



The Roman Catholic Church

Investigation Report
November 2020

2020

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Safeguarding in the Roman Catholic Church in England and Wales

Investigation Report
November 2020

A report of the Inquiry Panel
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The following updates were made to the report on 4 December 2020:

Page 95, paragraph 7, the last sentence was amended to read "Millions of pounds have been paid in compensation and millions more in legal fees." The change reflects the fact that the Catholic Insurance Service itself does not pay fees or compensation.

Page 99, paragraph 23, the final sentence was amended to read "These guidelines were published on 7 October 2020."

Page 100, paragraph 32, the first sentence was amended to read "In the early 2000s, RC-A710 reported to the police that she had been abused as a child by Michael Hill, a former priest".

Page 109, paragraph 6.4, the final sentence was amended to read "The revised guidelines were published on 7 October 2020."

The following update was made to the report on 7 January 2021:

Page 130, the reference to Sister Jane Bertelsen is amended to read "Sister Jane Bertelsen, member of Pontifical Commission for the Protection of Minors", removing an incorrect reference to her being a 'former' member.

Contents

Executive Summary	v
Pen portraits from the case studies	x
Part A: Introduction	1
A.1: Background to the investigation	2
A.2: The Roman Catholic Church	3
A.3: Scope of the investigation	5
A.4: Terminology	6
Part B: Child sexual abuse within the Roman Catholic Church	9
B.1: Accounts of child sexual abuse within the Church	10
B.2: The Church's response	13
B.3: The scale of child sexual abuse	14
B.4: Reports of sexual abuse to the Charity Commission	18
Part C: The Holy See	23
C.1: Introduction	24
C.2: The Church's canonical framework	24
C.3: The institutions of the Holy See	26
C.4: The Holy See and leadership	30
Part D: The Nolan and Cumberlege reviews	33
D.1: The Nolan report (2001)	34
D.2: The post-Nolan child protection structure	35
D.3: 'One Church' post-Nolan	37
D.4: The Cumberlege review (2007)	40
Part E: Child protection structure and policies	43
E.1: The Church's child protection structure post-Cumberlege	44
E.2: Implementing the Cumberlege review recommendations	47
E.3: CSAS policies and procedures	49
E.4: The Elliott review	51
Part F: Safeguarding training and education	53
F.1: Introduction	54
F.2: Safeguarding training prior to ordination	54
F.3: Current safeguarding training to clergy and religious orders or congregations	55
F.4: Safeguarding conference in Valladolid in 2019	56
F.5: Future plans for safeguarding training	57

Part G: Audits	59
G.1: Introduction	60
G.2: Audits by the Catholic Safeguarding Advisory Service 2010 to 2018	60
G.3: Audits carried out during the case studies	61
G.4: Audit of recent safeguarding case files	63
G.5: CSAS audits since 2019	66
G.6: Future plans for auditing	68
Part H: Engaging with victims and complainants	71
H.1: Introduction	72
H.2: Meetings with victims and complainants	72
H.3: The Survivor Advisory Panel	76
H.4: Safe Spaces project	77
H.5: A recent safeguarding response: RC-A711	78
Part I: Reporting of child sexual abuse cases	85
I.1: Introduction	86
I.2: Reporting statistics	86
I.3: Reporting policies within the Church	88
I.4: The seal of the confessional	89
Part J: Redress	93
J.1: Introduction	94
J.2: Civil claims for compensation	94
J.3: Ex gratia payments	100
J.4: A recent example: RC-A710	100
Part K: The role of Roman Catholic Church leaders in safeguarding	107
K.1: Introduction	108
K.2: Leadership in the Church in England and Wales	108
K.3: Embedding a culture of safeguarding and the 'One Church' approach	111
Part L: Conclusions and recommendations	115
L.1: Conclusions	116
L.2: Matters to be explored further by the Inquiry	122
L.3: Recommendations	122
Annexes	125
Annex 1: Overview of process and evidence obtained by the Inquiry	126
Annex 2: Glossary	137
Annex 3: Acronyms	144

Executive Summary

This investigation report examines the extent of institutional failings by the Roman Catholic Church in England and Wales to protect children from sexual abuse and examines the Church's current safeguarding regime. It draws on evidence from the Inquiry's three case studies on Ampleforth and Downside Abbeys and their respective schools, Ealing Abbey and St Benedict's School, and the Archdiocese of Birmingham.

Between 1970 and 2015, the Roman Catholic Church received more than 900 complaints involving over 3,000 instances of child sexual abuse against more than 900 individuals connected to the Church, including priests, monks and volunteers. In the same period, there were 177 prosecutions resulting in 133 convictions. Civil claims against dioceses and religious institutes have resulted in millions of pounds being paid in compensation.

It would be wrong, however, to regard child sexual abuse within the Roman Catholic Church as solely a historical problem. Since 2016, there have been more than 100 reported allegations each year. Across the entire period of nearly 50 years covered by this Inquiry, the true scale of sexual abuse of children is likely to have been much higher.

As we have said previously, faith organisations are marked out from most other institutions by their explicit moral purpose. The Roman Catholic Church is no different. In the context of the sexual abuse of children, that moral purpose was betrayed over decades by those in the Church who perpetrated this abuse and those who turned a blind eye to it. The Church's neglect of the physical, emotional and spiritual well-being of children and young people in favour of protecting its reputation was in conflict with its mission of love and care for the innocent and vulnerable.

Throughout this investigation, we heard appalling accounts of sexual abuse of children perpetrated by clergy and others associated with the Roman Catholic Church. The sexual offending involved acts of masturbation, oral sex, vaginal rape and anal rape. On occasions, it was accompanied by sadistic beatings driven by sexual gratification, and often involved deeply manipulative behaviour by those in positions of trust, who were respected by parents and children alike.

Victims and survivors described the profound and lifelong effect of this abuse. One witness said "*the psychological effects have continued ever since, resulting in years of unbearable guilt, depression, nightmares, anxiety and PTSD symptoms*".¹ Another victim said the abuse which he experienced at junior and senior residential schools affected every aspect of his life, and led to him self-harming. It "*nearly wrecked*" his marriage and "*destroyed my trust, not just in the church but in any authority*".²

In another instance, a young boy estimated that he was abused several hundred times by a senior priest between the ages of 11 and 15 years. After each incident he was required to make confession, and the priest concerned made it plain that his sister's place at a local convent school depended on his compliance.

¹ INQ000977_013 para 42

² INQ002669_026 paras 113–114

Amongst the many convictions of priests and monks was that of Father James Robinson. In 2010 he was convicted of 21 sexual offences against four boys. When sentencing him to 21 years' imprisonment, the trial judge said that Robinson had used his position of authority and total trust to commit "*the gravest set of offences of sexual abuse of children*" that were "*unimaginably wicked*".³

Another notorious perpetrator, Father David Pearce, was convicted in 2009 of indecently assaulting a boy aged seven or eight by beating and caning him on his bare buttocks. Pearce would smile as he caned him, and afterwards make the naked child sit on his knee. As a result of the abuse, the victim said "*he hated himself*" which built up and eventually resulted in him "*having a nervous breakdown*".⁴ His mother said:

*"His father and I live with the guilt of sending him to St Benedict's, trusting a priest ... and the guilt of not realising why the change in our son was not more evident to us."*⁵

Historical response to child sexual abuse

The evidence in this investigation has revealed a sorry history of child sexual abuse in the Roman Catholic Church in England and Wales. There have been too many examples of abusive priests and monks preying on children for prolonged periods of time. Responses to disclosures about sexual abuse have been characterised by a failure to support victims and survivors in stark contrast to the positive action taken to protect alleged perpetrators and the reputation of the Church.

Child sexual abuse was swept under the carpet. Resistance to external intervention was widespread. Father Samuel Penney was a priest in the Archdiocese of Birmingham from 1967. Reports that he sexually abused children in the 1970s were raised with senior clergy on a number of occasions. He was moved from parish to parish. There was no internal investigation and the statutory authorities were not informed. Little thought was given to the victims or the risks that he posed to other children. The failure to act decisively when the allegations were first raised consigned other children to the same fate. It permeated the responses of the Roman Catholic Church with little accountability and sometimes active cover-up, until the Nolan report in 2001.

The Nolan report (2001) and the Cumberlege report (2007)

In 2000, Lord Michael Nolan was commissioned to review the arrangements for child protection and the prevention of abuse within the Catholic Church in England and Wales. His report, published in 2001, contained 83 recommendations applicable to the dioceses and religious institutes. At the heart of the Nolan report was the 'One Church' approach – a single set of principles, policies and practices across the Church that put the welfare of the child first. The first recommendation required the Church to "*become an example of best practice in the prevention of child abuse and in responding to it*".⁶

As a result of the Nolan report, the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) was established. Its role was to provide advice and support to the dioceses and religious institutes, including on the implementation of the Nolan

³ OHY005370_002

⁴ BNT001177_011-012

⁵ MPS003540_001-002

⁶ CHC000053_018

recommendations and the adoption of the ‘One Church’ approach. Some, however, did not behave in ways which demonstrated a wholehearted acceptance of this approach. The first Director of COPCA, Eileen Shearer, found some resistance to the changes by bishops and religious institutes, not least because of the misguided perception that the paramountcy principle of the child’s welfare and canon law were “*diametrically opposed*”.⁷

Nevertheless, the Nolan report initiated change. The Church formalised its child protection structures to improve responses to sexual abuse. Independent child commissions were established to review risk assessments and liaise with external bodies, and child protection coordinators were appointed to improve practice at local level.

In 2007, the Cumberlege report was published, setting out the progress that had been made since the Nolan report. Much had improved over time. The report noted that 79 of the 83 Nolan recommendations had been addressed in full or in part, although religious institutes tended to lag behind in these developments.

Further structural changes were made. The National Catholic Safeguarding Commission (NCSC) was formed in 2008 to set the strategic direction of child protection policy and to monitor compliance. COPCA’s name was changed to the Catholic Safeguarding Advisory Service (CSAS) to reflect its primary role in providing support and advice on safeguarding children and adults. Each diocese now had a safeguarding commission supported by safeguarding coordinators and safeguarding representatives in parishes and religious institutes.

Current safeguarding

The changes brought about by Nolan and Cumberlege resulted in improvements over the years. These included more formal handling of reports of child sexual abuse, better training for the clergy, religious and those involved in safeguarding, and greater cooperation with the statutory authorities. This is in contrast, however, with slower progress in other areas.

In May 2019, Cardinal Vincent Nichols said: “*We humbly ask forgiveness ... for our slowness and defensiveness and for our neglect of both preventative and restorative actions*”.⁸ That slowness is exemplified by the Church’s failure to fully implement two of the Cumberlege Recommendations (one of which was 13 years overdue) and by its failure to establish the Safe Spaces joint project with the Anglican Church until September 2020. Six years have elapsed since this project was commenced and it seems little progress has been made to ensure that victims and survivors have access to the pastoral and therapeutic support that the Safe Spaces project was set up to provide.

CSAS audits in 2019 focussed on the management of safeguarding concerns and risk identification. While there was “*good evidence of cooperation*” between the safeguarding commissions and the statutory agencies in relation to the reporting of allegations, there remained concerns about the use of risk assessments and reviews of safeguarding plans.⁹

The Pontifical Commission for the Protection of Minors (PCPM) was established by Pope Francis in 2014 to advise him on effective child protection policies. In 2016, one of the PCPM’s founding members resigned, citing “*what she called ‘unacceptable’ resistance to the*

⁷ INQ000989_009 para 54.5

⁸ INQ004789_002

⁹ CHC002129_011 para 3.1

commission's proposals from the Vatican's doctrine office".¹⁰ That same year, the Diocese of Westminster described a victim of sexual abuse as "*manipulative*" and "*needy*" in internal correspondence amongst members of its safeguarding commission.¹¹ The Church's contact with the victim was characterised by a lack of empathy and compassion.

Real and lasting changes to attitudes have some way to go if the Roman Catholic Church is to shake off the failures of the past.

Leadership of safeguarding within the Roman Catholic Church

Individual leaders in the Roman Catholic Church, as in other institutions, set the tone for how the organisation responded to the major issues with which they were confronted, through their words and deeds.

Across the Inquiry's hearings on the Roman Catholic Church, weaknesses in leadership were significant in the failures to address child sexual abuse. The responses of Church leaders over time were marked by delay in implementing change as well as reluctance to acknowledge responsibility, to hold individuals to account or to make sincere apologies. They conveyed on occasions a grudging and unsympathetic attitude to victims. Failure in some of these areas contributed to more children experiencing actual abuse and many others being exposed to the risk of sexual abuse.

In the English Benedictine Congregation Ealing Abbey case study, the current Abbot President (Dom Christopher Jamison) accepted that "*there was catastrophic moral failure on the part of monks, followed by a chronic weakness of leadership to address that ... I think individual abbots and the Abbot President have not, in the past, exercised sufficient authority and leadership*".¹²

In the Archdiocese of Birmingham, the Social Care Institute for Excellence report in 2018 found significant failings in safeguarding, and a need for "*radical culture change ... to professionalise the leadership, governance, management and delivery of safeguarding in the Archdiocese*".¹³ The Archbishop of Birmingham, Bernard Longley, spoke directly to victims and survivors in making his personal apology for what happened in Birmingham, and offering to find some way of "*lifting the burden*" for them.¹⁴ The Archdiocese subsequently made additional ex gratia payments to two victims because it considered it was "*fair and reasonable*" to do so.¹⁵ This is a positive example of leadership.

As the figurehead and the most senior leader of the Roman Catholic Church in England and Wales, Catholics look to Cardinal Nichols to lead by example. During the final public hearing in November 2018, he apologised for the Church's failings, noting that this was a source of "*great sorrow and shame for me and, indeed I know, for the Catholic Church*".¹⁶ But there was no acknowledgement of any personal responsibility to lead or influence change. Nor did he demonstrate compassion towards victims in the recent cases which we examined.

¹⁰ INQ004641

¹¹ INQ004695_001; INQ004697_001

¹² Dom Christopher Jamison 8 February 2019 76/21-77/18

¹³ CHC001649_035 para 3.1.2

¹⁴ Archbishop Bernard Longley 16 November 2018 61/1-8

¹⁵ CHC002162_004

¹⁶ Cardinal Vincent Nichols 13 December 2018 110/22-25

His acknowledgement that *“there is plenty for us to achieve”* applies as much to him as it does to everyone else in the Church. He did not always exercise the leadership expected of a senior member of the Church, at times preferring to protect the reputation of the Roman Catholic Church in England and Wales and in Rome.¹⁷

The Holy See

In 2018 and 2019, the Inquiry asked the Apostolic Nuncio (the Holy See’s ambassador to the United Kingdom) and the Holy See for information relevant to both the public hearing on Ealing Abbey and St Benedict’s School and the final hearing on the Roman Catholic Church, held in late 2019. The Holy See is a foreign state and the Apostolic Nuncio’s diplomatic status means that neither the institution nor the individual can be compelled to provide a statement to the Inquiry or to give evidence. Despite efforts by the Inquiry, very limited information was forthcoming. Much of the information that was provided was already in the public domain. After several months of correspondence, the Holy See belatedly confirmed it would not provide a witness statement. This response appears to be at odds with the May 2019 Papal pronouncements from Rome in which Pope Francis asserted that there needed to be *“concrete and effective actions that involve everyone in the Church”* regarding its approach to child sexual abuse.¹⁸

The Holy See’s limited response on this matter manifestly did not demonstrate a commitment to taking action. Their lack of cooperation passes understanding.

Recommendations

This report makes seven recommendations, covering leadership and oversight on safeguarding matters, a framework for dealing with cases of non-compliance with safeguarding policies and procedures, re-framing canonical crimes relating to child sexual abuse, reviewing policies and procedures, and also a complaints policy for safeguarding cases. These recommendations are made in order to ensure that the Roman Catholic Church in England and Wales has consistent and accessible policies and procedures for dealing with cases concerning child sexual abuse.

¹⁷ Cardinal Vincent Nichols 6 November 2019 14/17-20

¹⁸ http://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio-20190507_vos-estis-lux-mundi.html

Pen portraits from the case studies

As part of the investigation into the Roman Catholic Church in England and Wales, the Inquiry undertook case studies into the institutional responses of the Archdiocese of Birmingham and the English Benedictine Congregation (EBC). The pen portraits below summarise some of the evidence we heard.

Archdiocese of Birmingham

The Archdiocese of Birmingham has a Catholic population of approximately 450,000 people and is one of the largest archdioceses within the Roman Catholic Church in England and Wales.

Since the mid-1930s, there have been over 130 allegations of child sexual abuse made against 78 individuals associated with the Archdiocese, including many priests and deacons. Thirteen individuals have been convicted of some of the most serious sexual offences against children. Three other individuals received cautions. Those 16 criminal cases involved no fewer than 53 victims. However, the true scale of offending and the number of children who were abused are likely to be far greater.¹⁹

Samuel Penney was born in Ireland in 1939 and became a priest in the Archdiocese of Birmingham in March 1967. In March 1993, he pleaded guilty to 10 offences of indecent assault against seven boys and girls when he was the local parish priest. Penney was sentenced to seven and a half years' imprisonment.²⁰

In the mid-1980s, RC-A15 told his mother that Penney (the local parish priest) had sexually abused him. When she confronted Penney, he accused RC-A15 of exaggerating. She also told Monsignor Daniel Leonard, the then Vicar General, who said that Penney would be removed from the parish and not allowed contact with children. Penney was moved to Olton Friary, Solihull. The superior of the friary was told that Penney had made an improper suggestion to a young boy. This was not an accurate report of RC-A15's allegations.

When Penney left Olton Friary, he was appointed as parish priest at St Joseph's in Nechells in Birmingham.

In May 1990, Eamonn Flanagan told his parents that he had been sexually abused by Penney during the 1970s when he was in his early teens. They informed their parish priest, who raised the matter with Bishop Philip Pargeter and also with Monsignor Leonard. In July 1991, Mr Flanagan also personally told Bishop Pargeter about the abuse. At the time, Mr Flanagan did not want to report the matter to the police or for Penney to be removed from the priesthood but he did want Penney to be prevented from having contact with children and to

¹⁹ For further details about this case study, see the Inquiry's *Archdiocese of Birmingham Investigation Report*.

²⁰ CHC000299_122

no longer work in a parish. Bishop Pargeter subsequently wrote to Mr Flanagan stating that the matter had been resolved and that “*All the conditions you asked for will have been met*”.²¹

In autumn 1991, Penney was sent to Heronbrook House, a therapeutic centre for clergy and members of religious congregations. Penney was free to leave when he wanted and, in direct contravention of the Archdiocese’s wishes, he returned to the Nechells area of Birmingham where he had been a parish priest. He stayed as a guest in RC-A357 parents’ home and, while there, he sexually abused RC-A357.

In June 1992, the Archdiocese stopped Penney from working as a priest. He was sent to the Gracewell Institute, a clinic providing treatment for those accused or convicted of child sexual abuse. While Penney was at Gracewell, Monsignor Leonard told another parish priest to go to Gracewell and warn Penney that he was about to be arrested. The priest was told to give Penney several hundred pounds with the message that Penney was to make his way to Ireland and, from there, to the USA. Shortly afterwards, Monsignor Leonard told the priest not to go to Gracewell but told him to visit Penney’s sister and tell her that her brother was about to be arrested. Whatever response Monsignor Leonard envisaged, Penney remained at Gracewell until his court appearance in March 1993.

On each occasion that Penney’s abuse was reported to the Roman Catholic Church, it seems that little, if any, thought was given to victims and the risk Penney posed. The Archdiocese simply sought to move Penney on. Action could have been taken by the Archdiocese of Birmingham in the 1980s and early 1990s which might have prevented Penney from abusing other children.

Ampleforth Abbey and School

Ampleforth Abbey is an English Benedictine monastery. In 1803, it established Ampleforth College as a boys’ boarding school. In 2010, it became fully co-educational, admitting both boarders and day pupils.

We heard accounts of appalling sexual abuse inflicted on pupils at Ampleforth School. Five individuals, mostly monks, connected to Ampleforth have been convicted or cautioned in relation to offences involving sexual activity with a large number of children, or offences concerning pornography.²²

One abuser was Father Piers Grant-Ferris, who was a monk at Ampleforth Abbey. In 1966, he joined Gilling Castle, the junior school at Ampleforth.²³

In 1975, RC-A152’s parents complained that Grant-Ferris had inappropriately touched their son (then aged eight or nine years), who was a pupil at Gilling Castle. The school conducted an internal investigation, during the course of which RC-A170 and RC-A177 (also eight or nine years old) said that Grant-Ferris also abused them. The school did not refer any of the complaints to the statutory authorities. A psychiatrist assessed Grant-Ferris as “*not a suitable person to continue as a master at Gilling*”.²⁴ Although withdrawn from his post at the school, Grant-Ferris was moved to at least six other parishes and continued to have contact with children.

²¹ CHC001240_009 para 2

²² For further details about this case study, see the Inquiry’s *Ampleforth and Downside Investigation Report*.

²³ AAT000210_028

²⁴ *Ampleforth and Downside Investigation Report* Part B Allegations para 51

From the mid-1990s onwards, more pupils from Gilling Castle reported that Grant-Ferris had sexually abused them. For example, RC-A61 reported that he was about eight years old when Grant-Ferris first abused him. RC-A61 recalled that during beatings, often on RC-A61's bare bottom, Grant-Ferris would masturbate. When, in 1995, RC-A61 reported the abuse to the Diocese of Middlesbrough, one of the priors of Ampleforth contacted RC-A61 and told him that he was the first person to make such an allegation against Grant-Ferris. That assertion was untrue.

The vast majority of allegations of child sexual abuse at Ampleforth only came to light as a result of developments following the Nolan report in 2001 and a police investigation in 2005.

Even after the 2001 Nolan report, Ampleforth and its Abbot, Timothy Wright, resisted the involvement of external agencies. In contravention of the Nolan report and the EBC's own guidance that disclosures of child sexual abuse must be reported to the statutory authorities, Abbot Wright drew an artificial distinction between 'admissions' of abuse by monks (which he considered to be confidential) and 'disclosures' of abuse (which were not confidential), such that admissions did not need to be reported.²⁵

The statutory authorities also had difficulties with the prevailing approach at Ampleforth. The then general manager of North Yorkshire social services, David Molesworth, said:

*"we encountered extraordinary resistance ... it was something I had not encountered before anywhere else, this resistance to simply doing safeguarding well ... Ampleforth was the most complicated professional task I dealt with in 35 years of social work ... I found it, in the early days, inward looking, closed and even secretive. I felt they resented external involvement and in particular resented challenge. ... I felt there was no child protection leadership."*²⁶

In 2006, Grant-Ferris was convicted of 20 counts of indecent assault against 15 boys who attended Gilling Castle.

Downside Abbey and School

Downside Abbey in Somerset is the senior Benedictine monastery of the EBC. Downside School is situated within the historic buildings of the monastery and was originally established as a Catholic boarding school for boys, although it became co-educational in 2005.²⁷

From the 1960s onwards, there have been a number of accounts of child sexual abuse in relation to Downside, some of which have also involved allegations of physical abuse. Five individuals connected to Downside have been convicted or cautioned for sexual offences against children.²⁸

One monk, Father Nicholas White, sexually abused a number of boys over several years, while he was a geography teacher at the school.

RC-A221 started in one of the 'prep houses' at the school in 1986 when he was 11 years old. He told us that, whilst in his first year at the school, White would sexually abuse him, which

²⁵ *Ampleforth and Downside Investigation Report* Part B The institutional response para 84

²⁶ David Molesworth 1 December 2017 82/4-10; 100/17-101/17

²⁷ BNT006645_003 para 11

²⁸ For further details about this case study, see the Inquiry's *Ampleforth and Downside Investigation Report*.

included White touching RC-A221's penis and masturbating him on a number of occasions. RC-A221 eventually told both his grandmother and father about the abuse and RC-A221's father reported the abuse to the school. RC-A221 recalled that thereafter White stopped teaching him. However, on his first day at the senior school, RC-A221 was "completely shocked" to learn that White was his housemaster, responsible for him and approximately 80 other boys aged 12 to 13. RC-A221 said that White recommenced his abuse and also began to abuse a second boy.

Following RC-A221's disclosure, White should not have been permitted to continue to teach or act as housemaster at Downside School. In allowing him to do so, Downside showed complete disregard for safeguarding principles and enabled him to abuse not only RC-A221 again, but also another boy. As RC-A221 told us:

"had my original declaration to my grandmother and, therefore, to the Downside authorities been taken seriously, that second boy would never have been abused".²⁹

In the 1990s, White lived away from Downside, but he returned in 1999 without a proper assessment of the potential risks he posed. It was not until 2010 that an audit of school records by the Diocese of Clifton and the police uncovered the original complaints against White. He subsequently pleaded guilty to seven child sexual abuse offences and was sentenced to five years' imprisonment.³⁰

Ealing Abbey and St Benedict's School

Established in 1897, Ealing Abbey is an English Benedictine monastery. St Benedict's School is situated adjacent to the Abbey. It is the only Benedictine day school in England. It started as a boys' school but became fully co-educational in 2008.

Child sexual abuse at St Benedict's School was extensive. Since 2003, two monks (Laurence Soper and David Pearce) and two lay teachers (John Maestri and Stephen Skelton) have been convicted of multiple offences involving the sexual abuse of over 20 children. In 2016, another teacher, the deputy head Peter Allott, was convicted of offences relating to the possession of indecent images of children. The Inquiry received evidence of at least 18 further allegations against these men and eight other monks and teachers.

David Pearce was born in 1941 and attended St Benedict's as a child. He joined Ealing Abbey in 1969 and was ordained as a priest in 1975. From 1976 to 1992, he taught at the school, later becoming headmaster of the junior school, the bursar and novice master.

In June 1992, RC-A595 (who was 11 years old) alleged that Pearce sexually abused him, including by digitally penetrating RC-A595's anus.³¹ A report was made to the Metropolitan Police but the Crown Prosecution Service declined to prosecute Pearce. Following a formal complaint about the abuse to the trustees of St Benedict's, insurers paid £24,400 to RC-A595 in an out-of-court settlement. An ex gratia payment (without an admission of liability) of £10,000 was also made to RC-A595's mother after she asked for a refund of school fees.

It appears that many in the school and Abbey – teachers and monks alike – were aware of Pearce's behaviour. There was gossip amongst the boys and staff. Complaints, including from

²⁹ RC-A221 7 December 2017 23/18-21.

³⁰ White was released from prison on licence in 2015 and died in May 2016.

³¹ MPS003066_030-031

parents, failed to trigger any action by the school. Staff were afraid that by speaking up they would lose their jobs. Accountability for inaction primarily rests on those in charge during this period. They were the Abbots of Ealing Abbey (Francis Rossiter and Laurence Soper³²) and the headmasters of St Benedict's (Father George Brown, Father Anthony Gee and Dr Anthony Dachs).

In August 2009, Pearce pleaded guilty to sexually abusing five pupils between 1972 and 2007. The sexual abuse included Pearce exposing himself, filming the boys in the showers and sexually assaulting them over and under clothing. In October 2009, he was sentenced to eight years' imprisonment.³³

Pearce's abuse had a devastating impact on his victims. As one of his victims (RC-A596) said:

*"He destroyed the foundations of mental, emotional and psychological wellbeing and stability ... His despicable conduct robbed me of the ability to trust other[s], destroying my capacity to form loving and lasting relationships ... The self-loathing and self-hatred his crimes engendered in me saw me go through a lifetime of self harm, beginning at the age of 15 ... I was repeatedly confined to psychiatric institutions over the next 25 years. I found myself unemployable and homeless, incapable of pulling out of the negative spiral that is substance abuse and dependence, a direct result of Pearce's crimes ... He still appears in my nightmares ... his crimes are woven into the very fabric of my existence."*³⁴

³² Soper was subsequently convicted of sexual offences against nine children and sentenced to 18 years' imprisonment.

³³ On appeal, the sentence was reduced to five years' imprisonment (INQ003069).

³⁴ MPS004245

Part A

Introduction

Introduction

A.1: Background to the investigation

1. This investigation is concerned with the nature and extent of, and the institutional response to, allegations of child sexual abuse within the Roman Catholic Church in England and Wales.
2. Between 1970 and 2015, the Church received more than 3,000 complaints of child sexual abuse against more than 900 individuals connected to the Church. Those complaints involved over 1,750 victims and complainants. Civil claims against dioceses and religious institutes have resulted in millions of pounds being paid in compensation. Even so, the true scale of child sexual abuse is likely to be greater than these figures.
3. The Inquiry has held public hearings in the following case studies:
 - **Ampleforth and Downside abbeys and their respective schools** (part of the English Benedictine Congregation (EBC)): As set out in the Ampleforth and Downside Investigation Report (published in August 2018),³⁵ “monks in both institutions were secretive, evasive and suspicious” of anyone outside the EBC and the reputations of monks and institutions were prioritised over the protection of children.
 - **The Archdiocese of Birmingham**: The Archdiocese has received over 130 allegations of child sexual abuse since the 1930s. The Archdiocese of Birmingham Investigation Report (published in November 2018)³⁶ found that inaction by the Archdiocese meant that in some cases abusers were able to continue sexually abusing children. As recently as 2018, audits identified significant problems with the Archdiocese’s safeguarding arrangements.
 - **Ealing Abbey and St Benedict’s School** (also part of the EBC): As identified in the Ealing Abbey and St Benedict’s School Investigation Report (published in October 2019),³⁷ there was extensive child sexual abuse and a culture of ‘cover-up’ and denial at both institutions.
4. The Inquiry’s fourth public hearing, held in October and November 2019, examined the extent of institutional failings by the Roman Catholic Church in England and Wales to protect children from sexual abuse and its current safeguarding regime. This report considers the evidence heard in that hearing and also deals with cross-cutting themes and issues identified by the Inquiry throughout the investigation, including the case studies.

³⁵ *Ampleforth and Downside Investigation Report* Part D para 3

³⁶ *Archdiocese of Birmingham Investigation Report*

³⁷ *Ealing Abbey and St Benedict’s School Investigation Report*

A.2: The Roman Catholic Church

5. Catholicism is the second largest Christian denomination³⁸ with approximately 3.8 million Catholic adults in England and Wales.³⁹ The Roman Catholic Church is made up of 22 archdioceses and dioceses with 4,119 priests and includes approximately 340 religious institutes (groups with a particular spiritual focus reflected in their work).⁴⁰

Dioceses

6. A diocese is a geographical district under the authority and leadership of a bishop. The 22 dioceses are grouped into provinces and a province is presided over by an archbishop (the title given to bishops who govern an archdiocese).

7. Within each diocese, the bishop's responsibility is "*to teach, to sanctify and to govern*".⁴¹ The bishop has autonomy to make any decision he chooses, providing he abides by canon law.⁴² Each bishop has ultimate responsibility for safeguarding within his own diocese. No bishop has authority over any other bishop.

8. An archbishop governs his own diocese and has oversight of – but not jurisdiction over – the dioceses within his province. An archbishop does not have authority over a bishop.

9. Bishops in England and Wales are collectively known as the Catholic Bishops' Conference of England and Wales (the Bishops' Conference), which meets twice a year. Its role is wide-ranging and includes education and promotion of the Catholic faith and engagement with civic authorities and other Bishops' Conferences outside England and Wales. There is no line of authority between the Pope and the Bishops' Conference; if the Pope wishes to issue a directive, he will issue it directly to the bishop rather than through the Bishops' Conference.

10. Cardinal Vincent Nichols is the current president of the Bishops' Conference. In 2014, Archbishop Vincent Nichols, the Archbishop of Westminster, was made a cardinal by Pope Francis. Cardinals usually hold the rank of archbishop and together they form the College of Cardinals, whose primary responsibility is to elect a new pope. As Cardinal Nichols explained, he oversees the work of the Bishops' Conference but he does not have additional authority in his role as president or as cardinal:

*"My role as President does not make me head of the Church in England and Wales. There is no such position. Individual bishops retain their responsibility and accountability within their dioceses."*⁴³

³⁸ *Child sexual abuse within the Catholic and Anglican Churches: A rapid evidence assessment*, November 2017 (INQ000995_027)

³⁹ *Contemporary Catholicism in England and Wales: a statistical report based on recent British Social Attitudes survey data*, Stephen Bullivant, February 2018 (<https://www.stmarys.ac.uk/research/centres/benedict-xvi/docs/2018-feb-contemporary-catholicism-report-may16.pdf>)

⁴⁰ This is the total number of diocesan incardinated priests (ie those working under the jurisdiction of the bishop) and other priests working in dioceses (CHC001946).

⁴¹ CHC000396_005 para 16

⁴² If an archbishop or bishop receives a complaint that an individual within his diocese (whether clergy or lay person) is not abiding by canon law then he has the power to direct that individual to comply.

⁴³ Cardinal Vincent Nichols 6 November 2019 5/9-12



Map of Roman Catholic Church dioceses in England and Wales
Source: Catholic Directory for England and Wales (based on <https://directory.cbcew.org.uk/>)

Religious institutes

11. There are approximately 340 Roman Catholic religious institutes in England and Wales.⁴⁴ These are religious societies of men or women with a particular spiritual focus that is reflected in their work in the Church. While there are canonical differences between a religious order and a religious congregation, the terms are often used interchangeably. The term ‘religious institutes’ encompasses both orders and congregations; it is used in canon law as an “*all-embracing term covering all religious societies*”.⁴⁵

12. All members of a religious institute live under the authority of a religious superior and must abide by canon law. Institutes vary greatly in size and spiritual focus.⁴⁶ For example, the Institute of Our Lady of Mercy has over 180 members and focusses on teaching and nursing. By contrast, the Poor Clare Colletines have eight members and are an enclosed contemplative community focussed on prayer and worship.⁴⁷

13. While a religious institute cannot operate within a diocese without the permission of the bishop, each religious institute is governed by its own constitution. The bishop is required by canon law to respect the right of the religious institute to self-govern.

14. More than 240 institutes are members of the Conference of Religious (CoR). The CoR was established to promote the welfare of the religious institutes, encourage collaboration between leaders of institutes and “*to speak to civil society ... from a Roman Catholic perspective*”.⁴⁸ It is voluntary to join and as such the CoR has no authority or power over its membership.⁴⁹

A.3: Scope of the investigation

15. This investigation examined the nature and extent of, and institutional responses to, child sexual abuse within the Roman Catholic Church in England and Wales (the Catholic Church).⁵⁰ It considered the scale of child sexual abuse within the Church, the experiences of victims and survivors of child sexual abuse, the adequacy of the Church’s policies and practices in relation to safeguarding, any impact of the culture of the Church, and the adequacy of previous reviews related to safeguarding.

16. The process adopted by the Inquiry is set out in Annex 1 to this report. Core participant status was granted under Rule 5 of the Inquiry Rules 2006 to 68 victims and survivors and 14 institutions and other interested parties.

17. The Inquiry held nine preliminary hearings between July 2016 and September 2019. In addition to public hearings in respect of the two case studies, the Inquiry held a final public hearing over 10 days between 28 October and 8 November 2019.

18. In preparation for the final public hearing, the Inquiry obtained a significant volume of evidence. We heard accounts from complainants, victims and survivors who told us about the abuse they suffered and how their allegations were handled. The Inquiry also heard evidence from the Catholic Safeguarding Advisory Service (CSAS), the past and current

⁴⁴ CHC002028_002 para 7; CHC002035

⁴⁵ BNT004911_005

⁴⁶ CHC002033

⁴⁷ CHC002033

⁴⁸ CEW000014_003 para 2.1

⁴⁹ CEW000014_003 para 2.4

⁵⁰ <https://www.iicsa.org.uk/investigations/investigation-into-failings-by-the-catholic-church>

chairs of the National Catholic Safeguarding Commission (NCSC), the Charity Commission, the Catholic Insurance Service (CIS), the Survivor Advisory Panel (SAP), Father Paul Smyth (President of the CoR), and Cardinal Vincent Nichols (President of the Bishops' Conference and Archbishop of the Diocese of Westminster). We also heard about the role of the Pontifical Commission for the Protection of Minors (PCPM) and the Congregation for the Doctrine of the Faith (CDF).

19. As part of the evidence gathered for the wider hearing, the Inquiry commissioned Mrs Edina Carmi, an independent safeguarding consultant, to undertake a review of a number of recent diocesan and religious safeguarding files. The Inquiry also commissioned a rapid evidence assessment (REA), entitled *Child sexual abuse within the Catholic and Anglican Churches*.⁵¹ The REA considered research evidence available on the scale of child sexual abuse, institutional factors that might have enabled the abuse to have occurred and how the Catholic Church responded to child sexual abuse allegations.

20. A number of witnesses, including all complainant and victim core participants, were invited to provide their views about which if any practical recommendations they would like the Inquiry to consider. Those views were collated into a schedule which was published on the Inquiry website.⁵²

A.4: Terminology

21. The following terms are used in this report:

- the Holy See: the Pope and the offices of the Catholic Church based in Rome that assist him in exercising his role as Leader of the Catholic Church worldwide;
- clergy: those ordained for religious service, namely bishops, priests and deacons;
- religious institutes: religious orders and religious congregations – members (often referred to as 'the Religious') include monks, nuns and friars; and
- abbot: the head of a monastery.

22. As explained above, the Roman Catholic Church in England and Wales consists of a number of archdioceses and dioceses. References in this report to general matters relating to a diocese and a bishop should be read as also relating to an archdiocese and an archbishop. The Roman Catholic Church also consists of a number of separate institutions. Where appropriate, this report identifies the relevant institution but the report also uses the term 'Catholic Church' to encompass and include a specific institutional response.

23. Where this report refers to members of clergy, their full name will be used when first referred to and thereafter their title and surname only. Where this report refers to those members of the clergy who have been laicised (ie removed as a member of the clergy), they will be referred to by their full name without any religious prefix.

24. The language of the 2001 Nolan report was one of child protection; for example, in the creation of the post of child protection coordinator and the Child Protection Commission. The Cumberlege review (2007) introduced the concept of safeguarding and led to a change

⁵¹ *Child sexual abuse within the Catholic and Anglican Churches: A rapid evidence assessment*

⁵² INQ004787

in the titles to that of safeguarding coordinator and the Safeguarding Commission. In this report, the title applicable at the relevant time is used. Where reference is made to general matters of child protection and safeguarding, the terms are used interchangeably.

25. Many reports of child sexual abuse relate to offences or alleged offences committed years or decades earlier. The Sexual Offences Act 1956 was the predominant legislation and included offences of indecent assault and buggery. The Sexual Offences Act 2003 created a number of new offences including specific offences for sexual acts committed against children under 13 years old.⁵³ Indecent assault was replaced with sexual assault and non-consensual buggery included in the definition of rape.

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

References

27. References in the footnotes of the report such as 'CHC000253_011' are to documents that have been adduced in evidence or posted on the Inquiry website. A reference such as 'Christopher Pearson 31 October 2019 84/24-25' is to the witness, the date he or she gave evidence, and the page and line reference within the relevant transcript (which are available on the Inquiry website).

⁵³ Sexual Offences Act 1956; Sexual Offences Act 2003, which came into force in May 2004.

Part B

Child sexual abuse within the Roman Catholic Church

Child sexual abuse within the Roman Catholic Church

B.1: Accounts of child sexual abuse within the Church

1. Throughout this investigation, we heard appalling accounts of child sexual abuse perpetrated by clergy and those associated with the Roman Catholic Church. The abuse covers a spectrum of sexual offending including acts of masturbation, oral sex, vaginal rape and anal rape, accompanied on occasions by beatings and other acts of violence. There have been many hundreds of victims and complainants over many decades.

2. During the English Benedictine Congregation (EBC) and Archdiocese of Birmingham case studies, we heard accounts of sickening abuse.

2.1. In the early 1970s, RC-A31 (then under 13 years old) met James Robinson, a trainee priest within the Archdiocese of Birmingham. Robinson took RC-A31 for car rides and began to sexually abuse him by touching him and masturbating. He also took RC-A31 to his (Robinson's) mother's house and sexually abused him. RC-A31 said that his family not only trusted Robinson but "*worshipped him*",⁵⁴ such that Robinson would stay in their home and share a bed with RC-A31. The abuse became more severe involving acts of oral sex and, on a number of occasions, Robinson anally raped RC-A31. RC-A31 told us that as a result of the abuse he had weekly therapy for a number of years and suffered from depression. He told us that it had "*destroyed*" his life.⁵⁵ In 2010, Robinson was convicted of 21 offences against four boys, one of whom was RC-A31. When sentencing him to 21 years' imprisonment, the judge said Robinson had abused his "*position of authority and total trust*" to commit the "*gravest set of offences of sexual abuse of children*" that were "*unimaginably wicked*".⁵⁶

2.2. Between 1972 and 1974, RC-A622 (then between 12 and 14 years old) was repeatedly sexually abused by Laurence Soper. RC-A622 was a pupil at St Benedict's School in Ealing (run by the EBC); Soper was a monk and taught at the school. He used physical chastisement as a guise for touching RC-A622's genitals. Over time the abuse progressed to making RC-A622 watch as Soper masturbated himself, forcibly masturbating RC-A622 and, on three or four occasions, anally raping RC-A622. RC-A622 was subsequently diagnosed with post-traumatic stress disorder (PTSD) and alcohol dependency syndrome. He also suffered two nervous breakdowns requiring hospital admission.⁵⁷ In December 2017, Soper was convicted of offences relating to RC-A622 and eight other boys and sentenced to 18 years' imprisonment.⁵⁸

⁵⁴ RC-A31 13 November 2018 3/20-23

⁵⁵ RC-A31 13 November 2018 38/16

⁵⁶ OHY005370_002

⁵⁷ BNT001094_004 para 7

⁵⁸ *Ealing Abbey and St Benedict's School Investigation Report Part C* para 59

2.3. At 10½ years old, RC-A117 was misdiagnosed with a mental illness. As a consequence, she spent much of her childhood in psychiatric units in hospitals. She described her childhood as “*exceptionally traumatic and physically abusive*”.⁵⁹ In 1984, aged 17, RC-A117 was diagnosed with a medical condition which left her confined to a wheelchair. Her parents took her on a pilgrimage to Lourdes. RC-F80 (aged 52) was a chaplain on that pilgrimage and RC-A117’s parents told him much about what RC-A117 had been through. The following year, RC-F80 sexually assaulted RC-A117 in the grounds of Downside Abbey. She told us that RC-F80 took her to a secluded part of the monastery gardens and touched her breasts and kissed her. He began to pay visits to her at home where the sexual abuse continued. In 2010, RC-F80 received a police caution for sexually assaulting RC-A117. She said:

*“the psychological effects have continued ever since, resulting in years of unbearable guilt, depression, nightmares, anxiety and PTSD symptoms”.*⁶⁰

3. The Inquiry also received accounts of sexual abuse of children (both alleged and proven) by priests and others connected with the Roman Catholic Church.

