

# **Independent Safeguarding Structures for the Church of England**

## **Proposed Interim Arrangements - 2021 (Phase 1)**

### **Introduction**

The Archbishops' Council has approved the next steps in independent oversight of the National Safeguarding Team (NST), with the first phase to be implemented by the summer. The Archbishops' Council originally voted on independent oversight in December 2020.

The paper below by Revd Dr Malcolm Brown on the proposed interim arrangements will form part of the presentation to General Synod members on Saturday. MACSAS (Minister and Clergy Sexual Abuse Survivors) and members of the Survivors' Reference Group formed a Focus Group and considered an early draft of the proposals and their report offered numerous comments and suggestions, with as many as possible incorporated into this paper.

The proposals for this new structure were presented to an informal meeting of the House of Bishops and the Archbishops' Council on 23<sup>rd</sup> February. During the meeting members noted the importance of being able to review the structure after a set period and further detail needed on Phase 2 once the Board was in place. Council members approved the proposals in the paper.

# A. Rationale

## 1. Introduction

The IICSA Report emphasised the importance of introducing an independent element into safeguarding arrangements in the Church of England (“the church”) (Recc. D.4). Conscious of the need to improve the culture of safeguarding across the church, the Archbishops’ Council and House of Bishops had already agreed to develop an independent structure to deliver professional supervision and quality assurance across its safeguarding activities. The IICSA Report gives new momentum to this decision.

This would be a complex and time-consuming exercise if every aspect had to be finalised before anything happened. In the meantime, the lack of an independent element would become increasingly evident as the need had been acknowledged but not yet delivered, leading to understandable criticism.

The Archbishops’ Council and House of Bishops have therefore decided to put the initial element of independence in place at the earliest opportunity, recognising that some questions, especially those involving legislation or other complex structural changes, will be addressed later. This has the advantage that independent wisdom can be captured at each stage. It has the disadvantage that a degree of uncertainty will remain for those involved in areas of safeguarding where key questions remain to be addressed, which includes concerns of victims and survivors. It is therefore imperative that progress is maintained after this interim arrangement is in place.

**This paper proposes Phase 1 of a process that will take further steps to complete.** The first step is to appoint an Independent Safeguarding Board (ISB) and the paper shows how the ISB would relate to different safeguarding activities and especially to areas of weakness and the need to drive culture change. The paper then gives an outline of important themes that cannot be addressed in Phase 1. The proposed Independent Safeguarding Board would accompany the church in shaping the tasks in Phase 2 and deciding how they can best be delivered.

### a) Theological Grounds for Independence in Safeguarding

Although this proposal paper does not include a theological section, the project began with a theological rationale for establishing an independent element in safeguarding. This sought to establish that the proposals were not driven by managerial or presentational concerns but were grounded in an understanding of the relationship between the church and the world which could frame the independent oversight of safeguarding.

The initial work focussed on independence as a theological concept, but as further work is being done on a theology of safeguarding, it makes sense to bring them together later in a more detailed way. Arguments about theology could also distract from the substantive proposals, therefore the early theological work has not been included at this stage.

### b) Involvement of Survivors

Thanks are due to MACSAS (Minister and Clergy Sexual Abuse Survivors) and nine members of the Survivors’ Reference Group who acted as consultants to this project. Together, they

formed a Focus Group convened by MACSAS, and considered an early draft of the proposals in a meeting planned for two hours but lasting well over three. Their report, amounting to some 28 pages with additional documentation, offered numerous comments and suggestions, and as many as possible have been incorporated into this paper. They also raised three fundamental questions which will be of ongoing significance:

- i. **There is a danger that the proposals will stall once Phase 1 has been implemented. Is there really the will within the church to commit energy and resources to work with the ISB to implement key changes in Phase 2?**

*This is a crucial question, but not one that can be answered on paper. The House of Bishops, Archbishops' Council and General Synod must recognise that the current proposals for Phase 1 are only the beginning of a more far-reaching process and that their ongoing commitment to this – in public and on the record – is essential.*

- ii. **Are the roles of the ISB members achievable in the time given them?**

*The proposed time commitment of ISB members was considered against their remit by the NCIs Director of People and judged to be roughly appropriate, with the proviso that additional time may be needed at the start and possibly less at later stages. The wording of the proposed time commitment was adjusted to reflect this, and the question specifically noted for review once the ISB was established.*

- iii. **Survivor representation and involvement should be improved further.**

*The short time frame for this project prevented it being an exercise in co-production rather than consultation on an already-drafted proposal. Survivor involvement has been strengthened in the current proposals and it is recommended that the work streams of Phase 2 be approached through a co-production methodology.*

