

Protecting All God's Children

The Child Protection Policy for the Church of England

3rd edition

Church House Publishing
Church House
Great Smith Street
London
SW1P 3NZ

ISBN 0 7151 3867 7

GS Misc 725

Printed in England by Halstan & Co. Ltd,
Amersham, Bucks

Published in 2004 for the House of Bishops of
the General Synod of the Church of England by
Church House Publishing

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Foreword

by the Archbishops of Canterbury and York

We are delighted to be able to commend this fully revised and updated House of Bishops' Policy on Child Protection. The Church of England has had a child protection policy since 1995 and this document builds on previous work.

Dioceses and parishes continue to grow in confidence, seeking to develop good practice and respond carefully and appropriately to concerns when they arise.

Our children deserve the best care and teaching the Church can provide. We are aware of the time and devotion given by many people, both ordained and lay, paid and volunteers, to the nurture of children and young people within the Church. The Church has much to offer: providing carefully planned and supervised children's activities; supporting families under stress; caring for those hurt by abuse in the past; ministering to and managing those who have caused harm. It is because of these varied ministries that we need to provide a safe environment for both children and the adults who care for them. This will include carefully selecting and appointing those who work with children.

Although most of our efforts in child protection will naturally be spent preventing any harm to children we have to take responsibility for responding appropriately and cooperating with others over allegations of abuse. This policy and its accompanying procedures are presented to offer guiding principles and ways of operating to achieve this.

We thank God for our children and those who nurture them in the faith and pray that we may faithfully fulfil our responsibilities towards them.

✠ Rowan Cantuar:

✠ David Ebor:

Principles of the House of Bishops' Child Protection Policy

- We are committed to the safeguarding, care and nurture of the children within our church community.
- We will carefully select and train ordained and lay ministers; volunteers and paid workers with children and young people using the Criminal Records Bureau, amongst other tools, to check the background of each person.
- We will respond without delay to every complaint made, that a child or young person for whom we are responsible may have been harmed.
- We will fully cooperate with statutory agencies during any investigation they make into allegations concerning a member of the church community.
- We will seek to offer informed pastoral care to any child, young person or adult who has suffered abuse.
- We will care for and supervise any member of our church community known to have offended against a child.

Part I

The House of Bishops' Child Protection Policy

1. The policy document

1.1 Aims and purpose

The purpose of this policy document is to identify and outline the issues and principles of child protection for the Church of England.

- At a national level¹ it is the House of Bishops which approves the policy and provides recommended procedures² where it is judged that the Church of England should have common practice across the dioceses.
- Building on this, dioceses may provide additional procedures² and examples of good practice to give further substance to the House of Bishops' policy so that those authorized volunteers, employed laity and people holding the bishop's licence can properly and with confidence engage with children.
- The House of Bishops will also approve a handbook of good practice collated from the experience of dioceses and parishes. It is expected that future guidance from dioceses and parishes will be based on these documents.

These documents are not specifically aimed at the protection of adults who have been harmed in a church context, although it is recognized that many of the principles are relevant to them.

1.2 Our theological approach

Every human being has a value and dignity which comes directly from God's creation of male and female in his own image and likeness. Christians see this as fulfilled by God's re-creation of us in Christ. Among other things this implies a duty to value all people as filled with the Holy Spirit and therefore to protect them from harm. Christ saw children as demonstrating a full and intimate relationship with God. He gave them status, time and respect.

Because redemption and the possibility of forgiveness are so central to the gospel, the Church is not only well-equipped to assist in the rehabilitation of offenders but is also particularly challenged by them. Our congregations can be a refuge for those who have perpetrated abuse but are seeking help in maintaining a non-abusive way of life. Other abusers may see church membership as an opportunity to be close to children in order to continue their abusive patterns of behaviour. Experience shows that whether penitent or not, abusers always need support in taking responsibility for their own actions and in stopping their abusive behaviour; and of course children need protecting from them. The genuine penitent will accept the need for careful arrangements for their return to church fellowship. This is in line with the Church's realistic understanding of sin and its effects.

A Christian approach to child protection will therefore ask both individuals and communities to create a safe environment for children, to act promptly on any

complaints made, to care for those who have been abused in the past and to minister appropriately to those who have abused. The Church must take seriously both human propensities to evil but also the God-given resources of goodness.

1.3 The Child Protection Policy Statement of the Church of England

The Church of England, in all aspects of its life, is committed to and will champion the protection of children and young people both in society as a whole and in its own community. It fully accepts, endorses and will implement the principle enshrined in the Children Act 1989³ that the welfare of the child is paramount. The Church of England will foster and encourage best practice within its community by setting standards for working with children and young people and by supporting parents in the care of their children. It will work with statutory bodies, voluntary agencies and other faith communities to promote the safety and well-being of children and young people. It is committed to acting promptly whenever a concern is raised about a child or young person or about the behaviour of an adult, and will work with the appropriate statutory bodies when an investigation into child abuse is necessary.

1.4 Context

Child protection and the abuse of children can only be considered in the context of the wider role of the family in society and the relationship between family, communities and the state. The interaction between these is never static. The last forty years, in particular, have seen major changes in the structure of families, and this process has involved debate about the care and nurture of tomorrow's adult population and a belief in the rights of children to be protected as they grow. The health of a society can be judged by its care and concern for its most vulnerable members.

It was from this background and in response to the publication of *Safe from Harm* by the Home Office in 1993 that the House of Bishops produced its first policy document in 1995. This document was amended in 1999.

This current rewriting draws on the experiences of parishes and dioceses since the publication of the first document, and integrates those experiences with changes in the law and developments in good practice.⁴

2. What is child abuse?

Working Together to Safeguard Children, published in 1999 by the Department of Health, states that 'somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting; by those known to them or, more rarely, by a stranger.' It recognizes four areas of potential abuse for children:

physical sexual emotional neglect

Abuse can be described under any one of the four categories identified above or a combination of categories.⁵ It is vitally important to recognize that abuse of children is much broader than sexual abuse and that all abuse is a betrayal of trust and a misuse of authority and power. Church communities must be particularly vigilant to identify the inappropriate use of any religious belief or practice which may harm somebody spiritually, emotionally or physically.

Any child or young person under the age of eighteen can suffer abuse. The abuse may be perpetrated by an adult, male or female, or by another child. It is also important to protect those aged sixteen to eighteen who are legally able to give their consent to sexual activity but who may nevertheless be harmed by those who are responsible for them and whom they trust.

3. Responsibilities

3.1 Responsibilities of the Church of England

The Church of England, within its national institutions and within dioceses, has an obligation to support parishes and those working with children and young people in exercising their primary responsibility for those entrusted to them.

There is a necessity:

- To be involved with Parliament, government departments, the voluntary sector and ecumenical partners in the continuing debate about child abuse.
- To keep abreast of new research and initiatives, including information about how abusers of children operate.
- To ensure that the national Church institutions follow good practice procedures for recruitment of staff.
- To modify institutional practices, in the light of research, putting in place appropriate systems of accountability and supervision at all levels of the Church's life, and ensuring that disciplinary and employment procedures are robust enough to manage risk.
- To listen to those who have been abused to learn how to improve practice.
- To ensure that all licensed ministers are carefully selected and trained and that their training equips them for the responsibilities of ministry in this area amongst others.
- To ensure the continuing development of procedures and guidance on good practice which are the main ways that those who are in direct contact with children and young people are properly equipped to undertake their responsibilities.
- To ensure, as far as possible, that those with responsibilities towards children can undertake their tasks confidently and without feeling unduly vulnerable to unfounded allegations.

It is important to recognize that it is people who protect and not only procedures. The aim is to create a **culture of informed vigilance** at all levels in the Church by:

- Raising awareness of the issues involved in protecting children in the Church.
- Addressing the needs of our children in all their cultural, spiritual, intellectual, racial and physical diversity.
- Responding to the needs of children and adults who have been abused.
- Supporting and training those who work with children, encouraging them to work together to follow good practice.
- Caring appropriately for those in the church community who have abused children.

The Church is probably unique in its ministry to both those who have been abused and those who have abused. It is within this tension that policy, procedures and good practice must be made to work. The Church seeks not simply to keep the law in regard to Child Protection but to foster and promote best practice as part of its work for and witness to God's kingdom. Therefore:

- The Church of England fully endorses the principle, enshrined in the Children Act 1989, that the welfare of the child is paramount.
- The Church recognizes that it is required by God to foster relationships of the utmost integrity, respect, truthfulness and trustworthiness. Clergy and laity who come into contact with children within the Church need to operate within a carefully thought out framework of policy, procedures and good practice which will ensure that children are safeguarded and nurtured within a culture of informed vigilance.
- Clergy and laity need to have an awareness of their use of authority and power and never betray the trust that is given them.
- Clergy and laity in the Church should seek to maintain the highest standards of conduct in all worship, pastoral, educational and recreational situations.
- The Church will take allegations of abuse seriously, fully cooperating with the local authority area child protection committees⁶ in any matter concerning the welfare of children and young people. It acknowledges the prime responsibility of statutory agencies to investigate any significant harm to a child. **The Church will never itself investigate incidents of suspected child abuse.**
- The Church will work with the statutory agencies to manage the presence in congregations of those who have been convicted of offences against children including those who are on the Sex Offenders Register.
- The Church of England will seek to work with other Christian and faith traditions to promote the welfare and safety of children and young people.
- For the purpose of the Policy and Procedures in this document a child is anyone under the age of eighteen years. All those who work with or are in regular contact with such children must comply with this policy.
- All those working with or in direct and regular contact with children in a paid or unpaid capacity will be carefully recruited and their backgrounds checked at the appropriate level through the Criminal Records Bureau.⁷ These checks will also be carried out on those supervising people working with children and on those whose representational ministry, office or status gives them the opportunity or the expectation for regular or unsupervised contact with children.