3.1. Between 1963 and 1967, Thomas (James) Kirby attended St Peter Claver College in Yorkshire (the seminary of the Catholic Comboni Missionaries). Mr Kirby told us that from about the age of 14, RC-F339 would sexually abuse him under the guise of a genital inspection, whereby RC-F339 felt Mr Kirby’s genitals, rolled his foreskin back and forwards, and after “*washing*” his penis applied vaseline to it.⁶¹ This took place in the infirmary once a week for approximately two and a half years.⁶² Mr Kirby said that there was no medical need for this ‘inspection’.⁶³ He told us about the “*terrible confusion*” he felt as a child trying to understand how a member of the clergy “*could do the things they did*”.⁶⁴ He said that the consequences of the abuse have “*come right through with me ... right through my life*”.⁶⁵

3.2. RC-A1 told us that during the 1970s he was sexually abused at his Catholic junior and senior residential schools.⁶⁶ He said that his junior school teacher, RC-F267, would touch his (RC-A1’s) genitals during reading lessons⁶⁷ and that this occurred every time he was asked to read for RC-F267. RC-A1 said that another junior school teacher, RC-F268, also sexually abused him when the boys had swimming lessons. RC-A1 told us that over the course of a two-year period, RC-F268 would touch himself as he put his hand down RC-A1’s swimming shorts.⁶⁸ At senior school, RC-A1 told us a teacher (RC-F270) sexually touched him on his bottom and legs⁶⁹ and that he was anally raped by another student.⁷⁰ RC-A1 said the abuse affected every aspect of his life. He said it led to him self-harming, “*nearly wrecked*” his marriage and “*destroyed my trust, not just in the Church but in any authority*”.⁷¹

⁵⁹ INQ000977_002 para 5

⁶⁰ INQ000977_013 para 42

⁶¹ INQ004681_008-009 paras 46–51

⁶² Thomas James Kirby 30 October 2019 41/13-16

⁶³ INQ004681_010 para 61

⁶⁴ Thomas James Kirby 30 October 2019 66/10-13

⁶⁵ Thomas James Kirby 30 October 2019 67/18-19

⁶⁶ INQ002669_002 para 7

⁶⁷ INQ002669_004 paras 13–14

⁶⁸ INQ002669_004 paras 15–16

⁶⁹ INQ002669_006 para 23

⁷⁰ INQ002669_008 para 30

⁷¹ INQ002669_026 paras 113–114

3.3. In 1972, RC-A594 (aged seven or eight years old) joined St Benedict's School, Ealing, which was linked to Ealing Abbey. In August 2009, Father David Pearce was convicted of indecently assaulting RC-A594 by beating and caning him on his bare buttocks.⁷² Pearce would smile as he caned him and afterwards made the naked RC-A594 sit on his knee.⁷³ RC-A594 said that as a result of the abuse "*he hated himself*", which "*built up and eventually resulted in me having a nervous breakdown*".⁷⁴ His mother said her son was a "*happy little boy, bright, good worker, gentle and very popular*" when he started at St Benedict's but began to play truant and was not motivated to work.⁷⁵ She said:

*"His father and I live with the guilt of sending him to St Benedicts, trusting a priest ... and the guilt of not realising why the change in our son was not more evident to us."*⁷⁶

3.4. RC-A20 stated that in the 1970s and 1980s, she was sexually assaulted by a priest of the Salesian Order. She was under 13 years old when the abuse first started. The priest told RC-A20's parents that she needed private counselling. At those counselling sessions, he insisted that she was naked. He massaged her body, hit her buttocks and penetrated her vagina with his fingers. The abuse occurred repeatedly over many years, during which time RC-A20 tried to jump off a bridge to end her life and took a number of overdoses. Years later, RC-A20 brought a civil claim against the Salesian Order. As part of the claim, she was assessed by a psychiatrist who concluded that the abuse was likely to have caused "*significant difficulties*" during her childhood and into adulthood and to have contributed to her lifelong problems with self-esteem, anxiety, self-confidence and her relationships with family.⁷⁷

3.5. Between 1987 and 1991, RC-A704 (then aged 11 to 15 years old) told us he was sexually abused by a senior priest, RC-F352. He estimated that he was abused several hundred times and said the abuse included acts of rape. RC-A704 said that after each incident, RC-F352 required him to make confession. He also made it plain to RC-A704 that his sister's place at the local convent school was dependent on RC-A704's compliance with his wishes. RC-A704 said the abuse has had a "*lifelong impact*" on his mental health.⁷⁸

3.6. While at Ampleforth College, in 2005–2010, RC-A30 was sexually abused by her music teacher, Dara De Cogan.⁷⁹ When she was 14 years old, De Cogan began to groom her, including by buying her beer at a party.⁸⁰ He would snap her bra strap in front of other members of staff and students.⁸¹ When she was 16 years old, he groped her breasts, kissed her neck and put his hand in between her legs.⁸² The abuse developed into regular incidents of sexual touching, digital penetration, and giving and receiving

⁷² BNT001190_003-004

⁷³ MPS003091_006-007

⁷⁴ BNT001177_011-012

⁷⁵ MPS003540_001

⁷⁶ MPS003540_001-002

⁷⁷ INQ004739_004 para 38

⁷⁸ INQ004577_001-002

⁷⁹ In 2017, De Cogan pleaded guilty to offences of sexual activity with a child (RC-A30) aged 16 or 17 while in a position of trust and was sentenced to 28 months' imprisonment (NYP000490_040 paras 177–180).

⁸⁰ RC-A30 29 November 2017 101/7-9, 21-24; 102/7-10

⁸¹ RC-A30 29 November 2017 106/20-23

⁸² RC-A30 29 November 2017 108/15-115/25

oral sex.⁸³ The abuse lasted for three years. She began to self-harm as a result and continues to have therapy for complex PTSD.⁸⁴

B.2: The Church's response

4. The evidence heard during the EBC and Archdiocese of Birmingham public hearings revealed failings by parts of the Church to act in child sexual abuse cases and, in some instances, active steps taken by members of the Church to cover up or frustrate investigations. Some of the evidence we heard is summarised below.

Ampleforth and Downside case study

5. Ten individuals, mostly monks, connected with these institutions have been convicted or cautioned for child sexual abuse offences or offences of possession of indecent images of children.⁸⁵ At both institutions, allegations that should have been referred to the police were handled internally. We concluded that there was an overriding concern by both institutions to avoid contact with the police and local authority irrespective of the seriousness of the case. Abbots established their own procedures despite the fact that they lacked expertise in child protection and assessing the risks posed by a perpetrator. There were examples of alleged perpetrators being transferred to another parish or location, including cases where the recipient was not adequately informed of the individual's risk.

6. At Ampleforth we heard that many perpetrators did not hide their sexual interests in and from children. There was fondling of children and instances of mutual and group masturbation both indoors and outdoors, such that there was a “*culture of acceptance*” of such behaviour.⁸⁶ One of those monks, Father Gregory Carroll, was jailed in 2005 for sexually abusing a number of boys in the 1970s and 1980s.⁸⁷ In 2020, he was sentenced to more than 20 years' imprisonment for historical sexual abuse of an Ampleforth pupil and two boys at the parish he was sent to having left Ampleforth.⁸⁸

7. In around 2012, the headmaster of Downside School, Dom Leo Maidlow Davies, burnt numerous files thought to contain personal records of monks and staff. It was said that the school needed the storage space. It is impossible to say whether these files contained information that might relate to past or future safeguarding allegations but as Dom Leo tellingly accepted, he “*wasn't thinking in safeguarding terms*”.⁸⁹ The destruction of these records undoubtedly adds to the perception of cover-up at Downside and is indicative of a failure to embed safeguarding in the minds of those with responsibility for child protection.

Ealing Abbey and St Benedict's School case study

8. Four individuals (two monks and two lay teachers) from Ealing Abbey and St Benedict's School have been convicted of child sexual abuse offences. Those convictions alone related to over 20 children but the Inquiry also received evidence of at least 18 further allegations against these men and eight other monks and teachers.

⁸³ RC-A30 29 November 2017 117/14-18, 120/6-9, 125/21-24, 126/10-11, 129/15-17, 130/11-13

⁸⁴ RC-A30 29 November 2017 120/21-23; INQ000976_005 para 24

⁸⁵ *Ampleforth and Downside Investigation Report* Executive Summary

⁸⁶ *Ampleforth and Downside Investigation Report* Executive Summary

⁸⁷ NYP000490_024

⁸⁸ <https://www.yorkpress.co.uk/news/national/18230978.evill-former-monk-catholic boarding-school-jailed-abusing-boys/>

⁸⁹ Dom Leo Maidlow Davis 12 December 2017 32/17

9. We heard evidence that this abuse was facilitated by a culture of cover-up and denial. There were significant opportunities to stop abusers in the school which were not acted upon. When Martin Shipperlee became Abbot of Ealing Abbey in 2000, he made some improvements to child protection but he also failed to pass on information to the police and those undertaking reviews of safeguarding procedures. The deficiencies in his leadership were compounded by the failures of others around him. This included, for example, Christopher Cleugh, the headmaster of St Benedict's from 2002 to 2016. Mr Cleugh repeatedly minimised questions of child sexual abuse to teachers, parents and external institutions to the point of misrepresenting significant facts. He was defensive when questioned by external bodies and did not address safeguarding issues openly.

Archdiocese of Birmingham case study

10. At least 13 individuals connected with the Archdiocese of Birmingham have been convicted of child sexual abuse offences. Those cases involved 53 victims. This figure is likely to be an underestimate as, in addition to the criminal cases, from 1935 to 2018, at least 65 other individuals were accused of committing child sexual abuse.⁹⁰

11. There were repeated instances where the Archdiocese failed to notify the police when an allegation was made. Sometimes no action was taken against the perpetrator or the priest was simply moved to another parish. Little, if any, thought was given to the risk posed to children. In some cases we saw no evidence that the receiving parish was even made aware of the allegations. As the Archdiocese of Birmingham accepted:

*"This Inquiry has heard more than sufficient evidence to be satisfied that during the second half of the last century, the Archdiocese was responsible for a number of institutional failings which on occasions permitted the sexual abuse of children to continue when it might otherwise have been stopped."*⁹¹

B.3: The scale of child sexual abuse

12. In order to examine the prevalence and scale of child sexual abuse within the Roman Catholic Church in England and Wales, the Inquiry considered a number of sources of information.

The Inquiry's rapid evidence assessment

13. In 2016, the Inquiry commissioned a rapid evidence assessment (REA) – *Child sexual abuse within the Catholic and Anglican Churches* – to understand existing data and research on the scale of abuse within both churches.⁹²

14. The REA reported that there was "*no robust study*" for prevalence of child sexual abuse within the Catholic Church in England and Wales.⁹³ An American study in 2004 stated that around 4 percent of Catholic priests in the US have been the subject of allegations of child sexual abuse. In Australia, a 2017 survey for the Australian Royal Commission analysed data

⁹⁰ INQ003537

⁹¹ INQ003860_001 para 1

⁹² A rapid evidence assessment (REA) is an overview of the amount and quality of evidence on a particular topic as comprehensively as possible within a set timetable.

⁹³ INQ000995_027

for claims made between 1990 and 2014 against Catholic Church personnel which found that “7 per cent of priests were alleged perpetrators”.⁹⁴

15. The studies considered by the REA suggested that both under-reporting and delays in reporting made it difficult to ascertain the number of victims of child sexual abuse. The REA considered that boys are more likely to have been abused than girls, “with studies all reporting similar proportions of male victims at around 70–80 percent”.⁹⁵ Studies suggested that abuse of boys is more prevalent because there is “greater access” in the Church to boys, for example as altar servers, and because “of the higher proportion of boys in residential institutions”.⁹⁶

The Bullivant review (2018)

16. The Catholic Safeguarding Advisory Service (CSAS), on behalf of the Bishops’ Conference and the National Catholic Safeguarding Commission (NCSC), asked Professor Stephen Bullivant to gather data about the number of allegations of child sexual abuse (the Bullivant review). The analysis related to complaints (ie allegations or concerns of childhood sexual abuse) against clergy, members of religious institutes and lay workers (paid and voluntary).

17. The report – *Allegations of child sexual abuse in the Catholic Church in England and Wales between 1970 and 2015: A Statistical Summary* (finalised in January 2018) – was based on anonymised data provided by each diocese and 328 religious institutes in England and Wales, populating a template from individual case records.⁹⁷ Allegations relating to Catholic schools run by religious institutes were included, but the data did not include allegations related to state-run Catholic schools. Care was taken to avoid duplication; for example, if a diocese managed a case for a religious institute, the diocese included the case in its return. The review emphasised that, when analysing the complaints:

“A single complaint may be made by one or more people, may include one or more instances of alleged abuse and may specify one or more alleged perpetrators as the subjects of the complaint”.⁹⁸

18. The Bullivant review identified 931 complaints of child sexual abuse made to the Catholic Church in England and Wales between 1970 and 2015.⁹⁹ This equates to an average of 20 complaints each year for 45 years. Of those 931 complaints, 344 complaints were made to religious institutes and 587 complaints were made to dioceses. When comparing the number of diocesan and religious complaints, Professor Bullivant observed, the religious institutes account “for around half of all complaints in the 1960s and 1970s, but this noticeably decreases in the years following”.¹⁰⁰ He suggested that this might be due to religious institutes making up a higher proportion of total priests in the 1960s and 1970s and due to the involvement of many religious institutes in running schools and children’s homes.¹⁰¹

⁹⁴ *Child sexual abuse within the Anglican and Catholic Churches: A rapid evidence assessment*

⁹⁵ *Child sexual abuse within the Anglican and Catholic Churches: A rapid evidence assessment*

⁹⁶ INQ000995_031

⁹⁷ CHC001938. Of the 328 religious orders, 264 orders declared that they had no complaints to report. Of these 264 orders, 216 were female-only, 47 male-only and 1 was a mixed order. Of the 64 orders that did provide data, the majority were male-only (46 orders) and 18 were female-only. (See CHC001938_011.)

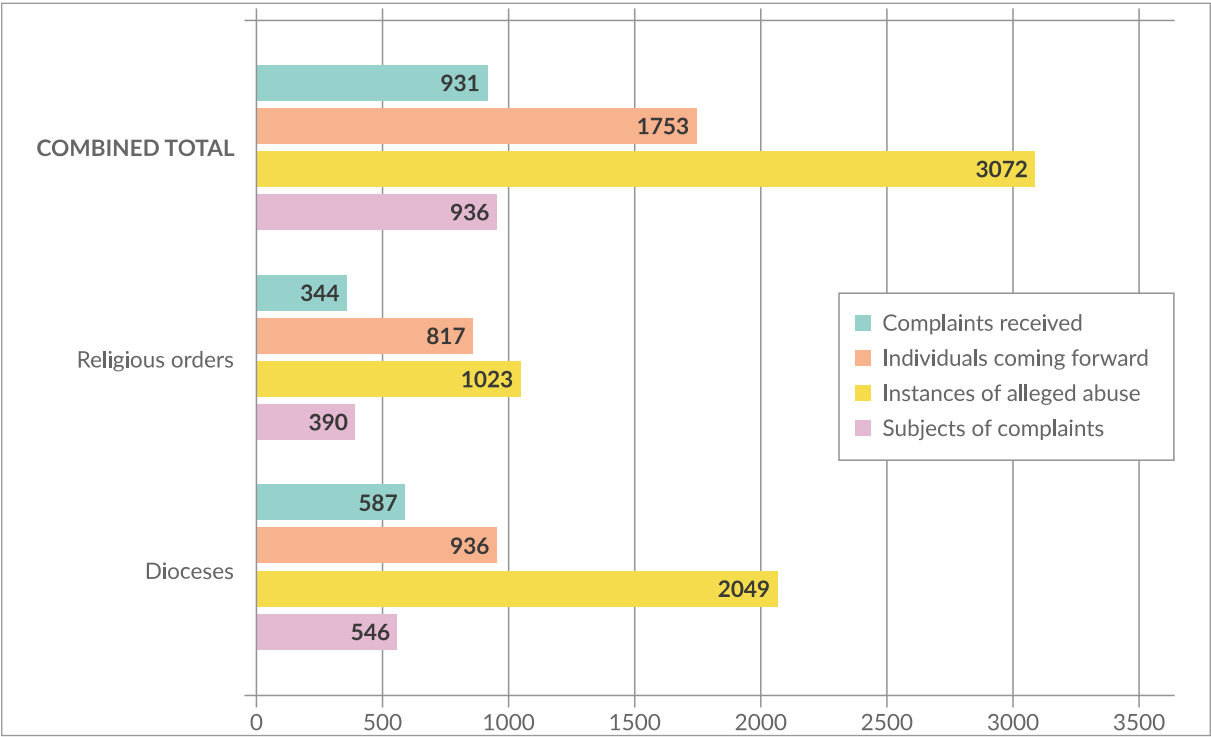
⁹⁸ CHC001938_007

⁹⁹ CHC001938_008

¹⁰⁰ CHC001938_017

¹⁰¹ CHC001938_017

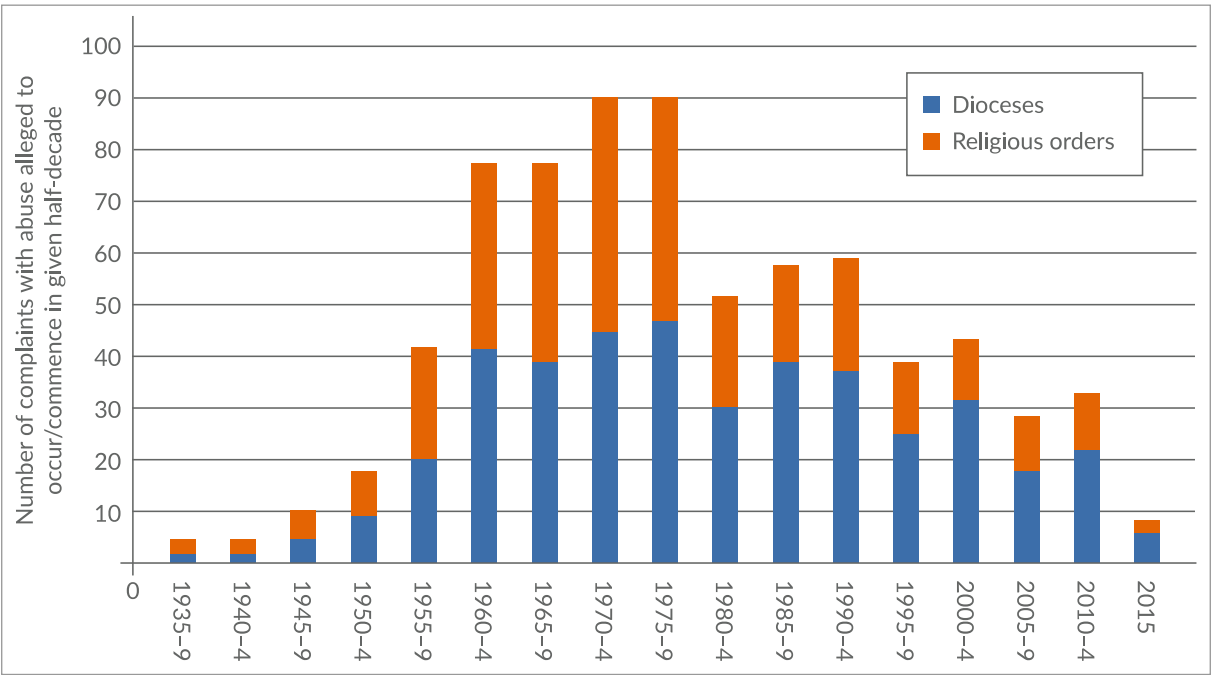
19. The complaints involved 3,072 instances of alleged abuse made by 1,753 individuals in respect of 936 alleged perpetrators.



Number of complaints and subjects 1970–2015

Source: Based on [CHC001938_009](#)

20. Where the complaint included a start date for the alleged abuse, the analysis found that a large proportion of the abuse was alleged to have started in the 1960s and 1970s.¹⁰²



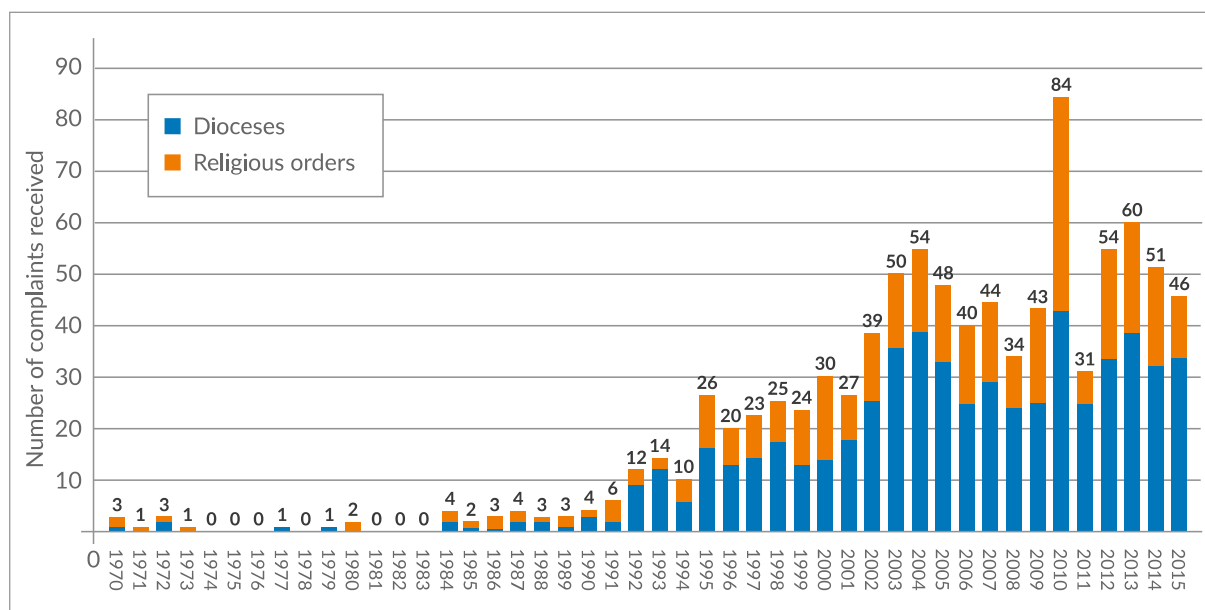
Dates of the start of the alleged abuse

Source: Based on [CHC001938_016](#)¹⁰³

¹⁰² 726 of the 931 complaints included a start date ([CHC001938_016](#)).

¹⁰³ The report makes clear that this table is based on data from 726 complaints and that, given that “there is frequently a degree of imprecision in the dates recorded”, it is an approximation of the pattern of offending ([CHC001938_016-017](#)).

21. The analysis also showed that there was an increase in reporting of complaints from the mid-1990s onwards, with a particularly high number of complaints in 2010.



Year in which complaints were received 1970–2015

Source: Based on CHC001938_013

22. On the basis of the data provided, the Bullivant report identifies the shocking scale of child sexual abuse allegations against individuals within or connected to the Roman Catholic Church in England and Wales. It is likely that the true number of complaints is considerably higher than the figures set out here.

NCSC annual reports

23. Since 2008, the NCSC has published safeguarding data in its annual report.¹⁰⁴ This includes the number of reports made to the Church relating to allegations of sexual abuse and allegations relating to the possession of child abuse images. Over the years, the way in which this information is recorded has changed.

23.1. The annual reports from 2008 to 2013 published the number of overall sexual abuse allegations (not limited to child sexual abuse allegations) and included additional detail about the role the alleged abuser had within the Church.¹⁰⁵

23.2. The 2013–14 annual report included figures based on a 10-year review of data collected. This referred to child protection allegations and so did not record the information in the same way as the previous annual reports.

23.3. Since 2015, the annual report has made reference to the number of ‘child protection allegations’ and subdivided this category to indicate the number of those allegations that related to sexual abuse.

¹⁰⁴ Prior to the establishment of the NCSC, the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) collected data. The NCSC annual reports make reference to the COPCA data.

¹⁰⁵ These figures are presumed to include allegations of sexual abuse that related to children.

Table 1: Allegations of abuse as recorded by the NCSC in its annual report up to 2018¹⁰⁶

NCSC annual report	Sexual abuse allegations	Child abuse image allegations
2008–2009 ^a	38	2
2009–2010 ^b	31	2
2010–2011 ^c	71	4
2011–2012 ^d	32	1
2012–2013 ^e	48	5
2013–2014 ^f	N/A	N/A
2015 ^g	60 child protection allegations related to sexual abuse	11
2015–2016 ^h	61 child protection allegations related to sexual abuse	7
2016–2017 ⁱ	102 child protection allegations related to sexual abuse	10
2018 ⁱ	104 sexual abuse allegations and concerns relating to children	6

^a CHC000100_025; ^b CHC000101_019; ^c CHC000102_024; ^d CHC000103_024; ^e CHC000104_032; ^f CHC000105; ^g CHC000106_037; ^h INQ001010_041; ⁱ INQ001009_043; ^j INQ004786_036

24. The annual reports do not consistently identify the years in which the abuse is alleged to have occurred. For example, the 2016–17 report includes information about the date when the abuse was first said to have occurred.¹⁰⁷ This information was not included in the 2018 annual report.

25. It is unclear whether the increase in the number of complaints is indicative of an increase in offending or an increase in the reporting of such matters or both. However, with more than 100 allegations each year since 2016, there is a continuing need for the Church to have procedures in place to ensure that allegations are properly investigated, victims and complainants supported, and children protected.

B.4: Reports of sexual abuse to the Charity Commission

Background

26. Each of the 22 dioceses in England and Wales is a charity registered with the Charity Commission.¹⁰⁸ Charities are responsible for ensuring that “the charity has proper systems in place to mitigate the risk of child sexual abuse and deal with it properly if a report is made to them of such abuse”.¹⁰⁹ As such, the Charity Commission does not investigate individual allegations of child sexual abuse but acts as the regulator “to hold charities to account for wrongdoings”.¹¹⁰

¹⁰⁶ At the time of drafting this report, the NCSC’s 2019 annual report had not been published.

¹⁰⁷ INQ001009_044

¹⁰⁸ Michelle Russell 1 November 2019 122/18-19. The Charity Commission is unable to provide the number of religious institutes that are registered as charities (CYC000503).

¹⁰⁹ Michelle Russell 1 November 2019 127/1-6

¹¹⁰ Michelle Russell 1 November 2019 122/17-18

27. A charity's trustees must act "*exclusively*" in the charity's best interests and "*avoid exposing the charity's assets, beneficiaries or reputation to undue risk*".¹¹¹ Avoiding exposure to reputation does not mean that a trustee should "*sweep a child sexual abuse allegation under the carpet*".¹¹² A charity's reputation would be best protected by demonstrating that any failures that happened were dealt with responsibly.

Serious incident reports

28. Allegations of child sexual abuse are considered by the Charity Commission to fall within the definition of a 'serious incident', which requires the matter to be reported to the Charity Commission.¹¹³

29. In relation to the Roman Catholic Church, the Charity Commission told us that between April 2014 and July 2019 there had been:

- 203 serious incident reports relating to child sexual abuse;
- a further 13 serious reports which were "*classified as notification of IICSA interest*" by charities connected with the Roman Catholic Church in England and Wales;¹¹⁴ and
- an additional five cases where it was not possible to say whether the serious incident report related to child sexual abuse.

30. The Charity Commission reviewed the numbers of serious incidents (of any category, not just relating to child sexual abuse) reported to it by the 22 Catholic diocesan trusts.¹¹⁵

¹¹¹ CYC000140_007, para 27

¹¹² Michelle Russell 1 November 2019 129/19-14

¹¹³ A 'serious incident' is defined as "*an adverse event, whether actual or alleged, which results in significant loss of the money or assets, damage to a property and harm to the charity's work, beneficiaries or reputation*" (<https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>).

¹¹⁴ CYC000417_002

¹¹⁵ CYC000417_005. This included the number of reports across any category of harm. Ms Russell considered it likely that a number of reports would relate to child sexual abuse and safeguarding (Michelle Russell 1 November 2019 143/5-9).

Table 2: Serious incident reports against diocesan trusts recorded by the Charity Commission between April 2014 and July 2019¹¹⁶

Name	Recorded reported serious incidents (RSIs) of any category
Arundel and Brighton Diocesan Trust	4
Birmingham Diocesan Trust	16
Brentwood Roman Catholic Diocesan Trust	6
Cardiff Roman Catholic Diocesan Trust	0
Clifton Diocese	3
East Anglia Roman Catholic Diocesan Trust	0
Roman Catholic Diocese of Hallam Trust	1
Roman Catholic Diocese of Hexham & Newcastle	6
The Lancaster Roman Catholic Diocesan Trust	0
Leeds Diocesan Trust	3
Liverpool Roman Catholic Archdiocesan Trust	5
Menevia Diocesan Trust	0
Middlesbrough Diocesan Trust	8
Northampton Roman Catholic Diocesan Trust	6
Roman Catholic Diocese of Nottingham	10
Plymouth Diocesan Trust	19
Portsmouth Roman Catholic Diocesan Trust	6
The Salford Diocesan Trust	2
Shrewsbury Roman Catholic Diocesan Trust	0 ¹¹⁷
The Roman Catholic Archdiocese of Southwark	3
The Westminster Roman Catholic Diocesan Trust	5
Wrexham Diocesan Trust	0

Source: CYC000417_005

31. Some of the dioceses had made no serious incident reports at all, which was “of concern” to the Charity Commission.¹¹⁸ Given the number of complaints of child sexual abuse across the Church, it is not clear why so few serious incidents were recorded. Mrs Edina Carmi, an independent safeguarding consultant, was commissioned by the Inquiry to undertake a review of a number of recent diocesan and religious safeguarding files. She found there was “a real confusion” about the circumstances in which the Charity Commission needed to be notified of a serious incident.¹¹⁹

32. The Charity Commission has recorded its own concerns about under-reporting of serious incidents across the charity sector as a whole.¹²⁰ The apparent under-reporting of

¹¹⁶ The Charity Commission noted that “dioceses may have reported RSIs to the Commission via alternative routes” (CYC000417_005).

¹¹⁷ On 9 January 2020, the Charity Commission informed the Inquiry that the Diocese of Shrewsbury had in fact made eight serious incident reports (CYC000418).

¹¹⁸ Michelle Russell 1 November 2019 143/21

¹¹⁹ Edina Carmi 5 November 2019 16/23-25

¹²⁰ Michelle Russell 1 November 2019 140/18

serious incidents by the diocesan trusts means that scrutiny might not be brought to bear when it is needed. On the basis of the evidence we heard, it is difficult to say whether this is because there is a reluctance by diocesan trustees to report these matters or for some other reason. The Charity Commission plays an important role in ensuring the Church's trustees have appropriate procedures in place for the handling of allegations and the management of risk to children. It is the responsibility of the Church and the Charity Commission to ensure that trustees report both recent and historic allegations of child sexual abuse to the Charity Commission.

Part C

The Holy See

The Holy See

C.1: Introduction

1. The Pope is the Bishop of Rome and leader of the worldwide Roman Catholic Church (the Universal Church). He is assisted by a number of organisations and bodies to help him exercise his universal role. The Pope and those organisations and bodies are known as the Holy See. Based in Rome, the Holy See is in effect the seat of government of the Roman Catholic Church. As an international legal person, the Holy See has rights and obligations under public international law.
2. The Holy See's ambassador in England and Wales is known as the Apostolic Nuncio (also referred to as the Papal Nuncio) and has diplomatic status.¹²¹ He acts as the Holy See's official representative to the UK government. He also engages with the Bishops' Conference in "*an advisory and supportive role*".¹²² The Apostolic Nuncio's involvement in a child sexual abuse allegation "*consists of transmission of documentation to and from*" the relevant department of the Holy See.¹²³

C.2: The Church's canonical framework

Canon law

3. The Catholic Church is governed by divine law and legislation made by the Pope.¹²⁴ Prior to 1917, the law of the Church was found in collections of decrees of Church Councils and the Popes.¹²⁵ In 1917, these decrees were consolidated into "*a single authoritative code*" – the 1917 Code of Canon Law.¹²⁶ In 1983, the Code was revised and replaced. The 1983 Code of Canon Law remains in force (subject to various amendments).
4. Canon 1395 of the 1983 Code contains the main canonical crime applicable to child sexual abuse allegations. It states:

*"A cleric who in another way has committed an offence against the sixth commandment of the Decalogue, if the delict was committed by force or threats or publicly or with a minor below the age of sixteen years,¹²⁷ is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants."*¹²⁸
5. Monsignor Gordon Read, an expert in canon law, explained that historically "*any kind of sexual sin*" was considered an offence against the sixth of the Ten Commandments ('Thou shalt not commit adultery').¹²⁹ Canon 1395 is therefore part of a group of offences "*that*

¹²¹ APN000002_001

¹²² APN000002_002

¹²³ APN000002_002

¹²⁴ Divine law is derived from scripture (for example from the Ten Commandments) and from principles of natural law. CHC001929_003 (see footnote 8).

¹²⁵ Church Councils are departments of the Holy See that assist the Pope in the exercise of his power.

¹²⁶ CHC001929_005 para 12

¹²⁷ Subsequently amended to 'under 18' (CHC001929_013 para 30).

¹²⁸ Monsignor Gordon Read 4 November 2019 131/12-18; CHC001929_013

¹²⁹ Monsignor Gordon Read 4 November 2019 131/4-10

relate specifically to the responsibilities/expectations of clergy including celibacy".¹³⁰ Monsignor Read told us that another section of the Code *"deals with offences against human life and freedom"* which Monsignor Read considered to *"be a much better place to locate this particular area of legislation not least because it applies not only to clergy but to anyone"*.¹³¹

6. Describing child sexual abuse as the canonical crime of 'adultery' is wrong and minimises the criminal nature of abuse inflicted on child victims. A canonical crime relating to child sexual abuse should be clearly identified as a crime against the child.

Papal laws

7. The Pope can make laws in his own right. He also approves legislative changes presented to him by the various departments and bodies of the Holy See.

8. Legislation made by the Pope is applicable to the Church worldwide (universal law). One of the ways the Pope can legislate is by issuing a *Motu Proprio*. A *Motu Proprio* is a personal decree (or law) issued by the Pope which amends or replaces any code of canon law (or other provision) which is contrary to the decree. Some examples relevant to this Investigation include:

- In 2001, Pope John Paul II issued a *Motu Proprio* which included procedural rules for dealing with cases of alleged child sexual abuse.¹³²
- In 2010, Pope Benedict XVI issued a *Motu Proprio* amending Canon 1395 to read *"a person below the age of eighteen years"*.¹³³
- In 2016, Pope Francis issued a *Motu Proprio* stating that the negligence of a bishop in handling child sexual abuse allegations might satisfy the test for removing the negligent bishop from office.¹³⁴

Motu Proprio – Vos estis lux mundi

9. On 7 May 2019, Pope Francis issued the *Motu Proprio* 'Vos estis lux mundi' ('You are the light of the world').¹³⁵ At the outset of the *Motu Proprio*, he wrote:

*"The crimes of sexual abuse offend Our Lord, cause physical, psychological and spiritual damage to the victims and harm the community of the faithful. In order that these phenomena, in all their forms, never happen again, a continuous and profound conversion of hearts is needed, attested by concrete and effective actions that involve everyone in the Church, so that personal sanctity and moral commitment can contribute to promoting the full credibility of the Gospel message and the effectiveness of the Church's mission ... Even if so much has already been accomplished we must continue to learn from the bitter lessons of the past, looking with hope towards the future."*¹³⁶

¹³⁰ Monsignor Gordon Read 4 November 2019 135/11-14

¹³¹ Monsignor Gordon Read 4 November 2019 135/20-24

¹³² CHC001929_007 para 18

¹³³ CHC001929_013 para 30

¹³⁴ CHC001929_008 para 18(b)

¹³⁵ CHC001930

¹³⁶ CHC001930_001

10. The *Motu Proprio* prescribes:

- clerics and religious must report sexual abuse, and any cover-up, to the appropriate Church authorities, including the relevant bishop or religious institute leader (save where to do so would be a breach of the sacramental seal);
- cooperation with state authorities, including adherence to any national reporting obligations;
- the procedure for handling allegations made against a bishop or leader of a religious institute;¹³⁷ and
- a commitment by the Church to ensure that victims and complainants and their families are to be “*treated with dignity and respect*”, including being “*listened to and supported*” and offered spiritual and medical assistance as required by the specific case.¹³⁸

11. The *Motu Proprio* was described by the Bishops’ Conference in England and Wales as the Catholic Church taking “*a further and incisive step in the prevention and fight against abuse, putting the emphasis on concrete actions*”.¹³⁹

C.3: The institutions of the Holy See

Congregation for the Doctrine of the Faith

12. The Congregation for the Doctrine of the Faith (CDF) is one of the administrative institutions of the Holy See. The CDF has:

*“overall responsibility for passing on the Catholic faith. One of the ways in which it does this is to exercise disciplinary responsibility for canonical crimes in the area of faith and the celebration of the sacraments, as well as the moral issues connected with these.”*¹⁴⁰

13. In general terms, the CDF will become involved in a complaint of child sexual abuse against a member of the clergy in two ways:

- a canonical process to establish whether a canonical crime has been committed; and
- the laicisation process.

Canonical process in a child sexual abuse allegation

14. Where an allegation of child sexual abuse is made against a member of the clergy, canon law requires the matter to be reported to the relevant bishop or religious institute leader.¹⁴¹ This requirement exists alongside the Church’s obligations to report a child sexual abuse allegation or concern to the statutory authorities. In England and Wales “*canonical rules and processes must be subordinated*” to any statutory investigation and so the canonical process is adjourned until the state’s investigations are completed.¹⁴²

¹³⁷ CHC001929_046 para 126; VAT000027_003

¹³⁸ VAT000027_004

¹³⁹ <https://www.cbcew.org.uk/new-norms-for-the-whole-church-against-those-who-abuse-or-cover-up/>

¹⁴⁰ CHC001929_006. The Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL) is the department of the Holy See responsible for matters concerning religious communities. It deals with complaints about the general conduct of monastic life in a monastery or of an individual monk/nun but the CDF maintains responsibility for the canonical investigation of cases of child sexual abuse.

¹⁴¹ CHC001929_014 para 35; CHC001929_017 para 45

¹⁴² CHC001929_017-018 para 46

15. Once the state's investigations have concluded, the substantive canonical process begins. This involves the bishop or religious leader conducting a preliminary investigation to establish whether "*there is knowledge, which at least seems true*" of a canonical crime.¹⁴³ As Monsignor Read put it, the question to be determined is: "*Is there something to investigate here?*"¹⁴⁴ The bishop or religious leader will then issue a decree (ie a decision) providing the reasons for the decision.

16. Where the decree states that there is 'something to investigate', the matter is referred to the CDF. The CDF instructs the bishop or religious leader how to proceed. In practice, the CDF usually advises that an 'administrative process' be followed whereby the bishop or religious leader and two assessors oversee the substantive investigation and the bishop or religious leader decides whether a canonical crime has been proven to the standard of "*moral certitude*".¹⁴⁵ The CDF retains the right to impose any penalty at the end of this process, including a recommendation that the priest be laicised (see below).

Laicisation

17. Laicisation is the process by which a member of the clergy is 'returned to the lay state'. The CDF is the department responsible for ensuring that laicisation procedures are followed and that the correct paperwork has been submitted before the Pope grants the petition dispensing the priest from the obligations of ordination.

18. In both case studies, the Inquiry heard that priests convicted of child sexual abuse were laicised, but the length of time taken to do so often varied. For example, Laurence Soper was laicised within 18 months of his convictions for child sexual abuse offences.¹⁴⁶ By contrast it took nearly seven years for James Robinson to be laicised following his convictions.¹⁴⁷

19. The Holy See declined to provide the Inquiry with any information about the length of time taken to laicise a priest or provide any information about the delay in laicising James Robinson.

20. We heard that the CDF had a small number of staff, between 10 and 20 people.¹⁴⁸ Adrian Child (director of the Catholic Safeguarding Advisory Service (CSAS) from 2007 to 2015) told us that:

*"The CDF are hugely understaffed and simply cannot deal with the deluge of referrals they receive. It is not unusual for a CDF response to take 2 or 3 years and in the context of safeguarding this is obviously unsatisfactory."*¹⁴⁹

It is unsurprising therefore that when Christopher Pearson (NCSC Chair) wrote to the CDF to ask for an assurance that personal and sensitive information about a survivor of child sexual abuse (RC-A711) was not leaked by them, he did not even receive a response. He was told there would be little point in chasing the letter due to the "*extremely slow*" responses previously obtained from the CDF.¹⁵⁰

¹⁴³ CHC001929_019 para 49

¹⁴⁴ CHC001929_020 para 50

¹⁴⁵ CHC001929_033 para 88

¹⁴⁶ MPS003065_032-034; BNT007157

¹⁴⁷ *Archdiocese of Birmingham Investigation Report* Part B.4 para 42

¹⁴⁸ Baroness Sheila Hollins 1 November 2019 25/12

¹⁴⁹ INQ000979_020 para 73 INQ000979_021

¹⁵⁰ Christopher Pearson 31 October 2019 108/24-110/11

21. The Inquiry's rapid evidence assessment (REA) *Child sexual abuse within the Catholic and Anglican Churches* reported that, in 2010, the Catholic Church "revealed that between 2001 and 2010 the Congregation [for the Doctrine of the Faith] had discussed allegations regarding improper sexual conduct relating to about 3000 priests".¹⁵¹ No definition of the term 'improper sexual conduct' is provided. The REA suggests the figure of 3,000 is an underestimate when compared with other evidence about the numbers of allegations against priests. The absence of published data about the number of priests laicised for child sexual abuse offences (whether in crimes in civil or canonical law) diminishes confidence in the Church's handling of such cases.

Pontifical Commission for the Protection of Minors

22. In 2014, Pope Francis established the Pontifical Commission for the Protection of Minors (PCPM) to advise him on "effective policies for the protection of minors and vulnerable adults and educational programmes for all who are involved in this work".¹⁵²

23. The PCPM, a department of the Holy See, is made up of experts who act as an advisory body to the Pope. Baroness Sheila Hollins, one of the eight founding members, told us that the remit of the PCPM was "very broad".¹⁵³ Where the PCPM identifies best practice, it makes recommendations to the Pope to adopt such practice; where weaknesses are identified, it proposes initiatives to address any shortcomings.¹⁵⁴ In 2016, Pope Francis approved the PCPM's guidelines template.¹⁵⁵ The template was intended to be a model set of guidelines with which each country's own guidelines complied.¹⁵⁶ It was sent to each Bishops' Conference and all major religious institutes. However, as Baroness Hollins accepted, the guidelines were "advisory"¹⁵⁷ and ultimately it was for bishops to decide how to act.

