

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

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Policy Statement

1. Policy Statement

The Catholic Church in England and Wales¹ 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.

The Church provides a wide range of activities for children and has an important role in safeguarding children and supporting families.

Whilst local authorities play a lead role, safeguarding children and protecting them from harm is everyone's responsibility. Everyone who comes into contact with children and families has a role to play.

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.

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.

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.

The Church is fully committed to acting within the guidance as set out in Working Together to Safeguard Children (2018) and associated statutory and good practice guidance.

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 Providers and other relevant agencies to safeguard children and assist in bringing to justice anyone who has committed an offence against a child,

Anyone who brings concerns or allegations to the notice of the Church will be responded to sensitively, respectfully and seriously. All concerns and allegations will be addressed using the Church's national procedures and in a timely manner.

1.1 Application of the Policy

a) Safeguarding and Child Protection

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

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 another²;
- 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.

Where there is concern that a child might be suffering or is suffering from significant harm then a referral must be made to the Local Authority Children's Services Department which has a duty to find out whether there are grounds for concern that a child may be suffering or is at risk of suffering significant harm, and deciding what action should be taken. It is always good practice to seek consent to refer these cases but consent is not required by law.

Working Together 2018 further 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 do require the consent of families prior to referral.

b) Allegations against individuals fulfilling roles within the Church

An 'allegation' is a term that refers specifically to an allegation that a professional (someone acting in a paid or voluntary capacity working with children and young people) has acted in such a way that fits one of the following criteria:

- Has behaved in a way that has harmed a child, or may have harmed a child;
- Has possibly committed a criminal offence against or related to a child;
- Has behaved towards a child or children in a way that indicates they would pose a risk of harm to children.

These behaviours should be considered within the context of the four categories of abuse (i.e. physical, sexual, emotional abuse and neglect).

These include concerns relating to inappropriate relationships between members of staff and children or young people, for example:

- 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;

² 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.

- Possession of indecent photographs / pseudo-photographs of children.

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

Allegations must be identified as such by all adults in positions of authority in relation to children / young people, including church volunteers, members of staff and clergy/religious; they may come to the notice of the Church in different ways:

- A child may disclose that a professional has behaved inappropriately, harmed her/him, or possibly committed a criminal offence;
- A parent or another adult may make a complaint about an individual's behaviour in relation to a child / young person or children / young people;
- A member of staff / clergy /religious / volunteer may witness inappropriate / harmful behaviour in another member of staff / clergy / religious/ volunteer – this situation will also require the implementation of Whistleblowing Procedures.

2. Receiving Safeguarding Concerns and Allegations

2.1 Receiving Safeguarding Concerns about the Welfare of a Child

Safeguarding concerns about a child who is suffering or is likely to suffer significant harm can come to the notice of the Church in different ways:

- It may be that somebody observes a change in a child or there are concerns emerging over a period of time;
- A child might tell a friend or an adult about something that is happening to them or a parent of another child might raise concerns;
- A parent or family member may disclose something that is happening in the home that would impinge on the children's welfare.

An adult who provides information about a child but requests anonymity should be encouraged and supported to refer the matter directly to the Local Authority Children's Services Department or Police. Those acting in a 'professional' capacity in relation to children and young people, either paid or as a volunteer, are unable to remain anonymous at the point of referral. Where an adult provides information to the Church and requests anonymity they should be advised that, if appropriate the information will be passed to statutory agencies and that, although their request for anonymity will be noted with the referral, it may not be possible for them to remain anonymous.

Whatever the source of the concerns of allegations, the person receiving the information should observe the following practice:

- Listen to the information and acknowledge what is heard without passing judgement or minimising the information;
- Do not put words into the child's mouth;
- Take into account the child's age and level of understanding, their culture and use of language;
- Do not interrogate the child but be calm and reassuring;

- Do not make promises you cannot keep e.g. not to tell anyone else;
- Explain what you will do next;
- Tell the child who you will need to contact i.e. the Safeguarding Representative or Safeguarding Coordinator;
- Do not promise total confidentiality but explain that the information will be treated with great care and, where necessary to safeguard the child or others, the information may be shared appropriately with others who need to know. **See Information Sharing Policy and Confidentiality Policy**
- Make careful notes, using the form provided if possible, as soon as you can and include dates, times of the incident and when the recording was made, who was present and sign the notes. Also make sure the form or notes are kept securely;
- Provide the child with some means to contact you and be clear about how and when you will contact them to feed back what will happen next;
- Never leave a child to wait to hear from someone, e.g. a Police officer or social worker, without any idea of timescale or place;
- Do not contact the adult about whom the concerns are being raised to tell them about the information, you could be putting a child or other adult in danger, e.g. where there is domestic violence taking place, and/or prejudice any form of investigation.

