

Safeguarding Act Guidance

1. Introduction

1.1 Over the past twenty years or so, the practice of 'Safeguarding' children and adults at risk of harm has been subject to unprecedented change. New legislation, policy and procedure have introduced measures to protect and promote the health, wellbeing and human rights of individuals, especially children, young people and adults at risk which allows them to live their lives free from abuse, harm and neglect. **(Appendix 1 page 15-17)**

1.2 The Church of Scotland has long since recognised that harm and abuse of children and adults can happen anywhere- including Church communities- and is committed to providing a safe and caring environment for all who wish to worship or be involved in the life of the Church.

2. The Safeguarding Committee

2.1 The Safeguarding Committee provides governance for the work of the Church's Safeguarding Service and is responsible for formulating policy and strategy.

2.2 The Committee comprises a Convener, Vice-Convener, Secretary to the Committee, six members appointed by the General Assembly, the Solicitor of the Church, Secretary to the Council of Assembly, representatives from and appointed by Ministries Council, Church and Society, World Mission, Mission and Discipleship and the Social Care Council. Up to four members are co-opted by the Committee for their expertise in Safeguarding.

3. The Safeguarding Service

3.1 The Safeguarding Service adheres to a model of Public Protection which reflects good practice in the public sector and works on behalf of the Church to minimise the likelihood of harm and abuse occurring.

The team is responsible for:

- Providing support and guidance on day to day safeguarding enquiries
- Responding to disclosures of harm or abuse
- Managing those who pose a risk within congregations
- Developing safeguarding training programmes for a wide range of user groups across the Church, Crossreach Services and the United Reformed Church in Scotland.
- Providing advice and support on the application of and compliance with the PVG scheme
- Risk assessing PVG vetting information as appropriate and contributing to safe recruitment practices

3.2 The Safeguarding Committee and the Safeguarding Service have continued to evolve in line with current legislation and good safeguarding practices. Each year the Safeguarding Committee reports to the Church of Scotland General Assembly on a number of deliverances that set the agenda and direction for the forthcoming year, and if necessary, seek to change or establish new Church law.

3.3 In 2017, the Safeguarding Committee in consultation with the Legal Questions Committee identified the need for a new Safeguarding Act. It proposed that all relevant deliverances of the Church of Scotland General Assembly would be collated and incorporated into a Safeguarding Act in order to clarify what is required of congregations,

councils and others to ensure that Safeguarding standards are achieved, monitored and reviewed.

3.4 This guidance is intended to assist Congregations, Councils and others in the interpretation and practical application of the new Safeguarding Act and sits alongside the suite of Safeguarding Handbooks which are available on the Church of Scotland website **(Appendix 2 Page 18-19)**

4. **Part 1 Definitions**

4.1 **Who is a child?**

A child can be defined differently in different legal contexts, for example:

- In the Children (Scotland) Act 1995, Part 1 defines a child as someone under the age of 18. However, other parts of the same Act define a child as someone who has not yet attained the age of 16 years.
- The United Nations Convention on the Rights of the Child applies to anyone under the age of 18. However, Article 1 states that this is the case unless majority is attained earlier under the law applicable to the child.
- The Children and Young People (Scotland) Act 2014, defines a child as someone who has not attained the age of 18.
- The Adult Support and Protection Act (Scotland) Act 2007 can be applied to over 16's where the criteria are met.

The individual young person's circumstances and age will dictate what legal measures can be applied in any given circumstance.

For the purposes of the Safeguarding Act a child is defined as being under the age of 18 years.

If you are unsure of the application of the law in practice please contact the Safeguarding Service or the Law Department for advice.

4.2 **Who is an Adult at Risk?**

4.2.1 Section 3 of The Adult Support and Protection (Scotland) Act 2007, defines an adult at risk as adults who

- (1) (a) Are unable to safeguard their own well-being, property, rights or other interests,
(b) Are at risk of harm, and
(c) Because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.
- (2) An adult is at risk of harm for the purposes of subsection (1) if—
 - (a) Another person's conduct is causing (or is likely to cause) the adult to be harmed, or
 - (b) The adult is engaging (or is likely to engage) in conduct which causes (or is likely to cause) self-harm.

4.3 What is Child Abuse and Neglect?

4.3.1 Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting significant harm on a child or by failing to act to prevent significant harm to the child. Children may be abused in a family or in an institutional setting, by those known to them, or more rarely, by a stranger.

4.4 Categories of Abuse

4.4.1 The following definitions show some of the ways in which abuse might be experienced by a child but are not exhaustive as the individual circumstances of abuse will vary from child to child.

4.5 Physical Abuse

4.5.1 Physical abuse is the causing of physical harm to a child or young person. Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning or suffocating. Physical harm may also be caused when a parent or carer fabricates or exaggerates the symptoms of ill health in a child, or deliberately induces ill health in a child they are looking after.

4.6 Emotional Abuse

4.6.1 Emotional abuse is persistent emotional neglect or ill treatment that has severe and persistent adverse effects on a child's emotional development. It may involve conveying to a child that they are worthless or unloved or, inadequate or valued only insofar as they meet the needs of another person. It may involve the imposition of age-or developmentally inappropriate expectations on a child. It may involve causing a child to feel frightened or in danger, or exploiting or corrupting a child. Some level of emotional abuse is present in all types of ill treatment of a child. It can also occur independently of other forms of abuse.

4.7 Sexual Abuse

4.7.1 Sexual abuse is any act that involves the child in any activity for the sexual gratification of another person, whether or not it is claimed that the child either consented or assented. Sexual abuse involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities such as involving children in looking at, or in the production of indecent images or in watching sexual activities, or using sexual language towards a child or encouraging children to behave in sexually inappropriate ways. Child Sexual Exploitation is a complex area on its own but can also come under the umbrella of the sexual abuse category.

4.8 Neglect

4.8.1 Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, or failing to protect a child from physical harm or danger, or failing to ensure access to appropriate medical care or treatment. It may also include neglect of, or failure to respond to a child's emotional needs.

4.9 Adults at risk of Harm

4.9.1 Many adults at risk have to rely on others to help them with basic day-to-day living. Whilst the majority have excellent care provision, some are at risk of harm. This could be due to another person, or people, deliberately taking advantage of the adult. But it could also be the adult who is unintentionally putting themselves at risk, simply because they do not have the right level of support in place.

4.9.2 Adults can experience harm in much the same way as outlined above for children and young people. In addition, adults at risk can be susceptible to:

4.10 Financial Harm

4.10.1 There appears to be two broad categories of financial harm. The first involves people who are close to the adult- often family, friends or care agencies, including those who have Power of Attorney or Guardianship. This often involves the abuse of that relationship to take money, whether done as a deliberate criminal act or through a misplaced belief that authority has been granted to do so.

4.10.2 The second broad category involves scams perpetrated by motivated individuals or organised criminal gangs. There are a number of different methods of targeting adults at risk, including bogus workmen, mail scams and internet phishing. The ease with which abusers can acquire money or possessions (e.g. access to bank account either by coercion or fraud) from an adult at risk is the subject of ongoing concern at a national and local level.

4.11 Self-neglect

Self-neglect may be described as a lack of self-care to an extent that it threatens personal health and safety. The adult often neglects their personal hygiene, health or surroundings and has an inability to avoid self-harm. The adult often fails to seek help or access services to meet their health and care needs and is often unable or unwilling to manage their personal affairs.

