



The Roman Catholic Church

Case Study: Archdiocese of Birmingham

Investigation Report

June 2019

2019

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A report of the Inquiry Panel
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The following corrections were made to the report on 23 July 2019:
Page 17: clarification of language – ‘anally rape’ changed to ‘sexually abuse’.

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Executive Summary

The Archdiocese of Birmingham serves a Catholic population of nearly half a million people and is one of 22 dioceses within the Roman Catholic Church in England and Wales. It has been the subject of considerable press attention due to the number of child sexual abuse cases that have come to light and concerns about the way they have been handled.

Since the mid 1930s, there have been over 130 allegations of child sexual abuse made against no fewer than 78 individuals associated with the Archdiocese. Many of the allegations have been made against priests and deacons. Thirteen individuals have been convicted of some of the most serious sexual offences against children. Three other individuals received cautions. Those 16 criminal cases involved no fewer than 53 victims. However, many of the 78 individuals accused of committing child sexual abuse are no longer alive and the allegations cannot now be fully investigated by the Archdiocese or the police.

Civil claims have also been brought against the Archdiocese and significant sums of money have been paid out in compensation and legal fees.

The true scale of offending and the number of children who were abused is likely to be far greater than set out in this report.

This case study investigated the response of the Archdiocese of Birmingham to child sexual abuse by examining the cases of four people: Samuel Penney, James Robinson, Father John Tolkien, and RC-F167. These cases enabled the Independent Inquiry into Child Sexual Abuse to consider the Archdiocese's response in relation to those perpetrators convicted before the criminal courts (Penney and Robinson) and, in contrast, cases where there have been no formal findings in criminal or civil jurisdictions (Father Tolkien and RC-F167). The cases have also enabled the Inquiry to consider the Archdiocesan response both before and after the publication of the 2001 Nolan report.

The Nolan report was a significant milestone for the Roman Catholic Church because it examined the Church's child protection arrangements and made recommendations for structural and procedural reforms. Importantly, the report set out how the Church should respond to allegations of sexual abuse and recommended that the Church conduct a further review after five years. This led to the 2007 Cumberlege report which was intended to bring about further changes to child protection arrangements, placing greater emphasis on safeguarding. It is clear that whatever the state of child protection arrangements prior to 2002, the recommendations set out in these reports provided a clear direction for the Church. The recommendations were intended to bring about major reforms.

In March 1993, Samuel Penney was sentenced to seven and a half years' imprisonment for sexually abusing seven children who were members of the church where he was the parish priest. Other complainants have since come forward. His offending spanned the late 1960s to 1992. On a number of occasions, his offending was brought to the attention of the Archdiocese. Rather than make progress by facilitating an investigation and assisting any potential victims, Monsignor Daniel Leonard, the Vicar General in charge of investigating such allegations, attempted to make arrangements for Penney to leave the UK and evade arrest.

James Robinson was a serial child abuser. The Archdiocese's responses were characterised by failures to act. On one occasion when a complaint was made, Robinson was ultimately moved to another parish; when subsequent complaints were made, the police were not informed and there was no internal investigation. In May 1985, a victim confronted Robinson and recorded their conversation. Robinson knew the police had been informed of the allegation. The Archdiocese had also been informed of the nature of the complaint. Very shortly afterwards Robinson fled to the USA. Once settled there, Monsignor Leonard sought to suggest that Robinson was not a child abuser but someone against whom false allegations had been made. Although in 1993 there appeared to have been some recognition by Archbishop Couve de Murville of Robinson's behaviour, Robinson was nevertheless supported financially by the Archdiocese for the next seven years.

In 2003, the BBC broadcast an episode of the documentary 'Kenyon Confronts' entitled 'Secrets and Confessions'. The programme makers traced Robinson to a caravan park in the USA. After the programme was broadcast, Archbishop Vincent Nichols (the former Archbishop of Birmingham) issued a press release complaining about the tone of the programme and hostility to the Roman Catholic Church. While the Archbishop was entitled to express a view about the programme, he now recognises that he failed to give sufficient attention to the fact the programme gave a platform to those who had been abused. The effect of the press release, and subsequent publicity, was to defend the reputation of the Church rather than fully acknowledge the possibility of its shortcomings.

Robinson was able to remain in the USA until he was extradited in 2009. In 2010 he was convicted of 21 offences of child sexual abuse relating to four complainants. He was sentenced to 21 years' imprisonment. As with Penney, the Inquiry is aware that a number of other complainants have accused Robinson of abusing them.

The sexual abuse perpetrated by Penney and Robinson could have been stopped much earlier if the Archdiocese had not been driven by a determination to protect the reputation of the Church. In doing so, it sealed the fate of many victims whose trust was placed in these abusers. The plight of victims was ignored or swept under the carpet, allowing the perpetrators to carry on abusing, often for many years.

In 1957, Father Tolkien was alleged to have sexually abused Christopher Carrie, a 12-year-old boy. In 1993, Mr Carrie reported this to the then Archbishop of Birmingham, Archbishop Couve de Murville. The Archbishop made some notes which revealed that, in the mid 1960s, an allegation had also been made against Father Tolkien by a teenage Scout. The Archbishop advised Mr Carrie that Father Tolkien was soon to retire and added that, if the matter were reported to the police, the Archdiocese would cooperate with any investigation.

In 2001, the police commenced an investigation although the number of allegations that were investigated is now unclear. Due to his failing health, however, no charges relating to sexual abuse were brought against Father Tolkien, who died in early 2003. Further complainants were identified as being potential victims of Father Tolkien, including RC-A343 and RC-A348.

Mr Carrie and RC-A343 commenced civil claims against the Archdiocese which were settled without any finding of liability by a court. There have therefore been no formal findings against Father Tolkien. The Archdiocese cannot, however, absolve itself from any responsibility towards the complainants and should have taken action to manage the potential risks arising from Father Tolkien's conduct. An allegation was recorded as long ago

as the 1960s. This early warning put the Archdiocese on notice of the alleged wrongdoing. Recognising that his behaviour required some form of response, the Archdiocese sent Father Tolkien for treatment but no thought was apparently given to the potential consequences for children. In 1993, the Church was again alerted to the potential risk posed by Father Tolkien but once more failed to take appropriate action to ascertain whether other children might have been put at risk.

In 1985 RC-F167 was accused of sexually abusing two boys at the school where he taught. Following the allegation he resigned and applied to become a priest. As part of the application process, RC-F167 was asked why he resigned. Even though RC-F167 did not deny the allegations, the Archdiocese did not pursue the matter and did not properly consider whether he posed a risk to children. Many years later, in 1997, the two complainants reported the matter to the police but the criminal case did not proceed to trial. There have been no formal findings against RC-F167 but the Archdiocese required RC-F167 to undertake an assessment which concluded that he should not have unsupervised contact with children. RC-F167 was then alleged to have asked inappropriate questions of children during confession. He was placed on leave and retired from the priesthood.

In 2004, the Archdiocese of Birmingham was informed that RC-F167 was teaching again and the Archdiocese's safeguarding coordinator sought advice from the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA). What should have been a straightforward exercise turned into a long-running dispute between the Archdiocese of Birmingham and COPCA about the provision of RC-F167's name to COPCA – a matter which, in the spirit of cooperation, should have been resolved speedily. The Archdiocese did not appear to readily accept the role of COPCA in safeguarding, contrary to the Nolan recommendations.

The past response of the Archdiocese to child sexual abuse failed to recognise the harm and potential harm to children.

As the Archdiocese accepted:

"This Inquiry has heard more than sufficient evidence to be satisfied that during the second half of the last century, the Archdiocese was responsible for a number of institutional failings which on occasions permitted the sexual abuse of children to continue when it might otherwise have been stopped"

Archbishop Vincent Nichols described the steps taken to gain a better understanding of the lifelong and corrosive impact that child sexual abuse causes. In 2018, the current Archbishop of Birmingham, Archbishop Bernard Longley, commissioned a review of past cases to help learn lessons from failings and to deepen the Archdiocese's understanding of the effects of the abuse on the victims.

Following the Nolan report, there have been improvements in the way child sexual abuse allegations are handled and increased cooperation between the Archdiocese and the police and statutory agencies. Nevertheless, recent reviews conducted by the Archdiocese in 2018 have uncovered significant problems with record keeping and case management. One of the reviews – an independent audit of the Archdiocese's safeguarding arrangements – found that the current safeguarding team was not adequately supervised and was critical of the recording systems. The audit found it was difficult to follow what had happened from the

case files and ascertain what action had been taken. Despite the passage of time since the publication of the Nolan report – some 17 years have elapsed – there are still significant gaps in the Archdiocese's child safeguarding arrangements.

This report on the Archdiocese of Birmingham case study forms part of the Inquiry's wider investigation into the Roman Catholic Church. As part of that investigation there will be a hearing in late 2019 following which a further report, including any recommendations, will be published.

Part A

Introduction

Introduction

A.1: The background to the investigation

1. The Archdiocese of Birmingham is one of the largest archdioceses within the Roman Catholic Church in England and Wales. Geographically, the Archdiocese covers Oxfordshire in the south of England to North Staffordshire, and from the east of Birmingham to the Welsh border. It serves a Catholic population of approximately 450,000 people.
2. In the mid 1990s, the Archdiocese of Birmingham was the subject of numerous allegations of child sexual abuse perpetrated by its clergy. There were a number of criminal cases, some of which resulted in lengthy prison sentences. Civil claims resulted in thousands of pounds in compensation being paid to victims and survivors.
3. The Roman Catholic Church has repeatedly apologised for its failures to protect children from sexual abuse and to respond properly to allegations. Most recently, in August 2018, Pope Francis acknowledged publicly the pain and suffering caused to children who had been sexually abused by priests and members of the clergy.¹
4. The concerns and complaints about the Church's response to allegations of child sexual abuse have not arisen in a vacuum. Over the past 30 years, the Roman Catholic Church has commissioned a number of reviews to consider the ways in which it has handled allegations of child sexual abuse, including:
 - 4.1. the 2001 Nolan report, *A programme for action*², the purpose of which was to "examine and review arrangements made for child protection and the prevention of abuse within the Catholic Church in England and Wales, and to make recommendations" and
 - 4.2. the Cumberlege Commission, which published its report *Safeguarding with Confidence: keeping children and vulnerable adults safe in the Catholic Church*³ in 2007 and had as one of the main aims to "review the implementation of the Nolan Report both nationally and locally in the dioceses and religious congregations".
5. In addition to these national, Church-wide reviews, the Archdiocese of Birmingham was audited in 2010 by the Church's national advisory body, the Catholic Safeguarding Advisory Service⁴ (CSAS). The audit concluded that the Archdiocese fell below the standard required in every area that it inspected.
6. It is against this background that the Archdiocese of Birmingham was selected by the Independent Inquiry into Child Sexual Abuse as one of two case studies⁵ within the investigation into the extent of any institutional failures to protect children from sexual abuse within the Roman Catholic Church in England and Wales.

¹ INQ002670

² CHC000053

³ CHC000002

⁴ An advisory service for the Roman Catholic Church in England and Wales in relation to safeguarding matters. See <https://www.csas.uk.net>

⁵ The other case study relates to the English Benedictine Congregation. The Inquiry has already held a public hearing and published its report concerning Ampleforth and Downside Abbeys and their respective schools (see <https://www.iicsa.org.uk/reports>).

A.2: Scope of the investigation

7. The scope for this investigation is:⁶

- "3. As case studies, the Inquiry will investigate:
- 3.2. the Catholic Archdiocese of Birmingham and, consider, in particular:
 - 3.2.1. the nature and extent of child sexual abuse by individuals associated with the Archdiocese;
 - 3.2.2. the nature and extent of any failures of the Catholic Church, the Archdiocese, law enforcement agencies, prosecuting authorities, and/or other public authorities or statutory agencies to protect children from such abuse;
 - 3.2.3. the adequacy of the response of the Catholic Church, including through the Roman Catholic Archdiocese of Birmingham, and the response of any other relevant institutions to allegations of child sexual abuse by individuals associated with the Archdiocese;
 - 3.2.4. the extent to which the Catholic Church, including through the Archdiocese, sought to investigate, learn lessons, implement changes and provide support and reparations to victims and survivors, in response to:
 - a) allegations of child sexual abuse by individuals associated with the Archdiocese;
 - b) criminal investigations and prosecutions, civil litigation and other complaints relating to child sexual abuse by individuals associated with the Diocese;
 - c) investigations, reviews or inquiries into child sexual abuse within the Archdiocese;
 - d) disciplinary measures taken against clergy; and/or
 - e) other internal or external reviews or guidance."

8. To assist its examination of the institutional response, the Inquiry selected the cases of four individuals: Samuel Penney, James Robinson, Father John Tolkien and RC-F167. Penney and Robinson were former priests convicted of multiple offences of child sexual abuse. Father Tolkien and RC-F167 have been the subject of allegations of child sexual abuse but there have been no criminal or civil court findings made against them. These four cases enabled the Inquiry to consider the approach of the Archdiocese both before and after the Nolan and Cumberlege reports and to consider the circumstances in which the Archdiocese had contact with CSAS (and its predecessor, the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA)).

9. In 2018, the Archbishop of Birmingham, Archbishop Bernard Longley, commissioned three reviews into different aspects of safeguarding within the Archdiocese:

- 9.1.** an examination of past cases for the Archdiocese of Birmingham,⁷ conducted by Jan Pickles OBE;

⁶ <https://www.iicsa.org.uk/investigations/investigation-into-failings-by-the-catholic-church?tab=scope>

⁷ CHC001643

9.2. the parish review⁸ conducted by Jan Pickles OBE, regarding the attitudes and abilities of clerical and lay members of parishes to contribute to the wider diocesan safeguarding agenda; and

9.3. an independent audit of the safeguarding arrangements within the Archdiocese, which was undertaken by the Social Care Institute for Excellence (SCIE) and was published in October 2018.⁹

These reviews concluded that, while there had been improvements in the way that the Archdiocese handled allegations of child sexual abuse, its current safeguarding team was overstretched and inadequately supervised. The SCIE review also found that there remains a perception that the Church still does not understand the impact of abuse on victims and their families.

10. One consequence of the reviews is that the Archdiocese has appointed an interim safeguarding strategic lead, Mr Andrew Haley, to help implement the changes recommended by the reviews. It is envisaged that these changes will take a minimum of six months to complete and the Archdiocese has publicly committed to keeping the Inquiry informed as to its progress.

11. The safeguarding team and the procedures adopted within the Archdiocese of Birmingham are in the process of undergoing significant change. The true impact of these changes will not be known until some time after the publication of this report. The Archdiocese will therefore need to satisfy itself that all necessary changes are put into effect and that there is sufficient monitoring and internal oversight of its safeguarding team.

12. In light of these recent reviews, and the fact that this case study is only one part of the Inquiry's investigation into the broader response of the Roman Catholic Church, this report will not make any recommendations on future safeguarding arrangements within the Archdiocese of Birmingham. The findings in this report will be used to inform the Inquiry about the topics and issues that are likely to arise within the wider Roman Catholic investigation. However, we expect the Archdiocese to reflect on this investigation report and take such steps as are necessary to protect children in the future.

13. Matters relating to child protection are not only the focus of reviews by the Archdiocese of Birmingham. On 24 September 2018, senior clergy in England and Wales announced that they have asked the National Catholic Safeguarding Commission to commission a review of safeguarding. In February 2019, the Pope convened a summit in Rome attended by senior members of the Church from around the world. The summit was focussed on the 'Protection of Minors in the Church'.

A.3: Procedure adopted by the Inquiry

14. The procedure adopted by the Inquiry is set out in Annex 1 to this report. Core participant status was granted under Rule 5 of the Inquiry Rules 2006 to 13 victims and survivors and seven institutions and other interested parties. The Inquiry held several preliminary hearings between July 2016 and September 2018, and then substantive public hearings over six days between 12 and 16 November 2018 and on 13 December 2018.

⁸ CHC001644

⁹ CHC001649

15. The Inquiry received evidence from a number of sources. It heard accounts given by complainant core participants, including those whose statements were read or published. The complainant core participants provided the Inquiry with compelling accounts of the sexual abuse they suffered and the long-lasting effects that sexual abuse had on them. On behalf of the Archdiocese of Birmingham, the Inquiry heard evidence from Archbishop Vincent Nichols and Archbishop Bernard Longley, as well as the safeguarding coordinator, Jane Jones. The Inquiry also heard evidence from the former directors of COPCA and CSAS, Eileen Shearer and Adrian Child.

A.4: Terminology

16. The Roman Catholic Church in England and Wales consists of a number of archdioceses and dioceses. An archdiocese is headed by an archbishop and a diocese by a bishop. The powers of an archbishop are the same as those of a bishop. References in this report to general matters relating to an archdiocese and an archbishop should therefore be read as also relating to a diocese and a bishop.

17. The language of the 2001 Nolan report was one of child protection; for example, in the creation of the post of child protection coordinator and the Child Protection Commission. The Cumberlege report introduced the concept of safeguarding and led to a change in the titles given to roles within the Archdiocese of Birmingham to that of safeguarding coordinator and the Safeguarding Commission. In this report, the Inquiry will use the title applicable at the relevant time. If general matters of child protection and safeguarding are referred to, the terms have been used interchangeably.

18. Many of the reports of child sexual abuse within the Archdiocese of Birmingham related to allegations of offences that were committed many years, if not decades, earlier. The Sexual Offences Act 1956 was then the predominant legislation and referred to offences of indecent assault¹⁰ and buggery.¹¹ On 1 May 2004, the Sexual Offences Act 2003 came into force. This Act created a wide number of new offences. It included specific offences for sexual acts committed against children under 13, a new offence of 'meeting a child following sexual grooming'¹² and an increase in maximum sentences for a number of offences. It also replaced the offence of indecent assault with sexual assault, and a non-consensual act of buggery is now charged as rape.

Modes of address

19. Following his tenure as Archbishop of Birmingham, Archbishop Vincent Nichols was installed as the Archbishop of Westminster in May 2009. In 2014 he became Cardinal. For the purposes of this report, he will be referred to as Archbishop Nichols. In relation to clergy, their full name will be used when first referred to and thereafter their title and surname only.

20. Following their respective convictions, Penney and Robinson were subject to the Church's internal disciplinary procedure which resulted in them being laicised (ie removed from the status of being a member of the clergy). The effect of that process is that they are no longer considered to be priests and are not entitled to call themselves or be referred to as 'Father'. For the purposes of this case study, they and any other laicised member of the clergy will be referred to by their full name without any religious prefix.

