

# June Diocesan Synod: Tabled papers

## Questions

### CHRIST CHURCH INDEPENDENT REVIEW

Question received from Professor Helen King

The former Dean of Christ Church requested an Independent Judicial Review into safeguarding in the Diocese of Oxford and National Safeguarding Team. The 25 May 2022 press release from the Church of England (<https://www.churchofengland.org/safeguarding/safeguarding-news-releases/christ-church-safeguarding-review>) announced that Oxford Diocese and the Archbishops' Council had referred this review to the Independent Safeguarding Board.

- Why and by whom was this decision made?
- Does this referral meet the criteria of an 'independent' review, bearing in mind that the Chair of the ISB, Maggie Atkinson, told General Synod in February 2022 that the Board has no remit to undertake such review work, no expertise or experience of such work, and does not have constitutional independence from the Archbishops' Council?

Questions received from the Reverend Mark Bennet:

Q1

The Diocese of Oxford has joined with the Archbishops Council in commissioning a review from the Independent Safeguarding Board on some of the events around the departure of Dr Martyn Percy from his post as Dean of our Cathedral. Dr Percy has alleged, publicly and graphically\*, that a number of Diocesan bodies, authorities and advisers have failed in their duty. Since the terms of the announced review avoid dealing with much of what Dr Percy alleges, what steps will be taken to address the substance of his complaints so that the Diocese can move beyond rumour, speculation and innuendo and so that Dr Percy's allegations of improper treatment can reach a proper resolution?

*\*for those unaware of Dr Percy's formulation of his complaint it is "the corruption, partiality, incompetence, conflicts of interest, cover-ups, misconduct and malfeasance riddling the oversight and practice of safeguarding in the Diocese of Oxford and NST"*

Q2

Who was consulted, or asked for advice, to ensure that the Terms of Reference of the ISB review would both address the presenting issues raised by Dr Percy and give the best chance of helping the Diocese as a whole to understand what happened to precipitate the departure of the Dean and to learn from it: in particular who was consulted or gave advice in respect of (a) safeguarding aspects including the formulation of risk assessments, (b) the management of CDM proceedings, (c) legal aspects including the apparent necessity of extensive redactions, (d) communication, publicity and confidentiality; and (e) the wider concerns of the Diocese including the impact of leaving questions unresolved on the life of the Diocese?

Response by Bishop Olivia and the Diocesan Secretary:

We will answer the three questions together.

It would always have been expected that a case of the complexity and profile of the allegations against the former Dean of Christ Church would have been subject to a review once it concluded. This would normally take the form of a lessons learned review directly overseen by the Core Group. The Core Groups for both the March 2020 and the October 2020 safeguarding allegations were National Safeguarding Team (NST) Core Groups as it involved a Dean.

Dr Percy wrote to Bishop Steven in September 2021 to ask that an Independent Inquiry be immediately set in motion with identified individuals stepping aside from their duties in the meantime. Following advice from the Chancellor of the diocese, Bishop's Council decided in October that that was not the right time for any review to take place while matters were still underway but that an independent review would be appropriate in due course.

Following receipt of a substantial volume of material from Dr Percy, which included criticism of diocesan processes, Bishop's Council in October also asked a sub-group of its number not previously involved, led by Bishop Olivia, to meet with Dr Percy and to give advice on whether, as he alleged, there was evidence of systemic failures in diocesan safeguarding. The sub-group reported back that it was not possible to infer evidence of systemic safeguarding failures since the material referred only to the Dean's own case.

Bishop's Council agreed in December that the national Church should be approached in the new year to draw up terms of reference for an independent review into the handling of the Dean's case so that the review could commence soon after the Christ Church Tribunal was complete. A purely diocesan review would run the risk of not being able to reach a conclusion on many of the matters as the safeguarding process was primarily managed by the NST and a lessons learned review overseen by the Core Group would not be viewed as sufficiently independent.

Following a further meeting of Bishop's Council on 31 January to discuss these matters, the Diocesan Secretary wrote on 2 February 2022 on behalf of Bishop's Council to the Secretary General of the Archbishops' Council asking that Oxford diocese and the Archbishops' Council jointly referred the case to the Independent Safeguarding Board (ISB). The letter suggested that, as all or almost all the issues were either directly or indirectly related to the safeguarding allegations, the ISB might be the appropriate body to carry out such an independent review.

Following various discussions, in which the diocese was represented by both Bishop Olivia and the Diocesan Secretary, and with the support of both Archbishops, it was agreed that an independent review should take place and that it should be conducted by the Independent Safeguarding Board if the ISB agreed.

The Terms of Reference published by the ISB on 25 May 2022 set out that the review will serve the purpose of a Lessons Learned Review but will extend beyond what such a review would have covered. The review will examine what happened, and make recommendations on work previously undertaken by the NST, the Diocese of Oxford and Christ Church, and beyond these the wider church.

