



HOUSES OF PARLIAMENT

UNCORRECTED TRANSCRIPT OF ORAL EVIDENCE

HOUSE OF LORDS
HOUSE OF COMMONS
MINUTES OF EVIDENCE
TAKEN BEFORE
THE ECCLESIASTICAL COMMITTEE

ORAL EVIDENCE
SAFEGUARDING (CODE OF PRACTICE) MEASURE

TUESDAY 20 JULY 2021

10 am

Virtual Proceeding

Questions 1 - 14

Oral Evidence

Taken before the Ecclesiastical Committee

on Tuesday 20 July 2021

Members present:

Baroness Butler-Sloss (Chair)
Sir Peter Bottomley
The Earl of Cork and Orrery
Lord Cormack
Baroness Eaton
Baroness Harris of Richmond
Lord Jones
Lord Lexden
Lord Lisvane
Rachael Maskell
Baroness McIntosh of Hudnall
Andrew Selous
Stephen Timms
Martin Vickers

Examination of Witnesses

The Rt Reverend Jonathan Gibbs, Bishop of Huddersfield (Lead Bishop for Safeguarding); the Rt Worshipful Morag Ellis QC, Chair of the Steering Committee; David Worlock, Deputy Director of Development, Safeguarding; the Reverend Alexander McGregor, Chief Legal Adviser; Chris Packer, Legislative Counsel; William Nye, Secretary General.

Examination of witnesses

The Rt Reverend Jonathan Gibbs, the Rt Worshipful Morag Ellis QC, David Worlock, the Reverend Alexander McGregor, Chris Packer and William Nye.

Q1 **The Chair:** Welcome to the virtual meeting of the Ecclesiastical Committee on the Safeguarding (Code of Practice) Measure. Our witnesses are representatives of the General Synod: the Rt Reverend Jonathan Gibbs, Bishop of Huddersfield; the Rt Worshipful Morag Ellis QC; Mr David Worlock, deputy director of development; the Reverend Alexander McGregor, who I always welcome, who is our chief legal adviser for the Synod; Mr Chris Packer; and Mr William Nye, who is also the secretary-general, a very welcome regular attendee.

We have had two relevant interests in advance, from Lady Harris and Lord Lisvane, who will give them for the record.

Baroness Harris of Richmond: I am high steward of Ripon Cathedral, and I have a nephew who is a priest in the Isle of Man.

Lord Lisvane: I am married to a Church of England priest who is also Chairman of the Hereford Diocesan Board of Finance. I am a Churchwarden. Those are relevant to inserted section 5A. I have other ecclesiastical interests but they do not impact on the Measure we are considering today.

The Chair: Thank you, Lord Lisvane. Anybody else?

Baroness Eaton: I am an honorary lay canon at Bradford Cathedral, which I am not sure is relevant, but I will declare it.

The Earl of Cork and Orrery: I have a long-term involvement with Chichester Cathedral, currently as a governor of the trust.

Lord Cormack: I am the deputy high steward of Lincoln Cathedral.

Sir Peter Bottomley: I am a parliamentary warden at St Margaret's Church, Westminster.

Martin Vickers: I am a member of the Lincoln Cathedral Council.

Stephen Timms: If we are declaring cathedral council memberships, I am a member of the St Paul's Cathedral Council.

Q2 **The Chair:** Thank you very much, all of you. I will invite the Synod representatives to introduce this matter.

Jonathan Gibbs: My Lord Chair, thank you very much indeed for this opportunity to make this presentation. In case anyone does not know, I am Bishop Jonathan Gibbs, the Bishop of Huddersfield and the lead bishop for safeguarding in the Church of England. You have already introduced the other members of the committee, Chair, so are you happy that I do not formally introduce them now?

The Chair: Thoroughly happy, yes.

Jonathan Gibbs: Thank you for the opportunity to make this presentation on the Safeguarding (Code of Practice) Measure and to answer the committee's questions. My introduction will be brief, as I believe that the accompanying papers are very clear and deal with all the main points, and because this will allow more time for members' questions.

The origins of this Measure lie in the 2019 IICSA report, *Anglican Church Case Studies*, especially with regard to the case of Bishop Peter Ball. A key issue for IICSA concerned the use of the term "have due regard" in Section 5 of Safeguarding and Clergy Discipline Measure 2016. It concluded that this was not sufficiently clear or rigorous. Some people, including bishops, had apparently concluded that it permitted them to disregard the House of Bishops safeguarding guidance if they felt they knew better.

