

## GENERAL SYNOD

### Report by the National Safeguarding Steering Group

#### Summary

This report is intended to resource the Synod debate on the motion on Item 8 “Safeguarding” (GS 2092) and provides an overview of the key themes emerging from the first set of hearings on the Anglican Church by the Independent Inquiry into Child Sexual Abuse (IICSA). It identifies priorities for work related to these themes that the National Safeguarding Steering Group (NSSG) plans to progress on behalf of the House of Bishops and Archbishops’ Council.

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#### About the National Safeguarding Steering Group (NSSG)

1. The National Safeguarding Steering Group (NSSG) - which is bringing this report to Synod - was created in 2016. It is a committee of the House of Bishops which is responsible for the strategic oversight of national safeguarding activity. It has delegated powers to agree safeguarding guidance on behalf of the House of Bishops and makes recommendations on the strategic development of safeguarding activity to the Archbishops, the House of Bishops and the National Church Institutions.

#### About this Report

2. This paper has been created to resource the debate at this group of session of the General Synod. It does not cover all the work that the Church is doing to improve its safeguarding practices and arrangements, whether nationally, or within dioceses or other church bodies. The General Synod is asked to endorse three thematic priorities for action this year which are identified in this report. These are summarised below:

#### Support for, and engagement with, victims and survivors of abuse with a commitment to:

- Publish the research being undertaken by the Social Care Institute for Excellence (SCIE) alongside a formal Church of England response and action plan
- Work with the Roman Catholic Church to develop and commission a central hub and community spoke model of support to survivors (‘Safe Spaces’)
- Work with survivors to establish an independently chaired Survivors’ Panel to support the work of the NSSG and NST nationally and consider how this

model might be developed regionally to support developments at a diocesan level

- Undertake exploratory work to consider options for the Church's approach to redress

#### **Clergy Selection, Suitability & Discipline with a commitment to:**

- Implement new requirements to strengthen suitability and selection of candidates for the ministry
- Implement new policy in respect of Permission to Officiate
- Develop and implement a National Register of Clergy
- To work with others to review the CDM and consider other processes to assist and provide more robust processes for the handling of safeguarding concerns and complaints

#### **Structure, independence, oversight and enforcement with a commitment to:**

- Develop and analyse options for further strengthening independent elements of oversight, scrutiny and powers of intervention.
- Continue to emphasise the duties and accountability of all clergy, church officers and (ultimately) Diocesan Bishops for Safeguarding
- Develop a business proposal for the establishment of an independent Ombudsman Service with regards to complaints relating to how safeguarding cases have been managed
- Consider the findings of the final SCIE Overview report following the completion of the independent diocesan safeguarding audits and in particular any recommendations in respect of structure, centralisation and independence
- Undertake an analysis of the benefits and risks associated with the development of a national safeguarding service employing all Safeguarding staff centrally

#### **What are we asking Synod to do?**

3. Changing the culture of the Church so that safeguarding becomes fully embedded within it as an outworking of the gospel is a key objective. We need to develop further clarity about leadership and responsibility if we are to protect children and adults adequately. It is the attitudes and actions of our leaders and of the people in parishes as well as the commitment of parish clergy and senior parish laity which are critical.
4. General Synod is asked to do the following:
  - Endorse the three thematic priorities identified in this report as direction of travel
  - Support the efforts of the NSSG and many in the Church to ensure that the Church is a safer place for all and continue to re-build the trust and confidence of those within and outside the Church.

THE RT REVD PETER HANCOCK (CHAIR)

**INTRODUCTION: “Safeguarding at the heart of Christian Mission”**

5. We would like to begin by paying tribute to the courage of those who have come forward over the years to tell their story of abuse within the Church. We recognise that whilst there are many similarities in these accounts and how the Church has responded to them in the past, each victim and survivor of abuse is unique, and we must be careful not to make assumptions about their experiences or what they want from the Church and others. Each has a unique story to tell and we must ensure that we listen and respond appropriately. We are deeply sorry for the hurt and pain that the Church has caused.

6. As Archbishop Justin Welby said in his oral evidence to the first set of hearings of the Independent Inquiry into Child Sexual Abuse (IICSA) in April 2018:

*I want to put on record again how – I don’t know how to express this adequately – how appalled I am and how ashamed I am of the church for what it did to those who are survivors and are coping with this, and apologies are fine, but we have got to find ways of making it different and we have got to do it as quickly as we can...but it has got to be done collectively.*

7. Safeguarding is fundamentally about human wellbeing, physical, emotional, sexual and spiritual. Safeguarding is everyone’s responsibility. It is at the heart of the church’s mission to promote human flourishing and life in all its fulness. It is at the heart of the gospel message because we are all God’s people loved by God. The church should be a place for the whole community which provides a safe space in which all those who are created by God with all of our human frailties and vulnerabilities are loved and welcomed. We find this in the Gospels in the words of Jesus:

*The thief comes only to steal and kill and destroy. I came that they may have life, and have it abundantly<sup>1</sup>*

8. The Church of England rightly remains under scrutiny for its safeguarding practices and arrangements, not least because of IICSA, but more importantly from survivors of church-related abuse. The Church needs to be held to account for any abuse that has been perpetrated within its communities, including the legacy of poor response in the past

9. It is well recognised that the Church as an institution has been slow to acknowledge and to address the need for better safeguarding of children and adults. The Church has lagged behind, both in its understanding of the problems and in the steps, it has taken to address them.

