

SAFEGUARDING COMMITTEE MAY 2021

Proposed Deliverance

The General Assembly:

1. Receive the Report.
2. Note the Safeguarding Service Annual Statistical Report. (Section 2)
3. Encourage congregations to mark 'Safeguarding Sunday' with those of other denominations on Sunday 10th October 2021 or on any other suitable day in October. (Section 4)
4. Note the work being undertaken by the Safeguarding Committee to better understand the needs and experiences of survivors of abuse. (Section 5)
5. Direct that advice given by the Safeguarding Service, when framed as an instruction, must be followed by all Agencies of the General Assembly and by all Presbyteries, Kirk Sessions, Safeguarding Co-ordinators, office-holders, staff and volunteers involved in work with Vulnerable Groups (as defined in the Safeguarding Act), and pass an Act amending the Safeguarding Act (Act XVI 2018) accordingly as set out in Appendix A (and Section 6.3).
6. Note the good, ongoing working relationships with CrossReach, the Boys' Brigade, Girls' Brigade and the United Reformed Church National Synod of Scotland. (Section 7)
7. Note the ongoing work in relation to International Development issues and the development of overseas protocols. (Section 8)
8. Note that work is ongoing to implement an online solution for the Congregational Register (SG7), Audit Checklist (SG11), and Presbytery Register. (Section 10)
9. Instruct the Safeguarding Service in collaboration with the Faith Nurture Forum to undertake work to scope out a mandatory advanced safeguarding training programme for ministers, and report to the General Assembly of 2022. In the interim, instruct ministers to attend local Introductory Safeguarding Training and record attendance on the Presbytery Register if they have not attended such a course in the last three years. (Section 11).
10. Instruct Presbyteries to co-operate with the Safeguarding Service in a compliance audit of Safeguarding data in readiness for the implementation of the Disclosure Act. (Section 12)
11. Thank all the volunteers who give of their time to promote and embed good safeguarding practices across the Church and express gratitude for the excellent work they undertake.

Report

1. SAFEGUARDING – A THEOLOGICAL IMPERATIVE

Life has changed considerably for all of us since March 2020. From shopping to worship, we have had to embrace many new patterns and habits, and technology has brought new meaning to words like "zoom" and "teams." There have been parts of our life, which we had previously taken for granted, which have been furloughed, albeit temporarily. Some parts of the Church and its constituent organisations have been unable to meet and function, while other parts have been identified in pandemic parlance, as "essential" and new, imaginative ways of working have been found. In the midst of all of this, the need to safeguard the Church, and create a safe Church for all has been absolutely vital.

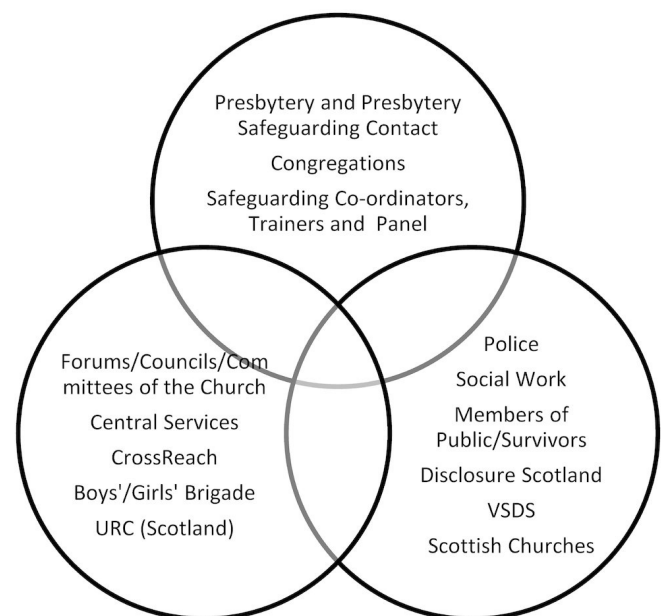
2. STATISTICAL INFORMATION

2.1 The Safeguarding Service has a number of Overarching Objectives:

- To act as a first point of contact in matters relating to safeguarding
- To assess child and adult protection and wellbeing concerns and provide professional advice as appropriate
- To take steps to prevent harm or abuse from occurring

2.2 The Safeguarding Service interacts with a number of internal and external stakeholders to progress a number of areas of work i.e. processing PVG applications, responding to enquiries and referrals, providing appropriate safeguarding training, risk assessing conviction and vetting information and managing covenants of responsibilities.

