

GENERAL SYNOD

SAFEGUARDING

Summary

This paper brings to Synod the report from Sarah Wilkinson of Blackstone Chambers on *Review of the Independent Safeguarding Board*. It sets out a proposal for how the Church might engage on this report together with the (at time of writing) forthcoming review from Professor Alexis Jay into the *Future of Church Safeguarding* with a view to building a consensus on the way forward. It also sets out immediate steps for responding to the lessons learned from Sarah Wilkinson's report.

Background

1. In the wake of the debate at General Synod in July 2023 (covering the issues raised in GS Misc 1341) the Archbishops' Council commissioned two pieces of work which it promised to bring back to the General Synod:
 - An independent lessons learned review to establish the full facts of the events leading to the termination of the contracts of members of the Independent Safeguarding Board;
 - An independent programme to develop proposals for a fully independent structure to provide scrutiny of safeguarding in the Church of England.
2. The former was led by Sarah Wilkinson of Blackstone Chambers and was published on 11 December 2023 (and is attached as an annex to this report). The latter is led by Professor Alexis Jay and is scheduled for publication later in February.
3. We acknowledge and apologise for the pain felt by victims and survivors who were waiting for reviews to be progressed through the Independent Safeguarding Board (ISB). Sarah Wilkinson's report is clear that we did not adequately understand or predict their responses and therefore plan appropriate support for them. Whilst there were practical constraints around our responses – in particular that we did not know the identities of those victims/survivors – we regret the profound impact that our implementation of the decision to end the ISB contracts had on them, and we apologise for that. Following her findings, all members of the Archbishops' Council are undertaking trauma-informed practice training. We do now have in place, through independent commissioner Kevin Crompton, a means for those seeking reviews under the terms of the ISB to continue with this. We are glad that several people are taking up this offer and working with Kevin to set in place reviews. We remain open to listening, to conversation, and to attempts to find resolution with all those affected.
4. The Archbishops' Council is immensely grateful to Sarah Wilkinson for undertaking such a professional and thorough report. It expects the report of Professor Jay to be similarly a substantial, considered and serious piece of work on a matter central to the business of the Church – ensuring that young people and vulnerable adults are safe in the Church – that deserves proper engagement towards building a sustainable future that meets our objectives. The Council hopes that the General Synod will have an opportunity to hear from Professor Jay herself on her findings.
5. The structure of this paper is as follows:
 - a) A brief summary of the Wilkinson report
 - b) A proposal for how the Church as a whole might respond to and engage with Professor Jay's findings

- c) Responses from the Archbishops' Council to the six lessons learned from the Wilkinson report.

Progress

6. Sarah Wilkinson's report establishes a chronology of the events leading up to the termination of the contracts of members of the Independent Safeguarding Board. She then identifies the structural and short-term factors that led to this position and identifies six lessons to be learned. Although the report is 185 pages long there is a summary of conclusions on pages 12-14. The report highlights the structural factors as creation under extreme time pressure resulting in serious design flaws, an unclear legal status from its inception, lack of clarity over how far the body's independence extended, inadequate governance arrangements that left it vulnerable to personal conflicts between the ISB members and the legal ambiguities and inadequate governance arrangements within the Board which led to difficult working relationships. The report found no attempt to frustrate the operation of the ISB nor that its termination was to stop it from undertaking its work. It highlights as short-term factors the appointment of the acting Chair without consulting the other ISB members, the breakdown in relationships between the ISB members following the appointment of the acting Chair. She identifies six lessons learned – on trauma, risk assessments, the "scrutiny gap", the governance of any new oversight body, case reviews, and dignity.
7. At the time of writing, the report of Professor Alexis Jay has not been seen by the House of Bishops or by the trustees of the Archbishops' Council. Originally the report had been expected by the end of 2023 which would have allowed for it to be presented to the General Synod. As the report is now expected only very shortly before Synod meets, it will be unrealistic for Synod to give it the substantive consideration it deserves at this meeting, and so the Synod motion as regards the Jay review will be about process, with a debate on the substance following once consultation on it has taken place.
8. The *Future of Church Safeguarding* website says that "she will next month (February) deliver to them and publish her report on how to make Church safeguarding fully independent. In her report, Professor Jay will make a series of recommendations on how Church safeguarding can be made independent, accountable, fair and trusted, in order to learn from the past and better protect all those involved in Church life from harm. The report has been informed by extensive engagement with those with recent experience of Church safeguarding, both in person and online, including victims and survivors, safeguarding practitioners, members of the clergy and volunteers."

Proposal for how the Church might engage with the work

9. The Archbishops' Council is committed to improving independent safeguarding oversight noting the vital importance of this for all who come into contact with the Church, and particularly for victims and survivors. It is also mindful of the advice of Sarah Wilkinson's report that "The set up of any new oversight body should not be rushed" (paragraph 37). Although much of this paper deals with the systems, structures and processes that underpin good safeguarding, we want to acknowledge at the start that this is about people and treating vulnerable people well with humanity, respect and dignity.
10. The Archbishops' Council has set up a group to advise it on how to respond to both the Wilkinson Review and, in due course, to advise on the response to the Future of Church Safeguarding report. On 23 January it published a statement to say:

“Following the publication of Sarah Wilkinson’s Review into the ISB and in light of the forthcoming Future of Church Safeguarding review from Professor Jay, the Archbishops’ Council, AC, has set up a group to consider how to respond and plan next steps.

The AC has publicly committed to learning lessons for the future delivery of independent safeguarding oversight noting the vital importance of this for all who come into contact with the Church but particularly for victims and survivors who will play an integral part in this work.

The response group, chaired by the lead safeguarding bishop, will consider the important lessons to be learnt highlighted in the Wilkinson report and once published will look at the recommendations in the Jay report.

The group will be made up of a range of members including safeguarding professionals from within and outside the Church, along with survivor and victim representation to ensure that survivors have input into the discussion and that their lived experience is heard. Alongside this, it is envisaged that a survivor and victim focus group will also be set up. The response group will consult with it in order to ask questions on specific areas.

The response group will meet regularly and will consider what wider consultation and further reflection is needed around both Reviews before a final response is considered and made by the AC which will go to General Synod for debate. The terms of reference will be drawn up in due course.”

11. Ahead of this, thought has been given to a forward process that could allow the Church to form a consensus response to the Wilkinson and Jay recommendations (once the latter are received). It notes that the deep cultural change of the sort envisaged is not delivered by quick changes centrally but by a deep process of engagement across the Church. It also notes the points raised in the fourth lesson learned from Sarah Wilkinson that it is critical that important matters of governance are resolved before the independent body starts work. Accordingly, the group considers the forward process will need to engage with at least four separate (but overlapping) groups – victims, survivors and their advocates (recognising that this is a diverse group, and that we need to create an environment in which their stories and experiences can sensitively and safely inform future practice), safeguarding professionals in the church (principally in dioceses and cathedrals), those volunteers and clergy in parishes engaged in safeguarding practice, and the wider group of interested stakeholders in the Church, including dioceses and cathedrals (given particularly their role in preventative safeguarding) and members of General Synod.
12. The Archbishops’ Council has endorsed the following process to do this and to equip the General Synod to make a proper decision on the way forward:
 - a) An internal team to:
 - a. run deep engagement with Diocesan Safeguarding Advisors/ Diocesan Safeguarding Officers and others in dioceses and cathedrals to unpick reactions on different elements and develop detailed proposals;
 - b. develop a survey-style tool that would permit engagement and responses from parish safeguarding officers and other parish volunteers;
 - c. engage with other stakeholders across the church including in the General Synod and hear views.

b) A survivor and victim focus group – as noted in the press release above – to hear the views of victims, survivors and their advocates on the proposals. This draws on the experience of the Seal of the Confessional and Redress projects where a survivor reference group has allowed for deeper engagement with a broad range of survivor perspectives. We will adopt best practice in how this is done to create a safe space for people to contribute.

13. This work will begin – subject to Synod’s approval – immediately after Synod. The feedback from this work will be put to the National Safeguarding Steering Group in May for their input and recommendations, and with the NSSG then making recommendations to both the House of Bishops and the Archbishops’ Council on the way forward (on the basis that the NSSG is a committee of both the House and the Council) for their meetings). It will be the intention that this work produces recommendations which can then be put to the General Synod in July. Given that we have not seen the proposals from Professor Jay at time of publication it is possible that this work may take longer than this period, but the Council recognises that the General Synod will want an opportunity to engage substantively with the work as soon as possible.
14. Paragraph 680 of the Wilkinson Report says that “the set up of any new safeguarding body must not be rushed”. The Archbishops’ Council agrees with this and notes that achieving deep and long-lasting cultural change in the Church requires a proper process of engagement with all those involved in the Church. We trust that this process will help us get to sustainable and independent scrutiny of safeguarding work more effectively, and enable survivors to be involved at all stages.

Initial responses to the Wilkinson Report lessons learned

15. The Archbishops’ Council has considered carefully the six lessons learned from the Wilkinson report set out in paragraphs 669 to 696. None of these are simple quick fixes and the report is clear on the deep structural and cultural issues. Nevertheless, we thought it would be helpful for the Synod to have the initial response of the Council to those lessons learned and the steps being taken. A number of recommendations are not just for the Council and this response only deals with the matters for the Council.

Lesson 1: trauma

16. Paragraph 696 says that “Everyone involved in decision making about safeguarding issues at the NCIs, from the Archbishops to case workers and including all members of the Archbishops’ Council, should have mandatory training on trauma-informed handling of complainants, victims and survivors. Ideally, members of General Synod would also be required to complete such training, particularly in light of the governance decisions that it is likely to have to make as a result of the National Governance Project Board’s Recommendations and those of the Jay Review.” The report gives useful definitions of trauma-informed training.
17. The Archbishops’ Council **accepts this lesson learned**. It accepts the lesson learned as it applies to the Council itself. The Redress Project Board has already undertaken such training collectively; the Council itself has two sessions for such training on 13 February and 6 March after which at least 16 of the 19 members will have been trained with the remainder who for diary reasons could not attend having follow-up dates booked in. Staff of the Council have also participated in this training.

18. It will be for members of the General Synod and diocesan staff to decide what training they wish to undertake, and the Council strongly encourages all staff in decision-making positions to undertake such training. The National Safeguarding Team will investigate what trauma-informed training could be made available for others to opt into with a view to this supporting wider culture change, and in their communications with diocesan staff the National Safeguarding Team will communicate a clear expectation that trauma-informed training is undertaken by the relevant staff.

Lesson 2: risk assessments

19. Paragraphs 674 and 675 say that “Risk assessments of the impact on participants of the termination of any case review process should always be carried out by those making the decision to terminate. Risk assessments of the operation of any safeguarding body should be carried out as a matter of routine governance.” The Council understands this to mean two separate recommendations – one for those who are leading on any case review (whether at diocesan or national level) and considering termination of the process, and one for operational decisions by any “safeguarding body” whether parochial, diocesan or national.
20. The Archbishops’ Council **accepts this lesson learned**. It accepts the first element that any body that is undertaking a case review is considering terminating that review should undertake an operational risk assessment of the impact on participants. It will build this into the Code of Practice for Safeguarding Practice Reviews.
21. The second element of the lesson learned is in principle attractive but raises some complex issues. There is no concept in the Church of England of a “safeguarding body” – safeguarding is everyone’s responsibility, and different groups have different safeguarding functions. Best professional practice in safeguarding is already based on risk assessment methodology and there is a concern that a further risk assessment might confuse this. Accordingly, the Council wishes to see this work taken forward as part of the detailed work on the implementation of Professor Jay’s report with a view to gaining greater clarity about decision making in operational, governance, and scrutiny settings.

Lesson 3: scrutiny gap

22. Paragraph 677 says “that there is no appeal or challenge process from the outcome of a diocesan core group or an NST safeguarding investigation, save for the NCIs general complaints procedure which is not designed for the purpose... That is the gap that must be filled. Policy scrutiny is already carried out by the NSP and NSSG. It may be that a new independent scrutiny body takes over the functions of the NSP and NSSG but as a minimum, any new body must address this scrutiny gap.” The Council understands this to mean that the gap is in relation to individual casework, not policy, and in particular to reviews by Core (or Safeguarding Case Management) Groups (whose work is often misunderstood). The Council understands that at heart this recommendation is about how to respond to victims, survivors, those accused and respondents who are unhappy with Core Group decisions and who wish there to be a mechanism for questioning decisions made by dioceses as a result of Core Group advice.
23. The Archbishops’ Council **accepts this lesson learned**. This is properly a matter for the work that Professor Jay has led, and the Council wishes to hear from Professor Jay and from the Church on those proposals before it decides on the next stage. It agrees

in principle there does need to be a process by which the recommendations of Core Groups and diocesan decisions in light of those recommendations can be reviewed, questioned, or appealed. However, the question of how to do so without creating bureaucracy and delay and within the framework of the new architecture of safeguarding envisaged in *Future of Church Safeguarding* needs reflection. For example, when individuals are dissatisfied with such a decision it could be re-examined, potentially by a different safeguarding professional. Indeed, a number of dioceses already have a safeguarding complaints procedure which allows for proper review by those not involved previously in a case and of appropriate seniority and independence.

Lesson 4: governance of any new oversight body

24. Paragraph 678 says “In order to avoid conflicts of interest and to assure the requisite expertise is available, the NCIs, or any successor body such as the proposed CENS, should not set up the governance of any new safeguarding body but should outsource it to management or governance consultants who have safeguarding experience and have undergone trauma training.” Paragraph 680 also says “The set up of any new safeguarding body must not be rushed. An assessment of the time needed to set up the new body as described in paragraph 681 below should be carried out by those setting up the body.” Paragraph 681 then lists seven elements of the governance that must be resolved before the independent body starts work.
25. This is understood to refer to any new safeguarding body set up in response to the recommendations of Professor Jay.
26. The Archbishops’ Council **accepts this lesson learned** with the qualifications set out below. The Archbishops’ Council accepts in full the advice that set up should not be rushed and accepts in full as extremely helpful the seven elements of governance listed in paragraph 681 that must be resolved before the independent body starts work. It also accepts that it will take specialist governance advice so that the requisite experience is available and that those undertaking key roles in implementation will need to have undergone trauma training. This will need to reflect the findings of the Governance Review and enable us to be clearer about accountabilities and decision-making. However, it does not think that it would be possible for the Council to outsource the work to design the governance of any new safeguarding body entirely to external consultants for two reasons:
 - a) The governance of any new body will need to be designed within the context of the governance of the Church of England more generally, respecting the particular roles of parishes, dioceses, cathedrals and the National Church Institutions. This governance is complex and will need a degree of expertise in the Church and the different roles and accountabilities within that that it is hard to envisage being provided by external consultants. Those implementing the changes will need advice on the legal context of the Church and, to the extent that these might alter the balance of responsibilities within the Church, on the theological and ecclesiological issues this raises;
 - b) The Archbishops’ Council will retain overall responsibility for the establishment of such arrangements, reporting to and seeking approval from the General Synod. It will therefore need to maintain oversight, to assure itself of good planning, good stewardship of resources, delivery to deadlines etc.

Lesson 5: case reviews

27. Paragraphs 684 to 686 say “The design of any future safeguarding scrutiny body should incorporate a mechanism for the implementation and enforcement of case review recommendations. The working model of case reviews used by the ISB, which was never formalised in any process document save for a flow diagram, depended on recommendations being ‘accepted’ by a body such as the NSSG. ‘Acceptance’ suggests that there is some doubt about whether the case review body is correct or is entitled to make such recommendations. A process of acceptance and rejection can create mistrust between these two bodies unless the expectations and formalities of the process are carefully prescribed. The acceptance and rejection model can also create unrealistic expectations for the subjects of case reviews unless the limits of the process are, again, carefully prescribed from the outset. In my view, these problems can be reduced by an implementation and enforcement mechanism being built into the constitution of any future safeguarding scrutiny body.”
28. The Council understands this to mean that there must be a mechanism that connects the recommendations of case reviews with the implementation and enforcement, ensuring that there is follow through and gives transparency to the individual involved about next steps.
29. The Archbishops’ Council **accepts this lesson learned** subject to the qualifications in paragraph 30 below. The Council understands the concern that there is insufficient follow-up on recommendations, insufficient identification of structural trends, and insufficient clarity about accountability in taking forward recommendations. Where there are actions that need to be taken in relation to the immediate wellbeing of the individual concerned in the case review, the recommendation will be accepted. The Council will develop a set of principles for decision-making in order to ensure that decisions on the recommendations of case reviews are well made, focus on the necessary detail, and grasp key accountability issues as they take recommendations forward. The National Safeguarding Team has already developed systems for keeping track of, prioritising and making coherent the various recommendations from different reviews, and it will continue to develop mechanisms to draw out learning about the overarching structural issues. It also wishes to undertake further work to brief case reviewers on how they can craft recommendations that are practical, workable, and are not overwhelming in number for frontline safeguarding professionals. It looks forward to hearing further proposals from Professor Jay on how this can be done effectively in the constitution of any future safeguarding scrutiny body. Together those should provide a transparent mechanism for connecting recommendations with implementation and enforcement.
30. Obviously, it cannot go further and commit that every recommendation from every case review will be implemented in full in every case:
- a) In its experience, the Council notes that recommendations from case reviews may not only refer to matters relating to the case at hand but may speak more broadly about policy and practice. The Council could not agree to implement all recommendations that involved changes to policy and practice without question. This is partly because, depending on the nature of the change, this might involve a change to a Code of Practice agreed by the General Synod, or it might raise issues of law (for example on data protection);

b) To the extent that any recommendations have financial implications, they would raise questions of both affordability and (where they refer to the use of funds by the Archbishops' Council) about the lawfulness of the use of charity funding for those purposes. These are not insurmountable issues, but they do need careful consideration and acceptance cannot be presumed;

c) There is a risk of both an overwhelming number of recommendations from case reviews that could be too much for front-line safeguarding staff in parishes and dioceses to absorb, contradictory (or more likely similar but with important differences) recommendations, and all recommendations being given equal weight and importance rather than the most important and material issues being prioritised.

31. Nevertheless, the Council considers that it must be possible to develop and implement a mechanism as suggested for ensuring that wherever possible the recommendations of case reviews are implemented in a way that is sensitive to the concerns that survivors raise. It looks forward to the proposals from Professor Jay for how this may be achieved.

Lesson 6: dignity

32. Paragraph 696 says "I urge everyone involved in safeguarding to communicate courteously, in tone and manner, in all forms of communication with each other, including social media, not least because the extent of trauma on either side may be undisclosed. Both complainants, victims and survivors, and those dealing with their cases, should be able to work towards solutions of these long-running cases with dignity, and without fear". In support of this Sarah Wilkinson notes in paragraphs 693 and 694 that "throughout the interviews I have conducted, I have been struck by reports of the difficulties experienced by complainants, victims and survivors in obtaining meaningful outcomes to historic complaints of abuse. The frustrations of complainants, victims and survivors together, in some cases, with trauma-related illness, sometimes present as intimidating or threatening language in communications with NCI staff, Archbishops' Council members and with clergy, particularly by email and on social media."

33. This is a recommendation to "everyone involved in safeguarding" and not just to the Archbishops' Council. Accordingly, the Archbishops' Council **accepts this lesson learned in full** in so far as it relates to it as both a body of trustees and to the staff within it and encourages everyone working in safeguarding to treat all with dignity and respect.

Conclusion

34. The General Synod will be invited to endorse the process for engaging properly with the work to design a fully independent structure to provide scrutiny of safeguarding in the Church of England that draws on the lessons learned from the Wilkinson Report.

Bishop of Stepney and Jamie Harrison on behalf of the House of Bishops and
Archbishops' Council

January 2024

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REVIEW OF THE INDEPENDENT SAFEGUARDING BOARD

REPORT

SARAH WILKINSON

Blackstone Chambers

30 November 2023

FOREWORD

I am very grateful to everyone who participated in the Review for sharing their experiences with me.

I wish to thank my instructing solicitor and their team and the assistant to the Review, Rhys Jones of Blackstone Chambers, for all their work. Any errors and omissions remain my own.

SARAH WILKINSON

Reviewer

30 November 2023

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INTRODUCTION

1. In August 2023, the Archbishops' Council instructed me to carry out a review ("the Review") of the creation, work and termination of the Independent Safeguarding Board ("ISB"), assisted by Rhys Jones, also of Blackstone Chambers. My instructing solicitor is the deputy Legal Adviser to the Archbishops' Council.

Terms of Reference

2. The Archbishops' Council agreed the basis of paragraph 1 of my Terms of Reference at its meeting on 18 July 2023.¹
3. I was sent those Terms of Reference, with some minor amendments, in my first instructions dated 5 August 2023.
4. I then suggested some amendments to that first paragraph and drafted the basis for paragraphs 2 to 12. After some discussion with my instructing solicitor, those Terms of Reference were agreed and published on 11 September 2023.²
5. My Terms of Reference are as follows:

[1] Sarah Wilkinson ("the Reviewer") and Rhys Jones ("Assistant to the Reviewer"), both barristers at Blackstone Chambers, have been instructed by the Archbishops' Council to conduct an independent review ("the Review"):

[a] to use best efforts to establish a clear account of the events from the conception, design and implementation of the ISB, until the announcement of the termination of contracts;

[b] to use best efforts to establish and identify on the balance of probabilities the reasons for the action to terminate the contracts of the ISB members;

[c] to identify lessons learnt based on the findings in (a) and (b).

[2] The Review will not reinvestigate the data breach which was reported to the Information Commissioner's Office on 27 July 2023.

[3] A report on the Review will be submitted to the Archbishops' Council on or before 30 November 2023 ("the Report").

[4] The Report will be published.

[5] Any documents shared with the Reviewer for the purposes of the Review may be published in the Report unless subject to paragraphs 5(a) and 5(b):

[a] confidentiality for documents or any part of a document is requested from the Reviewer by the provider of the documents; or

[b] the relevant part of the document is legally privileged.

¹ AC(23)M4/3.8; AC(23)55

² <https://www.churchofengland.org/media-and-news/press-releases/leading-public-law-barrister-head-review-independent-safeguarding>

[6] Any document shared with the Reviewer for the purposes of the Review will not be shared with anyone else during the Review unless specific permission to do so is granted by the document owner.

[7] Interviews may be conducted in person or online.

[8] Interviewees will be granted anonymity in the Report if requested and practical to do so (i.e. their names are not already in the public domain in connection with the ISB).

[9] Any information provided anonymously to the Reviewer will be considered but may be given less weight if it cannot be independently verified by the Reviewer.

[10] Transcripts of interviews will be retained by the Reviewer and not provided to the Archbishops' Council.

[11] A right of reply will be given to individuals identified in the Report (Maxwellisation). Individuals will be given a draft of the report and asked to comment on any conclusions drawn about them. It is likely that drafts will be provided in the week commencing 13 November 2023 and that comments will need to be returned to the Reviewer within 7 days.

[12] All correspondence relevant to the Review should be sent to the Reviewer at isbinvestigation@blackstonechambers.com.

6. Several participants to the Review queried how I would interpret my Terms of Reference, particularly whether I would consider it within my remit to consider the impact of the termination of the ISB contracts on complainants, victims and survivors.
7. I made it clear in correspondence with those participants that I considered that the impact of the termination itself was within the remit of paragraph 1(a). To that end, I heard evidence relating to the day of termination itself and its immediate aftermath on individuals and their welfare, including the extent of transitional planning for case reviews at that stage.
8. I also heard some evidence relating to the way in which interim arrangements for case reviews were negotiated after General Synod but I took the view that those successor arrangements fell outside my remit and so I have not extended the chronological account to cover them. I came to that view for three reasons. Firstly, my Terms of Reference specified that the chronological account of events should end with the announcement of the termination of the contracts. Whilst I considered that the impact on individuals of that announcement was within scope, details of the arrangements that followed were not. Secondly, reporting on the negotiations for interim arrangements would have extended the chronological account beyond the point of termination by at least two months (and, as things have turned out, up to the moment of drafting this Report). As the main focus for the Review was to set out what had happened and gone wrong during the life of the ISB in order to assist the Jay Review³, I decided that it was appropriate to focus on that period alone. Thirdly, by the time I heard this evidence, the arrangements were already contested and I decided that it would not help those on either side trying to resolve the position if I simultaneously commented on a live issue.
9. I also considered that it was relevant to paragraph 1(b) of the Terms of Reference to consider the presentations during General Synod on 8-9 July 2023 relating to the ISB because the Archbishops' Council, the Survivor Advocate and the Independent Member

³ See paragraph 563 below

all gave reasons in those presentations why they thought the contracts had been terminated which were relevant to paragraph 1(b) of my Terms of Reference.

Institutions and roles referred to in the Report.

10. **The Archbishops' Council** is a statutory charity established by section 1 of the National Institutions Measure 1998 to co-ordinate, promote, aid and further the work and mission of the Church of England. The Archbishops of Canterbury and York are the joint Presidents of the Council. The composition of the Archbishops' Council is prescribed by the National Institutions Measure 1998.⁴ It has 19 members who are all trustees of the charity.⁵ The Chief Executive of the Council is known as the "**Secretary General**".⁶
11. The National Institutions Measure 1998 does not prescribe safeguarding as a specific function of the Archbishops' Council but the Council interprets its function as including safeguarding as an integral part of the Church's ministry and mission.⁷ Having consulted with senior staff, the boundaries of the Council and its trustees' legal and practical responsibilities for safeguarding were not clear to me. The IICSA Report, for example, described the Council as "*responsible for the delivery of safeguarding work across the Church of England*"⁸ but my instructions are that the position is more complex, with the Council responsible for developing and managing national policy and practice on safeguarding in the Church of England and for certain elements of national safeguarding casework whilst the delivery of safeguarding work across the Church is carried out in dioceses, cathedrals and parishes, all of which are independent charities, but are obliged to follow Church law and regulation on safeguarding matters.
12. It was clear to me from the evidence that I reviewed in creating the chronological account that there was a view within the Council that, in general terms, the Archbishops' Council had moral, spiritual and legal responsibility for safeguarding. This was reflected in the design proposals for the ISB; see, for example, paragraphs 110.9, 138 and 153 below.
13. The **National Safeguarding Steering Group ("NSSG")** and **National Safeguarding Panel ("NSP")** both have Terms of Reference governing their activities (see paragraphs 19 and 20 below) but there are no Terms of Reference for the Council's safeguarding remit. I have not been able to find and have not been provided with any published statement which defines the Archbishops' Council's function and remit with regard to safeguarding save for the statement in the Annual Report referred to in paragraph 11 above.
14. **The Lead Bishop for Safeguarding** is appointed by the Archbishops and is a non-voting attendee of the Archbishops' Council. The two **deputy Lead Bishops for Safeguarding** are not members of the Archbishops' Council.
15. The **House of Bishops** is one of the three Houses of the General Synod, together with the House of Clergy and the House of Laity.

⁴ Schedule 1, paragraph 1

⁵ <https://www.churchofengland.org/about/leadership-and-governance/archbishops-council>

⁶ National Institutions Measure 1998, Schedule 1, paragraph 16

⁷ <https://www.churchofengland.org/sites/default/files/2023-08/gs-2308-2022-archbishops-council-annual-report.pdf> p.5

⁸ <https://www.iicsa.org.uk/reports-recommendations/publications/investigation/anglican-church.html> p.15

16. The **General Synod of the Church of England** is the Church's legislative body and was created in 1969.⁹ The General Synod is able to legislate by making canon law on certain subjects for the Church of England.¹⁰ It is also able to legislate by 'Measure' relating to any matter concerning the Church of England.¹¹ It also makes secondary legislation via statutory instruments and other measures.
17. The **National Church Institutions ("NCIs")** consist of seven related bodies that undertake work for the Church of England. Each is a separate legal entity but they employ people collectively. The NCIs are:¹²
 - 17.1. The Archbishops' Council;
 - 17.2. Bishopthorpe Palace (the office of the Archbishop of York);
 - 17.3. The Church Commissioners;
 - 17.4. Church of England Central Services (HR, Finance, Technology, Data Services, Internal Audit, Giving, Projects, Legal, Communications);
 - 17.5. The Church of England Pensions Board
 - 17.6. Lambeth Palace (the office of the Archbishop of Canterbury);
 - 17.7. National Society for Promoting Religious Education.
18. The **National Safeguarding Team ("NST")** was established in 2015. It is one of the operational divisions within the Archbishops' Council, reports directly to the Archbishops' Council and is responsible for all safeguarding matters at the national level, including policy, training and case work. Since 2018, it has been headed by the role of the National Director of Safeguarding and several deputy Directors.
19. The **NSP** was set up in 2014 to provide high level strategic advice and to offer guidance on policies and practice in safeguarding. It has been independently chaired since 2018 and two survivor representatives are members.¹³ It is governed by Terms of Reference.
20. The **NSSG** was created in 2016 and is a committee of both the Archbishops' Council and the House of Bishops.¹⁴ It has strategic oversight of national safeguarding activity, including the work of the NST. Its membership consists of a range of representatives from across the Church, including two members of the Archbishops' Council, the chair of the NSP, members of the House of Bishops, members of the Church Commissioners, a cathedral dean and the Secretary General. It is chaired by the Lead Bishop for Safeguarding. It is governed by Terms of Reference.

⁹ Synodical Government Measure 1969

¹⁰ Synodical Government Measure 1969, section 1(2)

¹¹ 'Measure' means a legislative measure intended to receive royal assent and to have effect as an Act of Parliament in accordance with the provisions of the Church of England Assembly (Powers) Act 1919

¹² <https://www.churchofengland.org/about/leadership-and-governance/national-church-institutions>; PowerPoint Presentation ([churchofengland.org](https://www.churchofengland.org))

¹³ [National Safeguarding Panel | The Church of England](https://www.churchofengland.org/safeguarding/safeguarding-governance)

¹⁴ <https://www.churchofengland.org/safeguarding/safeguarding-governance>; <https://www.churchofengland.org/safeguarding/safeguarding-news-releases/national-safeguarding-steering-group-nssg>; T/10/4

SUMMARY OF CONCLUSIONS

21. I set out a summary of my conclusions below, divided into Reasons (paragraph 1(b) of my Terms of Reference) and Lessons Learnt (paragraph 1(c) of my Terms of Reference.

Reasons for the termination of the ISB

22. A complex matrix of reasons led to the termination of the ISB contracts. The structural reasons for the termination were principally the responsibility of the Archbishops' Council. The short-term reasons were the responsibility of both the original ISB members and the Archbishops' Council, all trying to operate in a situation where their roles were not clearly defined.

Structural Reasons

23. **Creation:** the ISB was designed under extreme time pressure imposed principally by the Archbishop of Canterbury. While the intention to create an independent safeguarding function rapidly was laudable, the speed at which it had to be designed resulted in serious design flaws.
24. **Legal status:** the legal status of the ISB was unclear from its inception. Misunderstanding about its status was widespread.
25. **Nature of independence:** the ISB's name caused confusion. The word '*Independent*' suggested to many that the ISB was in fact the final body that the Archbishops' Council envisaged creating in Phase 2 of the ISB's work. The word '*Independent*' also caused confusion between the ISB members and the Archbishops' Council itself as, again, neither party was clear as to where the ISB's operational independence ended and the Council's oversight as charitable trustees began.
26. **Governance:** the ISB's governance arrangements were inadequate from its inception and left it vulnerable to personal conflicts between the ISB members and to contingencies.
27. **Relationships:** the legal ambiguities and inadequate governance arrangements led the three original members of the ISB to adopt entrenched positions when a dispute arose because their working relationships with each other and with the NCIs were not clearly defined. In particular, the Survivor Advocate and Independent Member, understandably considering themselves as bulwarks against the erosion of the ISB's independence as they saw it, adopted confrontational and intransigent positions in disputes, particularly when they refused to meet others when a dispute had arisen.
28. All the ISB members found themselves in an almost impossible position when disputes arose because well-meant efforts to mediate disputes by the Archbishops' Council staff and the Archbishops themselves simply exemplified and exacerbated the arguments about where operational independence ended and governance oversight began.

Short Term Reasons

29. **Appointment of the acting Chair:** the appointment of the acting Chair without consulting the other ISB members by the Archbishops' Council was the most significant short term cause of the termination of the ISB contracts.
30. **Relationships:** the breakdown in relationships between the ISB members following the appointment of the acting Chair, which was evident at the Archbishops' Council's

meeting, on 9 May 2023 was the event which made termination of their contracts almost inevitable.

31. All efforts to mediate between the acting Chair and other ISB members from that point onwards were conducted by the staff of the Archbishops' Council, members of the Archbishops' Council and the Archbishops themselves in good faith but the structural weaknesses in the ISB's governance arrangements made it highly unlikely that those efforts would succeed.
32. **Phase 2:** the decision to terminate the ISB contracts on 21 June 2023 was also taken by the Archbishops' Council in order to move towards a Phase 2 body as quickly as possible.
33. **Other reasons:** I have not seen direct evidence or evidence from which I could infer that the Archbishops' Council terminated the contracts of the ISB in order to prevent it bringing to light allegations against senior clergy. Where a body is terminated suddenly in the middle of work on case reviews, however, it is unsurprising that the subjects of those case reviews might consider that the terminating body also wished to terminate the case review work.

Lessons Learnt

34. **Trauma training:** everyone involved in decision making about safeguarding issues at the NCIs, from the Archbishops to case workers and including all members of the Archbishops' Council, should have mandatory training on trauma-informed handling of complainants, victims and survivors. Ideally, members of General Synod would also be required to complete such training, particularly in light of the governance decisions that General Synod is likely to have to make as a result of the National Governance Project Board's Recommendations and those of the Jay Review.
35. **Risk assessment:** risk assessments of the impact on participants of the termination of any case review process should always be carried out by those making the decision to terminate. Risk assessments of the operation of any safeguarding body should be carried out as a matter of routine governance.
36. **Scrutiny gap:** the scrutiny gap that needs to be addressed by the creation of any new independent scrutiny body is that there is no appeal process for the outcome of a diocesan core group or an NST safeguarding investigation save for the NCIs general complaints procedure, which is not designed for the purpose.
37. **Governance of any new oversight body:** in order to avoid conflicts of interest and to assure the requisite expertise is available, the NCIs, or any successor body such as the proposed CENS, should not set up the governance of any new safeguarding body but should outsource it to management or governance consultants who have safeguarding experience and have undergone trauma training. The set up of any new oversight body should not be rushed. The governance of any new safeguarding body must be set up before it starts work, including these elements as a minimum:
 - 37.1. its legal status must be defined and published;
 - 37.2. the extent of its independence from the NCIs, including its funding arrangements, must be accurately described and published;

- 37.3. data protection agreements, policies, officers and systems must be in place, including exit arrangements for case review subjects and in the event of the closure of the body;
 - 37.4. legal advice must be available with clear statements as to the funding arrangements and instructions for that advice;
 - 37.5. information sharing agreements must be in place;
 - 37.6. any new safeguarding body should be named to make clear its function, the extent of its independence from the NCIs and to avoid ambiguity;
 - 37.7. its operating policies for reviewing cases and for the enforcement of recommendations must be published, whether by means of legislative provision or published rules.
38. **Case reviews:** the design of any future safeguarding scrutiny body should incorporate a mechanism for the implementation and enforcement of case review findings.
39. **Dignity:** everyone involved in safeguarding should communicate courteously, in tone and manner, in all forms of communication with each other, including social media, not least because the extent of trauma on either side may be undisclosed. Both complainants, victims and survivors, and those dealing with their cases, should be able to work towards solutions of long-running cases with dignity, and without fear.

Methodology

40. I set out in this section the way I have carried out the Review.

Terminology

41. I refer to individuals by their role rather than by their name in the Report. Where individuals are named, they have given their consent to be named.
42. I use gender neutral pronouns throughout.
43. I adopt the same approach as the Independent Inquiry Into Child Sexual Abuse (IICSA) by referring to those who have made allegations of abuse which have not been proven by way of criminal conviction, civil findings or findings in the context of disciplinary proceedings, as complainants. Where such findings have been made, individuals will be referred to as victims and survivors.¹⁵ Where I quote from a document, I cite the term (victim or survivor) used in that document.

Participation of the original ISB members in the Review

44. I was not supplied at any point with the email addresses of the Survivor Advocate and Independent Member of the ISB by my instructing solicitor or anyone else.
45. Based on documentary evidence and my instructions:
- 45.1. all four ISB members were contacted on behalf of the Secretary General by email on 8 August 2023 to say that I had been instructed to carry out the Review, including that I was a member of Blackstone Chambers, that I had been given a list of key people I might want to interview, including them, and seeking their consent to share their email addresses with me;
 - 45.2. the Survivor Advocate and Independent Member were emailed on 11 September 2023 at 11:30am on behalf of the Secretary General to give them the press announcement of my appointment before it was released at noon;
 - 45.3. as a result of information that I received from a third party, the Survivor Advocate and Independent Member were emailed again on 3 October 2023 by the Secretary General to confirm that they were not precluded by their contracts from cooperating with the Review or from sharing any documents in their possession, subject to their own data controller obligations;
 - 45.4. the Survivor Advocate and Independent Member were emailed again on 5 October 2023 by the Secretary General, notifying them of the deadline of 31 October 2023 for the submission of evidence and stating that I would do everything I could to facilitate their participation in the Review and would be as flexible as possible.
46. The original Chair and acting Chair agreed that their email addresses could be given to me and I contacted them that way. The other two ISB members did not consent to their email addresses being given to me but I sent letters to them inviting them to interview via my instructing solicitors. As I began to conduct interviews, I also asked individuals who might be in touch with the other two members to consider, if they felt it was

¹⁵ <https://www.iicsa.org.uk/reports-recommendations/publications/investigation/anglican-church/part-introduction/a5-terminology.html> A:5 paragraph 32

appropriate, asking them to contact me to discuss participation in the review. I am grateful to those who did so.

47. On 11 October 2023, I received an email from the Survivor Advocate giving consent for me to contact them at that email address and attaching a letter sent on behalf of the Survivor Advocate and the Independent Member. The Survivor Advocate and the Independent Member reserved the right to publish their letter to me dated 16 October 2023. I set out a summary of our correspondence in the table below because I consider it important to the integrity of the Review that my response to their criticisms is clear. None of their emails or letters to me were marked private or confidential nor did they ask me to keep them confidential.

DATE	COMMUNICATION
11 October 2023	Email from Survivor Advocate attaching letter to me querying scope of Terms of Reference.
	<p>I replied, confirming that I considered the following matters fell within my Terms of Reference and suggesting a date for interview:</p> <p><i>“My interpretation of my Terms of Reference is that the following matters that you raise fall squarely <u>within</u> them and that I should gather evidence relating to them and establish facts about them in my account of the creation, work and termination of the ISB:</i></p> <ul style="list-style-type: none"> <i>• The impact of the terminations on victims and survivors of church abuse; particularly those victims and survivors who were in the process of case reviews with you both;</i> <i>• The dispute notice served on all three board members by the AC in February 2023;</i> <i>• The dispute notice that you and [the Independent Member] served on the AC on 24th May 2023</i> <i>• The complete chronology of events from September 2020 to the termination of your contracts on 21st June 2023 (including the two weeks leading up to it) and not excluding the impact on survivors of those terminations after 21st June 2023. That includes consideration of the General Synod presentations that you both made, together with that of Jane Chevous.”</i>
	Two further emails to me from the Survivor Advocate confirming availability on one of the suggested dates and a preference for an in person interview but not confirmation of participation.
	I replied, pencilling in that date and noting the deadline for evidence of 31 October 2023.
16 October 2023	I emailed, asking if they had made a decision about attending the interview pencilled in for 20 October 2023.
	Letter to me from both, querying further aspects of the Terms of Reference and requesting legal advice should be provided to them.
17 October 2023	<p>I emailed, providing further clarification of the Terms of Reference as set out below and stating that instructions on legal advice would be sought:</p> <p><i>“My interpretation of my Terms of Reference is that the impact of the termination of the ISB on survivors is relevant and included, as I set out. That means the immediate impact of the decision and the</i></p>

DATE	COMMUNICATION
	<p><i>way it was communicated. My Terms of Reference also ask me to determine the reasons for the termination. In my view, that task requires consideration of the reasons given for the termination at the General Synod in July 2023 by members of the Archbishops' Council. That does take me chronologically past 21 June 2023, as you state. I have made my interpretation of those two aspects of the Terms of Reference clear to all those who have contacted me to give evidence and to those who instructed me to carry out the review. I do not consider that any amendment to the Terms of Reference is required nor would it assist the progress of the review which is already considerably advanced and has only 6 weeks left to run. Entering into a process of consultation about those Terms of Reference at this stage of the review with just one stakeholder would not be fair.</i></p> <p><i>As to the exclusion of the data breach dated 27 July 2022, the Terms of Reference state that I will not re-investigate that breach. It does not exclude consideration of the outcome of findings about that breach. Clearly the circumstances in which [the Chair] was asked to step back and then resigned are highly relevant to the chronology of events that I have been asked to write."</i></p>
	Reply to me, pointing out that they had not been consulted on my Terms of Reference.
	I replied, offering to take note of the lack of consultation in the report via a statement from them or via that email.
18 October 2023	I emailed, stating that my instructions were that legal advice would not be paid for by the Archbishops' Council on the basis that this had not been offered to any other participant.
20 October 2023	Email to me and others pointing out that the Survivor Advocate had made a successful complaint against a member of Blackstone Chambers and that they should not be expected to attend an interview there; and a complaint about the basis on which the Archbishops' Council had supplied ISB documents containing the Survivor Advocate's personal data to me.
	I replied, stating that I had not known about the successful complaint against a member of Blackstone Chambers and offering to meet anywhere of their choice and to work to resolve any disputes as quickly as possible to enable their participation in the review. I confirmed that I had not been sent their contact details and set out the personal data that was contained in the documents that I had been sent, the basis on which I was using it, how I would process it and the confidential basis on which I would keep it.
24 October 2023	I emailed, asking them to confirm whether they were going to participate or not and noting the deadline for evidence meant that we needed to arrange an interview as soon as possible if they did want to participate.
25 October 2023	Letter to me from the Survivor Advocate and Independent Member which made, in summary, the following points:

DATE	COMMUNICATION
	<ul style="list-style-type: none"> • that I had emphasised that their evidence was vital to an effective and independent report and that I would do whatever I could to facilitate their involvement given they were in a significantly different position to other parties; • that they had evidence that made clear the approach and attitude of Archbishops' Council trustees, staff and senior clergy; • that they had evidence of trustees of the Archbishops' Council making inflammatory and derogatory statements about them; • that they had evidence of meetings, discussions and communications which were highly relevant, including much that disproved statements made to the public, General Synod and survivors of Church abuse; • that the denial of independent legal advice by the Archbishops' Council appeared to be a deliberate step in frustrating their safe engagement with any inquiry; • that they had concerns that I had been unlawfully passed data, which was the subject of an ICO complaint; • SARs were under way; • that I had revised the deadline for participation; • that the Terms of Reference had not been discussed with them and seemed to conveniently exclude consideration of significant potential areas of failure on the part of the Archbishops' Council, its trustees, staff and senior clergy and that my interpretation of the Terms of Reference appeared inconsistent with the actual text; • that my unwillingness to make it absolutely clear by amending those Terms was unacceptable. • that the Archbishops' Council's choice of Blackstone Chambers was deeply offensive because it had housed someone known to have sexually harassed the Survivor Advocate; • it was extraordinary that I had not contacted the ISB's lawyer who would be able to provide key evidence and context; • it was a source of deep regret that they concluded that I was not conducting the thorough and independent inquiry that survivors, Church goers and the public had a right to expect; that it was not too late and that the Church could choose to stop prioritising expediency over a fair and transparent process; • that they would carefully review any report, published or otherwise and retained the right to provide to the public relevant evidence which ensured that the true position was

DATE	COMMUNICATION
	clear and that they would continue to liaise with the relevant regulators.
26 October 2023	<p>I responded the following day, making the following points:</p> <ul style="list-style-type: none"> the principal point remained that I wanted them to contribute to the review in order to have the opportunity to tell their side of the story; that I had responded promptly to their concerns about participating as they had arisen with as much reassurance as I could give about how I would conduct the review and noting the fear they must feel about participating but noting that I had to balance that against what I considered to be fair for all parties involved in the review; I agreed that they were in a unique position to be able to offer evidence which I regarded as critical to providing as complete a picture of what happened as possible; that I had not said that their evidence was vital to an independent report and that my independence as a reviewer was determined by the way in which I weighed the evidence and reached conclusions, not by their participation; I accepted that my factual findings and conclusions would lack the benefit of their evidence and perspective but that that was not the same as a lack of independence on my part; that I accepted that the absence of their evidence would mean that my review was less effective as a source for the Jay Review; I reiterated my view that amending the Terms of Reference at this point on the basis of their representations alone would be unfair and that many people from inside and outside the Church of England had already contributed evidence on the basis of those Terms of Reference; I reiterated that I was unwilling to recommend to the Archbishops' Council that they amend the Terms of Reference for those reasons and because I considered that they were clear and did not expressly or impliedly exclude any matters related to the ISB, save for paragraph 2 which prevented reinvestigation of the data breach notified to the ICO on 27 July 2022, and that I had provided clarifications to them and to others seeking to reassure them that the matters that they wished to be addressed were within their scope; that so far as I was aware, they had not been denied independent legal advice, as they suggested, but that the Archbishops' Council had simply declined to pay for any legal representation they wished to engage because it had not offered financial support to any other participant for

DATE	COMMUNICATION
	<p>legal fees, but that if they wished to be accompanied by a lawyer while being interviewed by me, that was fine;</p> <ul style="list-style-type: none"> • that I had not contacted the ISB's lawyer because their communications with the ISB would be confidential and subject to legal professional privilege which could only be waived by the three ISB members who sought that advice and that there was no point beginning that negotiation for a waiver unless and until they indicated that they were willing to participate in the review but that if they wanted me to contact them and were prepared to waive legal professional privilege for the purposes of the review, to let me know and I would take that forward; • I encouraged them to send me the highly relevant evidence disproving public statements that they said they had and that I would consider such evidence even if they did not wish to be interviewed; • that I had already indicated my regret that I was unaware of the situation with a former member of Blackstone Chambers and had offered what mitigation I could by way of interview arrangements at a location of the Survivor Advocate's choice; • I stressed that members of Blackstone Chambers were self-employed barristers acting as sole traders and were regulated as individuals and that if they objected to me personally being appointed, they should raise that with the Archbishops' Council although I considered that the time to have done that was at the very beginning of the process; • that I had not revised the deadline for participation and that I had set a deadline for the submission of evidence of 31 October 2023 via a press release on 5 October 2023 and indicated that to them in an email on 11 October 2023 which was the first day that they had contacted me; • that I had not contacted them previously because I had not been given their contact details by the Archbishops' Council although I had sent communications to the Council to send on to them to invite them to participate in the review and that I had reiterated the deadline to them in an email dated 16 October 2023; • that I would respond to any communications from regulators as required and that they were, of course, at liberty to comment publicly on the published report; • that I would assume for the time being on the basis of their letter dated 25 October 2023 that they had decided not to participate in the review but to let me know if that was wrong or the position changed; • I acknowledged that this must be difficult for them and extended my sympathy to them for that, as I had done to

DATE	COMMUNICATION
	<p>all those who had engaged with me in these difficult circumstances;</p> <ul style="list-style-type: none"> I acknowledged that this process was not easy for anyone and extended again the invitation to contribute to allow me to consider their evidence and their perspective.

48. I heard nothing more from either the Survivor Advocate or the Independent Member after their letter dated 25 October 2023. I have not been contacted directly by email by the Independent Member at any point but only by the Survivor Advocate on behalf of them both. As at 29 November 2023, I have not been contacted by any regulator in respect of this Review nor am I aware of any complaint to the ICO about the Review having been made.
49. As set out in the correspondence above, I offered to contact Plexus Law, solicitors to the ISB, to discuss obtaining documents relating to the ISB's work if the Survivor Advocate and Independent Member were prepared to discuss the necessary waivers of legal professional privilege. I did not receive a response to that invitation.

Confidentiality

50. All participants, whether by email or in interview, were offered the choice between giving attributed, confidential or anonymised information, or a mixture. I checked the status of documents and emails containing information that I was sent if it was not clear how they should be treated in terms of confidentiality.
51. Everyone named in the Report whose identity was not already public in this context has given their consent to be named in it.
52. Where a participant supplied me with an email chain and indicated that it was confidential but another participant indicated to me that their own email within the chain was not confidential and could be quoted from, I adhered to the request of the author of each individual email. That has meant that I am able to quote and refer to some emails in an email chain but not to all emails in the chain.
53. Where I had no other source for a fact but a document that a participant had indicated was confidential, I requested specific permission to use the contents of that document because it was my only source. That permission was given.
54. My instructing solicitor gave me a list of key people for interview who had consented to me being given their email addresses. I contacted an initial group of eleven who I considered to be most central to the events and invited them to interview.
55. As I began to conduct interviews and my appreciation of events developed, I issued a further set of invitations to interview and this process continued until I issued the final invitation to interview on 27 October 2023.
56. Some individuals contacted me directly at the ISBInvestigation email address to request an interview. If I considered that the information that they had given me by email was relevant to the review, I invited them for interview. That occurred in six cases. In two cases, I considered that the information offered was not sufficiently relevant to justify an interview but I accepted written evidence from those individuals via email.

57. I conducted 34 interviews between 20 September and 31 October 2023. Nine were conducted in person and the remainder via Teams. Each interview was transcribed verbatim by a company called Ubiquis. Their staff confidentiality agreement was sent to each interviewee. The transcripts produced were very accurate but occasionally words spoken during the interview had been inaudible and so there was a brief gap in the transcript. I did not consider that these brief gaps affected the sense of what was said. The transcripts were not provided to the Archbishops' Council, in accordance with my Terms of Reference.
58. Interviewees were told to indicate during the interview if they wished a particular statement to be kept confidential. This was then marked by the transcriber in square brackets and was marked in the transcripts so I knew which sections could not be referred to in the Report. I found that this system was effective.
59. I interviewed:
 - 59.1. seven people identifying as complainants, victims or survivors, including two IICSA Core Participants;
 - 59.2. ten employees of the NCIs;
 - 59.3. both Archbishops;
 - 59.4. eight other members of the Archbishops' Council, selected for their centrality to the events in question, including both representatives of the Archbishops' Council who sit on the NSSG;
 - 59.5. both Lead Bishops for Safeguarding who were in post between September 2020 and June 2023: the Bishop of Rochester (formerly the Bishop of Huddersfield) and the Bishop of Stepney;
 - 59.6. both current deputy Lead Bishops for Safeguarding: the Bishop of Bristol and the Bishop of Birkenhead.
 - 59.7. one member of the General Synod, who was also a member of the Archbishops' Council's Audit Committee;
 - 59.8. the former Chair of the ISB;
 - 59.9. the former acting Chair of the ISB.

Written evidence

60. In addition to the written submissions sent by interviewees, I received written submissions from:
 - 60.1. the Bishop of Chester;
 - 60.2. Martin Sewell, a member of General Synod, supported by a number of other members of General Synod;
 - 60.3. Dr. Trevor Watts;
 - 60.4. the Diocese of Oxford;

- 60.5. David Lamming, a former member of General Synod;
- 60.6. Anon 1, a complainant;
- 60.7. Graham Jones, a complainant;
- 60.8. Adrian James, a complainant;
- 60.9. Anon 4, a survivor and IICSA Core Participant;
- 60.10. Christopher Jack Cooper, who had applied to the ISB for a case review;
- 60.11. Anon 6;
- 60.12. Complainant XX, who was the subject of an ISB case review at the date of termination of the ISB contracts.

