and recording of searches. The January 2018⁵²² inspection again rated the centre as good. Margaret Whellans observed that some of the material evidencing support for the children might be in case files, and may not have been seen by Alan Wood. She explained that, in respect of Alan Wood's concern about "*flirtatious comments*", she has had direct discussions with management about ensuring that a child's comments are appropriately recorded and described, so there will be a better description of behaviours going forward. Work has been done to improve the layout of the investigation pro forma.⁵²³

E.13: Recording and auditing

Recording by individual establishments, local authorities and the Youth Custody Service

207. Her Majesty's Prison and Probation Service (HMPPS) explained that allegations are logged by safeguarding leads in particular establishments, who complete "*referral documentation and ... logs*" to track actions and progress. We were told these can be viewed

⁵¹⁷ Sykes 18 July 2018 122–125; 133–134; 137–140

⁵¹⁸ Wood 18 July 2018 149

⁵¹⁹ Wood 18 July 2018 149–152

⁵²⁰ DUC000269

⁵²¹ OFS007930

⁵²² OFS007931

⁵²³ Whellans 18 July 2018 155–156; 171–174

by Youth Custody Service staff and inspectorates at visits. Mention was also made of Security Information/Intelligence Reports, and of child protection files being opened on individual cases.⁵²⁴

208. However, it is unclear whether these systems are effective in practice. Many institutions found it difficult to access some of the prevalence data the Inquiry sought, or to provide it to us with ease or in an accurate and accessible way.

209. Carlyne Willow, a children's rights campaigner and founder of Article 39, had also found it difficult to obtain data from local authorities and from the National Offender Management Service (as it then was) about the numbers of sexual abuse allegations in custody.⁵²⁵

210. Angus Mulready-Jones, HMIP, considered that if there was to be a duty to collect data on sexual abuse in custodial establishments, this should be a duty on central government, because it is the government which has an obligation to detain children safely. These data would also ensure that government had an accurate and complete understanding of child sexual abuse occurring in custody.⁵²⁶

211. Peter Savage, Head of Operational Contract Management, Youth Custody Service, accepted that improvements are needed to the way in which the Youth Custody Service keeps records of disclosures of abuse, and how they are investigated. This will be considered in the current safeguarding review.⁵²⁷

Recording by national surveys

212. As we explained in the summary of the Inquiry's prevalence analysis in Part C, several issues concerning how the HMIP survey records allegations of abuse have been identified.

213. Dr Janes, Legal Director of the Howard League for Penal Reform, considered the way the HMIP survey is carried out and the challenges of collecting information of this nature may affect how accurately it represents the scale of child sexual abuse in custody. In her view:

"there is a big gap in the evidence base as to the prevalence of sexual abuse among children in custody ... any enhanced monitoring and scrutiny of the nature, prevalence and response to sexual abuse in custody is likely to be helpful in preventing it from occurring in future and to assist the authorities to deal with it effectively."⁵²⁸

Recording by the police

214. Chief Constable Simon Bailey, the National Police Chiefs' Council's lead on child protection, said that although there had been improvements, the accurate recording of crime presented challenges for the police. He considered there would be merit in requiring police forces to record that an allegation of sexual abuse had taken place in custody.⁵²⁹

⁵²⁴ [NOM000008](#), paragraph 66; [NOM000011](#), paragraphs 20–22; [HMP000398](#), paragraph 35

⁵²⁵ [Willow 12 July 2018 106–109](#)

⁵²⁶ [Mulready-Jones 16 July 2018 44–45](#); [HIP000023_001](#)

⁵²⁷ [Savage 13 July 2018 47](#)

⁵²⁸ [HWL000004_002](#), paragraphs 2.2–2.3

⁵²⁹ [Bailey 11 July 2018 94–96](#)

Auditing and sharing information

215. In 2014, the Association of Independent LSCB Chairs concluded that there was limited scrutiny of the outcomes of abuse and neglect allegations in custody.⁵³⁰

216. Alan Wood, the Inquiry's independent expert witness, stressed the importance of auditing. To make progress towards reducing child sexual abuse and allowing it to be detected and investigated, it is essential that there is a collection of consistent, accurate, trackable, quantitative and qualitative data available in relation to allegations.⁵³¹

217. Sara Robinson explained that HMPPS has introduced an annual thematic review across the sector. Each provider will submit a thematic review of their locally managed complaints, safeguarding and whistleblowing matters to the Youth Custody Service. Central teams, including an audit team which sits outside the Youth Custody Service, will review this information so that lessons can be learned. It is also considering whether information about allegations of sexual abuse can be collected at a central level, to enable HMPPS to address difficulties.⁵³² It could also be enhanced, at an institutional level, by adopting something like the quarterly meetings and monthly safeguarding meetings put in place by Medway STC, to look at trends and developing issues.⁵³³

218. Katherine Willison, Director of Children's Social Care, Practice and Workforce within the Department for Education (DfE), described two processes for information sharing:

