

Recent Developments: ISB Response to GS Misc 1341

1 Background

This paper is provided in response to GS Misc 1341, which was written by the Secretary General of the Archbishops' Council, dated June 2023. The paper being presented to General Synod does not reflect the full picture and we provide this document to further inform General Synod members.

2 Background and history

The House of Bishops proposed the establishment of an independent body for additional oversight of safeguarding in October 2020. This was unanimously approved by the General Synod in November 2020 in the context of endorsing the recommendations from the IICSA report into the Anglican Church. The Archbishops' Council commissioned a paper into the proposal for Phase One of the ISB. The Council endorsed the proposal, and this was presented to the General Synod in February 2021. The roles were advertised through open recruitment with the engagement of survivors that formed part of the interview panel. The Chair and Survivor Advocate were appointed in September 2021 and the ISB came into being in January 2022 with the recruitment of the third independent Board member.

In August 2022, the Chair of the ISB was asked to step back from duties by the ISB, pending the completion of an Information Commissioner's Office (ICO) investigation, a situation which continued until March 2023. The ISB were further informed by the (then) Lead Bishop for Safeguarding that the Archbishops' Council had reported the Chair's conduct as a serious incident to the Charity Commission. The ISB requested information regarding the nature and scope of the breaches from the Chair and Archbishops' Council, however this information was not shared. Further concerns about the handling of confidential data came to light and two additional breaches of survivor data by the Chair were reported to the ICO.

In December 2022, the Archbishops' Council advised the remaining two Board members that they intended to permit the Chair to resume duties, notwithstanding the upholding of complaints by the ICO. The Board members objected to this action, citing the importance of data security to the mission of the ISB and the serious implications a failure to demonstrate integrity in ISB systems would have on relationships with survivors of Church abuse and the fact that no information was being shared regarding the serious breach. The Board members asked for a briefing on the nature and scale of the data breaches; the Archbishops' Council declined to provide such a briefing.

Despite data protection questions remaining, the Archbishops' Council decided to reinstate ISB email and IT systems access to the Chair, against the wishes of and without informing any member of the ISB. Board members made an urgent request to the Archbishops' Council that ISB email and IT access should be withdrawn, pending satisfactory resolution of the ICO matters; the Secretary General refused the request. Board members instructed the ISB's independent legal advisers to pursue the matter and the Secretary General gave written assurances (on 10th January 2023) that ISB email and IT access would be withdrawn from the (then) Chair. The Secretary General failed to follow through on this undertaking and did not inform the ISB that he had "...held back a direction to our technology department on this point pending other discussions". Board members became aware of the failure to implement the earlier undertaking following a call from a member of the media.

3 ISB issued with Dispute Notice

The Archbishops' Council issued a Dispute Notice to Jasvinder Sanghera and Steve Reeves in February 2022, asserting that they were failing to fulfil their contractual duties by (amongst other issues) failing “...to work collaboratively with all members of the ISB, particularly the Chair, and show no inclination to work with the Chair moving forward”. It is important to note that the Chair requested that ISB members do not communicate with her, and that all communication was to be undertaken through legal advisers.

Board members consistently maintained that they wished to see a process around the decision which could ensure that matters were satisfactorily resolved and would stand public scrutiny. This dispute resolution process was ended by the resignation of Professor Maggie Atkinson on 30th March 2023. Board members were able to provide evidence to counter the Dispute Notice and this matter was fully resolved with members fully vindicated.

In that eight-month period without a Chair, the two remaining Board members remained in post and continued to develop the work of the ISB and produced the first ISB annual report.

4 Dispute Notice – May 2023

The public narrative offered by the Archbishops' Council of extensive activity to resolve ISB concerns in a spirit of goodwill is inaccurate. Board members have consistently requested that the Archbishops' Council observe established rules and obligations, but regrettably their engagement has been focussed on seeking ways to circumvent those rules and obligations and/or ensure that they only apply to future decisions, rather than observed in relation to actions already taken in clear contravention of them.

GS Misc 1341 paragraph 6 is misleading:

- It significantly underplays the levels of concern expressed by survivors. Over 70 victims and survivors of church abuse formally withdrew their consent for data sharing with the acting chair and many more expressed their objection to the blatant failure to follow the established appointments process and their concerns about the conflict of interest which existed. The Archbishops' Council has failed to engage in any meaningful sense with the challenges which their actions have created.
- The ISB sought advice from the Information Commissioners Office (ICO) as Data Controllers and the need to assure victims and survivors. The ISB were advised that no information should be shared until which time members were assured and able to meet the obligations of all requests.
- The ISB immediately called 4 meetings with victims and survivors to hear their concerns which informed a paper shared with Archbishops' Council in April 2023.
- It implies that Board members expressed their concerns about the probity of the Archbishops' Council's actions only in media interviews. In reality, Board members expressed their concerns in person to the Secretary General immediately on being informed of the decision to appoint a chair without following the established procedures and continued to express these concerns, including to the Archbishops themselves. As a last resort, following a failure on the part of the Archbishops' Council to engage in constructive discussions, Board members spoke to the media about the ongoing obstruction of its work by senior figures in the Church of England. This action was consistent with the ISB's terms of reference. ISB

members and a survivor representative presented their concerns to a full meeting of the Archbishops' Council on 9th May 2023, including how they are not observing the Terms of Reference for the ISB which were approved by NSSG.

Media coverage resulted in a meeting being convened to discuss the concerns, under the chairmanship of the Archbishop of York, on 11th May 2023.

