

Dispute Notice – Key Points

This briefing outlines the key points of the Dispute Notice issued by Jasvinder Sanghera CBE and Steve Reeves MBE on 24th May 2023. We consent to the Archbishops' Council publishing the Dispute Notice in full.

1 The Dispute

The Board members' dispute with the Archbishops' Council ("the Council") is that it has frustrated their capacity to deliver the services of the Independent Safeguarding Board (ISB).

1.1 Terms of Reference

The ISB has been working according to Terms of Reference, published on its website, since March 2022.

The Archbishops' Council stated that they were not aware of the Terms of Reference and were unaware that the ISB had been working to these, despite evidence of the National Safeguarding Steering Group (NSSG) unanimously approving them on 31st March 2022. This is evidenced in the minutes of the meeting.

In approving the terms of reference, the NSSG, as a sub-Committee of the trustee body, purported to have put the ISB in place to do work that the Council could not then frustrate.

The terms of reference provide clarity and assurance of the ISB's ability to operate without undue interference from the body which it is tasked with scrutinising. Explicit in the terms of reference are the arrangements for the recruitment of Board members and decision-making.

In direct contravention of this:

- The Council appointed an acting chair without following a fair and transparent process, which would address conflicts of interest and give a role for survivors of Church abuse.
- The Council appointed an acting chair who is not independent of all Church bodies; the appointee leads a church body and sits on a subcommittee of the Council's trustee body.
- The Council provided the acting Chair with a remit to disregard ISB decisions.
- The Council directed the removal of survivor engagement content from the ISB website related to a specific initiative planned for over a year and led by the Survivor Advocate.

1.2 Frustrating Work

In addition to the serious instances of the Council frustrating the independence of the ISB and operating outside established (and accepted) procedures, the Council has engaged in a pattern of conduct to ensure that the ISB is restricted from exercising its role.

The Council has withheld an Information Sharing Agreement (ISA) for a prolonged period, despite numerous requests. This has resulted in:

- The NST refusing access to information critical to the ISB's scrutiny role.
- The pausing and subsequent removal of the Christ Church Review.
- An ISB compromised in its role to provide active independent scrutiny, while the Council was aware that significant matters of public concern would have been reviewed if the legal basis was in place.

The Council has also made day to day operations unnecessarily challenging through restricting the legitimate use of shared services.

2 Our Desired Outcome

The Board members wish to fulfil their contractual duties in accordance with their individual contracts, terms of reference and standing orders, without these functions being frustrated by the Council or other Church bodies. To achieve this outcome, the Council must agree that:

- The independence of the ISB must be respected by the Council.
- The collaborative approach to phase 2 of the ISB's work.
- The Council should not make decisions which affect the ISB or its functions without consulting the ISB.
- There should be a small reference group from the Council to support the work of the ISB, to act as a sounding board and/or communication channel, and to ensure that any ISB matters raised have an informed hearing at future Council meetings.
- The ISB operates in accordance with its terms of reference that were ratified unanimously by NSSG and approved by the Council:
 - That all appointments to the ISB follow the outlined process, including the appointment of a substantive chair at the earliest opportunity, with one of the existing Board members carrying out the duties of the chair in the intervening period.
 - All appointed board members agree on how they intend to work collaboratively with other members of the ISB. Where the members of the ISB cannot reach agreement, the members will act on a majority decision.
 - That the Council respect decisions made in accordance with ISB procedures.
- An ISA be signed with the ISB without delay.
- Staff working in support of the ISB should not be directed by the Council to undertake any duties which compromise the effectiveness or independence of the ISB.
- That, unless legally prohibited, the staff of the Council follow the instructions of the ISB in the provision of shared services.

Board members confirmed their willingness to fulfil their obligations in resolving the matters outlined; stating that: *"The issue of this Dispute Notice is a demonstration of the Board members' commitment to delivering an independent body that has the confidence of the public and all those served by the Church of England, including survivors of Church abuse."*

3 Response of the Archbishops' Council

The Archbishops' Council proposed a set of ground rules as a pre-condition of any dispute resolution process. These conditions included acquiescing to the appointment of the acting chair and refraining from any public comment. The response also advised that the Archbishops' Council wished to take steps to ensure that the acting chair could not be routinely outvoted by other Board members.

The Board members requested the appointment of an independent mediator, as provided for in their contracts. The Archbishops' Council rejected the request.

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