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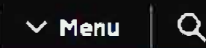
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CHARITY COMMISSION
FOR ENGLAND AND WALES

Decision

Charity Inquiry: Watch Tower Bible and Tract Society of Britain

Published 4 August 2023

Applies to England and Wales

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The charity

Watch Tower Bible and Tract Society of Britain ('the charity') was registered with the Commission on 27 October 1999. It is governed by a memorandum and articles of association dated 8 October 1999 as amended by special resolutions dated 19 April 2000, 21 November 2013 and 19 April 2016.

Its charitable objects are to advance the Christian religion as practised by the body of Christian persons known as Jehovah's Witnesses ('JW') by:

- preaching the gospel of God's kingdom under Jesus Christ unto all nations as a witness to the name, word and supremacy of Almighty God, Jehovah
- producing and distributing bibles and other religious literature in any medium and educating the public in respect thereof
- promoting religious worship
- promoting Christian missionary work
- advancing religious education
- maintaining one or more religious orders or communities of special ministers of Jehovah's Witnesses

In practice the charity fulfils these objects by acting as a capital finance body for the other Jehovah's Witnesses organisations in England and Wales. The charity does not work directly with beneficiaries.

The charity's entry on the register of charities can be found on the [Register of Charities](#).

Background and Issues under Investigation

Due to the charity's overarching influence and engagement with the other JW organisations, including the Congregations, it has been the point of contact with the Commission for Jehovah's Witnesses in England and Wales for many years. The Commission had engaged with the charity prior to the opening of this statutory inquiry on the matter of safeguarding policies and procedures (in particular in relation to the protection of children) due to its apparent responsibility for this issue.

In 2007 the Commission opened a statutory inquiry into the London Mill Hill Congregation of Jehovah's Witnesses (a separately registered charity - 1065638) as a result of the conviction of an Elder [\[footnote 1\]](#) for the historic abuse of 13 young people over a period of 15 years. These offences were committed whilst he was a member of a JW congregation, but before he was appointed as an Elder. During that inquiry, the Commission noted that the Congregation was not aware of these offences at the time of the individual's appointment as an Elder and that they took the appropriate steps to remove him from serving as an Elder at the time of his initial arrest in 2006. However, that inquiry found that the Congregation did not have a child protection policy. In October 2007, there was a meeting between the charity and the Commission at which the charity explained that there was a long history of providing scripturally based safeguarding guidance to Congregations through their religious publications, but that there was no formal standalone safeguarding policy. It was subsequently agreed that the policy would be developed centrally by the charity for dissemination to all the JW congregations. As part of this process the Commission sought independent advice on the draft policy from the National Society for the Prevention of Cruelty to Children ('NSPCC') and a summary of their findings was supplied to the charity on 15 July 2010. The charity also sought their own advice from RWA, a safeguarding consultancy. In finalising the policy, the charity chose not to adopt all of the NSPCC's recommendations.

On 1 February 2011, the charity distributed the Child Protection Policy ('2011 Policy') to all Bodies of Elders in the United Kingdom and Ireland, to which all Elders were expected to adhere.

Following media coverage in 2013 of the conviction of a former ministerial servant of a Congregation of JW (a separate charity), the Commission wrote to the charity in August 2013 to raise concerns about the charity's safeguarding policy and its implementation, confirming that the Commission had opened a regulatory compliance case into the congregation charity about these concerns. The Commission also met with the congregation charity where the convicted former ministerial servant had served. This

engagement informed the Commission that the congregation charity had acted on the child protection policy and advice received from the charity.

At this point, the Commission again sought advice from the NSPCC on the then current safeguarding policy (issued January 2013). This external review highlighted serious concerns with the safeguarding policy, in particular as to its effectiveness in protecting children. The NSPCC advised that the policy was at odds with UK legislation and guidance.

On 11 March 2014, as part of this regulatory compliance case, the Commission met with the charity and two trustees of the International Bible and Students Association ('IBSA') who attended the meeting in their capacity as members of the Britain Branch Committee [\[footnote 2\]](#), to discuss its concerns about the safeguarding policy produced, updated and circulated in 2013, which was being used by JW congregations in England and Wales.

Despite the Commission engaging with the charity during the drafting of the 2011 Policy and providing it with the concerns highlighted by the NSPCC, the Commission's view was that the charity had not sufficiently resolved these concerns when producing the 2013 Safeguarding Policy. At this point the trustees did not clearly set out to the Commission that it was no longer responsible for the drafting and dissemination of the safeguarding policy, nor direct the Commission to the responsible organisation until much later in the inquiry.

