

Bishop George Bell

The Independent Review

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Q.C.

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[A] INTRODUCTION

1. In November 2016 I was asked to conduct a Review into the way the Church of England dealt with a complaint of sexual abuse made by a woman known as 'Carol' against the late Bishop Bell.
2. A year earlier, on the 17 September 2015, the Bishop of Chichester had issued an apology to Carol. This was followed by a public statement made by the Church of England ¹. In the same period, the Church paid her damages of £16,800 and £15,000 legal costs.
3. There has been considerable publicity about the case. 'Carol' is not the complainant's real name but is the one I shall use throughout this document. She does not wish her real name to be published. In my view, it is right and required to respect her wishes; this is consistent with the *Sexual Offences (Amendment) Act* 1992 as amended.
4. The conclusions drawn by others from the Church of England's public statement are illustrated by many of the media reports which followed. Bishop Bell has been treated as having been guilty, and the complaint was regarded as being shocking in the highest degree. For example, I have attached an article² dated the 22 October 2015 reflecting this, written by the respected religious affairs editor of the *Daily Telegraph* John Bingham.
5. Shortly afterwards, a journalist claimed in a local newspaper article that she had had contact with an unnamed mental health nurse who had treated '*numerous boys and girls*' in hospital, whom she said had been abused by Bishop Bell. I made considerable efforts to contact the journalist and test the substance of these allegations, but was unable to make contact. I left messages to which there was no response. During the months of my review, nobody has come forward to support the story. Given the circumstances, including the lack of any identification of those mentioned, and the possibility of confusion with others (including Bishop Peter Ball, who is mentioned in several places below), I have concluded that the story cannot be substantiated and I have therefore ignored it.
6. Other than those referred to in that article, no one other than Carol has come forward to make allegations against Bishop Bell. This is despite the widespread publicity which the case has received.

¹ The letter and statement are at Annex A.

² At Annex B

7. Many journalists and commentators have written in support of Bishop Bell. An example, written in January 2016 by Charles Moore for the *Telegraph*, is at Annex C. It represents a body of opinion which has been advocated forcefully to me.
8. In this review there are quotations from emails and letters. Although I have had to edit for legal reasons, I have not corrected any grammatical or spelling mistakes irrespective of the author of the documents. This is because the power or emotion of a document may be lost in correction. I am confident no one reading this review will conclude that inaccurate spelling, grammar or syntax diminish a person's credibility in any way. Also, I have omitted the names of individuals whose identity is not of significance to my review.
9. The purpose of my review is not to determine the truthfulness of Carol, nor the guilt or innocence of Bishop Bell. That does not form part of my Terms of Reference, which are set out in full in paragraph 35 below. Rather, as I have distilled the essence of my task, it has been to examine
 - a. the procedures followed by the Church of England in its various parts,
 - b. the way in which it obtained and assessed evidence in this case, and
 - c. whether it was right to make a public statement of apology and pay damages.

**[B] SUMMARY OF CONCLUSIONS, LESSONS TO BE LEARNED
AND RECOMMENDATIONS**

10. I was asked to look at the way in which the Church of England treated these allegations. As a result, I have considered the process; it was not part of my task to consider the truth of the allegations and I have not done so.
11. I have concluded that the Church of England acted throughout in good faith. It was motivated by a desire to do what it perceived to be the right thing by the complainant.
12. Its actions were informed by history in which the Church has been, at best, slow to acknowledge abuse by its clergy and, at worst, believed to have turned a blind eye.
13. I have concluded that the process followed by the Church in this case was deficient in a number of respects.
14. The most significant was that the Core Group which it established failed to follow a process that was fair and equitable to both sides.
15. It is axiomatic that, in appropriate cases, the Church should be ready to acknowledge sexual abuse committed by the clergy.
16. However, that does not mean that the reputations of the dead are without value.
17. It follows that, even when the alleged perpetrators have died, there should be methodical and sufficient investigations into accusations levelled against them. Where, as in this case, it is clear that the Crown Prosecution Service evidential charging standard (a realistic prospect of conviction) would not have been met, that should be a material consideration in the case.
18. I have concluded that the Church of England failed to institute or follow a procedure which respected the rights of both sides. The Church, understandably concerned not to repeat the mistakes of the past when it had been too slow to recognise that abuse had been perpetrated by clergy and to recognise the pain and damage caused to victims, has in effect oversteered in this case. In other words, there was a rush to judgement: the Church, feeling it should be both supportive of the complainant and transparent in its dealings, failed to engage in a process which would also give proper consideration to the rights of the Bishop. Such rights should not be treated as having been extinguished on death.

19. My **recommendations** are as follows.
20. Core Groups are necessary for the scrutiny of cases, not least in order to ensure that decisions are taken consistently. Each such group should have one person nominated at the beginning as Chair who is expected to chair all meetings throughout. Groups should be established with as continuous and permanent a membership as possible.
21. The Core Group³ should have, in addition to someone advocating for the complainant, someone assigned to it to represent the interests of the accused person and his or her descendants.
22. Core Group members should ensure that they are able to attend meetings, at the very least by conference telephone or video link, but generally in person. If they are unable to attend, there should be pre-selected and named substitutes to stand in for them.
23. For the purpose of making informed and legally compliant decisions, all Core Group members (including named substitutes) should see the same documentary material and other evidence and correspondence. It should be provided to all members in the same format.
24. The whole Core Group must see all relevant material. This must include all items which have the potential materially to support complaints or to undermine them. This is consistent with the legal requirements of disclosure in criminal cases.
25. Proportionate and sympathetic assistance should be given to complainants at an early stage and, if appropriate, their families.
26. However, it should be made clear to complainants that their complaints are not considered to be proved until findings of fact have been made by the Core Group.
27. The Church should assume that complainants are entitled for all time to anonymity, unless they themselves choose to make their identities public.
28. Where the Core Group judges it to be appropriate, a call for evidence should be made, for example in an effort to identify other complainants. Whenever possible, such calls for evidence should not name the alleged perpetrator, but

³ Or any other body with responsibility for deciding a case

may refer to the city/town/parish, type of abuse etc. insofar as is necessary to achieve the objective of the call.

29. Subject to the above, alleged perpetrators, living or dead, should not be identified publicly unless or until the Core Group has (a) made adverse findings of fact, and (b) it has also been decided that making the identity public is required in the public interest.
30. Each Core Group should be assisted by a person who is qualified to give relevant legal advice. Advising lawyers should not be voting members of the Group. Decisions are for the members after taking into account legal and such other expert advice as may be required. A Core Group considering posthumous allegations of sexual abuse by the clergy should include someone with legal experience which must include practical and up-to-date knowledge of criminal law and procedure as it pertains to the investigation and determination of allegations of sexual assault⁴. Whilst the standard of proof for civil claims is the balance of probabilities, where the allegations are of serious criminal offences a full understanding and estimation of the criminal process is an essential piece of information for a case: for example, if there is the clear conclusion that there would have been a criminal conviction, that would simplify the assessment of a civil claim.
31. It is unavoidable that, in the case of posthumous allegations, the Core Group will be required to make findings of fact. Determination of the truth or otherwise of such allegations is particularly difficult. The Church is likely to regard a requirement to find such allegations proved to the criminal standard (beyond reasonable doubt) as placing too heavy a burden on complainants. However, the rights of the dead should not be ignored. Irrespective of whether proceedings have been commenced, the reasonable compromise would be that the case must be proved to the civil standard – which of course is appropriate by definition when there are civil proceedings under consideration. The civil standard requires that the complainant must satisfy the Core Group that, on the balance of probabilities, the allegation is made out: in other words, that it is more likely than not that the alleged perpetrator behaved in the way the complainant alleges.
32. In cases where, following a proper and adequate investigation, they are settled with admission of liability, there should be a presumption that the perpetrator's name will be published together with a description of the conduct concerned (unless the complainant objects on reasonable grounds).

⁴ Someone who is trained in dealing with vulnerable witnesses and who understands what is meant by the “myths and stereotypes” which, historically, have bedevilled the prosecution of sexual offences.

33. Where as in this case the settlement is without admission of liability, the settlement generally should be with a confidentiality provision: there should be a presumption that the name of the alleged perpetrator should not be published, unless the alleged perpetrator agrees that it should be, or the circumstances are held to be wholly exceptional (on reasonable grounds).
34. The Church is currently developing *Practice Guidance*; I urge early production of the promised addendum to deal with posthumous allegations. It should state that there is a duty to disclose sufficient information to the representatives of the alleged perpetrator so that they know the case they have to meet.

[C] TERMS OF REFERENCE

Terms of Reference

35. My Terms of Reference were published and are as follows:

1. Background

- In October 2015, the Church of England released a statement to say that the Bishop of Chichester, Dr Martin Warner had apologised following a settlement regarding allegations of child sexual abuse by George Bell in the 1940s and 1950s. George Bell was Bishop of Chichester for 29 years until shortly before his death in 1958. The response to the announcement has included criticisms of the Church and its handling of the case from a range of individuals.
- The House of Bishops Practice Guidance “Responding to Serious Safeguarding Situations Relating to Church Officers” (May 2015) states;
Once all matters relating to a serious safeguarding situation have been completed, the Core Group should meet to review the process against this and other Practice Guidance, and to consider what lessons can be learned for the handling of future safeguarding situations
- In June 2016, the Church of England announced that it would be undertaking an independent review into how the case was managed and the key processes involved in the decision-making.

2. Objectives of the review

To provide the Church of England with a review which, having examined relevant documents and interviewed all relevant people, ensures that:

1. Lessons are learned from past practice
2. Survivors are listened to and taken seriously, and are supported
3. Good practice is identified and disseminated
4. Recommendations are made to help the Church embed best practice in safeguarding children and adults in the future.

3. Scope of the review

- The review will cover the following periods:
 1. 1995, when the complainant first wrote to the then Bishop of Chichester and the actions taken by the Church of England as a result of this complaint
 2. 2012 when the complainant wrote to Lambeth Palace and the actions taken by the Church of England as a result of this complaint
 3. 2013 when the complainant wrote to the Archbishop of Canterbury and the actions taken by the Church as a result of this complaint
 4. 2013 onwards when the case was managed across the National Church, Lambeth Palace and the Diocese of Chichester, notably via a Core Group.

- The review will consider the adequacy of the responses to the complainant and the subsequent decision-making processes and action taken, in the context of the safeguarding policies and procedures in place at the time.
- The reviewer will be given access to all the evidence pertaining to how the decisions were reached: firstly, that the claim should be settled and, secondly that a public announcement should be made. This will include access to relevant medical information and reports which formed part of the settlement process (with the consent of the complainant).
- The reviewer will call for any material submissions or submissions connected to this case, which will be facilitated through the establishment of a website designated to the review.
- The person or persons undertaking the review will seek to interview key members of the core group and other individuals deemed by the reviewer to be appropriate.
- The review will provide a detailed evidence-based analysis of the responses and decision-making processes concerning the case.

4. Undertaking the review

- The review will be carried out by an independent person who has not had a connection with the case and its management, nor with the Diocese of Chichester.
- The review will be carried out by someone or persons with either extensive legal and/or safeguarding experience of cases involving the alleged sexual abuse of children. A separate specification document will be agreed outlining this in more detail.
- The reviewer will produce a report, relevant sections of which shall be seen by those who directly contributed to the process for comment about factual accuracy, before it is finalized.
- The reviewer will produce an executive summary, which will be published to support the dissemination of learning. The executive summary shall exclude any material which might enable the complainant's identity to be deduced.
- The Church of England will determine whether the full report can be sufficiently redacted or otherwise anonymised to enable its publication without risking disclosure of the complainant's identity.

[D] METHODOLOGY, APPROACH AND LEGAL ISSUES

36. As part of my review, the Church issued a call for evidence at my request. In addition, the publicity surrounding the review brought it to public notice. The results of this are set out in detail below. I have met many connected with the case, one of whom is Carol herself. I regard it as troubling that some of those to whom I spoke were never identified or contacted by the Core Group or the wider Church. In my view it was premature of the Church to have reached a conclusion before actively seeking the widest available evidence about what had happened at the time.
37. I have asked myself about the legal framework which I should apply when considering the facts that I have found.
38. At one extreme would be the requirement for the allegations to be proved to the standard of a criminal trial, in other words that Carol would need to make the Core Group sure that her allegations were true. If they had a reasonable doubt then she would not have made out her case.
39. At the other extreme would be a standard that merely required Carol's allegations to be credible. In the absence of evidence that what she was saying was untrue, then she would be believed.
40. I regard both these extreme ends of the spectrum as inappropriate for an enquiry into serious allegations made against a clergyman who is dead.
41. I believe that the Church would feel uncomfortable requiring a complainant to prove her case to the criminal standard that is to say beyond reasonable doubt. I agree. Nor would this be compatible with the requirements of civil litigation, which is the form of litigation under discussion in this case. However, examination of a case of this kind against the criminal standard is a useful and instructive exercise, as part of an evidence based and thorough decision making process. The Core Group should have understood the Crown Prosecution Service Code Test for a prosecution; namely whether there is a realistic prospect of conviction. The CPS applies the merits based approach, which makes it clear that Prosecutors must make their decisions objectively, impartially and reasonably, according to the evidence, having regard to any defence and any other information that the suspect has put forward or on which he or she might rely; must assume that the case will be considered by a properly directed, objective, impartial and reasonable tribunal acting in accordance with the law; and must not allow themselves to be influenced by myths or stereotypes, by predictions based on the outcomes of previous similar cases or by anything they have heard, read or seen elsewhere. Without this understanding of the charging process, the Core Group was in the dark about

the criminal aspects of the case. I have been told, and have to accept, that several members of the Core Group *'had considerable experience of the criminal justice system'*. Unfortunately, there is no evidence that they shared, let alone harnessed that experience – which is surprising and disappointing.

