



Diocese of Bristol

# Allegations management procedure

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## Allegations Management Procedure

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## Guidance and Procedure Context

The Church of England has issued '*Practice Guidance: Responding to, assessing and managing safeguarding concerns or allegations against church officers: 2017*<sup>1</sup>'. This guidance must be complied with<sup>2</sup> by all Church bodies including Dioceses, PCCs, Cathedrals and Theological Educational Institutions. The following Diocesan guidance is an abridged version of the national guidance, designed to be accessible and usable by all in the Diocese of Bristol. Where additional detail is required, reference to the national guidance is directed.

## When to use the Allegations Management procedure and guidance

This guidance should always be followed when information about a safeguarding concern or allegation against a church officer<sup>3</sup>, who has a role in relation to children, young people and/or vulnerable adults, is received.

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

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

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

- Domestic Abuse;
- 'Grooming', i.e. meeting a child or young person under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003<sup>4</sup>);
- Other 'grooming' behaviour giving rise to concerns of a broader child/adult protection nature e.g. inappropriate text / e-mail messages or images, gifts, socialising etc. (see s67 Serious Crime Act 2015<sup>5</sup>);
- Possession of indecent photographs / pseudo-photographs of children or young people.

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<sup>1</sup> <https://www.churchofengland.org/sites/default/files/2017-11/responding-to-assessing-and-managing-concerns-or-allegations-against-church-officers.pdf>

<sup>2</sup> Under section 5 of the safeguarding and disciplinary measure 2016, all authorised clergy, bishops, archdeacons, licensed readers and lay workers, churchwardens and PCCs must have 'due regard to safeguarding guidance issued by the House of Bishops'. Those persons mentioned are required to follow it unless there are cogent (clear, logical and convincing) reasons for not doing so. Failure by clergy to comply with the duty may result in disciplinary action.

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

<sup>4</sup> <http://www.legislation.gov.uk/ukpga/2003/42/section/15>

<sup>5</sup> <http://www.legislation.gov.uk/ukpga/2015/9/section/67/enacted>

This procedure may additionally be used where a safeguarding concern or incident has arisen on church premises or during a church activity.

It may be more appropriate to use the relevant complaints process<sup>6</sup> where any allegation or concern relates to a practice issue and no harm or risk of harm has been presented to a child or adult who may be vulnerable.

If an allegation or concern arises not in relation to a Church Officer and not related to church premises or a church activity e.g. occurred within a family/ community but is raised with a person in the church- follow the guidance on reporting concerns to the relevant statutory authority instead (see

<https://www.bristol.anglican.org/safeguarding-concern/>)

### **Child**

A Child is any person under 18 years.

### **Vulnerable Adult**

The current legislative definition of an adult who may be vulnerable is contained within the Care Act 2014 and stated within the associated guidance as:

*“The safeguarding duties apply to an adult who:*

- *Has needs for care and support (whether or not the local authority is meeting any of those needs) and;*
- *is experiencing, or at risk of, abuse or neglect; and*
- *as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.”*

(Chapter 14 Care and Support Statutory Guidance May 2016<sup>7</sup>)

Any concern that a child, young person or adult has been harmed or abused should be reported without delay. If in any doubt as to the appropriate procedure to follow, contact the Diocesan Safeguarding Team. In their absence contact the

- CCPAS Helpline (0303 003 1111) or, where urgent,
- Police or Local Authority for guidance.

Prior to a finding of fact or the outcome of Criminal or Civil Proceedings complainants should normally be referred to as alleged victim/survivor, respondents to a complaint should be referred to as the alleged respondent.

**Victim/Survivor:** a person who has made a complaint or who has had a complaint

<sup>6</sup> <https://www.bristol.anglican.org/news/2017/02/01/diocese-of-bristol-complaints-policy-and-initial-guidance/>

<sup>7</sup> <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#safeguarding-1>

made on their behalf and is the victim/ survivor of abuse.

**Respondent:** person about whom a safeguarding concern or allegation has been made

## Roles and responsibilities in the Diocese of Bristol

When an allegation or complaint is made the response and who should be notified is dependant upon the role and identity of the respondent to the complaint.

<b>Respondent</b>	<b>Who should be notified</b>	<b>Case management</b>
<b>Bishop</b>	The Diocesan Safeguarding Team and they will immediately inform the National Safeguarding Adviser.	National Safeguarding Team.
<b>Licenced Person (e.g. Vicar/ Licenced lay minister):</b>	All allegations should be reported immediately to the Diocesan Safeguarding Team (DST) who will then lead the process and notify the Bishop and his staff. In the absence of the DST any allegation should be reported to the Diocesan Secretary, who will inform the Bishop and his team.	Diocesan Safeguarding Team
<b>Bristol Diocesan Board of Finance</b> (anyone employed by BDBF in any capacity):	All allegations should be immediately reported to the Diocesan Safeguarding Team, who will report to the Diocesan Secretary and advise on the process. In the absence of the DST any allegation should be reported to the Diocesan Secretary who will seek advice from the CCPAS helpline, the CCPAS Helpline can also be	The Diocesan Safeguarding Team will lead on specific tasks where responsibility is delegated by the Diocesan Secretary.

