

Chapter four

Recognising and responding to concerns

Developing a 'Safer Culture' and 'Safer Activities' will help to protect all those in contact with the Church but some concerns will still arise and it is important to know how to respond well.

Concerns can arise because of information someone discloses or something which is observed by others. This can relate to harm caused to an individual and/or forms of self-harm and self-neglect.

Important elements of responding well include: listening to concerns, recording information appropriately and considering who else may need to know.

Key practice points

- Concerns can relate to abuse of children or adults, self-harm, or other vulnerabilities caused by factors such as ageing, illness or disability
- Abuse can take many forms and occurs in many settings, including within the church
- Responding well to concerns requires both sensitivity and clarity about the need to report information to relevant people and authorities
- Always seek advice on any situation if you are unsure about whether to report a concern or make a referral to statutory services
- Synod Safeguarding Officers must be informed of any situations in which statutory services are involved.

Key responsibilities

Local Church:

- Promote awareness of different kinds of abuse and other vulnerabilities
- Seek to create a 'listening culture' and help people develop listening skills to respond appropriately in situations where sensitive information is disclosed
- Inform Synod Safeguarding Officer as a minimum of any situations where involvement from statutory services is / may be required
- Share information with statutory services as appropriate and co-operate with them during any investigations
- Report any serious safeguarding incident to the Charity Commission and notify the SSO.

Synod:

- SSOs will advise / lead when concerns about children or adults at risk need to be passed on to statutory services
- Ongoing liaison with statutory services when necessary
- Liaise with DSL on cases with particular complexity if required
- Support local churches to report serious incidents to the Charity Commission
- Synod Trusts should report serious safeguarding incidents occurring in buildings which they own to the Charity Commission.

DSL / Denomination:

- Provide additional advice in cases with particular complexity or high public profile
- Report serious cases related to ministers or the work of Assembly to the URC Trust who will notify the Charity Commission.



Types of safeguarding concerns

Concerns can take different forms and arise from a variety of different circumstances.

4.1 Understanding and recognising abuse

The consequences and the pain of abuse are long-lasting and, for children who are abused, the effects are likely to reach into their adulthood.

What is abuse?

Abuse is the violation of an individual's human rights, and it arises from misuse of the power and control that someone has over another. Abuse disrespects the (God-given) individual dignity and integrity of the person abused and usually undermines their sense of self-worth. It may consist of a single act or many repeated acts, and it can occur in any relationship with a child or adult. Abuse may be perpetrated as the result of deliberate intent, negligence or ignorance.

Who commits abuse?

Abusers come from all sections of society, and may well be perceived by others as respectable, reliable and trustworthy people. The majority of abusers are known to the victim and may often hold a position of trust or authority. Abuse may be perpetrated by an individual or a group, including:



Who is at risk?

Anyone can be at risk, but some groups are more vulnerable to abuse than others.

Children are more at risk of being abused if they:

- have disabilities or learning difficulties
- have parents with substance misuse issues or other acute needs
- have caring responsibilities.

Adults are more at risk of being abused if they:

- are isolated and have little contact with friends, family or those around them
- have difficulties with their memory
- have problems with communication
- are dependent upon a carer, whether this is a family member, a friend or a paid worker
- have a carer who is reliant upon them for financial or emotional support.

Where does abuse take place?

Abuse can take place in all kinds of different settings, including:



Grooming

Churches offer excellent opportunities for children and adults at risk to grow in faith, and are often one of the main places where they develop appropriate trusting relationships with those outside family or formal education / employment settings. However, as a result of these positive characteristics, churches can also provide opportunities for someone to target and groom children and those who are vulnerable.

Grooming is when someone builds a relationship, trust and emotional connection with a child or someone who is vulnerable with the intention of manipulating, exploiting and abusing them. It can take place over short (days or weeks) or long (months or years) periods of time.

