

FINAL REPORT OF THE COMMISSARIES APPOINTED BY THE
ARCHBISHOP OF CANTERBURY IN RELATION TO A VISITATION UPON
THE DIOCESE OF CHICHESTER

Your Grace,

We were appointed by your predecessor on the 21st December 2011 as commissaries for a visitation of the Diocese of Chichester. Our mandate, however, was limited in scope to:

- (i) examining progress made in implementation of and actions taken upon the Diocesan Safeguarding Guidelines (*The Care and Protection of Children, 2009*), the current House of Bishops' Guidelines (*Protecting All God's Children, 2010*) and the recommendations made by Dame Elizabeth Butler-Sloss in her report dated 19th May 2011; and
- (ii) making such further recommendations as may appear necessary and expedient.

It follows from this mandate that it has not been part of our duty to form any judgment upon any matter (including the previous history of safeguarding within the Diocese)—save in so far as:

- a) that matter or history gives a context to, or sheds light upon, the matters that are within our mandate; and
- b) new matters of a historical nature which have arisen since our appointment and which may impinge upon the present state of safeguarding within the Diocese.

In particular, it is not part of our remit to enquire into, or pass judgment upon, any matters that are the subject of a complaint under the Clergy Discipline Measure 2003 or of a prosecution in the criminal courts.

The theological basis to our Interim Report published on the 30th August 2012 remains fundamental to all our work and there is nothing in that Report that we would wish to alter although, as will be seen, there are some additional matters to which we feel it necessary to draw attention.

As we were aware of allegations against clergy that were outstanding, but were not then in the public domain, we felt that it was inappropriate to attempt to make any Final Report at that time; however, we also believed it was necessary for us to report on our main conclusions before the new diocesan bishop was in place. Although it is never possible to ensure that other cases will not come to light, we now feel that we are in a position to make that Final Report.

Summary of Further Steps Taken:

Since the publication of our Interim Report we have followed up our recommendations both to the Diocese of Chichester and to the National Church. We will summarise these steps and then comment in greater detail on some of the outstanding matters:

- The Diocese of Chichester
 1. The Bishop's Adviser for Safeguarding, Colin Perkins, has kept us briefed on a regular basis as to where current cases have reached and on new allegations that have arisen against clergy and laity from the past.
 2. We have met with, and been briefed by, Colin Perkins on progress in following up our recommendations.
 3. We have met Gemma Wordsworth, who has been seconded to assist Colin Perkins for 12 months, and heard reports of her work.
 4. We have visited the Diocesan Office and in particular discussed with the Diocesan Secretary, Angela Sibson, questions relating to education within the Diocese.
 5. We have twice visited the Bishop of Chichester and met with his senior team to discuss with them how they intend to implement the recommendations of our Interim Report.
 6. We have met in confidence with priests who wished to share their experience of working in the Diocese.
 7. We have again met with Philip Johnson who convenes the Survivors Group.

- The National Church

1. We have met with the legal officers of the National Church to discuss how our recommendations for change may be progressed.
2. We have met with the Bishop of Southwell and Nottingham, the Chair of the Churches National Safeguarding Committee, and Elizabeth Hall, the National Safeguarding Officer for the Church of England, to hear how they have sought to seek change in the provisions of the Church in Safeguarding matters.
3. We attended the joint national conference for Safeguarding Advisers of the Church of England and the Methodist Church and addressed the conference. We were encouraged by their full support for what we propose and attach a copy of the resolution passed unanimously by the Anglican members of that conference (see Appendix A).

All of these meetings have served to underline the importance and necessity of the recommendations we made in our Interim Report. They have also served to strengthen in our minds that the task continuing to face both the Diocese of Chichester and the wider National Church is a considerable one and will not be achieved, even with the greatest expedition, except by a long and persistent journey of commitment.

CONTINUING TASK

We recognise that there are dangers both for the Diocese and for the Church arising from the demands upon them arising from our recommendations.

