



THE CHURCH  
OF ENGLAND

# **Practice Guidance: Responding to Serious Safeguarding Situations Relating to Church Officers**

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## **Preface**

The guidance has been informed by consultation with Diocesan Safeguarding Advisors, Bishops, Diocesan Secretaries, the National Safeguarding Panel, survivors and learning from serious safeguarding situations relating to Bishops and people with high national profile.

The guidance is designed for Diocesan and National Safeguarding Advisors, who are expected to lead the process with their Bishops and senior staff in response to serious situations. It is therefore technical and assumes professional Knowledge. The guidance should be read and used alongside other practice guidance, in particular 'Risk Assessment' and 'Safeguarding Records'.

The House of Bishops commends this practice guidance for use by parishes, dioceses and the national church institutions. Where relevant, it should also be applied to other Church of England Settings, for example cathedrals, religious communities and theological colleges. Failure to implement and adhere to this practice guidance may invalidate your insurance.

I hope you find this helpful.

Yours in Christ's fellowship,

+ *Paul*

**Bishop Paul Butler**  
Bishop of Durham

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## Legalities and definitions

### Legal basis

#### Children

The Children Act 2004 (section 11) places a duty on a range of organisations and individuals to have in place arrangements to safeguard and promote the welfare of children. While the same duty is not placed on faith organisations they should still put appropriate safeguarding arrangements in place.

The arrangements organisations are required to have in place are set out in paragraph 4 of Chapter 2 of *Working Together to Safeguard Children – A guide to inter-agency working to safeguard and promote the welfare of children*<sup>1</sup> (HM Government March 2015) (“Working Together”). This includes the need to report serious safeguarding situations to the statutory authorities. Paragraph 44 of Chapter 2 of Working Together states that faith organisations need to have appropriate procedures “...in place to safeguard and promote the welfare of children...”.

#### Adults

The Care Act 2014 sets out a clear legal framework for how local authorities and other parts of the system should protect adults at risk of abuse or neglect. It recognises that local authorities can only safeguard individuals by working together with the Police, NHS and other key organisations as well as awareness of the wider public. Agencies that support adults at risk of abuse and / or neglect can prevent and detect harm but they must act swiftly and competently when abuse is suspected or reported.

Voluntary organisations need to work with commissioners and the Safeguarding Adults Board to agree how their role fits alongside the statutory agencies and how they should work together. This will be of particular importance where they are offering information and advice, independent advocacy, and support or counselling services in safeguarding situations.

Additionally, many voluntary organisations also provide care and support services, including personal care. All voluntary organisations that work with adults need to have safeguarding procedures and lead officers<sup>2</sup>.

### Definitions

**A “serious safeguarding situation” (which includes reports of domestic violence and abuse)** may relate to a church officer who has:

- behaved in a way that has or may have harmed a child or adult;
- possibly committed a criminal offence against or related to a child or adult; or
- behaved towards a child or adult or presented him or herself in a way that indicates they may pose a risk to children or adults.

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

**“National Church Institutions (NCIs)”** are the National Institutions of the Church of England, the collective name for the following: The Archbishops' Council; Bishopthorpe Palace; The Church Commissioners; The Church of England Central Services; The Church of England Pensions Board;

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<sup>1</sup> Working Together page 52 onwards.

<sup>2</sup> Care and Support Statutory Guidance, issued under the Care Act 2014, Department of Health October 2014

<sup>3</sup> Protecting All God's Children, the policy for safeguarding children in the Church of England, 4<sup>th</sup> ed House of Bishops, 2010, paragraph 1.27

Lambeth Palace; National Society for Promoting Religious Education; Trustees of the Lambeth Palace Library.

**A “child”** is a person under 18 years of age and is seen to be vulnerable by reason of their age.

**An “adult”** is a person aged 18 or over. The Care and Support Statutory Guidance issued under the Care Act 2014 (14.2) by the Department of Health replaces the previously used term ‘vulnerable adult’ with ‘adults experiencing, or at risk of abuse or neglect’.

However, the term vulnerable adult is retained by Safeguarding Vulnerable Groups Act 2006; the Disclosure and Barring Service (DBS) in its Guide to eligibility for DBS checks.

The Church of England in its draft Safeguarding and Clergy Discipline Measure (which is not yet in force) defines a ‘vulnerable adult’ as a person aged 18 or over whose ability to protect himself or herself from violence, abuse, neglect or exploitation is significantly impaired through physical or mental disability or illness, old age, emotional fragility or distress, or otherwise; and for that purpose, the reference to being impaired is to being temporarily or indefinitely impaired<sup>4</sup>.

**“Domestic violence and abuse”** is defined as any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to; psychological, physical, sexual, financial and emotional abuse.<sup>5</sup>

The language used for complainants and those complained against is always a sensitive issue. This guidance will usually be needed before there have been any findings in criminal, civil or disciplinary proceedings, and both victims and abusers will at this stage be ‘alleged’. The terms **“alleged victim or survivor”** and **“alleged abuser”** are therefore used for convenience. It is recognised and acknowledged that many individuals who have been subjected to abuse may prefer to describe themselves as survivors of abuse and few would want to be defined by their experiences of the past.

### **Past or historical abuse**

Such terminology refers to:

- abuse disclosed by an adult which happened to them in the past, either as a child or as a younger adult; and
- abuse disclosed by a child which happened to them in the past as a younger child.

This Guidance should be followed in all such cases where the reported alleged abuse crosses the threshold of a “serious safeguarding situation” as defined above.

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<sup>4</sup> The Archbishops’ Council may by order amend the definition of “vulnerable adult.”

<sup>5</sup> Cross government definition from Guidance Domestic Violence and Abuse, Home Office, March 2015

## 1. Introduction

### Who this guidance is for:

- 1.1 This guidance has been written primarily for Diocesan, Provincial and National Safeguarding Advisers (DSA, PSA and NSAs, respectively), Bishops and Archbishops and their senior staff.

### When this guidance should be used:

- 1.2 This guidance should always be followed when information about a serious safeguarding situation<sup>6</sup> about a church officer<sup>7</sup> is received, irrespective of how information comes to light (for instance, through review of files; media contact; information from alleged victim; information from statutory agency; report from local church).
- 1.3 If senior diocesan staff are uncertain about whether a situation qualifies as a 'serious safeguarding situation' or whether the alleged abuser is a 'church officer', advice should be sought from the Diocesan Safeguarding Adviser (DSA); if the DSA is in doubt, he or she should take advice from local Children or Adults Services, or from a National Safeguarding Team adviser.
- 1.4 Failure to adhere to this guidance may leave a child or an adult at risk, and may invalidate the parish's, diocese's or National Church Institution's<sup>8</sup> insurance cover.
- 1.5 It is intended that clergy and certain relevant others must have due regard to guidance issued by the House of Bishops on matters in relation to safeguarding. If clergy fail to do so, this could be a disciplinary offence.<sup>9</sup>

### What this guidance provides:

- 1.6 This guidance provides the chronological procedure to be followed when information is received about a serious safeguarding situation, including:
  - i. immediate response to ensure safety
  - ii. immediate reporting requirements to statutory agencies
  - iii. collaboration with statutory agencies
  - iv. responding well to alleged victims or survivors
  - v. management of the serious safeguarding situation
  - vi. support needs for alleged abusers and those managing the serious safeguarding situation
  - vii. action required following a statutory investigation
  - viii. review of process and learning from the situation.
- 1.7 This practice guidance should be followed alongside other House of Bishops Practice Guidance, in particular Safeguarding Records and Risk Assessment for individuals who may pose a risk<sup>10</sup>.

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<sup>6</sup> Serious safeguarding situation: see definition page 4

<sup>7</sup> Church officer: see definition page 4

<sup>8</sup> National Church Institution: see definition page 4

<sup>9</sup> Pursuant to clause 5 of the draft Safeguarding and Clergy Discipline Measure, clergy (and relevant others, which includes churchwardens and PCCs) will be required to have "due regard" to guidance issued by the House of Bishops on matters relating to safeguarding. Failing to comply with this duty to have "due regard" will be a disciplinary offence for clergy under the CDM. A duty to have "due regard" to guidance means that the person under the duty is not free to disregard it but is required to follow the guidance unless there are cogent reasons for not doing so. It means that a person can only depart from the guidance if the reasons for doing so are clear, logical and convincing, (e.g. the guidance is out of date and has been superseded by legislation or other relevant guidance).

<sup>10</sup> House of Bishops, May 2015

## 2. Emergency situations

- 2.1 Anyone receiving information about or observing a serious safeguarding situation where a child or adult is in immediate danger or requires immediate medical attention must call the emergency services on 999. Do not delay.

