

An investigation of the institutional responses to alleged sexual abuse at a Derby gurdwara

Report
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Statement

This report recognises that sexual abuse can occur anywhere and can be conducted by anyone, including those in positions of trust. The Sikh scriptures support the idea that an individual's religiosity, gender, education, or social background does not remove his capability to harm. In faith settings, people are also at risk of 'spiritual abuse' by abusers in religious roles. This report accepts that there is a deep-rooted cultural problem with the perception of abusers in the Sikh Community, as is the case in many minority communities, and there is much to do in this regard. The handling of allegations and support for victims of abuse in the Sikh community requires serious review.

Introduction

On 27 April 2021, an anonymous person used the social media account, KaurAbuseNetwork, to share content on Twitter and Instagram captioned 'Extract of Derby Gurdwara Rape'. The following is an excerpt:

After raping me, he simply walked away, with his semen in his hands, kachera hanging off his backside. He did this in the room next to Sachkhand. This was the beginning of many incidents where I was repeatedly raped. The worse part was being labelled as some sort of promiscuous "whore" whilst he continued to find employment in other Gurdwaras. I still can't make sense of it all.

This was followed by a series of social media posts (until mid-July 2021) that detailed the harrowing account of sexual abuse conducted by two *granthis* at a Derby gurdwara. Each post was a continuation of the original post. Identifiable details were anonymised, including the details of the gurdwara and the names of the alleged perpetrators and complainant (C1).

On 2 November 2021, another popular internet vigilante account, The Kaur Movement, run by Canada-based Gurpreet Kaur Parmar, shared further posts on her Instagram account, this time with identifiable details.

The management of Guru Arjan Dev Gurdwara, Derby made their first public statement concerning this case on the same day. In this statement, it claimed that non-disclosure agreements (NDAs) had been signed by the gurdwara's management committee and others involved in the investigation to protect the identity and reputation of the complainant and the alleged abusers.

However, as the posts on social media now revealed the identities of many of those involved and confirmed Guru Arjan Dev Gurdwara, Derby as the location of the abuse, the information was no longer confidential. It was now legal for management committee to provide a public statement.

The statement, also published on social media, confirmed that the alleged perpetrators of the sexual abuse were former employees and had been employed by the gurdwara from 2015 until 2018/19. The statement also revealed that there had been an internal investigation into the matter in July 2019; however, the gurdwara's management committee closed the investigation, as both employees terminated their employment before an outcome was reached.

The case drew attention from the Shiromani Gurdwara Prabandhak Committee, Amritsar¹ and mainstream media, including the BBC². The publicity surrounding this case poses a serious reputational risk to gurdwaras in the UK.

Amongst a proportion of the Sikhs living outside India, the 'Derby Rape Case' became a topical issue and raised questions regarding the culture and safety of gurdwaras.

¹ Shiromani Gurdwara Prabandhak Committee, Amritsar, is the largest elected representative body of Sikhs.

² Sukhjeevan Singh was contacted by Raj Bilkhu Sohal, a journalist that works with the BBC Asian Network, on November 8th 2021, for comment on this case.

Concerns surrounding the handling of the case were at the centre of commentary, which often became heated and polarised.

Objectives and Scope

This investigation was prompted by rape and sexual abuse allegations at a gurdwara in Derby. Gurdwaras are not just places of worship; they are central to Sikh life and have an open-door policy. The Sikh faith has zero tolerance for any abuse; this is made clear in doctrine, history and scripture.

This investigation aims to build hope for victims and restore trust in Sikh faith institutions through its findings and recommendations. This investigation is limited to the alleged incident(s) at 'Derby Gurdwara'.

To review the Sikh institutional responses to the alleged sexual abuse at Derby Gurdwara, this investigation will work:

- To confirm the incidents of abuse at Derby Gurdwara alleged on social media.
- To determine whether there was an inappropriate institutional response by Sikh organisations to the Derby Gurdwara case, to consider the extent of the failure of Sikh organisations in managing the allegation(s) of abuse appropriately, to consider the extent to which those failings have since been addressed and to identify further action needed to address any failings identified.
- To consider the role of Sikh institutions in supporting the victim(s) of abuse in the Derby case, to consider the extent of the failure of institutes in supporting the victim appropriately and to identify further action needed to address any failings identified.
- To assess how Sikh organisations dealt with the alleged perpetrators of the Derby case
- To review the outcomes on the balance of Sikh teachings (Gurmat).
- To make a broad assessment of the safeguarding culture within the Sikh organisations that came into contact with the victim or alleged perpetrator(s) in the Derby case.

Methodology

On 2 July 2021, this author made an announcement on social media to inform interested parties that terms of reference would be drawn up to initiate an investigation on how Sikh institutions responded to the alleged incidents at a Derby Gurdwara. It is important to note that a member of the Derby Gurdwara management committee responded almost immediately and committed to engaging with this investigation on behalf of the management committee.

On 26 July 2021, this investigation was formally launched, with the terms of reference published online, and requested people to come forward with information.

The first stage of the investigation was to collate, analyse and record all the statements published online attributed to C1 to form a chronology of events.

Alongside this, an email was set up to receive any responses to the request for information. Some key persons involved in the case submitted their statements, containing credible information, via this email account.

Once some understanding of the case and allegations had been established, on 17 August 2021, the management committee, and trustees of Guru Arjan Dev Gurdwara, Derby were contacted by this investigation team and offered a face-to-face meeting. This was scheduled for the first week of September.

Due to several personal reasons, including the illness of some key member(s) of the management committee, there was a lapse of communication, which caused the meeting to be delayed. (In the end, this meeting did not happen.)

On 13 October 2021, a detailed letter with over 40 questions was sent to the gurdwara's management committee and trustees. A deadline for their response was set for Monday, 25 October 2021.

The gurdwara's management was unable to meet this deadline and was offered an extended deadline of 12 November 2021. The investigation eventually received a response from the gurdwara on 1 December 2021.

During the investigation, two organisations, Sikh Women's Aid and The Kaur Movement (Canada), revealed that they were advocates and/or advisors to C1 and were providing her with support. Both organisations were contacted with a request to meet with C1. This request was made on 11 November 2021. The objective of the meeting was to understand the victim's wishes and discuss our investigation in further detail. It was not intended to be an investigative meeting to corroborate facts, and this was made clear to both groups.

No response was received from either group.

This investigation was aided by numerous submissions, both anonymous and named. In the interest of privacy, those who submitted information via email have all been given anonymity.

Following the identification of the accused and some posts attributing blame on M1, a committee member of Guru Arjan Dev Gurdwara, Derby³, several rumours and misinformation spread about this investigation. Online, those who considered this investigation a coverup expressed their distrust; offline, there was increasing paranoia that this investigator, Sukhjeevan Singh, was colluding with those believed to be maligning the gurdwara.

A third-party group requested an unofficial meeting to clear the air. This meeting was held on 5 November 2021, M1 attended. Some other attendees unrelated to the investigation also participated in this meeting.

In addition to this, an official visit to Guru Arjan Dev Gurdwara was conducted by this investigator on Wednesday, 10 November 2021. The purpose of this visit was to physically examine the layout, condition and surveillance arrangements of the granthis' living areas and the accommodation provided to C1. No interviews were carried out during this visit.

³ This is a reference to the posts by The Kaur Movement (Canada) on or after 2nd November 2021

Limitations

This was a non-statutory investigation and had no legal power to make any party participate in the investigation or respond to any communications.

This investigation considered the accounts published online on behalf of C1 to be truthful representations of her account of the incidents and made no further efforts to confirm or disprove those accounts.

This investigation has had no contact (physical or otherwise) with the alleged perpetrators or with C1.

Any submissions received and used by the investigation were not verified.

Summary

C1, a middle-aged Punjabi Sikh female, was a member of the congregation of Guru Arjan Dev Ji Gurdwara, Derby. Before the alleged incidents, she was already going through the 'lowest phase' of her life so far. In 2013, she went through a spiritual awakening leading her to practise the Sikh faith more devoutly. She became initiated into the *Khalsa* as an *Amritdhari* in April 2018. She found that faith helped her get through this low phase of life.