Figure 1 Internal and External Stakeholder



2.3 In March 2020, the Safeguarding Service reduced its workload to critical functions for a short period of time as a result of the Covid-19 pandemic. This has been reflected in the following statistical output for the year 1st November 2019-31st October 2020. The number of referrals into the service was down from the previous year to **463**, enquiries down to **544**, PVG applications down to **1,095** and face to face training suspended.

During the Covid-19 pandemic Safeguarding Trainers have been working hard to adapt to new ways of working with some Presbyteries now delivering training online.

The previous year's statistical information has been included in this report as it reflects more accurately the breadth of work undertaken by congregations, Presbyteries and the Safeguarding Service.

2.4 PVG Applications

The Service processes PVG applications on behalf of congregations, the Boys' Brigade and Girls' Brigade and the Faith Nurture and Faith Impact Forums.

From 1st November 2018- 31st October 2019 the service processed a total of **2,372** applications. The largest numbers of applications were processed for volunteers in congregations.

Figure 2 PVG Applications by Group

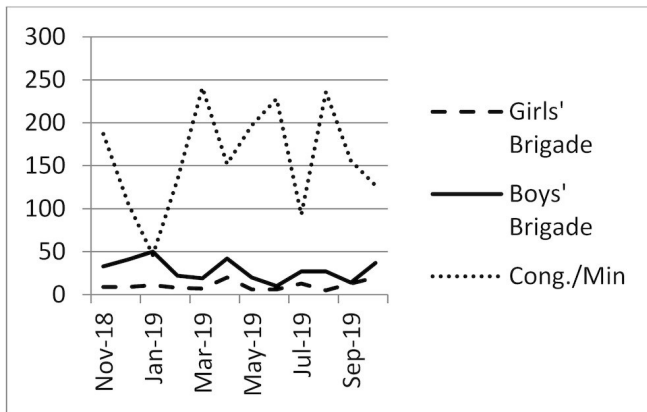
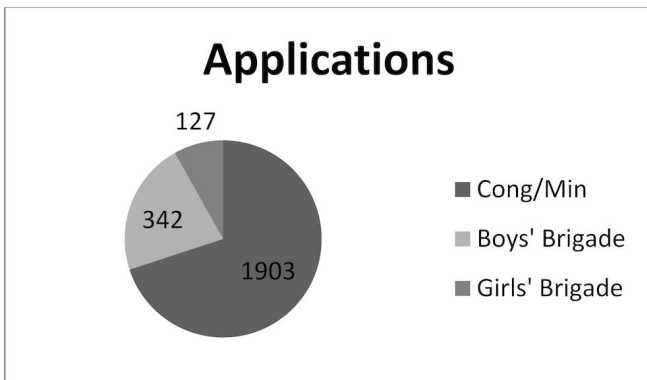


Figure 3 Total Number of Applications 1st Nov 18-31st Oct 19

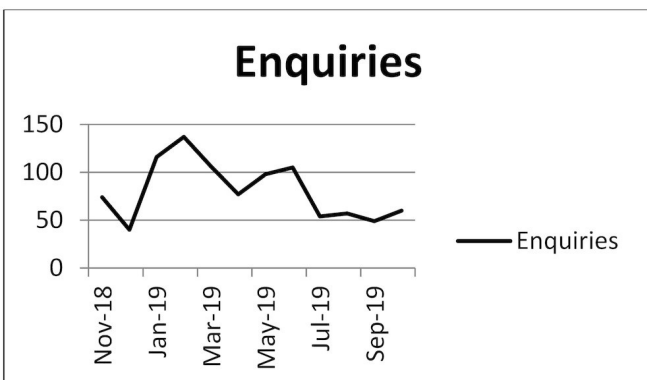


2.5 Enquiries

The Service receives a large number of enquiries on an annual basis. Most of these enquiries relate to policy, procedure, safe working practices, safe recruitment practices and PVG. Enquiries range from the simplest of queries to more complex advice such as the setting up of a new project or initiative.

