

Christian Concern
Potential litigation concerning the reversal of church closure as
part of COVID-19 precautions

Addendum report & Clarifications

Report prepared under
the instruction of:

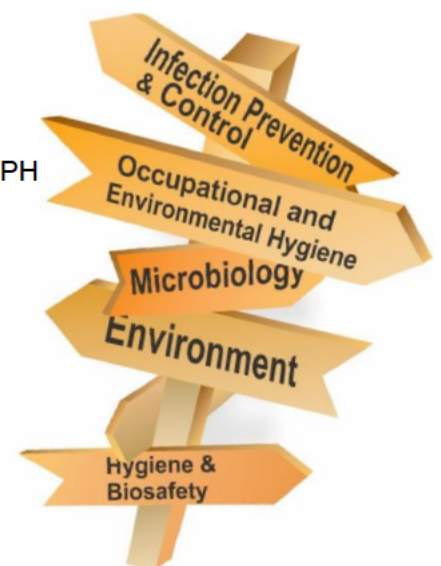
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Index

| | | |
|----------|---|-----------|
| 1 | Conflicts of interest..... | 3 |
| 2 | Engaging with church services – online or in person? | 3 |
| 3 | Physical attendance at church services, or attendance via an online church service | 3 |
| 4 | Miscellaneous church visits not being part of an organised church service | 4 |
| 4.1 | Open for individual prayer | 5 |
| 4.2 | Discretion to open | 5 |
| 4.3 | Funerals, weddings etc | 6 |
| 4.4 | Other uses..... | 6 |
| 4.5 | Risk assessment..... | 7 |
| 5 | The role of the church | 7 |
| 6 | Conclusions..... | 8 |
| 7 | Statement of Truth | 9 |
| 8 | Ian Blenkharn..... | 10 |



1 Conflicts of interest

1 I have no conflicts of interest in any aspect of this case.

2 Engaging with church services – online or in person?

2 In my substantive report of May 2020, I discuss engaging with the church in three different ways:

- Physical attendance at church services
- Attendance or engagement via an online live stream church service
- Miscellaneous church visits not being part of an organised church service, for quiet reflection or individual worship etc

3 Additionally, I discussed the limited options for individuals to engage with the church by attendance of a pastor or other church member in their own home, and for care home residents subject to overarching infection prevention and control precautions and the prior approval of a senior healthcare professional. For these, I propose no change to the arrangements that I had proposed which are, I believe, entirely clear and wholly in accord with relevant Government guidelines.

3 Physical attendance at church services, or attendance via an online church service

4 I am advised that paragraphs 15, 16, 81 and 85 of my substantive report might be construed to recommend that churches should not routinely be opened. This might be interpreted to recommend replacing in situ church services almost exclusively by online services, with churches open only for those who cannot access services online. This latter group would include only those who are potentially the most vulnerable in the congregation, the non-tech savvy, the elderly, or those adversely affected by financial limitations.

5 For the avoidance of all doubt, it was my intention to propose that church services for a congregation in attendance, supplemented by concomitant live streaming for those unable to attend in person, could take place simultaneously.

6 Recognising the need for hand hygiene interventions on arrival and on departure from the church and in particular the need for rigorous social distancing with a minimum 2 metre separation it will be clear that the capacity of an existing church may be limited. An immediate resolution might be achieved using an overflow location where the service could be live-streamed though this too must comply with the hygiene precautions specified.



7 If such arrangements are not possible and the service is or is likely to be oversubscribed, a
booking system would be advantageous, as I proposed in Section 9.3 of my substantive report
from May 2020. The church will be responsible for taking all necessary steps to ensure
compliance with social distancing requirements.

8 Within the now much reduced physical capacity of the church there will inevitably be
restrictions on the numbers able to attend a chosen church service. If this arises, it is the
responsibility of the church to manage this robustly and refuse or defer entry for any excess
numbers. In that situation, I would be tempted on compassionate grounds to give priority to
those who by age or infirmity would find it difficult to return at some later time, or who do not
have access to the facilities required to receive an online video-streamed service.