10. Since the 2013 report by the Archbishop’s Commissaries into safeguarding in the Diocese of Chichester, the Church has been working to bring every aspect of its structure, policy, training, culture and implementation of safeguarding on the ground into line with practices which have been adopted in other public bodies. The report provided the impetus for the creation of the National Safeguarding Team (NST), National Safeguarding Panel and the various workstreams which now form

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<sup>1</sup> John 10.10 (NRSV version)

a national safeguarding framework. We recognise that we have a long way to go, but we note that considerable progress has been made over a short period of time.

**Vision, Leadership and Culture: “The Church of England as a Safer Place for all and a refuge for those who suffer abuse in any context”**

11. Our vision for a safer church is based on our belief that this is what God intended the Church to be. In short, this should be a place of safety, refuge and healing and a place where people, including those who are suffering will find people who will love them and care for them and do the right thing for them. Our vision must go beyond where we are now as a Church to where we want to be – a church that society trusts to be a voice for the marginalised, a church that is not afraid of hearing or speaking the truth and a Church that always stands up for truth and justice.
12. This means becoming a Church that is leading the way forward and pioneering best practice in safeguarding not just nationally but globally. This is the calling that we all have as Christians. We have a long way to go, but this must be our goal.
13. One of the key ways to bring about this vision will be to achieve cultural change in and across the Church. This will involve the following:
  - A focus on preventing abuse from happening in the first place through sound working practices and environments;
  - Safely recruiting to ensure that we have the right people in the right roles, whether they are ordained clergy, paid lay staff or volunteer clergy or laypersons;
  - Developing and equipping people throughout their work and ministry with the skills and confidence they need to recognise, respond well and report abuse where there are suspicions or allegations.
  - Equipping our leaders and governing bodies to lead and drive this culture change across the Church
14. Culture change will also involve challenges of the kind we list below:
  - Challenge when individuals do not comply with safeguarding requirements;
  - Challenge, and, for some, discipline when individuals fail to report safeguarding concerns or allegations or when they think it is someone else’s responsibility to do so;
  - Challenge to anyone who expresses the view that safeguarding is something that is ‘getting in the way of the mission of the Church’ and not at the heart of our mission
15. Abuse in all forms, including the sexual abuse of children, is more likely to occur where the following cultural and operational factors are in existence:

- A culture of secrecy and denial where the voices and experiences of children, young people and adults are not listened to
  - Poor recruitment and vetting practices
  - A lack of effective safer working practices and failures to adhere to codes of conduct,
  - Poor awareness and understanding of the signs and symptoms of abuse,
  - Poor compliance with safeguarding procedures.
16. The Church has publicly acknowledged that these problems have been present to differing degrees within the Church or its various institutions. It is widely recognised, and accepted within the Church that cultural change, as well as detailed improvements in safeguarding policy and practice, is needed in order to combat and prevent abuse and to respond effectively when it occurs.
17. The importance, and the challenge of embedding safeguarding in the culture of the Church cannot be underplayed. All those who spoke at the presentation to General Synod in February 2018 referred to the importance of cultural change. In his speech, Sir Roger Singleton said,
- Changing the culture of the Church so that safeguarding becomes fully embedded within it as an outworking of the gospel is a key objective...we need to extend the concept of leadership further if we are to protect children and vulnerable adults adequately. It is the actions of people in parishes and the commitment of parish clergy and senior parish laity which are critical.*
18. Sir Roger went on to provide Synod with some practical and pragmatic steps that the Church can take towards culture change. These may be summarised as follows:
- The Church must deal openly and transparently with the legacy of poor practice and response whilst enabling good safeguarding practice to be consistently embedded within the life, culture and mission of the Church.
  - This will mean further developing an explicit culture and ethos with values and behaviours which are both articulated and lived at each level and within each part of the Church, supported by clear policies and guidance so that clergy and church officers, volunteers and all those involved with the Church know what is expected of them and how to raise concerns about others;
  - It will mean ensuring children and young people have a voice and a way to raise concerns, which are taken seriously;
  - It will mean leaders, clergy and church officers at all levels being prepared to respond consistently to concerns and seek the advice and guidance of safeguarding professionals where necessary.
19. Culture is about shared values and whether these values are borne out in the behaviours we demonstrate. Our task is to enable everyone in the Church to see safeguarding as their responsibility and central to their faith and ministry. This is the central component of our vision for Safeguarding.

20. Most importantly, a key success factor in achieving cultural change will be the extent to which we can develop and implement safeguarding responses that have been co-designed in partnership with survivors of abuse. There is a clear need to transform the Church's relationships with victims and survivors of abuse.
21. A small number of survivors have contributed enormously to the improvements that the Church has made via their engagement with the National Safeguarding Panel, but it is now time to extend our approach to involve a wider group of survivors and their representatives in order to create a systemic model of co-design and co-production. This is the means to ensure that survivors of all forms of abuse, regardless of context, are responded to consistently and well. It also means that survivor voices need to input into the formulation of preventative safeguarding policies and practice.

