

SAFEGUARDING COMMITTEE MAY 2025

Proposed Deliverance**The General Assembly:**

1. Receive the Report.
2. Instruct Presbyteries and Kirk Sessions to ensure that they comply with Church law on Safeguarding, (currently the Safeguarding Act (Act XVI 2018) (as amended) and if passed, the new Safeguarding Act) as well as associated Guidance, including the maintenance of accurate electronic Safeguarding Registers which are made available to the Safeguarding Service on request (*Section 2.2*).
3. Approve the decisions of the Safeguarding Committee in respect of the Covenant of Responsibilities Review (*Sections 1, 4 & Appendix 2*).
4. Instruct the Safeguarding Committee to work with the Faith Action Programme Leadership Team and other relevant departments to input into and develop safeguarding content for the training programme of Ministries (*Sections 1, 4 & 5*).
5. Instruct the Safeguarding Committee to work with the Faith Action Programme Leadership Team, Mission Partners and other appropriate departments and agencies to develop and establish international reciprocal Safeguarding procedures including protocols for informing overseas religious bodies and statutory authorities, where there are allegations against a person in position of trust and they relocate abroad (*Sections 1, 4 & Appendix 2*).
6. Acknowledge the changes to the Boys' Brigade leader recruitment process and affirm the ongoing relationship between the Boys Brigade and the Church of Scotland (*Section 7.3*).
7. Pass the Safeguarding Act as set out in Appendix 3 and repeal the existing Safeguarding Act (Act XVI 2018) (*Sections 1, 3, 4, 5, 8 & Appendix 3*).
8. Repeal the Child Protection Procedures Act (Act V 2005) (*Section 8*).

Report**1. INTRODUCTION****1.1 "Where there is no guidance, a nation falls, but in an abundance of counsellors there is safety."****Proverbs 11.14**

1.1.1. The Church of Scotland plays a major role in the lives of many children and adults through worship and the provision of services and activities in and around Church, and through Crossreach services. There is a general expectation to care for all and a duty to support those in society who most need care and protection. This means that the task of Safeguarding must be a key consideration for everyone to ensure that the Church is a safe environment for all. Safeguarding means taking measures to protect the health, wellbeing and human rights of individuals, especially children and adults at risk, which allows them to live their life free from abuse, harm and neglect. Harm or abuse can happen anywhere, including in church communities and can be instigated by anyone, even from within church communities, and in the clergy.

1.1.2. This year, the Safeguarding Committee has continued to work to fulfil our duty to provide processes and training that work toward providing a safe church for all and to meet the legal obligations required. Our Training Pathway continues to develop because it is only by increasing the awareness of Safeguarding and embedding its practice across the whole Church that we can hope to achieve this aim.

1.1.3. The Safeguarding Service also seeks to provide adequate risk management through the work of the Recruitment Sub-Committee and by way of Covenants of Responsibilities in managing those who pose a risk. We will do all we can to fulfil our duty in protecting the most vulnerable amongst us and in fostering a pastoral sense of safeguarding in the Church.

1.2 Safe Churches for All – The added value the Safeguarding Service provides

1.2.1 The risk of harm comes in many forms and from a range of different sources. The vision of a nasty person coming into our churches with ill intent is one we can all understand. It is more difficult to accept the threat from within and how our actions or inaction can introduce risk of harm. In October 2024, the findings of the Makin Review were published. This Independent Review was commissioned by the Church of England to consider their handling of the allegations of abuse perpetrated by John Smyth. In the commission of his abuse, John Smyth groomed individual children and young men, but he also 'groomed' groups of people and organisations to enable him to gain access to children and young men.

1.2.2. In 2024, 'grooming' was identified as a risk factor in many of the Safeguarding Concerns referred to the Safeguarding Service and in investigations into alleged misconduct within the Church. While these included incidents of individual grooming, the likes of which we are becoming more accustomed to through the media as well as our personal experiences and networks, it is the wider context of grooming that has raised most concern.

1.2.3 Faith-based organisations are, by their very nature, more susceptible to grooming than other groups. Forgiveness and acceptance are shared Christian values which are important to each one of us and, while our work and engagement with others should continue to embrace and extend such values, we must also have an awareness of how others may seek to exploit us through the values we hold dear. We must be awake to the possibility of being groomed.

'For of Such is the Kingdom of Heaven – where all can safely live' is the report exploring our theology of forgiveness which was approved by the General Assembly of 2009. It encourages us to recognise that '...offenders are adept at disguising motives, confusing and covering up by the clever use of religious language and behaviour, and thereby, masking their intentions.'

1.2.4 As we build and develop relationships we must also realise that these relationships will have an impact on our opinions and the decisions we make. This is human nature and not a fault in any way; however, we must acknowledge the impact relationships have on our capacity to be objective about a person. Objectivity is a critical factor in effective identification and management of risk. This was identified within the Makin Report. The report recommends Safeguarding be "...free from direct influence from Church leaders, to provide external oversight of safeguarding practice, and provide quality assurance within the Church.' and the importance of the '...avoidance of confirmation bias in safeguarding practice.' The General Assembly has endorsed the Safeguarding Service as the Church of Scotland's conduit for overseeing Safeguarding Practice in the recognition that it is staffed by professionals with the independence, experience, knowledge and qualifications to make safe, objective and defensible decisions on Safeguarding matters.

1.2.5 The Makin report also recommends that the Church of England 'Review the non-mandatory status of safeguarding guidance for Church officers with a view to making this mandatory for all Church officers, institutions and participants.' There is existing provision within our Safeguarding Act which acknowledges the need for mandatory compliance with advice from the Safeguarding Service. Our 2025 deliverance seeks to strengthen this provision in recognition of the specialist skills and qualifications of the professionals providing advice.

1.3 The Makin Review: October 2024

1.3.1 As referred to in section 1.2.1, the Makin Review was an Independent Review commissioned by the Church of England to consider its handling of the allegations of abuse perpetrated by John Smyth. One of Makin's recommendations was that the "learning and recommendations of his review be disseminated across Church constituencies, institutions and provinces." While the recommendations made within this report are specifically for the Church of England, there are lessons to be learned by all. It is imperative that we do not think such depravity is not possible within our own Church and associated organisations; to do so would be a failure to recognise our own vulnerabilities.

1.3.2 In January 2025, the Safeguarding Committee participated in a learning session facilitated by our Safeguarding Training Officer. The Committee members were tasked with considering the recommendations within Makin's report and exploring what this meant for the Church of Scotland. It was both a challenging and sobering task made all the more meaningful by the inclusion of examples from our own congregations which had taken place in 2024. These were not historical examples. While it was difficult to have our own vulnerabilities laid before us, it also provided reassurance that we have Safeguarding measures in place to minimise the risk of abuse.

1.3.3 As the Committee explored the recommendations, many areas of good practice within the Church of Scotland were identified; however, the specific examples discussed indicated that one of the biggest risks to the safety and protection of our vulnerable groups is a failure to engage with and implement the Safeguarding Guidance that is in place. For example, in 2024, the Safeguarding Service identified three situations where known registered sex offenders had been engaging with church activities without appropriate risk assessments. It is impossible to overestimate how vital partnership working with the Safeguarding Service and the National Sex Offender Policing Unit is to ensuring all the relevant information is shared and such offenders are supported to participate in the life and work of the Church in a way that is safe for all.

1.3.4 The Makin Review exercise has informed much of the development work the Safeguarding Committee plan to undertake throughout the next year; however, this is not something that can be restricted to the Safeguarding Committee. Creating and maintaining safe churches for all is the responsibility of every individual, Congregation, Presbytery and Standing Committee of the Church of Scotland. The Safeguarding Committee development priorities can only be achieved with the support of the wider Church.

1.3.5 The key recommendations of the Makin Review are available in appendix 1. The full report is available on the Church of England website.

2. GOVERNANCE AND REGULATORY COMPLIANCE

2.1 Disclosure (Scotland) Act 2020 & Disclosure Scotland Processes

2.1.1 The implementation of this legislation was significantly delayed due to the Global Pandemic; however, the implementation is now progressing which has necessitated some changes over the last year and preparation for further significant changes to come. From 01 April 2025, PVG Scheme Membership for those in a 'Regulated Role' will be mandatory. While this is something that we have always considered as mandatory, from April it will be a legal requirement. Changes coming into force on 01 April 2025 will be subject to a grace period of three months. This means that, from 01 July 2025, it will be a criminal offence for:

- individuals to carry out a regulated role if they are not a member of the PVG Scheme
- organisations to offer a regulated role to an individual who is not a member of the PVG Scheme.

2.1.2 The change from 'Regulated Work' to 'Regulated Role' means more individuals will require to have PVG Scheme membership. Where 'Regulated Work' referred to the type of work an individual carried out with a vulnerable group, the 'Regulated Role' includes those who do not work directly with vulnerable groups. This includes roles which place individuals in a position which allows them to exert power or influence over vulnerable groups or where a person is in a position of responsibility in an organisation where one of the organisation's main purposes is the provision of benefits to

children and/or protected adults. The latter has raised concern across the third sector including our network of faith-based organisations as it implies that all Trustees will require PVG Scheme membership by July 2025. At the time of writing, we are in discussion with Disclosure Scotland about the application of the relevant legislative provisions to the eldership of the Church of Scotland and – if this is to be required of us – our capacity to have applications for all Trustees completed and subsequently Disclosure Scotland’s capacity to process such applications by the end of the grace period.

2.1.3 From 01 April 2025, the organisation processing an individual’s PVG Scheme membership will no longer be given access to the information automatically. To give individuals more control over their personal information, they must give permission for this information to be released after they have received their PVG Scheme membership certificate. This means that the Safeguarding Service will be reliant on applicants viewing their certificate online and clicking the authorisation link to allow this to be forwarded to us. It is inevitable that this will cause delays in the Safeguarding Clearance process and, as a result, delays in individuals being able to start in their role.

2.1.4 Disclosure Scotland is also implementing changes to their application procedures for all types of Disclosure Checks. The roll out of the Scottish Government’s My Scot Account means that people can access multiple online public services via one account. Disclosure Scotland are now using this medium as their preferred method for applications. Applicants are required to create an account to complete their application. While there will still be the provision of a paper-based application, this will increase the time taken to process applications and the applicant will still be required to create an account to view their certificate when Disclosure Scotland have issued it. Again, we foresee this will create challenges for many of our applicants and Safeguarding Coordinators who may find digital processes and communication difficult.

2.2 Data Cleanse Project

2.2.1 Compliance with both the Disclosure (Scotland) Act 2020 and the Data Protection Act 2018 necessitated the Data Cleanse Project. It is imperative that we have accurate information of all individuals undertaking Regulated Work as referred to in Section 2.2.2, and that we do not unlawfully retain the personal and sensitive information of people who are not undertaking Regulated Work. The process designed to facilitate compliance within our congregations is the use of a Safeguarding Register, also referred to as Form SG07 or derivative thereof. Congregational Safeguarding Coordinators have the responsibility for adding the names of individuals to the Register when they receive notification of clearance from the Safeguarding Service and then, when an individual is no longer undertaking Regulated Work, they notify the Safeguarding Service using the appropriate form. The Safeguarding Service then make the necessary notification to Disclosure Scotland and amend our records accordingly.

2.2.2 The necessity for the Data Cleanse Project arose primarily from two aspects of practise. The first being the reluctance of congregations to remove volunteers undertaking Regulated Work from the Register ‘just in case’ they were needed or wanted to return to the role at a later date. The second reason was the failure of Disclosure Scotland to amend their records accordingly when notified of a leaver by the Safeguarding Service. Given that the Church of Scotland has over 40,000 workers (volunteers and paid/stipend staff) it was vital that we conduct the Project electronically and ‘draft registers’ were created for every congregation on a Microsoft Excel document using the list of names provided by Disclosure Scotland. The request was to enter yes or no in two columns to indicate if the individual was still undertaking Regulated Work within the congregation and then specifically if they were undertaking Regulated Work for the Boys’ Brigade.

