

THE CHURCH  
OF ENGLAND

# **Practice Guidance: Responding to, assessing and managing safeguarding concerns or allegations against church officers**

**This Practice Guidance also includes the ‘Risk assessment and management of those that may pose a known risk to children, young people or vulnerable adults within a Christian Congregation or Community’**

House of Bishops  
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## Preface

Dear Colleagues,

In 2015 the House of Bishops issued 'Responding to Serious Safeguarding Situations relating to church officers Practice Guidance and 'Risk Assessment Practice Guidance'. This guidance updates and replaces these documents.

It aims to further strengthen the Church's approach to responding to concerns or allegations against church officers and the assessment and management of risk. It offers the Church an integrated approach and procedure, brought together in one place, to respond to, assess and manage safeguarding concerns or allegations against church officers. As part of this it aims to use and adapt for the Church context established models of risk assessment from statutory and specialist agencies. It also includes the risk assessment and management of those that may pose a known risk to children, young person and/or vulnerable adults within a Christian congregation or community.

It has been informed by best practice in faith organizations, with particular reference to the Catholic Church in Ireland, and in the statutory and third sectors. I want to thank all those that were involved in the task group and all those that contributed to the consultation process and offered their helpful and informed views.

The House of Bishops commends this practice guidance for use by all church bodies, including parishes, dioceses, cathedrals, religious communities, theological colleges and the national church institutions.

The Church remains committed to responding promptly to every safeguarding concern or allegation as set out in 'Promoting a Safer Church' the Church of England's Policy Statement for children, young people and adults. This requires that 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. The response must also be in line with statutory child and adult safeguarding procedures, criminal and ecclesiastical law and the House of Bishops' safeguarding policy and practice guidance.

I hope that this updated practice guidance will help church communities address the issues in an informed way and respond well to both the alleged victim/survivor and the subject of concerns or allegations.

Yours in Christ's fellowship,

Rt. Revd. Peter Hancock  
Bishop of Bath and Wells  
Lead Bishop on Safeguarding

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## Introduction

The guidance is underpinned by the Children Act 2004 (section 11); the Care Act 2014, the Church of England's safeguarding policy statement, '*Promoting a Safer Church*' and ecclesiastical law. This includes the Safeguarding and Clergy Discipline Measure 2016, Safeguarding (Clergy Risk Assessment) Regulations 2016, the Diocesan Safeguarding Advisors Regulations 2016 and the Diocesan Safeguarding Advisors (Amendment) Regulations 2017. It offers the Church's procedure for dealing with safeguarding concerns or allegations against church officers who have a role with children, young people and/or vulnerable adults. As part of this it aims to use and adapt for the Church context established models of risk assessment from statutory and specialist agencies. It also includes the risk assessment and management of those that may pose a known risk to children, young people or vulnerable adults within a Christian congregation or community.

It updates and replaces '*Responding to Serious Safeguarding Situations relating to Church Officers Practice Guidance May 2015*' and '*Risk Assessment Practice Guidance May 2015*'. It also updates and replaces Chapter 7 'Managing Allegations against Church Officers', Chapter 8 'Suspected abusers and known offenders' and 'the model agreement with offender' of '*Protecting All God's Children 2010*'. It also updates and replaces parts of '*Promoting a Safe Church 2006*', that relates to concerns or allegations against church officers.

## Who is the guidance for?

This practice guidance is for use by diocesan and provincial advisers<sup>1</sup>, members of the National Safeguarding Team, archbishops, bishops, deans and their senior staff and those fulfilling the other identified roles in this guidance (see section 1. Roles and responsibilities of safeguarding personnel in relation to responding to, assessing and managing safeguarding concerns or allegations).

It applies to all Church Bodies<sup>2</sup> and church officers<sup>3</sup>. This particularly relates to church officers who have a role in relation to children, young people and/or vulnerable adults.

Under section 5 of the Safeguarding and Clergy Discipline Measure 2016<sup>4</sup>, 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. 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

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<sup>1</sup> The Diocesan Safeguarding Adviser (DSA) is a paid worker who is professionally qualified and experienced in safeguarding practice. They advise and support the diocese on all safeguarding matters. In this guidance the term may also apply to a Provincial Safeguarding Adviser (PSA) and members of the National Safeguarding Team (NST). In addition, other Church bodies have safeguarding officers, safeguarding leads or a designated/nominated safeguarding person. These roles may either be specialist paid roles, part of a wider paid role or unpaid, as required. This guidance reinforces that all concerns or allegations in relation to church officers need to be reported to the DSA.

<sup>2</sup> Church Bodies includes PCCs, diocesan bodies, cathedrals, religious communities, theological educational institutions and the National Church Institutions. This practice guidance 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 guidance will apply to the Channel Islands and Sodor and Man unless there is specific local legislation in a jurisdiction that would prevent adoption.

<sup>3</sup> A "church officer" is anyone appointed/elected by or on behalf of the Church to a post or role, whether they are ordained or lay, paid or unpaid.

<sup>4</sup> 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), except for the Channel Islands and Sodor and Man. 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.

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 duty applies to this practice guidance.**

The Ecclesiastical Insurance Group has made it clear that their insurance cover is only valid where national safeguarding policy and practice guidance is being followed.

This guidance is supported by 8 Appendices which provide good practice reference material and templates.

### When this guidance should be used:

Despite all efforts to recruit and /or appoint and /or elect safely there will be occasions when safeguarding concerns or allegations against church officers, who have a role in relation to children, young people and /or vulnerable adults, are raised.

Where there is a concern or allegation that a church officer, has:

- Behaved in a way that has harmed a child, young person and/or vulnerable adult, or may have harmed a child, young person and/or vulnerable adult;
- Possibly committed a criminal offence against or related to a child, young person and/or vulnerable adult;
- Behaved towards a child, young person and/or vulnerable adult in a way that indicates they may pose a risk of harm to children, young people and/or vulnerable adults<sup>5</sup>

These behaviours should be considered within the context of the main categories of abuse (see guidance on categories of abuse). These include concerns relating to:

- Domestic Abuse;
- 'Grooming', i.e. meeting a child or young person under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003,);
- Other 'grooming' behaviour giving rise to concerns of a broader child/adult protection nature e.g. inappropriate text / e-mail messages or images, gifts, socialising etc.( see s67 Serious Crime Act 2015);
- Possession of indecent photographs / pseudo-photographs of children or young people.

This guidance should always be followed when information about a safeguarding concern or allegation against a church officer, who has a role in relation to children, young people and/or vulnerable adults is received, irrespective of how information comes to light (for instance, through review of files; media contact; information from an alleged victim/survivor; information from a statutory agency; report from a local church).

The language used for complainants and those complained against is always a sensitive issue. This guidance will usually be needed before there have been any findings in criminal, civil or disciplinary proceedings. At this stage there will be people who have made complaints (referred to as safeguarding concerns or allegations in this guidance) and people against whom complaints have been made. **Both** victims/survivors and respondents will at this stage be **alleged victims/survivors** and **alleged respondents**. For ease of reference this guidance will use the terms 'victims/survivor' and 'respondent' without presupposing the

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<sup>5</sup> These bullet points reflect the statutory guidance in Working Together to Safeguard Children March 2015 para 4. Chapter 2. Please note that 'Keeping Children Safe in Education September 2016' has a different wording in the third bullet.

accuracy of the complaint. These should be regarded as neutral terms that do not imply the innocence or guilt of either party.

The language employed to describe those who have suffered abuse is always a sensitive matter. Few would want to be defined by an experience or experiences from their past. However, they have been *victims* and that fact must not be lost in concern about correct language. At the same time, many have moved on as far as they are able and would be better described as survivors. An episode or series of episodes should not be regarded as the defining moment of their lives and of who they are, however much it has dramatically and tragically influenced and shaped their lives. As far as possible in this document we have used **victim/survivor** in an attempt to capture the complexity of the issue.

The term **'respondent'** is used for the person about whom a safeguarding concern or allegation has been made. This should not be confused with the term 'respondent' that is used under the Clergy Discipline Measure to describe the person who is the subject of a complaint.

The Diocesan Safeguarding Adviser (DSA) is a paid worker who is professionally qualified and experienced in safeguarding practice. They advise and support the diocese on all safeguarding matters. In this guidance the term may also apply to a Provincial Safeguarding Adviser (PSA) and members of the National Safeguarding Team (NST). In addition, other Church bodies may have safeguarding officers, safeguarding leads or a designated/nominated safeguarding person. These roles may either be specialist paid roles, part of a wider paid role or unpaid, as required.

This guidance reinforces that all concerns or allegations in relation to church officers need to be reported to the DSA. There may be situations, in relation to other church bodies who have a professional safeguarding adviser, where agreement will need to be reached about who is placed to lead on the Church's response<sup>6</sup>. To support this approach it is expected that Dioceses should have clear and agreed safeguarding arrangements in place with other Church bodies which operate within the diocese, including a cathedral, any religious communities and TEIs.

Please see the glossary reference document for further details that apply to all terms in the document.

If concerns arise about the person's behaviour to her/his own children, partner or other family members, the relevant statutory agencies must consider informing the employer / organisation to assess whether there may be implications for children, young people and/or vulnerable adults with whom the person has contact at work. This would involve those statutory agencies informing the Church, in which case this procedure will apply.

Concern or allegation of past or non-current (historical) abuse should be responded to in the same way as contemporary ones. In such cases, it is important to find out whether the person against whom the concern or allegation is made is still working with children, young people and/or vulnerable adults and if so, to inform the person's current body for whom they work or other voluntary organisation or refer their family for assessment.

If staff are uncertain about whether the matter is a safeguarding concern or allegation or whether the respondent is a 'church officer' who has a role with children, young people and/or vulnerable adults, advice should be sought from the Diocesan Safeguarding Adviser (DSA); if they are in doubt, they should take advice from local Children or Adults Services, from the National Safeguarding Team and/or the registrar.

**Anyone receiving information about or observing a safeguarding concern or allegation, where a child, young person or vulnerable adult is in immediate danger or**

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<sup>6</sup> For instance where a cathedral has a paid professional safeguarding adviser or the nominated safeguarding lead in a TEI. In these situations the DSA should be kept informed of progress and outcome.



**requires immediate medical attention must call the emergency services on 999. Do not delay.**

**If at any point during the process, of responding to, assessing or managing a safeguarding concern or allegation, information comes to light which suggests a child, young person and/or vulnerable adult is at risk of harm, the referral to the statutory agencies should not be delayed.**

### What does the guidance provide?

The overarching aim of this practice guidance is to ensure that the Church has in place a fair process for responding to safeguarding concerns or allegations against a church officer who has a role with children, young people and/or vulnerable adults. When a safeguarding concern or allegation is raised, a system of support and monitoring for those subject to concerns or allegations or who present a risk of harm to children, young people and/or vulnerable adults (referred to from this point as the respondent) is provided.

This guidance provides the process to be followed when information is received about a safeguarding concern or allegation, including:

- clear roles and responsibilities of safeguarding personnel in relation to responding to safeguarding concerns or allegations;
- initial response to the concern or allegation;
- immediate response to ensure safety, including making sure arrangements are in place to inform the respondent, when appropriate, that an allegation has been received about them, and a procedure for deciding whether an Interim Safeguarding Agreement needs to be put in place;
- immediate reporting and collaboration with statutory agencies;
- identification of the risk assessment and management process, and the procedures for carrying them out;
- risk assessment and management of those that may pose a known risk to children, young people and/or vulnerable adults within a Christian congregation or community;
- management of the safeguarding situation;
- action required following a statutory investigation;
- review of process and learning from the situation.

This guidance recognises that there are additional approaches to be considered when responding to concerns or allegations that relate to someone who is deceased. An addendum to this guidance is being developed to address this specialist situation.

### What does the guidance not address?

This guidance does not:

- Provide detail on the timescale in which the entire process will be completed as this is different in all cases. However, there are some specific points within the process where time frames are discussed.
- Provide a format for assessing activities or projects – for example, the health and safety risk assessment that is required before taking a youth group away for a residential weekend. These assessments, which are required in many and widely varied settings,

are the responsibility of local church officers and use a different process and model of assessment<sup>7</sup>.

- Cover responding to safeguarding concerns or allegations that do not relate to church officers.<sup>8</sup>
- Provide detail on how to respond well to victims or survivors; this can be found within the Responding Well to Survivors of Sexual Abuse practice guidance and Responding Well to Domestic Abuse 2017 practice guidance<sup>9</sup>.

## Where to find the Policy

It will be distributed via email to all dioceses, cathedrals and other Church bodies. The most up to date version of the policy, model templates and the associated practice guidance, will always be available on the Church of England website<sup>10</sup>.

News of updates will be included in information, circulated by the National Safeguarding Team.

Relevant information will be updated online, where the policy and associated practice guidance can be downloaded easily for local use, so that it is not necessary to supply large quantities of printed papers, which can become out of date all too quickly.

For those who do not have access to the internet, hard copies of the policy and associated documents can be supplied via their Diocesan Safeguarding Team

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<sup>7</sup> Safer Environment and Culture Practice Guidance (this will be publicised in 2018). This will replace the current guidance in Protecting All God's Children 2010 chapter 5.

<sup>8</sup> This can currently be found in Protecting All God's Children 2010 chapter 6. This will be replaced by 'Responding to safeguarding concerns or allegations practice guidance' which is currently planned to be publicised in 2018.

<sup>9</sup> Additional guidance can be found in Promoting a Safer Church 2006.

<sup>10</sup> Safeguarding Policy Statements & Practice Guidance

# 1. Roles and responsibilities<sup>11</sup> of safeguarding personnel in relation to responding to, assessing and managing safeguarding concerns or allegations

**Safeguarding is everyone's responsibility; it is essential to flourishing Christian communities and evidenced through good pastoral care. In the first instance, it is everyone's responsibility to hear a safeguarding concern or allegation.**

The Training and Development Framework 2017 outlines the requirements for safeguarding training for all of the roles listed within this section. Diocesan, National, Cathedral and Theological Educational Institution representatives at Core Groups are all required to attend the C4 Senior Staff training which covers the functions of Core Groups in managing safeguarding concern or allegations.

## 1.1 The Diocesan Bishop or Archbishop of the Province<sup>12</sup>

In certain circumstances, the Bishop may delegate these functions pursuant to section 13 of the Dioceses, Pastoral and Mission Measure 2007 by instrument subject to the approval of the diocesan synod (unless a matter is urgent in which case the bishop can seek the approval of the bishop's council and standing committee of the diocesan synod). Delegation may be to a suffragan bishop and/or assistant bishop. In addition the diocesan bishop may ask someone to carry out safeguarding tasks on his/her behalf e.g. an archdeacon. The ultimate responsibility, however, will always rest with the diocesan bishop.

The diocesan bishop or archbishop of the Province's responsibilities are:

- To ensure that appropriate personnel and procedures are in place to recognise and respond to safeguarding concerns or allegations;
- To report any concerns or allegations against a church officer to the DSA immediately when any disclosure or information is received or known<sup>13</sup>;
- To ensure that the diocese has clear and agreed safeguarding arrangements in place with other Church bodies which operate within the diocese, including a cathedral, any religious communities and TEIs.
- To remain distant from the process, in case of needs for intervention in the event of disciplinary action; claims made against the Church; or pastoral breakdown. The

<sup>11</sup> Please note that this section aligns with Key Roles and Responsibilities of Church Office Holders and Bodies Practice Guidance.

<sup>12</sup> These responsibilities will be fulfilled by the diocesan bishop unless that Bishop is compromised by the safeguarding concern or allegation being dealt with in which case the relevant archbishop will perform these functions. Safeguarding issues that arise in cathedrals (and specifically 'ancient foundation' ones) are the legal responsibility of the cathedral chapter. The **dean** would normally carry out these functions apart from where the bishop or archbishop is obliged under legislation. In these matters the dean would have to liaise with the bishop.

<sup>13</sup> The principle is that the professional safeguarding adviser should report all concerns or allegations to the statutory services and not be prohibited in this course of action in accordance with the Diocesan Safeguarding Advisors (Amendment) Regulations 2017. If there a disagreement between the Bishop and DSA about how to proceed the matter should be discussed with the chair of the DSAP. If a disagreement is still not resolved advice should be sought from the National Safeguarding Team. All disagreements should be recorded in the case notes. Any disagreement should not delay reporting to the statutory agencies.

information they receive must be such that it does not compromise any future role they must play;

- To ensure that a diocesan safeguarding adviser is appointed to manage the case, the Core Group has an appropriate chair ([see section 1.6.1](#)) and a link person (see section 1.5) is appointed following consultation with the respondent, to support them;
- To ensure that the care of the victim/survivor and the respondent follows both secular and ecclesiastical legislation and guidance. This includes:
  - ensuring that all appropriate support and information is offered to the victim/survivor who has disclosed that they have been abused and, as required, to their families; and
  - ensuring that all appropriate support and information is offered to the respondent (including spiritual guidance and pastoral support) and, as required, to their families.
- To consult the DSA and such other persons as the bishop considers appropriate before suspending a priest or deacon on the grounds that the cleric presents a significant risk of harm (s36(2B) CDM)<sup>14</sup>;
- To seek advice from the registrar before suspending a priest or deacon when an application is made by a complainant to the president of tribunals for permission to make a complaint out of time (s36A CDM)<sup>15</sup>;
- To suspend a licensed reader or lay worker under Canon E 6.3C and Canon E 8.5C respectively pending a decision on whether to revoke the licence but must consult the registrar before doing so (see Canon E 6.3D and Canon E 6.5D).

## 1.2 Diocesan Safeguarding Adviser (DSA)<sup>16</sup>

The specific functions of the role of the DSA are set out in the Diocesan Safeguarding Advisors Regulations 2016, in relation to the responsibilities listed use has been made of regulation 4 (1, o)<sup>17</sup>.

The DSA is responsible for:

- Receiving safeguarding concerns and allegations;
- Referring safeguarding concerns and allegations to statutory agencies where the requirement for reporting is met;
- Instigating all internal enquiries and liaising with statutory agencies – e.g. Police and social care teams;
- Attending meetings as requested by the statutory agencies;
- Preparing reports as required for:
  - Core Group meetings;
  - statutory agencies;

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<sup>14</sup> Equivalent provisions apply where an archbishop is considering suspending a Bishop in similar circumstances as above (s36(6) and s37A CDM);

<sup>15</sup> Equivalent provisions apply where an archbishop is considering suspending a Bishop in similar circumstances as above (s36(6) and s37A CDM);

<sup>16</sup> This also applies to provincial safeguarding advisers and professional safeguarding staff who are members of the National Safeguarding Team.

<sup>17</sup> Diocesan Safeguarding Advisors (Amendment) Regulations 2017.

- any other safeguarding personnel.
- Convening and offering expert advice to the Core Group. Some diocese have a safeguarding team. In these situations the core group may be chaired by the DSA if another member of the safeguarding team is the case worker;
- Sharing information with statutory agencies in relation to the concern or allegation, or any other assessment process concerning the respondent and their family;
- Completing the Internal Church Investigation where one is required ([see section 3.3](#));
- Keeping a complete safeguarding record, and to be the source of all safeguarding information for the diocese. Records need to be stored appropriately and securely in accordance with best practice in record keeping – see [Safeguarding Records Practice Guidance](#);
- Maintaining ongoing contact with all members of the core group outside of meetings, and maintaining close liaison with the chair, if different, bishop or archbishop’s representative and the director of communications;
- Ensuring the victim/survivor is offered support from a support person (see section 1.4). Where they accept this offer, ensuring that the needs of the victim/survivor are fully recognised and acknowledged throughout the safeguarding process, as set out in this guidance;
- Ensuring information regarding contact with the victim/survivor is recorded and stored appropriately in the case file;
- Keeping the diocesan bishop updated regarding the risk assessment process and liaising with the link person to ensure support, advice and pastoral care is offered to the respondent. If the respondent raises safeguarding concerns with the link person, the DSA must ensure these are passed on to the statutory agencies;
- Ensuring appropriate and independent support, advice and pastoral care is offered to the link person;
- Liaising regularly with both the link person and support person;
- Ensuring that the voice of both the victim/survivor and the respondent is heard throughout the process;
- Attending the initial meeting with the respondent ([see section 3.3](#))
- In relation to clergy risk assessment, advising the bishop on suitable appointment of a risk assessor (regulation 3 (5))<sup>18</sup>;
- In relation to clergy risk assessment, where the bishop appoints a risk assessor - preparing the terms of reference for the assessment in consultation with the diocesan registrar and submitting them to the bishop for approval (regulation 4 (1));
- In relation to clergy risk assessment, ensuring the terms of reference are shared with the appointed assessor (regulation 4 (2a)) together with any other information which is relevant to the assessment (regulation 4 (2b));
- In relation to standard (non-clergy) risk assessments, either carrying out the assessment or making the arrangements for it to be carried out;
- Monitoring respondents subject to Safeguarding Agreements<sup>19</sup> (see [section 3.6](#) and [section 6.1](#)) or, with the diocesan bishop, appointing a suitable person to carry out this role;

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<sup>18</sup> Safeguarding (Clergy Risk assessment) Regulations 2016.

<sup>19</sup> Both Interim and Ongoing Safeguarding Agreements, for definitions see glossary reference document.

- Reviewing Safeguarding Agreements at regular intervals (depending on the assessed needs and the level of risk) in conjunction with other key people involved and/or the statutory agencies;
- Notifying the National Safeguarding Team of all allegations of abuse and investigations in relation to all clergy, including bishops, individuals with high national profile, or complex inter-diocesan cases and of all commissioned independent risk assessments. This notification should include: the respondent's details, a summary of the nature of the concern or allegation and an overview of the case management as a minimum. The notification should be sent to the national casework manager by an appropriate method of communication (telephone or email).

The DSA is NOT a support person to the victim/survivor, nor are they a link person for the respondent.

### 1.3 Archdeacon

The archdeacon's role is to:

- Work closely with the DSA on the day to day management of issues around the allegation, as required;
- Attend core group meetings;
- Attend Local Authority strategy meetings as required;
- Attend/chair parish meetings as required;
- Keep any assistant or area bishop informed of implications for pastoral oversight;
- Support the Incumbent when their parish is affected by a concern or allegation (where the incumbent is subject to a safeguarding concern or allegation or where the incumbency is vacant (i.e. there is an interregnum), the archdeacon would support the churchwardens);
- Ensure the PCC is implementing good safeguarding practice and following the decisions of the core group.

### 1.4 Support Person

A support person will be offered to **all** victims/survivors.

The support person may be an authorised listener<sup>20</sup> specifically trained to hold this role or in appropriate cases a Bishops Visitor<sup>21</sup>. A member of clergy or a holder of the bishop's licence may be among those able to undertake this role as they are already trained in pastoral care – they will however, still be required to undertake further specific training to hold this role. No-one directly involved in the management of the case, or who may be required to give evidence in any court proceedings, should be directly supporting the victim/survivor, since their roles or their status may be compromised.

Victims/survivors who are children or young people will require specialist support; under advice from Children's Services, the child or young person should be referred to a professional agency qualified to provide such support.

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<sup>20</sup> [Responding Well to Those Who Have Been Sexually Abused.pdf](#) page 6

<sup>21</sup> This would apply in a case that relates to domestic abuse please see [Responding Well to Domestic Abuse 2017.pdf](#)

The particular role the support person plays must be agreed in consultation with the victim/survivor. The support person, provided the victim/survivor agrees, could be responsible for the following matters:

- Liaising (which could include attending any meetings) with the statutory agencies to provide support to the victim/survivor, the support person is not the victim/survivors advocate at any meeting they attend;
- Listening to and representing the victim/survivor's pastoral needs;
- Identifying any therapeutic or other needs the victim/survivor may have, and offering choices as how these may be best met;
- Listening to and representing the victim/survivor's views during the management of the safeguarding concern or allegation;
- Recording any meetings or contact they have with the victim/survivor and passing on relevant information (e.g. to prevent/protect others from harm, any further information supplied in relation to the safeguarding concern or allegation) to the DSA as appropriate, this should be made clear from the outset of the relationship. Records of meetings would include dates, times, locations and an overview of the meeting rather than a specific and detailed account.