24. Baroness Hollins told us that by 2017 (when her time as a member of the PCPM came to an end) it "became increasingly apparent" to her that "advice would not be enough unless methods were found to support church leaders to implement the guideline recommendations in different regions and countries".¹⁵⁸ Sister Jane Bertelsen, a PCPM member since 2018, also expressed her concern that the advisory nature of the PCPM meant its "capacity to influence the global church in this area" was "limited".¹⁵⁹

25. Baroness Hollins said she "sensed resistance in some quarters" because although people within the Church understood the legal requirements and procedures, they did not "truly understand" the subject of child abuse.¹⁶⁰ She felt that the PCPM had "recommended the best policies" but said that:

"unless they were implemented, and implemented really with the heart that's required to carry this through and to understand that this is going to be an essential and ongoing commitment, then the guidelines on their own wouldn't work".¹⁶¹

¹⁵¹ *Child sexual abuse within the Catholic and Anglican Churches: A rapid evidence assessment* p28

¹⁵² Baroness Sheila Hollins 1 November 2019 4/2-6

¹⁵³ Baroness Sheila Hollins 1 November 2019 5/18

¹⁵⁴ Baroness Sheila Hollins 1 November 2019 5/4-6/5

¹⁵⁵ INQ004373

¹⁵⁶ Baroness Sheila Hollins 1 November 2019 12/2-12

¹⁵⁷ Baroness Sheila Hollins 1 November 2019 13/7-12

¹⁵⁸ Baroness Sheila Hollins 1 November 2019 20/1-3

¹⁵⁹ CHC001942_005 para 12.1

¹⁶⁰ Baroness Sheila Hollins 1 November 2019 20/14

¹⁶¹ Baroness Sheila Hollins 1 November 2019 21/25-22/4

26. For example, in 2016 the PCPM advised that the CDF should respond to letters received from victims and survivors rather than referring the inquirer back to the bishop in the inquirer's diocese.¹⁶² Baroness Hollins said that:

*"Whilst the CDF did not directly refuse to follow that advice, it did not do so."*¹⁶³

As a result, Ms Marie Collins, a PCPM member, survivor of child sexual abuse and prominent campaigner, resigned from the PCPM. An article published in the *Catholic Herald* stated that Ms Collins criticised the CDF:

*"citing what she called 'unacceptable' resistance to the commission's proposals from the Vatican's doctrine office ... Collins mentioned in particular the alleged refusal by the Congregation for the Doctrine of the Faith to implement proposals approved by the Pope and to collaborate with the commission."*¹⁶⁴

27. This incident led Baroness Hollins to comment *"some church leaders get it and some church leaders don't"*.¹⁶⁵

28. Sister Bertelsen thought it would *"take time"* for the PCPM to be seen as *"a vital force in the church"* and thought there needed to be a central office in Rome with authority to coordinate efforts across the Church.¹⁶⁶ She thought this office should have *"functional independence, be well resourced and remain directly accountable to the Pope"*.¹⁶⁷ She explained that Pope Francis had embarked on a process of an entire reform of the Roman Curia (government departments of the Vatican), which she described as *"like cleaning the sphinx with a toothbrush"*. She hoped the PCPM would *"have a significant voice"* in that reform.¹⁶⁸

29. In December 2013, safeguarding was identified by the College of Cardinals as an *"urgent"* priority.¹⁶⁹ It was not until September 2019 that the PCPM gathered together 11 departments of the Vatican to discuss the Church's response to safeguarding.¹⁷⁰ While Sister Bertelsen described this as being a *"very significant step forward"*, she could not explain the delay of almost six years.¹⁷¹

30. The PCPM plays an important advisory role but its value depends on the extent to which other departments in the Holy See heed its advice and engage with it. It remains to be seen whether it will provide the Roman Catholic Church with effective policies or is simply another well-meaning body that fails to effect any real change to the way the Church approaches the issue of child sexual abuse.

¹⁶² INQ004361_003 para 13

¹⁶³ INQ004361_003 para 13

¹⁶⁴ INQ004641

¹⁶⁵ INQ004641; Baroness Sheila Hollins 1 November 2019 28/13-23

¹⁶⁶ Sister Jane Bertelsen 4 November 2019 27/5-7

¹⁶⁷ Sister Jane Bertelsen 4 November 2019 27/12-19; CHC001942_005 para 12.3

¹⁶⁸ Sister Jane Bertelsen 4 November 2019 27/20-28/1

¹⁶⁹ Sister Jane Bertelsen 4 November 2019 19/4-15; CHC001942_001 para 2

¹⁷⁰ Sister Jane Bertelsen 4 November 2019 29/21-24

¹⁷¹ Sister Jane Bertelsen 4 November 2019 30/5-7

C.4: The Holy See and leadership

31. In recent years, Pope Francis has issued a number of statements on the subject of the Church's response to child sexual abuse.

31.1. When he established the Pontifical Commission for the Protection of Minors in 2014, Pope Francis said:

*"Many painful actions have caused a profound examination of conscience for the entire Church, leading us to request forgiveness from the victims and from our society for the harm that has been caused. This response to these actions is the firm beginning for initiatives of many different types, which are intended to repair the damage ..."*¹⁷²

31.2. In December 2018, he wrote that the Church *"will spare no effort to do all that is necessary to bring to justice whosoever has committed such crimes"*.¹⁷³

31.3. In his May 2019 *Motu Proprio*, Pope Francis said *"concrete and effective actions"* were required.¹⁷⁴

Inquiry requests to the Apostolic Nuncio and the Holy See

32. In autumn 2018, the Inquiry requested a statement from the Holy See's ambassador to the United Kingdom, the Apostolic Nuncio, Monsignor Edward Adams. The request was for information relevant to the English Benedictine Congregation (EBC) case study hearing in respect of Ealing Abbey and St Benedict's School (in February 2019) and in particular, about the Apostolic Nuncio's involvement in handling child sexual abuse allegations and the Apostolic Visitation of 2011/12.

33. The Apostolic Nuncio has diplomatic status and so cannot be compelled to provide a statement or to give evidence. This was therefore a voluntary request for the Apostolic Nuncio to provide information. The Apostolic Nuncio indicated that he needed to consult with the Holy See before replying. The Inquiry also sent the request of the Nuncio to the Holy See and liaised with the Foreign & Commonwealth Office to ensure that the request was made through established diplomatic channels.

34. Despite efforts by the Inquiry, no information was provided by the Apostolic Nuncio or the Holy See prior to the Inquiry's public hearing in relation to Ealing Abbey in February 2019.

35. In preparation for the wider hearing in October and November 2019, the Inquiry asked the Holy See for information about a number of other matters and repeated the requests made of the Nuncio. The Inquiry continued to press the Holy See, via the Foreign & Commonwealth Office, for confirmation as to whether it intended to respond to any or all of the Inquiry's requests. In due course, the Holy See confirmed that it would not be providing a witness statement. It did provide a response which included information about the 2011 Apostolic Visitation of Ealing Abbey and the disappearance and subsequent dismissal of Laurence Soper from the priesthood.

¹⁷² http://w2.vatican.va/content/francesco/en/letters/2014/documents/papa-francesco_20140322_chirografo-pontificia-commissione-tutela-minori.html

¹⁷³ http://w2.vatican.va/content/francesco/en/speeches/2018/december/documents/papa-francesco_20181221_curia-romana.html

¹⁷⁴ CHC001930_001

36. In August 2019, the Holy See provided a document entitled *Notes on the measures adopted by the Holy See and by national Conferences of Catholic Bishops to prevent and contrast child abuse* (the Notes).¹⁷⁵ The opening sentence of the Notes states:

*“The Holy See condemns the sexual abuse and ill-treatment of minors and vulnerable persons in the strongest possible terms. As Pope Francis has observed, ‘the crimes of sexual abuse offend Our Lord, cause physical, psychological and spiritual damage to the victims and harm the community of the faithful’.”*¹⁷⁶

37. The Notes appended a number of publicly available documents (for example, the 2001 and 2019 *Motu Proprios*). The Notes also explained that the Holy See did not exercise jurisdiction over individuals and institutions outside the Vatican, as bishops have autonomy within their own diocese.¹⁷⁷ The document concluded:

*“The Holy See is committed to continue to assist local dioceses and national Episcopal Conferences in preventing and countering the scourge of sexual abuse by members of the clergy. At the same time, the measures already adopted both by the Holy See and at the local level have contributed greatly towards creating a safe environment for children and vulnerable persons.”*¹⁷⁸

38. The Holy See provided limited information in respect of the Ealing Abbey case study. In respect of the final public hearing, it did little more than confirm the bishops’ authority within their own dioceses and provide documents already within the public domain. As recently as May 2019, the Pope made his position on child sexual abuse clear – there needed to be action not just words. This pronouncement stands in direct contrast to the limited information the Holy See provided to the Inquiry. In responding in this way, the Holy See’s stance was contrary to the spirit of its public statements and it missed the opportunity to demonstrate its engagement and leadership on the issue of child sexual abuse.

¹⁷⁵ VAT000027

¹⁷⁶ VAT000027_001

¹⁷⁷ VAT000027_003

¹⁷⁸ VAT000027_005

Part D

The Nolan and Cumberlege reviews

The Nolan and Cumberlege reviews

D.1: The Nolan report (2001)

1. In September 2000, Lord Michael Nolan was asked by the then Archbishop of Westminster to chair an independent committee to review arrangements made for child protection and the prevention of abuse within the Roman Catholic Church in England and Wales.¹⁷⁹ The report, *A Programme for Action* (the Nolan report), was published in September 2001. It encouraged a Church-wide commitment to one set of policies and procedures based on the paramountcy principle and other guidance. The paramountcy principle was enshrined in the Children Act 1989 (which came into force in 1991) and requires the child's welfare to be the "*paramount consideration*".¹⁸⁰

2. The Nolan report also made 83 recommendations applicable to both the dioceses and religious institutes.¹⁸¹ The first recommendation was that the Church should "*become an example of best practice in the prevention of child abuse and in responding to it*".¹⁸²

*"In our society we expect all organisations that have responsibility for the care of children to have arrangements that protect those children and promote their welfare. The care of children is at the forefront of the teachings of Christ and is, therefore, one of the primary responsibilities of all members of the Church ... "*¹⁸³

3. The report also recommended:

- an organisational structure to include a parish child protection representative and a child protection coordinator (CPC) for the diocese or religious institute;
- a National Child Protection Unit to advise the Bishops' Conference, the Conference of Religious (CoR), the dioceses and religious institutes, to issue guidance about safe working with children, to monitor the effectiveness of child protection arrangements in each diocese, and to liaise with the statutory authorities;
- a single national database of information on all applicants for the priesthood and religious life;
- registration by Church organisations with the Criminal Records Bureau (now the Disclosure and Barring Service (DBS)) and use of its services, including in the selection process for candidates for ordination;¹⁸⁴
- disclosures and suspicions always be "*acted on swiftly*",¹⁸⁵ applying the paramountcy principle, and shared with the CPC and with statutory authorities as soon as possible

¹⁷⁹ Lord Nolan was a former chairman of the Committee on Standards in Public Life and a retired judge.

¹⁸⁰ Children Act 1989 section 1

¹⁸¹ *Ampleforth and Downside Investigation Report* Part A paras 61–67

¹⁸² CHC000053_018

¹⁸³ CHC000053_018

¹⁸⁴ This recommendation was implemented – see INQ002671_002

¹⁸⁵ CHC000053_033 recommendation 52

without any filtering – the statutory authorities should take the lead in investigating the allegation;

- the use of risk assessments, including in cases where the investigation was closed or the alleged perpetrator found not guilty;
- records in relation to individuals and allegations kept for a minimum of 100 years; and
- historical allegations should be treated in the same way as allegations of current abuse. Bishops and religious superiors should ensure that historic cases should be the subject of review as soon as possible and reported to the statutory authorities where appropriate.

4. The Nolan Committee was clear:

“The structure of the Church means that formal responsibility for action lies primarily with individual bishops and superiors of religious orders. We are confident that this need create no difficulty provided that the whole Church in England and Wales and the individual bishops and superiors commit themselves wholeheartedly to the programme we have set out ... But our hope is that this report will help to bring about a culture of vigilance where every single adult member of the Church consciously and actively takes responsibility for creating a safe environment for children. Our recommendations are not a substitute for this but we hope they will be an impetus towards such an achievement.”¹⁸⁶

D.2: The post-Nolan child protection structure

5. As a result of the Nolan report, the Church made a number of structural changes in relation to its handling of child sexual abuse allegations.

Catholic Office for the Protection of Children and Vulnerable Adults

6. The Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) was established in January 2002 as the national child protection unit envisaged by the Nolan report. COPCA was funded by the Bishops’ Conference and by the CoR. Its director was Mrs Eileen Shearer and its work included:

- providing advice and support to both Conferences, the dioceses and religious institutes;
- establishing a duty scheme to provide advice on individual cases;
- liaising with statutory agencies at national level, and with professional bodies and leading charities;
- publishing an annual report which included information on the number of allegations received and information about how they were handled;
- facilitating child protection training; and
- introducing self-audits in the dioceses and religious institutes.

¹⁸⁶ CHC000053_042-043

Diocesan structure

7. One of COPCA's first recommendations was for the Church to establish a formalised organisational structure. This was approved by the Bishops' Conference and resulted in the introduction of a number of structural changes.

- **Independent child protection commissions:** The commissions' role included providing a support structure for child protection coordinators (see below), improving relationships between the Church and external agencies, and reviewing risk assessments for the management of child sex offenders in the Church.¹⁸⁷ Members included child protection experts such as the police and probation and social workers.¹⁸⁸
- **Child protection coordinators (CPC):** The role of CPCs was wide-ranging and included:
 - leading and managing the development of child protection practice and implementation of the policies at archdiocesan level;
 - responding to allegations of abuse, including referrals to statutory authorities and providing support and advice to survivors and victims;
 - providing guidance and advice to parish child protection representatives;
 - overseeing the arrangements for covenants of care (now known as safeguarding agreements or safeguarding plans); and
 - dealing with issues concerning vulnerable adults.¹⁸⁹
- **Parish child protection representatives:** Each parish had a parish child protection representative, responsible for ensuring that diocesan policies and procedures were followed in everyday practice.

Structure in religious institutes

8. Mrs Shearer stated that achieving a similar organisational structure for the religious institutes was *"highly problematic"*.¹⁹⁰ One proposal was for the religious institutes to join the diocesan child protection structure. Mrs Shearer told us that this proposal was *"unacceptable"* to:

"some of the religious, partly because they were fiercely independent, partly because they did not view it as correct that they should come under ... the rule of a bishop when they had their own governance structures of various kinds".¹⁹¹

9. In 2005, COPCA suggested that four regional religious commissions be established with membership, roles and responsibilities similar to those of the diocesan child protection commissions. Each regional religious commission was intended to have a safeguarding coordinator but in practice this did not happen *"in part due to the lack of resources available"* to the institutes and also *"a failure to fully understand safeguarding for many of the orders"*.¹⁹²

¹⁸⁷ Eileen Shearer 30 November 2017 22/1-23/1

¹⁸⁸ INQ000989_003 para 15

¹⁸⁹ Jane Jones 14 November 2018 19/1-21/17

¹⁹⁰ INQ000989_003 para 18

¹⁹¹ Eileen Shearer 30 November 2017 23/22-24/10

¹⁹² INQ000979_007 para 33

10. Adrian Child, who was appointed as assistant director of COPCA in 2006, told us that the regional religious commissions *“didn’t really have the professional expertise that was required”* nor did they have a safeguarding coordinator.¹⁹³

11. As discussed in Part E, the religious institutes ultimately aligned with diocesan safeguarding commissions or established their own safeguarding commissions.

D.3: ‘One Church’ post-Nolan

12. The Nolan report’s core recommendation was what became known as the ‘One Church’ approach – a single set of principles, policies and practices applicable across the Church based on the paramountcy principle and other government guidance.

13. In order to achieve this, the Nolan report said there was to be *“effective and speedy implementation in parishes, dioceses and religious orders”* and *“the provision of adequate resources to support these arrangements”*.¹⁹⁴ As the report acknowledges:

“Diversity of policy and practice, insufficiency of resources and a lack of national support and co-ordination will, in our view, lead to a weakened, inconsistent and inadequate response”.¹⁹⁵

14. Mrs Shearer noted that the Cumberlege report identified *“several crucial barriers to the effective implementation of the Nolan Report”*.¹⁹⁶ She said that in her experience bishops and leaders of religious institutes:

“did not take full responsibility for using their legitimate authority to lead the changes that were needed ... too often paying lip service ... viewing it as a regrettable and temporary necessity to deal with the unwelcome and damaging publicity at the time”.¹⁹⁷

15. She said that other barriers included:

- the diversity of the religious institutes, although, in her view, female religious institutes were *“by and large more engaged with and supportive of the need for COPCA’s work”* than the male religious institutes;¹⁹⁸
- the Church’s unfamiliarity with working with internal and external partners;
- the use of people in key roles (some with little or no experience of child protection work); and

*“A (misguided) perception that the paramountcy principle and Canon Law were diametrically opposed.”*¹⁹⁹

16. Evidence we heard during the case studies suggests that concerns about the implementation of the ‘One Church’ approach were not unfounded.

16.1. At Ampleforth Abbey, Abbot Timothy Wright (1997–2005) had *“an immovable attitude to allegations of child sexual abuse”* which hampered the proper and effective

¹⁹³ Adrian Child 13 December 2017 84/1-85/3; INQ000979_007 para 33

¹⁹⁴ CHC000053_042

¹⁹⁵ CHC000053_042

¹⁹⁶ INQ000989_009 para 52

¹⁹⁷ INQ000989_009 para 52

¹⁹⁸ INQ000989_004 para 23

¹⁹⁹ INQ000989_009 para 54.5

implementation of the Nolan recommendations. There were examples of Ampleforth refusing to cooperate with the statutory agencies and the Church itself.²⁰⁰

16.2. In 2003, Downside informally aligned itself with the Diocese of Clifton's safeguarding structure. Abbot Richard Yeo of Downside Abbey (1998–2006) considered that Downside engaged well with the diocese. However, the diocesan safeguarding coordinator thought that Abbot Yeo struggled with the paramountcy principle and was more focussed on protecting the clergy than victims.²⁰¹

16.3. In 2004 to 2007 there was a lengthy dispute between COPCA and the Archdiocese of Birmingham's safeguarding commission about whether COPCA should be provided with the name of an alleged perpetrator when COPCA's advice was sought. Mrs Shearer considered that there was a desire to keep COPCA at a distance.²⁰² Cardinal Vincent Nichols (then Archbishop of Birmingham) did not accept this but he should have intervened to ensure both resolution of the dispute and compliance with COPCA's protocol.²⁰³

17. In October 2003, Archbishop Vincent Nichols wrote that Lord Nolan's recommendations were:

*"accepted and the work of implementation began immediately. That work represents a sea-change in many of the habits and procedures that underlie the life of the Church in every parish, youth group, voluntary association and care institution. The scope of the change, then, is very widespread indeed."*²⁰⁴

18. As the Cumberlege review noted, there was however *"some resistance to change"* among certain bishops and religious leaders and *"a resistance among some Chairs/Commissions to the idea that they should be 'answerable' to some other body"*.²⁰⁵ More recently, Cardinal Nichols told the Inquiry that the 'One Church' policy was *"difficult to implement for a number of reasons"*.²⁰⁶ These included:

- the number of religious institutes and the diversity of their purposes;
- the relevance of child protection to some institutes which were small and consisted of elderly members;
- the capacity of smaller institutes to resource the changes; and
- the historical and canonical independence of the institutes from oversight by a bishop.

19. In his view, it took time to change the attitudes and culture within the Church post-Nolan; the *"changes ... were a little like climbing a hill"*.²⁰⁷ He *"found the procedures to be impersonal and somewhat inflexible"* but he said that access to expert advice and the

²⁰⁰ Ampleforth and Downside Investigation Report Part B para 177

²⁰¹ Ampleforth and Downside Investigation Report Part B para 276

²⁰² Eileen Shearer 15 November 2018 69/12-18

²⁰³ Archdiocese of Birmingham Investigation Report Part C.4 para 58

²⁰⁴ AAT000287_009

²⁰⁵ CHC000002_022 para 2.21; CHC000002_044 3.48

²⁰⁶ CHC001615_009 para 36

²⁰⁷ CHC001615_009 para 40

introduction of procedural requirements benefited the Church and him personally when child protection decisions needed to be made.²⁰⁸ As he put it:

*"Judgment based on personal contact and relationship ... is not always the best basis for decisions about what is to be done."*²⁰⁹

20. Cardinal Nichols believed that a *"lot of good was achieved"* between the Nolan and Cumberlege reports.

*"Without doubt ... COPCA ... changed the culture of safeguarding in the dioceses of England and Wales."*²¹⁰

21. The Inquiry heard evidence of how the Nolan report brought about positive changes in the dioceses and religious institutes.

21.1. In 2004, the Archdiocese of Birmingham sought COPCA's advice about RC-F167. Although he had been the subject of two investigations – one for alleged child sexual abuse offences, the other in respect of making inappropriate comments to children during confession – RC-F167 was working as a teacher. The Archdiocese followed COPCA's advice and informed the police about the previous investigations. Shortly afterwards, RC-F167 resigned as a teacher.

21.2. In 2006, Ampleforth suspended RC-F95 after he attempted to access websites restricted by its firewall.²¹¹ It was reported to the police, who concluded that RC-F95 had *"attempted to access adult homosexual sites, but not those involving children"* and the investigation was closed.²¹² A number of the accessed sites contained the word 'boy' in the title and showed *"young adolescent males"*.²¹³ A risk assessment found that RC-F95 posed a significant risk to students in the school and his employment at the school was terminated.²¹⁴ North Yorkshire social services were informed and acknowledged that the risk assessment *"underlines the commitment to good child protection procedures and practice that has been established at Ampleforth over recent years, and the willingness to take questions outside the community"*.²¹⁵

22. The Nolan report was a significant milestone in the Church's child protection arrangements and the recommendations brought about a number of improvements to the Church's response to child sexual abuse allegations. There was however some resistance to the involvement of COPCA and active resistance to the involvement of the statutory authorities. Some parts of the Church did not fully embrace the key message that child protection and the welfare of the child was paramount, and some actively resisted this.

²⁰⁸ CHC001615_010 para 45

²⁰⁹ CHC001615_010 para 47

²¹⁰ CHC001615_011

²¹¹ NYP000490_033 paras 149–150

²¹² NYP000490_033 paras 150–151

²¹³ AAT000854_013

²¹⁴ AAT000854_030 para 5.a; AAT000857_002

²¹⁵ AAT000857_001

D.4: The Cumberlege review (2007)

23. The Nolan report stated that its recommendations should be reviewed after five years. This led to the Cumberlege Commission review – *Safeguarding with Confidence* – in July 2007.²¹⁶

24. The Cumberlege review examined the progress of the Nolan recommendations. It concluded that 79 of the 83 recommendations had either been completely or partially addressed. The review noted:

- the achievements of COPCA “in such a relatively short time, have been considerable”;²¹⁷
- the complex structure of the Church meant that the implementation of the ‘One Church’ approach was not straightforward:

*“‘Programme for Action’ assumed that the Catholic Church operated as a functioning, hierarchical organisation capable of responding to, and implementing, a secular (in essence a social work) model of child protection and prevention. The reality, however, is very different ... The Church is collegiate ... Authority rests with each Bishop in his diocese and each Congregational Leader in his or her congregation ... So the Nolan prescription has compelled the Church to work in ways that are unfamiliar to it and where ‘internal’ partnership working – dioceses working with each other and congregations working with dioceses – let alone ‘external’ partnership working with the secular child protection world – has limited precedent”;*²¹⁸ and

- religious institutes were:

*“a late addition to the diocesan led thinking and recommendations underpinning the Nolan review. Five years later they continue to be so. The very nature and diversity of these religious congregations ... bring with it a particular challenge to the One Church approach ... uptake among the religious of the national policies is hugely variable. It is slower and more grudging in some places, especially among those congregations whose concerns are not primarily with children or vulnerable adults ... others are more willing to engage with the new processes than their diocesan counterparts. Substantial inputs of support and training are required to enable all religious congregations, given their diversity and later inclusion, to embrace the One Church approach.”*²¹⁹

25. The Cumberlege report replaced the language of ‘child protection’ with that of ‘safeguarding’ and made 72 recommendations, including that:

- diocesan child protection commissions should become safeguarding commissions responsible for safeguarding children and vulnerable adults;
- COPCA’s name should be changed to the Catholic Safeguarding Advisory Service (CSAS) to reflect its primary future role as one of coordination, advice and support in respect of the wider job of safeguarding children and vulnerable adults;
- CSAS should ensure the safeguarding policies are accessible at all levels with an emphasis on people in parishes;

²¹⁶ CHC000002

²¹⁷ CHC000002

²¹⁸ CHC000002_019-020

²¹⁹ CHC000002_022

- CSAS should report and be accountable to the Bishops' Conference and the CoR through a new National Safeguarding Commission; and
- the Bishops' Conference and the CoR *"should publicly declare and renew their affirmation of the One Church approach to safeguarding children, young people and vulnerable adults through the promotion of a sustained and sustainable culture of constant vigilance"*.²²⁰

26. The implementation of the Cumberlege recommendations and the resulting changes to the Church's child protection structure, policies and procedures are considered in Part E.

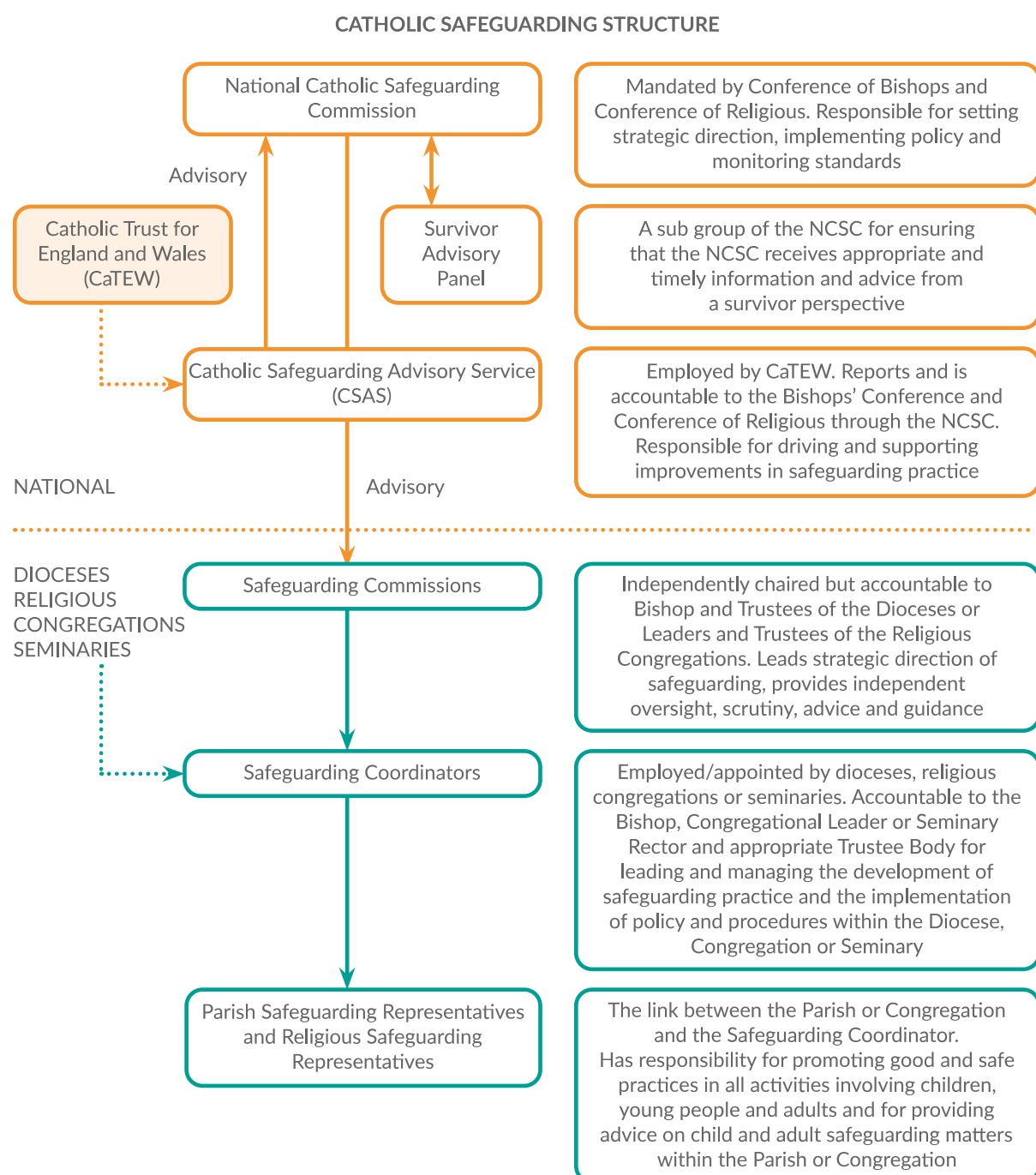
Part E

Child protection structure and policies

Child protection structure and policies

E.1: The Church's child protection structure post-Cumberlege

1. In response to the Cumberlege report, the Roman Catholic Church made a number of changes to its child protection structure, many of which remain in place today.



The current Catholic Church safeguarding structure
Source: Based on NCS000002_002

National Catholic Safeguarding Commission

2. The National Catholic Safeguarding Commission (NCSC) was created in July 2008.²²¹ It is responsible for setting the strategic direction of the Church's safeguarding policy (with the agreement of the Bishops' Conference and the Conference of Religious (CoR)) and monitoring compliance to ensure that child protection standards are met and policies implemented.²²² It does not have any role in investigating individual allegations of child sexual abuse.²²³ The NCSC is chaired by a lay member (currently Christopher Pearson) and its membership includes other lay members as well as representatives from the Bishops' Conference and the CoR.²²⁴

Catholic Safeguarding Advisory Service

3. The Catholic Safeguarding Advisory Service (CSAS) is *"the national agency for driving and supporting improvements in safeguarding practice within the Catholic Church"*.²²⁵ Its functions include:

- acting as an advisory service to those within the Church in England and Wales;²²⁶
- processing criminal record disclosure applications to the Disclosure and Barring Service (DBS) on behalf of the Church;²²⁷
- quality assurance and auditing to ensure effective arrangements are implemented in the dioceses and religious institutes;
- developing and supporting safeguarding training; and
- producing and revising policy and procedure.²²⁸

4. CSAS is accountable to the Bishops' Conference and the CoR. The Director of CSAS, Dr Colette Limbrick, has meetings with both Conferences, but she told us that they do not exert any influence over safeguarding *"in terms of the day-to-day work of CSAS"*.²²⁹

5. CSAS' involvement in a safeguarding case predominantly arises in two ways:²³⁰

- When an allegation is made against a bishop, CSAS must be informed and a different diocese assumes management of the complaint. CSAS monitors the progress of the complaint and may provide advice to whoever is managing the complaint. CSAS also informs the Chair of the NCSC about the case.²³¹ Dr Limbrick could not recall a case that she was monitoring being dealt with in a way that was not compliant with CSAS procedures.²³²

²²¹ Christopher Pearson 31 October 2019 84/24-25; NCS000010_002 para 1.5

²²² Christopher Pearson 31 October 2019 84/17-21, 100/16-19; NCS000010_002 para 1.4

²²³ Christopher Pearson 31 October 2019 113/17-18

²²⁴ Christopher Pearson 31 October 2019 93/17-21, 94/23-95/1, 96/4-15

²²⁵ CSA005625_002

²²⁶ Dr Colette Limbrick 1 November 2019 50/24-51/2

²²⁷ Dr Colette Limbrick 1 November 2019 67/12-15

²²⁸ Dr Colette Limbrick 1 November 2019 51/4-16

²²⁹ Dr Colette Limbrick 1 November 2019 62/9-10

²³⁰ Dr Colette Limbrick 1 November 2019 63/1-20

²³¹ Dr Colette Limbrick 1 November 2019 63/1-64/22

²³² Dr Colette Limbrick 1 November 2019 64/23-65/2

- When CSAS is contacted for advice,²³³ Dr Limbrick said the advice is often regarding a procedural rather than case-specific point and that CSAS rarely has any further involvement once the advice is provided.²³⁴

Safeguarding commissions

6. Each diocese in England and Wales has a safeguarding commission, accountable to the bishop and the trustees. The safeguarding commission has a “*regulatory, advisory and supportive function and it exists to discharge these functions at a strategic level in all matters relating to Safeguarding in the Diocese or Religious Congregation it serves*”.²³⁵ CSAS policy requires the commission to have an independent chair and members with direct experience of safeguarding.²³⁶

Alignment of religious institutes with diocesan safeguarding commissions

7. In 2010, an NCSC working group identified “*shortfalls*” in the work of the four regional religious safeguarding commissions.²³⁷ In 2012, the Bishops’ Conference and CoR endorsed an NCSC proposal that a religious institute must either align with a diocesan safeguarding commission or establish its own commission. Six religious institutes established independent religious safeguarding commissions.²³⁸

8. The Inquiry was told that, as at May 2019, with a small number of exceptions, all other religious institutes are aligned to diocesan safeguarding commissions.²³⁹ In April 2020, the Bishops’ Conference agreed that “*all domiciled religious orders who are undertaking ministry ... but are not currently aligned, are advised that they must sign an alignment agreement*”.²⁴⁰ The alignment of religious institutes to a diocesan safeguarding commission is an important part of facilitating the ‘One Church’ approach and the remaining non-aligned institutes should sign an agreement as soon as practicable.

9. All diocesan and independent religious safeguarding commissions are expected to adhere to the NCSC and CSAS standards and procedures.²⁴¹ The standards are set out in the document *Towards a Culture of Safeguarding*, which was approved by the NCSC and both Conferences in 2012.²⁴² In the same year, the NCSC created link roles in which NCSC members are ‘linked’ to the safeguarding commissions. The link member helps the NCSC understand how ‘One Church’ is operating “*on the ground*” and reports back on local practice and any challenges faced by the commissions.²⁴³

Safeguarding coordinators

10. Safeguarding coordinators play a vital role within the safeguarding team of a diocese or religious institute. They are often a key point of contact and support for victims and survivors who report allegations of child sexual abuse and are responsible for making or

²³³ Dr Colette Limbrick 1 November 2019 65/22-66/4

²³⁴ Dr Colette Limbrick 1 November 2019 66/5-14

²³⁵ <https://www.csas.uk.net/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

²³⁶ INQ005966

²³⁷ INQ004593_005 para 4.6

²³⁸ The Society of Jesus (the Jesuits), The Society of the Divine Saviour (the Salvatorians), The Institute of Our Lady of Mercy, The Safeguarding Commission for Orders in Schools (SCOE), Ampleforth Abbey and Buckfast Abbey.

²³⁹ CHC0001962_003

²⁴⁰ CHC002158_003

²⁴¹ NCS000010_013 para 6.3

²⁴² NCS000010_013 para 6.3; AAT000170

²⁴³ CHC001954_011 para 21

overseeing referrals to the police and other external agencies. They are also accountable to the bishop, religious leader (or seminary rector) and the appropriate trustees for:

- leading on implementation and management of safeguarding and child (and adult) protection policy and practice within the diocese, religious institute or seminary;
- developing and implementing best practice in national and local initiatives to minimise the opportunity for abuse to occur;
- informing and advising the bishop or religious leader on best practice in managing concerns and allegations relating to children (and adults) at risk;
- assisting the bishop or religious leader to identify support needs for those accused of child sexual abuse; and
- providing national safeguarding training modules.²⁴⁴

Parish safeguarding representative

11. Each parish and religious institute is required to have a parish safeguarding representative (PSR) to act as the link between it and the safeguarding coordinator. He or she is responsible for *“good and safe practices in all activities involving children, young people and adults and for providing advice on child and adult safeguarding matters within the Parish or Congregation”*.²⁴⁵

12. CSAS prescribes that PSRs should have minimum standards of induction, a clear job description, training on the national policies and procedures and know who to contact if a concern or allegation is raised.²⁴⁶ Adrian Child, former director of CSAS, said that in his view safeguarding within the Church *“relies on the parish reps”*. He said:

*“Generally speaking, I believe it works well, reliant as it is on the tireless efforts of volunteers at parish level and mainly appropriately qualified staff in the safeguarding offices. A good level of competence and understanding has been built up since 2000.”*²⁴⁷

13. As at the end of 2018, 2,126 of 2,227 parishes had safeguarding representatives.²⁴⁸

E.2: Implementing the Cumberlege review recommendations

14. During the fourth public hearing, the Inquiry examined the progress, or otherwise, of implementation of Cumberlege recommendations 2 and 72.

Recommendation 2: Codes of conduct

15. Recommendation 2 of the Cumberlege review stated that the Bishops’ Conference and the CoR *“should develop Codes of Conduct for all clergy, non clergy religious and those who work in the service of the Church, including volunteers”*.²⁴⁹ The proposed timeline for implementation of the Code was *“within 12 months”*.²⁵⁰

²⁴⁴ <https://www.csas.uk.net/wp-content/uploads/2018/06/Catholic-Keywords..pdf> p7

²⁴⁵ NCS000002_002

²⁴⁶ <https://www.csas.uk.net/wp-content/uploads/2018/05/Organisational-structure-and-key-roles.pdf>

²⁴⁷ INQ004629_019 para 105

²⁴⁸ INQ0004786_031

²⁴⁹ CHC000002_092

²⁵⁰ CHC000002_114

15.1. Code of conduct for religious: The CoR's code of conduct – *Integrity in Ministry, A Document of Principles and Standards for Religious in England and Wales* – was produced in October 2015, eight years after the Cumberlege review.²⁵¹

15.2. Code of conduct for bishops and clergy: In preparation for the final public hearing, the NCSC and Bishops' Conference produced a chronology of work undertaken by them to prepare a code of conduct.²⁵² This chronology shows that from 2007 to 2016 the code was discussed and draft papers for consultation were circulated but no actual code was produced. At the final hearing, Cardinal Vincent Nichols told us that Bishop Marcus Stock, the Conference's lead member for safeguarding matters, was now responsible for producing the Code and he would "*be surprised*" if the proposed Code was not available by the Bishops Conference meeting in April 2020.²⁵³ The Code was subsequently approved at the April meeting and circulated to the bishops in July 2020.

16. Cardinal Nichols accepted that "*On this matter, we have made very slow progress*".²⁵⁴ That was certainly true given it took 13 years to reach this point.

Recommendation 72: Adherence to safeguarding policies and procedures

17. The Cumberlege review recognised that its recommendations (like that of the Nolan report) would not, "*according to the rules of Canon Law, be binding on individual Bishops or Congregational Leaders*".²⁵⁵ Therefore, where a bishop or religious leader refuses to follow or comply with those rules, "*there are not the resources or mechanisms sufficiently effective to hold people to account*".²⁵⁶

18. It sought to address this with recommendation 72. This recommended that the Bishops' Conference and CoR draft a 'general decree' (ie a law covering the Church in England and Wales) making adherence to "*the Church's most important safeguarding rules for children and vulnerable adults*" obligatory, under canon law, throughout England and Wales.²⁵⁷

19. A general decree only comes into force once it receives '*recognitio*' (or recognition) from the Holy See. *Recognitio* involves scrutiny by the Holy See to ensure that the general decree complies with the other laws of the Church. The Cumberlege report was "*much encouraged*" that a COPCA working party had already begun to formulate a general decree and recommended that *recognitio* should be sought within 12 months.²⁵⁸

20. Minutes of NCSC meetings record that *recognitio* was discussed in meetings from 2010 onwards.²⁵⁹ It was not until June 2019, however, that the final draft text of the general decree was approved by the Bishops' Conference and delivered to the Holy See.²⁶⁰

21. When asked about this delay, Cardinal Nichols acknowledged that "*It could have been quicker*" but explained that "*part of the narrative*" was as a result of the experience of the Bishops' Conference in the US which had sought a decree for the US but "*then got into difficulties because they wanted to change it, and so they had to go through the whole process of*

²⁵¹ [CHC002041](#)

²⁵² [CHC002111_005-009](#)

²⁵³ Cardinal Vincent Nichols 6 November 2019 118/2-5

²⁵⁴ Cardinal Vincent Nichols 6 November 2019 115/3-4

²⁵⁵ [CHC000002_089](#)

²⁵⁶ [CHC001741_013](#)

²⁵⁷ See recommendation 72 ([CHC000002_090](#)). A general decree is a law covering the whole territory of England and Wales.

²⁵⁸ [CHC000002_090](#) para 7.5; [CHC000002_115](#)

²⁵⁹ [CHC002111_010](#) para 1

²⁶⁰ Cardinal Vincent Nichols 6 November 2019 91/9-17

submitting new proposals”.²⁶¹ He said it was “*partly in light of this*” that the Bishops’ Conference decided to wait:

*“until it was clearer that our procedures and policies were mature enough. In the process of that, we did take advice from one of the officials in the Holy See, and he said there are advantages in waiting until this process matures”.*²⁶²

22. Cardinal Nichols said that the text of the general decree “*is specifically designed and includes our right to revise the details of what we do, now we await for the judgment of the Holy See on that as to whether it fits the universal law of the church*”.²⁶³

23. As at mid October 2020, *recognitio* has still not been granted.

24. The 2007 Cumberlege review made clear that a general decree was needed to give the safeguarding procedures the appropriate legal status. The Bishops’ Conference took 12 years to submit the general decree to the Holy See, shortly before the Inquiry’s hearings. It should have been done sooner.

25. Monsignor Gordon Read, an expert in canon law, was asked what would be the practical consequences of a breach of the general decree. He said this would:

*“be a matter for the Nuncio to report to the Holy See for action to be taken ... I suspect, initially, the Holy See would try to persuade the bishop that he ought to do what he’s required to do ... [the] ultimate sanction is open to the Holy See to either effectively strip the bishop of his powers and put someone else in with them, leaving him in office or simply to remove him from office altogether”.*²⁶⁴

26. Pope Francis’s 2019 *Motu Proprio* sets out the procedure to be adopted where a bishop or a religious leader mishandles allegations of child sexual abuse. In the event that recognition is granted, it remains to be seen whether the procedure laid down in the *Motu Proprio* will be invoked and the bishop or religious leader held to account.