42. Whilst the reputations of the dead are to be regarded as very important, there is some qualitative difference between having due regard for their rights and the need to protect the living. I have borne this difference in mind.
43. However, as we shall see, in this case the Church adopted a procedure more akin to the second extreme: that is to say, when faced with a serious and apparently credible allegation, the truth of what Carol was saying was implicitly accepted without serious investigation or enquiry. I have concluded that this was an inappropriate and impermissible approach and one which should not be followed in the future.
44. In my view, the Church concluded that the needs of a living complainant who, if truthful, was a victim of very serious criminal offences were of considerably more importance than the damage done by a possibly false allegation to a person who was no longer alive.
45. Whilst understandable and superficially appealing, I have concluded that this approach is wrong in principle, for the following reasons.
46. First, the reputations of the dead are not without value. This applies as much to those who have lived ordinary lives as to those who have been famous. A moment's thought makes it plain that none of us would wish to be vilified after our deaths when we could no longer defend ourselves. Further, the pain caused to those who have loved and respected the alleged perpetrator, on hearing that a shocking allegation has been accepted as true, cannot just be discounted. If one imagines for a moment that the Bishop were one's own father, the point is clearly made. If a system is not good enough for our own fathers, then it is not good enough for anyone.
47. Secondly, there is a serious risk to the Church in making monetary compensation payments to complainants without proper enquiry into the truth of their allegations. I have already said that I have not considered whether or not Carol is a truthful complainant: she may well be. But there is a danger that if it becomes known that the Church will settle such actions, unscrupulous people may see this as a source of easy money.
48. Finally, there is always a risk that the Church, when faced with embarrassing allegations, will wish to settle the action in order to avoid publicity. Whilst I do not suggest that is what happened in this case, it is a temptation which should

be guarded against. It cannot be right that in order to protect the reputations of the living, those of the dead are traduced. On the other hand, the Church cannot be expected to fight costly court actions which it is likely to lose.

49. I have therefore concluded that the Church should have a published standard of proof which it applies in cases of posthumous allegations. Given that in such cases there may often be a claim for damages, the appropriate standard is that applied in civil legal actions. Thus, henceforward, once the Church becomes aware of a posthumous allegation, the Core Group should require the complainant by evidence to establish the truth of the complaint on the balance of probabilities (that is to say, whether it is more likely than not that he or she is telling the truth).
50. Formerly it was thought that this test was subject to variation where serious criminal allegations are made, and this had been reflected in the *Clergy Discipline Measure 2003 Code of Practice, paragraph 200*. However, in *Re S-B (Care Proceedings: Standard of Proof)* [2009] UKSC17 the Supreme Court made it clear that the civil standard should be applied without any variation in all civil cases.
51. Applying the requirement of fairness to both sides, the financial settlement of cases involving posthumous allegations of sexual abuse should be founded on sound consideration of litigation settlement strategy. This may include any of the following:
 - a. settlement with full admission of liability,
 - b. settlement with full denial of liability,
 - c. litigation risk economic settlements, and
 - d. confidentiality requirements with enforceable repayment of damages and costs.
52. If a Core Group has applied the civil standard of proof and reached a finding of fact, then that would give some guidance as to whether or not to settle any court action and, if settlement is reached, whether it is done on the basis that the allegation is accepted as being true or not. There must always be room for the Church to make a pragmatic decision not to contest a legal action where it has a doubt about the truth of the allegation. Such cases can be settled whilst denying liability; where this happens there should be a presumption that there should be a no publicity clause. I understand the Church's anxiety that there should be transparency, and its instinctive revulsion against anything which might be seen as a cover-up. Further, it has been emphasised to me that such clauses may be difficult and unattractive to enforce. Sometimes that may be so, but simply excluding the possibility on a blanket basis is not correct. Importantly, the Church should not put its own reputation before that of the dead unless it is

clear that it is appropriate to do so. In some cases a settlement without admission of liability and with a no-publicity requirement may achieve an acceptable compromise between the need to settle a potentially expensive court action whilst protecting the reputation of the dead. I have no doubt this is what should have happened in this case. There is an innate contradiction between a settlement without admission of liability, as at least technically happened here, and the knowing and apparently deliberate destruction of the reputation of the alleged perpetrator, as plainly happened here.

To be clear, I accept the wisdom and correctness of *Appendix III* to the *Chichester Commissaries' Interim Report 2012*⁵, in which it was said that a confidentiality clause 'should *never be included in any agreement reached with a survivor*'. However, where there is a settlement properly reached on a non-admission of liability basis, the complainant is not a 'survivor'.

The Core Group seems to have proceeded on the basis that they were bound by *Appendix III*. In my view clearly they were not, and should have been so advised.

53. One further matter needs consideration at this stage, which is the weight to be given to the Bishop's reputation.
54. I have outlined in Part A that I have received a number of forceful representations about the good character of Bishop Bell. Many of his supporters regard him as an inspiring man of the greatest holiness and are horrified that allegations such as these have been given any credence at all.
55. I have treated these representations with a degree of caution, accepting as I do that the perpetrators of sexual abuse can be extraordinarily devious, presenting a carapace of piety and respectability to the outside world; and that adverse facts can be concealed skilfully. In other words, the fact that Bishop Bell was (and continues to be) highly regarded by others is not determinative of his guilt or innocence of this allegation.
56. On the other hand, I am troubled by the fact that from careful study of their Minutes the Core Group appears to have given scant, if any, regard to the important issue of Bishop Bell's good character. In circumstances in which, by definition, he was unable to defend himself, the high esteem in which he was held, taken together with the lack of any other allegations, should have been given considerable weight.

⁵ www.chichester.anglican.org/media/assets/file/Visitation_Interim_Report_August_2012.pdf

[E] THE ALLEGATIONS AND THE KNOWN FACTS PROGRESS
PRIOR TO SEPTEMBER 2012

Carol

57. I am constrained in what I say about Carol by the *Sexual Offences (Amendment) Act 1992, section 1*, as amended.
58. Carol her family lived in Sussex until about 1951⁶. She comes from a large family, and times were difficult during World War II. Quite frequently, Carol visited a staff member at the Bishop's Palace. These visits took place at some weekends and during some school holidays.
59. The Palace has a large garden, and several cottages just outside the main house. Carol had access to the Palace.
60. The way of life appears old-fashioned to the 21st century observer. According to Carol, Bishop Bell and his wife were quite formal, in a way that seems more pre- than post-war. There was a full house staff. Bishop Bell generally dressed formally. The atmosphere was that of a serious theologian and clergyman at work.
61. In the paragraphs which follow, I set out the chronology of the allegations made by Carol, but at this stage I merely summarise them. I regret that to some that setting out of the detail may seem gratuitous and I have thought long and hard about whether to include it. I have come to the conclusion that it is essential.
62. Carol described the abuse as follows⁷. Bishop Bell used to say that he would read her a Bible story. He led her down a long corridor to a room lined with books. He sat her on his lap. He started to read to her, and "wriggled". This developed on other occasions to touching, including digital penetration of her vagina. On occasions, he made her touch his genitals. On other occasions he attempted to penetrate her with his penis after pulling her underwear aside. He ejaculated.
63. In the same interview she alleged that Bishop Bell took her into the cathedral, where she remembers him giving her a double-jointed china doll from under a Christmas tree which she thought was for Barnardo's.

⁶ I know considerably more about Carol. The reason that I give no further detail is in order to ensure that those who may know her are not able to identify her.

⁷ This is taken from an account Carol gave to the police on the 1 July 2013, as noted contemporaneously by the police. However, as will be seen, this should be compared with what she wrote in 1995.

64. During the events she described, she alleged that Bishop Bell said the following to her “*This is our little secret: it is God’s wish*”; and that when he ejaculated he would say: ‘*Suffer little children to come unto me*’. He was giving her “*God’s love...you are special*”.
65. These allegations, if true, amount to serious and horrifying criminal offences committed against a defenceless child. They would be the most serious breach of trust imaginable. However, the fact that they are serious does not ipso facto mean that they are also true.
66. She says that at the time she told the person she visited that Bishop Bell was “*interfering*” with her, but that this was rejected as “*telling fibs*”.
67. She moved away when she was about 8-9 years old (probably in 1951) never to return to the Palace.
68. Her life has been a full one. Her mental health has generally been good. She has been examined by two experienced forensic psychiatrists, who found no evidence of any material mental illness or psychiatric condition.
69. Strong views have been engendered by the case. It is asked whether she could or would have made up such detailed and awful allegations. Why would she put herself in the position of possibly having to be cross-examined and accused of lying in court? Would she have invented such detailed and graphic evidence, including the words set out in paragraph 64 above?

Bishop Bell

70. George Bell was born in Hampshire on the 4 February 1883. By 1910 he was student minister and lecturer at Christ Church, Oxford. In 1914 he was appointed Chaplain to the then Archbishop of Canterbury: this was considered a major step for a young clergyman, and a clear indication of future preferment.
71. He married Henrietta Livingstone in 1918. In 1925 he was appointed to the very senior post of Dean of Canterbury. By that time he was an acknowledged theologian with important international Christian connections, and was becoming a noted patron of the arts – later, in 1935, he was to encourage and support TS Eliot in his writing of *Murder in the Cathedral*.
72. In 1929 he was appointed Bishop of Chichester. From that time onwards there were expectations that in due course he would be appointed Archbishop of Canterbury.

73. In the mid to late 1930s he gave strong support to Christians and Jews in Germany. He contributed to the work and survival of noted priests and to the exposure of Nazi atrocities.
74. From 1941-43, as a Bishop sitting in the House of Lords, he condemned the bombing by the Allies of civilian areas. He clashed with the wartime Government by describing the bombing of German cities as '*barbarian*', disproportionate and a crime against humanity. These strongly-held views are said to have led to his being passed over when new Archbishops of Canterbury were appointed in 1942 and 1945.
75. After World War II, Bishop Bell continued as Bishop of Chichester. It is said to be of significance that he was acknowledged by the then Archbishop of Canterbury as the moving force in the immediate post-war years behind a compendium of clergy discipline, which dealt with issues of serious misbehaviour by Church of England priests.
76. He was Bishop of Chichester for 29 years. He died on the 3 October 1958, shortly after retirement.
77. After his death, his already considerable reputation soared. Various institutions and other things were named in his honour. Above all, he was given a 'Name Day' by the Church; this was described to me by current senior clergy as the nearest thing in the Church of England to beatification.
78. No allegations of sexual or other impropriety were made against him during his lifetime. The first allegation was that made by Carol in 1995, 37 years after his death.
79. As I have already said, despite the considerable publicity Carol's case has received, no one else has come forward to make allegations against Bishop Bell. Whilst this is plainly not determinative, I consider its significance in the paragraphs which follow.

Carol's first complaint

80. As stated above it is, in my view, unavoidable that I must set out the detail of the allegations made by Carol. This is for three reasons:
- a. to illustrate the seriousness of the complaints she made and thereby the level of scrutiny they merited; and
 - b. because the seriousness of the complaints appears to have affected the assessment of her credibility; and
 - c. so that those reading this review are able to understand the effect that the allegation had on those considering it
81. On the 3 August 1995 Carol wrote a manuscript letter to Bishop Eric Kemp, then the Bishop of Chichester⁸. In it she said [as written, save for redactions to protect her identity]:

Dear Sir

I am writing because I only think it fair to warn you that after years of torment that I suffered at the hands of Bishop Bell.

Everyone thinks he was a Saint but to my cost I know different. My whole life has suffered because of him and after 40 odd years of keeping it locked up inside me I am going to tell my story and sell it to the highest bidder to gain compensation for something that blighted my whole life.

[...] lived in the house [near the] kitchen. I used to play in there, we also could go through another door into the Bishop's Palace. That's where I first saw him. 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 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 gods special love between my legs till I was anointed with gods 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 penetrate when I was 8 to 9 years but it made me cry as it was painful. I only escaped when we moved away at the age of 10yrs. The abuse either took place in

⁸ Bishop Kemp died in 2009

the Bishop's kitchen or a room he took me to down a passage with lots of books and a large leather armchair.

This is only some of what he did to me.

Yours sincerely

82. Carol told me that she wrote this letter because she had read in the media of cases of abuse, and that at the time things were getting on top of her. She said that her main purpose was to obtain an apology, and the threat to sell the story to the highest bidder was to make the 1995 Bishop pay attention. She never tried to sell a story to the media, then or at any later stage.

83. On the 9 August 1995 a member of staff on behalf of Bishop Kemp [+C], and presumably on his authority, wrote on a copy of C's letter:

Copy to +C at Oulston 9/8

+ C telephoned 10/8

Try to find out more about this lady. Try [.....]

84. Around the same time, there was written on the same copy:

[... 's] parish. [He] does not know her. This is where the council houses problem people

In my view this was an inappropriate comment to have written.

85. On the 14 August a note was written as follows:

+C suggested contacting social services to see if they could tell us anything about [Carol]. Not knowing anyone in Social Services, I spoke to [..] to ask for his advice. He told me that it was unlikely social services would tell me anything, because of confidentiality. He was also concerned because any mention of child abuse might set alarm bells going before we really wanted them to.

He thought it would be useful to check with Social Services in this area and Age Concern what their policies might be in cases of this kind – he would pose the question in a very general way. Michael thought it would be useful to have [.. 's] reaction.

He wondered what (or who) was behind [Carol's] letter.

[] thinks the executors should be informed as they might be able to take out an injunction to prevent [Carol] talking to the Press.

86. The executors of Bishop Bell were informed on the 21 August, but took no action.

87. On the 23 August 1995 Bishop Kemp replied to Carol:

Dear Mrs xxxxxxxxxxxx

I have been away on holiday since the beginning of August and have seen your letter on my return. I take it that the [person] that you refer to was living in the [...] by the [and] was Mrs

I am sorry that you have such distressing memories and if you would like, I should be very happy to suggest the names of one or two people who might be able to help you with counselling. I would suggest also that you consult your parish priest, the Revd, the Rector of St

With best wishes

Yours sincerely

88. On the same date, the 23 August 1995, Bishop Kemp wrote to the parish priest referred to in the previous paragraph:

Dear []

I have been pursuing further enquiries about [Carol].

In her letter she alleges that she was a girl staying with [...] [location described]. I

*have been able to ascertain that the person [concerned] was a Mrs,
..... She had [relatives] living in Chichester but no small children are known to have been in [her accommodation].*

I have, therefore, written to [Carol] saying that I received her letter and had been away on holiday which is why I had not answered sooner. I said I was very sorry that she has these distressing memories and that if she would like it, I can suggest the names of one or two people who would be able to give her counselling. I have also suggested that she might like to consult you as her parish priest.

Her letter to me was dated 3 August and nothing has been heard of her since so we

may find the whole matter dropped entirely.

