



# **Managing and Responding to Safeguarding Allegations and Concerns**



The Catholic Diocese of  
Nottingham

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## **1. Roles and Responsibilities – Safeguarding Allegations and Concerns**

### **1.1 The Diocesan Bishop and Trustee’s Responsibilities**

To ensure that appropriate personnel and procedures are in place to recognise and respond to safeguarding concerns or allegations.

To report any concerns or allegations against a member of clergy, staff member or volunteer to the Director of Safeguarding immediately when any disclosure or information is received or known.

To ensure that the diocese has clear and agreed safeguarding arrangements in place with other Church bodies which operate within the diocese, including any religious communities.

To remain distant from the process, in case of needs for intervention in the event of disciplinary action. claims made against the Church. or pastoral breakdown. information they receive must be such that it does not compromise any future role they must play.

To ensure that a director of safeguarding is appointed to manage the case, the Response Group has an appropriate chair (see section 1.6.1) and a link person (see section 1.5) is appointed to support person an allegation is made against

To ensure that all appropriate support and information is offered to the victim/survivor who has disclosed that they have been abused and as required, to their families.

To consult the Director of Safeguarding and such other persons as the bishop considers appropriate before suspending a priest on the grounds that the cleric presents a significant risk of harm.

To seek advice from the canonical lawyer before suspending a priest and/or concerning the preliminary investigation.

### **1.2 Director of Safeguarding**

Receiving safeguarding concerns and allegations.

Referring safeguarding concerns and allegations to statutory agencies where the requirement for reporting is met.

Instigating all internal enquiries and liaising with statutory agencies, for example, Police and Social Care teams.

Attending meetings as requested by the statutory agencies.

Preparing reports as required for Response Group meetings and statutory agencies.

Convening and offering expert advice to the Response Group. The Response group may be chaired by the Director of Safeguarding if another member of the safeguarding team is the case worker.

Sharing information with statutory agencies in relation to the concern or allegation, or any other assessment process concerning the accused person.

Completing the Internal Church Investigation where one is required - see appendix –

Keeping a complete safeguarding record, and to be the source of all safeguarding information for the diocese. Records need to be stored appropriately and securely in accordance with best practice in record keeping – see Safeguarding Records Practice Guidance.

Maintaining ongoing contact with all members of the Response group outside of meetings, to assist with any enquiries/investigations.

Ensuring the victim/survivor is offered support from a support person. Where they accept this offer, ensuring that the needs of the victim/survivor are fully recognised and acknowledged throughout the safeguarding process.

Ensuring information regarding contact with the victim/survivor is recorded and stored appropriately in the case file.

Keeping the diocesan bishop updated regarding the risk assessment process and liaising with the link person to ensure support, advice and pastoral care is offered to the accused person. If the accused person raises safeguarding concerns with the link person, the Director of Safeguarding must ensure these are passed on to the statutory agencies.

Ensuring appropriate and independent support, advice and pastoral care is offered to the link person.

Liaising regularly with both the link person and support person.

Ensuring that the voice of both the victim/survivor and the accused person is heard throughout the process.

Attending the initial meeting with the accused person.

In relation to clergy risk assessment, advising the bishop on suitable appointment of a risk assessor.

In relation to clergy risk assessment, where the bishop appoints a risk assessor - preparing the terms of reference for the assessment and submitting them to the bishop for approval.

In relation to clergy risk assessment, ensuring the terms of reference are shared with the appointed assessor together with any other information which is relevant to the assessment.

In relation to standard (non-clergy) risk assessments, either carrying out the assessment or making the arrangements for it to be carried out.

Monitoring accused persons subject to Safeguarding Agreements or, with the diocesan bishop, appointing a suitable person to carry out this role.

Reviewing Safeguarding Agreements at regular intervals (depending on the assessed needs and the level of risk) in conjunction with other key people involved and/or the statutory agencies.

The Director of Safeguarding is NOT a support person to the victim/survivor, nor are they a link person for the accused person.

### **1.3 The Vicar General (VG)**

Attend response group meetings.

Attend/chair parish meetings as required (where allegations have been made, causing fractured parish relations).

Keep the bishop informed of implications for pastoral oversight.

Support the Priest when their parish is affected by a concern or allegation (where the priest is subject to a safeguarding concern or allegation or where the parish is vacant the VG would support the Parish and Dean).

Ensure the Parish is implementing good safeguarding practice and following the decisions of the response group.

Support the clergy safeguarding lead.

### **1.4 Clergy Safeguarding Lead**

Attend response group meetings.

Ensure support is offered to the accused person (clergy).

Liaise with the Vicar General about responsibilities in assisting him to support parishes and clergy involved in allegations or concerns.

## 1.5 Support Person

A support person will be offered to all victims/survivors.

The support person may specifically be trained to hold this role or an appropriate case a Bishops recommended person. A member of clergy may be among those able to undertake this role as they are already trained in pastoral care – they will, however, still be required to undertake further specific training to hold this role.

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 victim/survivor, since their roles or their status may be compromised.

Victims/survivors who are children or young people will require specialist support. under advice from Children’s Services, the child or young person should be referred to a professional agency qualified to provide such support.

The role the support person plays must be agreed in consultation with the victim/survivor. The support person, provided the victim/survivor agrees, could be responsible for the following matters.

Liaising (which could include attending any meetings) with the statutory agencies to provide support to the victim/survivor, the support person is not the victim/survivors advocate at any meeting they attend.

Listening to and representing the victim/survivor’s pastoral needs.

Identifying any therapeutic or other needs the victim/survivor may have and offering choices as how these may be best met.

Listening to and representing the victim/survivor’s views during the management of the safeguarding concern or allegation.

Recording any meetings or contact they have with the victim/survivor and passing on relevant information (e.g., to prevent/protect others from harm, any further information supplied in relation to the safeguarding concern or allegation) to the Director of Safeguarding as appropriate, this should be made clear from the outset of the relationship.

Records of meetings would include dates, times, locations, and an overview of the meeting rather than a specific and detailed account. Where the victim/survivor accepts the offer of a support person a written description of the support person’s agreed role and responsibilities should be provided to the victim/survivor at the commencement of such an arrangement. The support person will not be responsible for managing the case and will pass on written records to the Director of Safeguarding. The support person is NOT the confidant of the victim/survivor. They

must be bound by a responsibility to disclose to the appropriate authorities (e.g., the Police, Director of Safeguarding etc.) where:

- Others are at risk of harm.
- The victim/survivor makes disclosures of intentions to hurt themselves.
- Safeguarding information is shared to assist in the prevention, detection, or prosecution of a crime.

It is important to recognise and to acknowledge where others may still be at risk, the Police (and possibly Children's / Adult's Services or the Local Authority) will need to be informed. If they are unsure whether to share information, they should seek advice from the Director of Safeguarding. The support person will NOT attend response group meetings. All support persons must attend a local induction training which introduces and explains their role.

## **1.6 Link Person**

A link person will be offered to all Clergy and significant lay roles.

The link person may be a senior member of clergy (where the accused person is clergy), including retired clergy, Amicus Claro, Vicar General (not involved in the case) or area dean or an individual specifically trained in pastoral care.

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 accused person, since their roles or their status may be compromised. The person accused, who are children or young people will require specialist support. In consultation with the Director of Safeguarding advice should be sought from Children's Services and the child or young person should be referred to a professional agency qualified to provide such support.

The Role of the link person should be particularly alert to the sense of isolation and vulnerability which the accused person may experience. The link person is responsible for.

- After agreement with the accused person - attending the initial meeting with the accused person, the Director of Safeguarding and the diocesan bishop's appointed representative to support them, keep them informed of the progress of their case, and direct them to counselling and support as necessary.
- Assisting the accused person to access advice in relation to both criminal and Canon law.
- Considering the accused persons family's wishes (non-clergy) (when not the victim/survivor) regarding a pastoral response by the Church to them.
- Identifying with the accused person any therapeutic or other needs they have and offering choices as to how these may be best met.
- Monitoring compliance with Safeguarding Agreements if this is an agreed part of their role.



- Recording any meetings or contact they have with the accused person and passing on relevant information to the Director of Safeguarding as appropriate, this should be made clear from the outset of the relationship.