The key purpose of the legislation was therefore to make clear the binding nature of the obligation. The letter before you amends the 2016 Measure, replacing the duty to have due regard to the safeguarding guidance with provision for a safeguarding code of practice, which may impose requirements on relevant persons, as well as giving guidance to them. Each of those phrases is important.

There are, therefore, two key elements in the provisions of this Measure. The first is clarification of the binding nature of the code of practice that will be issued by the House of Bishops after appropriate consultation and with the approval of the General Synod.

The second is an expansion of the list of relevant persons who are required to adhere to the code of practice, including various specified bodies as well as individuals.

There is also an amendment to the Churchwardens Measure 2001 expanding the circumstances in which a bishop may suspend a Church warden as a result of a failure to comply with the safeguarding code of practice.

You might like to note that the draft Measure was unanimously approved in all three houses of the General Synod. I hope that this is sufficient by way of introduction, and we would now welcome the chance to respond to members' questions.

The Chair: I will start by saying, Bishop, how relieved I am that you have done that. As a former judge, the phrase that was used in 2016 was, as you have discovered, entirely inadequate, and you have made a great improvement.

Q3 **Baroness Harris of Richmond:** I asked a couple of questions, which I hope got through to the advisers. First, I wonder who would ever put themselves forward to be a Church warden, because this has a responsibility. Who would advise a suspended Church warden? We know that the President of the Tribunals tries the case but does not advise.

My second question relates to subsection (2), amendment and repeals, in Section 2 of the Measure. Could I have a definition of a vulnerable adult? We know what a vulnerable child is because age is a pre-determinant, but what is meant by a vulnerable adult, please?

Jonathan Gibbs: Thank you for your question. It is very nice to see you this morning. I will begin by expressing my huge thanks to all those who serve as Church wardens—I know there are several of them on the call this morning—for the absolutely invaluable role that they play within the Church of England.

On the Measure, we are talking about the power of suspension, which in common parlance is called the nuclear option. The intention, of course, is that this would happen very rarely. In normal circumstances, if there is an issue about compliance with the code of practice, that is resolved with the help of the parish safeguarding officer and the diocesan safeguarding adviser, who is paid an employee, usually with an expert background from some other profession relating to safeguarding, who would give support in the resolution.

I should have explained that with many of the questions I will pass over to colleagues who have more detailed answers to give. The Dean of the Arches, Morag Ellis, was going to say a word about this.

Morag Ellis: Thank you very much, Bishop, and thank you, Lady Harris, for your question.

The legal position is that there is no statutory entitlement for a Church warden to have legal aid and assistance, although I would very much echo what Bishop Jonathan has said about the suspension being absolutely a measure of last resort and not something we would envisage happening regularly.

There is, however, a system of volunteers under the banner of the Dean's List, as it is rather strangely called. I have a list of names of people who are prepared to offer pro bono advice and assistance among the relatively small collection of barristers who specialise in ecclesiastical law. Generally, those who volunteer for the Dean's List are doing so in connection with faculty jurisdiction cases. There are certainly some names on that list who would be competent to deal with wider matters.

I would very much echo what the Bishop has said about this being the last resort. I am a PCC member, a reader and a licensed lay worker, which means that I have to undergo safeguarding training from time to time—I had my most recent training about a month ago in the updated form—so I can tell the committee from personal experience that it is certainly extremely helpful. Church wardens will, of course, be eligible for that training. It sets the context, the rationale and the important underlying reasons for these measures and for the legislation.

I hope that my initial answers, which dealt with the legal nub of your question, are satisfactory.

Jonathan Gibbs: Would you be so kind as to go on to Lady Harris's second question with the regard to the definition of vulnerable adult in relation to the 2016 Measure?

Morag Ellis: I am very happy to do that. The provisions that we are bringing to the committee today are amending provisions, so the idea is that those would be inserted into the Safeguarding and Clergy Discipline Measure of 2016, which already exists. They would just slip into and sit within that. That 2016 Measure, by Section 6(2), defines vulnerable adult for the purposes of the whole Measure. That definition will govern the words the committee is considering today. I can read the definition if you would like to hear it.

The Chair: It would be helpful if you did.