Groomers may also build a relationship with the victim's family or friends to make them seem trustworthy or authoritative. This could include members of the victim's family or people within the church. For example, an adult who wanted to abuse a child might spend significant time and energy building a friendship with the child's parents / carers, the minister and members of the congregation. By grooming the adults around the child, developing a reputation of respectability, helpfulness or popularity within the church, the abuser makes it more difficult for the child to

disclose abuse, or for adults who may know the individual well to accept even the possibility that there could be a cause for concern or, if allegations are made, that they could be true. It is also possible for a whole congregation to be groomed, sometimes by those holding positions of leadership within the church.

4.2 Types of abuse

Abuse can take many forms and often there will be more than one type of abuse occurring at the same time. For example, there is an emotional aspect to all types of abuse, including witnessing abuse. The lists below are not exhaustive but outline the main types of abuse for children and adults. Further details are given in *Resource S5: Signs and Symptoms of Abuse*.

Definitions used in statutory guidance or procedures

England²⁴

For children, there are four main types of abuse (taken from *Keeping Children Safe in Education 2023, Working Together to Safeguard Children 2018*).

Physical	A form of abuse which may involve hitting, shaking, throwing, burning or scalding, inappropriate restraint or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child, or misuses medication.
Sexual	Forcing or enticing a child to take part in sexual activities, not necessarily involving violence, whether or not the child is aware of what is happening.
Emotional	Persistent emotional maltreatment such as to cause severe and adverse effects on a child's emotional development.
Neglect	The persistent failure to meet a child's basic physical and / or psychological needs, likely to result in the serious impairment of their health or development.

For adults, government guidance on the Care Act 2014 indicates ten main types of abuse.²⁵

Physical	Includes: assault, hitting, slapping, pushing, misuse of medications, restraint, inappropriate physical sanctions.
Sexual	Includes: rape, indecent exposure, sexual harassment, sexual photography, inappropriate looking or touching, sexual teasing or innuendo, subjection to pornography; or witnessing sexual acts, indecent exposure, sexual assault, sexual acts to which the adult has not consented or was pressured into consenting.
Emotional	This includes threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation, or withdrawal from services or supportive networks.
Neglect and acts of omission	This includes ignoring medical or physical care needs and failing to provide access to appropriate health, social care or educational services. It also includes the withdrawing of the necessities of life, including medication, adequate nutrition, and heating.

24 Broadly similar to frameworks used in the Channel Islands and Isle of Man.

25 www.bit.ly/3tsQkWi

Financial or material abuse	This includes theft, fraud, internet scamming, and coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions. It can also include the misuse or misappropriation of property, possessions, or benefits.
Domestic abuse	This includes physical or sexual abuse, violent or threatening behaviour, controlling or coercive behaviour, economic abuse, and psychological, emotional or other abuse by people who are intimate partners, ex-partners, family members or individuals who share parental responsibility for a child. It applies where both parties are aged over 16, but there is no requirement for the victim and perpetrator to live in the same household for the behaviour to meet the definition of domestic abuse.
Organisational abuse	This includes neglect and poor care practice within an institution or specific care setting, such as a hospital or care home, or in relation to care provided in one's own home. Organisational abuse can range from one-off incidents to ongoing ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.
Self-neglect	Broadly defined as neglecting to care for one's personal hygiene, health, or surroundings (including hoarding).
Modern slavery	This includes slavery, human trafficking, forced labour, and domestic servitude.
Discriminatory abuse	Abuse that centres on a difference or perceived difference, particularly with respect to race, gender, disability, or any of the protected characteristics of the Equality Act 2010.

Wales

Wales Safeguarding Procedures set out five categories of abuse for both children and adults: physical, sexual, psychological, emotional or financial abuse. This includes abuse taking place in any setting, whether in a private dwelling, an institution or any other place.

