



## PART 7: RESPONDING TO ISSUES

### RECOGNISING, RESPONDING TO AND REPORTING ALLEGATIONS, DISCLOSURES AND CONCERNS OF ABUSE

Abuse and serious neglect occur in all sectors of society. There is no such thing as an 'abuse-free' community. In our churches and communities there are children who are being abused, adults who have been deeply scarred by childhood abuse and people who are currently abusing, or have abused, children. The Church must do all it can to ensure the protection of children from all forms of harm and abuse.

*Safeguarding Trust* is in place to enable parishes, dioceses, bishops, clergy and other Church staff and volunteers to safeguard the welfare of children with whom they work.

Disturbingly, people with a sexual interest in children are to be found in all communities. The Church must take all reasonable steps to:

- exclude known abusers from opportunities to groom children for purposes of abuse.
- report to the statutory authorities any suspicious person or known offender attempting to make contact with children.
- report to the appropriate Gateway Team and/PSNI when there is an allegation, disclosure or concern of abuse arising from activities within the Church.

Those working with children should be aware of the range of abuse - neglect, emotional, physical, emotional, sexual, neglect and exploitation - to which some children may be subject. Most abuse is committed by close relatives, friends or those in positions of authority or trust. It often takes place in the home of the child concerned.

Bishops, clergy, staff and volunteers should know what steps to take in response to a situation where they have reason to suspect that abuse may be occurring or where a child alleges that abuse is occurring.

***The one option that is not available is to do nothing.***

### PEER (CHILD TO CHILD) ABUSE

In some cases of child abuse, the alleged perpetrator will be a child. In these situations, the child protection procedures should be adhered to for both the victim and alleged abuser, i.e. it should be considered a child protection issue for both children.

### AGE OF CONSENT

In Northern Ireland the legal age of consent to have sex is 16 years.



## ISSUES AROUND 'AGE OF CONSENT'

Sexual activity involving a child who is capable of giving informed consent on the matter, while illegal, may not necessarily constitute sexual abuse as defined for the purposes of this guide. One example, which would fall into this category, is a sexual relationship between a 16 year old girl and her 18 year old boyfriend. The decision to initiate child protection action in such cases is a matter for professional judgement by Social Services and each case should be considered individually. The criminal aspects of the case will, of course, be dealt with by the PSNI.

## SUPPORTING ADULTS WHO WERE ABUSED IN CHILDHOOD (HISTORIC ABUSE)

When an adult makes an allegation of historical abuse it is important to attend and listen to them. Adults must be made aware, if possible in advance of disclosure, that if they give information which indicates a potential risk to children, a referral to PSNI must be made. If the adult making the disclosure refuses to report to the PSNI, the person to whom the disclosure has been made is legally required to make the report to the PSNI.

Even when the alleged or suspected victims are now adults there may be an ongoing risk to other children.

## SELF-DISCLOSURE

An adult, young person or child within your organization may disclose information which indicates that they have perpetrated abuse. This information should also be referred to Gateway through the Parish Panel.

## REPORTING CONCERNS

Under *Safeguarding Trust* procedures, the Parish Panel is charged with the duty to report child protection concerns or disclosures notified by bishops, clergy, staff, volunteers or any parishioner, where there is a reasonable concern.

It is **not** the parish member of staff or volunteer's responsibility to identify and investigate possible instances of abuse of children. This is the role of Gateway and / or the PSNI

## WHAT MIGHT CONSTITUTE A CONCERN ABOUT A CHILD?

A concern relates to the possibility of a child suffering harm. Indicators of this might include:

- sudden, unexplained or worrying changes in behaviour.
- physical signs or symptoms that may be indicative of abuse (emotional, sexual, physical or neglect).
- worrying remarks made by a child.
- a situation where a child is exposed to potential risk of harm.