2.2.3 The Project was significantly challenging for all involved and the Safeguarding Service was extremely grateful for the efforts and commitment of those working on this Project. First notification of the Project started in June 2024 with the provision of information to enable Presbyteries and congregations to prepare for the project. A deadline for return of information of 06 December 2024 was set; however, only 50% of completed registers were returned by this date and information remained outstanding at the end of February 2025 despite several reminders that this information was a matter of legal compliance. This led to concerns regarding the capacity of Presbyteries and congregations to maintain accurate registers going forward and, as a result, increases the risk of non-compliance with legislation and regulatory requirements. The Safeguarding Committee propose deliverance six to reduce this risk.

2.3 Management information and reports

2.3.2 The Safeguarding Service has worked alongside the IT Department and the Analysis and Programme Development Team to review the management information available to us and ensure such information is fit for purpose. The IT Department has supported us to develop reports that allow us to identify trends which enable us to consider what support is required. For CrossReach this includes types of abuse, risk of misconduct or malpractice and regulatory compliance. This has already allowed the Safeguarding Service to make changes to the content of Safeguarding Training for Managers providing an increased focus on regulatory requirements as well as meaningful recording and reporting. It has also enabled us to identify what aspects of Safeguarding our Congregational Safeguarding Coordinators find most challenging which has informed our review of the Safeguarding Handbook with significant changes being made.

2.3.2 Our work with the Analysis and Programme Development Team has led to a review of the management and statistical information provided to the Governance Group. This has seen a move away from statistics which demonstrate workflow, such as numbers of PVG Scheme membership applications processed and numbers of Safeguarding Concern Referrals. From January 2025, while such workflow information is still collated, the data reported to the Governance Group has a focus on the impact of the work of the Safeguarding Service including the outcomes of cases considered by the Recruitment Sub-Committee. This information demonstrates how Safeguarding Clearance is considered, reviewed and amended, and, in turn, how those who may pose a risk of harm have been prevented from entering our Regulated Workforce or have been removed from the Regulated Workforce following concerns being reported to the Safeguarding Service. Our aim is to ensure the data we provide is meaningful and is able to be used to inform strategic decisions.

3. RISK MANAGEMENT

3.1 The core function of the Safeguarding Committee, through the Safeguarding Service, is to identify risks of harm and minimise such risks through robust policies, procedure and processes. Throughout the past year the Safeguarding Service has worked alongside others to review, develop and improve all aspects of risk management practise.

3.2 The Recruitment Sub-Committee (RSC)

3.2.1 The RSC has responsibility for risk assessing applicants for Regulated Roles where vetting and/or conviction information is returned through their relevant Criminal Records Checks. In 2024, the RSC remit was reviewed and, as a result, referrals to the RSC are now limited to the more complex or high-risk cases. This is in recognition of the professional capacity of the Safeguarding Advisory Panel (SAP). The SAP consists of the Safeguarding Service Manager, the Safeguarding Committee Convenor and a representative from the Law Department. The SAP undertakes a risk assessment for all applicants where there is vetting and/or conviction information. If this initial risk assessment indicates that the vetting and/or conviction information is not relevant to the role applied for, Safeguarding Clearance will be approved without escalation to the RSC. Frequent examples are Road Traffic Offences in situations where driving is not part of the role or offences related to a person's experience of addiction when that person is applying to be a peer mentor within CrossReach drug rehabilitation services.

3.2.2 If the SAP members do not unanimously agree to approve a person for a Regulated Role, a referral is made to the RSC for further risk assessment and a determination of the applicant's suitability for a Regulated Role.

3.2.3 The RSC also has responsibility for considering the ongoing suitability of anyone in a Regulated Role in respect of whom Safeguarding Concerns have been raised. This includes but is not limited to Ministers, Elders, Office Bearers and Congregational Volunteers. In these situations, the Safeguarding Service carry out an investigation and present the findings to the RSC for their consideration and determination of the individual's ongoing suitability for a Regulated Role. Should the RSC decide that the person is no longer suitable for a Regulated Role, and the person being considered is an employee or someone in a Ministries role, this can have an impact on their employment or registration status. This is an area of work we have noted an increase in over 2024. Our new management information collation process will enable detailed analysis of this for 2025.

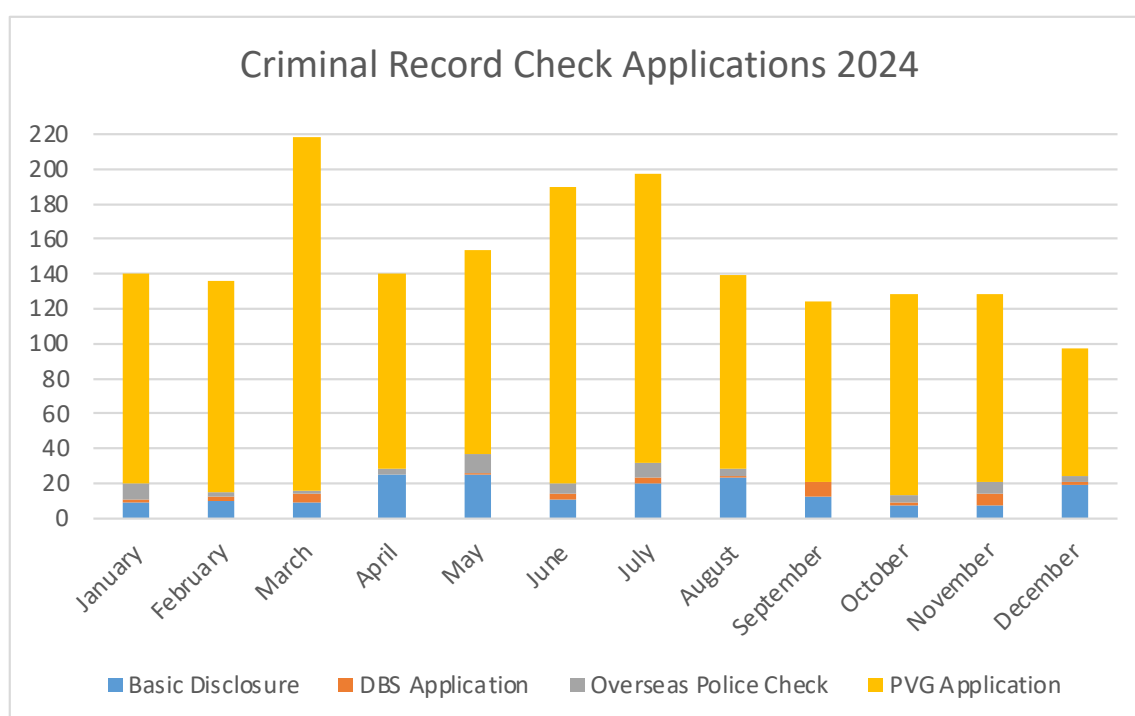
3.3 The International Presbytery

3.3.1 Managing Safeguarding within the context of the International Presbytery presents many challenges including practical as well as cultural. In 2024, the Safeguarding Service have worked alongside the International Presbytery to overcome these challenges. While there is still much work to be done, agreed processes and procedures are now in place as well as a programme of Safeguarding Training. This is reducing the risk of harm to vulnerable groups and promoting safe churches for all.

3.4 Criminal Record Checks

3.4.1 Criminal Record Checks are the first line in managing risk. The Safeguarding Advisor and the Safeguarding Admin Team provide advice and practical support to our congregations in Scotland and around the world regarding what checks are required for Regulated Roles and, as well as being experts in the requirements of the Disclosure (Scotland) Act 2020, they have a sound knowledge of the specific requirements for obtaining the alternative checks in other countries in which the Church of Scotland have a presence. Figure 1 provides information regarding the types and quantity of Criminal Record Checks being processed via the Safeguarding Service. In 2024, a total of 1791 checks were processed.

Figure1.



3.5 The Safeguarding Handbook Review

3.5.1 While Criminal Record Checks are the first line in managing risk, the most important aspect of preventing harm and abuse is our day to day practice. It is vital that we recognise the limitations of Criminal Record Checks and must be aware that such checks will only tell us about people who have already been convicted or come to the attention of Statutory Agencies. The most important and effective way to prevent abuse and reduce risk of harm is through good Safeguarding Practice.

3.5.2 The Safeguarding Handbook has been an important tool. It provides a plethora of comprehensive information on all aspects of Safeguarding from hall lets to summer kids' clubs; from lunch clubs to residential trips. However, in aiming to provide comprehensive information, it has resulted in a Handbook that is not the easiest to navigate and find the information you need in a hurry. In recognition of this the Safeguarding Service has worked with Safeguarding Coordinators, Trainers and Presbytery Contacts to create a collection of 'Quick Guides to...' which are published in the same area on the Safeguarding Service Webpages. These guides are in their infancy and there will be a process of ongoing review to ensure they are useful and remain fit for purpose.

3.5.3 In addition, all Safeguarding Forms have been reviewed to remove any unnecessary tasks and bureaucracy. These will also be subject to ongoing review to ensure they remain fit for purpose and support compliance with regulatory requirements.

4. MANAGING THOSE WHO POSE RISK (MTWPR)

4.1 For of Such is the Kingdom of Heaven – Creating a Church Where All May Safely Live (KOH)

4.1.1 KOH is the joint report of the Mission and Discipleship Council and the Safeguarding Committees and was the outcome of a 'Forgiveness and Proportionality Working Group'. It was presented to the General Assembly of 2009. It provides clear principles, guidance and direction with regard to the theology of forgiveness as well as the practical measures required to both protect children and vulnerable adults, and to support reformation and responsibility in those who pose a risk.

4.1.2 At the General Assembly of 2024, the following deliverance was approved: (7) Note the ongoing work to review and update the 2009 report 'For of Such is the Kingdom of Heaven'. During the initial phase of considering the scope of the review, it was evident that the KOH report continued to be valid, relevant and fit for purpose. As a result, the Safeguarding Committee took the decision not to carry out any further review or amend the report in any way.

4.2 Covenant of Responsibilities

4.2.1 However, it was necessary to review the processes and procedures the report underpins; The Covenant of Responsibilities Guidance. This Guidance had undergone an extended period of implementation, and a review was necessary to consider its effectiveness and to provide an opportunity for amendment should the need be identified. The review has been informed by a range of stakeholders including representatives of:

- Congregational Safeguarding Panels
- The original Forgiveness and Proportionality Working Group
- The National Sex Offender Policing Unit / National ViSOR Unit
- Criminal Justice Social Work Services
- The Safeguarding Service
- Those subjected to a Covenant of Responsibilities

4.2.2 The need for this review was identified in a number of ways. Firstly, the ongoing joint working between the Safeguarding Service and Police Scotland specialist services including: The National Sex Offender Policing Unit/ National ViSOR Unit, Specialist Crime Division (Nationally coordinated Adult & Child Protection & National Risk and Concern) and Public Protection (Local arrangements under the responsibility of Local Police Commanders).

4.2.3 In addition, a proposed deliverance from the floor of the General Assembly 2024 was passed, and invited the Safeguarding Service to 'consider its processes as they relate to people who have been found not guilty in criminal proceedings but who are subject to safeguarding procedures.'

4.2.4 Lastly, when a Covenant is agreed, it must be regularly reviewed to ensure it remains fit for purpose. In carrying out such reviews, the Safeguarding Service has identified challenges relating to those who have impaired cognitive capacity or are considered to be adults with incapacity. To agree to the conditions within a Covenant, the individual must fully understand both the risks they pose to others and the conditions under which their participation has been agreed. Therefore, consideration must be given to how we manage Covenants for such subjects ethically while ensuring safe churches for all.

4.2.5 in summary, the scope of the review was:

- (i) The lifelong nature of Covenants (Section 4.1 of Appendix 2)
- (ii) The Risks associated with those accused of sexual offences who are found not guilty in criminal courts (Section 4.2 of Appendix 2)
- (iii) Managing risks and Covenants for those with impaired capacity (Section 4.3 of Appendix 2)

4.2.6 The outcomes of the review are as follows:

- (i) The duration of a Covenant of Responsibilities will be based on the individual Subject and will reflect the Multi Agency Public Protection Arrangements (MAPPA) management and risk assessment process. More information about MAPPA is provided in appendix 2, section 4.1.10. When the Sexual Offences Notification Requirements end, the Covenant would also end, unless the 'exit from MAPPA assessment' or other available information

indicates otherwise. Section 4.2 provides further information and recommendations regarding Covenants for those not subject to statutory notification. This would ensure we recognise that "...the issues of forgiveness and proportionality, and the nature of grace must be discussed in relation to the facts of dealing with sex offenders, with their particular characteristics and problems." (KOH P.7 section 6.3). MAPPA provides the reassurance that those who pose a risk will be appropriately and safely managed within our community.

