

# Catholic abuse scandals: why self policing always fails

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*The Independent Inquiry into Child Sexual Abuse has turned its attention to child sexual abuse at Ealing Abbey and St Benedict's School, as part of its investigation into the Roman Catholic Church. Abuse lawyer and NSS vice president Richard Scorer delivered the following opening statement on behalf of several victims.*

We represent 27 core participants who suffered abuse in Roman Catholic institutions and a campaigner, Mr Jonathan West. Seven of our clients suffered abuse at St Benedict's and you will hear from some of them this week, directly or by their statements being read.

Behind their evidence lies considerable bravery and tenacity. Our clients who have disclosed abuse at St Benedict's have had to surmount many hurdles. Most come from families where the first principle instilled from an early age was unquestioning loyalty and obedience to the Catholic Church, and the belief that to challenge the church in any way was literally to invite eternal damnation. Moreover for children who went to St Benedict's, the institution was far more than a school. It was the centre of a complex web of family, church and community ties. To speak out against abuse in this environment meant taking on not simply a school but an entire upbringing, culture and way of life in which the victim has grown up. This requires a special kind of courage.

An example is our client RC-A6. He was a victim of David Pearce. He tried to complain about the abuse to Abbot Shipperlee in 2004. In 2006 – with other avenues of redress exhausted – he brought a successful civil claim against the school. This was fought all the way to trial and resulted in a damning judicial indictment of both the school and Pearce. Our client's statement describes the gross failure of the school and abbey to listen to the reality he was exposing. But it also describes the hostility he encountered from his family for simply trying to tell his story. Sadly his experience is that of many survivors of this school.

So whilst many abusers at St Benedict's have now been convicted in the criminal courts, for many victims, it is misleading to talk about "closure". The harm caused by this abuse is profound and permanent. To prevent it in the future means putting in place mechanisms which can overcome the almost overwhelming pressures of institution, religion and culture which cause abuse to be covered up and survivors to be disparaged and ignored. This requires an appreciation both of the depth of the problem, and the radical changes needed to deal with it.

With that in mind, at this stage I simply want to highlight the matters which we believe merit particular attention in this hearing. These are the length of time over which the abuse was known about at this school; the means by which it was covered up; the inadequacy of the school and the Benedictine response, particularly the Carlile report and the visitation; and finally – but also crucially important – the failures of regulatory agencies.

Turning to the first of those: the most salient fact which arises from the documents disclosed for this hearing is the extraordinary length of time over which abuse was known about in the school, and was allowed to occur by senior figures in the school and the abbey.

As Kate Ravenscroft, who taught at the school from 1990, says, it was common knowledge among the staff that there were rumours about David Pearce. But most revealing on this point are the handwritten notes taken by the then Abbot President of the Benedictines, Richard Yeo, of his interviews with monks during his so-called "extraordinary visitation" in June 2010.

One monk is recorded as saying "Mid 70s knew David engaged in dubious activities". Another monk: "Knew since I was Junior School head there was something wrong. Graffiti 'Fr David is bent'". Another of Yeo's interviewees is noted as talking about rumours of abuse when he arrived 25 years previously, and expressing his disappointment and disbelief that a former Abbot claimed to Yeo that he "never knew anything about it."

So it is clear that there was extensive knowledge of David Pearce's behaviour going back to the 1980s and probably before. Institutional tolerance of this behaviour is a clear signal to other abusers – come here and we will turn a blind eye to your activities. So it seems to us likely that the failure to act on knowledge or suspicion of one abuser turned St Benedict's into a honeypot for others.

We also learn from the documents how those who might have been minded to challenge the abuse were dissuaded from doing so. Kate Ravenscroft's evidence illustrates the use of religion to keep people in line. She describes discussing an alleged abuser with Mr Cleugh. Mr Cleugh told her 'you can rest assured he will seek absolution for his sins'. As she says: "I honestly believe that Mr Cleugh, as a fervently religious man, would only have been able to see the good in the priests and struggled with any knowledge that questioned this." So yet again, as elsewhere in this Catholic Church investigation, we see the cognitive dissonance which lies at the heart of clerical abuse scandals. A priest must be a good man. He couldn't possibly be responsible for such crimes – or once the evidence is irrefutable, the offence is put down to a momentary and forgivable lapse blamed in part on the victim.

