



THE CHURCH  
OF ENGLAND

# **Practice Guidance: Risk Assessment for Individuals who may Pose Risk to Children or Adults**

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## Preface

The guidance has been informed by consultation with Diocesan Safeguarding Advisors, Bishops, Diocesan Secretaries, the National Safeguarding Panel, survivors and learning from serious safeguarding situations relating to bishops and people with high national profile.

The guidance is designed for Diocesan and National Safeguarding Advisors, who are expected to lead the process with their Bishops and senior staff in response to serious situations. It is designed to inform and assist them in decisions and processes about assessment of risk which may be posed to children and adults by officers and members of worshipping communities. It is therefore technical and assumes professional Knowledge. The guidance should be read and used alongside other practice guidance, in particular 'Responding to Serious Situations relating to church officers' and 'Safeguarding Records'.

The House of Bishops commends this practice guidance for use by parishes, dioceses and the national church institutions. Where relevant, it should also be applied to other Church of England Settings, for example cathedrals, religious communities and theological colleges. Failure to implement and adhere to this practice guidance may invalidate your insurance.

I hope you find this helpful

Yours in Christ's fellowship,

+ *Paul*

**Bishop Paul Butler**  
Bishop of Durham

## **Drafting and Consultation process**

1. Draft guidance was circulated for consultation with a sample of senior Clergy; Diocesan Safeguarding Advisers; Church of England legal colleagues; survivors of abuse in May 2014.
2. The second draft was circulated for consultation with external experts, including members of the National Safeguarding Panel.
3. A third draft was available for consideration by lawyers alongside legal changes discussed at General Synod in July 2014.
4. A fourth draft was produced in November 2014 following advice by a consultant from the Lucy Faithfull Foundation. This was considered by Diocesan Safeguarding Advisers at their meeting in November 2014, and reconsidered by the Church of England Legal Department in the context of anticipated legislative changes.
5. A fifth draft took account of these changes and was further considered by a small group consisting of the National Safeguarding Adviser, a representative from the Legal Department, and Diocesan Safeguarding Advisers with specific experience of risk assessment in church and statutory sector settings. It was then circulated to all Diocesan Safeguarding Advisers for final comments in March 2015.
6. The final draft was considered by the House of Bishops Safeguarding Sub Committee in April 2015.
7. This Guidance was adopted by the House of Bishops in May 2015.
8. Following the adoption of legislative changes by General Synod, a further section of this guidance may need to be added once regulations have been drafted which relate to the compulsory risk assessment required of a cleric by his/her Bishop, or of a Bishop by his/her Archbishop.

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## 1. Introduction

### 1.1 Who is the Guidance for?

This practice guidance is for use by Diocesan and National Safeguarding Advisers, Archbishops, Bishops and their senior staff, Provincial and Diocesan Registrars. It is designed to inform and assist in decisions and processes about assessment of risk which may be posed to children and adults by church officers<sup>1</sup> and members of Christian communities<sup>2</sup>. This guidance applies to safeguarding at parish, diocesan and provincial level. Where relevant, it should be applied to other Church of England settings, for example Cathedrals, Religious Communities and theological colleges.

It is intended that clergy and certain relevant others must have due regard to guidance issued by the House of Bishops on matters in relation to safeguarding. If clergy fail to do so, this could be a disciplinary offence.<sup>3</sup>

### 1.2 What does the Guidance provide?

The possibility of risk cannot be completely eliminated. Nevertheless steps can be taken in order that the risk of a child or adult coming to harm can be minimised and managed.

This Guidance provides information on:

- i. The decision to undertake a risk assessment for an individual who may pose a risk of harm.
- ii. The identification of the appropriate risk assessment process, and the procedure for carrying it out.
- iii. How any risks identified by the assessment can be minimised and managed.

### 1.3 What does the Guidance not address?

- i. This guidance does not provide a format for assessing activities or projects – for example, the risk assessment that is required before taking a youth group away for a residential weekend. This type of assessment, which is required in many and widely varied settings, is the responsibility of local church officers and uses a different process and model of assessment<sup>4</sup>.
- ii. This guidance does not directly address the specific situation of any known victims/survivors. Those working on risk assessments should ensure that direct support is offered to victims/survivors, quite separate from this assessment process<sup>5</sup>. At each stage of the process, consideration must also be given to what information – if any – can be shared with any known victims/survivors and their families.

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<sup>1</sup> Definition see Glossary, appendix 1. Church officer includes those licensed by the Bishop, stipendiary, non-stipendiary, with his authorisation or permission to officiate, and in salaried or voluntary officer roles

<sup>2</sup> Definition see Glossary, appendix 1. Christian communities is used as a generic term to include all Church of England bodies or organisations for whom House of Bishops policies and Practice Guidance applies.