C1 became an attendee, volunteer and participant in Derby Gurdwara life between 2013 and 2018. Her account of the incidents is summarised below:

Incident 1⁴

- C1 alleged that she enrolled in and attended *santhiya* lessons led by one of the granthis at the gurdwara. It is not clear when this happened although it appears to have been between 2015–2018⁵.
- She revealed intimate details about her life to this granthi (G1), including details of her own childhood abuse. This abuse was said to have been conducted by her family members.
- If revealed to her husband, C1 believed that this information could have devastating consequences, including a breakdown of ties between her husband and her family.
- G1 began pressuring C1 to attend other sessions (music classes) that he led and contacted her repeatedly. She felt pressurised.
- She was also made to feel like she owed him something.
- G1 led her to an address outside the gurdwara and committed sexual assault by penetration. The date of this is unknown.
- G2, another granthi, also began sexually harassing and intimidating C1. Again, the date of this is unclear.

Further Incidents⁶

- In June 2018⁷, C1 took residence in the gurdwara due to a marriage breakdown.
- C1 was then raped in the gurdwara by G1 and G2.
- C1 believes that G1 shared her personal history with G2.

⁴ The details of incident 1 were taken from the social media account, thekaurmovement, which posted this narrative as the complainant's account as Survivor #259 on 2 November 2021.

⁵ The statement attributed to the complainant claims the incident occurred in 2013. The Granthi, G1 was not an employee at the Gurdwara at this time. This investigation recognises rape and other trauma can affect the victim's memory.

⁶ The details of incident 2 were taken from the social media account, thekaurmovement, which posted this narrative as the complainant's account as Survivor #259 on 2 November 2021.

⁷ Information provided in a statement by the management committee of Guru Arjan Dev Ji Gurdwara, Derby.

- Both G1 and G2 blackmailed C1 and this information was used to coerce C1 into engaging in sexual acts against her will with G1 and G2.
- G2 sexually harassed, sexually assaulted and raped C1 on multiple occasions both inside and outside the premises of the gurdwara.
- G1 also raped C1 on multiple occasions in the gurdwara premises.

Reporting

C1 reported incidents to a member of the gurdwara management committee in September 2018. The disclosure in this report by the complainant differed significantly to the account above and did not include rape. There was an internal investigation carried out by the gurdwara management committee in July 2019. No outcomes of this investigation have emerged. A second complainant, C2 also came forward with allegations of sexual harassment against G2. No action was taken.

Chronology

Initial Disclosure

In September 2018, C1 disclosed something to an individual member of the gurdwara's management committee (M1) via a phone call. The exact nature of this disclosure remains unknown. Certainly, the disclosure made allegations against the conduct of two granthis. C1 claimed sexual activity with two of the gurdwara's granthis. During the phone call, C1 explicitly stated that she wished for her identity to remain anonymous.

C1 followed her disclosure on 12 September 2018 with a series of text messages to M1.⁸ She was disappointed that G1 was still performing religious duties as an employee of the gurdwara. M1 explained that he had no control over the fact that G2 was currently on holiday and that both G1 and G2 would face a 'discussion' about their conduct on a 'one-to-one basis'.

In the messages, C1 also expressed that she wanted to attend an *Amrit Sanchar* ceremony to undertake *pesh* immediately. She mentioned another individual at another Derby gurdwara that could arrange this locally at short notice. M1 discouraged her from doing this, warning her that the details of the sexual activity would become public:

If you want everyone to find out in Derby what you've done then go to Derby. I guarantee it'll get out from there.

Throughout the messages, M1 repeatedly blamed C1 alongside the alleged perpetrators for being complicit in sexual misconduct. Examples of this are below:

You are just as much to blame as them! You can't blame them yourself when you're the one participating!

You willingly went there to have sex with them!

Every single 1 of those Granthis had excellent record checks. You messed that up when you bedded them!

You admitted to us you had sex next to sachkhand twice. Your all to blame.

G1 is disgusting and so are you for doing it.

This blaming led to a breakdown of trust between C1 and M1. This was recorded in her response to the above:

I know what happened and how it happened. I rang you because I thought I could trust you...I was really not expecting that from you M1 you have completely shocked and broke my trust with you.

⁸ Screenshots of this text dialogue were published online; they were incomplete and were subject to manipulation. The investigation was provided with a clearer and fuller version of this text exchange by friends of M1, who sent photographs of a phone (supposedly belonging to M1) displaying the text exchange. This was noted as a more complete presentation of the dialogue.

C1 was offered a meeting with M1 and another senior member of the gurdwara's management committee, M2. A meeting was held later in the same week.

The 'Official Statement from Guru Arjan Dev Ji Gurdwara Derby', published on the gurdwara's social media has identified C1's report to M1 as an admission of consensual sexual activity:

In 2018 a member of the sangat made a disclosure/admission of consensual sexual activity with two employees of the Gurdwara.

C1's account of her experience, as publicised by The Kaur Movement, states:

I received a phone-call after the conversation between the Main Guy [M2], "Veerji" [M1] and [REDACTED] [G1] took place. I was told that [REDACTED] [G1] denied all the allegations I had made. [REDACTED] [G1] even stood in front of Sri Guru Granth Sahib Ji, put his hands together and swore that he was not lying and nothing happened. I was so angry at this point and asked "If this man is capable of raping women whilst being married and having children, what makes you think he would tell the truth about it in front of Guru Ji?"

I was then informed that all three of us [REDACTED] [G1], [REDACTED] [G2] and myself [C1] had all brought shame on the institute of the Gurdwara. I was banned from entering the Gurdwara or speaking to any of the congregation, but [REDACTED] [G1], was still carrying out his duties. [REDACTED] [G2] was in India so was not part of this investigation.

On 14 September 2018, M1 sent C1 a text informing her that she and G1 would have to leave the gurdwara by Sunday, 16 September 2018.

The same text exchange between C1 and M1 indicated that a ban had been placed upon her engaging in any voluntary activity (*seva*) at the gurdwara, with immediate effect. Another statement⁹ provided by an advisor (A1) to the gurdwara's management committee confirmed that M1 had informed him:

[Complainant 1] refused to engage in making a (formal) complaint and was abusive towards Committee members, therefore she was banned.

The 'Official Statement from Guru Arjan Dev Ji Gurdwara Derby' states:

Giani 1 and Giani 2 both denied the allegations. Giani 1 left the Gurdwara on his own accord and Giani 2 remained. No formal action was conducted as there was no formal complaint. However, both Gianis were spoken to and they denied the allegation of consensual sexual relationship.

The statement also referred to a public announcement by the General Secretary of the gurdwara to the congregation during this period (September 2018):

the General Secretary had announced at the Gurdwara that all complaints should be made and will be taken seriously.

⁹ In A1's statement submitted to this investigation on Friday, 6 August 2021, he stated that in July 2019, M1 contacted him. A1 shared a summary of this discussion in his statement.

This investigation confirms that the employment of G1 terminated within days of the report to M1 (in September 2018). The nature of this termination is unclear, but it appears to have been a resignation without notice.

Meeting With G2, Late 2018

C1 and M1 communicated via SMS until at least 29 January 2019. From this communication, it is clear that:

- C1 was dissatisfied with the outcomes to date.
- G2 was still an employee at the gurdwara.
- C1 was banned from any voluntary service at the gurdwara.
- C1 was also under the belief that an investigation was still active.

Online, C1 states that she was invited to the gurdwara for a meeting by M1. She agreed to this meeting. It is unclear when this meeting occurred, but M1 has stated that it was in (late) 2018. M1 has also confirmed that the meeting participants were C1, M2, G2 and himself. In the accounts published online, C1 claimed that M1 told her that G2 wanted to speak to her privately before the meeting and was in the *langar* (hall). C1 recalls this in her online account as follows:

[M1] told me [G2] wanted to speak to me alone and was standing in the Langar (Hall) and that I should speak to him. I started having a panic attack, [M1] wanted me to be alone with my rapist. I refused point blank to this. [M1] got very frustrated because I kept refusing to talk to [G2] alone, I knew [G2] would persuade me to retract my statement by the same means he stopped me in the first place.

C1 stated that she felt highly uncomfortable walking near G2 from the entrance of the gurdwara to the first-floor committee room. She describes the meeting as follows:

G2, M1, M2 and I sat down and I simply kept repeating "Tell them what you did to me, tell me what you have done." He replied "I have done nothing, I get lots of numbers from women, I get enough female attention and I always turn them down why would I do anything with someone like you? You're old enough to be my mum." I am a lot older than him, so he played this off as though I was obsessed with him and "going after him" and the other two sat nodding. Again I was given no support, no advocacy and there was no safeguarding person who I could trust to represent my interests during any of this.

Anonymous WhatsApp Broadcast Message,

After the events September 2018, an anonymous number shared a WhatsApp broadcast message to an unknown number of members of the Derby Sikh congregation. The date of this is unclear. A1 stated¹⁰:

¹⁰ A1 provided a statement to this investigation.