On 27 May 2014 a statutory inquiry ('inquiry') was opened into the charity under Section 46 of the Charities Act 2011 ('the Act'). The scope of the inquiry was to investigate:

- the charity's handling of safeguarding matters, including the creation, development, substance and implementation of its safeguarding policy
- the administration, governance and management of the charity and whether or not the trustees have complied with and fulfilled their duties and responsibilities under charity law
- the charity's safeguarding advice provided to congregation charities to the extent not covered by the above

The inquiry closed the publication of this report.

Commission's role in safeguarding

The Commission has an important regulatory role in ensuring that trustees comply with their legal duties and responsibilities in managing and administering their charity. Its aim is to protect public confidence in the integrity of charities. In the context of safeguarding matters, it has a specific regulatory role which is focused on the conduct of the trustees and the steps they take to protect the charity and its beneficiaries.

The Commission does not have the power or remit to deal with incidents of actual abuse and it does not administer safeguarding legislation. The Commission's safeguarding work is often part of a much wider investigation involving or being led by other agencies. It does not prosecute or bring criminal proceedings, although it can and does refer any concerns it has to the police, local authorities and the Disclosure and Barring Service, which each have particular statutory functions.

The Commission's aim is to ensure that vulnerable beneficiaries are protected from harm and the risk of abuse. It may consider any failure to do so as misconduct and/or mismanagement in the administration of the charity. It may also be a breach of trustee duty.

The Commission's published [guidance on its regulatory role and its expectations of charities and trustees on safeguarding](#) is available on GOV.UK.

Conduct of the inquiry

The charity's trustees were informed about the opening of the inquiry on 5 June 2014. On 20 June 2014 the inquiry issued two Orders under Section 52 of the Act requesting information from the charity ('production orders').

Litigation 2014-2016

In August 2014 the charity challenged the decisions to open the inquiry and to issue the production orders. An extended period of litigation followed, which concluded in December 2016 when the Supreme Court refused to allow permission for an appeal by the charity against a decision of the Court of Appeal which had dismissed the charity's appeal in relation to the Commission's decision to open the inquiry.

[Annex 1](#) sets out the litigation timeline.

Investigation Phase

Between June 2014 and December 2016, the Commission's ability to progress the inquiry was substantially constrained by the charity's legal challenges in respect of the decisions relating to the opening of the inquiry and issuing the production orders.

Between December 2016 and December 2019, the charity and the inquiry engaged through correspondence and meetings to progress matters. The inquiry is of the view that the trustees' communications were protracted; the charity's responses often failed to provide the information requested or sufficient clarity to satisfy the inquiry, giving rise to further questions.

In September 2019 the charity was informed that the inquiry had commissioned Ineqe Safeguarding Group to undertake an independent review of JW's current child safeguarding policies and procedures ('2018/19 Worldwide Child Protection Policy' [\[footnote 3\]](#)). Ineqe's independent report was provided to the charity on 11 December 2019 ahead of a meeting with the charity planned for 18 December 2019 to discuss the report's findings and obtain further information and clarification regarding the inquiry's outstanding regulatory concerns. The charity cancelled the meeting because of a number of issues including an outstanding request for information (see below) and because the charity said it wanted to provide a formal response to the independent report.

On 30 January 2020, in response to the Ineqe report, the charity provided the inquiry with a written opinion from its own safeguarding consultant, Mr Ian Elliott. His report states that because Ineqe had not yet met the charity, Ineqe's findings were outdated and inaccurate. His view was that safeguarding practices in the Church comply fully with the statutory requirements that apply.

In a letter of the same date, the charity demanded that the inquiry should be terminated immediately "with a decision that the grounds for initiating the inquiry no longer exist". The charity made this request again on 9 April 2020 and went on to say in that letter that "the most appropriate course is for the Commission to prepare a statement of the results of the inquiry" and that "28 days is ample for that statement to be prepared and completed." This request was carefully considered but refused for reasons communicated to the charity on 4 June 2020. These reasons included:

- the fact that the inquiry still needed to meet with the charity and its safeguarding consultant to discuss the findings of Ineqe's review and the charity's response to it
- that the charity's position with regard to safeguarding appears to have evolved over time, and the inquiry therefore required clarification about which JW entity (or entities) is responsible for safeguarding in addition to the charity, or in the event that it no longer fulfils that role, instead of the charity

The charity instigated further Judicial Review proceedings on 8 July 2020 against the Commission's decision to refuse to terminate the inquiry with immediate effect.

