

## **Annexes to the Review**

### **Annex A**

#### **Letter dated the 17 September 2015 from the Bishop of Chichester to Carol**

*17 September 2015*

*I am writing to express my deep sorrow regarding the matters you wrote about in your email to the Archbishop of Canterbury in April 2013. You reported being abused by the former Bishop of Chichester, George Bell, when you were a very young child visiting the Palace with [...].*

*The abuse of children is a criminal act and a devastating betrayal of trust that should never occur in any situation, particularly in the Church. No-one should have to live with memories such as these and I am truly sorry that this has been your experience.*

*I understand that in 1995 you approached Eric Kemp, the Bishop of Chichester at the time, giving a clear and unambiguous account of your memories of being abused. The response you received fell a long way short, not just of what is expected now, but of what we now appreciate you should have had a right to expect then. No-one reading that letter could have been in any doubt that you were referring to serious sexual abuse by a senior figure in the Church of England, and whilst Bishop Bell was long since dead by that time, every effort should have been made to respond to you appropriately. The church, like other institutions across the country, has learnt much in recent years about the importance of responding with compassion and transparency. The fact that your experience in 1995 fell so far short of this only adds to my very deep regret.*

*When you wrote to the Archbishop in April 2013, your email was passed to the Diocese of Chichester. I understand that you received support from our safeguarding team, particularly Gemma Wordsworth, and I hope that this has been helpful. I understand that you spoke with Sussex Police at the time, giving a full account to them of your memories of abuse. I recognise that the two years of waiting since then have been very difficult, and that at times you may have felt xxx hoping that you would go away. Please accept my reassurance that this has not been the case; there were many steps that needed to be taken in order to be able to respond as we have now done. Please let me thank you for your patience whilst this occurred.*

*Along with my colleagues throughout the church, I am committed to ensuring that the past is handled with honesty and transparency.*

*You have shown great courage in coming forward to report your memories of abuse, particularly given the response you received in 1995. When victims of abuse tell us about happened to them, it contributes to the on-going work to change the church's culture. Again, I hope that you find it encouraging to know that in reporting your memories of abuse, you have helped reinforce to the church that no-one is 'above suspicion', and that abuse is intolerable and must be rooted out.*

*Once again, please accept my deepest apologies that you have had to live with these memories. I understand that you have continued contact with Gemma Wordsworth, who will be able to offer you further support if you require it.*

**22 October 2015**

**Press Statement**

The Bishop of Chichester has issued a formal apology following the settlement of a legal civil claim regarding sexual abuse against the Right Reverend George Bell, who was Bishop of Chichester from 1929 until his death on 3rd October 1958.

The allegations against Bell date from the late 1940s and early 1950s and concern allegations of sexual offences against an individual who was at the time a young child.

Following settlement of the claim the serving Bishop of Chichester, the Right Reverend Dr . Martin Warner, wrote to the survivor formally apologising and expressing his "deep sorrow" acknowledging that "the abuse of children is a criminal act and a devastating betrayal of trust that should never occur in any situation, particularly the church."

Bishop Warner paid tribute to the survivor's courage in coming forward to report the abuse and notes that "along with my colleagues throughout the church, I am committed to ensuring that the past is handled with honesty and transparency."

Tracey Emmott, the solicitor for the survivor, today issued the following statement on behalf of her client:

"The new culture of openness in the Church of England is genuinely refreshing and seems to represent a proper recognition of the dark secrets of its past, many of which may still not have come to light. While my client is glad this case is over, they remain bitter that their 1995 complaint was not properly listened to or dealt with until my client made contact with Archbishop Justin Welby's office in 2013. That failure to respond properly was very damaging, and combined with the abuse that was suffered has had a profound effect on my client's life. For my client, the compensation finally received does not change anything. How could any amount of money possibly compensate for childhood abuse? However, my client recognises that it represents a token of apology. What mattered to my client most and has brought more closure than anything was the personal letter my client has recently received from the Bishop of Chichester."

The survivor first reported the abuse to the then Bishop of Chichester, Eric Kemp, in August 1995. Bishop Kemp responded to the correspondence offering pastoral support but did not refer the matter to the police or, so far as is known, investigate the matter further. It was not until contact with Lambeth Palace in 2013 that the survivor was put in touch with the safeguarding team at the Diocese of Chichester who referred the matter to the police and offered personal support and counselling to the survivor.

In his letter to the survivor Bishop Warner acknowledges that the response from the Diocese of Chichester in 1995, when the survivor first came forward, "fell a long way short, not just of what is expected now, but of what we now appreciate you should have had a right to expect then."

In accordance with the recommendations of the Church Commissaries' report into the Diocese of Chichester in 2012 the settlement does not impose any form of "confidentiality agreement" restriction regarding public disclosure upon the individual. In this case the survivor has expressed the desire to remain anonymous.

Following a meeting between the survivor and Sussex Police in 2013, it was confirmed by the police that the information obtained from their enquiries would have justified, had he still been alive, Bishop Bell's arrest and interview, on suspicion of serious sexual offences, followed by release on bail, further enquiries and the subsequent submission of a police report to the CPS.

A formal claim for compensation was submitted in April 2014 and was settled in late September of this year. The settlement followed a thorough pre-litigation process during which further investigations into the claim took place including the commissioning of expert independent reports. None of those reports found any reason to doubt the veracity of the claim.

The Church of England takes any allegations of abuse very seriously and is committed to being a safe place for all. Any survivors or those with information about church-related abuse must always feel free to come forward knowing that they will be listened to in confidence.

Should anyone have further information or need to discuss the personal impact of this news the Church has worked with the NSPCC to set up a confidential helpline no. 0800 389 5344.

ENDS

Notes to Editors

A copy of this statement can be found on the Church of England website and the Diocese of Chichester website.

## **Annex B (Daily Telegraph)**

### **Reverend Bishop George Bell was a paedophile – Church of England**

#### **Church of England issues apology to surviving victim of bishop afforded the Anglican version of a saint's day.**

By John Bingham, Religious Affairs Editor

3:06PM BST 22 Oct 2015

A former Church of England bishop revered as a peacemaker – and granted the closest thing Anglicanism has to a saint's day – was a paedophile, the Church has acknowledged.

George Bell, who was bishop of Chichester for 30 years until his death in 1958, sexually assaulted a child, who is still alive, in the late 1940s and early 1950s.

The Church of England has issued a formal apology to the victim, who wishes to remain anonymous and has asked even for their gender not to be disclosed, and settled a legal claim for compensation.

The victim first came forward in 1995 but the complaint was effectively ignored by the then Bishop of Chichester, Eric Kemp, who died in 2009.

It was not until the victim contacted the office of the current Archbishop of Canterbury, the Most Rev Justin Welby, two years ago that the allegations were finally investigated properly.

Bell is the second bishop from the Diocese of Chichester to have been acknowledged as a sexual predator, just over two weeks after Peter Ball, the former Bishop of Lewes, was jailed for abusing 19 young men.

The Church of England, working with the NSPCC, has set up a confidential helpline for anyone affected by the news and has urged other victims of anyone with information of historic clerical abuse to come forward in confidence.

Bell is revered for his role as a crucial ally of the German underground resistance movement under the Nazis and later as a peacemaker between the two countries as well as a pioneer of the ecumenical movement.

He was a close friend of Dietrich Bonhoeffer, the heroic German theologian who was executed for his association with a plot to assassinate Hitler, who is commemorated above the door of Westminster Abbey among a line-up of "modern saints".

He also counted Gandhi and Nehru among his friends and helped lay the foundations for the thaw in relations between Anglicans and Roman Catholics before Second Vatican Council, with close contacts including Cardinal Giovanni Montini, who later became Pope Paul VI.

It is widely thought he would have been made Archbishop of Canterbury following the death of William Temple in 1944 but for his public denunciation of Allied bombing of Dresden.

In 2008, the then Archbishop of Canterbury Dr Rowan Williams said it “would have been a good thing” if Bell had been given the role.

He has an annual commemoration, the Anglican equivalent of a feast day, on October 3, the anniversary of his death.

A spokesman for the Church said would now be up to the General Synod to formally remove him from the calendar of commemorations but signalled he is unlikely ever to be commemorated again.

#### • **Ex-Archbishop quits over Church of England child sex abuse revelations**

Although Bell could not be questioned having died almost 60 years ago, the Church said it had investigated the victim’s allegations ahead of what would have been a civil case and accepted their account as being true on the balance of probabilities.

It is the latest in a long line of sexual abuse cases centred on the Diocese of Chichester to come to light.

The current Bishop of Chichester, Dr Martin Warner, has written to the victim to express his “deep sorrow”.

“The abuse of children is a criminal act and a devastating betrayal of trust that should never occur in any situation, particularly the church,” he said

Tracey Emmott, the victim’s lawyer, said: “While my client is glad this case is over, they remain bitter that their 1995 complaint was not properly listened to or dealt with until my client made contact with Archbishop Justin Welby’s office in 2013.

“That failure to respond properly was very damaging, and combined with the abuse that was suffered has had a profound effect on my client’s life.

“For my client, the compensation finally received does not change anything.

“How could any amount of money possibly compensate for childhood abuse?

“However, my client recognises that it represents a token of apology.

“What mattered to my client most and has brought more closure than anything was the personal letter my client has recently received from the Bishop of Chichester.”

She added: “The new culture of openness in the Church of England is genuinely refreshing and seems to represent a proper recognition of the dark secrets of its past, many of which may still not have come to light.”

A spokesman for the Church of England added: “The immediate challenge is to come to terms with the shock of this, feel the deep shame of it and express profound

apologies to the survivor.

“Whether the name should be formally removed [from the calendar of commemorations] is an issue for another day and involves a full Synodical process.

“But the present inclusion in the Church’s calendar requires no one to mark the day and in the light of this news it will be up individual clergy and parishes whether they wish to continue to do so.”

A spokeswoman for the NSPCC said: “Every child abuse survivor must feel confident that, when they speak out, they will be taken seriously.

"The Church made a grave error in not reporting this crime to the police immediately, and we hope that lessons will be learned from this matter.

"It is crucial that children get the right level of protection from those who use the church as a cloak to hide their dark crimes."

## Annex C

### The Church, the police and the unholy destruction of Bishop Bell

#### Time and again in recent child-abuse inquiries, grandiose claims have turned out to be baseless

By Charles Moore

5:15PM GMT 01 Jan 2016

Comment

On April 8 1945, Pastor Dietrich Bonhoeffer, the German theologian and anti-Nazi, was condemned to death in Flossenburg concentration camp by an SS judge, without witnesses, defence or records. He was executed the following dawn. On the day of his sentence he sent a message, via a British prisoner, to George Bell, the Bishop of Chichester.

Bonhoeffer regarded Bell as the greatest friend of the German Christian resistance to Hitler (“I feel ashamed when I think of all your goodness”). His message was “Tell him that for me this is the end but also the beginning – with him I believe in the principle of our Universal Christian brotherhood... and that our victory is certain.”

*"Time and again, in recent child-abuse inquiries, the police have made grandiose, ill-based claims"*

More than 70 years later – last October – the current Bishop of Chichester, Martin Warner, issued a “formal apology” to an unnamed individual who was “at the time [the late 1940s and early 1950s] a young child”, and announced the settlement (with an unspecified sum paid) of “a legal civil claim regarding sexual abuse against the Rt Rev George Bell”. Bishop Warner said “I am committed to ensuring that the past is handled with transparency and honesty.”

Bishop Bell died in 1958. When he was thus condemned 57 years later, he had no witnesses in his defence and, indeed, no defence. There are no published records of the process which condemned him. The decision was made by the “core group” of “safeguarding professionals” and the bishops of the diocese, under the Church of England’s National Safeguarding Team. They decided, not on a level of proof that would satisfy a criminal court, but “on the balance of probabilities”, that Bell had committed the alleged acts. There was no “transparency” about the past: we shall not be told what the alleged acts were, who the “victim” was and what the evidence consisted in.

Bishop Warner’s announcement has disturbed the Diocese of Chichester (in which I live). Bell was our nearest thing to a saint since St Richard of Chichester (died 1253). He was noted for his controversial courage in condemning the Allied bombing of Dresden in the Second World War; for his earlier warnings against appeasement;

and for helping Jews and others escape Nazi Germany. He also revived Christian arts: TS Eliot's play *Murder in the Cathedral*, for example, resulted from Bell's suggestion. He was universally regarded as a holy man. Five years ago, his special day was put into the Church calendar for veneration. There are buildings and institutions named after him.

Now Bell is becoming a non-person. Flowers placed on his memorial in the cathedral get removed. George Bell House – “a centre for vocation, education and reconciliation” – will be renamed shortly. Bishop Bell School will probably go the same way. The man described by Ian Kershaw, the leading historian of the Hitler years, as “the most significant English clergyman of the 20th century”, is now being ruined by an anonymous, unpublished claim, upheld by a non-court which won't explain its decision. At first stunned by the October announcement, many in the diocese and beyond are now angry at this unfair and therefore unChristian manner of proceeding.

*"The key legal principle – the presumption of innocence – is being set aside"*

Why is the Church behaving in this way? Its public statements about Bell suggest self-protection. The Diocese of Chichester stands accused of mishandling past child-abuse accusations, including the complaint about Bishop Bell, when it first received it in 1995. There have been other cases. The former Bishop of Lewes, Peter Ball, recently went to prison for a series of offences he had earlier denied.

The national Church authorities know they will be one of the subjects of Justice Lowell Goddard's inquiry into historical child abuse. The diocesan statement proudly quotes the complainant's solicitor praising the current Archbishop of Canterbury, Justin Welby, for pushing this forward, implying a favourable contrast with 1995. The reputation of a bishop long dead seems dispensable compared with the need to get critics off the backs of the present ones – Bell? Ball? Who cares? Let's get out of this.

To buttress themselves, the Church authorities cited the police in their statement. The police “confirmed... that the information obtained from their inquiries, would have justified, had he still been alive, Bishop Bell's arrest and interview, on suspicion of serious sexual offences.” The Diocese doesn't dare say Bell committed a crime, but they want us to think that Plod thinks he did.

I am unimpressed. Time and again, in recent child-abuse inquiries, the police have made grandiose, ill-based claims. They searched Lord Brittan's house, five weeks after he was dead, on the basis of “evidence” which has now collapsed. One officer, Detective Superintendent Kenny McDonald, described the mad accusations about rape and murder in Dolphin Square as “credible and true”. Another stood outside the late Sir Edward Heath's house in Salisbury and invited anyone “if you have been a victim” to come forward and denounce the former Prime Minister.

Last year, Field Marshal Lord Bramall (aged 91) was accused, without corroboration,

of grotesque acts of abuse, and subjected to a 10-hour police search of his house. Everyone knows the police have found nothing, but they will not admit it and are passing what they have got – or rather what they have not got – to the Crown Prosecution Service, leaving Lord Bramall hanging. Why should one be swayed by the police's (improper) speculation that they would arrest Bishop Bell if they could? They'll arrest anyone.

Some may bridle, and say that famous people should not be protected from the work of justice, however painful: "Be you never so high, the law is above you." Quite right, but the key legal principle – the presumption of innocence – is being set aside.

Besides, as I have had confirmed by several correspondents, entirely unfamous people also suffer when accusations of child abuse start flying around. I shall cite only one, who goes by the alias of David Anderson.

Six years ago, Mr Anderson was accused by Thames Valley police, on the basis of unspecified "intelligence", of downloading child pornography. He was kept on police bail, renewed 14 times, for two and a half years. Then he was charged. When it came to trial seven months later, the police offered no evidence. He had lost, on his hard drive, all his work as a film-maker. He lost his income too and has lived in a twilight of suspicion since 2009. He still does not know who falsely accused him. He suspects that lodgers, disgruntled about his refusal to connive in benefit fraud, may have planted images on his computer, but the police will give no information. There are probably thousands of people today, unknown to fame, who are similar victims of anonymous and malicious denunciation.

Justice is not guaranteed by passionate feeling against a particular, horrible crime such as child abuse. It depends absolutely on proper process. When public bodies set that process aside, what trust or "transparency" is left? If Bishop Bell had been a Nazi war criminal, the charges against him would have had to reach a far higher standard of proof than those by which the Church of England has destroyed him. The restoration of justice should be its New Year resolution.

