

## Response of the National Safeguarding Steering Group to the Report of the Independent Inquiry into Child Sexual Abuse (IICSA) in respect of the Diocese of Chichester and Peter Ball Case Studies

The Church of England welcomes the report of the Independent Inquiry into Child Sexual Abuse (IICSA) in respect the case studies concerning the Diocese of Chichester and the response to allegations against Peter Ball. A statement from members of the House of Bishops in response to [The Anglican Church Case Studies](#) IICSA report stated:

*"We write on behalf of the whole House following the publication last week of the IICSA report into the Peter Ball and Chichester Diocese case studies. We recognise that the publication of this report causes most hurt and concern to survivors themselves. It reopens wounds.*

*"At this week's meeting of the House of Bishops, Archbishop Justin asked every one of us to read and study the full report in detail and we are absolutely committed to this. The Church has failed survivors and the report is very clear that the Church should have been a place which protected all children and supported victims and survivors. We are ashamed of our past failures, have been working for change but recognise the deep cultural change needed takes longer than we would like to achieve.*

*"We welcome the recommendations ... It is absolutely right that the Church at all levels should learn lessons from the issues raised in this report and act upon them"*

### Background

The Independent Inquiry into Child Sexual Abuse (IICSA) was set-up because of serious concerns that some organisations had failed and were continuing to fail to protect children from sexual abuse. The 'Anglican Church in England and Wales' is one of the fourteen investigations being undertaken by the Inquiry and the report on the case studies of the Diocese of Chichester and responses to the allegations against Peter Ball was published on the 9 May 2019. The report followed evidence given to the Inquiry, both in written and oral form, and respective public hearings held by the Inquiry in March and July of 2018.<sup>1</sup>

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<sup>1</sup> The Archbishops' Council's closing submissions to the March and July Case Studies can be found [here](#)

This paper, produced by the National Safeguarding Steering Group<sup>2</sup>, on behalf of the Church of England, outlines the national Church's response to the aforementioned IICSA Report. It is by no means intended to outline all that the Church is doing to address the need to improve its responses to child sexual abuse or indeed other forms of abuse, nor is it intended to be the final word in terms of the Church's response. In July 2018, the General Synod debated a motion on safeguarding put forward by the NSSG. The [report \(GS2092\)](#) considered the themes arising from evidence given to the Diocese of Chichester public hearings and under three key themes made 11 commitments for action. The report was updated for the February sessions of General Synod as [GS1213](#) and a further update will be presented to the July 2019 General Synod as [GS2134](#).

In addition to the five recommendations made by the Inquiry, the report contains a number of themes which the National Safeguarding Steering Group (NSSG) intends to further reflect upon and where appropriate take action ahead of any further recommendations that the Inquiry will make in its report following the public hearings taking place in July 2019. However, the Church has taken the view that where strategic issues have been highlighted either to or by the Inquiry, action is required now to progress such improvements. For example, the Inquiry report is critical of the Clergy Discipline Measure (CDM) as it relates to safeguarding. The House of Bishops has now established a Working Group to consider and progress the reform of the CDM. Other streams of work include the development of an independent Safeguarding Ombudsperson Service<sup>3</sup>, strengthening processes for the selection and training of clergy, new guidance on granting 'Permission to Officiate'<sup>4</sup>, and a commitment to the co-design of a Survivor's Charter and framework for the engagement of victims and survivors to support the work of the Church to improve its safeguarding responses and practices. This commitment is exemplified through initiatives such as the 'Safe Spaces' project.<sup>5</sup>

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<sup>2</sup> The terms of reference for the National Safeguarding Steering Group can be found [here](#)

<sup>3</sup> Proposals for this scheme are currently under review and will be reconsidered during autumn 2019

<sup>4</sup> Canon C 8 provides that a minister duly ordained as priest or deacon (referred to as a cleric throughout this policy) may officiate in any place only after he or she has received authority to do so from the diocesan bishop in which that place is situated.

<sup>5</sup> 'Safe Spaces' is an ecumenical partnership with the Catholic Church in England and Wales to commission an independent helpline for victims and survivors of church-related abuse. 'Safe Spaces' will provide adult victims and survivors access to an independent national central hub that offers trauma informed advocacy support, safety planning and advice, alongside access to an online counselling service in respect of any form of church related abuse.

## Recommendations from the Inquiry and the NSSG's response

The Inquiry has made three direct recommendations to the national Church and one to the government. A further recommendation will require the cooperation of religious institutions and the recently created Child Safeguarding National Review Panel. These recommendations are stated below (in the blue boxes) followed by a response to each from the NSSG.