- (a) The Diocese: We are entirely satisfied that the Chichester Diocese is committed, in so far as in it lies, to preventing any further abuse ever occurring and to responding positively and effectively to the ongoing trauma that will necessarily last very many years. The Diocese has already learned many hard lessons and will continue to do so in the future. We commend the enormous steps forward that have already been made but we also stress the necessity for the Diocese, both in its actions and in its statements, to acknowledge the traumas still being suffered, and to be suffered, by the survivors. Those survivors through no fault of their own have extremely

difficult lives still to live and it is necessary for the Diocese to walk with them in so far as the survivors feel able to permit it to do so.

It was our painful duty in our Interim Report to draw attention to dysfunctionality within the diocesan senior team. Now, and particularly under the leadership of the new diocesan bishop, we are satisfied that the senior team is a strong and coherent body working well with each other. We also wish to acknowledge the way in which that senior team has both listened to our recommendations and advice and also striven to implement them. We appreciate how difficult the visitation has been for all of them but we are grateful that our task has been made easier by the way they have responded to it. Although it may be seen as invidious to single out particular individuals it is nonetheless necessary to commend the work of the diocesan safeguarding adviser (greatly supported by the diocesan secretary, Angela Sibson) for the work he has done and continues to do in very difficult circumstances. Regretfully that work will become no easier as yet another case against a clergyman from the Diocese comes before the Crown Court, whatever the outcome of that case may be. We also commend the way in which Bishop Mark Sowerby carried out the episcopal safeguarding role during the vacancy and under the visitation.

In the past months the Diocese has moved forward a very long way. It has put in place, and continues to improve, excellent safeguarding practices. Nevertheless, we believe that it is imperative that the diocesan Safeguarding Group is put on a new footing with a new constitution as soon as possible and in this regard we are assured by Bishop Martin Warner, and accept, that this is already in hand.

The Chichester experience underlines the importance of confident and trusting relationships between the Bishop and the senior team together with the Safeguarding Adviser and the Safeguarding Group. There must be clarity and respect for their several roles and responsibilities as well as transparency between all parties.

Those principles need to lie at the foundation of the Diocese's relationships with the public authorities carrying legal responsibilities in the community for all safeguarding matters. These will include those directly responsible for safeguarding in each local authority, the police, social services and those carrying responsibility in the field of education. Again, a mutual understanding of roles, good and transparent relationships and the building of confidence can help create strong cultures of safety and flourishing for children and vulnerable adults and speedy and effective action when allegations of abuse are made.

It is essential to regain the confidence of all civil safeguarding authorities in the diocesan procedures and practices for safeguarding, which must be both effective and of the highest quality¹. Regretfully, this regaining of confidence may take time but we are confident that it can, and will, take place. All of this will serve to build the confidence of local communities in the Church and other agencies working with people across the generations and all social and cultural divides.

We are confident that, after some serious breakdowns of trust between the Diocese and the public authorities, these relationships are being rebuilt and strengthened but it is crucial that the Diocese continues to invest in such work. In this respect we were especially pleased to note the acknowledgement of the police as to diocesan co-operation in the recent enquiries into the abuse perpetrated by Robert Coles.

We do not intend, however, to give the impression that there remains nothing further to do. Indeed, this is far from the case as the senior team recognises. We believe that it is inevitable that there will be other survivors of the known abusing clergy who have not felt able to come forward; we also recognise that there may still be abusers who are as yet unrecognised. It is essential that the

¹ We are unable to comment on any safeguarding issues arising in relation to Bishop Bell's School as matters are *sub iudice* but we note that safeguarding in schools remains primarily one for the civil authorities. We understand that this latter situation changes once a school becomes an academy but we are satisfied that the Diocese of Chichester is well aware of its safeguarding responsibilities in relation to all schools.