Physical	<p>Children: deliberately hurting a child or young person including through physical restraint, inflicting burns, cutting, slapping, punching, kicking, biting or choking, stabbing or shooting, withholding food or medical attention, drugging, denying sleep, inflicting pain, shaking or hitting babies, fabricating or inducing illness (FII).</p> <p>Adults: This includes hitting, slapping, over or misuse of medication, undue restraint or inappropriate sanctions.</p>
Sexual	<p>Children: Contact abuse involves touching activities where an abuser makes physical contact with a child. Non-contact abuse involves non-touching activities, such as grooming, exploitation, persuading children to perform sexual acts over the internet, flashing, encouraging a child to watch or hear sexual acts, not taking proper measures to prevent a child being exposed to sexual activities of others.</p> <p>Adults: This includes rape and sexual assault or sexual acts to which the adult has not or could not consent and / or was pressured into consenting.</p>

Psychological	Includes threats of harm or abandonment, coercive control, humiliation, verbal or racial abuse, isolation or withdrawal from services or supportive networks, witnessing abuse of others.
Emotional	The ongoing emotional maltreatment of a child which can seriously damage a child's emotional health and development. Includes a wide range of behaviours such as trying to scare or humiliate a child, isolating them, scapegoating a child, exposing them to distressing events, failing to promote their social development.
Financial	Includes theft, fraud, pressure about money, misuse of money.

Further details can be found at: www.safeguarding.wales/en/glossary/.

Further examples of abuse

In addition, there are other types of harm that may not be specifically mentioned in legislation or statutory guidance, but which are relevant for safeguarding children and adults at risk. These often combine elements of the different types of abuse listed above.

Child sexual exploitation (CSE)

This is where a child is coerced, manipulated or deceived into taking part in sexual activity. It includes physical contact, but also non-contact activities such as involving children in the production of sexual images, forcing children to watch sexual activities, encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse including via the internet.

Child criminal exploitation (CCE)

This is where a child is coerced, manipulated or deceived into taking part in criminal activity. It can include being forced or manipulated into transporting drugs or money through County Lines, working in cannabis factories, shoplifting, or pickpocketing, threatening / committing serious violence to others.

Child-on-child abuse (sometimes known as peer-on-peer abuse)

This is any form of physical, sexual, emotional (including coercive control) or financial abuse directed at a child by another child of a similar age. Everyone directly involved in this kind of abuse is under the age of 18. It can take various forms, including serious bullying, online abuse, harmful sexual behaviour, consensual or non-consensual sharing of sexual images.

Domestic abuse experienced by children

Children can experience domestic abuse by seeing and / or hearing the abuse within the family, or seeing the injuries or distress afterwards, as well as being directly targeted. They can also experience domestic abuse in their own intimate relationships (teenage relationship abuse).

Child abuse linked to faith or belief

Abuse linked to faith or belief is where concerns for a child's welfare have been identified, and could be caused by, a belief in witchcraft, spirit or demonic possession, ritual or satanic abuse features; or when practices linked to faith or belief are harmful to a child.

Radicalisation

This can apply to both children and adults who become susceptible to extremist ideology. This may occur directly through a relationship, through social media or other online material. Extremism is the vocal or active opposition to our fundamental values, including democracy, the rule of law,

individual liberty and the mutual respect and tolerance of different beliefs. Radicalisation refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.

Spiritual abuse

This includes the inappropriate use of religious belief or practice, coercion and control of one individual by another in a spiritual context, or the abuse of trust or misuse of power by someone in a position of spiritual authority, such as a minister.

Mate crime

This is a term used where people, particularly individuals with learning difficulties or mental health issues, are befriended with the intention of them being exploited and abused financially, physically, emotionally or otherwise.

Signs and symptoms of abuse

It is important to be able to recognise the possible signs of abuse. Observing any of the signs or symptoms does not necessarily mean that a person is being abused; there could be perfectly ordinary explanations. However, the observation of multiple signs and symptoms, together with explanations which are inconsistent or do not ring true, should give more cause for concern. There can also be an overlap between the signs and symptoms for different types of abuse.

Resource S5: Signs and symptoms of abuse includes a more comprehensive table of definitions, signs and symptoms of the different types of abuse.

Key points to remember

- All abuse involves the misuse of power
- Secrecy is fundamental to abuse continuing, and victims are often trapped before they know what has happened
- If a child sees or hears domestic abuse, this is considered to be child abuse
- Any type of abuse committed within the church can also have a negative impact on someone's faith and relationship with God.

