

ARCHDIOCESE OF SOUTHWARK

National Policy
for
Responding to Allegations
of Child Abuse
in
the Catholic Community
in
England and Wales

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1 INTRODUCTION

THE IMPORTANCE OF RESPONDING TO CHILD ABUSE IN THE CHURCH

- 1.1 Generally our parish and Church-based communities are made up of generous and well-motivated people. Occasionally, as we know from experience, there are those who seek to abuse and, while maintaining an outward appearance of religion, they are motivated by a personal agenda that is contrary to gospel values. Offenders of this nature require intervention to remove them from contact with those whom they might harm.
- 1.2 Children of both genders may be abused by an adult person, again either male or female, or by another young person, usually a person who is known to them, whether inside or outside their own families.
- 1.3 The effects of abuse can be far-reaching and long term. Earlier abuse may prevent a person from realising his or her full potential in life.
- 1.4 All sections of society are affected. There are no boundaries between rich and poor, urban and rural, Christian and non-Christian, those of different races, able-bodied and disabled. In our communities there will be children who are being abused, adults who still suffer the effects of childhood abuse and people, including young people, who are abusing or who have abused children.
- 1.5 Sources of information will vary. Concerns may be observed. A person reporting information may do so in writing, on the telephone or in person. They may be a child, an adult concerned about another, an adult abused as a child or a person who has abused.
- 1.6 Where information about an allegation or a concern becomes known to a person within the Church, then action must be taken to inform the Police or social services as appropriate so that children and young people are not put at continued risk and a proper investigation may take place.

THE PURPOSE OF THESE PROCEDURES

- 1.7 **These procedures are national procedures, to be followed by all those involved in responding to allegations and concerns of child abuse within the Catholic Church in England and Wales.**
- 1.8 They state the responsibilities of any person receiving information about child abuse.
- 1.9 They also explain the roles of those within the Church's child protection structures in the handling of allegations, suspicions or concerns about children or young people who have been abused or who may be abused in the future.
- 1.10 This Policy covers all activities involving children and young people throughout the Church in England and Wales, in parishes, religious congregations and many voluntary organisations. Schools and Diocesan Social Work Agencies follow statutory Local Authority procedures, but wherever necessary there will be effective and timely communication between schools/other agencies and Child Protection Co-ordinators (CPCs) in Dioceses/Religious Congregations, for example, where cases overlap and potential risks exist in more than one setting.
- 1.11 This document relates only to the abuse of children and young people.

1.12 Separate policies will be issued to deal with the abuse of vulnerable adults.

Section 1 will be of use to any person who receives information about child abuse.

Section 2 contains the specific responsibilities for each role within the child protection structure.

KEY PRINCIPLES OF AN EFFECTIVE CHILD PROTECTION RESPONSE

- The Catholic Church in England and Wales embraces its role in helping children and young people to achieve their full potential. This role includes a responsibility to act and intervene when it appears children and young people need to be made safe from harm, whether the abuse be sexual, physical, emotional harm or neglect.
- This policy assumes the right of all children and young people to live in an environment where they are protected from exploitation, abuse and harm.
- Where the actions of individuals mean that children and young people are denied this right, the Church will act in an open, transparent and accountable way in working in partnership with the Statutory Authorities to protect them, and help bring to justice the perpetrators of crimes against them.
- All those who bring abuse to the notice of the Church will be taken seriously and receive a consistent and sensitive response.
- The principles contained in *Working Together to Safeguard Children* (Home Office, 1999) are upheld, with the acknowledgement and understanding that the Church must not act alone but in partnership with other agencies to combat child abuse.
- Pastoral care will be available to those affected by child abuse.
- The rights of the alleged perpetrator of abuse will be respected. Where there is a conflict with the rights of children, the welfare of the child will be the paramount consideration.

SECTION 1

This section is for the use of any person receiving information, from whatever source, about child abuse.

It should be distributed to all Bishops and Congregation Leaders, those holding senior roles in Dioceses and Religious Congregations, all priests and religious, all Local Child Protection Representatives, and all volunteers working with children and young people.

2 WHAT IS CHILD ABUSE?

3 INITIAL CONTACT – ACTIONS UPON RECEIPT OF INFORMATION

2 WHAT IS CHILD ABUSE?

- 2.1 If any person reasonably suspects that a child is being, has been or is likely to be abused, they **must** take action (see **Initial Contact**). To do nothing is never an option.

DEFINITION OF "CHILD"

- 2.2 The legal definition of a child is a young person under the age of 18 years (Children Act 1989). This policy relates to the protection of all children from harm.

DEFINITIONS OF ABUSE

Physical Abuse

- 2.3 Physical abuse of a child may include 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.

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 penetrative (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.

Emotional Abuse

- 2.4 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 insofar 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.

Neglect

- 2.5 Neglect is the 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 or clothing, failure to protect a child from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

(The definitions are those used in "Working Together to Safeguard Children", HMSO 1999)

3 INITIAL CONTACT: ACTIONS UPON RECEIPT OF INFORMATION

(Applicable to **ALL ROLES**)

3.1 KEY PRINCIPLES

- 1 If any person reasonably suspects that a child is being, has been or is likely to be abused, they **must** take action (see **Initial Contact**). To do nothing is never an option.
- 2 The actions of those who first handle allegations and concerns are most important. They will sometimes dictate the effectiveness of a subsequent enquiry.
- 3 Under no circumstances should the alleged abuser be alerted at this stage, whether directly or indirectly. Important evidence may be lost.
- 4 If an enquiry is frustrated at this early stage, the result will be the failure to acquire sufficient information upon which to base decisions to protect children from harm.
- 5 The aim of the process which follows is to reach a point where the fullest possible information has been gathered. Formal investigations will be carried out by Police or Social Services. It is only with the benefit of complete information that children may be protected through careful assessment of risk, based on fact and professional judgment.
- 6 The guiding principles for any person in receipt of information about a concern or an allegation should be:

LISTEN

RECORD

REFER

- 7 Sometimes information will be in the form of observations made by the person recording the allegation or concern.

3.2 GENERAL PROCEDURE

3.2.1 LISTEN

The following is GUIDANCE about listening to those who give information about child abuse.

- 1 Where information is given in person, listen and accept what is said seriously. Do not pre-judge, rationalise, dismiss or minimise. Do not make judgemental statements about any person involved.
- 2 Be aware that a person's ability to recount his or her concern or allegation will depend on age, culture, nationality and upon any disability which may affect use of language and range of vocabulary. Do not suggest words, but use theirs.
- 3 Adopt a listening style which is compassionate, calm and reassuring. If the information given to you shocks, disgusts or distresses you, do not allow these feelings to show. If you do, you may inadvertently dissuade the person from giving any further information.
- 4 Avoid statements about your belief or otherwise of the information given. Use phrases like: "I will take what you say seriously".

- 5 Do not promise total confidentiality. If this is proposed as a condition of giving information about possible child abuse, such confidence must be refused.
- 6 Ask an adult: "In whose best interests is it to keep this secret?"
- 7 Explain to a child: "I will only tell people whose job it is to keep children safe".
- 8 Do not make promises about future events.
- 9 Explain what will happen next (see **REFER** section below). Indicate who will be made aware of the information which has been given by them. Leave contact details of yourself and any other appropriate person in case the referrer needs to ask questions later.
- 10 An adult who provides information should be encouraged to share their information, where appropriate (see: 3.3), with the Statutory Authorities. Support should be offered in doing so. Where this is refused, explain you will have to report the matter on his or her behalf and give reasons.
- 11 If those who give information ask if is possible to remain anonymous, explain that this may affect how seriously information is taken by the Statutory Authorities and what use may be made of it. Such Authorities will respect a request that the identity of an informant be kept confidential, but cannot guarantee that other parties will not deduce it in the course of an investigation

Listening Skills

- 12 Listening means not interrupting. Allowing silences for a person to find the words to express themselves. Deciding to tell is often a traumatic decision to make, certainly for a child, but also for an adult abused as a child, or for any adult who may be uncertain about the consequences of passing on information.
- 13 Listening does not mean questioning beyond checking that you have understood what has been said. It is the job of the Statutory Authorities (Police or Social Services) to investigate. There must be no probing for detail beyond that which has been freely given.
- 14 Explain that a professional person will need to hear what they have to say and that it is not necessary to give their account in detail until such an interview takes place, with their agreement.
- 15 Listening does not mean telling a person to stop when they are freely recalling events; because some facts are only ever told once, the information given must be fully and accurately recorded. However, it is better that such detail is given directly to a professional from one of the Statutory Authorities, to allow proper procedures to be observed and to avoid the distress of having to repeat the account more than once.

Listening to a Child or Young Person

- 16 The above paragraph is especially important where children or young people give information. Video-recording of child interviews by the Statutory Authorities means that the child or young person gives the account only once and detail is properly recorded in a legally acceptable way.

- 17 Never arrange to interview a child or young person. If you are notified that a child or young person may have information about abuse, the matter must be referred directly to the Statutory Authorities. They will conduct the interview. This includes where one child or young person has information about the abuse of another.
- 18 If a child or young person begins speaking in detail about incidents of abuse, gently explain that another person will need to hear this important information, thank them for telling and ask them to save the rest of what they have to say until a person is contacted who can help make the behaviour stop. Do not make promises about future events.
- 19 Investigative interviewing of children is a highly skilled job undertaken by trained social workers and police officers. Inappropriate questioning by an untrained person is likely seriously to prejudice an investigation for criminal purposes, and even where there are no criminal proceedings, will lead to information being recorded which may be unreliable.

Listening to a person who admits abusing a child or young person

- 20 The above guidance may also be applied to instances where a person admits abusing a child or children.
- 21 It is necessary to tell a person who admits an offence against a child or young person that such information cannot be kept confidential (See also **Appendix 2**).
- 22 A Priest must be clear about the status of such a conversation. Make sure there is no misunderstanding about whether the seal of confession applies.
- 23 Be supportive, but do not seek further detail. A person who gives information which could incriminate him or her should have access to legal advice. It is not your job to interview, but simply to listen.
- 24 Explain you have a duty to pass on the information to the Statutory Authorities for child protection purposes, unless you judge that such a statement may put a child at risk of harm. The motivation for admitting what has happened may be a desire to address the problem and obtain help. The avenue which enables this to happen and at the same time protects children is the criminal justice avenue in the first instance.
- 25 Children or young people who abuse other children or young people need intervention and therapy in order to help them to change their offending behaviour before it becomes entrenched in adulthood. Consequently, referrals of such behaviour must be made to the Statutory Authorities in the same way as for adults.
- 26 Children who abuse will be considered by the Statutory Authorities as possible victims and their own needs as children will be addressed in addition to their offending behaviour.

3.2.2 RECORD

- 1 Whenever possible and practical, take notes during the conversation. Always ask permission to do this and explain the importance of recording all information.
- 2 Where it is not appropriate to make notes at the time, make a written record as soon as possible afterwards and in any case **before the end of the day**.

- 3 Record the time, date, location (or e.g. by letter, by telephone) and persons present. The record should be signed and dated by the author.
- 4 Your record must use direct speech wherever possible with actual words used. Do not make assumptions about the intended meaning of words used.
- 5 Do not be selective. Include detail which to you may seem irrelevant. It may prove invaluable at a later stage in an investigation.
- 6 Use the suggested pro-forma for this use (See **Appendix 5**). This initial recording will form the first entry in a file of information about the case which will be retained by the Child Protection Co-ordinator (CPC) for the Diocese or Religious Congregation.
- 7 Include information about the circumstances of the referral, observations made and any background information which is considered relevant. Opinion may be included, though it must be specified as such.
- 8 Maintain a log of actions on the suggested pro-forma (see **Appendix 5**) and record times, dates, names and contact details of persons spoken to and any advice received or agreement reached. It is important to include full details of referrals to Police or Social Services.
- 9 All original records, including rough notes, will be passed **by noon the next working day** to the CPC or Child Protection Officer (CPO) responsible for the Diocese or Religious Congregation. Records must be kept secure and confidential and will not be copied unless strictly necessary for child protection purposes.

(see also: **Appendix 1, Information Management**)

3.2.3 REFER

(see flowchart)

- 1 The overriding principle of referral is as follows:

“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. In addition to the social services department, the Police and the NSPCC have powers to intervene in these circumstances.”

