**Leadership Safeguarding Training**

**Information and Pre-Reading**

**Introduction**

The Leadership Training should be viewed as a culmination of all previous learning done, and participants should have already attended the Church of Scotland Introductory and Advanced Safeguarding Training courses, and also possibly the Trustee Safeguarding Training course prior to attending this training.

Whilst it is imperative for organisations to have robust safeguarding policies and procedures, leadership is an integral component of effective safeguarding, because leaders have the ability to drive forward positive change through reflection on organisational culture and power dynamics, as well as through their practice of demonstrating respect and accountability within their relationships.

The purpose of this pre-reading document, is to assist you to prepare fully for the training event. Working through the information is this document, together with the workbook provided, will enable you to participate in discussions on the day and contribute to the learning event through reflection upon and sharing of your own experience. It is our hope that you will find this document helpful and informative (if not enjoyable!) and that it will maximise your learning experience. Links have been provided throughout the document, for ease of access to the materials.

**Aim**

The aim of this training is to deepen your understanding of your role and specifically the responsibilities that lie within this. Learning will be reflective and collaborative and will seek to include content such as analysing the leadership behaviours needed to promote a healthy safeguarding culture (including how to involve and empower others) and feel confident and determined to demonstrate them, reflecting on the kind of healthy culture that is protective, preventative, healing, and restorative, reflecting on the impact that abuse and trauma has on individuals’ lives, relationships, and interaction in a community setting and looking at lessons learned when things don’t go according to plan.

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The subject of harm, abuse, and neglect can be sensitive and distressing both personally, and professionally.  If you have any difficulty in continuing with this training, please speak with the trainer(s), or with your safeguarding coordinator or line manager where appropriate.

**RECAP OF PREVIOUS LEARNING**

**Key Message**

If you **suspect**harm, witness harm,or it is reported to you, you **must** immediately report it to your Safeguarding Coordinator, who must contact the Safeguarding Service for written and verbal advice.

**The 4 Rs of Safeguarding**

**Recognition** – Ensuring that signs of harm and abuse are recognised as such and labelled accordingly.

**Reporting** – is telling someone, (usually a Safeguarding Coordinator or line manager), when suspected or reported harmful or abusive behaviours is witnessed or reported to you.

**Recording** – The means of safely and confidentially keeping a short record of the event, including the actual words used, and what happened

**Referral** – This is the point where it may be necessary for the Authorities to be notified. In all occasions the Safeguarding Service should be contacted for verbal and written advice.

**This may lead to a Formal child or adult protection investigation**

**Questions to ask in the event of a Disclosure**

Use the 4W questions: **W**ho, **W**hat, **W**here and **W**hen

Do not ask ‘Why or How’ questions

Use the **TED** method questions:

**T**ell me about…

**E**xplain to me…

**D**escribe to me…

Remember you are only gathering basic facts for passing on the information, you are NOT investigating

**What about confidentiality?**

* Confidentiality is important, but it is not an absolute right
* Existing law allows information to be disclosed without consent where:
  1. Required by law e.g. court order or statute
  2. Crime prevention, detection and prosecution
  3. In the public interest
* It may not be possible to obtain consent where:
  1. the situation is so urgent that obtaining consent would cause undue delay
  2. The person lacks the mental capacity to consent
  3. The person is unwilling to consent because of ‘undue pressure’ by someone else
  4. the person acting with powers is unavailable or unwilling to give consent

Never promise to keep a secret - this is not a promise that you will be able to keep. If there are concerns about confidentiality please reassure participants that Child and Adult Protection supersedes confidentiality – however it is about telling appropriate people the appropriate information.

Even if in doubt about sharing information, tell your Safeguarding Coordinator. The Safeguarding Service will be there to support the Safeguarding Coordinator through the process.