4.12 Historical or Non-Recent Abuse

Non-recent abuse (also known as historical abuse) is an allegation of neglect, physical, sexual or emotional abuse made by or on behalf of someone who is now 18 years or over, relating to an incident which took place when the alleged victim was under 18 years old. The complainant may be an adult but could be a young person making reports of abuse in early childhood. The reports may relate to an individual's experience in the family home, community or while they were a looked after and accommodated child in a residential, kinship or foster care setting.

5. Part 2 Recognition and Response

5.1 One of the key objectives of the Church is to prevent harm from occurring and to ensure a timely and appropriate response when it does occur.

5.2 **Recognition-** Safeguarding activity in the Church starts when suspected or reported abuse becomes known to members of the Church i.e. members of the congregation, paid staff or volunteers, and that information is shared with the line manager, safeguarding co-ordinator, Minister or other key people.

5.3 **Report** -The Church's key safeguarding message is that if you suspect or witness harm or abuse, or it is reported to you, you must immediately report it to your line manager or safeguarding co-ordinator.

5.3.1 Trust your intuition or gut feeling about the person or the situation-if it looks or it feels wrong then it probably is. In safeguarding it is sometimes necessary to think the unthinkable about a person or situation.

5.3.2 Sometimes this can be a difficult and uncomfortable thing to do. However, concerns will be sensitively and appropriately investigated. If you are not sure about a situation it is best to share your concerns as soon as possible with your line manager or safeguarding co-ordinator.

5.3.3 Acting in the best interests of the person affected by harm or abuse is the paramount consideration.

5.4 **Record-** It is important to keep a clear, concise and accurate record of information about an event where harm or abuse has been disclosed or is suspected. The record must be made as soon as possible or within 24 hours of receipt of the information.

5.5 **Refer-** On receipt of a safeguarding concern the safeguarding co-ordinator, or manager must contact the Safeguarding Service. This is to ensure that appropriate advice is given and that the matter is recorded for quality assurances purposes.

5.5.1 However, if you believe that a person is at immediate risk of significant harm, or that a crime has been committed, please contact police or social work services without delay. If you are unsure whether the person is at risk of immediate harm police and social work services will talk through with you your concerns.

6. Part 3 Information Sharing and Recording

6.1 Confidentiality and Information Sharing

6.1.1 Sharing appropriate information is an essential part of safeguarding activity. Sharing confidential information without a person's permission is a relatively rare step for those involved in safeguarding children and adults at risk. Always aim to get the person's consent to share information first unless to do so will place someone at greater risk of harm. If in doubt, please contact the Safeguarding Service for advice.

6.1.2 If there is reasonable concern that a child or adult at risk has been abused, or may be at risk of harm, sharing information without the person's consent will always override the requirements to keep information confidential. The law supports you to share information without consent in certain circumstances e.g. child protection and the protection of adults at risk of harm.

6.1.3 Share information securely and only with those who need to know. Keep a record of your decision to share information and the reasons why. Contact the Safeguarding Service for further discussion and guidance if you are not sure when and with whom to share relevant information.

6.2 Safe Storage, Retention and Disposal of Records

6.2.1 Records should always be stored in a secure and confidential place. Paper records must be kept in a locked cabinet on Church premises if this is not already where the documents are stored. If records are stored electronically then care should be taken to ensure that the network is secure and the records are password protected. Records should only be retained for as long as is necessary and destroyed in line with the Church's Data Protection Policy and Retention Schedule (**Appendix 3 page 20-27**)

6.2.2 If you are unable to retain information securely please contact the Safeguarding Service who will assist you with reaching a resolution - it may be that the Safeguarding Service keeps confidential information on your behalf.

7. Part 4 Roles and Responsibilities

7.1 Responsibilities of the Presbytery

7.1.1 The Presbytery is responsible for ensuring that Kirk Sessions implement the Church's Safeguarding Policies and Procedures and also adhere to the Code of Good Safeguarding Practice (**Appendix 4 page 28-30**) via the Annual Attestation of Records and the Local Church Review.

7.1.2 The Presbytery has a responsibility to ensure that effective communications and compliance about safeguarding matters is covered in Local Church Review, and that the Safeguarding Audit Checklist for Kirk Sessions and Presbyteries (**Appendix 5 page 31-34**) is submitted as part of the Annual Inspection of Records. The Safeguarding Service may request other information from time to time which provides confidence that Kirk Sessions are complying with their obligations under the Safeguarding Act.

7.1.3 Presbytery are responsible for appointing a Safeguarding Presbytery contact, Safeguarding Trainer and for ensuring that Safeguarding training is provided to Kirk Sessions, Safeguarding Co-ordinators and other workers-updated as appropriate. It is also required to keep a record of the number of people who have undertaken all types of Safeguarding training and to submit an annual return to the Safeguarding Service office by January 31 each year indicating numbers who have done so in the preceding year.

7.1.4 Presbytery is obliged to exercise general powers of Superintendence.

7.2 Responsibilities of the Kirk Session

7.2.1 The Kirk Session is the Court of the Church within the Parish and the Elders comprising the Session have responsibility for all spiritual matters within that Parish.

7.2.2 The Kirk Session is responsible, amongst other things, for appointing, managing, resourcing, and supporting sufficient numbers of personnel to run services they wish provided and have vicarious liability in both civil and criminal law should the Kirk Session fail in the exercise of that responsibility.

7.3.3 The Kirk Sessions Safeguarding responsibilities are to:

- Implement deliverances of the General Assembly
- To appoint a suitable person as a Safeguarding Co-ordinator and ensure that the person receives training
- To appoint a Safeguarding Panel comprising the Safeguarding Co-ordinator and no fewer than two other suitable persons. On occasions the Minister is also a member of the Safeguarding Panel. This can often create a conflict of interest if the Minister is also expected to provide pastoral support. On a case-by-case basis the Safeguarding Panel and Minister might agree to co-opt another suitable individual to the panel to free the Minister to undertake a pastoral role
- To receive reports from the co-ordinator and record the appointment of workers with children, or protected adults, in a register kept by Session for that purpose
- To oversee the recruitment process for both volunteers and paid workers and to ensure that all workers within the Charge are members of the PVG Scheme prior to taking up regulated work
- To formally appoint workers after they have been advised that the recruitment process has been followed and that they may appoint these workers
- If any application results in notification that a person is barred from becoming a member of the PVG Scheme, that person must not be employed or appointed to undertake or carry out regulated work
- To manage and support the workers they have appointed
- To provide appointed workers access to resources they require e.g. funding, equipment, training, Safeguarding literature etc.
- To recognise that they have ultimate responsibility for Health and Safety matters which affect the Safeguarding of all persons within the fellowship of the Church

7.4 Responsibilities of the Safeguarding Co-ordinator

7.4.1 The Safeguarding Co-ordinator is

- The recognised person for receiving reports of suspected harm or abuse and be responsible for liaison with police and/or social work staff
- Responsible for ensuring those Pastoral Care Team workers visiting children and adults at risk are safely recruited and this information is recorded in the Safeguarding Congregational Register (**Appendix 6 page 35-37**) and that appointments of children's workers and those working with vulnerable adults are ratified by the Kirk Session and recorded in the congregational register.
- Managing the process in congregations for volunteers to become members of the Protection of Vulnerable Groups (Scotland) Act 2007 Scheme
- To act as verifier confirming the applicant's identity in a job application related to the PVG scheme.
- To assist in drafting job descriptions for local posts and identifying whether PVG scheme membership or a PVG record update is required.
- To contact any job applicant's referee for a reference
- To forward Self -Declaration Forms in sealed envelopes to the Safeguarding Service

- Maintain accurate and confidential records of all children's workers and Pastoral Care Team Workers and ensure these are securely stored
- To be notified of the outcome of risk assessments by the Recruitment Sub Committee and/or of any other decision by the Recruitment Sub Committee and in either case to take action to have the matter dealt with locally
- To be the person notified of a satisfactory PVG Scheme membership or PVG record update
- To be informed of any Safeguarding concerns arising in routine supervision, monitoring and review of workers, paid or unpaid, who are members of the PVG scheme
- To update the Safeguarding Panel/Kirk Session as to the latest Safeguarding Policies and Procedures
- To report to the Safeguarding Panel on Safeguarding matters
- To obtain a PVG Scheme update when requested by the Safeguarding Service
- May also be part of the Safeguarding Panel that monitors the safe inclusion of those who pose a risk in congregations.

