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17 June 2023

Dear Archbishop Stephen,

We are writing to you to draw your attention to a serious matter which ought not to be allowed to remain undressed until the General Synod meets in York.

Knowing that Archbishop Justin is heavily committed in the following weeks, we address this letter to you but are copying him into the correspondence, and for reasons which will become apparent, it seems proper to also include Bishop Joanne Grenfell because she is chairing the Response Group to the Jay Report. You may wish to liaise with your colleagues of Archbishops' Council before responding. As we refer specifically to Dr Ian Paul we cc him as a courtesy, also Prof Jay. This is not a private letter; it is a letter expressing concern publicly.

We have also copied this letter to Mr Chris Gill and Mr Clive Billenness as the two members of General Synod elected to the Audit Committee of the Archbishops' Council, for reasons which will become self-evident later in this letter.

The issue falls into two separate but equally important parts.

Following the last Synod, Dr Ian Paul, a member of both the Archbishops' Council and the Audit Committee began to make a serious allegation about the approach and outcome of the Jay Report which is of great significance in providing an important and radical way forward to address the crisis of confidence in the current Safeguarding regime, not least following the controversial Archbishops' Council decision to terminate the Independent Safeguarding Board in circumstances described in the equally significant Wilkinson Report.

Specifically, he appeared to assert that Professor Jay and Mr John O' Brien had been improperly instructed by you and Archbishop Justin, and that the terms of reference were, accordingly, so inadequate that the report lacks proper authority.

If the Jay report reform process is not to be derailed and discredited, then these are matters of the utmost gravity and urgency, given all that has gone before, which we need not set out here.

Please see below one example of Dr Paul's assertions on Twitter



This was a significant observation when it was a lone voice on Social Media which some but not all Synod members had noticed, but it did not remain there. We have now seen a Report issued by the Response Group which has taken up and recorded that criticism within its summary of responses from the wider Church. Although it does not specifically identify Dr Paul as the source of that allegation, it clearly repeats what he has been saying publicly for some months.

We stress that the signatories to this letter, having never been informed how the brief given to Professor Jay was created and by whom it was approved, do not seek to make any imputations about this matter, and simply wish to express concern that it has become so public.

We note that the Response Group has summarised the scope of the Jay Review in the following terms.

- *To provide options and recommendations for forming an independent safeguarding scrutiny body for the Church of England*
- *To make any recommendations for how further independence of safeguarding might be achieved*
- *To make any other recommendations that are necessary or appropriate.*

We reproduce these for ease of reference, both for you and for those who will be following this correspondence and any debate at General Synod. We invite you to clarify whether that Response Group's understanding of the ambit of the Jay Review comprehensively reflects the reality of what you required of the Jay Team.

At the last Synod, Archbishop Justin stressed the importance of affording those criticised from the floor of Synod, to have a right of response. Given the importance of the Jay Review, built as it is, on the teams seven years of work at IICSA, it is surely imperative that Prof Jay is given a full opportunity to both defend her proper compliance with the commissioning process and the substance of any other criticisms made. She ought to be invited to address these matters first hand and we shall be bringing these matters to her attention also.

There is also the serious matter of whether or not more than half a million pounds of charitable funds may have been mis-spent on obtaining a report which does not meet the objectives or terms of reference for which it was established. This, it seems to us, as an issue of alleged failure in the governance in procurement should be referred to the Audit Committee of the Archbishops' Council for review by either Internal or External Audit.

For some of us, the importance of Safeguarding reform is reason enough to resolve these matters, but others cannot ignore the constitutional and governance dimension.

Dr Paul appears to be explicitly alleging that the Presidents' actions did not comply with proper procurement processes. He is asserting that the Presidents commissioned the Jay Review improperly - "a frolic of their own" - without proper

approval or proper authority from Archbishops' Council. This is significant both in terms of due process and also since it relates to a matter of the utmost importance. If it were to be proven that a material amount of "pew money" has been wasted, it would, be a matter of the utmost scandal.

Prof Jay spoke of the need for urgency; if we have to start all over again this would be devastating for our already disillusioned and alienated victim/survivors.

It also raises the issue of whether attempts to recover all or part this expenditure, if improperly undertaken, should be initiated and a Serious Incident Report submitted to the Charity Commission since it would meet their criteria of

"Any other type of incident that appears serious and likely to damage reputation or incur loss of charitable funds/assets."

These are not trivial matters. They could however be addressed significantly in advance of the York Synod.

The facts of the commissioning process will be known and presumably documented by the Presidents and the Church House Secretariat which serves them. The objectives and terms of reference of the Review must surely have been included in contractual documentation exchanged with Professor Jay. It cannot be a complex matter to provide Synod members with a time line and outline explanation of the commissioning process in advance of the York Sessions. Such a collation of data will be needed in any event because of the necessary inquiries which in our view, must inevitably follow.