## 3. Reporting and communicating with statutory agencies

- 3.1 In most circumstances the DSA of the diocese in which the abuse is alleged to have taken place should be the prime communicator with statutory agencies, and ensure that there is close collaboration and co-operation between the church and all agencies involved in the situation.
- 3.2 The Local Authority Designated Officer (formerly known as the LADO)<sup>11</sup> may advise that the matter should be reported to Children and/or Adult Services if there are children or vulnerable adults living at (or visiting) the home of the alleged abuser, or may report the matter themselves and inform the police. The DSA will ensure this process happens.
- 3.3 If the decision is made to report to statutory agencies, it should be done immediately by phone and then be followed up in writing, and a record made.
- 3.4 A decision not to refer should be recorded and kept under constant review as the case progresses.
- 3.5 If the threshold for reporting to statutory agencies has not been reached, for example if no criminal offence has been committed, or the alleged harm done to an adult victim or survivor does not warrant a referral to Adult Services<sup>12</sup>, the Diocese should investigate the matter internally. If after an initial collection of information the DSA or any senior member of staff considers there is sufficient evidence to consider this a serious safeguarding situation, the situation should be managed according to section 7 below.

### Children<sup>13</sup>

- 3.6 All concerns about the welfare of children must be referred to either the police or Local Authority Children's Services without delay.
- 3.7 The advice of the Local Authority Designated Officer for Children's Services should be sought for clarity about whether the threshold for referral has been reached.

### Adults<sup>14</sup>

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<sup>11</sup> Working Together 2015 chapter 2, para 5: Local authorities should.. have designated a particular officer, or team of officers (either as part of multi-agency arrangements or otherwise), to be involved in the management and oversight of allegations against people that work with children. .... Para 6: Local authorities should put in place arrangements to provide advice and guidance on how to deal with allegations against people who work with children to employers and voluntary organisations.

<sup>12</sup> The Care Act 2014 sets out a clear legal framework for how local authorities and other parts of the health and care system should protect adults at risk of abuse or neglect. Inter alia, the Act requires local authorities to make enquiries, or ask others to make enquiries, when they think an adult with care and support needs may be at risk of abuse or neglect in their area and to find out what, if any, action may be needed.

<sup>13</sup> Child: see definition, page 4

<sup>14</sup> Adult: see definition, page 5

3.8 All concerns about the welfare of an adult should be referred to Local Authority Adults Services<sup>15</sup> by either the adult who is an alleged victim or the DSA. The police should also be informed if it is believed a crime has been committed.

### Consent of the adult

3.9 If possible the referral should be made with the consent of the adult. A record of what has been shared should be kept.

3.10 Referrals may be made without consent in the following circumstances:

- i. if the person appears to lack capacity<sup>16</sup>. Anyone can assess capacity; deciding whether a person lacks capacity to make a decision rests with the person with whom the alleged victim is communicating. If there are concerns about capacity because of illness, disability or vulnerability, advice should be sought from the Designated Officer in Adults Services
- ii. if others are at risk of harm or being harmed and sharing information with statutory agencies may prevent crime(s) from being committed. That is to say, deciding whether the proposed sharing of the information is likely to make an effective contribution to preventing any risk<sup>17</sup>.

3.11 For clarity about whether the threshold for referral has been reached, and whether a referral can be made without the adult's consent, the advice of the Designated Officer in Adult Services should be sought.

### An adult who alleges abuse as a child

3.12 Where an adult discloses abuse which happened to them when they were children, the initial pastoral response to the alleged survivor of abuse should be priority, and exactly as if the abuse were still current<sup>18</sup>. Nevertheless, the risks currently posed by the alleged abuser must be considered, and the DSA/NSA should try to establish whether the alleged abuser is currently in a position where he or she may harm others.

3.13 **If the alleged abuser may be in a position to harm others**, the DSA or an Authorised Listener<sup>19</sup> should work with the alleged survivor to agree the format of a referral to the police or Local Authority Children and/or Adults Services. This requires a very sensitive approach especially when the alleged survivor is not at a stage where s/he wishes to disclose the alleged abuser's name or their own name. Whilst giving due regard to the needs of the alleged survivor, priority must always be given to others who may be at risk of harm<sup>20</sup>. The alleged survivor should be made aware of the limits on confidentiality where there is a continuing risk of harm to others.

3.14 Once the details of the alleged abuser are known, a referral must be made to the police and Children and/or Adult Services.

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<sup>15</sup> [Click here to find Adult Services in your area](#)

<sup>16</sup> Section 2 of the Mental Capacity Act 2005 states: "...a person lacks capacity in relation to a matter if at the material time he is unable to make a decision for himself in relation to the matter because of an impairment of, or a disturbance in the functioning of, the mind or brain..." The impairment or disturbance can be permanent or temporary. Mind, the mental health charity, has a useful guide to mental capacity.

<sup>17</sup> "...even without consent...it is still possible to share personal information if it is necessary in order to carry out your role, or to protect the vital interests of the individual..." (Information Sharing – Advice for Practitioners providing safeguarding services to children, young people, parents and carers...) (March 2015 – Department for Education)

<sup>18</sup> See section 6, and Protecting All God's Children, sections 6.29 to 6.34; and reference to Past Abuse, Legalities and Definitions page 5

<sup>19</sup> See paragraph 6.11

<sup>20</sup> Responding Well to those who have been sexually abused, House of Bishops 2011, in particular A2, Needs of those who have been abused

- 3.15 If the adult is unwilling at this stage to report to statutory agencies themselves, a report that does not include the name of the alleged victim should be made to statutory agencies by the DSA.
- 3.16 **If there is no known current risk of harm to others from the alleged abuser**, for example, when the alleged abuser is deceased or in prison, either the DSA or the Authorised Listener should work with the alleged survivor to gain his or her consent to report to the police. Such a report may assist police in their enquiries, since there may be other victims, or other associated abusers.
- 3.17 If the alleged survivor does not consent to a report to the police, consideration should be given to whether the information should nevertheless be shared. The key factors in making this decision are necessity and proportionality, and whether the public interest overrides the interest in maintaining confidentiality.<sup>21</sup> If necessary legal advice should be sought.
- 3.18 The matter may be reported without identifying the alleged survivor to the police, or to Crime stoppers (0800 555 111) or the National Society for the Prevention of Cruelty to Children (NSPCC) (0808 800 5000).

### **A church officer who discloses that s/he is at risk of harming a child or an adult**

- 3.19 If a church officer discloses that s/he is at risk of harming a child or an adult, h/she should be referred to a specialist agency for support in preventing abuse taking place<sup>22</sup>.
- 3.20 Consideration should be given to whether, taking into account the information shared and any known past history, a referral to statutory services is required, and if so, the church officer should be encouraged and supported in making the report him or herself.
- 3.21 A risk assessment of harm to children and/or adults should be carried out on disclosure, following Practice Guidance in Risk Assessment<sup>23</sup>, and appropriate precautionary measures taken.
- 3.22 If the matter reaches the threshold of a 'serious safeguarding situation' this Practice Guidance should be followed. If it is judged that the matter does not reach this threshold, the situation should be kept under review.

### **Domestic violence and abuse<sup>24</sup>: children and adults**

- 3.23 A report to the police and/or Children or Adult Services should be made with the consent of the alleged adult victim of abuse. This may be made by the alleged victim him / herself, or with support from the DSA.
- 3.24 If the alleged victim is aged 16 or 17 years, the matter should always be reported to Children or Adult Services.
- 3.25 Whether or not the matter is reported to Children or Adult Services, the alleged victim should be signposted to support from the local Independent Domestic Violence

<sup>21</sup> See the Data Protection (Processing of Sensitive Personal Data) Order 2000, which makes clear that sensitive personal data can be shared without consent in relation to the prevention or detection of any unlawful act or to protect members of the public from dishonesty, malpractice or other seriously improper conduct, if it is in the substantial public interest

<sup>22</sup> For example see the Lucy Faithfull Foundation website and details of the Stop It Now campaign with regard to risk of sexual abuse

<sup>23</sup> Risk Assessment for individuals who may pose risk to children or adults – A Practice Guidance Document (2015)

<sup>24</sup> Domestic violence and abuse: see definition page 5

Advocate (IDVA)<sup>25</sup>, or from other organisations which are able to offer help and advice on current and future options<sup>26</sup>.

- 3.26 **If a child or children are also members of the household**, and not directly involved in the violence or abuse, they are deemed to be at risk, and a report to Children' Services should be made as in paragraphs 3.6 and 3.7 above.

#### 4. Immediate reporting and communicating within the diocese or the National Church Institutions (NCIs)<sup>27</sup>

In all situations of information sharing, the receiving body or individual should acknowledge safe receipt.

- 4.1 A report, including one which does not name an alleged victim or alleged abuser, of a serious safeguarding situation relating to children or adults must be reported to the Safeguarding Adviser (DSA or NSA), immediately.
- 4.2 If the information relates to a diocese and does not relate to a Bishop, a person with high national profile, or a cross-diocesan situation, the matter should be referred to the DSA of the diocese in which the reported abuse allegedly took place, who will take responsibility for the management of the case.

##### In a diocese:

- 4.3 The DSA must immediately inform the Diocesan Bishop and the Suffragan or Area Bishop and Archdeacon relevant to the parish to which the situation refers.
- 4.4 In addition the DSA should ensure following people are informed:

<b>Circumstance:</b>	<b>Information shared with:</b>
Information in or may imminently reach the public domain	Diocesan Director of Communications
Information about a diocesan employee	Diocesan Secretary
Information about a Bishop	NSA, and Provincial Safeguarding Adviser, who will inform the Archbishop
Information about someone currently or in the past has/had a high national profile, either in the church or in any walk of life <sup>28</sup>	NSA
Information relating to more than one diocese	DSAs of all the relevant dioceses, and NSA, who will ensure that appropriate communication systems are set up
If the alleged abuser is ordained	NSA, for a two way information flow

- 4.5 If the DSA, Bishop, Archdeacon or Diocesan Secretary is compromised by the report (eg the subject of the complaint, or related to the subject), the information should be shared respectively with the Deputy DSA<sup>29</sup>, an Area or Suffragan Bishop, another Archdeacon or the Deputy Diocesan Secretary as appropriate in the circumstances.

