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Diocese of Bristol

Ministering to those that may present a risk to children and/ or adults at risk of abuse or neglect

Contents

[Persons who may pose a risk of harm – forgiveness and reconciliation 2](#_Toc505846045)

[Safeguarding Agreement 2](#_Toc505846046)

[Information Sharing and Disclosure 2](#_Toc505846047)

[Implementing a Safeguarding Agreement 4](#_Toc505846048)

[The Process: 4](#_Toc505846049)

[Risk assessment: 4](#_Toc505846050)

[Formation of an agreement group: 5](#_Toc505846051)

[Information sharing: 5](#_Toc505846052)

[Producing an agreement: 6](#_Toc505846053)

[Restrictions on attendance at church services and activities/ functions 6](#_Toc505846054)

[Parishioners 6](#_Toc505846055)

[Non Parishioners 6](#_Toc505846056)

[Breach of the Agreement 7](#_Toc505846057)

[Reduction of risk 7](#_Toc505846058)

[Survivors and victims of abuse 7](#_Toc505846059)

[Disqualification 7](#_Toc505846060)

[Parochial Church Council (PCC) 8](#_Toc505846061)

[Review 8](#_Toc505846062)

[Quality Assurance and Appeals Process 10](#_Toc505846063)

Every person who chooses to be part of church community will have a different background and life experience that they bring with them. There are also some that will have been convicted or received a caution at some point in their lives. Some of those will have been convicted or cautioned in relation to violent and/ or sexual offences which have harmed children or adults at risk. Others may have been alleged to, or have actually, caused harm to a child or vulnerable adult but not been charged with a criminal offence.

Everyone is welcome in Church. The Church has a duty of care to everyone who comes to church and in particular children and adults who are at risk of abuse or neglect. Because such a broad cross section of people comes together within a church community, there are times when particular arrangements are needed to ensure that everyone is as safe as they can be. The safety and welfare of children and adults at risk of abuse is always the paramount consideration.

# Persons who may pose a risk of harm – forgiveness and reconciliation

Where an individual has previously been convicted or cautioned in relation to offences that may have harmed a child or adult at risk that individual may be sorry for their previous actions. They may come to church seeking acceptance or forgiveness or support to come to terms with what has happened to them. As a Church we must remember that it is not for us to forgive; that is for the victim/ survivor of abuse to do if that feels appropriate to them at some stage. We must remember that whilst everyone deserves our support; we support best by recognising people’s challenges, limitations and failings as well as their gifts. Where it is known that an individual, who has sexual and/ or violent offences, can be effectively monitored, but also befriended, helped and supported by the church community to lead a fulfilling and safe life without direct contact with children and/ or adults at risk, the likelihood of further harm and reoffending is diminished. The provision of effective support to an individual can significantly contribute to the prevention of further abuse occurring.

# Safeguarding Agreement

The Church of England Safeguarding policies[[1]](#footnote-1) require ‘an agreement’ to be formed where someone has a background that indicates that they could present a risk to others and they wish to become a part of church or to remain a part of a church were the allegation arises where they are already part of a congregation. This agreement is made between the individual and the Parish and will be overseen by the Diocesan Safeguarding Team, who will advise and support the Parish in the management of an agreement.

# Information Sharing and Disclosure

Where an allegation is raised against an individual but has not yet been investigated by the Police, Statutory authorities or the Church , an agreement forms a way of protecting both the congregation and the individual from circumstances arising in which further harm could occur or further accusations may be made.

Information about an individual’s past history of convictions, cautions or behaviour can become known in a number of ways:

* The individual may offer this information willingly.
* The individual may have an allegation raised against them which the church knows about either because it arose within church or because statutory authorities (Police/ Local Authority) inform us of it.
* Where an individual is convicted or receives a caution the offence may be disclosed to the church under public protection arrangements.

Where information becomes known, this must be reported to the Diocesan Safeguarding Team. The Diocese Safeguarding Team will make the necessary Checks with the statutory authorities to corroborate the information that has been shared. The individual will be invited to enter into a ‘safeguarding agreement’ with the church/Parish that they attend. If they attend more than one church more than one agreement will be needed. Agreements can only be made between a Parish and individual it is not possible for a ‘Diocese wide’ agreement to be made.

