

Chapter five

Managing allegations and people who may pose a risk to others

Where allegations are made against individuals within the Church, the URC is committed to following all required investigative and regulatory procedures. The URC believes it is called to share its ministry with all people. As a result, congregations may have people within their membership who are suspected or accused of causing harm or are known to have caused harm to others. The duty to share God's universal offer of love and forgiveness places a duty on all within the URC to ensure that those who pose a potential risk are welcomed to participate in church life in ways which do not compromise the safety of others.

This can be a complex area and nobody should try to manage it on their own. It needs to be a collaboration between the local church, Synod, wider Church staff, statutory agencies and other organisations.

Key practice points

- Referrals to statutory services will be needed when allegations meet the relevant criteria
- Investigations by statutory services take priority over internal URC procedures
- Trustees are required to notify the Charity Commission of serious safeguarding incidents
- SSOs must be involved where someone is considered to present a risk of harm to others
- Managing risks effectively involves a combination of monitoring and setting boundaries alongside the provision of pastoral care and professional support.

Key responsibilities

Local church:

- Co-operate with any investigative or disciplinary procedures
- Inform the SSO immediately on becoming aware of anyone in the church who may present a risk to others
- Work with the SSO and contribute relevant information for risk assessments
- Alert the SSO or statutory agencies to known breaches of a safeguarding agreement.

Synod:

- Contribute to disciplinary process where required / appropriate
- Moderator will advise the General Secretary if an allegation involves a minister and statutory agencies decide to proceed with an investigation
- Report serious safeguarding incidents occurring in buildings owned by the Synod Trust to the Charity Commission
- SSO to lead / advise on risk assessment and drawing up safeguarding agreements
- SSO to represent the local church in multi-agency meetings such as Multi-Agency Public Protection Arrangements (MAPPA) or other professional meetings.

DSL / Denomination:

- Provide additional advice in cases with particular complexity or high public profile
- DSL to lead / advise if a situation arises where the SSO has a conflict of interest
- The URC Trust will report to the Charity Commission if a case is related to the work of the Trust.



Managing allegations against Church workers

The URC believes that any allegations of abuse or inappropriate conduct by paid staff, ministers or volunteers need to be dealt with in a careful, thorough and fair way.

If an allegation relates to a minister, the Synod Safeguarding Officer should always be informed. They will notify the Synod Moderator who will then inform the General Secretary.

Please note: Statutory processes always take precedence and churches should not undertake any investigatory process until statutory agencies have advised this can take place.

5.1 Referrals to statutory services

Allegations against those working with children

We endorse and follow the guidance issued in Working Together to Safeguard Children 2018²⁷ and the Wales Safeguarding Procedures²⁸, which emphasise organisational responsibility with regard to people who hold positions of trust in a range of settings, including faith-based organisations, and which detail clear criteria for a referral to the police or statutory services. Any allegation against people who work with children should be reported immediately to the line manager of the worker, the minister of the local church or the Church Safeguarding Coordinator. Church Safeguarding Coordinators must inform the SSO who will inform the [Local Authority] Designated Officer (England)²⁹ or the Local Safeguarding Board in Wales.

Criteria for making a referral / report

A referral or report must be made within one working day of all allegations that come to a church's attention, where it is alleged a worker has:

- behaved in a way which has harmed a child, or may have harmed a child
- has, or possibly has, committed a criminal offence against or related to a child
- behaved towards a child in a way which indicates they may pose a risk of harm to children.

These procedures may also be used where concerns arise about:

- a person's behaviour in their personal life, which may impact upon the safety of children to whom they owe a duty of care
- a person's behaviour with regard to their own children.

27 Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children', Department for Education, 2018. www.bit.ly/3tvnuob

28 www.safeguarding.wales/en/chi-i/chi-i-c5/

29 Different terms are used in different parts of the country, either Local Authority Designated Officer (LADO) or Designated Officer (DO).



If an allegation requiring immediate attention is received outside normal office hours, the out-of-hours emergency team or police should be contacted, and the [Local Authority] Designated Officer or Local Safeguarding Board in Wales informed the next working day.

Role of the [Local Authority] Designated Officer or Local Safeguarding Board

Their role is to provide advice and guidance to employers and voluntary organisations, including the faith sector, where there are concerns about a worker in relation to children. They will first establish, in discussion with the referrer, whether or not the allegation falls within the scope of their procedures, and whether or not it appears to have sufficient foundation. They help coordinate information-sharing with the right people, and also monitor and track any investigation, with the aim of resolving it as quickly as possible. Contact details for statutory services should be included in each church's safeguarding policy. They can also be found on Local Authorities' websites.

