

IN THE MATTER OF THE LATE BISHOP GEORGE BELL

**AND IN THE MATTER OF AN INVESTIGATION BEFORE THE RIGHT
WORSHIPFUL TIMOTHY BRIDEN, COMMISSARY OF THE BISHOP OF
CHICHESTER**

REPORT

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REPORT

A. Introduction

1. On July 30th 2018 the Right Reverend Martin Warner, Bishop of Chichester appointed me to act as his commissary for the purpose of inquiring into certain allegations of misconduct made against Bishop George Bell, who was bishop of that diocese from 1929 until 1958. A copy of the instrument of appointment and its accompanying terms of reference appear as Appendix I to this report.
2. The allegations in question had been reported to the Sussex police following the publication on December 15th 2017 of the Independent Review by Lord Carlile of Berriew CBE, QC ("the Carlile Review"). Lord Carlile was concerned with the process adopted in the evaluation of a previous complaint against Bishop Bell made by a woman given the pseudonym of "Carol". In April 2018 the Sussex police issued a statement indicating that they had closed their inquiries into the fresh allegations. The statement included the following passage:

"The information was assessed and a proportionate investigation has been carried out to clarify the circumstances.... Of course further police investigation or action is not possible as Bishop Bell died 60 years ago."

Further details of the police investigation have not been released.

3. Given the inconclusive character of the police inquiry it was appropriate for the Church of England to conduct its own investigation. In accordance with paragraph 49 of the Carlile Review, the civil standard of proof, namely on the balance of probabilities, has been adopted. The burden of proving an allegation to that standard rests on the person making it. It follows from the adoption of the civil standard of proof that the rules of evidence and (at least in general terms) the principles of procedure applied in the civil courts should also be followed. A distinctive feature, however, is the involvement of the Core Group convened under Section 1.6 of *Practice Guidance: Responding to, assessing and managing safeguarding concerns or allegations against church officers* (2017) for the purpose of the oversight and management of the response to the allegations. It has been appropriate to treat the Core Group, chaired by Mr.

Graham Tilby (National Safeguarding Adviser to the Church of England) as an interested party. The particular function of the Core Group has been to make representations in relation to any safeguarding factors or concerns which arise as part of the investigation. This role is distinct from that of the decision maker, in this instance myself as the bishop's commissary.

4. For the purpose of conducting this investigation there have been two hearings before me. They took place on July 30th and October 25th 2018. Although formally listed as hearings for directions, in practice exploration of the evidence and the relevant issues was on each occasion more extensive. On the second hearing the parties were specifically invited to make oral submissions about certain matters. The complainant known as "Alison" (not her real name) was represented throughout by Mr. William Chapman of counsel instructed by Switalskis Solicitors, while the surviving members of Bishop Bell's family were represented by Mr. Desmond Browne QC and Mr. Adam Speker, acting pro bono. At the second hearing the Core Group also instructed counsel, Ms. Samantha Cohen. At various stages, up to November 13th 2018, counsel for the parties provided me with written submissions. I am grateful to the parties' legal representatives for their assistance, consistently given with dignity and restraint.
5. Some of the evidence has been provided under terms of confidentiality, which this report seeks to respect. Thus the names of Carol and Alison are used to identify the complainants concerned, while some of the witnesses are described by a random initial letter (such as "K" or "R") alone. Where witnesses have provided statements containing their names, no issue of confidentiality arises and the names appear in the report. I have drawn no adverse inference whatsoever from the choice of a witness to withhold his or her name.
6. While my terms of reference are broadly expressed, paragraph 15 precludes any re-assessment of Carol's allegations or the decision-making process associated with them. The exclusion of Carol's complaint from the current inquiry is further considered at paragraph 23 below.

B. Evidence: General Considerations

7. The Core Group commissioned Mr. Ray Galloway, a former police officer with considerable experience in this field, to interview potential witnesses and to prepare a report upon the evidence which he had assembled. In his report, dated September 1st 2018, Mr. Galloway was careful to provide a factual analysis which did not encroach upon my task of evaluating the evidence. The parties were given the opportunity to object to my seeing any part of the report considered to be prejudicial to them; no such objection was made and I have therefore seen the report in its entirety. Appended to it are transcripts of Mr. Galloway's interviews with a total of 12 witnesses, along with his correspondence with Mrs Schumann, who lives in the USA. The material

provided by Mr. Galloway has been the principal source of evidence in the inquiry.