3.2 Responsibilities of the House of Bishops

The House of Bishops will:

- Be responsible for this Policy for the protection of children and young people in the Church of England and for future revisions.

- Approve such procedures as are appropriate to ensure proper consistency in best practice.
- Appoint a bishop with lead responsibility for child protection.
- Work with the child protection adviser for the Church of England to coordinate a Church-wide strategy.

3.3 Responsibilities of the diocese⁸

Each diocese should:

- Adopt the House of Bishops' Policy on Child Protection together with any additional diocesan procedures and good practice guidelines which shall be endorsed by the diocesan synod.
- Provide a structure to manage child protection in the diocese.⁹
- Appoint a suitably qualified diocesan child protection adviser, directly accountable to the diocesan bishop, and provide appropriate financial, organizational and management support.¹⁰
- Include the monitoring of child protection in parishes as part of the archdeacons' responsibilities.
- Provide access to the Criminal Records Bureau for parishes, the cathedral, the bishop's office and the diocesan office for those beneficed and licensed clergy, paid workers and volunteers who need to obtain disclosures.
- Provide access to a risk assessment service so that the bishop or others can evaluate and manage any risk posed by individuals or activities within the church.
- Provide training and support on child protection matters to parishes, the cathedral, diocesan organizations including religious communities and those who hold the bishop's licence.
- Provide a handbook of procedures and recommended good practice to enable parishes and others to undertake their duties, encouraging them to implement such procedures and good practice according to their local needs.

3.4 Responsibilities of the parish¹¹

Each parish should:

- Accept the prime duty of care placed upon the incumbent and Parochial Church Council (PCC) to ensure the well-being of children and young people in the church community;
- Adopt and implement a child protection policy and procedures, accepting as a minimum the House of Bishops' Policy on Child Protection but informed by additional diocesan procedures and recommended good practice whilst being responsive to local parish requirements.
- Appoint a coordinator to work with the incumbent and the PCC to implement policy and procedures. The coordinator must ensure that any concerns about a child or the behaviour of an adult are appropriately reported both to the statutory agencies and to the diocesan child protection

adviser. Ideally this coordinator should be someone without other pastoral responsibility for children in the parish.

- Appoint a person, who may be different from the coordinator, to be a children's advocate; this should be someone whom children know they could talk to about any problems, if they so wish.
- Display the Childline telephone number.
- Ensure that all those authorized to work with children and young people or in a position of authority are appropriately appointed, trained and supported, and provide all authorized personnel with a copy of the parish child protection policy, procedures and good practice guidelines.
- Pay particular attention to children with special needs and those from ethnic minorities to ensure their full integration and protection within the church community.
- Create a culture of **informed vigilance** which takes children seriously.
- Ensure that appropriate pastoral care is available for those adults who have disclosed that they have been abused as children.
- Provide, as appropriate, support for all parents and families in the congregation, being aware particularly of parents whose children have suffered abuse.
- Ensure that those who may pose a threat to children and young people are effectively managed and monitored.¹²
- Ensure that appropriate health and safety policies and procedures are in place.
- Provide appropriate insurance cover for all activities undertaken in the name of the parish.¹³
- Review the implementation of the child protection policy, procedures and good practice, at least annually.
- **Rural parishes or parishes held in plurality may wish to join together to implement the policy and procedures. It should be noted, however, that people working in isolated situations can be vulnerable and care should be taken to implement the policy in full.**
- **Local ecumenical projects should agree which denomination's child protection policy to follow and this decision should be ratified by the bishop and other appropriate church leaders.**

Part II
Background information
on the Policy

Appendix 1

Background principles

The House of Bishops' Child Protection Policy is based on fundamental theological principles and on English law, principally the Children Act 1989.¹⁴ Other national and international guidance is included here as background information.

A1.1 UN Convention on the Rights of the Child: Article 19

1. State parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

A1.2 *Safe from Harm*¹⁵

Safe from Harm is a code of practice published in 1993 by the Home Office and addressed to voluntary organizations in England and Wales. It asks such organizations to safeguard the welfare of the children and young people in their charge by considering the issues raised by each of the following statements of principle and then reviewing their policy and practice in the light of their circumstances. In particular, organizations are asked to:

1. Adopt a policy statement on safeguarding the welfare of children.
2. Plan the work of the organization so as to minimise situations where the abuse of children may occur.
3. Introduce a system whereby children may appeal to an independent person.
4. Apply agreed procedures for protecting children to all paid staff and volunteers.
5. Give all paid staff and volunteers clear roles.
6. Use supervision as a means of protecting children.
7. Treat all would-be paid staff and volunteers as job applicants for any position involving contact with children.
8. Obtain at least one reference from a person who has experience of the applicant's paid work or volunteering with children.

9. Explore all applicants' experience of working, or contact with children in an interview before appointment.
10. Find out whether an applicant has any conviction for criminal offences against children.
11. Make paid and voluntary appointments conditional on the successful completion of a probationary period.
12. Issue guidelines on how to deal with the disclosure or discovery of abuse.
13. Train paid staff and volunteers, their line managers or supervisors, and policy makers in the recognition and prevention of child abuse.

Appendix 2

Definitions of child abuse

A2.1 Introduction

Children can be harmed in many ways in which their health – physical, emotional, intellectual, spiritual – or social development is damaged by other people. It is an abuse of relationships, a misuse of power and a betrayal of trust.

Child abuse is not new, although it has been increasingly recognized, named and condemned during the course of the twentieth and into the twenty-first century.

Child abuse affects girls and boys, babies and young people of all ages up to eighteen, children with learning difficulties, children with physical disabilities and children from any kind of family background.

Child abuse occurs in all cultures, religions and classes. Within faith communities harm can be caused by the inappropriate use of religious belief or practice. This can include the misuse of the authority of leadership or penitential discipline, oppressive teaching, or obtrusive healing and deliverance ministries, any of which may result in children experiencing physical, emotional or sexual harm. If such inappropriate behaviour becomes harmful it should be referred for investigation in the usual way. Careful teaching, supervision and mentoring of those entrusted with the pastoral care of children should help to prevent harm occurring in this way. Other forms of spiritual harm include the denial to children of the right to faith or the opportunity to grow in the knowledge and love of God.

Child abuse is, in the main, perpetrated by an adult, male or female, who is well known to the child, often a family member. Such trusted adults can also include others in the child's community, including trusted professionals, leaders or members of a child's church.

Child abuse is known to be perpetrated by children against other children. This is referred to as 'child on child abuse'. These child perpetrators will have greater power than their victims, perhaps due to age, gender, physique or ability.

Recent developments in the use of computers and the internet have drawn attention to the misuse of chat rooms, messaging services and widespread child pornography. This is a new challenge in educating and safeguarding children.

Child abuse results in a child suffering significant harm.¹⁶ It prevents children from achieving their full potential and undermines their dignity and rights. The harm it causes will affect children whilst it is happening and in later life. The consequences of the pain of child abuse can affect adults in their relationships and with the care of their own children. When abuse occurs within the context of the Church or by a Christian it may affect the person's faith and spiritual development.

A2.2 Organized abuse

Organized or multiple abuse may be defined as abuse involving one or more abusers and a number of related or non-related children or young people. The abusers may be acting in networks to abuse children or in isolation. They may use an institutional framework or a position of authority or trust to recruit children for abuse. They may use children themselves to recruit other children.

A2.3 Definitions of abuse

Child abuse has many forms. There are four identified categories of abuse as described in the interdepartmental government guidelines *Working Together to Safeguard Children (1999)*: physical, emotional, sexual and neglect.

Children may suffer from one or a combination of categories of abuse. The categories are defined as follows:

Physical abuse

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes ill health to a child whom they are looking after. This situation is commonly described using terms such as factitious illness by proxy or Munchausen's syndrome by proxy.

Emotional abuse

Emotional abuse is the persistent emotional ill-treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only in so far as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. It may involve causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of ill-treatment of a child, though it may occur alone.

Sexual abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetration (e.g. rape or buggery) or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

Neglect

Neglect is a persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide

adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or the failure to ensure access to adequate medical care or treatment. It may also include neglect of, or unresponsiveness to a child's basic emotional needs.

A2.4 Recognition of warning signs

A child may indicate that something is wrong in various ways:

- visual indicators
- behavioural indicators
- verbal indicators

or a combination of these.

A change in a child's behaviour is often the first sign that something is wrong in a child's life. Distress may be caused by many factors, one of which may be child abuse.

A2.5 Prevention of child abuse

The Church can do much to minimize the risk of incidents of abuse by:

- implementing good practice in all its activities;
- supporting all clergy, employees and volunteers;
- knowing, observing and listening to children and young people;
- providing support to families with young children;
- caring responsibly for known offenders;
- listening to adults who disclose past abuse.

A2.6 Definition of significant harm¹⁷

The Children Act 1989 introduced the concept of significant harm as the threshold that justifies compulsory intervention in family life in the best interest of children. The local authority is under a duty to make enquiries, or cause enquiries to be made, where it has reasonable cause to suspect that a child is suffering, or likely to suffer, significant harm (s. 47). A court may only make a court order (committing the child to the care of the local authority) or a supervision order (putting the child under the supervision of a social worker or probation officer) in respect of a child if it is satisfied that:

- The child is suffering, or is likely to suffer, significant harm; **and**
- That the harm or likelihood of harm is attributable to a lack of adequate parental care or control (s. 31).