E.3: CSAS policies and procedures

Adequacy of the safeguarding policies and procedures

27. The current CSAS safeguarding policies and procedures are available on the CSAS website. They include policies on responding to allegations, information-sharing and data protection, safer recruitment and safer working practices, and Disclosure and Barring Service (DBS) checks. The website contains references to UK legislation and other statutory guidance that underpins the policies and procedures, along with other sources of material including the national safeguarding training standards set out in *Towards a Culture of Safeguarding*. In addition to the CSAS website, a variety of safeguarding leaflets and posters are on display in churches and mass centres.

28. Mr Pearson said that, following the appointment of Dr Colette Limbrick as the director of CSAS (in June 2015), there had been a “*significant programme of review and improvement of policy*”.²⁶⁵ The redrafting of any policy involves consultation across the Church, including with

²⁶¹ Cardinal Vincent Nichols 6 November 2019 81/14-24

²⁶² Cardinal Vincent Nichols 6 November 2019 81/11-82/7

²⁶³ Cardinal Vincent Nichols 6 November 2019 79/19-82/12

²⁶⁴ Monsignor Gordon Read 4 November 2019 161/23-162/9

²⁶⁵ NCS000010_018 para 10.4

child protection staff and the safeguarding commissions. Legal advice is sought to ensure a proposed policy does not contravene canon law or civil law.²⁶⁶ Mr Pearson said that:

*“any changes to policy or procedures are robustly scrutinised by the NCSC and the Survivors Advisory Panel before they are recommended for submission to Bishops and Religious Leaders”.*²⁶⁷

29. No witness told us that the policies were inadequate. Mrs Edina Carmi, an independent safeguarding consultant, was commissioned by the Inquiry to undertake a review of a number of recent diocesan and religious safeguarding files. Her review involved consideration of the CSAS policy for managing allegations and concerns relating to children. When asked if she thought this policy was fit for purpose, she said:

*“if you were to strip all the policy and guidance so you could actually see what the instructions are, within it is the embryo of a procedure that could work, if you could then sort of make it clear who does what and when, so you would reorder it. But it needs a complete review. It needs that stripping of the information that’s not needed if you are trying to find out what you need to do, and it needs extra parts added. You also need to integrate all the bits and pieces that you’ve got in lots of other documents so it’s all in one document, not duplicated ... So overall, there’s the embryo within it of what could become a ‘fit for purpose’ procedure.”*²⁶⁸

Degree to which CSAS policies and procedures are followed

30. Adrian Child (director of CSAS 2007–2015) considered that “by and large” there was a national acceptance that safeguarding requirements needed to be followed.²⁶⁹ His successor, Dr Limbrick, stated that she was not aware of any diocese or religious institute that either deliberately adopted a policy that was inconsistent with a CSAS safeguarding policy or refused to comply with a CSAS safeguarding policy.²⁷⁰

31. When Stephen Spear (a lay member of the NCSC between June 2016 and July 2019) was asked if he had seen any evidence of the NCSC systematically monitoring compliance with safeguarding policies and procedures, he said “I’ve seen none at all”.²⁷¹

32. Throughout its public hearings, the Inquiry heard examples of non-compliance with CSAS policies and procedures.

32.1. In January 2011, Abbot Martin Shipperlee moved RC-F41 from Ealing Abbey due to safeguarding concerns, to an address in the Diocese of Brentwood. He failed to inform the Diocese of Brentwood, in breach of the CSAS cross-boundary placement policy.²⁷²

32.2. A 2018 audit of the Archdiocese of Birmingham found that the Archdiocese’s policies and procedures were not in accordance with CSAS policies and procedures and the Archdiocese’s reviews of safeguarding agreements were not conducted with the frequency they should have been.²⁷³

²⁶⁶ Dr Colette Limbrick 1 November 2019 53/20-54/12.

²⁶⁷ NCS000010_018 para 10.4

²⁶⁸ Edina Carmi 5 November 2019 78/10-23

²⁶⁹ INQ000979_026-027 para 88.9

²⁷⁰ CSA005816_012 para 31

²⁷¹ Stephen Spear 31 October 2019 56/20

²⁷² Abbot Martin Shipperlee 7 February 2019 25/9; Peter Turner 6 February 2019 35/14-37/9

²⁷³ Archdiocese of Birmingham Investigation Report Part D.3 para 11

33. The NCSC introduced auditing of safeguarding commissions to monitor implementation of policies and to “*create greater consistency of good practice*”.²⁷⁴ Where sub-standard safeguarding practice is identified, CSAS makes recommendations to the NCSC but neither CSAS nor the NCSC are able to ensure that the recommendations are implemented. Dr Limbrick told us that the bishop or religious leader would be responsible for enforcement.²⁷⁵ Recent audits of safeguarding commissions have shown that consistent compliance with policies and procedures remains some way off (see Part G).

Enforcement and sanction where policies and procedures are not followed

34. When the NCSC and CSAS were established, they were not vested with any powers to enforce compliance with their policies. Accountability for safeguarding practice sits within the diocesan or religious safeguarding commission itself, with the bishops or religious leaders responsible for enforcing compliance with policies and for taking remedial action where there are concerns.²⁷⁶ If CSAS considered the bishop or religious leader was not performing his safeguarding role properly, he would be reported to the Charity Commission. Dr Limbrick told us that she has never made such a report, but she recalled that a diocesan safeguarding coordinator referred a religious order to the Charity Commission.²⁷⁷

35. Danny Sullivan (chair of the NCSC between 2012 and 2015) described the lack of authority provided to the NCSC as “*a gaping hole*” in the Church’s approach.²⁷⁸

E.4: The Elliott review

36. In September 2018, the Bishops’ Conference gathered in Rome for meetings with Pope Francis and offices of the Holy See.²⁷⁹ As a result of discussions, the Bishops’ Conference decided to ask the NCSC to commission “*an independent and comprehensive review of our safeguarding structures, fully informed by the voices of the victims and survivors of abuse*”.²⁸⁰ Cardinal Nichols said he thought “*it was quite timely to have a radical review*”.²⁸¹

37. In July 2019, Ian Elliott (a safeguarding consultant) was appointed to chair the independent review into ‘Safeguarding Structures and Arrangements within the Catholic Church in England and Wales’ (the Elliott review).

38. On 25 October 2019, shortly before the public hearing commenced, the Terms of Reference for the Elliott review were published.²⁸² Cardinal Nichols was not able to explain why it took more than a year for the NCSC to devise these terms.²⁸³ The scope states:

*“The review is not required to make specific recommendations for action, but to identify different models of structure and operations and the means by which these could be achieved, presenting a view on which models seem best suited to supporting and delivering the ‘One Church’ approach to safeguarding.”*²⁸⁴

²⁷⁴ INQ004593_004; INQ004593_003 para 3.1.2

²⁷⁵ Dr Colette Limbrick 1 November 2019 118/13-119/3, 119/19-25

²⁷⁶ Dr Colette Limbrick 1 November 2019 119/7-14, 80/20-81/5

²⁷⁷ Dr Colette Limbrick 1 November 2019 120-1-17

²⁷⁸ INQ004397_004-005; INQ004397_006 para 23

²⁷⁹ These are ‘ad limina’ visits, ie visits to the Pope and offices of the Holy See that bishops from a particular country or region are required to make (CHC002085_008 para 24).

²⁸⁰ CHC002085_009 para 25

²⁸¹ Cardinal Vincent Nichols 6 November 2019 73/25

²⁸² INQ004788

²⁸³ Cardinal Vincent Nichols 6 November 2019 70/7-15

²⁸⁴ INQ004788_003

39. The review will consider the following “key elements”:²⁸⁵

- the safeguarding infrastructure and organisation;
- alignment of dioceses and religious congregations;
- accountability;
- training;
- safeguarding structures and arrangements;
- policy and procedures; and
- financial arrangements.

40. The interim report of the Elliott review was expected by April 2020. In June 2020, the Inquiry received a letter from Mr Elliott providing an update on his review which stated that the interim report made four recommendations which he “summarised” as follows:

- *“There is a need to restructure safeguarding within and across the church, to develop a ‘One Church’ approach*
- *A new body at the centre should be created and given the powers required to advance and operationalize this.*
- *There must be a planned process of transition to move to a ‘One Church’ approach.*
- *The changes should be supported by the creation of a high-level Safeguarding Review Committee or Steering Committee, to provide agreement in principle, to proposed developments.”*²⁸⁶

He said that the four recommendations had been accepted by the NCSC and the Bishops’ Conference, adding that the “last recommendation came from a realisation that the current leadership structures within the Church would not be able to provide this support through the fact that they do not meet often enough”.²⁸⁷

41. The final report is expected “to be received no later than 1st October 2020”.²⁸⁸

²⁸⁵ INQ004788_003

²⁸⁶ CHC002161

²⁸⁷ CHC002161

²⁸⁸ INQ004788_005

Part F

Safeguarding training and education

Safeguarding training and education

F.1: Introduction

1. The Roman Catholic Church has made changes to its own recruitment procedures and child protection training. This includes changes to the selection of trainees for the priesthood as well as to the safeguarding training given to prospective and current members of the clergy and those involved in child protection.

F.2: Safeguarding training prior to ordination

2. Dioceses and religious institutes are expected to observe Catholic Safeguarding Advisory Service (CSAS) policies for safer recruitment and safeguarding training. For example:

- Prior to commencing their training, candidates for the diocesan or religious priesthood must undergo a psychological assessment.²⁸⁹ This includes an assessment of the candidate's *"personal history ... relationships, sexuality ... Attention should also be given to childhood experiences, especially to areas of abuse/neglect"*.²⁹⁰
- Where there is *"credible evidence that a candidate is sexually attracted to minors he must immediately be dismissed from the seminary"*.²⁹¹
- Those seeking to work with children and vulnerable adults must provide an enhanced criminal record (DBS) check.²⁹²

3. We heard evidence about the embedding of safeguarding in training. For example, training for the priesthood includes a diocesan safeguarding officer providing a three-day course, to:

"help candidates come to see that safeguarding in the Church is about them and their formation, what kind of person they are capable of being, rather than a simple series of forms to fill in or rules to keep".²⁹³

Seminarians also undertake a number of placements – for example, in hospitals and schools – and an extended placement in a parish, during which time they will be inducted into and gain experience of the parish safeguarding procedures.

4. Father Paul Smyth (President of the Conference of Religious (CoR)) told us that each religious institute is responsible for ensuring that its members receive safeguarding training. He said that each institute integrates safeguarding training into the different stages of

²⁸⁹ CHC002052_027 paras 52–54

²⁹⁰ CHC002071_011 para 7.23

²⁹¹ CHC002071_005 para 6.1

²⁹² CHC002039_005 para 13. The Disclosure and Barring Service (DBS) carries out criminal record checks. The current system has four levels of checks; two of them (enhanced and enhanced certificates with barred list checks) are relevant for those who work with children or vulnerable adults (DBS000024_005).

²⁹³ CHC002067_015 para 5.52

training depending “on their own particular circumstances”.²⁹⁴ Where members of the institute have contact with children (or vulnerable adults), the “expectation” is that they would “undergo the training provided by their Order and the commission they may be aligned with”.²⁹⁵ He said “the goal” is to ensure that every member “is aware of the area of safeguarding and the inherent implications and responsibilities”, including knowledge about the national safeguarding structure and how to respond to concerns and allegations.²⁹⁶

F.3: Current safeguarding training to clergy and religious orders or congregations

5. In 2012, the National Catholic Safeguarding Commission (NCSC) and CSAS made 10 recommendations to raise safeguarding standards throughout the Church. The recommendations were set out in *Towards a Culture of Safeguarding*.²⁹⁷ Many of those recommendations focus on training for clergy and those individuals involved in safeguarding.

5.1. An induction for members of the safeguarding commissions is required to identify if they require any training or additional training to that received as part of their professional safeguarding background.

5.2. Clergy are required to “regularly update their knowledge and skills in relation to safeguarding” by attending “updating sessions every three years”.²⁹⁸ Dr Colette Limbrick, director of CSAS, told us that there were three national training modules for the clergy which “have been recently updated and they’re due to be developed further to involve the perspective of the Survivor Advisory Panel”.²⁹⁹ The training is endorsed by the NCSC and monitored through the national audit process. In May 2019, the Bishops in England and Wales approved recommendations to mandate biennial safeguarding refresher training for clergy.³⁰⁰

5.3. Parish safeguarding representatives are required to undergo initial training followed up with annual training sessions thereafter.³⁰¹

6. There are also a number of additional ways that individuals involved in safeguarding are currently trained.

6.1. The CoR has “collaborated and supported the work of CSAS and the safeguarding commissions by providing some seminars and gatherings”.³⁰² There is also ongoing training within the institutes provided by, for example, the safeguarding commissions to which the institute is aligned. CoR is also recruiting a safeguarding adviser.³⁰³

6.2. The CSAS website sets out the ‘National Standards for Induction, Supervision, Support, Training and Appraisal’ which includes 19 training topics with which a safeguarding coordinator must become familiar. The document also prescribes the timescale, following appointment to the role, within which these topics should be

²⁹⁴ CHC002039_018 para 60

²⁹⁵ CHC002039_018-019 para 61

²⁹⁶ CHC002039_018 para 60

²⁹⁷ AAT000170

²⁹⁸ CSA005623_009

²⁹⁹ Dr Colette Limbrick 1 November 2019 94/4-20

³⁰⁰ CSA005921_018-019

³⁰¹ CSA005623_030

³⁰² Father Paul Smyth 5 November 2019 129/5-16

³⁰³ Father Paul Smyth 5 November 2019 122/6-20

covered.³⁰⁴ CSAS organises national safeguarding coordinator meetings three times a year, which may include *“learning and development opportunities through the provision of training or workshops”*. Coordinators also *“share with each other current issues or practice learning”*.³⁰⁵

6.3. In turn, the safeguarding coordinator is involved in *“the training of anyone in the Archdiocese who works with children or adults in vulnerable circumstances”*, including *“priests, chaplains, seminary students, Parish Safeguarding Representatives, members of the community, volunteers, youth workers, Archdiocese staff and others”*.³⁰⁶ It is for the safeguarding coordinator to ensure national training standards are met in line with national policy.³⁰⁷ In 2019, CSAS appointed a full-time safeguarding training coordinator.³⁰⁸

6.4. Since 2017, the Survivor Advisory Panel (SAP) has undertaken training on the perspective of victims and survivors. This training was given at local level to Ampleforth Abbey, bishops and the NCSC.³⁰⁹ This training is not part of a national programme and is therefore delivered on an *ad hoc* basis. This is the subject of review and will be considered in due course by Baroness Sheila Hollins.³¹⁰ In August 2020, Baroness Hollins informed the Inquiry that the SAP and NCSC are to hold a *“joint development day”* in October 2020 (and then annually) and that the *“key proposals include”* involving the SAP in developing NCSC core strategic plan as well as ensuring that SAP members and the NCSC committees meet each other *“regularly”* including at NCSC meetings.³¹¹

F.4: Safeguarding conference in Valladolid in 2019

7. Bishops have a regular cycle of in-service training. Every two years the spring plenary assembly is designated either a spiritual retreat or an *“in-service training conference”*.³¹² In May 2019, the spring plenary meeting for the English and Welsh bishops was held in Valladolid, Spain and was focussed entirely on safeguarding. Baroness Hollins, a former member of the Pontifical Commission for the Protection of Minors, devised the training programme which covered bishops’ safeguarding experience and concerns, safeguarding during formation, international perspectives and CSAS’ work.³¹³ Baroness Hollins told us:

*“The guiding theme of the programme was to help the bishops to understand more clearly the importance of listening to and accompanying people who have been abused and those close to them and to recognise the long-term effects of abuse.”*³¹⁴

8. The training team included members of the SAP and other survivors of sexual abuse, and the bishops heard testimonies from survivors of clerical abuse.³¹⁵ Baroness Hollins said that although the bishops *“probably had met victims and survivors of clerical abuse ... what I*

³⁰⁴ CSA000764

³⁰⁵ CSA005625_005 para 13

³⁰⁶ INQ002009_010 para 4.20

³⁰⁷ CFD000107

³⁰⁸ Dr Colette Limbrick 1 November 2019 52/3-9

³⁰⁹ CHC001934_010 para 31c; David Marshall 31 October 2019 164/25-165/2

³¹⁰ David Marshall 31 October 2019 166/5-18

³¹¹ INQ006135

³¹² Cardinal Vincent Nichols 6 November 2019 36/11-19; CHC001831_005 para 23

³¹³ Formation is the process by which the Church prepares individuals for priesthood or membership of a religious order. It includes both academic and spiritual training.

³¹⁴ INQ004361_006 para 25

³¹⁵ INQ004361_005 para 24

*think is that they hadn't all actually had the confidence and the skill to really sit and listen".*³¹⁶ She thought the training helped the bishops develop *"an emotional empathy with victims and survivors"*³¹⁷ and all the bishops referred to the testimonies of the victims and survivors as one of the most significant features of the conference.³¹⁸

9. Cardinal Vincent Nichols summarised the meeting as:

*"days which have touched every bishop very deeply. We have listened to the deep and lasting confusion, pain and despair, inflicted by the people who abused them. We have listened with horror to the ways in which precious gifts of our faith have been used to groom and dominate both children and vulnerable adults in crimes of abuse. We humbly ask forgiveness of all who carry this pain, for our slowness and defensiveness and for our neglect of both preventative and restorative actions. (For us Bishops these days are a watershed.)"*³¹⁹

10. As explained in Part E, the Bishops' Conference has drafted a decree (law covering the Church in England and Wales) which states:

*"Clergy, religious and lay persons exercising appointed offices, roles or responsibilities within the Church will be required to undergo personalised safeguarding training, some of which will be designated as mandatory by the Catholic Bishops' Conference of England and Wales".*³²⁰

11. The decree states that failure to undertake this training may *"result in removal from office or restrictions being imposed on ministry, or the exercise by clergy, religious or the lay faithful of a role or responsibility"*.³²¹ Cardinal Nichols told us that this was similar to the current position but that the general decree would give this the *"force of law"* and *"gives much greater strength to the duty for us to undergo appropriate training"*.³²²

F.5: Future plans for safeguarding training

12. Notwithstanding the impact and benefit of the Valladolid safeguarding training, Baroness Hollins said that she had neither been asked to provide more training nor offered to do so.³²³ Cardinal Nichols described future plans for the bishops in-service training as an *"open page"*.³²⁴

13. When asked if CoR had plans for any further safeguarding training in the future, Father Smyth said there was *"nothing planned for the moment"*.³²⁵ In April 2020, the Inquiry was informed that the Conference of Religious Safeguarding Committee are intending to organise a *"conference or training session"* for CoR members *"focussing specifically on listening to victims and survivors"*.³²⁶

³¹⁶ Baroness Sheila Hollins 1 November 2019 38/5-15

³¹⁷ Baroness Sheila Hollins 1 November 2019 30/7-8

³¹⁸ INQ004317_003-004

³¹⁹ INQ004789_002

³²⁰ CHC002075_004

³²¹ CHC002075_003-004

³²² Cardinal Vincent Nichols 6 November 2019 102/21-104/6

³²³ Baroness Sheila Hollins 1 November 2019 46/6-11

³²⁴ Cardinal Vincent Nichols 6 November 2019 55/5-7. The Inquiry was subsequently informed that the November plenary of the Bishops' Conference has been extended by half a day to allow for regular annual safeguarding training and four bishops have been nominated as lead bishops for safeguarding training.

³²⁵ Father Paul Smyth 5 November 2019 130/8-25

³²⁶ CHC002158_006

14. A number of witnesses, including some safeguarding staff within the Church, spoke of the need for improvements to training.³²⁷ For example:

- Dawn Lundergan, Director of Safeguarding at the Diocese of Salford, said:

*"The development of a nationally approved accredited training programme for those at all levels who are involved with safeguarding would be worthy of serious consideration to aim at consistent and robust training for all at whatever the appropriate levels their roles may entail".*³²⁸

- Sister Agnes Clare Smith, safeguarding coordinator of the Institute of Our Lady of Mercy, said:

*"I would also like to recommend that a national training team be set up to enable safeguarding training across the Roman Catholic Church in England to ensure consistency of training and content".*³²⁹

15. The value of safeguarding training across the entire Church is obvious and the Inquiry encourages the involvement of the SAP in this regard. In seeking to make safeguarding training mandatory as part of canon law, the Church has taken a positive step. The Church lacks regular and ongoing training which includes the victim and survivor perspective.

³²⁷ INQ004787

³²⁸ INQ004787_028

³²⁹ INQ004787_023-024

Part G

Audits

Audits

G.1: Introduction

1. In 2006 and 2007, the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) introduced self-auditing of the child protection commissions. The audits included straightforward questions such as “Are you aware there are safeguarding policies and where they are kept?”³³⁰ The COPCA annual reports for 2006 and 2007 recognise that these self-audits were limited in their scope.³³¹ Mrs Eileen Shearer (COPCA’s director) told us that the self-audits were introduced “in full recognition that this was a first step and could not be a rigorous independent process”.³³² She said a lack of resources and the “climate of resistance within the Church to any external scrutiny of the workings of Dioceses and Congregations militated against a full external audit process”.³³³

G.2: Audits by the Catholic Safeguarding Advisory Service 2010 to 2018

2. Between 2010 and 2013, the Catholic Safeguarding Advisory Service (CSAS, COPCA’s successor) conducted two further rounds of audits of the diocesan safeguarding commissions.³³⁴ The audits focussed on compliance with:

- standards set out in *Towards a Culture of Safeguarding*;
- Disclosure and Barring Service (DBS) requirements; and
- case recording standards.³³⁵

3. Adrian Child, former director of CSAS, said the second and third round of audits were “more comprehensive” and involved CSAS conducting a two-day visit of the safeguarding commission and undertaking a review of their records. CSAS prepared an audit report which was provided to the safeguarding commission.³³⁶ An action plan was devised to implement the audit report’s recommendations.

4. Some diocesan audits gave cause for concern.

4.1. In 2010, the Archdiocese of Birmingham completed a self-assessment and considered that “it met the highest standard in all but two areas”.³³⁷ When CSAS conducted the audit, it found a number of areas where the Archdiocese was either “not compliant” or “improvement was needed”.³³⁸

³³⁰ INQ000979_016 para 57

³³¹ CHC000099_008; CHC000098_014-015

³³² INQ000989_006 para 37

³³³ INQ000989_006 para 36

³³⁴ CSA005816_002-005 paras 2–5

³³⁵ CSA005625_013 para 34

³³⁶ INQ000979_016 para 58

³³⁷ Archdiocese of Birmingham Investigation Report p42 para 70

³³⁸ CHC000336_001

4.2. As set out in the *Ealing Abbey and St Benedict's School Investigation Report*, a 2011 audit of the Diocese of Westminster found that standards were “not met in a number of areas, including casework and recording practice”.³³⁹

4.3. In its 2011 audit, the Diocese of Menevia “performed particularly poorly”.³⁴⁰

5. Two of the six independent religious safeguarding commissions were audited in 2014/15. The remaining four audits were completed by Dr Colette Limbrick after she joined CSAS in June 2015.³⁴¹ These audits highlighted both good and bad practice at the independent religious safeguarding commissions. For example, the audit of the Society of Jesus (the Jesuits) safeguarding commission found “good evidence” of inter-agency working and a good quality of risk management practice³⁴² but noted that the case files “lack structure and can be difficult to follow”.³⁴³ When Buckfast Abbey independent commission was audited, the findings were generally positive, including reference to an “Excellent level of detail in Covenants of Care which are also subject to regular review”.³⁴⁴

6. In the view of Mr Child, with each successive round of audits, there was increasing “professionalisation of safeguarding”. He considered “that practice (and certainly case recording) had improved” post-Nolan with “yet further improvement” after the publication of the Cumberlege report and implementation of its recommendations.³⁴⁵

7. Save for two exceptions, between 2015 and 2018, CSAS did not conduct any audits.³⁴⁶ Dr Limbrick told us that this was because she “wasn’t aware that there was a need to revisit” any of the audits. CSAS was reviewing its policies and procedures as well as “looking at an appropriate methodology or structure for ongoing quality assurance work”.³⁴⁷

G.3: Audits carried out during the case studies

8. In preparation for the public hearings in the case studies, both the English Benedictine Congregation (EBC) and the Archdiocese of Birmingham commissioned external audits or reviews of their own safeguarding practices and teams.

8.1. Ampleforth: In addition to scheduled inspections by the Independent Schools Inspectorate and an unsatisfactory statutory inquiry by the Charity Commission, in 2017 Ampleforth’s trustees commissioned Professor Susan Proctor to conduct an independent external review into child protection policies and practices at Ampleforth Abbey and school.³⁴⁸ The Proctor report (published in March 2017) concluded that safeguarding “was taken seriously”, with “robust” policies for the recruitment and selection of staff, appropriate staff training and regular safeguarding training for

³³⁹ *Ealing Abbey and St Benedict's School Investigation Report* p70 para 11

³⁴⁰ CHC001464_007 para 27; INQ000979_017; Part E

³⁴¹ Dr Colette Limbrick 1 November 2019 68/11-24

³⁴² CHC000383_009 paras 6.7–6.8

³⁴³ CHC000383_008 para 6.4

³⁴⁴ BNT002023_019

³⁴⁵ INQ000979_017-018 para 62

³⁴⁶ The two exceptions were the Archdiocese of Westminster, which asked CSAS to conduct an audit to ascertain whether a new safeguarding coordinator had brought about improvements within the Diocese and the Diocese of Hallam, which had a “difficult staffing situation” leading to concerns within the Diocese about the quality of work they were producing.

³⁴⁷ Dr Colette Limbrick 1 November 2019 69/20-25

³⁴⁸ A statutory inquiry in the Charity Commission is a formal investigation conducted where there are “either serious concerns in the charity or where public trust and confidence dictates that the commission needs to formalise its engagement with the charity” (Michelle Russell 1 November 2019 146/7-9). It resulted, in April 2018, in the Charity Commission appointing an interim manager due to continued concerns about the extent to which the safeguarding risks to pupils at the schools were being adequately managed.

the monastic community.³⁴⁹ However, it stated that *“No one is in overall charge of safeguarding for the organisation”* and there was no safeguarding strategic plan for the school or the wider organisation.³⁵⁰ Ampleforth accepted Professor Proctor’s 90 recommendations and told us that it *“will in the future commission similar periodic independent external reviews”*.³⁵¹

8.2. Downside: In February and March 2018 (following our public hearings in the Ampleforth and Downside case study), the Social Care Institute for Excellence (SCIE) conducted an audit of safeguarding at Downside Abbey and the inter-relationship between the school and Abbey.³⁵² It found a *“good safeguarding culture”* at the school but that the culture was *“less well-embedded”* at the Abbey.³⁵³ An examination of 14 cases *“gave a reassuring picture of responses”* with most cases (including non-recent abuse cases) *“handled well”*.³⁵⁴ The audit identified some areas of practice requiring further consideration, including the need for Downside to consider *“proper levels of disciplinary action in low-level cases”* and whether the Abbey should appoint its own safeguarding professional.³⁵⁵

8.3. Birmingham: The Archdiocese of Birmingham commissioned an audit by SCIE in summer 2018. Its report (published in October 2018) identified a number of failures by the Archdiocese, including failures to adhere to CSAS policies and to adequately record work on case files. SCIE concluded that *“a radical culture change is needed in order to professionalise the leadership, governance, management and delivery of safeguarding in the Archdiocese”*.³⁵⁶ SCIE identified 43 safeguarding files (the majority relating to adult offenders convicted of a sexual crime against a child or adult) that were incomplete and had not been reviewed.³⁵⁷ Although the Archdiocese took some action in respect of these files, *“the trustees were unable to provide the [Charity] Commission with sufficient assurance that all live risks were being managed as promptly and robustly as should be expected”*.³⁵⁸ As a result, the Charity Commission conducted a statutory inquiry between December 2018 and September 2019, which found *“serious misconduct and/or mismanagement in the administration ... in relation to its safeguarding oversight and governance”*.³⁵⁹ It directed the trustees to *“take further action necessary to address ongoing concerns with safeguarding governance”*.³⁶⁰

8.4. Ealing: During the Ealing Abbey hearing, we were told that the safeguarding practices of all EBC monasteries, including Ealing Abbey, would be audited by summer 2019 by Praesidium (a secular, non-profit safeguarding organisation based in the US).³⁶¹ The preliminary status report (dated 4 September 2019) for Ealing Abbey found that

³⁴⁹ AAT000205

³⁵⁰ AAT000205_002-003

³⁵¹ *Ampleforth and Downside Investigation Report* Part C: Recent reviews and inspections para 304

³⁵² INQ001187

³⁵³ INQ001187_009-010

³⁵⁴ INQ001187_025

³⁵⁵ INQ001187_037

³⁵⁶ CHC001649_031 para 3.1.2

³⁵⁷ Concerns about record-keeping were raised in the CSAS audit in 2010 (CHC000336_001), but neither the Archdiocese of Birmingham nor CSAS had identified the apparent failure to remedy this.

³⁵⁸ CYC000413_002

³⁵⁹ CYC000413_005

³⁶⁰ CYC000413_006

³⁶¹ *Ealing Abbey and St Benedict’s School Investigation Report* Part G.3 paras 11–13

across the risk management areas of “*Prevention, Responding and Supervision*”, the Abbey was either in full or partial compliance with Praesidium’s accreditation standards.³⁶²

9. The external audits of the EBC and Archdiocese of Birmingham were conducted at a time when CSAS was not carrying out its own audits and so it is not possible to say whether a CSAS audit would have identified the same (or similar) areas of good and bad practice.

G.4: Audit of recent safeguarding case files

10. Much of the evidence during the case studies focussed on the historical response of the Roman Catholic Church to allegations of child sexual abuse. In order to examine more recent responses of the Church, the Inquiry instructed Mrs Edina Carmi to conduct an expert analysis of a selection of recent diocesan and religious institute safeguarding files. Mrs Carmi is an independent safeguarding practitioner with a background in social work and has been involved in safeguarding in a religious context since 2001.³⁶³

11. The Inquiry requested the two most recent child sexual abuse safeguarding files that were referred to the statutory authorities from 10 dioceses and 10 religious institutes.³⁶⁴ Two religious institutes (the Society of the Sacred Heart and Our Lady of Fidelity) reported that no safeguarding allegations had been made against them and so Mrs Carmi reviewed 36 safeguarding files. The majority of files involved allegations against clergy and members of religious institutes, many of whom were teachers. Other files involved allegations against lay members of the Church, for example a volunteer youth worker. A small number of files involved Church members who were registered sex offenders and were the subject of safeguarding agreements. Mrs Carmi was also provided with current and past CSAS policies and procedures as well as statements from safeguarding staff and clergy involved in the cases. As this review was a “*desktop audit of the paperwork*” of a relatively small number of files, Mrs Carmi did not speak to victims and survivors or any members of the respective safeguarding teams involved.³⁶⁵

12. Mrs Carmi’s report sets out her expert opinion on the quality of policies and procedures, the extent to which these were followed by dioceses and religious institutes, and the adequacy of the steps taken by each institution in response to the sample cases.³⁶⁶ Mrs Carmi identified a number of broad themes.

12.1. Support to the victim was inadequate, particularly when compared with support provided to the alleged perpetrator. Mrs Carmi stated that:

*“the service seems to function extremely well when it comes to supporting perpetrators, and which is in stark contrast with a lack of support in many cases for – and the lack of consideration of perhaps supporting victims, survivors and their families”.*³⁶⁷

³⁶² BNT007159

³⁶³ INQ004782_006

³⁶⁴ The dioceses were Westminster, Nottingham, Cardiff, Plymouth, Liverpool, East Anglia, Clifton, Menevia, Middlesbrough and Salford. The religious orders were the Comboni Missionaries, Daughters of Charity of St Vincent de Paul, Dominican Friars, Institute of Our Lady of Mercy, Order of St Augustine, Salesians of Don Bosco, Society of Jesus, the De La Salle Brothers, Society of the Sacred Heart and Our Lady of Fidelity.

³⁶⁵ INQ004782_006

³⁶⁶ INQ004782

³⁶⁷ Edina Carmi 5 November 2019 79/4-9

For example, in 27 of the cases no support was offered to the complainant or their family.³⁶⁸ In her view, this was appropriate in only five of these cases. By contrast, Mrs Carmi described that the support provided by the Church to perpetrators was “*extremely comprehensive*” and included emotional support, help with accommodation, assistance with legal representation and provision of regular updates.³⁶⁹ In her view, there needed to be “*more comprehensive procedures and guidance, as well as training*” regarding, for example, who was to offer support, how and when the offer was to be made, and the identification of the support required.³⁷⁰ There is a CSAS national policy which sets out how support is to be provided to those affected by allegations of abuse and so it is difficult to understand why this policy is not being consistently applied.³⁷¹

12.2. Potential conflicts of interest when clergy are in safeguarding roles. In Mrs Carmi’s view, formal safeguarding positions should not be held by members of the clergy because:

*“it is more likely to be a conflict of interest, and they are unlikely to have the requisite experience, training, skills for it, although I do accept there are some that have had previous training as social workers, but, even still, I would think it would be a conflict”.*³⁷²

One of the files from the Diocese of Liverpool concerned actions taken by the safeguarding coordinator who was a member of the clergy. In 2017, a priest was arrested on suspicion of sexually assaulting four altar boys in the 1980s. The priest was allowed to remain in ministry with a safeguarding agreement in place but Mrs Carmi found no evidence that this decision was based on any risk assessment. In relation to the safeguarding coordinator, Mrs Carmi said “*you got the sense that this was a colleague that we were talking about*”.³⁷³ For example, he was “*constantly keeping the priest updated on where things were with the prosecution*”.³⁷⁴

12.3. Insufficient liaison with safeguarding commissions. The safeguarding commissions “*have both a strategic and detailed case management function*” and play a key role in deciding whether there is a need for an investigation into potential risks posed by an alleged perpetrator.³⁷⁵ In 14 of the 36 cases, Mrs Carmi said that there was “*no mention*” of notification, consultation or discussion with the safeguarding commission. In another four cases, “*there were references to such activity having happened, but no actual evidence of when it occurred and with what outcome*”.³⁷⁶ Mrs Carmi said that “*records need to contain internal discussions and telephone conversations, including decisions and the rationale for them*” and that those records should be kept on the safeguarding file.³⁷⁷

12.4. Variation of practice in safeguarding planning. Mrs Carmi found that the variety of “*different documents within the procedure manual*” contributed to “*a wide variation of practice in relation to safeguarding practice, suggesting that the procedures on this are not*

³⁶⁸ The lack of support included not considering whether counselling should be funded and not providing the victim or complainant with regular written updates.

³⁶⁹ INQ004872_007 section 4.2

³⁷⁰ INQ004872_006 para 3.3.4

³⁷¹ <https://rcdow.org.uk/att/files/safeguarding/national-policy-for-the-support-of-those-affected-by-allegations-of-abuse-within-a-church-setting%202020.pdf>

³⁷² Edina Carmi 5 November 2019 72/8-14

³⁷³ Edina Carmi 5 November 2019 69/7-8

³⁷⁴ Edina Carmi 5 November 2019 69/25-70/2

³⁷⁵ INQ004872_011 para 6.2.8

³⁷⁶ INQ004794_011 para 6.2.3

³⁷⁷ INQ004872_011 para 6.2.9

well understood".³⁷⁸ In her view, the Risk Information Framework (the tool for making a risk assessment) did not appear to *"be producing a good quality risk assessment"*. Mrs Carmi also found *"little evidence"* that safeguarding plans were reviewed.³⁷⁹

12.5. Assessment of risk in the event of an acquittal or 'no further action' by the statutory authorities. There were 10 cases where Mrs Carmi considered that further investigation was necessary to understand the potential risk of individuals who were either acquitted after a criminal trial or where the police or statutory authorities decided to take no further action. She said there were *"sufficient concerns but actually no investigation undertaken, that's where you don't know what the risk is"*.³⁸⁰ In one case file from the Institute of Our Lady of Mercy, a nun was accused of sexually abusing one of her pupils in 1967–71. No risk assessment was located in the file either at the time the allegation was made in 2011 or at any time thereafter. The Institute of Our Lady of Mercy commissioned a preliminary enquiry report which Mrs Carmi considered to be *"a very comprehensive, well-argued report"*.³⁸¹ It recommended that a risk assessment be completed. However, the safeguarding panel set up to consider the preliminary enquiry report did not accept that recommendation and their reasons for doing so could not be ascertained from the records in the file. Mrs Carmi thought *"that risk assessment was by then very much overdue"*.³⁸²

12.6. Record-keeping. Mrs Carmi noted *"a wide variation in standards of recording, and a difference between religious orders and dioceses in particular"*.³⁸³ For example, she said that most religious institutes provided *"what appeared to be sparse records"*³⁸⁴ with less evidence of any overview, records of telephone calls, internal communications and the rationale for decision-making. In Mrs Carmi's view, the CSAS CM1 form (which is available on its website) is an invaluable guide to a case file and a useful tool for the safeguarding officers to use when an allegation is reported.³⁸⁵

13. More generally, when she and her fellow auditor reflected on the culture of safeguarding, Mrs Carmi told us that:

"we had the distinct impression that this was one which was largely focused on the needs of the clergy as opposed to the needs of victims and survivors".³⁸⁶

She observed that there was *"a sense of hostility and irritation in some responses to alleged victims, with inadequate compassion and understanding of their current problems and the link of these with past abuse"*.³⁸⁷

CSAS policies and procedures

14. Mrs Carmi said that she found it difficult to follow the policies and procedures given the number of different documents in the CSAS procedures manual that might apply to a single

³⁷⁸ INQ004872_013 para 7.3.1

³⁷⁹ INQ004872_013 para 7.2.6

³⁸⁰ Edina Carmi 5 November 2019 77/18-22

³⁸¹ Edina Carmi 5 November 2019 27/18-19

³⁸² Edina Carmi 5 November 2019 28/4-5

³⁸³ INQ004872_009 para 5.1.1

³⁸⁴ INQ004872_009 para 5.1.2

³⁸⁵ Edina Carmi 5 November 2019 18/24-19/10

³⁸⁶ INQ004872_015 para 9.1.1

³⁸⁷ INQ004872_015 para 9.1.3

issue. She found this led to duplication within and between documents and that the format was not clearly numbered, which led to a difficulty in cross-referencing information.

"I find them extremely difficult and I'm somebody who has spent some years actually writing child protection procedures".³⁸⁸

15. Whilst some witnesses found the policies and website helpful,³⁸⁹ Mrs Carmi was not the only witness to encounter these difficulties. Mr Child told us that he found that the lack of hyperlinks on the current CSAS website made *"the whole affair rather unwieldy"*.³⁹⁰ Similar views were expressed by members of the Church that conduct safeguarding work. For example, Sister Agnes Clare Smith, the safeguarding coordinator for the Institute of Our Lady of Mercy, said that the CSAS website was *"not easy to navigate ... some of the information sections on the website, particularly the policies and procedures are very dense"*.³⁹¹ Monsignor Seamus O'Boyle (the Episcopal Vicar for Safeguarding in the Archdiocese of Westminster) said that, while the CSAS policies and procedures were helpful, they *"can be disjointed with information relating to the same topic held in different areas"*.³⁹²

16. The policies and procedures section of the CSAS website contains important instructions and guidance for those involved in safeguarding within the Church, but the website is not easy to use. The policies and procedures themselves are also sometimes difficult to follow. The CSAS website needs review, to ensure that the policies and procedures are easy to access and that the documents themselves are more easy to understand.

G.5: CSAS audits since 2019

17. Dr Limbrick told us that although previous CSAS audits covered several important areas, she thought that they did not look at certain areas in *"sufficient detail"*.³⁹³ To improve consistency in safeguarding, in August 2017 CSAS introduced a National Quality Assurance Framework.³⁹⁴ The framework looks at six areas of safeguarding practice:³⁹⁵

- prevention of harm and promotion of well-being;
- management of safeguarding concerns and allegations;
- risk identification, assessment and management;
- the response of the Church to survivors, victims and others affected by abuse;
- management and care of individuals accused or convicted; and
- governance.

Dr Limbrick considers that this framework will allow *"a more in-depth analytical look at the work undertaken and the rationale for certain actions"*.³⁹⁶

³⁸⁸ Edina Carmi 5 November 2019 9/4-6

³⁸⁹ For example, the safeguarding coordinators of the British Society of Jesus (the Jesuits) (INQ004531_005 para 4.2.3) and the Diocese of Middlesbrough (INQ004536_001 para 4).

³⁹⁰ INQ004861_005 para 28

³⁹¹ Dr Colette Limbrick 1 November 2019 114/25-115/2; INQ004541_006 para 23 (c) and (d)

³⁹² INQ004787_025

³⁹³ Dr Colette Limbrick 1 November 2019 69/2-4

³⁹⁴ CSA005622

³⁹⁵ CSA005816_009-010 para 22

³⁹⁶ CSA005816_010 para 23

18. The 2019 CSAS audits of the diocesan and independent religious safeguarding commissions focussed on the management of safeguarding concerns and allegations as well as risk identification, assessment and management.³⁹⁷ There were a number of key findings from some of these audits.

18.1. The April 2019 audit of Ampleforth's safeguarding commission acknowledged that, since the Inquiry's report in August 2018, there had been *"a significant amount of change"* in respect of safeguarding arrangements.³⁹⁸ It noted that whilst a number of statutory agencies had conducted reviews, CSAS remained concerned that recommendations to commission risk assessments and review safeguarding plans had *"not yet been fully implemented"* and that safeguarding plans were not the subject of timely reviews. The audit concluded that management of individuals was *"not always effective, resulting in refusals to comply with restrictions and in breaches of plans"*.³⁹⁹

18.2. The Archdiocese of Birmingham's June 2019 audit *"found a significant improvement in record keeping; evidence of robust management of subjects and cases; and active, regular and appropriate supervision"*.⁴⁰⁰ CSAS revisited the Archdiocese in January 2020 to monitor the improvements and confirmed *"that the improvements had been sustained"*.⁴⁰¹

18.3. The Archdiocese of Westminster's June 2019 audit found that supervision of cases and files was *"well documented"* and that *"appropriate and consistent"* actions were taken once a case had been referred, including *"working in partnership with colleagues within and outside of the Church and informing regulatory bodies"*.⁴⁰²

18.4. The Archdiocese of Menevia's May 2019 audit noted that the safeguarding coordinator role was part time and had no administrative support.⁴⁰³ The audit was concerned about cases not being referred to the coordinator in a *"timely way"* but said that, once notified, the coordinator's case management was *"appropriate"* and information was shared with the internal and external individuals/agencies to *"manage risks"*.

