

Safeguarding Statement and Safeguarding Procedure

FREE CHURCH OF SCOTLAND (CONTINUING)

The 2017 General Assembly enacted and ordained that the following 'Safeguarding Statement' and 'Safeguarding Procedure' be adopted throughout the Church (Act XXII – Act anent Church's Responsibility for Protection of Children & Vulnerable Adults):

Safeguarding Statement

1. The Free Church of Scotland (Continuing) recognises its responsibility before Almighty God to promote the wellbeing of all people, and particularly those that come into contact with, and participate in, the Church's various activities. The Church is committed to taking all practicable steps to promote and safeguard the wellbeing of each individual child or vulnerable adult or other, regardless of any distinctions.
2. The Church recognises the significance and value of each individual, and wholly endorses the Scriptural position that children are a valued and significant part of the church.
3. Recognising that the best form of safeguarding is to nurture positive loving relationships within which individuals and families can thrive, the Church, primarily through preaching and pastoral work, will encourage, educate, and enable parents, who have primary responsibility for the care and instruction of their own children, to raise them in the 'nurture and admonition of the Lord' (Ephesians 6:4).
4. The Church is committed to providing a safe and supportive environment and facilities where everyone, individually and as members of a family unit, can actively participate in church life. There is an overall emphasis upon integration not separation, and supervision and care of children, unless by specific agreement, is the responsibility of parents or carers.
5. The Church is also committed to providing specific, focused activities for families and children, where a level of supervision and/or care will be provided. The Church will ensure that those involved are recruited appropriately, aware of good practice and their own particular responsibility to promote wellbeing and safety. Recruitment will involve Criminal Records Disclosure and providing a suitable reference.
6. Being convinced that 'He that covereth his sins shall not prosper', and in order to promote the wellbeing of all, the Church will respond timeously to any concern or allegation of neglect or abuse by following the agreed procedure published by the General Assembly.
7. Further the Church acknowledges the need in law to have a clearly defined Safeguarding procedure, which is practicable, readily available for reference, and regularly reviewed as to its ongoing relevancy.
8. Overall responsibility for Safeguarding within the Church belongs to the General Assembly, through its Legal Advice & Property Committee. The General Assembly is responsible for ensuring that the correct policy and practice are formulated and communicated, as appropriate, to each Synod, Presbytery and Committee. Each Presbytery is then responsible for ensuring that each congregation within its bounds is implementing both policy and practice appropriately. This means that it is primarily the local congregation, through the Kirk Session, which is practically Safeguarding on a daily basis. For ease of communication each Kirk Session will appoint a named Safeguarding Officer, who unless otherwise named, will be the Session Clerk.

Safeguarding Procedure

1. Introduction

1.1 This Safeguarding Procedure defines the steps that are to be taken by the Free Church of Scotland (Continuing), hereafter referred to as 'the Church', in response to the risk of abuse, and to any allegation of abuse.

Safeguarding Statement and Safeguarding Procedure

1.2 The Church recognises that not all young people reach maturity at the same stage or age, and that in general as a young person advances toward adulthood, he or she becomes less dependent upon the care of parents, assuming increasing responsibility and autonomy in decision-making. Yet for the purpose of good practice in Safeguarding, any individual under the age of 18 years is regarded as a child and deemed to be vulnerable. Different legal definitions of a child exist. Scots law generally defines a child as less than 16 years of age; but Section 97 of the Protection of Vulnerable Groups (Scotland) Act 2007 defines a child as an individual less than 18 years of age.

1.3 'Adults at Risk' or 'Protected Adults' are persons, who have attained the age of 16 years, who find it difficult to keep themselves or their property safe and might be more vulnerable to harm from other people because of a disability, illness, or mental disorder/infirmity.

2. Risk of Abuse

2.1 In this imperfect fallen world, it should not be a surprise that bad things happen and that certain individuals are exposed to an increased risk of abuse because of particular vulnerabilities.

2.2 Abuse can take different forms, from aggressive assault to more subtle manipulation and coercion. Abuse need not be physical and includes bullying and intimidation.

2.3 The Church has a responsibility to respond where abuse is apparent or suspected, whether that abuse may have happened within the scope of Church activities or not. Being made aware of abuse, which has occurred in any setting, is sufficient reason, and places a duty upon the Church to respond following the practice detailed in this document.

3. Minimising and Reducing Risk

3.1 The Church facilitates the gathering and interaction of individuals and families in order to worship God. Except when specific activities, deemed 'Regulated Work', are provided by the Church, parents or carers remain responsible for supervising the welfare of their own children.

