

Promoting a safer church

The care and protection of children, young people and adults involved in Church activities is the responsibility of everyone who participates in the life of the Church

House of Bishops
Safeguarding Policy
for children, young
people & adults

IF YOU ARE CONCERNED

that someone you know is at risk of, or is being abused, or presents a risk to others, please seek advice from a Safeguarding Adviser or if necessary report the matter to the Local Authority Social Care Services or the Police without delay.

Local contacts available to speak to if you have any concerns:

Name: **Fr Darcy Chesterfield -Terry**
Role: Vicar of Joint Benefice of Colnbrook & Datchet
Tel: 07442 197 723
E- mail : vicar@colnbrookanddatchet.co.uk

Name: **Jane Simpson**
Role: **Safeguarding Officer for St Mary's Church**
Tel: 01753 540948
E- mail: janesimpson110@sky.com

Name: **Stuart Nimmo**
Role: Diocesan Safeguarding Adviser
Tel: 01865 208 290
E- mail. stuart.nimmo@oxford.anglican.org

Local Authority Social Services:

RBWM MASH TEAM Children's Services
day time tel 01628 683150
Slough Children's Services 01753 876362
Emergency out of hours
for both RBWM & Slough 01344 786543

**IF THERE IS IMMEDIATE RISK OR DANGER
PLEASE CONTACT THE POLICE ON 101.**

OUR COMMITMENTS

- Promoting a safer environment and culture
- Safely recruiting and supporting all those with any responsibility related to children and vulnerable adults
- Responding promptly to every safeguarding concern or allegation
- Caring pastorally for victims/survivors of abuse or other affected persons
- Caring pastorally for those who are the subject of concerns/allegations of abuse and other affected persons
- Responding to those that may pose a present risk.

HELPLINES

- NSPCC: 0808 800 5000
- Childline: 0800 1111
- Stop It Now: 0808 1000 900
- NAPAC: 0808 801 0331
- Samaritans: 116 123
- Family Lives: 0808 800 2222
- National Domestic Violence Helpline: 0808 2000 247
- Action On Elder Abuse: 080 8808 8141

 **THE CHURCH
OF ENGLAND**
www.churchofengland.org/safeguarding

Promoting

a safer church

Safeguarding policy statement for
children, young people and adults



THE CHURCH
OF ENGLAND

HOUSE OF BISHOPS

© The Archbishops' Council 2017

Published in 2017 for the House of Bishops of the General Synod
of the Church of England

Church House Publishing
Church House, Great Smith Street,
London, SW1P 3AZ.

978 0 7151 1126 0

All rights reserved. No part of this publication may be reproduced or stored or transmitted by any means or in any form, electronic or mechanical, including photocopying, recording, or any information storage and retrieval system without written permission, which should be sought from the Copyright Administrator, Church House Publishing.

Email: copyright@churchofengland.org

For a downloadable electronic version of the full document for local, non-commercial use, please consult the Church of England website: www.churchofengland.org/safeguarding

British Library Cataloguing in Publication Data. A catalogue record for this book is available from the British Library

Printed by Ashford Colour Press

Contents

Scope	5
Safeguarding Policy Statement of the Church of England	
Introduction	9
Foundations	10
Policy Commitments	17
Putting the Policy into action	23

Scope

The care and protection of children, young people* and vulnerable adults† involved in Church activities is the responsibility of the whole Church. Everyone who participates in the life of the Church has a role to play in promoting a Safer Church for all.

This document sets out the safeguarding children, young people and vulnerable adults' policy of the Church of England. It has been informed by the Joint Safeguarding Statement between the Church of England and the Methodist Church, with whom we work jointly on many aspects of safeguarding policy on a covenant basis.

* **young people/person** – means any individual(s) aged 14 to 17 years old

† **vulnerable adult** – Section 6 of the Safeguarding and Clergy Discipline Measure 2016 defines a 'vulnerable adult' as 'a person aged 18 or over whose ability to protect himself or herself from violence, abuse, neglect or exploitation is significantly impaired through physical or mental disability or illness, old age, emotional fragility or distress, or otherwise; and for that purpose, the reference to being impaired is to being temporarily or indefinitely impaired'. The full text of the 2016 Measure can be found at: www.publications.parliament.uk/pa/jt201516/jtselect/jtecc/79.pdf

The Church of England safeguarding policy statement is based on five foundations and offers **six overarching policy commitments**:

- **Promoting a safer environment and culture**
- **Safely recruiting and supporting all those with any responsibility related to children, young people and vulnerable adults within the Church**
- **Responding promptly to every safeguarding concern or allegation**
- **Caring pastorally for victims/survivors of abuse and other affected persons**
- **Caring pastorally for those who are the subject of concerns or allegations of abuse and other affected persons**
- **Responding to those that may pose a present risk to others.**

This policy applies to all Church Bodies* and Church Officers†. Full understanding of, and adherence to, this policy should lead to a deepening in the understanding of, and respect for,

* **Church Bodies** – include PCCs, diocesan bodies, cathedrals, religious communities, theological training institutions and the National Church Institutions. This policy will apply to the whole of the provinces of Canterbury and York (including the Diocese in Europe subject to local variations/modifications). There is also an expectation that the policy will apply to the Channel Islands and Sodor and Man unless there is specific local legislation in a jurisdiction that would prevent adoption.

† **Church Officer** – anyone appointed/elected by or on behalf of the Church to a post or role, whether they are ordained or lay, paid or unpaid.

the rights of children, young people and vulnerable adults as people of faith in the life of the Church.

Under section 5 of the Safeguarding and Clergy Discipline Measure 2016, all authorised clergy, bishops, archdeacons, licensed readers and lay workers, churchwardens and PCCs must have ‘due regard’ to safeguarding guidance issued by the House of Bishops (this will include both policy and practice guidance).^{*} A duty to have ‘due regard’ to guidance means that the person under the duty is not free to disregard it but is required to follow it unless there are cogent reasons for not doing so. (‘Cogent’ for this purpose means clear, logical and convincing.) Failure by clergy to comply with the duty imposed by the 2016 Measure may result in disciplinary action.

This Policy Statement is supported by more detailed Practice Guidance and Reference documents which can be downloaded from: <https://www.churchofengland.org/clergy-office-holders/safeguarding-children-vulnerable-adults.aspx>

Building on this, Church bodies may provide additional local procedures and guidance in line with the House of Bishops policy and practice guidance.

^{*} The Safeguarding and Clergy Discipline Measure 2016 applies to the whole of the provinces of Canterbury and York (including the Diocese in Europe subject to local variations/modifications), with the exception of the Channel Islands and Sodor and Man. In order to extend the 2016 Measure to the Channel Islands or Sodor and Man legislation will need to be passed by the relevant island jurisdictions in accordance with section 12 of that Measure.

Safeguarding Policy Statement of the Church of England

Introduction

The Church of England, its archbishops, bishops, clergy and leaders are committed to safeguarding as an integral part of the life and ministry of the Church.

Safeguarding means the action the Church takes to promote a safer culture. This means we will promote the welfare of children, young people and adults, work to prevent abuse from occurring, seek to protect those that are at risk of being abused and respond well to those that have been abused. We will take care to identify where a person may present a risk to others, and offer support to them whilst taking steps to mitigate such risks.

The Church of England affirms the 'Whole Church' approach to safeguarding. This approach encompasses a commitment to consistent policy and practice across all Church bodies, Church Officers and that everyone associated with the Church, who comes into contact with children, young people and adults, has a role to play.

The Church will take appropriate steps to maintain a safer environment for all and to practice fully and positively Christ's Ministry towards children, young people and adults; to respond sensitively and compassionately to their needs in order to help keep them safe from harm.

Foundations

In developing and implementing the Safeguarding Policy, the Church of England is guided by the following foundations.

1 Gospel

The Church is called to share the good news of God's salvation through Jesus Christ. The life of our communities and institutions is integral to how we address this task. The good news speaks of welcome for all, with a particular regard for those who are most vulnerable, into a community where the value and dignity of every human being is affirmed and those in positions of responsibility and authority are truly trustworthy. Being faithful to our call to share the gospel therefore compels us to take with the utmost seriousness the challenge of preventing abuse from happening and responding well where it has.

2 Human rights and the law

The Church recognises the personal dignity and rights of all children, young people and adults, as enshrined in the Human Rights Act 1998 and the 1989 United Nations Convention on the Rights of the Child.

Safeguarding work is undertaken within a legislative framework supported by government guidance which sets out a range of safeguarding duties, responsibilities and best practice.

3 Core principles



The following core principles underpin the Church's approach to safeguarding practice:

- **The welfare of the child, young person and vulnerable adult is paramount***
- **Integrity, respect and listening to all**
- **Transparency and openness**
- **Accountability**
- **Collaboration with key statutory authorities and other partners**
- **Use of professional safeguarding advice and support both inside and outside the Church**
- **A commitment to the prevention of abuse**
- **The active management of risk**
- **Promoting a culture of informed vigilance**
- **Regular evaluation to ensure best practice.**

* In the event of any perceived or potential conflict of interest the welfare of any children and young people involved will always take precedence over all adults.

4 Good safeguarding practice

The following key features will help Church bodies promote and maintain a safer culture that protects and promotes the welfare of children, young people and vulnerable adults.*

These features are:

- A leadership commitment, at all levels, to the importance of safeguarding and promoting the welfare of children, young people and vulnerable adults
- A safeguarding policy available to Church Officers
- A clear line of accountability within the Church for work on safeguarding
- Clear reporting procedures to deal with safeguarding concerns and allegations
- Clear roles for Church Officers
- Practice and services informed by on-going learning, review and by the views of children, young people, families and vulnerable adults

* These are based on *Safe from Harm*, Home Office, 1993, and the statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004.

It is acknowledged that the level and depth of arrangements that meet these key features will be dependent on the size and resources available to an individual church body.

- Safer recruitment procedures in place
- Clear arrangements for support and/or supervision
- Safeguarding training for all Church Officers working with or in contact with children, young people and/or vulnerable adults
- Effective working with statutory and voluntary sector partners
- Publicly advertised arrangements for children, young people and vulnerable adults to be able to speak to an independent person, as required
- Complaints and whistleblowing procedures that are well publicised
- Effective information sharing
- Good record keeping.

5 Learning from the past



In the July Synod 2013 Archbishop Justin Welby stated:

‘The reality is that there will always be people who are dangerous and are part of the life of the Church. They may be members of the congregation; we hope and pray that they will not be in positions of

responsibility, but the odds are from time to time people will somehow conceal sufficiently well. And many here, have been deeply affected, as well as the survivors who have so rightly brought us to this place. Many other people here have been deeply affected and badly treated. So we face a continual challenge and reality ... There has to be a complete change of culture and behaviour. And in addition, there is a profound theological point. We are not doing all this, we are not seeking to say how devastatingly, appallingly, atrociously sorry we are for the great failures there have been, for our own sakes, for our own flourishing, for the protection of the Church. But we are doing it because we are called to live in the justice of God, and that we will each answer to Him for our failures in this area. And that accountability is one that we must take with the utmost seriousness.'

The Archbishops of Canterbury and York wrote in their joint forward to 'Safeguarding: Follow-up to the Chichester Commissaries' Reports', June 2013:

'We cannot overestimate the importance of responding appropriately today. Sadly for many this comes far too late. History cannot be rewritten, but those who still suffer now as a result of abuse in the past deserve this at least, that we hear their voices and take action to ensure that today's safeguarding

policies and systems are as robust as they can be. This work is an essential and prior Gospel imperative, for any attempts we make to grow the Church, to seek the common good, and to reimagine the Church's ministry.'

The statutory reports and independent reviews into abuse that have involved the Church of England and other faith organisations highlight past errors and significant lessons to be learnt to improve safeguarding.

As a Church we continue to commit to a journey of truth, healing, learning and abuse prevention.

So we face a continual challenge and reality ... There has to be a complete change of culture and behaviour.

Policy Commitments

Based on the foundations outlined above the Church of England commits to the following.



1 Promoting a safer environment and culture

All Church Officers will respect all children, young people and vulnerable adults and promote their well-being.

The Church will strive to create and maintain environments that are safer for all, that promote well-being, that prevent abuse, and that create nurturing, caring conditions within the Church for children, young people and vulnerable adults. It will work to continue to strengthen and review these environments. This will be done by training, support, communication, learning, governance and quality assurance processes.

The Church will strive to support all Church Officers to adhere to safer working good practice and to challenge the abuse of power. It will ensure that processes are in place that listen to and advocate on behalf of children, young people and vulnerable adults within the knowledge that they will be cared for.

2 Safely recruiting and supporting all those with any responsibility related to children and vulnerable adults within the Church

The Church will select and vet all those with any responsibility related to children, young people and vulnerable adults within the Church, in accordance with the House of Bishops safeguarding policy and practice guidance.

It will train and equip Church Officers to have the confidence and skills they need to care and support children, young people and vulnerable adults and to recognise and respond to abuse. This will be done by supporting the roll-out of consistent and accessible safeguarding training in accordance with House of Bishops safeguarding policy and practice guidance, which can be found at www.churchofengland.org/safeguarding

3 Responding promptly to every safeguarding concern or allegation

Anyone who brings any safeguarding suspicion, concern, knowledge or allegation of current or non-current abuse to the notice of the Church will be responded to respectfully and in a timely manner, in line with statutory child and adult safeguarding procedures and the House of Bishops safeguarding policy and practice guidance.

All safeguarding work will be recorded in line with the House of Bishops safeguarding practice guidance.

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.

All Church Officers will cooperate with the statutory authorities in all cases.

In responding to concerns or allegations of abuse relating to Church Officers, the Church will act in accordance with the requirements of criminal, civil and ecclesiastical law, and so will respect the rights and uphold the safeguards afforded in these, both to the victim/survivor and the subject of concerns or allegations.

4 Caring pastorally for victims/survivors of abuse and other affected persons



The Church will endeavour to offer care and support to all those that have been abused, regardless of the type of abuse, when or where it occurred.

The Church is committed to continuing to learn how to respond in a supportive and healing way to the needs of those who have suffered abuse.

Those who have suffered abuse within the Church will receive a compassionate response, be listened to and be taken seriously. The Church will respond to any disclosure of abuse in accordance with House of Bishops policy and practice guidance. This will be done in collaboration with the relevant statutory agencies in accordance with criminal, civil and ecclesiastical law. They will be offered appropriate pastoral care, counselling and support – according to the agreed need.

An appropriate pastoral response to the family, parish, congregation or order will be considered, with due regard to the right of privacy of those directly involved, and to the administration of justice.

5 Caring pastorally for those who are the subject of concerns or allegations of abuse and other affected persons



The Church in exercising its responsibilities to suspicions, concerns, knowledge or allegations of abuse will endeavour to respect the rights under criminal, civil and ecclesiastical law of an accused Church Officer including the clergy. A legal presumption of innocence will be maintained during the statutory and Church inquiry processes. As the process progresses additional assessment, therapy and support services may be offered.

The Church will take responsibility for ensuring that steps are taken to protect others when any Church Officer is considered a risk to children, young people and vulnerable adults. This will be done by working to mitigate any identified risks according to a safeguarding agreement.

Church Officers who are the subject of concerns or allegations of abuse belong to families, congregations and church communities. The Church will be mindful of the need to provide support to members of families, parishes

and congregations affected by the Church Officers in such situations.

6 Responding to those that may pose a present risk to others

The Church, based on the message of the gospel, opens its doors to all. It will therefore endeavour to offer pastoral care and support to any member of the church community whom may present a known risk.

The Church will ensure that any risk has been assessed and is being managed in a safeguarding agreement in accordance with House of Bishops policy and practice guidance. This will be done in collaboration with the relevant statutory agencies in accordance with criminal, civil and ecclesiastical law.

Putting the policy into action



All parts of the Church of England must adopt or take account of this Policy Statement within their own safeguarding policy. The Policy Statement must actively underpin all safeguarding work within the Church and the drive to improve safeguarding practice.

All Church bodies should ensure that:

- All Church Officers have access to this Policy Statement*
- The Policy Statement is promoted and publicised
- The Church's safeguarding message is communicated as reflected in the policy
- They have a 'Promoting a Safer Church' action plan in place that sets out, in line with national and local priorities, how the policy is being put into action and is reviewed regularly.

Latest versions of the Church of England's Safeguarding documents can be found here:

<https://www.churchofengland.org/safeguarding>

If you are concerned that someone you know is at risk of, or is being abused, or presents a risk to others please seek advice from a Safeguarding Adviser or if necessary report the matter to the Local Authority Social Care Services or the Police without delay.

* This may be access to a Parish or Diocesan website and/or a hard copy of the Policy statement. A shortened 'at a glance' version of this Policy Statement will be prepared for Parish, Dioceses, Cathedrals and other church bodies and be available as a poster which can be downloaded from the Church of England website or ordered in hard copy from Church House Publishing.

Protecting All God's Children

The Policy for Safeguarding Children
in the Church of England

4th edition 2010

© *The Archbishops' Council 2010*

Fourth impression 2010

Published in 2010 for the House of Bishops of
the General Synod of the Church of England

Church House Publishing
Church House, Great Smith Street,
London, SW1P 3AZ.

ISBN 978 0 7151 1051 5

Printed and bound in Great Britain
by Halstan & Co, Amersham

**Order a printed
copy from Church
House Publishing**

Permission is granted for photocopies of the
Confidential information-sharing protocol (pp.
39–40) and the Confidential Declaration and
Notes for the Confidential Declaration form
(pp. 46–48) to be made by the purchaser.

The remainder of this publication, in book
format, may not be reproduced or stored or
transmitted by any means or in any form,
electronic or mechanical, including
photocopying, recording, or any information
storage and retrieval system without written
permission, which should be sought from the
Copyright Administrator, Church House
Publishing, Church House, Great Smith Street,
London SW1P 3AZ.

Email: copyright@c-of-e.org.uk

For a downloadable electronic version of the
full document for local, non-commercial use,
please consult the Church of England website.

British Library Cataloguing in Publication data

A catalogue record for this book is available
from the British Library

Contents

Foreword by the Archbishops of Canterbury and York	v
Principles of the House of Bishops' Policy for Safeguarding Children	vii
Introduction	1
Aims and purpose	1
Our theological approach	1
Societal context	3
Ecumenical context	4
Description and definitions	5
Children in need	6
Harm and significant harm	6
2 Safeguarding Policy of the Church of England	8
Discussion of the Principles	8
3 Definitions of forms of harm	11
Introduction	11
Statutory definitions	12
Some special topics	13
Spiritual abuse	16
4 Responsibilities of church organizations	17
Introduction	17
The House of Bishops	18
The diocese	18
The parish	20
Church schools	21
5 Promoting safer practice	22
Introduction	22
Code of Safer Working Practice	23
Safer recruitment policy on vetting	23
Registration with OFSTED	24
Staff-child ratios	24
Staff, volunteers and helpers	25
Youth work	25
Positions of trust	26
Cell groups or home groups	27
Affiliated youth groups	27
Charity Commission	27
Transport	27
Registration and consent forms	28
Health and safety	28
Risk assessments	28
Mixed-age activities	29

Insurance	29
Hire of premises	30
Record keeping and data protection	30
6 Responding to concerns	32
Making referrals	32
Children in need	33
Confidentiality, information sharing and consent	33
Fraser guidelines	34
Serious case reviews	35
Confession	35
Spiritual direction	35
Ministry of deliverance	36
Children who have experienced abuse or trauma	37
Survivors of past abuse	37
Whistle-blowing	38
7 Managing allegations against church officers	39
Introduction	39
Suspension	40
Insurance advice	41
Pastoral support	41
Media enquiries	42
Criminal proceedings	42
Resignations and compromise agreements	43
Record-keeping in the context of allegations	44
Independent Safeguarding Authority (ISA)	45
Charity Commission	46
Archbishops' List	46
Reinstatement and redeployment	47
8 Suspected abusers and known offenders	48
Introduction	48
Convicted offenders against children	49
Multi-Agency Public Protection Arrangements (MAPPA)	49
Ministering to people who are known to have sexually abused children	50
Disclosures by perpetrators of past abuse	53
Appendices	54
A1 Statutory framework	54
A2 Relevant Church of England documents	57
A3 Other works consulted	58
A4 Managing safeguarding children in a diocese: a model of good practice	59
A5 Model code of safer working practice	63
A6 Model agreement with offender	72
A7 Membership of the revision group	75
A8 Acknowledgements	76

Foreword

by the Archbishops of Canterbury and York

We are delighted to commend this fully revised and updated House of Bishops' policy on safeguarding children. The Church of England has had a child protection policy since 1995 and this document builds on previous good work. We are pleased to note that dioceses, parishes and church officers at all levels continue to grow in commitment and confidence, seeking to continually update their good practice and to respond well to concerns when they arise.

Our children deserve the best care that the Church can provide. We rejoice in the time and devotion given by so many people, ordained and lay, paid and volunteers, to the exciting challenge of nurturing our children and young people within the Church.

Since the last edition of *Protecting All God's Children* was published in 2004, we have developed our understanding of both the importance of safeguarding adults who may be vulnerable, and careful selection of those who work with children and vulnerable adults. The Church of England published *Promoting a Safe Church*, our policy for safeguarding adults, in 2006. The House of Bishops has just approved as well the third important policy on vetting and safer recruitment, which will be published as an interim policy pending resolution of the new Government's review into these matters. These three policies reflect our growing theological and pastoral endeavour, underpinning the value of safeguarding as part of the life and ministry of the church. Together, the policies provide the basis for ensuring that we provide the safest possible environment for everyone to grow and to flourish. Nothing less will do in a community called to witness to the eternal dignity of every human being, and which seeks to embrace Jesus' teaching about the importance of children in his kingdom.

Since 2004, the Government has twice revised its foundation document *Working Together to Safeguard Children*. The most recent version (2010) affirms that churches 'have an important role in safeguarding children and supporting families'. Churches are expected to have procedures for responding properly to safeguarding concerns, appropriate codes of practice for those working directly with children, and procedures that are in accordance with safer recruitment guidance. This version of *Protecting All God's Children* is our response to this challenge.

We thank God for all our children, and for those who nurture them in the faith, and pray that we may faithfully and joyfully fulfil our responsibilities towards them.

✠ Rowan Cantuar:

✠ Sentamu Ebor:

Principles of the House of Bishops' Policy for Safeguarding Children

Every person has a value and dignity which comes directly from the creation of male and female in God's own image and likeness. Christians see this potential as fulfilled by God's re-creation of us in Christ. Among other things this implies a duty to value all people as bearing the image of God and therefore to protect them from harm.

Principles

We are committed to:

- The care, nurture of, and respectful pastoral ministry with, all children and all adults
- The safeguarding and protection of all children, young people and adults when they are vulnerable
- The establishing of safe, caring communities which provide a loving environment where there is a culture of 'informed vigilance' as to the dangers of abuse.

We will carefully select and train all those with any responsibility within the Church, in line with safer recruitment principles, including the use of criminal records disclosures and registration with the relevant vetting and barring schemes.

We will respond without delay to every complaint made which suggests that an adult, child or young person may have been harmed, co-operating with the police and local authority in any investigation.

We will seek to work with anyone who has suffered abuse, developing with him or her an appropriate ministry of informed pastoral care.

We will seek to challenge any abuse of power, especially by anyone in a position of trust.

We will seek to offer pastoral care and support, including supervision and referral to the proper authorities, to any member of our church community known to have offended against a child, young person or vulnerable adult.

In all these principles we will follow legislation, guidance and recognized good practice.

1. Introduction

Aims and purpose

- 1.1 The purpose of this policy document is to identify and outline the issues and principles of safeguarding children for the Church of England.
- At a national level¹ it is the House of Bishops which approves the policy and provides recommended procedures where it is judged that the Church of England should have common practice across the dioceses.
 - Building on this, dioceses may provide additional procedures and examples of good practice to give further substance to the House of Bishops' policy so that those authorized volunteers, employed laity and people holding the Bishop's licence, can properly and with confidence engage with children.
- 1.2 A companion policy document² deals with the issues of safeguarding vulnerable adults.
- 1.3 Note that the term 'child' is used throughout this document for the sake of simplicity to cover both children and young people under the age of eighteen. In direct work it will usually be more appropriate to use the term 'young people' for those over the age of eleven.
- 1.4 The Church is not an arm of the state but works with statutory agencies to help safeguard children. There are therefore many references to statutory provisions in this policy. But the Church also reserves the right to take its own view of statutory schemes, and, while always remaining within the law, to argue for changes or to express disagreement.
- 1.5 Since its first child protection policy, and before, the Church has taken the view that matters which are the subject of statutory provisions should be brought to the relevant agencies for determination. This is particularly important if there is a possible need for statutory action to protect a child or adult, or to bring an alleged offender to justice

Our theological approach

- 1.6 Every human being has a value and dignity which comes directly from the creation of male and female in God's own image and likeness. Christians see this potential fulfilled by God's re-creation of us in Christ. Among other things this implies a duty to value all people as bearing the image of God and therefore to protect them from harm. Christ saw

¹ 'national level' should be read to include those parts of the Church of England outside England with different legislation, e.g. the Diocese of Sodor and Man, the Diocese in Europe, and the Channel Islands which was attached to the Diocese of Winchester. They should implement this policy as far as they are able but may need to adapt parts of it.

² *Promoting a Safe Church*, House of Bishops, 2006.

children as demonstrating a full relationship with God. He gave them status, time and respect.

- 1.7 Every person is equally precious to God. Each one needs the assurance that respect for this brings. Individuals who suffer abuse often experience a loss to their identity and worth; there is often shame and a misplaced guilt. The Church is intended to be a place where men, women and children, including those who are hurt and damaged, may find healing and wholeness. It is our calling to be agents of healing and recovery in such a way that enables all who have suffered from abuse to lead lives with dignity in a context that is as safe as possible. It is about speaking words of peace. It is communication of 'shalom'; that is, of justice, healing and peace for the whole of the individual, as well as for the community.
- 1.8 God is present and at work in the world in many ways. A Church empowered by the Holy Spirit is especially a place where the wonderful character of God is manifested. The Church is called to witness to that truth. As individual Christians and as part of the Church, our vocation is to reflect the character of God. We are called to welcome and care for the oppressed, the marginalized, and the victims of injustice. Safeguarding good practice concerns the development of safer expressions of care to all and underpins the love and welcome of God for all people.
- 1.9 Justice is part of the outworking of love. The Church must hold in tension concerns for both justice and compassion. Nevertheless, those who have suffered child abuse have sometimes found an unsympathetic hearing. They may be disbelieved, discouraged and damaged further. Some people may side with the alleged perpetrator. This occurs in all parts of society, but it is particularly hurtful when it occurs within the Church. Such actions compound the sense of injustice that many feel. In answer to the question 'What does God require of us?' the need to act justly is set alongside the need to love mercy and to walk humbly with God (Micah 6.8).
- 1.10 Many who have endured child abuse consider that mercy towards those who have sinned is set above the need for the victims to be enabled to find justice. Both are essential. In creating humankind God made us to be together, to live in community. When one suffers we all suffer. We are all made poorer by every incidence of child or adult abuse as by all sin. In finding the grace to act righteously towards those who suffer, we also experience transformation through grace. We become better people and our churches become safer places for all.
- 1.11 In similar ways, offenders may also be assured that they are precious to God, and find healing and wholeness. Because redemption and the possibility of forgiveness are so central to the gospel, the Church is not only well equipped to assist in the rehabilitation of offenders but is also challenged by the issues their presence raises for us. The Church is part of a society where collusion with violence in families, emotional abuse or certain taboos on sexual abuse often holds sway. It is our calling to hold on to both justice and grace and to build safer church communities, often in challenging circumstances. Church people have sometimes required those who have suffered abuse to forgive. We need to understand forgiving and receiving forgiveness as lifelong processes.

- 1.12 Our congregations can be a refuge for those who have perpetrated abuse but are seeking help in maintaining a non-abusive way of life. We have also to be aware that some who abuse may see church membership as an opportunity to be close to children or vulnerable parents in order to continue their abusive patterns of behaviour. Experience shows that whether penitent or not, those who abuse need support in taking responsibility for their own actions and in stopping their abusive behaviour: in addition, of course, the vulnerable need protection from them. The genuine penitent will accept the need for careful arrangements, including some restrictions, for his or her return to church fellowship. This is in line with the Church's realistic understanding of sin and its effects, and the Church's responsibility to love all God's people.
- 1.13 The Gospel accounts remind us of Jesus' humanity and vulnerability throughout his life. He gave up all but the power of love. He gave up wealth, security and status. He listened to and ministered to those who were powerless and vulnerable; he appointed fallible and weak disciples who needed to discover their limitations and find strength by living in God's grace with each other. Those who are humble and vulnerable themselves are often gifted with a ministry with those who are most in need, including with children and adults who have suffered. There is therefore a challenge for the Church to encourage ministry, service and leadership in ways that promote discernment of one's boundaries and limitations, reliance on God and our brothers and sisters in Christ, thus developing compassionate, collaborative and enabling ministries which value careful listening to all.
- 1.14 Child abuse is a scourge on individuals, on our Church and in our society and we must name it as such, doing everything we can to prevent it. We are to nurture children as fully as we can in Christ's name.
- 1.15 A Christian approach to safeguarding children will therefore expect both individuals and communities to:
- create a safe environment for children and their families;
 - act promptly on any complaints made;
 - care for those who have been abused in the past;
 - minister appropriately to those who have abused;
 - provide opportunities for healing and flourishing.
- 1.16 God's mission is a message of good news to love and welcome the poor and marginalized. The Church must take seriously both human propensities to evil but also the God-given resources of goodness, peace, healing and justice: in short, God's love, God's life.