<sup>25</sup> Independent Domestic Violence Advocates (IDVA) provide practical and emotional support to individuals who are at the highest levels of risk; details can be obtained from Social Services.

<sup>26</sup> For example: National Domestic Violence Helpline (0808 2000 247); Men's Advice Line (0808 801 0327); Broken Rainbow (for lesbian, gay, bisexual and transgender people - 0300 999 5428

<sup>27</sup> National Church Institutions (NCIs): see definition page 4

<sup>28</sup> Judgement about such profile should be at the discretion of the DSA, in consultation with the Diocesan Bishop and the National Safeguarding Team

<sup>29</sup> See paragraphs 4.11, 4.12

- 4.6 If the matter relates to a sole diocese, that diocese will take total responsibility for the management of the case.
- 4.7 If the matter relates to a Bishop or someone with a high national profile, the management of the case will be led by the NSA in co-operation with the dioceses involved.

**In a National Church Institution:**

- 4.8 If the information relates to a Bishop or a person with high national profile, the NSA/Archbishop’s SA must immediately inform the Archbishop of the relevant province, the Bishop and the DSA of the diocese in which the alleged abuse took place, and the Lead Bishop for Safeguarding.
- 4.9 In addition the NSA should ensure the following people are informed:

<b>Circumstance:</b>	<b>Information shared with:</b>
Information in or may imminently reach the public domain	National Director of Communications, Archbishop’s Communications Adviser
Information about a NCI employee	NCI employer

- 4.10 If the NSA, Provincial Safeguarding Adviser, Lead Bishop for Safeguarding or NCI employer is compromised by the report (for example, the subject of the complaint, or related to the subject), the information should be shared with another member of the National Safeguarding Team, the Archbishop of the other Province, the Deputy Lead Bishop for Safeguarding or the NCI deputy employer as appropriate in the circumstances. Should this person also be compromised by the report, an independent member of the National Safeguarding Panel should be informed, and in consultation with the Lead Bishop for Safeguarding, decide on where responsibility should lie.

**Absence of the Safeguarding Adviser (Diocesan or NCI)**

- 4.11 In both diocesan and national safeguarding teams, a lead Safeguarding Adviser should be identified. The Diocese is expected to provide cover for holiday and sickness absence of the DSA. The relevant NCI is expected to provide cover for holiday and sickness absence of the NSA or the Provincial Safeguarding Adviser.
- 4.12 The person covering any of these roles must hold equivalent qualifications and experience to the DSA<sup>30</sup>, and should normally be appointed until the Safeguarding Adviser’s return. Assistance might be obtained from the DSA of a neighbouring diocese, negotiated formally by the Diocesan Bishop and Diocesan Secretary for extended cover.

**5. Immediate safety arrangements**

- 5.1 Immediate arrangements for the safety of the alleged victims or survivors and their families, for other potential victims, and for the alleged abuser and his or her family need to be put in place to minimise the risk of further abuse. This is a shared responsibility with statutory agencies. Practice Guidance on Risk Assessment should be followed<sup>31</sup>, and a Type A assessment carried out<sup>32</sup>.

<sup>30</sup> Protecting All God’s Children, job description for DSA

<sup>31</sup> Practice Guidance: Risk Assessment for individuals who may pose risk to children or adults, House of Bishops May 2015, paragraph 4.8

<sup>32</sup> Ibid, section 5

- 5.2 The assessment should always collect information from and in almost all cases follow advice and recommendations from all statutory agencies involved in the situation<sup>33</sup>.
- 5.3 The responsibility for ensuring that immediate and ongoing risks are managed lies with statutory agencies. The DSA of the diocese in which the alleged abuser currently resides or works should follow statutory agency recommendations to ensure that measures to minimise risk are put in place. If this is not the diocese in which the alleged abuse took place, the DSAs of both dioceses should work in collaboration, taking the advice of the Designated Officers in Local Authorities in both locations.
- 5.4 Safety arrangements may need to change, pending the outcome of any investigation and further more informed assessment, and will depend on the specific situation. Consideration for the alleged victim's or survivor's safety must be paramount at all times. Arrangements may include suspension of the alleged abuser<sup>34</sup>, and removal of the alleged abuser from contact with the alleged victim or survivor. This may include an interim agreement for the alleged abuser to attend a different Church.

## 6. Pastoral response to alleged victim(s) or survivor(s) and their families

- 6.1 The pastoral response to alleged victims and survivors is of top priority, and needs to be separated as far as possible from the management processes for the situation, and from legal and insurance responses. However, it will need to be conducted with the full knowledge and approval of the police in cases involving criminal investigation.
- 6.2 The seven essential elements that victims and survivors of abuse need to be able to recover from the impact of the abuse they have suffered are:
  - i. the opportunity to tell the story;
  - ii. the opportunity for someone to 'hear' the story;
  - iii. to receive a compassionate response;
  - iv. an effort to protect the vulnerable from further harm;
  - v. the community holding the alleged abuser to account;
  - vi. an act of restitution as far as this is possible;
  - vii. unambiguous vindication<sup>35</sup>.
- 6.3 The Safeguarding Adviser (Diocesan, Provincial or National) should always, with the agreement of the police, ensure that direct contact is made with the alleged survivor by an appropriate diocesan or NCI representative when first informed of the serious situation, in order to express compassion, enable support to be offered, and explain the process which the Church will be following. If this contact is not already established, communication can be made through the police or another third party.
- 6.4 Where the alleged victim is a child, contact should be established with the parents or guardians of the child. Where the alleged victim is an adult who does not have capacity<sup>36</sup>, contact should be established with the adult's carer. If the subject of the allegation is the parent or carer, advice should be taken from the Local Authority Designated Officer.
- 6.5 Once appropriate contact is established, the Safeguarding Adviser should **at every stage**:
  - i. explain the process for internal management of the situation which the Church is following;

<sup>33</sup> Ibid, paragraphs 5.4 to 5.7

<sup>34</sup> See paragraphs 12.1 to 12.6

<sup>35</sup> Revd Dr Marie Fortune, Faithtrust Institute, as quoted in Responding Well to those who have been sexually abused, Policy and Guidance for the Church of England, House of Bishops, 1<sup>st</sup> ed 2011 "Responding Well"

<sup>36</sup> Mind, the mental health charity, has a useful guide to mental capacity.

- ii. ensure that the support needs of the alleged victim or survivor and his or her family are being met;
  - iii. keep the alleged victim/survivor and his/her family informed of the progress of the investigation and the internal management of the case<sup>37</sup>.
- 6.6 No-one directly involved in the management of the case, or who may be required to give evidence in any court proceedings, should be directly supporting the alleged victim or survivor, since their roles or their status would not be perceived as independent.
- 6.7 If the alleged abuse has been reported directly to the police, support for alleged victims and survivors during an investigation is the primary responsibility of the police, in liaison with other statutory agencies. The role of the Church is to offer to complement this support both during and after the investigation. Such support should be provided in consultation with all statutory agencies involved in the situation.
- 6.8 Whilst an investigation is ongoing, all support and counselling should be offered under 'pre-trial therapy' rules<sup>38</sup>, and agreed by the police, in order to ensure that the ongoing investigation is not compromised.
- 6.9 Alleged victims who are children may need specialist support and in consultation with Children's Services and agreed by police, should be referred to a professional agency qualified to provide what is required.
- 6.10 Adult alleged victims and survivors should be offered support which is independent from the diocese or NCI which is managing the case.
- 6.11 Options of independent support for an adult alleged victim or survivor include:
  - i. *Authorised Listeners*<sup>39</sup>. Each diocese should appoint and train carefully chosen, competent people who will be able to act as 'Authorised Listeners' for adults who disclose abuse and want help in exploring options about what to do next.
  - ii. *Safe spaces*<sup>40</sup> which may be commissioned by the Church to offer independent support to victims and survivors.
  - iii. *Local and national support groups* for victims and survivors of abuse, for example where available Sexual Assault Referral Centres...
- 6.12 Details of the full range of independent support should always be given to the alleged victim or survivor. Their wishes should be accommodated wherever possible, and the support should come from someone not involved in or compromised by the allegation.
- 6.13 In some instances, the alleged victim or survivor may specify the supporter they want; the supporter may be from the local Church which he or she attends. The Safeguarding Adviser should if possible contact the chosen supporter, to ensure that he or she understands the need to offer support on a similar basis to 'pre-trial rules' (see paragraph 6.8), and is not part of the internal management of the serious situation.
- 6.14 Other members of the alleged victims' and survivors' families who are affected by the disclosure of the information should also be offered support as in paragraphs 6.9 to 6.13.
- 6.15 Consideration should always be given for funding of counselling for the alleged victim or survivor, if his or her counselling needs are additional to that already being offered by

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<sup>37</sup> See paragraph 7.6

<sup>38</sup> Provision of therapy for vulnerable or intimidated adult witnesses prior to a criminal trial - Practice guidance, issued as part of the Home Office Co-ordinated Action for Justice Programme, 2002

<sup>39</sup> Responding Well, page 6

<sup>40</sup> The Church of England is due to commission up to 3 independent Safe Spaces in 2015

statutory agencies. The offer to fund counselling should not be seen as a tool for encouraging the reporting of the alleged abuse.