In preparing this response, the NSSG is conscious that some language being used is more specific to the Church of England. Where possible footnotes are added to provide more explanation or to signpost the reader to the full documents. The Church of England [website](#) contains more information about safeguarding arrangements including current House of Bishops policies and guidance and a [glossary reference guide](#)

### ***Recommendation 1: Introduction of safeguarding guidance for religious communities***

*The Church of England should introduce appropriate guidance which deals with safeguarding within the context of a religious community affiliated to the Church. It must ensure that these organisations meet adequate requirements for safeguarding and child protection. The needs of victims should be prioritised when designing safeguarding policies and practices.*

*The regulation and management of religious communities should include a mandatory requirement both to have and to follow safeguarding guidance. The requirement to comply with this safeguarding guidance should be the same as would be expected in any other Church institution. There needs to be clarity in respect of how safeguarding should be managed in these communities, along with appropriate auditing of compliance.*

At its July 2019 group of sessions General Synod will be asked to give final approval to Amending Canon No. 40.<sup>6</sup> It inserts new provision into the Canons of the Church of England relating to religious communities. Under these provisions, religious communities in the Church of England will be subject to legal designation for the first time. There will be a published list of communities each of which the House of Bishops has declared to be a religious community in the Church of England. The House of Bishops will be able to declare a community to be a religious community in the Church of England only if it meets conditions prescribed in regulations. Among other things,

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<sup>6</sup> Amending Canon No.40 – presented to General Synod in February 2019 - <https://www.churchofengland.org/sites/default/files/2018-06/GS%202103%20-%20Amending%20Canon%2040%20-%20First%20Consideration.pdf>

the regulations will impose conditions as to the safeguarding of children and vulnerable adults. The House of Bishops will have the power to revoke a declaration that a community is a religious community in the Church of England “for grave cause”.

The new Canon also provides for the giving of guidance by the House of Bishops to which members of religious communities, and other persons exercising functions in relation to religious communities, will be required to have regard. It is envisaged that the NST will revise the current ‘Safeguarding in Religious Communities’ practice guidance<sup>7</sup> alongside the drafting of Regulations arising from the approval of Amending Canon No. 40. The revision is likely to include strengthening the safeguarding responsibilities of the episcopal visitor. It is envisaged that the Regulations and guidance will be approved in July 2020.

**Recommendation 2: Amendment of Canon C30**

*The Church of England should amend the current canon requiring clerics to comply with the Bishop’s Guidance on Safeguarding. The use of the words ‘due regard’ in Canon C30 is an acceptable term of art but lacks sufficient clarity. Very few individuals who gave evidence to the Inquiry said they understood what this meant, including the Archbishop of Canterbury himself.*

The Church considers this is intended to be a reference to the requirement in section 5(1) of the Safeguarding and Clergy Discipline Measure 2016<sup>8</sup> for a “relevant person” to “have due regard to guidance issued by the House of Bishops on matters relating to the safeguarding of children and vulnerable adults”.

Changing the nature of this requirement will be considered as part of a review of the legislation relating to clergy discipline with a view to introducing amending legislation in the General Synod next year.<sup>9</sup> The Church is exploring how to distinguish specific parts of guidance as ‘compulsory’, namely areas which can be contained in Regulation or a ‘Code of Practice’ which carry the meaning of ‘must do’ and the best model for achieving this. When it comes to reporting abuse, for example, the Church’s position is laid out in its overarching ‘Safeguarding policy statement for

<sup>7</sup> Safeguarding in Religious Communities - <https://www.churchofengland.org/sites/default/files/2017-11/safeguarding%20in%20religious%20communities%20practice%20guidance.pdf>

<sup>8</sup> Safeguarding and Clergy Discipline Measure 2016 - <https://www.legislation.gov.uk/ukcm/2016/1/contents>

<sup>9</sup> The Church has committed to work to reform the Clergy Discipline Measure. A Working Group is being established to develop proposals for change, including where necessary changes to Canon law.

children, young people and adults'<sup>10</sup> which states that “all suspicions, concerns, knowledge or allegations, that reach the threshold for reporting to statutory authorities, must be reported ... this will be done irrespective of the status of the person.” These proposals will be presented to Synod in July 2020.

Alongside this work, the NSSG will also facilitate a wider discussion within the House and College of Bishops this September with regards to accountabilities in safeguarding to inform the revision of the Roles and Responsibilities and other relevant guidance.

In the interim, the Church will develop and implement a communications strategy to ensure that the definition and resulting requirements arising from the current legislation are better understood across the Church, targeting those for whom the duty applies.