The total number of Enquiries for the year was **973**.

Figure 4 Total Number of Enquiries 1st Nov 18-31st Oct 19



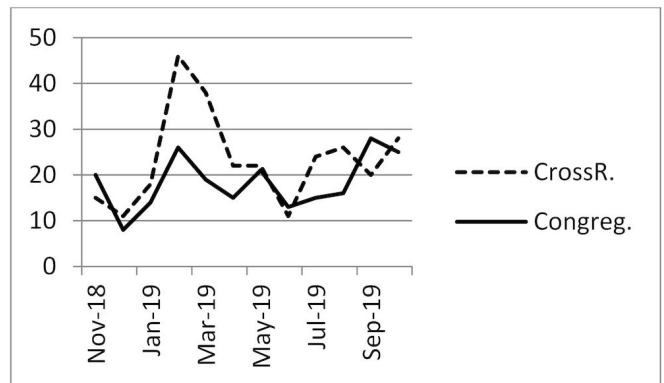
2.6 Referrals

Referrals come to the Service via telephone, e-mail or someone visiting the office in person. The vast majority of referrals are received from congregations and CrossReach services, with lower numbers received from Boys' Brigade and Girls' Brigade.

Referrals usually relate to matters of physical, sexual, emotional, psychological and financial harm and neglect. Fictionalised scenarios are discussed in more detail further in this report.

The total number of Referrals for the year was **501**.

Figure 5 Referrals received from congregations and CrossReach Services 1st Nov 18-31st Oct 19.



2.7 Training

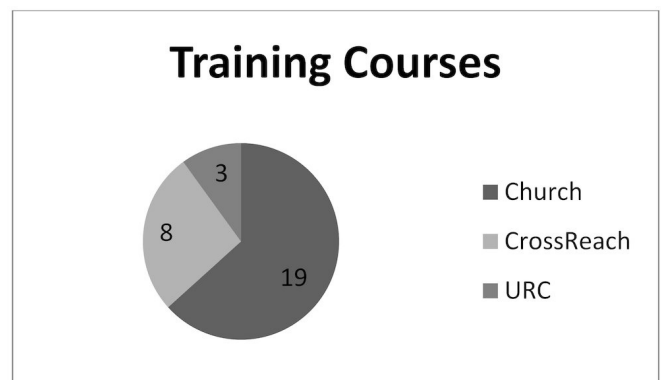
In the same period the Safeguarding Service has supported a number of different training courses e.g. Child and Adult Protection Training for CrossReach, Church of Scotland congregations and staff of the National Offices, Training for Ministries Candidates and the United Reformed Church National Synod of Scotland (URC).

Congregations, staff of the National Offices and CrossReach services are the largest recipients of support.

Safeguarding training has been delivered to Assembly Trustees, Senior Managers and Heads of Department. The focus of this training was on Trustee, Senior Managers and Heads of Department responsibilities for keeping vulnerable beneficiaries, volunteers and staff safe.

The total number of training courses delivered over the course of 2019 and early 2020 was **30**.