- 6.16 Funding for counselling should not be prejudicial to the outcome of any subsequent claim made. Any referral for counselling and support for an alleged victim should be prefaced with a discussion and agreement of the relevant insurer. The DSA should have information about a variety of local counselling and support services both private and via the NHS.
- 6.17 Offering to finance an individual's counselling or other treatment or redress should not be seen as an admission of liability<sup>41</sup>.
- 6.18 Any form of support or counselling should be arranged in a place convenient to the alleged victim or survivor; if that person now lives in a different diocese to the one managing the serious situation, the Safeguarding Adviser should liaise with the DSA of the diocese in which the victim or survivor now resides, in order to make appropriate arrangements.
- 6.19 At the conclusion of the management of the serious safeguarding situation, unless the allegation is proved to be malicious or unfounded, consideration should be given to offering the victim or survivor an apology, and their long term needs for recovery<sup>42</sup>.

## **7. Management of the serious situation**

### **Multi-agency management**

- 7.1 The Local Authority Designated Officer has responsibility to ensure communication and co-ordination between agencies, which may include police, NOMS, health services, education, adults and children's social care and / or an Independent Domestic Violence Advocate.
- 7.2 This will normally take the form of multi-agency Strategy Meetings/Allegation Management Meetings/Child or Adult Protection Conferences, to which the Diocesan/National/Provincial Safeguarding Adviser and other relevant Church officers should expect to be invited.
- 7.3 It is vital that Church representatives are included in such meetings, for the purposes of sharing information relevant to the case, and being party to the decision making process regarding investigation and risk.
- 7.4 In relation to risk management, Diocesan or NCI internal management of serious safeguarding situations is strongly led by recommendations from multi-agency meetings.
- 7.5 If the Diocesan, National or Provincial Safeguarding Adviser is not satisfied that multi-agency management by the Local Authority is adequate, or is not invited to such meetings, he or she should contact the Local Authority Designated Officer. If the Safeguarding Adviser is still not satisfied, contact should be made with the Director of Children's or Adults Services or Chair of the local Safeguarding Children or Adults Board by a senior diocesan representative or the chair of the Safeguarding Group.

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<sup>41</sup> "...offering to pay for some counselling or treatment would not in itself be deemed to be an admission of legal liability...Ecclesiastical are strong supporters of the rehabilitation approach as we wish to assist where possible to achieve the best post trauma outcome for an abused person..."

[\(A Summary of Ecclesiastical's Approach to Handling Physical and Sexual Abuse Cases\)](#)

<sup>42</sup> See paragraphs 13.11 to 13.18

- 7.6 It is common for Police and Local Authority investigations to take weeks and sometimes months to come to a conclusion about whether charges will be brought. The DSA/NSA should keep in regular touch with investigating officers and encourage a speedy response. If the subject is charged and pleads not guilty, the outcome of the process will be further delayed, as the matter will go for trial by jury. Any risk assessment process by the Diocese/NCI cannot be instigated until after the statutory investigation has been completed and/or the trial reached its conclusion. Both alleged victims/survivors and alleged abusers should be made aware of the potential timescale and the Diocese/NCI should ensure that regular contact is maintained with them and appropriate support is offered and reviewed through the whole period.

### **Internal case management: the Core Group**

- 7.7 In every serious safeguarding situation which relates to a church officer, the case should be managed by a defined Core Group, convened for the specific situation.
- 7.8 If the church officer is a Bishop, an archbishop, an individual with high national profile, or a complex inter-diocesan case<sup>43</sup>, the NSA will take the lead in managing the case, supported by the Provincial Safeguarding Adviser.
- 7.9 The Core Group should be convened by the DSA of the diocese in which the alleged abuse has taken place for a diocesan case, or the NSA for an NCI case, and aim to meet within 48 hours of becoming aware of the serious safeguarding situation. If it is logistically impossible to meet face to face, a virtual meeting should be set up electronically.
- 7.10 Most serious situations will involve referral to the police and/or Children or Adult Services. In the event of this threshold not being reached<sup>44</sup>, on the advice of the Local Authority Designated Officer the Diocese/NCI should conduct its own investigation; the Core Group should establish a process for this, and if necessary commission an independent investigator to gather information and make an assessment on the facts.
- 7.11 In the case of a Bishop or Archbishop, the Provincial Registrar should be consulted about legal issues in relation to discharging the duties of that post.
- 7.12 **The purpose of the Core Group** is to ensure that:
- Church of England policies and practice guidance are followed;
  - there is collaboration between and support for the Diocese and the parish, or the NCI and the diocese(s);
  - there is reference to any other church community with which the alleged abuser is associated.
- 7.13 This convened Core Group will manage the process for the duration of the case, and will meet as required.
- 7.14 If the alleged abuser is the Diocesan Bishop or an Area or Suffragan Bishop, the case will be managed internally by an NCI core group.
- 7.15 If the alleged abuser is the Archbishop of the Province, the case will be managed internally by an NCI Core Group set up by the Archbishop of the other Province.
- 7.16 **Membership of the Core Group** may include:

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<sup>43</sup> A complex inter-diocesan case should generally be one that involves more than two dioceses, though there may be exceptional circumstances where the complexity is, for instance due to errors in procedures having been made

<sup>44</sup> See paragraph 3.5, page 6

<b>Diocesan</b>	<b>NCI</b>
<p><i>Diocesan officers:</i> the DSA, the Archdeacon or Area Bishop who represents the Diocesan Bishop, the Diocesan Director of Communications, and other key diocesan senior staff as relevant to the case, with ready access to the Diocesan Secretary and Diocesan Registrar.</p>	<p><i>National officers:</i> the NSA, the Archbishop's SA, the Bishop at Lambeth, or the Chief of Staff at Bishopthorpe, who represents the Archbishop of the Province, the Lead or Deputy Lead Bishop for Safeguarding, representation from the National Communications Team, the Archbishop's Communications Officer, and other key national senior staff as relevant to the case, with ready access to the Provincial Registrar.</p>
<p><i>Parish officers:</i> the Incumbent, the Churchwardens and the Parish Safeguarding Officer, and other relevant parties by agreement. Ongoing consideration should be given to whether those holding voluntary roles have the capacity to manage such a process, both emotionally and in paying due regard to the boundaries of confidentiality.</p>	<p><i>Diocesan officers</i> from both the diocese in which the alleged abuse took place and the diocese in which the alleged abuser now lives and/or works (from each relevant diocese, the DSA, a representative of the Diocesan Bishop, the Diocesan Director of Communications, and other relevant parties by agreement).</p>

7.17 If anyone carrying these roles is the subject of the allegation, or personally involved, they should not be included in the Core Group.

7.18 A chair and a note taker for the core group should be appointed.

7.19 **The role of the chair** is to ensure that policy and practice guidance is followed, and to communicate to the Bishop/Archbishop any recommendations made by the Core Group, always in the knowledge of the DSA/NSA. This role is best fulfilled by someone with experience in chairing such meetings, and with a detailed understanding of safeguarding policy and practice. Consideration should be given as to whether the DSA/NSA is the best person to fulfil this role.

7.20 The Diocesan Bishop or the Archbishop must not be a member of the group him or herself, in order not to compromise potential decisions about disciplinary matters which rest with him or her.

7.21 **The tasks of the Core Group<sup>45</sup>** are:

- i. to share accurate information with the other members of the group;
- ii. to communicate regularly with external agencies;
- iii. to identify specific roles and responsibilities through the management of the case<sup>46</sup>;
- iv. to consider whether other church bodies should be informed of the situation, and invited to join the Core Group;
- v. to ensure and regularly review support for all parties;
- vi. to advise responsible officers, including the bishop/archbishop, on risk management and disciplinary action, including suspension, at every stage;
- vii. to ensure information is shared as required and to establish and maintain boundaries of confidentiality;
- viii. to manage internal communications and actual or potential media coverage locally and nationally;

<sup>45</sup> See Appendix 3 for Template agenda for a Core Group

<sup>46</sup> See Appendix 2 Roles and responsibilities in a serious safeguarding situation