Societal context

- 1.17 The abuse of children is often dominated by sensational and misleading press and media coverage. Safeguarding is about the welfare and the protection of children. This is something the whole Church should be concerned about and engaged in through developing and supporting good practice and responding appropriately when harm occurs. The Government, local authorities, schools and the wider statutory sector

have in recent years sought to promote safeguarding within a holistic, multi-agency approach to children and families, for example through the *Every Child Matters* programme and the Children Act 2004. The Government's foundation policy document, *Working Together to Safeguard Children*, which addresses interagency and multi-agency working for the welfare and protection of children, has been revised twice since 2004 when the previous edition of *Protecting All God's Children* was issued.

- 1.18 The Bichard Inquiry report and work on the Safeguarding Vulnerable Groups Act 2006 has applied safer recruitment principles across both the voluntary and statutory sectors. Among a good deal of additional guidance, particular mention should be made of *Safeguarding Children and Safer Recruitment in Education* 2007 and the Children's Workforce Development Council guidance *Recruiting Safely* 2009 for the voluntary sector.
- 1.19 In addition, Local Safeguarding Children's Boards (LSCBs) have been established to ensure that faith groups, among others, respond adequately to the demands of safeguarding, and Local Authority Designated Officers (LADOs) have been appointed; their duties include advising faith groups on the management of children's workers who are alleged to have harmed children. A Children's Commissioner has also been appointed.
- 1.20 Recent years have therefore seen many changes, with an extension of statutory requirements and tightened procedures across the children's workforce in all sectors.
- 1.21 There can be an unhelpful emphasis on sexual abuse in society when physical abuse, emotional abuse and neglect, sometimes alongside domestic violence, are more common. All abuse is more likely to occur in families or to be perpetrated by extended family relatives or friends. This presents a challenge to the church and to society, to engage with safeguarding children as a whole.

Ecumenical context

- 1.22 In the Churches there is a continuing growth in ecumenical agreement and co-operation on safeguarding, especially between the Methodist Church and the Church of England, as part of the outworking of the Covenant. Our continued participation in Churches' Agency for Safeguarding and the Christian Forum for Safeguarding is of great benefit in building and maintaining relations with all Churches, especially the Baptist Union of Great Britain and the United Reformed Church; the Society of Friends; the Catholic Church of England and Wales (and particularly CSAS³); the Salvation Army; the Church of Scotland; the Assemblies of God and the independent charity Churches Child Protection Advisory Service. Furthermore, these bodies enable and enhance our participation in discussions with government departments and agencies.

³ The Catholic Safeguarding Advisory Service.

1.23 We have learned from each other and especially from those who have had thorough scrutiny of practice and procedures. The following key values or approaches⁴ are regarded as important underpinning for our safeguarding practice:

- the child's welfare is paramount;
- prevention is vital;
- transparency;
- accountability;
- partnership with statutory authorities;
- use of independent specialist advice;
- the active management of risk;
- a 'One Church' approach;
- a culture of informed vigilance.

Descriptions and definitions

1.24 A **child** is defined as anyone who has not yet reached their 18th birthday. 'Children' therefore means 'children and young people' throughout this document.

Working Together to Safeguard Children 2010 states:

The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital, in prison or in a Young Offenders' Institution, does not change his or her status or entitlement to services or protection under the Children Act 1989.

Working Together, 1.19

- 1.25 The term **safeguarding** covers vetting and safer recruitment, safer working practices, responding to concerns, working with partner agencies, dealing with allegations against those responsible for children and other matters that may be relevant. The term **child protection** is used for responding to concerns where it appears that a child may have been harmed.
- 1.26 Effective child protection is essential as part of wider work to safeguard and promote the welfare of children. However, all agencies and individuals should aim proactively to safeguard and promote the welfare of children so that the need for action to protect children from harm is reduced.
- 1.27 The term church officer is used for anyone appointed by or on behalf of the Church to a post or role, whether they are ordained or lay, paid or unpaid.

⁴ Adapted from the Nolan principles in The Nolan Commission Report 2001 as presented by Eileen Shearer at the National Organization for the Treatment of Abusers (NOTA) conference 2006.

Each local authority is required to provide social care services for children. Locally there are a wide variety of terms, and each parish should identify the relevant department and contact details locally. This policy uses the terminology from *Working Together to Safeguard Children 2010* – **children's social care**.

Children in need

1.28 A child is a **child in need** if:

- he or she is unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him or her of services by a local authority;
- his or her health or development is likely to be significantly impaired, or further impaired, without the provision for him or her of such services;
- he or she is disabled.⁵

1.29 The critical factors to be taken into account in deciding whether a child is in need under the Children Act 1989 are:

- what will happen to a child's health or development without services being provided;
- the likely effect of services on the child's standard of health and development.

Harm and significant harm

1.30 Harm means ill-treatment or the impairment of health or development, including, for example, impairment suffered from seeing or hearing the ill-treatment of another.

1.31 The Children Act 1989 introduced the concept of **significant harm** as the threshold that justifies compulsory intervention in family life in the best interests of children, and gives local authorities a duty to make enquiries to decide whether they should take action to safeguard or promote the welfare of a child who is suffering, or likely to suffer, significant harm. It is the threshold used by the courts in deciding whether compulsory intervention into family life might be in the best interests of the child. Significant harm has no precise definition. It can be caused by a single traumatic event or a cluster of smaller incidents over time. Any concern about significant harm requires careful investigation and assessment.

1.32 There are a range of orders that a local authority may apply for and some of these grant them a share in the parental responsibility for the child. The most far-reaching of these are a Care Order, which commits the child to the care of the local authority, or a Supervision Order, which puts the child under the supervision of a local authority or probation service.

⁵ Children Act 1989 Section 17 (10).

- 1.33 The court may also make private law orders if there are disputes between parents about the care of a child, or where the child needs to live with extended family or friends under the protection of the family court, but does not require the additional protection of a care order.

2 Safeguarding Policy of the Church of England

- 2.1 The Law and guidance cited is that for England and Wales and is up to date as at August 2110. The Church of England, in all aspects of its life, is committed to and will champion the safeguarding of children, both in society as a whole and in its own community. It fully accepts, endorses and will implement the principle first enshrined in the Children Act 1989: the welfare of the child should be paramount. The Church of England will foster and encourage best practice within its community by setting standards for working with children and young people and by supporting parents in the care of their children. It will work with statutory bodies, voluntary agencies and other faith communities to promote the safety and well-being of children. It is committed to acting promptly whenever a concern is raised about a child or about the behaviour of an adult or someone under the age of eighteen in a position of trust, and will work with the appropriate statutory bodies when an investigation into child abuse is necessary. It is also committed to the support of those who have been abused and to listening to the voices of survivors, who can help the Church learn lessons from the past.

Discussion of the principles

- 2.2 The statement of principles is common for children and for vulnerable adults. However, this section and the rest of this document consider only the implications for children.
- 2.3 We are committed to:
- the care, nurture of, and respectful pastoral ministry with, all children and adults;
 - the safeguarding and protection of all children and adults;
 - the establishment of safe, caring communities which provide a loving environment where there is a culture of informed vigilance regarding the dangers of abuse.
- 2.4 The safeguarding and protection of children is everyone's responsibility, not just parents or those who have formal responsibilities for children. Procedures and formal processes alone, though essential, will not protect children. The community, including all its members, needs to be aware of the dangers and be prepared to report concerns and take action if necessary.
- 2.5 The child's welfare is the paramount consideration in matters of private or public law affecting children which come before the family courts. The Church accepts and extends this principle to all areas of its work with children. Where conflicts of interest arise between the welfare of children and that of adults, it is the welfare of children that will be given priority.

- 2.6 **We will carefully select and train all those with any responsibility for children within the Church in line with safer recruitment principles, including the use of criminal records disclosures and registration with the relevant vetting and barring schemes.**
- 2.7 Vetting procedures and safer recruitment guidance for the Church of England are set out in detail in companion guidance document *Safeguarding Guidance for Safer Recruitment*. The relevant vetting and barring scheme for the Church of England is that provided by the Independent Safeguarding Authority (ISA) (See 5.7 for further details). The suitability of an applicant or nominated volunteer for work with children should not be solely dependent upon vetting checks and CRB disclosures. Someone whose CRB disclosure is clear may still be unsuitable and the other safer recruitment processes must always also be used.
- 2.8 In England, registration with the ISA is a statutory requirement for a number of people who work with children. Advice about how this new requirement will be phased in will be made available to each diocese via the bishop or the diocesan safeguarding adviser. (See 5.7 for further detail about the current arrangements.)
- 2.9 It is the policy of the Church that:
- all those who regularly work with children, including those who work on a rota, should have enhanced CRB checks and ISA registration;
 - those who work only occasionally will be asked to apply for CRB checks and ISA registration if they fulfil the ISA threshold requirements;
 - those who manage or supervise people who work with vulnerable groups will also be required to be ISA registered and obtain CRB checks.
- 2.10 **We will respond without delay to every complaint made which suggests that an adult or child may have been harmed, co-operating with the police and local authority in any investigation.**
- 2.11 The Church accepts that, through its workers, it is responsible for children who are entrusted to churches by their parents: in the church building, on church property and other premises being used, and during church activities. Responsibility extends to travel between places, when it is organized by the church. However, a church is not responsible for private arrangements made by parents.
- 2.12 The term ‘complaint’ can cover an allegation, disclosure or statement; something seen or something heard. The complaint need not be made in writing but, once received, it must be recorded and acted upon.
- 2.13 **We will seek to offer informed pastoral care with anyone who has suffered abuse, developing, with him or her, an appropriate ministry.**
- 2.14 The Church does not investigate allegations of abuse or neglect of children itself but refers them to the appropriate statutory agencies. The Church may need to make preliminary enquiries to establish the accuracy of information being passed to the statutory body.

- 2.15 If a child comes to notice as having suffered abuse in the past, church officers will notify the appropriate authorities to ensure that the matter is on record.
- 2.16 Support will be offered to adult survivors of child abuse, who will also be encouraged to make a statement to the police if they have not done so before. The Church has issued separate guidance on work with survivors⁶.
- 2.17 **We will seek to challenge any abuse of power, especially by anyone in a position of trust.**
- 2.18 We are aware that those in positions of trust and responsibility, in the Church as elsewhere, may be subject to temptation to abuse their power and exploit or harm others. We seek to take action to deal with any abuse.
- 2.19 Allegations of abuse or misconduct in relation to children by church officers will be referred to the Local Authority Designated Officer (LADO) and investigated in accordance with his or her advice.
- 2.20 **We will seek to offer pastoral care and support, including supervision and referral to proper authorities, of any member of our church community known to have offended against a child or vulnerable adult.**
- 2.21 If a member of a church community comes to notice as having a conviction, caution, reprimand or warning for offences against children, or has been barred from working with children, or is considered to present a risk to children, we will seek to draw up a written agreement, where it is safe to do so. The agreement will contain safeguards as explained in detail later on. Breach of this agreement, or other concerns, may lead to a referral to the statutory agencies.
- 2.22 **In all these principles we will follow legislation, guidance and recognized good practice.**
- 2.23 This will involve, in particular, openness among those with a legitimate need to know, confidentiality for those not directly involved, and the sharing of information with the statutory authorities.

⁶ *Responding Well to Those Who Have Experienced Sexual Abuse*, House of Bishops, 2011.

3 Definitions of forms of harm

Introduction

- 3.1 Children can be harmed in many ways. Where their health, physical, emotional, intellectual, spiritual or social development is damaged by other people, this is an abuse of relationships, a misuse of power and a betrayal of trust. Someone may abuse or neglect a child by inflicting harm or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them, or, more rarely, by a stranger. They may be abused by an adult or adults, or by another child or children.
- 3.2 The fact that a child has reached the age of 16, is living independently or is in further education, is a member of the armed forces, is in hospital, in prison or a young offenders' institution, does not change his or her entitlement to protection.
- 3.3 Child abuse is not new, although it has been increasingly recognized, named and condemned during the course of the twentieth and into the twenty-first century. Abuse of children is much broader than sexual abuse. All abuse is a betrayal of trust and a misuse of authority and power. Church communities must be particularly vigilant to identify the inappropriate use of any religious belief or practice which may harm somebody spiritually, emotionally or physically.
- 3.4 Child abuse affects girls and boys, babies and young people of all ages up to 18, including children with learning difficulties, children with physical disabilities and children from all kinds of family background. It occurs in all cultures, religions and classes.
- 3.5 Most child abuse is perpetrated by an adult, male or female, who is well known to the child, often a family member. Such trusted adults may be in the child's community; they may be trusted professionals, leaders or members of a child's church. Abuse can be an act of commission, such as physical abuse, or omission, such as neglect or failure to protect.
- 3.6 Children may suffer both directly and indirectly if they live in households where there is domestic violence. Domestic violence includes any incident of threatening behaviour, violence or abuse between adults or young people, who are or who have been intimate partners, family members or extended family members, regardless of gender and sexuality. If there is domestic violence it is now accepted that there will always be at least emotional abuse of any children in the household, and there may also be direct abuse of them.
- 3.7 Child abuse can also be perpetrated by children against other children. This is referred to as 'peer abuse'. These child perpetrators will have greater power than their victims, perhaps due to age, gender, physique or ability. There is no clear dividing line between this form of abuse and bullying.

- 3.8 Child abuse can result in a child suffering significant harm⁷ and the need for court proceedings to safeguard their welfare. Abuse prevents children from achieving their full potential and undermines their dignity and rights. The harm it causes will affect children while it is happening and in later life. The consequences and the pain of child abuse are almost always long-lasting and likely to affect the children when they become adults. The damage may be apparent in many aspects of their lives, including their relationships and the care of their own children. When abuse occurs within the context of the Church or by a Christian, it may affect the person's faith and spiritual development.
- 3.9 Recent developments in the use of computers, the internet, mobile phones and digital cameras present new challenges in educating and safeguarding children.

Statutory definitions

- 3.10 Child abuse has many forms. There are four identified categories of abuse described in *Working Together to Safeguard Children* 2010, from which the following definitions are taken.
- 3.11 Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by a stranger, for example via the internet. They may be abused by another adult or adults, or another child or children.
- 3.12 **Physical abuse** may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces illness in, a child.
- 3.13 **Sexual abuse** involves forcing or enticing a child to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.
- 3.14 **Neglect** is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

⁷ See section 1.5 for a discussion of significant harm.

- provide adequate food, clothing and shelter (including exclusion from home or abandonment);
- protect a child from physical and emotional harm or danger;
- ensure adequate supervision (including the use of inadequate care-givers);
- ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

- 3.15 **Emotional abuse** is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only in so far as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or ridiculing what they say or how they communicate. Emotional abuse may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may also involve: seeing or hearing the ill-treatment of another, for example in domestic violence situations; serious bullying (including cyber-bullying); causing children frequently to feel frightened or in danger; exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child but it may occur as the sole or main form of abuse.

Some special topics

- 3.16 Church members should be aware that, within these categories, a wide range of abuse can occur. The Government issues guidance documents or advice for several of these special topics. Among those which have been the subject of attention are:

Stranger abuse

- 3.17 The majority of abuse is carried out by people known to the child, but abuse can also be carried out by strangers.

Internet-related abuse

- 3.18 Adults may target chat rooms, social networking sites, messaging services, digital cameras, mobile phones and the internet generally in order to groom and abuse children. Children are particularly vulnerable to abuse by adults who pretend to be children of comparable ages in social networking sites and who try to obtain images or engineer meetings.⁸ Children themselves can also misuse these facilities, sometimes inadvertently and sometimes with malicious intent.

⁸ See Nicola David, *Staying Safe Online*, Grove Books, 2007.

- 3.19 The downloading, keeping or distributing of indecent images of children are all offences which are widely committed by adults, including by church members.
- 3.20 For detailed advice about protecting children from internet abuse, consult the Child Exploitation and On-line Protection Centre (CEOP), which also produces material suitable for children.

Bullying (abuse by other children)

- 3.21 There is no clear boundary between bullying and abuse, and a significant number of sex offenders are themselves minors. Young perpetrators of abuse are still children and are entitled to have their needs considered though steps may need to be taken to protect other children. Such cases should always be referred to the local authority children's social care service.

Children affected by gang activity

- 3.22 Such children are at risk of violent crime and are therefore considered vulnerable. Risks include access to weapons (including firearms), retaliatory violence and territorial violence with other gangs. Other risks include increased likelihood of involvement in knife crime, dangerous dogs, sexual violence and substance misuse.

Fabricated or induced illness

- 3.23 Parents and carers can induce or pretend to observe symptoms in a child which lead to unnecessary investigations or treatment.

Abuse of disabled children

- 3.24 Research has shown that disabled children are more likely than able-bodied children to be subjected to abuse. Disability covers not only physical disabilities of various kinds but also mental illness and learning disability.

Deliberate self-harm (e.g. overdoses, cutting, misuse of drugs or alcohol)

- 3.25 Local Safeguarding Children Boards vary in their approach to deliberate self-harm. It will always be appropriate to discuss such a case with the local authority children's social care. Help can also be obtained from child and adolescent mental health services (CAMHS), through the general practitioner (GP) and, sometimes, from direct access counselling services.

Domestic violence or abuse⁹

- 3.26 The terms 'violence' or 'abuse' are used interchangeably and carry the same meaning. Domestic violence is the abuse of adults within a household.

⁹ See *Responding to Domestic Abuse: Guidelines for Those with Pastoral Responsibilities*, Archbishops' Council, 2006.

It need not involve physical assault to count as violence, and the adults concerned need not be married or of opposite sexes. If there are children in the household they are witnesses to the abuse and are considered to be emotionally abused at least, whether or not they are in the same room. They may also be directly affected by abuse.

Parents who are themselves vulnerable adults

- 3.27 It is not uncommon for the parents of children who are abused or neglected to be themselves vulnerable adults. Particularly common are problems of mental ill-health, domestic abuse and substance abuse (i.e. drugs and alcohol), often in combination. Where someone with such a difficulty is known to be a parent with a child living with them, a referral to the local authority children's social care service may be required.

Allegations of possession by evil spirits

- 3.28 See Ministry of Deliverance, section 6.21.¹⁰

Female genital mutilation

- 3.29 This is an offence and any suggestion that it is being sought or has been carried out should be referred to the local authority children's social care service or the police.

Child trafficking

- 3.30 Child trafficking is the bringing of children into the country, sometimes without proper immigration arrangements, for a variety of illegal purposes which can include domestic service, illegal adoption, organ harvesting benefit claims or prostitution. Such children may have little English. The police or local authority children's social care service should be contacted immediately if a church member comes across such a child.

Sexual exploitation and involvement in prostitution

- 3.31 Children can be exploited by being given rewards in return for sexual activities. Internet and other media technology may be used in the abuse. Violence, coercion and intimidation are common. Regardless of the challenging behaviours they may display, exploited children should be viewed as victims of child sexual abuse, not as criminals.

Forced marriage and honour-based violence

- 3.32 Disclosures of actual or possible forced marriage should not be treated as a family matter or be disclosed to family members. Local authority children's social care or the police should be contacted.

¹⁰ There is also statutory guidance on Safeguarding Children from Abuse Linked to a Belief in Spirit Possession, May 2007, DCSF. www.dsf.gov.uk/everychildmatters/resources-and-practice/IG00220/.

Complex (organized or multiple) abuse

- 3.33 This is abuse which involves one or more abusers and a number of children. The abusers may be acting in concert, or in isolation, or may be using an institutional framework or position of authority to abuse children. The internet may also be used.

Spiritual abuse

- 3.34 Spiritual abuse is not covered by the statutory definitions but is of concern both within and outside faith communities including the Church.
- 3.35 Within faith communities, harm can also be caused by the inappropriate use of religious belief or practice. This can include the misuse of the authority of leadership or penitential discipline, oppressive teaching, or intrusive healing and deliverance ministries. Any of these could result in children experiencing physical, emotional or sexual harm. If such inappropriate behaviour becomes harmful, it should be referred for investigation in co-operation with the appropriate statutory agencies. Careful teaching, supervision and mentoring of those entrusted with the pastoral care of children should help to prevent harm occurring in this way. Other forms of spiritual harm include the denial to children of the right to faith or the opportunity to grow in the knowledge and love of God.
- 3.36 If anyone in the Church is uncertain whether or not abuse has taken place, he or she can contact the diocesan safeguarding children adviser or the local authority children's social care team.

4 Responsibilities of church organizations

Introduction

4.1 The Church of England, within its national institutions and within dioceses, has an obligation to support parishes and those working with children in exercising their primary responsibility for those entrusted to them. The Church is therefore committed to encouraging partnership with all statutory and voluntary agencies, other faith groups and ecumenical partnerships wherever possible. In particular, the Church recognizes the need to:

- keep abreast of research and policy developments in good safeguarding practice;
- listen and learn from victims of abuse, in order to provide the most effective support for them;
- regularly review and update Church policy and practice, taking account of the latest safeguarding information available;
- ensure that there are appropriate systems of accountability and supervision at all levels of the church's life, and that disciplinary and employment procedures are robust enough to manage risk;
- listen to those who have been abused, so that we can learn how to improve our support and care for survivors of abuse;
- ensure that all licensed ministers and lay workers are carefully selected and trained, and that their training equips them for their safeguarding responsibilities in work with children;
- provide training and support for workers who have responsibilities for children's work, so that they can undertake their tasks with confidence and without being unduly fearful of unfounded allegations being made against them.

4.2 Clear, robust procedures are essential to safeguarding. However, it is important to remember that above all it is people who protect, not procedures. The aim should be to create a culture of informed vigilance in the Church by:

- raising awareness of the issues involved in safeguarding children in the Church;
- addressing the needs of our children in all their cultural, spiritual, intellectual, racial and physical diversity;
- responding to the needs of children and adults who have been abused;
- supporting and training those who work with children, encouraging them to work together to follow good practice;

- caring appropriately for those in the church community who have abused children;
- 4.3 The Church seeks to minister to those who have been abused and also to those who have perpetrated abuse in the past. Inevitably, there will be tensions between the two commitments, highlighting the need for clear and comprehensive policy, procedure and good practice. The Church seeks to go beyond the minimal requirements of statute in safeguarding and to foster and promote best practice as part of its working witness to God's kingdom.

The House of Bishops

- 4.4 The House of Bishops will:
- be responsible for this policy, for the safeguarding of children in the Church of England and for future revisions;
 - approve appropriate procedures to ensure consistency in best practice;
 - appoint a bishop with lead responsibility for safeguarding children;
 - ensure that a national safeguarding adviser is appointed with a clear line of accountability and a right to submit reports to the House of Bishops on safeguarding matters;
 - establish minimum standards for safeguarding training for clergy, including requirements for continual ministerial training, refresher training and maintenance of records;
 - ensure training is provided for senior clergy (bishops, archdeacons, cathedral deans, senior spiritual directors) in safeguarding, case recording, risk management and similar issues so that they are suitably equipped to handle allegations of abuse or misconduct by clergy, licensed lay people and other church workers;
 - set minimum standards for those who are approved to conduct individual risk assessments and hold a national register of people approved to do so.

The diocese¹¹

- 4.5 Each diocese should:
- adopt this House of Bishops' safeguarding children policy, together with any additional diocesan procedures and good practice guidelines which should be endorsed by the diocesan synod;
 - provide a structure to manage safeguarding in the diocese;
 - appoint a suitably qualified diocesan safeguarding children adviser, directly accountable to the diocesan bishop, and provide

¹¹ The term 'diocese' is used to cover various legal and authority structures within its geographical area. The diocesan bishop will be responsible for ensuring that the appropriate people in the diocese take responsibility for the various safeguarding children tasks.

appropriate financial, organizational and management support. The adviser must have full access to clergy files and other confidential material. The adviser may need to act as complainant under the Clergy Discipline Measure 2003. The duties of the adviser may also include work on behalf of vulnerable adults or other matters at the discretion of the diocese;

- ensure that the diocesan safeguarding children adviser is informed of any serious safeguarding situation, including any allegations made against a member of the clergy, or anyone else holding the bishop's licence, concerning misconduct in respect to children;
- include the monitoring of safeguarding in parishes as part of the archdeacons' responsibilities;
- provide access to the Criminal Records Bureau and Independent Safeguarding Authority for parishes, the cathedral, the bishop's office and the diocesan office for those beneficed and licensed clergy, paid workers and volunteers who need to obtain disclosures or to have their registration with the Independent Safeguarding Authority confirmed.¹² This should normally be by way of registering with the Criminal Records Bureau as a registered or umbrella body (see 5.7 for further details);
- keep a record of clergy and church officers that will enable a prompt response to *bona fide* enquiries. This record should include start and finish dates, all posts held and next post when known; where there have been safeguarding concerns, these should be clearly indicated on file;
- provide access to a risk assessment service so that the bishop or others can evaluate and manage any risk posed by individuals or activities within the Church;
- select and train those who are to hold the bishop's licence, in safeguarding matters;
- provide training and support on safeguarding matters to parishes, the cathedral, other clergy, diocesan organizations, including religious communities and those who hold the bishop's licence;
- provide a complaints procedure which can be used for those who wish to complain about the handling of safeguarding issues;
- share relevant information about individuals with other dioceses, other denominations and organizations or the national Church as appropriate.

¹² If an unregistered body wishes to use the diocese as their registered body for CRB checks and ISA registration care should be taken to check the credentials of the organization and the nature of their link with the Church. See section 3.8.

The parish¹³

4.6 Each parish should:

- adopt and implement a safeguarding children policy and procedures, accepting as a minimum the House of Bishops' Policy on Safeguarding Children or the Joint Safeguarding Principles (see page vii) but informed by additional diocesan procedures and recommended good practice, while being responsive to local parish requirements;
- appoint at least one co-ordinator to work with the incumbent and the parochial church council (PCC) to implement policy and procedures. The co-ordinator must ensure that any concerns about a child or the behaviour of an adult are appropriately reported both to the statutory agencies and to the diocesan safeguarding children adviser. It may be appropriate for this co-ordinator to be someone without other pastoral responsibility for children in the parish. The co-ordinator should either be a member of the PCC or have the right to attend the council and should report at least annually on the implementation of the policy within the parish;
- consider appointing a person, who may be different from the co-ordinator, to be a children's advocate. This should be someone whom children know they could talk to about any problems, if they so wish. It can be useful if the co-ordinator is not someone whom children know personally;
- display in church premises where children's activities take place, the contact details of the co-ordinator or children's advocate, along with the 'Childline' and 'Parentline Plus' telephone numbers;
- ensure that all those authorized to work with children are appropriately recruited according to safer recruitment practice, and are trained and supported;
- ensure that there is appropriate insurance cover for all activities involving children undertaken in the name of the parish;
- review the implementation of the safeguarding children policy, procedures and good practice, at least annually;
- if appropriate, in rural parishes or parishes held in plurality, consider joining together to implement the policy and procedures, while remembering that legal responsibility will continue to rest with the individual parishes;
- if working within Local Ecumenical Partnerships (LEPs), agree which denomination or organization's safeguarding children policy to follow, including where to seek advice in urgent situations. This

¹³ The term 'parish' is used to denote the PCC and incumbent who are together responsible for ensuring that the child protection policy is implemented. Particular parishes may wish to use the benefice, group or team as the relevant body for practical reasons. This section should be deemed to include the cathedral of the diocese and other diocesan organizations, including religious communities.

decision should be ratified both by the bishop and other appropriate church leaders in the partnership;¹⁴

- In the event of a specific safeguarding concern, ensure that all the LEP partners are notified.

Church schools

4.7 Church schools are not covered by the provisions of this policy.

- There are statutory provisions which apply to all schools, whatever sector they belong to.
- The safeguarding responsibilities of controlled and aided church schools come under the relevant local authority and Local Safeguarding Children Board.
- The safeguarding responsibilities of academies and independent schools with a church foundation come under the Local Safeguarding Children Board.
- Employees, governors and volunteers appointed by a church school should be recruited through the procedures of the relevant local authority or other suitable body, which should also process their CRB checks and ISA registration.
- Volunteers who go into a church school from their parish should normally be recruited and checked via the CRB and ISA recruitment arrangements in the diocese.¹⁵ The school will need to confirm with the parish that these have been completed.
- Even when there is a strong link between a church school and a parish, where particular individuals hold roles in both care should be taken to distinguish and fulfil the different legal responsibilities of schools and parishes and to share information where appropriate.
- Where there is any confusion about whose responsibility it is to undertake a safeguarding action arising from a situation in the school, it is the school's responsibility to clarify this with the local authority and the diocese.

¹⁴ Separate guidance for managing safeguarding is available in Local Ecumenical Partnerships and Ecumenical Projects – in the form of a checklist – from County Ecumenical Officers and is on the Churches Together in England website.

¹⁵ See more information at 5.7-8.

5 Promoting safer practice

Introduction

- 5.1 There are some key features of effective arrangements to safeguard and promote the welfare of children. These arrangements will help agencies to create and maintain an organizational culture that reflects the importance of safeguarding and promoting the welfare of children. At an organizational or strategic level, these key features¹⁶ are:
- senior management commitment to the importance of safeguarding and promoting children's welfare;
 - a clear policy stating the organization's responsibilities towards children available for all staff and volunteers;
 - a clear line of accountability within the organization for work on safeguarding and promoting the welfare of children;
 - clear roles for staff and volunteers;
 - service development that takes account of the need to safeguard and promote welfare and that is informed, where appropriate, by the views of children and families;
 - safer recruitment procedures in place;
 - clear arrangements for supervision;
 - clear lines of accountability;
 - training for staff and volunteers on safeguarding and promoting the welfare of children for all staff working with or in contact with children and families;
 - effective working with statutory and voluntary sector partners to safeguard and promote the welfare of children;
 - publicly advertised arrangements for children to be able to speak to an independent person privately;
 - effective information sharing.
- 5.2 Safer recruitment guidance is not dealt with here as it is covered in the companion volume, *Safeguarding Guidance for Recruitment*.¹⁷ The aim of safer practice is to create a safe place for children in their involvement with a church. Church members should bear in mind that sometimes church, like school, can be a safer place for a child than their own home.