Figure 6 Training Courses Supported/Delivered by the Safeguarding Service

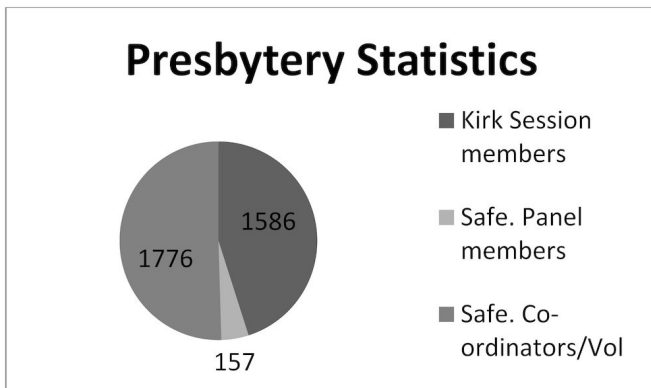


The Safeguarding Service Training Officer has utilised and developed bespoke training solutions for different audiences e.g. E-learning package for staff in 121 and MDS employees, Kirk Session video presentation and a webinar for Safeguarding Co-ordinators in the International Presbytery. All of these digital solutions have been well received. Work continues to progress online learning opportunities further.

By March 2020, **33** of **46** Presbyteries had returned their training statistics to the Safeguarding Service for 2019. The

statistics reflect that **3519** people had been trained by Volunteer Safeguarding Trainers throughout the year.

Figure 7 Training Courses Delivered by Volunteer Safeguarding Trainers



2.8 Covenants of Responsibilities

A Covenant of Responsibilities is a written agreement between an individual and the Parish Church that they attend or have a connection with. The individual is a convicted or unconvicted sex offender who may or may not be managed by Police or Criminal Justice Social Work professionals. A Covenant of Responsibilities is akin to a behavioural agreement which lays down the expectations of how such a person will behave when attending Church or a Church led event. Failure to abide by the agreement means that the individual is in effect, deciding not to worship or be involved in Church activity.

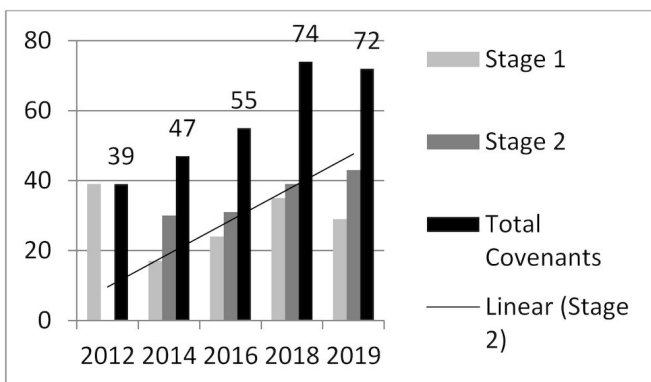
Covenants are managed as Stage 1 or Stage 2 covenants.

Stage 1-means that there is regular face to face meetings between the Safeguarding Officer of the Church, the Safeguarding Panel, Police and Social Work services as well as the individual to agree arrangements.

Stage 2-means that arrangements have been in place for at least a year, at least one face to face review has been carried out and where it is agreed by all that further face to face meetings are no longer necessary. Individuals may move back and forth depending on the level of assessed risk.

The total number of Covenants in place at the end of October 2019 is slightly lower than 2018 but the figures saw a steady increase from 2012 to 2018. Growing awareness of those who pose a risk in congregations and the fact that individuals are subject to a lifetime Covenant will most likely see a continuing upward trajectory for the future.

Figure 8 Stage 1 and Stage 2 Covenants at end of October 2019



3. EXAMPLES OF SAFEGUARDING REFERRALS

3.1 The work of the Safeguarding Service is diverse. The following examples give an indication of the range and type of safeguarding referrals received by the Safeguarding Service. For the avoidance of doubt, these are fictionalised scenarios.

3.2 A safeguarding referral is defined as information that is shared with the Safeguarding Service that indicates that harm or abuse is *suspected*, reported or witnessed.

3.3 The role of the Church is to **prevent** harm and abuse of children and adults at risk. And when abuse is disclosed it is the role of Church volunteers and paid staff to **'recognise and report'** to their Safeguarding Coordinator, who must then seek verbal and written advice from the Safeguarding Service.

