

The Independent Inquiry into Child Sexual Abuse
Chichester case study hearing (5 – 23 March 2018)
Oral closing submissions on behalf of the Archbishops' Council of the Church of
England

1. Chair, members of the panel, thank you for this opportunity to make brief oral closing submissions. We shall also be submitting, somewhat fuller, written submissions later today and although obviously limited in that also by the time available for its preparation since we have heard all the evidence. We have tried to set out some thoughts about how the evidence you have heard in this case study may feed into issues which the Inquiry may be considering pursuing, as its work in this investigation proceeds in the coming months, and how those issues might be approached. I hope you won't find it too scrappy. We have had to do it at a bit of a gallop.
2. May I say that if there are any points which the Church can assist the Inquiry, at any stage, with further written notes on particular specific aspects, legal or factual ,we shall be very happy to do that of course.
3. I shall briefly remind you, if I may, of three points that we made in our opening submissions.
4. **First**, we acknowledged that the Church's performance in relation to safeguarding and abuse in Chichester had fallen far short of what was to be expected, and that the Church could and should have done better at the time and for that failure to protect children, and to respond properly to survivors, and for the consequences which it has had, I offered an unqualified apology, on behalf of both the Archbishops' Council and the Diocese of Chichester.
5. **Secondly**, we submitted that there may well have been some particular factors in play in Chichester, which may have combined there in a particularly marked and unhelpful way. However, we also expressed the view that the type of problems that led to the failures there were not unique to that diocese and the lessons, we said, were there to be learned by the whole of the Church of England.
6. **Thirdly**, we suggested that the Visitation of Chichester and its aftermath had been watershed moments for the Church, leading to a necessary acceleration of improvements in safeguarding practices. We said that work on safeguarding had previously been proceeding too slowly, with too few resources, and in a manner characterised by too much defensiveness and too little transparency in dealing with survivors. We submitted that much had changed, and that the direction of travel was right, but that much remained to be done.
7. Now, as to where we are after hearing the evidence, and first of all as to what happened in Chichester, the Archbishop of Canterbury said this to the Inquiry on Wednesday:¹

¹ [13/147/7] and [13/148/22].

“You can’t read the transcripts, you can’t read the . . . statements without being moved, or at least you shouldn’t be able to be. And the Church does wonderful, wonderful things . . . across the country, extraordinary things, and the most stressful job in the Church is to be . . . a good parish priest, and that . . . a small minority have betrayed that is horrifying.

. . .

I want to put on record again how – I don’t know how to express it adequately – how appalled I am and how ashamed I am of the Church for what it did to those who are survivors and are coping with this, and apologies are fine, but we have got to find ways of making it different and we have got to do it as quickly as we can . . .”

8. Chair, that sense of shame is not limited simply, although obviously most importantly, it is about the abuse that was perpetrated by those who held positions of trust within the Church, sometimes perhaps in collusion with each other. The sense of shame also extends to the other failings about which you have heard extensive evidence. It is plain that those deficiencies included: reluctance or indeed outright failure to report known abuse (which was described, you will recall, by Archbishop Justin as *“not an acceptable human response, let alone a leadership response”*)²; instances of, at best, a lack of curiosity about and, at worst, apparent indifference to past allegations or even convictions, or current police investigations; the seemingly casual grant of permission to officiate to a convicted abuser without proper investigation or monitoring of his current circumstances or how that PTO was being used; very significant problems with the keeping and use of records; and more besides.
9. And those failings were then compounded by the fact that, as the real and systematic seriousness of the problems in Chichester began to emerge, what should have led to a single-minded determination to bring about change, instead saw a sort of paralysis, induced in part by actual or perceived threats of legal action, and leading, it appears, to an effective breakdown in relations between some amongst the senior staff and clergy in the Diocese, as well as safeguarding professionals inside and outside the Church. And amongst mutual recrimination, and attacks upon those whose reports had drawn attention to the problems, the urgent need to listen to and support survivors seems, in some quarters and at some times, almost to have been lost from view.
10. And finally, both when we look at what was said at the time, and in some cases at what has been said to the Inquiry itself, we cannot dissent from the Chair’s comment on Wednesday that *“we have witnessed the spectacle of senior clergy blaming each other and lay people for what did or did not occur in Chichester, in sometimes very acrimonious terms”*.³
11. Now, others, who represent individuals, may wish to make more detailed submissions on the facts. The Archbishops’ Council does not do so, and nor does it seek to comment on

² [13/82/1].

³ [13/149/22].

individual responsibility – that is a matter for the Inquiry to address so far as it thinks that necessary and appropriate. Not only are my clients in no position to say anything about disputed facts, but for the Church to seek to attach blame to particular individuals, especially the majority who are now retired from office in the Church, and in some cases no longer alive, would be to miss the point. We agree with the Chair's comment to Archbishop Justin on Wednesday, indicating that the Inquiry's concern with the past is to make sense of it, and thus to help with the learning of lessons for the future. And furthermore, for us to point the finger at individuals would not sit easily with the Archbishop's comments on Wednesday about the need for everyone to take responsibility for acting where action needs to be taken, and not to say that it is someone else's job.