A Whatsapp message had also been circulated by an unidentified member of the sangat in 2018 detailing that the complainant was having a sexual relationship with the Giani(s). The complainant's name was never disclosed however the names of the employees were.

An anonymous submission to this investigation contained an audio recording of a member of the gurdwara's management committee addressing the congregation regarding the above in early 2019.

Launch of Investigation (July 2019)

In July 2019, the gurdwara's management committee launched a formal investigation into the allegations against G2. The official reason for this internal investigation was that 'the complainant contacted the committee member (M1) and stated she had evidence against G2'.¹¹

C1 provided M1 with the following as evidence:

1. The location of a private flat less than 0.5 miles distance from Guru Arjan Dev Ji Gurdwara. C1 alleged that the flat belonged to friends of G2 who had trusted him with the keys of the property whilst they were away on holiday. C1 stated that G2 invited her to meet him at this location. C1 could not provide a complete address; she could only recall the street name and its proximity to a well-known 'fish and chips shop'
2. A series of screenshots displaying a WhatsApp exchange between C1 and G2. The WhatsApp exchange reviewed by this investigation was not of a sexual or abusive nature.
3. A screenshot of the call log coinciding with the WhatsApp exchange.

A summary of this WhatsApp exchange follows:

- i. G2 messaged C1 at 4.41am on 16th September 2018 with the greeting 'Good Morning'.
- ii. G2 messaged again at 9.57 a.m. asking C1 to return his call and where she was. He then rang C1, which is shown as a missed call in the call log (also submitted as evidence).
- iii. At 11.16 a.m., C1 made it clear that the early hours of the morning were her spiritual time (*Amritvela*) as per Sikh teachings, and he should not call her at this time.
- iv. At 11.16 a.m., C1 also made it clear that he could call her at any other time.
- v. G2 responded almost immediately and asked her about her whereabouts. This was followed by a phone call and a video call. Both are shown as 'missed'.
- vi. C1 informed G2 that she was going outside the gurdwara's premises and would ring back later.
- vii. G2 responded with 'OK' and did not persist in messaging her.

¹¹ Gurdwara statement 2/11/2021.

M1's role in the gurdwara's management committee at the time of the Gurdwara's investigation was 'scripture (priest) in charge'. This meant that he was required to investigate any allegations of misconduct by the religious workers of the gurdwara.
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M1 contacted A1 in July 2019 for assistance and advice in dealing with the allegations. It was M1's intention that the committee should thoroughly investigate the allegations.

A1 is a widely respected legal professional and worked with the gurdwara to update the complaints procedure in January 2019. A1 advised M1 to have no private contact with C1 and that he should always be accompanied by a witness when engaging in any communication with C1.

Following this advice, M1 created a WhatsApp group including C1 and A1 at 4.22 p.m., 12 July 2019. A summary of the communications on this WhatsApp group follows:

- A1 was introduced to C1 as the 'solicitor for the Gurdwara' by M1. A1 informed C1:

Thank you for the messages which you sent us. The matter will remain confidential, and we will provide any support which you require. We will be commencing disciplinary proceedings in relation to G2 and the complaint you raise against him.

*In other (*order) for the matter to be fully investigated, we require the following information: messages, phone logs, emails, photographs, and any other form of communication you may have with him. There is no time frame, we require all forms of communication at any point of time you have had with him.*

- C1 was reluctant to engage with this group, but M1 pressed her to share any evidence of her allegations.
- C1 stated that she had already submitted all evidence privately to M1 and that that evidence should be enough to warrant the dismissal of G2 from employment.
- A1 explained that he had seen the evidence she had previously submitted to M1 and confirmed that this evidence was 'screenshots from what seems like WhatsApp'. He also explained:

Legally we are obliged to investigate the matter. The Gurdwara cannot take any action until a full investigation takes place. If we take any action without a proper investigation, G2 can take action against us.

- C1 pointed out that she had also previously shared the address of a flat where G2 had invited her.
- C1 revealed that she had another female, who was willing to come forward, that had felt uncomfortable by G2's behaviour towards her, including inappropriate touching.
- A1 told C1 that any other complainant should report directly to the management committee.

- C1 expressed her dissatisfaction and lack of trust in the investigation.
- C1 said that she had considered external support from Sikh groups such as Sikh Youth UK but later realised that M1 had some affiliation with this group, so she did not proceed.
- A1 told C1 to contact SAS (Sikh Awareness Society), as this group had no affiliation to the gurdwara and that he would look for non-Sikh services that she could get in touch with.
- A1 announced that an investigation had commenced. On 13 July 2019, A1 addressed C1:

Could you please attend the Gurdwara tomorrow at 10am? Formal proceedings have started against G2. We have grave concerns with the conduct of G2 and therefore we wish to complete the disciplinary proceedings within 7 days.

5 members of the committee have been selected to investigate the case. We require you to attend, show the messages on your phone so we can see G2's number in the messages and not just his name. We also request you tell us the impact this has had on your life and address any other concerns.

G2 will not be present. From the committee he is warned to have no contact. The selected members will sign a document confirming they will keep the matter confidential as your complaint and your dignity will be treated with the utmost respect.

We will also keep you updated throughout the proceedings.

Thanks

 [A1]

Attempt of Contact by G2

Around 45 minutes later, C1 reported that she would no longer be engaging in the group, as she had been contacted in person by G2. She was shocked that he knew of her whereabouts. She believed that the other participants of the WhatsApp group had divulged details of the above meeting to him. A summary of the incident follows:

C1 was visiting another gurdwara in Derby on the same day. A granthi, G3, who was employed by this gurdwara and had previously been an employee of Guru Arjan Dev Ji Gurdwara, Derby, informed C1 that an individual, K1, had come to visit her at this gurdwara on Saturday. K1 had left his number with G3 for C1 to call K1. K1 is a prominent member of the Sikh community in Derby; he is a taxi driver and a *kathavachak*. C1 believes that he was also Head Granthi at Guru Arjan Dev Ji Gurdwara, Derby around a decade ago. C1 thought that K1 wanted to speak to her regarding some paperwork he had given her during her residence at Guru Arjan Dev Ji Gurdwara.

As C1 was leaving the gurdwara, she rang the number G3 had given her. K1 answered the phone and said that he could see her leaving the gurdwara and that he wished to talk about the situation with G2. This surprised C1. He suggested they could speak at

this gurdwara or another location. K1 approached C1 in the gurdwara and initiated a conversation about the situation with G2. C1 covertly recorded this conversation, and two excerpts of this were published on social media. A selective transcript of these follows:

Excerpt 1:

K1: They should of sorted this out before when it was reported

C1: It's been a year

K1: Even when he had just come [to the Gurdwara] someone had approached them [the committee] and told them not to employ him

C1: So who kept him?

K1: They are stupid people, I told them...now, when someone approaches you [with a concern] you should just not employ the person, say brother sorry. When you keep someone and then chuck them out, it's totally opposite

Excerpt 2:

K1: Actually, he's come with me, he's sat in the car

C1: Now, here?

K1: He saying he wants to apologise... (inaudible)

C1: *(laughs)*

K1: If you hear his apology once... (inaudible) they are not going to do anything

Investigation Proceedings

After this incident, C1 was reluctant to participate further in any investigation. M1 requested that she cooperate. A1 informed C1 that they would report the incident to the police, and she could also do the same. Responding to C1's unwillingness to attend the panel investigation A1 stated:

Ok so the next steps are as follows:

The selected 5 singhs will give you until 10.30am to attend. Should you attend you will give your account with full respect. Unless you provide a reasonable excuse for non attendance and postpone, the panj singhs will invest their authority granted by Guru Gobind Singh ji and decide what action to take further relating to religious matters. In relation to employment matters they will decide what action to take further.

The Gurdwara will report the matter to the police.

Eventually, C1 agreed to engage in the process but stated that several people had attempted to dissuade her from doing so.

A meeting was held at Guru Arjan Dev Ji Gurdwara, Derby, on 15 July 2019. The attendees were the 5 panellists, C1, M1 and A1. Apart from C1, all the participants were male. During the meeting, a statement was prepared by A1 on behalf of C1. There is no formal account (minutes) of this meeting available to this investigation. C1's online account states that she felt 'pressured' and 'coerced' at the meeting.

It must be noted that C1 did not sign the statement at this initial meeting. Instead, she returned to the gurdwara the following day and presented an annotated version of the statement. It was on this date, 16th July 2019, that the complainant In his statement submitted to this investigation A1 states:

In terms of the signing of the statement, the complainant was not under any pressure to sign the statement/complaint. Rather the complainant was encouraged to make a complaint. She took 24 hours to consider the statement before signing it. The statement was signed on the following day on the July 16th 2019.