¹⁰ Sections 14 and 15, Sexual Offences Act 1956

¹¹ Section 12, Sexual Offences Act 1956

¹² Section 15, Sexual Offences Act 2003

References

21. References in the footnotes of the report such as 'CHC00053' are to documents that have been adduced in evidence or posted on the Inquiry website. A reference such as 'Archbishop Longley 16 November 2018 1/1' is to the witness, the date he or she gave evidence, and the page and line reference within the relevant transcript (which are available on the Inquiry website).

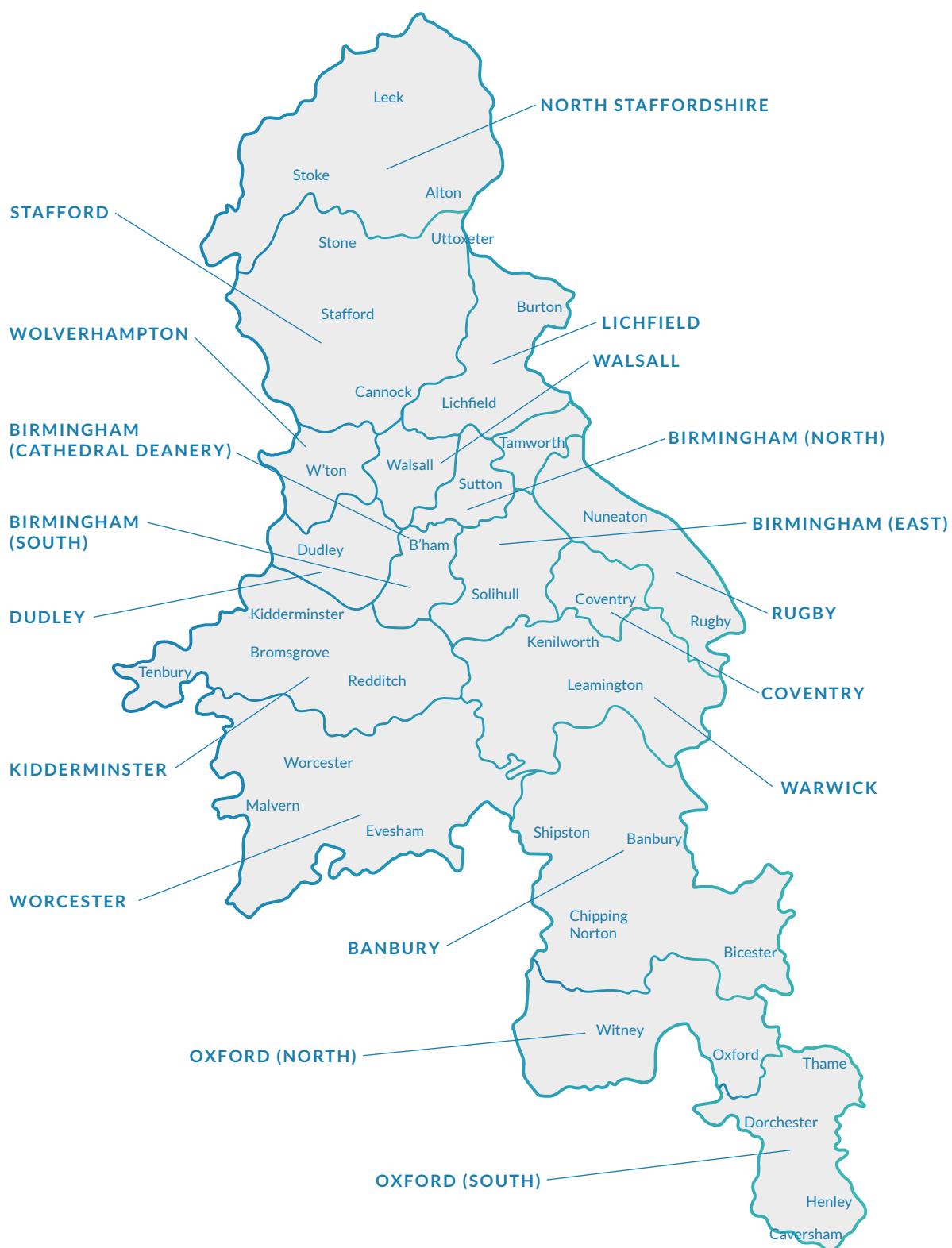
Part B

The Archdiocese of Birmingham

The Archdiocese of Birmingham

B.1: The structure of the Roman Catholic Church and the Archdiocese of Birmingham

1. The Pope is the head of the Roman Catholic Church. He is supported by a number of organisations and bodies that make up the Holy See, the central administration of the Roman Catholic Church which includes the Pope and the offices of the Vatican. The Roman Catholic Church is governed by a system of laws known as the Code of Canon Law. The current code is the 1983 Code of Canon Law.
2. The Roman Catholic Church has local branches of the Church in the form of geographical areas known as dioceses and archdioceses. There are 22 dioceses and archdioceses in England and Wales. Within a diocese and archdiocese, the bishop or archbishop must abide by canon law but is otherwise autonomous. No archbishop in England and Wales has authority over any other archbishop, likewise with the bishops. An archbishop does not have authority over a bishop.
3. Within each archdiocese or diocese, there are a number of parishes and each parish is served by a parish priest. The Archdiocese of Birmingham consists of approximately 225 parishes. As shown below, the Archdiocese of Birmingham covers a large geographical area.



Archdiocese of Birmingham deaneries

4. In 2014, Archbishop Vincent Nichols, the Archbishop of Westminster, was made a cardinal by Pope Francis. Cardinals usually also hold the rank of archbishop and together they form the College of Cardinals, whose primary responsibility is to elect a new pope. A cardinal does not have authority over an archbishop or bishop and so it is a misconception to refer to Cardinal Nichols as the 'head' of the Roman Catholic Church in England and Wales.
5. All of the archbishops and bishops in England and Wales are collectively known as the 'Catholic Bishops' Conference for England and Wales' (the Conference). The Conference meets twice a year. The current President of the Conference is the Archbishop of Westminster, Archbishop Nichols. If the Conference wishes to pass a law applicable in England and Wales then approval must be sought from the Holy See. However, if the Pope wishes to issue a directive he will issue it directly to the individual archbishop or bishop.
6. In an archdiocese as large as Birmingham, the archbishop has great responsibility and power. The current incumbent, Archbishop Bernard Longley, is assisted by auxiliary bishops who help him serve the archdiocese.
7. In relation to matters of child protection and safeguarding, the recommendations in the Nolan and Cumberlege reports proposed many changes to the way the Church handled allegations of child sexual abuse. However, as Archbishop Longley said, responsibility for safeguarding within the Archdiocese of Birmingham rests with him.¹³

Religious orders

8. There are now 60 Roman Catholic religious orders (also referred to as religious institutes or religious congregations) operating within the Archdiocese of Birmingham. These range in size from an order with two religious sisters to orders containing 25 to 30 members. A religious order cannot operate within an archdiocese or diocese without the permission of the archbishop or bishop. However, each religious order is governed by its own constitution and the archbishop is required by canon law to respect the right of the religious order to self-govern.
9. Since 2013, it has been the policy within the Archdiocese of Birmingham that any religious order operating within it must be aligned to either the Birmingham Safeguarding Commission or another safeguarding commission. Archbishop Longley told us that this was to ensure that national policies would be followed and to demonstrate the Archdiocese's commitment to following the 'One Church' policy that was advocated by the Cumberlege review.¹⁴ Archbishop Longley stated that although he could not compel an order to align with a safeguarding commission, he does have the power to revoke permission for that order to remain within the Archdiocese. This is not a power he has ever had to use and he stated that all 60 orders within his Archdiocese are aligned to a safeguarding commission.

Historic response to allegations of child sexual abuse

10. Before the late 1990s, when allegations of child sexual abuse were made against a member of the clergy within the Archdiocese of Birmingham, the Archbishop and the Vicar General¹⁵ were informed. Both were responsible for investigating the allegation and then

¹³ Archbishop Longley 16 November 2018 12/16

¹⁴ Archbishop Longley 16 November 2018 33/13-25

¹⁵ The Vicar General is responsible for the welfare of the clergy including responsibility for clergy discipline.

taking whatever action was considered necessary.¹⁶ However, this process lacked formality and there was no set procedure for how an investigation should be handled. Although in some instances notes of a complaint were made and kept on an individual's personal file, some files contained scant detail about the allegation and any subsequent investigation.

B.2: Prevalence and scale

- 11.** In order to consider the nature and extent of child sexual abuse by individuals associated with the Archdiocese, the Inquiry prepared a schedule of allegations.¹⁷ This schedule sets out the number of allegations, a brief description of the allegation and the outcome (where known). Where a perpetrator abused or allegedly abused a number of children, there is a separate entry for each victim or complainant.
- 12.** In total, between the mid 1930s and 2018, there were no fewer than 78 individuals associated with the Archdiocese who were the subject of at least 134 allegations of child sexual abuse.¹⁸ In a great number of cases, by the time the allegation was reported to either the Archdiocese, the police or another statutory agency, the perpetrator had died. Of those individuals who could be prosecuted, 13 individuals were convicted and three individuals were cautioned.¹⁹ The vast majority of those who faced such allegations were priests and deacons.
- 13.** The schedule depicts only what the documents reviewed by the Inquiry say about the scale of offending and allegations. The documents came from several different sources, spanned a number of decades, and were in some parts difficult to decipher. On that basis, the schedule should not be considered a definitive list of all allegations and actual abuse committed within the Archdiocese of Birmingham. Some entries may relate to the same allegation where, for example, different institutions have recorded the same allegation differently. Equally, given the poor quality of some of the records provided, it could not be said with confidence that every allegation ever made has been captured. Indeed it is likely that the true scale of the allegations and offending is far higher than that set out in the schedule.
- 14.** In any event, it is clear that serious allegations of child sexual abuse were reported to the Archdiocese decade after decade. Most reports to the police or the Archdiocese were made from the late 1990s onwards, with the majority of allegations relating to incidents that occurred in the 1960s and 1970s.
- 15.** The schedule cannot convey the devastating impact that child sexual abuse can have on the victims and complainants. The Inquiry considered with care the statements of those complainant core participants whose evidence was either read at the public hearing or published. The accounts describe the many ways in which the abuse has affected them. RC-A491, who was sexually abused at Croome Court (a children's home run by the Archdiocese), told us that he was "*robbed of that childhood*".²⁰ RC-A493, who was also sexually abused at Croome Court, said that the abuse made him angry, aggressive, and unable to trust people. To this day it gives him "*such bad nightmares that I cannot sleep*

¹⁶ CHC000585_034

¹⁷ INQ003537

¹⁸ INQ003537

¹⁹ A caution is a formal warning issued by the police where the offender admits they have committed the crime.

²⁰ RC-A491 INQ001723_019

through the night".²¹ RC-A1, another victim of sexual abuse at Croome Court, self-harmed from childhood into adulthood and is now diagnosed with post traumatic stress disorder, requiring lifelong treatment and care.²²

16. It is against the background of such a large number of allegations and such widespread abuse that the Inquiry selected the four individual cases (Samuel Penney, James Robinson, Father John Tolkien and RC-F167) through which to examine the response of the Archdiocese of Birmingham.

B.3: Samuel Penney

17. On 16 March 1993, Samuel Penney pleaded guilty to 10 offences of indecent assault against seven boys and girls.²³ He was sentenced to seven and a half years' imprisonment. The victims of these offences all belonged to two families who worshipped in parishes where Penney was the parish priest. The victims were abused on multiple occasions – the children from one family between November 1969 and May 1982, and those from the second family between April 1989 and June 1992.

18. Samuel Penney's abuse did not stop with those seven victims. The Inquiry received evidence from RC-A15 and Eamonn Flanagan who alleged that Penney had also abused them. The Archdiocese of Birmingham also received compensation claims from two other men, RC-A247 (who received £6,000)²⁴ and RC-A465 (who did not pursue his claim).²⁵

19. Born in Ireland in 1939, Penney became a priest in March 1967. He was laicised in November 2006.²⁶ He was by all accounts a charismatic man²⁷ praised for his enthusiasm. He engaged the children of the parishes in youth clubs and trips.²⁸ Between 1967 and 1991, he served in at least four parishes.

The 1980s

20. The Archdiocese first became aware of concerns about Penney in 1980, when he was affiliated to St Joseph's primary school in Stourbridge. In March 1980, the headteacher wrote to a monsignor in the Archdiocese complaining that Penney was interfering in the internal workings of the school. In that letter, the headteacher wrote:

*"His power over the children now is such that what he says overrides and interferes with the teachers' authority. He enters classrooms and interrupts lessons to discuss football. He is interviewing children privately during class time and has forbidden them to divulge the nature of the matter discussed between them. Concerning this he was very abusive to the class teacher. On more than one occasion he has been openly hostile to me."*²⁹

²¹ RC-A493 INQ001707.018

²² RC-A1 INQ002669.026

²³ CHC000299.086-122

²⁴ CHC001533.025-029

²⁵ CHC001533.025-029

²⁶ CHC000299.012

²⁷ Eamonn Flanagan INQ002767.3

²⁸ RC-A15 12 November 2018 145/8-24

²⁹ CHC001143.016

21. This description of Penney's behaviour demonstrates his determination to ignore boundaries. As the allegations began to mount, the Inquiry heard no evidence that the Archdiocese referred back to previous concerns or complaints. This letter was on Penney's file and ought to have been considered as the complaints came to light.

22. RC-A15 said he first met Penney in the 1980s, when he was under 13 years old and Penney became his parish priest. On one occasion, Penney organised a camping trip to Rhyl and RC-A15 went along. On the fourth night of the trip, Penney made RC-A15 sleep next to him. In the middle of the night, RC-A15 woke to find Penney touching his genitals. RC-A15 described it as a "shocking moment".³⁰ About a week later, Penney organised a sleepover at the Presbytery and RC-A15 stayed in Penney's room. Penney asked RC-A15 to get into bed with him for "a cuddle". Although RC-A15 refused, he explained that Penney spent two hours trying to persuade him, before telling RC-A15 "*I trust you are adult enough not to tell your parents about this*".³¹

23. In fact RC-A15 did speak to his mother. Although he did not tell her about the abuse on the camping trip, he told her that he thought Penney was "gay" because, as he told us, he did not know the word paedophile. He also told his mother about what happened in the Presbytery at the sleepover.

24. RC-A15's mother confronted Penney.³² She told him what RC-A15 had told her and Penney accused RC-A15 of exaggerating. She said:

*"He made me feel I was misinterpreting something that was wholly innocent. He said things like 'what are you implying, it was just for a cuddle and nothing more' ... My overriding emotion was anger. I could see he was a liar and an arch manipulator."*³³

25. RC-A15's mother tried to speak to Archbishop Maurice Couve de Murville, the then Archbishop of Birmingham. She was told that Monsignor Daniel Leonard, the Vicar General, would be in contact with her. RC-A15's mother and her husband then met with Monsignor Leonard. Monsignor Leonard asked her to describe what had happened to her son without naming the priest. She did so, and at the end said "*you know who I am talking about don't you?*" Monsignor Leonard nodded. When she confirmed that she was talking about Penney, he showed no surprise. She asked if this had happened before, and Monsignor Leonard nodded and looked embarrassed.³⁴ The Inquiry has not seen any documentation relating to an allegation of child sexual abuse made prior to RC-A15's complaint.

26. Monsignor Leonard told her that the Church would deal with the matter, that Penney would be moved from the parish and would not be allowed contact with children. Penney was moved to Olton Friary. The Superior of the Friary was told that Penney had been accused of making an improper suggestion to a young boy.³⁵ Clearly this did not accurately reflect what RC-A15's mother told Monsignor Leonard. Penney spent several months at the Friary and when the time came for him to leave he asked Archbishop Couve de Murville to return him to a parish. The then Superior at Olton Friary, the Very Reverend Sheridan,

³⁰ RC-A15 12 November 2018 148/16-25

³¹ RC-A15 12 November 2018 150/15-152/18

³² RC-A15's mother INQ001749_003

³³ RC-A15's mother INQ001749_003

³⁴ RC-A15's mother INQ001749_004

³⁵ CHC001145_023

said that based on Penney's conduct at the friary he could see "no reason why I should not support this".³⁶ In March 1985, Archbishop Couve de Murville appointed Penney to a parish in Nechells in Birmingham. While at that parish, he went on to sexually abuse more children.

27. Some years later, in 1992, RC-A15's mother was contacted by the BBC, which was making an 'Everyman' documentary about Penney. RC-A15's mother agreed to be interviewed for the programme because she wanted "to make the church better".³⁷ She watched the programme, which included an interview with Archbishop Couve de Murville who said that she had only alleged "*too close an association; she never complained about sexual abuse*".³⁸ During the programme the Archbishop was challenged with RC-A15's mother's account and he replied "*That is not the truth as we see it*". She described being "*appalled that an Archbishop could twist the truth of what I had reported in such a way*".³⁹

28. In 1986, RC-A247 made a complaint to Malvern Police. He alleged that, in 1982, Penney had touched his genitals when they had been swimming. He also alleged that Penney had sexually abused him on occasions when he stayed overnight at the Presbytery. RC-A247 was under 13 at the time. No police documentation now exists about this complaint.⁴⁰ In a press release in May 1993, the Archdiocese said that neither the complainant nor Penney nor the police had made the Church aware of this investigation.⁴¹ This incident demonstrates a lack of information sharing between the police and the Church. Had either institution shared information properly, this may have caused the police and the Church to take further steps to investigate the allegations surrounding Penney.

The 1990s

29. In May 1990, the parents of Eamonn Flanagan (a core participant in this investigation who has waived his right to anonymity) told their parish priest, Father Pat Browne, that Penney had abused their son. Father Browne was advised by Bishop Philip Pargeter to tell the Vicar General, Monsignor Leonard. In a letter written in 1994, Bishop Pargeter said he knew that Father Browne did raise it with Monsignor Leonard.⁴² It is likely that no action was taken by Monsignor Leonard. By this time, Penney was parish priest at St Joseph's in Nechells and was abusing two victims (RC-A357 and RC-A360).