Respondent	Who should be notified	Case management
	contacted direct and will report back to the Diocesan Secretary.	
<b>Parish volunteers, staff, and members of the congregation:</b>	All allegations should be reported to the Parish Safeguarding Officer and/ or Incumbent. They should report to the Diocesan Safeguarding Team immediately, or if this is not practical within 1 working day. The DST will advise on the process to be followed. If immediate advice is required, in the absence of the DST contact the CCPAS helpline.	Parish Safeguarding Officer/ DST

**.Note:** If due to vacancy, sabbatical, sick leave or any other reason there is no Incumbent in place, the Parish Safeguarding Officer should report to the Diocesan Safeguarding Team who will in partnership with the Parish Safeguarding Officer and Archdeacon determine who will lead the process for the Parish. This will usually be one or both Churchwardens or may require the involvement of the Area Dean.

## Media

If the allegation of concern is in, or may imminently reach the public domain (media, print, TV, Radio or internet) the Diocesan Communication Officer will be informed and where appropriate the National Deputy Director of Communications (safeguarding).

If the allegation is about the person who would normally lead the process **DO NOT NOTIFY THEM** - seek advice from the Diocesan Safeguarding Team or if the allegation is about a Diocesan Safeguarding Team member, seek advice from the Diocesan Secretary.

## Notification

**In the event of serious imminent risk of harm, commission of a criminal offence or serious injury immediately contact emergency services on 999.**

### **Initial Response – the person receiving a safeguarding concern or allegation against a church officer**

Following receipt of a safeguarding concern or allegation by anyone:

1. Within 24 hours or as soon as is practically possible refer the matter to the Diocesan Safeguarding Team.
2. Respond well to the alleged victim/ survivor, ensure that they feel heard and that they are being taken seriously
3. Ensure that information is clearly recorded:
  - a. Ask permission to do this and agree with the person concerned what has been recorded.
  - b. Make a written record as soon as possible afterwards and before the end of the day: include all information shared, record verbatim what has been said and by whom.
  - c. Show what you have recorded to the alleged victim/survivor to ensure that they agree with the content and meaning of what they have said.
  - d. Record what has been said to the alleged victim/ survivor about what will happen next.
  - e. Record the date, time, location, who was present and how the information was received, e.g. telephone, face to face, letter/email. Sign and date the record, print your name and role.
4. Provide all written records to the Diocesan Safeguarding Team, including copies of rough notes/ emails etc., immediately. Ensure that copies of any records are kept securely and confidentially.
5. Explain to the alleged victim/ survivor what will happen next. They should be informed that their identity and the identity of the alleged respondent will be shared with the statutory agencies. However, the concern or allegation will only be shared with those who need to know either within a statutory agency or within the Diocese/ Parish.
6. The Diocesan Safeguarding Adviser will take over the management of the case and will advise on whether the reporting individual needs to remain involved in some capacity including membership of a subsequent Core Group.

If you cannot reach the appropriate person within a Parish, contact the Diocesan Safeguarding Team or contact child or adult social care for advice in the interim - their contact details can be found on the Diocesan website<sup>8</sup> and are regularly updated.

## **Diocesan Safeguarding Team - Initial Response**

1. Within 24 hours of receiving information relating to a safeguarding concern or allegation the DSA will:
  - a. Review the information to establish if there is a requirement to refer on to the statutory authorities, this will include establishing the minimum information required:
    - i. Name of the person raising the concern or allegation
    - ii. Nature of the concern or allegation
    - iii. Name of the alleged respondent
    - iv. Role held by the alleged respondent at the time that the alleged abuse or concern occurred.

Information required for a referral to statutory agencies:

- Accurate identifying information for the alleged victim/ survivor:
  - Name; address; age (D.o.B.);
- If the alleged victim/ survivor is under 18 then their parents/carers details should be provided also.
- Dates of when the alleged abuse or safeguarding concern arose/ occurred.
- The alleged victim/ survivors own words describing the alleged event or incident. Do not interpret or mediate what they have said.
- What action has already been taken in response to the allegation or concern

If the above is not readily available this should not delay a referral to the relevant authorities being made.