3.4 Scenario 1: A person was advised by Police Scotland to tell their minister that they had been arrested, were on bail and had been told 'not to go near children'. The person has a designated role in the congregation that involves contact with vulnerable groups.

Reported type of harm: Person posing a risk of harm, possible sex offender. National Multi-Agency Public Protection Arrangements are in place to ensure the successful management of violent and sexual offenders. These set out the responsibilities of the police, criminal justice social work and prison service. When it becomes known to the Safeguarding Service that a relevant individual wishes to attend worship or other Church led or based activity; the Safeguarding Officer in partnership with the Safeguarding Panel will facilitate all the arrangements at Church level. This usually includes the setting up of a Covenant of Responsibilities. See Safeguarding Handbook 5 for more information.

Outcome of this scenario: Administrative suspension from Church role; Covenant of Responsibilities required; Joint work with Police Scotland, social work criminal justice services and prison services; Multi Agency Public Protection Arrangements.

3.5 Scenario 2: Comment made in-passing by a father that his daughter had been sexually abused by an older child in the community.

Reported type of harm: 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

Some children and young people can develop harmful sexual behaviour which harms others and themselves. Indications of abuse include a lack of consent between the young people involved, inequalities of age, development age or size; and the use of force or threats. Within the UK, it is thought that over a third of child sexual abuse is committed by children and young people under the age of 18.^[1]

Outcome: reported criminal act therefore referral to Police Scotland for further investigation; pastoral support offered.

3.6 Scenario 3: A manager received a complaint about the conduct of a member of staff toward an adult at risk: the report stated that the staff member presented as very aggressive towards the adult at risk, causing the person alarm and distress.

Reported type of harm: Psychological or emotional harm: threats, abandonment, humiliation, intimidation, bullying, harassment, verbal abuse, controlling behaviour, name-calling, insults, preventing the person from seeing others, misuse of authority or power over the adult at risk

Outcome: Reported to social work as an adult protection referral; Care Inspectorate informed; Internal disciplinary process undertaken which resulted in a referral to the Scottish Social Services Council and Disclosure Scotland (due to the person being a member of the PVG scheme).

3.7 Scenario 4: Inappropriate sexualised contact via social media by an older person in a position of trust and responsibility to a young person in the congregation.

Reported type of harm: Non-contact abuse is where a child is abused without being touched by the abuser. This can be in person or online and includes: exposing or flashing, showing pornography, exposing a child to sexual acts, forcing a child to make, view or share child abuse images or videos, making, viewing or distributing child abuse images or videos and/or forcing a child to take part in sexual activities or conversations online or through a smartphone.

Grooming is a criminal offence. It is when someone builds a relationship, trust and emotional connection with a child or young person so they can manipulate, exploit and potentially sexually abuse them. Children and young people can be groomed online, in person or both – by a stranger or someone they know.

Outcome: Referral to Police Scotland for further investigation; parents of young person informed; pastoral support offered; person in position of trust and responsibility suspended pending investigation and potential referral to Disclosure Scotland and OSCR following police investigation and internal disciplinary process.

3.8 Scenario 5: Person reported historical sexual abuse from over 20 years ago by a person in their congregation who remains in a position of trust and responsibility.

Reported type of harm: 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 an older 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. See the Historical Abuse Policy, Safeguarding Handbook 1, Appendix 4 on the Church of Scotland website for more information.

Outcome: Meeting with Safeguarding Service offered; potential Police Scotland referral for further investigation; potential Church internal disciplinary procedure instigated and referral to Disclosure Scotland if the person who remains in a position of trust and responsibility is doing 'regulated work' with children or protected adults as per for the Protection of Vulnerable Groups (Scotland) Act 2007.

3.9 Scenario 6: A member of the congregation disclosed that he lashed out and hit his mother on the left cheek causing bruising and a cut on her nose. His mother has dementia and has separately told her visiting elder that she had been unable to access any money but trusts her son who is her Power of Attorney.