30. On 1 July 1991, Eamonn Flanagan told Bishop Pargeter, in person, that Penney had sexually abused him in the mid 1970s. The abuse included Penney kissing and masturbating him on numerous occasions over a number of years, including three or four occasions whilst Penney was at Olton Friary.⁴³ At that time, Mr Flanagan did not want to report the matter to the police or for Penney to be removed from the priesthood. He simply wanted Penney to be stopped from parish work and not to have contact with children.⁴⁴ By 16 July 1991, Bishop Pargeter wrote to Mr Flanagan saying that the matter had been resolved and all the conditions asked for had been met.⁴⁵

³⁶ CHC001145_023

³⁷ RC-A15's mother INQ001749_005

³⁸ RC-A15's mother INQ001749_005

³⁹ RC-A15's mother INQ001749_006

⁴⁰ CHC001507_006

⁴¹ CHC001123_004

⁴² CHC001125_093

⁴³ Eamonn Flanagan INQ002767_4-5

⁴⁴ Eamonn Flanagan INQ002767_8

⁴⁵ CHC001240_009

31. It is not entirely clear what happened to Penney in the immediate aftermath of Mr Flanagan's complaint, but he may have gone to a retreat house in Scotland.⁴⁶ The May 1993 press release by the Archdiocese stated that Penney was warned not to have any future contact with the parish and to cancel his future engagements.⁴⁷ It is evident that the matter was not reported to the police.

32. By September 1991, Penney had been sent to Heronbrook House, a therapeutic centre for clergy and members of religious congregations. He underwent a psychiatric assessment, which concluded that he would benefit from a period of residential treatment.⁴⁸ Funded by the Archdiocese, Penney was under the care of Heronbrook from approximately November 1991 to May 1992.

33. However, Heronbrook was not a secure unit and Penney was free to leave when he wanted.⁴⁹ He did leave and, in direct contravention of the Archdiocese's wishes, returned to Nечells and stayed in RC-A357 parents' home. Whilst a guest there, he sexually abused RC-A357. The abuse occurred on a number of occasions.⁵⁰ Penney had told RC-A357's parents not to tell those at Archbishops' House that he was planning to visit.

34. In June 1992, Archbishop Couve de Murville dispensed Penney from the 'obligations of the priesthood' (ie stopped him from working as a priest).⁵¹ That same month Penney left Heronbrook and was committed to the Gracewell Institute, a clinic that provided treatment for those accused or convicted of child sexual abuse.⁵²

35. Whilst he was at Gracewell, Monsignor Leonard contemplated making arrangements for Penney to leave the Gracewell Institute and flee to America. These proposed arrangements only came to light in December 2018 after the Inquiry had concluded the first five days of evidence at the public hearing. Father Gerard Doyle had been watching the public hearing and the evidence in relation to Penney triggered his memory.

36. Father Doyle recalled that in the early 1990s, Monsignor Leonard rang him and asked him to dress in lay clothes and go to Gracewell. Father Doyle was, at that time, a young parish priest in Wolverhampton. Father Doyle was told to tell Penney that he was about to be arrested and so should make his way to Ireland and, from there, to the USA. He was told to give Penney several hundred pounds. Father Doyle said that this request came 'out of the blue'. He did not know what Penney was going to be arrested for but said:

*"For the Vicar General to be phoning me was in some ways like receiving a phone call from God, in that we held him in the highest regard ... at that time it was not acceptable for a young priest to refuse instructions from the Vicar General."*⁵³

37. Father Doyle was in a state of shock and so told his housekeeper what he had been asked to do. He said that he knew what he was being asked to do was "wrong"⁵⁴ but before he had a chance to ring Monsignor Leonard back, Monsignor Leonard rang him. Monsignor Leonard said that he should not go to Gracewell, but should instead visit Penney's sister and

⁴⁶ CHC001125_009

⁴⁷ CHC001123_003

⁴⁸ CHC001137_015

⁴⁹ CHC001129_002

⁵⁰ Penney subsequently pleaded guilty to abusing RC-A357 during the time when he was resident at Heronbrook.

⁵¹ CHC001129_001

⁵² CHC001129_002

⁵³ CHC001677_003

⁵⁴ CHC001677_003-004

tell her that her brother was about to be arrested. Father Doyle complied to the extent that he telephoned Penney's sister and told her of the impending police action. Father Doyle did not know what Penney's sister did with this information, but Penney remained at Gracewell until his Court appearance in March 1993.

38. There were a number of failures in the institutional responses in Penney's case:

38.1. In 1984, RC-A15's mother told Monsignor Leonard that Penney had abused her son. The only action taken by the Archdiocese was to move Penney to Olton Friary and from there on to a different parish.

38.2. In 1986, the police failed to take more decisive action against Penney when they did not tell the Archdiocese that Penney had been arrested on suspicion of sexually abusing RC-A247.

38.3. In 1990, when Eamonn Flanagan reported to the Church that he had been abused by Penney, Penney was sent to Heronbrook House but was still able to continue committing acts of child sexual abuse.

38.4. In 1991, given the evidence of Father Doyle, it is clear that Monsignor Leonard contemplated making efforts for Penney to evade arrest.

39. Action could have been taken by the Archdiocese in the 1980s and early 1990s which might have prevented Penney from abusing other children. On each occasion that Penney's abuse was reported, it seems little, if any, thought was given to victims, both past and future. Monsignor Leonard simply sought to move Penney on, after treatment, to another parish. Whatever his reasons for doing so, the consequence was to allow Penney to continue sexually abusing children.

B.4: James Robinson

40. James Robinson was born in Ireland in the late 1930s.⁵⁵ He was a trained professional boxer.⁵⁶ He rode a motorbike⁵⁷ and drove a sports car. He was seen by many of his young victims as a role model. He studied for the priesthood at Oscott College in the Archdiocese of Birmingham and was ordained in 1971.⁵⁸ Concerns about Robinson surfaced shortly after his ordination. However, based on the testimony of RC-A33⁵⁹ and RC-A324,⁶⁰ it seems he started abusing children before and during his training for the priesthood.

41. On 22 October 2010, Robinson was found guilty of 21 offences of child sexual abuse.⁶¹ The offences related to four male complainants⁶² and included offences of buggery and attempted buggery, indecent assaults and indecency with a child.⁶³ During the trial two further complainants gave evidence but, for legal reasons, could not be added as formal charges to the indictment. The verdicts brought to an end significant efforts by his victims, including a number of complainant core participants, to bring Robinson to justice.

⁵⁵ CHC000246_044

⁵⁶ CHC001037_002-004

⁵⁷ CHC001037_002-004

⁵⁸ CHC000246_044

⁵⁹ CHC001037_002-004

⁶⁰ OHY005330_002

⁶¹ CHC000243_048

⁶² CHC001224_006

⁶³ OHY005370_003

42. Robinson was sentenced to 21 years' imprisonment.⁶⁴ Although the laicisation process began in 2011,⁶⁵ Robinson was not laicised until February 2018.⁶⁶

43. In addition to those complainants who featured in the criminal case, the Archdiocese is now aware of at least three other complaints of child sexual abuse against Robinson.⁶⁷

The 1960s

44. In the early 1960s, Robinson would take RC-A324 (who was then under 13 years old) out for a drive in his sports car.⁶⁸ This was just before Robinson started his training to become a priest. RC-A324 went to Robinson's mother's house and it was whilst staying over at her house that RC-A324 was first sexually abused. RC-A324 was abused, including being anally raped, on a number of subsequent occasions and the abuse continued until Robinson joined the seminary in 1964. Robinson told RC-A324 "*I did this 'cause I love you, it's our secret you must never tell anyone*".⁶⁹ It was not until 1998 that RC-A324 first told anyone that he had been abused.

45. While he was training to be a priest, Robinson repeatedly sexually assaulted RC-A33 (who was under 13 years old).⁷⁰ Robinson developed a relationship with RC-A33's family such that RC-A33 was encouraged to go out on motorbike rides with Robinson. Whilst on those rides, Robinson would take RC-A33 to his (Robinson's) mother's house and sexually abuse him. The abuse occurred about twice a week over the course of three months. RC-A33 did not tell anyone about the abuse. As he saw it, "*I was just a lad, nothing special, a nobody, my word against his. I remember thinking to myself, I mustn't tell anyone because, they would not believe me*".⁷¹ RC-A33 did not tell anyone about the abuse until the mid 1980s when he told his wife and stepson.

The 1970s

46. In the early 1970s, Robinson took RC-A31 (then aged under 13) and his brother out for car rides. Robinson progressed to taking RC-A31 out on his own and started to abuse him by touching his genitals over clothing. From then until the mid 1970s, Robinson abused RC-A31 by touching him, masturbating him and anally raping him. RC-A31 was a young teenager at the time. The abuse occurred in Robinson's car, at Robinson's mother's house and at RC-A31's own home. During the period when the abuse was going on, RC-A31 told a priest during confession what Robinson was doing to him but he did not tell anyone else. The effect of the abuse on RC-A31 was plain to see; as RC-A31 himself said, it "*has destroyed my life*".⁷²

47. A further victim came to light. In 1972 RC-A347 told his friend, RC-A350,⁷³ that he had been abused by Robinson when Robinson visited Father Hudson's Home⁷⁴ in Coleshill, Birmingham. The abuse started in the 1960s when RC-A347 was under 13 years old. The next day, RC-A350 states he reported what he had been told to Canon McCartie, the administrator of St Chad's Cathedral in Birmingham. RC-A350 informed the Inquiry that,

⁶⁴ CHC000243_048

⁶⁵ CHC001035_37

⁶⁶ CHC000599_002

⁶⁷ CHC001532

⁶⁸ OHY005337_003

⁶⁹ OHY005337_004

⁷⁰ INQ002640

⁷¹ INQ002640_003

⁷² RC-A31 13 November 38/16

⁷³ RC-A350 had himself been abused by (Father) Eric Taylor whilst in care at Father Hudson's Home.

⁷⁴ Father Hudson's Home was a children's home run by Father Hudson's Society, the social care agency of the Archdiocese.

a short while after this, he told three other adults connected with the Archdiocese about Robinson's abuse of RC-A347. The Inquiry has no knowledge of what action, if any, may have been taken by the four individuals to whom RC-A350 had spoken.

48. According to RC-A350, in 1977 he personally informed Archbishop George Dwyer (the then Archbishop of Birmingham) of RC-A347's allegations. He asked the Archbishop what action had been or would be taken against Robinson. RC-A350 said Archbishop Dwyer told him that the Church was dealing with the matter "*in its own way*".⁷⁵ Archbishop Dwyer died in 1987. There is no record of the Archbishop's response nor is there a record as to whether he informed the police.

The 1980s

49. In 1980 or 1981, Robinson began sexually abusing RC-A337. By this time, Robinson was an assistant priest at St Elizabeth's Church in Coventry, where RC-A337 and his family worshipped. The abuse included Robinson attempting to bugger RC-A337, acts of masturbation and making RC-A337 perform oral sex on him. The abuse occurred approximately twice a week for a period of 18 to 24 months when RC-A337 was in his early teens.⁷⁶ RC-A337 eventually told his aunt that he did not want to see Robinson again but did not say why. RC-A337's aunt told Robinson to stop contacting her nephew and to stay away from him. Robinson did not comply and instead arranged to meet RC-A337. When RC-A337 did not attend the meeting, Robinson then wrote to RC-A337.

⁷⁵ CHC000611_093

⁷⁶ OHY005332

Hi [RC-A337]

Just in case I do not see you, but if I don't I will be very disappointed as I look forward to seeing you. It has been so long, three months, and all I have had is a few words with you and I couldn't really say anything. That's no good. As I said, I thought that you had finished with me as I had had no phone call, or not a letter for three months. It is easy as I said to forget especially as I am not around. But you must keep in some contact and if that phone or any other phone is available to phone me. If I am not in just say you called and that will put my mind at rest. Or write that letter and say what you want to say. You must make a special effort and not forget. You have to do this if you still think anything of me. This is the only way I will know. I had got tickets for Davis and Griffiths snooker match but I couldn't get in touch to take you as you didn't phone or write so I had to scrap the tickets. I can arrange with you only if you phone then we can work something out. You have taken no notice of anything and they can't rule your life, you must be allowed to do what you want to do and have your happiness. You have done nothing and neither have I, and you shouldn't have to pay for anything. [Name Redacted] you can trust and the girls, so if you want anything just pass on the message to them.

[Name Redacted] will also tell you and advise you what is best. She is very good and knows how you have been hurt and wants to make up for it. If you can't get a letter out give it to her and she will post, or go and phone from her house. I am sure you can make the excuse if you wish and IF you want to. Sorry for all the undercover work, but that is how it is. It will all work out in the end you see for the good, but you must do your part. I can only do so much and I have done as much as I could do now, the rest has to come from you. The [Name Redacted] sent their love. I guess you will be getting a card from [Name Redacted]. Not all is lost, IF you want it not to be lost, but it takes two. I do miss you and miss caring for you.

RIP THIS UP AND REMEMBER. Take care. U&M always.

Remember: I will be here until around January 9th and then will get a break at home. Pop over to see me. Get on a bus to Rubery, or catch the train to Longbridge. Anyone will direct you here. I will take you back.

Robinson's letter to RC-A337

50. RC-A337's aunt showed the letter to Father Hanlon, the parish priest at St Elizabeth's, who called it "a funny little letter".⁷⁷ He asked her not to take the matter further and said he would deal with it. RC-A337's aunt recalled that, shortly after this, Robinson left her parish. Records confirm that in August 1982 Robinson moved to Our Lady, Rednal. Father Hanlon died in 2014. There is no record of whether Father Hanlon reported the matter to the police.

51. In late autumn 1984, Robinson became unwell and was away from his parish for many months. To assist his physical recovery, Robinson made tentative plans to move to the USA. It appears that those plans were accelerated as a result of RC-A31's complaint.

⁷⁷ OHY005767.26

52. On 5 May 1985, RC-A31 (now in his mid twenties) attended Digbeth Police Station. He told the police that Robinson had abused him and arrangements were made for officers to take a full statement from RC-A31 on a future date. RC-A31 left the police station and went straightaway to visit Father Sean Grady in Small Heath, Birmingham and told him about the abuse. Father Grady said to RC-A31 to 'leave the matter with him'. Father Grady met Monsignor Leonard and told him of RC-A31's complaint. According to Father Grady, Monsignor Leonard was "*upset and angry. He felt that if the accusation were true, it would be a big scandal for the diocese*".⁷⁸ Monsignor Leonard said he would speak to Robinson.⁷⁹

53. On 7 May 1985, RC-A31 confronted Robinson and tape recorded the conversation. One copy of the tape was given to the police in 1985 but was subsequently lost. Another copy was kept by a friend of RC-A31. The Inquiry has been provided with a transcript⁸⁰ of their conversation. Robinson did not deny that he had been in a 'relationship' with RC-A31.

RC-A31: "... You must admit that was a pretty strange start in life. Strange as unusual for a child to get involved in a gay affair at the age of under 13 and carry it on for six years."

Robinson: "It wasn't a gay affair, though, was it?"

RC-A31: "How do you mean? What, you don't regard yourself as gay then? Well, I don't mind saying I will never know really, will I? I don't mind if I am gay, I don't mind if I am. I fell in love with a woman."

Robinson: "It was just something that happened ... That is why I'm saying it happened at the time. I can't explain, it happened and it was finished and we put it to bed."⁸¹

54. The next day RC-A31 telephoned Robinson to tell him he had been to the police. RC-A31 then told his parents. RC-A31 also told Father Grady about the tape recording, which Father Grady then discussed with Monsignor Leonard. Monsignor Leonard said he would confront Robinson again. A short time later, Father Grady told RC-A31 and his parents that the matter had been referred to Monsignor Leonard, and that Robinson was being removed from his parish.

55. On 14 May 1985, RC-A31 made his statement to the police and recounted the abuse he had suffered. He also stated that he did not want to attend court or give evidence.⁸² RC-A31 said he never heard anything further from the police.

56. Robinson's precise movements between May and September 1985 are not known. A note in Robinson's file suggests that Robinson arrived in the USA on 16 May 1985.⁸³

57. It was not until September 1985 that Archbishop Couve de Murville wrote to formally approve Robinson's request to work as a priest in the USA. As part of the move, on 2 October 1985, Monsignor Leonard wrote to his counterpart in the USA:

"The immediate reason for his being in the United States just now is that a few months ago he met a man with whom he had an unwholesome relationship about thirteen years

⁷⁸ CHC000611_029

⁷⁹ CHC000611_029

⁸⁰ INQ002478_007-012

⁸¹ INQ002478_007-012

⁸² INQ002477_004

⁸³ CHC000246_277

ago. We have no reason to believe that there has been any recurrence of this problem, but Father Robinson says that he would feel safer a long distance away and untraceable by this man.”⁸⁴

58. On 15 October 1985, the Archdiocese of Los Angeles wrote to Robinson informing him that they wanted him to return to Birmingham, or at the very least leave their Archdiocese.⁸⁵ In December 1985, Archbishop Couve de Murville personally wrote to the Archbishop of Los Angeles asking for Robinson to remain in California, stating “how beneficial it would be for him if you could see your way to continuing the arrangement for a further period”.⁸⁶ As a result of the lack of documentation from 1985, the Inquiry cannot now ascertain whether Archbishop Couve de Murville (who died in 2007) knew of RC-A31’s allegations at the time Robinson left for America.

59. Robinson continued to deny the allegations⁸⁷ and wrote to Monsignor Leonard asking him to clarify to the Archdiocese of Los Angeles that the accusations remained just that.⁸⁸ In light of that request, on 6 February 1986, Monsignor Leonard wrote to Monsignor Curry:

“In view of the fact that Father Robinson has proved to be a completely open and uncomplicated priest since his ordination in 1971, I have no doubt about the accuracy of the account he has given you in maintaining that the alleged relationship with a man was an entirely false accusation.”⁸⁹

60. Thereafter, Robinson was allowed to stay in the Archdiocese of Los Angeles until his extradition in 2009.

61. Robinson knew about RC-A31’s allegations from both his meeting with RC-A31 and his meeting (or meetings) with Monsignor Leonard. RC-A31 explicitly told Robinson that he had reported the matter to the police. There is no evidence that Monsignor Leonard (or anyone else in the Archdiocese) ‘tipped off’ Robinson that there was an impending police investigation and asked him to leave the UK.

62. In light of Father Doyle’s evidence in the Penney case however, it remains a possibility that Monsignor Leonard did encourage Robinson to flee. In any event, having been told of RC-A31’s complaint, Robinson hastily arranged to go to America and Monsignor Leonard’s correspondence with the Archdiocese of Los Angeles clearly assisted Robinson to remain in the USA.

63. Monsignor Leonard’s description of RC-A31’s abuse as an “unwholesome relationship” sought to minimise the seriousness of what had happened. RC-A31 had been sexually abused when he was still a child and Monsignor Leonard knew this.⁹⁰ His description of the abuse was as inexcusable in 1985 as it would be today. It misled the Archdiocese of Los Angeles about Robinson’s true character and enabled Robinson to remain in the USA and avoid prosecution for the next quarter of a century.