It is intended that an agreement will work in two ways The church states what pastoral support can be provided and the individual agrees to behaviour guidelines and boundaries intended to reduce the risk of harm to congregation members and to support the individual not to behave in a way that may harm others or give rise to concern that others may be being harmed. In some circumstances this will include specific restrictions and permission to attend certain services or activities being withheld.

Where the individual does not consent to this process they may not be permitted to attend services or activities at the church. Where the individual lives in the parish[[2]](#footnote-2), the advice of the Registrar will be needed if the individual does not consent to an agreement.

In the case of a conviction or caution for a sexual offence (including internet offences) an individual may have:

* Licence condition that restrict their activities and behaviour within the community
* a ‘Sexual Offences Prevention Order’ (SOPO) or a ‘Sexual Harm Prevention Order’ which details specific boundaries or limitations for the individual. Breaching the order may be a criminal offence.
* A high court injunction preventing them from contact with specific persons or organisations

An agreement can assist in supporting an individual not to breach a SOPO/SHPO or any other court order or injunction in place.

# Implementing a Safeguarding Agreement

## The **Process**:

The process will be managed in accordance with the Church of England’s Practice Guidance: Responding to, assessing and managing safeguarding concerns or allegations against church officers, 2017[[3]](#footnote-3).

## **Risk assessment:**

Any individual who is part of or is seeking to be a member of a church community where there is a history of violent and/ or sexual offending or behaviour must have a risk assessment. A risk assessment will be completed by the Diocesan Safeguarding Team. This will involve information being gathered from the individual, the church and any statutory agencies working with that person e.g. police, probation, social services. Some individuals will be managed through Statutory processes such as MAPPA[[4]](#footnote-4) in order to address specific risk within the community. It is possible that some information shared between statutory agencies will be confidential and not disclosable to the individual concerned or other parties.

Where it is known that an individual is a member of or is seeking to become a member of a church community the Parish must consult with the Diocesan Safeguarding Team as soon as practicable but not less than within 24 hours. The Diocesan Safeguarding Team will determine the appropriate action to be taken to best safeguard the church community and the parish. It may include the imposition of interim restrictions on an individuals attendance at church services and activities whilst confirmation and clarification of the nature of the risk is obtained. This interim arrangement maybe in the form of an interim safeguarding agreement, pending the completion of a fuller risk assessment.

The Diocesan Safeguarding Team will contact the relevant statutory agency (Police/ Probation, Local Authority) to obtain a copy of the statutory agency risk assessment. Where this is not possible the Diocesan Safeguarding Team will completed a standard risk assessment. The risk assessment will then inform the development of a safeguarding agreement between the individual and the parish.

A meeting will be held with the individual concerned to explain the outcome of the risk assessment; the recommendations and the provisional outline of the safeguarding agreement and who will be involved in the Parish to monitor and support the implementation of the agreement.

Where there exists ongoing probation or police monitoring of an individual any safeguarding agreement will be drafted with their advice and contribution. This is to ensure the specific risks are effectively managed and that the agreement does not place the individual in a position where they may be in breach of other supervision requirements.

## Formation of an agreement group:

A group will be identified to implement and monitor the agreement. The role of group members is to ensure that the agreement is adhered to by both the Parish and the individual, to challenge and report any breach of provisions within the agreement and also to support the individual in keeping to the agreement terms. The group should include those with a need to know about the individual’s history and those that will provide support to the individual. This will usually include:

* Incumbent
* All Churchwardens
* Parish Safeguarding Officer/s
* And where appropriate: leads for youth ministry, pastoral team, other ministers.
* Where the individual is involved in particular activity within the church the leader of that activity should be included.
* Any person identified to specifically provide pastoral support to the individual[[5]](#footnote-5)

The individual should be made aware that should a group member step down from their role, the new post holder will take their place in the group. This will require that they are fully briefed of the need for the agreement and their role in maintaining the agreement.

