

## Chapter 6—Managing those who ‘pose a risk.’

This chapter explains the Church of Scotland’s policy in managing the risk posed by some individuals who want to take part some aspect of Church life.

A Covenant of Responsibilities is the means that is used to reflect this.

A Covenant of Responsibilities can be likened to a behavioural agreement, whereby a congregational Safeguarding panel (advised by a Safeguarding Officer) agrees a set of ‘rules’ and behavioural boundaries needed to pro-actively manage an individual who, because of a conviction or known information, must be monitored in a Church setting. Often these agreements are informed by involvement of the police and criminal justice social work professionals.

The Church of Scotland seeks as far as possible to ensure that everyone who comes to Church is safe, and Covenants of Responsibilities are an important means of ensuring such a successful outcome in some circumstances.

The arrangements that will be discussed in this chapter are anchored in Church Law and have developed through various deliverances at General Assemblies.

The purpose of this chapter is to provide information, guidance and reassurance to congregations on how these processes work, as well as the circumstances where they apply.

This information is for everyone in the Church community with an interest in managing those who pose a risk but is primarily aimed at the congregational Safeguarding Panels who are responsible for managing these arrangements in their church.

This advice has been updated to reflect on the needs of the modern Church and builds on the excellent work that was done in this area in previous years.

The advice has also been updated to include changes as reflected in the [Safeguarding Act](#) presented to and passed by General Assembly 2018 and since amended.

Principles relating to the management of risk are also informed through the [Scottish Government Government Guidance in Multi Agency Public Protection Arrangements \(MAPPA\)](#) published in March 2022

### How do we define “Those who pose a risk”?

Those who pose a risk (or “subject”) includes:

- 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
- Any person who has been convicted of any other sexual offence
- Any person who admits to having committed a sexual offence; and/or
- Any person who is currently or who has at any time been a Registered Sex Offender; and/or
- 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

- 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
- 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.

The Church of Scotland welcomes everyone into its fellowship, without prejudice, but recognises that some individuals need to be managed in a Church environment to ensure the safety of everyone in that environment (including that individual).

These individuals (or subjects) may have convictions for sexual or other serious offences or they may not.

The Church's Safeguarding Service has an excellent working relationship with the responsible authorities such as police, criminal justice social work, health, Prison Service, Disclosure Scotland and other public bodies.

Through consultation with these professionals and congregational Safeguarding panels, we will assess where a Covenant of Responsibilities is necessary.

## Principles on which our policy is based

It is recognised that individuals who have committed certain offences and who want to worship or have contact with a church or with a church-based activity or community can cause anxiety and worry for other members of that community.

It is recognised too that, as far as is possible, the Church is for everyone. This may mean including someone in the life of a church who challenges the sense of values and shared norms of many of those already in the congregation.

The rationale behind including those who pose a risk is to enable everyone to worship safely and enjoy Christian fellowship, but with proportionate and sensible measures in place to mitigate and minimise any risk posed.

### **Worship**

Simplistically, for the purposes of this chapter and process, we understand worship as including the taking part in church service or faith-related activities such as Bible studies, groups or Christian-based exploration and activities.

### **Church-based or Church-led groups or activities**

There are too many different organisations and events run by a church or congregation that might apply to this policy to list definitively. The key is that these events are run by the Church for the benefit of their members or of the wider community.

Any need for formal arrangements would be made on a case-by-case basis through discussion with every stakeholder.

These will not ordinarily be one-off events but organised meetings, activities or groups that meet periodically.

It also may be that the individual wishes to be a volunteer in some way, for example in cutting grass or other odd jobs or other voluntary tasks that need done in a Church community.

## Principles

Principles are similar to values, the things we hold dear or believe to be right and govern our actions:

# OUR VALUES

## GRACE

Acting with humility in all our endeavours.

## INTEGRITY

Acting with honesty, responsibility and accountability.

## RESPECT

Valuing others, ensuring inclusiveness and equality.

## PROFESSIONALISM

Demonstrating commitment and striving for excellence.

## COLLABORATION

Working together to connect and communicate in an open and transparent environment.

## INNOVATION

Thinking creatively about building for the future and embracing change.