Documentary evidence

- 61. I was initially provided by my instructing solicitor with an outline chronology of events and a bundle of supporting documents created by the Secretary General's office. A week later, I received an updated chronology with a further bundle of supporting documents from the Secretary General's office.
- 62. I queried the classes of documents that had been searched to produce these bundles and the criteria that had been used to determine what was relevant. I was satisfied that those creating the bundles for the Secretary General understood what I considered to be relevant. This was demonstrated to me when the Secretary General's office, unprompted, sent me further documents that they had discovered later in the process which they considered to be relevant which they had not found in their first two searches.
- 63. Whenever I identified the existence of a document that I had not been provided with by any of the NCIs, it was provided to me immediately on request by my instructing solicitor.
- 64. When I requested it, I was provided with legal advice provided by the NCIs' legal team relating to the initial drafting of the ISB members' contracts on the basis of a limited waiver of legal professional privilege.
- 65. I asked for and received complete sets of the Archbishops' Council minutes, the NSSG minutes and the NSP minutes for the period September 2020 to September 2023. I was given permission to quote from the Archbishops' Council and NSSG minutes. I also received House of Bishops' papers where relevant.
- 66. Interviewees also provided me with documents, particularly emails, to substantiate points that they had made in interview. Both Archbishops provided me with large numbers of documents, some redacted and some on a confidential basis.
- 67. I was told that the documents created by the ISB members that they had stored in their 'Box' files on the NCIs IT system consisted of their working papers, agendas and minutes for meetings. My view was that those documents were "*Archbishops' Council Property*" as defined in the ISB members' contracts, except where they contained personal data for which the ISB members were data controllers; see APPENDIX 4: ISB TERMS OF REFERENCE, MARCH 2022 below. The ISB Business Manager, with the benefit of legal advice, helpfully sifted those documents to remove any containing such

personal data or documents likely to contain legal advice privilege belonging to the ISB members. I was supplied with the rest of the documents. Subject to this sift, I have therefore seen all the ISB meeting agendas, minutes, work planners and trackers and some draft material for their reports. I have also seen some administration documents but none containing the ISB members' personal data, such as invoices, except as set out in paragraph 69 below.

68. I was not provided with access to the ISB members' email files. I did receive emails that had been sent by the ISB members to other people but none containing the personal data of any of the ISB case review participants. If I was in doubt as to whether an email did contain confidential personal data, I queried that with the sender and did not open anything I was unsure of.
69. I was sent the ISB members' contracts which contained their addresses. I informed the Survivor Advocate and Independent Member of this in an email dated 20 October 2023 and indicated that I would keep them confidential. They have not asked me in response to treat that data in any particular way, or to delete it. I also received a small number of emails from interviewees sent from the Survivor Advocate's non-ISB email address which related to ISB matters. I have not cited those emails in the Report. This was also the address via which the Survivor Advocate gave me permission to contact them; see paragraph 47 above.
70. Inevitably, because this was not a legal disclosure exercise and there could not be a system for ensuring that all participants contributed all relevant evidence subject to the civil legal test for disclosure, I cannot be sure that I have seen every relevant document. I am satisfied, however, that the documentary record that I assembled from all of these sources was a proper and sufficient record from which to write the chronological account and from which to draw conclusions; see also paragraph 73 below. I have identified gaps in the evidence where I have been able to identify them.

Social media

71. I heard evidence from several participants about the original ISB members' use of social media and, in particular, the use of social media by the Survivor Advocate in 2023. It was beyond the resources of this Review to conduct a comprehensive investigation into the posts made by everyone involved with or affected by the ISB that would have allowed me to draw fair conclusions about the appropriateness of those posts. In carrying out scoping research and reaching that conclusion, however, I formed the following, general, views about social media use relating to the ISB:
 - 71.1. there is an extremely active community of correspondents on X (formerly Twitter) from all sections of the Church community which discusses safeguarding in the Church of England;
 - 71.2. this community is both a source of strength for some and a source of controversy for others;
 - 71.3. when individuals with official roles in safeguarding post online in a personal capacity as well as in their official capacity, it can be difficult to determine the professional boundaries of their role;
 - 71.4. the language and tone used by some contributors to these debates is not always respectful and courteous but sometimes angry and intimidating.

72. I make a general recommendation about the nature of communications in the safeguarding sphere in Lessons Learnt 6; see paragraph 693 below.

Assessment of evidence

73. This Review has not had the benefit of interview or documentary evidence from the Survivor Advocate and the Independent Member. That is a matter for considerable regret but I consider that I have still been able to reconstruct a sufficient account of the ISB's history from which to identify reasons for the terminations and from which to draw Lessons Learnt, particularly because almost all participants responded in the fact check and Maxwellisation process; see paragraph 78 below. As the Survivor Advocate and Independent Member declined to participate, they were not sent any sections of the draft Report to review. It is very likely that the account of the ISB's history would have been more detailed and nuanced if I had had the benefit of their evidence. However, my assessment of the evidence has taken into account potential gaps in the account and identified those wherever possible.
74. It will be apparent that I have, on some occasions, preferred the Survivor Advocate and Independent Member's contemporaneous or published interpretation of events and, on others, rejected it. I have adopted the same approach to assessing each event:
- 74.1. I considered interview evidence recorded in transcripts, written evidence via emails that I was sent, documentary evidence supplied to me by participants and official records such as the General Synod Reports of Proceedings;
 - 74.2. I tested what I was told in interview with contemporary documentary evidence, particularly email evidence, and many interviewees provided me with documents after their interviews to substantiate their oral evidence;
 - 74.3. I had no reason to doubt the credibility of any interviewee as everyone gave their evidence in a straightforward and honest way and indicated where memory failed them on a particular fact;
 - 74.4. where a participant has published an after the event account, I have tested that wherever possible against contemporaneous sources; see paragraph 461 below.
75. The sequence of events is largely uncontested, although the significance, manner and reception of what was said at meetings is sometimes in dispute. As a result, I only make an express finding about what happened where there is such a dispute or where I have found a fact based on inference from circumstantial evidence, using the phrase, "*I find [...]*".
76. It should be assumed that I am satisfied that every fact stated in the chronological account has been established on the balance of probabilities on the basis of the evidence I have received.
77. Where my account is based on specific documentary or interview transcript evidence that is not subject to a confidentiality request from its author, references to those documents are given in the footnotes, for example;

"This was also discussed at an NSSG meeting on 8 September 2020."¹⁶

¹⁶ NSSG(20)M4/4.1. See paragraph 87 below.

78. If evidence is subject to a confidentiality request from its authors, I state the facts that I have established, setting out the type of sources on which that account is based but not giving detailed references to those documents, for example:¹⁷

“Based on email evidence, in the first fortnight of September 2020 preliminary suggestions about the shape of independent oversight for the NST were made to the Archbishop of Canterbury by the Lead Bishop for Safeguarding, [the Secretary General] and the Bishop at Lambeth.”¹⁸

Fact check and Maxwellisation

79. In the week commencing 13 November 2023, participants were sent pdf documents containing excerpts from the draft report which relied on their evidence or referred to them personally. At this stage, individuals who were not already publicly identifiable were anonymised, even if they had not requested anonymity. These individuals were then asked to confirm whether they would like to remain anonymous or to be named or a pseudonym used in the published Report.
80. The complete chronological account was sent to the Secretary General’s office for fact-checking because, as the holders of the official classes of minutes and the ISB’s papers that were “*Archbishops’ Council’s Property*” (see paragraph 67 above) they had provided the largest number of documents to the review. It was also practically impossible to separate out sections reliant on their evidence as almost all sections involved consideration of documents that they had provided.
81. Simultaneously, the Reasons and Lessons Learnt sections were sent to the Secretary General’s office, to the Archbishops and to members of the Archbishops’ Council that had participated in the Review. Parts of the Reasons and Lessons Learnt sections were sent to individual participants referred to in them for comment.
82. I did not accept fresh evidence as part of the fact check save where I considered that it clarified existing evidence that I had relied on. I received fact check and/or Maxwellisation responses from 33 participants. I informed all participants who returned a fact check response of the amendments I proposed to make as a result of their response. I am grateful to all those who saved me from making unintentional errors during this process but responsibility for the accuracy of the Report remains, of course, my own.

Redaction

83. I did not receive any requests for redactions to the Report from my instructing solicitors.

¹⁷ See paragraph 94 below

¹⁸ See paragraph 88 below

CHRONOLOGICAL ACCOUNT

Part 1 Creation: July 2020 to February 2021

September 2020

84. On 7 September 2020, IICSA issued a press release that it would publish its report into the Anglican Church on 6 October 2020.¹⁹
85. Based on documentary and interview evidence, the Archbishop of Canterbury raised two issues with the staff of the Archbishops' Council in September 2020:
 - 85.1. whether there should be a body to whom people with concerns about how safeguarding administration or processes were operating could complain.
 - 85.2. whether the National Director for Safeguarding should report to someone independent of the Church.
86. Multiple witnesses gave evidence in interview that the Archbishop of Canterbury felt that these issues should be addressed very urgently.²⁰ The Archbishop of Canterbury confirmed to me in interview that this was correct and that this sense of urgency came from the experience of giving evidence to IICSA, from speaking to Core Participants to IICSA during the hearings and from experiences of dealing with safeguarding since taking office in 2013.²¹ The Archbishop described this sense of urgency to me as wishing to anticipate the findings of the IICSA report which the Archbishop was sure would make recommendations in a similar direction.²²
87. One of the Core Participants from IICSA, who is a survivor of church abuse and who I call Anon 4, told me in interview that they had spoken to the Archbishop of Canterbury during the IICSA hearings.²³
88. Based on email evidence and NSSG minutes, at the same period in September, the Lead Bishop for Safeguarding wished to clarify the terms of reference, governance and structures of the NSSG. This was discussed at an NSSG meeting on 8 September 2020.²⁴
89. Based on email evidence, in the first fortnight of September 2020 preliminary suggestions about the shape of independent oversight for the NST were made to the Archbishop of Canterbury by the Lead Bishop for Safeguarding, the Secretary General and the Bishop at Lambeth. The Archbishop of York supported this direction of travel. The Chair of the Archbishops' Council Audit Committee also contributed to this discussion, asking how any new body would be audited, risk monitored and managed.
90. Initial views as to the type of oversight that could be created varied during these discussions:

¹⁹ <https://www.iicsa.org.uk/news/inquiry-announces-publication-date-anglican-church-report.html>

²⁰ T/4/9; T/11/5; T/28/4; T/29/4; T/30/3

²¹ T/17/5

²² T/17/7

²³ T/Anon4/4

²⁴ NSSG(20)M4/4.1

- 90.1. some felt that the Archbishops' Council should not be involved in oversight of the NST at all;
 - 90.2. some felt that the Lead Bishop for Safeguarding could sit on a Board chaired by an independent person which then oversaw the NST;
 - 90.3. some felt that funding for any oversight body should come direct from the Church Commissioners and not from any Archbishops' Council budget.
91. At a meeting of the Archbishops' Council via Zoom on 23 September 2020, the Archbishops' Council supported the principle of independence and a move to more independent safeguarding.²⁵

Governance Review Group and National Church Governance Project Board

- 92. One month earlier, in August 2020, the Governance Review Group was formed under the Emerging Church initiative as part of the review of national governance structures commissioned by the House of Bishops in December 2019.²⁶
- 93. In February 2022, the National Church Governance Project Board was established to continue the work of the Governance Review Group.²⁷ That group presented its final report in July 2023; see paragraphs 623, 633 and 677 below.
- 94. The view was expressed to me that waiting until the Governance Review was complete would have caused unacceptable delays to the setting up of an independent body.²⁸

October 2020

- 95. Based on email and other documentary evidence, on 1 October 2020, the Secretary General, the National Director for Safeguarding and the Bishop at Lambeth and other senior staff met to discuss how to give effect to the Archbishops' Council's support for independence.
- 96. Five options were discussed ranging from an independent Ombudsman to the creation of an independent charitable body which would carry out all NST functions and could even oversee and manage diocesan functions.
- 97. It was noted that these models could be implemented by either:
 - 97.1. the creation of a new charity;
 - 97.2. the creation of a new body via primary church legislation and an amendment to the canons which would take at least a year;
 - 97.3. the creation of an interim body with "*moral force*" while other options were explored.
- 98. It was noted that funding for a new body could be arranged either:

²⁵ AC(19)M3/7.2.14

²⁶ <https://www.churchofengland.org/sites/default/files/2021-10/gs-2239-governance-review-group.pdf> GS 2239/paragraph 1

²⁷ https://www.churchofengland.org/sites/default/files/2023-06/gs-2307-national-governance-review-synod-july-2023-final_0.pdf GS 2307/paragraph 1

²⁸ T/17 Fact Check Response 17.11.23; T/21 Fact Check Response 17.11.23

- 98.1. by a direct line of funding from the Church Commissioners established by primary legislation;
- 98.2. by Church Commissioner funds given to the Archbishops' Council and transferred to the new body, which would not require primary legislation.
- 99. It was noted that the first funding route would give greater independence to the new body.
- 100. It was noted that there would need to be a consultation process with survivors as ideas were developed.
- 101. It was noted that the advice and comment of the Governance Review Group should be sought as it would be odd to propose, for example, setting up a new body within the NCIs while at the same time separately reviewing what the structure of the NCIs should be.

Publication of the IICSA Report, 6 October 2020

- 102. The IICSA Report into the Anglican Church was published on 6 October 2020.
- 103. IICSA did not recommend the creation of an independent safeguarding body for the Church of England. Senior staff and clergy that I interviewed acknowledged this.²⁹
- 104. IICSA Recommendation 1 addressed the structure of safeguarding in the Church of England. It recommended³⁰:
 - 104.1. that the Church of England should create the role of a diocesan safeguarding officer to replace the diocesan safeguarding adviser;
 - 104.2. that Diocesan Safeguarding Officers (DSOs) should have the authority to make decisions independently of the diocesan bishop in respect of key safeguarding tasks, including:
 - 104.2.1. Escalating incidents to the NST, statutory authorities and the Charity Commission;
 - 104.2.2. advising on the suspension of clergy in safeguarding matters;
 - 104.2.3. investigating and/or commissioning investigations into safeguarding incidents;
 - 104.2.4. risk assessments and associated plans for church officers and members of the congregation; and
 - 104.2.5. supporting complainants in safeguarding-related issues.
- 105. IICSA's recommendations and the Church of England's public response to them were discussed by the NSSG on 12 October 2020³¹ and by the House of Bishops on 19

²⁹ T/2/5; T/10/6; T/4/6

³⁰ IICSA D.4 <https://www.iicsa.org.uk/reports-recommendations/publications/investigation/anglican-church/part-d-conclusions-and-recommendations/d4-recommendations.html>

³¹ NSSG(20)M5; NSSG(20)28, NSSG(20)31

October 2020.³² The NSSG recommended going beyond the Recommendations to establish an independent structure of oversight for the NST. While proposals for such a structure were drawn up, the NSSG recommended an interim arrangement whereby a small number of independent professionals were recruited which could in the short term provide additional independent oversight of safeguarding and once the necessary legislation was passed, it was suggested that this group might form the basis of a new independent trustee body.³³

106. At its meeting on 19 October, the House of Bishops also agreed with the proposal that an interim arrangement should be put in place for additional independent oversight of safeguarding.³⁴
107. The Lead Bishop for Safeguarding issued a press release on 20 October 2020 responding to the Report.³⁵ It said that the Church's main focus in response must first and foremost be recognising the distress caused to victims and survivors and that it was truly sorry for the hurt caused by the Church and by its failures in safeguarding and thanked them for courageously coming forward to the Inquiry and sharing their experience.

November 2020

108. The IICSA recommendations were considered by the Archbishops' Council at an additional meeting on 3 November 2020 via Zoom.³⁶ At that meeting, the Archbishops' Council:
 - 108.1. fully accepted the IICSA Report;
 - 108.2. sincerely apologised to victims and survivors for the harm done by the Church;
 - 108.3. committed itself urgently to implementing the Recommendations;
 - 108.4. agreed to create a 'Task and Finish' group to progress work on the Recommendations set out by the NSSG, including the development of an interim pilot support scheme and a national redress scheme;³⁷
 - 108.5. agreed to the creation of a Project Lead, who should not be the National Director of Safeguarding because of the conflict of interest, for the proposed interim arrangement for independent oversight. It was agreed that a plan for this should be presented to the next Archbishops' Council meeting in December.³⁸
109. The NSSG took forward the work of implementing the Recommendations at its meeting on 11 November 2020 and considered how any new body would fit with the existing

³² NSSG(20)31; HB(20)82/p.2 reported in AC(20)72b; NSSG (20)30

³³ NSSG(20)31 Annex B

³⁴ HB(20)82/p.8 reported in AC(20)72b

³⁵ <https://www.churchofengland.org/media-and-news/press-releases/response-publication-final-report-independent-inquiry-child-sexual>

³⁶ Minutes labelled as AC(19)M3 due to clerical error in numbering. These minutes should have been labelled AC(20)M5 for the meeting on 3 November 2020

³⁷ AC(20)72, AC(20)72b

³⁸ AC(20)72b; AC(20)M3/2.24

NSSG and NSP.³⁹ The National Director of Safeguarding was to leave their role in January 2021.⁴⁰

110. Based on email evidence and interview evidence, in November 2020, senior staff obtained a preliminary project design from a former senior civil servant but this work was discontinued.⁴¹ The work done was considered by the National Director of Safeguarding and it informed their proposals to the Archbishops' Council at its meeting on 8 and 9 December 2020, held via Zoom.⁴² Those proposals contained three options:⁴³

Option 1

- 110.1. the NST and oversight of casework at diocesan level would move to a new body legally distinct from the Archbishops' Council;
- 110.2. other functions of the NST would continue to support the Archbishops' Council and wider Church in raising standards and driving cultural change;
- 110.3. this option might be analogous to Ofcom;

Option 1b

- 110.4. the NST would move to a new body legally distinct from the Archbishops' Council but this would not include wider safeguarding and the diocesan casework;

Option 2

- 110.5. most of the functions of the NST would transfer to a new body which would be responsible for setting standards in safeguarding across the Church. The Church would be responsible for complying with those standards, which would include displaying the right leadership and driving cultural change;
- 110.6. this option might be analogous to inspectorates such as the Care Quality Commission, Ofsted or HMIC;

Option 3

- 110.7. a new safeguarding board is established without setting up a new body, which means it would effectively be a sub-committee of the existing Archbishops' Council;
- 110.8. this body could operate with a majority of entirely independent members including a Chair and could be delegated responsibility for the operational oversight of safeguarding in the NST and, over time, safeguarding in the wider Church;

³⁹ NSSG(20)32

⁴⁰ T/2/6

⁴¹ T/10/8

⁴² AC(20)78; AC(20)M5

⁴³ HB(21)05

- 110.9. this would have the advantage of quicker set up and would not take ultimate safeguarding responsibility away from the Archbishops' Council but would ensure independence of scrutiny and feedback;
- 110.10. this board could then determine the pace of change and approach to implementing IICSA Recommendation 1 with the dioceses;
- 110.11. this option was recommended on an interim basis.

December 2020

- 111. At its meeting on 8 and 9 December, the Archbishops' Council decided:⁴⁴
 - 111.1. to implement Option 3 as an interim measure by the February 2021 General Synod, i.e. the establishment of a new safeguarding body with a majority of entirely independent members including a Chair, to which responsibility for operational oversight of safeguarding in the NST would be delegated and, over time, safeguarding in the wider church;
 - 111.2. to implement Option 1: the creation of a new body by legislation which the NST and the oversight of casework at diocesan level by February 2022.
- 112. I stress that these decisions are not those that created the ISB and are overtaken by subsequent decisions of the Archbishops' Council and House of Bishops in late February 2021; see paragraph 153 below.
- 113. On 15 December 2020, the Archbishops' Council published a press release recording their decision that a proposal on interim independent oversight of the NST was to be put in place before General Synod in February 2021 to pave the way for full independent oversight in February 2022. The press release stated that there would be full consultation with survivor groups and dioceses as detailed proposals were drawn up.⁴⁵
- 114. Based on email evidence, other documentary evidence and interview evidence, in mid-December 2020 the Director of Mission and Public Affairs, part of a team accountable to the Archbishops' Council, was asked by the Secretary General if that team could design Option 3.⁴⁶ The Director of Mission and Public Affairs decided to take the work on personally as no other member of their team had any experience of safeguarding. The Director of Mission and Public Affairs did not have any significant background in safeguarding save for hearing regular reports from the National Director for Safeguarding as a member of senior management.⁴⁷ I have seen email evidence that senior clergy and staff were invited to submit material to him to inform this work. The work of the NSSG and NSP only came to the Director's attention quite late in the process because none of those consulted by the Director had suggested that those bodies had important perspectives to offer and this only became clear to the Director as the process unfolded.⁴⁸

⁴⁴ AC(20)M5/5.1.8-9. There is a typographical error in one paragraph of these minutes which states that Option 3 should be implemented by February 2022 but that is at odds with an earlier paragraph. I find that the overall sense of the minutes is that Option 3 should be implemented by February 2021 and Option 1 by February 2022.

⁴⁵ [Update on NST independent oversight | The Church of England](#)

⁴⁶ T/10/8

⁴⁷ T/4/2-5

⁴⁸ T/4/25

115. This policy development work lasted from late December 2020 through to February 2021.⁴⁹
116. Based on interview evidence together with the documents referenced in my account of January to February 2020 below, I find that there was extreme time pressure on the Director of Mission and Public Affairs to submit a proposal paper for the next session of General Synod by mid-February 2021.

January to February 2021

117. At a House of Bishops meeting on 19 January 2021, the Director of Mission and Public Affairs presented a paper which set out very preliminary views on how to implement Option 3.⁵⁰ I heard interview evidence corroborating the statements in that paper that the Director of Mission and Public Affairs had consulted about how to implement Option 3 (the interim option) with (at least) the following from within the existing church structures:⁵¹
- 117.1. the interim Director of the National Safeguarding Team;
 - 117.2. the Lead Bishop for Safeguarding;
 - 117.3. the NST deputy Director for Partnerships to discuss how to organise survivor consultation;
 - 117.4. the NST Communications lead;
 - 117.5. other NST staff;
 - 117.6. one of the Archbishops' Council representatives on the NSSG;
 - 117.7. an Archbishop's appointee on the Archbishops' Council;
 - 117.8. the Archbishop of Canterbury's Chief of Staff;
 - 117.9. the Provincial Secretary and Chief Legal Officer of the Church in Wales;
 - 117.10. representatives of the Diocesan Secretaries;
 - 117.11. a preliminary meeting with survivors' groups with further consultation planned.
118. The NCIs Chief Legal Adviser, the Chief Operating Officer, the Head of People and the Archbishops' Council's Secretary General were also consulted once the Archbishops' Council had endorsed a model which did not initially require the establishment of a separate body.⁵² Legal advice centred on the contractual arrangements for board members, although questions were raised about the sort of model intended by the Archbishops' Council.⁵³ The Information Governance Officer contacted the Director of

⁴⁹ T/4/7-9

⁵⁰ HB(21)M1/13/1; HB(21)05

⁵¹ T/4/7-8

⁵² AC(21)14/HB(21)21

⁵³ T/33/3

Mission and Public Affairs about the potential GDPR and data protection issues involved.⁵⁴

119. A similar update was given to the Archbishops' Council for its meeting on 22 January 2021⁵⁵ and to the NSSG at its meeting on 26 January 2021.⁵⁶
120. The Director of Mission and Public Affairs also consulted with the independent Chair of the NSP, but late in the process of developing the proposals.⁵⁷ The Chair of the NSP had raised the issue of how the Option 3 body would fit with the work of the NSSG and NSP.

Survivor consultation

121. The NST deputy Director for Partnerships approached a group called Minister & Clergy Sexual Abuse Survivors (MACSAS) to ask initially if they would speak to the Director of Mission and Public Affairs about the proposals.⁵⁸ At the first meeting which took place on 21 January 2021, representatives of MACSAS were asked to comment on a draft proposal paper. They indicated to the Director of Mission and Public Affairs that they considered consultation about the proposals needed to be broader than just themselves. There are no minutes of these meetings but they are referred to in reports by the Director of Mission and Public Affairs to the Archbishops' Council.
122. MACSAS then facilitated consultation with a small group (c.9) drawn from the Survivors Reference Group, which had itself been established out of the work of the Social Care Institute for Excellence (SCIE),⁵⁹ and which agreed to comment on proposals within the available 2-3 week period. It was referred to by the Director of Mission and Public Affairs as the 'survivor's focus group'. It was planned that a number of proposals would be sent to them to discuss and offer feedback on 1 February 2021.⁶⁰
123. The Director of Mission and Public Affairs submitted a further paper to the House of Bishops dated 31 January 2021 which set out a continued timetable for consultation:⁶¹
 - 123.1. By 12 February 2021: survivor focus group agrees response to proposals;
 - 123.2. 1-12 February 2021: feedback from Church stakeholders received;
 - 123.3. 15-17 February 2021: proposals redrafted to reflect responses and new draft shared with survivor focus group;
 - 123.4. 18-26 February 2021: window for House of Bishops and Archbishops' Council to sign off the proposal;
 - 123.5. 27 February 2021: informal meeting of General Synod.

⁵⁴ T/34/3

⁵⁵ AC(21)08; AC(21)M1. This meeting was also held via video conferencing.

⁵⁶ NSSG(21)M1; NSSG

⁵⁷ T/4/10; T/11/3

⁵⁸ T/6/7-11.

⁵⁹ SCIE had previously been involved with carrying out independent audits of the safeguarding practices of dioceses, cathedrals and palaces. The Survivors Reference Group comprised in total about a dozen victims and survivors together with two members of MACSAS and a member of SCIE.

⁶⁰ AC(21)M1/6.2.2

⁶¹ HB(21)17

124. The Director of Mission and Public Affairs acknowledged in this paper that if an agreed position on the proposals could not be reached with the survivor focus group in time for the February deadline, it was proposed that Synod should be informed that the process of consultation and negotiation was ongoing.
125. Based on documentary and interview evidence, members of the Survivors Reference Group commented on Word versions of the Director of Mission and Public Affairs' proposal paper. Their comments were regarded as constructive and helpful. Their principal concerns were recorded in the final proposal paper as being:
 - 125.1. there was a danger that the proposals would stall once Phase 1 had been implemented – was there really the will within the church to commit energy and resources to work with the Phase 1 body to implement key changes in Phase 2?
 - 125.2. were the roles of the Phase 1 body achievable in the time allotted?
 - 125.3. survivor representation and involvement should be improved further because the short time frame for this project prevented it from being an exercise in co-production rather than consultation on already-drafted proposals. The work streams of Phase 2 should be approached through a co-production methodology.

Consultation with the House of Bishops

126. The House of Bishops met on 9 February 2021 via Zoom and considered the Director of Mission and Public Affairs' update paper and the feedback of regional bishops and diocesan secretaries. The House of Bishops agreed that the Director of Mission and Public Affairs should circulate the final proposals to the House of Bishops and the Archbishops' Council, hold a special Zoom meeting for those wanting to discuss it and then submit it to the Archbishops' Council for remote sign-off without needing to hold a further meeting of the House of Bishops.⁶²
127. The two stage proposal for an interim body to be followed by a new independent arrangement for oversight of safeguarding was also set out in a paper circulated to Regional Bishops and Diocesan Secretaries for information dated 25 January 2021.⁶³ Feedback from Regional Bishops and Diocesan Secretaries was recorded in a paper to the House of Bishops dated February 2021.⁶⁴

Decisions of the House of Bishops and Archbishops' Council to create the ISB

128. A joint, informal meeting of the House of Bishops and the Archbishops' Council was held on 23 February 2021 at which a paper setting out the Director of Mission and Public Affairs' final proposals was discussed.⁶⁵
129. The paper commented that there were good reasons why the timeframe for these proposals had been severely curtailed but that it had meant that the full implications of some of the proposals could not be explored as fully as might be desired and that the ISB would be recruited to roles that were not fully defined and where some relationships and powers remained to be worked out. It commented further that this called for the

⁶² HB(21)M2; HB(21)05, 17, 17A

⁶³ HB(21)17A

⁶⁴ HB(21)17A

⁶⁵ AC(21)14/HB(21)21

recruitment of people with the skills and experience to negotiate uncertainties and prioritise the areas of unfinished business that must be pursued urgently.

130. It also commented that consultation of the kind that had been possible with the Survivors Reference Group fell short of a model of co-production which would have placed survivors closer to the whole process. Others impacted by safeguarding cases also needed to be brought into the dialogue. In moving from Phase 1 to Phase 2 of the proposed body, there was the opportunity to consider a more thorough model of working together which could add to the richness of different voices which was one objective of introducing an independent element.
131. The Director of Mission and Public Affairs' paper recommended a Phase 1 and Phase 2.

Phase 1

132. Phase 1 required the appointment by early July 2021 of an Independent Safeguarding Board (ISB) with the purpose of professional supervision and quality assurance, consisting of:
 - 132.1. an independent Chair, remunerated for 3 days per week with a high level of experience in safeguarding or a closely relevant field;
 - 132.2. a Survivor Advocate, remunerated for c.2 days per week, leading liaison with survivors to ensure they were 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;
 - 132.3. a third independent board member, remunerated for c.2 days per week, with a key role in handling complaints and selected to complement the other members in terms of diversity, background and safeguarding specialism;
 - 132.4. up to full time administrative support, separate from the NST staff.
133. The remit of the Phase 1 ISB was as follows:
 - 133.1. to provide professional supervision to the National Director of Safeguarding who would be accountable to the ISB for matters of professional conduct for themselves and all NST staff;
 - 133.2. responsibility for ensuring best practice in handling case work and for managing cases that were escalated to the ISB from the NST;
 - 133.3. to receive complaints referring to the NST's handling of cases, investigate the complaint with support from the NCIs, 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);
 - 133.4. quality assurance of national safeguarding practice requirements issued by the House of Bishops under the Safeguarding and Clergy Discipline Measure 2016;

- 133.5. to ensure that victims and survivors, and all others who were affected by safeguarding cases, were heard and enabled to inform policy and practice;
 - 133.6. to make any recommendations the Chair deemed necessary to enable the Church of England to prevent safeguarding lapses and ensure that processes for responding to allegations and complaints were just to all involved, timely and in line with best practice;
 - 133.7. to advise on the continuing development of a core curriculum for training undertaken by dioceses;
 - 133.8. to advise on good practice models which would set the standard for the work of DSOs (with particular emphasis on enabling the conceptual shift from Advisor to Officer status), support DSOs in applying these principles in their local context and intervene on behalf of DSOs if dioceses did not enable DSOs to discharge their responsibility for directing safeguarding activities in the diocese;
 - 133.9. to 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;
 - 133.10. to hold the Church publicly to account for any failure to respond to the ISB's recommendation.
134. Budget. The budget for the ISB was to be agreed at a minimum level for an initial period of three years. The Archbishops' Council was to commit to a 5 year budget for the NST but with provision that the ISB could approach the Archbishops' Council for such additional resource as it deemed necessary for the NST [not the ISB] to fulfil its role.
135. Relationship with the NST. In Phase 1, the National Director of Safeguarding would be accountable to the Chair of the ISB for the activities of the NST and would attend ISB meetings at the invitation of the Chair but would continue to be line-managed by the Secretary General on matters which did not touch on professional safeguarding decisions. The ISB was to have the right to call for reports on all safeguarding work that came to the attention of the NST. On cases involving senior clergy or of particular complexity, the National Director of Safeguarding would pass full details to the Chair of the ISB as a matter of course. On other cases which the Chair regarded as particularly significant, the Chair could require the Director to share all relevant information. Other staff of the NST might "*relate*" to the ISB for particular purposes in any way which the Chair of the ISB and the National Director of Safeguarding considered appropriate.
136. Lead Bishop for Safeguarding. In Phase 1, they would work closely with the ISB, attending ISB meetings on invitation. They would have a particular responsibility to advise the ISB at the Chair's request, on questions about the structures and cultures of the Church of England. They would be responsible for ensuring that policies and decisions on safeguarding were disseminated to all bishops, and that bishops understood the extent and limits of their responsibility, and for supporting bishops. They would present and explain safeguarding policy questions to the General Synod and might share this responsibility with their Deputies.
137. The Archbishops of Canterbury and York. The Chair of the ISB would ensure that the two Archbishops received regular overviews of the ISB's activities and that any areas of concern were communicated directly to them, with a suggested quarterly meeting.

Where the Chair of the ISB had specific concerns about the Church's response to safeguarding issues, it would be the responsibility of the Archbishops to work with the Chair, the Lead Bishop, the National Director of Safeguarding and (where appropriate) the Secretary General to identify how the issues would be addressed.

138. The Archbishops' Council. Introduction of the ISB would mean that while the Archbishops' Council retained its trustee responsibilities for the church's national safeguarding arrangements, it would deliver its responsibilities under the oversight of the ISB. In order to deliver its legal responsibilities, the Archbishops' Council would delegate authority to the ISB for the oversight of safeguarding policy and professional supervision of its safeguarding staff. The Archbishops' Council would assist the ISB to work across all the structures of the Church of England, national and diocesan. In Phase 1, the Archbishops' Council would remain the employer of the NST but would hand responsibility for professional supervision and oversight to the ISB. The Archbishops' Council would receive reports from the ISB as a standing item on every agenda and would accede to any requests from the Chair for additional agenda time at Archbishops' Council meetings to raise matters the ISB might wish the Council to attend to in particular detail.
139. Dioceses. In order to give substance to the shift of emphasis recommended by IICSA, from advisers to officers, the ISB might from time to time issue practice guidance, propose best practice models and offer general guidance to DSOs. DSOs might seek specific guidance and support for their decisions from the ISB and appeal to the ISB should difficulties arise within the dioceses which compromised their effectiveness.
140. The ISB would 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 could 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.
141. The ISB, working with the NST, Lead Bishop for Safeguarding and others would consider whether a regional model was the right way forward for the whole Church of England and whether to pursue this model in Phase 2.
142. The ISB would have an advisory role, working with and through the NST and NSSG, to ensure that practices at diocesan level were robust and DSOs properly equipped for their training roles. The survivors' focus group had commented that much diocesan safeguarding training was both expensive and ineffective as it mainly trained clergy in processes and not in the causes and nature of abuse and the ISB should advise on the aims and objectives of training as well as on its content.
143. NSSG and NSP. In Phase 1, existing bodies such as the NSSG and NSP would continue to exist. As a result of the imperative to introduce the first elements of independence quickly (in the form of the ISB), the working relationship and division of responsibilities between these bodies and the ISB would be worked out "*on the ground*" [inverted commas appear in the original text]. Close liaison between the Chairs of the existing bodies and the ISB would be essential.
144. As part of the transition to Phase 2, the constitutions and remits of groups that predated the ISB would be reviewed. It had 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 lay within the remit of which body, subject to the relevant legal responsibilities, the decision of the Chair of the ISB would be final.

145. Review. The Archbishops' Council and House of Bishops would receive regular reports from the ISB and teething troubles, or the need for urgent review of the ISB's remit and relationships should be raised through this mechanism. The ISB Chair would have direct access to the two Archbishops which would provide a higher level channel for raising concerns.
146. 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 needed redefining as Phase 2 developed. This might be combined with a review of budgets and resources. In order that the independence of the ISB was fully scrutinised as part of that review, the review should either be led by an external agency or involve substantial external input.
147. Website. The ISB should establish a website, serviced by the administrative officer, on which all its reports and formal minutes should be posted, clearly linked from the Church of England's own website.
148. Appointment. In order 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 was not being manipulated in favour of "safe" [inverted commas in the original text] candidates, an appointment panel should comprise:
 - 148.1. a nominee of the Archbishop of Canterbury;
 - 148.2. a nominee of the Archbishop of York;
 - 148.3. a person with extensive safeguarding experience (not directly involved in the work of the NST);
 - 148.4. two representatives of survivor groups, including at least one who was a survivor of abuse in a Church of England context.

Phase 2

149. The Director of Mission and Public Affairs' paper envisaged that following the appointment of an ISB in Phase 1, the Archbishops' Council and House of Bishops would work with the ISB to follow up possible lines of development for a Phase 2 body, but there was as yet no consensus about that nature of the Phase 2 body.
150. Those possible lines of development were:
 - 150.1. incorporate the ISB as an independent charitable body, funded by grants and possible fee income from the Church of England or, as suggested by the survivors' focus group, as a foundation funded through an endowment, to avoid conflicts of interests where a body was dependent on the church for its income;
 - 150.2. consider the model adopted by churches in Australia;
 - 150.3. an Ombudsman role but without further detail at this stage the survivors' focus group were reported as having commented that the priority should be a genuinely independent ISB rather than a further layer of process which survivors and victims had to negotiate;

- 150.4. moving the employment of the NST and possibly also DSOs, from the Archbishops' Council to a new separate body;
- 150.5. drawing dioceses into a common framework to facilitate the free passage of information between them.
151. The Director of Mission and Public Affairs' paper then set out draft person specifications for each of the three proposed ISB members.
152. Based on email evidence, a member of the House of Bishops queried the following aspects of the Director of Mission and Public Affairs' proposals:
 - 152.1. decision-making of this nature was particularly difficult because discussion was more limited on Zoom meetings;
 - 152.2. an informal approval of proposals of such importance within a 2 day time scale was procedurally unsafe;
 - 152.3. the proposed ISB did not appear to have clear separation from the executive of the NST and diocesan safeguarding;
 - 152.4. what happened if the NST did not accept the ISB's proposals? Did the ISB have the power to require them to accept them?
 - 152.5. what happened if there was a complaint about the ISB?
153. Answering these queries via email but only to that member of the House of Bishops and not to the Archbishops' Council or House of Bishops more widely, senior staff noted that the trustees of the Archbishops' Council could not give up their trustee responsibilities for safeguarding until the law was changed to permit them to do so. They could not, therefore, commit to give the ISB authority over them and always to follow the ISB's decision, although there would be a strong moral imperative to do so. Phase 1 independence was necessarily only partial and fuller independence would only be possible in Phase 2.
154. One member of the Archbishops' Council commented that the timetable for comment was intolerably short for such an important topic and queried the lines of accountability and the budget implications.
155. Based on documentary evidence, 13 of the 19 members of the Archbishops' Council approved these proposals at the meeting on 23 February or by correspondence on 25 February 2021.⁶⁶ A press release was issued to that effect on the same day.⁶⁷

General Synod, February 2021

156. An informal gathering of Synod members was held on 27 February 2021 via an online webinar⁶⁸ to consider the paper which the Director of Mission and Public Affairs presented.⁶⁹ There is no report of proceedings for this meeting and no record of any

⁶⁶ See also AC(21)26/1

⁶⁷ [Proposals on NST independent oversight published | The Church of England](https://www.youtube.com/watch?v=mBsO7H7aLoI)

⁶⁸ <https://www.youtube.com/watch?v=mBsO7H7aLoI>

⁶⁹ https://www.churchofengland.org/sites/default/files/2021-02/independence-in-safeguarding_0.pdf

vote taken. Based on written evidence, this was because this was not a formal sitting of the General Synod, bearing in mind Covid restrictions at the time.⁷⁰

Creation: March to December 2021

Recruitment of the Chair and Survivor Advocate

157. After the General Synod meeting on 27 February 2021, the Director of Mission and Public Affairs continued to lead the project as Senior Responsible Officer to recruit the ISB members as a work stream under the Safeguarding Programme Management Board. The Director was supported by a Policy and Development Lead in the NST, seconded to the ISB project for 2.5 days per week to implement decisions (together, “the Project Team”).⁷¹
158. Based on documentary and interview evidence, in late February 2021, the NCIs Information Governance Officer raised several points with the Director of Mission and Public Affairs:
 - 158.1. whether the ISB members would be data controllers, or data processors under the instruction of the Archbishops’ Council as data controller;
 - 158.2. they indicated that the Archbishops’ Council would need to be able to clarify to data subjects interacting with the ISB the lawful bases on which data would be shared;
 - 158.3. they further indicated that there was a potential conflict of interest if the NCIs Data Protection Officer acted as data protection adviser to the ISB;
 - 158.4. they indicated that the data protection situation should be clarified before the Chair was appointed.
159. The Director indicated that these questions should be fed into the Project Team.⁷²
160. At a meeting on 22 March 2021 via Zoom, the Archbishops’ Council agreed to underwrite the costs of the ISB for 2021 and, if necessary, for 2022, from the existing budgets and funds.⁷³
161. Job descriptions were drawn up by the Project Team and sent to recruitment search agencies just before Easter 2021 with instructions to conduct a full diversity audit of their long and shortlisting processes. This was reported to General Synod in a paper for the April 2021 sessions.⁷⁴ A recruitment firm called Green Park was appointed.
162. Based on documentary evidence, it was envisaged by early July 2021 that the Chair and Survivor Advocate would be appointed by 30 August 2021 and the third ISB member by 30 September 2021. Based on interview evidence, Green Park both advertised the roles openly and reached out to possible candidates individually to create a long and then a short list of candidates.⁷⁵

⁷⁰ <https://www.youtube.com/watch?v=mBsO7H7aLoI> at 4:00ff; T17 Fact Check Response 20.11.23

⁷¹ AC(21)26/Annex 2; T/8/4

⁷² T/34/3

⁷³ AC(21)6.2.10

⁷⁴ GS 2204

⁷⁵ T/8/5

163. At the virtual General Synod session on 23 April 2021 (Item 10), the Lead Bishop for Safeguarding presented an update on safeguarding streams of work based on paper GS 2204. Responding to questions, the Lead Bishop stated, *“with regard to the theme of independence, just to make it absolutely clear, we are not talking about hiving off the work of safeguarding into some independent body. This is about independent oversight that the Church remains fully engaged in, and must be fully engaged in, and responsible for the work of safeguarding.”*⁷⁶
164. General Synod voted to take note of the Item 10 report by 295 votes with none against and no recorded abstentions.⁷⁷
165. General Synod received a further written update on the recruitment process at its July 2021 session.⁷⁸ On 10 July 2021, the Lead Bishop presented another update in person to General Synod.⁷⁹ A question was asked about whether there had been an open recruitment process and an answer was promised for later. A further question was asked about the basis on which the board members had been engaged and the answer was that they were going to be remunerated but not as employees.
166. It was reported to the Archbishops’ Council at their meeting on 11 and 12 May 2021 that Green Park had been appointed after a competitive process.⁸⁰ It was also reported that it had been decided after consultation with the human resources and legal departments of the NCIs that the board members should be contractors rather than employees. At this meeting, the Archbishops’ Council agreed to provide significant additional funding to the safeguarding budget to establish and progress the Safeguarding Programme, which included the establishment and first year’s operating costs of the ISB.⁸¹
167. At its meeting on 29 June 2021, the NSSG noted that the roles of the ISB, the NSP and the NSSG would need to be reviewed at an appropriate time but no action was recorded for this. The Lead Bishop for Safeguarding commented that the potential existed for the ISB and the NSP to work together.⁸²
168. I find, having compared documentary and interview evidence, that the Archbishop of Canterbury in fact declined the proposal to nominate someone to the recruitment panel.⁸³ Based on documentary and interview evidence, the individual proposed by Bishop of London for the panel was chosen by the other panel members to chair it. The Archbishop of York’s nominee was also invited to be part of the panel.⁸⁴ Two members of the recruitment panel from the survivor community were suggested by the NST and

⁷⁶ Report of Proceedings 2021 General Synod April Group of Sessions Friday 23 April 2021, Item 10; [GS Report of Proceedings April 2021](#)

⁷⁷ Report of Proceedings 2021 General Synod April Group of Sessions Friday 23 April 2021, Item 10
“Safeguarding: National projects and workstreams in response to recommendations made in the Independent Inquiry into Child Sexual Abuse October 2020 Investigation Report.”
[GS April 2021 Item 10 Business Done](#)

<https://www.youtube.com/watch?v=cpUBIjixSvE>

⁷⁸ GS 2215; <https://www.churchofengland.org/sites/default/files/2021-06/gs-2215-safeguarding-june-2021.pdf>

⁷⁹ Report of Proceedings 2021 General Synod April Group of Sessions Friday 23 April 2021, Item 19
Safeguarding <https://www.churchofengland.org/sites/default/files/2021-12/complete-report-of-proceedings-july-21.pdf>

<https://www.youtube.com/watch?v=Tj7qLKnQfNM>

⁸⁰ AC(21)38

⁸¹ AC(20)M2/2.2.3; AC(21)39

⁸² NSSG(21)M4/4.5, 4.7

⁸³ T/4/16-17; T/24/7-8; T/8/5-6; T/17/9

⁸⁴ AC(21) 92/5

appointed by the Project Team.⁸⁵ A further member was appointed with independent safeguarding experience.

169. Interviews for the Chair and Survivor Advocate were held on 3 and 6 August 2021. Based on documentary evidence, the interview questions for candidate included responding to safeguarding scenarios likely to arise in the course of the ISB's work. References were sought. Based on email and interview evidence, the appointee for Survivor Advocate asked the Chair of the NSP to be one of their referees and the Chair of the NSP provided that reference.⁸⁶
170. On the basis of interview evidence, I find that both Archbishops were consulted on those recommended for appointment as ISB members and would have been able to voice any major objections to those proposed but that they had no such objections.⁸⁷
171. Based on documentary evidence, by 10 August 2021, the appointee for Chair had accepted the position, and by 20 September 2021, the appointee for Survivor Advocate had accepted that position. Recruitment for the ISB's administrative and project role was advertised internally to the NCIs by this time with a plan to recruit externally if the role could not be filled and recruitment for the third ISB member was beginning.
172. Based on documentary evidence, I find that the recruitment process took longer than expected. It was originally envisaged that the ISB member would be in post by July 2021 but it was not until January 2022 that all three had been appointed. My view is that the difficulties of recruiting during Covid contributed to this delay.
173. Contracts were prepared by an external firm of solicitors.⁸⁸ The Chair signed their contract on 24 September 2021 and it commenced on 27 September 2021. The contract signed by the Survivor Advocate that I have seen is undated but the contract also commenced on 27 September 2021. I find that the Survivor Advocate's contract was signed on or around 27 September 2021. The Archbishops' Council were notified that the contracts had been signed at its meeting on 28 September 2021 (which was a hybrid Zoom and in person meeting).⁸⁹
174. A press release was issued on 30 September 2021 announcing the appointment of the Chair and Survivor Advocate.⁹⁰ Based on interview evidence, the Chair and the Survivor Advocate knew each other professionally before their appointments as they both had roles in safeguarding partnerships in Yorkshire.⁹¹

Recruitment of the third ISB member

175. Based on documentary evidence, interviews for the other ISB member ("the Independent Member") were held on 13 December 2021. The Independent Member signed their contract on 24 January 2022. Their appointment was announced by a press release on the same day.⁹²

⁸⁵ T/4/16-17

⁸⁶ T/11/8

⁸⁷ T/24/7-8; T/17/9-10

⁸⁸ AC(21)/92/4

⁸⁹ AC(20)M5/9.3.1

⁹⁰ <https://www.churchofengland.org/safeguarding/safeguarding-news-and-releases/chair-and-survivor-advocate-appointed-church-englands>

⁹¹ T/5/6

⁹² [Final member of Church's Independent Safeguarding Board appointed | The Church of England](#)

176. Based on documentary and interview evidence, none of the three ISB members could be advised by the NCIs Information Governance Officer when their contracts began because they were independent contractors and not part of the NCIs. The Information Governance Officer recommended that they should seek their own data protection advice and to appoint a data protection officer.⁹³

ISB contracts

177. I have reviewed the contracts signed by the three ISB members and the variation to those contracts dated 24 February 2023 which each signed. The three contracts with the ISB members were all expressed to be contracts for services.

Services to be provided

178. The contracts of the ISB members were in identical terms save for Schedule 1 which set out services to be provided by the whole Board and those to be provided by each member. In my view, the services to be provided are described in very general terms. I have set these out in Appendix 1 to this Report because they are important for a consideration of the content of the ISB's Terms of Reference. In particular, Schedule 1 provided:

“The duties and responsibilities outlined above reflect the initial conceptualisation of the Independent Safeguarding Board. The Chair and members of the ISB will work with the Archbishops’ Council to develop the initial model and advise on how the roles of the ISB should evolve. The list of duties and responsibilities is therefore not exhaustive and will change over time, with the Chair and members of the ISB thoroughly involved in steering those changes.”

Days on which services were to be provided

179. The Chair was contracted to provide 144 days per year to the provision of the services, together with such additional time as was necessary, roughly 2.7 days per week. The Survivor Advocate and the Independent Member were contracted on the same terms to provide 96 days per year, roughly 1.8 days per week (clause 3.1.4 in each contract).

Data protection

180. Clause 7.1 of the contracts provided that the parties would comply with their obligations in Data Protection Legislation. Clause 7.2 provided that the parties would comply with the provisions of Schedule 2 to the contract.
181. Schedule 2 contained a holding provision that the Archbishops’ Council would insert the terms of the controller to controller data sharing agreement, or the data processing agreement between the parties in accordance with clause 7.3. I have set Schedule 2 out in Appendix 2 to this Report because it is important to understanding the data management carried out by the ISB. Based on documentary and interview evidence, I find that it had not been possible to determine in advance of the contracts being signed whether the ISB members were data controllers or data processors because their operational relationships and systems had not been defined.⁹⁴
182. Clause 7.3 of the contracts provided that prior to the handling of any Archbishops’ Council personal data, the Archbishops’ Council would determine whether the ISB

⁹³ T/34/3

⁹⁴ T/33/8

member was a data processor or data controller in respect of the Archbishops' Council personal data and that the parties would either enter into a controller to controller data sharing agreement or a data processing agreement, each on the Archbishops' Council's standard terms. Such terms would be deemed incorporated into the contracts as a new Schedule 2.

Termination

183. Clause 10.3 of the contracts provided that the Archbishops' Council could terminate the Engagement on two weeks' prior written notice with no liability to make any further payment to the Member other than in respect of amounts accrued before the termination date.

Disputes

184. Clause 21.1 provided that if a dispute arose out of or in connection with the contracts or their performance, the parties should follow a prescribed process. Firstly, either party should give the other a written Dispute Notice setting out its nature and full particulars together with relevant supporting documents. On service of a Dispute Notice, the Secretary General of the Archbishops' Council and the Member were to attempt in good faith to resolve the dispute (clause 21.1.1).
185. If they were unable to resolve the dispute within 30 days of service of the Dispute Notice, the parties would attempt to settle it by mediation in accordance with the CEDR Model Mediation Procedure. To initiate the mediation, a party had to serve notice in writing (an ADR notice) to the other party to the dispute, requesting mediation.

What was the ISB's legal status?