- The Children and Social Work Act 2017 introduced a new arrangement whereby local authorities are under a duty to notify the National Safeguarding Panel within five working days of a serious incident. The local authority will then decide whether to carry out a serious case review and the national panel will decide whether any type of learning review is required.⁵³⁴ This means the national panel will have oversight of all incidents of serious harm across a range of institutions and therefore has the ability to identify any trends.
- The second process specifically related to SCHs and requires registered managers of SCHs to notify Ofsted if there has been a serious event in the home. Ofsted will collate this information and use it to form lines of enquiry in relation to the regulation and inspection of those homes.⁵³⁵

E.14: Inspection and child protection standards

Inspection

219. Professor Hardwick stressed that independent inspection is an important safeguard with a crucial role to play in protecting children, including from sexual abuse.⁵³⁶

220. The regimes for inspection differ across the child custody estate:

⁵³⁰ REA, p17

⁵³¹ Wood 18 July 2018 181

⁵³² Robinson 13 July 2018 164-166; 172; HMP000397_015, paragraph 64

⁵³³ French 17 July 2018 148

⁵³⁴ Willison 12 July 2018 157

⁵³⁵ Willison 12 July 2018 156-159

⁵³⁶ Hardwick 11 July 2018 136-137

- In YOIs, inspections are led by HMIP and carried out alongside Ofsted or Estyn (Wales) and the Care Quality Commission or Healthcare Inspectorate Wales. HMIP inspects all YOIs against the criteria in a document called *Expectations – Criteria for assessing the treatment of children and conditions in prisons (2012)*.⁵³⁷ This is being reviewed, but it currently includes that staff receive sufficient training on child safety.⁵³⁸ In YOIs, Ofsted/Estyn inspect only education and skills/purposeful activity.
- Inspections of STCs are led by Ofsted or Estyn (Wales) and carried out alongside HMIP and the Care Quality Commission or Healthcare Inspectorate Wales.
- Ofsted regulates and inspects children’s social care services, including SCHs.⁵³⁹ The regulatory and inspection framework covering SCHs is effectively the same as the framework covering non-secure children’s homes. The framework is geared towards creating a therapeutic and supportive environment for the children. In Katherine Willison’s view, it is important that SCHs sit within the general framework for children’s homes.⁵⁴⁰

221. The Inquiry’s REA identified an uncoordinated approach between the various bodies responsible for monitoring child custody establishments, which was unhelpful and increased the risk of safeguarding issues being unidentified.⁵⁴¹ It also cited evidence that many issues raised by the joint inspectorates have not been addressed.⁵⁴²

222. Angus Mulready-Jones also expressed the view that the differing inspection regimes hide comparisons between the three sectors.⁵⁴³ We note that HMIP is reviewing the surveys in YOIs and STCs, with the aim of producing a combined, single survey for both settings, to achieve greater consistency in approach.⁵⁴⁴

223. At a more general level, Dr Janes observed that it is difficult to conclude the inspection regime is effective when HM Inspector of Prisons said no child prison he visited was safe.⁵⁴⁵

224. As to whether the inspection regimes have ‘teeth’, Mr Mulready-Jones referred to the 2017–18 HMIP annual report, which noted that of all the previous recommendations made in the area of safety, in YOIs only 34 percent had been achieved, 15 percent had been partially achieved and 51 percent had not been achieved. (Similar figures appeared in the reports for the previous two years.) It is of course proven that if one takes the inspection and recommendations seriously then positive outcomes can be achieved if the resources are made available.⁵⁴⁶

⁵³⁷ www.justiceinspectorates.gov.uk/prisons/wp-content/uploads/sites/4/2014/02/expectations-children-young-people.pdf

⁵³⁸ [HIP000023_001-2](#)

⁵³⁹ [REA, table 8.1](#)

⁵⁴⁰ [Willison 12 July 2018 171-172](#)

⁵⁴¹ [REA, section 8.1](#)

⁵⁴² For example, it noted that for the first time in 2016/17 HMIP reported that the number of recommendations that had been fully achieved was lower than the number not achieved ([REA, p94](#))

⁵⁴³ [Mulready-Jones 16 July 2018 27-29; 37-40; 46-47; 50-51](#); HMIP press release dated 16 February 2018 ([INQ001580](#)); [HIP000022_063](#); [HIP000017_004](#), paragraph 25; [INQ001200](#); [INQ001442_061](#)

⁵⁴⁴ [Mulready-Jones 16 July 2018, 27-29](#)

⁵⁴⁵ [Janes 11 July 2018 62](#)

⁵⁴⁶ [Gormley 16 July 2018 151-152](#)

225. Where Ofsted has serious concerns over the way an SCH is being run, it has robust powers at its disposal. This includes the power to suspend the registration of the home, provide detailed recommendations for improvement and set a fairly limited timetable for these to be implemented. If concerns remain, Ofsted may close the home and cancel its registration.⁵⁴⁷

226. Looking forward, Professor Hardwick expressed concern that the proposals for secure schools contain a section on inspections which does not include inspection of safety, as well as that the government is trying to set the inspection standards and criteria.⁵⁴⁸

Child protection standards

227. The Australian Royal Commission recommended that detention institutions should implement their Child Safe Standards – clear, simple and accessible child protection standards – for staff, as an important protective factor. The safety standards should be publicly available and regularly promoted, including by leaders of the institutions concerned, for example during recruitment.⁵⁴⁹ The Commission noted that “*risk is higher in institutional care settings where children’s welfare and wellbeing are not at the heart of the institution*”.⁵⁵⁰

228. We have considered the regulations, policy and contracts which set out the child protection standards in the three types of custodial institution in England and Wales. There is a stark difference between the framework for SCHs and those in YOIs and STCs.

