

Children – Policy and procedure for the management of allegations and Concerns

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1 Who this policy and procedure applies to

- 1.1 This policy and procedure is applicable to all those who have a role within the dioceses and religious congregations of the Catholic Church in England and Wales, working with or ministering to children and young people. This includes all lay roles (paid and voluntary), clergy and religious.

2 Policy statement

- 2.1 The Catholic Church in England and Wales¹ recognises that it has an important role in safeguarding children and supporting families, and is fully committed to its role in supporting children to achieve their full potential in an environment where they are protected from exploitation, abuse and maltreatment.
- 2.2 All adults acting in the name of the Catholic Church in England and Wales have a responsibility to act and intervene when it appears that children need to be made safe from risk of abuse or maltreatment.

¹ This includes certain areas outside of England and Wales which are the responsibility of dioceses within England and Wales e.g. the Channel Islands and Isle of Man

- 2.3 All allegations of abuse against children, reported to anybody working or ministering within the Catholic Church in England and Wales, must be reported to the statutory authorities, within 1 working day, in accordance with national policy and procedure. If a child or young person is in immediate danger this must be reported immediately to the Police.
- 2.4 Anyone who raises safeguarding concerns or allegations will be responded to sensitively, respectfully, and seriously. To ensure that people know who to contact if concerned about the welfare or safety of a child, the Church publicises the contact details of Parish Safeguarding Representatives and Safeguarding Coordinators in churches and other relevant settings related to Church activity.
- 2.5 Where a safeguarding allegation or concern relates to someone who is aged 18 years or over but is still receiving children's welfare services, the matter will be addressed using adult safeguarding arrangements².

3 Legislative context

- 3.1 The Church is fully committed to acting in accordance with legislation and associated statutory and good practice guidance.
- 3.2 To achieve this, the Church will act in an open, transparent and accountable way in working in partnership with Children's Social Care Services, the Police, Health Agencies, Probation Services³ and other relevant agencies to safeguard children and assist in bringing to justice anyone who has committed an offence against a child.
- 3.3 The Children Act 1989 (s47) introduced the concept of Significant Harm as the threshold that justifies compulsory intervention in family life in the best interests of children.
 - harm means ill-treatment or impairment of health or development including for example impairment suffered from seeing or hearing the ill-treatment of another⁴;
 - development means physical, intellectual, emotional, social, or behavioural development;
 - health means physical or mental health;
 - ill-treatment includes sexual abuse and forms of ill-treatment which are not physical.
- 3.4 Safeguarding is a broader concept than Child Protection. Safeguarding and promoting the welfare of children is defined in the statutory guidance 'Working Together to Safeguard Children' (2018) as:
 - protecting children from maltreatment;
 - preventing impairment of children's health or development;
 - ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
 - taking action to enable all children to have the best outcomes.

² Care and support statutory guidance (DOH, 2016)

³ This includes the National Probation Service and community rehabilitation companies

⁴ The Adoption and Children Act 2002 broadens the definition of Significant Harm to include the emotional harm suffered by those children who witness domestic violence or are aware of domestic violence within their home environment.

3.5 Working Together 2018 requires that settings refer safeguarding concerns to local authorities before they reach crisis point and request early intervention or Early Help support. The aim is to prevent escalation of problems to significant harm and child protection. Unlike child protection referrals, these early intervention concerns require the consent of families prior to referral.

4 Responding to allegations of abuse or concerns

4.1 Allegations or concerns may be about current events or something that happened in the past but is only now being reported. In either case, the allegation or concern must be addressed using the following procedures because events in the past may have current relevance to the safety of others that might need protecting.

4.2 The person hearing the disclosure or receiving the information must:

- Be calm and reassuring;
- Listen and acknowledge what is said without passing judgement or minimising the information;
- Not interrogate or put words into the person’s mouth;
- Take account of the person's age and level of understanding, their culture and use of language;
- Explain what you will do next and who you need to contact i.e. the Safeguarding Coordinator;
- Not promise total confidentiality but explain that the information will only be shared appropriately with others who need to know;
- Make careful notes as soon as possible and include dates, times of the incident and when the recording was made, who was present and sign the notes. Also make sure the notes are kept securely;
- Provide the person with some means to contact you and be clear about how and when you will contact them to advise what will happen next.

4.3 Regardless of role within the Catholic Church in England and Wales the following procedures must be followed:

Table 1 – Referral Procedures

Issue	Action	Personal responsible
4.3.1 Child or young person is at immediate risk of harm	Refer immediately and directly to the police and advise the Safeguarding Coordinator as soon as possible afterwards, providing a detailed written account of the concerns/allegations/account given by the child or young person.	Person that identifies child or young person is potentially at immediate risk of harm.
4.3.2 Concern that a child might be suffering or is suffering from harm, caused by somebody outside of the Church.	Where it is believed or suspected that a child is suffering or is likely to suffer significant harm, or a child would be likely to benefit from family support services with the agreement of the person who has parental responsibility, inform the Safeguarding Coordinator (parishes) or Religious Safeguarding Lead (religious orders) within 1 working day who will refer to the Local Authority Children’s Services Department within 1	Safeguarding Coordinator or their delegate

	<p>working day. Advice must be taken on what information can be shared with family members and when, in case to do so puts a child at risk.</p> <p>If appropriate, a referral will also be made to the police and the relevant local authority safeguarding department⁵.</p> <p>Make an active offer of support to the family and if assistance is initially refused, advise the child and family that they can take up the offer of assistance at any time.</p>	
<p>4.3.3 A child makes an allegation or discloses something of concern in respect of somebody with a role within the Church</p>	<p>Inform the Safeguarding Coordinator within 1 working day who will refer to the Local Authority Children’s Services Department within 1 working day.</p> <p>Regardless of whether the accused person is living or deceased, where it is believed that a criminal offence may have taken place, the allegation must be referred to the Police within one working day. If this cannot be achieved, the reason must be documented.</p> <p>When a person’s conduct towards a child may impact on their suitability to work with or continue to work with children, the Safeguarding Coordinator must refer the allegation to the local authority’s designated officer (LADO)⁶ for safeguarding children within one working day. If this cannot be achieved, the reason must be documented. If the accused person is deceased, the local authority designated officer must still be informed of the allegation.</p> <p>Where it is believed or suspected that a child is suffering or is likely to suffer significant harm, or a child would be likely to benefit from family support services with the agreement of the</p>	<p>Person hearing the initial disclosure</p> <p>Safeguarding Coordinator</p>

⁵ This department is responsible for overseeing concerns or allegations made against employees, volunteers and others working within organisations and ensuring that the approach taken is coordinated and matters are investigated, recorded, followed up and concluded in a timely manner.

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	<p>person who has parental responsibility, the Safeguarding Coordinator will make a referral to the local authority children’s social services department.</p> <p>Religious congregations that are aligned to a diocese are required to report all allegations to the Safeguarding Coordinator in their aligned diocese and agree who will make the referral to statutory authorities.</p> <p>Religious congregations with their own Safeguarding Commissions must report allegations directly to the Safeguarding Coordinator for their Commission, who will report the allegation directly to the statutory authorities.</p> <p>Do not contact the individual about whom the allegations or concerns are being raised to tell them about the information. To do so could endanger others and/or prejudice any form of investigation.</p> <p>Make an active offer of support to the family and if assistance is initially refused, advise the child and family that they can take up the offer of assistance at any time.</p> <p>Participate in strategy meetings/discussions and liaise with statutory authorities until the investigation is concluded.</p> <p>Take advice from the Designated Officer about what and when information can be shared relevant parties e.g. the victim, families, and the accused person, so as not to compromise a child’s safety or prejudice an investigation</p> <p>Take advice from the Designated Officer as to whether a referral to the Regulatory Body such as Ofsted, Care Quality Commission (CQC), Care Inspectorate Wales (CIW), General Medical Council (GMC), Health and Care Professions Council (HCPC) or others should be made and where referrals to The Disclosure and Barring Service (DBS) must be made to refer someone for inclusion on the Children's Barred List. A referral to the local Multi-Agency Public Protection Arrangements (MAPPA) Coordinator might also be considered by the strategy meeting.</p>	
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	<p>Where appropriate, undertake enquiries/investigation/independent assessment if the statutory authorities decide not to investigate or conclude their investigation without criminal proceedings but concerns remain.</p> <p>See also section 9 below – additional reporting requirements</p>	
<p>4.3.4 If the Safeguarding Coordinator or their delegate is not available</p>	<p>Report the allegation to the Commission Chair or their delegate, who will advise the Safeguarding Coordinator as soon as they are able to contact them. If the Commission Chair or their delegate is not available, inform CSAS who will advise on the steps to be taken.</p> <p>For allegations against individuals with a role within the Church, if the Commission Chair or Vice Chair is not available, the person with the information about alleged harm must inform the Bishop or Religious Congregation Leader directly and advise the Safeguarding Coordinator as soon as they are able to contact them. They must also advise CSAS so that any immediate action to inform statutory authorities and manage risk can be taken.</p>	<p>Person receiving the disclosure or information about concerns or allegations</p>
<p>4.3.5 Information sharing</p>	<p>Information must only share with those who need to know (including other dioceses and religious congregations where risk is not confined to one) and with statutory agencies. If there is any doubt as to whom information can be shared with, advice must be sought from the diocesan/congregational Data Protection Officer.</p> <p>More detail about requirements and expectations is held within the <u>National-Safeguarding-Information-Sharing-Protocol</u>.</p>	<p>Person receiving the disclosure or information about concerns or allegations</p> <p>Safeguarding Coordinator</p> <p>Data Protection Officer</p>
<p>4.3.6 An adult who is not working or ministering within the Catholic Church in England and Wales who provides information about the abuse of a child,</p>	<p>Encourage and support the person to refer the matter directly to the Local Authority Children’s Services Department or Police.</p> <p>Where the Church makes a referral to statutory authorities arising from information from somebody who has requested anonymity, the person requesting anonymity must be advised that although their request will be noted with the referral, it may not be possible for them to remain anonymous.</p>	<p>Person receiving the request for somebody to remain anonymous</p>

requests anonymity.	Individuals who have roles within the Church must not make anonymous referrals because they are acting in their professional capacity with the requirement to safeguard and protect children and young people.	
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5 Requirements for clerics or members of an Institute of Consecrated Life or Society of Apostolic Life

- 5.1 Within the Catholic Church in England and Wales, the requirements in sections 5.2, 5.3 and 5.4 below will be fulfilled by the cleric or member of an Institute of Consecrated Life or Society of Apostolic Life reporting directly to the Safeguarding Coordinator of the place where events are said to have occurred. The safeguarding coordinator will act as the delegate of the Ordinary of the place where events are said to have occurred, and will ensure that it is transmitted to the Ordinary for that area, as well as the Ordinary of the person reported, and that the procedures given in 5.3, 5.4 or 5.5 are followed.
- 5.2 If a cleric or a member of an Institute of Consecrated Life or Society of Apostolic Life has notice of an allegation about a cleric or a member of an Institute of Consecrated Life or Society of Apostolic Life, that person, on becoming aware of the allegation, is obliged to report promptly the fact to the local Ordinary (diocesan bishop, vicar general or episcopal vicar) of the place where the events are said to have occurred or to another Ordinary (for example, a major superior).
- 5.3 The Ordinary who receives this report is to transmit it without delay to the Ordinary of the place where the events are said to have occurred (if that is someone else), as well as to the Ordinary of the person reported. For example, if the initial report is made to a religious Major Superior, he must ensure that the Ordinary of the place where the events occurred is informed (Bishop, Vicar General, Episcopal Vicar).
- 5.4 The Ordinary of the person reported is to ensure that the procedures given in 9.8 (allegations against clergy, religious, lay and volunteers) or 9.9 (allegations against UK Rectors, Vice Rectors or seminary staff members) if required, are followed. However, if the person reported is one of the Church leaders given in 9.10:
- a) Cardinals, Patriarchs, Bishops and Legates of the Roman Pontiff;
 - b) clerics who are, or who have been, the pastoral heads of a Church or of an entity assimilated to it, Latin, or Oriental, including the Personal Ordinariates, for the acts committed *durante munere (while in office)*;
 - c) clerics who are or who have been in the past leaders of a Personal Prelature, for the acts committed *durante munere*; or
 - d) those who are, or who have been, supreme moderators of Institutes of Consecrated Life or of Societies of Apostolic Life of Pontifical right, as well as of monasteries *sui iuris*, with respect to the acts committed *durante munere*),

then the procedure given in that section is to be followed.