There are no absolute criteria on which to rely when judging what constitutes significant harm. Consideration of the severity of ill-treatment may include the degree and extent of physical harm, the duration and frequency of abuse and neglect, and the extent of premeditation, degree of

threat and coercion, sadism, and bizarre or unusual elements in child sexual abuse. Each of these elements has been associated with more severe effects on the child, and/or relatively greater difficulty in helping the child overcome the adverse impact of ill-treatment. Sometimes a single traumatic event may constitute significant harm, for example a violent assault, suffocation or poisoning. More often, significant harm is a compilation of significant events, both acute and long-standing, which interrupt, change or damage the child's physical and psychological development. Some children live in family and social circumstances where their health and development are neglected. For them, it is the corrosiveness of long-term emotional, physical or sexual abuse that causes impairment to the extent of constituting significant harm. In each case, it is necessary to consider any ill-treatment alongside the family's strengths and supports.

Appendix 3

Reporting alleged abuse: issues of confidentiality and the legal position

A3.1 Introduction

Many people, both clergy and lay, are concerned about the reporting of alleged abuse. This is especially likely to be the case where someone has received information that amounts to an allegation of abuse, but has not been given consent to pass that information to anybody else. This appendix outlines the issues, but it should not be forgotten that those facing this difficult situation can and should seek advice from the diocesan child protection adviser and/or the diocesan registrar on the course of action to be taken. The social services departments and police can also be approached for guidance without the need to divulge personal details.

The revised government guidance on the Children Act 1989, *Working Together to Safeguard Children* (1999)¹⁸, states:

If somebody believes that a child may be suffering, or may be at risk of suffering significant harm, then s/he should always refer his or her concerns to the local authority social services department ... While professionals [and others] should seek, in general, to discuss any concerns with the family and, where possible, seek their agreement to making referrals to social services, **this should only be done where such discussion and agreement-seeking will not place a child at increased risk of significant harm.**

Failure to refer could endanger a child's life or well-being and also compromise the Church's commitment to creating a safe environment. Responsible and informed judgement must be exercised.

Sharing information can raise some difficult questions when matters of pastoral confidence are involved, and it is essential that all Church members should understand both the general principles of confidentiality and the circumstances in which confidentiality should not be regarded as absolute. This is particularly important because there is not at present in the UK any mandatory responsibility to disclose information about suspected child abuse to the statutory agencies. Society, however, increasingly acknowledges a moral responsibility to do so where a child may be at risk of serious harm. The House of Bishops expects those with concerns about a child to consider the matter of disclosure very carefully, taking seriously the public interest in safeguarding a child's welfare and having a proper regard for the needs and rights of all those involved.

A3.2 General duty of confidentiality

Both law and sound morals impose a general duty not to pass on information which has been received in the clear expectation that it will be treated in confidence. That duty is not absolute, however, and the courts will not intervene to restrain disclosure where (a) the information relates to a crime or other serious misconduct and (b) disclosure is in the public interest. **Thus, where a child is judged to be at risk of significant harm, usually it will be legally possible, appropriate and highly desirable to disclose relevant information to the public authorities for the sake of protecting children.**

If such information has been received in confidence, the person giving the information should in the first instance be encouraged to disclose it to the authorities him- or herself. Alternatively, the person receiving the disclosure should ask permission to pass the information on. If this request is denied it might still be possible to pass the information to a statutory body. The latest government guidance, *What to do if you're worried a child is being abused* (2003) gives helpful advice in its appendix on information sharing. It states:

Disclosure in the absence of consent¹⁹

The law recognises that disclosure of confidential information without consent or a court order may be justified in the public interest to prevent harm to others.

The key factor in deciding whether or not to disclose confidential information is **proportionality**: is the proposed disclosure a proportionate response to the need to protect the welfare of the child? The amount of confidential information disclosed, and the number of people to whom it is disclosed, should be no more than is strictly necessary to meet the public interest in protecting the health and well-being of a child. The more sensitive the information is, the greater the child-focused need must be to justify disclosure and the greater the need to ensure that only those professionals who have to be informed receive the material.

A3.3 Confession

It is possible that relevant information may be disclosed in the particular context of confession. Canon law constrains a priest from disclosing details of any crime or offence which is revealed in the course of formal confession: however, there is some doubt as to whether this absolute privilege is consistent with the civil law.²⁰ Where a penitent's own behaviour is at issue, the priest should not only urge the person to report it to the police or social services, but may judge it necessary to withhold absolution until this evidence of repentance has been demonstrated.

It is in everyone's interest to recognize the distinction between what is heard in formal confession (however this might take place) which is made for the quieting of conscience and intended to lead to absolution, and disclosures made in pastoral situations. For this reason, it is helpful if confessions are normally heard at advertised times, or by other arrangement, or in some way differentiated from a general pastoral conversation or a meeting for spiritual direction.

A3.4 Relevant legislation

Legislation designed to safeguard the private lives of individuals has been framed to take account of the overriding need to protect the wider community, including children, against crime and serious misconduct. Nevertheless, it is important to be aware of the legal obligations which apply to those who hold sensitive information about others.

A3.5 Data protection

Information which relates to an individual's sexual life or to the commission or alleged commission of an offence is treated as sensitive personal data for the purposes of the Data Protection Act 1998. Although disclosure of such data to a third party without the explicit consent of the data subject is generally prohibited by the Act, there are specific exceptions which allow disclosure without consent where necessary in the interests of detecting or preventing crime²¹ or when seeking legal advice.²² The Act also prohibits the disclosure of information which identifies a third party (such as a victim or an informant) without that person's consent, unless disclosure is reasonable in all the circumstances.

A3.6 Human rights

The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights, so that it is now unlawful for a public authority to act in contravention of a Convention right.

What constitutes a 'public authority' for the purposes of the 1998 Act is a developing area of the law. The most recent judicial opinion²³ suggests that (except in cases such as the conduct of a marriage where the minister can be said to be exercising a governmental function in a broad sense) a person carrying out duties within the Church of England which are simply part of the mission of the Church (such as pastoral care) is not acting as a public authority. However, this is an area on which advice should be sought from the diocesan registrar in any particular case.

Article 8 of the Convention provides that everyone has the right to respect for his private and family life, his home and his correspondence, and that a public authority may only interfere with this right where such interference is lawful and necessary for certain purposes. The most relevant of those in the child protection context are the prevention of disorder or crime, the protection of health or morals and the protection of the rights and freedoms of others. In any circumstances where Article 8 applies to a public body, there is a judgement to be made as to whether, on balance, an interference with that right by a public authority can be justified. Where allegations of abuse are concerned, the potential harm that might result from not reporting such allegations will be a relevant factor.

Appendix 4

Recent relevant legislation and government guidance

Recent legislation

Police Act 1997

This legislation set out the structure of the Criminal Records Bureau (CRB).

Sex Offenders Act 1997

This legislation set up the Sex Offenders Register.

Data Protection Act 1998

This Act extends the rights of individuals to have access to personal information held about them on computer or paper records. There are exceptions to these rights in limited circumstances, including where the information is held for the purposes of preventing or detecting crime.

Human Rights Act 1998

This Act provides that UK legislation must be construed in accordance with the European Convention on Human Rights. The Convention includes rights to respect private and family life and also a right not to be harmed or tortured.

Protection of Children Act 1999

This Act restructured the Department of Health Consultancy List, setting up the Protection of Children Act List (POCALS). It also amended the Police Act 1997 so that the CRB can use information from POCALS and the Department for Education and Skills (DfES)' List 99 in CRB disclosures.

Criminal Justice and Court Services Act 2000

This Act allows courts to impose orders disqualifying people from working with children following certain convictions. It is an offence knowingly to seek work with children if disqualified, and also an offence knowingly to recruit or permit a disqualified person to work with children.

Sexual Offences (amendment) Act 2000

This Act equalized the age of consent at sixteen for both heterosexual and homosexual activity. It also provided extra protection for young people aged sixteen and seventeen who have sexual relationships with people in positions of responsibility.

Sexual Offences Act 2003²⁴

This legislation aims to review sexual offences legislation, providing a clear, coherent and effective set of laws that will increase protection, enable the appropriate punishment of abusers and ensure the law is fair and

non-discriminatory. The points that are relevant to the safeguarding of children include:

- Children under thirteen will not be capable in law of giving consent to any form of sexual activity. Any intercourse with a child under thirteen will be charged as rape.
- A range of new offences designed to tackle all inappropriate sexual activity, including a new offence of causing a child to engage in sexual activity – which will capture behaviour such as inappropriately persuading children to undress.
- A new grooming offence based on meeting a child with the intention of committing a sexual offence, and a civil order to apply both to the internet and to off-line grooming, which will enable restrictions to be placed on people displaying inappropriate sexual behaviour before an offence is committed.
- New offences with severe penalties against those who sexually exploit children for their own gain. The new offences relating to sexual exploitation of a child will protect children up to the age of eighteen. The Act covers a range of activity including: buying the sexual services of a child, causing or encouraging children into sexual exploitation, facilitating the sexual exploitation of a child and controlling the activities of a child involved in prostitution or pornography.
- Maximum penalties for sexual offences against children and vulnerable people have been raised to reflect the severity of these crimes. Any offence involving penetration against a child under thirteen, or a person who lacks the capacity to consent, will attract a life sentence.

Government guidance

Working Together to Safeguard Children (1999)

Department of Health/Home Office/Department of Education and Skills inter-agency guidance to safeguard and promote the welfare of children.

Caring for young people and the vulnerable (1999)

Home Office guidance for preventing the abuse of trust by people in positions of responsibility with sixteen- and seventeen-year-olds and vulnerable adults.