186. Based on the ISB members' contracts, I find that at its inception, it was highly likely that the ISB was not an unincorporated association bound by contractual rules between the parties because the only contracts, agreements, constitution or rules in existence were between the individual members and the Archbishops' Council. There were no such agreements, constitution or rules agreed between the three ISB members.⁹⁵

Recruitment of the ISB Project and Administration officer

187. Based on documentary and interview evidence, the post of Project and Administration Officer for the ISB was advertised externally and interviews were held in or around October and November 2021. The Project and Administration Officer was employed by the Archbishops' Council and their employment commenced on 1 January 2022. They completed GDPR awareness training as part of induction.⁹⁶ They also completed a GDPR Practitioner on-line training course in September 2022.⁹⁷

⁹⁵ [https://uk.practicallaw.thomsonreuters.com/1-383-8883?transitionType=Default&contextData=\(sc.Default\)&firstPage=true;https://uk.practicallaw.thomsonreuters.com/2-384-4459?originationContext=document&transitionType=DocumentItem&contextData=\(sc.Default\)&ppcid=04731ce9e11a40f7bd2e75b9cd429c71&comp=pluk](https://uk.practicallaw.thomsonreuters.com/1-383-8883?transitionType=Default&contextData=(sc.Default)&firstPage=true;https://uk.practicallaw.thomsonreuters.com/2-384-4459?originationContext=document&transitionType=DocumentItem&contextData=(sc.Default)&ppcid=04731ce9e11a40f7bd2e75b9cd429c71&comp=pluk)

⁹⁶ T/34/4

⁹⁷ T34 Fact Check Response 23.11.23

Part 2: Work of the ISB, September 2021 to April 2023

September to December 2021

188. Based on documentary evidence, on the day of signing their contract, the Chair created a first draft of the terms of reference for the ISB which was circulated to the Project Team, the Survivor Advocate and the interim National Director of Safeguarding, inviting comments and amendments. A second draft was circulated on 8 October 2021. The Chair and the Survivor Advocate had already spoken by that time and created a to do list which included the need to have an email inbox attached to an ISB website and discussion of ways of working with the NSSG, NSP, the Archbishops' Council, the NCIs and the Lead Bishop for Safeguarding. A third draft of the terms of reference was circulated on 15 October 2021. The interim National Director of Safeguarding commented on this draft. By this stage, the services to be provided by the Chair and the Survivor Advocate taken from Schedule 1 to the contracts had been inserted into the draft.
189. Based on documentary evidence, by 11 October 2021, the Chair and the Survivor Advocate were already being briefed by the interim National Director of Safeguarding on the progress of a lessons learnt review (LLR) with discussions continuing throughout October as to the terms on which the ISB could engage with it. The Chair and the Survivor Advocate's preliminary engagement with this LLR was reported to the NSSG at their meeting on 9 November 2021.⁹⁸ The Archbishops' Council were informed that the Chair and the Survivor Advocate were involved with this LLR in an update to their meeting on 7 December 2021.⁹⁹ The Chair circulated a draft paper setting out options in relation to the ISB's engagement with that LLR to the Survivor Advocate and the interim National Director of Safeguarding on 7 December 2021. The Survivor Advocate commented on that draft on 10 December 2021.
190. A further update paper to the Archbishops' Council provided by the Project Team recorded that Terms of Reference had been drafted and were almost finalised.¹⁰⁰
191. The Chair attended the Diocesan Safeguarding Adviser national development day on 1 November 2021.¹⁰¹
192. The ISB was included on the Archbishops' Council Principal Risk Register as a mitigation to Safeguarding risk in an update to the Archbishops' Council from the Director of Risk and Assurance dated 25 November 2021. It remained on that register in that position in an update dated 22 February 2022.¹⁰²
193. The Chair attended the Archbishops' Council's in-person meeting on 7 December 2021 and gave a summary of their background and experience and the safeguarding culture that they wanted to create. The Chair is recorded as having described the work of the ISB as "*holding a mirror to practice and behaviour*."¹⁰³ I heard evidence in interview from several members of the Archbishops' Council that that presentation instilled confidence.¹⁰⁴

⁹⁸ NSSG(21)M6/3.9.1

⁹⁹ AC(21)114/9.2

¹⁰⁰ AC(21)115/2

¹⁰¹ AC(21)115; T/9/15

¹⁰² ADC(22)04

¹⁰³ AC(20)M4/9.2

¹⁰⁴ T/27/5; T/30/4; T/23/4

194. Based on documentary and interview evidence, the Chair and the Survivor Advocate met with both Archbishops for an hour via Zoom on 13 December 2021.
195. Based on written evidence, throughout this period, complainants, victims and survivors made contact with the ISB. Most contacts were remitted to the Survivor Advocate. The Chair maintained contact with one individual who sought a review of their situation.
196. Based on written evidence, during this period the Chair also met with:
 - 196.1. the NSSG
 - 196.2. the NSP and its Chair;
 - 196.3. The Lead Bishop for Safeguarding and the deputy Lead Bishops for Safeguarding.

January 2022 to July 2022

ISB work plan

197. Based on documentary and interview evidence, from September 2021 and through to the end of July 2022, the ISB was supported by the NST Policy Lead from the Project Team on secondment to the ISB for 2.5 days per week to assist the ISB members to set up their organisation (the NST Secondee). They had previous experience of setting up an oversight body. This secondment also provided support for the Project and Administrative Officer who had been recruited and began work on 1 January 2022.
198. The ISB's project tracker for January 2022 records that the initial work to be done was:
 - 198.1. finalising a complaints procedure, tender for branding, agendas for meetings and relationships with the NSSG and NSP, formal launch of the ISB, IT, tender for legal advice.
 - 198.2. work for Phase 2: consultation (including expectations of co-production), Board composition, research, consultation with NST, options analysis (independent charity, Ombudsman, other), relations with other bodies (NSSG, NSP, Archbishops' Council) going forward.
 - 198.3. two year formal review of ISB.
199. The complaints procedure was a flow chart to guide the handling of complaints about the handling of safeguarding received by the ISB.
200. Based on written evidence, from October 2022, the Survivor Advocate and Independent Member told the Project and Administration Officer that they no longer wished to use that work plan.¹⁰⁵ I have not seen evidence of what, if anything, replaced that work plan.

Away Day, 28 January 2022

201. On 28 January 2022, the ISB held an away day, attended by the ISB members, the NST Secondee, the interim National Director of Safeguarding and three deputy Directors of the NST, the Director of Mission and Public Affairs and the Project and Administration Officer. The issues on the agenda were operational (project management, HR, legal

¹⁰⁵ T/20 written evidence to the Review, 26.10.23

and GDPR advice, complaints policies and procedures, branding and website, meeting governance); strategic (what should the ISB cover in the first year, commitments e.g. presentations to Synod, finalising and publishing the Terms of Reference, use of finances) and relationships/joint working (NST's priorities for 2022 and how the ISB would fit into this, how to relate to other safeguarding bodies, working with survivors based on the Survivor Advocate's advice).

202. The following actions were agreed:¹⁰⁶

- 202.1. solicitors would be engaged to draft an Information Sharing Protocol;
- 202.2. a work plan for Phase 2 would be produced by the NST Seconded and the Project and Administrative Officer;
- 202.3. ISB electronic files would be stored on the NCIs IT 'Box' file system;
- 202.4. the complaints procedure should be renamed to reflect that it would be a review process;
- 202.5. future Board meetings to be booked;
- 202.6. attendance at General Synod in July 2022 by the ISB to be discussed with the Lead Bishop for Safeguarding;
- 202.7. ISB members to meet with the different safeguarding bodies and identify *"where they sat"*;
- 202.8. ISB members to begin Phase 2 planning;
- 202.9. ISB members to start scrutiny planning;
- 202.10. Terms of Reference to be agreed by the ISB members at the March Board meeting.

203. The away day was reported to the NSSG at its meeting on 25 January 2022.¹⁰⁷

Victim and Survivor consultation

204. Based on documentary evidence, in mid-February, the Survivor Advocate added a workstream to the ISB's work plan which was the development of a clear approach for engaging with victims and survivors, asking what independence meant to them and how they saw this working. The Survivor Advocate was arranging engagements with victims and survivors.

General Synod, February 2022

205. The Chair wrote an update paper which was annexed to the 'Safeguarding: national projects and workstreams' paper written by the Lead Bishop for Safeguarding.¹⁰⁸ That update was written in January, before the Independent Member's appointment had been announced.

¹⁰⁶ ISB Away Day 28.1.22 Agenda

¹⁰⁷ NSSG(22)M1

¹⁰⁸ GS 2244

206. The Chair's update makes the following points which I quote directly below:

- 206.1. *"The ISB liaises with, oversees and reports on the work of the NST."*
- 206.2. *"The voices, views, wishes and feelings of victims and survivors of safeguarding failure always inform the ISB's work. No one individual survivor, or single survivor representative body, holds a paramount position."*
- 206.3. *"The ISB is not a re-investigation body. It does not have powers to sanction, direct, regulate, inspect or insist. Its authority is moral, members having no connection to the C of E and its remit being to oversee the work of advising on how an independence presence in overseeing, challenging and advising on safeguarding should go on in the long term, through continuation of the ISB as currently constituted, or through a new body with the powers and position of the current ISB, or possibly a strengthened configuration, and a larger membership and wider remit."*
- 206.4. *"The ISB also seeks to highlight where C of E institutions, leaders and embers whether ordained/in order or lay, and members of parishes and communities do good, widely replicable work in preventing safeguarding failure, acting in a proactive, co-own and responsible way on others' behalf, thereby ensuring the wellbeing of those who approach, worship or are involved in the Church."*
- 206.5. *"We believe the C of E is sincere in its wish to improve how safeguarding is undertaken at national diocesan, cathedral, community, parish, school and other levels. We believe the language of concern, where necessary of contrition, remorse and a determination to improve expresses genuine intent."*
- 206.6. *"We are also however keenly aware that the Church's past failures, and the associated pain, shame, ongoing confusion, sometimes anger and potentially lifelong trauma of victims and survivors, are too often still present long after the suffering concerned is brought to light, whether or not the Church considers it has in fact now been addressed, and matters concluded."*
- 206.7. *"We wish to help the Church to ensure that as well as responding more swiftly, with a strong victim rather than institutional focus to shortcomings, it develops and sustains proactive, preventative, "everybody here's responsibility" safeguarding that ensures the safety of all concerned, that will help to prevent failure in the future."*
- 206.8. *"We consider the findings of IICSA on safeguarding in the C of E, and failures which have been made public through IICSA's reports, tell a powerful but by no means the full story of safeguarding in the Church."*
- 206.9. *"We consider there is a pressing need for the C of E to look beyond its own boundaries and structures so that it can learn from strong and replicable safeguarding practice in services and agencies in localities and wider society, not least in local safeguarding children and safeguarding adults' partnerships and boards."*
- 206.10. *"We find it regrettable, and as a result we will focus much of our attention on the fact that in spite of the C of E's explicit and repeated acceptance of*

IICSA's and many other vital reports, survivors and complainants of all ages routinely approach ISB members with the following, all-too-common threads:

- i. Over-complex, hard-to-navigate structures, bodies and boards at national, diocesan and other levels, a review and reform of which should have been considered, alongside other governance issues, by Bishop Baines' recent governance review*
- ii. Slow, institutionally defensive responses, with the person making a disclosure often disbelieved, alongside a continued sense that "institutions" and the potential of upset for the accused matter more than, rather than as much as, the person making disclosures*
- iii. Promises about action that will follow and redress that will be made too often only partially or simply not delivered, or seriously delayed and bound about with legalistic defensiveness*
- iv. A culture in some settings where safeguarding is seen as an "also-to-do" or secondary set of tasks, rather than a culture that should infuse all actions, and all practice and be funded resourced and staffed to match that cultural shift*
- v. A "child-unfriendly" approach if a child or young person makes an approach for help, advice or redress, and an escalation of that young person's enquiry into formal and complex complaints processes, when practice should have seen off the difficulty at the point where help was sought*
- vi. A sense that in the midst of these problems, it is somehow not seen as permissible to seemly to highlight, celebrate or publicise what really strong, positive safeguarding look and feel like, and what tremendous work is done every day in dioceses, parishes, cathedrals and other settings, to the great good fortune and wellbeing of all those involved."*

207. The Chair also gave an oral update in person to General Synod on 9 February 2022.¹⁰⁹ That Synod was a hybrid in-person and Zoom meeting. I find that the Chair made the difference between Phase 1 work and Phase 2 work clear during the presentation and in answer to a question from Revd Canon Mark Bennet (Oxford).¹¹⁰ The Chair was also asked whether the ISB had the resources needed to do the job they had been asked to do within the timeframe (Ms Jayne Ozanne (Oxford)). The Chair said no, because there was never enough resource but pointed out the relatively narrow remit of Phase 1. The Chair pointed out that the ISB did not have any caseworkers.
208. Gavin Drake (Southwell & Nottingham) moved a further motion (Item 22) arising from Item 9 (Safeguarding) that Synod should express its disapproval of GS 2244 for 7 reasons, of which (f) and (g) related to the ISB. Reason (f) stated that GS 2244 did not cover the concerns raised in the Chair's update. Reason (g) stated that there was no provision within the safeguarding arrangements (including the ISB) for any independent external scrutiny with powers to intervene in cases where negligence, misconduct or performance failures were alleged or identified nor did GS 2244 indicate how the NST and the national safeguarding functions of the Church of England could intervene in

¹⁰⁹ <https://www.churchofengland.org/sites/default/files/2022-05/general-synod-group-of-sessions-february-2022.docx> p.108; T/26/6

<https://www.youtube.com/watch?app=desktop&v=8yY5-SGcpto>

¹¹⁰ <https://www.youtube.com/watch?app=desktop&v=8yY5-SGcpto> at 1:37-1:39

cases where bishops and dioceses were not following good safeguarding practice or following the codes of practice or guidance.

209. The further motion called on Synod to call for a full independent assessment of the work and performance reporting of the NST and myriad national safeguarding bodies of the Church of England; for this evaluation to be published in full; and for a debate on its contents at a future Group of Sessions to enable the Synod to be fully engaged in the decisions about the future direction and shape of the Church of England's safeguarding work.¹¹¹
210. After Gavin Drake spoke, and a short debate, a procedural motion was passed by 236 to 75 (22 abstentions) to pass to the next business. The effect of that motion, which the Chair advised to Synod before the vote, was that a question in the same form or in a form which was substantially similar could not be put within the remainder of the lifetime of the Synod, except with the permission of the Business Committee and the general consent of Synod.¹¹²
211. Based on written and interview evidence, some members of Synod were concerned after the event that this motion had been passed in order to silence debate on this subject.¹¹³ I have found no evidence to support this view. The large margin by which the procedural motion was passed strongly suggests that if any such attempt was made it was endorsed by a large majority of Synod.

February to May 2022: Information Sharing Agreement (ISA)

212. Based on documentary evidence, the Independent Member, the external solicitors and the Chair commented on a draft information sharing protocol between the NST and the ISB in or around 21 February 2022.
213. At the ISB Board meeting on 26 March 2022, held via Zoom, it was minuted that the ISA prepared by the external solicitors was agreed and that it should be sent to NCI legal for the NST Director to sign off.¹¹⁴
214. Based on documentary evidence, in mid-May 2022, the NCI legal advisers and Information Governance Officer informed the ISB that they considered that there were issues with the Information Sharing Protocol that had been prepared by external solicitors. The issue was whether the ISB members were data controllers or processors.¹¹⁵ See paragraphs 241.3, 252, 275 to 277, 279, 361, 393 and 392.7 below.

ISB Board meeting, 26 March 2022

215. The following issues were discussed at this meeting:¹¹⁶
 - 215.1. the Survivor Advocate commented that they had recently been advised that all their queries needed to go through the interim National Director of Safeguarding and that this was detrimental to their work; the NST Deputy

¹¹¹ <https://www.churchofengland.org/sites/default/files/2022-02/np-4-motions-and-amendments.pdf>

¹¹² Report of Proceedings p.118 <https://www.churchofengland.org/about/general-synod/agendas-papers/general-synod-february-2022#na>

¹¹³ T/19/3-4

¹¹⁴ ISB Board Meeting 26.3.22 minutes

¹¹⁵ T/33/7; T/34/9

¹¹⁶ ISB Board Meeting 26.3.22 minutes

- Director for Casework, who was present at the meeting, agreed to speak to the NST Partnership and Engagement lead as the interim Director was away;
- 215.2. the Survivor Advocate had been holding Survivor Conversations that would be ongoing until the middle of May; the meetings had consisted of a mixture of survivors, independent sexual violence advisors (ISVAs) and Diocesan Safeguarding Advisers (DSAs); the Survivor Advocate would have a final evaluation report completed by the end of May;
 - 215.3. plans were made for the ISB's participation at General Synod in July;
 - 215.4. the ISB was to agree a draft review process including what support would be offered and advice on exiting safely, which the Independent Member felt was important; the flow chart being developed for public use was to be edited to reflect the anonymisation of reports; the Board had a note from the NST Seconded dated 17 March 2022 setting out a review process for cases referred to it by the NST, complainants or dioceses if they were unhappy with the way a case had been dealt with by the NST; that note stated that an internal process remained to be developed and that the ISB would need to decide their criteria for reviewing a case, template response letters and how cases would be allocated to members for review;
 - 215.5. the website contract had been awarded and the Survivor Advocate would meet with the contractors with suggestions from survivors;
 - 215.6. the ISB agreed to rebrand the NST Honorarium Process as its own and add it to the website;
 - 215.7. the Board agreed that they needed to plan what independence looked like for the ISB and to develop a work plan which framed how they would discharge their oversight and scrutiny role.
216. I find that in relation to paragraph 215.1 above, there was a misunderstanding between the Survivor Advocate and the interim National Director. I find that the interim National Director wanted to know how their staff would be approached by the ISB and what their work plan would be. I find that there was no attempt to frustrate the ISB's work by the interim National Director.¹¹⁷

March to May 2022: ISB Terms of Reference

- 217. Based on documentary and interview evidence, further iterations of the draft Terms of Reference were circulated by the Chair, incorporating comments from the Survivor Advocate and the Independent Member during January and February 2022.
- 218. Based on documentary and interview evidence, the NST Seconded authored a paper, directed by the Chair, for the NSSG meeting in March 2022. This note stated, *"as the Board is independent, only the Board can approve its own Terms of Reference. However, accepting the key working relationship with the NSSG and in the interests of transparency, the Terms of Reference are being brought to the NSSG prior to publication for the group to endorse."*¹¹⁸

¹¹⁷ T/9/11-12; T/8/8

¹¹⁸ NSSG(22)12; T8 Fact Check Response 23.11.23

219. The draft Terms of Reference were appended to that paper, together with the Chair's update to General Synod from February 2022 and a diagram of Church of England safeguarding. The ISB does not appear on that diagram.
220. The draft Terms of Reference were considered at the NSSG meeting held on 22 March 2022 via Zoom, chaired by the Lead Bishop for Safeguarding.¹¹⁹ The Chair gave the NSSG an overview of the ISB, stating that the Terms of Reference would be reviewed on an annual basis and that they were just for endorsement by the NSSG.¹²⁰ The Chair answered questions on the remit of the ISB in relation to complaints handling and a mechanism for survivors to raise concerns, how the professional supervision of the National Director Safeguarding worked in practice and how the ISB quality assured the work of the NST.
221. The NSSG unanimously agreed to endorse the Terms of Reference.¹²¹
222. The Terms of Reference endorsed by the NSSG are set out in Appendix 4 to this report. In the introduction, the ISB stated:
- "The Church has put the ISB in place to do work it cannot then frustrate. If the ISB as a driver of change lies too close to the Church, there is a risk it could be absorbed. If too far away, it could gain insufficient traction. Just as local authorities, police services and CCGs pay for safeguarding boards and partnerships in localities, the Archbishops' Council funds the ISB. As localities' partnerships are independent of all involved bodies and agencies even if they fund the work, so a C of E funded mechanism cannot prevent the ISB doing its job."*
223. Under the heading of 'Membership', the Terms of Reference set out the following:
- "5. The Archbishops' Council ratifies Board appointments. Each is appointed following this process:*
- *Public advertisement of vacancies*
 - *The use of expert recruiters to ensure a wide field*
 - *Formal written application through curriculum vitae and a statement of support*
 - *Formal interview by a panel including independent safeguarding expert(s), a representative of a Diocesan Safeguarding team and at least one survivor."*
224. I find that Appendix 1 to the Terms of Reference set out the shared and individual responsibilities of the ISB members which are taken from Schedule 1 to their contracts.
225. At its Board meeting via Zoom on 25 March 2022, the ISB agreed its Terms of Reference and that they would be published on the ISB website in July 2022.¹²²
226. The NSP was also sent the Terms of Reference to note.¹²³ They were presented to the NSP meeting on 29 March 2022 by the Chair.¹²⁴ The Lead Bishop for Safeguarding was

¹¹⁹ NSSG(22)M2

¹²⁰ T/2/7

¹²¹ NSSG(22)M2/9.7

¹²² ISB General Meeting 25.3.23 minutes

¹²³ NSP(22)05

¹²⁴ NSP(22)M2/5

present at that meeting. There was a discussion on the remit of the ISB and the expectations of survivors with regard to the Terms of Reference.¹²⁵

227. The Chair wrote a briefing for the Archbishops' Council's meeting on 3 and 4 May 2022 which was a hybrid in-person and Zoom meeting. That briefing states that the ISB website would be launched in July 2022 at General Synod and that the ISB's finalised Terms of Reference would be included on it.¹²⁶
228. I heard evidence in interview that the Terms of Reference had been submitted to the Secretary General to pass to the Archbishops' Council for information but have been unable to corroborate this with documentary evidence.¹²⁷ The Secretary General had also been present at the NSSG meeting on 22 March 2022 when the NSSG had endorsed the Terms of Reference.¹²⁸ I also heard interview evidence that it was unclear whether or not the Terms of Reference had been provided to the Archbishops' Council for information.¹²⁹
229. There is also a reference to the Terms of Reference in an ISB update paper to the Archbishops' Council meeting on 23 January 2023; see paragraph 441.2 below.
230. I heard evidence from one members of the Archbishops' Council that they would have expected to have approved the ISB's terms of reference because they were an interim group.¹³⁰ I have not seen any evidence that the Archbishops' Council or any representative of it informed the ISB members that the Council should approve the Terms of Reference.
231. I considered this evidence alongside the documentary evidence.¹³¹ I find:
 - 231.1. that the Archbishops' Council had been made aware by the Project Team that Terms of Reference had been drafted and were nearly finalised in December 2021; see paragraph 190 above;
 - 231.2. that the Lead Bishop for Safeguarding, a non-voting attendee of the Archbishops' Council was present at an NSSG meeting in early 2022 when the ISB Chair made it clear that the ISB was planning to agree its Terms of Reference at its March 2022 board meeting; see paragraph 202.10 above;
 - 231.3. that there had been an opportunity for the Terms of Reference to be considered by the Archbishops' Council at the meeting on 3 and 4 May 2022:
 - 231.3.1. either by report from the Lead Bishop for Safeguarding who had chaired the NSSG meeting on 22 March 2022 and been present at the NSP meeting on 29 March 2022;
 - 231.3.2. or by report from the two Archbishops' Council members who sit on the NSSG who were both present at that meeting;

¹²⁵ NSP(22)M2/5.15

¹²⁶ AC(22)50/6

¹²⁷ T/5/7

¹²⁸ NSSG(22)M2

¹²⁹ T/10/10-11; T/26/6

¹³⁰ T/29/3;

¹³¹ AC(22)M3/11.2

- 231.3.3. or by report from the Secretary General, or by inference from the Chair's briefing paper which mentioned that they were finalised;
- 231.4. that this was an opportunity for the Archbishops' Council to decide whether it was entitled to approve these Terms of Reference or whether they were a matter solely for the ISB;
- 231.5. that none of these opportunities to review or request to approve the Terms of Reference was taken by the Archbishops' Council.
232. I note that in May 2023, the Secretary General acknowledged that they had "*taken [their] eye off the ball*" when the Terms of Reference were presented to the NSSG.¹³²
233. Further, based on documentary evidence, on 16 November 2022, the Secretary General, the Director of the Archbishops' Council Secretariat, the legal department and the NST were sent a link to the ISB's Terms of Reference on their website by the NST Seconded.

ISB Budget

234. There was no written agreement or arrangement setting out how the ISB's funding or invoicing would operate at its inception.¹³³ In practice, its funding was initially one stream within the NST's budget.¹³⁴
235. Based on documentary and interview evidence, the ISB members' invoices for their days worked were sent to the Project and Administration Officer who sent them to the Chair for approval. They were then sent to the Secretary General's office for approval and forwarded to the Accounts team.¹³⁵
236. Based on documentary and interview evidence, in September 2022, the Secretary General queried the fact that the ISB members were being paid a daily rate and that the amounts for August 2022 were "*striking*". The Secretary General asked for this to be followed up but I have seen no evidence that it was.¹³⁶
237. In 2023, when the Business Manager was in role and the ISB budget had been moved to a separate cost centre from the NST budget, though still funded by the Archbishops' Council (see paragraph 387 below), ISB invoices had to be approved by one of three people, depending on the value of the invoice. The lowest value invoices could be approved by the Administration Officer (from 6 June 2023 when they took up the role), the lower or middle value invoices could be approved by the Business Manager and the highest value invoices had to be approved by the Director of the Central Secretariat.¹³⁷ This system was overseen by the NCIs deputy Director of Finance.¹³⁸

¹³² Email chain from the Secretary General to the Lead Bishop for Safeguarding, 12.5.23 1633; T/24/19

¹³³ T/33/6-7; T/8/9

¹³⁴ T/9/17

¹³⁵ T/20/7

¹³⁶ T/20/7

¹³⁷ T15/11-12, 37; T/25/6

¹³⁸ T/25/6

May 2022

238. I find that the Chair's briefing paper to the Archbishops' Council for its May 2022 meeting again set out a clear distinction between Phase 1 and Phase 2 work.¹³⁹ The Phase 2 section suggested various formats for a Phase 2 body, including an Ombudsman, other regulatory models used in other spheres such as Ofsted, CQC or the Audit Commission.
239. The Archbishops' Council noted the Chair's update and that work on Phase 2 would be taken forward after the appointment of the new permanent National Director of Safeguarding.¹⁴⁰
240. Based on written evidence to the review and documentary evidence, the Chair and Survivor Advocate also spoke at the May 2022 meeting of the House of Bishops.¹⁴¹
241. Based on documentary and interview evidence, the ISB held a second Board meeting on 26 May 2022 via Zoom. At this meeting:¹⁴²
 - 241.1. the interim National Director of Safeguarding gave an update, based on a written paper, answering questions from the Survivor Advocate about a breach made by a member of the Interim Support Scheme and on backdating payments for therapy under that scheme;
 - 241.2. the Board decided that it should meet with an NCI's Business Partner to discuss the ISB's financial situation;
 - 241.3. the ISA remained under discussion with external solicitors but the NCI legal team had advised that the ISB should be part of the NCI Information Sharing Project which would involve them signing individual ISAs with the NCIs which would make them data controllers; the Chair agreed to discuss this with the Secretary General;
 - 241.4. the Independent Member had been meeting with a number of DSAs around the country and was to make contact about seeing Diocesan Safeguarding Advisory Panels;
 - 241.5. the ISB would be holding a fringe event at General Synod in July with the Lead Bishop for Safeguarding and a post-Synod survivor meeting was to be arranged;
 - 241.6. there was an ongoing action to develop internal review processes. An updated flow chart to reflect discussions was set out for the Board in a note from the NST Seconded dated 16 May 2022;
 - 241.7. the Survivor Advocate had met with 28 survivors, DSAs, ISVAs, case workers and alleged perpetrators; the full report would be available in the week ending 12 June 2022;
 - 241.8. the website was to be ready for General Synod in July;

¹³⁹ AC(22)50/8 (Phase 1) and 16-21 (Phase 2)

¹⁴⁰ AC(22)M3/11.2.6

¹⁴¹ HB(22)M2/Item 5

¹⁴² ISB General Meeting 26.5.22 minutes

- 241.9. Plexus Law had been appointed as the ISB's legal advisors and Terms of Engagement would be provided.
242. I have reviewed the Terms of Engagement provided by Plexus Law to the Chair for the provision of legal services *"in support of work done by the ISB."* It is a contract for the provision of legal services to commence on 1 May 2022 but does not specify who the contract is being agreed with, whether with the Chair personally, the Archbishops' Council with the ISB as clients providing instructions, or the ISB itself. In my view, it was highly likely that ISB did not exist as an entity with legal personality and could not itself enter into contracts.¹⁴³ Based on interview evidence, in 2022, Plexus Law's invoices were sent by the Project and Administration Officer to the NCIs payroll team. I find that their invoices were paid using funds allocated by the Archbishops' Council for the ISB's budget. I find that, in practice, it is most likely that the ISB members were the clients giving instructions, but the funding contract can only have been with the Archbishops' Council as the only relevant body that had legal personality to enter into that contract. However, I have not seen any agreement which formally evidences that arrangement.
243. Based on documentary evidence, the ISB also considered a note prepared by the NST Secondee and the Project and Administrative Officer dated 10 May 2022 setting out Year 1 tasks and Phase 2 tasks. There was also a proposal that the scrutiny plan would be used as a work plan for the ISB throughout 2022 and would consist of three topics chosen by the ISB and spread evenly across the year.

General Synod Fringe Meeting, 9 July 2022

244. Based on documentary evidence, the ISB applied to hold a Fringe meeting at General Synod in July 2022 to seek Synod members' view on the development of Phase 2 and the path to independence and to discuss the findings from the annual report. Fringe meetings take place during meal breaks or in the evenings when Synod is not in session.
245. The meeting was jointly hosted by the Chair of the NSP and the ISB members and chaired by the Lead Bishop for Safeguarding. The PowerPoint for the meeting was titled *"Independence in C of E safeguarding from early 2024: some collaborative thinking"* and set out four options:
- 245.1. Create a *"with teeth"* regulator;
 - 245.2. Form an independent external charity;
 - 245.3. Stand the NSP and ISB down and make one combined body;
 - 245.4. Status quo from Phase 1 ISB, after a review.
246. In a paper discussing those options in greater detail, various models were set out and discussed: inspectorate, ombudsman, commissioner, professional standards and regulatory body, professional expertise body, mediation and complaints body such as ACAS, medical Royal Colleges, *"what works"* centres, monitorship.

¹⁴³ See paragraph 185 above

General Synod, July 2022

247. A paper titled 'Update on safeguarding and a discussion on its future governance' was provided to General Synod for its July 2022 session, co-authored by the Chair of the NSP and the Chair.¹⁴⁴ I heard evidence that this presentation was well-received.¹⁴⁵
248. In that paper, it is stated that the ISB had agreed to the contents of and now signed the NCIs' ISA.¹⁴⁶ Based on documentary and interview evidence, I find that this paper was written at least 4 weeks before General Synod and represented what the Chair reasonably thought would be the case with regard to the ISA by the time that the paper was considered at Synod.¹⁴⁷ I find that there was no intention to mislead Synod by the Chair in this paper and that because the Chair did not address Synod, the point could not be addressed in person. However, I also find that it would have been better practice if the Chair had issued a correction to the paper at the time of Synod that the ISA had not in fact been signed by the ISB, which the Chair also acknowledged to me in interview; see paragraph 393 below.
249. Based on documentary evidence, the Survivor Advocate requested that communications be arranged to correct the record for General Synod on this point at the ISB Board meeting on 24 November 2022; see paragraph 413 below.
250. The ISB's Terms of Reference are referred to in this paper.¹⁴⁸ I find that the work of the ISB in Phase 1 and Phase 2 is again clearly delineated. The paper also describes the Survivor Advocate's forthcoming report on survivor engagement and sets out common threads in that report:
- 250.1. a wish to see more agile, flexible, human and responsive approaches both to those who disclosed, and respondents;
 - 250.2. a clearer understanding of both where to go with the concerns and trauma of any form of abuse, and how what is disclosed will be dealt with;
 - 250.3. a need to be believed and then kept informed;
 - 250.4. a need not to be re-traumatised by what then happens, either immediately or over time;
 - 250.5. for terms like redress, support and understanding to be lived realities, not simply words on a page;
 - 250.6. an environment in which it is genuinely safe to raise concerns and complaints, which will then not be side-lined but taken up and addressed.¹⁴⁹

¹⁴⁴ GS 2263

¹⁴⁵ T/9/13; https://www.churchofengland.org/sites/default/files/2023-01/general-synod-group-of-sessions-july-2022_0.pdf; <https://www.churchofengland.org/sites/default/files/2022-06/gs-2263-safeguarding-and-independence.pdf>; <https://www.churchofengland.org/sites/default/files/2023-07/gs-misc-1341-isb-recent-developments-3.pdf>

¹⁴⁶ GS 2263/11

¹⁴⁷ ISB General Meeting 26.5.22 minutes; T/5/14

¹⁴⁸ GS 2263/16

¹⁴⁹ GS 2263/20

ISB Board Meeting, 29 July 2022

251. The ISB considered the following matters at their Board meeting, held in person at Church House, on 29 July 2022:¹⁵⁰
- 251.1. the Survivor Advocate noted that they had written to the NST on 24 May to request their input into their report but no response had been received until 14 July which was too late to inform the report;
 - 251.2. the Board decided to discuss and decide the communications and media strategy for the publication of the Survivor Advocate's report;
 - 251.3. the Board decided to open its own Twitter and LinkedIn accounts;
 - 251.4. the Head of IT was invited to a Keep In Touch meeting to discuss long term solutions to the Independent Member's IT issues;
 - 251.5. the website would go live during the first week of August;
 - 251.6. it was agreed that there was more work required than the ISB had capacity to do. It was agreed that the Archbishops' Council would be approached to fund:
 - 251.6.1. a full time Project Manager/Business Support Manager to work on developing Phase 2, manage it when it became a project and manage the Board's operations;
 - 251.6.2. the Project and Administrative Officer would carry on in their current role;
 - 251.6.3. a case worker for 3 days per week to be a single point of contact for those requesting reviews and managing the associated paperwork;
 - 251.7. it was agreed that the ISB needed new or revised budget lines for:
 - 251.7.1. Annual Report publication;
 - 251.7.2. ICO fees – noting that Plexus Law would provide the Information Governance Officer function for now;
 - 251.7.3. increase to the current legal fees budget and Plexus to provide itemised billing;
 - 251.7.4. crisis communications;
 - 251.7.5. budget for undertaking Phase 2 planning e.g. holding events;
 - 251.8. it was agreed that the Independent Member and Plexus Law would progress obtaining insurance cover for the ISB;

¹⁵⁰ ISB General Meeting 29.7.22 Minutes

- 251.9. it was agreed that the Board should appoint someone to carry out risk assessments.
252. It was noted by Plexus Law that the ISA was almost finalised and that there would be subsequent amendments to the contracts. Plexus Law would identify someone to provide the Board with GDPR training and a Data Protection Officer for the longer term.
253. The interim National Director of Safeguarding gave an update in person and provided a written update. There was a discussion about the terminology in the Survivor Advocate's report and the interim National Director of Safeguarding agreed to send their comments again if the document was resent to them.
254. It was agreed that the Board would develop a consent form as part of the flowchart for review processes to be reviewed by Plexus Law. Holding requests would be sent by the Chair to the three current requests for reviews that the ISB had received and the Independent Member would be back in touch with them before the end of the following week.

Case reviews

255. Based on written and documentary evidence, the ISB agreed at its general meeting on 29 July 2022 that it would be prepared to look at a sample of approximately six cases that exemplified the common themes and complaints that had emerged from complainant, victim and survivor forums that the ISB members had held to date, led by the Survivor Advocate.¹⁵¹
256. The minutes of that meeting record:¹⁵²
- 256.1. expectations needed to be managed from the outset; it needed to be made clear to anyone requesting a review that the ISB might need to speak to the NST in order to find out more information; a consent form would be drafted and sent to Plexus Law to review;
 - 256.2. the Survivor Advocate and Independent Member would make the determination as to whether a case fitted the ISB remit; an appeal could be made to the Chair, whose decision was final;
 - 256.3. it needed to be clear that the ISB was not the final arbiter, the role was to add to the wisdom, not to conclude the matter;
 - 256.4. the Chair would send a holding response to the three current requests and the Independent Member would be back in touch with them by the end of the week.
257. I find that the work of designing a review process was still under way in March 2023; see paragraph 489 below.

¹⁵¹ T/5 written evidence to the Review, 12.9.23

¹⁵² ISB General Meeting 29 July 2023 Minutes/non-agenda item

258. Although criteria for the selection of case reviews are mentioned as an item in the minutes of several ISB meetings,¹⁵³ I have not seen any document setting out those criteria, just the infographic in the ISB Annual Report (see paragraph 507.6 below).¹⁵⁴
259. At the NSSG meeting on 21 September 2022, at which the Survivor Advocate and Independent Member were present for specific items, a query was raised about the direct remit of the ISB to receive and respond to complaints about the NST's handling of cases. ISB members confirmed that they had received a number of requests to review and a process was being developed. A concern was raised by the NSSG that some of the survivors that had requested an ISB review were diocesan cases and so would fall out of the scope of the ISB and that expectations needed to be managed. The ISB members confirmed that the reviews requested were NST cases.¹⁵⁵
260. I heard powerful evidence from Graham Jones in interview as to the importance of the ISB's role to complainants, victims and survivors.¹⁵⁶
- 260.1. the conception, resourcing, powers, independence of the ISB was so important to them because they had nowhere to go and no allies in the Church;
- 260.2. that there had been a number of circumstances in the last seven years where they had needed somewhere to go and had needed an independent body that provided oversight, authority and power within the Church of England but the way the ISB was set up was completely ambiguous as to its powers and authority, with no separate, independent, legal status and it was always going to find life very difficult;
- 260.3. there was a complete lack of understanding [on the part of the Archbishops' Council] of what it meant to people;
- 260.4. that they had initially not trusted the ISB at all but over a period had got to like and trust them; they had never asked the ISB to do anything specific and formal but they trusted them;¹⁵⁷
- 260.5. that the Survivor Advocate could not, on their own, deal with the complexities and the trauma of victims and they were completely swamped; there was criticism of their output but they were just overwhelmed by the scale of it.
261. I also heard evidence in interview from members of the NST staff, and from others that the problem with existing safeguarding processes was that there was no appeal process for the outcome of a diocesan core group or an NST safeguarding investigation so the ISB was seen as a place where people could take their complaints to be independently reviewed.¹⁵⁸

¹⁵³ See, for example, ISB(23)03 (March 2023) in paragraph 489.1

¹⁵⁴ T/20 written evidence to the Review, 26.10.23

¹⁵⁵ NSSG(22)M6/10.8-9

¹⁵⁶ T/18/4-7

¹⁵⁷ T/18/8

¹⁵⁸ T/9/5; T/11/2-3; T/3/8-9; T/12/14; For a definition of core groups, see

<https://www.churchofengland.org/sites/default/files/2017-11/responding-to-assessing-and-managing-concerns-or-allegations-against-church-officers.pdf> paragraphs 1.3 and 1.6

Christ Church review, Spring 2022 to January 2023

262. Based on interview evidence, in or around February/March 2022, Dr. Martyn Percy was asked by the Archbishop of York to consider the ISB conducting a review of Dr. Percy's complaints about treatment by Christ Church [college], Christ Church cathedral, the Diocese of Oxford, the NST, Lambeth Palace and a firm of lawyers acting for the Diocese of Oxford that had also represented Christ Church. A partner in the same firm acts as the provincial registrar, providing legal services to the Archbishop of Canterbury in relation to the legal functions of archbishop.¹⁵⁹
263. Dr. Percy had requested an independent inquiry into these complaints, preferably judge or KC-led.¹⁶⁰ Dr. Percy specifically wanted an inquiry into what Dr. Percy describes as "*the weaponisation of safeguarding*." In interview, I asked Dr. Percy what this phrase covered. Dr. Percy told me that in essence it meant Christ Church using the term "*safeguarding*" publicly in allegations without specifying whether that meant "*handling a safeguarding issue*" or "*an allegation of abuse*".¹⁶¹
264. At its Board meeting on 26 March 2022, the Chair reported that the ISB was being asked to review this case. The Chair then drafted Terms of Reference which were sent to Dr. Percy.¹⁶²
265. Based on written evidence to the Review, Dr. Percy was initially prepared to enter into the process with the ISB. Having reviewed the Terms of Reference, however, it was made clear from the outset by Dr. Percy that the proposed ISB review was not independent because the ISB worked for the Archbishops' Council. Dr. Percy understood them to be employees of the Archbishops' Council. Dr. Percy was aware that the ISB had been created, in part, to carry out its Phase 2 work to design an independent safeguarding body.¹⁶³
266. By a letter dated 8 April 2022, the Chair of the ISB was asked by the Archbishops to consider undertaking a more limited review of the situation in order to make an independent recommendation about how best to take the issues forward.
267. I have seen a version of those Terms of Reference dated 24 May 2022. They stated:
- 267.1. that the review was requested and was jointly commissioned by the Archbishops' Council and the Diocese of Oxford;¹⁶⁴
 - 267.2. that the long-standing dispute between Dr. Percy and Christ Church was out of scope of the review;¹⁶⁵
 - 267.3. that the NST would provide the ISB with all relevant paperwork and that this was covered by an information-sharing agreement between the ISB and the Archbishops' Council;¹⁶⁶

¹⁵⁹ T/14/4-6; <https://wslaw.co.uk/specialisms/church-law/church-of-england/>; T17 Fact Check Response 24.11.23

¹⁶⁰ T/5 written evidence to the Review, 12.9.23; T/4/10

¹⁶¹ T/14/10-11

¹⁶² ISB Board Meeting 25.3.22 Minutes/8

¹⁶³ Letter from Martyn Percy to the Archbishops and the Chair of the ISB, 25 April 2022

¹⁶⁴ Terms of Reference version dated 24 May 2022., paragraph 1.2

¹⁶⁵ Terms of Reference version dated 24 May 2022., paragraph 1.4

¹⁶⁶ Terms of Reference version dated 24 May 2022., paragraph 2.3

- 267.4. that the ISB was an independent body, supported by funding from the Archbishops' Council acting as a commissioner of this specific piece of work but that the Council could not direct the ISB's work; it could ask for consideration of topics but the ISB did not have to take them up and if it did so, how the work was done was determined by the ISB;¹⁶⁷
- 267.5. that no participant would be named in the report but would be referred to either by pseudonyms or initials.¹⁶⁸
268. Dr. Percy considered that the definition of "*weaponisation of safeguarding*" was excluded by paragraph 1.14 of the Terms of Reference which excluded the "*long-standing dispute between Dr. Percy and Christ Church*." I find that it was reasonable for Dr. Percy to assume that what Dr. Percy meant by "*weaponisation of safeguarding*" was excluded from the review because of the very general language in which paragraph 1.14 was drafted. Dr. Percy also felt that the ISB had received evidence of deliberate weaponisation of safeguarding which had been ignored and that the review would not, therefore, be independent.
269. The Terms of Reference were published via a Church of England press release on 27 May 2022.¹⁶⁹
270. Based on documentary and interview evidence, between May and July 2022, Dr. Percy complained to the Chair of the ISB about the scope of the Terms of Reference, the commissioning of the review and the independence of the ISB in hostile and intimidating terms.¹⁷⁰ Dr. Percy objects to this characterisation of the complaints on the grounds that there was no other option in the circumstances.
271. By a letter dated 14 June 2022, the Archbishops urged Dr. Percy to take part in the review on the more limited basis they had suggested in their letter to the ISB Chair dated 8 April 2022. That letter stated that it was clear that the Archbishops and Dr. Percy had very different ideas about what "*independence*" meant.
272. By a letter dated 24 June 2022, Dr. Percy set out concerns to the Archbishops, including the effect that concerns about the ISB review process was having on him, that no adjustments under the Equality Act 2010 had been offered and no indications given as to how data would be protected. Dr. Percy made it clear that the Terms of Reference would not deal with the concerns raised. Based on documentary evidence, others made representations to the Archbishops' Council on Dr. Percy's behalf in similar terms.¹⁷¹ A question was asked by Mr Martin Sewell (Rochester) at General Synod on 8 July 2022 about whether best practice principles had been considered by the Archbishops' Council when determining that the ISB was the optimal forum in which to address Dr. Percy's complaints and was answered by the Lead Bishop for Safeguarding.¹⁷²
273. The Survivor Advocate published a press release on the ISB website in October 2022, publishing the Terms of Reference and stating that a call for evidence had gone out and

¹⁶⁷ Terms of Reference version dated 24 May 2022., paragraph 3.1

¹⁶⁸ Terms of Reference version dated 24 May 2022., paragraph 2.14

¹⁶⁹ <https://www.churchofengland.org/safeguarding/safeguarding-news-releases/christ-church-safeguarding-review>

¹⁷⁰ T/5 written evidence to the Review, 12 September 2023; T/5/11

¹⁷¹ Letter to the Archbishop of Canterbury, 30 June 2022 from an Oxford parishioner

¹⁷² <https://www.churchofengland.org/sites/default/files/2022-07/questions-notice-paper-july-2022.pdf>

a timetable published.¹⁷³ Based on written and interview evidence, the ISB had started to receive evidence by the end of July 2022 and an evidence reviewer had been provided by Plexus Law but the qualitative evidence review had not yet begun.¹⁷⁴

274. The press release also stated:

- 274.1. that the question of independence was quite rightly a regular challenge to the ISB;
- 274.2. the ISB did not currently operate as a stand-alone separate legal entity and this was something actively under consideration ahead of embarking upon the second phase of the ISB's work in developing a pathway to embedding long lasting independence scrutiny and oversight of safeguarding within the Church of England;
- 274.3. that the ISB was aware the other independent reviews into Christ Church were ongoing and, as such, the ISB wished to analyse those Reviews to determine whether the ISB could usefully add to the body of independent work when weighed against the ISB's finite resources and its current workload, particularly directed towards the survivor community;
- 274.4. for those reasons the ISB had decided to pause the work on the Review pending consideration of other Reviews.

275. The press release was noted at the ISB Board meeting on 20 October 2022. It was also noted by the partner from Plexus Law at that meeting that the Christ Church review could not proceed until the ISA was signed because the ISB could not request information from the NST.¹⁷⁵ However, it was also noted at that meeting that the Information Governance Officer had informed Plexus Law that there was an ad hoc data sharing agreement that was available which would be needed to access data for further reviews.¹⁷⁶

276. Based on documentary and interview evidence, Plexus Law were aware of the template that could be used for ad hoc data sharing requests from at least 16 November 2022.¹⁷⁷

277. Based on documentary and interview evidence, the issues of how to progress the ISB's review of the Christ Church situation was discussed at the Archbishops' Council meeting on 23 January 2023.¹⁷⁸ There is no recorded decision on the subject in the Archbishops' Council minutes but on the basis of interview evidence, I find that the Council decided to withdraw the review from the ISB on the strong recommendation of the Archbishops because of the perceived delay in progressing it.¹⁷⁹ Based on documentary evidence, the ISB members considered that the delay lay with the Archbishops' Council because the ISA had still not been signed, which meant that they considered that they could not ask for information from the NST.¹⁸⁰

¹⁷³ <https://independent-safeguarding.org/wp-content/uploads/2022/11/Christ-Church-statement-oct-2022.pdf>

¹⁷⁴ T/5 written evidence to the Review, 12 September 2023; T/14/10

¹⁷⁵ ISB General Meeting 20.10.22 Minutes/8 and 10

¹⁷⁶ ISB General Meeting 20.10.22 Minutes/8 and 10

¹⁷⁷ T/34/10-11

¹⁷⁸ AC(23)07

¹⁷⁹ T/17/13; T/24/11

¹⁸⁰ Email chain from the Secretary General 1.2.23 1756

278. On 1 February 2023, the Archbishops' Council published a press release stating that it had agreed that the review of safeguarding issues regarding Dr. Martyn Percy which had been referred to the ISB should be led by another person.¹⁸¹
279. The ISB's Annual Report for 2022-23, published on 24 April 2023, stated that the NST were not able to provide the data to the ISB it held pending the signing of the ISA which resulted in the ISB not being able to progress the review. The review was not delayed due to ISB finite resources and current workload as those issues had been resolved; see paragraph 502 below.
280. Based on documentary evidence, I find:
- 280.1. that the delay to progressing the Christ Church review by the ISB was only partially because of the lack of an ISA because Plexus Law had by the latest in November 2022 been made aware that an ad hoc data sharing arrangement was possible; see paragraph 276 above;
 - 280.2. that progressing the review would, in any event, have been difficult in circumstances in which Dr. Percy had by this stage declined to participate on the basis of the published Terms of Reference and had brought a legal claim against the ISB; see paragraph 281 below;
 - 280.3. that the ISB's press release dated October 2022 attributed the pause in progressing the review to a desire to await the publication of other reviews and I have seen no evidence to suggest otherwise;
 - 280.4. that the Archbishop of Canterbury became, perhaps understandably, impatient at the delay, however caused.

Claim in the Oxford County Court

281. Based on interview evidence, I find that on 19 July 2022, Dr. Percy lodged an online civil money claim in the Oxford County Court to recover the costs of legal advice sought about the ISB case review.¹⁸²
282. At its meeting on 29 July 2022, the ISB noted that Dr. Percy had lodged a complaint about the review process and had lodged the money claim.¹⁸³
283. On 28 October 2022, there was a hearing in this case at the Oxford County Court before Judge Lumb in which Dr. Percy appeared as a litigant in person.¹⁸⁴ During that hearing, the issue of whether any claim could be brought against the ISB as a legal entity was raised and whether the right procedure had been followed. On the basis that a claim could not be brought against the ISB because it had no legal personality, an order for costs was sought on behalf of the ISB against Dr. Percy for bringing the claim.¹⁸⁵
284. During the hearing, Dr. Percy asked who the costs would be payable to, given that the ISB had no legal personality.¹⁸⁶ On the basis of the costs certificate signed by Plexus Law that the ISB was liable to pay their costs, the Judge told Dr. Percy that even though

¹⁸¹ <https://www.churchofengland.org/media-and-news/press-releases/statement-isb-and-christ-church-review>

¹⁸² T/14/14

¹⁸³ ISB Meeting 29.7.22 Minutes/8

¹⁸⁴ Court transcript, hearing Case No. 312MC213, 28.10.22

¹⁸⁵ Court transcript, hearing Case No. 312MC213, 28.10.22 p.10

¹⁸⁶ Court transcript, hearing Case No. 312MC213, 28.10.22 p.13

the ISB was not a legal entity, that did not mean that it could not instruct solicitors. Solicitors could be instructed through the members of the board or through whoever had appointed them as their agents. Counsel for the ISB, instructed by Plexus Law, described the ISB as an unincorporated association.¹⁸⁷ The Judge made a costs order, summarily assessed, of £4,500 against Dr. Percy. Dr. Percy asked who Plexus was reimbursing for these costs but the Judge said they could not look at that.¹⁸⁸

285. Based on documentary evidence, Dr. Percy lodged an appeal against this costs order by an Appellant's Notice dated 17 November 2022 and a hearing was listed for 13 April 2023.¹⁸⁹ The appeal was noted at the ISB's General Meeting on 24 November 2022.¹⁹⁰

286. Dr. Percy acknowledged in interview with me that Dr. Percy's communications to the Survivor Advocate and Independent Member in the autumn and winter of 2022-23 had been hostile. I find that Dr. Percy showed insight into this behaviour during the interview.

