



Confidentiality Policy

Definition

The PCC understands confidentiality to mean that no information regarding a person with whom we are in contact shall be given to any third party external to the Church without that person's prior consent to disclose such information.

We place the highest importance on the fact that all people should be able to access our ministry and services in confidence.

Basis of Confidentiality

No member of the Ministry Team, Church Officer, member of staff or volunteer may discuss a person to whom ministry or a service is provided with any third party but only with accredited and appointed staff or with other staff or volunteers involved in the ministry concerned (eg. Formal parish/church pastoral groups, Clergy Staff meetings, Safeguarding meetings).

Confidentiality must not be promised in cases where safeguarding is relevant, or where criminal activity is disclosed, or where other behaviour is disclosed which may place the individual or others at risk of harm. In such cases the provisions of our Safeguarding Policy apply, or the disclosure must be shared with the Team Rector or Team Vicar (or in their absence with the Parish Safeguarding Officer).

If necessary, contact the Diocesan Safeguarding Advisor for advice.

Licensed Ministers should have a basis of confidentiality written into their working agreements with the Team Rector.

Statistical Recording

The PCC is committed to the effective statistical recording of information which is required by central Church authorities or by external funding bodies. This information helps us to monitor the effective provision of our ministry and services.

Any statistical records given to third parties shall be produced in anonymous form so that individuals cannot be identified.

Case studies or other information given in annual reports, publicity or other illustrative documents shall be presented in such a way that it would be impossible to identify individuals, unless prior consent has been given by the individuals concerned.

Personal Records

All data which identify individuals and which contain personal information relating to them shall be kept securely at all times and managed centrally by the Parish Administrator under the supervision of the Team Rector and the PCC.

When personal records or information is no longer needed it will be destroyed in a confidential manner.

Legal Framework

The PCC will monitor this policy to ensure that it meets legal requirements, including the General Data Protection Regulation and other relevant legislation.

- A. The Data Protection Act 2018 and UK General Data Protection Regulation 2018 govern the use of personal information through the eight data protection principles and the PCC will seek to apply these so that personal information is:
1. processed fairly and lawfully;
 2. processed for one or more specific and lawful purposes and not further processed in any way that is incompatible with the original purpose;
 3. adequate, relevant and not excessive;
 4. accurate and, where necessary, kept up to date;
 5. kept for no longer than is necessary for the purpose for which it is being used;
 6. processed in line with the rights of the individuals;
 7. kept secure with appropriate technical and organisational measures taken to protect the information
- B. One of the key provisions of the Data Protection Act 2018 is that personal information must be used
1. fairly and lawfully. The PCC will tell individuals what their personal information will be used for, and
 2. make sure that its use for personal information does not break any other laws. When personal
 3. information is obtained, the PCC will tell individuals:
 4. the name of our organisation;
 5. what their information will be used for;
 6. any other information needed to make the use of their personal information fair.

The PCC will also tell the individual that they have a right to access their information and have it corrected if it is factually inaccurate, and explain any ways in which information might be used that they might not expect - for example, passing the information to other organisations.

Application

This policy applies to all Clergy, Licensed, Commissioned and Affirmed Ministers and Officers, members of staff including Directors of Music, to all members of the PCC, Consultative Groups and to those acting on their behalf.

It is also the PCC's expectation that it will be observed by all Church members and others taking part in the activities and services of the Church.

All members of staff and volunteers will be made aware of the policy which will be published on the Church's web-site and available in hard copy at the Parish Office.

The PCC will keep the policy under review before the APCM.

Appendix for note - IICSA Report 2023

The Seal of the Confessional Church of England

The Church's internal guidance - *Responding to, Assessing and Managing Safeguarding Concerns or Allegations against Church Officers 2017* - states:

"All suspicions, concerns, knowledge or allegations, that reach the threshold for reporting to the statutory authorities, will be reported via the diocesan safeguarding adviser or designated safeguarding adviser/officer in another church body to the appropriate statutory authorities. This will be done irrespective of the status of the person." [\[1\]](#)

The only exception to this requirement concerns information received under the seal of the confessional; information disclosed during confession *"is subject to a duty of absolute confidentiality arising from ... Canon 113 of the Code of 1603"*. [\[2\]](#)

Canon law

The seal of the confessional does not apply to each private or confidential conversation between a congregant and a priest. In accordance with Canon B29, the practice of confession requires:

- a priest wearing suitable robes - a stole - and being the priest of the relevant parish or district (unless there is the danger of death or other urgency, in which case any priest can hear a confession);
- an advertised or pre-arranged time;
- it to be conducted in a private space or in a space where only the priest and penitent are present; and
- that the penitent is a baptised member of the Church of England who confesses their sins in order to demonstrate penitence and seek the forgiveness of God. [\[4\]](#)

The priest hearing the confession may give absolution (forgiveness). However, absolution may be withheld if the individual refuses to make appropriate reparations, such as refusing to report themselves to the police. [\[5\]](#)

Concerns about the seal of the confessional

15. MACSAS (Minister and Clergy Sexual Abuse Survivors) and other survivor groups have identified occasions where it is alleged that multiple allegations of child sexual abuse have not been passed to the authorities. [\[6\]](#) In 2015, diocesan safeguarding advisers (DSAs) noted that it was rare for someone to admit to child sexual abuse during confession. [\[7\]](#) However, it is unclear whether breaking the seal of the confessional would have made any difference to the safety of a particular child. [\[8\]](#)

16. Canon Dr Rupert Bursell QC (a canon lawyer and a survivor of abuse) told the Inquiry that the seal of the confessional should not continue, but he did not consider that the Church would make this change itself. As a result, in his view, Parliament should impose a general duty to report any reasonable suspicion of abuse - *"whether in the past or in the future"*. [\[9\]](#)

