

GENERAL SYNOD**Safeguarding: response to recommendations in
Independent Inquiry into Child Sexual Abuse (IICSA) May 2019 investigation report in
respect of the Diocese of Chichester and Peter Ball Case Studies****1. Introduction**

1.1 This paper sets out the response to the five safeguarding recommendations made by the Independent Inquiry into Child Sexual Abuse (IICSA) in its interim report for the Peter Ball and Chichester case studies, published in May 2019. The National Safeguarding Steering Group (NSSG) published a [response](#) to these recommendations in June 2019.

1.2 In the published response, the Church of England welcomed the report. A statement from members of the House of Bishops in response to [The Anglican Church Case Studies](#) IICSA report stated:

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

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

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

1.3 The title of the debate motion is 'That this Synod endorse the Archbishops' Council's response, set out in GS 2158, to the five recommendations made by the Independent Inquiry into Child Sexual Abuse in its investigation report Anglican Church Case Studies: Chichester/Peter Ball (May 2019) at pages 206 to 207.' This important set of recommendations from IICSA has not previously been considered by the Synod. The motion above enables the Synod to debate the Archbishops' Council's response to the recommendations contained in IICSA's May 2019 report, as well as the progress made to address them.

2. Background

- 2.1 IICSA was set-up because of serious concerns that some organisations had failed and were continuing to fail to protect children from sexual abuse. The 'Anglican Church in England and Wales' is one of the fifteen investigations undertaken by the Inquiry and the report on the case studies of the Diocese of Chichester and responses to the allegations against Peter Ball was published on 9 May 2019. The report followed evidence given to the Inquiry, both in written and oral form, and respective public hearings held by the Inquiry in March and July of 2018.¹
- 2.2 In July 2019, IICSA held a further 2-week public hearing as part of their investigation into the 'Anglican Church in England and Wales', with a wider focus on the Church of England's work as regards safeguarding. A further report in relation to the July 2019 hearings, including further recommendations, is expected in late summer 2020.
- 2.3 This paper outlines the national Church's response to the May 2019 'interim' IICSA Report and its recommendations. It is by no means intended to outline all that the Church is doing to address the need to improve its responses to child sexual abuse or indeed other forms of abuse.

3. Recommendations from the Inquiry and progress made

- 3.1 The Inquiry has made five recommendations. The recommendations, the response from the NSSG and progress to date is provided below. **Appendix A** also provides a summary in table format.

Recommendation 1 (R1): Introduction of safeguarding guidance for religious communities

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

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

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

R1: Published response from the NSSG

At its July 2019 group of sessions General Synod will be asked to give final approval to Amending Canon No. 40.² It inserts new provision into the Canons of the Church of England relating to religious communities. Under these provisions, religious communities in the Church of England will be subject to legal designation for the first time. There will be a published list of communities each of which the House of Bishops has declared to be a religious community in the Church of England. The House of Bishops will be able to declare a community to be a religious community in the Church of England only if it meets conditions prescribed in regulations. Among other things, the regulations will impose conditions as to the safeguarding of children and vulnerable adults. The House of Bishops will have the power to revoke a declaration that a community is a religious community in the Church of England “for grave cause”.

The new Canon also provides for the giving of guidance by the House of Bishops to which members of religious communities, and other persons exercising functions in relation to religious communities, will be required to have regard. It is envisaged that the NST will revise the current ‘Safeguarding in Religious Communities’ practice guidance³⁴ alongside the drafting of Regulations arising from the approval of Amending Canon No. 40. The revision is likely to include strengthening the safeguarding responsibilities of the episcopal visitor. It is envisaged that the Regulations and guidance will be approved in July 2020.