¹⁶ These are based on *Safe from Harm* Home Office, 1993, and the *Statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004* Department for Education and Skills, 2007, section 11, Guidance'.

¹⁷ See also *Recruiting Safely*, Children's Workforce Development Council, November 2009.

- 5.3 The statutory basis for work with children is the following:

A person who does not have parental responsibility for a particular child but who has care of the child may (subject to the provisions of this Act [Children Act 1989]) do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child's welfare.¹⁸

Code of Safer Working Practice

- 5.4 Every diocese should prepare, and every parish working with children should adopt, a code of safer working practice for church workers with children which covers the issues most likely to arise. This should have regard to the government guidance document *Guidance for Safer Working Practice for Adults who Work with Children and Young People* (Department for Children, Schools and Families for Allegations Management Advisers, 2007). This guidance provides clear advice on appropriate and safe behaviours for all adults working with children in paid or unpaid capacities, in all settings and in all contexts. It aims to:
- support safer recruitment practice;¹⁹
 - keep children safe by clarifying which behaviours constitute safe practice and which should be avoided;
 - assist adults working with children to do so safely and responsibly, and to monitor their own standards and practice;
 - support managers and employers²⁰ in setting clear expectations of behaviour and codes of practice;
 - encourage the provision of supervision and training;
 - reduce the incidence of positions of trust being abused or misused;
 - support employers in giving a clear message that unlawful or unsafe behaviour is unacceptable and that, where appropriate, disciplinary or legal action will be taken;
 - minimize the risk of misplaced or malicious allegations made against adults who work with children.
- 5.5 Most church organizations will not need the full range of detail provided and should prepare a code of safer working practice which covers the majority of situations they are likely to encounter. A model code of safer working practice is given in Appendix 4.

Safer recruitment policy on vetting

- 5.6 This policy applies to all those who are working with children. It includes, but is not restricted to, those involved in teaching, training or

¹⁸ Children Act 1989, section 3(5).

¹⁹ This is contained in a separate document *Safeguarding Guidance for Safer Recruitment*, House of Bishops (forthcoming 2010) and in *Recruiting Safely*, Children's Workforce Development Council November, 2009.

²⁰ The employer will usually be the Parochial Church Council. It should be noted that the employer has the same duties to both paid staff and volunteers in respect of children for whom it is responsible.

instruction, care or supervision, and transport. See section 5.34 for mixed-age activities. It also includes those who work regularly but infrequently, for example for a few days every summer. It is the policy of the Church that all those who regularly work with children, including those who work on a rota, should have enhanced CRB checks and ISA registration. Those who work only occasionally, or who manage or supervise those who work with children, will be asked to apply for CRB checks and ISA registration if they fulfil the ISA threshold requirements.

- 5.7 At the time of printing, the Government has suspended full implementation of the new system for Independent Safeguarding Authority (ISA) registration, pending further review. The present arrangements for CRB initial and renewal checks and for referring matters of concern to ISA (see 7.35) continue unchanged. See Church of England safeguarding website page for up-to-date information.
- 5.8 Please refer to the companion document, *Safeguarding guidance for Safer Recruitment* (House of Bishops, forthcoming in 2010), for other aspects of vetting and barring policy and safer recruitment good practice. The Children's Workforce Development Council document, *Recruiting Safely* (November 2009), also gives an outline of safer recruitment.

Registration with OFSTED (the Office for Standards in Education, Children's Services and Skills)

- 5.9 Some parishes provide and manage groups for children under the age of six who attend regularly for more than two hours at a time or for more than fourteen days in any period of twelve months. These will need registration with OFSTED unless an exemption applies. (If the parish only lets out a building to such a provider see 5.36.) Many children's groups provided by parishes will be exempt from OFSTED registration, but will still be required to inform OFSTED of the activity. For further details consult OFSTED (through their website or information line at 08456 40404) or the children's information service of the relevant local authority.²¹

Staff-child ratios

- 5.10 OFSTED prescribes minimum staff-child ratios for those groups which are required to register with it. For those groups not subject to registration these ratios are advisory and should be seen as minimum standards.

0–2 years	1 person for every 3 children
2–3 years	1 person for every 4 children
3–8 years	1 person for every 8 children
over 8 years	1 person for the first 8 children and then 1 extra person for every extra 12 children

²¹ The legal basis is *Statutory Framework for the Early Years Foundation Stage*, Department for Education and Skills, 2007.

- 5.11 Each group should have a minimum of two adults and it is recommended that a gender balance be maintained if possible.
- 5.12 If a person who has been assigned to help staff a group is prevented from attending at short notice, there is no automatic obligation to cancel the group. It may be possible to secure the services of another suitable person or to make other appropriate temporary arrangements so that the group can still run as scheduled.
- 5.13 If it is proposed that a student in an appropriate discipline be included on a rota, the diocesan safeguarding children adviser should be consulted.

Staff, volunteers and helpers

- 5.14 Paid staff appointed to work with children should be recruited according to the principles of safer recruitment set out in the companion volume, *Safeguarding Guidance for Safer Recruitment* (forthcoming, 2010). Church organizations should consult the diocesan children's adviser, youth adviser or safeguarding children adviser before embarking on the recruitment process.
- 5.15 Volunteers should also be recruited according to safer recruitment principles, although it will not be necessary to consult the diocesan advisers before recruitment. Only volunteers who have been formally appointed to an appropriate role may take responsibility for children.
- 5.16 Other adults may help with children's groups on an occasional basis but must be accountable to an appointed worker. If they are to join the team on a regular basis they must be properly recruited as above. They will all also be asked to complete a confidential declaration.
- 5.17 Young people aged 16 or 17 may help with groups but must be supervised by an adult worker and cannot be counted as part of the staffing. They will also need CRB checks and ISA registration²² if they fulfil the ISA threshold requirements. Young people aged under 16 may act as helpers but should not have responsibility for children and must be supervised. If they are on work experience a reference should be obtained from their school, with a specific question as to whether there have been any safeguarding issues. See also the next section.

Youth work

- 5.18 The guidance in this section is a response to the statutory duties and codes of practice now in place for youth workers in the statutory sector. These do not technically apply to the voluntary sector. However, the Church is committed, in its own guidance and codes of practice, to reflecting the good practice required in the statutory sector.
- 5.19 All work with those under 16 must be adequately supervised according to at least the minimum OFSTED standards as noted above. Those aged 16 and 17 do not require the same level of supervision, but should still have

²² CRB checks are available in theory from age 10, the age of criminal responsibility, and ISA registration from age 16. See section 5.7 for current information on CRB and ISA registration.

an adult in charge. Although the age of 18 marks the legal division between adulthood and childhood, it may be appropriate to require a minimum three-year difference between the age of the young adult youth worker and the ages of the children he or she supervises.

- 5.20 Youth workers should be trained.²³ Activities and outside trips should be carefully planned, and detailed guidance sought. See section 5.31 for risk assessments.

Positions of trust

- 5.21 All those who work with children or who have significant contact with them and their families on behalf of the Church are in positions of trust. Staff handbooks, codes of safer working practice and contracts should make clear the importance of accepting the expectations of such work and the possible grounds for disciplinary action if they are not met:
- they will be seen as role models by the children with whom they are in contact at all times, including when they are off duty;
 - all church workers should, therefore, conduct themselves in accordance with the reasonable expectations of someone who represents the Church;
 - they should take care to observe appropriate boundaries between their work and their personal life. For example, they should ensure that all communications they may have with or about children are appropriate in their tone;
 - they should seek advice immediately if they come across a child who may have been harmed (including self-harm) or a colleague whose conduct appears inappropriate;
 - they should not expose themselves or others to material which is sexually explicit, profane, obscene, harassing, fraudulent, racially offensive, politically inflammatory, defamatory, or in violation of any British, European or international law.
- 5.22 It is contrary to the policy of the Church of England for those in a position of trust, including priests and youth workers among others, to have sexual or inappropriate personal relationships with those aged 16 or 17 for whom they are responsible. A breach of this is likely to be considered as a disciplinary offence. It will be referred to the local authority designated officer (LADO) and in some cases it may also constitute a criminal offence. Anyone found guilty of a criminal or disciplinary offence of this kind is likely to be dismissed and referred to the Independent Safeguarding Authority for possible barring.

²³ An appropriate curriculum is offered in *Equipping: Core Competencies, Learning Outcomes, Evidence of Assessment for those Working with Young People on Behalf of the Church of England*, Archbishops' Council, 2006. This includes training in safeguarding.

Cell groups or home groups

- 5.23 These are groups of people who meet in private houses but who have a connection with the church through the cell group. Cell groups or home groups for young people or for mixed-age groups need a degree of adult supervision if these groups are to be recognized by the church. The leaders must observe good practice and the diocesan code of safer working practice. Mixed-age cell or home groups should include members named and recruited as responsible for safeguarding young people in the group. The diocesan safeguarding children adviser should be asked to check and confirm the arrangements.

Affiliated youth groups

- 5.24 Sometimes a church or group of churches may set up a youth group as an independent organization. The diocesan safeguarding children adviser should be consulted and should check where the legal responsibility for such a group lies. Unless it has been set up as an independent charity it will usually be with the parent PCC. Dioceses should not make arrangements to process CRB checks or ISA registration except for groups which have a clear and demonstrable connection with the church and where they are either involved with, or satisfied by, the arrangements made for risk assessments in the event of 'positive' or 'blemished' CRB disclosure certificates.

Charity Commission

- 5.25 Some parishes and other church bodies will be registered charities. Guidance from the Charity Commission emphasizes the duty of care that charities have towards those who use their services and the importance of adopting and implementing appropriate policies on safeguarding. The PCC will be responsible for compliance with the Charity Commission's requirements but the diocese may be asked for technical advice on legal or practice issues.
- 5.26 This includes a duty to report serious cases where reputational or financial risk may occur to the Charity Commission. Guidance on this is on the Charity Commission website.²⁴ However, it is important to ensure that reporting to the Charity Commission does not prejudice any criminal investigation, which should always be undertaken first. In such circumstances advice should be sought from the registrar and the diocesan safeguarding children adviser. It will usually be appropriate to anonymize the report to the Charity Commission, initially. The Charity Commission may then request further details.

Transport

- 5.27 Transport, travel or escort arrangements to or from church activities are the responsibility of parents if they make informal arrangements among

²² *Reporting Serious Incidents: Guidance for Trustees*, Charity Commission, May 2009.

themselves. They are the responsibility of the PCC if the PCC formally organizes them. It should be clearly understood by all concerned at which point responsibility for the child is passed from parent to church officer and at which point it is returned to the parent.

- 5.28 Diocesan safeguarding children handbooks should set clear policies for transporting children on behalf of the church. Drivers need to have appropriate insurance and to comply with the law in relation to seat belts, child seats and booster cushions. Children should travel in the back seats of cars. Appropriate arrangements, for example regarding insurance and driving qualifications, should be made by those driving minibuses on behalf of the church. Transporting children on behalf of a church is a regulated activity and CRB checks and ISA registration are required (see 5.7 for further information).

Registration and consent forms

- 5.29 Registration and consent forms are not required for attendance at worship, although if young children regularly attend without their parents, contact should normally be made with a parent. Contact details and special requirements should be noted for all who regularly attend other church activities, such as Sunday schools, youth groups and mixed-age activities such as choirs, and registers taken. Consent should be obtained for all activities and should include, as appropriate, consent for making and using appropriate images of children.

Health and safety

- 5.30 Health and safety should be managed as part of all activities. A First Aid box should be obtained and maintained on site. An accident book should be maintained at all places where children's activities take place. Buildings should be checked for health and safety regularly, at least once a year, and the results noted and reported in writing to the PCC or other appropriate church organization.

Risk assessments

- 5.31 Risk assessments of new and existing activities should be made, in order to identify hazards and take action to minimize risk. The same approach should be taken if buildings are hired or let for church activities involving children.
- 5.32 Risk assessments should be made covering outside activities including travel arrangements. If specialized activities are to be undertaken, appropriate instructors should be engaged and their credentials confirmed. However, even when specialized instructors are involved, the parish or other church body retains the duty to supervise the children
- 5.33 Risk assessments for individual workers are covered by the document, *Safeguarding Guidance for Recruitment*.

Mixed-age activities

- 5.34 Care should be taken to ensure that children in mixed-age activities such as choirs, bell ringing and serving are appropriately supervised. It is not possible to request CRB checks or ISA registration for adults in those groups unless they have specific responsibilities for children. In such groups, at least one person as well as the person leading the activity needs to be recruited safely, including a CRB check and ISA registration, and to be designated to supervise the welfare of children involved. It may be more convenient to have a team of such people taking responsibility on a rota.

Insurance

- 5.35 Groups working within church-organized activities will be insured through a number of different companies whose policies will be subject to various terms, conditions and exceptions. However, the majority of PCCs, parish groups, etc. will be insured with Ecclesiastical, who have made the following statement in respect of those policies they have issued for:

- churches, in use for worship;
- Youth groups, through the Diocesan Youth Group Scheme.

Under such policies Public Liability (Third Party) insurance, where in force, will operate to protect the interests of the insured where they are found to be legally liable for accidental death of or bodily injury to a third party or accidental loss of or damage to third party property, subject to the policy terms, conditions and exceptions.

The policy will provide an indemnity to the insured if they are held legally liable for an incident leading to accidental bodily injury or illness as a result of abuse.

It is not Ecclesiastical's intention to provide an indemnity to the perpetrator of an incident of abuse.

This statement clearly only applies to policies issued by the Ecclesiastical. Where parishes are insured with another company the position of that company should be clarified including confirmation of the scope of cover.

Policies of insurance require the insured to take all reasonable steps to prevent injury, loss or damage occurring. Failure to take such precautions may prejudice the insurance arrangements in force. A duty therefore exists upon the insured to research and adopt best practice²⁵ based upon current and ongoing guidelines.

It is also a condition of a policy of insurance that any incident or allegation is notified to the insurer immediately. Failure to comply with this requirement may prejudice any cover provided by the policy.

Public Liability insurance indemnity limits should be kept under regular review. Guidance is available from Ecclesiastical.

²⁵ The insurance industry uses the term 'best practice' in a sense equivalent to that of 'good practice', which is the normal term in child welfare.

Hire of premises

- 5.36 Many churches possess buildings which they hire out to community groups and others. Some of these may undertake work with children. Note that:
- the observance of 'reasonable care' is a standard insurance condition;
 - the hiring body is required to ensure that children and adults who may be vulnerable are protected at all times, by taking all reasonable steps to prevent injury, illness, loss or damage occurring, and that they carry full liability insurance for this;
 - the owner of the building (normally the PCC) has a duty to adopt best practice²⁶ based upon current and developing guidance.
- 5.37 For both one-off and regular hirings it is recommended that a written hiring agreement be used. A model form is available on the Church of England website.²⁷
- 5.38 The hiring body should abide by their own child protection or safeguarding policy if they have one, otherwise by that of the church with whom they have a hiring agreement.
- 5.39 If the hiring body is required to register with OFSTED then the safeguarding children co-ordinator should ask to see the registration certificate and record that it has been seen.

Record-keeping and data protection

- 5.40 The Data Protection Act 1998 contains principles governing the use of personal data. These are reproduced below for convenience. Personal data should be:
- processed fairly and lawfully;
 - obtained and used for specific purposes;
 - adequate, relevant and not excessive;
 - accurate;
 - not kept for longer than is necessary;
 - processed in line with a person's rights;
 - secure;
 - not transferred to non-UK countries without adequate protection.
- 5.41 The 'blue file' for clergy moves with the individual between dioceses. The original diocese should retain a separate record of clergy and church officers sufficient to be able to respond to *bona fide* enquiries at any time in the future. This should include start and finish dates, dates of CRB checks and ISA registration, all posts held and next post when known,

²⁶ See previous note.

²⁷ www.churchcare.co.uk

together with a flag on any database if a safeguarding problem occurred, linked with a paper record providing details of the concern and a record of what action was taken. Records should be kept secure and retained even after the people concerned have left the post or the area.

- 5.42 The parish should also maintain records relating to parish appointments, including a note of when a CRB check and ISA registration were obtained or checked. Records should be kept secure and retained after the people concerned have left the diocese. The national Church issues a series of records management guides to assist bishops, dioceses and parishes in good record-keeping.²⁸
- 5.43 Records of child protection matters should be kept, together with a note of the outcome. These should be retained even if the information received was judged to be malicious, unsubstantiated or unfounded. See section 7.28.
- 5.44 Records of known offenders against children should be retained indefinitely, together with a copy of any agreement and reviews.
- 5.45 Nothing in data protection legislation seeks to limit appropriate disclosure in order to protect an individual who either is, or may be, at risk. What matters is that the process of information sharing is reasonable and proportionate.
- 5.46 Further advice if necessary is available from the data controller in the diocese, from the diocesan safeguarding children adviser and from the website of the Information Commissioner.

²⁸ *Cherish or Chuck? The Care of Episcopal Records*, December 2009; *Save or Delete? Care of Diocesan Records*, revised December 2008; *Keep or Bin? The Care of Your Parish Records*, revised April 2009; *Guidance Notes on Clergy Files*, revised March 2009.

6 Responding to concerns

Making referrals

- 6.1 If somebody believes that a child may be suffering, or is at risk of suffering, significant harm, that person should always refer the concerns to local authority children's social care services. In addition to social care, the police and the NSPCC have powers to intervene in these circumstances. Those making referrals should seek, in general, to discuss any concerns with the family and, where possible, seek their agreement to make referrals. However, this should only be done if and when such discussion and agreement-seeking does not increase the risk of significant harm, or compromise an investigation by the statutory authorities. It will often be better to wait for a strategy discussion, which will include on its agenda how and when parents should be informed. In urgent cases telephone the police.
- 6.2 A referral should also be made if domestic abuse comes to notice and it is known that there are children in the household. Care should be taken not to intervene directly with someone who is alleged to have committed domestic abuse as this may trigger further abuse. Seek advice from the diocesan safeguarding children adviser or telephone the specialist police unit which deals with child abuse.
- 6.3 Children's social care and others have been advised that personal information from referrers who are members of the public should only be disclosed to third parties (including subject families and other agencies) with the consent of the referrer.²⁹ Church volunteers referring children count as members of the public for this purpose.
- 6.4 Local Safeguarding Children Boards (LSCBs) publish procedures for use by anyone in their area who may find themselves dealing with possible abuse of a child. These procedures are usually available online and on open access. The area each LSCB covers is normally the same as that for each local authority.
- 6.5 The diocesan safeguarding children adviser should always be informed when a referral is made to children's social care. Records should be made and retained confidentially, even when a concern turned out to be unfounded.
- 6.6 The matter may proceed to a strategy discussion, or a case conference, and services may be offered or legal proceedings begun. Clergy and other church members may on occasion be asked to attend meetings, provide statements or give evidence in care proceedings or associated criminal proceedings. They should seek advice from the diocesan registrar (or the diocesan safeguarding children adviser if the registrar is not available) before doing so. They also need to be clear whether they are attending meetings simply to support someone or to contribute to assessment and planning. They should confine their contribution to what they know or

²⁹ *Working Together to Safeguard Children*, HM Government 2010, 5.35

reasonably believe at first hand. They should ensure, as far as they can, that their actions cannot be interpreted as support for one side or another in a legal dispute. They should not provide character references except in exceptional circumstances which should be discussed with the registrar or diocesan safeguarding children adviser.

Children in need

- 6.7 A child who is not at risk of abuse under one of the formal categories above may nevertheless qualify as a child in need. See section 1.28 for the definition.
- 6.8 A child in need may be referred to local authority children's social care, where possible with the consent of a parent. The referrer may be asked to contribute using the Common Assessment Framework (CAF), which is a standardized approach to the assessment of children's additional needs and decisions about how these should be met. Help with this should be sought from the diocesan safeguarding children adviser. In urgent cases, referral can be made to the child protection services even if it has not been possible to complete a CAF form.
- 6.9 The CAF aims to provide a simple process for a holistic assessment of children's needs and strengths, taking account of the roles of parents, carers and environmental factors on their development. Practitioners are then better placed to find appropriate support that can be agreed with children and their families. The CAF also tries to get all the appropriate services working together in an integrated way, focused on the needs of the child.

Confidentiality, information sharing and consent

- 6.10 Where a child or an adult is judged to be at risk of significant harm and in need of protection, it will normally be necessary to share all relevant information with the statutory agencies.
- 6.11 Government guidance on sharing information about the possible abuse of child is as follows:
 - *You should explain to children, young people and families at the outset, openly and honestly, what and how information will, or could be shared and why, and seek their agreement. The exception to this is where to do so would put that child, young person or others at increased risk of significant harm or an adult at risk of serious harm, or if it would undermine the prevention, detection or prosecution of a serious crime ... including where seeking consent might lead to interference with any potential investigation. (our emphasis)*
 - *You must always consider the safety and welfare of a child or young person when making decisions on whether to share information about them. Where there is concern that the child may be suffering or is at risk of suffering significant harm, the child's safety and welfare must be the overriding consideration.*
 - *You should, where possible, respect the wishes of children, young people or families who do not consent to share confidential*

information. You may still share information, if in your judgment on the facts of the case, there is sufficient need in the public interest to override that lack of consent.

- *You should seek advice where you are in doubt, especially where your doubt relates to a concern about possible significant harm to a child or serious harm to others.*
- *You should ensure that the information you share is accurate and up-to-date, necessary for the purpose for which you are sharing it, shared only with those people who need to see it, and shared securely.³⁰*

6.12 There are situations where safeguarding children advisers or co-ordinators are bound to share information with the authorities or other organizations who 'need to know' according to statutory guidance and their professional standards. For guidance on individual cases the diocesan safeguarding children adviser should be consulted.

6.13 In relation to consent for medical treatment, as distinct from investigations into possible abuse or neglect, the general consensus is that children under the age of 12 cannot give informed consent, so consents will be needed for them from their parents. For older children, the Gillick decision and the Fraser guidelines become relevant. The Gillick decision was made by Scarman LJ in a House of Lords case³¹ on the legality of a doctor prescribing contraception to a girl under 16 whose parent had not given consent for the treatment. It is:

As a matter of Law the parental right to determine whether or not their minor child below the age of sixteen will have medical treatment terminates if and when the child achieves sufficient understanding and intelligence to understand fully what is proposed.

A child who is deemed 'Gillick competent' is able to prevent their parents viewing their medical records. Medical staff will therefore not make a disclosure of medical records of a child who is deemed 'Gillick competent' unless consent is manifest.

Fraser Guidelines

6.14 It is lawful for doctors to provide contraceptive advice and treatment without parental consent providing certain criteria are met. These criteria, known as the Fraser Guidelines, were laid down by Lord Fraser in the House of Lord's case and require the professionals to be satisfied that:

- the young person will understand the professional's advice;
- the young person cannot be persuaded to inform their parents;
- the young person is likely to begin, or to continue having, sexual intercourse with or without contraceptive treatment;
- unless the young person receives contraceptive treatment, their physical or mental health, or both, are likely to suffer;

³⁰ *What to do if you're worried a child is being abused*, HM Government, 2006, Appendix 3, section 2.

³¹ *Gillick v West Norfolk and Wisbech Area Health Authority* [1985] 3 All ER 402 (HL).

- the young person's best interests require them to receive contraceptive advice or treatment with or without parental consent.

Although these criteria refer specifically to contraception, the principles are deemed to apply to other treatments, including abortion. The judgement in the House of Lords referred specifically to doctors, but it is commonly interpreted as additionally covering other health workers and youth workers who may be giving contraceptive advice and condoms to young people under 16. However, the application of the principle to youth workers has not been tested in court.

Serious case reviews

- 6.15 Local safeguarding children boards by law undertake a serious case review whenever a child dies or is seriously injured and abuse or neglect is known or suspected to be a factor. Serious case reviews are not inquiries into how a child died or who is culpable. That is a matter for coroners and criminal courts.
- 6.16 Clergy and other church officers could find themselves invited to contribute to a serious case review if they had sufficient individual knowledge of the child. They should consult the diocesan safeguarding children adviser who can advise on the process.

Confession

- 6.17 It is possible that relevant information may be disclosed in the particular context of confession.
- 6.18 It is in everyone's interest to recognize the distinction between what is heard in formal confession, however this might take place, which is made for the quieting of conscience and intended to lead to absolution, and disclosures made in pastoral situations. For this reason, it is helpful if confessions are normally heard at advertised times or by other arrangement or in some way differentiated from a general pastoral conversation or a meeting for spiritual direction. A stole might be worn and a liturgy should be used.
- 6.19 Canon Law constrains a priest from disclosing details of any crime or offence which is revealed in the course of formal confession; however, there is some doubt as to whether this absolute privilege is consistent with the civil law. Where a penitent's own behaviour is at issue, the priest should not only urge the person to report it to the police or the local authority children's social care, if that is appropriate, but may judge it necessary to withhold absolution. In such a case the priest may consider it necessary to alert the bishop to his or her decision in order to safeguard himself or herself and seek advice on the issues, though the penitent's details would not be shared without their permission. The priest might also judge it appropriate to encourage the penitent to speak personally to the bishop.

Spiritual direction

- 6.20 As with any other pastoral relationship, care should be taken to set parameters to the spiritual direction or spiritual accompanier

relationship. It should therefore be made clear at the beginning of the relationship that disclosures of abuse will be reported and a reminder will be appropriate if it appears that such material may arise. Someone may speak of his or her own behaviour in harming a child, or the person may be an adult speaking of historical abuse from his or her own childhood. This latter is more difficult as the directee may be unwilling to reveal, or even know, names. The possibility that an abuser who is still alive may still be abusing children will likely be an imperative to encourage an adult survivor of abuse to approach the police. At the right time this may prove to be part of the healing process as well as serve to protect current children. Where children are at risk every encouragement should be given to take action to prevent further harm and the spiritual director should seek supervision in deciding how to proceed.³²

Ministry of deliverance

- 6.21 It is sometimes suggested that a child is possessed by evil spirits and that this may account for behavioural issues in the child or be considered to justify harsh treatment by the parents or carers. Parents may seek the assistance of clergy or other church members. Parish priests and others should consult the bishop and should note that most parish insurance policies do not cover deliverance ministry.
- 6.22 This is an area of ministry where particular caution needs to be exercised, especially when ministering to someone who is in a disturbed state. The House of Bishops' guidelines on both healing and deliverance ministry³³ should be followed and cases referred to the diocesan advisers when necessary; the advisers' special expertise should be used in order to help as effectively as possible those who think they need this ministry.
- 6.23 The House of Bishops' guidelines on the deliverance ministry (1975) state:
The following factors should be borne in mind:
- *It should be done in collaboration with the resources of medicine.*
 - *It should be done in the context of prayer and sacrament.*
 - *It should be done with the minimum of publicity.*
 - *It should be done by experienced persons authorized by the diocesan bishop.*
 - *It should be followed up by continuing pastoral care.*

The House of Bishops' guidelines for good practice in the healing ministry (2000) state:

Deliverance. The House of Bishops' guidelines (1975) should be followed and diocesan advisers consulted when necessary.

A Time to Heal, 327

³² The Stop It Now helpline provides a free confidential advice service to potential perpetrators and those concerned for them. Phone 0808 1000 900 or go to their website.

³³ See guidelines for good practice in both the healing ministry and the deliverance ministry in *A Time to Heal: A Contribution towards the Ministry of Healing*, Archbishops' Council 2000, and the associated handbook *A Time to Heal: The Development of Good Practice in the Healing Ministry: A Handbook*, Church House Publishing 2000.

- 6.24 The ministry of exorcism and deliverance should only be exercised by priests authorized by the bishop, who normally requires that permission be obtained from him for each specific exercise of such a ministry.
- 6.25 On occasions when exorcism and deliverance are administered, it is for the bishop to determine the nature of the rite and what form of words should be used.
- 6.26 If this ministry is sought in connection with a child the diocesan safeguarding children adviser must be involved and may need to ensure that a referral to the statutory authorities is made.
- 6.27 It is advisable for diocesan safeguarding children advisers to make themselves known to the diocesan ministry of deliverance team in advance of any specific case to ensure that any cases arising are appropriately brought to notice. See also the government guidance, *Safeguarding Children from Abuse Linked to a Belief in Spirit Possession*, Department for Education and Skills, 2007.

Children who have experienced abuse or trauma

- 6.28 Many children experience a range of disturbing and possibly frightening or uncomfortable experiences. They often struggle to understand why it has happened, want to ask questions, not always needing answers, and at times want something to be done about the situation they find themselves in. These young people will turn to someone they trust – not always, in the eyes of adults, the most obvious person – and initially test them out as to their ability to accept and hear. Guidance is available to help adults to support young people who have experienced trauma. In some situations, referral to statutory authorities or additional specialist support will be necessary.

Survivors of past abuse³⁴

- 6.29 In the course of their work, many priests and those offering pastoral support in the Church will find themselves hearing disclosures from adults of abuse that happened to them when they were children.
- 6.30 There is no single, correct procedure for dealing with a disclosure of previous abuse by an adult. The wishes of the person disclosing abuse will be very important. For some adults, just being able to talk to a trusted person about the experiences can be a powerful healing event. The pastoral care of the person who has been abused should be a priority. The Church is to issue separate guidance on work with survivors.³⁵
- 6.31 People who have committed sexual abuse against someone years ago could well be abusing children today. The individual survivor should be encouraged and supported to report the matter to the police if this has not already been done. A prosecution may or may not be possible.

