Managing Safeguarding Concerns and Allegations

National Safeguarding Team

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THE CHURCH OF ENGLAND
HOUSE OF BISHOPS

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Introduction

This is a safeguarding Code of Practice issued under section 5A of the safeguarding and Clergy discipline Measure 2016, as amended by the safeguarding (Code of Practice) Measure 2021.

The purpose of this code

This code imposes requirements on relevant persons to enable the assessment and management of safeguarding concerns and allegations. It also provides guidance to relevant persons on how to comply with the requirements. **Both the requirements and guidance should be read together. The appendices contain further background and good practice advice.**

The code is designed specifically for safeguarding officers and those who are involved in the management of cases.

It has become increasingly important to distinguish the purposes of the different processes that exist in respect of safeguarding, so that people are clear what to expect from each.

- **First, there is the process for responding to, assessing and managing safeguarding concerns about** individuals. This process is about the identification and management of risk through the Safeguarding Casework Management Group (SCMG, previously Core Group).

- Secondly, there are the processes which focus on responsibility and accountability for actions, including **the establishment of guilt. These processes include criminal investigation and prosecution, disciplinary** processes for those with contracts of employment, and complaints under the Clergy Discipline Measure(CDM) for those who are ordained.

- **The third process, 'learning lessons', is about taking a step back to try to understand why the events** happened in the way they did, and what were any underlying organisational and contextual issues which contributed to them. Answering the 'why' question enables an organisation to learn and make improvements that will keep people safe in the future. Without these underlying issues being identified and addressed, **there remains a risk that unsafe practice and organisational factors continue.**

The code focuses on concerns and allegations about church officers. However, the code also includes guidance on responding to concerns that do not involve church officers and on managing risks posed by other individuals **in a church community.**

The code aims to ensure that:

- any safeguarding risks are identified, assessed and managed appropriately;
- where required, statutory services are informed and involved, and there is ongoing partnership work with those agencies to ensure the safety of children, young people and vulnerable adults;
- complainants (individuals who raise concerns or allegations) and respondents (individuals who are the subjects of concerns or allegations) receive appropriate and coordinated responses, that have regard to their wellbeing; and
- all safeguarding concerns or allegations are assessed and managed, regardless of whether a threshold for disciplinary action against the subject of the concern or allegation has been met, which is particularly **important from a prevention perspective.**

This code is not:

- a criminal justice process. Where appropriate, an investigation will be carried out by the police and may be followed by prosecution.
- **a disciplinary process. The processes set out in the code do not replace the Church's disciplinary processes, any human resource policies and procedures, and any other local disciplinary policies.**

However, the processes outlined in this code complement any action undertaken by statutory services such as **police investigations or assessments by social services. Where relevant, the procedures outlined in this code should inform and assist both secular and church disciplinarily procedures and as far as possible should take place at the same time.**

Overriding principles

The Church is not a single or uniform entity, but a multitude of organisations and communities bound together by the love for God and the commitment to Christian values. Church bodies are supported by a range of individuals and roles, including those who are office holders, employees, volunteers and those in elected roles. In addition, the Church serves parishioners and opens its doors to anyone who wishes to worship God. It is important, therefore, that **safeguarding processes recognise this diversity and ensure that any risk assessment and management processes** applied are tailored to specific roles and proportionate to the degree to which someone is involved with the Church.

The overriding principles under this code are:

1. The safety and wellbeing of children, young people and vulnerable adults is paramount.

2. Consistent with Christian theology and acceptance that each human being is made in the image of God, complainants, respondents and others impacted by the concern or allegation will be treated with dignity and respect.

3. Complainants and respondents will have access to appropriate support whilst action under this code **is undertaken, recognising the potential of these processes to cause distress and lead to trauma.**

4. **T he primacy of statutory processes and services is recognised, and responses to complainants and respondents should meet legal requirements and be underpinned by guidance from the relevant statutory** authorities (e.g. the police, social care).

5. Effective partnership work, within the Church and with relevant organisations and professionals outside **the Church, is key in ensuring that risks are effectively managed, processes are not duplicated, and complainants and respondents receive coordinated responses.**

6. The safeguarding processes under this code should be carried out in a transparent manner, and complainants and respondents will have access to information explaining these processes.

7. Complainants and respondents will have the opportunity to state their views, be listened to and be heard.

8. The safeguarding processes under this code should be conducted efficiently and seek to avoid delays.

9. **C lear records should be maintained at all stages, including records of key decisions, referrals and outcomes for all cases.**

10. Whilst the requirements set out in this code must be followed, in certain circumstances flexibility can be applied to meet the needs of individual complainants and respondents, or specific in order to apply the code effectively in specific church settings. This can only be done on the advice of the statutory services or a Regional Safeguarding Lead (RSL) on behalf of the National Safeguarding Team (NST).

Legal framework

Section 5A of the Safeguarding and Clergy Discipline Measure 2016 was inserted by the Safeguarding (Code of Practice) Measure 2021 and came into force on 1 March 2022.

The provisions replace the former 'duty to have due regard' with a duty for all relevant persons to comply with the requirements of a code.

Where a requirement is imposed the code also gives guidance on how relevant persons can comply with the requirement. The guidance sets out some good practice examples and explains why the requirement is necessary. In other words, it explains 'why and how' to deliver the requirements. **All requirements are marked as such and are contained in a blue box.**

Who is a 'relevant person'?

each of the following is a relevant person:

a) a clerk in Holy Orders who is authorised to officiate in accordance with the Canons

b) an archbishop

c) a diocesan, suffragan or assistant bishop

d) an archdeacon

e) a person who is licensed to exercise the office of reader or serve as a lay worker

f) a churchwarden

g) members of a parochial church council (PCC)

h) members of the chapter of a cathedral

i) the Diocesan Board of Education (DBE) for a diocese

j) the Diocesan Board of Finance (DBF) for a diocese

k) any other diocesan body as defined by section 19(1) of the Dioceses, Pastoral and Mission **Measure 2007**

l) a body established to carry out a mission initiative as defined by section 80(1) of the **Mission and Pastoral Measure 2011**

m) a person who is an officer or member of staff of the Archbishops' Council, or who provides services to the Archbishops' Council, and whose work relates to any extent to safeguarding children and **vulnerable adults**

n) a person who works (on any basis) in a diocese or parish, or at a cathedral and whose work relates to any extent to safeguarding children and vulnerable adults.

At diocesan and parish level, different terms may be used to describe a lay worker or reader, according to a particular missional need. However, for the purposes of being a relevant person, the provisions to extend to those who have been licensed to the office of reader or to serve as a lay worker by the bishop under Canon E5 or E6.

It is important to note that the relevant person is the one who has responsibility for making sure that the requirement doesn't. That is the ultimate accountability for the person who will carry out the requirement. For example, if a bishop is a particular practice this might be delegated to, for example, an archdeacon.

Enforcement

Failure by a member of the clergy to comply with a requirement under this code may constitute misconduct. Failure by a reader or lay worker to comply with a requirement may be grounds for the revocation of that reader's or lay worker's licence. Other officers, such as churchwardens, may be suspended from office for failing to comply with a requirement under the code. Breaches by trustee bodies, such as a PCC or a cathedral chapter, may also **trigger an intervention by the Charity Commission.**

Application in the Diocese in Europe

This code must be followed in all the dioceses in the Church of England, including the Diocese in Europe. However, it is recognised that specific considerations will need to be taken into account, which may impact on how the requirements in this code can be met. In each case, any such considerations must be recorded and should include a clear explanation and rationale for how the underlying intent of the code is met.

Such considerations may include, but are not limited to the following:

1. Different terminology: where the code uses the terms 'parish', 'priest/vicar' and 'parish safeguarding officer', these should be understood as 'chaplaincy', 'chaplain', 'safeguarding officer' or any other such terms that are used locally and would be regarded as being of equivalent status, role and responsibilities.

2. Legal frameworks and statutory services: references to legislation, statutory guidance and statutory partners, agencies or services may be understood as the relevant equivalents within the respective country or territory in which a Diocese in Europe chaplaincy operates. Such structures and legal requirements may **be different, and this may affect local practice, both in terms of emergency reporting and ongoing case** management procedures. Similarly, local employment legislation and regulatory frameworks for charitable **organisations may also differ.**

The structure of the code

This code is structured into six sections, and includes core sections which apply to all allegations or concerns (green), and role specific pathways (yellow):

- **section 1: Triage and referrals outlines the initial steps that need to be taken, including guidance** on how to determine which concerns or allegations are safeguarding matters and managed under this code. It also provides guidance on how to respond to concerns or

allegations about individuals who do not have a role in the Church.

- **section 2: Initial Contact and support outlines the initial steps to be taken in each case, including** what support should be offered.

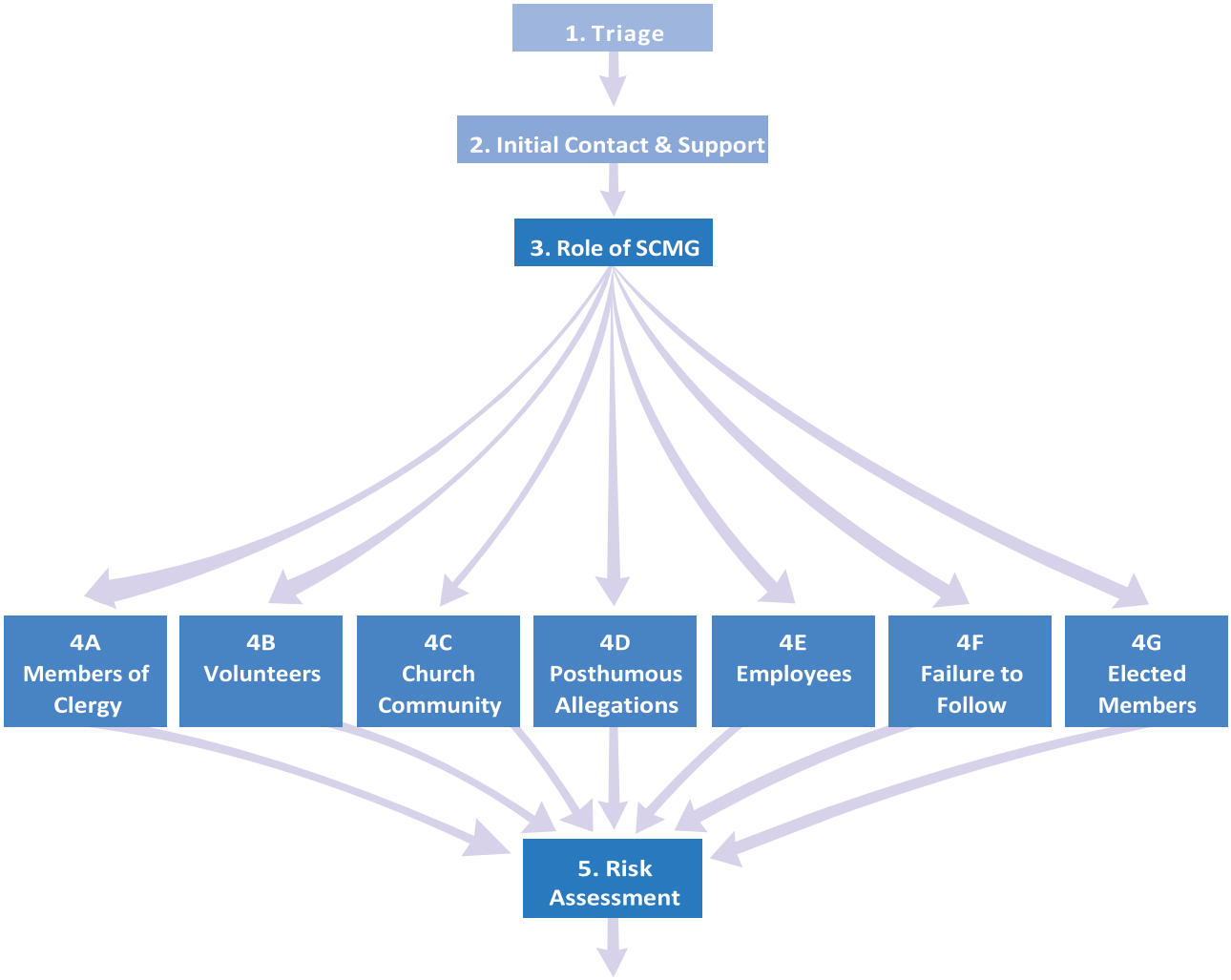
- **section 3: The role of safeguarding Case Management groups provides the general operating** principles for SCMGs, which play a key role in the management of safeguarding concerns or allegations within the Church.

- **section 4: Pathways** details the specific steps that need to be undertaken when managing safeguarding concerns/allegations about church officers depending on their role in the Church:

- **Pathway 4A: Members of Clergy**
- **Pathway 4b: Lay Volunteers**
- **Pathway 4C: Managing Safeguarding Risks in the Church Community**
- **Pathway 4d: Managing Posthumous Safeguarding Concerns and Allegations**
- **Pathway 4e: Employees**
- **Pathway 4f:** Failure to Follow Safeguarding Requirements
- **Pathway 4g: Elected Members**

- **section 5: risk Assessment** sets out the principles and processes to be followed when assessing **and managing risk.**

- **section 6: outcomes, Closure and the long-term risk Management of risk gives a general outline** of how cases should be closed including resolutions and apologies.



Terminology

bishop: This means the diocesan bishop, or where those functions have been delegated to another bishop, that person. Where the word 'bishop' appears, it should be read to include 'archbishop', unless expressly stated otherwise.

Cathedral Safeguarding Officer (CSO): The person who maintains oversight of, leads and advises on safeguarding matters in a cathedral. A CSO could be a member of a Diocesan Safeguarding Team (DST) or could be an officer **employed directly by a cathedral.**

Church bodies: For the purposes of this code, the term 'church bodies' means PCCs (including DBFs and Church Councils, and similar bodies), diocesan bodies (including DBEs), Bishops' Councils, and mission initiatives (for example cathedrals, Misson and the National Church Institutions (NCIs). Order or religious [BMO]),

Church officer: Any person appointed or elected by, or on behalf of, the Church to a post or role, whether they are ordained or lay, paid or unpaid. This covers a wide range of roles and is in effect anyone who is not purely a member of the congregation. This will therefore include clergy, staff, volunteers and elected members but would not include **third party contractors.**

Complainant: An individual who brings forward a safeguarding concern or allegation or is alleged to have suffered **abuse as a result of their engagement in the Church. The use of this term seeks to ensure that a degree of objectivity is maintained throughout the safeguarding process. It does not imply that a 'complainant' is not a victim or survivor.** The use of the term 'complainants', instead of 'victims' or 'survivors', was a recommendation in past Lessons Learnt Case Reviews.

diocesan safeguarding Advisory Panel (dsAP): An independent advisory body offering external oversight and **scrutiny to the diocese regarding safeguarding.**

Diocesan Safeguarding Officer (DSO): The person who maintains oversight of, leads and advises on safeguarding matters in a diocese. The functions of the DSO are set out in the Diocesan Safeguarding Officer Regulations 2024.

Note: DSOs have the authority to delegate tasks that would otherwise be their responsibility to Assistant Diocesan *Safeguarding Officers (ADSOs), as and when appropriate. ADSOs are not specifically referenced in this code, but where* ***a requirement is included that requires the DSO to undertake a certain action, the DSO can delegate that action to an ADSO within their team.***

Local Authority Designated Officer (LADO): The individual employed by a local authority who is responsible for overseeing allegations against adults who work with children.

national safeguarding Casework Management system (nsCMs, My Concern): The system used by the dioceses, cathedrals and the NST to monitor safeguarding cases.

national safeguarding Team (nsT):[1] **The Church of England's central safeguarding provision, supporting policy** development, training, major projects and investigating cases against senior clergy (e.g. bishops and deans), and cases where there is a high degree of interest or complexity.

Parish Safeguarding Officer (PSO): This role is the first point of contact in a parish for all safeguarding matters. **This includes receiving disclosures, managing church safety plans and maintaining records.**

relevant person: Any person or body that falls within any of the categories listed in section 5A(2) of the Safeguarding and Clergy Discipline Measure2016.

respondent: An individual who is the subject of a safeguarding concern or allegation.

safeguarding Case Management group (sCMg): The group that is set up to work with the safeguarding officer to assess and manage risk on receipt of an allegation (previously known as a Core Group).

safeguarding concern or allegation: A safeguarding concern arises where someone has suspicions about a person or situation, but the reason has not yet been established. For example, there may be concerns about a child who often comes to Sunday School upset,

[1] For further information on specific responsibilities, see Key Roles and Responsibilities of Church Office Holders and Bodies Practice Guidance.pdf (churchofengland.org).

dirty and hungry. An allegation is a more definite assertion, for example, if someone is witnessed hitting a child. For ease of reading, the term 'safeguarding allegation' is used throughout, **and is be taken to include safeguarding concerns.**

Safeguarding officer: This term is used throughout this document to mean both the Diocesan and the Cathedral Safeguarding Officer, as appropriate in the context.

Section 1: Triage and referrals

This is a core pathway and must be followed for <u>all</u> allegations.

section 1:	**Triage and referrals**
1.1.1	**What is a safeguarding concern or allegation?**
1.1.2	**Responding to safeguarding concerns or allegations** that do not involve church officers or individuals
1.1.3 – 1.1.5	**Referrals to the National Safeguarding Team**
	The split in responsibilities betweenthe Cathedral Safeguarding Officer and the Diocesan Safeguarding Officer
1.1.6	
1.1.7	**Allegations spanning more than one diocese**
1.1.8, 1.1.9	**Statutory referrals**
1.1.10	**Safeguarding Serious Incident reporting to the Charity Commission**
Section 2:	**Initial Contact and Support**
Section 3:	**The Role of Safeguarding Case Management Groups**
Section 4:	Pathways
Section 5:	**Risk Assessment**
Section 6:	Outcomes, Closure and the Long-term Management of Risk

requIreMenTs

Triage

1.1.1 The safeguarding officer must decide whether the matter is a safeguarding concern or allegation.[2]

1.1.2 If the safeguarding officer decides that an allegation does not meet the definition of safeguarding, or it does not relate to an individual church officer, they must signpost the **person raising it to the relevant organisation, service or department, within or outside of the Church, that may be able to support them.**

1.1.3 I f the safeguarding officer considers that an allegation meets the criteria in 1.1.4, **they must refer it to the national safeguarding Team (nsT).**

1.1.4 The safeguarding officer must consider the criteria for referral to the NST, which are that:

- an allegation has been made about an archbishop, a bishop or a dean;
- the case involves allegations across several dioceses and has additional complexities;
- the allegation is high profile and of significant national interest and has additional complexities; or
- the allegation has significant complexities, for instance arising from multiple conflicts of interest.

1.1.5 T he nsT must decide whether it will take responsibility for the case management of the respective allegation, and if they do not, they must refer the case back and ensure the rationale is recorded.

1.1.6 I f the allegation refers to a Church Officer in a cathedral and that cathedral has a CSO, the CSO **must discuss the matter with the dso. The Cso and the dso must agree on the course of action and who will lead on what aspect.**

1.1.7 W here an allegation involves multiple dioceses, the safeguarding officer in those dioceses must **work collaboratively and must agree which diocese will take the lead coordinating role and how responsibilities will be shared. The rationale for which diocese takes the lead must be recorded.**

referrals

1.1.8 For all safeguarding allegations, the safeguarding officer must:

- consider whether any referrals to statutory services are needed;
- make any required referrals; and

[2] **The requirements and guidance in this code refer both to safeguarding concerns and to safeguarding allegations.**

- keep a record of their decision and rationale for referring/not referring **a matter to statutory services.**

1.1.9 T he safeguarding officer must explore what information is held in respect of the respondent **and, if that information could be relevant to a police or social services investigation, they must share it with the relevant authorities.**

1.1.10 C hurch bodies that are relevant persons must assess if an allegation constitutes a <u>safeguarding serious Incident</u>, in which case, it must be reported to the Charity Commission.

However, for ease of reading, the term 'allegations' is used throughout, and must be taken to include safeguarding concern.

guidance

1.1.1 What is a safeguarding concern or allegation?

A safeguarding concern arises where someone has suspicions about a person or situation, but the reason has not yet been established. For example, there may be concerns about a child who often comes to Sunday School upset, dirty and hungry. An allegation is a more definite assertion, for example, if someone is witnessed hitting a child.

Definitions and advice on how to recognise the signs of different types of abuse can be found in the **Safeguarding Children, Young People and Vulnerable Adults guidance**. This includes statutory definitions of abuse.

The following additional questions may be useful for a safeguarding officer when making an assessment whether **a matter is a safeguarding one.**

Is the allegation that a church officer has:

- behaved in a way that has harmed or may harm a child, young person or vulnerable adult?
- **p ossibly committed a criminal offence against or related to a child, young person or vulnerable adult?**
- behaved towards a child, young person or vulnerable adult in a way that indicates they **may pose a risk of harm?**
- behaved in a way that indicates they may not be suitable to work with children/young people **or vulnerable adults?**
- incited another person to harm or behave in a way that may have harmed a child, young person **or vulnerable adult?**

This set of questions highlights the need to consider the potential for further harm to others, not just the harm that is alleged to have already been inflicted. For instance, when dealing with a person who is alleged to have committed non-recent sexual offences against children in a non-faith context, consideration should be given to potential risk in a church context.

A child or young person is an individual aged under 18 years.

Who is a 'vulnerable adult'?

The term 'vulnerable adult' is used in section 6 of the Safeguarding and Clergy Discipline Measure2016 **to mean:**

> ***a person aged 18 or over whose ability to protect himself or herself from violence, abuse, neglect or*** *exploitation is significantly impaired through physical or mental disability or illness, old age, emotional* ***fragility or distress, or otherwise; and for that purpose, the reference to being impaired is to being*** *temporarily or indefinitely impaired.*

This definition of a vulnerable adult is different to statutory guidelines in order to take into account the unique position of the Church, which means that someone can be classified as vulnerable even if they do not meet the statutory threshold. For the avoidance of doubt, an individual who is experiencing or has experienced domestic abuse could be a vulnerable person in this context, as the nature of domestic abuse puts them in a position where they may be 'significantly impaired through…emotional fragility or distress'. The same argument would apply to someone who is experiencing or has experienced psychological (including spiritual[3]) abuse. Further guidance on definitions utilised in the Church and by statutory services can be found in the **Safeguarding Children, Young People and Vulnerable Adults guidance.**

There are times where wider conduct and capability issues will be reported as a safeguarding allegation. There are various reasons why this happens, such as a lack of understanding of safeguarding, a belief that the matter will be dealt with more swiftly, or unclear boundaries between safeguarding and other departments within a church body. The safeguarding officer will use their professional judgement to decide whether or not an allegation qualifies as safeguarding or should be dealt with by Human Resources (HR), or in some cases, by the ministry office or archdeacon.

The interface between safeguarding and other functions, such as HR processes, must also be considered when **deciding if the information received constitutes a safeguarding allegation. Issues that do not involve children,** young people and vulnerable adults will generally be better dealt with under an HR policy or procedure. However, if potentially abusive behaviours become known, these may be indicators that require evaluation by a safeguarding officer to ascertain if the issue requires a safeguarding response, before being dealt with under non-safeguarding frameworks. Close working relations between the safeguarding officers and other relevant functions within a church body are essential when making a decision in these circumstances.

Although the decision whether to treat a matter as 'safeguarding' or 'not safeguarding' sits with the safeguarding officer, there will be situations where a safeguarding officer might need to seek further information or advice in order to make that assessment. In such cases, the safeguarding officer may consider:

- asking follow-up questions to the person raising the allegation, that can help them determine the nature of the allegation;

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[3] More information on the definition of spiritual abuse can be found in the **Safeguarding Children, Young People and Vulnerable Adults guidance.**

- engaging in preliminary discussions with relevant individuals or departments within the church body and potentially outside, for example the Local Authority Designated Officer (LADO) or other children/adult social care services;

- consulting the person responsible for providing them with casework supervision;
- consulting with the RSL or NST.

There may be a limited number of cases where an SCMG needs to be called to determine if an issue is safeguarding or not, however the timeliness of these meetings happening needs to be considered.

At this stage, when consulting with others, a decision needs to be made whether it is necessary to share personal or identifiable information about the complainant and respondent, and the requirements under data protection **legislation should be taken into account.**[4]

Finally, there may be safeguarding allegations which are 'low level',[5] that is, they do not meet the threshold which would warrant intervention from a safeguarding officer, or indeed statutory services. These allegations, however, do need to be raised with the safeguarding officer for them to record. This is because multiple low-level concerns about an individual may in fact demonstrate a pattern of behaviour that represents a real risk of harm when looked **at overall.**

Civil actions and insurance claims

Sometimes a safeguarding allegation will be accompanied by a claim for damages by way of a civil action. **Whilst this falls outside the scope of this code, some general guidance is set out in** Appendix1**.**

1.1.2 Responding to safeguarding concerns or allegations that do not involve church officers or individuals

Where a safeguarding allegation is made against someone who is not a church officer, safeguarding officers must **make every effort to signpost, refer or enable access to appropriate support for the person raising the allegation and** the complainant.

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[4] An Internal Information Sharing Plan is in place between dioceses, the NST and the Church in Wales, which safeguarding officers can refer to when making this decision. Further guidance on sharing information with the police can be found **here.**

[5] Responding to low-level concerns in education | NSPCC Learning

Sometimes, this might be done by a Parish Safeguarding Officer (PSO) or a different designated safeguarding volunteer or member of staff. However, PSOs and other designated roles should consult with safeguarding officers, record the advice that they are given, and the actions that they subsequently take. This should not replace the need to act without delay where there is an immediate risk of harm and refer matters to emergency services.

The support that can be offered in these cases includes:

- supporting the complainant to identify the services which may be relevant for them and that may be able to address any allegations;
- **helping the complainant to identify the services that may be able to provide them** with practical, emotional and other support during this time;
- sharing with the complainant information and contact details for such services;
- supporting the complainant to get in touch with those services, including making initial contact with those services on behalf of the complainant, with their knowledge and agreement; and/or
- potentially maintaining contact with the complainant, if they express that preference, whilst they are waiting to hear back from those services, to ensure that any deterioration in their circumstances that may give rise to an immediate risk of harm to them or those close to them (e.g. their children or someone they care for) can be reported to the relevant statutory authorities.

It is important to note that the requirements around reporting to statutory services still apply, even if a concern is not related to a church officer. However, the safeguarding officer's involvement in such circumstances, will likely be limited.

Allegations about collective decision-making by a corporate body such as a PCC, DBF or all other trustee bodies, **are outside the scope of this code. This is because the purpose of this code is to assess and manage individuals** who pose a risk. The appropriate route for dealing with a collective decision made by a charity is through the **Charity Commission**, or through the body's own complaints procedure if they are not a charity.