Where someone is aged 18 years or over but is still receiving children's services and a safeguarding issue is raised, the matter should be dealt with through adult safeguarding arrangements³.

2.2 Receiving Allegations Against Individuals fulfilling Roles within the Church

It is important that allegations are handled with the utmost care and that procedures are followed in all cases.

Regardless of whether an allegation is made anonymously and/or whether the person receiving the allegation believes it or not, all allegations must be taken seriously and it is a legal responsibility to pass on the information as set out below.

Given that allegations can affect livelihoods and reputations, it is vital that a high level of confidentiality is maintained always.

3. Management of Allegations and Concerns in relation to Individuals who are not in Roles within the Catholic Church in England and Wales

If a child is considered to be in immediate danger then a referral should be made directly to the Police, informing the Safeguarding Coordinator as soon as possible afterwards.

In cases where the child is not considered to be in immediate danger but where there is a risk of significant harm to a child:

1. The person receiving the information about alleged harm to a child must discuss the matter with the Safeguarding Representative, who will consult with the Safeguarding

³ Care and support statutory guidance (DOH, 2016)

Coordinator as soon as possible but always within one working day. If the Safeguarding Representative cannot be contacted, the information must be passed directly to the Safeguarding Coordinator;

2. Through discussion with the Safeguarding Coordinator and, if required, in consultation with the Commission Chair, the Safeguarding Coordinator will determine whether the matter should be referred to the statutory authorities (Children's Services for safeguarding and child protection concerns & the Designated Officer for all Allegations);

It is not for individuals within the Church to decide whether a child about whom they have concerns meets the threshold of being at risk of significant harm;

If in doubt, all concerns should be referred to the local authority children's services department for consideration (**see later section referral to statutory agencies**).

The Safeguarding Coordinator will usually seek consent from parents/carers to make a referral to the Local Authority Children's Services Department. However, if the concerns are a child protection matter, no consent is required as to involve the parents or refusal to make the referral might compromise the safety of the child.

Information will be shared with families, unless to do so would compromise a child's safety as directed by statutory agencies.

In addition to any intervention provided by statutory services, the Parish Safeguarding Representative, in consultation with the Safeguarding Coordinator, will consider whether there is any local assistance or support that can be offered to the child and family. This might include signposting to relevant services or facilitating access to existing Parish activities. If assistance is initially refused, the child and family should be informed that they can take up the offer of assistance at any time.

4. Management of Allegations and Concerns in relation to 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

4.1 Application of the Policy and Procedure

This policy and procedure should be read in conjunction with statutory guidance on managing allegations against people working with children⁴, 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).

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

⁴ Working together to safeguard children (2018) England and Safeguarding Children: Working Together under the Children Act 2004 (2007) Wales

the allegations or concerns relate to a person's behaviour in relation to their role within the Church or another setting.

This procedure must be applied in all situations where it is alleged that a member of the Clergy or Religious, Rectors, Vice Rectors, seminary staff members, members of the safeguarding structure, 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 or may have behaved towards or child in a way that indicates they may pose a risk of harm to children.

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 response must be same. This is particularly necessary as events in the past may have current relevance to the safety of others that might need protecting.

When a person's conduct towards a child may impact on their suitability to work with or continue to work with children, this must be referred to the local authority's designated officer (LADO) for safeguarding children. Where it is believed that a criminal offence may have taken place the matter must also be referred to the Police.

Allegations about conduct that do not meet the threshold for implementing safeguarding procedures

Concerns about conduct which do not meet the criteria for referral to statutory agencies should 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 of the matter if the individual is linked to a parish or seminary within his diocese.

4.2 Procedure for Dealing with an Allegation

If a child is considered to be at immediate risk of harm a referral should be made directly to the Police and the following reporting processes followed as soon as possible afterwards.

4.2.1 Reporting arrangements for allegations against clergy, religious, lay persons and volunteers

In cases where the child is not considered to be at immediate risk of harm, the person receiving the information about alleged harm discuss the matter with the Safeguarding Representative, who will consult with the Safeguarding Coordinator as soon as possible but always within one working day. If the Safeguarding Representative cannot be contacted, the information must be passed directly to the Safeguarding Coordinator.