3.2 No indication is to be given to parents or carers that responsibility will be accepted to provide specific care or support to any child or individual, outwith specific activities.

3.3 There will be occasions on which unaccompanied children and/or vulnerable adults will choose to attend and participate in non-specific church activities as part of the gathered congregation. In such a scenario, the attendance of children and/or vulnerable adults at events, open to all, does not constitute these activities 'Regulated', as their attendance is incidental.

3.4 The General Assembly shall appoint a central Safeguarding Coordinator, who unless otherwise named, will be the Clerk of the Legal Advice & Property Committee. The rôle of the Safeguarding Coordinator is to liaise with Disclosure Scotland as necessary. Ideally the Safeguarding Coordinator will also be the Lead Signatory with Disclosure Scotland.

4. Regulated Work and non-Regulated Work

4.1 Regulated Work is where the Church provides care and/or support to someone who might be deemed vulnerable. Regulated Work occurs when a representative of the Church is 'caring' for a person, younger than 18 years, or who is recognised to be a vulnerable adult. Regulated Work includes, but is not limited to, Crèche, Sabbath School, Youth Camps, and aspects of the All-Age Holiday.

4.2 Supervision and care of children, unless by specific agreement, is the responsibility of parents or carers.

4.3 This protocol does not apply to parents or families caring for their own children, though principles of good practice will continue to have relevance.

4.4 Because a parent asks a friend, who is a member (communicant or otherwise) of the Church, to look after his or her child, it does not follow that the friend is acting on behalf of the Church, or that the Church accepts any responsibility for this. This is an informal nonregulated arrangement. The Church is not to

Safeguarding Statement and Safeguarding Procedure

intervene unless a specific risk is identified or if the impression is being given that this is a facility provided by the Church.

5. Appointment of Safeguarding Officer

5.1 Each Kirk Session, Presbytery and Committee involved in Regulated Work shall for ease of communication appoint a named Safeguarding Officer, who, unless otherwise named, will be the Clerk.

5.2 The Safeguarding Officer shall, in all normal circumstances, be an existing member of the court or committee, but, if not, then he or she must be invited to participate, as required, in court or committee business.

5.3 The identity of the Safeguarding Officer is to be clearly stated on Safeguarding information distributed within the court or Committee's area of responsibility.

5.4 The Safeguarding Officer is not the sole decision maker, and responsibility for promoting and implementing good practice rests upon the entire Session, Presbytery or Committee. The Safeguarding Officer has a duty to ensure that Safeguarding matters are raised, and that decisions and outcomes are appropriately communicated and followed through.

5.5 The Safeguarding officer is to be involved in recruiting workers.

6. Appointment of Worker for Regulated Work

6.1 Any individual who represents the Church in Regulated Work is considered a worker – even when that person is not paid.

6.2 No individual is entitled to represent the Church as a worker who has not been first approved by the local Kirk Session, Presbytery or Committee for this activity.

6.3 In order to be approved, a prospective worker must have been known to his or her local Kirk Session (or equivalent) for a minimum of 6 months.

6.4 It is not always necessary that a worker be a communicant member, but the Kirk Session must establish that he or she is in sympathy with the practice and doctrine of the Church.

6.5 When the Kirk Session has not known a prospective worker for more than 2 years, he or she must provide details of two individuals who can provide a character reference.

6.6 A written reference must be taken, specifying that the person is a suitable candidate for the proposed rôle.

6.7 Protecting Vulnerable Groups Scheme (PGV Scheme) Disclosure must be completed prior to beginning in the rôle. It is not appropriate for someone to begin work before a Disclosure certificate is received which confirms that he or she is not disqualified. It is a criminal offence to knowingly recruit any individual to work from which he or she has been disqualified.

6.8 A Disclosure certificate will only reveal if the candidate has a history of offending or has previously been reported as at high risk of offending, within the United Kingdom. A Disclosure certificate does not guarantee a candidate's suitability. Suitability for a particular rôle must be assessed separately by representatives of the court or responsible committee, and include written references, if required.

6.9 It is good practice to have a reserve worker available. This would mean recruiting, as above, an additional person(s) who would be available, at short notice, to stand in. It is not acceptable for someone who has not first completed the recruitment process to 'stand in' at the last minute. In the event of there being no suitable approved worker then the planned activity must be postponed or cancelled.