6. Disclosure of Abuse and the Sacrament of Reconciliation

- 6.1 The following guidance is issued in accordance with current sacramental practice.
- 6.2 The Sacrament of Reconciliation offers the penitent the seal of absolute confidentiality; in this context alone is the priest bound to keep secret what is disclosed. Knowledge of the information is for the priest, the penitent and God. Where there is involvement of an interpreter, e.g. during the Confession of a deaf person, a duty of complete confidentiality is extended to this person. Information gained in the context of the sacramental confession may not be used in any other forum.
- 6.3 Disclosure of an incident of sexual abuse in the context of the sacramental confession is very rare but a priest must:
- Always reassure the person that he or she has acted properly in seeking help from them;
 - be clear with the penitent about the status of a conversation and ensure that there is no misunderstanding about whether the Seal of Confession applies.
- 6.4 A victim or survivor of abuse is not guilty of any sin in respect of the abuse suffered. In part, their healing relies on the recognition of this fact. Abusers will often tell their victims that they are to blame and that they will be punished if they tell of the abuse. The priest should help the victim/survivor to place the responsibility where it belongs, i.e. with the offender.
- 6.5 Survivors and victims of abuse will usually need help. From within the context of the sacramental confession the priest can encourage the penitent to seek such help outside the sacrament. They should also be given encouragement to pass on the information to an appropriate person. It is not the priest's role to engage in counselling in the context of the sacramental confession, even if he is appropriately professionally qualified to do so, since this leads to a confusion of roles and might give rise to conflicts of interest for himself and the penitent.
- 6.6 When the nature of the abuse disclosed is criminal, the Penitent should be directed to bring the matter to the attention of the statutory authorities and informed that the diocesan safeguarding coordinator can help in making any necessary contacts.
- 6.7 The confessor should ask for action consistent with a firm purpose of amendment as a constituent part of an assigned penance. The penitent's agreement to act in a way consistent with a firm purpose of amendment provides evidence of a proper disposition for the reception of absolution.
- 6.8 If the priest is subsequently contacted by the penitent, outside of the Seal of the Confessional, the Seal of Confession still applies to what was disclosed in the original Confession. However, the priest must make it clear to the penitent that the Seal of Confession no longer applies to anything disclosed subsequently outside Confession. Although the priest cannot use any knowledge gained from the original Confession or act on it, he must explain that he has a responsibility to take all reasonable steps to protect children or adults who may be at risk of abuse.

7 Referring allegations of abuse made by adults who were abused as children

- 7.1 If an adult with capacity explicitly refuses the making of a referral about abuse that occurred in their childhood, consideration must be given to whether the accused person has access to children who may be at risk.
- 7.2 In these circumstances, the name of the accused and details of the allegation must be referred to the statutory authorities. This can be done without disclosing the name of the alleged victim where they have refused consent to do so.
- 7.3 If the Safeguarding Coordinator considers it necessary to share information, in the interests of protecting children and adults at risk, without the consent of the person concerned, they must take advice from their Data Protection Officer or take legal advice before acting.
- 7.4 The adult must be informed this action is being taken, unless doing so would increase the risk of harm. A clear rationale must be recorded on the case file if the adult is not being informed of the referral to statutory authorities.

8 Notifications of allegations to the Church, where the alleged victim is not known to the Church

- 8.1 When a notification of an allegation is received from a third party such as statutory authorities or insurers, and the Church does not have any knowledge of or contact with the alleged victim, an offer of support must be made using the referring agency as an intermediary. This offer of support must be followed up in writing, addressed as far as possible to the alleged victim, and passed to the agency acting as intermediary, making clear that if support is not required at the current time, it can be requested later. You must request confirmation from the intermediary that the offer of support has been given to the alleged victim.

9 Additional reporting requirements in respect of allegations against Clergy, Religious, Rectors, Vice Rectors, Seminary Staff Members, Members of the Safeguarding Structure, Lay Persons and Volunteers acting in the name of the Catholic Church in England and Wales

- 9.1 This section of the policy and procedure should be read in conjunction with statutory guidance on managing allegations against people working with children⁷, the local HR policies and procedures of the diocese or religious congregation or Order and the Catholic Bishops' Conference of England and Wales' Directory on the Canonical Status of the Clergy (Catholic Truth Society, 2009).
- 9.2 Concerns about conduct which are not safeguarding related and do not meet the criteria for referral to statutory agencies must be referred to the Bishop, Religious Congregation Leader or their delegate for consideration as to whether any further action is required to address the matter. Consideration must always be given to whether it is necessary to notify the Bishop if

⁷ Working together to safeguard children (2018) England and Safeguarding Children: Working Together under the Children Act 2004 (2007) Wales

the individual is linked to a parish or seminary within his diocese, regardless of where the individual is domiciled or incardinated.

- 9.3 In accordance with article 19 of Pope Francis' Apostolic Letter, "*Vos Estis Lux Mundi*", 7 May 2019, it is the policy of the Catholic Church in England and Wales to report to the statutory authorities, all allegations of abuse made against those working in the name of the Church, regardless of whether the allegations or concerns relate to a person's behaviour in relation to their role within the Church or another setting.
- 9.4 This procedure must be applied in all situations where it is alleged that a member of the Clergy or Religious Community, lay persons, and volunteers:
- has behaved in a way that has harmed or may have harmed a child;
 - may have committed a criminal offence against or related to a child; or
 - has behaved towards a child or children in a way that indicates they would pose a risk of harm to children;
 - has behaved in such a way that, by actions or omissions, his or her conduct has been intended to interfere with or avoid civil investigations or canonical investigations, whether administrative or penal, against a cleric or a religious regarding the above⁸.
- 9.5 These behaviours are to be considered within the context of the four categories of abuse (i.e. physical, sexual, emotional abuse and neglect) and include:
- having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see **ss16-19 Sexual Offences Act 2003**); or with someone over 18 that was groomed into the relationship while still a child (i.e., under 18 years);
 - 'grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see **s15 Sexual Offences Act 2003**);
 - other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text / e-mail messages or images, gifts, socialising etc
 - possession of indecent photographs / pseudo-photographs of children.
- 9.6 All images⁹ that appear to be indecent, nude/semi-nude, or abusive (photographic, digital, or other medium) must always be given to the Police to determine whether they are of children

⁸ This means wilfully; a deliberate attempt to interfere with or prevent civil or canonical investigations.

⁹ This includes:

1. Indecent images of children under the Protection of Children Act 1978 which includes:

Indecent photographs

Pseudo photographs

Tracings or

Derivatives of photographs/pseudo photographs

2. Prohibited images of children under S.62 Coroners and Justice Act 2009 which includes:

Computer generated images (CGI)

Cartoons

Manga images

Drawings

3. Possession of Paedophile Manual under S.69 Serious Crime Act 2015 which is defined as 'in possession of any item that contains advice or guidance about abusing children sexually' e.g. include how to produce images/groom

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and whether an offence has been committed. A decision about whether the images are of children must not be taken within the Church.

9.7 In all circumstances:

- the person about whom the allegation is made must not be informed or contacted about the matter until such time that the statutory authorities have agreed this;
- the diocesan Insurance Officer must be informed (this role might be fulfilled by the Financial Secretary or Secretary to the Trustees) and liaised with throughout the process (see table 1 below for responsibilities) at the earliest opportunity
- If the case relates to a member of a religious order, the Religious Order Superior must refer the case to their Insurance Officer;
- The Financial Secretary or Secretary to the Trustees is responsible for notifying insurers and referring matters to the Trustees who must consider whether something is reportable to the Charity Commission as a serious incident;
- the diocesan or congregational designated person e.g. COO/Financial Sec/HR must be informed and liaised with throughout the process (see table 1 below for responsibilities);
- for clergy and religious, the guidance of a qualified canon lawyer should be sought to ensure compliance with the requirements of canon law.

Table 2 sets out the ‘additional’ reporting requirements, beyond referring allegations to statutory authorities.

Table 2 – Additional reporting requirements

Section	Allegation against:	To be immediately advised to:	Actions to be taken within 1 working day:	Others to be advised and other actions:
9.8	Clergy Religious Lay persons, including volunteers (members of the safeguarding structure are dealt with later in the table)	The Safeguarding Coordinator/their delegate, or in their absence the Commission Chair/their delegate, who will inform the Bishop or Religious Congregation Leader.	Inform the Insurance Officer and HR (see section 9.7)	CSAS is to be advised if the Safeguarding Coordinator, their delegate, Commission Chair or Vice Chair cannot be contacted, so that any immediate action to inform statutory authorities and manage risk can be taken. The Bishop or Religious

			<p>Congregation Leader must consider whether the behaviour in question may be subject to canonical penalties and whether the appropriate decrees need to be issued so that ensuing enquiries can be considered as the “preliminary investigation” (stage 1 of the Disciplinary Penal Process for Clerics) required by the canonical penal process in canons 1717-1719 or, in the case of a religious, the investigation required in canon 695§2. At this stage, this enquiry is discharged to the Safeguarding Coordinator who might be required to produce a report that can be used by the Bishop or Religious Congregation Leader for the purposes of the</p>
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				<p>canonical process.</p> <p>The advice of a canon lawyer should be sought.</p>
9.9	<p>UK Rectors, Vice Rectors, or seminary staff members, including the Seminary Safeguarding Representative.</p>	<p>The Safeguarding Coordinator (In England and Wales) for the Seminary must be immediately advised.</p> <p>If the individual reported does not come under 9.8 above, then the case will be coordinated in the usual way, by the Safeguarding Coordinator for the Seminary, based in the UK.</p>	<p>In the case of the Venerable English College (Rome), the Beda College (Rome) and Valladolid (Spain), the Safeguarding Representative of the College will liaise with the allocated Safeguarding Coordinator in England and Wales.</p> <p>For the BEDA and VEC (both in Rome), the Safeguarding Representative for the other college will undertake any tasks required by the Safeguarding Coordinator)</p>	<p>The UK based Safeguarding Coordinator for the Seminary must advise:</p> <ul style="list-style-type: none"> • CSAS (CSAS will inform the Chair of the NCSC) • The Chairman of the Committee of Bishops responsible for the seminary • The Bishop of the individual's diocese • The local ecclesiastic authorities as advised by the Chairman of the Committee of Bishops for the seminary • The relevant diocesan Insurance Officer and liaise with them throughout the process

9.10	<p>a) Cardinals, Patriarchs, Bishops and Legates of the Roman Pontiff;</p> <p>b) clerics who are, or who have been, the pastoral heads of a particular Church or of an entity assimilated to it, Latin or Oriental, including the Personal Ordinariates, for the acts committed <i>durante munere (while in office)</i>;</p> <p>c) clerics who are or who have been in the past leaders of a Personal Prelature, for the acts committed <i>durante munere</i>;</p> <p>d) those who are, or who have been, supreme moderators of Institutes of Consecrated Life or of Societies of Apostolic Life of Pontifical right, as well as of monasteries <i>sui iuris</i>, with respect to the acts committed <i>durante munere</i>.</p>	<p>The Safeguarding Coordinator must immediately inform CSAS.</p> <p>CSAS will review the information provided and where it fulfils the criteria set out in section 9.4, inform the Metropolitan of the province where the person reported is domiciled and the Chair of the NCSC.</p> <p>The Metropolitan of the province where the person reported is domiciled will inform the Holy See.</p> <p>If the reported concern is about the Metropolitan, or the Metropolitan See is vacant, it is forwarded by CSAS to the senior suffragan Bishop by promotion, to whom, if such is the case, the provisions regarding the Metropolitan apply. The Senior Suffragan Bishop will inform the Holy See.</p> <p>If the report concerns a Papal Legate, it shall be transmitted directly to the Secretariat of State.</p>	<p>The Metropolitan Archbishop or Senior Suffragan Bishop who is responsible for ensuring investigation will liaise with CSAS and relevant safeguarding offices as required.</p> <p>Inform the Insurance Officer and HR</p>	<p>With regard to the ecclesiastical investigation, the norms given in Pope Francis' Apostolic Letter, "<i>Vos Estis Lux Mundi</i>", are to be followed.</p>
9.11	Safeguarding Commission member	The Safeguarding Coordinator must immediately inform	The Safeguarding Coordinator will	

		the Bishop or Religious Congregation Leader and the Commission Chair.	inform the Insurance Officer and HR (see section 9.7)	
9.12	Safeguarding Coordinator	<p>The Safeguarding Coordinator must immediately inform the Bishop or Religious Congregation Leader.</p> <p>The Bishop or Religious Congregation Leader will inform the Chair of the Commission.</p>	<p>CSAS will seek the services of another Safeguarding Commission and Safeguarding Office. If necessary, an independent person may need to be appointed, at the expense of the diocese/religious congregation that is responsible for the accused person, if a suitable internal arrangement cannot be made.</p> <p>The Bishop or Religious Congregation Leader Will Inform the Insurance Officer and HR (see section 9.7)</p>	
9.13	Safeguarding team member or a safeguarding representative	The Safeguarding Coordinator must be immediately notified. The Safeguarding Coordinator will advise the Bishop or Religious Congregation Leader	<p>CSAS is to be informed</p> <p>The Safeguarding Coordinator and Bishop or Religious Congregation Leader must consider whether it is</p>	

			<p>appropriate to seek the services of another Safeguarding Office via CSAS.</p> <p>The Safeguarding Coordinator will inform the Insurance Officer and HR.</p>	
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For more information, see:

[Information Sheet - Issuing of Decrees](#)

[Information Sheet - Disciplinary Penal Process for Clerics](#)

[Information Sheet – Responsibilities of dioceses and religious orders towards clergy and religious against whom allegations have been made](#)

10 Management of Allegations and Concerns where there remains a concern following acquittal, a decision not to prosecute or no further action from Statutory Authorities¹⁰

- 10.1 Where allegations have been made and there is an acquittal, a decision not to prosecute or no further action from statutory agencies and there remains a concern, or following a conviction, or in any context or set of circumstances where there is uncertainty about the level of risk posed to children or adults at risk, the Church will consider what actions need to be taken to protect children from potential harm. This might include making further enquiries or undertaking an investigation or assessment by a suitable professional who is independent of the Church.
- 10.2 ‘Independent investigation’ refers to the process of making enquiries into a matter, usually after statutory investigation has taken place, by professionals who are independent of the Church and who are suitably qualified and experienced in this work where there are concerns about a person’s behaviour or risk to children or vulnerable adults.
- 10.3 ‘Independent specialist assessment’ refers to the process carried out by expert professionals who are independent of the Church and who are suitably qualified and experienced to undertake assessments which might include, but are not limited to, ‘risk assessments’ or ‘forensic psychological assessments’ in relation to sexual behaviour or where relevant, other specific behaviours.