Complex Child Abuse Investigations: inter-agency issues (2002)

This Home Office guidance includes advice on sharing information during complex investigations.

What to do if you're worried a child is being abused (2003)

Recent governmental guidance on inter-agency cooperation to supplement *Working Together to Safeguard Children*. This guidance advises people making referrals and includes an appendix on information sharing.

Appendix 5

Powers of suspension in clergy discipline cases, during investigation and following a finding of misconduct

A5.1 Ecclesiastical Jurisdiction Measure 1963

This measure remains operative until superseded by the Clergy Discipline Measure 2003, described below. Under the Ecclesiastical Jurisdiction Measure 1963:

- Where a member of the clergy is either accused of a disciplinary offence under the Measure or accused of a criminal offence, the bishop has a discretionary power to serve notice suspending that person from performing any duties within the diocese until the proceedings are concluded (or at any earlier time if the bishop serves notice revoking the suspension).²⁵ If the accused is the incumbent of a benefice, he has the right to nominate a person to perform his duties while the suspension is in place (though the bishop is not bound to accept the nomination).²⁶
- Suspension from some or all clerical duties for a specified time is also one of the penalties that can be ordered by the ecclesiastical court if a member of the clergy is convicted of a disciplinary offence. In such cases an incumbent is not permitted to live in the parsonage house while he is under suspension (unless the bishop agrees otherwise in exceptional circumstances).²⁷ The suspension may not be lifted unless the bishop is satisfied of the cleric's good conduct during the period of suspension.²⁸ During the period of suspension the bishop may appoint another person to perform the suspended cleric's duties, and may require that person to live in the parsonage house.²⁹

A5.2 Clergy Discipline Measure 2003

At the time of writing, this Measure is not yet fully in force. It is being brought into force gradually, and is expected to be fully in force by the end of 2005. For details of the current status of the Measure, please contact the Legal Office of the Church of England (email: legal@c-of-e.org.uk).

- The bishop has a discretionary power to serve notice suspending a cleric while a complaint under the Measure is being investigated, or where the cleric has been arrested on suspicion of committing a criminal offence.³⁰
- The notice stays in force for a period of three months or until the conclusion of the disciplinary or criminal proceedings (whichever is the earlier). If the proceedings are not concluded within three months the notice may be

renewed for successive periods of three months until such time as they are concluded.³¹

- On each occasion that a notice of suspension is served, the cleric has a right of appeal to the president of tribunals, who has to confirm or revoke the suspension within twenty-eight days.³²
- The bishop may, after consultation with the cleric and the churchwardens, make such arrangements as he thinks fit for the performance of clerical duties during the suspension.³³
- Suspension remains a penalty that can be imposed by the disciplinary tribunal (it is described in the Measure as 'limited prohibition').³⁴

Appendix 6

Managing child protection in a diocese: a model of good practice

An audit of child protection work has revealed many differences of approach to this issue. The following model is offered as one way of organizing and supporting the work which has proved to be effective in practice.

A6.1 A diocesan child protection management group

This is chaired by an independent lay person. The group may include:

- a. Diocesan personnel: the bishops, archdeacons, bishop's chaplain, diocesan secretary, diocesan communications officer, the diocesan children and youth advisers, personnel involved with clergy selection and training.
- b. Diocesan child protection adviser.
- c. Professional support: diocesan registrar; representatives from social services, police, probation services, health services.

This management group should be integrated into the diocesan structures. One way of doing this is to make it a subcommittee of the bishop's council. The group should meet formally at least once a year to review diocesan policy, and on an ad hoc basis in whatever permutation is necessary to deal with specific incidents or decision making. The child protection professionals may, for example, meet with the adviser to discuss cases and formulate advice to the bishop; the diocesan personnel with the adviser may meet to decide on appointments or redeployment following positive disclosures or an investigation. Some members of groups (a) and (c) may form a support group for the adviser and meet on a regular basis.

The management group should report annually to the bishop's council or diocesan synod.

Archdeacons should always include monitoring the implementation of parish child protection policies, procedures and good practice in their visitations.

A6.2 The role of the diocesan child protection adviser

The tasks, as shown below, will usually be undertaken by one person but they could be divided amongst several. Each person's role should then be carefully defined.

Development of policy, procedures and good practice guidelines

- Developing and regularly reviewing the diocesan child protection policy, ensuring that it is in a form easily accessible and understandable to licensed and paid workers and to volunteers.
- Ensuring each parish has adopted and implemented the diocesan policy and procedures.
- Monitoring and checking parish policies/providing advice and guidance on these.

Training

1. Providing appropriate child protection training for:

- the bishop;
- clergy and bishop's staff;
- clergy newly ordained or joining the diocese;
- new incumbents;
- readers and lay church leaders;
- volunteer helpers;
- children and youth workers;
- PCC members;
- organists, choir leaders, music group leaders;
- parish child protection coordinators;
- any other person who is in regular contact or responsible for children and young people.

2. Evaluating, reviewing and monitoring the training programme.

Casework

- Responding to requests for advice, information and guidance for individuals in the church who are concerned about the welfare of a child.
- Providing guidance and direction where there are concerns about adults who may be a risk to children.
- Supporting individuals when a referral to social services and/or the police is necessary.
- Attending strategy meetings and case conferences as requested by statutory agencies. At times this will include preparing parish personnel for such meetings and attending with them.
- Supporting parishes during a child protection enquiry and afterwards. This may include ensuring support is provided for others in the parish who may be affected by such an enquiry, such as volunteer helpers and other leaders.
- Collaborating with social services, the police, the probation service any of whom may make the initial approach.

- Providing advice to the bishop or other employer on the possibility of employment or redeployment of those with convictions or continuing unresolved concerns regarding harm to a child.

The nature of this work will mean that at times telephone advice will suffice, at other times the role will require meetings with individuals, the preparation of reports, and the setting up of support networks.

Networking

The effectiveness of the diocesan child protection adviser is dependent on building professional relationships with statutory agencies: the local area child protection committee, the local social services departments, the local police – in particular the child abuse investigation unit, the dangerous persons unit, the anti-vice team – multi-agency protection panels and the local probation service.

The diocesan child protection adviser should be part of the national and regional network of diocesan child protection advisers and any relevant local ecumenical forum or multi-faith forum.

Within the diocese the child protection adviser will be linked with significant diocesan personnel, for example those responsible for children's work, youth work, the selection and training of clergy and lay workers, and social responsibility issues.

A6.3 Practicalities: dividing up the role

The adviser: professional requirements

The title 'diocesan child protection adviser' or 'bishop's child protection adviser' is used for the person giving professional advice to the bishop, clergy and parishes but is also in general use by those who undertake all the above tasks. The advice-giving part of the role must be provided by a person professionally qualified in the practice of child protection.³⁵ He or she should be able to demonstrate professional independence and have knowledge of the structures of the Church of England and sympathy for its mission.

The coordinator: administration

A diocesan child protection coordinator may be appointed to manage the administration, working closely with one or more advisers who provide professional advice. Unlike those giving advice, the coordinator would not necessarily have to be qualified in child protection. They must ensure that all relevant information, especially anything that may be a complaint, is passed to the adviser for action. The coordinator should undertake basic child protection awareness training.

Training

Responsibility for child protection training may be provided separately.

The diocesan child protection adviser seeks to promote best practice in child protection throughout the diocese. This will include parishes and the cathedral of the diocese, and may include other diocesan linked organizations such as the Mothers' Union, local theological colleges and courses, and diocesan children/young people's events. Support may also be offered to other groups such as governors of Church schools.

A6.4 Accountability

The diocesan child protection adviser is accountable to the diocesan bishop, but may relate on a day-to-day basis to another member of the child protection management group.

A6.5 Finance

The post should normally be remunerated by salary and sufficient administrative support should be provided within a designated child protection budget. When this post is provided on a *pro bono* basis all working expenses should be reimbursed.

Appendix 7

Statement from Ecclesiastical Insurance

The groups concerned with this document will be insured through a number of different companies whose policies will be subject to various terms, conditions and exceptions. However, the majority of PCCs, parish groups, etc. will be insured with Ecclesiastical who have made the following statement in respect of those policies they have issued for:

- a. Churches, in use for worship;
- b. Youth Groups, through the Diocesan Youth Group Scheme.

Under such policies Public Liability (Third Party) insurance, where in force, will operate to protect the interests of the insured where they are found to be legally liable for accidental death of or bodily injury to a third party or accidental loss of or damage to third party property, subject to the policy terms, conditions and exceptions.

The policy will provide an indemnity to the insured if they are held legally liable for an incident leading to accidental bodily injury or illness as a result of abuse.

It is not Ecclesiastical's intention to provide an indemnity to the perpetrator of an incident of abuse.

This statement clearly only applies to policies issued by Ecclesiastical. Where parishes are insured with another company the position of that company should be clarified.

Policies of insurance require the insured to take all reasonable steps to prevent injury, loss or damage occurring. Failure to take such precautions may prejudice the insurance arrangements in force. A duty therefore exists upon the insured to research and adopt best practice based upon current and ongoing guidelines.

It is also a condition of a policy of insurance that any incident or allegation is notified to the insurer *immediately*. Failure to comply with this requirement may prejudice any cover provided by the policy.

Public Liability insurance indemnity limits should be kept under regular review. Guidance is available from Ecclesiastical.

