



Bringing people closer to Jesus Christ through His Church  
**Catholic Diocese of Portsmouth**  
Registered Charity no. 1199568

# Policy and Practice Guidance

## Managing and responding to Safeguarding allegations and concerns.

**Version 1 – Dec 2021**  
**For review – Dec 2023**



## **Introduction.**

The Diocese is committed to safeguarding as an integral part of the life and ministry of the Church. We strive towards a culture of safeguarding where all those within our parishes and church communities are safe from harm and abuse.

As a Regulated Affiliate of the Catholic Safeguarding Standards Agency (CSSA), the Diocese adheres to the national policies and practice guidance as defined by the 'One Church' approach.

Our safeguarding services and functions are administered in accordance with the agreed national safeguarding standards which provide the framework for safeguarding activities across the Catholic Church in England and Wales.

We will ensure that any allegations of a safeguarding matter are responded to promptly and liaise openly with statutory authorities to support investigations, responding sensitively and compassionately to those in need, and ensuring perpetrators are held to account.

In accordance with the relationship between the Diocese and the CSSA as the regulatory authority, it is expected that church bodies comply with the policy and practice guidance contained within this document.

All locally developed procedures must comply with the national safeguarding standards, national safeguarding policy, and the principles contained within the practice guidance.



## **Policy - Management of allegations and concerns.**

### Allegations against individuals with roles within the Church.

In accordance with article 19 of Pope Francis' Apostolic Letter, "*Vos Estis Lux Mundi*", 7 May 2019<sup>1</sup>, it is the policy of the Catholic Church in England and Wales<sup>2</sup> to report to the statutory authorities, all allegations of abuse made against those working in the name of the Church, regardless of whether the allegations or concerns relate to a person's behaviour in relation to their role within the Church or another setting.

This policy must be applied in all situations where it is alleged that a member of the Clergy or Religious Community, lay persons, and volunteers:

- Has behaved in a way that has harmed or may have harmed a child or an adult at risk.
- Have possibly committed a criminal offence against or related to a child or an adult at risk.
- Has behaved towards a child(ren) or an adult(s) in a way that indicates they may pose a risk of harm to children or adults.
- Has behaved or may have behaved in a way that indicates they may not be suitable to work with children or adults at risk.
- Has behaved in such a way that, by actions or omissions, his or her conduct has been intended to interfere with or avoid civil investigations or canonical investigations, whether administrative or penal, against a cleric or a religious regarding the above.<sup>3</sup>

These behaviours are to be considered within the context of the different categories of abuse and include:

- Sexual abuse.
- Physical abuse.
- Emotional abuse.
- Neglect and self-neglect.
- Domestic abuse including controlling or coercive behaviour.
- Financial/economic abuse.
- Exploitation by criminal gangs and organised crime groups.
- Trafficking.
- Online abuse.
- Sexual exploitation.

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<sup>1</sup> In England and Wales, articles 1 and 19 of Pope Francis' Apostolic Letter, "*Vos Estis Lux Mundi*", 7 May 2019, mean that sexual acts, including pornography, committed by clergy or members of Institutes of Consecrated Life or Societies of Apostolic Life against an adult at risk must be reported to the statutory authorities. It is the policy of the Catholic Church in England and Wales to extend this to all forms of abuse against children or adults at risk by any abuser.

<sup>2</sup> This includes certain areas outside of England and Wales which are the responsibility of dioceses within England and Wales e.g. the Channel Islands and Isle of Man.

<sup>3</sup> This means wilfully; a deliberate attempt to interfere with or prevent civil or canonical investigations.

- Influences of extremism leading to radicalization, psychological abuse, financial or material abuse.
- Modern slavery, discriminatory abuse or organisational abuse.

For children, this includes:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see **ss16-19 Sexual Offences Act 2003**); or with someone over 18 that was groomed into the relationship while still a child (i.e., under 18 years).
- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see **s15 Sexual Offences Act 2003**).
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text / e-mail messages or images, gifts, socialising etc.
- Possession of indecent photographs / pseudo-photographs of children.

All images that appear to be indecent<sup>4</sup>, nude/semi-nude, or abusive (photographic, digital, or other medium) must always be given to the Police to determine whether they are of children and whether an offence has been committed. A decision about whether the images are of children must not be taken within the Church.

If an adult with capacity explicitly refuses the making of a referral about abuse that occurred in their childhood, consideration will be given to whether the accused person has access to children who may be at risk. In these circumstances, the name of the accused and details of the allegation will be referred to the statutory authorities, without disclosing the name of the alleged victim where they have refused consent to do so.

#### Allegations against an individual who does not hold a role within the church.

It is the policy of the Catholic Church in England and Wales to report to statutory authorities where a child or an adult is at immediate risk of harm, or there is concern that a child is suffering or is likely to be suffering from significant harm, from somebody who does not hold a role within the Church.

#### Concerns about the welfare of a child or young person.

Where it is believed that a child would be likely to benefit from family support services, with the agreement of the person who has parental responsibility, it is our policy to refer to the Local Authority Children's Services Department, within 1 working day.

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<sup>4</sup> This includes 1) indecent images of children under the Protection of Children Act 1978 which includes: Indecent photographs, pseudo photographs, tracings or derivatives of photographs/pseudo photographs. 2) Prohibited images under S.62 Coroners and Justice Act 2009 which includes: Computer Generated Images (CGI), Cartoons, Manga images, Drawings. 3) Possession of Paedophile Manual under S.69 Serious Crime Act 2015 which is defined as 'in possession of any item that contains advice or guidance about abusing children sexually' including how to produce images/groom.

### Reporting requirements.

All clergy, religious, lay employees and volunteers are required to report allegations of abuse, and concerns to the safeguarding lead within the diocese or religious order, who will ensure a referral is made to statutory authorities within 1 working day.

If a child or young person, or an adult, is in immediate danger this must be reported immediately to the Police.

Regardless of whether the accused person is living or deceased, where it is believed that a criminal offence may have taken place, the allegation must be referred to the Police within one working day.

When a person's conduct towards a child or an adult may impact on their suitability to work with or continue to work with children or adults, the allegation must be referred to the Local Authority's Designated Officer<sup>5</sup> for safeguarding or adults within 1 working day.

Where a safeguarding allegation or concern relates to someone who is aged 18 years or over but is still receiving children's welfare services, the matter will be addressed using adult safeguarding arrangements.<sup>6</sup>

### Risk Management.

Risk will be managed using Safeguarding Plans which are reviewed at least annually.

Initiating a process of dispensation from vows or the clerical state, in accordance with the norms of canon law, will be considered following every conviction or caution for an offence against a child or an adult at risk.

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<sup>5</sup> This role is responsible for overseeing concerns or allegations made against employees, volunteers and others working within organisations and ensuring that the approach taken is coordinated and matters are investigated, recorded, followed up and concluded in a timely manner.

<sup>6</sup> Care and support statutory guidance (DOH, 2016)



## **Practice Guidance – Management of Concerns and Allegations.**

### Who this practice guidance applies to.

This practice guidance is applicable to all those who have a role within the Catholic Church in England and Wales (the Church), working with or ministering to children and young people, and/or adults. This includes all lay roles (paid and voluntary), clergy and religious.

### Policy statement.

The Church recognises that it has an important role in safeguarding and is fully committed to:

- Its role in supporting children to achieve their full potential in an environment where they are protected from exploitation, abuse and maltreatment.
- Actively promoting the empowerment and well-being of adults through the church.
- Recognising that everyone has the right to live their life free from violence, fear and abuse.
- Recognising that adults have the right to be protected from harm and exploitation.

All adults acting in the name of the Catholic Church in England and Wales have a responsibility to act and intervene when it appears that adults and/or children need to be made safe from risk of abuse or maltreatment.

All allegations of abuse against children, reported to anybody working or ministering within the Catholic Church in England and Wales must be reported to the statutory authorities, within 1 working day, in accordance with national policy and procedure.

If a child or young person is in immediate danger this must be reported immediately to the Police.

A person who has a role within the Catholic Church in England and Wales and has allegations of abuse made against them by an adult, must be reported to the statutory authorities, within 1 working day (see section 4 relating to consent of alleged victims).

Anyone who raises safeguarding concerns or allegations will be responded to sensitively, respectfully, and seriously. To ensure that people know who to contact if concerned about the welfare or safety of a child or adult, the Church publicises contact details in churches and other relevant settings related to Church activity.