Information that will need to be provided includes:

- what was said, and by whom
- any action taken
- whether the parents / carers of the child have been informed
- the name, date of birth and address of the member of staff and the child / children involved
- whether or not there are any witnesses
- details of any previous strategy meetings / discussions about the worker in question.

Depending on the nature of the allegation and on the urgency of the referral, statutory services may decide that a strategy discussion is appropriate. The aim is to gain fuller information and discuss immediate steps, such as whether the member of staff should be suspended (see section 5.2 below for further details on suspension and other disciplinary procedures), or if there is an alternative way of ensuring proper enquiries can be undertaken. Advice will be given about whether, when and what information can be given to the staff member about the investigation.

An investigation against a worker may have three related, but independent, strands:

- child protection enquiries relating to the safety and welfare of any children who are, or may have been, involved
- a police investigation into a possible offence against a child
- consideration of disciplinary action, including the possibility of suspension.

If the police or Children's Services decide to investigate, it is likely that they will advise that internal investigations should wait until the outcome of the statutory investigations.

Allegations against those working with adults

Local Adult Social Care Services should be contacted with concerns about a worker's conduct with adults. The Synod Safeguarding Officer must always be informed of this contact to provide a coordinated response to consultation with statutory authorities and management of these allegations.

Criteria for making a referral / report

A referral should be made when there is concern that someone has:

- behaved in a way which has harmed, or may have harmed an adult
- has, or possibly has, committed a criminal offence against or related to an adult
- behaved towards an adult in a way which indicates they may pose a risk of harm to adults with care and support needs.

Role of Adult Social Care Services / Local Safeguarding Board

Their role is to make proportionate enquiries (or to make sure that, as the lead agency, enquiries are carried out by the relevant organisation) where there is a concern about the possible abuse or neglect of an adult at risk.

Information that will need to be given to the Social Care services / Local Safeguarding Board includes:

- nature of the alleged abuse
- relationship between the worker and the adult at risk
- details of whether the person posing a risk is living with the adult at risk
- details of any previous concerns / discussions about the worker in question
- any actions already taken.

An enquiry is any action that is taken (or instigated) by a local authority, under the Care Act 2014 (England) or Social Services and Well-Being (Wales) Act 2014, in response to indications of abuse or neglect in relation to an adult with care and support needs who is at risk and is unable to protect themselves because of those needs.

Where a formal safeguarding enquiry is being undertaken, an investigation concerning allegations against a worker can be carried out as part of the enquiry process. Adult Social Care services will advise on the approach needed and whether / when to involve the police or other services.

Informing the member of staff

The worker who is the subject of the allegation needs to be informed as soon as possible after consultation with statutory services. Where it is likely that the police and / or Children's Services / Adult social care will be involved, an agreement needs to be made regarding when, and what, information can be disclosed to the worker in question. This agreement will involve the line manager of the worker, in consultation with the Synod Safeguarding Officer, and those agencies.

If the alleged misconduct involves sexual abuse or other allegations of child abuse where there is a risk that the alleged perpetrator may destroy evidence, the police must be consulted before the person is informed about any action, as the police must be given the opportunity to investigate first.

If the staff member is a member of a trade union or a professional association, they should be advised to seek support from that organisation.

Informing others

If the Church Safeguarding Coordinator, or any other person in the church, makes a referral or report to statutory services, the Synod Safeguarding Officer must always be informed.

Where there is potential reputational risk to the Church, the SSO should inform the URC Press Office and / or the URC Designated Safeguarding Lead. The SSO will also determine who will inform the Minister and Moderator. If the situation involves a minister, and statutory agencies decide to proceed with an investigation, the Moderator will advise the General Secretary.

Parents / carers

There are some circumstances where a church may need to directly advise parents / carers of an incident involving their child. In these circumstances, care should be taken not to say anything which could jeopardise the conduct of a proper investigation. The DO will be able to advise on this.

Church family / congregation

It is possible to share generalised details to make people aware of an alleged incident, for example:

'A possible safeguarding incident has occurred and our church safeguarding procedures are being followed. Owing to our desire to respect everyone's right to confidentiality, we are unable to share details. We ask that you respect this, avoid speculating about the people or circumstances concerned, and trust that every step is being taken to ensure our church is as safe a place to be as we can make it. If we are able to tell you any further information, we will do so. However, we may not be in a position to give any other details for some time. If you have any concerns of a safeguarding nature, please contact the Church Safeguarding Coordinator. Please pray for all involved.'