## **Annex D**

### **Church of England makes Chichester child abuse apology**

8 July 2013 BBC

#### **The Church of England has formally apologised for past child abuse by Anglican priests and its own "serious failure" to prevent it.**

The ruling General Synod, meeting in York, endorsed a report apologising for abuse in the Chichester diocese.

Members also unanimously backed an earlier apology issued by the Archbishops of Canterbury and York.

The Archbishop of Canterbury said there needed to be "a complete change of culture and behaviour" in the Church.

The Most Reverend Justin Welby told the Synod: "And, in addition, there is a profound theological point.

"We are not doing all this, we are not seeking to say how devastatingly, appallingly, atrociously sorry we are for the great failure there has been, for our own sakes, for our own flourishings, for the protection of the Church.

"We are doing it because we are called to live in the justice of God and we will each answer to him for our failings in these areas."

The cases of two priests - Roy Cotton and Colin Pritchard - who abused several children during the 1970s and 1980s, prompted an inquiry by the Archbishop of Canterbury's office into safeguarding procedures in the diocese.

The ensuing report described a "profoundly unhelpful and negative culture" there, producing an "appalling" and "dysfunctional" record in handling allegations of abuse.

'Individual wickedness'

Opening the debate, the Bishop of Southwell and Nottingham, the Right Reverend Paul Butler, said the Church had "failed to listen properly".

"We did not acknowledge the wrong done and we protected the institution at the expense of the person abused," he said.

#### **By failing to listen or to act appropriately, we condemned survivors to live with the harm**

"We cannot do anything other than own up to our failures - we were wrong."

He said the church's "failures were sin just as much as the perpetrators sinned".

The bishop read out a statement from victims of child abuse in the Church who called for a public inquiry to find out the number of victims, how the Church protected abusers and whether there was a cover-up.

In response to the report, the Archbishop of Canterbury, Justin Welby, and the Archbishop of York, John Sentamu, offered their own apology for the "individual wickedness on the part of abusers" and serious failures by the Church to protect children or listen properly to victims.

They said the suffering inflicted on the victims would be a source of grief and shame for years to come.

The motion before the Synod endorsed the archbishops' apology and the contents of the report.

After a debate lasting about 1 hour 45 minutes, it was approved by 360 votes to none.

The Synod also agreed plans to take further steps to improve policies and practices on safeguarding children, including by ditching the current one-year limit on making complaints of child abuse, and giving bishops the right to suspend clergy who are credibly accused of abuse.

## **Annex E**

### **Advice given by Paula Jefferson, Solicitor, to Core Group on the 24 October 2014**

Our Ref: PAJ - - Paula Jefferson Your Ref: GB 1950

24 October 2014

The Right Reverend the Bishop of Chichester

c/o Matthew Chinery

Diocesan Registrar Winkworth Sherwood

### **BY E-MAIL ONLY**

Dear Bishop

**Claimant** [ ]

**Date of Incident** 1947 to 1952

Further to previous contact I now report as follows:

#### **1. Procedural Position**

A Letter of Claim has been provided but to date no proceedings have been issued.

#### **2. Circumstances**

The Claimant alleges that she was a victim of sexual abuse by Bishop George Bell. The abuse is alleged to have occurred variously from when she was age 5 (as stated in the Letter of Claim and the Claimant's medical report) of from ages 8/9 (as per her 1995 letter and evidence given to the police) to age 9/10. Taking the widest of these dates places the abuse during the period 1947-1952.

She alleges that she would go and stay with her [relative], who lived in the house (known I understand as [ ]) next to the Bishop's Kitchen which was next to the Bishop's Palace. The Claimant says that whilst staying with her [relative] Bishop Bell would suggest that she spent time with him allowing her [relative] to do her [ ] work. He would then take her to a room in the Bishop's Palace and there he would abuse her. The abuse is described as indecent touching, masturbation

and digital penetration involving the Claimant whilst sitting on his knee.

In August 1995 the Claimant wrote a letter to the then Bishop of Chichester (Eric Kemp) reporting the abuse. She says she was prompted to do that having read a story about unrelated abuse in the paper. She received a response which acknowledges what she had reported and offered some pastoral support. It appears some enquiries were made which identified [ ] as living in [ ] by the Old Palace and undertaking some [ ] duties. It is identified she had 2 nieces living locally but no one could remember any children being with her at the Bishop's Palace.

There is an unfortunate handwritten comment on a copy of her letter which states that where she lives is where the "*Council house problem families*". There is also reference to the possibility of the Executors of the Estate of Bishop Bell taking out an injunction against her to stop her talking to the press. She did not then get in touch again and I understand nothing further was done at the time.

Nothing further was heard until the Claimant made contact again in 2012, this time with Lambeth Palace. She says this was prompted by media coverage about Jimmy Savile. Lambeth have no record of this. It is referred to in the police documentation and in the Claimant's medical report. It is reported that the response she received from Archbishop Williams' office was just to say that they were sorry. The Claimant did not feel it was taken seriously. I have sought further details of that contact from the Claimant's solicitor but she has not been able to expand on this as she says that it was email contact and the email address the Claimant was using at the time was subsequently closed due to nuisance spam.

The Claimant then made contact again in 2013. Since then she has received support from the Diocesan Safeguarding team.

### **3. Defendant**

The Letter of Claim is directed to the Bishop of Chichester. I have not been party to the ongoing discussions between you, the Diocese and the Church Commissioners as to the potential payee were this claim to succeed. If this claim continues and ultimately litigates it will be important to identify and advise the Claimant's solicitors of the correct entity to be named as Defendant.

I note following our meeting in July Matthew Chinery identified the following:

The Supreme Court of Canada in *Doe v Bennett* ([2004] 1 S.C.R. 443) considered the responsibility of the Bishop as a corporation sole as follows:

*In sum, the bishop is a corporation capable of suing and being sued "in all Courts" with respect to all matters, and has the power to hold property and borrow money for all diocesan purposes. The corporation can fairly be described as the temporal or secular arm of the bishop. The argument that only the bishop's acts relating to property are acts of the corporation must be rejected. All temporal or secular actions of the bishop are those of the corporation. This includes the direction, control and discipline of priests, which are the responsibility of the bishop. If the bishop is negligent in the discharge of these duties, the corporation is directly liable. Furthermore, this liability remains with the corporation sole, as a continuing legal entity, even when the bishop initially responsible moves from the diocese or retires from his position*

Matthew also identified the difficulty of the office being vicariously liable for the acts of the Bishop himself when in effect they were one and the same. I am happy to consider and advice on this further but in view of the ongoing discussions and the time which has already been spent by others pondering this issue I have not done so now to avoid unnecessary duplication.

For now references to the Defendant below are to the corporation sole which is the Office of the Bishop of Chichester

#### **4. Limitation**

The abuse is alleged to have occurred when the Claimant was age 5-10. That was before the introduction of the first of the current series of limitation acts which address the issue of when a claim for damages can be brought in, amongst other matters, injury claims. The first relevant act was introduced in 1954 (the Law Reform (Limitation of Acts) Act 1954) and any claim arising before then is statute barred. However as the alleged tortious act occurred when the Claimant was a minor the limitation period for any claim she wished to pursue did not start until 1960 and thus after the introduction of the 1954 Act. I consider that the court would therefore consider that the primary limitation period for pursuing a claim in negligence ended in 1963 and in assault 1966, but that as a consequence of subsequent developments in the law it is possible in either case for the court to exercise discretion if it chooses to do so and allow the claim to proceed out of time.

In exercising discretion the court weighs the prejudice to the parties of refusing or allowing the claim to proceed. For a defendant the usual arguments raised about prejudice are the lack of oral or documentary evidence now available as a result of the passage of time. There is clear prejudice to the Defendant as with the passage of time the main parties (other than the Claimant), being Bishop Bell and [her relative], are long since dead. Indeed there is reference to [her relative] having died in [ ]. However there is unlikely to have been any contemporaneous documentation which would have been of relevance to the issues in the claim so

less prejudice attributable to the lack of the same. I am not aware of there having been any other complaints made about Bishop Bell. The law on vicarious liability being as it is (see below) means that if a defendant is found vicariously liable then arguments of prejudice resulting from a lack of evidence bear less weight.

Generally in cases of this nature claimants are granted leave to proceed out of time. I suggest that for now no concessions are made around limitation but it is treated with caution as it is unlikely to be a successful defence and to defend the claim on what may be perceived as a technicality may not strategically be a position which the Defendant or the wider Church would wish to adopt.

## **5. Liability**

The claim will if litigated be based upon vicarious liability for the assault or in the alternative negligence. The latter is less of an issue in claims of this nature than it used to be following a change in the law on limitation for assault in 2008.

Bishop Bell was Bishop of Chichester from 1929 to 1958 and I understand that at the relevant time he was living at the Bishop's Palace in Chichester. [ ] is confirmed to have lived in [ ] and to have worked as [ ] at the Bishop's Palace.

There is no evidence other than that of the Claimant to confirm that [ ] was her [relative] or to confirm her attendance at the Bishop's Palace. I have asked for some independent evidence of the family relationship but none has been provided. Her solicitors say that her younger siblings did not know her [relative] and are not able to provide evidence of the relationship. They point out that when the Claimant wrote in 1995 she did not identify her [relative] by name, but the response she received did and the name stated was correct. I am surprised that a statement has not been provided by the Claimant's brother [ ] to whom she says she is close and to whom she also says she revealed the abuse. I would have thought he would have been able to confirm the family relationship.

My advice below regarding liability is on the basis that there is an acceptance that the Claimant was at the Bishop's Palace in the circumstances and for the reasons she describes.

For a finding of vicarious liability the Claimant has to establish that

- There was an assault
- The perpetrator was an employee of the Defendant or in a position akin to employment
- There was a close connection between the assault and the work/job of the perpetrator Taking each of these in turn the position is as follows

Assault(s) - the Claimant describes incidents which would, assuming they occurred, be deemed to be assaults. It is not possible to establish independently whether these assaults did occur as only the Claimant and Bishop Bell would be able to give

evidence about that. It is therefore necessary to consider any supporting evidence which comes from the disclosure of the abuse by the Claimant and if there were any other allegations against Bishop Bell.

In the Claimant's favour is the 1995 letter as it would be somewhat unlikely that she would have written as she did in 1995 and then again in 2012/2013 if her allegations were purely fictitious. I understand that the Diocesan Safeguarding team believe her and they have relayed that the police do likewise. The Claimant has disclosed an expert report from a Dr Freedman [ ] which has been prepared for this litigation. She raises no doubts about the veracity of the Claimant's evidence. Contrary to this evidence is the lack of any mention of the abuse in the Claimant's medical records until 2013. There is an oblique reference in an undated entry which however appears to date from around 1971 which refers to the Claimant having felt suicidal (predominantly it appears because of [ ]) and that there was something else which she could not talk about. On questioning by her medical expert the Claimant says that the abuse by Bishop Bell was what she then felt unable to discuss.

Ultimately whether or not she is believed will depend upon her oral evidence in court and whether she is a plausible witness. However all of the current information suggests that she is likely to be believed and to therefore establish on the balance of probabilities that assaults did occur.

Employee/akin to employment - Bishop Bell held office as the Bishop of Chichester. He was not employed by the corporation sole which is the Bishop's office so a court would have to have regard to whether or not he was in a position akin to employment. This phrase arises from the case of *JGE v Portsmouth Roman Catholic Diocesan Trust (2012)* in which the Court of Appeal was considering whether or not a Bishop in the Roman Catholic Church could be held vicariously liable for the abusive behaviour of a priest in the Diocese. It was argued he could not because the Bishop did not employ him. That argument was rejected on the basis that although the priest was not an employee he was subject to the rules of the Diocese and he was in a very real sense carrying on the work that the Diocese sort to do. It would I think be very difficult to argue that a Bishop was not required to carry on the work of the wider Church and the office of the Bishop. I consider that a court would conclude that the Bishop was in a position akin to employment.

Close connection - Bishop Bell arguably had no specific responsibilities towards any children who he came in to contact with in the Bishop's Palace in circumstances such as are alleged. He was not in contact with the Claimant because of any official function he was performing. In the case of *Lister v Hesley Hall (2001)* the court separated liability in circumstances where the abuse was by a school master whose job required him to have some care for the children at the defendant school and gardener/caretaker whose job might bring him in to contact with the children at the

school but did not require him to have any direct contact to be able to perform his work. However in the case of *Maga v Archdiocese of Birmingham (2010)* the priest was found to have as part of his wider role a requirement to evangelise and to have contact with the wider community with an aim of bringing them in to the church. It is hard to see how a court would conclude that as Bishop George Bell did not have a responsibility towards all children who came in to his contact including in the Bishop's Palace and that to abuse them ran contrary to the role of Bishop.

Although in this case the position of vicarious liability is less straightforward than it is in many cases on the current evidence available I consider it is likely that a court would find the Defendant to be vicariously liable.

The allegations of negligence are unlikely to add anything substantive to the claim if vicarious liability is proven. It is possible that the Claimant might try and argue that there was a separate incidence of negligence in 1995 when she did not receive the support she should have done. Although much more recent than the abuse itself this reporting is still nearly 20 years ago and in the intervening period the approach to safeguarding and in particular in responding to victims has progressed rapidly. The response in 1995 is not, with the benefit of hindsight, ideal but it is probably not that different to how many other organisations would have responded at that time. If this allegation were to be pursued I do not consider it would add a substantial amount to quantum. There is only a very generic reference to depression on one occasion in the Claimant's medical records in 1995 to suggest that she suffered any specific psychiatric ill health then which could have been linked to the letter or the reply she received. With the benefit of hindsight and on being specifically asked if the letter and the entry were related she confirmed she thought they probably were.

## **6. Medical Evidence**

The Claimant has provided a copy of her medical records and a copy of the medical report she has obtained from Dr Freedman[ ]. We requested an opportunity to have her medically examined and so far her solicitors have resisted on the basis that the Claimant is very frail and they would prefer to avoid a second examination. I agreed to review the position again once we had seen her expert report.

The medical records make no reference to the abuse until 2013 when the Claimant received some counselling.

Dr Freedman's notes

- The Claimant was one of [ ] children. [ ] - her father was [ ] and often abroad. She recalls being bullied at school which she left age 15 with no qualifications.
- The Claimant herself had [ ] children, [ ]. All the pregnancies were before she reached age 30.
- She was married at [an early] age . [ ] She married again [...]

- The Claimant says that she visited her [relative] during the school holidays and would stay for 2 or 3 days. This was possibly 6 times a year. She was not always abused. She says she told her [relative] about the touching. Her [relative's] response was to tell her not to tell lies.
- The Claimant says that she recalled a staircase where Bishop Bell would wait for her. She recently returned to the Palace and says that the staircase was as she had previously described to her counsellor.
- The Claimant describes that she feels guilty about the abuse. She says that she did not realise that what happened was wrong until she was age 10 or 12 and then she felt that she had been naughty for allowing it to happen. However she acknowledges that it is hard to recall specifics about how she felt as she buried thoughts of the abuse until she wrote the letter in 1995.
- When asked about the effect the abuse had had on her the Claimant said that she felt she had not been very physical in either of her relationships and had never enjoyed sex. Otherwise she did not describe any impact of the abuse on her everyday life, although appears with some encouragement from her expert's questions to suggest that the abuse made her submissive which in turn contributed to [ ]. She also acknowledges that her submissiveness could as much have been as a result of ....
- The Claimant does not consider that the abuse had any impact on her work.
- The Claimant has suffered from episodes of depression in 1971, 1976 and 1985[ ]. Dr Freedman notes it is unclear the link of these episodes to the abuse.
- She considers that the Claimant suffers from a submissive personality as a consequence of [ ] and due to the abuse.
- She notes there have been some flashbacks and nightmares
- The Claimant says that the reason to proceed with her claim is to get an apology from the Church and "she would not mind getting a bit of compensation to say sorry"
- Dr Freedman [ ] concludes that the Claimant's intermittent depression and her low self-esteem arose from a combination of , the abuse by Bishop Bell and [ ]. Each made her more vulnerable to the next.
- Her post traumatic symptoms i.e. flashbacks and nightmares are attributable to the abuse by Bishop Bell.
- The Claimant has had some counselling and does not feel that she wants any more. Were she to change her mind then a course of 12-15 sessions of CBT is recommended.