The Safeguarding Coordinator will consult with the Chair of the Safeguarding Commission, agreeing on the steps to be taken next. In the absence of the Commission Chair, the Safeguarding Coordinator will consult with the Vice Chair of the Commission.

The Safeguarding Coordinator, or in their absence the Commission Chair or Vice Chair, will inform the Bishop or Religious Congregation Leader.

If the Safeguarding Coordinator is not available for discussion that day, the Safeguarding Representative must contact the Commission Chair or Vice-Chair directly and advise the Safeguarding Coordinator as soon as they are able to contact them. If the Commission Chair or Vice Chair is not available, the Safeguarding Representative must inform the Bishop or Religious Congregation Leader directly and advise the Safeguarding Coordinator as soon as they are able to contact them.

The Bishop or Religious 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 canonical process.

For more information, see:

Information Sheet - Issuing of Decrees

Information Sheet – Disciplinary Penal Process for Clerics

The guidance of a qualified canon lawyer should be sought to ensure compliance with the requirements of canon Law.

The Safeguarding Coordinator will inform the diocesan or congregational Insurance Officer (this role might be fulfilled by the Financial Secretary or Secretary to the Trustees) and liaise with them throughout the process. 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 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.

There are internal reporting requirements in respect of specific roles within the Church as follows:

4.2.2 Reporting arrangements for allegations against a Bishop, Archbishop or Religious Congregation Leader

If allegations are made against a Bishop, Archbishop or Religious Congregation Leader, the Catholic Safeguarding Advisory Service (CSAS) and the Chair of the NCSC are to be informed. The external referral process to be followed is the same but within one working day the case is to be allocated to a different Diocese or Religious Congregation in liaison with CSAS. The internal reporting process is as follows:

Within one working day of being informed the Safeguarding Coordinator will, in turn, inform:

- In the case of a Bishop, the Archbishop for the Province;
- In the case of an Archbishop, the President or Vice-President of the Catholic Bishop’s Conference of England and Wales as appropriate;
- In the case of a local Religious Community Leader, the Religious Congregation Leader or Regional Religious Congregation Leader;
- In the case of a Religious Congregation Leader or Religious Leader, the General or Assistant General of the Religious Congregation as appropriate;

- The Holy See will be informed by the relevant person as above.

4.2.3 Reporting arrangements for allegations against Rectors, Vice Rectors or seminary staff members based in the UK

The case will be coordinated in the usual way, by the Safeguarding Coordinator for the Seminary.

In the case of the Venerable English College and the Beda College, as both are based in Rome, the Safeguarding Representative of the other College will undertake any tasks required by the Safeguarding Coordinator.

In the case of Valladolid, the Safeguarding Representative will liaise with the allocated Safeguarding Coordinator in England and inform the Catholic Safeguarding Advisory Service (CSAS).

The specific reporting processes detailed below are to be applied.

Procedure for dealing with an allegation against a Rector, Vice-Rector, seminary staff member

Following receipt of the allegation and advising the Safeguarding Coordinator or their delegate, the following steps should be taken:

The Safeguarding Coordinator will perform the following actions within one working day:

- a) Inform CSAS of the allegations;
- b) Inform the Chairman of the Committee of Bishops responsible for the seminary (AMJH1);
- c) Inform the Bishop of the individual's Diocese (where appropriate);
- d) Inform the appropriate local Ecclesiastical authorities as advised by the Chairman of the Committee of Bishops for the seminary;
- e) Inform the diocesan or congregational Insurance Officer (this role might be fulfilled by the Financial Secretary or Secretary to the Trustees) and liaise with them throughout the process.
- f) Inform the Holy See.

If an allegation is made against a Safeguarding Representative within a seminary, the Rector will seek the services of another Safeguarding Coordinator and representative within one working day. The parties at a) to f) above are to be informed. (Not applicable to the Venerable English College and Beda College since Safeguarding Link Person is not of the College (AMJH2)).

4.2.4 Reporting arrangements for allegations against members of the safeguarding structure within the Catholic Church in England and Wales

Procedure for dealing with an allegation

Following receipt of the allegation and referring the matter within the Safeguarding Structure, the following steps should be taken.