12. The shame for the Church is that, collectively, it failed the children who were abused, the victims and survivors – ultimately, by placing persons in positions of trust or authority who proved to be unsuitable to the role, or inadequately trained, or inadequately supported.
13. Turning now to the second of our opening points, it may well still be right to say that for a variety of reasons, Chichester was an outlier, or an extreme case. But even that would not necessarily mean that the Diocese was unique and

in any event, precisely how far Chichester was an outlier is not the point. There is nothing in the evidence, as indeed we anticipated, to suggest that it suffered from problems of such a unique nature that they did not have the potential to be replicated elsewhere. So this case study has helped the Church as well as, one hopes, the Inquiry to think further about the reasons why the Church may be vulnerable to safeguarding failure.
14. Our third opening point was that there had been a step change in safeguarding practice, not prompted solely by the Chichester Visitation, but very much inspired by the wake-up call that came with the interim report of that Visitation.
15. And we do continue to say that the evidence justifies that submission. You have heard and read a lot of detail, but the headline points include: the creation for the first time of a proper national safeguarding structure; the entrenchment and enhancement of the role of diocesan safeguarding advisers; much enhanced training programmes; clarity about roles and responsibilities; the strengthening of powers to suspend individuals; and of course many other matters too.
16. As for changes within the Diocese of Chichester, it is only fair to say, you have heard extensively from the current Diocesan Bishop, Martin Warner; the Bishop of Horsham, Mark Sowerby; and the DSA, Colin Perkins. You also have evidence from, for example, the police and from East Sussex County Council about the full co-operation they have had more recently from the Diocese.
17. Chair, panel members you know this cause I have said it probably repeatedly in opening but it bears repeating:

18. we do not suggest that this means that the task is completed and all problems are solved. Our written submissions will deal in greater detail with some of the things that still require work. At a more fundamental level, if it is right as the Archbishop, Sir Roger Singleton and others have said, that the major challenge for better safeguarding within the Church is cultural change, then almost by definition such change takes time to effect, and must continue to be reinforced if matters are not to go backwards again. Once again adopting the language used by the Archbishop, it is certainly to be hoped that, as compared with the time the events you have been looking at, there are now many more people in the Church, at senior levels and elsewhere, who “get safeguarding”; and many fewer who would evince some of the attitudes and lack of understanding of some former office-holders in Chichester; but it would be naïve to suppose that such shortcomings have been eliminated altogether.
19. So is the Church capable of making the further changes required, or does the evidence show, that nothing which has been done to date will make any real difference, and that neither culture nor structures can change effectively in the future? You have just heard this morning rather contrasting submissions made about that by Mr Scorer and Mr Greenwood respectively. Mr Scorer acknowledges that the Church, as he puts it, is not incapable of change and that it does need to own safeguarding – but he favours or focuses in particular on what external input or oversight there should be. Mr Greenwood by contrast has said to you this morning that the Church, the way he put it, was "incapable of self-governance in the care of children". Our position is that Mr Greenwood's counsel of despair is not well founded. It is not supported by the evidence of an essentially independent, critical friend such as Sir Roger Singleton; or by the views of a committed reformer such as Dr Bursell; or by thoughtful, professional insiders such as Colin Perkins and Graham Tilby. They all, to varying degrees and in different ways, do have criticisms to make of the status quo, as does the Archbishop of Canterbury and others. But they all believe that things have changed markedly for the better, and can change further. Archbishop Justin said that he wanted to see the Church becoming
- "a place where people can go for safety and to be valued and loved, and on safeguarding, that is achievable, not only because it would be a safe Church in itself, but because it cares for those who come to it".⁴*
20. We made it clear in opening that we were here to learn. So what has the Church learned from this hearing? In the time available, I can perhaps try to answer that question briefly at three levels.
21. **First**, this public hearing has served to shine a renewed light upon the appalling nature of the events in Chichester, and to draw together the threads concerning the inadequate response to them. If I may say so, the brave evidence of Phil Johnson, Professor Julie Macfarlane and other survivors who have not been named will undoubtedly have made a great impact upon those within the Church who have read or listened to it, so that like Bishop Peter Hancock at the end of his evidence, they will find that, as he said, “my resolve to do what I can to make

⁴ [13/125/10].

the Church a safer place has been heightened".⁵ And that will have been reinforced by the strong statements made by the Archbishop of Canterbury when giving evidence this week. As well as the comments that I have already quoted, Archbishop Justin said this:

*". . . to read the transcripts, to read the evidence, to meet survivors, is horrifying to a huge degree, because you see this extraordinary and atrocious willingness to turn a blind eye to things going very, very seriously wrong, and entirely damaging human beings for their whole lifetimes."*⁶

22. **Secondly**, as to lessons learned, when Bishop Peter was asked what he thought he had learned, by Ms Scolding, I think, after attending a very great part of the hearings, he said this:

*". . . what I have learned is, it's not enough to say that the Church is here to listen and to learn, we are here to act, and to make our decisions and our priorities and our policies visible and credible".*⁷