Best wishes

89. Carol told me that she took the response to her as simply being told to contact her local vicar. She did not find that helpful, and took no further steps at the time. She said that she never thought of going to anyone like the police, a solicitor or an official.
90. Bishop Kemp's letter to the parish priest refers to '*further enquiries*'. Those enquiries appear to have involved the discovery that [the person Carol visited] indeed did work at the Palace – confirmation of basic underlying facts. However, the same letter and other remarks quoted above send the clear message that inaction would probably result in [the preferred option of] the problem going away. This correspondence was not followed by any further action by Bishop Kemp, or by Carol herself.
91. Some context is important in examining this complaint and response. Carol has told me that she felt daunted by it, especially as her complaint was against a senior clergyman, and it was suggested that she might approach another clergyman. I find her response unsurprising. It is noticeable that there was no suggestion of a meeting or other active steps by or on behalf of the incumbent Bishop, Eric Kemp.
92. In general terms, in 1995 sexual abuse of children was sometimes not given the weight and concern it receives today. However, so far as Bishop Kemp was concerned, there were the following factors laid clearly before him:
 - a. Explicit allegations of extreme seriousness including rape; unattractively, it was alleged that there was also blasphemy during the behaviour described.
 - b. These allegations had been made against a person of significant standing in the Church.
93. It is notable that in 1993, the Rt Revd Peter Ball⁹, formerly Suffragan Bishop of Lewes (in the Diocese of Chichester) and by then diocesan Bishop of Gloucester, had been cautioned by the police after admitting gross indecency

⁹ It has been suggested to me that Carol may have confused Peter Ball and Bishop Bell. I reject this proposition as fanciful. Peter Ball was born in 1932, ordained as a Deacon in 1956, and had nothing to do with Bishop Bell or the Bishop's Palace during any material period

with a young trainee monk in his Bishop's Palace.¹⁰ Bishop Kemp therefore was conscious of the importance of such issues.

94. It has become clear to me that Dioceses have a very high degree of independence. This is not unique to the Church of England: in the Roman Catholic Church even single monasteries in some cases are almost entirely self-governing.
95. As a result, there seems to have been no systematic process for dealing with allegations of this type. The process applied was far from thorough and was apparently founded on the presumption that such allegations were most unlikely to be true.
96. I have concluded that the Church did not serve Carol well in 1995, whatever the truth or otherwise of her allegations. As Bishop Bell's successor, Bishop Kemp should have met Carol, or at the very least appointed a responsible person to meet her. He should have set in train a genuine process of inquiry and assessment. I find that the Church failed Carol in 1995.
97. Since then there have been significant changes in procedure¹¹. Between 1995 and 2013 consciousness of the importance of and corrosive consequences for victims of child sexual abuse became more fully recognised. By 2013 some very high profile cases had emerged into the public view from the UK, Ireland, Australia, the USA and elsewhere. Publicity relating to sexual abuse including some in the Church in the Diocese was plentiful, both nationally and locally.
98. In a Diocese-commissioned report in May 2011 the former President of the Family Division of the High Court, Baroness Butler-Sloss, strongly criticised Sussex Police and the Diocese for the way in which they dealt with complaints against two named individuals.
99. In 2012 it became clear that Jimmy Savile, a famous person who had been the subject of public adulation, was in fact a sexual offender on an epic scale.

¹⁰ In 2015 Peter Ball was imprisoned for offences of Misconduct in Public Office, arising from several offences of indecency towards trainee monks.

¹¹ Which are ongoing, as described in the final section of this review.

100. In March 2012 the Acting Bishop of Chichester apologised unreservedly for the abuse which had been dealt with in the Butler-Sloss report of 2011¹².
101. In May 2012 it was made public that Lambeth Palace had sent material to Sussex Police relevant to the allegations against Peter Ball.
102. In August 2012 an Archbishop's Visitation to the Diocese by the then Archbishop of Canterbury, the Most Revd and Rt Hon Rowan Williams, published its interim report. It concluded that the Diocese had an appalling history of child protection failures, and commented that allegations were still emerging.

¹² In a letter from Bishop Mark Sowerby: *'I am very glad that we have now published the full text of the Baroness Butler-Sloss Report along with its addendum together with the Roger Meeking's Report and the Baroness's comments upon it. This is in line with our desire to be open and honest about the cases that have come to light in the Chichester Diocese. I am grateful also to Bishop Paul Butler for the apology he has issued on behalf of the wider Church of England. I should like to underline, once again, the regret we feel in this diocese about past failings and which was expressed in Bishop John and Bishop Wallace's apology to all the victims. The Chichester Diocese wishes to be transparent about the past and to be rigorous and cooperative in its safeguarding today and into the future.'*

+Mark Horsham

Acting Bishop of Chichester

[F] THE PROGRESS OF THE CASE FROM SEPTEMBER 2012

Carol's second complaint

103. On the 1 September 2012 Carol sent an email to Lambeth Palace, in which she reiterated her complaint of 1995. She said:

So you think only boys were abused, in the forties and early fifties the bishop of Chichester on more than 1 occasion he told to leave me with him and he would take me to his library sit in a big chair and sit me on his lap and do things to me like sit me over his manhood and tell me it was god's love. About 15 years ago I plucked up courage to write to the bishop of Chichester he told me to go for counselling at rectory very convenient as the vicar was leaving also I don't trust any clergy they ruin your life and get away with it.at least other churches offer some sort of compensation for ruined childhood by disgusting perverts.

good bye [signed]

104. The Archbishop of Canterbury's correspondence secretary replied on the 3 September:

Thank you for your message, which I was of course concerned to read. The Archbishop hopes that anyone who has experienced abuse will feel able to come forward and report it – their privacy and wishes will be respected. A special helpline has been set up in conjunction with the NSPCC on 0800 389 5344. Victims can also make a report to police.

With concern and best wishes

105. On the 12 October 2012 Carol sent a further email to Lambeth Palace from a new email address, repeating the substance of her 1 September message, and adding that she had not received a reply because her email account had been compromised.

106. On the 15 October 2012 the Archbishop of Canterbury's Correspondence Secretary replied:

Thank you for your emails. I am very sorry that you did not get a reply to the first you sent. There seems to be something wrong with our system; it is logged on as having

been received but I cannot find the actual message. I was of course most concerned to read what you say about the former Bishop of Chichester. Unfortunately, other than the most recently retired bishop, the former bishops of Chichester are all now dead so there is nothing we can do to take your story forward and deal with it. If you feel the need to talk to someone about however, please let me know and I will put you in touch with someone. Meanwhile please be assured of the Archbishop's prayers and concern. And thank you for telling us of this difficult and distressing episode.

107. There was no further correspondence until April 2013. In my judgement, the response by Lambeth Palace, in the correspondence on behalf of the Archbishop, was inadequate.
108. On the 13 November 2012 it was reported that Bishop Peter Ball had been arrested for non-recent sexual offences.
109. On the 4 April 2013 Carol emailed Lambeth Palace again.
110. On the 5 April 2013 the BBC Radio 4 series *Great Lives*, presented by Matthew Parris, featured Bishop Bell in an item with commentary by the journalist Peter Hitchens. The programme described him as the leading Church of England personality of the WWII years, and praised his courage and sense of principle.
111. Having not received a reply to her email of 4 April, on the 8 April Carol sent a further email:

Didant think I would get a reply. It figers. I'm elderly so all through my life I was blighted by my abuse and being a woman Im to be ignored. It is the two faced way of the church you hope by ignoring it will go away but I won't I will keep reminding you.

112. On the 9 April Carol received a short reply, and on the 24 April:

I am really sorry that it has taken so long to reply to your message. We have been inundated with correspondence since Archbishop Justin's Enthronement. I have already been in touch with the Diocese of Chichester asking them to take a look at the files they have to see if there is any information that is helpful. After so long, however, I think it is important to be realistic about what there might still be. It would

be helpful though if you could give us the name of the bishop so that they can narrow the search.

Meanwhile, Gemma Wordsworth, an Independent Sexual Violence Adviser [ISVA], is currently on secondment to the diocese of Chichester. Whilst Gemma Wordsworth is seconded to the diocese of Chichester, she is not working for them, but remains independent. I will copy this message to the diocesan Safeguarding Adviser so that he can put you in touch with Gemma if you wish.

Again, please accept my apologies for the delay in getting back to you. And I hope that something helpful and constructive will come from your approach.

With best wishes

Archbishop of Canterbury's Correspondence Secretary

113. On the same day Colin Perkins, the Diocesan Safeguarding Adviser who had been copied into the previous email, sent an email to Carol as follows:

As the Archbishop of Canterbury's Correspondence Secretary has already said, he spoke to me recently about your email. I am so sorry to read what you have written there. Please may I reiterate the offer that the Archbishop of Canterbury's Correspondence Secretary made in his email, of putting you in contact with Gemma Wordsworth. As I am sure you may have heard about in the media, a number of people over the last few years have come forward to the Church authorities and to the police, reporting being sexually abused by certain clergy in the Diocese of Chichester. Two cases have gone through the Courts already this year, in both of which the clergyman in question was convicted for offences of child sexual abuse. We have another case going through the Courts currently in which similar allegations have been made, and there is another ongoing police investigation as well.

In all of these cases we have been working closely with the police, and in a number of them Gemma has been supporting those people making complaints. She is highly experienced at working with people who are reporting experiences of childhood sexual abuse, and if you feel you would benefit from hearing from her, please let me know and I will ask her to contact you as soon as possible. I hope that you will also keep corresponding with the Archbishop of Canterbury's Correspondence Secretary further about the allegations you have made so that he and I can do all we can to investigate this. Please let me reassure you that we take allegations of sexual abuse by clergy very seriously and will do all we can to look into what you have said.

114. At around this time there was extensive publicity over the activities of a retired Diocese of Chichester senior clergyman, Canon Rideout. In May 2013 he was jailed for 10 years by Lewes Crown Court for sexual abuse carried out at a children's home. In the same month the final report appeared of the Archbishop's visitation, followed by an apology in July: the essence of the strongly worded apology and of the BBC news report of it are reproduced at Annex D below.

115. On the 11 May 2013 Carol replied to Colin Perkins:

Sorry to have taken so long to answer your email but we have been on holiday the bishop was well surely someone could of worked it out with the information I gave lived [] we could go through it into the bishops palace Im beginning to wish Id left it buried but all this in the papers about Saville etc keeps reminding me but in my day If you were told not to lie you kept quiet I think [the person I visited] was afraid of losing her job And the longer I left it it became harder to say anything besides who would of believed me I do want to speak to the lady you spoke of but it will be hard it took years to tell my husband why I was fridged and was not keen on personal contact.

116. Further email contact ensued and Carol had personal contact with Gemma Wordsworth the Independent Domestic and Sexual Violence Adviser seconded to the Diocese. Carol appears to have come to trust Gemma Wordsworth, who at all times has treated her with respect and sensitivity. Gemma Wordsworth was present when I met Carol, at a useful meeting at which we discussed the process in detail¹³. Gemma Wordsworth deserves credit for her care and concern for Carol throughout. She is an outstanding professional who works in a difficult field.

¹³ I did not question Carol as to whether her complaints were truthful, as that was not part of my terms of reference. We did discuss at length the process and her understanding and expectations of it. I have taken her comments fully into account in writing this review.

117. On the 23 May 2013 Carol repeated her allegations in an email to the serving Bishop of Chichester. She concluded:

When I told my [the person I visited] [he/she] told me off, probley frightened of loseing her job. I kept it to myself for years ...

im still after all these years being treated with contempt by the church even your predisess..or said as all concerned were dead to forget it

im not im very much alive but its in my mind every day. The church is and was responcable. They were his employer

its about time someone stood up and was counted I think the church owes me something in the way of compensation for all iv suffered

I don't want just a pat on the hand after all these years

Action taken from April 2013

118. In the paragraphs which follow I make some serious criticisms of the process followed by the Church, and of the decisions and actions taken.
119. In that light, I must emphasise that I believe that, although in my opinion serious errors were made, they were made in good faith, and with the intention of achieving what was believed at the time to be the best outcome. I consider that what happened resulted from oversteer in the direction of what was believed to be the best interests of Carol and of the Church, and without a calculated intention to damage Bishop Bell's reputation. In fact and in reality, his reputation was destroyed in the eyes of all but his strongest supporters.
120. Parenthetically, I need to mention an issue that had for some time been exercising the Church of England centrally and also Dioceses. This relates to costs in cases in which Bishops bore some form of uninsured civil liability for damages. In the Peter Ball case an Opinion was provided to the Chichester Diocesan Board of Finance by a Queen's Counsel: he concluded that there was no Diocesan vicarious liability for the tortious actions of bishops; and indeed there would be an actionable breach of trust if the Diocese were to pay costs or damages in such cases. In April 2014 the same QC provided a further and unsurprisingly consistent Opinion, this time related to the pre-action letter of claim sent by Carol's solicitors.

121. This caused a degree of consternation in both the office of the Church Commissioners and in the Diocese of Chichester. It raised the possibility of Carol's solicitors being told that, if she sued, even if she won her case there was no responsibility for any part of the Church to satisfy any judgment obtained. Of course, this would have been a public relations disaster for the Church.
122. I have seen extensive internal correspondence on this issue. It is sufficient to say that it was resolved, but did cause some delay in dealing with Carol's potential litigation.
123. Following the emails cited above, counselling was provided for Carol by the Diocese for a period in 2013. She withdrew from the counselling in September 2013.
124. On the 14 May 2013 a file was located in a cupboard at the Bishop's Palace containing the 1995 correspondence between Carol and Bishop Kemp, and associated notes. On the 28th May Gemma Wordsworth met Carol for the first time, and made herself available on demand.
125. At this time arrangements were made to access records kept at Lambeth Palace, albeit with no expectation of anything fruitful being discovered (as it turned out, nothing of relevance was located).
126. On the 13 June 2013 the Diocesan Safeguarding Adviser for the Diocese of Chichester, Colin Perkins, wrote to Detective Inspector AB¹⁴ of the Sussex Police, who is experienced in child abuse cases, an email containing the following:

We have received an allegation from a woman, now in her 70s, who says she used to visit the Palace with ... in the 1940s. She has given an account of serious sexual abuse by Bishop Bell during these visits, when she was aged between 7 and 9. We have found a letter from her, dated 1995, when she wrote to Bishop Eric Kemp making this allegation, and she has recently written to the Archbishop of Canterbury. Gemma Wordsworth [Independent Sexual and Domestic Violence Adviser to the Diocese] has met with her recently and we are helping her access counselling. Based on the letter and the account she gave to Gemma, we are of the view that this is a

¹⁴ The Chief Constable of Sussex asked me not to include in my report the names of the police officers concerned. Given that none was of a rank above Inspector, I decided that their names are not material and have acquiesced in the request.

credible account of serious and ongoing sexual abuse against a young child, suggesting that it is unlikely that Bishop Bell only abused this one person.