- ix. to review the process, when completed, against relevant policy and practice guidance, and ensure learning from the case is communicated to relevant bodies and informs future practice.
- 7.22 The Diocesan Bishop/Archbishop should be kept informed of the process by his or her Safeguarding Adviser and representative in the Core Group, and advised on decisions which he or she needs to take.
- 7.23 Minutes from all Core Group meetings should be taken and circulated as soon as possible after each meeting; absent members should be briefed on decisions within 48 hours of the meeting.
- 7.24 If the serious safeguarding situation relates to a diocesan/NCI employee then the Diocesan Secretary/NCI employer or their nominee should be a member of the Core Group. The Diocesan Secretary/relevant NCI employer, if not a member of the Core Group, should be kept informed whenever there is likely to be a potential financial impact on the Diocese/NCI.
- 7.25 Legal advice should be sought from the appropriate legal adviser (e.g. Diocesan/Provincial Registrar/Legal Office of the National Church Institutions) as required, at every stage of the process.
- 7.26 Communications advice should be sought from the Diocesan/National Communications Adviser as required, at every stage of the process.
- 7.27 A complete record of the case should be maintained by the DSA/NSA and retained in a secure place, in accordance with Safeguarding Records Practice Guidance<sup>47</sup>. The record should contain minutes of all meetings and communications between all members of the group between meetings. **It is therefore of vital importance that records of all telephone calls, emails and meetings outside of the Core Group meetings, and all involvement of statutory agencies are sent to the DSA/NSA.**
- 7.28 Serious safeguarding situations managed nationally are always complex. It is therefore likely that:
- i. each diocese involved in the case will need to have its own internal group to manage the specific issues it has to deal with. Diocesan groups should always work under the guidance of the NCI Core Group and keep the NSA informed of actions taken;
  - ii. not all information relating to the case will be relevant to or able to be shared with all members of the NCI core group. A smaller group, comprising the chair, the NSA, the Archbishop's representative and National Communications representatives should be kept informed of all developments and may need to meet separately, always seeking appropriate legal advice as required.

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<sup>47</sup> Safeguarding Records Practice Guidance: House of Bishops May 2015

## 8. Support needs

### Alleged survivors and families

- 8.1 The first support that must be addressed is that of victims/survivors and their families, as detailed in section 6.

### Alleged abuser and families

- 8.2 An allegation of abuse made against a church officer always causes distress to the alleged abuser and members of his or her household and family, and the church has a duty to ensure that they are appropriately supported through the period of an investigation.
- 8.3 The Safeguarding Adviser (Diocesan or NCI) should always ensure that direct contact is made with the alleged abuser by an appropriate diocesan or NCI representative, but be guided by statutory services in the timing of this. In most cases, police will not want an alleged abuser to be alerted to an allegation of abuse made against them until after they have interviewed him or her. Contact with the alleged abuser should therefore always follow reporting to statutory agencies.
- 8.4 Once contact is established, the appropriate diocesan or NCI representative, with the support of the Safeguarding Adviser should in most situations meet with the alleged abuser in order to explain the process which the church will be following, signpost the alleged abuser to appropriate pastoral support, and set up arrangements for immediate protection of the alleged victims, other potential victims and the alleged abuser and his or her family.
- 8.5 Where the alleged abuser is a child, contact should be established with the parents or guardians of the child if the police are willing to release details. Where the alleged abuser is an adult who does not have capacity, contact should be established with the adult's carer.
- 8.6 The Safeguarding Adviser should **at every stage**:
- i. explain the internal management of the situation which the church is following;
  - ii. ensure that the support needs of the alleged abuser and his or her family are being met;
  - iii. ensure that the alleged abuser and his or her family members and any potential victims can worship in a church where alleged victims are protected, any bail conditions are met, and the alleged abuser feels protected and supported;
  - iv. ensure that risks are being managed;
  - v. keep the alleged abuser and where appropriate his/her family informed of the internal management of the case at every stage<sup>48</sup>.
- 8.7 No-one directly involved in the management of the case, or who may be required to give evidence in any court proceedings, should be directly supporting the alleged abuser, since their roles or their status may be compromised. For example, support provided by an incumbent, including accompanying to court, to one of his or her church officers may be perceived by the victim or survivor as partiality towards the alleged abuser and collusion with the alleged abusive act.
- 8.8 The supporter for the alleged abuser should be a different person from the supporter for victims or survivors.

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<sup>48</sup> See paragraph 7.6

- 8.9 Key members of the alleged abuser's family should where possible be contacted by the Safeguarding Adviser directly, and offered support separate from that offered to the alleged abuser, as in paragraphs 8.9 to 8.13 following.
- 8.10 Particular consideration may need to be given to the support needs of a member of the alleged abuser's family who is ordained or has a paid or voluntary role in the parish, diocese or national church.
- 8.11 Whilst an investigation is ongoing, all support should be offered under 'pre-trial therapy' rules<sup>49</sup>, in order to ensure that the ongoing investigation is not compromised.
- 8.12 Alleged abusers who are children may need support which must be specialist support and in consultation with Children's Services, should be referred to a professional agency qualified to provide what is required.
- 8.13 Adult alleged abusers and their families should be offered support which is independent from the diocese or NCI which is managing the case.
- 8.14 Where possible, the alleged abuser and his/her family should be asked what kind of support he or she needs at different stages of the process. Pastoral support should always be offered; legal and communications advice cannot be offered by diocesan officers, who are advising the church managing the case, so the alleged abuser must seek this for him or herself.
- 8.15 Options of independent support for an adult alleged abuser and his or her family include:
- i. A named pastoral supporter identified by the DSA/NSA in consultation with members of the Core Group and the alleged abuser/the family member seeking the support;
  - ii. local and national support groups or programmes for abusers and their families.
- 8.16 For clergy or lay workers whose accommodation is provided by the church, alternative temporary accommodation for the alleged abuser and his or her family may need to be considered in order to protect them, and to assist them in withdrawal from their role during the investigation period, which may take a long time to resolve.

### **Those managing the serious situation day to day**

- 8.17 The responsibility for managing day to day the serious situation will fall to the representatives on the core group; in a parish this will normally be the incumbent, the churchwardens and others by agreement, and in a diocese this will normally be the DSA, a representative of the Diocesan Bishop, the Diocesan Director of Communications and others by agreement<sup>50</sup>.
- 8.18 During the period of investigation, which may extend to many months, this group will be severely limited in what information they can share with congregants or parishes; advice and support in communication should always be sought from the Communications representatives in the Core Group.
- 8.19 Both during and at the end of an investigation, whatever the outcome, this group will have the prime responsibility for the pastoral care of the congregation or parishes.

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<sup>49</sup> Provision of therapy for vulnerable or intimidated adult witnesses prior to a criminal trial - Practice guidance, issued as part of the Home Office Co-ordinated Action for Justice Programme, 2002

<sup>50</sup> see paragraph 7.16

- 8.20 The support needs of this group are therefore heavy. This group can provide ongoing mutual support while maintaining the strictest confidence, and should have support readily available from the Diocesan or National officers in the Core Group<sup>51</sup>.

### **Congregations/parishes in a diocese**

- 8.21 The prime responsibility for the wellbeing of members of congregations lies with the incumbent and the churchwardens of the parish; and for parishes in dioceses, with the Diocesan Bishop.
- 8.22 If the incumbent or the Diocesan Bishop is the subject of the allegation, or this role is in a vacancy, the Core Group should consider how support will be provided to the congregants/parishes. For example, in a parish this role may be fulfilled by the Rural or Area Dean and in a diocese, by an Area, Suffragan or Assistant Bishop.
- 8.23 Any information shared publicly or privately with members of a congregation or parishes in a diocese should be agreed in advance with the police investigating the alleged abuse, and the Local Authority Designated Officer. The police and/or the Local Authority may in rare circumstances explicitly request that information is shared during an investigation, in order to search for more potential victims or ensure ongoing safety. In most cases, however, information will not be able to be shared until after the investigation has concluded and there is an outcome, to avoid jeopardising statutory processes.
- 8.24 Care should be taken about who shares information, and how it is shared, and a helpline and support always offered to others who may be affected by the information, including other victims and survivors, families of victims and survivors, friends of abusers.
- 8.25 Once more information is made available to congregants or parishes, reaction is likely to be varied. It may include anger that information has been withheld; fear that others known to them may have been abused; anger that the church has allowed abuse to happen; disbelief and support for alleged or actual abusers; further victimisation of victims and survivors. Such feelings may continue for many years and may become embedded in the culture of the church; those with responsibility for wellbeing may need to seek assistance with mediation and community healing from organisations such as Bridge Builders<sup>52</sup>.

## **9. Communications and record keeping**

### **Communication and media coverage**

- 9.1 As a general rule, statements about the facts of the case should not be given to the media and others until after the investigation or any subsequent trial is completed; and responses by church to media coverage from other sources should be minimal. This is in order to protect all parties and ensure that any investigation is not compromised and impartiality maintained.
- 9.2 Effective communication should be maintained between members of the Core Group at all times, and at all stages of the process.
- 9.3 Advice should be sought from Diocesan and or National Communications Officers on what information is shared with congregations and parishes, how it is shared, and who shares it. Recommendations for information sharing should be made by the Core Group, taking

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<sup>51</sup> see paragraph 7.16

<sup>52</sup> Members of the Bridge Builders Network who have undertaken BB training such as Transforming Church Conflict and Mediating Interpersonal Conflicts sometimes work as facilitators or mediators. Contact tel 020 8883 3033.

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

- 9.4 Communications Officers should liaise with the police and other relevant statutory agency press officers in order to ensure a joint or consistent media statements.
- 9.5 Statements should be prepared by Communications Officers in co-operation with other members of the Core Group, to be used in response to media interest at every stage of an investigation.
- 9.6 All media enquiries relating to the situation should be directed to the Diocesan or National Communications Team. All those who may be approached by the media for comment should be given relevant contact details in order to pass on any media calls.

