

Independent Safeguarding Board



TERMS OF REFERENCE

VERSION 2.0

30TH MARCH 2023

Approved by the Board

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Terms of Reference

Introduction

The Archbishops' Council created the ISB to provide additional independent oversight of the National Safeguarding Team (NST.) The ISB has also been created to help to ensure the Church delivers its safeguarding responsibilities. Phase 1 activity will ensure the distance between the ISB and the Church is confirmed, which will then be consolidated in further Phases. The ISB will remain an arms-length body, similar to national organisations funded by but independent of government such as Non-Departmental Public Bodies (NDPBs.) Our work is undertaken without fear or favour, our purpose being to help the Church to improve, and maintain improvement in, safeguarding policy and practice, as follows:

- To ensure good safeguarding, including preventive work, is done as a matter of course across the Church, including timely responses to challenges and recommendations.
- To ensure the involvement of survivors of safeguarding failure in both the ISB's activity, and the wider Church.
- To give or withhold assurance that processes overseen or investigated by the NST are undertaken in timely fashion, thoroughly and without bias or pre-supposition, reaching clear conclusions which are shared with:
 - * victims/survivors/complainants,
 - * those against whom complaints are made,
 - * the wider Church, and
 - * wider society, including through the media.
- Based on clear and current evidence, to challenge internal cultures when they prevent best practice being the normal practice expected of all institutions of the Church, and all who work, volunteer or serve in them.

The Church has put the ISB in place to do work it cannot then frustrate. If the ISB as a driver of change lies too close to the Church, there is a risk it could be absorbed. If too far away, it could gain insufficient traction. Just as local authorities, police services and CCGs pay for safeguarding boards and partnerships in localities, the Archbishops' Council funds the ISB. As localities' partnerships are independent of all involved bodies and agencies even if they fund the work, so a C of E funding mechanism cannot prevent the ISB doing its job.

All ISB work relies on evidence, presented both by survivors/victims and those who are accused when safeguarding failures are explored. The ISB will blow the whistle where it finds failure, where necessary exposing resistance or backsliding.

The ISB is in regular contact with the NST, the NSSG and the NSP, and will work to formal Information Sharing Agreements with each of them.

The Chair and the Survivor Advocate are members of the C of E's Safeguarding Programme Board. As appropriate, any or all members will regularly attend and speak at the Archbishops' Council, the House of Bishops, the Diocesan Safeguarding Advisers' national group, and other national bodies including General Synod.

The ISB's role in highlighting the need for and driving change will be reviewed from time to time.

Purpose

The Independent Safeguarding Board will:

1. Make, and expect positive and timely responses to, recommendations to enable the Church of England to embed a proactive, preventative, safe culture, whether or not there is a safeguarding failure under consideration.
2. Provide professional supervision to (but not line management of) the Director of the National Safeguarding Team (NST).
3. Ensure best practice is followed in NST case work, and work with the NST to ensure processes for responding to allegations and complaints are in line with best practice.
4. Ensure information sharing agreements are adhered to, including through a formal legal agreement that sets the expectation that if the ISB needs information to be shared with it in the course of its work, such sharing will take place.
5. Receive and respond to complaints about the NST's handling of cases, outlining the ISB's response. This work will not normally mean reinvestigating cases.
6. Quality assure the Church of England's safeguarding policy and practice requirements, including those issued as Guidance under the Safeguarding and Clergy Discipline Measure. This will include, but not be limited to, informed commentary on how far Dioceses and Church bodies comply with their duties in legislation.
7. Ensure processes for responding to allegations and complaints are just to all involved, timely, and done in line with best practice in the wider safeguarding environment.
8. Ensure victims, survivors and all affected by safeguarding cases are appropriately heard and engaged, enabling their involvement in helping to shape and inform Church of England safeguarding policy and the practice undertaken to fulfil it.
9. Recommend improvements in policy, procedures and practice where the ISB considers evidence shows that these are necessary.
10. Advise on continuing development of a core curriculum for learning and development on safeguarding, to be delivered by the dioceses.
11. Advise on good practice to set standards for work by Diocesan Safeguarding Officers, support DSOs in applying the principles in their context, and intervene on behalf of DSOs if dioceses do not enable them to discharge their responsibilities.
12. Advise the Church on the development of agreed, clear, viable, long-term measures to achieve independence and excellence in safeguarding. In Phase 1 this will include consultation with the National Safeguarding Steering Group and the National Safeguarding Panel to define respective future roles.
13. In helping shape Phase 2 of development of an independent body overseeing safeguarding in the church, advise on relationships between current safeguarding bodies: the NST, NSSG, NSP, ISB, Diocesan Safeguarding Partnerships, Officers and teams. This includes advising on rationalising governance to avoid duplication and delay.
14. Hold the Church to account for failures to respond to ISB recommendations, including where practices, structures, attitudes or processes enable delays, avoidance or denial of victims' and survivors' grievances or accused persons' circumstances, and/or the denial of justice.
15. Report annually on the ISB's work, and progress towards Phase 2.
16. Provide advice and assurance on national safeguarding guidance from the House of Bishops, both prior to its being finalised and issued, and during its use in parishes, dioceses and institutions, so its impact on practice is captured and reported on.