1.1.3 – 1.1.5 Referrals to the NST

Where the NST takes the lead coordinating role regarding the management of a case, the NST caseworker(s) involved will work closely with the relevant safeguarding officers. Where the NST assesses that the case does not meet its criteria, an explanation should be

provided to the relevant church bodies in writing. Where the diocese believes that the NST should be taking the case, a final decision will be made by the National Director of **Safeguarding. Even if the NST does not take the lead coordinating role in the management of a case, it can provide** support to a church body that is managing a complex case.

In cases in which the NST takes the lead coordinating role, requirements relating to safeguarding officers should **be read to mean the nsT caseworker**. However, some actions may still need to be undertaken by the safeguarding officers in the relevant dioceses or church bodies, and where this is the case, this will be discussed with them. Joint working arrangements will be decided on a case-by-case basis and confirmed in writing.

Where relevant, specific considerations for cases managed by the NST (for example the membership of SCMGs) **are included throughout this code.**

1.1.6 The split in responsibilities between the Cathedral Safeguarding Officer and the Diocesan Safeguarding Officer

There may be different arrangements in place regarding the management of safeguarding allegations that involve church officers in cathedrals. In some areas, Diocesan Safeguarding Officers (DSOs) provide these services for cathedrals, whilst some cathedrals employ their own Cathedral Safeguarding Officer (CSO).

It is good practice and strongly encouraged for a diocese and a cathedral to have a service-level agreement or a memorandum of understanding in place that clarifies expectations regarding the services that a DSO or DST may deliver for the cathedral, including the split in roles and responsibilities betweenthe DSO and the CSO. **This includes a clear split in responsibilities in relation to the management of safeguarding allegations.**

1.1.7 Allegations spanning more than one diocese

The general practice is that the diocese where the allegation arises should take the lead. However, it may be the case that this diocese holds none of the relevant information about the case, in

which case there is logic in it being the diocese where most of the information resides which takes the lead. The matter may also need to involve the diocese(s) where the complainant and respondent now live. In these cases, there needs to be discussion as to who should take the lead, and who will undertake which particular functions. The rationale for this must always be recorded, and the complainant and respondent made aware of who is involved and why.

1.1.8, 1.1.9 Statutory referrals

Safeguarding officers should keep their knowledge regarding thresholds for referrals to statutory services up **to date. Thresholds for social care referrals are published by individual local authorities, as part of their local** safeguarding procedures for children, young people and vulnerable adults. Where a safeguarding officer is unsure if a referral should be made, they should seek advice from the relevant statutory service. There will also be cases where referrals need to be made to the LADO.

For guidance on making referrals to the DBS for barring, see Section 9 of the **Safer Recruitment and People Management Guidance**. Referrals to the DBS should not only be considered towards the end of a safeguarding process, but at key points during the process and specifically when a member of clergy is suspended or temporarily withdrawn from ordinand regulated activity.

1.1.10 Safeguarding Serious Incident reporting to the Charity Commission

The Church has worked with the Charity Commission to agree **bespoke guidance** for DBFs, PCCs, religious communities, DBEs and cathedrals, on how to identify and report a Safeguarding Serious Incident. Church bodies should follow this guidance when considering a potential Safeguarding Serious Incident.

Section 2: Initial Contact and support

This is a core pathway and must be followed for all allegations, unless otherwise explicitly stated.

Section 1: Triage and Referrals

section 2: Initial Contact and support

2.1 When to make initial contact with the complainant and respondent

2.2 Initial contact: support and wellbeing

2.3 – 2.7 Link Persons

Section 3: The Role of Safeguarding Case Management Groups

Section 4: Pathways

Section 5: Risk Assessment

Section 6: Outcomes, Closure and the Long-term Management of Risk

requIreMenTs

Initial contact

2.1 T he safeguarding officer must decide how and when to make initial contact with the complainant **and with the respondent.**

2.2 T he safeguarding officer's initial contact with both parties must focus on support and wellbeing. The safeguarding officer must:

- explain what information has been brought to their attention;
- e xplain confidentiality and its limitations;
- a llow the complainant/respondent to recount any information about the allegation that they wish to share at this stage;
- e xplain any referrals that have been, or may need to be, made to statutory authorities and the links betweenthese and the Church's safeguarding and disciplinary processes;
- **consider any support that the complainant or respondent may need and enable them to** access it, in line with the relevant policy and guidance;
- explain what will happen next with regard to the Church's safeguarding processes, including timescales (as far as they are known and can be anticipated), and who has been informed including who is, or will be, part of the SCMG, if known at this stage;
- explain what the Church's safeguarding processes can and cannot achieve;
- i nform the complainant/respondent they can bring a companion with them to any meetings for support;
- establish the person's preferences for communication;
- d iscuss what support their immediate family/dependants may need, and signpost or refer them to relevant support services; and
- **ensure that the key relevant information from the list above is also provided to** the complainant and the respondent in writing.

support Persons

2.3 support to the complainant must be offered in line with the requirements and good practice advice set out in the responding Well to Victims and survivors of Abuse guidance. This includes the provision of a support Person.

link Persons and support Persons

2.4 T he safeguarding officer must ensure that the support of a Link Person is offered to all respondents who are church officers.

2.5 **T he bishop must ensure that suitable and trained link Persons are available to support respondents, and that appropriate oversight of them is in place.**

2.6 **T he bishop must ensure that all individuals appointed to be link Persons have completed the nsT link Person Training.**

2.7 Where a respondent is assigned a Link Person, the safeguarding officer must provide written **information about the role of the link Person and the way in which any information shared with the link Person will be recorded, shared and used.**

guidance

2.1 When to make initial contact with the complainant and respondent

This timing of this decision must be informed by:

- advice from the police and other statutory services (if involved), to ensure that statutory processes are not undermined;
- the complainant's wellbeing and personal circumstances, including any known welfare needs;
- **t he safety of the complainant, including the nature of the allegation and any risks that may arise from making contact.**

A trauma-informed approach must be embraced when establishing contact with the complainant and support must be offered in line with the requirements and guidance set out in the **Responding Well to Victims and Survivors of Abuse guidance. This includes the provision of a Support Person. The different support options should be presented to the complainant in enough detail to enable to them to choose the options that best meet their needs. See** Section 2.2 Initial contact: support and wellbeing **for more information.**

In cases in which the complainant is the spouse of a member of clergy and that relationship is breaking down (or has broken down), the '**Policy and Guidance for the Church of England in the care of the spouses and partners of divorced and separated clergy**' must be followed.

When gaining an initial account of the allegation from the complainant, the safeguarding officer should consider **their needs and the potential impact that the alleged abuse might have had on the person's ability to engage** with the process, their desire to offer a full disclosure, and their ability to fully recall the details of the allegation. Complainants should be given the space and time to disclose and engage with the process at their own pace.

In situations in which a complainant does not wish to be contacted by the safeguarding officer and does not want to be involved in the assessment of an allegation, the safeguarding officer should respect their choice. However, they should discuss with the complainant that they will still need to follow the relevant safeguarding processes to ensure that the safety and wellbeing of children, young people and vulnerable adults are protected. The complainant's **preference not to be involved in these processes might mean that any action undertaken is limited, due to limited** information being available. Nevertheless, the safeguarding officer continues to have a duty to consider such information, follow the relevant processes and ensure that any risk is assessed and managed.

Gathering relevant information

Following the initial record checks and discussions with the complainant and the respondent, subsequent **safeguarding enquiries may include, but are not limited to:**

- a more thorough verification of existing records;
- receiving and reviewing additional records from all parties involved, including from statutory services;
- receiving written or recorded statements from the complainant/respondent;
- carrying out interviews with the complainant, the respondent, any witnesses and any **other relevant individuals, in order to gather other relevant information.**

From the complainant

Sharing experiences of abuse can be a painful and re-traumatising experience, and it is for this reason that the wellbeing of the complainant should be prioritised during any engagement. The safeguarding officer should embrace **a <u>trauma-informed</u>** approach and take the time to listen to the complainant and allow them to continue at their own pace. The safeguarding officer should offer the complainant different ways in which they can feed back their experiences and views, such as: in a face-to-face or online meeting, in writing, or in video/audio recording format, provided that these means for the safeguarding officer to collate all the information that they need.

Some complainants may struggle to recall the full details of their experiences, particularly in cases involving nonrecent abuse. This may be due to their memory becoming fragmented as a trauma response, or due to the difficulty in re-telling a traumatic experience. Offering them the option to meet on multiple occasions over a period of time can ensure that the complainant feels that their voice has been heard, their wellbeing is supported, and the safeguarding officer gains a full account of the allegation. This does need to be balanced with the wellbeing of the respondent and the need for the process to be delivered in a timely manner. To this end, the safeguarding officer should discuss with the complainant their needs and preferences and agree an end point. The safeguarding officer should, wherever possible, check that they have completely and accurately taken down the complainant's information which has been provided. A written version of this can be provided at the complainant's request.

From the respondent

Respondents must be offered opportunities to respond to the allegations made against them. When engaging with the safeguarding officer, they might experience and express a range of emotions. They may be calm, anxious or concerned. Some may be willing to collaborate and share information freely, others may be more reticent to do so. Any communication and engagement with a respondent must take into account their wellbeing. The safeguarding officer should take the time to listen to the respondent and allow them to continueat their own pace. Safeguarding officers should ask follow-up questions but should not ask questions that intrude into someone's personal life without explaining why that question/information might be relevant for the management of the case.

From other sources

Other sources which might provide safeguarding officers with relevant information include:

- reviewing any records provided by the complainant, the respondent and/or statutory services;
- searching and reviewing any records (e.g. archival information, clergy personnel records) to understand if any similar concerns or allegations were raised about the respondent in the past and, if applicable, how these were dealt with;
- talking to individuals who work or have worked closely with the respondent;
- talking to individuals who might have witnessed the events or behaviours raised as a concern or allegation, or other events or behaviours that can be used to draw conclusions about the **respondent's behaviour.**

When engaging with these individuals, similar principles of prioritising care and wellbeing should be followed. **Any questions asked should be open and should not be biased or leading.**

2.2 Initial contact: support and wellbeing[6]

Support should be offered to a person raising an allegation, where that person is not the complainant and where witnessing or reporting

[6] **The requirements and guidance in this code refer both to safeguarding concerns and to safeguarding allegations.** However, for ease of reading, the term 'allegations' is used throughout, and must be taken to include safeguarding concerns.

the allegation has had an emotional, or otherwise detrimental, impact on them. Support **may take the form of:**

- reassuring the person they have done the right thing by reporting the allegation, explaining the next steps and what support might be offered to the complainant;
- signposting or referringthe person to support and other relevant services (e.g. mental health helplines, GP); and/or
- if appropriate, suggesting that the person discusses with their line manager(or the person who oversees their activity in the Church) the possibility of taking some time off.

A <u>trauma-informed</u> approach must be embraced when establishing contact with the complainant and support must be offered in line with the requirements and guidance set out in the **<u>Responding Well to Victims and Survivors of Abuse</u> guidance. This includes the provision of a Support Person. The different support options should be presented to the complainant in enough detail to enable to them to choose the options that best meet their needs.**

It is essential that the support to the complainant, be it pastoral or therapeutic, is not directly delivered by the safeguarding officer, as they will be leading on any safeguarding enquiries and will need to focus on the management of the process. The safeguarding officer can signpost the complainant and enable them to access support. **Boundaries need to be made clear and no promises that cannot be kept should be made.**

It is important to note that a complainant's needs may change over time, and therefore this must be reviewed **on a regular basis.**

The support that may need to be put in place for a complainant's immediate family/dependants should also be considered. This will depend on each family's needs, the circumstances of each case, and may change over time. **These may include:**

- **h elping the complainant and their family to identify support services in the community,** and supporting them to engage with those services;
- extending the emotional and practical support provided by a Support Person, or the spiritual **support provided by an ordained or lay person, to the complainant to include support to other** members of their family;
- **i ncluding members of the complainant's family in any apologies issued by the Church,** should the complainant express this wish.

Children and young people

Where the complainant is a child or young person, contact should usually be made with their parents or carers first, **and the parents or carers should be present**

during any conversation. Where statutory services need to be involved (i.e. there is a risk of significant harm), the safeguarding officer should take advice from the relevant services before **engaging the parents or carers.**

There are two exceptional circumstances in which the parents or carers may not be informed:

- If there are reasonable grounds to believe that informing the parents or carers would put the child or young person, or other family members at risk of significant harm. In these cases, statutory services (e.g. children's services, the police) should be informed and contact with the child **or young person and their parents or carers should be established through them.**

- Where it is unclear whether statutory services should be informed and the child or young person has expressed their views for their parents to not be informed, they should be taken seriously. The safeguarding officer should make a professional judgement, based on the child's age and understanding, whether the child's wishes should be followed. Depending on the situation, contact with the child or young person could be established through the person to whom they first made **the disclosure, to ensure that a person that the child or young person trusts is present during the initial conversation.**

Age-appropriate language should be used in any conversations involving children and young people to support their understanding of what is happening and enable them to engage. Further information can be found in the **Responding Well to Victims and Survivors of Abuse guidance.**

Initial contact with the respondent

When planning the initial contact with the respondent, the safeguarding officer should consider the fact that the **allegation might come as a surprise to the respondent and might trigger an emotional response. Respondents** will react differently – some may feel anxious, angry, shocked or defensive and express those emotions openly, others may internalise those feelings and may appear as mechanically engaging with the process. As a result, the safeguarding officer should carefully consider the best way in which the information about the allegation should be raised. The safeguarding officer should consider if this information is best shared by a different church officer, for example an archdeacon if the respondent is a member of clergy, and the respondent should be offered the opportunity to have someone with them for support. In

all cases, regardless of the means used for the initial engagement, the safeguarding officer should follow up with an email or letter, setting out in writing the allegation that has been raised about the respondent and outliningthe process that will be followedto assess and manage it.

Contacting other victims / survivors

During the course of the process, complainants may reference other potential victims and survivors. In most situations, it is not recommended that a safeguarding officer makes efforts to contact those individuals, unless specifically requested to do so by the police. Attempting to directly contact other victims and survivors can lead **to re-traumatisation, particularly if the alleged abuse is non-recent.**

Respondents who are under 18

When managing safeguarding concerns or allegations involving respondents who are under 18, church bodies should follow the requirements and guidance in this code. However, the following considerations will need **to be taken into account:**

- **There are legal restrictions on children of different ages engaging in employment and other** activities, including volunteering. Church bodies should ensure that they are compliant with the **guidance on** 'Child employment: Minimum ages children can work' **and on 'Volunteer opportunities,** rights and expenses: When you can volunteer'**.**

- The parents or carers of the child or young person will need to be involved in any processes carried **out, and specialist support or an appropriate adult may need to be provided to them and the child or young person.**

- **The age of criminal responsibility** in England and Wales is ten, and there are specific arrangements in law and practice for arresting, charging, prosecuting, sentencing and convicting children and young people for crimes. It is essential, in these cases, for the safeguarding officer to make the relevant referrals to work closely with and follow the advice of the relevant statutory authorities.

Support during interviews or meetings

Unless there is a risk of significant harm, the respondent must be provided with information about the nature of the allegation in writing prior to their meeting, to ensure that they are aware of the nature of the allegation and are **given time to prepare.**

Complainants and respondents can choose to be accompanied in meetings by a friend or individual who can provide **support. For complainants, this can be a Support Person, one of the advocates provided by the Safe Spaces service** (online meetings only), an advocate provided by the respective church body, or a different individual that they nominate (for instance, a member of family or a friend). For respondents, this can be a Link Person or an individual **that they nominate.**

The person providing support in meetings should not be involved in the management of the allegation, either as a witness, or someone who is interviewed or may be required to give evidence in court proceedings.

Complainants and respondents have the right to seek legal advice and may designate a legal advisor, or a union representative, as the person who accompanies them in these meetings. The role of the person providing support in meetings is not to speak or advocate on behalf of the interviewee, and it is not to provide legal representation for the interviewee.

2.3 – 2.7 Link Persons

This section and the associated requirements do not apply to deceased church officers.

The safeguarding officer should check if the respondent has access to any form of support. For instance, some **respondents may receive support from a spiritual director or may have access to counselling or an employee assistance programme or similar. Respondents and their immediate families should also be signposted to, and be** supported to engage with, other support and relevant services in the community, depending on their needs.[7] **It is possible that a respondent may choose to have their legal representative as their support and decline a Link Person.** That is their choice and is allowable.

All respondents who are church officers must be offered the assistance of a Link Person. A Link Person provides **support to a respondent by:**

- listening to them;
- **accompanying them in any meetings that are undertaken as part of the safeguarding process,** to provide emotional support;
- helping them access information in relation to safeguarding processes;
- assisting them to keep updated on the progress of their case;

[7] **The Clergy Support Trust provides a range of support services to Anglican members of clergy and their families and may constitute an avenue for accessing further support.**

- considering the respondent's and their immediate family's support needs and wishes and sharing that information with the safeguarding officer;
- signposting the respondent to support services;
- maintaining clear records of the meetings and other communications with the respondent.

The Link Person could be someone from within the Church (e.g. a senior or retired member of clergy) or outside **the Church. They should not be the spiritual director or confessor of the respondent.**

Link Persons are not counsellors, spiritual guides, legal advisors or advocates for the respondent, and should not act in those roles. This should be made clear in training and any communications with Link Persons and respondents.

They must not have any involvement in safeguarding or other processes (e.g. statutory services investigations) linked to the allegation or have any involvement in the management of the case. They should not be a witness in **court or tribunal proceedings.**

The Link Person should have the appropriate skills and experience to deliver the responsibilities listed above. **They should also have an understanding of Church structures or receive training that enables them to understand and navigate Church structures.**

All Link Persons should complete the NST Link Person Training, information on which can be found in the Safeguarding Learning and Development Framework. In exceptional circumstances, if a church body needs to **deploy a Link Person at short notice and is struggling to identify or train a volunteer, they may contact the NST for advice and support.**

Link Persons should receive appropriate support and supervision, through regular contact with the safeguarding officer, or through other appropriate arrangements. Safeguarding officers or professionals should monitor the Link Persons' own wellbeing and pastoral needs, to ensure that any concerns or needs arising from them **delivering the role are addressed.**

A Link Person is not a confidant or a respondent. The Link Person should share a summary of the discussions with the safeguarding officer for adding to the case record. A Link Person should balance the need to maintain an accurate record of those meetings and communications with the need to support the respondent's wellbeing. Records of meetings do not need to contain the detail of what was discussed but should capture key points and actions. The following should be shared with the safeguarding officer or appropriate authorities (e.g. the police) immediately:

- any information that the respondent or others are at risk of harm, including any risks of self-harm;

- **any information that could be used by statutory services and criminal justice professionals to** assist the prevention, detection or prosecution of a crime; and

- **any information that the respondent has breached the requirements agreed, under this code, as part of the interim or long-term arrangements for the management of risk e.g. the requirements of a Church Safety Plan.**

Section 3: The role of safeguarding Case Management groups

This is a core pathway that applies only to living members of clergy, volunteers, and elected members. Employees will follow the HR processes of their organisation, which may have provision for a similar type of meeting. For the avoidance of doubt this should be read alongside:

- ***Pathway 4A: Members of Clergy;***
- ***Pathway 4B: Lay Volunteers;***
- ***In addition, there may be circumstances where this should be read alongside Pathway 4F: Failure to Follow Safeguarding Requirements. Please refer to that section for more detail.***

Section 1: Triage and Referrals

Section 2: Initial Contact and Support

section 3: The role of safeguarding Case Management groups

3.1 When should an SCMG be established?

3.2 – 3.4 Timescales for holding SCMG meetings

3.5 Identifying an SCMG chair

3.6 The membership of an SCMG

3.7 – 3.9 The agenda of an SCMG meeting

3.13, 3.14 Escalation to chair or Diocesan equivalent Safeguarding Advisory Panel role

3.15 Reflective practice exercises

Section 4: Pathways

Section 5: Risk Assessment

Section 6: Outcomes, Closure and the Long-term Management of Risk

requIreMenTs

3.1 A n SCMG must be held in all safeguarding cases involving church officers, with the exception **of those being dealt with under Pathway 4e (employees) and Pathway 4f (failure to follow). The purpose of an sCMg is to:**

- identify and manage risk;
- share ideas and discussion to ensure the correct processes are followed;
- consider what support needs to be offered to the complainant or the respondent, and if there are others who need safeguarding;
- conduct a reflective exercise to consider the organisational or culture factors which **impacted the case.**

Timescales

3.2 T he safeguarding officer must decide when to hold the initial SCMG meeting based on the urgency **and individual circumstances of a case, provided that the initial meeting is held no later than ten working days after receiving the allegation. This may be delayed on agreement of the safeguarding** officer and the chair if there are good reasons to do so, and the safeguarding officer must record **this decision and the rationale for it in the case notes.**

3.3 **The timing of subsequent sCMg meetings must be decided by the sCMg and be determined by the urgency and individual circumstances of a case.**

3.4 If more than six weeks pass between two SCMG meetings, the safeguarding officer must record **the reasons for this in the case notes and must ensure that sCMg members are kept up to date through regular written updates.**

Chairing

3.5 The safeguarding officer must identify a chair for the SCMG, ensuring that:

- **t here is no** conflict of interest; and
- the person has the relevant skills and experience to effectively chair meetings on sensitive and complex issues.

Membership

3.6 T he safeguarding officer, in consultation with the SCMG chair, must decide the membership **of the sCMg, ensuring that:**

- **t here are no** conflicts of interest;
- the safeguarding officer is always a member, unless a conflict of interest is identified. In these circumstances, a different member of the DST or a safeguarding officer from

a different diocese must be asked to contribute instead;

- legal advisors (e.g. diocesan registrar, provincial registrar) are not members of the SCMG and only attend in an advisory capacity, when legal advice is required;
- all members of a SCMG must be familiar with this code of practice, and have reviewed it in advance of the meeting;
- **c omplainants, respondents and their representatives are not members of the SCMG.**

delivery

3.7 **T he chair of the sCMg must ensure that each meeting has a clear agenda, and minutes are taken by someone with the necessary skills to make an accurate record. The record of the meeting must be approved by the sCMg chair before distribution to members only.**

3.8 **The sCMg chair must start each meeting by asking members to indicate if they have a** conflict of interest and setting out expectations regarding confidentiality.

3.9 **The sCMg chair must ensure that a member of the sCMg has responsibility to keep the complainant and the respondent informed of sCMg decisions, recommendations and outcomes, and that a written update is sent to each one of them, as a minimum every six weeks, unless an alternative format/timescale is requested by the complainant or respondent.**

decision-making

3.10 **decisions that relate to initial risk assessment and risk management must be made by** the safeguarding officer, with the consultation and advice of the other SCMG members.

3.11 **decisions that relate to the implementation of support for the complainant, the respondent, their immediate families/dependants and the wider church community, and decisions that relate to communications, must be made and agreed by the sCMg members as a group.**

3.12 **W here a decision is needed from the sCMg as a whole, this must be reached by a majority** vote, and the decision recorded in writing by the safeguarding officer. In order for a decision to be agreed, the safeguarding officer must be part of the majority. Attendees who only attend **in an advisory position cannot vote on sCMg decisions.**

escalation

3.13 **I f any sCMg member is of the view that the group, or members in the group, are acting in a way that does not manage risk effectively, this must be escalated to the diocesan safeguarding Advisory Panel (dsAP) chair, the chair of an equivalent body (e.g. cathedral), or where alternative local arrangements are already in place, these should be followed. for the nsT, this must be escalated to the dsAP chair (or a cathedral equivalent) of another diocese with no interest or involvement in the case.**

3.14 **The chair of the dsAP, or anyone in an equivalent role, must:**

- review the information brought to them by the respective SCMG member and request any other relevant information from the group, as needed;
- check that the procedures within this code have been followed;
- check that any decisions made in an SCMG meeting were informed by evidence and were proportionate; and

- decide whether any actions or decisions need to be reconsidered by the SCMG and make recommendations on next steps.

3.15 At the end of the SCMG process, the chair must ensure that a reflective exercise is **undertaken in line with the safeguarding Practice reviews Code of Practice.**

guidance

3.1 When should an SCMG be established?

SCMGs play a key role in the management of safeguarding concerns or allegations[8] involving church officers. **Their main focus is the management of risk, but SCMGs need to not lose sight that at the centre of all their decisions** is a complainant who has suffered harm, and therefore there are considerations about support for that individual as well as the safeguarding of others that need to be made. An SCMG should be convened in all cases involving church officers that are not employees. For employees, the relevant HR policies and procedures should be followed. Some HR policies and procedures may stipulate the formation of a panel which is to all intents and purposes an SCMG, and the functions of that panel should be outlined in the HR policy/procedure. For the avoidance of doubt, where the matter relates to a member of the clergy who is also employed (whether employed by the Church of England or not), please see Pathway 4A**. The key in these situations is to ensure that the processes are as streamlined as possible and avoid unnecessary duplication.**

With the exception of any external partners, such social services or police, each member of the SCMG will be a relevant person on the basis they will be a person who works in a diocese and whose work to any extent relates to safeguarding children and vulnerable adults (section 5A(2)(n) Safeguarding and Clergy Discipline Measure 2016).

Functions of SCMGs and decision-making

The key function of the SCMG is to support the safeguarding officer in both diocese and cathedrals in the delivery of the following functions:

- to determine if there is sufficient information or evidence of risk to either the complainant or others, namely to children, young people and vulnerable adults, and manage any identified risks within the church context;
- **to consider the impact on the complainant, respondent and their immediate families** or dependants, and to enable them to access appropriate support; and
- to consider the impact on the wider church community and put in place appropriate measures **to address any negative impacts and mitigate risks.**

[8] **The requirements and guidance in this code refer both to safeguarding concerns and to safeguarding allegations.** However, for ease of reading, the term 'allegations' is used throughout, and must be taken to include safeguarding concerns.

The SCMG is not responsible for establishing the guilt of the respondent.

Good safeguarding responses build on contextual information, bring together a variety of perspectives, allow for appropriate challenge and ensure coordinated approaches across all the relevant parties, departments and church bodies. They are about having the right discussions, with the right people, at the right time.

By bringing together an SCMG to support the safeguarding officer in the management of an allegation, **church bodies ensure that:**

- **different professionals are able to share their perspectives and bring together different** pieces of information, in order to reach comprehensive and nuanced conclusions;
- **responses to allegations are coordinated, ensuring that actions sit at the right level and are delivered by the right professionals, rather than being seen as the responsibility of the** safeguarding officer or the safeguarding team alone; and
- a structure for checks and balances exists and different proposals for how to respond are **effectively challenged, providing an added layer of safeguards against individual biases.**

The SCMG has both decision-making and consultative functions, in that some decisions will need to be made by the SCMG, whilst others will sit with the safeguarding officer alone or outside of the group. The latter will require SCMG members to make recommendations to, or engage with, professionals outside of the group members.

