

Witness Name: David Bonehill

Statement No.: 1

Exhibits:  DB1 –  DB12

Dated:

**THE INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE**

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**EXHIBIT DB3**

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# The Insurance Perspective

Ecclesiastical, the leading insurer of the Church of England, supports the House of Bishops' Policy Document and its measures for the safeguarding of children. Ecclesiastical believes that preventative measures to remove the likelihood of abuse are the cornerstones for both the protection of a potential victim and an accused child carer.

Common law, and in some areas statutory legislation, require a very wide range of people to take reasonable care to prevent injury to others. Indeed, the law recognises that a higher standard of care exists in matters concerning children. The use of 'best practice' procedures in the management of child protection and care is essential, just as a similar obligation rests upon those responsible for health and safety in commerce and industry. The observance of 'reasonable care' is a standard insurance condition. Allegations of child abuse and events arising therefrom may or may not be a matter for insurance. Many complex issues arise and detailed careful enquiry is necessary.

## HOW ECCLESIASTICAL'S PUBLIC LIABILITY (THIRD PARTY) INSURANCE PROTECTS POLICYHOLDERS

Subject to the policy terms, Public Liability (Third Party) Insurance will protect the interests of Policyholders where they are found to be legally liable for accidental death of or bodily injury to a third party. Cover is provided to Policyholders if they are held legally liable for an event caused by their negligence leading to accidental bodily injury or illness as a result of abuse. There is, however, no such cover for the actual perpetrator of abuse.

The policy terms require that all reasonable steps be taken to prevent injury loss or damage occurring and failure to take such precautions may prejudice the insurance cover. A duty therefore exists upon Policyholders to adopt 'best practice' based upon current and ongoing guidelines.

### Legal Expenses Insurance

There are circumstances where Legal Expenses Insurance is desirable to provide protection for those accused of child abuse. Details of specially developed Legal Expenses policies will shortly be published by Ecclesiastical.

## SHOULD AN ALLEGATION ARISE

Should an allegation of child abuse arise, it is important to follow the procedures detailed in the HBPD. Refer also to guidance documents published by your diocese. Immediate notice should also be given to Ecclesiastical, either via your Bishop or directly to the Company. Failure to comply with this requirement may prejudice any cover provided by the insurance policy. Such notification should be addressed to: **The Managing Director, Ecclesiastical Insurance Group, Beaufort House, Brunswick Road, Gloucester GL1 1JZ and marked "Strictly Private and Confidential".**

Acknowledgement of notification will follow by return of post. It is important that no other response is made to any party concerning the allegation other than the Statutory Authorities involved in any inquiry.

## SAFEGUARDING THE WELFARE OF CHILDREN AND YOUNG PEOPLE WITHIN THE CHURCH AND ITS ORGANISATIONS

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**SAFEGUARDING  
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The Home Office publication *“Safe from Harm – A Code of Practice for Safeguarding the Welfare of Children in Voluntary Organisations”* (in England and Wales) has much to offer. It was issued in 1993 in support of the Children Act 1989.

You are urged to obtain this code of practice, which provides detailed information on the processes involved in the implementation and operation of good childcare protection procedures.

Extracts from the publication are summarised (with Home Office permission) on page 5. Copies can be obtained from the address shown.

The “Safe from Harm” recommendations are not intended to be a prescriptive or exhaustive list of measures to protect children in every situation. You are, however, recommended to consult with the diocesan office and use publications and other services available from them when instituting or updating your own procedures on child protection.

By doing so, you will be taking a prudent and practical course of action to:

- Protect children
- Maintain the integrity of the Church
- Avoid damaging allegations and possible litigation which can have a profound effect upon those involved and the local Church community
- Maintain an acceptable programme, thus fulfilling the obligation of ‘reasonable care’ in accordance with the terms of your public liability insurance.

## Retention of Records

### SPECIAL NOTE RELATING TO RETENTION OF RECORDS

Incidents of abuse may only come to light after a long period of time, in some cases many years.

The long-term security of all declarations and relevant correspondence is vital in respect of all those working within the Church, whether on a paid or an unpaid basis, whose work involves children or who may have opportunities for substantial unsupervised contact with them.

Retention of documents should be on an indefinite basis.

Arrangements for such long-term storage of documents may be the subject of further guidance as child protection procedures are developed.

*You are encouraged to obtain the “Safe from Harm” code of practice, and recommended to consult with the diocesan office and use available publications and services*

*Retention of relevant documents should be on an indefinite basis*