7.5 Responsibilities of the Safeguarding Panel

7.5.1 The Safeguarding Panel is a group of at least three people appointed by the Kirk Session to manage safeguarding matters on its behalf. Every congregation must have one.

7.5.2 The suggested membership of a Safeguarding Panel is the Safeguarding Co-ordinator, and one or two other Church members with relevant experience. There could be more to include key people. On occasion the Minister is also a member of the Safeguarding Panel. This can often create a conflict of interest if the Minister is also expected to provide pastoral support. On a case-by-case basis the Safeguarding Panel and Minister might agree to co-opt another suitable individual to the panel to free the Minister to undertake his/her pastoral role. Many congregations include their Session Clerk as a member of their Safeguarding Panel.

7.5.3 The Safeguarding Panel will:

- Support the Safeguarding Co-ordinator with the 'safe recruitment' of paid and unpaid workers working with children or protected adults in congregations
- Consider how to manage a situation where an applicant is not suitable to work with children and/or adults
- Ensure that the congregation complies with safeguarding policies and the implementation of the Code of Good Safeguarding Practice.
- Consider how to promote good safeguarding practice and awareness training
- Ensure that procedures are followed and records maintained to the satisfaction of the Presbytery
- Ensure safe arrangements are in place for managing those who pose a risk in congregations

8. Part 5 Safe Recruitment

8.1 PVG

8.1.1 The Protection of Vulnerable Groups (Scotland) Act 2007 introduced the Protecting Vulnerable Groups Scheme in Scotland. It was introduced on 28 February 2011, and is a crucial part of any safe recruitment process. It replaces the previous Enhanced Disclosure check.

8.1.2 The Protecting Vulnerable Groups (PVG) membership scheme is managed and delivered by Disclosure Scotland. It helps make sure people whose behaviour makes them unsuitable to work with children and/or protected adults cannot do 'regulated work' with these vulnerable groups.

8.1.3 When someone applies to join the PVG Scheme Disclosure Scotland carries out criminal record checks and shares the results with individuals and organisations such as the Church of Scotland.

8.1.4 The application process involves gathering criminal record and other relevant information. This can be shared with the employer who is providing regulated work, unless the person applies to have the conviction removed from their PVG Scheme record.

8.1.5 If the information shows the applicant might be unsuitable for regulated work, they will be referred for further investigation as part of the consideration process (i.e. consideration for listing).

8.1.6 Once someone is a PVG scheme member Disclosure Scotland keeps checking their suitability to continue working with children or protected adults. If they find new information which means someone might have become unsuitable to work with children or protected adults, they will tell their employer.

8.1.7 If the courts, police, regulatory bodies or previous employers provide information to Disclosure Scotland which suggests someone may be unsuitable for regulated work, this will trigger a consideration for listing process.

8.1.8 If Disclosure Scotland decides that someone is unsuitable to do regulated work with vulnerable groups, they will bar them from working with children and/or protected adults, and inform their current employers. They will also remove them from the PVG Scheme and tell any other employers listed on their record that they have been barred.

8.1.9 It is a criminal offence for someone who is listed to do regulated work in the UK with the protected groups they are listed for. It is also a criminal offence for an organisation to employ a listed person to do that kind of regulated work. For more information about PVG please see (**Appendix 1 page 15 -17**)

8.1.10 Presbyteries, Kirk Sessions and all other employing agencies shall ensure that all individuals undertaking regulated work in the Church are PVG checked and cleared prior to being put into post.

8.1.11 If any individual has their name entered onto the children's list or adult list, (or both), they must notify the Safeguarding Co-ordinator or line manager straight away.

8.1.12 The PVG scheme is only one part of a safe recruitment process – it is still necessary to ensure that every post has a job description, interviews are carried out, references followed up and ideally paid staff and volunteers are supervised to undertake their role. Supervision means that the standard of the person’s work is monitored by the person that they are responsible to by whom they are line managed.

9. An Applicant’s Responsibilities when joining the PVG Scheme

9.1 What you need to do if you:

9.2 Permanently stop working with children or protected adults in the Church of Scotland – you must advise Disclosure Scotland. Otherwise the Safeguarding Service may receive information about you that it is not entitled to have. Disclosure Scotland contact details: DSupdate@disclosurescotland.gsi.gov.uk; 0300 020 0040; Disclosure Scotland, PO Box 250, Glasgow, G51 1YU.

9.3 Change your name or if you are issued with a full gender recognition certificate under section 4 of the Gender Recognition Act 2004 (c.7) – you must tell Disclosure Scotland within 3 months. If you don’t tell Disclosure Scotland about these changes you are committing a criminal offence.

9.4 Are at any time under ‘consideration for listing’ by Disclosure Scotland. This means consideration for barring from work with children and protected adults. You must share this information with your Safeguarding Coordinator. Disclosure Scotland will advise you and the Safeguarding Service about this. We will manage that information sensitively and confidentially.

9.5 If you are barred from regulated work or are under formal consideration for listing, you must tell Disclosure Scotland within 1 month if you change your:

Name

Address

Gender

9.6 If you don’t tell Disclosure Scotland about these changes you are committing a criminal offence.

10. Disclosure and Barring Service England, Channel Islands and Wales

10.1 All paid staff and volunteers working with children or vulnerable adults as defined in the Safeguarding Vulnerable Groups Act 2006, must also have a DBS Certificate and have been cleared by the Safeguarding Service prior to undertaking regulated activities.

11. Recruiting individuals who were born outside the UK or who have lived outside the UK.

11.1 There are two issues to consider when recruiting individuals who were either born outside the UK, or who have lived outside the UK for three months or more. The first is confirming someone's identity and the second relates to checking his or her criminal record.

11.2 With regard to the identity of the individual, employers should take particular care during the recruitment process, ensuring they follow up references and making other relevant checks before making an appointment.

11.3 Employers can ask prospective employees and existing members of staff to provide a criminal record certificate, where available, from their government or an appropriate government/police agency in the country where they were born and or resided. Guidance on the availability of the service is provided by the Disclosure and Barring Service in England and also by the Centre for the Protection of National Infrastructure (CPNI)

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

<https://www.cpni.gov.uk/search?query=overseas>

11.4 The advice from the Church of Scotland Safeguarding Service is that the onus is on the individual to provide details of their criminal conviction history from their home country or countries of previous residence **prior** to being appointed to a post.

11.5 The Church of Scotland requires an overseas police check from the following applicants:

- Those who have spent three months or more (in a single period) in a non-UK country in the last ten years
- Those who were born and have lived overseas until adulthood

11.5.1 If this applies to the applicant, they must obtain an official statement confirming that they do not have any criminal record proceedings pending. The police check should cover the entire country, not just one state or province e.g. an FBI clearance is required for the USA and RCMP clearance for Canada.