September 2003

Part III

Procedures authorized
by the House of Bishops

Procedure 1

Responding to concerns about possible abuse

As Christians, we are called to recognize the unique status and infinite worth of each human being. The Children Act 1989 emphasizes the importance of children in society by introducing the principle that the welfare of the child is paramount. The Act states that it is the duty of the local authority:³⁶

- To take reasonable steps to prevent children suffering ill treatment or neglect.
- To share information about any child within the area who is likely to suffer harm.
- To investigate where there is reasonable cause to suspect that a child is suffering or likely to suffer significant harm.
- To safeguard and promote the welfare of children who are in need and their families by the provision of services.

It is the duty of every Christian to be vigilant about the care of children in the congregation. Those church members who have direct contact with children are more likely than most to become aware of potential problems. Such people are typically other parents, youth workers (including leaders of uniformed organizations), clergy, head servers, children's workers, music group leaders, choir directors and organists.

These particular roles do not however remove the responsibility of every member of the congregation. Anyone who is worried about the behaviour of another member of the congregation or the demeanour of a child has a duty to voice those concerns to the person designated to coordinate child protection in the parish or organization or directly to the diocesan child protection adviser. If the concerns are about a prominent member of the congregation or someone in a position of leadership, this can lead to considerable anxiety, however doing nothing could result in the continuing harm of a child. It is important that anyone expressing concerns should be respected and his or her anxieties taken seriously. Anyone formally hearing a complaint should keep a careful record of all conversations and all decisions and actions taken. These records should be kept in a secure place and in accordance with data protection requirements.

Clergy or lay people may hear about concerns regarding their church school or uniformed organizations. These concerns should be reported using the school's or the uniformed organization's child protection procedures.

P1.1 Disclosures of abuse from a child or young person

Only a proportion of abused children talk about their experience while it is happening. It is therefore of vital importance that disclosures from children are:

- listened to carefully, avoiding the use of leading questions;
- taken seriously;
- acted upon;
- carefully recorded as soon as possible and kept in a secure place.

Confidentiality should not be promised as others will need to be involved if the abuse is to stop.³⁷

If a child or young person speaks about being harmed physically, emotionally or sexually by another person, whether an adult or another child, or if signs of abuse are observed you must:

- never speak directly to the person against whom allegations have been made;
- never attempt to investigate the situation yourself;
- inform the person in the parish or diocese who is responsible for child protection;
- make a referral to the social services department seeking advice about who else should be told, for example the parents;
- continue to support the child and seek support for yourself;
- make a record of what actions you have taken and keep it in a secure place.

If a child needs immediate medical help this should be the first consideration and the hospital staff informed of the child protection concerns. If it would be dangerous or the child is unwilling to return home the emergency social services should be contacted through the police.

If you are not certain that abuse has occurred you must still discuss the concern with the appropriate person. It is always possible to discuss concerns with the diocesan child protection adviser or social services without disclosing the names of the people involved. If in doubt it is always better to make a referral to social services rather than do nothing.

Any issue of possible child abuse concerning the church community must be reported to the diocesan child protection adviser as soon as it becomes known.

A child may make allegations about an adult who is not part of the church community, for example a member of the family, a teacher, a scout leader. These matters must be referred to the social services and any appropriate organization – school, scout association, etc. – must be informed. The diocesan child protection adviser should be informed so that advice and support can be offered.

P1.2 Disclosures of abuse from adults

If an adult speaks about concerns for a child who is not part of the church community, they should be supported to make a referral to social services.

If an adult speaks of concerns regarding a child or the behaviour of an adult within the church community the diocesan child protection adviser must be informed and a referral made to the social services.

P1.3 Disclosures of historical abuse

In the course of their work, many ministers and those offering pastoral support in the church will find themselves hearing disclosures from adults of abuse that happened to them when they were children.

There is no single, correct procedure for dealing with a disclosure of historical abuse by an adult. The wishes of the person disclosing abuse will be very important. For some adults, just being able to talk to a trusted person about their experiences can be a powerful healing event. The pastoral care of the person who has been abused should be a priority. A referral to the police will not always be necessary unless the individual wishes to report the offence; however, they should be encouraged and supported to do so. Adults do need to be made aware, however, that if the alleged abuser is still working with or caring for children **a referral to the social services will be made by the person hearing the complaint or the diocesan child protection adviser who must in any case be informed.**

As adults we are all responsible for trying to ensure the safety of children and young people. We should be aware that people who have committed sexual abuse against someone years ago could well be abusing children today.

P1.4 An investigation into an allegation of child abuse by a member of the church community

Once a concern has been identified that a child may have been harmed by a member of the church community, and a referral has been made to the statutory authorities, it is important to liaise closely with them during any investigation. This is always a difficult time and needs to be carefully managed. It is the responsibility of the diocesan child protection adviser to coordinate the diocesan response, attend strategy meetings with the other agencies and interested parties and work with them during the investigation. The incumbent will be responsible in consultation with the diocesan child protection adviser to coordinate support in the parish.

The highest degree of confidentiality should be maintained and only the people who need to know should be informed of the circumstances. The diocesan communications officer should manage all media relationships.

P1.5 Insurance advice³⁸

The Claims Manager of the insurance company should be informed at an early stage by the bishop, the diocesan child protection adviser, the incumbent or other employer. Advice should be sought about the insurance position and any steps needed to be taken to safeguard it. The Claims Manager will also need to be kept in touch with developments. Any person accused of abuse where they have the benefit of insurance should also inform their insurance company.

P1.6 Suspension

In all circumstances where an allegation is made relating to beneficed or licensed clergy, licensed or accredited lay workers, paid lay staff or volunteers, consideration must be given to whether a person should be suspended from their duties whilst the statutory agencies undertake any investigation. Suspension should be seen as a neutral act.³⁹

Suspension allows for an individual to stand down or stand aside while matters of concern are considered. The suspension is primarily for the protection of children but the needs of the person themselves and their family should also be considered, particularly in the light of media attention. In order to decide whether or not to suspend the person, the bishop (or employer or manager) should seek legal advice and consult with the diocesan child protection adviser who will have taken advice from the statutory agencies involved in the investigation. This guidance will assist in determining whether it is possible and appropriate to suspend the person temporarily or ask them to take leave of absence or have their duties curtailed to prevent contact with children.⁴⁰ Decisions should always err on the side of caution. A person should always be suspended if he or she is charged with a criminal offence against a child or young person.

P1.7 Pastoral support

During the investigation the child or young person and their family will need support. Another person will need to support the alleged offender. People involved in support should be uninvolved with the investigation or disciplinary proceedings and may be chosen from outside the diocese to ensure neutrality. The police advise that it is important that these parties should not communicate with each other about the allegation so that evidence is not contaminated. In the case of allegations against a priest the archdeacon will need to manage the impact of the investigation on the parish.

P1.8 Matters to be considered following an investigation

An investigation may result in various actions. It may be shown that the person has no case to answer or they may be charged with an offence and the Crown Prosecution Service (CPS) asked to consider prosecution. The person may concur with the truth of the allegation and accept a police caution.

In order for the CPS to sanction a prosecution they have to believe that there is more than a fifty per cent chance of gaining a conviction and also that it is in the public interest to prosecute.

The agencies undertaking the investigation should be asked to provide a report which can be used in disciplinary proceedings, for other decision making or for future reference. The report, which should be agreed with their legal advisers, should include any statements which parties have agreed can be used for this purpose, a factual account of the investigation and an assessment of any continuing risk. It is helpful if the diocesan child protection adviser can agree the terms of the report at the beginning of the investigation.

Situations where there is no conviction

There are many reasons why a particular case may not come to court, but this does not necessarily mean there is no remaining concern, and indeed it may mean that the person is innocent. Even following an acquittal there may remain evidence of inappropriate or misguided behaviour which needs to be addressed. The advice of the statutory agencies should be sought about any continuing risk to children. It may still be appropriate in some circumstances and in accordance with legal advice to continue disciplinary action. If there remain unresolved matters of concern, either untested complaints of serious harm to a child or evidence of inappropriate behaviour by the adult, a professional risk assessment⁴¹ should be carried out to try to ascertain whether it is safe for the person to continue work that brings them into contact with children. Depending on the outcome of the assessment it may be necessary to introduce a regime of training and supervision or to redeploy the person in another post.

Consideration should be given as to whether information should be passed to the Department of Health, so that they can decide whether the person should be placed on the Protection of Children Act List (POCALs) and the person banned from working with children. In the case of clergy, consideration should be given as to whether the person should be referred for inclusion on the Archbishops' Caution list.⁴²

Redeployment following conviction or caution

Careful consideration should be given to the future employment or volunteering role of the person involved. They may be banned from working with children. Even if not it will only be in extremely exceptional circumstances, and following a professional risk assessment, that a person who has a conviction or caution for harming a child in a **non-sexual manner** should be allowed to work or be a volunteer where there is the opportunity for contact with children.

Because of the compulsive nature of child **sexual** abuse a person convicted or cautioned for any sexual offences against children should not work with or be a volunteer where he or she could come into contact with children. This would include being an adult member of mixed-age activities. An agreement should be drawn up to define the relationship between the convicted person and the church community.⁴³

For people involved in pastoral or other authorized ministry, whether ordained or not, it may not be possible to provide the level of supervision required even if a particular post does not involve specific contact with children. People with such a representational ministry are regarded as trustworthy and as people of integrity and this perception can be and has been used by offenders to target victims.

Rehabilitation to any kind of representational ministry should be approached with extreme caution, should follow a professional risk assessment and treatment programme, and should be with the agreement of the local child protection agencies.

P1.9 Completing the process

At the end of an investigation, court case or disciplinary procedure all those affected will need to be informed of the result and arrangements made, where appropriate, for continued support, counselling or treatment. The effects of child abuse can be felt for many years after the abuse itself has ended.

