Peter Ball sex abuse case: 20 questions that must be answered

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Any genuine inquiry into the handling of allegations of child sex abuse by Bishop Peter Ball must answer key questions about alleged cover-ups by the Church, police and CPS, argues Keith Porteous Wood

The National Secular Society has been closely monitoring cases of clerical child abuse where religious organisations have systematically evaded and denied secular justice to victims. These cover-ups have enabled perpetrators to escape justice entirely and even reoffend. The perception is widely held that the Catholic Church is the chief offender. But cases are increasingly emerging within the Anglican Church.

Unlike his counterparts at the Vatican, however, the Archbishop of Canterbury, Justin Welby, is to be commended for initiating an independent review into a serious abuse case, involving Ex-Bishop of Lewes Peter Ball.

Already in the public domain, there is *prime facie* evidence of spectacular abuses of process in the Ball case by the Church, and all arms of the law.

The seriousness of these offences and the long term damage to victims cannot be overstated. Shielding alleged perpetrators compounds their abuse.

There can be a no more bitter example than that of Neal Todd, who was one of Peter Ball's victims. "[After] church officials pleaded with [Neal Todd's] family not to go to the police", Neal (like a significant proportion of other abuse survivors) "attempted suicide because he feared the bishops in Dulwich and Chichester would not act on his claims." (*Press Association* 12/3/93). 20 years later Neal killed himself, in the same year that Sussex police opened a new case and more victims came forward.

Ball may have gotten away with it in 1992, and kept his diocese until retirement, had it not been that the allegation was made in Brixton, London about an alleged offence in the Gloucester area. (PA 16/12/92) Could it be that an allegation made to police in Lewes or Gloucester may not have been taken as seriously? Is it really likely that no complaints were made to East Sussex police?

Now facing sentence Ball is saying how sorry he is, but contrition is not evident in his actions. He maintained his innocence until 2015, when pleading guilty to the abuse of 18 young men saved him undergoing a trial, despite having been cautioned for similar activities in 1992. A caution, which itself helped him escape trial on much more serious charges. On that occasion there was an informal intervention with the Crown Prosecution Service by then Archbishop of Canterbury George Carey. Lord Carey seemingly wanting the caution to be an indemnity or amnesty, and explained to the Press Association (8/9/15): "I was troubled. I do not think this was good enough. I wanted some form of assurance. All we had was the resignation of Bishop Peter. I was worried that if any other allegations of past decency were made to reignite. I wanted some assurance of this would not be the case."

As late as this year Ball sought to abort the case against him and deny justice to his victims: The Press Association reported: "Mr Justice Sweeney refused to dismiss the case on a legal technicality after it emerged Ball and former archbishop Lord Carey had been assured in 1993 that there would be no future action."

Before the former bishop gets much older, I urge the prosecuting authorities to reconsider their decision and if appropriate charge him for all credible allegations using the same offences as they would for any ordinary member of the public. This includes "indecent assaults on two other teenage boys, one in Eastbourne in the late 1970s and one in Litlington in the early 1980s. The CPS decided not to proceed with these charges and the court ordered that they should lay on the court file." (Sussex Police 8/9/15)

The Church of England's review "will examine the Church of England's co-operation with the police and other statutory agencies and the extent to which it shared information in a timely manner, identifying both good practice and shortcomings alike".

It is not clear how that co-operation can be thoroughly investigated without the complete co-operation of these statutory agencies, which is by no means a foregone conclusion given the answers could be damaging, possibly even incriminating.

It seems implausible that abuse on such a scale could have gone unpunished for so long without the Church itself dissuading victims from going to the authorities. Any institutional pressure to dissuade the reporting of ostensibly criminal offences needs to be uncovered and investigated with as much thoroughness as the abuse itself. Any such pressure from the Church may itself be unlawful, but - far worse - is likely to have contributed to the continuance of criminal abuse of victims.

Below is a list of questions that need to be answered. In each case where the identity of an official is requested it should also be ascertained on whose authority they acted and who (including politicians) was the most senior person instructing and the most senior person aware.

Some will have to await Justice Lowell Goddard, who has been tasked with chairing the Government's own inquiry into child abuse, and I imagine she will also wish to check the answers arrived at by the Church's review:

1. All known victims of Ball, and the family of Neal Todd should be asked about any pressure that was put on them and whether they have anything else to contribute, including whether they know of other victims.

2. The full circumstances of Ball's 1992 caution should be carefully examined. Who is the most senior politician or official who agreed that despite "sufficient admissible substantial and reliable evidence" the CPS was prepared to deal with the matter out of court?

3. Similarly, which CPS official reportedly told Ball that the caution included "all other offences of the same nature" and why? Which police officer said to Ball after the caution and on whose authority: "Bishop, it's all over"?

4. Lord Carey is quoted on his interaction with the Crown Prosecution Service. "I was supplied with a number of a man at the CPS I believed to be a director. I do not recall his name." Lord Carey should be asked why he (presumably requested and) was given the – presumably personal number of someone very senior in the CPS, for example who obtained it and on what pretext?

5. Which senior officer in the CPS - and on whose authority – reportedly assured Lord Carey late one evening, that "[Ball] has resigned. He is out of it. The matter is closed. We are not going to take anything any further." Lord Carey does not recall who this was but is/was this recorded anywhere, for example in private secretary records?