The signing of the statement/complaint was done sensitively. The following examples are for your perusal:

- a. The meeting took place away from the main building in a classroom at a time when there were virtually no members of the congregation on the complex (between 5pm on a weekday).*
- b. Non-disclosure agreement was signed by the committee members.*
- c. The complainant was encouraged to put her complaint in writing so that a formal investigation could take place.*
- d. She was encouraged to get independent support and contact the police.*

This investigation has a copy of C1's signed statement an unsigned version, annotated by hand.

All the allegations in this statement were made against G2 and a total of seven separate incidents were reported. None of these reported incidents included allegations of rape but they did include details of sexual harassment, physical (common) assault, sexual advances and attempts to contact C1. C1 noted:

There have been other incidents that I cannot now remember. Therefore, this is not a full account of all the incidents.

The statement ends with the following:

The only demand that I have, is that I want [G2] ██████████ to be sacked from his position.

I can confirm that I have been provided with information from the Gurdwara in relation to support for various agencies who may be able to help with my experiences and the complaint against [G2] ██████████. Furthermore, I have been advised and encouraged by the Gurdwara that I can attend the police station and report the matter.

This concluded the panel's interaction with C1. The next stage of the investigation was an interview with the alleged person, G2.

On 20 July 2019, a similar panel interview was carried out with G2, resulting in a written and signed statement. G2 denied any wrongdoing in the statement but stated the following:

I would like to make it clear that this is a personal matter and has nothing to do with Guru Arjan Dev Gurdwara.

The text messages – I do not wish to say anything about them. If the case goes to court I will sort out there.

I accept that I went to see her on Saturday July 13th 2019, however, I never spoke to her and K1 spoke to her on a community matter and what he said I do not know. I never went to apologise to her.

Following the two panel investigations, C1 was encouraged to bring forward the other female complainant that wished to make disclosures against G2. Another complainant, C2, did come forward and gave her statement. As per her wishes, the complaint was heard at an external location by the president of Guru Arjan Dev Gurdwara, Derby and A1.

C2's statement centred around the general behaviour of G2 towards C1 and C2, including two incidents where G2 pressurised C2 to take him to Wolverhampton and another incident where he touched her shoulder. C2 revealed another incident:

He started to tell me that it was difficult to abstain from sexual activity out of marriage. I felt that he was sexual harassment. I did not respond. I felt embarrassed and was scared because there was no one in the langar hall.

The statement made no allegation of rape or sexual assault, but it is clear that G2 caused C1 to feel vulnerable and embarrassed to the extent:

I no longer attend the Guru Arjan Dev Gurdwara as I do not feel safe with him around me. I also do not want to attend because I feel embarrassed with him around.

Request for Update and Timeframe

On 26 August 2019, C1 requested an update from A1 and M1 via WhatsApp. A meeting was initially set up to provide an update, but A1 wrote to C1 saying:

Sorry we've spoken to the Punj [disciplinary panel] and they are saying at the moment there is no need for a meeting. They have advised the following:

The new Phen ji [C2] allegation will be put to him now that he's back from holiday with her name not being disclosed. This was as we agreed.

There are other unrelated matters which he needs to be questioned on. The full file will then be sent to the Gurdwaras employment lawyers to review and give advice. Accordingly the decision will be made.

The time frame given for all this to happen is 7 weeks. You both will be notified at the end.

On 6 September 2019, C1 alleged that C2, the second complainant, had seen G2 performing official duties at the gurdwara:

C2 is very shocked to see he is still allowed on stage as per attending this morning katha even after all allegations have been put forward to you and feels no action has been taken for him not to be allowed to be on stage.

She said she will not be attending there again after today because this is not being taken as a very serious incident by yourselves.

Outcome of the Investigation Proceedings

The official statement of Guru Arjan Dev Ji Gurdwara, Derby on 2 November 2021, states:

There was some delay in speaking to G2 in relation to C2 due to him being on annual leave. G2 resigned on returning from annual leave... The investigation panel had no powers to make a determination as the employee was no longer employed.

This statement does not make clear when his resignation was tendered. This investigation requested a redacted copy of the resignation letter from the gurdwara. This was not submitted.

However, this investigation can confirm that G2 was present at the gurdwara on 31 August 2019 and 6 September 2019. There is video evidence of both occasions that the gurdwara uploaded on social media to live stream services. On 6 September 2019, G2 appeared to be performing official duties as a granthi, as he was reading scriptures alongside the *Kathavachik*.

This investigation notes that this evidence does not give concrete confirmation of his employment status, as the Sikh faith has no restrictions on laypersons carrying out religious duties. He could have been engaging in this on a voluntary basis.

Further Employment

The investigation can confirm that both G1 and G2 continued with their professional careers as granthis and served at several gurdwaras following their resignation from Guru Arjan Dev Ji Gurdwara, Derby. Two of these gurdwaras were contacted for comment but have given no response to date.

Other Organisations

A document was published by Sikh Women's Aid on social media (date unknown) containing a statement by the complainant in which 11 organisations were named as those that the complainant had sought support from. These organisations were:

- 1. The Management Committee at Guru Arjan Dev Gurdwara, Derby**
2. The Management Committee at Guru Nanak Panth Parkash, Coventry
3. The Management Committee at Gurdwara Dasmesh Darbar East Ham
- 4. Sikh Press Association**
5. Sikh Awareness Society
- 6. Sikh Helpline**
- 7. Basics of Sikhi**
- 8. Sikh Youth UK**

9. Sikh Council UK

10. Sikh Women's Aid

11. Gurdwara Aid

This investigation sent correspondence to 6 organisations in the above list seeking a response. Only one response was received that gave reference to a public statement. Of these organisations, some have commented publicly of their contact with the complainant (those are shown above in bold).

Many organisations have a confidentiality policy which restricts them from responding to this investigation.

Findings

1. Identifying the Nature of the Allegations

To make any judgement or commentary on the management (handling) of the allegations following the disclosures, it is essential to identify the nature of the allegations. For example, a safeguarding allegation would be handled differently from another type of workplace grievance.

Safeguarding Allegation

The disclosures in this case have been called safeguarding allegations in the online discussions on social media. One reason for this is that C1 referred to the absence of a 'safeguarding person' at the gurdwara, leading the reader to consider this matter a safeguarding issue.

However, this is not a safeguarding allegation because in the United Kingdom, safeguarding is a defined term that refers specifically to protecting children, young people and adults at risk of harm (previously known as vulnerable adults). A child is anyone under the age of 18, and an adult at risk is defined in the Care Act 2014 as someone that:

- has needs for care and support (whether or not the local council is meeting any of those needs);
- is experiencing or at risk of abuse or neglect; and
- as a result of those care and support needs is unable to protect themselves from either the risk or the experience of abuse or neglect.

Whilst many would consider C1 to be an adult at risk or vulnerable because of her personal history and trauma experience, this is not the case as per statutory guidance. C1 is not an adult at risk of harm as per the Care Act 2014.

What was alleged?

C1 has stated (online) that both the accused granthis raped her on different occasions. In their public statements, private interviews, and statements to the investigation, the gurdwara's management committee has consistently maintained that C1 admitted a consensual sexual relationship with both granthis.

Her online accounts reveals a history of sexual abuse and an abusive marriage. She believes that being a victim of sexual and domestic abuse has caused her life-long trauma and has impaired her ability to express or consent to sexual activities. Through her accounts on social media, C1 has explicitly stated her lack of consent in any sexual activities with the accused. However, this was not made clear in the same way by C1 to the gurdwara's personnel.

Although this investigation had no contact with the accused, an email from Police Constable Emma Birch to C1 on 22 August 2020, which has been published on social media, confirmed that both of the accused granthis claimed they had participated in consensual sexual activities with C1:

As you are aware, I interviewed both men yesterday and confirm that they both provided accounts stating that sexual acts had taken place but both also stated that these acts had been consensual.

After reviewing both the signed and annotated statements of C1 to the gurdwara's investigation panel and a review of the WhatsApp exchange between C1 and M1/A1 this investigation can state:

1. An allegation of sexual misconduct against G1 was made in September 2018. It is unclear whether this sexual misconduct was consensual or forced. There is no formal record of this allegation.
2. Up to and including the July 2019 panel investigation, the allegation against G2 was that he had sexually harassed C1. This was not an allegation of rape or sexual assault by penetration.
3. An allegation of one instance of assault¹² (non-sexual) was made against G2 on one occasion.

