

OPTION 1: CREATE A REGULATOR

Inspectorate:

HMICFRS is not like Ofsted. Neither is like CQC, HMIP, HMI Borders, HSE, IOPC. All arrive as they see fit, set and own their frameworks for inspection and reporting. As well as inspecting or regulating, they report on trends and good practice. Few have muscular powers of sanction. Some can insist in law (HSE an example.)

Ombudsman:

Last point of recourse when all other avenues have been exhausted. Hear all sides. Can also declare a case does not qualify for consideration. Can levy fines and sanctions. Once they have judged, there is no "next stage" unless a complainant is granted permission to go through the courts.

Commissioner:

Examples: Children's; Victims'; Modern Day Slavery; EHRC. All different. All defined in law. All society-wide, not for specific communities. They decide what to investigate. Most have no power to insist or regulate but have advisory/moral authority. Exception is EHRC, oversees Equalities legislation.

Professional standards and regulatory bodies:

Examples include FCA; GMC; SRA. There are numerous others. They set standards and regulate the professions concerned. Can grant or remove licences to practise. Some also set standards for public business undertaken by that profession's members.

Professional expertise body

Examples include IMechE, ACCA, IOSH. Set standards of expected practice and codes of ethics. Enable and expect their professionals to refuse to comply with questionable or unacceptable practice by an employer, or commissioner of their services. Help organisations to set standards that enable whistle blowing.

Mediation and complaints body such as ACAS:

Work to a statutory framework, to find mutually acceptable compromises and ways forward. Final points of access for "sides" in a dispute.

Medical Royal Colleges or (e.g.) College of Policing, Emergency Planning College

Set professional standards. Speak to the public and media for professions concerned. Run examinable CPD to enable practitioners to "keep their ticket" or licence to practise. Cannot sanction or remove licences. Pass cases to ombudspersons, inspectorates, regulators.

"What Works" centres

Research centred. No power to insist. Repositories for evidenced good practice, working to improve systems. In safeguarding: What Works Centre, Children's Social Care. Puts out information based on practice. Local Partnerships submit their Annual Reports. Centre publishes overviews on their quality, compared to statutory requirements. Suggests ways forward.

Monitorship:

Unrelated independent persons, overseen by AND issuing reports on an organisation. May be imposed at the same time as the organisation is being held to account for misconduct. Does not add to punishments. Assesses progress and recommends improvements. Reduces risk of future misconduct where a body requires external oversight. Often arrives after long litigation or conflict. Organisation being monitored may have been distracted from core business, and view a monitor as another negative. Common challenge: trust is mutually lacking. C of E would be regularly reminded of monitor's independence; that no privilege or special treatment attach to the work; that full cooperation is required. Costs borne by the C of E, just as a monitored body bears them in Finance, where monitors are more common.

OPTION 2: CREATE A CHARITY

Some things to consider.

Takes time to set up but would be “clean” Or would it? For example, funded by whom? There are grant giving and philanthropic bodies, and ways of gaining their support.

Would require a fund-raising team and continued effort, as funding can be short term and require repeat bids. Not insurmountable.

If not funded by the Church, what is the likelihood of a separation of functions and/or loyalties between the C of E and an external funder? How to counter them?

Would need a board of trustees. Made up of whom? Executive/directive, or Non-Executive? In most the latter applies. Paid or unpaid? Again in most, unpaid. Trustees are jointly liable for compliance with law and trustee duties, rarely individually or jointly liable for finances.

Must be assured charity acts within the law, and funds are used for published purposes.

Accountable to the Church? To the Charity Commission? Both? Charities Act 2011 is paramount: Legal Charitable Purposes must be proven. Key is that the organisation’s key reason for existence is to serve the Public Good.

Writing articles of association, purposes and ways of working, and ensuring they are adhered to, would be key to success.

Other questions:

NST staff TUPE’d in? If so to do what given charity would be at arm’s length/external and NST is a National Church Institution (NCI)? Would duties if TUPE applied include:

- Overseeing CDMs, running and reporting on Lessons Learned Reviews, as now?
- Overseeing training and development?
- Responsibility for supervision of DSOs and giving assurance on their work?
- Relationships with DSAPs?
- With Information Sharing oversight, as now?
- With oversight of the Case Management System, also as now?