(Working Together, HMSO 1999)
- 2 “Significant harm” is not defined. Sexual abuse is always regarded as such. For other forms of abuse, advice should be sought from the CPC or CPO where there is any doubt.

3.3 CONCERN OR ALLEGATION?

3.3.1 CONCERNS

- 1 Where a concern exists that a child may be being abused, have been abused or be at risk of abuse, such a concern must initially be treated in the same way as an allegation (see below).
- 2 Only where the concern is, on the available information, no more than an incident of non-criminal behaviour or a breach of the policy for Creating a Safe Environment will a

referral to the Statutory Authorities be unnecessary. Some behaviours may indicate that an adult is “grooming” a child for abuse. In such cases a concern may exist that a child is at risk of abuse. In cases of doubt, the CPC/CPO will consult with the Statutory Authorities for advice and if necessary with COPCA.

- 3 Refer to the CPC/CPO promptly so that further action may be considered.
- 4 **Do not alert** the person about whom concern has been raised. The CPC will agree a plan of action with the CP Commission and the relevant supervisor.
- 5 Information connected with a child protection concern is confidential and may only be shared with those who need to know in order to take action to protect children, e.g. CPC, CPO, Bishop, Congregation Leader or his or her deputy, or other manager.

3.3.2 ALLEGATIONS

Referral to the Child Protection Co-ordinator or Officer

- 1 Where there is an allegation by any person that a child may be being abused, have been abused or be at risk of abuse, there must be a referral to the Statutory Authorities **immediately upon receipt of information**.
- 2 **Do not alert the alleged abuser**, either directly or indirectly. To do so is likely to frustrate any subsequent investigation and may result in further risk to a child involved in the case. Any contact must take place **only** after liaison with and agreement from the Statutory Authorities.
- 3 In normal circumstances, the referral to the Statutory Authorities will be made by the CPC/CPO. Any person receiving information about an allegation must also hand over to the CPC/CPO any records made.
- 4 If the CPC/CPO is not available, the LCPR or any person will make the referral to the Statutory Authorities. The CPC or CPO is the usual channel through which referrals will be made, but it is important not to delay in emergency (see below), where urgent action is required to protect a child or children.
- 5 It is important to ensure that information is referred to **both** Police and to Social Services. This is especially relevant when adults report abuse as a child and current child protection issues may not be immediately apparent.
- 6 Where referral has been made to the Statutory Authorities by a person other than the CPC or CPO, all information must be passed to the CPC or CPO **by noon the next working day** and followed up in writing.
- 7 It is most important that the Child Protection Co-ordinator or Officer is aware of all information available and actions taken.

Where abuse by a person working within the Church is suspected

- 8 If a person working within the Church is suspected and the CPC and CPO are unavailable, inform a member of the Child Protection Commission, the Bishop, Congregation Leader or his or her deputy **immediately** who must inform the CPC/CPO by noon the next working day.

Where abuse within the child's family or household is suspected

- 9 Referral to Police and Social Services must be made **immediately**.
- 10 Await advice from Police or Social Services about what communication should take place with the child's household or family or what arrangements should be made for the child to return home. To act independently may frustrate enquiries and fail to protect the child from further abuse.

3.3.3 IN AN EMERGENCY

- 1 If a child is **at risk of immediate harm, is physically injured or it is thought that sexual abuse has occurred within the last 24 hours, contact Police and Social Services immediately**, giving full information. There should be staff available from either agency who can respond at any time of day or night.
- 2 Seek medical help where necessary. Give medical staff relevant information about the allegation or concern.

3.3.4 RECORDING

In all cases the Child Protection Incident/Report Form (see **Appendix 5**) must be updated with actions, adding time, date and signature, and passed to the CPC or CPO. Where the form is not available, such records must still be kept. Records must be passed to the CPC or CPO as soon as possible and in any case **by noon the next working day** and must be kept securely and confidentially.

3.4 CONFIDENTIALITY AND INFORMATION SHARING

- 1 All information connected with a child protection enquiry is confidential within the multi-agency network. No information should be shared with any person who does not need to know for the purposes of protecting children and facilitating the conducting of an effective investigation.

(See also: Appendix 1, **Information Management**)

- 2 If an alleged abuser wishes to be informed of information held about him or her in accordance with the provisions of the Data Protection Act or their Human Rights, explain that you are not permitted to comply with their request at this stage and refer them to the CPC/CPO (see below).
- 3 The law allows particular information to be withheld from the subject of such information for the prevention and detection of crime.
- 4 CPCs/CPOs will record full details of all decisions regarding information-sharing, giving reasons in the log of actions for inclusion in the case file. In this way, any later challenges may be answered.
- 5 The welfare of the child is paramount. Children, as well as adults, have human rights.
- 6 Those with whom information **may** be shared include:

Police

Social Services or NSPCC

Other statutory agencies, e.g. Health, Education

Local CP Representative

CPC, CPO or member of CP Commission

Bishop or Congregation Leader

COPCA professional staff

all of whom are required to keep information confidential within the boundaries of inter-agency professional confidentiality.

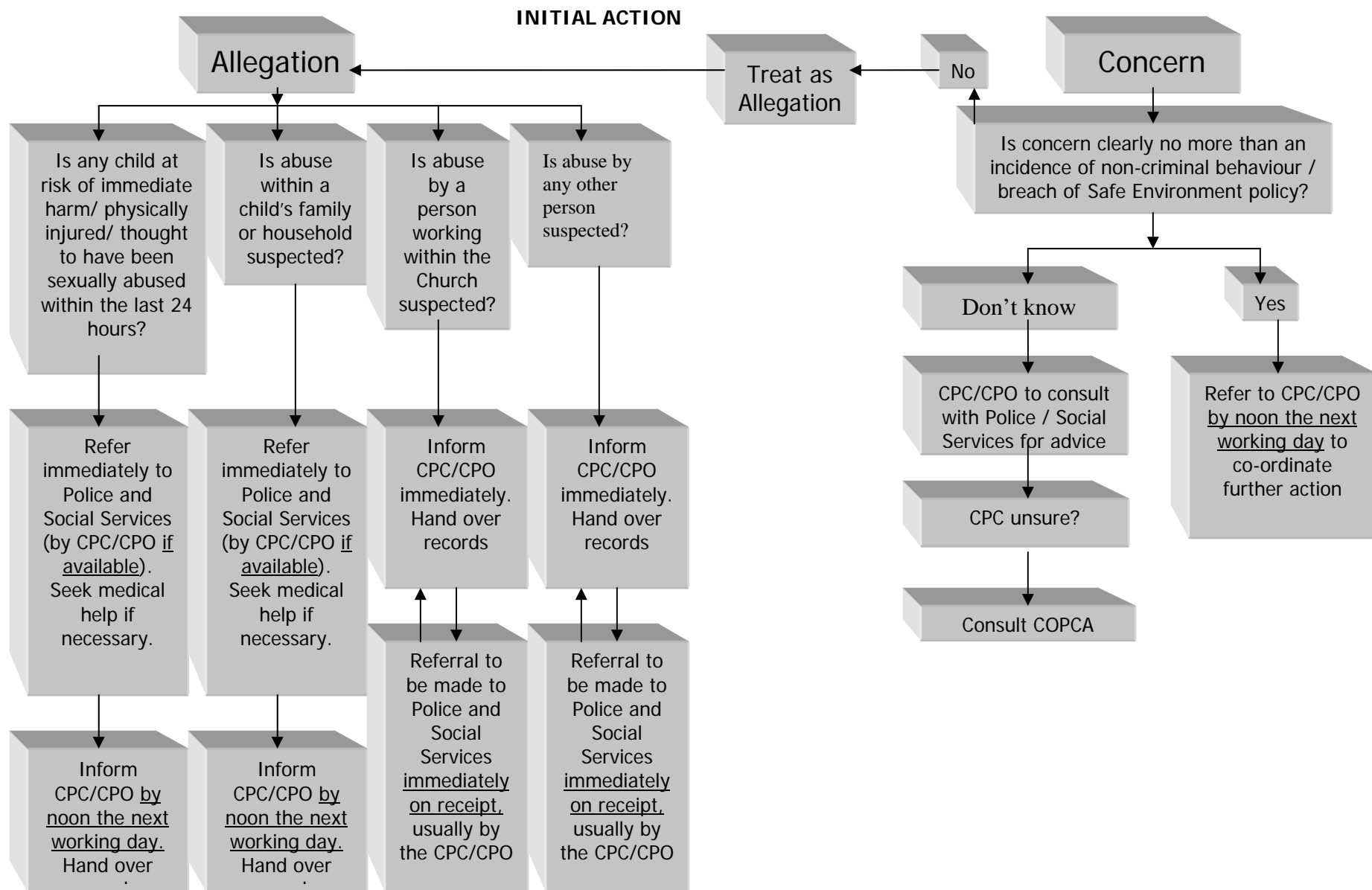
- 7 Others, such as the parish Priest or Pastoral Link Person (see **Pastoral Care** policy), may need to be given information, but not at this initial stage.

Consider: Does the person **NEED** to know the information?

Does the person need to know **ALL** the information?

Does the person need to know the information **NOW**?

Record what information has been provided and to whom, with reasons.



SECTION 2

ROLES

AND

RESPONSIBILITIES

The following sections are for use by those with Child Protection responsibilities within the Church.

- 4 BISHOP, CONGREGATION LEADER OR
MANAGER**
- 5 THE CHILD PROTECTION CO-ORDINATOR
THE CHILD PROTECTION OFFICER**
- 6 CLERGY OR RELIGIOUS**
- 7 LOCAL CHILD PROTECTION
REPRESENTATIVE**

It is intended that each section may stand alone and may be removed for use by persons fulfilling each particular role, together with **Section 1**.

**THE BISHOP
CONGREGATION LEADER
OR
MANAGER**

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4 THE BISHOP, CONGREGATION LEADER OR MANAGER

- Upon receipt or notification of an allegation or concern from any person, refer to the procedures in Section 1, **Initial Contact**.
- Inform the CPC or CPO **immediately upon receipt of information**.

4.1 THE PARAMOUNTCY PRINCIPLE

- 1 In all decision-making processes in an investigation, the welfare of the child must be the paramount consideration.

4.2 INITIAL EVALUATION OF RISK

- 1 Upon receipt of notification of an allegation or concern in respect of a staff member or post holder, the CPC, together with members of the CP Commission, will make an initial evaluation of risk. Recommendations resulting from this initial evaluation of risk should be awaited.
- 2 In urgent situations a decision may be required at short notice. Consult with the CPC and/or members of the CP Commission in order to reach a decision about immediate action. This will require liaison with the Statutory Authorities. Consult COPCA if in any doubt.
- 3 **Do not alert the alleged abuser**, either directly or indirectly. To do so is likely to frustrate any subsequent investigation and may result in further risk to a child involved in the case. Any contact must take place **only** after liaison with the Statutory Authorities.
- 4 Contact the Holy See as appropriate.

4.3 TEMPORARY REMOVAL FROM POST

- 1 Where an allegation of abuse has been referred to the Statutory Authorities, it is necessary to remove a person from relevant roles while an investigation takes place. **This action does not imply guilt.** It facilitates the progressing of the investigation without interference and removes possible risk to children.
- 2 The length of time which has passed since the alleged incident of abuse occurred will not be justification for a decision to allow a person to remain in post.
- 3 Temporary removal from post must occur within a timescale that removes the potential risk to the public, so it is vital to liaise closely with the Statutory Authorities to impress on them the issues faced by the Church in such cases and to ensure rapid action on their part wherever possible.
- 4 In any event, temporary removal from post should not occur until the Statutory Authorities have been consulted and a plan agreed. Such agreement may be reached at an Inter-agency Strategy Discussion, possibly by telephone. In many cases it will not be appropriate to approach the person about the fact that allegations have been made until the authorities have done so. (See: 4.4 **Working with the Statutory Authorities**)

VOLUNTEERS

- 5 A volunteer will be required temporarily to stand down from their post for the duration of an investigation.

EMPLOYEES

- 6 Employees may be suspended on full pay from their position by their employer, in line with their disciplinary policies and procedures.