However the evidence also shows that the cover up at St Benedict's had an even darker side. The fact is that staff were deterred from complaining by threats and intimidation. As one teacher says: "At the time the school felt a bit like the mafia, if anybody complained or said anything about PEARCE, Laurence SOPER would protect him and to complain meant putting your job on the line." And we find that word – mafia – in the descriptions of other teachers who worked at this school. As one says: "I made complaints about both PEARCE and MAESTRI but they didn't go anywhere and it definitely harmed my career. At times it felt like the mafia ..... When CLEUGH became head I attempted to make him aware of past issues with PEARCE and others. He did not welcome this and indeed, when PEARCE went to trial he asked the staff to pray for him." Another member of staff was so concerned about Pearce's behaviour that she contacted the Headmaster. He told her, "If you know what's good for you keep your head down and do your job". St Benedict's was an institution which actively suppressed dissent, which demanded groupthink, and which placed loyalty to the monks well above the protection of children.

I turn now to the formal response of the school and abbey and the wider Benedictine Congregation to this scandal. One part of it was something we have become wearily familiar with throughout the worldwide Catholic abuse scandal – the attempt to claim that anyone who criticises the church is part of an anti-Catholic plot. We saw this in the Birmingham hearing when the Cardinal tried to suggest that a BBC programme was motivated by anti-Catholic bias. And we see it here, with Mr Cleugh using his speech at school prize day in September 2010 to insinuate that Jonathan West and others who were challenging the school's record on child protection were "part of an anti-Catholic movement linked to the papal visit".

It seems this claim is sometimes genuinely believed by those making it. Internal church correspondence contains frequent speculation as to what Mr West really wanted. In fact, his aims were openly stated – to assure the safety of pupils at the school his own son had attended. And when after four years he secured the school safeguarding policy he wanted, he ceased active campaigning about the school. We hope that when you write your report you will scotch forever the absurd and self-serving notion that criticism of abuse and cover up in the Catholic Church must be motivated by anti-Catholic prejudice.

However, if we turn to the main pillars of the church response to this scandal – commissioning the Visitation and the Carlile report – we can see from the disclosure that they were wholly inadequate. The Apostolic Visitation is a case study in the inherent unworkability of self-policing. Here was Richard Yeo investigating on behalf of the Vatican the advisability of having kept Pearce at the Abbey on restricted ministry. Yet this was exactly what Yeo had done as Abbot of Downside – allowing Father White to remain even though he had admitted to abusing boys at the school. Earlier I referred you to Richard Yeo's handwritten notes of his interviews with monks in an earlier visitation, and how they disclosed longstanding institutional knowledge of abuse. It speaks volumes about the purpose of the various visitations that this crucially important evidence was not disclosed to the statutory authorities. This was from a member of the Cumberlege Commission. If Richard Yeo himself didn't take the Cumberlege recommendations seriously, we can hardly expect better from anybody else in the church.

As for the Carlile report, we say the reality is that it was that it could never be properly impartial and independent. In saying this, we don't seek in any way to impugn the integrity of Lord Carlile. But we do say that the documents disclosed in this hearing bear out the concerns of our clients about the nature of the exercise in which Lord Carlile was engaged, and the conflicts inherent in his role. An email to Lord Carlile from the Abbey suggested that his appointment would be "advantageous" to the Abbey. The Carlile report was commissioned by the solicitor who was representing the school and the Abbey, but who was at the same time representing David Pearce and Laurence Soper in criminal matters. We read that in the aftermath of the publicity surrounding the Apostolic Visitation Lord Carlile was giving Richard Yeo advice on public relations. These exchanges suggest that good PR for the Abbey was an inherent part of what Lord Carlile was engaged to do, and that his inquiry therefore cannot be regarded as a dispassionate search for truth. Lord Carlile himself stated in a meeting with school staff that it was "not his mission to rake over old coals" but to produce a document that offered reassurance as to the future of the school. In addition, Lord Carlile may have been misled. Kate Ravenscroft tells us of her surprise that when the Carlile report was commissioned, she was not selected by the school as one of the staff who should be interviewed by Lord Carlile. That was surprising because she was the staff member who had first reported Father Pearce to the Police.