⁸⁴ CHC000246_044

⁸⁵ CHC000246_291

⁸⁶ CHC000246_289

⁸⁷ CHC000246_287

⁸⁸ CHC001044_025

⁸⁹ CHC000246_285

⁹⁰ See Father Grady’s evidence and the evidence of Monsignor Leonard’s own correspondence with RC-A31’s parents (INQ002478_013).

64. Monsignor Leonard died in 2003. We cannot say whether his motive for describing the abuse in this way was the protection of the Archdiocese or simply a wish to move Robinson away from those whom he had abused and make Robinson another Archdiocese's problem. Whatever the motive, Monsignor Leonard's actions failed to consider both the protection of children (including in the Californian parishes) and the impact that Robinson's departure would have on his victims and their attempts to bring Robinson to justice.

65. As Father Grady concluded:

"After I had learned that Jimmy Robinson had gone to the United States my own thoughts were that it had been arranged for him to leave or that he was given no other option other than to leave the country quickly to avoid a scandal and to avoid being interviewed by the police. I felt I had let RC-A31 down."⁹¹

This failure extends to all of James Robinson's victims.

The 1990s

66. In August 1993, Archbishop Couve de Murville wrote to the Cardinal in Los Angeles to inform him that he was in possession of "entirely reliable information"⁹² to suggest that in the 1970s Robinson had a paedophilic relationship with a boy which lasted for 5 to 6 years. The "entirely reliable information" was a reference to RC-A31's allegations⁹³ but it is not known what caused the Archbishop to now describe the complaint in this way. Archbishop Couve de Murville asked that Robinson be stopped from carrying out his priestly duties. It seems the Archdiocese of Los Angeles did take some action, as Robinson wrote letters protesting his innocence and requesting financial assistance as well as a return to his role as a priest.

67. From April 1994 the Archdiocese regularly sent money to Robinson (via his mother) to assist him with his medical bills and other living expenses. In December 2001, Archbishop Nichols (the then Archbishop of Birmingham) decided that payments to Robinson should cease. By December 2001, the Archdiocese of Birmingham had given Robinson approximately £81,600 (which equates to just under £800 per month).⁹⁴ Archbishop Nichols said he stopped these payments because there was "*a substantial criminal case against him, and, therefore, I viewed him as a fugitive of justice*".⁹⁵

68. In 1997, Robinson returned to the UK on two occasions to visit his mother. On both occasions he tried, unsuccessfully, to make contact with Archbishop Couve de Murville.⁹⁶ He did visit his friend, Father Patrick Joyce, who wrote to Monsignor Leonard informing him that Robinson had been back and enclosing a letter Robinson had written to the Monsignor.⁹⁷ Father Joyce told Monsignor Leonard to destroy Robinson's letter once he had read it. It does not appear that the Archbishop, Monsignor Leonard or Father Joyce reported Robinson's return to the police.

69. On 18 September 1999, RC-A324 told Father Gerry McArdle (who was then in charge of matters relating to child protection within the Archdiocese) that he had been abused by Robinson in the early 1960s.

⁹¹ CHC000611_031

⁹² CHC000684_024

⁹³ CHC000684_012

⁹⁴ IPC000812

⁹⁵ Archbishop Vincent Nichols 13 December 2018 28/22-24

⁹⁶ CHC001044_018 and CHC001044_071

⁹⁷ CHC001044_19

70. Father McArdle was aware (although we do not know how) that Robinson had been back in the UK. Father McArdle said he made several calls to the police asking for Robinson to be arrested but that Robinson left the country before this happened.⁹⁸

The 2000s

71. In December 2000, Archbishop Nichols met with RC-A324 who had told him about the abuse perpetrated by Robinson.

72. In November 2002, West Midlands Police commenced an investigation into Robinson.⁹⁹ It became apparent that West Midlands Police had no documentation relating to RC-A31's 1985 complaint,¹⁰⁰ and the Archdiocese then gave to West Midlands Police a copy of his 1985 police statement. The investigating police officer told RC-A31 that she thought that one of the 1985 investigating officers – DI Higgins – had passed the statement to the Church “*for their information and usage in expelling Robinson from the Church*”.¹⁰¹ It is not known upon what information that assertion was based.

73. In December 2002, Archbishop Nichols was aware of the police investigation and tried to trace Robinson to assist with the police enquiries.¹⁰²

*“The purpose of my letter is to ask you, plead with you to return to the United Kingdom and to give an account of your actions at the time”.*¹⁰³

Robinson emailed back denying the allegations and stating that he was unable to travel.¹⁰⁴ Although, at the hearing, Archbishop Nichols expressed his regret for the fact that he did not pass the email address to the police,¹⁰⁵ he had in fact done so in a letter written in October 2003.¹⁰⁶

74. In October 2003, the BBC broadcast an episode of the documentary ‘Kenyon Confronts’, entitled ‘Secrets and Confessions’. It focussed on the extent of child sexual abuse within the Roman Catholic Church and in particular within the Archdiocese of Birmingham. The programme makers traced Robinson to a caravan park in the USA and one victim, accompanied by Paul Kenyon, confronted Robinson about his childhood abuse.

75. After the programme was broadcast, Archbishop Nichols issued a press release. He said that he considered the timing of the broadcast, on the eve of the silver jubilee of Pope John Paul II, confirmed “*the suspicions of many, that within the BBC there is hostility towards the Catholic Church in this country*”.¹⁰⁷ In evidence, Archbishop Nichols maintained that the broadcasting of the programme was “*insensitive*”,¹⁰⁸ adding that “*it was only the fourth time in the history of the Catholic Church that there’s been a Silver Jubilee of a Pope*”.¹⁰⁹ There had also been two recent programmes criticising the Roman Catholic Church and Archbishop Nichols considered that the BBC had deliberately chosen to air ‘Kenyon Confronts’ at a time

⁹⁸ CHC000246_264

⁹⁹ IPC000829

¹⁰⁰ INQ002778_022

¹⁰¹ INQ002478_019

¹⁰² CHC000246_247

¹⁰³ CHC001044_90

¹⁰⁴ CHC001044_91

¹⁰⁵ Archbishop Vincent Nichols 13 December 2018 33/7-11

¹⁰⁶ CHC001044_095

¹⁰⁷ CHC000246_224-225

¹⁰⁸ Archbishop Vincent Nichols 13 December 2018 36/7

¹⁰⁹ Archbishop Vincent Nichols 13 December 2018 36/9-11

of celebration for the Church. The Archbishop told us that in that press release he was trying to convey an "unease"¹¹⁰ felt by members of the Church about it being portrayed with a "negative slant".¹¹¹

76. He also said he objected to the way the programme makers had approached and "harassed"¹¹² priests within the Archdiocese. When asked whether it might be thought that his main concern with the programme was the upset of his priests and not a focus on the victims of child sexual abuse, he said "*I accept that perspective now and it wasn't my perspective at the time*".¹¹³ He also accepted that he did not, at the time, "acknowledge sufficiently" the fact that the broadcast gave "*a platform to the voices of those who had been abused*"¹¹⁴ and said that he would not now issue a similar press release.

77. Whilst Archbishop Nichol's response to the broadcasting of 'Kenyon Confronts' did acknowledge the damage done to those who had been abused, it focussed overwhelmingly on the tactics employed by the programme makers and the Pope's silver jubilee. This response was misplaced and missed the point. The focus should have been on recognising the harm caused to the complainants and victims. Instead, the Archbishop's reaction led many to think that the Church was still more concerned with protecting itself than the protection of children.

78. Changes to extradition law in 2007 meant that Robinson could be extradited. He was brought back to the UK in August 2009 and stood trial in October 2010.

79. From the mid 1990s, RC-A31 complained to West Midlands Police about their handling of his 1985 complaint and what he considered to be collusion between West Midlands Police and the Archdiocese which enabled Robinson to evade arrest. Following Robinson's trial and imprisonment, RC-A31 continued to request that his complaints be independently investigated and in 2016 the Independent Office for Police Conduct (IOPC)¹¹⁵ agreed to carry out an investigation. The IOPC final report was published in October 2018.¹¹⁶ The investigation included interviewing DI Higgins, who declined to answer questions. The report concluded that "*it cannot now be ascertained how the 1985 witness statement ... came to be in the possession of the Roman Catholic Church or when and how that occurred*".¹¹⁷

80. It is not in dispute that someone in West Midlands Police provided the Archdiocese with RC-A31's 1985 statement. The Inquiry has seen no evidence to support the allegation that this was done to assist the Church in 'a cover up' of Robinson's offending. It may have been that the statement was passed by police as part of appropriate information sharing in allegations of this nature and that this may have been done once Robinson had already left the UK.

81. James Robinson was a serial child abuser who started to abuse children before he began his training to become a priest. There were a number of failures in the institutional response in his case:

¹¹⁰ Archbishop Vincent Nichols 13 December 2018 37/9

¹¹¹ Archbishop Vincent Nichols 13 December 2018 37/6

¹¹² Archbishop Vincent Nichols 13 December 2018 39/23

¹¹³ Archbishop Vincent Nichols 13 December 2018 41/1-2

¹¹⁴ Archbishop Vincent Nichols 13 December 2018 39/11-12

¹¹⁵ The IOPC is an independent body set up to investigate the most serious complaints made about police standards and conduct.

¹¹⁶ IPC000829

¹¹⁷ IPC000829_030

81.1. In 1972, it is unclear whether any action was taken by those members of the Archdiocese who were told by RC-A350 that RC-A347 was being abused.

81.2. In 1977, RC-A350 told Archbishop Dwyer that Robinson had abused RC-A347. There is no record of the police being informed.

81.3. In 1982, RC-A337's aunt showed her parish priest the letter Robinson wrote to RC-A337. Robinson was moved to a new parish. The police were not informed.

82. As can be seen from the above, in the 1970s and early 1980s, when complaints about Robinson's behaviour were brought to the attention of the Church, there were repeated opportunities for the Archdiocese to report Robinson to the police, but it appears no such report was ever made.

83. Monsignor Leonard's 1985 and 1986 correspondence with the Archdiocese of Los Angeles deliberately misled the Californian Church about the allegations against Robinson. In doing so, Monsignor Leonard showed a total disregard for victims both past and future. The hurt and damage caused by Robinson was compounded by the response of Archbishop Nichols to the 'Kenyon Confronts' programme which focussed too much on his grievance with the programme makers and too little on the public interest in exposing the abuse committed by the clergy and the harm done to the victims of such abuse.

Part C

Post-Nolan safeguarding in the Archdiocese

Post-Nolan safeguarding in the Archdiocese

C.1: Nolan report recommendations

1. In 2000, the then Archbishop of Westminster, Cardinal Cormac Murphy-O'Connor, invited Lord Nolan to chair an independent committee to carry out a review of child protection in the Roman Catholic Church in England and Wales. The report *A programme for action* (more commonly known as the Nolan report) was published in September 2001.¹¹⁸
2. In total, the Nolan report made 83 recommendations covering:
 - the structures required at parish, diocesan and national level;
 - the steps which were needed to create a safe environment for children and those who work with children; and
 - the action needed to respond to allegations of abuse.
3. Some of the key recommendations included:
 - Before taking up a post involving working with children (whether paid or voluntary), the person should complete an application form, provide references and details of any relevant criminal convictions and agree to a criminal records check (Rec 29).
 - Each parish should have a Parish Child Protection Representative (PCPR) (Rec 5).
 - Each Diocese should have a Child Protection Coordinator (Rec 8) and it was envisaged that in the larger dioceses this would most likely be a full-time role.
 - A National Child Protection Unit should be established to advise the Catholic Bishops' Conference and the Conference of the Religious on child protection policies and principles (Rec 16) and the National Child Protection Unit should issue codes of conduct and practical guidance on safe working with children (Rec 22).
 - Statutory authorities should be brought in straight away where there is a disclosure so that the statutory authority would take the lead on investigating and assessing the situation (Rec 61).
 - Contemporaneous records should be kept at the time of an allegation or other event (Rec 45) and be kept for 100 years (Rec 47).
4. Once the Nolan report was ratified by the Bishops' Conference and Conference of the Religious,¹¹⁹ the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) was established as the National Child Protection Unit. COPCA was set up to provide advice and support to the Conferences, the dioceses and religious congregations.¹²⁰ Its remit also included liaising with statutory agencies at national level as well as with

¹¹⁸ CHC000053

¹¹⁹ This is the permanent assembly of Catholic Bishops and Personal Ordinaries in England and Wales, and its members include the archbishops, bishops and auxiliary bishops, and other senior clergy (<http://www.cbcew.org.uk>).

¹²⁰ Dr Colette Limbrick CSA005625_002-003

professional bodies and leading charities. Mrs Eileen Shearer was appointed as director. As part of her duties, she oversaw the creation and implementation of the national policies, principles and practice, known as the 'One Church' approach for the protection of children and vulnerable adults. COPCA was accountable to an independent management board, chaired by Archbishop Vincent Nichols.

C.2: The child protection coordinator

5. As a result of the Nolan report, the Archdiocese of Birmingham sought to recruit a qualified child protection coordinator (CPC, and later the safeguarding coordinator) to:

- lead and manage the development of safeguarding practice and implementation of the policies at Archdiocesan level;
- ensure the Archbishop is up to date on safeguarding matters;
- take the lead on developing preventative practice;
- respond to allegations of abuse;
- liaise with, guide and advise parish safeguarding representatives;
- make or oversee referrals to the police or any other statutory authority;
- oversee the arrangements for the production, monitoring and review of covenants of care (now called safeguarding agreements or plans);
- provide support and advice to survivors or victims;
- be available by mobile telephone (switched on during out-of-office hours) to anyone wanting to discuss a safeguarding concern; and
- deal with issues concerning vulnerable adults as well as children.¹²¹

6. The vacancy was advertised publicly. The Archdiocese interviewed three people for the role.¹²² Mrs Carmel Knowles was appointed in 2001,¹²³ supported by Mrs Jane Jones.

Appointment of Jane Jones as child protection coordinator

7. In 2003, Mrs Knowles' personal circumstances changed and on 7 January 2004¹²⁴ Mrs Jones was appointed as CPC. Mrs Jones was, of course, already known to the Archdiocese from her work with Mrs Knowles. Nevertheless, the vacancy was not advertised internally or externally but Mrs Jones was invited to submit a curriculum vitae before taking up the post.¹²⁵ She was the only person the Archdiocese considered for the role. Opening up the recruitment process could have offered the Archdiocese a range of candidates from which to choose.

8. When Mrs Shearer learned of Mrs Jones' appointment, she expressed concern to the Archdiocese. She objected to the process by which Mrs Jones was appointed and was concerned that she received no explanation as to why the role had not been advertised

¹²¹ Jane Jones 14 November 2018 19/1-21/17

¹²² Jane Jones 14 November 2018 9/8-22

¹²³ CHC000627 110-111

¹²⁴ Jane Jones 14 November 2018 9/23-10/16 and CHC000627 008

¹²⁵ Jane Jones 14 November 2018 61/20-62/4

externally. Mrs Shearer felt the senior clergy were perpetuating the culture of “*appointing people ... by tapping them on the shoulder rather than through a formal process and by external advert finding a range of suitable candidates*”.¹²⁶

9. Archbishop Nichols (the then Archbishop of Birmingham) thought most of the required recruitment steps had been taken but accepted the post of CPC was not advertised externally. He said this was because “*continuity was a great benefit*”, and Mrs Jones had valuable knowledge of the Archdiocese and the work itself so that she was “*an excellent candidate*”.¹²⁷ The Archbishop was also guided by the commission who, as senior members of local social services, would not have “*accepted something which they thought was fundamentally flawed*”.¹²⁸ His view was that the appointment procedure might have been a “*blemish but not a disaster*”, and that Mrs Jones was “*an excellent child protection coordinator*”.¹²⁹

The 1993 position paper

10. In 1993, having watched a television programme about the Samuel Penney case, Mrs Jones wrote a ‘position paper’ called ‘Sexual Abuse by Catholic Priests’.¹³⁰ Although she had no direct knowledge of the Penney case or the people involved in it, she said the victims’ families were “*dysfunctional*”, appearing to blame the mother of one victim for acting irresponsibly in leaving her daughter alone with Samuel Penney. She stated that abuse committed by a stranger was “*a straightforward criminal matter*”. By contrast, she said familial or other forms of sexual abuse involved “*a very complex web of power relationship*” and “*a balance between pleasure and pain*”. Of one victim she said, “*The impression I got was that this inappropriate behaviour probably went on in an affectionate environment. I know that that was not what the victim said on the television but he had allowed this to continue into his twenties.*”¹³¹ Towards the end of the paper she wrote:

“*All the victims in cases such as this need our support. The first victim here is Father Penney himself.*”¹³²

11. Mrs Jones told us that the paper was written a long time ago, when she had little experience of such cases or any specific knowledge of the Penney case. The paper had been written for her own edification and for discussion with a small group of people.¹³³ It was not for wider circulation and Mrs Jones said she did not distribute it amongst the Archdiocese. She was aware that Archbishop Maurice Couve de Murville (Archbishop of Birmingham from 1982 to 1999) had sight of it but did not know how it came to be seen by him.¹³⁴ She understood Archbishop Couve de Murville found the document “*useful*” and he wrote a letter to her about it.

12. In a 2012 paper addressed to Archbishop Bernard Longley (Archbishop of Birmingham from 2009 to present), Mrs Jones considered that she was invited to join the child protection advisory group “*at least in part because of a paper I had written following the Sam Penney case*

¹²⁶ Eileen Shearer 15 November 2018 53/15-20

¹²⁷ Archbishop Vincent Nichols 13 December 2018 77/15-21

¹²⁸ Archbishop Vincent Nichols 13 December 2018 79/6-80/11

¹²⁹ Archbishop Vincent Nichols 13 December 2018 81/1-2

¹³⁰ CHC001640_001-004

¹³¹ CHC001640_003

¹³² CHC001640_004

¹³³ Jane Jones 14 November 2018 127/21-128/17

¹³⁴ Jane Jones 14 November 2018 127/24-128/17

about the treatment of offending priests".¹³⁵ This was clearly a reference to the 1993 paper. The Inquiry is concerned that, in the mid to late 1990s, Archbishop Couve de Murville considered the paper to be "useful" and that it may have formed part of the background to Mrs Jones becoming more involved in church safeguarding policy.

13. Neither Archbishop Nichols nor Archbishop Longley had seen the 1993 position paper until shortly before the Inquiry's public hearings in November 2018. There is no copy of it in files kept by the Archdiocese.¹³⁶ Both Archbishops said that they did not consider Mrs Jones to be anything other than committed to the needs of victims and survivors, and that this was the priority for her work.

14. Mrs Jones told us that she did not now adhere to the views expressed in the 1993 paper.¹³⁷ She denied it was indicative of her putting the clergy first.