It is known, for instance, that Bishop Bell had evacuees staying at the Palace during the war, and he inevitably would have had access to many children over the 3 decades of his ministry in Chichester. We have reviewed the small file we have in Chichester and, apart from the aforementioned letter, cannot find any other information regarding allegations. We are going to Lambeth Palace next week to have a look at some of the huge volume of paperwork they have there, although we are almost certain to not find anything.

Would you be able to see whether there have been any other allegations made about him that have come to the attention of Sussex Police? We want to be able to say to the complainant we are talking to that we have looked at every available source of information, but also we would want to see for ourselves whether there is anything else that may be known about Bishop Bell. The Royal Commission of Australia, looking into institutional (including Church) child abuse is going back to 1930 so there is a precedent for looking back this far. If you were able to look at the police's archives to see if you have ever received an allegation about him that would be very much appreciated.

127. On the 18 June 2013 Gemma Wordsworth provided Carol with the name of a solicitor, Tracey Emmott of the firm Emmott Snell. The Diocesan Safeguarding Team thought that Carol was having difficulty facing the possible legal process, and needed to be put in contact with a trusted solicitor with experience of dealing with civil claims arising from sexual abuse. Tracey Emmott is such a person: she has acted for several claimants making claims against the Church of England in its various parts, and is well regarded for her skill in such cases.
128. On the 20 June Colin Perkins spoke to the police, and necessary lines of communication were opened within the Church and externally.
129. On the 1 July, at her own home, Carol met Detective Constable CD, a specialist officer in Sussex, and provided a detailed account. The interview lasted several hours. Carol described her life, and repeated in full detail the sexual assaults which she wished to describe.

130. At around this time the police were informed that Bishop Bell had given major support to refugee Jewish children from the Kindertransport during WWII, some of whom had lived in and were educated in the Palace; and of the possibility that other children who may have resided at the Palace could have been victims of abuse.
131. However, from the police viewpoint this was not a case for a full evidential inquiry or even a call for evidence. By 2013 Bishop Bell had been dead for 55 years, and the police could not have been expected to take the matter any further, because there was no possibility of a prosecution. They had and have received no other complaints about his behaviour at any time.
132. On the 12 December Detective Constable CD from Sussex Police emailed Carol and informed her that DI EF would review the file to establish whether, if the suspect was alive, there would be a realistic chance of prosecution, i.e. would he have been charged with an offence?
133. This was clumsily phrased. DC CD should have referred to '*a realistic prospect of conviction*', the CPS evidential test for a prosecution; and to whether there was sufficient suspicion to justify interviewing the suspect under caution or, possibly, arresting him. A charging decision would not have been made without an investigation and interview, and in a case of this kind the advice and involvement of the Crown Prosecution Service would have been routine.
134. By the 21 February 2014, the position had developed. It was understood in the Church and Diocese that a civil claim was likely. The claim would not be covered by insurance. The view of the Diocesan Registrar Matthew Chinery is contained in an email to the effect that the allegations were likely to be of public interest if/when they entered the public domain: there might even be international interest. The approach of the Diocese was that there should be a culture of openness and transparency. There was a possibility that the case could be made public at any time. Any hint of suppression would be damaging. However, that would have to be balanced carefully against the fact that the alleged perpetrator would not receive a fair trial. A posthumous reputation cannot be considered in the abstract, and there would be family members to consider. Setting the case in the public domain may bring other people forward – which would involve potential financial consequences.
135. Mr Chinery also expressed the view that the case needed to be considered by a wider group beyond the Diocesan boundary. This would need to happen before a settlement of the civil claim if there was to be one, because there would be issues about confidentiality or a public statement which would affect the whole Church.

136. Following the above email and subsequent discussions, it was determined that a Core Group should be established, involving representatives from the Diocese of Chichester and the national Church.
137. On the 4 April the police emailed Colin Perkins. They confirmed that they had interviewed Carol and had reviewed some files at Lambeth Palace. They advised:
- a. the allegations were credible;*
 - b. were Bishop Bell still alive it was probable that he would have been arrested for the matter;*
 - c. they were wary of committing further police resource to the matter because Bishop Bell was dead and therefore there was no active child protection issue;*
 - d. Bishop Bell was not able to defend himself and there was a danger of bringing his surviving family into disrepute based on claims that might be impossible to disprove;*
 - e. the Sussex Police would not be able to assist in the event of the Church deciding to engage in proactive publicity;*
 - f. they supported the current Bishop Dr Warner's view that there should be a meeting of a core group.*
138. The above advice did not suggest that the matter could be proved to the criminal standard – beyond reasonable doubt (not to be confused with the civil court standard, the balance of probabilities).
139. At this point the limited police action effectively ended. Thus, it can be seen that there was no real police inquiry into the case – for example, they told the Diocese that they would not pursue the information that Kindertransport children stayed in the palace during WWII. The reality is that the police interviewed Carol and took a detailed account of her evidence without the obligation so to do. No further police enquiries followed. It is material to what followed that nobody should have been under the impression that the police carried out a full criminal investigation into the case.
140. Nor was any strategic decision taken to attempt to discover whether there were any other complainants along the same lines as Carol. They might have emerged from some research among any of the Bishop's Palace Kindertransport individuals mentioned above; from research as to whether any other children had been living in the palace at the material time (see paragraphs

212 onwards below); from enquiry of any other surviving staff from the palace at the material time (see paragraph 220 onwards below).

141. In addition, no general call for evidence was sent out – for example as to whether any person experienced child sexual abuse in 1945-52 in or around Chichester Cathedral and its precincts and connected buildings. Whilst a call for evidence of this kind might have provoked comment, it need not have identified any individual and might have elicited responses. This is important because the type of abuse described by Carol often (but not invariably) tends to be replicated.
142. Another reality is that, despite mention of the importance of ensuring that the deceased accused person received a fair hearing, absolutely nothing was done to ensure that his living relatives were informed of the allegations, let alone asked for or offered guidance. Nor were any steps taken to ensure that Bishop Bell's interests were considered actively by an individual nominated for the purpose. I regret that Bishop Bell's reputation, and the need for a rigorous factual analysis of the case against him, were swept up by a tide focused on settling Carol's civil claim and the perceived imperative of public transparency.
143. On the 11 April 2014, after previously contacting the police, Tracey Emmott wrote a pre-action letter to the Bishop of Chichester, The Rt Revd Dr Martin Warner. The letter set out a proposed action for damages, with reasons for claiming outside the statutory limitation period (under normal rules 3 years following Carol's 18th birthday). At all times Tracey Emmott pursued Carol's case with a high degree of professionalism and as promptly as circumstances permitted.
144. The test for extending the limitation period, stated broadly, is whether a reasonable person with the claimant's knowledge would have considered the injury sufficiently serious to start legal proceedings at an earlier date. If the claimant had any personal characteristics which might prevent them from acting as a reasonable person would, these could be taken into account by the judge when deciding whether to exercise discretion to extend the limitation period.
145. In the pre-action letter Tracey Emmott wrote the following concerning the extension of the limitation period:
 - a. *The reason for the delay has been that our client did not have the requisite knowledge to bring a claim.*
 - b. *The evidence is likely to be sufficiently cogent for the court to determine the issues in view of the severity of the events and recollection that our*

client has of them. Further, there is ample corroborative evidence and similar fact evidence, as investigated and confirmed by the police.

- c. It is well recognised that disclosure of abuse can occur many years later and is concealed on account of shame, guilt and fear of not being believed.*

146. Reflection on the above includes the following comments:

- a. Carol's letter of the 3 August 1995 displayed explicitly at least some determination to recover compensation – though without reference to a legal claim.
- b. The claimed cogency of the evidence arguably was far from clear. Subparagraph (b) called for a response to the effect that Bishop Bell had been dead for over half a century and that a fair trial would be extremely difficult. The final sentence of (b) plainly was inaccurate – no corroboration or similar fact evidence [evidence of system, similar acts or propensity] was or ever has been produced by the police or otherwise.
- c. Disclosure had been made in 1995.

147. Those reflections in my view required to be considered in the assessment by the Church's legal representatives of the strength of the claim, and whether it should be settled and, if so, on what terms. Whilst in the final analysis the limitation point was not taken, and probably reasonably so, it was sufficiently cogent to remain a factor in any negotiations between solicitors. In my view it was given insufficient attention. This is discussed further below.

[G] THE CORE GROUP MEETINGS WITH REVIEWER'S COMMENTS

148. Conceptually, a Core Group to deal with a case is an excellent idea. As a matter of common sense and good practice, the essentials of such a group should include:
- (i) Membership representing all relevant interests within the organisation concerned.
 - (ii) Clear reference to the Core Group as being the material decision makers.
 - (iii) If legal issues arise, internal and/or external legal advisers.
 - (iv) Consistent chairing and membership, i.e. all members to attend all meetings as far as possible.
 - (v) Clear and well defined terms of reference; and a tabulated proposed programme of work.
 - (vi) Sufficient meetings, if necessary allowing some members to attend online where necessary.
 - (vii) All members to see all relevant papers for every meeting, and in the same format. Decisions cannot be regarded as satisfactory or, possibly even, valid if there is not a fully transparent process within the Core Group – which includes seeing all papers.
 - (viii) An agreed and well-understood process for making key decisions – especially to deal with situations where there is not consensus.
149. On the 16 April 2014 Colin Perkins sent a pre-agreed email to fourteen individuals asking for their availability for an initial Core Group meeting. They were:

The Bishop of Chichester Dr Martin Warner
The Bishop of Durham The Rt Revd. Paul Butler, Chairman of the Church National Safeguarding Committee
The Bishop at Lambeth The Rt Revd. Nigel Stock (who worked directly with the Archbishop of Canterbury)
John Rees, Provincial Registrar
Jill Sandham, of Church of England Safeguarding
Kate Wood, Archbishop's adviser on safeguarding
Rachel Harden, Church communications and PR
Angela Sibson, Diocesan Secretary of the Diocese of Chichester
Matthew Chinery, Registrar of the Diocese
John Booth, on behalf of the Chichester Diocesan Board of Finance
Paula Jefferson, then of DAC Beachcroft, external solicitor advising but not a member of the group
Gemma Wordsworth

150. On the 29 April 2014 the Bishop of Durham sent an email to the members of the Core Group:

Dear All,

At the meeting of Archbishops & Diocesans Archbishop Justin decided that he should inform those gathered of the possibility of the name of the person concerned becoming public in due course.

In the light of the Cyril Smith case I am also increasingly coming to think that there should be a release of the name. It is also worth reflecting on the Max Clifford case where all bar 1 (I think) of the offences for which he was found guilty only came to light after the public notification of the 1 offence.

However before doing so we would need to be very clear about potential support for any relatives who might be affected, reporting mechanism for any potential survivors coming forward, and how those who would want to defend him might have a voice (since he obviously could not do so himself).

It would set a precedent so it might be that whilst the meeting on 9th should only focus on this case those of us who would need to be involved in a wider discussion might need to set it up for soon afterwards.

151. The **first meeting** occurred on the 9 May 2014 in London. Gemma Wordsworth (who was on maternity leave) and the Bishop of Durham were not present. The Bishop of Horsham, The Rt Revd. Mark Sowerby, was present. The meeting was chaired by Jill Sandham.

152. There was a full discussion at the meeting, ranging over several subjects:

Written summary

Colin Perkins had prepared a written summary, which was circulated and read. It was revealed that the 1995 correspondence had been found in a cupboard in the Chichester Bishop's Palace.

Merits of a Public Announcement about the case

The question was asked whether there should be public announcement of the issue at that stage. The group was reminded that Canterbury Cathedral had plans to commission a statue of Bishop Bell, and that he may be featured in work being done on behalf of the Holocaust Commission. Plainly, a public announcement would have a major impact. Carol was not pushing for public disclosure, but would be unlikely to oppose it. Bishop Bell's descendants were discussed and it was noted that *'there may be extended family'*. Paula Jefferson spoke of the solicitor Tracey Emmott's experience, and expressed the view that Tracey Emmott at that stage would not put

the case on her firm's website and that it was unlikely to be concluded in less than six months. Matthew Chinery did not want any part in preventing the case from entering the public domain, but Paula Jefferson advised that the should *'let the investigation proceed at this stage'*. Bishop Warner mentioned both the need for trust in the Diocese to be built up, but also for a robust process and justice to Bishop Bell.

There was mention of a possible joint statement at the point of settlement (if reached). However, Kate Wood suggested that it would be dangerous to allow public disclosure founded on a single allegation and that due legal process had to be followed.

There was a need to move quickly as there may be other victims, who would be elderly.

There was a discussion about obtaining material from former Kindertransport children. In this context it was agreed that it was not the Church's role to conduct an investigation, particularly if this did not have the support of the police. It was agreed that Colin Perkins would clarify with the police whether they had totally concluded their investigation, and whether they would be prepared to conduct those further enquiries with the Kindertransport.

Paula Jefferson suggested that the claim should be allowed to proceed over the next few months. She said that this would consist primarily of obtaining medical reports. In addition, it would be important for her to establish what the victim wanted: apology for abuse; apology for the response to the letter written in 1995.

In this part of the meeting, it was agreed that the Core Group should meet again in two months – in the hope of further clarification of the police position (*'will they follow up leads if further victims come forward?'*); for negotiations to continue (*'hopefully conclude'*) on the funding position and for investigations to take place as to how any further potential victims might reasonably be traced, including through the Jewish community.

Legal process and liability; and claims against Bishops and Financial Liability

Paula Jefferson explained that an agreement would need to be reached as to who was financially liable. There was a detailed discussion about where financial liability would fall.

She also advised that there was a possibility that the case would be statute barred by limitation; to which John Rees responded (and the meeting agreed) that any defence that smacked of legalism must be avoided.

