

## National Safeguarding Steering Group Response to the George Bell Independent Review Recommendations

### Preamble

The George Bell review was commissioned by the National Safeguarding Team on the recommendation of the Bishop of Chichester and carried out by Lord Carlile of Berriew. The purpose was not to determine the truthfulness of the woman referred to as Carol in the report, nor the guilt or innocence of Bishop Bell, but to examine the procedures in handling the case and any lessons to be learnt by the Church of England.

The Church welcomes Lord Carlile's Independent report which makes 15 recommendations about how to handle cases of this nature in the future. These have now been carefully considered by the National Safeguarding Steering Group chaired by Bishop Peter Hancock, the Church of England's lead safeguarding bishop. This document outlines the Church of England's response to the reviews findings.

### Overview

The Church recognises that the processes for (1) responding to a safeguarding concern or allegation and (2) managing the decision-making in respect of a related civil claim did get conflated in the GB case. This case involved a posthumous allegation made against a diocesan bishop and an uninsured civil claim. The combination of those factors made the claim very unusual. Civil claims are most commonly brought against parish office holders and such claims are managed by an insurance company, separate from the Church. The response to these recommendations only applies to process that relates to uninsured civil claims.

The role of the Core Group is set out in guidance known as 'Responding to, Assessing and Managing safeguarding allegations or concerns against church officers' (October 2017) ("**Responding 2017**") and is primarily about safeguarding and the assessment and management of risk. As set out in that guidance, the Core Group's role is to oversee and manage the Church's response to a safeguarding concern or allegation against Church officers. The SCIE Diocesan audits offer evidence that the use of Core Groups has supported improved practice in dealing with concerns against Church officers, since their implementation in 2015.

Lord Carlile's recommendations have made clear the need for the Church to clarify and reconsider the function performed by bodies which are involved in both the processes which are set out above, particularly number (2) above, and the individual responsibilities of those who take part in such processes. The Church is grateful to Lord Carlile for his observations that his recommendations are intended to inform the working of the body with the responsibility for making decisions in an uninsured civil claim, although many have a wider application. We consider that this body should be different from the Core Group. Core Groups should not make findings of fact or

	<p>take decisions in civil claims processes. Consequently, this response to the recommendations assumes that they have in view the work of the decision-making body, referred to below as the ‘relevant decision-making body’ involved in the civil claim process.</p> <p>The Church recognises the difficulties which are inherent in the management of disclosures where the respondent cannot participate in the process, such as those which are brought posthumously. With that factor in mind, the NSSG has already accepted the recommendation that it should put in place an addendum to the ‘Responding 2017’ guidance to deal specifically with responding to such allegations, including further clarification of the interface between the work of the Core Group and the ‘relevant decision-making body’ and, where appropriate, our statutory partners. In addition, the church will also issue guidance for the ‘relevant decision-making body’. The Church will produce these further elements of guidance as soon as it reasonably can, subject to other priority areas requiring the development of policy.</p>	
No.	Recommendation	Response
1.	<p>Core Groups are necessary for the scrutiny of cases, not least to ensure that decisions are taken consistently. Each such group should have one person nominated at the beginning as Chair who is expected to chair all meetings throughout. Groups should be established with as continuous and permanent a membership as possible.</p>	<p>The Church agrees that the ‘relevant decision-making body’ should have a consistent membership, including a nominated chair, so far as possible.</p>
2.	<p>The Core Group (or any other body with responsibility for deciding a case) should have, in addition to someone advocating for the complainant, someone assigned to it to represent the interests of the accused person and his or her descendants.</p>	<p>The Church agrees that the ‘relevant decision-making body’ should as part of its work have, in addition to someone who is speaking for the complainant, somebody speaking on behalf of the deceased and representing the views of their close living relatives. Guidance will be issued on the appointment, role and function of the ‘relevant decision-making body’ and the advice and assistance it should receive.</p> <p>In relation to the safeguarding response and the work of the Core Group, the Church agrees that there should be a proactive approach to identifying the details and information in relation to close living relations in posthumous allegations. The members of the Core Group should also be aware of, and take appropriate account of, the views of the close living relatives of the deceased person in relation to their work and the safeguarding response. Further guidance will be issued in the addendum to ‘Responding 2017’ on how best to achieve this.</p>

