

Independent Inquiry into Child Sexual Abuse (IICSA) Final Report

October 2022

Joint Response to Recommendations from the National Safeguarding Steering Group, the House of Bishops and the Archbishops' Council

We must remember the purpose of the Independent Inquiry into Child Sexual Abuse; a wide-ranging, statutory Inquiry investigating where institutions, including the Church, have failed to protect children in their care, building the case for change and improvements in how these institutions must protect children. The Archbishop of Canterbury was one of the first to call for this Inquiry on behalf of the Church and we now publish more detailed responses to the recommendations within the Inquiry's final report that have particular relevance to the Church of England.

IICSA chair Professor Jay, has described three of the final recommendations as 'centrepiece'; these are relating to mandatory reporting, the creation of Child Protection Authorities and a national redress scheme. These are all addressed below and are directly relevant to the Church's ongoing safeguarding work and commitment to make it a safer place for all. Professor Jay in remarks made after the publication of the report also stated that child sexual abuse was a 'national concern' and 'society doesn't want to talk about it'. Safeguarding is a key part of the Church's mission, and it is vital that we respond to these recommendations in an open and transparent way.

Bishop Jonathan Gibbs, Church of England's Lead Safeguarding Bishop and Bishop of Rochester

A response is detailed below for the key recommendations in relation to the safeguarding work of the Church of England.

Recommendation 2: Child protection authorities for England and Wales

The Inquiry recommends that the UK government establishes a Child Protection Authority for England and the Welsh Government establishes a Child Protection Authority for Wales.

Each Authority's purpose should be to:

- *improve practice in child protection;*
- *provide advice and make recommendations to government in relation to child protection policy and reform to improve child protection; and*
- *inspect institutions and settings as it considers necessary and proportionate.*

The Child Protection Authorities in England and in Wales should also monitor the implementation of the Inquiry's recommendations.

Response:

The Church of England remains committed to ongoing review and improvement of safeguarding in the Church. We are continuing with the independent audit of safeguarding in dioceses and cathedrals (as recommended by the inquiry in Oct 2020). We would welcome

the opportunity to work with relevant government agencies to consider how a Child Protection Authority could provide independent oversight for safeguarding and hold the Church and other institutions accountable for implementing these vital recommendations. We trust that any such body established in law would have a clear and specific duty related to safeguarding, and would act consistently with the protection of freedom of religion and belief set out in the Equality Act 2010

Recommendation 9: Greater use of the barred list

The Inquiry recommends that the UK government enables any person engaging an individual to work or volunteer with children on a frequent basis to check whether or not they have been barred by the Disclosure and Barring Service from working with children. These arrangements should also apply where the role is undertaken on a supervised basis.

Response:

The Church is committed to safer recruitment and therefore we welcome this recommendation, which relates to the House of Bishops' [Safer Recruitment and People Management policy](#). Our policy already requires the use of DBS checks (where eligible) and if this recommendation is enacted by government, the policy would be updated to reflect the availability of this check.

Recommendation 10: Improve compliance with requirement to refer concerns to the DBS

The Inquiry recommends that the UK government takes steps to improve compliance by regulated activity providers with their statutory duty to refer concerns about the suitability of individuals to work with children to the Disclosure and Barring Service, including:

- *all relevant regulators and inspectorates include compliance with the statutory duty to refer to the Disclosure and Barring Service in their assessment of safeguarding procedures during inspections;*
- *the National Police Chiefs' Council works with relevant regulators and inspectorates to ensure that there are clear arrangements in place to refer breaches of the duty to refer to the police for criminal investigation; and*
- *an information-sharing protocol is put in place between the Disclosure and Barring Service and relevant regulators and inspectorates.*

Response:

The duty to refer to the DBS is already included within the House of Bishops' [Safer Recruitment and People Management policy](#) and we will be guided by any further oversight that will improve our compliance of this, for example by the Child Protection Authority.