However, our primary complaint about the Carlile report is one of substance – that its focus was mainly on governance, not on getting in place a satisfactory child protection policy. Governance of course is very important. But as Jonathan West argued over many years, the most important change required was to put in place a child protection policy at the school which left no wriggle room to staff in terms of reporting reasonable suspicions of child abuse to the statutory authorities. The policy introduced in November 2011, and endorsed by Lord Carlile, signally failed to do that. It also failed to understand the institutional and personal pressures on victims not to report abuse. It suggested, for example, that an allegation of abuse might not be forwarded to the statutory authorities if the victim's family were opposed to this. You can see from the evidence I cited earlier why that is such a serious flaw. It took a further two years, and more stalling by the school, before a policy was introduced that left no room for ambiguity about the external reporting obligation. As Jonathan West said, the right policy could have been put in place in four weeks rather than four

years. It should have been done in four weeks. The fact that it eventually happened is a tribute to the efforts of campaigners like Mr West. The fact that it took four years, and was never suggested by either the Carlile report or the Visitation, confirms the inadequacy of both, and the inherent unsuitability of self-policing.

Chair I want to finish by briefly addressing the role of the regulatory agencies – the Charity Commission, the independent schools inspectorate, and the Department for Education.

Firstly, the Charity Commission. This will be a matter to be explored in evidence later this week, but one document in the disclosure causes us considerable concern. This is the letter from the Charity Commission to the Abbey following the arrest of Pearce. The letter talks about "the reputational risks to the Charity as a result of Father Pearce's arrest". Now of course charities should be concerned about reputational risk. But the implication of this letter is that had the abuse not been discovered and the arrest not happened, then the reputational risk would not have arisen. The letter in our view fails to distinguish between immediate and underlying causes of reputational damage, the underlying causes being the safeguarding failures of the charity and the harm suffered by its beneficiaries, while the immediate cause is the publicity that arises when these failures finally come to light. The letter appears to concentrate on the immediate cause, "Father Pearce's arrest". Since the Charity Commission should reasonably have suspected that the extent of abuse was greater than was publicly known, in our view this letter comes perilously close to being an instruction to ensure that abuse not yet disclosed be covered up. I'm sure the Charity Commission will say that this isn't what they meant, but in our view it could easily be read in that way.

As regards the ISI, the recently-disclosed documents from ISI make it clear that at the time of the November 2009 inspection it was in possession of only limited safeguarding information about the school, and that as a result the inspection was carried out largely "blind". Nonetheless the lead inspector concluded that particular attention needed to be paid to safeguarding in its 2009 inspection. Despite this, the ISI failed to notice serious shortcomings in the school's safeguarding policy. They were only reported on the following year, having been pointed out to ISI by Mr West. Since ISI is the inspecting body for the great majority of independent schools, we say that these failures have a potential significance far beyond this particular case study.

Turning finally to the Department for Education, Penny Jones' statement contains a remarkable and shocking series of disclosures. It confirms that the Department for Education knew nothing about failings at the school until alerted by Mr West, despite the criminal convictions of Pearce and Maestri. It makes clear the complete helplessness of the Department for Education in the face of an independent school which does not prioritise safeguarding. As Penny Jones says, "The difficulty for the Department for Education and Ministers was that there were no regulations covering governance, management and leadership of the school". The Department for Education was so helpless that the Schools Minister Nick Gibb MP wrote to the head of the Charity Commission asking for assistance in getting RC-F41, who by that time was on List 99, moved from the monastery. Again, since the Department for Education is the regulator for the entire educational sector, including all independent schools, Catholic or otherwise, it is clear that these issues have a significance far beyond the confines of this case study. We urge you, chair, to ensure that these are properly explored in a later hearing.

Even before we hear this week's evidence, it is very obvious that St Benedict's and the Catholic Church around it was utterly incapable of ensuring safeguarding responsibly by itself. As we've have long argued, that means that mandatory reporting is essential. Indeed this case study demonstrates precisely the need for mandatory reporting, given the length of time over which abuse persisted in this school without action being taken. But mandatory reporting can only work if the agencies to whom the reporting is done are using that information effectively. So that needs to

happen.

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Richard Scorer is a solicitor who represents victims of child abuse and an NSS vice-president. You can follow him on Twitter [@Richard\\_Scorer](#). The views expressed in our blogs are those of the author and may not necessarily represent the views of the NSS.

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