CLERGY OR RELIGIOUS

(NB Where there is an allegation against a member of the Clergy or Religious, **Appendix 4** should be provided.)

Administrative Leave

- 7 The CPC, together with the CP Commission, will normally make a recommendation to the Bishop or Congregation Leader that an individual should be placed on administrative leave where an allegation is being investigated by the Statutory Authorities. They may also do so even in less serious circumstances.
- 8 Recommendations of the CP Commission should be implemented in detail. Measures should be put into place as soon as practicable. (See 4.4 below)
- 9 In addition, it may be recommended that the individual be required to observe certain restrictions in respect of their activities and attendance at the place of work. In most cases this will require a temporary removal from their normal place of residence to a place approved by the Bishop or Congregation Leader and away from direct contact with children and vulnerable adults. Where the person will be living with others, key persons will be informed of the allegation. It is recognised that such actions may have a profound effect on the individual.
- 10 Married Clergy will usually occupy a house which is not a presbytery, nor other building frequented by parishioners. In such cases there will be no reason to require the individual to vacate his home if placed on administrative leave. Consideration of the risk he may pose towards his own children where applicable will be the responsibility of Social Services. Where an alleged abuser occupies a presbytery or school house associated with the parish, it will be necessary in most cases to consider finding alternative temporary accommodation.
- 11 Decisions, together with reasons and estimated timescales, must be communicated to the individual in writing and in person by the Bishop or Congregation Leader, in the presence of the CPC, CPO or member of the CP Commission.

4.4 WORKING WITH THE STATUTORY AUTHORITIES

- 1 Close liaison by the CPC with the Statutory Authorities is required to ensure the needs of any investigation, as well as the Church's duty of care, are met.
- 2 There are conflicting priorities in some cases. The Police may be planning an interview of the alleged abuser but their action may be delayed. To alert the alleged abuser may cause evidence to be lost. The alleged abuser may work with children or be a member

of the Clergy or a Religious Congregation and action may need to be taken in order to protect children.

- 3 It may be necessary to approach the alleged abuser to remove him or her temporarily from a post.
- 4 An indication that serious allegations have been made may be given without any precise details being imparted.
- 5 Do not make such an approach until the CPC has had discussion with the Police or Social Services. The CPC may request a Strategy Meeting (see: 5.9 **Inter-Agency Meetings**) for this purpose. The level of information to be imparted will be agreed during such a discussion.
- 6 By taking action in removing a person from a post, a short term risk is averted. Care must be taken not to disregard the longer term benefit of an effective criminal investigation. The welfare of children in the future is also paramount and a conviction will protect children in the abuser's place of work for the remainder of his or her career.
- 7 It is important that the Church does not take action without close liaison with the Police. It may be that the Police need to bring forward their planned action to avoid evidence being lost after the alleged abuser has been alerted. Where necessary, the CPC should urge the Police to expedite their action, explaining the Church's duty of care to protect children.

4.5 **RECORDS**

- 1 All decisions, actions and notes of conversations about a case should be recorded with time, date and the signature of the author. This record should be forwarded to the CPC and will form part of the Child Protection Case File.
- 2 Where meetings or discussions are held with the CPC or CPO about a case, the CPC/CPO will record minutes. The minutes will then be shared within 14 days and any discrepancies clarified. In this way an agreed record is held on the Child Protection Case File.

(See also: Appendix 1, **Information Management**)

CANONS 489 and 490

- 3 It is recognised that in accordance with Canon 489 and following there will be records held confidentially by Bishops or Congregation Leaders. Information relevant to child protection matters must be passed to the CPC or CPO for consideration. If such information is withheld, children may be placed at risk of abuse in the future.

CHILD PROTECTION INFORMATION HELD ON PERSONNEL AND OTHER CONFIDENTIAL FILES

- 4 Where a concern or allegation is raised, the CPC or CPO will require all relevant background information to assist in the evaluation of risk. Information relevant to the case or any previous child protection concern held within a confidential file by a Bishop or Congregation Leader will be freely provided to the CPC/CPO and shared with the Statutory Authorities where appropriate.

- 5 The files must be made available immediately to the CPC or CPO who will assess whether information contained in them is relevant. Enquiries must be made as to the possible existence of files concerning the individual in other locations, e.g. at a seminary, therapy centre etc.

(See also: Appendix 1, **Information Management**)

4.6 **COMMUNICATION**

- 1 Where a case involves an individual from a Religious Congregation, the Congregation Leader will ensure the Bishop of the Diocese in which the individual resides or works has been informed of the recommendations of the initial evaluation of risk.
- 2 Similarly, where a case involves an individual from a Diocese who resides or works within a Religious Congregation, the Bishop will ensure that the Congregation Leader has been made aware of the recommendations of the initial evaluation of risk. Where an individual moves to another Diocese while on administrative leave, there must be communication with the CPC in that Diocese.
- 3 It is important, in spite of the tensions which may exist, to maintain an impartial stance during an investigation.

4.7 **PASTORAL CARE (SEE ALSO PASTORAL CARE POLICY)**

- 1 It is the responsibility of the Bishop or Congregation Leader to provide pastoral support to accused Clergy and Religious. Any person has a right to contact a Bishop or Congregation Leader about a case. However, it is recommended that if a meeting takes place, a third person, e.g. the CPC, should be present. A record of the meeting must be made and retained in the CP Case File. It is not appropriate for the Bishop or Congregation Leader, who may need to take disciplinary action in a case, also to carry out a pastoral role during the same investigation. He or she should arrange, in consultation with the CPC and CP Commission, for a Pastoral Link Person to carry out this function.
- 2 This may be a colleague with appropriate skills and who is not connected with the case. The Pastoral Link Person should keep the Bishop or Congregation Leader informed of any issues pertaining to the welfare of the individual.
- 3 It is important that boundaries are not blurred and that a Bishop, Congregation Leader or other Manager (e.g. Vicar General, manager of employee) does not fulfil this role. It is the responsibility of the CP Commission to make recommendations and for the manager to act upon them.
- 4 Arrangements should not be made outside this structure. Such actions may cause confusion for the accused person if assurances given have subsequently to be withdrawn.
- 5 Pastoral support will be offered as well as advice regarding accommodation, finances and legal advisors. The offer of support will apply for the duration of the investigation.
- 6 Where a person is temporarily removed from post they are entitled to expect a level of support during the process. If, in a case involving Clergy or Religious, the situation has demanded that they vacate his or her home, suitable alternative accommodation must be found. This accommodation will be approved by the Bishop or Congregation Leader.

Financial provision must be arranged where the Diocese or Congregation have a responsibility for this provision.

- 7 Advice should be offered in obtaining the services of a solicitor when required. Specific recommendations should not be made. A person who gives legal advice to the Diocese or Religious Congregation must not be offered as legal advisor to the alleged abuser.
- 8 A copy of relevant parts of this policy (in particular **Appendices 4 and 5**), together with other policies which affect the accused person, will be supplied for information.

4.8 **EXPERT RISK ASSESSMENTS**

- 1 A recommendation may be made by the CP Commission for the commissioning of an expert risk assessment of an individual. Such a report may contribute to the information upon which decisions may be made by the CP Commission about the possible future risk to children posed by an accused person. This may be particularly useful when there is no criminal outcome following allegations. (See: **Risk Assessment Policy**)

4.9 **ALLEGATIONS OR CONCERNS INVOLVING A BISHOP, ARCHBISHOP, CONGREGATION LEADER OR MEMBER OF THE CHILD PROTECTION STRUCTURE**

- 1 Where allegations or concerns exist about a Bishop, Archbishop or Congregation Leader, the case will be co-ordinated in the usual way, but by the CPC of another appropriate Diocese or Religious Congregation, in liaison with COPCA. Prior arrangements may be made between Dioceses to specify which CPC will deal with such an allegation on behalf of each Diocese. Inform COPCA.
- 2 The appointed CPC will perform the following actions:
 - In the case of a Bishop, the Metropolitan (Archbishop) for the Province will be informed.
 - In the case of an Archbishop, the President or Vice-President of the Catholic Bishops' Conference of England and Wales as appropriate.
 - In the case of a Local Religious Community Leader, inform the Provincial/Regional Congregation Leader.
 - In the case of a Provincial/Regional Leader, inform the General or Assistant General of the Religious Congregation as appropriate.
- 3 Administrative leave will apply in the same way as for any member of the Clergy or Religious and the relevant person as stated above will arrange for the individual to be provided with support, in accordance with this policy and the policy for Pastoral Care.
- 4 Allegations involving a member of the Child Protection structure will be dealt with on the basis that no person should have a hand in dealing with a case involving himself or herself. The services of the CPC of another Diocese or Religious Congregation must be sought by the Bishop or Congregation Leader in respect of CPC, CPO or member of the CP Commission. An LCPR may be dealt with within the same Diocese.

4.10 ACTION AT THE CONCLUSION OF A STATUTORY INVESTIGATION

- 1 At the conclusion of a statutory investigation full information about the case will be considered by the CP Commission. The recommendations of the CP Commission will always be acted upon so that a person is not put into a role which might result in children being put at risk.
- 2 Such action may be recommended even when a criminal investigation has failed to prove a person guilty of the offence(s) alleged.

4.11 DISCIPLINARY ENQUIRIES

- 1 Where no statutory investigation takes place, following agreement with relevant professionals, an internal investigation will be mounted in case there are disciplinary or child protection measures to consider.
- 2 Such an investigation will gather and assess available information from all sources and witnesses. For employed persons, this will be the responsibility of the employer, in liaison with the CPC. For a member of the Clergy or Religious Congregation, the CP Commission should recommend a suitably experienced person to conduct such an enquiry. This person may be the CPC or CPO.
- 3 Where an investigation concerns Clergy or Religious the requirements of Canon Law will be observed.

4.12 REFERRAL TO THE SECRETARY OF STATE (PROTECTION OF CHILDREN ACT LIST)

- 1 It is the policy of the Catholic Church in England and Wales to refer names of persons to the Secretary of State for inclusion on the Protection of Children Act (PoCA) List in every circumstance where this is permitted by law. (See: **Referral of Cases to the Secretary of State**, Appendix 3).
- 2 Provisions apply to volunteers as well as employees and office holders in circumstances where the "employer" has **dismissed** a person, **would have considered dismissing** him or her, or has **transferred** him or her to a post away from children as a result of allegations made.
- 3 The duty to inform the Secretary of State lies with the Bishop of Congregation Leader who will normally delegate this task.

4.13 LAICISATION (DISMISSAL FROM THE CLERICAL STATE)/REMOVAL FROM ACTIVE MINISTRY

- 1 As a general rule, Clergy or Religious who have received a Police Caution or Conviction for an offence against a child should not be allowed to hold a position that could possibly put children at risk again i.e. he or she must be removed from active ministry.
- 2 Initiating a process of dismissal from the clerical state (laicisation) or dismissal from a Religious Congregation in accordance with the norms of Canon Law will be considered following every conviction or caution for an offence against a child. It will be the norm that such a process will be initiated following a custodial sentence of twelve months or more, irrespective of actual time spent in custody.

- 3 Bishops and Congregation Leaders should be prepared to justify any exceptions to the above policy and record their reasons on the individual's personnel file. Removal from active ministry together with appropriate monitoring may be appropriate in certain cases.