Where the victim/survivor accepts the offer of a support person a written description of the support person's agreed role and responsibilities should be provided to the victim/survivor at the commencement of such an arrangement. This may be a copy of the role as described in this guidance, or may be a specifically written description based upon what is agreed between the victim/survivor and the support person.

The support person will not be responsible for managing the case and will pass on written records to the DSA.

The support person is NOT the confidant of the victim/survivor. They must be bound by a responsibility to disclose to the appropriate authorities (e.g. the Police, DSA etc.) where:

- Others are at risk of harm;
- The victim/survivor makes disclosures of intentions to hurt themselves;
- Safeguarding information is shared to assist in the prevention, detection or prosecution of a crime.

It is important to recognise and to acknowledge where others may still be at risk, the Police (and possibly Children's / Adult's Services or the Local Authority) will need to be informed. If they are unsure whether to share information they should seek advice from the DSA and/or diocesan registrar.

The support person will NOT attend core group meetings.

All support persons must attend a local training programme which introduces and explains their role.

## 1.5 Link Person

A link person will be offered to **all** respondents who are church officers.

The link person may be a senior member of clergy (where the respondent is in ministry), including retired clergy, e.g. a suffragan bishop, honorary (assistant) bishop, provincial episcopal visitor, archdeacon or area dean or an individual specifically trained in pastoral care. No-one directly involved in the management of the case, or who may be required to



give evidence in any court proceedings, should be directly supporting the respondent, since their roles or their status may be compromised.

Respondents who are children or young people will require specialist support. In consultation with the DSA advice should be sought from Children's Services and the child or young person should be referred to a professional agency qualified to provide such support.

### 1.5.1 The Role

A link person should be particularly alert to the sense of isolation and vulnerability which the respondent may experience.

The link person is responsible for:

- After agreement with the respondent - attending the initial meeting with the respondent, the DSA and the diocesan bishop's appointed representative to support them, keep them informed of the progress of their case, and direct them to counselling and support as necessary;
- Assisting the respondent to access advice in relation to both criminal and ecclesiastical law;
- Considering the respondent's family's wishes (when not the victim/survivor) regarding a pastoral response by the Church to them;
- Identifying with the respondent any therapeutic or other needs they have, and offering choices as to how these may be best met;
- Monitoring compliance with Safeguarding Agreements if this is an agreed part of their role (see [section 6.1](#));
- Recording any meetings or contact they have with the respondent and passing on relevant information to the DSA as appropriate, this should be made clear from the outset of the relationship. They will not be responsible for managing the file but will pass on written records to the DSA as appropriate, during regular meetings with them. Records of meetings would include dates, times, locations and an overview of the meeting rather than a specific and detailed account.

The link person is NOT the confidant of the respondent. They must be bound by a professional responsibility to disclose to the appropriate authorities (e.g. the Police, DSA etc.) where:

- Others are at risk of harm;
- The respondent makes disclosures of intentions to hurt or harm either themselves or others;
- The respondent makes disclosures of their guilt, or not, in the matter being investigated;
- Safeguarding information is shared to assist in the prevention, detection or prosecution of a crime.

It is important to recognise and to acknowledge where others may still be at risk, the Police and possibly Children's / Adult's Services or the Local Authority will need to be informed.

If the link person is unsure about whether they can share information, they should seek advice from the DSA and/or diocesan registrar.



### 1.5.2 Clarity about the Role

The link person is not:

- A counsellor for the respondent and should not act in that role;
- A spiritual guide for the respondent;
- An advocate for the respondent;
- A core group member.

The link person (where they are clergy) should not take confession from the respondent;

The link person does not manage the case file and will not have access to it.

Where the respondent accepts the offer of a link person a written description of the link person's role and responsibilities should be provided to the respondent at the commencement of such an arrangement. This may be a copy of the role as described in this guidance, or may be a specifically written description based upon what is agreed between the respondent and the link person.

### 1.5.3 Frequency of Meetings

The frequency of contacts/meetings should be agreed between the respondent and the link person.

### 1.5.4 Storage of Records

Information regarding meetings between the link person and the respondent must be stored safely and securely in accordance with [Safeguarding Records Practice Guidance 2015.pdf](#). Records of the meetings that have taken place and any relevant safeguarding issues that have arisen must be forwarded to the DSA for placing in the safeguarding file.

### 1.5.5 Support and Supervision

Regular contact, as determined between the link person and the DSA, should take place to enable the DSA to keep up to date with the needs and requests of the respondent. The DSA should offer the link person access to appropriate welfare support to ensure their wellbeing and pastoral needs are met and supervision to allow the link person to receive feedback on their role. If necessary, external welfare support for the link person should be used if appropriate.

## 1.6 Core Groups

Every safeguarding concern or allegation involving a church officer should be managed by a defined core group, convened for the specific situation (see [section 3.1](#)).

The purpose of the core group is to oversee and manage the response to a safeguarding concern or allegation in line with House of Bishops' policy and practice guidance, ensuring that the rights of the victim/survivor and the respondent to a fair and thorough investigation can be preserved.

### 1.6.1 The Chair of the Core Group:

The chair of the core group is responsible for:

- Establishing membership of the group, ensuring all appropriate parties are present - discretion should be exercised as to the necessary and proportionate involvement of parties. Where more than one diocese is involved, ensuring relevant membership and communication is arranged;
- Defining the roles and responsibilities of its members through the process;
- Ensuring policy and practice guidance is followed;
- Keeping the bishop/archbishop updated on core group decisions and any recommendations for action required by them e.g. suspension, risk assessment.<sup>22</sup>

This role is best fulfilled by someone with experience in chairing such meetings, and with a detailed understanding of safeguarding policy and practice. The chair could be a DSA, an archdeacon, bishop's chaplain or other senior figure who is not linked in any way to the case. If the DSA is the case worker they should not be appointed as the chair. However, where there is a safeguarding team, and the DSA is managing the case, they may chair the core group as the day to day work on the case is being carried out by another team member.

The final decision on who should chair the core group rests with the bishop.

### 1.6.2 The Core Group

The core group is responsible for:

- Ensuring that information is shared with the statutory agencies;
- Ensuring the DSA is working with the statutory agencies;
- Having due consideration to the advice of the DSA/s in all matters related to safeguarding;
- Considering whether other church officers and/or bodies should be informed of the situation, and invited to join the core group;
- Keeping the diocesan secretary/chief executive informed whenever there is a potential of financial, regulatory or reputational impact, where there is a significant risk that requires management/mitigation/monitoring or if the case involves an employee of the diocese;
- Deciding when an Internal Church Investigation (see [section 3.3](#)) should be carried out;
- Determining when the respondent should be informed and what they should be told in relation to the concern or allegation where the statutory agencies are not involved;
- The arrangements required for managing the respondent in relation to their role, having full regard to the views of the statutory agencies;
- Ensuring how the victim/survivor and/or their family can best be supported by advising the DSA (on behalf of the bishop);
- Ensuring how the respondent and/or their family can best be supported by advising the DSA (on behalf of the bishop);
- Offering advice to the bishop via the DSA on support and pastoral care for parish officers managing the process;

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<sup>22</sup> This may be the Dean, TEI college principle etc.

- Ensuring how the needs of a parish, cathedral or other church community in which the respondent is or has served can best be met;
- Setting and maintaining boundaries of information sharing and confidentiality, including when information can be shared with the Police, the insurance company, the Charity Commission, the Local Authority Designated Officer<sup>23</sup>, and the National Safeguarding Team;
- Agreeing statements to the press and the congregation;
- Ensuring accurate information is kept and shared securely where appropriate and in accordance with data protection legislation;
- Ensuring risk assessments are carried out during and following the outcome of the allegation, this includes:
  - agreeing the terms of reference, with the DSA, for the risk assessment in relation to non-clergy assessments;
  - commissioning, with the DSA, the risk assessment in relation to non-clergy assessments;
  - accepting the risk assessment in relation to non-clergy assessments;
  - ensuring that recommendations are followed in relation to non-clergy assessments;
- Undertake a lessons learnt review at the end of the process (see [section 9](#)).

In addition if the case involves members of clergy, the core group is responsible for:

- Assisting the DSA to advise the bishop<sup>24</sup> when the respondent should be informed and what they should be told in relation to the concern or allegation where the statutory agencies are not involved;
- Assisting the DSA to advise the bishop of the arrangements required for managing the respondent in relation to their role, having full regard to the views of the statutory agencies;
- Assisting the DSA to advise the bishop in setting and maintaining boundaries of information sharing and confidentiality, including when information can be shared with the Police, the insurance company, the Charity Commission, the Local Authority Designated Officer<sup>25</sup>, and the National Safeguarding Team;
- Assisting the DSA to advise the bishop on statements to the press and the congregation;
- Assisting the DSA to advise the bishop when to undertake a lessons learnt review at the end of the process (see [section 9](#)).

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<sup>23</sup> The LADO must be contacted within one working day in respect of all cases in which it is alleged that a person who works with children 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; or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

<sup>24</sup> This may be the Archbishop or their representative if it is a national Core Group.

<sup>25</sup> The LADO must be contacted within one working day in respect of all cases in which it is alleged that a person who works with children 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; or
- behaved towards a child, or children in a way that indicates they may pose a risk of harm to children.

**In relation to clergy risk assessment (and management), the DSA will ensure their advice and recommendations are ratified by the core group. The DSA will then share these with the bishop in accordance with the Safeguarding (Clergy Risk Assessment) Regulations 2016.**

**The core group acts as the DSA's 'critical friend' in the response to, assessment and management of safeguarding concerns or allegations relating to clergy.**

The Core Group will create a written record of its decisions and recommendations. These documents should include information on any previous allegations that have been made against the individual concerned. These records should be passed to the DSA who will store them in the case file.

Where the advice of the DSA is not taken a full record of the reasons must be kept. Should there be any disagreement between the core group and the DSA concerns should be escalated to the chair of the Diocesan Safeguarding Advisory Panel or, where the DSAP are unable to resolve the dispute, to the NST for a final decision.

If the respondent is a senior member of the clergy or an individual with a high national profile, the case will be managed by a NST core group in conjunction with the diocese. If the case involves complex inter-diocesan issues the NST will act to coordinate local casework.

## 1.7 Diocesan or Provincial Registrar

The registrar will be informed of current safeguarding concerns or allegations involving church officers by the bishop or archbishop. The registrar shall act as legal advisor to the core group to support its decisions, actions and recommendations. This advice would usually be provided outside of the core group meeting, however, at times it may be preferred or appropriate for the registrar to be in attendance to provide their advice only. If the registrar is unable to provide advice themselves on an individual case (for example, where this may prejudice his scrutiny of a CDM complaint) the registrar will arrange for another suitably qualified person to advise the group).

The registrar is responsible for:

- Giving legal advice to the bishop on any aspect relating to safeguarding (e.g. in relation to clergy risk assessments advice, in conjunction with the DSA, in relation to the terms of reference and letter of instruction)<sup>26</sup>;
- Advising the bishop on matters relating to powers of suspension;
- Advising the bishop (in the event of the allegation being substantiated), in consultation with the director of communications and the DSA, on an appropriate form of words in relation to any proposed apology to the victim/survivor as agreed by the core group.

The registrar CANNOT represent the respondent. The respondent's lawyers must be independent i.e. not associated with the same registrar's legal practice.

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<sup>26</sup> To fulfil this responsibility, the Registrar may need to seek advice from an appropriately trained safeguarding legal colleague.

## 1.8 Diocesan Secretary/Chief Executive

The diocesan secretary/chief executive should be:

- Kept informed by the core group whenever there is a potential financial, regulatory or reputational impact or where there is a significant risk that requires management/mitigation/monitoring;
- Informed immediately by the core group should a case involve an employee of the diocese;
- Mindful of legal requirements to inform insurers, charity commissioners, etc. and have an overview of risk management to the organisation and wider church to ensure things are managed effectively within guidance.

## 1.9 Director of Communications/Chief of Staff/Bishop's Press Officer

The director of communication/chief of staff/bishop's press officer is responsible for:

- Taking the lead on all matters of communication, including statements for potential or actual media coverage; statements made to the congregation or the PCC; limits of information sharing in consultation with the diocesan registrar and the DSA during and following an investigation;
- Attending core group meetings to advise on communication issues as required and working closely with the diocesan registrar, the DSA and bishop's representative with regard to the day to day management of publicity and information sharing;
- Liaising with the provincial and national directors of communications in all appropriate cases where media coverage is expected;
- Advising the bishop, in consultation with the diocesan registrar and the DSA, on an appropriate form of words in relation to any proposed apology to the victim/survivor as agreed by the core group.

## 1.10 Diocesan Safeguarding Advisory Panel (DSAP)<sup>27</sup>:

The DSAP will:

- Receive anonymised management information<sup>28</sup> relating to risk assessments and safeguarding agreements that the diocese has completed to maintain oversight of the work e.g. number of assessments, type of assessment, pattern of reviews, breaches and follow up actions;
- Considering information and themes from quality assurance processes e.g. Diocesan Self Assessments, lessons learnt reviews, independent audits and file audits to make recommendations to improve safeguarding arrangements;
- Be advised of any barriers or issues which are impacting on the ability of the diocese to effectively manage safeguarding risks this may include resolving disputes between an investigator and a Core Group as outlined in [section 3.3](#).

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<sup>27</sup> In other contexts, such as Cathedrals, Religious Communities or Theological Educational Institutions it may be that the independent Safeguarding Committee which has oversight of safeguarding practice for that particular Church body would fulfil these responsibilities.

<sup>28</sup> Anonymised for this purpose means that no person or place involved in the case is identifiable from the information provided. This would exclude references to individuals by initials for example, as people with even limited local knowledge may be able to identify people by initials.

At the discretion of the chair of the DSAP, a sub-group of the DSAP could have a more specific role in relation to quality assurance which would involve:

- Reviewing the quality of risk assessments (standard and independent) and Safeguarding Agreements.

It is not the role of the DSAP to be part of the case management process.

In addition, the chair of the DSAP will always receive a copy of any independent risk assessment as outlined in the Safeguarding (Clergy Risk Assessment) Regulations 2016 to inform quality assurance processes and ongoing learning for the diocese and to advise the bishop (together with the DSA and the diocesan registrar) whether to take action in response to the assessment, or what action to take in response to it.

## 1.11 National Safeguarding Team (NST)

The NST will:

- Ensure policy and practice guidance on reporting safeguarding concerns and allegations is compliant with legislation and any relevant guidance;
- Be advised of all safeguarding concerns or allegations and investigations in relation to all clergy, including archbishops, bishops, individuals with high national profile, or complex inter-diocesan cases and of all independent risk assessments, by the DSA managing the case and retaining records of this information;
- Offer advice and support on any issue relating to responding to, assessing and managing any safeguarding concern or allegation of any case as described in the point above;
- Lead and coordinate cases involving bishops, persons of high national profile and complex inter-diocesan cases, as outlined in [section 1.6.2](#).
- Seek external specialist advice, as required in complex cases;
- Address any disagreements on how to respond to cases between a diocesan bishop and the DSA. If the advice of the NST is not followed the NST will draw the issue to the attention of the archbishop/s and lead safeguarding bishop for resolution;
- Put their advice in writing; and where appropriate (i.e. whether necessary or proportionate to do so) these records should be passed to the DSA who will store them in the case file;
- Maintain the list of approved independent risk assessors, on behalf of the Archbishops' Council<sup>29</sup>;
- Monitor risk assessment and management across the Church to measure quality and adherence to national guidance.

The primary point of contact within the NST for casework issues is the national safeguarding casework manager.

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<sup>29</sup> See Safeguarding (Clergy Risk Assessment) Regulations 2016 regulation 3 (2). The list is available from the National Safeguarding Casework Manager.

## 2. Responding to a safeguarding concern or allegation against a Church Officer

**The welfare of the child, young person or vulnerable adult must come first.** A proper balance must be struck between protecting children, young people and/or vulnerable adults and respecting the rights of the respondent.

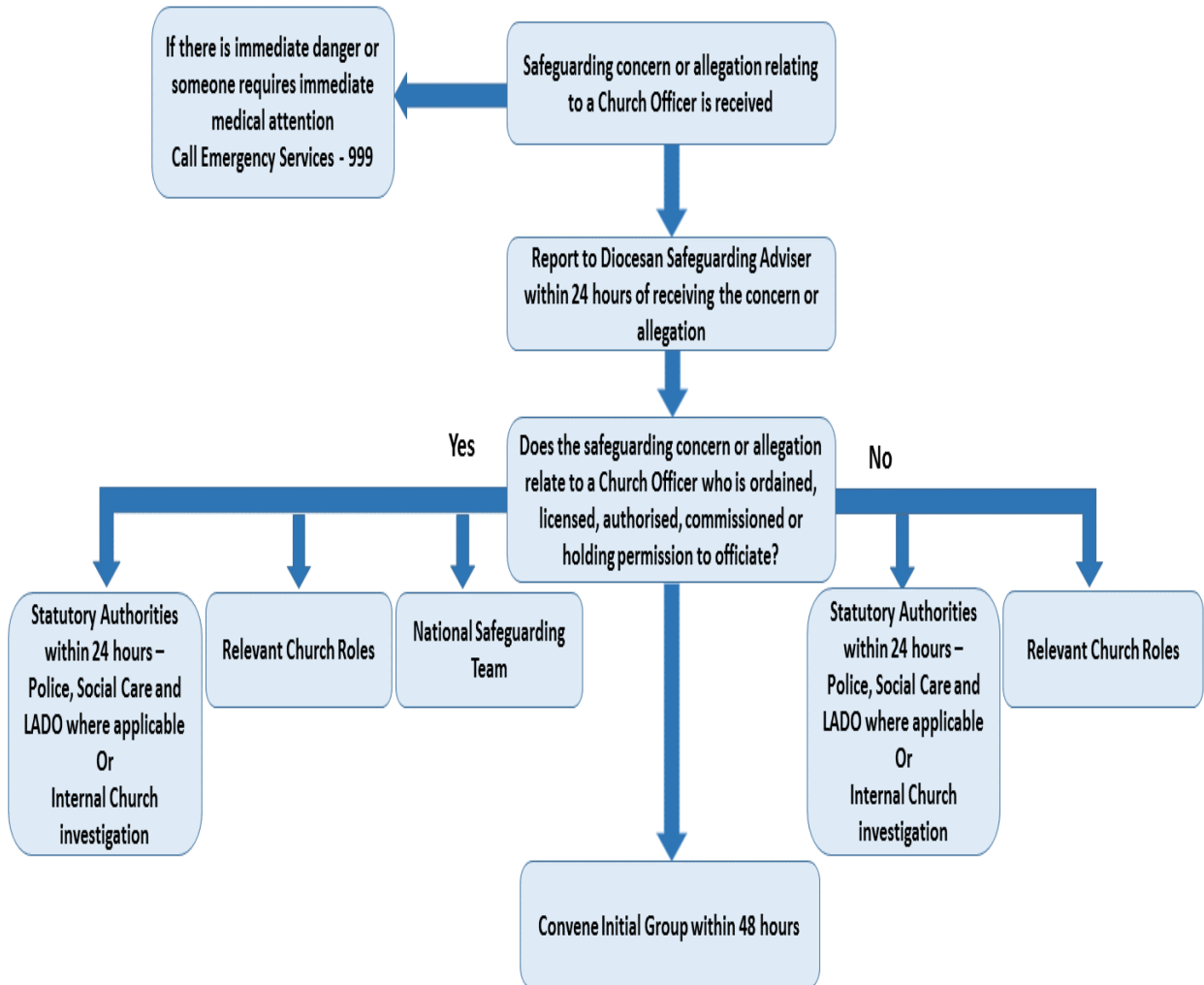
The rights of the respondent are important and are given due weight, **once the immediate safety and protection of children, young people and/or vulnerable adults has been assured.**

### 2.1 Immediate reporting and communicating within Church bodies upon receipt of a concern or allegation

Children, young people and vulnerable adults occupy a central place in the heart of the Christian community and have a right to be listened to and heard. The paramount consideration in all matters is their safety and protection from all forms of abuse. To create and maintain a safer environment, Church organisations must respond effectively and ensure all safeguarding concerns and allegations against a church officer who has a role with children, young people and/or vulnerable adults are reported, both within the Church and to statutory agencies. This responsibility to report is shared by everyone, the only exception to this rule is the receipt of any information by a member of clergy under what is termed as the sacramental Seal of Confession – see [section 2.6](#).

All Church organisations must provide guidance and training on recognition of safeguarding concerns and allegations, with clear procedures on what to do when a safeguarding concern or allegation arises against a church officer who has a role with children, young people and/or vulnerable adults, so that everyone knows how to respond. This involves knowing how to receive a safeguarding concern or allegation, who to tell and how to record it. It is important the local reporting procedures are fully consistent with statutory legislation, the Local Safeguarding Boards Procedures, Ecclesiastical law and House of Bishops' guidance.

The reporting flow chart below refers to any safeguarding concern or allegation against a church officer who has a role with children, young people and/or vulnerable adults, *including* where the situation relates to a person involved with the Church and the situation is likely to have an impact on or for the Church. It is the responsibility of everyone in the Church to ensure those who may need help and protection are not left at risk.





## **First Response – The person receiving a Safeguarding concern or allegation against a church officer**

Following receipt of a safeguarding concern or allegation by anyone:

1. As soon as is practicably possible and in any case within 24 hours of receiving a safeguarding concern or allegation of abuse against a church officer refer the matter to the DSA<sup>30</sup>.
2. Respond well to the victim/survivor to ensure they feel heard and taken seriously (please see [sections 2.2 – 2.5](#)).
3. Record the details of the concern or allegation.

Always ask permission to do this and explain the importance of recording all information. Where it is not appropriate to take notes at the time, or permission is not given, make a written record as soon as possible afterwards or before the end of the day. Do not be selective. Include details that may seem irrelevant. This may prove invaluable at a later stage in an investigation. The victim/survivor should be shown the record made in order to ensure they agree with the content and meaning, if possible. The record should include details of information provided to that person as well as information received. Record the time, date, location, persons present and how the concern or allegation was received, e.g. by telephone, face-to-face conversation, letter, etc. Please always sign and date the record.

If the victim/survivor disagrees with the content of the note, any agreed changes can be made. If changes are not agreed (perhaps because they refer to additional matters that did not arise during the meeting) the person should be advised that their comments are noted and will be retained with the notes of the meeting.

4. Pass all original records, including rough notes, immediately to the DSA. Any copies of retained records should be kept secure and confidential.
5. Explain to the victim/survivor what will happen next. They should be informed that their identity and the identity of the respondent will be shared with the statutory agencies. The concern or allegation should not be shared with anyone other than those who need to know (e.g. the statutory agencies and appropriate Church roles detailed in these procedures).
6. The DSA will now take over the response to the case<sup>31</sup>. There may also be a requirement to be involved in any subsequent core group.

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<sup>30</sup> If the concern arises in a church body other than a Diocese this will normally be via the Safeguarding lead in the church body that the concern or allegation arises. This could be via a Parish Safeguarding Officer, Cathedral Safeguarding Adviser, the safeguarding designated person in a religious community or the nominated safeguarding lead in a TEI.

<sup>31</sup> The only exception to this would be a situation, in relation to other church bodies who have a professional safeguarding adviser, where agreement has been reached about who is placed to lead on the Churches response. For instance where a cathedral has a paid professional safeguarding adviser or the nominated safeguarding lead in a TEI and the concern or allegation is against a church officer who is not ordained, licensed, authorised, commissioned or holding permission to officiate or have another diocesan or Parish role. In these situations the DSA should be kept informed of progress and outcome.

In cases of emergency (and/or outside normal business hours), where a child, young person and/or vulnerable adult appears to be at immediate risk of harm, an urgent report must be made to the statutory agencies to ensure that no one is left in a dangerous situation pending intervention, in an emergency dial 999.