EXCEPTION

Where the commission of an offence has occurred within a church setting, through any church activity or can be perceived to have a link to a church, the subject's Covenant will be lifelong. As the offender has used their connection to the Church as a means to access those they have abused, we must recognise this presents an additional risk in this specific context and must ensure supervision and monitoring within the Church remains in place. The methods and level of monitoring will continue to be proportionately reviewed and applied.

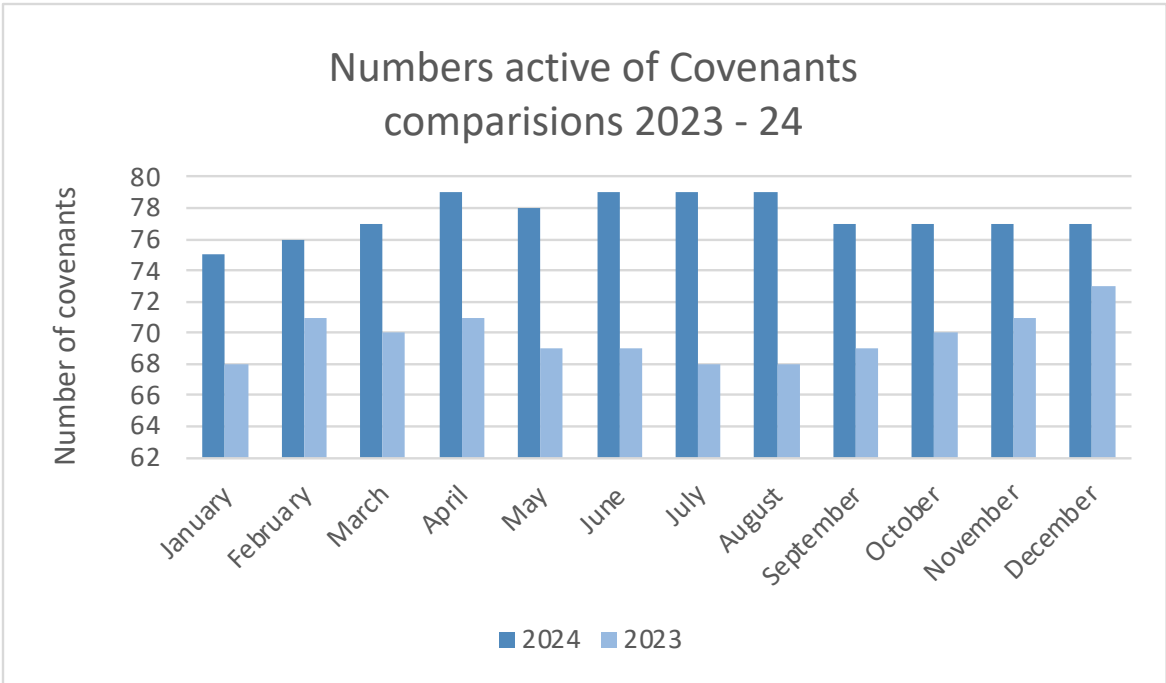
- (ii) The Risks associated with those accused of sexual offences who are found not guilty in criminal courts have been demonstrated in a number of Significant Case Reviews including those mentioned in sections 4.2.15 & 4.2.16 of Appendix 2. It is pertinent to reflect on the recent Makin Review into the Church of England's handling of the abuse perpetrated by John Smyth which refers to abusers 'hidden in plain sight'. The decision of the Safeguarding Committee was that no change be made to this aspect of Safeguarding Service practice and to confirm the need for a Covenant of Responsibilities is dependent on, and informed by risk assessments using validated information. While not part of the deliverance informing this aspect of the review, it is also important to acknowledge that the same principles apply to cases that have not proceeded to trial. In such cases, the judgement regarding the evidence has been made at an earlier stage where Police Scotland or the Procurator Fiscal has decided the evidence does not meet the criminal standard of proof which is 'beyond a reasonable doubt'. Where authorities continue to have concerns and believe the subject is responsible for harm or abuse 'on the balance of probabilities', appropriate and proportionate Safeguarding Measures will be put in place.
- (iii) It was agreed that it is not ethical, or morally just, to invite or insist that those with impaired cognition sign a Covenant with conditions they don't understand or have no capacity to independently fulfil. As a result of the review, such Subjects have a more limited Covenant which is agreed with their main carer and/or the agency responsible for managing the Subject's care plan.

4.2.7 The full Report and Reviewed Guidance are at Appendix 2 and provides the details of the review and the rationale behind the decisions taken.

4.3 Live Covenant of Responsibilities

4.3.1 The number of Covenants of Responsibilities has increased from an average of 69.75 in 2023 to 77.5 in 2024 as is illustrated in figure 2.

Figure 2



5. SAFEGUARDING TRAINING

5.1 Role and Responsibility of the Safeguarding Service

5.1.1 The role and responsibilities of the Safeguarding Service have been steadily increasing since the roll out of the Safeguarding Training Pathway. This is having a significant impact on the workload of the Service as well as the invaluable and much appreciated Volunteer Trainers. As well as creating and updating courses to ensure they remain fit for purpose and reflect regulatory requirements, the Safeguarding Service also facilitate many Safeguarding Courses. In addition, the Service also has responsibility for undertaking Quality Assurance and mentoring both to increase

confidence and to improve practice when this need is identified through evaluation. Figure 3 demonstrates the range of training within the framework that the Safeguarding Service manage and oversee the implementation of.

Figure 3.

		Course	Content creation and updating	Facilitate by	Mentoring & Quality Assurance
Church of Scotland		Introduction	Safeguarding Officers	Volunteer Trainers	Safeguarding Training Officer
		Safeguarding Officers	Safeguarding Officers	Volunteer Trainers	Safeguarding Training Officer
		Safeguarding Officers	Safeguarding Officers	Volunteer Trainers	Safeguarding Training Officer
		Safeguarding Officers	Safeguarding Officers	Safeguarding Officer x 2	Safeguarding Service Manager
		Safeguarding Officers	Safeguarding Officers	Safeguarding Officer	Safeguarding Service Manager
CrossReach	Children	Introductory	*Approving CR course	CrossReach Staff	Safeguarding Training Officer
		Managers	Safeguarding Service	Safeguarding Officer & Safeguarding Service Manager	Safeguarding Service Manager
	Adults & Older people	Introductory	Safeguarding Service	CrossReach Staff	Safeguarding Training Officer
		Managers	Safeguarding Service	Safeguarding Officer & Safeguarding Service Manager	Safeguarding Service Manager

5.2 The Safeguarding Training Pathway

5.2.1 The Pathway consists of four Training Courses which are facilitated as described in figure 3. While all four courses are continually available, in 2024 there has been an additional focus on the Trustee and Leadership Training Courses. After some initial reluctance, many Kirk Sessions are now on their way towards compliance with the Training Pathway. To reduce the number of courses a Trustee has to attend if they are also involved in Safeguarding Panels, amendments were made to both the Advanced and Trustee course content to enable them to be interchangeable rather than the requirement to attend both.

5.2.2 The Leadership Course Rollout over 2024 has gathered pace and, so far, 110 participants have completed the training. The course has received very positive feedback, with participants praising its content, delivery, and engagement methods. Since the pilot session, the training has evolved based on participant feedback, leading to improvements in content delivery, session timings, and a more structured use of pre-course materials to enhance engagement.

5.2.3 Around 50% of participants have completed and returned evaluations. 97% of these evaluations have rated the training as Excellent, Very Good or Good. Some examples of feedback include:

"By far the most helpful training I have ever experienced. The pre-reading and workbook were very helpful."

"The training was exceptional—very well delivered and informative. I feel much more empowered to help others."

"Having received training from the very first pilot session, I can say this was far superior to previous ones."

"I really appreciated the different modes of gathering feedback. The balance between content and discussion was perfect."

"Thank you very much – I feel inspired!"

"This course goes a long way in preparing us for safeguarding challenges in the Church."

5.2.4 The Safeguarding Committee is proposing a change to the name of the 'Leadership' course. This course is aimed at Ministers and those in Ministries Roles; however, we are very aware that these are not the only individuals who provide 'leadership' within the Church, for example, Trustees are a vital part of our leadership. Therefore, this training will become the 'Ministries' Training Course.

5.2.5 The Safeguarding Service continues to promote upcoming training dates through Presbyteries. While the course is primarily delivered online, every effort will be made to accommodate requests for in-person sessions where possible.

5.2.6 The tables below provide details of engagement with Safeguarding Training in 2024. Figure 4 illustrates the number of people and figure 5, the number of courses facilitated. Please note, these numbers represent the information which is submitted to the Safeguarding Service by those facilitating training. As we are dependant upon the submission of registers, we are aware that more training may have taken place in some Presbyteries that has not be notified and, therefore, not represented within the figures below.

Figure 4

Presbytery	Number of Attendees per Presbytery				Total
	Introductory	Advanced	Trustee	Leadership	
Clyde	122	0	138	0	260
Edinburgh and West Lothian	227	52	230	0	509
England and Channel Islands	3	12	9	0	24
Fife	120	66	317	0	503
Forth Valley and Clydesdale	256	39	15	0	310
Glasgow	364	45	401	0	810
Lothian and Borders	138	51	168	18	375
North East and Northern Isles	272	85	412	20	789
Perth	61	0	179	0	240
Lewis	0	1	0	0	1
The South West	310	69	706	0	1085
Cleir Eilean I	160	51	154	20	385
International	36	14	25	0	75
	2069	485	2754	58	5366

Figure 5.

Presbytery	Number of Courses Available per Presbytery				Total
	Introductory	Advanced	Trustee	Leadership	
Clyde	4	0	3	0	7
Edinburgh and West Lothian	11	3	14	0	28
England and Channel Islands	2	3	1	0	6
Fife	7	5	19	0	31
Forth Valley and Clydesdale	12	3	1	0	16
Glasgow	20	2	14	0	36
Lothian and Borders	8	3	5	1	17
North East and Northern Isles	12	8	13	1	34
Perth	4	0	8	0	12
Lewis	0	1	0	0	1
The South West	20	8	29	0	57
Cleir Eilean I	19	4	10	1	34
International	9	4	7	0	20
	128	44	124	3	299

6. SAFEGUARDING CONCERNS

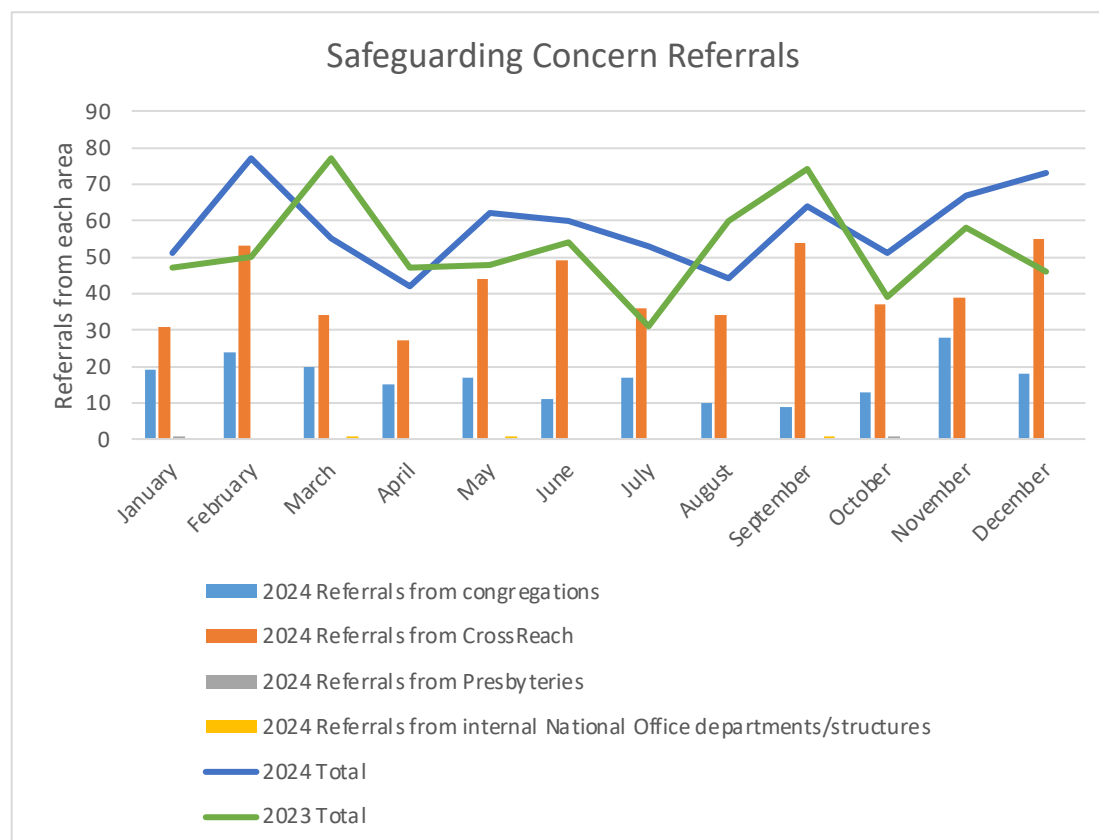
6.1 The Safeguarding Service is responsible for managing all Safeguarding Concerns reported to it by providing the appropriate advice and instruction, or by directly managing the concerns including reporting to Police Scotland, Social Work Services and any other relevant Statutory Agency. Referrals can be in relation to child protection, adult protection or public protection (managing those who may pose a risk to others).