## **7. Causation**

As noted above Dr Freedman attributes the Claimant's episodes of depression to the poor relationship with [ ], the abuse by Bishop Bell and [ ]. Some of her questions to the Claimant would be deemed leading questions and she does make some sweeping assumptions. For example the Claimant says that she does not consider the abuse had any impact upon her work. Dr Freedman however says that she may have under achieved but there would appear to be no evidence to support that, and in reality given the Claimant's family background, period when she would have been in the labour force, relocations linked to her domestic arrangements and her children her work history is not in any way surprising.

Conventionally a court will look at all of the factors which have been found to have caused any psychiatric illness and will then apply a rough and ready approach to apportion damages accordingly.

Although we have requested that the Claimant see an expert appointed by the Defendant she has not agreed to do so. This is said to be due to her frail physical health (she suffers from [ ], [ ] and ). A further medical report would provide an additional opinion about the veracity of the Claimant's evidence if there are concerns about the truthfulness of the allegations and the impact of accepting the same without such independent verification as it is possible to explain. From past experience I have some scepticism about the basis of some of Dr Freedman's conclusions but if there is a desire to resolve this matter now it is possible to make an assessment of quantum based on her evidence alone without obtaining a further report.

## **8. Quantum**

### **8.1 Pain Suffering and Loss of Amenity**

This is unlikely to be a claim which has a significant monetary value. A court would award damages for the acts of abuse themselves and then for any subsequent impact. The abuse is said to have occurred every 2-3 months over something between 2-5 years and any subsequent problems have been low level rather than causing the Claimant ongoing psychiatric problems. There were other causes for some of the problems identified. By reference to similar cases I consider that a court would award the Claimant in the region of £10-15,000 for the pain and suffering attributable to the alleged abuse.

## **8.2 Other Losses**

It is difficult to see what other losses have been caused by the abuse. There has been no loss of earnings. The counselling received I believe has been funded by the Diocese. The Claimant does not want further treatment. There is reference to a course of CBT which would cost about £2000.

## **8.3 Total Damages**

For purposes of considering potential total damages (and any unforeseen items) I consider that it is unlikely that total damages would not exceed £20,000.

## **9. CRU**

We are obliged to register the claim with the Department for Work and Pensions to see if any state benefits have been paid as a result of the impact of the alleged cause of injury. There have not usually been. If there have then they may be repayable to the Compensation Recovery Unit.

## **10. Funding of claim and Costs**

As this claim postdates the changes in legal funding introduced on 1 April 2013 it will not attract a "no win no fee" enhanced success fee. It will however be possible for the Claimant's solicitors to take a percentage of the damages from the Claimant in addition to any fees recovered if they choose to do so.

I do not have any specific details of costs and the figures stated below are based on experience of the Claimant's solicitors and also assume that this is a case where a decision is made to settle the claim as opposed to proceed to trial.

**10.1 Claimant £15000**

**10.2 Defendant £5000**

## **11. Recommendations**

The strategy taken in resolving this matter is intrinsically linked in to the issue of reputation and publicity. For reasons previously discussed the possibility of settlement accompanied by a confidentiality agreement is not one which is favoured. The Claimant said in her 1995 letter she would consider publicity. When asked about that by Dr Freedman [ ] she said that had not really been her intention then but she might consider it now were she not to get recognition and an apology. Her solicitors may issue a press release following settlement of the claim and given Bishop Bell's standing that is likely to be something which would attract national media attention.

If the Claimant's evidence is accepted, and I have set out above the extent of the information there is to support that the abuse occurred, then my recommendation is that this is a case to be settled without the need for issue of proceedings. Settlement I suggest be by way of a discussion between me and the Claimant's solicitor, this is not a case where a formal settlement meeting is required.

The Claimant has made it clear she would like an apology. She has not stated whether she would prefer that in person or writing or both. Her solicitors have said they would like it from the Cathedral. I think that stems from a fundamental lack of understanding about the structure of the Church as this matter clearly had nothing to do with the Dean & Chapter. I think what they are suggesting is that it needs to be from someone in a sufficiently senior position. I can discuss with the Claimant's solicitors as necessary.

I would also recommend that as part of any settlement discussions a strategy be agreed with the Claimant's solicitors regarding press releases, whether there be a joint one or an agreed date for simultaneous releases.

Any settlement of damages would also need to involve an agreement to pay the Claimant's solicitors reasonable costs.

I am more than happy to discuss any of the above. I look forward to hearing from you further when you have had an opportunity to consider this report.

Yours sincerely

Paula Jefferson

DAC Beachcroft Claims Ltd

**Annex F: Summary by Paula Jefferson: 10 September 2015**

**From:** Jefferson, Paula < Paula.Jefferson@blmlaw.com> 10 September 2015 16:29  
**Sent: To:** Louise [ ], Arun Arora; Rachel Harden; Nigel Stock; 'saira.salami@churchofengland.org'; 'Colin.Perkins@Chichester.Anglican.Org'; 'Gemma.Wordsworth@Chichester.Anglican.Org'; 'Gabrielle Higgins'; Saira Salimi; 'Kate Singleton'; Graham Tilby  
**Subject:** RE: Core Group (GB - 1950s Case) [BLM-LAW.FID4670124]  
**Attachments:** Overview of claim.DOC

Dear all

Please find attached summary of the claim as discussed yesterday. I am not circulating the documents which are referred to in this but I have copies should they be required. Any questions please just ask. I do not have Jane's email so would be grateful if this could be shared with her.

Regards Paula

BLM

**Paula Jefferson**

Partner

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**From:** Louise [ ] [mailto:louise.[ ]@churchofengland.org]

**Sent:** 09 September 2015 09:11

**To:** Arun Arora; Rachel Harden; Nigel Stock; 'saira.salami@churchofengland.org'; 'Colin.Perkins@Chichester.Anglican.Org'; 'Gemma.Wordsworth@Chichester.Anglican.Org'; Jefferson, Paula; 'Gabrielle Higgins'; Saira Salimi; 'Kate Singleton'; Graham Tilby; 'Alison White'

**Cc:** Graham Tilby

**Subject:** FW: Core Group (GB - 1950s Case)

**SENT ON BEHALF OF GRAHAM TILBY**

Dear Colleagues,

Please find attached notes from previous core group meeting together with a provisional agenda for this afternoon's core group meeting in respect of the above case.

I look forward to seeing you later on – safe travelling.

**Highly confidential – Summary Note (extracts)**

This summary note has been prepared at the conclusion of the civil claim for compensation brought by [C] (the Complainant) against the Office of the Bishop of Chichester (the Defendant). The summary is produced based upon a briefing note produced by Colin Perkins (CP) in May 2014 and the evidence produced during the progression of the civil claim.

### **The Claimant**

The following information about [C]'s life is included not for wider circulation but for understanding of her wider family who may themselves be impacted upon when there is publicity.

This information is taken from that provided by [C] to Dr Judith Freeman and to the psychiatrist who was instructed to prepare a report on SP's behalf, Prof Anthony Maden. who was instructed to prepare a report on behalf of the Defendant and from [C]'s medical records.

- *The complainant was born in 1942. She and her family lived in [ ]. She was the [relative] of Bishop George Bell's (+GB) [ ], [ ] and used to stay with her regularly at half terms and holidays.*
- [C] has [ ] grandchildren.
- [C] now suffers from [ ].

## The abuse

- *Her allegation is that on visits to the Bishop's Palace in Chichester with her [relative] between 1947 and 1950, +GB regularly sexually abused her. The abuse was serious and included digital penetration, forced masturbation and, on more than one occasion, attempted rape. There were religious overtones to the abuse (use of language to describe abuse, "if you tell anyone God will be angry": etc). This occurred every two to three months (on every occasion that the complainant visited her [relative]). The abuse ended when she moved with her family away from Sussex when she was 9/10 yearsold.*
- Most of the assaults occurred in the Bishop's Palace but a couple of times they also occurred in the Cathedral

## 1995 Disclosure

- *The complainant wrote to the Bishop of Chichester (Eric Kemp - +EK) in August 1995. She names +GB in the letter as her abuser. The description of the abuse is*

"My relative lived in the house [near the kitchen]. I used to play in there. We could also go through another door into the Bishop's Palace. That's where I first saw him. I was aged 6 years. He looked very imposing standing on the stairs in his funny trouser and frock coat. At least it seemed funny at the time. He said to my [relative] leave the child with me while you go about your duties, I will keep her amused. He kept me amused alright. He told me I'd been chosen by God as a special child but that I must not tell anyone or God would be angry. He would bounce me up and down on his knee with God's special love between my legs till I was anointed with God's special oil to make me special and he would always chant suffer little children to come unto me till I was anointed. He even tried to penetrate when I was about 8 to 9 years but it made me cry as it was painful."

- In this letter [C] also said "I am going to tell my story and sell it to the highest bidder to gain compensation for something that blighted my whole life."
- *+EK replied to the complainant, expressing sorrow for these 'distressing memories' and offering to suggest the names of counsellors, and also to put her in touch with her parish priest, whom he also wrote to*
- *Handwritten notes from +EK's Chaplain give evidence for other responses at the time. For instance, her address is described as where the 'Council house problem people'. A further note states that '+Chichester suggested contacting social services to see if they could tell us anything about [the complainant] ... Not knowing anyone in social services, I spoke to Michael*

Butler to ask for his advice...he was concerned because any mention of child abuse might set alarm bells going before we really wanted them to..... thinks the Executors should be informed as they might be able to take out an injunction to prevent [C] talking to the press'. A further note details work done on identifying these Executors.

- *There is also a handwritten note of a conversation +EK appears to have had to try and obtain more information about GB's [ (C's relative)]*
- *All of the above paperwork was held on +GB's file at Bishop's Palace, Chichester. This file was not subject to the 2008/9 Past Cases Review. A brief perusal of files held at Lambeth Palace has yielded no equivalent information, nor evidence that would corroborate or refute this allegation.*
- *There is no evidence of any further contact between the complainant and either +EK or anyone else in the Diocese of Chichester.*

## **2012 Disclosure**

In 2012 [C] says she made contact with Lambeth Palace and again reported the abuse. She says that she was told that because GB was deceased there was nothing that could be done. Unfortunately no record exists of the contact she made (she says due to a change in email server she could no longer access the old emails) nor of any response sent and no record at Lambeth has been found of this correspondence.

## **2013 Disclosure**

On 4 April 2013 the complainant emailed Lambeth Palace, saying that she had been abused by the Bishop of Chichester and giving equivalent details to those in her '95 letter.

- On 8 April she again emailed Lambeth Palace stating "didn't think I would get a reply it figers (sic) I'm elderly so all though my life was blighted by my abuse and being a woman I'm to be ignored. It is the two faced way of the church you hope by ignoring it I will go away but I won't I will keep reminding you."

The Archbishop of Canterbury's Correspondence Secretary replied on 9 April and then again on 24 April

- *This email was forwarded to CP who entered into a short series of emails with the complainant, during which she confirmed she was talking about +GB. Gemma Wordsworth (GW) (Independent Sexual Violence Adviser], on secondment to the Diocese of Chichester) met with the complainant.....*
- *Sussex Police have confirmed that in their view the complainant presents a genuine and credible complaint, and that, were +GB still alive, he would be*

*arrested on the basis of this complaint. They are obviously unable to speculate about what might then occur.*

## **Civil Claim**

- During discussions and contact between CP, GW and [C] the issue of compensation arose and [C] was told of Emmott Snell & Co as being a firm of solicitors who specialised in claims for damages consequent upon sexual abuse and who might be able to advise her should she wish to pursue a claim.
- [C] instructed Emmott Snell to act on her behalf and they sent a Letter of Claim<sup>15</sup> directed to the Bishop of Chichester on 11 April 2014
- They subsequently disclosed the report of Dr Freedman which concluded that [C]'s intermittent depression and low self-esteem arose from a combination of her poor relationship with [ ] the abuse by GB and [ ]. Her post traumatic symptoms were attributable to the abuse. Dr Freedman did not make any comments which suggested she doubted the truth of what [ ] said and she accepted that the abuse occurred.
- As part of the investigation in to the claim further evidence was sought from [ ] such as family confirmation of her stays with her [relative]. In that respect her solicitors said that she was the oldest in the family and her younger siblings did not have the same relationship with their [relative] so they were unlikely to be able to provide any additional information.
- During the process of supporting [ ] after disclosure she had been taken back to the Bishop's Palace in the course of receiving counselling so it was not appropriate to ask her to expand on her contemporaneous recollection of the layout of the Palace as that would be influenced by her more recent visit.
- Consideration was made of available evidence about GB of which there is a significant amount held at Lambeth Palace which had already been reviewed by CP & GW but nothing of note located. There have been no other complaints against him.
- An independent expert report was obtained from Prof A Maden to comment amongst other matters on the veracity of [C's] evidence. In summary he concluded:
- Delays in reporting are exceptional – memory is not reliable over such a long period of time. False memories of abuse may arise
- [C] has never lacked capacity to complain and the delay has caused enormous problem.

- [C] is a straightforward woman of good character. There is no reason to believe the allegations are a conscious fabrication
- After such a long time there is no way of knowing without reference to corroborating information whether or not her recall is accurate. Without corroborating evidence it is not possible to say if the memories are true or false
- [C] is a sympathetic and admirable woman, she suffers no personality disorder
- No expert can say definitively whether or not abuse occurred and the greater the period between the abuse and the disclosure the greater the problems which arise in determining the truth of the allegations.
- However having been questioned by 2 psychiatrists neither of whom had any reason to doubt [C's] veracity, along with the consistent disclosure in 1995 and 2013 and the acceptance by the police that the abuse occurred it was considered that on the balance of probabilities a court would also conclude that the abuse occurred.
- The claim was founded on the basis that the Defendant was negligent and/or vicariously liable for the assault(s) by GB. If litigated it was anticipated that the court would conclude that there had been an assault(s) which occurred in the course of GB's role and that GB was in a position akin to employment, although it was accepted he was not an employee. It was less clear that a claim founded in negligence would succeed but a finding of vicarious liability for the assault would be sufficient for an award of damages to be made.
- The claim was pursued many years after the assaults were stated to have occurred and long after [C] had reached the age of majority. There was an issue about whether there was scope for a court to grant discretion to allow the claim to proceed out of time in view of the abuse predating the Law Reform (Limitation of Acts) Act 1954 albeit that [C] did not reach majority until after the implementation of that Act. The potential to defend the claim on a technical limitation argument was considered as part of the process to consider means of resolution of the claim, but was considered unlikely to succeed, nor was it considered an appropriate response.
- The claim was settled by negotiation between solicitors for the sum of £16800.
- [C]'s solicitor's costs have been agreed at £15000.
- A letter of apology is to be provided.
- There is no confidentiality agreement but [C] wishes to remain

anonymous in any publicity.

Paula Jefferson Partner

10 Sept 2015

## **Annex G**

Church of England Bishop George Bell abused young child

Church apologises for actions of late bishop of Chichester after settling civil claim with survivor whose first complaint 20 years ago was not passed to police

*The Guardian*

Harriet Sherwood Religion correspondent

Thursday 22 October 2015 14.16 BST

The Church of England has issued a formal Anfor sexual abuse committed by one of its most senior figures after settling a civil claim brought against George Bell, the late bishop of Chichester, who died 57 years ago.

The Bishop abused a young child, whose identity and gender has not been disclosed, in the 1940s and 50s. The survivor first came forward 20 years ago, but the matter was not investigated or referred to police at the time.

Bell, who sat in the House of Lords, was once tipped as a possible archbishop of Canterbury, although his opposition to the bombing of German civilians by the RAF during the second world war was thought to have counted against him.

The church settled the claim at the end of September and on Thursday released a letter from the serving bishop of Chichester, Martin Warner, to the survivor expressing “deep sorrow” and apologising for a “devastating betrayal of trust”.

There has been a series of historical sex abuse cases involving clergy in the courts in recent years after church attempts to conceal criminal acts. The most recent was the jailing of Peter Ball, the former bishop of Lewes, earlier this month for sexual assaults against 18 boys. Ball had been permitted to resign and escape prosecution for 22 years after the complaints against him were first made.

Warner’s apology regarding the sexual abuse claim against Bell acknowledged that “the abuse of children is a criminal act and a devastating betrayal of trust that should never occur in any situation, particularly the church”.

He added that the response from the diocese of Chichester when the survivor first made claims in 1995 “fell a long way short, not just of what is expected now, but of what we appreciate you should have had a right to expect then”.

Police had confirmed that, following information obtained by the survivor, Bell would have been arrested and referred to the Crown Prosecution Service had he still been alive, a C of E statement said.

