



Chair and members of the panel –

As before, I appear for the Archbishops' Council of the Church of England.

Before and after the Chichester and Ball case study hearings, the Archbishops' Council, on behalf of the Church, expressed its shame and its sorrow about the failings of which the Inquiry heard. The Inquiry's recent interim report on those case studies was severely critical of the Church's response to the events in question, at a national and at a diocesan level. You and your colleagues will know from our previous submissions that the Church positively agreed with the great majority of those criticisms.

We also recognised, last year, that even though the case studies related to particular places and people, and to past times, that the underlying problems they revealed would not be unique, nor would they be merely historical in nature and that is borne out by what Ms Scolding said this morning about events in other dioceses, as she said, not always in the distant past. In our previous evidence and submissions we set out significant changes already made in the Church's safeguarding practice, and sought to identify the further work that was then under way. We did not attempt to pretend of course that the necessary tasks were anything like complete.

With these national hearings, the time has come for the Inquiry to consider where things have got to now. The Church so far has of course been working to improve its practice without knowing what conclusions the Inquiry will reach, or what insights may emerge from the Inquiry's different workstreams. Once again therefore I reaffirm the commitment of the National Church Institutions to listen to the evidence, and to consider with the utmost care and attention what the Inquiry may ultimately recommend.

At this stage I simply make four broad points, and elaborate briefly on each of them, but especially the first point which concerns the third of Ms Scolding's six themes; current safeguarding practices and whether what has been said previously by the Church has been translated into action.

Since the hearings last year, work has continued on many fronts. These are described primarily in the sixth witness statement of Mr Tilby, and in the third witness statement of Bishop Peter Hancock, with other new statements dealing with specific topics, such as training in theological colleges. There are two hundred plus pages of Mr Tilby's statement dealing, as Ms Scolding has said, with a plethora of workstreams, but examples of where progress has been made, include the distribution of safeguarding resources, such as handbooks, leaflets, posters to the parishes; the programme of independent auditing of cathedrals which began last autumn, which again Ms Scolding mentioned; the new arrangements for the reporting of serious safeguarding incidents to the Charity Commission which took effect at the start of this year; and there are important initiatives concerning discernment and the suitability of those entering the ministry. These are only examples, a lot is being done in quite a short time. All of this, we suggest, represents a major commitment, it is not just a cosmetic exercise designed as a sop to this Inquiry. We also recognise that, because of the very heavy burden on the National Safeguarding Team especially in recent months, there have been some areas where matters have not progressed as far or as fast as had been hoped, that does not mean that these issues have been forgotten; it is in fact that significant changes need to be properly designed before they are implemented.

The Church has also taken steps designed to enhance the effectiveness of its safeguarding institutions. They include the appointment of an independent Chair of the National Safeguarding Panel, Meg Munn, as you have heard. Her witness statement deals with the steps she has already taken to revise the NSP's terms of reference and manner of operation, and there will no doubt be further consideration with the Inquiry about how the NSP can best operate to scrutinise and act as a critical friend to the Church.

Following the very significant growth in the size and the responsibilities of the National Safeguarding Team over the last few years, the Church has set about restructuring that team, and has created a new post of National Safeguarding Director. Over the last few months that post has

been filled on a temporary or interim basis by Sir Roger Singleton, whilst the first permanent Director has been recruited. That person is Melissa Caslake, an experienced former director of local authority children's services, and she will be starting work very shortly. So this is a time of transition for the NST, but the changes being made are ones that the Church is optimistic will enable the progress of recent years to be consolidated and built on in the future. I say that to emphasise we are very conscious that the further impetus to reform which this Inquiry has undoubtedly created - as a result not least of some of the shocking evidence of abuse followed by institutional indifference which last year's case studies brought into clear focus - that impetus needs to be maintained after the Inquiry has come to an end. We hear and understand the concerns expressed about that on behalf of survivors this morning. The Archbishops' Council believes that developing the right framework and infrastructure, as the Church has been seeking to do, will lead to safeguarding being properly institutionalised and remaining as a priority for the future.