³⁴ See also the chapter about 'Care for Adult Survivors in the Church', *Promoting a Safe Church: Policy for Safeguarding Adults in the Church of England*, House of Bishops, 2006.

³⁵ *Responding Well to Those Who Have Experienced Sexual Abuse* (working title), House of Bishops, forthcoming in 2011.

- 6.32 The survivor does also need to be made aware that if, the alleged abuser is known to be still working with children either in an employed or a voluntary capacity, a referral to the Local Authority Designated Officer (LADO) must be made. This can be either by the person hearing the complaint or disclosure or by the diocesan safeguarding children adviser – who must in any case be informed. If the alleged abuser is not working with children but caring for them, then either the person hearing the complaint or disclosure or the diocesan safeguarding children adviser should make a referral to children's social care. The timing of any such communication needs to be carefully judged in order to support the survivor on their journey of disclosure while if at all possible not creating a sense that all initiative has been removed from him or her completely. Professional support and consultation should always be obtained.
- 6.33 In some cases the subject of the allegation may have died or proved untraceable. If the Church was involved in any way, the diocese will still need to examine its actions at the time and consider whether they were appropriate in the light of what was known and good practice. The police should be consulted in case there are links with potential abusers still living or other matters of concern. In all disclosures of past abuse, a record should be made and filed in an appropriate place.
- 6.34 If a child comes to notice as having suffered abuse when younger, a referral will need to be made to the local authority children's social care service.

Whistle-blowing

- 6.35 To fulfil their commitment to safeguard and promote the welfare of children, all organizations that provide services for, or work with, children should have appropriate whistle-blowing procedures, and a culture that enables issues about safeguarding and promoting the welfare of children to be addressed. There should be particular awareness of the increased vulnerability of children in residential care, hospital settings or custodial establishments, but whistle-blowing applies in all contexts.
- 6.36 In addition to situations where there is a perceived risk, whistle-blowing may be necessary to highlight more general problems with unacceptable practice, performance or behaviour.
- 6.37 The Public Interest Disclosure Act 1998 gives workers legal protection against being dismissed or penalized as a result of publicly disclosing certain serious concerns. While the Act does not provide the same protection for volunteers, churches should endeavour to adopt the same practice of protecting the whistle-blower that is outlined in the legislation.
- 6.38 Volunteers and members of a congregation should be encouraged to acknowledge their individual responsibility to bring matters of unacceptable practice, performance or behaviour to the attention of the incumbent, churchwarden, parish safeguarding children co-ordinator, or a member of the PCC. Alternatively, the diocesan safeguarding children adviser or the bishop can be contacted.

7 Managing allegations against church officers

Introduction

- 7.1 This section considers the situation when it is alleged that a church officer³⁶ has:
- behaved in a way that has harmed, or may have harmed, a child;
 - possibly committed a criminal offence against, or related to, a child;
 - behaved in a way that indicates that he or she is unsuitable to work with children.
- 7.2 Allegations that fall short of these criteria may nevertheless amount to inappropriate conduct, in which case the employer³⁷ will need to consider whether to handle this by way of advice, supervision and training, to use disciplinary processes, or a combination of these.
- 7.3 There may be up to three strands in the consideration of an allegation:
- a police investigation of a possible criminal offence;
 - enquiries and assessment by children's social care about whether a child is in need of protection or in need of services;
 - consideration by an employer of disciplinary action in respect of the individual.
- 7.4 All allegations of this kind must be reported to the local authority designated officer (LADO) and the diocesan safeguarding children adviser. The LADO may arrange for an investigation by the statutory authorities which may be in conjunction with a disciplinary investigation by the employer. The LADO will work under the procedures of the local safeguarding children board (LSCB), which should be consulted. Reporting to the LADO does not transfer responsibility from the employer to take disciplinary action if appropriate. The LADO may convene one or more strategy meetings to plan the investigation; a suitable representative of the employer and the diocesan safeguarding children adviser should attend. All relevant information should be shared with those who have a legitimate need to know in the church and with the statutory agencies. Confidentiality should be maintained outside this group.
- 7.5 For the purposes of this procedure it makes no difference whether the person is paid or a volunteer. If the person holds the bishop's licence or Permission to Officiate then the bishop and the diocesan registrar should

³⁶ For definition of church officer, see 1.27.

³⁷ The employer will usually be the Parochial Church Council. It should be noted that the employer has the same duties to both paid staff and volunteers in respect of children for whom it is responsible.

also be involved. The Clergy Discipline Measure 2003, the Clergy Discipline Rules 2005 and the associated Code of Practice have specific provisions for such cases.

- 7.6 For more information on how to manage allegations, including the role of the LADO, see Appendix 5, *Working Together to Safeguard Children*, 2010.

Suspension

- 7.7 It may be necessary to suspend a church officer, as a precautionary measure, at the appropriate rate of pay for paid staff (usually full pay), pending further investigation and a hearing, if:
- their presence might impede a proper investigation;
 - their presence might cause an unacceptable risk until the matter has been resolved. This could be related to, for example, inappropriate conduct or a prima facie case of violence against a child.
- 7.8 This suspension is a neutral act and in no way seeks to pre-empt the investigation and final decision-making.
- 7.9 If the alleged misconduct involves sexual abuse or other allegations of child abuse where there is a risk that the alleged perpetrator may destroy evidence it is essential that the police are consulted *before* the alleged perpetrator is informed about any suspension decision. The police must be given the opportunity to investigate first.
- 7.10 In cases where there is a prima facie case of serious misconduct or abuse the registrar and the diocesan safeguarding children adviser should always be consulted immediately. In the case of clergy the provisions of the Clergy Discipline Measure 2003 will need to be followed, and the Code of Practice issued in connection with the Measure consulted.³⁸ For clergy who are also employees, such as chaplains and diocesan officers, the employer's disciplinary code will also need to be applied.
- 7.11 The employer should consult the LADO; this can be undertaken by the diocesan safeguarding children adviser on the employer's behalf. The trade union representative should be informed, if appropriate. In such cases it is essential that the line manager suspending the church officer has the appropriate authority to suspend on behalf of the PCC or other employing body and that the procedure for serious misconduct or alleged serious misconduct for the particular staff group is followed.³⁹ If there is any doubt about the course of action then professional advice should be sought.
- 7.12 Unless the police have requested a delay, as soon as preliminary enquiries indicate that a church officer may have committed serious misconduct,

³⁸ The purpose of this code is to provide guidance to all who are concerned in formal clergy discipline procedures under the 2003 Measure. It does not have the force of law, but compliance with its provisions will be assumed to be in accordance with best practice.

³⁹ For employees, refer to the revised ACAS Code of Practice on Disciplinary and Grievance Procedures, 2009, and ensure compliance.

the allegation should be put to him or her and he or she should normally be suspended while the complaint or allegation is investigated. Failure to deal with the matter promptly and failure to suspend the church officer while the investigation is undertaken could make a subsequent dismissal unfair. The reason for this is that summary dismissal for serious misconduct implies that the employer considers the misconduct so serious that it would be impossible to allow the church officer to remain in employment. Doubt must be cast on this belief if it takes the employer a long time to put the allegation to a church officer, or if the employer can take the risk of the church officer remaining on the premises while the investigation is undertaken.

- 7.13 When suspending a church officer, the appropriately authorized manager should put the allegation to him or her. The church officer may be accompanied by a friend of his or her choice and it is advisable for the manager to be accompanied as well. The allegation should be put in a non-judgemental manner and there should be an explanation of how the matter will be progressed, that is, that the church officer will be suspended, if paid on the appropriate rate of pay (normally full pay) while an investigation is carried out; that it may be necessary to speak to the church officer further during the investigation before determining whether a disciplinary hearing is required. It should be emphasized that suspension is not disciplinary action in itself and does not imply guilt, rather it is a precautionary measure that is taken where serious allegations are raised and an appropriate investigation is undertaken. A record of the suspension interview should be kept in case it is necessary to refer to it at a subsequent hearing and the arrangements for suspension should also be confirmed to the church officer in writing.
- 7.14 At the time of suspension the church officer should be asked if he or she undertakes any other paid or voluntary work with children. Where there are other employers (paid or voluntary posts), they should be informed of the allegation, and the church officer should be informed that this will happen. He or she should also be asked whether he or she lives in a household with children (who may require protective measures).

Insurance advice

- 7.15 Where clergy are concerned and in all cases concerning church officers where there may be liability issues, the employer or the relevant diocese should inform the claims manager of the insurance company as soon as any incident arises that may lead to a claim. Advice should be sought about the insurance position and any steps needed to be taken to safeguard it. The claims manager will also need to keep in touch with developments. Any person accused of abuse where they have the benefit of insurance should also inform their insurance company.

Pastoral support

- 7.16 During the investigation the child and family will need support. A separate person will need to support the alleged perpetrator. People

involved in support should be uninvolved with the investigation or disciplinary proceedings and may be chosen from outside the diocese to ensure neutrality. The police advise that it is important that these parties should not communicate with each other about the allegation so that evidence is not contaminated. In the case of allegations against a priest, the archdeacon will need to manage the impact of the investigation on the parish.⁴⁰

- 7.17 These situations always require sensitive pastoral care together with the wider congregation and community. This will include overseeing appropriate communications of the situation to the congregation, advice upon which should be sought from the diocesan director of communications.

Media enquiries

- 7.18 The diocesan director of communications (or other appropriate communications officer) should be informed and should handle all contact with the media. Their advice will help to avoid compromising any future legal proceedings. Where the matters are likely to appear in a criminal court or tribunal the national safeguarding adviser should always be informed.

Criminal proceedings

- 7.19 An investigation may result in various actions. It may be shown that the person has no case to answer or they may be charged with an offence and the Crown Prosecution Service (CPS) asked to consider prosecution. The person may admit the truth of the allegation and accept a police caution.
- 7.20 In order for the CPS to sanction a prosecution they have to believe that there is a reasonable prospect of gaining a conviction and also that it is in the public interest to prosecute.
- 7.21 If it appears likely, or is known, that criminal proceedings will be brought, then normally disciplinary action other than suspension is stayed until the conclusion of those proceedings. However, if the allegation relates to a specific child, consideration must be given to protecting the interests of the child.
- 7.22 Requests to produce file material in court must be referred to the registrar to avoid inappropriate disclosure of personal information which may be protected by the Data Protection Act 1998.
- 7.23 Clergy and others should be aware of the danger of providing a character reference in criminal matters. They should avoid commenting on matters under investigation unless invited by the investigating team at a formal meeting or in a confidential discussion with the diocesan safeguarding children adviser or registrar. They should restrict themselves to known facts and firsthand knowledge.

⁴⁰ See Deirdre Offord, *Betrayals of Trust: Addressing the Impact on Congregations when Leaders Abuse their Positions*, Grove Books, 2009.

- 7.24 The statutory agencies undertaking the investigation should be asked to provide a report which can be used in disciplinary proceedings, for other decision-making or for future reference. The report, which should be agreed with their legal advisers, should include any statements which parties have agreed can be used for this purpose, a factual account of the investigation and an assessment of any continuing risk. It is helpful if the diocesan safeguarding children adviser can agree the terms of the report at the beginning of the investigation.
- 7.25 There are many reasons why a particular case may not come to court or may result in a finding of ‘not guilty’. This does not necessarily mean there is no remaining concern. There may remain evidence of inappropriate or misguided behaviour which needs to be addressed. The advice of the statutory agencies should be sought about any continuing risk to children. It may still be appropriate in some circumstances and in accordance with legal advice to continue disciplinary action. If there remain unresolved matters of concern, either untested complaints of serious harm to a child or evidence of inappropriate behaviour by the adult, a professional risk assessment should be carried out to try to ascertain whether it is safe for the person to continue work which brings them into contact with children. Even if a charge cannot be sustained in the criminal court there may nevertheless be well-founded concerns which may mean that the person should not continue in work with children.⁴¹ Depending on the outcome of the assessment it may be necessary to introduce a regime of conditions: training and supervision; to refer the person to the Independent Safeguarding Authority (see section 7.35); to re-deploy the person in another post; or to terminate employment.

Resignations and compromise agreements

- 7.26 The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to co-operate with the process. Wherever possible, the person should be given a full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available, should continue even if the allegation cannot be substantiated or the person does not co-operate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person’s period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

⁴¹ Criminal charges have to be proved ‘beyond reasonable doubt’, while the standard of proof in civil proceedings and disciplinary hearings is the lower one of ‘on the balance of probabilities’.

- 7.27 By the same token, so-called 'compromise agreements' – by which a person agrees to resign, the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference – must not be used in these cases without the benefit of legal advice and consideration of any safeguarding issues. In any event, such an agreement will not prevent a thorough police investigation where appropriate, nor can it override an employer's statutory duty to make a referral to the Independent Safeguarding Authority and the Charity Commission where circumstances require it.

Record-keeping in the context of allegations

- 7.28 It is important that employers keep a clear and comprehensive summary of any allegations made, details of how the allegations were followed up and resolved, and of any action taken, whether by the Church or by statutory agencies, and decisions reached.⁴² These should be kept in a person's confidential personnel file⁴³ and a copy should be given to the individual, apart from third party information for which permission for disclosure has not been given. Such information should be retained on file indefinitely. The purpose of the record is to enable accurate information to be given in response to *bona fide* enquiries or any future request for a reference. It will provide clarification in cases where a future CRB Disclosure reveals information from the police that an allegation was made but did not result in a prosecution or a conviction. It will also prevent unnecessary re-investigation if, as sometimes happens, allegations resurface after a period of time.
- 7.29 For an allegation to be described as false, it is necessary to have evidence that disproves the allegation. This means that the allegation is unfounded.
- 7.30 For an allegation to be described as malicious, it is necessary to have evidence that not only disproves the allegation, but also proves a deliberate intent to deceive.
- 7.31 An unsubstantiated allegation is not the same as a false allegation. It simply means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- 7.32 It is as important to retain records where an allegation proved to be unfounded, malicious or unsubstantiated as in other cases, so that it is on record that the allegation was known and responded to.
- 7.33 At the conclusion of an investigation or proceedings, a summary should be prepared noting the allegation, the enquiries made, and the outcome. Carefully considered information should be given to the person concerned in writing, and, as appropriate and possible within the limits

⁴² The LADO may provide a standard form for this, which can be signed by the subject of the investigation with a copy supplied to him, one retained on the church file and one retained by the LADO.

⁴³ If a file has not previously been set up, this should be done. If there is a file this material may need to be kept in a separate section of the file, but should not be in a different file.

of confidentiality and the need not to compromise possible statutory processes, to the person making the allegation and the victim or survivor.

- 7.34 If files are weeded when the person leaves the church or diocese, care should be taken to retain the material noted here.

Independent Safeguarding Authority (ISA)

- 7.35 A referral must be made to the ISA when the employer withdraws permission for an individual to engage in work with children, or would have done so had that individual not resigned, retired, been made redundant or been transferred to a position which is not work with children because the employer believes that the individual has engaged in **relevant conduct** or satisfied the **harm test** or has committed an offence that would lead to automatic inclusion on a barred list. This is a statutory duty on all employers and a failure to refer in such circumstances is a criminal offence. Even when the duty has not been triggered, for example when the allegation is unsubstantiated, employers are empowered to refer an individual.
- 7.36 The referral should be made to the ISA when the employer has gathered sufficient evidence as part of their investigations to support their reasons for withdrawing permission to engage in regulated activity and, in following good practice, consulted with their LADO.
- 7.37 **Relevant conduct** is conduct that falls into any of these categories:
- it endangers, or is likely to endanger, a child or vulnerable adult;
 - it is conduct that, if repeated against a child or vulnerable adult, would endanger them or be likely to endanger them;
 - it involves sexual material relating to children (including possession of such material);
 - it involves sexually explicit images depicting violence against human beings (including possession of such images);
 - it is inappropriate conduct of a sexual nature involving a child or vulnerable adult.
- 7.38 The **harm test** is satisfied if, in the view of the relevant person (e.g. the PCC), the individual:
- may harm a child or vulnerable adult;
 - may cause a child or vulnerable adult to be harmed;
 - puts a child or vulnerable adult at risk of harm;
 - attempts to harm a child or vulnerable adult;
 - incites another to harm a child or vulnerable adult.
- 7.39 A person will be automatically included on a barred list where he or she has been convicted of, or cautioned in relation to, serious criminal offences involving sexual misconduct or violence.⁴⁴ More information

⁴⁴ A full list of automatic barring offences is contained in Statutory Instruments SI 2009/37 and 2009/2610 and is available at www.opsi.gov.uk.

can be obtained from the diocesan safeguarding children adviser or the registrar. The ISA issues referral guidance for use in these situations.⁴⁵ There is legal cover for the sharing of information which this duty requires.⁴⁶

Charity Commission

- 7.40 If the parish or other employer is a registered charity, when a referral is made to the ISA the Charity Commission should also be informed. Guidance about this is on the Charity Commission website.⁴⁷ It will usually be appropriate to anonymize the report to the Charity Commission initially. The Charity Commission may then request further details.

Archbishops' List

- 7.41 The Archbishops' List was set up by the Clergy Discipline Measure 2003. It is compiled and maintained jointly by the archbishops, and is kept at Lambeth Palace. A copy of the List is kept by the Archbishop of York at Bishopthorpe. It is not open for public inspection, but is available to the President of Tribunals and diocesan bishops and registrars. It lists only ordained clergy.
- 7.42 There are five categories of names in the List:
- (a) those on whom a penalty under the Measure has been imposed (or those who were liable to a censure under the Measure's predecessor, the Ecclesiastical Jurisdiction Measure 1963);
 - (b) those who were deposed from Holy Orders under the Ecclesiastical Jurisdiction Measure 1963;
 - (c) anyone who has executed a deed of relinquishment under the Clerical Disabilities Act 1870;
 - (d) anyone who has resigned following the making of a formal complaint;
 - (e) those who, in the opinion of the archbishops, have acted in a manner (not amounting to misconduct) which might affect their suitability for holding preferment (i.e. any office or position requiring the discharge of spiritual duties).
- 7.43 The presence of a person's name on the List does not necessarily imply that the person does or does not present a risk to children. In appropriate cases, information about the facts which led to the inclusion of a person's name on the List may be obtained by authorized diocesan officers from the authorities in Lambeth and Bishopthorpe.

⁴⁵ ISA Referral Guidance, www.isa-gov.org/default.aspx?page=379. There is a standard form which should be used.

⁴⁶ Safeguarding Vulnerable Groups Act 2006, section 35(2).

⁴⁷ 'Reporting Serious Incidents – guidance for trustees', May 2009.

- 7.44 Appropriate cases will need to be referred by the diocesan bishop. For further information see the Clergy Discipline Rules 2005 and the Code of Practice under the Measure.

Reinstatement and redeployment

- 7.45 Careful consideration should be given to the future employment or volunteering role of the person involved. In exceptional circumstances, where a person has not been barred (such as following disciplinary action which did not lead to barring), consideration may be given to undertaking a professional risk assessment with a view to the possibility of allowing such a person to be employed or volunteer, with suitable supervision, conditions or precautions. A risk assessment would also be necessary if someone's barring was removed and they wished to participate or volunteer in church activities with children present.
- 7.46 Risk assessments for such purposes should only be undertaken by those with specific qualifications and experience in such work. They will normally be provided by outside organizations which are clearly independent of the diocese, have appropriately qualified staff and can provide reports which will withstand scrutiny and legal challenge.
- 7.47 Because of the compulsive nature of child sexual abuse, a person convicted or cautioned for any sexual offences should not work with, or be a volunteer where he or she could come into contact with, children. If the person is on a barred list it would be an offence for him or her to seek such work, or for any employer knowingly to offer it. There may also be a Sexual Offences Prevention Order (SOPO) in force, which further restricts the person's contact with children. For example, the SOPO may prohibit membership of mixed-age groups or activities in the church. An agreement should be drawn up to define the relationship between the convicted person and the church community. The advice of the police, probation service (if there is probation involvement), and children's social care (if involved) should be sought.
- 7.48 For people involved in pastoral or other authorized ministry, whether ordained or not, it may not be possible to provide the level of supervision required even if a particular post does not involve specific contact with children. People with such a representational ministry are regarded as trustworthy people of integrity, both by church communities and by the general public. This perception can be used by offenders to target victims. Rehabilitation to any kind of representational ministry should be approached with extreme caution; it should follow a professional risk assessment and treatment programme, and the agreement of the local safeguarding children agencies should be sought.

8 Suspected abusers and known offenders

Introduction

- 8.1 The term ‘offender’ applies only to those who have a conviction or who have accepted a caution, reprimand or warning for a criminal offence. Note that acceptance of a caution is an admission of the offence and is, therefore, equivalent to a conviction. The caution will appear on the CRB certificate. The term ‘suspected abuser’ is used here to refer to those who have been the subject of allegations which have not been formally substantiated but which appear to be reasonably well founded.
- 8.2 Under the Rehabilitation of Offenders Act 1974 some old convictions and cautions are deemed spent after a period of time, which varies according to the offence. However, for the purpose of work with children or vulnerable adults no offence is considered spent. Some of those putting themselves forward for roles in the Church which involve or could involve working with children will have convictions or cautions on their record. A CRB check containing information of this kind is termed a positive, blemished or unclear disclosure. The term is also used if other relevant material is supplied.
- 8.3 It is the policy of the Church of England that all people with positive or blemished CRB checks should undergo a risk assessment from a suitably qualified person. The nature of the assessment should be proportionate to the matters disclosed. It is good practice for more than one person to be involved in the process of assessing risk. The diocesan safeguarding children adviser should always be involved and will in certain cases commission a formal risk assessment. In the case of complex or borderline cases this good practice should include referral to a diocesan multi-disciplinary risk assessment panel. This can be a group drawn from the diocesan safeguarding management group.
- 8.4 Old, minor and unrelated offences will not prohibit otherwise suitable people from work with children. While not being complacent about risk, the Church understands that those who have done wrong are often capable of reform.
- 8.5 The same approach will be taken where the matters disclosed are not convictions but other relevant information which warrants or is in the process of investigation and risk assessment.
- 8.6 Anyone who seeks a position in the Church whose CRB or ISA registration check discloses that they are barred from working with children will be reported to the police by the CRB, as it is an offence for such a person to seek such work or for an employer knowingly to offer it.

Convicted offenders against children

- 8.7 Research has indicated that a higher proportion of convicted offenders against children may be found in church congregations than in the population generally.⁴⁹ It is therefore probable that many congregations will have people who have abused children among their worshippers, some of whom will be known. Not all will have committed sexual offences; some will have been guilty of neglect, physical or emotional abuse. They may still present a risk to children. The church's duty to minister to all imposes a particular responsibility to such people. However, this must not compromise the safety of children. If a congregation is generally aware of how offenders will be treated it will be easier to deal confidentially with a specific case, should one occur.
- 8.8 As well as people with convictions against children there are others whose position in a congregation may need to be carefully and sensitively considered to decide whether they pose a risk to children. This would include people convicted of violent or sexual offences against adults, including: domestic violence; people involved in drug or alcohol addiction; adults with a mental disorder or special needs which might, in rare cases, result in erratic behaviour. It would also include those who do not have convictions or cautions but where there are sound reasons for considering that they might present a risk to children. In appropriate cases the approach recommended below for managing sex offenders should be adopted.

Multi-Agency Public Protection Arrangements (MAPPA)

- 8.9 Guidance under MAPPA states that religious communities must put in place effective arrangements that allow them to ensure they are able to protect their community while allowing a sex offender to maintain his or her right to worship in a safe way when possible. An assessment of risk must be carried out, which should be done together with the police, probation services and children's social care, and with the diocesan safeguarding children adviser. The statutory agencies will provide appropriate information and guidance in this. It is important that co-operation between the church and the agencies is assured at all stages. It may be necessary on occasions to negotiate a formal information-sharing protocol between the diocese and the relevant police area and probation area; there are national guidelines available on protocols such as this.
- 8.10 Prison chaplains should be aware of the guidance and ensure that there is good liaison between them and the diocesan safeguarding children adviser when a sex offender leaves prison and wishes to worship in a church. Discussions may need to be held about which church is

⁴⁸ For ecumenical standards in handling disclosures see *Safeguarding Standards in Recruitment*, Christian Forum for Safeguarding, revised 2008 at www.churchsafe.org.uk/christian-forum.html. This gives a way of working which is recognized by more than one church denomination and when people are employed or appointed ecumenically or when more than one body is involved with the process.

⁴⁹ Unpublished research by Donald Findlater, Lucy Faithfull Foundation.

appropriate in light of an offender's needs or in light of their circumstances or the community.

- 8.11 The relevant section of the MAPPA guidance is as follows:

It is essential that we assist religious communities to put in place effective arrangements, which allows them to ensure they are able to protect their community whilst allowing the offender to maintain their right to worship but in a safe way. The place of worship and religious leader should be provided with sufficient information to protect their congregation.

Where an RSO [Registered Sex Offender], who has committed offences against children, or other offenders who present a risk of harm to children and/or other identified victims wishes to continue to practise their religion, through attending services and/or being part of their faith community the offender/case manager must ensure that they have fully assessed the potential risk of harm this could present.

There should always be a discussion with the offender regarding the need to protect children/identified victims (unless this places the victim at greater risk) who may also be present, at services and/or events from harm. The offender needs to be aware that information will be disclosed to the religious organisation and that they (the offender) will be required to agree to and sign a 'contract' of behaviour. Where an offender is unwilling to give this undertaking, the OM [Offender Manager] and police should consider whether to seek a restrictive condition on a licence or in a Sexual Offences Prevention Order (SOPO) to prevent the offender being in a place of worship. The outcome of this decision must be recorded [i.e. by the Offender Manager] on the ViSOR [Violent and Sex Offender Register] and the case management record.

Any breaches of the 'contract' with the offender must be reported to the offender/case manager.⁵⁰

- 8.12 Note that SOPOs can be sought to control as well as to exclude an offender's involvement in a place of worship. In appropriate cases the diocesan safeguarding children adviser should explore with the police whether a SOPO condition should be sought and how it should be drafted. In this event, the diocesan bishop should be named as the supervising officer for the place of worship.
- 8.13 When the offender comes to notice before release, the diocesan safeguarding children adviser should explore with the probation service whether specific licence conditions should be included.
- 8.14 Management arrangements are likely to continue to be needed even after statutory intervention has come to an end.

Ministering to people who are known to have sexually abused children⁵¹

- 8.15 Where a sex offender is known, befriended and helped by a group of volunteers to lead a fulfilled life without direct contact with children,

⁵⁰ MAPPA Guidance, National Offender Management Service Public Protection Unit 2009, 6.5, 70.

⁵¹ With thanks to CCPAS, the Lucy Faithfull Foundation, the Methodist Church and others.

the chances of reoffending are diminished and the church has thus an important role contributing to the prevention of child abuse.

- 8.16 When it is known that a member of the congregation has sexually abused a child, the diocesan safeguarding children adviser must be consulted, so that a safe course of action can be agreed in conjunction with the relevant statutory agencies. A written agreement or contract will usually be entered into with the offender which reflects research evidence about the compulsive nature of child sexual abuse.
- 8.17 Where a small group is formed the membership should be chosen carefully. It should include the priest or a delegated representative, a churchwarden and a representative of the children or youth work team or the parish safeguarding children co-ordinator. The diocesan safeguarding children adviser should be consulted on the constitution of the group, and training of the group may be necessary.
- 8.18 If the offender's victim, or in some cases the victim's family, attends the church, it is likely to be necessary to introduce the offender to another congregation. Consideration must also be given to other people who have been abused in the past.
- 8.19 The offender should not accept any official role or office in the church which gives him or her status or authority; a child may deem that person to be trustworthy. Some roles, for example that of churchwarden, are statute-barred to people with convictions of this kind, including offences against the person.
- 8.20 A meeting should be held with the offender, explaining that the appointed small group and a few others from the congregation will *need* to know the facts in order to create a safe environment for him or her. Those needing to know are likely to include the clergy, churchwardens, the safeguarding children co-ordinator and any befriending volunteers. The children's work co-ordinator will need to be informed so that he or she does not inadvertently ask the person to volunteer. The police should be invited to the meeting, in addition to the probation service, the local authority and children's social care, if they have a role.
- 8.21 Consideration should be given to whether, with the offender's agreement, the congregation should be told. The advantages and disadvantages of this course of action should be carefully considered, including the offender's need for protection as a vulnerable adult.
- 8.22 It must be made clear that no one else apart from those identified on the agreement will be informed of the facts without the offender's knowledge. The highest levels of confidentiality should be maintained unless there is a breach of the agreement and it is necessary to inform others to protect a child.
- 8.23 The group should offer support and friendship as well as supervision. They should endeavour to keep channels of communication open.
- 8.24 Those with pastoral responsibility will need to discuss with the group appropriate ways for the offender to develop and grow as a Christian without putting him- or herself and others at risk.