Reported type of harm: Physical: hitting, slapping, pushing, inappropriate touching, kicking, being threatened with a weapon, burned, scalded or bitten, inappropriate sanctions or holding the person down. It can include inappropriate restraint that is not part of an agreed plan. Restraint can be chemical (medication) or physical.

Financial or material: theft, fraud, exploitation, pressure to hand over or sign over property or money, misuse of property, possessions or welfare benefits.

Outcome: Reported criminal act so Police Scotland Referral for further investigation; Adult Protection Referral to Social Work; pastoral support offered.

4. SAFEGUARDING SUNDAY

This year the Safeguarding Committee seeks to raise awareness of safeguarding in our churches. Congregations are encouraged to mark 'Safeguarding Sunday' with congregations of other denominations on Sunday 10th October 2021, or on any other suitable Sunday throughout the month of October. 'Safeguarding Sunday' offers an opportunity for us to commit together as a Church to create

safe spaces for all, explain why safeguarding is so important, demonstrate how safeguarding is integral to the Christian message and talk about what you have in place to safeguard vulnerable people. It also offers the opportunity to thank and acknowledge all of those people who are working to ensure a safe Church for all.

5. SUPPORTING SURVIVORS OF ABUSE

The Safeguarding Service is currently working with members of the Safeguarding Committee, representatives from CrossReach, Place for Hope and the Violence Against Women Task Group to better understand the needs and experiences of survivors of abuse. Though the group is in the early stages of its work it is anticipated that there will be an emphasis on survivor engagement and that subsequent learning will be incorporated into Church policy, procedure and practice. The group will report on progress to the General Assembly of 2022.

6. SAFEGUARDING CONCERNS

6.1 Under the Safeguarding Act (Act XVI 2018) all General Assembly Agencies, Presbyteries and congregational Safeguarding Co-ordinators "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" (as defined in that Act).

6.2 The Safeguarding Service is committed to reviewing practice and procedure in line with changing legislation and/or best practice in the context of safeguarding in a faith setting, and has considered whether this legislative provision requires to be adjusted in the light of the recommendations of the Investigation Report on Safeguarding in the Church of England and the Church in Wales, published by the Independent Inquiry into Child Sexual Abuse in October 2020. This followed on from an Investigation Report into Case Studies published in May 2019.

Both Reports concluded that the Church of England had not resolved the need for safeguarding to function at a diocesan level with the requirement for sufficient accountability to and oversight from the national safeguarding team to ensure consistency of decision-making; and that it was essential that operational decisions about safeguarding were made by safeguarding professionals, who were best placed to decide what action should be taken to keep children safe.

Noting that clergy had an important role to play in ensuring that safeguarding was a priority which was intrinsic to the beliefs of the Church, it was nevertheless recommended that they should not hold operational responsibility for safeguarding, and that professional safeguarding staff should have the authority to make decisions in respect of key safeguarding tasks, including risk assessments and associated plans. It was explicitly recommended that "it should be enshrined in policy that those who are volunteers and who do not follow the directions of diocesan safeguarding officers should be removed from responsibility of working with children".

The Report's recommendations were welcomed and have been implemented by the Church of England, with policy documents being amended to make compliance with guidance on safeguarding matters compulsory, rather than voluntary.

6.3 In the light of these authoritative developments in best practice, the Committee considers that an amendment to the Safeguarding Act is required to provide that where advice given by the Safeguarding Service in relation to Safeguarding concerns is framed as an instruction, this must be followed. Section 5 of the deliverance refers and the amending Act is set out in Appendix A.

7. SERVICE LEVEL AGREEMENTS

7.1 Boys' Brigade - Following successful completion of the Service Level Agreement negotiations with the Boys' Brigade, the Safeguarding Service is committed to ensuring that the safeguarding of members of the Boys' Brigade is constantly reviewed to ensure best practice. Work is ongoing, with the new appointment of a Safeguarding Manager within the Boys' Brigade, who brings a wealth of experience in Safeguarding. Regular meetings between the Boys' Brigade and the Safeguarding Service are aimed at ensuring open lines of communication and best practice at all levels within the organisation.