17. Oversee the development and maintenance, and regular updating of content, of a website which will publicise and promote the ISB to ensure full transparency and with clear links to the Church of England and other useful websites.

Limits on what the ISB does in its Phase 1 activity

The ISB is not an inspection, regulation or case investigation body, or an Ombudsman with powers to direct or sanction. There are established policies, procedures, protocols, and routes for safeguarding issues, supported by a learning and development programme and other materials which support safeguarding in bodies across the Church.

The ISB **will not:**

1. Investigate allegations or cases as a first resort body to which these could be brought directly.
2. Override processes already agreed and used by the Church of England in parishes, dioceses, and NCIs.
3. Work without reference to safeguarding bodies already in place in the Church's governance frameworks.
4. Override work already undertaken by the NST, though the ISB's primary duty remains to oversee and provide or withhold assurance on its work.
5. Set up, or run, staff or teams to work on behalf of survivors or victims, given such mechanisms are already in place.

Phase 1 of the work

Establishing relationships between the ISB and existing safeguarding structures, including how work will be undertaken with survivors and victims, will be completed by the end of 2023 and will conclude with published advice.

Proposals for Phase 2, especially on the future nature of independent safeguarding in the Church of England and effective independent oversight of the NST, should be developed by the end of Year 2 so that Phase 2 can commence in the third year.

By the end of Year 2 (end of 2023) the ISB and those it has engaged with can ensure proposals are clear regarding Phase 2 (January 2024 onwards.)

Proposals will be evidence based, focused especially on:

- Advice on future structures for embedding independence in safeguarding.
- Advice on what more should be done to ensure the embedding of a safeguarding mindset in all Church bodies, so that safeguarding is an automatic part of practice in all organisations, their personnel and volunteers, and
- Advice on ensuring effective independent oversight of diocesan safeguarding work, including where dioceses ensure parishes, other Church bodies and all who work or volunteer for them, adhere to the standards set.

Membership

1. Phase 1 ISB has three members. All are independent of all Church bodies. Their specific roles, and that of the Board as a whole, are given at Appendix 1.
2. Terms of office will be agreed, and kept under review as a result of advising the Archbishops' Council on how best to deliver independent safeguarding beyond Phase 1 regarding independent oversight including how future Board size, membership and activities should develop.
3. One member carries an explicit responsibility to work from the perspective of, and as an expert advocate for, survivors of failures in safeguarding by any Church Officer or body.
4. Members will oversee the work of the National Safeguarding Team.
5. The Archbishops' Council ratifies Board appointments. Each is appointed following this process:
 - Public advertisement of vacancies.
 - The use of expert recruiters to ensure a wide field.
 - Formal written application through curriculum vitae and a statement of support
 - Formal interview by a panel including independent safeguarding expert(s), a representative of a Diocesan Safeguarding team, and at least one survivor.

Regularity of meetings

1. The Board meets 6 times a year, 4 standard board meetings taking half a day each. Full Planning and Development days will take up 2 meetings per year.
2. Board meetings across a year ensure both that all business is covered following an annual cycle, and principles of good governance apply.
3. Members will be in contact with each other, and as appropriate the NST and individuals and organisations across the Church of England, between meetings.
4. Extraordinary meetings can be called at short notice but should be the exception rather than the rule in operating practice.
5. The Director of Safeguarding at the NST and relevant members of the senior team there, will be regular attendees at ISB meetings. Should business require, these staff will be required to recuse themselves meeting and the Board will meet on a members-only basis.

Administrative and support arrangements

1. The Board is supported by a 1 FTE Business Manager and a 0.5 FTE Project and Administration Officer. A senior director of the NCIs line manages the Business Manager.
2. The Chair and when necessary other members have regular contact with, and access to, the Director and any NST members whose work relates to that of the ISB.
3. ISB members have secure email addresses, and access to a shared ISB mailbox overseen by the administrator. The ISB website contains the terms of reference, reports, links to other bodies, materials on lessons learned and equally on good practice, and other relevant materials.
4. Through Service Level Agreements (SLAs) with relevant Church of England and NST, the ISB draws on expert Communications, Finance and ICT advice and other support as may be necessary. SLAs ensure the work done is delineated from that undertaken in their NST or other C of E roles.