### Initial DSA<sup>32</sup>Response

1. **Within 24 hours** of receiving notification of the concern or allegation the DSA will conduct an initial internal review of the information received to establish if the requirement for referring to the statutory agencies has been reached<sup>33</sup> and refer, as required. This will involve as a minimum establishing the:

- Name of the person raising the concern or making the allegation;
- Nature of the concern or allegation;
- Name of the respondent;
- Respondent's church officer position/role in the Church at the time of the abuse.

Wherever possible this would also normally include:

- Accurate identifying information of the victim/survivor, as far as it is known. This should include the name, address and age of the victim/survivor when the alleged abuse occurred;
- Where the person who has raised a concern or allegation is a child or young person, details of their parents/guardians should also be given;
- Dates when the concern arose, or when the incident occurred;
- The person's own words they used to describe the event or incident. Do not make assumptions about the intended meaning of the words used;
- Details of any action already taken about the concern or allegation.

**Please note that these initial enquiries should be brief and not delay referral to the statutory agencies.**

### Referral to Statutory Agencies

2. Where the requirement for referring has been reached, the DSA will inform the statutory agencies immediately by telephone **within 24 hours** of receiving the concerns or allegations. This should be followed up in writing and a record made. This record should include the date the referral was sent, which agency it was referred to, by whom and any decision made in relation to the concern or allegation.

If there is any uncertainty about whether the safeguarding concern or allegation meets the requirement for referring, a consultation should take place between the DSA and the statutory agencies, who will advise on the eligibility of the referral.

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<sup>32</sup> See footnote 30.

<sup>33</sup> Thresholds for referral to social care can be accessed via local safeguarding procedures as published by Local Safeguarding Children's Board and Adult Safeguarding Boards. Where there is an indication that a crime may have been committed, the case should also be referred to the local Police.

3. In all cases, consideration should be given to whether an immediate referral is necessary to preserve and secure against the possibility of any loss, deterioration or destruction of forensic or other potential evidence.
4. The DSA should provide written confirmation to the person raising the concern or allegation that the information has been passed on to the statutory agencies. This confirmation should include the date the referral was sent, which agency it was referred to and by whom. If this cannot happen, an explanation should be recorded.
5. The DSA will work in close collaboration and co-operation between the Church and all agencies involved in the situation.

### Additional Considerations

<b>When making a referral about a child or young person:</b>	<b>When making a referral about an adult:</b>
<p>It is best practice to be open and honest with the parents/carers about concerns, the need for a referral, information sharing between agencies and the accompanying need for making enquiries.</p> <p>All reasonable efforts should be made to inform parents/carers prior to making the referral; however, a referral should not be delayed if it is not possible to discuss the concerns with them.</p> <p>Where the child or young person expresses a wish for his or her parents not to be informed, their views should be taken seriously and a judgement made based on the child or young person's age and understanding, as to whether the child or young person's wishes should be followed.</p> <p>Concerns must not be discussed with parents/carers before making a referral where:</p> <ul style="list-style-type: none"> <li>• Discussion would put a child or young person at risk of significant harm</li> <li>• Discussion would impede a Police investigation or social work enquiry</li> <li>• Concerns or allegations are made of sexual abuse and discussion with parents/carers would put a child or young person at risk of significant harm</li> <li>• Concerns or allegations are made of organised or multiple abuse and discussion with parents/carers would put</li> </ul>	<p>The first priority should always be to ensure the safety and well-being of the adult. The adult should experience the safeguarding process, as set out in this guidance, as empowering and supportive. Wherever practicable, the consent of the adult should be sought before taking action. However, there may be circumstances when consent cannot be obtained because the adult lacks the capacity to give it, but it is in their best interests to undertake an enquiry.</p> <p>Whether or not the adult has capacity to give consent, action may need to be taken if others are or will be put at risk if nothing is done or where it is in the public interest to take action because a criminal offence has occurred. If a "health and welfare" Lasting Power of Attorney<sup>34</sup> has been created, the attorney will be able to act in the place of the adult who lacks capacity.</p> <p>It is the responsibility of all staff and members of the public to act on any safeguarding concern or allegation.</p>

<sup>34</sup> [Care Act Guidance.pdf](#)

<p>a child or young person at risk of significant harm</p> <ul style="list-style-type: none"> <li>• Concerns or allegations are made of fictitious illness or induced illness and discussion with parents/carers would put a child or young person at risk of significant harm</li> <li>• Contact with the parents/carers would place anyone at risk</li> <li>• It is not possible to contact parents/carers without causing undue delay in making the referral</li> </ul> <p>In such cases advice should be sought from Children's Services and/or the Police.</p>	
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### Not referring to Statutory Agencies

6. Any decision not to refer to the statutory agencies should be recorded in the safeguarding file and kept under constant review as the case progresses.

Please note:

If the concern or allegation does not relate to a church officer that has a role with children, young people and/or vulnerable adults, the DSA will agree with the person raising the concerns or allegations about how to respond, whether a referral to the statutory authorities will be made and who is best placed to do that.

### Reporting to other church officers

7. In the following circumstances the DSA should ensure the following Church roles are informed:

<b>Circumstance:</b>	<b>Information shared with:</b>
Information in or may imminently reach the public domain	Diocesan director of communications National deputy director of communications (safeguarding)
Information about a diocesan employee / staff member	Diocesan secretary
Information about an archbishop	NST, archbishop of the other province, provincial registrar
Information about a bishop	NST <sup>35</sup> who will inform the archbishop
Information about someone who currently or in the past has/had a high national profile, either in the church or in any walk of life <sup>36</sup>	NST Diocesan or provincial registrar

<sup>35</sup> This will be the National Safeguarding Casework Manager or in their absence the National Safeguarding Adviser or Provincial Safeguarding Adviser.

<sup>36</sup> Judgement about such profile should be at the discretion of the DSA, in consultation with the Diocesan Bishop and the National Safeguarding Team.

Information relating to more than one diocese	DSAs of all the relevant dioceses and NST. It will be agreed who will co-ordinate the case.
If the respondent is ordained, licensed, authorised, commissioned or holding permission to officiate	NST Diocesan and provincial registrar

If there is a conflict of interest because of the concern or allegation being reported to any of the people listed above the information must be shared with the NST for advice on how to proceed.

Where it is necessary to refer the safeguarding concern or allegation to the NST, the NST will ensure the following people are informed:

<b>Circumstance:</b>	<b>Information shared with:</b>
Information in or may imminently reach the public domain	National director of communications, Archbishop's communications adviser
Information relating to an Archbishop, Bishop or a person with high national profile	The archbishop of the relevant province (or of the other province), the bishop and the DSA of the diocese in which the alleged abuse took place, and the lead bishop for safeguarding.
Information about a NCI employee	NCI employer

If there is a conflict of interest in informing the NST (either the national safeguarding casework manager or a provincial safeguarding adviser) the information should be shared with the national safeguarding adviser or their deputy.

If there is a conflict of interest in informing the lead bishop for safeguarding, then the deputy lead bishop for safeguarding should be informed.

If there is a conflict of interest in informing the archbishop, then archbishop of the other Province should be informed.

### **Convene a Core Group**

- For every allegation against a church officer that has a role with children, young people and/or vulnerable adults the DSA<sup>37</sup> should convene a core group, in consultation with the bishop, **within 48 hours** of becoming aware of the safeguarding concern or allegation. If it is logistically impossible to meet face to face, a virtual meeting should be set up electronically (please see [Section 3.1](#)).

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<sup>37</sup> See footnote 30

## 2.2 Responding to an adult raising a safeguarding concern or allegation

Safeguarding is everyone's responsibility; it is essential to flourishing Christian communities and evidenced through good pastoral care. In the first instance, it is everyone's responsibility to hear a safeguarding concern or allegation which should be passed to your local DSA.

It is often very difficult for people to talk about abuse, so it is important to make sure that a safe environment of listening carefully and actively is created, in which a victim/survivor feels able to disclose as much as they can remember. This will help the statutory agencies to investigate the incident as thoroughly as possible.

Do not question beyond checking what has been said. It is the responsibility of Social Care and the Police to investigate. There should be no probing for detail beyond what has been freely given.

People may raise concerns or make allegations about:

- Abuse that happened to them when they were a child or young person;
- Something they've been told by someone else and that they strongly believe is true (disclosure);
- Seeing signs of abuse, such as physical injuries on a child or young person;
- Something they have witnessed that makes them feel uncomfortable.

Where information is given in person, consider the following:

- Adopt a listening style that is compassionate, calm and reassuring. If the information given causes shock, disgust or distress, do not allow these feelings to show. Doing so may inadvertently dissuade the person from giving any further information;
- Listen carefully to that person, but do not ask intrusive or leading questions;
- Stay calm, take what the person raising the concern says seriously, and reassure them;
- Allow the person to continue at their own pace;
- Check with the person to make sure what they actually said has been understood. Do not suggest words – use their words;
- Make no promises that cannot be kept, particularly in relation to confidentiality, but listen carefully to what is being sought in this regard;
- Explain the referral procedures to the person;
- Do not make any comments about the respondent; do not make assumptions or speculate;
- Be aware that a person's ability to recount their concern or allegation will depend on their age, culture, nationality or any disability that may affect speech or language;
- Avoid statements about your reaction to the information given;
- Do not offer wording or language to the person raising the concern or making the allegation that may affect the way they provide an account. To do so may prejudice any criminal investigation.

## 2.3 Responding to a child or young person raising a concern or making an allegation

The Church aims to create and maintain a safe environment for children and young people. This includes being open and willing to listen to and respond appropriately to concerns or allegations of abuse they raise concerns. However, avoid intentionally instigating a meeting with a child or young person to receive a disclosure or take a statement from them – that is the role of Children’s Social Care and/or the Police.

However, if a child or young person directly discloses about abuse happening to them, the following general guidelines should be adhered to:

- Remain calm;
- Listen to the child or young person carefully and in a manner, that conveys they are being heard and taken seriously;
- Give the child or young person the opportunity to tell their story in their own time;
- Ask questions only for clarification;
- Reassure the child or young person they have done the right thing by telling;
- Do not make promises that cannot be kept;
- Explain to the child or young person what will happen next, i.e. passing the information on to the DSA, explaining to them about the limits of confidentiality, etc.

It is good practice in this situation, if possible, to have another adult present for the protection of the child or young person and yourself against allegations and to ensure corroboration of any account provided.

## 2.4 Responding to an anonymous concern/allegation

Anonymous complaints are to be handled carefully. Anxiety and fear may persuade some people not to immediately reveal their identity. It is sometimes difficult to act on information under these circumstances, unless at some point the name of the victim/survivor becomes known.

The victim/survivor should be informed that anonymity might restrict the ability of professionals to access information or to intervene to protect a child, young person and/or vulnerable adult. As much openness, as possible should be encouraged. However, if any identifiable information that relates to a safeguarding concern or allegation (current or non-current) is received, it must be passed onto the DSA, who will refer to the appropriate statutory agencies so an investigation can be undertaken to assess the risks, as required.

## 2.5 Responding to someone who admits to abusing a child, young person or vulnerable adult

It is necessary to tell a person who admits an offence against any person that such information cannot be kept confidential. If such an admission is made to you, even where the admission relates to something that happened a long time ago, the matter **must be referred** to the DSA, who will refer to the appropriate statutory agencies so an investigation can be undertaken to assess the risks, as required.

## 2.6 Safeguarding and the Seal of Confession<sup>38</sup>

A failure to share information has been identified repeatedly in child abuse enquires as the most common reason for failure to intervene quickly enough in protecting children, young people and vulnerable adults, sometimes with serious consequences.

It is possible that relevant information may be disclosed in a one-to-one confession made to a priest in the context of the sacramental ministry of reconciliation.

Not least because the legal position differs between the two cases, it is important to recognise the distinction between disclosures made in this formal context, which exists for the quieting of conscience and is intended to lead to absolution, and disclosures made in the context of pastoral conversations. In the first case, but not the second, what is disclosed is subject to a duty of absolute confidentiality arising from the unrepealed proviso to Canon 113 of the Code of 1603.

For this reason, a clear distinction should be made between pastoral conversations and confessions made in the context of the ministry of absolution. To that end it is helpful if confessions are normally only heard at advertised times or by special arrangement and are in other ways differentiated from general pastoral conversations or meetings for spiritual direction. A stole might be worn and a liturgy should be used. It is also important that those clergy exercising this ministry should have received appropriate training and be familiar with Guidelines for the Professional Conduct of the Clergy, which has a section in relation to the confession.<sup>39</sup>

If a penitent makes a confession with the intention of receiving absolution, the priest is forbidden from disclosing anything (including any criminal offence) which is revealed in the course of the confession. This requirement of absolute confidentiality applies even after the death of the penitent.

However, where a penitent discloses in the course of such a confession that he or she has committed a serious crime, the priest should require him or her to report it to the police or other statutory authority and should withhold absolution if the penitent refuses to do so. In such a case the priest may consider it necessary to alert the bishop or the bishop's adviser for the ministry of reconciliation (if there is one) to his or her decision, though the penitent's details should not be shared without their permission.

The canonical duty of absolute confidentiality does not apply to anything that is said outside the context of a confession made in the context of the ministry of absolution. In particular, if information about abuse that was disclosed when seeking the ministry of absolution.

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<sup>38</sup> A Working Party has been established to carry out further theological and legal work to enable the Archbishops' Council and the House of Bishops to review the purpose and effect of the un-repealed proviso to the Canon of 1603, to assist the Archbishops' Council and the House of Bishops in considering whether they wish to recommend to Synod that they legislate to amend the Canon; and to provide a report with recommendations for discussion by the House of Bishops Standing Committee, the Archbishops' Council and the House of Bishops. The report will include recommendations in relation to any motion that might be brought to the Synod and to the shape that any legislative amendment might take. The Working Party met for the first time in June 2015 and is due to finalise its report in late 2017.

<sup>39</sup> Revised version of the Guidelines for the Professional Conduct of the Clergy, which has a section in relation to the confession – <https://www.churchofengland.org/about-us/structure/general-synod/about-general-synod/convocations/guidelines-for-the-professional-conduct-of-the-clergy/guidelines.aspx>. The reference to confession is contained at 3.5 to 3.8 of the Guidelines.



## 2.7 Respondent's working/volunteering for an external organisation

If a church officer works for another external organisation, they are bound by the policies and procedures of that organisation, which include safeguarding and notification of allegations for example school, hospital or prison chaplains, those who have church roles but who may also be school governors, etc. Therefore, if a concern or allegation against a church officer is raised with that member whilst in the employment of that organisation, they must report it using the safeguarding procedures of the organisation.

If there is an allegation against the member while working with that organisation, the following will be observed:

- If the allegation relates to that organisation, the reporting procedures will be initiated by the safeguarding adviser of that organisation in accordance with their safeguarding procedures;
- The respondent will either directly inform their Church body or give permission for the safeguarding adviser of the organisation to inform the Church body;
- Any decision to suspend the member from that organisation rests with the management of the relevant external organisation;
- (Where relevant – i.e. if clergy) any decision to remove the member from ministry rests with the bishop. If removal from office is under consideration CDM process should be followed i.e. a complaint should be raised etc. unless it is possible to use expedited procedure e.g. if the member of clergy is sent to prison – section 30 CDM. The bishop has the power to suspend from ministry – if notified by police/local authority that a cleric is a safeguarding risk;
- Internal Church processes regarding the management of the respondent will be followed upon conclusion of any criminal investigation and other organisational disciplinary proceedings and CDM will need to be actioned in appropriate cases.

## 2.9 Regular liaison with statutory agencies

Best practice in safeguarding requires a multi-agency approach that allows for exchange of information proportionate to the risk, and in line with relevant legislation.

### Case discussions

On an individual case-by-case basis, the Church, normally the DSA, must liaise with the statutory agencies to notify them of concerns or allegations against church officers, and to consider with them the appropriate actions to take in terms of notifying the respondent and of managing risk. **No action by the Church should interfere with any criminal or statutory enquiries being conducted by statutory agencies.**

Any internal safeguarding investigation remains sub-judicial until the conclusion of any statutory agency investigation.

Notification of a concern or allegation must be made in writing. A copy of the written notification must be made and retained on the case file.

Any contacts and/or meetings with statutory agencies should be recorded in writing and a copy kept securely in the respondent case file.

Prior to informing the respondent that a concern or allegation has been made, there should be a discussion with the relevant police force, whose view on informing the respondent should be sought. The purpose is to ensure the Church is not prejudicing any criminal investigation.

Prior to a full risk assessment and Ongoing Safeguarding Agreement being completed, confirmation should be received from the statutory agencies stating their investigations have concluded.

## 2.10 Information sharing

The effective protection of children, young people and/or vulnerable adults often depends on the willingness of people to share and exchange relevant information appropriately. It is critical there is a clear understanding of the Church's professional and legal responsibilities regarding data protection, confidentiality and the exchange of information.

Government guidance has been issued for professionals providing advice in relation to the provision of advice for safeguarding Information sharing advice for safeguarding practitioners.

### 2.10.1 What is meant by information sharing?

All information regarding safeguarding concerns or allegations (current or non-current) should be shared with the statutory agencies, in the interest of the person. **The provision of information to the statutory agencies for the protection of a person, where the safety of others may be at risk will not be a breach of confidentiality or data protection legislation, (even where sharing without consent).**

The issue of confidentiality should be part of the training given to church officers, so everyone is clear about their legal and moral responsibilities pertaining to the sharing of information, in good faith with statutory agencies. No undertakings regarding confidentiality can ever be given when considering safeguarding matters (apart from the Seal of Confession) ([section 2.6](#)) this message is reinforced in all core safeguarding training modules provided by the Church of England. Interagency cooperation is as important in the later stages of safeguarding work as it is at the outset. Therefore, church officers involved in a safeguarding concerns or allegations should consistently make efforts to remain in contact with the statutory agencies, and to communicate all relevant information expediently.

### 2.10.2 Situations when information must be shared

#### Sharing information with the statutory agencies

All concerns and allegations regarding safeguarding that evidence that there is a current risk of harm and that meet the requirement for referring (apart from those received under the Seal of the Confession) must be passed to the statutory agencies. Disclosure should include names, addresses, details of the concerns/allegations, and if the respondent has made an admission, where this information is available. Ensure that a record is kept of your decision and your reasons for it.

### 2.10.3 Situations when information can be shared

#### As part of an investigation by the statutory agencies

Safeguarding information is still subject to data protection legislation. However, information can be shared without consent sensitive personal data (e.g. that which relates to allegations) where it is in the substantial public interest and is necessary for the prevention or detection of any unlawful act and must be carried out without consent because seeking consent would prejudice the purposes.

Information can also be shared without consent if it is in the substantial public interest and the sharing is necessary to support a function designed to protect members of the public

from “...dishonesty, malpractice, or other seriously improper conduct by, or the unfitness or incompetence of, any person...” and to seek consent would prejudice those purposes – see The Data Protection (Processing of Sensitive Personal Data) Order 2000

During an investigation, if the Police request information from a file, **every effort should be made to cooperate**. Advice about this should be sought from the diocesan registrar. Police forces have standard forms for requesting personal data, in accordance with guidance issued by the Association of Chief Police Officers (ACPO). The form should certify that the information is required for an investigation concerning national security, the prevention or detection of crime, or the apprehension or prosecution of offenders, and that the investigation would be prejudiced by a failure to disclose the information. This provides a legal basis for supplying the data under the Data Protection Act exemptions. All requests for personal data from the police, apart from emergency requests, should be required to be on the requisite form.

Other law enforcement agencies may not use standard forms. However, any request should:

- be in writing, on headed paper, and signed by an officer of the agency;
- describe the nature of the information which is required;
- describe the nature of the investigation (e.g. citing any relevant statutory authority to obtain the information);
- certify that the information is necessary for the investigation.

If a properly completed form or letter is received, the data should normally be disclosed.

An emergency situation is one where there is reason to believe that there is a danger of death or injury to a person. The police and other emergency services may urgently require personal data, and may not have time to complete a formal written request. In these circumstances, any person who has access to the data can legally disclose the information, but the safeguards below need to be met:

- (1) If possible, seek the authorisation of a senior manager before providing the data;
- (2) If the request is received by telephone, ask the caller to provide a switchboard number, and call them back through the organisation's switchboard before providing the data. This provides a basic (though not foolproof) way of checking that the call is genuine;
- (3) Ask the enquirer to follow up their request with a formal written request, so that this can be held on file. Keep a record of the enquiry and the response and pass details to the data protection officer as soon as possible.

### **Between Church bodies<sup>40</sup>**

There will be occasions when information sharing between Church bodies is required. As each of these situations is unique, the decision whether and what to share with another Church body will be on a case-by-case basis. To assist, the following questions may be used:

- Does the recipient have a legitimate interest in receiving this information?

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<sup>40</sup> Please note that information sharing agreements should be considered in order to ensure that the diocese has clear and agreed safeguarding arrangements in place with other Church Bodies which operate within the diocese, including a cathedral, any religious communities and TElS. The NST will be issuing further guidance in relation to information sharing between dioceses, dioceses and the NST and between dioceses and other church bodies in 2018, as part of the follow up work to respond to the Gibb Review 2017 recommendations.

- What is the justification for sharing information, (is it necessary and proportionate to share the information)?
- Is there a risk of harm to an identified or unidentified child, young person and/or vulnerable adult if such information is not shared?
- Can permission be obtained from the respondent to share information? If consent cannot be obtained can the information still be shared?
- Should the respondent be informed the information is being shared?
- Should information about the victim/survivor be redacted?
- Is there sufficient information available in the public domain such as media reports which can be highlighted as a concern to another church body without any confidential information needing therefore to be shared?

**As above every effort should be made to cooperate.**

### **With external organisations**

There may be occasions when information sharing with external organisations. As each of these situations is unique, the decision whether and what to share with another organisations that employs the church officer in a different capacity will be on a case-by-case basis. To assist, the following questions may be used:

- Does the recipient have a legitimate interest in receiving this information?
- What is the justification for sharing information, (is it necessary and proportionate to share the information)?
- Is there a risk of harm to an identified or unidentified child, young person and/or vulnerable adult if such information is not shared?
- Can permission be obtained from the respondent to share information?
- Should the respondent be informed the information is being shared?
- Should information about the victim/survivor be redacted?

### **Data Protection:**

The principles of the relevant data protection legislation should be considered when deciding whether to share information. If in doubt contact the diocesan registrar. If not possible because an emergency arises, ensure any decisions made about sharing information are documented and then discuss with the registrar as soon as practicable thereafter.

Much of the data, if not all, in relation to safeguarding and the Church will be classed as “sensitive personal data” under the current Data Protection Act 1998.

This means that generally to be able to process this sensitive personal data, (and this will include the sharing of sensitive personal information), the data controller must process the data:-

- Fairly;
- Lawfully; and
- With justification under one of the conditions of **Schedule 2 and one of the conditions of Schedule 3.**

The term processing is given a wide definition under the DPA 1998 and encompasses anything done with that data.

That said, it is worth bearing in mind the 7 golden rules to sharing information.

Please also note The Data Protection (Processing of Sensitive Personal Data) Order 2000 which provides a framework whereby sensitive personal data can be processed in certain limited situations without the consent of the data subject (e.g. for the prevention or detection of any unlawful act and to obtain consent would prejudice these purposes).

### 2.10.3 Where a person does not consent to the sharing of information

Individuals may not give their consent to the sharing of information for a number of reasons. For example, they may be frightened; they may fear losing control; they may not trust social services or the police or they may fear that their relationship with the respondent will be damaged. Reassurance and appropriate support along with gentle persuasion may help to change their view on whether it is best to share information.

It is important to:-

- Explore the reasons for a person's objections;
- Explain why it is important to share the information;
- Explain with whom the information will be shared and why;
- Explain the benefits, to him/her or others, of sharing information (e.g. to prevent a crime/harm);
- Discuss the consequences of not sharing the information;
- Reassure him/her that the information will not be shared with anyone who does not need to know;
- Reassure him/her that they are not alone and that support is available.

It is very important that the risk of sharing information is also considered. In some cases, such as domestic violence and abuse, it is possible that sharing information could increase the risk to the individual. Discuss this with the DSA, in the first instance.