6.2 The main sources of referrals are Congregations, Presbyteries, CrossReach and the National Office. The number of concerns increased slightly from 631 in 2023 to 699 in 2024. Figure 6 provides a breakdown of the sources of referrals. The nature of Safeguarding Concerns being referred by congregations does not demonstrate any pattern of abuse.

6.3 As detailed in section 2.3.2, the Safeguarding Service has been working with the IT Department to develop our Management Information Reports. This has taken a considerable time and involved many alterations to our system; however, we are now confident that we have the appropriate data fields to enable meaningful data collection and analysis of referrals from CrossReach Services. This will enable detailed reports to be created for each service and provide a quality assurance function in identifying areas of good practice as well as areas for development. In 2024, we have been able to develop a picture of where CrossReach Services are in relation to the development and implementation of good Safeguarding Practice.

6.4 What has been most stark are the number of Services that did not make a Safeguarding Referral throughout the year. Given the nature of most CrossReach Services, this is not the picture expected. The Safeguarding Service Manager is now attending CrossReach Head of Children's Services meetings to facilitate discussion around the Management Information Reports and provide advice and guidance based on these. The Safeguarding Service Manager is currently working with CrossReach's Quality Compliance Business Partner to promote the same engagement with CrossReach Adult & Older People's Head of Service meetings.

Figure 6



7. PROFESSIONAL ADVISORY SERVICE

7.1 Congregations and Presbyteries

7.1.1 The Safeguarding Service's Professional Advisory Service is primarily facilitated by the Safeguarding Advisor and the Safeguarding Administration Team. It supports Congregations and Presbyteries to achieve compliance with both legislative and regulatory requirements. Enquiries are wide and varied; however, understandably, many are related to Criminal Record Checks, particularly PVG Scheme Membership application. With the ongoing progression towards a digital society and the related changes to Disclosure Scotland's processes, many Congregational Safeguarding Coordinators find these processes challenging and have required a significant level of support. Other topics of enquiries include but are not limited to Policy and Procedure, Safeguarding Forms and Practice issues.

7.2 National Offices

7.2.1 The Safeguarding Advisory Service also supports the National Offices. As with congregations and Presbyteries, this often includes support with identifying the appropriate Criminal Records Checks required for Central Services Staff as well as Ministries Candidates and World Mission Partners.

7.3 Service Level Agreements

7.3.1 The Safeguarding Service continue to work with other partners in supporting their compliance with legislation and regulatory compliance. These arrangements are in place with CrossReach, The United Reformed Church and the Girls' Brigade.

7.3.2 As reported to the General Assembly of 2024, the Safeguarding Service has ended its Service Level Agreement with the Boys' Brigade. They now take full responsibility for all Safer Recruitment processes and training arrangements. However, it is important to recognise that the end of this SLA is not a separation. The SLA defined the responsibilities of both the Boys' Brigade and the Safeguarding Service in relation to recruitment and training of those applying for

Regulated Roles. The Church of Scotland and the Boys' Brigade will continue to work together in recognition of our shared Christian values and the desire to ensure children and young people have access to positive experiences to support their personal and spiritual development.

7.3.3 The Service Level Agreement has now been replaced by a Joint Safeguarding Agreement which redefines the roles and responsibilities in relation to any Safeguarding Concerns that arise in Boys' Brigade Companies affiliated with a Church of Scotland Congregation. This will promote ongoing good Safeguarding Practice and details the responsibilities of Kirk Sessions in the recruitment of Boys' Brigade leaders. As Kirk Session no longer have the reassurance of the Safeguarding Service providing confirmation of PVG Scheme membership, they will now 'affirm the nomination' of a new leader 'subject to successful completion of the safer recruitment process' which will be carried out by the Boys' Brigade. The Joint Safeguarding Arrangement provides detailed guidance on all associated processes.

8. THE SAFEGUARDING ACT 2018

8.1 The Committee has taken the opportunity, in the light of the Makin Report and the changes in practice and terminology introduced by the Disclosure (Scotland) Act 2020 which necessitate changes to the Safeguarding Act (Act XVI 2018), to carry out a review of that Act to determine whether further changes were required. That resulted in a relatively large number of changes, such that rather than amend the existing Act it has been thought better to repeal the existing Act and replace it with a new Act, which is up to date with current terminology and legislation. This is found in Appendix 3.

8.2 The relevant changes are outlined below:

- In accordance with civil legislation, the term "Regulated Work" has been replaced with "Regulated Role" throughout the Act.
- In accordance with civil legislation, the changes to levels and names of Disclosure Scotland products have been changed throughout the Act.
- In accordance with the addition of new civil legislation, the term "Safeguarding Legislation" has been used as a collective term to represent all civil legislation related to "Regulated Role" throughout the Act.
- Definitions in section 1 have been amended to reflect changes in civil and Church legislation.
- In accordance with civil legislation and the recommendations of the Makin Report, changes have been made to include the risk assessment of those currently in post for whom misconduct related Safeguarding Concerns are reported.
- In accordance with the remit of the Recruitment Sub-Committee, the name has been changed to the "Recruitment and Risk Sub-Committee" throughout the Act. This reflects the consideration of risk posed when Safeguarding Concerns are raised regarding a person already in post.
- In accordance with civil legislation, Interim Moderators will only require PVG Scheme membership when the duties reflect those expected of a 'Regulated Role'.
- The Makin Report underpins amendments to sections 5 and 16 to clearly separate and define the management of risk posed by misconduct of workers (section 5) and the duty of worker to report Safeguarding Concerns and associated risks (section 16).
- The Makin Report underpins the amendment to include those in ministries' roles within the list of workers for whom it is mandatory to report Safeguarding Concerns.
- Amendments have been made to provide clarity for the reporting of Safeguarding Concerns across the range of contexts within the Church setting.
- Amendments have been made to provide clarity of responsibility for the Safeguarding Training Pathway and associated compliance requirements.
- All sections and sub-section have been renumbered accordingly throughout the Act.

8.3 The Committee has taken the opportunity to include the requirements of the Child Protection Procedures Act (Act V 2005) within the new Safeguarding Act as detailed in section 8.1 and 8.2 and, as a result, repeal this Act.

In the name of the Safeguarding Committee

SONIA BLAKESLEY, Convener
JUDY WILSON, Vice Convener
DEBORAH BLACKHURST, Service Manager

Appendix 1

The Makin Review

Thematic concerns

The key thematic concerns identified by the Review comprise the following:

- Abuse of positions of trust and power;
- Excessive deference to senior clergy in leadership roles;
- That the abuse was hidden in plain sight;
- Failures of leadership and accountability for safeguarding;
- Problematic and/or insufficiently examined funding sources;
- The cover-up, over an extended period;
- Radicalisation and the exploitation of theologies by Smyth;
- The abuse in Zimbabwe and South Africa.

Key recommendations

The Report Review stated that lessons must be learned from the organisational and institutional failings detailed in this Review. The Review makes 27 specific recommendations, reflecting the lessons to be learned from these terrible events. In particular, those recommendations include:

- taking active measures to understand and incorporate into revised safeguarding policies the risks associated with the abuses of power by those in positions of trust, and prioritising safeguarding considerations in decision-making;
- establishing international reciprocal safeguarding procedures with other Anglican communion institutions and leaders where allegations are made against a person in a position of trust who relocates overseas;
- ensuring independent oversight of the implementation of safeguarding measures, including the development of a wholly independent body, free from direct influence by senior Church officers, to guide the development of the Church's safeguarding procedures;
- placing safeguarding measures at the centre of every Church officer's professional responsibilities, including conducting a Church-wide review of existing policies and procedures and embodying the principle of 'never not clergy' in Codes of Conduct;
- reviewing donations and funding arrangements and providing additional guidance regarding overseas missionary work, including an express and enhanced requirement of due diligence irrespective of amount;
- seeking independent assurance as to the robustness of the Church's whistleblowing procedures, to ensure that credible suspicions of abuse and the risks of a cover up can be reported and investigated;
- considering the application, now, of mandatory reporting within future Church safeguarding policy and procedure prior to its possible introduction as a national requirement;
- ensuring that the commissioning of a full independent review of John Smyth's activities in Zimbabwe and South Africa is considered by the Church.

Appendix 2

Managing Those Who Pose a Risk – Review of Proportionality.

1. Introduction

- 1.1 The Covenant of Responsibilities (Covenant) process was developed to support the inclusion in worship and, where appropriate, the wider life of a congregation, of those considered to pose a risk of serious harm to the public because they have been convicted of sexual or some violent offences, or their conduct is deemed to pose a risk but may not have met the evidential threshold for criminal processes. For the purpose of this report the term 'offender' will be used'. This process is underpinned by '[For of such is the Kingdom of Heaven – Creating A Church Where All May Safely Live](#)' which was presented to the General Assembly in 2009 herein referred to as KOH. This joint report of the Mission and Discipleship Council and the Safeguarding Committees, was the outcome of a 'Forgiveness and Proportionality Working Group'. It provides clear principles, guidance and direction with regard to the theology of forgiveness as well as the practical measures required to both protect children and vulnerable adults, and to support reformation and responsibility in those who pose a risk.
- 1.2 The report refers to two main aims for the purpose of a Covenant (KOH P.3)
 - I. To assure all victims of abuse and the families of children and adults at risk in a congregation that precautions and safeguards are in place to ensure 'safety from harm' in church premises, and
 - II. To provide structure and support for the sex offender (and some other offenders as per MAPPA expansion in 2016) who seeks to make his/her life characterised by forgiveness and the opportunity to participate in the worshipping life of a congregation.

