

GENERAL SYNOD

Archbishops' Council Annual Report: Following Motion

Summary

This paper sets out the background to the following motion on agenda item 17 (GS 2308). The following motion has been proposed by Gavin Drake (Southwell and Nottingham – 421) under Standing Order 106(9).

Motion

This Synod -

1. notes that the Archbishops' Council cites the establishment of the Independent Safeguarding Board in September 2021 as a 'Key Management Action' in response to the Principle Risk of "*failure to deliver core safeguarding projects and to properly embed safeguarding policies and practice across the Church*" (page 47 of the Archbishops' Council Annual Report for 2022, GS 2308);
2. further notes:
 - (i) as stated in paragraph 6(a) on page 4 of GS 2307, the Report and Recommendations from the National Church Governance Project Board, that the Governance Review Group had: "identified Safeguarding as a significant governance failure of the National Church, defining it as *'the most tragic example of the human cost of governance failure that can be imagined'*" [emphasis in the original] and that "the historic failure at a National Church level to have recognised and prioritised the significant risks posed in relation to safeguarding and to invest appropriately has damaged the Church reputationally but more importantly contributed to significant harm both to individuals and communities";
 - (ii) as reported in paragraph 3.5.5 of GS Misc 1340, the Annual Report of the Archbishops' Council Audit Committee 2022/23, that the Archbishops' Council did not agree to a request In Autumn 2022 from members of the Audit Committee for an internal audit review into the formation and governance of the Independent Safeguarding Board;
 - (iii) as recorded in the Report of Proceedings for the February 2023 group of sessions of Synod, that in answer to a supplementary question by Professor Helen King related to Question 56, the Chair of the Audit Committee said that they "*do not have the ability [to audit the Independent Safeguarding Board]. We are not the Audit Committee of the ISB. We are the Audit Committee of the Archbishops' Council*"; a

statement that was later corrected by a letter to Professor King dated 1 March 2023 and noted in an Annex to Report of Proceedings, stating that *“The Archbishops’ Council’s Audit Committee does have the ability to commission an internal audit of all or of aspects of the work of the ISB, but it has not done so...”* and

(iv) in answer to a question (Question 85) at the February group of sessions the Bishop of Rochester informed Synod that the unaudited expenditure of the ISB for 2022 was £472,000 and that the Archbishops’ Council 2023 approved budget for 2023 included £465,000 for the ISB;

3. further notes that the creation of the Independent Safeguarding Board and details of its operation does not feature in any detail in the Annual Report of the Archbishops’ Council;

therefore –

4. is dismayed by the recent decision of the Archbishops’ Council to disband the Independent Safeguarding Board and terminate the contracts of its members;

5. notes that a Serious Incident Report has been made to the Charity Commission in respect of this governance decision;

6. recognises and laments that any working relationship between many survivors and victims with the Archbishops’ Council has been broken;

7. in consequence, calls upon the Archbishops’ Council, working with its Audit Committee, to commission an independent inquiry led by a senior lawyer (judge or King’s Counsel) into the safeguarding bodies, functions, policies and practice in and of the Church of England, to report within a maximum period of 12 months, and

8. requires that the report of that Inquiry be fully debated by the Synod to enable it to make decisions about future safeguarding in the Church of England.

Motion History – Clarification

1. To avoid confusion, it is necessary to explain that an earlier motion, consisting only of clauses 4 to 8 of this motion, complete with a different version of this briefing paper, was submitted as a following motion to the presentation on developments in the ISB, tabled for Sunday afternoon, under Standing Order 107(4)(b). That motion was ruled out of order on the basis that this was a “freestanding presentation” which did not relate to a report, despite the fact that GS Misc 1341, a report by the General Secretary, Mr William Nye, on the same subject was circulated to Synod members alongside the agenda and other papers.