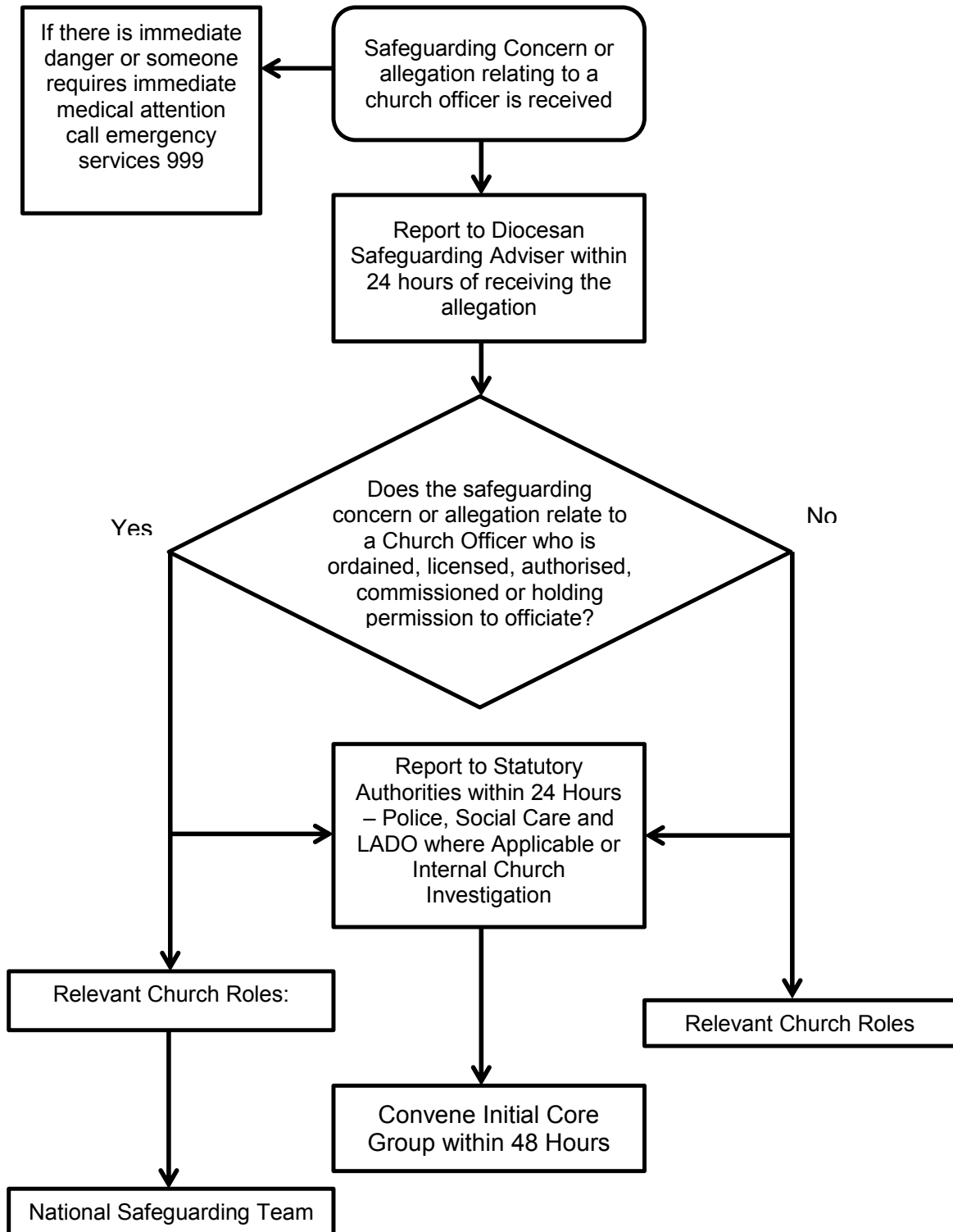
2. If the threshold for a referral to the Statutory Agencies is met the DSA will inform the appropriate agency within 24 hours of having received the allegation or concern. This will be then followed up in writing and a record made of the referral. This record will include the agency contacted, date sent, names and role of anyone within the agency that the DSA communicated with and any decision made in relation to the referral.

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<sup>8</sup> <https://www.bristol.anglican.org/safeguarding-concern/>



**Responding to a safeguarding concern or allegation against a Church Officer  
Flowchart**



- a. If it is not clear whether an allegation or concern should be referred the DSA will seek advice from the relevant agency.
  - b. Written confirmation that a referral has been made will be provided to the person raising the concern or reporting an allegation. If this is not possible the reason why will be recorded.
3. The DSA will continue to work in collaboration with the statutory agencies and the Church bodies involved in the allegation.