Morag Ellis: Yes. The words are, "In this Measure, 'vulnerable adult' means a person aged 18 or over whose ability to protect himself or herself from violence, abuse, neglect or exploitation is significantly impaired through physical or mental disability or illness, old age, emotional fragility or distress, or otherwise; and for that purpose, the reference to being impaired is to being temporarily or indefinitely impaired". That is the statutory wording.

Baroness Harris of Richmond: Thank you, that is very helpful.

Q4 **Lord Cormack:** Welcome to our distinguished visitors. I am very troubled about safeguarding within the Church of England and I want to concentrate on just one case, which is public knowledge so I am breaching no rules or regulations. The Bishop of Lincoln was suspended for 20 months while an allegation was investigated, not that he himself had perpetrated anything but he had not handled a case as efficiently as he might have done. For 20 months, a diocese was deprived of its diocesan bishop's leadership. At the end of the day, he came back guilty of no major offence at all and has assumed again his role as Bishop of Lincoln.

That this should have happened has caused enormous heartache, not only to him but to many in the diocese. I would like an assurance that under the new Measure it would be impossible for anybody—bishop, parish priest, curate or Church warden; I was a Church warden of three Churches for some 36 years in all—to be suspended for that length of time.

If I am satisfied that this Measure will achieve that, I am wholly content to deem it expedient. If I am not satisfied, I could not possibly do that.

Jonathan Gibbs: I will respond initially and may well look to my colleagues to say more. They will stop me if I stray into things I should not say, I hope.

It is a matter of public record that the Archbishop of Canterbury has expressed his deep regret over the length of time it took to resolve the case. It is everybody's desire that that should not be repeated.

It is always difficult to go into the detail of particular cases, as members will understand. Nevertheless, I will say two things. The safeguarding code of practice in the Measure in front of us today is one piece of the jigsaw. The other piece of the jigsaw that it is important to understand is the work that the national safeguarding team is doing to revise policy in a number of areas, particularly the management of allegations. We are about to consult on, and in due course publish, a new policy on that which will make a distinction between allegations of abuse and matters of process, so that there is a clear track between the two.

Dave Worlock might like to say a word or two about that. Legal processes take time, but everybody deeply regrets the impact on the Bishop of Lincoln. He is an old friend of mine and I deeply regret the impact it has had on him and his wife. Nobody wants to see that repeated. It is in nobody's interest.

This Measure, combined with clarity over expectations and obligations and, in particular, the new policy on the management of allegations so that there is a much clearer track for dealing with issues of process such as whether people handled things correctly, separately from issues of abuse, will, we hope, ensure that justice is not delayed.

David Worlock, do you want to say a word or two about the new policy and the work that is going on at the moment on managing allegations?

David Worlock: The problem we have with the current policy framework is that there is a single policy process to cover both allegations of direct abuse and allegations of failure to follow due process. In addition, it is the same process whether you are clergy, whether you are elected, whether you are employed, whether you are a volunteer. You have one process that is trying to do too many things.

We are separating them out so that there is a separate process for the clergy, with one process within that for allegations of direct abuse and one for allegations of failing to follow due process. The principle we are trying to make sure underpins these changes is notions of fairness and humanity. The whole thing has to work in a humane way, both for complainants but also for respondents. Those principles will be very much at the heart of what we develop.

Lord Cormack: I have listened very carefully to what has been said and I remain concerned. There is the proof of the pudding and all the rest of it. There have been some terrible examples in the Church of England of people driven to the verge of suicide. We had another case in Lincoln recently involving the Chancellor of the Cathedral. When his letter was read out after he had been exonerated, both in a court of law and by the Church, he said—this is public knowledge; I am not breaching anything—that he and his wife were driven to the point of suicide.

I think it is absolutely incumbent on the Church of England to handle these cases with firmness but with sensitivity and expedition so that people are not waiting, as the bishop was for 20 months, as the

Chancellor was for 789 days. We will just have to see how it works out. I cannot pretend that I have been wholly convinced by what I have heard this morning, but I appreciate the spirit in which the answers have been given.

Q5 **Baroness Harris of Richmond:** Will bishops and archdeacons also be trained in how to deal with the allegations of due process? I absolutely agree with Lord Cormack. I myself have been involved in a very difficult case.

Jonathan Gibbs: I will answer that, if I may. I am going to some training next Monday afternoon on precisely that subject. My understanding is that it would indeed be very important that bishops and other senior clergy are given such training.