Alongside the substantive investigation, the Commission's investigators undertook significant work on the charity's expansive disclosure requests. The Commission is content that the charity was provided with an appropriate level of disclosure throughout the inquiry. However, the charity has also instigated Judicial Review proceedings against the decision to refuse to disclose all the documents related to the inquiry; this resulted in further work by investigators. Permission to bring the claim was subsequently granted by the High Court.

As a result of this new litigation, the inquiry was unable to progress in any meaningful way until the Judicial Review Application Hearing in May 2021, after which the trustees' cooperation improved significantly, leading to a meeting with the inquiry on 7 October 2021.

Prior to this meeting with the trustees, the charity submitted a second report from its safeguarding expert Mr Ian Elliott (dated 16 June 2021) which confirmed his opinion that 'the current child protection policy of JW provides an adequate framework for delivering what it sets out to achieve' and that it 'offers clear guidance as to the circumstances which would give rise to making a report to civil authorities'. The trustees also submitted a report to the inquiry in September 2021 from an Australian safeguarding expert, Professor Parkinson, which was commissioned by Christian Congregation of Jehovah's Witnesses ('CCJW'). This report's relevance to the inquiry is limited as it was based on Professor Parkinson's earlier work as part of the JW response to the Australian Royal Commission into Institutional Responses to Child Sexual Abuse, rather than in relation to safeguarding legislation for England and Wales.

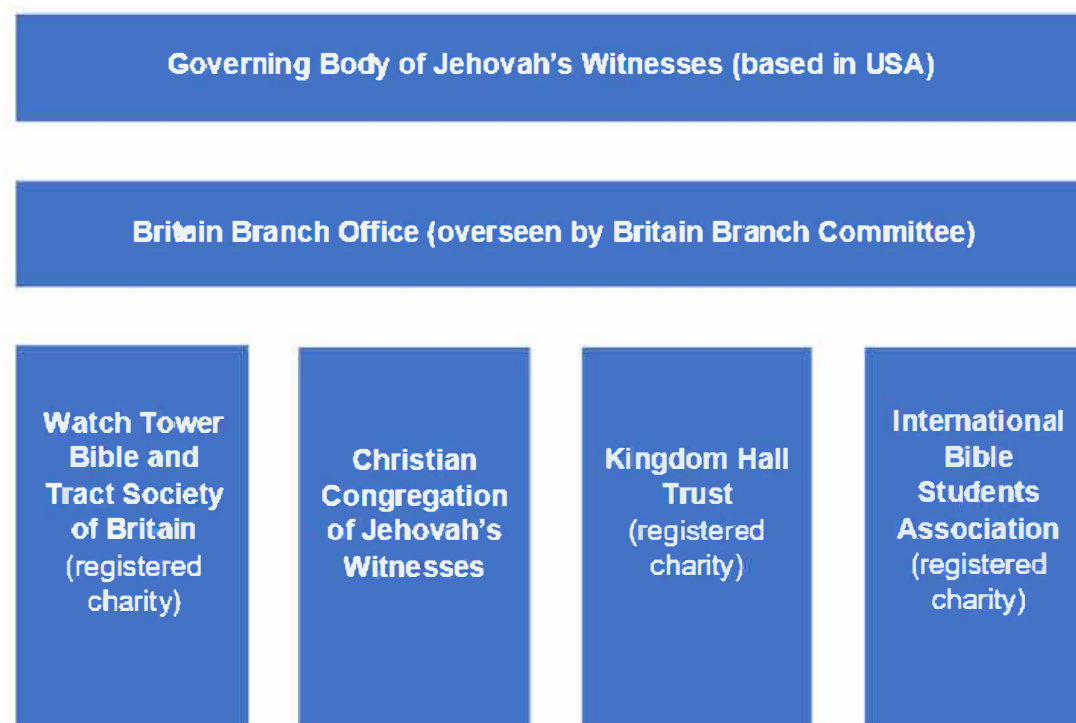
Following the 7 October 2021 meeting, the substantive investigation phase closed on 31 December 2021.

Findings

Organisational structure of Jehovah Witnesses

Set out below and in figure 1 is the structure of JW entities in England and Wales and how they relate to the overseas head office (which is based in New York, United States of America).

Figure 1



The ecclesiastical Governing Body of JW based in New York, USA, provides religious direction and guidance to JW worldwide. This guidance is communicated through the religious publications of JW such as The Watchtower magazine (available via www.jw.org). The religious activities of JW in England and Wales is coordinated by the ecclesiastical Britain Branch Office of JW ('the Britain Branch Office'), which is under the supervision of a group of Elders called the Britain Branch Committee. Its members are appointed by the Governing Body of JW (based in the USA).