11.5.2 Statements are only valid for application purposes for a period of six months from the date of issue. This does not apply if the applicant relocated to the UK before the six month period expired and has not been a resident in the country concerned since.

11.5.3 On occasion an applicant might not be able to meet the requirements above. Employers should also be aware that the categories of criminal convictions differ from country to country, and that the laws governing rehabilitation of offenders also vary significantly. In some instances criminal records are expunged either automatically after a period of time or after a time linked to the length of the original sentence. Laws relating to children and protected adults may also vary from country to country. In these situations rigorous checking that accounts for time spent abroad is necessary e.g.:

- Proof of itinerary
- Suitable proof of residence of time spent abroad e.g. document from landlord
- Overseas employee or academic references/certificates, including UK departments and agencies based overseas (e.g. Foreign and Commonwealth Office missions, British Council or Non-Governmental Organisations)
- Bank/credit card statements and
- Character references, quoting dates and places of meeting

11.5.4 Confirmation of dates can be cross-referenced with passport and work permits and by contacting employers/educational establishments.

11.5.5 If an applicant cannot meet the requirements above, or if further advice is required, please contact the Safeguarding Service before taking any further steps in the recruitment process.

12. Recruitment Sub Committee

12.1 The Recruitment Sub-Committee (RSC) is a sub-group of the Safeguarding Committee. The Safeguarding Service administers the process. The RSC is made up of Safeguarding Committee members appointed by the General Assembly and co-opted members who have a relevant professional background in Safeguarding matters. Its purpose is to risk assess

- any vetting information which has been provided to the Safeguarding Service by Disclosure Scotland
- any notification received by the Safeguarding Service from Disclosure Scotland, including a notification that a person is under Consideration for Listing
- Self-Declaration Forms, references, matters of reputational risk and any other pertinent information.

12.2 Confidentiality agreements are signed by members of the group.

12.3 The RSC undertakes risk assessments for paid and unpaid staff and includes CrossReach staff, Boys Brigade and Girls Brigade staff and volunteers. The RSC can make a number of recommendations in respect of the risk assessment

13. **Safe Recruitment**

- To recommend that a person is suitable for regulated work - with or without conditions
- To recommend that a person is not suitable for regulated work

14. **Notification from Disclosure Scotland**

- To take no action
- To impose a precautionary administrative suspension, to be reviewed by the Sub-Committee on a three month rolling basis
- To take no immediate action but to reconsider the matter at further meeting on a date within the next three months
- To recommend that a person is not suitable for Regulated Work

14.1 The Safeguarding Service will write to the person involved within 3 days of the decision being made.

15. **Appeals process**

15.1 The person involved has a right of appeal and will be informed of this by the Safeguarding Service when they are notified of the decision of the RSC. The person will have fourteen days of the date of issue of the relevant decision to lodge an appeal. The intention to appeal must be intimated to the Principal Clerk by the person involved.

16. **Part 6 Managing Those Who Pose a Risk**

16.1 In the past the General Assembly instructed the Church of Scotland Safeguarding Service to work collaboratively with other members of the Church community and Councils to prepare Deliverance for General Assembly which would outline how the Church proposed to manage sex offenders who wished to worship in congregations.

16.2 The 'Covenant of Responsibility' was agreed as a model which would allow those offenders to worship in the Church in a safe way and is a model that has been very successfully implemented over a number of years.

16.3 Changes in the public protection agenda coupled with the embedding of the Covenant of Responsibility process within the Church, have led to an expectation and acceptance that these arrangements work and should be expanded to help many others who are deemed to pose a risk in a Church setting.

16.4 It is within this context that the Safeguarding Act seeks to extend the Covenant of Responsibilities arrangements to take account of:

- (1) 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
- (2) Any person who has been convicted of any other sexual offence;
- (3) Any person who admits to having committed a sexual offence; and/or

- (4) Any person who is currently or who has at any time been a Registered Sex Offender; and/or
- (5) Any person in respect of whom the Safeguarding Service receives a recommendation from any of the Responsible Authorities as posing a risk of serious harm which requires an active multi-agency response to protect the public.

16.5 The Safeguarding Service has a dedicated Safeguarding Officer who is responsible for providing advice and guidance to congregations about the setting up of covenants of responsibilities.

Appendix 1

Main Legislation, Policy and Guidance related to the Safeguarding Act

Legislation-Children and Young People

Children (Scotland) Act 1995

<http://www.legislation.gov.uk/ukpga/1995/36/contents>

Children and Young People (Scotland) Act 2014

<http://www.legislation.gov.uk/asp/2014/8/contents>

Children's Hearings (Scotland) Act 2011

<http://www.legislation.gov.uk/asp/2011/1/contents>

Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005

<http://www.legislation.gov.uk/asp/2005/9/contents>

Limitation (Childhood Abuse) (Scotland) Act 2017

<http://www.legislation.gov.uk/asp/2017/3/contents>

Legislation-Adults

Adult Support and Protection (Scotland) Act 2007

<http://www.legislation.gov.uk/asp/2007/10/contents>

Social Care (Self-directed Support) (Scotland) Act 2013

<http://www.legislation.gov.uk/asp/2013/1/contents>

Adults with Incapacity (Scotland) Act 2000

<http://www.legislation.gov.uk/asp/2000/4/contents>

Legislation–Criminal Justice

Criminal Justice (Scotland) Act 2016

<https://www.legislation.gov.uk/asp/2016/1/contents>

Criminal Procedure (Scotland) Act 1995

<http://www.legislation.gov.uk/ukpga/1995/46/contents>

Criminal Justice (Scotland) Act 2003

<http://www.legislation.gov.uk/asp/2003/7/contents>

Legislation-Other

Social Work (Scotland) Act 1968

<http://www.legislation.gov.uk/ukpga/1968/49/contents>

Human Rights Act 1998

<http://www.legislation.gov.uk/ukpga/1998/42/contents>

Protection of Vulnerable Groups (Scotland) Act 2007

<http://www.legislation.gov.uk/asp/2007/14/contents>

Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

Regulatory Reform (Scotland) Act 2014

<http://www.legislation.gov.uk/asp/2014/3/contents/enacted>

Digital Economy Act 2017

<http://www.legislation.gov.uk/ukpga/2017/30/contents/enacted>

Data Protection Act 1998

<https://www.legislation.gov.uk/ukpga/1998/29/contents>

Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016.

<http://www.legislation.gov.uk/asp/2016/14/contents/enacted>

The Duty of Candour Procedure (Scotland) **Regulations** 2018

<http://www.gov.scot/Topics/Health/Policy/Duty-of-Candour>

Policy and Guidance-Children and Young People

National Guidance for Child Protection in Scotland 2014

<http://www.legislation.gov.uk/asp/2017/3/introduction/enacted>

Getting it Right for Every Child

<http://www.gov.scot/Topics/People/Young-People/gettingitright>

Policy and Guidance-Adults

Adult Support and Protection Code of Practice

<http://www.gov.scot/Publications/2014/05/6492/0>

Multi-Agency Public Protection Arrangements

(MAPPA)<http://www.gov.scot/Topics/Justice/policies/reducing-reoffending/sex-offender-management/protection/reports>

Other

The EU General Data Protection Regulation (GDPR)

<https://www.eugdpr.org/>

Appendix 2

Practice Guidance to Support the Safeguarding Act

The Safeguarding Service has produced a suite of practice handbooks which are available on the Church of Scotland's public website. The handbooks are designed to act as a framework to support good practice for anyone who has a role or responsibility in Safeguarding children and adults at risk.