4.14 RE-INTEGRATION INTO MINISTRY

- 1 Where there is a clear case for re-integration or the allegation is found to be of an incident of low level inappropriate behaviour or some other misdemeanour that does not warrant more severe sanction than, for example, a written or verbal warning, the individual will be reintegrated into active ministry having regard to the perceived and expressed anxieties of those involved.
- 2 However limited in its scale, any abuse of trust and the misuse of power and authority by a person acting in the name of a Church community will impact on the members of that community. Forgiveness and reconciliation will always require the offender to acknowledge the ongoing consequences of his or her behaviour. It may not be possible for some individuals to return to a ministry in the Church community.
- 3 Re-integration into ministry should follow an individually tailored plan and procedure that enables the individual time to achieve a resolution of any feelings of anger or injustice resulting from the process of investigation. At the same time, the community itself may need to express residual concerns before healing can take place.
- 4 A person may only return to active ministry after an evaluation of risk has taken place (See 5.14) and the CP Commission has recommended such an outcome.
- 5 Where an allegation can be shown to have been made maliciously, an accused person may expect a public statement to be made detailing this fact. The level of publicity which may be expected will be comparable with the level of publicity given to the original allegation and the temporary removal from post.
- 6 In certain cases it may be appropriate to consider informing individuals, such as colleagues and certain parishioners who have been especially affected by an accused person's temporary removal from post, of the outcome of the case. This may be in writing, and should be carried out in consultation with the accused person.
- 7 A form of words for the communication at 4.14.5 and 4.14.6 will be recommended by the CP Commission, taking into consideration the views of the accused person.
- 8 Where an allegation or concern is substantiated yet there follows a recommendation from the CP Commission that the accused person may return to active ministry, this should be explained to the original complainant. It may be that the accused person does not wish for any announcement to be made more publicly and this view should be respected.
- 9 Pastoral care should be provided for the accused person throughout the period of re-integration into active ministry. The requirements of each individual will be different, including the length of time that a person will require such care. (see **Pastoral Care policy**).

**THE CHILD PROTECTION
CO-ORDINATOR**

AND

THE CHILD PROTECTION OFFICER

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5. THE CHILD PROTECTION CO-ORDINATOR THE CHILD PROTECTION OFFICER

- The division of tasks between these two roles will be a matter of local agreement, in accordance with the relevant job descriptions. Ultimate responsibility for adherence to these procedures rests with the Child Protection Co-ordinator, who is accountable to the Child Protection Commission.
- (See also: **Organisational Structures** policy.)
- Upon receipt of information about a concern or allegation, in the first instance ensure that the guidelines for Initial Contact at Section 1 have been followed.
- If Section 1 has not been complied with, then wherever possible, ensure compliance as soon as possible.

5.1 THE PARAMOUNTCY PRINCIPLE

- 1 In all decision-making processes in an investigation, the welfare of the child must be the paramount consideration.

5.2 RECORDS

- 1 A Child Protection Case File must be created for every case and a log of actions, events and information received will be commenced, using the dedicated forms for this purpose (See **Appendix 5**). Entries should be made as soon as possible after the event and in any case **before the end of the day**, timed, dated and signed by the author.
- 2 Take possession of any written records made by any person in connection with the case and place them on the Child Protection Case File.
- 3 Where meetings or discussions are held with the Bishop, Congregation Leader or other Manager about a case, the CPC/CPO will record minutes. The minutes will then be shared within 14 days and any discrepancies clarified. In this way an agreed record is held on the Child Protection Case File.
- 4 When preparing a report for or from the CP Commission, a copy of which may be requested by the alleged perpetrator of abuse, the document should be anonymised, referring to parties as "Person 1" etc., and appendices created for each witness, which will contain all information that identifies them, together with any personal information concerning them. The report can then be shared with any person subject of it, excluding appendices of individuals who have not given permission for their identity and personal information to be revealed.

CANONS 489 and 490

- 5 It is recognised that in accordance with Canon 489 and following there will be records held confidentially by Bishops or Congregation Leaders. Information relevant to child protection matters must be passed to the CPC or CPO for consideration. If such information is withheld, children may be placed at risk of abuse in the future.

CHILD PROTECTION INFORMATION HELD ON PERSONNEL AND OTHER CONFIDENTIAL FILES

- 6 Where a concern or allegation is raised, the CPC or CPO will require all relevant background information to assist in the evaluation of risk. Information relevant to the case or any previous child protection concern held within a confidential file by a Bishop or Congregation Leader will be freely provided to the CPC/CPO and shared with the Statutory Authorities where appropriate.
- 7 The files must be made available immediately to the CPC or CPO who will assess whether information contained in them is relevant. Enquiries must be made as to the possible existence of files concerning the individual at other locations, e.g. at a seminary, therapy centre etc. (see also Appendix 1 **Information Management**).
- 8 The National COPCA Database should be checked **by noon on the next working day**.
- 9 All Child Protection Case Files must be kept securely and confidentially in an identifiable and retrievable form in a system controlled by the CPC or CPO which is separate from any personnel file. Information held in CP Case Files should be cross-referenced within personnel files, but not copied into them. Where a copy is made for any purpose, this should be kept securely and confidentially and destroyed when no longer required.
- 10 Child Protection Case Files must be retained for a period of 100 years.

5.3 FURTHER ACTION

In the first instance, refer to Section 1: Initial Contact

CONCERN OR ALLEGATION?

CONCERNS

- 1 Unless a case involves nothing more than a clear instance of non-criminal behaviour towards a child, for instance a breach of guidelines within the Creating a Safe Environment policy, it will be appropriate to refer the matter to the Statutory Authorities. In cases of doubt, consult with the Statutory Authorities for advice and if necessary with COPCA.
- 2 A concern or suspicion may be the beginning of an enquiry into very serious abuse and it is only when it is clear that Statutory Authorities do not intend to take the matter further that any internal enquiries may take place. In all other cases, no enquiries will be made by members of the Church unless these are as a result of dialogue with the Police or Social Services.
- 3 Subject to 5.3.1 above, refer the concern to the Statutory Authorities promptly and follow advice given in the first instance. Where it is clear that no statutory investigation will follow, and the concern involves an employee, office holder or volunteer of the Church, consider 5.13, **Disciplinary Enquiries**. In cases of doubt, consult with COPCA.

ALLEGATIONS

- 4 All allegations of abuse must be reported **immediately upon receipt of information** to the Social Services or Police without any process of filtering. All information should be passed on, including any background information about the parties involved. Be prepared to hand over any written records to the Police if they should request them, keeping a copy for the file.
- 5 Ensure that information is reported to both the Police and Social Services. This is especially relevant where adults report abuse as a child, as current child protection concerns may be less immediately apparent. An inter-agency Strategy Meeting may be convened. (See:5.9 **Inter-Agency Meetings**).
- 6 Where the referral relates to an individual who is dead, a referral will still be made to the Statutory Authorities, in case of relevance to other areas of enquiry or concern such as links with perpetrators who are still alive, or concerns for children within an extended family or organisation connected to the individual, who may have health and support needs.

Where abuse in the family is suspected

Refer to **Section 1**.

- 7 Allow the Statutory Authorities to conduct their enquiries unimpeded. Do not visit the family or contact family members without prior discussion with investigators. Even if your intention is to offer support, your actions may frustrate enquiries.
- 8 Social Services may arrange support for the child, for the adult or for the whole family following an incident of abuse. In such cases it will not be appropriate for the Church to duplicate this function.
- 9 Where a family seeks spiritual support from the Church, this should be arranged only after consultation with Social Services and Police where there is Police involvement.

Where abuse by a member of the Clergy or a Religious Congregation, an employee or volunteer within the Church is suspected

As soon as reasonably practicable:

- 10 Inform the Chair of the Child Protection Commission responsible for the Diocese or Religious Congregation.
- 11 Inform the Bishop and/or Congregation Leader.
- 12 Give the Communications Officer for the Diocese or Religious Congregation information about the case as appropriate.
- 13 Ensure that an appropriate person, e.g. Finance Officer, informs the insurance company of the fact that there has been an allegation. Any advice given by the insurers should be followed. If there appears to be a conflict with this policy, consult COPCA for advice.

Initial Evaluation of Risk

- 14 Together with the appropriate persons from the CP Commission, an initial evaluation of risk will be conducted. The urgency of the situation will dictate the timing of such an evaluation. Temporary removal from post will be considered and recommendations made to the Bishop, Congregation Leader or Manager in respect of such action, after liaison with the Statutory Authorities. (see 5.5 **Working with the Statutory Authorities** below).

5.4 TEMPORARY REMOVAL FROM POST

- 1 Where an allegation of abuse has been referred to the Statutory Authorities, it is necessary to remove a person from relevant roles while an investigation takes place. **This action does not imply guilt.** It facilitates the progressing of the investigation without interference and removes possible risk to children.
- 2 The length of time which has passed since the alleged incident of abuse occurred will not be justification for a decision to allow a person to remain in post.
- 3 Temporary removal from post must occur within a timescale that removes the potential risk to the public, so it is vital to liaise closely with the Statutory Authorities to impress on them the issues faced by the Church in such cases and to ensure rapid action on their part wherever possible.
- 4 In any event, temporary removal from post should not occur until the Statutory Authorities have been consulted and a plan agreed. Such agreement may be reached at an Inter-agency Strategy Discussion, possibly by telephone. In most cases it will not be appropriate to approach the person about the fact that allegations have been made until the authorities have done so. (See: 5.5 **Working with the Statutory Authorities** below).

VOLUNTEERS

- 5 A volunteer will be required temporarily to stand down from their post for the duration of an investigation by the Statutory Authorities, and may be asked to do so even in less serious circumstances.

EMPLOYEES

- 6 Employees may be suspended on full pay from their position by their employer, in line with their disciplinary policies and procedures.

CLERGY AND RELIGIOUS

(NB Where there is an allegation against a member of the Clergy or Religious, **Appendix 4** should be provided).

Administrative Leave

- 7 The CPC, together with the CP Commission, will normally make a recommendation to the Bishop or Congregation Leader that an individual should be placed on administrative leave where an allegation is being investigated by the Statutory Authorities. They may also do so even in less serious circumstances.

- 8 In addition, it may be recommended that the individual be required to observe certain restrictions in respect of their activities and attendance at the place of work. In most cases this will require a temporary removal from their normal place of residence to a place approved by the Bishop or Congregation Leader and away from direct contact with children and vulnerable adults. Where the person will be living with others, key persons will be informed of the allegation. It is recognised that such actions may have a profound effect on the individual. Where accommodation in another Diocese is being considered, there must be consultation with the CPC in the receiving Diocese.
- 9 Married Clergy will usually occupy a house which is not a presbytery, nor other building frequented by parishioners. In such cases there will be no reason to require the individual to vacate his home if placed on administrative leave. Consideration of the risk he may pose towards his own children where applicable will be the responsibility of Social Services. Where an alleged abuser occupies a presbytery or school house associated with the parish, it will be necessary in most cases to consider finding alternative temporary accommodation.
- 10 Decisions, together with reasons and estimated timescales, must be communicated to the individual in writing and in person by the Bishop or Congregation Leader, in the presence of the CPC, CPO or member of the CP Commission.

5.5 WORKING WITH THE STATUTORY AUTHORITIES

- 1 Close liaison with the Statutory Authorities is required to ensure the needs of any investigation, as well as the Church's duty of care, are met.
- 2 There are conflicting priorities in some cases. The Police may be planning an interview of the alleged abuser but their action may be delayed. To alert the alleged abuser may cause evidence to be lost. The alleged abuser may work with children or be a member of the Clergy or a Religious Congregation and action may need to be taken in order to protect children.
- 3 It may be necessary to approach the alleged abuser to remove him or her temporarily from a post.
- 4 An indication that serious allegations have been made may be given without any precise details being imparted.
- 5 Do this only after discussion with the Police or Social Services. The CPC may request a Strategy Meeting (see: **Inter-Agency Meetings** 5.9) for this purpose. The level of information to be imparted will be agreed during such a discussion.
- 6 By taking action in removing a person from a post, a short term risk is averted. Care must be taken not to disregard the longer term benefit of an effective criminal investigation. The welfare of children in the future is also paramount and a conviction will protect children in the abuser's place of work for the remainder of his or her career.
- 7 It is important that the Church does not take action without close liaison with the Police. It may be that the Police need to bring forward their planned action to avoid evidence being lost after the alleged abuser has been alerted. Where necessary, the CPC should urge the Police to expedite their action, explaining the Church's duty of care to protect children.

5.6 ALLEGATIONS OR CONCERNS INVOLVING A BISHOP, AN ARCHBISHOP, A CONGREGATION LEADER OR A MEMBER OF THE CHILD PROTECTION STRUCTURE

- 1 Where allegations or concerns exist about a Bishop, Archbishop or Congregation Leader, the case will be co-ordinated in the usual way, but by the CPC of another appropriate Diocese or Religious Congregation, in liaison with COPCA. Prior arrangements may be made between Dioceses to specify which CPC will deal with such an allegation on behalf of each Diocese. Inform COPCA.
- 2 The appointed CPC will perform the following actions:

In the case of a Bishop, inform the Metropolitan (Archbishop) for the Province.