### **The Independent Inquiry into Child Sexual Abuse (IICSA)**

22. The Church of England is the subject of one of thirteen investigations being undertaken as part of the wider investigation by the Independent Inquiry into Child Sexual Abuse (IICSA) into institutional failures in connection with the abuse of children in England and Wales. The first public hearing involving the Church of England took place in March of this year in respect of the Diocese of Chichester Case Study.
23. The evidence given to IICSA was consistently challenging. Evidence included harrowing accounts given by victims and survivors of abuse perpetrated by those who misused their position of responsibility, authority and power. It also showed the extent to which some former office holders were defensive, dismissive and blamed others for the Church's failure. There were a stark contrasts with other office-holders who fully accepted their responsibility and acknowledged the shame that they felt about how the Church responded to abuse in the past.
24. At its meeting in April 2018, the NSSG considered the key issues and themes arising from the preparation for, and the evidence given to, the public hearing in respect of the Chichester diocese case study. The NSSG is mindful that there will be a further public hearing in respect of the Peter Ball case study in July 2018 and the publication of an Inquiry interim report in the autumn of 2018 into the two case studies. A further public hearing is expected to take place in 2019.
25. Without pre-empting the findings of these next stages, the NSSG is keen to make progress in terms of improving its safeguarding arrangements. To this end, the NSSG has agreed three key priorities for action, which were subsequently endorsed by the House of Bishops at its meeting in May. These are outlined in more detail in the next section. We cover this in more detail later this report.

## **Safeguarding Strategy: “Priorities for Action”**

### **THEMATIC PRIORITY ONE:**

#### **Support for, and engagement with, victims and survivors of abuse**

*I think the other bit I'd really like on record is how much harm it's done to my faith, you know...I also can't go into church because I've lost all my faith. I don't even know anymore whether I believe in a God.<sup>2</sup>*

26. The Church, rather than being a source of hope and healing, has often compounded the emotional, psychological and spiritual harm experienced by victims of abuse. This will unsurprisingly leave a deep sense of mistrust and a sense of betrayal, particularly where abuse perpetrated by a member of clergy or officer of the Church has not been dealt with well. This legacy of poor response cannot simply be brushed away, as for the victims of child abuse the impact may last a lifetime. The task faced by the Church in addressing non-recent abuse is substantial and complex. At the same time the Church needs to continue developing and improving our current safeguarding arrangements to ensure that the children and young people of today and tomorrow are safe and safeguarded.
27. The Church has not been sufficiently thorough in ensuring that all survivors of abuse are responded to consistently and well, both in the support they receive and the care they have been afforded.

#### ***What have we already done?***

28. Commitment 4 of the House of Bishops 'Promoting a Safer Church Safeguarding policy statement for children, young people and adults' (March 2017) – 'caring pastorally for victims/survivors of abuse and other affected persons' – states as follows:

*“The Church will endeavour to offer care and support to all those that have been abused, regardless of the type of abuse, when or where it occurred. The Church is committed to continuing to learn how to respond in a supportive and healing way to the needs of those who have suffered abuse. Those who have suffered abuse within the Church will receive a compassionate response, be listened to and be taken seriously. The Church will respond to any disclosure of abuse in accordance with House of Bishops' policy and practice guidance. This will be done in collaboration with the relevant statutory agencies in accordance with criminal, civil and ecclesiastical law. They will be offered appropriate pastoral care, counselling and support – according to the agreed need.”*

29. The manner in which we respond to victims and survivors has been strengthened in revised practice guidance - 'Responding to, assessing and managing safeguarding concerns or allegations against church officers' (October 2017) which complements 'Responding well to those who have been sexually abused' (2011).

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<sup>2</sup> Quote from victim and survivor, the Truth Project, Interim Report of the Independent Inquiry into Child Sexual Abuse (IICSA), April 2018).

30. The NST has commissioned research by the Social Care Institute for Excellence to draw on victims', survivors' and safeguarding advisers' experiences of what good looks like in terms of church responses. This work builds on the independent diocesan safeguarding audits carried out by SCIE.
31. There have been some good examples of where survivors of abuse have engaged with the Church to help it develop better responses to other survivors in the present and future. The NSSG, however, recognises that there is much greater scope for more systematic engagement with a more diverse range of survivors and their experiences. We are looking to put this in place over the coming 12 – 18 months.
32. We have been working with a small group of survivors to develop the Safe Spaces Project, which is now planned as a joint ecumenical partnership with the Roman Catholic Church to providing support for victims and survivors of church-related abuse. This will involve the commissioning of an independently run national helpline ('central hub') with a range of support services provided regionally or within communities. To support this development, the NST has begun to collate a list of services used by dioceses to provide pastoral and counselling support to victims and survivors.
33. All Bishops and senior staff teams within dioceses have now received safeguarding training with regards to handling disclosures of abuse (C4 module) delivered by the NST.