3.	Core Group members should ensure that they are able to attend meetings, at the very least by conference telephone or video link, but generally in person. If they are unable to attend, there should be pre-selected and named substitutes to stand in for them.	The Church agrees that the 'relevant decision-making body' should, so far as possible, ensure consistent attendance at meetings and should put in place all reasonable means to allow members to participate in meetings, including the use of video link and conferences calls. The Church accepts that there are certain key roles that must be performed at every meeting and guidance will be issued on this point.
4.	For making informed and legally compliant decisions, all Core Group members (including named substitutes) should see the same documentary material and other evidence and correspondence. It should be provided to all members in the same format.	The Church agrees that every member of the 'relevant decision-making body' should have access to the same material, in the same format.  <b>'Responding 2017'</b> provides guidance in respect of Core Groups.
5.	The whole Core Group must see all relevant material. This must include all items which have the potential materially to support complaints or to undermine them. This is consistent with the legal requirements of disclosure in criminal cases.	The Church agrees that the 'relevant decision-making body' should have access to all the material and evidence, which should include information on which the complainant relies along with information that adversely affects the complainant's case, and information which supports or adversely affects the respondent's position. The provision of such information should be informed by the obligation of "standard disclosure" as currently applies in the Civil Procedure Rules. This material should be provided to both the complainant's representative and the deceased's representative so they can give a properly informed view to the decision-making body.
6.	Proportionate and sympathetic assistance should be given to complainants at an early stage and, if appropriate, their families.	The Church agrees that assistance should be given to complainants and their families at an early stage. The Church welcomes Lord Carlile's appreciation for the work of the IDSVAs who performed this role in relation to "Carol's" claim.
7.	However, it should be made clear to complainants that their complaints are not considered to be proved until findings of fact have been made by the Core Group.	The Church agrees that it should be made clear to complainants that their allegations are not considered to be made out until the 'relevant decision-making body' has reached a decision on the balance of probabilities. This is, however, separate from the importance which the Church places on taking seriously any person who makes a disclosure of abuse and the offer of a compassionate response.  The Church acknowledges the recommendations of Sir Richard Henriques with regards to the use of the term 'complainant'. The <b>'Responding 2017'</b> guidance uses the terms

		<p>‘victims/survivor’ or where appropriate ‘alleged victim or survivor’ and ‘respondent’ (for the person subject to an allegation), without presupposing the accuracy of the complaint. These should be regarded as neutral terms that do not imply the innocence or guilt of either party, or that there has been a court ruling or finding of fact. The Church will keep this usage under review, and will look again at it when the guidance is next updated, in the light of any changes to best practice across the safeguarding and legal professions.</p>
8.	<p>The Church should assume that complainants are entitled for all time to anonymity, unless they themselves choose to make their identities public.</p>	<p>The Church agrees that complainants are entitled to anonymity, and in specific circumstances this is a legal requirement.</p>
9.	<p>Where the Core Group judges it to be appropriate, a call for evidence should be made, for example to identify other complainants. Whenever possible, such calls for evidence should not name the alleged perpetrator, but may refer to the city/town/parish, type of abuse etc. insofar as is necessary to achieve the objective of the call.</p>	<p>The Church agrees that there should be a proactive approach to identifying the details and information in relation to the posthumous allegations. If the ‘relevant decision-making body’ judges it to be appropriate on a case to case basis, a call for evidence should be made, on whatever basis the ‘relevant decision-making body’ considers appropriate and subject to the guidance of any relevant statutory partners, and the views of the Core Group, as appropriate.</p> <p>In relation to the safeguarding response and the work of the Core Group, the Group may need to make a call for evidence, subject to the relevant views of statutory partners. Further guidance will be offered in the Addendum to ‘<b>Responding 2017</b>’ on how to best achieve this.</p>
10.	<p>Subject to the above, alleged perpetrators, living or dead, should not be identified publicly unless or until the Core Group has (a) made adverse findings of fact, and (b) it has also been decided that making the identity public is required in the public interest.</p>	<p>The Church agrees that the respondent should not be identified publicly by the Church unless and until the ‘relevant decision-making body’ is satisfied on the balance of probabilities that the allegations are made out and that it would be in the public interest to do so or the identity has been put in the public domain by others.</p>
11.	<p>Each Core Group should be assisted by a person who is qualified to give relevant legal advice. Advising lawyers should not be voting members of the Group. Decisions are for the members after considering legal and such other expert advice as may be required. A Core Group considering posthumous</p>	<p>The Church agrees that the ‘relevant decision-making body’ should have available appropriate professional advice to inform a decision on the balance of probabilities whether an allegation is made out. In particular, the ‘relevant decision-making body’ is likely to require advice from an experienced legal practitioner with expertise in dealing</p>