4.3 Other safeguarding concerns

In addition to being aware of different kinds of abuse, it is also important to be alert to other types of safeguarding concern including:

Dementia and memory loss

Memory loss can obviously be very difficult and distressing for the individual. Particular concerns may arise if their behaviour is:

- putting themselves and / or other people in danger (eg hoarding which creates a fire risk)
- causing fear or alarm in others (eg unintentionally frightening a child or making inappropriate comments)
- out of character and not typical of their usual behaviour.

Resource S5: Signs of possible dementia / memory loss provides some prompts which might help to identify concerns and whether a formal diagnosis may then be needed.

Self-harm and suicide risks

Self-harm is defined as: the intentional damage or injury to a person's own body. It is often used as a way of coping with, expressing or releasing overwhelming emotions and distress. It may also be about converting emotional pain into physical pain, expressing something that is hard to put into words, or giving the individual a feeling that they are in control.

Factors which may put a person at risk of suicide are complex but may include: a history of trauma or abuse; a family history of suicide, substance misuse, a serious or chronic health condition, prolonged stress, a recent tragedy or loss.

See 'Useful Links' on the Resources page for further information.



Recognising and responding to safeguarding concerns

This section applies to any of the different types of concerns identified in 4.2. and 4.3 above.

4.4 The 4 Rs

The 4 Rs, which are universal in safeguarding, show us what to do if there are concerns about the safety and welfare of someone.

1. Recognise the concern.
2. Respond well, acting in an open and transparent way.
3. Record what has been seen, heard or said.
4. Report concerns, informing the appropriate people.

Recognising the concern

You might become aware of concerns in different ways. For example:

- Something you see. This might be an injury or behaviour consistent with abuse and unlikely to have been caused another way; indications of abuse through artwork, play or posts on social media; or abuse witnessed first-hand
- Something you hear. Someone discloses to you abuse that they have experienced; abuse is disclosed by someone else who knows the person experiencing abuse; indications of abuse through language and conversation, perhaps that is inappropriate for the age or context
- Something that troubles you – that feeling that something is not right with a situation.

It is important to act if you suspect abuse ...

Key questions to ask yourself are:

- Does it look right?
- Does it sound right?
- Does it feel right?

In cases of abuse, victims are often reluctant to make direct disclosures. If the abuser is a family member or has shared a long-term relationship with the victim in a trusted setting, or holds a position of responsibility within the church, it can be especially painful for victims to acknowledge that abuse has been committed against them. Subsequently, it can be even harder for them to be open with others about what they have experienced, either at the time or at a later date. Sometimes concerns may arise because of changes in behaviour or physical appearance that you have noticed, or because of something another person has told you, rather than from a direct disclosure.

It is important to act if you suspect abuse – don't wait until you are absolutely sure or have solid proof.

Sometimes a perpetrator will disclose abuse themselves but may offer a minimised version of events. They may also be respected and well-liked within the church, which can affect people's judgement. Abusers may not only groom children or adults at risk, but may also manipulate others around them, making it more difficult for those who may know the individual well to accept even the possibility that there could be a cause for concern.

If anyone is made aware that a person attending their church has been convicted of an offence against a child or adult at risk, or has had an allegation of this nature made against them at any time, they must immediately inform the Church Safeguarding Coordinator or the Synod Safeguarding Officer.

Responding well if someone discloses sensitive information

It can be difficult to hear a disclosure of abuse, or that someone is contemplating suicide, or is at risk of being harmed in other ways. If a person chooses to trust you with difficult and sensitive information, don't try to 'interview' them but focus on listening calmly to what they want to say.

Listen and reassure

- Listen attentively
- Remain calm – be aware of your body language and non-verbal communication
- Reassure – they are not to blame and have done the right thing in telling you
- Do not promise confidentiality – tell them that this information needs to be shared. Always seek advice if you have any concerns and don't know what to do.