287. Based on documentary evidence, I find that during the autumn and winter of 2022-23, Dr. Percy undertook a wide campaign of correspondence with senior clergy and NCI staff in which concerns were raised about what manner of body the ISB was, whether it was in any sense independent and the difficulty of understanding its relationship with Plexus Law and the Archbishops' Council

288. Based on documentary and interview evidence, Dr. Percy met the Survivor Advocate and the Independent Member on 13 April 2023 (the same day as the appeal hearing) at an online survivor forum which the ISB members had organised and at which they shared their views of the situation the ISB was in. Following that initial meeting, the ISB settled the appeal case with Dr. Percy, agreeing not to enforce the costs order and published an undated press release to that effect in April 2023.¹⁹¹

289. That press release stated:

"The ISB consider that the original review's published terms of reference would have needed significant amendment to ensure that any independent ISB review had sufficient scope and depth."

290. It also stated:

"Dr. Percy had brought the claim following his request to the Archbishops' Council and Diocese of Oxford that there should be an independent review of the alleged weaponization of safeguarding by individuals and agencies within the Church of England perpetrated against him."

291. The Survivor Advocate was quoted in the press release as stating that *"The ISB recognises that Professor Percy has made serious allegations against Church authorities, including that there has been a deliberate weaponization of safeguarding against him. It is right that these claims are investigated without fear or favour."*

292. Based on documentary and interview evidence, a complaint was made to the Secretary General on behalf of a complainant against Dr. Percy that this press release twice used

¹⁸⁷ Court transcript, hearing Case No. 312MC213, 28.10.22 p.15

¹⁸⁸ Court transcript, hearing Case No. 312MC213, 28.10.22 p.19

¹⁸⁹ T/14 written evidence to the Review, 15.9.23

¹⁹⁰ ISB General Meeting 24.11.22 Minutes/3

¹⁹¹ <https://independent-safeguarding.org/wp-content/uploads/2023/04/Statement-Percy-v-Independent-Safeguarding-Board.pdf>

the phrase “*weaponisation of safeguarding*” when the complainant considered that their allegation was not that at all but an allegation of sexual assault. I heard evidence from NCI staff that they considered the use of Dr. Percy’s phrase “*weaponisation of safeguarding*” in this press release to be unprofessional because it gave the impression of endorsing this allegation.¹⁹²

293. I find that in each of the quotations above, it is clear that there is an allegation of “*weaponisation of safeguarding*” and that no view is expressed on the merits of that allegation. I therefore find that this press release did not show any pre-judgement or endorsement of Dr. Percy’s claims. However, I also find that it would have been more consistent with the ISB’s position as an independent case review body to have used a more neutral description of the claims in this press release.

294. In interview, Dr. Percy described the principal issue with the ISB in these terms:

*“that the entirely dissonant and disingenuous use of the word ‘independent’ is, for many of us now, morally, politically, ethically unacceptable, because the Archbishops’ Council and the NST just don’t mean ‘independent’. They only mean by that ‘third party’. They mean ‘independent’ in the way that I’m independent of my wife; it’s not an independence that has any regulatory meaning but they’ll use it, as they have done from the outset at Synod, to say, ‘We’ve set up the Independent Safeguarding Board.’”*¹⁹³

295. I asked Dr. Percy in interview what the reaction would be if I said, “*Well, maybe it wasn’t disingenuous, but maybe it just wasn’t thought through*”? I asked if there was evidence to show that using the word independent to describe the ISB was disingenuous as opposed to just inaccurate?¹⁹⁴

296. Dr. Percy thought it was both: that to begin with, it wasn’t thought through. Dr. Percy posed the question, when the Archbishops’ Council said it was independent, how many people round the table really interrogated that and asked, “*What does that mean?*” Dr. Percy thought that nobody had. Dr. Percy went on to say it was initially a cock-up, but the cock-up was covered up and that was where the conspiracy was.¹⁹⁵

297. In response to the points made by Dr. Percy in interview, I find:

297.1. that the term “*independent*” was used ambiguously in correspondence with him by the chair of the ISB and the Archbishops, without reference back to the ISB’s Terms of Reference or the paper presented to General Synod in February 2021 which might have clarified its position;¹⁹⁶

297.2. that Dr. Percy’s concern about the legal status of the ISB during the money claim was reasonable because there was ambiguity in the representations made on behalf of the ISB during the court hearings and in the Judge’s findings about the legal status of the ISB which made it very difficult for Dr. Percy, as a litigant in person, to understand how the ISB’s representation by Plexus Law was funded and whether that was a lawful arrangement;¹⁹⁷

¹⁹² T/10/21

¹⁹³ T/14/16

¹⁹⁴ T/14/17

¹⁹⁵ T/14/17

¹⁹⁶ https://www.churchofengland.org/sites/default/files/2021-02/independence-in-safeguarding_0.pdf

¹⁹⁷ For the funding arrangement with Plexus Law, see paragraph 241 above

- 297.3. that I have seen no evidence to suggest any improper behaviour by officers of the court or Plexus Law during the conduct of that claim;
- 297.4. that I have seen no evidence of conspiracy or cover-up of the “*independent*” nature of the ISB and that its two Phase status was made clear to General Synod from its inception and in its Terms of Reference published in March 2022; see paragraphs 164 and 231 above.

Makin Review

298. Based on written and interview evidence, in the spring of 2022, a complainant involved in the Makin Review (Graham Jones) contacted the Chair of the ISB with concerns about the delays to that Review and other issues relating to a complaint.¹⁹⁸ They subsequently complained to the ICO that the Chair had breached their instructions about sharing their data; see paragraph 344 below.
299. Based on written, documentary evidence and interview evidence, a second complainant involved in the Makin Review (Adrian James) contacted the Chair very soon after their appointment in the autumn of 2021.¹⁹⁹ In or around May 2022, Adrian James started to have meetings with the Chair and the Survivor Advocate but had no dealings with the Independent Member.²⁰⁰
300. From the time that the Chair stepped back from duties in August 2022, Adrian James dealt principally with the Survivor Advocate and asked the Survivor Advocate to conduct a watching brief of the delay to the Makin Review. Specifically, Adrian James wished to be able to bring certain evidence to light in the event that it was withheld from the Makin Review or that Review continued to be delayed. Adrian James considered that the Survivor Advocate was one of very few people they had dealt with in connection with their complaints about the Church who treated victims or survivors in an appropriate way. Adrian James was specifically not yet asking the ISB to act on their behalf but to wait for updates from them and was becoming increasingly concerned about delays to the Makin Review in the second half of 2022. Adrian James received an email from the Chair in early January 2022 in which they looked forward to the ISB’s Phase 2 work. Adrian James received a further email in February 2023 about the timeline for a potential meeting given developments at the ISB and a further email in March 2023 commenting on the Lambeth Palace SCIE review.²⁰¹
301. Adrian James spoke to the National Director for Safeguarding in November 2022 about their case and they met again in February 2023. Adrian James explained their case to the Lead Bishop for Safeguarding, the Bishop of Stepney, in July 2023.²⁰²
302. Adrian James told me in written evidence that they had sent evidence relating to their complaints to over half of the Archbishops’ Council, including the former and current Lead Bishops for Safeguarding by late June/early July 2023.²⁰³ Adrian James also told me in written evidence that they considered that suppression of these allegations was a possible contributing factor to the termination of the ISB contracts.²⁰⁴ Based on

¹⁹⁸ T/18 written evidence to Review 27.9.23; T/18/15

¹⁹⁹ T/22/2; T/5/12-13

²⁰⁰ T/22/2

²⁰¹ T/22/4, 6

²⁰² T/22/9

²⁰³ The former Lead Bishop was then the Bishop of Huddersfield, now the Bishop of Rochester and the current Lead Bishop is the Bishop of Stepney

²⁰⁴ T/22/17

documentary evidence, I find that Adrian James sent allegations to the personal assistant and Chief of Staff to the Archbishop of Canterbury and the Lambeth Palace Safeguarding Officer, copied to the Archbishop of York and their Chief of Staff, the Survivor Advocate, the Chair of the ISB, the Makin Review and the Chair of the NSP in late December 2022. Based on documentary evidence, I also find that Adrian James had sent allegations to the Secretary General in March 2022, copied to the Chair of the ISB and to the Lead Bishop for Safeguarding at that time and to the Makin Review; see paragraph 666 below.

303. Adrian James contacted Kevin Crompton when that appointment was announced; see paragraphs 314 below.

Mr. X case review

304. Based on documentary and interview evidence, Mr X contacted the ISB in 2022, initially through an advocate, to ask if they would review the handling of their case by the NST. Their initial contact was with the Chair and the case was then passed to the Independent Member. Mr X told me in interview that the Independent Member was “*incredibly professional*”. Mr. X trusted both the Independent Member and the Survivor Advocate.²⁰⁵ Terms of Review were agreed limiting the scope of the review to the period since 2015. An investigator was appointed to investigate the case on behalf of the ISB.²⁰⁶

305. Mr X described the experience of being in a case review as a survivor in interview:

“I’d approached the review right from the start with trepidation and scepticism and fear, and I don’t think I’m unusual in that I’m – what I’m about to describe to you, in feeling this, in having a problem with waiting for a decision. I don’t think I’m unusual. I think that’s quite common with survivors, but it’s quite difficult to describe to other people, is your whole life seems to be on hold waiting for this significant decision to come, and you have no idea what that decision’s going to be, and my life’s been like that now for eight years, every day, and so this was a – after so much desperation, this was a possibility, but I had scepticism. I didn’t know. I had fear.”²⁰⁷

306. Based on documentary and interview evidence, the NST received the draft report for accuracy checking on or around 24 March 2023. Two reports were produced as a result of the case review. I have seen both the full report, which remains confidential, and was provided to the NST on 11 April 2023 and the abridged report, which was published with Mr. X’s consent on 6 June 2023.²⁰⁸ References in this Report are only to the published, abridged version. The ISB made it clear to the NST that it expected the NST to indicate whether the recommendations in the report would be accepted and implemented.
307. Based on documentary and interview evidence, on publication, the National Director of Safeguarding contacted the ISB to reiterate their concerns about some of the recommendations. In early May 2023, the National Director of Safeguarding asked to meet the ISB members to discuss the recommendations in light of Mr X’s expectations of what would happen as a result of the case review. I find that this process strongly suggests a lack of trust between the ISB and the NST at this point about how the recommendations should be implemented.

²⁰⁵ T/X/22

²⁰⁶ T/X/5-7; Mr X abridged report published 31.3.23 p.2-3

²⁰⁷ T/X/13

²⁰⁸ <https://independent-safeguarding.org/wp-content/uploads/2023/06/Mr-X-Final-Case-Report-Abridged.pdf>

308. Attempts were made by the NST to comply with the four week timescale in Recommendation 7 for an urgent case management group meeting but these were not successful.²⁰⁹
309. A statement was published on the ISB website dated 6 June 2023 relating to the review. It stated:²¹⁰

‘Case Review – Mr X

The Independent Safeguarding Board has detailed terms of reference which include a responsibility to receive complaints about the National Safeguarding Team’s handling of cases. The abridged version of the Independent Safeguarding Board’s report in response to complaints raised by Mr X is being published today.

The full version of this report has been provided to Mr X and has been issued to the Church of England for action. The abridged report is redacted in accordance with independent legal advice, with minor amendments to facilitate understanding. Mr X has approved publication.

Church of England – Implementation Progress

The Church of England has not yet provided a formal response to the recommendations.

The ISB has been advised that the response to these recommendations needs to be approved by the National Safeguarding Steering Group (NSSG). This has been legally challenging as data relating to Mr X could not be shared with the NSSG. Consent has been received for the report to be shared with senior members of Church leadership.

• Recommendation 7 – Implementation Overdue

The Church of England has failed to implement recommendation 7 within the expected timescale.

This action is now significantly overdue. This recommendation addresses Mr X’s personal situation.

It was recommended that a meeting was convened within four weeks of this report, with the active participation of Mr X and/or his representatives to address his support needs. In recognition of the urgency of recommendation 7 and concern that the accuracy checking process may delay a response to Mr X’s needs, the ISB took the exceptional step of writing to the National Safeguarding Team with advanced notice of the formal recommendation on 30th March 2023.

The Church of England’s approach to implementing this recommendation needs to be consistent with the urgency of the case and the need for a trauma-informed approach.

The ISB is aware of ongoing communication between the Church of England and Mr X/his advocate, and we will continue to monitor progress and seek a satisfactory outcome.

6th June 2023’

310. The National Director of Safeguarding met with Mr X on 13 June 2023 to discuss the recommendations. At this meeting, Mr X set out concerns about the implementation of the recommendations.²¹¹
311. The Independent Member sent a letter to the Archbishops dated 5 July 2023 stating that no formal response had been received from the National Director for Safeguarding. The deadline that one of the recommendations had imposed had already passed. That letter stated in conclusion:

²⁰⁹ T/12/17; T/X/12-13

²¹⁰ <https://independent-safeguarding.org/wp-content/uploads/2023/06/Mr-X-Case-Review-Statement-1.pdf>

²¹¹ T/12/17; T/X/15

“This is the final communication I will send to you both as the Independent Member of the Independent Safeguarding Board and it is, without doubt, the most important. I would urge you to ensure that your advisors adopt a suitably trauma-informed approach to Mr X’s case as a matter of urgency.”

312. Based on interview evidence, the Archbishop of Canterbury did not reply to this letter personally but passed it to Lambeth Palace staff and the staff of the Archbishop of York to respond to.²¹²
313. The Mr X case review recommendations were considered by the NSSG at its meeting on 20 July 2023. Of the eleven recommendations, 4 were accepted unequivocally; 1 was accepted subject to consent for data sharing being obtained; 3 were partly accepted and 1 was not accepted on the basis of information sharing issues.²¹³ The Recommendations and the NSSG’s response are set out below:
 - 313.1. Recommendation 1: the Church of England should ensure that a case management solution was delivered across the various entities that make up the Church of England, including the Interim Support Scheme, to enable a holistic view of interactions with chronic case survivors to ensure central oversight of support provided. The solution must facilitate effective case management and remove the need for survivors to be retraumatised by having to repeatedly explain their circumstances;
 - 313.1.1. NSSG minutes: partly accepted, with the aim of ensuring better coherence if and when consent for information sharing was given.
 - 313.2. Recommendation 2: the Church of England should ensure the appointment of a single point of contact within the Church for each survivor receiving protracted care and support from the Interim Support Scheme or locally arranged provisions. This approach should mitigate the risks presented by the current lack of a coherent approach and minimise the potential for re-victimising those survivors who remain engaged with the Church for the purposes of interim or longer-term redress;
 - 313.2.1. NSSG minutes: the recommendation was partly accepted for cases where a coordinated therapeutic approach was possible and appropriate.
 - 313.3. Recommendation 3: the Church of England should institute a case management group approach to oversee chronic cases being handled by the Interim Support Scheme. Case management groups should adopt a problem-solving approach with a view to ensuring that survivors retained agency and were able to have a clear view of the exit strategy that helped them to move forward in the context of financial support. As a minimum, a case management group should include:
 - 313.3.1. A suitably qualified and experienced chair;
 - 313.3.2. Survivor representation;

²¹² T/17/30

²¹³ NSSG(23)M3/3.0 – 3.11.1; AC(23)M4/3.11

- 313.3.3. Clear terms of reference for each group focussed on developing a just and equitable outcome for both the survivor and the church;
- 313.3.4. Representation from each part of the church involved;
- 313.3.5. An effective communications strategy;
- 313.3.6. A risk and issues register.
- 313.3.7. NSSG minutes: accepted.
- 313.4. Recommendation 4: the Church of England should review the terms of reference and resourcing for the Interim Support Scheme as they were currently not fit for purpose. A more resilient model for 2023/4 was required and should allow for a trauma informed approach to the assessment of needs and decision making. This should include the provision of a case support worker(s) to assist with managing workload and liaising with dioceses.
 - 313.4.1. NSSG minutes: accepted and would be kept under review.
- 313.5. Recommendation 5: the Diocese of Chichester should ensure that a senior safeguarding professional, with a good understanding of the history of this case, is available to meet with Mr. X to discuss the background to the complaints made that pre-date 2015, when and if they wishes to do so.
 - 313.5.1. NSSG minutes: accepted by Diocese of Chichester.
- 313.6. Recommendation 6: the Church of England should institute a mechanism to ensure that Diocesan Safeguarding Advisors were made aware of all civil actions from the outset, that formal contact was made directly with complainants to assess their needs, and that offers of additional support were made where appropriate (for example, spiritual/pastoral case or access to an Independent Sexual Violence Advisor);
 - 313.6.1. NSSG minutes: not accepted: the majority of civil actions would be dealt with by the Dioceses and the ISS would not play a role in civil claims. There might be GDPR/information sharing issues in relation to sharing civil claims with the DSA.
- 313.7. Recommendation 7: the Director of Safeguarding should ensure that an urgent case management group meeting, consistent with recommendation 3, was convened within four weeks of the report, with the active participation of Mr. X and/or their representatives. This meeting should adopt a problem-solving approach with the aim of breaking the cycle of dependency that had been created for Mr. X and seek to address the root cause of their financial challenges. A report on the progress and outcomes of this meeting should be sent to the Independent Safeguarding Board within two weeks of the meeting taking place.
 - 313.7.1. NSSG minutes: concerns were raised with the ISB prior to the report being published and whilst in draft due to relationships, GDPR and due diligence that four weeks was not going to be feasible. Partially accepted as there was further work to be done.

- 313.8. Recommendation 8: the Director of Safeguarding should seek urgent assistance from the church's insurers that approaches to the settlement of claims are managed to an acceptable standard and consistent with a survivor centred approach.
- 313.8.1. NSSG minutes: accepted, ongoing and would be reviewed in a year.
- 313.9. Recommendation 9: the Director of Safeguarding should assess whether there are survivors known to the NST who might be experiencing similar difficulties to Mr. X and seek to apply the principles of recommendations 2 and 3 as soon as is possible.
- 313.9.1. NSSG minutes: accepted in so far as it related to individuals that agreed that their information could be shared. All the applicants to the ISS had been reviewed and 12 cases had been identified that required a problem-solving approach and had been allocated a key worker from the ISS.
314. I find that two of these recommendations related to specific actions for Mr. X (5 and 7). The remainder set out recommendations about systemic issues based on the experience and situation of Mr. X. Based on interview evidence, I find that Recommendation 7 had been discussed with the ISB and that the ISB had set a four week deadline, which was not met. Recommendation 5 was accepted and implemented but the involvement of the Diocese was unsuccessful and traumatic for Mr. X. I find that there was no formal communication to Mr X from the NSSG or NST as to whether the Recommendations had been accepted nor how they would be implemented.²¹⁴
315. By a press release dated 14 September 2023, Kevin Crompton was announced as an interim commissioner of independent reviews to ensure the work promised by the ISB could continue and that implementation of the recommendations of the Mr X case review would be overseen.²¹⁵ I have seen correspondence that shows that that process is ongoing but contested.
316. Mr X's advocate told me in interview that when asked to pass on the fact that Kevin Crompton's appointment was about to be published, their view was:²¹⁶
- "How is Mr X going to respond to the fact that another unknown individual has been promised to – with no promise of what's going to happen at the end of it? Mr X is being asked to submit themselves to another – what is effectively a review of the review of the review."*
317. I heard from other complainants, victims and survivors in interview who were frustrated and sometimes confused by having to deal with so many different bodies and individuals (both clergy and staff) about their cases.²¹⁷ Graham Jones told me:²¹⁸
- "Everything in the Church of England falls between two stools. You've got the NSP, the NSSG, the SRG, the NST, the Archbishops' Council [inaudible – likely to be 'the House*

²¹⁴ T/X/12-14

²¹⁵ <https://www.churchofengland.org/safeguarding/safeguarding-news-releases/update-work-promised-former-isb-interim-commissioner>

²¹⁶ T/X/16-17

²¹⁷ T/1/21; T/3/17; T/14/19; T/22/4

²¹⁸ T/18/4

of Bishops’], the Lead Bishop, Lambeth and individual dioceses and it allows everyone to say, ‘Well, it’s actually not my job,’ and decision after decision in the Church of England is made without anyone in control, without anyone saying, ‘Come on, enough’s enough.’”

Learning Lessons Review into the Late Trevor Devamanikkam by Jane Humphreys

318. Based on documentary and interview evidence, in October 2021, very shortly after their appointment, the Chair and Survivor Advocate were involved in discussions with the interim Director of Safeguarding as to how the Humphreys review could be progressed, with the possibility of the ISB conducting an assessment of the review to date to establish a way forward.²¹⁹
319. The Chair authored a note dated 7 December 2021 that was sent to the interim National Director of Safeguarding and the Survivor Advocate suggesting that the ISB could write a foreword to the review, even though the survivor had chosen not to engage with the review, stating how the review had been conducted. The Survivor Advocate sent some comments on this note. I find that there were no comments from the Survivor Advocate as to whether or not the ISB should provide a foreword and that this had been agreed.
320. In December 2022, as the review was about to be finalised, the interim National Director of Safeguarding approached the ISB members about writing the foreword mentioned in the note dated 7 December 2021. The ISB members asked to see a copy of the draft Report.
321. The ISB members received a draft of the report on or around 2 May 2023 and informed the NST seven days later on 9 May 2023 (the first day of the Archbishops’ Council meeting – see paragraph 516 below) that because the original request and discussions regarding this case had been conducted with the former Chair, they did not feel qualified to write a foreword. They also expressed concerns about engagement with the survivor although acknowledged in correspondence that the Survivor Advocate had met with the survivor. The review was published on 11 May 2023 with no reference to the ISB in the press release announcing it, which left an NST member feeling disappointed and unsupported.²²⁰
322. I find that the ISB members notified the NST that they would not provide any foreword to this review in the same 48 hour period as the Archbishops’ Council meeting at which they gave presentations on 9 and 10 May 2023 and were clearly under considerable strain at the time. I find that whilst the correspondence from December 2021 gives the impression that the Survivor Advocate did not disagree with the idea of providing a foreword, it was reasonable for the two ISB members to decline to do so having read the report. I find that the decision not to provide a foreword was communicated brusquely via email but at a time of great stress for the ISB members. I find that this incident caused a deterioration in relations between the two ISB members and the NST, not least because the NST was also under considerable pressure at this time.

²¹⁹ T/9/7-9; T/5/12

²²⁰ <https://www.churchofengland.org/media-and-news/press-releases/trevor-devamanikkam-review-published> T/9/19; T/20/4-5; T/9/19

Other case reviews

ISB numbered case reviews

323. ISB meeting minutes for November 2022 give an update on seven case reviews. As a result of data protection procedures, I am unable, rightly, to map the reviews I have listed above, to that list of cases; see paragraph 417 below.
324. I set out below the details of the other case reviews that I have been told about in interview or have received written evidence about. The case designations below (A, B, C etc) have been created by me and do not reflect any case designations used by the ISB.

Case A

325. Based on interview evidence, the Chair conducted an internal review of a case in the first few months of their appointment. The review was not published and the details of it remain confidential.²²¹

Case B

326. Based on documentary evidence, in November 2022, the Survivor Advocate contacted the National Director of Safeguarding to ask why an update had not been provided to a complainant in a CDM. I find there was a constructive dialogue via email as to the status of that case and the involvement of the NST.

Case C

327. Based on interview evidence, this was partly a complaint case and partly arose out of the IICSA enquiry. Terms of reference had been discussed but difficulties had been encountered in whether the survivor's data could be shared with the NST (the survivor had asked for it not to be) and whether information could be obtained from the NST and NCIs and so at the point of termination of the ISB contracts, the case review was waiting for resolution of those issues.²²²

Anon 1

328. Based on written evidence to the Review, Anon 1 applied for their case to be reviewed by the ISB. It was kept under review until such time as the official channels for complaint had been exhausted at which point it was intended that it would be taken forward.²²³ Anon 1 stated that survivors trusted the Survivor Advocate and the Independent Member because they did not prioritise reputation management over the needs of survivors.²²⁴ See also paragraph 662 below.

Case Review XX

329. Based on interview evidence, Complainant XX asked for a case review in or around September 2022. They were offered a choice of independent reviewers to choose from to conduct the investigation and met with a reviewer on 15 June 2023 to begin the

²²¹ T/9/9-10

²²² T/13/7

²²³ Anon 1, written evidence to the Review 12.9.23 (second communication)

²²⁴ Anon 1, written evidence to the Review 12.9.23, 19.10.23

review. Terms of reference were finalised on 29 June 2023 and the investigation was, at that point, about to commence.²²⁵

Christopher Jack Cooper

330. Based on written evidence to the Review, Mr Cooper contacted the ISB to ask for a review and signed a disclosure consent form on 16 August 2022. On 24 October 2022, the ISB informed Mr Cooper that they could not review the case due to current legal involvement the case but to revert to them when that had ended. Mr Cooper disputes that this was a valid reason to reject the case but it is beyond my Terms of Reference to investigate this issue which arises out of complex circumstances.

Approach of the Survivor Advocate and Independent Member

331. Anon 4 described the Survivor Advocate and Independent Member to me in interview as *“totally appropriate”*.²²⁶

²²⁵ T/XX/12-13

²²⁶ T/Anon4/4

ICO Complaints

332. In accordance with paragraph 2 of my Terms of Reference, I have not re-investigated the data breach reported by the Archbishops' Council to the ICO on 27 July 2022 which I refer to as Data Breach 1 below. I set out below simply the procedures followed in terms of reporting and outcomes.

Data Breach 1 (subject to paragraph 2 of the Terms of Reference), April 2022

333. Based on documentary and interview evidence, on 8 April 2022, the NCI Information Governance Officer received a complaint that the Chair had breached the data protection rights of the complainant on 7 April 2022. By 3 May 2022, the Information Governance Officer had initiated an investigation into the breach. Separately, the NCI Complaints Procedure was also initiated to deal with this.
334. On 22 July 2022, the issue was reported to the Charity Commission by the Information Governance Officer, with two further updates.²²⁷
335. Following an investigation, the Information Governance Officer reported to the ICO on 27 July 2022 that they considered that there had been a data breach.²²⁸
336. By a letter dated 27 July 2022, the Chair was notified by the Secretary General that the Information Governance Officer's investigation had concluded that there had been a data breach and that the issue had been referred to the ICO, would be notified to the Charity Commission and that the trustees of the Archbishops' Council would be informed. The letter also stated that the Chair was required to undertake further GDPR training and to delete the data that was the subject of the complaint. The Chair was also informed that until further training had been completed, the Archbishops' Council would not be able to share personal data related to other cases that the Chair or the ISB might be reviewing.
337. On 27 July 2022, discussions were held between the Secretary General, the Archbishops, the Lead Bishop for Safeguarding, with input from the interim Director of Safeguarding, at the Lambeth Conference in Canterbury as to the Chair's position following the Information Governance Officer's conclusion that there had been a data breach and notification of the issue to the ICO.²²⁹
338. All three ISB members discussed the breach at their meeting on 29 July 2022.²³⁰
339. Based on documentary evidence, on 4 August 2022, the Chair was notified by phone and by email by the Secretary General that the trustees of the Archbishops' Council who were members of the NSSG, with the agreement of the Archbishops and the Lead Bishop for Safeguarding, considered that the Chair should step back from their role, pending a response from the ICO to the data breach report sent on 27 July 2022. The letter stated that this request to step back had the support of the Survivor Advocate and the Independent Member. Based on interview evidence, the Director of Mission and Public Affairs was deputed to give pastoral support to the Chair while stepped back.²³¹

²²⁷ Serious Incident Report, 22.7.22, update report 22.8.22 and 541744 Update

²²⁸ T/34/5-7

²²⁹ T/17/13, 15; T/10/15; T/4/17; T34 Fact Check Response 23.11.23

²³⁰ ISB General Meeting 20.10.23 minutes/3

²³¹ T/4/13; T/5/28

340. Based on written and interview evidence, having received professional advice, the Chair informed the Survivor Advocate and the Independent Member that they should only contact them via Plexus Law.²³²
341. On the same day, a press release from the Lead Bishop for Safeguarding was issued that a complaint about a data and confidentiality breach by the Chair had been upheld by the NCIs, that an apology had been sent to the data subject and that the ICO and Charity Commission had been notified.²³³
342. A press release was also issued by the ISB stating its support for the decision to ask the Chair to step aside while the ICO investigated. It stated that it recognised and was grateful to the Chair for all the work undertaken to date.²³⁴
343. By a letter dated 12 August 2022, the ICO requested further information from the Information Governance Officer.

Data Breach 2, February 2022

344. By a letter dated 6 July 2022, the Chair was informed by the ICO that it had received a complaint that the Chair had not kept the personal data of a different individual secure in February 2022. That letter informed the Chair that the ICO's view was that the ISB had not complied with its data protection obligations because the data subject had asked for their personal data to be kept private and confidential. The ICO advised that steps should be taken to improve information rights practices and that appropriate measures were in place to prevent infringements happening again. The complaint was closed on 6 July 2022 with an outcome of "*informal action taken*".²³⁵
345. The Church Times reported the outcome of Data Breach 2 on 22 July 2022 with comments from the complainant, the Chair and the Church of England.²³⁶

Conclusion of Data Breaches 1 and 2

346. Based on documentary evidence, the Information Governance Officer met with the ICO on 23 September 2022. The Information Governance Officer was informed that:
 - 346.1. **Data Breach 1:** The Archbishops' Council was very likely not to be found to be the responsible data controller and so there was unlikely to be an offence under section 170 of the Data Protection Act 2018;
 - 346.2. **Data Breach 1:** As the Chair was very likely to be the responsible data controller, the civil investigation team would follow it up and it would not involve the Archbishops' Council.
 - 346.3. **Data Breach 2:** the Chair had informed the ICO of this matter and the Archbishops' Council would not be informed of the details of this.

²³² T/5/18; T5 written evidence

²³³ <https://www.churchofengland.org/safeguarding/safeguarding-governance/statement-isb-lead-safeguarding-bishop>

²³⁴ <https://independent-safeguarding.org/wp-content/uploads/2022/11/ISB-statement-regarding-Maggie-Atkinson-2.pdf>

²³⁵ Letter from ICO to the Chair, 16 February 2023

²³⁶ <https://www.churchtimes.co.uk/articles/2022/22-july/news/uk/information-commissioner-s-office-upholds-survivor-s-complaint-against-chair-of-isb>

- 346.4. The Archbishops' Council had been advised to review all ISB contracts to ensure that controllership had been defined.
347. By a letter dated 9 November 2022, the ICO wrote to the Information Governance Officer to inform them of the ICO's decision in relation to Data Breach 1. That letter found:
- "As part of the review into this data breach report, it was established that the set-up of the ISB was done in quick fashion and as a result the consultancy agreement did not clarify the roles of the Archbishops' Council and the ISB in terms of data Controllership. This led to doubts and lack of clarity over which party was the data controller."*
348. The letter noted that the third party receiving the data was alleged to be the data subject themselves using an alias online but no evidence had been provided by either party to substantiate this.
349. The letter concluded that as the ISB was the Data Controller, there was unlikely to be a criminal offence under section 170 of the Data Protection Act 2018 that personal data had been unlawfully disclosed without the consent of the controller. There was therefore insufficient evidence to substantiate the allegation of a section 170 offence.
350. No further criminal investigation was merited but as it was possible that a civil law breach had taken place, the matter had been referred to the appropriate department for further consideration.
351. Based on interview evidence, the Chair chased the ICO for a decision on the civil investigation and in or around November 2022 was told by phone that there was no case to answer. Based on documentary evidence, the ICO informed the Chair on 30 November 2022 that the civil investigation team would not be opening an investigation and that the case would not be referred back to the Personal Data Breach Team. The Chair relayed this information to the Secretary General on the same day.²³⁷ The investigation into a personal data breach was closed on 27 September 2022 due to insufficient evidence; see also paragraph 414 below.²³⁸

Data Breach 3

352. By a letter dated 16 January 2023, the ICO reported the outcome of a third data breach allegation against the ISB, acting through the Chair, brought by a third, different, complainant in or around 22 July 2022.²³⁹ The ICO found that the ISB had not complied with its data protection obligations because personal data had been disclosed to the NST despite the complainant advising that they wished it to remain confidential.
353. The ICO stated that it was aware of the potential confusion over the status of the Archbishops' Council and ISB as a sole data controller or separate data controllers under the data protection framework. The ICO stated that it understood that they were separate data controllers and had taken steps to address any confusion both internally with regards to sharing data and externally, to complainants, and that, as such, the ICO would not be pursuing further action in this matter but would retain this concern on file for intelligence purposes.

²³⁷ T/5/17; Email chain Secretary General 1.12.22 10:56

²³⁸ Letter from ICO to the Chair, 16 February 2023

²³⁹ T/18/15

354. The complaint was closed on 16 January 2023 and notified to the complainant with an outcome of “*informal action taken*”.²⁴⁰
355. Based on documentary evidence, I find that that the Chair sent a request for information to the ICO by email on 25 January 2023 because the Chair had not known about the Data Breach 3 complaint to the ICO when told about it by the Survivor Advocate and Independent Member, who had themselves been told about it by the complainant.
356. On 31 January 2023, the Church Times reported the outcome of Data Breach 3 with comments from an ISB spokesperson.²⁴¹ A spokesperson for the Church of England was quoted as saying that the Archbishops’ Council had agreed in January that the ISB members should enter into a dispute resolution process. The Survivor Advocate and Independent Member were reported as stating that Data Breach 3 had been brought to their attention by the ICO complainant, had not been disclosed to them by the Chair, that the Chair had been stood aside from duty and that the Chair had no access to sensitive data. They were also reported as saying that the situation with the Chair needed resolution and that the Archbishops’ Council were invoking a contractual process. See paragraph 443 below. I find that as at the date of this article, the ICO had notified the complainant of the outcome but the Chair had not yet received any response from the ICO to the Chair’s query about Data Breach 3.
357. By a letter dated 16 February 2023, the ICO responded to the information request from the Chair dated 25 January 2023 to confirm that the reference number for Data Breach 3 was a complaint against the ISB and that the ICO would not disclose any information about it to the Chair on grounds of data protection law.
358. In a statement dated 12 July 2023, the Chair recorded acknowledging any errors and apologising for them sincerely.²⁴²

²⁴⁰ ICO letter to the Chair, 16 February 2023

²⁴¹ <https://www.churchtimes.co.uk/articles/2023/3-february/news/uk/disputes-undermine-effectiveness-of-the-church-s-independent-safeguarding-board>

²⁴² <https://www.thinkinganglicans.org.uk/wp-content/uploads/2023/07/20230712-paper-rebutting-JS-and-SR-05-July-2023-MA.pdf>

August 2022 to December 2022

ISB meeting, 23 August 2022

359. The Survivor Advocate and the Independent Member held an extraordinary meeting of the ISB on 23 August 2022 via Zoom in order to approve “Operating Principles and Standing Orders” which they had been informed were a priority to complete. The Survivor Advocate and the Independent Member approved these, noting that the Chair had not seen them because stepped aside from the role.²⁴³ The Operating Principles and Standing Orders were posted on the ISB website.²⁴⁴
360. The Operating Principles and Standing Orders are set out in Appendix 6 to this Report. I find that the following paragraphs are relevant to the subsequent history of the ISB:
- 360.1. [2.5] The quorum for a meeting of the Board is 2 members.
 - 360.2. [4.2] Where only two members are present, and a decision cannot be reached by majority it must be deferred to a meeting where all three members are present.
 - 360.3. [6.2] While any legal proceedings initiated by a third party are most likely to be brought against the Board as a whole, in exceptional circumstances proceedings may be brought against individual Board members. A Board member who has acted honestly and in good faith will not have to meet out of their own personal resources any personal or civil liability which is incurred in the execution or purported execution of their Board function, save where the Board member has acted recklessly.
 - 360.4. [6.3] Where a member of the Board is considered to have fallen below the standards expected, the remaining Board members may pass a resolution to suspend the Board member while consideration is given to the appropriate response.
 - 360.5. [6.5] Where a Board member’s conduct falls considerably below the standards expected, the Board may conclude, subject to appropriate legal advice, to remove that member from the Board [a non-exhaustive list of such misconduct is given].
 - 360.6. [7.5] The recruitment of Board members will follow an open process, approved in advance by the Board.

NSSG meeting, 21 September 2022

361. The new National Director for Safeguarding started in role in September 2022.²⁴⁵
362. The Survivor Advocate and the Independent Member provided a written update to the NSSG for its meeting on 21 September 2022 which was also to be submitted to the Archbishops’ Council for its next meeting on 22 September 2022.²⁴⁶ That update noted the following points:

²⁴³ ISB Extra General Meeting 23.8.22 (via Teams) minutes

²⁴⁴ <https://independent-safeguarding.org/wp-content/uploads/2022/10/Standing-Orders.pdf>

²⁴⁵ T/12/2-3

²⁴⁶ NSSG(22)35; AC(22)63; T/10/16

- 362.1. the Chair's duties as Chair had been allocated to other Board members on an interim basis which had resulted to an increase to the time allocated to the Survivor Advocate and the Independent Member but that the overall budget was not expected to be adversely affected;²⁴⁷
 - 362.2. the ISB had held an extraordinary general meeting on 23 August 2022 and approved, by a majority vote, its Operating Principles and Standing Orders;²⁴⁸
 - 362.3. the Survivor Advocate's report "*Don't Panic – Be Pastoral*" would be published soon;
 - 362.4. the website would be launched imminently;
 - 362.5. ISB members and staff had completed data protection training advised by the Information Governance Officer;²⁴⁹
 - 362.6. work was being undertaken by the Board members, the Archbishops' Council and legal advisors to ensure an ISA was finalised;
 - 362.7. a procedure to ensure consistency of learning reviews of cases undertaken by the ISB had been agreed with a small number of exemplar cases being considered for a more in-depth review but that the absence of an ISA delayed some important aspects of that work;
 - 362.8. the arrival of a new National Director for Safeguarding would trigger more intensive consideration of how oversight and scrutiny of the NST could best be achieved but the absence of an ISA again delayed some important aspects of that work;
 - 362.9. communications and IT functions delivered by the NCIs were not delivering the expected operational benefit or were insufficiently distanced from the Church to inspire public confidence; there was a pressing need for the appointment of a Business Manager to support the ISB's strategy;
 - 362.10. engagement and transparency from the NST about the level of service to be provided by the interim service provider of Safe Spaces had been disappointing and could not yet assure the service.
363. I have not seen any documentary evidence that the contractual duties had been formally reallocated to the other ISB members. Based on written evidence to the Review, after the Chair stepped back the Project and Administration Officer found it difficult to reach the ISB members and was unsure of the days that they were working for the ISB.²⁵⁰

²⁴⁷ NSSG(22)35/1.2

²⁴⁸ NSSG(22)35

²⁴⁹ I received documentary evidence that the ISB members were given access to the NCIs' Learning Management System so that they could undertake online GDPR training; email chain from Information Governance Officer to Plexus Law 4.8.22 0914. The Survivor Advocate and Independent Member completed this training; but the Information Governance Officer recommended this training rather than advised on it; T34 Fact Check Response 23.11.23

²⁵⁰ T/20 written evidence to the Review, 26.10.23

364. Based on documentary and interview evidence, the Survivor Advocate and the Independent Member joined the NSSG meeting on 21 September 2022.²⁵¹ One of the Archbishops' Council representatives to the NSSG was present, as was the Lead Bishop for Safeguarding, the Bishop of Stepney (who was to become the Lead Bishop for Safeguarding on 31 March 2023) and both deputy Lead Bishops for Safeguarding. The Secretary General, the former interim National Director of Safeguarding and the Chief Legal Adviser to the Archbishops' Council were also present.
365. The Survivor Advocate reported that they had met with 60 individuals for the forthcoming report, of whom approximately half were victims and survivors, with the rest being members of the NST, bishops, DSAs and ISVAs.²⁵²
366. With regard to Safe Spaces, the Survivor Advocate and the Independent Member explained that they had not received responses from the Directors and Advisory Committee of Safe Spaces regarding the experience of survivors and their involvement in the tendering process. It was explained on behalf of the NSSG that Safe Spaces was a joint venture with the Catholic Church and that there had been survivor involvement on the provider of the service but that the transition to an interim provider would mean some of the information would not be available.²⁵³
367. The NSSG noted that further work needed to be done to establish how the NSSG and ISB would work in a positive and constructive way together, including whether the ISB should be present at all NSSG meetings.²⁵⁴ The ISB noted that there was a view that it was not independent and would need to inspire an increased level of confidence.²⁵⁵
368. With regard to case reviews, the NSSG asked about the direct remit of the ISB to receive and respond to complaints about NST handling of cases. The ISB members noted that the Chair had made promises of reviews and that survivor expectations were high.²⁵⁶ The ISB members confirmed that the reviews that had been requested were NST cases.²⁵⁷
369. I find that the NSSG had the opportunity to ask the Survivor Advocate and the Independent Member about the Operating Principles and Standing Orders at this meeting and that that opportunity was not taken. I also find that the Archbishops' Council representative to the NSSG, the Lead Bishop for Safeguarding and the Secretary General had the opportunity to report to the Archbishops' Council meeting the following day that the ISB had passed Operating Principles and Standing Orders but that, based on the documentary evidence, this opportunity was also not taken.

Archbishops' Council meeting, 22 September 2022

370. The Survivor Advocate and the Independent Member joined a Zoom meeting of the Archbishops' Council on 22 September 2022. The Survivor Advocate and the Independent Member spoke to their update paper.²⁵⁸ There was a discussion about the independence of the ISB and it was put forward that the ISB should be more independent from the NCIs to inspire confidence in its work. It was said that the ISB

²⁵¹ NSSG(22)M6/10.1

²⁵² NSSG(22)M6/10.3

²⁵³ NSSG(22)M6/10.5

²⁵⁴ NSSG(22)M6/10.7; T/2/17-18

²⁵⁵ NSSG(22)M6/10.1; T/7/4

²⁵⁶ NSSG(22)M6/10.8; T/10/16

²⁵⁷ NSSG(22)M6/10.8 and 9

²⁵⁸ AC(22)63

could scrutinise the work of the Archbishops' Council from an independent perspective but it was not a separate legal entity and was funded by the Archbishops' Council, which meant that the Archbishops' Council had to have oversight of its work. It was noted that the Archbishops' Council wanted the ISB to have maximum independence within the current constraints and work towards full independence and that proposals for the implementation of independence would be brought forward in due course.²⁵⁹

Internal audit

371. Based on documentary evidence, at the same meeting, while the Survivor Advocate and the Independent Member were present via Zoom, the Archbishops' Council was told that the Archbishops' Council Audit Committee would like to do an internal review of the ISB and report back to the Archbishops' Council at its January meeting.²⁶⁰ The Survivor Advocate and the Independent Member indicated that they would welcome an audit and that it would need to focus on the work of the NCIs for setting up the ISB. Based on documentary evidence, prior to that meeting, a member of the Audit Committee had written to its Chair stating that any data breach, particularly by a member of the ISB, should be treated as a high impact matter and assurances should be sought that adequate controls relating to the handling of personal data were in place.²⁶¹
372. The documentary evidence simply records that it was agreed not to undertake the internal review. At General Synod in July 2023, in answer to question 29 (Mrs. Rebecca Chapman, Southwark), a member of the Archbishops' Council replied that the Council considered that its priority was to move towards what it referred to as ISB Phase 2 and therefore that notwithstanding its legal right to insist on an audit, the benefits of demonstrating independence outweighed the benefits of including it within the audit programme at that time.²⁶²
373. Based on this documentary evidence and interview evidence, I find that at the Archbishops' Council meeting, the Archbishop of Canterbury did not think that an internal review was compatible with the ISB's independence but that others at that meeting felt that what was being proposed was not an audit of the ISB's work but rather an internal review of the set-up of the ISB and how Archbishops' Council funds had been spent which was a necessary function for the Archbishops' Council trustees.²⁶³
374. Based on documentary and interview evidence, at a meeting of the Archbishops' Council Audit Committee on 3 November 2022, the Secretary General explained that the Phase 1 ISB was not fully independent, in accordance with the original proposal that had been approved in early 2021 and that communications about its function would be clearer in the future.²⁶⁴ Based on written evidence to the Review and interview evidence, at this meeting, a member of the Audit Committee expressed concern that the ISB was not specifically included in the Strategic Risk Register and that the civil claim brought by Dr. Percy might be the first of many unless the purpose of the ISB was clearly stated. They were told that it was part of the aggregated safeguarding risk.²⁶⁵ I find that that is

²⁵⁹ AC(22)M4/5.3.4

²⁶⁰ AC(22)M4/5.3.2-3

²⁶¹ T/19, written evidence to the Review, 22.9.23

²⁶² <https://www.churchofengland.org/sites/default/files/2023-10/report-of-proceedings-july-2023-binder1.pdf>
p.72

²⁶³ T/10/17

17/18; T/21/4; T/26/5; T24 written submission 30.10.23

²⁶⁴ T/10/41

²⁶⁵ T/19/6

accurate and that the ISB does not appear as a separate entry in the risk register; see paragraph 192 above.

375. After that meeting, three members of the Audit Committee wrote to the Chair of the Audit Committee, asking them to take the issue of an internal audit of the ISB back to Archbishops' Council so that a report could be made to General Synod in February 2023. The Chair replied that safeguarding would be considered in its appropriate place in the audit cycle.²⁶⁶
376. At General Synod in February 2023, Professor Helen King (Oxford) asked the Presidents of the Archbishops' Council whether the ISB had been subject to scrutiny by the Audit Committee in relation to its formation and operation and received the answer from the Chair of the Audit Committee that it had not.²⁶⁷ In answer to a follow-up question, the Chair of the Audit Committee stated that it did not have the power to conduct an audit of the Board's operation, just of its governance and set-up. The Chair of the Audit Committee subsequently issued a written correction to that answer which indicated that the Audit Committee did have the ability to commission an internal audit of all aspects of the work of the ISB but that it was not a priority for inclusion based on the Director of Risk and Assurance's assessment of the degree of risk involved.²⁶⁸
377. Based on documentary evidence, at the Audit Committee meeting on 2 March 2023, concern was noted about the reputational damage suffered by the Church of England as a result of the perceived failure to deliver the ISB as planned.
378. Based on written evidence to the Review, on 4 May 2023, a member of the Audit Committee expressed further concerns to a member of the Archbishops' Council who was also an elected member of the Audit Committee that the perception that the acting Chair had a conflict of interest should be managed by reporting and recording it.²⁶⁹ I heard further evidence from that member of the Audit Committee that they were concerned that the Audit Committee had not been able to carry out its function as an independent critical friend because they had not been permitted to commission an internal audit of the ISB by the NCIs Risk and Assurance Team.²⁷⁰
379. The Audit Committee's Annual Report 2022/23 dated 15 June 2023 simply stated that the request for an internal audit of the formation and governance of the ISB had been refused by the Archbishops' Council. In the Risk and Assurance Team's Strategic Risk Register Update Report to the Audit Committee dated 20 June 2023 (the day before the ISB contracts were terminated), the ISB was identified as an emerging risk and the issue of dispute notices in May 2023 was noted (see paragraph 544 below). The Chair of the Audit Committee made a report to General Synod in July 2023 setting out the Committee's consideration of the ISB in the previous year.²⁷¹

²⁶⁶ T/19 written evidence to the Review, 22.9.23

²⁶⁷ https://www.churchofengland.org/sites/default/files/2023-03/questions_notice_paper_1_general_feb_2023-1.pdf Question 56

²⁶⁸ <https://www.churchofengland.org/sites/default/files/2023-07/updated-report-of-proceedings-feb-2023.pdf> p.74, p.386

²⁶⁹ T/19 written evidence to the Review, 22.9.23

²⁷⁰ T/19/5

²⁷¹ <https://www.churchofengland.org/sites/default/files/2023-10/report-of-proceedings-july-2023-binder1.pdf> p.295

Safe Spaces, October 2022

380. By a letter dated 5 October 2022 to the Survivor Advocate and the Independent Member from the directors of Safe Spaces, which included one of the Archbishops' Council representatives to the NSSG and one of the deputy Lead Bishops for Safeguarding, a number of matters were set out in response to the ISB's email dated 30 August 2022. That letter stated that although the ISB did not have a direct line of oversight for Safe Spaces (which was a registered charitable company, separate to the Archbishops' Council and to the Catholic Church), they wished to maintain good relations with the ISB and to share information as appropriate and possible within their own confidentiality requirements.
381. See paragraph 396 below for the ISB's response to this letter.

New National Director of Safeguarding

382. Based on documentary and interview evidence, in early October 2022, the new National Director of Safeguarding started in role in earnest after a brief period of pre-arranged leave.²⁷² Based on documentary evidence, the National Director of Safeguarding asked the Survivor Advocate and the Independent Member about a complaint from a survivor that they had heard had been raised. It was agreed to discuss working relationships and communications at a face to face meeting on 15 November 2022 with the Lead Bishop for Safeguarding and other members of the NST as the National Director of Safeguarding was unable to attend the ISB's next Board meeting on 20 October 2022. I find that there were some polite misunderstandings in communications between the ISB members and the National Director of Safeguarding during this initial period.
383. Based on documentary evidence, the Survivor Advocate and the Independent Member were invited to attend the NST team meeting for October but did not attend although they indicated that they wished to diarise regular catch-up meetings with the National Director of Safeguarding.
384. In mid-October, there were discussions between the National Director of Safeguarding, the Survivor Advocate and the Independent Member about the current plans for the communication of the Past Case Review 2 (PCR2) and plans to support those affected. I heard interview evidence from a member of the NST that the ISB did not subsequently engage with the PCR2 review at all but I have seen an ISB document setting out survivor responses to the publication of PCR2 and discussions with the National Director for Safeguarding on this issue; see paragraph 416.7 below. This is consistent with a minute from the ISB October meeting which records that the ISB would hold survivor drop-in surgeries on topics such as PCR2. I have no evidence as to what use was made of this document subsequently. Those minutes also record that the ISB would upload a statement to its website about the publication of PCR2 and IICSA's final report but I have been unable to find those statements on the ISB website.²⁷³
385. Based on documentary evidence, in early November 2022, the Secretary General offered to facilitate meetings between the Survivor Advocate, the Independent Member and the National Director of Safeguarding if they would find it useful. This was welcomed by the Survivor Advocate.