5. The ISB maintains a formal Information Sharing Agreement (ISA) with the NST, DSOs and their teams, the wider Church as necessary, NCIs, and church governance bodies. Where information needs to be shared, this ISA will be put forward to other bodies as appropriate, becoming the agreed framework for ensuring any such sharing is legal.

Reporting and accountabilities

1. The ISB is funded by the Archbishops' Council. However, the Council cannot direct the ISB's activity, where or when it works, what it investigates, or what it says or publishes as a result.
2. The Board meets with, but does not report and is not accountable to, the NCIs.
3. Over the course of a year the Chair and when appropriate other members attend and speak at meetings of all parts of the church's governance frameworks, including General Synod.
4. The Board issues an Annual Report summarising and reflecting on all cases dealt with under the remit described in these Terms of Reference. Such reports will require a formal response which explains what is being and will be done as a result of any recommendations.
5. Where possible, ISB reports will be issued for publication and dissemination, though there will be times when this is not appropriate. Decisions on such matters will be taken case by case.
6. Those whose cases come to the ISB will be communicated with in timely fashion and in detail, and where necessary confidentially.
7. The Board will publicise and celebrate evident good practice in safeguarding.

Appendix 1

The roles of the Board and specific members

All members will work with the Archbishops' Council to develop the model for Phase 1, and advise on how the ISB should then evolve.

The list of duties and responsibilities given is not exhaustive and will change over time. All roles will develop in ways which reflect the roles and responsibilities of the ISB, other safeguarding bodies, the Archbishops' Council and the Charity Commission.

Charity Commission guidance on safeguarding roles will be the basis for these relationships.

The Board members' duties in common:

- To attend all Board meetings and contribute to the business covered there. A 75% attendance rate is expected. All attendances will be recorded and reported in the ISB's annual report.
- To support the Chair in the role of public spokesperson for the work of the ISB.
- Reciprocally, to ensure the Chair offers support to the Board as a whole and to its individual members.
- To agree the messages the Board wishes to give back to the Church, the NST, survivors whose cases the Board will review in its oversight role, the media, and the wider public.

The Board's collective work is to:

1. Provide professional supervision (not line management) to the Director of the National Safeguarding Team (NST.)
2. Quality assure case work done on cases escalated to the NST.
3. Receive and respond to complaints about the NST's handling of cases, determining whether appropriate action has been taken, and decide case-by-case the ISB's formal response. This will not normally mean re-opening or re-investigating cases.
4. Give or withhold assurance on investigations already undertaken and referred to it, through complaints or for review.
5. Quality assure national safeguarding policy and practice requirements, issued as Guidance by the House of Bishops under the Safeguarding and Clergy Discipline Measure 2016.
6. Ensure victims, survivors and all affected by safeguarding cases are heard, and provide opportunities for them to engage in, shape and inform the church's policy and practice.
7. Determine and advise on how the church should respond to the needs of victims and survivors and other affected parties, including the families of those accused, and those who are hurt, in safeguarding cases.
8. Make recommendations to enable the church to embed a safeguarding culture so as to ensure both preventive, proactive safeguarding and responses to allegations and complaints are timely, appropriate, and in line with safeguarding practice in wider society.
9. Advise on the continuing development of a core curriculum for learning and development undertaken by dioceses.

10. Advise on good practice setting standards for Diocesan Safeguarding Officers (including helping to enable the shift from Adviser to Officer), support DSOs in applying safeguarding principles, and intervene if dioceses do not enable DSOs to direct safeguarding there.
11. Advise the Church on Phase 2 so it can achieve independence and excellence in safeguarding. This includes consultation with the National Safeguarding Steering Group (NSSG) and National Safeguarding Panel (NSP) to help define both their future respective roles, and that of a Phase 2 ISB.
12. Hold the church publicly to account for any failure to respond to the ISB's recommendations.
13. Report annually on the ISB's work, what it has found, and what the ISB's advice to the Church is; and based on both of these threads, advise on progress towards Phase 2.

The Chair's role

Strategic Leadership

1. Lead the formation of the ISB and ensure it develops, publishes and works to a clear vision and mission and can achieve its goals.
2. Develop the ISB's function and purpose, in partnership with and across the Church of England, engaging with the NST and other stakeholders to establish and implement how the ISB will operate.
3. Within year 1, determine the best possible governance structure for the ISB. This includes working with the NSSG and NSP to establish their roles in relation to the ISB and advising as Phase 2 is constructed from late 2023 onwards.
4. Recruit ISB members through open fair processes, ensuring the Board has the skills to govern and advise well, through a membership with relevant professional experience and the ability to give its own, and seek expert external, advice.
5. Develop and manage relationships to ensure its decisions are made and its advice published and presented in the interests of improving safeguarding,
6. Ensure the Board takes collective ownership of decisions, public statements and challenges.
7. Provide expert recommendations to enable the Church of England to embed a proactive, preventative, safer culture at all levels and in all settings.
8. Ensure the Church is held publicly accountable for failing to respond to ISB recommendations. A strong independent element will be applied, given casework handling and responsiveness to survivors' needs are areas where trust in the church's mechanisms is missing.
9. Ensure the inclusion of victims, survivors and all those affected by safeguarding cases, to embed their contribution in policy and practice.
10. Provide supervision and act as a trusted advisor to the Director of Safeguarding at the NST.