8. Alison's legal advisers submitted two short statements in which she expanded upon the answers given by her during three meetings with Mr. Galloway. Mr. Browne QC provided statements from Mrs. Barbara Whitley (Bishop Bell's niece), Mrs. Janet Schumann (named "Pauline" in the Carlile Review), Professor Andrew Chandler (Bishop Bell's biographer), and Canon Adrian Carey. The statement of Canon Carey, who had served as Bishop Bell's chaplain, is dated March 16th 2016. He died before the commencement of the present inquiry so Mr. Galloway was unable to interview him.
9. Consideration was given to taking oral evidence from at least some of the witnesses who were available to attend. In the event, no application was made by the parties to adduce oral evidence. My own conclusion was that in the particular circumstances of this inquiry, notably the considerable period which had elapsed since the events in question and the thoroughness with which Mr. Galloway had conducted his interviews, oral evidence would not have been of assistance. Special consideration was given to Alison. The Core Group made submissions that I should not place upon her the burden of giving evidence. No application was made by Mr. Chapman to call her as a witness. I had no hesitation in dispensing with her attendance.
10. A bundle of relevant documents was also assembled. The contents of the bundle are listed in the schedule which forms Appendix II. While some of the documents, such as the Carlile Review, are in the public domain, others are not. The confidential documents have been seen by the parties to the inquiry on strict terms as to non-disclosure.
11. After the evidence had been gathered, the Core Group provided written submissions on September 21st 2018 which included the following:

"Core Group Submission after receiving RG report

Having received and considered the report of Ray Galloway's investigation, we are unanimously of the view that there is no realistic prospect of any reasonable decision making body finding the allegation made by "Alison" made out on the balance of probabilities.

We take the view that no safeguarding issues arise out of her allegation.

We are also unanimously of the view that the matters raised by "K" do not amount to allegations of criminal conduct even if true and the evidence is in any event hearsay only and the other matters investigated by Ray Galloway, in particular "R" do not give rise to any allegations at all against Bishop George Bell.

We take the view that no safeguarding issues arise out of any of those matters.

In the circumstances, the Core Group do not invite you to make any decision adverse to Bishop George Bell.”

12. The position adopted by the Core Group, while of significance, is not binding upon me as the commissary. I have no doubt that it is in the interests of justice for a reasoned report, based upon my independent evaluation of the evidence, to bring the matter to a conclusion. Any other course would be unfair to the parties, to the Diocese of Chichester, and to the Church of England as a whole. My assessment of the complaints remitted to me is set out in the remainder of this report.

C. Alison’s complaint

13. In December 2017, Alison contacted a priest (witness B) concerning her alleged abuse by Bishop Bell. Witness B properly advised her to write to Bishop Martin Warner, and the complaint was then referred to the Sussex Police.
14. Alison’s letter to Bishop Warner is dated December 22nd 2017. In it she explained that her grandfather was involved in diocesan business and had regular contact with Bishop Bell. The alleged incident occurred when Alison was nine years old or thereabouts; the year of her birth being 1940 this gives an approximate date during 1949. The letter continues:

“On that day my mother and her parents drove to Chichester and when, later, my mother and I were alone in the room with the Bishop, he was friendly and beckoned me to come closer. He was sitting on an upright two-seater chair or sofa about 20 yards from us. My mum encouraged me to do so, and he sat me on his lap, with his hand under my skirt and fondled down my knickers. Using the same words “This is our secret...” as reported.

I was extremely uncomfortable and as soon as I could I went back to my mother, whispering to her, that he’d touched me, and that it was wrong and someone should be told about it. When she spoke to my grandparents, they said it would be an impossible task to ‘have the Bishop up’ because no-one would believe me.”

The letter continues with her grandfather’s quoted response, which is considered at paragraph 17 below.

15. The account in the letter, when checked, was correct in identifying Alison’s grandfather’s involvement with the diocese. Insofar as it implied that her grandfather had an appointment with Bishop Bell on the day in question, a search of such diaries of Bishop Bell as remain available has revealed no relevant entry.

16. Alison was interviewed by Mr. Galloway on three separate occasions. Even when allowance is made for Alison's tendency (as described by witness B) to "self-interrupt a lot" or "go off at a tangent" the transcripts of those interviews fail to yield a clear or consistent account. Her recollection of many of the surrounding circumstances had obviously faded; for example, she suggested that the incident had occurred not in a room (as recorded in the letter) but out of doors. Although in her first witness statement Alison is adamant that Bishop Bell assaulted her sexually, under Mr. Galloway's questioning the detail of the physical contact itself lacked clarity. Thus in the first interview, Alison said:

"...it was round my tummy and I suppose sort of in my crotch, but that's about as specific as I could be."

17. Faced with the obvious deficiencies in Alison's recollection, Mr. Chapman placed considerable reliance upon a further passage from her letter, describing her grandfather's contribution to the discussion which took place after the alleged incident. The letter recounts:

"My grandfather then said, and this I remember clearly, that he knew the young [visitor to] the Palace was being abused by the Bishop and had been for years. I'm ashamed to say that, in those days, because she was 'lower class' it was considered OK – how terrible."