²⁷² T/12/3; T/29/5

²⁷³ T/9/25; ISB Board Meeting 20.10.23 minutes/AOB

ISB budget, October 2022

386. Based on documentary and interview evidence, in mid-October 2022, the Survivor Advocate explained to the National Director of Safeguarding that there were plans to move the ISB budget out of the NST budget.²⁷⁴
387. Based on interview evidence, I find that in early 2023 the ISB budget was moved out of the NST budget and given a separate cost centre under the oversight of the Director of Central Secretariat.²⁷⁵

ISB Board meeting, 20 October 2022

388. This meeting was attended by the Survivor Advocate, the Independent Member, the Project and Administration Officer and a partner from Plexus Law.²⁷⁶ The partner confirmed that as a data breach was against the Chair, the Church of England did not have the remit to launch an investigation and would not receive updates from the ICO. I find that this comment relates to Data Breach 2.
389. The Survivor Advocate said that they and the Independent Member had not been informed by the Archbishops' Council about an ICO investigation and when the Chair was asked for information on this, the Chair was not forthcoming. The partner advised the ISB members to write to the Chair to provide an update of the investigation so that the ISB could look into the Chair's status as there was currently no information that had been made available to it. The Survivor Advocate and the Independent Member recognised that this was a difficult time for the Chair.
390. The Independent Member stated that the ISB would be commissioning consultancy work in relation to the Survivor Advocate report and complaints handling in the near future and that there was currently budget allocated for this. It was noted that the ISB had currently exceeded the anticipated legal budget but that the Board felt that it was necessary. A detailed 2023 budget was to be presented to the Archbishops' Council in November 2022.
391. It was stated that the Archbishops' Council had approved the ISB hiring a Business Manager.
392. Other issues were recorded:
- 392.1. Plexus law were to review the updated ISB review processes for approval;
 - 392.2. the website had been launched on 19 October 2022;
 - 392.3. the Board were still completing scrutiny planning;
 - 392.4. the partner advised that a complaints process needed to be created for those wanting to make a complaint about the ISB;
 - 392.5. the ISB decided to seek an invitation to the next House of Bishops meeting in order to give an update;

²⁷⁴ T/10/19; T/12/7-9

²⁷⁵ T/25/6; T17 Fact Check 20.11.23

²⁷⁶ ISB Board Meeting 20.10.23 via Zoom minutes

- 392.6. the 2022 Annual Report needed to be completed to be discussed at General Synod in February 2023;
 - 392.7. the ISA should be signed off within the next fortnight;
 - 392.8. the Information Governance Officer and NCI legal department had suggested that the ISB members' contracts should be changed to reflect the fact that the Board members were data controllers and had completed all relevant training. The Information Governance Officer had advised that an ad hoc data sharing agreement was available and would be needed to access data for further reviews.²⁷⁷
393. The Survivor Advocate advised that in the July paper (GS 2263), point 11 stated that the ISB had signed the ISA but that this was not factually correct and that people had queried this by email and that it raised questions about integrity. I have made findings about this issue in paragraph 248 above. Point 12 of GS 2263 stated that the ISB had a Privacy Policy and Notice but this was also not factually correct. I have not found evidence that would enable me to reach a finding on this point.
394. It was noted that the Independent Member and the Project and Administration Officer had regular meetings to discuss or open new referrals.
395. The Survivor Advocate advised that the forthcoming report had been analysed by a survivor and independent party prior to finalising and would be published on the ISB website on 1 November 2022 and that the Church Times would receive an embargoed version of the report.
396. It was decided to hold a strategy meeting in relation to Safe Spaces. The Survivor Advocate shared that they had received a letter from Safe Spaces and was unsure whether they could offer independent oversight but was also concerned that it was the only service that offered support to victims and survivors of Church based abuse but that a majority of victims and survivors had voiced that they had been let down by Safe Spaces.
397. The Survivor Advocate questioned the care for victims and survivors because of the communications strategy for the publication of the PCR2 report. The ISB would be looking in to holding survivor drop-in surgeries to discuss topics such as PCR2. The Survivor Advocate had contacted the NST for an update prior to the meeting but had had no response.
398. The partner shared that a comment on a Tweet from the Chair had informed their followers that the Chair's Twitter account had been hacked and that individuals had been asking whether their confidential information shared by survivors had been accessed by the hackers.
399. Based on interview evidence, in the autumn of 2022, the Survivor Advocate and the Independent Member were given access to the NCIs e-learning courses on GDPR by the Information Governance Officer.²⁷⁸

²⁷⁷ See paragraph 274, 275 and 279.1 above

²⁷⁸ T/34/3

Annual Report for 2022

400. Based on documentary evidence, in mid-November, the NST Seconded queried with the Secretary General and Director of the Central Secretariat whether the ISB were producing their annual report and had delivered on the plan of work that had been set up at the beginning of the year.

Publication of report “Don’t Panic – Be Pastoral” by the Survivor Advocate, 3 November 2022

401. On 3 November 2022, the Survivor Advocate published a report titled, ‘An Independent Report into the Experiences of Victims and Survivors “Don’t Panic – Be Pastoral”’.²⁷⁹
402. The Introduction to the report stated:

“A role of the ISB is to ensure that victims and survivors inform its work. This report is published to ensure that we, the CofE and NST, whose safeguarding work we oversee and advise, all understand survivor, victim and respondent experiences and to further inform ISB development. In turn, it will also inform the ISB framework model for future engagement. Furthermore, we seek to gain greater insight into how victims and survivors have in the past, and currently continue to engage with and experience the CofE’s safeguarding policy and practice.

This report is informed and underpinned by victim and survivor conversations. These also provide further focus in citing practice and policy areas that impact directly on them. As the ISB’s Survivor Advocate, I have also met with respondents who have faced allegations of abuse. The conversations represented by direct quotes throughout this report extended to hearing the views and experiences of Independent Sexual Violence Advisors (ISVAs), Designated [sic] Safeguarding Advisors (DSAs), Diocesan Safeguarding Officers (DSOs) and their teams, and members of the CofE’s National Safeguarding Team (NST). These many roles are central to interfacing with both victims and survivors as they relate to support, advocacy, and engaging with the development of safeguarding policy and practice. The people filling them are ideally placed to speak to any challenges, to address areas that require improvement, to inform present and future good practice models, to seek out and help to fill specific gaps, and to strengthen engagement with victims, survivors, and respondents who have faced allegations of abuse.”

403. The report contains 16 key recommendations and 22 recommendations in the body of the report.²⁸⁰
404. I heard interview evidence that some in the NST considered that there had been inadequate consultation with the NST on current operating procedures before the report had been finalised to check its conclusions.²⁸¹ I heard interview evidence that the Survivor Advocate had had a meeting with the NST casework team but had not told them that they would be quoted in the report. I have not been able to confirm or deny that evidence from the documentary record.²⁸²

²⁷⁹ <https://independent-safeguarding.org/wp-content/uploads/2022/11/Dont-Panic-Be-Pastoral-02.11.2022.pdf>; ISB Board Meeting Minutes 20 October 2022

²⁸⁰ Pp.10-15

²⁸¹ T/12/6; T/9/13-15

²⁸² T/9/15

405. I also heard interview evidence that a senior NST officer had seen an early draft of the report and had commented on some factual inaccuracies but had not felt that it was their place to comment on the recommendations.²⁸³
406. I heard interview evidence that the National Director for Safeguarding felt that the NSSG was the appropriate body to approve the NST's response to the recommendations and to decide whether or not they would be implemented.²⁸⁴
407. It was reported to the NSSG meeting on 29 March 2023 that one of the deputy Directors for Safeguarding had prepared a response to the report and that there were crossovers between the ISB recommendations and existing work streams.²⁸⁵ This response was not discussed at the ISB General Meeting the following day although the report was referred to briefly in another context.²⁸⁶
408. The NST response to the report was provided to the NSSG meeting for its meeting on 25 May 2023.²⁸⁷ The response covered the first 15 Key Recommendations and for the most part accepted them, stating where it was not possible to implement them due to resource or explaining where existing workstreams already covered the recommendation. The NSSG was asked to note the response in the paper but did not discuss it or formally approve it.²⁸⁸

Archbishops' meeting with the Survivor Advocate and the Independent Member November 2022

409. Based on documentary and interview evidence, in mid-November 2022, the Survivor Advocate and the Independent Member met with the two Archbishops at Bishopthorpe in York to discuss plans for Phase 2. The Archbishop of Canterbury described this as *"a very satisfactory meeting with the two of them, very friendly and with a clear timetable set out to move to Phase 2. And the aim being to accelerate progress towards Phase 2"*.²⁸⁹
410. As a result of this meeting, the Survivor Advocate and the Independent Member undertook to produce a paper outlining proposals for the ISB to become a Charity Incorporated Company (CIC) in Phase 2. I have seen a draft of that paper. I find that the paper reflected what had been discussed with the Archbishops during the meeting. The paper proposed that the members of the ISB would become the directors and be accountable to the CIC Regulator. It was stated that the arrangement would provide independence to the ISB's operations, simplify its status and increase its accountability but would require a suitable financial arrangement. Its functions would be based on key elements of the ISB's current role.
411. Based on documentary evidence, in a follow-up email to the Archbishops, the Survivor Advocate put forward the following concerns about the ISB:
- 411.1. it was not appropriate that the ISB should be seeking approval from the NST and/or the Secretary General for its budget;

²⁸³ T/9/15

²⁸⁴ T/12/6

²⁸⁵ NSSG(23)M2/14.2

²⁸⁶ ISB(23)M1/3.7

²⁸⁷ NSSG(23)05

²⁸⁸ NSSG(23)M3

²⁸⁹ T/17/14

- 411.2. the ISB did not have enough resources to achieve its vision;
 - 411.3. survivors expected accountability, transparency, justice, fairness and regulation but that the ISB in its current format could not deliver this because whilst the ISB members were independently minded, the organisation was not;
 - 411.4. they felt that the ISB was compromised before it even started and risked losing the confidence of the people it was set up to serve.
412. Based on documentary evidence, it became clear in March 2023 that the Secretary General had not been aware of these discussions.

ISB Board meeting, 24 November 2022

- 413. This meeting was held by Zoom and was attended by the Survivor Advocate, the Independent Member, the Project and Administration Officer, a partner from Plexus Law, a communications consultant, and the National Director for Safeguarding.²⁹⁰
- 414. The partner advised that they had been in communication with the Chair who had confirmed that the criminal aspect of the Data Breach 1 ICO investigation had been closed and that the Chair had said that the case worker had advised that the likely outcome would be no further action and advice given around data handling.
- 415. The National Director of Safeguarding attended the meeting and spoke to a written update on the NST's activity.²⁹¹
- 416. The following matters were discussed:
 - 416.1. The Project and Administration Officer would be leaving and that post made part time as of January 2023; the closing date for applications for the Business Manager post was 30 November 2022; see paragraph 420 below.
 - 416.2. A communications consultant had been hired on a part time basis; they had access to the ISB website and Twitter account and was working on a communications strategy, social media policy and tool kit for the ISB; it was requested that the Chair receive GDPR training in order to have access to the ISB group inbox.
 - 416.3. The Board had met with the NCIs' Head of IT and operational independence had been discussed, including who could access ISB data within the NCIs; the Head of IT agreed to produce a security statement, correct the issues accessing emails and a cost for an independent IT provider but these had not yet been actioned.
 - 416.4. The Board had met with the National Director of Safeguarding to discuss the relationship between the NST and the ISB.
 - 416.5. The Board had agreed to pause the January 2023 away day planning because it was felt it was too early to plan and wanting the Chair to be part

²⁹⁰ ISB Board minutes, 24 November 2022

²⁹¹ National Safeguarding Team Update, November 2022

- of the planning process; the Survivor Advocate wanted to involve survivors for 2 hours of the meeting.
- 416.6. The Board wanted to request an invitation to General Synod in February 2023.
 - 416.7. The National Director of Safeguarding spoke about current priorities for the NST; the Survivor Advocate and the Independent Member queried the response and support for survivors following the publication of PCR2; the National Director of Safeguarding said that a lessons learned meeting had been held and a further report would be publicised soon.
 - 416.8. The ISB asked for an opportunity to receive a demonstration of the National Safeguarding Casework Management System and the National Director of Safeguarding said they would ask the NST if this was possible.
 - 416.9. The Independent Member stated that they would like to ensure that the ISB was able to scrutinise the third party provider for Safe Spaces and be able to have performance data from the provider.
 - 416.10. The Survivor Advocate asked for an accurate update on the extension of the Interim Support Board.
 - 416.11. The partner from Plexus shared that they had requested a clean copy of the ISA for the ISB to sign.
 - 416.12. The Survivor Advocate reported that there had been no response to the publication of their report from survivors and that no one attended the first survivor drop in session on 21 November but that a request from one individual was received after the session and the ISB has offered to meet them one to one; the Communications Consultant was to create an approach to advertise the drop in sessions so that they reached the correct audience.
 - 416.13. The Survivor Advocate reported that the Chair had responded to their report saying, "*The website and report do not cut the muster*," the Survivor Advocate would like the partner from Plexus to ask the Chair what was meant by this comment.
 - 416.14. The Survivor Advocate would be organising a working group to monitor the progress of the recommendations and the National Director of Safeguarding had been asked to respond formally to the recommendations.
417. The following updates were given on case reviews:
- 417.1. one review was on hold;
 - 417.2. one was closed due to current involvement by police;
 - 417.3. one was currently with the Independent Member for reviewing. An independent reviewer had been allocated and a meeting was being held on 24 November 2022;
 - 417.4. one was closed due to current involvement with the diocese;

- 417.5. one where the outline had been received by the referrer and deadline to respond was 30 November 2022; the Independent Member advised that there was scope for this individual but that they had not gone through some of the processes already in place for survivors; the Survivor Advocate and the Independent Member to discuss this referral;
- 417.6. one where the Project and Administration Officer and the Independent Member were discussing the involvement for this referrer and doing further research into the support that might already be there;
- 417.7. one where outline had been received and deadline to respond was 22 November 2022; a meeting had been arranged with the referrer to clarify some points in the referral.
- 418. It is not clear from the minutes whether the National Director of Safeguarding was present at the meeting for the update on case reviews.
- 419. The work planner attached to these minutes shows the following as additional ongoing actions for the ISB:
 - 419.1. Board to complete a detailed 2023 budget paper for the Archbishops' Council by December 2022;
 - 419.2. Board to complete scrutiny planning by December 2022;
 - 419.3. complaint process to be created for complaints about the ISB by December 2022;
 - 419.4. referral flow chart to be approved and uploaded to the website by November 2022.

Advertising Standards Complaint (ASA) in relation to Business Manager recruitment

- 420. Based on documentary and written evidence, the ASA received a complaint about the Business Manager advertisement posted on the Church of England website. The primary complaint was that the advertisement suggested that the ISB was independent of the Church of England whereas in fact the ISB was not legally or financially independent and the business manager would be employed directly by the Church of England.
- 421. The ASA found in a decision in February 2023 that whilst most of the statements in the advertisement about independence were aspirational, as a future vision which the successful applicant would be working towards, there was one claim in the advertisement that suggested that the ISB was currently independent of the Church of England, *"This ISB is currently in its first year of conception and the model of the ISB continues to be developed, including ensuring it remains an independent body."*²⁹²
- 422. The ASA advised that to avoid misleading applicants, they advised that the ISB should take care not to suggest that the ISB was currently independent of the Church of England while that was not the case.²⁹³

²⁹² T/14 written evidence 10.10.23

²⁹³ ASA Complaint A23-1185421

Communications Consultant's contract

423. Based on documentary evidence, the contract with the Communications Consultant was expressed to be with the “*ISB*” even though, in my view, it was highly likely that the ISB did not exist as a legal entity that could enter into contracts; see paragraph 186 above. In my view, a contract with the Communications Consultant could have been entered into by the Archbishops’ Council or the ISB members individually.

December 2022

424. Based on documentary and interview evidence, in November 2022, the Secretary General suggested an informal stock take of the ISB’s first year as part of which the position of the Chair could be considered.²⁹⁴
425. The NSSG met on 1 December 2022 and noted that the ISA for the ISB had not yet been agreed and that the ISB would need to propose where it saw itself in governance and management terms. It was also noted that the Archbishops’ Council had fiduciary responsibility to ensure that resources were being used effectively while maintaining that the ISB should operate without direction from the trustees or audit committee and that it was the ISB’s responsibility to propose a model of independence that would work for the Church.²⁹⁵
426. The Archbishops’ Council met on 6 and 7 December 2022 (hybrid in person and Zoom meeting). It was raised that the Archbishops’ Council should have been more aware of what was happening with the ISB and that there needed to be more oversight of the implementation of the decisions and there needed to be clarity about what was meant by independence as safeguarding needed to be embedded in the Church.²⁹⁶ It was noted that the situation with the Chair being stepped back needed to be resolved as soon as possible but that the Archbishops’ Council could not dictate to the ISB.²⁹⁷ The Archbishops’ Council were told that the ISB members were bringing forward proposals for Phase 2 but that this had been delayed because of the situation with the Chair.²⁹⁸ No actions were recorded and the update was simply noted.

Meeting, 8 December 2022

427. Based on documentary evidence, the day after the Archbishops’ Council met, the Lead Bishop of Safeguarding and the Secretary General met with the Survivor Advocate and the Independent Member.
428. The Survivor Advocate reported the meeting as helpful. The Survivor Advocate and the Independent Member indicated that they wished to receive the documentation from the ICO regarding Data Breach 1 before considering the next steps in the interest of the ISB. The Chair was aware of this request because it had been made through Plexus Law. The Chair had also made a Subject Access Request of the ISB members. The Survivor Advocate and the Independent Member reported that they did not have full confidence in the Chair at that time and that it was imperative that the public had full confidence in the ISB members. They shared that they had met with the two Archbishops and that they were drafting a proposal for a CIC. They reiterated their concern about the ISB budget being within the NST budget. They shared that the ISA

²⁹⁴ T/17/14; T/12/11

²⁹⁵ NSSG(22)M7/8.6-7

²⁹⁶ AC(22)M5/4.3.5

²⁹⁷ AC(22)M5/4.3.3

²⁹⁸ AC(22)M5/4.3.2

was with the Archbishops' Council's team and that this needed to be concluded as a priority. They pointed out the inaccurate statement made to General Synod in July 2022 that it had been signed and that they had corrected this. They were also concerned that the Chair was speaking to the National Director of Safeguarding while stepped back.²⁹⁹ I have not seen any documentary evidence that the Chair was communicating with the National Director of Safeguarding on ISB operational matters while stepped back. Based on interview evidence, I find that the Chair congratulated the National Director of Safeguarding in a phone call on taking up their role.³⁰⁰

429. The Secretary General noted that steps were being taken to move management of the ISB budget out of the NST budget by the Director of the Central Secretariat. They indicated that they would share as much information as the Archbishops' Council had received from the ICO with the Survivor Advocate and the Independent Member and suggested setting up a meeting between the three members in January, perhaps with a facilitator.³⁰¹
430. The Survivor Advocate made it clear that they and the Independent Member would not meet the Chair until they had seen information from the ICO about the nature of the data breach.³⁰² On 19 December 2022, the Secretary General sent the Survivor Advocate and the Independent Member two documents from the ICO as the only information that the Archbishops' Council could share with them about Data Breach 1. These documents were the letter from the ICO to the Information Governance Officer 11 November 2022 referred to in paragraph 347 above and the email sent to the Information Governance Officer by the ICO dated 14 October 2022 confirming that the Archbishops' Council was not the data controller for the purposes of Data Breach 1; see paragraph 349 above.
431. Based on documentary evidence, the Secretary General wrote to the three ISB members on 19 December 2022 to request them to meet in January 2023 to consider next steps following the stepping back of the Chair from the Board. The Secretary General offered to facilitate the meeting.³⁰³ The Survivor Advocate replied that they and the Independent Member would not meet with the Chair until they had received an official copy of the ICO outcome from the Chair and that the Chair was aware of this position. They also reported that they had received a number of emails from the Chair that were not conciliatory.³⁰⁴
432. Based on documentary evidence, the Chair responded on the same day by pointing out that the ICO had closed all investigations on Data Breach 1 and requested that the Chair's ISB email access be restored. The Chair also indicated a willingness to meet in early January. The Chair also stated their understanding that the Archbishops' Council had already confirmed their return as Chair. I find that that was not the case and that the Archbishops' Council had not in its meeting on 6 to 7 December 2022 confirmed the Chair's return; see paragraph 426 above. The Secretary General confirmed this by email to the Chair by return.³⁰⁵

²⁹⁹ Email from Survivor Advocate to Secretary General, 13.12.22 14:49

³⁰⁰ T5 Fact Check Response 20.11.23

³⁰¹ Email from Secretary General to Survivor Advocate 13.12.22 15:44; T/10/22

³⁰² Email from the Survivor Advocate to Secretary General 16.12.22 14:07

³⁰³ Email from Secretary General to Survivor Advocate 19.12.22 11:58

³⁰⁴ Email from the Survivor Advocate to the Secretary General 22.12.22 14:24

³⁰⁵ Email from the Secretary General to the Chair, 19.12.22 14:21

January to February 2023

433. On 4 January 2023, the Secretary General reiterated their suggestion to the three ISB members that they should set up an early meeting, request any further information from the ICO that they needed from the Chair directly and that the Chair's ISB email address was now working.³⁰⁶
434. Based on documentary and interview evidence, on the same day, the Chair emailed the Survivor Advocate and the Independent Member setting out that the ICO had said that the case was closed. The Chair confirmed only receiving a letter from the ICO criminal branch saying this with confirmation by phone from the civil branch; see paragraph 351 above. The Chair confirmed telling Plexus Law this and would be surprised if they had not relayed this information to the Survivor Advocate and the Independent Member. The Chair indicated that the three ISB members should meet and suggested several dates and times.
435. The Secretary General made it clear the following day that the Archbishops' Council expected the three ISB members to discuss these issues and that, in extremis, the Archbishops' Council had the right under their contracts to impose a process of mediation if they could not resolve the dispute or to terminate the contract of one or more Board members but would want to avoid either course.³⁰⁷
436. Based on documentary evidence, the Survivor Advocate wrote to the Archbishops stating that the Chair's ISB email address had been reinstated without consultation with the Survivor Advocate and the Independent Member and that this was unacceptable until the Survivor Advocate and the Independent Member were assured about the Chair's access to confidential data. The Survivor Advocate stated that they considered that the ISB's independence and decision-making were now being challenged by the Secretary General.
437. On 9 January 2023, the Survivor Advocate and the Independent Member reiterated their position to the Secretary General and asked that the Chair's ISB email address should not be reinstated until they had satisfied themselves that it was safe and desirable for the Chair to have access. They stated that they considered reinstating the Chair's ISB email address was a direct threat to their independence and copied the letter to the Archbishops.
438. Based on documentary evidence, the Chair's access to the Chair's ISB email account was then suspended again.
439. Based on documentary evidence, on 20 January 2023, the Survivor Advocate and Independent Member informed the Archbishops that in accordance with paragraph 6.5 of the ISB's Operating Principles and Standing Orders, a resolution had been passed by the Board members that the Chair should be removed from the Board and that the Archbishops were being notified to enable legal effect to be given to the Board's decision. The Chair rejected the two other ISB members' decision on the basis that they did not have any authority to remove them and that the Chair had not agreed the Operating Principles and Standing Orders.

³⁰⁶ Email from the Secretary General to the ISB members, 4.1.23 14:01

³⁰⁷ Email from the Secretary General to the ISB members, 5.1.22 09:51

Archbishops' Council meeting, 23 January 2023

440. The Archbishops' Council met on 23 January 2023 (hybrid in person and on Zoom meeting). The Archbishops' Council considered a paper from the Secretary General and the National Director of Safeguarding on developments and prospects for decision.³⁰⁸ This paper annexed a chronological account of the Archbishops' Council's engagement with the ISB since September 2022. I find that this paper does not refer to the Survivor Advocate and the Independent Member's concerns that they should see the outcome of the ICO investigations in order to be able to assess the seriousness of the breach. Rather, it stated that the Survivor Advocate and the Independent Member seemed reluctant to allow the Chair to resume their role and that they had, to date, declined even to meet the Chair to discuss possible ways forward.
441. This paper described the work done by the ISB so far and noted the absence of the Chair for the last five months:
 - 441.1. the Survivor Advocate's report, "*Don't Panic - Be Pastoral!*" which contained 38 primary recommendations and 46 secondary recommendations, based on their conversations with survivors and that the NST had produced a response to the recommendations in the report;
 - 441.2. the creation of the ISB's website, Terms of Reference and Standing Orders;
 - 441.3. a certain number of examinations of particular cases;
 - 441.4. the Survivor Advocate and the Independent Member had produced Phase 2 proposals that had been shared with the archbishops but not with staff.
442. The paper noted that the NST had not always found the approach adopted by the ISB constructive or aimed at joint working for improvement but did not give any further details stating that the National Director for Safeguarding would be able to say more about this at the Council's meeting.
443. The Archbishops' Council decided (with four abstentions):
 - 443.1. to instruct the three ISB members, in line with their contract, that they must find a way to work together;
 - 443.2. that the contractual provision for compulsory conflict resolution would be applied if they could not do so voluntarily;
 - 443.3. that if this did not resolve the difficulties, an additional member should be added to the Board on a temporary basis to act as Chair and that if necessary the contracts of any members unwilling to work with the acting Chair were terminated; this would only happen in extremis and subject to reference back to the Lead Bishop for Safeguarding and those members of the Archbishops' Council on the NSSG.³⁰⁹
444. It was raised that the current ISB had never been seen as independent and it would be important to address this as any changes were implemented. It was raised that there was a question about how much confidence there was in the current members.

³⁰⁸ AC(23)07

³⁰⁹ AC(23)M1/6.2.7

445. The NSSG were updated about the Archbishops' Council's decision at its meeting on 31 January 2023.³¹⁰
446. The new ISB Business Manager took up their role on 30 January 2023, as an employee of the Archbishops' Council.³¹¹ They completed a full GDPR practitioner course as part of induction.³¹²
447. As a result of the end of the contract of the Project and Administrative Assistant, their NCI telephone number, which had been used as the external contact number for the ISB was not available, and the ISB was left without a functioning telephone number. The NCI Technology team provided two quotations for an external, non-NCI provider to the new Business Manager to provide a telephone number for the ISB for external contacts. That quotation was for a 60 month contract including hardware, subscriptions and professional services at £1,625.³¹³
448. A contract for a telephone line from a different external provider was approved by the ISB at its meeting on 30 March 2023 and installed on 5 June 2023, although there were problems when it was set up and it did not work immediately.³¹⁴ I find that there was no organised attempt by the Archbishops' Council to frustrate the ISB's independence or work by removing the Project and Administrative Assistant's telephone number when their contract expired. It was usual NCI practice for telephone numbers to move with employees to new roles and that is what happened on this occasion. The Project and Administration Officer informed the Survivor Advocate and Third Member that their telephone number would be moving with them to their new role.³¹⁵

Dispute Notices, 2 February 2023

449. On 1 February 2023, the Archbishops' Council issued a press release stating that the ISB would no longer carry out the review of Dr. Percy's complaints; see paragraph 278 above. That press release also stated that:

*"due to ongoing concerns about current working relationships and the conclusion of the ICO investigation into the Chair, the Council also agreed at its January meeting that the three ISB members should enter into a dispute resolution process to ensure this important independent work can continue with effective collaborative working between its members."*³¹⁶

450. Based on documentary and interview evidence, the three ISB members were then issued with dispute notices dated 2 February 2023. The dispute with the Survivor Advocate and the Independent Member was stated to be that the ISB members:
- 450.1. had failed to work collaboratively with all members of the ISB, particularly the Chair, and showed no inclination to work with the Chair moving forward;
 - 450.2. had sought to agree "*Standing Orders*" for which there was no legal basis, on the basis of which they had purported to remove the Chair;

³¹⁰ NSSG(23)M1/5.1

³¹¹ T/15/11

³¹² T/34/4

³¹³ Daisy Budgetary Pricing Schedule Quote 566153-01 dated 8 February 2023; T/20/8-9; T/15/10-11

³¹⁴ T/15/10; ISB(23)M1/4.3

³¹⁵ T/20/8

³¹⁶ <https://www.churchofengland.org/media-and-news/press-releases/statement-isb-and-christ-church-review>

- 450.3. had failed to make demonstrable progress against each of the outputs identified in Schedule 1 of the Contract which set out the services to be provided by all ISB members;
 - 450.4. had failed to provide any adequate report on the ISB's activities in the last year or its progress towards Phase 2.
451. In relation to these matters, I find:
- 451.1. that the resolution of the Survivor Advocate and Independent Member to remove the Chair from the Board on the basis of the Operating Principles and Standing Orders showed a lack of understanding of the contractual arrangements governing the relationship of each ISB member with the Archbishops' Council;
 - 451.2. the relationship between those contractual arrangements and the Operating Principles and Standing Orders had not been explored with the Archbishops' Council;
 - 451.3. it was not appropriate or consistent with the ISB contracts to expect the Archbishops' Council simply to give effect to their decision to remove the Chair taken under the Standing Orders; see paragraph 186 above;
 - 451.4. that this confusion was, to a large extent, a consequence of the rushed way in which the ISB had been set up;
 - 451.5. that it was reasonable for the Survivor Advocate and Independent Member to seek assurances about the nature and conclusion of the Data Breaches before the Chair resumed their role, but that the tone of their correspondence on this issue was confrontational and intransigent;
 - 451.6. in particular, their refusal to meet the Chair before receiving the information they sought rather than regarding a meeting as a forum in which the information could be conveyed and discussed exacerbated the situation dramatically.
452. The dispute with the Chair was stated to be that they (and the other ISB members where relevant):
- 452.1. had not exercised all due care in the use of confidential information and personal data which had been shared with the Chair, thereby leading to a complaint of one or more data breaches which had been reported to the ICO;
 - 452.2. that those matters had led to a breakdown in relationships with the other ISB members;
 - 452.3. that as a result, the Chair, along with the other ISB members had failed to make demonstrable progress against each of the outputs identified in Schedule 1 of the Contract which sets out the services to be provided by all ISB members and the Chair; and
 - 452.4. as a further result, along with the other ISB members, they had failed to provide any adequate report on the ISB's activities in the last year, or its progress towards Phase 2.

453. In notes dated 27 February 2023, the Survivor Advocate and the Independent Member provided a written response to the Dispute Notices which was marked confidential.
454. The Chair also provided a confidential written response.

Variation to the ISB members' contracts, 24 February 2023

455. Based on interview evidence, as a result of the outcome of Data Breaches 1 and 2, the Information Governance Officer and NCIs legal department undertook to regularise the position of the ISB members as data controllers by means of a contractual variation to the contracts of all three ISB members' contracts dated 24 February 2023.³¹⁷ The agreed variations are set out in Appendix 3 to this Report. See also paragraph 177 above.
456. The variations provided an updated Schedule 2 to the contracts which set out the ISB members' data protection responsibilities. The variation also provided consequential amendments to some definitions in the main contract.
457. Based on interview evidence, the ISA was delayed for signing at the Archbishops' Council's end until the dispute between the ISB members was resolved.³¹⁸

March 2023

Dispute resolution meeting, 3 March 2023

458. Based on documentary and interview evidence, a dispute meeting was held in person on 3 March 2023. The Secretary General attended on behalf of the Archbishops' Council, with the minutes being taken by the Secretary General's PA. The Chair, the Survivor Advocate and the Independent Member attended. The participants agreed at the time that this meeting should remain confidential.³¹⁹
459. Although they had agreed that the meeting should remain confidential, on 12 July 2023, the Chair published a document in response to the Survivor Advocate and Independent Member's press statement dated 5 July 2023 (see paragraphs 604 and 619 below). The Chair stated that the paper aimed to refute "*persistent misrepresentation bordering on defamation, threats to my professional wellbeing, through the publication and promotion of false or partial accounts by [the Survivor Advocate] and [the Independent Member].*"³²⁰
460. As to the meeting, this document stated:

"The DG called all of us to a meeting at Church house on 03 March 2023. It was chaired by him, as is spelled out in the first stage in the Dispute Resolution process in all our contracts. He was explicit that he would chair so as to try to help us resolve the Dispute on which the AC's Note was issued, without the necessity of escalating matters or seeking next-stage external mediation. Despite his strenuous efforts, the 5-hour meeting confirmed a continued refusal by [the Survivor Advocate and Independent Member] to resolve matters. Its content largely rested on an intensely personal and sustained attack on me. We were all made aware as we closed that there was still

³¹⁷ T/33/10; T/34/9

³¹⁸ T/33/10; T/34/9

³¹⁹ Archbishops' Council/ISB Dispute Meeting, Friday 3 March 2023, Minutes.

³²⁰ <https://www.thinkinganglicans.org.uk/wp-content/uploads/2023/07/20230712-paper-rebutting-IS-and-SR-05-July-2023-MA.pdf>

business to conclude. We were also told that the AC at its meeting on 20 March 2023 would take as business both all that had transpired, and all we had put forward in response to the Note of Dispute. What was not made clear to me at that points was that [the Survivor Advocate] and [the Independent Member] would also be given the opportunity to address the AC at that meeting, with no equal place or audience given, and no duty of care offered, to me.”

461. As I have not had the opportunity to interview the Survivor Advocate or the Independent Member to answer this statement, I have decided to quote from the minutes of the meeting to meet some of the points made in it:

- 461.1. the Chair is recorded in the minutes as feeling attacked;
- 461.2. there is a robust set of criticisms from the Survivor Advocate and the Independent Member about the Chair’s working style and the data breaches which the Chair defended;
- 461.3. there is clear concern from the Survivor Advocate that they had had to find out via survivors that the ICO had upheld a complaint and that there was a crisis of confidence in the ISB and that the problem was the Chair;
- 461.4. the Chair gave the other two members copies of a letter from the ICO;
- 461.5. the Chair confirmed that further GDPR training had been undertaken, including as a data controller;³²¹
- 461.6. there is a general exchange of views about the difficulties that the ISB had faced in carrying out its Phase 1 work;
- 461.7. the Secretary General outlined several possible outcomes to the dispute, from resolution to the termination of some or all of the ISB members’ contracts;
- 461.8. any written reflections on the meeting should be shared with the group by 7 March 2023;
- 461.9. the Secretary General would write to the members and might need to take advice to the Archbishops’ Council on 20 March 2023.

462. The Chair provided a document to the Secretary General stated 7 March 2023 reflecting on the meeting. The Survivor Advocate also provided a note of reflections.

463. Based on documentary and interview evidence, the Secretary General took steps after the meeting to ascertain the status of the proposals that the Survivor Advocate and the Independent Member had discussed with the Archbishops in November 2022.³²²

Archbishops’ Council meeting, 20 March 2023

464. The Secretary General provided a progress report on ISB dispute resolution for the Archbishops’ Council’s meeting in March 2023.³²³ It was reported that it was the Secretary General’s view that relations between the ISB members had broken down

³²¹ I have seen the certificates of completion of this training

³²² Email Secretary General to Archbishops’ Chiefs of Staff, 10.2.23 1053; T/17/15

³²³ AC(23)21

irretrievably and that there were significant disagreements about particular episodes. The concern of the other two members that the Chair had not been transparent about the data breach which led to the Chair stepping back was noted. The written responses of all three were hyperlinked to the paper for Archbishops' Council members to consider. A second meeting had been requested by all three members and was scheduled for 21 March 2023. There had been some confusion about the status of the Phase 2 proposals that had been discussed with the Archbishops in November 2022 but these were now set out in a separate paper for the Archbishops' Council to consider.³²⁴

465. That paper suggested an interim solution that a Community Interest Company (CIC) should be established that would carry out the functions of the ISB.³²⁵ The features of that CIC would be:

- 465.1. the members of the ISB would become the CIC's directors and be accountable to the CIC Regulator; the members of the ISB would continue with existing contractual arrangements rather than become employees of the CIC;
- 465.2. the CIC would employ its own staff and engage other services as required, removing reliance on Church of England shared services;
- 465.3. the CIC would need to establish its community interest statement and a constitution; the existing ISB Standing Orders and Operating Principles and Terms of Reference were a strong foundation on which to build that constitution;
- 465.4. an agreement, underpinned by contract law, should exist between the CIC and the NCIs confirming the remit and scope of the work; this should include contractual clauses to ensure prompt compliance by NCIs and the NST with requests and requirements of the CIC; the contract should include safeguards to prevent cancellation of the contract without cause to again ensure independence was seen to be maintained;
- 465.5. the functions of the CIC would be based on key elements of the ISB's current role;
- 465.6. alternative arrangements such as a limited company, charitable incorporated organisation or registered charity were considered and reviewed but a CIC allowed the greatest assurance with minimal additional costs. It also provided the ISB with legal personality, the lack of which had been a valid criticism of the ISB to date. As an interim solution it was not felt the recruitment of trustees was proportionate or appropriate. The CIC model offered the assurance of independence and allowed the ISB to operate broadly as now, directed by the Board member. It also had the benefit of being able to be closed down quickly if and when a successor organisation was created and operational.

466. The paper also reviewed the impact of a CIC on relationships between NCI governance groups, noting that the Archbishops' Council would continue to be the main group that the ISB would provide updates to and that that relationship would be governed by contract.³²⁶ It was noted that there was existing overlap between the remits of the ISB

³²⁴ AC(23)22

³²⁵ AC(23)22/6.1-6.8

³²⁶ AC(23)22/8.1

and the NSP, particularly in the review and assurance of policy development. It was suggested that it might be appropriate for the administration of the NSP to be removed from the NST and its function absorbed by the ISB in the future.³²⁷

467. The paper also noted in its introduction that the ISB had been affected by a number of issues affecting its operation and giving rise to genuine concerns about its operational independence.³²⁸

467.1. lack of resources;

467.2. lack of a proper foundation at the start of its journey;

467.3. lack of independent legal status.

468. The paper set out plans for consultations plans on its Phase 2 proposals with key stakeholders from March to May 2023. Those stakeholders were identified as victims and survivors, safeguarding professionals external to the Church, the NST, current and former Lead Bishops for Safeguarding, the NSP, the NSSG and the Governance Review Project Board.³²⁹ It was also stated that the ISB would submit a request to attend General Synod in July 2023.³³⁰

469. The Phase 2 proposals would be costed and its business operations reviewed in Autumn 2023.

470. The Secretary General provided a further paper to the Archbishops' Council commenting on the Phase 2 proposals.³³¹ Its advice was that these proposals should be welcomed as a good start but that the Archbishops' Council should ask for more work to be done before external consultation on them began. Further work was needed on the following areas: accountability, functions, costs and governance. It was also pointed out that the proposals were described as "*interim*", which raised the possibility of a Phase 3 ISB.

471. In addition, the Secretary General gave an oral update to the meeting on 20 March 2023, which was a hybrid in person and Zoom meeting. The Survivor Advocate, the Independent Member and the Business Manager joined the meeting to set out their Phase 2 proposals. The Independent Member explained that the current ISB model did not command the support of survivors who thought it was neither cost-effective nor independent.³³² There was a discussion on the proposals and the ISB members were thanked and the Archbishop of York, chairing, stated that there was clearly further work needed to develop the proposals into a detailed proposition and promised to communicate the Archbishops' Council's decision.³³³

472. The Archbishops' Council then resolved unanimously to instruct the Secretary General.³³⁴

³²⁷ AC(23)22/8.4

³²⁸ AC(23)22/4.2-4.3

³²⁹ AC(23)22/5.1

³³⁰ AC(23)22/5.2

³³¹ AC(23)23

³³² AC(23)M2/7.2.3

³³³ AC(23)M2/7.2.6

³³⁴ AC(23)M2/7.2.9

- 472.1. with regret, to ask the Chair to resign and to authorise them to terminate their contract if the Chair did not do so;
 - 472.2. to appoint the Chair of the NSP as acting Chair of the ISB to the end of 2023;
 - 472.3. to communicate the Archbishops' Council's gratitude for the work of the other ISB members for their work on Phase 2 and to say that this should be given to the acting Chair as a starting point but to ask the acting Chair to review this work, noting the reservations expressed by members and not to consult publicly until this was completed. This work should be undertaken at pace with a revised proposal no later than September 2023 and it should be informed by analysis of models of independence.
473. It was noted that the acting Chair could continue to chair the NSP and be a member of the NSSG.³³⁵
474. Based on written evidence from interviewees and interview evidence, I find:³³⁶
- 474.1. that there was no discussion of or reference to the ISB's Terms of Reference regarding the appointment of Board members during this discussion;
 - 474.2. there was no prior consultation with the remaining two ISB members about the appointment of an interim Chair or about possible candidates;
 - 474.3. that at least three members of the Archbishops' Council present at the meeting on 20 March 2023 should have been aware of the ISB's Terms of Reference because they were present at the NSSG meeting when they had been endorsed;³³⁷
 - 474.4. that even if the Archbishops' Council did not consider that they were bound by the Terms of Reference and could appoint an interim Chair without an open recruitment process, consideration should have been given to the status of the Terms of Reference and what they provided about recruitment of ISB members;
 - 474.5. that there was concern amongst Archbishops' Council members about filling a vacuum within the ISB and that the pragmatic solution was to appoint an interim chair, whereas an open recruitment process would take several months;
 - 474.6. there was limited discussion of potential conflicts of interests of the Chair of the NSP continuing to chair the NSP whilst acting Chair of the ISB. Although the issue was raised by at least two members, it was felt that the interim nature of the appointment negated any potential conflicts.

Meetings with ISB members, 21 March 2023

475. Based on documentary and interview evidence, the Secretary General asked to meet the Chair separately on 21 March 2023. They met on 21 March 2023 at 2pm. The Chair immediately informed the Secretary General of their resignation and handed over a

³³⁵ AC(23)M2/7.2.11

³³⁶ T/26/7; T/27/6; T/30/7; T/21/6-7; T/10/25; T/26 written evidence 22.10.23

³³⁷ See paragraph 230 above

prepared statement before the Secretary General had set out the Council's decision. The Chair subsequently submitted a letter of resignation dated 27 March 2023.³³⁸

476. Based on documentary and interview evidence, the Secretary General then met with the Survivor Advocate and Independent Member at 3pm and informed them that the Chair had resigned. They indicated at this meeting that they thought there should have been an open recruitment process to appoint a new Chair.³³⁹
477. The Chair's resignation and replacement by the Chair of the NSP as acting Chair to continue the work on Phase 2 proposals was reported to the NSSG at its meeting on 29 March 2023.³⁴⁰

Appointment of the acting Chair

478. The acting Chair was sent heads of terms for their contract on 22 March 2023. The duration of the appointment was expressed to be until 31 December 2023.³⁴¹ It was agreed that the role would start on 1 May 2023 as the acting Chair had pre-arranged holiday that they wished to take.³⁴²
479. The acting Chair met with the Survivor Advocate and the Independent Member on 29 March 2023 via Zoom. There is a dispute about what was said at this meeting. I have been told that the Survivor Advocate recorded the meeting but I have not heard that recording. Based solely on documentary and interview evidence, therefore, I find:³⁴³
- 479.1. the acting Chair communicated their view of the external reputation of the ISB, which was not good;
 - 479.2. the acting Chair referred to some of those views being the collective view of the NSP;
 - 479.3. there had been discussions at the January 2023 and March 2023 meetings of the NSP regarding the relative roles of the NSP and the ISB going forward;³⁴⁴
 - 479.4. that the acting Chair had not been consulted about the suggestion in the Phase 2 proposal paper to the Archbishops' Council that the NSP might be subsumed by the ISB and was unhappy about this (see paragraph 466 above);³⁴⁵
 - 479.5. the Survivor Advocate and Independent Member felt criticised in this meeting;
 - 479.6. if the meeting was recorded by the Survivor Advocate, that is indicative of a high level of distrust of the acting Chair and would in the absence of any explanation, in my professional experience be regarded as an unprofessional

³³⁸ T/10/26; T/5/15-16

³³⁹ T/10/26-7

³⁴⁰ NSSG(23)M2/14.1

³⁴¹ Letter from Director of the Central Secretariat to the acting Chair of the ISB, 22 March 2023

³⁴² T/11/14

³⁴³ T/11/14-15; email chains between the acting Chair and the Survivor Advocate, the Independent Member, the Secretary General and the ISB Business Manager between 29 March and 4 April 2023

³⁴⁴ NSP(23)M1; NSP(23)M2

³⁴⁵ T/11/14

way to conduct a first meeting within a small management group of this type without first seeking permission of the participants;

479.7. the acting Chair was not informed that the meeting was being recorded.³⁴⁶

480. The Chair's resignation was announced by a press release by the Church of England on 30 March 2023.³⁴⁷ In it, the Chair was quoted as follows:

*"Changing family circumstances and ISB matters have meant that my presence even from a distance has become a distraction and therefore I decided to tender my immediate resignation to the Archbishops' Council.
I wish all concerned the greatest success in their crucial work on safeguarding across the Church and will keep their endeavour in my prayers."*

481. The ISB members also published a press release announcing the Chair's resignation and the appointment of the acting Chair on 30 March 2023.³⁴⁸ The press release contained the following quote from the remaining ISB members:

"[the Survivor Advocate] and [Independent Member] said: "We would like to thank [the Chair] for her work and acknowledge this has not been an easy decision for her. While working with limited resources, we have met the various challenges of the past seven months. The work of the Board in raising the voices of victims and survivors has continued. We welcome [the acting Chair] to the role of acting Chair and look forward to our collective work towards implementing the vision of the ISB."

ISB General Meeting, 30 March 2023

482. A general meeting of the ISB was held on 30 March 2023. The acting Chair was not present. The two other ISB members attended, together with the Business Manager, an administrator to take the minutes and a partner from Plexus Law for certain agenda items.³⁴⁹ There was a written update from the NST for this meeting and the National Director for Safeguarding was present to speak about that update only.³⁵⁰

483. The minutes record that the following issues were discussed:³⁵¹

483.1. the budgetary overspend was noted and that the Archbishops' Council would be reconsidering the re-forecasted budget in May 2023;

483.2. recruitment for the Project and Administration Officer to start in May or June 2023;

483.3. a job description for a Communications and Digital Officer job had been written and would be taken forward;

483.4. a quote to install a telephone system was approved;

³⁴⁶ T 11 Fact Check Response 18.11.23

³⁴⁷ <https://www.churchofengland.org/media-and-news/press-releases/statement-archbishops-council>

³⁴⁸ <https://independent-safeguarding.org/wp-content/uploads/2023/03/Statement-Meg-Munn-appointed-as-Acting-Chair-30th-March-2023-1.pdf>

³⁴⁹ ISB(23)M1

³⁵⁰ ISB(23)01

³⁵¹ ISB(23)02

- 483.5. it was agreed that some aspects of the work plan would be put on hold due to the appointment of the acting Chair and that the ISB had been told to cancel existing plans for consultation sessions in April and May 2023. The workplan would be reviewed in May 2023 once the acting Chair was in post;³⁵²
- 483.6. a case review report had been drafted and was with the NST for fact checking;
- 483.7. a further case review had been agreed and Plexus Law would be commissioned to start the review process;
- 483.8. there had been a request for a further review which was on hold pending a SAR;
- 483.9. the Communications Strategy was discussed but approval was postponed until the next meeting;³⁵³
- 483.10. the draft Annual Report was considered and amendments suggested;
- 483.11. updated Terms of Reference were approved and would be uploaded to the ISB website;³⁵⁴
- 483.12. the Survivor Advocate was in the process of developing an oversight panel consisting of survivors to monitor the implementation of ISB recommendations;
- 483.13. the ISA was ready to sign from the ISB perspective and an update was awaited from the Archbishops' Council;
- 483.14. ISB members were informed of the appointment of the acting Chair by the Secretary General prior to the public announcement;
- 483.15. ISB members had received several communications from survivors and others expressing concerns about the appointment process, the conflict of interest as the acting Chair was also Chair of the NSP and asking whether the ISB was involved in the decision;
- 483.16. survivors had also requested that their data was not shared with the acting Chair and the ISB would need to consider this and seek advice on data sharing to assure all those who had made this request;
- 483.17. in response to the concerns expressed by survivors, ISB members had agreed to meet with survivors openly as a means of maintaining trust and transparency and to hear their views.

ISB Work Plan, ISB (23)03

484. This was written by the Business Manager.

³⁵² ISB(23)03

³⁵³ ISB(23)04

³⁵⁴ ISB(23)05

485. The Administration Work Plan noted that the board member working day tracker and the Annual Report 2022 were behind target.
486. The Phase 2 consultation plan was set out for April and May 2023 to conclude in July 2023 with a presentation and fringe event at General Synod.
487. Phase 2 business operations would be reviewed in Autumn 2023.
488. The long term goals for the ISB were drafted by the Independent Member and were expressed to be:
 - 488.1. operational independence;
 - 488.2. to increase the scope of the ISB's work and powers to publish reviews and impose sanctions for breaches of good safeguarding practice;
 - 488.3. an increase in staff, funding and financial independence;
 - 488.4. regulatory independence (with oversight from a regulated body);
 - 488.5. powers of access to all church files and personnel when required for ISB work;
 - 488.6. to act as the body that would inspire confidence and trust across safeguarding in the Church of England with victims and survivors.
489. The Independent Member was the lead on the case review process and would work with the Administrator and Business Manager to further refine the ISB approach to case reviews. The following elements would need to be considered:
 - 489.1. eligibility criteria;
 - 489.2. referrals to support services;
 - 489.3. advocacy;
 - 489.4. template Terms of Reference;
 - 489.5. independent Reviewer database - either subcontracted through one provider or individual contracts with reviewers.

ISB Communications Strategy, ISB(23)04

490. The Communications Consultant produced a Communications Strategy and Action Plan for 2023-24 including for the delivery of Phase 2 in 2023-24. I find that this document is largely in general terms, with some limited consideration of issues specific to the ISB such as the tone of communications to victims and survivors.

ISB updated Terms of Reference, 30 March 2023, ISB(23)05

491. ISB(23)05 listed the amendments made to the original Terms of Reference. I find that there were no significant changes. The table of amendments to the original Terms of Reference that were agreed in March 2023 is reproduced in Appendix 5 to this Report.

30 March to April 2023

492. Based on documentary and interview evidence, on 31 March 2023, the Bishop of Stepney took over as the Lead Bishop for Safeguarding. The Bishop met with the Survivor Advocate and Independent Member in late April via Zoom as part of induction meetings.³⁵⁵
493. After their initial meeting, the Survivor Advocate requested a further meeting to be held with the acting Chair, facilitated by the Secretary General. The Survivor Advocate also communicated the concerns received from survivors about the acting Chair's possible conflict of interest as Chair of the NSP.³⁵⁶
494. Based on documentary evidence, there were numerous email communications between the acting Chair and the Survivor Advocate in early April, discussing their first meeting, possible dates for future meetings, the concerns about possible conflicts of interest and work plans. I find that the acting Chair's communications begin with a conciliatory tone and become increasingly frustrated and terse. I find that the Survivor Advocate's communications begin by challenging the acting Chair's comments at their initial meeting and also evince frustration and are terse.
495. The Survivor Advocate also communicated concerns about the recruitment of the acting Chair, possible conflicts of interest and their first meeting with the acting Chair to the Archbishop of York on 31 March 2023.³⁵⁷ Based on documentary and interview evidence, Adrian James emailed the Survivor Advocate on 31 March 2023 complaining about the appointment of the Chair of the NSP and asking to talk.³⁵⁸ Based on documentary and interview evidence, the Survivor Advocate set out their concerns to the Archbishop of York on 1 April 2023 and the Archbishop acknowledged that communication on 2 April 2023.³⁵⁹
496. Graham Jones, Adrian James and Anon 4 refused to permit their personal data to be shared with the acting Chair.³⁶⁰ Mr X also refused to permit their personal data to be shared with the acting Chair on the basis of a response they had received in the acting Chair's capacity as Chair of the NSP that the NSP could not help with individual cases.³⁶¹ I am aware that the Survivor Advocate held two Zoom meetings with the complainant, victim and survivor community on 6 and 13 April 2023. I find that it is possible that more refusals were given at those meetings but I have not seen any other evidence showing the total number of refusals received between April and June 2023.³⁶²
497. Based on documentary evidence, the acting Chair phoned the Survivor Advocate and left a message on 4 April 2023, asking for confirmation that the three members would meet in York on 4 May 2023. On 11 April, the Business Manager noted that both the Survivor Advocate and the Independent Member had accepted electronic invitations to meet in York on 4 May 2023.
498. The Survivor Advocate emailed the acting Chair in response, stating that they did not wish to discuss matters relating to the NSP's views of the ISB with the acting Chair

³⁵⁵ T/7/15

³⁵⁶ Email chain Secretary General to ISB members 31 March 2023 1043

³⁵⁷ T/24/19

³⁵⁸ T22 evidence submitted to the Review 17.10.23; T/22/8-9

³⁵⁹ T/24/21

³⁶⁰ T/18/9; T/22/8-9; T/Anon4/7

³⁶¹ T/X/18

³⁶² T/15/T/24, 35

without the Independent Member and the Secretary General being present and that they had requested a meeting to be set up.