¹⁰ The Cumberlege Commission Report 2007, ‘Safeguarding with Confidence’, identified the need for a procedure for managing situations when criminal investigations or proceedings against an alleged abuser, who is a child acting in some capacity within any parish, Religious Congregation or other setting within the Catholic Church in England and Wales, results in either an acquittal or a decision not to prosecute and there remains a concern. It also identified the need for an internal enquiry of allegedly inappropriate conduct which does not amount to a crime, but where the position of an accused person within the Church has to be reviewed.

- 10.4 The commissioning of independent investigation and assessment is applicable to members of the Clergy (bishops, priests, and deacons) and Religious (members of Institutes of Consecrated Life and Societies of Apostolic Life) for whom the Church has a specific responsibility in Canon Law.
- 10.5 The Church also has a responsibility towards its employees, which is regulated according to local policies, procedures, and employment legislation. Where it is determined by the employer that it is appropriate to commission an independent assessment or independent investigation, these procedures can be applied. It is the responsibility of the employer to refer relevant cases to the DBS and the decision to do so should be taken in consultation with the human resources department where this exists.
- 10.6 The Church has a responsibility for people who volunteer for a variety of tasks within the Church. The Church adopts an approach similar to employment with regard to recruiting and managing volunteers, however this relationship is necessarily distinct and is not one of employer and employee.
- 10.7 When a person who volunteers within the Church is employed elsewhere and their work brings them into contact with children or adults at risk, it is the responsibility of their employer to decide what action should be taken in respect of their employment. Where concerns arise, the Church will decide whether to inform an employer on the advice of the statutory agencies to which the matter has been referred for investigation. A decision must also be made about continuing in the voluntary role.
- 10.8 The following procedures are to be applied in circumstances where there remain concerns about the person’s conduct with children that require further consideration in relation to their role within the Church:
- where the allegations have been investigated by the Police, but no charges have been pressed; or
 - the accused person has been acquitted of criminal charges; or
 - the allegations are not such as to necessitate a Police or statutory agency investigation.

Table 3 – procedures where there remain concerns about a person’s conduct with children that require further consideration in relation to their role within the Church

Actions		Other considerations	Person responsible
<p>10.8.1 - Initial assessment of the Situation</p> <p>Consider the range of available information and consult with the statutory authorities involved and determine whether there is evidence to suggest the accused person may present a safeguarding risk</p>		<p>The Police Investigating Officer is likely to have information about the circumstances of the allegation that might not have been put forward for consideration by a Court.</p>	<p>Safeguarding Coordinator</p>

<p>10.8.2</p> <p>The Safeguarding Coordinator will consult with the Safeguarding Commission, advising the views of the statutory authorities and decide whether:</p> <ol style="list-style-type: none"> 1. no further action is necessary; or 2. further action is necessary and there is available information from which to make recommendations to the Bishop or Religious Congregation Leader; or 3. there is insufficient available information from which to make recommendations and further enquiries, investigation or specialist independent risk assessment is required. <p>A written record of the Commission’s decision-making process and rationale must be placed on the case file and the accused and complainant (where appropriate) are to be updated.</p>		<p>If no further action is necessary, the Bishop or Religious Congregation Leader or their delegate and the Insurers, can be advised of this, along with the rationale for recommendation.</p> <p>Where either 1 or 2 apply this can conclude stage 1 (Preliminary Investigation) of the Disciplinary Penal Process.</p> <p>If further action is required and there is relevant information available, recommendations can be made to the Bishop or Religious Congregation Leader who will proceed with stage 2 (Conclusion of the Preliminary Investigation), and where relevant any subsequent stages of the Disciplinary Penal Process.</p> <p>For more information see Information Sheet - Disciplinary penal process for clerics</p> <p>Wherever there remains uncertainty as to the level of risk posed, an independent specialist assessment should be commissioned.</p>	<p>Safeguarding Coordinator</p> <p>Safeguarding Commission</p>
<p>10.8.3</p> <p>If further enquiries, investigation, or specialist independent risk assessment is warranted:</p>		<p>If further enquiries, investigation of specialist independent assessment is anything other than a paper-based exercise, liaise with the diocesan or congregation insurers so</p>	<p>Safeguarding Coordinator</p>

<ul style="list-style-type: none"> • advise the Bishop or Religious Congregation Leader or their delegate; • update the Insurance Officer, Financial Secretary or Secretary to the Trustees, and HR department, so that the Insurance Officer can update the insurers and ongoing consideration can be given to the need for Trustees to notify the Charity Commission; 		<p>that they are informed and can consider and advise upon any potential insurance implications.</p> <p>In all cases where a civil claim has been intimated or commenced involving allegations against the accused person, when notified of the intention to institute further enquiries/investigation/assessment, the Insurance Officer must liaise with the insurers, and with any solicitors appointed by the insurers, to agree how best to approach further enquiries/investigation/assessment. The Insurance Officer must then notify the Safeguarding Coordinator of the agreement reached. If agreement cannot be reached, the matter must be referred to the Trustees and to the Bishop or Religious Congregation Leader by the Safeguarding Commission for a decision as to how to proceed.</p>	
<p>10.8.4 - Initiating further enquiries, investigation and/or specialist independent risk assessment</p> <p>The Commission, informed by conclusions/recommendations of any other investigative/assessment reports, and the views of the relevant statutory authorities, will recommend whether it is appropriate for the Safeguarding Coordinator to</p>		<p>If the Safeguarding Coordinator is making further enquiries or investigating, and there is a perceived conflict of interest, expressed by the accused person, the Commission, the Bishop or Congregation Leader or external agencies (this is not an exhaustive list), can seek to identify a Safeguarding Coordinator from another diocese or religious congregation to</p>	<p>Safeguarding Coordinator Safeguarding Commission</p>

<p>make further enquiries or whether it is necessary to commission an independent person.</p>		<p>make the enquiries and complete the process of taking a report to the Safeguarding Commission.</p>	
<p>10.8.5</p> <p>Commissioning Independent Investigators and Assessors</p> <p>Consult CSAS for a list of names and contact details of assessors and investigators.</p> <p>If it is not possible to commission a person or an organisation from the list held by CSAS, it is the responsibility of the Safeguarding Commission to ensure that the individual or organisation that is appointed provides information about relevant knowledge, experience and skills.</p> <p>See Annex C for criteria</p>		<p>The same investigator or assessor should not be used repeatedly within a diocese or religious congregation to avoid any potential for the development of impartiality over time.</p> <p>The diocese or religious congregation makes the final decision about who to appoint and is responsible for commissioning the work.</p> <p>Where an investigator or assessor is appointed and they would like to be considered for inclusion on the list of investigators/assessors held by CSAS, their contact details should be sent to CSAS.</p>	<p>Safeguarding Coordinator in consultation with CSAS</p>
<p>10.8.6</p> <p>Meetings discussions or correspondence between the commissioner (delegated to Safeguarding Coordinator) and investigator or assessor to clarify that there is no conflict of interest with the appointment, and agree scope, specific questions to be asked and arrangements including timescale, payment and expenses, and confirmation of insurance cover.</p> <p>For assessments, meeting, discussions, or</p>		<p>Maintain confidentiality in terms of the names of the person concerned until it is established that the investigator/ assessor can fulfil what is required.</p> <p>The expectations to be addressed during meetings/correspondence and finalised in the Agreement are set out at Annex D.</p>	<p>Safeguarding Coordinator</p>

correspondence involving the subject of the assessment.			
<p>10.8.7</p> <p>Letter of instruction from the Bishop/Congregation Leader to the selected investigator/assessor, including the ‘Standard contractual agreement for independent investigations and independent specialist assessments commissioned by the Catholic Church in England & Wales’ (the Agreement).</p>		<p>If the ‘Standard contractual agreement’ is not used, it is recommended that the Agreement also addresses the headings used in the standard Agreement.</p> <p>The process described in the standard contractual agreement should be used to deal with any dissatisfaction with the quality of the work undertaken by the independent investigator/assessor.</p> <p>CSAS should be advised when there are concerns about the practices or quality of work produced by an independent investigator/assessor for the purpose of maintenance of the central register of investigators/assessors, and/or if a second opinion is required on the work produced by the investigator/assessor.</p>	<p>Safeguarding Coordinator</p> <p>Bishop/Congregation Leader or their delegate</p>
<p>10.8.8</p> <p>For assessments – there must be a written Agreement between the assessor and subject of the assessment.</p>		<p>The expectations to be addressed are set out at Annex E.</p>	<p>Assessor and subject of assessment</p>
<p>10.8.9</p> <p>All relevant files held within the diocese or religious congregation will be made available for scrutiny.</p> <p>Liaise with the Local Authority Designated Officer to request</p>		<p>Where the Safeguarding Coordinator is unsure about any aspect of information-sharing from a data protection perspective, legal advice must be sought.</p>	<p>Safeguarding Coordinator</p>

<p>disclosure of relevant documents, information is shared, and ensure that the concerns of statutory agencies are understood and considered.</p>			
<p>10.8.10 Refusal by the person concerned to participate in the investigative or assessment process.</p>		<p>See below for information about canonical considerations in respect of independent assessment.</p>	<p>Safeguarding Coordinator reports to Safeguarding Commission which will make recommendations to the Bishop/Congregation leader as to next steps.</p>
<p>10.8.11 - Sharing the investigation or assessment report Before the report is finalised, the investigator/assessor will apprise the subject of its contents in a face to face meeting and note any factual inaccuracies or objections. The subject will also receive a copy of the final report.</p>		<p>For investigations, produce an Executive Summary report that is anonymised (does not include any personal data) and can be shared with individuals who have contributed to the investigation process, including the victim/survivor. The Executive Summary should identify where things went wrong, what needs to happen to make improvements and any recommendations made.</p> <p>Independent assessment reports in relation to individuals who are accused of abuse will not be shared with anybody other than the subject of the report and those who need to know for the purpose of making decisions in relation to their ministry or role within the Church.</p>	<p>Safeguarding Coordinator</p>

		<p>Individuals can make a subject access request if they wish to access the personal information held on them as part of the investigation or assessment process.</p> <p>Any representations from the individuals concerned must be submitted in writing to the Safeguarding Commission, along with the report.</p>	
<p>10.8.12 - Reporting to the Safeguarding Commission</p> <p>A report, along with any representation (derived from the process) from the accused person, complainant/victim or witnesses, should be submitted to a sub-group of the safeguarding commission within 3 months of an agreed start date and exceptionally, within 6 months if the case is particularly complex. The sub-group will consider the report and other available information before making recommendations to the Bishop or leader of the religious congregation or their delegate.</p>		<p>An experienced Chair and members may be drawn from existing members of the Commission, or the Chair of the commission can appoint members of other safeguarding commissions and/or competent persons to constitute some or all the sub-group membership.</p>	<p>Commission Chair</p>
<p>10.8.13</p> <p>The written recommendations of the sub-group, together with the rationale for their conclusions, must be sent to the Bishop or Religious Congregation Leader, the accused person and the Commission within 5 working days of the meeting, advising no further action if there is no basis to support any concerns.</p>		<p>Employment procedures are to be followed if a decision if the employment status of an employee could be affected.</p>	<p>Safeguarding Commission</p> <p>Safeguarding Coordinator</p>

<p>10.8.14</p> <p>Once it has been determined that a review has not been requested by the accused person or the Bishop or Religious Congregation Leader, inform the victim/complainant of the recommendations before making a decision concerning the appropriate action to be taken.</p>		<p>Consideration will need to be given to the role of the parents/carers, how the recommendations will be communicated, and the support needs of the victim/complainant.</p>	<p>Bishop or Religious Congregation Leader</p>
<p>10.8.15 - Review of Recommendations of the Commission</p> <p>A review can be requested by:</p> <ul style="list-style-type: none"> • the accused person, or • the victim/complainant. <p>The Bishop or Religious Congregation Leader can request a review if:</p> <p>a) If he/she is dissatisfied with the recommendation of the Commission and has decided not to request the Commission to undertake further enquiries;</p> <p>b) If the Commission has decided that there is no issue to investigate or not to proceed further with a complaint, and a written request for a review has been received from the victim/complainant;</p> <p>c) If the victim/complainant has expressed concerns in writing about the course of action recommended at the completion of a full enquiry.</p>		<p>Recommendations which have already been the subject of a written decision by the Bishop or Religious Congregation Leader or situations where no recommendations are made cannot be subject to review.</p> <p>Any recourse or appeal to the Holy See against the decision of the Bishop or Religious Congregation Leader must be made in accordance with the canonical processes set out in the Code of Canon Law and other canonical legislation.</p> <p>If after requesting a review the victim/complainant decides to withdraw the request, this may only be acceded to with the written consent of the Bishop or Religious Congregation Leader.</p>	<p>The Safeguarding Coordinator immediately notifies the Bishop or Religious Congregation Leader.</p>