In the case of an Archbishop, inform the President or Vice-President of the Catholic Bishops' Conference of England and Wales as appropriate.

In the case of a Local Religious Community Leader, inform the Provincial/Regional Congregation Leader.

In the case of a Provincial/Regional Leader, inform the General or Assistant General of the Religious Congregation as appropriate.
- 3 The Holy See will be informed as appropriate by the relevant person, as above.
- 4 Administrative leave policy will apply in the same way as for any member of the Clergy or Religious and the relevant person as stated above will arrange for the individual to be provided with support, in accordance with the Pastoral Care policy.
- 5 Allegations involving a member of the Child Protection structure will be dealt with on the basis that no person should have a hand in dealing with a case involving themselves. The services of another Diocese or Religious Congregation must be sought by the Bishop or Congregation Leader in respect of allegations against a CPC, CPO or member of the CP Commission. Inform COPCA. An LCPR may be dealt with within the same Diocese.

5.7 COMMUNICATION

- 1 The person who referred the information should be informed by letter of the steps taken to act upon the information given and an estimated timescale for the case to be concluded, unless to do this is judged to be likely to cause anxiety, breach confidentiality or frustrate enquiries.
- 2 If abuse within the home is being investigated, no letter should be sent as the Statutory Authorities will provide information to the family.
- 3 Where an alleged abuser has been made aware of allegations, a letter will be sent to him or her indicating the fact that the CP Commission intends to await the outcome of statutory enquiries, giving an approximate timescale for these if known, and indicating that whatever the outcome of the criminal process, the CP Commission reserves the right to consider the child protection implications of the case thereafter, based on all available information considered on the balance of probabilities, having evaluated the risk.

- 4 Where a referral is received by a CPC acting for a Religious Congregation, contact will be made with the CPC for the Diocese in which the parties concerned reside or work, and a dialogue must be maintained to clarify responsibilities and action plans in writing until conclusion of the case.
- 5 Similarly, where the referral relates to a member of a Religious Congregation, the diocesan CPC must maintain a dialogue with the CPC for the Religious Congregation involved to clarify responsibilities and action plans in writing until the conclusion of the case. (See also: Roles and Responsibilities: Bishops etc., Section 4). Information may be shared in this way for child protection purposes. Where a person moves to another Diocese while on administrative leave, there must be communication with the CPC for that Diocese.
- 6 Where the referral relates to a member of the Polish Community, the Diocesan or Religious CPC must inform the National CPC for the Polish Community, maintaining a dialogue and clarifying responsibilities and action plans in writing until the conclusion of the case.
- 7 It will be necessary in some cases, when a person working within the Church is temporarily removed from post, to issue a public statement about the action which has been taken and the reasons for it. For guidance see: Appendix 5, **Public Statements**.
- 8 Where an allegation relates to a person who works within a school or any other organisation which follows separate child protection procedures, a dialogue must be maintained with the relevant contact person within that organisation so that information may be shared for child protection purposes. Such conversations must be confirmed in writing. (see Section 1: 3.4 **Confidentiality and Information Sharing**).

5.8 ACTION DURING STATUTORY ENQUIRIES

- 1 Maintain a dialogue with the Investigating Officer or Social Worker to monitor the progress of the case and act on any advice given.
- 2 Maintain contact, as appropriate or requested, with other interested parties, including the victim or survivor and his or her family as agreed with the Statutory Authorities (taking care not to discuss the evidence or give an opinion about proceedings), members of other agencies, Dioceses or Religious Congregations involved in the case and Pastoral Link Persons. Details of contacts made should be recorded chronologically on the file.
- 3 Attend inter-agency meetings with the Statutory Authorities when invited. (see: 5.9 **Inter-Agency Meetings** below). Make a record of information given and received and any decisions made or agreements reached. Request a copy of the minutes if these are not provided.

5.9 INTER-AGENCY MEETINGS

- 1 CPCs/CPOs are advised to obtain a copy of their local Area Child Protection Committee (ACPC) Inter-agency Guidelines for dealing with child abuse. These may be **obtained from Social Services departments**.
- 2 The following meetings may occur as a result of a referral to the Statutory Authorities of a child protection concern or allegation.

STRATEGY MEETINGS OR DISCUSSIONS

- 3 Any Statutory Agency, e.g. Police, Social Services, NSPCC, Education, Health, Housing, Probation, National Care Standards, Prison Service, may call a strategy meeting with the purpose of planning further action where child abuse is suspected. The CPC/CPO should be invited to such a meeting.
- 4 Where the CPC/CPO considers such a meeting should be held and none is convened, an approach should be made to Social Services to request one.
- 5 Strategy meetings are usually called by the lead Statutory Authority. The following agencies will be invited where relevant and will receive minutes of the decisions made, even if a representative is unable to attend: Police, Social Services (NSPCC), Health Services, Education and any other significant person/agency.
- 6 On occasion, a telephone discussion may replace a formal meeting. This discussion must be carefully recorded. A record of this discussion must be made and shared with all participants.

CHILD PROTECTION CONFERENCES

- 7 A Child Protection Conference is held where a child is thought to have suffered significant harm and where consideration is given to an assessment of the needs of the child and a child protection plan for the future.
- 8 It will be attended by the family, relevant Statutory Authorities and sometimes the child himself or herself. Child Protection Co-ordinators or Officers should be invited to attend such a conference.

(See also 5.12.3 and 5.14.3 **Multi-Agency Public Protection Panels**)

5.10 SUPPORT FOR THOSE AFFECTED BY ALLEGATIONS/CONCERNS OF ABUSE (See also: Pastoral Care Policy)

- 1 The CPC will need to be aware of the need for support for all those affected by a case of child abuse – victims, their families and alleged abusers. It is important that, where criminal proceedings are pending, one person does not support two people who are potential witnesses in the same case, as this may lead to an inference that evidence has been tainted. Professional counselling for victims pre-trial should be offered only after consultation with the Statutory Authorities.
- 2 Under no circumstances should the same counsellor be provided for the victim/survivor and for the alleged abuser.

PASTORAL CARE FOR CLERGY OR RELIGIOUS

- 3 It is the responsibility of the Bishop or Congregation Leader to ensure provision of pastoral support to accused Clergy and Religious. However, it is not appropriate for this person, who may need to take “disciplinary” action in a case, also to carry out a pastoral role during the same investigation. He or she should arrange, in consultation with the CPC and CP Commission, for a Pastoral Link Person to carry out this function.
- 4 This may be a colleague with appropriate skills and who is not connected with the case. The Pastoral Link Person should keep the Bishop or Congregation Leader informed of any issues pertaining to the welfare of the individual.
- 5 Pastoral support will be offered as well as advice regarding accommodation, finances and legal advisors. The offer of support will apply for the duration of the investigation.
- 6 Advice should be offered in obtaining the services of a solicitor when required. Specific recommendations should not be made. A legal advisor to the Diocese or Religious Congregation must not be used as legal advisor to the alleged abuser.
- 7 A copy of relevant parts of this policy (in particular **Appendices 4 and 5**), together with other policies which affect the accused person, will be supplied for information.

5.11 FALSE OR UNSUBSTANTIATED ALLEGATIONS

- 1 There are occasions when allegations made have no foundation in fact or remain inconclusive.

A minority of such allegations will be made maliciously. Others may be raised in good faith but may accuse the wrong person, either through genuine mistake or through the inability of a child to name the real abuser. There may be other reasons, sometimes linked to the mental health of an accuser.
- 2 Alternatively, an allegation may result in an investigation which is inconclusive. Reasons for this may be that a prosecution cannot proceed because a witness is unwilling to give a statement to the police or is unable to give evidence at court, or there is insufficient evidence for a trial to proceed. In these circumstances, whilst a presumption of innocence prevails within the criminal justice system, concerns about risk to children and young people may persist outside it. This may also apply where a person is subject of a “not guilty” verdict at court.
- 3 False allegations of abuse are sometimes made and they can have a destructive effect on those concerned, as can the fear of them.
- 4 Therefore, it is important to provide support for alleged abusers during the investigative process and action should be taken to reinstate them quickly when allegations are found to be false.
- 5 Encouraging all complainants to give detailed accounts to the Statutory Authorities facilitates an early appraisal of the evidence by experienced professionals. A false allegation can be identified at an early stage before publicity of any sort ensues.
- 6 Legal action may be taken against those who make malicious and false allegations. A child will not normally be subject to such action.

- 7 An adult who can be proven to have falsified his or her evidence could be prosecuted or sued, and support should be given in seeking advice from the Police or a solicitor where appropriate. Action could also be taken in Canon Law (Canons 128, 220 and 221~1).
- 8 It is not easy to restore a person's reputation after a malicious and false allegation, but the Child Protection Co-ordinator should consider, in discussion with the Bishop, Congregation Leader, the individual and key persons within the parish or congregation, how best to do this. Efforts to restore a person's reputation should be proportionate, considering the level of publicity which surrounded the allegation.
(See 5.17: **Re-integration into Ministry**).

5.12 ACTION AT THE CONCLUSION OF A STATUTORY INVESTIGATION

- 1 Ask for an update from the Statutory Authorities as soon as a case is concluded. Make this request by letter. Explain that your CP Commission will be conducting a full evaluation of risk and ask for all relevant information.
- 2 In particular, where a criminal case has not resulted in a prosecution or caution, clarify the precise reason for this. Such information may be crucial in assessing the quality of the original evidence.
- 3 At the end of an investigation, and notably when there is no formal criminal outcome in a case, an inter-agency "Resolution Meeting" may be convened. The CPC should request from the Police and Social Services all possible information from the inquiry to assist the CP Commission in its processes of evaluation of risk and to highlight any residual concerns that should be addressed through referral to other management or disciplinary procedures (See:5.13 **Disciplinary Enquiries**).
- 4 Invite the Police Officer and social worker involved in the case to attend the meeting of the CP Commission at which an evaluation of risk is made.
- 5 Consider whether it is necessary to recommend the commissioning of an expert risk assessment. Such a report may contribute to the information upon which recommendations may be made by the CP Commission about the possible future risk to children posed by an accused person. This may be particularly useful when there is no criminal outcome following allegations. (See: **Risk Assessment Policy**).
- 6 Ensure that full information about the case is shared with the CP Commission for the purposes of evaluation of risk, including any expert risk assessments which may have been carried out (See: 5.14 **Evaluation of Risk**).

5.13 DISCIPLINARY ENQUIRIES

- 1 Where no statutory investigation takes place, following agreement with relevant professionals, which must be recorded in every case, an internal investigation will be mounted in case there are disciplinary or child protection measures to consider.
- 2 Such an investigation will gather and assess available information from all sources and witnesses. For employed persons, this will be the responsibility of the employer, in liaison with the CPC. For a volunteer, member of the Clergy or Religious Congregation, the CP Commission should recommend a suitably experienced person to conduct such an enquiry. This person may be the CPC or CPO.

- 3 The Child Protection Incident/Concern Report Form (see **Appendix 5**) will be used to record all such information and must also refer to any separate statements which should be attached to the file. Every statement should be verified and countersigned by the witness, who should be provided with a copy of it.
- 4 Where material so recorded is required for employment or other tribunals or for other valid purposes, a copy will be made and retained on the Child Protection file, together with an entry on the CP Incident/Concern Report Form (**Appendix 5**) indicating the location of the copy papers and the reason for which they have been copied.
- 5 It should not be necessary to interview child witnesses for the purposes of disciplinary enquiries. Where available, records of interviews conducted by the Statutory Authorities should be used and should be requested for this purpose.
- 6 Where an investigation concerns Clergy or Religious, the requirements of Canon Law will be observed.

5.14 EVALUATION OF RISK

- 1 An evaluation of risk is not a one-off event but should be a continuous process. Reviews of cases should be built into working practices in a planned and timed way. Risk will be evaluated by the Child Protection Commission on the basis of up to date information from all relevant sources and recommendations by the CPC.
- 2 The result of an evaluation of risk will normally be communicated to the subject in a face to face meeting, by the CPC/CPO and at least one other appropriate person. The report in which conclusions are drawn and recommendations made may be shared with the subject to communicate the rationale behind decisions taken.