4 Miscellaneous church visits not being part of an organised church service

9 On 7 June 2020, the Communities Secretary Robert Jenrick confirmed on behalf of the
Government¹ that:

- i *“places of worship would be permitted to re-open for individual prayer from Monday 15 June, in line with social distancing guidelines”.* It was said that *“this move recognises the spiritual and mental health benefits for people being able to pray in their place of worship, and that for some people this cannot be replicated by praying at home.”*
- ii It is stated that individual prayer will be permitted from 15 June, *“but communally led prayer, worship or devotion such as services, evensong, informal prayer meetings, Mass, Jumma or Kirtan will not be possible at this stage.”*
- iii *“Places of worship still have discretion over when they consider it safe to open and may decide to remain closed or re-open at a slower pace if they wish.”*
- iv *“Under the existing regulations, funerals are allowed in places of worship where it is possible to do so safely. Other gatherings and services such as baptisms, weddings, supplementary schools, meetings and classes are not permitted.”*
- v *“Also places of worship may open for ministers of religion to film or record a service for broadcast, for the hosting of essential voluntary activities such as homeless services, for registered early years and childcare providers and for blood donation sessions. Buildings should also remain closed to tourists.”*
- vi Under the heading ‘further information’, it is stated that *“guidance will be available shortly. Faith leaders should carry out a risk assessment of the place of worship and tailor this guidance as*

¹ <https://www.gov.uk/government/news/places-of-worship-to-re-open-for-individual-prayer>
(last accessed 13 June 2020)



appropriate for the venue and practices being carried out. This will be in addition to any risk assessment already in place.”

- vii *“Individual prayer within a place of worship is defined as a person or household entering the venue to pray on their own and not as part of a group, led prayer or communal act. They should be socially distanced from other individuals or households.”*

10 This jumbled and contradictory Government guidance does not reflect well on its authors or on the Government. It is repeatedly contradictory and, in several ways, irrational in its construct. I will give examples below.

4.1 **Open for individual prayer**

11 In i) it is stated that “places of worship would be permitted to re-open for individual prayer from Monday 15 June, in line with social distancing guidelines”. It does not state that only one person may attend for individual prayer at any one time. Indeed, referencing that attendance should be in line with social distancing guidelines clearly implies an expectation that more than one individual could be present at any one time.

12 Though referring to a family group, the announcement makes no allowance for two unrelated persons attending coincidentally for individual prayer, or three people, or four and so on. If that were to happen then by the Government’s own guidance that would be permitted providing social distancing was maintained at all times. I do not disagree.

13 The guidance becomes perverse and unreasonable, and clearly unscientific, when the same two, three, four, or even more individuals attended an organised church service, even when all appropriate hygiene and infection prevention measures are in place. For no sound reason, that would not be permitted.

14 The lack of qualification in i) contrasts starkly with and contradicts the restriction proposed in ii) above.

4.2 **Discretion to open**

15 In iii) the Government guidance states that “places of worship still have discretion over when they consider it safe to open and may decide to remain closed or re-open at a slower pace if they wish”.

16 Once more, the guidance is contradictory, perverse, and unreasonable. It is clearly unscientific since that “discretion” is condoned by i) yet restricted and perhaps prohibited by ii) above.



4.3 *Funerals, weddings etc*

17 In iv), it is stated that “funerals are allowed in places of worship where it is possible to do so safely.” In this guidance, the entirely reasonable limitation is that this will only be allowed in places of worship where it is possible to do so safely. Those responsible for the operation of the place of worship must take responsibility for managing the number of attendees, ensuring that social distancing at a minimum distance of two metres is maintained at all times, that general environmental hygiene measures are adopted, and with arrangements for hand hygiene on entry and on exit. I fully agree and refer to my substantive report of May 2020 where those measures are discussed in the form of model rules.