In reference to the disclosure by C2, the investigation can confirm an allegation of sexual harassment was made against G2.

Finding

C1's disclosures to the gurdwara's management committee, made both formally and informally, include allegations of sexual misconduct and sexual harassment. There is also one allegation of common (physical) assault on the premises of the gurdwara. This differs significantly from C1's account of sexual assault by penetration and rape published online. The gurdwara's management committee cannot be expected to respond to what was not reported to them. This does not exempt them of their duties arising from the disclosures made available to them.

The Law

Assault is a criminal offence in the United Kingdom. Common assault is when a person inflicts violence on someone else or makes them think they are going to be attacked. It does not have to involve physical violence. All crimes should be reported, but there is no legal obligation to contact the police.

In the UK, sexual harassment is unlawful under the Equalities Act 2010 but is still not considered a criminal offence in its own right unless there is 'touching', i.e. sexual assault. Sexual harassment is unwanted behaviour of a sexual nature that violates an individual's dignity, makes them feel intimidated, degraded or humiliated and creates a hostile or offensive environment.¹³ In a typical workplace, sexual harassment

¹² **Common assault** is when a person inflicts violence on someone else or makes them think they are going to be attacked. It does not have to involve physical violence. Threatening words or a raised fist is enough for the crime to have been committed provided the victim thinks that they are about to be attacked. Spitting at someone is another example.

¹³ Sexual harassment - Citizens Advice. <https://www.citizensadvice.org.uk/law-and-courts/discrimination/what-are-the-different-types-of-discrimination/sexual-harassment/>

complaints should be dealt with according to policy. This could be a specific sexual harassment policy or a general grievance policy.

Sexual misconduct is a subjective term with no place in law. Sexual misconduct is interpreted through the lens of religion, culture and societal norms. Whilst many large churches accept a canon law developed by a relevant ecclesiastical authority to govern clergy, smaller faith communities like Sikhs operate their faith settings mostly independently from any overarching religious authority. In the UK, Sikh gurdwaras use the Sikh Rehat Maryada or variations of this to determine a code of conduct for those working in the gurdwara, but the Rehat Maryada applies to all Sikhs, irrespective of position and religiosity, and it is not specific to those working in the gurdwara.

Please note, as per the principles of this investigation:¹⁴

- It is not part of the investigation's function to determine the civil or criminal liability of named individuals or organisations.
- However, this should not inhibit the investigation from reaching findings of fact relevant to its terms of reference or from publicising these findings.

2. Who was responsible for responding to the allegations?

The Governance Structure of Guru Arjan Dev Gurdwara, Derby

Guru Arjan Dev Gurdwara, Derby is a registered charity (charity number: 512762) regulated by the Charity Commission. Like any charity, the gurdwara is governed by trustees. In many gurdwaras, the trustees are the same as the management committee. However, in the case of Guru Arjan Dev Gurdwara, Derby, whilst the trustees are legally responsible for the governance of the gurdwara, a management committee is appointed for the day-to-day running of the gurdwara.

It is the trustees' responsibility to ensure that policies and procedures are in place and implemented. While both the trustees and the management committee consist of volunteers, the trustees are the charity's governing body, much like a board of directors in a corporate company.

Findings

This investigation notes that the handling of the allegation was almost completely led by the management committee. Whilst a complaint can be made to anyone working in the gurdwara (employees, committee members), it is the trustees' obligation that the governing document and other policies are adhered to in handling the complaint in a timely and appropriate way. It is their responsibility to ensure that these documents exist in the first place and are reviewed and updated.

This investigation finds that the trustees were involved in the investigation and evidence of this is that they nominated one of their members as a member of the panel that would handle the investigation. Whilst this participation is positive, there

¹⁴ Terms of Reference, published 22/7/21.

is more supervision and strategic work that could have been done to safeguard everyone involved.

The parallel governance of the gurdwara by the gurdwara's management committee and trustees can lead the public to misunderstand where accountability should be sought.

3. Responding to the complainant

There are several barriers to victims of abuse and complainants in general in making a disclosure. There are added complexities in a faith setting. C1 made all her disclosures to a member of the management committee, M1.

It seems that C1 had some level of acquaintance and trust with M1, who held the role of 'scripture (priest) in charge' in the management committee.

C1's initial disclosure to M1 in 2018 was by telephone. C1 made it clear that she wished her identity to remain anonymous. At that time, M1 had no reason to consider the complaint to be of a criminal nature. Without C1's explicit permission to disclose her report to the rest of the gurdwara management committee, he was faced with a moral dilemma as to how to respond to the disclosure.

M1 eventually involved another member of the gurdwara's management committee, M2, and held a meeting with C1 in the same week. Both committee members (M1 and M2) interviewed G1 to investigate his misconduct at a separate meeting. G1 denied the allegations. G2 was on annual leave holiday at the time of this disclosure.

The result was that G1 resigned from employment almost immediately, and C1 was also made to vacate her accommodation at the gurdwara.

M1 has since been targeted on social media for his use of language in the subsequent text exchange. Excerpts of the language, which this investigation would deem as unprofessional, angry, and blaming, have been included in the chronology.

Findings

M1 was faced with a highly challenging situation in which employees of the gurdwara were accused of sexual misconduct. The allegation was made by a complainant that wished to remain anonymous. Whilst confidentiality can be breached in cases where the circumstances warrant immediate reporting (when someone is at risk of harm), this was not considered to be the case in this circumstance by M1:

It was unethical to divulge the identity of C1, as she had made her wishes to remain anonymous clear, and there was no apparent risk of further harm to C1, nor was there a concern that C1 had previously been harmed by the accused.

The wishes of C1 should have been at the forefront of how the complaint was dealt with. However, this investigation recognises that outcomes be determined by C1's desires alone. In this regard, M1 showed a commitment to respecting C1's choices, protecting her identity and ensuring the employees were given a fair chance to respond to the allegations.

Arguably, C1 could have been provided with better support from M1. She would have benefitted from a female-led, trauma-informed response, and this should have been provided to her by the gurdwara's management committee if the complaint had reached them. M1 is not a female, nor is he trauma-informed. However, it was C1's choice to reach out to M1.

M1, alongside M2, met with C1 and interviewed G1 within a few days (3–4 days) of the disclosure. M1 and M2 failed to meet C1's expectations in keeping her updated. C1 wanted an instantaneous response to her disclosure. However, this investigation concludes that the initial response time was commendable.

Confusion was caused by M1's claim that he would resolve the matter (sort it out). This unfairly led to C1 believing her desired outcomes would be reached. M1 later rectified this by saying that he needed to consult with the management committee, but an unrealistic expectation had already been formed in C1's mind.

A better process would have been to record C1's allegation anonymously, raise the issue with the gurdwara's trustees and for the trustees to pursue an internal investigation into the employees' conduct. C1 should have been informed that it would not be possible for the management committee or trustees to respond to her directly or keep her informed if she wished to remain anonymous. Her options should have been made clear:

1. Either she could report the allegations anonymously and leave the matter with the gurdwara's management and trustees to investigate, or
2. She could formally complain to the gurdwara's management committee/trustees, who should then keep her up-to-date with the progress of her complaint.

Sexual misconduct is a sensitive and complex religious matter for Amritdhari Sikhs. This is even more serious given the position of the accused. This investigation condemns M1's use of language levelled at C1. He was not able to separate his personal feelings from his role as a member of the gurdwara's management committee. He recognised the sexual misconduct as consensual although this was not explicitly stated. It could be assumed that M1 responded emotively because he is a devout Amritdhari Sikh. Extramarital sex is a cardinal sin (*bujjar kurehat*) for Amritdharis.

M1 also shared a level of familiarity with C1 prior to this incident and this may have led to the weakening of professional boundaries.

It appears that making C1 vacate the premises was a punishing act, but given the religious setting of a gurdwara, M1 believed that it was essential to prevent further illicit sexual relationships from occurring in what he considered to be a sacred space.

4. Informal Proceedings

This investigation has confirmed that an informal meeting occurred between the alleged perpetrator, G2, C1, M1 and M2 in the premises of the gurdwara in late 2018. The meeting was arranged by M1. It is unclear whether C1 had prior knowledge that G2 would also be present.

It seems that M1's objective for this meeting was either:

- to use this meeting to pursue an investigation and to determine the factual basis for the allegations by placing C1 face-to-face with the accused, or
- to arrive at an amicable resolution to what he considered to be the fallout from a consensual extramarital relationship.