Where a safeguarding allegation or concern relates to someone who is aged 18 years or over but is still receiving children's welfare services, the Church will address this using adult safeguarding arrangements.<sup>7</sup>

### Legislative context.

The Church is fully committed to acting in accordance with legislation and associated statutory and good practice guidance.

To achieve this, the Church will act in an open, transparent, and accountable way in working in partnership with Social Care Services, the police, Health Agencies, Probation Services<sup>8</sup> and other relevant agencies to safeguard children and adults and assist in bringing to justice anyone who has committed an offence against a child or an adult at risk of abuse or neglect (adult at risk).

### Children.

The Children Act 1989 (s47) introduced the concept of Significant Harm as the threshold that justifies compulsory intervention in family life in the best interests of children.

- Harm means ill-treatment or impairment of health or development including for example impairment suffered from seeing or hearing the ill-treatment of another<sup>9</sup>.
- Development means physical, intellectual, emotional, social, or behavioural development.
- Health means physical or mental health.
- Ill-treatment includes sexual abuse and forms of ill-treatment which are not physical.

Safeguarding is a broader concept than Child Protection. Safeguarding and promoting the welfare of children is defined in the statutory guidance 'Working Together to Safeguard Children' (2018, as updated) as:

- Protecting children from maltreatment.
- Preventing impairment of children's mental and physical health or development.
- Ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- Taking action to enable all children to have the best outcomes.

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<sup>7</sup> Care and support statutory guidance (DOH, 2016)

<sup>8</sup> This includes the National Probation Service and community rehabilitation companies

<sup>9</sup> The Adoption and Children Act 2002 broadens the definition of Significant Harm to include the emotional harm suffered by those children who witness domestic violence or are aware of domestic violence within their home environment.

Working Together 2018 (as updated) requires that settings refer safeguarding concerns to local authorities before they reach crisis point and request early intervention or Early Help support. The aim is to prevent escalation of problems to significant harm and child protection. Unlike child protection referrals, these early intervention concerns require the consent of families prior to referral.

### Adults.

Statutory safeguarding duties apply to an adult who meets the following criteria:

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- Has needs for care and support (whether or not a local authority is meeting any of these needs).
- Is experiencing, or is at risk of, abuse or neglect<sup>10</sup>; and
- As a result of these care and support needs, is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

More information on abuse of adults can be found in the [Information Sheet – Abuse and neglect in adults](#).

### Mental Capacity.

In working with adults at risk, we will operate with:

- Presumption of capacity.
- An effort to support decision-making in those at risk.
- A respect for the right of individuals to make unwise or eccentric decisions.
- And, always consider the individual's best interests and always selecting the least restrictive option.

An adult is deemed to have mental capacity provided they can make their own decisions, including the ability to understand information given to them and:

- Retain that information long enough to be able to make the decision.
- Use and Weigh up the information available to make the decision.
- Communicate their decision – this could be by talking, using sign language or even simple muscle movements such as blinking an eye or squeezing a hand.

Statutory adult safeguarding duties apply whether or not the adult lacks mental capacity.

Article 8 of the Human Rights Act relates to an individual's rights to autonomy. However, the requirement to respect the rights of individuals to make decisions for themselves is not an excuse for inaction where an adult is at risk of abuse or neglect.

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<sup>10</sup> Physical abuse, domestic violence, sexual abuse, psychological abuse, financial or material abuse, modern slavery, discriminatory abuse, organisational abuse, neglect, self-neglect.



### Consent from adults to make a referral to statutory agencies.

The British Medical Association (BMA) adult safeguarding toolkit (2011) states that where a competent adult explicitly refuses any supporting intervention, this should normally be respected. Exceptions to this may be where a criminal offence may have taken place or where there may be a significant risk of harm to a third party.

If for example there may be an abusive adult in a position of authority in relation to other adults at risk, it may be appropriate to breach confidentiality and disclose information to an appropriate authority.

If the adult has the mental capacity to make informed decisions about their safety and they do not want any action to be taken, this does not preclude the sharing of information with relevant professional colleagues<sup>11</sup>. This is to enable professionals to assess the risk of harm and to be confident that the adult is not being unduly influenced, coerced or intimidated and is aware of all the options. This will also enable professionals to check the safety and validity of decisions made.

In addition, consideration must be given to whether other adults, or children, might be at risk. It is good practice to inform the adult that this action is being taken, unless doing so would increase the risk of harm.

Efforts to obtain consent from the adult at risk must always be made, wherever possible, prior to a referral being made to the relevant local authority. However, this should not unnecessarily delay a safeguarding referral being made. Where there is an overriding public interest, or if gaining consent would put the adult at further risk, a referral to the relevant local authority must be made without consent. This would include situations where other people, including other adults at risk and/or children, could be at risk from the person causing harm and/or it is necessary to prevent crime.

Where it is believed that a criminal offence may have taken place the matter must be referred to the Police.

The adult at risk should be informed of the decision for referral to the Police and/or the relevant local authority and the reasons, unless telling them would jeopardise their safety or the safety of others.

### Allegations of abuse made by adults who were abused as children.

If an adult with capacity explicitly refuses the making of a referral about abuse that occurred in their childhood, consideration must be given to whether the accused person has access to children who may be at risk.

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<sup>11</sup> Care and Support, statutory guidance (DOH 2014, 14.92)

In these circumstances, the name of the accused and details of the allegation must be referred to the statutory authorities. This can be done without disclosing the name of the alleged victim where they have refused consent to do so.

If the Head of Safeguarding considers it necessary to share information, in the interests of protecting children and adults at risk, without the consent of the person concerned, advice from their Data Protection Officer or legal advice should be taken before acting.

The adult must be informed this action is being taken, unless doing so would increase the risk of harm. A clear rationale must be recorded on the case file if the adult is not being informed of the referral to statutory authorities.

### Responding to allegations of abuse or concerns.

Allegations or concerns may be about current events or something that happened in the past but is only now being reported. In either case, the allegation or concern will be treated with equal importance because events in the past may have current relevance to the safety of others that might need protecting.

The person hearing the disclosure or receiving the information must:

- Be calm and reassuring.
- Listen and acknowledge what is said without passing judgement or minimising the information.
- Not interrogate or put words into the person's mouth.
- Be aware that the person's ability to recount their concern or allegation will depend on age, level of understanding, culture, language and communication skills and disability.
- Explain what you will do next and who you need to contact.
- Not promise total confidentiality<sup>12</sup> but explain that the information will only be shared appropriately with others who need to know.
- Make careful notes as soon as possible and include dates, times of the incident and when the recording was made, who was present and sign the notes. Also make sure the notes are kept securely.
- Provide the person with some means to contact you and be clear about how and when you will contact them to advise what will happen next.
- Ask an adult's consent to take up their concerns and if they do not agree, consult the Head of Safeguarding.
- Encourage and support adults to share their information.

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<sup>12</sup> Always be clear that information will only be shared on a need-to-know basis with relevant others, within the confines of the General Data Protection Regulation 2016 and the Data Protection Act 2018. However, if concerns are such that there are reasonable grounds to suspect that harm may come to any individual, there is a statutory duty to share these concerns with the authorities.

Regardless of role within the Church the following procedures must be followed:

**Table 1 - Referral Procedures**

Issue	Action
<p>A child or young person, or an Adult is at immediate risk of harm</p>	<p>The person that identified the child or adult as potentially at immediate risk of harm must refer immediately and directly to the police and advise the Head of Safeguarding as soon as possible afterwards, providing a detailed written account of the concerns/allegations/account given by the person.</p> <p>Advice must be taken from the police on what information can be shared with family members and when, in case to do so puts the person at risk.</p> <p>When a person's conduct towards a child or an adult may impact on their suitability to work with or continue to work with children and/or adults, the Head of Safeguarding must refer the allegation to the Local Authority's Designated Officer<sup>13</sup> (LADO) for safeguarding within one working day. If the accused person is deceased, the local authority designated officer must still be informed of the allegation.</p>
<p>Concern that a child or an adult might be suffering, or is suffering from harm, caused by somebody outside of the Church.</p>	<p><b>Children</b></p> <p>Where it is believed or suspected that a child is suffering or is likely to suffer significant harm, or a child would be likely to benefit from family support services with the agreement of the person who has parental responsibility, inform the Head of Safeguarding within 1 working day who will refer to the Local Authority Children's Services department within 1 working day.</p> <p>Advice must be taken on what information can be shared with family members and when, in case to do so puts a child at risk.</p>

<sup>13</sup> This role is responsible for overseeing concerns or allegations made against employees, volunteers and others working within organisations and ensuring that the approach taken is coordinated and matters are investigated, recorded, followed up and concluded in a timely manner.

