

Guidance

Conducting an initial meeting to inform an individual within the Catholic Church that safeguarding concerns have arisen or an allegation has been made.

Key principles

When safeguarding concerns arise or an allegation is made against an individual they should be informed in person.

The individual concerned should have the opportunity to be supported during the process by a person of their choice, unless to do so could compromise an investigation or frustrate the meeting process.

Before the meeting is arranged the Safeguarding Coordinator will seek advice from the Police and/or Designated Officer for allegations to ensure that any future investigation will not be compromised by contacting the person concerned.

There will always be prior discussion with the Police and/or Designated Officer about what information can and cannot be divulged during an initial meeting because of the potential to influence witnesses or interfere with evidence.

Arranging the meeting

Informing someone that safeguarding concerns have arisen or an allegation has been made against them may provoke anxiety for the individual. At the meeting, it is possible that the individual will not be able to fully comprehend what is being said or understand the proposed actions. When arranging to meet with the individual, it is good practice to offer them the opportunity to choose and arrange for someone to accompany them.

The person accompanying the person concerned can:

- Take notes on behalf of the individual
- Ask questions about processes on behalf of the individual
- Be a source of emotional support to the individual

It is unlikely to be necessary for the person concerned to have a member of the legal profession of canon lawyer present as this is not an investigatory or disciplinary meeting.

Advance notice of the meeting should be given to allow time for individual to arrange for somebody to be present with them and only in exceptional cases should no warning be given.

There is no obligation on the part of the diocese or religious congregation to pay any costs arising from somebody accompanying the individual to the meeting.

In cases where no advance warning can be given or the individual chooses not to select somebody to accompany them, the Safeguarding Coordinator or appointed person should consider arranging for someone independent of the process to attend who can provide support and act as a point of liaison for the individual.

Whilst the individual should be able to choose who accompanies them, on occasions it might be appropriate for the Safeguarding Coordinator to exclude particular people e.g. if they are in some way connected to the alleged incident or if they are threatening and intimidating.

Decisions to exclude particular people and the rationale for doing so should be clearly recorded and where appropriate, explained to the individual.

Conducting the meeting can also be anxiety provoking for the Safeguarding Coordinator or other appointed person who will need to ensure that they impart the most important and relevant information whilst potentially dealing with distress or anger on the part of the individual. For this reason, it is also appropriate for the person conducting the meeting to have another person present. In addition to being a source of support, the second person can take a written record of what is said during the meeting and note matters that need addressing following the meeting, leaving the Safeguarding Coordinator or appointed person to lead the meeting and develop a meaningful rapport with the individual.

Consideration should also be given to the physical safety of the person(s) conducting the meeting and risks should be identified, assessed and addressed. Where possible a neutral venue which is confidential but where others can be called upon for assistance should be used.

Conducting the meeting

At the initial meeting, it is important to focus on the important matters that need to be conveyed at that time and not overwhelm the individual with too much additional information that can be conveyed at a different time or in a different way. The content of the information and the manner in which it is conveyed should be non-accusatory and guilt should not be presumed.

At the start of the meeting the roles of those present, the reason for the meeting, the need for confidentiality throughout the ensuing process and what will potentially happen next should all be explained. Where certain information cannot be shared due to the presence of the support person, this should be explained. It should also be explained that the meeting is not an investigatory interview or a disciplinary meeting¹ and solely focuses on the provision of information. The individual should be informed about what will happen with information that they share at that

¹ If the safeguarding concerns or allegation are about an employee, the applicable HR procedures must be followed and conducted by or on behalf of the employer.

meeting e.g. who it will be provided to and for what purpose and how it will be stored by the person conducting the meeting. A privacy notice should be given at the meeting².

Electronic and digital recording of meetings

Any person present at the meeting might wish to have a verbatim record of the conversation to refer back to or because they have difficulties in making notes at the time or recalling what is said. It is possible that a recording will be wanted for or could be used for other purposes which could have a negative impact on those present.

Where possible advance agreement on recording should be reached before the meeting takes place giving both interviewer and interviewee the opportunity to provide their own recording equipment. The individual concerned should direct the request to the Safeguarding Coordinator who will have the opportunity consider the request.

There is no obligation on the part of the diocese or religious congregation to pay any costs arising from an individual making a recording or transcript of the recording.

It is important that each such request is considered on its own merits and in considering the request by any party, it should be ensured that agreeing to such a request will not impact on the quality of the information-sharing and discussion. If the Safeguarding Coordinator is minded to refuse the request, then legal advice should be sought.

Where recording is agreed in advance, those present should be asked to sign a document to indicate their agreement to and understanding of any limitations on the use of the recorded material.

Where recording is not agreed in advance and the request is made at the meeting, those present during the meeting can refuse but must be mindful that there are no specific legal restrictions on the recording of face to face conversations, whether the recording is done overtly or covertly. Whilst the recording itself may be legitimate there may be restrictions on its use. For example, recording may contain information (including possible 'sensitive personal information') relating to third parties, and the distribution of such information so as to enable those third parties to be identified is likely to be in breach of data protection provisions. If the issues in question are the subject of ongoing court proceedings, then there is also a possible contempt of court.

At all meetings, those present should be mindful that covert recording could be taking place so nothing should be said that the person would not be prepared to have seen or heard by relevant others.

For Religious and Clergy, at the end of the meeting the individual should also be given the information leaflet 'Responsibilities of Dioceses and Religious Congregations towards Clergy and Religious against whom allegations have been made'.

After the meeting

A full transcription of any audio recording should be made, placed on file and retained as if it were a paper record, in accordance with the record retention schedule.

² In draft

A copy of the notes taken or transcript of the recording should be sent with a letter to the individual informing them about what will happen next, associated timescales and providing contact details of the safeguarding office and any support persons identified.