### **Additional considerations**

The Diocese Safeguarding Adviser will notify the appropriate people and statutory agencies dependent on the circumstances of the alleged victim/survivor:

**1. Where the alleged victim is a child (under 18) and the person alleged to have caused harm is in a position of trust<sup>9</sup>:**

- a. The initial responder will immediately notify the police if a crime may have been committed.
- b. The initial responder and Diocesan Safeguarding Adviser will agree with each other and document who will contact the Local Authority Designated Officer (LADO)<sup>10</sup>.

At this stage a record of any actions taken and any information received will be maintained by the Diocesan Safeguarding Team. All others involved in the process should maintain their own records [The Diocese have developed a Safeguarding Recording Form for Parishes to use] (see '*Church of England Safeguarding Records Practice Guidance, 2015*<sup>11</sup>').

The Diocesan Safeguarding Adviser will take the advice of the LADO and police regarding when and how parents of the child should be contacted and actions to be taken following notification.

<sup>9</sup> Those who work with children or young people, whether in a paid or a voluntary basis.

<sup>10</sup> Each Local Authority (the diocese spans Bristol, South Gloucestershire, Wiltshire and Swindon) has one or more LADO's. The role of the LADO is to be the main point of contact for all organisations and agencies involved in any case where:

- the person whom the allegation is against has behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children.

Additionally the LADO must be informed:

- if there are concerns about the person's behaviour towards their own child/ren or child/ren unrelated to their employment or voluntary work, and there has been a recommendation from a strategy discussion that consideration should be given to the risk posed to children they work with.
- when an allegation is made about abuse that took place some time ago and the accused person may still be working with or have contact with children.

<sup>11</sup>

<https://www.churchofengland.org/media/2254792/safeguarding%20joint%20practice%20guidance%20-%20safeguarding%20records.pdf>

**2. Where the alleged victim is a child (under 18) but the person alleged to have caused harm is not in a position of trust:**

See Safeguarding Concern 'What to Do' ([www.bristol.anglican.org/safeguarding-concern/](http://www.bristol.anglican.org/safeguarding-concern/)) based on the South West Child Protection Procedures<sup>12</sup>.

**3. Where the alleged victim is an adult (18 and over) and the harm occurred as an adult:**

The initial responder will determine with the alleged victim what action the adult wishes to be taken. Further action will only be taken, including referral to police and /or social services with the individuals consent, unless:

- There is a reasonable belief that the individual is unable to give informed consent or lacks capacity to give informed consent on this specific issue in which case advice will be sought from adult social care and relevant referrals will be made to police and adult social care.
- They are at serious and imminent risk of harm or where others may be at risk from the same person (public interest test) - in which case police and adult social care must be contacted.

**Note:** Where consent is not given but concern remains for the individual and the 'public interest test' is not satisfied - contact Diocesan Safeguarding Team for advice.

**4. Where the alleged victim was harmed as a child and is now an adult and the person alleged to have caused harm remains in a position where they may pose a risk to others:**

The Diocesan Safeguarding Team will offer the services of an Authorised Listener (see '*Responding Well to those who have been sexually abused, 2011*<sup>13</sup>) and/or provide information on other support services available in the area. The Diocesan Safeguarding Team or Authorised Listener will work with the alleged victim to agree a notification to police and/ or local authority. Whilst this is sensitive work and the needs of the victim must be recognised a notification must be made to the authorities as soon as the person alleged to have caused harm can be identified (this may even be where there name is not given) in order to protect others who may be vulnerable. The Diocesan Safeguarding Team will make the referral. The victim must be informed that the police and/ or social care will be notified where this is reasonably practicable and must be supported to understand why this has to happen.

**5. Where the alleged victim was harmed as a child and is now an adult and there is no known current risk to others:**

The Diocesan Safeguarding Team will offer an Authorised Listener or provide information on other support services available in the area and work with the adult

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<sup>12</sup> [www.swcpp.org.uk](http://www.swcpp.org.uk)

<sup>13</sup> <https://www.churchofengland.org/media/2257646/responding%20well.pdf>

to try to obtain consent to inform the police, because there may be other victims or other abusers. The victim will be supported to find an appropriate means of support as needed.

#### **6. Where the concern is about Domestic Abuse:**

It is recognised that domestic abuse may include any category of abuse e.g. emotional, physical, financial, and sexual. Domestic Abuse legislation recognises victims aged 16+.

The victim should be encouraged to report to the police and be offered a referral to an Independent Domestic Violence Advocate (IDVA) and other relevant services.

Where the victim is aged under 18 a referral must always be made to Children's Services.

Children in the household may well be negatively affected by domestic abuse through seeing it directly or through the indirect impact of the abuse of their parent/ carer - therefore advice should be sought from Children's Services in these instances where there are children in the home.