When it is necessary for such a statement to be made, this should be agreed with the Synod Safeguarding Officer and the URC Communications Team.

Concerns which do not meet the threshold for referral to statutory services

Concerns which fall outside the above criteria may still amount to inappropriate conduct. The church should seek advice from the Synod Safeguarding Officer (or Church of Scotland Safeguarding Service) to decide whether to handle this by way of advice, supervision, training, disciplinary processes, or a combination of these. A record should always be kept of all allegations made.

5.2 Investigative and disciplinary procedures

It is in everyone's interests to resolve cases as quickly as possible, consistent with a fair and thorough investigation. Every effort should therefore be made to avoid any unnecessary delay. The aim is to complete most cases as quickly as possible, although cases which require a criminal prosecution, or a complex police investigation will inevitably take longer.

Suspension

Following discussions with statutory agencies, a decision will be made about whether to suspend a worker who is the subject of allegations, or to move them to a role which does not involve working with children or adults at risk. This action protects the worker from further allegations of abuse, protects the organisation from allegations of not dealing with the situation appropriately and, most importantly, protects the child from possible further abuse or intimidation.

Staff or volunteers should not be suspended automatically, and strategy meetings may discuss alternative courses of action. However, suspension should always be considered where there is reason to suspect a child is at risk of significant harm, an allegation warrants investigation by the police, or an allegation is so serious that it might be grounds for dismissal.

Suspension of a worker, pending the outcome of an investigation, should be carried out in consultation with the statutory authorities. Timing can be crucial, as the police and statutory services need to be able to conduct investigations which are not compromised by a premature suspension. Suspension is not disciplinary action in itself, and does not imply guilt. Rather, it is a precautionary measure which is taken where serious allegations are raised, in order for an appropriate investigation to be undertaken.

Process

The exact procedures to follow will depend on the individual's role within the church.

Minister / CRCW	as set out in Section O of the Manual
Employee	as set out in URC / Synod / Local Church disciplinary process
Office Holder	as set out in Disciplinary Process for Office Holders.

Ongoing involvement in church life

If the suspended worker wishes to remain involved in the life of a church, then it may be necessary to put in place a safeguarding agreement following a risk assessment (see 5.12 below). This is to protect children or adults at risk from any potential risk of harm. In this instance, the Synod Safeguarding Officer must be contacted for advice. This risk assessment and agreement should be produced in consultation with all statutory services involved.

Only relevant people in the church should be made aware of the allegation and subsequent suspension. This may include the Church Safeguarding Coordinator, minister and an Elder nominated to be responsible for safeguarding.

Further guidance for workers can be found in *Resource G6: A guide for staff facing safeguarding allegations*.

Criminal investigations

If a criminal investigation is initiated, the church / synod must cooperate with the police at all times.

Commenting on matters under investigation should be avoided, unless invited by the investigating team at a formal meeting or in discussion with the Synod Safeguarding Officer. Any comments should be restricted to known facts and first-hand knowledge. The police advise that the parties should not communicate with each other about the allegation to prevent the contamination of evidence.

The police will keep the victim of the investigation regularly updated and this is generally done by the allocated officer in the case. There are no set timelines for this to happen as the updates are agreed by the victim with the police and these are individual to each victim and case being investigated. Some investigations are protracted and can take a significant amount of time to complete. The police will also keep the employer informed of progress and outcomes. Safeguarding actions taken (such as suspension or use of a safeguarding agreement) should always remain in place until a criminal investigation has concluded.

The police will gather their evidence and seek advice from the prosecuting authorities regarding the level of evidence needed in order to proceed through the courts. Prosecutors also consider whether or not taking the case to court is in the child's / adult's or the public interest. There are many reasons why a particular case may not come to court or may result in a 'not guilty' verdict. One reason is that the prosecution must prove the case beyond reasonable doubt in order to obtain a conviction. If a case does not go to court, or there is a finding of 'not guilty', this does not mean there are no further risks. Other measures may be needed, as described below, including disciplinary proceedings, referral to the DBS / Disclosure Scotland, risk assessments or other actions to address unresolved concerns.

Disciplinary proceedings

If the prosecuting authorities decide against criminal proceedings, a disciplinary process must always be considered. Disciplinary proceedings carry a lower burden of proof than criminal proceedings. The employer must be satisfied that in all probabilities it did happen, rather than having to prove that it happened beyond reasonable doubt.

The police may be able to share some details of their investigation with the employer. The Synod Safeguarding Officer will be able to advise on how to proceed with both the internal investigation, and any subsequent disciplinary action.