## **Record keeping**

- 9.7 The DSA or NSA should keep one definitive safeguarding working record of the serious situation (the "safeguarding file"), which should cross reference to all other records held which are relevant. For clergy, key documents must be held on the clergy personal file, which should signpost to where other information is held.
- 9.8 All those directly involved in managing the serious situation should make a record, and pass it to the Safeguarding Adviser for inclusion in the safeguarding record.
- 9.9 Records held locally, for instance in the parish of a diocesan matter, or in the diocese of an NCI matter, should cross reference to the safeguarding record.
- 9.10 Guidance on record keeping should follow House of Bishops Practice Guidance<sup>53</sup>. In particular:
  - i. Records include notes and minutes of meetings, emails, texts, scripts from phone calls.
  - ii. All records should be signed and dated at the foot of the document, with name and role of author.
  - iii. They should record facts, and opinions recorded should be clarified as such.
  - iv. Notes and minutes should record who is doing what, when and what next, and the reasons for taking a particular action or decision, and who else has been informed.
- 9.11 Records should be shared only within the confidentiality agreement set by the Core Group. It should, however, be recognised that records may be required to be disclosed, for example in a disciplinary hearing or as part of a police investigation; for referral to the DBS for consideration for barring; or in response to a Subject Access Request under the Data Protection Act 1998.
- 9.12 At the end of the process, the Core Group should ensure that all records are complete, and corresponding records should be placed as required on personal or personnel files, parish or diocesan safeguarding files, and as PCC confidential minutes<sup>54</sup>. All such records should cross reference to the safeguarding file.

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<sup>53</sup> Practice Guidance: Safeguarding Recording, House of Bishops May 2015

<sup>54</sup> See paragraphs 13.20 to 13.22

## 10. Information sharing: Insurance and Charity Commission

### Insurance

- 10.1 In any serious safeguarding situation the relevant insurer should be informed as soon as possible and their advice sought in the event of likely or actual claims, and funding to support survivors. The insurer should be kept informed of key developments in the situation.
- 10.2 A summary of insurance advice from the Ecclesiastical Insurance Group can be found on the National Church of England safeguarding website.<sup>55</sup>

### Charity commission

- 10.3 The Charity Commission advises that as a matter of good practice, any serious incident that has resulted or could result in a significant loss of funds or a significant risk to a charity's property, work, beneficiaries or reputation should be reported immediately to the Commission.
- 10.4 If the parish or diocese is an excepted or registered charity<sup>56</sup>, the trustees have a duty to inform the Charity Commission of a serious safeguarding situation and how they are responding to it. Guidance in relation to this is on the Charity Commission's website<sup>57</sup>. If a registered charity, reference to the situation should be made on the annual return.

## 11. Court proceedings

- 11.1 In the event of an investigation of a serious safeguarding situation resulting in court proceedings, the Core Group will need to consider any requests made for:
- i. accompanying alleged victims/survivors to court
  - ii. requests for a character reference for the alleged abuser;
  - iii. accompanying an alleged abuser to court;
  - iv. potential or actual court media coverage.
- 11.2 A character reference is a means of support for the alleged abuser, and may be reported as such. No character reference should be provided by a church officer, lay or ordained (or anyone else who is seen to represent the church or diocese) without careful consideration of how this would be perceived by the alleged victims or survivors in this case, or victims and survivors more generally. Clergy in particular should consider their pastoral responsibility for the well being of all congregants, and not be seen to 'take the side of' the alleged abuser. If a church officer insists on providing a character reference, this should be restricted to fact only, (eg confirmation of dates when the person held a particular office in the church), and opinion should be clarified as such and should make no reference to the allegations.

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<sup>55</sup> [A Summary of Ecclesiastical Insurance Group's approach to Handling Physical and Sexual Abuse Cases](#) October 2012

<sup>56</sup> [PCCs are charities, and their members are Charity Trustees](#). PCCs with an income under £100,000 will be "Excepted Charities" and as such will not have to register with the Charity Commission (CC) or submit annual returns. Apart from that the Charity Commission regulates them just like registered charities. They must comply with charity law and their trustees have the same responsibilities as trustees of any other charity.

<sup>57</sup> [Reporting Serious Incidents – Guidance for Trustees – Charity Commission – June 2013](#). The CC issued an alert to all charities in September 2014 which stated that "...if trustees fail to act responsibly in relation to an incident (including failing to report, or not reporting promptly when the incident occurred), the CC may consider this to be mismanagement and take regulatory action, particularly if further abuse or damage has arisen following the initial incident..."

- 11.3 Similar consideration is needed before a church officer (or other representative of the church or diocese) accompanies an alleged abuser to court. It is important to check who will be accompanying the alleged victim or survivor, and how this attendance will be perceived by the court; the individual and his/her family and the wider public, including the media.
- 11.4 It is helpful for a diocesan or national officer (for example, from the Communications Team) to attend the court hearing in order to hear first hand what is said, to be able to report progress and outcomes swiftly to other members of the Core Group, and to be alert to likely media coverage. Anyone attending a court hearing should be competent to understand what is taking place.

## **12. Disciplinary proceedings**

### **Suspension for the duration of an investigation**

- 12.1 When information about a serious safeguarding situation involving a church officer is received, immediate consideration should be given to suspension of the alleged abuser from his/her role.
- 12.2 The police should always be consulted regarding the timing of such action, to ensure that the alleged abuser is not alerted to an impending investigation before the police have made direct contact. Suspension may, however, be a recommendation from a Local Authority Strategy Meeting.
- 12.3 It should be emphasised that suspension is an entirely neutral act and is a precautionary measure in order to ensure that cases can be investigated in a dispassionate manner and to protect all parties involved, (for instance, by ensuring no further accusations are made against the alleged abuser; and that actual and potential victims are protected).
- 12.4 Consideration should be given to whether other structured activities could be offered during the period of suspension.
- 12.5 For clergy:
- i. In the case of an officer holding the Bishop's licence, permission or commission, the power to suspend lies with the Bishop of the diocese.
  - ii. In the case of a Bishop, the power to suspend lies with the Archbishop of the Province. Such a decision must be made in consultation with the police and Children or Adult Services.
  - iii. The Bishop or Archbishop should always take the advice of his or her DSA/NSA and Diocesan/Provincial Registrar, and follow the procedures laid down in the Clergy Discipline Measure, before suspending.
- 12.6 For paid staff or volunteers:
- i. In the case of a parish officer, the power to suspend lies with the incumbent and PCC.
  - ii. In the case of a Diocesan employee, the power to suspend lies with the Diocesan Secretary; of a NCI employee, with the NCI employer.
  - iii. The advice of Human Resources should be sought and relevant disciplinary procedures followed, to ensure that a correct and fair approach is applied.
- 12.7 Following an initial assessment of risk, the individual who has been suspended should be offered independent pastoral support and the opportunity to worship safely under an interim worship safeguarding agreement<sup>58</sup>.

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<sup>58</sup> See paragraphs 5.4 and 8.6

## Disciplinary processes following an investigation

### For clergy

- 12.8 For clergy who are licensed, whether or not there is a conviction in the criminal courts, consideration should be given to whether sufficient evidence exists for a complaint under the Clergy Discipline Measure 2003 to be taken out. The standard of proof under the CDM is the civil one 'on the balance of probabilities'.

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

- 12.9 For clergy with the Bishop's Permission to Officiate, Licensed Lay Ministers and those commissioned by the Bishop, the Bishop may withdraw his permission, commission or licence if he or she is satisfied that the person should not continue in this role.

#### *Archbishop's list:*

- 12.10 If a member of the clergy is found to have committed a misconduct offence and a penalty is imposed under the Clergy Discipline Measure 2003, his or her name should be included on the Archbishops' List. Advice should be obtained from the Diocesan Registrar on instruction from the Diocesan Bishop.

### For paid staff or volunteers

- 12.11 For paid lay employees, similar consideration of disciplinary process should be made at the conclusion of a criminal investigation. Human Resources advice should be sought, and the disciplinary procedures of the employing organisation followed. For volunteers, the complaints procedure of the organisation may be followed, and the services of the volunteer may be terminated.

## 13. Outcomes of the investigation of the serious safeguarding situation

### Range of outcomes for the alleged abuser

- 13.1 Different outcomes will require different responses; the most likely ones are as follows:

#### At stages of a police criminal investigation:

13.2

<b>Outcome of criminal investigation</b>	<b>Likely following action</b>
No charge brought, allegation deemed by police or Strategy Meeting to be unfounded and/or malicious	Full reinstatement to role
No charge brought, allegation remains unsubstantiated (ie neither proven or disproven)	In the light of police information, Strategy Meeting may recommend risk assessment. Subject should remain suspended or standing aside from role during period of assessment
Police bring charges on advice of Crown Prosecution Service	Subject remains suspended or standing aside from role; formal suspension may be invoked at this stage
Subject pleads or is found guilty	Following sentence, risk management and disciplinary measures, and consideration of

	referral to DBS and professional bodies if relevant
Subject pleads not guilty, matter goes to trial, subject is acquitted	As above, depending on whether allegation is deemed unfounded/malicious or unsubstantiated
Alleged victim brings a private or civil prosecution against the alleged abuser	Subject is suspended or stands aside from role during judicial process

### **After an investigation instigated by the diocese or NCI**

- 13.3 If on the balance of probabilities there is found to be substance to the allegations, a risk assessment<sup>59</sup> should be carried out. The person should remain suspended from or standing aside from his or her role during the period of the assessment.