The survivor submitted a formal claim for compensation in April 2014, which was settled in late September. No details have been disclosed.

Tracey Emmott, the survivor's solicitor, said in a statement: "The new culture of openness in the Church of England is genuinely refreshing and seems to represent a proper recognition of the dark secrets of its past, many of which may still not have come to light."

She said her client remained bitter that the original complaint was not properly listened to or dealt with until they contacted the office of Justin Welby, the archbishop of Canterbury, in 2013. "That failure to respond properly was very damaging, and combined with the abuse that was suffered, has had a profound effect on my client's life," she said.

The compensation represented a "token of apology", she added. "For my client, the compensation finally received does not change anything. How could any amount of money possibly compensate for childhood abuse?"

Earlier this year, Welby promised a new investigation into sex abuse within the church if the independent inquiry led by Justice Lowell Goddard did not examine the C of E within its first six months.

In 2010, a three-year internal investigation into abuse in the church, covering a 30-year period, uncovered just 13 cases that needed reporting to the authorities. Survivors said the investigation was inadequate.

The George Bell Institute was founded in 1996 in honour of the former bishop and sponsors an annual lecture in his name. "Bell is often remembered as a friend of the oppressed, a patron of writers and artists, a scholar of distinction and as a generous advocate for humanity at large," its website says.

The church commemorates the bishop each year on 3 October, the anniversary of his death. A C of E spokesperson said the formal removal of his name from its commemoration list was "an issue for another day and involves a full synodical process". However, individual clergy and parishes could decide whether they wished to continue to mark the day.

Two years ago, Bell was the subject of a BBC Great Lives radio documentary.

## **Chichester Observer**

Former Chichester bishop George Bell abused young child

Chichester Cathedral Published: 11:47 Thursday 22 October 2015

The Bishop of Chichester Martin Warner has today apologised after former diocese bishop George Bell was revealed as a paedophile. The Right Reverend George Bell died in 1958 and he was Bishop of Chichester from 1929 until his death. The apology follows the settlement of a legal civil claim regarding sexual abuse. "The allegations against Bell date from the late 1940s and early 1950s and concern allegations of sexual offences against an individual who was at the time a young child," said the statement from the diocese.

Following settlement of the claim, the Right Reverend Warner wrote to the survivor formally apologising and expressing his 'deep sorrow', acknowledging that 'the abuse of children is a criminal act and a devastating betrayal of trust that should never occur in any situation, particularly the church'.

UPDATE: Abuse victim's 1995 complaint against deceased bishop 'not properly listened to' Bishop Luffa urged to rename house after George Bell revelation

MARTIN WARNER: "We are all diminished by what we are being told"

Read more at: <http://www.chichester.co.uk/news/former-chichester-bishop-george-bell-abused-young-child-1-7025473>

## Annex H

### Minutes from ACC meeting with George Bell Core Group

Lambeth Palace - 11/05/2017

#### **Attendees:-**

Colin Perkins [CP]

Gemma Wordsworth [GW]

Rachel Harden [RH]

Nigel Stock [NS]

Arun Arora [AA]

Graham Tilby [GT]

Matthew Chinery [MC]

Martin Warner [MW]

Lord Carlile of Berriew [ACC]

Katie Mackilligin [KM]

1. ACC began by thanking GT for arranging the meeting and for providing the additional church documents regarding sexual abuse and child safeguarding, which he found helpful. GT said that once the finalised version of 'Practice guidance responding to, assessing and managing serious safeguarding situations concerning church officers' is available he would send it to ACC.
2. ACC referred to the minutes from 09/05/2014, which was effectively the first core group meeting for this case. GT explained that as the notion of core groups was decided upon in July 2014 the language did not exist at the time of the first meeting.
3. ACC explained that he spent 90 minutes with Paula Jefferson [PJ] during the course of his review, which he found to be very helpful and provided useful clues into her thinking.
4. ACC enquired as to the groups' thoughts regarding disclosing information to the public in cases where the perpetrator has been deceased for a long period of time, and has no direct descendants; and how this contrasts with cases where the perpetrator is alive. AA referenced the Satterthwaite case, which involved a similar situation where the defendant was deceased. This case was concluded before the George Bell [GB] case so provided an insight into how the process might be addressed. ACC pointed out that the Satterthwaite

case was not mentioned in the meeting notes, to which GT clarified that the first meeting was actually held before the Satterthwaite case began.

5. MW expressed his concerns regarding disclosing information and the legacy of GB. Although GB had no direct descendants his legacy was still very much alive in the diocese of Chichester. MW was aware that prior to disclosure they would have to approach people in the diocese. ACC pointed out that GB has a name day, an equivalent to near sainthood in the Church of England, thus illustrating the extent of GB's legacy. CP added that, for himself, the legacy of GB was one of the main considerations as to why this case should be disclosed to the public, as the victim was having to live with the veneration of GB.
6. MC stated the legal considerations that were taken into account, mainly the fact that if a civil case is brought then it has to be dealt with and in this case, because GB is deceased, the Church was unable to obtain a statement of defence from him.
7. ACC referred to paragraph 15 of the minutes from the 09/05/2014 meeting. He asked what steps were taken by the group to obtain other evidence, adding that he himself had not seen any. MW said that they could not seek to find further victims until the matter had been settled. ACC responded by asking whether there was a move to find evidence without mentioning GB. CP outlined three steps that were taken in this regard. Firstly, he approached the police to see if they had any evidence of complaints against GB in their system, which they did not. Secondly, they looked at the possibility of obtaining corroborating information, from GB material held in the library at Lambeth Palace. Thirdly, he spoke to Sue Cart (head of children's safeguarding in West Sussex), who suggested the church follow a proactive response, for example putting out feelers about GB himself to find further victims. CP stated that it would have been problematic to carry out the final step prior to a civil claim.
8. ACC referred to a review he has carried out involving monks at a Benedictine Abbey in Ealing. The Abbey paid for a call for evidence, which led to approximately 200 responses. The new evidence changed the perspective of the enquiry and supported some allegations, which up to that point had been uncorroborated. ACC asked why this could not have been done in this case.
9. MC stated that the diocese of Chichester was already under intense scrutiny at this time, referencing the Peter Ball case. As the Sussex Police were already involved, and many journalists were seeking stories, he argued that a call for evidence effectively was already happening. MW added that in radio interviews with Colin Campbell the point was clearly made that anyone, no matter how senior within the church, could be under enquiry. He referred to the Robert Coles case. However, MW believes that in order for a call for evidence to be of use it would have had to be very specifically targeted. There was wide agreement amongst the group that they thought this story was already in the public domain as journalists, the BBC and police were all proactively following it.

10. CP added that although there was no specific call for evidence, there was a NSPCC helpline, which was operational for three years and pushed by the police and church in every statement. It was a general hotline and not specific to any case. CP also referred to the point he made during the meeting on 09/05/2014 that GB may have had access to a wider range of children.
11. ACC explained that after it was announced that he would carry out this review he was contacted by various individuals. One such individual was a woman who was a child of a servant in the palace. She says she is able to provide details regarding the behaviour of GB. ACC also interviewed Canon Carey, the Bishop's Chaplain at the material time, who was able to recall his time in the palace.
12. ACC referred to paragraph 18 of the 09/05/2014 meeting minutes. ACC asked whether there was any investigation into finding Kindertransport children who were in the palace at the time GB lived there. CP stated that he contacted the office of the Chief Rabbi just before they publicly announced the settlement.
13. ACC queried why there was no factual investigation made by the Church. MC explained that there was a "Mexican standoff" for over 12 months regarding who was to meet any compensation that may be required. MC also made clear that the reason for not having a factual investigation was not due to the Church being unable to afford it.
14. ACC pointed out that if it is decided not to hold a factual investigation, then that raises an issue about whether there could or should have been confidentiality in the form of any settlement. GT explained that the Church has been on a "journey" with regard to the need for investigations, and that the possible need for one in future cases will be highlighted in their latest guidance. GT also added that the focus of the core group was on the settlement, but he now thinks that investigations may well be needed in some cases.
15. CP stated that by the second core group meeting in 2014 he was very keen to contact the Holocaust Memorial Trust. He referred to emails that show this. He explained that PJ told them that they should investigate this claim first and then use that to see if they should do anything further with regards to contacting the Jewish community or the wider public. CP stated that when they did settle the claim they did not revisit widening the investigation as they thought that the public announcement would act as a sufficient call for evidence.
16. ACC pointed out that this case garnered as much publicity as the Peter Ball case. He asked how the group felt about the fact that no other victims came forward. ACC referred to a report in the local paper in Chichester which cited other potential victims of GB: however, he could not have regard to this as the journalist was not responding and uncontactable. CP and GW agreed that they had reached the same conclusion regarding this report.
17. GT stated that the group wanted to first establish whether abuse had taken place. He said that they were open-minded about whether there were further victims. GW added that as the abuse allegedly happened very late in GB's life there was added difficulty with regards to collecting evidence.

18. ACC referred to similar other high profile cases, specifically Jimmy Saville and Peter Ball, where many people have come forward. It is possible that there is only one victim in the GB case, however it is highly unusual. MW added that the timescale needs to be taken into account when considering other potential victims. The social attitudes of the time need to be considered, as does the personal cost to an elderly person of revisiting a traumatic time in their childhood. He also referred to the possibility of mistaken identity.
19. MW clarified that at no point was money, or lack of it, an inhibiting factor to the Church with regard to investigation. He stated that the timescale however was problematic as the abuse was first reported in 1995, which compounded issues.
20. AA made the point that it was never their intention to sully the reputation of GB, and that this situation was brought about by the civil claim.
21. MC outlined his concern that had the Church settled this claim and not made a public statement he was sure this information would have made its way into the public domain at some point in the future. ACC agreed that this was a possibility. CP furthered this point by stating that it would have been wrong to decide to make the settlement public solely based on the Church's fear of being accused of a cover up. It was necessary to make this case public in order to reach out to further victims and help the victim, who was dealing with the veneration of GB.
22. ACC then referred to paragraph 32 of the first meeting minutes. ACC asked what the group thought the police were doing with regards to this case. CP said that it took a very long time to obtain information from the police, and they never received the full document they were waiting for. The police informed him that had the defendant been alive he would have been arrested. They also told him that if the Church wanted to bring this issue into the public domain that the police would be unable to provide resources.
23. ACC pointed out that the police would have had no lawful power to arrest GB had he been alive, as the arrest conditions would not have been met. He would have been interviewed under caution instead. ACC asked if the core group felt that the police action would have been equivalent to being charged. CP and GW clearly stated that they did not. They knew that arrest and charged is not the same thing.
24. ACC asked what they thought would have happened had they not settled. CP stated that they were told by PJ that if they chose not to settle and this went to court then the judge would have ruled in favour of the complainant. This discussion with PJ was a decisive moment.
25. ACC asked if PJ suggested that they take this in stages. According to CP, she had not. MC at this point disclosed that he knew of a conditional type fee arrangement made with the complainant's lawyers.
26. CP explained that from a victim response and safeguarding perspective they wanted to avoid a defensive litigation approach to the case. He said that the Church have only denied liability in one case ('Toronto') and that this did not end well. GW agreed that it would be unusual for the Church to deny liability.

27. ACC asked if it is the Church's policy to settle cases where there is a credible complainant against an individual in the Church who is not covered by insurance. MC stated that as this is only the second time it has happened, Peter Ball being the first, there is not enough data to know exactly what the Church's policy is. The Church's lack of experience in these matters is a key reason they went to PJ.
28. MW made the point that the Church needs to carefully consider the aspects of ecclesiastical life where they are not insured.
29. ACC pointed out that the Church seemed to treat this case as if it was insured. At this point CP referred to advice the Church had received from Mark Hill QC regarding issues of liability. Hill reportedly said that if the Church did go down the route of contested liability then the situation could arise where different wings of the Church would be paying to instruct lawyers whilst victim remained uncompensated.
30. ACC moved the discussion on to the forensic psychiatrists' reports. He stated that he understood that the Church would have had to obtain a medical forensic report to assess whether the victim was reliable and the extent of psychological damage.
31. ACC asked why there had been such a delay between core group meetings (no meeting between July 2014 and March 2015). MC stated that they felt they have nothing new to discuss as Professor Maden only met the claimant in January 2015 and no decision regarding settlement could be made until the psychological assessment had been carried out.
32. ACC sought clarification from the group as to whether they were all reading the same documents at all times, with specific regard to the psychiatric reports. GT explained that everyone on the Core Group read the summary of the psychological report, but only some had access to Professor Maden's entire report. MC added that he circulated the full report to Sarah [ ], MW, CP and GW.
33. ACC clarified at this point that no confidential statements or information that would identify Carol would be included in any report he produced for this review.
34. ACC asked whether those members of the group who had not read the full report were aware that Professor Maden questioned the reliability of the claimant. MC explained that this had been clearly stated in the summary. CP added that in the July Core Group meeting they discussed the fact that Professor Maden's report suggested the need to consider the possibility of false memories.
35. ACC pointed out that if all individuals involved in a decision do not see the same evidence then the outcome of the process could be challenged in some circumstances. MW agreed that there needs to be clarity in terms of the power of core groups. GT stated that at the first core group meeting he was unclear about the powers of the group and as his role as chair. CP added that at the first meeting they primarily focussed on whether to settle. ACC summarised that in reality the group was deciding simply whether to follow the advice of the solicitor they had instructed.

36. Discussion then moved on to the fact that the two psychiatrists (Professor Maden & Dr Freedman) were given different instructions. ACC asked if the group were aware that they were both approaching the report from different stand points – one on quantum only and the other (Maden) raising issues of potential liability. No one in the group had seen both letters of instruction. CP explained that they were instructed by different people. GT added that they expected Professor Maden to look at the credibility of the witness.
37. AA explained that when it came to making decisions everyone in the group had the same voting powers. In his opinion himself and RH should not have had a vote regarding settlement as at this stage in the proceedings. Comms had not seen all of the evidence and did not have sufficient expertise. RH stated that she opted out of the vote.
38. MW added that he thought it was important to consider, as part of lessons learned, what additional steps and information may need to be given to core groups.
39. ACC asked if the group considered settling the case with a confidentiality agreement and a clear understanding that there was no admission of liability. MC referred to an Interim Visitation guidance for archbishops, which advises against using a confidentiality clause. ACC pointed out that it is relatively common for settlements to be made when there is no liability acknowledged. CP said that the general consensus of the group was that a confidentiality agreement sounded like a cover up, which they were keen to avoid.
40. ACC asked the group if they were aware that there might have been other children or servants living in the palace. CP confirmed they were not. ACC explained that he has been contacted by a woman who says she used to live in the palace as a little girl at the time in question, and encountered GB regularly.
41. MC explained that between the March and July meetings the funding had been agreed by the church commissioners. ACC asked if the commissioners had made a separate judgement – MW said no.
42. ACC asked the group when they made the decision to settle. GW explained how long the decision took to make, and CP stated that the claimant contacted him reportedly saying that she felt like the church was waiting for her to die. MC added that a problem with the process was that when the commissioners agreed to a settlement in July, the group had not yet decided to settle.
43. ACC cited an interview given by MW where he described the investigation into the case as “thorough”. AA said that they did provide expert evidence to support their findings, for example the report by Professor Maden. CP added that the investigation into GB was equivalent to what had been carried out in other cases. MW agreed, stating that they followed the Church’s own understanding of safeguarding and protocol, and that they tried to be just, fair and right. CP did concede that stating a “very thorough investigation” conjured up more than they did and MC added that they should have looked harder. CP explained that they did corroborate the claimants account alongside maps of the palace, but only after the case had been settled.