Allegation of harm against	To be immediately advised (by receiving person)	Action to be undertaken within 1 working day	Others to be advised
Safeguarding Commission member	Bishop or Religious Congregation Leader.	Services of another Safeguarding Commission and Safeguarding Office must be sought by the Bishop or Religious Congregation Leader	<ul style="list-style-type: none"> • CSAS; • Bishop or Religious Congregation Leader; • Safeguarding Coordinator to inform the diocesan or congregational Insurance Officer (this role might be fulfilled by the Financial Secretary or Secretary to the Trustees) and liaise with them throughout the process; • Financial Secretary; • HR Department; • Local Authority Designated Officer.
Safeguarding Coordinator	Chair of the Commission, who will advise the Bishop or Religious Congregation Leader	Services of another Safeguarding Commission and Safeguarding Office must be sought by the Bishop or Religious Congregation Leader	<ul style="list-style-type: none"> • CSAS; • Bishop or Religious Congregation Leader; • Safeguarding Coordinator to inform the diocesan or congregational Insurance Officer (this role might be

			<p>fulfilled by the Financial Secretary or Secretary to the Trustees) and liaise with them throughout the process;</p> <ul style="list-style-type: none"> • HR Department; • Local Authority Designated Officer.
<p>Safeguarding team member or a safeguarding representative</p>	<p>Safeguarding Coordinator, who will advise the Commission Chair. The Safeguarding Coordinator will advise the Bishop or Religious Congregation Leader</p>	<p>The Commission Chair and Safeguarding Coordinator must consider whether it is appropriate to seek the services of another Safeguarding Office, and advise the Bishop or Religious Congregation Leader accordingly</p>	<ul style="list-style-type: none"> • CSAS; • Bishop or Religious Congregation Leader; • Safeguarding Coordinator to inform the diocesan or congregational Insurance Officer (this role might be fulfilled by the Financial Secretary or Secretary to the Trustees) and liaise with them throughout the process; • HR Department; • Local Authority Designated Officer.

Allegations of abuse against employees must be advised by the Bishop, Religious Congregation Leader or their delegate to the Human Resources Department who will advise on employment processes that need to be followed.

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.

For information about the responsibilities of the Diocese or Religious Order towards the accused person, see the 'Information Sheet – Responsibilities of dioceses and religious orders towards clergy and religious against whom allegations have been made'.

5. Referral to Statutory Authorities

Both safeguarding concerns and allegations must be referred by the Safeguarding Coordinator⁵ to the Local Authority Children's Services / Designated Officer within one day.

After referral, the church still retains responsibility for the child/young person's welfare and to ensure that they are protected from harm.

The Designated Officer will inform the other relevant authorities. This role 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.

Advice must be taken from the Designated Officer about what information can be shared with the child's parents/carers and when.

Referral to statutory agencies does not replace the need for the Church to undertake its own enquiries and investigation where appropriate.

When making a referral, the following information will be required:

- The name, address, age and date of birth of the person considered to be at risk of harm;
- The name address and relationship to that person of their parent or guardian;
- Whether or not the person concerned knows that a referral is being made;
- Whether or not any other people are considered to be at risk of harm;
- Details of the allegation;
- Information about how the disclosure was made and what was said;
- Information about the person accused – name, address, age, job role and current contact with children and/or adults at risk;
- Contact details for the referrer.

Referrals should not be delayed in any of the information is missing. The Local Authority Designated Officer will advise if you need to obtain and submit the missing information.

Most Local Authority Designated Officers use pre-approved forms which set out their information requirements. These are likely to vary slightly from area to area so Safeguarding Coordinators should ensure they are aware of their local requirements. Training on referral requirements can usually be accessed via the Local Safeguarding Children Board.

⁵ In most circumstances it will be the Safeguarding Coordinator who refers an allegation to the Local Authority Social Services Department or Police. This might be delegated to the Safeguarding Representative or another person however.

The person receiving the referral should be asked for their name, the action they are going to take and advice on what steps need to be taken next by the referrer.

The person receiving the referral should be asked for their name, the action they are going to take and advice on what steps need to be taken next by the referrer.

All referrals made by telephone must be followed up in writing by the Safeguarding Coordinator or their delegate, using the relevant social services referral form within 48 hours and a copy placed on the case file. All referrals should be acknowledged by Social Services within 3 working days. If acknowledgement is not received, the person making the referral should request that acknowledgement is sent to them.

The Safeguarding Coordinator will participate in strategy discussions and meetings, convened by the Local Authority Designated Officer or Police for the purpose of determining the child's welfare and planning rapid future action if there is reasonable cause to suspect the child is suffering, or is likely to suffer, significant harm.

The Strategy Discussion/meeting will, if the criteria are met, start a Section 47 Enquiry, Children Act 1989, which is usually a joint investigation by the Police and Children's Social Care Services where children are involved.

On some occasions the Police will undertake a 'single agency police investigation'; this is usually the case initially where the abuse has taken place in the past (historical abuse).