R1 Progress

Final approval was given to Amending Canon 40 at Synod in July 2019. Two issues are currently affecting the further progress of the Amending canon:

- There are provisions in Amending Canon 40 that are dependent on provisions in an associated Measure. The Measure therefore needs to be enacted before the Amending Canon is enacted. Unfortunately, due to the general election, the Measure will not have completed its parliamentary stages by February 2020, when it was previously hoped that Amending Canon 40 would be enacted.
- Arising from these legislative changes, the definition of “religious community” in the Canons and in the Church Representation Rules will be changed so that it means a community designated by the House of Bishops under the regulations related to

² Amending Canon No.40 – presented to General Synod in February 2019 - <https://www.churchofengland.org/sites/default/files/201806/GS%202103%20-%20Amending%20Canon%2040%20-%20First%20Consideration.pdf>

³ Safeguarding in Religious Communities - <https://www.churchofengland.org/sites/default/files/2017->

⁴ [/safeguarding%20in%20religious%20communities%20practice%20guidance.pdf](#)

Amending Canon 40. Religious communities will need a window of time to obtain this designation prior to this, so they are not disenfranchised.

To allow for the above, the NCI legal office has proposed that the enactment of Amending Canon 40 and approval of the regulations made under it takes place at the November 2020 group of sessions.

The NCI legal office has begun drafting necessary regulations to sit alongside the Amended Canon. These will be shared with Religious Communities prior to November 2020 so they may prepare for the new requirements.

'Safeguarding in Religious Communities' practice guidance will be revised alongside the regulations, and the NST will work with the legal office and representatives from religious communities and other stakeholders to update the guidance.

In the meantime, the process of producing regulations, revising safeguarding guidance and consulting religious communities will continue. This will help heighten awareness of up to date good safeguarding practice within religious communities prior to the introduction of the new regulations and policy.

Recommendation 2 (R2): Amendment of Canon C30

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

R2: Published response from the NSSG

The Church considers this is intended to be a reference to the requirement in section 5(1) of the Safeguarding and Clergy Discipline Measure 2016⁵ for a "relevant person" to "have due regard to guidance issued by the House of Bishops on matters relating to the safeguarding of children and vulnerable adults".

Changing the nature of this requirement will be considered as part of a review of the legislation relating to clergy discipline with a view to introducing amending legislation in the General Synod

⁵ Safeguarding and Clergy Discipline Measure 2016 - <https://www.legislation.gov.uk/ukcm/2016/1/contents>

next year.⁶ The Church is exploring how to distinguish specific parts of guidance as ‘compulsory’, namely areas which can be contained in Regulation or a ‘Code of Practice’ which carry the meaning of ‘must do’ and the best model for achieving this. When it comes to reporting abuse, for example, the Church’s position is laid out in its overarching ‘Safeguarding policy statement for children, young people and adults’⁷ which states that “all suspicions, concerns, knowledge or allegations, that reach the threshold for reporting to statutory authorities, must be reported ... this will be done irrespective of the status of the person.” These proposals will be presented to Synod in July 2020.

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

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

R2 Progress

The NCI (National Church Institutions) Legal Office is undertaking work along with the NST to propose amendments to the Safeguarding and Clergy Disciplinary Measure 2016, with an alternative to the term ‘due regard’. It is hoped that the proposed changes will be brought to Synod for first reading in July 2020, with the revision stage and final approval at Synod in February 2021

The Safeguarding and Clergy Disciplinary Measure 2016 provides the requirement for Clergy to have ‘due regard’ to House of Bishops Safeguarding Guidance. The term ‘guidance’ means different things in different sectors of work, and a typical definition uses the terms ‘help’ or ‘advice’. The National Safeguarding Steering Group (NSSG) have agreed that, during the legislative process of amending to the Safeguarding and Clergy Disciplinary Measure 2016, consideration should be given to changing the term ‘guidance’, for example to a ‘code of practice’.

Safeguarding policy documents will be revised and redesigned across 2020-2021 to provide greater clarity about what is ‘must do’, and will be designed to meet the changes brought about by amending Safeguarding and Clergy Disciplinary Measure 2016 as outlined above.

⁶ The Church has committed to work to reform the Clergy Discipline Measure. A Working Group has been established to develop proposals for change, including where necessary changes to Canon law.

⁷ Promoting a Safer Church’ (March 2017) - <https://www.churchofengland.org/sites/default/files/2019-05/PromotingSaferChurchWeb.pdf>

In addition, In November 2019 the NSSG agreed that the lead safeguarding bishop will facilitate a discussion about the wider issues of accountability at a future meeting of the College of Bishops.