Separate Child and Adult Protection Handbooks are also available to be viewed on the public website for CrossReach staff.

http://www.churchofscotland.org.uk/about_us/safeguarding_service/key-publications

Safeguarding Handbook 1- What you need to know and do to protect children and adults at risk from harm or abuse.

This handbook covers the definitions of child and adult abuse and provides detailed advice on recognising and responding to harm or abuse. It sets out in detail the standards and responsibilities of the Safeguarding Service, Presbytery, Kirk Session, the role of the Safeguarding Co-ordinator, the Safeguarding Panel and the role and responsibility of the Minister. It includes information on Data Protection.

Safeguarding Handbook 2- The Safe Recruitment, Selection and Management of Volunteers and Paid Staff.

This handbook covers the **Protection of Vulnerable Groups (Scotland) Act 2007**. It includes a detailed summary of the recruitment process from job advert to appointment. It provides a detailed account of what to do if someone is not suitable or becomes unsuitable to work with children or protected adults. The Handbook includes advice about safeguarding vulnerable groups in England and Wales and about recruiting workers from overseas.

Safeguarding Handbook 3- Safeguarding Training: What is available, who is it for, and how to access it.

This handbook provides a detailed overview of Safeguarding Training, including training for Congregational Safeguarding Co-ordinators, volunteer Safeguarding Trainers, Presbytery Safeguarding Contacts, Presbytery Clerks or members of presbytery who have responsibility for safeguarding training. It also for those who line manage staff employed by any of the Church's various Councils e.g. Ministries Council, CrossReach Services.

Safeguarding Handbook 4- Safeguarding in Practice.

This handbook is specifically designed to assist volunteers and paid staff in their day to day work with children and protected adults. For example, it provides helpful advice on working with children and adults with additional support needs, advice on providing transport for them, ensuring a safe environment to carry out activities, camps, and residential holidays. It provides advice on managing social media, undertaking risk assessments and letting out church premises to non-church groups.

Safeguarding Handbook 5-Managing those who pose a risk

This handbook provides key information to enable congregations to identify and respond to those who pose a risk in the Church. The key message is the safe inclusion of those individuals in the life of the Church whether that is through worship, work or attendance at activities/social events.

The handbook includes what is to be done when someone has committed a sexual offence against a child or adult and gives detailed advice about when and how to draw up a Covenant of Responsibilities.

Safeguarding Handbook 6- Responding to Domestic Abuse.

This handbook acknowledges that domestic abuse is part of the safeguarding and public protection agenda. The handbook aims to raise awareness of the issue in local Congregations, Presbyteries, Councils of the Church and CrossReach Services and to encourage Church communities to create safe pathways to support services for those affected by domestic abuse.

Responding to Historical Abuse in the Church of Scotland: Policy and Procedure

As a short supplement to Handbook 1, this policy and procedure aims to respond to the needs of survivors of non-recent (historical) abuse. It seeks to ensure that there is a sensitive and effective response for survivors reporting any type of non –recent (historical) abuse perpetrated by a Church office bearer/employee in a Church activity, or by another service user in a social care service provided by CrossReach.

General Guidance and Forms

This section of the public website also provides guidance about a number of issues (e.g. Child safety in Church premises, Determining PVG Scheme Membership, Let Agreement for non-church groups using Church of Scotland premises etc.)

It also contains a number of Forms that support the Safeguarding Framework in practice and are pivotal to meeting obligations under the new Safeguarding Act.

The Forms can be accessed at the link below

http://www.churchofscotland.org.uk/about_us/safeguarding_service/key-publications

Appendix 3

WHAT TO KEEP

[INSERT CONGREGATION NAME AND CHARITY NUMBER] (the “Congregation”)

Data Retention Policy

1. Introduction

1.1. Church of Scotland congregations gather personal information from individuals and external organisations as well as generating a wide range of personal data, all of which is recorded in documents and records, both in hard copy and electronic form.

1.2. Examples of the types of information accumulated and generated are set out in Appendix 1 of this policy and include but are not limited to minutes of Kirk Session meetings; membership rolls; baptismal information; employment Records; newsletters and other communications such as letters and emails.

1.3. In certain circumstances it will be necessary to retain documents to meet legal requirements and for operational needs. Document retention is also required to evidence agreements or events and to preserve information.

1.4. It is however not practical or appropriate for congregations to retain all records. Additionally, data protection principles require information to be as up to date and accurate as possible. It is therefore important that congregations have in place systems for the timely and secure disposal of documents that are no longer required.

1.5. This Data Retention Policy was adopted by the Congregation on [insert date] and will be implemented on a day to day basis.

2. Roles and Responsibilities

2.1. Congregational office bearers and those involved with safeguarding will adopt the retention and disposal guidance at Appendix 1 of this policy and strive to keep records up to date.

2.2. Advice will be obtained from the Law Department or Safeguarding Department of the Church Office at 121 George Street if there is uncertainty about retention.

3. Retention and Disposal Policy

3.1. Decisions relating to the retention and disposal of data should be guided by:

3.1.1. Appendix 1 — Document Retention Schedule — Guidance on the recommended and statutory minimum retention periods for specific types of documents and records.

3.1.2. Appendix 2— Quick Guide to document retention.

3.2. In circumstances where the retention period for a specific document or category of documents has expired, a review should be carried out prior to disposal and consideration should be given to the method of disposal.

4. Disposal

4.1. Documents containing confidential or personal information should be disposed of either by shredding or by using confidential waste bins or sacks. Such documentation is likely to include financial details, contact lists with names and addresses and pastoral information.

4.2. Documents other than those containing confidential or personal information may be disposed of by recycling or binning.

4.3. Electronic communications including email, Facebook pages, twitter accounts etc. and all information stored digitally should also be reviewed and if no longer required, closed and/or deleted so as to be put beyond use. This should not be done simply by archiving, which is not the same as deletion. It will often be sufficient simply to delete the information, with no intention of ever using or accessing it again, despite the fact that it may still exist in the electronic ether. Information will be deemed to be put beyond use if the Congregation is not able, or will not attempt, to use it to inform any decision in respect of any individual or in a manner that affects the individual in any way and does not give any other organisation access to it.

4.4. Deletion can also be effected by using one of the following methods of disposal:

- Using secure deletion software which can overwrite data;
- Using the function of “restore to factory settings” (where information is not stored in a removable format);
- Sending the device to a specialist who will securely delete the data.

Appendix 1

Illustrative Data Retention Schedule

This Schedule is provided as a guide to common types of documents but is not exhaustive.

NOTE: There may be an historic interest in the Congregation's records. Kirk Session minutes are archived after 50 years. If you think that archiving other records is preferable to destruction, you should be in touch with the Department of the General Assembly, which will organise archiving where appropriate.