The diocesan child protection management group should meet and agree what lessons can be learned from the incident and ensure that any changes to procedures or good practice are implemented at both diocesan and parish level.

In serious cases or where someone makes a complaint about the process it may be appropriate for the bishop to ask for an independent review of the situation. This could be undertaken by an independent social worker, a neighbouring diocesan child protection adviser or the national child protection adviser. Any recommendations regarding good practice should be disseminated nationally.

P1.10 Sharing information with statutory agencies during a complex child protection investigation

Recent guidance has been issued by the Home Office⁴⁴ about how information and records should be shared. It recommends that an information-sharing protocol should be agreed between agencies and individuals taking part in such an investigation and supplying relevant information. If church authorities are asked to assist such an investigation, the specimen form of protocol on pp. 39–40 may be of assistance.⁴⁵

Confidential information-sharing protocol

between _____ (bishop, incumbent, diocesan child protection adviser), and _____ (joint investigating team: police, social services, NSPCC).

Reasons for establishment of protocol

- a. A joint investigation under section 47 of the Children Act 1989 is being undertaken by
.....
.....
.....
.....
in accordance with the government guidance publications *Working Together to Safeguard Children* (1999) and/or *Complex Child Abuse Investigations: inter-agency issues* (2002).
- b. The allegations relate to (please give brief details of the offence being investigated)
.....
.....
.....
.....
- c. The Church of England's House of Bishops' Policy on Child Protection, *Protecting All God's Children* (2003), includes a commitment to collaborate fully with agencies with a statutory duty to investigate child abuse.

Protocol

1. The bishop and the diocesan child protection adviser will support the investigating team in establishing the whereabouts of information relevant to the investigation and will advise and encourage those persons who are responsible for any relevant records (including photographic, electronic and computer records) to provide the investigating team with the relevant information/full access to such records.
2. The investigating team will advise the bishop and the diocesan child protection adviser in advance on each occasion that records are to be inspected. The diocesan child protection adviser or a person nominated by the bishop shall be entitled to be present at any such inspection.
3. The investigating team agrees to keep all information strictly confidential, subject to the following proviso. The investigating team may share relevant information, only with those entitled to see it, in the course of the investigation and in any subsequent legal proceedings. In sharing information the investigating team will observe all legal requirements and relevant guidance.

4. If relevant for future disciplinary procedures or other decision making, the investigating team agrees to furnish the bishop with a report of the investigation including any statements taken during the process which have been agreed to be used in this way. Any report should be agreed by the investigating team's legal advisers and include an assessment of any deemed continuing risk to children.

Signature:

Date:

Signature:

Date:

Procedure 2

Ministering to people who might pose a risk to children

Research has indicated that a higher proportion of convicted offenders against children may be found in church congregations than in the population generally.⁴⁶ It is therefore probable that many congregations will have people who have abused children amongst their worshippers, some of whom will be known. Not all will have committed sexual offences, some will have been guilty of neglect, physical or emotional abuse. The Church's duty to minister to all imposes a particular responsibility to such people. This must not, however, compromise the safety of children. If a congregation is generally aware of how offenders will be treated it will be easier to deal confidentially with a specific case if it should occur.

As well as people with convictions against children there are others whose position in a congregation may need to be carefully and sensitively considered to decide whether they pose a risk to children. This would include people convicted of violent or sexual offences against adults including domestic violence, people involved in drug or alcohol addiction, adults with a mental disorder or special needs which might in rare cases result in erratic behaviour.

P2.1 Ministering to people who are known to have sexually abused children⁴⁷

Where a sex offender is known, befriended and helped by a group of volunteers to lead a fulfilled life without direct contact with children, the chances of re-offending are diminished and the church has thus an important role contributing to the prevention of child abuse.

- When it is known that a member of the congregation has sexually abused a child or young person the diocesan child protection adviser must be consulted, so that a safe course of action can be agreed in conjunction with the relevant statutory agencies. Because of the compulsive nature of child sexual abuse it is expected that an agreement will be entered into with the offender.
- If the person's victim attends the church the offender should be introduced to another congregation. Consideration must also be given to other people who have been abused in the past.
- The person should not accept any official role or office in the church which gives them status or authority as a child or young person may deem that person to be trustworthy.
- A frank discussion should be held with the offender, explaining that a small group from the congregation will need to know the facts in order to create a safe environment for him or her. If possible the membership of the group

should be agreed. Those needing to know are likely to include the clergy, church wardens, child protection coordinator and any befriending volunteers. Any children's work coordinator will need to be informed so that they do not inadvertently ask the person to volunteer.

- It must be made clear that no one else will be informed of the facts without the offender's knowledge. The highest levels of confidentiality should be maintained.
- The group should offer pastoral care, support and friendship as well as supervision. They should endeavour to keep channels of communication open.
- Alongside the setting up of a support group, consideration should be given to whether, **with the offender's agreement**, the congregation should be told. The advantages and disadvantages of this course of action should be carefully considered.
- It will be necessary to establish clear boundaries, both for the protection of the young people and to lessen the possibility of the adult being wrongly accused of abuse. Prepare an agreement which might include the following elements:
 - attend designated services/meetings only;
 - sit apart from children;
 - stay away from areas of the building where children meet;
 - attend a house group where there are no children;
 - decline hospitality where there are children;
 - never be alone with children;
 - never work, or be part of a mixed age group, with children.
- The offender should be asked to sign the agreement.
- The agreement should be enforced, and no manipulation allowed.
- Review the agreement at regular intervals with the diocesan child protection adviser. An agreement must remain in place so long as the person is a part of the congregation, whether or not their name appears on the Sex Offenders Register.
- If the agreement is broken, as a final resort consider banning the offender from church, telling other churches, the police or the probation service. If the person cannot be banned because they live in the parish, the advice of the diocesan registrar should be sought and a high level of supervision maintained.

In some cases offences only come to light after many years. In such situations great sensitivity will be required. It must, however, be remembered that there may still be a substantial risk to children.

P2.2 Circles of support and accountability

'Circles of support and accountability' are being piloted by various organizations, including the Society of Friends and the Lucy Faithfull Foundation, under the guidance of the Home Office. They offer a system of structured befriending and supervision for sex offenders, usually at the point of release from prison. Many of the volunteers involved in the circles are recruited from churches although the offenders are not necessarily Christian. If a known sex offender who attends a church is also part of a circle of support and accountability they will have a specific contract with the circle as well as any parish arrangements agreed with the diocesan child protection adviser.

Procedure 3

Safe recruiting

One of the ways that children and young people are protected from harm is to take care over the way adults are appointed when they are likely to have contact with children. Those included in this procedure will include:

- all clergy who have the freehold, hold the bishop's licence or permission to officiate;
- all ordinands before they are presented to a bishops' selection conference;
- all accredited lay workers and readers who hold the bishop's licence or permission to officiate;
- any other leaders in the church whose office of trust gives them the opportunity or the expectation that they might have regular or unsupervised contact with children;
- those people who as part of their job supervise those working with children, young people or vulnerable adults;
- the parish child protection coordinator.
- all people employed by the diocese, cathedral or a parish who work with children or who may come into regular and direct contact with children during their work;
- all volunteers who work with children or who may come into regular and direct contact with children during their activities; this will include adult members of mixed age activities such as, bell-ringers, choirs, servers;
- members of religious communities and similar bodies who have contact with children as part of their ministry.

People in positions of leadership or those who have access to church premises but are not deemed to have regular contact with children should be asked to supply a Basic Disclosure from the Criminal Records Bureau (when this becomes available). This disclosure will show all unspent convictions including all offences against children.

P3.1 Selection of people for ordained ministry

The Church should take the greatest care in the selection of all its ministers.

In every case, evidence should be demonstrated prior to selection for training of the person's stability, faithfulness in relationships and maturity.

All candidates should make a Confidential Declaration⁴⁹ during the discernment process. Their background should be checked by the use of references and an enhanced disclosure from the Criminal Records Bureau. Any relevant information gained will need to be carefully assessed to decide whether the person may pose a risk to children. Relevant information may need to be passed on to the Department of Health who will decide whether a person's name should be included in the Protection of Children Act List (POCALs) and the person

banned from working with children. Sensitive personal information will only be considered if it is relevant to the person's selection for ministry. The bishop ordaining the person should seek a further check from the CRB before ordination to the diaconate.

P3.2 Appointment of bishops, beneficed clergy and those holding the bishop's licence or permission to officiate

At each appointment or every three years, whichever is the sooner, the person must sign a new Confidential Declaration and seek an enhanced disclosure from the Criminal Records Bureau. References should be taken up in the usual way. The appointment can be announced 'subject to clearance' with the agreement of the applicant, but they should not be instituted, licensed or start work until all procedures are completed.

Clergy coming to work in England from overseas should be asked to provide evidence equivalent to that provided by the Criminal Records Bureau if that is available. They should in any case have references taken up and complete a Confidential Declaration.

P3.3 Appointment of volunteers and employees

Those responsible for the appointment should follow the principles outlined in *Safe from Harm* when seeking to appoint to a post involving direct contact with children and young people.

Prospective appointees should:

- be regarded as job applicants and have a defined role;
- complete an application form;
- name two referees, one of which should be from the current employer or previous church;
- complete a Confidential Declaration form (see pp.46-7);
- have an appropriate interview.

If the decision is made to appoint, the appointee should:

- provide a disclosure at the appropriate level from the Criminal Records Bureau;⁵⁰
- be offered the post subject to a probationary period;
- have the appointment confirmed in writing by the authorizing body;
- be formally commissioned for their role.