18. Mr. Chapman has contended that this passage is a probable reference to Carol, and that because certain details (some not in the public domain) match Carol's own account, support is given to the generality of Alison's evidence. It is said, in particular, that the description of Carol [...] was broadly accurate [...]. Mr. Galloway had appreciated the significance of the grandfather's comment and questioned Alison about it. Her attempts to repeat what had been written in the letter displayed, however, a disturbing degree of inconsistency. At one point in the second interview, Alison put the matter in this way:

"...and my grandfather then said, 'oh yes there's a girl who comes to meet [...], and I'm afraid it's a regular occurrence', or similar words."

And at another:

"All I know is that he said 'I'm not surprised' or something like that."

19. The transcript of the interview materially weakens any link which it is sought to establish with Carol. There is a further deficiency in this part of the evidence. Although in civil proceedings hearsay (what Alison's grandfather recounted to her), even if multiple hearsay (what another person may have recounted to him, and the similar transmission of factual statements beyond that) is admissible, little weight can be given to facts which have been passed around to such an

extent as to constitute mere rumour. The context indicates that the grandfather was repeating what he had heard elsewhere, and that he was not describing what he himself had seen. This was at best a mere repetition of gossip. Furthermore, it is notable that no other witness interviewed by Mr. Galloway confirmed the currency of the rumour, nor was it mentioned by Canon Carey or Mrs Schumann, who in their differing ways were familiar with the workings of the Bishop's Palace. Finally Carol herself has made no suggestion that Bishop Bell's alleged misconduct towards her had become common knowledge. For these reasons it is impossible to attach any weight to the grandfather's remarks, even as initially quoted in Alison's letter.

20. In further support of Alison's complaint, Mr. Chapman has submitted that the facts of Carol's complaint amount to similar fact evidence. Thus it is argued that resemblances between the events described by Carol and those described by Alison are such as to support the truth of Alison's account. Although the decision of the House of Lords in O'Brien v. Chief Constable of South Wales Police [2005] A.C. 534 confirmed that similar fact evidence is admissible in civil proceedings, such evidence, first, must be potentially probative of an issue in the case and, second, its probative cogency must outweigh any risk of prejudice. The attempt to adduce Carol's evidence on this basis fails to surmount either hurdle.

21. In order to be of probative value each of the sources of evidence must be independent. Alison's evidence can derive no useful support from Carol's evidence if Alison's recollection has been influenced by what she has learned from Carol. In that way the supposedly similar fact evidence will have caused contamination. In R. v. Lamb [2007] EWCA Crim 1766 contamination was said to include:

"...deliberate alteration of evidence or unconscious alteration of evidence, resulting from having become aware of what the evidence of another will be or has been."

22. Contamination is most clearly shown by the words which Alison readily acknowledged that she had inserted in her letter as an afterthought:

"Using the same words 'This is our secret...' as reported."

The "same words" were of course those related by Carol which had become known to Alison through media reporting. During Mr. Galloway's interviews Alison asserted that she had a genuine recollection of the words being spoken. The possibility remains, however, that the words reported by Carol prompted a false recollection in Alison's mind. The same possibility may explain the other similarities between their evidence.

23. The issue of contamination has effectively deprived the similar fact evidence of its probative value. The separate question of prejudice is essentially procedural.

At the first hearing Mr Browne QC indicated that he wished to challenge the accuracy of Carol's evidence if it was to be adduced in the course of the inquiry. For his part, at the second hearing Mr. Chapman asserted both the right to rely upon Carol's evidence and the need for extensive disclosure of documents relating to her complaint. It became clear that the introduction of similar fact evidence from Carol would involve, as Ms. Cohen submitted, a departure from paragraph 15 of my terms of reference whereby "...your decision should not relate to 'Carol' or any assessment of the allegation made by her..." Disobedience to the terms of reference would itself prejudice the inquiry. Furthermore, the effective re-opening of Carol's case in the guise of (contested) similar fact evidence would seriously unbalance the inquiry and give rise to additional prejudice by way of extra expense, inconvenience, and delay. The application to adduce similar fact evidence has therefore to be dismissed, both on the grounds of contamination, and because its introduction would be outside the relevant terms of reference and more generally prejudicial to the proper conduct of the inquiry.

24. I am satisfied that Alison has not made her complaint for financial reasons, nor as a piece of mischief-making. Her desire has been to support Carol and those who have upheld the validity of Carol's complaint. It is also unnecessary for me to take into account another complaint of sexual abuse made by Alison against another public (but non-clerical) figure. That matter allegedly occurred a number of years later than the matters before me and in a very different context. Mr. Galloway included it in his investigations but nothing positive came to light.
25. The real difficulty with Alison's evidence is that she is now attempting, against the background of what she read about Carol's complaint, to recall almost 70 years later an episode which, by her own description, lasted no more than "a minute or two". Apart from the bare fact of her grandfather's connection with the diocese, there is no independent evidence to verify what Alison has described. It is thus impossible to be satisfied on the balance of probabilities that Alison's complaint is true, even though I do not find her to have been deliberately untruthful. For, as Professor Maden observed in a psychiatric report quoted at paragraph 178 of the Carlile Review:

"Memory is not reliable over such long periods of time. Recall is an active mental process in which memories tend to become distorted with time to fit the individual's beliefs, needs and values. Both the content and the meaning of recollections change with time. Events can and do acquire a significance years later that they did not have at the time."