499. Based on documentary and interview evidence, the Survivor Advocate and acting Chair were both on leave in mid-April 2023.³⁶³

The Sunday Telegraph article, 23 April 2023

500. On 23 April 2023, the Sunday Telegraph published an article which is reproduced in full in Appendix 7 to this Report.

501. Based on the findings of fact that I have made in this Report, I find that this article contains significant inaccuracies:

- 501.1. I have seen no evidence to suggest that the ISB was encouraged to use “church-selected lawyers”. The ISB chose and appointed Plexus Law to act for them;
- 501.2. the ISB’s budget had by this time been separated from the NST budget at the request of the ISB;
- 501.3. the ISB had just agreed the installation of telephone lines by an independent company;
- 501.4. the ISB had been asked not to consult survivors on their Phase 2 proposals until further work had been done at the Archbishops’ Council meeting on 20 March 2023.

Annual Report, 24 April 2023

502. The ISB’s Annual Report for September 2021 to December 2022 was published on 24 April 2023.³⁶⁴

503. I find that in marked contrast to the comments about the Archbishops’ Council attributed to the Survivor Advocate and the Independent Member in the article in The Sunday Telegraph, the Annual Report begins by stating:

“The annual report is a testament to the dedication and hard work of our growing team, whose tireless efforts have enabled us to achieve more and increase our impact for those we serve. The ISB has been a beacon of hope for many, especially victims and survivors. We would like to thank the Archbishops’ Council who have endorsed this vision and whose support has and continues to enable this vision to evolve.”

504. Similarly, the Annual Report states on page 6 that in Phase 1, the ISB established legal advisers who were independent of the Church of England, with no history of providing services to the Church.

505. The Annual Report states that the Operating Principles and Standing Orders agreed on 23 August 2023 helped the ISB to operate efficiently as an “unincorporated body” rather

³⁶³ T/11/14

³⁶⁴ <https://independent-safeguarding.org/wp-content/uploads/2023/04/Independent-Safeguarding-Board-Annual-Progress-Report-2022-23.pdf>

than three separate Board members and accepted that these should have been prioritised and approved at the inception of the ISB; see paragraph 186 above.³⁶⁵

506. The Annual Report contained a statement of the expenditure for the ISB from September 2021 to December 2022.³⁶⁶

507. The Annual Report states the following other matters of note:

507.1. that the ISB had commenced independent reviews of complex casework undertaken by the NST where they considered a matter required an ISB review and report (p.7);

507.2. that it had delivered a thorough thematic review of the Church's engagement and work with survivors and victims of church abuse (pp.7, 10-11);

507.3. that it had received 8 case review requests, 7 complaints, 7 safeguarding concerns, 7 general enquiries and concerns and had withdrawn from one case since September 2022;

507.4. that the ISB had experienced a number of challenges and multiple instances in which its independence and freedom to operate had been hampered and that it did not consider that it was sufficiently independent from those it was responsible for scrutinising as it was currently supported and funded by the Archbishops' Council;

507.5. proposals had been made to the Archbishops in November 2022 to create a separate legal entity which would deliver the ISB's functions in the interim period, while the longer term path to independence was developed and that a consultation period would start over Spring 2023 to seek feedback on these proposals (p.8) and that the initial plans and findings would be presented at General Synod in July 2023 (p.19);

507.6. that several case reviews were in the pipeline (p.15) and an infographic of the review process was provided (p.16);

507.7. comments about the Christ Church review (p.17); see paragraph 262 above.

508. The Lead Bishop for Safeguarding published a press release in response to the Annual Report on 24 April 2023.³⁶⁷

External audit, 28 April 2023

509. Based on written and interview evidence, the Archbishops' Council's external auditors sent a table of costs for the ISB to the Audit Committee on 28 April 2023 as part of their work on the Archbishops' Council's financial reporting for 2022.³⁶⁸ That table of costs contains the same totals as were set out in the ISB Annual Report (see paragraph 506 above) but with additional sums for January to February 2023. However, the breakdown of costs within the two tables is different: in the Annual Report, Survivor Engagement (including reference group and report) and Reviews are shown as separate cost entries whereas in the audited table, those costs appear to be included under "*Board*

³⁶⁵ Annual Progress Report p.5

³⁶⁶ Annual Progress Report p.5

³⁶⁷ <https://www.churchofengland.org/safeguarding/safeguarding-news-releases/publication-isb-annual-report>

³⁶⁸ T/19 written evidence to the Review 22.9.23; T/19/7-8

Members". I make no findings about this, which may just be a difference in accounting conventions.

Press release, 2 May 2023

510. Based on interview evidence, on 28 April 2023, the Archbishops wrote to the three ISB members to invite them to attend the Archbishops' Council meeting on 9 or 10 May 2023 and that the Council would be open to hearing concerns from victims and survivors about the process so far, so that they could learn from that and to hear further thoughts on the steps that were planned in order to move to structural independence.³⁶⁹
511. Based on documentary and interview evidence, the acting Chair felt unsupported by this letter. On 2 May 2023, a press release from the Archbishops was published restating their confidence in the acting Chair's appointment.³⁷⁰ Based on documentary evidence, the Survivor Advocate felt that this statement did not acknowledge the concerns of survivors about the appointment of the acting Chair.

³⁶⁹ T/10/29

³⁷⁰ T/10/29; <https://www.churchofengland.org/media-and-news/press-releases/independent-safeguarding-board-statement-archbishops>

Part 3: Termination, May to July 2023

May 2023

512. Based on documentary and interview evidence, the acting Chair and Business Manager met in York on 4 May 2023 to discuss current work plans.³⁷¹
513. Based on documentary evidence, on 5 May 2023, the Secretary General notified the ISB members that they had received a complaint about the former Chair from one of the data breach complainants. I have not seen any evidence as to how that complaint was taken forward or resolved.
514. Based on documentary evidence, on 5 May 2023, the Independent Member notified the acting Chair that 60 individual survivors of church abuse objected to the acting Chair processing personal data and asked them not to access any shared folders or inboxes that might contain shared data.
515. Based on documentary and interview evidence, a General Synod member, Clive Billenness contacted a member of the Archbishops' Council on 5 May 2023 to set out concerns that there was a massive perception of conflict of interest about the appointment of the acting Chair. It was described in these terms:³⁷²

"I completely agree with you that the ISB cannot be directly accountable to the AC, but if you now place someone in the position of Chair – even temporarily – who holds other responsibilities for safeguarding which makes them accountable to the AC, the message which is being sent to survivors and the wider world is not good. I would personally have strongly recommended that no person who has ever been employed in any capacity or held a ministerial position within the Church of England should ever hold Board membership and would ultimately recommend that this be built into its constitution. While historic abuse cases continues to surface, the risk of compromise of anyone who held a role within the Church at some point is very high. We already know how widely the net from the Smyth review is being cast.

At this precise moment, the AC needs to bring in someone from outside the Church structure, preferably with a formal legal qualification – e.g. a retired judge or a KC – to Chair the ISB and lead it towards independence in some manner."

Archbishops' Council meeting, 9 and 10 May 2023

516. Based on documentary and interview evidence, the three ISB members, together with the Business Manager, had asked to attend an Archbishops' Council meeting, held in person and via Zoom, on 9 May 2023 and were invited to do so; see paragraph 510 above.
517. The Secretary General provided a written update of the current position of the ISB for that meeting dated 4 May 2023. That update recorded:³⁷³
 - 517.1. that the acting Chair had been appointed with a specific remit to accelerate work on Phase 2;

³⁷¹ T/11/17-18; T/15/24-5

³⁷² T/19/11

³⁷³ AC(23)53

- 517.2. that the three members had met at the end of March but had not met since then;
- 517.3. that there had been criticism of the decision to appoint from a number of survivors, including the acting Chair's dual role as Chair of the NSP;
- 517.4. over 50 survivors had said they were unwilling to share their personal data with the acting Chair;
- 517.5. the two other members of the ISB had voiced concerns to the Archbishops and the Secretary General about their ability to work with the acting Chair in light of this.
518. The Sunday Telegraph article was annexed to this note, together with a further annex dated 19 April 2023 setting out details of survivor representation meetings and contacts that had taken place with the Survivor Advocate on 6 and 13 April 2023.
519. I have heard accounts of this meeting in interview from 11 members of the Archbishops' Council and from Jane Chevous, who asked to attend the meeting and spoke via Zoom.³⁷⁴ I have also heard accounts of it in interview from the ISB Business Manager who attended for the ISB presentations via Zoom, the Lead Bishop for Safeguarding, the Secretary General, the Director of the Central Secretariat and the Archbishop of York and from the Archbishop of Canterbury who attended part of the meeting via Zoom but who was unable to be present for the whole meeting because of serious illness in the Archbishop's immediate family.³⁷⁵ The description below is based on those interviews and on the minutes of the meeting.
520. The meeting with the ISB members took place at the end of the Council's working session. The meeting room was set up so that there was a long rectangular table where the speakers and the Chair, the Archbishop of York, sat, together with the Secretariat. That rectangular table faced a semi-circle of small, round tables at which the members of the Archbishops' Council sat. Behind those tables, facing the rectangular table, was the Zoom screen.
521. Before the ISB members entered the room, the Secretary General and the National Director of Safeguarding spoke to the update paper, AC(23)53. The Secretary General stated that while there was no formal conflict of interest, as a result of the perception that one existed, the acting Chair had agreed to step back temporarily as Chair of the NSP (and from sitting on the NSSG). The National Director of Safeguarding set out their concerns about the approach of the ISB.³⁷⁶
522. The ISB members waited outside the room while the meeting was in progress and dealing with other agenda items. There was very limited conversation while they waited. They were invited in by the Archbishop of York and given five minutes each to speak, although both the acting Chair and the Survivor Advocate ran over this time limit. According to some who were present, the Survivor Advocate did not make eye contact with the acting Chair and referred to them in the third person as "*the Chair*".
523. The acting Chair spoke first. The acting Chair stated that their five year term on the NSP concluded in the summer of 2023 and it was not clear whether another chair would be

³⁷⁴ T/3/21

³⁷⁵ T/17/19, 21; T/3/20-1; T/10/29; T/11/18-19; T/15/26-27; T/23/7; T/21/4, 7-8; T/25/26, 28; T/24/22-3; T/26/8-9; T/7/15; T/27/9; T/30/8; T/29/7-8; T/10/30-31; T/32/8; T/27/9; T/29/8

³⁷⁶ AC(23)M5/5.4.1-5.4.2

appointed, given the ambiguity of relations with the ISB. The acting Chair's remit was to develop proposals, building on existing thinking but also going back to first principles and that work had begun towards structural independence. Although there were good relationships with survivors, the foundations for the ISB were not in place. There had not been support from other Board members which meant six weeks of work had been lost.³⁷⁷

524. The Survivor Advocate spoke next and stated:

- 524.1. the Annual Report demonstrated the confidence of victims and survivors, despite the previous Chair stepping down;
- 524.2. relations with the acting Chair were not positive as work done to date had been criticised, both on day-to-day business and thinking about Phase 2 and they had not found a way of working collaboratively;
- 524.3. their views had not been sought on the appointment of the acting Chair and the appointment was questioned, given that the ISB's Terms of Reference required consultation with survivors on the appointment of a chair and there was no provision to appoint an interim Chair;
- 524.4. there had been an influx of communications from survivors expressing concerns with the acting Chair's appointment and sixty survivors had said they were not willing for their personal data to be shared with the acting Chair, which had required advice to be sought from the ICO;
- 524.5. victims and survivors looked to the ISB as their last hope and the appointment was causing a crisis of confidence;
- 524.6. that decision needed to be reversed and a proper, open recruitment process followed to appoint a new chair;
- 524.7. these were matters of public interest that should be recorded;
- 524.8. a reference group for the Archbishops' Council for the next phase of work was suggested, which the acting Chair could head.³⁷⁸

525. The Independent Member spoke next;

- 525.1. it was noted that they had not found such a difficult environment to work in as in the Church;
- 525.2. establishing the ISB should not have been as complex as it appeared to be;
- 525.3. trustees needed to stick to their decision on an independent safeguarding board;
- 525.4. the Archbishops' Council was urged to follow the proper process;

³⁷⁷ AC(23)M3/5.4.4

³⁷⁸ AC(23)M3/5.4.5

- 525.5. the Independent Member said they would work with anyone appointed through such a process.³⁷⁹
526. Jane Chevous spoke last, having consulted with contacts in the complainant, victim, survivor community.³⁸⁰ As one of the survivor members of the NSP, they had spoken with many survivors and the common theme was that the church did not feel safe for survivors, partly because of the Soul Survivor situation and partly because of the way in which the interim chair had been appointed. The acting Chair had a direct conflict of interest. Confidence had been lost because of the way the appointment had been made. Survivors had confidence in the other two members of the ISB. A proper process to appoint a new chair to repair relationships with survivors should be begun.³⁸¹
527. Based on interview evidence, the Archbishop of York asked all three ISB members if they would work with each other.³⁸² Based on interview evidence, I find that the Survivor Advocate and Independent Member indicated that they would not work with the acting Chair, and that the acting Chair indicated that they would work with the other two members. The ISB members, Jane Chevous and the Business Manager then left the meeting.
528. Based on interview evidence, I find:³⁸³
- 528.1. Members of the Archbishops' Council found these presentations extremely uncomfortable to listen to and felt that the four speakers were very uncomfortable too;
 - 528.1.1. many present felt the atmosphere was adversarial;
 - 528.1.2. many present described the situation as "*awful*";
 - 528.1.3. some felt that it was an abusive situation;
 - 528.1.4. one member said that the Council was dismayed;
 - 528.2. most of the Archbishops' Council members present were not aware of the ISB's Terms of Reference; see paragraph 231 above;
 - 528.3. that whilst it might not have been the intention for the dispute with the acting Chair to be personal, the language and body language of this meeting created the perception that it was;
 - 528.4. that working relationships between the acting Chair, the Survivor Advocate and the Independent Member had broken down.
529. After the ISB members had left the meeting, in discussion, the Archbishops' Council noted.³⁸⁴

³⁷⁹ AC(23)M3/5.4.6

³⁸⁰ T/3, written evidence 30.10.23

³⁸¹ AC(23)M3/5.4.7; T/3/21

³⁸² T/24/23; T/15/26; T/11/19

³⁸³ T/17/21

³⁸⁴ AC(23)M3/5.4.8

- 529.1. that the loss of trust between the parties appeared irrecoverable and the situation irrevocably broken;
 - 529.2. that the trust that two of the ISB members had with survivors was valuable but that there were contrary views and it had been understood that until recently, the ISB had commanded little support with survivors and some were not engaging with it;
 - 529.3. that the external auditors were clear that the Archbishops' Council had a duty to assure itself of the ISB's use of resources;
 - 529.4. that it was unclear that diocesan staff would go to and work with the ISB at present;
 - 529.5. that their past experience was that once arguments were happening about the terms of the contract, the relationship was already broken;
 - 529.6. that although the ISB members had insisted that the problems were not personal, it felt as if they were;
 - 529.7. that the ISB's communications with the press were causing the Archbishops' Council to lose trust in their capacity to have candid conversations with the ISB.
530. The Archbishops' Council were advised that there had been no breach of process with respect to the appointment of the acting Chair and that they had not agreed the ISB's Terms of Reference and had to exercise their powers under the individual contracts with the ISB members.³⁸⁵
531. The meeting resumed the following morning. Based on documentary evidence, the Archbishop of Canterbury was not present as a result of attending a debate in the House of Lords. Chairing the meeting, the Archbishop of York proposed a way forward that the Survivor Advocate and Independent Members should continue to lead Phase 1, with no further chair appointed; that a reference group should be appointed to produce Phase 2, with the acting Chair as chair and a survivor as co-chair; that the ISB should establish a code of conduct for a more productive relationship with the NST and should not conduct debates through the press.³⁸⁶
532. The Archbishops' Council agreed by eleven votes to six, with two abstentions, to set up a meeting urgently with the two original members of the ISB to explain that if they could not move forward they would have to be disbanded, that the reference group would be established and that the Archbishop of York would speak to the acting Chair.³⁸⁷ Based on interview evidence, the Archbishop of York did speak to the acting Chair after the meeting to explain what was going to happen.³⁸⁸
533. Based on documentary and interview evidence, I find that opinions on the Archbishops' Council were split by the end of this meeting with a minority considering that the ISB

³⁸⁵ AC(23)M3/5.4.9. A note to the minutes adds that subsequent work suggested the Terms of Reference had been approved by the NSSG

³⁸⁶ AC(23)M3/5.4.10; T/24/

³⁸⁷ AC(23)M3/5.4.12-5.4.13

³⁸⁸ T/11/20

would have to be disbanded and a majority considering that further efforts should be made to try to make it work.³⁸⁹

Meeting, 11 May 2023

534. Based on documentary and interview evidence, a meeting took place on 11 May 2023 between the Archbishop of York, the two original ISB members, the Lead Bishop for Safeguarding, two other members of the Archbishops' Council and the Secretary General.³⁹⁰
535. Based on documentary and interview evidence, I find:³⁹¹
- 535.1. the meeting was regarded by the majority attending as positive;
 - 535.2. it was agreed that a group should be set up to lead on the Phase 2 work, co-chaired by the acting Chair and a survivor but that the status of this group was not resolved;
 - 535.3. the ISB members stated that they had been working to the Terms of Reference that were presented to the NSP and endorsed by the NSSG;
 - 535.4. it was hoped that better communication between the parties would mean that the need to have resort to social media or public communication would generally be a last resort;
 - 535.5. the Archbishops' Council members wanted the Terms of Reference to be looked at again;
 - 535.6. a statement about the way forward was drafted.
536. Based on documentary evidence, after further discussions by email and phone, including with the acting Chair, an agreed statement was published on the ISB website on 12 May 2023 which stated:³⁹²

"Statement from Independent Safeguarding Board"

At this week's meeting of the Archbishops' Council, the three Independent Safeguarding Board (ISB) members were asked to provide an update on the work of the ISB. A survivor representative also attended and spoke to the Council. Following the meeting a number of Council and ISB members have held further discussions, which have been constructive. The Church of England remains committed to proper independent scrutiny in safeguarding and takes very seriously the views of both the ISB and survivors. We will make a further statement about these issues and plans as soon as we can."

537. Based on documentary evidence, on 11 May 2023, the Survivor Advocate emailed the National Director of Safeguarding to set up a meeting to discuss working relationships

³⁸⁹ T/25/28; T/21/8; T/24/24; T/29/8-9; T/10/31

³⁹⁰ T/24/25; T/10/30-31; T/32/9

³⁹¹ T/24/25; Secretary General's note of summary of conclusions from ISB informal meeting, 11 May 2023; email chain 11.10.23 1130 between the Secretary General and the other attendees at the meeting on 11 May 2023; T/32/9-10

³⁹² <https://independent-safeguarding.org/wp-content/uploads/2023/05/Statement-from-the-ISB-12th-May-2023-1.pdf>; email chain 12.5.23 1050 between the Secretary General and the other attendees at the meeting on 11 May 2023

which the National Director agreed to.³⁹³ I find that this meeting was scheduled for 12 June 2023.

538. On 14 May 2023, the Lead Bishop for Safeguarding and Jane Chevous spoke to BBC Radio 4's Sunday programme.³⁹⁴
539. Based on documentary evidence, from 15 May 2023 onwards, the Survivor Advocate continued to represent to those at the 11 May 2023 meeting that a growing number of survivors objected to their data being shared with the acting Chair.

NSP meeting, 11 May 2023

540. The NSP was sent by email a paper from the ISB's Business Manager for its planned meeting on 11 May 2023 which did not then in fact take place.³⁹⁵ The paper compared the terms of reference of the NSP and the ISB and their respective remits. It was stated that there was an existing overlap between their remits, particularly on the review and assurance of policy development. The ISB had no plans to replicate an NSP 'select committee' style of scrutiny in favour of a more hands-on model of assurance when the requirements of data protection legislation were met. The Survivor Advocate was in the process of establishing a Recommendations Implementation Monitoring and Oversight Panel to assure the implementation of ISB recommendations. The ISB welcomed the NSP's views on the development of Phase Two, the future remit and purpose of the ISB and, having received verbal feedback from the Chair, the Board's performance to date. The ISB wanted to run a further session with NSP members in Summer 2023 once the initial consultation exercise had taken place.³⁹⁶

Victim and Survivor Consultative Panel, 17 May 2023

541. Based on documentary and interview evidence, on 17 May 2023, the Survivor Advocate wrote a blog with a plan of action for a Victim Consultative Panel for the ISB that was posted on the ISB website and tweeted on the Survivor Advocate's personal Twitter/X account.³⁹⁷ The following day, the acting Chair instructed the Business Manager to take the post down, followed by conflicting instructions from the Survivor Advocate to reinstate it. The acting Chair informed the Survivor Advocate that the post clearly referred to Phase 2 and that because the Archbishops' Council were still considering Phase 2, the post was premature and had budget implications and that there should have been consultation on it. The Survivor Advocate explained that it was not related to Phase 2.
542. Based on email evidence from 17 to 22 May 2023 relating to this incident and other operational ISB matters, I find that the working relationship between the acting Chair and the Survivor Advocate had completely broken down.

Dispute Notices and meeting, 24 May 2023

543. Based on documentary and interview evidence, a Zoom meeting had been planned for 24 May 2023 at 1630 between all the ISB members, the Archbishop of York, the Lead Bishop for Safeguarding and a member of the Archbishops' Council. During the morning of 24 May, the Secretary General circulated a seven point plan to the group for the future

³⁹³ Email chain from the Secretary General 12.5.23 1243

³⁹⁴ <https://www.bbc.co.uk/programmes/m001ly72> from 33:15; T/7/18

³⁹⁵ NSP(23)10

³⁹⁶ NSP(23)10 3.1-3.3

³⁹⁷ T/15/27-8; T/11/21

of the ISB which reflected the discussions that had taken place at the meeting in York on 11 May 2023.

544. Just before 1330 on 24 May 2023, the Survivor Advocate and Independent Member sent a Dispute Notice addressed to the Director of Faith and Public Life.³⁹⁸ The Dispute Notice stated that the ISB members' dispute with the Archbishops' Council was that it had frustrated their capacity to deliver the services of the ISB.
545. The Dispute Notice made the following points:
 - 545.1. that the ISB had worked according to Terms of Reference since March 2022 which had been presented to the NSP and NSSG although the Archbishops' Council now stated they were unaware of them and were shocked that they were working within these guidelines;
 - 545.2. ISB members had been told that the conflict of interest with the acting Chair also being Chair of the NSP would be addressed but this had not yet happened;
 - 545.3. on 18 May, Archbishops' Council employees gave instructions to staff allocated to the ISB to remove survivor engagement content from the Board's own website, despite the content solely relating to the functions of the ISB and being approved by it and that there had been a lack of response and collaboration from the acting Chair;
 - 545.4. the Survivor Advocate had been prevented from carrying out their duties as a result;
 - 545.5. the appointment of the acting Chair was in direct contravention of the ISB's Terms of Reference;
 - 545.6. ISB members had raised concerns about 72 objections from survivors of church abuse who had withdrawn their consent for their data to be shared with the acting Chair;
 - 545.7. the actions of the Archbishops' Council had caused serious harm to the personal and professional reputations of the Board members, both of whom had significant reputations and public profile in their fields;
 - 545.8. the Secretary General had failed to formally close the February Dispute Notice;
 - 545.9. the Archbishops' Council's conduct had restricted the ISB from exercising key elements of its role:
 - 545.9.1. it had withheld for a prolonged period an information sharing agreement with other Church bodies, despite numerous requests for it;
 - 545.9.2. this resulted in the NST refusing access to information critical to the ISB's scrutiny role;

³⁹⁸ T/25/31-32; T/10/32

- 545.9.3. this resulted in the pausing of the Christ Church review;
- 545.9.4. scrutiny of matters of public concern affected the conduct of senior staff and clergy had been frustrated;
- 545.10. the Board members sought to fulfil their contractual duties and in order to achieve this outcome, the Archbishops' Council must agree:
 - 545.10.1. the independence of the ISB must be respected;
 - 545.10.2. the collaborative approach to phase 2 demonstrated in the meeting of 11 May 2023 be continued, including the positive attitude toward the establishment of an ISB working group with suitably qualified co-chairs;
 - 545.10.3. not to make decisions which affect the ISB or its functions without consulting it;
 - 545.10.4. that there should be a small reference group from the Archbishops' Council to support the work of the ISB to act as a communications' channel and to ensure that any ISB matters raised had an informed hearing at future Council meetings;
 - 545.10.5. the ISB operated in accordance with its terms of reference that were ratified unanimously by the NSSG and approved by the Council (see paragraph 231 above), that all appointments to the ISB followed the outlined process and all appointed board members agreed on how they are to work collaboratively, and that the Council respected decisions made in accordance with ISB procedures;
- 545.11. that an ISA be signed with the ISB without delay;
- 545.12. staff working in support of the ISB should not be directed by the Council to undertake any duties which compromised the effectiveness or independence of the ISB;
- 545.13. that, unless legally prohibited, the staff of the Council follow the instructions of the ISB in the provision of shared services.
- 546. Based on documentary evidence, the meeting went ahead after receipt of the Dispute Notices at which concerns were aired and frustrations were expressed on both sides.³⁹⁹
- 547. On the same day, the Church Times published an article relating to the dispute resolution notice, quoting the Survivor Advocate and the Independent Member.⁴⁰⁰
- 548. Based on documentary evidence, the Archbishop of York emailed the Independent Member on 26 May 2023 to say that it was difficult to understand why the Dispute Notice was issued and shared with the press before the meeting on 24 May 2023 because it

³⁹⁹ T/11/21; T/24/26; T/32/10

⁴⁰⁰ <https://www.churchtimes.co.uk/articles/2023/26-may/news/uk/independent-safeguarding-board-serves-dispute-resolution-notice-to-archbishops-council>

added to the impression that they did not want to be constructive and were acting unprofessionally.⁴⁰¹

Emergency meeting of the Archbishops' Council and vote, 31 May 2023

549. Based on documentary and interview evidence, an emergency meeting of the Archbishops' Council was held via Zoom on 31 May 2023. The Secretary General provided an update paper for this meeting which set out the events that had occurred between the last meeting and 24 May 2023.⁴⁰² The paper set out a range of choices for the Archbishops' Council to resolve the dispute or, failing that, to terminate the ISB members' contracts. A legal analysis of the contractual position was included. On the need for transitional and interim arrangements, it was stated:

- 549.1. that it was understood that the ISB had currently accepted eight formal referrals for case reviews, all being led by third parties under contract to the ISB, with ISB member oversight;
- 549.2. of these, one had been concluded and published;
- 549.3. one (Christ Church) was removed from the ISB by the Archbishops' Council;
- 549.4. five were on hold pending either a CDM tribunal or a diocesan lessons learned review;
- 549.5. one had been commissioned with the investigation under way;
- 549.6. that if the contracts were terminated, the Council would need to consider how to provide the review function for these cases and it was being considered whether an independent third party could perform the independent case review function for a few months until a new system could be in place;
- 549.7. phase 2 proposals could be developed by a reference group for the Council's meeting in September 2023.

550. After the meeting, the Director of the Central Secretariat emailed the Council members to ask them to vote on the following resolution via email:

"The Archbishops' Council instructed the Secretary General to respond to the dispute notice received from two ISB members, and to seek to resolve the dispute in good faith, on the basis of the positions the Council had previously taken. Except in the event that such agreement proved possible, as reported by the Secretary General, the Council agreed that it would be necessary

- A. To terminate the contracts of ISB members;*
- B. To move swiftly to put in place interim arrangements for independent oversight of any case reviews sought by victims and survivors and agreed to be carried out; and*
- C. To move swiftly to put in place a process for designing the permanent independent oversight function which would replace the ISB.*

⁴⁰¹ T/24/27-8

⁴⁰² AC(23)54; T/25/33; T/10/33

The Council agreed that arrangements described under (b) and (c) would need to be developed in partnership with victims and survivors, not decided by the Council alone. The Council authorise the Archbishops to develop options for (c) as swiftly as possible.”

551. By a majority of 11 to 3 with 1 abstention, the Archbishops’ Council approved this resolution.⁴⁰³ On 1 June 2023, the acting Chair was informed by the Secretary General that they had been asked by the Archbishops’ Council to take steps to seek to resolve the dispute and that if that was not possible, other steps would need to be taken.⁴⁰⁴
552. I heard accounts of this meeting from eleven members of the Archbishops’ Council. Their evidence was, in summary:
- 552.1. the issue of the dispute notices left the Council no choice;⁴⁰⁵
 - 552.2. the majority of the Council thought the ISB should be terminated then;⁴⁰⁶
 - 552.3. that the Council had come to the view that it had to end but that what came next needed to be agreed;⁴⁰⁷
 - 552.4. they were not clear how things had changed for the ISB members since the meeting on 11 May 2023.⁴⁰⁸
553. I asked members of the Archbishops’ Council in interview whether, at any point, there had been a discussion about not continuing with the acting Chair’s appointment. I find that there was no such discussion.⁴⁰⁹

June 2023

Response to Dispute Notice, 6 June 2023

554. Based on documentary evidence, the Secretary General responded to the Dispute Notice by a letter dated 6 June 2023. That letter proposed Ground Rules for trying to achieve resolution:
- 554.1. all parties must accept the acting Chair;
 - 554.2. all parties must commit to behaviour towards others, including other ISB members and NCI staff, which was courteous at all times;
 - 554.3. all parties must refrain from adverse public comment on the ISB, its members and the process. The ISB members’ reservation of the right in the Dispute Notice to make public comment was noted but social media or public comment should be a last resort. All parties had to accept the difficulties which would inevitably be faced in seeking to discuss matters in good faith frankly and openly if one party wished to engage in a proxy debate in the public domain.

⁴⁰³ T/25 written evidence to the Review, 19.10.23; T/25/35; T/17/22

⁴⁰⁴ Email chain, Secretary General, 1.6.23 1738

⁴⁰⁵ T/31/6

⁴⁰⁶ T/29/9

⁴⁰⁷ T/17/22

⁴⁰⁸ T/32/10

⁴⁰⁹ T/26/9;

555. The letter sets out a contractual analysis of the situation:

- 555.1. it was not accepted that the Terms of Reference or Standing Orders had any contractual effect;
- 555.2. their contracts were silent on the circumstances in which an acting Chair could be appointed;
- 555.3. the Council had decided that the acting Chair should stand down as the NSP Chair to manage any perception of conflict of interest but no such conflict was accepted;
- 555.4. it was not accepted that the appointment of the acting Chair meant that they could not perform their duties consistent with standards of good industry practice;
- 555.5. they had failed to work collaboratively with the acting chair to develop thinking on Phase 2;
- 555.6. a senior official of the Council was asked to reinstate the post taken down on 18 May 2023 but declined to do so because this was a matter for ISB members and that the acting Chair had instructed that it be taken down;
- 555.7. as soon as the acting Chair had entered into contractual terms relating to data protection, all three ISB members would swiftly be able to execute the ISA and Framework;
- 555.8. as discussed with Plexus Law, it was possible for the ISB members to make ad hoc data sharing requests, which needed to identify lawful bases for sharing which had to be considered by the relevant data controller on a case by case basis;
- 555.9. it was proposed to resolve the dispute via clause 21.1.1 of their contracts and to have a meeting on 12 June 2023.

556. As to the outcomes proposed by the ISB members:

- 556.1. the Council remained committed to independent scrutiny of its safeguarding functions and to Phase 2, subject to the matters of governance that are proper matters of interest to the Council;
- 556.2. subject to those matters of interest, the Council remained committed to the collaborative development of Phase 2 which would include contributions from all three ISB members and a working group would be considered;
- 556.3. the Council was willing to explore the creation of a reference group including the ISB but not under the auspices of the ISB because of the Council's interest in governance;
- 556.4. the Council was happy to consult all three members of the ISB in connection with future decisions regarding the ISB;
- 556.5. the Council was willing to facilitate the signature of the ISA by the ISB and Framework as soon as reasonably practicable;

- 556.6. the Council was willing to consider how contractual effect might be given to standing orders and terms of reference that might govern an onward working relationship and that the Council was content in principle that this should include an agreed approach to the appointment of future ISB members;
- 556.7. the Council was content that staff who are designated to support the work of the ISB should receive instruction from the ISB members acting jointly.
- 557. Based on documentary and interview evidence, on 7 June 2023, the Survivor Advocate informed the Secretary General:
 - 557.1. that there was now a disagreement within the meaning of clause 3.3 of their contract with the acting Chair and that the Council should seek to resolve this in accordance with clause 3.3 by appointing an independent expert to resolve the dispute.
 - 557.2. that clause 21.2.2 of the contract should be activated and an independent mediator be appointed to resolve the Dispute Notice;
 - 557.3. that the meeting on 12 June should not be used to discuss the Dispute Notice which should be dealt with by means of clause 21.2.2.
- 558. In response, the Secretary General stated that the contract required the parties to seek to resolve the dispute themselves first and that a mediator should not yet be appointed and that the meeting on 12 June 2023 should be used to discuss the dispute.

Meeting, 12 June 2023

- 559. Based on documentary and interview evidence, I find that at the meeting on 12 June 2023:⁴¹⁰
 - 559.1. that the two ISB members did not wish to discuss the dispute at that meeting but to move straight to the appointment of a mediator;
 - 559.2. that the two ISB members did not show any willingness at that meeting to work with the acting Chair;
 - 559.3. the Survivor Advocate reported being told by the National Director for Safeguarding that the Survivor Advocate was too survivor-focused at this meeting.
- 560. Based on interview evidence, the National Director of Safeguarding's view was that the phrase 'survivor-focused' had been used to differentiate between being a survivor advocate and being an independent scrutineer. Based on interview evidence, there were concerns within the NST and NSSG about the professional boundaries in place to protect the relationships between the Survivor Advocate and complainants, victims and survivors.⁴¹¹
- 561. Based on documentary and interview evidence, the Secretary General informed the Archbishops' Council members by email on 12 June that, with regret, the dispute could not be resolved in the terms of their resolution of 31 May 2023, that there was no prospect of resolving the working relationships and that a mediation process would be

⁴¹⁰ T/10/33-34; T/12/12-13

⁴¹¹ T/9/23; T/7/7-8; T/12/12

neither effective nor timely. As a result, staff had been asked to carry out the Council's decision to terminate the contracts.⁴¹² Some members of the Archbishops' Council agreed at this point that they should proceed to terminate the contracts, a small minority urged caution because of the wider issues affecting the Church at that time and that the manner of the terminations needed to be very carefully planned.⁴¹³

12 to 20 June 2023

562. Based on documentary and interview evidence, on 13 and 14 June 2023, the Survivor Advocate and the Secretary General discussed via email the issue that the ISB members had not been able to agree a paper for General Synod but that they still planned to attend.⁴¹⁴
563. Based on documentary and transcript evidence,⁴¹⁵ on 15 June 2023, the Archbishop of Canterbury, acting on a suggestion from a senior staff member to the Archbishop of York, wrote to Alexis Jay with an invitation to provide recommendations for forming an independent safeguarding board for the Church of England.⁴¹⁶
564. Based on documentary evidence, on 16 June 2023, the Survivor Advocate and Independent Member emailed the Secretary General, Lead Safeguarding Bishop and the Archbishops suggesting a possible way forward, splitting Phase 1 and Phase 2 work, with the acting Chair continuing to work on Phase 2 until an independent chair could be appointed. They expressed that they wanted to demonstrate unity rather than remaining in dispute with the Council.
565. Based on documentary and interview evidence, on 19 June 2023, the Archbishops' Council were sent an update on plans to terminate the ISB members' contracts. A plan for engagement with survivors was set out:
 - 565.1. there would be a message from the NST issued in parallel with the press notice to those who had registered their interest;
 - 565.2. advertised in that message would be a listening session for survivors to give their reactions which Archbishops' Council members could attend – volunteers were sought;
 - 565.3. the email from the Survivor Advocate and Independent Member on 16 June was circulated;
 - 565.4. the timing of the termination was affected by the dates of General Synod because the ISB members intended to speak at Synod and to terminate their contracts after they had spoken would be problematic; see paragraph 583 below.⁴¹⁷
566. Based on documentary and interview evidence, I find that as at 19 and 20 June 2023:
 - 566.1. the Archbishops' Council and its senior staff were aware, or should have been aware from the papers that had been circulated to it and from the

⁴¹² Email chain, Director of the Central Secretariat, 12.6.23 1654

⁴¹³ T/17/23

⁴¹⁴ Email chain, Secretary General, 14.6.23 0740; T/15/28-9

⁴¹⁵ T/10/29

⁴¹⁶ T/17/32; T/7/27; T/12/20

⁴¹⁷ T/17/26; T/26/10

presentations made to it since the inception of the ISB, that the ISB were involved with several case reviews, and not more than eight, even though they did not know the names of the case review subjects apart from Mr. X;⁴¹⁸ see paragraphs 507.3 and 549 above;

- 566.2. the National Director for Safeguarding and the Secretary General were aware that there were other complainants, victims and survivors in touch with the Survivor Advocate including Adrian James;⁴¹⁹
- 566.3. based on the publication of the abridged Mr. X case review report on 31 March 2023 (see paragraph 304 above):
 - 566.3.1. it was obvious that those case reviews were highly likely to involve very vulnerable individuals, even though the Council, rightly, did not know who they were, although one Council member told me that they were not aware of this report;⁴²⁰
 - 566.3.2. and were likely to involve unresolved complaints of historic abuse;
- 566.4. no risk assessment beyond informal conversations was carried out by or on behalf of the Archbishops' Council members about the effect of the termination of the ISB contracts on complainants, victims and survivors who were engaged with them, particularly those involved in case reviews;⁴²¹
- 566.5. one member of senior staff acknowledged to me in interview that they had underestimated the level of emotion that would be involved in those case reviews and that that was their failure;⁴²²
- 566.6. no advice on data protection issues that might arise in relation to the future management of those case reviews or communications with the individuals involved was sought by the Archbishops' Council from the Information Governance Officer;⁴²³
- 566.7. the Deputy Lead Bishops for Safeguarding, one of whom had responsibility for survivor contact, were not formally consulted before the termination;
- 566.8. the Deputy Lead Bishop for Safeguarding with responsibility for survivor engagement was only consulted by the NST about successor arrangements for case reviews after the General Synod meeting in July and then helped to shape proposals for survivor support and case reviews;⁴²⁴
- 566.9. Council members acted on the belief that staff would have put a plan in place but there was no detail as to what the proposals might be, how they would

⁴¹⁸ T/25/37-8; T/31/7

⁴¹⁹ Email chain from Adrian James to Chair of the NSP, National Director for Safeguarding, Survivor Advocate, Secretary General 2.5.23 1743

⁴²⁰ T/12/16; T/25/39-40; on the second point, T/17/23

⁴²¹ T/16/23; T/25/37-8; T/23/8-10; T/26/9; T/31/7; T/29/9; T/21/8; T/19/12;

<https://www.churchofengland.org/sites/default/files/2023-10/report-of-proceedings-july-2023-binder1.pdf> p.62-3

⁴²² T/25/37-8

⁴²³ T/34/11-12, 14

⁴²⁴ T/28/7; T/16/14-15; T/17/23

be communicated to complainants, victims and survivors being supported by the ISB nor any means of mitigating the impact of the termination;⁴²⁵

- 566.10. when the final decision to terminate the ISB contracts was taken, there was a plan to have a plan to provide interim or transitional arrangements for those case reviews but nothing further was in place.⁴²⁶
567. Based on documentary and interview evidence, Council members discussed the issue of the timing of the termination by email. One member of the Council proposed a pause before the termination to see if any other way forward was possible.⁴²⁷ The Archbishops' Council decided by eleven votes to four (four members did not vote) to proceed with the termination of the ISB contracts on 21 June 2023. Some members of the Council, including the Archbishops, wished to wait and not to proceed to an immediate termination, as the Archbishop of Canterbury indicated in an answer to General Synod in July 2023.⁴²⁸ Others considered that it was too late to hesitate⁴²⁹ and that the email sent by the ISB members on 16 June 2023 had come too late.⁴³⁰
568. Based on documentary evidence, late on 20 June 2023, the Secretary General asked the Survivor Advocate and Independent Member to meet urgently the following day at 0915 via Zoom.⁴³¹

Termination of the ISB contracts, 21 June 2023

569. Neither of the ISB members was able to attend that meeting at 0915 so the Secretary General emailed all the ISB member with their letters of termination at 1203 on 21 June 2023.⁴³² The covering email stated that an announcement would be made at about 1pm.
570. The letters to the Survivor Advocate and the Independent Member state that the termination on two week's prior written notice was pursuant to clause 10.2 of their contracts and that their engagement would come to an end on 5 July 2023. The letter did not state any reasons for the termination.
571. The letter asked them to return all material defined in their contracts as Archbishops' Council Property or Confidential Information and to confirm that they had done so.
572. The letter also noted that they were data controllers of personal data that they had collected for the purposes of the contracts and that they would need to discuss between them how to comply with their obligations under data protection law. They were asked to provide instructions to the Director of Central Secretariat regarding any personal data for which they were the data controllers that might be stored on infrastructure by the Council or by a third party on its behalf.
573. The letter stated that the termination would bring about on 5 July 2023 the end of the data processing agreement they had entered into with the Council and that from that

⁴²⁵ T/17/23; T/23/8-10; T/7/20-21; T/29/10; T/25/37-8; T/31/7-8; T/28/6; T/12/16

⁴²⁶ T/10/37

⁴²⁷ T/23/8-10

⁴²⁸ T/23/8-10; T/24/30; T/26/10; T/27/10; T/31/7; T/10/35-6 ; T/25/41;

<https://www.churchofengland.org/sites/default/files/2023-10/report-of-proceedings-july-2023-binder1.pdf>
p.61-2

⁴²⁹ T/29/10

⁴³⁰ T/17/24-5

⁴³¹ T/17/37

⁴³² T/10/37; T/25/43

date, unless any different arrangement was agreed between them and the Council, Council employees would no longer act on their instructions.

574. The letter expressed the Secretary General's personal regret at having to write to them in these terms and that the effect of the letter would be a disappointment to many victims and survivors and that the Council would be seeking to engage with them about this change of approach and to listen to their views.
575. A similar letter dated 21 June 2023 was sent to the acting Chair save in the following respects:
 - 575.1. it was recognised that a longer termination date than 5 July 2023 might need to be agreed in order to ensure the orderly completion of the engagement;
 - 575.2. so far as the Council was aware, the acting Chair had not yet been provided with, collected or processed any personal data in the course of the engagement but if that was not the case, instructions should be provided to the Director of Central Secretariat regarding any personal data;
 - 575.3. it was recognised that the last few months had not been easy, professionally or personally and that factors had prevented the good work the acting Chair could have done that the Council had envisaged.
576. At 1219, the Survivor Advocate tried to ring Case Review Complainant XX but there was no answer. Case Review Complainant XX received the news via their NST Advocate at 1310 because the NST had been informed about the case review but by then had already heard the news from other sources.⁴³³
577. At 1222, the Independent Member emailed the Secretary General to urge caution in making an announcement so imminently when the staff of the ISB and the ISB members themselves were unavailable. There were a number of survivors engaging on very difficult cases with the ISB and the impact of them hearing about this through the media could be very harmful. A copy of any proposed public statement was also requested.
578. The Secretary General replied that arrangements were in hand for contacting ISB staff members and for notifying survivors but if there were any particular individuals who would benefit from being contacted directly, particularly regarding their cases, they should let them know and that they were aware of some individuals who might need to be contacted.⁴³⁴
579. At 1242, the Independent Member replied that that might cause some difficult data protection issues as those in the review process had all asked that their details were not to be shared with the Church without consent which would be difficult to achieve in the next 21 minutes. The reply stated, *"I am urging caution as powerfully as I can. The harm could be significant and the announcement isn't urgent."*
580. At 1253, the Secretary General replied, stating that it was appreciated that individual survivors could not be identified in which case the Council could not reach out to them individually but that would apply to whatever day or time the announcement was made. Arrangements were in hand for notifying those survivors who were in regular contact through the NST's normal channels.

⁴³³ T/XX/25-6; TXX written evidence to the Review, 30.10.23; T/12/19

⁴³⁴ Email chain, Secretary General to Independent Member, 21 June 2023 1203; T/25/44

581. It was suggested to me in written evidence to the review from Anon 6 that the Secretary General had asked the Independent Member to commit a data breach by asking him to hand over personal data without the consent of the data subject.⁴³⁵ On the basis of the email correspondence set out above, and having reviewed a Twitter/X post from the Independent Member on 8 July 2023 about what happened, I find that the Secretary General did not make any improper request for personal data without consent but offered to make contact with anyone that the Independent Member considered appropriate. I find that the Secretary General did not appreciate that some individuals had refused to share their data with the NST or anyone in the Church. As soon as the Independent Member made that position clear, the Secretary General acknowledged that staff would not be able to contact those individuals. I find that the report in the Church Times by a Church House source that efforts had been made to contact individuals before the termination was inaccurate.
582. I heard evidence in interview that the decision not to delay the announcement was taken in part because there were fears that the news would be posted on Twitter/X or leaked to the press before the Council had formally announced it.⁴³⁶
583. Based on interview evidence, I find that that the Archbishop of Canterbury's answer at General Synod that the timing of the terminations came down to the need to get Synod papers out on time and for Synod to be aware of what was going on was not an answer to the question actually asked by Mr. Peter Barrett. Mr. Barrett had asked what the rationale was for giving the ISB an hour to tell survivors' groups that it was being disbanded. I find that the Archbishop of Canterbury in fact answered the question: why were the ISB contracts terminated on 21 June 2023 rather than another date?⁴³⁷
584. AT 1311, the Secretary General emailed the announcement text to the Independent Member.
585. The announcement stated the following reasons for the terminations:⁴³⁸

"It is therefore with regret that the Council has come to the reluctant conclusion that, despite extensive efforts over recent months, working relationships between two members of the Independent Safeguarding Board (ISB) and the Council have broken down.

The Board - made up of a chair, a Survivor Advocate and a third member - was set up by the Archbishops' Council in 2021 as the first step towards a new system of independent scrutiny and the intention was always to move to a second phase.

It has been widely reported that there has been a dispute between two members of the ISB and the Council. Members of the Council and our experienced safeguarding professionals have been working constructively over recent months to put the ISB on a more sustainable footing.

Nevertheless, it has now become clear that that this is no longer viable with its current membership and that the dispute itself risks getting in the way of that urgent priority of moving to the next phase of establishing a new independent safeguarding body.

⁴³⁵ Email to the review, 27.10.23

⁴³⁶ T/25/43; T/10/37; T26 written evidence to the Review 22.10.23

⁴³⁷ <https://www.churchofengland.org/sites/default/files/2023-10/report-of-proceedings-july-2023-binder1.pdf> p.61; T/17/25-26; T/26/11-12

⁴³⁸ <https://www.churchofengland.org/media-and-news/press-releases/statement-archbishops-council-independent-safeguarding-board>

The Council has therefore agreed a reset. This will involve ending the contracts of two of the members of the Board, [the Survivor Advocate] and [the Independent Member], and of the acting Chair, [...].

The Council will be putting in place interim arrangements to continue the independent oversight of existing case reviews.

Those reviews will be carried out by independent experts qualified to conduct case reviews, just as at present, and they will be independently commissioned.”

586. Based on documentary and interview evidence, shortly after 1300, the NST Partnerships and Engagement Lead emailed the news out to the NST engagement newsletter email list.⁴³⁹
587. Based on documentary evidence, a Zoom meeting for the Secretary General, the Lead Bishop for Safeguarding, the Survivor Advocate and the Independent Member was scheduled for 1600 but they were not able to attend. A further meeting with the Lead Bishop for Safeguarding was scheduled for 1100 on 22 June 2023.
588. The termination of the ISB contracts attracted, and continues to attract, media attention in both the church and national daily press.⁴⁴⁰

⁴³⁹ T/3/25

⁴⁴⁰ See, for example, <https://www.churchtimes.co.uk/articles/2023/23-june/news/uk/independent-safeguarding-board-disbanded-and-its-members-sacked-as-church-resets> <https://www.bbc.co.uk/news/uk-65977524> <https://www.thetimes.co.uk/article/i-was-abused-as-a-choirboy-decades-later-the-church-of-england-betrayed-me-again-cjb7jdm36>

Part 4: Impact

June to July 2023

589. I heard evidence in interview that some who were involved with the case review process suffered mental distress and suicidal intentions after they learnt of the termination of the ISB contracts.⁴⁴¹ This further disappointment felt like a re-traumatisation or a re-abuse to some because of a sense that there was a lack of compassion in how the terminations were handled. Anon 4 told me in interview that they had ended up in a mental health institution after the disbandment of the ISB.⁴⁴²

590. Based on interview evidence and written evidence to the Review, Mr. X was informed by a fellow survivor of the news at 1237.⁴⁴³ In interview, Mr X described their reaction in these terms:⁴⁴⁴

“The body investigates serious cases of abuse and re-abuse within the Church. Each victim engages in such a horribly painful way to try to seek some sort of justice. In my case, a report was published. At that point, I - it went from pain to some degree of hope, and then this chucking a bomb on me, seemingly no humanity, compassion, empathy to understand what that would do, that obliteration of hope.”

591. Adrian James had had no idea that there were any issues with the ISB until the ISB contracts were terminated on 21 June 2023. They were not contacted about the terminations and found out about it via the Thinking Anglicans website on 21 June 2023. Adrian James told me that in subsequent communications with the Survivor Advocate, the ISB's only concern was Adrian James's welfare. Adrian James described their own reaction to the news as outrage and that a lifeline had been snatched away.⁴⁴⁵ Based on documentary evidence, Adrian James emailed the Archbishops, the Makin Review and a member of the Archbishops' Council on 21 June 2023 asking who they should speak to *“in despair”* the following day now that the ISB had been terminated. On 30 July, Adrian James emailed a member of the Archbishops' Council stating that they had still not been contacted by anyone about successor arrangements to the ISB.

592. Graham Jones told me in interview that there was just a complete lack of understanding of what it meant to people.⁴⁴⁶

593. I asked Case Review Complainant XX in interview what they thought should have happened. They told me:⁴⁴⁷

“So what I think could have happened is that they could have given [the Survivor Advocate and Independent Member] time to meet with us to discuss how to close the board in a trauma-informed and survivor-sensitive way. They could have given options. They could have discussed options with [the Survivor Advocate and Independent Member], and with us, for completing the 11 outstanding - or the 10 outstanding reviews. So all the things that we're now trying to negotiate, which they still haven't actually negotiated with us. So there is still no agreed way forward so many months later but that could all have happened before anything went public. They could have, at

⁴⁴¹ T/XX/15

⁴⁴² T/Anon4/4

⁴⁴³ T/X/16; written evidence to the Review from Anon 6, 27.10.23;

⁴⁴⁴ T/X/16

⁴⁴⁵ T/22/7-8, 13

⁴⁴⁶ T/18/7

⁴⁴⁷ T/XX/25

a very minimum, given [the Survivor Advocate and Independent Member] time to prepare us.”