### **Responses to outcomes**

- 13.4 Once the outcome of an investigation is known, the Core Group should meet as soon as possible in order to ensure that appropriate action is taken speedily, and consider all of the following issues.

### **Risk assessment and risk management**

- 13.5 If a matter does not come to court, or the person is acquitted, there may be areas of concern that need addressing. A risk assessment should be considered, which identifies whether the person, on the balance of probabilities may pose a risk to children and or adults in the role to which they wish to return. Practice Guidance for risk assessment should be followed<sup>60</sup>.

### **Disciplinary action**

- 13.6 This should be reviewed once the outcomes of the situation are known: see paragraphs 12.7 to 12.10.
- 13.7 Papers and records relating to the statutory investigation, including witness statements and records of interviews, should be formally requested from the police for the specific purpose of informing the risk assessment and/or disciplinary processes.

### **Referral to the Disclosure and Barring Service**

- 13.8 If a church officer in regulated activity with children or adults is dismissed or resigns from his or her paid or voluntary post due to a safeguarding concern, there is a duty on the church, diocese or NCI to consider making a referral to the Disclosure and Barring Service for consideration for barring from work with children and/or adults.<sup>61</sup>
- 13.9 This may also be a recommendation from a Local Authority Strategy Meeting.

<sup>59</sup> Practice Guidance: Risk assessment for individuals who may pose risk to children or adults, House of Bishops May 2015

<sup>60</sup> Practice Guidance: Risk assessment for individuals who may pose risk to children or adults, House of Bishops May 2015

<sup>61</sup> The DBS will consider whether or not the individual should be barred from working with children and/or vulnerable adults. It should be noted that a referral can still be made even if there is no criminal conviction.

- 13.10 The DSA/NSA and the Diocesan/Provincial Registrar should be consulted, and the DSA/NSA will normally make the referral. Guidance can also be found on the DBS website.<sup>62</sup>

## Response to victims or survivors

### Apology

- 13.11 An apology should not generally be considered until any statutory investigation is concluded (or if the matter progresses to a trial after the trial concludes and the result is known). At this point, except where the allegation is deemed by police or the Strategy Meeting to be unfounded or malicious, the Core Group should advise the Bishop or Archbishop as to whether an apology to the victim or survivor is appropriate and if so, who will apologise on behalf of the Church.
- 13.12 If the alleged abuser is someone who has held the Bishop's or Archbishop's licence or commission, the apology should be made by the Diocesan Bishop or the Archbishop of the Province in person and by letter.
- 13.13 The format of such apology should be fully discussed with the relevant insurer, the Diocesan or NCI Safeguarding Adviser, the appropriate Communications Officer and the Diocesan or Provincial Registrar.
- 13.14 In most situations, the Diocesan Bishop or Archbishop of the Province should write to the survivor, offering a full apology for what occurred, and offering to meet with the survivor to hear his or her concerns and answer any ongoing questions they have. This meeting should be at a time and location to suit the survivor.
- 13.15 The survivor should be offered the opportunity to be accompanied by someone of their choice, and the Bishop or Archbishop should be accompanied by his or her Safeguarding Adviser.
- 13.16 The purpose of this letter and meeting is to enable the survivor to tell their story again, for their story to be heard, for someone to provide a compassionate response, and for the unambiguous vindication of the victim as someone who has been wrongfully harmed<sup>63</sup>.

### Ongoing support

- 13.17 If a claim is made by the survivor for the payment of compensation this should be discussed with the DSA/NSA, Diocesan/Provincial Registrar, the Diocesan Secretary/NCI employer, and referred direct to the insurers.<sup>64</sup>
- 13.18 If there is no formal claim for compensation, the offer of provision of funds for treatment costs may be considered but again only after having consulted the aforementioned individuals. The duration of this funding cannot be open-ended, but should be discussed with the survivor and their therapist or counsellor.

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<sup>62</sup> [The DBS referral forms can be found here.](#)

<sup>63</sup> Revd Dr Marie Fortune, Faithtrust Institute, as quoted in Responding Well to those who have been sexually abused, Policy and Guidance for the Church of England, House of Bishops, 1<sup>st</sup> ed 2011

<sup>64</sup> "...To...give an apology or just acknowledge the abuse circumstances will not normally prejudice the position, but...such action is best taken in conjunction with Ecclesiastical..." ([A Summary of Ecclesiastical's Approach to Handling Physical and Sexual Abuse Cases](#))

## Support for congregation, parish or diocese

13.19 Further needs should be reviewed once the outcomes are known and further information may have been shared: see paragraphs 8.20 to 8.24.

## Records

13.20 A review of records held should be considered, and the complete record of the case should be held by the Diocesan or NCI Safeguarding Adviser (the “safeguarding file”).

13.21 A summary of the serious safeguarding situation, which includes details of the actions taken, decisions reached the reasons for the actions/decisions and the eventual outcome, and any key documents (for example, the most recent risk assessment, risk management plan, papers regarding disciplinary action should be placed on the abuser’s or alleged abuser’s personal or personnel file. Information on this file should be cross-referenced to information held on the safeguarding file<sup>65</sup> and should be consulted if a request for information about safeguarding issues is received from another diocese or through a reference request.

13.22 In the event of a report concerning a parish officer, the PCC should keep a confidential minute and the parish safeguarding officer should keep a summary in the parish safeguarding record (with details as listed in paragraph 13.21) and appropriate cross-references to the safeguarding file and any other records held.

## 14. Review of the process and learning from it

14.1 Once all matters relating to the serious safeguarding situation have been completed, the Core Group should meet again to review the process against this and other Practice Guidance, and to consider what lessons can be learned for the handling of future serious safeguarding situations.

14.2 The views of all members of the Core Group should be considered, and where appropriate, comments on the process should be requested from alleged victims and survivors and alleged abusers.

14.3 In order to ensure a measure of external review of the process, members of the Diocesan Safeguarding Group or the National Safeguarding Panel should be informed of the serious case, in an anonymised form, and given sufficient details of the processes followed to assess whether Practice Guidance has been followed, and whether changes should be made to parish, diocesan or national safeguarding policy and practice guidance in order to learn lessons from this case.

14.4 Such lessons learned, without the details of the case, should be shared as necessary so that amendments can be considered.

14.5 In certain circumstances, for instance:

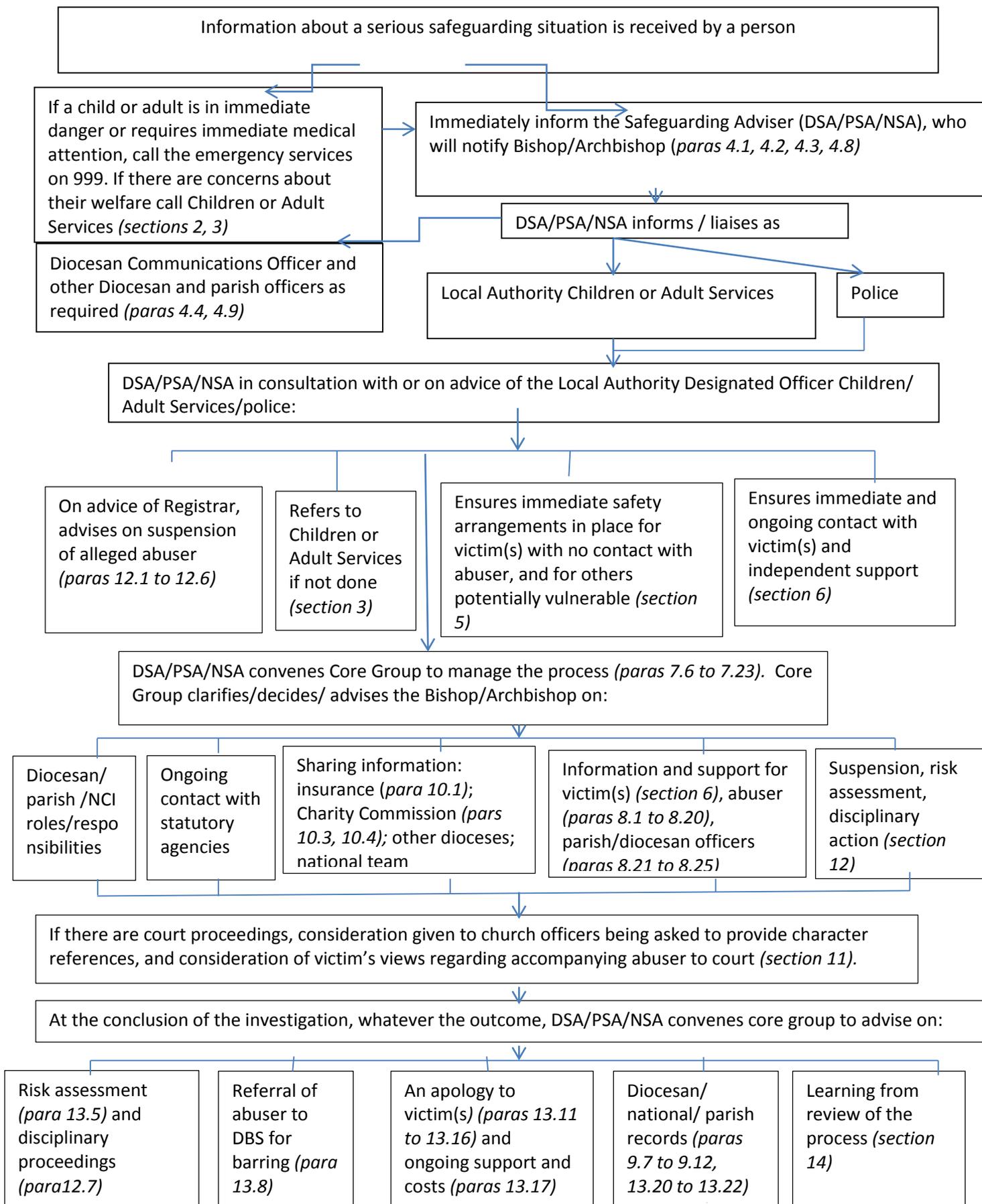
- where new procedural issues have been raised;
- in particularly challenging or complex circumstances;
- where reasonable complaints about process have been raised;
- when recommended by the Diocesan Safeguarding Group or National Safeguarding Panel;

