FREE CHURCH OF SCOTLAND (CONTINUING)

Safeguarding Statement

(This version of the document approved on 25th May 2023)

1. The Free Church of Scotland (Continuing) recognises its responsibility before Almighty God to minimise the risk of any form of abuse and promote the well-being of all people, particularly those who 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 well-being of each individual child or vulnerable adult, or any other persons who could potentially be at risk whilst participating, directly or indirectly, in the Church's various activities.

2. The Free Church of Scotland (Continuing) acknowledges the requirement in civil law to have a clearly defined Safeguarding Policy, which is practicable, readily available for reference, and regularly reviewed.

3. The Church recognises the significance and value of each individual, and wholly endorses the Scriptural position that every person, including all children, are precious before God, and therefore form a vitally important part of the church community.

4. The General Assembly shall appoint a National Safeguarding Coordinator, who unless otherwise named, shall be the Clerk to the Legal Advice & Property Committee. Local Safeguarding Officers shall be appointed by their respective Kirk Sessions, who unless otherwise named, shall be the Kirk Session Clerk. The role of the National Safeguarding Coordinator is to liaise with Disclosure Scotland as necessary. Ideally the National Safeguarding Coordinator will also be the Lead Signatory with Disclosure Scotland.

5. 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). A significant strand of that encouragement, education, and enabling of parents, is to promote healthy, supportive, loving, biblical marital relationships across all Church activities, chiefly through preaching and pastoring, to ensure that neither parent, nor any child within the home, or elsewhere, nor any other person, is exposed to, or at risk of, any form of domestic abuse or indeed, abuse of any description.

6 . 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 therefore supervision and care of children, unless by specific agreement, is the primary responsibility of parents or carers.

7. The Church is 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 appointed appropriately and made familiar with all the nuances of the Safeguarding Statement and Procedure, as well as their own particular responsibility to promote wellbeing and safety. Recruitment or appointment to positions will involve Criminal Records' Disclosure, providing a suitable reference. Those recruited/appointed to supervisory or care positions are responsible for providing the church with the appropriate disclosure under the 2011 PVG scheme together with a suitable reference.

8. In the event of any allegation and/or complaint being made known, either formally, or informally,

the local Safeguarding Officer, or any other responsible person, who may or may not be an office-bearer, must implement the Safeguarding procedures without delay. Any office-bearer who is made aware of any allegation/complaint, formally or informally, or has any suspicion that any form of abuse is taking, or may have taken, place is duty bound by virtue of their office to refer the matter to the local Safeguarding Officer without delay.

9. 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 will be practically implementing Safeguarding on a daily basis. For ease of communication each Kirk Session will appoint a named local Safeguarding Officer, who unless otherwise named, will be the Session Clerk.

10. **The local Safeguarding Officer will take all necessary steps to ensure that all office-bearers within the Congregation are fully conversant with the content of the Safeguarding Policy & Procedure. The local Safeguarding Officer shall ensure that all office-bearers are in possession of a hard copy of the Safeguarding Policy & Procedure and that they have familiarised themselves with the same.**

11. **An annual entry should be made in Kirk Session minutes to record that every elder and deacon within the congregation has confirmed that they have read and familiarised themselves with these documents and are regularly updating themselves as to their content. Presbyteries should ensure, during annual examination of records, that such an entry is recorded in relevant Kirk Session minutes.**

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', to minimise the risk of abuse and when responding to any allegation of abuse, against or involving any person within the Church community.

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.

1.4. The Church recognises that ***any person*** within the church community may be at risk, not just children or vulnerable adults. By its very nature, abuse often goes unseen. This document seeks to highlight, that while the Church seeks to promote and further the cause of Christ on the earth, as it is made up of sinners, the Church should never regard itself as being immune from perpetrators of abuse being found within its bounds. Therefore, it is the responsibility of all persons to be vigilant in this

matter and respond biblically should any such cases arise, to both victim and alleged perpetrator.

2. Risk of Abuse

2.1 In this imperfect, fallen world, it is recognised that there will always be abusers in the world, and that they will prey on weaker or more vulnerable members of society, and therefore, certain individuals are at an increased risk of abuse because of their particular vulnerabilities or personal circumstances.