Those observations accord both with common sense and personal experience. They reinforce my conclusion that Alison's evidence is unreliable and incapable of supporting any adverse finding against Bishop Bell.

D. The incident described by witness K

26. On December 21st 2017 witness K made a telephone call to Lambeth Palace in which he sought to counter some of the media comment hostile to the Archbishop of Canterbury concerning Bishop Bell. K's information was noted as follows:

"This was the story that was told to me. My mother worked for Bishop Bell in 1967 as his housekeeper/domestic servant. One day she answered the telephone for him, but couldn't find him. She went downstairs and found the garage door was open and he was carrying out a sex act with a man over his Rolls Royce. He said that Bishop Bell had seen his mother but that nothing was said. He also said that she had told him that there were other young males visiting his house."

27. Plainly K had no first-hand knowledge of the alleged incident, but was repeating what he had been told by his mother. The version of events given in the telephone conversation contained two fairly obvious errors, which were discussed when K was seen by Mr. Galloway. First, the incident cannot have occurred in 1967, because Bishop Bell died in 1958. K (who was aged 80 when he contacted Lambeth Palace) explained that the correct year was 1955, which he could pinpoint because he was absent from home on National Service. Such a mistake is, perhaps, understandable; but it highlights the difficulty inherent in rekindling old memories. The second error is the description of Bishop Bell's motor car as a Rolls Royce. Although he was provided by the Church Commissioners with a large, black chauffeur-driven vehicle (of which photographs exist) the evidence points to it having been less opulent than a Rolls Royce. Mr. Galloway, however, is correct to suggest that to the uninformed a large motor car of formal appearance and equipped with running boards (as shown in the photographs) might appear to be a Rolls Royce.

28. Apart from resolving those inaccuracies, Mr. Galloway's interview added little of real value to the account given to Lambeth Palace staff. In interview, K seems to have added a layer of conjecture to his mother's brief narrative as repeated over the telephone. There is also one significant discrepancy; whereas on the telephone K:

"...said that Bishop Bell had seen his mother but that nothing was said."

The following appears in the interview:

"A: Just that she saw what was going on and quickly reversed and got out of the way. She didn't want to be seen whilst this was going on.

Q: You don't think that she was seen?

A: No, I don't think she was, no."

29. Among its submissions (quoted at paragraph 11 above) the Core Group expressed the view that the account given by K did not amount to allegations of criminal conduct. Ms. Cohen explained to me that the Core Group had in mind the law as it currently stands. In 1955, however, the position was very different. Put at its lowest, the behaviour attributed to Bishop Bell would have constituted an act of gross indecency between male persons, which was a punishable offence under section 11 of the Criminal Law Amendment Act 1885. Section 11 extended to acts committed in private between consenting adults; its provisions were carried forward into section 13 of the Sexual Offences Act 1956. For present purposes the appropriate course is to apply the standards of Bishop Bell's own lifetime. Mr. Browne QC indeed submitted that it would be wrong to dismiss this serious allegation on the narrow basis that no criminal offence would have been committed under modern legislation. With his submission in mind, I have not accepted this part of the Core Group's reasoning. Instead, I shall turn to the factual context of K's evidence.

30. The Core Group is on stronger ground when describing K's evidence as "hearsay only". While section 1 of the Civil Evidence Act 1995 permits hearsay evidence to be adduced in civil proceedings, section 4(1) provides:

"In estimating the weight (if any) to be given to hearsay evidence in civil proceedings the court shall have regard to any circumstances from which inference can reasonably be drawn as to the reliability or otherwise of the evidence."

The absence of any corroborative material (there being no surviving record even of the employment of K's mother at the Palace) and the fallibility of human recall are themselves circumstances which seriously undermine the weight of the hearsay evidence. It is, however, also problematic in other respects.

31. The longer that the statement derived from K's mother is analysed, the more implausible it appears. Given the administrative arrangements within the Palace, where Bishop Bell's secretary Miss Balmer and a chaplain were available to deal with the telephone, it is unlikely that a member of the domestic staff would have answered the telephone call. Still less is it likely that a search for Bishop Bell would have taken her to the garage, which was the domain of Mr. Monk the chauffeur. Finally, in 1955 Bishop Bell was aged 72 and, as Professor Chandler described in his statement:

"By the late 1940s he was consciously an older man who was no longer confident physically and who no longer took his health for granted."

Professor Chandler continued in relation to the present allegation:

“It has been suggested that Bell was glimpsed in a sexual encounter with a man over his Rolls Royce. The physical difficulty of such an act makes this hard to credit.”

I accept Professor Chandler’s assessment and consider that, in all likelihood, by 1955 Bishop Bell was physically incapable of the misconduct attributed to him.