*"The victims have to take priority. Their care and support is essential. I have always held to that, it might not show it in this paper, but from the early days of my career I have worked with those who are poor and vulnerable and damaged in some way, and the whole function of my life to date has been to enable those people to be listened to and for their issues to be taken up."*¹³⁸

15. In July 2001, Mrs Jones wrote a paper entitled 'Victims of Abuse: Who are they and what could be done to help them?', in which she considered how best to help victims and survivors of child sexual abuse.¹³⁹

"Child abuse is a terrible and shocking thing ... Rightly policies have also had to be formulated in an attempt to protect children from abuse in the future ... Perhaps the best place to start would be by listening to victims and by asking them what they think could be done to ease their pain or find out how they managed to succeed despite it. The resulting information should indicate a way forward."

In our view, as this paper was written far closer to Mrs Jones' appointment as CPC than the 1993 paper, it demonstrates that Mrs Jones' views had changed.

16. However, the views expressed in the 1993 paper were reprehensible and were not views that the Inquiry would expect to come from someone with an experienced background in social work. The paper displayed an ignorance of the facts of the Penney case and a failure to appreciate the continuing harm caused to victims of such abuse.

17. A number of the complainant core participants suggested that Mrs Jones should not have been appointed as CPC. While the process by which Mrs Jones was appointed was flawed, there is no evidence that anyone concerned with her appointment knew of the 1993 paper or its contents. We do not consider that the 1993 paper had, or indeed could have had, any impact on Mrs Jones' appointment as CPC in 2004.

¹³⁵ CHC001281_002

¹³⁶ INQ003860_022

¹³⁷ Jane Jones 14 November 2018 134/10-14

¹³⁸ Jane Jones 14 November 2018 138/12-19

¹³⁹ CHC001640_006-009

C.3: Father John Tolkien: an example of safeguarding response pre and post-Nolan

18. A number of the allegations reported to the Archdiocese of Birmingham were made against clergy who had since died. In cases where the perpetrator was still alive, not all allegations resulted in a prosecution or indeed a finding that the abuse had occurred. The case of Father John Tolkien is one such example. We have examined Father Tolkien's case, not to determine his guilt or innocence, but in order to assess how the Archdiocese responds where the accused remains unconvicted and how risk to children is managed. Institutions are responsible for managing potential risks to children of sexual abuse. In the absence of any formal findings against the perpetrator, the management of risk in these circumstances plays a vital role in keeping children safe

19. John Tolkien was born in 1917. He was a priest in the Archdiocese of Birmingham between 1946 and 1994. From the early 1990s until his death in January 2003, Father Tolkien was the subject of allegations of child sexual abuse. He repeatedly and consistently denied the allegations made against him. There have been no criminal convictions or civil court findings against Father Tolkien, although the Archdiocese have settled claims arising from these allegations.

Allegations by Christopher Carrie

20. On 2 September 1993, Christopher Rooney (who subsequently changed his name to Carrie) met with Archbishop Couve de Murville. He told the Archbishop that he had been sexually abused by Father Tolkien when he was 12 years old. He said that, on three occasions in 1957, Father Tolkien had taken him into the presbytery and committed sexual acts on him, including masturbation carried out in a "*pseudo religious way*".¹⁴⁰ The Archbishop took handwritten notes of Mr Carrie's complaint which were kept on Father Tolkien's personal file.

21. The notes from 2 September 1993 suggest that Archbishop Couve de Murville knew something of Father Tolkien's past behaviour. The notes refer to a 16 or 17-year-old Scout, recording that "*I spoke > him in 1966. He agreed that Fr Tolkien had done these things and others.*"¹⁴¹ It is apparent therefore that Mr Carrie was not the only person to disclose abuse by Father Tolkien.

22. In October 1993, Archbishop Couve de Murville wrote to Mr Carrie, saying the "*passage of more than 35 years makes it difficult to establish precisely what happened and when but I have carefully investigated your complaints as far as possible. I have also interviewed Father Tolkien. He is more than 76 years old and not in good health*".¹⁴² Father Tolkien was soon to retire and was to cease active ministry, and the Archbishop said "*Perhaps Father Tolkien's retirement is the answer you seek*". He added that if the matter were reported to the police, the Church would assist with any police investigation. In summer 1994, Mr Carrie reported the abuse to the police¹⁴³ but it appears that no police action was taken.

¹⁴⁰ CHC000253_013

¹⁴¹ CHC000253_014

¹⁴² CHC000253_021

¹⁴³ CHC000253_069

23. In November 2000, Mr Carrie wrote to Archbishop Nichols¹⁴⁴ informing him of the alleged abuse and asking him to investigate. Earlier that year, Mr Carrie had written a book called *Klone it* (an anagram of Tolkien) in which he repeated his allegations.

24. By May 2001, West Midlands Police commenced an investigation¹⁴⁵ into Father Tolkien. The Crown Prosecution Service (CPS) were asked to advise on whether he should be charged in relation to Mr Carrie's complaints. On 14 February 2002, the CPS issued a press release, stating that Father Tolkien would not be charged with any offences as "*it would not be in the public interest to proceed*".¹⁴⁶ A CPS spokesperson at the time confirmed that the evidential test was passed¹⁴⁷ but that medical evidence relating to Father Tolkien's health¹⁴⁸ meant it was not in the public interest to bring charges against him.¹⁴⁹ Mr Carrie then commenced a civil compensation claim against the Archdiocese.

25. In June 2002, RC-A348 came forward, writing to Archbishop Nichols.¹⁵⁰ He said he had read an article about Mr Carrie which stated that Father Tolkien denied the allegations but he said "*well I know for sure Mr Carrie is telling the truth because I too was abused myself*". He went on to say "*I know Father John Tolkien is 84 years old and suffering from dementia but it is wrong for him to keep denying he never did these things – he did*".¹⁵¹ The Archbishop advised RC-A348 to report the matter to the police.¹⁵²

26. As part of Mr Carrie's compensation claim, the Archdiocese and their solicitors carried out inquiries into Father Tolkien. The solicitors spoke with two other men, one of whom was himself a priest, who alleged that Father Tolkien had also abused them. This led the solicitors to advise that they thought it likely that a court would conclude that Father Tolkien had abused Mr Carrie.¹⁵³

27. The solicitors' advice also referred to Archbishop Couve de Murville's meeting with Mr Carrie in 1993.¹⁵⁴ As part of his own inquiries, Archbishop Couve de Murville appears to have read a 1968 file note which alleged that Father Tolkien had made a number of Boy Scouts strip naked and possibly sprinkled holy water on them. The actual 1968 note is not available but the Archbishop's 1993 note of the 1968 note includes reference to Father Tolkien admitting these allegations¹⁵⁵ and possibly being sent for treatment. Aside from the reference to treatment, it seems no action was taken in 1968. The matter was not reported to the police in either 1968 or 1993.

28. Archbishop Nichols was aware of the existence of the 1968 note. In a letter to him on 10 February 2003, the Archdiocese's solicitors noted:

*"You have said that the Archdiocese would prefer not to disclose this note even if this means settling the action."*¹⁵⁶

¹⁴⁴ CHC000253_069

¹⁴⁵ CHC001514_306

¹⁴⁶ CHC000251_081

¹⁴⁷ The evidential test requires the Crown Prosecution Service to consider whether there is enough evidence to provide 'a realistic prospect of conviction'.

¹⁴⁸ Father Tolkien suffered from dementia.

¹⁴⁹ CHC000255_052

¹⁵⁰ CHC000251_051

¹⁵¹ CHC000251_050-052

¹⁵² CHC000251_050

¹⁵³ CHC000251_032

¹⁵⁴ CHC000251_033

¹⁵⁵ CHC000251_033

¹⁵⁶ CHC000251_10

The letter stated:

*"to settle this claim on the basis that the Archdiocese would not wish to make a damaging disclosure must mean that any subsequent claim brought by others arising from the activities of Father Tolkein (sic) would also have to be settled since the Note would be equally relevant in any subsequent action. We have details of as many as six potential Claimants."*¹⁵⁷

29. By July 2003, the Archdiocese and Mr Carrie reached an out-of-court settlement in respect of the civil case. Mr Carrie received £15,000, without admission of liability.¹⁵⁸

Allegations made by RC-A343

30. RC-A343 told the Inquiry that in the early 1970s, when he was under 13 years old, his father enrolled him in a nearby Catholic junior school attached to the local church where Father Tolkien was the parish priest.¹⁵⁹ The school's headteacher was a nun who was very strict with the pupils. There was a strong emphasis, he said, on obedience to both the Roman Catholic Church and to Father Tolkien. He said Father Tolkien was seen as the "*creme de la creme of the church and the schools. He was on the board of a few schools around the area*"¹⁶⁰ and was much revered as the local parish priest.

31. RC-A343 became an altar boy at the church. He recalled an occasion when Father Tolkien asked him to do the first reading at mass. RC-A343 struggled with reading and, when this became apparent, Father Tolkien asked RC-A343 to go to his house for "*special reading lessons*". RC-A343 did so and, once there, he was left on his own in a room with Father Tolkien who told him that he had been chosen to participate in a "*special prayer ceremony*". Reading was not mentioned.¹⁶¹ RC-A343 was told that he must keep the ceremony a secret and that Jesus would find out if he broke the secret. RC-A343 went on to tell us that Father Tolkien made RC-A343 remove his trousers, kneel down and then sexually abused him.¹⁶² RC-A343 said that he visited Father Tolkien on a further three to five occasions¹⁶³ and that on each visit he was sexually abused.

32. RC-A343 reported his abuse to the police in the early 2000s after seeing an article placed in the local newspaper by West Midlands Police regarding Father Tolkien abusing young boys.¹⁶⁴ It is not clear if RC-A343's allegations formed part of the police investigation into Mr Carrie's complaints as neither West Midlands Police nor the CPS retained the case papers. RC-A343 did recall he was ultimately informed that Father Tolkien would not be prosecuted.

33. In the mid 2000s, RC-A343 brought a civil claim against the Archdiocese. He was asked if he could prove definitively that he had been in contact with Father Tolkien,¹⁶⁵ which he could not. The Archdiocese contested the civil claim on the basis the claim was made outside of the relevant time limit.¹⁶⁶ Eventually his compensation claim was settled for a modest sum.

¹⁵⁷ CHC000251_11

¹⁵⁸ CHC000251_003

¹⁵⁹ RC-A343 13 November 2018 43/13-23

¹⁶⁰ RC-A343 13 November 2018 44/14-16

¹⁶¹ RC-A343 13 November 2018 48/14-23

¹⁶² RC-A343 13 November 2018 48/14-49/14

¹⁶³ RC-A343 13 November 2018 51/2-7

¹⁶⁴ RC-A343 13 November 2018 52/4-14

¹⁶⁵ RC-A343 13 November 2018 60/3-9

¹⁶⁶ RC-A343 13 November 2018 60/14-17

34. Having learned that Archbishop Nichols did not want to disclose the 1968 note during the civil claim brought by Mr Carrie, RC-A343 told the Inquiry:

"in 1968 Father Tolkien was reported to the archbishop that he'd abused two boys, and they sent him for therapy. Knowing that two years later he abused me in the same church or the same school, and then they had the nerve to deny the claim that he did anything wrong when they must have known about it for years, and Vincent Nichols, the so-called Cardinal of England and Wales, has the nerve to start talking to the solicitors on how to cover things up. That's not Christian."¹⁶⁷

RC-A343 felt the Church's handling of his claim was "Disgusting. Low level"¹⁶⁸

The response of the Archdiocese

35. Archbishop Nichols said that throughout the course of Mr Carrie's civil claim his main objective was "*to try and avoid civil action in court*".¹⁶⁹ During the course of the compensation claim, the Tolkien family engaged solicitors who, according to Archbishop Nichols, "*were very firm in asserting their position that it would be quite improper for the diocese to admit legally that these acts had taken place because Father Tolkien would have no opportunity to defend himself*".¹⁷⁰

36. While not disputing he had said "*the Archdiocese would prefer not to disclose this note even if this means settling the action*", Archbishop Nichols thought a more accurate reflection of his views would be if it read "*The Archdiocese would prefer not to take this matter to court and therefore not to disclose the note*".¹⁷¹ He accepted that he did not write back to the Archdiocese's solicitors to correct this inaccuracy.¹⁷² The Archbishop denied settling the claim with the intention of covering up any documentation, and said the note had been disclosed to the police.¹⁷³

37. When asked if the reason for non-disclosure of the note in the civil proceedings was a desire to protect the reputation of the Church, he said "*I don't remember that being uppermost in my mind ... uppermost in my mind was a desire to settle this claim so that these difficult situations certainly for Mr Carrie, certainly for the Tolkien family ... could be closed*".¹⁷⁴ The Archbishop accepted that, having settled Mr Carrie's case, it did not occur to him that people might have a legitimate interest in knowing that in 1968 the Church had failed to take action against Father Tolkien, "*for which I apologise*".¹⁷⁵

38. The passage of time and the paucity of contemporaneous documentation make it difficult to establish precisely what steps the Archdiocese took in 1968. Had any steps been taken, any potential risk to children might have been reduced.

¹⁶⁷ RC-A343 13 November 2018 61/8-18

¹⁶⁸ RC-A343 13 November 2018 60/20-22

¹⁶⁹ Archbishop Vincent Nichols 13 December 2018 53/25

¹⁷⁰ Archbishop Vincent Nichols 13 December 2018 54/5-9

¹⁷¹ Archbishop Vincent Nichols 13 December 2018 54/3-5

¹⁷² Archbishop Vincent Nichols 13 December 2018 54/6-11

¹⁷³ Archbishop Vincent Nichols 13 December 2018 64/19-21

¹⁷⁴ Archbishop Vincent Nichols 13 December 2018 59/23-60/4

¹⁷⁵ Archbishop Vincent Nichols 13 December 2018 63/15

39. Similarly, in 1993, the Archdiocese failed to take appropriate action in response to Mr Carrie's complaints made against Father Tolkien. Archbishop Couve de Murville was aware that there was a previous allegation against Father Tolkien. The police should have been informed and steps taken to ensure that Father Tolkien did not have unsupervised contact with children.

40. Given Archbishop Nichols was advised by solicitors that a court would be likely to conclude that Father Tolkien had abused Mr Carrie, it was understandable he wished to settle the civil claim. The 1968 note was disclosed to the police so it cannot be suggested that the Archdiocese sought to cover up the note. However, the note does demonstrate that the Church was aware of the risk Father Tolkien posed to children and yet the Archdiocese took little or no steps to protect children from those risks. As Archbishop Nichols said, "*by any standards today, what happened then was not right. It was wrong. And it led directly to his [RC-A343] abuse, which I sincerely regret. Now that he knows that that report was given in 1968, I'm sure that has renewed and deepened his sense of betrayal and his sense of hurt, and I apologise for that.*"¹⁷⁶

C.4: Relationship between the Archdiocese and COPCA

41. From its creation in 2002 to 2007, COPCA was the national advisory body for the Roman Catholic Church. Advice could be sought on a voluntary basis and there was no obligation on any part of the Church to seek advice or refer any case to COPCA.¹⁷⁷

42. As part of this case study, through the case of RC-F167, the Inquiry examined the working relationship between the Archdiocese of Birmingham and COPCA and its successor, Catholic Safeguarding Advisory Service (CSAS). This was of particular importance because, between 2001 and 2008, Archbishop Nichols was Chair of the COPCA management board as well as the Archbishop of Birmingham.

RC-F167

43. In 1985, RC-F167 was working as a teacher at a school within the Archdiocese of Birmingham when he was accused of indecently assaulting two young pupils. The boys alleged that he touched their bottoms and genital areas over clothing. RC-F167 resigned from the school.

44. He began training for the priesthood in 1986. During the course of his application to become a priest, RC-F167 was asked about his resignation from the school. He explained that he had been accused of touching the bottoms of some boys and is recorded as saying "*he could not honestly deny doing this, but that it was an involuntary action with no malicious intent*".¹⁷⁸ RC-F167 said because he could not deny it and did not want to bring adverse publicity for the school, he resigned. Beyond asking him about his resignation, the Archdiocese appears to have taken ineffective action to ascertain whether he posed a risk to children. He was ordained in 1990.

45. In 1997, the two boys, now men, reported the matter to the police. RC-F167 was interviewed by the police and denied sexual assault. In August 1997, the Archdiocese put RC-F167 on administrative leave and prohibited him from carrying out any public duties

¹⁷⁶ Archbishop Vincent Nichols 13 December 2018 62/23-63/3

¹⁷⁷ Eileen Shearer 15 November 2018 72/4-8

¹⁷⁸ CHC000267_003

as a priest. In February 1998, the Crown Court ruled that RC-F167 could not receive a fair trial and the case was 'stayed' by the court,¹⁷⁹ which meant that the proceedings could not continue. RC-F167 therefore could not be prosecuted.

46. In April 1998, RC-F167 was appointed to a parish affiliated to a large primary school.¹⁸⁰ A month later, the Child Protection Advisory Group recommended that RC-F167 "undergo a full psychological/psychosexual assessment before being assigned further duties".¹⁸¹ The report was completed on 11 December 1998 and recommended that RC-F167 did not return to a position where he had unsupervised access to children.¹⁸² Three days later the Vicar General received a complaint from a school headteacher that RC-F167 had asked inappropriate questions to two boys during confession. The Archdiocese spoke with the headteacher of the school and the matter was referred to the police and social services that same day.¹⁸³

47. RC-F167 was again put on administrative leave. He declined the Archdiocese's offer of counselling. In a joint interview by the police and social services, RC-F167 categorically denied using sexual terminology or making any sexual references with any child during confession.¹⁸⁴ The police investigation resulted in no further action being taken in relation to the complaints about confession.¹⁸⁵ In 1999, RC-F167 decided not to return to active ministry and he subsequently resigned from his parish.

48. By 2004, RC-F167 was working as a teacher again.¹⁸⁶ As part of his application to become a teacher, RC-F167 was required to undergo a 'DBS check'. Enquiries with the Disclosure and Barring Service (DBS) revealed that when the check was undertaken in July 2002, only certain case disposals would have been recorded and so the 1998 stayed court case did not appear on RC-F167's records.¹⁸⁷

The sharing of information between the Archdiocese and COPCA

49. On 15 January 2004, Mrs Jones sought advice from COPCA, and spoke with Ms Penny Nicholson, a member of COPCA staff. Mrs Jones informed COPCA that the Archdiocese knew a former priest – the subject of allegations of indecent assault in the 1980s and a further investigation in 1998 involving alleged inappropriate comments to children – was now teaching again and she wanted to know who or which agency should be informed. The COPCA referral form states "*Jane does not feel able to give a name for this man or further detail without reporting back to the Archbishop*".¹⁸⁸ Ms Nicholson told her that it was not COPCA's policy to deal with referrals without a name but did go on to advise that the name of the alleged perpetrator should be shared with the statutory agencies in order to protect children. On 29 January 2004, Mrs Jones informed the police that RC-F167 was working in a school and that he had been the subject of previous allegations and complaints. Shortly thereafter RC-F167 resigned as teacher.