Meanwhile, we have the Inquiry's interim recommendations in its case study report. The National Safeguarding Steering Group's response to that report and to the five recommendations mentioned Chair in your opening remarks this morning was published last week. I should say, as you may know, the Archbishop of Canterbury has asked that every member of the House of Bishops should read and study the case study report in detail, and the House of Bishops has issued a statement committing to this, and welcoming the recommendations. The NSSG has subsequently held a special meeting to discuss both the Inquiry's case study report, and the report of its Truth Project. I will just mention briefly the position on the five recommendations.

Three of those in effect require action by the Church alone. One of them is concerned with the better regulation of religious communities. In that respect, the necessary amending legislation has been progressed, and General Synod will be asked to give final approval to it when it meets at the end of this week. Regulations and revised guidance will follow, the intention is that those should have been finalised and approved by July next year.

The Inquiry's second recommendation is for amendment of the clergy discipline legislation so far as it concerns the obligation to have "due regard" to safeguarding guidance, which the Inquiry has concluded is an acceptable term of art, but one lacking clarity to what one might call (my words, rather than yours) a non-legal audience. As Ms Scolding has mentioned, since the last hearings there have been a number of consultations on the Clergy Discipline Measure and its efficacy, including consultations drawing specifically upon the experience of bishops and of diocesan registrars. The House of Bishops has now established a working group to bring forward proposals for reform, with a view to amending legislation being introduced next year. The NSSG has determined that the Inquiry's particular recommendation for legislative change should be addressed as part of that process, and that meanwhile a strategy for better communication of what the current legislation means and requires should be developed and implemented.

The Church also agrees with and has accepted the Inquiry's recommendation on sanctions for those holding voluntary offices who fail to undergo a DBS check or complete compulsory training, and the NSSG's response in fact goes I think somewhat further than the Inquiry's recommendation by addressing non-regulated activity as well.

The Inquiry has then made a recommendation to government for amending the Sexual Offences Act 2003 to include clergy within the definition of those holding a position of trust. The NSSG strongly supports that recommendation, indeed would favour extending the definition slightly

beyond that, and the Church will be writing formally to government to that effect.

The last of the Inquiry's interim recommendations, for disclosure of internal reviews to the national review body, requires some dialogue with the Child Safeguarding Practice Review Panel to agree the right approach to what cases are to be reported, but the Church supports the idea of external scrutiny to maximise learning and will actively pursue that dialogue so as to implement that recommendation as well.

Chair, as we have said before, the task of embedding good attitudes and good practice throughout the Church is a large one, we agree that, as Ms Scolding indicated this morning, there is no room for complacency here. We certainly do not pretend that everything is already as it should be and Ms Scolding has given various examples of evidence of inappropriate attitudes still persisting. But, to recognise that is not the same as saying that nothing has changed.

The Inquiry has selected four sample dioceses, as you have heard, and has been supplied with information by us about examples of casework on the ground.

In her report, of which you have heard, Ms Carmi identifies a number of themes. The Church is still considering the detail of that report, which as you know was only quite recently completed and provided. As we understand it is based solely upon the documents, rather than upon the witness statements, and no doubt the Inquiry will wish to raise points from it with the appropriate witnesses in due course. However, our initial reaction is that Ms Carmi's main conclusions about what the evidence reveals about the position on the ground appears likely to be broadly right. On the one hand, some of the sample cases do demonstrate good safeguarding practice at parish or diocesan level. They suggest perhaps in particular that there is now a much greater willingness than in previous years to seek professional advice when a safeguarding situation arises, and there is evidence, in a number of cases, of much closer liaison between the Church and the statutory agencies with safeguarding responsibilities. On the other hand, there are a number of areas of concern which emerge, including some questions raised by the samples about the respective roles and responsibilities of safeguarding staff and clergy, and about the effectiveness of some of the current guidance on safeguarding investigations and risk assessments. So this evidence tends to suggest both real progress already made, and significant work still to do. That assessment would be consistent, as Ms Scolding has indicated to you, with the recent SCIE overview report, which was broadly positive about the major improvement in safeguarding resources, policies and training since 2015.