32. For the reasons given in paragraphs 30 and 31 I have decided that the hearsay statement of K’s mother is unfounded, and I have no hesitation in rejecting it.

E. Bishop Bell’s interaction with children

33. This aspect of the inquiry arises from a conversation which is summarised in paragraph 3.3 of my terms of reference:

“During the course of a safeguarding training session in the Chichester Diocese, on 19/01/2018, a verger came forward and told Colin Perkins, the Chichester Diocesan Safeguarding Adviser, that two elderly ladies had told him that they remembered Bishop George Bell, and that he used to sit children on his knee, behaviour described as ‘that’s what he did’. The verger indicated that to their knowledge nothing untoward had happened to the children, and the verger indicated that they fully supported the late Bishop.”

Both Mrs Whitley and Mrs Schumann knew Bishop Bell as children. To them he was a kindly but somewhat remote figure. Fortunately Mr. Galloway was able to interview witness C, one of the ladies who spoke to the verger. Her childhood memory of Bishop Bell extended to the 1930s, when she visited the Palace with her family. Witness C said of that time, when she was very young:

“I was one of the children who used to clamber onto his knee to be hugged.”

Although subsequent questioning revealed that witness C had no personal recollection of climbing onto Bishop Bell’s knee, her evidence reflected what she took to be a normal occurrence. She emphasized that such contacts were entirely innocent, and summarised the position thus:

“Well, I just think that Bell was not the sort of person to behave inappropriately towards a child or, indeed, to anybody else in that way at all. He would certainly welcome a child onto his knee, give him a hug and let him go but not anything else and without any intention.”

34. Another witness, witness E, also knew Bishop Bell when she was a child. She told Mr. Galloway of children sitting on the knees of adults, including Bishop Bell, commenting:

“A: I’m describing what generally happened. That was a fairly-

Q. Normal thing to do?

A. Absolutely...”

This group of witnesses reveals no evidence whatsoever of inappropriate behaviour. On the contrary, the evidence is consistent with normal interaction between an adult and young children.

F. Ms. Sian Hewitt's newspaper article

35. Ms. Hewitt's role is briefly explained in paragraph 5 of my terms of reference:

"In addition, further information has been provided concerning Sian Hewitt, who is referenced in the Carlile Review. Ms. Hewitt was a reporter who wrote an article in a local paper at the time of 'Carol's' allegations stating that she had interviewed a former psychiatric nurse. The nurse alleged that she knew of adults who had alleged that they had been abused by Bishop George Bell as children".

Lord Carlile, who referred to Ms. Hewitt's article in paragraph 5 of his Review, attempted unsuccessfully to contact the journalist. He concluded that the story could not be substantiated. Mr. Galloway likewise has been unable to obtain any response from Ms. Hewitt. I share Lord Carlile's misgivings about her article in the Sussex Post (including the possibility that there may be confusion between Bishop Bell and Bishop Peter Ball) and consider that its contents should now be discounted for want of proof. No conclusion adverse to Bishop Bell is justified on the basis of that article.

G. Witness R

36. The background to the involvement of witness R appears in paragraph 6 of my terms of reference:

"During the course of Lord Carlile's inquiries, a man came forward to disclose that as a boy of 13, he had met with Bishop George Bell on at least four occasions. Although he did not disclose that he was abused by the late Bishop, he indicated that he had "blanked out" memories of such meetings. This information was passed to Lord Carlile, who deemed that this was not evidence of a disclosure of abuse and not evidence of association with children and, accordingly, he decided that he would not investigate further."

37. In Mr. Galloway's detailed interview with witness R no evidence of sexual or other abuse was forthcoming. Witness R repeated that he visited a cleric in the cathedral precinct, and said:

"I can remember going there, liked going there and liking the man, because I didn't have a father and it was great for me, for someone to take an interest in me, and I can remember that twice. Everything apart from that is a complete

blank. I can't remember. The reason I stepped forward is because when it all went on I thought "Well that's not right, why would he do that?"

It cannot legitimately be inferred from the blank spaces in the memory of witness R that something untoward occurred which was suppressed in his mind.

38. Neither is it established, on the basis of Mr. Galloway's report and the transcripts of the evidence, that the cleric who befriended witness R was indeed Bishop Bell. Although this witness purported to identify Bishop Bell from a photograph, it was put before him in a way that prompted a positive response. As Mr. Galloway observed:

"The manner of identification during the interview with the safeguarding officer was in contravention of appropriate identification procedures." (Mr. Perkins, mentioned in paragraph 33, was not the safeguarding officer referred to here)

Witness R's subsequent identification from images in the press and elsewhere is necessarily suspect, as it must have been linked in the mind of the witness to his original sighting of the photograph. During the discussion of the question with Mr. Galloway witness R remarked:

"If you said to me now 'that's somebody else' I wouldn't argue with you."

The evidence of identification is unconvincing.