Care will need to be taken where family relationships or close friendships are involved, e.g. it would not be appropriate for a Parish Safeguarding Officer to be involved in an agreement for their spouse. Who will be involved in the group should be discussed with the individual so that they have the opportunity to raise any concerns before information is shared.

## Information sharing:

It must be made clear to group members that information about the individual should not be shared outside of the group since that information will be confidential and must only ever be shared on a need to know basis. The Diocesan Safeguarding Team will advise if there are any uncertainties.

In some cases it may be necessary to share information regarding the individuals history and risk with the wider church community. A discussion with the individual should take place about whether the wider church community should know about their history. Sharing that information may place some individuals at risk of harm and so information must only be shared with the individual’s consent or following discussion with statutory authorities.

## Producing an agreement:

The risk assessment produced by the Diocesan Safeguarding Team will be used to develop an agreement between the individual and the named group within the church who will support and monitor the agreement.

The Safeguarding Agreement may include the following elements:

* Attend designated services or meetings only;
* Sit apart from children, young people and/or vulnerable adults;
* Stay away from areas of the building where children, young people and/or vulnerable adults meet;
* Only attend a house group where there are no children, young people and/or vulnerable adults;
* Decline hospitality where there are children, young people and/or vulnerable adults present;
* Never be alone with children, young people and/or vulnerable adults;
* Never work or be part of a mixed-age group with children, young people and/or vulnerable adults;
* Take no official role in the Church or any responsible role where they will be trusted by others.

The points will be tailored to the individuals and church’s specific circumstances.

## Restrictions on attendance at church services and activities/ functions

### **Parishioners**[[6]](#footnote-6)

It is not possible to prevent a Parishioner from attending ‘public acts of worship[[7]](#footnote-7)’ unless there exists a specific condition in a court order or in an individuals license conditions upon release from prison. Individuals can also voluntarily agree not to attend certain services as an act of good faith with the church community.

If a parishioner wishes to attend a church service the Churchwardens can direct the individual where to sit, put measures in place to closely supervise them during the service (e.g. accompany them within the building) and remove the individual should they cause a disturbance.

The right to attend public worship does not extend to any other church activity. If an individual refuses to comply with the terms of a safeguarding agreement restrictions can be imposed. These could include not being given permission to attend choir/bell ringing practice, after service refreshments, prayer/ home groups or any other event that is not open to the public in the same way that public worship is.

### Non Parishioners[[8]](#footnote-8)

A non parishioner has no legal right to attend a parish church for public worship in a parish where they do not live. If an individual refuses to comply with the terms of a safeguarding agreement other restrictions can also be imposed this could include not being given permission to attend choir/bell ringing practice, after service refreshments, prayer/ home groups or any other event that is not open to the public in the same way that public worship is.

## Breach of the Agreement

The agreement must make clear what will happen if the agreement is breached e.g. that police and/or probation will be informed, the individual may not be permitted to attend some or all activities and services held by the church. There may be a need to inform the statutory agencies involved in the supervision of an individual as their failure to comply with the terms of an agreement may constitute a breach of license or other supervisory conditions including a potential criminal offence if the breach of the agreement indicates the individual has breached the terms of an injunction or civil order like a SOPO/SHPO.

## Reduction of risk

In developing an agreement attention will be paid not only to immediate safety issues but also to the prevention of grooming of both children and the wider church community. Because of this risk certain points in an agreement will often focus on reducing the possibility of relationships and trust being developed between the individual and children or vulnerable adults.

## Survivors and victims of abuse

The needs and wishes of victims/ survivor of abuse must be considered when an agreement is being developed. Where the survivor/ victim of abuse attends the church that the individual subject to an agreement attends or is wishing to attend this will have to be managed sensitively and a clear direction as to which services should be attended or to encourage the individual to move to another church/ congregation. There will also be other people in the church who are victims/ survivors of abuse and their needs and feelings should be taken into account.