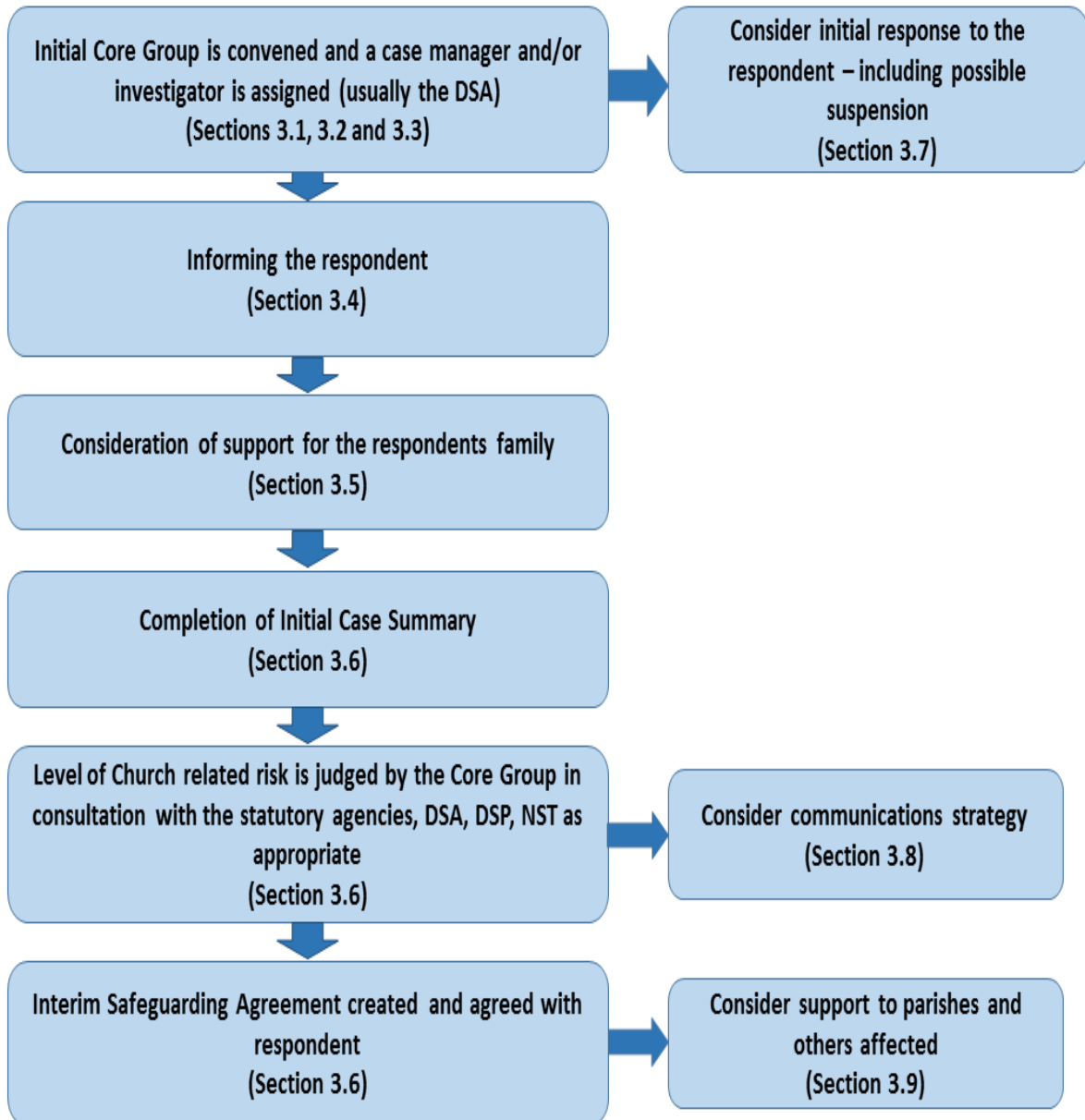
If a person cannot be persuaded to share information about him/her with relevant others (e.g. local authority/police), his/her wishes, in the first instance, should be respected. That said, there are certain situations where this refusal can reasonably be overridden, including, for instance, where:

- The person lacks the mental capacity to make that decision (under the Mental Capacity Act 2005);
- Other people are, or may be, at risk of harm;
- It is necessary for prevention or detection of a crime;
- It is believed that a serious crime has been committed; or
- A court order or other legal authority has requested the information.

The principle of necessity and proportionality should underpin decisions about sharing information without consent. Indeed, what should be considered is whether the sharing would prevent a risk and whether the public interest in sharing overrides the interest in maintaining confidentiality, (i.e. what will happen if the information is shared balanced against what will happen if the information is not shared). All decisions should be on a case-by-case basis.

Ultimately, if a person has not consented to sharing of information please seek advice with the DSA and the registrar.

### 3. Initial assessment and management of the safeguarding concern or allegation



### 3.1 Convening the Core Group

For every allegation against a church officer that has a role with children, young people and/or vulnerable adults the DSA<sup>41</sup> should convene a core group, in consultation with the bishop, **within 48 hours** of becoming aware of the safeguarding concern or allegation. If it is logistically impossible to meet face to face, a virtual meeting should be set up electronically (please see [Section 3.1](#)).

If there are ongoing statutory investigations the core group will be informed by the recommendations from the statutory agencies.

Where there is no statutory agency involvement but a safeguarding concern or allegation has been identified the Church should conduct its own investigation; the core group should establish a process for this to gather information and make an assessment on the facts.

This convened core group will manage the process for the duration of the case, and will meet as required. All information should be made available to the group to support decision making, as required. Membership of the core group may change during this time.

Membership of the Core Group may include:

Local	National
<p><i>Diocesan officers:</i> the DSA, the archdeacon or suffragan/area bishop who represents the diocesan bishop<sup>42</sup>, the diocesan director of communications, and other key diocesan senior staff as relevant to the case, with ready access to the diocesan secretary and diocesan registrar.</p>	<p><i>National officers:</i> the NST, the provincial safeguarding advisor, the bishop at Lambeth, or the chief of staff at Bishopthorpe, who represents the archbishop of the Province, the lead or deputy lead bishop for safeguarding, representation from the National Communications Team, the archbishop's communications officer, and other key national senior staff as relevant to the case, with ready access to the provincial registrar.</p>
<p><i>Parish officers:</i> the incumbent, the churchwardens and the parish safeguarding officer, and other relevant parties by agreement. Ongoing consideration should be given to whether those holding voluntary roles have the capacity to manage such a process, both emotionally and in paying due regard to the boundaries of confidentiality.</p>	<p><i>Diocesan officers</i> from both the diocese in which the alleged abuse took place and the diocese in which the respondent now lives and/or works (from each relevant diocese, the DSA, a representative of the diocesan bishop, the diocesan director of communications, and other relevant parties by agreement).</p>

Where a concern or allegation is made against a member of another Church body, such as a cathedral or TEI, the safeguarding officer and any other relevant senior staff from that Church body should be engaged in the core group, or indeed may be convening it. For a cathedral this could be professional safeguarding adviser, residentiary canon, dean or representative or any other appropriate person.

If anyone carrying out these roles is the subject of the allegation or has any conflict of interest or loyalty such as:

<sup>41</sup> See footnote 30

<sup>42</sup> In determining membership of the core group consideration will need to be given of who might be required to instigate a CDM should it be required at a later point so as not to create a conflict of interest.

- personally, knowing the respondent and/or the victim/survivor;
- is witness in the investigation;
- are pastorally supporting the respondent and/or the victim/survivor

They should not be included in the core group.

A chair and a note taker for the core group should be appointed. The role of the chair is described within [section 1.6.1](#).

The diocesan bishop or the archbishop must not be a member of the group, nor attend meetings of the core group, in order not to compromise potential decisions about disciplinary matters which rest with them.

The diocesan bishop/archbishop should be kept informed of the process by their representative in the core group or the DSA, and be advised on decisions which they need to take e.g. in relation to suspension or disciplinary issues, appointing a link person, ensuring a support person for the victim/survivor is offered by the DSA.

Minutes from all core group meetings should be taken and circulated to attendees as soon as possible after each meeting; absent members should be briefed on decisions taken as soon as possible.

If the safeguarding concern or allegation relates to a diocesan/NCI employee, then the diocesan secretary/NCI employer must not be a member of the group, nor attend meetings of the core group, in order not to compromise potential decisions about disciplinary matters which rest with them.

Legal advice should be sought from the appropriate legal adviser (e.g. diocesan/provincial registrar/legal office of the National Church Institutions) as required, at every stage of the process.

Communications advice should be sought from the diocesan/national communications adviser at every stage of the process.

A complete record of the case should be maintained by the case manager and retained in a secure place, in accordance with [Safeguarding Records Practice Guidance 2015](#). Where the case is managed at diocesan level the DSA will maintain the full case record. If the case is managed nationally it will be the National Safeguarding Team who maintain the full case record. Copies of documents will be shared with other parties involved where required. The record should contain minutes of all meetings and communications between all members of the group between meetings. **It is important that records of all telephone calls, emails and meetings outside of the core group meetings, and all involvement of statutory agencies are sent to the DSA/NST.**

Safeguarding concerns or allegations managed nationally are always complex. Each diocese involved in the case may need to have its own internal group to manage the issues that have arisen from the core group. Diocesan groups should always work under the guidance of the national core group and keep the NST informed of actions taken.



## 3.2 Multi-agency management<sup>43</sup>

The statutory agencies have responsibility to ensure communication and co-ordination between agencies, which may include Police, health services, education, adults and children's social care and/or an Independent Domestic Violence Adviser.

This may take the form of multi-agency Strategy Meetings, Allegation Management Meetings, Child or Adult Protection Conferences or Multi-Agency Safeguarding Hub Meetings, to which the diocesan safeguarding adviser and other relevant church officers should expect to be invited.

It is vital Church representatives are included in such meetings, for the purposes of sharing information relevant to the case, and being party to the decision-making process regarding investigation and risk.

The outcomes and recommendations from multi-agency meetings will inform the Church's internal management of the safeguarding concern or allegation.

If the core group are not satisfied multi-agency management by the Local Authority is adequate, or their representative is not invited to such meetings, they should escalate their concerns to the relevant senior manager within the statutory agencies (e.g. for the Police escalate concerns to the Super Intendent, for Social Care escalate to the Head of Safeguarding). Each Local Safeguarding Children / Local Safeguarding Adult Board should have a resolution of professional disagreements or escalation policy which can assist.

It is common for Police investigations to take some time to conclude. The DSA should keep in regular touch with investigating officers. If the subject is charged and pleads not guilty, the outcome of the process will be further delayed, as the matter will proceed to trial.

## 3.3 Internal Church Investigation

The aim of an Internal Church Investigation is to establish whether or not there are ongoing safeguarding concerns and whether the respondent is suitable to fulfill a Church role which carries the potential for engagement with children, young people and/or vulnerable adults.

The aim is NOT to establish the guilt of the respondent.

The core group will identify the lines of enquiry to be followed with the assigned investigator – this will usually be the DSA. The investigator will undertake the enquiries as outlined and produce a report on their investigation for the core group.

The core group uses the investigation report to inform the next stages of the process as outlined in [section 4](#).

The complexity and variety of the lines of enquiry will be determined by the specifics of an individual case and therefore timescales for completion will need to be agreed with the investigator as tasks are identified by the core group.

Should the investigator disagree with any decision made by the core group during the internal investigation, their concerns should be escalated to the chair of the Diocesan Safeguarding Advisory Panel or, where the DSAP are unable to resolve the dispute, to the NST for a final decision.

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<sup>43</sup> For definitions and descriptions of agencies see glossary reference document.

### 3.4 Informing the respondent

The statutory agencies, where involved, will inform the DSA about when they can tell the respondent an allegation has been made. However, it may be that the statutory agencies themselves inform the respondent as part of their own investigative practices i.e. where an arrest is necessary.

Where the statutory agencies are not involved, the core group will determine when and what the respondent should be told in relation to the concern or allegation.

Following the approval of the statutory agencies or the decision of the core group (in the case of non-clergy church officers) to notify the respondent, the diocesan bishop, or their nominated representative, arranges a meeting with the respondent.

In arranging this meeting:

- In relation to clergy the bishop, or in the case of other church officers, the bishop's nominated representative, should inform the respondent that they will be accompanied by the DSA;
- The bishop, or their nominated representative, should inform the respondent they will be accompanied by the DSA;
- The respondent should be offered the services of a link person and the role description outlined to them. Should the respondent refuse a link person, they should be informed that they are able to change their mind at any time during the process which follows; the respondent should be informed they can be accompanied by another person at this meeting for their own support, the role of the supporter is to listen, so they can talk through what was said with the respondent afterwards. The supporter is not an advocate for the respondent, must be independent of the concern or allegation, and should not be a legal representative.

Before the meeting:

- The DSA in conjunction with the registrar, will advise the bishop, or their chosen representative, what the respondent can and cannot be told in relation to the allegation which has been made, based on the DSAs communications with the statutory agencies.

At the meeting the respondent:

- Should be informed they have the right to obtain legal advice (both in relation to ecclesiastical and secular law where appropriate) with regards to the allegation;
- Should immediately be advised of their right not to reply at this stage;
- Should be given enough detail about the concern or allegation to be able to offer a response, if they choose to do so<sup>44</sup>. At this stage, the identity of the person raising the concern or making the allegation should not be disclosed if they are different from the victim/survivor. If a written statement has been given by the person raising the concern or making the allegation, this cannot be given to the respondent, but a summary of its content can be shared.

For certain roles (e.g. clergy, churchwardens etc.) the bishop, if notified by the statutory authorities, that the respondent is a safeguarding risk could consider suspension and the

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<sup>44</sup> The respondent needs to be provided with sufficient detail of what they are alleged to have done and who the alleged victim is, including timeframes and location, in order to be able to respond.

respondent should be notified of this - see the Safeguarding and Clergy Discipline Measure 2016, Canons E6 and E8.

A written reminder from the bishop, or their nominated representative, is also given to the respondent to advise them to follow safeguarding policies and procedures ([Appendix 1](#)).

After the meeting:

- A dated, written record of the meeting should be forwarded by the DSA to the respondent for agreement and signing. This record should detail what they have been informed of, and their response (if any);
- The respondent should be given written information about the process that will be followed.

### 3.5 Support for the respondent's family

Consideration may need to be given to the support needs of members of the respondent's family. Support offered should not be provided by those involved in managing the case.

Whilst an investigation is ongoing, all support should be offered under 'pre-trial therapy' rules<sup>45</sup>, to ensure the ongoing investigation is not compromised.

Options of independent support include:

- A named pastoral supporter identified by the DSA/NST in consultation with members of the core group and the family member seeking the support;
- Local and national support groups or programmes for families.

For clergy or lay workers whose accommodation is provided by the Church, alternative temporary accommodation for the respondent and their family may need to be considered to protect them, and to assist them in withdrawal from their role during the investigation period, which may take a long time to resolve.

### 3.6 Initial Case Summary which results in notification to comply with safeguarding policies and procedures and an Interim Safeguarding Agreement

All templates referred to throughout this document are for illustrative purposes and can be adapted to suit the needs of individual cases.

After the process of informing the respondent, the DSA will provide an Initial Case Summary for the core group to help them judge the level of risk in consultation with the statutory agencies<sup>46</sup>. A decision will be taken at this stage as to whether an Interim Safeguarding Agreement is required based on the level of risk identified ([Appendix 3](#)).

If required, the Initial Case Summary is used to develop an Interim Safeguarding Agreement due to ongoing risks being present ([Appendix 3](#)). Where an Interim Safeguarding Agreement is required the DSA and Link Person (where appointed) will meet the respondent and present them with the Interim Safeguarding Agreement, which the respondent will be asked

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<sup>45</sup> Provision of therapy for vulnerable or intimidated adult witnesses prior to a criminal trial - Practice guidance, issued as part of the [Home Office Co-ordinated Action for Justice Programme, 2002](#)

<sup>46</sup> In some cases, it may be decided that an independent risk assessment is required at this point. This would need to be requested in consultation with the statutory agencies and would need to be shared with them once completed.

to agree to and sign. Any refusal to sign the agreement will be considered by the core group in consultation with the bishop, whilst obtaining legal advice. During this meeting, the respondent should be advised of the potential outcomes following the conclusion of any statutory agency enquiries. The respondent can be accompanied at this meeting by a supporter, to advise them on the terms of the agreement.

The Initial Case Summary is also used to complete the Case Management Update Tool ([Appendix 4](#)). This form is used at subsequent meetings to update the core group on progress and to give a brief overview of the risks associated with the case. This should be regularly updated as required.

Any breach of an agreement reached as part of the management of risk should be reported to the relevant statutory agencies, and to the DSA, who may consider a review of the Interim Safeguarding Agreement.

The agreement should be reviewed by the DSA at regular intervals depending on the risks identified, initially this review would take place at a minimum of three monthly intervals until the situation appears stable when review would take place at least annually, and in the following circumstances:

- when new information is available;
- if circumstances change;
- if the individual breaches the agreement;
- if concerns have been expressed about risk management.

Any review must be conducted in a face to face meeting with the person subject to the agreement. It must not be conducted using any other form of communication (e.g. telephone, email, including visual web link such as Skype or FaceTime).

### 3.7 Suspension for the duration of an investigation

When information about a safeguarding concern or allegation involving a church officer is received, consideration should be given to suspension of the respondent from their role. For clergy, suspension can occur after arrest, complaint or where the bishop is satisfied on the basis of information provided by the local authority or the police that a member of the clergy presents a significant risk of harm<sup>47</sup>. The bishop can also suspend a member of the clergy when an application to bring proceedings out of time has been made and he/she is satisfied that suspension is necessary and he has sought and received the advice of his/her diocesan registrar (CDM s36 and s36A).

The Police should always be consulted regarding the timing of such action, to ensure the respondent is not alerted to an impending investigation before the Police have made direct contact. Suspension may, however, be a recommendation from a Local Authority Strategy Meeting.

It should be emphasised suspension is an entirely neutral act and is a precautionary to ensure cases can be investigated in a dispassionate manner and to protect all parties involved (for instance, by ensuring no further accusations are made against the respondent; and victims are protected).

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<sup>47</sup> Suspension is also possible where a member of the clergy is convicted of an offence or is placed on one of the DBS barred lists.

Consideration should be given to whether other structured activities can be offered during the period of suspension. Such activities are those which are deemed to be safe for the respondent to perform taking into consideration all the available information and potential risks.

For clergy<sup>48</sup>:

- A bishop must consult the DSA and such other persons as the bishop considers appropriate before suspending a priest or deacon on the grounds that the cleric presents a significant risk of harm on the basis of information received from the local authority or the police (s36(2B) CDM).
- A Bishop must seek advice from the registrar before suspending a priest or deacon when an application is made by a complainant to the president of tribunals for permission to make a complaint out of time (s36A CDM).
- Equivalent provisions apply where an Archbishop is considering suspending a bishop in similar circumstances as above (s37 and s37A CDM).
- A bishop can suspend a licensed reader or lay worker under Canon E 6.3C and Canon E 8.5C respectively pending a decision on whether to revoke the licence but must consult the registrar before doing so (see Canon E 6.3D and Canon E 8.5D).

For paid staff or volunteers:

- In the case of parishes, the bishop has power to suspend in certain circumstances – churchwardens, PCC members, secretary, treasurer, readers, lay workers and clergy;
- In the case of a diocesan employee, the power to suspend lies with the diocesan secretary or in the case of an NCI, cathedral or TEI employee, with the employer – as determined by the contract of employment;
- The advice of the DSA, human resources or other appropriate people should be sought and relevant disciplinary procedures followed, to ensure a correct and fair approach is applied.

Following an initial assessment of risk, the respondent should be offered independent pastoral support and the opportunity to worship under an Interim Safeguarding Agreement.

Any decision regarding suspension needs to be kept under review, at three monthly intervals, as the case progresses.

### 3.8 Communications

Generally, statements about the facts of the case should not be given to the media and others until after the investigation or any subsequent trial is completed; and responses by the Church to media coverage from other sources should be minimal. This is to protect all parties and ensure any investigation is not compromised and impartiality maintained.

Advice should be sought from diocesan and/or national director of communications on what information is shared with congregations and parishes, how it is shared, and who shares it. Recommendations for information sharing should be made by the core group, considering

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<sup>48</sup> Further information and guidance on the Clergy Discipline Measure can be found at [Clergy Discipline Measure](#)

what information can be shared at different stages of an investigation, and who 'needs to know'.

The diocesan and/or national director of communications should liaise with the Police and other relevant statutory agency press officers to ensure consistent media statements.

Statements should be prepared by the diocesan and/or national director of communications in co-operation with other members of the core group, to be used in response to media interest at every stage of an investigation.

All media enquiries relating to the situation should be directed to the diocesan or national communications team. All those who may be approached by the media for comment should be given relevant contact details to pass on any media calls.

### 3.9 Support to parishes and others affected by safeguarding concerns or allegations

When a member of clergy leaves a parish in which they have lived and worked for some time, there is usually a period of notice during which they can take their leave and parishioners can say their goodbyes. The pastoral relationship between the respondent and parishioners can be very close so when it is ending it is to be expected there will be some sense of loss and sadness; but there is also an opportunity to mark their departure.

When someone in a position of office or ministry must step aside at short notice or is suspended because of a safeguarding concern or allegation, a crisis arises for them; but also for the parishioners who have had no warning. The feelings that can arise for parishioners in these circumstances can be very varied, and can include defensiveness about the allegation or the respondent, shock, disappointment, anger and confusion. People can feel abandoned, especially if they had been working closely with that person in some element of parish life.

The core group will advise the DSA as to who should support the affected parish.

During the period of investigation, which may last for many months, the information that can be shared with congregants or parishes will be limited; advice and support in communication should always be sought from the director of communications.

Both during and at the end of an investigation, whatever the outcome, the bishop will have the prime responsibility for ensuring arrangements are put in place for the pastoral care of the congregation or parishes.

#### 3.9.1 Affected parties

There are many groups who could be affected by the suspension which could include:

- victims/survivors and their families;
- the respondent's family and friends;
- other clergy;
- lay ministers;
- parish and Church school staff;
- parish leadership teams;
- PCC members;
- the wider parish community.

The challenge is to identify and bring together the resources required to effectively address these needs.



### 3.9.2 General principles for support

There are three general principles that should guide the responses to be made:

1. The Church must take the initiative in this situation in reaching out to, rather than retreating from, the members of the parish community;
2. Opportunities must be established in which relevant groups of parishioners can air their fears, concerns and obtain the information they need. Information should be shared in consultation with the DSA, diocesan registrar and the statutory agencies;
3. It is always best to use the parish's natural networks, and leadership, with other professionals providing consultation, education, guidance and support as needed.

If the most appropriate person to offer support is the subject of the allegation, the core group should consider how support will be provided.

It is the diocese's prerogative to decide, in consultation with other key parties, whether an announcement or other form of explanatory statement is made to parishioners concerning the respondent's absence. A decision on the composition and issuing of a press release may also be required and the diocesan communications officer should be involved in all discussions regarding any statement to be made.

Any information shared publicly or privately with members of a congregation or parish must be agreed in advance with the statutory agencies where they are involved and with communications staff. The statutory agencies may, in rare circumstances, explicitly request information is shared during an investigation to search for more potential victims or ensure ongoing safety. Information requests from statutory agencies should be considered on an individual basis and a decision made on current information sharing arrangements and legal advice.

Care should be taken as to who shares information, how it is shared and to whom; as it can impact on those disclosed to. Where information is shared a record should be made of who the information went to, how and why. Records should also be kept when a decision is made not to share information and the reasons why.

Once more information is made available to congregants or parishes, reaction is likely to be varied. It may include anger that information has been withheld; fear that others known to them may have been abused; anger that the church has allowed abuse to happen; both disbelief and support for the respondent and/or the victim/survivor. Such feelings may continue for many years and may become embedded in the culture of the Church; those with responsibility for wellbeing may need to seek assistance with mediation and community healing.

Confidentiality is required, and advice should be sought from the diocesan registrar and the DSA will be needed on what can be shared, by whom and with whom. Parishioners cannot be told everything, but they do need an explanation for the sudden unavailability of the respondent for a period. What they are told should be truthful.