<sup>3</sup> Pursuant to clause 5 of the draft Safeguarding and Clergy Discipline Measure, clergy (and relevant others, which includes churchwardens and PCCs) will be required to have “due regard” to guidance issued by the House of Bishops on matters relating to safeguarding. Failing to comply with this duty to have “due regard” will be a disciplinary offence for clergy under the CDM. A duty to have “due regard” to guidance means that the person under the duty is not free to disregard it but is required to follow the guidance unless there are cogent reasons for not doing so. It means that a person can only depart from the guidance if the reasons for doing so are clear, logical and convincing, (e.g. the guidance is out of date and has been superseded by legislation or other relevant guidance).

<sup>4</sup> Protecting All God’s Children, The Policy for safeguarding children in the Church of England, 4<sup>th</sup> edition, House of Bishops 2010, ss 5.31, 5.32

<sup>5</sup> Responding Well to those who have been sexually abused, House of Bishops 2011, in particular A2, Needs of those who have been abused; and see section 5.11, repeated at 6.20; Responding to Serious Situations Practice Guidance, House of Bishops May 2015.

1.4 A glossary of terms can be found in Appendix 1.

## 2. Principles

### 2.1 Effective safeguarding systems

For children, effective safeguarding systems are those where:

- i. “The child’s needs are paramount...
- ii. all professionals who come into contact with children and families are alert to their needs and any risks of harm that individual abusers or potential abusers may pose.....
- iii. all professionals share appropriate information in a timely way and can discuss any concerns about an individual child with colleagues<sup>6</sup>.....”

For adults, “safeguarding means protecting an adult’s right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult’s wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action.<sup>7</sup>”

### 2.2 Church context

This Guidance sits in the context of existing and developing Church of England safeguarding policies and practice guidance, in particular:

- i. Protecting All God’s Children<sup>8</sup>
- ii. Responding to Serious Safeguarding Situations relating to Church Officers Practice Guidance<sup>9</sup>
- iii. Promoting a Safe Church<sup>10</sup>.

2.3 The Guidance underpins ecclesiastical legislation and regulations relating to safeguarding<sup>11</sup>.

2.4 It aims to use and adapt for the church context proven models of risk assessment from statutory and specialist agencies.

### 2.5 Multi-agency approach

Risk assessment and risk management require close collaboration and co-operation between all agencies involved with children and adults who are vulnerable. A multi-agency approach to risk helps to ensure that as far as possible a comprehensive view is obtained.

2.6 All risk assessments should be informed by recommendations from and assessments conducted by statutory sector agencies, such as those undertaken by agencies which constitute membership of Multi-Agency Public Protection Arrangements (MAPPA)<sup>12</sup>.

2.7 **Information sharing** is vital to effective assessment of the risks to children and adults. Though it is important to maintain confidentiality and protect sensitive information,

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<sup>6</sup> Working Together to Safeguard Children, A Guide to Inter-Agency working to promote the welfare of children, HM Government March 2015, para 12

<sup>7</sup> Care and Support Statutory Guidance issued under the Care Act 2014, Department of Health October 2014, para 14.7

<sup>8</sup> Protecting All God’s Children, the policy for safeguarding children in the Church of England, 4<sup>th</sup> edition 2010, House of Bishops

<sup>9</sup> Responding to Serious Safeguarding Situations relating to Church Officers Practice Guidance May 2015, House of Bishops

<sup>10</sup> Promoting a Safe Church, Policy for Safeguarding Adults in the Church of England, 2006, House of Bishops

<sup>11</sup> In particular the draft Safeguarding and Clergy Discipline Measure and the draft Amending Canon no.34, at final drafting stage for General Synod July 2015

<sup>12</sup> Role of MAPPA: see glossary appendix 1

professionals must be able to recognise when they are required to share information with each other in order to ensure that risks can be fully assessed. "Fears about sharing information cannot be allowed to stand in the way of the need to promote the welfare and protect the safety of children<sup>13</sup> (and adults)."

2.8 Risk assessments should always aim for **fairness and balance**. A risk assessment should:

- i. be evidence-based;
- ii. take into account personal/situational and other factors that tend to increase risk and those that help to reduce risk;
- iii. be carried out by risk assessors who are professionally competent, aware of their own possible sources of bias, (i.e. conflicts of interest), and with no connections which could undermine their objectivity;
- iv. record and account for all opinions expressed;
- v. communicate with relevant parties where necessary.