17. Under English law, there is no absolute right to the confidentiality of information. For example, a doctor may receive confidential information but is obliged, if ordered to do so, to give this information to the civil or criminal courts if there is a risk to the welfare of a child or if he or she knows a crime has taken place or is going to take place. [\[10\]](#) To date, no recent case in England and Wales has decided whether or not a priest may refuse to answer questions in a court of law about the content of a confession. As a result, the Legal Advisory Commission of the General Synod and canon lawyers are undecided whether or not priests might be required to disclose information today. [\[11\]](#)

The seal of the confessional working group

18. The seal of the confessional working group was established by the Church of England in November 2014. It was chaired by Bishop Paul Butler (then Bishop of Durham and Lead Bishop on Safeguarding) and included the Bishop of Horsham (Vice-Chair), a number of General Synod members, an ecclesiastical lawyer and a representative of the Roman Catholic Church.^[12] Its purpose was to re-examine “*the whole issue of the seal of the confessional in the light of the failures of the church generally in its safeguarding; in particular, in consequence of the report on the Waddington case*”.^[13]

19. It concluded that Waddington was “*manipulative*” in his use of the seal to silence his victim. As one anonymous DSA also told the working group, there were other incidents in which “*the priest abuses a victim and then hears their confession ... and tells the victim that this is now all under the seal and therefore must never be spoken of again*”.^[14] The seal did not prevent and would not have prevented Waddington’s victim reporting abuse to the authorities.^[15]

20. The working group considered the experience of the Australian Anglican Church. In 2014, the Australian General Synod passed a canon stating that the seal of the confessional would not apply in cases where a person had committed a “*serious offence*” (ie a criminal offence involving child abuse, child exploitation material, or a punishment of imprisonment for life or for a term of five years or more). The term “*child abuse*” required evidence that the child had suffered or was likely to suffer “*significant harm*” to their well-being or development.^[16] Following the introduction of this new canonical provision, concerns were raised about its “*workability and validity*”.^[17] For example, some considered that a non-legally trained priest could not be expected to make the required assessments. As a result, the exception was extended to criminal offences involving abuse of a “*vulnerable person*” and to “*other conduct*”.^[18]

21. The working group concluded that the Australian model was “*unworkable*” as the concepts of “*other conduct*” and “*significant harm*” were wide and relied on subjective judgement.^[19] Canon Dr Bursell QC considered that the approach taken in Australia was “*far too complicated*” and should not be endorsed by the Church of England.^[20]

22. The working group’s report (published in May 2019) stated:^[21]

- “*there have been priests ... who have misused and abused their position to exercise dominant power over those making confession, and in some cases seriously abusing those who had placed their trust in them*”.^[22]
- there was a need for clarity as to when the seal applies; while the 2015 *Guidelines for the Professional Conduct of the Clergy* state that the duty of confidentiality does not apply outside the context of a formal confession, it may not be clear what constitutes a formal confession, “*especially amongst those whose church tradition is less familiar with the practice of confession*”;^[23] and
- as there is currently “*no formal definition of the ministry of absolution*”, there should be a compulsory training programme for clergy about confession and each diocese should appoint an adviser as a point of reference for training, supervision and advice “*underpinned by clearer guidance*”.^[24]

While the working group agreed that the seal of the confessional should either be retained or abolished entirely, it was unable to reach a unanimous view as to which option should apply.^[25] It made no recommendations other than improved training for priests during both initial ministerial education and afterwards.^[26]

23. Bishop Mark Sowerby (suffragan Bishop of Horsham and vice chair of the working group) told the Inquiry that a “*half-broken seal was not a workable compromise*”.^[27] In May 2019, the House of Bishops concluded that it “*did not favour*” the introduction of a qualified exemption to the absolute seal of confidentiality. As it “*preferred to retain the seal on its present footing, though recognised that such ministry should be rooted in good practice*”, it agreed to implement the recommendations for training, guidance and the appointment of a diocesan adviser about the seal.^[28] The duty of absolute confidentiality therefore remains in canon law.

24. Some in the Church consider that the absolute nature of the seal is “a fundamental principle of shared Christian doctrine”.^[29] In their view, parliamentary legislation that overrides the seal would impose “an unacceptable restriction on freedom of religion”.^[30] Bishop Sowerby said that the seal “is there to assist those people, rather than to protect somebody from the consequences of their own crime”.^[31] Similarly, the working group report on the seal of the confessional suggested that the abolition of the seal may in fact lead to victims and survivors being reluctant to disclose details of their own abuse in the confessional, for fear that the person would then be reported to the authorities.^[32] The National Safeguarding Team made a submission that the seal should be abolished.^[33]

25. The Archbishops’ Council endorsed qualifying the seal with specialist and enhanced training, considering this to be a “better route to ensuring that disclosures of abuse are reported wherever possible”.^[34] However, as Canon Dr Bursell QC noted:

“anything which leads to noise or reasonable suspicion of abuse, particularly sexual abuse, should be outside the seal of the confessional”.^[35]

Archbishop Sentamu agreed that the seal “really cannot be left watertight ... if there’s anything that stands in the way of disclosure, it should be removed”.^[36] This could be possible without impacting on the confidentiality of disclosures of abuse, with the seal being absolute for those who disclose that they have been abused but not for those who abuse.

Full Report is available online

<https://www.iicsa.org.uk/reports-recommendations/publications/investigation/anglican-church/part-b-church-england/b5-seal-confessional/b53-seal-confessional-church-england.html>