Public Announcement

There was agreement that a 'reactive statement' should be prepared in the event that the news of the case broke other than proactively from the Church. This led to a discussion about Bishop Bell's prominence, and his reputation as a distinguished

spiritual leader and hymn writer. Comparisons were drawn with other religious figures whose reputations had been severely damaged by abuse of children. An analogy was drawn with the religious sculptor Eric Gill¹⁵.

Action points

The Church's national communications team was to deal with all enquiries, and a reactive 'if asked' statement was to be prepared immediately for agreement. Confirmation was to be obtained in writing from Sussex Police as to their position on investigating further leads that may surface.

153. I have described the first Core Group meeting in detail, because it set the broad agenda for the further meetings that followed. In assessing the performance and effectiveness of the Group I was assisted greatly by the solicitor Paula Jefferson, who allowed me a full face-to-face discussion of the case, and assisted in ensuring that I was in possession of all relevant papers. In so far as I comment upon her actions and advice, I am sure that she found herself advising a client more risk-averse than most, more interested in damage limitation than a legally robust process and outcome.
154. I held three meetings with members of the Core Group – the first with approximately half of the active membership, and the others with members who were not able to attend the first meeting. The Core Group members with whom I met were co-operative and thoughtful in what they told me.
155. My criticisms of the important, first Core Group meeting principally are:
 - (i) My impression from the Minutes is that the justice of the case (for both Carol and Bishop Bell) apparently was not of as great importance as the paramount consideration of the reputation of the Church.
 - (ii) Despite reference to justice for Bishop Bell, no method or system was devised, or even discussed, in order to secure fair consideration from his standpoint.
 - (iii) There was an underlying acceptance that Carol had told the truth – she was referred to as '*the victim*' – as opposed to '*complainant*' [see section [N] below].
 - (iv) Apart from remarks about possible further police activity and an approach to the Jewish community, there was no real discussion of an investigation of the truth.
 - (v) The significance of limitation point arising from delay in making the claim was addressed but dismissed by the Group. Nobody addressed the

¹⁵ Against whom there is substantial and undisputed evidence of repeated incest.

purpose of the time bar or its potentially high relevance in this case. It operates to prevent unfairness, especially in cases where the opportunity to defend has been completely dissipated by the passage of time, and where the Claimant was long aware of the potential for a claim for compensation. I consider that there could have been an explicable application to stop the case on this basis, which could have been considered on the merits by an experienced judge. Had this approach been considered more actively, I feel sure that a fuller investigation would have been organised, the results of which would have informed the further conduct of the case, not least within the Core Group and in the negotiations between solicitors.

156. The **second Core Group meeting** was on the 10 July 2014. Absent from those who attended the previous meeting were the Bishop of Chichester and Rachel Harden. The Bishop of Horsham and John Rees attended part of the meeting. Jill Sandham chaired the meeting. Added attendees were The Revd Arun Arora from the Church Communications Office (I am told in place of Rachel Harden) and Saira Salimi on behalf of the Church Commissioners.
157. Mr Tilby has made a significant contribution to my task. He has been central in ensuring that I have been provided with complete documentation, and has provided information whenever requested. The Revd Arun Arora too has been of great assistance in clarifying the communications aspects of the case.
158. In this 10 July meeting Paula Jefferson reported that she had met Tracey Emmott, Carol's solicitor, to discuss the case. The allegations of abuse related to the period 1947-50 [in 1950 Carol had her 8th birthday], and were consistent throughout Carol's various descriptions of it. There was no corroborative evidence. Carol had been taken to visit the Palace, but changes in the interior meant that this aspect provided no corroboration. For reasons which are far from clear to me, Carol had been shown the public part of the Palace, but not the private parts she said she had also visited as a child. Ms. Jefferson advised against reliance on the statute bar. It was stated that negligence was not likely to be an issue if there was an admission of vicarious liability. There was discussion about obtaining an independent report from a forensic standpoint. Paula Jefferson advised that it would not be sensible to accept Carol's evidence without questioning it through an independent expert. Someone would be needed to make a forensic assessment – clearly a reference to a psychiatrist. It was agreed that there would be further investigations, and that there would be a public announcement at some stage – though this would be difficult without Carol's consent. It was agreed to postpone informing any other agencies. There was a discussion of the possible quantum of damages. Matthew Chinery stated that he believed that there was a consensus that a decision to settle and

never mention it again would be entirely untenable from a reputation/risk point of view.

There was a consensus to make further investigations and for public disclosure at some point. The Claimant's solicitor could be told that there would not be an immediate settlement but further investigation.

Paula Jefferson *'suggested that there could be an agreement between the solicitors regarding a joint statement once the case is settled as it is likely the Claimant's Solicitor will put something on the website'*.

There was consensus to test the credibility before taking it to the settlement stage.

However, it was agreed that it would be better not to approach the Holocaust Commission or the Chief Rabbi's office *'until the claim had been given credibility'*.

'[The Bishop of Horsham] asked if the case could be expedited. Paula Jefferson suggested that it could be settled by the end of August or beginning of September depending on how quickly the medical reports could be obtained and this would depend on when the Bishop of Chichester issues instructions for further investigation'.

A further meeting of the Core Group was proposed for September 2014.

159. The detailed minutes of the second meeting, summarised above, lead me to following comments:
- (i) There was no discussion whatsoever of the need to ensure the justice of the case by examining the facts from Bishop Bell's standpoint. This issue seems to have been totally abandoned.
 - (ii) In reality, any notion of a balanced investigation had been abandoned. Certainly no steps to that end were taken, other than the decision to approach a forensic psychiatrist.
 - (iii) The argument that the Kindertransport angle should not be investigated until the credibility of the claim had been assessed was circular and misconceived.
160. There was a considerable delay before the third meeting of the Core Group. During that time Tracey Emmott had obtained a forensic psychiatric report on behalf of her client. The experienced psychiatrist concerned, Dr Judith Freedman was instructed by Carol's solicitor, and I have not seen those instructions in full. However, it is a simple inference from reading the report that Dr Freedman was not asked to assess Carol's credibility, or any wider and possibly related issues such as false or recovered memories, as she did not so so. Dr Freedman clearly fully followed the instructions she received, to provide an assessment of the damage suffered by Carol on the basis that her allegations were entirely true. The instructions I have seen were:

"a. Is Carol suffering and/or has she in the past suffered from any identifiable

psychiatric illness and if so please identify the illness or illnesses, and when she suffered such illness?

b. If she is suffering and / or has suffered from any identifiable psychiatric illness to what extent is this attributable to the sexual abuse that she suffered from Bishop George Bell (deceased) between 1947 and 1950?

Having regard to question b. please describe in detail how you consider Carol's experiences at the hands of Bishop George Bell (deceased) have affected her:

- i. family life*
- ii. relationships*
- iii. ability to work*

Considering the issue of causation in more detail, please comment on the causative significance of abuse suffered by Carol at the hands of Bishop George Bell (deceased) in relation to any past and present treatment.

Please consider the prognosis. In particular please make reference to:

Carol's future therapy requirements. If you consider that Carol would benefit from psychiatric treatment and/or counselling please set out your recommendations for the treatment and the cost of such treatment on a private basis.

What is your prognosis once Carol has undergone such treatment if you feel that this is possible to predict at this stage?

Please consider whether Carol has capacity to conduct legal proceedings under the Mental Capacity Act 2005.

'The Mental Capacity Act 2005 (section 2(1)) provides that a person lacks capacity if, at the time a decision needs to be made, he or she is unable to make or communicate the decision because of an impairment of, or a disturbance in the functioning of, the mind or brain'.

The Act contains a two-stage test of capacity which has diagnostic and functional elements:

Is there an impairment of, or disturbance in the functioning of the person's mind or brain?

If so, is the impairment or disturbance such that the person lacks the capacity to make decisions in relation to the proceedings.

161. On the 24 October 2014 Paula Jefferson provided a letter of advice to The Bishop of Chichester. That is at Annex E below. It summarised the law, procedural issues, and options for the future conduct of the matter. Doubtless, this letter and Paula Jefferson's presence were influential for the Core Group's deliberations, though it is unclear who saw the letter.

162. In the Autumn of 2014 it was decided that the psychiatric report obtained by Tracey Emmott would not be accepted without further investigation, and that a separate report would be obtained on behalf of Church interests. This was obtained from Professor Anthony Maden, whose instructions were different in one important respect. He was asked clearly to comment on credibility issues. His instructions were set out by Paul Jefferson in a list of questions:

1. *Do you in your opinion believe that the abuse occurred?*
2. *If so did it occur to the extent alleged?*
3. *Do you have any doubts about the veracity of the Claimant's evidence?*
Assuming you accept there was abuse then please consider
4. *What impact did the abuse have on the Claimant?*
5. *Please provide your prognosis, commenting on:*
 - 5.1 *the extent of any continuing disability*
 - 5.2 *the impact which this has on daily living;*
 - 5.3 *the impact which this had on the Claimant's capacity for work;*
 - 5.4 *when any continuing disability is likely to resolve.*
6. *Please review the Claimant's medical and other records and quote relevant extracts in your report.*

Please also advise:
 - 6.1 *whether the Claimant has any relevant pre abuse/post abuse history which has impacted on the Claimant's psychiatric health;*
 - 6.2 *whether the Claimant's past and current psychiatric ill health were caused by the abuse. Were there any other causes?*
 - 6.3 *had the abuse not contributed to psychiatric injury would it have occurred at all or to the same extent?*

163. There followed a delay typical of the sometimes tortuous processes of litigation, for which in this case no blame attaches.

164. On the 5 March 2015 Detective Inspector EF of Sussex Police emailed Colin Perkins to the effect that:

- i. *If Bishop Bell were still alive he would have been arrested on suspicion of rape.*
- ii. *Quite often historical allegations of rape boil down to one word against another.*

iii. *Had Bishop Bell denied the accusations, a file would have been sent to the Crown Prosecution Service to consider:*

- (a) that it was proven by Church records that Bishop Bell had the access and opportunity to commit the offences;*
- (b) that Carol had been consistent in her allegations;*
- (c) that complainants of sexual crime should be held to no higher standard of integrity than a victim of any other crime, and there is absolutely nothing that challenges the victim's integrity on this allegation;*
- (d) who has more reason to lie about what happened? The victim has been consistent over many years, including to [the person she visited] at the time who didn't believe her. It was true that there was now a claim for civil damages, but importantly the Diocese were probably not going to contest that – i.e. on the balance of probabilities they believed it happened.*
- (e) Despite the limited amount of information that could be obtained on this matter, the police considered there was credible evidence on which to decide an outcome. 'In view of the above I believe that there is scope to consider this matter for detection under Home Office Counting Rules Outcome 5 – Offender has died.'*

165. At this point it will be helpful to interpose some comments on law and procedure related to the above police response.

166. The *Code of Practice to Revised Code G of the Police and Criminal Evidence Act 1984*¹⁶, which was implemented on 12 November 2012, provided that prior to arrest alternatives must be considered:

The use of the power must be fully justified and officers exercising the power should consider if the necessary objectives can be met by other, less intrusive means. Arrest must never be used simply because it can be used. Absence of justificationmay lead to challenges should the case proceed to court...

The Code provides that if a Senior Investigating Officer considers that a search, interview, taking of samples etc., can be achieved without the necessity for an arrest, then an arrest will not be appropriate. Those who cooperate will not be

¹⁶ Paragraph 1.3 of the Code of Practice.

taken into custody. An interview should be carried out on a voluntary basis unless voluntary attendance is not considered a practicable alternative. In certain cases, an arrest will, of course, be necessary. If the suspect appears to represent a potential danger to the public, or is likely to abscond, or to destroy potential evidence, or is a danger to himself, then an arrest will be appropriate.

167. Had Bishop Bell still been alive, unless there was evidence that he appeared to represent a danger to the public he would not have satisfied the arrest conditions. I am surprised that the police did not appear to be aware of this. The probability is that, had he been alive, his premises and any computer would have been searched under a warrant, and he would have been interviewed under caution at a police station, not under arrest. This is of some significance because the Core Group may well have taken an exaggerated view of the use of the word 'arrest', as being in some way of itself evidence pointing towards guilt – which it is not.
168. By this time, March 2015, there had been considerable publicity about the accusations made against Peter Ball, and a trial date had been set. This heightened the sense of anxiety felt within the Core Group.
169. Unfortunately, DI EF did not emphasise that no enquiries had been carried out beyond interviewing Carol. Nor did he set out accurately the two-stage test to be applied by the CPS in deciding whether to prosecute, namely whether there is a realistic prospect of conviction on the evidence and, if so, whether it is in the public interest to prosecute¹⁷-using the merits based approach, described in paragraph 41 above.
170. Nor was any specialist criminal lawyer asked to advise on the strength of the evidence. Given the potential importance and impact of the case, I would have expected senior Treasury Counsel to have been instructed to advise. I note that two Opinions were obtained from a QC on the issue of which part of the Church (if any) would have to meet any award of damages in a case of this general kind. The issue of whether a prosecution would have reached the requisite standard, and the accompanying reasoning, was at least as important for this Core Group's deliberations.
171. Had the evidence my review has obtained without any particular difficulty (see section [H] below) been available to the Church and the CPS, I doubt that the test for a prosecution would have been passed. Had a prosecution been

¹⁷ For completeness, I should make it clear that I have also considered the CPS threshold test which, were Bishop Bell alive, would not apply in this case as there would be no realistic risks were he to be granted bail.

brought on the basis of that evidence, founded upon my experience and observations I judge the prospects of a successful prosecution as low. I would have expected experienced criminal counsel to have advised accordingly.