***What are we planning to do now?***

34. The Safe Spaces pilot project is a key part of the NSSG's approach to improving responses to victims and survivors of church-related abuse. A project plan will be considered in July.
35. The SCIE research on the NST's work to date on responding to survivors once published will undoubtedly help to inform our strategy for improving support to survivors of all forms of abuse. Key to this will be an approach leading to greater consistency of provision across dioceses and nationally. The NSSG would like to see a range of bespoke support service made available to survivors.
36. Safe Spaces is an example of 'co-design' with survivors, some of whom have experienced abuse in the Church of England and some in the Roman Catholic Church. We intend to develop this further to ensure that the work meets the needs of survivors. One means of achieving this will be to develop a National Survivors' Panel alongside the Safe Spaces project, which will work to promote the engagement of survivors to support the work of Diocesan Safeguarding Advisory Panels.
37. The NSSG is mindful both of developments within the Anglican Church in Australia concerning the development of a national redress scheme there, and also the (as yet incomplete) work of the Inquiry in respect of its separate investigation into Civil Redress and Settlement.
38. In the meantime, the NSSG intends to commission exploratory work into options for developing the Church's own approach to redress. This will include aiming for a more consistent and sensitive approach to providing pastoral and counselling support, building on the other work on how best to support survivors.

In summary, we will

- Publish the research on work with survivors being undertaken by SCIE alongside a formal Church of England response and action plan
- Work with the Roman Catholic Church to develop and commission and central hub and community spoke model of support to survivors ('Safe Spaces')
- Work with survivors to establish an independently chaired Survivor's Panel to support the work of the NSSG and NST nationally and consider how this model can be developed regionally to support developments at a diocesan level.
- Undertake exploratory work in respect of options for the Church's approach to redress

## **THEMATIC PRIORITY TWO:**

### **Clergy Selection, Suitability & Discipline**

#### **Selection of Clergy**

*"Screening of those wishing to enter the priesthood and become vicars is very important – a person with good interpersonal skills can get in anywhere. A dog collar is like a key to everyone's front room in the parish."<sup>3</sup>*

#### **What are we doing?**

39. The Church of England's Selection Criteria for ordained ministry needs to be sufficiently robust in order to give assurance that candidates for the ordained ministry pose no safeguarding risk. This will involve seeking confirmation from the Diocesan Director of Ordinands (DDO) of a candidate's "*understanding of and adherence to the Church of England's policy on "Promoting a Safer Church"*".
40. We intend to introduce candidates for the ministry to House of Bishops' guidance to ensure that they complete C0 (Basic awareness) as part of the discernment process and C1 (Foundation) as ordinands prior to placement. We also intend to include DDOs in the '*Roles and Responsibilities*' guidance with the expectation that they should have completed C4 (Senior Staff) and S1 (Safer Recruitment) in terms of training. It is the diocese's responsibility to deliver this training and to ensure that it has been completed. (with the exception of C4).
41. In May 2017 the House of Bishops agreed in principle new selection criteria to be used by advisers on Bishops Advisory Panels (BAPs) for the selection of candidates for training for ordination. Further work will be completed to finalise the criteria by the end of 2018. Candidates will be assessed using these criteria after they are finalised. They will be used in the preparation of candidates attending BAPs from 2020. Work is also proceeding on new selection procedures. These will include guidance for BAP advisers and selection staff regarding what they should do if a candidate discloses evidence at a BAP of having been abused or discloses a vulnerability that has not been hitherto explored or recognised

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<sup>3</sup> Victim and survivor, the Truth Project, (Interim Report of the Independent Inquiry into Child Sexual Abuse, April 2018).

42. We will also be working to strengthen accountabilities within Theological Educational Institutions (TEIs) and make evidence of safeguarding procedures, training and practice more explicit within Periodic External Reviews and Annual Self-Assessment Evaluation of TEIs.

43. Final reports to Bishops will include confirmation that Ordinands have completed module C2 by the point of ordination.

## **Permission to Officiate**

### ***What have we already done?***

44. The House of Bishops, acting through its Delegation Committee and following discussions at the Remuneration and Conditions of Service Committee (RACSC) and the National Safeguarding Steering Group, approved a revised national policy for clergy with permission to officiate ('PTO') in May 2018. This, as well as providing guidance on PTO generally, applies the principles in *Safer Recruitment: Practice Guidance* to clergy with PTO. This policy introduces the following requirements:

- Application forms and confidential declarations to be completed by all clergy wishing to be given PTO;
- PTO to be issued for a fixed term (for no longer than 5 years), and a review carried out before any renewal, which will be subject to obtaining enhanced criminal record checks;
- Clergy with PTO to complete the appropriate safeguarding training, which must be refreshed every 3 years;
- A role description to be provided
- Appropriate arrangements to be made for the oversight of all clergy with PTO,
- If the cleric is applying for PTO in a diocese where he or she has been ministering the cleric's Personal File and the Diocesan Safeguarding Adviser must be consulted and, if the cleric is not personally known to the bishop, references to be obtained and an enhanced DBS check with barring information to be carried out unless the cleric already has a valid check;
- If the cleric is new to the diocese, an enhanced DBS check with barring information must be carried out, a Clergy Status Letter ('CCSL') to be obtained); an interview to take place, and an induction to take place along with an introduction to safeguarding policies and procedures and a review of training needs.