In some cases, the criteria may not be met for a police investigation but the Children's Social Care Services will undertake a child protection enquiry also called a Section 47 Enquiry.

The Safeguarding Coordinator will continue to liaise with the statutory authorities until the investigation has concluded.

The Designated Officer and statutory agencies will advise on the actions to be undertaken by the Church including where a referral to the Regulatory Body such as Ofsted, Care and Social Services Inspectorate, 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.

For more information about referral to the DBS see the 'Information Sheet – Duty to refer to the Disclosure and Barring Service'.

6. Case Recording and Record Keeping

The person receiving the information about the allegation must make a detailed written record of what they have been told and by whom. (Form CM1 in the forms library should be used to record casework.)

This written record must be given to the Safeguarding Representative and provided to the Safeguarding Coordinator by noon the following working day. Paper records must be kept securely in a locked filing cabinet and shared only with people who are entitled to have the information, in accordance with the requirements of the General Data Protection Regulation 2016 and the Data Protection Act 2018.

For more information about recording requirements, see the Standards document on ‘Recording a disclosure of abuse, an allegation or concern’.

The Safeguarding Coordinator will create a case file in the name of the person against whom the allegation has been made and store this in a locked and confidential place. The case file will include a record of referral to statutory agencies, notes taken during conversations, minutes from internal meetings and those convened and chaired by other agencies, risk assessments, Safeguarding Plans, canonical decrees establishing the Preliminary Enquiry and any decrees subsequently issued. All actions agreed with Commission Chairs, Bishops or Religious Congregation Leaders and Insurers must be included on the case record.

The Safeguarding Coordinator will take minutes of meetings or discussions held in relation to a case which will be shared with those present within 10 working days. Any discrepancies are to be noted and an agreed record placed on the safeguarding file.

All records should be kept in accordance with the timescales in the national record retention guidelines.

7. Information Sharing

Information about risk to children must be shared with their parent(s) or guardian unless to do so will jeopardise the safety of the child, relevant people within the Church and with statutory agencies. Safeguarding Coordinators must share information with other Coordinators when risk is not confined to one Diocese or Religious Congregation.

More detail about requirements and expectations is held within the Information Sharing Protocol.

8. Identifying and Managing Risk

The Safeguarding Coordinator must consider the risks in relation to the allegation, using the Management of Risk within the Church Procedure. Where risks are identified, a Safeguarding Plan must be developed to ensure the safety of any person affected is paramount and to protect the position of any accused persons and the community whilst further enquiries and the investigation process is underway⁶.

To inform the Safeguarding Plan, the Designated Officer or person chairing the strategy meetings will advise the Safeguarding Coordinator about what protective actions need to be taken. They will also advise the Safeguarding Coordinator about what information can be shared with the person against whom allegations are made and when.

The Safeguarding Plan will include any restrictions imposed by the Bishop or Religious Congregation Leader in respect of continuation in ministry, ecclesiastical officer or other post whilst investigations are underway.

The Designated Officer or person chairing the strategy meetings will recommend whether a referral to regulatory bodies e.g. Ofsted, Care Quality Commission (CQC), Care and Social Services Inspectorate Wales (CSSIW) and the Disclosure and Barring Service⁷ should be made for inclusion of

⁶ Article 19 of the motu proprio Sacramentorum sanctitatis tutela allows for precautionary measures to be introduced in order to protect the public and the good name of the person subject to an allegation (canon 1722).

⁷ For more information refer to information sheet on duty to refer to the Disclosure and Barring Service

the person on the relevant 'barred list'. A referral to the local Multi-Agency Public Protection Arrangements (MAPPA) Coordinator might also be considered by the strategy meeting.

The Safeguarding Plan should be revised and updated after the investigation carried out by statutory agencies and at other milestones in accordance with the Management of Risk within the Church Procedure.

9. Temporary removal from Ministry, Ecclesiastical Office or other Post

There are occasions during an investigation when there is a need to prevent scandal, protect the freedom of witnesses and to safeguard the course of justice, and so a temporary withdrawal from ministry, ecclesiastical office or other post within the Church is necessary.

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.

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 in accordance with the Managing Risk policy and procedure.

Where temporary withdrawal from ministry, ecclesiastical office or other post is deemed necessary, the Bishop or Religious Congregation Leader (or their delegate) and the Safeguarding Coordinator will meet with the accused person to discuss the matter and seek agreement to voluntary temporary withdrawal ministry, ecclesiastical office or other post.