18 As discussed in Section 4.1 of this report, it is clear that those who on behalf of the Government compiled this particular guidance have failed in matters of logic. There are no specific constraints on attending a place of worship for a funeral providing the overarching social distancing requirements are maintained. The guidance omits any mention of the permitted numbers of attendees, relying instead on the constraints of social distancing. It is thus in accord with the advice given under i) but contradicts the advice given under ii) above. In iii), the internal contradictions of the Government’s own advice are further conflated in a quite meaningless fashion.

19 Going further, it is stated under iv) that weddings and baptisms etc are not presently permitted. This too is illogical as there is no reason to believe that this could not be managed effectively with appropriate hygiene and social distancing precautions that place a limit on number of attendees as would be expected also for individual worship. Regular church services, or funerals. The risks are the same, and the constraints and limitations are also the same and it just seems particularly perverse and lacking in scientific rigour to permit one while restricting another.

4.4 *Other uses*

20 In v), it is stated that places of worship may open for ministers of religion to film or record a service for broadcast, for the hosting of essential voluntary activities such as homeless services, for registered early years and childcare providers, and for blood donation sessions.

21 Once again, no constraints or limitations are proposed for places of worship when hosting essential voluntary activities, early years and childcare provision, or blood donation sessions. It must rightly be assumed that the same hygiene and infection prevention precautions will apply, to include rigorous social distancing, hand and environmental hygiene, and restriction for those who are or may be exhibiting signs suggestive of COVID-19 infection or who have recently been in contact with someone who has COVID-19 infection.



22 This seems largely appropriate. It is clearly the Government's expectation that those responsible for places of worship could manage this safely, as they should manage their premises open for individual prayer, open for funerals, and more generally to manage effectively and with the discretion to make decisions about when they consider it safe to open.

23 The last part of the wording in v) is particularly difficult to reconcile with the rigid prohibition of in situ church services. As reviewed here, the Government's advice invests in the church the discretion to make decisions about when they consider it safe to open. It is therefore illogical to give the church discretion on so many matters including but not limited to individual prayer, the delivery of online services, blood donation sessions, social care and voluntary activities such as homeless services, for registered early years and childcare providers, and for funerals, but not more conventional church services.

24 Hygiene and related infection prevention precautions will be the same for all activities. The risks would be no greater or no lesser when comparing any one of these activities with any other. As the Government itself notes, the church will be responsible for managing all necessary precautions through a process of risk assessment and that responsibility would be no greater or lesser when comparing any one of these activities with any other.

4.5 **Risk assessment**

25 In vi) under the heading 'Further information', it is stated that "guidance will be available shortly. Faith leaders should carry out a risk assessment of the place of worship and tailor this guidance as appropriate for the venue and practices being carried out. This will be in addition to any risk assessment already in place."

26 I fully agree with this requirement for risk assessment, which in my opinion should include also an expectation for dynamic risk assessment in the event that it appears that social distancing requirements are likely to be compromised by an unexpectedly high number of attendees. However, this scenario might largely be avoided using a booking system, as proposed in Section 9.3 of my substantive May 2020 report.

5 **The role of the church**

27 The church is central to the social and mental wellbeing of many people. In these particularly difficult times, the church performs an ever more valuable role complimentary to the welfare of many.

28 I am satisfied that with the introduction of appropriate hygiene and infection prevention precautions, as detailed in my substantive May 2020 report, church services can continue and be expanded with a generous margin of safety. Those model rules are applicable to all uses of



the church premises, from individual prayer, the delivery of online services, blood donation sessions, social care and voluntary activities such as homeless services, for registered early years and childcare providers, and for funerals. Each of these activities is permitted by the Government and specified in its latest guidance document and the precautions would not change and nor risks increased if applied also to regular in situ services.

29 On the basis of uniformity in approach and rational interpretation of the available scientific evidence, and indeed by analogy to other permitted activities such as the permitted operation of food stores and supermarkets, and imminently of all other non-food stores, it is in my opinion entirely wrong to prohibit regular church services, weddings and baptisms etc. I find no valid reason to limit or to prohibit these latter activities. Indeed, the information provided by this 7 June 2020 Government announcement, leaving aside flaws in scientific and logical reasoning, effectively permit these additional activities.