22 June to 7 July 2023

594. On 22 June 2023, the Deputy Lead Bishop for Safeguarding (survivor engagement) Tweeted that the Church seemed less safe and that many survivors trusted the Survivor Advocate and the Independent Member and the terminations were causing fear, anger and distress.⁴⁴⁸
595. Based on documentary evidence, on 22 June 2023 the Survivor Advocate informed the Secretary General, the Lead Safeguarding Bishop and the Archbishops that they were dealing with distressed and concerned victims and survivors which was their priority and so would not be attending the meeting.
596. A member of the Archbishops’ Council, the Vice-Chair of the House of Laity, spoke about events on Radio 4’s World at One programme, together with the Deputy Lead Bishop for Safeguarding (survivor engagement).⁴⁴⁹
597. Based on documentary evidence, by this date, it had been agreed that the General Synod would hear a presentation on the work of the ISB from the Archbishops’ Council.
598. On 25 June 2023, the Archbishop of York gave an interview to BBC Radio 4’s Sunday programme, together with Jane Chevous and a pre-recorded statement from the Survivor Advocate.⁴⁵⁰ Having been contacted by a survivor advocate and by the ISB Survivor Advocate, the Archbishop of York corrected at General Synod in July 2023 the statement made on this programme that interim arrangements were actually in place.⁴⁵¹
599. On 26 June, the acting Chair issued a press release on the ISB website.⁴⁵²

“Statement from Independent Safeguarding Board. You will be aware of the announcement from the Archbishops’ Council regarding the Independent Safeguarding Board. We will continue to honour any reviews or complaints that are underway or are due to start. We will be in contact as soon as possible with survivors and complainants and reviewers to ensure these are completed. The ISB is working with the Archbishops’ Council to put in place alternative arrangements to handle complaints while work is undertaken to develop an independent oversight body for safeguarding. Once the detail is in place an announcement will be made.”

600. Based on documentary and interview evidence, the Independent Member suggested that the easiest way to handle the data issue and the fact that case review participants had not wanted their data to be shared without consent was for the Survivor Advocate and the Independent Member to finish the case reviews that were under way. That suggestion was not agreed but the email access of the two ISB members were extended for a further six weeks after their two weeks’ notice period because they indicated that

⁴⁴⁸ T/3/31; T/16/16

⁴⁴⁹ <https://www.bbc.co.uk/programmes/m001n221> - this programme is no longer available to stream; T/21/9-10; T/16/14, 17

⁴⁵⁰ <https://www.bbc.co.uk/programmes/m001n87y>;

⁴⁵¹ T/24/30; T/X/16; see paragraph 610 below

⁴⁵² <https://independent-safeguarding.org/wp-content/uploads/2023/06/Statement-26th-June-2023.pdf>

they were unable to do all that was necessary in terms of data management in that two week period.⁴⁵³

601. I have seen documentary evidence that, in late June, the three ISB members tried to find a way to collaborate to carry out the work they needed to do to transition the case reviews to new arrangements but were unable to do so. I find that that the Survivor Advocate continually asked the acting Chair via email not to access the personal data of the case review individuals but I have seen no evidence that the acting Chair attempted to do this or was asking to see it. On the contrary, I find that the acting Chair suggested ways in which the data issues could be managed without the acting Chair's involvement but by involving the Business Manager who had been in contact with those who sought case reviews. The acting Chair also offered to meet to agree a way forward but the Survivor Advocate remained of the view that a mediated meeting with the Secretary General was required.
602. The Archbishops' Council submitted a Serious Incident Report to the Charity Commission on 26 June 2023 regarding the termination of the ISB. By a letter dated 3 August 2023, the Charity Commission confirmed that they were satisfied that at that time there was no regulatory role for the Commission.⁴⁵⁴
603. Based on interview evidence, two meetings were organised with two members of the Council in late June 2023: one for survivor advocates and one for the complainant, victim and survivor community.⁴⁵⁵ The Lead Bishop for Safeguarding also met individuals who described their distress at the way the decision was communicated.⁴⁵⁶
604. On 5 July 2023, the Survivor Advocate and the Independent Member published a statement on independentsafeguarding.org (which is not a site affiliated to the Church of England) which stated that it was correcting aspects of GS Misc 1341.⁴⁵⁷

General Synod, 8 and 9 July 2023

605. The Secretary General prepared a paper titled 'Independent Safeguarding Board: recent developments' for the General Synod.⁴⁵⁸ The reasons given in that paper for the termination of the ISB were as follows:

"It is therefore with regret that the Council has come to the reluctant conclusion that, despite extensive efforts over recent months, working relationships between two members of the Independent Safeguarding Board (ISB) and the Council have broken down. It has been widely reported that there has been a dispute between two members of the ISB and the Council. Members of the Council and our experienced safeguarding professionals have been working constructively over recent months to put the ISB on a more sustainable footing. Nevertheless, it has now become clear that this is no longer viable with its current membership and that the dispute itself risks getting in the way of that urgent priority of moving to the next phase of establishing a new independent safeguarding body."

⁴⁵³ T/10/38-9; T/12/17

⁴⁵⁴ T/25/44; <https://www.churchofengland.org/sites/default/files/2023-10/report-of-proceedings-july-2023-binder1.pdf> p.59

⁴⁵⁵ T/3/33; T/7/23-4

⁴⁵⁶ T/7/23-4

⁴⁵⁷ <https://independentsafeguarding.org/announcements>

⁴⁵⁸ GS Misc 1341

The Council has had concerns for some time about how working relations with the ISB had been developing. The Council had been working constructively with the members of the ISB seeking to resolve those matters. But a dispute notice was issued by two board members, unexpectedly, just as an important meeting as part of that process was due to take place. Some aspects of the Dispute Notice were briefed to the media before any discussion with the Council. Since then the Council has nevertheless been seeking to resolve the dispute in line with the Notice in good faith. But the two board members have been reluctant to engage with those discussions, as required under their contract. The two board members have not met with the Acting Chair of the Board since their first meeting in March.”

606. During the Saturday session of Questions and Answers, questions were asked about the termination of the ISB. Question 21 (the Revd Canon Mark Bennet, Oxford) noted Recommendation 29 of the 2016 Elliot Review and asked whether the Archbishops’ Council were aware of this recommendation and considered whether it might have relevant application in implementing the termination decision. Recommendation 29 states:

“The withdrawal of pastoral support to a survivor to avoid financial liability, is unacceptable practice from a safeguarding perspective and contrast sharply with the stated principles upon which all Church actions are meant to be based. It is not in keeping with “Responding Well” and carries with it significant potential risk to vulnerable survivors of abuse.”⁴⁵⁹

607. In written evidence to the Review, Anon 6 also suggested to me that this Recommendation was applicable to the termination of the ISB. I find that there is no direct parallel between this Recommendation and the termination of the ISB contracts because there was no question of avoiding financial liability in the case of the ISB contracts. However, I find that the spirit of the Recommendation as I understand it, that withdrawals of pastoral support should not be sudden or unexplained, is applicable to the termination of the ISB contracts.
608. In response, Revd Canon Tim Goode (Southwark) stated that the Archbishops’ Council was aware of the Elliot Review and its Recommendations. I make no finding as to whether the members of the Archbishops’ Council were aware of the Elliot Review and its Recommendations but I found no reference to this Recommendation in any documentary evidence of the Council’s decision to terminate the ISB or the arrangements for termination.
609. Based on documentary and interview evidence, two questions were asked by Matt Orr relating to the Makin Review.⁴⁶⁰
610. On Sunday 9 July 2023, the Archbishop of York, together with three members of the Archbishops’ Council, gave presentations to Synod about the termination of the ISB (Item 11).⁴⁶¹ Before they spoke, Jane Chevous gave a presentation to Synod, having asked to speak, to offer a survivor perspective.⁴⁶²

⁴⁵⁹ <https://www.churchofengland.org/sites/default/files/2023-10/report-of-proceedings-july-2023-binder1.pdf> p.65-6

⁴⁶⁰ T/22/10; <https://www.churchofengland.org/sites/default/files/2023-10/report-of-proceedings-july-2023-binder1.pdf> p.71-72

⁴⁶¹ <https://www.churchofengland.org/sites/default/files/2023-10/report-of-proceedings-july-2023-binder1.pdf> p.274

⁴⁶² T/3/32

611. That presentation set out two areas in which Jane Chevous felt that the Archbishops' Council had not listened to survivors or to the Survivor Advocate and Independent Member:
- 611.1. when survivors expressed their concern that there was a conflict of interest if the Chair of the NSP was also the acting Chair of the ISB and that the acting Chair had been appointed without due process and that 76 survivors had refused permission for their data to be shared with the acting Chair;
 - 611.2. at the Archbishops' Council meeting on 9 May 2023 at which it had been stated that it was committed to proper independent scrutiny in safeguarding took seriously the views of survivors and the ISB.
612. Jane Chevous then gave a description of the timings of the communication and announcement of the termination of the ISB contracts. The impact of pausing the case reviews at that point with no interim arrangements in place was described. Jane raised the question of accountability for the termination of the ISB as a safeguarding and governance failure and described a petition that had been organised raising these questions with the Charity Commission.
613. Three members of the Archbishops' Council then spoke. The first gave an account of what had happened. The following comments were made that I consider to be relevant to the question of the reasons for the termination:⁴⁶³
- 613.1. from the beginning, the Archbishops' Council were concerned at the lack of collegiality expressed within the ISB's working relationship and a lack of clarity about the ISB's priorities;
 - 613.2. as time passed, the ISB focused more on individual cases and survivor support, both vital aspects of their work, but in doing so neglected the primary objective which was the scrutiny of the national safeguarding system.
 - 613.3. there were also concerns that initiatives were being started or proposed without adequate planning, budget, terms of reference, preparation or clarity of outcomes;
 - 613.4. this was partly because back in August 2022 the Chair stepped back from their role pending investigation of alleged data breaches;
 - 613.5. towards the end of the year the other two members of the ISB refused to meet with the Chair to discuss whether or not the Chair could resume their role, contravening their contract to work together;
 - 613.6. it took the issue of a dispute notice by Archbishops' Council to force the Survivor Advocate and the Independent Member to meet with the Chair to see if there was any chance of rebuilding their working relationship;
 - 613.7. although initially the Survivor Advocate and Independent member issued a statement welcoming the appointment of the acting Chair, it was brought to the Council's attention that they were refusing to meet with the acting Chair;

⁴⁶³ <https://www.churchofengland.org/sites/default/files/2023-10/report-of-proceedings-july-2023-binder1.pdf>
p.278-280

- 613.8. ahead of a meeting on 24 May 2023, the Survivor Advocate and Independent Member issued the Council with a dispute notice, criticising the appointment of the acting Chair, briefed the press before meeting with the Council members;
- 613.9. despite further attempts to resolve the dispute, it was agreed by the Council that the breakdown in the relationship was now, sadly, beyond repair.
614. In answer to a question, one of the members of the Archbishops' Council presenting said that they [the Archbishops' Council] had failed, had got it wrong, were very sorry and did not want it to happen again.⁴⁶⁴
615. Based on interview evidence and the YouTube recording, General Synod was then suspended under Standing Order 39 and the Survivor Advocate and Independent Member addressed the room. I received evidence that this was unprecedented.⁴⁶⁵ As I have not been able to interview the Survivor Advocate and Independent Member, I set out below the account of the reasons for the termination that they then gave, based on the YouTube recording.⁴⁶⁶ The Independent Member spoke first:
- 615.1. the issue was not about two people appointed to a Board but the broader approach the Church adopted in relation to safeguarding;
- 615.2. one of the most challenging things about the past two weeks was talking to survivors for whom hope was slipping away;
- 615.3. they felt that the decision had taken away from them something they deserved and had fought for over a long period;
- 615.4. the meaning of words in this context was very different to the rest of the society and that the Archbishops' Council did not mean independence in the way that the average person in the street meant independence – they meant semi-detached, not independent;
- 615.5. the reason they were in this situation was somebody somewhere had a very clear blueprint about what independent safeguarding should look like and when it did not go in that direction, they pulled back;
- 615.6. the two ISB members had presented a paper to the Council about proposals for the future, including an interim arrangement which would allow the ISB to continue as a separate legal entity at pace;
- 615.7. their reaction was to reject those proposals and to impose an interim Chair in contravention of the Terms of Reference that they had themselves approved;
- 615.8. nobody had sat down with the two ISB members and said “*we’re not comfortable with the path you’re taking*” but they threw up obstacles and obstructions; including disconnecting the telephone number which took five months to be reinstated and that was not the action of a body that wanted to

⁴⁶⁴ <https://www.churchofengland.org/sites/default/files/2023-10/report-of-proceedings-july-2023-binder1.pdf>
p.285

⁴⁶⁵ T17 Fact Check Response 20.11.23

⁴⁶⁶ <https://www.youtube.com/watch?v=nYu3MDRecUY> at 1:43ff

drive towards independent safeguarding and there were many instances like that;

- 615.9. the motivation for the dispute notice was listed in the dispute notice: the way in which the Church had operated.
- 616. The Survivor Advocate then spoke:
 - 616.1. it had taken time and effort, rightly, to earn the trust of survivors;
 - 616.2. the decision to serve a dispute resolution notice was not taken lightly;
 - 616.3. the AC had served a dispute notice on them in February;
 - 616.4. they had been told to issue a statement welcoming the acting Chair;
 - 616.5. at the meeting where they were told that the acting Chair was going to be appointed, they had shared their concerns with the Secretary General that there would be a perception amongst survivors of a lack of independence and that no open recruitment process had been followed;
 - 616.6. the issue was not about the acting Chair but about doing what was right and following a process;
 - 616.7. 76 survivors asked them not to share their data with the acting Chair.
 - 616.8. they shared their concerns with the Archbishops' Council at a meeting but they were not heard and the Council did not act on what they heard;
 - 616.9. the Council told them they did not want to read things on social media but they had no other platform and were not allowed to speak otherwise;
 - 616.10. they had been too independent and had been doing their job too well;
 - 616.11. they had been told they were too survivor-led and too survivor-focused and that meant the Church had a problem; why wasn't that welcomed?
 - 616.12. they felt a responsibility to the survivors that had trusted their stories to them;
 - 616.13. when a survivor decided to do a case review, they were at the dead end of a road and had not achieved justice or been assured that anything would have been improved;
 - 616.14. they urged the Council to consider the reviews and not to allow those survivors to have to retell their stories to new people.
- 617. In relation to the reasons given by the Archbishops' Council at General Synod, I find based on the chronological account I have set out above:
 - 617.1. that there was no concern initially about a lack of collegiality or a lack of clarity about the ISB's priorities and those concerns only arose after the Chair stepped back in August 2022; see paragraphs 426 and 444 above;
 - 617.2. after the Chair stepped back in August 2022, there was no specific reallocation of contractual duties recorded in the ISB minutes or facilitated by the Archbishops' Council; see paragraph 362.1 above;

- 617.3. the Survivor Advocate and Independent Member did continue to work on some but not all of the shared contractual duties after the Chair stepped back; see paragraphs 380, 382, 396 and 397 above;
 - 617.4. I find that there were plans to create a scrutiny plan and case review eligibility criteria in Board meeting minutes but I have not seen any documentary evidence that these were created;
 - 617.5. the concern about initiatives being started or proposed with inadequate planning, budget, preparation or clarity of outcomes was a specific criticism of a proposal for a Victim and Consultative Panel in April 2023; see paragraph 541 above;
 - 617.6. the Survivor Advocate and Independent Member had refused to meet the Chair to discuss the Chair's return until they were satisfied about the nature of the Data Breaches 1 and 2 and in particular, about a Data Breach 3, which they only learnt about in January 2023 when the ICO investigation was concluded; see paragraph 354 above;
 - 617.7. they were intransigent about not meeting but their motivation was reasonable which was to ensure that the ISB's data protection was not compromised; see paragraph 430 to 431 above;
 - 617.8. the acting Chair, Survivor Advocate and Independent Member's first meeting on 29 March 2023 was not successful; see paragraph 479 above;
 - 617.9. the Survivor Advocate and Independent Member did not openly refuse to meet with the acting Chair but did not in fact meet them in person until the Archbishops' Council meeting on 9-10 May 2023; see paragraphs 493, 494 and 495 above.
618. In relation to the points made by the Independent Member and Survivor Advocate at the suspended session in General Synod, I find based on the chronological account I have set out above:
- 618.1. the Archbishops' Council had not rejected the Phase 2 proposals that they had presented on 20 March 2023 but had said that they needed further work before being made public; see paragraph 472.3 above;
 - 618.2. the Archbishops' Council did not approve the Terms of Reference but had ample opportunity to be aware of them since they had been endorsed by the NSSG and presented to the NSP, as some members of the Archbishops' Council and the Secretary General were aware; see paragraph 231 above;
 - 618.3. the Archbishops' Council did not disconnect the ISB's telephone number to obstruct their work; that telephone number became unavailable when the staff member to whom it was allotted left the ISB and no contingency plans had been put in place; see paragraphs 447, 448, 483.4 and 501.3 above;
 - 618.4. the Survivor Advocate and Independent Member did share their concerns with the Secretary General about the recruitment and perceived independence of the acting Chair when they were told of the appointment; see paragraph 476 above;

- 618.5. the Archbishops' Council did not attempt to limit the ISB's members public statements but did ask them to use social media or public communication as a last resort; see paragraph 535.4 above. The ISB were quoted in articles in The Sunday Telegraph and the Church Times. They did brief the press after issuing their dispute notice in May 2023 before they spoke to the Archbishops' Council which I find created an atmosphere of distrust; see paragraphs 499 and 547 above.
- 618.6. they had been told they were too survivor-focused within a specific context; see paragraph 559.3 above

After General Synod

619. On 12 July 2023, the former Chair issued a statement in response to the 5 July 2023 statement.
620. On 12 July 2023, the acting Chair issued a statement which was widely reported in the press, announcing that they were stepping down as Chair of the NSP at the end of a five year term of office.⁴⁶⁷ It criticised the other two ISB members for unprofessional behaviour by routinely ignoring emails, failing to respond to reasonable requests and declining to have meetings because being Chair was a conflict of interest with chairing the NSP, although they knew that role was to finish in the summer of 2023. It criticised the Archbishops' Council for a lack of support for the appointment in the General Synod presentation.
621. On 12 July, the Archbishops issued a press release thanking the acting Chair for their work.⁴⁶⁸
622. At a meeting of the Archbishops' Council on 18 July 2023, held on Zoom, the minutes recorded, amongst other things that the Council needed to learn how to speak to survivors and how to be trauma-informed.⁴⁶⁹

National Governance Project Board Report and Recommendations, July 2023

623. Recommendation 11 of the National Governance Project Board's Report stated:⁴⁷⁰
- "Recommendation 11: The National Church's safeguarding activities should be monitored by and clearly independent of the governance structures of the National Church Institutions and the General Synod."*
624. The Report stated with regard to this Recommendation that it would not wish to pre-judge the outcome of the conversations about safeguarding but would expect that the management and delivery of such national safeguarding functions as were determined to be the Church of England nationally to deliver would sit with the proposed Church of England National Services (CENS).

⁴⁶⁷ <https://www.thinkinganglicans.org.uk/wp-content/uploads/2023/07/MEG-MUNN-STATEMENT-12-July-2023.pdf>

⁴⁶⁸ <https://www.churchofengland.org/media-and-news/press-releases/statements-response-resignation-meg-munn>

⁴⁶⁹ AC(23)M4/3.4.9

⁴⁷⁰ [gs-2307-national-governance-review-synod-july-2023-final_0.pdf \(churchofengland.org\)](#) p.15 and

625. It was also stated that the safeguarding functions of CENS and the wider Church should be monitored by a body separate from and clearly independent of the governance structures of the NCIs and the General Synod.⁴⁷¹

⁴⁷¹ https://churchofengland.org/sites/default/files/2023-06/gs-2307-national-governance-review-synod-july-2023-final_0.pdf paragraphs 90-91

REASONS FOR TERMINATION

626. I address this issue by setting out my conclusions under thematic headings. I also split my conclusions into structural reasons and short-term reasons.

Structural reasons: creation

627. The ISB was designed under extreme time pressure imposed principally by the Archbishop of Canterbury; see paragraph 86 above. Whilst the intention to create an independent safeguarding function rapidly was laudable, the speed at which it had to be designed resulted in serious design flaws, despite the best efforts of the Director of Mission and Public Affairs.

628. Specifically, the Director of Mission and Public Affairs did not have a background in safeguarding that would have enabled him to navigate the existing safeguarding bodies in sufficient depth to pinpoint where the new body's responsibilities should sit.

629. Once the Director of Mission and Public Affairs had been appointed to design a body, they had no more than 2.5 months, including the Christmas period, during the second wave of the pandemic, including a lockdown, in which to create a proposal.

630. The Director of Mission and Public Affairs consulted the right people but with insufficient depth because of the time pressure. Specifically:

630.1. survivor consultation was rushed and not broad enough;

630.2. data protection and information governance consultation was minimal;

630.3. legal consultation was focused on whether the ISB members should be employees or providing services under contract rather than on the legal basis on which the ISB could be said to exist, whether unincorporated association, corporation or charity, and the legal basis which would govern the relations between ISB members as well as their relationship with the Archbishops' Council; see paragraph 118 above.

631. In the proposal paper, the Director of Mission and Public Affairs acknowledged the extreme time pressure, commenting that there were good reasons why the timeframe for these proposals had been severely curtailed but that it had meant that the full implications of some of the proposals could not be explored as fully as might be desired and that the ISB would be recruited to roles that were not fully defined and where some relationships and powers remained to be worked out. It commented further that this called 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; see paragraph 129 above.

632. Critical issues such as the operational relationships between the NSSG, the NSP, the NST and the ISB were left to be "*worked out on the ground*" in the proposal paper with the result that much of the ISB's first year of operation was involved in trying to set up these relationships. As a result of the generalised descriptions of the work to be done included in the contractual job descriptions, there was considerable scope for confusion and distrust between these bodies as to the nature and scope of the work that the ISB was to do which materialised as the ISB members tried to implement their job descriptions. This was exemplified when the NSSG was not sure whether ISB members

should be permitted to attend its meetings; see paragraph 367 above;⁴⁷² and arrangements for contacting NST staff; see paragraph 215.1 above.

633. In my view, it is questionable whether setting up any new safeguarding body, particularly one charged with independent scrutiny and the design of a further independent safeguarding body, should have taken place while the Church of England's Governance Review was in progress; see paragraphs 93 and 623 above. As to the view that it would have caused unacceptable delay to have waited for the outcome of the Governance Review (see paragraph 94 above), I consider that the delay was necessary, and continues to be necessary, in order to design and implement an independent scrutiny body with a clear function and clear legal relationships with other Church governing bodies. Although independent scrutiny of safeguarding is a critical and urgent matter for the Church, I consider that it has to be created as part of a holistic review of Church governance, of which the Governance Review is a critical part.
634. Once created, there was a commendable desire on the part of senior clergy not to be seen to be interfering with the ISB's operation⁴⁷³ but that left much of the governance groundwork to be sorted out by the ISB themselves with the result that the ISB's own concept of its work and the Archbishops' Council's concept of its work diverged.
635. These issues might have been resolved by the creation of agreed Terms of Reference. In my view, the Terms of Reference that were created by the ISB were, again, in very general terms that did not materially define what the operational relationships were to be. This problem was compounded by the fact that it had not been agreed which, if any, NCIs would agree the Terms of Reference. The ISB members regarded them as a matter for themselves because they represented their statement of operational independence and so they presented them for endorsement only by the NSSG although they were also seen by the NSP. The Archbishops' Council, which failed to notice that Terms of Reference had been agreed when individual members certainly had opportunities to do so and to report them to the Council, considered that the Council should have agreed them with the ISB members because they were responsible for defining the ISB's work in their contracts.
636. In fact, Schedule 1 to the contracts provided that development of the ISB's roles should have been collaborative with the Archbishops' Council:⁴⁷⁴

"The duties and responsibilities outlined above reflect the initial conceptualisation of the Independent Safeguarding Board. The Chair and members of the ISB will work with the Archbishops' Council to develop the initial model and advise on how the roles of the ISB should evolve. The list of duties and responsibilities is therefore not exhaustive and will change over time, with the Chair and members of the ISB thoroughly involved in steering those changes."

637. In my view, that provision strongly suggests that the Archbishops' Council should have been consulted on the Terms of Reference. As set out in the chronological account, I have found that the Archbishops' Council had several opportunities to become involved in the drafting of the Terms of Reference but failed to take those opportunities.

⁴⁷² NSSG(22)M6/10.7

⁴⁷³ T/2/7

⁴⁷⁴ See paragraph 177 above and Appendix 1 p.133

638. In my view, the concerns about the speed of the design process and the narrow consultation noted by the survivors who commented on the draft proposals in February 2021 were prescient; see paragraph 125 above.

Structural reasons: legal status

639. The legal status of the ISB was unclear from its inception. Misunderstanding about its status was widespread:

- 639.1. the Archbishops' Council itself found it difficult throughout to determine how its responsibilities as charitable trustees funding the ISB for its oversight interacted with their statement that the ISB should enjoy "*operational independence*";
- 639.2. the Audit Committee were unsure about its status for the purposes of internal audit until at least February 2023; see paragraph 376 above;
- 639.3. there were questions at General Synod which made it clear that the ISB's legal status was not widely understood, even though Synod had approved the paper proposing its creation; see paragraphs 163 and 210 above;
- 639.4. the ISB's terms of engagement with its legal advisers were vague and did not specify from whom instructions could be accepted or who was liable to pay Plexus Law's invoices; see paragraph 242 above;
- 639.5. a contract for the Communications Consultant was expressed to be with the ISB itself although I consider it very likely that it had no legal personality to enter into contracts; see paragraph 423 above;
- 639.6. Dr. Percy, a litigant in person, was, understandably, unable to determine whether the ISB had legal personality, what body paid its legal bills and whether it was entitled to give instructions to those legal advisers; see paragraph 262 above;
- 639.7. in the autumn of 2022, the Survivor Advocate and Independent Member, acting on legal advice, tried to create the legal basis for an unincorporated association by means of Operating Principles and Standing Orders in order to resolve the ambiguity about the ISB's status⁴⁷⁵ but, in my view, this was ineffective for the following reasons:
 - 639.7.1. the Chair did not agree the Operating Principles and Standing Orders and so I consider it unlikely that they would have had any legal effect as between the three ISB members; see paragraph 186 above;
 - 639.7.2. the Archbishops' Council was not consulted as to whether the ISB should, in fact, become an unincorporated association, the scope of its governmental independence, and whether any amendments to the ISB members' contracts would be required as a result.

640. The ambiguity as to the ISB's legal status resulted in the Survivor Advocate and Independent Member trying to forge a legal status for the ISB via the Operational

⁴⁷⁵ See paragraphs 505 and 505 above

Principles and Standing Orders which they considered would deliver operational independence. Whilst clearly motivated by a desire to deliver independent scrutiny, this approach led to conflict when they tried to remove the Chair from the Board in January 2023 on the basis of the Standing Orders; see paragraph 439 above. It also led to conflict with the Archbishops' Council because it ignored the fact that the Archbishops' Council had contracted them to act as *'the ISB'* and that the nature of that relationship was fundamentally defined by those contracts.

641. The ambiguous status of the Terms of Reference caused in large part the dispute between the ISB members and the Archbishops' Council regarding the appointment of the acting Chair. The ISB members believed, reasonably in my view, that the Council should have had regard to the appointments procedure that they had specified in their Terms of Reference; see paragraph 474.4 above. The Archbishops' Council maintained, also correctly in my view, that they were entitled contractually to appoint whoever they wished to be Chair. This dispute exemplified the difficulty of determining as to where the ISB's operational independence ended and the Council's oversight as charitable trustees began.
642. The lack of any published statement of the Archbishops' Council's own legal and practical responsibilities for safeguarding in the Church also contributed to this ambiguity, although, in my view, the members of the Archbishops' Council took their responsibilities for safeguarding, as each saw them, extremely seriously.

Structural reasons: nature of independence

643. The ISB's name caused confusion. The word *'Independent'* suggested to many that the ISB was in fact the body that the Archbishops' Council envisaged creating in Phase 2. Some interviewees suggested to me that its purpose and function would have been more easily understood if it had been called the *"Interim Safeguarding Body"* in Phase 1 or *"Provisional"*.⁴⁷⁶ As Clive Billenness described it in a letter to a member of the Archbishops' Council in May 2023, *"when I see an organisation named 'Independent Safeguarding Board' then I tend to have expectations that this is their intended role, not to be a Design Authority for a Future Independent Safeguarding Board."*
644. The Phase 1 and Phase 2 structure was communicated clearly to the Archbishops' Council, the House of Bishops and General Synod and in the ISB's Terms of Reference. However, this structure was too complex to be readily understood in practice because the word *"Independent"* was taken literally by some to mean completely independent of the Archbishops' Council when that was not in fact the case and had never been intended to be the case in Phase 1.
645. In my view, the word *"Independent"* also caused confusion between the ISB members and the Archbishops' Council itself as, again, neither party was clear as to where the ISB's operational independence ended and the Council's oversight as charitable trustees began.
646. I agree with the view of one interviewee who told me that the Archbishops themselves were unable to articulate what independence meant in practical terms.⁴⁷⁷

⁴⁷⁶ T/30/4

⁴⁷⁷ T/11/4

Structural reasons: governance

647. The ISB's governance arrangements were inadequate from its inception and left it vulnerable to personal conflicts between the ISB members and contingencies such as the data breaches and resignation of the Chair:
- 647.1. an executive board of three working part-time was, in my view, insufficient to carry out the job descriptions prescribed in the time set for Phase 1 (6-9 months) and Phase 2 (by the end of the second year, 2023); see Appendix 1.
 - 647.2. an executive 'board' of three was vulnerable by its very nature to personal disagreements which could result in work grinding to a halt because of the lack of other board members to mediate or challenge in the event of a dispute;
 - 647.3. there were, in my view, insufficient administrative staff to carry out the job descriptions, particularly in case review work, despite the best efforts of the Project Team, NST Seconded, Business Manager and Project and Administrative Officer;
 - 647.4. data protection policy at the most basic level (determining whether the ISB members were data controllers or processors) was left in the contracts to be decided at a later date which resulted in legal and practical confusion; see paragraph 181 above;
 - 647.5. IT and support services were not set up before the ISB members commenced work and were not subject to any service level agreements with NCI central services that would have codified expectations of provision and resolved any potential conflicts of interest in data sharing;
 - 647.6. there was no statement as to how the ISB's budget, invoicing and finances would be managed; see paragraph 234 above;
 - 647.7. no structural information sharing agreement between the ISB and the NCIs was put in place before they began their work with the result that that work was inevitably delayed while one was agreed; see paragraphs 212, 425, 428, 483.13, 555.7 above;
 - 647.8. the lack of a clear data protection position made the agreement of an information sharing agreement and the use of the ad hoc data sharing procedure that did exist difficult to understand for the ISB members, the NST and case review participants; see paragraph 276 and 556.5 above;
 - 647.9. the amount of time the ISB members had to devote to setting up their own governance arrangements in their first year of operation resulted in an inevitable focus away from their scrutiny and oversight functions specified in their contracts.
648. The delays to setting up these basic services and functionality were depicted by the Survivor Advocate and Independent Member in their dispute notice as conduct designed to ensure that the ISB was restricted from exercising key elements of its role; see paragraph 545.9 above. I find that there was no design by the Archbishops' Council to frustrate the ISB's work in this way but that the governance arrangements for the ISB

made by the Archbishops' Council were wholly inadequate which had the unintended effect of frustrating their work.

649. One interviewee suggested to me that the ISB members themselves should have insisted as a condition of their appointment that the governance arrangements were in place before they started work.⁴⁷⁸ There is some force in that criticism as they were all experienced professionals used to working in safeguarding contexts. In my view, as a minimum, they should have insisted on the data controller/processor question being clarified but that, ultimately, the responsibility for the failure to set up adequate governance arrangements remains with the Archbishops' Council.
650. I also find that it was wholly unclear whether the ISB's channel of communication to the Archbishops' Council was via the Archbishops themselves, the Lead Bishop for Safeguarding and their deputies or the Secretary General. All three were involved at some point in the ISB's history in trying to mediate and manage disputes. According to clause 21.1.1 of the ISB contracts, the Secretary General was required to try to resolve disputes with the ISB members and I find that they did so, but the multiplicity of communications between the ISB members and senior clergy individually, rather than with the Archbishops' Council acting collectively, resulted in critical information (such as the ISB' members' meeting with the Archbishops in November 2022 to discuss Phase 2) not being received by everyone who needed to know; see paragraph 412 above.

Structural reasons: relationships

651. The legal ambiguities and inadequate governance arrangements I have described above led the three original members of the ISB to adopt entrenched positions when a dispute arose because their working relationships with each other and with the other NCIs were not clearly defined. This was evident in the disputes over the data breaches and the role of the Chair, the appointment of the acting Chair and the resort to dispute notices by both the ISB members and the Archbishops' Council in June and February 2023 respectively.
652. In particular, the Survivor Advocate and Independent Member, understandably considering themselves as bulwarks against the erosion of the ISB's independence as they saw it, adopted confrontational and intransigent positions in disputes, particularly when they refused to meet others when a dispute had arisen; see paragraphs 451.5 and 617.7 above.
653. I consider that both Chairs, the Survivor Advocate and the Independent Member found themselves in an almost impossible position when disputes arose because well-meant efforts to mediate disputes by the Archbishops' Council staff and the Archbishops themselves simply exemplified and exacerbated the arguments about where operational independence ended and governance oversight began.

Short-term reasons: data breaches

654. I consider that Data Breaches 1, 2 and 3 caused a lack of confidence in the ISB amongst the wider complainant, victim and survivor community and between the ISB members themselves. The Chair was aware of the seriousness of these data breaches and regretted them very much. The lack of an agreed data protection position in the ISB contracts, together with a lack of data handling operating procedures during the first year of the ISB's operation increased the likelihood of such breaches.

⁴⁷⁸ T/18/9

Short-term reasons: appointment of the acting Chair

655. In my view, the appointment of the acting Chair without consulting the other ISB members by the Archbishops' Council was the most significant short term cause of the termination of the ISB contracts. Whether or not the Terms of Reference required an open recruitment process to be followed, and whether or not the Archbishops' Council should have been aware of those Terms of Reference, in my view, imposing a new chair, on a very small board, even on an interim basis, required consultation with the existing board members as a matter of good governance.

Short-term reasons: relationships

656. I find that the breakdown in relationships between the ISB members evident at the Archbishops' Council's meeting on 9 May 2023 was the event which made termination of their contracts almost inevitable. I have set out the events that caused those to break down in paragraphs 479 and 542 above.
657. I find that all efforts to mediate between the acting Chair and other ISB members from that point onwards were conducted by the staff of the Archbishops' Council, members of the Archbishops' Council and the Archbishops themselves in good faith but that the structural weaknesses in the ISB's governance arrangements I have described in paragraph 651 above made it highly unlikely that those efforts would succeed.
658. Those structural weaknesses were exemplified by the ISB members' perception that they had no choice but to issue a dispute notice on 24 May 2023 and to publicise this in the press rather than engaging with the negotiations for the future that the Archbishops' Council were trying to conduct. At that point, I find that the Survivor Advocate and Independent Member's relationship with the Archbishops' Council had broken down irreparably.

Short-term reasons: Phase 2

659. In my view, the decision to terminate the ISB contracts on 21 June 2023 was also taken by the Archbishops' Council in order to move towards a Phase 2 body as quickly as possible; see paragraphs 531 and 535.2 above.

Other reasons proposed in submissions to the Review

660. It was suggested to me in interview by Anon 4 that the ISB was disbanded because the Archbishops' Council could not control the Survivor Advocate and Independent Member, that their first report had had serious financial implications and that the creation of the ISB was poorly thought out.⁴⁷⁹
661. It was suggested to me in interview by Adrian James that the fact that case reviews were about to reveal damning information about Archbishops' Council members or other senior clergy in relation to some historic cases of abuse and alleged abuse could have contributed to the Archbishops' Council's decision to terminate the contracts of the ISB members; see paragraph 302 above.⁴⁸⁰
662. Anon 1, who had applied to have their case reviewed by the ISB (see paragraph 328 above), stated that the contracts of the Survivor Advocate and the Independent Member were terminated because senior church leaders, including the Archbishop of Canterbury

⁴⁷⁹ T/Anon4/5

⁴⁸⁰ T/22/17

wished to halt any further reviews that found the Church failing in their duties towards abuse victims.⁴⁸¹

663. Graham Jones told me in interview that some people would say that it was all a conspiracy but that they believed it was more incompetence with a strong overlay of reputation management.⁴⁸²
664. I have found that the Archbishops' Council had, save for the case of Mr X, no knowledge of the detail of the cases that were being reviewed or monitored by the ISB although I have found that they knew approximately how many case reviews were under way and should have been aware that those cases were likely to involve vulnerable people from the complainant, victim and survivor community and were likely to involve unresolved complaints of historic abuse; see paragraph 566 above.
665. I have reviewed documentary and interview evidence from Adrian James showing that at least one Archbishops' Council member, the staff of another and the Secretary General had been sent evidence relating to the allegations being considered by the Makin review, copied to members of the ISB; see paragraph 302 above. I find that it is reasonable to infer that those members of the Archbishops' Council and the Secretary General were aware as a result of this email that Survivor Advocate and Chair were in contact with Adrian James and were also aware of these allegations.
666. I have seen no direct evidence that the Archbishops' Council was influenced in their decision to terminate the ISB by a desire to prevent these allegations coming to light. Further, I have not seen evidence from which I can infer that this was a reason for the ISB's termination. I have seen evidence advancing other, entirely credible, reasons for those decisions.
667. I therefore find that there is insufficient evidence from which to conclude that the Archbishops' Council terminated the contracts of the ISB in order to prevent it bringing to light allegations or that this was a contributing factor in the decision to terminate. I find, however, that where a body is terminated suddenly in the middle of work on case reviews, it is unsurprising that the subjects of those case reviews might consider that the terminating body wished also to terminate the case review work.

Conclusion

668. A complex matrix of reasons led to the termination of the ISB contracts. The structural reasons for the termination were principally the responsibility of the Archbishops' Council. The short-term reasons were principally the responsibility of the original ISB members and the Archbishops' Council, all trying to operate in a situation where their roles were not clearly defined.

⁴⁸¹ Anon 1, written evidence to the Review, 12.9.23

⁴⁸² T/18/10

LESSONS TO BE LEARNT

Lesson 1: trauma

669. Everyone involved in decision making about safeguarding issues at the NCIs, from the Archbishops to case workers and including all members of the Archbishops' Council, should have mandatory training on trauma-informed handling of complainants, victims and survivors. Ideally, members of General Synod would also be required to complete such training, particularly in light of the governance decisions that it is likely to have to make as a result of the National Governance Project Board's Recommendations and those of the Jay Review.

670. By 'trauma-informed', I mean the working definition of 'trauma-informed practice' adopted by the Department for Health and Social Care:⁴⁸³

"Trauma-informed practice is an approach to health and care interventions which is grounded in the understanding that trauma exposure can impact an individual's neurological, biological, psychological and social development."

671. As an example of trauma training in safeguarding practice, I refer to the Northern Ireland Safeguarding Board's range of resources.⁴⁸⁴ The Northern Ireland Safeguarding Board is a statutory body established by the Safeguarding Board Act (Northern Ireland) 2011 created to co-ordinate and ensure the effectiveness of what is done by each person or body represented on the Board⁴⁸⁵ for the purposes of safeguarding and promoting the welfare of children.

672. The way in which the ISB was terminated on 21 June 2023 showed lamentably little trauma-informed regard for the vulnerability of the individuals with whom the ISB were working, which I have found the Archbishops' Council members should have been aware of. In particular, the refusal to pause when that vulnerability was pointed out in order that the decision could be communicated as safely as possible was unreasonable. Even if the decision had been leaked to the press as a result of pausing, the reputational damage to the Archbishops' Council is, in my view, unlikely to have been worse than the publicity it has in fact suffered.

673. I find that if the announcement had been paused in order to allow communication with the case review subjects, it is possible that a plan for the continuation of those case reviews, including appropriate personal data management, might have been negotiated with the case review subjects more easily. Instead, the termination announcement landed in a vacuum in which a plan had to be created at speed with individuals who were feeling bitterly let down. I find that creating a plan for the continuation of those case reviews in such a vacuum was almost inevitably going to be very difficult.

⁴⁸³ <https://www.gov.uk/government/publications/working-definition-of-trauma-informed-practice/working-definition-of-trauma-informed-practice>

⁴⁸⁴ <https://www.safeguardingni.org/aces-and-trauma-informed-practice/what-trauma-informed-practice>; <https://www.safeguardingni.org/aces-and-trauma-informed-practice/resources>

⁴⁸⁵ The bodies represented are: (a) [repealed] (b) the Regional Agency for Public Health and Social Well-being; (c) Health and Social Care trusts; (d) the Police Service of Northern Ireland; (e) the Probation Board for Northern Ireland; (f) the Youth Justice Agency; (g) the Education Authority; (h) district councils; (i) the National Society for the Prevention of Cruelty to Children; (j) such other relevant persons or bodies as may be prescribed; see section 1(c) Safeguarding Board Act (Northern Ireland) 2011

Lesson 2: risk assessments

- 674. Risk assessments of the impact on participants of the termination of any case review process should always be carried out by those making the decision to terminate.
- 675. Risk assessments of the operation of any safeguarding body should be carried out as a matter of routine governance.
- 676. The lack of a formal risk assessment process, whether via internal audit or any other process, at any stage of the ISB's creation, work and termination contributed significantly to the difficulties in communicating the termination of the ISB contracts and in designing successor arrangements to the ISB case reviews.

Lesson 3: scrutiny gap

- 677. I heard evidence in interview from staff, clergy and complainants, victims and survivors that the scrutiny gap that needs to be addressed by the creation of any new independent scrutiny body is that there is no appeal or challenge process from the outcome of a diocesan core group or an NST safeguarding investigation, save for the NCIs general complaints procedure which is not designed for the purpose; see paragraph 261 above. That is the gap that must be filled. Policy scrutiny is already carried out by the NSP and NSSG. It may be that a new independent scrutiny body takes over the functions of the NSP and NSSG but as a minimum, any new body must address this scrutiny gap.

Lesson 4: governance of any new oversight body

- 678. In order to avoid conflicts of interest and to assure the requisite expertise is available, the NCIs, or any successor body such as the proposed CENS, should not set up the governance of any new safeguarding body but should outsource it to management or governance consultants who have safeguarding experience and have undergone trauma training.
- 679. There is no need for such consultants to have prior knowledge of the institutions of the Church of England as long as they have sufficient time to research and to carry out their task.
- 680. The set up of any new safeguarding body must not be rushed. An assessment of the time needed to set up the new body as described in paragraph 681 below should be carried out by those setting up the body.
- 681. The governance of any new safeguarding body must be set up before it starts work, including these elements as a minimum:
 - 681.1. its legal status must be defined and published;
 - 681.2. the extent of its independence from the NCIs, including its funding arrangements, must be accurately described and published;
 - 681.3. data protection agreements, policies, officers and systems must be in place, including exit arrangements for case review subjects and in the event of the closure of the body;
 - 681.4. legal advice must be available with clear statements as to the funding arrangements and instructions for that advice;

- 681.5. information sharing agreements must be in place;
 - 681.6. any new safeguarding body should be named to make clear its function, the extent of its independence from the NCIs and to avoid ambiguity;
 - 681.7. its operating policies for reviewing cases and for the enforcement of recommendations must be published, whether by means of legislative provision or published rules.
682. The status and function of any new independent safeguarding body must be considered in light of the decisions taken following the National Governance Project Board's Recommendations in order that its legal and reporting relationships with any new governance structures can be determined in advance of its operation.
683. The remits of the NSSG, NSP, NST and any new safeguarding body should be carefully compared and defined to avoid overlap.

Lesson 5: case reviews

684. The design of any future safeguarding scrutiny body should incorporate a mechanism for the implementation and enforcement of case review recommendations.
685. The working model of case reviews used by the ISB, which was never formalised in any process document save for a flow diagram, depended on recommendations being 'accepted' by a body such as the NSSG. 'Acceptance' suggests that there is some doubt about whether the case review body is correct or is entitled to make such recommendations. A process of acceptance and rejection can create mistrust between these two bodies unless the expectations and formalities of the process are carefully prescribed. The acceptance and rejection model can also create unrealistic expectations for the subjects of case reviews unless the limits of the process are, again, carefully prescribed from the outset.
686. In my view, these problems can be reduced by an implementation and enforcement mechanism being built into the constitution of any future safeguarding scrutiny body.
687. In my view, the outcome of a case review by any future independent scrutiny body should ideally be by means of actions to be taken rather than recommendations. Those actions should subsequently be monitored by the reviewing body.
688. In particular, case review recommendations by any reviewing body should be actioned:
- 688.1. within the time limits set in those recommendations unless there are good reasons why that is not practical;
 - 688.2. reasons why a recommendation is not practical within the prescribed time limit should be given to the case review subject and reviewing body well before the time limit expires;
 - 688.3. if a recommendation for any other reason is not practical, e.g. for reasons of data sharing, then the reviewed body should inform the case review subject and the scrutiny body what can be done and any constraints on any action rather than 'not accepting' the recommendation.
689. In the case of Mr. X's case review, Recommendation 7 called for an urgent case management group to be convened within four weeks of the report. There was a delay

of two months between the publication of the abridged case review report on 11 April 2023 and the National Director of Safeguarding meeting Mr. X to discuss those recommendations, although efforts were made by the National Director for Safeguarding to arrange a meeting earlier. see paragraph 310 above.

- 690. There was a further delay of over a month until 20 July 2023 when the NSSG met to discuss the recommendations and to decide whether to 'accept' them or not; see paragraph 313 above.
- 691. It should not be the case that the scrutiny body feels that it has to write to the Archbishop of Canterbury to try to get recommendations implemented or a progress report on implementation; see paragraph 311 above.
- 692. The absence of any mechanism or agreed process for ISB case reviews recommendations to be implemented has caused significant distress to Mr X and has impeded agreement over the successor case review procedures because there was no ISB policy stating what complainants could expect by way of outcomes from their reviews.

Lesson 6: dignity

- 693. Throughout the interviews I have conducted, I have been struck by reports of the difficulties experienced by complainants, victims and survivors in obtaining meaningful outcomes to historic complaints of abuse.
- 694. The frustrations of complainants, victims and survivors together, in some cases, with trauma-related illness, sometimes present as intimidating or threatening language in communications with NCI staff, Archbishops' Council members and with clergy, particularly by email and on social media.
- 695. I have also been struck by the considerable anxiety and personal distress that those receiving such communications feel.
- 696. I urge everyone involved in safeguarding to communicate courteously, in tone and manner, in all forms of communication with each other, including social media, not least because the extent of trauma on either side may be undisclosed. Both complainants, victims and survivors, and those dealing with their cases, should be able to work towards solutions of these long-running cases with dignity, and without fear.

APPENDIX 1: SCHEDULE 1 TO THE ISB MEMBERS' CONTRACTS

1. Schedule 1 to the Chair's contract

Schedule 1 Services

The Supplier agrees to perform the tasks which are set out in this Schedule.

Tasks for the ISB as a whole

1. Provide professional supervision (but not line management) to the Director of Safeguarding.
2. Quality assure case work for cases that are escalated to the NST.
3. Receive complaints referring to the NST's handling of cases to determine if appropriate action has been taken and decide the appropriate response. This would not normally mean reinvestigating the case.
4. Quality assure national safeguarding policy and practice requirements issued as Guidance by the House of Bishops under the Safeguarding and Clergy Discipline Measure 2016.
5. Ensure that victims and survivors, and all others who are affected by safeguarding cases, are heard and enabled to inform policy and practice.
6. Make any recommendations the Chair deems necessary to enable the Church of England to embed a proactive, preventative, safer culture and ensure that processes for responding to allegations and complaints are just to all involved, timely and in line with best practice.
7. Advise on the continuing development of a core curriculum for training undertaken by dioceses.
8. 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.
9. Advise relevant parts of the Church on the development of the long-term measures needed to achieve independence and excellence in safeguarding. This will include consultation with the National Safeguarding Steering Group and the National Safeguarding Panel to draw on their wisdom and define their future roles in relation to the ISB.
10. Hold the church publicly to account for any failure to respond to the ISB's recommendations.
11. Report annually on their experience as an Independent Safeguarding Board, and where appropriate on progress towards Phase 2.

Tasks for the Chair specifically

Strategic Leadership

1. Lead the formation of the new ISB and ensure that there is a clear vision, mission and strategic direction with all members focused on and capable of achieving these goals.
2. Develop the overall function and purpose of the ISB, working in partnership with leaders across the Church of England, engaging with the NST and other stakeholders to establish and implement the guiding principles for how the ISB should operate, including determining the best possible governance structure to allow it to deliver. This includes working with the NSSG and NSP to establish their roles in relation to the ISB as it moves forward.
3. Recruit and develop ISB members through an open and fair process, ensuring the Board has the skills to govern and advise well, with access to relevant professional advice and expertise.
4. Develop and manage relationships to ensure that Board decisions are made in the best, long term interests of improving safeguarding practice within the Church of England and that the Board takes collective ownership of these decisions.
5. Provide expert recommendations to enable the Church of England to embed a proactive, preventative, safer culture and ensure the church is held publicly accountable for any failure to respond to the ISB's recommendations.
6. Provide supervision and act as a trusted advisor to the Director of Safeguarding as they implement the NST's objectives. This will not include line management.
7. Ensure the inclusion of victims, survivors and all those affected by safeguarding cases, to embed their contribution into policy and practice.

Advisory and Policy (in partnership with all Board members)

8. Advise on good practice models which will set the standard for the work of Diocesan Safeguarding Advisors/Officers.
9. Advise on the continuing development of a core curriculum for training undertaken by dioceses.
10. Provide quality assurance to the national safeguarding Guidance issued by the House of Bishops.
11. Oversee the development and maintenance of an ISB website which publicises and promotes the ISB to ensure full transparency and with clear links to the Church of England website.
12. Ensure best practice is followed in the handling of all case work and work with the NST to ensure that processes for responding to allegations and complaints are in line with best practice.

Anticipated Timescale

It is expected that the task of establishing the relationships between the ISB and existing safeguarding structures (Para.2 under Strategic Leadership, above) will be completed within 6—9 months of the establishment of the ISB.

Proposals in Phase 2 of the programme, especially on future structures for embedding the independent element in the Church of England's safeguarding work and putting in place

effective independent oversight of diocesan safeguarding operations, are expected to be developed by the end of Year 2 of the ISB's existence so that discussion and planning for implementation can take place in the third year.

The duties and responsibilities outlined above reflect the initial conceptualisation of the Independent Safeguarding Board. The Chair and members of the ISB will work with the Archbishops' Council to develop the initial model and advise on how the roles of the ISB should evolve. The list of duties and responsibilities is therefore not exhaustive and will change over time, with the Chair and members of the ISB thoroughly involved in steering those changes.

2. Schedule 1 to the Survivor Advocate's contract⁴⁸⁶

Schedule 1 Services

The Supplier agrees to perform the tasks which are set out in this Schedule.