6.10 A person who has not yet reached 18 years may be appointed as an assistant worker, but must always

Safeguarding Statement and Safeguarding Procedure

work under supervision and not be left in sole responsibility. No PVG Disclosure is required until someone reaches the age of 18, at which time a PVG Disclosure must be required, as above. There are no permitted exceptions.

6.11 A copy of section 14 'Summary for all Workers', must be given, by the relevant Safeguarding Officer, to each worker prior to his or her commencing work. The name and contact details of the Safeguarding Officer are to be stated clearly on this document.

7. Disclosure Scotland and Protecting Vulnerable Groups Scheme

7.1 A Disclosure from the PVG Scheme can only be requested with the permission of the candidate. Failure to give permission will invalidate a candidate's application.

7.2 Only an approved signatory whose details are registered with Disclosure Scotland can complete the Disclosure request. Each Presbytery is to have a designated representative, and his or her contact details may be obtained from the Presbytery Clerk.

7.3 There are 3 types of PVG Scheme Disclosures – the 'Scheme Membership' Statement, Scheme Record and Scheme Record Update.

'Scheme membership' is not linked to specific organisations so will not provide the Church with a relevant Disclosure statement.

The 'Scheme Record' is to be applied for if the individual is not already a PGV Scheme member, alternatively the 'Scheme Record Update' if the individual is an existing member of the PGV Scheme, even if this membership originated in relation to a different organisation.

The relevant form, 'Application to Join PVG Scheme' or 'Existing PVG Scheme Member Application' must be completed.

7.4 A current Disclosure certificate, for the particular purpose of working within the Church, must be obtained; it is not sufficient simply to view a copy of any previous Disclosure.

8. How to respond to abuse / perceived abuse

8.1 In the event that someone observes what appears to be abuse, or an allegation is made about abuse, then action must be taken. If you suspect, witness, or a report is made to you regarding abuse, then you, as a member and representative of the Church, have a responsibility to respond, though you may request assistance from a colleague as you go through this process.

8.2 You are not responsible for first investigating and establishing the legitimacy of any concern prior to reporting.

8.3 It is never appropriate to simply dismiss a matter on the basis that you think it is unlikely to have occurred. Nor is it ever appropriate to simply dismiss a matter on the basis that reporting it may cause personal embarrassment, result in inconvenience, or potentially bring the Church into disrepute.

8.4 It is not necessary to have the consent of the individual who may be the victim of abuse in order to report and respond. Nor is it necessary to have the consent of the parent(s) or carer. Dependent upon the nature of the allegation, it may be inappropriate and prejudicial to seek consent from the parent(s) or carer. However, parents or carers who have primary responsibility for an individual are not to be unnecessarily excluded, and should be fully informed where possible.

8.5 Should an adult report a historical incident of abuse from when he or she was a child, there is not necessarily the same duty to report; though if the alleged perpetrator continues to be in a position where others may be at risk then appropriate action must be taken.

8.6 An individual who has acted in good faith by reporting concerns shall not be penalised by the Church,

Safeguarding Statement and Safeguarding Procedure

regardless of the concern being proven or not.

8.7 An individual may state that he or she is unwilling to make an allegation of abuse and disclose sensitive personal information unless the individual worker agrees to keep the matter absolutely confidential. It is not possible for any worker to give such a guarantee as it is the responsibility of the worker who hears the allegation to report that information as set out within this Safeguarding Procedure. Assurances should be given that information will only be disclosed as appropriate, and as set out in this policy.

8.8 Five vital steps

1. Listen to the allegation
2. Seek emergency intervention if appropriate (potentially involving Police and/or Social Work Department)
3. Make a written record as soon as practicable thereafter
 - i. date
 - ii. location allegation made
 - iii. alleged victim
 - iv. alleged abuser
 - v. nature of abuse, using the individual's own words as much as possible
 - vi. other potential witnesses
4. Give verbal and written report to local Safeguarding Officer
 - i. Ask for approximate timeframe when feedback will be given to you (there may be some delay before feedback can be given, and confidentiality may limit what feedback is given – yet sufficient feedback shall be given to confirm if your actions were appropriate and that a response has been made)
 - ii. Confirm any subsequent responsibility you may have
 - iii. In event of no feedback within agreed framework report to central Safeguarding Coordinator.
5. Maintain confidentiality

9. Church Court or Committee responding to allegation

9.1 Investigate, without prejudice, timeously, without undue delay, yet following a considered course of action.

9.2 During any investigation a worker is to be advised, or instructed where appropriate, to withdraw from that responsibility for the duration.

