

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

Published by the General Synod of the Church of England
© The Archbishops' Council 2024