If the employer (church or other body of the Church) has a reasonable belief that the individual has acted inappropriately and that it is no longer tenable for them to continue in their role, then it is acceptable to dismiss a person from it, whether it is paid or voluntary.

If the allegations are against a minister and disciplinary action is needed, the Synod Moderator will instigate Section O (the URC's disciplinary procedure for ministers), if the process has not already begun. If the allegations are against an office holder, the Disciplinary Process for Office Holders (Paper H2 General Assembly 2021) can be used. If the behaviour of concern does not meet the threshold of 'misconduct' for Section O (ie behaviour which undermines the credibility of a person's ministry or the Church's witness), then it may be appropriate to consider whether the Section Q complaints process would be relevant.

Resignations and compromise agreements

If a person tenders their resignation during an investigation or before one is started, the investigation should be continued. It is important to try to reach a conclusion. In practice, continuing to investigate without the compliance of the worker can prove very difficult indeed. However, employers are expected to be able to show evidence that they have done as much as they can to reach a conclusion which can be properly recorded.

Compromise agreements by which a person agrees to resign, the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, must not be used in these cases without legal advice, and careful consideration of any safeguarding issues. In any event, such an agreement will not prevent a thorough police investigation where appropriate, nor can it override an employer's statutory duty to make a referral to the Disclosure and Barring Service and the Charity Commission where circumstances require it.

Employment references

Decisions about whether to give details of a disciplinary investigation in references provided for employees or volunteers will depend on the circumstances of the case. Advice should be sought from synod and / or Church House staff in such situations.

Referral to the Disclosure and Barring Service (DBS) / Disclosure Scotland

The law (The Safeguarding Vulnerable Groups Act (SVGA) 2006 in England and Wales and The Protection of Vulnerable Groups Act 2007 in Scotland) places duties on organisations to refer individuals, when certain prescribed conditions are met, to protect vulnerable people from harm. This applies to local congregations, volunteers and paid staff when the URC has withdrawn or removed a person from working or volunteering with children or adults at risk in regulated activity or would have done so had that individual not moved on through resignation, retirement or redeployment.

A referral must be made to DBS to consider whether to add the individual to the barred list because the person has:

- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence such as a serious sexual or violent offence
- engaged in relevant conduct in relation to children and / or vulnerable adults; an action or inaction has harmed a child or vulnerable adult, or put them at risk of harm

- satisfied the harm test in relation to children and / or vulnerable adults, eg there has been no relevant conduct but a risk of harm to a child or vulnerable adult still exists.

Relevant conduct is conduct which:

- endangers, or is likely to endanger, a child or vulnerable adult
- if repeated against, or in relation to, a child or vulnerable adult would endanger, or be likely to endanger, them
- involves sexual material relating to children (including possession of such material)
- involves sexually explicit images depicting violence against human beings (including possession of such images)
- is inappropriate conduct of a sexual nature involving a child.

A person's conduct endangers a child or vulnerable adult if they:

- harm a child or vulnerable adult
- cause a child or vulnerable adult to be harmed
- put a child or vulnerable adult at risk of harm
- attempt to harm a child or vulnerable adult
- incite another person to harm a child or vulnerable adult.

This is a statutory duty which applies to churches and, therefore, a failure to submit a referral in such circumstances is a criminal offence. The duty applies in respect of all staff, whether ordained, lay, casual, agency, self-employed, paid or voluntary, irrespective of whether a referral has been made to statutory services. www.gov.uk/guidance/making-barring-referrals-to-the-dbs

If you are concerned about a member of staff, a referral should already have been made to the statutory services, who will discuss referral to the DBS. Synod Safeguarding Officers must always be consulted before a referral is made to the DBS.

The DBS and Disclosure Scotland have processes for dealing with referrals and have risk assessment tools which are used to make decisions. A decision not to bar someone from working with children or adults at risk does not necessarily mean that the person poses no risk, as in the case of unsuccessful criminal proceedings. It remains the employer's duty to decide whether a person should continue to work with children or adults at risk. If necessary, a professional risk assessment should be carried out.

Dealing with unresolved concerns

There may be ongoing concerns or risks in cases which did not proceed to court, or where the verdict was 'not guilty' or where a disciplinary investigation has highlighted problematic behaviours but did not result in dismissal.