P3.4 Confidential Declaration

For beneficed clergy, those who hold the bishop's licence or permission to officiate, employees, ordinands and volunteers who are likely to be in regular and direct contact with children and young people under eighteen years of age.

This form is strictly confidential and, except under compulsion of law, will be seen only by those responsible for the appointment and, when appropriate, the diocesan/bishop's child protection adviser. All forms will be kept securely under the terms of the Data Protection Act 1998. If you answer yes to any question, please give details, on a separate sheet if necessary, giving the number of the question you are answering.

1a Have you ever been convicted of a criminal offence (including any spent convictions under the Rehabilitation of Offenders Act 1974)?*

Please tick YES NO

1b Have you ever been cautioned by the police, given a reprimand or warning or bound over to keep the peace?

Please tick YES NO

1c Are you at present under investigation?

Please tick YES NO

1d Have you ever been found by a court exercising civil jurisdiction (including matrimonial or family jurisdiction) to have caused significant harm** to a child or young person under the age of eighteen years, or has any such court made an order against you on the basis of any finding or allegation that any child or young person was at risk of significant harm from you?

Please tick YES NO

2a Has your conduct ever caused or been likely to cause significant harm to a child or young person under the age of eighteen, or put a child or young person at risk of significant harm?

Please tick YES NO

2b To your knowledge, has it ever been alleged that your conduct has resulted in any of those things?

Please tick YES NO

If yes, please give details, including the date(s) and nature of the conduct, or alleged conduct, and whether you were dismissed, disciplined, moved to other work or resigned from any paid or voluntary work as a result.

3 Has a child in your care or for whom you have or had parental responsibility ever been removed from your care, been placed on the Child Protection Register or been the subject of a care order, a supervision order, a child assessment order or an emergency protection order under the Children Act 1989, or a similar order under other legislation?

Please tick YES NO

4 Have you any health problem(s) which might affect your work with children or young people under the age of eighteen?

Please tick YES NO

5 Have you, since the age of eighteen, ever been known by any name other than that given below?

Please tick YES NO

6 Have you, during the past five years, had any home address other than that given below?

Please tick YES NO

* All previous convictions, with the exception of technical motoring offences leading only to a fine, should be disclosed.

** Significant harm involves serious ill-treatment of any kind including neglect, physical, emotional or sexual abuse, or impairment of physical or mental health development.

Declaration

I declare that the above information (and that on the attached sheets ***) is accurate and complete to the best of my knowledge.

Signed

Date Date of Birth.....

Full Name.....

Address.....

.....
.....
.....

*** Please delete if not applicable.

Please return completed form to:

.....
.....
.....

Before an appointment can be confirmed applicants must provide an enhanced/standard disclosure from the Criminal Records Bureau. Consult with your bishop's office, incumbent, or child protection coordinator for details of the process.

P3.5 Notes for the Confidential Declaration form

Questions 1a and 1b: Declare all convictions, cautions, warnings or reprimands. Posts where the person is working or coming into contact with children are exempt from the Rehabilitation of Offenders Act 1974 so that all spent convictions must be declared.

Any technical motoring offences dealt with by fine do not need to be declared.

Question 1c: You must declare any finding of fact by a civil court that your actions have significantly harmed a child. Declare any court orders made on this basis.

Question 1d: Declare if you are at present under investigation by the police, social services or an employer.

Question 2a: Make any statement you wish regarding any incident you wish to declare.

Question 2b: Declare any allegations made against you, however long ago, that you have significantly harmed a child or young person. Any allegation must be declared which has been investigated by the police, social services, employer or voluntary body. Checks will be made with the relevant authorities.

Question 3: All these matters will be checked with the relevant authorities.

Question 4: Please declare in confidence any health problems that may affect your ability to work with children. This question is primarily intended to help you if you subsequently need to withdraw from work with children, for example because of a recurring health problem.

Some of the information requested on the form will be checked with the Criminal Records Bureau. All information received will be carefully assessed to decide whether it is relevant to the post applied for and will only be used for the purpose of protecting children or vulnerable adults.

P3.6 Use of the Confidential Declaration

In accordance with the Criminal Records Bureau code of practice great care must be taken to ensure that those with criminal convictions are not discriminated against. Background information should only be taken into account if it is relevant to the position sought. The CRB advise that anyone seeking an appointment with children or young people should be given an early opportunity to declare any relevant matters. The Confidential Declaration form should be used for this purpose. Information declared will either be checked with the Criminal Records Bureau or with other relevant authorities. A confidential declaration must be held by the person who makes the appointment or provides the licence for all clergy and those paid employees and volunteers who have contact with children.

P3.7 Criminal Records Bureau

The Criminal Records Bureau (CRB) is an executive agency of the Home Office. Its primary purpose is to help employers and voluntary organizations make safer recruitment decisions.

It is a national agency, which for the first time will afford the opportunity for all who work with children and young people to be checked through a consistent disclosure service. Although it is not a legal requirement for the Church to use this service, the House of Bishops regards it as a mandatory element in the recruitment process that disclosures should be obtained. It is now an offence to appoint a person who is banned from working with children.

The CRB became operational in the spring of 2002. It provides a 'one-stop shop' for ascertaining whether an individual has a criminal record, has been under police investigation, or has been banned from working with children by the courts or by having their name placed on the lists held by the Department of Education and Skills or the Department of Health.

In order to seek a disclosure at the standard or enhanced level, those recruiting must make sure that they are legally able to ask for the information. The post must involve the expectation of regular contact with children (standard) or supervising, training, caring for or being in sole charge of children (enhanced). It is illegal to ask for all convictions to be disclosed unless the position offered is exempt from the provisions of the Rehabilitation of Offenders Act 1974. When seeking a disclosure from someone in a position of trust it is necessary also to ascertain that they could be in a position to have unsupervised contact with children.

P3.8 Levels of disclosure certificate

There are three levels of disclosure:

- **Basic.** This level of disclosure (not yet available) will contain details of convictions held on the Police National Computer which are not spent under the terms of the Rehabilitation of Offenders Act 1974, or will state if there are no such convictions. It will be issued to individual applicants, on request, subject to confirmation of identity.
- **Standard.** This level of disclosure is available in respect of posts or purposes which are exceptions to the Rehabilitation of Offenders Act 1974. This includes those whose normal duties include **regular contact with children**. A standard disclosure will contain details of any spent and unspent convictions, as well as cautions, reprimands and warnings, held on the Police National Computer. It will also indicate if there are no such matters on record. The disclosure will also reveal whether an individual is barred from working with children by virtue of inclusion on lists maintained by the Department of Education and Skills or the Department of Health. The disclosure is sent to the applicant and also to the registered body.

- **Enhanced.** Enhanced disclosures apply to posts that involve **regularly caring for, training, supervising or being in sole charge of children**. They will contain the same information as the standard disclosure, but may also contain non-conviction information from local police records which a chief police officer thinks may be relevant. This local information is supplied to the registered body but not to the applicant.

P3.9 Method of obtaining a disclosure

Individuals will apply for their own disclosure and in the case of standard and enhanced disclosures will need to obtain a counter-signature from a **registered body**.

P3.10 Registered body

Organizations which need to ask about all convictions, because they have employees or volunteers in regular contact with children and therefore require employees or volunteers to provide a standard or enhanced disclosure, will need to register with the CRB. It is recommended that each diocese registers and provides a service as an umbrella body to parishes and other relevant bodies. The registered body receives a copy of the disclosure certificate. Each diocese will need to appoint several counter-signatories to administer the system and sign disclosures. Although the lead signatory may be the bishop or diocesan secretary it is recommended that the counter-signatories are the bishop's secretary and other administrators.

P3.11 Positive disclosures

Counter-signatories receiving disclosures containing information should check with the applicant that they accept the information (if they do not they will need to take this up with the CRB). A risk assessment should then be undertaken by a professionally qualified person or panel and advice offered to the person making the appointment. A panel from a neighbouring diocese may be used if an appeals procedure, as required by the CRB, is needed.

P3.12 Fees

There is a charge made by the CRB of £29 for an employee seeking an enhanced disclosure and £24 for an employee seeking a standard disclosure. This fee is likely to change from time to time. Volunteers are exempt from this charge. (For the purposes of this legislation anyone receiving payment for a position, other than reimbursement of expenses, is deemed to be employed. This definition will be relevant when considering the status of retired clergy receiving fees.)

P3.13 Priorities when seeking disclosures

It is important first of all that everyone appointed to a new position that brings them into contact with children has a valid disclosure certificate. It is also expected, however, that over time people already in post will be asked to apply for a disclosure. Unless the need for a check on criminal background is part of the person's contract of employment or similar agreement the request for a disclosure in these circumstances may not be enforceable. Dioceses will need to prioritize the seeking of disclosures and carry them out gradually so that resources are not unduly stretched. The aim will be to end up with a three-year rolling programme, making use of the portability criteria whenever possible.

P3.14 Frequency of disclosure

Disclosure information is only accurate on the day it is issued. It is therefore an arbitrary decision how often further disclosures should be sought. The older the disclosure is the less it can be relied on. The CRB recommend that, in line with other employers, churches should seek disclosures every three years. A new confidential declaration form should be completed at the same time.

P3.15 Criteria for the portability of CRB disclosures

It is always the responsibility of the body making an appointment to decide whether to accept a disclosure made for another organization. These criteria if used should provide a safe means of doing this.