What is also clear, however, is that the Church still has a real distance to go in particular in terms of regaining the confidence of survivors and in finding the right ways of working with survivors. This is evident, in particular, from the SCIE analysis already mentioned. That it makes for difficult reading is frankly recognised by Bishop Peter Hancock in his most recent statement. He sets out some of the steps which, with the benefit of advice from Sir Roger Singleton, the Church is taking in an attempt to do more and better in this respect. They include working together with the Survivor Reference Group, planning a national safeguarding "summit", the establishment of an academic and practitioner group drawn from a variety of denominations, co-working (as Ms Scolding again mentioned) between survivors and professionals to develop guidance and a Survivors Charter, and a number of other specific steps, including work on what reparation and redress may look like for the Church. Again, the Church will listen very carefully to any further recommendations which the Inquiry may in due course make about survivor engagement.

Some of the individual issues that the Inquiry intends to hear evidence about are harder to reach consensus about than others. For example, it is no secret that there are differences of opinion within the Church about the desirability or practicality of changes or exceptions to ~~the~~ current

position concerning the absolute confidentiality of statements made in the course of a formal confession. Those questions have not been ducked; the evidence and arguments both ways have been very carefully and closely scrutinised in the detailed report of the working group chaired by the Bishop of Durham. The majority of the group concluded for reasons carefully set out in the report that it was not right to introduce such exceptions, but made recommendations for the improvement of relevant training, supervision and advice.

The Church has also been confronting issues concerning its teaching on human sexuality. Whilst those issues go well beyond the remit of this Inquiry, you have heard evidence in previous hearings to the effect that a lack of openness and honesty in relation to such matters risks creating an environment in which proper safeguarding is endangered. Ms Scolding has mentioned the witness statement you have from the Bishop of Newcastle, Christine Hardman, on what the Pastoral Advisory Group, chaired by Bishop Christine, has done to foster a culture of openness, and to address the abuse of power in sexual relationships.

The second and briefer point concerns cultural change. As Ms Scolding put it – has the work done borne fruit in relation to underlying attitudes? Mr Tilby notes in his latest statement, cultural change is “difficult to achieve and hard to measure”. But, we suggest that it would not be right to claim that the pace of change is non-existent. Old attitudes may indeed persist, but they are perhaps beginning to stand out from a better norm, and Mr Tilby, Bishop Peter and Archbishop Justin Welby all see some encouraging signs of what Bishop Peter calls “a real shift in how safeguarding is perceived in the parishes, dioceses and nationally”. Although, we need continued improvement which needs to be driven in particular by increased training and awareness of safeguarding, by monitoring and oversight, making the issue of safeguarding as visible as possible within the Church. My third point is this. Thought has been given within the Church to whether there is a case for more radical change to safeguarding structures – for example, either the centralisation or the complete externalisation of safeguarding functions. The view of the Archbishops’ Council is that such change would not be the right way ahead. It remains essential, we believe, if safeguarding is to be effective, for it to be owned by and embedded within the fabric of the Church, and in particular at all levels of the Church. The evidence to which I have referred shows that it is possible to make real change for the better within the basic structures which currently exist. That is not to be complacent, or to deny failures and shortcomings in what has so far been done and not done. Nor is it to suggest that there is no room for improving structures, or for further independent elements within, and external scrutiny of, the Church’s safeguarding practice – our acceptance of that should be evident both from changes already made, including for example: independent risk assessment for clergy; the sheer number of independent reviews and audits mentioned by Ms Scolding this morning; and other changes currently under debate. Some of the Church’s witness statements raise other ideas as to how things might be progressed in the future. But radical upheaval, with all the delays and disruption which that entails, is not the right way to build upon what has been achieved to date.

The fourth and final point is simply this - it is to reiterate the Church’s shame at what has occurred in the past and the ardent desire of my client that it should do better in the future. The Archbishop of Canterbury in his witness statement for these hearings says this:

“It is essential that as Christians we demonstrate that we do care for each other properly and safely . . . it is a core part of our belief that we build a safe Church and we do so by being honest with ourselves and each other about our failings. . . . Nothing can undo the great harm done. No single person can compensate for institutional failure. The answer must lie in collective responsibility and culture change, and the extent of my sorrow is indicated by continued efforts to make that happen.”

Thank

you,

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