The decisions that will be required from the safeguarding officer will be those linked to recommending risk assessments and risk management, which are set out in the Diocesan Safeguarding Officer Regulations 2024 and the Safeguarding (Clergy Risk Assessment) Regulations 2025 including:

- whether and what referrals to statutory services may be needed;
- whether and what short-term mitigations of risk may be put in place following an allegation being raised, for example suspension or interim Church Safety Plan;
- what safeguarding enquiries may need to be undertaken;
- whether those enquiries led to risk being substantiated or unsubstantiated, and whether and what risks were identified as a result;

- whether a risk assessment is required and whether it should be independent;
- whether any relevant disciplinary procedures should be triggered, and at which point;
- how any identified risks should be managed in the long-term.

However, when reaching these decisions, the safeguarding officer should utilise the SCMG as a forum for testing the strength of the rationale and underpinning evidence for any decision reached, allowing the members to challenge any aspect of it and taking on board their advice. In practice, although decisions in these areas will most commonly sit with a safeguarding officer, the safeguarding officer should seek to reach consensus as far as possible amongst all other SCMG members before proceeding. Any dissenting views or opinions should be recorded in the case notes.

The SCMG as a group will need to make decisions in those areas linked to communications and the support that is put in place for the complainant, the respondent, their immediate families/dependants, and the wider church community. This will ensure a coordinated church response to the allegation.

It is also important that it is clear at the start of the SCMG process which decisions require escalation to other **boards or professionals. Ensuring that those escalation routes are clear from the start can avoid confusion and** delays further along in the process. Similarly, whilst decisions on whether suspension and/or disciplinary proceedings are needed in certain cases, some of these decisions will need to be raised as recommendations to the relevant person or body. For example, the safeguarding officer would need to make a recommendation to the bishop for a respondent who is a member of clergy to be suspended. Such areas are often role-specific and are mapped in the Section 4: Pathways part of this code.

3.2 – 3.4 Timescales for holding SCMG meetings

The timing for the initial SCMG meeting may be affected by other processes, such as police investigations or social services assessments, which will always take primacy, although sometimes these processes can run in parallel. **If relevant information is likely to become available shortly, or there are other reasons for a short delay in order to make the initial SCMG meeting more effective, this is acceptable and the reasons for a delay should be recorded in the case notes.**

The expectation is that most initial SCMG meetings would be held within ten working days from the safeguarding officer receiving the allegation. In high-risk situations, including where there is a need to immediately consider a decision to suspend the respondent, they may need to take place within two working days.

Subsequent SCMG meetings need to be held at points that are also productive and meaningful for the case, ensuring that the case is progressed in a timely manner. Generally, no

more than six weeks should pass between SCMG meetings, however, there is recognition that each case will be different and there may be circumstances in which an SCMG will need to meet less often, for example if a police investigation is underway.

Where more than six weeks pass between SCMG meetings, the safeguarding officer should record the reasons for this in the case notes and should ensure that SCMG members remain engaged and up to date with developments **regarding the case. If SCMG members become disengaged and unsure of developments, this can lead to lack of** consistency and focus. This is why communication is key, and the safeguarding officer is required to provide regular written updates to the SCMG members. How 'regular' these updates are is a decision for the safeguarding officer, however it may be beneficial to follow the six-week cycle, as this aligns with Requirement 3.9 to keep complainants and respondents informed (unless they have requested alternative arrangements). In certain instances, these updates may need to simply include an acknowledgement that the circumstances of a case have not changed in the previous six weeks.

3.5 Identifying an SCMG chair

The key skills that a safeguarding officer should consider when identifying a chair for an SCMG include the ability to:

- engage with the complexities of managing a safeguarding allegation;
- maintain an unbiased view whilst the allegation is being assessed/managed;
- **chair meetings on sensitive topics, being able to keep the group focused on the agenda** and ensuring that all members engage constructively;
- provide an assurance/checks and balances function that leads the group to making evidence-based decisions;
- understand group dynamics and anxieties that can lead to group think and other biased **decision-making.**

When identifying a chair, the safeguarding officer may seek to engage individuals who have experience in managing safeguarding processes or those who are experienced in managing complaints, discipline and/or capability matters. The role of an SCMG chair may be fulfilled by an archdeacon, or a chapter member with responsibility for safeguarding, but should not be someone who has direct responsibility for disciplinary processes or line **management of the respondent.**

Having the same individuals chair all SCMGs in an area can have positive implications, in terms of those individuals developing their skills and knowledge in how to manage SCMG meetings and

ensuring consistency. However, this should not be the default assumption, and safeguarding officers should make a conscious decision in each case about the person who would best meet the criteria above. The safeguarding officer's decision should also include **a consideration of any** conflicts of interest**.**

As a general rule, the safeguarding officer should not chair the SCMG, as this could potentially compromise the SCMG's ability to effectively scrutinise the information provided. Where there is a team of safeguarding officers headed by a manager who does not undertake case work, this is more workable. Generally, however, safeguarding officers may chair SCMG meetings only in exceptional circumstances, for brief periods of time, when no other **resource is available locally. This should be accompanied by efforts from church bodies to identify a suitable alternative resource.**

Where the allegation is about the DSO, or a member of their team, there is a clear need for the RSL and/or another DSO to be involved from the outset.

Diocesan bishops and archbishops must not chair or be members of SCMGs in order to not compromise potential decisions about disciplinary matters which rest with them. Similarly, independent members of DSAPs should not chair or be part of an SCMG, as this would conflict with their role in the quality assurance of safeguarding practice.

In exceptional circumstances – for instance, in complex cases involving allegations from multiple victims regarding the same respondent or the same group of respondents, where the NST is not leading on that case – safeguarding officers may consider appointing a chair that is independent from the Church. In such cases, appropriate information **and training to ensure an understanding of Church structures should be put in place. A series of induction videos to** support church bodies with this task is available on the **Safeguarding Training Portal, and can be accessed by any SCMG chair or any other SCMG member. An alternative option here may be to request the support of a safeguarding** officer from a different diocese or the support of an RSL, who would provide a degree of independence, and also be familiar with church structures.

3.6 The membership of an SCMG

Ensuring consistency in the membership of an SCMG has been previously identified as a key enabler for evidencebased, unbiased and informed decisions. It is important, therefore, to differentiate betweenthe members of an SCMG, and those attendees who will join a limited number of meetings in order to advise on specific aspects **e.g. legal advisors.**

SCMG members should be made aware of the commitment that joining an SCMG involves and the expectations **regarding attendance and participation. Where there are absences due to annual leave or other reasons,** consideration must be given as to whether appropriate cover should be put in place. Where members of staff or members of the SCMG leave,

consideration should be given to how the transition can be made as seamless **as possible for the complainant and the respondent.**

The safeguarding officer and the SCMG chair should exercise caution when deciding the membership of an SCMG in situations where individuals hold dual roles. Conflicts of interest **need to be considered from the start** and members should be clearly told in which role they are invited to attend.

Because the SCMG is not a court seeking to establish guilt or innocence, but rather a vehicle to identify and manage risk, complainants, respondents and their representatives and supporters are not members of the SCMG and do not attend SCMG meetings. However, it is crucial that their views, and any information they consider relevant to the identification and management of risk, are provided to the group.

Membership for cases managed locally

In dioceses, depending on the circumstances of each case, the membership of an SCMG may include the following.

- Statutory services, where those services are able and willing to resource this.
- Diocesan officers:
- the safeguarding officer;
- an archdeacon, or other representative of the bishop;
- other relevant diocesan senior staff;
- in an advisory position, the diocesan director for communications or a deputy;
- **in an advisory position, the diocesan registrar or a deputy.**
- Parish officers:
- the incumbent, if relevant to the case;
- the churchwarden(s);
- the PSO;
- **other relevant parties, by agreement.**
- **Religious communities:**
- In addition, the DSP or Leader should be involved as appropriate.

Generally, diocesan secretaries will not be part of an SCMG but will be kept informed about key developments.

In cathedrals, the membership of an SCMG may include:

- the CSO and/or DSO;
- a residentiary canon, acting for the dean;
- the cathedral safeguarding lead/the canon who takes a lead on safeguarding;
- **other relevant senior cathedral staff,**
- in an advisory position, the cathedral communications officer, or equivalent;
- **in an advisory position, a legal advisor.**

Generally, deans and cathedral chief operating officers will not be part of an SCMG but will be kept informed **about key developments.**

Membership for cases managed at the national level

- National officers:
- the NST: director/deputy director for casework/casework manager/ members of the casework team;
- a senior representative from the relevant archbishop's office;
- any other relevant national senior staff;
- **i n an advisory position, representation from the national communications** team and the archbishop's communications officer;
- in an advisory position, legal officers or their deputies.
- Diocesan/cathedral officers:[9]
- safeguarding officers
- representatives of the diocesan bishops/cathedral deans;
- in an advisory capacity, diocesan/cathedral directors of communication or communications officers;
- **other relevant parties, by agreement.**

3.7 – 3.9 The agenda of an SCMG meeting

The following elements are recommended as core items on a typical agenda for an SCMG meeting:

- conflict of interest declarations;
- confidentiality statement;
- statement that the group keep complainants at the heart of the discussion;
- **assessment and management of risk, including:**

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[9] from both the diocese or cathedral in which the alleged abuse took place and, where this is required, from the diocese or cathedral in which the respondent now lives/or works.

- **c onsideration of any statutory processes, including referrals to the** LADO and DBS and SSIRs;

- consideration of any disciplinary processes, including CDM;
- support for the complainant and their immediate family/dependants;
- support for the respondent and their immediate family/dependants;
- impact on the parish or the wider church community;
- communications;
- consideration of threshold for Serious Safeguarding Incident reporting; referral to DBS;
- overview to confirm decisions and next steps, including the timing of the next meeting and any support that SCMG members may require to meet their responsibilities within the group;

- **suspension and disciplinary steps.**

For the avoidance of doubt, the DSO has ultimate responsibility for making any recommendations to the bishop with regards to suspension of a member of clergy, however it is good practice to seek the views of the SCMG in this respect. If any member of the SCMG does not agree with the DSO's decision, they should follow the escalation process set out below.

3.13, 3.14 Escalation to Diocesan Safeguarding Advisory Panel **chair or equivalent role**

It is important that any individual member of an SCMG who has concerns about the group's ability to manage risk effectively has an avenue to raise these. Differences of opinion are inevitable, but members should not feel that they have no recourse when faced with making a decision they are uncomfortable with. Generally, disputes arising at the SCMG will be referred to the DSAP chair (or the cathedral equivalent), however in certain circumstances, a church **body may commission an independent safeguarding consultant on a one-off or residual basis to handle escalations** or disputes. When a matter is escalated to the DSAP chair, or whoever is performing the equivalent role, they will not reverse any decisions made by the SCMG, the safeguarding officer, or any actions undertaken by them. However, they will make a set of recommendations to the SCMG, which may include a recommendation to revisit a decision and/or gather further information. Should the SCMG decide not to act on the advice of the DSAP chair, the reasons for doing so must be given in writing to the RSL.

For the NST, escalation will be to a DSAP chair (or cathedral equivalent) from another diocese that has no interest **or involvement in the case.**

As the SCMG is a forum for assessing and managing risk, complainants, respondents and their representatives cannot appeal decisions made by the SCMG. However, if they are of the view that the requirements outlined in this code are not appropriately met and want to challenge this, they can follow the complaints procedure in the relevant **church body.**

3.15 Reflective practice exercises

As set out in the Safeguarding Practice Review Code of Practice**, it is a requirement that every SCMG conducts a** formal reflective exercise after the case has reached a conclusion. In some cases, this may be a very short exercise. In others, it may require the commissioning of a formal Safeguarding Practice Review. Further information on when to commission a formal review, and the types of exercises that can be undertaken can be found in the code.

Section 4: Pathways

Pathway 4A: MeMbers of ClergY

This pathway contains additional** and specific requirements and **guidance for dealing with allegations against members of the clergy.

Section 1: Triage and Referrals

Section 2: Initial Contact and Support

Section 3: The Role of Safeguarding Case Management Groups

Section 4: Pathways

Pathway 4A: Members of Clergy

4A.1 Initial response considerations

4A.2 The initial case summary and the role of the SCMG

4A.3 Immediate assessment of safeguarding risks

4A.4 Support

4A.5 Impact on church community

Disciplinary procedures

4A.6

4A.7 – 4A.11 The aims and scope of safeguarding enquiries

Section 5: Risk Assessment

Section 6: Outcomes, Closure and Long-term Management of Risk

Introduction and definitions

This section sets out the requirements and guidance to be followed in response to safeguarding concerns and allegations where:

- it covers recent or non-recent allegations of abuse;
- the respondent is alive; and
- **the respondent is a member of clergy.**

As outlined in Pathway 4F **of this code, concerns of failure to meet safeguarding requirements may be managed** under this pathway, but only in cases in which the circumstances set out in that section determine this is the most appropriate pathway. A separate pathway for the management of posthumous safeguarding allegations is included **in** Pathway 4D**.**

Who is a member of the clergy?

For the purposes of this section, a member of clergy is any person in Holy Orders (i.e. any person who has been ordained), whether or not they hold office, including those who hold Permission to Officiate (PTO) **or Overseas** Permission to Officiate (OPTO)**.**

The National Register of Clergy

The National Register of Clergy is a publicly available list of all clergy in the Church of England who are authorised **to minister. Further information on the register is contained in** Appendix 2**.**

Standards of conduct for clergy

By virtue of their ordination and office clergy are held to a high standard of personal and professional conduct. **Further information and advice are contained in** Appendix 3**.**

Ordinands

This pathway does not apply to ordinands. However, as ordinands will often undertake placements in parishes and as they prepare for life in ministry, they are expected to meet high standards of conduct. Ordinands normally attend theological education institutions (TEIs), and this is generally on the recommendation of a sponsoring bishop and **diocese, therefore both the TEI and the bishop need to have processes in place for:**

- risk assessments resulting from blemished DBS checks – this will normally be dealt with by the DSO from the sponsoring dioceses;

- responding to concerns or allegations arising during their period of ordination – this will normally be dealt with by the TEI, but the diocese will need to be made aware in case the bishop has cause to withdraw their sponsorship. Depending on the nature of the incident, the DSO in the area where the incident took place must also be made aware, for example, if there are victims or survivors who need support.

For the avoidance of doubt, TEIs are independent bodies and do not meet the criteria of being relevant persons, church officers or church bodies. As TEIs are higher education institutions, they are required to have their own safeguarding policies and processes in place, and are subject to their own inspection regimes.

Structure

This section is structured into a series of steps that need to be followed when managing allegations involving members of clergy. Some steps and requirements may need to be followed in a different order to reflect the specific circumstances of each case.

Initial response

requIreMenTs

4A.1 When managing a safeguarding allegation about a member of clergy, the safeguarding officer **must convene an sCMg on behalf of the diocese, by following the requirements in section 3.**

guidance

4A.1 Initial response considerations

The Guidelines for the Professional Conduct of the Clergy specify that:

> ***T here is no separation between the public and home life of the clergy: at all times and in all places they should manifest the highest standards of personal conduct.***

Where the allegation refers to matters in a member of clergy's personal life, safeguarding officers should exercise their professional judgement and decide whether to act on that information. This involves considering whether referrals need to be made to the relevant statutory services and assessing whether the information received presents a risk that has any bearing on the member of clergy's ministry, particularly any work with children, young **people or vulnerable adults. Advice on the level of transferable risk in such cases may also be sought from statutory** authorities. Where the safeguarding officer decides to initiate the relevant safeguarding processes, a clear rationale must be recorded in the case notes detailing which aspects of the information received are relevant for safeguarding purposes, how and why they are relevant.

When managing such cases, the safeguarding officer should work closely with any statutory services involved and take their advice. The safeguarding officer's assessment of the case should be proportionate and should not lead **to an unnecessary and intrusive collection of information about someone's personal life. There should be a clear** rationale for each question and action, linking back to an aspect of the respondent's work within the Church.

The above advice also applies to situations in which an allegation is made about someone in a member of clergy's immediate family. Generally, these situations will not trigger a safeguarding process under this code, unless there is a rationale that a member of clergy has displayed concerning behaviours in how they dealt with that matter, for example where they actively covered up abuse inflicted by a member of their family, or where they appear to believe that abuse inflicted by a member of their family is acceptable. This does not apply to situations in which the family member is directly involved in the life of the Church, as an employee, volunteer or otherwise, in which case they are a church officer, and the relevant section of this code will apply to them.

Position of trust/person in a position of trust

'Position of trust' is a legal term defined in the Sexual Offences Act 2003. It is explained in adult 'caring for, supervising or being sole charge' of a child under age of 18. The act defines in which adults would have a position of trust as a hospital or an educational institution, with examples such as such roles including teachers, care workers, youth justice workers, social workers and doctors. The act was updated in 2022 to include **sports coaches and faith leadership positions.**

It is against the law for someone in a position of trust to engage in sexual activity with a child of even if that child is over the age of consent. This means even though the child may be 16 or over, if you still engage in sexual activity with them hold a position of trust. This includes young people up until the age of 18.

This is not to be confused with the Care Act 2014 definition of a Position of Trust (PIPOT), which is who works with adults with care and support needs. People can be considered to be in a 'position of trust' and where they are likely to have contact with adults with care work, support needs as part of their employment or voluntary and:

- where the role carries an expectation of trust and
- the person is in a position to exercise authority, power, or control over an adult(s) with care and support needs (as perceived by the adult).

If a safeguarding allegation is made against a church officer who is in such a position, then Adult Social Care and, where there is also a perceived risk to children, Children's Social Care, must be informed.

Employment or volunteering

A member of clergy is a trusted individual who, by the nature of their work, will come into contact with children, young people and vulnerable adults. Because of this, higher standards of conduct are expected from members of clergy than might be expected from other persons. As a result, if information about an allegation involving a member **of clergy becomes available that relates to their conduct in a secular role, the processes set out in this code should** still be followed – even if the allegation has already been investigated/assessed as part of the respondent's other role. The reasons for following these dual processes are:

- the need to consider the implications for the member of clergy's continued ministry within the Church, including any risks to children, young people and vulnerable adults, how these will be managed under the Clergy Risk Assessment Regulations; and
- the need to consider any allegation against the Church's own conduct standards which, in some cases, may be higher than the standards of other external bodies/employers, and is relevant if a CDM is being considered.

The above is particularly relevant for:

- chaplains, who may also be subject to disciplinary processes linked to their role as an employee, for example in a prison or hospital;
- members of clergy employed in a TEI or elsewhere, who may also be subject to the TEI's or a different employer's own disciplinary processes; and
- members of clergy who hold PTO or a licence, but are also employed elsewhere, who may be subject to an employer's own disciplinary processes.

Where the member of clergy is employed by a church body, for example in a diocesan or national role, consideration first needs to be given as to whether the allegation has arisen in their role as an 'employee' or as an ordained member **of clergy. If it is in relation to their employed role, then** Pathway 4E must be followed in the first instance. This is because employees have certain rights under employment law as to how discipline and misconduct is dealt with. However, at

every stage of the process, consideration must be given as to whether and when processes such as CDM and risk assessment should commence, which will by default require the involvement of the DSO.

The church body receiving information about an allegation in a second role should seek to understand: the nature of the allegation, the nature and outcomes of any processes already undertaken, and whether a risk assessment **regarding the respondent has already been undertaken and can be shared.**

If a church body is managing an allegation regarding a member of clergy and has information that they hold a second role elsewhere, the church body will need to consider if that information needs to be shared with the second body. This will generally be done via the police, LADO, or other relevant statutory authority. The key questions that should **be asked in these cases are:**

- Are statutory services involved? Have they been informed? If yes, follow their advice.
- Does the individual's second role involve work with children, young people and vulnerable adults?
- **W hat is the nature of the allegation? Based on the records and information gathered, if the allegation is substantiated, is there be a continued risk of harm to children, young people or vulnerable adults?**
- **W ould children, young people or vulnerable adults potentially be at risk if information is not shared?**
- Have the diocesan registrar or relevant legal advisor and the protection officer provided advice on whether the relevant data about the allegation should be shared? If not, **seek their advice.**

Any information shared needs to be necessary, accurate and proportionate, with a clear rationale and aim, and **should meet data protection obligations. Please note that the Internal Information Sharing Plan covers information** sharing within the Church of England and with the Church in Wales, but does not cover information sharing with other religious organisations or Christian denominations. Information sharing with other religious organisations is **permitted as necessary to manage risks to children, young people and vulnerable adults, but must be carried out** with care and close attention to the data protection principles.

Responding to allegations involving non-recent events where the respondent has left the church body

For guidance on managing safeguarding allegations involving respondents who are now deceased, please refer to Pathway 4D: **Managing Posthumous Safeguarding Concerns and Allegations** within this code.

Complainants who come forward to disclose non-recent abuse will have varied reasons for doing so: it might have taken them a long time to look at the events that they have experienced and see them as abuse; they might have felt afraid to disclose whilst the respondent was still in active ministry; they may express a need or desire to achieve closure on past traumatic experiences; and/or they may wish to prevent others from becoming victims of abuse.

Regardless of when the events disclosed are alleged to have taken place, complainants should be taken seriously, **and their disclosures should not be ignored. A <u>trauma-informed</u> approach should be applied, and support must be** offered in line with the Responding Well to Victims and Survivors of Abuse guidance. Specific care should be given to the fact that the complainant might feel a sense of disappointment and/or frustration in situations in which limited action can be undertaken regarding the respondent, e.g. when a disciplinary process cannot be followed. Being open and clear about what processes can and cannot be followed from the start will help manage the complainant's expectations.

Assessing and managing any ongoing risk

Where an allegation refers to non-recent events and the respondent is alive, a safeguarding officer may be faced with different scenarios, including if the member of clergy:

a) continues to be in active ministry in the Church of England, but has moved to a different diocese or church body;

b) is retired;

c) has been removed from their clerical role as a result of disciplinary procedures;

d) has left the Church of England entirely and moved to a different role in a different denomination **or a role outside of the Church.**

If a member of clergy has left the church body but continues to be in active ministry in a different diocese or church body, then the safeguarding officer should seek to identify the diocese or church body in which the respondent currently exercises their ministry. The safeguarding officer should then share the allegation with the safeguarding officer in that diocese (in line with the **<u>Internal Information Sharing Plan</u>**) and agree how the allegation will be taken forward and by whom. The requirements, advice and procedures set out in this code would then apply. This also applies to situations where a member of clergy has retired, but continues to have a role in the Church, e.g. if they **have PTO.**

If information is held or becomes available about a respondent's current role, then the need to share information about the allegation with the new employer or the new religious organisation should be considered. This will be done generally only in very limited circumstances where the statutory threshold is met, usually via the police, LADO or other relevant statutory authority. The key questions that should be asked in these cases are:

- Are statutory services involved? Have they been informed? If yes, follow their advice.
- Does the individual's new role involve work with children, young people and vulnerable adults?
- **What is the nature of the allegation? Based on the records and information gathered, if the allegation is substantiated, is there a continued risk of harm to children, young people and vulnerable adults?**
- **Would children, young people and vulnerable adults potentially be at risk if information is not shared?**

- Have the diocesan registrar or relevant legal advisor and the relevant data protection officer provided advice whether the information about the allegation should be shared? If not, seek **their advice.**

Any information shared needs to be necessary, accurate and proportionate, with a clear rationale and aim, and should **meet the requirements under data protection legislation. The Internal Information Sharing Plan covers information** sharing with the Church in Wales. For other organisations or denominations the information should be shared in line with the data protection principles as set out above.

safeguarding enquiries and processes

requIreMenTs

The role of the sCMg

4A.2 Ahead of the initial SCMG meeting, the safeguarding officer must prepare an initial **case summary.**

4A.3 The safeguarding officer must assess any immediate safeguarding risks and decide if **any mitigations need to be put in place in the short term, i.e. Interim Church safety Plan, recommendations for suspension, voluntarily withdrawing from ministry, PTo/oPTo withdrawal.**

4A.4 The sCMg must consider the support that is, or should be, provided to the complainant, the respondent and their immediate families or dependants.

4A.5 The sCMg must consider the impact of the allegation, and any actions taken in response, on the wider church community and put in place appropriate measures to address any negative impacts and mitigate risks.

4A.6 The safeguarding officer must decide if the relevant disciplinary processes, including CDM, **should be initiated.**

safeguarding enquiries

4A.7 The safeguarding officer must decide the scope of any subsequent safeguarding enquiries.

4A.8 respondents must have the option to be accompanied by a companion, who can provide emotional support, in any interviews or meetings.

4A.9 The safeguarding officer must compile the information gathered through any subsequent **enquiries in a report, which must be presented to the sCMg.**

4A.10 The aims of any safeguarding enquiries are to:

- gather relevant information and establish facts; and
- **i dentify any ongoing safeguarding risks.**

4A.11 I f interviews are carried out, the safeguarding officer must make a written record of each interview, share it with the relevant interviewee to confirm its accuracy, and save it in the case files.

4A.12 B ased on the information gathered, the safeguarding officer, in consultation with the SCMG, must determine if, on the balance of probabilities there is sufficient evidence to substantiate **the existence of an ongoing safeguarding risk. Where the determination is that there is not** sufficient evidence, the matter is unsubstantiated.

4A.13 I f the outcome is substantiated, the sCMg must follow the requirements in section 3.

4A.14 I f the outcome is unsubstantiated, the case must be closed at this stage and the sCMg must follow the requirements for closure in section 6.

guidance

4A.2 The initial case summary and the role of the SCMG

This section should be read alongside Section 3. The SCMG is a consultative body for the safeguarding officer, and therefore there must be discussion betweenthe SCMG and the safeguarding officer.

Ahead of the initial meeting of the SCMG, the safeguarding officer should prepare an initial case summary, which outlines the information known at that stage and any processes already initiated or that need SCMG consideration. The purpose of the initial case summary is to provide the SCMG with the background information needed in order to advise and make decisions on next steps in the management of a case. Generally, an initial case summary will include the following (as far as they can be ascertained at this stage):

- **details of the initial allegation, including a summary of any information provided by the** complainant and the respondent and any relevant information from existing records (e.g. past recorded safeguarding concerns);
- **input and plans from statutory services, or the rationale for not making a referral to** statutory services;
- a dynamic assessment of risk, based on information known at that stage, and any proposed **mitigations in the short-term i.e. Interim Church Safety Plan, recommendations for voluntary** step down from duties, suspension, PTO/OPTO withdrawal;
- a recommendation whether an allegation of misconduct should be brought under the relevant clergy discipline procedure or steps should be taken under the capability procedure;
- a recommendation as to whether a CDM should be taken, or the respondent should be suspended;
- consideration of other referrals that have been, or may need to be made, in line with the **requirements in Section 1** above;
- **details of any gaps in information that impede the effective assessment of the allegation and** any safeguarding risks, as well as plans for how this information may be gathered, including key lines of enquiry, and who will need to be spoken to;
- **details of the support put in place for the complainant, the respondent and their immediate** families/dependants, and any proposals for additional support that may be needed;
- **if appropriate, proposals for the communications and support that may be needed for the** church community impacted by the concern/allegation and any actions taken in response.

