

Diocese of Chester
Safeguarding Audit Report
Response from the Bishop of Chester

1. This response has been finalised after consultation with the Diocesan Secretary and Diocesan Vulnerability and Safeguarding Adviser.
2. We are grateful for the report, and we will use it further to improve our practice in various areas.

I am particularly pleased with the strong commendation of the work of Mrs Pauline Butterfield, our Diocesan Vulnerability and Safeguarding Officer (DVSO).

3. Before commenting on some specific issues which are made in the Report, I would make a general point. I expected that, as a matter of professionalism, the Auditors would have made some effort to acquaint themselves in advance about the legal framework within which a Bishop (and all others in the life of the Church) has to operate. It was obvious that the Auditors knew little about the relevant provision in Canon Law and the requirements of the Clergy Discipline Measure (CDM), which are, of course, embodied in UK Law. Furthermore, they did not seem at all interested in the legal framework within which I and others are obliged to operate.

In a free society, it is crucial to the Rule of Law that all those who exercise power should do so within the given and accepted, democratically endorsed laws of the country. The law is there to protect everyone, and not least everyone who is affected by a safeguarding situation.

4. I do not accept (2.1) that until recently the DVSO and I 'seldom met face to face'. We met as often as either party requested a meeting, although I accept that in the extreme busyness of our DVSO's early months of employment we should have had a

more structured schedule of meetings. This is now in place, when we go through a list of her current cases and concerns.

The DVSO has, and has always had, an open invitation to attend my staff meeting, whenever she feels this is appropriate.

5. The reference (2.4) to a lack of a use of 'core groups' in the Diocese, as recommended in the House of Bishops 'Responding to Serious Safeguarding Situations' (June 2015) is a matter for the DVSO. It is the DVSO, under the policy guidance (7.7) who is to convene a 'core group' as necessary, for internal case management. I note that the purpose of a 'core group' is to advise the Bishop, who is not permitted to be a member of the group.

The Auditors do not cite a particular case which would have benefitted from a more formal 'core group' structure, and it may be that at the time of the Audit (May 2016) there was not a serious case involving a church officer which was not already being managed by an externally-driven 'core group'.

6. In 2.10 there is a reference to concern about there being too little scepticism of an alleged perpetrator. This refers to a current case of a single complainant alleging a non-consensual sexual relationship with a priest (A), who denies all wrong-doing.

The police investigated this matter (for 18 months) and concluded that there was no criminal case to answer. A CDM enquiry was then established, and the case will be heard by a disciplinary tribunal later this year. The priest concerned is, of course, suspended from all ministerial duties, and I will await the outcome of the tribunal. At present I have neither 'scepticism' nor 'belief' on either side of a contested case between a single complainant and a defendant.

When I originally discussed this case with the Auditors, they told me that on the basis of the case notes they had seen they had taken the view that the allegations were 'substantiated'. In this they were probably influenced by a similar opinion

which the Police offered following the 'nfa' decision. Given the ongoing process, and forthcoming tribunal, I regard this judgement as, at best, premature, and, at worst, displaying an unacceptable pre-judgement.

Connected with this, the Auditors allege that the priest concerned "'agreed' to have no unsupervised contact with children during a disciplinary process", but that I should have insisted that this was the case. The priest concerned had been under arrest on a police bail (and suspended under the CDM) for 18 months. Once the police case was dropped it took 3-4 months to assemble a complaint under the CDM (largely due to the slowness of the police in making their evidence available), and bring it to the point where formal suspension could be re-imposed. In that time the priest had the legal right to return to his duties in his parish. In the event he voluntarily agreed not to return, and to continue to act as if the conditions of the police bail were in place. I did not have power to 'insist' on anything.

The attitude here of the Auditors, that a Bishop should seek to 'insist' on what he has no legal right or power to demand, is worrying. Why is proceeding by consent wrong in these circumstances? I regard it as rather important that Bishops should seek to act within their legal powers, and not outwith them.

7. Also in 2.10 there is an allegation of a 'considerable delay' in making a particular reference to the police. I reject this allegation.

The secular matter in question had already recently been referred to the police by a third party, and the police had decided neither to investigate on a criminal basis nor to refer the person to the local safeguarding board. The third party, being dissatisfied with the decision of the police, then tried to re-run the complaint through the Church, as the person concerned is a licensed lay minister.

I make no apology for taking careful legal advice before re-referring the matter to the police. Such a referral was then made, again with no further action. Subsequently, in an internal disciplinary process (as set out in Canon E6) the person

concerned was cleared of any alleged wrong-doing, to the satisfaction of me, the DVSO, and the Diocesan Registrar, who met with the licensed lay minister to hear his explanation of events. At the time of the audit, the auditors had clearly formed the opinion that he was guilty which, again, was a premature prejudgement.

8. The other case, where it is alleged that no referral was made to the statutory agencies, also needs some explanation.

The reference here is to a male, divorced priest who had emotional relationships with two single women, in one case a fully sexual relationship. The two women conveyed to me, through a third party who is a solicitor, that they did not consider themselves vulnerable, and had no criticism of the priest concerned. There was no suggestion that they had lacked capacity to make decisions. They did not want to meet with me, or the DVSO, or the (female) Bishop of Stockport, to receive an apology on behalf of the Church.

Are we to treat every woman who has an extra-marital relationship with a priest as *ipso facto* vulnerable? Are we to refer all such clergy to the local Adult Safeguarding Board? I consulted the then lead Bishop for safeguarding (+Durham), and concluded that no reference in this case was warranted. The DVSO had wanted a reference, and I considered her advice very carefully, before reaching a different conclusion.

Disciplinary issues did arise, of course, and the priest concerned resigned. He has moved to secular work in another Diocese and I have provided full details of his case (and forwarded his file) to the new Bishop.

In taking the action that I did, I believe I was following the guidance in section 3.10 of the Practice Guidance from June 2015, which the Auditors accuse the Diocese of ignoring altogether. The guidance in relation to referrals of adult cases without their consent, says that a referral should only be made:

- (i) if the person(s) concerned appear to lack capacity
- (ii) if others are at a risk of harm

9. In 2.19 there is a reference to the Cahill Report on the case of Robert Waddington, when a previous Archbishop of York sought to maintain a pastoral relationship with Mr Waddington, while also being a decision-maker in the safeguarding/disciplinary situation. The Auditors refer back to their discussion in 2.10, and the reference is to the 'possibility of senior clergy being groomed by actual or potential abusers'. The specific case is that referred to in 5. above.

In that case the pastoral and disciplinary responsibilities have been allocated to two different Bishops. I decided to maintain a limited pastoral contact with the priest concerned (and his parish) because I foresaw that the matter would take a long time to resolve. We are about to enter a fourth year, with the priest still suspended and awaiting a CDM tribunal. But all legal and disciplinary responsibilities have been formally delegated to another Bishop who has had no pastoral responsibility for the priest. If I am not a decision-maker in this case, how can an allegation of 'grooming' arise?

In these circumstances, I regret that there is any reference in the Report to the Waddington case. The Auditors are proceeding by innuendo, to suggest that there has been an equivalent confusion of legal/disciplinary and pastoral responsibilities in this Diocese. I challenge the Auditors to substantiate their innuendo. I am entirely confident that they cannot do this. This audit report needs to be evidence based, and in the use of unsubstantiated innuendo here it clearly is not.

Rt Revd Dr Peter Forster