45. In addition, bishops must maintain an up-to-date list for all those whose ministry they have authorised (including clergy with PTO) and a record of when DBS checks need to be renewed and of safeguarding training.

### ***What are we doing now?***

46. The aspects of the new policy on PTO that relate to safeguarding will be recorded in an updated version of the *Safer Recruitment: Practice Guidance* and, as such, will represent guidance to which bishops and others must 'have due regard' by virtue of the statutory duty imposed by s.5 of the Safeguarding and Clergy Discipline Measure 2016.

47. The effectiveness of the implementation of this new policy will be measured by a sample audit in 2019.

48. Work is underway to develop a national register of clergy. In the interim, this will be hosted by Crockfords.

### **Clergy Discipline and related matters**

49. Extensive evidence was given to the Inquiry with regard to discipline within the Church and how it is exercised in safeguarding related cases.

### ***What have we already done?***

50. A number of significant changes were made in relation to the legal framework surrounding safeguarding by the Safeguarding and Clergy Discipline Measure 2016 and Amending Canon No. 34. Both the Measure and the Amending Canon were brought fully into force by 1<sup>st</sup> March 2017.

51. The 2016 Measure:

- Amended the Clergy Discipline Measure 2003 ('the CDM') to widen a bishop's powers of suspension to include the case where he or she is satisfied, as a result of information provided by the local authority or the police, that a cleric presents a significant risk of harm to children or vulnerable adults;
- Amended the Churchwardens Measure 2001 as regards the suspension and disqualification of churchwardens in safeguarding cases;
- Amended the Church Representation Rules as regards the suspension and disqualification of PCC members and officers in safeguarding cases;
- Imposed a duty on clergy, licensed lay readers and lay workers, churchwardens and PCCs to have due regard to guidance issued by the House of Bishops on the safeguarding of children and vulnerable adults; and
- Amended the CDM so as to exclude the usual 12-month limitation period for making a complaint in the case of any complaint where the misconduct in question is conduct of a sexual nature towards a child or (if the President of Tribunals considers them to have been vulnerable at the time of the conduct) an adult.

52. Amending Canon No. 34 amended the Canons of the Church of England (which bind its bishops and other clergy directly) by:

- Amending Canon B 43 so that an incumbent may only invite a minister or lay person from another church to perform duties at services if the incumbent is satisfied, having made appropriate enquiries, that the person is of good standing;
- amended Canon C 8 so that:
  - The minister with the cure of souls may only authorise a cleric to minister in his or her church on an occasional basis if they have authority from a bishop to minister in a diocese;
  - Clergy who have no authority to officiate, or who are prohibited or

suspended under the 2003 Measure, are not permitted to vest during divine service, and a minister with the cure of souls who knowingly permits such a person to vest commits misconduct under the CDM;

- All ministers with authority to officiate in a diocese are required to participate in safeguarding training;
- introduced a new Canon C 30 ('Of safeguarding') to provide for (i) the carrying out of risk assessments on clergy, (ii) the appointment of diocesan safeguarding advisors ('DSAs'), and (iii) the making of regulations by the House of Bishops to make further provision about clergy risk assessments and the appointment of diocesan safeguarding advisors; and
- amended Canons E 6 and E 8 to provide for the suspension and disqualification of licensed readers and lay workers, and their training in safeguarding.

53. Subsequently, the House of Bishops made regulations making provision of the kind provided for by the new Canon B 30 in relation to risk assessments and DSAs.

54. Between October and December 2017, the NST conducted a consultation on the effectiveness of the CDM in safeguarding-related cases. Over 70 responses were received, from bishops, DSAs, archdeacons, diocesan registrars and others.

#### ***What are we already doing?***

55. We are analysing the responses received to the NST's consultation with a view to identifying any common themes that might suggest ways of making the interface of the CDM with safeguarding issues more effective. The results of that further work will be used to inform the work of the working group referred to below.

56. We have committed ourselves to implementing the recommendations of the report by Dame Moira Gibb into the Peter Ball case<sup>4</sup>, including that there should be a national register of clergy with PTO. However, whilst the Gibb Report only recommended a national register for clergy with PTO, we believe that information needs to be made available about all those having authority from the bishop to minister in a diocese, whatever form that authority takes. To that end the Archbishops' Council has approved the following actions:

- the preparation of legislation imposing requirements:
  - On diocesan bishops to provide the Council with details of all the clergy who are authorised to exercise ministry in a diocese in terms of their names, the form of authority they have, the area, place or activity to

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<sup>4</sup> See <https://www.churchofengland.org/sites/default/files/2017-11/report-of-the-peter-ball-review-210617.pdf>

which the authority relates and any limitation of time to which the authority is subject; and

- On the Council's staff to establish and maintain a national register of clergy who are authorised to exercise ministry and to publish such of that information as may be specified in regulations;
- The carrying out of work to develop Crockfords Clerical Directory to enable it to make available the names of clergy authorised by diocese free of charge, and the establishment of a suitable process for collecting this information.