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.

2.4. The Church recognises that *any* person within the church community can be at risk beyond those formally recognised by a legal definition e.g. 'Adults at Risk' or 'Protected Adults.' Sadly, in this sinful world, men, women, and young adults can also be the victims of unseen abuse, domestic or otherwise. This document seeks to broaden the awareness of the wider church membership and attenders, that *any person* can be a victim of abuse, and, in order to encourage diligence, alertness and compassion when responding to any suspicions/allegations they may become aware of.

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 when 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 National Safeguarding Coordinator who, unless otherwise named, will be the Clerk of the Legal Advice & Property Committee. The role of the National Safeguarding Coordinator is to liaise with Disclosure Scotland as necessary. Ideally the National Safeguarding Coordinator will also be the Lead Signatory with Disclosure Scotland.

4. Church Activities, Regulated Work and non-Regulated Work

4.1. Church activities are defined as any function of the church being undertaken when any function of the Church is being undertaken, including worship services, Courts, Committees, Youth Fellowships, missionary outreach, etc., which the Church can reasonably be held to have organised and it therefore has a responsibility to safeguard all persons taking part.

4.2. Regulated Work is where the Church provides care and/or support to someone who might be deemed vulnerable, whether in a paid or voluntary position. 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, Spring Conferences, the All-Age Holiday, etc.

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

4.4. This protocol does not apply to parents or families caring for their own children, though principles of good practice will continue to be relevant.

4.5. 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 *nonregulated work* and is regarded as an informal private arrangement. The Church is not to intervene unless a specific risk is identified or unless the impression is being given that this is a facility provided by the Church.

4.6. It is vital that all ministers and office-bearers of the Free Church (Continuing) are fully aware of their responsibilities to maintain and promote the Safeguarding Procedures, by raising awareness of its requirements within their own congregations and by their own personal example. It is therefore emphasised here, that the daily behaviour and conduct of ministers and office-bearers by virtue of their office, Christian vows and Christian professions can biblically be regarded as ***always*** being covered by these procedures, i.e. they are ***always*** representing Christ's Church on earth and taking part in its ***activities,*** whether in public or in private.

5. Appointment of local Safeguarding Officer

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

5.2. The local 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 local Safeguarding Officer is to be clearly stated on Safeguarding information distributed within the court or committee's area of responsibility.

5.4. The local 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 local Safeguarding Officer has a duty to ensure that Safeguarding matters are raised and that decisions and outcomes are appropriately communicated and followed through.

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 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.

6.4 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.

6.5 When the Kirk Session has not known a prospective worker for more than two years, or the applicant is from outwith the denomination, he or she must provide details of two individuals who can provide a character reference. In such circumstances, consideration should be given to requesting written reference(s) from these named persons, to ensure that the applicant is suitable for the post.

6.6 Protecting Vulnerable Groups' Scheme (PGV Scheme) Disclosure must be completed prior to beginning in the role. 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.

6.7 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 role must be assessed separately by representatives of the court or responsible committee, and include written references, if required.

6.8 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.

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

6.10 A hard copy of Section 15 ***Summary for all those involved in Church activity and those undertaking regulated work*** must be given, by the relevant local Safeguarding Officer, to each worker prior to his or her commencing work. The name and contact details of the local 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 Disclosure Scotland 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'*** is to be applied for 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 also be completed.

7.4 A Disclosure Certificate that is applicable and relevant to the 'regulated work' position proposed, must be obtained and produced, for the purpose of demonstrating that the applicant is suitable for undertaking that specific strand of 'regulated work' within the denomination. A Disclosure Certificate which has been obtained for other work within the Church or for work with another body is inadmissible and should not be accepted.

7.5 Those requiring a PVG check or examining a PVG document from a potential 'worker,' should ***always*** consult the current PVG guidelines which are available on the Scottish Government website, prior to reaching a decision on a person's suitability for a specific role.