They will not be responsible for managing the file but will pass on written records to the Director of Safeguarding as appropriate, during regular meetings with them. Records of meetings would include dates, times, locations, and an overview of the meeting rather than a specific and detailed account. The link person is NOT the confidant of the accused person. They must be bound by a professional responsibility to disclose to the appropriate authorities (e.g., the Police, DS etc.) where:

- Others are at risk of harm.
- The accused person makes disclosures of intentions to hurt or harm either themselves or others.
- The accused person makes disclosures of their guilt, or not, in the matter being investigated.
- Safeguarding information is shared to assist in the prevention, detection, or prosecution of a crime. It is important to recognise and to acknowledge where others may still be at risk the Police and possibly Children's / Adult's Services or the Local Authority will need to be informed. If the link person is unsure about whether they can share information, they should seek advice from the Director of Safeguarding.

**The link person is not:**

- A counsellor for the accused person and should not act in that role.
- A spiritual guide for the accused person.
- An advocate for the accused person
- A response group member.

The link person (where they are clergy) should not take confession from the accused person. The link person does not manage the case file and will not have access to it.

Where the accused person accepts the offer of a link person a written description of the link person's role and responsibilities should be provided to the accused person at the commencement of such an arrangement.

**Frequency of Meetings** The frequency of contacts/meetings should be agreed between the accused person and the link person.

**Storage of Records** Information regarding meetings between the link person and the accused person must be stored safely and securely. Records of the meetings that have taken place and any relevant safeguarding issues that have arisen must be forwarded to the Director of Safeguarding for placing in the safeguarding file.

**Support and Supervision** Regular contact, as determined between the link person and the Director of Safeguarding, should take place to enable the Director of Safeguarding to keep up to date with the needs and requests of the accused person.

The Director of Safeguarding should offer the link person access to appropriate welfare support to ensure their wellbeing and pastoral needs are met and supervision to allow the link person to receive feedback on their role. If necessary, external welfare support for the link person should be used if appropriate.

## **2. Responding to Allegations and Concerns – Internal Case Management Process**

Every safeguarding concern or allegation involving a member of clergy or significant lay person should be managed by a defined response group, convened when a safeguarding allegation is made.

The purpose of the response group is to oversee and manage the response to a safeguarding concern or allegation in line with best practice ensuring that the rights of the victim/survivor and the accused person to a fair and thorough investigation can be preserved.

### **2.1 The Chair of the Response Group**

The chair of the response group is responsible for.

- Establishing membership of the group, ensuring all appropriate parties are present - discretion should be exercised as to the necessary and proportionate involvement of parties. Where more than one diocese is involved, ensuring relevant membership and communication is arranged.
- Defining the roles and responsibilities of its members through the process.
- Ensuring policy and best practice is followed.
- Keeping the bishop updated on response group decisions and any recommendations for action required by them e.g., suspension, risk assessment.

This role is best fulfilled by someone with experience in chairing such meetings, and with a detailed understanding of safeguarding policy and practice. The chair could be the Director of Safeguarding, a Vicar General (VG) or other senior figure who is not linked in any way to the case. If the Director of Safeguarding is the case worker, they should not be appointed as the chair. However, where there is a safeguarding team, and the Director of Safeguarding is managing the case, they may chair the response group as the day-to-day work on the case is being carried out by another team member. The final decision on who should chair the response group rests with the bishop.

### **2.2 The Response Group**

The response group is responsible for.

- Ensuring that information is shared with the statutory agencies.
- Ensuring the Safeguarding team are working with the statutory agencies.

- Having due consideration to the advice of the Director of Safeguarding in all matters related to safeguarding.
- Considering whether other members should be informed of the situation and invited to join the response group.
- Keeping the Chief Operations Officer informed whenever there is a potential of financial, regulatory, or reputational impact, where there is a significant risk that requires management/mitigation/monitoring or if the case involves an employee of the diocese.
- Deciding when a safeguarding Internal Church investigation should be carried out and how this relates to any canonical case or other disciplinary processes.
- Determining when the accused person should be informed and what they should be told in relation to the concern or allegation where the statutory agencies are not involved.
- The arrangements required for managing the accused person in relation to their role, having full regard to the views of the statutory agencies.
- Ensuring how the victim/survivor and/or their family can best be supported by advising the Director of Safeguarding (on behalf of the bishop).
- Ensuring how the accused person can best be supported by advising the Director of Safeguarding (on behalf of the bishop).
- Offering advice to the bishop via the Director of Safeguarding on support and pastoral care for parish officers managing the parish.
- Ensuring how the needs of a parish, cathedral, or other church community in which the accused person is or has served can best be met.
- Setting and maintaining boundaries of information sharing and confidentiality, including when information can be shared with the Police, the insurance company, the Charity Commission, the Local Authority Designated Officer, and the Catholic safeguarding standards agency
- Agreeing statements to the press and the congregation.
- Ensuring accurate information is kept and shared securely where appropriate and in accordance with data protection legislation.
- Ensuring risk assessments are carried out during and following the outcome of the allegation, this includes: - agreeing the terms of reference, with the Director of Safeguarding, for the risk assessment in relation to non-clergy assessments. - commissioning, with the Director of Safeguarding, the risk assessment in relation to clergy risk assessments. - accepting the risk assessment in relation to non and clergy assessments. - ensuring that recommendations are followed in relation to non and clergy assessments.
- Undertake a lesson learnt review at the end of the process where needed.

In addition, if the case involves members of clergy, the response group is responsible for:

- Assisting the Director of Safeguarding to advise the bishop when the accused person should be informed and what they should be told in relation to the concern or allegation where the statutory agencies are not involved.

- Assisting the Director of Safeguarding to advise the bishop of the arrangements required for managing the accused person in relation to their role, having full regard to the views of the statutory agencies.
- Assisting the Director of Safeguarding to advise the bishop in setting and maintaining boundaries of information sharing and confidentiality, including when information can be shared with the Police, the insurance company, the Charity Commission, the Local Authority Designated Officer, and the CSSA.
- Assisting the Director of Safeguarding to advise the bishop on statements to the press and the congregation.
- Assisting the Director of Safeguarding to advise the bishop when to undertake a lesson learnt review at the end of the process.

In relation to clergy risk assessment (and management), the Director of Safeguarding will ensure their advice and recommendations are ratified by the response group. The Director of Safeguarding will then share these with the bishop. The Response group acts as the Director of Safeguarding 'critical friend' in the response to actions and assessment of allegations against clergy and significant lay roles. The Response Group will create a written record of its decisions and recommendations. These documents should include information on any previous allegations that have been made against the individual concerned.

These records should be passed to the Director of Safeguarding who will store them in the case file. Where the advice of the Director of Safeguarding is not taken a full record of the reasons must be kept. Should there be any disagreement between the Response group and the Director of Safeguarding, concerns should be escalated to the safeguarding advisory group for consultation or, where they are unable to resolve the dispute, to the CSSA. If the accused person is a senior member of the clergy or an individual with a high national profile, the case should be consulted with CSSA case management support. If the case involves complex inter-diocesan issues the CSSA should be consulted about coordinating local casework.

### **2.3 Chief Operations Officer**

Kept informed by the response group whenever there is a potential financial, regulatory, or reputational impact or where there is a significant risk that requires management/mitigation/monitoring.

Informed immediately by the response group should a case involve an employee of the diocese.

Mindful of legal requirements to inform insurers, charity commissioners, etc. and have an overview of risk management to the organisation and wider church to ensure things are managed effectively within guidance.

## **2.4 Diocesan Canonical Lawyer**

The Canonical lawyer shall act as canonical process advisor to the response group to support its decisions, actions, and recommendations. This advice could be provided outside of the response group meeting, however, at times it may be preferred or appropriate for the lawyer to be in attendance to provide their advice only.

The Canonical lawyer is responsible for:

- Giving legal advice to the bishop on any canonical aspect relating to safeguarding in conjunction with the Director of Safeguarding, in relation to the terms of reference and letter of instruction for risk assessments.
- Advising the Bishop on matters relating to powers of suspension.
- Advising the Bishop (in the event of the allegation being substantiated), in consultation with the director of communications and the Director of Safeguarding, on an appropriate form of words in relation to any proposed apology to the victim/survivor as agreed by the response group where appropriate.

The Canonical Lawyer CANNOT represent the accused person. The accused person's lawyers must be independent i.e., not associated with the same legal practice. To fulfil this responsibility, the Canonical lawyer may need to seek advice from an appropriately trained safeguarding

## **2.5 Communications Director**

Taking the lead on all matters of communication, including statements for potential or actual media coverage, statements made to the congregation or church committees, limits of information sharing in consultation with the canonical lawyer and the Director of Safeguarding during and following an investigation attending response group meetings to advise on communication, where needed on issues as required and working closely with the canonical lawyer, the Director of Safeguarding and bishop's representative with regard to the day-to-day management of publicity and information sharing.