19. Each bishop, religious institute leader, safeguarding commission chair and safeguarding coordinator receives a copy of the audit report for their institution. Action plans continue to be used where recommendations are made or areas for development identified. CSAS (on behalf of the National Catholic Safeguarding Commission (NCSC)) will *"follow up on progress"* of any action plan.⁴⁰⁴ One safeguarding coordinator told us that recent audits were:

*"very helpful but are very limited ... Given the limited resourcing available to CSAS and the time that such reviews take this will always be the case."*⁴⁰⁵

20. CSAS also prepares an overview report, which is shared with a number of individuals and organisations, including with the NCSC.⁴⁰⁶ The overview report for the 2019 audits reached a number of *"thematic"* conclusions.⁴⁰⁷

³⁹⁷ CSA005816_010 para 25

³⁹⁸ CHC002134_019

³⁹⁹ CHC002134_019

⁴⁰⁰ CSA005921_003 para 6

⁴⁰¹ CHC002158_014

⁴⁰² CHC002130_010

⁴⁰³ CHC002132_009

⁴⁰⁴ CSA005816_007 para 14

⁴⁰⁵ INQ004787_021-022

⁴⁰⁶ CSA005816_007 para 11

⁴⁰⁷ CHC002129

20.1. There was “good evidence of cooperation” between the safeguarding commissions and the statutory agencies, where allegations and concerns were “mostly reported unless there is an identified rationale for not doing so e.g. already known, not considered appropriate for referral”.⁴⁰⁸

20.2. There was evidence of “diligent” record-keeping in some safeguarding commissions.⁴⁰⁹ Where there was poor record-keeping, it was difficult to understand the action that had been taken and to ascertain whether risks were being managed. Electronic case management systems improved record-keeping.

20.3. Although not the focus of the audits, there was “some evidence of good victim/survivor focused work”.⁴¹⁰ The inclusion in the quality assurance framework of an assessment of the response of the Church to survivors, victims and others affected by abuse is to be welcomed.

21. However, there remain concerns about:

- the use of risk assessments: in over half the files it was not clear how the risk assessment was used to inform risk management and the report suggested that future audits could focus on this issue;⁴¹¹
- reviews of safeguarding plans: 101 of the 205 individual safeguarding plans reviewed “appeared” to be operational but, in the absence of regular reviews, it was not always possible to determine whether a plan was operational and still relevant:⁴¹²

*“11 of the dioceses and religious safeguarding commissions had safeguarding plans that had not been reviewed in accordance with national policy and procedure”;*⁴¹³

- inconsistent record-keeping and lack of reviews of safeguarding plans: both of these factors made it difficult to ascertain which safeguarding plans were active and managing risk and which safeguarding plans were no longer required or may no longer be addressing risk and require urgent attention.⁴¹⁴

22. Safeguarding plans play a crucial role in keeping children safe and must be regularly reviewed to ensure that the risk posed by the subject is actively managed. Failure to review plans in accordance with national policy exposes children to the risk of harm.

G.6: Future plans for auditing

23. The Cumberlege report acknowledged that COPCA’s attempts to “offer both ‘challenge and support’ ... to be both ‘the enforcer’ and a source of friendly but authoritative advice ... was brave but probably unrealistic”.⁴¹⁵ Similar observations have been made about its successor CSAS, which has led some members of the NCSC to consider whether an independent body should carry out safeguarding audits.

⁴⁰⁸ CHC002129_011 para 3.1

⁴⁰⁹ CHC002129_011 para 3.1

⁴¹⁰ CHC002129_012 para 3.1

⁴¹¹ CHC002129_010 para 2.2.4

⁴¹² Where an individual has been convicted of a child sexual abuse offence or they are someone about whom there is a safeguarding concern and they wish to attend Mass or take part in Church-related activities, a safeguarding plan sets out restrictions on those activities to minimise any potential risk they may pose.

⁴¹³ CHC002129_011 para 2.5.1

⁴¹⁴ CHC002129_012 para 3.1

⁴¹⁵ CHC000002_030 para 3.6

23.1. During his time as NCSC Chair (2012–2015), Danny Sullivan said he explored the possibility of external auditing, which he thought would lead to greater “objectivity”.⁴¹⁶ He found though that there was resistance from the bishops to having the results of audits published.

23.2. Bishop Marcus Stock, the current Episcopal Vice-Chair of the NCSC, said that it was his view that:

*“As the primary role of CSAS is to provide support and advice to dioceses and religious congregations, I believe that in the future an independent body should be commissioned to carry out this audit function instead. This is now the view of the Commission.”*⁴¹⁷

23.3. Rachel O’Driscoll, current lay Vice-Chair of the NCSC said:

*“The NCSC needs to be in a position to assess the degree to which policies and procedures are being implemented. While not wanting to pre-empt the findings of the Independent Review of Safeguarding Structures, my feeling is that there needs to be an independent, comprehensive and systematic programme of audit in place – with audit activity conducted by an external body and the outputs reported to NCSC (to inform its strategic activity). Without a programme of this nature, the degree to which a ‘culture of safeguarding’/‘One Church’ approach is being achieved cannot be assessed in a systematic manner.”*⁴¹⁸

23.4. Christopher Pearson, current Chair of the NCSC, considered that there were both “advantages and disadvantages” of having an external audit process and that “one of the difficulties of externalising audits is, it then is not owned by those who are carrying out the process of safeguarding”.⁴¹⁹

23.5. Dr Limbrick considered that there were “pros and cons” to independent auditing. Although it was “definitely advantageous” to have an external body looking at the work of safeguarding within the Church, internal audits were helpful “because you can mobilise fairly quickly if you need to perhaps look at a particular area”. She said:

*“there is an inherent tension, I feel, with CSAS as an advisory body drafting up policy and procedure and also being the body that then does the quality assurance, and I think that maybe the breadth of all of those things in one place – that’s why I think external scrutiny would be helpful as well”.*⁴²⁰

24. Auditing is a valuable way to ensure that institutions are doing what is required to safeguard children. The Church needs to assure itself that its safeguarding commissions are complying with safeguarding policies and procedures, in order to take its own action to remedy any deficiencies. The Church’s quality assurance framework lacks external review and validation by an independent agency. The publication of such an external review would promote compliance, accountability and transparency.

⁴¹⁶ Danny Sullivan 31 October 2019 11/5-10

⁴¹⁷ CHC001949_004 para 14

⁴¹⁸ CHC001955_010 para 41

⁴¹⁹ Christopher Pearson 31 October 2019 145/16-146/10

⁴²⁰ Dr Colette Limbrick 1 November 2019 107/20-108/11

Part H

Engaging with victims and complainants

Engaging with victims and complainants

H.1: Introduction

1. The Cumberlege report made a specific recommendation that *“those with pastoral responsibility should be ready to listen to those who have suffered abuse, and to learn from them because they have much to teach the Church”*.⁴²¹

2. Baroness Sheila Hollins said that whilst she was a member of the Pontifical Commission for the Protection of Minors (PCPM) she heard about *“many situations from different countries where there had been delays or refusals to meet people making complaints”* and that this was *“devastating”* for them.⁴²² She said that the value and impact of meeting with a victim or complainant was:

*“Because if you are able to sit and to hear something which is extraordinarily painful and which a person has not been able to tell before, and you are able to hear it, then that goes a huge way to feeling believed ... I mean, it just changes everything.”*⁴²³

3. Danny Sullivan said that whilst he was chair of the National Catholic Safeguarding Commission (NCSC) between 2012 and 2015, members of the Roman Catholic Church told him that, as a result of legal advice, they would not meet with victims and survivors as a meeting *“might imply accountability and they must protect the assets of the diocese or the religious order”*.⁴²⁴ He said that he heard this:

“on quite a number of occasions and I heard bishops discuss it openly, about the tension they felt between being pastoral and then being given legal advice about how they should behave, and which one should be the more important”.⁴²⁵

H.2: Meetings with victims and complainants

4. The Inquiry heard many accounts of meetings between the Church and victims and complainants. Two contrasting examples are set out below.

The experience of the Comboni core participants

Background

5. In the 1960 and 1970s, the Comboni Order⁴²⁶ ran a seminary for boys at St Peter Claver College (known as Mirfield), Yorkshire. A number of the Mirfield staff have been the subject

⁴²¹ CHC000002_077

⁴²² Baroness Sheila Hollins 1 November 2019 18/21-19/1

⁴²³ Baroness Sheila Hollins 1 November 2019 47/14-18

⁴²⁴ Danny Sullivan 31 October 2019 20/8-10

⁴²⁵ Danny Sullivan 31 October 2019 20/11-15

⁴²⁶ The Comboni Order was established to spread the Gospel to people who had not heard it. The London Province is one of 27 semi-autonomous Provinces and is the only part of the order based in England and Wales. One Province has no responsibility or control over the actions of another.

of child sexual abuse allegations and in 2014 the Comboni Order settled (without an admission of liability) a civil claim brought by 11 former pupils arising out of such allegations.

6. Some of Mirfield's former pupils were core participants in this investigation (the Comboni core participants). Two of these former pupils, Thomas (James) Kirby and RC-A49, told us that they reported to members of staff at the college that they had been sexually abused. RC-A49 recalled that following his disclosure one of the alleged perpetrators (RC-F338) was removed from Mirfield but it does not appear that the college took action in relation to any other individual. We have seen no evidence that the allegations were reported to the police.

Mark Murray's experience

7. Mark Murray started at Mirfield in September 1969 when he was 13 or 14 years old. He told us that he was sexually abused by Father Romano Nardo (a priest of the Italian Province of the order who was then based at Mirfield). Under the guise of re-enacting Jesus washing the feet of the disciples at the Last Supper, Father Nardo progressed from washing Mr Murray's feet and body to touching his genitals. Mr Murray said he was made to wash Father Nardo and on one occasion Father Nardo sexually abused Mr Murray in his own home.⁴²⁷ Mr Murray left Mirfield in June 1974. He did not feel able to tell anyone about his experiences for the next 21 years.

8. In 1995, Mr Murray contacted a firm of solicitors with a view to commencing a civil claim against the Comboni Order. By this time, Father Nardo was based in Uganda and he was asked to return to Italy by the Italian Province. By May 1997, the solicitors acting on behalf of the Italian Province of the Comboni Order made the following admission:

*"In view of the very long period of time which has passed since the actions are said to have occurred, there is a caveat as regards relying on recollections and memories. However, we are instructed that nonetheless it would appear that Father Nardo did act inappropriately towards your client but not with the intention deliberately to hurt him. Father Nardo deeply regrets any hurt that may, in fact, have resulted from his inappropriate action... neither the Trustees nor the Religious Superiors of the Order knew at the time nor had any reason to be aware that any of Father Nardo's actions were wrongful or even awry. Nonetheless, we are asked to express their profound sorrow that your client has suffered from the inappropriate action of a man who is a member of their Order."*⁴²⁸

9. The Inquiry has seen a number of instances where abuse was understated or described as "inappropriate", "a misdemeanour" or "misbehaviour".⁴²⁹ To describe the sexual abuse of children in such ways is to minimise the appalling acts and the effect on the victims. As Mr Murray told us:

*"Instead of using the word 'sex abuse' they say 'inappropriate behaviour'. What upset me about this letter is the caveat of 'memories lost' or 'recollections'. You don't forget. I don't forget abuse ... You live it every day ... it's their lawyers writing this. It's not from the heart of the Combonis. It's not written from them, really ... I found it quite insulting and not very helpful."*⁴³⁰

⁴²⁷ Mark Murray 29 October 2019 125/8-133/20

⁴²⁸ INQ004655_001

⁴²⁹ Archdiocese of Birmingham Investigation Report Part D.2 para 5

⁴³⁰ Mark Murray 29 October 2019 141/8-21

10. The letter also stated that having received “*professional independent advice*” Father Nardo might return to active ministry.⁴³¹

11. In 2007, Mr Murray met with the Comboni’s UK safeguarding officer who assured him that Father Nardo would not have access to children and was to remain in the founding or ‘mother’ house in Verona. The following year Mr Murray saw photographs online of Father Nardo taking mass surrounded by children and taking part in a Youth Comboni Mission Programme. Mr Murray wrote a number of letters, including to the Superior General (head of the Comboni Order worldwide), to set out his concerns about Father Nardo’s access to children. He asked to meet Father Nardo but was told that Father Nardo was “*in very poor mental health ... with a limited and closely supervised ministry and with no access to children*”.⁴³²

12. In April 2015, Mr Murray travelled to Verona to speak to Father Nardo. When asked why he wanted to speak to his abuser, he said:

*“I wanted to get back some power that I had lost or had taken away from me when I was a child ... I felt the person ... that would give me back most of that power was the priest that abused me ... I wanted him to listen to me, to know what I had been through, and to know what I was going through, and I also, and ... some people find this very hard to understand. I also wanted to have the opportunity or to be in a situation where I could forgive him.”*⁴³³

13. Mr Murray video-recorded his meeting with Father Nardo. The footage shows Father Nardo kneeling down apologising to Mr Murray. Mr Murray told us that as Father Nardo got up to leave Mr Murray said “*I forgive you*”.⁴³⁴

14. Mr Murray told us he returned the following day and told the Vice-Superior of the house what Father Nardo had done to him. The Vice-Superior threatened Mr Murray shouting “*You and your lot are all money grabbers*”, a reference to a recently settled group civil action.⁴³⁵ When Mr Murray explained that he wanted an apology, he was told:

*“If you are waiting for an apology, you will be waiting a long time and your wait will be in vain”.*⁴³⁶

15. Approximately nine months later, guardians appointed to administer Father Nardo’s personal and financial affairs issued a notice of an intention to prosecute Mr Murray for trespassing on their property and for “*interfering with private life and stalking*”.⁴³⁷ There was a prosecution in Italy which Mr Murray had to defend at his own expense. The case was dismissed. Those acting on behalf of Father Nardo appealed and that appeal was also dismissed. Mr Murray told us about the effect the Italian court case had on him:

*“It was a massive – it frightened me, I suffered bouts of depression. I also have to add that I was admitted on two occasions to a psychiatric hospital for depression and suicidal ideation.”*⁴³⁸

⁴³¹ INQ004655_001

⁴³² INQ004680_106

⁴³³ Mark Murray 29 October 2019 149/12-150/2

⁴³⁴ Mark Murray 29 October 2019 155/2-4

⁴³⁵ Mark Murray 29 October 2019 157/3-4

⁴³⁶ Mark Murray 29 October 2019 158/2-4

⁴³⁷ Mark Murray 29 October 2019 157/10

⁴³⁸ Mark Murray 29 October 2019 160/10-13

Recent developments

16. In summer 2019, the Comboni Order declined a request to meet with the Comboni core participants.⁴³⁹ The response on behalf of the Comboni Order stated:

*"The Provincial Superior has publicly stated that the Comboni Missionaries are deeply sorry for any suffering experienced by individuals who attended their junior seminary at St Peter Claver College in Mirfield ... our clients believe it would be best to allow the Inquiry to conclude before they consider any engagement with your clients".*⁴⁴⁰

The Inquiry has never asked that any institution delay meeting with victims and survivors nor did it do so in respect of the Comboni Order.

17. When asked if he still wanted to meet with the Comboni Order, Mr Murray said:

*"I'd meet with anyone. But I don't know if I would trust or accept their apology ... I don't understand how they can send that letter. I see meeting victims of abuse by their priest as something totally separate from the inquiry."*⁴⁴¹

18. RC-A49 also said he would "dearly like" to meet with the Comboni Order.⁴⁴² He said:

*"I didn't want money, I just wanted them to say sorry. I just wanted them to acknowledge that it happened ... They just ignore us. Totally ignore us. That's double abuse. That's abusing us all over again. All we want is just a word from them. And they won't even give us that."*⁴⁴³

19. The Comboni Order's response to Mr Murray lacked the pastoral approach urged by the Cumberlege report. Its recent decision not to meet with the Comboni core participants suggests that its attitude has not changed.

RC-A491's experience

20. In October 2009, RC-A491 informed the Archdiocese of Birmingham that he had been sexually abused in the 1950s whilst at St Joseph's School, Worcestershire. In December that year, Archbishop Bernard Longley, the Archbishop of Birmingham, replied to RC-A491 stating how "deeply moved" and "sad" he was to learn of RC-A491's childhood experiences.⁴⁴⁴ The letter went on to say that the Church had "very clear measures in place" to protect children and that RC-A491 and his family would be in the Archbishop's "thoughts and prayers".⁴⁴⁵

21. The letter was headed 'without prejudice'. In legal correspondence, the phrase 'without prejudice' is used to allow parties to correspond or negotiate without it being used as an admission, which might harm their own prospects of success. In this case, however, RC-A491 was not engaged in litigation and did not understand why the letter was written 'without prejudice'.

⁴³⁹ INQ004565_020

⁴⁴⁰ INQ004565_023

⁴⁴¹ Mark Murray 29 October 2019 164/16-20

⁴⁴² RC-A49 30 October 2019 24/18

⁴⁴³ RC-A49 30 October 2019 6-14

⁴⁴⁴ INQ001723_012 para 106

⁴⁴⁵ INQ001723_013 para 106

22. During the course of the Archdiocese of Birmingham public hearing (November 2018), Archbishop Longley was asked why he had written to RC-A491 on a ‘without prejudice’ basis. He said:

*“I didn’t realise the import, I have to say, of ‘without prejudice’. I was relatively new to legal dealings and it was early on in my time as archbishop, and I didn’t realise, either, the impact that it would have upon the survivor or victim of abuse to receive a letter with that heading.”*⁴⁴⁶

He said that he was deeply moved by what RC-A491 had said:

*“but I was conscious, too, of advice from our legal advisers and insurers, and I am conscious that that had an influence on the tone of what was said”.*⁴⁴⁷

23. Archbishop Longley said that he would be willing to meet with any victims and survivors and in July 2019 he met RC-A491.⁴⁴⁸ The meeting lasted approximately four hours. RC-A491 said that Archbishop Longley “appeared to listen to me in a genuine way and was in no hurry to leave”.⁴⁴⁹ He said that the Archbishop “told me he believed that I deserved an apology” and “that he was very sorry for [what] had happened to me. He told me he felt ashamed about what had happened to me”.⁴⁵⁰ Archbishop Longley followed up the meeting with a letter of apology.

24. RC-A491 said:

*“It meant a lot to me for the head of the institution that failed me so terribly to look me in the eye and acknowledge my suffering, acknowledge their failure to protect me and ask for my forgiveness.”*⁴⁵¹

25. RC-A491’s experience demonstrates the importance of the Church being willing to meet with victims and complainants and in particular the significance of a meaningful and genuine apology. However, the experiences of the Comboni core participants and RC-A491 demonstrate that a consistently compassionate approach to meetings with victims and survivors is yet to be achieved.

H.3: The Survivor Advisory Panel

26. In 2015, the NCSC announced its intention “to prioritise and develop a more sensitive and pastoral response to victims and survivors of abuse”.⁴⁵² This led to the establishment of the Survivor Advisory Panel (SAP) in 2016. The SAP’s purpose is:

*“to ensure the NCSC receive appropriate and timely information and advice from the survivor perspective that will help inform the work of the NCSC and subsequently the safeguarding policies and practices within the Catholic Church of England and Wales”.*⁴⁵³

27. The SAP consists of eight members (including the chair) and includes victims and survivors, safeguarding professionals, and professionals who have worked with perpetrators

⁴⁴⁶ Archbishop Bernard Longley 16 November 2018 56/14-19

⁴⁴⁷ Archbishop Bernard Longley 16 November 2018 57/2-4

⁴⁴⁸ Archbishop Bernard Longley 16 November 2018 64/14-17

⁴⁴⁹ INQ004568_007 para 38

⁴⁵⁰ INQ004568_007 para 39

⁴⁵¹ INQ004568_007 para 45

⁴⁵² NCS000010_006 para 2.11

⁴⁵³ CHC001934_003 para 5

as well as with victims.⁴⁵⁴ David Marshall, the chair of the SAP, described one of the SAP's functions as being a "*critical friend*" to the NCSC.⁴⁵⁵ As an example, Mr Marshall told us about the NCSC leaflet *Hurt by Abuse*, a guide to help victims and survivors disclose their abuse. The SAP was asked to comment on the draft. Rather than revising the NCSC version, the SAP created its own leaflet which was adopted by the NCSC.⁴⁵⁶ Mr Marshall also told us that in January 2019, in preparation for the conference in Rome, Cardinal Vincent Nichols met with a number of members of the SAP. Mr Marshall said that this meeting with the victims and survivors, and subsequent meetings in Valladolid in May 2019 were "*essential*" and that Cardinal Nichols' response was "*very genuine*" from which "*the survivors took great comfort*".⁴⁵⁷

28. While the SAP now provides local training sessions and training for bishops, there is currently no national programme of training that includes the SAP. Mr Marshall said that this will be considered in a review of the SAP by Baroness Hollins.⁴⁵⁸ Baroness Hollins said she will:

*"look at the strengths, any barriers. I want to see how far that the remit the SAP was given when it was first founded have been fulfilled ... and to see whether its role could be extended or developed in any way".*⁴⁵⁹

29. The SAP will also be involved in the review of the Church's safeguarding structure being undertaken by Ian Elliott (a safeguarding consultant).⁴⁶⁰ Bishop Marcus Stock, the Episcopal Vice-Chair of the NCSC, said that the SAP provides "*invaluable input*" into the current and future direction of the work of the NCSC.⁴⁶¹

30. The creation of the SAP is a positive addition to the Church's safeguarding structure. The Church should actively work with the SAP to incorporate the victims and survivors' views into any future changes to its safeguarding work.

H.4: Safe Spaces project

31. In 2013, the Roman Catholic Church of England and Wales and the Church of England were considering – independently – the establishment of a service to enable victims and survivors to obtain pastoral support. Following discussions in 2015 between the national safeguarding leads for both Churches, the Churches decided to jointly procure an independent organisation to deliver the Safe Spaces project.⁴⁶² Safe Spaces is intended to "*provide an independent national hub and local community network of therapeutic support services*".⁴⁶³ This will include a national helpline operating five days a week (with some evening and weekend access), access to online counselling, and some advocacy provision for victims and survivors. Dr Colette Limbrick, Director of the Catholic Safeguarding Advisory Service (CSAS), said there would also be provision for small grants to develop localised services for the benefit of victims and survivors of abuse.⁴⁶⁴

⁴⁵⁴ David Marshall 31 October 2019 154/19-155/14

⁴⁵⁵ CHC001934_006 para 7

⁴⁵⁶ David Marshall 31 October 2019 162/14-164/5

⁴⁵⁷ David Marshall 31 October 2019 169/23-171/10 and 176/8-177/9

⁴⁵⁸ David Marshall 31 October 2019 166/13-18; see also Part F para 6.4

⁴⁵⁹ Baroness Sheila Hollins 1 November 2019 31/25-32/15

⁴⁶⁰ David Marshall 31 October 2019 177/15-16

⁴⁶¹ CHC001949_003 para 11

⁴⁶² It will be funded by £292,000 from the Allchurches Trust (an independent charity) and £150,000 from each Church.

⁴⁶³ CSA005921_015 para 47

⁴⁶⁴ Dr Colette Limbrick 1 November 2019 93/2-15

32. Stephen Spear (a lay member of the NCSC from June 2016 to July 2019) was critical of the time taken to implement this project. He said:

*“Well, there is normal time and there is church time, and it is very, very, very slow and laborious ... Safer Spaces, you know, five years after deciding, it’s still not up and running. In essence, it is a relatively simple helpline and support service that, in the normal course of events, I would have expected certainly within 12 months, if not within six to nine months, and we are still not there, after five years.”*⁴⁶⁵

33. At the public hearing in 2019, the Inquiry was told that the tender process was underway.⁴⁶⁶ and that the “*anticipated date*” of commencement for Safe Spaces was February 2020.⁴⁶⁷ In April 2020, the Inquiry was informed that the shortlisted bidder could not fulfil the project’s requirements and so further providers were sought and were in the process of being interviewed.⁴⁶⁸

34. Safe Spaces did not commence until September 2020. As stated in the Inquiry’s *Anglican Church Investigation Report*, the Church has been too slow in its progression of this project.⁴⁶⁹

H.5: A recent safeguarding response: RC-A711

35. RC-A711 provided evidence about her experience of the way the Diocese of Westminster handled a recent complaint about safeguarding responses. That evidence cast a depressing light on the way those responsible for safeguarding in the Diocese of Westminster spoke about a victim.

Background

36. RC-A711 is a survivor of child sexual abuse. She gave impressive evidence to the Inquiry in a calm and dignified manner.

37. RC-A711 told us that from the late 1970s onwards (then aged 15 years old) she was groomed and sexually abused by RC-F500. RC-F500 was her local parish priest and a member of the Servite Order and in his 30s or 40s. She told us the abuse continued during her university years and that when she was 24 years old RC-F500 raped her. Many years later, RC-A711 received a qualified apology from him.⁴⁷⁰

38. In October 2016, RC-A711 reported the abuse to the Church and the Servite Order.⁴⁷¹ In December 2016, her case was transferred to the Diocese of Westminster due to the ill-health of the original safeguarding officer. RC-A711 told us she thought that because Cardinal Vincent Nichols was Archbishop of Westminster, she would “*be well looked after*” and that things would “*run smoothly*” but “*that could not have been further from the truth*”.⁴⁷²

Complaints about the Diocese of Westminster

39. RC-A711 raised a number of issues regarding the handling of her case by the Diocese of Westminster and its safeguarding team.

⁴⁶⁵ Stephen Spear 31 October 2019 65/21-66/4

⁴⁶⁶ David Marshall 31 October 2019 167/10-17

⁴⁶⁷ Dr Colette Limbrick 1 November 2019 93/17

⁴⁶⁸ CHC002158_015

⁴⁶⁹ *The Anglican Church Investigation Report* Part B.2

⁴⁷⁰ INQ004665_001

⁴⁷¹ The matter was also reported to the police: INQ004560_011 para 53; CHC002106_035

⁴⁷² RC-A711 29 October 2019 24/8-16

39.1. Failure to provide risk assessment feedback. When RC-A711 reported the abuse, the Servite Order commissioned a risk assessment of RC-F500 and she was told by her previous diocese that she would be given verbal feedback about the assessment. The Diocese of Westminster told RC-A711 in a one-line email that *"We confirm there will be no feedback"*.⁴⁷³ RC-A711 contacted Father Jeremy Trood, the Episcopal Vicar for Safeguarding in the Diocese of Westminster, to question this. He told her it was not for one diocese to comment on another diocese's practices and, when she asked to speak to him, he passed her back to the assistant safeguarding coordinator.⁴⁷⁴ In her view, it was clear that Father Trood did not wish to engage with her on this issue.⁴⁷⁵

39.2. Failure to correspond or meet. Following the transfer of her case to Westminster, RC-A711 asked to meet with someone from the safeguarding office. The Diocese of Westminster told her that they had received legal advice to the effect that a representative of the Servite Order had to be present at any meeting with the Westminster safeguarding team. RC-A711 did not want a member of the Order to be present. She said, *"it would cause me a lot of anxiety to have to be in the same room as a Servite priest"*.⁴⁷⁶ When she raised this with the safeguarding coordinator, RC-A711 said she felt the response was *"patronising and intimidating"*, and that there was no attempt to be *"understanding and compassionate"*.⁴⁷⁷ In May and June 2017, RC-A711 sent Cardinal Nichols four emails outlining her complaints and concerns about the way she was being treated by the safeguarding office. His private secretary responded to her first email conveying the Cardinal's sorrow for the difficulties she described and assuring RC-A711 of the Cardinal's prayers. The reply also suggested that RC-A711 should take her complaints to the NCSC.⁴⁷⁸ RC-A711 had in fact already met Christopher Pearson (the chair of the NCSC). She found him to be *"supportive and very willing to listen"* but he had made clear that he had no jurisdiction over individual dioceses and was therefore limited in what he could do. She wrote:

"To be advised by the Cardinal to go back to the NCSC makes me feel as though I am being passed from pillar to post".⁴⁷⁹

40. At the end of June 2017, RC-A711 was asked to detail all of her concerns and complaints into a single email. She did so that same day, stating:

"I am not raising these issues to be awkward or difficult but to share my perspective on how survivors may experience their dealings with the Church".⁴⁸⁰

She told us that she was made to feel she was *"at best, being a nuisance and, at worst, being manipulative"*.⁴⁸¹ RC-A711's composite summary of complaints caused the Westminster safeguarding commission to refer the matter to CSAS and, in July 2017, the commission asked CSAS to assist in identifying a suitable investigator.

⁴⁷³ RC-A711 29 October 2019 29/7-10

⁴⁷⁴ RC-A711 29 October 2019 25/4-24

⁴⁷⁵ RC-A711 29 October 2019 55/6-56/4

⁴⁷⁶ RC-A711 29 October 2019 52/17-19

⁴⁷⁷ RC-A711 29 October 2019 52/2-23 and 53/9-10

⁴⁷⁸ INQ004671_002

⁴⁷⁹ INQ004671_001-002

⁴⁸⁰ INQ004669_002-003

⁴⁸¹ RC-A711 29 October 2019 77/20-79/1

41. In November 2017, the independent investigating officer, Karen Abrams, found that:

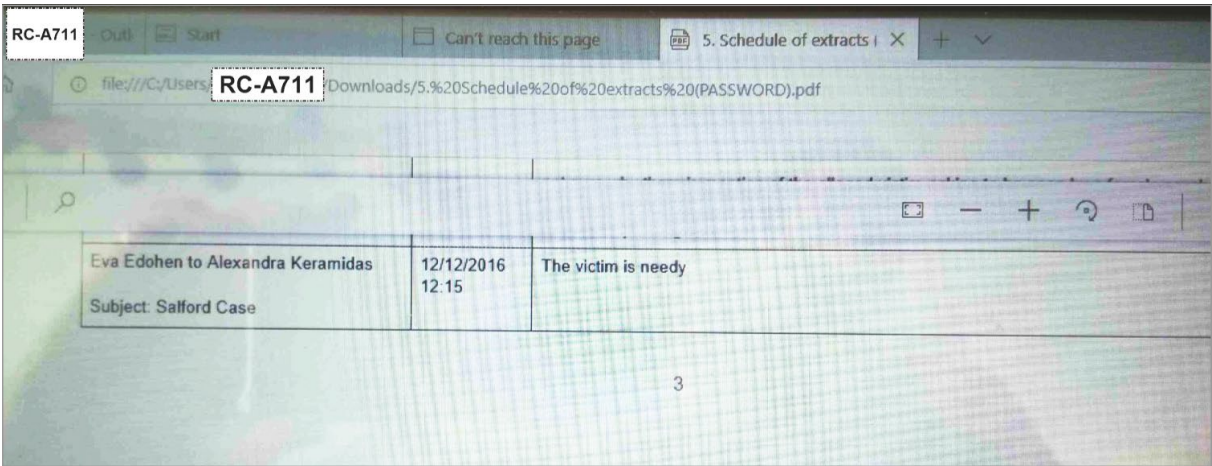
- the safeguarding coordinator failed to respond appropriately to RC-A711;⁴⁸² and
- the insistence that a member of the Servite Order be present at any meeting showed “a lack of empathy and compassion for the survivor”.⁴⁸³

42. Ms Abrams also upheld or partially upheld RC-A711’s complaints regarding the reluctance of the Diocese to engage with her⁴⁸⁴ and her report concluded with seven recommendations. Cardinal Nichols later told RC-A711 that the recommendations would “continue to be developed” in partnership between the Diocese, CSAS and the NCSC.

43. Cardinal Nichols told us that he did not think he was the right person to investigate and adjudicate upon RC-A711’s complaints about staff members within the safeguarding office.⁴⁸⁵ He accepted that he did not respond to some of RC-A711’s emails. When asked why he did not even acknowledge receipt of her emails, he said “Well I didn’t, I’m sorry”.⁴⁸⁶

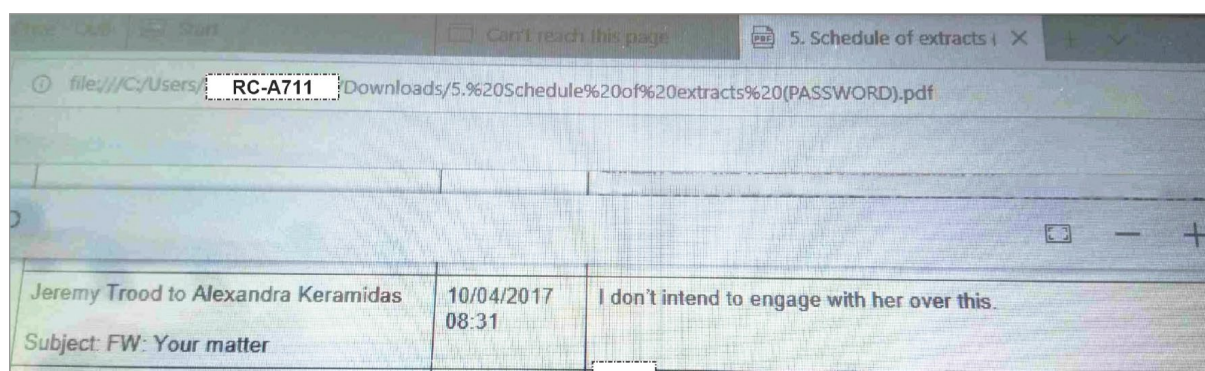
RC-A711’s subject access request

44. In December 2018, RC-A711 made a subject access request.⁴⁸⁷ She was given extracts from internal emails.



Email from the Westminster safeguarding office in December 2016
Source: [INQ004697_001](#)

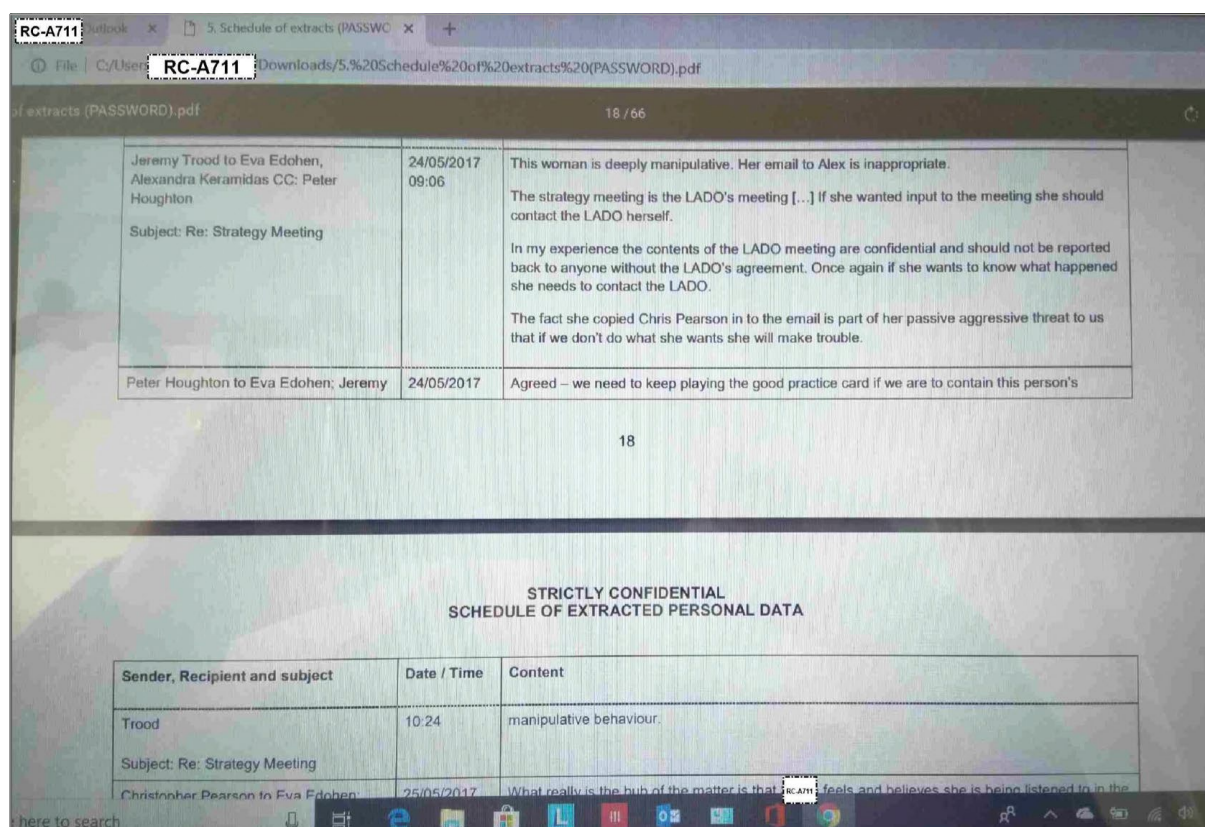
⁴⁸² The safeguarding coordinator maintains that she did not act inappropriately or unprofessionally during the phone call, and regrets not having challenged this aspect of the report.
⁴⁸³ [INQ004720_009](#) para 6.22
⁴⁸⁴ [INQ004720_012-015](#)
⁴⁸⁵ [Cardinal Vincent Nichols 6 November 2019 137/17-138/4](#)
⁴⁸⁶ [Cardinal Vincent Nichols 6 November 2019 143/12](#)
⁴⁸⁷ A subject access request is a written request made by or on behalf of an individual for information they are entitled to under the Data Protection Act 1998.



Jeremy Trood to Alexandra Keramidas Subject: FW: Your matter	10/04/2017 08:31	I don't intend to engage with her over this.
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Email from Father Trood in April 2017

Source: INQ004692_001



Jeremy Trood to Eva Edohen, Alexandra Keramidas CC: Peter Houghton Subject: Re: Strategy Meeting	24/05/2017 09:06	This woman is deeply manipulative. Her email to Alex is inappropriate. The strategy meeting is the LADO's meeting [...] If she wanted input to the meeting she should contact the LADO herself. In my experience the contents of the LADO meeting are confidential and should not be reported back to anyone without the LADO's agreement. Once again if she wants to know what happened she needs to contact the LADO. The fact she copied Chris Pearson in to the email is part of her passive aggressive threat to us that if we don't do what she wants she will make trouble.
Peter Houghton to Eva Edohen; Jeremy	24/05/2017	Agreed - we need to keep playing the good practice card if we are to contain this person's

18

STRICTLY CONFIDENTIAL
SCHEDULE OF EXTRACTED PERSONAL DATA

Sender, Recipient and subject	Date / Time	Content
Trood Subject: Re: Strategy Meeting	10:24	manipulative behaviour.
Christopher Pearson to Eva Edohen	25/05/2017	What really is the hub of the matter is that I am I feel and believes she is being listened to in the

Email from Father Trood in May 2017

Source: INQ004695_001

45. As RC-A711 told us, the descriptions of her were “*absolutely appalling*”.⁴⁸⁸

46. The emails were intended to be private internal communications but, by describing RC-A711 in this way, they highlight what those individuals really thought of RC-A711 when they wrote that correspondence. The language was cynical and hostile towards RC-A711, lacking victim empathy or compassion. As these were some of the individuals responsible for child protection in the Diocese, it is troubling that they spoke about RC-A711 and her complaint in such terms.

⁴⁸⁸ RC-A711 29 October 2019 61/18

47. Cardinal Nichols was asked about these emails. He said that he had spoken to Father Trood about the language used in the emails but said he did not speak to Peter Houghton.

"Q. But why not?

A. No. I haven't.

...

Q. Did it ever cross your mind that, perhaps, as the Archbishop of Westminster and the cardinal, that was a conversation you ought to have had?

A. He's a very, very experienced child protection officer, as you know. His credentials are – he's very senior. That doesn't answer your question.

Q. No. All the more reason he shouldn't have been writing in these terms?

A. Yes, I agree. I agree.

Q. And he's still in place?

A. Yes, he is."⁴⁸⁹

48. The Inquiry was subsequently informed that Cardinal Nichols and Peter Houghton did discuss the email.

49. In September 2018, RC-A711 sent Cardinal Nichols a copy of Karen Abrams' findings. She told us that his reply simply noted that the report had been made final in 2017 and that the safeguarding office had responded. Cardinal Nichols acknowledged that his "rather terse" email was "unacceptable". He denied RC-A711's suggestion that he was 'shutting her down' and told us that he was trying to avoid complicating what was already "a very complicated nexus of connections and feedback".⁴⁹⁰

50. As Cardinal Nichols accepted in evidence, the subject access request also revealed that he was not prepared to engage with RC-A711.⁴⁹¹

STRICTLY CONFIDENTIAL SCHEDULE OF EXTRACTED PERSONAL DATA		
Sender, Recipient and subject	Date / Time	Content
Ellen Dunleavy to Cardinal Nichols Subject: FW: RC-A711 – complaints findings	20/09/2018 10:41	Am I right in thinking that you will not be sending a further reply to RC-A711? Would you like a copy of her email to go to Fr Jeremy and Eva?
Cardinal Nichols to Ellen Dunleavy Subject: FW: RC-A711 – complaints findings	20/09/2018 11:14	Thank you. You are right in your assumption.
Natalie Creswick to Fr Paul Addison Subject: RC-F521	21/09/2018 15:58	I have been contacted by RC-A711 who disclosed that RC-F521 has been in contact with a friend of hers to request information about RC-A711. Understandably, this has concerned RC-A711.
Fr Paul Addison to Natalie Creswick CC: Vincent M. Coyne OSM Subject: Re: RC-F521	21/09/2018 16:52	Thank you for your note concerning RC-F521 and disclosure by RC-A711. He contact with a friend of hers. I have read your e-mail clearly to RC-F521. He wishes to assure you, as well as myself, that he has had absolutely no contact whatever with any friend or relative of RC-A711. He considers her disclosure to be mistaken and possibly malicious.