Findings

This investigation strongly condemns the above course of action, regardless of intent. Arranging such a meeting shows a complete disregard for its impact on C1 on the part of both committee members, M1 and M2. Any contact between C1 and the accused should have been voluntary for all parties. It is unclear whether M1 and M2 were carrying out their own private investigation or were acting under the instructions of the gurdwara's management committee/trustees.

5. The Evidence

By July 2019, M1 had decided that a formal investigation was required to fully evaluate the misconduct alleged against G2 on the basis that 'the complainant contacted the committee member (M1) and stated she had evidence against G2'.¹⁵

The evidence referred to in the above statement is a WhatsApp exchange between C1 and G2. It has been summarised in the chronology section of this report. This investigation was provided with this evidence through a voluntary submission by A1. This evidence is helpful in providing some insight about the concerning relationship between the complainant, C1 and G2 as it is the only evidence documenting any communication between them.

Findings

The exchange provided little to substantiate any allegations forceful, abusive, or harassing behaviour. G2 asked the whereabouts of C1 twice in the short exchange, which could suggest some controlling behaviour. The tone and language used by both C1 and G2 was informal and could be described as friendly. It should be noted that arguably, the language used by both participants crossed cultural norms.

For example, C1 used 'Ji' to address G2. The word 'Ji' is used to convey deep respect and could have been used by C1 to express reverence towards G2 as a granthi. However, in many parts of India, it can also be used by females as an affectionate term towards their male partners (as a substitute for their name) in romantic relationships.

In stark contrast, G2 used highly casual, informal language. To ask about C1's whereabouts, he used the phrase '*kithe hun?*'. In North Indian dialects, pluralisation is a sign of respect. As C1 is significantly older than G2, it is very odd that he did not use pluralised language, especially as C1 is a female. This could suggest dominance or some level of intimacy.

¹⁵ Gurdwara statement 2/11/2021.

6. Formal Investigation by Gurdwara Management Committee

The gurdwara already had a general complaints procedure that had been reviewed in early 2019. This procedure was the basis for dealing with C1's complaint in July 2019. A1 had been asked to participate as a voluntary advisor for the process given his legal background.

Findings

There was a lapse of around ten months between C1's initial disclosure and the initiation of a formal investigation. This is a serious failure by those involved in the running of the gurdwara (M1 and M2) that were aware of the complaint. The reason for this was that C1 was persistent that she did not wish for M1 to disclose the matter further. Despite C1's unwillingness to pursue a formal complaint, the nature of the allegations meant that unless they were disproved, G2 was not fit to be employed as a granthi.

It is alarming that the accused, G2, tried to contact C1 a day before the panel meeting with C1 was scheduled. K1, an ex-employee of the gurdwara, facilitated and supported this contact by G2. He appeared to be sympathetic to C1 whilst expressing doubts on the credibility of the management committee.

The investigation cannot determine whether the details of the proceedings, including the date and time of the interview with C1, were divulged to G2 or whether the timing of the meeting between C1 and G2 was coincidental. This contact was likely made to discourage C1 from attending the panel meeting.

The gurdwara's management committee and panellists signed non-disclosure forms to protect the identity of C1 and the accused, G1 and G2. This prevented the gurdwara from responding to allegations made online and safeguard its own reputation in a timely and effective manner.

The failure of the trustees in safeguarding the organisation's reputation is a serious cause for concern. Its reputation is a valuable intangible asset of the charity. It is likely that this case has triggered the involvement of the Charity Commission. The Charity Commission's involvement has been confirmed unofficially by multiple internal sources. The first official statement from the management committee of Guru Arjan Dev Gurdwara, Derby came on 2 November 2021 after a management committee member was identified online.

It is positive that a complaints procedure existed and was implemented.

However, this investigation determines that the complaints procedure was not appropriate for managing this allegation:

1. C1 was expected to share intimate details of her experience with a large group of people. Given that the sexual nature of the allegations (sex is a taboo subject in Punjabi culture) and that strong cultural barriers and a sense of shame surround this subject, the number of people present only added to C1's discomfort. All the evidence presented to the panel had already been submitted to M1.

2. Additionally, the number of people involved also made confidentiality harder to maintain. There was an attempt to mitigate this risk by requiring the panel and management committee members to sign non-disclosure agreements.
3. Aside from C1, the other seven participants in the procedure were all male, which led to further discomfort for C1.
4. The panel consisted of the *Panj Singh*, or five Amritdharis. A1, a legal professional, presented the panel as having “authority granted by Guru Gobind Singh” in a WhatsApp message addressing C1. This belief is founded on the teachings of the Sikh faith in which a group of five Amritdharis has ultimate authority in the *Khalsa Panth*. The procedure was adopted on the basis of a complaints procedure that A1 had created for general use in the gurdwara. This investigation finds this to be a misinterpretation of the role of the Panj Singh:
 - a. The traditional role of the Panj Singh is to administer *Amrit*, and to hear voluntary confessions of transgressions from individuals that have ‘sinned’. It is also their role to absolve those that come to them. It is not an investigative role.
 - b. It would have been more appropriate for the management committee and trustees to carry out the investigation and present the findings to a group of Panj Singh to provide spiritual guidance/judgement; for example, if the granthi was found to have had an extramarital relationship, they could determine the suitability of his employment at the gurdwara.
 - c. The status of the Panj Singh in Sikh doctrine is akin to the Guru. They have absolute and divine authority. In this circumstance, the involvement of ‘Panj Singh’ would have given C1 a false sense of hope that she would receive divine and absolute justice. She also had a religious duty to cooperate with an investigation led by the ‘panj singh’. There should never be any pressure on a complainant to pursue a particular course of action.
 - d. When the matter became public, it caused outrage and controversy that the Panj Singh were unable to close the matter.
5. As part of her statement, C1 confirmed that:
 - a. she does not require a solicitor and trusts the five Singhs
 - b. she was signposted to support that was available externally
 - c. she should report the matter to the police

This investigation is pleased that the investigation panel showed a commitment to protecting the interests of C1. However, the insertion of the above points in the statement appears to be a mechanism to safeguard the investigators from future scrutiny. It seems this insertion did not come naturally. In safeguarding, it is best to record disclosures verbatim to ensure nothing is lost. This investigation believes that the professionalisation of the statement damages some of its’ credibility.

6. The second complainant, C2, made her disclosure statement a week after C1’s statement had been given to the panel. Her statement was made directly to

the president of the gurdwara in the presence of A1. The meeting was held at an external venue to protect her identity. The investigation considers this a more sensible approach than how the matter was handled with C1.

It is important to note that A1 acted in a voluntary capacity and that no accountability for the investigation should be placed on him except for his own actions. C1 felt that she had been poorly advised by A1. On analysis of the written evidence provided to this investigation, this investigation finds this allegation to be unfounded. In his conversations with C1, he frequently made C1's options clear to her and ensured that she was signposted to appropriate support external to the gurdwara's management. A1's role was examined by both his employers and the regulatory body for his profession resulting in a decision to take no further action against him.

7. This investigation determines that the gurdwara's management committee interviewed the accused, G2, promptly following C1's attendance of the panel meeting.
8. This investigation finds that the panel was never able to hold a meeting with G2 regarding C2's disclosure.

7. Outcomes

The gurdwara's official investigation into the conduct of G2 in July 2019 terminated without any outcome. The main reasons given by the gurdwara's management committee for this are:

1. G2 had gone on annual leave, which was pre-booked and was a part of his employment rights.
2. He resigned after his annual leave so the panel had no power to make a determination regarding the allegations.

The evidence submitted to this investigation reveals:

- C1's meetings with the panel concluded on 16 July 2019.
- The panel's meeting with G2 occurred on 20 July 2019.
- The second complainant gave her statement to the gurdwara's president on 24 July 2019.
- G2's annual leave holiday was pre-booked for 28 July 2019.
- G2 did return to the gurdwara and performed some duties there. He was spotted at the gurdwara on 31 August 2019 and 6 September 2019.

Findings

This investigation acknowledges the complexity of the issue the panel was dealing with and that members of the panel probably had little human resources experience. This investigation notes that the gurdwara's management committee intended to take advice from legal employment experts, The Peninsula Group Limited, who provide advice on 'the toughest workplace problems' (as per their website) but did not do so.