44. GW explained that she felt this core group was very different from her past experiences. This group, in her opinion, was dominated by legal procedures and the settlement.
45. ACC referred to the statement made on 28/10/2015, explaining that in his view it hung GB out to dry by failing to suggest that there was any doubt over his guilt. MW and CP agreed that this was a fair assessment. CP said that the Church's statement apologised rather than announced the settlement. AA explained that there was a lot of indecision regarding the wording of the statement. MC thought it might have been beneficial to have someone from the outside read the statement before it was released.
46. ACC asked if PJ ever explained to the group that when there is a living defendant in a civil case with serious criminal allegations against them the case might be considered more in line with criminal court standards rather than the balance of probabilities. CP and GW confirmed that she had not explained this.
47. ACC moved discussion on to the large amount of publications in the press following the statement made by the Church. GW explained that the claimant was traumatised by the publications, and that they made her doubt her decision to come forward. MW added that the publications have forced the church to look at their procedures.
48. AA explained that he had been contacted by Peter Hitchens [PH], who was adamant that GB was entirely innocent. After CP refused to share details of the case with PH, he did not hear from him again. RH added that she had also been pursued by PH, to an extent that was disproportionate to what she had experienced in the past.
49. ACC asked if anyone had been contacted by [ ] QC, who was confirmed by GB. AA confirmed that he had not approached Communications. CP thought that Gabrielle (?) might have spoken to him.
50. CP explained that he was frustrated about the factually incorrect aspects of the articles written about the case, especially the main conclusion by the George Bell Group that no child could have been so far into the palace. CP was frustrated that the Church were unable to respond to the George Bell Group on this point, as it would have exposed the identity of the claimant.
51. GT explained that he thought the Church needed to review its procedures when it comes to cases such as this. Such as core group meetings, the role of the Chair and minute taking. ACC agreed that it was his role to independently review the processes.
52. CP said that he thought there was room for a more theological reflection on this case, and he was frustrated that this had not happened. He cited GB's main message that no one is ever defined wholly by the bad things that they have done. AA agreed, saying this was seen in the sentencing of Peter Ball. Both agreed however that this could not have been done in this instance.
53. NS stated that he felt that a key protocol was needed when dealing with a perpetrator who has died. He cited another case that the Church is dealing with at the moment where the perpetrator has died and there is only one victim, the key difference being that in this new case the victim was an adult.

54. MC added that he wanted to clearly state that as a lawyer advising on this case, he did not want to give a lot of the advice that he had to with regards to being the financial liability side which delayed the claimant getting justice.
55. ACC thanked the group for meeting all of the issues head on and agreed with GT that they would find one further date for the remaining members of the Core Group to meet with ACC.

**Extracts from: Minutes from ACC Meeting (2) with Bishop Bell Core Group 24 May 2017**

**Church House**

Lord Carlile = ACC

ACC QUESTION What did you think was the purpose of the Core Group? What did you think was the purpose?

ANSWERS: I pre date the core group. When I got the papers I didn't recognise the core group designation. Everybody with an interest should get together so we could act in knowledge of one another, to save tripping over one another. By 2013/2014 I had been through considerable turbulence with reports and had learnt a lot of lessons in trying to get people into the same room so you can have a unified approach. I think the group I was in is what the core group became when I was part of it, kind of problem solving. At that stage the reason that everybody gathered together was because we have a person of GB's stature and significance and we had the allegation and clearly this was a really important problem which we had to find a pathway through.

I was involved because I provided some temporary cover between April 2015 through to the end 2015. This was additional to day job going in and attempting to try and advise on a number of cases that were linked through the Palace at that particular point. I came into this particular matter in July 2015, only briefly involved until September. From my perspective in terms of your question the Core Group process was one we used at diocesan level for the management of serious concern in relation to church officers and therefore I had some familiarity with the process. I came in with different expectations and clearly the group had evolved from its early origins. My thinking was that it was a forum for managing a significant case of this nature. To oversee the different components of that with co-ordination with national team and working alongside the diocese.

I find it a difficult question to answer. I arrived in January 2015. By which time it had been going for 9 months. One of the things I noted down was that there should have been terms of reference. I'm not sure this was a core group, because it wasn't insured.

ACC I have tried to not dwell on the no insurance point but do you think the point diverted people's attention away from other issues?

ANSWERS: I think it probably did, but I was thinking of a different point in that the church was making decisions that it didn't know how to make. It didn't have the experience, exacerbated by the high staff turnover.

Understanding of what the group was doing kept changing. I don't think there was a clear understanding of what we are going to do, we had 4 camps all with individual focus and so it was difficult to get a shared understanding.

I had 3½ years' experience in Chichester. In Lincoln we have a police Operation Redstone, where we refer cases across to the police. The point that is often missed in is that C of E is not a statutory authority, and we work with people who come from statutory authorities and alongside the statutory authorities.

Because I've worked in the voluntary sector I've worked alongside professionals. It seems to me that we all need to be clear about what our powers are and what our powers are not. We work closely with the statutory sector because they have powers that we don't. I think it's essential when threading our way through who has the power and authority to do what and who can say what. I think we encountered that in earlier cases. When I'm dealing with these cases, we need to be clear who has got the power to do what and who may want to do what.

It is extremely important, should have been made clearer. Very telling part of minutes March 2015. Bottom page 3 GT asked whose decision it would be and who has the authority to make the decision. No one was able to give an answer. Never a clear conclusion. Should have been sorted out.

ACC Was the fact he'd been long dead a factor that was considered in any particular way?

ANSWERS: We went round and round the houses, as ordinarily we would ask someone their side of the story. We discussed IT in quite a few contexts, statutory limitation, questions of what impact on memory was (hers), question of delay in reporting.

ACC Might you have been better informed if a formal, factual investigation with possibly a call for evidence was undertaken?

ANSWERS: Police actions were camouflaging the fact we hadn't.

ACC The prospect of making a finding in public against this man without a proper inquiry must have seemed horrendous?

ANSWERS: I think it did seem horrendous.

I seem to remember people saying when I first started we can't do anything about this yet we need to get a psychiatrist report to show we've done all we could, and I think people thought what more could we have done?

ACC Both psychiatrists consulted are distinguished. However, the instructions given to each were different. Instructions given to Dr Freedman plainly were on the basis that everything Carol had said was true. She was not asked to make any kind of judgment on credibility in her report. The Freedman the report related to quantum only. Whereas Prof Maden discussed false memory and identified in his report a risk that her memory was false. If the core group really understood the difference between the two reports, might that have led core group back to a factual investigation?

ACC So a key question is whether the core group understood that the two psychiatrists were given different instructions and that Professor Maden raised significant concern about credibility?

ANSWER: No and yes.

ACC Do you think it was satisfactory that all members round the table didn't all see the same papers?

GH I don't think everyone should have seen all the papers because I don't think everyone should have been involved in expressing an opinion. I think it should have been confined to a small group of people deciding but that all of those deciding should have seen it.

ACC You're saying the advising group should have seen all the same papers.

ANSWERS: First I saw of any of this was a couple of days before March meeting. Everyone at table saw PJ's summary. Summary referred to some of these issues. I remember being troubled by Maden report in particular false memory. I had concern. It did result in discussion about the memory issue and whether a matter for concern. Left it to the burden of proof. Everyone bar me and Matthew thought it passed the balance of probabilities. I think they understood the memory issue I don't think they understood the difference of the reports. I now don't think we had the summary let alone the Freedman report.

ACC Was there a discussion about what would happen if the Church denied liability?

ANSWERS: Ultimate conclusion we thought she would issue proceedings. An issue was if we had cover for our costs.

I think there was specific reference to the costs being covered.

ACC Did you consider a confidentiality agreement?

ANSWERS: We rejected it for two reasons. 1. Thou shalt never impose a confidentiality agreement. 2. PJ also raised the question of how effective are they? If they are breached what are you going to do are you really going to sue this woman?

ACC Why not reach a settlement without an admission of liability?

ANSWERS: We did, we never made an admission of liability.

The thing that mattered most was the apology. First the apology and then the compensation second. This meant settling without an apology wasn't going to achieve the closure we needed.

I remember the Bishop of Horsham sitting in his study doing an interview: it was so cut and dried.

There's another factor here the handling of the 1995 letter. This struck me as an important component in terms of the response Carl received.

Where things could have been done in a different way (in relation to publicity) was making much clearer the uncertainties. Even with hindsight I don't think I know the answer. I just think we would have been in a different pot of hot water.

ACC Is an irrevocable and unchanging principle of transparency right or fair?

ANSWERS Our other thought was that this is going to come out eventually. Do we want to have control, or wait and be hit?

ACC It goes back to the investigation point. For example, I was able to meet B's then Bishop's Chaplain Meeting Canon Carey, now aged 95 but with a reasonable memory. An investigation might have found him as I did?

ANSWERS: I wish we had known about Canon Adrian Carey.

From my point of view when I started in Chichester in 2011 there was still quite a culture of negativity about allegations, an uphill struggle for people to come forward. In Chichester at the time we had the Bishop Ball case, the visitation, Operations Perry and Dunhill, Canon Rideout with 17 witnesses to his behaviour, and I think we had Philip Johnson who was a survivor of Ball. There was a lot going on which had to be resolved, culminating in the visitation with Chichester being very much under the spotlights. Seems to me that we then got to the point where it would have been very difficult for Bishops not acknowledge the victim.

I don't think there would have been any agreement and the time to not acknowledge the victim. I also don't know if it would have been any better if we had done it.

ACC Is there anything about the Core Group's activities that should have been done differently (and is very important)?

ANSWERS More investigation, more clarity on the process for the core group as to who's involved? And why are they involved. Related to that, we should have had a secretary of the group to ensure things are chased up. We should have had the correct people attending - the invitation lists had a tendency to be haphazard. And importantly a consistent chair. It was right to be chaired nationally.

It needed one consistent person.

I wondered about an Independent Chair.

The person who chairs has to have enough clout for the House of Bishops to realise that. We can only recommend. The Bishops and Archbishops are the people who speak on behalf of the church

C of E is a federation, we do find difficulty overseeing what looks like a large statutory organisation and isn't. When it comes to saying do this and do that in other contexts that might work but with C of E it does not. I've realised this. Who tells who what to do? You have a structure but it can founder on who has powers to direct or authority and you just have to be careful with that sort of proposal. I would support those initiatives, it's whether they can make them actually happen.

We needed a devil's advocate, to think of everything that could have been said – that's what a solicitor is supposed to do. I had said we should have been more explicit about the balance struck. We could have engaged better with critics. Cathedral should have been involved at an earlier stage

ACC There was a debate in the House of Lords. In that debate it was said by the Bishop of Chelmsford that there has been a full investigation.

ANSWERS Astonishing that he spoke in the debate: he was the duty bishop that day and had to be prepped on the debate in half an hour.

In the same way you've raised a question there's an aspect that hasn't been touched upon. The thing that is ever present is about the theology. No one's perfect. All sorts of ways in which theology can be used very positively in these situations. It's something that's a continuous influence on thinking. It's a separate question. Faith is a real element. It's a factor which applies in everyone's thinking. A dance between compassion and truth.

## Extracts from Meeting with John Rees Thursday 01 June 2017

JR The phrase that is constantly used is about survivor led investigations, I think it's clearly understood that you've got a civil standard and a criminal standard and the two are very different and I think what's not coming to the fore at all is the third approach which lawyers involved in these cases are taking which I am puzzled over. I haven't got an answer to it but it's a sort of insurance led approach which basically is, what's the cheapest way of getting out of this and how can we slide out of this with minimal damage. I think that's very often the third approach which is not really spoken about, and probably not even identified by a lot of folk who were involved.

ACC Do you think the insurance led approach would have been possible here?

JR I think in a way that's probably what they did.

JR Yes.

JR I think what happened in this case was that people's minds in Chichester had been made up at a quite an early stage. It seemed to me when it came to the first meeting in 2014, there was already a conviction that allegations would be accepted. The questions was how are we going to handle this.

JR In the early stage there was a major issue about who would pay damages or costs.

ACC I've seen PJ (Paula Jefferson) who is clearly a very competent solicitor. Do you feel that she was effectively the decision maker in this Core Group?

JR No, I think she was very properly confined to giving advice rather than leading. But it's difficult because of course your advice carries a certain weight. I said on several occasions I thought to offer some sort of *ex gratia* settlement with a denial of liability. I believe it's in the minutes.

ACC The Archbishop of Canterbury said to me that Bishop Bell was regarded by some as the nearest in the Church of England to a saint. To what extent were you affected by this gravitas of Bishop Bell's reputation, when you were thinking we should have a settlement without admission of liability?

JR Yes, yes I think I was. I would regards him as a hero. I think his record is absolutely outstanding specifically in the time of WWII. There was a quote that he was the greatest Archbishop of Canterbury that we didn't have. He was a man of immense experience, immersed in the details of church policy from 1910. Clearly a courageous figure and admirable. I was struck by his spiritual influence. I've kept an open mind on whether he did it or not. My view is if he did do it sadly he would not be the only hero figure to have committed such acts. As I have mentioned Trevor Huddleston, Stephen Beale the great academic. I have also been very involved in the Peter Ball case. It came down

to we've got to figure out how we deal with these cases, and of course it's not just in relation to church people. Obviously church leaders stand out because of the level of hypocrisy involved.

ACC Did you think the fact that Bishop Bell had been dead for so long was a factor which should have been given special treatment?

JR Only in that evidentially it makes it much more difficult. I think in all these cases where we've got people who are long dead (with accusations against them) there should be the equivalent of an *amicus curiae* whose role is not quite to represent them as their advocate but just to keep pressing the question: *Have we got enough evidence here to come to the conclusion we are reaching?*

JR I remember asking the question about are there any living witnesses and I was assured all that's been looked at. That's what I remember being told when the question was raised.

JR There was up to and certainly at the last meeting to a degree of caution around the table, believing the Times story but a very strong sense that her allegations had been made consistently and were convincing to the most people who had the most experience including the safeguarding team.

ACC Did you read Professor Maden's entire report?

JR No I didn't. There was a summary that was distributed. I think the only person who was recorded as having read the full report was Colin Perkins.

## George Bell Core Group Review Meeting

12 GIS – 11.00am 07/06/2017

### **Attendees:**

Jill Sandham [JS]

Kate Wood [KW]

Alex Carlile [ACC]

Katie Mackilligin [KM]

1. ACC explained that the purpose of this review is to look into the role of the core group that dealt with the George Bell [GB] case.
2. JS explained how at the time of the first two meetings she was the acting safeguarding adviser for the Church of England, having replaced Elizabeth Hall. She was, until January 2014, the acting safe guarding adviser for Southwark. She retired in March 2016, when Graham Tilby [GT] took over.
3. KW outlined that she was an independent consultant, providing safeguarding advice ultimately to the Archbishop, although she had little direct contact with him. She was self-employed and contracted by Lambeth Palace, not through a formal contract.
4. ACC asked what they felt the core group was. **JS stated that, whilst she was involved, it was categorically not a core group. She did not set up the meetings to act as a core group.** She said that it was a model she set up in the Southwark Diocese, and when she moved to the acting position for the Church of England she worked with others to bring the core group model into the national team.
5. ACC noted both KW and JS were only present for the first two meetings. He asked how a decision making body could have a fluid membership. KW explained that she left her role in the Church as her husband had cancer and sadly died. JS said that before retiring she handed everything over to GT.
6. JS explained that the purpose of the first meeting (09/05/2014) was to discuss very specific aspects of the case. Namely, about sharing accurate information, public disclosure of allegation and liability of complaints against Bishops. ACC ran through the agenda stated on the minutes and noted that there was no mention of assessing whether the allegation was true. He asked how they could justify public disclosure without considering first whether it was true. **JS said that the validity of the allegations had been discussed prior to this first meeting.**
7. KW said that they were unsure as to what ACC already knew. ACC responded that they should make no assumptions as to what he knew.
8. JS said that there were no clear, written down protocols for what should happen when there is an allegation against a Bishop. KW was supposed to lead in the

case of such allegations. JS said that as a result of charges against Peter Ball, and other historical cases, the national team felt they would have been criticised for not disclosing information. She also cited a history of tension between the diocese of Chichester and the national church about who should handle which aspects of the case. Chichester wanted to handle it all themselves. When the national church wanted to handle it more broadly JS said the Chichester diocese kicked back a bit. ACC said this was consistent with what he had previously heard.