N.B. References to statistical information and available reports were correct at the time of writing (November 2024)

2. Identified points of review

- 2.1 The need to review the Covenant process was identified in a number of ways. Firstly, the ongoing joint working between the Safeguarding Service and Police Scotland specialist services including: The National Sex Offender Policing Unit/ National ViSOR Unit, Specialist Crime Division (Nationally coordinated Adult & Child Protection & National Risk and Concern) and Public Protection (Local arrangements under the responsibility of Local Police Commanders). This work identified the need to review proportionality in respect of the lifetime nature of Covenants.
- 2.2 In addition, a proposed deliverance from the floor of the General Assembly 2024 was passed, and invited the Safeguarding Service to 'consider its processes as they relate to people who have been found not guilty in criminal proceedings but who are subject to safeguarding procedures.' (Church of Scotland, [Collated Deliverance](#) P. 13.10).
- 2.3 Lastly, when a Covenant is agreed, it must be regularly reviewed to ensure it remains fit for purpose. In carrying out such reviews, the Safeguarding Service has identified challenges relating to those who have impaired cognitive capacity or are considered to be adults with incapacity. To agree to the conditions within a Covenant, the individual must fully understand both the risks they pose to others and the conditions under which their participation has been agreed. Therefore, consideration must be given to how we manage Covenants for such subjects ethically while ensuring safe churches for all.
- 2.4 In summary, the review needs to consider:
 - (i) The lifelong nature of Covenants
 - (ii) The risks associated with those accused of sexual offences who are found not guilty in criminal courts
 - (iii) Managing risks and Covenants for those with impaired capacity

3. Church, Criminal and Civil Law & Statutory Guidance

- 3.1 The Criminal and Civil legislative framework, and subsequent guidance, which underpins the management of those who pose a risk of serious harm includes, but is not limited to:
 - Social Work (Scotland) Act 1968
 - Human Rights Act 1998
 - The Sexual Offences Act 2003
 - The Management of Offenders etc. (Scotland) Act 2005
 - Adult Support and Protection (Scotland) Act 2007
 - Sexual Offences (Scotland) Act 2009
 - Children's Hearing (Scotland) Act 2011
 - Standards and Guidance for Risk Management (2018)
 - Multi-Agency Public Protection Arrangements (MAPPA) National Guidance (2022)
 - Child Protection: National Guidance 2021 (updated 2023)
 - Sex Offender Community Disclosure Scheme
- 3.2 Church of Scotland Law: Arrangements for Covenants of Responsibilities are laid out in Section 20 of the [SAFEGUARDING ACT \(ACT XVI 2018\) \(AS AMENDED BY ACTS XVIII 2020 AND VII 2021\)](#). Covenants are underpinned by the guidance within the report referred to in section 1.1 above (KOH). Section 4 provides excerpts from said report, to highlight specific aspects of guidance which are relevant and provide context for this review alongside reflection on Criminal and Civil Law.

4. Themes of review

4.1 The lifelong nature of Covenant and Proportionality.

- 4.1.1. KOH section 6.2 (P7) provides clarity regarding the balance of the inclusion of offenders, and risk. There is recognition of the importance of providing opportunities for the offender to grow and develop; however, it is clear that this must not compromise the safety of vulnerable people accessing worship and church activities.
- “The Group is clear that what is involved in trying to incorporate a sex offender in a congregation is a task of discipleship. The intention, according to the perspective of the Group, is for the sex offender to be given opportunities for growth and development without risking harm to children or adults at risk, in the congregation, or themselves. The inclusion of sex offenders must never be at the risk of harm to vulnerable groups within church settings.”
- 4.1.2. The need to treat every Subject as an individual within the framing of a Covenant and its conditions is an area of practice which requires further consideration to ensure this individuality is respected in all aspects of the Covenant.
- “While the theological issues are crucial, it must be recognised the issues of forgiveness and proportionality, and the nature of grace must be discussed in relation to the facts of dealing with sex offenders, with their particular characteristics and problems.” (KOH P.7 section 6.3).
- ‘Covenants of Responsibilities’ will be drawn up to ensure that the particular circumstances of each sex offender are recognised and that the appropriate oversight and support are offered in congregations. (KOH P.3 Overview)
- 4.1.3 In the previous excerpt, we are encouraged to recognise forgiveness and proportionality within the context of individual Subjects. This practice is evident in the current process of agreeing and writing the Covenant. The risk assessment informing the conditions of a Covenant is based on, but not limited to, the Subject’s index offence, victim profile, mode of offence (contact/non-contact/ online etc), Responsible Authorities’ specialist assessment tools (assessments are only carried out by those who have undergone accredited training in a Risk Management Authority accredited tool), any other information held by Responsible Authorities that they deem relevant to the Subject’s participation in church activities. Information sharing between Police Scotland and the Church of Scotland is governed by a formal Information Sharing Agreement. More details about information sharing can be found at section 4.2.5 to 4.2.7.
- 4.1.4 This demonstrates good practice in consideration of conditions within a Covenant; however, individuality and proportionality are missing in terms of the lifetime of a Covenant. With regards to the terms of a Covenant, the Act section 20 (3) merely stipulates such terms shall be determined by the Safeguarding Service in consultation with the relevant parties. It provides no direction that every Covenant should be lifelong; however, this is what has occurred in practice.
- 4.1.5 KOH provides the Church of Scotland’s agreed theology and sets out how the theological concept of forgiveness in Christianity may shape the policy and practice of the church in relation to the involvement of sex offenders in the life of congregations. In KOH section 9.5 (P.12) we are reminded that:
- “...those who have committed sexual assault still remain as the children of God. The Church has a duty to support them in their transformation and process of redemption. It is our responsibility and privilege to offer them a covenant to support them in the change required by God’s grace.”
- 4.1.6 If there is recognition of the capacity for change and encouragement to support Subjects to make that change, this is not reflected in the indeterminate terms of all Covenants. In Scots Law, there is an indeterminate sentence available for those who have committed sexual offences; Order of Lifelong Restriction (OLR). However, in contrast to Covenants where all are lifelong, the OLR is only used in the most serious cases where there is a pattern of serious violent offending or where a court considers that the individual could commit such violence in the future. The OLR is only available as a disposal in the High Court following the outcome of a Risk Assessment Order (RAO).
- 4.1.7 Below are statistics from the Risk Management Authority to provide some context. This is the most recently published [12 month data – 2022 to 2023](#)
- | | |
|------------------------------------|-------|
| – Number of Risk Assessment Orders | 27 |
| – RAO outcome low risk | 0 |
| – RAO outcome medium risk | 6 |
| – RAO outcome high risk | 18 |
| – Total number of OLRs imposed | 24 |
| – Total number of ‘live’ OLRs | 237 |
| – Rate of RSOs subject to OLRs | 3.8%* |

*Due to differences in reporting periods, an average figure of 6,229 (years 2022 + 2023) was used to reach the given rate.

- 4.1.8 The number of [Registered Sex Offenders](#) is published monthly. This data can be access via the hyperlink. The data in the table below provides information regarding RSOs for the most recent full calendar years: 2022 and 2023. [The RSO data is from Multi-Agency Public Protection Arrangements \(MAPPA\) in Scotland: national overview report 2022-2023.](#)

Numbers of Registered Sex Offenders in Scotland, 2022 to 2023

Category	2022	2023
RSOs managed in custody and in the community on 31 March	6,038	6,420
RSOs managed in the community on 31 March	4,520	4,747
RSOs managed at Level 1 in the community on 31 March	4,407	4,584
RSOs managed at Level 2 in the community on 31 March	111	140
RSOs managed at Level 3 in the community on 31 March	2	1
RSOs reported for breaches of notification	374	465
RSOs convicted of a further group 1 or 2 crime ^[9]	114	139
RSOs wanted on 31 March	16	13
RSOs missing on 31 March	0	0

- 4.1.9 As a key purpose of a Covenant is to ensure safety from harm in church premises, it is imperative that the risk of harm is assessed. If risk assessments are to be objective, fair and proportionate, we must have an awareness of any internal/personal views that may impact on our capacity for such objectivity. While research data around this has not been sought for the purposes of this report, it is fair to assume from our everyday engagement with congregations and the wider public, that people find sexual offences particularly emotive. The following information is intended to support objective understanding of the risks posed by RSOs and to provide context for the statistics in section 4.1.8.
- 4.1.10 Multi-Agency Public Protection Arrangements (MAPPA) is the process by which RSOs are monitored by Responsible Authorities. These arrangements are underpinned by statutory guidance which is regularly reviewed to ensure it remains fit for purpose. The most recent review was in [2022](#). The Management of Offenders etc. (Scotland) Act 2005 is the specific legislation which informs the guidance.
- 4.1.11 Who is subject to MAPPA?
- Category 1 – Registered Sex Offenders
 - Offenders convicted of an offence listed in Schedule 3 of the Sexual Offences Act 2003 and required to comply with Sex Offender Notification Requirements (SONR) set out in part 2 of the 2003 Act. Those made subject to Sexual Harm Prevention Orders (SHPO) or Sexual Risk Orders (SRO). These orders replaced the Sexual Offences Prevention Order (SOPO) and Risk of Sexual Harm Order (RHSO); however, they are still relevant to offenders convicted prior to the changes.
 - Mentally Disordered Restricted Patients (those patients subject to Specific Orders or directions as a result of a mental disorder).
 - Category 2 – Not currently used in Scotland
 - Category 3 – Other Risk of Serious Harm Offenders

Offenders not required to comply with the SONR or are a mentally disordered restricted patient; who by reason of their conviction are subject to supervision in the community by any enactment, order or licence; are assessed by the responsible authorities as posing a high or very high risk of serious harm to the public which requires active multi-agency management at MAPPA level 2 or 3.

NB: All Church of Scotland Covenants subjects are category 1

4.1.12 The table below illustrates the period of Sex Offender Notification Requirements (SONR) for the range of sentences.

Sentence	Notification period
Prison sentence of 30 months or more (including life)	Indefinite
Order for lifelong restriction	Indefinite
Admission to a hospital subject to a restriction order	Indefinite
Prison sentence of more than 6 months but less than 30 months	10 years
Prison sentence of 6 months or less	7 years
Admission to a hospital without a restriction order	7 years
Community payback order with an offender supervision requirement	The length of the offender supervision requirement
Any other sentence (e.g. a fine or admonition)	5 years

4.1.13 How are they managed?

There are 3 management levels in MAPPA:

- **Level 1: Routine Risk Management**
The risks posed by the offender can be managed by one agency without significant active involvement from other agencies. Notwithstanding this, the expectation for information sharing, joint working and collaboration at an inter-agency level remains.
- **Level 2: Multi-Agency Risk Management**
Usually used in high risk cases where the active involvement of more than one agency is required to manage the risks.
- **Level 3: Multi-Agency Protection Panels (MAPPP)**
The MAPPP is responsible for offenders at Level 3, who are expected to be the “critical few” who pose an imminent risk of serious harm or where there is a high risk of media scrutiny or public interest in the case.

4.1.14 **NB:** Ongoing and dynamic risk assessment while subject to MAPPA ensures the appropriate level of monitoring required reflects any changes in circumstances. Offenders can be moved between MAPPA levels if the risk assessment indicates a change in the level of risk.

4.1.15 The information in section 4.1.12 illustrates the recognition of the seriousness of sexual offences and their impact on victims. A significant level of monitoring, via the SORN, is put in place even in situations where the sentence may be considered lenient, for example in situations where the sentence is a fine or admonishment, there is still a monitoring period of 5 years. Likewise, the consequences for failing to comply with notification requirements are significant with a maximum sentence of 5 years imprisonment.

4.1.16 It is reasonable to assume that the concern regarding subjects on Covenants is that they will reoffend while engaging in the life of the church. To consider this objectively, it is important to understand recidivism rates for sexual offences. According to the most recent Scottish Government published statistics 2020-21, the rate of sex offenders reconvicted was 8.8%. These statistics acknowledge the impact of the pandemic on court procedures and, therefore, the rate for 2019-20 is provided – 10.7%. While this is slightly higher, it is a low rate when it is compared to recidivism for other offences illustrated below (figures for 2019-20):

- | | |
|-------------------------------------|-------|
| • Dishonesty | 40.5% |
| • Drug offences | 20.9% |
| • Damages and reckless behaviour | 27.1% |
| • Threatening and abusive behaviour | 22.5% |

4.1.17 [The MAPPA Guidance \(2022\)](#), acknowledges that the end of the notification period has no bearing on the risk presented and the need to manage risk; the period is determined by the sentence imposed at the time of conviction. However, the guidance is also clear on the importance of MAPPA exit arrangements and procedures being in place to ensure the appropriate assessment of risk has been concluded prior to the end of SONR. This provides reassurance for the public that, in cases where the risk a person poses to the public remains high, further powers will be sought.