Background and history

2. This is the second following motion that I have introduced to this Synod following a report on safeguarding matters. The first, in February 2022, lapsed when the Synod approved a procedural motion under Standing Orders 30(c) and 33, “that the Synod do pass to the next business”. The result of that procedural motion is that it is “not in order to reconsider the original question in the same form or in a form which is, in the opinion of the Business Committee, substantially similar within the remainder of the lifetime of the Synod, except with the permission of the Business Committee and the general consent of the Synod.”
3. That motion said: “That this Synod express its disapproval of the Safeguarding report GS2244 for the following reasons...” and listed seven reasons why the report was deficient; before continuing: “This Synod therefore call for a full independent assessment of the work and performance reporting of the NST and the 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.”
4. This may appear similar to the following motion proposed at this Group of Sessions, but it is substantially different. Paragraphs 1 to 3 of the new motion relate to matters that happened last month, and so cannot be considered to be “substantially similar” to a motion tabled 17 months earlier. Paragraph 4 is a consequence of last month’s events.
5. The February 2022 motion did request a “full independent assessment of the work and performance reporting of the NST and the myriad national safeguarding bodies of the Church of England”, this was in relation to a report which failed to address serious, ongoing and repeatedly expressed concerns about safeguarding in the Church of England.
6. This is different from the current motion which requests the Archbishops’ Council and its Audit Committee to “commission an independent inquiry led by a senior lawyer (judge or King’s Counsel) into the safeguarding bodies, functions, policies and practice in and of the Church of England.”
7. Both motions stressed that the General Synod should debate the result of the independent assessment (February 2022) and the independent inquiry (July 2023); because the Synod should take its responsibilities for safeguarding seriously.

Independent Safeguarding Board

8. On 15 December 2020, the Archbishops Council issued an update on independent oversight of the National Safeguarding Team.ⁱ They said: “The Archbishops’ Council has voted unanimously that a proposal on interim independent oversight of the National Safeguarding Team is to be put in place before February Synod (2021) to **pave the way for full independent oversight, by February Synod 2022**” (my emphasis).
9. They also said: “The interim oversight model would include the creation of a new safeguarding board with a majority of **entirely independent members**, including a Chair, **who would have delegated responsibility for the oversight of the NST**, to ensure independence of scrutiny and feedback. The Board could then help determine the approach to implementing full independent oversight which will include proposed structural changes for closer working with and oversight of diocesan safeguarding officers, particularly on casework, as outlined in the IICSA recommendations.”
10. It was clear, then, that as far back as December 2020 the Interim Independent Safeguarding Board would be “entirely independent”, would have oversight of the NST and would be responsible for preparing the way for the full independent board by February 2022.
11. In February 2021 the rationale and interim arrangements for Phase One was set out in a paperⁱⁱ prepared by the Revd Canon Dr Malcolm Brown, Director of Mission and Public Affairs. This set out the “executive” and “advisory” functions of the ISB. Its executive powers included casework and responding to complaints.
12. The paper said: “a strong independent element is required in the supervision and quality assurance of case work and the handling of complaints because they are the principal areas where trust in the church’s own mechanisms has been forfeited. An independent role in relating to victims, survivors and others impacted by a case, is essential. They are currently putting themselves in the hands of the very organisation through which the initial abuse was able to occur, or by whom they are accused, so the church’s response must be reinforced – and seen to be reinforced – by a structure that is independent of the church and its cultures.”
13. On 25 February 2021, the Archbishops Council issued a news releaseⁱⁱⁱ stating that the proposals for this new structure had been presented to an informal meeting of the House of Bishops and the Archbishops’ Council that week, “with Council members then approving the paper.”

