

Diocesan Synod, 18 May 2019

The matter concerning Bishop George Bell is the most difficult thing I have had to deal with in my time in this diocese and I suspect the same will be true of many of my colleagues, both here in Chichester and in London.

The distinguished lawyer, Lord Alex Carlile, who investigated our handling of this case made scathing criticisms of our process and decisions. The Church has quite rightly accepted that there were significant failures and we have apologised. Equally, Lord Carlile made a number of recommendations for the future, all but one of which the Church has accepted, and I will come back to that shortly.

For the sake of officers and others who were implicated responding to an allegation against someone who was long dead, I hope that this Synod will agree with me the significance of Lord Carlile's explicit acceptance that all of us who were involved in this matter acted in good faith [119], trying to do the best we could in unprecedented circumstances.

We have all been diminished by this matter. Many in this diocese, who rightly revere Bishop Bell for his stand on matters of justice, ecumenism, and the importance of the arts, have been distraught to hear from within their own diocese and Church, of allegations against so great a man. But at the same time, this diocese, above all, has been seeking to learn the lessons of failure to attend appropriately to those who have struggled to speak of the trauma of being abused, often many years ago.

It is a sad fact that in most large gatherings such as these, there will be at least one person who has suffered sexual or physical abuse. I would ask everyone present to remember how very sensitive this whole subject is, and to ensure that we express our opinions with reverence for each other, whatever our view or experience.

First though, some preliminary comments.

One of the objectives of Lord Carlile's review [35.2.2] was to make sure that survivors are listened to and supported. He rightly praised Gemma Wordsworth, the Independent Domestic and Sexual Violence Adviser who was then working alongside the Diocese, for her care and concern for the person we know as Carol and her outstanding professionalism [116]. I would like to pay tribute additionally to Colin Perkins, who was responsible for engaging Gemma, and for recognising the importance of an IDSVA's role.

A recent report [SCIE] has indicated that the Church as a whole still has a long way to go on caring for survivors, but I firmly believe that thanks to Colin, Gemma and her successor Helen Irving, Chichester demonstrated and indeed continues to demonstrate what best practice should be.

Co-operation between agencies is another aspect where, I believe, we responded better than has been the case in the past. Representatives from the diocese of Chichester, Church House Westminster, and Lambeth Palace, brought together safeguarding, legal, communications and episcopal experience, sharing information with the police and other statutory agencies and seeking their advice. Criticism is rightly made of how that advice was used and how decisions were made. But the engagement with statutory partners demonstrates an important shift from the Church of earlier decades that was inclined to keep all allegations to itself.

But we want to stress that Lord Carlile is absolutely right to identify that there were a number of failings in the workings and decisions of those who formed the Core Group that was set up in response to a letter from Carol.

A second major criticism is the inadequacy of the investigation that the core group carried out. It is undoubtedly right that the investigation was wholly inadequate for a public announcement.

We should have checked the electoral registers and contemporaneous plans before rather than afterwards and asked additional questions of Carol and others about the layout of the Palace and other matters. We should certainly have found Canon Adrian Carey, who was Bishop Bell's chaplain towards the end of Carol's time in Chichester. It was inexcusable to have made the assumption that no-one would still be alive without checking.

Lord Carlile also says that we should have found the woman he calls Pauline [214] who lived at the Palace throughout Carol's time in Chichester. She found Lord Carlile though only after a year of media interest which a friend drew to Pauline's attention. Canon Carey didn't remember her, even though they apparently overlapped at the Palace for two years.

Most seriously, there was no real effort at an early stage, to trace Bell's living relatives, or to seek evidence from Bell's biographer, Andrew Chandler. Even if they could not have given any useful information, they could have filled the key gap of having an advocate for Bishop Bell.

All of this is a cause of real shame to us and we are very sorry indeed.

But there was a fundamental failure at a different level. This is in an area that might seem rather technical, but it also makes a big difference. It is in understanding the difference between the level of investigation required to settle a civil legal claim and the level of investigation required to go public.

Unlike criminal trials, which have clear public interest, civil claims are essentially between two or more private individuals or companies. Some civil claims might be of public interest but most remain private. That is even true of many sexual abuse claims.

It is reasonable, I think, to say that level of investigation we carried out was adequate for the purpose of settling a private civil claim.

But disclosure to the public requires an altogether different level of investigation. The impact on the reputation of the accused requires as a matter of basic fairness that a serious allegation is not put into the public domain without a much fuller investigation. That is what we failed to recognise, with very serious consequences.

As Lord Carlile says, we should not have made the decision to publish on the limited information we had. But what we do not know, and can never know, is whether we could and would have made the decision to publish had we made all the inquiries we should have done. And we cannot now ask all the questions we should have asked then.

What I think we can know is that we certainly should not have published in the terms we did, and this is the third major criticism that we accept and for which, very specifically, we apologise.

The statement was a group effort, to which many people contributed comments. The statement indicates a proper concern for a survivor's perspective. It seeks to account for why we had settled the claim.