Emails between Ellen Dunleavy and Cardinal Nichols in September 2018

Source: INQ004693

⁴⁸⁹ Cardinal Vincent Nichols 6 November 2019 151/13-152/6

⁴⁹⁰ Cardinal Vincent Nichols 6 November 2019 160/14-162/8

⁴⁹¹ Cardinal Vincent Nichols 6 November 2019 164/14-16

When asked about this, Cardinal Nichols said that at the time his priority was to meet with victims who wished to talk about the impact of abuse, whereas RC-A711 wanted to raise shortcomings relating to the safeguarding staff. He accepted that RC-A711 had not been given this explanation.⁴⁹² RC-A711 stated this was:

*“an artificial distinction to make, that he feels he can categorise me as ... having less of a story. All of this is the continuation of an awful, awful experience”.*⁴⁹³

Meeting with Cardinal Nichols

51. In January 2019, RC-A711 asked to meet Cardinal Nichols as she thought the findings of the Abrams report and her own experience might be helpful for the Protection of Minors meeting taking place in Rome in February 2019. She was told:

*“The Cardinal has had a number of meetings with survivors of childhood sexual abuse prior to the meeting in February. His Eminence’s diary is very full between now and that meeting. However, if you wish to note, in writing, any key points that you would like the Cardinal to bear in mind for the meeting, I am sure that he would be grateful to receive them.”*⁴⁹⁴

She asked that Cardinal Nichols read the report, adding:

*“The report raises the question – who is being safeguarded/protected – the Church or the survivor? It would be really helpful to think that the Church today is willing to listen to survivors and is not just dismissing us. Sadly, that is not my experience at all and the Cardinal declining my offer to meet highlights this even more.”*⁴⁹⁵

52. On Cardinal Nichols’ return from Rome, she again requested that he meet her and sent him the product of the subject access request. By this time, RC-A711 had approached a newspaper which reported that Cardinal Nichols had declined to meet her. It was then that she received an invitation to meet him. RC-A711 said that she didn’t know if the newspaper article prompted the invitation; she thought that it might have been the comments in the subject access request.⁴⁹⁶ The meeting itself took place in April 2019 and focussed on the comments in the emails. It was followed by a letter apologising for the language used in the emails: *“I regret deeply the hurt that those words have caused you”*.⁴⁹⁷

53. RC-A711 told us that although she found meeting Cardinal Nichols face-to-face *“helpful”*, she felt it was about *“damage limitation”*.⁴⁹⁸ She also said that the apology only came about:

*“because they were found out ... those remarks and the Cardinal’s unwillingness to engage with me should actually never, ever have happened, and I think that’s the scandal of it, really”.*⁴⁹⁹

54. Cardinal Nichols told us that he had publicly offered to meet with victims and *“will continue to meet with survivors in the future”*.⁵⁰⁰ Yet, as the subject access request reveals,

⁴⁹² Cardinal Vincent Nichols 6 November 2019 165/3-15

⁴⁹³ RC-A711 29 October 2019 82/14-17

⁴⁹⁴ INQ004702_002-003

⁴⁹⁵ INQ004702_001-002

⁴⁹⁶ RC-A711 29 October 2019 86/18-87/6

⁴⁹⁷ INQ004668

⁴⁹⁸ INQ004706_001

⁴⁹⁹ RC-A711 29 October 2019 92/12-20

⁵⁰⁰ CHC001615_006; Cardinal Vincent Nichols 13 December 2018 94/19-21; CHC001831_002

in September 2018 he decided not to engage with RC-A711. In RC-A711's case, Cardinal Nichols failed to take account of or to understand the effect of his behaviour on her.

55. She described her experience of the Diocese of Westminster as "*an exhausting battle*", adding they were "*re-traumatising me, and, in that sense, re-abusing*".⁵⁰¹ She said:

*"Over the best part of two and half years, I came face to face with the Church at its most defensive and protective of its own."*⁵⁰²

56. More generally, RC-A711's experience demonstrates the need for the Church to have in place a complaints procedure for complaints about the safeguarding team. Mrs Edina Carmi, an independent safeguarding consultant commissioned by the Inquiry to undertake a review of a number of recent diocesan and religious safeguarding files, recommended that such a procedure would "*provide learning and improvement*".⁵⁰³

⁵⁰¹ RC-A711 29 October 2019 25/25-27/11

⁵⁰² INQ004560_011-012 para 56

⁵⁰³ INQ004794_004; see Part G

Part I

Reporting of child sexual abuse cases

Reporting of child sexual abuse cases

I.1: Introduction

1. Throughout this investigation, we have seen numerous examples of child sexual abuse allegations made to the Roman Catholic Church that were not passed to the police or other statutory authorities. For example, the Archdiocese of Birmingham failed to inform the police that they were aware of allegations against Father Samuel Penney⁵⁰⁴ and Father James Robinson.⁵⁰⁵ At both Ampleforth and Downside schools “a number of allegations were never referred to the police but were handled internally”.⁵⁰⁶
2. Against this background, a number of core participants and other witnesses suggested that the Inquiry should recommend the introduction of mandatory reporting of all child sexual abuse allegations.⁵⁰⁷ The phrase ‘mandatory reporting’ is commonly used to refer to a legal duty requiring specified practitioners or organisations to report child sexual abuse if they know or have reasonable cause to suspect it was taking place. Failure to comply would be a criminal offence.
3. This part of the report deals with the Church’s current policies and guidance about reporting and the evidence relating to child sexual abuse revealed in the course of confession.

I.2: Reporting statistics

4. As discussed in Part B, the 2018 Bullivant review identified 931 separate complaints (ie allegations or concerns of child sexual abuse) against clergy, members of religious institutes and lay workers (paid and voluntary) reported to the Church between 1970 and 2015.⁵⁰⁸ Of the 931 complaints:

- 753 complaints (81 percent) were reported to the statutory authorities, which related to 768 individuals and resulted in 177 prosecutions (from which there were 133 convictions);⁵⁰⁹
- 158 complaints (17 percent) were not reported; and
- in 20 cases (2 percent), it was unclear whether the complaint was reported.⁵¹⁰

The data returns from the dioceses and religious institutes identified 10 reports (1 percent) that should have been referred to the statutory agencies but were not.⁵¹¹

⁵⁰⁴ *Archdiocese of Birmingham Investigation Report* Part B.3 para 38.1

⁵⁰⁵ *Archdiocese of Birmingham Investigation Report* Part B.4 paras 81–82

⁵⁰⁶ *Ampleforth and Downside Investigation Report* Executive Summary

⁵⁰⁷ INQ004787

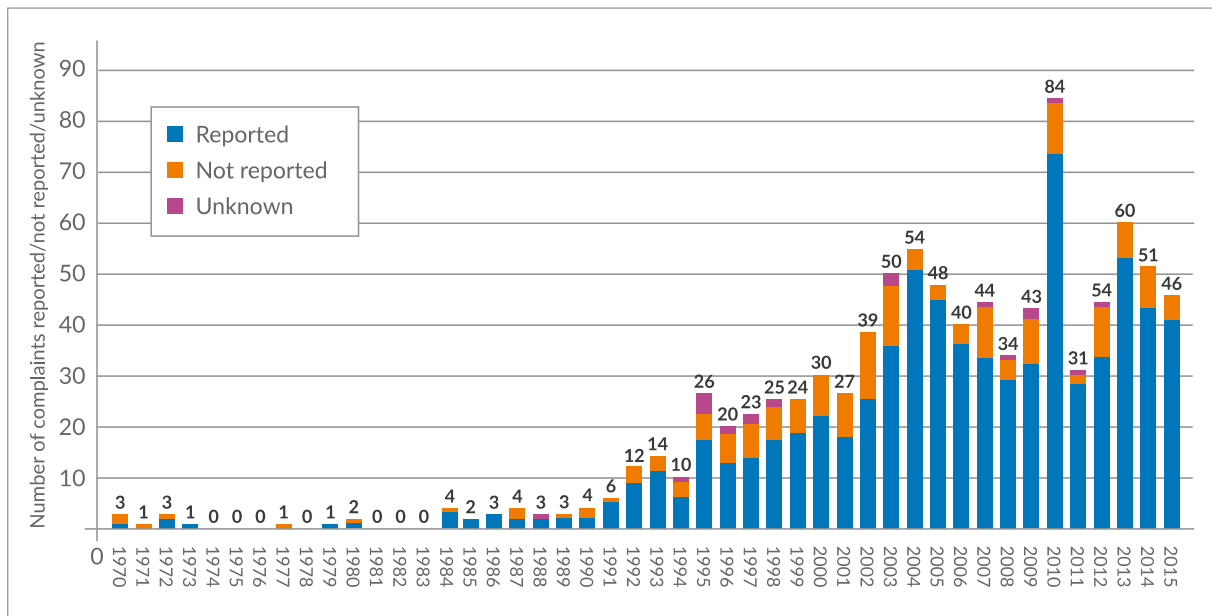
⁵⁰⁸ *Allegations of child sexual abuse in the Catholic Church in England and Wales between 1970 and 2015: A statistical summary*. Professor Stephen Bullivant’s report: CHC001938_008

⁵⁰⁹ CHC001938_025

⁵¹⁰ CHC001938_020 table 3.1

⁵¹¹ CHC001938_022

5. The figure below shows the year-by-year breakdown of whether the complaints were reported.

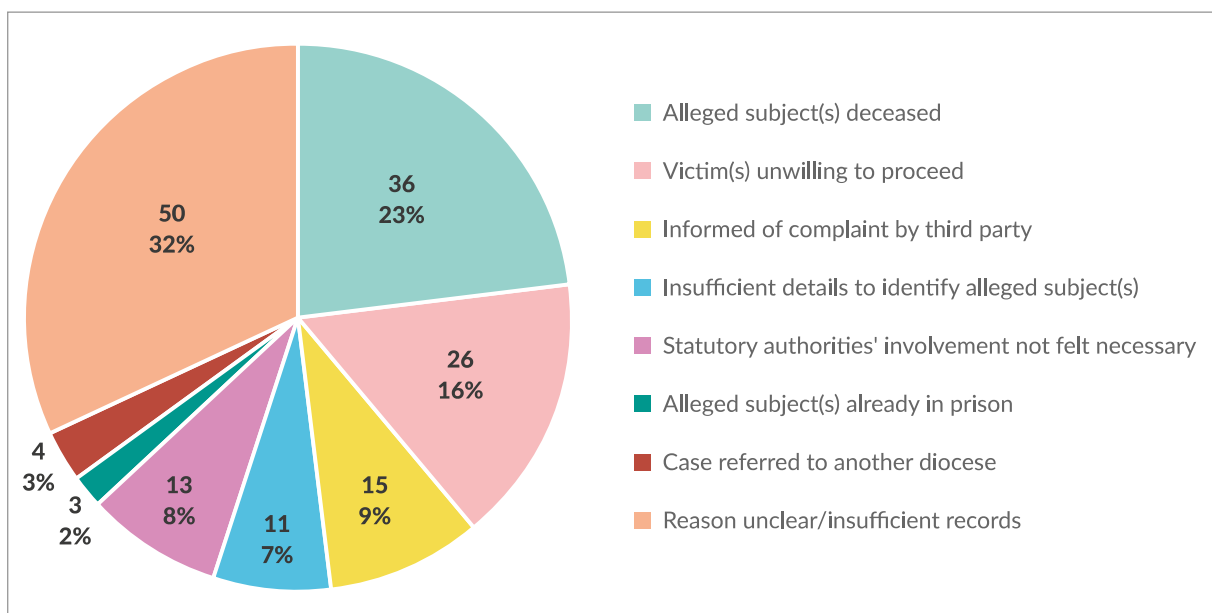


Reporting of complaints to statutory authorities by year of complaint

Source: Based on CHC001938_021

6. During the 1970s and 1980s, there were no or few reports to the statutory authorities.⁵¹² Victims and complainants repeatedly told us that they reported their allegations to the Church but that external agencies were not involved.⁵¹³ Complaints to statutory authorities increased steadily throughout the 1990s and 2000s, peaking in 2010 when 84 referrals were made.

7. In his report, Professor Stephen Bullivant analysed the reasons for non-reporting.



Reasons for complaints not being reported to statutory authorities at the time of the report

Source: Based on CHC001938_022

⁵¹² CHC001938_021

⁵¹³ For example, the case of Samuel Penney in the Archdiocese of Birmingham (*Archdiocese of Birmingham Investigation Report Part B.3*) and the case of Piers Grant-Ferris at Ampleforth School (*Ampleforth and Downside Investigation Report Part B para 47*).

In the 11 cases where there was no reporting, the dioceses and religious institutes recorded that there were “*insufficient details*” for a referral to be made. This included, for example, complaints where the alleged perpetrator could not be identified.⁵¹⁴

I.3: Reporting policies within the Church

Guidance and papal laws

8. In February 2019, at the conclusion of the meeting in the Vatican on ‘The Protection of Minors in the Church’, the Congregation for the Doctrine of the Faith (CDF)⁵¹⁵ issued guidance which states:

*“It is essential that the community be advised that they have the duty and the right to report sexual misconduct to a contact person in the diocese or religious order. These contact details should be in the public domain ... In every case, and for all the phases of dealing with cases, these two points should be followed at all times: (i) protocols established should be respected; (ii) civil or domestic laws should be obeyed.”*⁵¹⁶

9. An instruction by the CDF does not change canon law but, as Monsignor Gordon Read (an expert in canon law) explained, it is “*guidance that ought to be followed*”.⁵¹⁷

10. However, in May 2019, Pope Francis issued a papal law (*Motu Proprio*) which focussed specifically on crimes of sexual abuse.⁵¹⁸ The papal law stated that where a priest or member of a religious institute has “*notice of, or well-founded motives to believe*” that child sexual abuse has been committed, that person “*is obliged to report promptly*” the matter to their bishop or religious superior.⁵¹⁹ Cardinal Vincent Nichols said that:

*“This is, in effect, the canonical establishment of a duty to report suspicions of abuse within the Church.”*⁵²⁰

11. The *Motu Proprio* also states that there must be cooperation with state authorities in compliance with national law.

12. As a result of both the *Motu Proprio* and the CDF guidance, it is clear that child sexual abuse allegations should be reported internally within the Church and externally to the statutory authorities.

Catholic Safeguarding Advisory Service policies and procedures

13. The CSAS procedures manual (published on its website) sets out the circumstances in which allegations made to the Church must be referred to statutory authorities. At the time of the final hearing, this included a 25-page chapter entitled ‘Children – policy and procedure for the management of allegations and concerns’, which provides separate advice for management of allegations and concerns depending on whether the individual who is the subject is:

⁵¹⁴ CHC001938_023

⁵¹⁵ The CDF is the Roman Congregation with responsibility for passing on the Catholic faith and for exercising disciplinary responsibility for canonical crimes.

⁵¹⁶ CHC001871_001

⁵¹⁷ Monsignor Gordon Read 4 November 2019 130/14-17

⁵¹⁸ A *Motu Proprio* is a legislative decree issued by the Pope which must be followed (see Part C).

⁵¹⁹ CHC001930_003

⁵²⁰ Cardinal Vincent Nichols 6 November 2019 77/9-11

- not in a role within the Catholic Church; or
- “Clergy, Religious, Rectors, Vice Rectors, Seminary Staff Members, Members of the Safeguarding Structure, Lay Persons and Volunteers acting in the name of the Catholic Church”.⁵²¹

14. In relation to reporting, Christopher Pearson (chair of the National Catholic Safeguarding Commission (NCSC)) said that the Church “expect[s] if an allegation comes in, it’s reported”.⁵²² When shown a passage of the CSAS policy for managing allegations and concerns for those not in roles within the Church, Mr Pearson acknowledged that it appeared that in some circumstances the safeguarding coordinator had a discretion whether to refer the allegation to the statutory authority.⁵²³ He said this discretion was “at variance” to what he had understood the position to be. He considered that there should be mandatory reporting “in any allegation where somebody is in a position of trust in the Catholic Church”.⁵²⁴ As a result of this evidence, CSAS and the NCSC told us that they have reviewed and amended this part of the policies and procedures to ensure there is no possibility of it being interpreted as allowing discretion in respect of reporting.

15. Mrs Edina Carmi considered the policies and procedures on the CSAS website when conducting her review of recent safeguarding case files (see Part G). She was critical of the CSAS manual merging the policy with the procedure itself, and the layout required cross-referencing different documents (which in turn lacked, for example, paragraph numbers). Despite her experience in “writing child protection procedures”, Mrs Carmi said that she found navigating the policies and procedures “extremely difficult”. She also identified some inconsistencies between policies relating to the circumstances in which local authority designated officers needed to be notified of an allegation where the accused is deceased. CSAS told us that these policies have been amended to make clear that such referrals need to be made.⁵²⁵

16. The CSAS policies and procedures manual for the management of allegations and concerns in relation to children is not an easy document to follow. It is essential that the Church’s reporting policies are set out clearly and succinctly in language that is easy to understand.

I.4: The seal of the confessional

Sacramental seal

17. The sacramental seal is described in the Church’s teachings as follows:

“the church declares that every priest who hears confessions is bound under very severe penalties to keep absolute secrecy regarding the sins that his penitents have confessed to him. He can make no use of knowledge that confession gives him about penitents’ lives. This secret, which admits of no exceptions, is called the ‘sacramental seal’ because what the penitent has made known to the priest remains ‘sealed’ by the sacrament.”⁵²⁶

⁵²¹ INQ004784_006-007. In June 2020, the CSAS procedures manual was updated and the chapter now runs to 59 pages.

⁵²² Christopher Pearson 31 October 2019 116/3-9

⁵²³ INQ004784_005 para 3

⁵²⁴ Christopher Pearson 31 October 2019 146/25-147/2

⁵²⁵ Edina Carmi 5 November 2019 8/20-9/8, 11/8-12/15

⁵²⁶ Monsignor Gordon Read 4 November 2019 163/23-164/6

18. Monsignor Read described the sacramental seal as “*an ancient and fundamental matter of Catholic Church doctrine*”,⁵²⁷ the breach of which leads to ‘automatic’ excommunication. This means that the individual remains a priest but is “*not able to either receive or confer the sacraments or take part in the public worship of the church*”.⁵²⁸ He said that the priest would need to go to confession and would need to “*seek the lifting of the excommunication which is something which is reserved to the Holy See*”.⁵²⁹ Monsignor Read explained that there would be no breach of the seal if:

- a priest answered “*an entirely generic*” question about whether anyone had ever confessed that they were the victim or perpetrator of child sexual abuse; and
- if a perpetrator were to repeat his admissions outside of confession and the priest reported the matter to the statutory authorities.⁵³⁰

Disclosure of abuse during confession

Disclosure of abuse by victims and survivors

19. A number of victims and survivors (for example RC-A31, RC-A705 and Frank McGinnis) told us that during confession they had told the priest that they were being sexually abused.⁵³¹ Father Paul Smyth recalled one occasion approximately 27 years ago while working in Guatemala where “*a young girl*” confessed that she was the victim of familial child sexual abuse and that he “*kind of encouraged her not to feel it was her fault, what was happening, and to try to encourage her to tell her parents*”.⁵³² He said he did not tell her to speak to him about this outside confession “*because the social situation in Guatemala where I was working at that time wouldn’t have had any organisational structure in place to deal with cases like that*”.⁵³³

20. The CSAS guidance *Disclosure of Abuse and the Sacrament of Reconciliation* (published on its website) makes clear that a victim or survivor of abuse “*is not guilty of any sin in respect of the abuse suffered*”.⁵³⁴ It states that the priest should ‘encourage’ the victim “*to pass on the information to an appropriate person*”.⁵³⁵

Disclosure of abuse by perpetrators

21. A study of interviews with “*a small sample*” of perpetrators from the Roman Catholic Church in Ireland reported that those perpetrators had disclosed their offences during confession. The Australian Royal Commission also heard some evidence of perpetrators confessing during confession.⁵³⁶

22. The Inquiry asked a number of clerical witnesses whether they had personally experienced a perpetrator confessing to acts of child sexual abuse during confession. Bishop

⁵²⁷ Monsignor Gordon Read 4 November 2019 163/2-3

⁵²⁸ Monsignor Gordon Read 4 November 2019 166/22-23. Excommunication should not be confused with the process of laicisation; laicisation is the process of dismissal from the clerical state.

⁵²⁹ Monsignor Gordon Read 4 November 2019 167/7-8

⁵³⁰ Monsignor Gordon Read 4 November 2019 169/12-17

⁵³¹ RC-A31 13 November 2018 11/19-24; INQ004582_004; Frank McGinnis 29 October 2019 113/6-114/4

⁵³² Father Paul Smyth 5 November 2019 152/12-14

⁵³³ Father Paul Smyth 5 November 2019 152/2-5

⁵³⁴ INQ004677_001

⁵³⁵ INQ004677_001

⁵³⁶ INQ000995_045

Peter Doyle, Bishop Philip Egan, Monsignor Read, Father Smyth and Cardinal Nichols all said that this had not happened in their experience.⁵³⁷

23. Monsignor Read said that if a perpetrator confessed to him, he would:

*“make them realise the seriousness of what has happened, that they have an obligation in justice, especially to the victim, but also to society in general, to do what they can to remedy that, and that that should involve reporting the matter to the police”.*⁵³⁸

He explained that a priest could not refuse absolution if a perpetrator refused to report a matter to the police. He would want to defer absolution and say to the perpetrator “*come back when you have thought about it*”.⁵³⁹

24. Cardinal Nichols told us that, during some training he undertook with the Lucy Faithfull Foundation (a UK charity dedicated to preventing child sexual abuse), he was told:

*“that an abuser of children does not believe they are doing something wrong ... and, therefore was very unlikely to confess it as a sin”.*⁵⁴⁰

This accords with the Inquiry’s rapid evidence assessment *Child sexual abuse within the Catholic and Anglican Churches* which found that “*disclosure during confession is likely to be one of the less common ways in which the Church becomes aware of abuse*”.⁵⁴¹

25. In the event that a perpetrator confessed to acts of child sexual abuse, CSAS guidance states that the priest “*should ask for action consistent with a firm purpose of amendment as a constituent part of an assigned penance*”.⁵⁴² This demonstrates the impenetrability of the wording of some CSAS policies.

Mandatory reporting and the sacramental seal

26. Cardinal Nichols said that the sacramental seal “*is an essential part of the exercise of priesthood, as a nexus between my sinful humanity and the mercy of God. And I would defend the seal of the confession, absolutely*”.⁵⁴³ He agreed with a number of witnesses (including Monsignor Read, Dr Colette Limbrick and Mrs Carmi) that there was tension between the paramouncy principle and the confidentiality of a disclosure made during confession. When asked how that tension is resolved, he said:

*“The history of the Catholic Church has a number of people who have been put to death in defence of the seal of the confession. It might come to that. But the seal of confession is of a sacred nature, and it is at the heart of the priest’s ministry, acting in the name of the Father and of the Son and of the Holy Spirit.”*⁵⁴⁴

⁵³⁷ Bishop Peter Doyle 30 October 2019 141/19-142/3; Bishop Philip Egan 30 October 2019 178/3-10; Monsignor Gordon Read 4 November 2019 169/18-22; Father Paul Smyth 5 November 2019 151/10-15; Cardinal Vincent Nichols 7 November 2019 52/17

⁵³⁸ Monsignor Gordon Read 4 November 2019 165/15-19

⁵³⁹ Monsignor Gordon Read 4 November 2019 166/7-8

⁵⁴⁰ Cardinal Vincent Nichols 7 November 2019 53/12-18

⁵⁴¹ INQ000995_045

⁵⁴² INQ004677_001

⁵⁴³ Cardinal Vincent Nichols 7 November 2019 51/4-7

⁵⁴⁴ Cardinal Vincent Nichols 7 November 2019 51/13-18

27. He also said that, as a mandatory reporting law would in effect break the seal of the confessional, the Bishops' Conference would reject any recommendation to this effect:

*"It would not be well received. It would be rejected".*⁵⁴⁵

28. Mandatory reporting has arisen in other investigations. The Inquiry has also held a number of seminars on this issue.⁵⁴⁶ As a result, it is a subject that will form part of the Inquiry's final report.

⁵⁴⁵ Cardinal Vincent Nichols 7 November 2019 52/1

⁵⁴⁶ IICSA Seminar Mandatory Reporting of Child Sexual Abuse 27 September 2018 and 29 April 2019 and 30 April 2019

Part J

Redress

Redress

J.1: Introduction

1. Victims and survivors of child sexual abuse react to their experiences in different ways. Redress therefore takes many forms. It may include seeking an apology from the institution or perpetrator, wanting pastoral support from the Church, as well as reporting the matter to the police or other statutory authority. Compensation (perhaps through legal proceedings) is another form of redress.

2. During our public hearings in this investigation we heard evidence that some within the Church viewed victims and survivors as being motivated by money. For example:

- In 2003, Abbot Richard Yeo wrote to RC-F77, a fellow monk, saying he thought RC-A82 (who had accused RC-F77 of physical abuse which may have had a sexual element) “*is out to get compensation*”.⁵⁴⁷
- Mark Murray (a victim and survivor of clerical child sexual abuse) told us that in 2015 he and others were accused of being “*money grabbers*” by a member of the Italian Province of the Comboni Order.⁵⁴⁸

3. Views such as these are misplaced and inaccurate. As Sister Jane Bertelsen (a member of the Pontifical Commission for the Protection of Minors) told us, compensation “*very often is not the primary purpose. Victims and survivors want to be believed, they want to be listened to, they want their story to be heard*”.⁵⁴⁹ Based on his experience as chair of the Survivor Advisory Panel (SAP), David Marshall told us that from victims and survivors:

*“One of their key messages ... is emphasising ... the fact that if people say sorry and they listen, that that’s really crucial. Often compensation, they describe it as a bit of a myth, really. Compensation is often a last resort because no-one is listening.”*⁵⁵⁰

J.2: Civil claims for compensation

4. The Inquiry’s Accountability and Reparations investigation examined the extent to which the civil justice system, criminal compensation and support services promoted accountability and reparations to victims and survivors of child sexual abuse.⁵⁵¹ In this report, we focussed on claims against the Roman Catholic Church in England and Wales.

5. Claims relating to child sexual abuse fall within the ambit of personal injury claims and are usually brought against the institution in which the abuse took place or against those responsible for that institution. This generally means that the claim is brought against the diocese or religious institute on the basis of vicarious liability, the legal principle which may

⁵⁴⁷ BNT003779_050

⁵⁴⁸ Mark Murray 29 October 2019 157/3-4

⁵⁴⁹ Sister Jane Bertelsen 4 November 2019 40/13-16

⁵⁵⁰ David Marshall 31 October 2019 172/19-25

⁵⁵¹ *Accountability and Reparations Investigation Report*. The second phase of the investigation is considering in particular the potential for reform of the law of limitation to make it easier for victims and survivors to bring claims in respect of non-recent child sexual abuse and also a possible redress scheme for victims and survivors of child sexual abuse. These matters will be dealt with in the Inquiry’s final report.

make institutions liable for their employees. Claims may be covered by a public liability insurance policy, but if there is no insurance in place or the insurer cannot be identified due to the passage of time, the institution will be responsible for meeting any successful claims.

Claims data

6. The Catholic Insurance Service (CIS) insures 20 of the 22 Roman Catholic dioceses.⁵⁵² As at November 2019, it also provided insurance services to 20 religious institutes.

7. In November 2019, CIS compiled a schedule of claims “*Going back as far as records allow*”.⁵⁵³ The schedule indicates that there have been 439 child sexual abuse claims made against dioceses and 49 claims against religious institutes.⁵⁵⁴ Millions of pounds have been paid in compensation and millions more in legal fees.

The role of insurers

8. Kathy Perrin, Chief Executive Officer of CIS, told us that CIS enables the dioceses to bulk purchase insurance and acts as “*an advisory body to the Bishops’ Conference on matters relating to insurance and risk*”.⁵⁵⁵ She explained that when a claim is brought against a diocese, CIS’s role is “*to act as an intermediary facilitating effective communication between the dioceses and insurers*”.⁵⁵⁶ In acting for the diocese her role is to “*ensure the diocese is made aware of insurers’ approach to each claim and has an opportunity to question that approach should they wish to do so*”.⁵⁵⁷

9. Ms Perrin told us that the dioceses’ insurance policies “*have always included*” two clauses that affect the way a claim is handled:⁵⁵⁸

- a claims notification clause, which requires the diocese to notify the insurer “*as soon as they are aware of anything which could give rise to a claim*”⁵⁵⁹ and
- a claims control clause, which in essence means that the insurers “*have control of the claim*”.⁵⁶⁰

10. The practical effect of the claims control clause means that a diocese will ultimately have to follow the insurer’s approach if they want to be indemnified under the insurance policy. Were a diocese to act contrary to the insurer’s wishes, the diocese would have to pay any costs and compensation.

⁵⁵² The Diocese of Hexham and Newcastle and the Archdiocese of Birmingham use commercial insurance brokers.

⁵⁵³ Kathy Perrin 4 November 2019 52/19-23

⁵⁵⁴ CHC001880; CHC001881; Kathy Perrin 4 November 2019 59/2-20

⁵⁵⁵ Kathy Perrin 4 November 2019 49/25-50/1

⁵⁵⁶ CHC001877_005 para 24

⁵⁵⁷ CHC001877_005-006 para 25

⁵⁵⁸ CHC001877_004 para 19

⁵⁵⁹ Kathy Perrin 4 November 2019 66/15-16

⁵⁶⁰ CHC001877_005; Kathy Perrin 4 November 2019 69/3

11. Ms Perrin was asked whether, in her experience, the claims control clause meant that dioceses tended to adopt the insurer's approach in order to avoid being liable for the costs and any compensation. She said:

*"It's certainly a consideration that dioceses have. Dioceses are charities ... and they have duties in charity law regarding the protection of their assets and their funds. So it isn't a simple and straightforward decision for a diocese to walk away from an insurance indemnity because the only funds then left available to pay a claim are charitable funds."*⁵⁶¹

Although she was aware of cases where there have been disagreements, Ms Perrin said that this was not to the extent that a diocese has "walked away from the insurance indemnity".⁵⁶²

Limitation periods in civil claims

12. Research shows that "it is common for victims and survivors of child sexual abuse to delay disclosure".⁵⁶³ As set out in the *Accountability and Reparations Investigation Report*, child sexual abuse claims are, by virtue of the Limitation Act 1980, subject to time limits (known as limitation periods) within which claimants must bring their claims.⁵⁶⁴ A claim related to sexual abuse (which is a type of personal injury claim) must be pursued within three years of the abuse or, if later, the date of knowledge of the person abused. If the defence of limitation is raised by the defendant, the claimant must ask the court to exercise its discretion (under section 33 of the Limitation Act) to extend the period within which the claim can be brought.

13. We heard evidence about the use of the limitation defence in this investigation.

13.1. In the Archdiocese of Birmingham case study, RC-A343 told us that during the course of his civil claim for compensation, brought in the mid-2000s, the Archdiocese contested the claim on the basis that the claim was outside the relevant time limit.⁵⁶⁵

13.2. RC-A711 told us that in July 2017 she commenced a civil claim against the Servite Order. Although the claim was settled (without any admission of liability), had the case been contested, RC-A711 said that the Order's insurer's solicitors indicated that the limitation defence would have been invoked.⁵⁶⁶

14. The 2018 Bullivant review (discussed in Part B) found that there was a "growing trend, especially evident from the early 1990s onwards, of reporting complaints of so-called 'historical abuse'".⁵⁶⁷

⁵⁶¹ Kathy Perrin 4 November 2019 70/25-71/7

⁵⁶² Kathy Perrin 4 November 2019 70/18/19

⁵⁶³ INQ000995_036

⁵⁶⁴ *Accountability and Reparations Investigation Report* Part C.6; Limitation Act 1980

⁵⁶⁵ RC-A343 13 November 2018 60/14-17

⁵⁶⁶ RC-A711 29 October 2019 51/4-22

⁵⁶⁷ CHC001938_018

Table 3: Average time elapsed between start of abuse and year of complaint

Period of complaint	Mean number of years since alleged abuse began
1980 to 1984	2 years
1985 to 1989	4 years
1990 to 1994	11 years
1995 to 1999	17 years
2000 to 2004	21 years
2005 to 2009	31 years
2010 to 2014	33 years
2015	34 years
OVERALL	26 years

Source: CHC001938_018

15. A number of core participants and other witnesses suggested that limitation periods should be removed in child sexual abuse claims or that the Roman Catholic Church should no longer rely on the limitation defence when defending a civil case. Reference was made to the fact that, in October 2017, the law in Scotland changed so that, in general terms, childhood sexual abuse claims were no longer time-barred.⁵⁶⁸

16. Cardinal Vincent Nichols' personal view of the limitation defence was that:

"dioceses should consider a limitation defence only in cases where the passage of time means that a fair trial is no longer possible – for example where the alleged perpetrator is deceased, was not convicted and was not the subject of any other allegations".⁵⁶⁹

He later clarified that it was only if "all three" of those examples were met that he would expect the limitation defence to be raised.⁵⁷⁰ He told us that he had never considered a limitation defence while Archbishop of Westminster and said he was "offered one in Birmingham and I declined to use it".⁵⁷¹

17. When asked if there was anything preventing a diocese adopting a practice of non-implementation of the limitation defence, Cardinal Nichols said:

"I think it's a matter that goes beyond canonical responsibilities and control, because we are talking about civil trusts, and they can't be legislated for through Canon law."⁵⁷²

He said that the use of the limitation defence had not been on any formal agenda at the Bishops' Conference. In Cardinal Nichols' view:

"it would be inappropriate for an ecclesiastical body like the Bishops' Conference to delve into the responsibilities of separate charitable trusts".⁵⁷³

18. The Inquiry will further consider the use of limitation in respect of non-recent child sexual abuse in its final report.

⁵⁶⁸ Section 1 Limitation (Childhood Abuse) (Scotland) Act 2017.

⁵⁶⁹ CHC002085_033 para 106

⁵⁷⁰ Cardinal Vincent Nichols 6 November 2019 123/5-13

⁵⁷¹ Cardinal Vincent Nichols 6 November 2019 124/7-13

⁵⁷² Cardinal Vincent Nichols 6 November 2019 127/3-11

⁵⁷³ Cardinal Vincent Nichols 6 November 2019 128/12-18

Apologies in the context of civil litigation

19. Ms Perrin told us that in 2007 there were:

*“tensions between the desire to provide a meaningful pastoral response to victims and survivors and taking action which could compromise the diocese’s legal position or jeopardise the provision of an indemnity in respect of any future potential civil claim”.*⁵⁷⁴

The Cumberlege Commission asked the Catholic Church Insurance Association (CIS’ predecessor) to produce a set of guidelines setting out how dioceses could provide a meaningful pastoral response without causing insurance difficulties.

20. Those guidelines, *Guidelines for Catholic Church Organisations Responding to Complaints of Abuse*, were drafted in 2007 to assist safeguarding coordinators and insurance officers.⁵⁷⁵ In relation to apologies, the guidance differs.⁵⁷⁶

20.1. Where no legal action is intimated, the guidance states that where the accused has been convicted or has made admissions *“it is often appropriate to acknowledge this to the Complainant and to issue an apology”* but that it would not be appropriate to do so where there has been no conviction or admission.⁵⁷⁷

20.2. Where legal action is intimated the guidance states:

*“Unless otherwise agreed by Insurers, the Organisation must not provide the Complainant with any assistance other than pastoral support ... Specifically, the Organisation must not ... make any concessions, admissions or apologies in respect of matters relating to the complaint”.*⁵⁷⁸

21. Ms Perrin said that at the time these guidelines were drafted, there was a *“lack of understanding and knowledge”* on the part of safeguarding coordinators about the insurance aspects of claims.⁵⁷⁹

*“So the safest thing, from that perspective, was to get the claim to the solicitors acting for the insurers and to allow all correspondence to go through that route ... 13 years later, that’s relaxed to some degree, in the sense that I know now there is quite a lot of contact between some safeguarding coordinators and some claimants ... ”.*⁵⁸⁰

22. Ms Perrin said that the current position is that there is no *“blanket ban”* on a diocese making an apology.⁵⁸¹ It was however:

*“in their interests not to make any admission or apology ... unless they have spoken to the insurers and agreed that with them ... There are cases in which it is quite clear that it’s right and proper for an apology to be given. Insurers will recognise that and the apology will be made.”*⁵⁸²

⁵⁷⁴ CHC001877_006 para 27

⁵⁷⁵ CHC001878; CHC001879

⁵⁷⁶ Kathy Perrin 4 November 2019 74/4-10

⁵⁷⁷ CHC001878_013 para 6.2

⁵⁷⁸ CHC001879_008-009 para 4.5

⁵⁷⁹ Kathy Perrin 4 November 2019 78/13

⁵⁸⁰ Kathy Perrin 4 November 2019 78/15-23

⁵⁸¹ Kathy Perrin 4 November 2019 79/15-18

⁵⁸² Kathy Perrin 4 November 2019 79/8-14

Each year, Ms Perrin said that there were between approximately six and 12 requests, asking insurers to consent to an apology being made.⁵⁸³

23. In November 2018, the Catholic Safeguarding Advisory Service (CSAS) asked CIS to draft a new set of guidelines for the handling of abuse claims. The intention is for the guidelines to assist the insurance policy holders but also to be drafted so that victims and survivors can understand the claims process.⁵⁸⁴ Ms Perrin said the draft has been “*backwards and forwards*” between her, CSAS and the solicitors who routinely act for insurers on these matters.⁵⁸⁵ At the hearing in November 2019, Ms Perrin said that the guidelines were being consulted on, including by the National Catholic Safeguarding Commission (NCSC) and the SAP. These guidelines were published on 7 October 2020.

Compensation Act 2006

24. Section 2 of the Compensation Act 2006 states:

*“An apology, an offer of treatment and other redress shall not in itself amount to an admission of negligence or a breach of statutory duty.”*⁵⁸⁶

25. However, the Act only refers to negligence or breach of statutory duty cases, and not to vicarious liability cases. Ms Perrin said that in vicarious liability claims “*an apology could be regarded as an admission of liability*”⁵⁸⁷ and so, in her view, she thought it would be “*helpful*”⁵⁸⁸ if the matter was clarified (whether by amending the 2006 Act or by passing new legislation) to “*make it clear that an apology does not amount to an admission of liability*”.⁵⁸⁹

26. In the *Accountability and Reparations Investigation Report*, the Inquiry recommended:

*“The government should introduce legislation revising the Compensation Act 2006 to clarify that section 2 facilitates apologies or offers of treatment or other redress to victims and survivors of child sexual abuse by institutions that may be vicariously liable for the actions or omissions of other persons, including the perpetrators.”*⁵⁹⁰

27. In April 2020, in its response, the Government said it recognised:

*“the positive impact that receipt of an apology can have for victims of child sexual abuse, and the desirability of encouraging institutions to give apologies in relation to such abuse wherever possible ... the Ministry of Justice will explore further whether it would be helpful to amend the 2006 Act or take alternative action to clarify that this is the case, and we will update the Inquiry in due course”.*⁵⁹¹

Given the significance of this issue to victims and survivors, the Inquiry would expect the Ministry of Justice to take action sooner. The Inquiry is concerned about the Government’s procrastination over this issue.

⁵⁸³ Kathy Perrin 4 November 2019 82/7-13

⁵⁸⁴ Kathy Perrin 4 November 2019 91/11-19

⁵⁸⁵ Kathy Perrin 4 November 2019 89/24-25

⁵⁸⁶ Compensation Act 2006 section 2

⁵⁸⁷ Kathy Perrin 4 November 2019 93/20-21

⁵⁸⁸ Kathy Perrin 4 November 2019 93/22

⁵⁸⁹ Kathy Perrin 4 November 2019 93/23-24

⁵⁹⁰ *Accountability and Reparations Investigation Report* Part G.3 (see recommendation 3)

⁵⁹¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878316/government-ar-response.pdf

J.3: Ex gratia payments

28. As dioceses and some religious institutes are registered charities, they must comply with charity law which requires the trustees to only apply the charity's funds in furtherance of the purposes of the charity. This may affect the way a charity can make an ex gratia payment from the charity's funds. An ex gratia payment is a payment which the trustees believe they are under a moral – but not legal – obligation to make but which they cannot justify as being in the interests of the charity.

29. Michelle Russell (on behalf of the Charity Commission) told us that, if a trust's governing powers did not enable counselling to be paid for, she considered that an ex gratia payment could be used to fund counselling.

30. Cardinal Nichols told us that when he was Archbishop of Birmingham, the Archdiocese sought to fund new accommodation for a family whose children had been abused by a priest in their own home:

"we had quite a long and difficult negotiation with the Charity Commission to say that that was a legitimate use of diocesan assets".⁵⁹²

31. In July 2020, press articles reported that the Archdiocese of Birmingham had paid additional sums of money to two of Father John Tolkien's victims, Mr Eamonn Flanagan and RC-A343. The Archdiocese was asked to provide further information about these payments. Archbishop Bernard Longley informed the Inquiry that the sums were paid as "*additional, separate and discretionary*" ex gratia payments by the Archdiocese's trustees.⁵⁹³ He explained that during and following the public hearing in the Archdiocese of Birmingham case study, he met with both victims and "*offered to review the overall way the Archdiocese had responded in the past to the case, one part of which was the settlement*".⁵⁹⁴ The Archdiocese reviewed Mr Flanagan and RC-A343's records and reported to the trustees, who "*did not consider that the settlements negotiated in 2015 were fair and reasonable settlements of the claims*" and that the further ex gratia payments were "*the right thing to do*".⁵⁹⁵ Archbishop Longley stated that the Archdiocese will review "*similar cases on a case by case basis if or when they arise*".⁵⁹⁶ This proactive approach by the Archdiocese of Birmingham and Archbishop Longley to meeting with victims and survivors and to reviewing the past handling of cases shows how the Church can make genuine and meaningful redress.

J.4: A recent example: RC-A710

Background

32. In the early 2000s, RC-A710 reported to the police that she had been abused as a child by Michael Hill, a former priest.⁵⁹⁷ In 2008, RC-A710 also alleged that Cardinal Cormac Murphy-O'Connor (Archbishop of Westminster from 2000 to 2009, who died in 2017) had been present and involved in the abuse by Hill.⁵⁹⁸ As part of the police investigation,

⁵⁹² Cardinal Vincent Nichols 6 November 2019 131/2-5

⁵⁹³ CHC002162_002 para 10.1

⁵⁹⁴ CHC002162_003 paras 14.1 and 14.2

⁵⁹⁵ CHC002162_004 paras 17 and 18

⁵⁹⁶ CHC002162_004 para 20

⁵⁹⁷ In 1997, Michael Hill was imprisoned for five years for sexually abusing young boys. In 2002 he faced further child sexual abuse offences and was sentenced to an additional term of five years' imprisonment.

⁵⁹⁸ Cardinal Vincent Nichols 7 November 2019 14/10-16/4

Cardinal Murphy-O'Connor was interviewed. He denied the allegations and, in due course, the police took no further action.

33. In February 2011, confidential and sensitive documents about RC-A710's allegations were hand-delivered to the Congregation for the Doctrine of the Faith (CDF) in Rome. In May 2011, Cardinal Nichols was asked by the CDF to provide an opinion (*votum*) about the allegations against Cardinal Murphy-O'Connor.⁵⁹⁹ Cardinal Nichols said that having considered the evidence, including the findings of the police investigation and independent Preliminary Enquiry commissioned by CSAS, he considered that the matter "*should now be regarded as completed and closed*".⁶⁰⁰ On 28 June 2011, the CDF wrote to Cardinal Murphy-O'Connor confirming that it agreed with Cardinal Nichols' view.