Managing the conversation

- Ask open questions – Tell me, Explain to me, Describe for me (TED). Do not ask closed or leading questions, and don't try to investigate
- Repeat back what you have heard them say
- Avoid making comments or judgements
- Don't stop an individual who is talking freely about what has happened.

Taking appropriate action

- Seek medical attention if necessary
- Explain to them what will happen next – tell them whom you are going to tell, and give them a timescale

- Don't confront those alleged to be responsible
- Keep quiet – once you have passed the details on to the relevant person, you should not tell anyone else about the disclosure – not even for prayer purposes.

Please note: Investigating to see if your suspicions are true is not a correct response.

Whenever someone reports that they are suffering or have suffered abuse or neglect, are at risk in other ways, or that they have caused harm to others, the initial response from all professionals and volunteers should be limited to listening carefully to what they say in order to:

- clarify the concerns
- offer reassurance about how they (and others who may be at risk) will be kept safe
- explain what action will be taken, and within what timeframe.

The individual must not be pressed for information, led or cross-examined, or given false assurances of absolute confidentiality, as this could make the follow-up more difficult and could prejudice police and other investigations.

Recording information

Safeguarding records provide a history of what happened, summarise what the workers did, and ensure that when people move on the account is not lost. Records should include:

- who was involved – the names of key people, including actual or potential witnesses
- what happened – facts not opinions. Use the person's own words where possible
- where it happened – specific location and address
- when it happened – date and time
- who it was referred on to and, if known, what the outcomes were – what happened next, including full names, roles and contact details
- the name of the person completing the form / record, their signature and date.

Records should be written up as soon as possible after the event. They should be clear and concise, use the individual's own words, and avoid jargon. Notes should be relevant and factual, without including opinions or judgements. It is not your role to verify or prove that the information given is true.

It is important to write a record of what you have recognised, no matter how small or seemingly inconsequential it may appear. A church member or worker may only have made one small observation, but that piece of information may be vital when put together with other details to make the big picture. Use *Resource F1: Safeguarding Concern Form* to record your concerns. Where possible, use options to help keep the information secure eg password protected documents.

Handwritten notes made immediately after the event can act as evidence of them having been written at the time in a future court case. Therefore, these should be kept, even if the details are also later typed. All records should be kept securely, and only disclosed to the appropriate authorities. The Synod Safeguarding Officer will input relevant details on to the URC case management system.