Tasks for the ISB as a whole

1. Provide professional supervision (but not line management) to the Director of Safeguarding.
2. Quality assure case work for cases that are escalated to the NST.
3. Receive complaints referring to the NST's handling of cases to determine if appropriate action has been taken and decide the appropriate response. This would not normally mean reinvestigating the case.
4. Quality assure national safeguarding policy and practice requirements issued as Guidance by the House of Bishops under the Safeguarding and Clergy Discipline Measure 2016.
5. Ensure that victims and survivors, and all others who are affected by safeguarding cases, are heard and enabled to inform policy and practice.
6. Make any recommendations the Chair deems necessary to enable the Church of England to embed a proactive, preventative, safer culture and ensure that processes for responding to allegations and complaints are just to all involved, timely and in line with best practice.
7. Advise on the continuing development of a core curriculum for training undertaken by dioceses.
8. 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.
9. Advise relevant parts of the Church on the development of the long-term measures needed to achieve independence and excellence in safeguarding. This will include consultation with the National Safeguarding Steering Group and the National Safeguarding Panel to draw on their wisdom and define their future roles in relation to the ISB.
10. Hold the church publicly to account for any failure to respond to the ISB's recommendations.
11. Report annually on their experience as an Independent Safeguarding Board, and where appropriate on progress towards Phase 2.

⁴⁸⁶ I was supplied with this contract in a format which means that I can only reproduce it as an image hence the text appears different to the text in Schedule 1 in the Chair's contract

Tasks for the Survivor Advocate specifically

1. Ensure that the experiences and views of victims and survivors are heard and embedded within the safeguarding policy and practice development frameworks.
2. Receive complaints in relation to the NST's handling of cases and decide the appropriate response, ensuring best practice is followed in the handling of all case work.
3. Provide quality assurance to the national safeguarding policy and practice Guidance issued by the House of Bishops.
4. Ensure that the Lessons Learned from case reviews and recommendations from inquiries are embedded into guidance and practice going forward.
5. Advise on the continuing development of a core curriculum for training undertaken by dioceses.
6. Contribute to the development of the Regional Model and in particular the shift from Diocesan Safeguarding Advisor to Officers. Act as a point of escalation for DSOs in the discharge of their safeguarding activities should this be required.
7. Contribute to the development of an ISB website which promotes the Board, enabling all formal minutes and other relevant reports to be publicised and with clear links to the Church of England website.
8. Ensure the Church is held publicly accountable for any failure to respond to the ISB's recommendations.

Anticipated Timescale

It is expected that the task of establishing the relationships between the ISB and existing safeguarding structures (Para.2 under Strategic Leadership, above) will be completed within 6–8 months of the establishment of the ISB.

Proposals in Phase 2 of the programme, especially on future structures for embedding the independent element in the Church of England's safeguarding work, and putting in place effective independent oversight of diocesan safeguarding operations, are expected to be developed by the end of Year 2 of the ISB's existence so that discussion and planning for implementation can take place in the third year.

The duties and responsibilities outlined above reflect the initial conceptualisation of the Independent Safeguarding Board. The Chair and members of the ISB will work with the Archbishops' Council to develop the initial model and advise on how the roles of the ISB should evolve. The list of duties and responsibilities is therefore not exhaustive and will change over time, with the Chair and members of the ISB thoroughly involved in steering those changes.

3. Schedule 1 to the Independent Member's contract

Schedule 1 Services

The Supplier agrees to perform the tasks which are set out in this Schedule.

Tasks for the ISB as a whole

1. Provide professional supervision (but not line management) to the Director of Safeguarding.
2. Quality assure case work for cases that are escalated to the NST.
3. Receive complaints referring to the NST's handling of cases to determine if appropriate action has been taken and decide the appropriate response. This would not normally mean reinvestigating the case.
4. Quality assure national safeguarding policy and practice requirements issued as Guidance by the House of Bishops under the Safeguarding and Clergy Discipline Measure 2016.
5. Ensure that victims and survivors, and all others who are affected by safeguarding cases, are heard and enabled to inform policy and practice.
6. Make any recommendations the Chair deems necessary to enable the Church of England to embed a proactive, preventative, safer culture and ensure that processes for responding to allegations and complaints are just to all involved, timely and in line with best practice.
7. Advise on the continuing development of a core curriculum for training undertaken by dioceses.
8. 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.
9. Advise relevant parts of the Church on the development of the long-term measures needed to achieve independence and excellence in safeguarding. This will include consultation with the National Safeguarding Steering Group and the National Safeguarding Panel to draw on their wisdom and define their future roles in relation to the ISB.
10. Hold the church publicly to account for any failure to respond to the ISB's recommendations.
11. Report annually on their experience as an Independent Safeguarding Board, and where appropriate on progress towards Phase 2.

Tasks for the Member specifically

Strategic

1. Work with the Chair to develop the overall function and purpose of the ISB, working in partnership with leaders across the Church of England, engaging with the NST and other

stakeholders to establish and implement the guiding principles for how the ISB should operate, including determining the best possible governance structure to allow it to deliver.

2. Provide expert recommendations to enable the Church of England to prevent safeguarding failures and ensure the church is held publicly accountable for any failure to respond to the ISB's recommendations.

3. Working with the Chair to recruit other suitably qualified Board members and acting as an ambassador for safeguarding governance both within the Church and externally to appropriate stakeholder groups.

Advisory

4. Advise on good practice models that set the standard for the work of Diocesan Safeguarding Officers and offer support in applying these principles locally.

5. Advise on the continuing development of a core curriculum for training undertaken by Dioceses.

6. Investigate complaints in relation to the NST's handling of cases and decide the appropriate response, ensuring best practice is followed in the handling of all case work.

Provide quality assurance to the national safeguarding Guidance issued by the House of Bishops.

7. Ensure that victims and survivors, and all others who are affected by safeguarding cases, are listened to and empowered to inform policy and practice.

8. Work with the Chair to oversee the development and maintenance of an ISB website which promotes the Board, enabling all formal minutes and other relevant reports to be publicised and with clear links to the Church of England website.

Anticipated Timescale

It is expected that the task of establishing the relationships between the ISB and existing safeguarding structures (Para.2 under Strategic Leadership, above) will be completed within 6—9 months of the establishment of the ISB.

Proposals in Phase 2 of the programme, especially on future structures for embedding the independent element in the Church of England's safeguarding work and putting in place effective independent oversight of diocesan safeguarding operations, are expected to be developed by the end of Year 2 of the ISB's existence so that discussion and planning for implementation can take place in the third year.

The duties and responsibilities outlined above reflect the initial conceptualisation of the Independent Safeguarding Board. The Chair and members of the ISB will work with the Archbishops' Council to develop the initial model and advise on how the roles of the ISB should evolve. The list of duties and responsibilities is therefore not exhaustive and will change over time, with the Chair and members of the ISB thoroughly involved in steering those changes.

APPENDIX 2: SCHEDULE 2 TO THE ISB MEMBERS' CONTRACTS – DATA PROTECTION

1. Schedule 2 to the Chair's contract

Schedule 2 Data Protection

Archbishops' Council to insert terms of the controller to controller data sharing agreement, or the data processing agreement (as the case may be) as agreed between the parties in accordance with clause 7.3.

2. Schedule 2 to the Survivor Advocate's contract

Schedule 2 Data Protection

Archbishops' Council to insert terms of the controller to controller data sharing agreement, or the data processing agreement (as the case may be) as agreed between the parties in accordance with clause 7.3.

3. Schedule 2 to the Independent Member's contract

Schedule 2 Data Protection

Archbishops' Council to insert terms of the controller to controller data sharing agreement, or the data processing agreement (as the case may be) as agreed between the parties in accordance with clause 7.3

APPENDIX 3: VARIATION TO THE ISB MEMBERS' CONTRACTS – DATA PROTECTION

All three ISB members' contracts were subject to a written variation dated 24 February 2023 in identical terms. The copy below is taken from the Chair's contract.

Interpretation

4. In clause 1.1:

4.1 the definition of "Archbishops' Council Property" shall apply as if the words "Except for personal data for which the Member is a data controller for the purpose of Data Protection Legislation,..." appear before the existing clause;

4.2 the definition of "Confidential Information" shall be replaced by the following:

"information in whatever form (including without limitation, in written, oral, visual or electronic form or on any magnetic or optical disk or memory and wherever located) relating to:

- a) the affairs, processes, procedures and finances of the Archbishops' Council whether or not such information is marked or expressed to be confidential; and
- b) any details of, or relating to, individuals including victims or survivors, or their families which is provided by the Archbishops' Council whether or not such information is marked or expressed to be confidential"; and

4.3 the definition of "Works" shall apply as if the words "Except for personal data for which the Member is a data controller for the purpose of Data Protection Legislation,..." appear before the existing clause.

SCHEDULE 1

DATA PROCESSING AGREEMENT

(1) THE INDEPENDENT SAFEGUARDING BOARD

(2) THE ARCHBISHOPS' COUNCIL

This Agreement sets out the requirements and obligations relating to the (data) controller and (data) processor with regard to UK Data Protection Legislation, i.e. all applicable data protection and privacy legislation in force from time to time in the UK including without limitation the Data Protection Act 2018 (and regulations made thereunder); the UK GDPR as defined in section 3(1) (as supplemented by section 205(4) of the Data Protection Act 2018);

Data subject, controller, processor, data processing, personal data breach have the meanings given in the Data Protection Legislation. A reference in this Agreement to any decision of the joint controllers shall mean a decision taken pursuant to clauses 3.2 and 3.3 of the consultancy agreements entered into severally by each Member (as defined in this Agreement) and the Archbishops' Council ("the Consultancy Agreements" and each "a Consultancy Agreement") as amended from time to time, and "Member" shall include persons stipulated as such in such Consultancy Agreements as may be entered from time to time.

The joint controllers are:

- Each of the Members of the Independent Safeguarding Board of the Church England ("ISB") from time to time, as stipulated in the Consultancy Agreements (collectively "the Members", individually "a Member"). Contact details: maggie.atkinson@independent-safeguarding.org.

The processor is:

- The Archbishops' Council ("AC"). Contact details: Church House, Great Smith Street, London, SW1P 3PS. Contact details: safeguarding@churchofengland.org.

1 PROCESSOR OBLIGATIONS

1.1 The processor shall:

- 1.1.1 process the personal data only in accordance with this Agreement and the documented instructions of the ISB. For the purposes of this Agreement the Parties agree that any one Member may give an instruction which the AC may take to be from all Members acting jointly as a joint controller instruction;
- 1.1.2 implement appropriate technical and organisational measures to protect the personal data against unauthorised or unlawful processing and against accidental loss, destruction, damage, alteration or disclosure;
- 1.1.3 not transfer personal data outside of the UK without the prior written consent of the controller;
- 1.1.4 ensure that personal data be processed only by persons who have been trained in data protection and that such persons act in accordance with this Agreement;

REVIEW OF THE INDEPENDENT SAFEGUARDING BOARD: REPORT

SUBJECT TO CONTRACT

- 1.1.5 solely in respect of material which is the subject of this Agreement, assist the controller to respond to requests from data subjects if required;
- 1.1.6 permit the controller to verify that the processor is complying with its obligations as required by Article 28 of the UK GDPR;
- 1.1.7 maintain written records of processing activities carried out on behalf of the controller in accordance with Article 30 of the UK GDPR.
- 1.1.8 assist the controller in carrying out data protection impact assessments if required;
- 1.1.9 unless applicable law requires otherwise and subject to clause 1.1.10, upon termination of the Agreement at the option of the controller (which shall be notified to the processor not more than 30 days following termination), the processor shall (i) delete all personal data provided to or collected by processor permanently, safely and securely and provide the data controller with assurance of destruction; and/or (ii) return to [Company] all personal data and any other information provided to or collected by the processor; and/or take all reasonable steps to transfer the data to another processor designated by the Members, and (iii) cease to process the personal data. In the event that the controller does not give a notification under this clause, the processor is instructed to delete all personal data in accordance with option (i).
- 1.1.10 This Agreement shall terminate automatically with effect from the date of termination of the last Consultancy Agreement (in accordance with the provisions of clause 10 of that Consultancy Agreement).

2 PROCESSING ACTIVITY

The processor shall carry out the following processing activity under the Agreement:

Provision of staff administrative support for the day to day operation of the ISB, accountable to the chair of the ISB and subject to the instructions of the Members. This support shall include the provision of administrative support, assistance with setting up systems and processes, providing a customer service response to stakeholders, and providing support in connection with the review and maintenance of an ISB website. ("Administrative Functions")

Provision of and access to a data storage solution (four Box licences), email (Egress licences) on the NCIs' Microsoft Azure Cloud tenancy (with cloud security maintained by Microsoft Azure as determined by Microsoft from time to time), and a security envelope which meets the standard of Cyber Essentials Plus. ("Technological Functions")

Processing in connection with the above activity may include storing, accessing and retrieving the following:

- Records of alerts, notifications, concerns or allegations
- Case and personal files
- Risk Assessments
- Confidential declaration forms
- Recruitment documentation e.g. DBS checks

- Training records
- Referrals / Self-referrals
- Minutes of meetings
- Correspondence, including letters, emails etc.
- Telephone call notes
- Records of any enquiries, advice sought or provided
- Records provided by the police or statutory agencies
- Any notifications provided to external parties e.g. police, local authorities, Charity Commission, insurers etc.

3 PURPOSE OF THE PROCESSING

The processing of personal data to be undertaken on behalf of the Members is intended to achieve the following purposes:

To provide and undertake the Administrative Functions and Technological Functions to allow the Members to undertake such activities as they shall determine in accordance with their terms of reference from time to time.

4 DATA SUBJECTS

The personal data processed on behalf of the Members relates to the following categories of data subjects:

- Members of the ISB;
- Current, former and retired clergy
- Current and former employees
- Current and former volunteers
- Individuals who made allegations of abuse
- Current and former employees, students, officers, agents, consultants, and advisers to institutions or persons which are closely connected with alerts, notifications, concerns or allegations within scope of the ISB's activities
- Current and former professional advisers and consultants
- Individuals whose safety has been/was put at risk
- Individuals who witnessed any misconduct or any unlawful acts or were alleged to witness such acts

5 TYPES OF PERSONAL DATA

5.1 The type of personal data processed includes the following:

- Name
- Title
- Marital status
- Gender
- Nationality
- Job title/position
- Dates (birth, joined, ordination, education, death etc)
- Contact information – work and personal (e.g. address; email; phone numbers)
- Family names and details, including wider family

- Lifestyle and social circumstances
- Socio-economic details
- Employment and appointments
- Education details
- Training attendance/certification

5.2 The type of special category and criminal offence data includes the following:

- Race
- Ethnic origin
- Politics
- Religion
- Health
- Sex life, or
- Sexual orientation
- Criminal convictions and offences, including criminal allegations

6 SUB-PROCESSORS

- 6.1 The processor shall remain authorised by the controller to appoint sub-processors (including Church of England Central Services) and sub-sub processors (including Microsoft Azure Cloud) and will ensure that the sub-processor is subject to, and contractually bound by, at least the same obligations as the processor and remain fully liable for all acts and omissions of the sub-processor.
- 6.2 The processor shall inform the data controller of any addition or replacement of such sub-processors and provide an opportunity for objection to such changes.

7 NOTIFICATION OF PERSONAL DATA BREACHES

- 7.1 The processor shall notify the data controller by email to: contact@independent-safeguarding.org of any personal data breach in respect of personal data within the scope of this Agreement without undue delay, but in any event no later than 24 hours after having become aware of such breach, and not inform any third party of the personal data breach without first obtaining prior written consent from the controller (except where law or regulation requires it).
- 7.2 Any notification of a personal data shall include all necessary documentation and details to enable the controller to notify this breach to the competent supervisory authority (where necessary).

8 LIABILITY

- 8.1 The processor shall have liability for, and shall indemnify the Members in respect of, claims (including any sum payable under any settlement or compromise), loss, liability, costs (including reasonable legal costs), damages, fines, or expenses, to include any interest, arising from a personal data breach which arises from a breach of this Agreement other than where such breach arises from a breach of a Consultancy Agreement or any reckless act or omission, save that the processor's total, cumulative liability to the Members (each and all of them) for any such breach shall not exceed a cap of £500,000.

9 DATA SECURITY

The Processor shall comply with the following technical and organisational security measures:

ISB emails are segregated by the use of Egress with appropriate access and security permissions. Personal data for which the Members are the joint data controller is stored in Box with access limited via appropriate access and security permissions granted to each Member and a nominated member of AC staff who undertakes the Administrative Functions. The ISB website is supported within the NCIs' Microsoft Azure Cloud tenancy with cloud security maintained by Microsoft Azure as determined by Microsoft from time to time, and a security envelope which meets the standard of Cyber Essentials Plus.

10 GOVERNING LAW AND JURISDICTION

- 10.1 This Agreement and any dispute or claim arising out of or in connection with it, or its subject matter or formation (including non-contractual disputes or claims) shall be governed by, and construed in accordance with, the laws of England. The parties agree that the courts of England will have exclusive jurisdiction to settle any dispute (whether contractual or non-contractual) arising from or in connection with the Agreement.
- 10.2 We agree that this variation may be executed in any number of counterparts, including by electronic or digital signature, each of which, when executed, will be an original and all the counterparts together will constitute one and the same document.

SUBJECT TO CONTRACT

- 1.1.5 solely in respect of material which is the subject of this Agreement, assist the controller to respond to requests from data subjects if required;
- 1.1.6 permit the controller to verify that the processor is complying with its obligations as required by Article 28 of the UK GDPR;
- 1.1.7 maintain written records of processing activities carried out on behalf of the controller in accordance with Article 30 of the UK GDPR.
- 1.1.8 assist the controller in carrying out data protection impact assessments if required;
- 1.1.9 unless applicable law requires otherwise and subject to clause 1.1.10, upon termination of the Agreement at the option of the controller (which shall be notified to the processor not more than 30 days following termination), the processor shall (i) delete all personal data provided to or collected by processor permanently, safely and securely and provide the data controller with assurance of destruction; and/or (ii) return to [Company] all personal data and any other information provided to or collected by the processor; and/or take all reasonable steps to transfer the data to another processor designated by the Members, and (iii) cease to process the personal data. In the event that the controller does not give a notification under this clause, the processor is instructed to delete all personal data in accordance with option (i).
- 1.1.10 This Agreement shall terminate automatically with effect from the date of termination of the last Consultancy Agreement (in accordance with the provisions of clause 10 of that Consultancy Agreement).

2 PROCESSING ACTIVITY

The processor shall carry out the following processing activity under the Agreement:

<p><i>Provision of staff administrative support for the day to day operation of the ISB, accountable to the chair of the ISB and subject to the instructions of the Members. This support shall include the provision of administrative support, assistance with setting up systems and processes, providing a customer service response to stakeholders, and providing support in connection with the review and maintenance of an ISB website. ("Administrative Functions")</i></p> <p><i>Provision of and access to a data storage solution (four Box licences), email (Egress licences) on the NCIs' Microsoft Azure Cloud tenancy (with cloud security maintained by Microsoft Azure as determined by Microsoft from time to time), and a security envelope which meets the standard of Cyber Essentials Plus. ("Technological Functions")</i></p> <p><i>Processing in connection with the above activity may include storing, accessing and retrieving the following:</i></p> <ul style="list-style-type: none"> • <i>Records of alerts, notifications, concerns or allegations</i> • <i>Case and personal files</i> • <i>Risk Assessments</i> • <i>Confidential declaration forms</i> • <i>Recruitment documentation e.g. DBS checks</i>
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APPENDIX 4: ISB TERMS OF REFERENCE, MARCH 2022

TERMS OF REFERENCE CHURCH OF ENGLAND INDEPENDENT SAFEGUARDING BOARD

Date to be agreed: ISB full Board meeting, 26 March 2022
Reviews: annually from date of agreement

Terms of Reference, Independent Safeguarding Board

Introduction: Origins of the Independent Safeguarding board (ISB)

The Archbishops' Council created the ISB to provide additional independent oversight of the National Safeguarding Team (NST.) The ISB has also been created to help to ensure the Church delivers its safeguarding responsibilities. Phase 1 activity will ensure the distance between the ISB and the Church is confirmed, which will then be consolidated in further Phases. The ISB will remain an arms-length body, similar to national organisations funded by but independent of government such as Non-Departmental Public Bodies (NDPBs.) Our work is undertaken without fear or favour, our purpose being to help the Church to improve, and maintain improvement in, safeguarding policy and practice, as follows:

- To ensure good safeguarding, including preventive work, is done as a matter of course across the Church, including timely responses to challenges and recommendations;
- To ensure the involvement of survivors of safeguarding failure in both the ISB's activity, and the wider Church;
- To give or withhold assurance that processes overseen or investigated by the NST are undertaken in timely fashion, thoroughly and without bias or pre-supposition, reaching clear conclusions which are shared with
 - * victims/survivors/complainants,
 - * those against whom complaints are made,
 - * the wider Church, and
 - * wider society, including through the media
- Based on clear and current evidence, to challenge internal cultures when they prevent best practice being the normal practice expected of all institutions of the Church, and all who work, volunteer or serve in them.

The Church has put the ISB in place to do work it cannot then frustrate. If the ISB as a driver of change lies too close to the Church, there is a risk it could be absorbed. If too far away, it could gain insufficient traction. Just as local authorities, police services and CCGs pay for safeguarding boards and partnerships in localities, the Archbishops' Council funds the ISB. As localities' partnerships are independent of all involved bodies and agencies even if they fund the work, so a C of E funding mechanism cannot prevent the ISB doing its job.

All ISB work relies on evidence, presented both by survivors/victims and those who are accused when safeguarding failures are explored. The ISB will blow the whistle where it finds failure, where necessary exposing resistance or backsliding.

The ISB is in regular contact with the NST, the NSSG and the NSP, and will work to formal Information Sharing Agreements with each of them.

The Chair and the Survivor Advocate are members of the C of E's Safeguarding Programme Board. As appropriate, any or all members will regularly attend and speak at the Archbishops' Council, the House of Bishops, the Diocesan Safeguarding Advisers' national group, and other national bodies including Synod.

The ISB's role in highlighting the need for and driving change will be reviewed from time to time.

The Terms of Reference

Purpose

The ISB will:

1. Make, and expect positive and timely responses to, recommendations to enable the Church of England to embed a proactive, preventative, safe culture, whether or not there is a safeguarding failure under consideration.
2. Provide professional supervision to (but not line management of) the Director of the National Safeguarding Team (NST.)
3. Ensure best practice is followed in NST case work, and work with the NST to ensure processes for responding to allegations and complaints are in line with best practice.
4. Ensure information sharing agreements are adhered to, including through a formal legal agreement that sets the expectation that if the ISB needs information to be shared with it in the course of its work, such sharing will take place.
5. Receive and respond to complaints about the NST's handling of cases, outlining the ISB's response. This work will not normally mean reinvestigating cases.
6. Quality assure the Church of England's safeguarding policy and practice requirements, including those issued as Guidance under the Safeguarding and Clergy Discipline Measure. This will include, but not be limited to, informed commentary on how far Dioceses and Church bodies comply with their duties in legislation.
7. Ensure processes for responding to allegations and complaints are just to all involved, timely, and done in line with best practice in the wider safeguarding environment.
8. Ensure victims, survivors and all affected by safeguarding cases are appropriately heard and engaged, enabling their involvement in helping to shape and inform Church of England safeguarding policy and the practice undertaken to fulfil it.
9. Recommend improvements in policy, procedures and practice where the ISB considers evidence shows that these are necessary.
10. Advise on continuing development of a core curriculum for learning and development on safeguarding, to be delivered by the dioceses.
11. Advise on good practice to set standards for work by Diocesan Safeguarding Officers, support DSOs in applying the principles in their context, and intervene on behalf of DSOs if dioceses do not enable them to discharge their responsibilities.
12. Advise the Church on the development of agreed, clear, viable, long-term measures to achieve independence and excellence in safeguarding. In Phase 1 this will include consultation with the National Safeguarding Steering Group and the National Safeguarding Panel to define respective future roles.
13. In helping shape Phase 2 of development of an independent body overseeing safeguarding in the church, advise on relationships between current safeguarding bodies: the NST, NSSG, NSP, ISB, Diocesan Safeguarding Partnerships, Officers and teams. This includes advising on rationalising governance to avoid duplication and delay.

14. Hold the Church to account for failures to respond to ISB recommendations, including where practices, structures, attitudes or processes enable delays, avoidance or denial of victims' and survivors' grievances or accused persons' circumstances, and/or the denial of justice.
15. Report annually on the ISB's work, and progress towards Phase 2.
16. Provide advice and assurance on national safeguarding Guidance from the House of Bishops, both prior to its being finalised and issued, and during its use in parishes, dioceses and institutions, so its impact on practice is captured and reported on.
17. Oversee the development and maintenance, and regular updating of content, of a website which will publicise and promote the ISB to ensure full transparency and with clear links to the Church of England and other useful websites.

Limits on what the ISB does in its Phase 1 activity

The ISB is not an inspection, regulation or case investigation body, or an Ombudsman with powers to direct or sanction. There are established policies, procedures, protocols and routes for safeguarding issues, supported by a learning and development programme and other materials which support safeguarding in bodies across the Church.

The ISB **will not:**

1. Investigate allegations or cases as a first resort body to which these could be brought directly.
2. Override processes already agreed and used by the Church of England in parishes, dioceses and NCIs.
3. Work without reference to safeguarding bodies already in place in the Church's governance frameworks
4. Override work already undertaken by the NST, though the ISB's primary duty remains to oversee and provide or withhold assurance on its work.
5. Set up, or run, staff or teams to work on behalf of survivors or victims, given such mechanisms are already in place.

Phase 1 of the work

Establishing relationships between the ISB and existing safeguarding structures, including how work will be undertaken with survivors and victims, will be completed within 6–9 months and will conclude with published advice.

Proposals for Phase 2, especially on the future nature of independent safeguarding in the Church of England and effective independent oversight of the NST, should be developed by the end of Year 2 so that Phase 2 can commence in the third year.

By the end of Year 2 of (end of 2023) the ISB and those it has engaged with can ensure proposals are clear regarding Phase 2 (January 2024 onwards.)

Proposals will be evidence based, focused especially on:

- Advice on future structures for embedding independence in safeguarding;

- Advice on what more should be done to ensure the embedding of a safeguarding mindset in all Church bodies, so that safeguarding is an automatic part of practice in all organisations, their personnel and volunteers, and
- Advice on ensuring effective independent oversight of diocesan safeguarding work, including where dioceses ensure parishes, other Church bodies and all who work or volunteer for them, adhere to the standards set.

Membership

1. Phase 1 ISB has three members. All are independent of all Church bodies. Their specific roles, and that of the Board as a whole, are given at Appendix 1.
2. Terms of office will be agreed, and kept under review as a result of advising the Archbishops' Council on how best to deliver independent safeguarding beyond Phase 1 regarding independent oversight including how future Board size, membership and activities should develop.
3. One member carries an explicit responsibility to work from the perspective of, and as an expert advocate for, survivors of failures in safeguarding by any Church Officer or body.
4. Members will oversee the work of the National Safeguarding Team
5. The Archbishops' Council ratifies Board appointments. Each is appointed following this process:
 - Public advertisement of vacancies.
 - The use of expert recruiters to ensure a wide field
 - Formal written application through curriculum vitae and a statement of support
 - Formal interview by a panel including independent safeguarding expert(s), a representative of a Diocesan Safeguarding team, and at least one survivor.

Regularity of meetings

1. The Board meets 6 times a year, 4 standard board meetings taking half a day each. Full Planning and Development days will take up 2 meetings per year.
2. Board meetings across a year ensure both that all business is covered following an annual cycle, and principles of good governance apply.
3. Members will be in contact with each other, and as appropriate the NST and individuals and organisations across the Church of England, between meetings
4. Extraordinary meetings can be called at short notice, but should be the exception rather than the rule in operating practice.
5. The Director of Safeguarding at the NST and relevant members of the senior team there will be regular attendees at ISB meetings. Should business require, these staff will be required to recuse themselves meeting and the Board will meet on a members-only basis.

1. Administrative and support arrangements

1. The Board is supported by one administrator from a safeguarding and project management background, with high level administrative skills. One senior member of the NST sets aside an agreed number of days per month to be the senior NST contact with the ISB.
2. The Chair and when necessary other members have regular contact with, and access to, the Director and any NST members whose work relates to that of the ISB
3. ISB members have secure email addresses, and access to a shared ISB mailbox overseen by the administrator. The ISB website contains the terms of reference, reports, links to other bodies, materials on lessons learned and equally on good practice, and other relevant materials.
4. Through Service Level Agreements (SLAs) with relevant Church of England and NST, the ISB draws on expert Communications, Finance and ICT advice and other support as may be necessary. SLAs ensure the work done is delineated from that undertaken in their NST or other C of E roles.
5. The ISB maintains a formal Information Sharing Agreement (ISA) with the NST, DSOs and their teams, the wider Church as necessary, NCIs, and church governance bodies. Where information needs to be shared, this ISA will be put forward to other bodies as appropriate, becoming the agreed framework for ensuring any such sharing is legal.

2. Reporting and accountabilities

1. The ISB is funded by the Archbishops' Council. However, the Council cannot direct the ISB's activity, where or when it works, what it investigates, or what it says or publishes as a result.
2. The Board meets with, but does not report and is not accountable to, the NCIs.
3. Over the course of a year the Chair and when appropriate other members attend and speak at meetings of all parts of the church's governance frameworks, including Synod.
4. The Board issues an Annual Report summarising and reflecting on all cases dealt with under the remit described in these Terms of Reference. Such reports will require a formal response which explains what is being and will be done as a result of any recommendations.
5. Where possible, ISB reports will be issued for publication and dissemination, though there will be times when this is not appropriate. Decisions on such matters will be taken case by case.
6. Those whose cases come to the ISB will be communicated with in timely fashion and in detail, and where necessary confidentially.
7. The Board will publicise and celebrate evident good practice in safeguarding.

Appendix 1**The roles of the Board and specific members**

All members will work with the Archbishops' Council to develop the model for Phase 1, and advise on how the ISB should then evolve.

The list of duties and responsibilities given is not exhaustive and will change over time. All roles will develop in ways which reflect the roles and responsibilities of the ISB, other safeguarding bodies, the Archbishops' Council and the Charity Commission.

Charity Commission guidance on safeguarding roles will be the basis for these relationships.

The Board members' duties in common:

- To attend all Board meetings and contribute to the business covered there. A 75% attendance rate is expected. All attendances will be recorded and reported in the ISB's annual report.
- To support the Chair in the role of public spokesperson for the work of the ISB
- Reciprocally, to ensure the Chair offers support to the Board as a whole and to its individual members
- To agree the messages the Board wishes to give back to the Church, the NST, survivors whose cases the Board will review in its oversight role, the media, and the wider public

The Board's collective work is to:

1. Provide professional supervision (not line management) to the Director of the National Safeguarding Team (NST.)
2. Quality assure case work done on cases escalated to the NST.
3. Receive and respond to complaints about the NST's handling of cases, determining whether appropriate action has been taken, and decide case-by-case the ISB's formal response. This will not normally mean re-opening or re-investigating cases.
4. Give or withhold assurance on investigations already undertaken and referred to it, through complaints or for review.
5. Quality assure national safeguarding policy and practice requirements, issued as Guidance by the House of Bishops under the Safeguarding and Clergy Discipline Measure 2016.
6. Ensure victims, survivors and all affected by safeguarding cases are heard, and provide opportunities for them to engage in, shape and inform the church's policy and practice.
7. Determine and advise on how the church should respond to the needs of victims and survivors and other affected parties, including the families of those accused, and those who are hurt, in safeguarding cases.
8. Make recommendations to enable the church to embed a safeguarding culture so as to ensure both preventive, proactive safeguarding and responses to allegations and complaints are timely, appropriate, and in line with safeguarding practice in wider society.
9. Advise on the continuing development of a core curriculum for learning and development undertaken by dioceses.

10. Advise on good practice setting standards for Diocesan Safeguarding Officers (including helping to enable the shift from Adviser to Officer), support DSOs in applying safeguarding principles, and intervene if dioceses do not enable DSOs to direct safeguarding there.
11. Advise the Church on Phase 2 so it can achieve independence and excellence in safeguarding. This includes consultation with the National Safeguarding Steering Group (NSSG) and National Safeguarding Panel (NSP) to help define both their future respective roles, and that of a Phase 2 ISB.
12. Hold the church publicly to account for any failure to respond to the ISB's recommendations.
13. Report annually on the ISB's work, what it has found, and what the ISB's advice to the Church is; and based on both of these threads, advise on progress towards Phase 2.

The Chair's role

Strategic Leadership

1. Lead the formation of the ISB and ensure it develops, publishes and works to a clear vision and mission and can achieve its goals.
2. Develop the ISB's function and purpose, in partnership with and across the Church of England, engaging with the NST and other stakeholders to establish and implement how the ISB will operate.
3. Within year 1, determine the best possible governance structure for the ISB. This includes working with the NSSG and NSP to establish their roles in relation to the ISB, and advising as Phase 2 is constructed from late 2023 onwards.
4. Recruit ISB members through open fair processes, ensuring the Board has the skills to govern and advise well, through a membership with relevant professional experience and the ability to give its own, and seek expert external, advice.
5. Develop and manage relationships to ensure its decisions are made and its advice published and presented in the interests of improving safeguarding,
6. Ensure the Board takes collective ownership of decisions, public statements and challenges.
7. Provide expert recommendations to enable the Church of England to embed a proactive, preventative, safer culture at all levels and in all settings.
8. Ensure the Church is held publicly accountable for failing to respond to ISB recommendations. A strong independent element will be applied, given casework handling and responsiveness to survivors' needs are areas where trust in the church's mechanisms is missing.
9. Ensure the inclusion of victims, survivors and all those affected by safeguarding cases, to embed their contribution in policy and practice.
10. Provide supervision and act as a trusted advisor to the Director of Safeguarding at the NST.

Advisory and Policy activity (the Chair, with all Board members)

1. Develop and advise on policies, codes and models of practice, and initiatives that focus on the ongoing need for culture change
2. Advise on good practice models which set standards for work by Diocesan Safeguarding Advisors/Officers, ensuring they are uniform and consistent with best practice in the wider safeguarding world.
3. Seek to ensure consistency of practice across all dioceses.
4. Advise on the continuing development of a core curriculum for learning and development led by dioceses, with the involvement of dioceses and parishes. The ISB will help set and monitor standards, not engage in direct delivery.
5. Provide quality assurance to national safeguarding guidance issued by the House of Bishops.
6. Ensure development and maintenance of a website to publicise and promote the ISB and ensures transparency, signalling necessary links to the Church of England and other relevant websites.

The Survivor Advocate

1. Leads ISB engagement with all ages of survivors of abuse perpetrated by persons or institutions within the Church.
2. Works to ensure the experiences and views of victims and survivors are heard and embedded in safeguarding policy and practice frameworks,
3. Ensures victims and survivors are involved in the work of the Board
4. Works to ensure that where possible, survivors, victims and their representatives are encouraged to help design work streams and governance for Phase 2 of the ISB, and all parts of the Church's safeguarding activity.
5. Brings to the ISB's work a comprehensive understanding of experiences of victims and survivors, and wisdom gained from lived experience, either within or beyond the church.
6. On the Board's behalf, plays an independent role relating directly to victims, survivors and others impacted by cases brought to the Board, using consultative skills to engage individual survivors and different groups.
7. Seeks to ensure, having enabled institutions and individuals to hear and understand victims' and survivors' experiences, that the Church's response is reinforced by the ISB's work proving its independence through the work it undertakes.
8. Seeks to ensure families of both survivors/victims and accused persons can work with an ISB with the power to address their concerns if they remain unsatisfactorily dealt with elsewhere.

The Independent Board Member

1. Brings Board experience, and knowledge of what is involved in good governance, from professional experience gained elsewhere, into the work of the ISB

2. Brings a specific skill set, which could relate for example to (not an exhaustive list):
 - practice in the law on safeguarding and related work with children, families or vulnerable adults;
 - practice in consultancy and advisory work with a wide range of agencies and bodies in the public, private or voluntary sectors;
 - experience in dispute and conflict resolution in organisations of a range of types., sizes and complexities;
 - practice in the non-governmental and charity sector, particularly gained in large complex charities, whose staff or activities are distributed over a wide geography;
 - the handling, reviewing and settling of complaints, including for instance through mediation and the handling of redress or restitution processes seeking positive outcomes;
 - restorative practice and the work of restorative justice in difficult circumstances, including the reaching of conclusions through agreed compromises where absolute agreement is not possible.

Specific tasks for the Independent Member

Strategic work

1. With the Chair, to develop the overall function and purpose of the ISB, with leaders across the Church of England, engaging with the NST and others to establish and implement guiding principles for how the ISB operates and is governed.
2. Provide expert recommendations to the Board, that will help the Board to enable the Church to prevent safeguarding failures, and to ensure the church is held publicly accountable for any failure to respond to ISB recommendations.
3. With the Chair and other Board members, recruit other suitably qualified Board members as terms of office roll forward and/or as the Board is expanded for Phase 2
4. Act as an ambassador for safeguarding governance both within the Church and externally to appropriate stakeholder groups.

Advisory

5. Advise on good practice models that will set the standard for the work of Diocesan Safeguarding Officers and offer support in applying these principles locally.
6. Advise on the continuing development of a core curriculum for training undertaken by Dioceses.
7. Investigate complaints in relation to the NST's handling of cases and decide the appropriate response, ensuring best practice is followed in the handling of all case work.
8. Provide quality assurance to the national safeguarding Guidance issued by the House of Bishops.
9. Ensure that victims and survivors, and all others who are affected by safeguarding cases, are listened to and empowered to inform policy and practice.
10. Work with the Chair to oversee the development and maintenance of an ISB website which promotes the Board, enabling all formal minutes and other relevant reports to be publicised and with clear links to the Church of England website.

APPENDIX 5: ISB TERMS OF REFERENCE TABLE OF AMENDMENTS, MARCH 2023

CONFIDENTIAL



ISB(23)05

INDEPENDENT SAFEGUARDING BOARD

1. Overview of amendments

1.1. Introduction

1.1.1. No amendments

1.2. Purpose

1.2.1. No amendments.

1.2.2. Clarity needs to be sought on Point 2 regarding professional supervision of the National Director of Safeguarding.

1.3. Limits on what the ISB does in its Phase 1 activity

1.3.1. No amendments.

1.4. Phase 1 of the work

1.4.1. Amendment:

1.4.1.1. Old wording: *Establishing relationships between the ISB and existing safeguarding structures, including how work will be undertaken with survivors and victims, will be completed within 6—9 months and will conclude with published advice.*

1.4.1.2. New wording: *Establishing relationships between the ISB and existing safeguarding structures, including how work will be undertaken with survivors and victims, will be completed by the end of 2023 and will conclude with published advice.*

1.5. Membership

1.5.1. No amendments.

1.6. Regularity of meetings

1.6.1. No amendments.

1.7. Administrative and support arrangements

1.7.1. Amendment:

1.7.1.1. Old wording: *The Board is supported by one administrator from a safeguarding and project management background, with high level administrative skills. One senior member of the NST sets aside an agreed number of days per month to be the senior NST contact with the ISB.*

1.7.1.2. New wording: *The Board is supported by a 1 FTE Business Manager and a 0.5 FTE Project and Administration Officer. A senior director of the NCIs line manages the Business Manager.*

1.8. Reporting and accountabilities

1.8.1. No amendments.

1.9. Appendix 1 - The roles of the Board and specific members

1.9.1. No amendments.

APPENDIX 6: ISB OPERATING PRINCIPLES AND STANDING ORDERS, AUGUST 2022

Operating Principles and Standing Orders

1 General

1.1 The Board must act with integrity and maintain the trust and confidence of all those affected by safeguarding activity in the Church of England and the wider community.

1.2 The Board must act in accordance with its Terms of Reference and in a way that maintains its independence.

2 Meetings

2.1 The ISB Chair will chair meetings unless alternative arrangements are agreed by the Board.

2.2 The Board will meet on a minimum of four occasions to transact its business in every calendar year and may also convene for the purposes of strategy/planning sessions.

2.3 The Board shall determine the time, location, and frequency of its meetings. Meetings can take place entirely in person, entirely virtually, or hybrid.

2.4 The Board may invite others to attend all or part of its meetings.

2.5 The quorum for a meeting of the Board is two members.

2.6 An agenda and any relevant papers will be circulated 7 days in advance of the meeting. The Chair agrees the final agenda.

2.7 Except in exceptional circumstances, apologies must be received five working days in advance of the meeting.

2.8 Minutes of meetings will be taken by the Project and Administration Officer and circulated in draft form (following approval by the Chair of the meeting) 7 days after the meeting.

2.9 Minutes will be approved at the next Board meeting, and an agreed public version will be made available on the Independent Safeguarding Board website.

2.10 Unless directed otherwise by the chair or the Board, business conducted in formal meetings of the Board should not disclose, without proper authority, any information which is confidential in nature, or which is provided in confidence.

3 Members Interests

3.1 Members must raise any conflict of interests at the commencement of every meeting, or as soon as it becomes apparent during a meeting that a conflict may exist.

3.2 The non-conflicted members will decide whether the conflicted member can be present but not participate, or whether, conflict notwithstanding, they can participate in the discussion and/or any subsequent decision.

3.3 In the event of all three members being conflicted on a particular issue, these conflicts must be noted, and the item can proceed.

4 Decisions/Resolutions

4.1 All decisions will be taken by majority.

4.2 Where only two members are present, and a decision cannot be reached by majority it must be deferred to a meeting where all three members are present.

5 Special meetings

5.1 Where either the Chair or two Board members believe that an urgent matter has arisen that the Board are required to deal with, a special meeting must be called within 7 working days and specify the time and location of this meeting.

5.2 Once called, special meetings will be subject to the same provisions as ordinary meetings, however the minutes will make clear that it is a special meeting of the Board.

6 Conduct of Board members

6.1 Members of the Board are expected to conduct themselves in a way which demonstrates the independence, inclusivity, and integrity of the Board.

6.2 While any legal proceedings initiated by a third party are most likely to be brought against the Board as a whole, in exceptional cases proceedings may be brought against individual Board

members. A Board member who has acted honestly and in good faith will not have to meet out of their own personal resources any personal or civil liability which is incurred in the execution or purported execution of their Board function, save where the member has acted recklessly.

6.3 Where a member of the Board is considered to have fallen below the standards expected, the remaining Board members may pass a resolution to suspend the Board member while consideration is given to the appropriate response.

6.4 The Board may commission, subject to appropriate legal advice, an investigation or review of the actions of any member or aspect of the Board's work, which must be conducted in a fair, prompt, and thorough manner.

6.5 Where a Board member's conduct falls considerably below the standards expected, the Board may conclude, subject to appropriate legal advice, to remove that member from the Board. A non-exhaustive list of such misconduct follows:

- a) Breach of relevant safeguarding policies or procedures
- b) Engaging in criminal conduct relevant to the work of the Board
- c) Discriminatory behaviour
- d) Actions seriously undermining trust and confidence in the Board
- e) Missing two consecutive meetings without apologies
- f) Failure to attend (even with apologies) four consecutive Board meetings

6.6 The Board's decision as to the relevance of any conduct to its work is final.

7 Resignation, absence, and vacancy

7.1 Board members may resign their membership of the Board at any time, subject to the provisions of their contract of appointment.

7.2 Board members may request a temporary leave of absence from their duties, due to illness or other appropriate reason. Any temporary leave of absence must be communicated to all members of the board.

7.3 In the temporary absence of any Board member or a position becoming vacant, the remaining members may make such arrangements as they deem necessary and reasonable to ensure the continuation of the Board's business

7.4 The Board may not co-opt additional members but may seek advice to the Board to add to their expertise.

7.5 The recruitment of Board members will follow an open process, approved in advance by the Board.

8 Committees, Working Groups and Oversight Panels

8.1 The Board may establish committees to which it delegates specific functions and decisions. The composition of all committees must include a Board member.

8.2 The Board may establish working groups to which it delegates specific tasks or projects. All

working groups must have a Board member as a sponsor, who will be responsible for supporting the working group and co-ordinating its reporting back to the Board.

8.3 The Board may establish oversight panels to track and oversee the implementation of recommendations made by the Board in its formal reports, resolutions, or reviews. All oversight panels must have a Board member as a sponsor, who will be responsible for supporting the oversight panel and co-ordinating its reporting back to the Board.

8.4 On establishment of a committee, working group, or oversight panel, the board will set out its terms of reference, specify its membership and administrative support arrangements, and its period of operation.

8.5 The agenda, papers, and minutes of all committees, working groups, or oversight panels must be circulated to all Board members.

8.6 The Board may suspend or remove individual membership of a committee, working group, or oversight panel at its discretion.

8.7 The Board may disband, suspend the operation, or dissolve any committee, working group, or oversight panel at its discretion.

9 Suspension, amendment, and review

9.1 These Operating Principles and Standing Orders may be suspended or amended at any time by a formal resolution of the Board.

9.2 These Operating Principles and Standing Orders will be reviewed on an annual basis.

10 Approval

10.1 These Operating Principles and Standing Orders were approved by the Independent Safeguarding Board on 23rd August 2022

APPENDIX 7: ARTICLE IN THE SUNDAY TELEGRAPH, 23 APRIL 2023

Church of England ‘obstructing its own safeguarding panel’ as calls grow for new chairman

Victims speak out and lambast ‘inappropriate and irresponsible’ appointment of the new chair of the Independent Safeguarding Board

By Gabriella Swerling, SOCIAL AND RELIGIOUS AFFAIRS EDITOR
23 April 2023 • 6:00am

The Church of England is obstructing its own safeguarding panel by denying them their own computers, refusing to share data and treating them with “hostility”, whistleblowers have told The Telegraph.

The Independent Safeguarding Board (ISB) was formed in January 2022 and tasked with scrutinising the work of the Church’s National Safeguarding Team (NST), as well as holding the Church to account regarding its safeguarding duties.

However, the ISB’s only two board members have come forward to claim that their experience working with Church officials is “an uphill battle and unnecessarily challenging”.

In an interview with The Telegraph, Jasvinder Sanghera CBE, who founded the Karma Nirvana charity which aims to end honour-based abuse, and Steve Reeves MBE, executive director of Global Safeguarding, raised the alarm.

They claim there has been “clear interference” with their work, a “lack of transparency” and a “reluctance to provide information” meaning that at times they have been “met with hostility”.

Their concerns have been echoed by victims who claim that unless the Church revokes its “inappropriate and irresponsible” appointment of the new ISB chair as Meg Munn – the former foreign office minister who already holds posts within the Church of England – they will not only feel “re-abused” but they will also refuse to work with the ISB and share their testimonies.

'Examples of clear interference'

ISB board members have levelled a raft of claims at the Church, including that it encouraged them to share its own press office, IT services and phone lines, and to use their “church-selected lawyers”.

It is also alleged that the Church wanted the ISB budget incorporated into the NST budget, meaning they could monitor expenditure and which resulted in “hurdles for relatively small levels of investment”.

The church was also reluctant to provide crucial data to the ISB and was evasive in being open to independent scrutiny, it has been claimed.

Board members say that “examples of clear interference” with the ISB’s work include a failure to consult both them and abuse victims over the appointment of Ms Munn as the new Chair – contravening the Church's terms of process.

They also said they were instructed not to engage with victims on matters of “independence and the arrival of a Chair”.

The claims come in the wake of a series of scandals faced by the ISB in which its former chair, Prof Maggie Atkinson, recently resigned amid accusations from abuse victims that she had repeatedly broken data protection laws and breached both confidentiality and privacy of documentation. Two of the allegations were upheld by the Information Commissioner's Office.

Ms Munn, the former Labour MP, was announced last month as Prof Atkinson's replacement to the dismay of abuse victims who claimed it was "too cosy" and a conflict of interest because she would essentially be tasked with scrutinising her own work.

She already holds the post of chair of the National Safeguarding Panel within the Church of England, and sits on the National Safeguarding Steering Group (NSSG).

Meanwhile, Ms Munn has said it is "an honour" to be appointed ISB chair, and is due to take up the role in May.

'Final straw'

Ms Sanghera described her appointment as the "final straw". She added that more than 40 victims have come forward to the ISB to raise concerns and that The Archbishop's Council has been informed.

"Survivors expressed that they feel re-abused, and a number of them are unwilling to participate in the work of the ISB if she remains as chair," she said.

“The fact that victims and survivors feel disregarded and re-abused is of great concern to the ISB, and I would urge The Archbishop’s Council to act upon these concerns as a matter of urgency.

“We have worked hard to build a relationship of trust with those brave enough to come forward and report being harmed by the church. This trust must not be eroded, neither should the important work towards independence be impacted.

“For months, we’ve been working without a chair, and the fact that the ISB and survivors have not been involved in any of the decision making to appoint an ISB Chair, is the final straw.”

Regarding working with the Church, Mr Reeves added: “At times, it’s been an uphill battle and unnecessarily challenging to achieve some of the work we’ve been asked to do.

“We are highly reliant on the Church itself for our infrastructure and financing. Over the last year there have been multiple instances where our freedom to operate has been hampered.”

'Victims do not trust Meg Munn'

Meanwhile, victims have welcomed the ISB board speaking out.

One victim who was abused by John Smyth, the “somasochistic” QC who beat dozens of young boys, said: “Victims and survivors yearn for a strong, independent body to fight our corner. True, strong, independent safeguarding, like truth or justice, should not be a struggle for the Church of England but part of its lifeblood.

“Victims may be traumatised, fearful and fragile. Confidence in safeguarding has to be absolute. But put bluntly, victims do not trust Meg Munn.

“The Church of England has no one in authority shouting from the rooftops about the need for truly independent safeguarding oversight, neither Lead Bishops, Archbishops or Archbishops' Council. Where is the prophetic voice? A truly independent ISB must be able to use its platform, strongly, firmly, and I am glad that Steve and Jasvinder have found their voice.”

A child victim said: “I feel very betrayed and let down by the Church of England over this. I’m devastated at the handling, not just of my own case, but the treatment of other children too and the fact that, as far as I can see, even those at the top are not taking the care of children seriously or protecting us.

“I feel abandoned by the church. In my view, they act in this way because trying to protect their reputation is much more important to them than doing the right thing.”

'Children are let down over and over again'

Another victim, who spoke on condition of anonymity, said that he would not be giving his testimony to the ISB if Ms Munn remains in post.

He added that her appointment to this “sensitive post is utterly unacceptable, inappropriate and irresponsible”.

The mother of a child who claims they were abused while a choristor added: “Children ought to be safe in the Church of England, but this dreadful saga shows that despite all the promises they have made this is simply not happening, and children are let down over and over again.

“The Church of England cannot be trusted to police itself. Until we have proper independent oversight these failings will continue and more children will be harmed.”

The Telegraph has seen a copy of the Independent Safeguarding Board’s (ISB) first annual report, which will be published on Monday, covering the period September 2021 to December 2022.

In a veiled criticism, it reports “a number of challenges and multiple instances in which our independence and freedom to operate has been hampered”.

A Church of England spokesperson said: “The Archbishops’ Council appointed Meg Munn as acting chair of the ISB until the end of the year, following the resignation of the original chair, so this important work could continue.

“Meg has pledged to work with the two Board members bringing her experience of independent scrutiny of the Church’s safeguarding work from the National Safeguarding Panel. Both Board members welcomed Meg to the role of acting chair, and they continue to offer an important voice in the Church’s safeguarding bodies, particularly from a survivor perspective.”