14. At the General Synod in February 2022 – the time set by the Archbishops’ Council for the fully independent Board under Phase Two to be in place, the then-lead Bishop for Safeguarding, Dr Jonathan Gibbs, presented a report entitled “Safeguarding: national projects and workstreams” (GS 2244).^{iv} This included a section on “Safeguarding Governance”, which set out the different bodies engaged in safeguarding in the Church of England. His report did not mention the Independent Safeguarding Board.
15. Attached as an annex to GS 2244 was a report from Maggie Atkinson, the then-Chair of the Independent Safeguarding Board, to brief Synod on the work of the ISB since September 2021.
16. The report upset many victims and survivors, and those campaigning with them, for stating that: “the ISB is not a re-investigation body. It does not have powers to sanction, direct, regulate, inspect or insist. Its authority is moral...” The reality of that was clear to people who understood Church of England governance, because such a body can have no powers unless given to them through the passage of a Measure. Nonetheless, it was a stark warning to the Church that despite the original paper, the ISB did not have any executive authority for casework or overseeing complaints.
17. Dr Atkinson’s report set out the ISB’s findings to date. This was a balanced set of six conclusions, which began by saying that “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.”
18. And it concluded that section by saying:
- i. *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:*
 - ii. *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 + Baines’ recent governance review*
 - iii. *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*
 - iv. *Promises about action that will follow and redress that will be made, too often either only partially or simply not delivered, or seriously delayed and bound about with legalistic defensiveness*

- v. *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.*
- vi. *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.*
- vii. *A sense that in the midst of these problems, it is somehow not seen as permissible or 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.*

19. Part of the following motion that I proposed in February 2022 criticised the report by Bishop Gibbs, saying that it “does not address the concerns raised” by the ISB, “concerns that have been raised both privately and publicly with and about the NST by many people over recent years.”
20. In his speech in the debate that followed, Bishop Gibbs addressed this point, saying: “the NST Report does not specifically cover what is in the ISB Report because that was independently produced and we did not receive it until it was ready to be published. The comments . . . represent a challenging agenda on which we look forward to working very closely with the ISB under Maggie and her colleagues’ watchful eye.”
21. That was in February 2022. It is now July 2023. These points have still not been publicly addressed by the Archbishops’ Council, the NST, the NSSG, the Lead Bishops, or any other body within the Church.
22. In February 2022, we were told that the ISB had moral authority. Where is that moral authority if the ISB can produce a report setting out serious concerns that the national Church can simply publicly ignore?
23. Over subsequent months, the ISB was beset with legal problems, primarily connected with the sharing of data, with at least three findings of fault by the Information Commissioner. There was also a failed legal challenge against the ISB by Dr Martyn Percy in Oxford County Court.
24. According to a report in the Oxford Mail^v, the ISB’s legal representative told the court that the board itself was not a legal entity against whom a legal claim could be brought. Dr Percy told the court: “from the perspective of myself, it’s been very hard to know who we are dealing with here. The two remaining members of the ISB Steve Reeves and Jasvinder Sanghera quite clearly did not instruct [the Solicitors who were acting for the ISB] and so it’s very hard to know who is actually operating this body. I could make guesses but that’s not fair but I am concerned that it’s very hard to know who’s incurred costs here.”

25. The legal status of the ISB during this time was the subject of what appeared to be obfuscations from Church authorities. In the November 2022 question paper, Bishop Gibbs responded to a question about the Board's status (question 48) by saying: "the ISB does not form part of the constitutional structure of the Church of England. In its initial phase (phase one) it comprises three individuals who are engaged to provide services to the Archbishops' Council, acting not as its agents but as independent service providers at arms-length."
26. Question 49 asked "Who or what body within the constitutional architecture of the Church of England, including its structures, committees, and directorates, has the right, duty, and/or power to issue litigation instructions for and on behalf of the Independent Safeguarding Board?" Dr Gibbs declined to answer.
27. In the Question Time during the February 2023 Group of Sessions, Professor Helen King (Oxford) asked (at Question 56) whether the Independent Safeguarding Board had been subject to scrutiny by the Audit Committee of the Archbishops' Council in relation to its formation and operation and, if so, with what outcome?
28. Mrs Maureen Cole, the Chair of the Audit Committee and a member of the Archbishops' Council, replied that "the Independent Safeguarding Board (ISB) has not been subject to an internal audit of its operation or formulation. The Archbishops' Council receives regular updates on safeguarding matters, including with regard to the work of the ISB."
29. Professor King asked, as a supplementary question, whether any members of the Audit Committee had requested an Audit of the ISB. Mrs Cole replied: "We do not have the ability. We are not the Audit Committee of the ISB. We are the Audit Committee of the Archbishops' Council."
30. In further exchanges, Mr Clive Billenness (Europe), a member of the Audit Committee, confirmed that "three members of the Audit Committee under exercise of their powers as the Audit Committee of the Archbishops' Council have requested an audit and it has been declined by the Archbishops' Council."
31. Such was the confusion, that the Report of Proceedings for February 2023^{vi} now carries an addendum which says (my emphasis): "the Archbishops' Council's Audit Committee **does** have the ability to commission an internal audit of all or of aspects of the work of the ISB, but it has not done so. Some Audit Committee members have asked for such an audit, but we have not included such an internal audit in our audit plan for the Archbishops' Council. The Council's director of risk and assurance does not consider that, given the degree of risk involved, it should be a priority for inclusion in the Council's audit plan. However, this is an issue which the Council's Audit Committee can keep under review."
32. This is, frankly, quite bizarre. The "Council's director of risk and assurance" is an employee of the Archbishops' Council. They should not be setting