Diocese does all in its power not only to ease the way for those persons to come forward who have not already done so but also to receive the help and support that is their due. However difficult it may be for all concerned the Diocese should also encourage them to come forward. In this regard it should be recognised that there may be some survivors who, though entirely genuine in their allegations, feel unable to go to the police with their allegations; such reluctance may not make the allegation any the less true and is a well recognised situation in safeguarding cases.

In this context we draw attention to the *Clergy Discipline Measure 2003 Code of Practice*. The relevant part is based on the bishop's pastoral duty to the whole of his Diocese set out in the Revised Canons Ecclesiastical, Canon 18². The *Code* is necessarily concerned with the period once a complaint has been made but the pastoral duty is constant and it follows that there should be in place similar support for survivors whether or not they wish to make a formal complaint. Not only the Diocese of Chichester but every diocese should therefore have in place a list of qualified persons who can immediately give any necessary support to any person raising allegations against the clergy; a similar support must be provided to their families. Equally there should be such a list of qualified persons who can immediately give any necessary support to those clergy against whom such allegations are being made, as also to their families³.

It is also part of the bishop's duty of pastoral care to meet with those who have been abused and their families. In this respect it is essential that a *modus vivendi* is found with any relevant insurance company so that the position of that insurance company is not improperly jeopardised but, equally, that the bishop's duty of pastoral care is not unduly circumscribed.

² The relevant part of the Code is set out in Appendix B. See, too, *Responding Well to those who have been sexually abused* (2011).

³ In this regard we draw attention to the particular difficulties faced by the families of those clergy who are suspended, especially before any allegation is proved against them. They must almost inevitably continue to live in the parish and the children are likely to continue going to school in the same area. We recognise that this situation causes particular difficulties and thought should be given in advance and as a matter of urgency as to how these tensions can be met in practice so that an attempt at alleviation can immediately be put in place once an allegation is made.

For the Diocese of Chichester, which has been deeply wounded by the appreciation of its dreadful failures in safeguarding, there is always the temptation as it puts its house in better order to view all that has emerged as “past history” and to put to one side the undoubted fact that there will be others damaged by abusive clergy who have not yet felt able to come forward to express what has happened to them. Yet, in spite of enormous steps forward by the Diocese there is an inevitable danger that, having made those steps, the belief arises (or at the very least the impression is given) that everything has now been put right. It is essential that great care is taken when making any statement (whether diocesan or national) not to give the impression that everything is now, as it were, ‘all right’ and that what has occurred in the past is now mere ‘history’. It must always be recognised that the survivors’ pain is necessarily a present pain, although its cause was in the past. We are satisfied that the majority of those in the Diocese is now prepared to face up to, and acknowledge, that past but unfortunate wording can give the impression that the Diocese is still in denial as to what has occurred. We are therefore not surprised that survivors are slow to accept that the Diocese is indeed prepared fully to acknowledge, and face up to, what has occurred.

It is essential always to remember that for the survivors _ who must, of course, always be at the heart of the Church’s concern _ the past will be ever present. The same applies to parishes and communities who have laboured under the ministry of abusive priests and especially those who attempted to report concerns but who were ignored and those who must now come to terms with the knowledge that abuse occurred without their appreciating that fact. These wounds will take a long time to heal and even then the scars will remain. For these reasons what has happened must always be seen as a present and ongoing challenge to the Diocese. In particular, for the Church at all levels to move on _ and especially the Diocese of Chichester _ there has to be a process of truth and reconciliation. The public and transparent recognition by the Church of the truth of what has happened within its life and a shared process of reconciliation with survivors is the only path that offers Christian integrity. We are therefore encouraged by a suggestion that you would yourself

welcome such a process, although we are acutely aware that the precise mechanics of how this may be accomplished will require much thought and prayer.

- (b) The National Church: We wish to place on record the great seriousness with which our recommendations are being considered by those who are in a position to take them forward but for the National Church there is a danger that the difficulty of making the changes in law and practice to bring the Church of England into line with best professional standards might lead to a temptation to compromise and settle for less than excellence. If such a compromise were to occur, the time bomb buried within that compromise will necessarily be detonated by the first case of abuse that reveals the weakness in what has not been done. Positive action is essential.