	<p>allegations of sexual abuse by the clergy should include someone with legal experience which must include practical and up-to-date knowledge of criminal law and procedure as it pertains to the investigation and determination of allegations of sexual assault (someone who is trained in dealing with vulnerable witnesses and who understands what is meant by the “myths and stereotypes which, historically have bedevilled the prosecution of sexual offences). Whilst the standard of proof for civil claims is the balance of probabilities, where the allegations are of serious criminal offences a full understanding and estimation of the criminal process is an essential piece of information for a case: for example, if there is the clear conclusion that there would have been a criminal conviction, that would simplify the assessment of a civil claim.</p>	<p>with vulnerable witnesses and civil claims relating to sexual abuse. The Church also agrees that advisers should not be voting members. The Church also agrees that the ‘relevant decision-making body’ should have access to relevant experience and understanding of criminal law and procedure relating to allegations of sexual assault. This may or may not require an additional lawyer to advise the group.</p> <p>In relation to the safeguarding response and the work of the Core Group, the Church agrees that those decision makers may also benefit from appropriate legal and/or other specialist advice in considering whether a safeguarding concern or allegation has been substantiated or not based on the civil standard. This is particularly important in cases where there is limited statutory agency involvement.</p>
<p>12.</p>	<p>It is unavoidable that, in the case of posthumous allegations, the Core Group will be required to make findings of fact. Determination of the truth or otherwise of such allegations is particularly difficult. The Church is likely to regard a requirement to find such allegations proved to the criminal standard (beyond reasonable doubt) as placing too heavy a burden on complainants. However, the rights of the dead should not be ignored.</p> <p>Irrespective of whether proceedings have been commenced, the reasonable compromise would be that the case must be proved to the civil standard – which of course is appropriate by definition when there are civil proceedings under consideration. The civil standard requires that the complainant must satisfy the Core Group that, on the balance of probabilities, the allegation is made out: in other words, that it is more likely than not that the alleged perpetrator behaved in the way the complainant alleges.</p>	<p>The Church agrees that the ‘relevant decision-making body’ should be satisfied on the balance of probabilities that the allegations are made out.</p>
<p>13.</p>	<p>In cases where, following a proper and adequate investigation, they are settled <i>with admission of liability</i>, there should be a presumption that the perpetrator’s name will be published together with a description of the conduct concerned (unless the complainant objects on reasonable grounds).</p>	<p>The Church agrees that the ‘relevant decision-making body’ should operate in accordance with this recommendation.</p>

<p>14.</p>	<p>Where as in this case the settlement is <u>without admission of liability</u>, the settlement generally should be with a confidentiality provision: there should be a presumption that the name of the alleged perpetrator should not be published, unless the alleged perpetrator agrees that it should be, or the circumstances are held to be wholly exceptional (on reasonable grounds).</p>	<p>The Church agrees that where the case is settled without a conclusion by the ‘relevant decision-making body’ that the claim is made out on the balance of probabilities, the Church should not publish the name of the alleged perpetrator (though with the exceptions Lord Carlile identifies). However, if the claim is assessed as made out on the balance of probabilities (whether or not this is made explicit in a settlement agreement) and it is considered to be in the public interest, there should be a presumption that the respondent’s name should be published, unless there is a reasonable displacement of this presumption (for example, where the victim/survivor offered a reasonable objection). The Church considers that the ‘relevant decision-making body’ will need to make a decision whether or not to place information in the public domain on a case by case basis in light of all relevant factors, and in cooperation with the Core Group. In any case, the ‘relevant decision-making body’ will not require confidentiality undertakings from individuals with whom it enters into settlement agreements.</p>
<p>15.</p>	<p>The Church is currently developing <i>Practice Guidance</i>; I urge early production of the promised addendum to deal with posthumous allegations. It should state that there is a duty to disclose sufficient information to the representatives of the alleged perpetrator so that they know the case they have to meet.</p>	<p>The Church will issue guidance for the ‘relevant decision-making body’. This will include guidance around sharing sufficient information with the representative of the alleged perpetrator.</p> <p>In relation to the safeguarding response the Church is progressing work on the addendum to <b>Responding 2017</b> to assist Core Groups responding to posthumous allegations. This will include guidance around sharing sufficient information with close living relatives, with the caveat that any information sharing must not jeopardise any statutory investigation or place a vulnerable person at risk. The Church will seek to produce this addendum as soon as is reasonable, taking account of other priorities for safeguarding policy development.</p>