“...sufficient time to allow for a review of the circumstances and consideration of whether there is criminal or on-going concerning behaviour which evidences that the risk they pose is so high that further law enforcement powers are justified and necessary”
MAPPA Guidance 2022 (P.47)

- 4.1.18 The available research and data referred to throughout this report indicates that offenders who are no longer managed through the MAPPA process are a low risk to the public. The risk that they will commit further sexual offences is low. The research and data also demonstrate that, where there remains concern that an offender continues to pose a high risk to the public at the end of the SONR period, there are structures in place to address such concerns.
- 4.1.19 In acknowledging this information, we must also consider the rights of those subject to Covenants. The imposition of a Covenant is relevant to consideration of Article 8 of The Human Rights Act 1998, the right to respect for private and family life, which states:
1. Everyone has the right to respect for his private and family life, his home and his correspondence.
 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others
- The imposition of a Covenant when the Responsible Authorities, which are subject to legal process, through the means of specialist risk assessment, do not consider an individual to require additional supervision or monitoring, may be considered to breach the individual's human rights. In addition, The Office of Scottish Charity Regulator (2018, p7), state within their Safeguarding Guidance that "Safeguarding comes from a rights-based approach...". In addition to the Church of Scotland's agreed values and attitudes, as a registered charity, we have a duty to uphold the rights of those involved in the life and work of the Church.
- 4.1.20 It is evident that the Church of Scotland Covenant process is not proportionate in respect of the level of risk posed and the indeterminate monitoring period. As a result, current safeguarding practice is not in line with the intentions of 'For of such is the Kingdom of Heaven – Creating A Church Where All May Safely Live' as stated in section 4.1.2.

Proposal & recommendation

- 4.1.21 It is recommended that Covenants of Responsibilities reflect the MAPPA management and risk assessment process. When the Sexual Offences Notification Requirements end, the Covenant would also end, unless the 'exit from MAPPA assessment' or other available information indicates otherwise. Section 4.2 provides further information and recommendations regarding Covenants for those not subject to statutory notification. This would ensure we recognise that "...the issues of forgiveness and proportionality, and the nature of grace must be discussed in relation to the facts of dealing with sex offenders, with their particular characteristics and problems." (KOH section 6.3, P7). MAPPA provides the reassurance that those who pose a risk will be appropriately and safely managed within our community.
- 4.1.22 **EXCEPTION**
Where the commission of an offence has occurred within a church, through any church activity or can be perceived to have a link to a church, the subject's Covenant will be lifelong. As the offender has used their connection to the Church as a means to access those they have abused, we must recognise this presents an additional risk in this specific context and must ensure supervision and monitoring within the Church remains in place. The methods and level of monitoring will continue to be proportionately reviewed and applied.
- 4.2 The risks associated with those accused of sexual offences who are found not guilty in criminal courts**
- 4.2.1. The deliverance as detailed in section 2.2 above, specifically invites the Safeguarding Committee to consider their processes in how they relate to people accused of sexual offences who are found not guilty in criminal courts. However, full transparency in relation to the status of subjects who are managed by the Safeguarding Service via Covenants is important in recognising and acknowledging the intent and motivation of the proposed Deliverance. Therefore, the review focus of this aspect of safeguarding will be extended to include subjects who have been accused of an offence, which has not gone to criminal trial.
- 4.2.2. Such subjects are currently recognised within the Act, section 1 (30) Definitions as:
- (iii) Any person who admits to having committed a sexual offence
 - (v) Any person in respect of whom the Safeguarding Service receives a notification from any of the Responsible Authorities that such a person poses a risk of harm
 - (vi) Any person found responsible by a court of law (civil law) or by their professional body or regulator for committing an act which has, even in part, a sexual element, whether or not that individual accepts the finding
 - (vii) Any person, who after risk assessment by the Safeguarding Service, is believed to pose a risk of violence or sexual harm and who has contact with the Church of Scotland, its members and adherents or those individuals who use and access worship, groups and services run by or on behalf of the Church.
- 4.2.3. To understand the importance of monitoring subjects as described in section 4.2.2 above (non-conviction subjects), it is necessary to reflect on the context of sexual crimes and abuse, in both criminal and civil law as both are relevant. In criminal law, the standard of proof for a guilty verdict is – 'beyond a reasonable doubt'. It is accepted that the standard of proof for criminal convictions is very high. Rightly so, in a fair and just society, people should not be subjected to punishment or the ramification of a criminal record if there is any doubt about their guilt. The 'balance of probabilities' is the standard of proof used in civil law cases to determine if an event is more likely to have happened than not. If this determination is made, the subject is considered to be 'responsible' for the act rather than 'guilty' as in a criminal court.

- 4.2.4. Both systems are relevant to Child, Adult and Public Protection. If the Procurator Fiscal decides the evidence available meets the 'beyond a reasonable doubt' standard, a criminal conviction is likely to be sought. However, not achieving this criminal standard of proof does not automatically mean someone is 'innocent' or doesn't pose a risk. The verdict is 'not guilty' in terms of the criminal standard of proof; beyond reasonable doubt. This is the same for all criminal convictions.
- 4.2.5. In considering the nature of sexual offences, we must acknowledge that such offences take place in circumstances where achieving the criminal burden of proof is extremely difficult. In the [five-year reporting period for 2018-19 to 2021-23](#), the average conviction rates for all sexual offences was 24%. As a comparator, non-sexual violent crime convictions rate was 82%. KOH section 7.1 (P.8) recognises the impact of additional challenges when 'securing a conviction where there are children or adults at risk, involved, only 5% of allegations of sexual assault actually lead to conviction. It must be noted that only a very tiny part of the 95% will be due to the fact that the allegation was false.'
- 4.2.6. Challenges in securing convictions for sexual offences can include, but are not limited to:
- The need for corroboration which is a distinct feature of Scots Law. It means the prosecutors need to provide a second independent source of evidence which can come in the form of forensic or witness evidence.
 - The circumstances in which sexual crimes take place often mean the likelihood of witness evidence is limited.
 - Delays in reporting allegations. Contrary to common perception, many victims of such crimes do not report the offence at the time it occurs. In 2014-15, 39% of recorded rapes were reported one year or more after the alleged incident took place. This often impacts on the possibility of collecting forensic evidence to use for corroboration.
 - Disengagement of victims either during the investigation or the court process. This is likely to be exacerbated where the accused is known to the victim.
 - Targeting of vulnerable individuals including children and people with learning disabilities or mental health problems who are the least equipped to participate in an adversarial criminal justice system

[Investigation and prosecution of sexual crimes: Review
The Scottish Government, 2017](#)

- 4.2.7. In being cognisant of this information and of the difference in standards of proof, it is important that non-conviction subjects be risk assessed, and decisions regarding monitoring be made in partnership with Responsible Authorities. It must be noted that the Safeguarding Service does not undertake risk assessments on every person accused of a sexual offence. Action is taken based on validated information from Responsible Authorities and/or Regulatory Bodies that is shared within strict guidelines.
- 4.2.8. Information sharing between Police Scotland and the Church of Scotland is governed by a formal Information Sharing Agreement. This reflects the [National Concordat of the Sharing of Information on Sex Offenders](#) which was developed following the publication of the Expert Panel report '[Reducing the Risk: Improving the Response to Sex Offending](#)' in 2001. Section 3.2 of the Information Sharing Protocol highlights proportionality:
- "Whether information should be shared and, if so, what information and to whom, must be decided on a case-by-case basis. That said, the presumption should be that in cases where there is a risk of harm to the public, information should be shared. Critical to the justification of information sharing are the twin requirements of necessity and proportionality. The necessity criterion requires that there is a pressing public protection/individual need. The proportionality criterion requires the information shared must be only that information necessary to achieve the purpose for which it is being shared."
- 4.2.9. Information sharing between Regulatory Bodies and the Church of Scotland is carried out in line with the Public Services Reform (Scotland) Act 2010, The Adult Support and Protection (Scotland) Act 2007, and Scotland's National Guidance for Child Protection 2021 (reviewed 2024). All make provision for the sharing of information between agencies and professionals where there is a risk of significant harm.
- 4.2.10. The clarification of the standards of criminal and civil proof and information regarding the risk assessment of non-conviction subjects alongside the information sharing arrangements outlined in this section, demonstrate the care that is taken in the Safeguarding Service's consideration of imposing safeguarding measures on non-conviction subjects.
- 4.2.11. The information provided in this section highlights the need to implement a Covenant of Responsibilities in some circumstances where there has been no criminal conviction. The specific scope of non-conviction Covenants is defined in the Safeguarding Act, section 1 (30) Definitions:
- (iii) Any person who admits to having committed a sexual offence
 - (v) Any person in respect of whom the Safeguarding Service receives a notification from any of the Responsible Authorities that such a person poses a risk of harm
 - (vi) Any person found responsible by a court of law (civil law) or by their professional body or regulator for committing an act which has, even in part, a sexual element, whether or not that individual accepts the finding
 - (vii) Any person, who after risk assessment by the Safeguarding Service, is believed to pose a risk of violence or sexual harm and who has contact with the Church of Scotland, its members and adherents or those individuals who use and access worship, groups and services run by or on behalf of the Church.
- 4.2.12. The scope demonstrates that non-conviction Covenants are only used when the Safeguarding Service is aware of non-conviction information that indicates a subject poses a risk within the church setting and associated activities.

- 4.2.13. The Safeguarding Service is recognised by statutory and regulatory bodies as a partner in the protection of the public and vulnerable groups. As such, relevant information sharing protocols are in place either via formally agreed arrangements as in section 4.2.8, or through statutory requirements as in section 4.2.9.
- 4.2.14. The Safeguarding Service respectfully suggests that the general public and our church communities do not have an in-depth understanding of the arrangements in place nationally to ensure the risks posed by some individuals who have not been convicted of a crime, are effectively managed and reduced where possible.
- 4.2.15. It is also important to consider 'Grooming'. While we are all becoming more aware of the grooming of individuals by perpetrators of abuse, we also need to acknowledge that perpetrators can groom groups, organisations and communities. Unfortunately, perpetrators target organisations where they can embed themselves as a credible person who is liked and respected. If we take a moment to look into cases of abuse outside the home setting, we will often see a history of grooming behaviour. While there are high profile cases such as Jimmy Saville, grooming has been identified in many other Significant Case Reviews.
- 4.2.16. There are also examples of similar reviews within faith based organisations such as the [Independent Lessons Learned Review \(incorporating an Audit of Safeguarding Arrangements\) Concerning Jonathan Fletcher and Emmanuel Church Wimbledon](#) which was carried out by Thirtyone:eight in 2021. It is important to note that the perpetrator in this case was never charged with any offence and many participants in the review reported very positive aspects of behaviour in the perpetrator. This was identified as a key factor in the delay of recognition and reporting of the abuse. KOH recognises the manipulative nature of offenders, "The reality is that many sex offenders are adept at disguising motives, confusing and covering up by the clever use of religious language and behaviour, and thereby, masking their actual intentions." (KOH P.7 section 6.3). To ensure we promote safe churches for all, we too must recognise such behaviours and understand that not being convicted of a crime does not mean there is no risk posed by an individual.
- 4.2.17. It is hoped that the information in this report supports an increased awareness of the risks posed by some individuals who have no convictions, and of the national arrangements as described in section 4.2.8. In turn, it is hoped this leads to an increased understanding of the need to impose a Covenant of Responsibilities in some circumstances.

Proposal & recommendation

- 4.2.18. It is recommended that no change be made to this aspect of Safeguarding Service practice and that the need for a Covenant of Responsibilities is dependent on, and informed by risk assessments using validated information.

4.3 Managing risks and Covenants for those with impaired capacity

- 4.3.1. As stated in section 2.3, it is necessary to review how Covenants are developed and agreed in situations where the subject (both those with convictions or non-conviction subjects) have been identified as an adult with incapacity or where there are concerns regarding the level of cognitive capacity of the subject, such as a possible learning disability or mental health concerns.
- 4.3.2. The lack of cognitive capacity does not correlate to a reduction in risk. In some circumstances, it may lead to an increase in risk as the subject may lack the capacity to understand the conditions of the Covenant and/or the capacity to adhere to the conditions and understand the impact of their behaviours. Therefore, it is important to develop an appropriate Covenant process for such subjects.
- 4.3.3. There are currently a small number of subjects who have a Covenant and for whom there are concerns around the person's capacity. Examples include a subject who was convicted of historical sexual offences. During the period of Sex Offender Notification Requirements (SONR), he has developed dementia. Another is a young adult who has significant learning disabilities and has already been formally assessed as an adult with incapacity. He has recently been charged with sexual offences; however, he is always accompanied to church by a carer.

Proposal & recommendation

- 4.3.4. It is not ethical, or morally just to invite or insist that those with such impaired cognition, sign a Covenant with conditions they don't understand or have no capacity to independently fulfil. It is recommended that, for such subjects, a more limited Covenant is put in place and is agreed with their main carer and/or the agency responsible for managing the person's care plan.
- 4.3.5. This would meet the needs of the congregation in providing safe churches for all, while ensuring the subject is monitored in a manner which reflects their individual needs and circumstances.

