

Bishops must be accountable – and not just to themselves

Posted: Fri, 23rd Mar 2018 by [Richard Scorer](#)

Abridged version of the winding-up speech by lawyer Richard Scorer of Slater and Gordon, also an NSS vice president, at the IICSA inquiry's hearings into the handling of child sexual abuse in the diocese of Chichester.

This has been the first opportunity for most of my clients to explain how the church's relentless cover up and denial has compounded their injuries, and affronted their dignity.

Seeing senior figures in the Church of England being cross-examined about serious failings in safeguarding has given them confidence that these vital issues are – belatedly – being addressed.

The bishop of Buckingham described these hearings aptly as a saga of "religious exceptionalism, stupidity, incompetence, lying, dumping responsibility at every level including the highest, and delusions of grandeur". And his blunt solution: "Bishops must be accountable. This means not just to themselves".

Crucially, these scandals in Chichester only came to the fore as a result of sustained media coverage, which deeply concerned Lambeth Place and which the church resisted remorselessly.

Had it not been for the exceptionally-determined and tenacious survivor campaigner Phil Johnson, and dedicated journalist Colin Campbell, who wouldn't give up either, there would not have been that media coverage.

And events would have played out in a very different way. Quite possibly we wouldn't be here at all.

This inquiry has already forced the pace of improving safeguarding. For example the church might consider changing its language around the duty to report allegations - changing the word 'should' to the word 'must'.

The need for that external pressure and that external oversight has to be foremost. Every diocese in this country has clerical sex offenders such as Roy Cotton and Colin Pritchard in large numbers. But most dioceses don't have campaigners such as Phil Johnson or Colin Campbell.

Some change has come from within, and will come from within, but the problem is how fast, and how urgently? There must be continued pressure for change after this inquiry ends.

We invite you to be sceptical about senior church leaders' claims about changing the culture. This doesn't happen rapidly. The old guard mentored the current generation of priests.

As the chair commented on Wednesday, the events we heard about in these hearings aren't historic, they're recent.

Archbishop Welby acknowledged he can't direct his bishops, nor change what happens in theological colleges where culture is implanted. Nor change the very muddled and conflicted attitude to homosexuality in the church, because he himself believes homosexuality is a sin.

He talked of training and trying to build a new theology. But as with drunk driving, tougher laws and stronger enforcement are needed. Yet hard powers are not at his disposal – only soft power, if anything at all. Change will take generations, and safeguarding is far too urgent for that.

There are few real levers to change culture, particularly given, the autonomy of dioceses, flaws in the Clergy Discipline Measure (CDM) and the church's fundamentally unsound structure that Graham Tilby (the C of E's national safeguarding officer) was reluctant to change.

Instead, external oversight of safeguarding is essential and especially external investigation of complaints about safeguarding failings, which Bishop Warner welcomed. Also, where change is required, enforcement should be external. The church must retain ownership and responsibility for safeguarding but cannot be permitted to continue marking its own homework.

Social Care Institute for Excellence [audits](#) are better than nothing, but no substitute. They are not frequent enough, time limited, done on terms set by the church and the church decides whether they happen.

Nor can oversight be effective if designed and chosen by the organisation being overseen. We saw Andrew Nunn, a senior official at Lambeth Palace, revealingly suggesting in an email that Dame Butler Sloss was a good choice to do an external report because she was likely to be sympathetic. Bishop Hind "knows her and thinks he and [Bishop] Benn will be safe in her hands."

I cast no aspersions on Dame Butler Sloss. We can't have the church marking its own homework – nor even the homework being marked by somebody else but the church still choosing the marker and still getting to decide the terms on which they're doing the marking, or if it is marked at all. Oversight has to be completely independent.

Sir Roger Singleton drew attention to the need for public confidence and especially survivor confidence, which has been almost non-existent. Survivors won't come forward unless they have confidence that complaints will be taken seriously, investigated quickly, and not compromised by conflicts of interest that can arise in close-knit church communities.

Archbishop Welby says you have to keep coming back to what works for the survivors. Survivors are adamant that only independent oversight will work for them.

Models in wider society include the legal profession introducing independent investigation of complaints and independent enforcement. If this is right for complaints of professional incompetence or overcharging, then it surely must be more necessary for sexual abuse.

The independent body would certainly investigate where safeguarding has failed and in certain circumstances it might investigate allegations themselves.

My final plea is on mandatory reporting: that knowledge or suspicions of abuse must be reported to the statutory authorities, and with both a disciplinary and criminal sanction for non-reporting.

As soon as the church knows about an allegation it must go to the statutory authorities. This is the very opposite of what Colin Perkins (the current diocesan safeguarding officer in Chichester) described in evidence in the case of the abusive priest Robert Coles. "A diocesan bishop, an area bishop, an archdeacon and two safeguarding advisers knew that he had admitted to some of the matters about which he had been questioned by the police, and none of them told the police," he said.

Alana Lawrence explained that few can believe their priest or any religious person could possibly cause harm and even fewer will take the risk to be whistle-blowers. Guidance, education and training is not enough.

There are many misunderstandings that people have about sexual abuse.

As Colin Perkins also explained, despite all the evidence to the contrary, people frequently believe that risk diminishes with time.

Even Cambridge University professor and former archbishop of Canterbury Lord Williams seemingly still does not understand that a caution requires an admission of guilt. This is despite him dealing with the issue of the abusive priest Peter Ball for many years and presumably preparing carefully for this hearing.

These are just some of the compelling reasons we cannot do without a mandatory obligation to report.

And the truth is that despite the church witnesses seeking to convince us, we don't have that in the church at the moment. You've seen analysis from [Mandate Now](#) and the language of church policies, which were aptly described as "flaccid". When Graham Tilby gave his evidence he used the words "should" and "must" interchangeably in his answers, as if they mean the same thing, but they don't.

And that same ambiguity is also reflected in the language of due regard. Why isn't the language simply made "must follow"? Clarity is essential. You heard Archbishop Welby say he didn't understand the meaning of "due regard". Bishop Hancock was unsure as to whether there has ever been a prosecution for failure to have "due regard".

In summary, no clarity in the church and no clear sanctions either in church terms or of course in terms of the law of the land.

The still-flawed CDM does need to be backed up by legal sanctions in terms of the criminal law, and that should also include expanding "positions of trust" in the Sexual offences Act. These are open for the Inquiry to recommend, whatever view the government has expressed recently.

Big changes in society over the past few decades that have saved lives and protected vulnerable people include health and safety at work, discrimination, seat belts, smoking, and drink driving. Education and training have helped, but what really made the difference and what really embedded these changes in the culture was legal compulsion, and a legal consequence for non-compliance.

As Rupert Bursell said, we do it with money laundering, we do it with terrorism and we should do it with child abuse. And as he and other church witnesses said, we should do it without exempting the seal of the confessional.

So these are the changes we need. Survivors the inquiry heard from in these hearings have lost years of their lives trying to challenge the church and get it to change. It would be a tragedy if another generation of survivors have to undergo the same experience. We urge you to act and ensure that this never happens again.

You can listen to the entirety of Richard Scorer's closing speech on [Audioboom](#).

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Richard Scorer is a solicitor who represents victims of child abuse and an NSS vice-president. You can follow him on Twitter [@Richard_Scorer](#). The views expressed in our blogs are those of the author and may not necessarily represent the views of the NSS.

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