The ISB's purpose is to ensure lessons to be learned by all concerned are captured. The ISB will then follow up over time on how well the lessons to be learned are proven, and necessary changes to policy and practice are implemented.

The review will report on the quality, balance, completeness and robustness of what Church of England bodies have done regarding this case, as presented in reports and judgements already

concluded and presented on it. The period it will cover started in early 2020 and ended in March 2022.

The ISB is a newly-formed body, which General Synod (in February 2021) agreed to create to bring independent accountability to the oversight of safeguarding in the Church of England. Its members are experienced in a variety of sectors including safeguarding partnerships and charitable bodies in wider society. The Board was created by the Church of England to help to develop increasingly robust and accountable safeguarding policy and practice. It is not accountable to either the Archbishops' Council or Oxford diocese and so is able to bring independence. The review's terms of reference state that 'The ISB calls out, in public and where necessary through the media, issues it judges have been poorly addressed. It holds to account those responsible for ensuring improvement, and reports on success and failure in achieving it.'

The ISB's remit requires that its work is objective. It is not part of the Church of England's complaints systems, but is an independent body. The funding that supports it comes from the Archbishops' Council (AC) acting as one of two bodies referring this case to the ISB. The AC cannot direct the ISB's work. It can ask for consideration of topics including reviews such as this one, but the ISB does not have to take them up. If it does so, how the work is done is determined by the ISB.

The review meets the criteria of an independent review. The ISB considered whether or not to undertake this review within its Phase 1 remit, and concluded that it would do so. The ISB has been clear throughout that this is not, given its remit means it cannot be, a judicial or quasi-judicial process.

The ISB's three members have had no involvement in the matters relating to the former Dean of Christ Church or other parties to this case, and so have no conflicts of interest. From the outset the ISB has indicated, and both the AC and the diocese have agreed, that the report should be published.

The terms of reference have been set by the ISB, having taken independent legal advice. The ISB advise that the review is framed and will be conducted as an assurance giving process to all concerned. The terms of reference are deliberately wide-ranging. We understand that it is not usual in such documents to name all the allegations made by one party and the ISB has determined that where evidence is presented by any individual or organisation sent the targeted call for evidence issued on 31 May 2022, it will be taken into account. The diocese has not asked for any matters to be out of scope and our understanding is that everything related to the Church of England's handling of the safeguarding allegations against the former Dean is in scope. The terms explicitly include relevant CDM evidence. It is our firm aspiration that the review will bring closure to the matters that have been raised by this case, including by Dr Percy.

All four key stakeholders (the Archbishops' Council/ NST, the diocese, Dr Percy and Ms Jeune) were consulted by the ISB on draft terms of reference. Any comments they made were considered in terms of both direct relevance to matters of safeguarding, and a need to keep the review within the Phase 1 remit of the ISB, rather than automatically leading to changes to the text. The terms have been finalised and will be fulfilled by the ISB alone, as is appropriate for an independent review. The call for evidence was issued on 31 May 2022 with a deadline of 1 July 2022. The terms of reference are available at <https://www.churchofengland.org/safeguarding/safeguarding-news-releases/christ-church-safeguarding-review> [we are advised this web page will move as soon as the ISB's new website is launched in July].

The diocese's submission is being prepared by a small group comprising Bishop Steven, Bishop Olivia, the Diocesan Secretary, the lawyer who has been providing independent legal advice on this matter, the Director of Communications and the Chaplain to the Bishop of Oxford. The Chair of the House of Laity will also review the submission. The submission will provide relevant original material setting

out what was said and done at every stage so that the ISB can form an independent view. It is expected that the review report will advise what was handled well and was not handled well at the different stages so that we can all learn from this extremely challenging and protracted case which has been painful and difficult for so many people. If mistakes were made by the diocese we have been clear that we are ready for those to be identified, and we would hope that other parties would feel the same, so that there can be learning from them. The ISB in return has been clear that where it finds failings, it will say so clearly without fear or favour, and make recommendations for how they should be addressed.

Any review set up by the Church of England, as this clearly is, will not have the locus to review the handling of matters between Christ Church (which employed Dr Percy) and the former Dean, and the pay dispute is explicitly outside the terms of reference. Members of Synod who have not seen it may, however, find it helpful to see the College's recent statement which is at <https://www.chch.ox.ac.uk/news/house/christ-church-and-dr-martyn-percy-our-response>.

Bishop Steven advised Diocesan Synod in March that Synod would be properly consulted on diocesan input to the Governance Review being set up by Christ Church. We understand that the selection panel to appoint the Independent Chair of the review met this week and therefore we await its establishment imminently. Bishop's Council has set up a steering group which will marshal the issues to enable Bishop's Council, as the Standing Committee of the Synod, to consider when and how Synod should best be consulted.