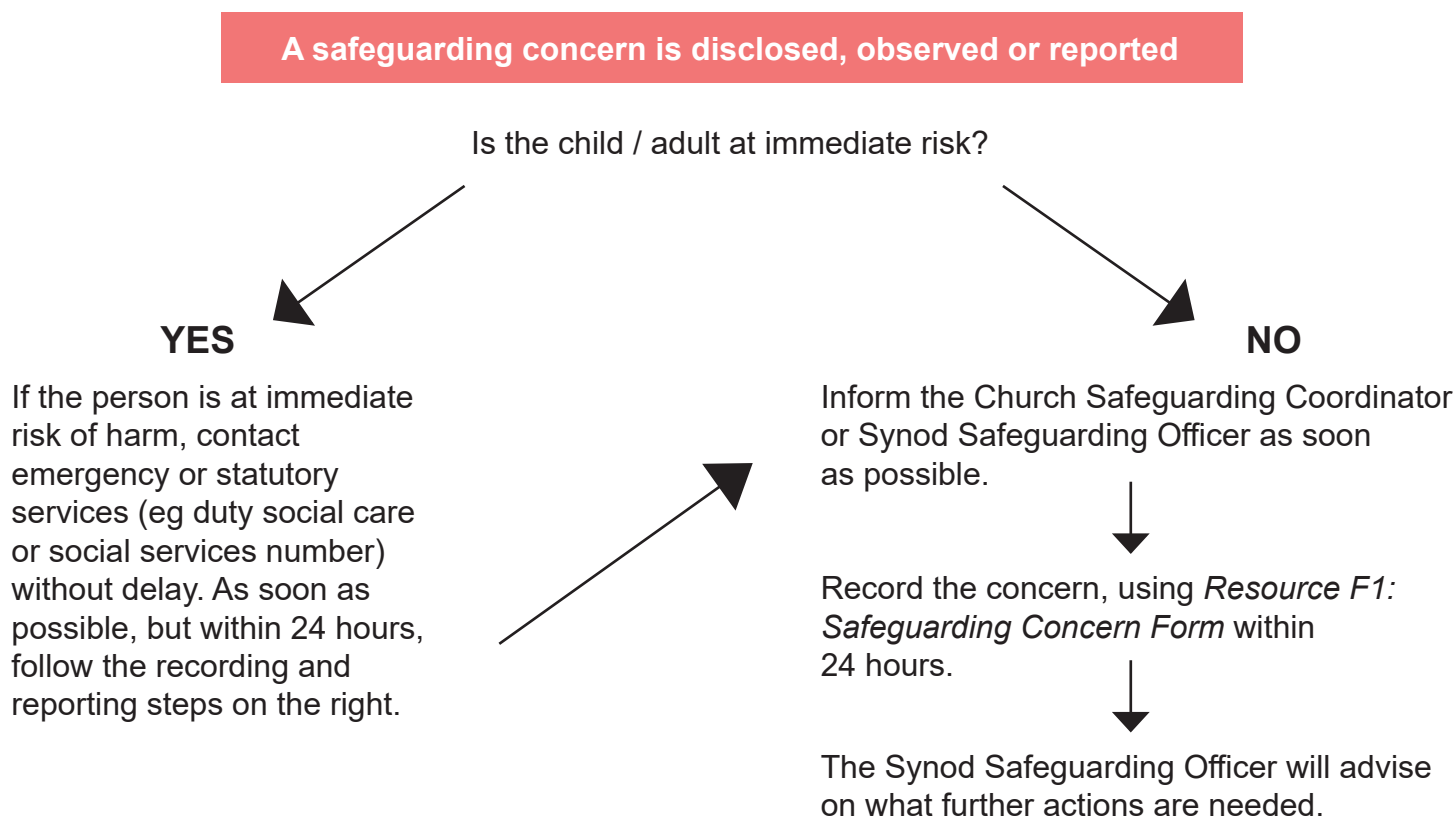
Reporting concerns and informing the appropriate people

If you believe that a child or an adult may be suffering, or is at risk of suffering, significant harm, these concerns must always be acted on, as shown in the diagram at 4.5 below. Where there is a concern that someone is at immediate risk of harm, you should contact statutory services as soon as possible (see also sections 4.8-4.9 below). All other concerns should be reported to your Church Safeguarding Coordinator or Synod Safeguarding Officer within 24 hours. The only exception is if they are the subject of the concerns, in which case you must report it to the URC

Designated Safeguarding Lead (DSL). If the concern is about the DSL, this should be reported to the Deputy General Secretary for Discipleship. Under no circumstances, however, should you contact the person who is the subject of allegations, or share information disclosed to you with them.

4.5 Summary: who to inform about a safeguarding concern

The diagram below summarises the process of who to contact when a concern occurs.



4.6 Adult disclosures of historic abuse

If someone has chosen to disclose historic abuse to you, it is important to establish:

- whether they are safe from harm now
- whether they know what happened to the person who abused them
- what the person would like to happen next
- what would be helpful to them.

The process shown in the diagram in section 4.5 above also applies here. If the information disclosed indicates that other people are at immediate risk of harm then statutory services must be informed.

For other cases, the information must still be reported to the Church Safeguarding Coordinator or Synod Safeguarding Officer, even if the events happened a long time ago. Where possible this should be done with the consent of the person disclosing their abuse, but if they do not want to give consent for their personal information being shared, concerns can still be recorded with anonymised details and advice sought from the Synod Safeguarding Officer.

In situations where a perpetrator may still be in a position to inflict harm, it can be helpful to reassure the individual who has disclosed abuse that you will be passing on the information in order to keep other people safe and there would be no pressure on them to make a statement about their own experience unless they felt they wished to do so.