9.3 Withdrawing from duties at this stage of the process must not be taken to imply guilt.

9.4 Following investigation, options available to the court or committee include providing further training/clarifying and setting clear boundaries/removal of worker from responsibility/dismissing allegation as unfounded. These options, and similar, do not constitute ecclesiastical discipline.

Safeguarding Statement and Safeguarding Procedure

9.5 The various stages of ecclesiastical discipline are defined in ‘The Practice of the Free Church of Scotland’ and should be followed as appropriate.

9.6 There is an ongoing pastoral responsibility and duty of care for the alleged victim and family, and also for the alleged perpetrator and family, those reporting and investigating the allegation, and the wider church community.

9.7 Feedback must be given to the worker(s) who has raised awareness of this allegation. Consideration must be taken of the need for confidentiality, and yet the worker must be made aware if he or she has acted correctly, or otherwise.

10. Reporting to Disclosure Scotland

10.1 A legal duty to make a referral (report allegations or substantiated abuse) to Disclosure Scotland is placed upon organisations under the Protection of Vulnerable Groups (Scotland) Act 2007 when

- i. an individual doing Regulated Work has done something to harm a vulnerable person
- ii. AND - the impact is so serious that the organisation has (or would) permanently remove the individual from regulated work

10.2 When a worker is, or would have been, removed from regulated work as above, then a report is to be made to the central Safeguarding Coordinator.

10.3 Such referral to Disclosure Scotland shall not be made, other than by the central Safeguarding Coordinator.

11. Working with Offenders

11.1 It is not inappropriate or inconsistent for someone, who has in the past been the perpetrator of abuse to become, upon a satisfactory profession of faith, a communicant member in good standing

“Know ye not that the unrighteous shall not inherit the kingdom of God? Be not deceived: neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with mankind, Nor thieves, nor covetous, nor drunkards, nor revilers, nor extortioners, shall inherit the kingdom of God. and such were some of you: but ye are washed, but ye are sanctified, but ye are justified in the name of the Lord Jesus, and by the Spirit of our God”. (I Corinthians 6:9-11).

11.2 The Church recognises that Saving Faith exercised by an individual, not only delivers from guilt and shame before God, but has such an impact as to transform and change the whole character. The Church also recognises that the Protection of Vulnerable Groups (Scotland) Act 2007 permanently excludes a person who has previously been barred from working with children or vulnerable adults. Disclosure Scotland maintains a register of excluded individuals.

11.3 Where specific concerns exist about the risk that a particular individual attending church may currently pose to children or vulnerable adults, the Kirk Session is to consider entering into a contract with him or her, which clearly defines specific boundaries about his or her conduct and access to different parts of the church facilities. For example, a contract could state that to promote the safety and wellbeing of all parties involved, he or she was not to leave the main worship area unaccompanied while the Sabbath School children are in class, and/or that he or she must not sit in the area of the church allocated for the children. It could be appropriate to specify which toilet facilities may or may not be used.

11.4 Such a contract, whether communicated verbally or by writing, must be clearly recorded in the relevant Court’s permanent records.

11.5 Setting such a contract promotes the safety and wellbeing of the individual together with the rest of the Church.

Safeguarding Statement and Safeguarding Procedure

11.6 An individual who has a criminal record, but is not specifically barred from working with vulnerable individuals, may be accepted as a worker if they are otherwise assessed as suitable.

12. Confidentiality

12.1 For ease of communication each Kirk Session, Presbytery and Committee involved in Regulated Work, will appoint a named Safeguarding Officer, who unless otherwise named, will be the Clerk.

12.2 Any allegation of abuse must be handled with great sensitivity and not discussed with anyone other than those involved in the process of following this procedure. Any trauma experienced by a victim of abuse can be greatly amplified by the thought that everyone knows what has happened. Similarly with the trauma of a false or mistaken allegation.

12.3 No statement is to be made to the press, except by agreement of the relevant Church Court, who are to consult with the Media Officer.

12.4 Information provided through the assessment and disclosure process must only be shared with those who need to see it for the purpose of recruitment.

12.5 Disclosure documents are not to be retained – but name of subject, disclosure type, specific reference number and the recruitment decision taken are to be entered into the permanent records of the relevant court or committee.

13. Review

13.1 The Safeguarding Statement and Procedure shall be reviewed, as required, and at least every five years, by the General Assembly, through its Legal Advice & Property Committee.

13.2 Any comment or criticism relating to the Statement and Procedure shall be submitted to the Legal Advice & Property Committee.