¹⁷⁹ CHC000269_009

¹⁸⁰ CHC001073_001

¹⁸¹ CHC000269_026

¹⁸² CHC001082_012

¹⁸³ CHC001076_011

¹⁸⁴ CHC000268_004

¹⁸⁵ CHC000269_010

¹⁸⁶ The precise date when he started this role is not known and it appears that it was RC-F167 himself who told the Archdiocese that he was working in education. It is not known whether this was in a local authority or private school.

¹⁸⁷ DBS000025

¹⁸⁸ CSA003224_002

50. In January and February 2004 there was correspondence between the Archdiocese and COPCA about whether the Archdiocese needed to provide a name when seeking advice from COPCA. Mrs Jones said the Birmingham Child Protection Commission had taken the view that it was not necessary to provide the name of the alleged perpetrator. Ms Nicholson repeated her advice that the provision of the name was essential for child protection.

Mrs Shearer became involved. She said she had spoken to Archbishop Nichols to explain the basis of the requirement to provide names when making referrals.¹⁸⁹ Mrs Shearer recalled she met with Archbishop Nichols to discuss this issue and that the Archbishop had not "dissented" from the need for names to be provided. For that reason, Mrs Shearer told us she was puzzled as to why this issue was not resolved sooner.¹⁹⁰

51. Mrs Jones made another referral to COPCA in January 2005 and did not provide the name of the alleged perpetrator. The Archdiocese had reported the matter, including the name of the alleged perpetrator, to the relevant statutory authorities. On 3 March 2005 Mrs Shearer wrote to Mrs Jones requesting that COPCA be provided with both names. The letter states that Mrs Jones had explained she was withholding the names because "this was not a referral but rather a policy query".¹⁹¹

52. The Birmingham Child Protection Commission (the predecessor of the Archdiocese Safeguarding Commission¹⁹²) met on 15 March 2005. Mrs Jones told the commission that she was being asked formally to provide names of alleged perpetrators. The commission disagreed and said it was "*inappropriate and possibly illegal for files to be generated in this way*"¹⁹³ and that based on its collective experience of working with statutory agencies, there was no requirement to provide a name.

53. On 13 May 2005 Archbishop Nichols chaired the COPCA Management Board and Mrs Shearer proposed what was called a 'Duty Service Protocol'. Paragraph 4.2 of the protocol required that "*details of the alleged abuser/s and alleged victim/s will be obtained, and COPCA files will be cross-referenced and checked for previous contacts before advice is provided*".¹⁹⁴ The Management Board agreed to the protocol being issued. Mrs Shearer told us that this protocol was proposed as a result of the disagreement that had taken place between COPCA and the Archdiocese of Birmingham, which was the only Archdiocese to object to sharing this information.¹⁹⁵ The correspondence continued into summer 2006. The duty service protocol therefore had no impact on the Archdiocesan Commission's position.¹⁹⁶ By the time Mrs Shearer left her post in 2007, the issue had still not been resolved.¹⁹⁷ She said no action could be taken to enforce compliance with the protocol other than to repeat the points she was making to the Archdiocese.¹⁹⁸

¹⁸⁹ CSA005726_004

¹⁹⁰ Eileen Shearer 15 November 2018 57/24-58/7

¹⁹¹ CSA005746_001

¹⁹² Established following the Cumberlege report. It was created to have an overview of safeguarding practice within the Archdiocese in line with the national policies and procedures. It was appointed by and accountable to the Archbishop. In addition to the Chair, it comprised the Safeguarding Team, representatives of the clergy and religious and lay members with safeguarding expertise mainly from statutory bodies. See CHC0001613_007

¹⁹³ CHC001482_156

¹⁹⁴ INQ002671_017

¹⁹⁵ Eileen Shearer 15 November 2018 62/20-21

¹⁹⁶ CSA005790_007

¹⁹⁷ Eileen Shearer 15 November 2018 68/15-17

¹⁹⁸ Eileen Shearer 15 November 2018 65/24-66/4

54. Mrs Shearer told us that she believed Mrs Jones did not want to pass on names of accused individuals to COPCA, and that she and Archbishop Nichols did not think that COPCA were “*part of the professional confidentiality boundary around all child protection matters*”.¹⁹⁹ She felt there was a desire to keep COPCA at a distance from the work of child protection in the Archdiocese,²⁰⁰ and that the Archbishop did not think she had a mandate to discuss how child protection was working in the Archdiocese.²⁰¹ Mrs Jones was asked whether she thought the name should be provided. She said she could not now recall what she thought but thought she probably agreed with what the Commission members were telling her.²⁰²

55. Mrs Shearer did not agree with the Commission’s view that it was illegal to generate such records. The information was held securely and confidentially.²⁰³ The Nolan report had highlighted the disparate and fluid nature of the Church, with instances of abusers moving between parts of the Church. In light of that, Mrs Shearer considered that it was best practice for COPCA to be given the required information so it could be properly considered in the event of any future enquiry. It was important to have as much information as possible when assessing risk in a particular case²⁰⁴ and therefore she considered that this requirement was necessary in the interests of protecting children.

56. Archbishop Nichols accepted that the duty service protocol, although not a national policy, was a procedural agreement that should be followed if an archdiocese or diocese were to seek advice from COPCA.²⁰⁵ He said, from his point of view, “*it was a clear position that the Birmingham Diocesan Commission took that they did not think it was necessary to disclose the name*”.²⁰⁶ He did not think that it was a matter on which he should intervene and thought that the Commission had the right to disagree with COPCA.²⁰⁷ He said it would have been unwise as Archbishop to compel the Commission to follow the COPCA duty service protocol as to do so would undermine the independence of the Commission. He did not consider the provision of a name to COPCA to be a matter “*of any great substance*”²⁰⁸ and stated that, had the dispute related to a major matter, he probably would have intervened.

57. Archbishop Nichols said he did not wish to overstate the impact of the disagreement between the Commission and COPCA. However, this simple issue being incapable of resolution is indicative of a lack of cooperation between COPCA and the Archdiocese, where a good working relationship was essential. COPCA was established, post-Nolan, with the specific remit of providing advice and guidance. Whether it was a national policy or not, the subsequent duty service protocol made it plain that a name should be provided. The minutes of the Commission’s meetings in March 2005 do not provide any clear rationale behind the Commission’s decision not to provide COPCA with the name.

¹⁹⁹ Eileen Shearer 15 November 2018 69/2-6

²⁰⁰ Eileen Shearer 15 November 2018 69/12-18

²⁰¹ Eileen Shearer 15 November 2018 70/16-19

²⁰² Jane Jones 14 November 2018 75/4-6

²⁰³ Eileen Shearer 15 November 2018 61/21-24

²⁰⁴ Eileen Shearer 15 November 2018 60/6-19

²⁰⁵ Archbishop Vincent Nichols 13 December 2018 82/17-83/3

²⁰⁶ Archbishop Vincent Nichols 13 December 2018 84/9-12

²⁰⁷ Archbishop Vincent Nichols 13 December 2018 84/7-18

²⁰⁸ Archbishop Vincent Nichols 13 December 2018 85/5

58. Archbishop Nichols should have intervened to ensure that the dispute was resolved and to ensure compliance with the COPCA protocol. His failure to intervene contributed to the two-year-long exchange of correspondence which was time-consuming for those involved and contributed to the difficult relationship between the Archdiocese and COPCA.

C.5: Cumberlege report and recommendations

59. The final Nolan recommendation was that progress should be reviewed after five years, which led to the Cumberlege Commission report, published in 2007.²⁰⁹ In the foreword, the Cumberlege Commission chair said:

"In our report we have congratulated the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) in formulating policy. Their achievements, in such a relatively short time, have been considerable. However, much of the progress has been made at national and diocesan level; as a result COPCA's reach has not really extended to the parishes where the supporting, training, and advising particularly in the prevention of abuse needs to happen. If awareness and a safe environment is all important – and it is – it is here in the parishes where children and vulnerable people live that we could have expected a greater emphasis and a stronger attempt to win over 'hearts and minds'."

60. Of the 83 Nolan recommendations, the Cumberlege review reported that 79 had been addressed either completely or partially. Amongst the four recommendations still to be addressed, one related to the development of a whistleblowing policy, and another to a cultural issue that mistakes should be dealt with openly and learning from them.

61. In total, the Cumberlege report made 72 recommendations, including that:

- the national unit's name should be changed to the Catholic Safeguarding Advisory Service (CSAS) to reflect its primary future role as one of coordination, advice and support in respect of the wider job of safeguarding children and vulnerable adults (Rec 3);
- CSAS should report and be accountable to the Bishops' Conference and Conference of Religious through the new National Safeguarding Commission (Rec 6);
- CSAS should focus on matters including providing advice to members of the Church about safeguarding issues, overseeing and coordinating training within the Church, ensuring the safeguarding policies are accessible at all levels with an emphasis on people in parishes and producing an annual report (Rec 16);
- the Bishops' Conference and Conference of Religious should reaffirm their commitment to the paramountcy principle, ie the welfare of the child is the paramount concern (Rec 40); and
- the Diocesan Child Protection Commissions should become Safeguarding Commissions responsible for safeguarding children and vulnerable adults (Rec 70).

62. Mrs Shearer left as director of COPCA and, in July 2008, Mr Adrian Child became the director of CSAS when CSAS was established following the Cumberlege recommendation. The current director is Mrs Colette Limbrick. The primary role of CSAS is to provide advice to members of the Church and lay people about safeguarding issues. CSAS develops the

²⁰⁹ CHC000002

safeguarding training that is then utilised by the Archdiocese and ensures that national policies and procedures are up to date. While CSAS may provide advice about a case, the case remains the responsibility of the Diocese.²¹⁰

63. Following the Cumberlege report, in 2008, the National Catholic Safeguarding Commission (NCSC) was established to set the strategic direction of the Church's safeguarding policy and to monitor compliance. The NCSC sets and directs the work for CSAS to implement and put into practice. Policies and procedures reviewed by CSAS are ratified by the NCSC before submission to the Bishops' Conference and Conference of Religious.

C.6: COPCA and CSAS audits of the Archdiocese

64. In 2006, COPCA began auditing the Church, including the Archdiocese of Birmingham. The audit consisted of a self-assessment with a series of basic questions, including whether the Archdiocese had access to national procedures,²¹¹ whether it had a commission that met quarterly and had an independent chair, and how many allegations it had received.²¹²

65. The Archdiocese was also asked to provide COPCA with the number of volunteers required to have a CRB check. The answer given by the Archdiocese on the relevant form was "?". The Archdiocese wrote:

*"Questions about CRB checks and Volunteers are very difficult for us to answer accurately. In this diocese other agencies also process some applications. At the moment we have no way of knowing the total number of volunteers at any given time and even if we were able to ascertain that number it would change on a daily basis. We also have some difficulty in identifying volunteers from the database because insufficient information was registered in the early days of use of the database."*²¹³

66. COPCA audited the self-assessment response.²¹⁴ A number of points of concern were highlighted, in particular, the Archdiocese's inability to monitor how many CRB checks were outstanding for its volunteers. COPCA said "*Without an approximate figure of total volunteers it is not known how many CRB checks (approximately) are outstanding*". Consequently, COPCA recommended that the Archdiocese should have an internal monitoring system that would monitor how many CRB checks were outstanding.

67. In 2009, the Chair of the NCSC, Bill Kilgallon, received a letter from Archbishop Nichols²¹⁵ which enclosed a paper written by Mrs Jones.²¹⁶ In this correspondence, the Archbishop queried whether it was necessary for everyone that fell within the scope of the CRB regime to undergo a CRB check, whether the confidential declaration form was excessive, and referred to a debate around the term 'volunteer'. This latter point was connected to a passage in the enclosed paper which appeared to suggest that people 'well known' within the parish who took on parish roles should not be required to complete a CRB check.

²¹⁰ Dr Colette Limbrick CSA005625_005

²¹¹ Adrian Child 15 November 2018 100/5-20

²¹² CHC001451_014-031

²¹³ CHC001451_023-024

²¹⁴ CHC001451_006

²¹⁵ CHC001639_001-005

²¹⁶ The paper was titled 'All we like sheep have gone astray'.

68. This correspondence caused both the NCSC and Mr Child concern.²¹⁷ Mr Child was troubled because there appeared to him to be a suggestion from the Archdiocese that national standards did not need to be followed if people within parishes were known in the Church community.

69. As a result, the Archdiocese of Birmingham was selected again for audit. The 2009 audit was also a self-assessment which asked similar questions to 2006.²¹⁸ Again, the Archdiocese could not say how many volunteers²¹⁹ needed to be CRB checked. It did, however, record that 5,016 volunteers had been CRB checked.²²⁰ CSAS wrote to the Archdiocese on 25 September 2009, noting that an internal monitoring system was still not in place and recommended that Mrs Jones take action in this regard.²²¹

70. In 2010, CSAS audited the Archdiocese for a third time to determine compliance with CSAS guidelines and other relevant safeguarding practices. In its self-assessment, the Archdiocese considered that it met the highest standards in all but two areas.²²²

71. The findings of the CSAS audit were rather different. The Archdiocese was assessed as either 'not compliant' or 'improvements needed' in every area of two sections concerning 'Induction, supervision, support and training' and 'Casework and recording practice'. As regards the third section – 'CRB and safer recruitment practice' – the Archdiocese was fully compliant in all but two of the seven areas inspected.²²³ There was no reference to the establishment of an internal monitoring system in this audit.

72. The failings included:

72.1. In relation to record keeping, the case files had no obvious structure and notes were unsigned, and in some cases undated. The Archdiocese was one of only two dioceses where cases had to be referred back to the Commission for urgent review because the way the cases were managed caused immediate concern.²²⁴

72.2. A lack of understanding between the Safeguarding Commission and the safeguarding coordinator about their respective roles and responsibilities.²²⁵ There was "no structured adherence to 'responding to allegations' procedure", the "role of safeguarding coordinator [was] blurred eg advocate for victim, for accused, risk manager, pastoral support provider etc?", and "in 1 case [an] indication that not all potentially relevant information was shared with the statutory agencies".²²⁶

73. Mr Child felt the Archdiocese was reluctant to be audited and that, following the delivery of the audit report, "there was quite a lot of discontent expressed".²²⁷ However, in due course, the Commission met with Mr Child and the mood was more positive. An action

²¹⁷ Adrian Child 15 November 2018 104/2-105/2

²¹⁸ CSA005648 and CSA005692

²¹⁹ As defined in section 2 of the Police Act 1997 (Criminal Records) Regulations 2002.

²²⁰ CSA005648_008

²²¹ CHC001464_015-016

²²² CHC000386_004

²²³ CHC000336_001-002_-005

²²⁴ Adrian Child 15 November 2018 109/17-110/24

²²⁵ CHC000336_008

²²⁶ CHC000336_006

²²⁷ Adrian Child 15 November 2018 113/5-8

plan was prepared by a member of the Commission to deal with the shortcomings²²⁸ and the Commission provided the NCSC with an update on the actions taken in response to the audit.²²⁹

74. The audits demonstrate that some progress had been made by the Archdiocese. For example, over 5,000 volunteers had been CRB checked, which was clearly a large and onerous task. However, the audits also uncovered a number of fundamental problems within the Archdiocese. It was of particular concern that relevant information in one case may not have been shared with the statutory authorities. Case files were in a disordered state. A decade after the Nolan report, the Archdiocese had not put in place effective systems of record keeping and the 2010 audit found deficiencies within each of the three areas²³⁰ that were reviewed.

C.7: Safeguarding cases post-Nolan

75. Using the schedule of allegations prepared by the Inquiry,²³¹ we examined how the Archdiocese dealt with allegations of child sexual abuse said to have taken place after the Nolan report in 2001.

76. In a large number of cases, since the Nolan report, important details, such as when the allegation was reported and when the incident was said to have occurred, were unclear from the records provided. This suggests poor record keeping – a failing which was also found by CSAS during their 2010 audit of the Archdiocese – remains an issue.

77. We reviewed seven cases that clearly related to allegations of child sexual abuse said to have taken place since 2001. All of the allegations were referred by the Archdiocese to the statutory authorities and, as a result, two offenders were cautioned by the police.²³²

78. In one case, from 2002, RC-F179 (a priest) was charged with offences relating to possession of indecent images of children. The indecent images were found on the parish computer, having been seized with the consent of RC-F179 and the Church. RC-F179 was placed on administrative leave. The prosecution withdrew the charges due to complications in the investigation. RC-F179 resigned as a priest and thereafter his whereabouts became unknown.²³³ Mrs Knowles, the CPC at the time, sought advice from COPCA (in which the name was provided to COPCA).²³⁴ COPCA advised the Archdiocese to make all dioceses and religious orders aware of this matter in case RC-F179 sought appointment elsewhere in the Church. The Archdiocese followed that advice.²³⁵ It was also apparent from the safeguarding file that the Archdiocese also liaised with social services and the police during the course of the investigation.²³⁶ This appeared to be a good example of the safeguarding team liaising effectively with COPCA and other agencies.

79. There was evidence that safeguarding within the Archdiocese had improved since the Nolan report in 2001. However, by the time of the 2010 CSAS audit, nearly a decade had elapsed since the Nolan report and much work remained to be done.

²²⁸ Adrian Child 15 November 2018 114/5-14

²²⁹ CSA005689

²³⁰ 'Induction, supervision support and training', 'Casework and recording practice' and 'CRB and safer recruitment practice'.

²³¹ INQ003537

²³² INQ003537_015-020

²³³ CHC000298_001

²³⁴ CHC000298_014

²³⁵ CHC000298_011-014

²³⁶ CHC00298_003

Part D

Current safeguarding arrangements

Current safeguarding arrangements

D.1: Introduction

1. In 2018, the Archdiocese of Birmingham commissioned three separate reviews in respect of safeguarding within the Archdiocese:

- 1.1. an examination of past cases for the Archdiocese of Birmingham,²³⁷ conducted by Jan Pickles OBE;
- 1.2. an independent audit of the safeguarding arrangements within the Archdiocese, undertaken by the Social Care Institute for Excellence (SCIE) and published in October 2018;²³⁸ and
- 1.3. the parish review²³⁹ conducted by Jan Pickles OBE, regarding the attitudes and ability of clerical and lay members of parishes to contribute to the wider diocesan safeguarding agenda.