7.2 Girls' Brigade - It is hoped that by the time of the General Assembly, the Service Level Agreement between the Church of Scotland Safeguarding Service and the Girls' Brigade will have been finalised.

7.3 United Reformed Church - The Safeguarding Service continues to provide support for the URC. URC congregations receive the same level of support from the Service as our own congregations, and training and support is offered on a rolling programme.

7.4 CrossReach and the Safeguarding Service have an open and positive working relationship supported by a Service Level Agreement which sets out the responsibility of each party. The Safeguarding Service works closely with CrossReach to develop and deliver adult support and child protection training. As stated in CrossReach's Child and Adult Protection Handbooks, all child and adult protection issues are referred to the safeguarding service for advice. CrossReach view the Recruitment Sub-Committee (RSC) as a valuable step in their safer recruitment process in risk assessing candidates with conviction information prior to them commencing in post. Regular contact meetings allow ongoing areas of work to be monitored and discussions to take place on plans for the coming months.

8. OVERSEAS PROTOCOLS

8.1 The General Assembly of 2019 instructed Councils to have clear Safeguarding protocols in place for overseas projects.

8.2 The Safeguarding Service has since been working closely with Scotland's International Development Alliance (the Alliance). The Alliance is the membership body in Scotland for everyone committed to creating a fairer world, free from poverty, injustice and environmental threats. Their membership brings together a diverse range of organisations and individuals including NGO's, businesses, academic institutions and public sector bodies that operate in over 100 countries. The Church is a member of the Alliance.

8.3 In collaboration with the Scottish Government, the Alliance has taken steps to ensure that organisations working overseas are supported in their development and implementation of safeguarding policies and procedures following abuses that have taken place in international development and humanitarian work.

The Safeguarding Service has been invited to join the safeguarding work stream of the Alliance to strengthen reciprocal learning in this area of work. It is anticipated that the Safeguarding Service will have revised Church policies and procedures in place in the coming months for those who work with or support partners overseas.

9. MEMORANDA OF UNDERSTANDING

The General Assembly of 2019 instructed the Safeguarding Committee to negotiate memoranda of understanding with what are now the Faith Nurture and Faith Impact Forums, CrossReach, Human Resources, Communications, and Law Departments with a view to indicating the reciprocal expectations, reporting mechanisms and lines of communication to be adopted when a safeguarding issue

arises. This is in progress and it is anticipated that appropriate memoranda will be in place by May 2021.

10. SG7/SG11 AND PRESBYTERY REGISTER

10.1 The Safeguarding Service continues to work with colleagues in the IT department to bring an online solution to the congregational register (SG7) and the audit checklist (SG11). The Service has been given approval by the Assembly Trustees to enter into a procurement process to secure a suitable IT application for this purpose and also one which will strengthen the recording of safeguarding concerns.

10.2 A Presbytery Register will also be included in the ongoing work.

11. TRAINING

11.1 The Safeguarding Service continues to support congregations and CrossReach services with appropriate training.

11.2 The new Disclosure Act has prompted a review of best practice for training. As a result, the Safeguarding Service is currently reviewing the training strategy with a view to introducing a tiered approach to learning which is commensurate with a person's role in the Church. During this process training for ministers has been identified as a gap. Discussions have taken place with Faith Nurture to help resolve this issue. To this end the Safeguarding Service is proposing to introduce a mandatory advanced safeguarding course for ministers in collaboration with Faith Nurture, bringing back a report to the General Assembly of 2022.

11.3 In the interim, the Safeguarding Committee recommends that all ministers be instructed to attend local Introductory Safeguarding Training if they have not attended training in the last three years and that Presbytery keep a record of their attendance. If ministers experience any issues sourcing local safeguarding training they should contact the Safeguarding Service for assistance.