### 3.9.3 Appropriate support

Consideration should be given as to the nature, appropriateness and timing of intervention.

The parish community may need the support and assistance of the DSA, if the situation is too emotionally challenging and complex for parishes to deal with on their own. The availability of the DSA, or a senior member of clergy (such as an area bishop, area dean or archdeacon), to meet with concerned parishioners provides an important opportunity for people to express any safeguarding concerns they may have.

Parishioners in this situation need:

- Assistance in managing feelings. These may include for some a sense of betrayal and for some may lead to a crisis of faith;
- Information and education about an unusual and distressing event that will be outside their previous experience. Some may have a lot of questions or worries and anxiety about the unknown.

Some parishioners may want to pray together about their concerns, and consideration can be given to how this can be facilitated.

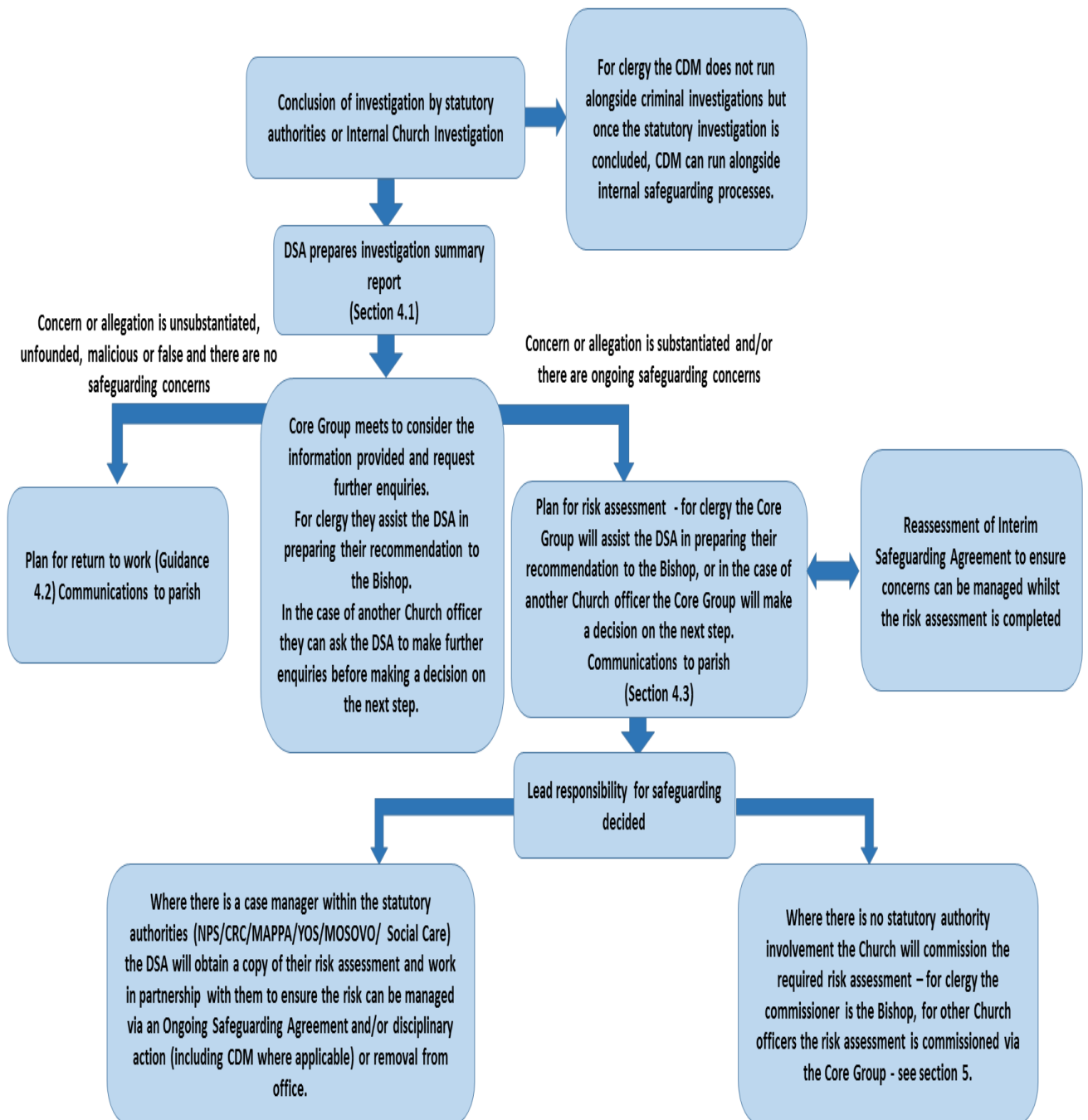
It can happen that parishioners are divided in their attitude and loyalties, with some expressing disbelief about what is being suggested and compassion towards the respondent, while others may blame the respondent, or the diocese, and may express strong anger towards one or other. It is not unusual for people to come together to support and advocate on behalf of the respondent.

If the respondent is an Incumbent stress could be experienced by other ministers of an affected parish who in the short term have an increased workload as they take up the duties of the respondent. They do so at the same time as they are coming to terms with their own feelings about what has happened, while also trying to support and assist the parishioners. It is important they have someone from whom they can draw support and encouragement.

Without any undue haste, a return to regular parish routines as soon as is practicable should be supported, as people are reassured by familiar routines.



## 4. The process to be followed after the statutory agency or an internal investigation has concluded



## 4.1 DSA prepares investigation summary report

Following the conclusion of the statutory process or the Internal Church Investigation, the DSA will prepare a summary report. The report should include:

1. Core details of the respondent – name, date of birth, address, role;
2. A summary of the allegations - this will contain the following information:
  - Dates, venues of allegation;
  - Age(s) of victim/survivor(s) at time of allegation;
  - When the allegation was notified to the diocese;
  - Age of respondent at the time of the alleged abuse, and their age now;
  - When the allegation was reported to the statutory agencies and any action taken by them, and any outcomes from those actions;
  - If any statements have been made by the victim/survivor(s) to the statutory agencies, a copy of these should be sought. If not already taken by the statutory agencies, arrangements should be made to obtain an account from the victim/survivor, to include as much detail as possible; name any witnesses, or existence of corroborative evidence. Best practice is for this to be done during a face to face meeting, the statement should be shared with the victim/survivor to ensure that it is an accurate reflection of the account given;
  - A statement detailing the response to the allegation by the respondent should be taken, best practice is for this to be done during a face to face meeting. The statement should be shared with the respondent to ensure it is an accurate reflection of the response provided;
  - Any relevant information about any previous allegations;
  - Information on where the respondent was at the time of the allegation; and any other relevant information or corroborative evidence presented by the respondent;
  - The respondent's knowledge of and attitude to the victim/survivor at the initial meeting;
  - The respondent's attitude to the Church process;
  - Third party information - any corroborating evidence which supports the investigation where this has been upheld;
  - The views of any other relevant people; statutory agencies; other church officers; anyone else who may have been aware of the allegation, bearing in mind issues of confidentiality and data protection requirements;
  - Consider any Initial Reports including, Risk Assessments, and the Case Management Update Tool ([Appendix 4](#)) used to complete the Interim Safeguarding Agreement ([Appendix 3](#));
  - Information on the action taken so far against the respondent, including suspension, as a result of the concern or allegation.
3. An assessment of findings - which could include recommendations for further enquiries. And will include a clear statement, in their opinion, on whether the DSA believes case is substantiated or unsubstantiated, unfounded, malicious or false and/or whether there are ongoing safeguarding concerns.

In preparing this report the DSA will meet with the respondent to give them the opportunity to reply to the allegation made. The communication of this offer must be done in writing, since the copy of the letter handed over or posted will serve as proof of whether or not this has been done in an adequate and satisfactory manner. This opportunity should be given to the respondent in addition to any other interviews with statutory agencies. This should not be done informally in a private meeting, as once the process has been initiated, all contacts between the diocese and the respondent must be formal and minuted. There must be at least one other person present, e.g. the respondent's legal advisor or a supporter, when the meeting takes place. If the respondent does not want someone to accompany them, the DSA should ensure there is a third person present.

Having informed the respondent of what has been alleged and of the information collected, the DSA offers the respondent the opportunity to reply. Any reply must be noted within the meeting, agreed with the respondent afterwards and signed and dated by them as a statement that the record is a true and accurate reflection of what has been said. Any disagreement about the recording of the reply should be noted.

The conclusion of this report should assist the core group in deciding whether there is a case to answer, the case is unsubstantiated or that the case is manifestly false or unfounded.

The information presented in the report is not meant to be an exhaustive demonstration of the facts but something that supports the allegation which would merit taking further action. After consideration of the report, the core group can ask the DSA to make further enquiries in order to determine whether a risk assessment is required or not, for clergy these further enquiries will serve to inform the recommendation made to the bishop.

In conclusion, there are three possible outcomes:

1. The initial investigation finds the concern or allegation was unsubstantiated and there are no ongoing safeguarding concerns – in this scenario for church officers who are ordained, licensed, authorised, commissioned or holding permission to officiate the DSA should recommend to the bishop that the respondent is returned to work. For other church officers the core group should decide that the respondent should be returned to work and inform the person responsible for them.
2. The initial investigation finds the concern or allegation was unsubstantiated but there are ongoing safeguarding concerns – in this scenario a risk assessment is required, for church officers who are ordained, licensed, authorised, commissioned or holding permission to officiate the DSA should recommend to the bishop that an independent risk assessment is undertaken. For other church officers, the core group should inform the DSA who will either carry out a standard assessment or make arrangements for it to be carried out;
3. The initial investigation finds the concern or allegation to be substantiated – in this scenario a risk assessment is required, for church officers who are ordained, licensed, authorised, commissioned or holding permission to officiate the DSA should recommend to the bishop that an independent risk assessment is undertaken. For other church officers, the core group should inform the DSA who will either carry out a standard assessment or make arrangements for it to be carried out.

At all stages outlined, all information should be recorded to provide a clear audit trail and cross referenced with the DSA's casefile.

Whilst a risk assessment is being awaited, the Interim Safeguarding Agreement ([Appendix 3](#)) should be reassessed using the Initial Case Summary, and if changes are required a new copy should be signed and dated by the respondent and the DSA. The Case Management Update Tool should be updated with this information ([Appendix 4](#)).

## 4.2 When the initial investigation finds that the concern or allegation is unsubstantiated, unfounded, malicious or false<sup>49</sup> and there are no ongoing safeguarding concerns (return to work)

If there is no credible, identifiable or believable evidence to support a safeguarding concern or allegation then the initial investigation must be concluded and the respondent (this relates to all church officers) should be returned to work.

The person who made the allegation should be notified of the outcome of the statutory investigation by the relevant agency and the DSA should make contact with them following this notification to explain what will happen with regards to returning the respondent to work.

To do this the following should serve as a guide on the steps which may be taken:

1. Once it has been established that a concern or allegation is unsubstantiated and there are no ongoing safeguarding concerns, in the case of a church officer who is ordained, licensed, authorised, commissioned or holding permission to officiate the diocesan bishop, should meet with the respondent to consider how and when a return to work can be achieved. For other church officers, the relevant employer/supervisor should meet with the respondent to consider how and when a return to work can be achieved;
2. It is important all outstanding matters are addressed prior to any return to work therefore, in preparation, the respondent should be offered counselling and support to assist them to deal with any residual anger/distress. The preparation for a return to work should include spiritual direction, reflection and discussions with the bishop or other relevant person. It is understandable that the respondent may be angry at the process but this anger must be addressed appropriately so as not to interfere with future work;
3. Following counselling (where required), spiritual direction and reflection for the respondent, the bishop or other relevant person should meet them to agree what work they will undertake. If the work involves a return to a previous community/parish, agreement should be reached about what and how to communicate the return, consideration should be given to a statement being made about the outcome of the concern or allegation;
4. The respondent should continue to be provided with support for an agreed period after the return to work;
5. The respondent should be reminded of the safeguarding policies, procedures and code of conduct;
6. The communications strategy should be updated and any statement to be made should be agreed with the director of communications.

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<sup>49</sup> An unsubstantiated concern or allegation means that there is insufficient identifiable evidence to prove or disprove the allegation. The term therefore does not imply guilt or innocence. Malicious means there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive. False means there is sufficient evidence to disprove the allegation; Unfounded means there is no evidence or proper basis which supports the allegation being made.

At any stage of this process the advice of the DSA, core group, human resources manager or the Diocesan Safeguarding Advisory Panel can be sought by the bishop or relevant persons.

At all stages outlined, all information should be recorded to provide a clear audit trail and cross-referenced with the DSA casefile. These records will be of importance if further allegations are made in future.

### 4.3 When the initial investigation finds that the concern or allegation is substantiated<sup>50</sup> and/or there are ongoing safeguarding concerns

If the concern or allegation is substantiated and/or there are ongoing safeguarding concerns, a plan should be established for assessing the risk and reviewing the Interim Safeguarding Agreement. For clergy, a recommendation will be made by the DSA, in consultation with the core group, to the bishop advising that an independent risk assessment is required. For other church officers the core group who will inform the DSA who will either carry out a standard assessment or make arrangements for it to be carried out.

A decision must be made in liaison with the statutory agencies (if applicable), as to where the responsibility for safeguarding in relation to the respondent lies; at this point, there are two options:

- a) Where there is a case manager within the statutory agencies, the DSA will try and obtain a copy of their risk assessment and work in partnership with them to ensure the risk can be managed via an Ongoing Safeguarding Agreement and/or disciplinary action (including CDM where applicable<sup>51</sup>). Where a copy of the statutory agency risk assessment is unable to be obtained, the Church must consider commissioning its own risk assessment see [section 5](#).
- b) Where there is no statutory agency involvement, the Church will commission a risk assessment to inform any ongoing risk management required – see [section 5](#).

It is important to note that, regardless of where the responsibility for safeguarding lies, where a statutory or multi-agency meeting makes a formal recommendation for action, there are implications for insurance if that recommendation is not acted upon.

The communications strategy should be updated and any statement to be made should be agreed with the diocesan director of communications.

At all stages outlined, all information should be recorded to provide a clear audit trail and cross referenced with the DSA casefile.

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<sup>50</sup> A substantiated concern or allegation is one which has been investigated and credible supporting evidence has been found. Examples of substantiated allegations would include: a criminal conviction or a finding of fact in a civil court or, where there has been no conviction or finding of fact, where credible and identifiable evidence has been found (without implying guilt or innocence).

<sup>51</sup> [Clergy Discipline Measure](#)

## 5. Risk assessment process

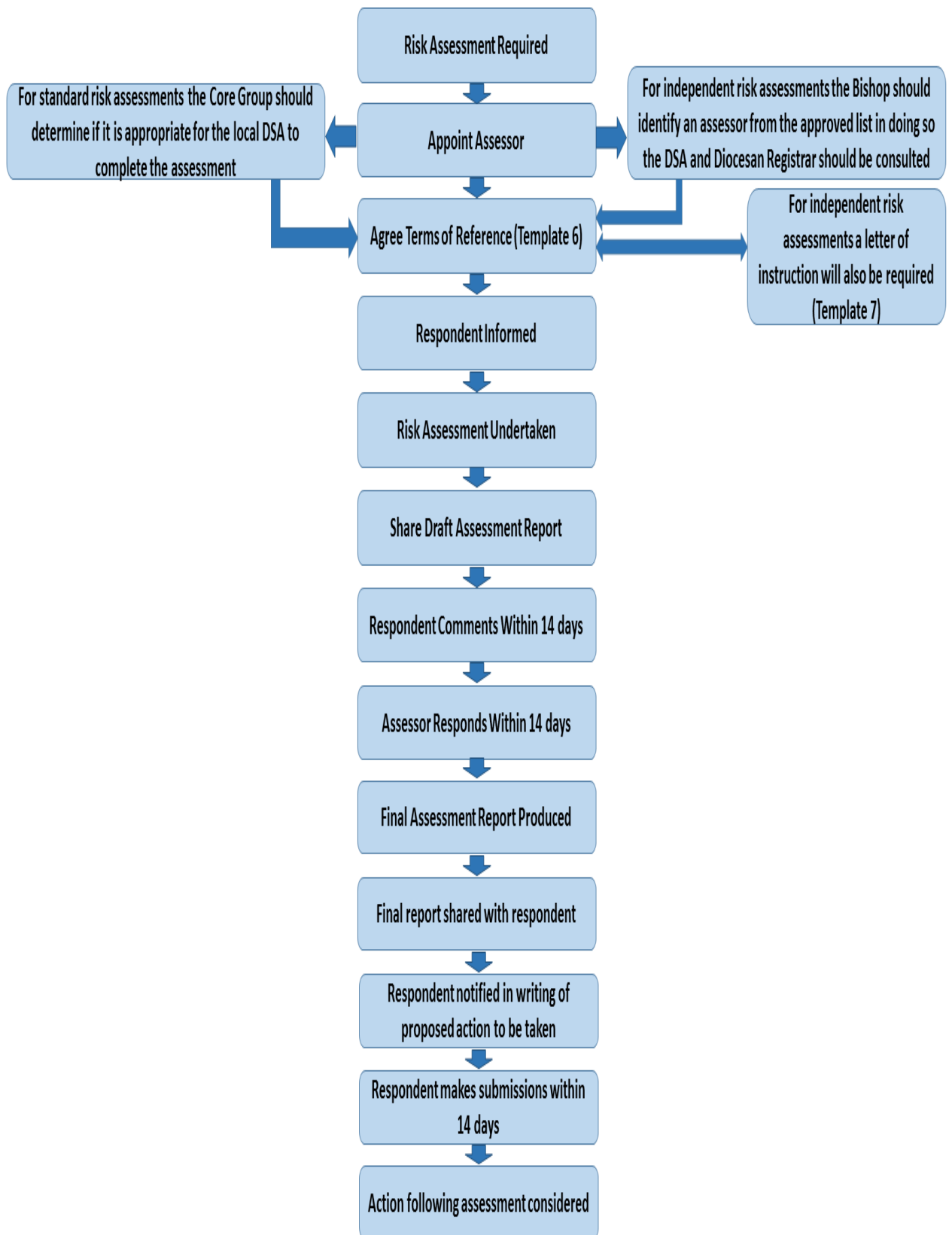
For clergy this section is underpinned by the Safeguarding (Clergy Risk Assessment) Regulations 2016 and the specific detail of each regulation is referenced at the appropriate point within the guidance.

When a concern or allegation has been made and this has been substantiated and/or there are safeguarding concerns, a risk assessment is required to predict future risk and inform an Ongoing Safeguarding Agreement. For clergy, CDM should be considered.

There are several different situations in which the Church may require an assessment of the future risk posed to children, young people and/or vulnerable adults. Some examples are included below:

- Convicted offenders;
- Those acquitted of a charge of abuse where concerns about risk remain;
- Someone charged with an offence where charges are not subsequently pursued;
- Someone investigated by a statutory authority but subsequently not pursued;
- A concern or allegation which has not met the requirement for reporting to the statutory agencies and is being managed as an internal investigation.

Where a risk assessment is required it can be commissioned by following the process below:



## 5.1 What can victims/survivors expect?

The DSA should ensure that direct support is offered to victims/survivors, quite separate from the assessment process. At each stage of the process, consideration must be given to what information, if any, can be shared with any known victims/survivors and their families by the support person, in consultation with the statutory agencies. In most cases, they may need reassurance that a risk assessment has been conducted, but they won't have access to the details or to the recommendations of the report except in exceptional circumstances, when external advice should be sought.

## 5.2 What can the respondent expect?

A full risk assessment can only be undertaken with the participation of the respondent, but a return to or commencement of the role may be conditional on its completion. If the respondent refuses to participate, a risk assessment can still be undertaken using the information that is available. If a cleric refuses to undergo a risk assessment when directed by the Bishop to do so in accordance with paragraph 2 of Canon C30 without a justifiable excuse (Canon C30.2 (8)) or fails to comply with a reasonable request of the assessor without good reason (Safeguarding (Clergy Risk Assessment) Regulations 2016 r. 4(4)), then such action may constitute misconduct under section 8 (1) of the Clergy Discipline Measure 2003.

The conclusions and recommendations of the assessment may be shared with statutory agencies, and may inform a disciplinary process, so it should be timed with this in mind. The assessment may be disclosable, if relevant, to any criminal or civil proceedings.

All relevant information about the arrangements should be communicated to the respondent in writing as well as through any spoken contact.

The assessment is not a legal process, and therefore the respondent's lawyer does not need to be part of the assessment process. The respondent may choose to seek legal advice before agreeing to the terms of reference for the assessment.

Experience shows the respondent is often constrained in their engagement when accompanied by a supporter as it can be more difficult for them to open up and reveal information that they may have previously denied or hidden. This should be explained to the respondent at the beginning of the process. If, however the respondent has specific support needs, for instance related to disability or language, these must be addressed and provided for accordingly.

If the respondent chooses to be accompanied by a supporter, then it is good practice to agree and to clarify their role. The role of the supporter is to listen, so they can talk through what was said with the respondent after the interview. The supporter is not an advocate for the respondent, must be independent of the issue causing the assessment to be undertaken, and should not be a legal representative.

The role of the supporter should be clarified to the respondent before the assessment, and explained again by the assessor at the start of interviews.

Whether or not the respondent is accompanied by a supporter, it is the responsibility of the bishop to ensure the respondent's welfare is considered and that pastoral support is offered both before, during and after the assessment process, although the bishop will not be able to offer pastoral support, they must ensure that arrangements are put in place to provide such support.

The respondent should be given a copy of both the draft and the final report, which may be redacted where this is necessary.



### 5.3 Which type of risk assessment is required and who should undertake the assessment?

If the respondent's case is being managed by a statutory agency every effort should be made to obtain a copy of their risk assessment although it is accepted that at the time of this guidance being published there is no national information sharing agreement to assist in this. The statutory risk assessment will then be used in conjunction with the commissioned risk assessment to inform the ongoing management of risk.

The sharing of information is a two-way process and due consideration should be made to sharing the commissioned risk assessment with the statutory agencies.

In relation to clergy, the bishop must appoint a person to carry out the risk assessment, this person is known hereafter as the assessor (regulation 3 (1)).

For all other church officers the risk assessment will be commissioned by the core group.

**Standard** - This type of assessment is used for **church officers who are not ordained, licensed, authorised, commissioned or holding permission to officiate** whether paid or unpaid and could be used for anyone known to present a risk where it has not been possible to access an assessment completed by the statutory agencies, or where the statutory agency risk assessment does not sufficiently consider risk in a Christian community. This would include organists, bell-ringers, etc.

It covers the risk of all types of abuse and is not limited to sexual abuse. Standard risk assessments will normally be completed by the DSA. However, there may be circumstances in which the DSA would delegate this to another professional or request an independent risk assessment is completed by an assessor from the approved list. This could be in cases where:

- There are relational difficulties in completing the assessment internally i.e. by the DSA in the diocese in which the respondent is residing / complaint has been made;
- There are other factors which require specific expertise to assess e.g. children, female abusers, learning disability, mental health;
- There is or could be public interest / reputational risk.

When making the appointment of another professional to undertake the risk assessment, the core group must have due regard to the advice of the DSA. Before making an appointment, the core group must be satisfied that the person is, in all the circumstances of the case, suitable to carry out the risk assessment.

**Independent** - This type of assessment is used for all **church officers who are ordained, licensed, authorised, commissioned or holding permission to officiate**. An independent assessment will always be carried out by a person/organisation which is independent from the Church. Independence for the purposes of this type of risk assessment means someone who has no professional association with any diocese in the Church but - professional association does not include a risk assessor's previous completion of risk assessment. Should an assessor hold a position of office within their local Christian community, which could be construed as a conflict of interest, the NST will make a judgement on their ability to remain independent prior to approving them for the nationally maintained list of assessors.