Within the Britain Branch Office there are departments which assist congregation Elders in their duties. These include:

- Ecclesiastical Service Department ('Service Desk') which provides guidance to congregation Elders on spiritual matters. This includes, among other things, the provision of guidance regarding implementation of the child protection policy of JW; and
- Legal Department which provides legal advice to the Britain Branch Office, other JW organisations and directly to congregation Elders

Within the JW structure in England and Wales there are four further organisations, some of which are registered charities [\[footnote 4\]](#).

a. The charity (Watch Tower Bible and Tract Society of Britain, registered charity 1077961). The charity is the subject of this statutory inquiry. During the period covered by the inquiry, its role has changed. Having ceased to be responsible for the printing and distribution of Bibles and Bible based literature in 2018, it is currently responsible for financing the construction of places of worship and the expenses of volunteers involved in the construction projects; and the purchasing and the donation/exportation of goods and literature. The charity does not have any direct beneficiaries.

b. International Bible Students Association ('IBSA'), registered charity 216647. This charity is used to provide facilities for annual conventions and assemblies of JW and to cover the material needs of members of the Britain Branch Committee and other full-time servants.

c. Kingdom Hall Trust ('KHT'), registered charity 275946. Previously it held the title to places of worship of JW and supported the financial administration of congregations. However, it has now merged with the separate congregation charities.

d. Christian Congregation of Jehovah's Witnesses ('CCJW'). This is an unincorporated association, created in July 2011, which is responsible for communicating spiritual guidance and advice provided by the Britain Branch Committee/Service Desk and/or the global governing body to congregation Elders and sometimes congregations directly. It took over this role from the charity from September 2011 onwards.

Though the inquiry has been aware of the structure of JW in England and Wales as set out in [figure 1](#) since as early as 2014 it is the inquiry's experience that throughout its engagement with the charity there has been a lack of clarity over the role and governance of the Britain Branch Office and its Service Desk and Legal Department, their relationship with the charity and other JW entities listed above, as well as the role and influence of the Governing Body in the USA. For example, the charity often used letter head which referenced 'Watch Tower Legal Department', when (as was later established) it was the Britain Branch Office's Legal Department which was engaging in correspondence. In addition, the role of the Governing Body in setting spiritual guidance, which includes the safeguarding policy, was not clear in the early stages of the inquiry. This significant lack of clarity created confusion for the inquiry, leading to delays and additional information requests. The true position was only established (through greater information from and cooperation by the charity) following the May 2021 Judicial Review Application Hearing.

The charity's handling of safeguarding matters, including the creation, development, substance and implementation of its safeguarding policy

The inquiry noted that there had been engagement with the charity on the matter of safeguarding and safeguarding policies and procedures since around 2007.

Between 2007 and 2020 there have been different versions of the JW child safeguarding policy and these are set out below.

2011 Child Protection Policy ('2011 Policy')

The charity told the inquiry that JW have always produced child protection literature and given spiritual guidance on safeguarding to all of its Elders and congregation members by way of articles in the JW religious publications and via the Britain Branch Office's Service Desk. In 2011, following a recommendation by the Commission, these were consolidated into one child protection policy. During the development of the 2011 policy, the charity sought advice from independent safeguarding experts, and the Commission provided the charity with a summary of the advice it had received from the NSPCC. Some, but not all of that advice was accepted and incorporated into the policy by the charity. However, the charity has since told the inquiry that the creation of this policy was overseen by the Britain Branch Committee. Having considered the evidence, the inquiry concluded that the charity had a significant role in commissioning and considering specialist advice as well as finalising the contents of the policy.

This 2011 Policy was disseminated to the JW congregations by the charity in February 2011, with the expectation that all Elders would adhere to the guidance set out within it.

2013 Child Protection Policy ('2013 Policy')

The 2011 Policy was revised in 2013 and reissued by way of publication on the JW.org website (the website for JW's globally and managed by Watch Tower Bible and Tract Society New York). The Inquiry finds that it was the Britain Branch Committee that oversaw the production of this policy, with limited assistance from the charity that arose as a result of its past experience producing the 2011 Policy.

CCJW (which was established in July 2011) wrote to all Bodies of Elders alerting them to the publication of the new policy in January 2013. The charity says that following the creation of CCJW the role of disseminating religious guidance was no longer the responsibility of the charity.