34. In September 2018, details of RC-A710's confidential account were leaked to the media with widespread reporting across Europe (Italy in particular), the US and the UK. Angela McGrory, the then safeguarding coordinator for the Diocese of Portsmouth, provided RC-A710 with pastoral support. Ms McGrory told us that some individuals within the Church "*who had never met her had sought to brand her as non-credible and her account as sensational*".⁶⁰¹ Ms McGrory said that RC-A710 was "*alarmed and understandably hurt*" that "*intimate*" details of her account had been leaked.⁶⁰²

35. Throughout her dealings with the Church, RC-A710 was supported by Bishop Philip Egan, the Bishop of Portsmouth, the Portsmouth safeguarding coordinator, and her former parish priest, now Bishop Peter Doyle (the Bishop of Northampton). Bishop Doyle told us that the leak caused RC-A710 "*much distress*" and he thought that she was owed an apology.⁶⁰³ Her experience thereafter provided the Inquiry with an opportunity to examine the Church's contemporary response to RC-A710's case and the issue of apologies.

The Church's response to the leak

36. Following the leak, Bishop Egan thought that Cardinal Nichols should issue an apology and, if not him, that the Diocese of Portsmouth should apologise.⁶⁰⁴ He was told that the Diocese of Westminster wished him to say and do nothing about the case and that they would assume responsibility for handling the matter.⁶⁰⁵ Bishop Egan said he thought Westminster's interest in this matter arose out of the Vigano affair.

37. During his evidence, Cardinal Nichols explained the Vigano affair. He told us that in August and September 2018, Archbishop Carlo Vigano, the former Apostolic Nuncio to the US, published letters on two major American websites attacking Pope Francis.⁶⁰⁶ One letter claimed that Pope Francis had blocked the investigation into the allegations against Cardinal Murphy-O'Connor. Although neither letter referred to any confidential information about RC-A710, Cardinal Nichols told us that further media reporting included leaked confidential information about the handling of RC-A710's case.⁶⁰⁷

⁵⁹⁹ CHC002117_002 para 6

⁶⁰⁰ CHC002117_002 para 6

⁶⁰¹ Angela McGrory 30 October 2019 71/6-25

⁶⁰² Angela McGrory 30 October 2019 71/8-11

⁶⁰³ Bishop Peter Doyle 30 October 2019 152/4

⁶⁰⁴ Bishop Philip Egan 30 October 2019 152/8-153/18

⁶⁰⁵ Bishop Philip Egan 30 October 2019 154/4

⁶⁰⁶ Lifesitenews.com and marcotosatti.com

⁶⁰⁷ Cardinal Vincent Nichols 7 November 2019 19/16-21/14

38. Bishop Egan was approached by the press for a response about the leak and decided first to visit RC-A710.⁶⁰⁸ During that visit he apologised to RC-A710 for the leak. Following the visit, Bishop Egan thought it appropriate to write a letter to Cardinal Nichols asking him to reopen and review the case.⁶⁰⁹ He thought the letter to Cardinal Nichols would have more weight if it also came from Bishop Doyle.

39. In addition to the letter, Bishop Doyle and Bishop Egan agreed that a statement should be drafted which repeated the apology and noted *“the consequent damage from comments in the digital media about the survivor, who is known to be a credible witness”*.⁶¹⁰ Both bishops were advised against issuing any statement as it was felt a statement *“would be detrimental”* for RC-A710 and could *“possibly create a national and international response, for which they didn’t have the resources to cope”*.⁶¹¹

Involvement of the Diocese of Westminster

40. The bishops’ letter (which did not include the draft statement) was hand-delivered to Cardinal Nichols during the safeguarding training that took place in Valladolid in Spain in early May 2019.⁶¹² In addition to requesting a review of RC-A710’s case, it requested:

*“More specifically, may we ask you, in your role as Chair of the Bishops’ Conference, to write to [RC-A710] on behalf of the Church in our land to express an apology for the leak of information and for the distress it will have caused her? Indeed, I wonder too whether you might even consider yourself making a visit to [RC-A710]. We are both sure it would bring her great healing and solace.”*⁶¹³

41. Whilst in Valladolid, RC-A710’s case was discussed. Cardinal Nichols told us that he agreed he would meet with RC-A710 and that Baroness Nuala O’Loan (chair of the Catholic Council for II CSA) would review the paperwork about the case.

42. We were told that, in July 2019, the Portsmouth safeguarding commission recommended to the trustees of the Portsmouth Diocese that a statement should be published. On the advice of the communications officer, the trustees decided that a statement should not be published.⁶¹⁴

43. Bishop Doyle said that he decided unilaterally to publish his own statement.⁶¹⁵ It read:

*“In September 2018, confidential information requested by me and submitted with trust to the Church was leaked to the media by an unknown source. I want to apologise for the distress and further abuse this leak caused, abuse which was further exacerbated by the responses to the leak published in the press and the digital media. The survivor and alleged victim is a person of integrity and credibility.”*⁶¹⁶

44. The draft statement was sent to Alexander DesForges, Director of News and Information at the Bishops’ Conference. Bishop Doyle told us that he spoke with Mr DesForges, who accepted that something needed to be done on RC-A710’s behalf *“but it*

⁶⁰⁸ Bishop Philip Egan 30 October 2019 156/6-25

⁶⁰⁹ Bishop Philip Egan 30 October 2019 157/1-158/13

⁶¹⁰ Bishop Peter Doyle 30 October 2019 113/13-20

⁶¹¹ Bishop Peter Doyle 30 October 2019 115/12-17

⁶¹² CHC002085_006-008

⁶¹³ DOP000001

⁶¹⁴ INQ004679_003

⁶¹⁵ Bishop Peter Doyle 30 October 2019 129/22-25

⁶¹⁶ INQ004747_001

was his opinion that the statement would be used by sections of the media internationally to get at Pope Francis".⁶¹⁷

45. Bishop Doyle told us he also discussed the draft statement with Cardinal Nichols. According to Bishop Doyle, the Cardinal said that the draft statement *"asked more questions than it answered"* and *"again voiced his concern for A710 and thought there were too many unknowns"*.⁶¹⁸ One apparent unknown was the origin of the leak. Bishop Doyle agreed the leak had not come from RC-A710 and so could only have come from a Church source in London or Rome.⁶¹⁹ Bishop Doyle felt that a meeting with Cardinal Nichols and Baroness O'Loan would be *"much more helpful than a statement coming from me which might disappear into the stratosphere"* and so decided not to publish his statement.⁶²⁰

July 2019 email to RC-A710

46. On 15 July 2019, Bishop Doyle emailed RC-A710 to explain why he had decided not to issue his own personal statement. He told her about his discussions with Cardinal Nichols and wrote:

*"The Cardinal ... said that the statement raised more questions which media agencies like Lifesite News in the States would take up in their campaign against the Holy Father. By the end of that conversation I was convinced that a statement would not be the answer for us."*⁶²¹

47. Bishop Doyle accepted that his email conveyed the impression that it was Cardinal Nichols' concern for the Pope that had persuaded him not to issue the statement. He said *"that wasn't ... the entire basis of why I made that decision"* and told us that a combination of Cardinal Nichols' concern for RC-A710 and his willingness to meet her, along with his own discussions with Cardinal Nichols, underpinned his decision to not issue the statement.⁶²²

48. Cardinal Nichols told us that Mr DesForges' concern was that Bishop Doyle's statement would cause *"world-wide, or wide interest"* which Mr DesForges *"did not feel he could defend, but would be left to defend"*. Cardinal Nichols did not recall he (or Mr DesForges) talking Bishop Doyle out of it; they were *"essentially reiterating the discussion and conclusions reached at Valladolid"*.⁶²³ He said his overriding focus had been on RC-A710's welfare. He feared that a statement *"would lead to a further barrage of questions and speculation"* which would be damaging to her, and he was looking for the best way forward for her. Cardinal Nichols did not accept that his reluctance publicly to support RC-A710 was about *"putting the reputation of the Church first or about PR people driving safeguarding"*.⁶²⁴

49. When asked about Bishop Doyle's email referencing his conversation, Cardinal Nichols told us that he recalled the conversation also covered RC-A710's well-being which was his *"substantial concern"*. He added that the conversation was substantially about her, although *"It did not exclude the evident and obvious fact that further publicity would be used to attack Pope Francis"*.⁶²⁵

⁶¹⁷ INQ004747_001

⁶¹⁸ Bishop Peter Doyle 30 October 2019 131/22-132/3

⁶¹⁹ Bishop Peter Doyle 30 October 2019 131/22-132/16

⁶²⁰ Bishop Peter Doyle 30 October 2019 133/4-6

⁶²¹ INQ004746_002

⁶²² Bishop Peter Doyle 30 October 2019 137/21-138/13

⁶²³ Cardinal Vincent Nichols 7 November 2019 31/10-34/22

⁶²⁴ Cardinal Vincent Nichols 7 November 2019 34/23-36/6

⁶²⁵ Cardinal Vincent Nichols 7 November 2019 38/1-40/17

50. Cardinal Nichols said he could not explain why Bishop Doyle did not include the most important aspect of their conversation, ie that Cardinal Nichols was more concerned about her welfare than the campaign against the Pope. He said, *"I can't answer for Bishop Doyle"*, repeating that his concern throughout had been for RC-A710 and adding that *"Pope Francis is quite capable of looking after himself"*.⁶²⁶

51. While we accept that in the course of his July conversation with Bishop Doyle, Cardinal Nichols raised concerns for RC-A710, the primary focus of Cardinal Nichols' concern was the impact of Bishop Doyle's statement on the reputation of the Church and the Pope. This is evident from the focus Bishop Doyle himself placed on that aspect of their conversation in the email he sent to RC-A710 on 15 July 2019.⁶²⁷

Meeting and apologising to RC-A710

52. Cardinal Nichols was asked whether, in May 2019, there had been any difficulty about sending RC-A710 a letter of apology for the leak and the obvious distress it had caused her. He said *"I could have done that, yes"* but said he did not do so as he left Valladolid *"with an alternative pathway"* – a personal meeting with RC-A710 – which he hoped would be more effective.⁶²⁸

53. Cardinal Nichols did not accept failing to sustain RC-A710 in a difficult period of her life. He did not accept that he had let her down or left her without support. He added:

"I think she's had substantial, fundamental, unfailing support given in the name of the Church".⁶²⁹

He said that he could not support an objective statement of her credibility but did regret that the leaks occurred.

54. When asked what he had done to establish if the CDF or the police in the Vatican had investigated the leak, Cardinal Nichols said that he did not know if they were conducting an investigation. He had not asked.

"Q. Do you not think you ought to have done?"

A. I could do so.

Q. I know you could do so, but do you not think you ought to have done?"

A. I hesitate to say this, but the leaking of information, gossip, is rife in ... across Rome and the Holy See.

Q. This isn't gossip, Cardinal ... You couldn't imagine a more highly sensitive, confidential and damaging exposure to a victim or survivor of sexual abuse ... That is not gossip, by any person's definition, is it?

A. It's the leaking of information.

Q. Are you not prepared to agree with me?

A. It's not gossip, it's the leaking of information.

⁶²⁶ Cardinal Vincent Nichols 7 November 2019 40/18-42/10

⁶²⁷ INQ004746

⁶²⁸ Cardinal Vincent Nichols 7 November 2019 48/8-49/17

⁶²⁹ Cardinal Vincent Nichols 7 November 2019 50/1-3

Q. Highly sensitive and confidential information?

A. Highly sensitive and confidential and, at the point at which it occurred, the target was Pope Francis and the person whose confidence had been betrayed explicitly was Cardinal Cormac Murphy-O'Connor.”⁶³⁰

55. This exchange reveals Cardinal Nichols’ primary motivation and views about this incident; he was particularly concerned about the impact the leak would have on the reputation of Cardinal Murphy-O’Connor, rather than the impact the disclosure of RC-A710’s personal information had on her. In the 13 months between the leak and the final public hearing, RC-A710 had not received an apology from Cardinal Nichols. It appears that he did not do so as a result of his misplaced desire to give priority to the protection of the reputation of the Church, the Pope and Cardinal Murphy-O’Connor.

56. Cardinal Nichols told us that he had a meeting with RC-A710 scheduled for December 2019.⁶³¹ In April 2020, we were told that Cardinal Nichols had commissioned an inquiry to “try and ascertain whether there was a leak of information relating to RC-A710 from the Church in England and Wales”.⁶³² In June 2020, Cardinal Nichols was told that the investigation was “unable to conclusively identify the source of the disclosure”. The report stated “our findings exonerate” the bishops, the safeguarding coordinators and their teams, the trustees and the safeguarding commissions of the Dioceses of Brighton and Arundel, Portsmouth, Northampton and Westminster.⁶³³ Frustratingly for RC-A710, the source of the leak remains unknown.

⁶³⁰ Cardinal Vincent Nichols 7 November 2019 44/20-45/23

⁶³¹ The Inquiry was subsequently informed that the meeting took place on 17 December 2019.

⁶³² CHC002158_017

⁶³³ CHC002159

Part K

The role of Roman Catholic Church leaders in safeguarding

The role of Roman Catholic Church leaders in safeguarding

K.1: Introduction

1. The structure of the Roman Catholic Church in England and Wales is not pyramidal. There is no 'head' of the Catholic Church in England and Wales. However, there are individuals and institutions that provide leadership, including:

- each bishop within his own diocese and major superiors in the religious institutes;⁶³⁴
- the Catholic Bishops' Conference of England and Wales (the Bishops' Conference) and, to a lesser extent, the Conference of Religious (CoR);
- the National Catholic Safeguarding Commission (NCSC), which sets the Church's strategic direction and monitors compliance with safeguarding standards and the Catholic Safeguarding Advisory Service (CSAS), which is responsible for "*driving and supporting improvements in practice*";⁶³⁵ and
- Archbishop Vincent Nichols, who in his capacity as Archbishop of Westminster, a cardinal and President of the Bishops' Conference, acts as a figurehead.

2. These individuals and institutions all set the tone and agenda for the Catholic Church's approach to child protection and its response to child sexual abuse allegations.

K.2: Leadership in the Church in England and Wales

3. In his 2019 *Motu Proprio* setting out the Church's procedures for reporting child sexual abuse, Pope Francis stated that the responsibility for the Church's response "*falls above all*" on the bishops and those "*chosen by God to be pastoral leaders of his People*".⁶³⁶

4. In the smaller religious institutes, the authority of an abbot means the leadership of the particular abbot is especially important. If the abbot is ineffective, as admitted by Abbot Martin Shipperlee in relation to Ealing Abbey, that is a significant impediment to effective action. Likewise during his tenure as Abbot President, Richard Yeo showed too little commitment to addressing safeguarding in the English Benedictine Congregation (EBC). As Dom Christopher Jamison, Abbot President of the EBC, subsequently accepted:

*"there was catastrophic moral failure on the part of individual monks, followed by a chronic weakness of leadership to address that ... I think individual abbots and the Abbot President have not, in the past, exercised sufficient authority and leadership".*⁶³⁷

⁶³⁴ Father Paul Smyth 5 November 2019 122/25-123/16

⁶³⁵ CSA005625_002 para 6

⁶³⁶ CHC001930_001

⁶³⁷ Dom Christopher Jamison 8 February 2019 76/21-77/18

5. Throughout the investigation, the evidence demonstrated failings in the Church's response and in particular we were concerned by the role of those vested with leadership in relation to:

- the laboriously slow pace of change;
- a lack of empathy and understanding towards many victims and survivors; and
- uncertainty as to whether a culture of safeguarding is fully embedded across the entire Church.

Pace of change

6. When the Church does act, the speed with which change is effected is laboriously slow.

6.1. The 2007 Cumberlege review recommended that the Bishops' Conference, in conjunction with the CoR, should seek a general decree within 12 months (Recommendation 72). Twelve years elapsed before the draft decree was submitted to the Holy See for its approval.

6.2. The Cumberlege review also recommended that – within 12 months – the Bishops' Conference and CoR should publish a Code of Conduct (Recommendation 2). The CoR's Code of Conduct was published eight years later. Thirteen years later, in spring 2020, the Bishops' Conference Code of Conduct was approved.

6.3. The Safe Spaces joint project with the Anglican Church was proposed in 2015 and was "*anticipated*" to be launched by May 2019.⁶³⁸ It did not commence until late September 2020.

6.4. In November 2018, CSAS asked CIS to draft a new set of guidelines for the handling of abuse claims. One year on the matter was still being consulted upon. The revised guidelines were published on 7 October 2020.

6.5. At the conclusion of the Archdiocese of Birmingham hearing (on 13 December 2018) we were told that the Bishops' Conference had initiated an independent review of safeguarding structures and arrangements. We were told that "*the aim*" was for it to be completed by autumn 2019.⁶³⁹ It is now due for completion in October 2020.

7. The inordinate delays in respect of the implementation of Recommendations 2 and 72 suggest a comprehensive failure by both the Bishops' Conference and CoR to get on and execute the work required of them. The delays also suggest failings by the NCSC to take steps to ensure that these recommendations were put into effect. In their respective ways, they have failed to lead. As Sister Jane Bertelsen said, the "*safeguarding story*" in England and Wales (and beyond) has been "*far too slow*" and that delay could not be defended.⁶⁴⁰

Failures of leadership: victims and survivors

8. When examining the ways in which many within the Church engage with victims and survivors (at all levels, including clergy and safeguarding staff), we heard evidence of some cases where the response did, and still does, lack compassion and empathy. This reflects directly upon the leadership given by some senior figures in the Church:

⁶³⁸ Kate Gallafent QC 13 December 2018 152/13

⁶³⁹ Kate Gallafent QC 13 December 2018 151/11

⁶⁴⁰ Sister Jane Bertelsen 4 November 2019 30/12-21

8.1. Danny Sullivan (chair of the NCSC between 2012 and 2015) said he thought the Church lacked “a profound understanding of the experience of victims and survivors”.⁶⁴¹ He said that “At times one felt that the priority was still the reputation of the church”.⁶⁴² He gave two examples:

- He told us that, while he was chair of the NCSC, he was asked by the Bishops’ Conference media office to make a statement in response to a news story about a possible public inquiry into abuse. Having sent his draft to the media office, he received an email in response which:

*“removed my last sentence, where I said, ‘The Catholic Church unreservedly apologises to all victims and survivors of abuse’”.*⁶⁴³

When he asked why this sentence had been removed, Mr Sullivan was told “‘The church has already apologised for abuse’”.⁶⁴⁴ He told the media office to reinstate the sentence or he would not allow the statement to be released. It was reinstated but Mr Sullivan said that this incident:

*“reinforced my feeling that the media office were accountable to the Bishops’ Conference. If I was going to make a public statement critical of a bishop or a religious leader, I could be putting them in a difficult position”.*⁶⁴⁵

- At the public hearing in October 2019, he said:

*“Three weeks ago, Cardinal Peter Turkson, who is a senior cardinal in Rome often named as a future Pope, stated publicly that it was time for the church to move on from the abuse issue”.*⁶⁴⁶

8.2. Baroness Sheila Hollins (one of the founding members of the Pontifical Commission for the Protection of Minors) explained that from her perspective, “people understand the need for procedures and policies, but – at a cognitive level, there is a sort of cognitive empathy, but not an emotional empathy”.⁶⁴⁷ She believed this applied to some leaders within the Church in England and Wales and hoped that the bishops’ training in Valladolid had helped the bishops develop “a different capacity” for emotional empathy with victims and survivors.⁶⁴⁸

8.3. Mrs Edina Carmi’s review of recent safeguarding files identified an imbalance in the support provided to alleged perpetrators when compared with the support provided to victims, survivors and complainants. There was:

*“a sense of hostility and irritation in some responses to alleged victims with inadequate compassion and understanding of their current problems and the link of these with past abuse”.*⁶⁴⁹

⁶⁴¹ Danny Sullivan 31 October 2019 23/21-24/11

⁶⁴² INQ004397_004 para 13

⁶⁴³ Danny Sullivan 31 October 2019 27/21-24

⁶⁴⁴ Danny Sullivan 31 October 2019 28/4-5

⁶⁴⁵ Danny Sullivan 31 October 2019 28/16-20

⁶⁴⁶ Danny Sullivan 31 October 2019 52/14-17

⁶⁴⁷ Baroness Sheila Hollins 1 November 2019 29/1-6

⁶⁴⁸ Baroness Sheila Hollins 1 November 2019 29/22-30/10

⁶⁴⁹ INQ004872_015 para 9.1.3

8.4. These conclusions accord with comments made by Stephen Spear (a lay member of the NCSC from June 2016 to July 2019) that, in the context of safeguarding:

"I have struggled to understand why the Catholic Church is out of step with society as a whole, and still do ... Most of – society understands, I think ... that it should be victim- and survivor-centred, at the centre of things, but it feels to me that it's not – there's not that same balance within the Catholic Church".⁶⁵⁰

9. In the cases of RC-A710 and RC-A711, Cardinal Nichols demonstrated a lack of understanding of the impact of their abuse and experiences and seemingly put the reputation of the Church first. As a senior leader and the figurehead for the Roman Catholic Church in England and Wales, Catholics look to Cardinal Nichols to lead by example. It is difficult to exercise good leadership if you engage in bad practice. Cardinal Nichols' acknowledgement that *"there is much more we have to achieve"* applies as much to him and other senior leaders as it does to the rest of the Catholic Church.⁶⁵¹

K.3: Embedding a culture of safeguarding and the 'One Church' approach

10. Both the Nolan report and the Cumberlege review sought to establish and embed the 'One Church' approach – a Church-wide commitment to one set of policies and procedures based on the paramountcy principle. As Cardinal Nichols said, the 'One Church' approach describes the need for a consistent approach to safeguarding across the Church. He accepted that post-Cumberlege, the Church *"started from a position where consistency was some way off"*.⁶⁵²

11. The institutional response to child protection is not only about the mechanics of implementing and adhering to policies and procedures but rather, as the Cumberlege report noted:

"A culture of vigilance ... depends fundamentally on engaging 'hearts and minds' from the leadership down through to the grass roots, clergy and laity alike."⁶⁵³

12. The evidence we heard included criticism of the Church leadership and suggested that parts of the Church had not yet successfully engaged 'hearts and minds'.

12.1. Adrian Child said that, during his tenure as director of CSAS (from 2007 to 2015), there was *"ineffective moral leadership within the church"*, which led to the delivery and support of safeguarding services being more difficult.⁶⁵⁴ He referred to:

"a mismatch between rhetoric and practice on the ground. It would sometimes be the case that the Papacy and/or Catholic Bishops conferences would make good sound public statements in relation to safeguarding but those statements were simply not reflective of implementation of safeguarding on the ground".⁶⁵⁵

⁶⁵⁰ Stephen Spear 31 October 2019 75/9-76/7

⁶⁵¹ Cardinal Vincent Nichols 6 November 2019 14/17-20

⁶⁵² CHC002085_020 para 60

⁶⁵³ CHC000002_020

⁶⁵⁴ INQ000979_011 para 40

⁶⁵⁵ INQ000979_011 para 40

12.2. Mr Sullivan told us that, when he attended his first Bishops' Conference, he told the Conference:

*"If you are looking for me, as chair of the NCSC, to resolve the issue of safeguarding, then you'll be very disappointed, because it's not an issue; it's something that's always going to be with us', and I think my view is that some people ... some bishops saw it, and religious leaders saw it, as an issue ... An irritating issue that wouldn't go away."*⁶⁵⁶

12.3. Dr Colette Limbrick referred to the guiding principles set out in the 2012 document 'Towards a Culture of Safeguarding' (TACOS) which recommended that work should be done at national and local level to *"identify ways to raise the profile of safeguarding as a positive occurrence"*.⁶⁵⁷ Dr Limbrick said that this recommendation was:

"work in progress. That's not a recommendation that you can sign off and say, 'We have done that'. It has to be relentless ... I think there's evidence of it being embedded. I think we have to continue ... It is something that just has to keep going".⁶⁵⁸

12.4. Cardinal Nichols made a similar point:

*"I think we should do more in the general life of our parishes to set the task of safeguarding in a much more positive context ... "*⁶⁵⁹

*"I would affirm absolutely that the culture within the Catholic Church today is radically different than it was in 2001, or even in 2007. But I do think there's much, much more we have to achieve."*⁶⁶⁰

13. When the NCSC was established in 2008, it was tasked with setting the strategic direction of the Church's safeguarding policy. Mr Spear was critical of this aspect of the NCSC's work. He said:

"it's not strategic in the sense I understand 'strategy', in that there is no coherent framework for making decisions ... there is no sense about what they are trying to achieve".⁶⁶¹

14. The NCSC's '3 Year Strategic Business Plan 2018/2021' (produced in March 2018) sets out its *"strategic objectives"*, which include developing *"a culture of sensitivity throughout the Church based on listening and responding to both adult and child victims and survivors"* and promoting the 'One Church' approach.⁶⁶²

15. The current NCSC chair, Christopher Pearson, said that safeguarding needs to be *"an automatic response"* that is *"embedded within thought"*, rather than the Church or individuals *"constantly having to look at procedures"*.⁶⁶³ He added:

*"The church, in terms of dealing with safeguarding, is relatively new ... and so there are elements, I think, that still need to be embedded ... there needs to be more of a better understanding of what 'One Church' approach means ... "*⁶⁶⁴

⁶⁵⁶ Danny Sullivan 31 October 2019 24/4-11

⁶⁵⁷ Dr Colette Limbrick 1 November 2019 94/23-95/8

⁶⁵⁸ Dr Colette Limbrick 1 November 2019 94/23-95/8

⁶⁵⁹ Cardinal Vincent Nichols 6 November 2019 13/25-14/2

⁶⁶⁰ Cardinal Vincent Nichols 6 November 2019 14/17-20

⁶⁶¹ Stephen Spear 31 October 2019 54/21-55/3

⁶⁶² CHC001726_002

⁶⁶³ Christopher Pearson 31 October 2019 108/6-12

⁶⁶⁴ Christopher Pearson 31 October 2019 106/20-21

16. The Catholic Church is not “*relatively new*” to safeguarding – nearly two decades have elapsed since Lord Nolan’s report and the NCSC itself is now 12 years old. However, as Mr Pearson acknowledged, embedding the ‘One Church’ approach remains work in progress. It remains unclear whether the NCSC has the capacity required to ensure this aim is met.

Part L

Conclusions and recommendations

Conclusions and recommendations

L.1: Conclusions

1. Lord Nolan's first recommendation in 2001 was that the Roman Catholic Church in England and Wales should be "*an example of best practice in the prevention of child abuse and in responding to it*".⁶⁶⁵ This remains an aspiration.

The scale and impact of abuse

2. Between 1970 and 2015, there were 931 allegations or concerns of child sexual abuse made by 1,753 individuals against clergy, members of religious institutes and lay workers (paid and voluntary).⁶⁶⁶ These complaints involved more than 3,000 instances of alleged abuse made against 936 alleged perpetrators.

3. As shown in the National Catholic Safeguarding Commission's (NCSC) annual reports from 2016 to 2018, the Church still receives, on average, over 100 allegations of child sexual abuse per year.

4. As a result of likely under-reporting and delays in reporting, the precise number of victims of child sexual abuse within the Catholic Church in England and Wales cannot be ascertained. The true scale of offending and the number of victims of child sexual abuse is likely to be far higher.

5. As shocking as the figures are, they tell only part of the story. Child sexual abuse has a devastating and often lifelong impact on the victims and survivors. Over the course of the case studies, the Inquiry heard accounts of lives blighted by child sexual abuse, compounded by cover-ups and failures by the Catholic Church to take action against perpetrators.

The historical response of the Church to allegations

6. The response of the Catholic Church in England and Wales to allegations of child sexual abuse focussed too often on the protection of the clergy and the Church's reputation. Some institutions and individuals in the Church failed to report allegations and concerns to police and statutory authorities as required. In some cases, members of the dioceses and religious institutes actively took steps to shelter and shield those accused of child sexual abuse.

7. This was done at the expense of protection of children. There were failures to consider the risks posed to children by perpetrators who were seen as colleagues, brethren and friends and not as sexual abusers of children. In some cases, suspects were moved from one institution to another – from parish to parish, abbey to abbey – with the receiving body not informed of the dangers posed by the individual being sent to them.

⁶⁶⁵ CHC000053_018

⁶⁶⁶ CHC001938. A single complaint may be made by one or more people, may include one or more instances of alleged abuse and may specify one or more alleged perpetrators as the subjects of the complaint.

8. As set out in our case studies into the institutional responses of the English Benedictine Congregation (EBC) and the Archdiocese of Birmingham, some children would not have been sexually abused had these failings not occurred.⁶⁶⁷

The Church's safeguarding reviews

The 2001 Nolan report

9. The 2001 Nolan report brought about significant changes to child protection structures at parish, diocesan and national levels of the Catholic Church. The Church established the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) as its national unit for child protection and set up formal child protection commissions and recruited child protection coordinators and parish representatives. Policies and procedures were developed to create a safe environment for children (and those who work with children) and to respond appropriately to allegations of abuse. The Church took a number of positive steps to adopt safer recruitment practices such that safeguarding training is now a component part of training for the clergy or religious life.

10. The number and diversity of religious institutes made implementation of the Nolan recommendations difficult within the religious institutes. Some within the Church – bishops, religious leaders as well as other members of the clergy – were reluctant to accept the Nolan recommendations and in particular were actively resistant to the involvement of COPCA and statutory agencies.

The 2007 Cumberlege review

11. The Cumberlege review in 2007 acknowledged COPCA's "considerable" achievements in formulating policies (especially at national and diocesan level). It also brought about further changes to the Church's child protection structures.

12. The National Catholic Safeguarding Commission (NCSC) was created in 2008 with responsibility for setting the strategic direction of safeguarding policy and for monitoring compliance with the national policies and procedures. The Catholic Safeguarding Advisory Service (CSAS) replaced COPCA and the language of child protection was changed to that of safeguarding. The Church sought to adopt a more consistent approach to safeguarding with the alignment of the majority of religious institutes with the diocesan safeguarding commissions.

The Elliott review

13. In autumn 2018, the Bishops' Conference asked the NCSC to commission an independent review of the Church's safeguarding structures. In July 2019, Ian Elliott was appointed to chair the review. The Elliott review has a broad remit including reviewing the safeguarding infrastructure, organisations, arrangements, policies and procedures, alignment of diocese and religious congregations, accountability and training. The final report is due in October 2020, but a summary of the interim report suggests that the Catholic Church is yet again contemplating restructuring its approach to safeguarding.

⁶⁶⁷ Ealing Abbey and St Benedict's School Investigation Report Executive Summary; Archdiocese of Birmingham Investigation Report Part E.1

The 'One Church' approach

14. The Nolan report recommended the introduction of the 'One Church' approach, namely *"a single set of policies, principles and practices based on the Paramountcy Principle"* which required the child's welfare to be the paramount consideration.⁶⁶⁸ The Cumberlege review called on the Bishops' Conference and Conference of Religious (CoR) to *"publicly declare and renew their affirmation of the One Church approach"*.⁶⁶⁹

15. The 'One Church' approach continues to underpin the Church's response to child protection. The national policies and procedures set out how the Church should respond to a child sexual abuse allegation. Those policies and procedures are available on the CSAS website. While we heard no evidence to suggest that the policies themselves were deficient or inadequate, two different problems emerged.

15.1. The CSAS website and the wording of the policies and procedures themselves are sometimes difficult to follow. There is a clear need for the website to be reviewed to make it more accessible and comprehensible.

15.2. Evidence in the case studies and the results of CSAS audits suggest compliance with national policies and procedures is inconsistent. While the NCSC is tasked to monitor compliance, it has no enforcement powers to ensure compliance.

Audits and compliance

16. Auditing of the diocesan safeguarding commissions was introduced in 2006 and 2007. Since then CSAS has conducted three further rounds of audits and the audits themselves have evolved from a 'tick-box exercise' to a more comprehensive review of safeguarding practice.

17. The most recent round of CSAS audits in 2019 involved a quality assurance exercise of safeguarding practice. An overview of these audits found *"good evidence of cooperation"* between the diocesan and independent religious safeguarding commissions and the statutory agencies.⁶⁷⁰ However, the audits also identified that a number of diocesan and religious safeguarding commissions did not review safeguarding plans in accordance with national policy and procedure – a concern also identified in Mrs Edina Carmi's review of recent safeguarding files.⁶⁷¹ As the need to review safeguarding plans is not a new requirement, it is difficult to understand why this remains an area of poor practice.

18. Mrs Carmi's review also revealed a number of other areas of concern, including insufficient evidence of liaison with safeguarding commissions and a wide variation in standards of recording. Inadequate and insufficient recording was particularly apparent in her review of files from the religious institutes.

19. External audits carried out during the case studies in this investigation revealed areas of concern for the institutions to address. There were acute problems in the Archdiocese of Birmingham, where the external audit found failures to adhere to CSAS policies and adequately record work on case files. It highlighted the recurring problem of safeguarding

⁶⁶⁸ Children Act 1989, s.1

⁶⁶⁹ CHC000002_018

⁶⁷⁰ CHC002129_011 para 3.1

⁶⁷¹ CHC002129_011 para 2.5.1

files that had not been reviewed. The external audit concluded that “*a radical culture change*” was needed and led to an overhaul of the Archdiocese’s safeguarding practices.⁶⁷²

20. The external audits exposed deficiencies in the Church’s response at a time when CSAS was not conducting any audits. The Church needs to assure itself that its safeguarding commissions are complying with safeguarding policies and procedures, in order to take its own action to remedy any deficiencies. There is currently no independent assessment or evaluation of the CSAS quality assurance framework.

Lack of enforcement powers

21. Where a CSAS audit identifies an area of concern or a working practice that requires improvement, an action plan is drawn up by the diocese or religious institute. It is for the relevant safeguarding commission to ensure the action plan is implemented. While CSAS monitors implementation of these action plans on behalf of the NCSC, the NCSC has no power to enforce compliance.

22. This lack of enforcement powers is compounded by delay in the Bishops’ Conference seeking a general decree (*recognitio*) from the Holy See to make adherence to CSAS policies and procedures obligatory in canon law throughout England and Wales. The decree will provide the Holy See with the ability to sanction bishops and religious leaders for non-compliance, although it will not give the NCSC power to enforce compliance by the Church.

23. The Cumberlege report recommended that this decree be sought within 12 months. Notwithstanding the fact that the NCSC said its first priority was to implement the Cumberlege recommendations, it took 12 years (until June 2019) for the decree to be sent to the Vatican. As at mid October 2020, *recognitio* has still not been granted.

Delay

24. The delay in seeking the general decree is not the only example of the Church’s slow response to matters of safeguarding.

24.1. The Cumberlege review (2007) recommended that the Bishops’ Conference and CoR should develop a Code of Conduct for those who work “*in the service of the Church, including volunteers*”.⁶⁷³ The CoR took eight years to publish its code for members of religious institutes. At our final public hearing in October 2019, the Bishops’ Conference had still not published its code for the diocese – it was finally circulated to the bishops in July 2020.

24.2. In 2015, the Catholic Church established the ‘Safe Spaces’ joint project with the Anglican Church, designed to enable victims and survivors to obtain pastoral support. Safe Spaces did not commence however until late September 2020.

25. The overall impression created by these delays is that the Catholic Church still does not give sufficient urgency and priority to implementing all safeguarding recommendations and practices.

⁶⁷² Archdiocese of Birmingham Investigation Report Part D.3 para 11.9 and Part D.5

⁶⁷³ CHC000002_092

Engaging with and supporting victims and survivors

26. The experiences of some victims and survivors demonstrate ongoing failings by parts of the Church to respond promptly and properly to their inquiries, concerns and complaints. That evidence also suggests that on too many occasions the response to victims and survivors had insufficient focus on their needs.

26.1. RC-A711: In her case, members of the Diocese of Westminster safeguarding team sent emails in 2016 and 2017 suggesting that the team needed to play the “*good practice card*” and described her as “*needy*” and “*deeply manipulative*”.⁶⁷⁴ The language used by those involved in her case was disrespectful and conveyed a worrying underlying attitude. RC-A711’s experience highlights the obvious need for the Church to put in place a complaints procedure for complaints related to the service provided by the safeguarding teams.

26.2. RC-A710: In 2018, private and confidential information about RC-A710’s case was leaked to the press. The source of the leak remains unknown. RC-A710 was owed an apology for the distress caused by the leak; no witness has suggested otherwise. In her case, there was too much focus on protection of reputations to the detriment of RC-A710. It took over a year for Cardinal Vincent Nichols to meet with RC-A710 to discuss her experience.

26.3. Mark Murray: In 1997, Mr Murray received an acknowledgement from the Comboni Order that his abuser, Father Romano Nardo, had acted “*inappropriately*” towards him as a child. In 2015, Father Nardo apologised in person to Mr Murray. Nonetheless, the Vice-Superior of the Comboni house in Italy accused Mr Murray of being a ‘money grabber’ and in 2019 the Comboni Order in the UK refused to meet with Mr Murray to discuss his case.

26.4. RC-A15: During the Archdiocese of Birmingham investigation, RC-A15 told us that he had been sexually assaulted by Samuel Penney in the 1980s, when he was under 13 years old.⁶⁷⁵ His mother confronted Monsignor Daniel Leonard, the then Vicar General. When RC-A15’s mother described what had happened, Monsignor Leonard did not look surprised.⁶⁷⁶ Penney was moved away from the parish to a friary. After spending several months there he was appointed to a different parish, where he sexually abused more children. Some years later, in 1992, RC-A15’s mother gave an interview to the BBC’s ‘Everyman’ programme about her experience. Archbishop Maurice Couve de Murville, the then Archbishop of Birmingham, also gave an interview, saying that RC-A15’s mother had only alleged “*too close an association; she never complained about sexual abuse*”.⁶⁷⁷ When RC-A15’s mother’s account was put to him, the Archbishop said “*That is not the truth as we see it*”.⁶⁷⁸ RC-A15’s mother said she was “*appalled that an Archbishop could twist the truth of what I had reported in such a way*”.⁶⁷⁹

27. CSAS policies state that safeguarding coordinators are responsible for ensuring that the support needs of the victim or complainant are addressed. Bishops and religious leaders are responsible for providing pastoral support for an accused member of the clergy or religious

⁶⁷⁴ INQ004695

⁶⁷⁵ RC-A15 12 November 2018 148/16-25

⁶⁷⁶ INQ001749_004 paras 49 and 50

⁶⁷⁷ INQ001749_005 para 69

⁶⁷⁸ INQ001749_005 para 69

⁶⁷⁹ INQ001749_006 para 69

institute. Despite this, Mrs Carmi's review of recent diocesan and religious institutes' safeguarding files found an imbalance in the support offered to perpetrators – described as “*extremely comprehensive*” – and the support offered to victims which was in some cases entirely absent or, in one case, “*grudgingly offered*”.⁶⁸⁰ She told us that when reading the records she could feel “*the compassion*” for those accused of child sexual abuse.

*“When it came to the alleged victims, that was rarely visible in the reports. If there was consideration for their needs, it was rarely ... with any sense of great compassion.”*⁶⁸¹

28. There remains a lack of focus on the needs of the victims. Whether pastoral, emotional or financial, the Church's response needs to be more compassionate and more understanding of the lifelong damage that child sexual abuse can cause.

29. In 2015, the NCSC established the Survivor Advisory Panel (SAP) to provide advice to the NCSC from the victim and survivor perspective. More recently, the SAP has been involved in providing training to some dioceses and some of its members attended the bishops' safeguarding training in Valladolid in May 2019. The SAP is a positive addition to the NCSC's structure and the Valladolid training in May 2019 proved highly beneficial for the bishops in furthering their understanding of the impact of abuse on victims and survivors. This kind of training needs to be on a more regular and ongoing basis and be more widely available.

Mandatory reporting and the seal of the confessional

30. The introduction of mandatory reporting (a legal duty requiring child sexual abuse to be reported if an individual or organisation knew or had reasonable cause to suspect it was taking place) could affect the Catholic Church in the context of the seal of the confessional.

31. Under the seal of the confessional, matters revealed to a priest during confession are private and must not be revealed by the priest. Were a perpetrator to admit to being an abuser during confession, the priest cannot report that abuse. While we heard accounts of victims reporting their abuse within the confessional, we heard no evidence of a perpetrator confessing to being an abuser. Although the tension between the seal and the paramountcy principle does not appear to be in dispute, the Catholic Church maintains that a law which required the clergy to break the seal would cause fundamental conflict with the sanctity of the confessional.

32. This issue has arisen in a number of the Inquiry's investigations and we shall return to mandatory reporting in the Inquiry's final report.

Leadership in the Roman Catholic Church

33. Cardinal Nichols, the bishops, religious leaders and the major Catholic safeguarding institutions (including the Bishops' Conference and the NCSC) all play a role in providing leadership to the Catholic Church in England and Wales. That leadership is shaped and influenced by Pope Francis, who has made a number of public statements condemning the scourge of child sexual abuse within the Catholic Church worldwide. Given this approach, the main canonical crime in child sexual abuse cases should not be expressed as crime of adultery but as a crime against the child.

⁶⁸⁰ INQ004872_005 para 3.2.12

⁶⁸¹ Edina Carmi 5 November 2019 40/24-41/3

34. The response of Church leaders, both individuals and the institutions, has too often focussed on child protection structures and processes. While this is important, there is insufficient focus at present on the substance of its response. The delays in implementing major change suggest that the Church leadership has not prioritised aspects of safeguarding. The absence of a dedicated safeguarding lead within the Bishops' Conference and the CoR may be a contributing factor to this.

35. While there have undoubtedly been improvements in the Church's response to child sexual abuse, based on the evidence we heard, Church leaders need to do more to encourage and embed a culture of safeguarding throughout the entire Catholic Church in England and Wales.

36. At its core, the 'One Church' approach requires the Church to engage 'hearts and minds' when it comes to matters of child protection. The Church still has work to do to achieve this aim.

L.2: Matters to be explored further by the Inquiry

37. The Inquiry will return to a number of issues which emerged during this investigation, including but not limited to:

- mandatory reporting;
- the law of limitation in respect of non-recent child sexual abuse; and
- the applicability of section 2 of the Compensation Act 2006 in cases of vicarious liability.

L.3: Recommendations

The Chair and Panel make the following recommendations, which arise directly from this investigation.

The Roman Catholic Church in England and Wales should publish its response to these recommendations, including the timetable involved, within six months of the publication of this report.