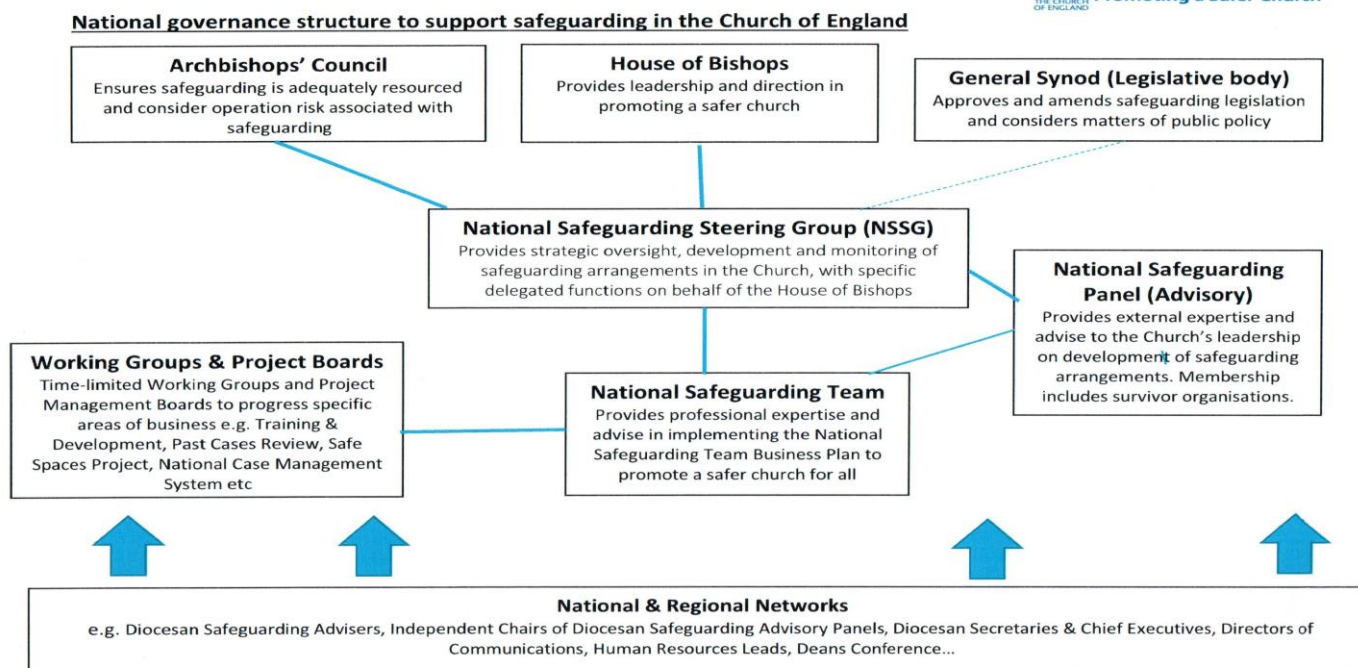
Some charities deliver similar functions to these on contracts with statutory bodies (Barnardo’s, PACT, Spurgeons are all examples.) So there are precedents. None of this is impossible.

If set at arm’s length, what automatic access would a charity have? What guarantees of clear, robust responses?

Several national charities have such rights e.g. RNLI, RSPCA, NSPCC, English Heritage, voluntary ambulance or first aid services. So this is possible. It would simply take strong and timely planning and to factor in the Charity Commission’s processes, which can be lengthy.

OPTION 3: STAND DOWN NSSG, NSP & ISB: COMBINE INTO ONE SUCCESSOR BODY

Middle of the current C of E Safeguarding governance diagram applies. See below.



Close down NSSG/NST/NSP and ISB (the latter is currently missing!) Make one transparently and palpably independent Board.

TUPE NST staff, factoring in a VER scheme. Confirm and settle staffing, ensuring "back office" and "front of house" teams to do the work. Makes this body an employer as well as a Board.

New body would then fulfil 3 key, potentially overlapping, functions:

1. C of E's safeguarding policy development, agreement and strategic direction setting body (current NSSG functions)
2. Review and deep dive explorations of and advice on safeguarding policies and processes, and seek to ensure training and development for DSOs, DSAPs, parish safeguarding coordinators and others. Also showcase good practice (current NSP functions, with some additions.)
3. Formally review, and publicly report on, shortcomings and missed opportunities, seeking to drive change through ensuring the C of E devotes attention and resources to learning lessons. Would be charged with requiring action and proof of positive change, and given power to follow through where compliance is not forthcoming. (Current ISB, but with more powers than current remit.)

Questions:

- What would its resources be and who would fund it, long term (10 years plus)?
- Access to both leadership, and practice: nationally in dioceses; in localities?
- Power to regulate, insist, direct, require, and to follow-up on poor compliance?

OPTION 4: ISB RETAINED, FOLLOWING A REVIEW OF ITS POWERS AHEAD OF PHASE 2

Model also assumes continuation of NSSG, NSP, NST all working as now.

AC funded but formally set at arm's length.

In "without fear or favour" dialogue with but working independently of the NSSG, NSP, AC, HoB, Synod, NST, DSAPs and DSOs.

Requires the C of E to redraw the safeguarding governance diagram to include the ISB, and to decide where it sits.

Need to be clear where authority lies, and to whom ISB accounts, if anybody.

Remain engaged with V/S community. One Board member to be a Survivor Advocate.

Forms links with respondents to allegations.

Able to prove through its work and what it says and reports publicly, that it operates from that separate position.

Self-directing: Terms of Reference, choices of priorities, work plan, contents of all reports and feedback to C of E, media and the wider public.

Board roles are paid. Those filling them must prove they owe no allegiance to the C of E.

All these features are as now, but ISB should be reviewed, "re-set" and strengthened via Synod decision making between July 2022 and Phase 2 launch in January 2024.

Opportunity:

Continuity, not moving too early to change or disrupt given set-up has been long and complex.

Keep the infrastructure: independent website, formal MoUs for some back office functions, independent legal and web advisers, own staffing.

Time for embedding and enhancing ISB's models of practice, ISAs and other legal frameworks.

Building on relationships emerging now (July 2022.)

Review functions and expand membership to 4/5 ahead of launch in January 2024.

Some challenges:

Needs to be larger than three part time Board members and one staff member - sufficiently resourced and staffed for Phase 2:

Needs to develop determinedly forward-looking work and advice to C of E, as well as continuing to help address challenges re: redress and recovery from past failures.

Key questions remain:

- Who will a Phase 2 ISB or equivalent be empowered to direct or sanction, and how?
- Where will an authoritative, last place of recourse complaints function lie, given ISB is not currently that? How designed, how accessed, how closed once a process is complete?
- How will the C of E develop such an authoritative body, given dispersed nature of current governance arrangements?