Despite the change in its role, the charity continued to act as the contact on safeguarding matters facilitating engagement with the Commission and responding to its information requests, and meeting with the Commission just prior to the opening of the inquiry. At no time during this period did the charity refer the Commission to an alternative organisation as having the responsibility for safeguarding in JW.

The charity subsequently told the inquiry that this was because, despite not having a direct role in safeguarding, it had experience of engagement with the Commission, and it thought it would be helpful to continue in this role. The inquiry does not need to make findings about the motivation for the charity's involvement described above but observes generally that such involvement led to a lack of clarity over which body was responsible for child protection policy.

2017 Policy – Child Safeguarding Policy of Jehovah's Witnesses in the United Kingdom and the Republic of Ireland ('2017 Policy')

In 2017 a new child safeguarding policy was created under the direction of the Britain Branch Committee and was communicated to Elders by CCJW in January 2017. The inquiry finds that the charity did not have a role in the development and publication of this 2017 policy.

This policy was formally considered and adopted by the charity in 2017. The charity told the inquiry that it felt that the Commission's guidance at the time advised that all charities should have a safeguarding policy.

Despite no longer having a role in safeguarding the charity did continue to act as the point of contact for the inquiry on JW safeguarding issues. As before the charity did not, as might have been expected, refer the inquiry to an alternative organisation which did have the responsibility for safeguarding in JW. The charity maintains that the inquiry

should have been clear throughout that the Britain Branch Committee has, and still is, responsible for the JW safeguarding policy's compliance with the laws of England and Wales. However, the Britain Branch Committee is a non-constituted, non-charitable entity so it was not clear to the inquiry who was ultimately responsible for all the different aspects of safeguarding if it was not the charity.

Current policy – 2018/19 Worldwide Child Protection Policy ('2018/19 Policy')

The current policy used by JW is a global policy produced by the World Headquarters of JW and approved by the JW's Governing Body both in the USA.

The current policy is comprised of four key documents:

- a. Jehovah's Witnesses' Scripturally based position on Child Protection (published on www.JW.org in May 2018 and updated December 2020)
- b. May 2019 issue of The Watchtower, study articles 18 to 20 ([available via JW.org](#)).
- c. January 2019 revision of the Elders handbook Shepherd the Flock of God (chapter 14) (not publicly available)
- d. January 2019 revision of the Child Sexual Abuse – guidelines for Branch Service Desks (not publicly available)

The Britain Branch Committee periodically reviews this policy and the guidance to Elders to ensure that it's in line with the relevant laws in England and Wales.

This policy was not adopted by the charity itself. The trustees told the inquiry that because the charity does not provide any direct services to children, it was not necessary to adopt a safeguarding policy. However, though it may not be a requirement for the charity in these circumstances to have a safeguarding policy, the trustees' rationale as to why the trustees chose not to adopt this policy when they had done so earlier was unsatisfactory.

It is accepted by the inquiry that the charity ceased having any significant role in safeguarding after the publication of the 2011 Policy. Its role in developing the 2013 Policy was limited to sharing its experience of working with the Commission to produce the 2011 Policy and facilitating engagement between the Commission and JW organisations in England and Wales. From 2017, its role in producing the child protection policy ceased completely, but it did continue to engage with the inquiry on the matters under investigation.

How safeguarding issues are managed and implemented in practice and the charity's role in this process

As set out above, the inquiry finds that there has been a child safeguarding policy in place for JW from the beginning of 2011 onwards.

Even though the policy has been reviewed a number of times, the advice provided to Elders has not been amended significantly. Elders are able to refer to the core safeguarding policy documents for advice and guidance, they are also able to seek support and guidance from the Britain Branch Office's Service Desk in how best to manage a safeguarding issue. The Service Desk is able to seek legal advice from the Legal Department of the Britain Branch Office.

The inquiry finds that the charity no longer has a role in this process.

The administration, governance and management of the charity and whether or not the trustees have complied with and fulfilled their duties and responsibilities under charity law

In view of the above findings i.e. that the charity did not have a material role in the development of the 2013, 2017 and the current safeguarding policies, it is not possible for the inquiry to reach a finding regarding the trustees' conduct in relation to safeguarding and whether or not they complied with their trustee duties and responsibilities in this matter.