Liaising with any provincial/national leads of communications in all appropriate cases where media coverage is expected.

Advising the Bishop, in consultation with the Canonical lawyer and the Director of Safeguarding, on an appropriate form of words in relation to any proposed apology to the victim/survivor as agreed by the response group.

## **2.6 Link Person Role**

A link person will be offered to all clergy and significant lay roles. The link person for clergy will be the Amicus Claro for the Diocese or a Senior clergy not involved with the case. For lay roles this will be discussed and agreed during the first response group.

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 accused person, since their roles or their status may be compromised.

Accused persons who are children or young people will require specialist support. In consultation with the Director of Safeguarding advice should be sought from Children's Services and the child or young person should be referred to a professional agency qualified to provide such support.

A link person should be particularly alert to the sense of isolation and vulnerability which the accused person may experience. The link person is responsible for:

After agreement with the accused person attending the initial meeting with the accused person, the Director of Safeguarding and the diocesan bishop's appointed representative to support them, keep them informed of the progress of their case, and direct them to counselling and support as necessary.

- Assisting the accused person to access advice in relation to both criminal and Canon law.
- Considering the accused person's family's wishes (when not the victim/survivor) regarding a pastoral response by the Church to them.
- Identifying with the accused person any therapeutic or other needs they have and offering choices as to how these may be best met.
- Monitoring compliance with Safeguarding Agreements if this is an agreed part of their role
- Recording any meetings or contact they have with the accused person and passing on relevant information to the Director of Safeguarding as appropriate, this should be made clear from the outset of the relationship. They will not be responsible for managing the file but will pass on written records to the Director of Safeguarding as appropriate, during regular meetings with them. Records of meetings would include dates, times, locations, and an overview of the meeting rather than a specific and detailed account.

The link person is NOT the confidant of the accused person. They must be bound by a professional responsibility to disclose to the appropriate authorities (e.g., the Police, Director of Safeguarding etc.) where:

- Others are at risk of harm.
- The accused person makes disclosures of intentions to hurt or harm either themselves or others.
- The accused person makes disclosures of their guilt, or not, in the matter being investigated.
- Safeguarding information is shared to assist in the prevention, detection, or prosecution of a crime. It is important to recognise and to acknowledge where others may still be at risk, the Police and possibly Children's / Adult's Services or the Local Authority will need to be informed. If the link person is unsure about

whether they can share information, they should seek advice from the Director of Safeguarding and/or diocesan legal advisers.

The link person is not:

- A counsellor for the accused person and should not act in that role.
- A spiritual guide for the accused person.
- An advocate for the accused person.
- A response group member.

The link person (where they are clergy) should not take confession from the accused person. The link person does not manage the case file and will not have access to it. Where the accused person accepts the offer of a link person a written description of the link person's role and responsibilities should be provided to the accused person at the commencement of such an arrangement. This may be a copy of the role as described in this guidance or may be a specifically written description based upon what is agreed between the accused person and the link person.

**Frequency of Meetings** The frequency of contacts/meetings should be agreed between the accused person and the link person.

**Storage of Records** Information regarding meetings between the link person and the accused person must be stored safely and securely in accordance with Safeguarding Records.

Records of the meetings that have taken place and any relevant safeguarding issues that have arisen must be forwarded to the Director of Safeguarding for placing in the safeguarding file.

**Support and Supervision** Regular contact, as determined between the link person and the Director of Safeguarding, should take place to enable the Director of Safeguarding to keep up to date with the needs and requests of the accused person. The Director of Safeguarding should offer the link person access to appropriate welfare support to ensure their wellbeing and pastoral needs are met and supervision to allow the link person to receive feedback on their role. If necessary, external welfare support for the link person should be used if appropriate.

## **2.7 Support Person**

A support person will be offered to all victims/survivors. A member of clergy or other appropriate church role may be among those able to undertake this role as they are already trained in pastoral care – they will, however, still be required to undertake further specific training to hold this role.

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 victim/survivor, since their roles or their status may be compromised.

Victims/survivors who are children or young people will require specialist support. Under advice from Children's Services, the child or young person should be referred to a professional agency qualified to provide such support. This would apply in a case that relates to domestic abuse.

The role the support person plays must be agreed in consultation with the victim/survivor. The support person, provided the victim/survivor agrees, could be responsible for the following matters:

- Liaising (which could include attending any meetings) with the statutory agencies to provide support to the victim/survivor, the support person is not the victim/survivors advocate at any meeting they attend.
- Listening to and representing the victim/survivor's pastoral needs.
- Identifying any therapeutic or other needs the victim/survivor may have and offering choices as how these may be best met.
- Listening to and representing the victim/survivor's views during the management of the safeguarding concern or allegation.
- Recording any meetings or contact they have with the victim/survivor and passing on relevant information (e.g., to prevent/protect others from harm, any further information supplied in relation to the safeguarding concern or allegation) to the Director of Safeguarding as appropriate, this should be made clear from the outset of the relationship.

Records of meetings would include dates, times, locations, and an overview of the meeting rather than a specific and detailed account. Where the victim/survivor accepts the offer of a support person a written description of the support person's agreed role and responsibilities should be provided to the victim/survivor at the commencement of such an arrangement.

This may be a copy of the role as described in this guidance or may be a specifically written description based upon what is agreed between the victim/survivor and the support person. The support person will not be responsible for managing the case and will pass on written records to the Director of Safeguarding. The support person is NOT the confidant of the victim/survivor. They must be bound by a responsibility to disclose to the appropriate authorities (e.g., the Police, Director of Safeguarding etc.) where:

- Others are at risk of harm.
- The victim/survivor makes disclosures of intentions to hurt themselves.
- Safeguarding information is shared to assist in the prevention, detection, or prosecution of a crime.

It is important to recognise and to acknowledge where others may still be at risk, the Police (and possibly Children's / Adult's Services or the Local Authority) will need to be informed. If they are unsure whether to share information, they should seek advice from the Director of Safeguarding. The support person will NOT attend



response group meetings. All support persons must attend a local training programme which introduces and explains the role.

## **2.8 Independent Safeguarding Professionals (ISP) to the Trustee Subcommittee**

Independent safeguarding professionals may be contacted by the caseworker or case manager of the response group to discuss the case and seek advice where each member can provide advice and an operational arm into their organisation i.e., Police, MAPPA, Healthcare. Any information received will be discussed at the response group meetings. Independent safeguarding professionals do not attend the response group meeting.

Reviewing the quality of risk assessments (standard and independent) and Safeguarding Agreements which are an action from the response group to manage risk of the accused person.

It is not the role of the ISP to be part of the case management process. The ISP will act as advisers on casework, risk management and safeguarding plans to trustees at the trustee safeguarding subcommittee meetings.

## **2.9 Trustees Safeguarding Subcommittee**

Receive anonymised management information relating to risk assessments and safeguarding agreements that the diocese has completed to maintain oversight of the work e.g., number of assessments, type of assessment, pattern of reviews, breaches and follow up action.

Discuss cases anonymised in relation to clergy and significant lay roles or where reputational risk is impacted.

Considering information and themes from quality assurance processes e.g., Diocesan Self Assessments, lessons learnt reviews, independent audits, and file audits to make recommendations to improve safeguarding arrangements.

Be advised of any barriers or issues which are impacting on the ability of the diocese to effectively manage safeguarding risks this may include resolving disputes between an independent investigator and a response group.

Anonymised for this purpose means that no person or place involved in the case is identifiable from the information provided. This would exclude references to individuals by initials for example, as people with even limited local knowledge may be able to identify people by initials.

## **3. Responding to Allegations and Concerns**

### **3.1 A child or young person, or an Adult is at immediate risk of harm**

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 Director of Safeguarding as soon as possible afterwards, providing a detailed written account of the concerns/allegations/account given by the person.

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.

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 Director of Safeguarding must refer the allegation to the local authority's designated officer or adult social services for safeguarding within one working day. If the accused person is deceased, the local authority designated officer must still be informed of the allegation concerning a child.

### **3.2 Concern that a child or an adult might be suffering, or is suffering from harm, caused by somebody outside of the Church.**

#### **3.2.1 Children**

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 Director of safeguarding within 1 working day who will refer to the Local Authority Children's Services Department within 1 working day. 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.

#### **3.2.2 Adults**

Inform the Director 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.