A risk assessment completed by the Synod Safeguarding Officer, consulting with statutory services and / or the Designated Safeguarding Lead if needed, should be used in the process of ascertaining whether or not it is safe for a person to continue work which brings them into contact with children or adults at risk (in either a paid or voluntary role). Depending on the outcome of the assessment, the following actions may be necessary:

- Training and supervision
- Drawing up a safeguarding agreement
- Referring the person to the Disclosure and Barring Service / Disclosure Scotland
- Redeploying the person to another post
- Terminating employment.

- Referring the matter to the Charity Commission, depending on the seriousness of the allegation or incident (see section 5.3 below).

Action in respect of false or unfounded allegations

If an allegation made is shown to be unfounded, malicious or is proven to have been deliberately invented, consideration should be given to referring the matter to Children's / Adult Services in order for a decision to be made as to whether the individual concerned is in need of support.

It is crucial to ensure that the member of staff who has been the subject of a false allegation is also properly supported, while maintaining appropriate confidentiality and protecting their rights. Such incidents can cause extreme stress to the individual concerned, and the employer may need to offer the services of a counsellor. However, the details of the one making allegations are not to be disclosed.



Notification requirements

5.3 Reporting Serious Incidents to charity regulators

The guidance here focuses on England and Wales and the requirements of the Charity Commission. Procedures for reporting Serious Incidents in Scotland, the Channel Islands and the Isle of Man will be broadly similar, with specific details available from each of the regulatory bodies.³⁰

The Charity Commission considers safeguarding to be a governance priority for all charities. The responsibility for reporting serious incidents rests with the charity's trustees, even if they delegate this work to others (for example, trustees of a local church might ask the Synod Safeguarding Officer to report on their behalf). Trustees of the building would also need to report to the Charity Commission if an incident happened on premises they hold in trust.³¹

In addition, registered charities with an annual income over £100,000 per year must submit an Annual Return to the Charity Commission each year. The person who submits the Annual Return on behalf of the trustees (whether at local church, synod or denominational level) is required to make a declaration that no Serious Incidents occurred during the previous financial year that should have been reported but were not. It is an offence to provide false or misleading information to the Charity Commission so all Serious Incidents will need to be reported in order to make the declaration required to submit the Annual Return.

30 Isle of Man www.gov.im/charities; Guernsey: www.guernseyregistry.com/charities; Jersey www.charitycommissioner.je/for-charities/guidance-and-legislation/; Scotland www.oscr.org.uk/

31 www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity#how-to-report

What is a safeguarding Serious Incident?

A safeguarding Serious Incident is an adverse event, whether actual or alleged, which results in or risks significant harm to the charity's beneficiaries, employees, office holders, volunteers or to others who come into contact with the charity through its work. This includes where there are allegations or incidents of abuse of or risks to beneficiaries or others connected with the charity's activities. What is considered to be 'significant' is a matter for the trustees to determine, as it will depend on the context of the charity, taking into account its operations, staff, finances and reputation.

The following are examples of what should be reported to the Charity Commission as a safeguarding Serious Incident:

- Beneficiaries of your charity (adults or children) have been, or are alleged to have been, abused or mistreated while under the care of the charity, or by someone connected with the charity, for example an Elder, a member of the clergy, employee or volunteer.
- A person who comes into contact with the charity through its work (including a Church Officer, an employee or a volunteer) has been abused or mistreated (alleged or actual) and the abuse or mistreatment is connected with the activities of the charity (for example it occurred during a religious service, a home visit by a minister, Elder or pastoral visitor, or an activity or event run by the church).
- There has been a breach of the URC guidance or other safeguarding procedures or policies at the charity which has put beneficiaries and other persons who come into contact with the charity through its work at significant risk of harm, including failure to report safeguarding concerns to statutory agencies or to carry out relevant vetting checks which would have identified that a person is disqualified in law, under safeguarding legislation, from working with children or adults at risk.
- It is brought to the attention of the CSC or the SSO that an allegation has been made against a minister, Elder, employee or volunteer in relation to a safeguarding matter which is not related to their work or volunteering role in the church, but the nature of the allegation is such that they are assessed as a potential risk by the SSO and action is taken to manage any identified risk that person may pose to the charity's beneficiaries.
- Alleged or actual incidents in the workplace which have resulted in or risk significant harm to trustees, employees, office holders or volunteers and are considered to be 'serious' in the context of the charity. An incident should always be reported where the level of harm to the victims and /or the likely damage to the reputation of or public trust in the charity is particularly high. For example: allegations of serious sexual abuse of and by a staff member, office holder or volunteer; abuse by a senior member of staff or office holder or if a widespread culture of bullying, abuse or sexual harassment is uncovered.