### **c) Internal Consultation**

The proposals have been reviewed by: The Interim Director of Safeguarding; the Lead Bishop for Safeguarding; the Chief Legal Adviser; the Chief Operating Officer; the Head of People and the Secretary General of the Archbishops' Council, all of whom have made helpful comments. There has also been liaison with other members of the Safeguarding Team, bishops with relevant responsibilities, and senior staff at Lambeth Palace and Bishopthorpe on specific aspects. Progress reports to the National Safeguarding Steering Group (NSSG), the Archbishops' Council and the House of Bishops enabled ideas and comments to be fed into the process.

## **2. Dilemmas of Independence**

The purpose of introducing an independent structure for the church's safeguarding work is twofold: to ensure good safeguarding and to challenge the internal cultures of the Church of England which too often have resulted in preventing best practice. A problem with all forms of culture change is

that, if the drivers of change are located too close to the organisation, they become absorbed into the culture themselves – but placed too far away, they have insufficient traction to effect the desired changes. The wisdom from business and commerce is that there is no single “right” answer to this – the relationship between the culture and the drivers of change must be reviewed and adjusted from time to time. The proposals in Phase 1 will provide experience to enable the distance between church and independent body to be refined in further Phases.

Another level of ambiguity arises because, whilst IICSA has pointed to the desirability of having an independent safeguarding role, enacting that objective is the responsibility of the church itself. An independent body will also need to be funded by the church. This is not a case of an external body imposing control, but of the church delivering its legal responsibilities by vesting a new, independent, body with authority over the church itself.

An independent body will have considerable moral authority. It has the power to blow the whistle publicly and expose resistance or backsliding on the church’s part. But there are many contexts where friction and resistance from the church could undermine the independent body. What is needed is a structure which the church may put in place, but which it cannot frustrate.

As the church will be paying for this structure, the funding arrangements must not be usable as a lever to prevent the independent body doing its job. On the other hand, giving out blank cheques creates moral hazard – it is not in the interests of the independent body to have power to demand unlimited resources since that militates against operating efficiently and, ultimately, effectively.

There is a tension between the statutory role of Trustees and the desire for safeguarding to be wholly the responsibility of an independent body. On the one hand, the Archbishops’ Council remains the responsible Trustee body for the Church of England’s national safeguarding work and can delegate, but not slough off, this responsibility. The Archbishops’ Council’s role in this area is subject to the regulation of the Charity Commission which is already interested in ensuring that the Council and its trustees exercise that responsibility. The Council could not give up that responsibility except by legislation to pass it elsewhere – and the Charity Commission is likely to want to be consulted on that move. On the other hand, if independence is secured by setting up a separate charitable body, there are restrictions on the circumstances in which Trustees can be remunerated. Given the quantity of work that we envisage falling to an independent body, its members will require proper remuneration. An independent charity could therefore necessitate both Trustees and staff – in addition to the National Safeguarding Team (NST) – introducing a new layer of non-productive management and bureaucracy.

Given the church’s past failings and present weaknesses in safeguarding, the bias in the proposals that follow is toward emphasising the independent function. The proposals give a starting point with this emphasis, and provide a platform for more long-term structures and resilient independence.

### **3. Management and Authority**

Strong but conflicting views have been expressed about line management of safeguarding staff. These views are often expressed in zero-sum terms – if X is Y’s line manager, then power over Y lies exclusively with X. But if we look at the question of authority, line management clearly does not confer every kind of authority necessary for professionals to do their jobs. For example, lawyers may be employed and line-managed by an organisation, but their line manager cannot dictate what legal advice they give. In the church, healthcare chaplains are employed by, and line managed by, NHS

Trusts – and are under NHS discipline for many aspects of their job. But their judgements as religious professionals are not, and cannot be, dictated by NHS line managers. If a chaplain falls foul of Canon Law, for instance, the question is one for the church, not the NHS. In many professions, standards derive from the relevant professional body, not from internal line management.

The Church of England, recognising the professional integrity of safeguarding staff, should be able to work comfortably with independent oversight of professional safeguarding standards alongside its own line management structure.

The Phase 1 proposals leave line management of the NST with the Archbishops' Council whilst drawing a clear distinction between oversight of professional safeguarding practice and management of the NST's connections into church structures – the latter aimed at maximising its impact on the organisation. Maintaining this distinction will be vital. Decisions about whether the NST later becomes employed by, and wholly managed by, an independent structure – and if so, what kind of structure – will be addressed as a priority in Phase 2.