Allegations of such significance require their substance to be evaluated. What is also deeply concerning is that it falls to us to identify the need for a comprehensive official response in the face of silence from Lambeth Palace and Church House.

These are not matters of idle rumour; Dr Paul's status within both Archbishops' Council and the Audit Committee command attention. He will be privy to matters not known to outsiders.

He will of course have to recuse himself from participation in an inquiry other than appropriately as complainant, as will Mrs Maureen Cole who is also a member of both bodies and would be implicated by her silence were Dr Paul's allegation to be upheld. She will be a key witness to any inquiry.

We neither believe nor disbelieve what he says but we do take what he alleges seriously and it is right that a fully appropriate response is made.

The fact that it has fallen to us to raise these matters is also of concern. We need to ask if anybody has taken any step to address the matter which has been replicated and amplified by the Response Group?

Has anybody in any official role similarly "taken the matter seriously"? Has a Serious Incident Report been lodged with the Charity Commission, given the governance

dimension? Has any member of Archbishops' Council referred this to the Audit Committee, given the financial and reputational risks which would necessarily arise from Dr Paul's allegations being upheld?

The lack of action by the Response Group is equally troubling. The members have been assembled to address the issues of improving our responses to allegations "capable of belief". That implicitly includes holding those who fail in their duties to account, and the members of the Response Group ought equally and necessarily to be competent to identify where this needs to happen. If they are not, one questions whether they ought to be involved in such a body

Having accorded the substance of Dr Paul's allegations the credibility of including them as a stand alone comment, which specifically invites them to be taken seriously, the Response Group appears to have taken no step in consequence.

It appears that the members are content to impugn the credibility of the Jay Review, but not to initiate the proper steps to have the injurious allegations assessed upheld or dismissed. That is not a satisfactory position. Either the Group have not recognised the importance of what they are reporting, or they have understood it and yet are unwilling to take responsibility for initiating a proper resolution. This is all too reminiscent of the classic Church response identified by Smyth victim "Graham" to Dr Wilkinson:

"Everything in the Church of England falls between two stools. You've got the NSP, the NSSG, the SRG, the NST, the Archbishops' Council, the House of Bishops, the Lead Bishop, Lambeth and the individual dioceses and it allows everyone to say "Well its actually not my job" and decision after decision in the Church of England is made without anyone in control, without anyone saying "Come on, enough is enough"

There is a separate but related matter. We understand that a number of DSA's have written to you and are seeking to undermine the Jay recommendations upon the basis of alleged faulty methodology in her work. This, too, is immensely serious, not least in terms of the impact of delay upon our victim survivors if the nettle is not grasped in a timely way.

Prof Jay must have the opportunity to be told of the substance of these allegations and everyone must know what the path to resolution is. This cannot be properly done via the limitations of Synod Questions or "on the hoof" within the febrile atmosphere of Synod debate in a limited number of speeches possibly restricted to 2 minutes' duration. There needs to be proper process so that the facts are clearly known and the Jay team need to be able to be questioned and to provide comprehensive answers to the concerns raised. That is only fair to all concerned; the sooner this is addressed the better.

It cannot be right that the Church of England should be seen to be contemplating allegations which impugn the professional reputation of someone as distinguished as Professor Jay or Mr John O'Brien. Natural justice surely demands that these widely

recognised experts on safeguarding be given the opportunity to respond to these criticisms of them.

Somebody plainly needs to take control of initiating a proper, cool-headed evaluation of these matters. It seems to us that the Presidents are best placed to lead with appropriate self referrals and stepping back whilst properly independent and impartial minds consider the considerable difficulties raised.

You will appreciate that none of this is what we signatories wanted, but knowing how matters are unfolding we hope you will agree that we are doing the right thing by all parties by identifying the controversies and requesting that the Presidents take all necessary steps so that urgently-needed reform shall not be delayed or obstructed by protracted complicating factors.

The appropriate steps to be taken would appear to include that

- 1) These issues are referred to the Audit Committee forthwith.
- 2) Those joint members of Archbishops Council and Audit Committee recuse themselves from participation in the inquiries.
- 3) A comprehensive statement of their own account of the process and events be published before Synod by the Presidents.
- 4) Prof Jay be notified of both the criticisms and the process for addressing them in a transparent fashion.
- 5) Prof Jay be invited to address Synod and answer questions directly as to her methodology and response to these allegations.
- 6) Archbishops' Council confirm that it is satisfied that the Jay Review was commissioned under the terms of the Archbishops' authority, and whether any process misgivings were expressed and/or minuted by any member(s) of Archbishops' Council before the Jay Review was published.
- 7) Whether the Secretary General or the Chief Legal Advisor has offered any advice to the Presidents or to the Archbishops' Council as to the lawfulness of the commissioning process under criticism.
- 8) Depending on the outcomes of the above, a Serious Incident Report be filed with the Charity Commission

In these, as in all matters, transparency and accountability will serve us all well.

Yours sincerely

Martin Sewell
And 12 other General Synod members