<p>The Safeguarding Coordinator must be notified in writing of an intention to seek a Review within 10 working days of receiving the Commission's recommendation.</p>			
<p>10.8.16</p> <p>The decision to hold a review must be taken within 10 working days of receipt of notification of the request for a Review and then notified to CSAS within 3 working days.</p> <p>In discussion with CSAS, a Review Panel is selected from the register of available panel members held by CSAS, to review the evidence of the case and the process of enquiry, bearing in mind the rights of the accused person, the requirements of canon law where appropriate and the duty to act fairly.</p> <p>The Panel composition including appointment of the Chair will be finalised within 10 working days of CSAS being contacted.</p>		<p>The Panel will usually consist of three members (exceptionally five should the nature and complexity of the case require this) and should include or have access to a Canon Lawyer.</p> <p>The diocese or Religious Congregation Leader is responsible for all costs associated with convening a Review Panel including Panel members' fees and expenses.</p>	<p>Bishop or Religious Congregation Leader</p> <p>CSAS</p>
<p>10.8.17</p> <p>The Safeguarding Coordinator provides the information considered by the Safeguarding Commission to the Review Panel.</p> <p>Before the Review Panel meets, if it is in receipt of information that should have been made available to the Commission at the original determination or was not available at the time, but had it been, it might have affected the recommendations, it must</p>		<p>The Review Panel must ensure that if it receives information that was not submitted to statutory agencies at the time but should have been, that this information is referred to the relevant agency.</p> <p>Documentation will not ordinarily be sent to the victim/complainant or their parent or guardian. Individual requests for disclosure of</p>	<p>Safeguarding Coordinator</p> <p>Review Panel Chair</p> <p>Safeguarding Commission</p>

<p>be referred back to the Safeguarding Commission for reconsideration. The Commission can review its recommendations in the light of the new information and alter them if necessary.</p>		<p>documentation however will be considered on their merits and must be agreed between the Bishop or Religious Congregation Leader and Chair of the Review Panel. Decisions about disclosure must have regard to the General Data Protection Regulation 2016 and the Data Protection Act 2018. Where there is any doubt, legal advice must be sought.</p>	
<p>10.8.18</p> <p>Written submission can be made to the Review Panel, including perceived inaccuracies in reporting and/or arguments in mitigation, no later than 10 working days before the Review Panel is scheduled to meet.</p>		<p>There is no requirement to respond to representations other than to acknowledge receipt.</p>	<p>The accused person or their representative.</p>
<p>10.8.19</p> <p>The Review Panel must meet at least once prior to coming to a decision concerning the Commission's recommendations and should reach its conclusion within 4 months of being established.</p>		<p>If necessary, the Review Panel can request further enquiries are made by the Commission before reaching a decision, making explicit the nature of the further enquiries to be undertaken and the timetable for completing these enquiries.</p>	<p>Review Panel Safeguarding Commission</p>
<p>10.8.20</p> <p>The Review Panel will make its recommendation on the balance of probabilities, by consensus or majority decision.</p> <p>The recommendation and reasons must be recorded by the Review Panel Chair in writing and notified to the</p>			<p>The Review Panel</p>

<p>Bishop or Religious Congregation Leader, the victim/ complainant, the person accused and the Safeguarding Commission within 10 working days of the final meeting.</p> <p>The Review Panel Chair, or his or her nominee on the Review Panel, will also maintain a record of the process of the review (see the National Review Protocol Monitoring Template and the National Review Protocol Report Template), which is to be signed by all members of the Review Panel and a copy of both sent to CSAS.</p>			
<p>10.8.21</p> <p>The Bishop or Religious Congregation Leader must decide as to the appropriate course of action within 20 working days. This decision must be given in writing (canon 1718).</p> <p>CSAS is informed of the decision and will inform the Review Panel members as to the outcome.</p>			<p>Bishop or Religious Congregation Leader</p> <p>CSAS</p>
<p>10.8.22</p> <p>If the accused person or the victim/their parent or guardian or the complainant has any complaints to make about the Review Panel process, these must be made to the Bishop or Religious Congregation Leader who will consider the complaint and respond.</p>			<p>Complainant</p> <p>Accused person</p> <p>Bishop or Religious Congregation Leader</p>

The detailed responsibilities of the Safeguarding Coordinator, Bishop or Religious Congregation Leader, Review Panel Chair and members are set out at Annex B

10.9 Canonical considerations in respect of specialist independent risk assessments

- 10.10 The Bishop or the Major Superior govern the diocese or lead their institute in accordance with Canon Law and the statutes of the relevant institute (cc381, 620, 630). They are bound to foster discipline, promote unity and the common good (c223) whilst protecting the right to a good reputation and privacy (c220).
- 10.11 Although there is no specific requirement in Canon Law for anyone to undergo professional risk assessment, the Bishop or Major Superior are supported by collaborators from among the clergy, religious and lay people. The Bishop or Major Superior in protecting the common good must consider the suitability of any persons engaged in the apostolate either for a specific role or for continuing in a specific role including ecclesiastical office and the way in which any task is undertaken. The Bishop or Major Superior may avail themselves of professional assessments in making such a determination.
- 10.12 Where an individual declines to undergo professional risk assessment the Safeguarding Coordinator will present all the available information to the Safeguarding Commission who will then make recommendations to the Bishop or Major Superior. The Bishop or Major Superior will then make a determination regarding the individual's suitability prioritising the welfare of children and adults at risk as well as the wider community.

11 Temporary removal from Ministry, Ecclesiastical Office, or other Post

- 11.1 Temporary withdrawal from active ministry must be carefully distinguished from the canonical penalty of suspension. The Code of Canon Law does not recognise any right on the part of the Diocesan Bishop to "suspend" a cleric from active ministry pending any form of investigations, other than during the course of a penal trial (can 1722). Thus, there is no provision in the Code for what has come to be called "administrative leave".
- 11.2 There are occasions during an investigation when there is a need to protect the freedom of witnesses, safeguard the course of justice and prevent scandal¹¹, so a temporary withdrawal from ministry, ecclesiastical office or other post within the Church is necessary.
- 11.3 Temporary removal ministry, ecclesiastical office or other post is a neutral act and does not imply 'guilt'; it should be considered as both a protective action and as an act to facilitate the progress of enquiries and investigation.
- 11.4 The decision to temporarily remove a person from ministry, ecclesiastical office or other post should not be automatic but must be taken in consultation with statutory agencies. Any decision not to temporarily remove a person from ministry, ecclesiastical office or other post whilst enquiries and investigation are underway must be supported by the written agreement of the statutory authorities involved with the case and must be ratified by the Safeguarding Commission. There must also be Safeguarding Plan in place (see section 12)
- 11.5 Where temporary withdrawal from active ministry is deemed necessary by the Ordinary, the first step should always be to seek such a withdrawal on a voluntary basis. Only if voluntary

¹¹ Catechism of the Catholic Church article 2284 – "Scandal is an attitude or behaviour which leads another to do evil. The person who gives scandal becomes his neighbour's tempter. He damages virtue and integrity; he may even draw his brother into spiritual death. Scandal is a grave offence if by deed or omission another is deliberately led into a grave offence".

withdrawal cannot be achieved should the Ordinary resort to disciplinary measures in accordance with the provisions of the Code to limit the ministerial activity of the cleric. These measures must be imposed by way of precept.

11.6 In all cases, the cleric concerned is entitled to the following:

- i. a statement of the decision in writing.
- ii. the reason for the request or requirement to withdraw from active ministry.
- iii. a statement that the withdrawal is a neutral act.
- iv. legal and canonical representation¹²
- v. details of agreements regarding what information to be placed in the public domain.
- vi. confirmation that temporary withdrawal from active ministry does not constitute removal from office.
- vii. information regarding remuneration and residence during the time of withdrawal.
- viii. an initial review date of the situation.

11.7 When temporary withdrawal takes place as a result of an allegation involving the safeguarding of children and vulnerable adults, the cleric has all the entitlements above (i to viii) and in addition, the following must be observed:

- (i) With regards to clause (ii), the individual is entitled to know that an allegation has been received, and that it is an allegation relating to the safeguarding of children or adults. However, the details cannot be passed on at this point and it is necessary for close liaison with statutory authorities to ensure that information passed to the subject of the allegation does not interfere with a police investigation process.
- (ii) The individual is to be given a copy of the Safeguarding Plan setting out the details of the restrictions placed on him during temporary withdrawal, as drawn up by the Safeguarding Coordinator/Officer and approved by the Ordinary.

11.8 Where temporary withdrawal from active ministry is either not possible or inappropriate, the Diocesan Bishop may consider taking the following disciplinary measures:

- (i) For a cleric who holds no ecclesiastical office in the diocese, any previously delegated faculties may be administratively removed (can 391§1, 132§1, 142§1171), while any de lege faculties may be removed or restricted by the competent authority as provided in the law (e.g. can 764).
- (ii) He may also judge that the circumstances surrounding a particular case constitute a “good and reasonable cause” for a priest to celebrate the Eucharist with no member of the faithful present (can 1734§1).
- (iii) He may regulate the rights of the cleric in accordance with canon 223§2.

11.9 For employees, the HR department must be consulted before taking any action in respect of temporary withdrawal from post.

11.10 In some cases, it might be necessary to issue a public statement about temporary removal from role. Any such communication must be agreed with the Police or local authority

¹² The Bishop or Congregational leader are under no obligation to pay anything towards legal or canonical representation and any such payment would have to be agreed firstly by the Trustees to ensure it is an appropriate use of money.

Designated Officer. All communications arising out of or in connection with the process, and the process itself, must be confidential and must not be subject to any public statement concerning the nature, cause or status of the investigation, without the consent of the accused person.

12 Cross-boundary placements

- 12.1 On occasions, it may be necessary to move Diocesan Clergy or members of religious congregations from their diocese or religious house and locate them elsewhere. The purpose of such a move may be to protect children and adults, safeguard the course of justice, protect the freedom of witnesses, and prevent scandal¹³.
- 12.2 The move may be temporary (e.g. at the outset of an investigation) or permanent (e.g. at the conclusion when a decision has been reached by the Bishop or Congregation Leader as to future ministry.)
- 12.3 Where an allegation is subject to statutory investigation and strategy discussions or meetings, agreement must be sought from statutory authorities as to whether it is necessary to move the accused to a different location.
- 12.4 Once agreed, placement arrangements should be progressed as quickly as possible, and suitable timescales must be agreed in writing among all parties. Throughout the process, the subject of the proposed move will be kept informed of the process being undertaken.

Table 4 – Procedures for securing cross-boundary placements

Action	Person responsible
12.5 Consider the needs of the accused person in respect of a suitable placement, though the primary consideration is the safety and welfare of those potentially at risk. Presbyteries are not usually a suitable location.	Safeguarding Coordinator
12.6 Consult with the Safeguarding Coordinator and receiving Bishop of Congregation at the outset of the search for a placement, sharing all relevant details regarding the allegations, concerns, and history (in writing as well as verbally).	Safeguarding Coordinator of originating diocese/religious congregation
12.7 Risk assessment of suitability of proposed placement undertaken and shared with Safeguarding Coordinators of originating and receiving diocese/religious congregation, taking	Those in charge of the proposed placement and Safeguarding Coordinator of receiving diocese/congregation

¹³ Catechism of the Catholic Church article 2284 – “Scandal is an attitude or behaviour which leads another to do evil. The person who gives scandal becomes his neighbour’s tempter. He damages virtue and integrity; he may even draw his brother into spiritual death. Scandal is a grave offence if by deed or omission another is deliberately led into a grave offence”.