conditions on audits of the Archbishops' Council's work, whether those audits are internal or external. And, as for it not being a priority "given the degree of risk involved..." – we have seen that the risk was actually so significant that the ISB has been disbanded and a serious incident report has been made to the Charity Commission. That suggests a high degree of risk.

33. The February 2023 Group of Sessions also saw two ISB members, Jasvinder Sanghera and Steve Reeves, being denied the opportunity to present a report to the General Synod and were instead offered a fringe meeting. (the then-Chair, Dr Atkinson, was suspended at this point). The Business Committee also declined to distribute the ISB's report to the Synod. The Board members instead had to publish it on the ISB's website^{vii}. In it, they said that they had: "experienced a number of challenges and multiple instances in which our independence and freedom to operate has been hampered. We do not consider that the ISB is sufficiently independent from those it is responsible for scrutinizing..."
34. Despite requests from Synod members during the Group of Sessions, the Business Committee did not invite Jasvinder Sanghera and Steve Reeves to participate in proceedings.
35. The January 2023 edition of the Ecclesiastical Law Society Journal^{viii} carried an article, *Reflections on the Workings of General Synod*, by Bishop Pete Broadbent, a former long-time member of the General Synod. In it, he said:

"At present, we have at least three major issues which are occupying the mind of Synod, and which our processes seem not to be able to cope with. The first is safeguarding. The platform tactic (from those leading debates and carrying forward the business of Synod) has been to attempt to keep questions about the Church's safeguarding practice, past and present, off the floor of Synod. Attempts to inquisite [sic] the shortcomings of the National Safeguarding Team, the past failures of Bishops and the various 'lessons learned reviews' (from which we never seem to learn very much) have been seen off and resisted, leaving victims, survivors and those campaigning on their behalf with the sense that justice will never be done or seen to be done. Synod's standing orders probably do not provide an adequate forum within which to scrutinise these concerns, but I suspect that this is one area of our national church life where we need to set up better ways of processing these concerns. They won't go away."

I agree with Pete!