The focus of each SCMG meeting will differ with the ongoing management of the case. Decisions made during SCMG meetings should be regularly reviewed in light of new information becoming available, to ensure that they **remain timely and relevant.**

For the avoidance of doubt, the DSO has ultimate responsible for making any recommendations to the bishop with regards to suspension of a member of clergy, however it is good practice to seek the views of the SCMG in this respect. If any member of the SCMG does not agree with the DSO's decision, they should follow the escalation process set out below.

4A.3 Immediate assessment of safeguarding risks

Interim Church Safety Plans

An Interim Church Safety Plan is focused on the short-term management of risk whilst safeguarding and other **processes are ongoing. An Interim Church Safety Plan is not based on a formal or complete risk assessment,** but a dynamic consideration of risk by the safeguarding officer, as relevant information is being gathered. Interim Church Safety Plans follow the same requirements as regular Church Safety Plans.

Interim Church Safety Plans need to be agreed and signed by the respondent. Any refusal to sign the plan should be considered by the SCMG. In such cases, alternative ways to manage risk need to be identified.

Voluntarily withdrawing from ministry

In certain circumstances (for instance, where it is unclear if the requirements for suspension have been met), members of clergy may be asked to voluntarily withdraw from ministry whilst safeguarding enquiries and risk assessments are carried out, or whilst disciplinary procedures are underway. This request will come from the bishop in writing following the advice of the safeguarding officer and the SCMG. This request must clearly set out the parameters of what withdrawing from ministry entails for the respondent. It is unlikely that this will ever be an appropriate course of action to take where there is a safeguarding risk. There may be exceptions, for example where there is a procedural breach under Pathway 4F in extenuating circumstances, but not when there has been **an allegation of direct abuse, and an appropriate determination of risk has been made.**

Voluntarily withdrawing from ministry is not the same as a respondent being suspended, but needs to be **accompanied by similar considerations in relation to the support that should be put in place for the respondent** during that time and in relation to support for the parish or church body in which they exercise their ministry. For the avoidance of doubt, anyone voluntarily withdrawing from ministry must be removed from the National **Register of Clergy.**

Suspension

The decision to suspend is a neutral act in that there has as yet been no determination of fact, and aims to ensure that cases can be assessed in a dispassionate manner and to protect all parties involved for instance, by ensuring no further accusations are made against the respondent. There must always be reasonable and proper cause to **suspend someone.**

Under section 36 of the Clergy Discipline Measure2003**, a bishop can suspend a priest or deacon from their role** in the following circumstances:

- a CDM complaint has been brought against them;
- they have been arrested, either in England or elsewhere, on suspicion of having committed a criminal offence;
- they have been convicted of an offence, other than a summary offence;
- they are included on a barred list; or
- the bishop is 'satisfied, on the basis of information provided by a local authority or the police' that they present 'a significant risk of harm' towards a child or vulnerable adult.

Further information about suspensions, including information about the revocation of a suspension and the right of a respondent to appeal a suspension decision,can be found in sections 36 and 37 of the Clergy Discipline **Measure 2003 and in the accompanying code of practice.**

Withdrawal of PTO and OPTO

A PTO is held entirely at the bishop's discretion and may be withdrawn by the bishop at any time, without any right of appeal. The bishop can decide to withdraw a PTO whilst the relevant safeguarding processes are underway. Further guidance is available in the House of Bishops' Policy on Granting Permission to Officiate**.**

For members of clergy who hold OPTO, the circumstances under which it can be temporarily withdrawn are outlined **under the** Overseas and Other Clergy (Ministry and Ordination) Measure1967**. Further guidance is available in the** House of Bishops' Policy on Granting Permission to Officiate**.**

4A.4 Support

Support to victims and survivors of church-related abuse must be provided in line with the requirements **in the Responding Well to Victims and Survivors of Abuse guidance.**

The opportunity for a senior member of clergy to meet with concerned members of the Church can provide an important outlet for those persons to express any concerns or feelings. Assistance in managing those feelings, worries, anxiety and any crisis in faith should be

provided. Some parishioners may want to pray together, and consideration should be given to how this can be facilitated.

Stress may also be experienced by other members of clergy or parish staff/volunteers, who may have an increased workload as a result, as well as trying to support parishioners and coming to terms with their own feelings on the situation. Arrangements for what support may be appropriate to put in place for those individuals should be **considered by the archdeacon or area dean and may include the availability of a senior member of clergy or support** from a priest/vicar from a neighbouring parish.

4A.5 Impact on church community

When a member of clergy is suspended, voluntarily steps down from duties or has their PTO withdrawn because of a safeguarding allegation, this can have a significant impact on:

- members of the church community;
- other members of clergy or the Church, such as PCC members, lay ministers, churchwardens, parish and church school staff;
- victims and survivors who are part of the Church;
- **the family, relatives and friends of the respondent.**

It can happen that the members of a church community are divided in their attitude and loyalties, with some expressing disbelief about what is being suggested and compassion towards the respondent, while others blaming the respondent or the church body, and expressing strong anger towards one or the other. Feelings of disbelief, anger and fear that others known to them may have been abused can impact on a church community's culture and **can persist for years. Those responsible for the leadership of a church community may need to consider undertaking mediation and community healing efforts to address such impacts.**

As a result, it is important to consider and appropriately manage how the circumstances surrounding an allegation will be communicated to those groups and the support that may need to be put in place. What those communications and support may need to look like will be considered on a case-by-case basis by the SCMG.

Communications

Care should be taken as to who shares information about the case, how it is shared and with whom, as well as the **impact that this can have on those receiving the information.**

The SCMG should decide whether and what communications are released to the members of the church community. This should be done with advice from the relevant communications director. Advice from a diocesan registrar, legal advisor or the data protection officer may also need to be sought.

Any information released publicly should be proportionate and should not compromise any disciplinary or statutory processes, nor the confidentiality of those involved. Where appropriate, any communications should be agreed with statutory services, and the respondent should be informed what is going to be shared. Whatever is shared in the **public domain should be minimal and necessary.**

Most communications released should include a reference to the safeguarding officer's contact details – ensuring that, where there is the possibility of multiple victims linked to the respondent, those victims have an avenue for disclosure. This also applies to victims who decide to disclose their experiences of abuse as a result of seeing the communications, even if their experiences are not linked to the respondent. References to available support should also be included. Where the case involves a significant number of complainants, consideration should be given as to whether a dedicated support function needs to be offered.

4A.6 Disciplinary procedures

The assessments carried out by the safeguarding officer are focused on risk management and the provision of support to affected parties. They are not part of a disciplinary process, although there are clear links between the safeguarding and risk management process and the Church's disciplinary process. Disciplinary processes focus on any type of concern or allegation which may amount to misconduct, whilst safeguarding officers (and SCMGs) are **only involved in the management of safeguarding concerns or allegations.**

The Clergy Discipline Measure 2003 and Clergy Discipline Rules 2005 set out the process to be followed, while **the** Clergy Discipline Measure: Code of Practice **and the Statutory Guidance provide additional guidance.**

Anyone with a proper interest can bring an allegation of misconduct under the CDM, including complainants. **This can happen before, during or after a safeguarding process under this code has been initiated. In all cases,** it is recommended that raising a CDM complaint is considered by the safeguarding officers and the SCMG at the **earliest opportunity.**

If proceedings under the CDM are initiated before or during a safeguarding process, safeguarding officers and other members of the SCMG should consider if the safeguarding process needs to be paused and if they need to wait for the outcome of the disciplinary process. Whilst this is not an obligation and the two processes can run in parallel, there are a number of considerations that will influence this decision:

- **Timing: Is the outcome of a disciplinary process imminent?**
- **risk level:** Have measures to manage risk (e.g. suspension) already been put **in place as part of the disciplinary process?**

- **duplication of process stages or steps:** Has an investigation already been carried **out as part of the disciplinary process? Can relevant aspects of that investigation be** shared with the safeguarding officer and the SCMG, to avoid the complainant and **the respondent being asked to provide the same information again?**

- **support: Whilst the disciplinary process is ongoing, do the complainant, the respondent and the parish or church community affected have appropriate support?**

The overarching principles to follow in such cases are:

- avoidingany duplication betweenthe two processes, as far as possible;
- **ensuring that support to the complainant, respondent and the parish or church community** is made available; and

- considering if any risks arising from the specific allegation are already managed under the disciplinary process, in which case the safeguarding officer or the SCMG may not need to **undertake separate actions.**

Safeguarding officers may decide, in consultation with other members of the SCMG, to raise a CDM complaint **against the respondent at the end of a safeguarding process although they should be mindful of the time limitations set out in the 2003 Measure. In such circumstances, any relevant information gathered during the safeguarding** process should be shared with the bishop and form part of the complaint as supporting evidence.

4A.7 – 4A.11 The aims and scope of safeguarding enquiries

The safeguarding enquiries carried out by safeguarding officers are not the equivalent of a police investigation, **a social care assessment or an investigation as part of a disciplinary procedure. The enquiries are not focused on** establishing a respondent's guilt but must be thorough enough to explore and collect all relevant information in **order to assess and manage the safeguarding risks linked to a member of clergy's continued activity in the Church.** Information gathered through the processes outlined in this code may be shared with statutory services and may **be used to initiate disciplinary processes.**

The scope of any safeguarding enquiries carried out by safeguarding officers should be clearly defined and linked **closely to the allegation and the respondent's role in the Church. Where factual information has been established through other processes, for instance in criminal or civil proceedings or in a disciplinary process, that information should be taken into account.**

The SCMG will use the information gathered through these enquiries to determine if, on the balance of probabilities, **there is evidence of a safeguarding risk. 'On the balance of probabilities' means 'more likely than not'.**

As the SCMG considers the information gathered from the lens of identifying indicators of safeguarding risks, they may uncover other indicators of ongoing safeguarding risks, which would need to be assessedand managed.

For the purposes of this code, the following definitions are used:

- **substantiated** means that, on the balance of probabilities there is sufficient evidence to substantiate the existence of an ongoing safeguarding risk.
- **unsubstantiated** means that, on the balance of probabilities there is insufficient evidence to substantiate the existence of an ongoing safeguarding risk.

risk Assessment – please refer to Section 5. outcomes, Closure and the long-term Management of risk – please refer to Section 6**.**

Pathway 4b: lAY VolunTeers:[10]

This pathway contains additional and** specific **requirements and guidance for dealing with allegations against lay volunteers.

Section 1: Triage and Referrals

Section 2: Initial Contact and Support

Section 3: The Role of Safeguarding Case Management Groups

Section 4: Pathways

Pathway 4b: lay Volunteers

4B.1, 4B.2 Convening an SCMG

4B.3 The initial case summary and the role of the SCMG

4B.4 Immediate assessment of safeguarding risks

4B.5 Support

[10] **The requirements and guidance in this code refer both to safeguarding concerns and to safeguarding allegations.** However, for ease of reading, the term 'allegations' is used throughout, and must be taken to include safeguarding concerns.

4B.6 Impact on church communities

4B.8 – 4B.15 The aims and scope of safeguarding enquiries

Section 5: Risk Assessment

Section 6: Outcomes, Closure and the Long-term Management of Risk

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Introduction and definitions

This section sets out the steps, requirements and guidance to be followed in response to safeguarding concerns and allegations where:

- it covers a recent or non-recent concern or allegation; and
- the respondent is alive;
- **the respondent is a lay volunteer.**

As outlined in Pathway 4F of this code, concerns of 'failure to follow' safeguarding requirements may be managed under this pathway, but only in cases in which the circumstances in that section are met. A separate pathway for **the management of posthumous safeguarding allegations is included in** Pathway 4D**.**

Structure

This section is structured into a series of steps that need to be followed when managing allegations involving volunteers. Some steps and requirements may need to be followed in a different order to

the one presented in this section, to reflect the specific circumstances of each case. This is only to be done on the advice of statutory services or a RSL (on behalf of the NST).

Initial response and convening an sCMg

requIreMenTs

Convening a safeguarding Case Management group (sCMg)

4B.1 When managing an allegation about a volunteer, the safeguarding officer must convene an SCMG, **by following the requirements in section 3.**

4B.2 The safeguarding officer must explore what information is held in respect of the respondent and, **if that information could be relevant to a police or social services investigation, they must share it with the relevant authorities.**

guidance

4B.1, 4B.2 Convening an SCMG

Deciding if the respondent is a volunteer

The Church of England benefits from the contributions and good will of a high number of volunteers, which hold a diverse range of roles within the Church. There is no legal definition for the term 'volunteer'. However, for the purposes of this code, the definition provided by the National Council for Voluntary Organisations (NCVO) has been adopted. The NCVO defines volunteering as: 'any activity that involves spending time, unpaid, doing something that aims to benefit the environment or someone (individuals or groups) other than, or in addition to, close relatives'.

Central to this is the fact that volunteering must be a choice freely made by each individual.[11]

If there is uncertainty as to whether a person is an employee or a volunteer, safeguarding officers should seek **Hr advice.**

For the purposes of this section lay volunteers can broadly be grouped in three categories:

- Licensed church officers: this category refers to members of the laity who have a licence from a bishop to deliver a

[11] For more details on what constitutes volunteering, see the NCVO guidance on **'What is volunteering?'.**

specific role within the Church, for example, readers, lay workers/ **licensed lay ministers.**

- Authorised or commissioned church officers: this category refers to those members of the laity who are part of a recognised diocesanscheme, or who have been officially authorised or commissioned by the relevant bishop or diocesanoffice to deliver a specific role within the Church, for example Children, Youth and Family volunteers, musicians, worship assistants/facilitators.

- Locally recognised church officers: this category captures those lay officers who are not licensed, authorised or commissioned by a bishop or a diocesanoffice, and whose role is more likely to be **linked to local recognition and arrangements put in place by the PCC or incumbent.**

It is important to note, however, that a lay officer who holds one of the roles specified above is not always a **volunteer. If a contract of employment is in place, then that person is an employee, and any safeguarding allegations** raised in relation to them should be managed following Pathway 4E within this code. As such, in order to determine which pathway should be followed in the application of this code, safeguarding officers must consider the title that someone holds, but not only the role. The following questions may help safeguarding officers in deciding which pathway to follow:

- Does the lay officer have a contract of employment?
- Does the lay officer receive a salary or some other form of formal remuneration?
- Is the church body or TEI contributing to the lay officer's pension?
- Is the lay officer subject to formal disciplinary procedures (as opposed to volunteer management)?
- Is the lay officer able to take annual leave and any other leave entitlements (e.g. maternity leave)?

If the answer to the questions above is 'yes', then the lay officer is likely to be an employee. In such cases, church bodies and TEIs must ensure that they meet their responsibilities under employment law.

Careful consideration should be given to those lay officers who receive a stipend. Lay officers who are generally those who hold an office under Common Tenure. Stipends do not imply an employment relationship, **so those individuals should be considered volunteers and any allegations about them should be managed using** the processes outlined within this pathway. For certain roles, such as deaconesses, readers and lay workers, the Ecclesiastical Office (Terms of Service) Measure 2009 specifically mentions that no relationship of employment exists in situations in which a person undertakes one of these roles and receives a

stipend – see section 9(6). It **should be noted that a remunerated, licensed lay person may be either employed or on Common Tenure – their status** depends on their specific circumstances. It is best practice to take HR advice as early as possible when dealing with **a remunerated, licensed lay person.**

Expectations regarding volunteers

If a volunteer is being recruited to undertake substantial contact with children, young people or vulnerable adults, then the Safer Recruitment and People Management Guidance must be followed. It is, however, good practice to have some form of recruitment process in place for other roles. During recruitment, expectations from volunteers, including around conduct and safeguarding, must be outlined in role descriptions and person specifications. Once a **person has been recruited to a volunteer role, a volunteer agreement must be put in place. The relevant safeguarding** policies, learning and development, safe practice and conduct standards expected from that person in their volunteer role must be shared and discussed with them. Such standards may include requirements around lone working, an emphasis on the need to maintain appropriate professional boundaries, and expectations around contact outside of the volunteering activity. Volunteers new to their role must be supported, to ensure that they understand those standards and are well-equipped to meet them. Volunteers should be informed about the steps that will be followed in cases in which those standards are not met. They should also be told where and how they can seek advice and support if they feel they cannot meet those standards, or if they are unsure how to deliver their volunteering responsibilities in a way that meets the expected standards.

It is good practice for church bodies to bring these standards together in a volunteer management policy.

It is important to note that volunteers are not subject to the same disciplinary processes as employees, as the expectations around their conduct differ, and they do not have the same rights under the law as employees. It is recommended that church bodies that rely heavily on volunteers put in place a bespoke process for dealing with **conduct matters involving volunteers. This should be a proportionate process and ensures that the boundaries** between volunteering and employment are made clear.

Where a safeguarding allegation is made against a volunteer, but it relates to matters in their personal life, the safeguarding officer must exercise their professional judgement when determining whether or not to act on that information. This involves an assessment of whether the information received has any bearing on the volunteer's role in the Church, particularly any work with children, young people or vulnerable adults. Where the safeguarding officer decides to initiate relevant safeguarding processes, a clear rationale must be recorded in the case notes, which should detail which aspects of that information are relevant for safeguarding purposes, how and why they **are relevant.**

When assessing a case where the information available refers to a volunteer's personal life, the safeguarding officer should work closely with

any statutory services involved and take their advice. The safeguarding officer's **assessment of the case should be proportionate and should not lead to an unnecessary and intrusive collection of information about someone's personal life. For every question asked and action undertaken as part of the** assessment, there should be a clear rationale and a link back to an aspect of the respondent's work within the Church.

The above advice also applies to situations in which an allegation is made about someone in a volunteer's close family. Generally, these situations will not trigger a safeguarding process under this code, unless there is a rationale to argue that the volunteer has displayed concerning behaviours in how they dealt with that matter (e.g. where they actively covered up abuse inflicted by a member of their family, or where they appear to believe that abuse inflicted by a member of their family is acceptable). This does not apply to situations in which the family member is directly involved in the life of the Church, as an employee, volunteer or otherwise, in which case they are a church officer, and this code will apply to them and the relevant process outlined in this code will be followed.

Responding to safeguarding allegations involving non-recent events, where the respondent has left the church body

Complainants who come forward to disclose non-recent abuse will have varied reasons for doing so: it might have taken them a long time to look at the events that they have experienced and see them as abuse; they might have felt scared to disclose whilst the respondent was still in active ministry; they may express a need or desire to achieve closure on past traumatic experiences; and/or they may wish to prevent others from becoming victims of abuse.

Regardless of when the events disclosed are alleged to have taken place, complainants should be taken seriously, **and their disclosures should not be ignored. <u>A trauma-informed</u> approach should be applied, and support must be** offered in line with the **<u>Responding Well to Victims and Survivors of Abuse</u>** guidance. Specific care should be given to the fact that the complainant might feel a sense of disappointment and/or frustration in situations in which limited action can be undertaken regarding the respondent (e.g. when a disciplinary process cannot be followed). Being open and clear about what processes can and cannot be followed from the start will help manage the complainant's expectations.

Assessing and managing any ongoing risk

Where an allegation refers to non-recent events and the subject of the allegation is alive, a safeguarding officer may be faced with different scenarios, including if the volunteer continues to be actively involved in ministry in the Church of England, but has moved to a different diocese or church body, or when they have:

- retired;

- **b een removed from their substantive role**
- **l eft the Church of England entirely and moved to a role in a different denomination or a role outside of the Church.**

There are specific considerations that a safeguarding officer would have to keep in mind when acting in each **of these scenarios.**

If a volunteer has left the respective church body or diocese, but continues to be actively involved in a different diocese or church body within the Church of England, then the safeguarding officer should share the allegation with the safeguarding officer in that diocese (in line with the **Internal Information Sharing Plan**) and agree how the allegation will be taken forward and by whom. The requirements, advice and procedures set out in this code would **then apply.**

If the volunteer has moved to a role outside of the Church, then from a safeguarding perspective the safeguarding officer, would need to consider the following:

- **I f the allegation is that a crime might have been committed or that a child, young person or vulnerable adult has been, or might be at risk of being, harmed, then the relevant statutory services** would need to be informed. Some police forces have specific teams that deal with allegations of **non-recent abuse.**

- There may be transferable risks associated with the respondent, particularly in cases in which the respondent has moved, or may have moved, on to a role that involves contact with children, young people and vulnerable adults. Close partnership working with statutory authorities is essential in these circumstances, as a church body may not always have information about a respondent's **subsequent roles outside of the Church.**

- Depending on the nature of the allegation, the respondent might have had connections with other individuals who may continue in roles within the Church and may pose a safeguarding risk, for instance there may be the possibility that a different church officer covered up or failed to act to **prevent abuse.**

- Depending on the nature of the allegation, if the processes put in place to safeguard children, young people and vulnerable adults have failed to do so, their effectiveness needs to be reviewed **and improved.**

In such circumstances, church bodies would still need to follow the requirements and processes outlined in this code, but the extent of any safeguarding enquiries and risk assessment carried out may be limited and would need to be proportionate. Disciplinary processes and procedures would only be applicable if the volunteer had moved to **another role in a different diocese or church organisation.**

If information is held or becomes available about a respondent's current role, then the need to share information about the allegation/concern with the new employer or the new religious organisation/denomination should be considered. This will generally be done only in very limited circumstances, usually via the police, LADO or other **relevant statutory authority. The key questions that should be asked in these cases are:**

- Are statutory services involved? Have they been informed? If yes, follow their advice.
- Does the individual's new role involve work with children, young people and vulnerable adults?
- **What is the nature of the allegation or concern? Based on the records and information gathered, if the allegation or concern is substantiated, is there a continued risk of harm to children, young people and vulnerable adults?**
- **Would children, young people and vulnerable adults potentially be at risk if information is not shared?**
- Have the diocesan registrar/the relevant legal advisor and the relevant data protection officer provided advice whether the information about the allegation or concern should be shared? **If not, seek their advice.**

Any information shared with a clear rationale needs to be necessary, accurate and proportionate, and aim, and **should meet the requirements under data protection legislation. The** <u>**Internal Information Sharing Plan**</u> **covers** information sharing with the Church in Wales, but does not cover information sharing with other religious **organisations or Christian denominations.**

If they are now simply a member of the worshipping community, the safeguarding officer would need to determine firstly if the requirements are met for any referrals to statutory services, and whether a risk assessment as per <u>Pathway 4C</u> of this code is required. It may be that there is no action which can be taken in respect of the alleged respondent, however support must always be provided to the complainant.

If abuse took place, church bodies should reflect on their safeguarding arrangements and understand where such arrangements have potentially gone wrong and why. Organisational learning from such incidents and addressing any identified weaknesses or gaps, as well as any cultural factors, are important aspects of promoting safer practice and **environments. Further guidance can be found in the code of practice on** <u>Safeguarding Practice Reviews</u>**.**

The role of the sCMg and safeguarding enquiries

The requirements and guidance in this pathway should be followed alongside those in <u>Section 3</u>.

requIreMenTs

The role of the sCMg

4B.3 Ahead of the initial SCMG meeting, the safeguarding officer must prepare an initial case summary.

4B.4 The safeguarding officer must assess any immediate safeguarding risks and decide if any **mitigations need to be put in place in the short term i.e. Interim Church safety Plan, suspension, voluntary step down from duties, temporary revocation of licence.**

4b.5 The sCMg must consider the support that is, or should be, provided to the complainant, the respondent and their immediate families or dependants.

4b.6 The sCMg must consider the impact of the allegation, and any actions taken in response, on the wider church community and put in place appropriate measures to address any negative impacts and mitigate risks.

4B.7 The safeguarding officer must decide if the relevant disciplinary processes (where these are **applicable) should be initiated.**

safeguarding enquiries

4B.8 The safeguarding officer must decide the scope of any subsequent safeguarding enquiries.

4b.9 C omplainants and respondents must have the option to be accompanied by a companion, who can provide emotional support, in any interviews or meetings.

4B.10 The safeguarding officer must compile the information gathered through any subsequent **enquiries in a written report, which must be presented to the sCMg.**

4b.11 The aims of any safeguarding enquiries are to:

- gather relevant information and establish facts; and
- identify any ongoing safeguarding risks;
- establish what the needs of the complainant/respondent are and how to meet those.

4B.12 If interviews are carried out, the safeguarding officer must make a written record of each interview, share it with the relevant interviewee to confirm its accuracy, and save it in the case files.

4B.13 Based on the information gathered, the safeguarding officer, in consultation with the SCMG, must determine if, on the balance of probabilities, there is sufficient evidence to substantiate the existence of an ongoing safeguarding risk. Where the determination is that there is not sufficient **evidence, the matter is unsubstantiated.**

4b.14 If the outcome is substantiated the sCMg must follow the requirements in section 5: risk Assessment.

4b.15 If the outcome is unsubstantiated, the case must be closed at this stage and the sCMg must follow the requirements for closure in section 6: outcomes, Closure and the long-term Management of risk.

guidance

4B.3 The initial case summary and the role of the SCMG

Ahead of the initial meeting of an SCMG, the safeguarding officer should prepare an initial case summary, which outlines the information known at

that stage and any processes already initiated or that need SCMG consideration. The purpose of the initial case summary is to provide the SCMG with the background information needed in order to advise and make decisions on next steps in the management of a case. Generally, an initial case summary will include the following:

- **details of the initial allegation, including a summary of any information provided by the** complainant and the respondent and any relevant information from existing records,
  e.g. past safeguarding concerns recorded on the NSCMS or in the clergy personnel records;
- **input and plans from statutory services, or the rationale for not making a referral to statutory** services;
- a dynamic assessment of risk, based on information known at that stage, and any proposed mitigations in the short term i.e. Interim Church Safety Plan, voluntary step down from duties, suspension, temporary revocation of licence or authorisation/commission;
- consideration of other referrals that have been, or may need to be, made, in line with the requirements in Step 1 above;
- **details of any gaps in information that impede the effective assessment of the allegation** and any safeguarding risks, as well plans for how this information may be gathered;
- **details of the support put in place for the complainant, the respondent and their immediate** families/dependants, and any proposals for additional support that may be needed;
- **if appropriate, proposals for the communications and support that may be needed for the church community impacted by the allegation and any actions taken in response.**

The focus of each SCMG meeting will differ with the ongoing management of the case. Decisions made during SCMG meetings should be regularly reviewed in light of new information becoming available, to ensure that they **remain timely and relevant. A template for an initial case summary is available.**

4B.4 Immediate assessment of safeguarding risks

Interim Church Safety Plan

An Interim Church Safety Plan is focused on the short-term management of risk – i.e. whilst safeguarding and other **processes are ongoing. An Interim Church Safety Plan is not based on a formal or complete risk assessment, but a** dynamic consideration of risk by the safeguarding officer, as relevant information is being gathered. Interim Church Safety Plans follow the same requirements as regular Church Safety Plans (<u>Section 6: Outcomes, Closure and the **Long-term Management of Risk**</u>).