**Adults**

Inform the Head of Safeguarding within 1 working day who will make enquiries and consult with the alleged victim about making a referral to adult social services (making a referral if appropriate to do so).

It is not for individuals within the Church to decide whether an adult about whom they have concerns meets the threshold for consideration as an 'adult at risk'. If in doubt, concerns about the welfare of an adult should be referred to the local authority social services department.

**Children and adults**

Where it is believed that a criminal offence may have taken place, the allegation must be referred by the Head of Safeguarding to the police within 1 working day.

When a person's conduct towards a child may impact on their suitability to work with or continue to work with children, the Head of Safeguarding must refer the allegation to the LADO for safeguarding children or adults within one working day. If the accused person is deceased, the LADO must still be informed of the allegation.

Advice must be taken on what information can be shared with family members and when, in case to do so puts a child at risk. The Head of Safeguarding will make an active offer of support to the person/family and if assistance is initially refused, they will advise that they can take up the offer of assistance at any time.

A child or an adult makes an allegation or discloses something of concern in respect of somebody with a role within the Church

**Children**

Inform the Head of Safeguarding within 1 working day who will refer to the Local Authority Children's Services Department within 1 working day.

Regardless of whether the accused person is living or deceased, where it is believed that a criminal offence may have taken place, the allegation must be referred to the Police within one working day.

When a person's conduct towards a child may impact on their suitability to work with or continue to work with children, the Head of Safeguarding must refer the allegation to the LADO for safeguarding children within one working day. If the accused person is deceased, the local authority designated officer must still be informed of the allegation.

Where it is believed or suspected that a child is suffering or is likely to suffer significant harm, or a child would be likely to benefit from family support services (with the agreement of the person who has parental responsibility), the Safeguarding Coordinator will make a referral to the local authority children's social services department.

**Adults**

Inform the Head of Safeguarding within 1 working day. The Head of Safeguarding will consult with the alleged victim about making a referral to adult social services (making a referral if appropriate to do so).

Regardless of whether the accused person is living or deceased, where it is believed that a criminal offence may have taken place, the accused person must be referred to the Police within one working day. If this cannot be achieved, the reason must be documented.

When a person's conduct towards an adult may impact on their suitability to work with or continue to work with adults, the Head of Safeguarding must refer the allegation to the relevant local authority department<sup>14</sup> for safeguarding adults within one working day. If the accused person is deceased, the local authority safeguarding department must still be informed of the allegation.

Where there is risk to a child or another adult, adult safeguarding services should involve local authority safeguarding colleagues as well as any relevant partners e.g., Police, NHS, or other persons relevant to the case.

**Children and Adults**

If the allegation is against the Head of Safeguarding, the report must be made to the Chief Operating Officer, who will then be responsible for ensuring that safeguarding procedures are followed.

Religious congregations that are aligned to a diocese or are members of the Religious Life Safeguarding Service (RLSS) are required to report all allegations to the aligned diocese or RLSS and agree who will make the referral to statutory authorities.

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<sup>14</sup> This department is responsible for overseeing concerns or allegations made against employees, volunteers and others working within organisations and ensuring that the approach taken is coordinated and matters are investigated, recorded, followed up and concluded in a timely manner.

The Head of Safeguarding will inform the Ordinary for the area where events are said to have occurred, as well as the Ordinary of the person reported. With regard to the ecclesiastical investigation, the norms given in Pope Francis' Apostolic Letter, "*Vos Estis Lux Mundi*", are to be followed.

The Head of Safeguarding will also inform the Insurance Officer (this role might be fulfilled by the Financial Secretary or Secretary to the Trustees) at the earliest opportunity and liaise with them throughout the process. If the case relates to a member of a religious order, the Religious Order Superior must refer the case to their Insurance Officer.

The Financial Secretary or Secretary to the Trustees will notify insurers and refer matters to the Trustees who must consider whether something is reportable to the Charity Commission as a serious incident.

The Head of Safeguarding will inform the diocesan or congregational designated person e.g. COO/Financial Sec/HR and liaise with them throughout the process.

The individual about whom the allegations or concerns are being raised must not be told as to do so could endanger others and/or prejudice any form of investigation.

The Head of Safeguarding will make an active offer of support to the person/family and if assistance is initially refused, advise that they can take up the offer of assistance at any time.

The Head of Safeguarding will participate in strategy meetings/discussions and liaise with statutory authorities until the investigation is concluded.

CIW), or Healthcare Inspectorate Wales (HIW), General Medical Council (GMC), Health and Care Professions Council (HCPC) or others should be made and where referrals to The Disclosure and Barring Service (DBS) must be made to refer someone for inclusion on the Adult's or Children's Barred List.

	<p>A referral to the local Multi-Agency Public Protection Arrangements (MAPPA) Coordinator might also be considered by the strategy meeting.</p> <p>Where appropriate, the Diocese/Religious Order will undertake enquiries/investigation/ Independent assessment if the statutory authorities decide not to investigate or conclude their investigation without criminal proceedings, but concerns remain.</p> <p>For clergy and religious, the guidance of a qualified canon lawyer should be sought to ensure compliance with the requirements of canon law.</p>
<p>Allegations against UK Rectors, Vice Rectors, or seminary staff members, including the Seminary Safeguarding Representative.</p>	<p>The allocated Safeguarding Lead (in England and Wales) for the Seminary must be immediately advised and they will coordinate the case.</p> <p>In the case of the Venerable English College (Rome), the Beda College (Rome) and Valladolid (Spain), the Safeguarding Representative of the College will liaise with the allocated Safeguarding Lead in England and Wales.</p> <p>For the BEDA and VEC (both in Rome), the Safeguarding Representative for the other college will undertake any tasks required by the Safeguarding Lead in England and Wales)</p> <p>The UK based Safeguarding Lead for the Seminary must advise:</p> <ul style="list-style-type: none"> <li>• CSSA.</li> <li>• The Chairman of the Committee of Bishops responsible for the seminary.</li> <li>• The Bishop of the individual’s diocese.</li> <li>• The local ecclesiastic authorities as advised by the Chairman of the Committee of Bishops for the seminary.</li> <li>• The relevant diocesan Insurance Officer and liaise with them throughout the process.</li> </ul>



<p>Allegations against:</p> <p>a) Cardinals, Patriarchs, Bishops and Legates of the Roman Pontiff;</p> <p>b) Clerics who are, or who have been, the pastoral heads of a particular Church or of an entity assimilated to it, Latin or Oriental, including the Personal Ordinariates, for the acts committed <i>durante munere (while in office)</i>;</p> <p>c) Clerics who are or who have been in the past leaders of a Personal Prelature, for the acts committed <i>durante munere</i>;</p> <p>d) Those who are, or who have been, supreme moderators of Institutes of</p>	<p>Inform the CSSA who will act as liaison between the Metropolitan Archbishop or Senior Suffragan Bishop who is responsible for ensuring investigation, and Head of Safeguarding.</p> <p>If the reported concern is about the Metropolitan, or the Metropolitan See is vacant, it is forwarded by CSSA to the senior Suffragan Bishop by promotion, to whom, if such is the case, the provisions regarding the Metropolitan apply. The Senior Suffragan Bishop will inform the Holy See.</p> <p>If the report concerns a Papal Legate, it shall be transmitted directly to the Secretariat of State. The Head of Safeguarding will inform the Insurance Officer and HR.</p> <p>With regard to the ecclesiastical investigation, the norms given in Pope Francis' Apostolic Letter, "Vos Estis Lux Mundi", are to be followed.</p>
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Consecrated Life or  
of Societies of  
Apostolic Life of  
Pontifical right, as  
well as of  
monasteries *sui iuris*,  
with respect to the  
acts  
committed *durante*  
*munere*.