<p>into consideration all information about the circumstances of the case, and any existing written agreements/Safeguarding Plans regarding restrictions in force.</p> <p>Recommendation to the receiving Bishop or Congregation Leader.</p>	
<p>12.8 If a placement is suggested by the subject of the allegation and/or is a placement in a family context (parents, relatives or friends), risks must be fully identified and comprehensive information shared, both verbally and in writing with those providing the placement. The risk assessment will be undertaken by the originating diocese/religious congregation in consultation with the receiving diocese.</p>	<p>Safeguarding Coordinator for the originating diocese in consultation with the Safeguarding Coordinator for the receiving diocese.</p>
<p>12.9 Written confirmation of suitability of the proposed placement, including the circumstances in which the placement may be terminated, will be provided to the originating diocese/religious congregation.</p>	<p>The Safeguarding Coordinator of the receiving diocese or religious congregation.</p>
<p>12.10 Inform the local statutory authorities of the proposed move and the monitoring arrangements.</p>	<p>Safeguarding Coordinator for the originating diocese or religious congregation.</p>
<p>12.11 Inform the person concerned of the decision in writing and provide copies of all written agreements applying to the placement. Written agreements must include arrangements for their review at agreed intervals.</p>	<p>Safeguarding Coordinator for the originating diocese or religious congregation.</p>
<p>12.12 Develop a new Safeguarding Plan or adapt an existing Safeguarding Plan to address:</p> <ul style="list-style-type: none"> • Roles and responsibilities of the originating diocese or religious congregation; • Roles and responsibilities of those in charge of the proposed placement; • Identification of those within the church who need to be informed to ensure the safety of the public (e.g. Parish Priest, Safeguarding Representative) 	<p>Safeguarding Coordinator for the originating diocese or religious congregation, in consultation with the Safeguarding Coordinator for the receiving diocese or religious congregation.</p>

The Safeguarding Plan will be developed and will be shared with the Safeguarding Commissions involved and with the subject.	
12.13 Agree in writing any changes of placement or temporary stays away from the placement	The Safeguarding Coordinator in the originating diocese or religious congregation consults with the proposed receiving diocese/religious congregation and informs the Safeguarding Coordinator in the primary placement diocese/religious congregation of the agreed arrangement.
12.14 In the event of missing and absconding clergy/religious, take appropriate canonical steps to recall such persons to their diocese or community and, if this fails, to secure their dismissal from the clerical state or religious life.	The proper Ordinary or Major Superior
12.15 In such cases, inform the Safeguarding Coordinator in the primary placement and statutory authorities in the relevant area(s) in writing of the circumstances and the (potential) risk posed by the individual.	Safeguarding Coordinator for the originating diocese/religious congregation

13 Safeguarding Plans

13.1 For contextual information about the Church's use of Safeguarding Plans see Annex A.

13.2 When a member of the Clergy or Religious, or a lay person wanting to attend Mass or take part in Church related activities, has had allegations made against them and after investigation concerns remain; where they have been convicted of an offence against a child or adult or where there is no conviction but concerns remain about their conduct towards children or adults, they will be supported to participate in the Church using a Safeguarding Plan. The Safeguarding Plan is not a legally binding document but seeks to encourage the individual to make a commitment to behave in a safe manner within the Church.

13.3 Where the allegation is shown to have been false, malicious, or unsubstantiated and innocence has been clearly established, there should be no requirement to implement a Safeguarding Plan.

13.4 The purpose of the Safeguarding Plan is to:

- Minimise potential risks to and protect the interests of alleged victims and their families;
- Ensure that any potential risks to the person concerned or others which are identified by statutory agencies or other processes, are managed;
- Reduce the potential for further concerns or allegations to arise;
- Support and enable a clear and transparent investigation process that cannot be unduly influenced by the person concerned;
- If relevant and necessary, determine what aspects of ministry, office, or role the person concerned will be required to withdraw from;

- Identify practical and emotional support for the person concerned including for Clergy and Religious, a suitable place to reside or a suitable community to belong to;
- Identify and agree the roles and responsibilities of identified personnel from within Church and other involved external agencies.

13.5 It is recognised that not all the above will apply in every situation.

13.6 By signing and adhering to the Safeguarding Plan, there is not a presumption of guilt on the part of the diocese or Religious Congregation.

13.7 The Safeguarding Plan must be informed by a process of identifying risks or potential risks. This can be done using the Risk Information Framework¹⁴ (Annex B) or using a different method that clearly identifies the areas of risk to others and the subject of the Safeguarding Plan.

13.8 The views of the accused person and, where appropriate, the views of the person who has been harmed, made the allegations, or raised the concern will be sought and included in the Safeguarding Plan.

Circumstances for developing a Safeguarding Plan

13.9 This is not an exhaustive list and other circumstances might arise where it is appropriate to use this process.

13.10 Members of the Clergy or Religious:

- When there are significant concerns or allegations which indicate a possible risk of harm to others;
- Where the person concerned is subject to any current investigation (internal or by statutory authorities) or assessment of risk for a safeguarding matter;
- Where the person concerned has been temporarily withdrawn from ministry or their apostolate, pending the conclusion of enquiries into allegations;
- Where post investigation or assessment, no further action is taken by statutory agencies and concerns remain but not such that the person concerned should be dispensed from the obligations of the clerical state or dispensed from vows;
- Where the person concerned is charged with an offence which is not pursued but concerns remain;
- Where the person concerned has been prosecuted but not convicted but concerns remain;
- Where the person concerned has been convicted for offences involving children or adults at risk;
- Where the person concerned has been dispensed from the obligations of the clerical state or dispensed from vows because of safeguarding concerns but wishes to continue to attend Mass, where others might be at risk.

13.11 When a member of the Clergy or Religious has returned to the lay state, the policy and procedure for lay persons should be followed.

13.12 Lay persons who wish to attend Church/Church related activities:

¹⁴ This is not a comprehensive specialist risk assessment in respect of current or future risk of reoffending or the behaviour reoccurring.

- If there are significant concerns or allegations which indicate a possible risk of harm to others;
- Where an individual is subject to a current investigation or assessment of risk for a safeguarding matter;
- Where post investigation or assessment, concerns remain;
- Where an individual is charged with an offence which is not pursued but concerns remain;
- Where an individual has been prosecuted but not convicted and concerns remain;
- Where an individual has been convicted of a sexual or violent offence, is released from custody, and is planning to worship within a parish or at an identified Church.

Risk Information

13.13 Risk information must be identified to inform a Safeguarding Plan. The Risk Information Framework (See Annex B) is the nationally agreed tool and is intended to be completed by the Safeguarding Coordinator¹⁵ using information gathered from the person concerned and other available information e.g. specialist assessments, reports, minutes and interviews where it is lawful for the information to be shared and included.

13.14 It is recognised that it might not be necessary or appropriate to complete the Risk Information Framework in every case. If the Risk Information Framework is not used, risks must still be clearly identifiable on case records so that they can be linked to any restrictions or supports identified in the Safeguarding Plan.

13.15 Where there are current specialist assessments in existence e.g. those by statutory agencies or other professionals, these should be used to inform the risk identification process and development of the Safeguarding Plan. The appropriateness of inclusion of information from other agencies or individuals should be confirmed with them first.

13.16 Unless formally agreed (and recorded) otherwise, it is the diocese in which the priest is incardinated or the Religious Congregation to which the Religious belongs, which is the responsible authority for drawing up, managing and reviewing a Safeguarding Plan.

Action	Other considerations	Person responsible
<p>13.17</p> <p>For clergy and religious, inform the Bishop or Religious Congregation Leader where the member of clergy is incardinated or who is responsible for the individual, of the need for a Safeguarding Plan.</p> <p>Collaborate with other relevant Safeguarding Coordinators.</p>	<p>Regardless of where ministry is taking place or where the person is living.</p> <p>If the subject of the Safeguarding Plan is ministering and/or living elsewhere, the Safeguarding Coordinator for the diocese/religious congregation responsible for the subject of the Safeguarding Plan will</p>	<p>Safeguarding Coordinator for the diocese/religious congregation responsible for the subject of the Safeguarding Plan</p>

¹⁵Throughout ‘Safeguarding Coordinator’ refers to those fulfilling this role in both the Religious and diocesan context

	<p>collaborate with the Safeguarding Coordinator(s) in the dioceses or Religious Congregations that the person is ministering and/or living in</p>	
<p>13.18 Set up the Safeguarding Plan meeting involving the person concerned and key individuals and agencies who have relevant information or may be involved in applying restrictions or support, ensuring they understand the purpose, the need to contribute information and potentially provide services or resources to support the plan. This might include sending the Information-Sheet-Safeguarding-Plans</p> <p>The Safeguarding Plan can be drafted in advance of the meeting, using the relevant template from those linked beneath this table. Not all parts of the template will need completing in each case and it may be necessary for the Safeguarding Coordinator to add/remove parts according to the specific circumstances of the person concerned.</p> <p>Where specific information cannot be obtained, this must be recorded as not available or not provided.</p> <p>The person concerned can bring somebody along for support if they choose to do so and should be informed of this, prior to the meeting¹⁶.</p> <p>The chair of the Safeguarding Plan meeting will clarify those aspects</p>	<p>This might include Police, Prison and Probation Services, the Prison Chaplain, MAPPA representatives, the Safeguarding Representative, Religious Safeguarding Representative, Parish Priest, Religious Superior and family members or friends (this list is not exhaustive).</p>	<p>Safeguarding Coordinator for the diocese/religious congregation responsible for the subject of the Safeguarding Plan who will also usually chair the meeting.</p>

¹⁶ For Clergy and Religious, it can be appropriate but not necessary to have a canon lawyer present for support. If a canon lawyer is to represent the person concerned in a formal capacity, they must be formally appointed as an advocate by the Bishop or Religious Superior of the person concerned.

<p>of the Safeguarding Plan that can be negotiated and those that cannot.</p>		
<p>13.19</p> <p>The Safeguarding Plan meeting must agree which diocese or Religious Congregation will assume day to day responsibility for implementation and oversight of the Safeguarding Plan, or who will be responsible for aspects of the Safeguarding Plan.</p> <p>The Safeguarding Plan must specify:</p> <ul style="list-style-type: none"> • what a person can attend and restrictions such as when, where, with whom, at what time and how they must conduct themselves (Each restriction should relate to specific risk(s), so that over time the Safeguarding Plan can be reviewed and altered when risks or potential risks are removed, decrease, increase or new risks are identified); • who will contribute to the monitoring of the Safeguarding Plan, for example by attending the same mass and reporting back on how well the Safeguarding Plan is being put into practice. The person concerned should be notified that this arrangement is being put in place and reassured that not everybody is aware of their circumstances and is observing them. Such an arrangement might be necessary at the start of implementation of a Safeguarding Plan or if there are concerns about 	<p>Information must be shared with the Parish Priest and/or other relevant persons if the individual is participating in faith related activities where they might pose a risk to others, so that risk can be assessed and managed.</p> <p>If appropriate, the day to day operational management of the Safeguarding Plan might transfer to the diocese or Religious Congregation where the person concerned is ministering and/or living (the ‘managing’ diocese/religious congregation).</p>	<p>The Safeguarding Coordinator(s) responsible for the subject of the Plan and responsible for the diocese/religious congregation that the individual is ministering or living in.</p>

<p>compliance with the terms of the Safeguarding Plan;</p> <ul style="list-style-type: none"> • who is responsible for ensuring that the person concerned is adhering to the conditions of the Safeguarding Plan and what will happen if the conditions are not adhered to; • the support that the person concerned will receive from within the Catholic community. This might include providing for spiritual, theological, and sacramental needs, and supporting participation in the life of the Church. 		
<p>13.20</p> <p>Consider whether it is appropriate and, if so, how the views of the victim/survivor are included in the formulation of the Safeguarding Plan.</p>		<p>Safeguarding Coordinator for the diocese/religious congregation responsible for the subject of the Safeguarding Plan, in consultation with the victim/survivor and/or others who may be involved in providing support to the victim/survivor.</p>
<p>13.21</p> <p>The Safeguarding Plan must be signed by the subject, their Bishop/Religious Congregation Leader and others who are contributing to the day to day management of the plan.</p> <p>Refer refusal by the subject to sign to the Safeguarding Commission and take canonical/civil legal advice, as necessary.</p> <p>Provide a copy of the Risk Information Framework and Safeguarding Plan to all parties participating in the process.</p>	<p>Refer employees who refuse to sign or abide by the Safeguarding Plan to the employer.</p> <p>Refer clergy and religious who refuse to sign or abide by the Safeguarding Plan to the Bishop or Congregation Leader.</p> <p>The MAPPA Coordinator should be informed of all Safeguarding Plans in place for individuals who have been convicted of sexual or violent offences.</p> <p>Where adherence to a Safeguarding Plan is a condition of any licence</p>	<p>Safeguarding Coordinator for the diocese/religious congregation responsible for the subject of the Safeguarding Plan.</p>

	<p>conditions and the Safeguarding Plan is breached, the breach will be advised to the statutory bodies with responsibility for overall management of the person concerned.</p>	
<p>13.22</p> <p>Establish the Safeguarding Plan review timetable, where possible, setting dates set in advance and recorded in the Plan.</p> <p>As a minimum, the Safeguarding Plan should be reviewed at the following milestones:</p> <ul style="list-style-type: none"> • When initial enquiries are completed; • When investigation by statutory authorities commences or concludes; • When a decision is taken that there is to be no further action by the Police; • Where somebody reoffends or additional concerns/allegations are raised; • Where somebody moves to a different diocese or Religious Congregation (the matter must be notified to the Safeguarding Coordinator for the receiving diocese/Religious Congregation); • When new or contradictory information comes to light; • When a concerned party to the Safeguarding Plan wants to change some of the arrangements that were initially agreed; • Annually; • Where a key party to the Safeguarding Plan changes. 	<p>For Clergy and Religious, the review is a formal requirement that takes place face to face and involves their superiors or delegate.</p> <p>For Lay persons, usually the review of the Safeguarding Plan will involve the person concerned, key professionals and key individuals with a monitoring or support role.</p> <p>In most instances, a face to face review will be required. Where it is not considered necessary, the Safeguarding Coordinator must consult with the relevant Commissions before deciding to proceed with a desktop review only. Any decision not to proceed with a face to face review must be clearly recorded and placed on file.</p> <p>Decisions to change restrictions, monitoring or support must be justifiable by an analysis of the current available information about risks. Where appropriate, the views of offender managers, relevant professionals,</p>	<p>Safeguarding Coordinator for the diocese/religious congregation responsible for the subject of the Safeguarding Plan</p>