11.4 In addition, there appears to be a lack of clarity more generally about refresher safeguarding training for those undertaking regulated work. In line with best practice the Safeguarding Committee would recommend attending training every 3 years.

12. DISCLOSURE (SCOTLAND) ACT 2020

12.1 The Disclosure (Scotland) Act received Royal assent on 14th July 2020. The key proposals of the Bill are to ensure a correct balance between protecting vulnerable groups, providing information for appointment to sensitive roles, respecting individuals' rights to privacy and allowing individuals to move on from offending behaviour. The Act seeks to ensure that the system is user friendly for both organisations and individuals.

12.2 Some of the changes in the Act that will have an impact on those working for the Church include

- Using digital services to make employment checks quicker and to reduce the burden on employers and applicants
- More clarity on who qualifies for the PVG Scheme
- Requiring everyone who works with vulnerable groups to become a member of the PVG Scheme (this includes overseas work through Scottish organisations)
- Requiring PVG membership to be renewed every five years
- Scottish Ministers can impose conditions on those who are under consideration for listing
- Instead of focussing on job titles, the focus is on people who have power over children or protected adults, to decide if they need to join the PVG Scheme

12.3 Disclosure Scotland will continue to work with stakeholders (of which Church of Scotland is one), as they put the new law into practice. The changes will not come into effect straight away. There will be a careful implementation period so that Disclosure Scotland can make the necessary changes to online and paper processes and organisations can prepare for their new responsibilities.

12.4 Amendments have already been made to the Safeguarding Act (Act XVI 2018) (as amended), Vacancy Procedure Act (Act VIII 2003) and Registration of Ministries Act (Act II 2017) which will align with the changes in the Disclosure (Scotland) Act 2020.

12.5 In light of the delay to the online tool process, and the need to ensure our data is compliant, the Safeguarding Service continues to work on the audit of the congregational registers (SG7's) which began last year. This will assist us going forward with the implementation of the Act.

13. DISCLOSURE AND BARRING SERVICE (DBS)

The Disclosure and Barring Service criminal record checking system used in England and the Channel Islands is different to the PVG system in Scotland in that it does not continually monitor members records for vetting information including criminal convictions that may affect their suitability to work with vulnerable groups. In light of this, it has been agreed by the Safeguarding Committee that the policy for re-checking workers in the Presbytery of England and the Channel Islands should be at 2 yearly intervals.

14.

It is imperative that throughout this change, Safeguarding remains the constant presence, and that the same, robust measures continue to exist throughout the organisation. The Safeguarding Service will be working hard over the next year to prepare Presbyteries, Kirk Sessions, Forums, Task Groups and Committees for the implementation of the Disclosure Act.

In the name of the Committee

ADAM DILLON, Convener
 CAROLINE DEERIN, Vice Convener
 JULIE MAIN, Safeguarding Service Manager

Addendum

Caroline Deerin joined the Safeguarding Committee in 2014 and brought to us a wealth of experience from her career in Social Care. Caroline is also Safeguarding Coordinator in Biggar Kirk and is a Safeguarding Presbytery Contact and Safeguarding Trainer.

She became Vice Convener in 2017 and has taken responsibility for Safeguarding Training. She has guided the Training Sub-Committee with grace, patience and wisdom. Caroline has always been generous with her time and her attention to detail and practical knowledge of Safeguarding in the life of the Church have ensured that many training tasks have been fulfilled.

We offer Caroline our thanks for all she has done in and through the Safeguarding Committee and we wish her well for her continuing retirement.

Appendix A

[] ACT AMENDING THE SAFEGUARDING ACT (ACT XVI 2018)

Edinburgh, [] May 2021, Session []

The General Assembly hereby enact and ordain that the Safeguarding Act (Act XVI 2018), as amended, shall be further amended as follows:

1. Add a new section 16(4) as follows and renumber accordingly thereafter:
 - (4) 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 Co-ordinators, office-holders, staff and volunteers involved in work with Vulnerable Groups.

Reference

- [1] Hackett, S, Holmes, D & Branigan, P., 2016