- 8.25 It will be necessary to establish clear boundaries, both to protect children and to lessen the possibility of the adult being wrongly accused of abuse. The diocesan safeguarding children adviser should assist in drafting a written agreement (referred to as a contract in the MAPPA guidance above) which might include the following elements:
- attend designated services or meetings only
 - sit apart from children
 - stay away from areas of the building where children meet
 - attend a house group where there are no children
 - decline hospitality where there are children
 - never be alone with children
 - never work or be part of a mixed-age group with children
 - take no official role in the church.
- 8.26 The offender should be asked to sign the agreement. Other parties will be members of the group noted earlier. It should be made clear that as people change role, their successors will take on becoming involved.
- 8.27 The agreement should be enforced, and no changes made without consultation with the diocesan safeguarding children adviser and other parties involved. It should be made clear that a breach or other relevant information could lead to a referral to the police and probation service and advice that the offender attends a different church.
- 8.28 The agreement should include provision for close support and pastoral care.
- 8.29 The agreement should be reviewed at regular intervals, at least annually, with the diocesan safeguarding children adviser. A review must take the form of a face-to-face meeting with the offender and at least two members of the group. The meeting should be recorded and the record retained.
- 8.30 An agreement must remain in place so long as the person is a part of the congregation, whether or not they are on licence or their name appears on the Sex Offenders Register.
- 8.31 If the agreement is breached, the police or the probation service should be informed. In some cases it may be possible to restrict attendance at church. If the person cannot be banned because they live in the parish, the advice of the diocesan registrar should be sought and a high level of supervision maintained. It may be necessary, following consultation with the police, to inform other relevant organizations that the person presents a risk.
- 8.32 If the person leaves the church for another church, then the police should be involved and a new agreement should be made. If the person leaves without informing anyone where or whether they might attend for worship, the police should be informed.
- 8.33 Whenever possible, the agreement should be drawn up as a two-way covenant: the church will agree to levels of support and appropriate

access to worship etc. while the offender agrees to the appropriate behavioural guidelines included in the agreement.

Disclosures by perpetrators of past abuse

- 8.34 In some cases offences only come to light after many years. In such situations, great sensitivity will be required. It must however be remembered that there may still be a substantial risk to children; therefore, the police should be informed of the offences.

Appendices

A1 Statutory framework

UN Convention on the Rights of the Child

The UK Government ratified this Convention in 1992. The relevant provisions are in Article 19:

- 1 State parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has care of the child.
- 2 Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

European Convention on Human Rights

The UK Government incorporated this into UK law through the Human Rights Act 1998. The relevant provisions are Articles 3 and 8:

Article 3

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 8

- 1 Everyone has the right to respect for his private and family life, his home and his correspondence.
- 2 There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Note that Article 8 is a limited right, which can be limited by public bodies for the greater good of either the public or an individual, if the action taken is legal, relevant and proportionate.

Statutory expectations

UK government statutes and guidance

There are many statutes, guidance documents, regulations and other statutory instruments which have a bearing on safeguarding children. This is a rapidly changing area of work and new documents are constantly being issued. A few key documents are noted here.

Working Together to Safeguard Children, HM Government, 2010. This is the most important single guidance document. It is binding on the relevant statutory organizations and is regarded as good practice in voluntary organizations. There is specific guidance for faith organizations, which is incorporated in the present document. The Church in its national, diocesan and parish structure is a group of voluntary organizations. Most church schools, however, count as part of the statutory sector.⁵² Guidance documents supplementary to *Working Together* have been issued covering a number of specialist topics. These are not all listed here.

The following documents are listed in order of publication:

Children Act 1989. This contains the private and public law concerning arrangements for children.

Safe from Harm, Home Office circular, 1993. Advice to the voluntary sector. Although this has been largely superseded it has not been formally withdrawn or replaced.

Data Protection Act 1998. Detailed guidance is available from the Information Commissioner.

Criminal Justice and Court Services Act 2000. Schedule 4 is a comprehensive list of offences against children. It has been amended (added to) by the Sexual Offences Act 2003.

Sexual Offences Act 2003. This consolidates the law on sexual offences, including those against children, and replaces previous legislation in the field.

Children Act 2004. This increases the duties of statutory bodies to safeguard children and set up Local Safeguarding Children Boards to oversee this process. Associated with this is the Every Child Matters programme.

Clergy Discipline Rules, Stationery Office, 2005. For the Code of Practice under the Clergy Discipline Measure 2003 see the next section.

What to do if you're worried a child is being abused, Department for Education and Skills, 2006. Non-statutory advice on action to be taken in individual cases. It is issued in both a full and a summary version and is updated regularly.

Safeguarding Children and Safer Recruitment in Education, Department for Education and Skills, 2006. This is the equivalent document for schools to *Working Together*.

⁵² See section 2.5.

Safeguarding Vulnerable Groups Act 2006. This provided the legislative framework for the Independent Safeguarding Authority (see 5.7).

Safeguarding Children from Abuse Linked to a Belief in Spirit Possession, Department for Education and Skills, 2007.

Statutory Framework for the Early Years Foundation Stage, Department for Education and Skills, 2007. This applies to those facilities which must register with OFSTED.

Statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004, Department for Education and Skills, 2007. Although this guidance, generally referred to as Section 11 guidance, is binding only on statutory bodies, it contains material helpful to voluntary bodies.

Guidance for Safer Working Practice for Adults who Work with Children and Young People, Department for Children, Schools and Families for Allegations Management Advisers, 2007. This is non-statutory advice which does not supersede advice or codes of conduct produced by employers or national bodies.

MAPPa Guidance, Ministry of Justice, 2009. Guidance on Multi-Agency Public Protection Arrangements for managing sexual and violent offenders in the community.

Recruiting Safely: Safer Recruitment Guidance Helping to Keep Children and Young People Safe, Children's Workforce Development Council, 2009. This advice document is intended particularly for voluntary organizations and small employers. It is issued in a full and a summary version.

The Vetting and Barring Scheme Guidance, Criminal Records Bureau and Independent Safeguarding Authority, 2010. Guidance notes on the implementation of the ISA registration process and the 'barred' lists. This guidance is under review, see 5.7 of main policy.

A2 Relevant Church of England documents

The following documents are listed in order of publication:

A Time to Heal: A Contribution towards the Ministry of Healing, Archbishops' Council, 2000, and the associated handbook, *A Time to Heal: The Development of Good Practice in the Healing Ministry: A Handbook*, Church House Publishing, 2000.

Time for Action: Sexual Abuse, the Churches and a New Dawn for Survivors, Churches Together in Britain and Ireland, 2002.

Guidelines for the Professional Conduct of the Clergy, Church House Publishing for the Convocations of Canterbury and York, 2003.

Clergy Discipline Measure 2003 Code of Practice, Church House Publishing, 2006.

Equipping: Core Competencies, Learning Outcomes, Evidence of Assessment for those Working with Young People on behalf of the Church of England, Archbishops' Council, 2006.

Promoting a Safe Church: Policy for Safeguarding Adults in the Church of England, House of Bishops, 2006.

Responding to Domestic Abuse: Guidelines for those with Pastoral Responsibility, Archbishops' Council, 2006.

Dignity at Work: Working Together to Reduce Incidents of Bullying and Harassment, Archbishops' Council, 2008.

Church of England Record Centre Records Management Guides:

Cherish or Chuck? The Care of Episcopal Records, December 2009.

Save or Delete? Care of Diocesan Records, revised December 2008.

Keep or Bin? The Care of your Parish Records, revised April 2009.

Guidance Notes on Clergy Files, revised March 2009.

Responding Well to Those who have Experienced Sexual Abuse (working title), House of Bishops, forthcoming in 2011.

A3 Other works consulted

David, Nicola: *Staying Safe Online*, Grove Books, 2007.

Offord, Deirdre: *Betrayals of Trust: Addressing the Impact on Congregations When Leaders Abuse Their Positions*, Grove Books, 2009.

A4 Managing safeguarding children in a diocese: a model of good practice

- A4.1 An audit of safeguarding work has revealed many differences of approach to this issue. The following model is offered as one effective way of organizing and supporting such work.
- A4.2 A diocesan safeguarding children management group chaired by an independent lay person. The group might include:
- Diocesan personnel: the bishops, archdeacons, bishop's chaplain, diocesan secretary, diocesan communications officer, the diocesan children, youth and education advisers, personnel involved with clergy selection and training.
 - The diocesan safeguarding children adviser.
 - Professional support: diocesan registrar, representatives from local authority children's social care, police, probation, health.
- A4.3 This management group should be integrated into the diocesan structures. One way of doing this is to make it a subcommittee of the bishop's council. The group should meet formally at least once a year to review diocesan policy. Further ad hoc meetings in any permutation may be called to deal with specific incidents or decision-making. The safeguarding children professionals may, for example, meet with the adviser to discuss cases and formulate advice to the bishop following positive disclosures or an investigation. The management group should maintain an overview of the arrangements for obtaining CRB checks and ISA registration. The management group should report annually to the bishop's council or diocesan synod. Some members might form a support group for the adviser and meet on a regular basis. Consideration should be given to establishing a risk assessment panel for complex cases.
- A4.4 Archdeacons should always include monitoring the implementation of parish safeguarding children policies, procedures and good practice in their visitations at regular intervals and through questions in their Articles of Enquiry.

The role of the diocesan safeguarding children adviser

- A4.5 The tasks shown below will usually be undertaken by one person, but they could be divided among several. Each person's role should then be carefully defined.
- 1 Development of policy, procedures and good practice guidelines should include:
 - keeping well informed and up to date with the development of government policy, church policy and good practice;

⁵³ See 6.1 above.

- developing and regularly reviewing the diocesan safeguarding children policy, ensuring that it is easily accessible and understandable to licensed and paid workers and to volunteers.
 - ensuring each parish has adopted and implemented the diocesan policy and procedures;
 - monitoring and checking parish policies and providing advice and guidance on these;
 - briefing the national adviser on all cases which go to public court or tribunal or which draw media attention.
- 2 Provision of appropriate safeguarding children training for:
- the bishop
 - clergy and the bishop's staff
 - clergy newly ordained or joining the diocese
 - new incumbents
 - readers and lay church leaders
 - volunteers
 - children and youth workers
 - PCC members
 - organists, choir leaders, music group leaders
 - Tower captains of bell towers
 - parish safeguarding children co-ordinators
 - any other person who has responsibility for children and young people.

Evaluation, review and monitoring of the training programme

4. Case work. The diocesan safeguarding children adviser should:
- respond to requests for advice, information and guidance for individuals in the Church who are concerned about the welfare of a child;
 - provide guidance and direction where there are concerns about adults who may be a risk to children;
 - support individuals when a referral to local authority children's social care or the police is necessary;
 - attend strategy meetings and case conferences as requested by statutory agencies. At times this will include preparing parish personnel for such meetings and attending with them;
 - support parishes during a child protection or safeguarding enquiry and afterwards. This may include ensuring support is provided for others in the parish who may be affected by such an enquiry, for example volunteers or other leaders;

- work in partnership with the statutory agencies, any of whom may make the initial approach or seek information to which they are entitled;
- provide advice to the bishop or other employer on the possibility of employment or redeployment of those with convictions or continuing unresolved concerns regarding harm to a child;
- provide a risk assessment process for those with blemished or positive CRB checks and others as may be needed;
- advise when an independent risk assessment should be sought;
- draw up and regularly review agreements with those known to be a risk to children.

The nature of this work will mean that at times telephone advice will suffice. At other times the role will require meetings with individuals, the preparation of reports, or the setting up of support networks.

5. Networking

The effectiveness of the diocesan safeguarding children adviser is dependent on building professional relationships with statutory agencies:- the local safeguarding children board (LSCB), the local authority children's social care services, the local police: in particular, the child abuse investigation unit, the public protection unit, multi-agency protection panels and the local probation service.

- A4.6 The diocesan safeguarding children adviser should be part of the national and regional network of diocesan safeguarding children advisers, any relevant local ecumenical or multi-faith forum; the adviser should be resourced to attend the Annual Conference of Church of England Diocesan and Methodist District Advisers.
- A4.7 Within the diocese, the diocesan safeguarding children adviser will be linked with significant diocesan personnel, for example, those responsible for children's work, youth work, clergy and lay workers selection and training and social responsibility issues.

The adviser: professional requirements

- A4.8 The title Diocesan Safeguarding Children Adviser is used for the person giving professional advice to the bishop, clergy and parishes, but is also in general use by those who undertake all the above tasks.
- A4.9 The advice-giving part of the role must be provided by a person professionally qualified in the practice of safeguarding children.⁵⁴ He or she should be able to demonstrate professional independence and have knowledge of the structures of the Church of England and sympathy for its mission.

⁵⁴ Diocesan safeguarding children advisers may be qualified in various relevant professional areas, e.g. child care social work, probation, health, education, psychology or police work, but they must have experience of directly working with safeguarding issues and have undertaken specific training in child protection. They should either hold their own professional liability indemnity insurance or this should be secured by the diocese on their behalf.

The co-ordinator: administration

A4.10 A diocesan safeguarding children co-ordinator may be appointed to manage the administration, working closely with one or more advisers who provide professional advice. Unlike those giving advice, the co-ordinator would not necessarily have to be qualified in safeguarding children. He or she must ensure that all relevant information, especially anything that may be a complaint, is passed to the adviser for action. The co-ordinator should undertake basic safeguarding children awareness training.

Training

- A4.11 Responsibility for safeguarding children training may be provided separately.
- A4.12 The diocesan safeguarding children adviser seeks to promote best practice in safeguarding children throughout the diocese. This will include parishes and the cathedral of the diocese, and may include other diocesan linked organizations such as the Mothers Union, local theological colleges and courses, and diocesan children's events. Support may also be offered to other groups such as governors of church schools.

Accountability

- A4.13 The diocesan safeguarding children adviser is accountable to the diocesan bishop, but may relate on a day to day basis to another member of the safeguarding children management group.

Finance

- A4.14 The post should normally be remunerated by salary, retainer or fees and sufficient administrative support should be provided within a designated safeguarding children budget. The budget should include recognition for professional supervision and professional development.⁵⁵ When this post is provided on a *pro bono* basis all working expenses should be reimbursed and the insurance position checked.

⁵⁵ Certain professional advisers will be required to attend sufficient hours of additional training in order to retain their registration, e.g. with the General Social Care Council; this should include attendance at the National Safeguarding Conference annually.

A5 Model code of safer working practice

- 1 Guidelines for individual workers.
- 2 Additional guidelines for group leaders.
- 3 Responding to child protection concerns:
 - imminent risk
 - what to do if you suspect a child is at risk or has been abused.
- 4 Guidelines for good practice for church-sponsored activities for children and young people:
 - special needs
 - consent
 - registration
 - recommended staffing levels
 - safe environment
 - e-safety
 - transporting children on behalf of the church.

Terminology used in this code:

- The word 'child' refers to any child or young person under the age of 18.
- The term 'group leader' is used to refer to the person with overall responsibility for a group or activity, who is answerable to the Parochial Church Council.

1 Guidelines for individual workers

You should:

- treat all children and young people with respect and dignity;
- ensure that your own language, tone of voice and body language is respectful;
- always aim to work within sight of another adult;
- ensure another adult is informed if a child needs to be taken to the toilet; Toilet breaks should be organized for young children;
- ensure that children and young people know who they can talk to if they need to speak to someone about a personal concern;
- respond warmly to a child who needs comforting, but make sure there are other adults around;

- if any activity requires physical contact, ensure that the child and parents are aware of this and its nature beforehand;
- administer any necessary First Aid with others around;
- obtain consent for any photographs/videos to be taken, shown or displayed;
- record any concerning incidents and give the information to your group Leader. Sign and date the record;
- always share concerns about a child or the behaviour of another worker with your group leader and/or the safeguarding co-ordinator.

You should not:

- initiate physical contact. Any necessary contact (e.g. for comfort, see above) should be initiated by the child;
- invade a child's privacy while washing or toileting;
- play rough physical or sexually provocative games;
- use any form of physical punishment;
- be sexually suggestive about or to a child even in fun;
- touch a child inappropriately or obtrusively;
- scapegoat, ridicule or reject a child, group or adult;
- permit abusive peer activities e.g. initiation ceremonies, ridiculing or bullying;
- show favouritism to any one child or group;
- allow a child or young person to involve you in excessive attention seeking that is overtly physical or sexual in nature;
- give lifts to children or young people on their own or on your own;
- smoke tobacco in the presence of children;
- drink alcohol when responsible for young people;
- share sleeping accommodation with children;
- invite a child to your home alone;
- arrange social occasions with children (other than family members) outside organized group occasions;
- allow unknown adults access to children. Visitors should always be accompanied by a known person;
- allow strangers to give children lifts.

Touch

Church-sponsored groups and activities should provide a warm, nurturing environment for children and young people, while avoiding any inappropriate behaviour or the risk of allegations being made. Child abuse is harm of a very serious nature so that it is unlikely that any type of physical contact in the course of children and youth work could be misconstrued as abuse. All volunteers must work with or within sight of another adult.

Very occasionally it may be necessary to restrain a child or young person who is harming her/himself or others. Use the least possible force and inform the parents as soon as possible. All such incidents should be recorded and the information given to the church safeguarding co-ordinator.

All physical contact should be an appropriate response to the child's needs not the needs of the adult. Colleagues must be prepared to support each other and act or speak out if they think any adult is behaving inappropriately.

2. Additional guidelines for group leaders

In addition to the above the group leader should:

- ensure any health and safety requirements are adhered to;
- undertake risk assessments with appropriate action taken and record kept;
- keep register and consent forms up to date;
- have an awareness, at all times, of what is taking place and who is present;
- create space for children to talk – either formally or informally;
- liaise with safeguarding co-ordinator over good practice for safeguarding;
- always inform the safeguarding co-ordinator of any specific safeguarding concerns that arise. The safeguarding co-ordinator will liaise with the diocesan safeguarding adviser;
- liaise with the PCC.

3. Responding to child protection concerns

Do not try to deal with any child protection concern on your own. Always tell your group leader and safeguarding co-ordinator. Agree between you *who* will take *what* action and *when*.

If you are not sure if child abuse is involved, or if you have concerns about a child and you need someone to talk things over with, then again you should contact your group leader or safeguarding co-ordinator. The Local Authority Children's Social Care Duty Officer can also be a source of advice.

Always make notes about a possible child protection incident or disclosure as accurately as possible, as soon as possible. These should cover what has happened, in what context, and anything that seemed particularly significant. Quote the child's words exactly where possible. Try if possible to note from the register the child's full name, age, date of birth, address, telephone number and GP. Remember to sign the record and add your name, role, date of incident and date of the recording.

The following are all important points which will help anyone faced with this difficult situation:

- ensure all notes are kept in a safe place;

- if a child asks to talk in confidence **do not** promise confidentiality – you have a duty to refer a child/young person who is at risk to the statutory agencies;
- always explain that you may have to get other people to help;
- stay calm;
- listen to the child attentively;
- maintain eye contact;
- allow the child to talk, but do not press for information or ask leading questions;
- tell the child that they are not to blame for anything that has happened;
- reassure the child that they were right to tell;
- let the child know that other people will have to be told and why;
- try to explain what will happen next in a way the child can understand;
- reassure the child that he or she will continue to receive support during the difficult time to come.

Imminent risk

- If you encounter a child in a situation where the child is in imminent danger, you should act immediately to secure the safety of the child. Seek the assistance of the police and then make a referral to Local Authority Children's Social Care.
- If a child needs emergency medical attention, this should be sought immediately and directly from the emergency services. Parents, if available, should be kept fully informed.

What to do if you suspect a child is at risk or has been abused

- Agree with your group leader who will make the referral.
- Make an immediate telephone referral to the Local Authority Children's Social Care. Make it clear from the first point of contact that you are making a child protection referral.
- Describe the event or disclosure and give information about the child and family, for example the child's name, date of birth, address, telephone number and GP if known.
- Follow up your telephone call with a completed referral form (sometimes available on the Local Authority web site) or letter. If there is no acknowledgement within 48 hours, chase it.
- Remember that the child & family should, wherever possible, be informed about and consent to the referral *unless this would put the welfare of the child or another person at further risk*. If you have serious concerns, the absence of consent should not prevent a referral. The Duty Social Worker will give you advice over this if necessary.
- Be prepared to have further discussions with the social work team or the police investigation team.

- Say if you do not want your details disclosed to the family.
- For out of hours referrals, call the Emergency Social Work Team or where urgent, the police.
- Be prepared to have further discussions with the social work team or the police investigation team.
- Say if you do not want your details disclosed to the family.
- For out of hours referrals, call the Emergency Social Work Team or where urgent, the police.

4 Guidelines for good practice for church-sponsored activities for children and young people

Special needs

Welcome children and young people with special needs to the group. Try to make the premises, toilets and access suitable for people with disabilities. Ask the parent about how best to meet the child's special needs, and do not see this as the responsibility only of the child's parent. If premises are being designed or refurbished, take the opportunity to anticipate the possible special needs of future children and adults; advice is available. Disability legislation requires organizations to take reasonable steps to meet the needs of disabled people and this includes children.

Consent

Consent needs to be from a parent or person with parental responsibility. It can be from the child or young person if he or she has sufficient age and understanding in relation to the specific issue. So, for example, while parental consent is always required for a group residential holiday, a teenager would usually be able to consent to the photos from the holiday being displayed in church. You should record who has given consent for any specific activity.

Registration

A registration form should be completed for every child or young person who attends groups or activities. The form should be updated annually and include the following:

- Name and address,
- Date of birth,
- Emergency contact details,
- Medical information,
- Any special needs including activities that the child is unable to take part in.
- Consent for emergency medical treatment,

- Consent for photographs and videos if relevant.

Separate consent should be obtained for one-off events and activities, for example swimming, and also for outings, weekends away, etc.

- All personal details and consent forms must be stored securely.
- Any group that includes children who are under six years old and that meets regularly for more than two hours in any one day or for more than fourteen days a year must register their group. Please contact your local branch of OFSTED for advice.

Recommended staffing levels

The recommended minimum staffing levels for children's groups are given below. More help may be required if children are being taken out, are undertaking physical activities or if circumstances require it.

0–2 yrs	1 person for every 3 children	1 : 3
2–3 yrs	1 person for every 4 children	1 : 4
3–8 yrs	1 person for every 8 children	1 : 8
Over 8 yrs	1 person for the first 8 children then 1 extra person for every extra 12 children	

- Each group should have at least two adults and it is recommended that there should be at least one male and one female.
- If small groups are in the same room or adjoining rooms with open access between them then it is possible to have only one adult per group, dependent on the nature of the activity.
- Young people who are being encouraged to develop their leadership skills through helping should always be overseen by an appointed worker who will be responsible for ensuring that good practice and safeguarding procedures are followed and the work they are doing is appropriate to both their age and understanding.
- Adults who assist on one or two occasions must be responsible to an appointed worker. Thereafter they should become part of the team and be properly appointed through the normal recruitment process.

Safe environment

Display both the Childline telephone number in a prominent place where children and young people can see it and the Parentline Plus number for parents.

Undertake a risk assessment for each activity and in greater detail for an unusual activity or when away from the usual location.

Insurance, First Aid kit and fire precautions should be checked and a Health and Safety Check should be completed regularly with reference to the following minimum standards:

Venue

- Meeting places should be warm, well lit and well ventilated. They should be kept clean and free of clutter.
- Electric sockets should be covered.
- Toilets and handbasins should be easily available with hygienic drying facilities.
- Appropriate space and equipment should be available for any intended activity.
- If food is regularly prepared for children on the premises, the facilities will need to be checked by the Environmental Health Officer and a Food Handling and Hygiene Certificate acquired.
- Children's packed lunches should be kept refrigerated. Drinks should always be available.
- Groups must have access to a phone in order to call for help if necessary.
- Adults should be aware of the fire procedures. Fire extinguishers should be regularly checked and smoke detectors fitted throughout the premises. A fire drill should be carried out regularly.
- Unaccompanied children and young people should be encouraged not to walk to or from your premises along dark or badly lit paths.
- A First Aid kit and accident book should be available on the premises. The contents of the First Aid kit should be stored in a waterproof container and be clearly marked. Each group should designate one worker to check the contents at prescribed intervals.
- All staff and volunteer workers should be encouraged to have some First Aid knowledge and the parish should encourage access to First Aid training. A list of first aiders in the parish should be compiled and kept available. All accidents must be recorded in the accident book.

E-safety

- Ensure all electronic communications are appropriate and professional.
- If using e-technology as a group activity, ensure that an adult worker knows and understands what is happening within the group.
- Do not make any relationship with a child (other than family members) through a social networking site.
- Maintain a log of all electronic contact with individuals or groups including messaging and texting.

Transporting children on behalf of the church

Drivers

- All those who drive children on church-organized activities should have held a full and clean driving licence for over two years.
- Drivers who are not children's workers should be recruited for the task through the normal recruitment process.

- Any driver who has an endorsement of 6 points or more on their licence should inform the group leader and the church/parish safeguarding co-ordinator/church/circuit safeguarding representative.
- Any driver who has an unspent conviction for any serious road traffic offence should not transport children for the church.
- Drivers must always be in a fit state i.e. not over-tired; not under the influence of alcohol; not taking illegal substances; not under the influence of medicine which may induce drowsiness.

Private car

- Children and young people should not be transported in a private car without the prior consent of their parents or carers. This also applies to formally arranged lifts to and from a church activity.
- All cars that carry children should be comprehensively insured for both private and business use. The insured person should make sure that their insurance covers the giving of lifts relating to church-sponsored activities.
- All cars that carry children should be in a roadworthy condition.
- All children must wear suitable seat belts and use appropriate booster seats. If there are insufficient seat belts, additional children should not be carried.
- At no time should the number of children in a car exceed the usual passenger number.
- There should be a non-driving adult escort as well as the driver. If in an emergency a driver has to transport one child on his or her own, the child must sit in the back of the car.

Minibus or coach

- Workers and helpers should sit among the group and not together.
- If noise or behaviour appears to be getting out of control, stop the vehicle until calm is restored.
- Before using a minibus, ensure you know the up-to-date regulations for its use and have had a trial drive.

5. Important Telephone Numbers

(Please write in your local numbers.)

Local Agencies

Police (all non-emergency enquiries)	
Local Police Child/Family Protection Unit	
Local Council Children's Services/Social Care	
Local Emergency Social Work Team	
Local General Hospital	
CHILDLINE	0800 1111
PARENTLINE PLUS	0808 800 222

Diocesan and Parish contacts

Name		Role	Phone
Parish priest			
Group leader			
Diocesan safeguarding children adviser			
Parish safeguarding children co-ordinator			

A6 Model agreement with offender

PRIVATE AND CONFIDENTIAL

An Agreement between JK⁵⁶ and the churches of St Luke's benefice

18 January 2010

*Continue to work out your salvation with fear and trembling,
for it is God who works in you to will and to act according to his good purpose.*

(Philippians 2.12–13)

St Luke's and St Andrew's Churches agree to the following:

- 1 To welcome J into the fellowship of our church.
- 2 To encourage him to grow in his faith in Christ.
- 3 To help him live out his new life in Christ.
- 4 To assist him in his desire not to reoffend.
- 5 To guard against J being wrongly accused of any offence.
- 6 To provide a local support group of Revd AB, Mr CD, Mrs EF and Mr GH who will meet regularly with J to provide pastoral support and challenge where appropriate. This will be convened by CD and will meet monthly until the first Review, and bi-monthly or at J's request thereafter. Proper notes shall be maintained and a copy of these lodged with EF or her successor as child protection officer, and the Rector.
- 7 To allow J to practise the organ at either church by arrangement with the Rector and in the presence of the Rector or another person nominated by him.

To this end, the following people will know about J's past offences and will offer fellowship, support, and supervision: Revd AA (incumbent), Revd AB, Revd IJ, Mrs KL, Mrs MN and Mr CD (and their successors as churchwardens), Mr PQ and Mr RS (and their successors as Churchwardens), Mr GH, Mrs EF.

No one else will be informed about J's past offences, unless there is a perceived risk to children or any other member of the public. Appropriate levels of confidentiality will be maintained.

JK agrees to the following:

1. To sit apart from children and young people at church services and meetings.

⁵⁶ All names have been replaced by arbitrarily chosen initials.

- 2 To stay away from areas of the church where children or young people meet.
- 3 To ensure that he is never alone with children or young people.
- 4 To accept the supervision and guidance of members of the support group (see above).
- 5 Not to accept any official role in the church which gives him authority over others.
- 6 If visiting without Mrs K, not to visit the homes of church members without invitation and giving prior notice to the Rector or Revd AB.
- 7 Not to volunteer for any role that would involve responsibility for children.
- 8 Not to initiate any unsupervised contact with children.
- 9 To attend a cell group regularly as directed by the Rector.
- 10 To inform the Rector (or if the Rector is unavailable, the parish child protection officer, or failing that, another member of the Review Group) and the diocesan safeguarding children adviser of any arrangement to play the organ or be involved in any musical activity at another church within the diocese.
- 11 To inform the diocesan safeguarding children adviser (if unavailable the parish child protection officer) of any arrangement to play the organ or be involved in any musical activity at a place of worship outside the diocese, or of another religious denomination.
- 12 To inform any place of worship at which an arrangement has been made to play the organ or be involved in any musical activity that J is subject to an agreement with this parish.
- 13 To inform the diocesan safeguarding children adviser of any jobs or volunteer work applied for at other churches.

If this agreement is broken by J he understands that this may result in further measures being taken and the Police or Probation Service being informed.

The operation of this agreement will be monitored by TU or her successor as benefice child protection officer. TU will also be responsible for convening review meetings.

Review points

This agreement will be reviewed after three months, and thereafter every six months and at other times as determined by the diocesan safeguarding children adviser, or as requested by probation or police colleagues with the consent of the diocesan safeguarding children adviser. J may request a review at any time.

Reviews will take the form of a face-to-face meeting with J and at least two members of the following group and will be recorded. A copy will be given to J and a copy placed on the confidential file and supplied to the diocesan safeguarding children adviser.

