

PCR2 Reference Group

Terms of Reference

1 Introduction

These Terms of Reference (TOR) relate to the Diocese of York Past Case Review 2 (PCR2) Reference Group. This Group has been established with the agreement of the Archbishop of York, with his nominated safeguarding lead, Peter Warry, Diocesan Secretary and Julie O'Hara the Diocesan Safeguarding Adviser (DSA) and Professor Sue Proctor the Independent Chair of the Diocesan Strategic Safeguarding Group (DSSG). This is in line with the guidelines set out in the Protocol and Practice Guidance Past Cases Review 2 document, published by the Church of England in July 2019. It is expected that the members of the Reference Group will familiarise themselves with this guidance and associated document containing the full appendices.

2 Purpose

The purpose of the Reference Group is to support the work of the PCR2 and manage any issues that emerge from the review. It will be a time limited group that will sit alongside the Diocesan Strategic Safeguarding Group (DSSG) and will hand over the ongoing monitoring and management of identified cases to the DSSG by 31st June 2021 (please note this is a provisional date).

3 PCR2 Reference Group's Functions

The Reference Group is responsible for:

- 3.1 Ensuring robust risk management.
- 3.2 Providing dispute resolution when there are differing professional opinions between the DSA and the Independent Reviewer to ensure the appropriate process, as set out in Appendix B is enacted.
- 3.3 Ensuring that the right support is in place for anyone that is impacted upon by the undertaking of this review. This will be as directed by the Survivors' Care Strategy.
- 3.4 Reviewing where relevant the recommendations from the DSA regarding the exemption of a proportion of previously reviewed cases/files and ensure that the protocol for this in section 3 on page 7 of the Protocol and Practice Guidance has been adhered to and that agreement to seek exemption is unanimous.
- 3.5 Agree and Minute the approach to churches in vacancy this is set out in Appendix C.
- 3.6 To ensure the objectives of PCR2 as set out in the Protocol and Practice Guidance are achieved and set out in Appendix D of these Terms of Reference.
- 3.7 To agree the Implementation Plan and oversee its successful delivery.
- 3.8 Receives and approves the final report from the Independent Reviewers as per Appendix E of the guidance (link provided at Appendix A of this document).

4 Membership

- 4.1 At least half the Reference Group should comprise of people who are independent, experienced safeguarding professionals. There should be representation from both the police and local authority.
- 4.2 The Archbishop's nominated lead for safeguarding, the Diocesan Secretary, should be part of the Reference Group.
- 4.3 The Archbishop should nominate an additional senior staff member to be a standing member of the Group to ensure there is always a senior staff member as part of the decision-making group, this will be the Archdeacon of the East Riding.
- 4.4 The Diocesan Safeguarding Adviser (DSA) and Chapter Safeguarding Advisor (CSA) act as advisors to the reference group and are not a members of the Group.
- 4.5 The Director of Communications must be included.
- 4.6 While the Guidance recommends that there should be an individual with lived experience of abuse, it has been agreed that there will be an individual on the Diocesan Survivor Voice Working Group who can advise the PCR Reference Group via the PCR Advocate, whose role it is to advocate survivor perspectives. It is proposed that this will be the Canon Pastor Michael Smith. This will include being part of the Diocesan Survivor Voice Working Group and working with the DSA to ensure the support needs of all those impacted by PCR2 are considered and provided for.
- 4.7 Membership of the Reference Group is confirmed as:

Member	Job Title/Role	Organisation
Superintendent Allan Harder (Chair)	Head of Safeguarding	North Yorkshire Police
Marie Chappell	Business Manager	East Riding Safeguarding Adult Board
Detective Inspector Vicky Greenwood	Safeguarding Governance	West Yorkshire Police
	Regional Manager	IDAS
Canon Peter Warry	Diocesan Secretary	Diocese of York
Venerable Andy Broom	Archdeacon of the East Riding	Diocese of York
Rev'd Canon Michael Smith	Pastor	York Minster
Martin Sheppard	Director of Communications	Diocese of York
Advisors		
Julie O'Hara	Diocesan Safeguarding Advisor	Diocese of York
Dee Cooley	Chapter Safeguarding Advisor	York Minster

5 Meeting Arrangements

- 5.1 The Reference Group will meet approximately every three months (once per quarter).
- 5.2 The duration of the meetings will be dependent on the agenda, but are not expected to last longer than three hours.
- 5.3 The Chair may at any time convene extraordinary meetings to consider business that requires urgent attention or when required to manage significant risks.
- 5.4 The Reference Group will be supported by the DSA/CSA.
- 5.5 Administrative function will be provided by the Safeguarding Administrator.
- 5.6 Agenda and papers to be agreed with the Chair 15 working days before the meeting.
- 5.7 All papers agreed by the Chair should be received by the Administrator whenever possible 10 working days in advance of the meeting.
- 5.8 Agenda and papers will be sent out 5 working days before the meeting.
- 5.9 Minutes and action log will be sent out 5 working days after the meeting.