2. Each report highlighted aspects of safeguarding which were considered to work well.

In summary:

- training was well regarded both in terms of training to those involved in safeguarding roles and training given to seminarians;
- the Archdiocese now conducts DBS checks online;
- people with the appropriate qualifications and backgrounds were acting in the role of parish safeguarding representatives (PSRs); and
- PSRs spoke highly of the support they received from the safeguarding team, acknowledging the fact that the team worked long hours often over and above their contracted hours.

3. However, in general terms, the reviews found more weaknesses than strengths and the SCIE report in particular identified significant problems within the safeguarding team and with oversight of it.

D.2: Examination of past cases review

4. The *Examination of past cases for the Archdiocese of Birmingham* (the past cases review) was undertaken by Jan Pickles OBE, a qualified social worker with extensive experience in safeguarding. Its aim was to help the Archdiocese prepare for this Inquiry and also to "Learn

²³⁷ CHC001643

²³⁸ CHC001649

²³⁹ CHC001644

lessons from the past to help safeguarding and to help victims and survivors today and in the future".²⁴⁰ In preparing her report, Mrs Pickles reviewed case files involving 15 perpetrators and 45 victims of child sexual abuse.

5. Mrs Pickles identified a number of broad themes, including:

- 5.1.** the ways in which the perpetrator was able to groom the victim by gaining access to the victim and their family, the level of trust and deference shown by the victim and family to the priest;
- 5.2.** the power and status of the priest created both the opportunity to abuse and often made the victim feel that it was impossible to disclose the abuse for fear of being disbelieved;
- 5.3.** the lifelong impact that abuse had on victims pervading all aspects of their lives. In particular, victims and the families of victims felt the Church should have done more to protect them and were concerned about the length of time it took to dismiss a priest from the clerical state;²⁴¹
- 5.4.** the perception of a culture of secrecy which is founded in the way the Archdiocese historically has dealt with cases, showing a reluctance to involve police and local authorities and a preference to manage matters internally;²⁴² and
- 5.5.** there was a reluctance or inability by peers to challenge or question colleagues about behaviours that may have looked suspicious²⁴³ and a use of euphemistic language, such as 'misbehaviour' and 'misdemeanour' to describe criminal acts of child sexual abuse.²⁴⁴

6. The review concluded that staff working within the safeguarding team were not regularly supervised. This led to a lack of consistency of approach within the case files and a need for more accountability and oversight.²⁴⁵ The case management system was not "fit for purpose" with paper-based, handwritten files which were difficult to read and made it hard to follow events and difficult to share information with others.²⁴⁶ These final two conclusions were matters that also featured in the SCIE audit.

7. Jane Jones, the safeguarding coordinator, told us that she accepted the general conclusions of the report but was concerned about the factual inaccuracies in the review. She said that, although case management systems were now different from those used in the historic cases, there would still be handwritten notes as she would take contemporaneous handwritten notes and she considered this to be best practice.

²⁴⁰ CHC001643_002

²⁴¹ CHC001643_050

²⁴² CHC001643_038

²⁴³ CHC001643_053

²⁴⁴ CHC001643_054

²⁴⁵ CHC001643_050

²⁴⁶ CHC001643_052 and 055

8. Archbishop Bernard Longley said he was grateful for the way Mrs Pickles had identified a number of themes common throughout the cases she had reviewed. He agreed it was:

"very likely that some decisions were made as a result of fear that negative publicity about a priest's behaviour would undermine the church's mission. The church must never put its reputation above properly dealing with an allegation. This should be a valuable lesson from the past".²⁴⁷

9. The past cases review is a valuable resource for the Archdiocese as it explains how abusers target and groom their victims, highlights patterns of abuse common within the clerical setting and, importantly, broadens the Archdiocese's understanding of the widespread impact that abuse can have on the victims and their families.

D.3: Independent audit of safeguarding by SCIE

10. The SCIE audit of the safeguarding arrangements within the Archdiocese of Birmingham was carried out during summer 2018 and published in October 2018. The SCIE auditors visited the Archdiocese and spoke with a number of the key participants including Archbishop Longley, the Vicar General, the chair of the Safeguarding Commission and Jane Jones. They also had contact with 11 survivors of clerical abuse, and a number of parish safeguarding representatives. They reviewed safeguarding policies and procedures and also looked at case files, safeguarding agreements and enquiries handled by the safeguarding team between 2016 and 2018.²⁴⁸

11. In respect of work conducted by the safeguarding team, the audit found that:

11.1. The safeguarding policies and procedures of the Archdiocese of Birmingham were not in accordance with national Catholic Safeguarding Advisory Service (CSAS) policies and procedures;²⁴⁹ some policies were out of date and others seemed "almost apologetic"²⁵⁰ about the role safeguarding should play within Church life.

11.2. The recording systems used to manage the case work files between 2016 and 2018 were "wholly inadequate".²⁵¹ While the auditors spoke with those who said action had been taken in the respective cases, this action was not recorded in the case file and so it was often difficult if not impossible to determine what action, if any, had been taken.

11.3. In respect of safeguarding agreements, most files had no risk assessment setting out why the person was subject to a safeguarding agreement. Reviews of these agreements were not being undertaken with the frequency they should have been.

11.4. The current supervision and management arrangements for the safeguarding team were inadequate, and oversight of the safeguarding coordinator's role was "ineffective".²⁵²

²⁴⁷ Archbishop Longley 16 November 2018 92/17-23

²⁴⁸ See CHC001649_033-034 for full methodology.

²⁴⁹ CHC001649_004

²⁵⁰ CHC001649_007

²⁵¹ CHC001649_005

²⁵² CHC001649_019

11.5. In relation to information sharing with statutory safeguarding agencies such as the police, social services and probation, there was “*a good level of operational information*” but the auditors added the caveat that this conclusion was “*in as far as the recording could allow the auditors to ascertain*”.²⁵³

11.6. The Safeguarding Commission was good at providing advice and guidance on case work but “*does not fulfill the functions of providing strategic direction or independent oversight and scrutiny*”.²⁵⁴

11.7. Quality assurance processes were not adequate or effective.

11.8. In respect of those who wished to complain or ‘whistleblow’, the audit found that it was not easy to locate the policy and procedures on the Archdiocese’s website, nor were they actively promoted, “*suggesting that they are not meaningfully available to people across the Archdiocese*”.²⁵⁵ More importantly, the auditors were “*troubled by the extent to which there has been tangible and explicit fear*”²⁵⁶ on the part of those who made contact with the auditors which included victims and their families, parish safeguarding representatives, staff at Cathedral House²⁵⁷ and parish priests. As the audit noted, “*All were hugely concerned that their identities not become known and placed great emphasis on their contributions remaining confidential*.”²⁵⁸ The audit noted that “*Some people were even fearful of their children losing places at their church school for having spoken out*”.²⁵⁹

11.9. A “*radical culture change is needed*” which professionalises “*the leadership, governance, management and delivery of safeguarding in the Archdiocese*”.²⁶⁰

12. As regards the SCIE audit, Jane Jones explained that the Archdiocese did not have separate policies and procedures to those prepared by CSAS. She said that the Archdiocese did have “*a simplified booklet that’s intended to be user friendly*”²⁶¹ which was introduced following a recommendation made by CSAS after the 2010 audit.²⁶² She was not aware of the precise documentation provided to CSAS and rejected any suggestion that the Archdiocese did not follow the national guidance. Mrs Jones accepted that the recording systems needed to be improved and that risk assessments had not been reviewed as frequently as they should have been.²⁶³ She said that, for her, “*this was more vocation than it was employment*”²⁶⁴ and that it was “*a privilege*”²⁶⁵ to be able to help those who needed her support and assistance. She thought that the Safeguarding Commission had provided oversight. When asked whether she accepted that the overall conclusions of the audit were unfavourable to the Archdiocese, she said “*I have no choice but to accept those conclusions*”.²⁶⁶

²⁵³ CHC001649_007

²⁵⁴ CHC001649_023

²⁵⁵ CHC001649_024

²⁵⁶ CHC001649_024

²⁵⁷ Cathedral House is where the staff involved in the administration of the Archdiocese are based.

²⁵⁸ CHC001649_024

²⁵⁹ CHC001649_024

²⁶⁰ CHC001649_032

²⁶¹ Jane Jones 14 November 2018 159/3-6

²⁶² CHC000336_007

²⁶³ Jane Jones 14 November 2018 37/16-17

²⁶⁴ Jane Jones 14 November 2018 166/22

²⁶⁵ Jane Jones 14 November 2018 166/25

²⁶⁶ Jane Jones 14 November 2018 168/22

13. Archbishop Longley accepted the conclusions of the SCIE report. He was not aware of the problems with recording systems in more recent cases and acknowledged that there were “*not those checks and balances*”²⁶⁷ which would have brought those problems to light. It was, he said, a priority for him to ensure that no further work was required on the 2016–18 case work files and appointed Jane Foster (a former local authority designated officer) to check the files. Archbishop Longley said that Jane Foster had found that appropriate action had been taken on the respective cases but this had not been recorded in the files. As the Archbishop succinctly put it, “*while work was done, it has to be shown to have been done for us to know*”.²⁶⁸

14. The Archbishop expressed a degree of surprise that the auditors felt there was a reluctance to criticise the Church because he received many letters each week which were critical or raised complaints. He thought this was “*a healthy thing*”. He acknowledged, however, that more work could be done in respect of whistleblowing and said that this would feature in the Archdiocese’s action plan. The Archbishop also hoped people would feel able to contact the NSPCC independent helpline if they wished to seek advice about safeguarding issues, and this helpline number was being given more prominence, including being published in parish newsletters. Given that the 2007 Cumberlege report highlighted the need for the Church to address a whistleblowing policy, SCIE’s findings suggest that the Archdiocese of Birmingham had not taken sufficient steps to ensure that this policy was publicised and accessible.

D.4: Parish review

15. Archbishop Longley explained that the original intention was for SCIE to also conduct a review of safeguarding work at parish level. Timescales were such that SCIE was unable to undertake this work and so Jan Pickles was asked to conduct the parish review.

16. Between September and October 2018, Mrs Pickles visited six parishes chosen at random from a cross-section of socio-economic and geographic backgrounds. She met with clergy and other parish volunteers, and she observed two children’s liturgies and four masses.

17. The review found that, across the range of parishes visited, “*within the Parish everyone was completely committed to the principle and importance of safeguarding*”.²⁶⁹ The parish safeguarding representatives had backgrounds in professions where safeguarding had either been their job or a significant element of their job.

18. Although most people were not able to describe the Archdiocese’s policies and procedures in any detail, most people were aware of the safeguarding team and said they would contact the team if they were concerned about a child. They spoke positively about the team, in particular about Jane Jones and the support she provided. Those spoken to did not consider that the Archdiocese’s website was easy to use and there was limited awareness of the CSAS website.²⁷⁰

²⁶⁷ Archbishop Bernard Longley 16 November 2018 108/10-11

²⁶⁸ Archbishop Bernard Longley 16 November 2018 109/16-17

²⁶⁹ CHC001644_012

²⁷⁰ CHC001644_007

19. One area of concern at parish level was what was described in the report as “*The ability to identify risk*”.²⁷¹ Mrs Pickles found that most lay and ordained members of the parish were aware of the need to ensure that children were not left alone with a priest and to be careful in situations where they may encounter a lone child. What was not evident, however, was an ability to identify behaviours that might indicate that a child was being groomed or sexually exploited. For example, when asked ‘what would you do if you had a concern?’, all those asked stated that they would contact the safeguarding team. As the review acknowledges, this “*is the right thing to do*”. However, Mrs Pickles did not observe any evidence that indicators of abuse (such as missed appointments or changes in behaviour) might be picked up and acted upon. Training to identify that a child is being abused is an essential feature of safeguarding.

20. Jan Pickles considered that there was a high level of dependence on the safeguarding team and notably on Jane Jones.

*“The Safeguarding Unit is a limited resource and does not appear to meet the level of demands that are made on it.”*²⁷²

Jane Jones did not accept this, saying “I think we have met the demands placed on us pretty well for a long time”.²⁷³

21. The parish review states that the practical effect of this demand was that other areas of work, such as updating and simplifying the policies and procedures or referral forms that were to be used in the parishes, could not be undertaken. Jane Jones rejected the suggestion that she or the safeguarding team was responsible for simplifying policies and procedures, saying “*That’s a CSAS role*”.²⁷⁴ Having undertaken her role as child protection and safeguarding coordinator for a number of years, Mrs Jones felt the reports were critical of her. She displayed a reluctance to accept the problems uncovered by the reports.²⁷⁵

22. The SCIE report has recommended that where the safeguarding coordinator and assistant safeguarding coordinator are qualified social workers, they ought to be registered with the Health and Care Professions Council (HCPC) to help professionalise the role within the Archdiocese.

D.5: Post publication of the 2018 reviews

23. When all three reviews are considered, common problems were identified, in particular, the amount of responsibility placed on the role of the safeguarding coordinator; the need for a more professional approach by the safeguarding team, including their recording systems; and the need for proper oversight of that team.

24. As a consequence of those reviews, in November 2018, the Archdiocese appointed Andrew Haley as the newly created Interim Director of Safeguarding. It was envisaged that Jane Jones would report to Andrew Haley and that he would work alongside her. This did

²⁷¹ CHC001644_007

²⁷² CHC001644_010

²⁷³ Jane Jones 14 November 2018 155/1-2

²⁷⁴ Jane Jones 14 November 2018 156/6

²⁷⁵ Jane Jones 14 November 2018 168/18-22

not happen. Jane Jones tendered her resignation as she felt her position was “completely untenable”.²⁷⁶ We concluded that Jane Jones did not modernise the safeguarding team and manage her numerous responsibilities effectively.

25. The Archdiocese’s action plan²⁷⁷ categorised work into ‘urgent’ and ‘non-urgent/non-immediate’ and Archbishop Longley said that he was going to remain a member of the working group which would report back to the Archdiocese’s trustees. He hoped that many of the actions on the action plan would be completed within six months, although he recognised that some work may take longer to complete.

26. All three reviews were commissioned after the Inquiry announced that the Archdiocese of Birmingham was to be included as a case study within the investigation into the Roman Catholic Church. The findings, in particular of the SCIE audit, highlighted important failings in respect of safeguarding within the Archdiocese. It is likely that these concerns would not have come to light without the inclusion of the Archdiocese of Birmingham as part of this investigation.

27. There was a disparity between the Archdiocese’s self-audits in 2006 and 2009 and the CSAS audit in 2010. Some of the problems, for example with record keeping, were identified in the 2010 audit and do not seem to have been addressed to date. It is also unclear why, following the 2010 audit, the Archdiocese of Birmingham did not ensure that effective action was taken to address the ‘non-compliant’ areas.

28. Subsequent to our hearings, in February 2019, the Charity Commission announced that it had opened a statutory inquiry into the Birmingham Diocesan Trust. The Inquiry is focussed on the charity’s safeguarding governance and the adequacy of its response to recent safeguarding reviews.

²⁷⁶ Jane Jones 14 November 2018 169/9

²⁷⁷ CHC001646_006

Part E

Conclusions

Conclusions

E.1: Introduction

From the late 1990s to approximately 2010, the Archdiocese of Birmingham was the focus of much publicity over its involvement in and response to cases of alleged child sexual abuse. There were a number of high-profile criminal cases, about which numerous articles appeared in both local and national newspapers, and at least two television documentaries focussed on the Archdiocese's handling of child sexual abuse allegations. As the Archdiocese accepted:

"This Inquiry has heard more than sufficient evidence to be satisfied that during the second half of the last century, the Archdiocese was responsible for a number of institutional failings which on occasions permitted the sexual abuse of children to continue when it might otherwise have been stopped. Such failings are to the immense discredit of the Archdiocese and it is for Archbishop Longley to demonstrate that during this century, not only have significant improvements to safeguarding been made but also, for the present and future, children are and will be safe."²⁷⁸

E.2: Conclusions

1. At least 13 individuals associated with the Archdiocese have been convicted before the criminal courts and three others were cautioned. There were 53 victims arising from those criminal cases. In addition, the Archdiocese has faced allegations that no fewer than 78 individuals were accused of committing child sexual abuse.
2. Material seen by the Inquiry suggests that the number of complainants is likely to be higher than the figures set out here.
3. In those cases where there has been no criminal or civil finding, the issue for the Inquiry has been to examine how the Archdiocese has considered and managed the potential risk to children.

Historical failings (prior to Nolan report 2001)

4. Historically, the Archdiocese repeatedly failed to alert the police when an allegation of child sexual abuse was made. The default position was to take no action or to move the priest to another parish. Occasionally the perpetrator was sent for treatment but typically he returned to parochial life and was not subject to further supervision.
5. The consequence of these failings cannot be overstated. In some cases, the lack of action by the Church meant that the abuser was free to continue to commit acts of child sexual abuse. In the cases we examined where the abuser was moved to a new parish, there was no evidence that the new parish was made aware of the allegations, let alone appropriate measures put in place to limit or supervise the abuser's access to children.

²⁷⁸ INQ003860

6. In the case of James Robinson, Monsignor Daniel Leonard deliberately misled the Archdiocese of Los Angeles about the nature of the allegations faced by Robinson and, as a result, Robinson was able to remain in America and avoid prosecution for nearly 25 years. It is hardly surprising therefore that we heard evidence that the complainants and victims felt there was a culture of secrecy within the Archdiocese, and that protection of the Church was the paramount concern. As RC-A15 stated, “*the Church should never be guarded, it should always be guarding*”.²⁷⁹

7. The breach of trust – by a priest, trusted by children and their families – was at the core of many of the accounts we heard and read. There was little if any acknowledgement of the harm that this abuse caused, which still affects victims and complainants today.

8. The Archdiocese of Birmingham was reluctant to report matters of child sexual abuse to the authorities and remained more committed to protecting itself and dealing with matters internally than protecting the victims. A radical culture change was needed.

Response post Nolan and Cumberlege reports

9. The recommendations of the 2001 Nolan report initiated change not only within the Archdiocese of Birmingham but across the entire Roman Catholic Church in England and Wales. There was evidence that most allegations were reported to the police or other statutory agencies and we heard of improving cooperation between the Archdiocese and the police. The Archdiocese established the Child Protection Team and, from 2004 to 2018, Jane Jones was the Child Protection Coordinator.

10. There was mistrust and a poor working relationship between the Archdiocese and Catholic Office for the Protection of Children and Vulnerable Adults (COPCA). This was exemplified by firstly, the mishandling of Jane Jones’ appointment and secondly, the prolonged argument about the Archdiocese’s refusal to provide COPCA with an alleged perpetrator’s (RC-F167) name – a dispute that Archbishop Nichols should have intervened in to resolve. The reluctance to adopt the ‘One Church’ approach when dealing with COPCA and a failure to follow basic recruitment practice when appointing the safeguarding coordinator demonstrated the Archdiocese’s unwillingness to embrace fully the new culture of child protection advocated by the Nolan report.