<p>Additionally, for Clergy and Religious:</p> <ul style="list-style-type: none"> • When a decision is taken to stand somebody down from or return them to ministry or their apostolate; • Where members of the Clergy or Religious have been dispensed from the obligations of the clerical state or dispensed from vows. 	<p>victims/survivors, and relevant others must be sought, and they must be updated on changes where it is appropriate to do so.</p>	
<p>13.23</p> <p>When a member of the Clergy/Religious has a Safeguarding Plan that is under the operational management of a different diocese/Religious Congregation to that which is responsible for him/her, the Safeguarding Plan will be reviewed jointly by both the responsible and managing dioceses/Religious Congregations.</p>		<p>It is the responsibility of the Safeguarding Coordinator who has operational management of the Safeguarding Plan to arrange Reviews of the Safeguarding Plan.</p>
<p>13.24</p> <p>Provision of Support for Clergy and Religious which might include ministry, accommodation, financial matters, and access to canonical and civil legal advice.</p>		<p>The Bishop or Religious Congregation Leader is to identify key individuals</p>
<p>13.25</p> <p>Provision of named support for Lay Persons, recruited from the parish or Religious Congregation based on skills and qualities and supported in their role by the Safeguarding Co-ordinator.</p>	<p>The functions of this support role might include:</p> <ul style="list-style-type: none"> • Supporting the work of the Parish Priest/named person; • Monitoring and reporting back on behaviour; • Supporting the work of statutory agencies; • Developing trusting relationships; 	<p>Safeguarding Coordinator for the diocese/religious congregation responsible for the subject of the Safeguarding Plan</p>

	<ul style="list-style-type: none"> • Modelling appropriate behaviour; • Contributing to reducing isolation and loneliness and demonstrating humanity and care; • where appropriate, other expectations or requirements imposed by statutory authorities or Bishops/Religious Congregation Leaders. 	
<p>13.26 If the member of the Clergy or the Religious member who is the subject of a Safeguarding Plan is moved to a different area, the receiving diocese/Religious Congregation must be informed of the existence of the Safeguarding Plan and a review of the Safeguarding Plan must be arranged, involving all relevant parties, in the receiving diocese/Religious Congregation.</p> <p>The managing diocese/Religious Congregation will then formally transfer management of the Safeguarding Plan to the receiving diocese/Religious Congregation, which will then assume responsibility for the management and oversight of the Safeguarding Plan.</p>		<p>Safeguarding Coordinator for the diocese/religious congregation responsible for the subject of the Safeguarding Plan</p>
<p>13.27 Unresolved differences in opinion between Safeguarding Coordinators about responsibilities and roles should be directed to the respective Commission Chairs, who will correspond and seek to resolve the matter. If Commission Chairs cannot agree, the matter must be referred to the respective</p>		<p>Commission Chairs Bishops/Religious Congregation Leaders CSAS/NCSC</p>

<p>Bishops/Religious Congregation Leaders or their delegates, who will seek to agree on how to proceed. If matters cannot be resolved by Bishops/Religious Congregation Leaders or their delegates, the matter should be referred to CSAS who will liaise with the Chair of the NCSC in respect of giving additional advice to the respective parties.</p>		
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13.28 Types of Safeguarding Plan

There are different Safeguarding Plan templates for different circumstances:

- Safeguarding Plan for Clergy following allegations and pending the outcomes of external or internal safeguarding investigations
- Safeguarding Plan for Religious following allegations and pending the outcomes of external or internal safeguarding investigations
- Safeguarding Plan for Clergy following completion of investigations, where concerns remain
- Safeguarding Plan for Religious following completion of investigations, where concerns remain
- Safeguarding Plan for Clergy following criminal conviction
- Safeguarding Plan for Religious following criminal conviction
- Safeguarding Plan for Lay persons

14 Support for those Affected by Allegations of Abuse within the Church setting

- 14.1 The Church seeks to providing a compassionate, caring, and respectful response to all individuals who have been affected by allegations of abuse within a church setting, and who seek its help and healing. All reasonable efforts will be made to ensure that support is offered to those who seek it, confidentially, quickly, and effectively. Support will be focussed on the best interests and welfare of children and adults and where support is provided, it will be done in a manner which respects the individual’s dignity, privacy and safety, and which ensures so far as possible that particular needs relating to race, culture, age, language, religious beliefs, gender, sexual orientation or disability are addressed.
- 14.2 It is the responsibility of Bishops and Religious Leads to ensure that the availability of pastoral support is publicised in Churches or other places where ministry takes place.
- 14.3 Where statutory agencies are involved all arrangements for the provision of support will be undertaken in close liaison with these agencies.
- 14.4 Where an individual consents to support being provided, all requests for support must be made to the Safeguarding Coordinator, or Religious Safeguarding Lead within the religious congregation.
- 14.5 The Provision of support for individuals alleging abuse

- 14.6 This includes allegations of abuse, whether occurring in the past or recently, by a person acting in a church capacity within any parish, religious congregation made by:
- All children and young people (under the age of 18 years)¹⁷;
 - All adults, regardless of whether the alleged abuse occurred in childhood or as an adult.
- 14.7 In respect of individuals alleging abuse, the role of the Safeguarding Coordinator is to:
- Be a point of contact or identify a point of contact for victims/survivors/family members, for the purpose of providing written and verbal updates, at regular agreed intervals, in relation to case management (not claims management);
 - Identify support needs and how these will be met, in consultation with statutory authorities where appropriate;
 - Ensure that anybody appointed to provide support does not have role in case management, claims management or penal/disciplinary processes within the Church.
- 14.8 The Safeguarding Coordinator must not deal with or discuss claims that are being made by a victim/survivor but must refer them to the diocesan or congregational Insurance Officer.
- 14.9 The Safeguarding Coordinator must not take a dual role of supporting the person making an accusation of abuse and supporting the person accused of abuse, although they will act as a point of contact for both.
- 14.10 It is the responsibility of Safeguarding Coordinators, supported by Safeguarding Commissions to assist Bishops and Religious Congregation Leaders in identifying suitably skilled, experienced, and supervised individuals to provide routine pastoral support¹⁸.
- 14.11 Where an individual requests support beyond routine pastoral support, such as the provision of formal counselling, or financial support, this must be directed by the Safeguarding Coordinator (dioceses and independent commissions) or Safeguarding Lead in a religious congregation, with their recommendations, to the insurance Officer. The Insurance Officer must liaise with the Insurers, before referring the request to the Trustees to decide on the extent and nature of any support to be offered. Where appropriate, the requirements of the Charity Commission will be followed.
- 14.12 Where the Trustees have agreed that formal counselling or financial support may be appropriate, the Safeguarding Coordinator or Religious Safeguarding Lead will arrange this. There will be a written agreement between the Church and the individual setting out the parameters of the support to be offered by the Church. This, and any other written communication or documents relevant to the issue of support, will be kept by the diocese or the religious congregation. A record of the support provided should also be kept on the safeguarding file.
- 14.13 The Provision of support for individuals accused of abuse

¹⁷ Children and young people under the age of 18 years will usually be offered services and support by or via the Local Authority. However, there may be circumstances where it is appropriate for the Church to supplement or replace this support. Any such supplemental arrangements must be made in consultation with the Statutory Authorities.

¹⁸ Routine pastoral support includes for example emotional and spiritual support, accompaniment, time to listen and time to reflect

14.14 Pastoral support is a right for all members of the Catholic Church in England and Wales¹⁹ and will be extended to any individual who is suspected of causing harm or who has caused harm to a child or adult at risk. Pastoral support will be provided in a way that enables an individual to participate in the life of the Church, whilst keeping others safe through the management of risks.

14.15 It is the responsibility of the Bishop/Religious Congregation Leader to arrange the provision of support for individuals accused of abuse, where they are required to do so.

14.16 In respect of the accused person, the role of the Safeguarding Coordinator is to:

- Be a point of contact or identify a point of contact for the person who is accused of abuse, for the purpose of providing written and verbal updates, at regular agreed intervals, in relation to case management;
- Where required, participate in meetings to identify support needs;
- Ensure that identified support needs are referred to the Bishop/Religious Congregation Leader of their delegate, who is responsible for addressing agreed needs, including identifying a named support person who does not have any role in case management or penal/disciplinary processes;
- Manage risk using mechanisms including temporary removal from ministry and Safeguarding Plans;
- Commission an independent assessment where this is identified as appropriate.

14.17 Support for the parish, or apostolic work of the community of religious, including where abuse has or is alleged to have occurred in the past

14.18 In appropriate circumstances, such as where there has been a criminal trial or publicity about cases of abuse which has affected a parish, as soon as practicable, and in liaison with the statutory authorities and where appropriate the Insurers, the Bishop/Religious Congregation Leader and Safeguarding Coordinator/Religious Safeguarding Lead will arrange with the priest in charge to visit the parish or local community where abuse has or is alleged to have occurred.

14.19 The aim of pastoral support for a parish or local community is to bring about community understanding/awareness and healing. The Bishop/Religious Congregation Leader's presence in the parish or apostolic work of the local community of religious signifies leadership and is voice that can acknowledge the pain of the parish or local community and offer a strong lead to a wounded community. In those parishes supplied by religious congregations, both the Bishop and the Congregation Leader should visit.

14.20 The purpose of the visit by the Bishop/Congregation Leader is to:

- Begin to identify the pastoral support needs of the community and agree how they can best be addressed;
- Advise on how to access individual pastoral support, in conjunction with the Safeguarding Coordinator and/or Religious Safeguarding Lead.

14.21 The Safeguarding Coordinator/Religious Safeguarding Lead and other appropriate members of the community will arrange for agreed plans of pastoral support for the parish or apostolic work of the local community of religious to be carried out.

¹⁹ This includes certain areas outside of England and Wales which are the responsibility of dioceses with England and Wales e.g. the Channel Islands and Isle of Man

14.22 Support for priests or pastoral workers entering a parish or apostolic work of the local community of religious, where abuse has or is alleged to have occurred

14.23 It is the responsibility of the Bishop/Religious Congregation Leader to offer support to clergy/religious/pastoral workers before they take up a role in a parish or apostolic work of the local community of religious where abuse has or is alleged to have occurred, while it remains relevant.

15 Re-integration into Ministry, Ecclesiastical Office, or Other Post

15.1 Any abuse of position and the misuse of power and authority by a person acting in the name of a Church community is likely to impact on the members of that community. Plans for re-integration into ministry must take account of both the needs and concerns of the person returning and the potential concerns and anxieties of the community to which they are being returned.

15.2 A person may only return to public ministry/role after a decision to re-integrate has been taken by the Bishop or Religious Congregation Leader. Risks must be re-evaluated, and the Safeguarding Plan reviewed. It may not be possible for some individuals to return to a ministry/role in the Church community.

15.3 Where the allegation is shown to have been false or malicious there should be no requirement to use the Risk Identification Framework or implement a Safeguarding Plan. In these cases, reintegration into ministry should follow an individually tailored plan and procedure that enables the individual to achieve a resolution of any feelings of anger or injustice resulting from the process of investigation.

15.4 In most cases, where an allegation can be shown to have been made maliciously, an accused person may expect a public statement to be made detailing this fact. The level of publicity which may be expected will be comparable with the level of publicity given to the original allegation and the temporary removal from ministry, ecclesiastical office, or other post. Consideration must be given to the circumstances and context of the person who made the allegation before deciding on the nature and content of a public statement.

15.5 In certain cases, it may be appropriate to consider informing individuals, such as colleagues and certain parishioners who have been especially affected by an accused person's temporary removal from post, of the outcome of the case. This may be in writing and should be carried out in consultation with the accused person. Consideration must be given to the circumstances and context of the person who made the allegation before deciding on what information is shared.

15.6 A form of words for the communication will be recommended by the Safeguarding Commission, taking into consideration the views of the accused person.

15.7 Where an allegation or concern is substantiated yet there follows a decision by the Bishop or Religious Congregation Leader that the accused person may return to public ministry, this should be explained to the original complainant. It may be that the accused person does not wish for any announcement to be made more publicly and this view should be respected. If the allegation or concern is substantiated, where there are ongoing risks, the accused the person concerned should be subject to a Safeguarding Plan and the arrangements for monitoring and support should be stated.

15.8 Pastoral support should be provided for the accused person throughout the period of re-integration into public ministry. The requirements of each individual will be different, including the length of time that a person will require such care.

16. Returning to the Lay State/Dispensation from Vows or the Clerical State

16.1 Clergy or Religious who have received a Police Caution or Conviction for an offence against a child should not be allowed to hold a position that could possibly put children at risk i.e. he/she must be removed from public ministry.

16.2 Initiating a process of dispensation from vows or the clerical state, in accordance with the norms of canon law, will be considered following every conviction or caution for an offence against a child.

16.3 While a priest may voluntarily request a dispensation from the obligations of the clerical state and the Bishop may ask that dismissal from the clerical state be involuntarily imposed upon a guilty cleric, ultimately the decision to proceed in this matter is the exclusive competence of the Congregation of the Doctrine of the Faith.