Review group

AB, TU, PQ or her successor as churchwarden, GH or his successor as churchwarden, VW (or his successor in the police public protection unit), XY (or his successor in the probation service), CD.

Reviews will also take place at the following milestones:

- 1 On completion of an approved sex offender treatment programme, when subject to the receipt of a satisfactory report consideration will be given to J being allowed to volunteer as an occasional organist for weddings, funerals and other occasional services.
- 2 When discharged from probation, when consideration will be given to J being used as a regular volunteer organist for any service, subject to the advice of the professional colleagues working with J.
- 3 When J's name is removed from the sex offenders register.

Signed (Revd AB, incumbent)

Date

Signed (Mr JK)

Date

In the presence of:

.....

A7 Membership of the revision group

Stephen Barber (chair): Safeguarding Children Adviser, Diocese of Oxford

Peter Baldwin: Safeguarding Children Adviser, Diocese of Birmingham

Yvonne Criddle: National Safeguarding Diversity Officer

Judith Egar: Legal Adviser, National Church

Elizabeth Hall: National Safeguarding Adviser (from July 2010)

Julian Hodgson: Safeguarding Adviser, Diocese of Derby

Pearl Luxon: National Safeguarding Adviser (until July 2010)

Yvonne Quirk: The Bishop of Ely's Safeguarding Adviser

Jill Sandham: Safeguarding Adviser, Diocese of Southwark

Jean Skinner: Safeguarding Adviser, Diocese of Newcastle

A8 Acknowledgements

The group has benefited from the contributions and comments of many people, among them Michael Angell, Simon Bass (CCPAS), Beatrice Brandon, Carolyn Buckeridge, Rachel Bussey, Anthony Collins Solicitors LLP, Janet Hind, Stephen York.

Promoting a safe church

Promoting a safe church

Policy for safeguarding adults in the Church of England

Church House Publishing
Church House
Great Smith Street
London
SW1P 3NZ

ISBN-13 978 0 7151 4109 0
ISBN-10 0 7151 4109 0

GS Misc 837

Printed in England by
Halstan & Co Ltd,
Amersham, Bucks

Published 2006 by Church House Publishing

Copyright © *The Archbishops' Council* 2006

Permission is granted for photocopies of the Confidential Declaration form (pp. 26–27) to be made by the purchaser. The remainder of this publication may not be reproduced or stored or transmitted by any means or in any form, electronic or mechanical, including photocopying, recording, or any information storage and retrieval system without written permission which should be sought from the Copyright Administrator, Church House Publishing, Church House, Great Smith Street, London SW1P 3NZ

Tel: 020 7898 1451

Fax: 020 7898 1449

Email: copyright@c-of-e.org.uk

Contents

Foreword by the Archbishops of Canterbury and York	vii
Summary of the Policy	ix
1 Introduction	1
1.1 Context	1
1.2 Vulnerability	2
1.3 A definition of mistreatment, abuse and harm	3
1.4 Our theological approach	3
2 The Policy	5
2.1 Principles underlying the Policy	5
2.2 The House of Bishops Policy Statement on safeguarding adults in the Church of England	5
2.3 Implementing this Policy – a checklist	6
2.4 Implementing a policy in a diocese	7
2.5 Implementing a policy in a parish	7
2.6 A model policy statement on the safeguarding of adults in a parish	9
<i>Good practice recommendations 1 Promoting good practice</i>	10
GP 1.1 Premises	10
GP 1.2 Duty of care – insurance advice	11
GP 1.3 Prevention of abuse in the Church	11
GP 1.4 Worship	11
<i>Good practice recommendations 2 Guidance for those in positions of trust or exercising pastoral ministry with vulnerable people</i>	13
GP 2.1 Pastoral relationships	13
GP 2.2 Conversations and interviews	14
GP 2.3 Record keeping and privacy	14
GP 2.4 Working with colleagues	15
GP 2.5 Sexual conduct	15
GP 2.6 Financial integrity	16
GP 2.7 Behaviour outside work	16
<i>Good practice recommendations 3 Responding to disclosures by those who have experienced misuse of power, abuse or harassment</i>	17
<i>Good practice recommendations 4 Care of adult survivors of abuse in the Church</i>	19
GP 4.1 Statistics	19

GP 4.2 Effects of abuse	19
GP 4.3 Loss of trust	20
GP 4.4 Why didn't you say so at the time?	20
GP 4.5 Pastoral care of survivors	20
GP 4.6 Survivors and church	21
GP 4.7 Inappropriate responses	22
<i>Procedure 1</i> Recruitment of paid employees and volunteers	23
P1.1 Introduction	23
P1.2 Managing the process	23
P1.3 The Criminal Records Bureau definition of a vulnerable adult	24
P1.4 Confidential Declaration form	26
<i>Procedure 2</i> Reporting mistreatment	28
P2.1 What degree of abuse justifies referral to the local authority?	28
P2.2 Allegations against church workers	29
P2.3 Matters to consider following an investigation	29
<i>Procedure 3</i> Ministering to known offenders	31
<i>Procedure 4</i> Handling complaints against church workers	33
P4.1 Informal mediation	33
P4.2 Clergy and those holding the bishop's licence	33
P4.3 Employees	33
P4.4 Volunteers	34
<i>Appendix 1</i> Confidentiality and information sharing	35
A1.1 General duty of confidentiality	35
A1.2 Confession	35
A1.3 Relevant legislation	36
A1.4 Data protection	36
A1.5 Human rights	36
A1.6 Freedom of information	37
<i>Appendix 2</i> What is mistreatment, abuse or harm?	38
A2.1 Why does mistreatment or abuse happen?	39
A2.2 Different forms of abuse	39
<i>Appendix 3</i> Examples of good and bad practice – for discussion	44
Resources	47
Resources for people who may be vulnerable	47
Resources for adult survivors of abuse	49
Notes	51

Foreword

by the Archbishops of Canterbury and York

Adults can need safeguarding too!

Quite properly we have put in a lot of effort over the past few years developing policies and procedures for the safeguarding of children and, while constant improvement is always necessary, we can be modestly proud of what has been achieved.

The time has now come to ensure that the Church can be as safe a place for adults as for children. That will only seem an odd comment if we forget that people are all vulnerable in one way or another and that an institution like the Church has special opportunities and challenges. Within the Church are ‘all sorts and conditions’ of human beings, diverse in age, gender, ethnicity and with different kinds of ability; there are professionals, amateurs and volunteers, there are ordained ministers and faithful members of congregations. The Church is a body whose members acknowledge their individual needs and which also recognises the human capacity for even the best to go wrong. Issues of power and dependence may not be greater in the Church than elsewhere, but we do have a unique responsibility and ability to address them.

We commend this document to the careful study of the Church as we seek to embody the very highest standards of care. Nothing less will do in a community called to witness to the eternal dignity of every human being.

✠ Rowan Cantuar:
✠ Sentamu Ebor:

Summary of the Policy

- We are committed to respectful pastoral ministry to all adults within our church community.
- We are committed, within our church community, to the safeguarding and protection of vulnerable people.
- We will carefully select and train all those with any pastoral responsibility within the Church, including the use of Criminal Records Bureau disclosures where legal or appropriate.
- We will respond without delay to any complaint made that an adult for whom we were responsible has been harmed, cooperating with police and the local authority in any investigation.
- We will seek to offer informed pastoral care to anyone who has suffered abuse, developing with them an appropriate healing ministry.
- We will challenge any abuse of power by anyone in a position of trust.
- We will care for and supervise any member of our church community known to have offended against a vulnerable person.

1 Introduction

Promoting a safe church seeks to raise the awareness of members of the Church of England of the needs of adults both within society in general and more particularly within the church community. The document should be read in conjunction with the Church of England documents *Protecting all God's children* (2004) and *Responding to domestic abuse – guidance for those with pastoral responsibilities* (2006). Society is recognizing that people are being harmed when they are vulnerable for various reasons whether permanently or on a temporary basis and this abuse can take place in their own homes, in residential care, at work or in other activities including those provided by the Church. Some adults, who do not see themselves as 'vulnerable' under our working definition, may still find themselves exploited, bullied or abused. The safeguarding of adults when harm occurs is the responsibility of everyone. Awareness of the ways people can suffer harm encourages church members to be vigilant both within and outside the church community.

There is a particular responsibility for members of the Church to ensure that all people are treated with respect and that any complaints against church workers are dealt with promptly and fairly. Safeguarding adults within the Church is based on sound pastoral care and good practice.

This policy document is addressed to everyone in the Church of England but especially to church workers who have some responsibility for the pastoral care of others. Such workers may be ordained or lay, licensed, commissioned or accredited; they may be volunteers with no official authorization. This document is intended to help members of the Church to consider issues of vulnerability, disability and integration. Understanding the needs of people with vulnerabilities will enhance pastoral ministry, whilst information about what constitutes mistreatment of adults will be a necessary part of ministerial training. Certain groups, for example ordained clergy and employed people, might already have structures within which they work. The codes and procedures outlined in this document are therefore particularly relevant to those who work or volunteer in more informal ways. Harassment by work colleagues is also covered. For the purposes of this document the term 'church worker' is used to cover all categories.

1.1 Context

In recent years society as a whole has become more aware of the extent of harm to adults. In response to this Parliament passed the Care Standards Act 2000¹ and the Department of Health published accompanying guidance *No Secrets*, a document developing and implementing inter-agency policies and procedures to protect vulnerable adults. The guidance provides a framework for the safeguarding of adults, including recommended structures for the investigation of allegations of abuse by local authorities. Voluntary organizations such as churches are also asked

to develop similar procedures if they are providing services or are in regular contact with adults who might be vulnerable. More recent government guidance, *Safeguarding Adults: a national framework of standards and good practice in adult protection work*, published in October 2005, expands the guidance in *No Secrets*.

In 2002 Churches Together in Britain and Ireland produced the report *Time for Action*, which in part challenged the Churches to respond more compassionately and effectively to adults who had been sexually abused in a church context. This present paper is a response to all three documents *No Secrets*, *Safeguarding Adults* and *Time for Action*.

1.2 Vulnerability

Human beings are, by their very nature, subject to the chances and changes of this world. Each one has strengths and weaknesses, capacities and restrictions. At some time everyone will be vulnerable to a wide range of pressures, concerns or dangers. No one is 'invulnerable'; some people may consider themselves to be strong but, when circumstances change, strengths can quickly disappear. Some people by reason of their physical or social circumstances have higher levels of vulnerability than others. It is the Christian duty of everyone to recognize and support those who are identified as being more vulnerable. In supporting a vulnerable person we must do so with compassion and in a way that maintains dignity. Vulnerability is not an absolute; an individual cannot be labelled as 'vulnerable' in the same way as a child is regarded as such. Childhood is absolute: someone who is not yet eighteen years of age is, in the eyes of the law,² a child; this is not the case with vulnerability. Some of the factors that increase vulnerability include:

- a sensory or physical disability or impairment;
- a learning disability;
- a physical illness;
- mental ill health (including dementia), chronic or acute;
- an addiction to alcohol or drugs;
- the failing faculties in old age;
- a permanent or temporary reduction in physical, mental or emotional capacity brought about by life events, for example bereavement or previous abuse or trauma.

1.3 Definitions for use with those who may be vulnerable

In order to bring into focus those people for whom the Church should have a particular care this working definition may be helpful:

Any adult aged 18 or over who, by reason of mental or other disability, age, illness or other situation is permanently or for the time being unable to take care of him or herself, or to protect him or herself against significant harm³ or exploitation.

A narrower definition is in use for the particular purpose of applying to the Criminal Records Bureau,⁴ but it should be noted that the latest government guidance *Safeguarding Adults* does not speak of ‘vulnerable adults’, which puts the onus on the victim of abuse, but rather concentrates on enabling adults to ‘retain independence, well being and choice and to access their human right to live a life that is free from abuse and neglect’.⁵

1.3 A definition of mistreatment, abuse and harm⁶

Mistreatment is defined in *No Secrets* as ‘a violation of an individual’s human and civil rights by any other person or persons’. In a church context it could be any misuse of a pastoral or managerial relationship, from the most serious to less severe behaviour, which lies at its root. The term covers **abuse**, bullying and harassment. These categories are not watertight and can merge into one another. **Harm** is what results from mistreatment or abuse.

1.4 Our theological approach⁷

From beginning (in the cry of a baby) to end (in the cry from the cross), the life and death of Jesus Christ illustrates the willingness of God to be vulnerable in order to share to the full our world of pain, poverty, suffering and death. In his earthly ministry, Jesus constantly showed himself to be compassionately on the side of the outcast, the marginalized and the stranger, reaching across social barriers with the inclusive love of God. This was wholly in line with the Hebrew Bible’s priority concern for orphans and widows, its obligation to provide a voice for the voiceless, and its prophetic call for justice to ‘roll down like waters, and righteousness like an ever-flowing stream’ (Amos 5.24). The risen Christ’s commission to his followers (‘As the Father has sent me, so I send you’ [John 20.21]) requires the Christian Church to exercise that same concern for those whom some in society treat as the outsider and the stranger, to reach across barriers of exclusion and demonstrate a love which shows itself in compassionate pastoral care and in the quest for justice in all our relationships. The heart of Christian pastoral care is this: love for God and love for our neighbour, the social expression of which is justice in all human affairs.

In line with the gospel of creation and redemption, Christian pastoral care has often been described in terms of healing, sustaining and reconciling. All people, and especially those who may be marginalized through a vulnerability, need to receive the healing love of God to rebuild relationships with others or within themselves which illness, disability or abuse may have fractured. Healing is a process of being made more whole. There can be substantial steps for some people in this life, which can be aided through the Church’s ministry of healing and reconciliation, though full healing in all dimensions of life must wait for the coming of Christ’s kingdom when all creation will be healed and renewed. For those who have been abused, neighbour love includes the need for them to be listened to and believed, supported as they cope with the effects of trauma, enabled to make the choices which will lead to healing and start on the costly road towards forgiveness. The Christian gospel offers the grace of reconciliation

with God, which can enable people to learn to live lives more reconciled with others and with their environment.

Everyone needs the sustaining reassurance that they are treated with the respect that is due to all human beings made in the image of God and precious to God. Those who have challenging personal situations must receive the resources they need to live independent lives with dignity. Everyone needs to know that they can live safely in a non-threatening environment.

Christian pastoral care takes place in the context of the present world, which in gospel terms is provisional. We live in the time between God's living Word to us in Jesus Christ, and the coming of God's kingdom in its fullness, when there will be no more pain, no more tears, no more social exclusion, and no more death. In this world the Holy Spirit sustains our ministry – enabling us to do what we can within the constraints of fallenness and sin, and yet holding out the living hope that the day will come when God will be all and in all.

2 The Policy

2.1 Principles underlying the Policy

Christian communities should be places where all people feel welcomed, respected and safe from abuse. The Church is particularly called by God to support those at the margins, those less powerful and those without a voice in our society. The Church can work towards creating a safe and non-discriminatory environment by being aware of some of the particular situations that create vulnerability. Issues which need to be considered include both the physical environment and the attitudes of workers. A person who might be considered vulnerable has the right to:⁸

- be treated with respect and dignity;
- have their privacy respected;
- be able to lead as independent a life as possible;
- be able to choose how to lead their life;
- have the protection of the law;
- have their rights upheld regardless of their ethnicity, gender, sexuality, impairment or disability, age, religion or cultural background;
- be able to use their chosen language or method of communication;
- be heard.

2.2 The House of Bishops Policy Statement on safeguarding adults in the Church of England

The Church of England is committed to encouraging an environment where all people and especially those who may be vulnerable for any reason are able to worship and pursue their faith journey with encouragement and in safety. Everyone, whether they see themselves as vulnerable or not, will receive respectful pastoral ministry recognizing any power imbalance within such a relationship.

All church workers involved in any pastoral ministry will be recruited with care including the use of the Criminal Records Bureau disclosure service when legal or appropriate. Workers will receive training and continuing support.

Any allegations of mistreatment, abuse, harassment or bullying will be responded to without delay. Whether or not the matter involves the church there will be cooperation with the police and local authority in any investigation.

Sensitive and informed pastoral care will be offered to anyone who has suffered abuse, including support to make a complaint if so desired: help to find appropriate specialist care either from the church or secular agencies will be offered.

Congregations will often include people who have offended in a way that means they are a continuing risk to vulnerable people. The risks will be managed sensitively with the protection of adults and children in mind.

2.3 Implementing this Policy – a checklist

The government guidance *No Secrets* provides the following checklist showing the responsibilities of those who have contact with or provide services for vulnerable people. It provides an action plan for the Church. We should:

- Seek to work in a non-abusive way that respects the rights of individuals to enjoy privacy, dignity, independence and choice. See Good practice recommendations.
- Actively promote the empowerment and well-being of vulnerable people through the services we provide. See Good practice recommendations.
- Ensure rigorous recruitment practices to deter those who actively seek vulnerable people to exploit or abuse, including taking up references and using CRB checks. See Procedure 1.
- Actively promote an organizational culture within which all those who express concern will be treated seriously and will receive a positive response from management. See Procedure 2.
- Ensure that staff and volunteers understand that vulnerable people can be abused and that they know what to do if they think that someone is being abused. See Procedure 2 and Appendix 2.
- Ensure that all staff and volunteers receive appropriate training and support.
- Have an internal policy, procedure and guidance on how managers, staff and volunteers will deal with allegations of abuse, including allegations against their own organization's staff and volunteers. Ensure that the procedure links to the local inter-agency procedure. See Procedure 2.
- Work in cooperation with the local Adult Services⁹ and the police when they are investigating an allegation of abuse. See Procedure 2.
- Identify a 'lead officer' who takes responsibility for training staff and volunteers and updating procedures. See Section 2.4 Implementing a policy in a diocese and Section 2.5 Implementing a policy in a parish.
- Ensure that confidentiality and information sharing related to the protection of vulnerable adults and perpetrators of abuse in a multi-agency context are maintained through the agreed protocols. See Appendix 1.

Have other policies and procedures in place which support good practice, e.g. complaints / whistle blowing / management of service users' money / staff disciplinary procedures. See Procedure 3 and Good practice recommendations, especially GP2.6.

Those organizations that provide a service commissioned by the local authority may well find that their responsibility to report abuse using the local inter-agency procedures will be a contractual requirement.

Those organizations that are the subject of regulatory authorities (e.g. the Commission for Social Care Inspection) will also have additional statutory responsibilities with respect to their duty to report abuse and recruitment of staff.

NB All organizations also have a responsibility to report any concerns that staff and volunteers may have about the abuse of a child or young person (under 18) to the local authority Children's Service. See *Protecting all God's children* (2004).

2.4 Implementing a policy in a diocese

It is recommended that each diocese appoint someone to act in respect of adults. The duties of such a person would include helping people to understand the nature of vulnerability, being the person to whom people in parishes can bring their concerns, and promoting the training of those working in this area. It is likely that there is already in post someone who has the interests of adults with particular vulnerabilities as part of their remit. They could liaise with the child protection adviser, especially in regard to referrals and recruitment decisions. In some dioceses it may be appropriate, possible and cost-effective for the child protection adviser to take on a role in the safeguarding of adults. Such a lead person in the diocese should discuss this policy with the member of staff with responsibility for safeguarding adults in the adult services department of the local authority (county, borough or unitary) in order that they understand local procedures and are clear about the best route for reporting concerns. The implementation of this policy will need to be monitored by the diocese from time to time.

2.5 Implementing a policy in a parish

Everyone, as a citizen, has a responsibility for the safety, well-being and protection of others. Everyone within the church community also has a responsibility to ensure that there is a welcome for all people, including those seen as vulnerable. A policy about the safeguarding of vulnerable people should be the concern of the whole congregation and therefore should be presented to the Parochial Church Council for adoption and be reaffirmed at least annually. This is an opportunity for church members to remember their commitment to one another.

Everyone should be alert to situations where those who might be vulnerable are exposed to unacceptable risks. Those who work with vulnerable people often find themselves in challenging situations and need the support, prayers and encouragement of everyone in the congregation. Sometimes workers may be confronted with difficult behaviour on the part of those with whom they are working; sometimes workers may have to face difficult decisions about incidents that may need to be reported to the statutory authorities. The congregation and church workers need to be clear about the procedures which should be followed when there are concerns about people being harmed or abused.

Those who work most closely with vulnerable people in lunch clubs, day centres, Bible study groups or as pastoral visitors, etc., are in a unique position to get to know them. As a result workers might learn about things that give

cause for concern or they may see others, sometimes including fellow workers or church members, behaving in ways that may be described as abusive or potentially harmful. When visiting a care home, for example, a visitor may observe another resident showing signs of abuse. Workers should have a good knowledge of the guidelines for good practice and should be implementing them; they should know what to do if they learn of any incidents where vulnerable people are being mistreated or abused.

Not all concerns about the welfare or safety of a vulnerable person need the public authorities to be involved;¹⁰ sometimes it may be that the concern focuses on behaviour and attitudes that are not immediately harmful and then the matter should be dealt with through training or discussion. The choices of the adult concerned should if at all possible be accepted. The response to any concerns should always be proportionate and appropriate to the issue.

Parishes should do their best to provide a safe place for those who may be vulnerable. Where the parish organizes special activities or groups for vulnerable people, care should be taken to ensure that those who work in these activities are carefully appointed, supported and supervised. Recruitment to other positions of trust should be carried out sensitively but thoroughly to try to prevent inappropriate appointments being made.

The Parochial Church Council together with the incumbent carries a duty of care for the safety of those who attend or use the church. The Council should, with the help of the diocese, ensure that a policy is in place that reflects the need to safeguard vulnerable people and that it is being implemented and has appropriate resources. The Council needs to find ways to communicate the policy to the whole congregation. Clergy in particular need to be aware of the pastoral needs of vulnerable people, their carers and those that work with them.

It is recommended that a named individual be appointed by the PCC to act as the key person to speak on behalf of vulnerable people both within the congregation and to outside bodies. Ideally the appointed person should have some experience in this field. They should be recruited using Procedure 1 and they should apply for a CRB disclosure. Such a person may be the most appropriate person to receive information about concerns and will need to listen carefully, possibly discussing the matter with the adult concerned and making a decision about whether these concerns should be passed to an outside statutory body such as the police or the local authority Adult Services. The lead person should always liaise with and seek advice from the designated person in the diocese. If there is clear evidence that the vulnerable person has suffered abuse, then this should be reported as soon as possible to local authority Adult Services as the lead agency. All Adult Services Departments (or similar) have policies about the safeguarding of vulnerable peoples and will work in multi-agency collaboration with the health service and police.

Some parishes may find it difficult to appoint someone to undertake this responsibility. It may be more appropriate for this to be considered as an appointment within each deanery. However it must be remembered that each PCC is legally responsible for the activities in its own parish.

2.6 A model policy statement on the safeguarding of adults in a parish

Policy on the Safeguarding of Adults in the Church

This statement was adopted by (Parish) at a Parochial Church Council meeting held on

This policy will be reviewed each year to monitor the progress which has been achieved.

1. We recognize that everyone has different levels of vulnerability and that each of us may be regarded as vulnerable at some time in our lives.
2. As members of this parish we commit ourselves to respectful pastoral care for all adults to whom we minister.
3. We commit ourselves to the safeguarding of people who may be vulnerable, ensuring their well-being in the life of this church.
4. We commit ourselves to promoting safe practice by those in positions of trust.
5. The parish commits itself to promoting the inclusion and empowerment of people who may be vulnerable.
6. It is the responsibility of each of us to prevent the physical, emotional, sexual, financial and spiritual abuse of vulnerable people and to report any such abuse that we discover or suspect.
7. We undertake to exercise proper care in the appointment and selection of those who will work with people who may be vulnerable.
8. The parish is committed to supporting, resourcing, training and regularly reviewing those who undertake work amongst people who may be vulnerable.
9. The parish adopts the guidelines of the Church of England and the Diocese.
10. Each person who works with vulnerable people will agree to abide by these recommendations and the guidelines established by this church.

This church appoints to represent the concerns and views of vulnerable people at our meetings and to outside bodies.

Incumbent

Churchwarden

Churchwarden

Date

Promoting good practices working with people who may be vulnerable

Promoting a safe church is not so much a matter of procedures and rules but rather working together, both helpers and those with differing vulnerabilities, to provide the right environment for everyone to grow in Christian faith. It is important that those working together agree on standards of conduct and how activities are to be carried out. This is particularly necessary if those adults involved in the activity cannot speak for themselves. Attitudes of respect and consideration should be developed in all work with adults, ensuring that everyone is able to maximize their life choices and independence. Privacy and confidentiality are important to everyone and especially people who are dependent on others for aspects of their everyday living.

Some other points to consider are:

- Helping in such a way as to maximize a person's independence. People with additional needs can and do lead active and fulfilled lives but some may need support and resources to do so.
- Always respecting the person and all their abilities.
- Recognizing the choices people make even if they may appear risky.
- Giving people the highest level of privacy and confidentiality possible in the circumstances.
- Including everyone in decisions affecting their life.
- Creating an environment within the Church that can include everyone.

Most people will have no difficulty accepting these values of independence, choice, inclusivity, privacy and respect. However, it is sometimes difficult to think how they might be put into practice. See Appendix 3 for further examples of good practice.

GP1.1 Premises

Church buildings will be inspected to meet Health and Safety standards and should allow people with disabilities to participate as much as possible. Parishes should undertake a regular audit of their buildings in order to ensure that premises enable the church to carry out its duties under the Disability Discrimination Acts of 1995 and 2005. Issues of access, visibility, audibility and toilet facilities are among the items that should be addressed.

GP1.2 Duty of care – insurance advice

All church workers have a duty of care towards those to whom they minister. National and diocesan good practice guidelines and the procedures in this document should be followed to ensure that insurance cover is maintained. The insurers should be contacted as soon as it is clear that a claim may be made against a diocese or parish.

GP1.3 Prevention of abuse in the Church

Prevention is best achieved by both the careful training of workers and the provision of supervision or mentoring for all those working with vulnerable people. Church workers need to understand that they hold a position of power and influence even if they do not feel that that is the case.

Prevention can be particularly difficult with those who may be vulnerable, because of the range of people who are in contact with them and the variety of ways in which churches and others try to be of help or befriend people who otherwise would be isolated. The desire to provide a safe environment should not get in the way of allowing people to develop their own friendships and contacts – some of which may be felt to be risky. If people are working together in groups this can be one way in which harmful behaviours can be prevented. This is not, however, always the case and there have been many instances of a culture of abusive behaviour or attitudes developing in organizations or amongst groups of workers. Risks are increased when people have individual contact with those who are vulnerable.

GP1.4 Worship

There are times when it is appropriate to hold services which have a focus on people with learning or other disabilities. In such instances the liturgy should not be demeaning or patronizing but should have the same aims as any other form of worship – those of reminding us of the presence of God, of saying sorry for our sinfulness, of adoring his majesty, and of coming closer to his presence.

The words that are used in such services may be different from the mainstream but the intent must not differ. It is vital, if planning such an event, to speak with the people who will attend, their families, friends and carers to ensure that everything is appropriate to the situation.

If a service is primarily aimed at deaf people, it is important to set the liturgy in a form that reflects the structure of British Sign Language. The pace of the worship should be sensitive to the requirements of the interpreters and, of course, deaf people should be fully involved in the planning and delivery of the service.

Regular worship in church should take account of the wide range of requirements of any congregation. As well as the church building offering full accessibility for people with mobility challenges, it is also important to cater for the requirements of other disabled people. Some examples might be that:

- **A proportion of all printed material should be in a sans-serif typeface no smaller than 12-point with the ink colour having a**

very good contrast with that of the paper. About 10 per cent of all printed items should be in large print: 18-point sans-serif type in black on lemon-yellow paper. It is not acceptable to simply enlarge an existing document to twice the size and regard this as 'large print'.

- If possible printed material should also be available by electronic means in advance of the service to allow a person with impaired vision to read the document on a computer and then save it in whichever form is most convenient.
- All projected images should be audio-described and anyone presenting material on a screen should keep their faces towards the audience to enable lip-reading. Similarly, speakers should not cover their lips.

Guidance for those in positions of trust or exercising pastoral ministry with vulnerable people

Many dioceses have produced helpful guidance on the professional conduct of clergy and lay people. The Convocations of York and Canterbury have also produced *Guidelines for the Professional Conduct of the Clergy*.

All those involved in pastoral ministry, whether paid or unpaid, clergy or lay, should be working within this or a similar set of guidelines. Following such guidelines should not only protect vulnerable people but also ensure that workers are not wrongly accused of abuse or misconduct.

GP2.1 Pastoral relationships

Exercising any kind of ministry involves workers developing an understanding of themselves and how they relate to others, how they increase the well-being of others and how they ensure their own well-being and safety. People in positions of trust necessarily have power, although this may not be apparent to them, therefore respecting professional boundaries is particularly important. Many pastoral relationships can become intertwined with friendships and social contacts, making this guidance even more necessary.

- Church workers should exercise particular care when ministering to persons with whom they have a close personal friendship or family relationship.
- Church workers should be aware of the dangers of dependency in pastoral and professional relationships and seek advice or supervision when these concerns arise.
- Church workers who exercise a healing ministry should be trained in the theology and non-intrusive practice of that work.¹¹
- Church workers should recognize their limits and not undertake any ministry that is beyond their competence or role (e.g. therapeutic counselling, deliverance ministry, counselling victims of abuse and domestic violence, or their perpetrators, or giving legal advice). In such instances the person should be referred to another person or agency with appropriate expertise.
- Church workers should avoid behaviour that could give the impression of inappropriate favouritism or the encouragement of inappropriate special relationships.