**Undue Pressure**

* Undue pressure can be applied by an individual:

1. whom the child or adult at risk of harm is afraid of or who is threatening them, and whom the child or adult at risk of harm does not trust

**OR**

2. whom the child or adult at risk of harm has confidence and trust in and they would give consent if they did not have confidence and trust in that person

* Need not be a person suspected of harming
* Person’s refusal to consent is based on that ‘undue pressure’

Undue pressure can contribute to a person’s refusal to consent. It is not for you to decide whether someone is being unduly pressured. You should pass your concerns to your safeguarding coordinator, who will liaise with the safeguarding service for official verbal and written advice.

**As Trustees of a Charity:**

**You have a duty of care to safeguard the children and adults at risk in contact with your charity.**

**You must:**

* Act in their best interests and ensure all reasonable steps are taken to prevent harm
* Ensure correct policy and procedures are in place to respond to potential harm/abuse

**The ultimate legal responsibility for safeguarding lies with the trustees of a charity**

**Trustees must…**

* Apply for PVG membership for all employees and volunteers who are doing regulated work with children and/or protected adults
* Use discretion to decide which roles require a Basic Disclosure as per GA 2019 deliverance
* Implement Church of Scotland Safer Recruitment policies and guidance
* Ensure that all relevant paid staff and volunteers are appropriately trained
* Recruit, train, and appoint a Safeguarding Coordinator and Safeguarding Panel

**Charity Trustees are governed by:**

* Charity Law and other relevant legislation related to Safeguarding
* **OSCR ‘Office of the Scottish Charity Regulator**’ as the body responsible for overseeing Scottish Charities
* Church Law set by the General Assembly (Safeguarding Act 2018)
* **Safeguarding Act Guidance** – information to support Congregations to implement the Safeguarding Act 2018 locally

**All trustees must be aware of the Safeguarding Act and Guidance** (see *Important Resources and Additional Reading* section)**.**

**The Safeguarding Act**

* It provides a framework to guide the church’s response when a concern is raised
* It covers safe recruitment, training, information on record retention, responsibilities of presbyteries, obligations on individuals, safeguarding concerns and what to do, and covenants of responsibilities.
* Advice given by the Safeguarding Service, when framed as an instruction, must be followed.

Why is the Safeguarding Act so important?

Section 16 of the Act – if advice is given as an instruction by the safeguarding service as the professional body, it must be followed by all Employing Agencies and by all Ministers, Presbyteries, Kirk Sessions, Safeguarding Coordinators, office-holders, staff and volunteers involved in work with Vulnerable Groups. If it is not followed, it is a breach of the safeguarding Act.

**Safeguarding Structures**

Trustees must appoint and train a: Safeguarding Coordinator AND Safeguarding Panel

The Safeguarding Coordinator(s)

Appointed and **trusted by the Kirk Session** **to:**

* Act as the **named lead person** for Safeguarding in a congregation and deal with concerns about suspected, witnessed or reported harm.
* Manage **safer recruitment** of workers and ensure safe working practices are undertaken in relation to work with children and/or protected adults - including maintaining the Congregational Safeguarding Register (SG7)
* Advise Kirk Session about **safeguarding matters** such as changes in national or Church policy
* Support the management of risks posed by known **sex offenders** who wish to worship with us
* Reports regularly at Kirk Session Meetings (Safeguarding should be a standing item on agenda)

For more information on the role of the safeguarding coordinator, please refer to the Trustee Safeguarding Training of the Church of Scotland. To book attendance on a Trustee training, please contact your safeguarding coordinator, or visit the Church of Scotland website ([Training | The Church of Scotland](https://www.churchofscotland.org.uk/about-us/safeguarding-service/training)).

The Safeguarding Panel

* Supports and complements the Coordinator and, similar to the coordinator, has responsibilities delegated from the Kirk Session
* Recommended as no fewer than 3 persons, one of whom should be the Safeguarding Coordinator
* The panel must be able to keep matters confidential

Please note that Panel Members should be recruited, have a Basic Disclosure, and must attend the relevant safeguarding training as per the compliance pathway for learning outlined at the GA 2022.

