

Gospel & Law

Easter Edition

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Editorial: Happy Easter, happy resurrection and welcome to the Easter edition of Gospel and Law. For those who weren't able to get to it there is a summary report of the AGM and Day Conference on Safeguarding. A newly found website on Anglicanism, which includes a wonderful diagram of how the Archbishop of Canterbury is selected, adds some light yet educational relief. And finally more news of conferences and reading material that might be of interest to members.

AGM 2014 – The AGM was preceded by the launch of **James Behrens new edition of Practical Church Management: A Guide for Every Parish**, available online from Gracewing. Then in a short but business-like AGM the following were elected as officers of the society for a further year:

Chairman	The Rt Rev Christopher Hill DD
Secretary	Howard Dellar, Lee Bolton Monier-Williams
Treasurer	Rev John Rees, Winckworth Sherwood

The following were also elected to serve a further three years on the committee:

Dr Peter Smith (Exeter University), Rev Dr Catherine Shelley (Birmingham University) and Rev Canon David Felix (Daresbury, Chester diocese).

Rev Dr Will Adams, Editor of the Journal, reported that things were healthy and encouraged members to write for the journal. So if there are articles that you have already got mulling over or things you want to reflect on in print, then do check out the website <http://www.ecclawsoc.org.uk/the-ecclesiastical-law-journal.html> and http://journals.cambridge.org/images/fileUpload/images/ELJ_IFC.pdf for guidelines for contributors.

Conference on Safeguarding:

Jill Sandham, the interim National Safeguarding Officer and recently retired officer for Southwark Diocese, stood in for Elizabeth Hall who is off sick. Beginning with a warning about the disturbing nature of safeguarding work Jill went on to provide an overview of the role of national safeguarding office. It is staffed by Jill and Elizabeth as safeguarding officers, supported by Simon Payne, head of delivery and policy, Stephen York Legal adviser and a communications department. In addition the office liaises with Kate Wood, safeguarding officer at Lambeth, who works on cases relating to senior clergy. The office works on complex cases, with survivors and in risk assessment. It supports Diocesan officers and develops national policy and guidance. However, her overall message was that to be

effective, there needs to be a culture change, moving from seeing safeguarding as a series of boxes to be ticked and training to be done, to putting safeguarding at the centre of mission. Safeguarding is not just about sexual abuse but about patterns of controlling, coercive and exploitative behavior which applies to domestic violence, emotional and spiritual coercion, financial pressure and online pornography just as much as to contact related sexual abuse. Part of the process is also grooming those in a safeguarding role whether parents, carers, clergy or congregations. Much of the task of safeguarding is being aware of these patterns, alert to the risks and ensuring safe recruitment, which goes far beyond simply DBS checks. Jill advised that particular attention be paid to listening to those disclosing abuse, being aware that abuse in the past is not historic because it is likely to affect victims throughout their lives. The trauma of abuse can affect accuracy of recall and subsequent behavior. This means that proper, skilled investigation is needed not face value decisions based on stereotypes that the alleged perpetrator is 'respectable' and the person making the allegation is chaotic.

Nicola Harding, joint registrar of Ripon and Leeds began by speaking about her own experience as a Children's Panel solicitor representing children in care proceedings. She cited two cases of sexual abuse, which illustrated the devastating nature of abuse, the impact of grooming on the surrounding family and community and the fact that abuse happens in all communities regardless of class, wealth or any other background. It was against this background that Nicola reiterated the idea that there needs to be a culture change to recognize the impact of abuse. Responses, such as she has heard from senior clergy, that 'this sort of thing was rife at school' are not acceptable. Registrars need to be more actively involved in this area, not just called in to advise the Bishop when an issue arises under the Clergy Discipline Measure. The Bishop with responsibility for Safeguarding nationally is now Paul Butler. Bishops need to be aware both of their responsibility as the point where the buck stops but also of the need for adequate safeguarding advice. A preventive rather than reactive and protective approach is also part of the culture change needed. It is also important that those undertaking safeguarding advisory and training work have practical, professional experience of this area of law. Ideally training for clergy and other Church officers should be mandatory. In terms of dealing with allegations it is important to recognize the need for support both for those disclosing abuse but also for those charged with it, which can include retired as well as serving clergy and potentially lay people. The support role cannot be carried out by the same person; conflicts of interest need to be recognized and managed.