We took great care to ensure that all explicit assertions that Bell did abuse Carol were edited out. But we accept that public statements are a blunt instrument. As Lord Carlile observed, the statement was read in simple terms: Bell was guilty – language we did not use.

It was wrong to have published in the terms we did, and I deeply regret it. We can now see that publication should only have followed a fuller investigation. It should also have been much more honest about the limits of our knowledge and the fact that it is impossible to be certain either way after such a long period of time.

Even with a fuller investigation and a very different proposed statement, it would be extremely difficult to decide whether proactive publicity would be right. Ironically, we later discovered that Lord Carlile had called for a law making it a criminal offence to publicly name a suspect who has not been charged two days before we first broke the news that Carol's claim had been settled and we had apologised to her.

If there was such a law, that would deal with one of the concerns we had about not publishing, which was that the story would eventually become known, and then the criticism of the settlement would be matched by the criticism of the cover up.

Lord Carlile suggests that the premise that disclosure was inevitable was a false premise [254], and if only disclosure by Carol herself is considered, I think he is right. But when other routes are taken into account, I think disclosure was indeed highly likely if not inevitable. Not only did large numbers of people within the Church know, IICSA was round the corner and the Archbishop of Canterbury had invited the Inquiry to look at the Anglican Church as a matter of priority. Even if it had not been disclosed within a few years, the papers would remain, and successors would be likely to have uncovered them, as our generation has uncovered so much of the past.

Even if disclosure was inevitable, that leaves the criticism that proactive publicity was still wrong because it prioritised the reputation of the Church over the reputation of Bishop Bell. It is

important though to recognise what the reputation of the Church means here. It doesn't mean the Church wanting to look good. It means the Church recognising that it has lost the confidence of survivors by not responding well to allegations and by covering them up, at least in the sense of not being open about them, even if it didn't go so far as proactive steps to conceal them. It is a hard fight to regain that confidence, and the damage done not so much to the Church as to survivors by a further cover up should not be underestimated.

But here, again, we face a dilemma. A law, or even authoritative guidance prohibiting proactive publicity, is unlikely. One major reason for this is that publication of an allegation so often gives other survivors the courage to come forward and say what they know. Another consideration, emphasised in a recent report [SCIE], is the further damage that can be done to survivors, of continuing to see the good facets of someone's character promoted while the allegations of bad facets are concealed.

This brings me back to Lord Carlile's recommendations. He made a number of extremely helpful recommendations, and although the implementation of some may need refining and clarification, the Church was happy to accept all but one of them.

The controversial one recommends that confidentiality clauses should be imposed where a claim is settled even though the Church doesn't accept the allegation on the balance of probabilities [52]. On this, the Church has conflicting recommendations.

In 2012, in the Interim Report of the Archbishop's Commissaries who were undertaking the Archiepiscopal Visitation of Chichester, the Commissaries stated that a confidentiality clause should never be included in any agreement reached with a survivor. We regarded ourselves as bound by that.

Lord Carlile, however, considers that a confidentiality clause should be imposed where there is a settlement but no admission of liability. We have checked with the Commissaries, who have confirmed that their recommendation applies in all circumstances including that.

On balance, I think the National Safeguarding Steering Group are right to follow the Commissaries' recommendation rather than Lord Carlile's, and their stance is supported by the recent IICSA report. But it is important to understand the difference between proactive publicity and confidentiality clauses.

Where there is a settlement despite the Church not being satisfied that abuse did happen on the balance of probabilities, it would be quite wrong for the Church to take the initiative and proactively put the allegation or the settlement into the public domain. But equally, I believe it is wrong for the Church to try to gag the claimant, who may or may not be a survivor, and try to stop him or her taking the initiative to make it public.

That brings me on to the final issue: how to move forward.

It would be wonderful to be able to turn back the clock, unsay everything that was said, and do the investigation afresh, properly. But that is simply not possible.

Equally, it isn't right to make a different error and declare that George Bell never abused Carol or anyone else. We can't know that he definitely didn't, any more than we could ever know he definitely did.

Lord Carlile criticised the Church's approach as oversteering in an attempt not to repeat the mistakes of failing to recognise abuse in the past [18]. To declare that George Bell was certainly not an abuser would be to oversteer back the other way.

Instead, a delicate balance has to be held. We must all accept that allegations have been made, for that is an undisputable fact. We must equally all accept that there is uncertainty whether they are true or not. Some will continue to believe that they are true – and they need to accept that those who do not are not simply anti-victim. Some will continue to believe that they are not true – and they need to accept that those who do believe them do not simply accept any allegation regardless of merit or strength.

We must remember that whether the allegations against him are true or not, George Bell's contributions in so many spheres will stand the test of time. We remember his courageous stand against bombing; his promotion of ecumenism; his theological depth; his patronage of the arts. And we will continue to celebrate them.

+Martin Cicestr