#### **3.2.3 Children and adults**

Where it is believed that a criminal offence may have taken place, the allegation must be referred by the Director 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, Director of safeguarding must refer the allegation to the local authority's designated officer for safeguarding

children or adults within one working day. If the accused person is deceased, the local authority designated officer 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 Director 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.

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

#### **3.3.1 Children**

Inform the Director 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 Director of safeguarding, must refer the allegation to the local authority's designated officer (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 Director of Safeguarding will make a referral to the local authority children's social services department.

#### **3.3.2 Adults**

Inform the Director of Safeguarding or Safeguarding Officer within 1 working day. The Director of Safeguarding or Safeguarding Officer 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 Director of Safeguarding or Safeguarding officer must refer the allegation to the relevant local authority department 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.

### **3.3.3 Children and Adults**

If the allegation is against the Director of safeguarding, the report must be made to Chief operations 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.

The Director 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. Regarding the ecclesiastical investigation, the norms given in Pope Francis' Apostolic Letter, "*Vos Estis Lux Mundi*", are to be followed.

The Director of safeguarding will also inform Chief operations officer who will inform the Insurance Officer 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 Chief operations officer 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 Director of safeguarding will inform the diocesan or congregational designated person 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.

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.

Participate in strategy meetings/discussions and liaise with statutory authorities until the investigation is concluded.

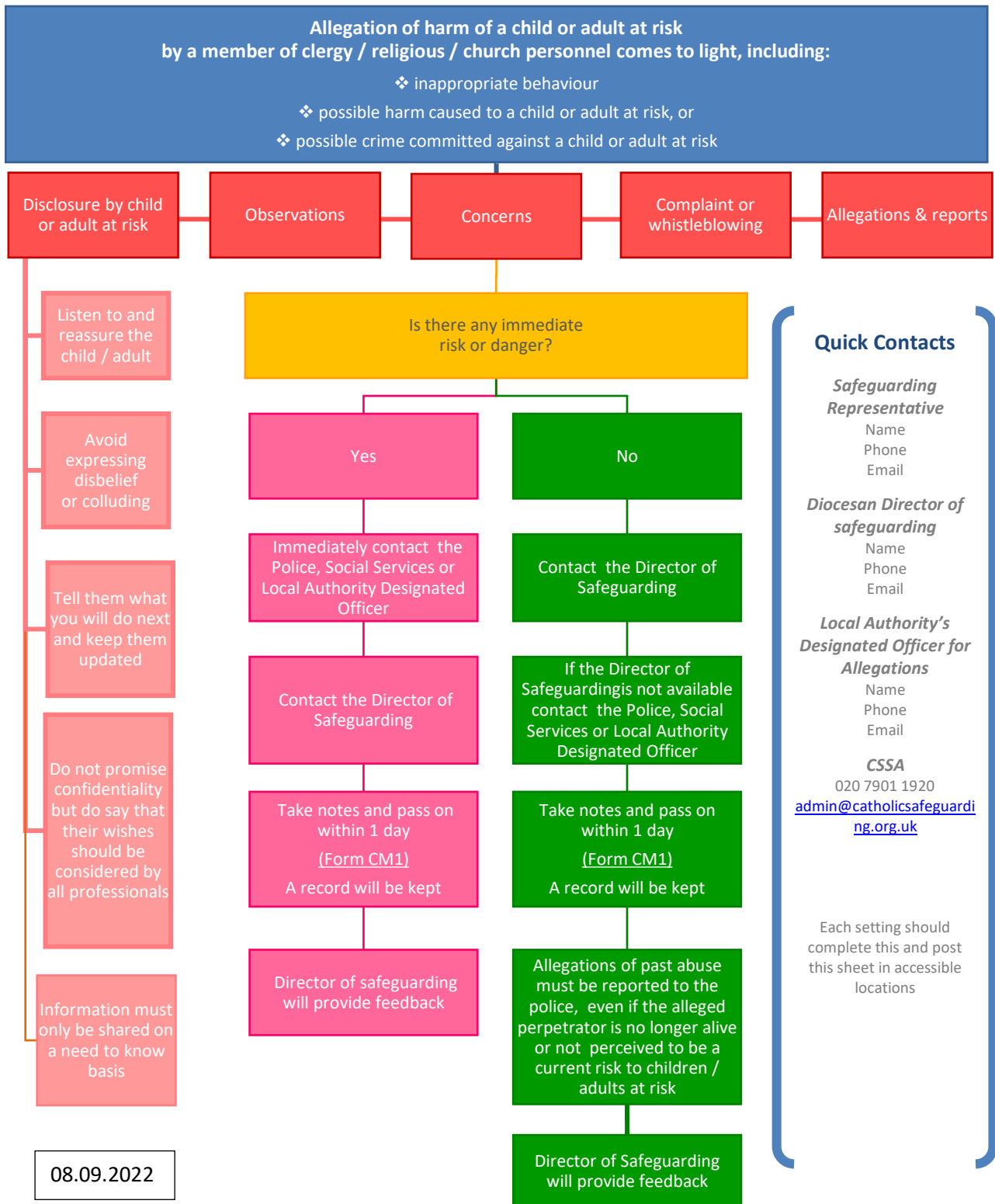
Take advice from the Designated Officer about what and when information can be shared relevant parties e.g., the victim, families, and the accused person, so as not to compromise a child's safety or prejudice an investigation  
Take advice from the Designated Officer as to whether a referral to the Regulatory Body such as Ofsted, Care Quality Commission (CQC), Care

Inspectorate Wales (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. A referral to the local Multi-Agency Public Protection Arrangements (MAPPA) Coordinator might also be considered by the strategy meeting.

The response group will, where appropriate manage the process to undertake enquiries/investigation/ Independent assessment if the statutory authorities decide not to investigate or conclude their investigation without criminal proceedings but concerns remain. For clergy and religious, the guidance of a qualified canon lawyer should be sought to ensure compliance with the requirements of canon law.

### 3.4 Flowchart responding to Allegations of Abuse or Concerns about Children and Adults at Risk

All concerns must be brought to the Director of Safeguarding. Never delay taking action. If you are unable to contact the Director of safeguarding you can contact the Catholic Safeguarding Standards Agency (CSSA) if you require advice.



Quick Contacts

Safeguarding Representative

Name  
Phone  
Email

Diocesan Director of safeguarding

Name  
Phone  
Email

Local Authority's Designated Officer for Allegations

Name  
Phone  
Email

CSSA

020 7901 1920  
[admin@catholicsafeguarding.org.uk](mailto:admin@catholicsafeguarding.org.uk)

Each setting should complete this and post this sheet in accessible locations

### **3.5 Allegations against UK Rectors, Vice Rectors, or seminary staff members, including the Seminary Safeguarding Representative.**

Allegations against:

- a) Cardinals, Patriarchs, Bishops and Legates of the Roman Pontiff.
- 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 *durante munere* (*while in office*).
- c) Clerics who are or who have been in the past leaders of a Personal Prelature, for the acts committed *durante munere*.
- d) Those who are, or who have been, supreme moderators of Institutes of 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*.

The allocated Safeguarding Lead (in England and Wales) for the Seminary must be immediately advised and they will coordinate the case.

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.

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).

The UK based Safeguarding Lead for the Seminary must advise:

- CSSA.
- The Chairman of the Committee of Bishops responsible for the seminary.
- The bishop of the individual's diocese.
- The local ecclesiastical authorities as advised by the Chairman of the Committee of Bishops for the seminary.
- The relevant diocesan Insurance Officer and liaise with them throughout the process.

### **3.6 Concerns and allegations relating to adults who do not meet the statutory threshold for being considered as an 'adult at risk'**

In addition to recognising the statutory threshold for determining that an individual is 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.

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 Director of Safeguarding for consideration as to whether it is appropriate to implement the safeguarding procedures to address the matter.

### **3.7 Notifications of allegations to the Church, where the alleged victim is not known to the Church**

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. 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.

### **3.8 Responding to an anonymous concern/allegation**

Anonymous complaints are to be handled carefully. Anxiety and fear may persuade some people not to immediately reveal their identity. It is sometimes difficult to act on information under these circumstances, unless at some point the name of the victim/survivor becomes known. The victim/survivor should be informed that anonymity might restrict the ability of professionals to access information or to intervene to protect a child, young person and/or vulnerable adult. As much openness, as possible should be encouraged. However, if any identifiable information that relates to a safeguarding concern or allegation (current or noncurrent) is received, it must be passed onto the Director of Safeguarding, who will refer to the appropriate statutory agencies so an investigation can be undertaken to assess the risks, as required.