The independent assessor should be drawn from professionals or agencies with proven qualifications and experience in the field of risk assessment. The National Safeguarding

Team maintains a list of approved assessors from which one will be selected. The Safeguarding (Clergy Risk Assessment) Regulations 2016 state an assessor must be appointed from this list (regulation 3(2)), and the bishop must be satisfied the person to be appointed is in all the circumstances of the case suitable to carry out the risk assessment (regulation 3(3)).

## 5.4a Procedure for preparing to carry out an independent risk assessment

Please note the procedure to carry out independent risk assessments aligns with the Safeguarding (Clergy Risk Assessment) Regulations 2016.

Where the bishop appoints a risk assessor the DSA must prepare the terms of reference for the assessment in consultation with the Diocesan Registrar and submit them to the bishop for approval (regulation 4 (1)). [Appendix 6](#) provides an example of the Terms of Reference that might be set.

The bishop, having approved the Terms of Reference, must ensure that the DSA gives them to the appointed assessor (regulation 4 (2) (a)). Upon agreeing the terms of reference, the assessor must be provided with a copy together with any other information which is relevant to the assessment, in sharing this information the Bishop should have regard to the advice of their diocesan registrar and DSA (regulation 4 (2)(b)).

It is best practice to also prepare a letter of instruction for the assessor and ensure that this includes the time frames for the draft assessment report to be submitted and that the instructions are agreed prior to the assessment commencing. The DSA should do this under advice from the registrar and, where necessary, after seeking advice from a child care law specialist. [Appendix 7](#) provides an example letter of instruction.

The bishop must also ensure that the DSA supplies the respondent with a written statement which:

- sets out the terms of reference;
- gives the reason for requiring the assessment;
- gives the name of the assessor;
- explains how the assessment is proposed to be carried out;
- refers to the possibility that the Bishop may give a copy of the report on the assessment, or a copy of it in a redacted form, to the Police, a Local Authority or another body concerned with the safeguarding of children, young people or vulnerable adults (regulation 4 (3)).

The respondent should be reminded that any failure to comply with a reasonable requirement of the assessor without good reason may constitute misconduct under section 8 (1) of the Clergy Discipline Measure 2003 (regulation 4 (4)).

## 5.4b Procedure for preparing to carry out a standard risk assessment

The DSA must prepare the terms of reference for the assessment in consultation with the core group. [Appendix 6](#) provides an example of the Terms of Reference that might be adapted for this purpose.

The core group, having approved the terms of reference, must ensure that the DSA agrees them.

It is best practice for the core group to also prepare a letter of instruction for the assessor and ensure that this includes the time frames for the draft assessment report to be submitted and that the instructions are agreed prior to the assessment commencing. [Appendix 7](#) provides an example letter of instruction that might be adapted for this purpose.

The core group must also ensure that the DSA supplies the respondent with a written statement which:

- sets out the terms of reference;
- gives the reason for requiring the assessment;
- gives the name of the assessor;
- explains how the assessment is proposed to be carried out;
- refers to the possibility that a copy of the report on the assessment, or a copy of it in a redacted form, may be shared with the Police, a Local Authority or another body concerned with the safeguarding of children, young people or vulnerable adults.

## 5.5 What a risk assessment should include (Standard and Independent)?

The following should be included in all risk assessments:

- The personal history of the respondent (including a summary of their personal relationships, family background, education/employment history, substance misuse, physical and mental health factors, lifestyle, perception of self-identity and their relationships with others and any other attitudinal or behavioural factors which can contribute to an analysis or explanation of the allegation);
- The respondent's vocation for their role;
- The respondent's sexual history (if relevant);
- The forensic history of the respondent's offending behaviour, previous allegations etc.;
- A clear statement about any dispute between the facts as found and the respondent's version of events - setting out the matter, nature and extent of the dispute but not making a finding on any fact which is in dispute<sup>52</sup>;
- The respondent's attitude to the victim/survivor(s), including evidence of empathy;
- The respondent's attitude to the diocese in developing a Safeguarding Agreement;
- The methodology or framework used to assess the level of risk of the respondent abusing in the future;
- The assessor's opinion on the nature and likely extent of the risk<sup>53</sup>;
- The assessor's recommendations on how to address or manage the risks identified<sup>54</sup> (e.g. guidance on an appropriate Safeguarding Agreement).

**If during the assessment process the respondent discloses information relating to additional safeguarding concerns involving further victims/survivors who have been harmed or at risk of harm the assessor must pass this information to the DSA who**

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<sup>52</sup> This relates to regulation 5 (2) (a) and 5 (2) (b) for clergy.

<sup>53</sup> This relates to regulation 5 (1a) for clergy.

<sup>54</sup> This relates to regulation 5 (1) (b) for clergy.

**will arrange to share this information with the statutory agencies and notify the core group.**

### 5.6a The procedure for sharing the draft independent risk assessment report

Upon completing a risk assessment, the assessor will share the draft report with the bishop.

Best practice would allow for the bishop to make comment to the assessor about any matters of factual inaccuracy and to request clarification in relation to terminology and the meaning of the assessment. The assessor would determine the relevance of any submission from the bishop in relation to their opinions and the nature and extent of the risk. The bishop could not ask for the opinion of the assessor to be changed.

The bishop must give the full draft assessment to the respondent. Best practice suggests that draft assessments should be shared with the respondent during a face to face meeting.

If the bishop is satisfied that giving the assessment report to the respondent will disclose to them information about another person which should not be disclosed without that other person's consent and that other person has not consented, the bishop must give the respondent the report in a redacted form, together with a written explanation of the reasons for giving the report in that form. The bishop must also share the redacted version of the draft report with the assessor. In carrying out any action under regulation 6 the bishop must have due regard to advice given by the diocesan registrar and DSA.

Within 14 days of receiving the draft report, the respondent may put written questions, and make written submissions, on the draft report to the assessor.

The assessor must, within 14 days of receiving the respondent's submissions, give the respondent answers to the submissions.

Within 14 days of receiving those answers, the respondent may make written submissions to the assessor on the answers received and on the draft report in the light of those answers.

All comments and replies by any person should be recorded in writing.

### 5.6b The procedure for sharing the draft standard risk assessment report

Upon completing a standard risk assessment, the assessor will share the draft report with the core group.

Best practice would allow for the core group to make comment to the assessor about any matters of factual inaccuracy and to request clarification in relation to terminology and the meaning of the assessment. The assessor would determine the relevance of any submission from the core group in relation to their opinions and the nature and extent of the risk. The core group could not ask for the opinion of the assessor to be changed.

The DSA must give the full draft assessment to the respondent. Best practice suggests that draft assessments should be shared with the respondent during a face to face meeting.

If the core group are satisfied that giving the assessment report to the respondent would disclose to them information about another person which should not be disclosed without that other person's consent and that other person has not consented, the core group must ensure the respondent is given the report in a redacted form, together with a written explanation of the reasons for giving the report in that form. The core group must also share the redacted version of the draft report with the assessor.

Within 14 days of receiving the draft report, the respondent may put written questions, and make written submissions, on the draft report to the assessor.

The assessor must, within 14 days of receiving the respondent's submissions, give the respondent answers to the submissions.

Within 14 days of receiving those answers, the respondent may make written submissions to the assessor on the answers received and on the draft report in the light of those answers.

All comments and replies by any person should be shared with the core group and recorded in writing.

### 5.7a The procedure to be followed upon receipt of the final independent risk assessment report

The assessor, having amended a draft report as he or she thinks appropriate in response to any submissions made must give the final report on the assessment to the bishop<sup>55</sup>.

The bishop must give the final written assessment report to the respondent. Best practice suggests that final assessments should be shared with the respondent during a face to face meeting.

As with the draft report, if giving the final assessment report to the respondent will disclose to him or her information about another person which should not be disclosed without that other person's consent and that other person has not consented, the respondent must be given the report in a redacted form, and a written explanation of the reasons for giving the report in that form. Best practice would be for the bishop to also share the redacted version of the final report with the assessor.

The bishop must also share the final risk assessment report with the DSA and the chair of the Diocesan Safeguarding Advisory Panel.

If the bishop is satisfied that it is necessary and appropriate to do so, the bishop must also give a copy of the final written assessment (redacted if appropriate) to the police, local authority or such other person concerned with the safeguarding of children, young people or vulnerable adults as the bishop considers appropriate. In order to make this decision the Bishop must have due regard to the advice of the diocesan registrar and the DSA.

Best practice would be for the DSA to also share the final assessment report with the core group. The DSA, seeking the advice of the core group, will use the report to propose the content of an Ongoing Safeguarding Agreement and if any past misconduct is revealed during the process to make recommendations for any disciplinary action including removal from office (where appropriate) to the bishop.

Upon receipt of the DSA's recommendations the bishop must decide what action, if any, to take.

### 5.7b The procedure to be followed upon receipt of the final standard risk assessment report

The assessor, having amended a draft report as he or she thinks appropriate in response to any submissions made must give the final report on the assessment to the core group.

The core group must ensure the DSA gives the final written assessment report to the respondent. Best practice suggests that final assessments should be shared with the respondent during a face to face meeting.

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<sup>55</sup> This applies to regulation 7 (1) for clergy.

As with the draft report, if giving the final assessment report to the respondent will disclose to him or her information about another person which should not be disclosed without that other person's consent and that other person has not consented, the respondent must be given the report in a redacted form, and a written explanation of the reasons for giving the report in that form. Best practice would be for the core group to also share the redacted version of the final report with the assessor.

The core group should also share the final risk assessment report with the chair of the Diocesan Safeguarding Advisory Panel.

If the core group is satisfied that it is necessary and appropriate to do so, they must also ensure the DSA gives a copy of the final written assessment (redacted if appropriate) to the police, local authority or such other person concerned with the safeguarding of children, young people and/or vulnerable adults as they consider appropriate.

The core group, will use the report to decide the content of an Ongoing Safeguarding Agreement and make recommendations for any disciplinary action or removal from office.

### 5.8a Bishop's responsibilities following independent risk assessment

Having received the final written assessment report, the bishop must invite the respondent to a meeting to discuss the opinions and recommendations contained within the assessment and any action which the bishop proposes to take in response<sup>56</sup>.

Where the bishop proposes to act in response to the report, they must give the respondent written notification of the proposed action and the reasons for it. However, this notification must not be issued until the meeting referred to above has taken place or the bishop is satisfied that the respondent will not attend any such meeting.

Within 14 days of receiving the notification the respondent may make written submissions to the bishop on the proposals. If the respondent does make written submissions the bishop must give a copy of them to the DSA and the chair of the DSAP.

Upon receipt of the submissions the bishop must then decide what action to take having due regard to the advice given by the diocesan registrar, the DSA and the chair of the DSAP. The respondent must be given written notification of the decision and a written explanation of the reasons for it.

Where the bishop decides to take no action, the bishop must give the respondent written notification accordingly.

### 5.8b Core Group's responsibilities following standard risk assessment

Having received the final written assessment report, the core group must consult with the employer/supervisor for decisions on long term action to be taken. The DSA or employer/supervisor will then invite the respondent to a meeting to discuss the opinions and recommendations contained within the assessment and any action which is proposed in response. Actions may be proposed by the core group in relation to an Ongoing Safeguarding Agreement however, there may be additional actions proposed by the respondent's employer/supervisor in relation to their work which will also need to be taken into account. This might include dismissal or formal suspension.

Where action is proposed in response to the assessment report, the respondent should be given written notification of the proposed action and the reasons for it. However, this

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<sup>56</sup> This relates to regulation 8 for clergy.



notification must not be issued until the meeting referred to above has taken place or the respondent has indicated they will not attend any such meeting.

Within 14 days of receiving the notification the respondent may make written submissions on the proposals. If the respondent does make written submissions copies of them must be given to the DSA and the employer/supervisor.

Upon receipt of the submissions, decision must be taken in relation to action to be taken. The respondent must be given written notification of the decision and a written explanation of the reasons for it.

Where no action is proposed, the respondent must be given written notification accordingly.

### 5.9a Power of the Bishop to extend time limits under the terms of reference for an independent risk assessment<sup>57</sup>

Where it is necessary and appropriate to do so, the bishop may extend the duration of a given time limit by such amount as the Bishop determines necessary. If a time limit has expired, the bishop may also authorise a further time period beginning and ending when the Bishop determines.

If the bishop extends the time limits they must inform in writing those affected accordingly e.g. the respondent, the assessor, the DSA etc.

### 5.9b Power of the Core Group to extend time limits under the terms of reference for an standard risk assessment

Where it is necessary and appropriate to do so, the core group may extend the duration of a given time limit by such amount as they determine necessary. If a time limit has expired, the core group may also authorise a further time period beginning and ending when they determine.

If the core group extends the time limits they must inform in writing those affected accordingly e.g. the respondent, the assessor, the DSA etc.

## 5.10 Response to victims or survivors

**If they choose to be, the victim/survivor must be kept up-to-date of decisions relating to their concern or allegation made throughout the whole process. This is essential in maintaining the credibility of the process that their concern or the allegation is being taken seriously.**

Where the victim/survivor chooses to be kept updated, the method of being updated – in person, on the telephone or etc. should be agreed at the outset and this should be done at agreed intervals – even if there is nothing to update. All contact with the victim/survivor should be recorded including the update given and any response made by the victim/survivor. Where the victim/survivor has accepted the offer of a support person, it could fall within their role to keep the victim/survivor updated.

Support for victims/survivors should be based on the six principles of safeguarding adults:

- Empowerment: What does the survivor need at the present time to enable them to feel safe and engage with those Church things they want to engage with? (survivor defined support that is reasonable);

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<sup>57</sup> This relates to Regulation 9 for clergy.

- Protection: Are there people and situations that the survivor needs protecting from? Have the events that led to the abuse been adequately addressed by the Church? What does the survivor fear might happen? Can they be protected from this happening?
- Prevention: Ensure Churches take seriously the commitment to prevent abuse and harm in the first place; policies and training, safer buildings etc.;
- Partnership: Where a survivor identifies they want further support where is it appropriate to signpost survivors for that support? A material contribution may be considered where the Church has been at fault in the process. But ordinary care and support as wanted by the survivor should continue alongside this in order that they are supported in their journey;
- Proportionality: Survivors are of themselves not necessarily a risk to other people, so they don't need contracts. Support for survivors must be sought at the level of Church at which the survivor engages, i.e. at the local level, survivor determined, and not necessarily seen as only a specialist response.
- Accountability: Every Church needs to be accountable to survivors of abuse who make known their needs to the Church. This may mean seeking ways to identify how any adult who has been through a safeguarding process of the Church, as set out in this guidance, has an opportunity to comment on what they feel and think about the process. So that the Church can be confident that is promoting and creating a safer Church for all.

### 5.10.1 Apology

A formal apology should not generally be considered until any statutory investigation is concluded (or after criminal proceedings have finished). At this point, except where the allegation is deemed by Police or the Strategy Meeting to be unfounded or malicious, the DSA, on advice of the core group, should advise the bishop or archbishop as to whether an apology to the victim or survivor is appropriate and if so, who should apologise on behalf of the Church.

If the respondent is someone who has held the bishop's or archbishop's licence or commission, the apology should be made by the diocesan bishop or the archbishop of the Province in person and by letter.

The format of such apology should be fully discussed with the diocesan safeguarding adviser, the appropriate director of communications (diocesan/provincial/national) and the diocesan or provincial registrar before then being discussed the relevant insurer.

In most situations, the diocesan bishop or archbishop of the Province should write to the survivor, offering a full apology for what occurred, and offering to meet with the survivor to hear their concerns and answer any ongoing questions they have. This meeting should be at a time and location to suit the survivor.

The survivor should be offered the opportunity to be accompanied by someone of their choice, and the bishop or archbishop should be accompanied by his or her safeguarding adviser.

The purpose of this letter and meeting is to enable the survivor to tell their story again, for their story to be heard, for someone to provide a compassionate response, and for the unambiguous vindication of the victim as someone who has been wrongfully harmed<sup>58</sup>.

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<sup>58</sup> Revd. Dr. Marie Fortune, Faithtrust Institute, as quoted in [Responding well to those who have survived sexual abuse 2011.pdf](#)



### 5.10.2 Ongoing support

If a claim is made by the survivor for the payment of compensation this should be discussed with the relevant insurer, the diocesan safeguarding adviser and the diocesan or provincial registrar.

If there is no formal claim for compensation, the offer of provision of funds for treatment costs may be considered in a case to case basis after having consulted the relevant insurer, the diocesan safeguarding adviser and the diocesan or provincial registrar. The duration of this funding cannot be open-ended, but should be discussed with the survivor and their therapist or counsellor.

## 6. The ongoing risk management process

Upon receiving the risk assessment, a decision must be made by the DSA, with the statutory agencies, as to where the responsibility for the management of risk lies; at this point, there are two options:

1. If the respondent's case is being managed by a statutory agency the DSA will work in partnership with them to ensure the Church context is considered within any Safeguarding Agreement and appropriate steps are taken to ensure disciplinary action (including raising a complaint under the CDM where appropriate) or for non-clergy roles removal from role/office.
2. If the Church is responsible for managing the case, an Ongoing Safeguarding Agreement is created, including the provision of monitoring (Guidance 6.1 Monitoring and Ongoing Safeguarding Agreements) and appropriate steps are taken to ensure disciplinary action (including raising a complaint under the CDM where appropriate) or for non-clergy roles removal from role/office.

### 6.1 Monitoring and Ongoing Safeguarding Agreements

In circumstances where a decision has been made to allow the respondent to return to ministry/office/role. [Appendix 5](#) should be used. This will take a similar format as the Interim Safeguarding Agreement but it will include more detail regarding the ongoing monitoring of the respondent.

An Ongoing Safeguarding Agreement should be completed following the final risk assessment report being received. The content of the Agreement should follow on and take account of the recommendations within the risk assessment. All Ongoing Safeguarding Agreements should be proportionate to the level of risk identified. Agreements must always consider risk to specific victims/survivors, where relevant. The DSA should give thought to the victim/survivor's safety and ensure the Agreement addresses this appropriately.

Ongoing Safeguarding Agreements should be completed in a timely fashion for the needs of the case, and the level and nature of risks identified. The agreement should be clear and specific, appropriate to the circumstances of the case, be precise about roles and responsibilities for delivery and where indicated by the circumstances of the case agencies should work together to manage the risks identified.

The DSA is responsible for monitoring compliance with the Ongoing Safeguarding Agreement, or appointing someone to take on this role (this could be the link person see [section 1.5](#)). The person appointed to monitor the agreement should be best placed to do so considering the respondent's role.

The monitoring role involves:

- Meeting with the respondent on a regular basis as per the Ongoing Safeguarding Agreement;
- Assessing the support needs of the respondent and putting in place care and management mechanisms to ensure that the respondent's spiritual, psychological, health and social needs are addressed and met;
- Assessing whether the plan is being adhered to;
- Advising the respondent and the DSA (if the DSA is not the person in the monitoring role) where there is evidence of noncompliance. The DSA will advise the core group of this;

- Keeping records of all contacts with the respondent and recording any issues emerging in relation to safeguarding matters and passing to the DSA (if the DSA is not the person in the monitoring role);
- Passing on all safeguarding concerns to the DSA (if the DSA is not the person in the monitoring role) or to the statutory agencies;
- Liaising with the respondent's family members, as required.

The services of a link person should be available to the respondent throughout the entire process, should the respondent so wish. The link person will provide a vital service in ensuring that the support needs of the respondent are heard and met during this time.

The Christian community has a role for monitoring the Ongoing Safeguarding Agreement with an individual as it is members of the Christian community that have the day to day contact with the respondent. Usually in a parish setting this is done by the Incumbent, the churchwardens and the parish safeguarding officer.

Any breach of an agreement as part of the management of risk, including a failure to comply, should be reported to the relevant statutory agencies if applicable, but always to the DSA, who may consider a review of the Ongoing Safeguarding Agreement and will notify the bishop, or their authorised deputy, who will consider what action can be taken in response.

The agreement should be reviewed at regular intervals by the DSA depending on the risks identified, initially this review will take place at a minimum of three monthly intervals until the situation appears stable when review would take place at least annually, and in the following circumstances:

- When new significant or relevant information is available;
- If circumstances change;
- If the individual breaches the agreement;
- If concerns have been expressed about risk management.

Any review should include a new risk assessment. For clergy, the review should be passed to the bishop who can determine whether a new risk assessment is justified.

For a new risk assessment to be justified the prevailing circumstances should have changed and the previously identified risks remain.

Best practice suggests any review must be conducted in a face to face meeting with the person subject to the agreement. It must not be conducted over the telephone, email, or any other form communication including visual web link such as Skype or FaceTime.

A review report should be written, and copies sent to all relevant agencies, providing a brief outline of:

- Monitoring and support meetings held during the year;
- Relevant matters which have changed over the year;
- Ways in which the agreement is working well;
- Any continuing or new areas of concern that need to be addressed;
- Sources of support for the individual, including changes of supporters/officers in role;
- Plans for the next year and any changes needed for the agreement, including any specific safeguarding actions to be taken;
- Circumstances for which the agreement would no longer be required.

## 6.2 Disciplinary processes following an investigation

### 6.2.1 For clergy<sup>59</sup>

Whether there has been a conviction in the criminal courts or not, consideration should be given to whether there is sufficient evidence of past misconduct in order to pursue a complaint under the Clergy Discipline Measure 2003. The standard of proof under the CDM is the civil one 'on the balance of probabilities'. Where there has been a conviction (other than for a purely summary offence) the bishop can remove the cleric from office and impose a prohibition without further proceedings<sup>60</sup>. The bishop can do the same if the cleric is placed on a barred list under the Safeguarding Vulnerable Groups Act 2006.

#### ***Withdrawal of the Bishop's or Archbishop's licence or permission:***

For clergy with the bishop's Permission to Officiate, Licensed Lay Ministers and those commissioned by the bishop, the bishop may withdraw his permission, commission or licence if they are satisfied the person should not continue in this role.

#### ***Archbishop's list:***

When a penalty is imposed on a cleric under the Clergy Discipline Measure 2003, his/her name will be included on the Archbishops' List. The respondent will be informed of what is to be recorded and may request the president of tribunals to review the entry.

There are five main categories of names in the List:

1. 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);
2. those who were deposed from Holy Orders under the Ecclesiastical Jurisdiction Measure 1963;
3. anyone who has executed a deed of relinquishment under the Clerical Disabilities Act 1870;
4. anyone who has resigned following the making of a formal complaint;
5. 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).

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, young people and/or vulnerable adults. In appropriate cases, information about the facts which led to the inclusion of a person's name on the List may be obtained by authorised diocesan officers from the authorities in Lambeth and Bishopthorpe. Appropriate cases will need to be referred by the diocesan bishop. Further details are contained in the Clergy Discipline Rules 2005 and the Code of Practice under the Measure.

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<sup>59</sup> See the [Clergy Discipline Measure](#), the Clergy Discipline Rules 2005 and the Clergy Discipline Code of Practice – further advice can be sought from the Diocesan Registrar.

<sup>60</sup> Section 30 Clergy Discipline Measure 2003.

This list is not for public inspection, but is available to the president of tribunals, diocesan bishops, registrars and the national safeguarding adviser.

### 6.2.2 For paid staff or volunteers

For paid lay employees, consideration of disciplinary processes should be made after the conclusion of any criminal proceedings. Human resources advice should be sought, and the disciplinary procedures of the employing organisation followed. For volunteers, the volunteering policy containing the disciplinary arrangements of the organisation may be followed, and the services of the volunteer may be discontinued.

## 6.3 Referral to the Disclosure and Barring Service

The Safeguarding Vulnerable Groups Act 2006 (SVGA) places a duty on organisations to make a referral to the DBS when an organisation has dismissed or removed a person from working / volunteering with children, young people and/or vulnerable adults in regulated activity (or would or may have removed such a person if the person had not left or resigned etc.) because the person has:

- Been cautioned or convicted of a relevant offence (e.g. a serious sexual or violent offence); or
- Engaged in relevant conduct in relation to children, young people and/or vulnerable adults, (i.e. an action or inaction (neglect) that has harmed a child, young person or vulnerable adult or put them at risk of harm as defined under the SVGA); or
- Satisfied the harm test in relation to children, young people and/or vulnerable adults, (i.e. there has been no relevant conduct (i.e. no action or inaction) but a risk of harm to a child, young person or adult still exists as defined under the SVGA).