If you become aware of historical abuse, but not directly from the person who has been harmed, the same process applies. Where someone discloses past abuse that occurred in another denomination, the Synod Safeguarding Officer will need to liaise with safeguarding staff in the other denomination to share information as appropriate and agree what action may be needed.

4.7 Responding to concerns of abuse when an alleged perpetrator is a paid worker, minister or volunteer in the Church

If you believe the alleged perpetrator of abuse against children or adults at risk, is a worker (paid or volunteer), or a minister, you must immediately contact the Church Safeguarding Coordinator. If you believe the Church Safeguarding Coordinator has a relationship with the people involved, or other potential conflict of interest, seek the advice of the Synod Safeguarding Officer. If you believe the Synod Safeguarding Officer may have a potential conflict of interest, contact the URC Designated Safeguarding Lead (DSL) for advice.

This applies whether the concern relates to current or historic abuse. The Synod Safeguarding Officer will agree on the appropriate next course of action, will contact the statutory agencies as appropriate, and consider whether other investigative / disciplinary procedures are needed (see chapter five).



Informing statutory services of concerns about a child or adult at risk

Reporting a concern to external agencies can be difficult, particularly when an individual or family is known and respected within the church community. If you are in any doubt about whether to report a situation, contact your SSO or your local Children's Services / Adult Social Care / Regional Safeguarding Board (Wales) for advice. You can explain the circumstances without providing the name of the person involved.

Please note: Records should be kept of all conversations and any decisions made. There are some differences in terminology used for this process. For example, in Wales it is known as a 'duty to report' and in England it is usually known as a 'referral'.²⁶

It is preferable for any external referral to be made by the Church Safeguarding Coordinator or Synod Safeguarding Officer, but if it is an emergency or they are not available, anyone can do it. A record should be kept and given to the Church Safeguarding Coordinator or the Synod Safeguarding Officer without delay, and definitely within 24 hours of a referral or report being made.

4.8 Referrals / reports about children

Children's Services (England) or Regional Safeguarding Boards (Wales) should be contacted when:

- you think that a child is currently suffering, or is at risk of suffering, serious harm
- there are indications of abuse or neglect
- you are aware of domestic abuse within the home/family.

Incidents of domestic abuse should be referred because of the emotional impact that witnessing domestic abuse has on children, and the increased risk of physical abuse, sexual abuse or neglect.

Consent

Consent is not a condition of making a referral about a child. Where practicable, concerns should be discussed with the parent, and agreement sought for a referral to Children's Services, unless seeking agreement is likely to place the child at risk of significant harm through delay, or through the parent's actions or reactions. An example would be where there are concerns or suspicions that a serious crime such as sexual abuse or induced illness has taken place. Where the parent refuses to give permission for the referral, further advice should be sought from the Synod Safeguarding Officer, unless it would cause undue delay.

If, having taken full account of the parent's wishes, it is still considered that there is a need for referral, then:

- the reason for proceeding without parental agreement must be recorded
- the parent's withholding of permission must form part of the verbal and written referral to Children's Services
- the parent should be contacted to inform them that, after considering their wishes, a referral has been made.

If the child can understand the significance and consequences of making a referral to Children's Services, they should be asked their view. However, it should be explained that while their view will be taken into account, the professional or the volunteer has a responsibility to take whatever action is required to ensure the child's safety, and the safety of other children.

If you are in any doubt about whether to report a situation, contact your SSO

26 For the Crown Dependencies, see Jersey <https://safeguarding.je/about/>; or Guernsey <http://iscp.gg/>; or Isle of Man www.safeguardingboard.im/

Peer-on-peer abuse

There can be particular challenges in responding to peer-on-peer abuse, where all those involved are under 18. Many patterns of behaviour might, understandably, alarm adults. These range from playful experimentation which unintentionally goes too far, all the way through to serious sexual assault. Children, particularly in younger age groups, may engage in such behaviour with no knowledge that it is wrong or abusive. Help and support should be given for any children whose behaviour towards their peers is a cause for worry, as well as for those children on the receiving end of peer-on-peer abuse. Seek advice from the Synod Safeguarding Officer in such situations.

