

SUMMARY OF INQUIRY PANEL REPORT

Terms of Reference (“TOR”):

(a) *To consider the findings and implications of the Makin Report (dated 18 October 2024) regarding the Church of England notifying the Anglican Church of Southern Africa (ACSA) in 2013, or at any other time, of:*

(i) allegations of abuse by Mr John Smyth committed in the United Kingdom or Zimbabwe;

(ii) that Mr Smyth had become resident in South Africa;

(b) To establish if any reports or complaints are recorded as received by ACSA regarding membership by Mr John Smyth of ACSA and his activities in South Africa, and if so, what was done by ACSA in response to any such reports or complaints;

(c) To establish whether, if any such reports or complaints were made to ACSA, ACSA failed in any duty to convey such reports or complaints to any appropriate authority;

(d) To report on measures adopted by ACSA relating to Safe and Inclusive Church, and to make any recommendations arising from 1-3.

WHAT DID THE DIOCESE OF CAPE TOWN DO IN RESPONSE TO THE AUGUST 2013 WARNING ABOUT SMYTH FROM THE CHURCH OF ENGLAND?

7.1 It appears that the Smyths became residents of a Cape Town suburb, Bergvliet, in 2005 and became parishioners at the local ACSA church, St Martin’s. The diocesan records reflect that Smyth was not licensed for any ACSA ministry. Nor is there any ACSA record of any complaints or allegations pertaining to Mr Smyth. The then Rector, the Revd Allan Smith received a letter from the Smyths in December 2013 stating their intention to move to a non-ACSA worshipping community in Cape Town, Church-on-Main. It records that Smyth had preached occasionally over the years and had been part of the Alpha course (an outreach programme). It also refers to “our UCT student work”. Smyth offers still to do “an Alpha talk early in the New Year as promised”. But in the retrospect of his time at St Martin’s there is no reflection of leadership, or any form of ministry performed.

7.2 On 27 January 2014 the Revd Smith notified Bishop Garth Counsell, the Bishop of Table Bay in the Diocese of Cape Town, that Smyth “about whom you had some concern” had resigned from his parish. He noted that “[o]n the one hand it may be some relief and on the other hand one never quite knows what their motive or purpose is? Is it healthy for folk to hop from church to church”.

8.8 We find that the Ely letter dated 1 August 2013 did reach Bishop Counsell soon thereafter, certainly before the reply received by the Bishop of Ely (referenced in par 14.3.11 of the Makin Review). We find that the Ely letter formed the basis of the “concern” conveyed by Bishop Counsell to Revd Smith late 2013 or early 2014. We further find that the Ely letter had to be resent to ACSA, this on the request of the Archbishop, and forwarded by him to Bishop Counsell, on or about 7 February 2017.

7.5 We later record our conclusion (in addressing paragraph (c) of our TOR) that in our view neither Bishop Lee nor Bishop Counsell was remiss in any duty to pass on what had reached them regarding Smyth: Bishop Lee more formally to ACSA, and Bishop Counsell to Revd Smith. **But for the reasons set out in 10(15)(g) below, Bishop Counsell and Revd Smith erred in failing to inform the authorities at Church-on-Main of what they had learned about Smyth from the letter received from the Diocese of Ely.**

7.9 In a further communication to Bishop Counsell in 2018 Revd Smith noted that Smyth had “always wanted to be where there were any young adults who could be mentored by him, and because there were not many young men in that category, John sought out other churches” (naming three independent churches, including Church-on-Main). Revd Smith adds that after Smyth had left St Martin’s he did not follow Smyth’s activities, and was unaware whether he was still in South Africa. But in 2017 or 2018 the Smyths, after the funeral of a St Martin’s parishioner or that of the wife of the Rector of a neighbouring parish, approached him, “looking quite dejected” and asked if they could return to St Martin’s as “quiet members”. Smith replied that he “could not stop them from coming to worship but that they should not get involved in any ministry while this matter was unresolved”. He reports that Smyth showed signs of rapid aging and died about six months later. Smith conducted the “small, simpl[e]” funeral service.

7.10 What we have said in para 6.5 above regarding Smyth’s sojourn in KZN applies equally to his time in Cape Town. We have received no submissions in response to our public invitation regarding any complaints or allegations of abuse or other misconduct by Smyth while he was known to be an active member of an ACSA congregation. We are told ACSA records do not document any. **It is however apparent that, at its lowest, the risk of repetition of his serial abuse perpetrated (on the Makin Review findings) in the UK and Zimbabwe was high and continued until 2016 or 2017.**

10(15)(g) We have been troubled by the question as to whether any duty, moral or legal, might arise in such a situation for ACSA or a minister to seek to convey its concern about a departing member – where no factual basis is known at the time such as might found a police investigation – in two different situations. The first is where the member is known to move to a different ACSA parish. **We believe that Safe Church should provide for any ACSA minister in such a situation to log a confidential concern with their Bishop’s Office and with any known ACSA congregation to which such person is thought to have moved. In the second situation, where the move is made outside ACSA, we believe that the ACSA**

minister should, where the concern rests on more than mere rumour, canvass with their Bishop also reporting the concern on an explicitly confidential basis to the appropriate authority in that other worshipping entity, as should have happened when Smyth moved to worship at Church-on-Main, as recorded in para 7.5.