9. ACC referred to the fact that Paula Jefferson [PJ] said the investigation should carry on. He explained that factual witnesses have approached him since he was appointed as the independent reviewer. Adrian Carey is still alive and has a good memory of the Bishop's palace. A woman from America came to see him. Her adopted mother was the house keeper at the palace at the time of the alleged crime and she was the same age as Carol. She provided a description of the Bishop's behaviour towards her which was completely different from the one given by Carol. ACC pointed out that if an investigation had taken place, which would have been relatively easy for the Church to do, and it had discovered that there was factual evidence available this could have changed the course of events. He referred to a factual problem here – how could the Church publicise that this 'sainted' figure had been subjected to an investigation when it was not true?
10. ACC asked why no one in the first two meetings suggested that the group should first discuss if there was actually a case. He also added that the Archbishop of Canterbury had told him that the Church must be completely transparent. JS said that KW and herself were the only two people in that meeting opposed to disclosure. KW added that she spent hours on the phone to other members of the group talking about disclosure. She also sent emails asking questions about testing the credibility of the alleged victim.
11. JS explained that there were a large number of lawyers present in the first meeting and the emphasis was on the claim and legalities. KW said that the police and Gemma both stated that Carol's account was credible despite the fact it was not tested. **KW emphasised again that JS and herself were fighting against everyone else regarding the issue of disclosure. JS added that these meetings were called in the context of the claim, and that their hands were tied by lack of clear process.**
12. ACC said that he thought the group focussed on civil liability and payment of compensation, which may be a different threshold to assessing whether GB was guilty. It looked like PJ played a prominent role in this process as she told the group that it was likely that in a civil claim they would be found liable.
13. KW explained her own background in investigation. She thought that the group's perspective got taken away from safeguarding. There was no current threat to the public as the alleged perpetrator was deceased, they did a good job protecting the victim and **no one listened to the victim's personal views about putting this in the public domain. KW said the victim did not want this to be made public, and the Detective Inspector did not think it should be publicly disclosed. KW said it was taken out of their hands.**

14. ACC asked if anyone in the meetings discussed payment of compensation on a litigation risk basis with denial of liability. KW said they had not and this must have occurred in the later meetings. JS said that it seemed as if the Chichester diocese was pushing to disclose the information immediately. In her opinion the group relied on PJ too much although she thought it was good that PJ insisted on an independent report.
15. ACC referred to the medical reports. ACC had not seen the instructions to Dr Freedman, although it was clear she was not asked to judge whether Carol's account was truthful. Professor Maden on the other hand produced a report stating Carol was sincere, she believed GB did this to her, but in his opinion she could be mistaken. He cited false memory syndrome and confusion. ACC acknowledged that both JS and KW were not at the meetings where these were discussed but pointed out that there was no discussion about Maden's different view. **JS and KW agree that this should have been done and might have made a difference to the outcome.**
16. **KW stated that after the second meeting she felt that a lot more work needed to be done before she would have ever agreed to public disclosure. She recalled a meeting where she asked if anyone had asked the victim about the premises of the Bishop's palace.** ACC met the Canon who was at Chichester. The Canon described how the Bishop's study was guarded by his formidable secretary, which is an important piece of additional information about the premises. KW added that at one of the meetings she attended, Colin Perkins [CP] did say that there had been some corroboration regarding the premises, for example the wall paper was the same as described. It was clear to her though that they did not have the full picture.
17. JS stated that events happening in the Chichester diocese at the time (Peter Ball case) influenced the group's decisions.
18. ACC explained that he has had some experience dealing with religious organisations, however he was surprised at the extent to which the Church of England was not a unitary organisation. Despite the lack of unity, universal draft documents have been produced. ACC said he did question with GT how many people would read a 100-page document. JS explained that when she was acting safeguarding adviser she was responsible for organising the dioceses. She personally rolled out training sessions to most of the dioceses which informed them on how to use the guidelines. She added that they were hugely under-resourced for 2 years during the time of the Peter Ball case. They are well resourced now and most of the dioceses are up to speed with procedures.
19. ACC asked why the diocese of Southwark was ahead of the others. JS explained that Tom Butler, the Bishop, wanted to feel safe and to work well. They had plenty of issues but unlike Chichester, no bad practice. They built up an interdisciplinary team over 6 years.
20. JS highlighted that there was no routine review by the Church at the end of the GB case.
21. **ACC asked for their views on whether core groups dealing with allegations against a Bishop/Dean/senior church member should have a lawyer or safeguarding expert appointed as an independent chair. JS said**

**that in her view it is most important for the chairperson to have safeguarding expertise. It would be helpful if they were experienced in running core groups, although as they do not occur often this could be difficult.** She cited a diocese where they developed a consistency of chair to ensure they were familiar with the process. KW agreed with ACC's suggestion. In the context of Michael Perham [MP] case it was difficult to allocate a chairperson. In the end a member of one of the dioceses was chosen, who was excellent.

22. ACC questioned whether there should be a special protocol for senior, deceased members of the Church. He provided a historical example; if Thomas Beckett had been accused of child sex abuse this would become a footnote of history. However, with someone who has died within a lifetime, with a living reputation, there may well be justification for special protocol. JS responded broadly. The bottom line was that protocol needed to be addressed regardless of the perpetrator's profile and whether they were alive or dead as reputation is still an issue. She did not want to state that there were different issues based on the perpetrator's profile. ACC understood her point about the perpetrator's profile, and how it could be misleading to concentrate on just Bishops. He cited the founder of the Samaritans as an ordinary vicar who had an important reputation.
23. KW added that this case was dealt with very differently from if it had been a deceased priest.
24. ACC said that it was much easier in the case of Peter Ball. He was still alive, subject to judicial process, pleaded guilty and jailed accordingly.
25. JS explained the difficulties surrounding disclosing information to the public during ongoing investigations, especially when external critical groups are involved. She cited the MP case. ACC added that Charles Moore, a member of the GB support group, had a powerful pen and was able to sway the discourse. JS said that these groups do not sufficiently consider the effect their actions have on the alleged victim and other victims of sexual abuse. The victim should always be central.
26. ACC cited Jimmy Saville, where there is a chance x% of victims who came forward were seeking money, but y% were telling the truth. He also referred to Jimmy Tarbuck and Leon Brittan, both of which had single allegations against them, which were false yet both men were hung out to dry.
27. JS said that another consideration was that when there is a case against someone high profile there is a greater chance of information being leaked. This was a key anxiety of the Church in this case. The Church did not want to be on the back foot if this situation occurred. KW referred to the MP case as a good example here.
28. ACC said that they had been very helpful in providing further information and that it was beneficial on this occasion only to have the two of them present. He explained that he had now carried out most of the review but he still needed to visit the Bishop's palace in Chichester as well as meet Carol. He also planned to meet Andrew Chandler and [ ] QC. The draft review should be completed and sent to William Nye by the end of July.

29. KW restated that a lot of information was talked about on the phone. She also provided ACC with her informal notes from a meeting on 27/06/2013 with Colin Perkins.
30. KW speculated whether the outcome of this case would have been different had herself and JS not left.

## Annex I

### Extracts from Notes

#### Meeting with Ms Paula Jefferson 23.01.17.

*For the purpose of this document Lord Carlile will be referred to as ACC and Ms Paula Jefferson as PJ.*

ACC I am going to ask questions. This includes issues about how you were instructed. I have been sent what purports to be a full file, sent to me in an electronic version.

The types of question I'm going to be asking surround how you came to be instructed, the enquiry that was carried out, the role of the police, what instructions there were from the Church of England [C of E], and who instructed you including any issues that arose.

It is fair to say to you that shortly after the inquiry was announced I received two material pieces of what may be regarded as evidence. One was a statement made by Canon Adrian Carey now aged 95 (I am told still with a good memory). I've also received a letter and subsequent an email from a 75-year-old woman who lives abroad. She says that her adoptive mother was the live-in cook at the Chichester Bishop's Palace between 1948-1952: the woman who wrote to me would have been [x] years of age in 1948, also lived in the palace with her adoptive mother. She provided to me a description of Bishop Bell [GB] and his attitude towards her. She also says (I don't know if this is true but I may have to make a finding) there were lots of children's parties because Mrs Bell liked to throw children's parties for the community and as a result there were lots children in and out of the palace.

PJ I first became aware of a potential claim about GB through insurance connections, when I opened my initial file for them. It became clear later that insurers were not involved following discussion between insurers and C of E as to whether Bishops were covered under the insurance. They were not and the insurance aspect was closed off.

If there's a civil claim say where a vicar has been abusing someone in congregations, and a claim is made for consequences of abuse, the insurer that will respond is the insurer of the Parish. So, could be any insurance company but predominantly Ecclesiastical Insurance.

When we receive a claim we try to ascertain which legal entity it is - either the Parish, Diocese if it involves the Cathedral – Dean and Chapter. Or whichever other body within the C of E. With Bishops after some discussion between Matthew Chinery and Gabrielle Higgins about Chichester it was concluded that there is no insurance for Bishops. In those situations [ ] has stepped in and provided the settlement monies for (claims e.g. Peter Ball). Monies come

to me for damages and we settle the costs. Where the money comes from is outside of my concern. My client will be the office of the Bishop of wherever I take instructions from.

ACC Do you deal with all civil claims for the C of E?

PJ I have dealt with a large number of civil claims since 2004 onwards. If the C of E were instructing a solicitor, it would have come to me and my team, but they will deal with it in house if straightforward. The C of E have instructed me on several claims where there hasn't been insurance. I've predominantly dealt with abuse for the past 10-15 years in C of E nominated firms.

ACC I may form the impression that the C of E didn't have a very well organised system within itself nationally for dealing with claims of abuse that might have serious repercussions for the Church. Material is that apparently there was no single point of contact, no system whereby all cases go to a central point.

PJ That's correct the C of E it is an interesting organisation with a lot of attitudes and personalities around the country, many with different views. One may take one approach and believe it's their decision, and others will take guidance from the national Church.

ACC So it would be correct to say that if it were say Whitley or Burnley (random examples) it might be that the Diocesan registrar would have no obligation to report this even?

PJ Correct.

ACC There appears to be no individual who goes out looking for these cases to ensure a consistent policy.

PJ No: the one person who's had the most consistent involvement is me. I have been dealing with them since 2004: they are claim led instructions.

It's only been within last few years, where there have been allegations against Bishops who are not insured, that there has been a need for the National Team to step in and get involved. Graham Tilby was appointed in 2015: before then there had been one national safeguarding person for the C of E and Methodists.

ACC On 11 April 2014 you received a letter making Carol's claim and containing some detail. That came from Tracey Emmott of Emmott Snell. How did they come to be involved?

PJ They deal with abuse related claims. They copy me in as they know I will send it on if appropriate to Ecclesiastical.

ACC What was the immediate action?

PJ I already knew about the potential claim. So I would send on to the MC and SS and ask how they want me to proceed. Because of ongoing conversation around Bishops' liability I knew it wouldn't be covered by Ecclesiastical.

ACC CP safeguarding sent a letter on 16 April 2014 and emailed to you and others including the Bishop of Chichester, and Bishop of Durham, why?

PJ The Bishop of Durham is the lead in safeguarding officer although has subsequently stepped down.

ACC Who is J Rees at Winkworth?

PJ Provincial Registrar and legal advisor.

ACC At some point you had a conversation about what level of inquiry should take place. We have a civil claim, civil standard of proof and a Church that is covering itself in sackcloth and ashes because it wants to be honest and transparent.

PJ I agree.

ACC What kind of investigation did you advise into the facts, and instruct to carry out?

PJ The investigation at this stage of the proposal is to have a meeting to share such information that already exists. I was aware that Colin Perkins certainly had had contact with Carol but the purpose of the meeting was as such to share information and where matters were going to go thereafter.

ACC What methodology was used to try and ascertain if the claim was true? And to analyse the correspondence which had been received including earlier correspondence, to assess the credibility of claimant?

PJ In general terms obviously if you've had an allegation and there had been a criminal conviction, this is the easiest type of case. The hardest cases are those like this where the individual is dead and we can't ask questions directly. One looks at what contemporaneous evidence there may be in terms of allegations of abuse - often nothing has been recorded. Have there been any other allegations? Was the individual at the said location at the relevant time, were they or are they the Vicar in that Church even? Is there evidence that the claimant was where they say they were and is there any medical evidence? And other records where appropriate social services, education psychiatric report.

I never get to meet the claimant: it's always done through the claimant's solicitor. There is an element of claimants' solicitors doing a sifting process – some firms better than other. Of course, that is not the determining factor, merely a consideration as to who's provided the evidence.

ACC By 2014 well before the ultimate statement was issued we have a controversy about whether one should name living public figures against whom nothing has been proved and indeed dead public figures.

PJ The rationale applies whether they are high profile or not.

ACC I'm wondering if anybody was instructed to carry out investigation as to background information, other than the fact that the person Carol visited worked in the Bishop's Palace – e.g. a retired senior officer/ inquiry agent to inspect visitor books, electoral roll, find out who was still alive – like the now 96-year-old Canon Carey. Questions such as was there anyone else alive who lived in the Bishops Palace during the dates in questions and were there any further complainant children? In other words, was there any supporting or contrary evidence?

PJ I did not undertake any investigation. I was told that all records have been considered in Lambeth Palace and in Chichester. Lots of information there. My understanding was that inquiries into documents had been undertaken.

ACC Was there a wider investigation?

PJ No I wasn't aware of a wider investigation.

ACC Would or should you have advised there to be?

PJ It depends on the letter of claim, and what information there is. I have conversations with relevant bodies to find out what they've investigated themselves.

ACC Have you ever had a statement from Canon Carey? I'm puzzled that those in the Core Group (who I'm going to meet with) did not raise this: why they took no steps that would have led them immediately to Canon Carey; and why no inquiry was carried out to determine if Carol was or wasn't telling the truth?

PJ My inquiries concerned her.

ACC I referred earlier to [ ], a woman who has come forward. Supposing that when questioned she made a statement detailing that she lived in the palace and spent an awful lot of time there, frequently encountered GB, who was nice but aloof in the 4 years she was there as a little girl. Absolutely nothing improper occurred, indeed happiest 4 years of her young life. If that statement had been available, do you think that might have made a difference?

PJ It would have been something that obviously would have needed to be considered as part of overall evidence. From other experiences, just because one person didn't have something happen to them, it doesn't mean it didn't

happened to someone else. It would have been something that was taken into consideration.

ACC Evidence doesn't stand in isolated pieces. Let's suppose she were to give evidence, and suppose that Canon Carey gave evidence of the Bishop's proper behaviour towards children, would that lead to one trying to find other witnesses via a call for evidence from children who went to the palace, of whom some will still be alive? One might have a very different picture because one might have evidence to suggest he behaved properly always. We are dealing with a single complainant, whose original complaint was that she was sexually assaulted, and that she wanted compensation.

PJ If lots of people say at party and nothing happened we can't ignore them. But, it's hard to do a call for evidence without naming GB.

ACC A call for evidence didn't happen? On reflection do you think it should have?

PJ In any civil claim it's a balancing exercise, particularly in abuse claims. Here we were looking at legal causation and quantum, looking at several issues that can't be seen in isolation.

In any abuse matter if it is proceeding to a civil court, then they will look very carefully at what is being said. The majority of civil claims relating to abuse have been more focused upon the legal arguments as to whether someone is an employee, limitation and other legal issues. Off the top of my head thinking about it, Patrick Raggett's case involved an examination as to whether the abuse had occurred; C v D (Ealing Abbey) is a reported case that involved assessment of whether abuse had occurred.

ACC The Church obviously wanted to settle this case. What would have been the consequence of refusing to settle? Was there any discussion about costs? What was Carol's financial position so far as fighting the case was concerned, if you refused to admit liability?

PJ April 2014 was around the time funding considerations changed in connection with No Win No Fee. Carol's claim might have been on a NWNF with insurance policy. If she took out an insurance policy on NWNF and only paid the premium, there is no financial risk. There would have been consideration of merits.

ACC Supposing that liability had been denied what would have happened? There would have been a trial on the face of it?

PJ We might have denied liability and nothing further might have happened. However, that was not my impression. At the other extreme there could have been proceedings all way though to a trial; third possibility could have been

that Carol decided to go to the press – she was free to do that. You have to tailor the response to the action taken.

ACC What advantage would there be for her in going to press?

PJ Some claimants will say I'm going to go to the press because of the reputational damage it can cause to the organisation.

ACC Supposing there was a trial what more damage would have been done through a trial rather than settlement?

PJ More detail in public domain. My experience is that they like to report the salacious material, and not report, or give a small paragraph to, the outcome. I think there would have been much greater publicity. The other option available to the Church was to settle with no public statement.

ACC With a confidentiality agreement?

PJ My advice is that they are not easily enforceable. The majority do not want publicity.

My understanding from meetings I attended was that the Church were very concerned with being transparent and open and not attempting to pay money as hush money and cover things up.

ACC Back to my question, given the way the statement was phrased it is argued to me that the statement left a clear impression that the Bishop was an abuser, possibly a serial abuser, and regarded as a stain on the C of E. Given his prominence, his reputation was damaged as much as if a judgment had been made against him.

