



*Sent by email*

 THE CHURCH  
OF ENGLAND  

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ARCHBISHOPS'  
COUNCIL

William Nye  
*Secretary General*

22<sup>nd</sup> June 2022

Dear Martin,

**INDEPENDENT SAFEGUARDING BOARD (ISB) REVIEW:  
CHRIST CHURCH OXFORD**

Thank you for your letter of 13 June addressed to the Archbishops' Council. I am replying on behalf of the Council.

The Independent Safeguarding Board (ISB) is an entity created by the Archbishops' Council to provide independent external scrutiny and oversight of the Church's safeguarding activity. The original idea of the ISB was presented to members of the General Synod at the informal meeting of Synod members in February 2021 (you may recall that it was an informal meeting because of the Covid lockdown, when we had no access to Church House); there have been updates to Synod members about the ISB's work at subsequent groups of sessions.

As you and your fellow members of Synod will know, there has been no legislation to give separate legal status to the Independent Safeguarding Board, or to give it statutory powers. Had the Archbishops' Council sought to legislate for the ISB in this way, the legislation would probably still be making its way through Synod and Parliament, and the ISB in that form would not yet be able to operate.

Therefore the ISB operates within the existing legal framework governing safeguarding within the Church. This is the situation that has been described as "Phase 1" of the ISB's work. The paper presented to the informal meeting of General Synod members in February 2021 made clear that there could be a "Phase 2" for which the ISB could be given additional legal powers, subject to legislation to be approved by Synod and Parliament.

The ISB operates independently in that it decides its work programme, it sets its own terms of reference for its work, and it can scrutinise any aspect of the Church's safeguarding activity that it chooses. Its members were recruited through an open application process, with each recruitment involving the participation of victims and survivors. Of course, its work is paid for by the Archbishops' Council, and certain support functions are provided to it by the Archbishops' Council. We do not consider that this prevents the ISB or its members from operating independently – any more than the fact that the budget of the Independent Office for Police Conduct is paid for by the Exchequer means that that body is not independent of Government. It does not “report to the NST” in the sense that you imply.

The purpose of the ISB, during this Phase, is to scrutinise and provide oversight of the Church's safeguarding activity. This can include examining particular strands of safeguarding activity, across the whole Church or in a focused area; or it can include examining the handling of a particular issue or set of issues. All of this is in order to hold the Church to account for our actions, to enable the Church to learn lessons and to improve practice.

As part of this remit, the Archbishops' Council (AC) and the Diocese of Oxford referred to the ISB the Church's safeguarding activities in the last two years with respect to Dr Martyn Percy and Christ Church Oxford. The ISB agreed that it would undertake a review of these safeguarding matters, as part of its oversight remit, in order to learn any lessons. This would include looking at whether these issues should have been dealt with as safeguarding matters at all. This is entirely consistent with the ISB's remit. But this was a decision by the ISB, which could have declined to review this matter, in order to prioritise other matters. This is not the first specific case which the ISB has looked into.

The AC and the Diocese of Oxford have not set the Terms of Reference for this review, which have been set independently by the ISB. It will not surprise you to know that the ISB invited the AC and the Diocese to comment on the draft terms of reference, as it also invited Dr Percy to comment, and certain other individuals directly affected. But the terms of reference were set by the ISB.

It is worth noting what this study is, and what it is not. It is part of the ISB's remit to learn lessons from the handling of safeguarding matters. It felt that there were likely to be lessons to learn from this matter.

It is not though a direct response to Dr Percy's further submission of complaints about handling of safeguarding matters, which he sent in various communications during September and October 2021. When the AC responded to that complaint by proposing how it could be handled under the National Church Institutions' complaints policy, Dr

Percy declined to accept any involvement in an investigation of a complaint under that policy, and accordingly that complaint is not being taken forward.

Secondly, it is not, and indeed could not be, what you describe in your letter as “a comprehensive review of all the outstanding issues around Christ Church”. That would go well beyond the remit of the ISB. In particular, the ISB has no locus with respect to Christ Church as a college, rather than to its cathedral aspect.

Dr Percy has expressed his dissatisfaction with the proposed study by the ISB, which of course he is entitled to do. He would prefer that some other form of enquiry, I assume encompassing all aspects of his relations with Christ Church, the diocese of Oxford and the AC over the last few years, were undertaken. You will understand, I am sure, that neither the AC nor the ISB is in a position to do this; certainly we have no standing to oblige Christ Church to be involved, nor to cover matters which may have been the subject of agreement between Dr Percy and Christ Church as part of the settlement between them (though obviously I have no knowledge of this settlement).

Dr Percy has in the meantime launched a series of personal attacks on the professional standing and competence of the chair of the ISB, extending to contacting other clients of her work, with a view to discouraging them from employing her. I hope you will agree with me that this is not an appropriate response to his dissatisfaction with what is proposed.

It is not correct to say that the original proposed role of the ISB was “neutered” between Synods. The role that the ISB is carrying out now is in line with the role presented to members of the Synod at the informal meeting in February 2021. It could not have any more executive powers than the AC itself has – and as you know the AC, and the House of Bishops, have limited executive powers with regard to safeguarding carried out in dioceses or cathedrals: not no powers, but only those powers which are conferred on them by statutes passed by the Synod. There has been no watering down.

Professor Atkinson, the chair of the ISB, described the role of the ISB during Phase One when she spoke to Synod in February 2022 (not February 2020). You highlight her saying “... we do not have a re-investigative, reviewing, instigating, insisting, sanctioning or directing role.” This is correct. The ISB in Phase One does not have powers to insist, sanction or direct; its powers are those of moral suasion – an approach which applies in some other areas on Church life, for example in the powers of the Independent Reviewer provided for in the 2014 legislation on women bishops. Professor Atkinson was also correct in saying that the role of the ISB is not “re-investigation”, in the sense of an ombudsman role of reopening cases to investigate them again.

There is one aspect of what she said that was potentially ambiguous, and may inadvertently have misled you. When Professor Atkinson said that the ISB did not have a “reviewing” role, she meant that it did not have the role of reopening and “re-doing” particular cases. But as the rest of her report to Synod makes clear, it is of course precisely the role of the ISB to “review” in the broader sense what may be happening in various areas of safeguarding, to hold the Church to account for its actions, to learn lessons and to make recommendations. If it did not do this sort of “review” it would not be able to carry out its role at all.

It is as part of this kind of review that the ISB has chosen to address the safeguarding actions of the Church related to Christ Church.

I hope that this clarifies the work of the ISB in this matter.

I am copying this letter to members of the Archbishops’ Council, and to the members of the Independent Safeguarding Board.

Yours sincerely,

A handwritten signature in black ink that reads "William Nye". The signature is written in a cursive style with a prominent initial 'W' and a stylized 'N'.

William Nye LVO  
Secretary General, Archbishops’ Council