MULTI-AGENCY PUBLIC PROTECTION PANELS (MAPPPS)

- 3 These Panels are led and attended by Police, Probation and Social Services.
- 4 In some circumstances, the risk posed to the community by an individual will be considered by a MAPP Panel, which will benefit from close liaison with the CPC/CPO who will be able to assist in providing information for assessing risk and forming strategies for the management of risk in the community, and therefore also in the Church.
- 5 The Statutory Authorities are permitted to share information only insofar as it will serve the purpose of protecting the public from harm. The CPC/CPO should share all relevant information in their possession with them, including movement of the individual to another location. The Statutory Authorities will be responsible for sharing information with other areas and organisations outside the Church.

5.15 REFERRAL TO THE SECRETARY OF STATE (PROTECTION OF CHILDREN ACT LIST)

- 1 It is the policy of the Catholic Church in England and Wales to refer names of persons to the Secretary of State for inclusion on the Protection of Children Act (PoCA) List in every circumstance where this is permitted by law. (See: Appendix 3 **Referral of Cases to the Secretary of State**).

- 2 Provisions apply to volunteers as well as employees and office holders in circumstances where the “employer” has **dismissed** a person, **would have considered dismissing** him or her, or has **transferred** him or her to a post away from children as a result of allegations made.
- 3 The duty to inform the Secretary of State lies with the Bishop or Congregation Leader who will normally delegate this task.

5.16 LAICISATION (DISMISSAL FROM THE CLERICAL STATE)/REMOVAL FROM ACTIVE MINISTRY

- 1 As a general rule, Clergy or Religious who have received a Police Caution or Conviction for an offence against a child should not be allowed to hold a position that could possibly put children at risk again i.e. he or she must be removed from active ministry.
- 2 Initiating a process of dismissal from the clerical state (laicisation), or from a Religious Congregation, in accordance with the norms of Canon Law will be considered following every conviction or caution for an offence against a child. It will be the norm that such a process will be initiated following a custodial sentence of twelve months or more, irrespective of actual time spent in custody.
- 3 Bishops and Congregation Leaders should be prepared to justify any exceptions to the above policy and record their reasons on the individual's personnel file. Removal from active ministry together with appropriate monitoring may be appropriate in certain cases.

5.17 RE-INTEGRATION INTO MINISTRY

- 1 Where there is a clear case for re-integration or the allegation is found to be of an incident of low level inappropriate behaviour or some other misdemeanour that does not warrant more severe sanction than, for example, a written or verbal warning, the individual will be reintegrated into active ministry having regard to the perceived and expressed anxieties of those involved.
- 2 However limited in its scale, any abuse of trust and the misuse of power and authority by a person acting in the name of a Church community will impact on the members of that community. Forgiveness and reconciliation will always require the offender to acknowledge the ongoing consequences of his or her behaviour. It may not be possible for some individuals to return to a ministry in the Church community.
- 3 Reintegration into ministry should follow an individually tailored plan and procedure that enables the individual time to achieve a resolution of any feelings of anger or injustice resulting from the process of investigation. At the same time, the community itself may need to express residual concerns before healing can take place.
- 4 A person may only return to active ministry after an evaluation of risk has taken place (See 5.14) and the CP Commission has recommended such an outcome.
- 5 Where an allegation can be shown to have been made maliciously, an accused person may expect a public statement to be made detailing this fact. The level of publicity which may be expected will be comparable with the level of publicity given to the original allegation and the temporary removal from post.

- 6 In certain cases it may be appropriate to consider informing individuals, such as colleagues and certain parishioners who have been especially affected by an accused person's temporary removal from post, of the outcome of the case. This may be in writing, and should be carried out in consultation with the accused person.
- 7 A form of words for the communication at 5.17.5 and 5.17.6 will be recommended by the CP Commission, taking into consideration the views of the accused person.
- 8 Where an allegation or concern is substantiated yet there follows a recommendation from the CP Commission that the accused person may return to active ministry, this should be explained to the original complainant. It may be that the accused person does not wish for any announcement to be made more publicly and this view should be respected.
- 9 Pastoral care should be provided for the accused person throughout the period of re-integration into active ministry. The requirements of each individual will be different, including the length of time that a person will require such care. (see **Pastoral Care Policy**)

CLERGY OR RELIGIOUS

6. CLERGY OR RELIGIOUS

- 6.1 Where a member of the Clergy or a Religious receives information about a concern or an allegation, he or she will follow the guidelines for Initial Contact at Section 1.
- 6.2 Some Clergy and Religious will be child protection professionals and may be tempted to initiate investigative action because of their knowledge and expertise. Such blurring of boundaries between roles should be carefully avoided. It is not the role of Clergy or Religious to investigate.
- 6.3 Contact should be made with the CPC/CPO **immediately upon receipt of information**, and ensure the Local CP Representative is informed as appropriate, in agreement with the CPC/CPO.
- 6.4 Assistance may be offered to the CPC/CPO in dealing with any practical matters.
- 6.5 Be aware that it will not be necessary for Clergy or Religious to know about every child protection case unless there is a pressing need, for instance to be aware of a person within a congregation who may pose a threat and whose behaviour may need to be monitored.
- 6.6 Clergy or Religious may play a key part in supporting a parish or community affected by abuse. (See also the **Pastoral Care Policy**). They may be invited to offer pastoral care where an allegation of family abuse has been made. In such cases, communication should always take place with the Statutory Authorities to ensure the investigative process is not disrupted.
- 6.7 They may also be a key figure in the re-integration into a community of a person against whom false or unsubstantiated allegations have been made.
(see: **Re-integration into Ministry**)
- 6.8 It is important, in spite of the tensions which may exist, to maintain an impartial stance with parish communities during an investigation.
- 6.9 For guidance about information received during the sacrament of reconciliation see: Appendix 2 **Disclosure and the Sacrament of Reconciliation**.

THE LOCAL CHILD PROTECTION REPRESENTATIVE

7 THE LOCAL CHILD PROTECTION REPRESENTATIVE

- 7.1 The LCPR will follow the procedures for initial contact (See **Section 1**) whenever they receive information about a concern or an allegation.
- 7.2 Some LCPRs will be child protection professionals and may be tempted to initiate investigative action because of their knowledge and expertise. Such blurring of boundaries between roles should be carefully avoided. The LCPR does not have an investigative role, and will refer all allegations to the CPC/CPO, except in emergencies. (See **Section 1**).
- 7.3 The LCPR may be requested to assist the CPC/CPO with any practical matters.
- 7.4 The LCPR in a Religious Congregation will refer allegations to the CPC appointed to act for that Congregation.
- 7.5 The LCPR in a Diocese will refer allegations to the Diocesan CPC/CPO.
- 7.6 The LCPR must not take on the role of support person to a victim or survivor of abuse, to his or her family or to an alleged abuser. The role of support person is independent of the CP structure.

APPENDICES

APPENDIX 1 - INFORMATION MANAGEMENT

APPENDIX 2 - DISCLOSURE OF ABUSE AND THE SACRAMENT OF RECONCILIATION

APPENDIX 3 - REFERRAL OF CASES TO THE SECRETARY OF STATE

APPENDIX 4 - RESPONSIBILITIES OF DIOCESES/RELIGIOUS CONGREGATIONS TOWARDS
CLERGY/RELIGIOUS AGAINST WHOM ALLEGATIONS HAVE BEEN MADE

APPENDIX 5 - PUBLIC STATEMENTS

APPENDIX 6 - CHILD PROTECTION INCIDENT/CONCERN REPORT FORM

APPENDIX 1**8 INFORMATION MANAGEMENT**

- 8.1 Child Protection information concerning individuals must be held securely and confidentially in an identifiable and retrievable form by the CPC or CPO. Such information should be cross-referenced on personnel files, but not copied into them.
- 8.2 A person who is the subject of information held by an organisation will in normal circumstances have a right of access to that information. This includes a child or young person.
- 8.3 The Data Protection Act 1998 allows for personal data which could be required for the prevention or detection of crime to be held as long as is necessary for these purposes. The addictive nature of some abusive behaviours means that this should be for the lifetime of the person about whom concern exists.
- 8.4 Restrictions on using and holding information are contained in the Data Protection Act. These restrictions apply only to living individuals.
- 8.5 Child protection information will be securely stored for 100 years.
- 8.6 In cases where allegations have been proven to have been fabricated material should not be discarded, but the facts should be recorded and retained in the same way in case of a repetition. The fact that the allegation was false and the evidence of this must be recorded. Such instances are likely to be rare.
- 8.7 Each Diocese and Religious Congregation should be registered with the Information Commissioner (see: www.dataprotection.gov.uk). Once notified, the Data Controller has a responsibility to disclose information in certain circumstances.
- 8.8 In some cases (which may include many instances involving allegations of child abuse) it is permissible to withhold information from those who would normally have a right to see it (e.g. the suspect in a case), even if only temporarily, or to share it when there would normally be an expectation of confidentiality, such as with the Statutory Authorities.
- 8.9 Decisions about information in such circumstances must be justified on a case by case basis and reasons for decisions recorded and retained on the Child Protection Case File.
- 8.10 After the conclusion of an investigation where the danger of frustrating the purpose of child protection has passed and where the information will not constitute part of further enquiries in the future, information may be shared with any person named within a report, subject to the removal of certain personal information relating to third parties, in accordance with the Data Protection Act.
- 8.11 Reports should be written in a clear format which can be shared subsequently with the individual concerned. Differentiate between fact, unsubstantiated information, opinion and conclusions drawn, all of which may be valid.

APPENDIX 2**9 DISCLOSURE OF ABUSE AND THE SACRAMENT OF RECONCILIATION**

The following guidance is issued in accordance with current sacramental practice.

- 9.1 The Sacrament of Reconciliation offers the penitent the seal of absolute confidentiality; in this context alone is the Priest bound to keep secret what is disclosed. Knowledge of the information is for the Priest, the penitent and God. Where there is involvement of an interpreter, e.g. during the confession of a deaf person, a duty of complete confidentiality is extended to this person. Information gained in the context of the sacramental confession may not be used in any other forum. Disclosure of an incident of sexual abuse in the context of the sacramental confession is very rare but a Priest must know what to do in these circumstances.
- 9.2 Be aware of the guidance offered in Section 1 in respect of disclosure of abuse by a child or by an adult. Always reassure the person that he or she has acted properly in seeking help from you.
- 9.3 A Priest must be clear with the penitent about the status of a conversation. Make sure there is no misunderstanding about whether the Seal of Confession applies.
- 9.4 An abused person is a victim or survivor of abuse and as such is not guilty of any sin in respect of the abuse suffered. In part, their healing relies on the recognition of this fact. Abusers will often tell their victims that they are to blame and that they will be punished if they tell of the abuse. The Priest should help the victim/survivor to place the responsibility where it belongs, i.e. with the offender.
- 9.5 Survivors and victims of abuse will usually need help. From within the context of the sacramental confession the Priest can encourage the penitent to seek such help outside the sacrament. They should also be given encouragement to pass on the information to an appropriate person. It is not the Priest's role to engage in counselling in the context of the sacramental confession, even if he is appropriately, professionally qualified to do so, since this leads to a confusion of roles and might give rise to conflicts of interest for himself and the penitent.
- 9.6 If an abuser discloses his or her activities to a Priest in the confessional, the Priest must inform the penitent that the addictive nature of abusive behaviour will demand external intervention and that he or she must seek help and advice outside of the context of the Sacrament of Reconciliation.
- 9.7 The person disclosing abuse should always be advised that they should bring this matter to the attention of the Statutory Authorities and that the diocesan CPC can help in making any necessary contacts.
- 9.8 The Priest should ask for action consistent with a firm purpose of amendment as a constituent of a penance. He should direct the penitent to make contact with an appropriate person outside of the Seal of the Confessional, so that matters may be properly addressed.
- 9.9 If the Priest is subsequently contacted by the penitent, outside of the Seal of the Confessional, the Priest must make it clear to the penitent that the Seal of Confession no longer applies. If the information is repeated (he should not assume knowledge

gained in the confessional), the Priest must explain that he has a duty of care to children who may be at risk of abuse and he must take all necessary steps to ensure their safety.