Responding to someone who admits to abusing a child, young person or vulnerable adult.

It is necessary to tell a person who admits an offence against any person that such information cannot be kept confidential. If such an admission is made to you, even where the admission relates to something that happened a long time ago, the matter must be referred to the Director of Safeguarding, who will refer to the appropriate statutory agencies so an investigation can be undertaken to assess the risks, as required.

### **3.9 Managing a low-level concern**

A low-level concern is any concern, no matter how small and it may be nothing more than a 'nagging doubt', that someone may have acted in a manner which:

- Is not consistent with the ethos of the Church, Codes of Conduct, ethics, or policy and procedures, and/or relates to their conduct, even if not linked to a particular act or omission and has caused a sense of unease about that adult's suitability to work with children, young people or adults at risk.



- People do not need to be able to determine whether their concern is a low-level concern as described above, or if it is serious enough to be considered for referral to the statutory authorities. Once somebody shares what they believe to be a low-level concern that determination will be made by the Director of Safeguarding.

Concerns relating to:

- Adults' behaviour towards children
- Adults' behaviour towards adults, in particular those who are vulnerable, or at risk,
- Peer on peer behaviour
- Children reporting adult behaviour
- Adults sharing concerns about other adults, and
- It includes self-reporting

### **Referring a low-level concern**

All low-level concerns within a parish should be received by the Safeguarding Office. If concerns are passed on to the Parish Safeguarding Representative or Parish Priest, they will consult with the Safeguarding Office.

### **Self-reporting**

Occasionally a person may find themselves in a situation which could be misinterpreted or might appear compromising to others. Equally, someone may, for whatever reason, have behaved in a manner which, on reflection, they consider having fallen below expected standards.

Self-reporting in these circumstances can be positive for several reasons. It is self-protective, in that it enables a potentially difficult issue to be addressed at the earliest opportunity. It demonstrates awareness of the expected behavioural standards and self-awareness as to the individual's own actions or how they could be perceived, and it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.

### **Handling low-level concerns**

Anyone who brings concerns to the notice of the Diocese of Nottingham will be responded to sensitively, respectfully, and seriously.

The person that the concerns are raised with will make a written record of the conversation.

Concerns will be shared with the Director of safeguarding within 1 working day or as soon after, as is reasonably possible.

If the concern is about a member of the Safeguarding office then the information should be referred respectively to the COO of the diocese.

If the person raising the concern does not have a role in the Church and is not raising a concern in a professional capacity, then if they do not wish to be named then that decision should be respected as far as possible. It cannot be guaranteed however as a

concern may be so serious that it may need to be referred to the statutory authorities. This situation must be explained in more detail to the person concerned if it were to arise.

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.

The Director of Safeguarding will review the information provided, and if necessary, consult with relevant colleagues, to determine whether the behaviour is:

- consistent with the required standards of the Church
- consistent with the policies and procedures
- a low-level concern that can be addressed by means such as being reminded of a code of conduct, mentoring, training, additional support, and supervision (this is not an exhaustive list)
- cumulative, in that it appears to demonstrate a pattern of behaviour that needs to be addressed
- a safeguarding matter, and if it is, whether it needs to be referred to statutory authorities
- something that should be dealt with by a different office e.g., HR.
- potentially unlawful and needs to be referred to the police

The Director of Safeguarding or their delegate will also consider whether there is other information which, when considered, constitutes an allegation.

If the Director of Safeguarding or their delegate is unsure, they can consult with the CSSA, or take advice from the statutory authorities, or both.

Confidence will be maintained and enquiries into low-level concerns will be carried out discreetly, with information shared on a need-to-know basis.

It is important to inform the person concerned about their behaviour in order that they can respond, and it can help the individual to address their behaviour at an early stage. The person about whom there are concerns will be spoken with by the most appropriate person, identified by Director of Safeguarding or their delegate.

The outcomes will be dependent upon the concerns raised and the role that the person holds i.e., clergy, religious, parishioner, volunteer or in a paid position. In some instances, a simple conversation with the person concerned may be sufficient to explain why their behaviour is concerning. Other concerns may be dealt with by

further training, raising of awareness, support being offered, or safeguarding plans being implemented.

Reporting a low-level concern does not mean that it will be judged by professionals as such. The decision could be made that the concern is more serious than initially believed and it may have to be reported to the statutory authorities and this could lead to various outcomes than the person reporting anticipates. Should this situation arise the courses of action and potential outcomes will be explained to the person reporting the concerns.

Whilst it may not be possible, in all cases, to provide regular updates on the progress of enquiries being undertaken to address the low-level concern, informants can reasonably expect to be advised of key outcomes when enquiries are finalised.

### **Record keeping**

Records will be kept of the concerns raised, all conversations, the outcomes, decisions made, the rationale and any action taken on Case/Pamis. All records will be stored confidentially and retained in accordance with the national safeguarding record retention schedule. If low-level concerns are dealt with at a local level e.g., by the Parish Safeguarding Representative or Parish Priest, the records must be sent to the Safeguarding Office so that they can review them alongside any other records that they hold, to ensure that all such concerns are being dealt with promptly and appropriately, and that any potential patterns of concerning, problematic or inappropriate behaviour are identified. A record of the review should be made on the file.

## **4. 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 diocesan GDPR officer.

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 will not be possible for them to remain anonymous in these circumstances:

### **4.1 Sharing information with the statutory agencies**

All concerns and allegations regarding safeguarding that evidence that there is a current risk of harm and that meet the requirements of referring (apart from those

received under the Seal of Confession) must be passed to the statutory agencies. Disclosure should include names, addresses, details of the concerns/allegations, and if the accused person has made an admission, where this information is available. Ensure that a record is kept of your decision and your reasons for it.

Situations when information can be shared as part of an investigation by the statutory agencies

Safeguarding information is still subject to data protection legislation. However, information can be shared without consent sensitive personal data (e.g., that which relates to allegations) where it is in the substantial public interest and is necessary for the prevention or detection of any unlawful act and must be carried out without consent because seeking consent would prejudice the purposes.

Information can also be shared without consent if it is in the substantial public interest and the sharing is necessary to support a function designed to protect members of the public from “...dishonesty, malpractice, or other seriously improper conduct by, or the unfitness or incompetence of, any person...” and to seek consent would prejudice those purposes – see The Data Protection (Processing of Sensitive Personal Data) Order 2000 During an investigation, if the Police request information from a file, every effort should be made to cooperate.

Advice about this should be sought from the diocesan legal adviser.

Police forces have standard forms for requesting personal data, in accordance with guidance issued by the Association of Chief Police Officers (ACPO). The form should certify that the information is required for an investigation concerning national security, the prevention or detection of crime, or the apprehension or prosecution of offenders, and that the investigation would be prejudiced by a failure to disclose the information. This provides a legal basis for supplying the data under the Data Protection Act exemptions. All requests for personal data from the police, apart from emergency requests, should be required to be on the requisite form. Other law enforcement agencies may not use standard forms. However, any request should:

- be in writing, on headed paper, and signed by an officer of the agency.
- describe the nature of the information which is required.
- describe the nature of the investigation (e.g., citing any relevant statutory authority to obtain the information).
- certify that the information is necessary for the investigation.

If a properly completed form or letter is received, the data should normally be disclosed. An emergency is one where there is reason to believe that there is a danger of death or injury to a person. The police and other emergency services may urgently require personal data and may not have time to complete a formal written request.

In these circumstances, any person who has access to the data can legally disclose the information, but the safeguards below need to be met:

1. If possible, seek the authorisation of a senior manager before providing the data.
2. If the request is received by telephone, ask the caller to provide a switchboard number, and call them back through the organisation's switchboard before providing the data. This provides a basic (though not fool proof) way of checking that the call is genuine.
3. Ask the enquirer to follow up their request with a formal written request, so that this can be held on file. Keep a record of the enquiry and the response and pass details to the data protection officer as soon as possible.