Bill Jacob, the Archdeacon of Charing Cross, explained that he saw his role as one of protecting churches from unsatisfactory clergy, which may have led to a reputation for being judgemental but one that he was willing to accept. He also saw part of his role as encouraging clergy to protect themselves from the risks of allegations through appropriate boundaries and not placing temptation in the way of vulnerable parishioners eg do not take an alcoholic on a trip to a distillery. Other examples included Sunday School in the vicar's own home and an open house for ex-offenders, without risk assessment. He then outlined the structure of safeguarding in the Diocese of London, which includes a Diocesan safeguarding steering group, the safeguarding team and parish safeguarding officers. The aim is to ensure advice to the Bishop but sufficient independence, including an independent lay chair and ongoing independent monitoring through feedback. Safeguarding training is undertaken in teams and parishes are encouraged to go home from training with an action plan for their PCC. It is

relatively recent and therefore too early to say if it is working but the emphasis is to make sure safeguards are in place. The importance of policies, procedures, monitoring and equal treatment was emphasized eg in recruitment and investigation. The risks of church protectionism were highlighted along with misguided recourse to theologies of forgiveness or absolution after confession without a firm purpose and practice of amendment. Other risks include succumbing to threats from those accused, reluctance to report and conflicting advice from professionals who are not safeguarding professionals.

Adrian Iles, the Archbishops' Council's Designated Officer under the Clergy Discipline Measure, spoke about proposed legislative amendments prompted by the enquiry into safeguarding in Chichester. He asked delegates to think about two particularly difficult areas that would be addressed in legislation: (1) how 'vulnerable adult' could be satisfactorily defined within a church context (existing secular safeguarding legislation did not define 'vulnerable adult' in terms that took account of the nature of the relationship between a priest and a parishioner seeking pastoral support); and (2) what action should be taken where a risk assessment concluded that a cleric was a significant safeguarding risk but there was insufficient evidence for a disciplinary tribunal to make findings of misconduct.

The main legislative amendments, to be put before Synod at First Consideration Stage in July 2014, will include:

- Removal of the time limit for making complaints in cases of sexual abuse against a child or 'vulnerable adult'.
- Power for a bishop to suspend a cleric when an application is made to the President of Tribunals for permission to make a complaint out of time (this would apply to all complaints) – the bishop will have to be satisfied that it was necessary in all the circumstances of the case, and will be required to seek preliminary legal advice from his registrar.
- Diocesan Bishops will be able to direct that a risk assessment be carried out on a priest or deacon where there are safeguarding concerns. It would be an act of misconduct for the priest or deacon to refuse to comply with the bishop's direction without reasonable cause. The lack of national guidance on who is to conduct risk assessments and how they are to be carried out will be addressed by House of Bishops regulations.
- Prohibited and suspended clergy will not be allowed to robe during divine service.
- Canon C8 will be amended so that only those with a bishop's authority to minister (whether as an incumbent, under licence or PTO) may be invited by the minister with the cure of souls to officiate or be permitted to robe during divine service. This means that eg those teaching in theological colleges and retired clergy would need PTO before they could be allowed to officiate or robe. Additionally, canon B43 will be amended so that where a minister from another Church is invited to officiate, the host parish priest will need to be satisfied that that person is of good standing. Some concern was expressed, during questions, about the discretion to invite visiting

ecumenical clergy remaining with the local Incumbent. There would however be a duty on the Incumbent to make appropriate enquiries before issuing an invitation to officiate.

- Safeguarding training will be mandatory for all ordained clergy, and all lay readers and lay workers in the church. Bishops will be required to appoint a safeguarding adviser in accordance with House of Bishops regulations.
- All ordained clergy, all licensed lay readers and lay workers, all PCCs and wardens will be under a duty to have due regard to House of Bishops' safeguarding guidance.
- Anyone on the barred lists under the Safeguarding Vulnerable Groups Act, and anyone who has been convicted of certain offences, will be disqualified from serving as a warden or being a member of the PCC. However, the bishop will be able to waive a disqualification following a conviction eg where the conviction is historic and the person concerned is not a safeguarding risk.