During earlier engagement with the charity and prior to opening the inquiry the charity held itself out to be the point of contact for the Commission and that it acted on behalf of the congregation charities on the issue of safeguarding. The inquiry's opening letter set out the Commission's understanding, following a meeting with the charity prior to the opening of the inquiry:

"In the charity's case, it has been agreed between the individual congregations and the charity that it would take responsibility for creating and developing the Policy. Implementation is by the local congregations, but it is clear the charity is responsible for the development and interpretation of the Policy and advises on its implementation in individual cases. At the meeting on 11 March 2014, it was confirmed that the charity had reviewed the policy dated November 2011, and that their current Policy is that dated January 2013."

The findings of the inquiry do not support this initial assessment (based on information made available to the Commission at that date). It is not clear whether this is because there is a lack of clear governance which blurs the roles and responsibilities between JW organisations and/or a shift in the charity's position during the inquiry. The inquiry believes that this lack of clarity has on at least one occasion created confusion for the Elders at congregation charities and may have given rise to potential risks to their beneficiaries [\[footnote 5\]](#).

It is clear that during the inquiry the charity took responsibility for considering and responding to the inquiry's requests for information, meeting with investigators and agreeing to collate data and statistics held by other JW organisations (though they were never provided [\[footnote 6\]](#)). Therefore, the role of the charity, in this respect, has changed over time, or at least has not always been clear. In particular, if as has now been determined, the charity has no role in safeguarding then it is unclear why the charity commissioned independent safeguarding advice in response to Ineqe's review of the 2018/19 policy. Furthermore, it is not clear why the charity never arranged contact between the inquiry and another JW organisation who was responsible for safeguarding if it was not them, despite there being many opportunities to do so but instead continued communicating on the subject with the inquiry.

Following the charity's litigation challenge at the start of the inquiry and the subsequent delay during which the charity was unwilling to respond to questions and information requests made by the inquiry, communications with the charity have been protracted. The inquiry formed the view that, on occasion, the charity's responses to the Commission have not been as straightforward and as transparent as they should have been. The inquiry has insufficient evidence to reach a view on whether this was the result of an intention to deliberately obstruct the inquiry. Furthermore, the lack of transparency over the charity's role and where the responsibility for safeguarding actually sits in JW has led to confusion and the need to ask further questions and clarification, which has been a significant factor in the time it has taken for the inquiry to conclude.

Following an improvement in the charity's level of cooperation in May 2021 as a result of the Judicial Review permission renewal hearing, the inquiry has belatedly obtained responses to its questions about representations previously made by the charity. This has enabled the inquiry to obtain verification, via third parties, of the charity's assertions.

The charity's safeguarding advice provided to congregation charities to the extent not covered by the above

As stated above, the charity does not currently have a role in producing, implementing or overseeing the JW's Child Protection Policy (2018/19 Policy). In 2011 the charity's role was to assist in the creation and dissemination of the 2011 policy, after which its role in 2013 policy was limited to facilitating engagement between JW and the Commission as well as implementing small amendments to the policy under the direction of the Britain Branch Committee. From January 2017 the charity's role in producing the child protection policy ceased. Therefore, as a result, the inquiry is unable to reach any conclusions about the sufficiency of the charity's safeguarding advice provided to congregations.

Independent Inquiry into Child Sexual Abuse ('IICSA')

IICSA was set up due to serious concerns that some organisations were failing to protect children from abuse. It was a multi strand inquiry covering a wide range of organisations and settings.

On 2 September 2021 IICSA published its report on its thematic inquiry strand into Child Protection in Religious Organisations and Settings ^[footnote 7]. Its inquiry focused on a number of religious organisations in England and Wales, one of which was JW.

This IICSA strand was not directly focused on the charity, nor was the charity a core participant, however its findings are important to the context of safeguarding within JW (IICSA's report did not explicitly state which JW organisation it was holding responsible for safeguarding).

IICSA's findings that related to JW's child protection policy, procedures and practices included:

- it was acknowledged that JW do have a child protection policy and under current procedures of JW, Elders are required to contact the Legal Department and Service Desk of the Britain Branch Office for guidance about disclosure and if there is reason to believe a child is "in danger of abuse" also to go to the statutory authorities
- of the publicly available core safeguarding policy documents the Scripturally Based Position on Child Protection does not provide practical guidance on recognising signs of abuse. The Watchtower May 2019 edition, which is studied by all congregants, does not provide information on how to contact statutory authorities where there is concern. The two other documents which are referenced by Elders only, but which are not circulated to members of the congregations do provide some further details. IICSA suggests that a policy document which is available to "all members of the organisation providing more practical information as to when and how to report would better enable every member of the congregation to protect children" (Part D - paragraphs 19-21)
- IICSA criticises JW's position that they do not undertake vetting and barring checks on Elders and others who run the organisation at a regional or national level. The reason given for this is that JW state that they do not separate children from their parents during any of their religious activities and so such checks are not permitted by law. IICSA concludes that this "fails to recognise that the mere presence of parents does not prevent those in positions of trust from developing inappropriate relationships with children, or being able to groom both the children and their families." (Part D - paragraph 55.2)
- that the JW do not currently seek external assistance from child protection professionals in relation to their training. The report states "Like many other organisations, the Jehovah's Witnesses would benefit from external assistance from child protection professionals". (Part D - paragraph 70)
- it was acknowledged by IICSA that JW are one of the only religions to have an ecclesiastical process in place to expel a congregant for committing child sexual abuse. IICSA was however critical of JW's 'two witness rule' as part of its internal disciplinary processes. This means that if there is an absence of confession from the accused, the evidence of two material witnesses is required to establish an allegation, which can then lead to the disfellowship of the individual. JW state that this is not a safeguarding measure, however IICSA go onto say "Nevertheless, it has no place in any response to child sexual abuse and fails to reflect the reality that by its very nature child sexual abuse is most often perpetrated in the absence of witnesses. The rule's capacity to cause harm to victims and survivors of child sexual abuse is clear. We have received first-hand evidence of this harm. As it presently operates, the Jehovah's Witnesses internal disciplinary process for disfellowshipping members bears no relationship to how sexual crime happens. The continuing use of this rule shows a disregard of the seriousness of the crimes involved and their impact on individuals. It also lacks compassion for the victim, and serves to protect the perpetrator" (Part H - paragraph 25)

In response to the publication of IICSA's report, CCJW provided a response to the recommendations, which is available in full on IICSA's website ^[footnote 8]. In summary CCJW stated that JW's have a child protection policy in place which is reviewed regularly and has been updated following publication of the Inquiry's [IICSA] report. The CCJW response also stated that Elders are directed to comply with all mandatory reporting obligations and that in jurisdictions without a mandatory reporting law, like England and Wales, Elders are directed to report an allegation to the statutory authorities whenever it appears that any child might be at risk of abuse from the accused."

Conclusions

The Commission concluded that the charity had a role in the production and dissemination of the JW's 2011 child protection policy. However, by the time the 2013 policy was published the charity's role was limited to sharing its experience of working with the Commission to produce the 2011 Policy and facilitating engagement between the Commission and JW organisations in England and Wales. By 2017 the charity had no role at all in safeguarding, including the production, dissemination and practical implementation of the JW child protection policy.

The charity neither provides any services to children nor any services which they consider to be regulated activity. In addition, it no longer has a role in the dissemination of spiritual guidance and advice. This role was taken on by CCJW in 2011.

The Commission expects the full and frank disclosure and cooperation of trustees of charities, particularly where charities are subject to a statutory inquiry. That position has been confirmed by the Courts ^[footnote 9]. As set out in this report, the inquiry formed the view that the charity's responses to the Commission have not been as straightforward and as transparent as they should have been. At the outset of the inquiry the charity would have either known which organisation within JW in England and Wales was responsible for safeguarding or taken steps to find out and inform the inquiry. This repeated failure of the charity's responses to facilitate the inquiry's understanding led to the delay in concluding the inquiry and ultimately understanding what the structure for safeguarding was within the charity and the connected organisations. However, the inquiry does not conclude that the trustees have deliberately failed to cooperate with the inquiry.

The Commission concludes that the charity is not the organisation that is currently directly responsible for the safety of JW beneficiaries, including children. Currently the child protection policy used by JW is prepared in the USA and is a global policy used by JWs across the world.

Following the merger of Kingdom Hall congregation charities with the Kingdom Hall Trust ('KHT') (charity number 275946) the Commission has engaged with the KHT trustees around their legal duties and responsibilities. KHT trustees now have responsibility for the governance, management and oversight of all Kingdom Halls. The Commission is working with KHT trustees to ensure that they have the relevant safeguarding policies, guidance and procedures and that the trustees are fulfilling their legal duties and responsibilities appropriately.