If voluntary withdrawal cannot be achieved, the accused must be informed that his Bishop has the right in canon law to insist on it. Measures taken to limit ministerial activity must be imposed by way of precept.

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

For further information see 'Information Sheet – Temporary removal from active ministry'.

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

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

The Church seeks to providing a caring response to all individuals who have been affected by allegations of abuse within a Church setting, and who seek it help and healing. The Church is committed to providing pastoral support where needed. Where allegations of abuse lead to

additional support needs, the Church will so far as is reasonably practicable and appropriate, either address those needs or liaise with statutory agencies to assist the individual in accessing the appropriate support.

See the 'National policy for the support of those affected by allegations of abuse within a church setting'.

10.1 Pastoral Support for the Alleged Victim/Survivor and/or their Carer

The Safeguarding Coordinator is responsible for assisting the person making the accusation to access pastoral support services. Pastoral support should include the victim/survivor:

- Having a designated contact person;
- Receiving written progress updates, at regular intervals, in respect of their allegation.

10.2 Pastoral Support for the Accused Person

The Bishop or Religious Congregation Leader is responsible for the pastoral support of the accused person, who can contact the Bishop or Religious Congregation Leader in relation to their support needs. The Safeguarding Coordinator should be present at meetings to discuss support needs and Safeguarding Plans, making a detailed record of the discussion and what is agreed.

11. Management of Allegations and Concerns where there remains a concern following acquittal, a decision not to prosecute or no further action from Statutory Agencies⁸

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:

- 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.

11.1 Initial Assessment of the Situation

On receipt of information from statutory authorities that they are taking no further action, the Safeguarding Coordinator will consult with the statutory agencies involved and determine whether there is sufficient evidence to suggest the accused person may present a safeguarding risk. They will

⁸ 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.

consider the range of information already available to them from strategy meetings, interviews with other professionals and information shared in inter-agency working.

This consultation must include the Designated Officer and Police Investigating Officer who is likely to have information about the circumstances of the allegation arising from the ensuing investigation that might not have been put forward for consideration by a Court. The Safeguarding Coordinator will present the available information, including the views of the Designated Officer and Police Investigating Officer to the Safeguarding Commission for consideration.

The Safeguarding Commission must assess what further action needs to be taken and can conclude that:

- a) No further action is necessary;
- b) Further action is necessary and there is sufficient available information from which to make recommendations to the Bishop or Religious Congregation Leader;
- c) There is insufficient available information from which to make recommendations and further enquiries or investigation of the matter is required.

A written record of the Commission's decision-making process and rationale for the decision must be placed on the case file.

Where either 1 or 2 above apply, this can conclude stage 1 (Preliminary Investigation) of the Disciplinary Penal Process.

If it is assessed that 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.

If it is assessed that further action is required and there is sufficient information available, recommendations can be made to the Bishop or Religious Congregation Leader. The Bishop or Religious Congregation Leader will proceed with stage 2 (Conclusion of the Preliminary Investigation), and where relevant any subject stages, of the Disciplinary Penal Process. **For more information, see 'Information sheet – Disciplinary penal process for clerics'.**

If it is assessed that further enquiries or investigation is warranted, the following stages apply.

- The Safeguarding Coordinator must advise the Bishop or Religious Congregation Leader or their delegate⁹].
- Concurrently and in every case, notification of enquiries being made into allegations/concerns must be made by the Safeguarding Coordinator to the Insurance Officer (this role might be fulfilled by the Financial Secretary or Secretary to the Trustees) prior to commencing further enquiries or investigation. The Insurance Officer (this role might be fulfilled by the Financial Secretary or Secretary to the Trustees) will then notify the insurers, as appropriate.

⁹ The Bishop or Religious Congregation Leader must consider whether the behaviour in question may be subject to canonical penalties and whether the appropriate decrees need to be issued at the start and conclusion of the enquiries to be made, so that the enquiries can be considered as the "preliminary investigation" required by the canonical penal process in canons 1717-1719 or, in the case of a religious, the investigation required in canon 695§2. The guidance of a qualified canon lawyer should be sought to ensure compliance with the requirements of canon law.

- The matter must also be notified to the Trustees who will consider whether the Charity Commission needs to be notified.

The Safeguarding Coordinator should inform the complainant/victim of the Commission's recommendations. 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.