36. On 30 March 2023, the Archbishops' Council announced that Dr Atkinson had resigned her role as Chair of the ISB, and that they had appointed Meg Munn as interim Chair. The two remaining ISB members, Jasvinder Sanghera and Steve Reeves, made clear that they had not been consulted on the appointment of Meg Munn; and many victims, survivors and campaigners expressed concern that what was supposed to be an independent and arms-length body was to be chaired by an individual who was already involved in safeguarding within the Church of England.
37. Regardless of whether Meg Munn would, or would not, make a suitable Chair for the ISB, the procedure used by the Archbishops' Council for the appointment, with no external advertising or involvement by professional recruitment consultants (as was the case with the original board members); and no consultation with the remaining ISB members, showed a complete disregard for due process and good governance.
38. The Archbishops' Council's actions over the appointment of Meg Munn appears to have been the catalyst for a rapid breakdown in trust and working relationships between the ISB and the Archbishops' Council; leading to the decision in June by the Archbishops' Council to "reset" the ISB.
39. Regardless of whether the ISB should, or should not, have been disbanded, the procedure used by the Archbishops' Council, with no advance notice to the board members, and a public announcement being made almost immediately the board members were notified, giving no time for the victims and survivors that the ISB had been working with to be informed, and no time for alternative support to be put in place for those survivors, showed a complete disregard for due process and good governance. It was also a breach of the important safeguarding principle of ensuring continuity of support and positive engagement with victims and survivors.
40. In media interviews defending the decision, members of the Archbishops' Council abandoned their practice of obfuscating over the legal status of the ISB. It was no longer an independent body, it was part of the Archbishops' Council and the Archbishops' Council could do with it as they wished.
41. A few days after the ISB announcement, its official Twitter account posted: "Morning. We're back from annual leave and what a week to miss! Understandably there is a lot in the inbox and we will be in touch with everyone who has reached out to us over the next couple of days. Please email contact@independent-safeguarding.org if you need anything."
42. Despite repeated requests from several people, the account has not revealed who the "we" are, which is an important question considering the ISB no longer exists; and there has been no apology for the appalling "what a week to miss!" which has caused significant distress and upset.
43. In between all this, the ISB has produced one Safeguarding Case Review, into a complaint brought by "Mr X" about the National Safeguarding Team's handling of his complaint.^{ix}

44. Amongst the recommendations was that “the Director of Safeguarding should ensure that an urgent case management group meeting . . . is convened within four weeks of this report with the active participation of Mr X and/or his representatives. . . 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.”
45. Last Month, the Church Times reported^x that this emergency support had not been provided.

Conclusion

46. In agenda item 13, an update on Safeguarding Redress (GS 2305), the Bishop of Truro will ask us to “acknowledge and deeply regret the safeguarding failures of the Church of England and especially their effect on victims and survivors, noting the vital importance of their voice in the Church’s ongoing safeguarding work.”
47. There is no point expressing lament unless we are prepared to act. The Business Committee Report for February 2023 said that the First Consideration of the Safeguarding Redress Measure would be taken at this Group of Sessions. Instead, we are now told that First Consideration will come in November 2023. Victims and Survivors have waited too long for this. Synod has waited too long for this, but the delay is another example of a lack of progress and urgency in safeguarding matters.
48. It is time for Synod to stop expressing regret. It is time for Synod to act; and this motion provides an opportunity for Synod to do just that – by requesting an independent inquiry into the safeguarding bodies, functions, policies and practice in and of the Church of England, with a report within 12 months to be debated by us, the Synod, for us to make decisions about future safeguarding in the Church of England.

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July 2023

Endnotes appear on the next page

Endnotes

- ⁱ <https://www.churchofengland.org/safeguarding/safeguarding-news-and-releases/update-nst-independent-oversight>
- ⁱⁱ <https://www.churchofengland.org/sites/default/files/2021-02/independence-in-safeguarding.pdf>
- ⁱⁱⁱ <https://www.churchofengland.org/safeguarding/safeguarding-news-and-releases/proposals-nst-independent-oversight-published>
- ^{iv} <https://www.churchofengland.org/sites/default/files/2022-01/gs-2244-safeguarding-february-2022.pdf>
- ^v <https://www.oxfordmail.co.uk/news/23088450.ex-christ-church-dean-ordered-pay-independent-safeguarding-board-costs-court-case/>
- ^{vi} <https://www.churchofengland.org/sites/default/files/2023-06/updated-report-of-proceedings-feb-2023.pdf>
- ^{vii} <https://independent-safeguarding.org/general-synod-2023/>
- ^{viii} <https://www.cambridge.org/core/journals/ecclesiastical-law-journal/article/abs/reflections-on-the-workings-of-general-synod/1A1C0244C62CDD59279E2B6333847E23>
- ^{ix} <https://independent-safeguarding.org/wp-content/uploads/2023/06/Mr-X-Final-Case-Report-Abridged.pdf>
- ^x <https://www.churchtimes.co.uk/articles/2023/9-june/news/uk/church-s-national-safeguarding-team-failed-to-offer-survivor-emergency-support-says-isb>