(emphasis supplied)

23. And that of course is an important point. Apologies, collective and individual, are obviously themselves important, but as we have heard from a number of witnesses, and Archbishop Justin said in terms, if the Church wants to persuade survivors that those apologies are heartfelt and meaningful, they will need to *"be followed through by action that demonstrates good faith"*.⁸

24. **Thirdly**, in terms of lessons learned, there are numbers of more specific issues that have emerged from the evidence, and they are of various kinds, and more detail is contained in our written submissions, although, inevitably, there is going to have to be more to come as the Inquiry goes forward. But they include points that might loosely be grouped under four heads-
- (a) First, there are a number of matters where the Church has already identified the need or potential need for further action, and set processes in train, but those have yet to be fully concluded although some are fairly imminent – examples, and these are only examples, include the introduction of a simple Parish Safeguarding Handbook; Safe Spaces project; the consultation (recently concluded, now being analysed) on the Clergy Discipline Measure; the proposed revised guidance on PTOs; the proposed amending canon on religious communities; and the need to improve the recording and analysis of relevant data. This hearing will have reinforced the need for these matters indeed to move forward, and further to make sure that what is done takes account of some of the specific concerns and suggestions that have emerged in evidence. As Mr Tilby said, I think in

⁵ [13/223/3].

⁶ [13/87/3].

⁷ [13/122/18].

⁸ [13/120/17].

answer to questions from a member of the Panel this week, we do understand the importance of "*getting on with it*"⁹ I think was the phrase that was used.

- (b) Secondly, there are matters that have probably received more focussed attention at this hearing than they may have had in the past – examples of that, though again only examples, may include the need for closer attention to safeguarding considerations when considering the suitability of candidates for training and ordination; and also the question of whether what Archbishop Justin called "*middle way*" powers of intervention can be devised, in relation either to individuals (so something between mere advice, and the CDM process), and also in relation to dioceses (so whether there is something between informal influence and persuasion, and the formal Visitation process). And one does need to emphasise, that the answers to these questions are not necessarily straightforward and particularly in terms of exactly of how you devise these things, and that some of these themes, I say and certainly not by way of criticism, have probably emerged prominently only at quite a late stage in the investigation leading to this hearing, so that it is not possible for us to put forward a fully considered position at this stage, even in the written submissions. But it is clear that these are matters that call for serious consideration. So too does the issue, not new but a difficult one nonetheless, of what aspects of safeguarding needs to remain with the National Church, or with a particular diocese and its parishes, and how far and where either further centralisation within the Church, or some additional form of ongoing independent scrutiny may improve the effectiveness of our safeguarding, which what it is ultimately all about, there no doubt lies the future debate and discussion about the sort of points that Mr Scorer has in mind .
- (c) Thirdly, there are matters where, at least in the view of the Church's most closely engaged witnesses, perhaps the professional witnesses in particular, the existing position is not fundamentally flawed, but the evidence that been given demonstrates that, clearly, there is room for improvement, either that or, perhaps maybe in some cases also the need for better presentation and a better and more widespread understanding of the position. I would suggest that one of the most obvious example here is the duty of reporting that exists under the Church's own internal regime, and the relationship between this and the requirement to have "due regard" to guidance, which is addressed in more detail in our written submissions. But the short point is that one can say on the one hand, that the position is not objectively as some of the critics would have it, but if there is a lack of clarity or understanding then these are things that can and should be improved.
- (d) Fourthly, there are matters which clearly go wider than the Church itself, and where in due course the Inquiry's considered recommendations to institutions, or to government, will be of considerable value. Difficult questions about how far there should be a mandatory reporting duty, reinforced by criminal sanctions in the general law, and (if so) where the thresholds for triggering such a duty might be set and so on..

⁹ [12/127/8].

25. What we can say, Chair, by way of conclusion, is this: we believe there is very little that has emerged by way of positive and constructive suggestion from these hearings that is not, at any rate, well worth thinking about. Conversely, we do believe that it can fairly be said that some of the more stark suggestions that have occasionally been mentioned or mooted, such as the abolition of the National Safeguarding Team, or the complete removal of safeguarding functions from the Church, or even the complete restructuring of the Church along what someone called “command and control” lines, have found no serious support in the evidence, and certainly nothing by way of specific and defined suggestions that would be likely to help rather than hinder safeguarding in the foreseeable future.
26. This hearing has been designed as a case study, not a comprehensive investigation, and has been necessarily a short one. We do not imagine that the Inquiry, in whatever interim report it may publish following this hearing or the further Peter Ball hearing in July, is likely to pronounce definitively or even to reach a provisional view on some of the more difficult questions. But we realise that the Inquiry may well at some stage indicate some of the ideas that it may wish to investigate further, and we know of course that a further hearing into the Church nationally will take place in 2019. So we do ask for an opportunity to consider some of these issues further, and to complete some of the workstreams currently in progress. But we fully recognise that the Inquiry will be looking in 2019, if not earlier, to see what progress has been made within the Church
27. Thank you for the opportunity to make those points.