229. The regulations and DfE Guide for SCHs are clear, comparatively simple, detailed and publicly available. The SCH regulations contain, at the forefront, a series of quality standards which must be met.⁵⁵¹ Responsibility for achieving them is clearly placed on the registered person. The quality standards include a number of measures relevant to the protection of children from abuse. For example, regulation 12 contains the ‘protection of children standard’, which sets out a number of particular standards for staff relating to child safety and welfare. Those standards include that staff must assess whether each child is at risk of harm; have the skills to identify and act upon signs that a child is at risk of harm; and take effective action whenever there is a serious concern about child welfare. The need to secure child safety and welfare is central to the regulations and related national policy in SCHs.⁵⁵²

230. By contrast, the regulations governing YOIs and STCs contain no quality standards relevant to the protection of children. The principal aim of YOI detention is rehabilitation.⁵⁵³ There is no specific provision regarding child safety in the YOI Rules, yet there are 30 separate rules devoted to discipline. The STC Rules include a statement of purpose to accommodate trainees in safe conditions, but they contain no further specific provision for ensuring safety.

⁵⁴⁷ Willison 12 July 2018 173

⁵⁴⁸ Hardwick 11 July 2018 166–169

⁵⁴⁹ Robinson 13 July 2018 95–96; Australian Royal Commission into Institutional Responses to Child Sexual Abuse: Final Report, Volume 15 *Contemporary detention environments*, sections 2.4.2 and Appendix A

⁵⁵⁰ Australian Royal Commission into Institutional Responses to Child Sexual Abuse: Final Report, Volume 15 *Contemporary detention environments*, sections 2.3 and 2.4

⁵⁵¹ The Children’s Home (England) Regulations 2015 (INQ001426), regulations 4–14 and the Care Standards Act 2000, section 22

⁵⁵² The Children’s Home (England) Regulations 2015 (INQ001426), regulations 6, 12, 13, 32–34 and *Guide to the Children’s Homes Regulations including the quality standards*, Department for Education, Introduction, Key Principles and Chapters 3 and 9 (INQ001439)

⁵⁵³ The Young Offender Institution Rules 2000, rule 3 (INQ001617)

231. As to policy, for YOIs, much is left to Prison Service Instructions (PSIs). These are not as simple, comprehensive or clear as the SCH equivalent. The central policy on child protection, PSI 08/2012,⁵⁵⁴ was due for review on 31 March 2016 but has not yet been updated. There is a list of general professional standards for staff working in YOIs, in PSI 06/2010.⁵⁵⁵ However, none of the professional standards specifically involve keeping children safe or securing child welfare.

232. The contracts with private custody providers are not routinely published, making it difficult to understand what child protection standards apply.

233. Sara Robinson said HMPPS is looking at developing a code of practice in relation to the management of behaviour generally across the whole estate. She agreed they ought to consider whether the clear quality standards relating to children that apply in the SCH context can be carried over into YOIs and STCs.⁵⁵⁶

E.15: Leadership and governance

234. Prior to our hearings we were aware that the Youth Custody Improvement Board had concluded that roles and responsibilities within the youth secure estate need to be “*crystal clear*”.⁵⁵⁷ Sara Robinson explained that the Youth Custody Service was designed with this in mind:

- There is a single point of responsibility for the day-to-day running of the youth estate in the director of youth custody, with direct accountability through the line management chain for those sites.
- In the public sector there is a direct line of responsibility from governors, to a group director, to her. In private establishments the line of accountability is different; the establishment’s director (the equivalent of a governor) is accountable to the board of its private company; HMPPS manages the contract, and holds the board accountable.
- HMPPS can dismiss or move governors who are not performing effectively. In private companies it can impose fines and service credits, and in extreme cases (such as G4S’s Medway STC and HMP Birmingham) can take over the contract.

Overall this structure is intended to simplify performance within the estate, and establish new routes of scrutiny for the youth estate.⁵⁵⁸

235. We were also aware that the Taylor Review⁵⁵⁹ had recommended that the focus of the child justice system should be on the child first and the offender second.⁵⁶⁰ Several witnesses picked up this theme. Professor Hardwick said the bedrock should be a child-centred culture with a focus on safety and protecting children from abuse, and that this is

⁵⁵⁴ [YJB000068](#)

⁵⁵⁵ [INQ001722](#), Annex A

⁵⁵⁶ [Robinson 13 July 2018 95–96](#); *Review of Child Protection in Secure Training Centres*, Youth Justice Board, 2017, paragraphs 31–33 ([YJB000141](#))

⁵⁵⁷ *Findings and Recommendations of the Youth Custody Improvement Board*, 24 February 2017, paragraphs 8, 14 and 20 ([INQ0001618](#))