Where the victim appears to be at high or imminent risk of serious harm police should be contacted for advice, even without consent.

Where the alleged perpetrator of domestic abuse is a person in a position of trust the LADO should be contacted if they may have contact with children in their role.

Due to the level of risk that may occur for the victim and their family, the perpetrator of abuse must not be informed of any referral to statutory agencies or that the victim has spoken about without agreement with the victim and those agencies.

#### **7. Where a Church Officer discloses that he/she is at risk of harming a child or adult:**

If a church officer discloses that he or she is at risk of harming a child or adult, they should be referred to a specialist agency for support in preventing the abuse from taking place. The Diocesan Safeguarding Team will advise on this.

Consideration should be given as to whether to report to statutory services. A referral should be made where there is any concern that the individual may cause harm.

A risk assessment as outlined *Practice Guidance: Responding to, assessing and managing safeguarding concerns or allegations against church officers: 2017* should be undertaken and preventative measures taken.

This Allegations Management Procedure should be followed where there is a need for ongoing monitoring and actions.

#### **8. Where an allegation or concern is raised anonymously:**

Anonymous complaints should be responded to and handled carefully. There will be many reasons, including anxiety and fear, why an individual may wish to

withhold their identity. It is sometimes difficult to act on information under these circumstances unless the identity of the alleged victim/ survivor becomes known.

When contacted by someone who wishes to remain anonymous they should be advised that:

- a) Anonymity may restrict the ability of agencies to access information or to intervene effectively to protect a child or adult at risk of abuse or neglect.
- b) As much openness as possible should be encouraged.
- c) Reassurance regarding how information might be shared should be provided.

If any information that identifies alleged victims or alleged respondents is received then this must be passed to the DSA who will refer to the appropriate statutory agencies as required.

## **9. Allegations regarding persons who are deceased**

Further guidance from National Safeguarding Team is awaited on this matter following the Carlisle<sup>14</sup> report.

### **Immediate safety planning**

Immediate arrangements to protect the alleged victim and others from harm should always be put in place. The responsibility for this should be shared with but led by statutory agencies to whom referrals have been made and their advice and direction taken on which safeguards are to be implemented.

### **Pastoral response**

Contact will be offered to the alleged victim (or victims parents or carer if under 18) and (where for over 18's the victim consents) their family by the Diocesan Safeguarding Team. They may prefer that contact is managed through other agencies e.g. police or to have no contact with church.

Where contact is accepted the Diocesan Safeguarding Team will explain the process being followed and keep the victim and their family updated or agree who will do this.

Support will in the main be offered to the victim by police and statutory agencies. Additional support will be offered by the church where agreed with the victim and statutory agencies only, and a range of support offered including contact with an Authorised Listener, local and national support groups or where appropriate contact with a named person within church.

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<sup>14</sup> <https://www.churchofengland.org/sites/default/files/2017-12/Bishop%20George%20Bell%20-%20The%20Independent%20Review.pdf>

## Strategy [Core] group

Every safeguarding concern or allegation involving a church officer should be managed by a defined 'Core' Group.

The purpose of this group is to oversee and manage the response in line with House of Bishop's' policy and practice guidance. The rights of the alleged victim/ survivor and the alleged respondent to a fair and thorough investigation are the specific responsibility of this group.

For every allegation against a church officer that has a role with children and or vulnerable adults (at risk of abuse or neglect) the Diocesan Safeguarding Adviser will convene a core group, in consultation with the Bishop within **48 hours**, Core group meetings should be face to face/in person. Where this is not logistically possible a virtual meeting via telephone/ videolink etc. may be substituted.

The membership of this group will depend on context within which the alleged respondent is placed. Members must ensure that they are available and present for all meetings and that any potential conflicts of interest or personal involvement are declared:

Role	Core Membership	Additional Membership
<b>Licenced Minister (e.g. Vicar/ Licenced lay minister):</b>	Bishop's Chaplain (Chair) Diocesan Safeguarding Team, Diocesan Secretary, Archdeacon, Communications Officer	Warden of Readers (if respondent is an LLM), Incumbent, Church Wardens and Parish Safeguarding Officer.  <i>With advice taken from the Registrar and HR Adviser where required.</i>
<b>BDBF staff</b> (anyone employed by BDBF in any capacity):	Diocesan Secretary (Chair) <i>or the person they delegate the role to</i> Diocesan Safeguarding Team, the respondents direct line manager and HR Adviser.	If the individual has additional roles within the Diocese e.g. within a Parish additional members from the Parish maybe required.
<b>Parish volunteers, staff,</b>	The group will be led by	Additional diocesan

<b>Role</b>	<b>Core Membership</b>	<b>Additional Membership</b>
<b>members of the congregation:</b>	the Diocesan Safeguarding Team and include the Incumbent and Parish Safeguarding Officer, as well as Church Wardens, the individual's direct supervisor or line manager and the Diocesan HR Adviser dependent on circumstances	advisers/officers can and should support the group and attend strategy group meetings as needed.