WHAT DID THE ARCHBISHOP KNOW, AND WHEN?

8.6 At the time of inquiries by the Mail & Guardian to ACSA in February 2017 the Archbishop of Cape Town wrote (on 3 February) to Bishop Counsell asking if he recalled receiving the Ely letter and asking whether they (the Archbishop and Bishop Counsell) had discussed it. Bishop Counsell had no initial recollection of receiving the letter. The Communications Officer wrote to Ely on 5 February 2017, asking for a copy of the Ely letter to be sent to an email address used by the Archbishop at the time (the Archbishop was in transit). It seems that it was in response to this request that Bishop Counsell was then forwarded a copy on 7 February 2017 from the Archbishop. (The Communications Officer first himself saw the letter in 2020).

8.7 On 18 October 2018 the-then Provincial Executive Officer wrote to Bishop Counsell stating that the Archbishop had asked to be informed of any correspondence on the matter between the Diocese of Cape Town “and Ely/Archbishop of Canterbury”. Bishop Counsell responded the next day, stating that “[w]e have again searched our records” and had not found any such correspondence. He said that he “remain[ed] perplexed by the letter addressed to me by the Bishop of Ely dated 30 July 2013 [presumably a reference to the letter dated 1 August 2013] which I received from the Archbishop on 7 February 2017”.

He said he had no recollection of receiving it, noting that at the time the diocesan office was being restructured and “I could possibly have overlooked this”. In fact, as we note in our findings, the Bishop’s memory does him an injustice: he had received it, had acted upon it (establishing that Smyth was a member of an ACSA parish, and which), had been in contact with the Rector, and had responded to Ely.

WHAT HAPPENED IN DURBAN?

8.12 In short, preceding our own inquiry, ACSA had made internal inquiries in 2013, 2017, 2020 and 2021 into any contact between Smyth and ACSA. These inquiries established that Smyth had been a member of St Martin’s in Bergvliet, Cape Town. His membership of St Martin-in-the-Fields, Durban was established when we received a helpful statement by Revd. Robertson in the course of our inquiry. No complaint or allegation was revealed relating to Smyth while he attended either, only his excommunication from the independent worshipping group he had joined subsequently.

6.2 It appears that in 2003 or 2004 the Smyths joined an ACSA Durban congregation, St Martin-in-the-Fields.¹ There Smyth from time to time preached, became a member of a home group, and of a team running confirmation classes (which would have brought him in contact with young people), from time to time. He was also actively involved in arranging at least one confirmation camp. The then Rector, the Revd Michael Skevington, received a troubling call relaying that there were reports of Smyth having been involved in instances of abuse in the UK and Zimbabwe. Revd Skevington and a churchwarden confronted Smyth: his reaction was to threaten them with legal suits should these allegations be further conveyed. A significant feature of the Makin Review, and of the Coltart Report regarding events in Zimbabwe, is Smyth's repeated (and evidently effective) recourse to threats of this nature when allegations of abuse were raised with him.

6.3 It is to the credit of the Revd Skevington and the churchwardens they did not (as the Makin Review unfortunately reflects as the reaction of some individuals and entities, in the UK and Zimbabwe) quail in the face of these threats. The Smyths were immediately suspended from all ministries at St Martin-in-the-Fields, and left the congregation "abruptly".

6.4 No submissions have been received by us in response to the public invitation we indicate above (and also specifically conveyed to St Martin-in-the-Fields). The current Rector has however taken it upon himself to check with former leaders of the camp conducted by Smyth, and gone to the lengths of writing individually to every recorded attendee. We are grateful for this. He reports that no allegations or concerns relating to Smyth's conduct have been conveyed to him.

8.2 The second communication in any form [SEE WARNINGS BEFORE 2000 BELOW] relating to Smyth comprised the rumours that reached Revd Skevington at St Martin-in-the-Fields in about 2003, with which he immediately confronted Smyth and which led to Smyth's departure from that congregation.

10.7 After reports of abuses by Smyth in the UK and Zimbabwe were conveyed to the rector of St Martin-in-the-Fields he and a churchwarden confronted Smyth, and were threatened by Smyth with legal consequences. Undeterred they ensured Smyth was suspended from all activities in that church. We commend their swift and decisive action. Smyth left the congregation.

FINDINGS ON THE RISK POSED BY SMYTH IN SOUTH AFRICA

10.4 We have asked that ACSA records be checked for any reports or complaints regarding Smyth's conduct while a member of the ACSA parishes of St Martin-in-the-Fields, Durban or St Martin's, Bergvliet. We have been advised that there are no such reports or complaints recorded.

10.5 No such reports or complaints have been conveyed to us in response to the public invitation to make submissions to us following our appointment in November 2024.