There are existing models for a wholly independent charitable body to handle safeguarding. Exploring a variety of models, and assessing their applicability, will be undertaken in Phase 2.

#### **4. Independent roles in distinct areas of Safeguarding Work**

Safeguarding is not a single activity and the application of the principle of independence needs to add value in different ways to the distinct elements.

Therefore, the ISB should have an Executive function for some purposes and an Advisory function for others. The division between the two functions set out below represents a starting point and this is an area that should be reviewed regularly.

##### **a) Areas where the ISB should have an Executive function.**

- Case work which has been passed up to the ISB by the NST.
- Responding to complaints concerning alleged mishandling or maladministration of cases and procedures.
- Determining how the church should respond to the needs of victims and survivors and other affected parties such as the families concerned in safeguarding cases.
- Ensuring the involvement of victims, survivors and others who have suffered through poor handling of processes, in the development of safeguarding practices and policies through Phase 2.

A strong independent element is required in the supervision and quality assurance of case work and the handling of complaints because they are the principal areas where trust in the church's own mechanisms has been forfeited.

An independent role in relating to victims, survivors and others impacted by a case, is essential. They are currently putting themselves in the hands of the very organisation through which the initial abuse was able to occur, or by whom they are accused, so the church's response must be reinforced – and seen to be reinforced – by a structure that is independent of the church and its cultures. Others, such as the families of victims and of

accused persons, are often forgotten as processes unfold and the ISB should have the power to address their concerns where they have not been satisfactorily dealt with elsewhere.

All these roles need to be developed in ways which reflect the different roles and levels of responsibility held by the ISB, the Archbishops' Council and the Charity Commission. The Charity Commission guidance on safeguarding roles should be the basis for developing these relationships ([https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees.](https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees))

**b) Areas where the ISB should have an Advisory function**

- Development of Policies and Codes of Practice and other initiatives addressing culture change within the church
- Future development of training curricula and programmes across the whole church.
- Staff appointments and development

In advising on Policies and Codes of Conduct, an independent body has an important role in ensuring that uniform standards consistent with best practice are drawn from the whole safeguarding world, not just the religious sector. This must reach across dioceses.

Patchy quality of training practice and delivery across the dioceses has been identified as a key failing. Raising standards to a uniformly high level cannot be done without the involvement of the church's own structures, nationally in dioceses and in parishes, and the independent role will be most effective in helping to set and monitor standards rather than in direct delivery where differences in local conditions need to be accommodated.

As part of giving professional supervision to the NST through the National Director, the ISB will advise on the kind of staff who should be appointed and on staff development. NST staff will continue to be appointed and managed through the NCI structures (HR etc.) on the advice of the ISB.

## **5. What would Culture Change Look Like?**

Culture change is not the only solution to the church's failures but without it there is no way forward. The Survivors' Focus Group observed that talk of culture change is not always accompanied by any clarity about what it would look like or how one would know the culture had changed appropriately. The following four points give some indicators of culture change in the church's approach to safeguarding. They are not comprehensive.

- a) Alertness to disparities of power becomes instinctive in all relationships.** Abuse is rooted in the conscious or unconscious manipulation of power for personal advantage. Safeguarding failures can be caused or exacerbated by failure to understand imbalances of power, often because those with power fail to recognise the powers they have or allow their own vulnerabilities to obscure the power they have. Power comes in many forms and clergy are often ill-equipped (theologically, organisationally and psychologically) to recognise the power they possess, both personally and by virtue of their office. Better training and mentoring/supervision

can help here. There may be learning to share from the Archbishops' Task Force to Combat Racism and the Living in Love and Faith process. Both are challenging those who have power to recognise how their power disadvantages others. There will also be much to learn from those outside the church.

**b) Group-think and tribalism are challenged effectively from outside the “club”.**

Professions and institutions breed a tribal or club mentality. Trust flows between “people like us” and identifying with one’s peers excludes and marginalises others. This is exacerbated in an institution where ordination conveys authority which can lead to a culture of clericalism in which challenging the authority of the ordained becomes a kind of spiritual offence. The hierarchical structure of the church can also lead to inappropriate deference which deters honest encounters. When someone from outside the culture challenges the *status quo* they go unheard and may be undermined. Both clericalism and the culture of deference have been exploited by abusers for their own ends. Systems intended to address abuses and failures may be designed and operated to respond more to internal anxieties than to criticism from outside. An independent function which will challenge the institution – publicly if necessary – thus becomes essential to the church’s integrity.