Where a parish is in vacancy or the incumbent is unavailable due to ill health, leave or the allegation is about them; support will be provided by the Archdeacon and the Area Dean may cover the 'Incumbent' role for the purposes of this procedure.

Any allegation managed under this process will be reported to the Diocesan Secretary (as Safeguarding Lead for Bishop's Staff) and therefore to the Bishop's Staff group either immediately or at the next meeting. Any allegation managed under this process will also be reported to the Independent Chair of the Diocesan Safeguarding Steering Group and to the group at the next meeting. Reports to both Bishop's Staff and DSSG will be anonymised unless there is a reason for full information to be shared.

## **Responsibilities**

The responsibilities of a Strategy [Core] Group are to:

- Ensure that an immediate safety plan is put in place to prevent further harm occurring.
- Establish and maintain boundaries of information sharing and confidentiality, ensuring that accurate information is kept and stored securely<sup>15</sup> in accordance with data protection legislation, including when information can be shared with:
  - Police
  - Insurers
  - Charity Commission
  - The Local Authority Designated Officer (LADO)/ Adult Safeguarding Team
  - National Safeguarding Team

<sup>15</sup> see 'Church of England Safeguarding Records Practice Guidance, 2015'

- Disclosure and Barring Service, Archbishops' List, regulatory body or other organisation who may require notification at the appropriate point.
- Ensure that when information is shared with statutory agencies that the DSA is working with those agencies as the designated point of contact authorities and that the advice of those authorities is followed, including attendance at any multi agency meeting.
- Have due consideration to the DSA's advice in all matters relating to safeguarding and assisting the DSA to effectively carry out their responsibilities.
- Consider whether other church officers and/or church bodies should be informed and included in the core group if not already.
  - That where the individual may present a risk to individuals in another diocese or organisation that how and when information is shared with that diocese or organisation is agreed with police and local authority, including who will share what information.
- Ensure that the Diocesan Secretary is kept informed of any potential financial, regulatory or reputational impact upon the Diocese.
- Decide whether an internal Church investigation is required now or at a later date pending statutory agency advice and direction
- Ensure that appropriate support is provided to those involved other than the alleged victim and respondent including the strategy group members and congregation.
- Agree any statements to the press (subject to agreement and consultation with statutory bodies) and other affected parties including members of the congregation.<sup>16</sup>

#### **Respondent:**

- Determining whether the respondent should be informed of the allegation<sup>17</sup>
  - What they should be told?
  - Who should inform them?
  - When and how they should be informed?

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<sup>16</sup> The victim must be specifically included in the communications plan to ensure that they are kept up to date and informed where appropriate. **Note: No information should be released to the media without prior consultation with, and agreement of, the police and Local Authority since release of such information could interfere with investigatory or legal proceedings.**

<sup>17</sup> Note: There is a risk that notifying the individual of the allegations could result in loss of evidence or increased risk to a child or vulnerable adult - advice must be sought from police and / or Local Authority\* before contact is made with the individual.



- The arrangements required for managing them in relation to their role including whether:
  - suspension<sup>18</sup> or,
  - changes to an individual's attendance at work, church or activities, are required to prevent further potential harm, that these mechanisms are put in place with reference to the relevant legislation and practice guidance for that role.
- appropriate pastoral support is offered
- That where appropriate the person the allegation is against is offered alternative options for worship, i.e. where the victim attends the same church, and that an agreement is put in place to support that individual and to manage any risks to the new congregation (See '*Ministering to those who may present a Risk, 2016*<sup>19</sup>').

### Victim

- That appropriate pastoral support is offered, and, where accepted, provided for the victim/ and their family. Children usually require specialist support - the group should instead raise any query about support for the child with police and/ or the Local Authority\*.
- That a communications plan is implemented and used regarding confidentiality, sharing of information with each other, external agencies and any work colleagues / congregation / media. The victim must be specifically included in the communications plan to ensure that they are kept up to date and informed where appropriate. **Note: No information should be released to the media without prior consultation with, and agreement of, the police and Local Authority since release of such information could interfere with investigatory or legal proceedings.**

### Risk assessment

- Ensuring that risk assessments are carried out during and following the outcome of any investigation to an allegation being made:
  - Agreeing terms of reference , with the DSA, for a risk assessment involving non clergy church officers
  - Commissioning, with the DSA, the risk assessment into non clergy church officers
  - Accepting the risk assessment in relation to non-clergy church officers

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<sup>18</sup> Suspension: is a neutral act and is a precautionary measure taken to ensure cases can be thoroughly investigated and to protect all parties involved.