**All concerns should be recorded and reported to the Parish Panel, no matter how insignificant they may seem, whether they relate to situations internal or external to the parish. For instance, concerns connected to a family or school situation should be noted as well as concerns related to your organisation.**

## WHAT IS A DISCLOSURE?

A **disclosure** is when a child tells a worker that they have been or are being harmed or abused in some way. This may be physical, sexual, emotional abuse, neglect or bullying.

It is important to reassure the person who has made the disclosure and offer appropriate support. A disclosure may also be made when a person discloses that he/she has perpetrated abuse and that person will also require appropriate support. All disclosures must be reported to the panel.

## WHAT IS A CONCERN OR ALLEGATION ABOUT THE BEHAVIOUR OF STAFF OR VOLUNTEERS?

Inappropriate or unacceptable behaviour or communication, favouritism or negligence are examples of what may constitute a **concern** about the conduct of a volunteer or member of staff.

An **allegation** about a cleric, volunteer or member of staff occurs when a child, parent or other worker reports specific unacceptable behaviour where a child has been harmed or abused in some way. Allegations against clergy, staff or volunteers must be referred to the Parish Panel.

In the case of allegations against one of the Parish Panel members this should be reported to the bishop of the diocese. If a bishop is the subject this should be reported to an archbishop. If the archbishop is the subject then this should be reported to the Primate or the Chief Officer of the Representative Church Body.

## RECORD KEEPING

All concerns, disclosures and allegations should be recorded on pro formas provided by your organisation and passed to the Parish Panel - see **Appendix**.

## BISHOPS, CLERGY, STAFF OR VOLUNTEERS NEED TO KNOW

- what constitutes a 'concern', 'disclosure' and 'allegation'.
- to whom to report i.e. the Panel and its contact details.
- how to access and complete the pro formas used for reporting concerns, disclosures and allegations.
- contact details for Gateway and the PSNI and the CPO in the event that Parish Panel members are not available in an emergency.
- that the panel will support them through the reporting process and provide access to legal advice if the Panel or the insurer decides this is advisable.
- that the primary concern for the first person who suspects, or is told of, possible abuse is to report it to the panel and ensure the concern is taken seriously. The worker may also report directly to Gateway.



**Under no circumstances should any Bishop, clergy person, staff or volunteer attempt to deal with the problem of abuse alone.**

## **RESPONDING TO A CHILD WHO MAKES A DISCLOSURE**

### **DOS AND DON'TS**

#### **Dos**

- **Stay calm**
- **Listen and hear**
- **Give time to the child to say what he or she wants**
- **Reassure the child that he or she has done the right thing in telling**
- **Record in writing using the child's own words, immediately after meeting the child, what was said**
- **Keep a note of your report, giving the date, time, name of the individual whom you have told and course of action agreed. This record may be required for any subsequent legal proceedings.**

#### **Don'ts**

- **Don't panic**
- **Don't display shock or disgust**
- **Don't make a child repeat the story unnecessarily**
- **Don't promise to keep secrets or make promise you cannot keep**
- **Don't enquire into details of abuse**
- **Don't communicate with the person against whom accusations have been made and don't attempt to deal with it alone**
- **Don't delay**
- **Don't give opinion, state the facts as reported to you**