172. Of course, the view that a prosecution would have failed does not mean that Carol has not told the truth – which, as I emphasised earlier, it is not part of my task to decide.
173. Nevertheless, had the Core Group been in possession of such an assessment, there can be little doubt that it would have affected their approach to the fundamental question of whether civil proceedings should have been settled without resistance and without further factual enquiry, notwithstanding the lower standard of proof for civil proceedings.
174. On the 9 March 2015 Graham Tilby as Core Group Chairman sent an email to some, but surprisingly not all members, outlining the proposed decision-making process regarding public disclosure. His emphasis was on:
- (i) *The view of Carol and the potential psychological impact of disclosure by public announcement upon her.*
 - (ii) *What evidence was there that there may be other complainants?*
 - (iii) *Do other public agencies regard such announcements as being in the public interest?*
 - (iv) *What is Church policy on public announcements?*
 - (v) *What is the potential impact on the family/reputation of the deceased (given that he cannot offer his own defence)?*
175. The **third meeting of the Core Group** was on the 10 March 2015. Gemma Wordsworth was present on this occasion, in her role as Independent Domestic and Sexual Violence Adviser seconded to the Diocese. Also additional compared with the previous meeting was Gabrielle Higgins, who had succeeded Angela Sibson as Diocesan Secretary. In addition Graham Tilby attended for the first time, having succeeded Jill Sandham. Rachel Harden attended again, having attended the first but not the second meeting. Absent compared with the previous meeting were The Bishop of Horsham and Messrs Booth, Sandham, Sibson, Wood and Salimi.
176. This was an unacceptable change in membership of the Group, given their responsibility and the requirement for consistency. Factual as well as tactical and procedural decisions were required of the Group, and attendance should have been a priority – a three-line whip. I appreciate that there were changes of personnel, illness, personal reasons for various non-attendances. My criticisms in this connection are not of individuals concerned, but of the fact of inconsistency in the Group. In a situation where important fact-finding

challenges are required, consistency of membership is important – even if it means reducing the size of the group and obtaining a broader spectrum of outside advisers.

177. At this meeting a summary of the report of Professor Maden was provided to the members. I do not understand why it was decided not to give them the full report. The summary does not provide the full picture of Professor Maden's comments on credibility. Some members of the Group had seen the full report: thus the members were not all possessed of the same information relevant to key decisions.
178. The parts of Professor Maden's report dealing generally with credibility were as follows:

Summary of Opinion

The delays in reporting in this case are exceptional. Memory is not reliable over such long periods of time and the only way to establish that the allegations are true would be through corroborating evidence.

The Claimant had an unhappy childhood There are no current mental health problems and she has lived a normal life with no significant mental health problems for over 30 years.

No mental health problems can be attributed to the material abuse and it has not affected the Claimant's life.

No treatment is indicated.

She has never lacked the mental capacity to complain. She has never had a mental health problem that would have prevented her from complaining. The delay has caused enormous problems for the expert asked to assess the case.

Opinion

General Comments

I found the Claimant to be an apparently straightforward woman of good character. I have no reason to believe that the material allegations are a conscious fabrication.

However, there are enormous problems for the expert arising from the fact that the Claimant is now assessed 63 years after the material events. The alleged abuse was not reported until over 40 years after the material events.

Memory is not reliable over such long periods of time. Recall is an active mental process in which memories tend to become distorted with time to fit the individual's beliefs, needs and values. Both the content and the meaning of recollections change

with time. Events can and do acquire a significance years later that they did not have at the time.

I can expand on these problems if it would assist the Court. The distorting and sometimes creative nature of recall has been recognised since the work of Bartlett in the 1940s. This and much of the subsequent research is summarised in works such as that by Sabbagh (2009), Schachter (2007) and Fernyhough (2013). It is a consistent finding of research in this field that these problems with recall are unrelated to questions of honesty, integrity, intelligence or level of education. The consequence is that neither the individual nor anybody else can test the reliability and accuracy of a recollection except by reference to other sources of information.

The Royal College of Psychiatrists, in common with similar professional bodies in other countries, recognises that in some cases so-called "false memories" of abuse may arise. The emphasis in the College document on the subject (Brandon et al, 1997) is on such memories arising during therapy but the literature cited above gives no reason to believe the problems associated with recall of distant events are limited to therapeutic situations. Therapy is simply one of the many influences on the individual's beliefs, needs and values that shape and determine memories.

Taking that into account, my advice to the Court based on my interpretation of the research is that after so many years there is no way of determining without reference to corroborating information whether or not recall is accurate. I cannot say whether the allegations are a so-called "false memory" but equally I cannot say they are an accurate recollection of what happened. The onus is on the Claimant to establish that her recollection of what went on between about 1947 and 1952 is accurate. I do not know how she can do that without reference to corroborating information but it is an issue for the Court to decide.

The psychiatric expert's contribution is limited. I note that She had been living a normal life in a happy marriage since During the course of her first marriage she was abused. It is very likely that those experiences affected her recall of the earlier, alleged events. After the 1995 complaint, she did not experience any deterioration in her mental health, as often happens when there is disclosure of abuse after many years. She carried on with her life as normal. Memories of the abuse were not triggered by her own experience of bringing up children, as often happens in such cases.

Another problem with civil claims made so long after the material events is that they are an invitation to engage in a process of retrospective re- attribution. It is a natural tendency to look for meaning in one's life and to impose meaning on events if necessary or helpful for one reason or another. One looks back at one's life and re- interprets events, attaching to them a significance they did not have before and that they may not deserve. It is a particularly tempting prospect when things go wrong in one's life. It can be even more tempting if the re-attribution leads to the responsibility for any problems being attached to others rather than to one's own decisions. It is also a process in which anybody can engage.

No matter how successful a life, most people when looking back over 40, 50 or 60 years will be able to identify things that could have been done better or could have turned out better. They will identify personality characteristics they would like to change. The distorting effects of memory reinforce this process. It can be particularly difficult to remember emotions or motivations after many years. None of this has much to do with mental health or psychiatric problems, which are the central issues for a psychiatrist. Psychiatrists have expertise in mental health problems but not in explaining why a person without a mental disorder takes one decision rather than another.

In the present case, the Claimant looks back on a life that for the first 30 years or so was often unhappy. There is an obvious temptation to seek to (consciously or unconsciously) allocate the blame for that unhappiness to the actions of others in the distant past.

The time spans in this case are immense when considering complex issues of causation. For example, by my calculations the Claimant left her [first] husband after .. years of marriage in about Erin Pizzey opened her first women's refuge [[shortly afterwards] and did not publish her ground- breaking book on domestic violence (Scream Quietly or the Neighbours will Hear) until about 1975. There is no need to invoke a personality defect or any other psychological characteristic to explain why a woman of that era stayed so long with a violent husband - particularly when she did in fact leave him at a time when there was probably little or no support for her to call upon.

The Claimant strikes me as a sympathetic and in many ways admirable woman. She does not suffer from a personality disorder. I have no doubt that she is sincere in her beliefs. Nevertheless it remains my view that the possibility of false memories in this case cannot be excluded.

The facts are for the Court to determine. I do not believe that psychiatric or other expert evidence is likely to be of further assistance in establishing whether or not these allegations are true.

In an attempt to assist the Court, for the purposes of diagnosis I assume the Court finds the Claimant was abused as she now alleges.

179. As noted previously, the issue of credibility was not part of the instructions given to Dr Freedman, and accordingly was not addressed as an issue in her report. Paula Jefferson, plainly a key adviser to but not a member of the Group, informed the meeting of Professor Maden's good reputation for balance. She said that there was no reason to regard Carol as making anything up, but that false memories can occur. This fell short of the professor's view that he could not exclude the risk of false memories in this case. Colin Perkins provided his interpretation of the full report, which he had read – that much of the reservations raised by Professor Maden were about causation and quantum;

and that the unreliability of memory was not specific to Carol but is something that is raised in general with these types of claims. He had read a lot of accounts of this nature: false accounts tend to be an amalgamation of the worst newspaper headlines. Carol had given a consistent account, so his view was that it was unlikely that it was entirely false.

180. In my view, the members of the Group who had not read the full report were left in no position to question what they were told.
181. Given the comments of Professor Maden cited above, had there been full knowledge of them in the Group, my expectation would have been that the majority would have steered back towards a fuller evidential investigation of the claim. This is an important example of what, earlier in this review, I called 'oversteer'.
182. Arun Arora raised the issue of the standard of civil proof, the balance of probabilities. Mr Perkins then read from the police's view set out in paragraph 137 above. He said that they believed Carol, and that there was nothing to challenge her credibility. If the evidence is considered credible, then it is reported as a detected crime, as had happened in this case. However, Mr Arora added that there could be a number of reasons why a crime would be reported as detected, including police statistics, and this should be kept in mind.
183. Gabrielle Higgins responded in relation to the balance of probabilities. She pointed out that there had been no other allegations: Mr Tilby responded that there might be only a single victim. Ms. Higgins emphasised Carol's very young age at the time complained of, the possibility of false memory, and the possible contradiction between Carol saying to Professor Maden that Bishop Bell told her to tell nobody, but that she said she had told [the person she visited]. In Ms. Higgins's view, false memory could be an issue; and she reported that the Bishop of Chichester was uncomfortable about accepting the claim. Paula Jefferson suggested that a Court if hearing the case would take into account the misgivings expressed by Ms. Higgins.
184. John Rees asked if costs (and presumably some damages) could be paid on a 'no liability' basis.
185. There was a discussion of a possible settlement involving a confidentiality clause. Paula Jefferson observed that they were difficult to enforce. In any event, the Archbishop's Visitation Report to the Diocese had recommended strongly that confidentiality clauses should not be added to settlements.

186. There was then a vote among those present. A majority expressed the view that, on the balance of probabilities, indecency had taken place and this therefore justified considering a settlement.
187. There followed a discussion about the issue of an apology, and that this should be by letter from the Bishop of Chichester, or possibly face to face. However, this was a matter for further consideration.
188. Once again, this Core Group meeting progressed without adequate advocacy or significant consideration of the interests of Bishop Bell, or of the real adequacy of what was described as the investigation. Nor was detailed consideration given to the possibility of an attempt to deny liability, to see whether a claim would actually be pursued or not. Indeed, the possibility of fighting the claim was not considered in a structured way at any time.
189. As indicated above, the possibility of a confidential settlement was rejected. I consider this further at paragraphs 51-52 above and 268 below.
190. Not considered at any time was a litigation risk or 'nuisance value' settlement with a clear denial of liability, referred to further below. This would have involved paying a sum of damages and costs on the clear and explicit basis that it was a less costly option than fighting the case.
191. There followed further delay. During that period, in June 2015, there was further publicity adverse to the Diocese, when a retired Eastbourne vicar Robert Coles had sixteen months' imprisonment added to a previous eight year sentence for offences relating to boys.
192. The **fourth meeting** of the Core Group was on the 28 July 2015. This meeting was attended by a diminishing number of members. Kate Singleton, a member of the Church safeguarding staff was added. Saira Salimi and the Bishop of Horsham attended. From the previous meeting, Bishop Stock, John Rees (who may well have been indisposed), Gemma Wordsworth (who worked mornings only) and Gabrielle Higgins dialled into the meeting. .
193. On this occasion, the agenda was short. The solicitor Paula Jefferson had been negotiating with Tracey Emmott. The claim could be settled for damages of between £15-20,000. An offer had been made of £16,800. As part of the settlement, Claimant's costs of around £15,000 would be payable in addition to the damages. There would be a written letter of apology from the Bishop of Chichester. There was no desire for publicity on Carol's part personally, and her solicitor would have to be forewarned of any press release.

194. The meeting decided to progress with the settlement, if possible by the end of the following month. There should be a joint letter signed by The Archbishop of Canterbury and The Bishop of Chichester, and the latter should offer to meet Carol in September. A draft of the letter was to be circulated to the Group presumably for the purpose of comment, to include recognition of 'acts of indecency', acknowledging her correct recollection of abuse, and referring to the poor response in 1995.
195. There was a discussion of the issue of public announcement. Several contra-indications were mentioned, including that there was no other reported victim nor any history of other concerns. On the other side of the equation, the meeting addressed the '*Principle of Transparency – in the interests of episcopal openness*', and also the understanding that Carol's solicitor was likely to make some form of public notification.
196. The meeting's decision was as follows:

On the balance of probabilities, the Core Group believed that we could not rule out other victims, who may be of a similar age to the complainant. It was agreed to seek a third party independent professional opinion based on an anonymous outline of the case. GT to contact Donald Findlater from Lucy Faithfull Foundation in the first instance, CP to formulate a summary of the case to be shared.

It was agreed that given any form of public acknowledgement, that there would be potentially large scale media interest given subject's involvement with Kinder Transport, Jewish Community and Holocaust Education Trust.

197. Arun Arora was to draft the initial version of the media statement, and to consult the press officer at Lambeth Palace and the Communications Officer in Chichester. Colin Perkins was to notify public authorities of the intention to release a media statement. A 'mapping exercise' was to be undertaken about areas of involvement (impact) and possible family members. Carol was to be forewarned of any media release after settlement. The Group was to reconvene on 9 September at Church House in London to consider in more detail the impact of public disclosure based on the mapping exercise and agree the apology letter.
198. The Core Group next met (**fifth meeting**) on the 9 September. On this occasion The Bishop at Lambeth, Jane Dodds, Gemma Wordsworth and a minute taker were those present who had not attended the previous meeting. The Bishop of Horsham had attended the previous meeting but was absent this time. Apologies were given by John Rees, and by Ailsa Anderson. Ms. Anderson was Head of Communications at Lambeth Palace; it is puzzling as to why she gave apologies, as she had never featured in the Core Group before.

199. Of those who attended the very first Core Group meeting of the 9 May 2014, absent on the 9 September 2015 were The Bishop of Chichester, The Bishop of Horsham, Angela Sibson, John Booth and Jill Sandham. All of these five individuals held significant roles and might have made contributions if present. Apparently the Bishop of Chichester and John Booth were not invited to this meeting; and I have been told that Angela Sibson and Jill Sandham no longer held significant roles.
200. At this meeting it was revealed that the Lucy Faithfull Foundation, who had been asked to help, would not be able to provide a full, independent risk assessment of the kind discussed at the previous meeting: they were not willing to be quoted even if they provided information because no formal risk assessment was being prepared.
201. Carol's solicitors had agreed a settlement in the sum of £16,800 damages plus £15,000 solicitor's costs. A letter of apology from The Bishop of Chichester was to be delivered personally by the Bishop to Carol. She would like to engage with Church communications, and wished to receive a timeline of action and any statements.
202. The draft apology letter had been discussed and changed in a series of emails and had been agreed in principle. Colin Perkins was concerned that the letter should be 'heartfelt', and that it was better to let staff to set the parameters and the Bishop to write the letter. There would be a separate and public apology statement by the Church. This strategy was supported fully by The Archbishop of Canterbury.
203. It was emphasised at the meeting that the Church should be seen to have a robustly supportive policy for survivors.
204. There was a perceived problem that people such as the journalist Peter Hitchens, who recently had described Bishop Bell as a personal hero, would regard the Church as 'caving in' and would cause a media storm if the Church was insufficiently robust in its position. In this context, it was recommended that it was important that the Church openly should say that it had '*settled a claim*', so that it was clear '*there has been a legal test and an investigative threshold has been set*'.
205. Arun Arora advised that they needed a report or academic journal article supporting the position that '*an offender like GB*' was very likely to reoffend, and therefore there were very likely to be other victims – this would support the need for disclosure. They needed to be able to quote the names of experts/papers etc. if/when asked by the press to explain their decisions.