#### **4.2 Between Church Bodies**

There will be occasions when information sharing between Church bodies is required. As each of these situations is unique, the decision whether and what to share with another Church body will be on a case-by-case basis. To assist, the following questions may be used:

- Does the recipient have a legitimate interest in receiving this information? Please note that information sharing agreements should be considered in order to ensure that the diocese has clear and agreed safeguarding arrangements in place with other Church Bodies which operate within the diocese any religious communities.
- What is the justification for sharing information, (is it necessary and proportionate to share the information)?
- Is there a risk of harm to an identified or unidentified child, young person and/or vulnerable adult if such information is not shared?
- Can permission be obtained from the accused person to share information? If consent cannot be obtained can the information still be shared?
- Should the accused person be informed the information is being shared?
- Should information about the victim/survivor be redacted?
- Is there sufficient information available in the public domain such as media reports which can be highlighted as a concern to another church body without any confidential information needing therefore to be shared?
- Does the recipient have a legitimate interest in receiving this information?
- What is the justification for sharing information, (is it necessary and proportionate to share the information)?
- Is there a risk of harm to an identified or unidentified child, young person and/or vulnerable adult if such information is not shared?
- Can permission be obtained from the accused person to share information?
- Should the accused person be informed the information is being shared?
- Should information about the victim/survivor be redacted?

Data Protection: The principles of the relevant data protection legislation should be considered when deciding whether to share information. If in doubt contact the diocesan legal adviser. If not possible because an emergency arises, ensure any

decisions made about sharing information are documented and then discuss with the legal adviser as soon as practicable thereafter. Much of the data, if not all, in relation to safeguarding and the Church will be classed as “sensitive personal data” under the current Data Protection Act 1998. This means that generally to be able to process this sensitive personal data, (and this will include the sharing of sensitive personal information), the data controller must process the data:

- Fairly.
- Lawfully and
- With justification under one of the conditions of Schedule 2 and one of the conditions of Schedule 3.

The term processing is given a wide definition under the DPA 1998 and encompasses anything done with that data. That said, it is worth bearing in mind the golden rules to sharing information.

Where a person does not consent to the sharing of information Individuals may not give their consent to the sharing of information for several reasons. For example, they may be frightened. they may fear losing control. they may not trust social services or the police or they may fear that their relationship with the accused person will be damaged. Reassurance and appropriate support along with gentle persuasion may help to change their view on whether it is best to share information.

It is important to:

- Explore the reasons for a person’s objections.
- Explain why it is important to share the information.
- Explain with whom the information will be shared and why.
- Explain the benefits, to him/her or others, of sharing information (e.g., to prevent a crime/harm).
- Discuss the consequences of not sharing the information.
- Reassure him/her that the information will not be shared with anyone who does not need to know.
- Reassure him/her that they are not alone, and that support is available.

It is very important that the risk of sharing information is also considered. In some cases, such as domestic violence and abuse, it is possible that sharing information could increase the risk to the individual. Discuss this with the Director of Safeguarding, in the first instance. If a person cannot be persuaded to share information about him/her with relevant others (e.g., local authority/police), his/her wishes, in the first instance, should be respected. That said, there are certain situations where this refusal can reasonably be overridden, including, for instance, where:

- The person lacks the mental capacity to make that decision (under the Mental Capacity Act 2005).
- Other people are, or may be, at risk of harm.

- It is necessary for prevention or detection of a crime.
- It is believed that a serious crime has been committed. or
- A court order or other legal authority has requested the information.

The principle of necessity and proportionality should underpin decisions about sharing information without consent. Indeed, what should be considered is whether the sharing would prevent a risk and whether the public interest in sharing overrides the interest in maintaining confidentiality, (i.e., what will happen if the information is shared balanced against what will happen if the information is not shared). All decisions should be on a case by-case basis. Ultimately, if a person has not consented to sharing of information, please seek advice with the Director of Safeguarding and the legal adviser.

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.

## **5. 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 Director 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 Director 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.

## 6. Convening the Response Group

For every allegation against a church officer that has a role with children, young people and/or vulnerable adults the Director of Safeguarding should convene a response group, in consultation with the bishop, within 48 hours (or as soon as practicable and record circumstances of the delay) of becoming aware of the safeguarding concern or allegation.

If it is logistically impossible to meet face to face, a virtual meeting should be set up electronically. If there are ongoing statutory investigations the response group will be informed by the recommendations from the statutory agencies. Where there is no statutory agency involvement, but a safeguarding concern or allegation has been identified the Church should conduct its own investigation.

The response group should establish a process for this to gather information and make an assessment on the facts. This convened response group will manage the process for the duration of the case and will meet as required.

All information should be made available to the group to support decision making, as required. Membership of the response group may change during this time. Membership of the Response Group may include:

The Director of Safeguarding, the Vicar general, Canonical Lawyer, clergy safeguarding lead, the diocesan director of communications, and other key diocesan senior staff as relevant to the case, with ready access to the Chief operations Officer and any legal advice. Conflicts of interest should be considered, such as:

- personally, knowing the accused person and/or the victim/survivor.
- is witness in the investigation.
- are pastorally supporting the accused person and/or the victim/survivor

They should not be included in the response group. A chair and a minute taker for the response group should be appointed.

The role of the chair is described within section 1.6. The diocesan bishop must not be a member of the group, nor attend meetings of the response group, in order not to compromise potential decisions about disciplinary matters which rest with them. The diocesan bishop should be kept informed of the process by their representative in the response group or the Director of Safeguarding and be advised on decisions which they need to take e.g., in relation to suspension or disciplinary issues, appointing a link person, ensuring a support person for the victim/survivor is offered by the Director of Safeguarding.

Minutes from all response group meetings should be taken and circulated to attendees as soon as possible after each meeting. absent members should be briefed on decisions taken as soon as possible. If the safeguarding concern or allegation relates to a diocesan employee, then the diocesan chief operations officer must not be a member of the group, nor attend meetings of the response group, in order not to compromise potential decisions about disciplinary matters which rest with them.



Legal advice other than the canonical lawyer should be sought from the appropriate legal adviser as appropriate. Communications advice should be sought from the diocesan/national communications adviser at every stage of the process.

A complete record of the case should be maintained by the case manager and retained on CASE PAMIS. Copies of documents will be shared with other parties involved where required. The record should contain minutes of all meetings and communications between all members of the group between meetings. It is important that records of all telephone calls, emails, and meetings outside of the response group meetings, and all involvement of statutory agencies are sent to the Director of Safeguarding. Safeguarding concerns or allegations managed nationally are always complex.



## **7. 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 by the response group.

‘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 investigators would be commissioned for complex cases or where there is a conflict of interest.

‘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 pressed. or
- the accused person has been acquitted of criminal charges. or
- the allegations are not such as to necessitate a Police or statutory agency investigation.

### **7.1 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 Response Group 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
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 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 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 their delegate.
- update the Insurance Officer, Financial Chief operations officer, and HR, so that the Insurance Officer can update the insurers and ongoing consideration can be given to the need for Trustees/COO to notify the Charity Commission.

If further enquiries, investigation, or specialist independent assessment is needed, liaise with the diocesan 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 Director of safeguarding of the agreement reached.

If agreement cannot be reached, the matter must be referred to the Trustees and to the bishop for a decision as to how to proceed.

## **7.2 Initiating further enquiries, investigation and/or specialist independent risk assessment**

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

The following process should follow when it has been determined and safeguarding internal investigation will commence:

### **Internal Church Investigation**

The aim of an Internal Church Investigation is to establish whether or not there are ongoing safeguarding concerns and whether the accused person is suitable to fulfil a Church role which carries the potential for engagement with children, young people and/or vulnerable adults. The aim is NOT to establish the guilt of the person accused. The response group will identify the lines of enquiry to be followed with the assigned investigator – this will usually be the Director of safeguarding or safeguarding officer. The investigator will undertake the enquiries as outlined and produce a report on their investigation for the response group. The response group uses the investigation report to inform the next stages of the process.

The complexity and variety of the lines of enquiry will be determined by the specifics of an individual case and therefore timescales for completion will need to be agreed with the investigator as tasks are identified by the response group. Should the investigator disagree with any decision made by the response group during the internal investigation, their concerns should be escalated to the chair of the Trustees safeguarding subcommittee or, where the subcommittee are unable to resolve the dispute, to the CSSA for advice.

### **Informing the accused person**

The statutory agencies, where involved, will inform the Director of Safeguarding about when they can tell the accused person an allegation has been made. However, it may be that the statutory agencies themselves inform the accused person as part of their own investigative practices i.e., where an arrest is necessary. Where the statutory agencies are not involved, the response group will determine when and what the accused person should be told in relation to the concern or allegation

Following the approval of the statutory agencies or the decision of the response group to notify the accused person, the diocesan bishop, or their nominated representative, arranges a meeting with the accused person. In arranging this meeting: In relation to clergy the bishop, or in the case of other lay roles, the bishop's nominated representative, should inform the accused person that they will be accompanied by the Director of Safeguarding.