⁵⁵⁸ [Robinson 13 July 2018 169–171](#)

⁵⁵⁹ [INQ001422](#)

⁵⁶⁰ [Hibbert 11 July 2018 120–121](#)

one of the most important factors in reducing risk.⁵⁶¹ Angus Mulready-Jones considered that the role of residential staff should be primarily one of care.⁵⁶² Matthew Brazier said the key difference between SCHs and STCs is that the former tend to be much more child-focussed.⁵⁶³

236. In terms of reform:

- Professor Hardwick and Pam Hibbert said that the Ministry of Justice should not be responsible for custodial institutions holding children, but another department such as the Department for Education should take over. The aim was said to be to focus the ethos of youth custody on care and welfare, rather than punishment and control.⁵⁶⁴
- Dr Janes thought it was unlikely that there is sufficient leadership and governance to guard against the risk of child sexual abuse in many custodial institutions. In her view, the creation of a child custodial safeguarding authority would at least ensure a recognition within current structures of the need to have special regard to the risk of abuse in custody, and would assist in reducing that risk.⁵⁶⁵
- Although he felt there are risks in creating one authority, Angus Mulready-Jones agreed the quality of leadership is not good enough to address the many and complex issues at stake.⁵⁶⁶

⁵⁶¹ Hardwick 11 July 2018 157-161, 166; INQ001757_002

⁵⁶² Mulready-Jones 16 July 2018 20-22; HIP000017_004, paragraph 20

⁵⁶³ Brazier 18 July 2018 21

⁵⁶⁴ Hardwick 11 July 2018 164; Hibbert 11 July 2018 107-108; INQ001750_001

⁵⁶⁵ Janes 11 July 2018 62-20; HWL000004_004, paragraph 2.5

⁵⁶⁶ Mulready-Jones 16 July 2018 44-50

Part F

Conclusions and recommendations

Conclusions and recommendations

Conclusions

- 1.** Children detained in a custodial or secure setting are often the most vulnerable children in our society. Some are detained for their own welfare (unconnected to criminal activity) and others because they are on remand or have been found guilty of crimes and sentenced by a court. Serious criminal activity may, understandably, not always attract public sympathy but behaviours giving rise to these kinds of state intervention tend to reflect unhappy and disruptive childhoods, caused by others, and over which these children have had little control.
- 2.** Children are particularly vulnerable when placed in a closed institution where access to the outside world is necessarily restricted and those in authority are distrusted by the children themselves. It is all the more difficult to escape an abuser when there is nowhere to hide.
- 3.** The problem of child sexual abuse is by no means uncommon across the secure estate, which encompasses young offender institutions (YOIs), secure training centres (STCs) and secure children's homes (SCHs). The Inquiry's analysis reveals 1,070 alleged incidents of child sexual abuse from 1 January 2009 to 31 December 2017. There were more alleged incidents per year in 2016 and 2017 (203 and 205 incidents respectively) than in any other reporting year. The majority of allegations related to members of staff. It was troubling that the institutions had less reliable data than the Inquiry.
- 4.** The barriers to reporting an incident of sexual abuse for a child are strikingly similar across all institutions on which the Inquiry has reported. The prevalence of violence, the power imbalance between staff and children, a prevailing culture of disbelief when a child complains and the child's distrust of authority figures all feature significantly. These elements are exacerbated in custodial and secure settings by the absence of normal friendships and intimacy, and the risk factors arising in a confined environment connected to drug use, gang cultures and violence committed by children.
- 5.** In order to report sexual abuse to someone who can take the appropriate action, a child must feel safe. There has been a shocking decline in safety in the secure estate in recent years. This has been caused by management instability and staffing losses. There is some evidence that these have been linked to budget cuts. Inspectorate reports by HM Inspectorate of Prisons have been critical of YOIs and STCs and improvements have been slow to materialise. There is little doubt that YOIs and STCs were in crisis by the end of the Inquiry's investigation period.