The suggested membership of a Panel is:

* The Safeguarding Coordinator
* The Minister
* One or two other Church members with relevant experience

**For larger congregations with more than one coordinator and therefore a larger panel** – the safeguarding service does not state a maximum number of panel members, but if a panel is too big, it could be problematic as they may have to meet at short notice, which could be difficult to navigate with a larger group, and it could also be problematic due to confidentiality. In addition, we recommend an odd number of members, so that any vote can be definitive.

Occasionally the Minister will decide not to be involved in the Safeguarding Panel because it may compromise their pastoral care role.  Many congregations include their Session Clerk as a member of the Safeguarding Panel too.

The Safeguarding Panel will:

* Assist the Safeguarding Coordinator with managing a Safeguarding situation in the congregation. Often this will include taking forward actions recommended by the Safeguarding Service.
* Support the Safeguarding Coordinator with the safe recruitment of volunteers to work with children or adult at risk in congregations
* Consider how to manage a situation where an applicant is not suitable to work with children or protected adults
* Ensure that the congregation complies with Safeguarding policies and the implementation of the Safeguarding Act 2018
* Consider how to promote good Safeguarding practice and awareness-raising training
* Ensure that procedures are followed and records maintained to the satisfaction of the Presbytery
* Ensure safe arrangements for managing those who pose a risk who wish to attend worship in the congregation.

**Safer Recruitment Process Steps (all before applicant starts to work)**

* Application Form (LREG form for Boys Brigade/RM1 form for Girls Brigade)
* Interview
* Two References
* A role / job description
* Satisfactory PVG Scheme Record membership and Self-Disclosure – This applies only if the post is **regulated work** – if you’re not sure please contact the Safeguarding Service **(note that applicants are not able to start work until clearance is received from Safeguarding Service)**
* A Basic Disclosure check – **for all individuals regardless of employment status** – who are in leadership roles and / positions of trust
* Approval by Kirk Session and added to Safeguarding Congregational Register
* Code of Conduct and Induction

Please refer to the Safeguarding Handbook on the website ([Chapter 3: The safe recruitment, selection and management of volunteers and paid staff | The Church of Scotland](https://www.churchofscotland.org.uk/about-us/safeguarding-service/safeguarding-handbook/chapter-3-safe-recruitment)) and make yourself familiar with the steps of the Safer Recruitment process, guidance on PVG, the application process, and Basic Disclosure.

**Who is involved in the process of safer recruitment?**

* Applicant
* Safeguarding coordinator
* National Safeguarding Service – at times including the Recruitment Sub-Committee (RSC)
* Safeguarding Panel and Kirk Session

The following people are usually involved in overseeing that the process happens properly – see safeguarding handbook for in-depth information.

For more information on the roles of those involved in the Safer Recruitment process, please refer to the Trustee Safeguarding Training of the Church of Scotland. To book attendance on a Trustee training, please contact your safeguarding coordinator, or visit the Church of Scotland website.

**Regulated work**

Please refer to the Safeguarding Handbook, for information on regulated work, what it is, and how to determine whether a post is regulated or not.

**Legal Implications of the PVG Act 2007 for the Kirk Session**

The Protection of Vulnerable Groups (Scotland) Act 2007 makes it a **criminal offence** for any organisation, (in the Church of Scotland this is the Kirk Session), to knowingly employ any person to work with children, or with protected adults, whether paid or unpaid, **if that person is disqualified from working with children or protected adults.**

For those who do not enrol in the PVG scheme or who circumnavigate it, it still remains the Kirk Session who is responsible should anything subsequently go wrong.

Punishment can be a fine or up to 5 years in prison

Sessions must be aware to ensure that anyone who transfers from another Congregation to paid or voluntary work in their congregation, should complete the SG8 Volunteer Transfer form.