4.9 Referrals / reports about adults at risk

Adult safeguarding should be person-led and outcome-focused. It engages the person in a conversation about how best to respond to their safeguarding situation in a way that enhances involvement, choice and control, as well as improving quality of life, wellbeing and safety. Wherever possible, safeguarding concerns should be discussed with the adult to get their view of what they would like to happen, and keep them involved in the safeguarding process.

A fundamental difference between safeguarding adults and children is that adults are presumed to have capacity for making their decisions, and the freedom and right to make choices about their life, unless the law restricts them from doing so, or they are assessed as lacking mental capacity.

This can mean that people at risk of abuse may wish to make choices that others deem unwise, and which perhaps expose them to future harms. It can include situations when a person is harmed or abused by a friend or family member and chooses not to press charges. This can be a difficult area for churches, particularly where there are pastoral relationships with both parties.

Mental capacity, abuse and the right to choose

When deciding whether an adult can protect themselves from abuse and harm, it is important to consider the extent to which they can understand information and make decisions. This is known as 'mental capacity'. The starting assumption must always be that a person is able to make a decision, unless it can be established that they lack mental capacity. For example, someone with severe dementia is unlikely to have the mental capacity to make significant decisions. One of the difficulties associated with mental capacity is that it can fluctuate. Someone may lack capacity at one moment, and later on may be fully able to make decisions, having received and understood information. Some adults may have capacity to make some decisions but not all. Lacking mental capacity is not a fixed state, even though the physical or mental symptoms, illness or disability that reduce capacity can be permanent. For this reason, when health or social care professionals test a person's mental capacity, it will only ever relate to the decision that is being considered. Churches can get advice around mental capacity from their Synod Safeguarding Officer or their local Adult Care Services.

Consent

Ideally, the person experiencing the abuse will either contact statutory authorities directly, or give you their consent to make contact on their behalf. Sometimes this may not happen. If no consent is given because the individual appears not to understand you, and is unable to tell you what they would like to happen next, this could be because of a lack of mental capacity. By taking action and reporting your concern, it is likely that you will be acting in the person's best interests to keep them safe from harm.

Where the person appears to understand that inaction creates further dangers for them, and chooses not to take action, you nevertheless still have a duty to share information with the Synod

Safeguarding Officer (or Church of Scotland Safeguarding Service), and Church Safeguarding Coordinator in circumstances which indicate that they or others are at continued risk: Examples would include:

- The alleged perpetrator is employed in a position of trust or works with adults at risk which means other people may be endangered
- A criminal offence may have been, or could be, committed
- There is a serious and high risk to the safety or life of the person
- The alleged perpetrator works for the church, whether paid or unpaid (see section 4.7).

4.10 What happens after raising a concern with statutory services

Once an external referral or report has been made, there are several options open to the statutory services, including assessments, strategy meetings, case conferences, investigations and interventions.

In some situations, the reporter might NOT be contacted, and may not be kept informed or given updates. This can be frustrating, but it is important for maintaining confidentiality. If there is a statutory investigation ongoing, this takes precedence over any internal URC procedures.

Pastoral care

Pastoral support offered at the local church is paramount. Disclosing and sharing can be difficult for victims and for others in need of significant support, and it is important that pastoral care is available for them. Pastoral care is one of the responsibilities of the Elders' Meeting, which is exercised jointly by the Ministers and Elders of the church. Ministers and Elders need to relate with compassion, kindness and within appropriate boundaries, taking slow steps to avoid raising expectations and causing additional damage by being unable to deliver what might be promised as a church. The Synod Safeguarding Officer should be informed and kept up-to-date if any further concerns emerge.

This can be a difficult area for churches, for example, where a member makes an allegation against another member who says they have been unfairly accused. In such situations, different people would need to be involved in providing support for each party (see also section 5.6 below).

See *Resource L1* for contact details for organisations and specialist services who may be able to provide additional support.

Notifying charity regulators

In some cases it will be necessary to make a report to the Charity Commission (or relevant regulator for other jurisdictions). See section 5.3 below for further details.