Interim Church Safety Plans need to be agreed and signed by the respondent. Any refusal to sign the plan should be considered by the SCMG. In such cases, alternative ways to manage risk need to be identified.

Suspension and revocation of licence, authorisation or commission

A volunteer will normallyfulfil a role in a church body at the invitation of either the bishop, the parish priest or another governance body, such as the PCC. Volunteers may be licenced or authorised/commissioned by a bishop, may be part of diocesanscheme or may have local arrangements with a priest or a governance body to fulfil **their role.**

Normally volunteers will not have the same protections under the law as employees. Therefore, with certain exceptions arising under ecclesiastical law (explained below), a volunteer may be asked at any point to temporarily or permanently end their volunteering responsibilities. However, it is important that decision-makers treat volunteers fairly and provide them with clear reasons why their contributions are no longer needed.

When an allegation is raised against a volunteer and the SCMG considers that immediate action needs to be undertaken to mitigate safeguarding risks whilst more information is gathered and a fuller risk assessment is **carried out, the SCMG may recommend to the person or body to either suspend or temporarily end a respondent's** volunteering responsibilities. Depending on the exact arrangements that are in place, this may mean that:

- **a licensed volunteer may be suspended or have their licence temporarily revoked by the** relevant bishop;
- **a n authorised or commissioned volunteer may have their authorisation temporarily** withdrawn by the relevant bishop;
- **a locally recognised volunteer may be asked by the incumbent or governance body to** temporarily pause any volunteering responsibilities within the Church.

Suspension is a neutral act, in that a determination of fact has yet to be made, which aims to ensure that cases **can be assessed in a dispassionate manner and to protect all parties involved, for instance, by ensuring no further** accusations are made against the respondent and complainants are protected. This should be explained and **emphasised to respondents, and**

the support of a Link Person should be offered to respondents during this time to maintain contact with the Church and provide emotional support. A decision to suspend someone must be reasonable, evidenced and followed up in writing.

Voluntarily step down from duties

In certain circumstances, a respondent may voluntarily choose to temporarily step down from their duties. It is unlikely that this will ever be an appropriate course of action to take where there is a safeguarding risk. There may be exceptions, for example where there is a procedural breach under Pathway 4F in extenuating circumstances, but not when there has been an allegation of direct abuse, and an appropriate determination of risk made.

4B.5 Support

Support to victims and survivors of church-related abuse must be provided in line with the requirements **in the Responding Well to Victims and Survivors of Abuse guidance.**

The availability of a senior member of clergy to meet with concerned members of the Church can provide an important opportunity for those persons to express any concerns or feelings. Assistance in managing those feelings, worries, anxiety and any crisis in faith should be provided. Some parishioners may want to pray together, and consideration should be given to how this can be facilitated.

Stress may also be experienced by members of clergy or parish staff/volunteers, who may have an increased workload as a result, as well as trying to support parishioners and coming to terms with their own feelings on the situation. Arrangements for what support may be appropriate to put in place for those individuals should be **considered by the SCMG, and may include the availability of a senior member of clergy, or support from a priest from a neighbouring parish.**

4B.6 Impact on church communities

When a volunteer steps down from duties because of a safeguarding allegation, this can have a significant impact on:

- members of the church community (e.g. parishioners);
- **other volunteer or elected members of the Church, such as PCC members, lay ministers,** churchwardens, parish and church school staff;
- victims and survivors who are part of the Church;
- **the family, relatives and friends of the respondent.**

As a result, it is important to consider and appropriately manage how the circumstances surrounding an allegation will be communicated to those groups and the support that may need to be put in place. What those communications and support may need to look like will be considered on a case-by-case basis by the SCMG.

It can happen that the members of a church community are divided in their attitude and loyalties, with some expressing disbelief about what is being suggested and compassion towards the respondent, while others blaming the respondent or the church body, and expressing strong anger towards one or the other. It is not unusual for people **to come together to support and advocate on behalf of the respondent. On the other hand, feelings of disbelief,** anger and fear that others known to them may have been abused can impact on a church community's culture and **can persist for years. Those responsible for the leadership of a church community may need to consider undertaking mediation and community healing efforts to address such impacts.**

Communications

Care should be taken as to who shares information about the case, how it is shared and with whom, as well as **the impact that this can have on those receiving the information, including the respondent and complainant.**

The SCMG should decide whether and what communications are released to the members of the church community. This should be done with advice from the relevant director of communications. Advice from a diocesan registrar or the relevant data protection officer may also need to be sought. The respondent should be invited to express their wishes regarding the way in which communications should be released, including the way in which communications **should be released to their family members or relatives and close friends. Consideration should also be given to** protect the complainant's safety and wellbeing.

Any information released publicly should be proportionate and should not compromise any disciplinary and/or statutory processes. Where appropriate, any communications released should be agreed with statutory services, and the respondent should be informed about what is going to be shared. Whatever is shared in the public domain **should be minimal and necessary – sharing detailed information about the respondent and their life and activity in** the Church, where there is not a clear reason to do so, would not be proportionate.

Most communications released should include a reference to the safeguarding officer's contact details – ensuring that, where there is the possibility of multiple victims linked to the respondent, those victims have an avenue for disclosure. This also applies to victims who decide to disclose their experiences of abuse as a result of seeing the communications, even if their experiences are not linked to the respondent. References to available support should **also be included.**

4B.8 – 4B.15 The aims and scope of safeguarding enquiries

The safeguarding enquiries carried out by safeguarding officers are not the equivalent of a police investigation, **a social care assessment or an investigation as part of a disciplinary procedure. The enquiries are not focused on establishing a respondent's guilt. They are instead focused on the assessment and management of safeguarding** risks linked to a volunteer's continued activity in the Church. However, information gathered through the processes outlined in this code may be shared with statutory services and may be used to initiate disciplinary processes.

The scope of any safeguarding enquiries carried out by safeguarding officers should be clearly defined and linked **closely to the allegation and the respondent's role in the Church. Where factual information has been established through other processes, for instance in criminal or civil proceedings or in a disciplinary process, that information should be taken into account.**

The SCMG will use the information gathered as a result of these enquiries to determine if, on the balance of **probabilities, there is evidence of a safeguarding risk. 'On the balance of probabilities' means 'more likely than not'.**

As the SCMG considers the information gathered from the lens of identifying indicators of safeguarding risks, they may uncover other indicators of ongoing safeguarding risks, which would need to be assessedand managed.

For the purposes of this code, the following definitions are used:

- **substantiated** means that, on the balance of probabilities there is sufficient evidence to substantiate the existence of an ongoing safeguarding risk.
- **unsubstantiated** means that, on the balance of probabilities there is insufficient evidence to substantiate the existence of an ongoing safeguarding risk.

risk Assessment – please refer to Section 5. outcomes,

Closure and long-term risk – please refer to Section 6**.**

Pathway 4C: MAnAgIng sAfeguArdIng rIsks In THe CHurCH CoMMunITY

This is a specific pathway only for non-church officers.

Section 1: Triage and Referrals

Section 2: Initial Contact and Support

Section 3: The Role of Safeguarding Case Management Groups

Section 4: Pathways

Pathway 4C: Managing safeguarding risks in the Church Community

4C.1 Deciding whether the person is a risk

4C.2 – 4C.6 The approach to risk assessment

4C.7 – 4C.9 The Church Safety Plan

4C.10 – 4C.12 Church Safety Plan reviews

4C.13 Sharing information about the Church Safety Plan

Section 5: Risk Assessment

Section 6: Outcomes, Closure and the Long-term Management of Risk

Introduction and definitions

The Church of England, based on the message of the Gospel, opens its doors to all. This includes children, young people and vulnerable adults, but it also includes those persons who have committed offences, sometimes of a very serious nature, and who may have their own vulnerabilities. There is evidence that supports **the important role of faith and the role of the Church in the rehabilitation and reintegration of offenders and** ex-offenders in society.[12] **In order to ensure that church settings remain safe and accessible to all, a planned** and considered welcome to those who may pose safeguarding risks is needed.

Further details on the right of persons to attend church services are contained in Appendix 4**.**

This pathway sets out the steps, requirements and guidance to be followed in situations where a person who is not a

[12] **Byron Johnson and Sung Joon Jang, 'Crime and Religion: assessing the role of the faith factor', in R. Rosenfeld, K. Quinet** and C. Garcia (eds) ***Contemporary Issues in Criminological Theory and Research: The Role of Social Institutions***, Cengage, 2010; **Fergus McNeill and Beth Weaver**, 'Changing Lives? Desistance Research and Offender Management', Report No. 03/2010, **The Scottish Centre for Crime and Justice Research, June 2010.**

church officer may present a safeguarding risk to children, young people or vulnerable adults. This pathway does not deal with church officers who present a risk: that is dealt with in Pathways 4A, B and D–G.

In this pathway, the term 'church community' is used to refer to a group of people who come together to share **their Christian faith or attend church-related activities, usually around a central point such as a parish or cathedral. These people may come into the church for brief periods of time or may be regular attendees.**

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requIreMenTs

4C.1 The safeguarding officer must determine whether the individual in question is a person **who may present a safeguarding risk to children, young people or vulnerable adults.**

risk assessments

4C.2 Where a risk assessment has been carried out in respect of the respondent by statutory services, the safeguarding officer must seek to gain a copy of that assessment. Where such **a risk assessment is not suitable for the management of risk within the church context, the** safeguarding officer must carry out a separate risk assessment.

4C.3 The risk assessment carried out by the safeguarding officer must focus on assessing any specific **risks in the church context, and not the general level of risk as assessed by statutory services.**

4C.4 When carrying out a risk assessment, the safeguarding officer must use the **approved forms provided by the nsT.**

4C.5 The safeguarding officer must provide the subject of the risk assessment with the opportunity to comment on the draft risk assessment report for accuracy of facts and must share the final **report with that person. Where a report contains references to third parties, the safeguarding** officer must consider sharing a redacted version of the report, having taken the necessary data **protection advice.**

4C.6 The safeguarding officer must include in the risk assessment report a set of actions focused on the effective management of any risks identified, which should inform the Church Safety Plan.

Church safety Plan

4C.7 The safeguarding officer, in consultation with the subject of the plan and any relevant statutory **agencies or parties must draw up a Church safety Plan.**

4C.8 A Church safety Plan must:

- be proportionate to the risks identified within a church context, including their likelihood and impact;
- consider the support that can be put in place for the subject of the plan and/or the wider church community to enhance protective factors and minimise risks;
- be drafted using the approved templates provided;
- specify how compliance with the plan will be monitored and by whom, including how any breaches will be reported; and
- be dated and signed by all relevant parties (i.e. the safeguarding officer, the subject of the plan and anyone involved in support and monitoring arrangements).

4C.9 The Church safety Plan must specify any requirements that are placed on an individual in order to maintain their own safety and the safety of others.

4C.10 A Church Safety Plan must contain a review date based on the specific circumstances of the **case but must also allow for earlier review should these circumstances change. As a minimum, every safety plan must be reviewed every 12 months.**

4C.11 The review must be carried out by the safeguarding officer (or nominated member of their team) **in consultation with the subject of the plan, relevant statutory agencies and anyone involved in providing support and monitoring the arrangements set out in the plan.**

4C.12 If the safeguarding officer is satisfied at any review that the level of risk is such that a plan is no longer needed, the plan must be ended, and all relevant parties must be notified. The decision to **end a plan must be made in consultation with the subject of the plan, relevant statutory agencies and anyone involved in support and monitoring arrangements.**

4C.13 In the event of a person who is subject to a Church safety Plan moving and continuing to worship in a different diocese, the safeguarding officer must ensure that a copy of the Church Safety Plan is shared with the safeguarding officer in the new diocese.

4C.14 Where the Pso becomes aware of a breach of the Church safety Plan, they must report the breaches to the dso. Where statutory agencies are involved, the dso must inform the statutory services of the breach.

guidance

4C.1 Deciding whether the person is a risk

Within a church community, there will be individuals about whom nothing is known, but who may pose a safeguarding **risk. It is for this reason that the most effective risk management tool is to have a strong safeguarding culture. This means that everyone is alert to the possibility and signs that someone may have been abused or may be an abuser** and is confident in what to do about it.

For the purposes of this section, a 'person who may present a safeguarding risk to children, young people or vulnerable adults' refers to any individual who has been charged with, cautioned or convicted of an offence which:

- has harmed a child or a vulnerable adult;
- has caused a child or a vulnerable adult to be harmed;
- has put a child or a vulnerable adult at risk of harm;
- has attempted to harm a child or a vulnerable adult; and/or
- **has incited another person to harm a child or a vulnerable adult.**

For the avoidance of doubt, it also includes persons who are under or subject to a civil order, such as a Sexual Harm Prevention Order or similar, who have engaged in conduct that has harmed or might have harmed a child, young person or vulnerable adult, where this has resulted in a charge, caution or conviction – for instance, a fine but they might have received a warning, a penalty notice or a level of risk to others has still been

identified. This is particularly important given that statutory services must respond to (and meet) legislative requirements that the **Church is not bound by.**

The decision whether someone is a 'person who may present a safeguarding risk to children, young people or vulnerable adults' ultimately sits with the safeguarding officer. In making this decision, the safeguarding officer needs to take into account the nature of the offence or alleged offence or behaviour and consider whether applying this guidance is proportionate in a worshipping context. This includes situations where statutory investigations or processes have determined no further action, or where there has been no finding of guilt, because there may remain safeguarding concerns that meet the above criteria which require a plan to be in place for the safety of everyone. The important factor here is that the actions to mitigate the identified risk are proportionate.

Sources of information

Information about a person who poses safeguarding risks might come to the attention of a DSO/CSO in various ways – either through the person sharing that information themselves, though statutory agencies (e.g. police, probation) or through other members of the church community.

For some violent and sexual offenders, Multi-Agency Public Protection Arrangements (MAPPA) are in place to **ensure the appropriate management of risk. These arrangements generally bring together the police, probation** and prison services, as well as other relevant parties. A safeguarding officer will generally not be part of these **arrangements, but:**

- should ensure that they are aware of any arrangements relevant to their local area;
- should ensure that information relevant for the management of risk is shared with those agencies; and
- may seek and receive information from those agencies (e.g. they may receive information that an offender is on the Violent and Sex Offender Register – ViSOR).

4C.2 – 4C.6 The approach to risk assessment

Risk assessments play an important role in making church communities safe for all those who participate in them. If a risk assessment regarding a person who poses safeguarding risks has not been provided by statutory services or if the information within a risk assessment is not sufficient for the management of risk in the church context, the safeguarding

officer will carry out their own assessment. It is essential, however, that the safeguarding officer maintains contact with the relevant statutory services (e.g. the police, probation) throughout and involves them in **the risk assessment process.**

The purpose of a risk assessment is to assess, or to contribute to the assessment of risk of harm to children, young people or vulnerable adults, that may be presented by an individual. Such risks are considered within the context of **that person being a member of a church community and considering the ability of a church community to manage such risks.**

Each assessment helps to achieve the following:

- the identification and evaluation of risks of harm to children, young people or vulnerable adults, in terms of their likelihood and impact;
- how risks may be addressed or managed, and what safety would look like for individual children, young people or vulnerable adults;
- a shared understanding and common approach by those with safeguarding responsibilities to the management and reduction of risk; and
- a plan which seeks to ensure the safety of children, young people or vulnerable adults, and to address the safety of the person who presents a risk.

The Church's approach to risk assessment is underpinned by the following principles:

- a commitment to a just, fair and proportionate process;
- a non-discriminatory approach to risk assessment and risk management;
- an approach to risk assessment which is evidence-led and objective; and
- communicating well and including respondents in the process, which is done **with their involvement, rather than to them.**

Additional guidelines on the Church's approach to risk assessment can be found on the <u>Safeguarding Learning Portal.</u>

The safeguarding officer must use the NST's **<u>approved templates</u>** when carrying out a risk assessment and preparing **a risk assessment report.**

Engaging the person who may pose a safeguarding risk in the risk assessment process

When carrying out a risk assessment it is good practice for the safeguarding officer to supply the subject of the risk assessment with a clear statement which:

- explains why the risk assessment is required;
- identifies who will be involved in the assessment;
- explains how the assessment will be carried out; and
- explains that a copy of the final risk assessment report will be provided to them and may also be shared with others for the purposes of managing the identified risk.

4C.7 – 4C.9 The Church Safety Plan

All persons who may present a safeguarding risk to children, young people or vulnerable adults and who seek **to join or continue to be part of a church community, must have a Church Safety Plan in place.**

The aim of a Church Safety Plan is to set clear boundaries which allow an individual who may present a safeguarding **risk to join or continue to be part of a church community safely. A Church Safety Plan is not meant to be punitive in nature. Church Safety Plans can be put in place to protect the victims, other members of the Church and the subject** of the plan. The intention behind setting certain boundaries is to acknowledge risks that have been identified and find proportionate ways to manage them.

Church Safety Plans are most effective when they are drafted in a collaborative manner. The safeguarding officer, statutory partners, the subject of the plan and anyone involved in monitoring the plan (e.g. churchwardens, incumbents, PCC members, PSOs) must be involved in drafting it and must sign it. Other relevant parties may **also be invited to contribute to the development of the plan, as needed. All parties involved should ensure that the** requirements contained within the plan are sufficient and proportionate for the management of the risks identified, as well as enforceable.

The drafting of the terms of the plan should be informed by any risk assessments carried out and should include considerations of both risks and protective factors. When drafting a plan, safeguarding officers and others are asked to consider what the risks within the Church context are, what is working well, and what can be done to further mitigate the risks. Importantly, the needs of victims and survivors must be central to any discussions about a plan. Where relevant, restrictions that individuals are under from statutory partners should be reflected within any plan that is put in place by the Church. Consultation should take place with relevant statutory agencies, **such as the police or probation service and other relevant parties, such as the parish priest, parish safeguarding** officer and churchwardens.

Careful consideration should be given to situations in which the victim and/or their family and attend the same church – their needs must be prioritised, and the situation must be managed with sensitivity. In certain cases, it may be necessary to encourage the subject of the victim and/or their plan to attend a different service to ensure that the **family can continue to be part of a church community safely. Unless there are legal restrictions in place, this cannot be enforced through the Church Safety Plan, and therefore careful communication is required.**

The types of requirements that may be included in a Church Safety Plan, include:

- not meeting children, young people and/or vulnerable adults alone on church ground;
- stopping and avoiding any contact with the victim and their family;
- attending designated meetings only;
- sitting apart from children, young people and/or vulnerable adults during services;
- staying away from areas of the building where children, young people and/or vulnerable adults meet;
- only attending a house/home group where there are no children, young people and/or vulnerable adults;
- declining hospitality where there are children, young people and/or vulnerable adults present;
- never working or being part of a mixed-age group that includes children, young people and/or vulnerable adults;
- taking no official role in the Church or any role of responsibility where they are trusted by others;[13]
- **attending services at a particular time of day.**

The safeguarding officer should monitor the overall compliance of an individual with the plan, but compliance with specific requirements may be delegated to other relevant members of the Church, for instance, parish safeguarding officers, churchwardens or incumbents. Anyone involved in the monitoring of the plan will need to meet with the subject regularly, maintain records of any contact and share those records with the safeguarding officer or relevant statutory agencies as needed. Ultimately, the risks that an individual may pose will be held by the relevant **PCC or other governance board. In their roles as trustees, PCC members, cathedral chapter members and others** have a responsibility to manage safeguarding risks within their organisation[14] and should work closely with

[13] Individuals included in a barred list or who have been convicted of certain offences are disqualified from holding specific offices in the Church, including membership of a PCC, deanery synod, diocesan synod or the General Synod. See the **Church Representation Rules 2022** (as amended), Rule 68.

[14] Safeguarding and protecting people for charities and trustees - GOV.UK (www.gov.uk)

the safeguarding officer to ensure they are satisfied that safeguarding risks are appropriately managed.

Safeguarding officers should ensure that all the key information regarding a Church Safety Plan, including a copy **of each agreed version of the plan, is saved on the relevant systems. This should include information about referrals, meetings held, decisions and outcomes, including the rationale for all of these.**

Church bodies will need to make it clear to those individuals who are subject to a Church Safety Plan what data will be processed and why, and where and for how long that data will be stored. Church bodies can include this **information in a Privacy Notice.**

Guidance on records management is available on the Church of England website, which includes specific **guidance on the management of safeguarding records.**

4C.10 – 4C.12 Church Safety Plan reviews

Church Safety Plans must be kept under regular review to ensure that they remain effective in managing risk. It is good practice for a plan to be reviewed by the same group that drafted it. As a minimum, the safeguarding officer, the respondent and anyone involved in providing support and monitoring the plan must be part of the review. A review should cover the following considerations:

_____

- what is working and is not working;
- whether there have been any breaches;
- a review of any risk and protective factors;
- any changes required to the terms or requirements in the plan (including whether the plan continues to be needed); and
- an agreement on the date of the next review.

Reviews might trigger consideration of all risk factors, including any changing or new factors must be part of the review and should be explored if relevant.

Minutes should be kept from all review meetings and retained in the case files held by the safeguarding officer.

4C.13 Sharing information about the Church Safety Plan

It must be made clear to the parties who are involved in drafting, providing support, and monitoring the plan that the information included will be treated with sensitivity. The information should only be

disclosed to the parties involved **in providing support or monitoring compliance, provided that it is necessary and proportionate to do so. Only those** parties should be informed about the facts, except in situations where material needs to be referred to statutory services. In certain circumstances, victims, survivors and/or their families may also need to be informed, but this should be done with advice from statutory services and the information shared should be only what is necessary and proportionate. Data protection and legal advice must be sought before sharing any information about the plan with others and the rationale for sharing the information must be recorded.

When a person who is subject to a plan moves to the Church in Wales, a different diocese within the Church of England or to the Church by the copy of the Church Safety Plan must be shared by the safeguarding officer with the safeguarding officer **in the receiving diocese, for risk management purposes.[15] The relevant statutory agencies may also need to be** informed in these circumstances. The receiving diocese should review the Church Safety Plan to ensure that and may undertake their own risk assessment and built any new contextual factors have been taken into account and before someone into the plan. If a Church Safety Plan was ended officer should decided to move to a different diocese, the safeguarding Plan, but should inform not to share a copy of the Church Safety Plan, but should Church Safety the receiving diocese that the individual had a Plan in place, for how long and when it was ended.

When a person who is subject to a plan joins a different denomination (e.g. Roman Catholic, Methodist), the safeguarding officer should contact a relevant safeguarding professional within that denomination and inform them about the individual's background. This should only be done after taking data protection/legal advice and the **information shared must be minimal – necessary, accurate and proportionate. The relevant statutory agencies may also need to be informed in these circumstances.**

4C.14 Breaches of a Church Safety Plan

A Church Safety Plan is for the benefit of both the person who presents safeguarding risks and the Church, in order for someone to worship and participate safely. If a person who poses a

[15] Following the Independent Inquiry into Child Sexual Abuse, **dioceses, cathedrals, a number of royal peculiars and the National Church Institutions that form part of the Church of England and the Church in Wales have put in place an Information** Sharing Agreement. A separate agreement has also been put in place for HR-related information.

safeguarding risk refuses to sign a Church Safety Plan or refuses to comply with its terms, consideration should be given as to what other actions could be taken. This might are be excluding them from any activities or events which not open to the public in the same way as a service. Any breach of the Church Safety Plan must be reported to the safeguarding officer as soon as it becomes known. If the person refuses to agree to appropriate restrictions on church attendance, then it may also be necessary, for safeguarding purposes, to make a wider circle of people aware of that person's history. This would need to be discussed with the relevant data protection officer and the diocesan registrar first, to ensure that there is sufficient purpose and an appropriate lawful basis for sharing that information.

If other agencies are involved (e.g. the police, probation service), they must also be informed, at the earliest opportunity, about a person's unwillingness to agree to a Church Safety Plan or any breach of the plan's **requirements.**

Pathway 4d: MAnAgIng PosTHuMous sAfeguArdIng ConCerns And AllegATIons[16]

This is a specific pathway only for church officers who are deceased.

Section 1: Triage and Referrals

Section 2: Initial Contact and Support

Section 3: The Role of Safeguarding Case Management Groups

Section 4: Pathways

Pathway 4d: Managing Posthumous safeguarding Concerns and Allegations

4D.1 Support to the complainant

4D.2 Taking a balanced approach

4D.3, 4D.4 Information gathering

4D.4 – 4D.7 Risk assessment and management

Section 5: Risk Assessment

Section 6: Outcomes, Closure and the Long-term Management of Risk

Introduction

Safeguarding concerns and allegations involving individuals who are deceased can be extremely difficult to manage, as the actions that can be taken to assess what has happened and apply the usual criminal justice and disciplinary processes,

[16] **The requirements and guidance in this code refer both to safeguarding concerns and to safeguarding allegations.** However, for ease of reading, the term 'allegations' is used throughout, and must be taken to include safeguarding concerns.

are limited. Because no formal justice or finding of fact is made, this will impact the complainant's journey to recovery and closure.

In addition, the family members of the respondent may suffer adverse consequences from the allegations being made as it is likely to impact on a person's legacy and how they are remembered.

This pathway sets out the steps, requirements and guidance to be followed by church officers in response to posthumous safeguarding concerns and allegations involving former church officers.

This pathway covers requirements and guidance for both cases of direct abuse allegation and those cases in which a respondent is alleged to have failed to meet safeguarding requirements in the **Safeguarding Code of** Practice or the House of Bishops' safeguarding guidance**.**

The complainant

requIreMenTs

4d1: support for the complainant must be offered in line with the responding Well to Victims and survivors of Abuse guidance.

guidance

4D.1 Support to the complainant

There may be circumstances in which a safeguarding allegation is raised about a deceased person. In many cases, the complainant might not have been in touch with statutory services before the allegation was raised with the safeguarding officer, or they might have been in touch with the police many years before and the police decided to take no further action. It is difficult in these circumstances for the safeguarding officer to act. Many complainants will feel that it is too late for them to seek justice, and this may generate pain and negative feelings. In these circumstances, the safeguarding officer will need to ensure that they maintain a neutral position. If an allegation is raised against a person who is deceased, and if no process was followed at the time to prove that allegation, the safeguarding officer must acknowledge and take seriously the allegation and explain what steps are available. **It is important that the complainant is still offered the support they require, and the processes set out in the Responding Well to Victims and Survivors of Abuse guidance** must be followed. The safeguarding officer should explain the limitations to the complainant in an honest and empathetic manner.