These principles are the basis for all that we do. In addition, we will ensure:

**Confidential information sharing:** The duty to protect takes precedence over an individual's right to confidentiality whenever a risk is identified

and

**Decision making:** The responsibility for making decisions is a joint one and not the responsibility of any single person.

## How do we become aware of those who pose a risk wanting to join our Church community?

There are many ways in which a congregation may become aware of someone who poses a risk and who wishes to worship or join in other activities.

### Self-disclosure

It is not uncommon for an individual who already attends worship to approach the Minister or other trusted member of the congregation and disclose that he is a sex offender or has been so in the past. This individual may have been encouraged to do so by the police who monitor him or by the Criminal Justice professional who manages a licence that offender must adhere to.

In such circumstances the trusted member of the congregation who has been told this information should immediately share this with the Minister or Safeguarding Coordinator.

For transparency the Minister or the Safeguarding Coordinator should speak to the individual and explain the Church of Scotland's policy in this area and how there will need to be a Covenant of Responsibilities agreed.

It should be clarified with the individual what information about their offending they are willing to share.

### **Police**

In common with other faith denominations, the Church of Scotland and Police Scotland have an established professional relationship and a protocol which means that the police participate in discussions and meetings with a Safeguarding Panel and the Safeguarding Service to agree appropriate risk-management measures which are encapsulated in the Covenant of Responsibilities.

It is common for police officers to contact the Safeguarding Service or the individual church itself to identify that a person that concerns them wishes to attend church in some capacity.

### **Criminal Justice Social Work**

Similarly, a social work professional working with an individual will contact the Safeguarding Service or congregation seeking advice as to how a client that they work with can access worship or a church-based service or activity.

### **Prison Chaplaincy**

Prison Chaplaincy has a key role working with people who are in prison. The Prison Chaplains work with and provide Christian fellowship and worship for many sex offenders. They are an integral part of multi-agency working arrangements while that person is in prison.

Prison chaplains also contact the Safeguarding Service prior to that offender's release from prison so that arrangements can be made to facilitate that individual's continued relationship with the Church in an appropriate congregation or with a pastoral care team.

### **Community awareness**

It is not uncommon that some communities, especially in smaller towns or in a rural setting, already have awareness around an individual who may have committed a sexual offence, often through reporting in local media.

## **What to do when someone who poses a risk wishes to join the congregation**

It does not matter how awareness of an individual who poses a risk comes to the attention of the congregation, the first thing to do is to speak to the Safeguarding Service in Edinburgh.

The Church employs a Safeguarding Officer with a professional background in this area specifically to assist congregations in these situations.

Likewise, no matter if the concern is raised through gossip or hearsay information, it is always worth speaking to the Safeguarding Service as it is not difficult to check if the information is based in some fact.

### **The role of the Safeguarding Officer**

The role of the Safeguarding Officer is to advise and guide congregations through the process and subsequent management of the Covenant arrangements.

In addition, the Safeguarding Officer will contact and arrange all meetings between the police, criminal justice social work professionals, other relevant professionals, congregations and the individual offenders.

Ordinarily the Safeguarding Officer will attend each of these meetings and provide a minute of what has been agreed. However, these meetings may also take place through videoconferencing technology.

The Safeguarding Officer will represent congregations in multi-agency meetings such as [Multi-Agency Public Protection Arrangements \(MAPPA\)](#) or other professional meetings.

The Safeguarding Officer will contact the police and/or criminal justice social worker where it is known that a person wishes to worship or attend church-run activities or services.

During this discussion an assessment of risk decides whether it is safe for that individual to continue attending Church or activities until the arrangements are in place.

For many individuals there are no professional anxieties about this continuing for various reasons, but for others there will be a decision that no such attendance will be facilitated until the arrangements are in place.

In addition to communicating with a Safeguarding Panel, the police and Criminal Justice Social Work, the Safeguarding Officer will also make initial contact with the subject as far as is possible. This contact will be done through an email, telephone call or by letter depending on what is the most suitable medium.

### **The role of the Congregation via its Safeguarding Panel**

The Kirk Session of a congregation devolves responsibility for managing the arrangements described in this chapter to its Safeguarding Panel.