39. Two other features of R's interview are significant. First the building in the precinct which R visited, and where the cleric lived, appears on Mr. Galloway's analysis to have been near to the gatehouse. The vicinity of the gatehouse was not part of Bishop Bell's personal accommodation. Secondly, witness R spoke of a trip which he and the cleric took in a car to pick bluebells. This incident is at odds with Bishop Bell's demanding workload which (according to Canon Carey, witness C and others) left him with very little time for leisure. It is also inconsistent with the Bishop's known travelling habits involving either the train, or the motor car driven by his chauffeur. No witness other than R speaks of Bishop Bell driving a vehicle himself; witness E, indeed, doubted whether he was able to drive. Against this background, I am not satisfied that Bishop Bell was the person visited by witness R.

H. Other matters

40. With regard to each of the episodes identified in my terms of reference, I have decided that the allegations against Bishop Bell have not been made out. Accordingly Mr Browne QC has not been required to advance any positive case in relation to Bishop Bell's innocence. For this reason, it has been unnecessary for me to explore other aspects of the material gathered for the purposes of the inquiry.

41. One such aspect is the possibility, canvassed in particular by witness A and witness D that while there may have been a perpetrator of abuse associated with Chichester Cathedral that person was not Bishop Bell. Mr. Galloway was unable to obtain any convincing evidence to confirm that this was so. The question therefore remains unresolved.
42. The other body of evidence which has not influenced the outcome concerns Bishop Bell's good character. For some witnesses, notably C and F, it is inconceivable that a person of Bishop Bell's faith and integrity should have been guilty of abusive behaviour. Professor Chandler's researches have led him to a similar conclusion. A closer examination of Bishop Bell's attitudes, beliefs and lifestyle might have become necessary had the case against him (in relation to the matters which I am asked to consider) been credible following investigation. It was not. I have therefore refrained from deciding between the written submissions of Mr. Speker and Mr. Chapman about the relevance of good character in civil proceedings.

I. Conclusion

43. For ease of reference a brief summary of my findings appears at Appendix III. My conclusion has to be read in the context of paragraph 15 of my terms of reference (quoted in part in paragraph 23 above) which excludes any reconsideration of the validity of the allegations made by Carol. Concentrating exclusively upon the allegations remitted to me, I have decided that they are unfounded.

A handwritten signature in black ink, reading "Timothy Brader". The signature is written in a cursive style with a large, sweeping flourish at the end.

Vicar General of the
Province of Canterbury

17 January 2019

APPENDIX I

ANNEX A

CONFIDENTIAL AND PERSONAL

Diocese of Chichester

Instrument of Appointment of Commissary

We Martin, by Divine Permission Lord Bishop of Chichester in exercise of our powers under the laws civil and ecclesiastical of this Realm do hereby appoint Timothy John Briden Master of Arts and Master of Law to be and act as our Commissary:

To Enquire into the allegations of misconduct concerning the Right Reverend George Bell deceased sometime Bishop of Chichester of which we have received, or of which we receive, notification after the 15th Day of December 2017:

To Apply to the said enquiry the same standard of standard of proof as in proceedings in the High Court exercising civil jurisdiction;

And to Perform these tasks in accordance with the Archbishops' Council's terms of reference which are marked as Annex A hereto;

And to Perform all such functions as may be requisite to give effect to the said Enquiry.

In Witness whereof We have caused our Episcopal Seal to be affixed to these presents

+ Martin Cicer:

Dated:

30th July, 2018



IN THE MATTER OF THE LATE BISHOP GEORGE BELL
AND IN THE MATTER OF AN INVESTIGATION

TERMS OF REFERENCE

Documents

1. Along with these instructions, please find enclosed the documents which are specified in Schedule 1 to which you are asked to have regard when you provide your report.
2. These Terms of Reference should be read alongside and as part of the confidentiality and data processing agreement between you and the Archbishops' Council.

Background

3. The Carlile Review was published on 15 December 2017. Following its publication further information concerning the late Bishop George Bell has emerged:
 - 3.1 A woman, now referred to as "Alison" (to maintain her anonymity), wrote to the Bishop of Chichester, the Right Reverend Martin Warner, in late December 2017, alleging that she had been abused as a child of eight years by Bishop George Bell;
 - 3.2 A man contacted Lambeth Palace by telephone in late December 2017 to disclose that his mother had said that she witnessed Bishop George Bell engage in sexual activity with another male, whilst she was working at the Bishop's Palace in the 1950s¹; and
 - 3.3 During the course of a safeguarding training session in the Chichester Diocese, on 19/01/2018, a verger came forward and told Colin Perkins, the Chichester Diocesan Safeguarding Adviser, that two elderly ladies had told him that they remembered Bishop George Bell, and that he used to sit children on his knee, behaviour described as "that's what he did". The verger indicated that to their knowledge nothing untoward had happened to the children, and the verger indicated that they fully supported the late Bishop.
4. More recently, on 12 February 2018, a retired member of clergy wrote to the Archbishop of Canterbury suggesting that there may have been another member of clergy, other than Bishop George Bell, who could have perpetrated the abuse which "Carol" has alleged. In addition, a Mr Buoyes has come forward to make a similar suggestion.
5. In addition, further information has been provided concerning Sian Hewitt, who is referenced in the Carlile Review. Ms Hewitt was a reporter who wrote an article in a

¹ The relevant date has changed during the course of the investigation. The man initially gave the date as the 1960s.

local paper at the time of “Carol’s” allegations stating that she had interviewed a former psychiatric nurse. The nurse alleged that she knew of adults who had alleged that they had been abused by Bishop George Bell as children.