6 Declaration of Interests

Members of the Reference Group are expected to comply with the Diocese of York standard of business conduct including the requirements for declaring conflicts of interest.

In order to facilitate this process, "Declaration of Interests" will be a standing item on all agendas and copies of the Minutes will be sent to the Diocesan Secretary for the purposes of maintaining the register of interests.

All new declarations of interest must be notified to the Chair within 28 days of a member taking office of any interests requiring registrations, or within 28 days of a change to a member's registered interests.

6. Project Governance Arrangements

The Reference Group Chair will report to the DSSG in the first instance. The Independent Chair of the DSSG will liaise with the Archbishop of York and his Leadership Team on matters of concern.

Where no such group is immediately available, updates will be submitted directly to the Archbishop by the Chair of DSSG.

7. Quoracy

In order for a meeting to be considered quorate, there must be three members present in addition to the chair. In addition to the chair at least one of the members must be from a partnership agency. The DSA or CSA can be considered a member for the purposes of quoracy.

APPENDICES

Appendix A

Protocol and Practice Guidance Past Cases Review 2 (PCR2) and full appendices.

These documents are available on The Church of England website:
<https://www.churchofengland.org/safeguarding/promoting-safer-church/policy-practice-guidance>

Appendix B

PCR2 Dispute Resolution Process

The dispute resolution process is based on the recommendation set out on page 14 and 15 of the Protocol and Practice Guidance Past Cases Review 2 (PCR2), July 2019.

Once all the file reviews have taken place a meeting will be arranged between the Diocesan Safeguarding Adviser (DSA) and the Independent Reviewer(s) to consider the Reviewer's reports on each case. The Reviewer and DSA should confirm the current arrangements for managing each case are satisfactory and make an appropriate entry on the relevant Known Case List (KCL).

Any cases where the Reviewer considers that different or further action is required should be summarised briefly by them. The Reviewer should make a recommendation for whatever action they consider necessary. In cases where it was identified there was need for urgent action and the Reviewer referred this to the DSA during the review, the Reviewer should record their assessment of the action taken. These summaries should be submitted via the DSA to the DSSG PCR Reference Group for oversight and validation.

Whilst it is likely that discussion between the DSA and the Reviewer and the DSSG Chair will result in agreement in most cases, and disagreements should be managed as set out below.

Dispute Resolution

Should it not be possible to resolve disagreements the DSA is entitled under para 4(1)(j) of the Diocesan Safeguarding Advisors Regulations 2016 to refer the matter to the Archbishops' Council (in practice, the National Safeguarding Team).

Evidence of Negligence, 'Cover Up' or Poor Allegations Management

If the Independent Reviewer encounters evidence of negligence, 'cover up' or poor allegations management by senior clergy or other church officers, they should discuss the issue initially with the DSA and the Chair of the DSSG and agree what action should be taken. The advice of the (national) PCR Project Manager can be sought. If for whatever reason, the Reviewer does not wish to discuss the matter with the DSA and/or the chair then direct approach to the (national) Project Manager can be made.

Appendix C

Approach to churches in vacancy.

It is proposed that where a church/parish is in vacancy that the Archbishop's Letter is sent to the wardens of each church and that they be asked to undertake the tasks as set out in the Archbishop's Letter relating to PCR2.

In churches and parishes where the wardens subsequently indicate that they are unable to comply with the Archbishop's Letter then the task of ensuring there is an appropriate person nominated (would expect this to be a Parochial Church Council member) and who agrees to undertake the work will fall to the relevant Archdeacon. It is expected that the Archdeacon will work with the Local Area Dean to do this.

In extreme circumstances where there is no one suitable from within the church Parochial Church Council then the responsibility will fall to the Local Area Dean.

The Archbishop with advice from the relevant Archdeacon and Area Dean my wish to consider notifying the Charities Commission of any Parochial Church Council that fails to comply with the Archbishop's Letter.

Appendix D

The specific objectives of PCR2 are:

- To identify all information held within parishes, cathedrals, dioceses or other church bodies, which may contain allegations of abuse or neglect where the alleged perpetrator is a clergy person or other church officer and ensure these cases have been independently reviewed.
- To ensure all allegations of abuse of children, especially those that have been recorded since the original PCR, have been handled appropriately and proportionately to the level of risk identified and with the paramountcy¹ principle evidenced within decision making.
- To ensure that recorded incidents or allegations of abuse of an adult (including domestic abuse) have been handled appropriately demonstrating the principles² of adult safeguarding.
- To ensure that the support needs of known survivors have been considered.
- To ensure that all safeguarding allegations have been referred to the Diocesan Safeguarding Advisers and are being/have been responded to in line with current safeguarding practice guidance.
- To ensure that cases meeting the relevant thresholds have been referred to statutory agencies.

¹ Children Action 1989 enshrined in law the principle that the welfare of the Child is a paramount consideration when weighing competing needs and rights.

² Empowerment, Prevention, Proportionality, Partnership and Accountability. Care Act 2014.