Refer to the Church of England Safer Recruitment Practice Guidance 2016.

If a church officer resigns prior to the conclusion of a disciplinary process, the process should be concluded with or without their involvement and a decision to either re-instate or dismiss should still be made, recorded and referred to the DBS for consideration if dismissal or withdrawal from duties is the outcome.

Where a referral to the Disclosure and Barring Service is being considered advice should be sought from the DSA and relevant Human resources departments as applicable.

## 7. Risk assessment and management of those that may pose a known risk to children, young people or vulnerable adults within a Christian Congregation or Community

### 7.1 Introduction

The Church of England, based on the message of the gospel, opens its doors to all. This means that there are likely to be those with criminal convictions for sexual and/or violent offences and other forms of abuse, as well as others who may pose a risk, attending a church or are members of worshipping communities. Some of these individuals will pose an ongoing or potential risk of harm to other individuals who attend the church.

The Church has a duty to minister to all, which imposes a particular responsibility to ensure that everyone who attends the Church is safe. This includes not only victims/survivors of abuse offences but all individuals who come to church. This means that it will include those people who have convictions. All must be considered equally to ensure everyone is safe, no matter what their background.

Where a known sexual/violent offender is not only monitored but befriended, helped and supported by a group of volunteers to lead a fulfilled life without direct contact with children, young people or vulnerable adults, the chances of reoffending are diminished. Indeed, there is no doubt that the church has an important role contributing to the prevention of future abuse.

Where people have convictions, which give rise to a safeguarding concern, their position in a congregation or community may need to be carefully and sensitively considered/assessed to decide whether they pose a risk to others and to put in place arrangements to ensure that these risks are mitigated. This may include people convicted of violent or sexual offences against children, young people and/or vulnerable adults. It may also include those convicted of offences linked to domestic violence/abuse and people involved in drug or alcohol addiction. In addition, there may be those who do not have convictions or cautions but where there are sound reasons for considering that they still might present a risk to others.

### 7.2 Assessing and Managing Risk

Any person who may present a potential known risk to children, young people or vulnerable adults (e.g. because they are an offender of a sexual/violent offence) and who is seeking to be a member of a Christian congregation or community must have a risk assessment. An appropriate plan to manage the identified risks must be put in place using an Ongoing Safeguarding Agreement (see [section 6.1](#)). Such individuals may be subject to supervision by the statutory agencies (this could include MAPPA arrangements for registered sex offenders; people on statutory licence and those subject to community supervision - see below).

Where it is known that a respondent wishes to join a community, in all cases the parish must consult with the diocesan safeguarding adviser as soon as practicable but within 24 hours. The DSA will determine the appropriate action to be taken to best safeguard the parish and its church community, based on the particular facts and circumstances of each case.

Once notified the diocesan safeguarding adviser wherever possible should obtain a copy of the statutory agency risk assessment and use this to draft the Safeguarding Agreement and to manage the risk that the respondent's attendance at church presents. Where it is not possible to access a statutory agency's risk assessment, a standard risk assessment should be completed by the DSA (see [section 5.3](#)) to assist in the drawing up of the Ongoing Safeguarding Agreement. A meeting should be held with the respondent, explaining the

outcome of the risk assessment; what the recommendations are; the purpose of the Ongoing Safeguarding Agreement and who will be involved at a local level to monitor and support the respondent.

The DSA will draw up an Ongoing Safeguarding Agreement, in consultation with the respondent, incumbent, churchwarden/s, parish safeguarding officer and other relevant parties (where applicable). This may also involve statutory agencies, if they have a role.

The agreement must be dated and all parties must sign the agreement to acknowledge that they agree to abide by its terms. The parties must also agree the time periods when the safeguarding agreement can be reviewed, this should at least be every 3 months. It must be made clear to the respondent and all other parties to the agreement that no one else apart from those identified in the agreement will be informed of the facts without the respondent's knowledge. That said, the respondent must be advised that although the highest levels of confidentiality will be maintained, if there is a breach of the agreement or a respondent refuses to comply with safeguarding arrangements it may be necessary to inform others (such as the police or other statutory agencies and in some cases other members of the congregation) to protect children, young people and/or vulnerable adults. The parties to the agreement are responsible for supporting the respondent and monitoring the agreement and the DSA must be informed immediately if they become aware of any breach of the agreement by the respondent.

The Safeguarding Agreement may include the following elements:

- Attend designated services or meetings only;
- Sit apart from children, young people and/or vulnerable adults;
- Stay away from areas of the building where children, young people and/or vulnerable adults meet;
- Only attend a house group where there are no children, young people and/or vulnerable adults;
- Decline hospitality where there are children, young people and/or vulnerable adults present;
- Never be alone with children, young people and/or vulnerable adults;
- Never work or be part of a mixed-age group with children, young people and/or vulnerable adults;
- Take no official role in the Church or any responsible role where they will be trusted by others.

A model Ongoing Safeguarding Agreement is provided at [Appendix 8](#).

It should be remembered that it is not possible to prevent a parishioner from attending divine service, which is open to the public, unless this is a condition included in a court order or in his/her licence conditions upon release from prison, (although, of course, they could voluntarily agree not to attend certain services). That said, even if a respondent parishioner wishes to attend any service, as part of the safeguarding arrangements (and this could be contained in his/her Ongoing Safeguarding Agreement) it is possible for the churchwardens to direct a person where to sit, put measures in place to closely supervise them (e.g. accompany the individual) and remove that person if they cause a disturbance.



As stated, any ban from a service of worship which is incorporated in an Ongoing Safeguarding Agreement with a respondent is essentially voluntary if that respondent is a parishioner, (if the respondent is not a parishioner he/she has no legal right to attend a parish church even on Sundays or Holy Days). This position relates to public worship only. Where a respondent parishioner refuses to comply with the terms of his/her Ongoing Safeguarding Agreement other actions could be imposed e.g. banning him/her from choir/bell ringing practice, midweek activities, after service coffee, or any other event, which is not open to the public in the same way.

There may also be action that can be taken if individuals refuse to enter into or comply with such an agreement where the respondent is subject to supervision by a statutory agency. For instance, information in relation to any failure to comply could be shared with the Police or an individual's Offender Manager who will consider whether there has been a breach of any civil order. This should be made clear to the respondent, prior to the drafting of the Ongoing Safeguarding Agreement and/or if he/she refuses to comply.

If the respondent's victim/survivor and/or the victim's/survivor's family, attends the church, it may be necessary to attend a different service, if sufficient arrangements were put in place or introduce the respondent to another congregation. Consideration must also be given to other people who attend the church and have been abused.

The respondent should not accept any official role or office in the church which gives him or her status or authority; others may deem that person to be trustworthy. Some roles, for example that of churchwarden, are disqualified to people with convictions for offences listed in Schedule 1 of the Children and Young Persons Act 1933, (broadly violent, sexual or drug related offences against children) and those who have been barred by the DBS from working with children, young people and/or vulnerable adults, (see the Churchwardens Measure 2001, section 2(1A) and 2(2)(a)).

Please refer to the chapters for guidance on standard risk assessments ([section 5.3](#)) and their completion and the monitoring and agreement of Ongoing Safeguarding Agreements ([section 6.1](#)).

### 7.3 Multi-Agency Public Protection Arrangements (MAPPA)

The current MAPPA guidance (2012, amended 2016) does not give any direction to the management of offenders in church settings. However, in the previous guidance in 2009 it stated that religious communities must put in place effective management of MAPPA offenders that allows for the protection of their community while allowing a sex offender to maintain his or her right to worship in a safe way when possible.

*'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 practice 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 Offender Manager and Police MOSOVO (Management of Sex Offenders and Violent Offenders) Officer should consider whether to seek a restrictive condition on a licence or in a civil order (Sexual Harm Prevention Order [SHPO] or Sexual Risk Order [SRO]) to prevent the offender being in a place of worship.*

*Any decisions made by the church must be sent to the statutory agency offender manager for inclusion in any overall risk management plan. Any breaches of the 'contract' with the offender must be reported to the offender/case manager.*

*(MAPPA Guidance, 2009)*

This section of the former guidance is still relevant.

In relation to those offenders who are subject to MAPPA arrangements, (e.g. registered sex offenders), the risk assessment must be carried out by the Diocesan Safeguarding Adviser in consultation with the police, National Offender Management Service and Children's Social Care. The statutory agencies will provide further appropriate information and guidance in relation to this. It is important that relevant individuals and church bodies co-operate with the statutory agencies where ever possible at all times. It may be necessary on occasion to agree a formal information-sharing protocol between the diocese and the relevant Police area and the National Offender Management Service<sup>61</sup>.

Prison chaplains should be aware of the MAPPA guidance and ensure that they liaise with the diocesan safeguarding adviser when an offender is shortly to leave prison and wishes to worship in a church, so thought can be given to appropriate arrangements that may need to be put in place, (e.g. the licence conditions to which the offender will be subject). Indeed, discussions may need to be held about which church is appropriate in light of an offender's needs or in light of the offender's circumstances or that of the community (e.g. where the congregation contains a relatively high number of vulnerable individuals). In appropriate cases, the diocesan safeguarding adviser can also explore with the Police, prior to release, whether a Sexual Harm Prevention Order (SHPO) condition should be sought and how it should be drafted, (if this is deemed necessary, the diocesan bishop should be named as the supervising officer for the place of worship). It should be remembered that SHPOs can be sought to regulate as well as to exclude an offender's involvement in a place of worship. Further, as mentioned, when the offender comes to the notice of the DSA prior to release, the diocesan safeguarding adviser should explore with the National Offender Management Service whether specific licence conditions should be included.

Conditions contained within a civil order can be pursued to control as well as to exclude an offender's involvement in a place of worship. In appropriate cases the diocesan safeguarding adviser should explore with the Police whether a civil order condition should be sought and how it should be drafted.

Any breaches of the Safeguarding Agreement by any respondent subject to MAPPA arrangements, must be reported to the offender/case manager as well as the DSA.

It should be noted that management arrangements contained in the Ongoing Safeguarding Agreement are likely to continue to be needed even after statutory intervention has come to an end.

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<sup>61</sup> [MAPPA Guidance-2012, amended 2016.pdf](#)

## 8. Other considerations

### 8.1 Record-keeping in the context of allegations

It is important that employers keep a clear and comprehensive summary of any concerns or allegations made, details of how the concerns or allegations were followed up and resolved, and of any action taken, whether by the Church or by statutory agencies, and decisions reached.<sup>62</sup>

These should be kept in a person's confidential personnel file<sup>63</sup> 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 in line with data retention rules<sup>64</sup>. The purpose of the record is to enable accurate information to be given in response to enquiries or any future request for a reference. It will provide clarification in cases where a future DBS 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, concerns or allegations resurface after a period of time.

It is as important to retain records where a concern or allegation is 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.

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

### 8.2 Referral to the Charity Commission<sup>65</sup>

After having sought the advice of the diocesan registrar the Charity Commission should be informed of any actual or suspected criminal activity within or involving the charity (e.g. PCC).

They must be informed where an individual may have committed an offence that calls into question their suitability to be involved in or connected to a charity, whether as a trustee, member of staff or volunteer. The Charity Commission should be informed in relation to clergy and significant other persons, where there is risk of financial or reputational damage. It is possible to report with anonymised data explaining the situation and the response taken to address any identified risk.

A Serious Incident Report may be submitted by the Diocesan Registrar on behalf of a PCC.

### 8.3 Resignations and compromise agreements

The fact that a person tenders their resignation, or ceases to provide their services, must not prevent a concern or allegation being followed up. It is important that every effort is made to reach a conclusion in all cases of concerns or allegations bearing on the safety or welfare of children, young people and/or vulnerable adults, including any in which the respondent refuses to co-operate with the process. Wherever possible, the respondent should be given

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<sup>62</sup> 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.

<sup>63</sup> 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.

<sup>64</sup> See [Safeguarding Records Retention Toolkit.pdf](#),

<sup>65</sup> Further guidance can be found - [Reporting Serious Incidents - Guidance for Trustees](#)

a full opportunity to answer the concern or allegation and make representations about it. The process of recording the concern or 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 concern or allegation cannot be substantiated or the respondent 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 respondent's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

By the same token, so-called 'compromise agreements' – by which a respondent 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 safeguarding cases.**

## 8.4 What to do if the respondent moves

Before providing any reference or Clergy Current Status Letter, when the Police have decided not to pursue an investigation, or the Crown Prosecution Service has declined to prosecute, any potential risk should still be assessed. If there is any relevant history, the Bishop or referee should consult the diocesan safeguarding adviser.

Where a priest or deacon is being considered for appointment to a post and that person currently holds, or most recently held, a post in another diocese, the Bishop of the "receiving" diocese should apply to the bishop of the "sending" diocese for a combined reference and Current Status Letter in the form approved by the House of Bishops. The Letter is divided into 2 parts:-

Part A is designed to enable the sending bishop to assess the person's suitability for the post in question and also to comment more generally on the person's ministry and character.

Part B is to assist the receiving bishop in fulfilling his canonical obligations in making appointments (i.e. assessing an individual's former good life and behaviour). This will include any safeguarding concerns. These could relate (but are not limited) to the protection of children, young people and/or vulnerable adults from abuse and/or neglect (including domestic violence). Even when the police have decided not to pursue an investigation, or the Crown Prosecution Service has declined to prosecute, any potential risk should still be assessed. If there is any relevant history, the bishop should consult the DSA before completing Part B.

Before the Clergy Current Status Letter is completed, the personal file of the relevant clergy member (commonly referred to as the 'blue file') must be consulted together with all other relevant material, including any safeguarding and disciplinary files where these have not been incorporated into the blue file (although please note cross references to other relevant files/material must be contained in the personal file).

Where an employee or volunteer asks for a reference to be supplied regarding any prospective employment, place of education or future voluntary role this reference must include any safeguarding concerns. These could relate (but are not limited) to the protection of children, young people and/or vulnerable adults from abuse and/or neglect (including domestic violence). Even when the police have decided not to pursue an investigation, or the Crown Prosecution Service has declined to prosecute, any potential risk should still be assessed in the reference. If there is any relevant history, the referee should consult the DSA and relevant human resources departments as applicable before completing the reference.

Where an individual is subject to a Safeguarding Agreement and moves to attend another church then that church, regardless of denomination should be informed of the safeguarding concerns that exist in order that appropriate management can continue.

Before passing information or a Safeguarding Agreement onto another denomination church advice should be obtained from the DSA or NST. This is especially important if passing information outside the UK. Consider safety and well-being; base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions. Keep a record of your decision and the reasons for it – whether it is to share information or not. If it is decided to share, then record what has been shared, with whom and for what purpose.

## 8.5 What to do if the respondent is hospitalised during an ongoing case

If the respondent requires hospitalisation or requires care/treatment in another institution which will mean they are resident at an institution during an ongoing case, the following steps should be taken:

- 1) the DSA should be informed the respondent has been hospitalised or is otherwise resident in another institution;
- 2) the DSA, in consultation with the statutory agencies<sup>66</sup> if applicable, should contact the safeguarding officer in the hospital or other institution and inform them of the allegations so that they can assess if there is any risk posed by the individual concerned;
- 3) the safeguarding officer should be asked to consider who needs to be informed of the respondent's circumstances, and to take responsibility for sharing this information;
- 4) the steps taken should be recorded and sent to the safeguarding officer at the hospital or other institution for confirmation of receipt and acceptance of their role;
- 5) the core group should be informed of the steps taken by the safeguarding officer to deal with any safeguarding concerns;
- 6) the respondent should be informed that any restrictions remain in place when in hospital or other institution;
- 7) the statutory agencies involved in the case should be informed of the respondent's situation and steps are taken to ensure the safeguarding of children, young people and/or vulnerable adults occurs;
- 8) documentation of these steps should be recorded in the respondent's case file, for clergy this should also be recorded on the personal file.

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<sup>66</sup> Statutory organisations may have established protocols for disclosure

## 9. Quality Assurance and Lessons Learnt

### 9.1 Quality Assurance of Risk Assessments

The Diocesan Safeguarding Advisory Panel have a quality assurance function to receive anonymised management information relating to risk assessments and safeguarding agreements that the diocese has completed in order to maintain oversight of the work. For instance the number of assessments, type of assessment, pattern of reviews, breaches and follow up actions etc. A DSAP may have specific sub group with a more specific role in relation to reviewing the quality of risk assessments (standard and independent) and Safeguarding Agreements (see [Section 1.10](#)).

The National Safeguarding Team have responsibilities to monitor risk assessments and management information across the Church to measure adherence to House of Bishops guidance.

In addition to this, all independent risk assessments should be shared with the National Safeguarding Team to ensure they meet the national standard of quality. This is particularly important for maintaining the list of approved independent assessors.

In general, quality assurance will be based on whether the appropriate outcome has been achieved, rather than whether a process has been followed precisely. To support those engaged in quality assurance the following guiding principle is provided:

“The quality assurer should judge whether the overall quality of the work undertaken meets the needs of the case – i.e. does sufficiency in the work outweigh any insufficiency. Therefore, whilst there may be deficits or aspects where the work could be better, the quality assurer may be able to conclude that overall this piece of work is **sufficient** within the context of the case, in particular where the deficit was unlikely to reduce the likelihood of a positive outcome. Conversely whilst there may be many strengths the importance of a particular deficit may be such that it leads to a judgement of **insufficient**.” This benchmark of sufficiency is also used by Her Majesty’s Inspectorate of Probation.

### 9.2 Lessons Learnt Case Reviews<sup>67</sup>

Once all matters relating to the safeguarding concern or allegation against a church officer have been completed, the core group should consider how best to identify and learn lessons from the case.

The majority of lessons learnt case reviews will be an internal review undertaken by the core group and its members, and where appropriate, comments on the process should be requested from victims/survivors and respondents. It is for the core group to determine how best to undertake this review. The outcome of this review process should be shared with the Diocesan Safeguarding Advisory Panel. This should be done in an anonymised form, and given sufficient details of the processes followed to assess whether practice guidance has been adhered to, to consider what lessons can be learnt and whether any changes should be made to parish, diocesan or House of Bishops’ safeguarding policy and practice guidance.

In cases<sup>68</sup> where there is identified learning for the national Church, the review should be shared with the National Safeguarding Team and/or the National Safeguarding Steering Group. All independent reviews should be shared with the National Safeguarding Team.

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<sup>67</sup> The National Safeguarding Team are working on Lesson Learnt Case Review Practice Guidance to cover lessons learnt from casework and commissioning independent reviews, this guidance will published in 2018.

<sup>68</sup> This includes all cases where the respondent is ordained, licensed, authorised, commissioned or holding permission to officiate – i.e. cases where an independent risk assessment has been completed.

In some cases it will be appropriate to undertake an independent review. At a diocesan level it is the core group's role to make a recommendation to the chair of the DSAP, DSA and the diocesan bishop. At a national level it is the core group's role to make a recommendation to the national safeguarding adviser/deputy and the lead safeguarding bishop.

In considering whether to undertake an independent case review, the core group and the identified officers above should consider whether:

- A child, young person and/or vulnerable adult has been seriously harmed and there is serious cause for concern as to the way in which the Church or other relevant persons have worked together to safeguard the child, young person and/or vulnerable adult; and/or
- There are particularly challenging or complex circumstances, for instance an indication that organised abuse may have taken place.

In addition, other factors to take into account are:

- A recommendation by the Local Safeguarding Children or Adult Board.
- Reasonable complaints about process have been raised;
- A recommendation by the Diocesan Safeguarding Advisory Panel, a diocesan bishop/archbishop, national safeguarding adviser/deputy and/or National Safeguarding Steering Group.

In undertaking an Independent Review the following principles should be applied:

- The approach taken to the case review should be **proportionate** to the scale and level of complexity of the issues being examined;
- The case review should be led by an individual(s) who is **independent** of the case under review and of the organisations whose actions are being reviewed. They should have the experience and expertise in safeguarding;
- Those staff and relevant people involved in the case should be invited to contribute their perspectives without fear of being blamed for actions they took in good faith in a culture of **learning and improvement**;
- **Survivors** and other relevant family members, including where appropriate children, should be invited to contribute to the review, in a carefully managed and sensitive manner;
- The case review should be conducted in a way that recognises the complexity of circumstances in which people and organisations work, seeks to understand who did what and the underlying reasons that led to individuals and organisations to act as they did, and seeks to understand practice from the viewpoint of the individuals and organisations at the time rather than using hindsight;
- The case review should be transparent (bearing in mind data protection legislation) about the way data is collected and analysed and make use of relevant research and evidence to inform the findings;
- The review process should be as **transparent** as possible, and unless there are strong grounds not to, in terms of protecting children, young people and/or vulnerable adults, reports should be published. The timing of any publication must be managed carefully, considering the views of survivors and statutory agencies;

- The case review should identify SMART (i.e. specific, measurable, attainable, realistic and timely) recommendations for improvement and lead to an **action plan**, the implementation of which is monitored for its impact on improving the safety and wellbeing of children, young people and/or vulnerable adults.

In taking full account of the above principles, the methodology for conducting the independent review should be decided by the chair of Diocesan Safeguarding Advisory Panel, the DSA and/or the National Safeguarding Team.

Whatever methodology is agreed, the case review should have clear terms of reference with timescales for completion, who will be engaged in the review, what expertise is required to support the review and how and to whom the review will report its findings and the outcomes of the work undertaken, ensuring that any material is anonymised where appropriate.

The Diocesan Safeguarding Advisory Panel should share the work and its outcomes with partners within the Local Safeguarding Children's Board or Adult Safeguarding Board and the National Safeguarding Team to ensure that recommendations are implemented and progress is appropriately scrutinised.

## Appendix 1 – Template notification to follow safeguarding policy and procedures

Dear

As you are aware a recent allegation has been made against you in relation to a safeguarding concern. The matter has been notified to the statutory agencies for their investigation. Following conclusion of that process I will initiate a Church investigation.

While I appreciate, this is very difficult for you, I must take the allegation seriously and must address any potential risk to children, young people and/or vulnerable adults (delete as appropriate). In the interests of safeguarding, and as required of all church officers. I require that you fully observe the Safeguarding Policy and Procedures of the diocese.

In particular:

- I require that at no time will you have unsupervised contact with children, young people and/or vulnerable adults (delete as appropriate);
- To facilitate this, you must ensure that while present with children, young people and/or vulnerable adults (delete as appropriate) there must be another adult present at all times; and
- Any contact you have with children, young people and/or vulnerable adults (delete as appropriate) must be open, in the presence of other adults and involve absolutely no physical contact.

During the statutory agency investigation and any subsequent Church investigation, I can appoint a link person to support you if you so wish. A link person would act as your single point of contact whilst the investigations are on-going and will be able to:

- attend the initial meeting between you, the DSA and I in order to support you, keep you informed of the progress of your case, and direct you to counselling and support as necessary;
- assist you to access both secular and ecclesiastical law advice;
- consider your family's wishes regarding a pastoral response by the Church to them;
- identify with you any therapeutic or other needs you have, and suggesting how these may be best met;

The meetings you have with the link person will be noted as having occurred and any relevant information will be passed to the DSA where:

- others are at risk of harm;
- the respondent makes disclosures of intentions to hurt or harm either themselves or others;
- the respondent makes disclosures of their guilt, or not, in the matter being investigated;
- safeguarding information is shared to assist in the prevention, detection or prosecution of a crime.

Please contact me to confirm that you agree with these arrangements, and let me know if you would like a link person appointed.



Following this, I will ask the diocesan safeguarding adviser to insert the above details into a written agreement which I will ask you to sign.

It goes without saying that while this is a serious allegation, which must be investigated; the matter will only be shared on a need to know basis, with appropriate Church and statutory personnel.

I have, as I am required to do, informed the National Safeguarding Team of this allegation (delete if not required).

I appreciate this is a difficult time for you, and hope you recognise that we all have a responsibility to ensure the safety of all those in our care.