<p>Concerns and allegations relating to adults who do not meet the statutory threshold for being considered as an 'adult at risk'</p>	<p>In addition to recognising the statutory threshold for determining that an individual is considered to be an 'adult at risk', the Church recognises that at different times and in different contexts, adults can be vulnerable because of the conduct of individuals working in the name of the Church.</p> <p>Where allegations are made in relation to adults who are considered vulnerable but do not meet the statutory threshold, the matter should be referred to the Head of Safeguarding for consideration as to whether it is appropriate to implement the safeguarding procedures to address the matter.</p>
<p>Concerns about conduct which are not safeguarding related and do not meet the criteria for referral to statutory agencies.</p>	<p>The Head of Safeguarding will refer to the Bishop, Religious Congregation Leader, or their delegate for consideration as to whether any further action is required to address the matter.</p> <p>Consideration must always be given to whether it is necessary to notify the Bishop if the individual is linked to a parish or seminary within his diocese, regardless of where the individual is domiciled or incardinated.</p>
<p>Notifications of allegations to the Church, where the alleged victim is not known to the Church</p>	<p>When a notification of an allegation is received from a third party such as statutory authorities or insurers, and the Church does not have any knowledge of or contact with the alleged victim, an offer of support must be made using the referring agency as an intermediary.</p> <p>This offer of support must be followed up in writing, addressed as far as possible to the alleged victim, and passed to the agency acting as intermediary, making clear that if support is not required at the current time, it can be requested later. You must request confirmation from the intermediary that the offer of support has been given to the alleged victim.</p>

### Information Sharing.

Information must only be shared with those who need to know (including other dioceses and religious congregations where risk is not confined to one) and with statutory agencies.

If there is any doubt as to whom information can be shared with, advice must be sought from the Head of Safeguarding.

Where an adult who is not working or ministering within the Catholic Church in England and Wales provides information about abuse and requests anonymity, encourage and support the person to refer the matter directly to the Local Authority Children's or Adult Services Department or Police.

Where the Church makes a referral to statutory authorities arising from information from somebody who has requested anonymity, the person requesting anonymity is to be advised that although their request will be noted with the referral, it may not be possible for them to remain anonymous.

Individuals who have roles within the Church must not make anonymous referrals because they are acting in their professional capacity with the requirement to safeguard and protect children and young people and adults at risk.

### Disclosure of abuse and the Sacrament of Reconciliation.

Disclosures of abuse within the Sacrament of Reconciliation are to be responded to in accordance with current sacramental practice.

The Sacrament of Reconciliation offers the penitent the seal of absolute confidentiality; in this context alone is the priest bound to keep secret what is disclosed.

Where there is involvement of an interpreter, e.g. during the Confession of a deaf person, a duty of complete confidentiality is extended to this person. Information gained in the context of the sacramental confession may not be used in any other forum.

If the priest is subsequently contacted by the penitent, outside of the Seal of the Confessional, the Seal of Confession still applies to what was disclosed in the original Confession. However, the priest must make it clear to the penitent that the Seal of Confession no longer applies to anything disclosed subsequently outside Confession.

Although the priest cannot use any knowledge gained from the original Confession or act on it, he must explain that he has a responsibility to take all reasonable steps to protect children or adults who may be at risk of abuse.

When the nature of the abuse disclosed is criminal, the Penitent should be directed to bring the matter to the attention of the statutory authorities and informed that the Head of Safeguarding can help in making any necessary contacts.

Survivors and victims of abuse can be encouraged to seek help outside the sacrament and, to pass on the information to an appropriate person. The Head of Safeguarding can help in making any necessary contacts.

It is not the priest's role to engage in counselling in the context of the sacramental confession, even if he is appropriately professionally qualified to do so, since this leads to a confusion of roles and might give rise to conflicts of interest.

## Management of Allegations and Concerns where there remains a concern following acquittal, a decision not to prosecute or no further action from Statutory Authorities.

Where allegations have been made and there is an acquittal, a decision not to prosecute or no further action from statutory agencies and there remains a concern, or following a conviction, or in any context or set of circumstances where there is uncertainty about the level of risk posed to children or adults at risk, the Church will consider what actions need to be taken to protect people from potential harm.

This might include making further enquiries or undertaking an investigation or assessment by a suitable professional who is independent of the Church.

'Independent investigation' refers to the process of making enquiries into a matter, usually after statutory investigation has taken place, by professionals who are independent of the Church and who are suitably qualified and experienced in this work where there are concerns about a person's behaviour or risk to children or vulnerable adults.

'Independent specialist assessment' refers to the process carried out by expert professionals who are independent of the Church and who are suitably qualified and experienced to undertake assessments which might include, but are not limited to, 'risk assessments' or 'forensic psychological assessments' in relation to sexual behaviour or where relevant, other specific behaviours.

The commissioning of independent investigation and assessment is applicable to members of the Clergy (bishops, priests, and deacons) and Religious (members of Institutes of Consecrated Life and Societies of Apostolic Life) for whom the Church has a specific responsibility in Canon Law.

Responsibilities towards employees are regulated according to local policies, procedures, and employment legislation. Where it is determined by the employer that it is appropriate to commission an independent assessment or independent investigation, these procedures can be applied. It is the responsibility of the employer to refer relevant cases to the DBS.

The Church adopts an approach similar to employment with regard to recruiting and managing volunteers, however this relationship is necessarily distinct and is not one of employer and employee.

When a person who volunteers within the Church is employed elsewhere and their work brings them into contact with children or adults at risk, it is the responsibility of their employer to decide what action should be taken in respect of their employment.

Where concerns arise, the Church will decide whether to inform an employer on the advice of the statutory agencies to which the matter has been referred for investigation. A decision must also be made about continuing in the voluntary role.

The following procedures are to be applied in circumstances where there remain concerns about the person's conduct with children that require further consideration in relation to their role within the Church:

- Where the allegations have been investigated by the Police, but no charges have been brought.
- Where the accused person has been acquitted of criminal charges.
- Where the allegations are not such as to necessitate a Police or statutory agency investigation.

#### Initial assessment.

In consultation with the statutory authorities involved, consider the range of available information determine whether there is evidence to suggest the accused person may present a safeguarding risk. The Police Investigating Officer is likely to have information about the circumstances of the allegation that might not have been put forward for consideration by a Court.

The Head of Safeguarding will determine whether:

1. No further action is necessary.
2. Further action is necessary and there is enough information to inform recommendations to the Bishop or Religious Congregation Leader.
3. There is insufficient available information from which to make recommendations and further enquiries, investigation or assessment is required.

If no further action is necessary the Bishop/Religious Congregation Leader and Insurers can be advised and provided with the rationale for this decision.

Where either 1 or 2 apply this can conclude stage 1 (Preliminary Investigation) of the Disciplinary Penal Process.

If further action is required and there is relevant information available, recommendations can be made to the Bishop or Religious Congregation Leader who will proceed with stage 2 (Conclusion of the Preliminary Investigation), and where relevant any subsequent stages of the Disciplinary Penal Process.

Wherever there remains uncertainty as to the level of risk posed, an independent specialist assessment should be commissioned.

If further enquiries, investigation, or specialist independent risk assessment is warranted:

- Advise the Bishop or Religious Congregation Leader or their delegate.
- Update the Insurance Officer, Financial Secretary or Secretary to the Trustees, and HR department, so that the Insurance Officer can update the insurers and ongoing consideration can be given to the need for Trustees to notify the Charity Commission.

If further enquiries, investigation, or specialist independent assessment is anything other than a paper-based exercise, liaise with the diocesan or congregation insurers so that they are informed and can consider and advise upon any potential insurance implications.

In all cases where a civil claim has been intimated or commenced involving allegations against the accused person, when notified of the intention to institute further enquiries/investigation/ assessment, the Insurance Officer must liaise with the insurers, and with any solicitors appointed by the insurers, to agree how best to approach further enquiries/investigation/ assessment. The Insurance Officer must then notify the Head of Safeguarding of the agreement reached.

If agreement cannot be reached, the matter must be referred to the Trustees and to the Bishop or Religious Congregation Leader for a decision as to how to proceed. Initiating further enquiries, investigation and/or specialist independent risk assessment

The Head of Safeguarding, informed by available information and the views of statutory authorities will recommend whether it is appropriate for them to undertake further enquiries or whether an independent person should be appointed.

If the Head of Safeguarding is undertaking further enquiries and there is a potential conflict of interest expressed by any person concerned, the Bishop of Religious Congregation Leader can seek to identify a Safeguarding Lead in another diocese/religious congregation to make the enquiries and produce a report.

The CSSA can be consulted for a list of independent investigators and assessors. It is the responsibility of the commissioner i.e. the diocese or religious congregation, to decide who to appoint and to satisfy itself that the appointed person has the requisite skills, knowledge and experience for the particular case (see Annex A for criteria).

The same investigator or assessor should not be used repeatedly within a diocese or religious congregation to avoid the potential for bias to develop over time. The initial meeting with the independent investigator/assessor should address potential conflict of interest, scope of the investigation/assessment, arrangements including timescale, fees, and insurance cover.

The letter of instruction should include the Standard Contractual Agreement (see forms library). If the Standard Contractual Agreement is not used, it is recommended that the same headings are addressed.