We also welcome the much improved wording of the newly renamed Clergy Current Status Letter sent when a cleric moves from one diocese to another. However, we remain concerned in relation to two aspects affecting blue files. First, we understand that there is at least one diocese which does not implement the guidance contained in the *Guidance Notes for Bishops and Bishops' Secretaries*⁴ that, when a minister moves to another diocese (even in the case of retirement), the file needs to be forwarded to a new diocese where the minister has sought permission to officiate. If this does not occur, either no PTO will be granted or the receiving diocese is put at potential risk regarding safeguarding. Second, we are concerned to note that the blue files on individual clergy are stored (at least in the Diocese of Chichester) in what do not appear to be fire proof cabinets. If this is so, a fire might have catastrophic consequences in so far as safeguarding is concerned.

RECOMMENDATIONS

⁴ This is entitled *Confidential Files on Clergy Guidance Notes for Bishops and Bishops' Secretaries* (issued from Lambeth Palace in March 2009). See, especially, paragraphs 29 & 32.

Generally: We have been greatly heartened by the response to our recommendations both by the Legal Office of the Church of England, as also by the Bishop of Southwell and Nottingham and Elizabeth Hall. We accept that there may be different ways to reach the same results as those we recommend in our Interim Report and we also acknowledge that it regretfully takes time for those recommendations to be formulated and to be placed before the relevant national bodies for final decisions to be made. We are grateful, therefore, that the Legal Office has been so proactive in its approach to these matters, although we are necessarily concerned that time will pass by before our recommendations can be fully considered by those who will finally decide upon their implementation. In particular, although we appreciate that bringing forward primary legislation necessarily is a time consuming business, it is necessary for us to stress the urgency for diocesan bishops to be given the mandatory power of suspension in safeguarding matters⁵. Indeed, that urgency is underlined by the resolution passed by the Anglican members of the joint national conference for Safeguarding Advisers of the Church of England and the Methodist Church that recognises the Church's lack of credibility in safeguarding matters unless and until such a power has been enacted (see Appendix A). We also believe that these safeguarding matters should be considered in conjunction with the ministry of deliverance.

As Commissaries our remit is necessarily over once this Final Report has been delivered and it will therefore be for others to oversee the implementation of our recommendations. However, we strongly believe (and as we have already stressed), unless they are followed through, the National Church will be further damaged when (as is regretfully inevitable) other safeguarding failures come to light.

Interim Report: We understand that our Interim Report has been considered within many Dioceses as part of the process of their keeping their safeguarding processes up-to-date and we are greatly encouraged if anything that we said may have assisted in the protection of any of God's children. However, although we acknowledge that it is outside our remit to do so, we feel compelled to state that we believe that it is entirely inappropriate for any Diocese to have a safeguarding adviser who does not hold appropriate safeguarding qualifications.

⁵ Such a suspension is, of course, a purely neutral act.

Reporting: We particularly welcome your statement after the sentencing of Robert Coles for multiple cases of abuse when you said:

“ ... the safeguarding of children and vulnerable adults should be the highest priority of all parts of the Church, and ... any failings in this area must be immediately reported to the police. There are no excuses for shortcomings.”

We respectfully agree with that statement and we would welcome an endorsement of such reporting from the House of Bishops, and in individual diocesan safeguarding policies, as any failure thereafter to make such a report would then become a matter of ecclesiastical discipline⁶. We nevertheless acknowledge that such a duty (however imposed) raises questions in relation to the seal of the confessional⁷. However difficult questions of confidentiality may be, we believe these must be addressed.

⁶ There is a strong argument for such a duty to be enshrined within the civil law as is the case in some other jurisdictions.