**Your primary responsibility is to report any suspected abuse and ensure that the concern is taken seriously.**

### **VITAL INFORMATION**

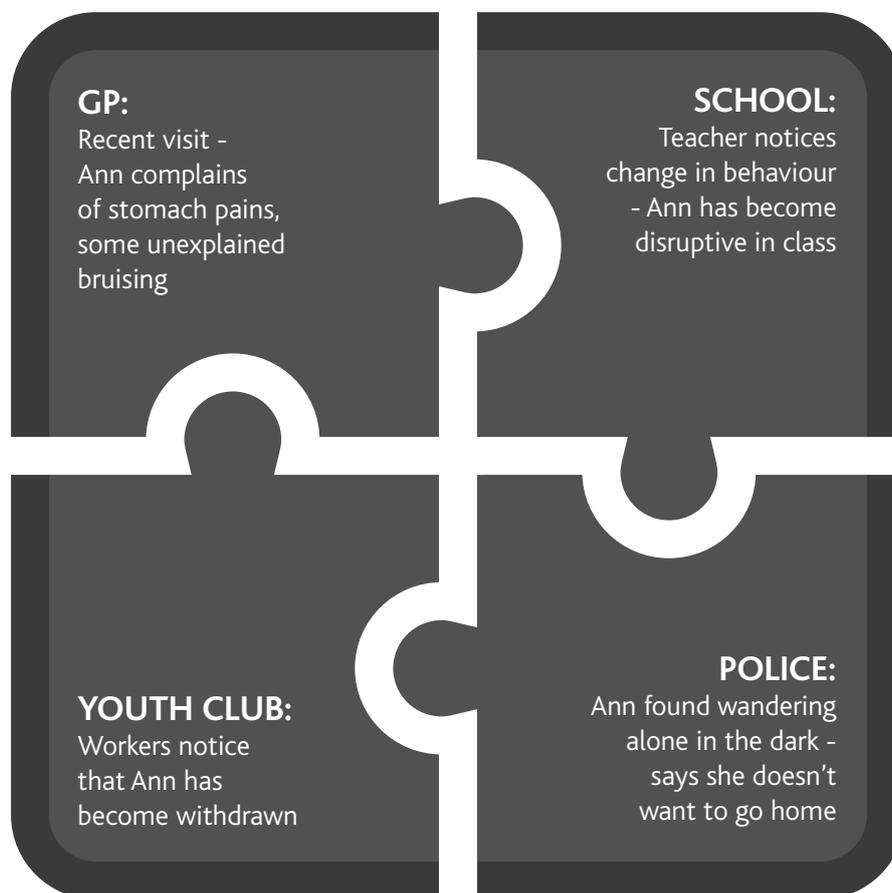
Try to have available:

- the name, address and age of any child you are concerned about
- the nature of any injury
- any need for medical attention
- your reason for suspicion of abuse



- details of what you have done already and who you have told
- any practical information you may have, such as the name of the child's GP, school etc
- information as to whether or not the person against whom a suspicion, complaint or allegation exists, has any children of his/her own.

Sharing information is one of the most important ways to prevent abuse of children. In many situations a number of individuals or agencies may each have a piece of information which in itself may seem unimportant but when put together with all of the other pieces could create quite a worrying picture. E.g.



Abuse of children often goes undetected because people who have pieces of information are reluctant to share them. Your church / parish should have well established links with other organisations and parents so that action can be taken when information which causes you concern comes to light.

It is also important to note that some children are more vulnerable to abuse because of the circumstances of their life. This group would include the following:

- children with disabilities
- children in the criminal justice system



- children living with domestic violence
- separated children seeking asylum
- children who are carers.

Bishops, clergy, staff or volunteers should be particularly vigilant for signs of abuse if they are working with children in any of these groups.

### PARISH PANEL - KEY ROLE

The role of the Parish Panel is to make contact with the duty social worker in the appropriate Gateway Team or, in emergency, to the PSNI and to report any allegations against staff or volunteers, disclosures or concerns (if appropriate).

If the panel has concerns about adults who are not involved in the parish organisations but may pose a risk to children in other organisations, advice should be gained from statutory agencies on how this information should be shared appropriately.

### INFORMAL ENQUIRY

The Parish Panel may pose a notional story or hypothetical example to the duty social worker responsible for child protection concerns to clarify if reporting is appropriate in a given situation. An informal enquiry involves a Parish Panel member or any person describing the scenario of concern to the duty social worker without disclosing names or location.