7.6 Disclosure Scotland does not impose minimum timescales for seeking PVG updates. It is recommended, though, as a matter of good practice, that consideration be given to reviewing PVG membership, every ***three*** years, particularly in the case of a new 'worker' coming into the denomination or an existing 'worker' changing roles (e.g. moving from children to vulnerable adults).

8. How to respond to allegations of, or suspected cases of, abuse

8.1 The Free Church of Scotland (Continuing) takes allegations of abuse (whether observed or perceived) against members, adherents, office bearers, or ministers within its ecclesiastical bounds seriously. We recognise that we have a biblical responsibility to respond timeously to any concerns that are raised and to manage each situation pastorally and effectively while investigations are underway.

8.2 It is never appropriate to simply dismiss any concern or allegation on the basis that one may think it unlikely to have occurred as it is not the responsibility of the person hearing the complaint to establish its legitimacy. Neither is it ever appropriate to simply dismiss a matter on the basis that reporting it may cause personal embarrassment, resulting in inconvenience, or potentially bring the denomination into disrepute.

8.3 It is not necessary to have the consent of the individual who may be the victim in order to report and respond. Neither is it necessary to have the consent of the parent(s) or carer(s). Depending upon the nature of the allegation, it may in fact be inappropriate and prejudicial to seek consent from the parent(s) or carer(s). However, parents or carers who have the primary responsibility for an individual are not to be excluded and should be fully informed whenever possible.

8.4 Should an adult report an historical incident of abuse from when he or she was a child that is not directly related to church activity, it should be received with the utmost Christian care and compassion. Every support necessary should be given and the advice of the local Safeguarding Officer should be sought to direct it to an appropriate investigating agency (e.g. Police Scotland or Social Work). However, regardless of the passage of time, if the alleged perpetrator still occupies a position within church activities where any other person may be at risk, the Safeguarding Procedures outlined in this document should be implemented without delay.

8.5 An individual who has acted in good faith by reporting concerns shall not be disadvantaged, marginalised or treated in any other discriminatory manner by any person within the denomination, regardless of whether the matter is proved or not.

8.6 An individual may state that he or she is unwilling to make an allegation of abuse and may choose

not to disclose sensitive personal information unless the individual worker agrees to keep the matter confidential. However, it is not possible for a worker to provide such a guarantee as it is the responsibility of the worker who hears the allegation to report that information as set out within the terms of the Safeguarding Procedure. Assurances must be given that personal and sensitive information will only be disclosed to those who have an essential role in dealing with the matter.

8.7 Contact details of those who will act as a first point of contact must be clearly advertised within the church building. Named persons will include:

- The local Safeguarding Officer
- The Minister / Interim Moderator
- The Session Clerk
- The Presbytery Clerk

8.8 Any allegation made against members or adherents should be reported, in the first instance, to the local Safeguarding Officer or a member of the Kirk Session, either by the person making the allegation or by someone acting of their behalf. The Session Clerk is under obligation to inform the local Safeguarding Officer of the matter.

8.9 Any allegation made against an elder or deacon should be reported, in the first instance, to the minister or interim moderator, who in turn must inform the local Safeguarding Officer.

8.10 Any allegation made against a minister or interim moderator should be reported, in the first instance, to the local Safeguarding Officer who must in turn inform the Presbytery Clerk. If the minister also happens to be the local Safeguarding Officer, the person making the allegation must approach the Presbytery Clerk directly and without delay.

8.11 Any allegation made against the local Safeguarding Officer should be reported, in the first instance, to the minister/interim-moderator.

8.12 The local Safeguarding Officer must keep a full and accurate written record of allegations as well as the contact details of those involved. To ensure consistency of approach across the denomination two pro forma reporting forms are available as appendices ‘B’ and ‘C’ to this document and should be used to record all relevant details. The details must be clear, legible, preferably typed, and be kept safe and confidential. Again, in order to adopt a consistent approach across the Church, the local Safeguarding Officer should be guided by the ***FIVE R’s*** which are suggested as good practice in such cases. They are:

1 . *RECOGNISE* – while it is acknowledged that the majority of people within the Church Community have little professional experience of abuse, every member of the church community has an important part to play in recognising whether abuse may be taking place or not. Abuse can take many forms, and a fuller though not exhaustive description is given in **Appendix A**. If you are in the slightest bit concerned, raise these concerns with someone who can help identify/investigate whether abuse is taking place or not. The person you speak to should immediately recognise the gravity of the matter raised and approach it with prayerful dependence upon the Lord, seeking wisdom to deal with it appropriately.