In plenary it was agreed that a significant problem area remains that of risk assessment in cases where there are concerns but no criminal conviction and insufficient evidence of misconduct to put before a disciplinary tribunal (eg because victims are unable or unwilling to give evidence). One of the key problems is finding an established set of facts on which to base a risk assessment when the respondent disputes alleged conduct. Possible ways forward might include some form of fact-finding hearing, as happens in child protection proceedings. The use of intermediaries, Audio visual technology and written evidence was discussed as a means of getting evidence before the relevant fact-finding body where victims' capacity to testify was impaired.

The discussions concluded with a vigorous debate particularly about issues of evidence for the Clergy Discipline Measure, the definition of 'vulnerable adult', the need for more rigour in assessments, consideration of the balance between child protection and the interests of justice, and issues of where responsibility lay eg for invitations to ecumenical or retired clergy.

If anyone has ideas that they wish to contribute about this area of work, particularly the risk assessment process, feel free to contact Adrian Iles or Bishop Paul Butler. Concerns can also be addressed to the national safeguarding officer.

The day then concluded with a beautifully crafted and appropriate act of worship led by Archdeacon Anthony Russell.

On a completely different note.... How does the Anglican Church work?

Help is now at hand from <https://www.youtube.com/user/MapleAnglican>

Which has a great set of outlines of Anglicanism, how to choose the Archbishop of Canterbury and how Anglicanism is Catholic and Protestant

Conferences, lectures and reading....

Annual Conference of the Law and Religion Scholars Network - Monday 12th May, followed by the **Law and Religion Teaching and Research Conference on Tuesday 13th May 2014**. The two events are separate, but people attending the first may wish to stay on for the second, as they cover a common area of research interest.

The charge to attend the LARSN conference is £20 and the LRTR conference is £15. Further information about both conferences is available at:

<http://www.law.cf.ac.uk/newsandevents/events2.php?id=760>

Magna Carta, Religion and the Rule of Law: An International Conference at the Temple
Saturday 7 June 2014 – 9am to 6pm £45 or £15 for students, including lunch

Convenors: Robin Griffith-Jones and Mark Hill QC, with Professor Robert Blackburn

<http://www.innertemple.org.uk/getting-here/33-news-events/513-magna-carta-religion-and-the-rule-of-law-international-conference>

Booking: <http://www.eventbrite.co.uk/e/magna-carta-religion-and-the-rule-of-law-tickets>

Queries to: master@templechurch.com or re practicalities Catherine@templechurch.com

Future London Lectures – at Winckworth Sherwood, nr Southwark Cathedral

Tuesday 17th June 2014 – 5-7pm – Rt Revd John Pritchard, Bishop of Oxford
Church Schools: a new landscape

Wednesday 29 October 2014 – Professor Mark Hill QC
Judicial Deference and the Non-Justiciability of Religious Disputes

The lectures are free of charge but spaces are limited. Please contact Andrew Male at admin@ecclawsoc.org.uk if you wish to attend.

The Lyndwood Lecture will be delivered by the Attorney General, The Rt Hon Dominic Grieve QC on 11th December 2014 at a venue yet to be arranged. Watch this space for further details in due course.

The Biennial Residential Conference will be held from 17th to 19th April 2015 in Bristol. Its focus on the Funeral Project, exhumations, memorials and other grave cases will make it dead exciting.... And it is anticipated that committee meetings between now and then will be dominated by appalling puns around death... The conference will also be the final conference presided over by Bishop Christopher as our Chairman...

And some possible reading for any post-Easter Holiday and all those pending Bank Holidays for those lucky enough to take them...

Religion in Public Spaces - Silvio Ferrari and Sabrina Pastorelli, Ashgate Publishing

Law and Religion - Russell Sandberg, Cambridge University Press

James Behrens new edition of Practical Church Management: A Guide for Every Parish
Gracewing