The Parish Panel considers:

#### **Reasonable grounds for concern (the objective indicators)**

- a) Specific indication from the child that he/she was abused.
- b) An account by the person who saw the child being abused.
- c) Evidence, such as injury or behaviour, which is consistent with abuse and unlikely to be caused another way.
- d) An injury or behaviour which is consistent both with abuse and with an innocent explanation but where there are corroborative indicators supporting the concern that it may be a question of abuse (an example of this would be a pattern of injuries, an implausible explanation, other indications of abuse, dysfunctional behaviour).
- e) Consistent indication, over a period of time, that a child is suffering some form of harm.

**One panel member on behalf of the Parish Panel** makes the report.

Others to be contacted:

The Child Protection Officer and the bishop of the diocese or archbishop (if they have not already been contacted) immediately thereafter, certainly within 24 hours or on the next working day. Advise them of the disclosure, allegation, concern and report (details and names should not be conveyed if the parish does not have a legal interest in the matter).



The Parish Panel should:

- create a confidential file recording all notes, all conversations, the standard report form and advice from the statutory authorities and the CPO.

## ALLEGATIONS AGAINST VOLUNTEERS AND STAFF MEMBERS

In a situation where a staff member is the subject of an allegation the following should be remembered:

- It is not possible in these guidelines to deal with every scenario as conditions of employment can vary greatly from employee to employee.
- **It is advisable that legal advice be sought by the incumbent/Select Vestry as quickly as possible to ensure that employment law procedures and natural justice principles are correctly followed.**
- **Parish insurers should be advised of any issue of alleged abuse.**

Any individual against whom an allegation has been made has a right to be notified of the cause of concern by an appropriate person. The notification of this individual will need careful consideration and should **only** be undertaken in consultation with the statutory authority.

The same person should not have responsibility for dealing with both the reporting and the employment issues.

The staff member should be informed:

- a) that an allegation has been made against him or her.
- b) the nature of the allegation - if this has been agreed with the statutory agencies The staff member should be afforded an opportunity to respond. The employer should note the response and pass on this information when making the formal report to the duty social worker.

If the person is a paid employee suspension without prejudice pending further investigation by the statutory authorities may be appropriate. Such suspension should normally be on full pay. It may be appropriate to re-assign the staff member to work that does not involve contact with children.

Any person who has been suspended should be advised to seek his/her own independent legal advice.

At this stage it is important to stress that the person against whom a suspicion, complaint or allegation has arisen, and his/her family, will require pastoral care, as will any alleged victims and their families.

It is preferable for a different member of clergy to provide support to the alleged perpetrator.

The bishop of the diocese or the archbishop, in consultation with the panel, should take all necessary steps to ensure that parish activities can be carried on with a minimum of disruption.



The Child Protection Officer is available for advice and support and must be briefed regularly as any child protection issue develops.

In a situation where the statutory investigation does not lead to prosecution or conviction, the Church of Ireland will conduct an internal review of the issue at the end of any statutory investigation.

This will require that the Diocesan Panel is convened to examine the issue and to meet with the individual against whom the allegation was made. The Diocesan Panel will prepare a report with recommendations in relation to the individual's suitability to return to their position. The report will be considered by a special panel who will make a decision whether to accept and implement the recommendations of the report.

Membership of the special panel:

The panel should have either the CPO or Secretary of the Board of Education, a senior person from the diocese and someone with knowledge and experience of child protection and safeguarding issues. The individual will have the right to be accompanied to the meeting though not by a legal representative, and will have the right to appeal the decision. A further appeal panel may need to be convened in such a case when an appeal arises.

## CONFIDENTIALITY

Confidentiality is key to this process. It must be maintained in respect of all issues and people involved in concerns about child abuse. It is imperative that all information is treated in a careful and sensitive manner and should be discussed only with those who need to know (e.g. Diocesan Panel member, bishop or archdeacon, and the Gateway social worker. The Select Vestry may need to be advised to some extent. All written records should be filed securely.