The Charity Commission has published some examples which may help you decide whether a safeguarding concern is a Serious Incident that must be reported to the Charity Commission.

www.bit.ly/decidingwhattoreport

When to report Serious Incidents

The Charity Commission expects a Serious Incident to be reported to it 'promptly', ie as soon as is reasonably possible after it happens, or immediately after you become aware of it.

In practice, a report should be made once sufficient information has been gathered for the report to be meaningful. However, there may be occasions where it is appropriate for a brief initial report to be made, with an indication that a follow-up report will be made once additional information has been obtained.

A failure to report a Serious Incident that subsequently comes to light may be considered by the Charity Commission to be mismanagement, or a serious governance failure. This could result in the Charity Commission taking regulatory action, particularly if further abuse has taken place following the initial Serious Incident that was not reported.
www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity.

The online form to report an incident can be found here: www.bit.ly/3PMcIBh

Charity Commission response

When a Serious Incident is reported to it, the Charity Commission considers whether it is appropriate to provide the reporting charity with regulatory advice or guidance. In the most serious cases, the Charity Commission may need to exercise its statutory powers. In addition, the Charity Commission will consider whether it needs to take any steps to protect other charities, for example where the alleged perpetrator is also a trustee or office holder, or volunteers at or works, in another charity. Serious Incident reporting by charity trustees ensures that the Charity Commission can provide assistance at the earliest opportunity, target their resources where the risks are highest, and help to put charities back on a secure footing where necessary.

5.4 Notifying insurers

It is vital that where there may be liability issues, churches should inform their insurance company as soon as any incident arises which may lead to a claim. Advice should be sought about the insurance cover, and any steps that need to be taken (as far as possible) to safeguard it. The claims manager will also need to be kept in touch with developments. The Elders' Meeting needs to review any serious situation, and delegate this task to a trusted member of the church.

Synods should inform their insurance companies of safeguarding incidents on premises owned by the Synod Trust.

5.5 Notifying the URC Press Office

The URC Press Office should be informed by the Synod Safeguarding Officer or the URC Designated Safeguarding Lead of all cases which may attract media attention. A statement from the URC Press Office will be made available to the synod office and the local church involved.

This can be a complex area and nobody should try to manage it on their own. It needs to be a collaboration between the local church, Synod, wider Church staff, statutory agencies and other organisations.



Ongoing actions during and after investigations

5.6 Supporting all those affected

During any police investigation or other formal process, those who have made an allegation (and in some cases their families) will need support. A separate person will need to support the alleged perpetrator. People involved in providing support should not be involved with the investigation or disciplinary proceedings, and may be chosen from outside the church or synod to ensure neutrality.

In the case of allegations against a minister, the Synod Moderator or Synod Pastoral Committee will need to manage the impact of the investigation on the local church, for example by appointing an Interim Minister and establishing clear lines of communication. The General Secretary of the URC will manage the impact of the investigation on the wider Church.

5.7 Statements of support / character references

Ministers or church members may be asked to attend meetings, provide statements or give evidence in care or criminal proceedings. If this is the case, or if you are asked to give a character reference for someone involved in a case, you should first consult with the Church Safeguarding Coordinator and the Synod Safeguarding Officer.

5.8 Recording and retention of records

Where there is an allegation of a safeguarding nature against a member of staff or a volunteer, including where the allegation is unfounded, records should be retained for 75 years from the date of the allegation.

If a minister, member of staff or volunteer about whom an allegation has been made leaves the synod, their file should be passed to the receiving synod. If the individual moves to a different denomination, the receiving denomination should be informed, and a copy of the relevant information from the file passed on to them.

5.9 Learning lessons

At the conclusion of a case in which an allegation is substantiated, the church should review the circumstances of the case, with the assistance of the Synod Safeguarding Officer. They should consider any improvements which need to be made to procedures or practices in the future. This may include additional commitment to training, a more robust induction process for new staff,



the use of codes of conduct, improved guidance for supporting particularly vulnerable groups, and greater clarity over how and when different investigative processes should be used.