PJ If there was a trial there was likely to have been more information in the public domain.

ACC A trial would have had to be a merits based examination, including any police investigation if there was one.

PJ It's a balancing exercise whether to go to trial or seek to settle at early stage. A number of factors are considered including economics.

ACC Police were informed and carried out some investigation. You had direct contact with the police?

PJ Direct contact was made with the police by Chichester diocese not me.

ACC You saw the interview with Carol?

PJ Her solicitor sent me a copy.

ACC The police said the material was such that they would have questioned GB under caution and arrested him? Anything wrong about that?

PJ Well I would've expected them to have interview him.

ACC Arrested?

PJ Might have moved to arresting.

ACC Did you have any contact with the police about their assessment?

PJ No Colin Perkins was having contact with the police.

PJ Some core group meetings I wasn't at. I was slightly surprised at the desire to make a public statement. There had been some suggestion that Carol had wanted one. Tracey Emmott, Carol's solicitor, said at that stage that she didn't.

If they instructed me to make a settlement, as would be made as in an awful lot of cases, that would be the end of it. End of my advice.

The decision about putting the settlement into the public domain is not something I had seen before. The C of E was clearly very keen. It was discussed at length with comms people and within the core group.

ACC Obviously had been dealing with Church comms. Can you recall anything like this having happened before?

PJ Clearly there was an ongoing comms about Bishop Peter Ball.

ACC Who was alive and pleaded guilty.

PJ Concerning the national Church/ various different departments, there were many communications about whether the statement should be from Chichester rather than national Church.

ACC Why did they not say? - The Church regrets that this complaint has been made. Bishop GB has been dead for 50 years. There has not been proof that he committed any offence but there has been a complaint. This has been settled for economic reasons.

PJ I have a feeling that the message would have been giving the impression that Carol hasn't been believed.

ACC The message that was given was that Carol was believed and that the dead Bishop did it. Isn't that what the media read from the statement?

Let's return to something you said earlier about confidentiality clauses in settlements. In many cases such a clause is effective because the claimant

wants the money and doesn't want to lose the moment. So why not suggest settlement with a confidentiality clause?

PJ I wouldn't ever suggest a confidentiality clause unless my clients said they really wanted it.

ACC What if a serious allegation cannot be proved to the civil standard?

PJ Sometimes some firms that will adopt the suggestion of a confidentiality clause will only advise their client to accept if you pay them more money.

If in this situation I had been instructed to ask for a confidentiality clause, it would have been offered. I wouldn't suggest it, they cause more harm than good.

The majority of claimants don't want publicity.

ACC Supposing what was offered was a settlement without confidentiality but without any suggestion that the Church would make a statement?

This was a case in which the public statement appeared entirely voluntary as Carol's solicitor never asked for it. Do you agree there was a reasonable prospect of the case being settled and that would have been that?

Yes. The voluntary statement was part of the Church of England's policy effort to send the message that they are transparent about abuse issues. You only have to look at the Henriques report to the MPS Commissioner, which discussed police challenges, because if you publicise other parties may come forward and there are pros and cons of doing that. Had the Church not come forward with the statement I don't think there would have been publicity. I may be wrong. Different claimants choose to do different things at different times.

ACC There were two psychiatric reports. It appears to me that the two reports were based on entirely different instructions. Dr Judith Freeman [DJF] appears to be founded on the premise that she should take what Carol said as true, with no analysis as to whether the complaints were true?

PJ I don't know what was instructed.

ACC Whereas Professor A. Maden [PM] considered the issue of truth and placed doubt on whether the allegation was true. Both are very reputable. Reliance seems to be placed by the Church on the assertion that both psychiatric reports support the proposition that the allegation is true.

PJ He makes the point that there was a considerable passage of time, and refers to challenges around false memories. However, he notes that the claimant is of good character. My interpretation on his report and the other was that we

come down more on the claimant's side, if this were to go to trial. I was of the opinion the claimant's evidence is more likely than not to be accepted, rather than a case of no doubt here.

ACC There could have been significant cross-examination of Dr F on false memory, founded on PM's report.

I've not found anything showing there had been any real analysis by the Church of the two reports.

PJ I commented in my reports on those reports and the reports were also sent.

ACC You wrote about the referral to DJF [Dr Freedman] and there is no suggestion that DJF had questioned the credibility of this claim on the basis of false memory and so on. When you obtained PM's report, was balancing advice given? You certainly refer to PM report subsequently: 7 November 2014.

File note 2 page 243 of 501, in which in a number of bullet points you make an analysis of what PM says. Page 246, you send MC the medical report with your letter of 03 March 247. You say that PM does not specifically say he doesn't believe her. You conclude that it's more probable than not that a court would believe her. Why did you come to that conclusion?

PJ As much based on knowledge of previous claims, on her having written and written again, of her consistency, and the overall opinion of her if you set aside the possibility of false memories. I assessed that she would come across as a genuine witness - on my overall experience of these cases and what I saw before me, it was more likely than not that court would believe her.

PJ The pendulum has swung. So many members of Chichester Diocese have been convicted and this is out of proportion to any other Diocese. Those people in Chichester have lived through an awful lot. National Church has very much been finding its way. When safeguarding team was one person, things were not getting done that outside world would have expected. All in context of wider issues. If it went to trial, I still think the claimant would have been believed. Would have cost a lot more money. Clearly could have been agreed without confidentially agreement and without media. Decision and desire to put voluntary statement to media. Part of Church not understanding the civil process. Lord Carey raised this in House of Lords debate.

## Extracts from Notes

### Meeting with The Rt Revd. Dr Martin Warner, Current Bishop of Chichester on 01 February 2017

ACC Was there any debate about whether Prof Maden's views might influence first how you settle the case and secondly whether even if you did settle the case it should be made public?

BMW Yes, I think the person who was most attentive to that was Gabrielle Higgins but I think in the end what swung our decision was acceptance that it would not be an open shut case, that if contested we could not be certain that we would be successful.

ACC Now that's really important, your recollection was the reason the case was settled, was because you could not be certain that you would be successful?

BMW Yes we were advised that we were likely to lose.

ACC More likely than not? So on the balance of probabilities.

BW Yes that was the advice.

ACC What consideration was made to offering a confidential settlement to the case?

BMW That was discussed the concern there was first of all that we could not acquire it in terms of a confidentiality clause. We were at that stage just newly out of visitation and this was something that had been noted by them. So the idea we would settle with a gagging clause was not favourable.

ACC So this was a matter of policy and not a matter of law.

BMW Yes a matter of policy.

BMW Secondly even if we thought we had wanted to, because of the very serious reputational damage that we recognise, we weren't certain that we could depend on the claimant's solicitor not to release the information. We believed very strongly that to settle and say nothing and then be revealed, would undo the work that we had been careful in building a reputation of honesty and transparency.

ACC Was it ever suggested to you that although the claim had been made if it was denied then the claimant might not be able to afford to proceed, she might not have the support in legal costs.

BMW The questions of costs was raised, I don't recall we ever discussed that aspect specifically my view is that we would similarly have said, that if we were to deny the claim on the basis that the claimant could not afford to pursue it but who could then publicise what we had done, would be hugely damaging in terms of our claim.

ACC The statement left the impression that he'd done it.

BMW It was the media who branded George Bell as a paedophile.

ACC Yes.

BMW That has been recognised. I would accept that what we intended to do, to make it clear without liability there was not communicated with clarity. The other thing is that it was presenting the Church of England as alive and attentive to allegations.

ACC Do you know the extent as to any investigation into the facts? For example do you know to what extent Canon Adrian Carey was consulted or approached?

BMW This was an area of failure in that we didn't know of his existence at the time of settlement and the press release we didn't know of existence of a distant relation. Going back Eric Kemp's notes, they already suggested then that there was no living relative to be consulted- but is a failure in our investigation.

ACC I don't know (at this stage) if what I have received is truthful, but when it was announced that I would be conducting a review I received a letter by post from a woman living in California. This woman described that her adoptive mother was the cook at the times in question and lived with her mother in palace. She spent a lot of time in years 1948-1952 and had a reasonable amount of contact with the Bishop. He was described as not particularly sociable, but there she was a little girl of the age we are talking about. Bishop Bell behaved with perfect propriety to her throughout. There's no reason to think she's not telling truth. She wasn't very difficult to find, and was not heard of until this process. If she had come forward earlier, following vigorous enquiry- could it have made a difference to the decision?

BMW Of course I haven't seen her evidence, but certainly I think. It could have done, of course it could have done. I would say that the discovery subsequently is an indication of a failure, a flaw in the process at that point. That is so.

ACC If you had something at the head of your wish list, that you think the Church should have learnt from this, what would it be?

BMW I think, well the benefit of hindsight is a marvellous thing. I think one could achieve the end of the goal of transparency, which we understand is important publicly, in ways that indicate moral complexity when facing choices. I think if we were to roll the clock back to say we were to settle and not announce would lead very quickly to allegations of cover up. The pendulum has swung now with George Bell and other cases etc. I don't want to just catch the fashion or the mood of the moment. I think what we've learnt is that transparency is a very difficult commodity/virtue to nail and I would want to look more carefully at how we do that.

ACC So the words really matter.

BMW The words really matter, and the scope in which you set, setting the context in which you make the statement. I think because of hindsight it's very difficult to re-read the situation. I don't know whether it would have been possible to do anything different.

ACC Where you content with the statement?

BMW As a statement that drew together the three key players, I felt it was the best statement we could get. I also felt it left me with enough room to be able to make a pastoral statement in the diocese of the local statement that was not in any way undermined.

ACC Do you think you should have been member of Core Group?

BMW I had access, so I didn't feel excluded from it but I couldn't give the time to be at every meeting. But I certainly didn't feel excluded from it.

## Annex J

### Extracts from House of Lords debate 30 June 2016

**[In italics, the section in Lord Lexden’s speech directly dealing with Bishop Bell]**

Historical Child Sex Abuse

30 June 2016

Motion to Take Note

11.39 am

Moved by

Lord Lexden

That this House takes note of the case for introducing statutory guidelines relating to the investigation of cases of historical child sex abuse.

Lord Lexden (Con)

My Lords, I sought this debate because of the deep public disquiet that has arisen over the manner in which a number of allegations of historical child sex abuse have been investigated. Public concern tends to be at its strongest in relation to instances of alleged child sex abuse, to which this Motion refers, but of course it ranges beyond them to other cases as well. It is unlikely that concern will diminish until action is taken to provide reassurance.

The number of historical allegations under investigation rose sharply following the discovery of the foul Savile crimes. Much police time has been and continues to be devoted to them. In September 2014, a quarter of the major incident detective team of Greater Manchester Police was working on cases of alleged historical abuse. There are a large number of suspected offenders to be investigated. Some will be innocent, others will be guilty, but it can often be extremely difficult to determine where the truth lies.

The difficulties and the damage that is done if they are not successfully addressed have been most usefully highlighted in an authoritative recent report produced by three academics and published by the Centre for Criminology at Oxford University. The report is entitled, *The Impact of Being Wrongly Accused of Abuse in Occupations of Trust: Victims’ Voice*. The victims in this context are of course those who were wrongly accused. The report documents the distress that has been inflicted on many men and women from all walks of life and backgrounds—people whose voices are rarely heard on the national stage. Here they speak of loss of income, unemployment, family break-up and mental breakdown.

The report leads us to the heart of the matter with which this debate is concerned. It notes a cultural shift towards believing allegations of abuse, adding that the presumption now is in favour of believing those who present themselves as victims. It notes, too, that some reports assert that victims' accounts are being accepted at face value as evidence of the guilt of the person accused, with little attempt to find corroborating evidence. It is but a short step from such practices to the diminution, if not the reversal, of that most basic of our rights: that we are innocent until proved guilty. Is there a danger that that step might be taken in relation to the investigation of historical sex abuse allegations?

Indeed, it seems that it has in fact been taken in some police forces. The Metropolitan Police's website proclaimed last year that:

"Our starting point with allegations of child sex abuse is to believe the victim until we identify reasonable cause to believe otherwise".

This month has brought a powerful reminder of some of the principal causes of the disquiet that has arisen. Sir Cliff Richard has been told that he is not to face charges arising from the investigation of allegations relating to purported events going back more than 30 years. The allegations were made two years ago in a blaze of publicity created by the police and the BBC acting in grotesque collusion before he had even been interviewed. Such a media circus should never have occurred. Could it have been the fact that the initial complainant was aged under 16 at the time of the allegation, which created the temptation that led these two public organisations to take action at Sir Cliff's expense? How can we ensure that nothing of this kind happens again? Sir Cliff has spoken movingly of the harrowing distress that he endured during the two years that he had to wait to hear his fate, which was that "insufficient evidence" existed on which to bring charges against him. His innocence has not been fully and unambiguously restored.

Those of us in political or parliamentary life will never forget other astonishing police behaviour. The manner in which Field Marshal Lord Bramall was treated shocked us all, as did the distress inflicted on Lord Brittan during his final illness and the additional pain suffered by his much-loved wife after his death. The sight of a senior police officer standing outside Sir Edward Heath's former home in Salisbury and exhorting those who had allegations to make to get in touch will not fade from the memory.

Nor we will forget the ludicrous, large-scale police operation undertaken on the word of a fantasist to track down a murderous ring of paedophile politicians in Dolphin Square, London. Just a little light research would have shown that much the same story, minus murder, had been manufactured 20 years earlier. I myself was given a role in that first fable.

It does not follow from all this that allegations of historical or recent sex abuse should be investigated with a light touch. Stringent and thorough inquiries must be made to

punish evil deeds committed in the past, but is the fundamental principle of innocence until proven guilty entirely safe? Dame Lowell Goddard, whose inquiry will be of such importance, referred recently to the balance which must be struck between encouraging the reporting of child sex abuse and protecting the rights of the accused. It is not evident that all our public authorities are striking the balance correctly today.

*This point has been borne in upon me forcefully by the case of Bishop George Bell, which suddenly came to public prominence last October. Indeed, I think it deserves even more prominence than it has so far received, in view of the stature of the man accused and the manner in which a single, uncorroborated allegation of child sex abuse against him, stemming from purported events more than 50 years ago, has been dealt with by the Church of England authorities.*

*Born in 1883, George Bell has been described as,*

*“the one undeniably great figure”,*

*in the 20th-century history of the Church of England. He was Bishop of Chichester for nearly 30 years until his death in 1958, bringing fame to that diocese as his reputation grew. But for the public controversies that his monumental work at home and abroad aroused, he would almost certainly have become Archbishop of Canterbury in 1944.*

*His interests were astonishingly varied. He was a patron and friend of, among other creative figures, John Masefield, TS Eliot and Gustav Holst. He was one of the first and foremost leaders of the ecumenical movement after the First World War. He was, for some 20 years, a Member of this House, where some of his major public pronouncements were made and where he was held in the highest respect. He was continuously involved in combating injustice and suffering in Germany before and during the Second World War.*

*Before 1939 no one did more to sustain and defend German Christians and Jews of all kinds in the face of Nazi persecution. During the Second World War he led the protests against the bombing of entire German cities which visited punishment on both the just and the unjust. This brought him much criticism, but no one questioned the deep Christian integrity of this saintly man. He said in 1943:*

*“The Church has still a special duty to be a watchman for humanity, and to plead the cause of the suffering, whether Jew or gentile”.*

*A great life is the subject of much study after it is over. In this generation it has been closely examined by Dr Andrew Chandler, a leading historian of the Church of England, who recently published an outstanding new life of Bishop Bell, drawing on his vast archive at Lambeth Palace. Everything that Dr Chandler has examined reinforced the view that this was an unblemished life, a model in every respect of what a great Christian leader should be, in private as well as public affairs. How can*

*a bishop retain his greatness if he is found guilty of a cardinal sin? Here, surely, is a man who has a special claim to the most careful treatment if posterity should ever have cause to doubt his virtue.*

*Reason for doubt did arise, first in 1995 and then again in 2013. Investigations since then, conducted in secret by unnamed experts under processes that are unknown, led the Church to the conclusion that it should settle a civil claim arising from a single allegation of child sexual abuse in the late 1940s and early 1950s. Compensation was paid to the anonymous complainant in the case, whom the Church refers to as “the survivor”. A statement announcing what had happened was issued last October.*

*I am a member of the George Bell Support Group, composed of distinguished QCs and other lawyers, Members of both Houses, academics and senior Church figures. The group published a report on 20 March, after examining in detail the processes that led to the Church’s statement last October. We called for an inquiry into the allegations against Bishop Bell. The Church authorities have not replied to the report. Two days ago, however, they announced an independent review into the case.*

*I look forward very much to the information that the right reverend Prelate the Bishop of Chelmsford will no doubt provide about the review in his contribution to this debate. I hope he will be able to answer a number of key questions about how the review will be conducted. First, will the reviewer have legal experience relevant to child abuse cases? Secondly, will the review be willing to receive written evidence and submissions? Thirdly, will the review acknowledge that the burden of proof in civil proceedings rests with the claimant? Fourthly, what provision will be made to prevent the exercise being no more than a review of the processes set out in the Church’s practice guidelines which led to the statement last October? Fifthly, will the concerns raised by the Bell group’s report be addressed?*

The occurrence of a series of highly controversial and disquieting investigations in both Church and state in recent years must lead us finally to question the adequacy and effectiveness of the guidelines that the police and the Crown Prosecution Service have produced and use. The College of Policing has devised what is known as authorised professional practice guidance which sets out how the results of an investigation are to be evaluated. The Crown Prosecution Service has produced guidelines under which consultation is advised between the police and the CPS at an early stage in large and complex child sexual abuse cases—something which should surely occur as a matter of course.