The respondent

requIreMenTs

4d.2 W hen managing a safeguarding allegation involving a deceased respondent, the safeguarding officer and other relevant persons involved in the management of the allegation must, at all **times, remain alert to:**

- the fact that the respondent cannot provide a counter view to the allegation;
- the impact that the allegation might have on the relatives of the deceased person;
- what information is shared, how and with whom, including the impact that the information might have on how a person is remembered and their legacy;
- **t he fact that, in some instances, there may not be any remaining records or evidence** relating to the allegation; and
- the role of the safeguarding officer is risk assessment and management, not investigation.

guidance

4D.2 Taking a balanced approach

The safeguarding officer may be able to determine, from records and information from statutory services and third parties, that the respondent has already faced trial and been convicted. If the safeguarding officer is able to ascertain those facts with clarity and in relation to the safeguarding allegation that is being raised, then their approach to managing the case will be influenced by this information. The role of the safeguarding officer is to assess and manage risks – not to determine whether the allegation is true or false.

Engagement with the deceased respondent's relatives

In managing a safeguarding allegation involving a deceased respondent, the safeguarding officer should always **have consideration to the impact that the allegation might have on a deceased respondent's family members.** Many of them will not know that a safeguarding allegation has been raised and, in most instances, it would not be appropriate for the safeguarding officer to engage with them. It is only appropriate in circumstances where the safeguarding officer has reasonable grounds to believe that the allegation might be properly made.

In some cases, family members of the deceased person may find out if the complainant makes the allegation public, or if the complainant brings a civil claim against the Church and there is

a need to engage with those family members to collate evidence. In such cases, the safeguarding officer should seek to engage with them and explain the actions that the Church is undertaking to manage the safeguarding allegation. The safeguarding officer should also discuss **support needs, to determine if any support could be put in place for the deceased respondent's family or if they could** be referred on to other support services. Providing the family with information about the various processes that may apply, and the extent of those processes, may also be beneficial.

Information-sharing and media handling

The name of the deceased person against whom an allegation is brought, as well as the details of the allegation, should not be shared with anyone who sits outside of the risk assessment and management processes. Information should be shared in line with data protection legislation and advice should be sought from the relevant diocesan**registrar or data protection lead.**

The name of the respondent and details of the allegation should not appear in any public communications. This is particularly relevant for those circumstances in which a safeguarding concern or allegation was not proven in a court whilst the respondent was alive. Where a respondent has been convicted in the past for the specific safeguarding **allegation that is being reported, information may have already been shared publicly at the time of the conviction.**

Information, including the name of the deceased respondent, may become public through other means, including if the complainant or others involved in managing the allegation disclose that information on social media or to journalists. Allegations of non-recent abuse can be high-profile and attract significant media attention, especially when they involve multiple complainants, respondents or church bodies. In such cases, safeguarding officers should work closely with the relevant directors of communications and others to ensure that an appropriate **communications strategy is put in place. Where a safeguarding concern or allegation has not been proven in a court,** this strategy should balance the need to respond to any information that has been put in the public domain with the **need to respect a deceased person's memory and legacy. Any communications released should account for:**

- the principle that a person is innocent until proven guilty;
- the fact that the respondent cannot provide a response to the safeguarding allegation;
- the need for each decision on what to release in the public domain to be informed by the specific circumstances of each case; and
- **t he need to avoid stating or implying that a respondent is guilty.**

As above, the impact on the deceased respondent's family and close friends should also be taken into account. Alongside this, the impact of any communications on other potential victims or survivors, linked to the deceased person or not, should also be considered. Any communications should include the contact details of the safeguarding officer and information about support services.

Information gathering and identification of risk

requIreMenTs

4D.3 Where a posthumous safeguarding concern or allegation is raised against a former church officer, the safeguarding officer must gather any relevant information and establish if there are any **remaining risks associated with the situation.**

4d.4 Any information gathered and risk assessment carried out must be restricted to meeting the following aims:

- determining whether an individual was a church officer and if they have passed away;
- determining if safeguarding, statutory or disciplinary actions were previously taken against the respondent and, where possible, what the outcomes of those actions were;
- **a ssessing any remaining safeguarding risks arising from any links that the respondent** might have had with others who are alive and continueto serve as church officers, and whether further action needs to be taken against them;
- **a ssessing any safeguarding risks linked to the complainant and any other potential** victims or survivors;
- **a ssessing any safeguarding risks linked to the family or close friends of the respondent,** if they become aware of the safeguarding concern or allegation;
- whether an initial SCMG is required to deal with support for the complainant/deceased **respondent's family and any required communications.**

4D.5 Where information is identified that indicates other individuals who were linked to the respondent and who continue to be church officers may present safeguarding risks, those risks must be managed **in line with this code.**

4d.6 Where a case involves multiple complainants, respondents or church bodies, or where a case presents specific complexities, the safeguarding officer must decide whether an SCMG needs to be established. **Any sCMg established must run in line with the requirements outlined in section 3 of this code.**

4D.7 After the closure of a case, the safeguarding officer and, where one has been established, the SCMG, must undertake a reflective practice exercise, and must consider if a recommendation to undertake **a safeguarding Practice review should be made to the dsAP (or an equivalent committee).**

guidance

4D.3, 4D.4 Information gathering

Establishing that the respondent is deceased

There will be circumstances in which a safeguarding officer receives information about an allegation involving a church officer, but the information received does not indicate if the subject of the allegation is deceased. Whether **or not a person is alive is a key consideration for determining any ongoing safeguarding risks. For instance, if an** allegation regarding a member of clergy's alleged inappropriate behaviour towards a child is raised and they are deceased, any ongoing safeguarding risk and intervention may be very limited. However, if the same allegation is made about a member of clergy who has left the respective church body but continues to practice in a different diocese, then the level of safeguarding risk will be higher and different actions would need to be undertaken. The safeguarding officer may need to conduct initial searches or enquiries to determine if the person was a church officer, if they continue to be a church officer or if they are deceased. This includes:

- considering when the events are alleged to have taken place;
- **searching the <u>National Register of Clergy</u>**;
- **searching** <u>Crockford's Clerical Directory</u>;
- checking any relevant clergy personnel records, HR records or pensions/housing information;
- **accessing death records and archives that are public.**

Obtaining relevant evidence

In gathering information to enable them to consider the issues listed above, safeguarding officers should make **it clear to complainants and other relevant parties that the information is not being gathered as part of an investigation, but to ensure that any remaining risks are correctly mitigated.**

Generally, in cases of non-recent abuse, the extent of any information gathering and risk assessment carried out by the safeguarding officer will be limited, unless they are asked to support the gathering of information that is **relevant to a police investigation or a civil claim dispute.**

In gathering information for the purposes of establishing risk, the safeguarding officer should prioritise accessing and checking records, if still available. This may include contacting other safeguarding officers to check if relevant **information is held in other dioceses. Relevant records may include:**

- clergy personnel records;
- HR records;
- safeguarding records;
- parish records;

- **any archived records about disciplinary and criminal justice processes outcomes.**

It is important to note that in many instances, local retention policies might mean that these records either do not exist anymore, or a data minimisation exercise was carried out, so only a limited amount of information may be **available. It is also important to note that historically, data recording and retention arrangements might not have** been as robust, there may be difficulties and delays in obtaining any records that might have been kept at the time, and the quality of those records may not meet today's standards. It is good practice for the safeguarding officer to record in the case files what material has been unobtainable.

Where possible, safeguarding officers should avoid carrying out interviews and it may be disproportionate for them to share information about the allegation with those not involved, except in cases where there is information that indicates other church officers may pose a risk of significant harm to a child, young person or vulnerable adult. In such cases, the safeguarding officer would need to follow the appropriate pathway in this code. It may also be appropriate to use interviews when engaging with complainants or the families of deceased respondents, particularly when assessing any safeguarding risks to their wellbeing. Any information shared needs to be necessary, accurate and proportionate, with a clear rationale and aim, and should meet the requirements under data protection **legislation.**

If abuse took place, church bodies should reflect on their safeguarding arrangements and understand where such arrangements have potentially gone wrong. Learning lessons from such incidents and addressing any identified weakness or gaps is an important aspect of the management of recent and non-recent concerns.

There are limited circumstances where this would require a formal <u>Safeguarding Practice Review</u>**, but this is** generally unlikely. However, the reflective exercises required by that code of practice, and this one, may be used to identify particular areas of improvement, and should always be undertaken if an SCMG is convened.

4D.5 – 4D.7 Risk assessment and management

Establishing if there are any associated risks with a particular situation is not about the risk associated with the **deceased person, but any resulting risks that remain. These might be:**

- if the allegation is that a crime might have been committed (even if the crime is alleged to have happened many years ago) or that a child, young person or vulnerable adult might be at risk of harm, then relevant statutory services need to be informed;

- if the deceased person might have had connections with other individuals who continue to be connected to the church body and may pose a risk to vulnerable individuals

(for instance, if there is the possibility that a different church officer or a group of church officers covered up or failed to act to stop abuse from taking place);

- safeguarding risks may be identified in relation to the complainant and the respondent's family;
- other potential victims who may come forward as a result of publicity might be part of the respective church community or church body, and may require support;

- **i f the processes put in place to safeguard children, young people and vulnerable adults have failed,** their effectiveness will need to be reviewed and improved.

Pathway 4e: eMPloYees[17]

This is a specific pathway only for church officers who are employed.

Introduction

Section 1: Triage and Referrals

Section 2: Initial Contact and Support

Section 3: The Role of Safeguarding Case Management Groups

Section 4: Pathways

Pathway 4e: employees

4E.1, 4E.2 Managing allegations against employees

Section 5: Risk Assessment

Section 6: Outcomes, Closure and the Long-term Management of Risk

This pathway sets out the steps, requirements and guidance when responding to safeguarding allegations about an employee. For the purposes of this code, an employee is someone who has entered into or works under (or has previously worked under) a contract of employment with a church body.

This pathway covers both:

- situations where the allegation is that of direct abuse i.e. the employee is alleged to

[17] **The requirements and guidance in this code refer both to safeguarding concerns and to safeguarding allegations.** However, for ease of reading, the term 'allegations' is used throughout, and must be taken to include safeguarding concerns.

have engaged in actions or behaviours that have harmed, are likely to have harmed, or could lead to harm to, one or more individuals; and

- situations in which the allegation is that an employee, who is a relevant person under **the** Safeguarding (Code of Practice) Measure 2021, has not followed the **Safeguarding** Code of Practice and/or the House of Bishops' safeguarding guidance**.**

Where an employee is also a member of clergy, please refer to Pathway 4A**.**

The processes outlined in this pathway should be followed in conjunction with any relevant Human Resources (HR) policies and procedures.

4E.1 Process for managing allegations regarding employees

requIreMenTs

4e.1 **Church bodies must follow their Hr policies and procedures when responding to, assessing, and managing safeguarding allegations against employees.**

4e.2 **I n applying the Hr policies and procedures, the Hr lead (i.e. the person or department** responsible for HR/employment matters) must work closely with the safeguarding officer or the NST. The HR lead and the safeguarding officer must ensure that:

- there is a clear assessment made by the safeguarding officer as to whether it is a safeguarding allegation;
- risks arising from specific situations or types of abuse are considered, and appropriate measures are put in place to mitigate them;
- reporting requirements to statutory bodies are met;
- appropriate support is put in place for the complainant;
- appropriate support is put in place for the respondent;
- good quality records on how the allegation is handled are kept;
- where the matter might need to be referred to insurers, advice is sought from the relevant registrar or the legal office;
- there is an assessment whether the matter constitutes a Serious Safeguarding Incident and needs to be reported to the Charity Commission; and
- for employees engaging in regulated activity, a decision is made whether to refer the individual to the DBS for barring.

guidance

4E.1, 4E.2 Managing allegations against employees

Responding to safeguarding concerns or allegations about matters outside of the employment relationship.

Matters in an employee's personal life, which may have safeguarding implications for a church body, may be brought to the attention of a safeguarding officer or HR lead through various means, which may include a formal request for suspension from a LADO. These may be investigated, but only acted upon in circumstances in which it is clear that they have a bearing on the employment relationship and their role within the church body. Conduct outside of work, which is not linked to and has no bearing on the employment relationship, is unlikely to justify any disciplinary or similar HR action. The HR lead must give consideration as to whether the employee's line manager should be made aware of the matter that and decision. must document the outcome and rationale for

It is good practice for employers to outline any reasonable expectations of their employees' conduct outside of work (e.g. acceptable use of work equipment, social media use) in their HR policies, so that employees are clear about what is and what is not acceptable. Including examples of behaviours which might constitute misconduct or gross misconduct is also a helpful way of ensuring that expectations are made clear from the outset.

For misconduct that takes place, or is alleged to have taken place, outside the workplace, church bodies may not be able to fully assess the matters at hand and therefore it is important to focus on any overlap between the employment and the alleged clearly misconduct. The way in which the alleged misconduct outside of work impacts employment with the church body should be made clear to the employee from the start. In cases in which a police investigation is underway, the employer does not need to wait for the outcome of the investigation or prosecution before taking fair and reasonable action. As with misconduct at work, any disciplinary action taken in response to conduct outside of work must be justified, reasonable, proportional, follow a fair process and respect an individual's rights under employment law.

Responding to concerns where there are multiple employment contracts

The same principles as set out in Pathway 4E.1.2 would also apply to situations where an employee holds employment contracts with different church bodies. If one body receives a concern and is aware that they will be involved in similar work elsewhere, the need to decide, based on the specifics of the case, at what point (if any) they need to inform the other church body. If the contract is for a completely different role and there is no risk identified, church bodies would need to take advice and justify why if felt it was necessary and proportionate to share they with another employer in those circumstances. information

Responding to safeguarding concerns and allegations involving non-recent abuse or misconduct

For guidance on managing safeguarding allegations involving deceased respondents, please refer to the relevant pathway within this code. In cases where the respondent is now only a member of clergy and is no longer an employee in any capacity within the church, even if they were an employee at the time of the incident, please refer to the clergy pathway.

If a safeguarding allegation is raised about a current employee of a church body and it is about non-recent abuse or misconduct, due process needs to be followed to investigate the allegation raised, as outlined in the relevant HR policies and procedures. If the safeguarding concern or allegation refers to aspects of an employee's personal **life, including aspects linked to their past employment outside of the respective church body, the guidance in this** pathway applies.

If the allegation is non-recent abuse or misconduct linked to that person's employment, but the person is no longer an employee or resigns during the process, then HR leads, line managers and safeguarding officers still **have a responsibility to respond. A limited process is still required in order to:**

- provide a response to the complainant;
- **gather information, assess and manage any ongoing risk, including deciding** whether information needs to be shared and with whom;
- make any necessary referrals to the Charity Commission, LADO or DBS and;
- **gather any learning so that any similar situations can be avoided in the future.**

Assessing and managing any ongoing risk

Even though a respondent has left their role in a church body, from a safeguarding perspective the following **considerations need to be taken into account:**

- **i f the allegation is that a crime might have been committed or that a child, young person or vulnerable adult has been, or might be at risk of being, harmed, then relevant statutory services** might need to be informed;
- the respondent may have moved on to a role that involves contact with children, young people and vulnerable adults (inside or outside of the Church);
- **o ther potential victims might be part of the respective church community, church body or TEI,** and may require support;
- depending on the nature of the allegation, the respondent might have had connections with other individuals who may continue to be connected to the church body or TEI and may pose a risk to vulnerable individuals (for

instance, if there is the possibility that a different employee or a group of employees covered up or failed to act to stop abuse from taking place);

- **d epending on the nature of the allegation, if the processes put in place to safeguard children,** young people and adults are alleged to have failed, their effectiveness needs to be reviewed **and improved.**

Whilst HR, the line manager and the safeguarding officer would not be in a position to conduct a full investigation **or case assessment, they may:**

- check the relevant safeguarding, HR and other records and files;
- speak to other employees or individuals connected to the Church, who might have witnessed the alleged events or misconduct;
- consider if any information is held with regard to the employee's subsequent employment **or other roles.**

If information is held or becomes available about a former employee's current employment, then the need to share information about the allegation with the new employer should be considered. This will generally be done only in very **limited circumstances. The key questions that should be asked in this case are:**

- Are statutory services involved? Have they been informed? If yes, follow their advice.
- Has the diocesan registrar or the relevant legal advisor provided advice on whether the **information about the allegation should be shared? If not, ask for their advice.**
- **W hat is the nature of the allegation? Based on the records and information gathered,** should the allegation be true, would there be a continued risk of harm to children, young **people and vulnerable adults?**
- Does the individual's new role involve work with children, young people and vulnerable adults?
- **W ould children, young people and vulnerable adults potentially be at risk if information is not shared?**

Any information shared with a different employer needs to be necessary, accurate and proportionate, with a clear **rationale and aim, and should meet the requirements under data protection legislation.**

It is not advised that a safeguarding officer, HR lead or a line manager undertake efforts to contact other potential victims or survivors, unless specifically requested to do so by the police. Attempting to directly contact other **victims and survivors can lead to them being re-traumatised.**

Managing safeguarding risks

Safeguarding officers can support HR leads and line managers to assess any risks that may arise from allegations.

The actions that can be undertaken to manage risks (both on the initial receipt of the allegations and in the longer term) should be specified in the relevant HR policies and should be in alignment with employment law. Depending on the policy, these actions may include suspension on pay or re-arrangement of work responsibilities e.g. the employee ceasing to undertake certain duties or ceasing to have contact with certain people.

It is important to note that assessing risk is not a one-off action, but a process – a professional's understanding and assessment of risk in a particular situation can evolve over time, as a case progresses and further information becomes available. This means that HR, line managers and safeguarding officers will need to maintain an open **dialogue about the nature of any risks involved and any actions or measures needed to manage them.**

For clarity, there is no expectation that an SCMG will be convened to manage risk in cases involving employees. Instead, the relevant HR policy or procedure should be followed, and it may be that the policy already utilises **the use of a similar style of group in order to manage the risks.**

Support to the complainant and the employee

Support to the complainant must be offered in line with the requirements and guidance set out in the **<u>Responding Well to Victims and Survivors of Abuse guidance</u>**. This will generally be coordinated through the safeguarding officer.

Support for the employee should be specified in the relevant HR policy and should reflect an employee's rights under employment law e.g. the right to be accompanied in disciplinary hearings by a colleague or a trade union **representative.**

Record-keeping

HR leads and line managers should ensure that all the key information regarding a case is recorded on their own case management system. This includes timelines, details of any meetings held, any outcomes/decisions (including the rationale) and information about any referrals made. Church bodies will have different arrangements for the recording and storage of HR information, including details on the systems HR might need to use to record that **information.**

<u>Guidance on records management</u> is available on the Church of England website, which includes specific guidance on the management of safeguarding records.

Church bodies will need to make it clear to employees what data will be processed and why, and where and for how long

that data will be stored. Church bodies can include this information in a privacy notice.

Safeguarding officers should maintain records of the following:

- **that a matter has been assessed as a safeguarding matter needing input from a** safeguarding officer or the NST;
- information about referrals to statutory services – in situations where a decision was made not to make a referral, the rationale for this should be recorded;
- information about the support offered to the complainant and the respondent;
- any advice on risk management that was provided to HR or the line manager;
- the key outcomes that a HR process has achieved, where these outcomes are linked to the management of risk (e.g. suspension decisions).

Gathering relevant learning

If abuse took place, church bodies should reflect on their safeguarding arrangements and understand where such arrangements have potentially gone wrong. Learning lessons from such incidents and addressing any identified weakness or gaps in the effectiveness of relevant arrangements is an important aspect of the **management of both recent and non-recent allegations.**

This is a different process to that of conducting a formal, independent Safeguarding Practice Review. However, the reflective exercises and some of the principles outlined in the Safeguarding Practice Reviews Code of Practice can help HR, line managers and safeguarding officers to reflect on relevant lessons to be learnt.

risk Assessment – please refer to Section 5. outcomes,

Closure and long-term risk – please refer to Section 6**.**

Pathway 4f: fAIlure To folloW sAfeguArdIng requIreMenTs

This pathway only applies to relevant persons (including clergy) as defined ***in section 5A of the Safeguarding Clergy and Discipline Measure 2016.***

Section 1: Triage and Referrals

Section 2: Initial Contact and Support

Section 3: The Role of Safeguarding Case Management Groups

Section 4: Pathways

Pathway 4f: failure to follow safeguarding requirements

4F.1 – 4F.4 Initial enquiries

4F.5 – 4F.10 The initial Safeguarding Code of Practice meeting

4F.11 – 4F.15 Further code of practice meetings

Safeguarding Development Plan

4F.16 – 4F.19

4F.20 Closure

4F.21 Record-keeping

Section 5: Risk Assessment

Section 6: Outcomes, Closure and the Long-term Management of Risk

Introduction

This pathway only applies to relevant persons as defined in section 5A of the **Safeguarding Clergy and** DisciplineMeasure2016**. Any reference to 'safeguarding requirements' in this code means the requirements** (those in the blue boxes) included in the **Safeguarding Codes of Practice.**

Getting safeguarding right is part of a developmental journey and, despite the best intentions, individuals will make mistakes. This is why the initial approach to allegations regarding a failure to meet safeguarding requirements should be focused on competence and capability, rather than punishment. This pathway also offers a proportionate response where there is no actual complainant.

Everyone must be able to recognise when they make mistakes and be ready to learn from and, where possible, remedy them. Positive engagement with the process and signs of self-reflexivity are usually indications of a lower degree of risk and merit a proportionate approach. However, if a respondent does not positively engage with the **process or if the result of a failure to meet safeguarding requirements is such that the impact on someone's life is** significant, then a competence or capability process is unlikely to be appropriate and the relevant pathway under this code must be followed. This is a decision for the safeguarding officer and others involved in overseeing the **development of a respondent.**

This section introduces a new pathway which can more appropriately deal with a 'failure to follow' a safeguarding requirement, as long as this has not resulted in any direct harm. For example, this may be when someone has not carried out all the Safer Recruitment and People Management Guidance checks on a new appointment, and/or has not **appropriately convened an SCMG.**

This pathway applies to anyone who is a relevant person and who demonstrates a genuine desire to learn from any mistakes made and avoid them in the future. Escalation routes for more serious 'failure to follow' cases in which have resulted in direct harm, and in cases in which a respondent is not engaging with the process or continues to fail to **meet requirements, are included.**

requIreMenTs

Initial enquiries

4F.1 W here the safeguarding officer receives a safeguarding concern or allegation that a relevant person has failed to meet safeguarding requirements, the safeguarding officer must inform **the relevant manager or person who maintains oversight of that person's activity in the Church.**

4f.2 W here this relates to an employee, they must refer the matter to the Hr lead and the relevant Hr policies must be followed.

4f.3 Where the person is a member of clergy but not a bishop or archbishop, the safeguarding officer must inform the archdeacon, bishop, dean or other relevant senior person in the first **instance. If the matter relates to a bishop or archbishop, this must be referred to the nsT,** and references to the safeguarding officer will then apply to the NST caseworker.

4F.4 Where the subject is the safeguarding officer themselves, the matter will be dealt with by their line manager and the RSL. References to the safeguarding officer will then apply to the RSL.

4F.5 Where 4F.2, 4F.3 or 4F.4 applies, the safeguarding officer must carry out initial enquiries to **gather more information about the allegation and must initiate a safeguarding Code of Practice meeting.**

The initial safeguarding Code of Practice meeting

4f.6 The timing of the initial safeguarding Code of Practice meeting must be decided by the safeguarding officer and must be informed by the circumstances of the case.

4F.7 The safeguarding officer must decide who should attend the Safeguarding Code of Practice meeting. As a minimum, the safeguarding officer and the line manager, person who maintains oversight of that officer's activity in the Church or archdeacon (or other senior clergy) must **attend.**

4f.8 each safeguarding Code of Practice meeting must start with a consideration of any conflicts **of interest.**

4f.9 decisions in the safeguarding Code of Practice meeting must be made by agreement, provided that the safeguarding officer is part of that agreement.

4f.10 If the members attending the safeguarding Code of Practice meeting, having considered the information and evidence gathered by the safeguarding officer, are satisfied on the balance of **probabilities that the safeguarding requirements raised in the allegation have been met, then the case must be closed.**

4F.11 I f the information and evidence gathered by the safeguarding officer up to this point indicates **that a requirement has not been met, the attendees of the safeguarding Code of Practice** meeting must agree the scope of the information the safeguarding officer must collect, **in order for the group to make a decision.**

4F.12 T he safeguarding officer (or line manager or senior clergy where this would be more appropriate) **must then formally speak with the respondent and record their responses.**

O nce the safeguarding officer has met with the respondent, a second Safeguarding Code of **Practice meeting must take place to decide:**

4F.13

- whether there is sufficient evidence to close the case;
- whether the matter is serious enough to be dealt with by an SCMG process;
- whether the matter can be dealt with by a Learning and Development Plan.

4F.14 Factors that indicate the matter must be managed by the safeguarding officer as a safeguarding **learning and development issue are that:**

- **t he respondent recognises that they have made an error or have misjudged a situation,** and conveys a sense of regret and sorrow;
- the respondent understands and can explain the impact of what they have done on others;
- the respondent is keen to develop and strengthen their safeguarding competence;
- the respondent will accept the support offered;
- the respondent is willing to apologise directly to those who have been adversely affected;
- **t here is evidence that the respondent has previously taken safeguarding matters seriously** and promoted good safeguarding practice; and/or
- there is evidence that there are factors in the respondent's organisational systems/ contexts which adversely impacted on their actions/decisions.

Indicators that the matter must be managed under section 3: The role of sCMgs and Pathways 4A, b, or g are that:

- **t he actions allegedly taken or not taken by the respondent are very serious in terms** of their actual or potential impact on others;

4f.15

- the respondent does not recognise that they have done anythingwrong;
- the respondent does not recognise that their actions have had an adverse impact on others;
- the respondent maintains that they are in the right and cannot evidence any self-reflexivity on the matter;
- the respondent does not believe they need any developmental support with their safeguarding practice;
- there is a history of the respondent not taking safeguarding matters seriously;
- the respondent has refused to engage with the process so far.

4f.16 **If a decision is made that the matter should be dealt with as a learning and development issue, then a safeguarding development Plan must be put in place.**

The safeguarding development Plan

4f.17 T he safeguarding development Plan must be developed and agreed by the attendees of the safeguarding development meeting, and must be signed by the respondent.

4f.18 T he safeguarding development Plan must be proportionate, so may be brief, but must specify clearly:

- the rationale for the proposed additional learning, development and support;
- the expectations from the respondent;
- the expected outcomes and how these will be reviewed/measured; and
- how the plan will be monitored and by whom, including agreed review points and when the plan is due to be closed.