Regulatory Action Taken

During the course of the inquiry the following regulatory action was taken:

- two Orders made under S52 of the act were issued requesting information and documents relating to child protection. One of these was subsequently withdrawn by way of a mutual consent order in December 2016
- the inquiry sought witness evidence from victims of abuse and former JW
- the inquiry met with charity trustees and representatives of other JW organisations
- the inquiry commissioned independent expert advice on JW's child protection policies
- the inquiry liaised with relevant statutory and law enforcement agencies
- there have been two periods of litigation during the inquiry which have created delays to the conclusion of the inquiry. These are the period from May 2014 to December 2016 and from April 2020 onwards

Annex 1 – 2014-2016 Litigation Timeline

5 June 2014: Trustees informed that inquiry has been opened.

20 June 2014: Two Orders issued under Section 52 of the Act ('production orders').

22 August 2014: The charity submitted an application to the High Court for permission to apply for Judicial Review, challenging the opening of the inquiry and the production orders.

29 October 2014: High Court refused permission in respect of one of the production orders.

12 December 2014: Hearing took place at the High Court where permission for Judicial Review was refused in respect of the inquiry and the other production order.

18 December 2014: The charity filed an application to the Court of Appeal seeking permission to appeal the decision of the High Court (of 12 December 2014). Permission to appeal was granted on 16 April 2015.

22 December 2014: The charity submitted an application to the First-tier Tribunal (General Regulatory Chamber) (Charity) for an extension to the time in which to bring challenges against (i) the inquiry and (ii) the Commission's production orders.

3 March 2015: The First-tier Tribunal refused the charity's application.

19 March 2015: The charity sought permission from First-Tier Tribunal to appeal its ruling in relation to the refusal to grant an extension.

2 April 2015: Permission to appeal the First-Tier Tribunal's ruling of 3 March 2015 was refused by a further ruling.

7 May 2015: The charity sought permission from the Upper Tribunal (Tax and Chancery Chamber) to appeal the First-tier Tribunal's ruling of 3 March 2015. This was considered on the papers and permission was refused on 19 May 2015.

15 July 2015: Oral hearing in the Upper Tribunal to reconsider the charity's application for permission to appeal the First-tier Tribunal's ruling. Permission to appeal was refused on 6 October 2015.

15 March 2016: Court of Appeal ruled that the appeal in respect of the opening of the inquiry was to be dismissed, but allowed in respect of the production order. The Court of Appeal referred the remaining matter (in relation to the production order) to the High Court to consider whether permission to apply for Judicial Review ought to be granted.

11 April 2016: The charity submitted an application to the Supreme Court for permission to appeal against the decision of the Court of Appeal (in respect of the inquiry). On the 11 July 2016 the Supreme Court ordered that permission to appeal be refused.

1 December 2016: The charity's remaining challenge in respect of the Production Order was withdrawn by a mutual consent order in the High Court.

1. Until the recent merger of JW congregation charities, each congregation used to be a separate charity. An Elder in a JW Congregation was, in many cases, also one of the trustees of that charity. [↵](#)
2. IBSA is another JW charity registration number 216647 and is not the subject of a statutory inquiry. [↵](#)
3. This review referenced the following core safeguarding documents: 1) Scripturally based position on Child Protection; 2) Elders handbook Shepherd the Flock of God and 3) the 2017 version of the 'Child Sexual Abuse – guidelines for Branch Service Desks'. Ineqe also had sight of The Watchtower magazine May 2019 Edition but did not consider it to be a core safeguarding document (which the charity considers it to be). The charity could have raised their concerns over this issue had the meeting with the charity in December 2019 to discuss Ineqe's review taken place. [↵](#)
4. None of the other registered charities referred to in this report is the subject of this or any other statutory inquiry. However, there is an ongoing compliance case into Kingdom Hall Trust to review how the trustees are fulfilling their legal duties and responsibilities following the recent merger with congregation charities. [↵](#)
5. Whilst under investigation a congregation directed the Commission to Watch Tower for safeguarding matters as they thought it was the point of contact for safeguarding and the safeguarding policy. [↵](#)
6. Though not disclosed to the inquiry this information was disclosed to IICSA by CCJW (not the charity), as part of its thematic strand on child abuse in religious settings. The report states that JW records show that allegations concerning 67 individuals were reported to their Branch Office within the previous 10 years. This included 25 allegations against Elders, 32 allegations against ministerial servants and 10 people accused of abuse within an institutional context (such as abuse at a place of worship by a congregant or non-Jehovah's Witness) ([Part B para 15.4](#)). [↵](#)
7. [Child protection in religious organisations and settings Investigation Report, IICSA Independent Inquiry into Child Sexual Abuse](#). [↵](#)
8. [2022 02 28 Response To Recommendations 1 & 2, IICSA Independent Inquiry into Child Sexual Abuse](#). [↵](#)
9. Scargill v Charity Commissioner (unreported) 4 September 1998. [↵](#)

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