In November 2019 the NSSG requested that colleagues in the legal office, communications and NST prepare and circulate a brief communication for clergy to provide further clarity about the term 'due regard'. Work is ongoing and the communication is expected to be sent out in February 2020.

Recommendation 3 (R3): Amendment of the Sexual Offences Act 2003

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

R3: Published response from the NSSG

The Church strongly supports this recommendation and will formally write to the government to this effect inviting it to consider a broader definition than the one recommended by the Inquiry. The NSSG believes that the recommendation to amend the definition of 'Positions of Trust' as defined within Section 21 of the Sexual Offences Act 2013 should apply not just to clergy but be extended further to include lay officers who are in regulated activity such as those employed or who volunteer to lead children's and youth work. In addition, in respect of clergy, this should mean all those who hold the Bishop's licence, namely including those with Permission to Officiate⁸⁹.

R3 Progress

The National Safeguarding Team wrote to the All Party Parliamentary Committee on Safeguarding In Faith Settings on 20th September 2019. The letter was in response to a call for evidence regarding 'positions of trust' and outlined the Church position as stated above in the published response to IICSA. In addition, Melissa Caslake wrote to the Ministry of Justice, Home Office and Department for Education on 9th December 2019 also outlining this position.

Recommendation 4 (R4): Sanctions for failures to comply with safeguarding procedures

⁸ House of Bishop guidance on Permission to Officiate - <https://www.churchofengland.org/sites/default/files/2018->

⁹ [/House%20of%20Bishops%20Policy%20on%20PTO%20July%202018.pdf](https://www.churchofengland.org/sites/default/files/2018-07/House%20of%20Bishops%20Policy%20on%20PTO%20July%202018.pdf)

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

R4: Published response from the NSSG

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

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

The Church does, however, recognise that much of the work within parishes and cathedrals is undertaken by volunteers, many of whom do not come under the current definition of 'regulated activity.' For those church officers who have direct contact with children and young people, it is essential that they are safely recruited in accordance with House of Bishops guidance¹⁰ and trained in relation to how to recognise, respond and report abuse in accordance with the Church' national safeguarding Training & Development practice guidance.¹¹

R4 Progress

In November the NSSG requested that colleagues in the legal office and NST prepare revised policy wording to make this position, and the steps expected by clergy, clear.

¹⁰ House of Bishops policy and guidance can be found at <https://www.churchofengland.org/safeguarding/promoting-safer-church/policypractice-guidance>

¹¹ House of Bishops Training & Development Framework can be found at <https://www.churchofengland.org/safeguarding/promoting-saferchurch/policy-practice-guidance>

This agreed wording will be included in all new and revised NST policies. The agreed wording will also be included in the communication to dioceses outlined in the response to recommendation 2 above.

Recommendation (R5): Disclosure of internal reviews to the national review body

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

R5: Published response from the NSSG

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

R5 Progress

Melissa Caslake met with Stephanie Brivio, Deputy Director for Safeguarding and Child Protection (Department for Education) on November 13th 2019 to discuss this issue. The Department for Education indicated their interest in sharing learning in this way. Following the meeting, Melissa is awaiting an invitation to the next National Practice Review Panel meeting.

The revised Learning Lessons Case Review guidance, which is at first draft stage, includes provision for sharing reviews and learning. The guidance will be circulated to dioceses and cathedrals for feedback in the first quarter of 2020.

4. Conclusion

4.1 The NSSG, on behalf of the Church of England, reiterates the apology to all those who have been abused by those who held a position of power and authority within the Church. It remains

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

4.2 The Church recognises that these responses are made to the recommendations from the Inquiry that have arisen as a result of IICSA's work to date. The Church continues to consider carefully the evidence given to the July 2019 public hearings in respect of the national and wider church and is committed to progressing further improvements that can be made ahead of IICSA's final report, when we anticipate additional recommendations being made.