10(15) (d) We find that the Bishop of Table Bay appears from correspondence from the Rector of St Martin's, Bergvliet as a consequence of the Ely letter to have conveyed a "concern" relating to the latter in late 2013 or early 2014, the Rector responding that Smyth had to their likely mutual "relief" resigned from St Martin's.

(e) We find, on the basis of the Makin Review's findings, that Smyth appears thereafter in his membership of the independent worshipping community he joined after St Martin's to have perpetrated the clear grooming behaviour we have referenced above.

(f) We find that there was a high risk of repetition by Smyth of the grooming and physical abuse he (on the Makin findings) perpetrated in the UK and in Zimbabwe during the periods in which he was a member of the two ACSA parishes to which he belonged between 2001 and 2014.

(h) We do not consider that the readmission to membership of Smyth at St Martin's, Bergvliet in his evidently frail state in 2017, on express condition that he was not involved in organising activities, posed material risk. We do however consider that, in the circumstances and particularly given the previous exchange of correspondence in 2014 between the Rector and the Bishop of Table Bay, this should prudently have been a matter canvassed first with the Bishop (more particularly given that it was the latter who had conveyed an initial concern to the Rector), and that for good order Smyth's subsequent death (and burial service) should have been reported to the Bishop.

WARNINGS ABOUT SMYTH BEFORE 2000

8.1 The first communication of any kind to ACSA or one of its ministers relating to the abuses perpetrated by Smyth appears to have comprised the allegations made to Bishop Peter Lee in the 1980s relating to Smyth's Winchester abuses. Bishop Lee, when Smyth's name cropped up even before the latter's arrival in 2001 in South Africa, cautioned fellow bishops against involving Smyth in ACSA activities.

[8.9 The delay from the first reporting to Revd Ruston in 1982 of the serial beatings Smyth administered in the UK, and his associated sexualised conduct, to the sending of the Ely letter in 2013 is the subject of detailed criticism in the Makin Review.]

10.14 The risk of a repetition of abuse by Smyth in his time in South Africa (2001-2018) was at all times clearly high.

10.15 As regards paragraph (c) of our TOR, concerning what since 2019 has been resolved to be set up as ACSA's Safe Church, but which is still to be fully established, we find that:

(a) Regarding the first discernible communication of Smyth's criminal actions, namely the reports or rumours reaching Bishop Peter Lee as a young ACSA priest in the 1980s, it is not to us apparent that he could appropriately have done anything with these. The reports were not first-hand and were not documented. There was no inkling then that Smyth would take up residence first in Zimbabwe and thereafter South Africa.

(b) Regarding the second communication, that by Bishop Peter Lee to his fellow bishops in about 1998, Bishop Lee acted in our view in compliance with the Pastoral Standards, which constituted the only protective ACSA measures then in force in ACSA. He had no more information regarding Smyth than his original (1980s) recollection of reports of abuse emanating from Winchester. He was addressing what at the time was a mere prospect that Smyth, now in Zimbabwe, might seek to involve himself in ACSA activities. The weakness in protection afforded by a general caution to fellow bishops was an institutional weakness: it is only in 1998 that the worldwide Anglican Communion initiated the deliberations which were to lead (in South Africa's case, only in 2016) to organs such as Safe Church, designed to protect vulnerable members from abuses.

REGARDING THE DEVELOPMENT OF SAFEGUARDING IN ACSA

9.7 In the light of reports published in early 2018 of sexual abuse in parishes, institutions and organisations of the Church, the Archbishop asked the Canon Law Council of Southern Africa to assess the efficacy of the Church's procedures and practices with a view to ensuring that the Pastoral Standards are effectively upheld and disciplinary procedures fairly and firmly enforced when the standards are contravened.

9.12 In summary, we record our serious concern that targets set for completion by the Canon Law Council and the Synod of Bishops have not been achieved for a period now in excess of six years. The Safe Church Commission still has not been fully established. As noted, it is also not apparent that even the three steps required from the Dioceses by Pastoral Letter in October 2018 have been implemented by all Bishops' Officers or ministers. It is a matter for self-examination, where Dioceses have failed to take the three immediate steps agreed by the Bishops in 2018 to be "urgent", and reaffirmed as such by the Archbishop.

9.14 Our inquiry, limited as it is to the matters stated in our TOR, does not include a review of ACSA's dealing with abuse generally. But inevitably it throws some matters into sharp focus. One is the disturbing delay already noted, at least since 2018, in fully implementing measures evolved over two decades to grapple effectively with abuse within the church and church-related institutions, such as schools and children's homes.

10.15 (j) We do not consider that the Pastoral Standards alone afforded members of ACSA sufficient protection against conduct such as that documented in the Makin Review and Coltart Report, and that there was a serious risk of such conduct being repeated in South Africa by Smyth after his arrival in 2001.

(k) We consider that the delays in implementation since 2016 of Safe Church are a cause for serious concern, raising the risk that similar or other abusive conduct goes undetected and is not the subject of effective protective measures.

(l) We note the need for this report to be considered in its application not only to ACSA, but to all ACSA-related entities, particularly what are termed church schools and children's homes. Over the years, including in the most recent time, instances of serious physical and sexual abuse involving learners have continued to present themselves.

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