In all cases where a civil claim has been intimated or commenced involving allegations against the accused person, when notified by the Safeguarding Coordinator of the intention to institute further enquiries, the Insurance Officer (this role might be fulfilled by the Financial Secretary or Secretary to the Trustees) must liaise with the insurers, and with any solicitors appointed by the insurers, to agree how best to approach the enquiry. The Insurance Officer (this role might be fulfilled by the Financial Secretary or Secretary to the Trustees) 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.

The accused person will continue to have access to pastoral support throughout the process.

11.2 Initiating further Enquiries or Investigation

The Safeguarding Coordinator is responsible for co-ordinating any further enquiries, the commissioning of any independent investigations or assessments, liaison with the Bishop or Religious Congregation Leader or their delegate and the Safeguarding Commission.

The Commission will recommend whether it is appropriate for the Safeguarding Coordinator to make further enquiries or whether it is necessary to commission an independent person to carry out the appropriate enquiries or to undertake a specific assessment. The views of the relevant statutory agencies including the Local Authority Designated Officer should inform the need to commission an independent investigation or whether the matter can be left with the diocese or congregation to deal with internally. If the review or further investigation is anything other than a paper based exercise the insurers should be consulted.

Where 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) the Safeguarding Coordinator will discuss the matter with the Commission Chair and if necessary, will seek to identify a Safeguarding Coordinator from another diocese or Religious Congregation to make the enquiries and complete the process of taking a report to the Safeguarding Commission.

The Safeguarding Coordinator or appointed person should only re-interview the accused, the alleged victim or witnesses to gather information that is relevant but not already available. Specifically, re-interview of alleged victims is to be avoided unless determined to be necessary for the purpose of the enquiry. Interviews should only be conducted individuals with the relevant skills and experience and it might be necessary to appoint a suitably trained individual in some cases.

11.3 Commissioning of an Independent Person to Investigate

In the event it is necessary to commission an independent person, CSAS can be consulted for a list of names and contact details. The Diocese or Religious Congregation makes the final decision about

who to appoint and is responsible for commissioning the work in line with the Commissioning Independent Assessments and Investigations policy and procedure.

The Safeguarding Coordinator should prepare a detailed brief for the independent person explaining the nature of the enquiry to be undertaken, the scope of the work and the specific questions to be addressed. A written agreement detailing payment and expenses arrangements, confirmation of insurance cover, as well as the outline of the work to be undertaken, should be signed at this stage (see Commissioning Risk Assessments/Investigations templates).

Any requests for legal advice to inform enquiries, investigation or assessment must be made via the Safeguarding Coordinator, who will refer the matter to the Bishop or Congregation Leader.

There is an expectation that all the relevant files held within the Diocese or Religious Congregation will be available for scrutiny. Where the Safeguarding Coordinator is unsure about any aspect of information-sharing from a data protection perspective, legal advice must be sought.

Statutory agencies should be asked to disclose all relevant documents in their possession, where these have not already contributed to the body of information already known about a case. Liaison with the Local Authority Designated Officer should be initiated to ensure that information is shared and the concerns of statutory agencies are understood and considered.

The independent person should only interview the accused, victim, complainant and/or witnesses to gather information that has not already been gathered. 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. If it is necessary to undertake an investigation involving the interviewing of the accused, the victim, complainant and witnesses, the independent person should advise those being interviewed that the information they provide will be shared with the subject before they provide their information so they can choose whether or not to cooperate. The independent person should also advise those assisting with the investigation, about the information they will receive in respect at its conclusion. This must be agreed in advance with the Safeguarding Coordinator and might include a 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.

Where information cannot be gathered to inform further enquiries, an investigation or an assessment, because it is unavailable or consent to disclosure has not been granted for example, this must be noted in the report along with an analysis of the implications of this information being absent.

11.4 Reporting to the Safeguarding Commission

A report should be submitted to the Safeguarding Coordinator within 3 months of an agreed start date and exceptionally, within 6 months if the case is particularly complex. It is expected that the accused person will have had sight of the report, the statements on which the report is based and the opportunity to comment on factual inaccuracies before it is presented to the Commission. Any representation derived from making further enquiries or investigation, from the accused person, complainant, victims or witnesses, must be submitted to the Safeguarding Coordinator along with the report.

The Safeguarding Coordinator will advise the Commission Chair when the report has been received and the Chair will convene a sub group to consider the report. The sub group must consist of three or more members who may be drawn from existing members of the Commission, or if appropriate to do so, the Chair of the Commission can appoint members of other Commissions and/or competent persons to sit on the sub-group and to constitute some or all of its membership.

The Chair of the sub-group may be a member of the Commission or a competent person nominated by the Chair of the Commission. He/she must have experience of chairing a similar body.