Avoid retaining information if there is no reason for doing so. Consult with the Law Department if you are unsure

RECORD	RETENTION PERIOD
Minutes of meetings	6 years
Kirk Session meetings	50 years - permanent. After 50 years pass the minutes to the principal clerk's office, who then liaise with the National Records of Scotland for archiving.
Pre-employment enquiries/applications/notes/letters/references	6 months after completion of recruitment (unless data to be retained for a future similar opportunity, in which case 1 year)
Safeguarding - Service confirmation of advice, emails, letters	100 years

Safeguarding - Confidentiality Agreements	100 years
Safeguarding - Covenants of Responsibility (managing those who pose a risk)	100 years
Safeguarding - Risk Assessments	100 years
Safeguarding - Complaints concerning people	100 years
Safeguarding - Audit for Congregations and Presbyteries	100 years
Congregational Roll	100 years
Certificates of Transference/Lines	100 years
Employee/appointments records including: contracts, time records etc.	Duration of employment + 7 years
Volunteer records	Duration of placement + 7 years
Databases for mailing lists/distribution	Reviewed annually, delete out of date information
Miscellaneous contact information	Delete once there is no longer a requirement to hold such information
Arranged accommodation/placements (e.g. overseas visitors)	3 years following end of event/placement
Documents relating to litigation or potential litigation	Until matter is concluded plus 7 years
Hazardous material exposures	30 years
Injury and Illness Incident Reports (RIDDOR)	5 years

Pension plans and retirement records	Permanent
Salary schedules; ranges for each job description	2 years
Payroll Records	Minimum, 7 years. No maximum
Contracts	7 years following expiration
Construction documents	Permanent
Fixed Asset Records	Permanent
Application for charitable and/or tax-exempt status	Permanent
Sales and purchase records	5 years
Resolutions	Permanent
Audit and review work papers	5 years from the end of the period in which the audit or review was concluded
OSCR filings	5 years from date of filing
Records of financial donations	7 years
Accounts Payable and Receivables ledgers and schedules	7 years
Annual audit reports and financial statements	Permanent
Annual plans and budgets	2 years

Bank statements, cancelled cheques, deposit slips	Minimum of 7 years
Business expense records	7 years
Cash/cheque receipts	7 years
Electronic fund transfer documents	7 years
Employee expense reports	7 years
General ledgers	Permanent
Journal entries	7 years
Invoices	7 years
Petty cash vouchers	7 years
Tax records	Minimum 7 years
Filings of fees paid to professionals	7 years
Environmental studies	Permanent
Insurance claims/ applications	Permanent
Insurance disbursements and denials	Permanent
Insurance contracts and policies (Directors and Officers, General Liability, Property, Workers' Compensation)	Permanent

Leases

7 years after expiration

Property/buildings documentation (including loan and mortgage contracts, title deeds)

Permanent

Warranties

Duration of warranty + 7 years

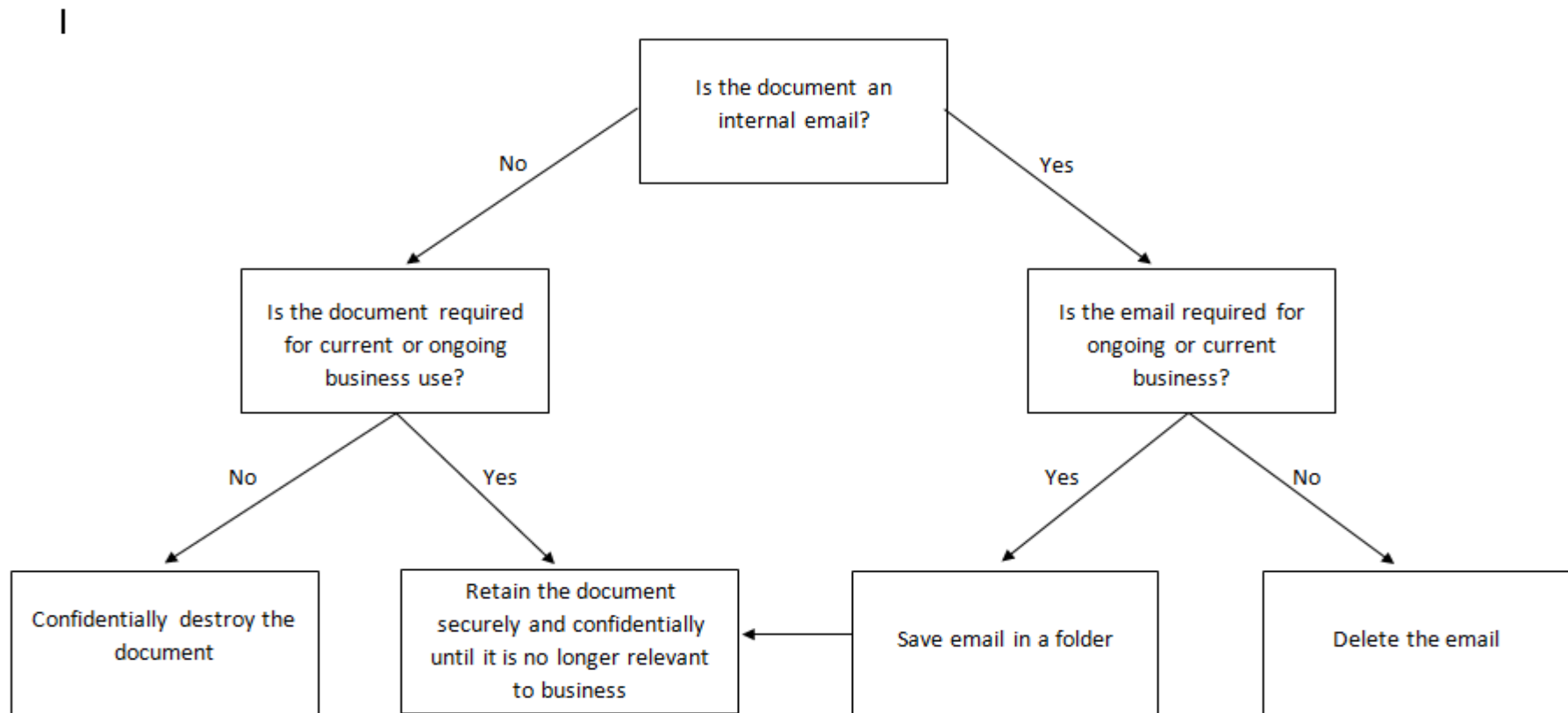
Records relating to potential, or actual, legal proceedings

Conclusion of any tribunal or litigation proceedings + 7 years

Appendix 2

General guidance for documents NOT included in the retention schedule.

On-going business use is subjective, but generally refers to documents still required for on-going projects, or documents that may still need to be referred to for on-going activities.



Appendix 4

The Church of Scotland Code of Good Safeguarding Practice, Revised 2018

Background

The Church of Scotland Code of Good Safeguarding Practice 2011 has been revised in 2018 to take account of any changes to Safeguarding Policy and Practice.

What is the code of good safeguarding practice?

In short it is a checklist, or set of standards, of what good safeguarding practice looks like.

This Code of Practice is for all paid staff and volunteers in the Church who have a responsibility for organising, managing or providing care and support to children and adults at risk.

The 'Church' means congregations, all Ministries and CrossReach services.

This Code of Good Safeguarding Practice will ensure that all those within the Church who work with children and adults at risk follow the same standards of safeguarding practice. It demonstrates a commitment by the Church to the safety, well-being and care of children and adults at risk. This Code is a working document and, unlike the Safeguarding Policy Statement, not for display in Church buildings or CrossReach services.

This is what the Church expects to see in place:

Code of Good Safeguarding 2018

Policy

1. The Church of Scotland is committed to '*Ensuring a Safe Church for All*'. Use and display The Church of Scotland Safeguarding Policy Statement agreed by the General Assembly, May 2010.
2. Paid staff and volunteers, through the provision of safe and appropriate standards of care, will minimise the likelihood of harmful situations occurring.
3. The Church will respond to the needs of victims of harm or abuse as appropriate and ensure as far as possible, that the person feels safe in the Church community.

Recognising and reporting harm or abuse

4. The Church has clear written procedures for responding to witnessed, suspected or reported harm or abuse. These can be found in The Church of Scotland Safeguarding Service's Key Publications available on the Church of Scotland's website at <http://www.churchofscotland.org.uk/>. The Church's key message about recognising and reporting harm or abuse is:

If you suspect or witness harm or abuse, or it is reported to you, you must immediately report it to your Safeguarding Coordinator or, for CrossReach services, your line manager.