4F.19 Before closing a Safeguarding Development Plan, the safeguarding officer must organise a reflective session with the respondent, to assess if all the requirements and expected outcomes in the plan were met. The outcomes of the reflective session must be discussed with the **attendees of the safeguarding development meeting.**

4f.20 If a respondent fails to sign or engage with the safeguarding development Plan, or if the requirements and expected outcomes of the plan have not been met, the attendees of the safeguarding development meeting must trigger the processes under section 3: The role of sCMg and Pathways 4A, 4b or 4g under this code.

Closure

4F.21 The safeguarding officer must inform the complainant (where there is one) and the respondent **in writing about the outcomes and closure of a case.**

4F.22 The safeguarding officer must make and maintain a clear record of the allegation, how it was **managed and the outcomes of the safeguarding management process.**

guidance

4F.1 – 4F.4 Initial enquiries

The aim of this pathway is to provide an option for mistakes to be rectified without having to go through, at least in the first instance, the full pathway appropriate to the role. Therefore, initial enquiries need to focus on:

- **I s the person a relevant person?**
- Have they failed to follow (for whatever reason) any Safeguarding Code of Practice?[18]
- **I s this a procedural breach that has not resulted in direct harm?**

If the answer to these questions is 'yes', this pathway should be followed. If the answer to the last question is 'no', then

[18] **The Safeguarding Code of Practice is available in the Safeguarding e-manual.**

the role-appropriate pathway (4A, 4B or 4G) in this code must be followed.

4F.5 – 4F.10 The initial Safeguarding Code of Practice meeting

The purpose of the initial Safeguarding Code of Practice meeting is to:

- consider any information and evidence gathered to this point by the safeguarding officer; determine if any further information or evidence needs to be obtained; or whether
- **the matter must be closed or managed under the processes set out in Section 3, through** the SCMGs and the Section 4 pathways.

4F.11 – 4F.15 Further code of practice meetings

Unless the matter is considered closed or to be dealt with under the SCMG process, the safeguarding officer needs to discuss the concerns raised with the respondent, outlining:

- the nature of the allegation;
- any relevant facts;
- **the opportunity for the respondent to present their perspective.**

Once this meeting has taken place, a second meeting is called to review the facts gathered by the safeguarding officer, and determine the best outcome for the particular circumstances.

4F.16 – 4F.19 Safeguarding Development Plan

A Safeguarding Development Plan can include training, mentoring, coaching, reflective sessions and any other support that will help the respondent:

- reflect on and correct any mistakes, and
- improve their safeguarding knowledge and competency.

The attendees of the Safeguarding Development meeting must ensure that there is a clear rationale for how the additional learning, development and support will contribute to these aims. The exact requirements or arrangements put in place will depend on the nature of the concern or allegation.

The plan should include a defined timeframe within which the respondent is expected to meet any requirements. Clear review points and monitoring

arrangements should also be built into the plan, to ensure that the respondent receives support and is making progress towards improving their practice. These arrangements may involve the safeguarding officer or any of the other attendees of the Safeguarding Development meeting, as well as any other relevant church officers who may need to play a role (provided that this is discussed and agreed with them).

In cases where a safeguarding officer has failed to comply with a requirement, this plan should be set out by their line managerin consultation with the RSL.

4F.20 Closure

The key aim of this pathway is to allow reflection and improve practice, and the plan when developed should clearly state how these outcomes will be evidenced, and the final outcome should be recorded.

If they are not, or if the respondent fails to engage, or disengages with the process, then the other pathways in this code need to be followed. It needs to be recorded that attempts were made to follow this pathway but were unsuccessful.

4F.21 Record-keeping

Safeguarding officers should ensure that all the key information regarding a case is appropriately recorded. This should include information about referrals, meetings that were held, decisions and outcomes, including the rationale for all of these. Where the respondent is an employee, information must also be included within the respondent's HR file.

Pathway 4g: eleCTed MeMbers

Section 1: Triage and Referrals

Section 2: Initial Contact and Support

Section 3: The Role of Safeguarding Case Management Groups

Section 4: Pathways

Pathway 4g: elected Members

4G.1 Initial response and convening an SCMG

4G.2 Safeguarding enquiries

4G.3 The initial case summary and the role of the SCMG

4G.4 Managing immediate safeguarding risks

4G.5 Support

4G.6 Impact on church communities

4G.10 – 4G.14 The aims and scope of safeguarding enquiries

Section 5: Risk Assessment

Section 6: Outcomes, Closure and the Long-term Management of Risk

Introduction and definitions

This pathway sets out the steps, requirements and guidance to be followed in response to safeguarding concerns and allegations where:

- it covers a recent or non-recent concern or allegation; and
- the respondent is alive;
- the respondent is a lay person;
- the respondent has been elected to a post or office.

As outlined in Pathway 4F of this code, concerns of 'failure to follow' safeguarding requirements may be managed under this pathway, but only in cases in which the circumstances in that section are met. A separate pathway for the **management of posthumous safeguarding allegations is included in** Pathway 4D**.**

Structure

This pathway is structured into a series of steps that need to be followed when managing allegations involving elected members. Some steps and requirements may need to be followed in a different order to that presented in this pathway, to reflect the specific circumstances of each case. This should only be done on the advice of statutory services or an RSL (on behalf of the NST).

Definitions

For the purposes of this section, an 'elected representative' is any person who has been elected to a trustee **role in the Church. This includes, but is not limited to:**

- **m embers of PCCs**[19], including specific officeholders such churchwardens;
- **members of cathedral chapters.**

It is important to note that parish clergy are ex officio members of their PCCs[20] **and cathedral chapters**[21] will also **include members of clergy. Where this applies, the** clergy pathway (Pathway 4A) will take precedence, but there may be considerations included in this current pathway that are relevant – for instance, responsibilities deriving from charity law and those dimensions linked to an individual's role as a trustee. Similarly, readers and lay workers may be part of a PCC, but any allegations or concerns raised about them should be managed as a volunteer with a crosscheck to this section to ensure that any responsibilities deriving from charity law and that person's role as a trustee **have been considered.**

In rare circumstances, church bodies may have employed trustees. In those cases, this guidance must be followed in conjunction with the employees' pathway (Pathway 4E) within this code.

Where a person is elected to deanery, diocesan, or the General Synod, they usually discharge such responsibilities secondary to a role that they already hold in a parish. This code does not apply to them in their role as members elected to a synod. For example, if an allegation is brought against a member who is also a member of the General Synod's clergy pathway (Pathway 4A) within House of Clergy, this code would be followed.

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[19] The reference to PCC here includes Guild Church Councils and District Church Councils or other similar bodies.

[20] **see Church Representation Rules, section M15**

[21] **see Cathedrals Measure 2021, Schedule 1, section 1**

Expectations regarding the conduct of elected representatives

As trustees of a charity, elected representatives have specific responsibilities under charity law and should follow the **Charity Commission's safeguarding guidance.**[22] Specifically, elected representatives play a key role in protecting their staff, volunteers and the beneficiaries of their charity, and in managing any safeguarding risks that **arise in relation to any of these groups. As such, any safeguarding concerns or allegations raised about an elected** representative represents a serious concern in terms of specific behaviour, and in the governance of a church body. As senior church officers, elected representatives who become respondents to safeguarding concerns or allegations should ensure that they productively engage with safeguarding processes, recognising that a failure to do so could significantly impact the trust that beneficiaries, donors, volunteers and others put in that church body, its governance and mission. In addition, elected representatives will have specific responsibilities that arise from canon and ecclesiastical law.

Disqualifications and vacation of office

Under the Charities Act 2011, a person is disqualified from being a charity trustee under a number of different **circumstances, including:**

- if they have been convicted of a terrorism, money laundering, misconduct in public office, **perjury or perverting the course of justice offence, or any other offence involving dishonesty** or deception; and
- if they have been removed, in the past, from an employee or trustee role in a charity by an order from the Charity Commission or the High Court, on the grounds of misconduct.

Under the Church Representation Rules, Rule 68 states that a person is disqualified from holding a role in a **PCC if they:**

- are included in a barred list; or
- **have been convicted of an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933** (namely, a violent or sexual offence against a child).

The same disqualifications apply to members of cathedral chapters. These are outlined in section 36 of the **Cathedrals Measure 2021.**

In rare circumstances, the bishop of a diocese can waive these disqualifications, but they must consult the safeguarding officer before deciding to do so. The advice of the safeguarding officer must be recorded, along with the bishop's ultimate decision. If the bishop goes against

[22] **Under section 17 of the Charities Act 2011, the trustees of a charity have a duty to have due regard to the Charity Commission guidance. More generic Charity Commission guidance on a trustee's duties can be found here.**

the advice of the safeguarding officer, the safeguarding officer must raise this with the NST.

It is also important to note that there are a range of other disqualifications that apply to PCC members, which are **captured under the Church Representation Rules and the** Churchwardens Measure2001**.**

If a person is found to meet the above elected or nominated disqualifications when they apply or they are allowed to continue the process for a role, they must not be role. If a person is found to meet any of the above disqualifications whilst in role, they must be asked to take up the role with immediate effect.

4G.1 Initial response and convening an SCMG

requIreMenTs

Convening an sCMg

4G.1 When managing an allegation about an elected member, the safeguarding officer must convene an **sCMg, by following the requirements in section 3.**

4G.2 The safeguarding officer must explore what information is held in respect of the respondent and, **if that information could be relevant to a police or social services investigation, they must share it with the relevant authorities.**

guidance

4G.1 Initial response considerations

Where a safeguarding allegation is made against an elected member, but it relates to matters in an elected member's personal life, the safeguarding officer must exercise their professional judgement when determining whether to act on that information. This involves an assessment of whether the information received has any bearing on the elected member's role in the Church, particularly any work with children, young people or vulnerable adults. Where the safeguarding officer decides to initiate relevant safeguarding processes, a clear rationale must be recorded in the case notes, which should detail which aspects of that information are relevant for safeguarding purposes, how and why they are relevant.

When assessing a case where the information available refers to an elected member's personal life, the safeguarding officer should work closely with any statutory services involved and take their advice. The

safeguarding officer's **assessment of the case should be proportionate and should not lead to an unnecessary and intrusive collection of information about someone's personal life. For every question asked and action undertaken as part of the** assessment, there should be a clear rationale and a link back to an aspect of the respondent's work within the Church.

The above advice also applies to situations in which an allegation is made about someone in an elected member's close family. Generally, these situations will not trigger a safeguarding process under this code, unless there is a rationale to argue that the elected member has displayed concerning behaviours in how they dealt with that matter (e.g. where they actively covered up abuse inflicted by their family, or where they appear to believe that abuse inflicted by a member of their family is acceptable). This does not apply to situations in which the family member is directly involved in the life of the Church, as an employee, volunteer or otherwise, in which case they are a church officer, and this code will apply to them and the relevant process outlined in this code will be followed.

Responding to safeguarding allegations involving non-recent events, where the respondent has left the church body

Complainants who come forward to disclose non-recent abuse will have varied reasons for doing so: it might have taken them a long time to look at the events that they have experienced and see them as abuse; they might have felt scared to disclose whilst the respondent was still in active ministry; they may express a need or desire to achieve closure on past traumatic experiences; and/or they may wish to prevent others from becoming victims of abuse.

Regardless of when the events disclosed are alleged to have taken place, complainants should be taken seriously, **and their disclosures should not be ignored. A <u>trauma-informed</u> approach must be applied, and support must be** offered in line with the **<u>Responding Well to Victims and Survivors of Abuse</u>** guidance. Specific care should be given to the fact that the complainant might feel a sense of disappointment and/or frustration in situations in which limited action can be undertaken regarding the respondent (e.g. when a disciplinary process cannot be followed). Being open and clear about what processes can and cannot be followed from the start will help manage the complainant's expectations.

Assessing and managing any ongoing risk

Where an allegation refers to non-recent events and the subject of the allegation is a safeguarding officer may be faced with different scenarios, including if the elected member continues to be actively involved in ministry or has moved to hold any official role in the Church of England, but has stepped down to a different diocese or body, or when they have entirely form any church roles, and are effectively a member of the congregation only.

There are specific considerations that a safeguarding officer would have to keep in mind when acting in each **of these scenarios.**

If an elected member has left the respective church body or diocese, but continues to be actively involved in a different diocese or church body within the Church of England, then the safeguarding officer in that diocese (in line with the **Internal Information Sharing Plan**) and agree how the allegation will be taken forward and by whom. The requirements, advice and procedures set out in this code would then apply.

If the elected member has moved to a role outside of the Church, then from a safeguarding perspective the safeguarding officer would need to consider the following:

- **If the allegation is that a crime might have been committed or that a child, young person or vulnerable adult has been, or might be at risk of being, harmed, then the relevant statutory** services would need to be informed. Some police forces have specific teams that deal with allegations of non-recent abuse, and safeguarding officers should ensure that they maintain up-to-date knowledge whether or not such a team is available within their local police force.

- There may be transferable risks associated with the respondent, particularly in cases in which the respondent has moved, or may have moved, to a role that involves contact with children, young people and vulnerable adults. Close partnership working with statutory authorities is essential in these circumstances, as a church body may not always have information about a respondent's **subsequent roles outside of the Church.**

- Any risks associated with other potential victims being part of the respective Church community **or church body and may require support.**

- Depending on the nature of the allegation, the respondent might have had connections with other individuals who may continue to be connected to the Church and may pose a safeguarding risk, for instance there may be the possibility that a different church officer covered up or failed to act to **prevent abuse.**

- Depending on the nature of the allegation, if the processes put in place to safeguard children, young people and vulnerable adults have failed to do so, their effectiveness needs to be reviewed **and improved.**

In such circumstances, church bodies would still need to follow the requirements and processes outlined in this code, but the extent of any safeguarding enquiries and risk assessment carried out may be limited and would need to be proportionate. Disciplinary processes and procedures would only be applicable if the respondent

has moved to a new role in a different diocese or other church body.

If information is held or becomes available about a respondent's current role, then the need to share information about the allegation/concern with the new employer or the new religious organisation/denomination should be considered. This will generally be done only in very limited circumstances, usually via the police, LADO or other **relevant statutory authority. The key questions that should be asked in these cases are:**

- Are statutory services involved? Have they been informed? If yes, follow their advice.
- Does the individual's new role involve work with children, young people and vulnerable adults?
- What is the nature of the allegation/concern? Based on the records and information gathered, if the concern/allegation is substantiated, is there a continued risk of harm to children, young **people and vulnerable adults?**

- **Would children, young people and vulnerable adults potentially be at risk if information is not shared?**

- Have the diocesan registrar/the relevant legal advisor and the relevant data protection officer provided advice whether the information about the allegation/concern should be shared? **If not, seek their advice.**

Any information shared needs to be necessary, accurate and proportionate, with a clear rationale and aim, and **should meet the requirements under data protection legislation. The Internal Information Sharing Plan covers** information sharing with the Church in Wales, but does not cover information sharing with other religious **organisations or Christian denominations.**

If they are now simply a member of the worshipping community, the safeguarding officer would need to determine firstly if the requirements are met for any referrals to statutory services, and whether a risk assessment is required. It may be that there is no action which can be taken in respect of the alleged respondent, however support must always be provided to the survivor.

If abuse took place, church bodies should reflect on their safeguarding arrangements and understand where such arrangements have potentially gone wrong and why. Organisational learning from such incidents and addressing any identified weaknesses or gaps, as well as any cultural factors, are important aspects of promoting safer practice **and environments. Further guidance can be found in the code of practice on** Safeguarding Practice Reviews**.**

4G.2 Safeguarding enquiries

The requirements and guidance advice in this pathway should be followed alongside those in Section 3.

requIreMenTs

The role of the sCMg

4G.3 Ahead of the initial SCMG meeting, the safeguarding officer must prepare an initial case summary.

4G.4 The safeguarding officer must assess any immediate safeguarding risks and decide if any **mitigations need to be put in place in the short-term, for example an Interim Church safety Plan or suspension.**

4g.5 The sCMg must consider the support that is, or should be, provided to the complainant, the respondent and their immediate families or dependants.

4g.6 The sCMg must consider the impact of the allegation, and any actions taken in response, on the wider church community and put in place appropriate measures to address any negative impacts and mitigate risks.

4G.7 The safeguarding officer, in consultation with the SCMG, must decide what processes should **be initiated.**

4G.8 The safeguarding officer, in consultation with the SCMG, must decide the scope of any subsequent **safeguarding enquiries.**

4G.9 The safeguarding officer must compile the information gathered through any subsequent **enquiries in a report, which must be presented to the sCMg.**

safeguarding enquiries

4g.10 The aims of any safeguarding enquiries are to:

- gather relevant information and establish facts; and
- **identify any ongoing safeguarding risks.**

4G.11 If interviews are carried out, the safeguarding officer must make a written record of each interview, share it with the relevant interviewee to confirm its accuracy, and save it in the case files.

4G.12 Based on the information gathered, the safeguarding officer, in consultation with the SCMG, must determine if, on the balance of probabilities there is sufficient evidence to substantiate **the existence of an ongoing safeguarding risk. Where the determination is that there is not** sufficient evidence, the matter is unsubstantiated.

4g.13 I f the outcome is 'substantiated' the sCMg must follow the requirements in section 5 (risk Assessment).

4g.14 I f the outcome is 'unsubstantiated', the case must be closed at this stage and the sCMg must follow the requirements for closure in section 6: (outcomes, Closure and the long-term Management of risk.

guidance

4G.3 The initial case summary and the role of the SCMG

Ahead of the initial meeting of an SCMG, a safeguarding officer should prepare an initial case summary, which outlines the information known at that stage and any processes already initiated or that need SCMG consideration. The purpose of the initial case summary is to provide the SCMG with the background information needed in order to advise and make decisions on next steps in the management of a case. Generally, an initial case summary will include the following:

- **d etails of the initial allegation, including a summary of any information provided by the complainant** and the respondent and any relevant information from existing records, e.g. past safeguarding concerns recorded on the NSCMS or in the clergy personnel records;
- **i nput and plans from statutory services, or the rationale for not making a referral to statutory** services;
- a dynamic assessment of risk, based on information known at that stage, and any proposed mitigations in the short-term i.e. Interim Church Safety Plan, voluntary step down from duties, suspension;
- consideration of other referrals that have been, or may need to be, made in line with the requirements in Step 1 above;
- **d etails of any gaps in information that impede the effective assessment of the allegation and any** safeguarding risks, as well as plans for how this information may be gathered;
- **d etails of the support put in place for the complainant, the respondent and their immediate** families/dependants, and any proposals for additional support that may be needed;
- **i f appropriate, proposals for the communications and support that may be needed for the church community impacted by the allegation and any actions taken in response.**

The focus of each SCMG meeting will differ with the ongoing management of the case. Decisions made during SCMG meetings should be regularly reviewed in light of new information becoming available, to ensure that they remain **timely and relevant. A template for an initial case summary is available.**

4G.4 Managing immediate safeguarding risks

Interim Church Safety Plan

An Interim Church Safety Plan is focused on the short-term management of risk – i.e. whilst safeguarding and other **processes are ongoing. An Interim Church Safety Plan is not based on a formal or complete risk assessment, but a** dynamic consideration of risk by the safeguarding officer and the SCMG, as is being gathered. Interim Church Safety Plans, as relevant information requirements as regular and the Long-term Management follow the same (Outcomes, Closure of Risk). set out in Section 6

Interim Church Safety Plans need to be agreed and signed by the respondent. Any refusal to sign the plan should be considered by the SCMG. In such cases, alternative ways to manage risk need to be identified.

Suspension

Under Rule 69 of the **Church Representational Rules[23] an elected member can be suspended if:**

- **that person 'is arrested on suspicion of committing an offence mentioned in Schedule 1** to the Children and Young Persons Act 1933';
- that person 'is charged with an offence mentioned in that schedule without being arrested'; or
- the bishop 'is satisfied on the basis of information provided by a local authority or the police' that a person 'presents a significant risk of harm'.

A suspension will continue for three months from the point at which notice is given and may be extended by providing a further notice of suspension. It may be revoked earlier if the issue is concluded. In which case, the bishop has a duty to consult the safeguarding officer and other appropriate people. A person who receives a suspension notification under the circumstances explained above may appeal that decision to the president of the tribunals.

There are a limited range of circumstances in which an elected member can be removed. These are set out in Rule 68 **of the Church Representational Rules:**

A person is disqualified from 'being nominated, chosen or elected as, or from serving as, a member of a Parochial Church Council, a deanery synod, a diocesan synod or the General Synod' and 'from being appointed to act as, or ***from acting as, secretary or treasurer of a Parochial Church Council', if:***

- ***they are included in a barred list;***
- *they are 'convicted of an offence mentioned in Schedule 1 to the Children and Young Persons* ***Act 1933'.***

[23] **It should be noted that this matter is currently under consideration by the Electoral Reform Committee, and any** amended to the rules will require changes to this code.

If the elected member is also a trustee of a registered charity, there may also be grounds for their removal in line with Charity Commission guidance.[24]

4G.5 Support

Support to victims and survivors of church-related abuse must be provided in line with the requirements in the **Responding Well to Victims and Survivors of Abuse guidance.**

The availability of a senior member of clergy to meet with concerned members of the Church can provide an important opportunity for those persons to express any concerns or feelings. Assistance in managing those feelings, worries, anxiety and any crisis in faith should be provided. Some parishioners may want to pray together, and consideration should be given to how this can be safely facilitated.

Stress may also be experienced by members of clergy or parish staff/volunteers, who may have an increased workload as a result, as well as trying to support parishioners and coming to terms with their own feelings on the situation. Arrangements for what support may be appropriate to put in place for those individuals should be **considered by the SCMG, and may include the availability of a senior member of clergy, or support from a priest from a neighbouring parish.**

4G.6 Impact on church communities

When an elected member voluntarily steps down from duties because of a safeguarding allegation, this can have a significant impact on:

- members of the church community (e.g. parishioners);
- **o ther volunteer or elected members of the Church, such as PCC members, lay ministers,** churchwardens, parish and church school staff;
- victims and survivors who are part of the Church;
- **the family, relatives and friends of the respondent.**

As a result, it is important to consider and appropriately manage how the circumstances surrounding an allegation will be communicated to those groups and the support that may need to be put in place. What those communications and support may need to look like will be considered on a case-by-case basis by the SCMG.

It can happen that the members of a church community are divided in their attitude and loyalties, with some expressing disbelief

[24] **For further information, see** Charity trustees: resignation and removal - GOV.UK (www.gov.uk) **and seek appropriate legal advice.**

about what is being suggested and compassion towards the respondent, while others blaming the respondent or the church body, and expressing strong anger towards one or the other. It is not unusual for people **to come together to support and advocate on behalf of the respondent. On the other hand, feelings of disbelief,** anger and fear that others known to them may have been abused can impact on a church community's culture and **can persist for years. Those responsible for the leadership of a church community may need to consider undertaking mediation and community healing efforts to address such impacts.**

Communications

Care should be taken as to who shares information about the case, how it is shared and with whom, as well as **the impact that this can have on those receiving the information, including the complainant and respondent.**

The SCMG should decide whether and what communications are released to the members of the church community. This should be done with advice from the relevant director of communications. Advice from a diocesan registrar or the relevant data protection officer may also need to be sought. The respondent should be invited to express their wishes regarding the way in which communications should be released, including to their family members or relatives and close friends. Consideration should also be given to protect the complainant's safety and wellbeing.

Any information released publicly should be proportionate and should not compromise any disciplinary and/or statutory processes. Where appropriate, any communications released should be agreed with statutory services, and the respondent should be informed what is going to be shared. Whatever is shared in the public domain should **be minimal and necessary – sharing detailed information about the respondent and their life and activity in the** Church, where there is not a clear reason to do so, would not be proportionate.

Most communications released should include a reference to the safeguarding officer's contact details – ensuring that, where there is the possibility of multiple victims linked to the respondent, those victims have an avenue for disclosure. This also applies to victims who decide to disclose their experiences of abuse as a result of seeing the communications, even if their experiences are not linked to the respondent. References to available support should **also be included.**

4G.10 – 4G.14 The aims and scope of safeguarding enquiries

The safeguarding enquiries carried out by safeguarding officers are not the equivalent of a police investigation, **a social care assessment or an investigation as part of a disciplinary procedure. The enquiries are not focused on establishing a respondent's guilt. They are instead focused on the assessment and management of safeguarding** risks linked to a member of clergy's continued activity in the Church. However, information gathered through the processes outlined in this code may be shared with statutory services and may be used to initiate disciplinary **processes.**

The scope of any safeguarding enquiries carried out by safeguarding officers should be clearly defined and linked **closely to the allegation and the respondent's**

role in the Church. Where factual information has been established through other processes, for instance in criminal or civil proceedings or in a disciplinary process, that information should be taken into account.

The SCMG will use the information gathered as a result of these enquiries to determine if, on the balance of **probabilities, there is evidence of a safeguarding risk. 'On the balance of probabilities' means 'more likely than not'.**

As the SCMG considers the information gathered from the lens of identifying indicators of safeguarding risks, they may uncover other indicators of ongoing safeguarding risks, which would need to be assessedand managed.

For the purposes of this code, the following definitions are used:

- **substantiated** means that on the balance of probabilities there is sufficient evidence to substantiate the existence of an ongoing safeguarding risk.
- **unsubstantiated** means that on the balance of probabilities there is insufficient evidence to substantiate the existence of an ongoing safeguarding risk.

risk Assessment – please refer to Section 5. outcomes,

Closure and long–term risk – please refer to Section 6**.**

Section 5: risk Assessment

This core pathway must be followed for all allegations except for those in Pathway 4C: Managing Safeguarding Risks in the Church Community and Pathway 4D: Managing Posthumous Safeguarding Concerns and Allegations.

It must be read alongside specific considerations in each of the other pathways.

Section 1: Triage and Referrals

Section 2: Initial Contact and Support

Section 3: The Role of Safeguarding Case Management Groups

Section 4: Pathways

section 5: risk Assessment

5.1 – 5.10 Risk Assessments

Section 6: Outcomes, Closure and the Long-term Management of Risk

requIreMenTs

5.1

W here a risk assessment has been carried out in respect of the respondent by statutory services, the safeguarding officer must seek to gain a copy of that assessment.

5.2 **W here such a risk assessment is not suitable for the management of risk within the church** context, then the safeguarding officer must ensure:

- **f or non-clergy a separate risk assessment must be carried out.**
- **f or clergy, a recommendation to the bishop to direct a risk assessment under Canon C30 must be made.**

5.3 When carrying out a risk assessment in relation to clergy, the safeguarding officer must apply the Safeguarding (Clergy Risk Assessment) Regulations 2025. Safeguarding officers and **external risk assessors must familiarise themselves with this legislation before undertaking a risk assessment and must ensure that any risk assessment carried out meets the relevant legal requirements.**

5.4 Where the bishop, having considered the formal advice from a safeguarding officer, does not **make direction for a risk assessment to be undertaken, the bishop must provide the reasons** for this in writing, which must be added to the case files.