Q6 **Lord Faulkner of Worcester:** How much consideration has been given to the impress not just of claimants but of what one might call whistleblowers—people reporting evidence of inappropriate behaviour or bullying or something like that. I have had a few reports of the complainants themselves having been the subject of activity, which in itself would constitute bullying. Are you satisfied that there are sufficient safeguards to prevent there being any retribution or discrimination against the people who never complain or who complain about others?

Jonathan Gibbs: I will respond briefly, and other colleagues may want to come in. There is a spectrum of behaviours here—safeguarding, bullying, harassment—all of which need to be taken very seriously. In the end, of course, policies and procedures are only as good as the people who operate them. What I can say is that there is an absolute commitment here to ensuring that it is possible for people to bring forward concerns and complaints and that they are supported through that process. There is something written into the policy—again, Dave Worlock may be able to say a bit more about this—with regard to responding to and managing allegations. We have an equal duty to those who bring forward concerns, as indeed we do to those who are responding to those concerns.

Q7 **Baroness McIntosh of Hudnall:** Before we get any further answers to that question, could I just add something to it that may then avoid the necessity for further questioning? Would that be all right?

The Chair: Yes, please go ahead.

Baroness McIntosh of Hudnall: The Measure specifically makes reference to earlier cases having been important in thinking through how it was developed. Taking into account what Lord Cormack and Lord Faulkner have said, and the division between process and direct allegation of abuse, have you looked—I am sure the answer to this is yes, but I would be reassured to hear you to say it—at the past cases that have resulted, let us be candid, in significant reputational damage to the Church, and asked directly of this Measure whether, had it been in place, it would have made it less likely or impossible that that reputational damage would have ensued?

Jonathan Gibbs: That is partly a question about the way in which this legislation was put together and the drafting of it. I will look to my legal colleagues, and possibly also to William Nye, to explain a little bit about the process that led to the production of the Measure that you have in front of you. You have a bit of background to that in the papers.

I suspect there may be an element of the hypothetical in this, but if I may I will look to Alex first to explain a little bit about the process that we have gone through to get to this point, and then perhaps to William.

Alexander McGregor: I think I can answer that relatively briefly. Every time a case dealt with by the Church of England's national safeguarding team is concluded, a lessons learned review is carried out to discover what, if anything, was not done correctly in order to ensure that that should not happen again, but also to learn anything else that was discovered in the course of the conduct of the particular case.

There have been a number of these lessons learned reviews now and they will inform, very carefully, the statutory code that will be issued under this new Measure, if it is acceptable to the committee and passed by Parliament. This relates back to something that David Worlock earlier about us needing to separate out processes for dealing with allegations of abuse from allegations of failing to comply with proper processes. They are very different sorts of allegations and, as David said, we have had only one way of handling all that in the past.

The codes under this Measure will divide that up in the way David has mentioned, and that is the result of the lessons we have learned from the previous cases where things have not been done in the way they should have been in order to achieve the best results for everybody involved.

Jonathan Gibbs: William, is there anything that you wish to add to that?

William Nye: Not very much, really. I think Alex has covered the important points. What I would say to Lady McIntosh is that this Measure is, as the Bishop said earlier, part of a process of significantly improving the safeguarding legislation that underpins the safeguarding processes of the Church of England.

I very much hope that this Measure and the ability to introduce codes of practice that are different for different things will help clergy, archdeacons, bishops, Church wardens, diocesan safeguarding officers, parish safeguarding officers and all Church officers to be clearer about what they absolutely must do and will help people to follow the right process and do the things that they must do, thereby significantly limiting and reducing the likelihood of them doing the wrong thing inadvertently, or conceivably maliciously, and so reducing the likelihood of the kind of cases that, as Lady McIntosh said, have caused real and reputational problems for the Church.

Of course we cannot absolutely guarantee that that will happen. We cannot be sure that this Measure on its own will ensure that nobody will

ever make a mistake or fail to follow the process that they should, but it should at least help to clarify what they should be doing, and I believe that it will therefore contribute to reducing the likelihood of such cases in the future.

Q8 Sir Peter Bottomley: Talking alongside what Lord Cormack said about the Lincoln situation, I refer to today's issue of the *Church Times* online, where it is held that in the original case the person had no case to answer, and that it was not in the Church of England but in the Church in Wales, so the archdiocese had no jurisdiction.

