

Our response to the Elliott Review August 2016

Background

In September 2015 the Church of England commissioned a report known as The Elliott Review into a case of alleged sexual abuse by members of its clergy.

The subject of the case, 'Joe', brought a civil claim against the Church of England in January 2015 which was settled in September 2015. Ecclesiastical handled this claim on behalf of its customer the Church of England.

The Church of England published portions of the report in March 2016. Although the full report has not been published by the Church of England, full copies were obtained and reported by journalists at the time.

Ecclesiastical was not asked to participate in the Elliott Review.

Ecclesiastical in the Elliott Review

The recommendations of the Elliott Review focused mainly on practices and processes within the Church of England. However, those portions of the Elliott Review released by the Church of England and subsequently reported by the media also asserted that Ecclesiastical had instructed the Church of England to cease all contact with 'Joe', including the provision of pastoral care and counselling, when he brought his claim against it. The released portion of the Review asserts that 'financial interests were allowed to impede practice'.

Ecclesiastical categorically refutes the Elliott Review's assertions

Ecclesiastical refutes the Elliott Review's assertions about its conduct, which misrepresent the facts contained in detailed records of correspondence relating to the case over the relevant period. These demonstrate that:

- The assertions of the Elliott Review regarding Ecclesiastical were wrong. We were not asked to participate in it and did not have the opportunity to put the record straight.
- We did not instruct the Church of England or in any other way advise it to cease pastoral care or counselling.
- When 'Joe' brought his civil claim against the Church of England, the Church of England asked us for a second opinion on the advice of its own in-house legal team that contact with 'Joe' had now to be conducted through solicitors as a result of him bringing his claim.
- We confirmed this to be the case. At no point was the subject of 'Joe's' counselling raised with us, which was in any case unaffected by the start of the claim process.
- The Church of England misunderstood 'contact' to include 'Joe's' counselling and suspended it of its own volition.

- Ecclesiastical quickly discovered, during its investigation of the claim, that the Church of England had suspended counselling in error. Without delay, it clarified to the Church of England that counselling and pastoral care could continue during the claims process. The misunderstanding lasted 14 days.
- Our published Guiding Principles for the handling of physical and sexual abuse claims include guidance on providing counselling and pastoral care during civil legal proceedings. We always encourage policyholders to offer pastoral care, and advise that offering it does not jeopardise insurance cover.