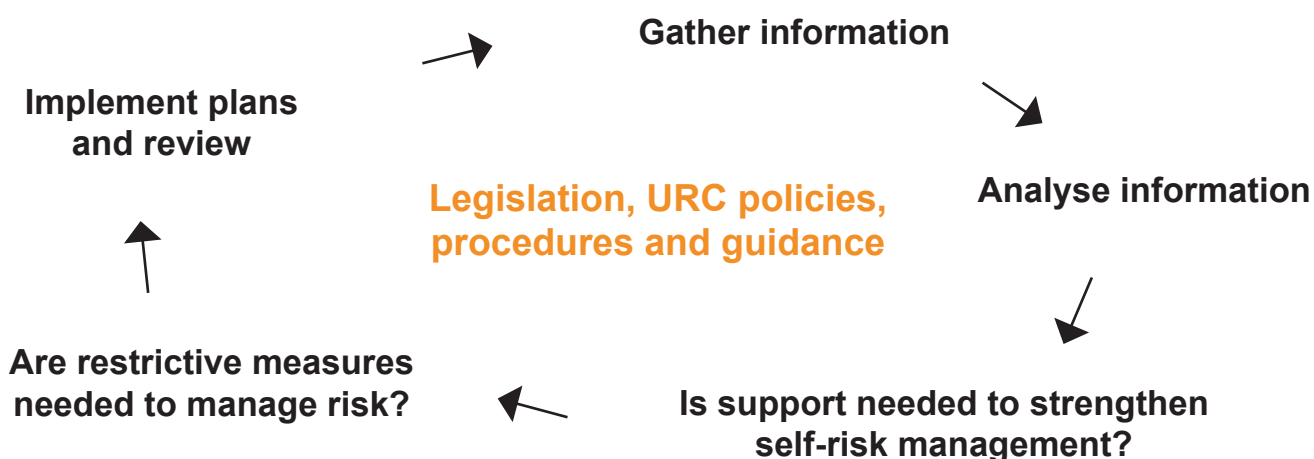
Involvement in church life of people who may pose a risk to others

This is a challenging area of practice and Synod Safeguarding Officers must always be involved in responding to situations where an individual may pose a risk to others in the church. This section provides an outline of the more detailed guidance given in *Resource G4: Guidance on the involvement in church life of people who may pose a risk to others*.

The guidance here deals with managing risks posed by adults. If a child is thought to pose a risk to others (eg sexual offending against peers or violence towards parents), some differences in process will apply. The SSO / DSL will advise in conjunction with local statutory services.

5.10 Risk assessment and risk management

Information about risks can come to light in different ways eg through a DBS / Disclosure Scotland check, from another agency, or an individual might make a self-disclosure or someone else in the church may share information. Whenever you become aware of a risk of this kind, the Synod Safeguarding Officer must be informed and they will take the lead in managing the procedures outlined below. The diagram below summarises a process of collecting information, making plans to manage risk and then reviewing arrangements to update plans if needed.³²



32 Adapted from Kemshall, Wilkinson and Baker (2013), Working with Risk, Polity Press

Assessing risk

The purpose of a risk assessment is to provide an evidence base for any risk management plans / actions put in place, ensuring these are proportionate and relevant to the specific risks presented in each individual case.

SSOs will advise on when a risk assessment is needed, how this should be carried out and who else should be involved eg statutory agencies. The amount of detail involved / length of time taken will vary in each situation (eg may need to be quite brief initially when a quick decision is needed or may be more in-depth when dealing with a known serious offender) but the overall process is the same.

The key stages are:

- Gathering information
- Analysing information
- Specifying who is at risk, in what circumstances and what the likely impact would be.

Further details on the process and a template for recording a risk assessment are provided in *Resource G4: Guidance on the involvement in church life of people who may pose a risk to others*.

Managing risk

It can be helpful to think about different 'lines of defence' that can help prevent harm.

1. The first line of defence is self-risk management ie the individual taking responsibility for their own attitudes and behaviour. Where this is strong, it can act as a barrier to prevent people from acting in ways which they know are inappropriate. This may not always be enough to prevent harm, however; for example, because an individual is in denial about their behaviour, or because someone is trying to change but finds it difficult to manage their behaviour in particular circumstances.
2. The second line of defence is support / care for individuals, which can include pastoral care within the church and other professional help such as counselling and therapy. This helps to strengthen self-risk management and thus reduce the likelihood of harm occurring. There may still be 'gaps' which allow harmful behaviour to occur, however; for example, because someone refuses to accept support or because the nature of the risks is so serious that additional measures are needed.
3. The third line of defence is therefore restrictive measures such as monitoring and boundary setting in order to prevent access to potential victims and keep a check on behaviours of concern. This can include safeguarding agreements, restricting the activities someone can participate in, and sharing information with other agencies.

In each case, the balance between these three different elements will vary depending on the assessed level of risk and the individual's attitudes, behaviours and commitment to change. Where people are unwilling to acknowledge their problematic behaviour, the focus will need to be on monitoring and boundary setting. For others who demonstrate a genuine desire to change, more emphasis can be given to providing support to help strengthen self-risk management.