**Procedure if harm or abuse is suspected, witnessed, or reported:**

* **Safeguarding Coordinator** and **Safeguarding Panel** assess whether immediate referral is made to Police or Social Work
* Seek advice from the Safeguarding Service - this must now be followed if framed as an instruction (2021 GA)
* If a worker is involved then they should be withdrawn until the discipline process is completed
* All matters must be held as confidential within the Safeguarding Panel
* Disclosures concerning a Minister must be reported to Presbytery immediately
* After enquiry, potential duty to refer to Disclosure Scotland and/or OSCR should be considered

In an emergency situation, or where there is criminality or Child Protection / Adult Protection issues, then the presumption must always be to refer the matter to the relevant Authorities. This should be done ASAP if there is an immediate risk of harm.

These are the key steps, but the main message is if it doesn’t look / sound / feel right, report it to the safeguarding coordinator, who will seek advice from the safeguarding service. The SG service will provide written and verbal advice and give ongoing support if needed.

Safeguarding Coordinators can also informally seek advice about an area of concern from Social work and other outside agencies.

**Referral to Disclosure Scotland**

For more information on referral to Disclosure Scotland, please see the Safeguarding Handbook.

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**Important Resources and Additional Reading**

On completion of this course, you should also make yourself familiar with the Safeguarding Handbook and key documents on the Safeguarding Service section of the Church of Scotland website.

[**Safeguarding handbook**](https://www.churchofscotland.org.uk/about-us/safeguarding-service/safeguarding-handbook)

[Chapter 1: Safeguarding values, policy and roles within the Church](https://www.churchofscotland.org.uk/about-us/safeguarding-service/safeguarding-handbook/chapter-1-safeguarding-values-policy-roles)

[Chapter 2: Protecting children and adults at risk of harm](https://www.churchofscotland.org.uk/about-us/safeguarding-service/safeguarding-handbook/chapter-2-protecting-those-at-risk-of-harm)

[Chapter 3: The safe recruitment, selection and management of volunteers and paid staff](https://www.churchofscotland.org.uk/about-us/safeguarding-service/safeguarding-handbook/chapter-3-safe-recruitment)

[Chapter 4: Safeguarding Training—what is available, who it’s for, and how to access it](https://www.churchofscotland.org.uk/about-us/safeguarding-service/safeguarding-handbook/chapter-4-safeguarding-training)

[Chapter 5: Safeguarding in practice](https://www.churchofscotland.org.uk/about-us/safeguarding-service/safeguarding-handbook/chapter-5-safeguarding-in-practice)

[Chapter 6: Managing those who ‘pose a risk’](https://www.churchofscotland.org.uk/about-us/safeguarding-service/safeguarding-handbook/chapter-6-managing-those-who-pose-a-risk)

[Chapter 7: Responding to domestic abuse](https://www.churchofscotland.org.uk/about-us/safeguarding-service/safeguarding-handbook/chapter-7-domestic-abuse)

[Appendix 1: Code of Good Safeguarding Practice](https://www.churchofscotland.org.uk/about-us/safeguarding-service/safeguarding-handbook/appendix-1-code-of-good-safeguarding-practice)

[Appendix 2: Historical (non-recent) abuse policy and procedure](https://www.churchofscotland.org.uk/about-us/safeguarding-service/safeguarding-handbook/appendix-2-historical-non-recent-abuse-policy-and-procedure)

[Appendix 3: Job description for a Safeguarding Coordinator](https://www.churchofscotland.org.uk/about-us/safeguarding-service/safeguarding-handbook/appendix-3-safeguarding-coordinator-job-description)

[Appendix 4: Legislation and further guidance](https://www.churchofscotland.org.uk/about-us/safeguarding-service/safeguarding-handbook/appendix-4-legislation-and-further-guidance)

[Appendix 5: Fact-finding investigation – model structure](https://www.churchofscotland.org.uk/about-us/safeguarding-service/safeguarding-handbook/appendix-5-fact-finding-investigation-model-structure)

[Appendix 6: International Presbytery and Presbytery of Jerusalem recruitment and police checks](https://www.churchofscotland.org.uk/about-us/safeguarding-service/safeguarding-handbook/appendix-6-international-presbytery-recruitment-and-police-checks)