On this particular Measure, I strongly support replacing "due regard" with something stronger and having the codes of practice, but I do not believe that it is the reputation of the Church of England that should be dominant. It is the interests of people who are caught up in these things that matter most.

Even if the case against the Canon Chancellor and the charge against the Bishop of Lincoln had been justified, to suspend celebrating the Eucharist for nearly 20 months, to let the thing drag on because no one had the guts to say that this was easy or fast to dispose of, is a shame on us all. I would not want today's hearing to pass without the message getting through to the Synod and to the Archbishop's Council that injustice and delayed injustice are wrong. The Church of England suffers more in its reputation when that is allowed to happen than when it gets on and makes a decision, even if the decision is not perfect.

In the Lincoln case, it was so imperfect that the Deputy President of the Tribunals has said that he and others made a mistake in allowing it to proceed at all.

The Chair: Do you want to comment on that, Bishop?

Jonathan Gibbs: Thank you. I have just opened the piece in the *Church Times*, but I have not had time to read it and I want to digest it and look at it carefully. I could basically say Amen to everything that Sir Peter has said with regard to justice delayed and justice denied. Absolutely we need to be handling things as expeditiously as possible for the sake of all concerned. Legal processes do take time, and it is very important that lessons are learned from these cases. I think what we are saying today is that the aim of the new Measure and the other supporting changes in policies are precisely to avoid that kind of issue in the future.

I do not know whether any of my legal colleagues want to comment further. None of us will have had time to read the report in the *Church Times*.

Q9 Andrew Selous: I completely support the Measure. It is necessary and entirely sensible, but the point that Lord Cormack and Sir Peter Bottomley have raised is about the length of time it takes to investigate cases. Sir Peter is absolutely right that justice delayed is justice denied. It would be very helpful to hear whether any resources are in place to try to speed up the understanding of these cases and to reach a conclusion. I do know that if the police are involved that is obviously outside our

hands, but it would be very helpful if we could just hear whether future cases like those of the Bishop of Lincoln and the Chancellor of Lincoln Cathedral would be likely to be concluded more quickly.

Jonathan Gibbs: Lord Chair, with your permission, I think Alex McGregor is probably best placed to offer an initial response. Thank you.

Alexander McGregor: We would certainly agree with the views expressed by Mr Selous and other members of the committee about justice delayed being justice denied. It is wrong that that should happen.

Mr Selous mentioned the involvement of police in certain cases, and certainly in the case relating to the Canon Chancellor it was the very long police investigations and then criminal proceedings that were responsible for most of the delay. That is not an excuse, but it is part of the picture. In the Bishop of Lincoln's case, the police investigation took something like 12 months of the 20 months for which he was suspended, and the police did not say that they were no longer interested in the matter until early 2020, which unfortunately was after that had been running for some time.

The Canon Chancellor's case, of course, went to the Crown Court, and there was a trial in which the Canon Chancellor was acquitted, but it was not until after that the Church processes could be completed. The inquiries I have made into that suggest that there was no undue delay in the Church side of the process. Nevertheless, my view is that the Church processes need to be reviewed on the basis that we will not necessarily delay the Church processes simply because the police are carrying out an investigation. That should cease to be automatic. There should not be automatic stay on the Church processes just because the police say that they are interested in something, because that is not satisfactory for any of those concerned in the Church proceedings.

What should happen is that every effort is made to determine whether carrying out and completing the Church processes will interfere with the due administration of justice, that it would somehow interfere with the proper carrying out of the police procedure. Only then should the Church processes be held up. I will be proposing that to the Clergy Discipline Commission, which is responsible under the clergy discipline Measure for issuing codes of practice in relation to the way in which clergy discipline cases are handled.

Morag Ellis: I will supplement what Mr McGregor has already said and inform the committee that Synod, in one of the earlier sessions this year, passed some amendments to the Clergy Discipline Rules, the procedural rules that sit under the Measure for the discipline of clergy. I led on that because I chair the relevant rule committee, and we worked very hard within the limits of secondary legislation to streamline the process as much as possible. We have made a number of detailed changes which we are confident will help to speed things up and simplify the process, both for complainants and for respondents.