Then there is College of Policing guidance on managing such complex cases. It has some significant features. They include,

“media interest and its impact on an investigation”,

and the avoidance of action that would involve trawling for witnesses. As regards the media, where such intense concern has arisen, this official guidance states that,

“save in clearly identified circumstances, or where legal restrictions apply, the names or identifying details of those who are arrested or suspected of a crime should not be released by police forces to the press or the public. Such circumstances include a threat to life, the prevention or detection of crime or a matter of public interest and confidence”.

I am not at all confident that that advice is entirely clear. It certainly seems to provide unduly wide scope for media intrusion on those under investigation. The guidance could usefully be reviewed in the light of what has happened in recent years. Many would feel that an explicit ban is needed on the deplorable media stunts in which the police have been involved and on sustained, irresponsible trawling for evidence. The House of Commons Home Affairs Select Committee has recommended a prohibition on naming a person suspected of a sexual offence until they are charged.

Perhaps what we need most of all is a clearly written and readily comprehensible code of conduct, perhaps with statutory backing, for the police and public authorities investigating allegations of historical abuse: a document wholly free from the impenetrable jargon that so many parts of our public service have come to love, and readily accessible to the public it is designed to serve. At the heart of such a code should be the firm reassertion of that basic and precious principle, the presumption of innocence. I beg to move.

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The Lord Bishop of Chelmsford

My Lords, I, too, thank the noble Lord, Lord Lexden, for bringing this debate before us and for the considered and careful way in which people have made their contributions. I agree with the noble Lord, Lord Cormack that this House has an important part to play in setting our moral compass on the issues we are discussing.

I wish to make it clear that I and the Church of England welcome the introduction of some statutory guidelines for responding to historic allegations. As we in the Church are acutely aware, this is a difficult and sensitive area, so responding well to such allegations is extremely important. If there was statutory guidance on such cases, it would be easier to respond well and consistently. That said, we are all aware that the Independent Inquiry into Child Sexual Abuse may make relevant recommendations, and it might be that the Government wish to wait for them before issuing guidance in this area.

The noble Lords, Lord Lexden and Lord Dear, the noble and right reverend Lord, Lord Carey, and others have raised the specific case of Bishop George Bell, and I want to reflect briefly on it. The Church acknowledges his principled and courageous stand during the Second World War against the saturation bombing of civilians and

the extraordinary contribution he made to peace, at no small personal cost. We also acknowledge the very significant part he played in the ecumenical movement. I feel this keenly myself. I served for a short time as a priest in the Chichester diocese and I am one of a small group of bishops who are active in the peace movement, so in a small way by comparison, I have known what it is like to be misunderstood and vilified for that witness. Bishop Bell has been someone from whom I personally have drawn enormous inspiration. It is therefore a very painful blow to me, as it is to many in the Church and in wider society—as has been evidenced by some of the things others have said in this debate—that a man of such extraordinary gifts could also have been so flawed. But the Church, of all institutions, should not find it conceptually difficult that great gifts and talents may coexist with great flaws.

The decision to publish the allegation against Bishop Bell was not taken lightly, but we believe that it was the right decision in the circumstances. The Church, through a safeguarding core group which considered the evidence against him, tested over a period of 18 months the allegations made by someone referred to as “Carol” so far as possible over such a distance of time. Of course, as has been said, the process was greatly hampered by the fact that Bishop Bell and others were dead. Here, I want to thank the noble and learned Baroness, Lady Butler-Sloss, for her speech. We in this House and the Church need to consider very carefully what she said.

It also needs to be said that the core group did have the benefit of legal advice, the views of Sussex Police, evidence about the survivor’s connection with the Bishop’s Palace at Chichester and medical reports. Church staff also examined the Bell papers held in Lambeth Palace Library. The legal advice was that, had the claim been tested by a court, on the balance of probabilities, Carol would have won her claim. In those circumstances, the proper thing to do was to settle the case rather than putting a survivor through the harrowing process of giving evidence. Having settled, the Church had to make the existence of the case known to allow for other survivors to come forward, if there were any, and because of Bishop Bell’s considerable status. If the Church had chosen to remain silent and the information had subsequently come out by another route, the Church would rightly have been criticised for instituting a cover-up and placing Bishop Bell’s reputation above justice for the survivor.

Saying all this gives me no joy at all, but we are hampered in commenting further on the process because of the importance of protecting Carol’s confidential information. We cannot answer many of the points that have been made without revealing information that could lead to her identification. However, the Church remains satisfied of the credibility of the allegation. As is good practice after any serious allegation, the Church has announced an independent review of the process that was used to assess the allegation made against Bishop Bell. I fear that I cannot answer all the specific questions that were asked in the course of this sombre and helpful debate—a debate that, I stress, I welcome—but I will make sure that answers, where possible, are given. However, I can comment on a few points that were raised.

First, it is not for the Church to breach the survivor's confidentiality. She did choose to speak to the press, but that was because some in the George Bell Group had made hurtful comments about her. I need the House to be clear that we are not marking our own homework. The reviewer who will undertake this review is independent. I cannot tell noble Lords who that is, because the reviewer has not yet been appointed.

Lord Cormack

I apologise for interrupting but I would be most grateful if the right reverend Prelate said whether he is willing, with his colleagues, to arrange a private meeting with those of us who have spoken in this debate and who are very concerned about this matter, at which he would be able to say in confidence things he feels unable to say on the Floor of the House.

The Lord Bishop of Chelmsford

I am able to say yes to that for myself; what I am not able to do is speak for those who are overseeing this case for the Church of England. Although I am happy to be standing here and speaking for the Church of England today, some noble Lords will realise that I am the duty Bishop this week and I have not been directly involved with any of these investigations. I am not saying that to distance myself, but I simply cannot speak for others on the question that the noble Lord has raised, though I give him my assurance that I will raise it with those who are overseeing this case.

I now turn to a couple of other things that were raised in the debate. It was suggested that the review might be a knee-jerk response to something that has happened. That is unfair. We are aware of the importance and sensitivity of this case. It also happens now to be standard practice for us to do such reviews when a Bishop has been accused. My own dear friend, Michael Perham, Bishop of Gloucester, was mentioned in the debate. That happened with his case. For the record, I ought to say that it was the police, not the Church that released Michael Perham's name.

Miscarriages of justice happen, people do things wrong and people investigating them get things wrong, but to call the prayerful, careful, sensitive and serious investigation "a kangaroo court" was a really rather unhelpful slur in an otherwise serious and helpful debate. There is a review taking place; it is a review of the process, which will enable us to learn lessons for future cases. New statutory guidance about the handling of such cases would be of great assistance to the Church of England, to many other institutions and to our nation.

Lord Carey of Clifton

Will the right reverend Prelate say something about the independent review? The majority of us who have spoken believe that there has been a miscarriage of justice; is there any chance that the independent review will reconsider the decision that was made by the civil court action?

The Lord Bishop of Chelmsford

It is my understanding that the independent reviewer, who, as I say, has not yet been appointed, nor called for submissions, will review the process. What he or she does after that is a matter for them.

Lord Lexden

I am grateful to the right reverend Prelate. Will he ensure that the Bell group's report is fully and properly considered in the places where it needs to be considered, and that as full a response as possible is forthcoming? It is a most serious and full document, and for it to be set on one side by those to whom it was directed would be a grave and unfortunate matter. I urge the right reverend Prelate to make sure that that process of setting aside the carefully considered report does not happen.

The Lord Bishop of Chelmsford

I thought that I had finished speaking but I am happy to continue if your Lordships wish.

Noble Lords

No.

## Annex K

### Extract from the Henriques Report

#### 'Complainants' or 'Victims'

- 1.11 Throughout Dame Elish's Report she describes a person making a complaint as a 'complainant'. Operation Hydrant guidance describes the same person as a 'victim'. In the MPS and CPS joint response to Dame Elish's 46 recommendations, every recommendation is set out with the word 'complainant' used, whilst the response invariably uses the word 'victim'. This issue requires resolution. I have canvassed it at length with the authors of the Hydrant guidance and with every party I have interviewed during this review.
- 1.12 I have a clear and concluded view. All 'complainants' are not 'victims'. Some complaints are false and thus those 'complainants' are not victims<sup>1</sup> Throughout the judicial process the word 'complainant' is deployed up to the moment of conviction where after a 'complainant' is properly referred to as a 'victim'. Since the entire judicial process, up to that point, is engaged in determining whether or not a 'complainant' is indeed a 'victim', such an approach cannot be questioned. No Crown Court judge will permit a 'complainant, to be referred to as a 'victim' prior to conviction. Since the investigative process is similarly engaged in ascertaining facts which will, if proven, establish guilt, the use of the word 'victim' at the commencement of an investigation is simply inaccurate and should cease.
- 1.13 The authors of the Hydrant guidance strongly oppose this view. Chief Constable Simon Bailey writes:
- 'If we don't acknowledge a victim as such, it reinforces a system based on distrust and disbelief. The police service is the conduit that links the victim to the rest of the criminal justice system; there is a need to develop a relationship and rapport with a victim (particularly in challenging and complex cases) in order to achieve the best evidence possible. Police officers and police staff investigators through their roles are required to deal with the emotional turmoil often presented by a victim and to determine what is relevant to the complaint that has been made. The term "victim" features in important legislation, statutory guidance, the policies of the police and Crown Prosecution Service. To remove this and replace it with the word 'complainant' will have a *significant detrimental effect on the trust victims now have in the authorities and fundamentally damage the efforts of many organisations re-built over the years*'.

1.14 With respect, this is an attempt to justify inaccurate terminology. A criminal justice system that deliberately describes those it serves inaccurately is a flawed system and Chief Constable Bailey's argument ignores the consequences of false terminology. Firstly, it gives the impression of pre-judging a complaint. When a suspect is informed that the victim alleges that he assaulted him/her, the suspect loses confidence in the neutrality of the investigator. It may be said that an interviewer should not use the word 'victim' during an interview. That is impossible in practice, so ingrained in the system is the word 'victim'. Every accused person that I interviewed expressed the view that by describing his accuser as a victim, his guilt had been assumed and thus pre-judged. Secondly, the use of the word is grossly inapt in the case of false complaints. Mr. Bailey, in interview, countered this argument by asserting that only 0.1% of all complaints were false and thus any inaccuracy in the use of the word 'victim' is so minimal that it can be disregarded. I take considerable issue with that estimate of false complaints and will confront that assertion in due course. It should be sufficient to say, at this stage, that since the whole of the investigative process is engaged in the task of collating evidence to determine whether a complaint is true or false, any device which seeks to ignore or minimise that possibility should be put aside.

1.15 The fact that the word 'victim' is used in legislation does not answer the charge that its use is inaccurate and, thus, inappropriate. The Home Affairs Committee of the House of Commons do not use the word 'victim' when the word 'complainant' is available, e.g./ 19;0¥2.015:

'Suspects should have the same right to anonymity as 'complainants'.

*'For years all complainants in sexual cases were referred to in the Crown Court as victims until Senior Judiciary realised the injustice of the practice. In every Crown Court there were signs directing complainants to Victim Support rooms within the Court building. Those signs are now replaced with signs to Witness Support rooms. Legislation is not always perfect .*

1.16 Mr. Bailey's argument, that removing the word 'victim' and replacing it with 'complainant' will have a significant detrimental effect on the trust victims now have in the authorities, is necessarily speculative and, I believe, wrong. I have interviewed as many complainants in my review as I have suspects, and have canvassed with every one of them the use of the words 'victim' and 'complainant'. I have found no support amongst them for the use of the word 'victim'; indeed, quite the contrary. One victim found the description 'victim' to be disempowering and inappropriate. Another said that she was focused on not being perceived as a victim nor perceiving herself as a victim. A third, who was trained as a journalist, said that her training taught her that the word should not be used as it was 'unfair to

a defendant'. Not one complainant spoke in favour of the word 'victim'.

- 1.17 Mr. Bailey's suggestion, that changing a single inaccurate word will 'fundamentally damage the efforts of many organisations re-built over the years', underestimates the powers and high reputations of those organisations with whom I have spent some time during this Review. I have visited NSPCC Offices in Stratford and Camden and interviewed senior staff members. They perfectly well understood the necessity for 'victims' to be called 'complainants' in Court. I have no doubt that they would understand the necessity for the word to be removed from the investigative process. I have interviewed Peter Saunders, of NAPAC, who was, himself, abused in childhood and describes himself as a survivor. My note of his evidence is this:

'To use the word 'victim' implies the crime has been committed. It is a tough one and language is very important...! don't consider the use of the word 'complainant' before conviction is something that would cause an outcry. Personally, I agree that the use of the word 'complainant' before conviction is the fairest way of referring to an individual before a finding of guilty'.

This is important evidence from a man of the highest standing. I was most impressed by the fairness of his approach and his manner singularly countered Simon Bailey's rhetoric. The NSPCC habitually explain to their clients that in Court they will be referred to as 'complainants' and they accept it as they must. I have no doubt that they would accept a similar explanation at the outset of the investigative process without '*any detrimental effect on trust*' spoken of by Simon Bailey.

- 1.18 It is my judgement, and that of the complainants that I interviewed, that police officers gain the confidence of those who complain of sexual abuse not by the use of false language but by the manner in which complainants are dealt with; namely, by the response to the initial phone call, by an early appointment, by being given a choice of venue for the meeting, a choice of male or female officer, by the manner in which a statement is taken, by receiving regular information and being part of a highly organised professional process that is fair to both complainant and suspect. The complainants I interviewed did not expect to be instantly believed. They wanted their complaints fully and professionally investigated and, only then, to be believed. They expected the difficult questions and were ready to answer them. Complainants expect to be asked why they did not complain at the time, who saw their injuries, did they keep a diary, what has caused them to complain now, and do not anticipate instant belief nor to be treated as if the crime is proven before it is even investigated.

- 1.19 My recommendation that the word 'victim' should be excluded from the investigative process is limited to that process. I was told in interview, by Mr. Bailey's two colleagues, that any recommendation to substitute the word 'victim' with the word 'complainant' would be highly unpopular with the several organisations, mostly charities, that represent victims. I have no ambition to trespass on their territory. I understand that it is far easier to raise money for 'victims' of crime than it would be for 'complainants'. Those charities are outside the criminal justice process. If they believe a complainant is a victim, then they must so describe them. On receipt of a complaint a police officer is in a *very* different position. A police officer has a duty to investigate, as part of the criminal justice process, determining whether or not a complainant is proved to be a victim. Mr. Bailey describes the police service as the conduit that links the victim to the rest of the criminal justice system. I prefer to consider the police service as a critical part of the criminal justice system under an absolute duty to use accurate language.
- 1.20 It is not necessary to set out the dictionary definition of 'victim' to demonstrate how very inappropriate the word is to describe many of those who complain to the police of sexual abuse. Those who continue to contend for the use of the word are seeking to gain an advantage for complainants at the expense of those accused. The accurate use of language should be fundamental in any criminal justice process.

**RECOMMENDATION 1:**

**Throughout both the investigative and the judicial process those who make complaints should be referred to as 'complainants' and not as 'victims' by the MPS.**