16.4 Background

16.5 Recommendation 78 of “A Programme for Action,” the Nolan Report, 2001, stated:

“If a bishop, priest, or deacon is convicted of a criminal offence against children and is sentenced to serve a term of imprisonment of 12 months or more, then it would normally be right to initiate the process of laicisation. Failure to do so would need to be justified. Initiation of the process of laicisation may also be appropriate in other circumstances.”

16.6 The report also acknowledges in 3.5.29 that:

“...it can be argued that clergy can be much better supervised if they remain as clergy than if they are laicised (because it is argued that in the latter case the Church will have no further relationship with them, and no role in their supervision).”

16.7 Responsibility of the Ordinary

16.8 When a cleric has been accused of a delictum gravius, his Ordinary is to undertake a preliminary investigation, either personally or by means of a delegate, in accordance with canon 1717 CIC. It is for the Ordinary to determine whether precautionary measures should be imposed upon the accused cleric. They may be imposed once an allegation containing at least a semblance of truth has been presented to competent authority (cf. canon 1722 CIC; article 19 of the Motu Proprio Sacramentorum Sanctitatis Tutela).

16.9 The Ordinary is to send the results of the preliminary investigation, along with his votum, to the Congregation for the Doctrine of the Faith;

16.10 Having examined the acta of the case, the Congregation for the Doctrine of the Faith, enjoying exclusive competence in matters concerning graviora delicta, will instruct the Ordinary how to proceed in the matter. Often this will involve authorising the Bishop or Religious Superior to undertake a judicial or administrative penal process (canons 1721; 1720 CIC) with the goal of

searching for the truth and determining whether the accused cleric has committed the acts for which he has been accused.

16.11 When after a canonical penal process, it is determined that the cleric has committed a delictum gravius, a just penalty is to be imposed according to the gravity of the crime. The punishment could include:

1. Prohibition from ministry in which children are likely to be present;
2. A life of prayer and penance, where the priest is not allowed to publicly function or present himself as a priest; or
3. Dismissal from the clerical state.

16.12 In some cases a cleric will voluntarily ask that he be relieved of the obligations connected with the clerical state. He is free to present such a request through his Ordinary, who, is to submit the request to the Congregation for the Doctrine of the Faith along with his votum (for allegations of a delictum gravius). If the allegation is of an offence which is not a graviorum delicta, e.g. the sexual assault of an adult, then the Congregation for the Clergy is competent.

16.13 Some cases are grave enough that they warrant being presented directly to the Holy Father for the cleric's ex officio dismissal from the clerical state together with a dispensation from celibacy (art. 21 §2, 2°, SST). In such cases, the cleric is first to be given the opportunity to provide his defence.

16.14 All graviora delicta must be referred to the Congregation for the Doctrine of the Faith. The votum of the Bishop or Congregation Leader can be informed by the opinion of the Safeguarding Commission. In considering the case and whether to recommend an exception to dismissal from the clerical state the Commission may consider the following:

- The age and current circumstances of the offender;
- Physical or mental ill health;
- Advice received from Police, Probation or Prison Services.

16.15 Age and circumstances

16.16 In circumstances of allegations of abuse occurring in the past coming to light, when the offender is released from prison or starts a suspended sentence, the Commission may consider whether they wish to recommend an exception if the offender fulfils all of the following:

- Is 75 years of age or above;
- Has been withdrawn from all public ministry;
- Is co-operating fully with all restrictions as identified in a Safeguarding Plan.

16.17 Physical and mental ill health

16.18 If on the commencement of a prison or suspended sentence the offender is:

- Suffering from a serious debilitating physical illness from which they are unlikely to recover;
- Suffering from a serious mental health condition rendering them incapable of making informed choices (lacking in 'capacity').

16.19 Then the Commission may consider whether they wish to recommend an exception.

16.20 Advice from Statutory Agencies

16.21 Either through strategy meetings between Church Safeguarding Officials, the Multi-agency public protection arrangements (MAPPA) process or discussion with the Local Authority Designated Officer in cases involving children or adults, advice may be provided supported by reasons why, for public protection reasons, it is preferable not to initiate a process of dismissal from the clerical state, but rather manage the risk posed by the individual through removal from active ministry, application of appropriate restrictions and close monitoring within the Church.

16.22 The circumstances may be where the Church is able to exercise an element of control through for example, housing the individual in an enclosed community, which would be absent following dismissal from the clerical state.

16.23 Decision of the Bishop/Congregation Leader

16.24 Only the Bishop or Congregation Leader has the right to initiate a process of dismissal. When a Bishop/Congregation Leader decides not to initiate such a process in accordance with the policy set out above, whether the Commission has recommended an exception or not, (s)he must provide a clear, written justification for this decision, signed and dated, and placed on the individual's personnel file.

16.25 Support of Former Clergy/Religious

16.26 Whilst a cleric loses the right to financial and material support following dispensation from the obligations of the clerical state, the Bishop/Congregational Leader retains a moral responsibility to make provision in the best way possible for a former cleric in a case of real need. Likewise, although a former Religious cannot claim as a right any financial or material support from the Religious Institute, the Institute is required to show equity and evangelical charity to a former member.

17 Safeguarding in Independent Schools Associated with religious congregations

17.1 The Responsibility of Religious Congregations for Safeguarding in Independent Schools Associated with them

17.2 Religious Congregations are responsible for:

1. Promoting the safety and welfare of children in any school with which it is associated; and
2. Ensuring that any Catholic school associated with it complies with the safeguarding policies and practices required by the relevant authorities and, where applicable, those of the Catholic Church in England and Wales.

17.3 The school's Safeguarding policies will need to be approved by the relevant statutory authorities, and the school inspection will include an inspection of the school's safeguarding policies and procedures. Schools can be structured in a variety of ways, and the legal responsibilities of the Religious Congregation will differ depending on the way in which each

school is structured. Religious Congregations must ensure they know where the responsibilities rest for their schools.

17.4 Responding to Allegations in an Independent School Formerly Run by Religious

17.5 An allegation may be made that abuse was committed in a school which was formerly run by religious. If the allegation is reported to the Congregation leader, the national safeguarding procedures relating to the management of allegations must be followed.

17.6 Some of the more important points are:

- To do nothing is never an option;
- The person making the allegation must be listened to seriously, without judgments being made;
- If the allegation is made during a meeting, a written record should be made of what is said and done;
- The person making the allegation must be told that this will be reported without delay to the Safeguarding authorities;
- The alleged abuser must never be alerted at this stage;
- The allegation and all information must be passed on without delay to the Safeguarding Co-ordinator who is responsible for the Congregation's safeguarding.

Standards

Allegations and concerns in relation to individuals who are not in roles within the Catholic Church in England and Wales

1. The Church publicises the contact details of Parish Safeguarding Representatives and Safeguarding Coordinators in churches and other relevant settings related to Church activity;
2. If a child is in immediate danger a referral will be made directly to the Police, informing the Safeguarding Coordinator as soon as possible afterwards;
3. In cases where the child is not considered to be at immediate risk of harm, information about alleged harm to a child will be passed to the Safeguarding Coordinator as soon as possible and within one working day;
4. Where appropriate, consent to referrals will be sought from parents/carers unless to do so might compromise the safety of the child. Information will be shared with families, unless to do so might compromise a child's safety as directed by statutory agencies;
5. Concerns about a child's welfare and safety will be referred to the local authority children's services department;
6. Consideration will be given as to whether there is local assistance or support that can be offered to the child and family;

Allegations against clergy, religious, rectors, vice rectors, seminary staff members, members of the safeguarding structure, lay persons and volunteers acting in the name of the Catholic Church in England and Wales

1. All allegations of abuse made against those working in the name of the Church, regardless of whether the allegations or concerns relate to a person's behaviour in relation to their role within the Church or another setting, will be reported to statutory authorities;
2. If a child is in immediate danger a referral will be made directly to the Police, informing the Safeguarding Coordinator as soon as possible afterwards;
3. Allegations will be referred to the local authority Designated Officer within one day;
4. Allegations will be referred to the Police where it is believed that a criminal offence may have taken place, regardless of whether the alleged perpetrator is living or deceased;
5. In cases where the child is not considered to be at immediate risk of harm, information about alleged harm to a child will be passed to the Safeguarding Coordinator as soon as possible and within one working day;
6. All allegations will be reported in line with the specific internal reporting requirements that relate to particular roles within the Church;
7. The Bishop or Religious Congregation Leader will be informed of all allegations and consider whether the behaviour in question may be subject to canonical penalties and where relevant follow the disciplinary penal process for clerics;
8. The services of another Safeguarding Commission and/or safeguarding office will be secured when allegations are made against Bishops, Archbishops, Religious Congregation Leaders, seminary staff and members of the Safeguarding Commission or team;
9. Allegations against employees will be referred by the Bishop, Religious Congregation Leader or their delegate to the HR department and be addressed using the appropriate employment processes;
10. In all cases, the person about whom the allegation is made will not be informed or contacted about the matter until such time that the statutory authorities have agreed this;
11. Risks will be identified and managed in accordance with the Management of Risk within the Church Policy and Procedure;
12. Where identified as appropriate, referrals will be made to regulatory bodies;

13. Support for those affected by allegations of abuse will be provided in accordance with the national Policy and Procedure for the support of those affected by allegations of abuse within a Church setting;
14. After statutory investigations, where necessary, further enquiries or investigation will be made to ensure any ongoing concerns or risks are addressed;
15. Where an independent investigation is commissioned, a report should be submitted to the Safeguarding Commission within 3 months of the agreed start date and exceptionally, within 6 months if the case is particularly complex;
16. The written recommendations of the sub-group that considers the independent investigation report, together with the rationale for their conclusions, must be sent to the Bishop or Religious Congregation Leader, the accused person, and the Commission within 5 working days of the meeting;
17. The Bishop/Religious Congregation Leader or the accused person must notify the Safeguarding Coordinator in writing of an intention to seek a Review within 10 working days of receiving the Commission's recommendation;
18. The victim/complainant may request a Review through the Bishop or Religious Congregation Leader within 10 working days of receiving the Commission's recommendation. The Bishop or Religious Congregation Leader has 10 working days within which to decide if to hold a Review;
19. If the Bishop or Religious Congregation Leader decides to proceed with a Review, he/she must notify CSAS within 3 working days and then in discussion with CSAS, select a Review Panel with the appropriate competencies from the register of available panel members held by CSAS;
20. The Review Panel composition, including appointment of the Chair will be finalised within 10 working days of the Bishop or Religious Congregation Leader contacting CSAS;
21. The accused person, or their representative, may submit written representation about their request for review of the Commission's recommendations including perceived inaccuracies in reporting and/or arguments in mitigation, no later than 10 working days before the Review Panel is scheduled to meet;
22. The Review Panel should usually reach its conclusions within 4 months of the establishment of the Review Panel. The Review Panel will make its recommendation on the balance of probabilities, by consensus or failing that, majority decision;
23. The Review Panel's recommendation and the reasons for its recommendation must be recorded by the Review Panel Chair in writing and notified to all parties (i.e. the Bishop or Religious Congregation Leader, the victim/complainant, the person accused and the Commission) within 10 working days of the final meeting;
24. On receipt of the Review Panel's recommendation, the Bishop or Religious Congregation Leader must decide as to the appropriate course of action within 20 working days. This decision must be given in writing.

Standards

Case recording, record keeping and information sharing

1. Careful and detailed records will be made and kept of information relating to disclosures, allegations, or concerns;
2. All referrals made by telephone must be followed up in writing by the Safeguarding Coordinator or their delegate, using the relevant multi-agency referral form within 2 working days. All referrals should be acknowledged by Social Services within 3 working days;
3. Records must be kept securely in a locked filing cabinet and shared only with people who are entitled to have the information;
4. Records must be kept in accordance with the record retention schedule.
5. Information will be shared, in accordance with the information sharing protocol, with relevant individuals and agencies in the interests of protecting children and adults at risk.

Annex A

Contextual information – the use of Safeguarding Plans within the Church

Pastoral support is a right for all members of the Catholic Church in England and Wales²⁰ and will be extended to any individual who is suspected of causing harm or who has caused harm to a child or adult at risk. Pastoral support will be provided in a way that enables an individual to participate in the life of the Church, whilst keeping others safe through the management of risks. In doing so, the Church seeks to ensure that whilst addressing abusive behaviour and prioritising the safety of others, there is a place for every person within the Church.

Strategies to manage risk broadly rely on:

- External controls which are aimed at reducing triggers to and opportunities for harmful behaviour, for example by restricting access to venues (like Church) or access to potential victims; and
- Internal controls which are strategies that focus more on developing the offender's own ability to avoid and manage risk situations.

Causing harm to those who are vulnerable cannot occur unless the opportunity to do so presents itself or unless the person engineers the circumstances where harm can be caused. Preventative actions, such as the drawing up of a Safeguarding Plan regarding Church attendance, can restrict and block factors that raise risk whilst at the same time enabling somebody to attend Church safely and with support. However, whilst this may be useful in a defined circumstance such as attending Mass, the effectiveness of relying solely on external management to reduce risk cannot be guaranteed.

In addition to imposing restrictions, by supporting people to develop internal strengths and abilities and build a positive identity, individuals can be encouraged and supported in developing protective factors²¹ that might help them desist²² from causing further harm.