5. Paid staff and volunteers in the Church will use the 4 Rs of Safeguarding: being able to *recognise* harm or abuse, ensuring that it is *reported* to the Safeguarding Coordinator or Line Manager, *recording* the details in writing and *referring* on to social work and the

police in appropriate cases.

6. Confidentiality: information about a person who has allegedly been harmed, or is at risk of serious harm, can be shared without their permission if they, or others, are at risk of serious harm.

Safe recruitment and management

7. Every congregation must have a formally recruited Safeguarding Coordinator. (Some congregations may choose to have more than one to share the work and responsibility).
8. All paid staff and volunteers working with children or protected adults, as defined in the Protection of Vulnerable Groups (Scotland) Act 2007 or the Safeguarding Vulnerable Groups Act 2006, must be formally and safely recruited. This means:
 - Every post must have a written job description
 - Applicants must be interviewed, provide two references (which must be followed up), and also have a PVG Scheme Record (Scotland) or DBS Certificate (England and Wales) and have been cleared by the Safeguarding Service to take up regulated work or regulated activities.
 - It is an offence for organisations to employ individuals whose name appears on a barred list.
 - Recruiting individuals who were born outside the UK or who have lived outside the UK to undertake regulated work with children or protected adults. There are two issues to consider in this situation. The first is confirming someone's identity by ensuring robust recruitment practices are in place and that suitable references are pursued and the second is ensuring that appropriate police checks have been undertaken in the country they were born and or resided. The onus is on the individual to provide details of their criminal conviction history from their home country or countries of previous residence.
 - All volunteers should receive one-to-one supervision with the person to whom they are responsible.
 - All volunteers and paid staff should attend Church of Scotland safeguarding training as meets the needs of the post holder. More information about training courses can be found at http://www.churchofscotland.org.uk/about_us/safeguarding_service/training.
 - All paid staff and volunteers, with suitable training and support, must be able to recognise harm and abuse and be confident enough to report it to their Safeguarding Coordinator or, for CrossReach services, their line manager.
 - If allegations of harm against a paid member of staff are found to be unsubstantiated *but* there are good grounds for believing that the person continues to pose a risk, 'compromise agreements' should not be used to end the person's employment. A compromise agreement is where a person agrees to resign, the employer agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference. A referral may need to be made to Disclosure Scotland in respect of the individual.

- Paid and volunteer posts should have a Code of Conduct so that workers are clear about expected behaviour (what is said and done and to ensure appropriate boundaries between themselves and children and adults at risk).

Working with sex offenders known to congregations

9. For congregations: when it is known *or suspected* that there is a convicted sex offender in the congregation, or someone under investigation for sexual offences, this information **must** be reported to The Church of Scotland Safeguarding Service. The Safeguarding Service will then provide full advice and support with setting up a Covenant of Responsibilities to ensure the person's safe inclusion in the life of the Church.

Responsibilities

10. Employees and volunteers of the Church are strongly recommended to follow verbal and written advice provided by the Church's Safeguarding Service in cases where harm is witnessed, suspected or reported.
11. Every congregation must appoint a Safeguarding Panel. This can comprise of the Minister, the Safeguarding Coordinator plus one or more other people with a suitable understanding, or professional background in safeguarding. Some congregations may choose not to have the Minister on the Safeguarding Panel as this could present a conflict of interests if pastoral support is also required for the victim and/or the perpetrator.
12. Kirk Sessions will ensure that all paid staff and volunteers working with children and adults at risk know what the Church's safeguarding policy is and receive appropriate safeguarding training.
13. An appropriate level of safeguarding training will be provided for Presbytery Safeguarding Trainers, Safeguarding Coordinators, Kirk Sessions, Presbytery and Parish Workers and paid staff and volunteers in congregations and **all** staff in CrossReach services.

Appendix 5

Safeguarding Audit Checklist: for Congregations, the Annual Inspection of Records and Local Church Review.

Congregation:.....
Date checklist completed.....
Completed by:.....

Purpose

This is an opportunity for congregations and Presbyteries to assess how well they are protecting children, and adults at risk, from harm. This Checklist was originally developed as a self-assessment tool for **congregations**. A General Assembly deliverance, 2015, extended its use to include the **Annual Inspection of Records** and the **Local Church Review**. The checklist is a set of **20 questions**, or standards, about what good safeguarding should look like in practice. It is the process for the audit and review of safeguarding arrangements in the Church. The aim is to identify good practice and opportunities for improvements. For help with the questions see *Church of Scotland Safeguarding Handbooks 1 to 5*, the summary of General Assembly Safeguarding Committee Deliverances, policy and practice guidance documents, posters, and key publications at http://www.churchofscotland.org.uk/about_us/safeguarding_service/key-publication.

The questions are arranged under **three themes**:

- Policies, procedures and safeguarding arrangements
- Safe Recruitment and Management of Volunteers and Paid Staff
- Awareness of Harm/Abuse and Safeguarding Training

For a shorter review **9 key** safeguarding activities are highlighted in rows 2, 4, 5, 7, 9, 13, 15, 16 and 17.

Method

1. **Congregations**: the Kirk Session could give one or two members – who are ideally not on the Safeguarding Panel – the task of using the checklist to gather information. How you gather this information is up to the Kirk Session. But the Kirk Session could get all Church groups working with children or protected adults to complete just questions 15–17. That information could then be checked against the Safeguarding Congregational Register form SG7 (2017). A short report of findings and recommendations could then be prepared for the Kirk Session.
2. **Annual Inspection of Records**: submit this SG11 form. (Before 2015 only the Safeguarding Congregational Register was inspected).
3. **Local Church Review**: use this revised SG11 as the inspection schedule.

Further information and guidance about all of the safeguarding activities in the following table and a directory of General Assembly Safeguarding Committee Deliverances is at http://www.churchofscotland.org.uk/about_us/safeguarding_service/key-publications

Safeguarding activity	x ✓	Notes/action needed
THEME 1: POLICIES, PROCEDURES AND SAFEGUARDING ARRANGEMENTS		
1. Are the Church's Safeguarding Policy Statement, 2010 , 'Ensuring a Safe Church for All' and the Safeguarding in the Church of Scotland poster, 2015 , with details about how to contact the Safeguarding Coordinator, clearly displayed?		
2. Has the Kirk Session appointed a Safeguarding Coordinator ? (Two are sometimes appointed.)		
3. Has the name and email address of the Safeguarding Coordinator been passed to the Church of Scotland's Safeguarding Service? (If not the congregation will not receive important safeguarding updates. Use form SG10)		
4. If a member of the congregation or a volunteer working with children or adults at risk, suspected or witnessed harm, or it was reported to them, would they immediately know how to contact the Safeguarding Coordinator ? (See 1 above.)		
5. Has the Kirk Session set up a Safeguarding Panel and have the members attended Safeguarding Coordinator training? (Safeguarding Coordinator training covers most of what Safeguarding Panel members need to know).		
6. Does the Safeguarding Coordinator update Kirk Session about the latest safeguarding policies and procedures?		
7. Is the Safeguarding Congregational Register , form SG7 (2017), up-to-date? (This is the record of all volunteers and paid staff who are PVG Scheme members – essential for ensuring that we do not 'employ' barred individuals who have harmed children or protected adults.)		
8. Are the Kirk Session, the Minister and the Safeguarding Panel aware of the policy for managing those who pose a risk (sex offenders), and the procedure for their safe inclusion in worship or in any other church activities, as described in <i>Safeguarding Handbook 5, 2014</i> ?		
9. Prior to planned activities for children or adults at risk is the Safeguarding Service Risk Assessment Tool being used to identify and address potential risks? (Use form SG20, in Church of Scotland Safeguarding Handbook 4, 2013, pages 4–6).		
10. Does the Kirk Session have a standard signed Let Agreement with individuals or groups who hire Church premises and encourage their compliance with the PVG Scheme if they are providing a service for children or protected adults? (See <i>Safeguarding Handbook 4, 2013, page 23</i>).		
11. Is the Kirk Session aware of the Disciplinary Code 2012 , for the Protection of Vulnerable Groups (Scotland) Act 2007? (See <i>Safeguarding Handbook 2, 2013, pages 16–19</i>).		
12. Are all confidential paper and electronic safeguarding records		