- 6.** The Youth Custody Service is taking action to professionalise the workforce in YOIs and STCs and there are clear signs of progress. There are no requirements, however, for minimum qualifications or levels of experience before staff are recruited. In contrast, SCH staff are normally required to have qualifications specified by the Children’s Home Regulations 2015. Similarly staff supervision is not subjected to minimum requirements in YOIs and STCs and again compares unfavourably with SCHs.
- 7.** Staff turnover for operational officers in YOIs and STCs was high, at 11.2 percent in 2017/18, compromising the ability of the workforce to meet the challenges of the environment and having a negative effect on the children’s feelings of safety and ability to form positive relationships with staff members. A culture of respect for whistleblowers has not yet been embedded across all the institutions. The Youth Custody Service is working to tackle these issues.
- 8.** Understanding the child’s history is an important factor in ensuring the child feels safe and is properly protected. The Comprehensive Health Assessment Tool (CHAT) and the Youth Custody Service’s ASSETPlus systems are designed to identify children most at risk of sexual abuse in custody. CHAT assessments, however, are not always completed in YOIs and STCs. These issues are compounded by missing health records, depriving the institution of a full health history of the child. New IT systems are intended to correct these problems but it is difficult to underestimate the importance of ensuring that the right information is available at the right time to support decision-making about the best interests of the child.
- 9.** Knowing the history of the child and their particular vulnerabilities is important when force is applied in a custodial setting. Custodial institutions are authorised, in certain circumstances, to apply physical restraint or strip search children. Force may be authorised to impose ‘good order and discipline’. Force and strip searches, however, should only be used when absolutely necessary. Greater awareness is needed of children who have been sexually abused so that staff understand the impacts of these techniques and manage the consequences effectively. The problem is compounded when there are failures to document these events properly, making it difficult for custodial institutions to account for their use.
- 10.** In addition to the application of restraint and strip searching, pain compliance techniques are currently permitted in YOIs and STCs (but not in SCHs). The use of these techniques, however challenging the behaviour of the child, normalises pain for staff and children. This, in turn, prevents staff from building trusting relationships and inhibits a child from reporting sexual abuse. The use of pain compliance, although authorised as a last resort, has attracted criticism from a number of informed commentators. Pain compliance contributes to a culture of fear and has the effect of silencing the child at a time when it is important that the child feels safe to speak out about aspects of their lives, including sexual abuse.
- 11.** Environmental factors play an important part in developing a safe place for a child. Evidence about room-sharing, CCTV cameras and body-worn cameras for staff painted a mixed picture about the potential benefits of these initiatives and illustrated the difficulties of balancing the child’s right to privacy and potential risk of harm in unmonitored situations. A greater understanding is required of the advantages and disadvantages of these issues, particularly in relation to body-worn cameras. The use of CCTV cameras is well-established, particularly in areas of common access. When properly located to achieve the maximum coverage of these areas, they are regarded by some as helpful.

12. Evidence that children who had engaged in sexually harmful behaviour were placed alongside children who were in SCHs for welfare reasons gave rise to concern.

13. In YOIs and STCs, investigations into child sexual abuse were undertaken without the involvement of a social worker within the institution. The allegation was rarely referred to the police or the local authority. The lack of involvement of independent institutions gives rise to concerns about the rigour of the investigation and the expertise of the investigator, who may not have had relevant training or experience in dealing with these types of cases. When considered alongside the Inquiry's prevalence analysis, the institutions would find it difficult to provide an adequate account of their performance in responding to sexual abuse. The absence of data about allegations and limited auditing obscures the true picture.

14. There are a number of ways children can report sexual abuse: in writing, externally to friends or family (suitably modified mobile phones have been provided), and to members of staff (where positive relationships have been developed). Not enough social workers are involved with children in YOIs and STCs to provide an alternative trusted adult to whom children could disclose sexual abuse. It is notable, however, that the Department for Education 2015 guide, which applies to SCHs, states that children should be loved, valued and nurtured, and "*staff should strive to build positive relationships with children in the home and develop a culture of openness and trust that encourages them to be able to tell someone if they have any concerns or worries about their safety*".⁵⁶⁷ The regulations, policy and contracts governing YOIs and STCs contain less about building positive relationships, trust and confidence, although the Youth Custody Service is seeking to address these issues.

15. Throughout this investigation, the differences between the YOIs and STCs, and SCHs became increasingly obvious. SCHs were more focussed on the interests of the child and adopted a less punitive approach. Staff training was subject to regulation and use of pain compliance was prohibited. The cultural barriers to disclosure were less apparent in SCHs. Such an environment creates a better climate in which a child potentially will feel safer and more able to disclose sexual abuse. In SCHs the staff/child ratio is higher than the ratio in YOIs and STCs, with more opportunities to build positive relationships with children.

16. The underlying reasons for the differences in regimes almost certainly lie with the departments of state involved. The Department for Education has responsibility for setting the overall policy and legislative framework and ultimate oversight for SCHs; the Ministry of Justice has ultimate oversight for STCs and YOIs. These departments have very distinct roles in serving the public interest, the former focussing on education and social care and the latter on the justice system.

17. Inevitably the cost of keeping a child in a SCH is much higher than other custodial institutions, principally because of the higher staffing ratios. Cost alone, however, cannot be the main factor determining where a child is placed, particularly when the child custody population has considerably reduced over the years.

18. The Youth Custody Service proposes to develop secure schools as an alternative model for child custody. The development of this initiative is welcome but it is important to ensure that secure schools are not an exercise in relabelling. A genuine child-centred focus must be

⁵⁶⁷ *Guide to the Children's Homes Regulations including the quality standards*, DfE, April 2015

introduced with comprehensive education standards and effective safeguards. Greater local authority involvement for these ‘looked after’ children is essential. The new system should be brought in with speed and efficiency.

19. Finally, the number of children who were remanded in custody prior to trial, and were therefore unconvicted, comprised around one-third of the child custody population. This number of children exposed to the risks associated with custody seemed very high.

Recommendations

These recommendations reflect the Chair and Panel’s view that the culture and ethos of young offender institutions (YOIs) and secure training centres (STCs) must change, with a child-centred approach to care and support replacing regimes currently focussed on control and discipline. Since these principles underpin the operation of secure children’s homes (SCHs) there is no reason why this cannot be achieved within YOIs and STCs.