2 . *RESPOND* – to the allegation by listening sympathetically and non-judgementally. An allegation may be a very hard thing for the victim to disclose and it is important that they feel they are being believed and that help is at hand. Make time to listen, do not dismiss, minimise or exhibit indifference. If this is observed abuse or merely suspected, do not ignore it but be sensitive and courageous to raise your suspicions with any potential victim. It may be the very

lifeline they need to finally disclose a deeply distressing matter for them. An appropriate caring response could have a most positive effect on any victim or suspected victim of abuse. After consultation with the National Safeguarding Coordinator, they may seek emergency intervention if appropriate and without delay (potentially involving the Police and/or Social Work Department). On an allegation being made, the Kirk Session, in consultation with the local Safeguarding Officer, will assess whether any immediate action is required in order to ensure the safety of all parties involved.

3. *RECORD* – A comprehensive record of all concerns or allegations must be made by the person identifying or receiving them. Keep written notes, recording them as soon as practicable after the matter is made known to you or identified by you. The following are essential:

The date when the allegation(s) was made
The location(s) where the abuse allegedly occurred
The name of the alleged victim(s)
The name of the alleged abuser(s)
The nature of the abuse, using the individual's own words, as much as possible
The names and contact details of potential witnesses

However, there can never be too much recorded. In particular, when any decisions are made in relation to the allegation/suspicion, a detailed record of all applicable factors in the decision-making process should also be fully recorded.

4. *REPORT* – The person receiving the initial contact or making the first observation should without undue delay report the matter to the relevant local Safeguarding Officer or member of the Kirk Session. It is then their responsibility to collate and report the details to the Kirk Session and/or the National Safeguarding Coordinator unless a member of the Kirk Session is implicated in the allegations. The National Safeguarding Coordinator may decide to include reporting the matter to Presbytery or indeed to other outside appropriate agencies. A perception of disbelief, secrecy and 'cover up' must be avoided at all costs and all parties receiving any report of abuse must remain open and fair-minded. While guarding confidentiality wherever possible, all parties should cooperate fully with any other Court or body to whom the allegation is reported.

5. *REASSURE* – All members of the Church community, whether communicant members or adherent members have both a biblical and moral responsibility to provide all necessary reassurance and support to the victim of any suspected abuse. This might be through appointing an appropriate individual (SPOC – single point of contact), either male or female, best placed to act as a support to the victim who may or may not be a member of the Court, but any other person in the congregation who may be identified as best placed to support the victim. Where appropriate, there is a biblical responsibility to provide reassurance/support to any alleged abuser until such time as the case is disposed of, and to the worker/individual who raised the matter initially. It should weigh heavily on the minds of all parties involved, that they are representatives of Christ's Church on earth and, as such, should treat all persons involved in these grievous matters, whether victims, suspects, witnesses or responders, as Christ gave example in the Scriptures. Neither the alleged victim, alleged perpetrator, original informant or any witnesses, should be left feeling isolated, unsupported nor uncared for.

9. Church Court or Committee Responding to Allegations of Abuse or Suspected Cases of Abuse
(The majority of concerns that do not meet the statutory thresholds for referral to external agencies can be resolved informally through constructive discussion and in line with Matthew 18:15-35. However, it is recognised that for a variety of reasons, resolution via such dialogue will not always be possible or appropriate. The following seeks to establish a robust process for dealing with complaints or concerns that have not or cannot be resolved through informal discussion.)