NB: Information within this report was accurate at the time of writing.

5. Consultation information

5.1 Supporting information added following the Safeguarding Committee meeting of 05 November 2024:

The Safeguarding Committee:

- Approved the proposed recommendation.
- Requested additions to the report to ensure clarity:
 - Human Rights context
 - Expand on detail regarding exemptions from time-limited Covenants in section 4.1.22
- Agreed that processes and procedure with regard to managing those who pose a risk should be updated to reflect the recommendations within the report (See Appendix I)

5.2 Consultation with the members of 'Forgiveness and Proportionality Working Group' responsible for the report 'For of Such is the Kingdom of Heaven – Creating a Church Where All May Safely' on 13 & 24 February 2025.

As well as identifying points of good practice, the consultation informed the following:

- Change to text to clarify that the MAPPA exit point was not the only risk assessment used to inform the termination of a Covenant. Any other salient information will also be consider including the experiences of the Subject and the Safeguarding Panel responsible for managing the Covenant.
- Clarification on the sharing of information with Ministers who are not members of their Congregational Safeguarding Panel.

5.3 Consultation with Congregational Safeguarding Coordinators, Presbytery Safeguarding Contacts and Volunteer Safeguarding Trainers 03 March 2025.

Consultation was carried out using two methods

- (i) Distribution of Review Report and Proposed Procedures and Processes
- (ii) Focus Group discussion considering the Review Report and Proposed Procedures and Processes

5.4 Consultation with those Subject to Covenants and their representatives

Appendix 3**[] SAFEGUARDING ACT (ACT [] 2025)***Edinburgh, [] May 2025, Session []*

The General Assembly enact and ordain as follows:

Definitions

1. In this Act, the following words shall have the following meanings:
- (1) "Applicant" means any person applying to undertake or carry out a Regulated Role, whether in a paid or voluntary position.
- (2) "Charge" means a sphere of pastoral duty to which a minister is inducted, and may include a Team Ministry Role as referred to in section 7(10) of the Presbytery Mission Plan Act (Act VIII 2021).
- (3) "Children" means persons under the age of 18 years.
- (4) "Consideration for Listing" means the process at Disclosure Scotland whereby a person is being considered for listing as unsuitable for carrying out a Regulated Role with Vulnerable Groups.
- (5) "Covenant of Responsibilities" means a covenant entered into between a Subject and a Safeguarding Panel on behalf of a Kirk Session(s) in the form prescribed from time to time by the Safeguarding Service.
- (6) "Data Protection Policy" means the Data Protection Policy of the Church of Scotland Central Services Committee as that policy exists from time to time.
- (7) "Data Retention Policy" means the Data Retention Policy of the Church of Scotland Central Services Committee as that policy exists from time to time.
- (8) "Decision to list" means a decision by Disclosure Scotland to place a person on any of the lists of persons barred from carrying out a Regulated Role with Vulnerable Groups.
- (9) "Disclosure Scotland" means the Scottish Government executive agency which manages and delivers the PVG Scheme.
- (10) "Employing Agencies" means for the purposes of this Act, courts of the Church and Standing Committees of the General Assembly, and any other bodies so designated by the General Assembly.
- (11) "Guidance" means the Guidance published by the Safeguarding Service from time to time.
- (12) "Listed" means that a person has been placed on any of the lists of persons barred from carrying out a Regulated Role with Vulnerable Groups, noting that a person may be barred from working with Children, or with Protected Adults, or from working with both Children and Protected Adults.
- (13) "Ministries' Roles" means parish ministers, Interim Ministers, Transition Ministers, Associate Ministers, Assistant Ministers, auxiliary ministers, Probationers, OLMs, Readers and locums, and, depending upon their job descriptions, may also include Deacons and Ministries Development Staff.
- (14) "Protected Adults" means a person over 16 years of age, who because they receive a certain type of service, become protected. These services are likely to be provided for people affected by physical or mental illness and/or disability, who have particular needs over and above those of the general population.
- (15) "Safeguarding Legislation" means the Protection of Vulnerable Groups (Scotland) Act 2007 and the Disclosure (Scotland) Act 2020 or any subsequent modification, amendment or re-enactment of either of them.
- (16) "PVG Scheme Record" means the record that a person receives when they join the PVG Scheme.
- (17) "PVG Scheme Record Update" means an update from Disclosure Scotland of information contained in a PVG Record.
- (18) "PVG Scheme" means the scheme legislated for by the Safeguarding Legislation which is intended to ensure that people whose behaviour makes them unsuitable to work with Vulnerable Groups cannot undertake a Regulated Role.
- (19) "Recruitment & Risk Sub-Committee" means a sub-committee of the Safeguarding Committee which considers cases referred to it by the Safeguarding Advisory Panel of the Safeguarding Committee or the Safeguarding Service Manager.
- (20) "Registered Sex Offender" means a person who is required to register with the Police in terms of the Sexual Offences Act 2003 or any subsequent modification, amendment or re-enactment thereof.
- (21) "Regulated Role" has the meaning given to it in the Safeguarding Legislation and can be found set out in full in a Schedule to the Guidance.
- (22) "Responsible Authorities" means the Police, Local Authorities, Health Boards, Special Health Boards and the Scottish Prison Service.
- (23) "Safeguarding" includes but is not limited to (1) taking measures to protect the health, wellbeing and human rights of individuals, especially Vulnerable Groups, which allow them to live their life free from harm, abuse or neglect and (2) responding appropriately to Safeguarding Concerns.
- (24) "Safeguarding Committee" means the committee (or any successor body) appointed by the General Assembly to deal with Safeguarding matters in the Church.
- (25) "Safeguarding Concerns" means concerns about, or allegations of, harm, abuse or neglect.
- (26) "Safeguarding Coordinator" means a person appointed by the Kirk Session(s) to have responsibility for Safeguarding within a Charge.
- (27) "Safeguarding Panel" means a panel of at least three persons appointed by the Kirk Session(s) as responsible for Safeguarding in a Charge, and will always include the Safeguarding Coordinator; from time to time additional persons may be co-opted onto a Safeguarding Panel.
- (28) "Safeguarding Service" means the Church's department providing advice, support and action to Safeguarding Coordinators, Kirk Sessions, Presbyteries and others on Safeguarding matters.
- (29) "Self Declaration Form" means the form^[i] in such terms as may be prescribed by the Safeguarding Service from time to time, which form is to be completed by an Applicant for the following purposes: providing information

to the Safeguarding Service, stating information which might appear on the Applicant's PVG Scheme Record and undertaking to inform the Safeguarding Service of certain matters.

(30) "Subject" means

- (i) Any person who has been convicted of any offence within the Sexual Offences (Scotland) Act 2009 or associated legislation (or any modification, replacement or re-enactment thereof); and/or
- (ii) Any person who has been convicted of any other sexual offence;
- (iii) Any person who admits to having committed a sexual offence; and/or
- (iv) Any person who is currently or who has at any time been a Registered Sex Offender; and/or
- (v) Any person in respect of whom the Safeguarding Service receives a notification from any of the Responsible Authorities that such person poses a risk of harm; and/or
- (vi) Any person found responsible by a court of law or by their professional body or regulator for committing an act which has, even in part, a sexual element, whether or not that individual accepts that finding; and/or
- (vii) Any person, who after risk assessment by the Safeguarding Service, is believed to pose a risk of violence or sexual harm and who has contact with the Church of Scotland, its members and adherents or those individuals who use and access worship, groups and services run by or on behalf of the Church.

(31) "Vulnerable Groups" means Children and/or Protected Adults.

(32) "Worker" means any person undertaking a Regulated Role, whether in a paid or voluntary position; for the avoidance of doubt this includes Ministers of Word and Sacrament, as defined in the Registration of Ministries Act (Act II 2017) and those in Ministries' Roles.

Interpretation

- 2. (1) Whenever "Vulnerable Groups" are referred to in this Act, that may be a reference to either Children or Protected Adults, or to Children and Protected Adults.
- (2) The footnotes in this Act are for information only and do not form part of this Act.
- (3) The Safeguarding Service shall be entitled to amend any form referred to in this Act as it deems appropriate from time to time.

Safe Recruitment – Kirk Session(s)

- 3. (1) Subject to subsection 3(6) below, the Kirk Session(s) shall ensure that all Workers within the Charge are members of the PVG Scheme, prior to taking up their post. This shall include Locums.
- (2) Subject to subsection 3(6) below, whenever a person is being recruited and will be undertaking a Regulated Role, that person must make application to become a member of the PVG Scheme. If the person is already a member of the PVG Scheme, an Existing PVG Scheme Member Application must be completed and submitted. No person may be employed or appointed to undertake or to carry out a Regulated Role unless that person is a member of the PVG Scheme.
- (3) The Kirk Session(s) shall appoint a Safeguarding Coordinator. The Safeguarding Coordinator shall have the task of ensuring that all PVG applications required for that Charge are completed accurately and submitted to the Safeguarding Service for processing. The Safeguarding Coordinator shall monitor the return of the applications and their outcome.
- (4) Subject to subsection 3(6) below, if any application results in notification that a person is barred from becoming a member of the PVG Scheme, ie is Listed, that person must not be employed or appointed to undertake or to carry out a Regulated Role. It is an offence under the Safeguarding Legislation to employ or appoint a person who is Listed to undertake or to carry out a Regulated Role.
- (5) In arranging recruitment, the Kirk Session(s) must comply with the Guidance.
- (6) In addition, in the case of a person who is domiciled outwith the UK, such further information must be provided and such further checks must be undertaken, both as the Safeguarding Service may require, before that person may be employed or appointed to undertake or to carry out a Regulated Role
- (7) In addition Kirk Sessions must conduct Level 1 Disclosure Checks on all individuals (regardless of their employment status) in (or working with) their congregations in leadership roles and/or positions of trust, including but not limited to organists, church officers/caretakers and cafe workers, where their duties may involve contact with Vulnerable Groups.

Safer Recruitment – Presbyteries and other Employing Agencies

- 4. (1) Subject to subsection 4(5) below, Presbyteries and other Employing Agencies shall ensure that all Workers are members of the PVG Scheme, prior to taking up their post. This shall include Interim Moderators undertaking a Regulated Role.
- (2) Subject to subsection 4(5) below, whenever a person is being recruited and will be undertaking a Regulated Role, that person must make application to become a member of the PVG Scheme. If the person is already a member of the PVG Scheme, an Existing PVG Scheme Member Application must be completed and submitted. No person may be employed or appointed to undertake or to carry out a Regulated Role unless that person is a member of the PVG Scheme.
- (3) Subject to subsection 4(5) below, if any application results in notification that a person is barred from becoming a member of the PVG Scheme, ie is Listed, that person must not be employed or appointed to undertake or to carry out a Regulated Role. It is an offence under the Safeguarding Legislation to employ or appoint a person who is Listed to undertake or to carry out a Regulated Role.
- (4) In arranging recruitment, Presbyteries and other Employing Agencies must comply with the Guidance.
- (5) In addition, in the case of a person who is domiciled outwith the UK, such further information must be provided and such further checks must be undertaken, both as the Safeguarding Service may require, before that person may be employed or appointed to undertake or to carry out a Regulated Role.

