

IICSA Response

Tackling Child Sexual Abuse Unit
Home Office
5th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

sent by email to mr_csa@homeoffice.gov.uk

14 August 2023

Dear Sir / Madam,

Response from The Society's Council of Bishops to the Government's consultation on mandatory reporting of child sexual abuse

1. We welcome this opportunity to respond to the Government's consultation on mandatory reporting of child sexual abuse. As the members of The Society's Council of Bishops, we promote and maintain Catholic teaching and practice within the Church of England. Further details are available via: <https://sswsh.com/>
2. We strongly support all efforts to combat and eradicate child sexual abuse, including those being taken through the IICSA process. The Church's record on this matter is a source of significant shame and there can be no room for complacency in correcting that lamentable state of affairs.
3. There is one specific issue – a matter of religious freedom and conscience – which we feel obliged to bring to your attention and that relates to what is known as the Seal of the Christian sacrament of Confession. We imagine that the Roman Catholic bishops of England and Wales will also be bringing this matter to your attention.
4. A priest hearing a confession has always been bound by a strict and solemn duty not to breach the confidentiality of what he has been told within that sacramental encounter. This is present not only in the Roman Catholic tradition but also in the Anglican tradition which we represent. We should add that the Book of Common Prayer, approved for use in 1662 and the cornerstone of Church of England practice, makes provision for private confession.
5. It is being proposed that there should be mandatory reporting of any disclosure of child sexual abuse with the only exception being that of a consensual relationship between a child aged between 13 and 15 and another individual whose age is not more than three years apart from that of the child.
6. **We ask that a second exception be added to make provision for the Seal of the sacrament of Confession, as practised in the Roman Catholic Church and parts of the Church of England.**

7. In making this request, we are fully aware that the notion of the retention of the Seal will bring with it concerns for some survivors and victims of child sexual abuse in the Church. We understand the source of those concerns and offer in return:

- A pledge of our sincerity in setting forth our strongly held position.
- Our deep revulsion at the many examples of child sexual abuse in the Church.
- A statement of our understanding of the healing role which sacramental Confession, including its Seal, can play – please see below.

8. Our case for the retention of the Seal is set out below under the following headings:

- Safeguarding and the reality of Confession.
- Practicality and enforceability.
- Religious freedom and conscience.

Safeguarding and the reality of Confession

9. The loss of the Seal would take away from survivors a safe space for disclosure and would be doing so against the incredibly remote contingency, and unproven concern, that perpetrators will abuse the Seal. This will not make us a safer church. Rather it will take away from many victims and survivors a place in which a journey of healing can begin.

10. The priest is bound by the Seal, but the penitent is not. We are not aware of examples of penitents in the Church of England alleging that the ‘process’ of Confession has been in some way misused by priests to cover up instances of child sexual abuse nor indeed of the existence of any other types of such evidence.

11. We **append** an anonymous contribution from a Church of England priest in our tradition who powerfully makes the case for retaining the Seal based on the practice – over many years – of sacramental Confession.

Practicality and enforceability

12. How will priests know when to divulge and when not to? What about a child who confesses abuse? Or someone who admits a crime other than child abuse? We would need comprehensive Government guidelines for clergy on what is disclosable and what is not.

13. The enforcement of mandatory reporting in this context would be incredibly difficult. The very essence of sacramental Confession is that it is a private, confidential encounter. It is far from clear how such an arrangement could be satisfactorily ‘policed’ by secular authorities.

Religious freedom and conscience

14. We find it alarming that the Government is considering allowing the State to overhear the most intimate conversation between confessor and penitent and thereby potentially denying people the opportunity to deal with sin in confidence.

15. Confidentiality is an essential ingredient of Confession because we regard the conversation to be between Christ and the penitent and it must therefore remain 'sealed' by the sacrament. To qualify it in certain circumstances would be to undermine the sacrament altogether and would represent a major theological problem for us.

16. We therefore regard the retention of the Seal of Confession to be a matter of religious freedom and conscience. We stress that these are deeply held matters of religious faith and conviction, based on many centuries of practice throughout the world.

With our best wishes,



+ TONY WAKEFIELD

The Rt Revd Tony Robinson, Bishop of Wakefield,
Chairman of The Society's Council of Bishops

+STEPHEN BEVERLEY

The Rt Revd Stephen Race, Bishop of Beverley

+ PHILIP BLACKBURN

The Rt Revd Philip North, Bishop of Blackburn

+ MARTIN CICESTR

The Rt Revd Martin Warner, Bishop of Chichester

+ JONATHAN FULHAM

The Rt Revd Jonathan Baker, Bishop of Fulham

+ WILLIAM LEWES

The Rt Revd Will Hazlewood, Bishop of Lewes

+ PAUL OSWESTRIENSIS

The Rt Revd Paul Thomas, Bishop of Oswestry

+ NORMAN RICHBOROUGH

The Rt Revd Norman Banks, Bishop of Richborough

Appendix

Reflections on the Seal of Confession from a Church of England priest

A1. During the course of any given year, as I have across the time of being a priest in the Catholic tradition, I hear literally hundreds of confessions, and I have heard a number of first safeguarding disclosures, made by frightened, often ashamed, survivors of abuse who are testing what will happen if they begin to speak about what has been for them unspeakable.

A2. They are afraid that this thing which they carry in their bodies like a curse or a cancer, is so woven into the fabric of their life, that pulling at the thread of it will leave them entirely undone. It is clear to me that but for the airlock - the sanitised oxygen tent - of the sealed confessional they might have taken years longer to, indeed may never have been able to, take the risk of speaking out. And, as a consequence, their abusers might never have been exposed, or prevented from perpetuating the cycle of destruction.

A3. I have never had an abuser confess their abuse to me, though I remain deeply concerned that these darkest thoughts and most shameful actions of the human person work their poison precisely through their hiddenness, and with no last space of private speech available the chances of them being brought to surface are radically diminished not increased.

A4. Without any recourse to the theological reasons for this keystone of much of my work as a priest, without any discussion of the many benefits to all those hundreds of individuals whose life is not wounded in this particular way, simply from the point of view of exposing rather than covering up wickedness and ongoing devastation, it would be a dreadful misunderstanding of the reality of sacramental Confession, and the reality of many survivors' experience – of that terrifying vulnerability upon which every single prosecution and the prevention of continued violation depends – to make the confessional a less safe space to enter.