- Church workers should treat those with whom they minister or visit with respect, encouraging self-determination, independence and choice.
- Care should be taken when helping with physical needs, washing and toileting, always respecting the choices of the individual concerned.
- Pastoral relationships may develop into romantic attachments and such situations should be handled sensitively. Workers need to recognize such a development and make it clear to both the person concerned and a supervisor or colleague. Alternative arrangements should be made for the ongoing pastoral care of the person concerned.
- Church workers should not undertake any pastoral ministry while they are under the influence of drink or non-prescribed drugs.

GP2.2 Conversations and interviews in a ministry context

Formal interviews and informal conversations in a ministry context are pastoral encounters. Church workers should be aware of their language and behaviour. For example, innuendoes or compliments of a sexual nature are always inappropriate. When a person asks questions or seeks advice around topics of a sexual nature, the worker should be discerning about the motives and needs of the person and question their own ability to assist.

The church worker should consider in advance:

- the place of the meeting, arrangement of the furniture and lighting, the worker's dress;
- the balance of privacy for conversation with the opportunity for supervision (open doors or windows in doors, another person nearby);
- the physical distance between people determined by hospitality and respect, being aware that someone may have suffered abuse or harassment in the past;
- whether the circumstances suggest a professional or social interaction;
- the propriety or danger of visiting or being visited alone, especially in the evening;
- the personal safety and comfort of all participants;
- establishing at the outset the nature of the interview in respect to subject matter, confidentiality and duration;
- the appropriateness of initiating or receiving any physical contact, for example gestures of comfort, which may be unwanted or misinterpreted.

GP2.3 Record keeping and privacy

- Church workers should consider keeping a daily record of pastoral encounters to include date, time, place, subject and actions to be taken. The content of any encounter should only be recorded with the person's consent

unless it is a matter of child protection or might be a record of suspicion of abuse or mistreatment.

- Any record should be factual and avoid rumour or opinion.
- Records concerned with abuse should be kept indefinitely (at least 50 years).
- The publishing, sharing or keeping of personal data or images should follow the appropriate legislation. See Appendix 1.

GP2.4 Working with colleagues

The standards maintained within a pastoral relationship are equally relevant in relationships with colleagues. Harassment or bullying should never be condoned. All workers need to be aware of the possibility of stress within the work place. The needs of family should be acknowledged and all who work together should acknowledge the boundaries between work and home, allowing sufficient time for relaxation and holidays. Everyone who works with vulnerable people should know to whom they are accountable and have a designated person with whom to discuss their work.

- Church workers should be aware of the responsibilities, function and style of other church workers and encourage cooperation and consultation between workers in the tasks they do.
- Colleagues should not be discriminated against, harassed, bullied or abused for any reason.
- Colleagues should not be penalized for following this guidance or for taking action regarding others and this guidance.
- When leaving office or relinquishing any task church workers should relinquish any pastoral relationship except with the agreement of any successor.
- Church workers should know to whom they are accountable and be regularly mentored by them or another person who can assist. Such mentoring is especially necessary for those undertaking a continuing individual pastoral ministry of counselling, or when their ministry takes them outside normal church work.
- Church workers should ensure that their tasks can be carried out by another if they are ill or otherwise unable to fulfil their responsibilities.

GP2.5 Sexual conduct

The sexual conduct of church workers may have an impact on their ministry within the Church. It is never appropriate for workers to take advantage of their role and engage in sexual activity with anyone with whom they have a pastoral relationship. Workers should be aware of the power imbalance inherent in pastoral relationships.

- Church workers must not sexually abuse an adult or a child.
- Church workers must take responsibility for their words and actions if wishing to make physical contact with another adult (e.g. a hug may be

misunderstood) or talk to them about sexual matters. This will include seeking permission, respecting the person's wishes, noticing and responding to non-verbal communication, refraining from such conduct if in doubt about the person's wishes.

- Church workers should follow the Church's discipline on sexual matters.
- Church workers must not view, possess or distribute sexual images of children and should refrain from viewing, possessing or distributing sexually exploitative images of adults.
- Church workers should avoid situations where they feel vulnerable to temptation or where their conduct may be misinterpreted.

GP2.6 Financial integrity

Financial dealings can have an impact on the church and the community and must always be handled with integrity. Those with authority for such matters should maintain proper systems and not delegate that responsibility to anyone else.

- Church workers should not seek personal financial gain from their position beyond their salary or recognized allowances.
- Church workers should not be influenced by offers of money.
- Church workers should ensure that church and personal finances are kept apart and should avoid any conflict of interest.
- Money received by the church should be handled by two unrelated lay people.
- Any gifts received should be disclosed to a supervisor or colleague where it should be decided whether they could be accepted.
- Care should be taken not to canvass for church donations from those who may be vulnerable, e.g. the recently bereaved.

GP2.7 Behaviour outside work and Christian ministry

In church ministry behaviour outside work can often impinge on that ministry. Church workers are expected to uphold Christian values throughout their lives.

Responding to disclosures by those who have experienced misuse of power, abuse or harassment

After experiencing abuse, at some time during the healing process many people will want to consider further action beyond personal acceptance of what has happened.

Such action may involve deciding to tell a trusted friend, partner, parent or perhaps a member of the clergy. However, some people have been further hurt when the friend, relative or church worker has not been able to cope with the disclosure and has responded inappropriately.

Seeking some kind of therapeutic help may be an option and it may be that within such help or discussions with friends consideration is given to what else needs to be done.

Abuse, which thrives on secrecy, loses some of its power to harm when this secrecy is broken. Nevertheless, whom to tell, when, and for what purpose needs careful thought. Being able to talk to a close friend or relative, who is able to hear, support and care, is for many people the most useful help in healing. For some this trusted relationship is with a counsellor, clergyperson or other professional.

At some point in the personal healing journey many survivors consider what they should do about the abuser. Some may wish to confront the abuser either personally or by letter, for others this is impossible, but they still may wish to ensure that the abuser is not in a position to harm others.

One of the consequences of speaking to others about the abuse is that they may have a responsibility to act. A family member may need to be sure that others in the family are safe. A friend may be aware that the abuser is involved with children or vulnerable people and be concerned for them. Organizations that work with children or vulnerable people will have policies with procedures that need to be followed if someone in the organization becomes aware of allegations of abuse.

For some it will be important that the person is brought to account for their actions through the criminal justice system, and if a criminal act has been committed this may be a necessary action that the church must take in order to protect others. Following an investigation, the alleged abuser may be charged and taken to court. It takes a lot of courage to give evidence in court and to accept the decision of the jury. Nevertheless many people feel relieved whatever the outcome that they have done their best and spoken out in public.

If the alleged abuse has taken place within the church the survivor may wish to make this known to someone in authority and this should be facilitated even in cases where a formal complaint is not made. If a formal complaint is made written statements will be required. If the case comes to a tribunal evidence may need to be given in person. It is important that the survivor is supported throughout this process: deciding what to do, making the formal complaint and giving evidence if necessary.

Care of adult survivors of abuse in the Church¹²

Many adults in the Church may be suffering from the effects of abuse – abuse they suffered in childhood or as adults, abuse of different kinds. The Church has a responsibility to support those people who may feel very vulnerable and whose vulnerability may open them up to further abuse. Some abuse may seem trivial to an onlooker, but the severity of abuse needs to be seen in terms of how the victim responded to the abuse both at the time and later.

GP4.1 Statistics

Although numbers vary, some reports show that about 1 in 4 girls, and 1 in 9 boys are abused in childhood.¹³ Key research in 21 countries found varying rates from 7 to 36 per cent of women and 3 to 29 per cent of men reporting they had been sexually abused as children.¹⁴ One of the most rigorous UK studies found that 12 per cent of women and 8 per cent of men reported they had been sexually abused before the age of 16.¹⁵ There is some evidence that there is considerable under-reporting from boys and men.

GP4.2 Effects of abuse

Some survivors cope well with life and are able to live apparently ‘normally’. Some, however, although they present a ‘normal’ face to the world, may well be suffering and sometimes be unable to say what their problem is – or even to know why they feel ill at ease and unable to feel a sense of peace and joy.

Some may show a range of symptoms such as:

- repeated bouts of depression;
- exhibiting anger and hostility – or being unable to connect at all with feelings;
- behaving like a victim – low self-esteem and putting themselves down and constantly apologizing;
- inability to get close to people, or wanting to be inappropriately close;
- disturbed sleep, nightmares and so on;
- tending to ‘space out’ (cutting off from reality);
- exhibiting fears, phobias and anxiety;
- self-harming (this is a way of coping, not something done ‘to get attention’);
- tending to feel an inappropriate amount of guilt and shame;

- sometimes relying on smoking, drugs, alcohol or medication;
- experiencing hallucinations and/or ‘flashbacks’ of the abuse;
- sometimes moving from one abusive relationship to another.

GP4.3 Loss of trust

Adults and children who are abused can lose trust in those around them, especially if the abuse was within the home. (Most abuse is carried out by people known to the victim.) The loss of trust will profoundly affect the life of the survivor. They may decide (often unconsciously) never to trust anyone ever again – and this is likely to affect their faith and relationships.

GP4.4 Why didn’t you say so at the time?

Many survivors say nothing about the abuse for many years. Some have buried their memories so deeply within themselves that they have ‘forgotten’ what happened – especially if the abuse happened when they were very young.

Memories may be ‘triggered’ in a range of ways, for example:

- hearing about abuse on television;
- being in another abusive situation such as finding difficulties with a domineering employer;
- being in a situation where they feel powerless;
- feeling vulnerable, ill, under stress, or suffering from burnout;
- the death of their abuser or of one of their carers;
- the birth of their own child.

Few victims can report their abuse close to the event and so often reported abuse is about events of years ago, leading to difficulties with finding any proof of what happened. It is often one person’s word against another, and the likelihood of the survivor getting justice is slim. However, some cases do go to court, but the experience can be devastating for both children and adults and they are likely to need considerable support.

GP4.5 Pastoral care of survivors

An adult (or indeed a child) disclosing abuse is in a vulnerable state. **Above all they need someone to listen to them – and also to believe them. They may need to be ‘heard’ in different contexts and over several years.**

If there is a complex pastoral situation when an adult discloses abuse (e.g. a young person in their twenties accusing a church worker of sexually abusing them), it would be appropriate to find some support for the different parties involved, such as another survivor to support the person making the allegations.

There is no quick fix for healing from abuse and it is crucial that survivors:

- Are not pushed into forgiving too early. Forgiving their abuser/s is a

complex process, and considerable damage can be done by treating forgiveness as something that they must do unreservedly and now.

- Are not put in a position of feeling even more guilty than they already do. Survivors tend to feel that the abuse was all their fault, particularly when there was more than one abuser.
- Are accepted as they are, however full of anger they may be. Anger can be seen as one step along the road to forgiveness – at least if they are angry they are starting to accept that the abuse seriously affected them and this can be a good starting point to move towards healing.
- Are given a sense that those within the church community who know about the abuse are ‘with them’ along the road to recovery. The journey can be very long and supporters are essential.

Survivors can benefit from professional counselling if that is available, but also joining a self-help group can provide the kind of long-term support needed. Survivors helping other survivors can be powerful and effective.

GP4.6 Survivors and church

Many survivors have problems with attending church and it can be that some of those on the fringes of church communities include survivors.

There are some specific things that can be difficult:

- Saying the Lord’s Prayer (believing that they must forgive immediately or God will reject them).
- Specific words can trigger unwanted feelings or images, such as ‘Father’, ‘sin’, ‘let Jesus come into you’, ‘overshadow’.
- The Peace can frighten survivors because they often don’t want to be touched, particularly hugged.
- The emphasis on sin can be so difficult that some survivors leave the Church altogether.
- Anointing and touch is very difficult for someone whose body boundaries have been violated.

Holy communion can be extremely problematic.

- Words such as ‘blood’ and ‘body’ can trigger memories of the abuse.
- Some can’t cope with anyone behind them so queuing to get to the altar is difficult.
- Having to get physically close to others might lead to unwelcome smells, such as deodorant, aftershave or the smell of alcohol.
- It can be hurtful to kneel with a man standing over them delivering wine at crotch level.

Those who have been ritually or spiritually abused face particular difficulties. Triggers may include ritual symbols and equipment such as the altar, candles,

chalice, crosses and crucifixes, the sacrificial lamb, etc. People abused by those in ministry may have been told it was ordained by God, a special service to those who serve the Lord, a blessing from God, Spirit-led, etc. Sensitivity, care and ideally informed input are needed to help people work through these issues to discover the liberating truth of the Gospel.¹⁶

The sense of pollution is frequently internalized. Some survivors even feel that if they go to church they will ‘pollute’ the service for others; such is their feeling of guilt and shame.

It is important to recognize the vulnerability and possible ‘childlike’ state of survivors, especially when they are in crisis or the early stages of healing. They can be over-compliant and easily manipulated. Power abuse within pastoral care is a real danger here.

GP4.7 Inappropriate responses to survivors

There are examples of inappropriate responses to survivors in the report *Time for Action* (pp. 52 ff.) and these stories could be a basis for discussion about care of survivors with staff or PCC members.

It is inappropriate to

- tell a survivor it is her fault that she has lost her virginity;
- insist a survivor must forgive before he or she comes to communion;
- say to them, ‘It was all so long ago, why don’t you forgive and forget?’;
- expect a survivor to move towards recovery without considerable support;
- tell a survivor that they cannot work with children or young people ‘because abused people abuse others’;
- have unrealistic expectations of healing such as ‘We’ve prayed for you for over a year now so you must be better’;
- try to arrange for the survivor to meet with the perpetrator or suggest reconciliation is a good thing – you could put someone in real danger;
- try to counsel survivors without having sufficient knowledge or awareness yourself of the dynamics and issues of abuse;
- use touch or anointing without clear boundaries and informed consent.

Survivors need time to work on their feelings and be able to accept that:

- it was not their fault;
- they haven’t committed the unforgivable sin;
- they have no need to feel guilt and shame;
- God loves them unconditionally.

Recruitment of paid employees and volunteers

P1.1 Introduction

This procedure concerns the safe recruitment of paid employees and volunteers in parishes who are to work with children or those who may be vulnerable (including vetting by the Criminal Records Bureau).

1. The PCC should agree on ways in which new employees and volunteers who are to work with children or vulnerable people will be recruited and appointed, and who will be involved in the process. Agreement should be reached on who will be responsible for taking up references, seeking a confidential declaration, and validating the identity of applicants for CRB disclosures; these tasks can be completed by different people.
2. Leaders of groups should inform the person managing recruitment of possible new employees or volunteers at an early stage so that these procedures can be followed.
3. In general people should be involved in the life of the parish for at least six months before being asked to help with work with children or vulnerable people.
4. People may visit groups on an occasional basis where it would be unrealistic to recruit them using this procedure. It is important that they are not made responsible for a group or left in sole charge.
5. Young people between the ages of 14 and 16 assisting as helpers should be treated as 'visitors' to a group; care should be taken to support and supervise these young people.
6. Young people between the ages of 16 and 18 assisting as helpers should be appointed in the same way as adults, but with their parents' permission.

P1.2 Managing the process

1. For any position, draw up a job description, which will include a statement of the tasks and responsibilities and to whom the person will be accountable.
2. Decide whether or not any new appointment requires a disclosure from the CRB. For disclosures at the standard or enhanced level there must be an expectation that the role will include regular contact with children or with vulnerable adults complying with the CRB definition, see below.
3. Ask all applicants to fill in an application form, which should include information about the policies required by the CRB. These policies should be made available to the applicant on request. The form will enable

applicants to show their qualifications and experience for the tasks or position offered.

4. Seek two references including at least one that can comment on a person's suitability to work with either children or vulnerable people. If possible, ensure that one reference is from outside the present congregation. Obtain a reference from the incumbent of any previous church.
5. Interview the candidates. Interviews for volunteers are likely to be relatively informal but still need to ensure that the volunteer and the task are compatible and that the volunteer has the necessary skills to carry it out.
6. Ask each successful applicant to complete a confidential self-declaration form. This gives the individual the opportunity to declare any convictions or allegations at an early stage. It should be made clear to the applicant to whom the form should be returned and who will see any confidential information it contains. Information contained on a declaration should be discussed with the diocesan child protection adviser or the person designated by the diocese to deal with these matters for vulnerable people. The manager of the recruitment procedure should be informed when a satisfactory confidential declaration has been obtained.
7. Complete the CRB process if applicable to the post. The diocese will have detailed procedures for this procedure.
8. If applicants have lived outside the UK it is the responsibility of the parish to satisfy themselves through references or equivalent CRB procedures that they are suitable people to be appointed.
9. Once all the checks have been completed and the person is appointed, any contract, probationary period or commissioning should be agreed. The person appointed should be asked to adhere to any diocesan policy for the protection of either children or vulnerable people, including a code of conduct. Post holders should be offered training and support to carry out their tasks.

P1.3 The Criminal Records Bureau definition of a vulnerable adult

The CRB defines a vulnerable adult as:

A person aged eighteen or over who receives services of a type listed in paragraph 1) below and in consequence of a condition of a type listed in paragraph 2) below, has a disability of a type listed in 3) below:

The services are:

- a) Accommodation and nursing or personal care in a care home
- b) Personal care or support to live independently in his or her own home
- c) Any services provided by an independent hospital, independent clinic, independent medical agency or National Health Service body
- d) Social care services, or

- e) Any services provided in an establishment catering for a person with learning disabilities.

The conditions are:

- A learning or physical disability
- A physical or mental illness, chronic or otherwise including an addiction to alcohol or drugs, or
- A reduction in physical or mental capacity

The disabilities are:

- A dependency upon others in the performance of, or a requirement for assistance in the performance of basic physical functions,
- Severe impairment in the ability to communicate with others, or
- Impairment in a person's ability to protect him/herself from assault, abuse or neglect.

Those who regularly care for, train, supervise or are in sole charge of vulnerable people as described by the above definition are the only ones who should obtain a CRB Enhanced Disclosure.

Many people who work with adults will not be able to be checked. The extra check with the Protection of Vulnerable Adults (POVA) list¹⁷ is further restricted to those providing a service to vulnerable adults either in residential care, as a domiciliary agency or as an adult placement service.

Therefore:

- People working in or regularly visiting care homes can apply for a disclosure plus POVA check through the care home if this is required by the home.
- People visiting vulnerable people (as defined by the CRB) in their homes can apply for a disclosure without a POVA check, that is, the counter-signatory should not tick either of the boxes adults or children in section Y of the application form.
- People working with adults but not with the most vulnerable should be carefully recruited and references taken up.

P1.4 Confidential Declaration form

To be completed by those wishing to work with children or vulnerable people.

The Confidential Declaration form applies to beneficed clergy, those who hold the bishop's licence or permission to officiate, employees, ordinands and volunteers who are likely to be in regular contact with children or vulnerable people. This form is strictly confidential and, except under compulsion of law, will be seen only by those responsible for the appointment and, when appropriate, the diocesan/bishop's adviser for children and vulnerable people. All forms will be kept securely under the terms of the Data Protection Act 1998. If you answer yes to any question, please give details, on a separate sheet if necessary, giving the number of the question you are answering.

1. Have you ever been convicted of a criminal offence (including any spent convictions under the Rehabilitation of Offenders Act 1974)?

YES ☐ NO ☐

Note: Declare all convictions, cautions, warnings or reprimands however old or whether you are at present under investigation by the police. Motoring offences that cannot be dealt with by a prison sentence need not be declared. Posts where the person is working or coming into regular contact with children or vulnerable adults are exempt from the 'Rehabilitation Act 1974'. Convictions obtained abroad must be declared as well as those from the UK.

2. Have you ever been cautioned by the police, given a reprimand or warning or bound over to keep the peace?

YES ☐ NO ☐

3. Are you at present under investigation by the police or an employer for any offence?

YES ☐ NO ☐

4. Has your name been placed on the Protection of Children Act (POCA), List 99 or the Protection of Vulnerable Adults List (POVA), barring you from work with children or vulnerable people?

YES ☐ NO ☐

5. Have you ever been found by a court exercising civil jurisdiction (including matrimonial or family jurisdiction) to have caused significant harm* to a child or vulnerable adult, or has any such court made an order against you on the basis of any finding or allegation that any child or vulnerable adult was at risk of significant harm from you?

YES ☐ NO ☐

Note: Declare any finding of fact by a civil court that your actions have significantly harmed a child or vulnerable adult. Declare any court orders made on this basis.

6. Has your conduct ever caused or been likely to cause significant harm to a child or vulnerable adult, or put a child or vulnerable adult at risk of significant harm?

YES ☐ NO ☐

Note: Make any statement you wish regarding any incident you wish to declare.

7. To your knowledge, has it ever been alleged that your conduct has resulted in any of those things?

YES ☐ NO ☐

If yes, please give details, including the date(s) and nature of the conduct, or alleged conduct, and whether you were dismissed, disciplined, moved to other work or resigned from any paid or voluntary work as a result.

Note: Declare any complaints or allegations made against you, however long ago, that you have significantly harmed a child, young person or vulnerable adult. Any allegation or complaint investigated by the police, Children's Services, an employer or voluntary body must be declared. Checks will be made with the relevant authorities.

8. Has a child in your care or for whom you have or had parental responsibility ever been removed from your care, been placed on the Child Protection Register or been the subject of a care order, a supervision order, a child assessment order or an emergency protection order under the Children Act 1989, or a similar order under other legislation?

YES ☐ NO ☐

Note: All these matters will be checked with the relevant authorities.

9. Have you any health problem(s), which might affect your work with children or vulnerable adults?

YES ☐ NO ☐

Note: Declare in confidence any health issues that may affect your ability to work with children or adults. This question is primarily intended to help you if you subsequently need to withdraw from work e.g. because of a recurring health issue.

* Significant harm involves serious ill-treatment of any kind including neglect, physical, emotional or sexual abuse, or impairment of physical or mental health development. It will also include matters such as a sexual relationship with a young person or adult for whom you had pastoral responsibility.

Declaration

I declare that the above information (and that on the attached sheets **) is accurate and complete to the best of my knowledge.

Signed

Full name

Date Date of Birth

Address

** Please delete if not applicable. Please return completed form to:

Before an appointment can be confirmed applicants may be required to provide an enhanced/standard disclosure from the Criminal Records Bureau – see incumbent or parish coordinator for details.

All information declared on this form will be carefully assessed to decide whether it is relevant to the post applied for and will only be used for the purpose of safeguarding children, young people or vulnerable adults.

Reporting mistreatment

Many clergy and lay people will visit vulnerable people. If they suspect that someone is being mistreated in some way, they should always take responsibility for doing something about their concerns. Some vulnerable people will find it difficult to disclose abuse and may need help to tell their story to someone they trust. An independent interpreter should be used if there is any kind of communication challenge. Careful listening is most important, without 'leading' someone with suggestions or 'closed' questions that may confuse the story. If someone discloses abuse it is important to receive the information without making a judgement or making a comment that may lead the individual to believe his or her word is doubted.

Talking to a member of the clergy, social responsibility adviser, senior member of a voluntary organization or the social or health care services may help to clarify the issues. A referral to the local authority may be necessary.

Under no circumstances should anything be done that might be construed as an investigation of the allegation, as action of this nature may contaminate evidence should a formal investigation by either the police or local authority be instigated.

Many vulnerable people rely on their carers for support, shelter and care and therefore the reporting of mistreatment needs to be undertaken with sensitivity.

The government guidance *No Secrets* places on local authorities the responsibility to provide a structure for the investigation of harm to vulnerable people. It is therefore important that serious concerns are referred to the designated person in the Adult Services Department (or similar) of the local authority.

P2.1 What degree of abuse justifies referral to the local authority?¹⁸

When deciding whether a referral is necessary it is helpful to consider the concept of 'significant harm' introduced in the Children Act 1989, which provides the threshold for the state to intervene to investigate possible abuse. The Act states that

harm should be taken to include not only ill treatment (including sexual abuse and forms of ill treatment which are not physical), but also the impairment of, or an avoidable deterioration in, physical, intellectual, emotional, social or behavioural development. In assessing the seriousness of abuse the following factors need to be considered:

- the **vulnerability** of the individual;
- the **nature and extent** of the abuse;
- the **intent** of the alleged offender;
- the **length of time** it has been occurring;

- the **impact** on the individual;
- the risk of **repeated or increasingly serious** acts involving this or other vulnerable adults.

P2.2 Allegations against church workers

Church workers themselves may be suspected of mistreatment of an adult or another worker. Workers may not be following a code of conduct for church workers, an example of which is set on page 13. (If the alleged abuse or mistreatment is of a child under the age of 18 years the procedures set out in *Protecting all God's children* must be followed.) If the abuse of adult appears to be a criminal offence the police must be informed and a referral must be made to the local authority. Consideration should be given to whether the worker should be suspended during any investigation.

With less serious matters such as inappropriate behaviour or attitude not amounting to abuse, the worker's immediate superior should approach the worker and discuss the concern with them with the aim of identifying ways of improving the situation. The worker should be informed that disciplinary proceedings might be brought if there is no improvement. People suffering from mistreatment may wish to make a complaint. Dioceses should have procedures in place to allow complaints to be made. A possible complaints procedure is provided in Procedure 4.

Record keeping

It is recognized that people may not make a complaint about abuse until many years after the event. It is therefore important in all circumstances where it has been considered that abuse might have taken place to make careful, factual records. It is recommended that records containing issues of child or adult abuse should be held for a minimum of 50 years. The people involved in such records should be informed that a record is being kept and if possible all parties should agree the record.

Duty of care – insurance advice

All church legal bodies, usually the parish, have a duty of care towards those to whom they minister. National and diocesan good practice guidelines and the procedures in this document should be followed to ensure that insurance cover is maintained. The insurers should be contacted as soon as it is clear that a claim may be made against a diocese or parish.

P2.3 Matters to consider following an investigation

An investigation into harm of an adult may result in a criminal conviction, disciplinary penalties, dismissal or resignation from a voluntary or paid position. Support of all concerned will need to be continued throughout the incident. Sometimes in less serious cases the person concerned will need appropriate training and extra supervision in order to be able to continue in their position.

Any abuse within the Church also creates second-order victims, those who experience a betrayal of the trust they have placed in those holding office of any kind. Members of congregations can, for example, feel let down and hurt when one of their leaders offends. Special care is required when a congregation is recovering from the effects of disclosure of abuse.

Great care will need to be taken if a person convicted of any relevant offence wishes to be employed or redeployed in a position working with the vulnerable, either adults or children. The diocesan procedures set up to deal with blemished CRB disclosures should be used to assess any relevance or risk.

Ministering to known offenders¹⁹

Recent research has shown that a disproportionately large number of convicted offenders against children and vulnerable people attend churches. The figures range from 25 per cent upwards. It is therefore possible for many congregations to have offenders amongst their worshippers, some of whom will be known. Not all will have committed sexual offences; some will have been guilty of neglect, physical or emotional abuse. The Church's duty to minister to all imposes a particular responsibility to such people. This must not however compromise the safety of children and those adults who may be vulnerable.

Where an offender is known, befriended and helped by a group of volunteers to lead a fulfilled life without direct contact with children or vulnerable adults the chances of re-offending are diminished and the Church has thus an important role in preventing abuse.

- When it is known that a member of the congregation has been accused or convicted of abusing children, young or vulnerable people the diocesan child protection adviser or the person designated to give advice on vulnerable people must be consulted, so that a safe course of action can be agreed. Because of the compulsive nature of sexual abuse it is expected that an agreement will be entered into with the offender.
- A frank discussion should be held with the offender, explaining that a small group from the congregation will need to know the facts in order to create a safe place for him or her. If possible the membership of the group should be agreed. Those needing to know are likely to include the clergy, churchwardens, Child Protection or vulnerable person's coordinator and any befriending volunteers. Anybody coordinating activities for vulnerable groups will need to be informed so that they do not inadvertently ask the person to volunteer.
- Consider whether, with the offender's agreement, the congregation should be told.
- It must be made clear that no one else should be informed of the facts without the offender's knowledge. The highest levels of confidentiality should be maintained.
- The group should offer support and friendship as well as supervision. They should endeavour to keep open channels of communication.
- It will be necessary to establish clear boundaries for both the protection of the young or vulnerable people and to lessen the possibility of the adult being wrongly accused of abuse. Prepare an agreement which includes:

- attending designated meetings only;
 - sitting apart from children or vulnerable people;
 - staying away from areas of the building where vulnerable groups meet;
 - attending a house group where there are no children or vulnerable people;
 - declining hospitality where there are children or vulnerable people;
 - never being alone with children or vulnerable people;
 - never working with children or vulnerable people.
- Ask the offender to sign the agreement.
 - Enforce the agreement – do not allow manipulation.
 - Provide close support and pastoral care.
 - Review the agreement at regular intervals.
 - Ban the offender from church if the agreement is broken and tell other churches or the probation officer. If the person cannot be banned because they live in the parish, the advice of the diocesan registrar should be sought and a high level of supervision maintained.

In some cases offences only come to light after many years. In such situations great sensitivity will be required. It must, however, be remembered that there may still be a substantial risk to children or vulnerable people.

Procedure 4

Handling complaints against church workers

The cost to someone of making a complaint may be very high. It is important, therefore, that the church takes complaints very seriously. Complaints should be dealt with promptly and transparently. Careful records should be kept.

P4.1 Informal mediation

Experience has shown that many concerns can be resolved informally and locally. Such a situation might involve the person making the allegations discussing their concerns with a line manager, a member of the clergy or someone else in a position of authority, for example a churchwarden. The informal route should always be tried first. It should be clear in each parish to whom someone should go with a complaint.