- 9.10 If an abuser discloses his or her abuse outside of the sacramental confession, the procedures described in Section 1 must be followed, including informing the CPC or CPO and ensuring referral to the Police and Social Services immediately.

APPENDIX 3**10 REFERRAL OF CASES TO THE SECRETARY OF STATE**

(for possible inclusion of names on the Protection of Children Act (PoCA) List)

- 10.1 This policy states that in all circumstances where according to the government guidance there **may** be a referral, such a referral is **mandatory** for all organisations working within the Church.

GOVERNMENT GUIDANCE

There follows a summary of guidance issued by the Department of Health: "The Protection of Children Act 1999, A Practical Guide to the Act for all Organisations Working with Children".

- 10.2 The Protection of Children Act makes a number of changes to the law to enable checks carried out by the CRB to be as comprehensive as possible. List 99, the DoH Consultancy Index and the Protection of Children Act (PoCA) list are now included with Police checks.
- 10.3 The Act describes the organisations to which it applies and this definition includes 'uniformed' youth activities such as Scouts, Guides and Cadets, as well as national and local youth clubs, Religious organisations and incorporates the whole range of sports and leisure activities involving children.
- 10.4 The Act sets out circumstances where a "child care organisation" (see definition) **must** and "other organisations" **may** refer names to the Secretary of State for consideration of inclusion in the Protection of Children Act List.

DEFINITION OF "CHILD CARE ORGANISATION"

- 10.5 A child care organisation is:

1. One concerned with provision of;
 - Accommodation for children,
 - or*
 - Social services to children,
 - or*
 - Health care services to children,
 - or*
 - The supervision of children
2. One whose activities are regulated by virtue of any prescribed enactment
- and*
3. One which fulfils such other conditions as may be prescribed

- 10.6 Organisations which offer 'regulated services' to children (e.g. nurseries, residential care) have a statutory requirement to not only 'check' potential employees and volunteers against the PoCA list but also to refer names to the list in certain circumstances. However, the guidance to the Act states that the Government expects all organisations who check names against the list to adopt the same level of protection for children by making referrals to it. Therefore, a child care organisation must:
- a) refer names to the Secretary of State for possible inclusion in certain circumstances (see below);
 - b) check the names of potential employees or volunteers against this list;
 - c) not employ a person in a "child care position" if that person is included on the PoCA list
 - d) cease to employ a person in such a post if it discovers that the person is included in the PoCA list.

Other organisations may employ those who work in a "child care position".

10.7 **DEFINITION OF "CHILD CARE POSITION"**

1. One engaged with the provision of:
Accommodation for children,
or
Social Services to children,
or
Health care services to children
or
The supervision of children
and
2. One engaged in a post where the post holder will have regular contact with children in the course of his her duties.

- 10.8 The Act makes **no distinction between paid and unpaid posts**. This legislation therefore applies equally to volunteers.

REFERRING NAMES TO THE POCA LIST

- 10.9 A "Child Care Organisation" must refer names to the Secretary of State for possible inclusion on the PoCA list when:
- a) the organisation has dismissed an individual on the grounds of misconduct (whether or not in the course of his or her employment) which harmed a child or placed a child at risk of harm;

- b) an individual has resigned or retired in circumstances such that the organisation would have dismissed him or her, or would have considered dismissing him or her, on such grounds had he or she not resigned or retired;
- c) the organisation, has on such grounds, transferred an individual to a position within the organisation which is not a child care position;
- d) the organisation has, on such grounds, suspended the individual or provisionally transferred him or her to such a position as in c) above but has not yet decided whether to dismiss him or her, or to confirm the transfer.

(In d) above, it is imperative that the final decision is related to the Secretary of State as soon as possible after a decision is made.)

- 10.10 Although not a legal requirement, Church organisations which involve employees or volunteers in “child care positions” will refer names according to the above criteria.

“WOULD HAVE DISMISSED”

- 10.11 This covers the situation where an individual has engaged in misconduct which satisfied the criteria for referral (i.e. misconduct which harmed a child or placed a child at risk of harm) and has possibly been suspended or moved whilst the matter is investigated by the employer. As a result of the employer’s investigation (and possibly a disciplinary hearing) **the employer is satisfied that the individual has carried out the misconduct and as a result should be dismissed or moved to a non-child care post.** However, before this decision can be communicated to the individual he resigns/retires. The point here is that the employer **has come to the conclusion that dismissal was appropriate in the circumstances.** The employer can only come to this conclusion because he has completed his enquiry into the allegations.

“WOULD HAVE CONSIDERED DISMISSING”

- 10.12 This type of referral will be where an allegation has come to light which satisfied the criteria. However, before the employer has had the opportunity to complete his investigation the individual retires/resigns. Until the employer has completed his investigation he cannot conclude, with any degree of certainty, that he would have dismissed. Whilst the employer should undertake all investigations open to him it may not be possible to conclude all enquiries. It may not be possible to obtain the individual’s comments on the allegations. Where the employer has only been able to obtain one side of the story, it is difficult for him to conclude that he would have dismissed the individual. He could only realistically conclude that he would have considered dismissing the individual. Employers could only come to that conclusion bearing in mind the nature of the allegations made, dismissal would have been a serious possibility – i.e. within the range of reasonable options.
- 10.13 It is important here for all employers to note that referrals are not required when dismissal of the individual was not a serious option. For example, when it would only have been a passing consideration within the range of possible options but not a real possibility. If a referral was made in such circumstances the Secretary of State would take the matter no further on the basis that it would not be appropriate for the individual to be included on the List. Misconduct after the individual left his position is

never relevant for this purpose because once he had left the post he could not have been dismissed.

WHAT CONSTITUTES MISCONDUCT?

- 10.14 During the passage of this Act through Parliament, Members were anxious to ensure that situations where incompetence (whether or not attributable to inadequate training and/or supervision) and “youthful indiscretions”, did not result in “automatic” referrals to the Secretary of State. “Misconduct” is not defined within the Act. The determination of “misconduct” must be a matter for the employer to decide. Keeping in mind the criteria for referrals, the types of circumstances where the Secretary of State would expect a referral to be made would be where any action or inaction on the part of the individual harmed a child or put a child at risk of harm. Acts of omission and commission should both be considered.
- 10.7 It is difficult in guidance such as this to give precise examples because it is not possible to reflect every situation likely to apply. However, in the circumstances of this Act, misconduct would range from serious sexual abuse through to physical abuse which may include intentional inappropriate restraint and/or poor child care practices in contravention of organisational codes of conduct which resulted in harm or risk of harm to children.

INFORMATION TO BE SUPPLIED WITH A REFERRAL

- 10.8 Only the names of persons who occupied child care positions within the meaning of the Act may be referred to the Secretary of State for consideration of inclusion on the Protection of Children Act List. The circumstances under which a referral must be made/may be made are set out above.
- 10.9 Organisations should note that a referral of a name does not lead to automatic inclusion on the PoCA List. The minimum information that the Secretary of State will require for all referrals is as follows:
- Full name, date of birth of the individual.
 - Confirmation that the individual occupied a child care post – within the meaning of the Act.
 - Full details of the alleged misconduct.
 - Detailed explanation about how – by his misconduct – the individual harmed a child or placed a child at risk of harm.
 - Details of any investigations carried out to date – and their conclusions – including copies of all relevant papers (including statements, notes of interviews, minutes of meetings and minutes/notes of disciplinary hearings) and details of the organisation’s disciplinary procedures.
 - Details of the action taken against the individual – has he or she been suspended, dismissed or transferred from a child care position etc.
 - Information on any Police involvement (or the involvement of any other agency).
 - Details of proposed further action, i.e. dates for disciplinary hearings, timetable on further investigations etc.

- Any other information considered relevant to the circumstances of the alleged misconduct.
- 10.10 **In circumstances where a child care worker has been suspended or dismissed (or has resigned etc.) after having been charged with offences against children and who is awaiting the outcome of criminal investigation or trial, a referral to the Secretary of State should also be made.**
- 10.11 The Secretary of State will initially examine the quality of the information submitted with a referral. He may decide either not to proceed if the case is clearly not suitable for inclusion (i.e. the individual was clearly not in a child care position or it is evident from the outset that no children were harmed or put at risk of harm by the actions of the individual), or to seek more information from the organisation before considering whether to proceed with a decision to provisionally include the name on the PoCA List.
- 10.12 The Secretary of State will be looking to make decisions about the provisional list of individuals as quickly as is reasonably possible. Should he require more information from the referring organisation he will expect his request to be considered as a matter of utmost priority by the organisation – and would normally expect the organisation to be able to respond within seven working days.
- 10.13 Having satisfied himself that the information provided with the referral (either within the original referral letter or as a result of subsequent further correspondence) is complete, the Secretary of State will decide about provisional listing.

ACTION FOLLOWING PROVISIONAL LISTING

- 10.14 If a name is included on the PoCA List provisionally, the Secretary of State will confirm this with the organisation (the person who made the referral) and will immediately inform the individual by letter sent by **Recorded Delivery**. The individual will then have the opportunity to make written representations direct to the Secretary of State as to why his name should not be retained on the PoCA List. The Secretary of State will provide the individual with full details of the information submitted by the referring organisation and will usually copy all papers to the individual. The individual will be given 28 days in which to make written representations, or to indicate that he or she intends to make representations within a reasonable period.
- 10.15 Persons provisionally included in the PoCA list may not be employed in a child care post within a child care organisation. Other organisations should also pay particular regard to the fact that the person is provisionally included in the list when considering his or her appointment to a post which involves contact with children.
- 10.16 Before a name may be retained on the PoCA List, the Secretary of State will need to be of the opinion that the referring organisation **reasonably** considered the person to be guilty of misconduct which harmed a child or placed a child at risk of harm (whether or not in the course of employment) and that the individual is unsuitable to work with children. Thus all representations made by the individual will be passed to the referring organisation for comment. Similarly the Secretary of State would expect to be able to provide the individual concerned with copies of all papers submitted to him from the referring organisation.
- 10.17 This process of information gathering and exchange will continue for as long as it takes for the Secretary of State to be satisfied that he has sufficient information to enable

him to come to the opinion he is required to reach. Before confirming that a name is to be retained on the PoCA List (other than provisionally) the Secretary of State must form the opinion that:

- the organisation reasonably considered the individual to be guilty of misconduct (whether or not in the course of his employment) which harmed a child or placed a child at risk of harm; and
- that the individual is unsuitable to work with children.

10.18 It should be noted that some people may be included on the PoCA List, even though the facts which the Secretary of State takes into account do not lead to conviction for an offence.

10.19 Where a person has been provisionally included in the PoCA List whilst suspended or provisionally transferred to a position within the organisation which is not a child care position, the Secretary of State will not form his opinion about confirming the name on the List until the organisation has dismissed the individual, or has confirmed his transfer. However, even if the Secretary of State has been unable to reach a conclusion, the person provisionally on the PoCA List will have a right of appeal as described below.

WHERE REFERRALS ARE TO BE SENT

10.20 All referrals (and any correspondence relating to the operation of the Protection of Children Act List) should be sent to:

The Manager
The Protection of Children Act List
Ground Floor, Area E
Mowden Hall
Staindrop Road
Darlington, County Durham
DL3 9BG

RIGHTS OF THE PERSON REFERRED

10.21 Any individual provisionally included in the PoCA List will have the right to make representations to the Secretary of State as to why his or her name should not be retained on the List. (see above)

10.22 Persons who have been provisionally included in the PoCA List for more than nine months may, with leave of the Tribunal, have the issue of their inclusion on the List determined by the Tribunal instead of by the Secretary of State. However, if the person who is alleged to have been guilty is the subject of any civil or criminal proceedings in connection with these allegations, he or she cannot apply to the Tribunal until six months after those proceedings have been disposed of. This may mean that the nine month delay before applying has to be extended.

10.23 Individuals who are included in the PoCA List will have the right of Appeal to the Protection of Children Act Tribunal. This is an independent Tribunal and its decisions about the facts of individual cases are binding and final. However, appeals may be made to the High Court on points of law.