9.1 In common with other Presbyterian denominations in Scotland, congregants typically consist of communicant members and supporting adherents. The former fall under the spiritual oversight and disciplinary procedures of the local Kirk Session. The latter fall into a different ecclesiastical category, one over which the Session has but minimal discipline jurisdiction. The communicant member can potentially be deprived of certain privileges and blessings should they be brought under discipline over some transgression, whereas the supporting adherent can only be verbally rebuked or admonished for any misdemeanour. This can have a bearing on any allegations made against a supporting adherent. Should a supporting adherent be involved in church activities where opportunity of abuse can arise, then the Church can remove that person from such a position.

9.2 The Free Church of Scotland (Continuing) will not respond to complaints that are made anonymously or made through social media. Further, requests for anonymity that could potentially compromise the integrity of an investigation will be denied unless compelling reasons can be given.

9.3 Other than in an emergency situation whereby the local Safeguarding Officer, in consultation with the National Safeguarding Coordinator, consider immediate intervention by social services or the police necessary, the initial examination of any allegation or suspicion of abuse rests with the Kirk Session.

9.4 The Session should immediately convene for the sole purpose of considering the nature of the allegation. They should investigate fully, without prejudice, timeously, and without undue delay.

9.5 During any investigation, should the alleged perpetrator be in a position of responsibility in the congregation, it may be necessary and appropriate to advise that individual to withdraw from all duties for the duration. Withdrawing from duties at this stage of the process must not be taken to imply guilt. Should the allegation or suspicion of any abuse be made against any member of the Kirk Session, including the Minister, it is imperative that that person takes no part in the process of dealing with the case. This should be reflected appropriately in the Session minutes.

9.6 In consultation with the local Safeguarding Officer the Session may consider if any resolution can be arrived at between the two parties without implementing formal procedures. A resolution cannot be arrived at without the approval of all parties, particularly the alleged victim, whose needs and wishes should be of paramount importance.

9.7 The Kirk Session should carefully consider and examine all the available evidence relating to the allegation. The Kirk Session should also appreciate that ecclesiastical law and civil/criminal law may diverge considerably in the definition of certain aspects of what constitutes abuse. It is not for Kirk Session to be dismissive of civil/criminal law definitions on the various types of abuse which may arise within the orbit of the Church's responsibility.

9.8 The various stages of ecclesiastical discipline are defined in *'The Practice of the Free Church of Scotland'* and should be followed as appropriate.

9.9 If a Session is made aware that a breach of civil/criminal law has occurred there is an obligation on the Kirk Session, through the local Safeguarding Officer and National Safeguarding Coordinator, to report that matter to the appropriate investigating authorities as soon as possible. The Church must recognise that where any criminal allegations are made, they are not a competent investigating body and must refer such allegations immediately to the police, social services or both.

9.10 If an allegation falls under the authority of civil/criminal law, and without any hope of a

resolution, the Session should support the local Safeguarding Officer in referring the matter to the National Safeguarding Coordinator for further consideration. The National Safeguarding Coordinator will decide if outside agencies (social work and/or police and/or Disclosure Scotland [see section 10) should be contacted.

9.11 If a Kirk Session decide on receipt of the allegation that there are grounds for a full investigation, the local Safeguarding Officer will communicate appropriately with the victim and keep them as fully informed as possible, providing all necessary steps to support them through this difficult process.

9.12 Should the investigation remain within the orbit of ecclesiastical discipline, the decision of the Session will be conveyed to both parties. They will be informed of their right of appeal through the appointed means set out in the *Practice of the Free Church of Scotland*.

9.13 Subsequent to the conclusion of an ecclesiastical or civil case the Church has an ongoing pastoral responsibility and duty of care for the alleged victim and family, and also for the alleged perpetrator and family, and for those reporting and investigating the allegation, as well as for the wider church community. Feedback must be given to the worker(s) or individual who has raised awareness of this allegation. Consideration must be taken of the need for confidentiality, and yet the worker/individual must be made aware that they have acted correctly in raising their concerns.