At this early stage it will be important for someone to listen carefully to the complainant to determine how he or she wishes to proceed. It will also be important to try to ascertain whether a criminal offence has been committed. If an offence is suspected the complainant should be given the opportunity to make a statement to the police. If it appears that a criminal offence might have been committed the alleged offender should not be spoken to without police agreement.

P4.2 Clergy and those holding the bishop's licence

Complaints against clergy and lay ministers holding the bishop's licence should be referred to the bishop, either directly or through the archdeacon or warden of Readers as appropriate. If the complainant wishes to make a formal complaint against a member of the clergy under the Clergy Discipline Measure 2003,²⁰ the procedure is fully explained in the Code of Practice to the Measure.

P4.3 Employees

Since 1 October 2004, employers have been required²¹ by law to comply with minimum dismissal and disciplinary procedures, which in most cases will involve a three-stage process:

1. The employer notifies the employee in writing of the alleged disciplinary matter and invites the employee to attend a meeting. The employee must be told the basis of the complaint and given a reasonable time to respond, and no action (except suspension) may be taken until the meeting has been held.

2. The employee must take all reasonable steps to attend the meeting, at which he or she is entitled to be accompanied. The employer must notify the employee of the decision taken and of the right to appeal.
3. If the employee notifies the employer that he or she wishes to appeal, a further meeting must be held, but any disciplinary action does not have to be postponed in the meantime. The employee must take all reasonable steps to attend the appeal meeting and is, again, entitled to be accompanied. The employer must notify the employee of the decision made.

It is essential that these procedures be followed, as failure to do so will automatically render any dismissal unfair if a claim is brought in an employment tribunal. Legal advice should be sought as appropriate.

P4.4 Volunteers

When an allegation is made against a volunteer it may be possible to resolve the concern informally, if it is not of a serious nature. For complaints of more substance, it would be good practice to follow a process similar to the statutory procedure for employees set out above. However, if a complaint is referred to the local authority or the police, consideration should be given to whether the volunteer is suspended from duty until the outcome of those investigations is known. If the investigations are inconclusive or if concerns remain, the incumbent, PCC or other body responsible for appointing the volunteer will need to consider carefully whether the suspension should be lifted, and, if so, on what conditions. Professional advice (e.g. from the diocesan registrar or diocesan risk assessment panel) should be sought as appropriate.

Confidentiality and information sharing

A1.1 General duty of confidentiality

Both law and sound morals impose a general duty not to pass on information which has been received in the clear expectation that it will be treated as confidential. That duty is not absolute, however, and the courts will not intervene to restrain disclosure where (a) the information relates to a crime or other serious misconduct and (b) disclosure is in the public interest. **Thus, where a vulnerable person is judged to be at risk of significant harm or an adult is likely to harm themselves or others, usually it will be legally possible, appropriate and highly desirable to disclose relevant information to the public authorities for the sake of protecting that vulnerable person.**

If such information has been received in confidence, the person giving the information should in the first instance be encouraged to disclose it to the authorities him or herself. Alternatively, the person receiving the disclosure should ask permission to pass the information on. If this request is denied it might still be possible to pass the information to a statutory body. Government guidance relating to child protection issued in 2003 gives helpful advice, which is also relevant in the context of the protection of vulnerable adults. The guidance states:

Disclosure in the absence of consent²²

The law recognises that disclosure of confidential information without consent or a court order may be justified in the public interest to prevent harm to others.

The key factor in deciding whether to disclose confidential information is proportionality: is the proposed disclosure a proportionate response to the need to protect the welfare of the child? The amount of confidential information disclosed, and the number of people to whom it is disclosed, should be no more than is strictly necessary to meet the public interest in protecting the health and well-being of a child. The more sensitive the information is, the greater the child-focused need must be to justify disclosure and the greater the need to ensure that only those professionals who have to be informed receive the material.

A1.2 Confession

It is possible that relevant information may be disclosed in the particular context of sacramental confession. Canon law constrains a priest from disclosing details of any crime or offence which is revealed in the course of formal confession;

however, there is some doubt as to whether this absolute privilege is consistent with the civil law.²³ Where a penitent's own behaviour is at issue, the priest should not only urge the person to report it to the police or local authority, but may judge it necessary to withhold absolution until this evidence of repentance has been demonstrated.

It is in everyone's interest to recognize the distinction between what is heard in formal confession (however this might take place), which is made for the quieting of conscience and intended to lead to absolution, and disclosures made in pastoral situations. For this reason, it is helpful if confessions are normally heard at advertised times or by other arrangement or in some way differentiated from a general pastoral conversation or a meeting for spiritual direction.

A1.3 Relevant legislation

Legislation designed to safeguard the private lives of individuals has been framed to take account of the overriding need to protect the wider community against crime and serious misconduct. Nevertheless, it is important to be aware of the legal obligations which apply to those who hold sensitive information about others.

A1.4 Data protection

Information which relates to an individual's physical or mental health, sexual life or to the commission or alleged commission of an offence is treated as sensitive personal data for the purposes of the Data Protection Act 1998. The Act restricts the use of such information, including its disclosure to third parties, without the explicit consent of the individual concerned. This presents particular difficulties where a vulnerable person is unable to give such consent by reason of mental or physical impairment. However, there is a useful provision which permits the processing of sensitive personal data where the individual cannot give consent, providing that the processing is necessary for the provision of confidential counselling, advice, support or any other service.²⁴ There is also an exemption that permits disclosure of personal information to the police where that disclosure is made for the purposes of preventing or detecting crime.²⁵

A1.5 Human rights

The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights, so that it is now unlawful for a public authority to act in contravention of a Convention right.

What constitutes a 'public authority' for the purposes of the 1998 Act is a developing area of the law. The most recent judicial opinion²⁶ suggests that (except in cases such as the conduct of a marriage where the minister can be said to be exercising a governmental function in a broad sense) a person carrying out duties within the Church of England which are simply part of the mission of the Church (such as pastoral care) is not acting as a public authority. However, this is an area on which advice should be sought from the diocesan registrar in any particular case.

Article 8 of the Convention provides that everyone has the right to respect for his private and family life, his home and his correspondence, and that a public authority may only interfere with this right where such interference is lawful and necessary for certain purposes. The most relevant of those in the context of the protection of adults are the prevention of disorder or crime, the protection of health or morals and the protection of the rights and freedoms of others. In any circumstances where Article 8 applies to a public body, there is a judgement to be made as to whether, on balance, an interference with that right by a public authority can be justified. Where allegations of abuse are concerned, the potential harm that might result from not reporting such allegations will be a relevant factor.

A1.6 Freedom of information

No church body is a public authority for the purpose of the Freedom of Information Act 2000, and so the Act does not have any direct impact upon the church's activities. However, those sharing information with public authorities (such as local government departments and agencies) should be aware that those bodies are subject to the Act. However, information held by a public authority in connection with investigations and legal proceedings is generally exempt from public disclosure under the Act.

What is mistreatment, abuse or harm?

Mistreatment is defined in *No Secrets* as ‘a violation of an individual’s human and civil rights by any other person or persons’. It is any misuse of a pastoral or managerial relationship, from the most serious to less severe behaviour, which lies at its root. Mistreatment covers **abuse, bullying** and **harassment**. These categories are not watertight and can merge into one another. **Harm** is what results from mistreatment or abuse.

Abuse may be perpetrated by an individual or a group. It may be accepted or exacerbated by the culture of an institution, in which case it is described as institutional abuse. Abuse concerns the misuse of power where control and/or authority can manifest as a criminal offence.

Harassment, bullying and exploitation, discrimination and oppression are other types of behaviour which are not acceptable within church ministry.

Abuse can take place in the person’s home, day centre, family home, community setting and in public places (including churches and ancillary buildings).

Domestic abuse is widespread in our society and the Church needs to respond supportively to those experiencing such abuse. See the Church of England’s report *Responding to domestic abuse* (2006).

A carer might be being physically or emotionally harmed by the person they are looking after.

All those who work in regular, face-to-face contact or have responsibilities for adults or are in positions of trust should be aware of the potential for the misuse and abuse of power. Training in good practice and awareness of adult abuse and the proper recruitment of those who work in any recognized ministry on behalf of the Church is therefore essential.

The possibility of vulnerable people being harmed is not confined to their lives outside of the Church. Church workers need to be vigilant to protect vulnerable people from harm whilst they are attending worship or other meetings or activities or being visited by someone from the congregation. There is a specific range of issues that need to be addressed about church buildings, to ensure they are safe and accessible. In addition the Church has a responsibility and duty of care to ensure that all those who are closely involved with vulnerable people are behaving in safe and appropriate ways. Of course many people will be good friends of people who have impairments – it is not appropriate to try to ‘legislate’ their friendship, only their responsibilities when acting on behalf of the Church. All church workers have a responsibility to treat all those they minister to with respect.

A2.1 Why does mistreatment or abuse happen?²⁷

Abuse occurs for many reasons and the causes are not fully understood. The following risk factors have been identified as being associated with physical and psychological abuse (one or more may be present in any abusive situation):

- Social isolation – as those who are abused usually have fewer social contacts than those who are not abused.
- There is a history of a poor-quality long-term relationship between the abused and the abuser.
- A pattern of family violence exists. The person who abuses may have been abused when younger.
- The person who abuses is dependent upon the person they abuse for accommodation, financial or emotional support.
- The person who abuses has a history of mental health problems or a personality disorder or a substance addiction.
- In care settings abuse may be a symptom of a poorly run establishment. It appears that it is most likely to occur when staff are inadequately trained, poorly supervised, have little support from management or work in isolation.

A2.2 Different forms of abuse

Spiritual aspects of abuse

Churches need to be sensitive so that they do not, in their pastoral care, attempt to ‘force’ religious values or ideas onto people, particularly those who may be vulnerable to such practices. Within faith communities harm can be caused by the inappropriate use of religious belief or practice; this can include the misuse of the authority of leadership or penitential discipline, oppressive teaching, or intrusive healing and deliverance ministries, which may result in vulnerable people experiencing physical, emotional or sexual harm. If such inappropriate behaviour becomes harmful it should be referred for investigation in the usual way. Careful supervision and mentoring of those entrusted with the pastoral care of adults should help to prevent harm occurring in this way. Other forms of spiritual abuse include the denial to vulnerable people of the right to faith or the opportunity to grow in the knowledge and love of God.

Physical abuse

The ill-treatment of an adult, which may or may not cause physical injury, is regarded as physical abuse. Instances might include hitting, slapping, pushing, kicking, inappropriate restraint, withholding or misuse of medication, squeezing, biting, suffocating, poisoning, drowning or killing. It could include racially or religiously motivated attacks.

A requirement for someone to work in an unsafe environment can be construed as physical abuse.

Possible indicators of physical abuse:²⁸

- cuts, lacerations, puncture wounds, open wounds, bruising, welts, discolouration, black eyes, burns, broken bones and skull fractures;
- untreated injuries in various stages of healing or not properly treated;
- poor skin condition or poor skin hygiene;
- dehydration and/or malnourishment without an illness-related cause, loss of weight, soiled clothing or bedding;
- broken eyeglasses or frames, physical signs of being subjected to punishment, or signs of being restrained;
- inappropriate use of medication, overdosing or under dosing;
- the adult telling you they have been hit, slapped or mistreated.

Emotional or psychological abuse

The use of threats or fear or the power of the carer's or other adult's position to negate the vulnerable person's independent wishes. Such behaviour can create very real emotional or psychological stress. Bullying, sexual and racial harassment would also come into this category if physical harm were not used. It includes lack of privacy or choice, denial of dignity, deprivation of social contact or deliberate isolation, making someone feel worthless, lack of love or affection, threats, verbal abuse, humiliation, blaming, controlling, pressurizing, coercion, fear, ignoring the person.

Other behaviours which may take place within a working relationship include public or unreasonable criticism, insults and shouting, ignoring a person's wishes or point of view, setting unreasonable work targets, removing areas of responsibility, undervaluing a person's efforts.

Harassment may include name calling, victimization and ostracism, unwanted sexual attention, stalking, compromising invitations or gifts, the display of images that are racially or sexually offensive, the suggestion that sexual favours might further promotion prospects.

Possible indicators of emotional/psychological abuse:

- feelings of helplessness;
- hesitation in talking openly;
- implausible stories;
- confusion or disorientation;
- anger without an apparent cause;
- sudden changes in behaviour;
- the person becoming emotionally upset or agitated;
- unusual behaviour (sucking, biting or rocking);

- unexplained fear;
- denial of a situation;
- the person becoming extremely withdrawn and non-communicative or non-responsive;
- the adult telling you they are being verbally or emotionally abused.

Financial or legal abuse

The wilful extortion or manipulation of the vulnerable person's legal or civil rights must be construed as abuse. Such activity may include misappropriation of monies or goods, the misuse of finances, property or possessions, or withholding money, the exploitation of a person's resources or embezzlement. Such abuse may involve the use of a position of authority or friendship to persuade a person to make gifts, to leave legacies or change a will.

Possible indicators of financial abuse:

- signatures on cheques etc. that do not resemble the adult's signature or which are signed when the adult cannot write;
- any sudden changes in bank accounts including unexplained withdrawals of large sums of money;
- the inclusion of additional names on an adult's bank account;
- abrupt changes to or creation of wills;
- the sudden appearance of previously uninvolved relatives claiming their rights to a vulnerable person's affairs or possessions;
- the unexplained sudden transfer of assets to a family member or someone outside the family;
- numerous unpaid bills, overdue rent, when someone is supposed to be paying the bills for the vulnerable person;
- unusual concern from someone that an excessive amount of money is being expended on the care of the vulnerable person;
- lack of amenities, such as TV, personal grooming items, appropriate clothing, that the vulnerable person should be able to afford;
- the unexplained disappearance of funds or valuable possessions such as art, silverware or jewellery;
- deliberate isolation of a vulnerable person from friends and family resulting in the caregiver alone having total control.

Neglect

Neglectful behaviour is any pattern of activity by another person, which seriously impairs an individual. Neglect can include: failure to intervene in situations where there is danger to a vulnerable person or to others, particularly when a

person lacks the mental capacity to assess risk, not giving personal care, deliberately withholding visual or hearing aids, withholding food, drink, light and clothing, restricting access to medical services, denying social, religious or cultural contacts, denying contact with family, lack of appropriate supervision.

Possible indicators of neglect:

- dirt, faecal or urine smell, or other health and safety hazards in the vulnerable person's living environment;
- rashes, sores, lice on the vulnerable person;
- inadequate clothing;
- untreated medical condition;
- poor personal hygiene;
- over or under medication;
- lack of assistance with eating or drinking;
- unsanitary and unclean conditions.

Sexual abuse

A sexual act carried out without the informed consent of the other individual is abuse. Such behaviour includes contact and non-contact abuse. The issue of informed consent is a fraught one and would need to be carefully investigated. No one should enter into a sexual relationship with someone for whom they have pastoral responsibility or have a position of trust.

Non-contact abuse may include sexual remarks and suggestions, introduction to indecent material, indecent exposure.

Contact abuse may include rape, indecent assault, being forced to touch another person, sexual intercourse or being pressurized into consenting to sexual acts.

Possible indicators of sexual abuse:

- bruises around the breasts or genital areas;
- unexplained venereal disease or genital infections;
- unexplained vaginal or anal bleeding;
- torn, stained or bloody underclothing;
- the vulnerable person telling you they have been sexually assaulted or raped.

Other indications that abuse may be occurring:

- the vulnerable person may not be allowed to speak for themselves, or see others, without the caregiver (suspected abuser) being present;
- attitudes of indifference or anger towards the vulnerable person;

- family member or caregiver blames the vulnerable person (e.g. accusation that incontinence is a deliberate act);
- aggressive behaviour (threats, insults, harassment) by the caregiver towards the vulnerable person;
- previous history of abuse of others on the part of the caregiver;
- inappropriate display of affection by the caregiver;
- flirtations, coyness, etc., which might be possible indicators of an inappropriate sexual relationship;
- social isolation of the family or restriction of activity of the vulnerable person by the caregiver;
- conflicting accounts of incidents by the family, supporters or the vulnerable person;
- inappropriate or unwarranted defensiveness by the caregiver;
- indications of unusual confinement (closed off in a room, tied to furniture, change in routine or activity);
- obvious absence of assistance or attendance.

Appendix 3

Examples of good and bad practice – for discussion

Most people will have no difficulty accepting the core values of independence, choice, inclusivity, privacy and respect necessary for good practice. However it is sometimes difficult to think how they might be put into practice. The following table gives some examples of good and bad practice to start discussion.²⁹

Positive Practice	Bad Practice
Being careful of our language. Always use positive language, for example, a person has a physical, mental or learning disability.	Maintaining a ‘them’ and ‘us’ divide in our attitudes, speech and actions. By not speaking to vulnerable adults as one would other adults or by only talking about ‘them’ without using individuals’ names. Avoid using ‘handicapped’ or ‘retarded’, for example.
Treat vulnerable adults with the same respect as you would when speaking to or about anyone else. Always refer to them by name, e.g. ‘We must remember to save a seat so Bill can join in.’	By not speaking to or about vulnerable adults as one would other adults. Grouping people together as if they are all the same removes their individuality.
Use proper sign language for the deaf and for those with learning difficulties.	Using action songs as a substitute for signing is wrong. The ‘actions’ are not necessarily intelligible to deaf people or those with learning difficulties. They may be fun but actions don’t use the words; they are also fine for children or as an aid to worship.
Make sure everyone can get to where the coffee is served and that they receive the necessary books or papers on arrival at church. Clear access to enable independence is always the preferred option, but remember to be available to offer help should it be needed.	Assuming that the person with a disability has no need of books, etc. Assuming that all disabled people have to be served and cannot help themselves or express a choice or preference.

Giving the same respect as to others. Always knocking on the door before entering a room or home. Asking permission to join them; respecting their home and possessions.

Respecting differences – be it in appearance, ability or ideas.

Make sure that everyone has access to all the projected words, pictures and presentations by offering seating with a clear 'sight line' by, for example, offering seats near the front (if they are wanted). Have more than one screen for OHPs or PowerPoint presentations and ensure that the images are not adversely affected by light, or provide written copies.

Have a proper conversation using appropriate language. Ask about interests and hobbies.

Vulnerable adults sometimes welcome physical contact, but remember to ask first. Not withholding physical contact because someone has a disability.

Touching or moving personal possessions without permission. Many people rely on familiarity as navigational aids around their homes. Tidying up without permission.

Attempting to change someone's appearance to a more acceptable style. Assuming that odd or challenging behaviour is a sign of demon possession. Piling on the guilt by expressing views about sickness, disability or behaviour being marks of sin or demon possession. Imposing 'ministry' on vulnerable adults without their informed permission. Assuming that everyone shares your Christian values.

Ignoring or excluding people from everyday events or special occasions either by not inviting them or by not making communication possible. Ignoring people that are below your eye-level by only talking to their companions who may be on your eye-level. Standing whilst talking to someone in a wheelchair assumes you are talking down to them (even if you aren't) and makes two-way communication difficult.

Using euphemisms, irony and some jokes with some vulnerable adults can sometimes be misunderstood and your true meaning will not be grasped or it may be felt to be offensive. Just because someone has a disability it doesn't mean they can't hold an adult conversation with you – it's important not to talk in childish language.

Hugging people without asking can cause distress; people who have disabilities have preferences too. Leaving a disabled person out of 'hugging' or handshakes can be very rejecting and hurtful.

Check the building for accessibility. This doesn't only mean doors, steps and toilets, but also includes sight lines, lighting, acoustics, etc.	Failing to see that we all have similar needs.
Respect for dignity and feelings. Ask about personal preferences, forms of address and how much help might be needed.	Excluding vulnerable adults from events like funerals because, in your opinion, it may be upsetting. Assuming that help is needed all the time with everything.
Remember the needs of carers for breaks and short times apart (they may want to go to the shops or the person cared for may welcome the chance to go shopping without their carer – it gives something different to talk about on return home).	Being insensitive or neglectful of the emotional needs of carers. Judging how they spend their time or money.

Resources

Resources for people who may be vulnerable

Useful organizations

Action on Elder Abuse

Tel. 080 8808 8141

<http://www.elderabuse.org.uk>

Support, helpline and training materials.

Age Concern England

Astral House

1268 London Road

London

SW16 4ER

<http://www.ageconcern.org.uk>

A national organization offering advice and information about issues concerning older people. There are also local groups offering support and advocacy services.

Alzheimer's Society

Alzheimer's Society

Gordon House

10 Greencoat Place

London SW1P 1PH

<http://www.alzheimers.org.uk>

A national organization, concerned with people who have dementia, with local groups and a web site providing support to families and training.

Church Action on Disability

(CHAD)

CHAD

PO Box 10918

Birmingham

B14 7YD

Tel. 0807 243 0678

<http://www.chaduk.org>

Help the Aged

207–221 Pentonville Road

London

N1 9VZ

Tel. 020 7278 1114

<http://www.helptheaged.org.uk>

A national organization offering advice and advocacy.

MENCAP (Royal Mencap Society)

123 Golden Lane

London

EC1Y 0RT

<http://www.mencap.org.uk>

A national organization providing services for people with learning disabilities. They also provide local groups and a web site offering support and social activities to families, adults and children.

MIND (The national association for Mental Health)

15–19 Broadway

London

E15 4BQ

Tel. 020 8519 2122

<http://www.mind.org.uk>

A national organization, web site and local groups offering support to families and sometimes direct services.

Royal National Institute for the Blind (RNIB)

105 Judd Street
London

WC1H 9NE

<http://www.rnib.org.uk>

A national organization focusing on the needs of blind and partially sighted people. They offer advice, aids and equipment.

Royal National Institute for Deaf People (RNID)

19–23 Featherstone Street
London

EC1Y 8SL

<http://www.rnid.org.uk>

A national organization raising awareness of deafness, hearing loss and tinnitus. They also train and provide interpreters.

Scope

PO Box 833

Milton Keynes

MK12 5NY

<http://www.scope.org.uk>

The main national organization for those with cerebral palsy, offering advice and information which can also be helpful for those with other physical disabilities.

The Shaftesbury Society

Shaftesbury Society

16 Kinston Road

London SW19 1JZ

<http://www.shaftesburysociety.org.uk>

An interdenominational body working with disabled people to help achieve social inclusion, empowerment and justice.

Through the Roof

PO Box 353

Epsom

Surrey

KT18 5WS

<http://www.throughtheroof.org>

A Christian body which aims to equip and train churches to become more inclusive of disabled people by encouraging and equipping disabled people for leadership in the church, providing support and fellowship to disabled people. This is also the contact point for the **Churches for All** consortium – a campaign to encourage churches to provide greater access for disabled people.

A selection of useful books and web sites

Baptist Union of Great Britain, *Safe to Belong*, 2006. A policy on vulnerable adults, workbook and training materials. Available from BUGB, 129 Broadway, Didcot, Oxfordshire OX11 8RT.

The **BBC web site** has a special section on disability issues

<http://www.bbc.co.uk/ouch/>

Hammond, Gaynor, and Treetops, Jackie, *The Wells of Life: moments of worship with people with dementia* (pub. 2004). Obtainable from Faith in Elderly People Leeds, c/o Gaynor Hammond, 29 Silverdale Avenue, Guiseley, Leeds LS20 8BD.

Jewel, Albert (ed.), *Older People and the Church*, Methodist Publishing House, 2001.

Litchfield, Kate, *Tend my Flock*, Canterbury Press, forthcoming (2006).

No Secrets, Department of Health, 2000. Available from Department of Health, PO Box 777, London SE1 6XH or from <http://www.dh.gov.uk/scg/nosecrets.htm>.

Promoting Mental Health. A resource for spiritual and pastoral care (published by the Church of England Archbishops' Council), this has useful material for guidance on worshipping with and receiving people with mental health problems in the Church. It has an extensive resources section:

<http://www.mentality.org.uk/ParishResource.pdf>

Restall, Mark, *Volunteers and the Law*, Volunteering England, 2005.

Volunteering England also have a helpful web site:

<http://www.volunteeringengland.org>

Safeguarding Adults: a national framework of standards for good practice and outcomes in adult protection work, ADSS, 2005.

Training materials

Training materials can be obtained from your local authority, Action for Elder Abuse and the Baptist Church of Great Britain amongst others.

Resources for adult survivors of abuse

Useful organizations

Women's Aid

24-hour National Helpline: Tel.

08457 023468

<http://www.womensaid.org.uk>

Respond

3rd Floor

24–32 Stephenson Way

London

NW1 2HD

Tel. 0808 808 0700

<http://www.respond.org.uk>

Support for those with learning difficulties who have been abused.

Survivors UK

2 Leathermarket Street

London

SE1 3HN

<http://www.survivors.org.uk>

Support for male survivors.

NAPAC

Tel. 0800 085 3330

<http://www.napac.org.uk>

Telephone helpline for adults abused as children.

Minister and clergy sexual abuse survivors (MACSAS)

PO Box 46933

London

E8 1XA

Support for people sexually abused by those in ministry.

Christian Survivors of Sexual Abuse (CSSA)

C/o 38 Sydenham Villa Road

Cheltenham

Glos.

GL52 6DZ

Support, self-help groups, retreats, worship.

S:Vox

C/o St James Church

236 Mitcham Lane,

London

SW16 6NT

<http://www.svox.org.uk>

Support and self-help for survivors of all kinds of abuse.

A selection of recent books and web sites

Ainsclough, Carolyn, and Toon, Kay, *Breaking Free* workbook, Sheldon Press, 2000.

Atkinson, Sue, *Breaking the Chains of Abuse*, Lion Hudson, 2006.

Chevous, Jane, *From Silence to Sanctuary*, SPCK, 2004. (Includes a comprehensive resources section.)

Kelly, Robert A., and Maxted, Fay, *The Survivor's Guide*, Rugby RoSA, 2005.
Includes a resources section. Available from the Survivors Trust.

Time for Action: sexual abuse, the Churches and a new dawn for survivors, 2002.
Churches Together in Britain and Ireland, 31 Great Smith Street, London SW1P 3BN.

<http://www.dabsbooks.co.uk>

A book service offering resources related to childhood abuse.

For information, contacts and advice about spiritual abuse, as well as other forms of bullying, it is worth looking at **<http://www.bullyonline.org>**

This site has links to other sites that are specific to spiritual abuse, counselling resources, etc.

Notes

- 1 The Care Standards Act 2000 provides minimum standards for the residential, domiciliary or other services for vulnerable people. It includes vetting arrangements for those working with certain vulnerable people. *No Secrets* (Department of Health, 2000) is the accompanying government guidance. *Safeguarding Adults: a national framework of standards for good practice and outcomes in adult protection work* (ADSS, 2005) updates and expands *No Secrets*.
- 2 See The Children Act 1989.
- 3 See Section P2.1 for information on significant harm.
- 4 See Section P1.3 for the CRB definition.
- 5 See *Safeguarding Adults* (2005), p. 5.
- 6 See Appendix 2.2 for examples of mistreatment and abuse.
- 7 With thanks to the Rt Revd Dr David Atkinson, Bishop of Thetford.
- 8 The Human Rights Act 1998 includes Article 2 ‘The right to life’, Article 3 ‘Freedom from torture’ (including humiliating and degrading treatment) and Article 8 ‘The right to family life’ (one that sustains the individual).
- 9 Local authorities have for the most part separated children’s and adult services. Titles may vary from place to place.
- 10 See Section P2.1 What degree of abuse justifies referral to the local authority?
- 11 See the Church of England report *Time to Heal* (2000) for guidelines of good practice.
- 12 With thanks to members of the Church of England Survivors Consultation Group for this contribution.
- 13 See <http://www.rapecrisis.co.uk>.
- 14 D. Finkelhor, ‘The international epidemiology of child sexual abuse’, *Child Abuse and Neglect* 18, 1994, pp. 409–417.
- 15 A. W. Baker and S. P. Duncan, ‘Child sexual abuse: A study of prevalence in Great Britain’, *Child Abuse and Neglect* 9, 1985, pp. 457–67.
- 16 M. A. Chrnalogar, *Twisted Scriptures: breaking free from churches that abuse*, Zondervan, 2000.
- 17 This may soon be called the adults barred list. It is a register of those barred by the Department of Health from working with vulnerable adults.
- 18 *No Secrets* (2000), section 2.18, p. 12.
- 19 Some of this material was originally provided by The Churches Child Protection Advisory Service and the Lucy Faithfull Foundation.
- 20 The procedure is fully explained on the Clergy Discipline web site: <http://www.cofe.anglican.org/about/churchlawlegis/clergydiscipline>
- 21 Employment Act 2002 (Dispute Resolution) Regulations 2004.
- 22 *What to do if you’re worried a child is being abused*, Department of Health, 2003, Appendix 3, sections 10 and 11.
- 23 This, and other issues relating to confidentiality, are given detailed consideration by the Legal Advisory Commission in its opinion entitled ‘The Clergy and Confidentiality’ (May 2002), to be published in the forthcoming edition of *Legal Opinions concerning the Church of England*.
- 24 Data Protection (Processing Sensitive Personal Data) Order 2000. Schedule para. 4.
- 25 Data Protection Act 1998 s29(1).
- 26 The judgement of the House of Lords in *Parochial Church Council of Aston Cantlow and Wilmcote with Billesley, Warwickshire v Wallbank and another* delivered on 26 June 2003.

- 27 Taken with thanks from the Church of England report, *Responding to Domestic Abuse*, Church House Publishing, 2006.
- 28 Amended from work on elder abuse by James Woodward.
- 29 Taken from material in *Safe to Belong*, with grateful thanks to the Baptist Union of Great Britain.