As the committee may be aware, and as Mr McGregor has just alluded to, there is primary legislation in prospect to reform the clergy discipline processes, and doubtless we will bring a Measure to this committee at some point early on with new primary legislation to approve. We have done what we can in the meantime with the secondary legislation.

Q10 **Rachael Maskell:** Just for the record, I used to represent clergy through the faith workers' branch of the trade union Unite for many years, and I have to say this issue of time delay is certainly something that we have been raising for well over a decade. It is very important that those issues are taken note of and are addressed.

I want to raise the issue of personal and pastoral support for people within the process. Obviously it is traumatic for anyone. I listened with deep regret to what Lord Cormack said today. If there are Church wardens, or anyone, who are outside that process, sufficient support needs to be put into the process. We are talking about people's lives. Actually, we are talking about much more than that; we are talking about their whole existence. We are talking about people being put through scrutiny and certainly, if found wanting on such matters, this can destroy an individual. The sufficiency of support needs to be addressed more readily in all Measures.

Thirdly, and finally, I want to ask about the Clergy Discipline Commission. How have these safeguarding Measures been intercepted there, and will the committee get the opportunity to receive a report from the commission and to feed into that prior to its publication?

Jonathan Gibbs: Thank you for those questions. With regard to the first question, I ought to declare an interest in that I myself am a member of the faith workers' branch of Unite, and I recognise the excellent support that they give to colleagues facing challenges. My interest in that goes back a very long way, because in my former life I was a poacher before I turned gamekeeper; I was the chair of the House of Clergy and the national chair of the network of clergy chairs. One of our big concerns when the Measure came in was precisely about support for clergy who were facing issues under the clergy discipline Measures. I wholeheartedly hear that and would commend the work that Unite does in supporting clergy colleagues in that area.

I would also go further and say that I recognise completely the pastoral importance of support for clergy or lay people who are facing issues under the Measures that we are talking about today. Something has been said about that already, but there is also a pastoral question at a lower level, and guidance needs to be looked at that goes alongside this.

With regard to the other questions, if I may I will hand over to our legal colleagues. I do not know who would be best placed to respond in tying that up with the Clergy Discipline Commission. Alex?

Alexander McGregor: I mentioned that the Clergy Discipline Commission is a statutory commission that exercises functions under the

current clergy discipline Measure and issues codes of practice as to how those with responsibilities under that Measure should carry them out.

However, there is another group carrying out work reviewing the operation of the clergy discipline Measure in a much wider sense, including the way in which it relates to safeguarding matters. In the past, there has been a sense in which matters that raise safeguarding concerns have simply been pushed into the clergy discipline statutory system, whereas in fact they should have been identified at an earlier stage as matters requiring safeguarding investigation and consideration on that basis before any decision to bring disciplinary proceedings was taken. That is one of the matters that the group reviewing the clergy discipline Measure thinks is an area ripe for change.

So far as the involvement of this committee is concerned, of course, this is a statutory committee, and its role under the Church of England Assembly (Powers) Act 1919 is to do what the committee is doing today. If I may say so, Lord Chair, under your chairmanship the helpful practice has grown up recently of some informal work with members of the committee, albeit not a formal sitting of the committee, to explain what the Church is proposing to bring to the Synod and then ultimately to this committee and Parliament more widely. We would find it helpful to bring some proposals informally at an early stage so that members of the Ecclesiastical Committee can express their views on them before they become more solid.

Q11 Lord Cormack: I would just like to correct you, Mr McGregor. You said that the police were interested in the Bishop of Lincoln's case for 12 months. That is not the case. The Bishop was suspended on 16 May 2019, and around Christmas time he was informed that the police had no further interest. It was not until March of this year that he was back in action. It was certainly not a 12-month police investigation that held things up. I am sure you did not wish to mislead the committee, but you were misinformed.

It is important to get these things right. We are talking about people's livelihoods, about immense strain being placed upon them, and about repercussive events throughout a home diocese. It is one of the oldest diocese in the country, once the largest pre-Reformation diocese, with a cathedral of enormous importance. It is absolutely important that you get your facts right.

Alexander McGregor: If I have misremembered the precise chronology, I apologise for that, and no doubt Lord Cormack remembers it particularly well. I know that he had taken a close interest, quite rightly, in this matter.

Q12 The Chair: I will just pick you up on that, Alexander McGregor. What I think is the important thing that comes from what Lord Cormack has said is that the delay does not appear to have been the police. It appears to have been the Church, and that seems to be something that you ought to be reviewing rather more carefully than perhaps you realised.