The Chair and Panel were concerned that the Inquiry’s prevalence analysis indicates that the risk of sexual abuse faced by children in custody is greater than was previously understood. On that basis, these recommendations are intended to reduce the risk of sexual abuse faced by all children in custody.

The safeguarding review currently being undertaken by Sonia Brooks OBE for the Youth Custody Service provides an opportunity to respond positively to many of these recommendations.

The Chair and Panel ask that these recommendations be applied to the new secure schools model, as appropriate.

The Chair and Panel ask those to whom its recommendations apply publish their response, including the timetable involved. This should be done within six months of the publication of this report unless stated otherwise.

Recommendation 1

The Inquiry was told that children should only be placed in custody as a last resort. However, it was concerned to hear evidence that some children are remanded in custody because of a lack of appropriate community provision. Given that the proportion of children in custody on remand is so high, this is an issue of significant concern.

The Chair and Panel recommend that the Youth Custody Service commissions research into why the child remand population is as high as it is. If the reason is a lack of appropriate community provision (nationally or in certain areas), or otherwise unrelated to a genuine need for those children to be remanded in custody, the Chair and Panel recommend that the Youth Custody Service, with appropriate partner agencies, puts an action plan in place to address this.

Recommendation 2

The Chair and Panel recommend that the Department for Education and the Youth Custody Service conduct a full review of the practice of placing children for justice and welfare reasons together in SCHs to establish whether it increases the risk of sexual abuse to

children. If so, appropriate action should be taken, including consideration of alternative models. The review should be completed within three months, and an action plan should be published within six months.

Recommendation 3

The Chair and Panel recommend that the Youth Custody Service takes steps to ensure that its training provides staff with an appropriate understanding of safeguarding in the context of the secure estate, and that this is regularly reviewed and updated.

Recommendation 4

As the Inquiry set out in its Interim Report, professional registration of the workforce in settings responsible for the care of vulnerable children complements regulation of institutions by a separate, independent regulator.⁵⁶⁸

The Government has agreed in principle that professional regulation of staff in children's homes in England could provide an effective additional means of protecting children. It has indicated that it will be conducting an evidence-gathering exercise to inform further action.⁵⁶⁹

The Chair and Panel now recommend that the Ministry of Justice introduces arrangements for the professional registration of staff in roles responsible for the care of children in YOIs and STCs. The Interim Report recommendation already applies to staff working with children in SCHs.

Recommendation 5

The Chair and Panel consider that the use of pain compliance techniques should be seen as a form of child abuse, and that it is likely to contribute to a culture of violence, which may increase the risk of child sexual abuse.

The Chair and Panel recommend that the Ministry of Justice prohibits the use of pain compliance techniques by withdrawing all policy permitting its use, and setting out that this practice is prohibited by way of regulation.

Recommendation 6

The Chair and Panel note that Prison Service Instruction (PSI) 08/2012, which sets out the mandatory actions for YOIs and STCs for 'maintaining a safe and secure environment', has expired. The Chair and Panel recommend that the Ministry of Justice revises and publishes this PSI to provide clear guidance on how custodial institutions must respond to allegations of child sexual abuse. This should include a requirement for all allegations to be referred to a child protection professional who is independent of the institution.

The Chair and Panel also recommend that all institutions, including those which are privately run, publish their safeguarding local procedures in full as well as regular reports about their use, to aid scrutiny and increase transparency.

⁵⁶⁸ *Interim Report of the Independent Inquiry into Child Sexual Abuse*, IICSA, April 2018, section 6.3

⁵⁶⁹ *Government response to the Interim Report by the Independent Inquiry into Child Sexual Abuse*, HM Government, December 2018, paragraph 56

Recommendation 7

The Chair and Panel recommend that the Ministry of Justice and the Department for Education share policy responsibility for managing and safeguarding children in custodial institutions. This is to ensure that standards applied in relation to children in custody are jointly focussed on discipline and securing child welfare.

Annexes

Annex 1

Overview of process and evidence obtained by the Inquiry

1. Definition of Scope for the Case Study

1.1. The Sexual Abuse of Children in Custodial Institutions investigation is an inquiry into the extent of any institutional failures to protect children from sexual abuse and exploitation while in custodial institutions.

1.2. The Inquiry recognises that children in detention are particularly vulnerable to sexual abuse, but that very little is known about their experiences or the extent to which institutions in England and Wales have discharged their duty of care to protect them.⁵⁷⁰

1.3. The scope of this investigation⁵⁷¹ is:

“1. The Inquiry will investigate the nature and extent of, and institutional responses to, the sexual abuse of children in custodial institutions, including Secure Children’s Homes, Secure Training Centres, Young Offender Institutions, and their precursor institutions (‘custodial institutions’). The investigation shall 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 the abuse of children in custodial institutions.