## Disqualification

If an individual is subject of a safeguarding agreement they must not accept or seek an official role in the church which would imply or give status or authority within the church community. There are some specific church roles such as Churchwarden[[9]](#footnote-9) for which those who have an offence listed on schedule 1 of the Children and Young Persons Act 1933 (broadly violent, sexual or drug related offences against children) and those barred from working with children and adults at risk of abuse are disqualified. Other disqualifications are outlined in the Church Representation Rules, 2017[[10]](#footnote-10)

## Parochial Church Council (PCC)

The PCC should be informed that an agreement is in place but they do not have the right or need to know in every circumstance the details of the agreement or the identity of the individual concerned. Usually the PCC will be informed that an agreement is in place and of when reviews have taken place so that they can be assured that the agreement is being appropriately managed. This enables the PCC to discharge their safeguarding responsibilities effectively.

A proportion of an agreement group will be PCC members by virtue of their other church role. However whether the PCC is formally advised of the agreement and the individuals identity is dependent on whether the individual consents to this and whether there is a risk based reason for this information to be disclosed to the PCC.

It is recognised that PCC membership changes regularly in some parishes and that identifying the individual to the whole PCC can result in a broad cross section of people knowing about their circumstances.

It is also recognised that some individuals will be vulnerable and identifying them may place them at risk. On rare occasions a decision may be made (by the incumbent/ Diocesan Safeguarding Team/ Statutory Agencies) not to inform the PCC of the existence of an agreement but this should be rare and based on a risk assessment.

## Review

The agreement must be reviewed regularly: 6 monthly for the first 2 years that an agreement is in place and then at least annually or more often if required. A review should be called if group members join or if there is a breech of the agreement or change in circumstances of the individual which affects the agreement. Interim reviews or reviews with regards to particularly high risk situations should be held more frequently (e.g. 3 monthly) at the advice and discretion of the Diocesan Safeguarding Team.

The agreement should remain in place for as long as an individual remains part of a congregation/ church community[[11]](#footnote-11). It does not end when a custodial or community sentence or licence ends or if the individuals is required to sign the sex offenders register for a specified period as the individual may continue to present a risk to others and to be in need of support in the long term.

In some situations an individual may have committed or been convicted of offences many years ago. It is the responsibility of the individual to demonstrate that they are able to function as part of a church community in a safe manner. A safeguarding agreement will provide a parish and the individual with a clear safeguard and enable the individual to demonstrate that they are able to manage their behaviour and risk in a safe and transparent manner.

Should it become apparent that an individual who has an agreement with a specific Parish is attending another church or community organisation where their offending history is not known; the Diocesan Safeguarding Team should be informed. This information will be discussed with statutory authorities and the information shared with the new church or community organisation where sufficient risk exists to make this necessary.

# **Quality Assurance and Appeals Process**

In order to ensure that this process is followed according to Church of England agreed policy and practice, the Diocesan Secretary as Bishops Staff Safeguarding Lead will be made aware of all risk assessments conducted within this process.

The grounds for requesting an appeal are that:

1. They have been treated unfairly during the process of risk assessment or imposition of a Safeguarding Agreement; and/or
2. An agreement is implemented in a way which is contradictory to the guidance

The process for submitting an appeal is as follows:

The individual subject to risk assessment and Safeguarding Agreement states in writing (email or letter) that they wish to appeal. If the individual initially states verbally that they wish to appeal they may be assisted by any party in producing a letter stating their reason for appeal. The request to appeal the findings of a risk assessment or an imposition of a safe guarding agreement should state how the grounds for an appeal are met.

* Independent Chair of Diocesan Safeguarding Steering Group (DSSG) notified of appeal. (Write to: Independent Chair, DSSG, Diocese of Bristol, Hillside House, 1500 Parkway North, Stoke Gifford, Bristol BS34 8YU)
* Independent chair of DSSG reviews request for an appeal to ensure that the grounds for an appeal are met [within 10 days of submission being made].
* Independent Chair writes to the appellant to advise them of their decision as to whether the appeal has grounds and will be allowed or not [within 10 days of submission being made].