**c) Responsibility is clearly attributed and shared.**

Part of the role of an independent element will be to ensure that systems and structures enable all who hold responsibility to discharge their responsibilities properly and without confusions about their roles. A good independent element will ensure that there is accountability at all levels. It will be important to move beyond structural accounts of how responsibilities are held and promote a culture in which safeguarding is the concern of everyone, wherever formal responsibility lies. There should be no room in the church for anyone to say “safeguarding is not my concern”.

**d) Systems respond to failures by holding those responsible to account and changing to prevent recurrent failure.**

Prompt implementation of on-going learning is a hallmark of a responsive and self-aware culture.

## B. Phase 1 Proposal

The first steps to establish an effective level of independence in safeguarding in the Church of England, shall be the appointment by early July 2021 of:

### 1. An Independent Safeguarding Board (ISB) –

Purpose: Professional Supervision and Quality Assurance, and consisting of:

- a) **An Independent Chair** – a remunerated post averaging c. 3dpw (more may be needed in the initial stages: possibly fewer hours later. The time commitment will be reviewed at key stages) with high-level experience in safeguarding or a closely relevant field.
- b) **A Survivor Advocate** –Leading liaison with survivors to ensure they are involved across the work of the Board and to help design the work streams of Phase 2 with survivors where possible. The ISB would benefit considerably if this member was themselves a survivor of abuse within a church context and thus able to bring wisdom from that experience. A remunerated post of c. 2 dpw.
- c) **A Third Independent Board Member** with a key role in handling complaints. Selected to complement the other members in terms of diversity, background and safeguarding specialisms. A remunerated post of c. 2 dpw.

**Plus, dedicated administrative support for the ISB** - Up to 1 fte post separate from the NST staff.

It will be desirable to appoint a person with direct experience of setting up a regulatory function in other institutions, either as one of the initial three members of the ISB or available to the ISB through a consultancy role.

Outline person specifications are appended in section D. The precise distribution of responsibilities within the ISB will be determined by the members themselves under the leadership of the Chair.

### 2. Remit

(See the summary of Executive and Advisory roles in Section A, 4 (a) and (b) above)

**In Phase 1, the ISB shall:**

- a) Provide professional supervision to the Director of Safeguarding who will be accountable to the ISB for matters of professional conduct for themselves and all NST staff.

- b) Responsibility for ensuring best practice in handling case work and for managing cases that are escalated to the ISB from the NST.
- c) Receive complaints referring to the NST's handling of cases investigate the complaint with support from the National Church Institutions, and decide the appropriate response. (Exceptions would include complaints about legal advice given to the NST and other matters outside the ISB's professional competence).
- d) Quality assure national safeguarding practice requirements issued by the House of Bishops under the Safeguarding and Clergy Discipline Measure 2016.
- e) Ensure that victims and survivors, and all others who are affected by safeguarding cases, are heard and enabled to inform policy and practice.
- f) Make any recommendations the Chair deems necessary to enable the Church of England to prevent safeguarding lapses and ensure that processes for responding to allegations and complaints are just to all involved, timely and in line with best practice.
- g) Advise on the continuing development of a core curriculum for training undertaken by dioceses.
- h) Advise on good practice models which will set the standard for the work of Diocesan Safeguarding Officers (with particular emphasis on enabling the conceptual shift from Adviser to Officer status), support DSOs in applying these principles in their local context and intervene on behalf of DSOs if dioceses do not enable DSOs to discharge their responsibility for directing safeguarding activities in the diocese.
- i) Accompany the relevant parts of the church to advise on the development from Phase 1 to more long-term measures in subsequent Phases, including working with the NSSG and NSP to draw on their wisdom and define their future roles in relation to the ISB in Phase 2.
- j) Hold the church publicly to account for any failure to respond to the ISB's recommendations.

### **3. Resourcing**

The Archbishops' Council will immediately commission the drawing up of a draft budget for the work of the ISB enabling the process of appointing the Chair and members of the ISB to go ahead.

The budget for the ISB should be agreed at a minimum level for an initial period of three years, recognising that the developments in Phase 2 may necessitate additional budget lines during this period.

In addressing the issues to be resolved in Phase 2, it may be necessary for the ISB to commission research into (e.g.) other existing models. It may also, from time to time, need to seek independent legal advice. A budget for these items could either be allocated to the ISB or to the NST provided the ISB was able to determine its deployment.

The ISB will need assurance that resources for the NST can be counted upon. It is therefore recommended that the Archbishops' Council commits to a five-year budget for the NST. The ISB may, during that time, approach the Archbishops' Council for such additional resources as it may deem necessary for the NST to fulfil its role.