Desistance from crime or abusive behaviour is a complex process which in many ways is unique to the individual, in that different people desist for different reasons. However, research into offenders indicates that supporting people to develop and use their internal strengths and abilities (human capital) as well as having access to links with social groups and structures that provide emotional and physical resources (social capital) can support desistance (see Farmer et al (2015)²³ for further information about desistance).

Participation in a 'Pro-Social Network'²⁴ is one of several strategies identified by experts as developing protective factors and is a measure which is of relevance when considering participation in Church by a person who has engaged in harmful behaviour.

A pro-social network is composed of people who encourage and facilitate pro-social activity. It includes those people with whom the individual has significant contact, who (s)he values and respects, and who will provide him or her with social or practical support without being paid to do so. Obvious examples of this are family members, friends, and acquaintances that (s)he regularly spends time with, but a social network might also be provided by work, or a formal organisation

²⁰ This includes certain areas outside of England and Wales which are the responsibility of dioceses within England and Wales e.g. the Channel Islands and Isle of Man.

²¹ Protective factors are resources, skills and strengths that help people deal more effectively with situations

²² Generally defined as permanent or episodic cessation of offending or other antisocial behaviour.

²³ Understanding Desistance from Sexual Offending: A Thematic Review of Research Findings Farmer, M., McAlinden, A-M., & Maruna, S. (2015). *Probation Journal*, 62(4), 320-35.

²⁴ A network of people which is positive, helpful, and intended to promote social acceptance and friendship.

such as a Church or other community organisation. It has been further found that the protective nature is more pronounced if the social group demonstrates a belief in the individual, i.e. that (s)he can turn things around.

Whilst to date there is no research indicating that connections to religion or religious institutions have a direct impact on deterring harmful behaviour, this policy and procedure has been developed from the premise that participation in the life of the Church can support individuals to develop internal strengths and abilities and provide access to a more pro-social environment, which in turn, can contribute to desistance from committing further harm.

Annex B

Review Panels - Responsibilities

Responsibilities of the Safeguarding Coordinator

The Safeguarding Co-ordinator facilitates setting up the Review Panel meeting. This includes:

1. Receiving notification of a request for a review from the Bishop/Congregation Leader, accused person or victim/complainant.
2. Sending a copy of the request for a Review from the accused person or victim/complainant immediately to the Bishop/Religious Congregation Leader.
3. Acting as the main point of contact for and liaison between the Bishop/Congregational Leader, Review Panel members, the Safeguarding Commission and CSAS.
4. Agreeing a panel meeting date, venue (this should usually be within the diocese) and any accommodation or administrative requirements, with the Review Panel Chair at the outset.
5. Providing the Panel members with all information presented to the Commission prior to their making the recommendation and any information received after the Commission's recommendation.
6. Ensuring the accused person receives a copy of all information being considered by the Review Panel. Decisions about disclosure must have regard to Data Protection and where there is any doubt about whether information should be disclosed, legal advice must be sought.
7. Keeping people informed if there is delay in convening a panel.
8. Providing Review Panel members with expense claim forms and details of how to claim at the outset.
9. Arranging legal advice for the panel where requested.
10. Receiving the Review Panel's report outlining its recommendation and reasons and circulate to all parties (the victim/complainant, person accused, Bishop/Congregation Leader, Safeguarding Commission, CSAS).

Responsibilities of the Bishop/Congregation Leader

1. Within 10 working days of receiving the Commission's recommendations, advise the Safeguarding Coordinator in writing of the intention to seek a Review.
2. Advise the Safeguarding Coordinator within one working day if a request for a Review is received from the accused person or victim/complainant.
3. Decide within 10 working days from receiving notification of the request for a Review from the accused person or the victim/complainant, whether to hold a Review.
4. If a victim/complainant withdraws their request for a Review, decide whether to accede to the request.
5. Notify CSAS within 3 working days of deciding to proceed with a review and then liaise with CSAS to confirm Panel membership and nominate a Review Panel Chair.
6. Liaise with the Safeguarding Coordinator who will act as the main point of contact for and liaison between the Bishop/Congregational Leader, Review Panel members, the Safeguarding Commission and CSAS.
7. Liaise with the Chair of the Review Panel and agree a response to individual requests from victims/complainants for disclosure of documentation.
8. Meet the costs associated with convening a Review Panel including Panel member fees and expenses.

Responsibilities of CSAS

CSAS facilitates access to Independent people who can be appointed as Review Panel members, advises on the use of national policy and procedure, and holds a central record of the outcome of the Review Panel and decision of the Bishop/Congregation Leader. CSAS will:

1. Respond to requests from a Bishop/Congregational Leader for members of a Review Panel to be identified.
2. Liaise with the Bishop/Congregational leader to confirm Panel membership and nominate a Review Panel Chair.
3. Finalise Panel composition, including the Chair within 10 working days of the Bishop/Congregation Leader making contact.
4. Appoint a replacement panel Chair and members, in liaison with the Bishop/Congregation Leader, in the event a conflict of interest is discovered or in the event the Chair or member withdraws for other reasons.
5. Provide Panel members with contact details for all members of the Panel within 3 working days of the panel composition being finalised.
6. Ensure the Panel Chair is provided with details of any replacement Panel members.
7. Ensure the Review Panel Chair has contact details for the Safeguarding Coordinator.
8. Provide the Safeguarding Coordinator with contact details for Panel members.
9. Receive a copy of the panel's report from the Review Panel Chair.
10. After 28 days of the report being circulated, request from Bishop/Congregation Leader details of decision.
11. Notify all Review Panel members of outcome.
12. Provide the Review Panel Chair with templates for monitoring the review process and recording the panel recommendations and reasons for them.

Responsibilities of the Panel Chair

It is the Review Panel Chair's responsibility to:

- 1 Coordinate the work of the Panel and communicate with the parties involved throughout the process.
- 2 Receive documentation from the Safeguarding Co-ordinator.
- 3 Determine whether the case falls within the scope of the Protocol.
- 4 Request that further enquiries are made by the Commission before reaching a decision, making explicit the nature of the enquiries to be undertaken and the timetable for completing the enquiries.
- 5 Agree a panel meeting date with the Safeguarding Co-ordinator in consultation with the other panel members.
- 6 Ensure the accused and the victim/complainant are notified of the appointment of the Review Panel, the date of its meeting and how they can make written representations and contact the Review Panel. This will be via the Safeguarding Coordinator.
- 7 Ensure delays in the process are communicated to the person requesting the Review.
- 8 Ensure that the accused person has the same information that is being considered by the Panel at least 20 days prior to the Review Panel meeting. Decisions about disclosure must have regard to Data Protection and where there is any doubt about whether information should be disclosed, legal advice must be sought.
- 9 Liaise with the Bishop/Congregation Leader and agree a response to individual requests from victims/complainants for disclosure of documentation.

- 10 Ensure that if the Panel is in receipt of information that should have been available to the Commission but was not, and had it been it might have affected their recommendations, refer the case back to the Commission.
- 11 Ensure that the Panel meets at least once before reaching a decision about the Commission's recommendations.
- 12 Reach a conclusion within 4 months of establishment of the Panel.
- 13 Ensure that the Review Panel's recommendation and reasons for them are recorded and that this is signed by all panel members and sent to the Safeguarding Co-ordinator for circulation, copied to CSAS.
- 14 Maintain a record of the process of the Review and ensure that the template monitoring form is completed and returned to CSAS.

Responsibilities of panel members

It is the responsibility of panel members to:

- 1 Notify CSAS immediately if they know the accused person or victim/complainant.
- 2 Receive documentation from the Safeguarding Co-ordinator.
- 3 Attend panel meetings and participate in related discussions as determined by the panel Chair.
- 4 Sign agreement to the Review Panel recommendations.
- 5 Receive the decision of the Bishop/Congregation Leader from CSAS.

Standards

Panel documentation will:

- 1 Be bound and paginated.
- 2 Include a front sheet listing the content of the documents
- 3 Include a chronology and information will be presented in chronological order
- 4 Include all papers presented to the Safeguarding Commission when they made their recommendations as well as all documents utilised by the Safeguarding Co-ordinator in formulating his/her report to the Safeguarding Commission
- 5 Include any relevant material received after the Safeguarding commission reaching its decision
- 6 Be sent by recorded delivery or where information is sent electronically it will be encrypted and anonymised by either redaction or replacing names with initials or case number.
- 7 Stored in a secure place for the duration of the review with restricted access.
- 8 On completion of the review, be either returned to the Safeguarding Co-ordinator or destroyed through shredding or burning and an email acknowledging that this has been done must be sent by each member of the Review Panel to the Safeguarding- Coordinator.

Annex C

Independent assessors and organisations conducting assessments must fulfil the following criteria:

- Be trained in and experienced in the assessment and treatment of sex offenders/individuals against whom allegations of sexual abuse have been made; who have been convicted of abuse or the specific type of assessment required
- Have clear arrangements for professional supervision of staff in place
- Be able to demonstrate effective links to statutory safeguarding systems
- Have experience in working co-operatively with statutory safeguarding agencies in England & Wales
- Demonstrate commitment to continuous professional development & appropriate professional networks, for example by Membership of NOTA (the National Organisation for the Treatment of Abusers)
- Be able to identify and address potential conflicts of interest.
- Be able to demonstrate victim awareness
- Have adequate professional indemnity insurance
- Demonstrate competence in or have experience in the presentation of evidence to Courts
- Have provided such services to more than one commissioning organisation ☑ Be able to provide references from professional sources

Independent investigators must fulfil the following criteria:

- A professional background which includes training and experience in investigative work and/or
- A professional background which includes training and experience in conducting the type of assessment required e.g. assessment of risk in people against whom allegations of abuse are made and those convicted of relevant offences; forensic psychological assessment
- Contemporary knowledge and experience of statutory safeguarding systems in England and Wales
- Knowledge and understanding of the key National Safeguarding Policies and Procedures in the Catholic Church in England and Wales including how the Church relates to victims and survivors of abuse
- Ability to practice in a way that respects the dignity of the subject and a concern for Christian morals.
- Arrangements for and evidence of regular professional supervision, mentoring or consultation in relation to their own and their employees or sub-contractors' practice
- A biography of having undertaken this type of work for various service commissioners
- demonstrable commitment to continuous professional development and membership of or access to relevant professional networks, for example by Membership of NOTA (the National Organisation for the Treatment of Abusers);
- agreement to work under the terms of the 'Standard contractual agreement for independent investigations and independent assessments commissioned by the catholic church in England & Wales' (Form IR2)
- professional indemnity insurance in accordance with the 'Standard contractual agreement for independent investigations and independent assessments commissioned by the catholic church in England & Wales' (Form IR2)
- experience in producing evidence- based reports to inform decision making

Annex D

Expectations to be addressed in meetings or correspondence with the independent investigator/assessor, and finalised in the Agreement

- the investigator is not being asked to assess the credibility of an allegation; rather to consider risk based on the available information;
- alongside the full report, an Executive Summary report must be produced that is anonymised (does not include any personal data) and can be shared with individuals who have contributed to the investigation process, including the victim/survivor setting out where things went wrong, what needs to happen to make improvements and any recommendations made;
- requests for legal advice must be made via the Safeguarding Coordinator who will refer the matter the Bishop/Congregation Leader or their delegate for approval;
- arrangements for file access and confidentiality;
- ownership of records (including audio recordings) and reports;
- arrangements for progress reviews or resolution of issues that arise during the process
- processes for dispute resolution;
- survivors/victims should not be routinely re-interviewed but given the opportunity to be interviewed as part of the investigatory process;
- the accused, victim, complainant, and witnesses should only be interviewed to gather information that has not already been gathered. If it is necessary to interview the accused person, the victim, complainant and witnesses, insurers should be consulted and the independent person must be advised that all information from these sources contained within their report must be shared with the individuals concerned before the report is finalised;
- those interviewed must be provided with a Privacy Notice by the investigator/assessor before obtaining information from them and informed that the information they provide will be shared with the subject of the investigation;
- where information cannot be gathered this must be noted in the report along with an analysis of the implications of this information being absent;
- those assisting with an investigation must be informed about the information they will receive at its conclusion. This must be agreed in advance with the Safeguarding Coordinator and might include a redacted copy of the report, an executive summary, the recommendations, or final decision;
- any representations from the individuals concerned must be submitted in writing to the Safeguarding Commission along with the report.

Annex E

Expectations to be addressed in the Agreement between assessor and subject of the assessment

- the reason for and scope of the assessment;
- the methods that will be used by the assessor e.g. interviews, psychometric tests, polygraph, video recording;
- when and how a support person can be included in meetings;
- how specific needs will be addressed e.g. interpretation, translation;
- the expectation that the person being interviewed will engage actively and honestly in sharing information;
- the expectation that the interviewer will explore and challenge beliefs and attitudes as part of the process;
- that the interviewer will take account of and report on all behaviours and attitudes demonstrated throughout the process;
- any child or adult protection monitoring arrangements in place;
- actions that will be taken if abuse is disclosed during assessment;
- practical arrangements for sessions;
- access to recording and case files and the assessor's Data Protection policy;
- confidentiality and sharing the report;
- review of the work;
- complaints procedure;
- actions the assessor will take if the subject does not complete the assessment process.