<sup>19</sup> <https://www.bristol.anglican.org/documents/ministering-those-may-present-risk/>

- Ensuring that recommendations from risk assessment in non-clergy church officers are followed
- Ratify advice and recommendations from the DSA with regard to Clergy risk assessments
- Support the DSA to share advice and recommendations regarding any clergy risk assessment with the bishop in accordance with safeguarding (Clergy Risk Assessment) Regulations 2016.
- Act as the DSA's Critical Friend in the response to, assessment and management of safeguarding concerns or allegations relating to the clergy.

### **Administration**

- Create a written record of all decisions and recommendations made by the core group<sup>20</sup>
- Where the advice of the DSA is not taken that a full record of the reasoning is made and kept on the case file. Any disagreement between the Core Group and the DSA should be escalated to the chair of the DSSG and if not possible to resolve then to the National Safeguarding Team
- That the Diocesan Safeguarding Adviser is kept up to date on all actions, events and decisions and is supplied with copies of all relevant documents and information.

### **Lessons learnt review**

- At the end of the process ensure that a lessons learnt review is undertaken
- Share the outcome of the review with the DSSG

The strategy group will remain in place until the case has come to a conclusion and all relevant action points are completed including conclusion of any disciplinary process.

### **Investigations**

An investigation into allegations raised may be undertaken by the police or the Local Authority. An investigation will only be undertaken by the Church where:

- The allegation raised does not meet the threshold for referral to or action by the police or Local Authority.
- Following a strategy meeting or discussion, the relevant Local Authority requests that an investigation is undertaken within the church.
- Police and /or Local Authority investigations are complete and the church either needs to undertake a disciplinary investigation or investigate further.

Where any investigation is undertaken within the church it must be clear:

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<sup>20</sup> Ensure that information on any previous allegations against the respondent are included  
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- What the purpose of the investigation is, e.g. safeguarding, disciplinary, complaint, grievance.
- The correct procedure must be followed - the following relates to safeguarding investigations only, for all other types of investigation see the relevant procedure.

### **Internal church safeguarding investigation**

The purpose of any internal investigation is not to establish the guilt or otherwise of the respondent. Rather it is to establish whether or not there are ongoing safeguarding concerns and whether the respondent is suitable to fulfil their church role.

Prior to an investigation starting it must be clear:

- Who is commissioning the investigation (Parish or Diocese)
- What is being investigated (usually specific allegations) The core group will identify the lines of enquiry usually in relation to the allegations or concerns raised.
- Who will conduct the investigation (usually the DSA) and how (will they review records, interview?)
- How any information obtained during the course of the investigation will be recorded and shared. (Interviews may be minuted, in which case minutes should be shared with the interviewee and signed as evidence of correctness, all records should be stored securely).
- What the potential outcomes of the investigation may be (referral back to statutory authorities, risk assessment, disciplinary process, referral to the Disclosure and Barring Service etc.)
- What would happen if evidence were to be uncovered which suggested previously unknown crimes or safeguarding concerns. The investigation must stop and the previously unknown concerns referred back to statutory authorities before the investigation starts again with their agreement.

A Terms of Reference for the investigation must be produced by the commissioning person before the investigation starts. The Terms of Reference will describe the background, any known information and the points above. The Diocesan Safeguarding Team will advise on production of a Terms of Reference where needed.

All those involved in the investigation must be informed regarding how their information is to be used, including with whom it will be shared.

Due regard should be paid to Church of England Practice Guidance '*Practice Guidance: Responding to, assessing and managing safeguarding concerns or allegations against church Officers, 2017*' when planning any investigation.

The DSA will produce a summary report and present the report which should include an outline of the investigation, an assessment of findings and a clear statement as to whether the DSA considers the allegations to be substantiated, unsubstantiated, unfounded, malicious or false to the core group as well as whether there are any ongoing safeguarding concerns.

### **Outcome of an investigation**

Next steps following notification and investigation of an allegation will depend on the seriousness of the allegation and conclusion of investigation:

Where the police and or Local Authority investigate, the Church will continue to support the process via the strategy group until either the conclusion of the investigation or conclusion of any court proceedings.

No character reference for the alleged respondent should be provided by a church officer (or anyone else who is seen to represent the church or diocese) for any court proceedings without careful consideration. This means discussion with the LADO, the Diocesan Safeguarding Team and the Diocesan Registrar.

Similar consideration is needed before a church officer (or other representative of the church or diocese) accompanies an alleged respondent to court. It is important to check who will be accompanying the alleged victim and how this attendance will be perceived by the court; the individual and his/her family and the wider public, including the media.