Recommendation 1: Leadership

The Catholic Bishops' Conference of England and Wales and the Conference of Religious in England and Wales should each nominate a lead member of the clergy for safeguarding to provide leadership and oversight on safeguarding matters to their respective Conferences and the wider Roman Catholic Church in England and Wales.

Recommendation 2: Training

The Catholic Bishops' Conference of England and Wales should ensure that safeguarding training is mandatory for all staff and volunteers in roles where they work with children or victims and survivors of abuse. It should also be a requirement that regular refresher training is completed. The training should consider the impact of child sexual abuse, including the impact of trauma and the perspective of victims and survivors, and should be developed in conjunction with the Survivor Advisory Panel.

Recommendation 3: Compliance

The Catholic Bishops' Conference of England and Wales and the Conference of Religious should publish a clear framework for dealing with cases of non-compliance with safeguarding policies and procedures. That framework should identify who is responsible for dealing with issues of non-compliance at all levels of the Church, and include the measures or sanctions for non-compliance.

Recommendation 4: External auditing

The Catholic Safeguarding Advisory Service should have the effectiveness of its audit programme regularly validated by an independent organisation which is external to the Church. These independent reports should be published.

Recommendation 5: Canon 1395

The Catholic Bishops' Conference of England and Wales should request that the Holy See redraft the canonical crimes relating to child sexual abuse as crimes against the child.

Recommendation 6: Catholic Safeguarding Advisory Service website and policies and procedures manual

The Catholic Safeguarding Advisory Service should review its policies and procedures manual and the documents within it to ensure that they are consistent, easier to follow and more accessible.

Recommendation 7: Complaints policy

The Catholic Bishops' Conference of England and Wales and the Conference of Religious should publish a national policy for complaints about the way in which a safeguarding case is handled.

The policy should deal with communication with complainants during the complaints process and set out an escalation process for all complainants to have their complaint assessed by an independent adjudicator, if they are unhappy with how their complaint has been handled.

Annexes

Annex 1

Overview of process and evidence obtained by the Inquiry

1. Definition of scope

This is an inquiry into the extent of any institutional failures to protect children from sexual abuse within the Roman Catholic Church in England and Wales.

The scope of this investigation is as follows:⁶⁸²

“1. The Inquiry will investigate the nature and extent of, and institutional responses to, child sexual abuse within the Roman Catholic Church in England and Wales (‘the Catholic Church’). The inquiry will incorporate case-specific investigations and a review of information available from published and unpublished reports and reviews, court cases, and previous investigations in relation to child sexual abuse by those associated with the Catholic Church.

2. In doing so, the Inquiry will consider the experiences of victims and survivors of child sexual abuse within the Catholic Church, and investigate:

2.1. the prevalence of child sexual abuse within the Catholic Church;

2.2. the adequacy of the Catholic Church’s policies and practices in relation to safeguarding and child protection, including considerations of governance, training, recruitment, leadership, reporting and investigation of child sexual abuse, disciplinary procedures, information sharing with outside agencies, and approach to reparations;

2.3. the extent to which the culture within the Catholic Church inhibits or inhibited the proper investigation, exposure and prevention of child sexual abuse; and

2.4. the adequacy of previous reviews of safeguarding and child protection in the Catholic Church, including but not limited to the Nolan Review and Cumberlege Commission; and the extent to which the recommendations made in such reviews have been implemented in policy and practice.

3. As case studies, the Inquiry will investigate:

3.1. the English Benedictine Congregation and, consider, in particular:

3.1.1. the nature and extent of child sexual abuse by individuals associated with the Congregation including, but not limited to, teachers in Benedictine schools;

3.1.2. the nature and extent of any failures of the English Benedictine Congregation, the Catholic Church and/or other institutions or agencies to protect children from such abuse;

3.1.3. the adequacy of the response of the English Benedictine Congregation, the Catholic Church, law enforcement agencies, prosecuting authorities and any other

⁶⁸² <https://www.iicsa.org.uk/investigations/investigation-into-failings-by-the-catholic-church?tab=scope>

relevant institutions to allegations of child sexual abuse by individuals associated with the Congregation;

3.1.4. the extent to which the English Benedictine Congregation and the Catholic Church sought to investigate, learn lessons, implement changes, and/or provide support and reparation to victims and survivors, in response to:

- a) allegations of child sexual abuse by individuals associated with the Congregation;*
- b) criminal investigations and prosecutions and/or civil litigation relating to child sexual abuse by individuals associated with the Congregation;*
- c) investigations, reviews or inquiries into child sexual abuse within the Congregation, including but not limited to: Dr Elizabeth Mann's 2003 review of Ampleforth School; the Independent School Inspectorate's 2010 inspection into St Benedict's School; Lord Carlile's 2011 inquiry into St Benedict's School/Ealing Abbey; the apostolic visitation of 2011; and the Charity Commission's inquiries into Ealing Abbey; and/or*
- d) other external guidance.*

3.1.5. the adequacy of child protection and safeguarding policy and practice across the English Benedictine Congregation during the relevant period, including the adequacy of any response to the recommendations of the Nolan and Cumberlege Commissions.

3.2. the Catholic Archdiocese of Birmingham and, consider, in particular:

3.2.1. the nature and extent of child sexual abuse by individuals associated with the Archdiocese;

3.2.2. the nature and extent of any failures of the Catholic Church, the Archdiocese, law enforcement agencies, prosecuting authorities, and/or other public authorities or statutory agencies to protect children from such abuse;

3.2.3. the adequacy of the response of the Catholic Church, including through the Roman Catholic Archdiocese of Birmingham, and the response of any other relevant institutions to allegations of child sexual abuse by individuals associated with the Archdiocese;

3.2.4. the extent to which the Catholic Church, including through the Archdiocese, sought to investigate, learn lessons, implement changes and provide support and reparations to victims and survivors, in response to:

- a) allegations of child sexual abuse by individuals associated with the Archdiocese;*
- b) criminal investigations and prosecutions, civil litigation and other complaints relating to child sexual abuse by individuals associated with the Diocese;*
- c) investigations, reviews or inquiries into child sexual abuse within the Archdiocese;*
- d) disciplinary measures taken against clergy; and/or*
- e) other internal or external reviews or guidance.*

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

4.1. how the specific relationship between the Order or Archdiocese which is the subject of the case study and the Catholic Church in England and Wales impacts on child protection; and

4.2. the extent to which any failings identified by the Inquiry in relation to the Order or Archdiocese which is the subject of the case study are representative of failings within the Catholic Church in general.

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

2. Core participants and legal representatives

Counsel to this investigation:

Brian Altman QC
Jacqueline Carey
Christopher Saad
Matthew Donmall

Complainant core participants

C14, C15, C16, C17, C18, C19, C20	
Counsel	William Chapman
Solicitor	David Greenwood (Switalskis)
D2	
Counsel	Caoilfhionn Gallagher QC and Angela Patrick
Solicitor	Jon Wakefield (Bhatia Best)
F1, F2, F3, F4, F5, F6, F7, F8, F9, F11, F12, F13, F44, F48, F49, F51, F53, F56, F59, Comboni Survivors Group	
Counsel	Christopher Jacobs
Solicitor	David Enright (Howe and Co)
A43, A44, A45, A46, A47, A48, A49, A50, A51, A52, A53, A54, A55, A56, A57, A58, A59, A60, A61, A62, A63, A64, A65, A66, A69, A70, A72, A75, A80, A81, the West London Benedictine Order Abuse Survivors, Stephen Bernard	
Counsel	Iain O'Donnell
Solicitor	Richard Scorer (Slater and Gordon)
G2	
Solicitor	Imran Khan QC (Imran Khan and Partners)
G3, G4, G6 and J4	
Solicitor	Alan Collins (Hugh James)
White Flowers and G1	
Solicitor	Robbie Brodie (Livingstone Brown)

C14, C15, C16, C17, C18, C19, C20**B20**

Solicitor	Peter Garsden (Simpson Millar)
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Institutional/other core participants:**Archdiocese of Birmingham**

Counsel	Richard Horwell QC and Genevieve Woods
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Solicitor	David Smellie (Farrer and Co)
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Catholic Council for IICSA

Counsel	Kate Gallafent QC
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Solicitor	Stephen Parkinson (Kingsley Napley)
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Secretary of State for Education

Counsel	Cathryn McGahey QC
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Solicitor	Gary Howard (Government Legal Department)
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West Midlands Police

Counsel	Allison Hewitt
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Solicitor	Lisa-Marie Smith (Staffordshire and West Midlands Legal Services)
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The Monastic Community of Ealing

Counsel	Ruth Henke QC
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Solicitor	Anthony Nelson (Haworth and Gallagher Solicitors)
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The English Benedictine Congregation

Counsel	Kate Gallafent QC
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Solicitor	Stephen Parkinson (Kingsley Napley)
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Ampleforth Abbey and Ampleforth School

Counsel	Matthias Kelly QC
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Solicitor	Giles Ward (Milners Law)
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Ofsted

Counsel	Sarah Hannett
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Chief Constable North Yorkshire Police

Solicitor	Alan Payne/Emma Cruickshank
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Metropolitan Police Service

Counsel	Sam Leek QC
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Solicitor	Jonathan Dixey
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Independent Schools Inspectorate

Counsel	David Wolfe QC
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Solicitor	David Lawson
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Adrian Child, Eileen Shearer	
Counsel	Tanya Griffiths QC and Julian King
Solicitor	Lachlan Nisbet (Brabners)
Jane Jones	
Counsel	Peter Mant
Solicitor	Matthew Smith (Bircham Dyson Bell)
Jonathan West	
Counsel	Iain O'Donnell
Solicitor	Richard Scorer (Slater and Gordon)

3. Evidence received by the Inquiry

Number of witness statements obtained:
177
Organisations and individuals to which requests for documentation or witness statements were sent:
Reverend Christopher Thomas, Catholic Bishops' Conference of England and Wales
Adrian Child, former Director of Catholic Safeguarding Advisory Service
Eileen Shearer, former Director of Catholic Office for the Protection of Children and Vulnerable Adults
Dr Colette Limbrick, Director of Catholic Safeguarding Advisory Service
Cardinal Vincent Nichols, Archbishop of Westminster and President of the Catholic Bishops' Conference of England and Wales
Monsignor Gordon Francis Read, Catholic Council for the Independent Inquiry into Child Sexual Abuse
David Marshall QPM, former Chair of National Catholic Safeguarding Commission's Survivor Advisory Panel
Sister Jane Bertelsen, member of Pontifical Commission for the Protection of Minors
Baroness Sheila Hollins, Pontifical Commission for the Protection of Minors
Danny Sullivan, former Chair of National Catholic Safeguarding Commission
Sean Harford, Ofsted
Kathy Perrin, Catholic Insurance Service
Stephen Spear, former member of National Catholic Safeguarding Commission
Reverend Marcus Stock, Bishop of Leeds
Sister Lyndsay Spendelow, former Religious Vice-Chair of National Catholic Safeguarding Commission
Peter Houghton, National Catholic Safeguarding Commission
Dom Richard Yeo, English Benedictine Congregation
Father Paul Smyth, President of the Conference of Religious in England and Wales
Archbishop Bernard Longley, Archdiocese of Birmingham
Canon David Oakley, former Rector of St Mary's College Oscott
Michelle Russell, Charity Commission
Christine Ryan, Independent Schools Inspectorate
Kate Richards, Independent Schools Inspectorate

Christopher Pearson, Chair of National Catholic Safeguarding Commission
Amanda Spielman (Ofsted)
Andrew Johnson, St Benedict's School
Christopher Cleugh, former headmaster of St Benedict's School
Abbot Martin Shipperlee, Ealing Abbey
Gregor McGill, Crown Prosecution Service
Kate Dixon, Department for Education
Peter Turner, former Child Protection Officer/Safeguarding Advisor at the Diocese of Westminster
Reverend Jeremy Trood, Downside Abbey
Jonathan West, Campaigner
Philip James Falconer, Safeguarding Coordinator for Diocese of Arundel & Brighton
Michael Sheridan, Ofsted
Lord Carlile of Berriew QC
Carolyn Fair, Ealing Council
Abbot President Christopher Jamison, English Benedictine Congregation
Bishop John Arnold, undertook Apostolic Visitation of 2011
Penny Jones, Department for Education
John Nixon, independent child protection specialist, co-author of 2009 report on safeguarding at Ealing Abbey
Commander Neil Jerome, Metropolitan Police Service
Rachel O'Driscoll, National Catholic Safeguarding Commission
Reverend Mark Davies, National Catholic Safeguarding Commission
Reverend Canon Dr Brendan Killeen, National Catholic Safeguarding Commission
Sister Philomena McCluskey, Franciscan Missionaries of St Joseph
Elizabeth Manero, National Catholic Safeguarding Commission
Sue Cox, Survivors Voice Europe
Reverend Bishop Paul Mason, National Catholic Safeguarding Commission
RC-A33, Complainant
RC-A711, Complainant
RC-A704, Complainant
Bill Kilgallon, former Chair of National Catholic Safeguarding Commission
RC-A56, Complainant
Reverend Martin James Devenish, Comboni Missionaries Order
Gerard Francis McLaughlin, Complainant
RC-A41, Complainant
RC-A42, Complainant
Bede Mullen, Complainant
Mark Stephen Murray, Complainant
Thomas James Kirby, Complainant
RC-A669, Complainant
RC-A491, Complainant
RC-A494, Complainant
Christopher Speight, Complainant
RC-A493, Complainant
RC-A579, Complainant

RC-A49, Complainant
RC-A50, Complainant
RC-A52, Complainant
Peter Murray, Complainant
Brian Mark Hennessy, Complainant
RC-A705, Complainant
Paul Barber, Catholic Education Service
Mark Andrew Miller, Assistant Parish Safeguarding Representative, St Cuthbert's Durham
Janet Perman, Parish Safeguarding Representative, St Anne's Cathedral Leeds
Stephanie Mary Brown, Parish Safeguarding Representative, St Cuthbert's Durham
RC-A51, Complainant
Frank McGinnis, Complainant
RC-A117, Complainant
Pamela Lythe, Parish Safeguarding Representative, St Anne's Cathedral Leeds
Harvey Grenville, Charity Commission
Reverend Canon Roger Taylor, Rector of Allen Hall Seminary
Canon Paul Farrer, Rector of the Royal and Pontifical English College of St Alban, Valladolid, Spain
Monsignor Philip Whitmore, Rector of the Venerable English College, Rome
RC-A62, Complainant
Dr Nuala Graham, The Augustinian Province
Father Martin Ganeri, Dominicans
Sister Joan Moriarty, Daughters of Charity of St Vincent de Paul
Joanne Norman, Safeguarding Coordinator, British Society of Jesuits
John Mervyn Williams, Salesians of Don Bosco
Father Robert Gay, Dominicans
Sister Agnes Clare Smith, Institute of Our Lady of Mercy
Sister Marie Raw, Daughters of Charity of St Vincent de Paul
Angela McGrory, Diocese of Portsmouth
Bishop Philip Egan, Diocese of Portsmouth
Bishop Peter Doyle, Diocese of Northampton
Sandra Davey, Our Lady of Fidelity
Monsignor Patrick McKinney, Diocese of Nottingham
Sister Francis Ridler, Diocese of East Anglia
Bridget McNulty, Parish Safeguarding Representative for St Mary's All Saints Newport
Catherine Taylor, Diocese of Salford
Dawn Lundergan, Diocese of Salford
Deacon Desmond Bill, Archdiocese of Liverpool
Martin Mahoney, Archdiocese of Cardiff
Michael Kenneth Thurley, Diocese of East Anglia
Michael Walker, Diocese of Middlesbrough
Morgan James Beake, Diocese of Menevia
Robert David Scott Brown, Diocese of Plymouth
Monsignor Seamus O'Boyle, Diocese of Westminster
RC-A37, Complainant
RC-A31, Complainant

RC-A32, Complainant
RC-A20, Complainant
Eammon Flanagan, Complainant
Clare McKenzie, Diocese of Nottingham
Rebecca Cawsey, Archdiocese of Clifton
Liam Ring, Archdiocese of Clifton
Baroness Patricia Scotland QC, former Chair of National Catholic Safeguarding Commission
RC-A1, Complainant
Canon Brian Coyle, Rector of St John's Seminary Womersh
Graham Wilmer, Complainant
RC-A54, Complainant
Father Andrew Richardson, President of the Conference of Diocesan Directors of Vocations
Susie Hayward, National Catholic Safeguarding Commission
RC-A19, Complainant
Eva Edohen, former Safeguarding Officer, Diocese of Westminster
Melissa Caslake, Director of Safeguarding within the National Church Institutions (the collective name for the seven administrative bodies that work to support the Church of England)

4. Disclosure of documents

Total number of pages disclosed: 14,587

5. Public hearings including preliminary hearings

English Benedictine Congregation case study

Preliminary hearings	
1	28 July 2016 (Ampleforth and Downside)
2	6 June 2017 (Ampleforth and Downside)
3	5 October 2017 (Ampleforth and Downside)
4	5 June 2018 (Ealing)
5	1 November 2018 (Ealing)
Public hearing	
Days 1–5	27 November–1 December 2017 (Ampleforth & Downside)
Days 6–10	4 December–8 December 2017 (Ampleforth & Downside)
Days 1–5	4–8 February 2019 (Ealing)

Archdiocese of Birmingham case study

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

Wider Catholic Church

Preliminary hearings	
1	23 May 2019
2	25 September 2019
Public hearing	
Days 1–5	28 October–1 November 2019
Days 6–10	4 November–8 November 2019

6. List of witnesses

Surname	Forename	Title	Called, read, summarised or adduced	Hearing day
RC-A711			Called	2
RC-A49			Called	3
Kirby	Thomas James	Mr	Called	3
McGrory	Angela	Ms	Called	3
Howarth Doyle	Peter John	Bishop	Called	3
Egan	Philip Anthony	Bishop	Called	3
Sullivan	Danny	Mr	Called	4
Spear	Stephen	Mr	Called	4
Pearson	Christopher	Mr	Called	4
Marshall	David John	Mr	Called	4
Hollins	Sheila	Baroness	Called	5
Limbrick	Colette Alexandra	Dr	Called	5
Russell	Sharon Michelle	Ms	Called	5
Hayward	Susie	Ms	Read	6
Bertelsen	Jane	Sister	Called	6
Perrin	Kathy Janina	Ms	Called	6
Read	Gordon Francis	Monsignor	Called	6
Carmi	Edina	Mrs	Called	7

Smyth	Paul Andrew	Father	Called	7
Nichols	Vincent Gerard	Cardinal	Called	8, 9
Farrer	Paul	Canon	Read	9
Coyle	Brian	Canon	Read	9

7. Restriction orders

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

On 30 October 2019, the Chair issued a restriction order under section 19 of the Inquiries Act 2005 prohibiting the disclosure or publication of the name of RC-F338.⁶⁸³

On 30 October 2019, the Chair issued a further restriction order under section 19 of the Inquiries Act 2005 prohibiting the disclosure or publication of the name of RC-F338.⁶⁸⁴

On 30 October 2019, the Chair issued a further restriction order under section 19 of the Inquiries Act 2005 prohibiting the disclosure or publication of the name of the organisation that RC-F338 was involved with and the country in which they operated.⁶⁸⁵

On 30 October 2019, the Chair issued a restriction order under section 19 of the Inquiries Act 2005 to prohibit the disclosure or publication of the name of any individual whose identity has been redacted or ciphered by the Inquiry, and any information redacted as irrelevant and sensitive, in connection with this investigation and referred to during the course of evidence adduced during the Inquiry’s proceedings.⁶⁸⁶

8. Broadcasting

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

9. Redactions and ciphering

The material obtained for this phase of the investigation was redacted and, where appropriate, ciphers were applied, in accordance with the Inquiry’s Protocol on the Redaction of Documents (the Protocol).⁶⁸⁷ This meant that (in accordance with Annex A

⁶⁸³ <https://www.iicsa.org.uk/key-documents/15551/view/2019-10-29-restriction-order-arising-during-roman-catholic-church-wider-hearing-29-october-2019-mark-murray.pdf>

⁶⁸⁴ <https://www.iicsa.org.uk/key-documents/15553/view/2019-10-30-restriction-order-arising-during-roman-catholic-church-wider-hearing-30-october-2019-james-kirby.pdf>

⁶⁸⁵ <https://www.iicsa.org.uk/key-documents/15555/view/2019-10-30-restriction-order-arising-during-roman-catholic-church-wider-hearing-30-october-2019-rc-a49.pdf>

⁶⁸⁶ https://www.iicsa.org.uk/key-documents/15229/view/2019-10-30-restriction-order-re-documents-published-inquiry-website-during-rc-church-investigation-public-hearing-oct_nov-2019.pdf

⁶⁸⁷ <https://www.iicsa.org.uk/key-documents/322/view/2018-07-25-inquiry-protocol-redaction-documents-version-3.pdf>

of the Protocol), for example, absent specific consent to the contrary, the identities of complainants and victims and survivors of child sexual abuse and other children were redacted; and if the Inquiry considered that their identity appeared to be sufficiently relevant to the investigation, a cipher was applied.

Pursuant to the Protocol, the identities of individuals convicted of child sexual abuse (including those who have accepted a police caution for offences related to child sexual abuse) were not generally redacted unless the naming of the individual would risk the identification of their victim, in which case a cipher would be applied.

The Protocol also addresses the position in respect of individuals accused, but not convicted, of child sexual or other physical abuse against a child, and provides that their identities should be redacted and a cipher applied. However, where the allegations against an individual are so widely known that redaction would serve no meaningful purpose (for example where the individual's name has been published in the regulated media in connection with allegations of abuse), the Protocol provides that the Inquiry may decide not to redact their identity.

Finally, the Protocol recognises that, while the Inquiry will not distinguish as a matter of course between individuals who are known or believed to be deceased and those who are or are believed to be alive, the Inquiry may take the fact that an individual is deceased into account when considering whether or not to apply redactions in a particular instance.

The Protocol anticipates that it may be necessary for core participants to be aware of the identity of individuals whose identity has been redacted and in respect of whom a cipher has been applied, if the same is relevant to their interest in the investigation.

10. Warning letters

Rule 13 of the Inquiry Rules 2006 provides:

- “(1) The chairman may send a warning letter to any person –
 - a. he considers may be, or who has been, subject to criticism in the inquiry proceedings; or
 - b. about whom criticism may be inferred from evidence that has been given during the inquiry proceedings; or
 - c. who may be subject to criticism in the report, or any interim report.*
- “(2) The recipient of a warning letter may disclose it to his recognised legal representative.*
- “(3) The inquiry panel must not include any explicit or significant criticism of a person in the report, or in any interim report, unless –
 - a. the chairman has sent that person a warning letter; and
 - b. the person has been given a reasonable opportunity to respond to the warning letter.”*

In accordance with rule 13, warning letters were sent as appropriate to those who were covered by the provisions of rule 13, and the Chair and Panel considered the responses to those letters before finalising the report.

Annex 2

Glossary

Abbot/abbess	The superior of a religious community responsible for governing their institutions' life and work. ⁶⁸⁸ (See 'Religious superior')
Abbot President	The leader of a Benedictine Congregation. ⁶⁸⁹ In the context of this report, the English Benedictine Congregation.
Absolution	Forgiveness of sins.
Administrative leave	Leave from public ministry imposed on a member of the clergy alleged to have committed abuse pending formal investigation. ⁶⁹⁰
Apostolic Nunciature	The diplomatic office of the Holy See in Great Britain, established in 1982. The location of the Apostolic Nuncio's offices and residence is Wimbledon, south-west London.
Apostolic Visitation	A Visitation (see 'Visitation') ordered by the Holy See, which appoints one or more Visitors to investigate a situation and to report back to the Holy See on what they find. ⁶⁹¹
Archbishop of Birmingham	<p>The current Archbishop of Birmingham is Archbishop Bernard Longley. He was appointed in October 2009.</p> <p>Prior to Archbishop Bernard Longley, the position of Archbishop was held by:</p> <ul style="list-style-type: none"> • June 1947–March 1965: Archbishop Francis Grimshaw (deceased 1965). • October 1965–September 1981: Archbishop George Dwyer (deceased 1987). • March 1982–June 1999: Archbishop Maurice Couve de Murville (deceased 2007). • February 2000–May 2009: Archbishop Vincent Nichols (now the Archbishop of Westminster and Cardinal).⁶⁹²
Benedictine Confederation	<p>A union of autonomous monastic congregations which all follow the teachings (the Rule) of St Benedict. Each of the congregations (of which the English Benedictine Congregation is one) has its own Abbot President.</p> <p>The Benedictine Confederation has its headquarters at Sant'Anselmo in Rome, which is the seat of the Abbot Primate. (The current Abbot Primate – as at 2019 – is Gregory Polan OSB.)⁶⁹³</p> <p>There are many affiliated Benedictine congregations around the world, as well as Benedictine orders in England and Wales, 10 of which are English Benedictine monasteries.⁶⁹⁴</p>

⁶⁸⁸ BNT004910_003

⁶⁸⁹ BNT004911; BNT004910_010-011

⁶⁹⁰ CHC001218

⁶⁹¹ BNT004911

⁶⁹² CHC000585_011

⁶⁹³ Dom Richard Yeo 28 November 128/15-129/3; <https://www.osb.org/the-benedictine-order/the-benedictine-confederation/>

⁶⁹⁴ BNT004910_011

Bishops and archbishops	Appointed by the Pope to have episcopal oversight over the faithful in the dioceses. Whoever is the ordaining bishop bestows the episcopal power upon them which comprises three elements: to teach, to sanctify and to govern (canon 375). No other members of the Catholic Church are endowed with the fullness of these tasks. Unless canon law states otherwise, each bishop is the supreme authority within his own diocese. Each bishop is however accountable to the Pope. ⁶⁹⁵
Canon law	The system of laws which govern the Catholic Church. Laws are articulated in a code, known as the 'Code of Canon Law'. The current code is the 1983 Code of Canon Law. It superseded the 1917 Code of Canon Law, which was the first comprehensive codification of canon law in the Latin Church. ⁶⁹⁶
Catholic Council for the Independent Inquiry into Child Sexual Abuse (CCIICSA)	Body set up to support the numerous organisations that make up the Catholic Church in England and Wales in responding to the Inquiry and to speak on the Catholic Church's behalf. ⁶⁹⁷
Catholic Safeguarding Advisory Service (CSAS)	National agency that advises the Catholic Church on safeguarding practice.
Catholic Trust for England and Wales (CaTEW)	Legal entity for the Catholic Bishops' Conference of England and Wales.
Charity Commission	A non-ministerial government department that regulates registered charities in England and Wales and maintains the Central Register of Charities. ⁶⁹⁸
Clergy	The body of all people ordained for religious duties in the Church.
College of Cardinals	The body of all the Cardinals who elect and advise the Pope.
Constitutions of the EBC	<p>Every religious congregation has constitutions. Benedictine monastic congregations have constitutions as well as the Rule of St Benedict (the Rule). Constitutions of the English Benedictine Congregation (EBC) govern all its monasteries, and individual monasteries do not have individual constitutions. Nuns of the EBC have a different set of constitutions from the monks.</p> <p>The constitutions consist of two parts:</p> <p>(i) The Declarations on the Rule: this is complementary to the Rule of St Benedict.</p> <p>(ii) The Statutes: these set out the structure and government of the congregation as a whole.⁶⁹⁹</p>
Covenants of care	Now known as a safeguarding plan ⁷⁰⁰ (see 'Safeguarding plan').
Cumberlege Commission review	Commissioned by Cardinal Cormac Murphy-O'Connor in 2007 to meet Lord Nolan's final recommendation, which was that his report should be reviewed in five years' time. It was chaired by Baroness Julia Cumberlege.

⁶⁹⁵ CHC000396_005

⁶⁹⁶ CHC000396_005

⁶⁹⁷ <https://www.iicsa.org.uk/key-documents/702/view/catholic-catholic-council-independent-inquiry-into-child-sexual-abuse-cp-application-notice-determination.pdf>

⁶⁹⁸ <https://www.gov.uk/government/organisations/charity-commission/about>

⁶⁹⁹ BNT004911; BNT004910_008-009

⁷⁰⁰ CHC000585_006

DBS checks (formerly CRB checks)	Carried out by the Disclosure and Barring Service on an individual's criminal record. Employers can ask to see this certificate to ensure that they are recruiting suitable people into their organisation. ⁷⁰¹ The Disclosure and Barring Service is an organisation that replaced the Criminal Records Bureau and the Independent Safeguarding Authority. ⁷⁰²
Deacon	A man ordained to serve and assist the Church, however not with the same status or authority as a priest. ⁷⁰³
Decree	A formal order. Canon Law 601 gives a religious superior power to compel a member of their community to act in a particular way. If the member does not do so then sanctions can result. This rule is the basis for Covenants of Care and Disciplinary Decrees. ⁷⁰⁴ An example is an Act of Visitation made after a Visitation (see 'Visitation') where the Abbot President can issue a formal decree (made in writing) requiring steps to be taken by the Abbot and institution subject to the Visitation. ⁷⁰⁵
Delict	A crime in canon law, an external violation of a law or precept gravely imputable by reason of malice or negligence. ⁷⁰⁶ This is not the same definition as a delict in civil law jurisdictions.
Diocese	A geographical district under the authority and leadership of a bishop. These are grouped into provinces; a province is presided over by a Metropolitan Archbishop. ⁷⁰⁷
Dispensation	On application from an abbot, the Abbot President can grant a dispensation from temporary vows for a member of the community. However, to be granted dispensation from perpetual vows the Abbot President's Council must agree with the application (although the Abbot President can take the final decision) before it is forwarded to the Holy See for approval. ⁷⁰⁸
Ecclesiastical	Relating to the Church or its clergy.
Excommunication	Excluding someone from the services of the Church.
Ex gratia payment	A payment for damages, made voluntarily but without any admission of liability or guilt.
Extraordinary Visitation	A Visitation (see 'Visitation') held outside of the regular four-yearly intervals of the Ordinary Visitation. Held when needed, usually for serious or grave reasons. ⁷⁰⁹
Formation	The process by which the Church prepares individuals for priesthood or membership of a religious order. It includes both academic and spiritual training.
Friary	A building in which friars live.

⁷⁰¹ <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

⁷⁰² <https://ckan.publishing.service.gov.uk/publisher/about/criminal-records-bureau>

⁷⁰³ <https://www.csas.uk.net/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

⁷⁰⁴ AAT000958_005

⁷⁰⁵ Dom Richard Yeo 28 November 2017 111/12-112/18

⁷⁰⁶ BNT006439_011; http://www.vatican.va/resources/resources_glossary-terms_en.html

⁷⁰⁷ CHC000396_006

⁷⁰⁸ BNT004910_018; Dom Richard Yeo 28 November 2017 98/21-99/21

⁷⁰⁹ BNT004911; BNT004910_010-011

General Chapter of the EBC	<p>All Roman Catholic congregations, including the English Benedictine Congregation (EBC), have General Chapters. These exercise supreme authority and write the constitutions of the order (with the approval of the Holy See) and elect the General Superior/ Abbot President. Due to the structure of the EBC, the monasteries are more autonomous than other congregations of the Roman Catholic Church and therefore the General Chapter of the EBC has less authority than in other orders where there is a centralised system and a more obvious hierarchy of accountability.</p> <p>The General Chapter of the EBC is made up of the Abbot President, an abbot or abbess from each monastery, a delegate elected by the monastery's own chapter and four officials of the EBC. The Abbot President as the most senior figure prepares and runs the General Chapter with the help of his Council. It is the supreme legislative authority of the congregation, saving the right of the Holy See to approve the constitutions. It elects the Abbot President and his Council, and discusses matters of common interest to the monasteries.</p> <p>The General Chapter has ordinary and extraordinary meetings, known as chapters. Ordinary chapters are held every four years and extraordinary chapters are held in times of need. The last extraordinary chapter was held in 2015.⁷¹⁰</p>
Holy See	The ecclesiastical jurisdiction and administrative apparatus of the Pope. ⁷¹¹ It is located in Vatican City, Italy. ⁷¹²
Independent Schools Inspectorate (ISI)	An independent, government-approved body which provides objective inspections to safeguard the quality and effectiveness of education, care and welfare of children in independent schools in England which are in membership of the Associations of the Independent Schools Council. ⁷¹³
International legal personality	An entity endowed with rights and obligations under public international law.
Laicisation	The process of dismissal from the clerical state, or from a religious congregation, in accordance with the norms of canon law. ⁷¹⁴
Lay	For the purposes of this report, this means not a member of the clergy.
Monastic congregation	A union of several autonomous monasteries, under a superior. ⁷¹⁵
Monk	Member of a male religious community.
Monsignor	A title for various senior Catholic posts.
Mother house	Founding convent or house of a religious institute.

⁷¹⁰ BNT004911; BNT004910_009-010

⁷¹¹ CHC000396_003

⁷¹² <http://www.vaticanstate.va/content/vaticanstate/en.html>

⁷¹³ ISI000232_002 para 13

⁷¹⁴ <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywods..pdf>

⁷¹⁵ BNT004911; BNT004910_003

Nolan report	Commissioned in summer 2000 by Cardinal Cormac Murphy-O'Connor, then Archbishop of Westminster, 'to examine and review arrangements made for child protection and the prevention of abuse within the Catholic Church in England and Wales, and to make recommendations'. The Nolan Committee, chaired by the Rt Hon the Lord Nolan, was made up of individuals from a variety of backgrounds and experiences, four of whom were Catholics, six of whom were not. They met for the first time on 25 September 2000. Their first report was presented in April 2001 and made 50 recommendations about the structures and actions the Church should put in place 'to enable it to be an example of best practice in the prevention of child abuse, in responding to it, and to rebuild confidence'. The final report <i>A Programme for Action – Final Report of the Independent Review on Child Protection in the Catholic Church in England and Wales</i> was published on 17 September 2001. ⁷¹⁶ This made no significant changes to the proposals outlined in the earlier version but refined and developed their conclusions, adding a further 33 recommendations.
Notification requirements	Sometimes referred to as the sex offenders' register. Created by the Sex Offenders Act 1997 and subsequently amended by the Sexual Offences Act 2003. ⁷¹⁷ A tool, monitored by the police, for the management of those convicted, cautioned or released from prison for sexual offences against children or adults. It requires the offender to provide the police with a number of personal details, and to keep the police informed of any changes to those details. The length of time that an offender is on the sex offenders' register and subject to notification requirements depends on the sentence or order received upon conviction or caution. A person who does not comply with the notification requirements commits a further offence and may receive a prison sentence on conviction.
Novice	On completing the postulancy, an individual may apply to become a novice monk. If accepted, this position is still one of a prospective member of a monastery, although it is the first formal training period towards becoming a monk. It is a probationary period during which the individual receives training (within the EBC, this training includes studying the Rule of St Benedict and the constitutions). They also receive guidance from a novice master, who is usually an experienced monk from the institution they wish to join. ⁷¹⁸
Nun	Member of a female religious community.
'One Church' approach	The commitment by the Catholic Church in England and Wales to using the same policies, procedures, standards and systems in relation to safeguarding.
Paramountcy principle	Parents, local authorities and the courts have a duty to safeguard the welfare of children and in legal proceedings it is the best interests of the child that are the primary consideration when determining what action should be taken. ⁷¹⁹

⁷¹⁶ CHC000053

⁷¹⁷ Sex Offenders Act 1997; Sexual Offences Act 2003

⁷¹⁸ <https://www.downside.co.uk/benedictine-monastery/a-monastic-vocation/stages-becoming-monk/>; BNT006861_049-050; Dom Charles Fitzgerald-Lombard 8 December 2017 108/17-23

⁷¹⁹ <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

Parishes	Within each diocese there are a number of parishes. For example, there are over 200 parishes in the diocese of Westminster. Each parish is governed by a parish priest who is appointed by the archbishop/bishop of the diocese. A bishop may entrust a religious institute with a parish to carry out the apostolic work of the diocese (that is, sanctifying and teaching work), where, for example, there are an insufficient number of available priests. ⁷²⁰
Parish priests	Responsible for ensuring the sacramental life of the parish. Parish priests are also responsible for managing the finances of their parish and for maintaining any church buildings. ⁷²¹
Plenary session	A session of a conference which all members of all parties are to attend.
Pope	The head of the Universal Church. ⁷²²
Preliminary enquiry	A report commissioned by a part of the Church using an independent investigator to investigate an allegation that the statutory authorities did not feel could be proven to the criminal standard. ⁷²³
Presbytery	The house where the parish priest and curate live, often adjacent to the parish church. ⁷²⁴
Priest	Ordained minister of the Church.
Prior	A senior member of the monastery who supports the Abbot and is involved in the day-to-day administration of the monastery. The Prior deputises for the Abbot when the Abbot is absent from the monastery. ⁷²⁵
<i>Recognitio</i>	The approval by the Holy See of a General Decree issued by the Bishops' Conference giving it the force of law.
Rector	Head of a religious community of men.
Redress scheme	A scheme designed to provide reparations and support to victims and survivors of child sexual abuse, including in the form of financial compensation and counselling and psychological care.
Religious	A person bound by religious vows. A Benedictine monk or a nun is a religious, and so are men and women belonging to all the religious congregations in the Church. ⁷²⁶
Religious superior	The person who is the head of a religious congregation or a part of a religious congregation. The term encompasses a local superior, a provincial superior and a general superior. In a monastic congregation, the abbot of a monastery of monks, the abbess of a monastery of nuns and the Abbot President of the congregation are all religious superiors. ⁷²⁷
Roman Curia	The central government of the Church (including its administrative function) which exists to support and serve the Pope whilst exercising his authority. ⁷²⁸

⁷²⁰ CHC000396_008

⁷²¹ CHC000396_008

⁷²² CHC000396_003

⁷²³ INQ000979_013

⁷²⁴ <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

⁷²⁵ Father George Corrie 1 December 2017 9/18-25; AAT000966_010

⁷²⁶ BNT004911; BNT004910_003

⁷²⁷ BNT004911; BNT004910_003

⁷²⁸ BNT004911; http://www.vatican.va/roman_curia/index.htm

Rule of St Benedict	Written by St Benedict of Nursia (c. AD 480–547) for monks living in monasteries under the authority of a rule and an abbot. The Rule is a book containing a prologue and 73 chapters. It sets out the rules by which Benedictine monks living together in a community under the authority of an abbot should live and specifies punishments for monks who show fault through disobedience, pride and other grave faults. ⁷²⁹
Safeguarding plan	An agreement between those (clergy/religious or parishioners who wish to remain in the parish) alleged to have committed abuse and the Safeguarding Commission and the bishop/congregation leader. The safeguarding plan details the restrictions on ministry intended to protect the public. ⁷³⁰
Safeguarding representatives	Appointed to ensure that child protection policies and procedures are known and followed, that awareness is raised and that safeguarding principles are worked through into everyday practice. The safeguarding representative is also the DBS ID verifier for the parish. ⁷³¹
Seminarian	A student studying for the priesthood, attending a seminary. ⁷³²
Seminaries	A training place for students to the priesthood. ⁷³³
Serious incident	An adverse event, whether actual or alleged, which results in significant loss of the money or assets, damage to a property and harm to the charity's work, beneficiaries or reputation.
Statutory agencies	Government agencies created by legislation.
'Towards a Culture of Safeguarding' (TACOS)	A 2012 document that considered a 2010 review of safeguarding organisational structures that highlighted areas of good practice and areas that required improvement or development and provided recommendations to progress. ⁷³⁴
Vicar General	The Bishop's deputy for all matters. ⁷³⁵ The present Vicar General of the Archdiocese of Birmingham is Monsignor Timothy Menezes. He was appointed in 2011 by Archbishop Bernard Longley. ⁷³⁶
Visitation	Inspection of English Benedictine Congregation monasteries conducted by the Abbot President (and his assistants) which takes place approximately every four years. Their purpose is to pick up on failures to follow the Rule of St Benedict, the constitutions of the congregation or the law of the Church. Visitations are also an opportunity for the Abbot President to give the monasteries a general inspection to see how they are being governed and are working, including to give support and encouragement.

⁷²⁹ BNT004911; Dom Richard Yeo 28 November 2017 94/7-25; 100/21-101/8; 141/10-25; 143/1-5

⁷³⁰ <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

⁷³¹ <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

⁷³² <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

⁷³³ <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

⁷³⁴ AAT000170

⁷³⁵ <https://www.csas.uk.net/wp/wp-content/uploads/2018/06/Catholic-Keywords..pdf>

⁷³⁶ CHC000585_012

Annex 3

Acronyms

CDF	<p>Congregation for the Doctrine of the Faith</p> <p>The Roman Congregation with responsibility for passing on the Catholic faith and for exercising disciplinary responsibility for canonical crimes.</p>
CICLSAL	<p>Congregation for Institutes of Consecrated Life and Societies of Apostolic Life</p> <p>Congregation responsible for everything that concerns institutes of apostolic life and consecrated life (religious orders and congregations) regarding their government, discipline, studies, goods, rights and privileges. CICLSAL is based at St Peter's Basilica in Vatican City.</p>
COPCA	<p>Catholic Office for the Protection of Children and Vulnerable Adults</p> <p>Recommendation 16 of the Nolan report led to the establishment of COPCA in 2002. This organisation was replaced by the Catholic Safeguarding Advisory Service (see 'CSAS').</p>
CoR	<p>Conference of Religious</p> <p>A membership organisation for Catholic religious orders throughout England and Wales. It promotes and represents the work, views and aims of those in Catholic religious life.</p>
CSAS	<p>Catholic Safeguarding Advisory Service</p> <p>The national agency for driving and supporting improvements in safeguarding practice within the Catholic Church in England and Wales. Replaced COPCA from 1 July 2008 on the basis of recommendation 3 of the Cumberlege report, and is responsible for implementation, training and advice.</p>
DBS	<p>Disclosure and Barring Service</p> <p>Replaced the Criminal Records Bureau and the Independent Safeguarding Authority in 2012. The DBS carries out criminal record checks that result in DBS certificates being issued to an individual. Employers can then ask to see this certificate to ensure that they are recruiting suitable people into their organisation. There are currently three levels of criminal record check: basic, standard and enhanced.</p>
EBC	<p>English Benedictine Congregation</p> <p>Autonomous Roman Catholic communities of monks and nuns with priories and abbeys in the UK, USA, South America and Africa.</p>
NCSC	<p>National Catholic Safeguarding Commission</p> <p>Created in July 2008. It is responsible for setting the strategic direction of the Church's safeguarding policy (with the agreement of the Bishops' Conference and the Conference of Religious) and monitoring compliance to ensure that child protection standards are met and policies implemented.</p>