***Recommendation 3: Amendment of the Sexual Offences Act 2003***

*The government should amend Section 21 of the Sexual Offences Act 2003 so as to include clergy within the definition of a position of trust. This would criminalise under s16–s20 sexual activity between clergy and a person aged 16–18, over whom they exercise pastoral authority, involving the abuse of a position of trust.*

The Church strongly supports this recommendation and will formally write to the government to this effect inviting it to consider a broader definition than the one recommended by the Inquiry. The NSSG believes that the recommendation to amend the definition of ‘Positions of Trust’ as defined within Section 21 of the Sexual Offences Act 2013 should apply not just to clergy but be extended further to include lay officers who are in regulated activity such as those employed or who volunteer to lead children’s and youth work. In addition, in respect of clergy, this should mean all those who hold the Bishop’s licence, namely including those with Permission to Officiate<sup>11</sup>.

<sup>10</sup> Promoting a Safer Church’ (March 2017) - <https://www.churchofengland.org/sites/default/files/2019-05/PromotingSaferChurchWeb.pdf>

<sup>11</sup> House of Bishop guidance on Permission to Officiate - <https://www.churchofengland.org/sites/default/files/2018-07/House%20of%20Bishops%20Policy%20on%20PTO%20July%202018.pdf>

**Recommendation 4: Sanctions for failures to comply with safeguarding procedures**

*Individuals engaged in regulated activity who have failed to undergo a DBS check or complete compulsory training should not be permitted to hold voluntary offices within the Church. Failure by ordained clergy to comply with either requirement should result in disciplinary proceedings.*

The Church agree that those in regulated activity who have failed to undergo a DBS check or complete mandatory safeguarding training should not be allowed to continue in their voluntary role and this should include overseas checks when an applicant has spent periods of time abroad. The revised national Safeguarding Training & Development practice guidance also gives guidance on what to do if someone attending safeguarding training does not engage in the training itself. In circumstances of non-attendance or non-engagement, the person is unlikely to be given a certificate, which will have consequences for their continued ministry or role.

The Church also believes that the behaviour of leaders such as clergy who knowingly allow volunteers to remain in such regulated roles without having fulfilled these requirements should be considered under Section 5 of the Safeguarding and Clergy Discipline Measure 2016, or whatever amendments are made to this in the light of the above. The NST will review key pieces of guidance by the end of December to ensure that this position is reflected clearly.

The Church does, however, recognise that much of the work within parishes and cathedrals is undertaken by volunteers, many of whom do not come under the current definition of ‘regulated activity.’ For those church officers who have direct contact with children and young people, it is essential that they are safely recruited in accordance with House of Bishops guidance<sup>12</sup> and trained in relation to how to recognise, respond and report abuse in accordance with the Church’ national safeguarding Training & Development practice guidance.<sup>13</sup>

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<sup>12</sup> House of Bishops policy and guidance can be found at <https://www.churchofengland.org/safeguarding/promoting-safer-church/policy-practice-guidance>

<sup>13</sup> House of Bishops Training & Development Framework can be found at <https://www.churchofengland.org/safeguarding/promoting-safer-church/policy-practice-guidance>

**Recommendation 5: Disclosure of internal reviews to the national review body**

*If religious organisations have undertaken internal reviews or enquiries into individual safeguarding incidents, their findings should be sent to the national review body (set up under the Children and Social Work Act 2017).*

The Church supports an increased level of external scrutiny in respect of those cases for which an independent learning lessons review has been undertaken in order to maximise learning. The NST will now initiate an active dialogue with the Child Safeguarding Practice Review Panel to ensure that the right cases are reported to them in accordance with the principles outlined in ‘Working Together to Safeguard Children’ (2018) and the local safeguarding transitional arrangements arising from the implementation of The Children and Social Work Act 2017. The approach, once agreed, will be reflected in the House of Bishops ‘Learning Lessons from Case Review’s guidance.

## **Conclusion**

The NSSG, on behalf of the Church of England, reiterates the apology to all those who have been abused by those who held a position of power and authority within the Church. It remains committed to ensuring that words of apology are followed by concrete actions to improve how all worshipping communities across the whole Church in its many forms - across its parishes, dioceses, cathedrals, religious communities, national church institutions and other church bodies – respond to concerns and allegations of abuse and to all victims and survivors of abuse and others affected by this, whilst at the same time working to prevent such abuse from occurring in the first place. The Church must continue to find ways to place children and young people at the centre of its response and safeguarding at the heart of its mission and culture.

The Church recognises that these responses are made to the recommendations from the Inquiry that have arisen as a result of IICSA’s work to date. The Church will need to consider carefully the evidence given to the July public hearings in respect of the national and wider church and is committed to progressing further improvements that can be made ahead of IICSA’s final report, when we anticipate additional recommendations being made.