The overall budget (ISB and NST) will need to be reviewed if, under later proposals for Phase 2, the employment of the NST is moved to a newly constituted body.

#### **4. Appointment of ISB Members**

The appointment process for ISB members needs to communicate the commitment of the Church of England at the highest level to the principle of independence and, at the same time, demonstrate that the appointment process is not being manipulated in favour of "safe" candidates.

It is therefore recommended that the Archbishops of Canterbury and York nominate two persons, chosen for their understanding of the principle of independent oversight, to join an appointment panel comprising:

- A nominee of the Archbishop of Canterbury
- A nominee of the Archbishop of York (or the Archbishops may make two joint nominations)
- A person with extensive safeguarding experience (not directly involved in the work of the NST)
- Two representatives of survivor groups, including at least one who is a survivor of abuse in a Church of England context.

The panel must include both women and men.

It may be advisable to run a search through a suitable agency to maximise the field of potential candidates for the ISB.

#### **5. Operational Relationships**

##### **a) The Director of the NST**

In Phase 1, the Director of the NST will be accountable to the Chair of the ISB for the activities of the NST as noted in the ISB's list of Executive functions (Section A, 4. (a)). The Director will not be a member of the ISB but will attend its meetings at the invitation of the Chair.

In Phase 1, the Director of the NST will continue to be line-managed by the Secretary General of the Archbishops' Council on matters which do not touch on professional safeguarding decisions, with a particular focus on ensuring good collaboration across the NCIs and providing the NST with the resources and access within the church that are necessary for its proper functioning. In any dispute about what constitutes a professional safeguarding decision, the Chair of the ISB will decide the question.

The members of the ISB will have the right to call for reports on all safeguarding work that comes to the attention of the NST. On cases involving senior clergy, or of particular complexity, the Director of the NST will pass full details to the Chair of the ISB as a matter of course. On other cases which the Chair of the ISB regards as particularly significant (for whatever reason) the Chair of the ISB may require the Director to share all relevant information.

Other staff of the NST may relate to the members of the ISB for particular purposes in any way which the Chair of the ISB and Director of the NST consider appropriate.

#### **b) The Lead Bishop(s) for Safeguarding**

In Phase 1, the Lead Bishop for Safeguarding will work closely with the Chair and members of the ISB, attending meetings of the ISB at the invitation of the Chair.

The Lead Bishop will have a particular responsibility to advise the ISB, at the request of the Chair, on questions about the structures and cultures of the Church of England in order to enable the ISB to be most effective.

In partnership with the NST, the Lead Bishop, supported by the Deputy Lead Bishops, will be responsible for ensuring that policies and decisions on safeguarding are disseminated to all bishops and that bishops understand the extent and limits of their responsibility. The Lead Bishop and Deputies will be responsible for ensuring that all bishops are properly supported to handle safeguarding issues and to understand their relationship to the ISB. The Lead Bishop will present and explain safeguarding policy questions to the General Synod and may share this responsibility with the Deputies.

At present, one of the Deputy Lead Bishops is a member of the Lords Spiritual, it would be helpful for there always to be a Lord Spiritual nominated as the Church of England's spokesperson on safeguarding in the Parliamentary context.

#### **c) The House and College of Bishops**

The lead bishop will ensure that all bishop (the College) are aware of how the introduction of the ISB impacts upon their roles and responsibilities with regard to

safeguarding. The lead bishop will work especially closely with diocesan bishops to ensure that they are aware of how their overall responsibility for safeguarding in their diocese will be affected by the advent of the ISB, and will work with the House of Bishops to monitor the way the relationship with the ISB is developing over time, feeding back the views of the House to the ISB Chair.

The point may need to be stressed that the purpose of the ISB is to enable the bishops to discharge their safeguarding duties and responsibilities better – primarily by giving the ISB the authority to intervene on complex cases and set handling protocols, thus freeing bishops to do what they are best equipped to do, which is to be chief pastors to the clergy and people of their diocese. In Phase 1, the bishops will retain legal responsibility for safeguarding in their dioceses (this may be reviewed in subsequent phases) but by placing themselves under the authority of the ISB for advice and policy guidance, they will have a clear line of defence that currently does not exist.

#### **d) The Archbishops of Canterbury and York**

The Chair of the ISB will ensure that the two Archbishops receive regular overviews of the ISB's activities and that any areas of concern are communicated directly to the Archbishops. At the outset, it is suggested that this should take place in a quarterly meeting between the Chair and both Archbishops. This arrangement to be reviewed in the period between Phases 1 and 2.