57. The necessary legislative provisions are included in the draft Church of England (Miscellaneous Provisions) (No. 2) Measure that will be put before the General Synod for First Consideration at the July 2018 group of sessions. Regulations made under those provisions would be brought before the Synod for approval in due course, should the Miscellaneous Provisions Measure receive Final Approval and pass into law.

58. This legislation will make it a requirement for details of all clergy with a publicly authorised ministry to be included in the published national clergy register and Crockfords. The intention is that the national register will not include addresses, contact details and biographies. Crockford would normally include this information but, in exceptional circumstances, contact and other details may also be withheld from Crockfords (in both online and published form).

59. We are also putting in place a new canonical framework for religious communities. Amending Canon No.40, which will also be put before the General Synod for First Consideration at the July group of sessions, will introduce a new Canon providing for the House of Bishops to declare communities to be religious communities in the Church of England. A community will have to meet criteria set out in regulations made by the House of Bishops before the House can make a declaration in respect of the community; and those criteria will be able to include provision needed for safeguarding purposes.

#### ***What do we now plan to do?***

60. We are establishing a working group, comprising representatives of the House of Bishops and the Clergy Discipline Commission, to consider whether any further changes need to be made to the CDM, or the Rules and Code of Practice made under it, in order to maximise its effectiveness in relation to safeguarding (whether the alleged misconduct relates to abuse as such or a failure to respond appropriately to allegations or concerns about abuse).

61. Areas for exploration by the working group are likely to include the following:

- Whether and, if so, how additional external scrutiny should be brought to bear on decisions by bishops under the CDM, over and above that already provided by the President and Deputy President of Tribunals, whether by:
  - requiring a bishop to seek advice from his or her DSA before deciding, on receiving the preliminary scrutiny report, how to proceed in relation to a complaint which relates to safeguarding;
  - the inclusion of persons with specialist safeguarding expertise in the membership of a bishop's disciplinary tribunal where the alleged misconduct relates to safeguarding; or
  - by some other means;
- Allowing a complaint to be brought outside the normal 12-month period where the alleged misconduct takes the form of either (a) a failure to respond appropriately to an allegation or concern about sexual abuse of a child or vulnerable adult or (b) a failure to have 'due regard' to the House of Bishops' guidance on safeguarding;
- Whether greater use could be made of the risk assessment procedure alongside the making of a complaint under the CDM, to enable bishops to be better informed about the safeguarding risks presented by a cleric when, on receiving the preliminary scrutiny report, the bishop has to decide how to proceed in relation to the complaint;
- The process for obtaining evidence from survivors for the purposes of a complaint under the CDM and any special needs they may have during the process that require special support;
- The amendment of the Clergy Discipline Rules so as to prevent a respondent who is unrepresented from cross-examining a survivor witness; and
- How legal advice can best be made available to those assembling evidence in connection with a complaint under the CDM about a safeguarding related matter.

62. As a separate exercise, the Clergy Discipline Commission is examining whether and where unacceptable delays occur in dealing with complaints under the Measure and how any such delays can be avoided in future.

63. The Legal Office is also working with Ministry Division to devise procedures in relation to clergy whose approach to safeguarding raises issues about their competence to meet the Church's expectations of them in that respect. The focus of the procedures (which are likely to be informal rather than statutory) would be on providing the support needed to enable clergy to meet the standards expected of them. In addition, they will also look at how the Church's capability or disciplinary procedures could be invoked in cases where, even after the provision of all the support that could reasonably be offered, a cleric still failed to meet those standards.

64. The NST will undertake a review of cases with some DSAs to understand why there appears to be a significant difference in the numbers of (a) reported concerns about clergy relating to abuse and (b) complaints against clergy relating to abuse under the CDM.

65. In the field of training, we shall strengthen the training for Archdeacons, DSAs and others in respect of the application of the CDM, including by:

- Raising awareness of the availability of the new power under the 2016 Measure to suspend where the bishop is satisfied, as a result of information provided by the local authority or the police, that a cleric presents a significant risk of harm to children or vulnerable adults; and
- Encouraging a better understanding of the approach to be taken towards evidence gathering.

In summary, we will:

- Implement new requirements to strengthen suitability and selection of candidates for the ministry
- Implement new guidance in respect of PTO
- Develop and implement a National Register of Clergy
- Conclude a review of the Clergy Discipline Measure and implement findings

### **THEMATIC PRIORITY THREE:**

#### **STRUCTURE, INDEPENDENCE, OVERSIGHT AND ENFORCEMENT**

66. A number of structural questions arose from the first set of IICSA hearings in March. These questions included the following:

- Questions regarding **independence**, whether from the diocese/parish, the national church or the Church as a whole. This includes whether some elements of management of allegations against all or some clergy can be independently investigated.
- Questions about **enforcement**, including how legislative and policy decisions are enforced, who has responsibility for ensuring enforcement, what happens when an organisation or individual resists implementation.
- Questions of **oversight on safeguarding**, who or what oversees individual parts of the Church or the Church as a whole, and whether there should be an internal or external regulatory function for safeguarding.