Alexander McGregor: I do accept that the Church's delay in that case was longer than it should have been. The police involvement and the Church delay contributed to the very long period for which the Bishop had been suspended.

Baroness McIntosh of Hudnall: May I just make an observation in relation to something Sir Peter Bottomley said earlier?

I hope our witnesses would agree that there is no tension between the question of justice delayed or direct injustice and the reputation of the Church. If the Church, in seeking to protect its reputation, in one way actively delays a process, that in itself is a reputational issue. I think our witnesses probably do understand that, but we should not assume that the application of process is itself in some way part of the Church seeking to defend its reputation by delay. I do not think that is necessarily what has occurred. The delay is a reputational challenge to the Church, is that not so?

Sir Peter Bottomley: I accept that. I add my thought, which is about no one having the courage or the sense to say that this thing should not have come to us or, if it did, that it need not stay with us, and to deal with it faster, rather than someone saying that they are worried that someone will come after them for leaving some stone unturned.

In an indirect case like the one Lord Cormack raised, even if it had been opened, which I would argue it did not need to be, it should have been disposed of the moment the police said that there was nothing more to look at, leaving aside the jurisdictional problem that no one bothered to read the clergy discipline Measure, which required the person against whom the complaint was made to be in the diocese or the province at the time the thing was happening. I rest my case and accept what Lady McIntosh has said.

Q13 **The Chair:** I should perhaps bring this session to an end, but I had one or two comments that I wanted to make myself. I do think that consultation that is intended to take place should be extremely wide. What I had in mind is that it should go to a large number of people whom the Church might not have expected. It is very important that the ecclesiastical lawyers in particular have an opportunity to look at this, as well as other people who may be involved, including the public, because the public are affected when any one of their members is being brought to book one way or another.

I very much support what has been said so far, particularly the point that there needs to be far better, far quicker and more sustained support for those against whom allegations are made, as well as for the people who are making the allegation, of course. Both groups of people need a lot of support and the Church should be putting it in place.

Following what Sir Peter and Baroness McIntosh have said, you ought to review at an early stage whether a case has been processed sufficiently quickly.

I would like to say in relation to what Alexander McGregor has said that I

would very much welcome informal discussions on the clergy discipline Measure, and I know other members of our committee would too. It is particularly important, because I know at least two groups, including Mary and Martha at Sheldon and another group, have already produced some extremely interesting suggestions for the Measure. I do hope, therefore, that we shall have chance to talk individually or as an informal group as we have done in the past. It is one of the helpful innovations that we have had.

Does the Bishop want to answer any of that, or I should bring this session to an end?

Jonathan Gibbs: I would simply like to thank you for those very helpful comments and for this opportunity. This process today has been extremely useful to us, and I hope it has also been useful to members of the committee with regard to clarifying issues relating to the Safeguarding (Code of Practice) Measure. However, I recognise that our discussion has gone much more broadly than that, and we would be grateful for the opportunity come back to you with regard to the clergy discipline Measure. Thank you for all the comments that have been made today. They have been extremely useful to us as we take this forward. Thank you very much indeed.

The Chair: In that case, might I ask that the witnesses now withdraw?

Q14 **The Earl of Cork and Orrery:** Before they do, I see no sign in this Measure of any form of statute of limitations. We in Chichester have suffered enormous hurt over the issue of Bishop George Bell, which has revolved around and around and up and down for half a century. It seems important that, next time this Measure is reviewed, there is some form of limit on the time during which these cases can be reopened and reopened.

The Chair: That, I suspect, as the Earl of Cork and Orrery has said, is quite controversial. He may not realise quite how controversial. I wonder whether that is something for you to take away.

Jonathan Gibbs: Chair, I am happy to do that. We do have to bear in mind that it is an explicit recommendation that the 12-month limit on complaints under the clergy discipline Measure with regard to safeguarding should be abolished, precisely because safeguarding and issues of abuse often come up years later.

There is a separate set of important questions with regard the particulars of the handling of cases where those alleged to have committed offences are deceased. There are lessons to be learned from cases such as the case of Bishop George Bell, but, as you have rightly suggested, this is a controversial area which IICSA in particular touched on very definitely in its final report.

The Chair: In that case, I will bring this discussion to a close and invite our witnesses to withdraw.