[Appendix 7: Covenant of Responsibilities template for worship](https://www.churchofscotland.org.uk/about-us/safeguarding-service/safeguarding-handbook/appendix-7-covenant-of-responsibilities-template-for-worship)

[**Safeguarding Act**](https://www.churchofscotland.org.uk/__data/assets/pdf_file/0008/96209/2018-act-16-xvi-revised-to-may-2021.pdf)

The Safeguarding Act can be found on the Safeguarding Service section of the website under ‘Safeguarding Publications’

[**Safeguarding Act Guidance**](https://www.churchofscotland.org.uk/__data/assets/pdf_file/0012/51222/Safeguarding_Act_Safeguarding_Guidance_FINAL_.pdf)

(the guidance is currently being updated, with the updated version available on the web shortly)

[**For of such is the Kingdom of Heaven - creating a Church where all may safely live**](https://www.churchofscotland.org.uk/__data/assets/pdf_file/0016/5083/forgiveness_proportionality_2009.pdf)

The report ‘For Such is the Kingdom of Heaven’ can be found on the Safeguarding Service section of the website under ‘Safeguarding Publications’, with its purpose to discover and set out how the theological concept of forgiveness in Christianity may shape the policy and practice of the church in relation to the involvement of sex offenders in the life of congregations.

[**Reports of the Safeguarding Committee**](https://www.churchofscotland.org.uk/about-us/general-assembly/publications)

The Safeguarding Committee Reports can be found via the link above, on the website under *General Assembly < Previous General Assemblies.* Here you can view al the Reports, Decisions, Legislation and Minutes (RDLM) and accounts presented to the Assembly**.**

You can also view the compliance pathway for learning [here](https://www.churchofscotland.org.uk/__data/assets/pdf_file/0005/93371/safeguarding-committee.pdf) or by visiting the training section of the safeguarding service part of the website.

[**SG7 Safeguarding Congregational Register**](https://www.churchofscotland.org.uk/__data/assets/word_doc/0004/93406/form-sg7-safeguarding-congregational-register-2022.docx)

this is essentially a tool for safe recruitment. It allows Safeguarding Coordinators to clearly record volunteers/workers details in terms of PVG, training and whether they have received the pocket guide etc.

[**SG11 Safeguarding Audit Checklist**](https://www.churchofscotland.org.uk/__data/assets/word_doc/0003/93405/form-sg11-safeguarding-audit-checklist-for-congregations-and-presbyteries-2022.docx)

this is ‘health checklist’ for safeguarding in your congregation and is undertaken every year. There is a guidance note that accompany the form.

The forms and guidance note can be found on the Safeguarding Service section of the website, under ‘Safeguarding Publications’.

Both of these documents are inspected by the presbytery annually. Note any questions you have about these documents.

**Safeguarding in Practice**

You will also find pro forma such as consent forms for children’s activities, media consent forms and guidance on the Safeguarding Service section of the website, under ‘Safeguarding Forms’ in [Safeguarding Publications](https://www.churchofscotland.org.uk/about-us/safeguarding-service/safeguarding-publications).

**Social media guidance**

Guidance on the use of social media and online safety can be found in Chapter 5 of the Safeguarding Handbook, under the ‘[social media information and guidelines](https://www.churchofscotland.org.uk/about-us/safeguarding-service/safeguarding-handbook/chapter-5-safeguarding-in-practice/social-media-information-and-guidelines)’ section.

**National guidance**

[Adult Support and Protection (Scotland) Act 2007](http://www.legislation.gov.uk/asp/2007/10/contents)

[National guidance for child protection in Scotland 2021](https://www.gov.scot/publications/national-guidance-child-protection-scotland-2021/)

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**How to contact the Safeguarding Service**

The service is available 9.00am-5.00pm, Monday to Friday. You can leave a telephone message or email out with this time.

The Church of Scotland safeguarding Service

121 George Street, Edinburgh, EH2 4YN

Tel: 0131 240 2256

Email: [safeguarding@churchofscotland.org.uk](mailto:safeguarding@churchofscotland.org.uk)