Where further investigation is required after that completed by the police or Local Authority; this will occur as above. It must be remembered that the burden of proof differs between criminal (beyond all reasonable doubt) and civil (reasonable to believe or on the balance of probability) cases. Even where there is insufficient evidence to prosecute or a not guilty verdict is returned by a criminal court there may be sufficient evidence to satisfy the civil burden of proof. Therefore disciplinary or other action (such as a civil claim for damages) may be taken even where a criminal prosecution either does not proceed or does not result in a conviction.

Where sufficient information is available without further investigation and safeguarding concerns exist, a risk assessment will be commissioned according to Church of England guidance *Practice Guidance: Responding to, assessing and managing safeguarding concerns or allegations against church Officers, 2017* in order to establish whether or not the individual presents any risk to individuals within the church, either in their usual role or as part of the worshipping congregation.

### **Risk assessments**

The Church of England guidance '*Practice Guidance: Responding to, assessing and managing safeguarding concerns or allegations against church Officers, 2017*' should be used in full. The following provides a summary of that guidance.

There are two types of risk assessment:

**Standard:** for church officers who are not ordained, licensed, authorised, commissioned or holding Permission to Officiate

**Independent:** all church officers who are ordained, licensed, authorised, commissioned or holding permission to officiate.

The type of risk assessment and who commissions the risk assessment will depend on the context:

<b>Role</b>	<b>Commissioner</b>	<b>Type of Risk Assessment</b>	<b>Assessor</b>
Bishop	Archbishop	Independent	Person or organisation Independent of the Church
Person carrying the Bishops licence (e.g. Vicar/ Licenced lay minister)	The Bishop	Independent	Person or organisation Independent of the Church
<b>BDBF staff</b> (anyone employed by BDBF in any capacity):	The core group will commission the risk assessment.	Standard or Independent	Person or organisation Independent of the Church/ DSA or other suitable person
<b>Parish volunteers, staff, members of the congregation</b>	The core group will commission the risk assessment	Standard	DSA or other suitable person

All risk assessments will be undertaken in accordance with Church of England guidance '*Practice Guidance: Responding to, assessing and managing safeguarding concerns or allegations against church Officers, 2017*<sup>21</sup>', by the Diocesan Safeguarding Adviser or by an independent assessor dependent on risk assessment type, with the consent of the person about whom the allegation was made. Refusal of consent may result in disciplinary processes or exclusion from church activities if sufficient concerns about potential risk exist to make this proportionate.

Where consent has been given the subject of the risk assessment will be informed where the information used in the assessment will be drawn from and will have the opportunity to see and comment on the risk assessment before it is finalised.

<sup>21</sup> 5.4a and 5.4b

The risk assessment will then be forwarded to the commissioner to action.

Should the commissioner decide not to take the recommended action it is strongly advised that they seek guidance from their insurers and legal advisors.

The individual should be notified of the appeal process should they wish to appeal against the implementation of any risk management plan and be given a timescale for appeal.

Where allegations have resulted in an individual being: a) removed from regulated work with children or adults or b) leaving their post before they were removed if they would otherwise have been removed, the organisation employing that individual as a paid staff member or volunteer has a duty to make a referral to the Disclosure and Barring Service.

Where an individual resigns from a paid or voluntary role - the investigation should continue in their absence and referral to the appropriate body<sup>22</sup> be completed if this would have occurred had the individual remained in post. Resignation should never result in a case being closed without a conclusion, nor should any compromise agreement be entered into if this would prevent full investigation and conclusion of a case.

## **On conclusion of a case**

A case summary and any risk assessment must be kept on the individual's personnel file where available (see '*Church of England Safeguarding Records Practice Guidance, 2015*'). All additional records kept on a safeguarding file and should be cross referenced to the personnel file.

Whether an apology to the victim is useful should be considered alongside who should do this and in what form. This should be discussed with insurers, but with the clear view that the needs of the victim are paramount.

Any claim for compensation should be forwarded to the insurer and discussed with the Registrar, Diocesan Safeguarding Team.

The Diocesan Safeguarding Steering Group should be notified in anonymised form of the case summary, conclusions and recommendations and formulate an advised action plan based on any learning points.

The Bishop and his team should also receive the case summary, case conclusions and any recommendations and the DSSG advised action plan. The Bishop and his team should then agree how the plan will be implemented and oversee implementation alongside the DSSG.

Support should be provided for the victim, congregation and anyone else affected for as long as this is needed and may be sourced from local and national support groups.

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<sup>22</sup> Disclosure and Barring service, Archbishops List, other professional regulating authority.

<b>Document Control Information</b>		
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