- 10.24 The Secretary of State has discretionary powers to remove names from the PoCA list in limited circumstances (for instance where a conviction has been quashed or on appeal or where a malicious referral is uncovered following the production of new evidence), without the need to go through the Tribunal. It will still be possible for an individual to seek leave to appeal against a decision of the Secretary of State not to remove a name after consideration in such cases, as it will be to appeal against inclusion in the list itself.
- 10.25 The Tribunal will be producing guidance about its operation for potential appellants. Copies will be available, free of charge, from the Tribunal at the following address: The Secretary, Protection of Children Act Tribunal, St Christopher House, Southwark Street, London, SE1 0TD.

THE DEFINITION OF "EMPLOYMENT"

- 10.26 The Act defines "employment" as:
- a. "any employment, **whether paid or unpaid** and whether under a contract of services or apprenticeship, under a contract for services, or otherwise than under a contract ..."
 - b. includes an office established or by virtue of a prescribed enactment.

Whilst the majority of employees will be employed under a contract, whether made orally or in writing, there are likely to be some arrangements not covered by a contractual arrangement. **The definition used in the Act is designed to ensure that even the most casual connections and voluntary work are covered by the provisions of the Act.**

THE DEFINITION OF "HARM"

- 10.27 The Act explains that "harm" has the same meaning as in Section 31 of the Children Act 1989:
- "ill treatment or the impairment of health or development";
 - "development" means physical, intellectual, emotional, social or behavioural development;
 - "health" means physical or mental health; and
 - "ill treatment" includes sexual abuse and forms of ill-treatment which are not physical.

APPENDIX 4**11 RESPONSIBILITIES OF DIOCESES/RELIGIOUS CONGREGATIONS TOWARDS CLERGY/RELIGIOUS AGAINST WHOM ALLEGATIONS HAVE BEEN MADE.**

- 11.1 To facilitate an investigation by the Statutory Authorities at an early stage through prompt referral of the facts.
- 11.2 To maintain confidentiality of written records and of information in respect of an allegation within normal inter-agency professional boundaries of information-sharing. In some cases information will need to be shared more widely for the protection of children (See: Appendix 5 **Public Statements**).
- 11.3 To consider a temporary removal from active ministry only upon recommendations of the CP Commission, with the benefit of advice from the Statutory Authorities. Such an action does not imply guilt. Information provided to an accused person about an allegation will be restricted at this point if a police investigation is pending.
- 11.4 Where it is necessary for a member of the Clergy/a Religious Congregation to vacate his/her normal place of residence, to find alternative accommodation, subject to the approval of the Bishop or Congregation Leader. Where the accused person will be living with others, key persons will be informed of the allegation.
- 11.5 To communicate decisions affecting the accused person both verbally and in writing.
- 11.6 To maintain a dialogue with the Statutory Authorities during an investigation.
- 11.7 To provide financial provision, where this would normally be the responsibility of the Diocese or Religious Congregation, and help accessing legal advice. The legal advisor for the Diocese or Religious Congregation will not be utilised in this context.
- 11.8 To provide pastoral care via a Pastoral Link Person during the process of an investigation and subsequent evaluation of risk and to continue to provide it for as long afterwards as it is required.
- 11.9 To recognise that false and malicious allegations are sometimes made and that these can have a destructive effect on the person accused. To offer help in accessing legal redress within Civil or Canon Law.
- 11.10 To take action to restore a person's reputation as far as possible following a false and malicious allegation (see 5.17 **Re-integration into Ministry**) and to provide continuing pastoral care where necessary.
- 11.11

5.17 RE-INTEGRATION INTO MINISTRY

- 5.17.1 Where there is a clear case for re-integration or the allegation is found to be of an incident of low level inappropriate behaviour or some other misdemeanour that does not warrant more severe sanction than, for example, a written or verbal warning, the individual will be reintegrated into active ministry having regard to the perceived and expressed anxieties of those involved.

- 5.17.2 However limited in its scale, any abuse of trust and the misuse of power and authority by a person acting in the name of a Church community will impact on the members of that community. Forgiveness and reconciliation will always require the offender to acknowledge the ongoing consequences of his or her behaviour. It may not be possible for some individuals to return to a ministry in the Church community.
- 5.17.3 Reintegration into ministry should follow an individually tailored plan and procedure that enables the individual time to achieve a resolution of any feelings of anger or injustice resulting from the process of investigation. At the same time, the community itself may need to express residual concerns before healing can take place.
- 5.17.4 A person may only return to active ministry after an evaluation of risk has taken place (See 5.11) and the CP Commission has recommended such an outcome.
- 5.17.5 Where an allegation can be shown to have been made maliciously, an accused person may expect a public statement to be made detailing this fact. The level of publicity which may be expected will be comparable with the level of publicity given to the original allegation and the temporary removal from post.
- 5.17.6 In certain cases it may be appropriate to consider informing individuals, such as colleagues and certain parishioners who have been especially affected by an accused person's temporary removal from post, of the outcome of the case. This may be in writing, and should be carried out in consultation with the accused person.
- 5.17.7 A form of words for the communication at 5.17.5 and 5.17.6 will be recommended by the CP Commission, taking into consideration the views of the accused person.
- 5.17.8 Where an allegation or concern is substantiated yet there follows a recommendation from the CP Commission that the accused person may return to active ministry, this should be explained to the original complainant. It may be that the accused person does not wish for any announcement to be made more publicly and this view should be respected.
- 5.17.9 Pastoral care should be provided for the accused person throughout the period of re-integration into active ministry. The requirements of each individual will be different, including the length of time that a person will require such care. (see **Pastoral Care Policy**)

- 11.12 To ensure that all relevant information is considered by the CP Commission in evaluating possible future risk and making recommendations about future ministry, including the recommendations of any expert risk assessments.
- 11.13 To preserve records for 100 years, including records of false and malicious allegations, with a full account of the status of the information and subsequent recommendations of the CP Commission upon it.

APPENDIX 5**12 PUBLIC STATEMENTS**

- 12.1 Whenever a significant person within a Church community is suspended from their post or placed on administrative leave following an allegation of sexual abuse or other serious misconduct, it is important that anyone who has information or concerns to share knows who to speak to and how to make contact with the relevant Statutory Authority, usually the Police.
- 12.2 Where a Priest, Religious, employee or volunteer within a Diocese or Religious Congregation is the subject of an enquiry the CPC can assist when a parishioner feels that they would, in the first instance, like to consult with someone from the Church.
- 12.3 Any public statement must be clear and factual. It is important that neither guilt nor innocence is implied before the matter had been properly investigated and resolved.
- 12.4 Parishioners will need to know that a serious allegation has been made and that the Diocese or Religious Congregation are co-operating fully with an independent investigation being carried out by the appropriate authorities. During the course of the enquiry the Priest will usually be resident elsewhere and will not be available to them. Parish activities will continue and a named person/Priest will be available to ensure parish life continues as normally as possible.
- 12.5 It is useful if members of the CP Commission can be present to answer any immediate questions after the Sunday masses at which any announcement is made.

WHO MAKES THE STATEMENT?

- 12.6 It is usual for the statement to come from the Bishop where a Priest is placed on administrative leave but the details should be agreed with Police, and Diocesan CPC members including the Communications Officer for the Diocese or Religious Order. If the Bishop is not making the statement personally to the people it must be clear that the statement is coming from him.

WHEN FORMAL CHARGES ARE BROUGHT

- 12.7 If the initial enquiry results in formal charges being brought against a Priest this will often become public very quickly and it is best to keep the parishioners informed by way of a short, and again, factual statement which can be read at the first Sunday masses following. How much detail about the charge or charges is confirmed must be a matter of judgement for the Bishop or Congregation Leader to decide assisted by the CPC and CP Commission. However, the press and other media will usually disclose the full extent of charges. Parishioners would rather hear the facts of a charge from the Church rather than rely on media coverage.

BEFORE A CASE COMES TO COURT

- 12.8 There is often a long period of time between charges being brought and a case coming to trial. Parishioners should be made aware of this possibility and also advised that it is likely that it will be some time before there is any further bulletin from the Church. However, again they should be reminded about how to make contact with the CPC if they have any outstanding concerns.

AFTER THE HEARING: THE VERDICT

- 12.9 Parishioners will expect to be told formally by the Church authorities when a verdict has been reached and any sentence imposed by the court. Usually, the media will have made this public before this can be announced in Church. Confirming the judgement gives a further opportunity to remind parishioners about any help, support or counselling that has been made available to those who feel they need to talk to someone about issues that the case has raised for them.

PRESS COVERAGE

- 12.10 Throughout these notes reference has been made to the press and media. It is usual in all such cases for all contact and statements to the press to be made via the Communications Officer for the Diocese or Religious Order. The CPC should offer clear guidance to all about the importance of directing all media enquires to the appropriate person. This is to ensure that clear, accurate and factual information is consistently given.
- 12.11 Where a Priest is found guilty of abuse it is important to acknowledge that the wide ranging impact of the crime affects the whole Catholic community and the wider community in which we live. In particular the parishioners and the local neighbouring Clergy will feel hurt and betrayed. It is important to acknowledge the ruling of the court which has placed the blame on the individual criminal – and not on the Catholic community as a whole.

APPENDIX 6

13

DIOCESE OF SOUTHWARK

Parish:

STRICTLY CONFIDENTIAL

CHILD PROTECTION INCIDENT/CONCERN REPORT FORM

Information received at (Time)on (Date)

By:

(Name):

(Role in Parish):

Telephone number:

Information received by: *telephone/*letter/*in person/*e-mail (**Delete as appropriate*)

This form completed by:(Date):

All relevant documents should be retained securely and forwarded to the Child Protection Co-ordinator with this form as soon possible.

Alleged Victim/Survivor, Child or Young Person

Name:

Age: Date of birth: Gender: *Male/*Female (**Delete as appropriate*)

Address:

.....

Telephone number:

Name of Parent or Guardian:

Telephone number:

(Children only)

Information received from

Name: Role:

Address:

..... Telephone number:

Person alleged responsible for incident/concern

Name: Role:

Age: Date of birth:

Address:

.....

Telephone number:

Information

Record details of incident(s) or concern(s). If information is given in person, record the location of the conversation and identities of persons present.

Completed by:

(Signature):

Actions and Further Information

Continuation Page

Record all actions taken and information received with times and dates. Entries to be signed.

Time/Date		Signature

GLOSSARY OF TERMS

COPCA The Catholic Office for the Protection of Children
and Vulnerable Adults
12 St Paul's Square
Birmingham B3 1RB
Tel: 0121 233 1963
Fax: 0121 236 3379
Email: admin@copca.org.uk

CPC Child Protection Co-ordinator.

CPO Child Protection Officer.

LCPR Local Child Protection Representative.

CP Commission Child Protection Commission.

For descriptions of these roles see Organisational Structures policy.

Statutory Authorities Police and Social Services, i.e. those authorities with a legal responsibility to investigate child abuse. The NSPCC share this responsibility.

CBCEW The Catholic Bishops' Conference of England and Wales.

Congregation Leader Provincial, Regional leader or Superior General of a Religious Congregation in England and Wales.

Religious Male or female member of a Religious Congregation.

Personnel File Any file containing personal information about a staff member or post holder.

CP Case File Child Protection Case File. A file containing child protection information about a case held in a secure and confidential system by the CPC or CPO for a Diocese or Religious Congregation.

Administrative Leave A term used for the temporary removal of a member of the Clergy or a member of a Religious Order from their post during an investigation, which does not imply guilt in any way.

Laicisation A Canonical procedure whereby a member of the Clergy may be dismissed from the clerical state. (Dispensation or Expulsion in Religious Congregations.)

Active Ministry Those Clergy and Religious (both men and women) who are currently working with the general public in any capacity whatever, whether paid or voluntary.

Police Caution A resolution to an investigation into a criminal offence where the offender admits the crime, but it is decided that a court appearance

will not be necessary. A caution does not necessarily reflect on the seriousness of the offence. If a further offence is committed subsequently, the caution may be quoted in court in the same way as a conviction, for sentencing purposes. A caution is spent after 3 years except for the purposes of the exemptions to the Rehabilitation of Offenders Act, i.e. if it is a caution for an offence against a child, this will remain unspent for the purposes of working with children.

Conviction

A resolution to a criminal investigation which results in a person being sentenced by a court, either when the individual pleads guilty to the offence or by the returning of a guilty verdict at a trial.