If the appeal is allowed

* Independent Chair identifies panel of three individuals taken from membership of the DSSG (not to include Diocesan Secretary or Diocesan Safeguarding Adviser).
* Individual subject to assessment is invited to submit any documents or a statement to the Independent Chair that they wish to be considered by the panel [documentation to be submitted within 20 days].
* The Diocesan Safeguarding Team provides Independent Chair with anonymised material (investigation report/ risk assessment/ agreement/ action plan dependent on case) [documentation to be submitted within 20 days].
* Independent Chair reviews and forwards anonymised material to the individuals on the panel. Chair will request any additional information required from Individual subject to risk assessment or the Diocesan Safeguarding Team or others.
* Panel members individually review material.
* Independent Chair convenes a panel meeting in person ~~or by teleconference~~ at which the appeal and information submitted are considered. [Panel to meet within 10 days of all documentation being submitted].
* The panel will consider the information submitted alongside this guidance and the ‘*Practice Guidance: Responding to, assessing and managing safeguarding concerns or allegations against church officers, 2017’*[[12]](#footnote-12) and any other relevant Church of England policy or guidance and any relevant legislation. The panel will then reach one of the following conclusions:

1. The meeting is adjourned, either whilst additional information is obtained or for consideration.
2. The appeal has no grounds and is therefore dismissed
3. The appeal has grounds and recommendations are made for amendments to the implementation of the risk assessment or agreement.
4. There has been a breach of relevant policy or poor professional practice[[13]](#footnote-13).

The individual subject to investigation, the Diocesan Safeguarding Team and the commissioning body (Parish) will be informed of the panel’s decision in writing. The Commissioning body will then be responsible for considering, with support of the Diocesan Safeguarding Team any panel recommendations.

A report will be made to Bishop and to next DSSG with case summary, panel recommendations and actions taken.

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## Appeal Process Flowchart.

20 days

10 days

* The appeal has grounds and recommendations are made to vary the risk assessment and/ or agreement.
* There has been a breach of relevant policy
* There has been poor professional practice

Yes

No

Does the panel find in favour of the appellant?

Independent chair writes to appellant

* Independent chair writes to appellant
* Independent chair convenes panel
* Individual asked to submit support material
* DST asked to provide relevant anonymised material

No

Yes

Are their grounds for appeal?

Appeal Submitted

1. Protecting All God’s Children 2010 pp.48-53 and Promoting a Safe Church 2006 pp.31-32. [↑](#footnote-ref-1)
2. Anyone who lives within a Parish has a common law right to attend church services. This does not include all church activities and meetings. [↑](#footnote-ref-2)
3. <https://www.bristol.anglican.org/documents/responding-assessing-and-managing-safeguarding-concerns-or-allegations-against-church-officers/> [↑](#footnote-ref-3)
4. Multi Agency Public Protection Arrangements [↑](#footnote-ref-4)
5. This person should not be a spouse or family member, but can be a minister or other church officer who does not have another role in the agreement group. It is possible that this person may attend another church their involvement as a support person must be with the agreement of the Incumbent of the Parish where the agreement is held. [↑](#footnote-ref-5)
6. A parishioner is defined as a person who lives within a parish. [↑](#footnote-ref-6)
7. church services which are open to the public - public worship according to the rites and ceremonies of the Church of England. [↑](#footnote-ref-7)
8. A non-parishioner is defined as a person who does not live in the parish. [↑](#footnote-ref-8)
9. See Churchwardens measure 2001, s.2(1A) and 2(2)(a) – Disqualification also applies to membership of PCC, or any Synod see the Church Representation Rules 2017 [↑](#footnote-ref-9)
10. <https://www.churchofengland.org/more/policy-and-thinking/church-representation-rules/church-representation-rules-online> [↑](#footnote-ref-10)
11. This is defined by their attendance at church services/ activities and functions. It does not require that the individuals name is placed on the electoral roll of the parish. [↑](#footnote-ref-11)
12. <https://www.bristol.anglican.org/documents/responding-assessing-and-managing-safeguarding-concerns-or-allegations-against-church-officers/> [↑](#footnote-ref-12)
13. Where poor professional practice has been identified this will be referred to the line manager of the person concerned. [↑](#footnote-ref-13)