11. Archbishop Nichols stated that during his tenure as Archbishop of Birmingham he met with a number of victims of sexual abuse and learnt first hand about the “*lasting, corrosive, destructive influence/effect/impact of child sexual abuse*”.²⁸⁰ However, his 2003 press release in response to the BBC programme ‘Kenyon Confronts’ focussed too heavily on perceived BBC bias and not enough on the victims’ accounts of abuse and the harm caused.

12. In the cases of Father John Tolkien and RC-F167 there were no findings of fact in relation to sexual abuse and so the Inquiry examined the Archdiocese’s handling of risk. In the case of Father Tolkien, when child sexual abuse allegations were made in 1968 and 1993, no thought was given to considering whether Father Tolkien posed a risk to children. In RC-F167’s case, when he applied to become a priest in late 1985 there was no consideration of the potential risk he posed. By contrast, in 1998, when further allegations were made against him, the Archdiocese did require RC-F167 to be assessed to ascertain whether he should have supervised or unsupervised access to children.

²⁷⁹ RC-A15 12 November 2018 169/17-18

²⁸⁰ Archbishop Nichols 13 December 2018 22/4-5

13. Following the publication of the Cumberlege report in 2007, the Archdiocese appears to have placed greater emphasis on safeguarding and a more victim-focussed approach was adopted by the safeguarding team. Priests and other clergy who face such allegations are now placed on administrative leave and procedures put in place to ensure that children are protected.

14. Notwithstanding the developments post the Nolan and Cumberlege reports, the 2010 Catholic Safeguarding Advisory Service audit highlighted a number of areas which required further work to be done, including in respect of record keeping. As Lord Nolan acknowledged in his 2001 report, the maintenance of accurate and up-to-date records in respect of an allegation of child sexual abuse is paramount. As a result of the 2010 audit, the Archdiocese should have recognised that the safeguarding team required further resources to enable them to carry out their work. The audit identified that there needed to be proper oversight of the team to ensure that these changes were implemented. The 2018 Social Care Institute for Excellence (SCIE) audit found multiple failings. This included, again, reference to incomplete and substandard records, indicating that little had changed since 2010.

Safeguarding failures in the Archdiocese in 2018

15. The Inquiry considered the findings of the past cases review, the parish review and the SCIE audit. All three reviews were commissioned by the Archdiocese in 2018 and were published shortly before the November 2018 public hearing. Two consistent problems emerged. Firstly, there was a lack of supervision of the safeguarding team. Secondly, the case management systems were inadequate and the paper-based, handwritten files made it hard to follow events. The concerns about case management and record keeping mirrored the difficulties encountered by the Inquiry when it reviewed the case files and prepared the schedule of allegations.

16. The deficiencies with case management and recording of actions were identified in the 2010 audit and were not addressed by the time of the 2018 reviews. Ensuring that there is a proper system of supervision and oversight of the safeguarding team is an essential part of the Archdiocesan response to ensure that children are properly protected. Had this Inquiry not focussed upon the Archdiocese of Birmingham, it is doubtful whether the Archdiocese would have itself recognised that these problems needed to be resolved.

17. The Archdiocese of Birmingham must professionalise both the way the safeguarding team operates and the way the team is managed and overseen. Change must be led by Archbishop Longley and the Birmingham Safeguarding Commission, and there must be a systematic programme of review to ensure the current concerns about safeguarding in the Archdiocese are remedied.

Annexes

Annex 1

Overview of process and evidence obtained by the Inquiry

1. Definition of scope for the case study

This case study is an inquiry into the extent of any institutional failures to protect children from sexual abuse within the Catholic Archdiocese of Birmingham.

The scope of this investigation, in so far as it relates to this case study, is that the Inquiry will investigate:²⁸¹

- 3.2.1. *the nature and extent of child sexual abuse by individuals associated with the Archdiocese;*
- 3.2.2. *the nature and extent of any failures of the Catholic Church, the Archdiocese, law enforcement agencies, prosecuting authorities, and/or other public authorities or statutory agencies to protect children from such abuse;*
- 3.2.3. *the adequacy of the response of the Catholic Church, including through the Roman Catholic Archdiocese of Birmingham, and the response of any other relevant institutions to allegations of child sexual abuse by individuals associated with the Archdiocese;*
- 3.2.4. *the extent to which the Catholic Church, including through the Archdiocese, sought to investigate, learn lessons, implement changes and provide support and reparations to victims and survivors, in response to:*
 - a) *allegations of child sexual abuse by individuals associated with the Archdiocese;*
 - b) *criminal investigations and prosecutions, civil litigation and other complaints relating to child sexual abuse by individuals associated with the Diocese;*
 - c) *investigations, reviews or inquiries into child sexual abuse within the Archdiocese;*
 - d) *disciplinary measures taken against clergy; and/or*
 - e) *other internal or external reviews or guidance.*

4. In relation to each case study, the Inquiry will consider:

- 4.1. *how the specific relationship between the Order or Archdiocese which is the subject of the case study and the Catholic Church in England and Wales impacts on child protection; and*
- 4.2. *the extent to which any failings identified by the Inquiry in relation to the Order or Archdiocese which is the subject of the case study are representative of failings within the Catholic Church in general.*

²⁸¹ <https://www.iicsa.org.uk/investigations/investigation-into-failings-by-the-catholic-church?tab=scope>

5. In light of the investigations and case studies set out above, the Inquiry will publish a report setting out its findings, lessons learned, and recommendations to improve child protection and safeguarding in England and Wales.

2. Core participants and legal representatives

Counsel to this investigation:

Jacqueline Carey
Christopher Saad
Ellen Shaw

3. Complainant core participants:

A55, A56, A57, A58, A80	
Counsel	Iain O'Donnell
Solicitor	Richard Scorer (Slater and Gordon)
C14, C15, C16	
Counsel	William Chapman
Solicitor	David Greenwood (Switalskis)
D2	
Counsel	Caoilfhionn Gallagher QC and Angela Patrick
Solicitor	Jon Wakefield (Bhatia Best)
F48, F49, F51, F53, F59	
Counsel	Christopher Jacobs
Solicitor	David Enright (Howe and Co)

4. Institutional core participants:

Adrian Child, Eileen Shearer	
Counsel	Tanya Griffiths QC and Julian King
Solicitor	Lachlan Nisbet (Brabners)
Archdiocese of Birmingham	
Counsel	Richard Horwell QC and Genevieve Woods
Solicitor	David Smellie (Farrer and Co)
Jane Jones	
Counsel	Peter Mant
Solicitor	Matthew Smith (Bircham Dyson Bell)
The Catholic Council for IICSA	
Counsel	Kate Gallafent QC
Solicitor	Stephen Parkinson (Kingsley Napley)
Secretary of State for Education	
Counsel	Cathryn McGahey QC
Solicitor	Gary Howard (Government Legal Department)
West Midlands Police	
Counsel	Allison Hewitt
Solicitor	Lisa-Marie Smith (Staffordshire and West Midlands Legal Services)

5. Evidence received by the Inquiry

Number of witness statements obtained:
29
Organisations and individuals to which requests for documentation of witness statements were sent:
Daniel Mackle (Complainant)
RC-A15 (Complainant)
RC-A15's mother
Eamonn Flanagan (Complainant)
RC-A343 (Complainant)
Juliet Hill (daughter of the complainant, Christopher Carrie)
RC-A1 (Complainant)
Brian Hennessy – Second Statement (Complainant)
RC-A493 (Complainant)
RC-A491 (Complainant)
RC-A494 (Complainant)
RC-A33 (Complainant)

RC-A31 (Complainant)
RC-A579 (Complainant)
Archbishop Bernard Longley (Archdiocese of Birmingham)
Kevin Caffrey (Archdiocese of Birmingham)
Jane Jones (three statements) (Archdiocese of Birmingham)
Timothy D Menezes (Archdiocese of Birmingham)
Cardinal Vincent Nichols (Archbishop of Birmingham)
Colette Limbrick (three statements) (CSAS)
Eileen Shearer (COPCA)
Adrian Child (COPCA)
Canon David Oakley (St Mary's College, Oscott)
Fr Stephen Wright (Archdiocese of Birmingham)
Fr Gerard Doyle (Archdiocese of Birmingham)

6. Disclosure of documents

Total number of pages disclosed: 18,704

7. Public hearings including preliminary hearings

Preliminary hearings	
1	9 May 2018
2	25 September 2018
Public hearings	
Days 1–5	12–16 November 2018
Special sitting day	13 December 2018

8. List of witnesses

Forename	Surname	Title	Called/Read	Hearing day
A-15			Called	1
A-15's mother			Read	2
A31			Called	2
A-80			Called	2
A-494			Read	5
A-493			Read	2
A-1			Read	2
Jane	Jones	Mrs	Called	3
Colette	Limbrick	Dr	Read	4
Eileen	Shearer	Mrs	Called	4

Forename	Surname	Title	Called/Read	Hearing day
Adrian	Child	Mr	Called	4
A-491			Read	2
Bernard	Longley	Archbishop	Called	5
Gerard	Doyle	Father	Read	Special sitting day
Vincent	Nichols	Cardinal	Called	Special sitting day

9. Restriction orders

On 15 August 2016, the Chair issued a restriction order under section 19(2)(b) of the Inquiries Act 2005, granting general anonymity to all core participants who allege that they are the victim and survivor of sexual offences (referred to as 'complainant CPs'). The order prohibited (i) the disclosure or publication of any information that identifies, names or gives the address of a complainant who is a core participant and (ii) the disclosure or publication of any still or moving image of a complainant CP. The order meant that any complainant CP within this investigation was granted anonymity, unless they did not wish to remain anonymous. That restriction order was amended on 23 March 2018 but only to vary the circumstances in which a complainant CP may themselves disclose their own CP status.

The following further restriction orders were made during the course of this case study:

- Restriction order re documents published on the Inquiry website during the Archdiocese of Birmingham (RC Church investigation) public hearing, dated 9 November 2018.²⁸²
- Restriction order arising during the Birmingham case study hearing in the RCC investigation public hearing on 13 November 2018 (RC-A343), dated 14 November 2018.²⁸³
- Restriction order arising during the Birmingham case study hearing in the RCC investigation public hearing on 14 November 2018 (RC-A31), dated 16 November 2018.²⁸⁴
- Restriction order arising during the Birmingham case study hearing in the RCC investigation public hearing on 13 December 2018 (Cardinal Vincent Nichols), dated 13 December 2018.²⁸⁵

10. Broadcasting

The Chair directed that the proceedings would be broadcast, as has occurred in respect of public hearings in other investigations. For anonymous witnesses, all that was 'live streamed' was the audio sound of their voice.

²⁸² <https://www.iicsa.org.uk/key-documents/7561/view/2018-10-9-restriction-order-re-documents-published-inquiry-website-during-archdiocese-birmingham-rc-church-investigation-public-hearing-pdf>

²⁸³ <https://www.iicsa.org.uk/key-documents/7711/view/2018-11-14-restriction-order-arising-during-birmingham-case-study-hearing-rcc-investigation-public-hearing-13-november-2018-rc-a343.pdf>

²⁸⁴ <https://www.iicsa.org.uk/key-documents/7710/view/2018-11-16-restriction-order-arising-during-birmingham-case-study-hearing-rcc-investigation-public-hearing-14-november-2018-rc-a31.pdf>

²⁸⁵ <https://www.iicsa.org.uk/key-documents/8730/view/2018-12-13-restriction-order-arising-during-birmingham-case-study-hearing-rcc-investigation-public-hearing-13-december-2018-cardinal-vincent-nichols.pdf>

11. Redactions and ciphering

The material obtained for the investigation was redacted and, where appropriate, ciphers applied, in accordance with the Inquiry's Protocol on the Redaction of Documents.²⁸⁶ This meant that (in accordance with Annex A of the Protocol), absent specific consent to the contrary, the identities of complainants, victims and survivors of child sexual abuse and other children were redacted; and if the Inquiry considered that their identity appeared to be sufficiently relevant to the investigation a cipher was applied. Pursuant to the Protocol, the identities of individuals convicted of child sexual abuse (including those who have accepted a police caution for offences related to child sexual abuse) were not generally redacted unless the naming of the individual would risk the identification of their victim in which case a cipher would be applied.

12. Warning letters

Rule 13 of the Inquiry Rules 2006 provides:

"(1) The chairman may send a warning letter to any person –

- a. he considers may be, or who has been, subject to criticism in the inquiry proceedings; or*
- b. about whom criticism may be inferred from evidence that has been given during the inquiry proceedings; or*
- c. who may be subject to criticism in the report, or any interim report.*

(2) The recipient of a warning letter may disclose it to his recognised legal representative.

(3) The inquiry panel must not include any explicit or significant criticism of a person in the report, or in any interim report, unless –

- a. the chairman has sent that person a warning letter; and*
- a. 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.

²⁸⁶ <https://www.iicsa.org.uk/key-documents/322/view/2018-07-25-inquiry-protocol-redaction-documents-version-3.pdf>

Annex 2

Glossary

Administrative leave	Leave from public ministry imposed on a member of the clergy alleged to have committed abuse pending formal investigation. ²⁸⁷
Archbishop of Birmingham	The current Archbishop of Birmingham is Archbishop Bernard Longley. He was appointed in October 2009. Prior to Archbishop Bernard Longley, the position of Archbishop was held by: June 1947–March 1965. Archbishop Francis Grimshaw (deceased 1965). October 1965–September 1981. Archbishop George Dwyer (deceased 1987). March 1982–June 1999. Archbishop Maurice Couve de Murville (deceased 2007). February 2000–May 2009. Archbishop Vincent Nichols (now the Archbishop of Westminster and Cardinal). ²⁸⁸
Bishops and archbishops	Bishops and archbishops are appointed by the Pope. By choosing them the Pope appoints these men to have episcopal oversight over the faithful in the dioceses. Whoever is the ordaining bishop bestows the episcopal power upon them which comprises three elements: to teach, to sanctify and to govern (canon 375). No other members of the Catholic Church are endowed with the fullness of these tasks. Unless canon law states otherwise, each bishop is the supreme authority within his own diocese. Each bishop is, however, accountable to the Pope. ²⁸⁹
Canon Law	The system of laws which govern the Catholic Church. Laws are articulated in a code, known as the 'Code of Canon Law'. The current code is the 1983 Code of Canon Law. It superseded the 1917 Code of Canon Law, which was the first comprehensive codification of canon law in the Latin Church. ²⁹⁰
Covenants of care	Now known as a Safeguarding Plan ²⁹¹ (see Safeguarding Plan, below)
DBS checks (formerly CRB checks)	A check carried out by the Disclosure and Barring Service of an individual's criminal record. Employers can then ask to see this certificate to ensure that they are recruiting suitable people into their organisation. ²⁹² The Disclosure and Barring Service is an organisation that replaced the Criminal Records Bureau and the Independent Safeguarding Authority. ²⁹³
Dioceses	Ecclesiastical districts. These are grouped into provinces, and a province is presided over by a metropolitan who is an archbishop. ²⁹⁴
Holy See	The Holy See is the ecclesiastical jurisdiction and administrative apparatus of the Pope. ²⁹⁵ It is located in Vatican City, Italy. ²⁹⁶

²⁸⁷ CHC001218

²⁸⁸ CHC000585_011

²⁸⁹ CHC000396_005

²⁹⁰ CHC000396_005

²⁹¹ CHC000585_006

²⁹² <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

²⁹³ <https://ckan.publishing.service.gov.uk/publisher/about/criminal-records-bureau>

²⁹⁴ CHC000396_006

²⁹⁵ CHC000396_003

²⁹⁶ <http://www.vaticanstate.va/content/vaticanstate/en.html>

Laicisation	The process of dismissal from the clerical state (laicisation), or from a Religious Congregation, in accordance with the norms of Canon Law. ²⁹⁷
Lay	For the purposes of this report, this means not a member of the clergy.
Local authority designated officer (LADO)	Individual within the Children's Services Department of a local authority to whom individuals report allegations or concerns about the protection of children. Responsible under statute for investigating such complaints.
Monsignor Daniel Leonard	The Vicar General from 1967 to 1988. He died in 2003. ²⁹⁸
'One Church' approach	The commitment by the Catholic Church in England and Wales to using the same policies, procedures, standards and systems in relation to safeguarding. ²⁹⁹
Paramountcy principle	Parents, local authorities and the courts have a duty to safeguard the welfare of children and in legal proceedings it is the best interests of the child that are the primary consideration when determining what action should be taken. ³⁰⁰
Parishes	Within each diocese there are a number of parishes. For example, there are over 200 parishes in the Diocese of Westminster. Each parish is governed by a parish priest who is appointed by the archbishop/bishop of the diocese. A bishop may entrust a Religious Order with a parish, to carry out the apostolic work of the diocese (that is, sanctifying and teaching work), where, for example, there are not enough priests. ³⁰¹
Parish priests	The parish priest has the responsibility of ensuring the sacramental life of the parish. Parish priests are also responsible for managing the finances of the parish for which they are responsible and for maintaining any church buildings. ³⁰²
Pope	The head of the Universal Church. ³⁰³
Presbytery	The house where the parish priest and curate live, often adjacent to the parish church. ³⁰⁴
Safeguarding Plan	An agreement between those (clergy/religious or parishioners who wish to remain in the parish) alleged to have committed abuse and the Safeguarding Commission and the bishop/congregation leader. The Safeguarding Plan details out restrictions on ministry intended to protect the public. ³⁰⁵
Safeguarding representatives	Appointed to ensure that child protection policies and procedures are known and followed; that awareness is raised and that safeguarding principles are worked through into everyday practice. The safeguarding representative is also the DBS ID verifier for the parish. ³⁰⁶
Vicar General	The bishop's deputy for all matters. ³⁰⁷ The present Vicar General of the Archdiocese of Birmingham is Monsignor Timothy Menezes. He was appointed in 2011 by Archbishop Longley. ³⁰⁸

²⁹⁷ <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

²⁹⁸ CHC0000585_012

²⁹⁹ <https://www.csas.uk.net/wp/wp-content/uploads/2018/05/Policy-Statement.pdf>

³⁰⁰ <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

³⁰¹ CHC000396_008

³⁰² CHC000396_008

³⁰³ CHC000396_003

³⁰⁴ <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

³⁰⁵ <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

³⁰⁶ <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

³⁰⁷ <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

³⁰⁸ CHC000585_012