2. In conducting the investigation, the Inquiry will consider the experiences of victims and survivors of child sexual abuse while in custodial institutions, and investigate:

2.1. the prevalence of the sexual abuse of children in custodial institutions;

2.2. the adequacy of the safeguarding and child protection policies and practices of the range of institutions responsible for the detention of children, including the Youth Justice Board, the Prison Service and individual Secure Children’s Homes, Secure Training Centres and Youth Offender Institutions. In examining the adequacy of these policies the Inquiry will consider issues of governance, training, recruitment, leadership, reporting and investigation of child sexual abuse, disciplinary procedures, information sharing and interagency working, and approach to reparations;

2.3. the extent to which there was or is a culture within custodial institutions which inhibits the proper investigation, exposure and prevention of child sexual abuse;

2.4. the adequacy of the law enforcement and criminal justice response to allegations of the sexual abuse of children in custodial institutions; and

⁵⁷⁰ www.iicsa.org.uk/investigations/sexual-abuse-of-children-in-custody-including-medomsley-youth-detention-centre

⁵⁷¹ www.iicsa.org.uk/investigations/sexual-abuse-of-children-in-custody-including-medomsley-youth-detention-centre?tab=scope

2.5. *the adequacy of the inspection and regulatory regimes applicable to children in custodial institutions.*

3. *As an initial case study, the Inquiry will investigate allegations of child sexual abuse at Medomsley Detention Centre...*

4. *Other case studies may be identified by the Inquiry as the investigation progresses.*

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.”*

1.4. As is clear above, the Inquiry identified Medomsley Detention Centre, County Durham as an initial case study in the investigation. The apparent scale of abuse at Medomsley demands a rigorous investigation into how multiple allegations, if true, could have gone uninvestigated and the offending undetected for so long. However, at this stage, the Inquiry is not progressing its investigation in issues relating to Medomsley, due to ongoing criminal proceedings.

1.5. Instead, the Inquiry focussed this phase of the investigation (as described in the Update Note published on its website in November 2017⁵⁷²) on:

“the nature and extent of, and institutional responses to, recent sexual abuse of children in custodial institutions; and of the adequacy of current institutional and systemic protections of children in those institutions from sexual abuse.”

2. Core participants and legal representatives

Complainant core participants:

F20, F27, F32, Colin Watson and Peter Smith	
Counsel	Sam Stein QC
Solicitor	David Enright (Howe & Co Solicitors)
Peter Robson	
Counsel	Rob Casey (Solicitor Advocate) (Switalskis Solicitors)
Solicitor	David Greenwood (Switalskis Solicitors)

⁵⁷² www.iicsa.org.uk/key-documents/3151/view/sexual-abuse-children-custodial-institutions-october-2017-update-note.pdf

Institutional core participants:

Secretary of State for Education	
Counsel	Cathryn McGahey QC
Solicitor	William Barclay (Treasury Solicitor)
Commissioner of the Police of the Metropolis	
Counsel	Jonathan Dixey
Solicitor	Sarah Heron (Metropolitan Police Services' legal services directorate)
The Ministry of Justice	
Counsel	Neil Sheldon
Solicitor	Kathryn Hennessy (Government Legal Department)
Ofsted	
Counsel	Sarah Hannett and Zoe McCallum
Solicitor	James Fawcett (Ofsted Legal Services)

3. Evidence received by the Inquiry

Number of witness statements obtained:
332 (includes witness statements marked as not relevant)
Organisations and individuals to which requests for documentation or witness statements were sent:
Alan Wood (independent expert instructed by the Inquiry)
Avon and Somerset Constabulary
Barnardo's
BBC
Bridgend County Council
Cambridgeshire Constabulary
Care and Social Services Inspectorate Wales
Carolyne Willow (children's rights campaigner and director of Article 39)
Children's Commissioner for England
Cleveland Police
Coram Voice
Criminal Injuries Compensation Authority
Crown Prosecution Service
Department for Education
Derbyshire County Council
Derbyshire Police
Devon and Cornwall Police

Devon County Council
Disclosure and Barring Service
Durham Constabulary
Durham County Council
Durham Crown Court
East Sussex County Council
Essex County Council
Essex Police
G4S
Greater Manchester Police
Hampshire Constabulary
Hampshire County Council
Her Majesty's Inspectorate of Prisons
Her Majesty's Prison and Probation Service
Hillside Secure Children's Home
Home Office
Hounslow Safeguarding Children's Board
Howard League for Penal Reform
Hull City Council
Humberside Constabulary
Independent Monitoring Boards
Kent County Council
Kent Police
Lancashire County Council
Lancashire Police
Leeds City Council
Lincolnshire County Council
Lincolnshire Police
London Borough of Bromley
London Borough of Hounslow
Medway Council
Merseyside Police
Metropolitan Police Service
Milton Keynes Council
Ministry of Justice
MTC Novo