Reviewing risk

The level of risk, and the plans to manage it, will need to be reviewed at regular intervals and if significant new information comes to light. See *Resource G4* for further details.

5.11 Providing support to strengthen self-risk management

The church can play an important role in the prevention of harm by helping those who present a risk to others to live an offence-free life. In making plans to manage risks, it is helpful to consider:

1. What does the individual already do well to manage their behaviour?
2. What additional help and support could strengthen their self-risk management?

Elders have responsibility for pastoral care as an integral part of church life. Additional precautions may need to be taken in some situations with people who present a risk (eg pastoral visits to be carried out in pairs). Additional support could also include:

Support groups

For some known offenders, it will be important to provide them with a group of people who will offer support, friendship and supervision. The membership of this group should be chosen carefully, and the Synod Safeguarding Officer must be consulted about its constitution.

The members should have training, which can be provided or sourced by the Synod Safeguarding Officer or the Church of Scotland Safeguarding Service. A sample role description for members of support groups is provided in *Resource G4*.

Signposting to professional services

Some people will benefit from access to specialist expertise eg in relation to addictions, sexual behaviour. See 'Useful Links' for suggestions of additional resources and organisations.

5.12 Monitoring and setting boundaries

If self-risk management and support are not sufficient then various restrictive measures may be needed. These should be proportionate and based on the risk assessment.

Safeguarding agreements

A safeguarding agreement between the local church, the person who is considered to pose a risk, and any statutory agencies involved can be used to set boundaries and reduce risks. This is a highly confidential process which will be led by the Synod Safeguarding Officer.

When are safeguarding agreements needed?

A safeguarding agreement must be in place when:

- An offender is under statutory supervision by the police or Probation Services. This includes registered sex offenders, those on licence following release from custody, those on community sentences requiring probation supervision, and other offenders identified under Multi-Agency Public Protection Arrangements (MAPPA, for further details see *Resource G4*).

A safeguarding agreement should always be considered when:

- Someone has an unspent conviction or caution for any offence against a person
- There is a current police investigation in relation to any offence against a person

- There are court proceedings pending in relation to any offence against a person
- Someone is barred from working with children or adults at risk.

If an agreement is not considered necessary in such situations, the reasons for this should be recorded in writing by the SSO.

A safeguarding agreement may need to be put in place in other circumstances such as:

- Information received from the police or other statutory services about past behaviour of concern which has not resulted in a conviction or caution
- Previous convictions or cautions from a long time ago
- Situations where an individual is unable to manage unhelpful behaviours without suitable boundaries being in place via an agreement
- When there are injunctions in place (eg non-molestation order).

Resource G4 provides further details on:

- Who is involved in an agreement
- What should be included
- Who else in the church needs to be told about an agreement
- Monitoring agreements
- The process for review / revision / cancellation of an agreement
- What happens when the subject of an agreement leaves a church.

Multi-agency collaboration

There will be a variety of people subject to safeguarding agreements including those who are:

- Convicted and managed by statutory agencies
- Convicted but not currently managed by statutory agencies
- Not convicted and not managed by statutory agencies.

The types and intensity of contact with other agencies will depend on the nature and severity of past offences and current risks. Examples of involvement with other agencies include:

- Probation supervision
- The Sex Offenders' Register
- Use of electronic monitoring / tagging
- Multi-Agency Public Protection Arrangements (MAPPA)
- Liaison with other agencies eg mental health services, housing providers.

Further details on these are provided in *Resource G4*.

Disclosures to third parties

Synod Safeguarding Officers must be consulted before confidential information is shared.

A disclosure should only be made if there is a pressing need. A disclosure can have significant consequences, so there must be real and cogent evidence of a pressing need for disclosure.

Each case must be considered on its own merits. Considerations involved in deciding whether there is a pressing need to share information about an offender / suspected offender include:

- the balance between the public interest and the need to protect people, and the right of an individual to a private life
- the person's previous history and current risk assessment, if available
- the level of likely access to children or those they pose a risk to
- the degree of risk posed by the person if a disclosure is not made
- any other factor in the individual case which is thought to be relevant.

Where possible, these matters should be considered on a multi-agency basis. Legal advice should be sought where there is doubt about the lawfulness of a disclosure. In view of the possibility of a legal challenge / complaint by an offender, potential / suspected offender or future victim, all agencies must, in addition to seeking any legal advice required, maintain a written audit trail of events, actions, discussions and decisions as well as the reasons for them.