Please be assured of my prayers during this time,

Yours

Diocesan Bishop of \_\_\_\_\_

## Appendix 2 – Template Initial Case Summary

<b>Subject of Assessment:</b>
<b>Contact Details:</b>
<b>Parish/Cathedral:</b>
<b>Diocese:</b>
<b>Diocesan Reference:</b>
<b>Allegation Details:</b> <ul style="list-style-type: none"> <li>• Summary of the nature and circumstances of the concern or allegation (including date range of when the abuse is alleged to have happened)</li> <li>• Sole respondent or co- respondent?</li> <li>• Respondent's initial response</li> <li>• Victim/survivor Impact – views of concern or allegation(s)</li> </ul>
<b>Ministry Issues to be considered immediately:</b> <ul style="list-style-type: none"> <li>• Has the concern or allegation continued over a significant period; Frequency and severity of allegation?</li> <li>• What is the number of victims/survivors, including their gender and age range known at this stage?</li> <li>• Any other previous concerns or allegations?</li> <li>• Is there any evidence to support the concerns or allegations?</li> <li>• Respondent's attitude to concerns/allegations and victim/survivors?</li> <li>• What is the respondent's role in the Church?</li> <li>• What access to children, young people and/or vulnerable adults do they have (both children, young people and/or vulnerable adults within Church and in other professions/agencies/voluntary organisations)? Can they continue to work in public? Detail what they can/cannot do.</li> <li>• Are there other contributory factors which may increase risk (e.g. alcohol, accommodation, refusing to comply with safeguarding process etc.)?</li> <li>• Are there any issues with the respondent's accommodation?</li> <li>• Who has the respondent shared information about the concern or allegations with?</li> <li>• What action has the respondent taken to protect themselves or others?</li> </ul>

**Protective Factors**

- What positive relationships/support network does the respondent have?
- What external supports has the respondent put in place themselves (personal/environmental)?

**Restrictions on ministry/role required**

Completed By \_\_\_\_\_

Role \_\_\_\_\_

Date \_\_\_\_\_

## Appendix 3 – Template Interim Safeguarding Agreement

Using the information from the Initial Case Summary, an Interim Safeguarding Agreement is drawn up if deemed appropriate based on the level of concern assessed. The purpose of an Interim Safeguarding Agreement is primarily to safeguard children, young people and/or vulnerable adults, and manage the risks identified but it should also include support for the respondent. As a minimum, an Interim Safeguarding Agreement must include the restrictions that have been put in place regarding:

- Status of public ministry/position of office
- Contact with children, young people and/or vulnerable adults
- Residency
- Monitoring requirements

This is template agreement only and should be adapted to suit the needs of individual cases, for example, this same template will be used for agreements with members of clergy and their diocesan bishop, church officers and their employer/supervisor/ the Incumbent of the parish in which they are working and can be adapted for use with a member of the church congregation known to present a safeguarding risk.

### **Example Interim Safeguarding Agreement**

Agreement between: (Diocesan Bishop) and (Respondent).

<p><u>Respondents Details:</u></p> <p>Name:</p> <p>DOB:</p> <p>Age:</p> <p>Role in Church i.e. ordained etc.:</p> <p>Address:</p>  <p>Contact details (telephone / email):</p>	
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### **Information and confidentiality**

The following people have been made aware of the contents of this agreement, and will act as the 'reference group' in supporting (Respondent) and in helping to ensure that the agreement is practiced and reviewed regularly:

- 
- 
-

These people are bound by confidentiality not to discuss the content of this agreement, details of the respondent, or of the allegation with anyone outside of this 'reference group'.

In addition, the following people have received a copy of this agreement:

- ..... (Archdeacon);
- ..... (Management of Sex Offenders and Violent Offenders (MOSOVO) unit - Police);
- ..... (National Probation Service - NPS);
- ..... (Diocesan Safeguarding Adviser - DSA).

The Church (parish or diocese) may contact statutory agencies (Police, NPS/CRC, Children or Adult Services) for advice or information, and will share any concerns or information concerning (Respondent) thought to be relevant.

**Safe Behaviour** – Please note these are examples of what might be included, this is not a definitive list and includes examples which might relate to the specific conditions imposed under statutory supervision processes as well as examples of what the Church may impose as expected parameters of conduct. The conditions and the wording of the conditions are individual to each case.

This written agreement sets out the parameters of the expected conduct which have been established to ensure the on-going safeguarding of children, young people and/or vulnerable adults.

The above-named person of this agreement will:

- not seek out or engage with children or young people under the age of 18 years either individually or in groups, in the Church or before or after the services, or make any contact with children or young people outside of the Church;
- avoid being alone with children, young people and/or vulnerable adults (delete as appropriate) and take responsibility for behaving appropriately and removing themselves immediately from any situations unforeseen or otherwise where this position may be compromised;
- not attend any events at Churches in parishes, including social functions, or accept invitations to homes of people with children or young people under 18 years, without the prior express permission in writing of .....
- not accept any positions of authority or responsibility or duties of any kind in the parish, nor any work, paid or voluntary, with children or young people under 18 years;
- inform the DSA / link person if you are planning to attend another Church;
- inform the DSA / link person of any time planned or unplanned where there will be cause to stay overnight away from his/her address.

**Support offered:**

I have asked \_\_\_\_\_ to act as your link person.  
Their role is to:

- Keep you informed of the process of the case;
- Help direct you to counselling and support;
- Record the dates and times that they have met or been in contact with you. They will report this to the DSA. Should any safeguarding concern(s) arise during the meetings you have with the link person, the link person will report the issue(s) to the DSA.

The Link Person will not:

- Act as your counsellor
- Act as your Spiritual Guide
- Manage or have access to your case file
- Act as your advocate

I, (Respondent) accept / decline (delete as appropriate) the support of the Link Person.

### Monitoring arrangements

Who monitors
Frequency of monitoring contacts
Consultation with statutory agencies
Information sharing

### Review of Interim Plan

<p>This agreement will be reviewed by members of the Reference Group, in consultation with the DSA and the Police, initially by ....., and then at regular intervals, at least annually.</p> <p>If this agreement is broken, the Church in consultation with the DSA and the Police, will make decisions about .....’s further involvement in the Church.</p> <p>In the event of..... moving to another Church, the Diocese will endeavour to pass information about them and the safeguarding action which has been taken to the new diocese. This information will be shared between the DSAs of the dioceses involved.</p>
---

**Signed and dated \_\_\_\_\_ Respondent**

**Signed and dated \_\_\_\_\_ Diocesan  
Bishop**

**Signed and dated \_\_\_\_\_ DSA**

## Appendix 4 – Template Case Management Update Tool

This form should be completed following the Initial Case Summary and is used to provide an overview of the case. This should be easily accessed when storing information and should be regularly updated throughout the case management process.

<p>Details of Respondent:</p> <p>Name:</p> <p>DOB:</p> <p>Age:</p> <p>Role in Church i.e. ordained etc.:</p> <p>Address:</p>    <p>Contact details (telephone / email):</p>	
<p>Nature of Concern or Allegation:</p> <p>Dates / age / gender / broad outline of allegation / frequency / number of alleged victims etc.</p> <p>Sole respondent or co- respondent?</p>	
<p>Response to Concern or Allegation (both from the respondent and the statutory agencies)</p>	
<p>Legal Status:</p> <ul style="list-style-type: none"> <li>• Convictions</li> <li>• Investigation in process – including bail conditions</li> <li>• Awaiting Crown Prosecution Service decision</li> <li>• No complaint to Police</li> <li>• Outcome of investigation by Social Care</li> <li>• Finding of a professional body such as the Church of England, Armed Forces, British Medical Association</li> </ul>	



Status of Ministry/Role	
Sex Offender Registration / Civil Orders <ul style="list-style-type: none"> <li>• Yes/No</li> <li>• Duration</li> <li>• Conditions</li> </ul>	
Agencies involved in management and support Include details of all relevant persons within the statutory agencies and their contact details – (Police, Probation, Social Care etc.)	
Risk detail: <ul style="list-style-type: none"> <li>• What is the risk?</li> <li>• To whom is there a risk?</li> <li>• When is it most likely to happen?</li> <li>• What are the triggers for an increase in risk?</li> </ul>	
Monitoring arrangements <ul style="list-style-type: none"> <li>• Frequency</li> <li>• By Whom</li> </ul>	
Review Date	

## Appendix 5 – Template Ongoing Safeguarding Agreement

Using the information from the Risk Assessment, Case Summary and the Interim Safeguarding Agreement, an Ongoing Safeguarding Agreement is drawn up to address the risks that have been identified. The purpose of an Ongoing Safeguarding Agreement is primarily to safeguard children, young people and/or vulnerable adults, but it should also include support for the respondent. As a minimum, an Ongoing Safeguarding Agreement must include the restrictions that have been put in place regarding:

- Status of public ministry / position of office
- Contact with children, young people and/or vulnerable adults
- Residency
- Monitoring requirements

This is template agreement only and should be adapted to suit the needs of individual cases, for example, this same template will be used for agreements with members of clergy and their diocesan bishop, church officers and their employer/supervisor/the incumbent of the parish in which they are working and can be adapted for use with a member of the church congregation known to present a safeguarding risk.

### **Example Ongoing Safeguarding Agreement**

Agreement between: (Diocesan Bishop) and (Respondent).

<p><u>Respondents Details:</u></p> <p>Name:</p> <p>DOB:</p> <p>Age:</p> <p>Role in Church i.e. ordained etc.:</p> <p>Address:</p>  <p>Contact details (telephone / email):</p>	
--	--

### **Information and confidentiality**

The following people have been made aware of the contents of this agreement, and will act as the 'reference group' in supporting (Respondent) and in helping to ensure that the agreement is complied with and reviewed at regular intervals:

- 
- 
-

These people are bound by confidentiality not to discuss the content of this agreement, details of the respondent, or of the allegation with anyone outside of this 'reference group' unless there is a legal requirement to do so or there is evidence or reasonable cause to believe that a person (child, young person or vulnerable adult) is at risk of suffering harm or to prevent harm to a person (child, young person or vulnerable adult).

In addition, the following people have received a copy of this agreement:

- ..... (Archdeacon);
- ..... (Police);
- ..... (National Probation Service - NPS);
- ..... (Diocesan Safeguarding Adviser - DSA).

The Church (parish or diocese) may contact statutory agencies (Police, NPS/CRC, Children or Adult Services) for advice or information, and will share any concerns or information concerning Respondent thought to be relevant.

**Safe Behaviour** – Please note these are examples of what might be included, this is not a definitive list and includes examples which might relate to the specific conditions imposed under statutory supervision processes as well as examples of what the Church may impose as expected parameters of conduct. The conditions and the wording of the conditions are individual to each case.

This written agreement sets out the parameters of the expected conduct which have been established to ensure the on-going safeguarding of children, young people and/or vulnerable adults.

The above-named person of this agreement will:

- not seek out or engage with children or young people under the age of 18 years either individually or in groups, in the Church or before or after the services, or make any contact with children or young people outside of the Church;
- avoid being alone with children, young people and/or vulnerable adults (delete as appropriate) and take responsibility for behaving appropriately and removing themselves immediately from any situations unforeseen or otherwise where this position may be compromised;
- not attend any other events at Churches in parish, including social functions, or accept invitations to homes of people with children or young people under 18 years or the homes of vulnerable adults, without the express permission in advance of .....
- not accept any positions of authority or responsibility or duties of any kind in the parish, nor any work, paid or voluntary, with children or young people under 18 years/vulnerable adults;
- inform the DSA / link person if you are planning to attend another Church; inform the DSA / link person of any time planned or unplanned where there will be cause to stay overnight away from this address.

**Support offered:**

I have asked \_\_\_\_\_ to act as your link person. Their role is to:

- Keep you informed of the process of the case;
- Help direct you to counselling and support;
- Record the dates and times that they have met or been in contact with you. They will report this to the DSA. Should any safeguarding concern(s) arise during the meetings you have with the link person, the link person will report the concern(s) to the DSA.

The Link Person will not:

- Act as your counsellor
- Act as your Spiritual Guide
- Manage or have access to your case file
- Act as your advocate

I, (Respondent) accept / decline (delete as appropriate) the support of the link person.

**Monitoring arrangements**

Who monitors
Frequency of monitoring contacts
Consultation with statutory agencies
Information sharing

**Review of Agreement**

<p>This agreement will be reviewed by members of the Reference Group, in consultation with the DSA and the Police, initially by ....., and then at regular intervals, at least annually.</p> <p>If this agreement is broken, the Church in consultation with the DSA and the Police, will make decisions about .....’s further involvement in the Church.</p> <p>In the event of..... moving to another Church, the diocese will endeavour to pass information about them and the safeguarding action which has been taken to the new diocese. This information will be shared between the DSAs of the dioceses involved.</p>
---

Signed and dated \_\_\_\_\_ Respondent

Signed and dated \_\_\_\_\_ Diocesan Bishop

Signed and dated \_\_\_\_\_ DSA

## Appendix 6 - Template Referral and terms of reference for an independent risk assessment

### *Name, Role of subject of assessment*

**Commissioner:** *Name, role, on behalf of the Bishop*

**Independent Risk Assessor:** *Name, organization*

**Date of commissioning:**

**Target date for completion:**

### **1. Information relating to *name of subject, N***

Date of birth

Date of ordination if relevant

Current role(s)

Relevant history of employment and Church-related roles, including previous ministry if ordained.

Family composition, any relevant family history.

### **2. Circumstances leading to risk assessment**

- Details of when concern was first raised with the Bishop, details of allegation(s).
- Details of any subsequent allegations or information during the course of the investigation.
- Details of Police investigation, and outcome. *Note the permissions for information sharing given by statutory agencies in relation to the subject.*
- Details of Local Authority concern or allegations management meetings and recommendations. *Note the permissions for information sharing given by statutory agencies in relation to the subject.*
- Subject's attitude to the concern or allegations, whether they deny them or how they have pleaded in the context of a Police charge.
- Details of previous risk assessments, and risk Safeguarding Agreements, including plan currently in place. This should specify whether the subject has been suspended or has stepped aside from role(s).
- Who has taken the decision to commission an independent risk assessment, and why. If the risk assessment involves a member of clergy it would be helpful to send a copy of the Safeguarding (Clergy Risk Assessment) Regulations 2016.

### **3. Any previous concerns**

Any previous relevant concerns.

Outcome of last Disclosure and Barring Service check.

#### 4. Terms of Reference

The assessor will not be asked to make a finding of fact and where any facts are in dispute, the assessor will set out the matter and nature and extent of the dispute. The assessor will clearly differentiate between established fact and professional opinion in his or her report.

In the light of:

- a) The information supplied in the referral and gathered from *N* in interview regarding the allegation of *xxxx*;
- b) *N's* response to the allegations;
- c) *N's* reflection on their behaviour at the time of the allegation;
- d) any pattern of inappropriate behaviour by *N* demonstrated during this period or subsequently; and
- e) *N's* personal circumstances since the period of these allegations:
  - Whether *N* presents a risk to children, young people and/or vulnerable adults who they may have contact with in a position of trust i.e. vulnerable by position;
  - how any risk identified should be best managed;
  - whether *N* is safe to continue in *role* and/or the potential role(s) of *xxx*.

If it is felt that *N* should be permitted to continue in one or more of these roles, to identify any future implication such as additional safeguarding training, support, therapeutic help or treatment to assist him/her in his or her roles/future ministry.

#### 5. The process of assessment

- a) A meeting will take place between *N* and *name of the DSA, Diocesan Safeguarding Adviser*, who is referring the assessment on behalf of *the Bishop*. The purpose of the meeting is to discuss the process of assessment and share the Terms of Reference.
- b) *DSA* will complete the referral paperwork and submit *to independent assessor/organisation* for formal commissioning. *DSA* will also forward other documentation to *independent assessor* when received. This will consist of *e.g. reports from the Police, minutes of the Allegations Management Meetings and minutes from the Church Core Group meetings*.
- c) *Assessor*, through *DSA*, will contact *N* and arrange to meet with them. *Insert details of assessment process, e.g. an assessment normally consists of 6 hours of interview divided into 2 sessions. The assessor may consider it necessary to speak to other relevant people or this may be requested of him/her. Assessor* will consider all available documentation and liaise with *commissioner* for clarification if required. *Assessor* will then write a full report covering the issues raised in the Terms of Reference and make recommendations to *the Bishop accordingly*.
- d) *Assessor* will give a copy of the draft report to the *Bishop*, who will then give a copy of the report to *N*, with redaction of content which cannot be shared, explaining why it has been redacted (e.g. consent has not been obtained to disclose a third party's information). *N* will then have 14 days to make written submissions to the assessor on the draft assessment. The assessor then has 14 days of receiving the questions to respond. *N* then has a further 14 days of having received the assessor's answers to make further submissions and comments on the draft assessment in light of the assessor's answers. The Safeguarding (Clergy Risk Assessment) Regulations 2016 provide further detail on this process.

- e) The assessor, having amended the draft assessment as he/she thinks appropriate in light of *N's* submissions, must give the final report to the *Bishop* for consideration. *The Bishop* will give *N* a copy of the final report (redacted if necessary, together with an explanation (as in d) above). In addition, the Bishop will give a copies to the DSA and the Chair of the Diocesan Safeguarding Advisory Panel. If the Bishop considers it appropriate to do so he/she can also give a copy to the local authority, the police and such other person as the bishop considers appropriate: *Names and roles*
- f) The Bishop, having received the final report, will meet with the subject to discuss the opinions and recommendations in the final version of the report and any action which the bishop proposes to take in response to the assessment. The Bishop must give written notification of any action he/she proposes to take and the reasons for such action. Within 14 days of receiving this notification the respondent can make written submissions in relation to the Bishop's proposals and the Bishop must share these with the DSA and the Chair of the Diocesan Safeguarding Advisory Panel. Having reviewed his/her proposed action in light of the submissions, the Bishop must decide what action to take and give written notification of the decision and reasons for it. In deciding this action the Bishop must pay due regard to the advice of the Diocesan Registrar, the DSA and the Chair of the Diocesan Safeguarding Advisory Panel
- g) A copy of the full assessment report will be held in a sealed envelope on *N's* personal file, with restricted access to named individuals, and on *N's national/diocesan* safeguarding file which has restricted access to the *national/diocesan* safeguarding team.

**Signed:**                      *Name, role*  
**Date:**



## Appendix 7 – Template Letter of instruction for independent risk assessment

This should be drawn up by the DSA in consultation with the diocesan registrar. Additional, specialist safeguarding legal advice may also be sought as required.

Dear *Name of assessor/agency*

### **Risk Assessment in respect of *Name***

The *name of Bishop* would like to commission *independent assessor/organisation* to undertake a risk assessment of *Name*. Thank you for agreeing to undertake this assessment.

### **The Respondent and their Representatives**

Insert names and contact details of all relevant parties in this case which may include:

- The respondent
- Legal representatives for the respondent
- Link Person for the respondent
- The DSA and other Diocesan contacts such as the Bishop
- Contact details for other statutory agencies linked to the case such as Police, Probation, Children's Services etc.

### **The Nature of the Instructions**

You are being instructed by *insert name of Bishop* to provide an independent expert opinion regarding the risk posed, if any, by *Name of respondent*.

It is expected that you will have a meeting(s) with the respondent. It is however essential both to your role as an independent expert and to the party's perception of your independent status, that if you do have informal discussions, or correspondence with any of the professionals or lay parties involved in the case, you should make a note of all such discussions. You should disclose the fact you have had them when you write your report, and explain what influence, if any, such discussions have had upon your thinking and your conclusions.

### **Contact with Others**

You may wish to contact the solicitor/legal representative of the respondent or other professionals involved in the case. Please feel free to do so. However, if in your contact with these professionals you discuss any matter of relevance, please inform *name of Bishop* promptly and let *name of Bishop* have copies of any reports or information given to you. Please keep a careful record of all pertinent discussions with other experts or parties.

### **The Background**

Insert a brief paragraph explaining the background of the case including the nature of any allegations and decisions made thus far.

The following documentation is attached:

- Terms of Reference Document dated xxx, which includes information about N, and a full chronology of the circumstances leading to this assessment;
- The Safeguarding (Clergy Risk Assessment) Regulations 2016, regulation 4 sets out the procedure for carrying out the assessment and regulation 5 onwards contains detail on the content of the assessment and the processes which will be followed upon receipt of the draft and final assessment reports;
- Documentation from Police or other relevant body regarding investigation, including witness statements etc.;
- Minutes of Allegations Management meetings or other relevant documentation from statutory services.

***Please note the permissions for information sharing given by statutory agencies in relation to the subject are for the purposes of this assessment only.*** All the information provided here is confidential and should not be disclosed to any person or body outside of this process, unless safeguarding matters arise which require an urgent referral to a statutory agency. If so, you should notify *name of Bishop* as soon as possible.

### **Risk assessment report format**

You are requested to consider and provide your opinion on the nature and likely extent of the risk and your recommendations on how to address or manage that risk. With this in mind the Risk Assessment Report should include<sup>69</sup>:

- the personal history of the respondent (including a summary of their personal relationships, family background, education/employment history, substance misuse, physical and mental health factors, lifestyle, perception of self-identity and their relationships with others and any other attitudinal or behavioural factors which can contribute to an analysis or explanation of the allegation);
- the respondent's vocation for their role;
- the respondent's sexual history (if relevant);
- the forensic history of the respondent's offending behaviour, previous allegations etc.;
- a clear statement about any dispute between the facts as found and the respondent's version of events - setting out the matter, nature and extent of the dispute, (please note you cannot make a finding of any fact which is in dispute);
- the assessor's views on the credibility of allegations where there is a dispute whilst making no finding of fact;
- the respondent's attitude to the victim/survivor(s), including evidence of empathy;
- the respondent's attitude to the diocese in developing a Safeguarding Agreement;
- the methodology or framework used to assess the level of risk of the respondent abusing in the future;
- the assessor's opinion on the nature and likely extent of the risk;
- guidance on an appropriate Safeguarding Agreement, to include the assessor's recommendations on how to address or manage the risks identified.

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<sup>69</sup> See regulation 5 of the Safeguarding (Clergy Risk Assessment) Regulations 2016

Use a different order if this is most helpful to you.

### **Confidentiality**

Reports should always be sent by special delivery, marked confidential for the attention of the addressee, inside an unmarked envelope. Reports should not be transmitted electronically unless the email is secure.

### **Academic references**

We ask that academic references should not be included in your risk assessment. If you are relying upon a particular piece of research or theory, then you should explain that in the report. In our experience when academic references have been used, a contradictory piece of research or theory has been put forward and this has not been helpful.

### **Your Fees**

Your fees will be met solely by *name of Bishop*. Please ensure that the total account shows details of your hourly charges for preparation and traveling time (if relevant) and the number of hours spent. Please enclose copies of all receipts for any travelling and other expenses.

### **Factual Issues**

Under the regulations (5(2)), where a risk assessment has involved consideration of a matter where certain facts are in dispute, the assessment must set out the matter and the nature and extent of the dispute but must not make a finding on any fact which is in dispute. Where appropriate it would be of assistance if you can express your opinion on the credibility of allegations where there is a dispute whilst making no finding of fact.

### **The timetable**

The *name of Bishop* requests that your report is completed by *insert date*.

(This date should have been agreed prior to the issue of this letter of instruction).

*Name of Bishop* would be grateful if you would confirm in writing that you will accept this commission and the expected date of completion is acceptable.

Yours sincerely

## Appendix 8 - Model ongoing safeguarding agreement with an offender

### PRIVATE AND CONFIDENTIAL

#### An Agreement between JK<sup>70</sup> and the churches of St Luke's benefice

Date: .....

*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.

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<sup>70</sup> All names have been replaced by arbitrarily chosen initials.

**JK agrees to the following:**

1. To sit apart from children and young people at church services and meetings.
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 or young people.
8. Not to initiate any unsupervised contact with children or young people.
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 safeguarding officer, or failing that, another member of the Review Group) and the diocesan safeguarding 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 adviser (if unavailable the parish safeguarding 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 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 safeguarding 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 adviser, or as requested by probation or police colleagues with the consent of the diocesan safeguarding 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 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: .....**