Recruitment & Risk Sub-Committee

5. (1) At its meetings, the Recruitment & Risk Sub-Committee shall deal with the risk assessment of the following:
 - (i) Any vetting information which has been provided to the Safeguarding Service by Disclosure Scotland.
 - (ii) Any notification received by the Safeguarding Service from Disclosure Scotland, including a notification that a person is under Consideration for Listing.
 - (iii) Self Declaration Forms, references, matters of reputational risk and any other pertinent information.
 - (iv) Any information received via Safeguarding Concern referrals relating to the possible misconduct of Workers.
- (2) The Recruitment & Risk Sub-Committee may decide (one or more of the following):
 - (a) *In relation to safer recruitment:*
 - (i) To decide that a person is suitable for a Regulated Role (which decision may or may not be made subject to conditions).
 - (ii) To decide that a person is not suitable for a Regulated Role.
 - (b) *In relation to a notification from Disclosure Scotland:*
 - (i) To take no action.
 - (ii) To impose a precautionary administrative suspension, to be reviewed by the Sub-Committee on a three monthly rolling basis.
 - (iii) To take no immediate action but to reconsider the matter at a further meeting on a date within the next three months.
 - (iv) To decide that a person is not suitable, or is no longer suitable, for a Regulated Role.
 - (c) *In relation to Safeguarding Concerns indicating possible misconduct:*
 - (i) To take no action.
 - (ii) To decide, whether on a temporary or permanent basis, that a person is not suitable, or is no longer suitable, for a Regulated Role.
 - (iii) To instruct a Congregation led investigation.
 - (iv) To instruct a Safeguarding Service led investigation.
- (3) Decisions of the Recruitment & Risk Sub-Committee shall be notified to the person involved, to the relevant Safeguarding Coordinator, to the Registration of Ministries Committee, to the relevant Presbytery Clerk and to any other person who has a legitimate interest. Notification shall include a statement of the reasons for the decision.
- (4) Decisions of the Recruitment & Risk Sub-Committee must be implemented by all Employing Agencies and by all Presbyteries, Kirk Sessions, Safeguarding Coordinators, office-holders, staff and volunteers involved in work with Vulnerable Groups.
- (5) Subject always to any appeal in terms of section 6 below, where the Recruitment & Risk Sub-Committee makes a decision in terms of section 5(2)(a)(ii), 5(2)(b)(iv) or 5(2)(c)(ii), no Employing Agency shall employ or appoint or continue to deploy that person to undertake or to carry out a Regulated Role, nor may such person be appointed or continue in post as a Minister of Word and Sacrament, as defined in the Registration of Ministries Act (Act II 2017).

Appeals from decisions of the Recruitment & Risk Sub-Committee

6. (1) A person in respect of whom a decision has been made in terms of section 5(2)(a)(ii), 5(2)(b)(iv) or 5(2)(c)(ii), as to suitability for a Regulated Role has the right to appeal that decision. A person may also appeal against the terms of any conditions applied by the Recruitment & Risk Sub-Committee in terms of section 5(2)(a)(i) as to a person's suitability for a Regulated Role. Such a person is referred to in section 7 as "the Appellant".
- (2) An appeal can be brought only on one or more of the following grounds:
 - (a) that there were irregularities in the process whereby the Recruitment & Risk Sub-Committee reached its decision
 - (b) that the final decision of the Recruitment & Risk Sub-Committee was influenced by incorrect material fact (subject however to the exception noted below in regard to the contents or accuracy of the PVG Scheme Record), or
 - (c) that the Recruitment & Risk Sub-Committee in reaching its decision acted contrary to the principles of natural justice.
- (3) Any disagreement as to the contents or accuracy of the PVG Scheme Record information itself cannot be the subject of an appeal under this procedure and will require to be taken up by the person direct with Disclosure Scotland through the procedures established by that body.

Process for Appeal

7. The appeal shall proceed as follows:
 - (1) The intention to appeal must be intimated to the Principal Clerk by the Appellant within fourteen days of the date of issue of the relevant decision.
 - (2) Within a further twenty eight days after the date upon which the intention to appeal was intimated in terms of section 7(1), the Appellant shall lodge with the Principal Clerk a note setting out in writing in brief numbered propositions, the grounds referred to in section 6(2) above upon which he or she is appealing ("the Grounds of Appeal").
 - (3) Upon receipt of the Appellant's Grounds of Appeal, the Principal Clerk shall require that within twenty eight days, the Recruitment & Risk Sub-Committee lodge a note responding to the Grounds of Appeal.
 - (4) The appeal will be determined by an Appeal Group comprising three persons selected by the Principal Clerk from the Safeguarding Appeal Panel. The Safeguarding Appeal Panel shall be a Panel of six persons appointed by the General Assembly, being persons with Safeguarding and other relevant experience, and shall include at

least two persons who shall be qualified to practise as lawyers or who are experienced in the law and practice of the Church, and at least two ministers. Having due regard to the need to ensure independent scrutiny of any appeal, none of the Panel shall be current or former employees of any of the Employing Agencies nor shall they be current members of the Safeguarding Committee.

- (5) The Appeal Group will be chaired by a person who is either qualified to practise as a lawyer or who is experienced in the law and practice of the Church. The Appeal Group shall include at least one minister. The Appeal Group will be clerked by the Principal Clerk or the Depute Clerk.
- (6) The Appeal Group shall be entitled to require both the Appellant and the Recruitment & Risk Sub-Committee to provide further information and may determine the appeal either on the basis of written submissions only and/or by holding a hearing. If a hearing is held, procedure shall be in accordance with the Standing Orders of the General Assembly so far as applicable and consistent with this Act.
- (7) The Appellant will be notified of the Appeal Group's decision in writing within six weeks of the written submissions being received by the Principal Clerk or of the hearing date, whichever is later.
- (8) The Appeal Group will also notify the Safeguarding Service and the Recruitment & Risk Sub-Committee of its decision. The Safeguarding Service will take any necessary action, in accordance with the Appeal Group's decision.
- (9) The decision of the Appeal Group will be final.

Training

8. (1) All Kirk Sessions, Safeguarding Coordinators and Workers must undertake such training as is prescribed by the Safeguarding Service from time to time.
- (2) Each Presbytery shall provide appropriate training on Safeguarding matters to Kirk Sessions, Safeguarding Coordinators and Workers, with updates when appropriate.
- (3) Kirk Sessions will maintain records of all training undertaken by Kirk Sessions, Safeguarding Coordinators and Workers and will disclose these records at any time upon request by the Safeguarding Service or the Presbytery.
- (4) The Safeguarding Service shall provide Safeguarding Training for those in Ministries' Roles as per Guidance.
- (5) Each Presbytery will maintain records of all training undertaken by those in Ministries' Roles and will disclose these records at any time upon request by the Safeguarding Service.

Record retention

9. (1) The Safeguarding Panel will maintain records of Workers within the Charge who are PVG Scheme members in the form of the Safeguarding Congregational Register^[iii].
- (2) All hard copy records of the Safeguarding Panel shall be kept confidentially in a secure place.
- (3) In accordance with the Data Protection Policy and the Data Retention Policy, the Safeguarding Service will retain originals of the Self Declaration Forms which are signed by all Applicants either (1) to join the PVG Scheme or (2) for an Existing PVG Scheme Member Application. Documents shall be destroyed only in accordance with the Data Retention Policy.

Presbyteries' Responsibilities of Superintendence

10. Presbyteries shall confirm that Kirk Sessions are complying with their obligations under this Act: (1) during Annual Inspections of Records, and (2) as part of Local Church Review, and shall report to the Safeguarding Service in such form as the Safeguarding Service may prescribe from time to time.

Audit

11. Kirk Sessions and Presbyteries shall review and minute on an annual basis their compliance with Safeguarding policies and procedures using the Safeguarding Audit Checklist for Kirk Sessions and Presbyteries^[iii].

Annual Inspection of Records

12. Kirk Sessions shall electronically submit the Safeguarding Congregational Register^[iv] and the Safeguarding Audit Checklist for Kirk Sessions and Presbyteries^[v] annually to Presbytery as part of the Annual Inspection of Records.
13. Presbyteries must forward electronically the Safeguarding Congregational Register and the Safeguarding Audit Checklist to the Safeguarding Service on conclusion of their annual inspection of records.
14. Presbyteries must hold a Presbytery Safeguarding Register and must forward this electronically to the Safeguarding Service on conclusion of their annual inspection of records.

Obligations on individuals

15. (1) All PVG Scheme members shall advise Disclosure Scotland and the Safeguarding Service promptly of any changes to their personal details.
- (2) All PVG Scheme members shall advise Disclosure Scotland and the Safeguarding Service promptly if they cease doing a Regulated Role for the Church of Scotland.
- (3) All PVG Scheme members must advise the Safeguarding Service promptly of (i) any act, default or omission, or (ii) any circumstances arising, which might affect whether they can undertake a Regulated Role.
- (4) All persons who sign Self Declaration Forms must adhere to the undertakings given therein.

Safeguarding Concerns

16. (1) Every Charge must have a Safeguarding Panel and a Safeguarding Coordinator.
- (2) If any Safeguarding Concerns arise in relation to any individual involved in a congregation, such Safeguarding Concerns shall be reported without delay to the Safeguarding Coordinator.

- (3) During office hours, such Safeguarding Concerns shall then be reported by the Safeguarding Coordinator to the Safeguarding Service immediately. The Safeguarding Service shall where appropriate report the matter to the appropriate statutory agencies.
- (4) Outwith office hours the Safeguarding Coordinator shall report the concern to the Safeguarding Panel and, if someone is at immediate risk of harm, they will report the matter to the appropriate statutory agencies. The Safeguarding Service shall be notified on the next working day.
- (5) Standing Committees, Presbyteries, those in Ministries' Roles and office-bearers must report any Safeguarding Concerns to the Safeguarding Service immediately or, where Concerns arise outwith office hours, at the start of the next working day.
- (6) Employees of the Social Care Council shall follow the agreed Child and Adult Protection Policies when Safeguarding Concerns arise.
- (7) Anyone may report a Safeguarding Concern direct to the Safeguarding Service.
- (8) Advice given by the Safeguarding Service, when framed as an instruction, must be followed by all Employing Agencies and by all Presbyteries, Kirk Sessions, Safeguarding Coordinators, office-holders, staff and volunteers involved in work with Vulnerable Groups.
- (9) Standing Committees, Presbyteries and Safeguarding Coordinators must report promptly to the Safeguarding Service on action taken after advice from the Service has been given in relation to reports of Safeguarding Concerns.

Safeguarding in the Presbyteries of England, International Charges and Jerusalem

17. Kirk Sessions in the Presbyteries of England, International Charges and Jerusalem will follow the recommendations and advice of the Safeguarding Service.

Overseas work

18. (1) Any Church body or agency which sends Workers abroad must ensure that such persons are members of the PVG Scheme, and Kirk Sessions must ensure that any individuals who host Vulnerable Groups from abroad are safely recruited.
- (2) Standing Committees must have clear Safeguarding protocols, approved by the Safeguarding Service, in place for overseas work.

Other services provided by Safeguarding Service

19. The Safeguarding Service may from time to time with the approval of the Assembly Trustees enter into arrangements with other churches, agencies and groups as to the provision of Safeguarding services to them.

Management of Subjects (Covenants of Responsibilities)

20. (1) Whenever a Subject wishes to be involved in the life of a congregation, then the following shall apply:
 - (i) the Safeguarding Coordinator shall inform the Safeguarding Service (in turn, the Safeguarding Service shall inform the Safeguarding Coordinator if such information comes to its notice);
 - (ii) a Covenant of Responsibilities shall be entered into by the Safeguarding Panel on behalf of the relevant Kirk Session(s) with the Subject.
- (2) If the Subject refuses to sign a Covenant of Responsibilities, then the Subject shall not be entitled to be involved in the life of the congregation.
- (3) The terms of the Covenant of Responsibilities shall be determined by the Safeguarding Service in consultation with the Safeguarding Panel of the relevant Kirk Session(s) and, where appropriate, the Responsible Authorities, in accordance with the Safeguarding Service's procedures from time to time. The Subject shall have no input into the drafting of the Covenant of Responsibilities, which shall not be negotiable by the Subject. The Covenant shall provide for its regular review and this shall be implemented according to the procedures from time to time of the Safeguarding Service.
- (4) A Covenant of Responsibilities is specific to a congregation and is not transferable to a different congregation. Should the Subject wish to be involved in the life of another congregation then a new Covenant of Responsibilities shall require to be entered into and the preceding provisions of this section 20 shall apply. In addition the terms of the Covenant to be entered into in respect of the new congregation may be determined in consultation with the Safeguarding Coordinator of the former congregation.

Consequential amendments

21. (1) This Act shall be added to the list of Acts in the Schedule to the Alternative Dispute Resolution Processes Act (Act VI 2014), as being an Act in respect of which ADR shall not be used.
- (2) The Protection of Vulnerable Groups Act (Act VII 2011) as amended shall be repealed.

Act to prevail

22. From its date of passing, the terms of this Act shall prevail where those are inconsistent with any previous deliverances of the General Assembly.

References

- [i] Currently Form SG3
- [ii] Currently Form SG7
- [iii] Currently Form SG11
- [iv] Currently Form SG7
- [v] Currently Form SG11