6. What was the justification behind the 1992 plea-bargaining, "which meant far worse charges dropped and Ball was allowed to walk away free", who took responsibility for it and was it handled appropriately, especially from the perspective of victims and/or was it motivated by undue leniency to Ball? What representations did the Church make and who made them?

7. Sussex police said Ball was released the same day he was arrested in 2012 on medical advice. That advice needs to be reviewed and assessed, as to its accuracy and whether the police acted appropriately, was the medical advice in writing, who gave it. Would an ordinary member of the public have been released in similar circumstances and broadly how many are annually from the place Ball was released?

8. The *Guardian* reported: "Over the next 19 years Ball's name came up in at least three police investigations into sexual abuse by Church of England priests, but he was never charged. Allegations against him also surfaced in at least three official inquiries into decades of child protection failures in the diocese of Chichester, of which Lewes is part." A thorough review should be undertaken into these investigations and enquiries, as, if correctly reported, such impunity suggests protection from a very high level indeed. The names of those recommending that Ball not be charged and who else was consulted in reaching this decision should be established, together with full details of Church involvement and representations. The opening up of investigations into other suspects should be considered, at least by reference to the alleged victims where possible.

9. Abuse victim Phil Johnson, who reportedly "sits on the Church of England's national safeguarding panel" should be asked to expand on his statement to the *Guardian*: "[He] alleged 19 years ago that Ball had sexually abused him as a 13-year-old boy, [and] said the last two decades amounted to an establishment cover-up." Ball "is very well connected," said Johnson. "There has been pressure on the police ever since 1993 when all this first emerged. It's been going on for years… There are many, many victims who have fought for a long time to see him face justice and have not been believed. The Church and the establishment have colluded in covering up bishop Peter Ball's offending at the highest level over very many years."

10. Have the 18 young men Ball admitted abusing (except the one who has committed suicide) been consulted about the decision not to proceed to trial in exchange for him pleading guilty to abuse? Was it fair to victims and/or was it motivated by undue leniency to Ball?

11. Is there an inconsistency between "It was not until 2012, after several inquiries, that the Church finally released documents to the police" (*Guardian* 8/9/15), and Bishop Paul Butler's statement of 8/9/15 "as a Church we have provided full co-operation with the police throughout their investigation, which was backed up by the police" and Sussex Police's similarly-worded endorsement: "As well as having the full co-operation of the Church throughout our investigation, and a close working relationship with the CPS, I also recognise the hard work and dedication of my team of detectives who have worked on this case for more than three years."

12. Who has borne Ball's legal fees throughout - his barrister is currently Richard Smith QC.

13. Was Ball given, as reported, a licence to officiate, apparently until 2010; who gave this licence, and who knew about it in the senior echelons of the Church? (*Guardian* 9/9/15)

14. How much has been spent needlessly by the police, CPS and courts as a result of Ball's denial of offences that he has later admitted?

15. Who imposed reporting restrictions? On whose request? And were they appropriate?

16. According to the Lantern Project: "[Victims] hesitated in reporting to police for fear of reprisals from Church Authorities if they pursued their allegations: a number had previously reported Peter Ball to church authorities in the late 1980s and early 1990s and had been severely criticised and condemned by church officials up to and including Lambeth Palace." Lantern should be asked to expand on this.

17. The former Bishop of Chichester, Eric Kemp, unambiguously portrayed Ball as the victim of mischief makers in his (2006) memoirs: "Although it was not realized at the time, the circumstances which led to [Ball's] early resignation were the work of mischief-makers. It was a very sad end to his ministry and his departure was a real loss to the Church which was, no doubt, what those who brought it about intended." Kemp has been described as "one of the leading Anglo-Catholics of his generation and one of the most influential figures in the Church of England in the last quarter of the twentieth century." Although Kemp has since died attempts should be made to establish if there is any evidence to suggest this was made in bad faith. It seems implausible he did not know of Ball's activities.

18. On ITV London news on 5 October 2015 Rev Graham Sawyer of Briercliffe said he had been abused by a bishop (Ball) and because he would not be silent was refused ordination in England and the only way he could become ordained was to do so abroad, he did so in the Antipodes. He said, echoing the case of Neal Todd, that he had wished at times that he were dead because of the Church's attitude. Sawyer told the Church of England Newspaper that "there is a 'fundamental bankruptcy' in the Church's handling of survivor responses, saying that the problem is that the people at the highest levels of the Church are more concerned with 'saving face.'" He said he was prompted to do so because the Church's bishop in charge of handling abuse, Paul Butler, Bishop of Durham, told him "the Church was too busy working on banking reform over abuse responses". Lantern and others making these allegations should be invited to provide more detailed evidence.

19. The full extent of the Church's representations to the police, the CPS and others in authority over the case of Ball should be examined. There needs to be a full inquiry into the extent of co-operation with the police by the Church including in Lambeth Palace and Church House. There needs to be a review of all child abuse files held by the Church, including who holds them, what process there is for ensuring they are reviewed, who has reviewed them and taken responsibility for action or no action. This especially applies in Ball's case.

20. The Bishop of Durham, in charge of dealing with abuse, claims the Church has "robust procedures and policies in place". Does this include immediate mandatory reporting of reasonable suspicions of abuse to the police, and specify that failure to do so constitutes a dismissible offence? If not the policies must immediately be changed; if it does, are there examples of breaches not being subject to disciplinary sanction?

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