Advisory and Policy activity (the Chair, with all Board members)

1. Develop and advise on policies, codes and models of practice, and initiatives that focus on the ongoing need for culture change.
2. Advise on good practice models which set standards for work by Diocesan Safeguarding Advisors/Officers, ensuring they are uniform and consistent with best practice in the wider safeguarding world.
3. Seek to ensure consistency of practice across all dioceses.
4. Advise on the continuing development of a core curriculum for learning and development led by dioceses, with the involvement of dioceses and parishes. The ISB will help set and monitor standards, not engage in direct delivery.
5. Provide quality assurance to national safeguarding guidance issued by the House of Bishops.
6. Ensure development and maintenance of a website to publicise and promote the ISB and ensures transparency, signalling necessary links to the Church of England and other relevant websites.

The Survivor Advocate

1. Leads ISB engagement with all ages of survivors of abuse perpetrated by persons or institutions within the Church.
2. Works to ensure the experiences and views of victims and survivors are heard and embedded in safeguarding policy and practice frameworks,
3. Ensures victims and survivors are involved in the work of the Board.
4. Works to ensure that where possible, survivors, victims and their representatives are encouraged to help design work streams and governance for Phase 2 of the ISB, and all parts of the Church's safeguarding activity.
5. Brings to the ISB's work a comprehensive understanding of experiences of victims and survivors, and wisdom gained from lived experience, either within or beyond the church.
6. On the Board's behalf, plays an independent role relating directly to victims, survivors and others impacted by cases brought to the Board, using consultative skills to engage individual survivors and different groups.
7. Seeks to ensure, having enabled institutions and individuals to hear and understand victims' and survivors' experiences, that the Church's response is reinforced by the ISB's work proving its independence through the work it undertakes.
8. Seeks to ensure families of both survivors/victims and accused persons can work with an ISB with the power to address their concerns if they remain unsatisfactorily dealt with elsewhere.

The Independent Board Member

1. Brings Board experience, and knowledge of what is involved in good governance, from professional experience gained elsewhere, into the work of the ISB.
2. Brings a specific skill set, which could relate for example to (not an exhaustive list):
 - practice in the law on safeguarding and related work with children, families or vulnerable adults;
 - practice in consultancy and advisory work with a wide range of agencies and bodies

in the public, private or voluntary sectors;

- experience in dispute and conflict resolution in organisations of a range of types., sizes and complexities;
- practice in the non-governmental and charity sector, particularly gained in large complex charities, whose staff or activities are distributed over a wide geography;
- the handling, reviewing and settling of complaints, including for instance through mediation and the handling of redress or restitution processes seeking positive outcomes;
- restorative practice and the work of restorative justice in difficult circumstances, including the reaching of conclusions through agreed compromises where absolute agreement is not possible.

Specific tasks for the Independent Member

Strategic work

1. With the Chair, to develop the overall function and purpose of the ISB, with leaders across the Church of England, engaging with the NST and others to establish and implement guiding principles for how the ISB operates and is governed.
2. Provide expert recommendations to the Board, that will help the Board to enable the Church to prevent safeguarding failures, and to ensure the church is held publicly accountable for any failure to respond to ISB recommendations.
3. With the Chair and other Board members, recruit other suitably qualified Board members as terms of office roll forward and/or as the Board is expanded for Phase 2.
4. Act as an ambassador for safeguarding governance both within the Church and externally to appropriate stakeholder groups.

Advisory

5. Advise on good practice models that will set the standard for the work of Diocesan Safeguarding Officers and offer support in applying these principles locally.
6. Advise on the continuing development of a core curriculum for training undertaken by Dioceses.
7. Investigate complaints in relation to the NST's handling of cases and decide the appropriate response, ensuring best practice is followed in the handling of all casework.
8. Provide quality assurance to the national safeguarding Guidance issued by the House of Bishops.
9. Ensure that victims and survivors, and all others who are affected by safeguarding cases, are listened to and empowered to inform policy and practice.
10. Work with the Chair to oversee the development and maintenance of an ISB website which promotes the Board, enabling all formal minutes and other relevant reports to be publicised and with clear links to the Church of England website.