Melissa Caslake

National Director of Safeguarding

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IICSA Recommendations – Peter Ball and Diocese of Chichester Case Study Report

Recommendation	Commitment in published response	Progress
<p>Recommendation 1: Introduction of safeguarding guidance for religious communities</p> <ul style="list-style-type: none"> - <i>The Church of England should introduce appropriate guidance which deals with safeguarding within the context of a religious community affiliated to the Church. It must ensure that these organisations meet adequate requirements for safeguarding and child protection. The needs of victims should be prioritised when designing safeguarding policies and practices.</i> - <i>The regulation and management of religious communities should include a mandatory requirement both to have and to follow safeguarding guidance. The requirement to comply with this safeguarding guidance should be the same as would be expected in any other Church institution. There needs to be clarity in respect of how safeguarding should be managed in these communities, along with appropriate auditing of compliance.</i> 	<p>1. At its July 2019 group of sessions General Synod will be asked to give final approval to Amending Canon No. 40. Among other things, the regulations will impose conditions as to the safeguarding of children and vulnerable adults. The new Canon also provides for the giving of guidance by the House of Bishops to which members of religious communities, and other persons exercising functions in relation to religious communities, will be required to have regard.</p>	<p>Final approval was given to Amending Canon 40 at Synod in July 2019. Two issues are currently affecting the further progress of the Amending canon:</p> <ol style="list-style-type: none"> 1. There are provisions in Amending Canon 40 that are dependent on provisions in an associated Measure. The Measure therefore needs to be enacted before the Amending Canon is enacted. Unfortunately, due to the general election it is likely the Measure will not have completed its parliamentary stages by February 2020, when it was previously hoped that Amending Canon 40 would be enacted. 2. Arising from these legislative changes, the definition of “religious community” in the Canons and in the Church Representation Rules will be changed so that it means a community designated by the House of Bishops under the regulations related to Amending Canon 40. Religious communities will need a window of time to obtain this designation prior to this, so they are not disenfranchised. <p>To allow for the above, the legal office proposes that the enactment of Amending Canon 40 and approval of the regulations made under it takes place at the November 2020 group of sessions.</p>

	<p>2. It is envisaged that the National Safeguarding Team (NST) will revise the current ‘Safeguarding in Religious Communities’ practice guidance alongside the drafting of Regulations arising from the approval of Amending Canon No. 40. The revision is likely to include strengthening the safeguarding responsibilities of the episcopal visitor. It is envisaged that the Regulations and guidance will be approved in July 2020.</p>	<p>The legal office has begun drafting necessary regulations to sit alongside the Amended Canon. These will be shared with Religious Communities so they may prepare for the new requirements. ‘Safeguarding in Religious Communities’ practice guidance will be revised alongside the regulations, and the NST will work with the legal office and representatives from religious communities and other stakeholders to update the guidance. In the meantime, the process of producing regulations, revising safeguarding guidance and consulting religious communities will continue. This will help heighten awareness of up to date good safeguarding practice within religious communities prior to the introduction of the new regulations and policy.</p>
<p>Recommendation 2: Amendment of Canon C30 <i>- The Church of England should amend the current canon requiring clerics to comply with the Bishop’s Guidance on Safeguarding. The use of the words ‘due regard’ in Canon C30 is an acceptable term of art but lacks sufficient clarity. Very few individuals who gave evidence to the Inquiry said they understood what this meant, including the Archbishop of Canterbury himself.</i></p>	<p>1. Changing the nature of this requirement will be considered as part of a review of the legislation relating to clergy discipline with a view to introducing amending legislation in the General Synod next year.</p> <p>2. The Church is exploring how to distinguish specific parts of guidance as ‘compulsory’, namely areas which can be contained in Regulation or a ‘Code of Practice’ which carry the meaning of ‘must do’ and the best model for achieving this.</p>	<p>The NCI (National Church Institutions) Legal Office are undertaking work along with the NST to propose amendments to the Safeguarding and Clergy Disciplinary Measure 2016, with an alternative to the term ‘due regard’.</p> <p>The National Safeguarding Steering Group (NSSG) have agreed that, during the legislative process of amending to the Safeguarding and Clergy Disciplinary Measure 2016, consideration should be given to changing the term ‘<i>guidance</i>’, for example to ‘code of practice’. In addition, Safeguarding policy documents will be revised and redesigned across 2020-</p>