6. During the course of Lord Carlile’s inquiries, a man came forward to disclose that as a boy of 13, he had met with Bishop George Bell on at least four occasions. Although he did not disclose that he was abused by the late Bishop, he indicated that he had “blanked out” memories of such meetings. This information was passed to Lord Carlile, who deemed that this was not evidence of a disclosure of abuse and not evidence of association with children and, accordingly, he decided that he would not investigate further.
7. Given the nature of the allegations made, the National Safeguarding Team (“NST”) convened a “Core Group”. The function of a Core Group is set out in *Practice Guidance: Responding to, assessing and managing safeguarding concerns or allegations against church officers* (October 2017), see in particular [section 1.6](#). As that guidance stipulates:

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

8. An initial meeting of the Core Group took place on 29 January 2018. At that meeting the members decided that at least some of the new information with which they were presented was *prima facie* credible and, accordingly, they decided to appoint an external investigator to make further inquiries into the new information.
9. As a result of that decision the Archbishops’ Council appointed Raymond Galloway, a former Detective Superintendent, to undertake that investigation. You have been provided with a copy of his investigation report.
10. The information set out in paragraphs 3 – 5 along with any further relevant detail which comes to light during the course of Mr Galloway’s investigation is collectively referred to as the “Further Information” below.
11. In its response to the Carlile Review, the NSSG agreed that the so-called “relevant decision-making body” should hear the views of somebody speaking on behalf of both the deceased and representing the views of their close living relatives, and Alison. As to the former, at the request of George Bell’s close living relations, Desmond Browne QC and Adam Speker are performing this function. Work is in progress to identify who might provide representation for Alison and any other person who ought properly to be represented.

Decision

12. Lord Carlile has, since publication of his report, expressed the view that the Core Group should not be the body which forms a judgment as to whether allegations are made out

or not. Consistently with this, the NSSG response provides that a “relevant decision-making body” should come to that view where an uninsured civil claim has been made and the Core Group has agreed to adopt the same approach in this case. Since the relevant diocesan bishop is both responsible for safeguarding and would be the defendant to any civil claim, the decision maker in such a situation should be the relevant diocesan bishop, though subject to the bishop’s ability to delegate the task. This is the role which you are asked to undertake on behalf of the Bishop of Chichester and you are instructed by the Archbishops’ Council on his behalf.

13. In reaching your decision, please apply the same rules of evidence as would apply in civil proceedings in England and Wales.
14. In particular, consistent with Lord Carlile’s recommendation, you are asked to have regard to all the material and evidence listed in Schedule 1 and, so far as you are aware of it, (1) any other information on which the complainant relies, (2) any information that adversely affects the complainant’s case, and (3) information which supports or adversely affects the respondent’s position.
15. For the avoidance of doubt, your decision should not relate to “Carol” or any assessment of the allegation made by her or decision-making in connection with her allegation or claim. This factor does not, however, prevent you from taking into account a relevant matter, such as a reference to Carol, which does not require you to assess Carol’s claim or Carol’s credibility.
16. Please indicate whether you feel that there is any further information which you require before you can come to a decision.

Format

17. You are asked to produce a written decision which identifies all of the information and documentation to which you have had regard (including the information set out in Schedule 1 and anything else). Where the information to which you have had regard includes any allegation (other than any allegation made by “Carol”) you are asked to form a judgment whether the allegation and the factual basis for it (other than facts which are trivial and which do not form a material part of your assessment) are made out to the civil standard.
18. You are asked to give reasons for your conclusions. In particular, you are asked to give reasons if you depart from any opinion which Mr Galloway expresses in his report.
19. Please provide your final report in a non-editable format (a pdf would be best) to William Nye and the Bishop of Chichester marked confidential.

Publication

20. These Terms of Reference are drafted on the basis that there is no relationship of lawyer and client between you and the Bishop of Chichester or the Archbishops’ Council and, therefore, no legal professional privilege in your report or work product.