Where the Chair of the ISB has specific concerns about the church's response to safeguarding issues, it shall be the responsibility of the Archbishops to work with the Chair of the ISB, the Lead Bishop, the Director of the NST and (where appropriate) the Secretary General to identify how the issues will be addressed.

#### **e) The Archbishops' Council**

The AC has trustee responsibility for the church's national safeguarding arrangements. Policies regarding safeguarding are currently agreed between the Council and the House of Bishops and involve the coordination and development of safeguarding policy across the Church, the management of national safeguarding activity, and ensuring the application of safeguarding policy including quality control, across the Church.

Introduction of the ISB means that, whilst the Council will retain its Trustee responsibilities, it will deliver its responsibilities under the oversight of the ISB who will also provide professional supervision and guidance to the NST. In order to deliver its legal responsibilities, the Council will delegate authority to the ISB for the oversight of safeguarding policy and professional supervision of its safeguarding staff.

The Archbishops' Council will remain responsible for ensuring that the NST is adequately resourced for its work and that the views of the Chair of the ISB on resource levels are

taken into account. The Council will assist the ISB to work across all the structures of the Church of England, national and diocesan. In Phase 1, the Archbishops' Council will remain the employer of the NST but will hand responsibility for professional supervision and oversight to the ISB. The Archbishops' Council will receive reports from the ISB as a standing item on every agenda, and will accede to any requests from the Chair of the ISB for additional agenda time at the Council's meetings to raise matters the ISB may wish the Council to attend to in particular detail.

## **f) The Dioceses**

The ISB will relate to diocesan safeguarding work at three levels:

- *Diocesan Safeguarding Officers*

In Phase 1, DSOs will continue to be employed by Diocesan Boards of Finance whilst relating to the ISB via the NST.

In order to give substance to the shift of emphasis recommended by IICSA, from Advisers to Officers, the ISB may from time to time issue practice guidance, propose best practice models and offer general guidance to DSOs. DSOs may seek specific guidance and support for their decisions from the ISB and appeal to the ISB should difficulties arise within the diocese which compromise their effectiveness.

- *Improving coordination of safeguarding between dioceses and provinces.*

The ISB will work with the NST, the Archbishops' Council and dioceses to determine the best way to ensure coherence of practice between dioceses and how the Church of England's safeguarding structures can work most effectively to ensure good coordination with the structures in the other Anglican churches, especially the Church in Wales, Church of Ireland and Scottish Episcopal Church.

The ISB, working with the NST, lead bishop and others, will consider whether a regional model is the right way forward for the whole Church of England and whether to pursue this model in Phase 2. In the meantime, the ISB should consider whether dioceses where safeguarding practices are currently strong should be encouraged to share resources and work collaboratively with neighbouring dioceses, and how dioceses where there are concerns about the robustness of safeguarding arrangements can draw on support from other dioceses. In Phase 2 or subsequently, the safeguarding arrangements for Lambeth and Bishopthorpe Palaces should also be addressed.

- *Support for Diocesan-level training in safeguarding.*

Much work in this area has been done already by the NST and the National Safeguarding Steering group. The ISB will have an advisory role, working with and through the NST and NSSG, to ensure that practices at diocesan level are robust and

DSOs properly equipped for their training roles. Building on existing work, the ISB will oversee the future development of national training curricula to be delivered in all dioceses, leaving scope for local variation in delivery methods and additional content. This is the baseline for establishing common understandings of safeguarding and of proper procedure across the whole Church of England and preventing clergy and others from dropping between separate systems when moving between dioceses. The survivors' focus group commented that much diocesan safeguarding training is both expensive and ineffective when it mainly trains clergy in processes and not in the causes and nature of abuse. Similar criticisms come from some clergy. The ISB should advise on the aims and objectives of training as well as on its content.

#### **g) Existing Safeguarding Committees and Structures**

In Phase 1, existing bodies such as the National Safeguarding Steering Group (NSSG), National Safeguarding Panel (NSP) and other bodies will continue to exist. Because the imperative is to introduce the first elements of independence (the ISB) quickly, the working relationship and division of responsibilities between these bodies and the ISB will be worked out "on the ground". Close liaison between the Chairs of the existing bodies and the members of the ISB will be essential. As part of the transition to Phase 2, the constitutions and remits of groups that predate the ISB will be reviewed. It has been suggested by the survivors' focus group that the ISB might become responsible for the NSSG and NSP and this should be one option for consideration. In the meantime, in any dispute about which areas of work lie within the remit of which body, subject to the relevant legal responsibilities, the decision of the Chair of the ISB will be final.