Without established expertise, he said, they could be accused of jumping to conclusions, and could be challenged by the House of Bishops. The Church could not afford to look as shambolic as the police in the Ted Heath case. Rachel Harden said they needed a one-line answer to the question as to the evidential basis on which they settled the claim. Paula Jefferson responded that they had obtained an independent psychiatric report and had tested the evidence.

206. Rachel Harden is minuted as having stated that they had failed to identify any living members of Bishop Bell's family, and that the risk of family coming forward was low. This was later revised in the Minutes to read:

A review of records at Lambeth Palace Library was undertaken. RH confirmed that the Bells had no children. However, there may be nieces or nephews alive and their descendants who may or may not come forward.

207. That confirms that there was no or almost no effort to identify descendants. Some do exist, as I was able to discover with ease.
208. There was an extensive discussion about the Bishop Bell name day and his name on buildings and institutions. The removal of these items of recognition would be a painful process.
209. The communications strategy was discussed, with a target date of the 30 September for the press release.
210. On the 10 September 2015 Paula Jefferson produced a Note summarising the reasons for negotiating a settlement, with the relevant background information. Material extracts from the Note are at Annex F below.
211. On the 17 September 2015 The Bishop of Chichester The Rt Revd Dr Martin Warner wrote to Carol the letter of apology contained in Annex A below.
212. On the 7 October Peter Ball was sentenced to a term of imprisonment for offences of misconduct in public office arising from sexual abuse of young men under his episcopal influence. That case generated an enormous amount of media interest.

[H] Subsequent investigations for the purposes of this review

213. I interpose at this point what a reasonably organised investigation might have revealed to assist the Core Group. By a reasonably organised investigation, I mean one in which an appropriate and proportionate call for evidence, and other communications strategy, is followed. This is based on what I discovered during my review.

The woman I shall call ‘Pauline’.

214. Shortly after the existence of my review was publicised, I received an email from a woman I shall call Pauline. She lives in the United States, where she made her home many years ago. She is married to an American and had her family there, but retains family and other contacts in the UK. Late in 2016 a British friend told her about the recent media interest in Bishop Bell, and on request provided her with my address. She wrote to me, initially by post. Subsequently we were in email contact, and she came to see me when visiting the UK in May 2017. Pauline seems a balanced and sensible person, and there is objective evidence from her recollections of names and the premises, and from the electoral register, to support her basic account.
215. Pauline was born in 1941, so in the period 1948-52 was between 7 and 11 years old. Unusually for the time, as told to her she was effectively adopted (though not legally adopted) through an informal procedure at 5 days old by a single woman, whom I shall describe (as does she) as her mother. Her mother was housekeeper in the Bishop’s Palace at Chichester. There was a cook, but the cook did not remain to serve dinner in the evenings to Bishop Bell and his wife, and any guests. That was part of the job of Pauline’s mother – to serve, clear and wash the dishes. Sometimes, as a small girl, Pauline ‘helped’ her in the kitchen.
216. Pauline and her mother lived in the palace itself. They shared a bedroom on an upper floor, and they had a sitting room of their own. Pauline went to school locally, to an Infants’ School then a Primary School. She passed the 11 Plus. At that point her mother obtained a job in another household and they left the palace. She remembers and named correctly other staff working in the palace and living there or in the grounds. She remembered the name of [the person Carol visited]. However, she did not recall Carol. This does not mean that Carol was not there from time to time: however, if Pauline is correct it would suggest that her visits were not so frequent as to have made her a significant presence.
217. Pauline remembers Bishop Bell clearly, she says. Her recollection is that the Bishop spent a great deal of time in his study. She was correct in naming the

Bishop's secretary, and that the secretary had a desk near the entrance to the Bishop's study. She never entered the study. The Bishop '*was always in black – he usually wore his bishop's uniform*'. '*He was always very nice: he'd pat me on the head and ask me how I was doing*'. She said the Bishop was always kind to her, and she felt nothing remotely weird about him. As an adult her reflection is that Bishop Bell was scholarly and dignified. Pauline got on very well with his wife Mrs Henrietta Bell, with whom she remembered picking apples and pink roses.

218. Pauline was allowed to have friends to play. They played outside in the extensive grounds, where the gardeners always were really kind to her. She played often with the small grandson of one of the gardeners. She remembered playing cowboys and Indians in the grounds, with a skipping rope for stirrups.
219. Sometimes there were children's parties for the children of the clergy, and Pauline always was invited.
220. It is at least very possible, and in my view likely, that Pauline's recollection broadly is correct. I tested her account, and found it compelling. This does not necessarily negate what Carol has said – and it is not my role to choose between them. Nevertheless, had the Core Group been aware of this evidence, they might well have approached their task differently. I consider that an inquiry into the facts by somebody with criminal investigative experience could well have found her, especially after a call for evidence.

Canon Adrian Carey.

221. I met Mr Carey at his home in February 2017. Although 95 years old, he had a clear though incomplete memory of the relevant matters. Unfortunately, he died in July 2017.
222. Canon Carey worked as Bishop's Chaplain to Bishop Bell from a date in 1950, September as he thought. His role brought him very close to the bishop. Although Bishop Bell had a very experienced secretary, who dealt with diocesan matters, diary and other detailed arrangements, the young Revd. Carey performed the role of a private secretary and religious adviser. He lived in the Palace.
223. Canon Carey remembered no children living in or frequently visiting the Palace, and had no recollection of Carol or Pauline. He said that when he first read about Carol and her allegations, he thought there had been no such person in the Palace.

224. He saw Bishop Bell with children at Christmas parties organised by Mrs Bell. The bishop was a shy man, not noticeably comfortable with children. He described Bishop Bell and his wife as being very close, often teasing each other.
225. Nothing at all occurred that ever made him doubt Bishop Bell's probity. He was very religious, thoughtful and proper, in Canon Carey's opinion.

Kindertransport, and evacuees from London

226. It is well documented that Bishop Bell was instrumental in what became known as the Kindertransport, which rescued Jewish children from Germany and brought them to the UK for fostering and education.
227. It has not been possible with the time or resources available to me to find living survivors of the children who were accommodated and educated in the Chichester palace during the later WW2 years. However, there is no doubt that boys and girls were there, and were accessible to him on a daily basis. A search of such sources as there are contains no adverse comments concerning him.
228. On the 29 July 2015 Colin Perkins described to Graham Tilby advice he had obtained in relation to this issue, as follows:

Dear Graham,

Further to yesterday's meeting I had a brief discussion with Miriam Rich this morning. As I explained yesterday, when this issue first emerged I approached Miriam at Elizabeth Hall's instigation to discuss the potential impact of this case within the Jewish community, given 1) the profile of the person in question and the esteem with which he is held within the Jewish community, 2) the specific history of his involvement with Kindertransport, and 3) the information we have which suggests that he and his wife had Kindertransport children living with them during the war, and the possibility that any victims from within this group may come forward within the Jewish community, rather than to us or the public authorities.

Miriam does a much better job than I could do at explaining why an approach to the Jewish community is important before this becomes public, and who within that community we should speak with. She is happy to have a half-hour telephone conference with myself and you to talk through these issues. Like a lot of people she is away for much of August although she is around on Monday and Tuesday next week, and will be back for early September too.

She is a consultant. She is happy to offer us the aforementioned phone conversation 'for free', as it were, although if we were to decide that we would like to utilise her to

approach key leaders in the Jewish community and/or to craft any specific messages we may like to issue (for instance, she said that there will very probably be some interest in this matter from the Jewish press in the UK), clearly there would be a charge for that. But, she wouldn't charge for the phone call, based on our previous relationship with her (she knows this Diocese well, and both Jacqui Phillips and Arun Aurora have met her last year. She also spoke at a conference in 2013 that Rachel organised).

I would recommend that the phone call is a good idea – like I said, I just can't explain as well as her why this is important and I did feel yesterday (and have done at previous meetings) that I just wasn't getting that across at all. Could I try and set that call up, please? If so, are you around on Monday or Tuesday (perhaps around lunchtime) for half an hour, or if not could we book a call in for the first week of September?

Thanks,

*Colin Perkins
Diocesan Safeguarding Adviser*

229. Though there was further contact with Miriam Rich, a search or enquiry was not pursued for survivors or their and others' written testimonies.

230. On the 9 October 2015 Colin Perkins recorded in a note that a large number of evacuees from London had studied in the palace from 1940, and that evidence (photographs of beds) suggested they lived there too. Press photographs he had seen showed them all to be girls.

231. Mr Perkins had discovered an article from the Chichester Observer dated the 17 February 1983 in which a Mrs Suneps was cited as saying:

"I was boarded out with several families and got to know the Bishop when he made his Palace into a school for evacuee children ..[he] had quite a lot to put up with from us kids for about four-and-a-half years. We used to tear around the Palace and pinch his apples, but he was always very nice and patient with us....Both the Bishop and his wife were very kind ... The Bishop often talked to the children and they learned a lot from him... He was a wonderful man and I have very good memories of him."

232. Mr Perkins's conclusion from the above was as follows:

Clearly Mrs Suneps recalls GB in very positive terms. As we know this does not undermine the conclusion we have reached. What this evidence does show, however, is very clearly that GB had considerable access to children during a long period during

the war, and whilst he was not living at the Palace for much of this period, he was a sufficiently regular visitor.

233. I regret that I do not understand the above comment, that the conclusion of the Core Group was not undermined. The fact that Bishop Bell had access to many young girls during WWII, that he had contact with them, and that no complaints had emerged from that period, could have been the source of evidence in court proceedings. Certainly it should have been regarded as a factor in the Core Group's decision making process. It was not so regarded.

[I] The Apology and Statement

234. On the 17 September 2015 the Bishop of Chichester wrote to Carol as follows (also reproduced in Annex A below):

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, have 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 that people in the Church were 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 what 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.

235. On the 22 October 2015 The Church issued the following statement (also reproduced in Annex A below):

Statement on the Rt. Revd George Bell (1883 -1958)

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.

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

236. The media responses to the statement and letter are instructive. Two, in addition to the article at Annex B below, are set out in Annex G. Despite a passing reference in the media, not contained in the above statement, to the balance of probabilities, the message was extremely clear.

237. Carol, and the wider public, were left in no doubt whatsoever that it was accepted that Bishop Bell was guilty of what was alleged against him. I have underlined certain passages in the statement in paragraph 235 above. The statement provided the following conclusions:

- (i) The allegations had been investigated, and a proper process followed.
- (ii) The allegations had been proved; therefore
- (iii) There was no doubt that Bishop Bell had abused Carol.

238. I have received strong and well-argued representations from the George Bell Group, and others, who support Bishop Bell and reject the processes and decision of the Church. I do not set them out in detail because, for the most part, they rely on his reputation and character – which I summarised above. In particular, it was pointed out by them that, although Carol says she reported abuse contemporaneously to [the person she visited] that cannot be proved because [that person] died many years ago.
239. I received representations from a senior lawyer specialising in defamation and reputational cases, who has a personal interest in this case. He made the following (and other) persuasive points to me:
- i. The Church does not challenge Carol's belief in her story. The question is whether others should have believed it.
 - ii. Any subsequent attempts, post-announcement, by the Church to leave the impression that they were not convinced by Carol were unsustainable given the statement of the 22 October 2015.
 - iii. The reference to potential arrest left the false impression that arrest could be equated with guilt.
 - iv. The use of the term '*survivor*' for Carol contained the clear inference that the case against Bishop Bell was proved.
 - v. In effect, the Church reversed the burden of proof without taking real steps for the case for Bishop Bell to be developed and investigated.
 - vi. There was nothing that could really be described as any inquiry into or investigation of the facts.
 - vii. The failure to find and interview Canon Carey was a serious deficiency, given that he had lived and worked in the Bishop's Palace at the material time.
 - viii. The fact that the post-statement publicity has flushed out no other complaints is significant.
240. The lawyer reminded me that a settlement of a civil case on condition of confidentiality, with repayment of damages and costs in the event of breach of confidentiality by the claimant, is enforceable in law.

[J] Views of Core Group Members, as expressed during this review

241. I held four meetings with Core Group members, in order to meet almost all who had been involved at any stage.
242. The material parts of the summaries of my meetings with them (as noted by independent assistants, who took notes in different formats) are at Annex H. In order to have a full understanding of my findings in relation to the Group, I recommend strongly reading the Annex. I have excluded individual identities save where I think it important for a full understanding.
243. As mentioned above, I also met the solicitor advising the Core Group, Paula Jefferson. The material parts of a lengthy discussion are at Annex I below. She was most helpful, describing extremely clearly her role as civil solicitor and her part in the Core Group's process.
244. I have been provided with access to the entirety of Paula Jefferson's file, of over 500 pages, and have been through every document. Given the large volume, and the existence of legal professional privilege, in general terms I do not think it would be appropriate to annexe the whole file. In Annex F she set out for the Core Group her advice that the case should be settled, given the civil standard of proof of the balance of probabilities. That was her carefully considered and conscientious judgement. Based on the incomplete information under consideration at the time, her conclusion arguably was justified. However, I regret that the Core Group failed to carry out sufficient investigation into the facts: had they done so, her advice might well have been different.
245. Ms. Jefferson's file reveals lengthy exchanges about the approach to and contents of the letter of apology and media content. This includes some expressions of concern about the approach, but there was never any real doubt that whatever was said and published was based upon acceptance that Bishop Bell had abused Carol.
246. The supporters of Bishop Bell complain that they were not given information that might have enabled them to obtain and provide evidence on his behalf. I doubt that greater (and necessarily very cautious) disclosure of information to them would have made any difference to the outcome, given the limited critical scrutiny carried out by the Core Group. There is no doubt that lessons can be learned, as set out in section [B] above, but they are less about disclosure than the due process of a structured, fair and proportionate analysis of cases, especially when the alleged perpetrator is dead and the potential for important contemporaneous evidence is affected by the passage of years.