21. Your report and your work product will be owned by the Archbishops' Council and the Bishop of Chichester.
22. To the extent that any legal professional privilege vests in any document or communication which is disclosed to you, any such document or communication is shared for the specific and limited purpose of the production of your report and for no other purpose and no consent is given for disclosure to any third party. In particular, there is no intention to waive any legal professional privilege or consent as against third parties.
23. In light of the public interest in the Further Information and allegations made against the late Bishop George Bell, the Archbishops' Council and the Bishop of Chichester anticipate that they will need to publish your report or parts of it. The Core Group, or such person as it nominates, will take all decisions relating to redaction for data protection, confidential information, and legal professional privilege, and any decision whether to publish or disseminate the report (or any part). The Core Group, the Bishop of Chichester, or the Archbishops' Council may request that you make amendments to the report where required in order to ensure factual accuracy or where required in order to afford any individual who is the subject of any criticism a right of reply and you agree to make such amendments so long as they are objectively reasonable. Please note that as part of its or their legal obligations of disclosure under the Civil Procedure Rules, the Inquiries Act 2005, and at common law, the Archbishops' Council or the Bishop of Chichester may need to disclose your report to courts, tribunals or inquiries.

Archbishops' Council
July 2018

SCHEDULE 1 – Documents

1. The Carlile Review published on 15 December 2017 into the handling of allegations made by “Carol”
2. The response of the National Safeguarding Steering Group (“NSSG response”)
3. Practice Guidance: *Responding to, assessing and managing safeguarding concerns or allegations against church officers* (October 2017)
4. The documents which comprise the Further Information (as defined above)
5. Documents relating to the information provided by Sian Hewitt
6. Documents relating to additional information provided to Lord Carlile during his review (set out at paragraph 6 above)
7. The minutes of a Core Group dated 29 January 2018
8. Ray Galloway’s final investigation report
9. Any oral or written submissions on behalf of the Core Group or its members or any relevant interested party
10. Any oral or written submissions on behalf of Alison
11. Any oral or written submissions from Desmond Browne QC and Adam Speker on behalf of Bishop Bell and his close living relations
12. Any information on which Alison relies or which undermines her account (other than the material set out above)
13. Any other information which is in the possession of the Archbishops’ Council, the Bishop of Chichester, or a member of the Core Group, which adversely affects Alison’s case, or which supports or adversely affects the position of the late Bishop George Bell

APPENDIX II

SCHEDULE OF DOCUMENTS

This schedule refers to the documents listed in the Commissary's terms of reference

Document type	Disclosure status
<u>Background documents</u>	
1) Carlile review	In the public domain
2) National Safeguarding Steering Group's response	In the public domain
3) Practice Guidance (October 2017)	In the public domain
<u>Further information</u>	
NST file notes (21 December 2017 – 8 February 2018)	Disclosed by Core Group
Letter from Alison to Right Reverend Martin Warner (22 December 2017)	Disclosed by Core Group
Email from Colin Perkins to Moira Murray (10 January 2018)	Disclosed by Core Group
Email from Colin Perkins to Moira Murray concerning meeting with verger in Chichester (19 January 2018)	Disclosed by Core Group
Email exchange between Colin Perkins and Lord Carlile (31 March 2017)	Disclosed by Core Group
Briefing note prepared by Moira Murray for Core Group (29 January 2018)	Disclosed by Core Group
Information provided by Sian Hewitt	Covered by Mr. Galloway (see below)
Additional information provided to Lord Carlile	Covered by Mr. Galloway (see below)
<u>Investigation report</u>	
Mr Galloway's investigation report and annexes (including transcripts of interviews with Alison (x3), A, B, C, D, E, F, G, K, R, Andrew Chandler, Carol)	Disclosed by Mr. Galloway
<u>Witness statements</u>	
Alison's 1 st statement	Exchanged
Jan Schumann	Exchanged
Barbara Whitley	Exchanged

Canon Adrian Carey	Exchanged
Prof. Andrew Chandler	Exchanged
<u>Additional documents</u>	
Note of face to face meeting with R, Alison Green and Gemma Wordsworth (14 March 2018)	Disclosed by Core Group
Minutes of Core Group (29 January 2018)	Redacted version disclosed by Core Group
Extracts from "The Argus" newspaper	In the public domain
<u>Submissions</u>	
Written submissions from Core Group	Disclosed by Core Group
Written submissions on behalf of Alison	Disclosed by counsel
Written submissions on behalf of the family	Disclosed by counsel

APPENDIX III

SUMMARY OF DECISION

Relevant decision	Terms Reference	of Paragraph Briden Report
(1) Alison's complaint Not proved on the balance of probabilities, her evidence being unverified by independent sources and her account being unreliable.	Paragraph 3.1	24, 25
(2) Incident described by witness K Not proved on the balance of probabilities, the hearsay account being inherently unconvincing and without corroboration.	Paragraph 3.2	30, 31, 32
(3) Bishop Bell's interaction with children No evidence of inappropriate behaviour.	Paragraph 3.3	34
(4) Ms Sian Hewitt's newspaper article Allegation unsubstantiated.	Paragraph 5	35
(5) Witness R's friendship with a cleric No evidence of sexual or other abuse. Clergyman concerned was not, on the balance of probabilities, Bishop Bell.	Paragraph 6	37, 38, 39