The person accused should be offered the services of a link person and the role description outlined to them. Should the person accused refuse a link person, they should be informed that they are able to change their mind at any time during the process which follows. The person accused should be informed they can be accompanied by another person at this meeting for their own support, the role of the supporter is to listen, so they can talk through what was said with the accused person afterwards. The supporter is not an advocate for the accused person, must be independent of the concern or allegation, and should not be a legal representative. Before the meeting:

The Director of Safeguarding will advise the bishop, or their chosen representative, what the accused person can and cannot be told in relation to the allegation which has been made, based on the Director of Safeguarding's communications with the statutory agencies. At the meeting the accused person:

- Should be informed they have the right to obtain legal advice (both in relation to canon and secular law where appropriate) with regards to the allegation.
- Should immediately be advised of their right not to reply at this stage.
- Should be given enough detail about the concern or allegation to be able to offer a response if they choose to do so. At this stage, the identity of the person raising the concern or making the allegation should not be disclosed if they are different from the victim/survivor.

A dated, written record of the meeting should be forwarded by the Director of Safeguarding to the accused for agreement and signing. This record should detail what they have been informed of, and their response (if any).

The person accused should be given written information about the process that will be followed.

If the Director of Safeguarding or safeguarding officer is undertaking further enquiries and there is a potential conflict of interest expressed by any person concerned, the bishop can seek to identify a Safeguarding Coordinator in another diocese to make the enquiries and produce a report or seek an independent investigator.

The CSSA can be consulted for a list of independent investigators and assessors. It is the responsibility of the trustees, 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 B for criteria).

The same investigator or assessor should not be used repeatedly within the Diocese 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. 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.

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 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 Director of safeguarding must advise the bishop, 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 Director 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 Director of safeguarding and the response group considers the report and provides written recommendations and the rationale for the recommendations, to the bishop, 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.

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

The accused and victim/survivor are to be kept updated on progress by the Director of safeguarding or safeguarding officer throughout the process of further enquiries, investigation, or assessment. Consideration must be given to support needs throughout and at the time of communication recommendations.

Where the Director of Safeguarding carries out the internal church investigation (not a commissioned independent investigator) The Director of Safeguarding prepares investigation summary report.

The report should include:

1. Core details of the accused person – name, date of birth, address, role.
2. A summary of the allegations - this will contain the following information: - Dates, venues of allegation. - Age(s) of victim/survivor(s) at time of allegation. - When the allegation was notified to the diocese. - Age of the individual at the time of the alleged abuse, and their age now. - When the allegation was reported to the statutory agencies and any action taken by them, and any outcomes from those actions.

If any statements have been made by the victim/survivor(s) to the statutory agencies, a copy of these should be sought. If not already taken by the statutory agencies or unable to retrieve, arrangements should be made to obtain an account from the victim/survivor, to include as much detail as possible. name any witnesses, or existence of corroborative evidence. Best practice is for this to be done during a face-to-face meeting; the statement should be shared with the victim/survivor to ensure that it is an accurate reflection of the account given. In some cases, it may be appropriate to hold a recorded meeting and provide a transcript of the meeting.

A recorded account detailing the response to the allegation by the accused person should be taken, best practice is for this to be done during a face-to-face recorded meeting that is transcribed to allow for accuracy. The transcript must be checked and signed by the individual and retained onto the case record.



- Any relevant information about any previous allegations. Information on where the accused person was at the time of the allegation. and any other relevant information or corroborative evidence presented by the Individual.
- The individuals' knowledge of and attitude to the victim/survivor at the initial meeting.
- The individuals' attitude to the Church process.
- Third party information - any corroborating evidence which supports the investigation where this has been upheld.
- The views of any other relevant people. Statutory agencies, other church officers and anyone else who may have been aware of the allegation, bearing in mind issues of confidentiality and data protection requirements.
- Consider any Initial Reports including, Risk Assessments, and the Case Management Update Tool used to complete the Interim Safeguarding Agreement.
- Information on the action taken so far against the accused person, including suspension, as a result of the concern or allegation.

An assessment of findings - which could include recommendations for further enquiries. And will include a clear statement, in their opinion, on whether the Director of Safeguarding believes case is substantiated or unsubstantiated, unfounded, malicious, or false and/or whether there are ongoing safeguarding concerns.

As part of the investigations and for the preparation of the report, the Director of Safeguarding will meet with the Individual to give them the opportunity to reply to the allegation made. The communication of this offer must be done in writing since the copy of the letter handed over or posted will serve as proof of whether this has been done in an adequate and satisfactory manner. This opportunity should be given to the accused person in addition to any other interviews with statutory agencies. This should not be done informally in a private meeting, as once the process has been initiated, all contacts between the diocese and the accused person must be formal and recorded/minutes. There must be at least one other person present, e.g., the Individuals' support, when the meeting takes place. If the accused person does not want someone to accompany them, the Director of Safeguarding should ensure there is a third person present. Having informed the accused person of what has been alleged and of the information collected, the Director of Safeguarding offers the Individual the opportunity to reply during the recorded meeting. If the Individual does not give permission for the recording the meeting will be recorded through contemporaneous notes.

The conclusion of this report should assist the Response group in deciding whether there is a case to answer, the case is unsubstantiated or that the case is manifestly false or unfounded. The information presented in the report is not meant to be an exhaustive demonstration of the facts but something that supports the allegation which would merit taking further action.

After consideration of the report, the Response group can ask the Director of Safeguarding to make further enquiries to determine whether a risk assessment is

required or not, for clergy these further enquiries will serve to inform the recommendation made to the bishop. In conclusion, there are three possible outcomes:

1. The initial investigation finds the concern or allegation was unsubstantiated and there are no ongoing safeguarding concerns – the response group should decide that the accused person should be returned to work and inform the person responsible for them.
2. The initial investigation finds the concern or allegation was unsubstantiated but there are ongoing safeguarding concerns – in this scenario a risk assessment is required, the Director of Safeguarding should recommend to the bishop that an independent risk assessment is undertaken. For other church staff, the response group should inform the Director of Safeguarding who will either carry out a standard assessment or make arrangements for it to be carried out.
3. The initial investigation finds the concern or allegation to be substantiated – in this scenario a risk assessment is required, the Director of Safeguarding should recommend to the bishop that an independent risk assessment is undertaken. For other church staff, the response group should inform the Director of Safeguarding who will either carry out a standard assessment or make arrangements for it to be carried out.

At all stages outlined, all information should be recorded to provide a clear audit trail and cross referenced with the casefile. Whilst a risk assessment is being awaited, the Interim Safeguarding plan should be reassessed using the Initial Case Summary, and if changes are required a new copy should be signed and dated by the accused person and the Director of Safeguarding.

### **7.3 Review of Recommendations to the Bishop**

A review can be requested by:  
the accused person, or the victim/complainant.

The Bishop can request a review if:

- a) If he/she is dissatisfied with the recommendation of the Response group and has decided not to request the Response group to undertake further enquiries.
- b) If the Response group 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.
- c) If the victim/complainant has expressed concerns in writing about the course of action recommended at the completion of a full enquiry.

The Director 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 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 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.

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 Director 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 Director 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 to the Director of safeguarding for reconsideration. The Director 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 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 Director 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, the victim/complainant, the person accused and the Director 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 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 who will consider the complaint and respond.

The detailed responsibilities of the Director of safeguarding, Bishop, Review Panel Chair, and members are set out in Annex C

## **8. 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, 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 a 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. 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.

## **9. 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.

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 Director 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.

## **10. Safeguarding Plans and Assessment of Persons of Risk**

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.

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.

By signing and adhering to the Safeguarding Plan, there is not a presumption of guilt on the part of the diocese.

[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](#) 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.

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.

#### **Safeguarding Plan Process:**

When alerted to a sex offender or person of risk who is interested in attending a church, which could be through the individual informing the parish priest, PSR, safeguarding team, probation/police alerting the safeguarding team or through information received from the public.