M1 brought the matter to the attention of the gurdwara's management committee at a late stage, by which point there were only a few weeks until G2 was due to go on annual leave. It is not possible to cancel an employee's pre-booked and approved annual leave without notice equal to the time being taken off. For example, if G2 was taking four weeks annual leave, the gurdwara would have to give him four weeks' notice to cancel his annual leave. This was not possible given the timeframe. The gurdwara's management committee was under pressure to act quickly, and it was able to mobilise an investigation according to its' complaint's procedure.

The panel should have been made aware of the time constraints and should have tried to reach an outcome or at least complete the investigation before G2's annual leave commenced. It is not uncommon for employees to resign without notice when faced with the prospect of dismissal. It seems that the panel did not anticipate this risks or plan effectively.

The panel failed in recognising the complainants' complaints separately and instead tried to group them together. The panel was in a position where it could provide an outcome for the allegations made by C1 as the investigation for this had been complete. Both C1 and G2 had given their accounts to the panel. There was no further line of inquiry. However, it did not conclude the so because it believed that the investigation was incomplete.

This was because G2 had not been given an opportunity to respond to the allegations made by the second complainant. This was a failure to recognise each complaint and complainant in their own right.

The gurdwara's management committee was right to recognise that once G2's employment had been terminated, as an employer, they could not proceed with disciplinary action.

However, G2's resignation was tendered after his return to work, which meant that he was still an employee of the gurdwara while he was on annual leave. G2 could have been notified of any outcomes in writing while he was on holiday or immediately upon his return. Equally, the panel could have scheduled a disciplinary hearing immediately upon his return.

The ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice on Disciplinary and Grievance Procedures states that both the employer and the employee should make every effort to attend the disciplinary meeting and that where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause, the employer should make a decision based on the evidence available.

The panel had ample time (seven weeks) to make a determination on the conduct of G2 in relation to the allegations made by C1 and C2. It is unclear when G2's employment was terminated but he was still performing some duties on 6th September 2019. It is disappointing that the gurdwara's management committee allowed G2 to continue in a public-facing role when the investigation into his alleged sexual harassment and sexual misconduct had not arrived at any outcome.

Considering this, this investigation finds this statement of the gurdwara's management committee to be factually incorrect:

The investigation panel had no powers to make a determination as the employee was no longer employed

8. Further Employment

It has caused considerable outrage that both alleged perpetrators continued employment in the same role at different gurdwaras. This raises serious questions regarding the recruitment process within some gurdwaras. There has been online speculation that references were provided to both employees, which enabled them to find further employment.

Findings

Under General Data Protection Regulations (GDPR) in the UK, an ex-employer cannot respond to a reference request from a prospective new employer without the consent of the ex-employee. It is highly unlikely that an employee would give consent for an ex-employer to give a potentially bad reference. Given this, many organisations give written references to employees who are leaving, thus eliminating the need for consent. Guru Arjan Dev Gurdwara, Derby has not commented on this, and it is unlikely that the alleged perpetrators, both of whom left prior to any outcome from the formal investigation, would consent to the gurdwara providing a reference for them. Furthermore, it is not in the gurdwara's interest to give them a positive reference. This therefore raises questions regarding the recruitment process of the accused's subsequent employers.

Key Issues, Ethics and Reflections

Procedures for Dealing with Sexual Offenders with spiritual roles

In this case, two granthis were accused of sexual misconduct and immoral behaviour. This has been a cause of outrage amongst the online community of commentators. This case raises the question of how the transgressions of granthis and others in religious roles should be dealt with.

In the Sikh Rehat Maryada, there is no special category concerning the misconduct of those in religious roles. All Sikhs are subject to the same code of conduct and process for chastisement. Absolution through chastisement is only available to those who voluntarily seek it by going (*pesh*) to an Amrit Sanchar. Even then, this process (*pesh*) is not required to be a public affair; it is not recorded and has no limitation regarding how many times a person can seek spiritual pardon this way.

This investigation shows that even amongst gurdwara management committees, there is a lot of uncertainty surrounding what should be done regarding offenders in spiritual roles. Since the launch of this investigation, this author has been confronted by people and individuals with strong views on how to handle allegations and convictions against granthis, *parcharaks*, *kirtanis* and those in other clerical roles at a gurdwara.

A section of the Sikh community strongly believes in *purdah* (veiling). This belief is based on traditional cultural values in the South Asian community and some Sikh teachings. This group believes that alleged or convicted perpetrators of sexual misconduct should not be exposed or humiliated; instead, they should be shown compassion and their mistakes should be covered up. There is strong belief in rehabilitation of offenders.

Another section of the Sikh Community strongly pushes for stronger punishment. Perpetrators should be exposed, punished, and made an example of to deter others. A proportion of those that hold these views come from the survivor/victim community.

There has been little expert discussion about handling sexual offences by those in spiritual roles.

A key step identified in this investigation is to open a consultation of Sikh intellectuals, experts, and institutions to determine best practice in such situations. The findings of this consultation should be sent to Sri Akal Takth Sahib for clarity, doctrinal analysis, and verdict.

Power, Spiritual Abuse and Positions of Trust

It is unclear what level of self-awareness the accused granthis at Guru Arjan Dev Ji Gurdwara, Derby held. Those in leadership roles in religious settings will always have power over laypersons. This is one of the reasons for the prevalence of abuse in the Christian Church.

Manipulation and exploitation are hallmarks of spiritual abuse. There is much to be learned and explored on this subject.

A good starting point would be to adapt existing guidance in other professions, for example, from the General Medical Council, and make relevant to gurdwaras:

Trust is the foundation of the doctor-patient partnership. Patients should be able to trust that their doctor will behave professionally towards them during consultations and not see them as a potential sexual partner. You must not pursue a sexual or improper emotional relationship with a current patient.¹⁶

Internet Vigilantism

The merits and risks of the #MeToo movement have been highly documented. An analysis of the @KaurMovementUK Twitter account (formerly @KaurAbuseNetwork) reveals that #metoo was the most mentioned keyword in the posts from the account.

The KaurMovementUK has maintained the anonymity of all the accused and the complainants in the Derby Gurdwara case. This is likely because the owner of the account is in the United Kingdom and could face legal action by those affected.

TheKaurMovement page run by Gurpreet Kaur Parmar, who is based in Canada, has exposed the identities of the accused, complainants and other connected individuals in the case. This type of online shaming can have serious implications for all parties, their future and their families and children. Without incurring costly expenses and engaging in international legal action there are few options available for those affected to have their images and other identifiable details removed.

This investigation strongly objects to publicly revealing the identities of those involved in such cases and sympathises deeply with those connected persons that have become vulnerable due to the exposure.

One such person is the current safeguarding person at Guru Arjan Dev Gurdwara, Derby. During the time of the investigation by the gurdwara, she had no formal role as a safeguarding person. Due to the exposure of her identity and sharing of private communications with C1, she has faced vilification and abuse from numerous commentators. This investigation can confirm that she is also a victim of domestic abuse. There has been no risk assessment for the implications of this type of online shaming by the TheKaurMovement.

Another connected person who has been the subject of online abuse and vilification is M1. He was not contacted by TheKaurMovement team nor given a chance to respond to allegations made against him before his photograph was published online. As M1 is attached to Sikh activism in the UK, some of Sikh's activist groups and individuals responded in defence of M1, invertedly, revealing further details of his personal history. This investigation finds that the exposure and subsequent abuse of

¹⁶ Maintaining a professional boundary between you and your http://gmc-uk.org/static/documents/content/Maintaining_a_professional_boundary_between_you_and_your_patient.pdf

connected persons will only make others more reluctant to engage in voluntary roles at the gurdwara. This is a tragic consequence of this case.

In another high-profile sex abuse scandal, which involved a renowned Sikh preacher, Gurpreet Kaur Parmar confirmed that before exposing an individual, she typically contacted them for comment. It seems the same protocol was not afforded to those involved in this case.

This investigation contacted Gurpreet Kaur Parmar on 11 November 2021 but has received no response to date:

Dear Gupreet Kaur Parmar (The KaurMovement)

I'd like to thank you for all your efforts and work in exposing the dangers in our society. My understanding is your approach is both trauma-informed and victim-centric.

I can understand how publicly shaming perpetrators of abuse can provide a form of justice for victims. However, recently, it has come to my attention that you have also revealed the identities of others that are connected to cases by some or little proximity. This is a matter of concern to me.

Public humiliation can have devastating effects, including suicide for those humiliated. This is escalated when those being 'exposed' have a complex personal history. It can also have tragic effects on family and personal life.

I can confirm that at least two of those recently 'exposed' on your page have complex personal circumstances. One male has severe physical disabilities, some mental health issues, and another female herself is a survivor of domestic abuse.