- This meeting commenced with the position of the Chair and Secretary General being that the ISB's Terms of Reference had not been approved by the Archbishops' Council and it was unreasonable to expect them to comply with them. When evidence was provided to the contrary, by Joanne Grenfell (Lead Bishop for Safeguarding), it was accepted that the Terms of Reference had been approved by the National Safeguarding Steering Group (NSSG) but may have been done without them thinking through the full implications for the Archbishops' Council. The ISB has been working to these Terms of Reference since approval and ensured they were publicly available on the ISB website, alongside the Standing Orders.
- The meeting ended with a consensus on several steps that could be taken to improve the situation. There was an agreement to meet again on 24th May 2023 to build on the progress made. Notes of this meeting were written by the General Secretary and shared providing the opportunity to provide amendments. The ISB made a contribution and requested that the appointed acting Chair continues with Phase 2 plan, alongside a co-chair from the Survivor community. The ISB requested that the appointed Chair does not undertake any responsibilities with Phase 1, given the concerns of victims and survivors and member concerns regarding her position lacking independence and made the point that even the perception of a conflict of interest must be taken seriously.

In the week that followed the initial meeting, a number of points became clearer. Significant doubt was cast on whether the Archbishops' Council and its senior leadership were genuinely unaware of the status of the Terms of Reference (it was confirmed that the minutes confirming the approval of the Terms of Reference by the Council were provided to senior staff the day prior to the assertion that the Council were unaware of them) and the NST had failed to respond constructively to the recommendations of the Mr X Case Review.

On 24th May, the day of the follow up meeting, a paper was presented which Board members considered to be inconsistent with the agreements previously made, most notably:

- There was no commitment to review the position of the improperly appointed acting chair.
- The Archbishops' Council now sought to review the ISB Terms of Reference
- Phase 2 work would be undertaken by a reference group, chaired by an Archbishops' Council appointee (possibly co-chaired by a Survivor) and included the following provision: *"The reference group will welcome input from JS/SR into this work but that in order to ensure that the group can do its work properly such input will be confidential and should not be published externally."*

The Board members considered all the above and decided to issue a formal Dispute Notice, following the precedent set by Archbishops' Council. The Board members requested an independent mediator be appointed as provided for in their contracts. During this time, the General Secretary, Archbishops' Council and ISB members were in communication to discuss ways forward and share reflections to reach mutual solutions.

The General Secretary requested a meeting with ISB members and the National Director of Safeguarding to discuss relationships with the National Safeguarding Team. During this meeting on June 12th 2023, ISB members were being challenged for being 'too survivor led and focused' and the General Secretary stated mediation would take too long and requested that we continue conversations to move forward.

5 Decision to abolish the ISB

The Secretary General sent an email at 12.03 on 21st June 2023, advising of the decision to abolish the ISB, with a covering email which stated: *"We will be making an announcement about the content of this letter at around 1 p.m. today, or a little earlier if that proves necessary. I very much hope that you will have had a chance to read it before then."*

At 12.22 Steve Reeves, ISB board lead for reviews, immediately responded to the Secretary General stating: *"I did want to take the opportunity to urge caution in making any announcement so imminently when the staff of the ISB and ISB members themselves are unavailable. There are 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."* An exchange of emails followed and the final email from Steve Reeves to the Secretary General at 12.42 ended with the following: *"I am urging caution as powerfully as I can. The harm could be significant, and the announcement isn't urgent."* The Archbishops' Council made the announcement as previously planned.

Board members had been led to believe Archbishops' Council were engaging in process of Dispute Resolution which allowed for independent mediation, consistent with the process which was followed by Archbishops' Council in February 2023.

6 Implications of the decision

In the period since the announcement on 21st June, Board members have been focussed on engagement with survivors of church abuse and others directly affected by the decision. We have detected no substantive planning or preparation on the part of the Archbishops' Council for the inevitable consequences for survivors of their decision. Support to survivors following the announcement has been primarily delivered by their peers and the small (and deeply committed) network of advocates.

Board members have not been provided with any evidence of planning or the establishment of support processes on the part of the Archbishop's Council as part of implementing this decision. In the days following the announcement, once the level of public response became evident, the Archbishops' Council engaged in an intense flurry of communications attempting to create a plan. Board members were given notice which equates to four working days each, which is insufficient time to plan how data would be managed. The Survivor Advocate had planned leave for the second week, therefore was only able to undertake 2 days' planning mostly used to contact and assure survivors. Both members have offered time to prepare to Archbishops' Council but this has not been accepted.

Statements by the Archbishops' Council have indicated that case reviews and complaints already lodged with the ISB will be honoured. It is challenging to see how this can be achieved in compliance with data protection legislation and with the necessary independence, given the fact that all those with pending reviews have withheld consent for their data being shared with Church of England staff and, explicitly, Meg Munn. GS Misc 1341, misleadingly, states that ISB case reviews are contracted

out to external consultants; reviews have a Board member lead and an independent investigator, whilst the Survivor Advocate ensures on-going support to the survivor. This enables best practice case management to take place and provides a robustness to the review process. Archbishops' Council has not considered this, which has negatively affected those with pending reviews.

Those with pending reviews have expressed their distress at the decision and lack of care taken over their support. In a recent communication, one survivor stated: *"...in asking and getting agreement for a review I was making a contract with the two board members of the ISB. This was not a contract in writing but a contract of trust. What the ABC has done has forced a breach of that trust. The single common denominator in all abuse where authority figures are the perpetrators is the decimation of trust."*

The Archbishops' Council and senior figures have claimed in media interviews that they had been considering the abolition of the Board for a long period. There is merit to the question of, if this decision was in the planning for months, why it has been executed with so little concern for the needs of survivors of abuse and with such poor communication? If the action taken was so necessary, why was ISB not been informed of this thinking, and why did the Archbishop's Council not expect an independent mediator to concur with its view?

Jasvinder Sanghera CBE
Survivor Advocate Lead

Steve Reeves MBE
Independent Member

5th July 2023