

Mr Martin Sewell
8 Appleshaw Close Gravesend Kent DA11 7PB

Mr. Carl Hughes
Chair, Finance Committee
of the Archbishops' Council, London

8th February 2024

Dear Carl

Serious Safeguarding Complaint

Thank you for your letter of 6th February relating to the serious complaints made against Mr. William Nye. Your letter states that you consulted with a lawyer at Farrer & Co., and that “the legal advice provided by Farrer & Co is that there are no grounds to suspend the Secretary General nor to open a disciplinary investigation into his conduct”.

However, the Glasgow Report and the Wilkinson report present a clear and compelling case for suspension and investigation. The facts appear to show that Mr. Nye’s conduct created a major safeguarding incident within the Church of England. For any employee, this is either a disciplinary matter or a serious safeguarding matter; or both.

Employers have the right (indeed good practice expects they would) set standards for their staff. Those standards are usually more rigorous than simply lawful behaviour. An organisation making claims such as “safeguarding is at the heart of our work, and victims are at the front and centre of our concerns” would be expected to adopt higher standards of behaviour. Referring the matter to your lawyers is plainly an HR ruse, designed to evade scrutiny, accountability, transparency and any disciplinary action.

Employers are required to make their own judgments on serious safeguarding allegations. Hiding behind “legal advice taken” will not work in a Court of Law nor we suspect with the forthcoming Redress Board. We note with interest that Farrer & Co. are the same legal firm that you attempted to force on the ISB. When challenged about this potential conflict of interest the ISB were informed that Farrer & Co. only ever dealt with property matters relating to the Archbishops’ Council. As with so many statements from the Archbishops’ Council and its Secretariat, this is quite plainly untrue.

We have no way of knowing if Farrer & Co gave advice in relation to Mr. Nye's contract of employment as it relates to our complaints. It is clearly extremely disturbing that findings of fact from a highly-respected member of the Bar and a leading medical consultant results in Farrer & Co. advising that there are not even grounds to open a disciplinary investigation in the circumstances. Most Dioceses in the Church of England recommend following the ACAS model procedures for carrying out a disciplinary procedure which specifies:

1. Carry out an investigation following a fair procedure;
2. See if there is a case to answer;
3. Gather evidence from all sides;
4. Hold a disciplinary meeting;
5. Decide on appropriate action

We don't know whether Church House or Lambeth Palace abides by these procedures. However, there are clear and transparent processes for dealing with complaints against clergy. There must surely be clear and transparent processes to which members of Synod and any other complainant can be referred, for dealing with complaints against the Secretary General?

Since receiving your letter we have learned that the NCI Code of conduct is a secret document which means not only that Synod cannot effectively evaluate whether "due process" (if any) has occurred and more importantly people with a legitimate complaint have no guidance to frame their concerns accurately and they have no way to challenge any malpractice that occurs. It is not even clear whether Archbishops' Council were aware of and examined that secret code before accepting Farrer's advice.

Was this aspect of the proper management of this important matter a minuted matter? This secrecy does not amount to the 'transparency' or 'accountability' Synod is entitled to expect, and neither is it congruent with the Nolan principles for conduct in public office.

In the interests of transparency and accountability we would need to see a clearly mapped out process of good safeguarding process and practice, before accepting that the final arbiter of a disciplinary process evaluating significant harm to vulnerable people caused by the most senior officer and chief advisor to the Church of England was an anonymous employment lawyer. Furthermore, that this lawyer was working to an undisclosed brief, chosen by either by you, or Church House or Lambeth Palace employees, all of whom work under Mr. Nye.

Although Sarah Wilkinson's report makes no mention of Mr. Nye consulting the members of Archbishops' Council *after* receiving the warning from Mr. Reeves (circa 12:20 on 21-06-23), our research has confirmed that he did indeed do this, forwarding Mr. Reeves' letter to both the Rt. Rev Joanne Grenfell as Lead Bishop on Safeguarding and also to Mr. Alex Kubeyinje as Head of the National Safeguarding Team although not specifically to seek advice but apparently for their information. As a Senior Officer of the Church, we do not consider that Mr. Nye can avoid personal accountability for the decisions taken that day and the consequent harm done to vulnerable people. The issue of the two most senior Safeguarding professionals in the Church of England also choosing to disregard these warnings will be addressed separately and in due course.

The termination of the ISB was publicly announced about an hour later the same day.* There is no record of any discussion or action by Mr. Nye that shows he was alive to the risks involved in the immediate closure of the ISB, done without proper risk assessment, consultation with victims, or mitigation measures taken against causing further harm and trauma. We obviously need to know if the conduct of safeguarding at a senior national level, with such serious errors and allegations of gross misconduct, is exempted from an ACAS-type process.

A casual conversation with a law firm would not meet criterion 1., above since a proper investigation is always required under the ACAS code. Are you saying that this is *unnecessary*?

Our Church is currently struggling to maintain its good name and credibility, and any suggestion of a cover-up can do nothing but harm, as well as exposing the staff and Trustees to personal risk of sanction. Transparency of process is therefore essential. But none of this touches on the fact that you have actually been in receipt of a serious safeguarding complaint. Namely, that in the face of clear expert advice (Steve Reeves), Mr. Nye chose on behalf of Archbishops' Council to disregard this, and ploughed on with actions which further expert advice (from Professor Glasgow) shows that extremely severe (actual, not potential) harm was caused by his actions. Are you choosing not to act?

This must merit a safeguarding investigation given that Lord Sentamu's PTO was suspended for far less, your decision to take no action in this case seems irrational and self-serving.

* See: <https://www.churchofengland.org/media/press-releases/statement-archbishops-council-independent-safeguarding-board>

Your attempt to neatly compartmentalise this into 'discipline', as if no harm occurred in the real world, suggests that you regard it as a 'capacity' problem as opposed to a misconduct issue. It is not. Mr. Nye was given clear safeguarding advice. He deliberately ignored it, and in so doing, caused serious harm and further trauma to victims.

We are requesting that Parliament looks into what safeguarding investigations the Church of England undertakes in the light of ongoing Post Office scandals and miscarriages of justice. It is also likely to be of some concern to them that the Established Church conceals its Disciplinary Code behind a veil of secrecy since this impedes access to justice for people who are harmed by the actions of its employees.

It is apparent that the Archbishops' Council – jointly and severally – reject their accountability as trustees to determine whether any disciplinary action should be taken against those staff involved in the actions on 21st June 2023. That is, of itself, a serious matter, and a major safeguarding failure. Furthermore, the Disciplinary Code of Conduct for members of the Archbishops' Council infers that these actions bring the charity into serious disrepute.

Yours sincerely,

Martin Sewell, Richard Scorer & Others.

cc: Alexis Jay, John O'Brien, Charity Commission, Archbishops' Council Audit Committee members, General Synod signatories, etc.