In the interest of transparency, in my report, which focuses on the institutional responses to the allegation of serious sexual abuse in a Derby Gurdwara I will be discussing the potential impact of this with reference to this case and making recommendations.

Please can you assist me in this by providing your reasons for exposing the identities of connected individuals and how you manage the risks involved in this. I would be grateful for a response by Thursday, November 18th 2021.

Recommendations

1. Gurdwara management committees must be able to identify the nature of an allegation to respond appropriately. Not every allegation is a safeguarding allegation or concerns a crime. An allegation of sexual harassment or misconduct on its own is not a matter for the police or local safeguarding teams, rather it is a matter for the organisation to deal with.

Many allegations may comprise a ‘low level concern’¹⁷ or a breach of conduct by employees, volunteers or members of the public. Gurdwara management committees must move away from a liability-avoiding attitude that comes from misidentifying the allegation. Instead, the approach needs to be less reactive, more compliance-driven and must place the complainant at the centre of all actions. Training and free human resources information are available online.

2. Every gurdwara needs a stand-alone sexual harassment and misconduct policy. A separate policy sets the tone of a zero-tolerance commitment to sexual harassment and misconduct and will act as a deterrent for people in the organisation. It will also provide support to those involved in handling the complaint.

The policy should contain some references to Gurbani (scripture) or to the Rehat Maryada or to the general teachings of the Sikh faith. This does not mean that the document should read like a sermon. However, the inclusion of spiritual references will provide a spiritual basis for the policy, which is therefore more likely to be taken seriously in a faith setting.

This policy should be accessible to the public, all staff, volunteers and trustees of the gurdwara. It needs to make clear what the grievance process is and outline the responsibilities and roles of all those involved in the process. It should be in English and Punjabi, and those in management positions must be willing to discuss the policy with those that may struggle with literacy. Discussion of this policy with employees and amongst management will help assess the culture of the organisation.

The policy should include nine key elements¹⁸:

- i. Policy statement
- ii. Definition of sexual harassment
- iii. Description of to whom and where the policy applies
- iv. Guidance on how to report sexual harassment

¹⁷<https://www.farrer.co.uk/globalassets/clients-and-sectors/safeguarding/low-level-concerns-guidance-2021.pdf>

¹⁸ Fawcett Society Report: tackling sexual harassment in the ... <https://www.farrer.co.uk/news-and-insights/blogs/fawcett-society-report-tackling-sexual-harassment-in-the-workplace/>

- v. Outline of the responsibilities of management and staff who witness sexual harassment or who receive a complaint of sexual harassment
 - vi. Description of the formal grievance or complaint and investigation procedure
 - vii. Description of the possible sanctions for committing sexual harassment and how sanctions are decided
 - viii. Statement of zero tolerance for victimisation
 - ix. Commitment to reviewing and evaluating the policy
3. Gurdwaras should have multiple complaint handlers. They should allow complainants to make an informal or formal report and should make complainants aware of the difference. Each person who has experienced sexual harassment will have different needs and desire different outcomes. Allowing complainants to make an informal report, with the option of making a formal report later, recognises these differences. Complaint handlers should make clear what action or outcomes will follow from each type of report.

Whilst sexual harassment can be witnessed by anyone and reported to anyone in the organisation, the follow-up, i.e. the handling process of the complaint, should be undertaken by designated complaint handlers. These complaint handlers should:

- a) Treat employees who make a report with respect and empathy. Those who receive a report of sexual harassment should listen respectfully and without judgement, recognising that the experience may have been traumatic. They should not try to explain the alleged harasser's actions or minimise the experience. Instead, they should listen to the complainant's report and thank them for coming forward.
- b) Provide information about next steps and ask the person who made the report what they would like to do. The person who experienced harassment should be given the choice on how to proceed without influence. However, the complaint handler should provide full information about what each choice entails (i.e. how long the process will take and who will be involved) and what outcomes could result. People reporting should be given time to make their decision and be given access to someone who can provide impartial support and advice (externally).
- c) Keep the report confidential and share information only on a need-to-know basis.
- d) Provide ongoing support to the person who made a report. People who report an experience of sexual harassment should be checked on regularly to see if they need extra support or have faced any further harassment.
- e) Provide guidance and support to the gurdwara's management committee/trustees in making decisions regarding the complaint and in doing so, the complaint handlers may need to seek support from a specialist organisation, such as ACAS, if they have any questions or are unclear on how to respond to a report of sexual harassment against an employee.

- f) Set out a timeframe for any investigation. The timeframe for investigations should be set out in the sexual harassment policy. The timeframe should be long enough to allow for a proper investigation but kept to a reasonable duration, recognising the stress of the investigation process for all involved. If the timeframe cannot be met, the complaint handler should notify the complainant and provide a new deadline.
 - g) Investigate the report thoroughly and fairly.
 - h) Document all steps taken in the investigation. Investigators should document all steps taken in the investigation and cite all evidence available. A report should be written up outlining the investigation procedure and the reason for the conclusion.
 - i) Allow the complainant to continue to attend the gurdwara and discuss reasonable steps to make sure they feel safe. The alleged harasser should be reassigned or suspended while the investigation is ongoing if this is what the reporting party needs. If suspension is not possible, implementing a schedule in which the complainant is least likely to encounter the alleged harasser may be appropriate.
 - j) If the report has been substantiated, discipline the harasser.
 - k) Keep the complainant updated on the investigation process and informed of the outcome.
4. There should be gender diversity at every level of gurdwara management, from trustees to complaint handlers. There are strong cultural barriers in reporting sexual crimes within the South Asian community. Sexual harassment affects women disproportionately and victims need female-led support. The gender of the person dealing with the report can affect the outcomes, as reported by the Faucett Society:
- Male managers were more likely to say that they would take the issue into their own hands by speaking to the alleged harasser to hear their side, talking to the others to find witnesses, and supporting the person to confront the harasser. This could expose employees who have been harassed to a greater risk of retaliation and victimisation, as their identity is not kept confidential. These differences point to the need for comprehensive training to ensure that all managers within an organisation respond consistently to a report of sexual harassment.*
5. Gurdwaras need to work on improving gurdwara culture. Some people think that ‘minor’ sexual harassment is a normal part of life and that women should just put up with it. Challenging this culture is important. Gurdwaras need to conduct training for employees, volunteers and trustee/committee members. This could be internal training and should focus on maintaining professional boundaries. Additionally, a clear code of conduct for employees, volunteers and those in positions of authority must exist. The gurdwara’s policies and procedures should be discussed as a part of the induction process for new employees. Policies should not be shelved and forgotten. The gurdwara’s management committee/trustees

should allocate time to regularly review and understand their policies and procedures.

Glossary

Amrit Sanchar

An initiation rite in which Sikhs voluntarily choose to enter a more disciplined and devout religious life known as the Khalsa. Members of the Khalsa must adhere to a discipline known as the Sikh Rehat Maryada. The members of the Khalsa that break this code knowingly or unknowingly can voluntarily present themselves at an Amrit Sanchar ceremony for absolution (see *pesh*).

Amritdhari

A member of the Khalsa.

Amritvela

The early hours of the morning before sunrise. *Amritvela* is considered a spiritual time for prayer and meditation.

Bujjar Kurehat

These are four major sins: *Hukka* (smoking), *Hajamat* (cutting of hair), *Halaal* (eating of halal meat), *Haraam* (extramarital sex). Any Sikh that commits any one of these is considered *patit*, literally, fallen.

Giani

A learned scholar. More commonly, *giani* is interchanged used with *granthi*, a priest.

Granthi

A priest at a Gurdwara

Gurmat

Sikh Teachings

Kachera

Undergarments, shorts worn by members of the Khalsa (men and women).

Katha

An oral explanation of Sikh scripture

Kathavachak

An orator of Katha

Langar Hall

Community Hall where *langar* or food is consumed

Panj/Punj Singhs

Any five Khalsa Sikhs who as a collective hold spiritual authority over any other Sikh individual or collective. Sikh teachings consider the 'Punj Singh' as a representation of God. The term is also used for the Panj Pyare who preside and conduct an Amrit Sanchar.

Pesh

The name given to the process of voluntarily presenting oneself to the *Panj Pyare* (see Panj Singh) at an *Amrit Sanchar* to seek absolution for breaking any part of the Sikh Rehat Maryada.

Sachkhand

An area of the Gurdwara which is considered extremely holy.

Sangat

Congregation

Santhiya

Formal lessons on the pronunciation of Sikh Scripture.

Seva

Selfless, voluntary service

Veerji

A term used for one's brother