67. The question regarding the extent to which safeguarding responsibility can, or should, be transferred from individual dioceses/ other entities to the national Church or externally is a key question for the Church and one which has been raised within many of the safeguarding reviews which have been carried out in recent years. However, it is worth noting that the recommendations of the reviewers have differed. The fragmented nature of the many autonomous office-holders and organisations which make up the Church of England creates challenges, both for the formulation and implementation of policy and for bringing about cultural change. This fragmentation needs to be named and addressed. It is not an excuse for lack of action or poor implementation.

68. The NSSG, as does the Church, remains open to areas where greater independence can achieve improved safeguarding outcomes. However, in considering this we are mindful of the following:

- Outsourcing safeguarding operations could potentially hinder the Church from engaging in true internal culture change, positioning it as an external compliance responsibility rather than core to the mission of the Church.
- Establishing an entirely independent safeguarding function for the Church, locally or nationally, would effectively mean that dioceses and the National Church Institutions would still have to have internal safeguarding functions to oversee Safeguarding activities and liaise with the external body.
- Would duplicating resources in this way be effective for the Church and the wider public, either in terms of costs or outcomes for survivors and those at risk?
- “Outsourcing” safeguarding to an external body could appear to distance bishops, clergy and Church officers from their duties and responsibilities with regards to safeguarding, which in fact remain the same, however safeguarding is resourced operationally (see below).

### **Bishops’ Leadership and Accountability**

69. Structural and operational arrangements for safeguarding have changed over time and particularly in recent years. The current arrangements and resourcing of safeguarding both nationally and in dioceses bear little or no relation to what was in place four years ago.

70. However, what has not changed is the accountability of the bishops for safeguarding in their dioceses and in the wider Church. As leaders of the Church of England, the bishop remains accountable for all safeguarding matters in their diocese and it is their responsibility to ensure that safe practices are adopted at every level of the diocese’s organisation and structures. Similarly, all bishops, authorised clergy and licensed readers and lay workers are required to have due regard to House of Bishops’ safeguarding guidance.

71. Whatever changes may be made in safeguarding operational structures now and in the future, the accountabilities and responsibilities of bishops, priests and Church officers will remain unchanged. No safeguarding structure, whether internal or external, can take over the core role in mission and ministry of bishops and priests. They need to continue to carry out these duties safely and ensure that others do so too.

### ***What have we already done?***

72. In October 2017, the House of Bishops published guidance in respect of ‘Role and Responsibilities of Church Officers and Bodies’ which aimed to clarify and strengthen safeguarding responsibilities for a range of roles within the church at national, diocesan and parish levels.

73. Since its formation, the NST has taken a number of steps to strengthen the independence of safeguarding in the Church in terms of areas of practice, oversight and scrutiny as part of the overall strategy to improve safeguarding across the Church. These developments include the following:

- Issued new guidance on the function of Diocesan Safeguarding Advisory Panels, all of which must be independently chaired and include at least 3 senior representatives from statutory partners such as the police, probation and local authority.
- Developed a network of independent associates which enables some projects to be managed more independently and which will include independent complaints investigators.
- Promoted the engagement of dioceses in their local safeguarding partnership arrangements (children and adults) with local authorities and other external statutory partners.
- Strengthened the role of Diocesan Safeguarding Advisers, underpinned by regulations in respect of their professional right to report safeguarding concerns to statutory agencies. There is potential to extend these requirements further.
- Commissioned and carried out independent programme of audits of safeguarding arrangements of all dioceses by a leading improvement agency, the Social Care Institute for Excellence (SCIE).
- Commissioned a number of high-profile independent Case Reviews to identify lessons learned from major cases and to enable the church to improve its safeguarding practices and arrangements
- Supported the introduction of a new Canon and regulations made under it which stipulate that all formal risk assessments in respect of members of the clergy must be carried out by a suitably experienced independent risk assessor
- Commissioned services to offer independent counselling support survivors to survivors.

74. Taken together, these developments constitute significant elements of independence to the Church's safeguarding practice. In particular, independent audits and reviews have played a key role in improving practice and benchmarking against standards in other sectors. The final Overview Report from this audit programme will be received by the National Safeguarding Steering Group on 12 July 2018.

***What are we doing now?***

75. With the support of the NSSG, the NST is now doing the following:

- Extending these independent audits to all cathedrals and the Archbishops' offices.
- Carrying out an independent scrutiny by external safeguarding experts of the Past Cases Review that was conducted by the Church in 2007-09, the report of which will be presented to the NSSG in July.
- Securing funding to commission, in collaboration with the Roman Catholic Church, an independent helpline and support for independent services to

support survivors of church-related abuse (Safe Spaces), which itself will be independently evaluated

- Commissioned independent research by SCIE of survivors' experience of church responses, what good looks like and how to improve responses and support to survivors of all forms of abuse, church and non-church related. This will feed into a much more comprehensive workstream on survivor engagement in 2018 and beyond.
- Commenced a process for the appointment of an independent chair to the National Safeguarding Panel who will also be a member of the National Safeguarding Steering Group, providing scrutiny and challenge.