The CSSA is to be advised if there are concerns about the practice or quality of work of any assessor/investigator included on their list.

For assessments, there must be a written agreement between the assessor and the subject (see forms library).



All relevant records are to be made available to the assessor/investigator in accordance with data protection legislation. Where relevant records are held by other agencies, requests for disclosure should be made.

Although there is no specific requirement in Canon Law for anyone to undergo professional risk assessment, the Bishop or Major Superior must consider the suitability of any persons engaged in the apostolate and may avail themselves of professional assessments in making such a determination.

Where an individual declines to undergo professional risk assessment the Head of Safeguarding must advise the Bishop/Major Superior, who will make a determination regarding the individual's suitability, prioritising the welfare of children and adults at risk as well as the wider community.

Reports should be submitted to the Head of Safeguarding within 3 months of an agreed start date and exceptionally within 6 months if the case is particularly complex. The investigator/assessor must apprise the subject of the contents of their report before it is finalised, noting any factual inaccuracies or objections. The subject must also receive a copy of the final report.

An Executive Summary report should be produced for investigations, that is anonymised (does not include any personal data) and can be shared with individuals who have contributed to the investigation process, including the victim/survivor. The Executive Summary report should identify learning and where improvements can be made and make recommendations where appropriate.

Independent assessment reports will not be shared with anybody other than the subject of the report and those who need to know for the purpose of making decisions in relation to future ministry/role. Relevant content may need to be shared with those responsible for managing ongoing risk.

The Head of Safeguarding considers the report and provides written recommendations and the rationale for the recommendations, to the Bishop or Religious Congregation Leader, advising no further action if there is no basis to support any concerns.

Representations from individuals concerned can be submitted with the report and any recommendations made to the Bishop or Religious Congregation Leader.

Once it has been determined that a review of the recommendations has not been requested by the accused person or the Bishop or Religious Congregation Leader, the victim/complainant is to be informed of the recommendations, before the Bishop or Religious Congregation Leader makes a decision concerning the appropriate action to be taken.

The accused and victim/survivor are to be kept updated on progress by the Head of Safeguarding throughout the process of further enquiries, investigation or assessment.

Consideration must be given to support needs throughout and at the time of communication recommendations.

#### Review of recommendations to the Bishop or Religious Congregation Leader.

A review can be requested by:

- The accused person, or
- The victim/complainant.

The Bishop or Religious Congregation Leader can request a review if:

- He/she is dissatisfied with the recommendation of the Head of Safeguarding and has decided not to request the Head of Safeguarding to undertake further enquiries.
- If the Head of Safeguarding has decided that there is no issue to investigate or not to proceed further with a complaint, and a written request for a review has been received from the victim/complainant.
- If the victim/complainant has expressed concerns in writing about the course of action recommended at the completion of a full enquiry.

The Head of Safeguarding must be notified in writing of an intention to seek a Review within 10 working days of receiving the recommendation.

Recommendations which have already been the subject of a written decision by the Bishop or Religious Congregation Leader or situations where no recommendations are made cannot be subject to review.

Any recourse or appeal to the Holy See against the decision of the Bishop or Religious Congregation Leader must be made in accordance with the canonical processes set out in the Code of Canon Law and other canonical legislation. If after requesting a review the victim/complainant decides to withdraw the request, this may only be acceded to with the written consent of the Bishop or Religious Congregation Leader.

The decision to hold a review must be taken within 10 working days of receipt of notification of the request for a Review and then notified to CSSA within 3 working days.

In discussion with CSSA, a Review Panel is selected from the register of available panel members held by CSDS, to review the evidence of the case and the process of enquiry, bearing in mind the rights of the accused person, the requirements of canon law where appropriate and the duty to act fairly.

The Panel composition including appointment of the Chair will be finalised within 10 working days of CSSA being contacted.

The Head of Safeguarding provides the information considered in reaching the recommendations to the Review Panel.

Before the Review Panel meets, if it is in receipt of information that should have been made available to the Head of Safeguarding at the original determination or was not available at the time, but had it been, it might have affected the recommendations, it must be referred back to the Head of Safeguarding for reconsideration. The Head of Safeguarding can review their recommendations in the light of the new information and alter them if necessary.

The Review Panel must ensure that if it receives information that was not submitted to statutory agencies at the time but should have been, that this information is referred to the relevant agency.

Documentation will not ordinarily be sent to the victim/complainant or their parent or guardian. Individual requests for disclosure of documentation however will be considered on their merits and must be agreed between the Bishop or Religious Congregation Leader and Chair of the Review Panel. Decisions about disclosure must have regard to the prevailing Data Protection legislation. Where there is any doubt, legal advice must be sought.

Written submission from the accused person or their representative can be made to the Review Panel, including perceived inaccuracies in reporting and/or arguments in mitigation, no later than 10 working days before the Review Panel is scheduled to meet. There is no requirement to respond to representations other than to acknowledge receipt.

The Review Panel must meet at least once prior to coming to a decision concerning the recommendations and should reach its conclusion within 4 months of being established. If necessary, the Review Panel can request further enquiries are made by the Head of Safeguarding before reaching a decision, making explicit the nature of the further enquiries to be undertaken and the timetable for completing these enquiries.

The Review Panel will make its recommendation on the balance of probabilities, by consensus or majority decision. The recommendation and reasons must be recorded by the Review Panel Chair in writing and notified to the Bishop or Religious Congregation Leader, the victim/ complainant, the person accused and Head of Safeguarding within 10 working days of the final meeting.

The Review Panel Chair, or his or her nominee on the Review Panel, will also maintain a record of the process of the review (see the National Review Protocol Monitoring Template and the National Review Protocol Report Template), which is to be signed by all members of the Review Panel and a copy of both sent to CSSA.

The Bishop or Religious Congregation Leader must decide as to the appropriate course of action within 20 working days. This decision must be given in writing (canon 1718).

CSSA is informed of the decision and will inform the Review Panel members as to the outcome.

If the accused person or the victim/their parent or guardian or the complainant has any complaints to make about the Review Panel process, these must be made to the Bishop or Religious Congregation Leader who will consider the complaint and respond.

The detailed responsibilities of the Safeguarding Coordinator, Bishop or Religious Congregation Leader, Review Panel Chair and members are set out at Annex B.

#### Temporary removal from Ministry, Ecclesiastical Office, or other Post.

There are occasions when there is a need to protect the freedom of witnesses, safeguard the course of justice and prevent scandal<sup>15</sup>, so a temporary withdrawal from ministry, ecclesiastical office or other post within the Church is necessary.

This is a neutral act and does not imply 'guilt'; it should be considered as both a protective action and as an act to facilitate the progress of enquiries and investigation.

The decision to temporarily remove a person from ministry, ecclesiastical office or other post should not be automatic but must be taken in consultation with statutory agencies and any decision in respect of removal must be supported by the written agreement of the statutory authorities involved with the case. There must also be Safeguarding Plan in place.

Temporary removal must be agreed by the Ordinary and should be on a voluntary basis. Only if voluntary withdrawal cannot be achieved should the Ordinary resort to disciplinary measures in accordance with the provisions of the Code to limit the ministerial activity of the cleric.

These measures must be imposed by way of precept. For employees, the HR department must be consulted before taking any action in respect of temporary withdrawal from post.

Any public statements about temporary removal from role must be agreed with the Police or local authority Designated Officer.

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<sup>15</sup> Catechism of the Catholic Church article 2284 – “Scandal is an attitude or behaviour which leads another to do evil. The person who gives scandal becomes his neighbour’s tempter. He damages virtue and integrity; he may even draw his brother into spiritual death. Scandal is a grave offence if by deed or omission another is deliberately led into a grave offence”.

All communications arising out of or in connection with the process, and the process itself, must be confidential and must not be subject to any public statement concerning the nature, cause, or status of the investigation, without the consent of the accused person.

#### Cross-boundary placements.

Temporary or permanent movements of diocesan clergy or members of religious congregations may be necessary to protect children and adults, safeguard the course of justice, protect the freedom of witnesses, and prevent scandal<sup>16</sup>.

Where an allegation is subject to statutory investigation and strategy discussions or meetings, agreement must be sought from statutory authorities as to whether it is necessary to move the accused to a different location. Presbyteries are not usually a suitable location.

Consult with the Head of Safeguarding and receiving Bishop of Congregation at the outset of the search for a placement, sharing all relevant details regarding the allegations, concerns, and history. Prospective placements will be risk assessed.