#### **h) Public Profile**

To ensure maximum transparency, the ISB should establish a website, serviced by the administrative officer, on which all its reports, formal minutes etc. are posted. There should be a clear link to the ISB website from the Church of England's own website.

### **6. Review**

The Archbishops' Council and House of Bishops will receive regular reports from the ISB and teething troubles, or the need to for urgent review of the ISB's remit and relationships, should be raised through this mechanism. As the ISB Chair will have direct access to the two Archbishops, this will provide a higher-level channel for raising concerns.

At the end of two years, a formal review should be undertaken between the ISB and the Archbishops' Council (with the involvement of the NST) to assess progress and determine whether the ISB's remit needs redefining as Phase 2 develops. This may be combined with a review of budgets and resources. In order that the independence of the ISB is fully scrutinised as part of that review, the review should either be led by an external agency or involve a substantial external input.

## **C. Key Topics for Phase 2 and Beyond**

The following are areas where no consensus has been reached about the changes necessary to achieve the desired outcomes or where the organisational implications are likely to be especially complex and challenging.

Following the appointment of an ISB as Phase 1, the Archbishops' Council and House of Bishops will work with the members of the ISB to follow up the possible lines of development below (and such others as may arise) in order to bring forward detailed proposals for Phase 2 and possible subsequent Phases.

### **1. The Future Structure of the ISB.**

Having put an ISB in place, more work is needed on the nature of the relationship between the ISB and the Church of England, and its governance structure.

One model would be to incorporate the ISB as an independent charitable body, funded by grants and possibly fee income from the Church of England. This might, potentially, be a free-standing organisation to oversee safeguarding, not only for the Church of England but also for other churches and/or faith communities. A drawback of this model would be that an independent charity could no longer draw, as a matter of course and without direct cost, upon shared services from the National Church Institutions, such as legal advice or handling subject access requests and privacy notices, which currently support the NST directly.

The model adopted by churches in Australia (<https://www.kooyoora.org.au/>) would be worth considering in detail. A judgement would have to be made whether the time it would take to negotiate the establishment of an ecumenical/multi-faith agency would be justified by the enhanced authority, and perceptions of independence, such a body would carry.

The survivors' focus group noted that an independent body along these lines might be more effective as a foundation funded through an endowment than as a charity, as there would be an inherent conflict of interests in a charity dependent on the churches for donations or fee income. This point should be explored further in Phase 2.

### **2. An Ombudsman Role?**

It has been suggested that the ISB would be strengthened by introducing the role of a Safeguarding Ombudsman/Ombudsperson. However, it was not clear what the relationship with the ISB would be. Some saw the role as a first point of contact for complainants, deciding what went forward to the ISB – but this could compromise the ISB's ability to make independent decisions. Others saw the ombudsman as a final court of appeal on disputed decisions or complaints about the ISB itself. The survivors' focus group, noting the emotional cost to victims and survivors of finding their way through serial layers of process,

commented that the priority should be a genuinely independent ISB rather than a further layer of process which survivors and victims had to negotiate.

Much will depend upon how well and quickly the ISB establishes itself and is able to demonstrate its independence and ability to gain trust. In Phase 2, further consideration should be given to whether an ombudsman role is desirable and, if so, the shape it should take.

### **3. The Employment and Management of the NST and DSOs**

There is a strongly held view among some stakeholders that independence in safeguarding would be enhanced by shifting the employment of the NST from the Archbishops' Council to a new, separate, body as considered in 1. above. It has also been proposed that similar advantages would accrue if DSOs were also employed, along with the NST, by such a body (although IICSA proposed that DSOs should remain employed by dioceses).

Against this, there are anxieties that this would lead to too great a gulf of understanding between the new safeguarding structures and the church, such that culture change would be harder to achieve, and also that the cost of making this change would be disproportionate to the advantages gained, for reasons noted above.

The ISB should work with the Archbishops' Council to explore what the costs would actually be and assess them against projected gains in independence and good practice. As noted, there is no perfect solution to the question about distance and proximity between a culture and structures designed to change culture. Because this cannot easily be explored until the ISB is in place, it must be a priority for Phase 2.

### **4. Drawing dioceses into a common framework**

Serious safeguarding failures have been caused, and/or exacerbated, by failure to pass information freely and accurately between dioceses.

Dioceses differ significantly in size (enabling some to have more streamlined systems than others), resourcing for safeguarding (leading to weak practice in some cases), and social profile (making some modes of delivery easier than others). Complete uniformity may therefore be undesirable but there remains scope for raising standards to a higher common level and removing procedural friction from cases that involve more than one diocese.