The sub-group will consider the report and information available to it before making recommendations to the Bishop or Leader of the Religious Congregation or their delegate.

Where, after consideration by the sub group it is agreed that the report reveals that there is no basis to support any concerns, the Bishop or Religious Congregation Leader will be advised no further safeguarding action is required.

When the report confirms that there is a risk that needs to be managed, the sub-group will determine what recommendations to make to the Bishop or Religious Congregation Leader.

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

(Where the decision of the Bishop or Religious Congregation Leader, following the recommendations of the Commission, could affect the employment status of an employee, he/she must then follow the established employment procedures).

Once it has been determined that the recommendations are not subject to review, the Bishop or Religious Congregation Leader must inform the victim/complainant of the recommendations before he/she makes a decision concerning the appropriate action to be taken. 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.

11.5 Review of Recommendations of the Commission

Before the Bishop or Religious Congregation Leader makes a decision, the recommendations of the Commission can be subject to review. 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.

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.

After notification of the recommendation of the Commission, a review of the evidence of a case and the process of enquiry may be requested by:

1. The Bishop or Religious Congregation Leader:
 - a) If he/she is dissatisfied with the recommendation of the Commission and has decided not to request the Commission to undertake further enquiries;

- 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;
- c) If the victim/complainant has expressed concerns in writing about the course of action recommended at the completion of a full enquiry.

2. The accused person and/or the victim/complainant in writing.

11.6 Requesting a Review

The Bishop or Religious Congregation Leader, accused person or victim/complainant must notify the Safeguarding Coordinator in writing of an intention to seek a Review within 10 working days of receiving the Commission's recommendation.

If the Safeguarding Coordinator receives the request, a copy of notification must be sent immediately to the Bishop or Religious Congregation Leader.

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.

On receiving notification of the request for a Review from the accused person or the victim/complainant, the Bishop or Religious Congregation Leader has 10 working days within which to decide if to hold a Review. 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 appropriate competencies from the register of available panel members held by CSAS. The Panel will usually consist of three members (exceptionally five should the nature and complexity of the case require this). The Panel composition including appointment of the Chair will be finalised within 10 working days of the Bishop or Religious Congregation Leader contacting CSAS. The Review Panel should include or have access to a Canon Lawyer.

See Responsibilities and Standards document on 'Review panels' for further information.

The Diocese or Religious Congregation Leader is responsible for all costs associated with convening a Review Panel including Panel members' fees and expenses.

Where the Review Panel 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, then the case must be referred back to the Commission for reconsideration before the Review Panel meets. The Commission can review its recommendations in the light of the new information and alter them if necessary. 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.

Documentation will not ordinarily be sent to the victim/complainant or their parent or guardian or the. Individual requests for disclosure of 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.

The accused person, or their representative, may submit written representations 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. There is no requirement to respond to representations other than to acknowledge receipt.

The Review Panel must meet at least once prior to coming to a decision concerning the Commission's recommendations

The purpose of the Review Panel is 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. 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.

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.

The Review Panel's recommendation and the reasons for its recommendation must be recorded by the Review Panel Chair in writing and notified to the Bishop or Religious Congregation Leader, the victim/complainant, the person accused and the Safeguarding Commission within 10 working days of the final meeting. 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). The monitoring template and report template are to be signed by all members of the Review Panel and a copy of both sent to CSAS.

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 (canon 1718).

CSAS will receive notification of the decision and will inform the Review Panel members as to the outcome.

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.

12. Re-integration into Ministry, Ecclesiastical Office or Other Post

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.

Plans to re-integrate the accused person into ministry/role should follow the **Good Practice Guidance – Re-integration into ministry'**.

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

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.

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.

See Information Sheet - Dispensation from the obligations of the clerical state for additional information.

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.

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 considered to be 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. 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. 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 considered to be 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 and to the Police where it is believed that a criminal offence may have taken place;
4. 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;

5. All allegations will be reported in line with the specific internal reporting requirements that relate to particular roles within the Church;
6. 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;
7. 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;
8. 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;
9. 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;
10. Risks will be identified and managed in accordance with the Management of Risk within the Church Policy and Procedure;
11. Where identified as appropriate, referrals will be made to regulatory bodies;
12. 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;
13. After statutory investigations, where necessary, further enquiries or investigation will be made to ensure any ongoing concerns or risks are addressed;
14. 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;
15. 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;
16. 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;
17. 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;
18. 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;
19. 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;
20. 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;
21. 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;

22. 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;
23. 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.

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.