### ***What are some of the options for the future?***

76. The NSSG is aware of a number of suggestions for the structure and operation of safeguarding which have emerged in some independent reviews as well as external comment within and outside the Church. It is important that we are clear about firstly what we mean by independence, and secondly where we believe greater independence will lead to improvements in safeguarding practice and outcomes. Put simply, responsibilities and accountability for safeguarding cannot be removed from an institution, but there are areas where greater independence can add real value, provide greater reassurance, and improve services.

77. Building on what we have already done, independence might be strengthened in a number of areas of safeguarding practice and arrangements:

- Operational management of concerns and allegations – for example, some aspects of safeguarding such as allegations against all and/or senior clergy or posthumous allegations against clergy could include independent investigation
- Independent investigation of complaints about how safeguarding allegations have been handled by the Church – for example, the establishment of an independent Ombudsman role for the occasions when complaints processes have been exhausted within the church
- External scrutiny and regulation of safeguarding arrangements – for example, the establishment of an independent regulatory or scrutiny body that is given powers to inspect and/or intervene in diocese or nationally.

78. In addition, there are options for developing a centralised safeguarding service, which was highlighted by a number of witnesses who gave evidence to the Chichester Case Study hearing. These could include development of a national safeguarding service either internally or external to the Church, to employ all safeguarding advisers. It is likely that the Social Care Institute for Excellence will comment on more centralised models for safeguarding in their final Overview Report of their independent diocesan audits, which is due to be presented to the NSSG in July.

79. The NSSG has asked the NST to undertake some initial scoping and analysis of these and other options. It is not intended that General Synod debate these options at the July group of sessions. However, the NSSG is proposing that serious consideration be given to the development of an independent Ombudsman service.

80. A third area relates to the extent to which the Church, or an external body, can intervene in safeguarding practice where there are deficiencies or poor compliance. The inquiry heard extensive evidence in respect of the Chichester Visitation and the various actions that arose from this. Questions were raised about whether the National Safeguarding Team has sufficient powers of intervention. Further work will need to be undertaken by the NST with regards to establishing a proper 'Escalation Process' when matters are brought to their attention. In addition, the roll-out of 'Safeguarding Progress Reviews' with dioceses by the NST is likely to result in some form of power of intervention if such 'Improvement Offers' are identified as necessary by the NST and not agreed by the diocese.

In summary, we will:

- Develop and analyse options for further strengthening independent oversight, scrutiny and powers of intervention without opting for an external safeguarding operational service
- Continue to emphasise the duties and accountability of all clergy, church officers and (ultimately) diocesan bishops for safeguarding in accordance with the House of Bishops guidance
- Develop a business proposal for the establishment of an independent Ombudsman Service with regards to complaints relating to the management of safeguarding cases
- Consider the findings of the final SCIE Overview report following the completion of the independent diocesan safeguarding audits and in particular any recommendations in respect of structure, centralisation and independence
- Undertake an analysis of the benefits and risks associated with the development of a national safeguarding service employing all safeguarding staff centrally

## **Conclusion and Recommendations:**

**“Call on the House of Bishops and the Archbishops’ Council to ensure that the plan of action is implemented as a matter of priority”**

81. The Inquiry has said that it will publish a report into the two case studies in its ‘Anglican Church’ investigation in autumn 2018 covering the Chichester case study and Peter Ball case study (the hearing for the latter is due to take place next month). A further hearing in respect of national church responses to safeguarding will be held in 2019. In view of this, it is likely that subject to the decisions of the Business Committee, Synod will receive further up-dates on progress being made in respect of these and other priorities after the Inquiry’s interim report and final reports relating to their investigation into ‘the Anglican Church’ has been published.
82. As we wrote at the start of this report, safeguarding is at the heart of the mission of the Church. The Church has failed in many ways to live out this mission in the past, but our vision for the future is to make the Church a safe place for all and a beacon to the rest of society. We are asking Synod to endorse the action set out and to commend it to the House of Bishops and the Archbishops’ Council.

We believe that, with the help and grace that God supplies, that this vision and the associated actions can be achieved. **The Rt. Revd Bishop Peter Hancock, Lead Bishop for Safeguarding**

**For and on behalf of the National Safeguarding Steering Group**

**June 2018**

### **Members of the NSSG**

Rt Revd Donald Allister, Bishop of Peterborough  
Mrs Mary Chapman, Member of the Archbishops’ Council  
William Featherby QC, Member of the Church Commissioners  
Rt Revd Jonathan Gibb, Bishop of Huddersfield  
Revd Daphne Green, Chaplain to the Archbishop of York  
Dr Jamie Harrison, Member of the Archbishops’ Council  
Ven Gavin Kirk, Archdeacon of Lincoln  
Very Revd Stephen Lake, Dean of Gloucester  
Revd Malcolm Macnaughton, Chief of Staff to the Archbishop of York  
Ruth Marlow, Chief Executive, Diocese of Coventry  
Rt Revd Sarah Mullally, Bishop of London  
Rt Revd Martyn Snow, Bishop of Leicester  
Rt Revd Mark Sowerby, Bishop of Horsham (Vice-Chair)  
Ven Mark Steadman, Archdeacon of Stow, Diocese of Lincoln  
Rt Revd Tim Thornton, Bishop at Lambeth