30 At its most basic, there can be no difference with regard to the safety of individuals or of the community between reopening places of worship for individual prayer in circumstances when more than one family groups and several individuals, perhaps totalling 10 or 15 individuals, coincidentally attend at one time for individual prayer, or when the same number of individuals attend as a group for a single church service. Providing that appropriate precautions are maintained at all times, the risk to individuals and to the community will not be increased and will probably be lowered by the implementation of the model rules I had outlined in Section 7 et seq of my substantive May 2020 report.

6 Conclusions

31 With rigid adherence to the proposed guidelines, I see no reason for continuing the suspension of church services at the present time.

32 It must be recognised that the church has a valuable role in society, particularly to those in need of spiritual, psychological, and more general support, companionship etc. As such, the support available through the fellowship of the church that is available to all, including in particular vulnerable members of society, can support their welfare and wellbeing through engagement in the wide diversity of church activities, and in addition indirectly supports the work of local authorities and the National Health Service.

33 The latest announcement from the Government is internally contradictory. The weight of its own argument strongly favours online or remote church services, funerals, and the opening of churches for individual prayer in addition to a diversity of other social and community activities. The announcement makes clear that these activities must be in line with social distancing guidelines. I agree and hope that the further guidance, when available, will be rigorous as the model hygiene guidelines of my substantive report.



34 At the present time, it continues to be my professional opinion that opening of churches for
conventional church services and for other activities should be permitted. As noted above, by
35 far the majority of those church activities have already been identified as permissible in the
Government's 7 June 2020 guidelines. The model hygiene and infection prevention rules that I
propose will be more than adequate.

35 Regrettably, the Government announcement includes some significant contradictions that I
have discussed above. Eliminating those contradictions to permit regular church services, with
the strict proviso that all church activities are properly risk managed and undertaken in strict
accordance with the hygiene and infection prevention rules outlined earlier is entirely
appropriate.

36 In light of the current knowledge of COVID-19 coronavirus infection, and the general principles
of infection prevention and control, I can identify no scientifically valid barriers to reopening of
churches for services as outlined here. The model rules I propose should make this as risk
free as possible. Indeed, it will in all likelihood be considerably safer than many current
commercial activities in the manufacturing and supply industries, including many shops and
supermarkets that are currently permitted to operate, and all other shops being permitted to
open in the next few days.

37 The latest Government announcement restricting organised in situ church services is bizarre
and irrational. The 7 June 2020 announcement by Communities Secretary Robert Jenrick on
behalf of the Government (Section 4) is perhaps best described as slightly lopsided. It permits
a considerable range of essentially comparable activities to take place on church premises,
but with the singular exception of an organised church service. That one exclusion makes no
sense whatsoever and must be corrected to eliminate that anomaly.

7 Statement of Truth

I confirm that I have made clear which facts and matters referred to in this report are within my
own knowledge and which are not. Those that are within my own knowledge I confirm to be
true. The opinions I have expressed represent my true and complete professional opinions on
the matters to which they refer.