5.5 If a member of the SCMG, including the safeguarding officer, believes that the bishop is acting **in a way that does not manage risk effectively, they must escalate the matter to the nsT.**

for members of clergy <u>only</u>, the safeguarding officer, in consultation with the SCMG, must decide if the risk assessment should be carried out by the safeguarding officer or an external **risk assessor, by taking into account:**

5.6

- the complexity of a case;
- whether specific knowledge and skills are needed for the delivery of the risk assessment, based on the circumstances of each case; and
- the existence of any conflicts of interest.

5.7 Where the safeguarding officer decides that a risk assessment needs to be carried out by an **external assessor, the bishop must ensure that appropriate resources are made available for the risk assessment to be carried out, and a risk assessor from the approved list must be appointed.**

5.8 The risk assessment must focus on assessing any specific risks in the church context, and not **the general level of risk as assessed by statutory services.**

5.9 When carrying out a risk assessment, the safeguarding officer must use the approved national **forms.**

5.10 **A risk assessment report must contain a set of recommendations focused on the effective** management of any risks identified within the church context, in line with relevant regulations **and law.**

5.11 **The nsT must regularly review the quality of risk assessments carried out by external assessors and must use information from these reviews to inform the list of external assessors that it maintains centrally.**

5.12 The safeguarding officer must share the final risk assessment report with the SCMG (redacted **if needed).**

guidance

5.1 – 5.10 Risk assessments

Risk assessments play an important role in making church communities safe for all those who participate in them. **The purpose of a risk assessment is to assess, or to contribute to the assessment of, risks of harm to children, young** people or vulnerable adults, that may be presented by a respondent. Such risks are considered within the context of the respondent being a member of a church body, in relation to their specific role within the Church, and considering **the ability of a church community to manage such risks.**

Each assessment helps to achieve the following:

- the identification and evaluation of risks of harm to children, young people or vulnerable adults, in terms of their likelihood and impact in the church context;
- how risks may be addressed or managed, and what safety would look like for individual children, young people or vulnerable adults in the church context;
- a shared understanding and common approach by those with safeguarding responsibilities to the management and reduction of risk; and
- a plan which seeks to ensure the safety of children, young people or vulnerable adults, and to address the safety of the person who presents a risk.

The Church's approach to risk assessment is underpinned by the following principles:

- a commitment to a just, fair and proportionate process;

- a non-discriminatory approach to risk assessment and risk management;
- an approach to risk assessment which is evidence-led and objective; and
- communicating well and including respondents in the process, which is done with their involvement, **rather than to them.**

A risk assessment will generally be carried out by the safeguarding officer. In some instances involving members of clergy only, the safeguarding officer in consultation with the SCMG might decide that a risk assessment needs to be **carried out by an** external assessor and must then appoint an external assessor from the list of approved assessors maintained by the NST. External risk assessors are professionals who hold proven qualifications, experience and expertise in carrying out risk assessments.

The safeguarding officer, in consultation with the SCMG, should prepare the Terms of Reference of a risk assessment, in line with the relevant regulations and canon law, which should include estimated timelines. Where an external risk assessor is involved, the safeguarding officer should share the Terms of Reference and any other relevant information with the external assessor.

Additional guidelines on the Church's approach to risk assessment can be found on the Safeguarding Learning Portal. These highlight the need to embrace a systemic approach to risk assessment, which challenges the professionals involved in a case to look beyond lineal causal explanations that seek to apportion blame. Instead, professionals should consider the factors that can impact their thinking about risk and seek to understand what each person involved in a particular situation is doing to sustain a problem, and what can be changed to achieve safety. The emphasis here is on contextualising risk and analysing it, rather than merely describing it. The key considerations that a risk assessor must take into account when carrying out an assessment include:

- What is the nature of the risks identified?
- In what circumstances would they occur? (When, why, how?)
- How likely are the risks to occur?
- Who would be involved or affected, and what would be the severity of the impact?
- What are the specific circumstances within the given church context in which the risks identified **might become issues?**

The guidelines also emphasise the need to be comfortable with a degree of uncertainty, in which professionals recognise that not everything can be known about a situation, but that enough efforts must be made to obtain **information that can help make the situation safer.**

The safeguarding officer must use the Church's **approved standard risk analysis and risk management form** when **carrying out a risk assessment.**

When a risk assessment is completed, the report that is prepared should set out the risk assessor's opinion on the nature and likely extent of any safeguarding risk, and their recommendations on how to address or manage **any such risk.**

The assessment process

In line with the relevant regulations and canon law, when commissioning a risk assessment, the safeguarding officer should supply the respondent with a written statement which:

- sets out the Terms of Reference of the assessment;
- gives the reason for requiring the assessment;
- confirms whether the assessment will be done by the safeguarding officer or by an external assessor, and gives the name of the external assessor, if applicable;
- explains how the assessment will be carried out;
- **for clergy only, reminds the respondent of their right to request the president of the tribunals** to review the direction to undertake a risk assessment; and
- refers to the possibility that a copy of the final risk assessment, in full or redacted form, may be shared with other individuals involved in the management of the case or for the purposes **of risk management, including relevant statutory partners.**

In line with the relevant regulations and canon law, a respondent has a right to see a draft of the risk assessment report, which may need to be redacted to remove information about third parties. They then have 14 days to ask questions and make submissions, in writing, to the assessor. The assessor then has 14 days to reply, followed by 14 days for the respondent to come back with responses. These timescales may be extended by the safeguarding officer if they consider this to be 'reasonable in all circumstances'. A respondent should also receive a final version **of the report, in full or redacted form.**

sharing the risk assessment report

Past experiences have shown that it is extremely important for all SCMG members to have the same information when they advise on risk management. To this end, the safeguarding officer should ensure that all members of the SCMG receive a copy of the risk assessment report. Where the report includes references to third parties who have not given their consent for their names and information to be shared with the SCMG members, a redacted version of the report may be shared. Similarly, there may be instances in

which a report contains detailed information about a respondent's personal life, which may not be of significance for the ongoing management of risk. The collection of such information should be avoided in the first place, however, if the safeguarding officer has deemed it appropriate to include, then they should consider sharing a redacted form of the report with the SCMG members.

The safeguarding officer may also be required to share the report with others involved in the management of risk – for instance, with any relevant statutory partners or with the relevant bishop. In such cases, a redacted version of the **report may also be shared. Legal advice should be sought and any information shared should be proportionate and meet the requirements under data protection legislation.**

external risk assessments quality assurance

Risk assessments carried out by safeguarding officers will be quality assured by RSLs, in line with the Quality Assurance Framework.[25]

Previously, concerns have been raised regarding the quality of risk assessments carried out by external assessors. To address this, a quality assurance function has been embedded in the code. This will involve the NST reviewing a dip-sample of external risk

[25] This framework is currently being developed as part of the project focused on implementing Recommendation 8 of the Independent Inquiry into Child Sexual Abuse.

assessments every year to check for depth, consistency and other quality markers.

Section 6: outcomes, Closure and the long-term Management of risk

This core pathway must be followed for all allegations except for those in Pathway 4C: Managing Safeguarding Risks in the Church Community and Pathway 4D: Managing Posthumous Safeguarding Concerns and Allegations.

It must be read alongside specific considerations in each of the other pathways.

Section 1:	**Triage and Referrals**
Section 2:	**Initial Contact and Support**
Section 3:	**The Role of Safeguarding Case Management Groups**
Section 4:	Pathways
Section 5:	**Risk Assessment**
section 6:	**outcomes, Closure and the long-term Management of risk**
6.1, 6.2	Further action to manage ongoing risks
6.3 – 6.5	Safeguarding Development Plan
6.6, 6.7	Church Safety Plans
6.8, 6.9	Church Safety Plan reviews
6.10	Ending a Church Safety Plan
6.12 – 6.15	Apologies, closure and ongoing support to the complainant

requIreMenTs

outcomes and the long-term management of risk

6.1 **Taking into account the recommendations made in the risk assessment and any other** relevant information, the safeguarding officer, in consultation with the SCMG where **ppropriate, must decide if/what further action is needed to manage ongoing risks.**

safeguarding development Plan

6.2 The Safeguarding Development Plan must be developed by the safeguarding officer and **must be signed by the respondent.**

6.3 **The safeguarding development Plan must specify clearly:**

- the rationale for the proposed additional learning, development and support;
- the expectations from the respondent;
- the expected outcomes and how these will be reviewed/measured; and
- how the plan will be monitored and by whom, including agreed review points and when the plan is due to be closed.

6.4 Before closing a Safeguarding Development Plan, the safeguarding officer must organise a reflective session with the respondent, to assess if all the requirements and expected outcomes in the plan were met. The outcomes of the reflective session must be discussed with the other **members of the sCMg.**

Church safety Plan

6.5 **A Church safety Plan must specify any requirements that are placed on an individual in order to maintain their own safety and the safety of others.**

6.6 **A Church safety Plan must:**

- be proportionate to the risks identified, including their likelihood and impact;
- be drafted by the safeguarding officer, in consultation with the respondent, the SCMG, the relevant statutory agencies (e.g. police) and any other relevant parties;
- consider the support that can be put in place for the respondent and/or the wider church community to enhance protective factors and minimise risks;
- be drafted using the approved national templates;

- specify how compliance with the plan will be monitored and by whom, including how any breaches will be reported; and
- be dated and signed by all relevant parties, i.e. the safeguarding officer, the respondent **and anyone involved in providing support and monitoring arrangements.**

6.7 A Church Safety Plan must contain a review date based on the specific circumstances but must **also allow for earlier review should these circumstances change. As a minimum, every Church safety Plan must be reviewed every 12 months.**

6.8 T he review must be carried out by the safeguarding officer, or their appointed deputy, in **consultation with the respondent, the sCMg, the relevant statutory agencies and anyone involved in providing support and monitoring the arrangements set out in the plan.**

6.9 I f the safeguarding officer is satisfied at any review that the level of risk is such that a plan is no longer needed, the plan must be ended, and all relevant parties must be notified. The decision to **end a plan must be made in consultation with the respondent, the sCMg, the relevant statutory agencies and anyone involved in providing support and monitoring arrangements.**

6.10 W here the respondent refuses to enter into a safeguarding development Plan or a Church safety Plan, the safeguarding officer must:

- consider the respondent's reasons for disagreeing with such arrangements, and whether **there is scope to amend such arrangements in order to gain the agreement of the** respondent, whilst not compromising the safety of the complainant or of others; and
- consider if the risks identified should be managed using another option.

6.11 In the event of a person who is subject to a Church safety Plan moving and continuing to either exercise ministry or, if not ordained, worship in a different diocese, the safeguarding officer must share a copy of the Church Safety Plan with the safeguarding officer in the new diocese.

6.12 Where any church officer becomes aware of a breach of the Church Safety Plan, they must **report the breaches to the dso. Where statutory agencies are involved, the dso must inform the statutory services of the breach.**

Closure

6.13 Prior to closing a case which it has managed, the sCMg must consider:

- whether an apology to the complainant is needed;
- **i f any additional or ongoing support for the complainant or the respondent** is needed, and how this will be coordinated after the closure of the case; and
- **i f any additional or ongoing support for any church community affected is needed,** and how this will be coordinated after the closure of the case.

6.14 The chair of the SCMG and the safeguarding officer (or, if appropriate, another SCMG member) **must write to the complainant and the respondent to inform them about the outcomes and closure of a case. This applies even if the risk was found to be unsubstantiated.**

6.15 The safeguarding officer must record the outcomes of the safeguarding process in the case files and in the clergy personal file (blue file) where appropriate. This applies even if the risk **was found to be unsubstantiated.**

6.16 After the closure of a case, the SCMG must undertake a reflective practice exercise, and must **consider if a recommendation to undertake a safeguarding Practice review should be made to the dsAP (or an equivalent committee).**

guidance

6.1, 6.2 Further action to manage ongoing risks

Further action which may be needed can include the following:

- putting in place a Safeguarding Development Plan;
- putting in place a Church Safety Plan;
- making a recommendation to the bishop that the PTO/OPTO is withdrawn;
- submitting a complaint under the relevant disciplinary procedure;
- where the respondent is an ordinand, making a recommendation that a disciplinary process or equivalent is triggered by a TEI and/or making recommendations to the bishop relating to the ordinand's ongoing sponsorship, including whether this should be withdrawn.

6.3 – 6.5 Safeguarding Development Plan

A Safeguarding Development Plan can include training, mentoring, coaching, reflective sessions and any other support that will help the respondent to:

- reflect on and correct any mistakes; and
- improve their safeguarding knowledge and competency.

The safeguarding officer and the SCMG members must ensure that there is a clear rationale for how the additional learning, development and support will contribute to these aims. The exact requirements or arrangements put in place will depend on the nature of the allegation.

The plan should include a defined timeframe within which the respondent is expected to meet any requirements. Clear arrangements should also be built into the plan, to ensure that the respondent receives support and is making progress towards improving their practice. These arrangements may involve the safeguarding officer or any of the other SCMG members, as well as any other relevant church officers who may need to play a role, provided that this is discussed and agreed with them. A Safeguarding Development Plan template is available. A respondent's failure to engage with safeguarding training may constitute misconduct or may be a breach **of their employment contract or volunteer agreement.**

6.6, 6.7 Church Safety Plans

The aim of a Church Safety Plan is to set clear boundaries which allow a respondent to continue to deliver their **role and ministry in the Church safely. A Church Safety Plan is not meant to be punitive in nature. Church Safety Plans can be put in place to protect both the complainant, other members of the Church, and the respondent. The intention** behind

setting certain boundaries is to acknowledge the risks that have been identified and find proportionate ways **to manage them.**

Church Safety Plans are most effective when they are drafted in a collaborative manner. The safeguarding officer, other members of the SCMG (where an SCMG was held), anyone involved in monitoring the plan (such as churchwardens or PSOs) and the respondent should be involved in the drafting of the plan. This will ensure that the requirements contained within the plan are sufficient and proportionate for the management of the risks identified, as well as enforceable.

The drafting by the safeguarding officers and others are asked to consider what the risks within the Church context are, what is working well, and what can be done to further mitigate the identified risks. The needs of a Church complainants should be central to any discussions about a worship and Safety Plan, balanced against the need to restrict the worship and work of the respondent. Careful consideration should be given to the situations in which the complainant is a member of the **respondent's family and attends the same church.**

A template for a Church Safety Plan is provided. The types of requirements that may be included in a Church Safety Plan include:

- not meeting children, young people and/or vulnerable adults alone on Church ground;
- stopping and avoiding any contact with the victim and their family;
- attending designated meetings only;
- sitting apart from children, young people and/or vulnerable adults during service;
- staying away from areas of the building where children, young people and/or vulnerable adults meet;
- only attending a house/home group where there are no children, young people and/or vulnerable adults;
- declining hospitality where there are children, young people and/or vulnerable adults present;
- never working or being part of a mixed-age group that includes children, young people and/or vulnerable adults;
- taking no official role in the Church or any role of responsibility where they are trusted by others;[26]

[26] Individuals included in a barred list or who have been convicted of certain offences are disqualified from holding specific offices in the Church, including membership of a PCC, deanery synod, diocesan synod or the General Synod. See the **Church Representation Rules 2022** (as amended), Rule 68.

- **attending services at a particular time of day.**

It is important to note that members of clergy, by the nature of their role, are trusted individuals who will inevitably come into contact with children, young people or vulnerable adults as part of their ministry. As such, imposing blanket requirements, such as 'never meeting with children, young people and/or vulnerable adults' will not be an effective or realistic way to manage risk. Instead, requirements should be specific and should include mitigations.

The safeguarding officer will have a duty to monitor the compliance of a respondent with the plan, but overall compliance with specific requirements may be delegated to other relevant members of the Church (for instance, senior members of clergy who oversee the respondent's development and ministry, or church officers at the parish churchwardens). Anyone involved in the monitoring of level, such as the plan will need to meet with the respondent regularly, with the plan will need to meet with and share those records as needed. It is important that any contact statutory agencies as individual may present will be held by the risks that an individual or other governance body. In their roles as relevant DBF, PCC or PCC members, cathedral chapter members and trustees, DBF and responsibility to manage safeguarding risks within their others have a should, therefore, seek to work closely with the organisation.[27] **They** safeguarding officer and should ensure that they are content that **safeguarding risks are appropriately managed.**

It must be made clear to the parties who are involved in the drafting and monitoring of the plan that no information about the plan must be disclosed to others unless there is clear purpose and justification for doing so. This would include a the respondent breaches the plan, therefore be taken by the where disciplinary or otherwise action to be statutory services, Church; or where information needs to be shared with for the protection of children, young people or vulnerable adults or if it is in the public interest to do so. Expert advice must be sought before sharing any information about the plan should be recorded in the case for information sharing the files.

In the event of a person who is subject to a Church Safety Plan moving and the continuing ministry in a different diocese, a copy of Church Safety Plan should be shared with the safeguarding officer in the new **diocese. If a respondent moves to a different Christian denomination or Church, or to a role outside of a Church,** advice should be sought from statutory services and the relevant data protection lead as to what information may need to be shared with the respondent's new

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[27] **See the Charity Commission guidance on "Safeguarding and protecting people for charities and trustees".**

organisation/employer. Please also refer to guidance in the section on 'Responding to safeguarding concerns/allegations involving non-recent events', where the respondent is alive but has left the church body in which the events are alleged to have taken place.

6.8, 6.9 Church Safety Plan reviews

Church Safety Plans should be kept under regular review to ensure that they remain effective in managing risk. It is good practice for a plan to be reviewed by the same group who drafted it. As a minimum, the safeguarding officer, the respondent and anyone involved in providing support and monitoring the plan should be part of the review. A review should cover the following considerations:

- what is and is not working;
- whether there have been any breaches;
- a review of any risk and protective factors;
- any changes required to the terms or requirements in the plan (including whether the plan continues to be needed); and
- an agreement on the date of the next review.

Reviews might trigger the need for a revised risk assessment. A consideration of all risk factors, including any changing or new factors should be part of the review and should be explored if relevant.

Minutes should be kept from all review meetings and retained in the case files or on MyConcern or equivalent **case management system.**

Breaches of Church Safety Plan

Any breach of the Church Safety Plan must be reported to the safeguarding officer as soon as it becomes known. If **the person refuses to agree to appropriate restrictions, then it may also be necessary, for safeguarding purposes, to** make a wider circle of people aware of that person's history. This would need to be discussed with the relevant data protection officer or the diocesan registrar first, to ensure that there is sufficient purpose and an appropriate lawful **basis for sharing that information.**

If statutory agencies are involved, they must also be informed, at the earliest opportunity, about a person's unwillingness to agree to a Church Safety Plan or any breach of the plan's requirements. In certain circumstances, agencies may use this information to apply other powers that they may have.

6.10 Ending a Church Safety Plan

If at any point the safeguarding officer is satisfied that the respondent no longer poses a risk, they must consider ending the plan. To do this, the safeguarding officer should conduct a final risk assessment including gathering feedback from any monitoring parties involved and, where appropriate, from the SCMG and statutory services. Where **a plan has ended due to the death of the respondent, then no further action is needed beyond appropriate recording.**

The safeguarding officer must meet with the respondent to discuss this decision, allowing them the opportunity to **provide input.**

Once the decision is agreed to end the plan, the decision must be given in writing to the respondent and communicated in writing to any relevant stakeholders. This must be recorded, along with the rationale and any ongoing recommendations, on the respondent's file.

6.12 – 6.15 Apologies, closure and ongoing support **to the complainant**

Ensuring that the complainant is informed about the outcomes of the safeguarding process is an important element of providing a degree of closure. Whilst the process under this code cannot provide the same level of closure as a criminal justice or disciplinary process, communicating to the complainant that their allegation was taken seriously, and sharing the actions that were undertaken as a result of them raising their allegation with the Church, can provide **a degree of reassurance.**

Complainants might feel hurt, frustrated, disappointed or disagree with the outcomes of the safeguarding process.

Providing them with a safe space to express those emotions can be beneficial in supporting them to move forward. To this end, it is good practice for safeguarding officers to ask complainants what their preferred method of communicating this decision would be. This could include offering a face-to-face discussion or a call to discuss the process, if this would be beneficial to them.

Ongoing support for complainants must be offered in line with the **<u>Responding Well to Victims and Survivors of Abuse</u> guidance. In certain circumstances, the SCMG must consider the provision of an apology to the complainant.**

Section 7 of the guidance includes requirements and guidance regarding apologies, including consideration of how the complainant would like the apology provided and by whom.

Providing closure to the respondent

Feedback from respondents has consistently emphasised the importance of providing closure when a safeguarding **process is concluded. Communicating that a**

process has come to an end, the outcomes of it and the boundaries any future engagement (e.g. if a Church Safety Plan is put in place) plays an important part in this. To this end, it is good practice for safeguarding officers to ask respondents if a face-to-face discussion or a call to discuss the outcomes of the process would be beneficial to them.

Recording information

Safeguarding officers should ensure that all the key information regarding a case is appropriately recorded on the NSCMS. This should include information about referrals, meetings that were held, decisions and outcomes, including **the rationale for all of these.**

Church bodies will need to make it clear to complainants and respondents what data will be processed and why, and where and for how long that data will be stored. Church bodies can include this information in a Privacy Notice.

It is important to note that, under data protection legislation, individuals have a right to ask an organisation whether or not they are using or storing their personal information, by making a subject access request (SAR). **Guidance on SARs** can be found on the Information Commissioner's Office. Any records made by the safeguarding officer as part of the management of a case could be subject to a SAR. Guidance on records management is available on the Church of England website, which includes specific **guidance on the management of safeguarding records.**

For members of clergy, key information about the allegation should be added on that member of clergy's personnel file, with a cross-reference to any personal files held on a relevant case management system. Further guidance on **clergy personnel records can be found in the** 'Personal files relating to clergy' House of Bishops' policy.

Reflective learning exercises and Safeguarding Practice Reviews

As set out in the Safeguarding Practice Review Code of Practice**, it is a requirement that every SCMG conducts a** form of reflective exercise after the case has reached a conclusion. In some cases, this may be a very short exercise, in others it may require the commissioning of a formal Safeguarding Practice Review. Further information on when to commission a formal review, and the types of exercises that can be undertaken can be found in the code.

Appendices

Appendix 1: Insurance and civil claims

When an insurance claim is intimated, the safeguarding officer (or whoever receives the initial letter) should bring this information to the attention of the diocesan secretary, who is responsible for raising the matter with the relevant insurer. If a claim is received directly by a PCC, they should notify the safeguarding officer, however **it is for the PCC themselves to refer to their insurance company directly.**

Where a complainant brings forward, or is considering bringing forward, a civil claim against a church body, the church body should take into account the following considerations:

- A church body should be supportive in providing the complainant with information on the insurers are, explain that this is an option and explain that taking up this option would not impact **on any support provided under the Responding Well to Victims and Survivors of Abuse guidance.**

- **A civil claim does not prevent a church body from apologising to the complainant and further guidance on apologies can be found in the Responding Well to Victims and Survivors of Abuse guidance.**

Appendix 2: The National Register of Clergy

The National Register of Clergy is a publicly available list of all ordained clergy in the Church of England who are authorised to minister. A member of the public can search the register to verify whether someone has a licence for the PTO they can hold office, in the same way that they can search a qualified medical professional on the national directory. The National Register of Clergy was introduced under, and should be managed in line with, the **National** Ministry Register (Clergy) Regulations 2020**.**

Under the regulations, each diocese, the bishop acts as the 'registration officer' within the relevant diocese, is responsible for providing information to keep the register up to date. Bishops are supported by diocesan operation users (DOUs), nominated members of staff who are authorised to update the people system on behalf of the bishop.

When a member of clergy is suspended, temporarily withdrawn, or has their licence or PTO temporarily stepped down or permanently removed from duties, they need to be **immediately removed from the register. In dioceses, the safeguarding** officer will inform the relevant registration officer. For relevant cases, the NST will inform the relevant **archbishop. If the respondent's suspension is later revoked, if they return to duties or if they are granted PTO again,** the registration officer or DOU must be informed, so that the member of clergy can be added again to the register. The safeguarding officer or NST caseworker does not need to share the full details, only the need for a member of **clergy to be added or removed from the register.**

Appendix 3: Expectations regarding the conduct of members **of clergy**

Members of clergy are expected to meet high standards of personal and professional conduct. Some of these **standards are set out in the Guidelines for the Professional Conduct of the Clergy**. The guidelines are not definitive but can be used as a basis for understanding the expected behaviours from someone who is part of the clergy.

In addition, the Clergy Discipline Measure 2003 (CDM) provides a definition of what is considered 'misconduct', in Section 8 (1). This includes failures to comply with the requirements set out in a code issued under section 5A of the Safeguarding and Clergy Discipline Measure 2016. The Clergy Discipline Measure 2003: Code of Practice **includes** additional guidance on what is considered 'misconduct' under the measure (see pages 17–21).[28]

It must also be noted that, under the Sexual Offences Act 2003**, members of clergy hold 'positions of trust', as the** nature of their role requires them to have direct contact with children and young people from a position of authority. It is against the law for someone in a position of trust to engage in sexual activity with a child in their care, even if that child is over the age of consent (16 over). Allegations of this nature must be reported to the police.

Appendix 4: Right to attend church services

A parishioner[29] has the legal right to attend divine service and they cannot be excluded from a particular service unless there is a specific condition in a Sexual Harm Prevention Order or other court order, which restricts an offender or ex-offender's movements or actions in some way. All Church Safety Plans which relate to parishioners **are therefore voluntary.**

Although a parishioner has a right to attend public worship, this does not extend to other events taking place in the Church – for example, someone who presents risks can be excluded from attending gatherings or events after or outside of a service, including the meetings of specific groups or clubs. If

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[28] The Clergy Discipline Measure 2003 is due to be replaced with the Clergy Conduct Measure. The current code of practice accompanying the measure will also be replaced with a new code of practice. Once these changes are enacted, the guidance in this code will be updated.

[29] A parishioner is any person who resides within the parish boundaries and any person who does not reside within the boundary, but occupies any land within that boundary (without being a resident in it) and pays rent or otherwise, - e.g. a shop owner.

the person in question is **not a parishioner, they have no legal right to attend a parish church, even on Sundays or holy days.**[30]

The duty to provide an opportunity to worship for all also applies to cathedrals, and for cathedrals the ability to exclude a person from divine service is further limited. **The Legal Advisory Commission has advised that a cathedral** may have a legal status and role which is both local and national. This means that it would be wrong to refuse entry to any person who resides in England, unless it could be shown that they had some unlawful purpose for being present. **Further, it is possible that even overseas visitors could assert an interest in being admitted on the basis that some** cathedrals (e.g. Canterbury Cathedral, St Paul's Cathedral) have a place in 'international Christendom'.

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[30] Cole v Police Constable 443A [1937] 1KB 136.