Once agreed, placement arrangements should be progressed as quickly as possible, and suitable timescales must be agreed in writing among all parties, including the Bishop or Religious Lead receiving the person being moved. Throughout the process, the subject of the proposed move will be kept informed of the process being undertaken.

Local statutory authorities are to be advised of the proposed move and monitoring arrangements.

Safeguarding Plans are to be reviewed, involving originating, and receiving parties, and parties informed of any changes.

#### Safeguarding Plans.

When a member of the Clergy or Religious, or a lay person wanting to attend Mass or take part in Church related activities, has had allegations made against them and after investigation concerns remain; where they have been convicted of an offence against a child or adult or where there is no conviction but concerns remain about their conduct towards children or adults, they will be supported to participate in the Church using a Safeguarding Plan.

The Safeguarding Plan is not a legally binding document but seeks to encourage the individual to make a commitment to behave in a safe manner within the Church.

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<sup>16</sup> Catechism of the Catholic Church article 2284 – “Scandal is an attitude or behaviour which leads another to do evil. The person who gives scandal becomes his neighbour’s tempter. He damages virtue and integrity; he may even draw his brother into spiritual death. Scandal is a grave offence if by deed or omission another is deliberately led into a grave offence”.

Where the allegation is shown to have been false, malicious, or unsubstantiated and innocence has been clearly established, there is no requirement to implement a Safeguarding Plan.

The purpose of the Safeguarding Plan is to:

- Minimise potential risks to and protect the interests of alleged victims and their families.
- Ensure that any potential risks to the person concerned or others which are identified by statutory agencies or other processes, are managed.
- Reduce the potential for further concerns or allegations to arise.
- Support and enable a clear and transparent investigation process that cannot be unduly influenced by the person concerned.
- If relevant and necessary, determine what aspects of ministry, office, or role the person concerned will be required to withdraw from.
- Identify practical and emotional support for the person concerned including for Clergy and Religious, a suitable place to reside or a suitable community to belong to.
- Identify and agree the roles and responsibilities of identified personnel from within Church and other involved external agencies.

It is recognised that not all the above will apply in every situation.

In signing and adhering to the Safeguarding Plan, there is not a presumption of guilt on the part of the diocese or Religious Congregation.

[More information sheet on safeguarding plans](#)

The Safeguarding Plan must be informed by a process of identifying risks or potential risks. This can be done using the [Risk Information Framework](#)<sup>17</sup> or using a different method that clearly identifies the areas of risk to others and the subject of the Safeguarding Plan.

Risks must be clearly identifiable on case records so that they can be linked to any restrictions or supports identified in the Safeguarding Plan.

Risk identification must be informed by current specialist assessments where these are available e.g. those by statutory agencies or other professionals. The appropriateness of inclusion of information from other agencies or individuals should be confirmed with them first.

The views of the accused person and, where appropriate, the views of the person who has been harmed, made the allegations, or raised the concern will be sought and included in the Safeguarding Plan.

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<sup>17</sup> This is not a comprehensive specialist risk assessment in respect of current or future risk of reoffending or the behaviour reoccurring.

Unless formally agreed (and recorded) otherwise, it is the diocese in which the priest is incardinated or the Religious Congregation to which the Religious belongs, which is the responsible authority for drawing up, managing, and reviewing a Safeguarding Plan.

#### Support for those Affected by Allegations of Abuse within the Church setting.

This includes allegations of abuse, whether occurring in the past or recently, by a person acting in a church capacity within any parish, religious congregation made by:

- All children and young people (under the age of 18 years).<sup>18</sup>
- All adults, regardless of whether the alleged abuse occurred in childhood or as an adult.

Where an individual consents to support being provided, all requests for support must be made to the Head of Safeguarding.

The Church seeks to provide a compassionate, caring, and respectful response to all individuals who have been affected by allegations of abuse within a church setting, and who seek its help and healing. All reasonable efforts will be made to ensure that support is offered to those who seek it, confidentially, quickly, and effectively.

Support will be focused on the best interests and welfare of children and adults and where support is provided, it will be done in a manner which respects the individual's dignity, privacy and safety, and which ensures so far as possible that particular needs relating to race, culture, age, language, religious beliefs, gender, sexual orientation or disability are addressed.

Church bodies will seek to ensure that the availability of pastoral support is publicised in Churches or other places where ministry takes place. Where statutory agencies are involved all arrangements for the provision of support will be undertaken in close liaison with these agencies.

The Head of Safeguarding must not take a dual role of supporting the person making an accusation of abuse and supporting the person accused of abuse, although they will act as a point of contact for both.

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<sup>18</sup> Children and young people under the age of 18 years will usually be offered services and support by or via the Local Authority. However, there may be circumstances where it is appropriate for the Church to supplement or replace this support. Any such supplemental arrangements must be made in consultation with the Statutory Authorities.

In respect of individuals alleging abuse, the role of the Head of Safeguarding is to:

- Be a point of contact or identify a point of contact for victims/survivors/family members, for the purpose of providing written and verbal updates, at regular agreed intervals, in relation to case management (not claims management).
- Identify support needs and how these will be met, in consultation with statutory authorities where appropriate.
- Ensure that anybody appointed to provide support does not have role in case management, claims management or penal/disciplinary processes within the Church.

The Head of Safeguarding must not deal with or discuss claims that are being made by a victim/survivor but must refer them to the diocesan or congregational Insurance Officer.

It is the responsibility of Head of Safeguarding to assist Bishops and Religious Congregation Leaders in identifying suitably skilled, experienced, and supervised individuals to provide routine pastoral support.<sup>19</sup>

Where an individual requests support beyond routine pastoral support, such as the provision of formal counselling, or financial support, this must be directed by the Head of Safeguarding with their recommendations, to the insurance Officer. The Insurance Officer must liaise with the Insurers, before referring the request to the Trustees to decide on the extent and nature of any support to be offered. Where appropriate, the requirements of the Charity Commission will be followed.

Where the Trustees have agreed that formal counselling or financial support may be appropriate, the Head of Safeguarding will arrange this. There will be a written agreement between the Church and the individual setting out the parameters of the support to be offered by the Church. This, and any other written communication or documents relevant to the issue of support, will be kept by the diocese or the religious congregation. A record of the support provided should also be kept on the safeguarding file.

It is the responsibility of the Bishop/Religious Congregation Leader to arrange the provision of support for individuals accused of abuse, where they are required to do so.

Pastoral support is a right for all members of the Catholic Church in England and Wales<sup>20</sup> and will be extended to any individual who is suspected of causing harm or

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<sup>19</sup> Routine pastoral support includes for example emotional and spiritual support, accompaniment, time to listen and time to reflect

<sup>20</sup> This includes certain areas outside of England and Wales which are the responsibility of dioceses with England and Wales e.g. the Channel Island and Isle of Man



who has caused harm to a child or adult at risk.

Pastoral support will be provided in a way that enables an individual to participate in the life of the Church, whilst keeping others safe through the management of risks.

In respect of the accused person, the role of the Head of Safeguarding is to:

- Be a point of contact or identify a point of contact for the person who is accused of abuse, for the purpose of providing written and verbal updates, at regular agreed intervals, in relation to case management.
- Where required, participate in meetings to identify support needs.
- Ensure that identified support needs are referred to the Bishop/Religious Congregation Leader of their delegate, who is responsible for addressing agreed needs, including identifying a named support person who does not any role in case management or penal/disciplinary processes.
- Manage risk using mechanisms including temporary removal from ministry and Safeguarding Plans.
- Commission an independent assessment where this is identified as appropriate.

In appropriate circumstances, such as where there has been a criminal trial or publicity about cases of abuse which has affected a parish, as soon as practicable, and in liaison with the statutory authorities and where appropriate the Insurers, the Bishop/Religious Congregation Leader and Head of Safeguarding will arrange with the priest in charge to visit the parish or local community where abuse has or is alleged to have occurred.

The aim of pastoral support for a parish or local community is to bring about community understanding/awareness and healing. The Bishop/Religious Congregation Leader's presence in the parish of apostolic work of the local community of religious signifies leadership and is a voice that can acknowledge the pain of the parish or local community and offer a strong lead to a wounded community. In those parishes supplied by religious congregations, both the Bishop and the Congregation Leader should visit.

The purpose of the visit by the Bishop/Congregation Leader is to:

- Begin to identify the pastoral support needs of the community and agree how they can best be addressed.
- Advise on how to access individual pastoral support, in conjunction with the Head of Safeguarding.