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		2021 to provide greater clarity about what is 'must do'.
	3. Alongside this work, the NSSG will also facilitate a wider discussion within the House and College of Bishops this September with regards to accountabilities in safeguarding to inform the revision of the Roles and Responsibilities and other relevant guidance.	In November 2019 the NSSG agreed that the lead safeguarding bishop will facilitate a discussion about the wider issues of accountability.
	4. In the interim, the Church will develop and implement a communications strategy to ensure that the definition and resulting requirements arising from the current legislation are better understood across the Church, targeting those for whom the duty applies.	In November 2019 the NSSG requested that colleagues in the legal office, communications and NST prepare and circulate a brief communication for clergy to provide further clarity about the term 'due regard'. Work is ongoing and the communication is expected to be sent out in February 2020.
<p>Recommendation 3: Amendment of the Sexual Offences Act 2003</p> <p><i>- The government should amend Section 21 of the Sexual Offences Act 2003 so as to include clergy within the definition of a position of trust. This would criminalise under s16–s20 sexual activity between clergy and a person aged 16–18, over whom they exercise pastoral authority, involving the abuse of a position of trust.</i></p>	1. The Church will formally write to the government to this effect inviting it to consider a broader definition than the one recommended by the Inquiry: to amend the definition of 'Positions of Trust' as defined within Section 21 of the Sexual Offences Act 2013 to apply not just to clergy but also lay officers who are in regulated activity such as those employed or who volunteer to lead children's and youth work.	Letter sent on 20 th Sept 2019 from the National Safeguarding Team to the All Party Parliamentary Committee on Safeguarding In Faith Settings. The letter was in response to a call for evidence regarding 'positions of trust' and outlined the Church position as stated in the response to IICSA. Letter sent on 9 th Dec 2019 from Melissa Caslake to the Ministry of Justice, Home Office and Department for Education also outlining this position.
<p>Recommendation 4: Sanctions for failures to comply with safeguarding procedures</p>	1. The Church believes that the behaviour of leaders such as clergy who knowingly allow	In November the NSSG requested that colleagues in the legal office and NST

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<p>- <i>Individuals engaged in regulated activity who have failed to undergo a DBS check or complete compulsory training should not be permitted to hold voluntary offices within the Church. Failure by ordained clergy to comply with either requirement should result in disciplinary proceedings.</i></p>	<p>volunteers to remain in such regulated roles without having fulfilled these requirements should be considered under Section 5 of the Safeguarding and Clergy Discipline Measure 2016, or whatever amendments are made to this in the light of the above. The NST will review key pieces of guidance by the end of December to ensure that this position is reflected clearly.</p>	<p>prepare revised policy wording to make this position, and the steps expected by clergy, clear.</p> <p>Agreed wording to be included in all new and revised NST policies.</p> <p>Agreed wording will also be included in the communication outlined in 2.4 in relation to 'due regard'.</p>
<p>Recommendation 5: Disclosure of internal reviews to the national review body - <i>If religious organisations have undertaken internal reviews or enquiries into individual safeguarding incidents, their findings should be sent to the national review body (set up under the Children and Social Work Act 2017).</i></p>	<ol style="list-style-type: none"> 1. The NST will now initiate an active dialogue with the Child Safeguarding Practice Review Panel to ensure that the right cases are reported to them in accordance with the principles outlined in 'Working Together to Safeguard Children' (2018) and the local safeguarding transitional arrangements arising from the implementation of The Children and Social Work Act 2017. 2. The approach, once agreed, will be reflected in the House of Bishops 'Learning Lessons from Case Review's guidance. 	<p>Melissa Caslake met with Stephanie Brivio, Deputy Director for Safeguarding and Child Protection (Department for Education) on November 13th 2019. Following this meeting, Melissa is awaiting an invitation to the next National Practice Review Panel meeting.</p> <p>The revised Learning Lessons Case Review guidance is at first draft stage. The guidance includes provision for sharing reviews.</p>