The Safeguarding Panel is usually made up of three or more members, many of whom have a professional background or experience in an area of public protection.

Any Covenant of Responsibilities or similar arrangements are between the congregation and the individual who is subject to them.

However, the support and ongoing involvement of the Safeguarding Officer continues through the process and for the period of time that the arrangements are in place.

The confidential nature of Covenant of Responsibility arrangements mean that a congregation will not learn any details of anyone who is subject to the arrangements from the Safeguarding Panel or the Safeguarding Service.

## **Setting up and reviewing a Covenant of Responsibilities**

Detailed here is the step-by-step procedure for setting up a Covenant of Responsibilities. A model covenant can be found in Appendix 7.

### **Step 1: Communicating the need for a Covenant of Responsibilities**

This covers the early communication between the Safeguarding Service and the Congregational Safeguarding Panel or vice versa regarding the need for a Covenant of Responsibilities.

The Safeguarding Service will advise about the appropriate use of the policy and procedure by the congregation. The Safeguarding Service will also talk through what to do, how and when, as set out in the policy and procedures.

The Safeguarding Service will contact the relevant authorities. They will also contact the subject to explain the process and also to instigate early communication.

## **Step 2: Meeting with relevant authorities**

The Safeguarding Officer will arrange a meeting of the Safeguarding Panel, police and/or criminal justice social workers via video conference to review/discuss the information and to draft a Covenant of Responsibilities which will manage any contact between the subject and the congregation or church-based or -run activities.

Each individual covenant will be carefully drafted to take account of specific risk and/or unique factors relative to the church and the subject to produce an appropriate response.

Meetings will agree to abide by confidentiality limits and will be minuted by the Safeguarding Officer.

The subject is not present at this stage.

All covenants must be drawn up under the guidance and direction of the Safeguarding Service to ensure that the congregation is given the benefit of professional support.

## **Step 3: Meeting of the Safeguarding Panel**

The Safeguarding Panel will meet separately and decide if they are confident and content to manage the subject and proposed Covenant of Responsibilities.

Ongoing support from the Safeguarding Service will be provided for as long as the Covenant of Responsibilities is in place.

The police and criminal justice professionals will also be invited to continue to be involved in any review of the arrangements.

However, the Safeguarding Panel can decide that their congregation is not the best placed to manage the subject or their needs. The Safeguarding Officer will then make enquiries to identify a suitable congregation elsewhere for that subject.

## **Step 4: Meeting with the subject**

Convene a meeting of the Safeguarding Panel, the subject and a Safeguarding Service representative. Where relevant, the police and/or social worker should also be invited and may wish to attend.

Some circumstances may mean that this meeting is via video conferencing.

This meeting will be chaired by the Safeguarding Officer, who will introduce the covenant to the subject.

If all is agreed the covenant should be signed with a date set for a review.

The subject may wish to have a friend or relative who is aware of their circumstances accompanying them. This can be positive for all parties.

This initial covenant is not negotiable.

If the subject refuses to sign it, then, in essence, they are refusing to worship.

Remember, the overarching priority of the covenant is to protect everyone attending or associated with the Church.

A covenant review can be called at any time should it be required.

## **Step 5: Review of arrangements**

Circumstances can change and it is important that arrangements are regularly reviewed.

The Safeguarding Officer will arrange the review via video conference and include the Safeguarding Panel, the subject, and police and/or the social worker working with the subject.

The meeting will follow principles of confidentiality and will be minuted by the Safeguarding Officer.

It is good practice to have the first part of the meeting closed before the subject joins the group.

The subject can ask for amendments to the covenant. It is a living document and it is important that they feel that they are stakeholders in the arrangements.

A review date will be agreed at the signing of the covenant but can be called at any time should the need arise.

### **Stage two status**

Where a Covenant has been in place for at least one year, at a review meeting, with the agreement of all parties, informed by a risk assessment process, it can be agreed to move to a Stage Two status.

This means that unless there is a need to hold a meeting for some reason, then the Safeguarding Officer and a designated member of the panel will be in contact annually by way of a telephone call and followed with a letter confirming the position and circumstances.

A return to a "Stage One review" as described in Step 5 above can be implemented at any time should concerns about the subject or circumstances dictate or be needed.