The Head of Safeguarding and other appropriate members of the community will arrange for agreed plans of pastoral support for the parish or apostolic work of the

local community of religious to be carried out.

It is the responsibility of the Bishop/Religious Congregation Leader to offer support to clergy/religious/pastoral workers before they take up a role in a parish or apostolic work of the local community of religious where abuse has or is alleged to have occurred, while it remains relevant.

#### Re-integration into Ministry, Ecclesiastical Office, or Other Post.

Plans for re-integration into ministry must take account of both the needs and concerns of the person returning and the potential concerns and anxieties of the community to which they are being returned.

A person may only return to public ministry/role after a decision to re-integrate has been taken by the Bishop or Religious Congregation Leader. Risks must be re-evaluated, and the Safeguarding Plan reviewed. It may not be possible for some individuals to return to a ministry/role in the Church community.

Where the allegation is shown to have been false or malicious there should be no requirement to use the Risk Identification Framework or implement a Safeguarding Plan. In these cases, reintegration into ministry should follow an individually tailored plan and procedure that enables the individual to achieve a resolution of any feelings of anger or injustice resulting from the process of investigation.

In most cases, where an allegation can be shown to have been made maliciously, an accused person may expect a public statement to be made detailing this fact. The level of publicity which may be expected will be comparable with the level of publicity given to the original allegation and the temporary removal from ministry, ecclesiastical office, or other post. Consideration must be given to the circumstances and context of the person who made the allegation before deciding on the nature and content of a public statement.

In certain cases, it may be appropriate to consider informing individuals, such as colleagues and certain parishioners who have been especially affected by an accused person's temporary removal from post, of the outcome of the case. This may be in writing and should be carried out in consultation with the accused person.

Consideration must be given to the circumstances and context of the person who made the allegation before deciding on what information is shared.

A form of words for the communication must take into consideration the views of the accused person.

Where an allegation or concern is substantiated yet there follows a decision by the Bishop or Religious Congregation Leader that the accused person may return to public ministry, this should be explained to the original complainant. It may be that the accused person does not wish for any announcement to be made more publicly and this view should be respected.

If the allegation or concern is substantiated, where there are ongoing risks, the accused person concerned should be subject to a Safeguarding Plan and the arrangements for monitoring and support should be stated.

Pastoral support should be provided for the accused person throughout the period of re-integration into public ministry. The requirements of each individual will be different, including the length of time that a person will require such care.

### Safeguarding in Independent Schools Associated with religious congregations.

Religious Congregations are responsible for:

- Promoting the safety and welfare of children in any school with which it is associated.
- Ensuring that any Catholic school associated with it complies with the safeguarding policies and practices required by the relevant authorities and, where applicable, those of the Catholic Church in England and Wales.

The school's Safeguarding policies will need to be approved by the relevant statutory authorities, and the school inspection will include an inspection of the school's safeguarding policies and procedures.

Schools can be structured in a variety of ways, and the legal responsibilities of the Religious Congregation will differ depending on the way in which each school is structured. Religious Congregations must ensure they know where the responsibilities rest for their schools.

An allegation may be made that abuse was committed in a school which was formerly run by religious. If the allegation is reported to the Congregation leader, the national safeguarding procedures relating to the management of allegations must be followed.

## **Annex A**

Independent assessors and organisations conducting assessments must fulfil the following criteria:

A professional background which includes training and experience in conducting the type of assessment required e.g. assessment of risk in people against whom allegations of abuse are made and those convicted of relevant offences; forensic psychological assessment.

Have clear arrangements for professional supervision of staff in place.

Be able to demonstrate effective links to statutory safeguarding systems.

Have experience in working co-operatively with statutory safeguarding agencies in England & Wales.

Demonstrate commitment to continuous professional development & appropriate professional networks.

Be able to identify and address potential conflicts of interest.

Be able to demonstrate victim awareness.

Have adequate professional indemnity insurance.

Demonstrate competence in or have experience in the presentation of evidence to Courts.

Have provided such services to more than one commissioning organisation.

Be able to provide references from professional sources.

Independent investigators must fulfil the following criteria:

A professional background which includes training and experience in investigative work and/or contemporary knowledge and experience of statutory safeguarding systems in England and Wales.

Knowledge and understanding of the key National Safeguarding Policies and Procedures in the Catholic Church in England and Wales including how the Church relates to victims and survivors of abuse.

Ability to practice in a way that respects the dignity of the subject and a concern for Christian morals.

Arrangements for and evidence of regular professional supervision, mentoring or consultation in relation to their own and their employees or sub-contractors' practice.

A biography of having undertaken this type of work for various service commissioners.

Demonstrable commitment to continuous professional development and membership of or access to relevant professional networks, for example by Membership of NOTA (the National Organisation for the Treatment of Abusers).

Agreement to work under the terms of the 'Standard contractual agreement for independent investigations and independent assessments commissioned by the catholic church in England & Wales' (Form IR2).

Professional indemnity insurance in accordance with the 'Standard contractual agreement for independent investigations and independent assessments commissioned by the catholic church in England & Wales' (Form IR2).

Experience in producing evidence- based reports to inform decision making.

## **Annex B**

### Review Panel – Responsibilities

#### Responsibilities of the Head of Safeguarding.

The Head of Safeguarding facilitates setting up the Review Panel meeting. This includes:

Receiving notification of a request for a review from the Bishop/Congregation Leader, accused person or victim/complainant.

Sending a copy of the request for a Review from the accused person or victim/complainant immediately to the Bishop/Religious Congregation Leader.

Acting as the main point of contact for and liaison between the Bishop/Congregational Leader, Review Panel members, and CSSA.

Agreeing a panel meeting date, venue (this should usually be within the diocese) and any accommodation or administrative requirements, with the Review Panel Chair at the outset.

Providing the Panel members with all information used in reaching the recommendation(s) and any information received making the recommendation(s).

Ensuring the accused person receives a copy of all information being considered by the Review Panel. Decisions about disclosure must have regard to Data Protection and where there is any doubt about whether information should be disclosed, legal advice must be sought.

Keeping people informed if there is delay in convening a panel.

Providing Review Panel members with expense claim forms and details of how to claim at the outset.

Arranging legal advice for the panel where requested.

Receiving the Review Panel's report outlining its recommendation and reasons and circulate to all parties including the victim/complainant, person accused, Bishop/Congregation Leader, CSSA).

### Responsibilities of the Bishop/Congregation Leader.

Within 10 working days of receiving the Safeguarding Coordinator/other role recommendations, advise the Safeguarding Coordinator in writing of the intention to seek a Review.

Advise the Safeguarding Coordinator within one working day if a request for a Review is received from the accused person or victim/complainant.

Decide within 10 working days from receiving notification of the request for a Review from the accused person or the victim/complainant, whether to hold a Review.

If a victim/complainant withdraws their request for a Review, decide whether to accede to the request.

Notify CSSA within 3 working days of deciding to proceed with a review and then liaise with CSSA to confirm Panel membership and nominate a Review Panel Chair.

Liaise with the Safeguarding Coordinator who will act as the main point of contact for and liaison between the Bishop/Congregational Leader, Review Panel members and CSSA.

Liaise with the Chair of the Review Panel and agree a response to individual requests from victims/complainants for disclosure of documentation.

Meet the costs associated with convening a Review Panel including Panel member fees and expenses.

### Responsibilities of CSSA.

CSSA facilitates access to independent people who can be appointed as Review Panel members, advises on the use of national policy and procedure, and holds a central record of the outcome of the Review Panel and decision of the Bishop/Congregation Leader.

CSSA will:

Respond to requests from a Bishop/Congregational Leader for members of a Review Panel to be identified.

Liaise with the Bishop/Congregational leader to confirm Panel membership and nominate a Review Panel Chair.

Finalise Panel composition, including the Chair within 10 working days of the Bishop/Congregation Leader making contact.

Appoint a replacement panel Chair and members, in liaison with the Bishop/Congregation Leader, in the event a conflict of interest is discovered or in the event the Chair or member withdraws for other reasons.

Provide Panel members with contact details for all members of the Panel within 3 working days of the panel composition being finalised.

Ensure the Panel Chair is provided with details of any replacement Panel members. Ensure the Review Panel Chair has contact details for the Safeguarding Coordinator.

Provide the Safeguarding Coordinator with contact details for Panel members. Receive a copy of the panel's report from the Review Panel Chair.

After 28 days of the report being circulated, request from Bishop/Congregation Leader details of decision.

Notify all Review Panel members of outcome.