9.14 To enable and assist Kirk Sessions, local Safeguarding Officers and the National Safeguarding Coordinator are to adopt a consistent approach across the Church, with implementation of the ***FIVE R's*** suggested as good practice in such cases. While these are ***similar*** to the good practice recommendations (***FIVE R's***) detailed at ***8.12*** of this document, it is emphasised that they ***are not identical*** but relate specifically to the role and responsibilities of the Church Courts when responding to a report of abuse received by them. They are:

1. *RECOGNISE* – while it is acknowledged that the majority of people within the Church Community have little professional experience of abuse, every member of the church community has an important part to play in recognising whether abuse may be taking place or not. Abuse can take many forms, and a fuller though not exhaustive description, is given in Appendix A. If you are in the slightest bit concerned, raise these concerns with someone who can help identify/investigate whether abuse is taking place or not. The Kirk Session or Court should immediately recognise the gravity of the matter before them and approach it with prayerful dependence upon the Lord, seeking wisdom to deal with it appropriately.

2. *RESPOND* – to the allegation by listening sympathetically, reading reports and analysing evidential material, with an open mind, non-judgementally and without any preconceptions. An allegation may be a very hard thing for the victim to disclose and it is important that they feel they are being believed and that help is at hand. Make time to listen, do not dismiss, minimise or exhibit indifference. If this is observed abuse or merely suspected, do not ignore it but be sensitive and courageous to raise your suspicions with any potential victim. It may be the very lifeline they need to finally disclose a deeply distressing matter for them. An appropriate caring response could have a most positive effect on any victim or suspected victim of abuse. The response of the Kirk Session or Court must be biblical and loving.

3. *RECORD* – The Kirk Session or relevant Court must keep exhaustive records of everything they do as a consequence of receiving the allegations of abuse or any suspicion of abuse. This can be done either within the session minutes or as a separate case file. All documents, statements and any other applicable evidence is to be kept as a factual record and not include statements of the opinions of the Court, only what the facts of the case/evidence presented

reveals. There can never be too much recorded. In particular, when any decisions are made in relation to the allegation/suspicion, a detailed record of all applicable factors in the decision-making process should also be fully recorded.

4. *REPORT* – The Kirk Session and/or the local Safeguarding Officer will on initial receipt and assessment of the allegation, and as a matter of best practice, report it to the Church's appointed National Safeguarding Coordinator for appropriate advice. This may or may not include reporting to Presbytery or indeed to other outside appropriate agencies. The Kirk Session should not be secretive or defensive, and while guarding confidentiality wherever possible, should cooperate fully with any other Court or body to whom the allegation is reported.

5 . *REASSURE* – The Kirk Session or other relevant Court has both a moral and pastoral responsibility to provide all necessary reassurance and support to the victim of any suspected abuse. This might be through appointing an appropriate individual (SPOC – single point of contact) who may or may not be a member of the Court but who may be best placed to support the victim. Where appropriate, the Court also has a pastoral responsibility to provide reassurance/support to any alleged abuser until such time as the case is disposed of, and to the worker/individual who raised the matter initially. It should weigh heavily on the minds of these brethren as members of a Church Court, that they are Christ's ambassadors in His church and should treat all persons involved in these grievous matters, as Christ gave example in the Scriptures. Neither the alleged victim, alleged perpetrator, original informant, nor any witnesses, should be left feeling isolated, unsupported or uncared for.

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 National Safeguarding Coordinator.

10.3 Such referral to Disclosure Scotland shall not be made, other than by the National 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 (1 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. However, the Church also recognises that the Protection of Vulnerable Groups' (Scotland) Act 2007

permanently excludes a person who has previously been barred from any future work with children or vulnerable adults, and such persons, though communicants in good standing, can never be considered for positions deemed to be regulated work. Disclosure Scotland maintains a register of excluded individuals for consultation by the Church, if necessary.

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.

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 Church Activity or Regulated Work will appoint a named local Safeguarding Officer, ***who unless otherwise named, will be the Clerk.***

12.2 Every allegation of abuse must be handled with great sensitivity and not discussed with anyone other than those involved by necessity in the process of following this procedure. Any trauma experienced by a victim of abuse can be greatly amplified by anxieties that confidentiality may not be maintained, and similarly, with the trauma experienced by any person being subject to a false allegation.

12.3 To ensure confidentiality, if the alleged abuser is a member of any relevant Court, steps must be taken by that Court to ensure that the alleged abuser plays no part in any discussion relating to the allegation.