Diocesan Boards of Finance (DBFs) employ safeguarding staff in order to enable the bishop to discharge the legal responsibility for safeguarding in the diocese. The introduction of the ISB needs to be understood as a way for bishops and to discharge their responsibilities better, and for DBFs to support them in this.

Grouping dioceses together may assist with equalising the available resources and pushing all dioceses up to best practice standards. But if some regions include a large number of

weak dioceses and others combine those with the greatest resources, regionalisation could make matters worse.

The question of regionalisation thus becomes an issue to be addressed in Phase 2.

## **5. Independent roles in Core Groups**

The Survivors' Focus Group noted that survivors have felt disadvantaged and unrepresented on Core Groups and that this constitutes an imbalance of power. A review of Core Groups is currently being undertaken, which will include consideration of survivors' criticisms of present practices.

The ISB, as proposed in Phase 1, is not designed to play a direct role in Core Groups. The question of how the ISB in future could help improve the working of Core Groups requires further reflection and consultation, in the light of the findings of the review, and will be pursued at a later stage.

## **D. Draft Person Specifications for ISB Members**

### **1. Independent Safeguarding Board Chair**

#### **Essential:**

- Understanding of safeguarding as part of a “big picture” of organisational health.
- Personal experience of carrying senior responsibility for institutional safeguarding.
- Ability to demonstrate independence from the Church of England whilst demonstrating knowledge and critical understanding of how religious institutions work and the particular structures and cultures within the Church of England.
- Experience of “speaking truth to power” and influencing policy, and the strength of character to do so to an institution where power is hierarchical yet dispersed.
- Demonstrable experience in leading successful small teams to achieve common goals.
- Empathy to engage with a wide variety of stakeholders, some of whom may be vulnerable.

#### **Desirable**

- Knowledge of safeguarding law and experience in applying it.
- Direct experience of how regulatory bodies work – preferably from the inside.

### **2. ISB Advocate for Victims and Survivors**

#### **Essential:**

- A comprehensive understanding of the experiences of victims and survivors of abuse.
- Experience of enabling institutions and individuals to hear and understand those experiences.
- Consultative skills to engage with individual survivors and different survivor groups.
- Ability to demonstrate independence from the Church of England.
- Demonstrably a team player.

#### **Desirable:**

- A survivor of abuse in a church (preferably Church of England) context.
- Ability to draw on personal experience and place it in the context of others’ direct experience.

A Job Share post would be considered.

Because this role is likely be emotionally demanding, and requires a complex combination of personal experience and professional detachment, the person appointed may wish to explore setting up a personal support group or reference group. Resources for such a group should be included in the ISB budget.

### **3. Third ISB Member**

**Essential:**

- Ability to demonstrate independence from the Church of England
- Demonstrably a team player.
- Proven ability in handling complex complaints and mediation.

**Desirable:**

- Skills and experience in driving institutional culture change.

A Job Share post would be considered.

**Among the three ISB members, it would be Desirable to have:**

- Diversity of gender, ethnicity and background.
- Experience of setting up a regulatory body.
- Experience of being responsible for safeguarding in an institution whose primary purpose is not safeguarding itself.

It is recommended that the Chair and Survivor Advocate are appointed first, and the Third ISB member appointed to complement their skills and experience.

### **4. ISB Administrator**

(Job and Person Specs from standard NCI Admin roles – Band 5 or 6)

## **E. Some Lessons Going Forwards**

There were good reasons why the time frame for this work was severely curtailed, but it meant that the full implications of some of the proposals could not be explored as fully as might be desired. The fact that the work was conducted at pace was helpful in demonstrating that the Church of England is serious about independence and did not intend to procrastinate. But it will mean that the members of the ISB are recruited to roles which are not fully defined in some detailed respects and where some relationships and powers remain to be worked out. This calls for the recruitment of people with the skills and experience to negotiate uncertainties and prioritise the areas of unfinished business that must be pursued urgently.

The Survivors' Reference Group stepped up splendidly to reflect on a first draft of these proposals and many of their reflections are incorporated in this paper. But consultation of that kind falls short of a model of co-production which would have placed survivors closer to the whole process. Others impacted by safeguarding cases also need to be brought into the dialogue. Co-production cannot easily be done against imposed deadlines, but we now have an opportunity, in moving from Phase 1 to Phase 2, to consider a more thoroughgoing model of working together which, in itself, could add to the richness of different voices which is one objective of introducing an independent element in the first place.

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