⁷ In our Interim Report we set out the passage contained in *Protecting All God's Children* (Church House Publishing, 4th edition 2010). Paragraph 6.19 states: “Where a penitent’s own behaviour is at issue, the priest should not only urge the person to report it to the police or the local authority children’s social care, if that is appropriate, but may judge it necessary to withhold absolution. In such a case a priest may consider it necessary to alert the bishop to his or her decision in order to safeguard himself or herself and seek advice on the issues, though the penitent’s details would not be shared without their permission. The priest might also judge it appropriate to speak personally to the bishop.” We suggest that this advice requires reconsideration. Not only is it unclear what alerting or speaking to the bishop may accomplish in practice but, more importantly, it does not spell out whether the seal of the confessional arises if no act of restitution (namely, to report to the police or the local authority children’s social care) actually takes place and therefore no absolution is granted.

APPENDIX A

We believe a power of immediate and mandatory suspension is essential for the proper safeguarding of children and vulnerable adults, and also for the credibility of the Church in any safeguarding matters. Such a power should go hand in hand with a fair process, and pastoral support, for all those involved.

APPENDIX B

97. The well-being of the whole Church in the Diocese is the bishop's responsibility, and the bishop is the chief pastor of all within that Diocese, whether laity or clergy. Consequently, the bishop has the duty of pastoral care for both complainant and respondent, as well as the parish.

98. Since the bishop is also responsible for administering discipline over clergy in the Diocese it is all the more important that the bishop should take care not to be seen to be taking sides. **This means the bishop should not personally give pastoral care to anyone connected with the disciplinary proceedings**, unless the bishop delegates the disciplinary function to a suffragan or assistant bishop. This is in the interests of fairness to both parties, because otherwise there is a risk that the bishop's impartiality could appear as a result to be compromised. **However, the bishop should ensure that appropriate care and support is provided for all those who need it, and the bishop should explain it is given expressly on the bishop's behalf.**

99. The bishop should be alert to the needs of the respondent and the respondent's close family for care and support. This may be needed, and should be made freely available, from the moment a complaint is notified to the respondent and throughout the course of disciplinary proceedings, including after the proceedings have been concluded. When the registrar informs the respondent that the complaint has been made, the registrar should include a letter from the bishop explaining about the care and support that will be provided on behalf of the bishop for the respondent.

100. A rural or area dean, other experienced clergy including retired bishops or retired archdeacons, or an appropriate lay person could be suitable to provide care and support in place of the bishop, provided they are not involved with the complaint. In some circumstances a suffragan bishop or archdeacon may be appropriate provided

there has been no prior involvement in the complaint or the problems behind the complaint. The bishop will use his discretion and judgment when deciding in any given case whom to offer to the respondent to provide care and support, but any appointment must be acceptable to the respondent. It is important that the respondent must be able to trust the person appointed. If the respondent is not content with the person proposed by the bishop then the bishop should seek to appoint another person who would be acceptable. It should be explained to the respondent by both the bishop and the person providing care and support on the bishop's behalf that all pastoral discussions are completely confidential so there will be no reporting back to the bishop about what has been said (unless the respondent expressly wants the bishop to be informed).

101. The bishop should ensure as appropriate that suitable support is offered on his behalf to others who are involved in the complaint (including the complainant, PCC, and churchwardens), but such support must only be given by those who are not otherwise concerned in the disciplinary proceedings.

102. As explained in *paragraph 98 above*, whilst the bishop is dealing with a complaint, the bishop must not personally give pastoral support to a complainant or respondent. That does not mean that the bishop is cut off from them and unable to meet either of them. On the contrary, the bishop should indeed meet the complainant or respondent if it could help the bishop decide on the appropriate course to determine the complaint. The purpose of the meeting, however, will be to discuss the complaint, not to give personal pastoral care and support or to put the parties under any pressure to adopt a certain course of action (*see, for instance, paragraphs 116, 127 & 146 below*). A member of the bishop's staff should attend and record the matters discussed. The bishop should bear in mind at all times the importance of being perceived by both the complainant and the respondent to be acting fairly and impartially.