**[K] Conclusions from Core Group records and
review meetings with members**

247. In this section it is important to list some potential evidence that either was not considered, or was considered as a possibility at various times but not obtained by the Group.
248. There was no statement from family members confirming Carol's close relationship to [the person she visited], or other family evidence. This was considered at the meeting of the 10 July 2014 but not pursued. Paula Jefferson expressed surprise that [], Carol's brother, to whom she says she is close and to whom she has said she revealed the abuse, provided no evidence to confirm the relationship [with the person she visited].
249. The description Carol gave of the Palace was considered at the same meeting but not pursued because she had been taken to the Palace by an independent counsellor after the claim was made. Plans of the Palace before 1952 were found to be available, but not until after the claim was settled. There was no re-interview of Carol, which might have ascertained evidentially material detail such as:
- a) How did she get into the Palace? (e.g.or via yard)
 - b) Which stairs was she referring to? Could she describe them?
 - c) Which kitchen was she abused in (see 1995 letter)?
 - d) Where was she when not with Bishop Bell?
 - e) Was she ever abused in the Cathedral (referred to in Professor Maden's report)?
250. Examination of the contemporaneous electoral register (which remains available) was not made. This provides names of adult permanent residents who chose to be registered for electoral purposes on the Palace's premises.
251. Adrian Carey's availability and evidence were not discovered until after settlement. The existence of another girl who certainly lived at the material time in the domestic quarters of the Palace, and was of a similar age to Carol, was not discovered until this Review was publicised.
252. The detailed observations of Andrew Chandler (Bishop Bell's biographer) and of others known to support Bishop Bell, were not obtained.

253. The minutes do not disclose the placing before the Core Group of any statement or report from any counsellor Carol had seen. I have been told and accept that counselling records '*were seen in full*'. However, I do not know who read them (other than the solicitor Paula Jefferson) or what analysis or discussion there was of them.
254. I derive the following conclusions from the whole of the picture given to me by Core Group members, and from the Group's Minutes:
- i. The Core Group was set up in an unmethodical and unplanned way, with neither terms of reference nor any clear direction as to how it would operate. As a result, it became a confused and unstructured process, as several members confirmed.
 - ii. Some members explicitly made it clear to me that they had no coherent notion of their roles or what was expected of them.
 - iii. There was no consideration of the need for consistency of attendance or membership.
 - iv. The members did not all see the same documents, nor all the documents relevant to their task.
 - v. There was no organised or valuable inquiry or investigation into the merits of the allegations, and the standpoint of Bishop Bell was never given parity or proportionality.
 - vi. Indeed, the clear impression left is that the process was predicated on his guilt of what Carol alleged.
 - vii. Despite some reservations, the process largely assumed the eventual public release of Bishop Bell's name, and a summary of the alleged circumstances.
 - viii. There was no focus on any special issues arising from the fact that Bishop Bell died in 1958.
 - ix. There was no real attempt to inform any surviving member of his family.
 - x. No criminal law expert was instructed to be part of nor to advise the group.
 - xi. It was not fully clear that the psychiatrists respectively were instructed on a different basis.
 - xii. The discussion and approval of the apology letter and media statement was poorly structured and based on a false premise that disclosure was inevitable.
 - xiii. There was inadequate consideration of matters arising in this particular case that might have justified denying liability altogether, including the issue of the time bar for a claim.
 - xiv. There was inadequate consideration of matters arising in this particular case that might have justified a settlement of Carol's claim on the basis of litigation risk, with a confidentiality clause including repayment for breach.

[L] Was the settlement, with full publicity, appropriate?

255. I am satisfied that the Church were right to involve their solicitor in all material aspects of the Core Group process. She is very experienced and competent. I have also borne in mind that, despite what I regard as poor organisation of the process, members of the Group themselves had many skills and extensive experience.
256. In my view the delay by Carol in making even her 1995 complaint might have been relied upon successfully in bringing Carol's proposed proceedings to an end. However, I understand the reasons for not having taken this point, and on balance support the decision.
257. I have set out criticisms above. Were I to ignore those criticisms, and create an imaginary scenario in which nothing else could or should have been considered or done by the Core Group, despite Professor Maden's views on credibility I can see how the judgement could be made that Carol's case would be accepted by a court on the balance of probabilities.
258. That said, if the criticisms are substantially valid, in my judgement the decision to settle the case in the form and manner followed was indefensibly wrong. In giving that view, again I emphasise that it is not part of my terms of reference to venture an opinion as to whether Carol was telling the truth. Mine is (I hope) an objective exercise about the conduct of a potential piece of litigation.
259. An investigation would have demonstrated significant and previously unconsidered evidence. I have set out the main factors above.
260. It is not clear to me what advice Carol would have been given had liability been denied. With all relevant evidence available, I suggest that such denial of liability would have been the right initial response by the Church.
261. Had outright denial of liability been rejected, given the likely recognition by both sides and their advisers that the case was not strong but potentially expensive in legal costs, there would have been a respectable basis for a true and undisguised 'litigation risk' settlement. That is a settlement at less than full value, without any admission of liability, on the basis that it was an economical way of resolving the case without recourse to court hearings. Such settlements are not uncommon. The settlement documentation explicitly would have explained that liability was denied. In fact, this was the stated basis of the settlement. However, the way it was dealt with conveyed a completely different impression, as is clear from the apology and statement referred to above, and all the attendant publicity. The world at large was left with the impression that

this was a settlement on the basis that the allegations were true. In the context of this case, in my judgement the apology should not have given, though a face to face explanation might have been justified.

262. In addition, a confidentiality clause could have been included providing for repayment of damages and costs in the event of breach. I am advised that, whilst the confidentiality cannot be enforced, the repayment aspect of such clauses is enforceable. Given that Carol has said on more than one occasion that she was not looking for any publicity, it is reasonable to conclude that the confidentiality would have held. If broken, cogent reasons for that form of settlement could have been given. As stated in paragraph 52 above, this would not have involved defiance or breach of the 2012 Commissaries' instructions.
263. The course described would have protected the legitimate interests of Bishop Bell, which were never engaged with seriously by the Core Group. In this case he would not have been, and should not have been, cast out into the moral wilderness in any public statements by the Church.
264. As to publicity, I was able to discuss this in a meeting with The Most Revd Justin Welby, The Archbishop of Canterbury. He emphasised to me that it was important that the public announcement was issued by the Diocese of Chichester, not the Church of England as a whole – in fact his recollection was in error, as the public statement was made jointly by the Church and the Diocese. He described this as an important distinction. I suspect that the distinction is a little lost in a wider audience, and matters little.
265. The Archbishop was kept updated intermittently about the case. Primarily, he said, Chichester was dealing with it. The number of allegations of sexual abuse within that diocese was '*overwhelming*' – disproportionate to other areas. Covering things up was completely unacceptable. It had plagued the Church for years, is immoral, and had caused a loss of trouble. Consequently, there was an appalling mess that might be costly. Once the Bishop Bell decision was made, he felt passionately that the Church should be transparent. The press release had been drafted by the national director of communications, with the Chichester and national members of the Core Group able to comment on the drafting. Thus all were responsible and accountable for the impression left.
266. I asked the Archbishop if there was a proper and adequate investigation of the case. He replied that, if there was not, they would have to apologise and look at their practices. They needed clear recommendations, especially in relation to allegations against those who are dead.

267. I am sure that The Archbishop does not think it appropriate to support the publication of what may be an unjustified and probably irreparable criticism of anyone, whether a celebrated bishop or not.
268. I regard this as a case, perhaps a relatively rare one, in which steps should and could have been taken to retain full confidentiality, with a clear underlying basis for explaining why it was done. For Bishop Bell's reputation to be catastrophically affected in the way that occurred was just wrong.

[M] Later Meetings including some members of the Core group

269. Following the settlement and the ensuing publicity and controversy, on the 30 March 2016 a meeting took place including some members of the Core Group, and other senior Church officers who had not been members of the Group. It was chaired by Bishop Stock, the Bishop at Lambeth.
270. Part of the discussion was about the adequacy of the investigation, which on one occasion had been described on Radio Kent as 'a very thorough investigation' leading to a 'profound and deeply felt apology'. Reference was made to the Independent Inquiry into Child Sexual Abuse, and how the Church would work with that Inquiry. There was a clear wish to learn whatever lessons were available from the case and experience. It was noted that there had not been a consistent chair of the Core Group throughout the process.
271. A further meeting was held on the 22 June 2016, again with a varying membership. On that occasion the Group was notified that the Diocese of Chichester requested that there should be an independent review by a Queen's Counsel.

[N] The Henriques Report on Operation Midland

272. Annex K below contains an extract from the report, to the Metropolitan Police Commissioner, by The Hon Sir Richard Henriques dated the 31 October 2016 concerning allegations of non-recent sexual offences. In his report Sir Richard refers to an earlier report, dated the 30 April 2015, by Dame Elish Angiolini DBE QC on the Investigation and Prosecution of Rape in London.
273. Although the Henriques report post-dates the events material to this review, nevertheless it is worth citation as agreement with the view that the appropriate mind-set and designation where a complaint has been made is *complainant* until the matter is undisputed or proved in a court. Otherwise there is a danger of assuming that all complainants are victims therefore accurate and truthful. An acceptable alternative, given the intimation of civil proceedings in this case, would have been *claimant*.
274. In my judgement this is a case in which the use of terms such as *survivor* and *victim* contributed to decisions which might otherwise have been scrutinised with greater critical examination.

[O] House of Lords debate 30 June 2016

275. On the 30 June 2016 a debate took place in the House of Lords in which concerns were aired about non-recent child abuse cases. Lord Lexden, moving the debate, called for statutory guidelines to be introduced in connection with the investigation of such cases, including the naming of those against whom allegations were made. The case of Bishop Bell was discussed extensively in the debate.¹⁸

276. Annex J below contains an extract from the debate, in the form of the speeches of Lord Lexden and The Bishop of Chelmsford.

277. I should explain that on each sitting day the House of Lords commences with prayers, led usually by the day's 'duty bishop', one of the two Church of England Archbishops and twenty-four Bishops who sit in the Lords. On the day of this debate, The Bishop of Chelmsford was the duty bishop, and was briefed for a short period before the debate on the Bishop Bell case, in which he had no previous part. He should not be blamed for his limited knowledge of the detail of the case, though a bishop with such knowledge could have spoken in the debate.

278. The Bishop of Chelmsford said:

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

279. If my conclusions concerning the Core Group's activities are correct, it was not justified to claim that the allegations had been '*tested ... so far as possible*'. It is unfortunate that the weaknesses of the process were allowed perpetuation in a Parliamentary debate.

¹⁸ The full debate can be found at <https://hansard.parliament.uk/Lords/2016-06-30/debates/.../HistoricalChildSexAbuse>

[P] Meeting between Carol and The Bishop of Chichester
on the 1 August 2016

280. By the 1 August 2016 it had become known that the Church had decided to appoint a review of the way it had dealt with Carol's case. In order to explain this, on that date The Bishop of Chichester, with Gemma Wordsworth, met Carol in Chichester. Gemma Wordsworth had been in regular and appropriate contact with Carol since the apology and announcement of the 22 October 2015.
281. After general conversation, the Bishop explained to Carol that the Church stood by its earlier apology to her, but '*the Church is not able to state that they have found him guilty as this would require a judge and jury which was not possible due to his passing*'. Carol acknowledged this, and gave her opinion of the then current problem of alleged abusers' names being released to the media prior to being tried, and the impact upon them and their families and friends as against the recognition that in some cases this can provide other survivors with the courage to come forward.
282. Despite Carol's very dignified response in the exchange described above, the world at large would not have recognised that the Church had not found Bishop Bell guilty. The comment reveals further the problems created by the process under discussion in this review.

[Q] Lessons learned and changes made by the Church

283. These are set out in section [B] above. It is my ultimate conclusion any settlement of this case, in the light of the facts insofar as they were ascertainable, should have been with a clear denial of liability, and with a confidentiality clause with repayment in the event of breach.
284. I support the conclusions of the report for the Church of England by Dame Moira Gibb DBE in her report *Independent Report into the Church's Handling of the Peter Ball Case*¹⁹.
285. I support too the changes in relation to safeguarding inquiries concerning living clergy set out in the *Safeguarding (Clergy Risk Assessment) Regulations 2016*, passed by the House of Bishops.
286. I have been provided with other recent documents, most notably several iterations of *Practice Guidance: Responding to, assessing and managing safeguarding concerns or allegations against Church Officers*²⁰. The latest draft is detailed, running to 90 pages. It is intended to replace earlier guidance which, though moderately specific as to the establishment and nature of Core Groups, plainly did not provide sufficient guidance for the fair disposal of the Bishop Bell case.
287. That document is intended as a step by step guide for safeguarding concerns and cases arising in the Church of England, including complaints against priests.
288. Explicitly, the draft *Practice Guidance* cover situations where there are concerns or allegations that relate to someone who is deceased. An addendum is being developed to cover that situation.
289. That said, the document provides a carefully considered and structured system. The responsibilities of the Diocesan Bishops and Archbishops, and of the Diocesan Safeguarding Advisers and others are described and clear.
290. Core Groups are provided for. The purpose of the Core Group is described as:

To oversee and manage the response to a safeguarding concern or allegation in line with the House of Bishops policy and practice guidance, ensuring that the rights of the victim/survivor and the respondent to a fair and thorough investigation can be upheld.

¹⁹ 22 June 2017, available on the website www.churchofengland.org

²⁰ draft for House of Bishops May 2017: I was told that this is likely to be the final version or very close to it.

291. In late 2016 a triage system for abuse related correspondence was introduced at Lambeth Palace. Emails concerning abuse are now referred immediately to the Provincial Safeguarding Adviser, a recently created role. I am confident that this system works.
292. Subject to the replacement throughout the text of '*victim/survivor*' with '*complainant*' consistent with the recommendation described above of Sir Richard Henriques, the document is sound for cases against living persons.
293. The text also provides for investigations to occur where required, including the provision of an assigned investigator; and sets out detailed steps for responding to complaints and allegations. Where apologies are required, formal advice is given in the document so that they are drafted and given in a careful and consistent way.

Alex Carlile

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October 2017