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

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

12.6 Disclosure documents are not to be retained, but the name of the 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 can be reviewed at any time by the Legal Advice & Property Committee, and will be re-examined at least every five years by the General Assembly,

through its Legal Advice & Property Committee.

13.2 Any query, comment or suggestions for improvement relating to the Safeguarding Statement and Procedure can be directed to the Legal Advice & Property Committee.

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

14. Implementation of the Safeguarding Procedure

14.1 The introduction of the recently reviewed Safeguarding Procedure will be implemented across the wider Church from the rising of the 2023 General Assembly with immediate effect. The General Assembly allow a period of 4 months during which every Church Court and Committee will read, disseminate, and review their own responsibilities in regard to this procedure and will take all necessary steps to implement it without delay. An entry will be made in every appropriate minute recording that this task has been completed, and particular attention will be given at the annual visitation of records to ensure such a record is present.

15. Summary for all those involved in Church activity and those undertaking regulated work

15.1 This section comprises a summary of the above document for those involved in Church activity and those undertaking regulated work, giving details of their own personal responsibilities in relation to safeguarding. This information is to be provided to each worker by the local 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. Compliance with the procedures herein detailed is mandatory, in order to ensure that Safeguarding measures are implemented in every sphere of Church activity and the potential for abuse is eliminated.

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 Christian duty to respond, though you may request assistance from a colleague as you go through this process.

15.5 Your duty is not to commence an investigation or establish the legitimacy of any concern prior to reporting but, rather, to provide a robust and safe reporting mechanism for any potential victim of abuse.

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 whenever possible.

15.8 Should an adult report an historical incident of abuse from when he or she was a child that is not

directly related to church activity, it should be received with the utmost Christian care and compassion. Every support necessary should be given and the advice of the local Safeguarding Officer should be sought to direct them to an appropriate investigating agency (e.g. Police Scotland or Social Work). However, regardless of the passage of time, if the alleged perpetrator still occupies a position within church activities where any other person may be at risk, the Safeguarding Procedures outlined in this document should be implemented without delay.

15.9 An individual who has acted in good faith by reporting concerns shall not be disadvantaged, marginalised, or treated in a discriminatory manner by any person within the denomination regardless of whether the matter is proved or not.

15.10 An individual may state that he or she is unwilling to make an allegation of abuse and may choose not to disclose sensitive personal information unless the individual worker agrees to keep the matter confidential. However, it is not possible for a worker to provide such a guarantee as it is the responsibility of the worker who hears the allegation to report that information as set out within the terms of the Safeguarding Procedure. Assurances must be given that personal and sensitive information will only be disclosed to those who have an essential role in dealing with the matter.

15.11
As first receiver of any report of abuse – ***remember*** the ***FIVE R's*** to guide you:

RECOGNISE
RESPOND
RECORD
REPORT
REASSURE

As a member of any Church Court receiving the report of abuse – ***remember*** the ***FIVE R's*** to guide you:

RECOGNISE
RESPOND
RECORD
REPORT
REASSURE

15.12 If you are the person receiving any report of abuse, always seek the support and direction of the local Safeguarding Officer unless that person is implicated in the abuse.

15.13 Please address any questions or concerns, in the first instance, to your ***local Safeguarding Officer***, who is:

Name: .....

Address:.....

Telephone:.....

Email:.....

Your ***National Safeguarding Coordinator*** is Dr Andrew Naylor, but he should not be approached

directly by yourself without first contacting your local Safeguarding Officer.

Name: Dr Andrew Naylor MBE

Address: 18 Ferry Road, Leverburgh, Isle of Harris, HS5 3UA

Telephone: 01859 520200

Email: andrewnaylor@doctors.org.uk

APPENDIX

Definitions of Abuse

Abuse and neglect are forms of maltreatment of a child, adult at risk or any other person who though not officially 'at risk' may find themselves in a vulnerable situation. Somebody may abuse or neglect a child, adult at risk or any other person by inflicting harm, or by failing to act to prevent harm. They may be abused in a family, or in an institutional or community setting; by those known to them or, more rarely, by a stranger. They may be abused by an adult or adults or a child or children. There are many different ways in which people suffer abuse. The list below is, sadly, not exhaustive.