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<sup>65</sup> [For further information please see Personal Files Relating to the Clergy – Guidance for Bishops and their staff - \(March 2013\)](#)

- when recommended by the Local Safeguarding Children or Adult Board. An independent case review may be commissioned.
- 14.6 In considering whether to undertake an independent case review, the Diocesan Safeguarding Group or the National Safeguarding Panel should apply the following principles:
- The approach taken to the case review should be **proportionate** according to the scale and level of complexity of the issues being examined;
  - The case review should be led by an individual(s) who is **independent** of the case under review and of the organisations whose actions are being reviewed;
  - Those staff and relevant people involved in the case should be invited to contribute their perspectives without fear of being blamed for actions they took in good faith in a culture of **learning and improvement**;
  - **Survivors** and other relevant family members, including where appropriate children and young people, should be invited to contribute to the review, in a carefully managed and sensitive manner;
  - The case review should be conducted in a way that recognises the complexity of circumstances in which people and organisations work, seeks to understand who did what and the underlying reasons that led to individuals and organisations to act as they did, and seeks to understand practice from the viewpoint of the individuals and organisations at the time rather than using hindsight;
  - The case review should be transparent about the way data is collected and analysed and make use of relevant research and evidence to inform the findings;
  - The review process should be as **transparent** as possible, and unless there are strong grounds not to, in terms of protecting children or adults, reports should be published. The timing of any publication must be managed carefully, taking into account the views of survivors and statutory agencies; *and*
  - The case review should identify SMART (i.e. specific, measurable, attainable, realistic and timely) recommendations for improvement and lead to an **action plan**, the implementation of which is monitored for its impact on improving the safety and wellbeing of children and adults who may be vulnerable.
- 14.7 In taking full account of the above principles, the methodology for conducting the case review should be decided by the Diocesan Safeguarding Group or National Safeguarding Panel. The Church of England favours a 'systems model' which moves beyond establishing the basic facts of a case, is collaborative and analytical.
- 14.8 Whatever methodology is agreed, the case review should have clear terms of reference with timescales for completion, who will be engaged in the review, what expertise is required to support the review and how and to whom the review will report its findings.
- 14.9 The Diocesan Safeguarding Group should work with partners within the Local Safeguarding Children's Board or Adult Safeguarding Board to ensure that recommendations are implemented and progress is appropriately scrutinised. At a national level, the National Safeguarding Panel will perform a similar function.
- 14.10 Learning from the case review should be disseminated more widely by the Diocesan Safeguarding Group and the National Safeguarding Team.

## Appendix 1 Flow chart: Responding to Serious Safeguarding Situations relating to a Church Officer



## **APPENDIX 2**

### **Roles and responsibilities in a serious safeguarding situation**

#### **Diocesan, Provincial, National Safeguarding Adviser**

To take the key role when allegations are made or concerns expressed about church officers:

- To liaise with statutory agencies – police, public protection and social care teams.
- To convene the Core Group to manage the process.
- To share accurate information regularly to all diocesan officers and parish officers involved.
- To keep a complete safeguarding record, and to be the safeguarding information 'hub'.
- To maintain ongoing contact with all members of the Core Group, and in particular close liaison with the chair, Bishop or Archbishop's representative and the Director of Communications.
- To ensure alleged victims and survivors are responded to well throughout the process, and are offered good independent pastoral support.
- To ensure that risks are managed at all stages of the process, and that alleged abusers are offered good independent pastoral support.
- To ensure that those managing the situation day to day are adequately supported.
- To ensure that support is offered to congregants at appropriate times.
- To refer to the DBS for consideration for barring; to the Church of England Safeguarding team if national or inter-diocesan impact.
- To ensure that policies and practice guidance are reviewed in the light of recommendations at review of the case and lessons learned.

#### **Diocesan Bishop or Archbishop of the Province**

- To be kept informed of the serious safeguarding situation.
- In the case of an arrest of someone holding his or her licence, to consider using powers of suspension under the Clergy Discipline Measure, seeking advice from the Core Group and Registrar.
- In other cases involving a cleric to consider suspension, being mindful of the CDM Code of Practice and other best practice, seeking advice from the Core Group and Registrar.
- In cases involving licensed or accredited lay ministers, to consider suspension or inviting withdrawal from responsibilities, by way of a neutral act while a matter is investigated, on the advice of the Core Group and Registrar.
- To remain distant from the process, in case of needs for intervention in the event of disciplinary action of licensed or accredited ministers; claims made against the parish or the Diocese; or pastoral breakdown.

#### **Area or Suffragan Bishop; Dean of Cathedral**

- To have pastoral oversight and offer pastoral care of the parish in complex circumstances. This may include visits to the parish.
- To be kept informed of developments, and in some circumstances attend the Core Group Meeting (to be worked out with the Archdeacon).
- To intervene if the parish, or an incumbent, is not following Diocesan/parish safeguarding procedures; in the event of an incumbent wilfully disregarding the Area Bishop's intervention, to request that the Archdeacon begins a disciplinary process.

#### **Archdeacon**

- To work closely with the DSA on the day to day management of issues around the allegation.
- To attend Core Group meetings.
- To attend Local Authority strategy meetings as required.
- To attend/chair parish meetings as required.
- To keep the Area Bishop informed of implications for pastoral oversight.
- To support the incumbent through the process.
- To ensure the parish is implementing safeguarding practice and following the decisions of the Core Group.

**Diocesan Secretary/Chief Executive**

- To be kept informed whenever there is a potential of financial impact.
- To be informed immediately should a case involve an employee of the DBF.

**Diocesan or National Director of Communications/Chief of Staff**

- To consult with the police and Local Authority with regard to sharing all information
- To be consulted and take the lead on all matters of communication, including statements for potential or actual media coverage; statements made to the congregation or the PCC; limits of information sharing during and following an investigation.
- To attend Core Group Meetings and work closely with the DSA and Bishop's representative on day to day management of publicity and information sharing.

**Diocesan or Provincial Registrar**

- To give legal advice to the Bishop or Archbishop on all matters relating to the safeguarding situation, and to support the Core Group in its decisions, actions and recommendations to the Bishop or Archbishop.

**Chair of Core Group**

- To ensure that policy and practice guidance is followed.
- To communicate to the Bishop any recommendations made by the Diocesan Core Group, always in the knowledge of the Diocesan or National Safeguarding Adviser.

## **APPENDIX 3**

### **Template agenda for a Diocesan or National Core Group**

1. To set and maintain boundaries of confidentiality and information sharing.
2. To share accurate information.
3. To work with statutory agencies, through the Diocesan or NCI Safeguarding Adviser.
4. In consultation with the Diocesan or Provincial Registrar, to advise the Bishop or Archbishop on any legal or disciplinary action required .
5. To define the membership of the Core Group, and to define roles and responsibilities of its members through the process.
6. To ensure the alleged victim(s) or survivor(s) are responded to well, kept informed of the process and appropriate independent pastoral support is offered to them and their families.
7. To ensure independent pastoral support is offered to the alleged abuser and his or her family.
8. To ensure support and pastoral care is offered to those managing the day to day situation.
9. To consider wider repercussions for the parish, the diocese and the Church of England.
10. To ensure information is shared as required with the Insurance Company, the Charity Commission and other Diocesan/Church of England safeguarding advisers.
11. To agree statements to the press, the relevant dioceses and congregations.
12. To ensure information is shared securely and accurate and secure records are kept.
13. To ensure risk assessments are carried out during and following the outcome of the process, and that recommendations are followed.
14. To review the process, to advise on any changes to National, Diocesan and Parish policy and practice, and to consider long term implications and steps for closure required, including any resource implications.