Recommendation 11: Extending disclosure regime to those working with children overseas

The Inquiry recommends (as originally stated in its Children Outside the United Kingdom Phase 2 Investigation Report, dated January 2020) that the UK government introduces legislation permitting the Disclosure and Barring Service to provide enhanced certificates with barred list checks to citizens and residents of England and Wales applying for:

- *work or volunteering with UK-based organisations, where the recruitment decision is taken outside the UK; or*
- *work or volunteering with organisations based outside the UK, in each case where the work or volunteering would be a regulated activity if in England and Wales.*

Response:

This recommendation relates specifically to those in the UK who may move abroad to work with children and may be particularly relevant for clergy who move to another country to practice their ministry. We support this recommendation as an important part of international safeguarding work. We would work with Anglican Communion members and other relevant bodies to ensure awareness of this very important check.

Recommendation 13: Mandatory reporting for child sexual abuse

The Inquiry recommends that the UK government and Welsh Government introduce legislation which places certain individuals – to be known as “mandated reporters” – under a statutory duty to report child sexual abuse where they:

- *receive a disclosure of child sexual abuse from a child or perpetrator; or*
- *witness a child being sexually abused; or*
- *observe recognised indicators of child sexual abuse.*

The following persons should be designated ‘mandated reporters’:

- *any person working in regulated activity in relation to children (under the Safeguarding and Vulnerable Groups Act 2006, as amended);*
- *any person working in a position of trust (as defined by the Sexual Offences Act 2003, as amended); and*
- *police officers.*

For the purposes of mandatory reporting, ‘child sexual abuse’ should be interpreted as any act that would be an offence under the Sexual Offences Act 2003 where the alleged victim is a child under the age of 18.

Where the child is aged between 13 and under 16 years old, a report need not be made where the mandated reporter reasonably believes that:

- *the relationship between the parties is consensual and not intimidatory, exploitative or coercive; and*
- *the child has not been harmed and is not at risk of being harmed; and*
- *there is no material difference in capacity or maturity between the parties engaged in the sexual activity concerned, and there is a difference in age of no more than three years.*

These exceptions should not, however, apply where the alleged perpetrator is in a position of trust within the meaning of the 2003 Act.

Where the child is under the age of 13, a report must always be made.

Reports should be made to either local authority children's social care or the police as soon as is practicable.

It should be a criminal offence for mandated reporters to fail to report child sexual abuse where they:

- *are in receipt of a disclosure of child sexual abuse from a child or perpetrator; or*
- *witness a child being sexually abused.*

Response:

The Church is committed to the reporting of any concern that could lead to the harm of a child or vulnerable adult, this is enshrined in House of Bishops policy. The Archbishop of Canterbury also stated his support for mandatory reporting legislation for regulated activities within his IICSA evidence.

We note the inquiry's comments regarding sacramental confession in relation to mandatory reporting ([para 109](#)). A new Seal of Confessional Working Party has been commissioned by the House of Bishops building on the work of a previous body. The group which will meet over the next 12 months will bring together theologians, Church leaders and safeguarding professionals along with other advisers as part of the wider reference group. The voices and experiences of survivors will be critical to this work. The group will include this recommendation and wider points made by the inquiry in relation to mandatory reporting as part of its considerations.

Recommendation 15: Limitation

The Inquiry recommends that the UK government makes the necessary changes to legislation in order to ensure:

- *the removal of the three-year limitation period for personal injury claims brought by victims and survivors of child sexual abuse in respect of their abuse; and*
- *the express protection of the right to a fair trial, with the burden falling on defendants to show that a fair trial is not possible.*

These provisions should apply whether or not the current three-year period has already started to run or has expired, except where claims have been:

- *dismissed by a court; or*
- *settled by agreement.*

They should, however, only apply to claims brought by victims and survivors, not claims brought on behalf of victims and survivors' estates.

Response:

From the perspective of the national Church this recommendation would principally apply to claims brought against the offices of bishops which may in certain circumstances be met by the Church Commissioners. Where they meet such claims, it is the existing practice of the Church Commissioners to take a limitation defence in exceptional circumstances only, for example where a fair trial is not likely to be possible. The Church welcomes the spirit of this recommendation, as being consistent with its existing practice, and will study the detail of any proposed legislative change in due course.