National Health Service
National Offender Management Service
National Police Chiefs' Council
National Society for the Prevention of Cruelty to Children
Neath Port Talbot Council
Northamptonshire County Council
Northamptonshire Police
Northumberland County Council
Northumbria Police
Nottinghamshire County Council
Nottinghamshire Police
Nugent Care
Office for National Statistics
Ofsted
Operation Hydrant
Oxfordshire County Council
Pam Hibbert OBE (specialist in the area of youth justice and looked after children)
Peterborough City Council
POA (Professional Trades Union for Prison, Correctional & Secure Psychiatric Workers)
Prison Governors Association
Prisons and Probation Ombudsman
Professor Nick Hardwick (former Chief Inspector of Prisons for England and Wales)
Royal College of Paediatrics and Child Health
Salford City Council
SERCO
Sharron Rollinson (former assistant Local Authority Designated Officer)
Sheffield City Council
Shropshire County Council
South Gloucestershire Council
South Wales Police
South Yorkshire Police
St Helen's Borough Council
Staffordshire County Council
Staffordshire Police
Suffolk Police
Surrey County Council

Surrey Police
Sussex Police
Thames Valley Police
Wakefield Council
Welsh Government
West Mercia Police
West Sussex County Council
West Yorkshire Police
Wigan County Council
Youth Justice Board

4. Disclosure of documents

Total number of pages disclosed: 25,590	
Investigation material	19,480
Publicly available material	6,110

5. Public hearings including preliminary hearings

Preliminary hearings	
1	1 February 2018
2	7 June 2018
Public hearings	
Days 1-5	9-13 July 2018
Days 6-8	16-18 July 2018
Day 9	20 July 2018

6. List of witnesses

Surname	Forename	Title	Called, read or adduced	Hearing day
Smith	Peter	Mr	Called	1
Robson	Peter	Mr	Read	1
CI-A17 (F27)			Called	2
Watson	Colin	Mr	Read	2
CI-A30 (F20)			Called	2
CI-A34 (F32)			Read	2
Janes	Laura	Dr	Called	3
Bailey	Simon	Chief Constable	Called	3
Hibbert	Pam	Ms	Called	3
Hardwick	Nick	Professor	Called	3
Gillan	Steve	Mr	Read	3
Wood	Alan	Mr	Called	4, 6, 7 & 8
Noyes	Phillip	Mr	Read	4
Willow	Carolyne	Ms	Called	4
Willison	Katherine	Ms	Called	4
Savage	Peter	Mr	Called	5
Robinson	Sara	Ms	Called	5
Heaney	Albert	Mr	Called	5
Mulready-Jones	Angus	Mr	Called	6
Knight	Glenn	Mr	Called	6
Gormley	Peter	Mr	Called	6
Clackson	Saffron	Ms	Adduced	6
Stuart	Rachel	Ms	Adduced	6
Newcomen	Nigel	Mr	Adduced	6
Moody	Elizabeth	Ms	Adduced	6
Longfield	Anne	Ms	Adduced	6
Roughton	Rosamond	Ms	Adduced	6
Good	Nadine	Ms	Adduced	6
Wood	Lara	Ms	Adduced	6
Gordon	Yvonne	Ms	Adduced	6
Petherick	Jerry	Mr	Called	7
French	Jonathan	Mr	Called	7
Jessup	Stuart	Mr	Called	7

Johnson	Mark	Mr	Called	7
Drew	John	Mr	Adduced	7
Hagger	Lesley	Ms	Adduced	7
Brazier	Matthew	Mr	Called	8
Rollinson	Sharron	Ms	Called	8
Sykes	Alison	Ms	Called	8
Whellans	Margaret	Ms	Called	8

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 they are the victim and survivor of sexual offences (referred to as ‘complainant CPs’). The order prohibited (i) the disclosure or publication of any information that identifies, names or gives the address of a complainant who is a core participant and (ii) the disclosure or publication of any still or moving image of a complainant CP. The order meant that any complainant CP within this investigation was granted anonymity, unless they did not wish to remain anonymous. That order was amended on 23 March 2018 but only to vary the circumstances in which a complainant CP may themselves disclose their own CP status.⁵⁷³

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 Case Study was redacted, and where appropriate, ciphers applied, in accordance with the Inquiry’s Protocol on the Redaction of Documents (the Protocol).⁵⁷⁴ 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. 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 abuse 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

⁵⁷³ www.iicsa.org.uk/key-documents/791/view/restriction-order-complainant-core-participants-23-march-2018.pdf

⁵⁷⁴ www.iicsa.org.uk/key-documents/322/view/2018-07-25-inquiry-protocol-redaction-documents-version-3.pdf

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 Case Study. Accordingly, the Inquiry varied the restriction order and circulated to certain core participants a key to some of the ciphers.

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

Acronyms

CHAT	Comprehensive Health Assessment Tool
CuSP	Custody Support Plan
DfE	Department for Education
DTO	Detention and Training Order
HMIP	Her Majesty's Inspectorate of Prisons
HMPPS	Her Majesty's Prison and Probation Service
IMB	Independent Monitoring Boards
JASP	Juvenile Awareness for Staff Programme
LADO	Local authority designated officer
LSCB	Local Safeguarding Children Board
MMPR	Minimising and Managing Physical Restraint
NHS	National Health Service
POELT	Prison Officer Entry Level Training
PPO	Prisons and Probation Ombudsman
PSI	Prison Service Instruction
PSO	Prison Service Order
REA	Rapid Evidence Assessment
SCH	Secure children's home
STC	Secure training centre
YOI	Young offender institution