A full guarantee cannot be given that information received in relation to an allegation, suspicion or concern of child abuse will be kept absolutely confidential. However, every effort will be made to preserve the anonymity of persons or organisations providing the information if that is desirable. However Gateway will expect a parish to be willing to stand over any report made on behalf of the Church.

## SUMMARY OF THE REPORTING / REFERRAL PROCEDURE

The Parish Panel member:

1. takes details of the allegation/disclosure/concern.
2. if practicable, consults with the other Parish Panel members and if an opinion can be reasonably formed that abuse may have taken place the designated Parish Panel member, on behalf of the Parish Panel, reports to:

Gateway



OR, in an emergency where a child is believed to be at immediate risk:

The PSNI

3. asks the name of the staff member or volunteer involved and who they report to and subsequently uses standard reporting form.
4. follows the advice given by the appropriate authority listed above, providing reports in writing as required.
5. as soon as possible notifies the bishop/archbishop and child protection officer.

**NB** If there is any doubt or uncertainty, it is strongly recommended that you test your concerns with appropriate Gateway Staff by the use of an informal enquiry.

**This method of referral / reporting adopted by the Church of Ireland does not preclude the individual worker making direct contact with the statutory authorities above if he/she so chooses.**

## **RAISING A CONCERN ABOUT SOMEONE IN A POSITION OF TRUST IN THE CHURCH - THIS INCLUDES ALL BISHOPS, CLERGY, STAFF AND VOLUNTEERS**

All organisations that provide services for, or work with, children must have appropriate whistle-blowing procedures, and a culture that enables safeguarding concerns and allegations to be addressed. There should be particular awareness that the welfare of children is paramount. Whistle blowing as part of the safeguarding procedures is intended to encourage and enable anyone with a serious concern, to raise that concern.

People who work within the Church of Ireland, including but not limited to office holders, employees or volunteers, may find it difficult to speak out and raise their concerns as they may feel they are being disloyal to their colleagues or to the church. They may also fear harassment or victimisation. Whistle-blowers are protected by law from victimisation, subsequent discrimination or disadvantage provided the matter in question is raised with genuine concern. The Public Interest Disclosure Act 1998 (NI) gives workers legal protection against being dismissed or penalized as a result of publicly disclosing certain serious concerns. The Act extends this protection to volunteers.

It is important that the individuals raising concerns put their name to the allegation and do not raise it anonymously. Where concerns are expressed anonymously they will be considered however they are much less powerful and far more difficult to investigate and prove. Concerns can be raised in confidence. At the appropriate time, however, the whistle-blower may be approached to come forward as a witness, in order to bring the matter to a conclusion.

**If an individual has any concerns that someone within the church is engaged in activities or behaviour that is contrary to any part of these safeguarding policies they should, in the first instance, contact the Child Protection Officer (NI).**

**If the individual feels unable to contact a member of the Church of Ireland they can go directly to the Gateway Service in the relevant Health and Social Care Trust.**



**If an individual has any concerns about a person in a position of trust in the Church and feel unable to use the above procedure for dealing with an allegation against staff or volunteers, they should in the first instance contact the Child Protection Officer. If the individual feels unable to contact the Child Protection Officer or the allegation involves this person, an incumbent, a member of the clergy or a member of the panel, they should contact the bishop of the diocese, or in their absence, to the bishop's commissary or those appointed in accordance with Chapter VI of the Constitution of Church of Ireland who will follow the above procedures.**

**If an allegation involves the bishop of a diocese the matter should be referred directly to the Child Protection Officer and Chief Officer in Church House, who shall deal with the reporting procedures in relation to the child, and to the archbishop of the province or in his or her absence the archbishop of the other province who will follow the internal personnel procedures in relation to the bishop. In the case of an allegation against an archbishop, the report should be made to the archbishop of the other province or, in his or her absence, the next most senior bishop who will follow the internal personnel procedures. In these situations, the identified persons will operate the above procedures.**

Concerns may be raised verbally in the first instance however this should be followed up in writing detailing the history of the concern and providing as much detail as possible including any supporting evidence. The earlier concerns are raised the easier it is to take action.