Safeguarding activity	x ✓	Notes/action needed	
stored in a secure and confidential place and, when necessary, destroyed?			
THEME 2: SAFE RECRUITMENT AND MANAGEMENT OF VOLUNTEERS AND PAID STAFF			
13. Has the Kirk Session ensured that all new paid staff and volunteers doing regulated work with vulnerable groups have completed the safe recruitment process and been appointed by Kirk Session? (<i>Job description, interview, two references and since 2011, PVG Scheme membership or update etc. See Safeguarding Handbook 2, 2013, page 6 for summary.</i>)			
14. Where a congregation's children are attending a joint churches/congregations activity, for example a school holidays group, is there evidence that all volunteers have been safely recruited? (This could be a short typed agreement covering all the arrangements for the joint event including safe recruitment).			
THEME 3: AWARENESS OF HARM/ABUSE AND SAFEGUARDING TRAINING			
15. Have all volunteers and paid staff been issued with the Pocket Guide Safeguarding Children and Adults at Risk: Key Information for Volunteers and Staff, 2012 (reprinted 2014). And has the content of this short guide been discussed with them individually or as a group?			
16. Reporting harm or abuse: do all volunteers and paid staff know the procedure to follow if harm or abuse is suspected, witnessed or reported to them, as set out in the Pocket Guide (see 17 above). This includes suspected or reported non-recent abuse .			
17. Have all volunteers and paid staff attended the introductory level of Church of Scotland safeguarding training ? Is there a record of who has attended safeguarding training, and when, and is refresher training needed for some? Please fill in the training needs in notes field. (<i>See Safeguarding Handbook 3, 2012, on the Safeguarding Service webpage, for types of training and how to arrange them.</i>)		Total numbers of volunteers who attended training this year	Total number of volunteers still needing training
18. Has a representative group (not necessarily all) of the Kirk Session attended Kirk Session Safeguarding Training to be made aware of their responsibilities for the safe recruitment and management of volunteers; and ensuring that effective arrangements are in place to prevent and respond to harm? (<i>Kirk Session responsibilities are set out in Safeguarding Committee directory of Safeguarding Committee General Assembly Deliverances.</i>)		Total numbers of Kirk Session members who attended training this year	Total numbers of Kirk Sessions members still needing training
19. Has the Safeguarding Coordinator attended Safeguarding Coordinator training? Please fill in the training needs in notes field.		Total numbers of coordinators who attended training this year	Total number of coordinators still needing training

Safeguarding activity	x ✓	Notes/action needed	
20. Has the Safeguarding Coordinator advised the Presbytery Safeguarding Contact about the safeguarding training needs identified in nos. 17–19, above?			

Contact for more information: t: 0131 240 2256 e: safeguarding@churchofscotland.org.uk w: www.churchofscotland.org.uk
for the most up-to-date information

Appendix 6

Form SG7 (2017)



Safeguarding Congregational Register: a tool for preventing harm and abuse

PVG Scheme/DBS¹ members actively doing paid or voluntary work with children and/or protected adults

See end notes on page 3 for guidance.

Congregation(s)²:

Presbytery:

Year ending: 20....

Form completed by:

Name of Safeguarding Coordinator(s) . Surname first.	Date attended Safeguarding Coordinator training ³
1.	
2.	

<i>Post holder</i>		<i>Safe recruitment</i>		<i>Awareness raising: recognise and report</i>	<i>Training</i>
Name (Surname first and typed or in capitals)	Date of birth only to separate duplicate names ⁴	Type of Regulated Work with children (C), protected adults (PA) or both (B)	Date of clearance letter ⁵ from Safeguarding Service confirming PVG Scheme membership	Issued with pocket guide: Safeguarding Children and Adults at Risk: Key Information for Staff and Volunteers , 2012 or 2014 editions ⁶ ? Yes/No	Date attended mandatory safeguarding training ⁷

Form SG7 (2017)

<i>Post holder</i>		<i>Safe recruitment</i>		<i>Awareness raising: recognise and report</i>	<i>Training</i>
Name (Surname first and typed or in capitals)	Date of birth only to separate duplicate names ⁴	Type of Regulated Work with children (C), protected adults (PA) or both (B)	Date of clearance letter ⁵ from Safeguarding Service confirming PVG Scheme membership	Issued with pocket guide: Safeguarding Children and Adults at Risk: Key Information for Staff and Volunteers , 2012 or 2014 editions ⁶ ? Yes/No	Date attended mandatory safeguarding training ⁷



Form SG7 (2017)

<i>Post holder</i>		<i>Safe recruitment</i>		<i>Awareness raising: recognise and report</i>	<i>Training</i>
Name (Surname first and typed or in capitals)	Date of birth only to separate duplicate names ⁴	Type of Regulated Work with children (C), protected adults (PA) or both (B)	Date of clearance letter⁵ from Safeguarding Service confirming PVG Scheme membership	Issued with pocket guide: Safeguarding Children and Adults at Risk: Key Information for Staff and Volunteers , 2012 or 2014 editions ⁶ ? Yes/No	Date attended mandatory safeguarding training ⁷
					Add rows as needed

NOTES

This register is a tool for preventing harm and abuse by evidencing: (1) a key part of safe recruitment (PVG Scheme/DBS), (2) awareness raising (the pocket guide and the 4Rs of safeguarding) and (3) the uptake of safeguarding training. It will be inspected at the Presbytery Annual Inspection of Records and the Local Church Review. Remove the names of volunteers that have stopped working. If possible complete electronically for ease of reading for the inspection of records. If you want to add more information for local use e.g. addresses, just expand the cells and adapt.

¹ For Presbytery of England: delete reference to PVG Scheme and replace with Disclosure and Barring Scheme (DBS) and refer to regulated activity with children and/or adults. For International Presbyteries, replace with references to the national equivalent of criminal records checks. The 2017 version of this form no longer asks for the numbers who still need to join the PVG Scheme/Disclosure and Barring Scheme because ALL MUST HAVE JOINED BY NOW. The deadline for PVG Scheme membership was 30 October 2015.

² Some smaller rural congregations share Safeguarding Coordinators

³ Some Safeguarding Coordinators have not attended this specialist training but still need to. See note 7 below.

⁴ Date of birth is only needed to separate duplicate names. Otherwise it is optional although many Safeguarding Coordinators tell us that this information helps with the task.

⁵ The person can start work only after the Safeguarding Coordinator receives this letter *and* after the Kirk Session makes the appointment. This is minuted by the Kirk Session.

⁶ There is only a minor difference between these two editions: the key messages are identical.

⁷ In May 2015 the General Assembly made it mandatory for all doing Regulated Work to attend the appropriate level of safeguarding training. Contact your Presbytery Safeguarding Contact for details.