Recommendation 16: Specialist therapeutic support for **CHILD** victims of sexual abuse.

The Inquiry recommends that the UK government and the Welsh Government introduce a national guarantee that child victims of sexual abuse will be offered specialist and accredited therapeutic support. There should be sufficient supply of these services so that children in all parts of England and Wales can access support in a timely way.

Response:

The inquiry states this should be funded by local authorities. The report does not make a specific recommendation about those victims and survivors who are now adults. As part of the wider text in this section of the report, Safe Spaces is mentioned as a welcome initiative. The inquiry goes on to note the inconsistency for institutions generally in accessing counselling/therapy services. The report states “*as a reflection of their moral responsibility for abuse, institutions should provide – either directly or by commissioning – therapeutic support for victims and survivors who would like access to such support*”. The Church is committed to improving support for victims and survivors. As part of this, earlier this year the national Church has introduced the updated House of Bishops Safeguarding policy ‘[Responding Well to Victims and Survivors of Abuse](#)’. This requires Church bodies to provide therapeutic support to victims and survivors.

Recommendation 17: Access to records

The Inquiry recommends that the UK government directs the Information Commissioner’s Office to introduce a code of practice on retention of and access to records known to relate to child sexual abuse.

The retention period for records known to relate to allegations or cases of child sexual abuse should be 75 years with appropriate review periods.

Response:

The [Church of England Safeguarding Records Retention Policy](#) already requires records relating to allegations against Church Officers to be held for 75 years. Records relating to other safeguarding concerns must be retained for 70 years. The Policy is currently being updated, and the retention period of all safeguarding allegations will be set at 75 years to reflect this recommendation.

Recommendation 19: Redress scheme

The Inquiry recommends that the UK government establishes a single redress scheme in England and Wales, taking into account devolved responsibilities.

The detailed rules of, and funding for, this redress scheme should reflect the following core elements.

Eligibility

- Victims and survivors of child sexual abuse and exploitation that occurred in England and in Wales should be eligible to apply.
- Applicants must have experienced child sexual abuse and exploitation where there is a clear connection to State or non-State institutions in England and Wales.

- The scheme should be open to any victim of child sexual abuse that took place prior to its establishment.
- The scheme should deduct any previous award from any payment under the scheme (or in the case of payments made by the Criminal Injuries Compensation Authority, it may order that they be repaid).
- Applicants who have previously brought civil claims which have been rejected by the court should be excluded from applying to the scheme, save where their cases have been rejected due to limitation.

Redress provided

- The scheme should provide payments to eligible applicants through a two-tier system, based on a fixed flat-rate recognition payment, with the option to apply for a second-tier payment.

Process

- The application process must be accessible and straightforward, and be sensitive to the needs and vulnerabilities of victims and survivors of child sexual abuse. The process should provide for streamlined checks and verification of applications, but not be adversarial.
- There should be special provisions to accelerate awards for older or terminally ill applicants.

Duration

- The scheme should run for five years.

Funding

- The scheme should be funded by central and local government, in accordance with devolved funding principles, with voluntary contributions sought from non-State institutions.

Response

The Church of England remains fully committed to the delivery of a redress scheme for survivors of child sexual abuse within the Church, as well as survivors of other forms of Church-related abuse. The Church is currently in the process of developing national proposals for redress which aim to include financial compensation, psychiatric, therapeutic, spiritual and emotional support, acknowledgement of wrongdoing on the part of the Church, apology, and support for rebuilding lives. The Church wishes conscientiously to take into account the views of its redress scheme project board which brings together victims and survivors and other stakeholders. We plan to continue to develop our own redress scheme, rather than seeking to participate in the national scheme which the Inquiry recommends, but in the development of that scheme will carefully consider the Inquiry's suggested approach.

Archbishops' Council

House of Bishops

National Safeguarding Steering Group

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