If the individual feels unable to contact the Child Protection Officer or the allegation involves this person, an incumbent or a member of the panel, they should contact the bishop of the diocese, or in their absence, to their archdeacon or those appointed in accordance with Chapter VI of the Church of Ireland Constitution who will follow the above procedures. If an allegation involves the bishop of a diocese the matter should be referred directly to the Child Protection Officer, Chief Officer in Church House and the relevant Primate who will follow the above procedures. In these situations the identified persons will operate the above procedures.

## **WHISTLEBLOWING**

*Safeguarding Trust* runs in conjunction with 'Dignity at 'Work' and all other Representative Church Body human resource policies:

- The Church of Ireland is committed to the highest possible standards of conduct, openness, honesty and accountability;
- The Church of Ireland takes poor or malpractice seriously, and will ensure that a whistleblowing concern is clearly distinguished from a grievance;
- Staff or volunteers have the option to raise concerns outside of line management structures;
- Staff or volunteers are enabled to access confidential advice from an independent source;
- The Church of Ireland will, where possible, respect the confidentiality of a member of staff raising a concern through the whistleblowing procedure;
- It is a disciplinary matter both to victimise a bona fide whistleblower and for someone to make a false allegation maliciously.



There may be situations in which concerns or allegations turn out to be unfounded. It is important that everyone in the organisation knows that if they raise a concern which, through the process of investigation, is not validated, they have not in any way been wrong in their initial action. Responsible action needs to be encouraged in the organisation and whistleblowers should be confident of support. The whistleblowing policy will be regularly reviewed as part of *Safeguarding Trust* to ensure the procedures work in practice. It is everyone's duty to be vigilant in preventing abusive practice.

## HOW THE CHURCH WILL RESPOND

The Church of Ireland gives an undertaking to minimise any risk to the individual from raising a concern in good faith and will support any individual doing so. It will not tolerate victimisation, intimidation or negative repercussions for anyone raising a concern in good faith and will take action.

## MANAGEMENT OF SEX OFFENDERS IN CHURCH (NI)

Research has indicated that a significant number of individuals who have convictions for sexual offences against children, return to church-going.

If someone who has a conviction for a sexual offence against a child wishes to attend worship in a church setting, they are required to inform their Designated Risk Manager (DRM).

The Church of Ireland has a Memorandum of Cooperation with PPANI (Public Protection Arrangements for Northern Ireland) and the Child Protection Officer NI is the central point of contact. When an individual informs their DRM that they wish to worship in a Church of Ireland, the DRM will contact PPANI who will then contact the Child Protection Officer NI and advise.

In order to allow any such individual to worship while, at the same time, reducing and minimising the risk to children, an Offender Management Agreement should be entered into and adhered to. This agreement also aims to create a safe environment for the person posing the risk through protecting them from false allegations and the risk of re-offending, supporting them and enabling them to receive appropriate ministry within explicit bounds of confidentiality.

The agreement will specify how the offender can worship and receive ministry and support. The agreement will set clear boundaries in relation to the offender's involvement in the church community, in order to minimise risk. These boundaries may include:

- Which services the person may attend.
- Where the person may sit.
- What activities he/she may participate in.
- What activities he/she will be barred from; this will include any involvement with children/ young people's groups and any role or office in the church which gives him/her the status or authority giving the impression that he/she was deemed to be trustworthy.
- Any other restrictions on the person's behaviour within the church community which is considered appropriate.



The agreement will be signed by the individual, the DRM, the incumbent and at least one Parish Panel member. All members of the Panel should be informed that such an agreement has been put in place. The agreement must be enforced and monitored with no manipulation allowed. It will remain in place for as long as the person is part of the congregation.

In the event of the agreement being broken, or any concerns in relation to the person arising, statutory agencies and the CPONI must be informed in order to decide what further safeguards need to be put in place.