13.3 Presbyteries are to ensure compliance with Safeguarding as part of the regular supervision of each congregation within its bounds.

14. Implementation of the Safeguarding Procedure

14.1 The Safeguarding Procedure to be implemented from the rising of the 2017 General Assembly with immediate effect. The General Assembly allow a period of 4 months during which each Court, and Committee involved in Regulated Work, will review their own responsibilities in regard to this procedure and take all necessary steps to implement it in its entirety.

15. Summary for all workers

15.1 This section is comprised of a summary of the above document for each individual worker with details of his or her own personal responsibilities in relation to safeguarding. This information is to be provided to each worker by the Safeguarding Officer prior to commencing work.

15.2 Safeguarding relates to providing and maintaining a safe environment within which every person has an opportunity to thrive. The information provided here sets out your personal responsibilities as an individual who is involved in providing care and support as part of the Church's activities.

15.3 The steps prescribed here are a framework to ensure that all appropriate measures are taken.

15.4 In the event that someone observes what appears to be abuse, or an allegation is made to you regarding abuse, then this must be responded to. If you suspect, witness, or a report is made to you, then you, as a member and representative of the Church, have a responsibility to respond, though you may request assistance from a colleague as you go through this process.

15.5 You are not responsible for first investigating and establishing the legitimacy of any concern prior to reporting.

Safeguarding Statement and Safeguarding Procedure

15.6 It is never appropriate to simply dismiss a matter on the basis that you think it is unlikely to have occurred. Nor is it ever appropriate to simply dismiss a matter on the basis that reporting it may cause personal embarrassment, result in inconvenience, or potentially bring the Church into disrepute.

15.7 It is not necessary to have the consent of the individual who may be the victim of abuse in order to report and respond. Nor is it necessary to have the consent of the parent(s) or carer. Dependent upon the nature of the allegation it may be inappropriate and prejudicial to seek consent from the parent(s) or carer. However, parents or carers who have primary responsibility for an individual are not to be unnecessarily excluded, and should be fully informed where possible.

15.8 Should an adult report a historical incident of abuse from when he or she was a child, there is not necessarily the same duty to report. Though if the alleged perpetrator continues to be in a position where others may be at risk then appropriate action must be taken.

15.9 A person who has acted in good faith by reporting concerns will not be penalised by the Church, regardless of the concern being proven or not.

15.10 A person may state that they are unwilling to make an allegation of abuse and disclose sensitive personal information unless the individual worker agrees to keep the matter absolutely confidential. It is not possible for any worker to give such a guarantee as it is the responsibility of the worker who hears the allegation to report that information as set out within this Safeguarding Procedure. Assurances should be given that information will only be disclosed as appropriate, and as set out in this policy.

15.11 Five vital steps

1. Listen to the allegation
2. Seek emergency intervention if appropriate (potentially involving Police and/or Social Work Department)
3. Make a written record as soon as practicable thereafter
 - i. date
 - ii. location allegation made
 - iii. alleged victim
 - iv. alleged abuser
 - v. nature of abuse, using the individual's own words as much as possible
 - vi. other potential witnesses
4. Give verbal and written report to local Safeguarding Officer
 - i. Ask for approximate timeframe when feedback will be given to you (there may be some delay before feedback can be given, and confidentiality may limit what feedback is given – yet sufficient feedback shall be given to confirm if your actions were appropriate and that a response has been made)
 - ii. Confirm any subsequent responsibility you may have
 - iii. In event of no feedback within agreed framework report to central Safeguarding Coordinator.

Safeguarding Statement and Safeguarding Procedure

5. Maintain confidentiality

15.12 Ask for approximate timeframe when feedback will be given to you (there may be Seek and use the support of the Safeguarding Officer).

15.13 Further information can be found in the Safeguarding Statement and Safeguarding Procedure (of which this is a part).

15.14 Please address any questions or concerns to the Safeguarding Officer.

Further information can be found in the Safeguarding Statement and Safeguarding Procedure (of which this is a part).

Please address any questions or concerns to the Safeguarding Officer. The Safeguarding Coordinator is:

Name	Dr Andrew Naylor
Address	18 Ferry Road, Leverburgh, Isle of Harris, HS5 3UA
Telephone	01859 520200
Email	andrewnaylor@doctors.org.uk

The local Safeguarding Officer is:

Name	_____
Address	_____
Telephone	_____
Email	_____

Issued by authority of the General Assembly of the Free Church of Scotland (Continuing), May 2017