- The disclosure must be less than two years old.
- The person must still be in the same job or post for which the disclosure was sought.
- The disclosure must be 'clear'.
- The disclosure must be at the same level as you require: enhanced or standard.
- The disclosure made for working with vulnerable adults will not be adequate for working with children or vice versa.
- A reference should be obtained from the employer/appointer or counter-signatory that the person was appointed following the disclosure received and is still in post (this should make clear that, in the case of an enhanced disclosure, no non-conviction information was received from the local police that was of concern). It is often useful to follow up a written request for information with a telephone call. The employer or counter-signatory, whoever is approached, will be able to say whether additional information from the police was received or not. The nature of such information cannot be disclosed. In this case a new disclosure should be sought.
- The date and reference number of the disclosure must be recorded, together with the name and date of birth of the applicant.
- The applicant's identity should be verified as if they were making a new application.

Resources list

Organizations

Bristol Crisis Service for Women
PO Box 654
Bristol BS99 1XH
Tel. 0117 925 1119
A national Helpline for women
Friday and Saturday evenings
9 p.m.–12.30 a.m., Sundays 6 p.m.–9 p.m.

Broadcast Support Services
(The Survivors' Directory 2002)
Distribution Unit 24
Piccadilly Trading Estate
Manchester
M1 2NP
Tel. 0161 277 7000
Fax. 0161 277 7018
Support services for survivors of abuse
in the UK and the Republic of Ireland

Childline
Freepost 1111
London
N1 0BR
Tel. 0800 1111
Children can write rather than
telephone

CSSA (Christian Survivors of Sexual
Abuse)
BM-CSSA
London
WC1N 3XX
An organization for Christian adults
sexually abused in childhood

Church's Child Protection
Advisory Service
Helpline 0845 120 4550
Offers advice, training and resources,
mainly to independent churches

Kidscape
152 Buckingham Palace Road
London
SW1W 9TR
Tel. 020 7730 3300
Resources for parents to keep
children safe

MACSAS (Ministers And Clergy
Sexual Abuse Survivors)
C/o CSSA (above)
A group for women and men
sexually abused by clergy or ministers as
children or as adults

NAPAC (The National Association
for People Abused in Childhood)
National information and helpline
0800 085 3330

British Association for Counselling
and Psychotherapists
1 Regent Place
Rugby
CV21 2PJ
Tel. 01788 550899
Provides lists of qualified counsellors

Lucy Faithfull Foundation
Bordesley Hall
The Holloway
Alvechurch
B48 7QA
Tel. 01527 591922
Fax. 01527 591924
Research, training, assessment and
treatment of sex offenders

Stop it Now UK
PO Box 9841
Birmingham
B48 7WB
Tel. 01527 598184
Helpline 0808 1000 900
Offers confidential advice and support
to people who suspect abuse and to
those seeking to stop their own abusive
thoughts and behaviour

NSPCC Child Protection Helpline
Tel. 0808 800 5000

A selection of useful books and web sites

Safe from Harm: a code of practice for voluntary organizations, Home Office, 1993. Available from www.homeoffice.gov.uk.

Working Together to Safeguard Children, Department of Health, 1999.

What to do if you're worried a child is being abused, Department of Health, 2003. Guidance to be read in conjunction with *Working Together to Safeguard Children*. Available from www.doh.gov.uk/safeguardingchildren/index.htm.

Parkinson, Patrick, *Child Sexual Abuse and the Churches*, Hodder and Stoughton, 1997.

Cashman, Hilary, *Christianity and Child Sexual Abuse*, SPCK, 1993.

O'Grady, Ron, *The Hidden Shame of the Church: sexual abuse of children and the Church*, WCC Publications, Geneva, 2001.

E. Conway, E. Duffy and A. Shields (eds), *The Church and Child Sexual Abuse*, Columba, 1999.

Time for Action, CTBI, 2002.

Holderread Hegger, Carolyn, *Sexual Abuse in Christian Homes and Churches*, Herald Press, 1993.

P. Sandford, *Healing Victims of Sexual Abuse*, Victory House, 1988.

E. Bass and L. Davis, *The Courage to Heal: a guide for women survivors of sexual abuse*, Perennial Library, 1988 (reprinted 1990).

M. Lew, *Victims No Longer: men recovering from incest and other sexual abuse*, Harper and Row, 1990.

Safe to Grow: Guidelines on Child Protection for the Local Church and its Youth Leaders, Baptist Union, 1994.

Safeguarding Children and Young People, Methodist Church. Latest version available via web site:
www.methodist.org.uk/information/safeguarding.htm#safeguarding.

A Programme for Action (The Nolan Report), Catholic Bishops' Conference, 2001. Available at www.nolanreview.org.uk.

M. Elliot, *Feeling Happy, Feeling Safe*, Hodder & Stoughton, 1991.

M. Elliot, *Keeping Safe: a practical guide to talking with children*, NCVO, 1986.

Khadi Rouf, *Mousie*, The Children's Society, 1989. A book for children who have secrets they have been afraid to tell.

Information on the Criminal Records Bureau and the disclosure process available from www.disclosure.gov.uk

Notes

- 1 'national level' should be read to include those parts of the Church of England outside England with different legislation e.g. the Diocese of Sodor and Man, the Diocese in Europe, and the Channel Islands, which are attached to the Diocese of Winchester. They should implement this policy as far as they are able.
- 2 See procedures 1, 2 and 3.
- 3 The Children Act defines a child as a person under the age of eighteen. This policy covers all such children and young people.
- 4 See appendix 1 (Background principles) and appendix 4 (Recent relevant legislation and government guidance).
- 5 See appendix 2 for full definitions of the categories of child abuse.
- 6 The Area Child Protection Committee is an inter-agency forum for agreeing how the different services and professional groups within a local authority should cooperate to safeguard children in that area, and for making sure that arrangements work effectively to bring about good outcomes for children (*Working Together to Safeguard Children*, 1999, section 4.2).
- 7 See procedure 3 for more information on CRB disclosures.
- 8 The term 'diocese' is used to cover various legal and authority structures within its geographical area. The diocesan bishop will be responsible for ensuring that the appropriate people in the diocese take responsibility for the various child protection tasks.
- 9 See appendix 6.
- 10 See appendix 6.
- 11 The term 'parish' is used to denote the PCC and the incumbent who are together responsible for ensuring that the child protection policy is implemented. Particular parishes may wish to use the benefice, group or team as the relevant body for practical reasons. This section should be deemed to include the cathedral of the diocese and other diocesan organizations, including religious communities.
- 12 See procedure 2.
- 13 See appendix 7 for more information on insurance.
- 14 See appendix 4.
- 15 While *Safe from Harm* (1993) remains the only government guidance for voluntary organizations, some of the recruitment recommendations have been superseded by legislation setting up the Criminal Records Bureau.
- 16 See A2.6 for a definition of significant harm.
- 17 *Working Together to Safeguard Children* (1999), sections 2.16, 2.17.
- 18 *Working Together to Safeguard Children* (1999), section 5.6.
- 19 *What to do if you're worried a child is being abused* (2003), appendix 3, sections 10, 11.
- 20 This, and other issues relating to confidentiality, are given detailed consideration by the Legal Advisory Commission in its opinion entitled 'The Clergy and Confidentiality' (May 2002), to be published in the forthcoming edition of *Legal Opinions concerning the Church of England*.
- 21 Data Protection Act 1998, section 29.
- 22 Data Protection Act 1998, section 35.

- 23 The judgement of the House of Lords in *Parochial Church Council of Aston Cantlow and Wilmcote with Billesley, Warwickshire v Wallbank and another*, delivered on 26 June 2003.
- 24 See www.legislation.hmso.gov.uk for full text.
- 25 Ecclesiastical Jurisdiction Measure 1963, section 77 (1).
- 26 Ecclesiastical Jurisdiction Measure 1963, section 77 (2).
- 27 Ecclesiastical Jurisdiction Measure 1963, section 49 (1).
- 28 Ecclesiastical Jurisdiction Measure 1963, section 49 (2).
- 29 Ecclesiastical Jurisdiction Measure 1963, sections 71 (4), 72.
- 30 Clergy Discipline Measure 2003, section 36 (1).
- 31 Clergy Discipline Measure 2003, section 36 (2).
- 32 Clergy Discipline Measure 2003, section 36 (6).
- 33 Clergy Discipline Measure 2003, section 36 (4).
- 34 Clergy Discipline Measure 2003, section 24 (1) (b).
- 35 Diocesan child protection advisers may be qualified in various relevant professional areas, for example child care, social work, probation, health, psychology or police work but they should have experience of directly working with child protection issues and have undertaken specific training in child protection. They should hold their own professional liability indemnity insurance.
- 36 Children Act 1989, section 47(1).
- 37 See appendix 3 for more advice about confidentiality.
- 38 A statement from Ecclesiastical (formerly Ecclesiastical Insurance Group or EIG) is contained in appendix 7.
- 39 The term 'suspension' is also used in matters regarding clergy discipline for a penalty imposed after a finding of misconduct.
- 40 Particular law of suspension of clergy: see appendix 5.
- 41 More advice regarding risk assessments will be found in the accompanying House of Bishops' *Handbook of Good Practice* (forthcoming: will be available from Church House for diocesan child protection advisers).
- 42 See Clergy Discipline Measure 2003, section 38, for details of the Archbishops' Caution List.
- 43 See procedure 2.
- 44 *Complex Child Abuse: inter-agency issues* (2002), available on www.homeoffice.gov.uk.
- 45 With thanks to the NSPCC for help in formulating this protocol.
- 46 Unpublished research by Donald Findlater, Lucy Faithfull Foundation.
- 47 With thanks to CCPAS, the Lucy Faithfull Foundation, the Methodist Church and others.
- 48 See information about the Criminal Records Bureau, P3.7.
- 49 See Confidential Declaration form, P3.4.
- 50 See P3.7 which gives advice about the different levels of disclosure.