1. Obtain information of convictions, orders, assessments, registration status, licence conditions and risk from the police MOSOVO and probation (some may not have a probation officer) and any other information they can share. Open a record on Pamis case.
2. Contact the parish priest to inform them of the individual's interest to attend their church and explain the process. Inform them that we will be back in contact once the risk assessment has been completed to arrange a safeguarding plan meeting and discuss what mass/services the individual could access.
3. Contact the individual and explain the risk assessment and safeguarding plan process, if they wish to continue, arrange a risk assessment home visit.
4. Complete risk assessment home visit and discussion of preferred attendance.
5. Contact parish priest and discuss appropriate services/mass the individual is able to attend, taking to consideration who is at risk and the level of risk (i.e., family services, attending schools) along with the ability to manage and monitor the safeguarding plan. If necessary, visit the church to assess suitability of monitoring.
6. Contact the PSR (where available) to discuss the safeguarding plan in terms of monitoring.
7. Make arrangement for the safeguarding plan meeting with Parish priest, PSR, Individual, police and probation. If police and probation cannot attend, ask them to provide any information to take to the meeting to assist in the decision making of the plan.
8. Safeguarding plan meeting and agree the safeguarding plan content.
9. Create safeguarding plan to be signed by Individual, parish priest, PSR (if appropriate) Police, Probation, Safeguarding officer
10. Set review date dependent on risk Low- 12months, Med- 6 months, High- 3 months.
11. Provide a copy of the safeguarding plan to the parish priest – to kept in a secure place with only those with safeguarding responsibilities in the parish have access (priest, deacon, PSR), MOSOVO, probation and the individual.
12. Keep all records on Pamis case and upload all related documents to the case file.

#### **11. 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).
- 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 Director 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 focussed 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 Director 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.

In respect of individuals alleging abuse, the role of the Director 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 Director of safeguarding must not deal with or discuss claims that are being made by a victim/survivor but must refer them to the diocesan Chief Operations Officer.

It is the responsibility of Director of Safeguarding to assist Bishops and Religious Congregation Leaders in identifying suitably skilled, experienced, and supervised individuals to provide routine pastoral support.

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 Director 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 Director 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 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 and will be extended to any individual who is suspected of causing harm or 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. Please refer to the Diocese of Nottingham victim and survivor charter.

In respect of the accused person, the role of the Director 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 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 and Director 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 presence in the parish of apostolic work of the local community of religious signifies leadership and is 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 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 Director of Safeguarding.

The Director 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 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. Refer to the Victim and Survivor care charter for further information.

## **12 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 the 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.

### **13 Safeguarding in Independent Schools Associated with religious congregations**

Religious Congregations are responsible for:

1. Promoting the safety and welfare of children in any school with which it is associated. and
2. 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.

## ANNEXES

### ANNEX A

#### INTERNAL INVESTIGATION TEMPLATE

**Name of person completing investigation:**

**Role:**

**Reason for investigation:**

**Completion date:**

1. Accused person's details:

Name:	
Date of birth:	
Contact address:	
Phone number:	
Catholic community:	
Role in the Church:	
Other roles with children / vulnerable adults:	

2. Summary of allegations

Allegations	
Date and venue	
Statutory services involved with case	

Victims statement summary

Accused persons Interview summary

Other information

Previous allegation –

Previous risk assessments-

Conclusion

Safeguarding judgement

Risk summary/ ongoing risk

What is the risk? (What is there a risk of? What may happen in the context of the Church community?).

Who is the risk to? (Children, young adults, vulnerable adults, males or females, self?)

How imminent is the risk? (Is this an immediate risk? How strong are the protective factors in place to reduce the risk?)

Response group action – (Decisions are based on a balance of probability)

It is for the response group to decide whether an allegation is:

Substantiated

Unsubstantiated but ongoing risks identified

Unsubstantiated and no ongoing risks identified

Malicious or false

Unfounded

Following action advised from Response group:

## **ANNEX B**

### **INDEPENDENT INVESTIGATORS**

#### **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 Safeguarding Policies and Procedures in the Diocese 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 C**

### **REVIEW PANEL RESPONSIBILITIES**

#### **Responsibilities of the Director of Safeguarding for the Diocese**

The Director of safeguarding facilitates setting up the Review Panel meeting. This includes:

1. Receiving notification of a request for a review from the Bishop, accused person or victim/complainant.
2. Sending a copy of the request for a Review from the accused person or victim/complainant immediately to the Bishop.
3. Acting as the main point of contact for and liaison between the Bishop/, Review Panel members, and CSSA.
4. 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.
5. Providing the Panel members with all information used in reaching the recommendation(s) and any information received making the recommendation(s).
6. 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.
7. Keeping people informed if there is delay in convening a panel.
8. Providing Review Panel members with expense claim forms and details of how to claim at the outset.
9. Arranging legal advice for the panel where requested.
10. Receiving the Review Panel's report outlining its recommendation and reasons and circulate to all parties including the victim/complainant, person accused, Bishop, CSSA).

#### **Responsibilities of the Bishop**

1. Within 10 working days of receiving the Response groups recommendations, advise the Director of safeguarding in writing of the intention to seek a Review.
2. Advise the Director of safeguarding within one working day if a request for a Review is received from the accused person or victim/complainant.
3. 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.
4. If a victim/complainant withdraws their request for a Review, decided whether to accede to the request.
5. 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.
6. Liaise with the Director of safeguarding who will act as the main point of contact for and liaison between the Bishop, Review Panel members and CSSA.
7. Liaise with the Chair of the Review Panel and agree a response to individual requests from victims/complainants for disclosure of documentation.
8. 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. CSSA will:

1. Respond to requests from a Bishop for members of a Review Panel to be identified.
2. Liaise with the Bishop to confirm Panel membership and nominate a Review Panel Chair.
3. Finalise Panel composition, including the Chair within 10 working days of the Bishop making contact.
4. Appoint a replacement panel Chair and members, in liaison with the Bishop, in the event a conflict of interest is discovered or in the event the Chair or member withdraws for other reasons.
5. Provide Panel members with contact details for all members of the Panel within 3 working days of the panel composition being finalised.
6. Ensure the Panel Chair is provided with details of any replacement Panel members.
7. Ensure the Review Panel Chair has contact details for the Director of safeguarding.
8. Provide the Director of safeguarding with contact details for Panel members.
9. Receive a copy of the panel's report from the Review Panel Chair.
10. After 28 days of the report being circulated, request from Bishop details of decision.
11. Notify all Review Panel members of outcome.
12. 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:

1. Coordinate the work of the Panel and communicate with the parties involved throughout the process.
2. Receive documentation from the Director of Safeguarding.
3. Determine whether the case falls within the scope of the Protocol.
4. Request that further enquiries are made by the Director of Safeguarding before reaching a decision, making explicit the nature of the enquiries to be undertaken and the timetable for completing the enquiries.
5. Agree a panel meeting date with the Director of Safeguarding in consultation with the other panel members.
6. 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 Director of Safeguarding.
7. Ensure delays in the process are communicated to the person requesting the Review.
8. 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.

9. Liaise with the Bishop and agree a response to individual requests from victims/complainants for disclosure of documentation.
10. Ensure that if the Panel is in receipt of information that should have been available to the Director of safeguarding but was not, and had it been it might have affected their recommendations, refer the case back to the Director of Safeguarding.
11. Ensure that the Panel meets at least once before reaching a decision about the recommendations.
12. Reach a conclusion within 4 months of establishment of the Panel.
13. 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 Director of Safeguarding for circulation, copied to CSSA.
14. 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:

1. Notify CSSA immediately if they know the accused person or victim/complainant.
2. Receive documentation from the Director of Safeguarding.
3. Attend panel meetings and participate in related discussions as determined by the panel Chair.
4. Sign agreement to the Review Panel recommendations.
5. Receive the decision of the Bishop from CSSA.

### **Standards**

Panel documentation will:

1. Be bound and paginated.
2. Include a front sheet listing the content of the documents
3. Include a chronology and information will be presented in chronological order
4. Include all information considered in reaching the original recommendations
5. Include any relevant material received after the recommendations had been made
6. 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.
7. Stored in a secure place for the duration of the review with restricted access.
8. On completion of the review, be either returned to the Director 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 Director of safeguarding.

## **ANNEX D**

### **Information Sharing Request/Decision Form**

<b>Information Sharing Request / Decision Form</b>	
<b>Name of organisation requesting information:</b>	
<b>Name and position of person requesting information:</b>	
<b>Date of request:</b>	
<b>Information requested: (type/volume/ sensitivity etc)</b>	
<b>Reason: (there is/is not a clear reason and a legitimate reason(s) to share information)</b>	
<b>Purpose: (explain the legitimate reason(s))</b>	
<b>Decision: (disclose/not disclose)</b>	
<b>Data sharing decision made by: (Name and position)</b>	
<b>Any specific arrangements regarding transfer/retention/deletion of data:</b>	
<b>Signed:</b>	
<b>Date:</b>	

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