Provide the Review Panel Chair with templates for monitoring the review process and recording the panel recommendations and reasons for them.

#### Responsibilities of the Panel Chair.

It is the Review Panel Chair's responsibility to:

Coordinate the work of the Panel and communicate with the parties involved throughout the process.

Receive documentation from the Head of Safeguarding.

Determine whether the case falls within the scope of the Protocol.

Request that further enquiries are made by the Safeguarding Coordinator before reaching a decision, making explicit the nature of the enquiries to be undertaken and the timetable for completing the enquiries.

Agree a panel meeting date with the Head of Safeguarding in consultation with the other panel members.

Ensure the accused and the victim/complainant are notified of the appointment of the Review Panel, the date of its meeting and how they can make written representations and contact the Review Panel. This will be via the Head of Safeguarding.

Ensure delays in the process are communicated to the person requesting the Review.



Ensure that the accused person has the same information that is being considered by the Panel at least 20 days prior to the Review Panel meeting. Decisions about disclosure must have regard to Data Protection and where there is any doubt about whether information should be disclosed, legal advice must be sought.

Liaise with the Bishop/Congregation Leader and agree a response to individual requests from victims/complainants for disclosure of documentation.

Ensure that if the Panel is in receipt of information that should have been available to the Head of Safeguarding but was not, and had it been it might have affected their recommendations, refer the case back to the Head of Safeguarding.

Ensure that the Panel meets at least once before reaching a decision about the recommendations.

Reach a conclusion within 4 months of establishment of the Panel.

Ensure that the Review Panel's recommendation and reasons for them are recorded and that this is signed by all panel members and sent to the Head of Safeguarding for circulation, copied to CSSA.

Maintain a record of the process of the Review and ensure that the template monitoring form is completed and returned to CSSA.

#### Responsibilities of panel members.

It is the responsibility of panel members to:

Notify CSSA immediately if they know the accused person or victim/complainant.

Receive documentation from the Head of Safeguarding.

Attend panel meetings and participate in related discussions as determined by the panel Chair.

Sign agreement to the Review Panel recommendations.

Receive the decision of the Bishop/Congregation Leader from CSSA.

## Standards.

Panel documentation will:

Be bound and paginated.

Include a front sheet listing the content of the documents.

Include a chronology and information will be presented in chronological order.

Include all information considered in reaching the original recommendations.

Include any relevant material received after the recommendations had been made.

Be sent by recorded delivery or where information is sent electronically it will be encrypted and anonymised by either redaction or replacing names with initials or case number.

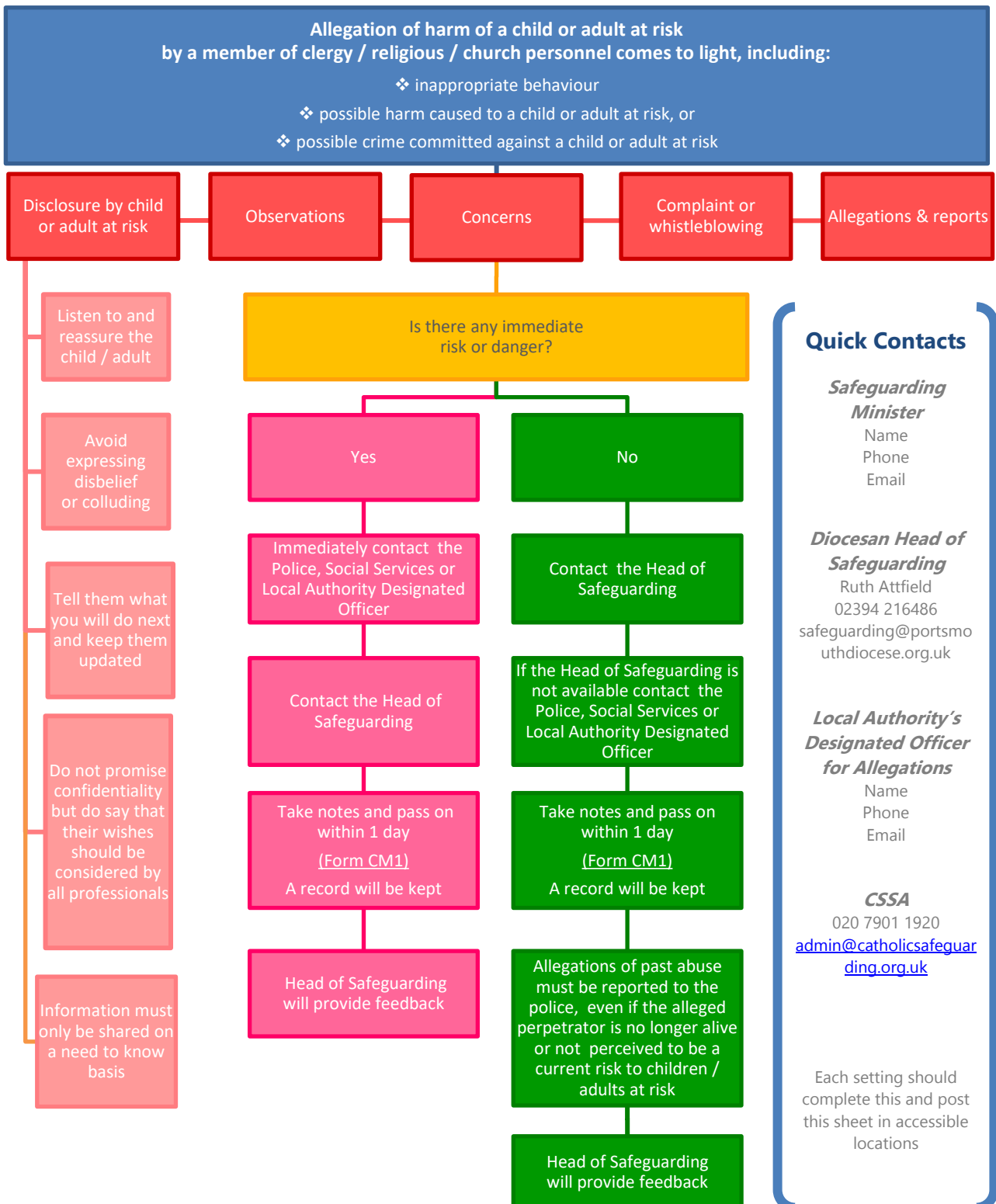
Stored in a secure place for the duration of the review with restricted access.

On completion of the review, panel documentation will be either returned to the Head of Safeguarding or destroyed through shredding or burning and an email acknowledging that this has been done must be sent by each member of the Review Panel to the Head of Safeguarding.



## Flowchart – responding to allegations of abuse or concerns about children and adults at risk.

**All concerns must be brought to the Head of Safeguarding for the Diocese or the Religious Safeguarding Lead. Never delay in taking action. If you are unable to contact the Head of Safeguarding or Religious Safeguarding Lead you can contact the Catholic Safeguarding Standards Agency (CSSA) if you require advice.**





## **Practice Guidance - Recording a disclosure of abuse, an allegation or concerns.**

Whenever a child or adult makes a disclosure, makes an allegation or there are concerns about the welfare and safety of a child or adult, the following practice should be applied to record keeping.

1	When a disclosure or allegation is made in person, whenever possible and practical, notes will be taken during the conversation.
2	Where it is not possible or appropriate to take notes at the time, a written record will be made as soon as possible afterwards and always before the end of the day, using form CM1 (forms library).
3	The person making the disclosure or allegation will be advised at the time that a written record will be made and the importance of making a record of information will be explained.
4	The person making the disclosure will be informed that they can have access to the record made in respect of their own information.
5	The context and background leading to the disclosure will be recorded.
6	As much information as possible will be recorded and fact, hearsay and opinion will be distinguished in the record. Assumptions and speculation will be avoided.
7	For all methods used to make a disclosure or allegation, the time, date, location, format of information e.g. letter, telephone call, direct contact and persons present will be recorded.
8	Records will be signed and dated by the person receiving the information.
9	A log of actions will be maintained using the Form: Safeguarding Children, Young People and Adults (See Forms Library) and times, dates and names of people contacted and spoken to as well as their contact details will be recorded.
10	The log will include full details of referrals to the Children's or Adult Social Care Services and the Police.
11	All original records, including rough notes, will be provided to the relevant Safeguarding Coordinator by noon the next working day.
12	All records will be kept in a confidential and secure place and shared only in order to safeguard a child or adult at risk, in line with the information sharing protocol and requirements of the prevailing Data Protection legislation.