Physical Abuse – Actual or likely physical injury to a child, adult at risk or any other person or failure to prevent physical injury to them. To inflict pain, physical injury or suffering to any such person.

Neglect – Where adults fail to care for a child, adult at risk or any other person in their care and protect them from danger, seriously impairing health, and development. A person's wellbeing is impaired, and their care needs are not met. Neglect can be deliberate or can occur as a result of not understanding what someone's needs are.

Emotional Abuse – The persistent, emotional, ill-treatment of a child, adult at risk or any other person that affects their emotional and behavioural development. It may involve conveying to such a person that they are worthless and unloved, inadequate, or that they are given responsibilities beyond their years.

The use of threats, fear or power gained by another adult's position, to invalidate the person's independent wishes. Such behaviour can create very real emotional and psychological distress. All forms of abuse have an emotional component.

Sexual Abuse – Involves forcing or enticing a child, adult at risk or any other person to take part in sexual activities, whether or not that person is aware of what is happening. This includes non-contact activities, such as involving such persons in looking at, or in the production of, pornographic material or watching sexual activities, or encouraging them to behave in sexually inappropriate ways.

Any non-consensual sexual act or behaviour, inappropriate or uninvited touching or unwelcome physical contact which may be perceived by the person as having a sexual motive.

Domestic Abuse – Any form of physical, verbal, sexual, psychological or financial abuse which might amount to criminal conduct, and which takes place within the context of a relationship. The relationship will be between partners (married, cohabiting, civil or otherwise) or ex partners. The abuse may be committed in the home or elsewhere including online. It also embraces coercive, controlling, threatening or intimidating behaviour that places the victim in a psychological condition,

whereby they will submit to courses of action or choices, that they would not usually have made, had the abusive behaviour not been exhibited.

It can occur between adults who are or have historically been in a relationship, or between any other family members. It can affect anybody regardless of their age, gender, sexuality or social status. It is rarely a one-off incident. Usually there is a pattern of abusive and controlling behaviour where an abuser seeks to exert power over their family member or partner.

Financial Abuse – The inappropriate use, control, misappropriation, embezzlement or theft of money, property or possessions.

Discrimination – The inappropriate treatment of a person because of their age, gender, race, religion, cultural background, sexuality, or disability.

Institutional Abuse – The mistreatment or abuse of a person by a regime or individuals within an institution. It can occur through repeated acts of poor or inadequate care and neglect, or poor professional practice or ill-treatment. The church as an institution is not exempt from perpetrating institutional abuse.

Cyber Abuse – The use of information technology (email, mobile phones, websites, social media, instant messaging, chatrooms, etc.) to repeatedly harm or harass other people in a deliberate manner.

Self-harm – Self-harm is the intentional damage or injury to a person's own body. It is used as a way of coping with or expressing overwhelming emotional distress. An individual may also be neglecting themselves, which can result in harm to themselves.

Historic Abuse – Historic abuse is the term used to describe disclosures of abuse that were perpetrated in the past. Many people who have experienced abuse don't tell anyone what happened until years later, with around one third of people abused in childhood waiting until adulthood before they share their experience.

While it is not possible to be prescriptive about the signs and symptoms of abuse and neglect, the following list sets out some of the indicators which might be suggestive of abuse:

- unexplained injuries on areas of the body not usually prone to such injuries
- an injury that has not been treated/received medical attention
- an injury for which the explanation seems inconsistent
- a child or adult at risk discloses behaviour that is harmful to them
- unexplained changes in behaviour or mood (e.g. becoming very quiet, withdrawn or displaying sudden bursts of temper)
- inappropriate sexual awareness in children
- signs of neglect, such as under-nourished, untreated illnesses, inadequate care.

It should be recognised that this list is not exhaustive and the presence of one or more indicators is not in itself proof that abuse is taking or has taken, place.

It is important to bear in mind that there might also be other reasons why some or most of the above are occurring.