James Ian Blenkarn - Microbiologist

14 June 2020



8 Ian Blenkharn

- 1 I, James Ian Blenkharn CSci CBiol CWM FRSB FRSPH FIBMS MCIWM of Blenkharn Environmental, London, make this report. I am a healthcare, occupational and environmental microbiologist with 45 years' experience in the NHS and University Medical Schools, and in the private sector. I obtained qualification in Medical Microbiology in 1976, with an additional University of London Master's degree in Microbiology (1980). I have extensive research and teaching experience in the UK and elsewhere.
- 2 The greater part of my career was with the NHS, with the Royal Postgraduate Medical School, and with Imperial College London. I left Imperial in 2004 to continue with my long-established private practice. In addition to that extensive private practice, I am a Lecturer at the University of West London where I teach microbiology and infection prevention & control to healthcare professionals at both undergraduate and postgraduate level.
- 3 In the commercial sector I have held, in addition to many ad hoc consultancy engagements, additional appointments as consultant microbiologist, science adviser, technical and safety adviser etc. I have also held consultant appointments to clinical (healthcare) wastes companies and to water testing companies, acting as science adviser, trainer, auditor, and assessor etc, and representative at licencing and permitting applications and appeals.
- 4 My research-driven international practice focuses on aspects of general and environmental microbiology, occupational biohazards and biosafety, healthcare and environmental infection control & hygiene, and audit and training in the healthcare, water, waste, occupational and environment sectors. I have particular expertise in post-surgical and device-related infections, and in biosafety with emphasis on environmental and worker hygiene.
- 5 I have published extensively with more than 110 papers on these and related subjects in the medical and scientific literature, and by invitation have contributed to several textbooks and monographs, and to Croner.
- 6 I am a Fellow of the Royal Society of Biology, a Fellow of The Royal Society for Public Health, and a Fellow of the Institute of Biomedical Science. I am a member of the Healthcare Infection Society, the Infection Prevention Society, the British Infection Association, the Microbiology Society, the Association of Professionals in Infection Control and Epidemiology (APIC), the European Society of Clinical Microbiology and Infectious Diseases (ESCMID), and the Royal Society of Medicine. I am a Chartered Biologist, Chartered Scientist, and Chartered Resources and Waste Manager.
- 7 I sat on the Fitness to Practice panel of the Health and Care Professions Council, the independent statutory regulator. I also sat an extended term as Vice Chair of the Royal Society of Biology Professional Registers Panel. Until its dissolution in March 2009, I was



specialist adviser in microbiology to The Healthcare Commission and was subsequently appointed specialist adviser to its successor organisation, the Care Quality Commission, the independent regulator of health and adult social care in England. I currently sit as an Independent Specialist member of the clinical safety committee of the Association of Anaesthetists of Great Britain and Ireland.

- 8 I have more than 30 years' experience as an Expert Witness. I received Expert Witness training first at The Royal Postgraduate Medical School and later at Imperial College London. I hold the certificate of completion of the Bond Solon Civil Procedure Rules for Expert Witnesses course, and the Cardiff University Law School/Bond Solon Civil Expert Witness certificate. In 2019, I completed the Bond Solon Expert Witness 2019 update training course.
- 9 I have appeared in Crown, County and High Courts, in the Coronial Court, at Public Inquiry, Planning and Licencing applications and appeals, in Arbitrations and in Tribunals.
- 10 I am registered with the UK Register of Expert Witnesses, APIL, and with similar organisations in the UK. In the US, I am a member of the Gerson Lehrman Group (GLG) and of ORC International (now Expert Engine) consultancy groups, international organisations providing industry- and discipline-focused networks of consultants, physicians, scientists, and engineers to both public and private sector clients.
- 11 I have acted in Planning and related environmental permitting applications, hearings and appeals, in medicines regulatory hearings, in Public Inquiry, and as an Expert Witness in Courts in Gibraltar, The Netherlands, Germany, Ireland, US, Japan, and most recently in notable discrimination cases in Sweden each having their foundation in matters of hygiene and microbiology.
- 12 I continue to engage in Continuous Professional Development programs registered with the Royal Society of Biology, the Institute of Biomedical Sciences, and CIWM.
- 13 I was founding Editor-in-Chief of the International Journal of Hospital Environment & Hygiene Management. Currently, I am a member of the editorial board of The Journal of Hospital Infection and The Open Waste Management Journal. I have additionally served terms on the editorial boards of The Biologist, The Journal of Infection Prevention, The Journal of Electronic Health. and The International Journal of Engineering, Science and Technology. For more than 3 decades, I have been a regular reviewer for many medical and scientific journals.

A full Curriculum vitae with complete publication list is available on request