### 3. The Assessment Process

#### 3.1 When is a risk assessment required?

A risk assessment should be undertaken when one or more of the following criteria are satisfied, in relation to a risk of harm<sup>14</sup> which may be posed by their membership or role<sup>15</sup> within a Christian community:

- disclosure from or on behalf of an alleged victim of reported or observed current abuse<sup>16</sup>
- disclosure from or on behalf of an alleged victim of reported or observed past abuse<sup>17</sup>, when the alleged abuser is still alive
- information from Police, Children or Adults Services, NOMS or other statutory agency
- information from a Disclosure and Barring Service certificate
- disclosure from someone or about someone who poses or may pose a risk; this might be in the context of a pastoral relationship, or during a separate church-related process, such as discernment for ordination or licensed lay ministry, or a disciplinary process
- information shared from another denomination or diocese about someone who may pose a risk of harm
- if formally advised or recommended by a Local Authority (children or adults)<sup>18</sup> that a risk assessment should be undertaken.

3.2 If this threshold has not been reached, a risk assessment will not be required, but guidance may be given on safeguarding practice in order to minimise the risk of harm more generally.

3.3 If the adult, child or young person who may pose a risk of harm is in custody or not currently wishing to be part of a Christian community, no risk assessment is required

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<sup>13</sup> Working Together 2015, Chapter 1 paragraph 24. Also see Safeguarding practitioners and managers: information sharing advice, Department for Education, March 2015

<sup>14</sup> Definition of 'harm': see Glossary appendix 1

<sup>15</sup> Definition of Church officer: see Glossary appendix 1

<sup>16</sup> Definition of abuse: see Glossary appendix 1

<sup>17</sup> For information about past or historical abuse, see Practice Guidance Responding to Serious Situations, House of Bishops May 2015, p 5

<sup>18</sup> Local Authority Advice and Guidance: see Glossary appendix 1



until the person is due to be released from custody and/or wishes to join a Christian community.

### **3.4 What is the purpose of a risk assessment?**

The context for all risk assessment is to make Christian communities safe for all who participate in them. The purpose is to assess, or to contribute to the assessment of risks of harm to children and/or adults that may be posed by the subject of the information shared, in the particular context of the Christian community of which the subject is a member or wishes to join, taking into account his or her specific roles, and the ability of the community to manage such risks.

Each assessment helps to achieve:

- i. identification of risks of harm to children or adults in the context of the likely scenarios for their future involvement in Christian communities;
- ii. quantification of risks;
- iii. how risks may be addressed or managed and what safety would look like for individual children or adults;
- iv. a shared understanding and common approach by those with safeguarding responsibilities to the management and reduction of risk;
- v. evaluation of all the available sources of support to children, adults and those who present a risk;
- vi. a risk management plan which seeks to ensure the safety of children and adults, and to address the safety of a person who presents a risk.

### **3.5 Risk management**

The assessor should outline management of risk in the likely scenarios for the future, in line with the current assessment. There may be a number of plausible scenarios or it may be clear that realistically there is only one plausible scenario. The assessor should structure these scenarios around consequence, likelihood, impact and frequency of offending.

Every risk management plan should:

- i. identify who is at risk: from whom and/or what and, if possible, in which circumstances;
- ii. identify the range of needs and risks to be addressed and outcomes to achieve;
- iii. identify who is responsible for each action;
- iv. identify any services or resources that will be required to ensure that the planned outcomes can be achieved within the agreed timescales;
- v. identify protective factors and how they can be enhanced;
- vi. agree in co-operation with statutory agencies how reduction in risk can be managed;
- vii. state the timescales within which changes/improvements are to be made;
- viii. note what the contingency plans are<sup>19</sup>.

### **3.6 Who is responsible for assessing and managing risks?**

The responsibility for ensuring risks of harm are assessed and managed lies with those charged with ensuring the wellbeing and safety of all people within the Christian community in which the subject who may pose risk is currently situated or wishes to join. For example:

- the incumbent, churchwardens and the Parochial Church Council are jointly responsible for parishioners and congregants;
- the bishop is responsible for those who hold his or her licence, commission or authorisation; the Diocesan Secretary and the Diocesan Board of Finance, as employers, are responsible for diocesan employees;

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<sup>19</sup> See appendix 4: Template for a Risk Management Plan

- the archbishop is responsible for bishops within his or her province; the Secretary General and the Archbishops' Council, as employers, are responsible for employees of National Church Institutions<sup>20</sup>;
- the agency employing a chaplain, e.g. hospital, university, is responsible in a chaplaincy setting, but jointly with the bishop if that person also holds a bishop's licence;
- the Trustees are responsible for members and receivers of care in a religious community, and for students in a theological institution.

### 3.7 Who conducts the risk assessment?

The Safeguarding Adviser (Diocesan or National) should always be notified and consulted about any risk assessment within his or her diocese, province or institution before it is undertaken.

- 3.8 All risk assessments must be carried out by experienced, professionals qualified in safeguarding, and with skills and experience of conducting risk assessments.

### 3.9 Information sharing, storage and confidentiality

For all assessments:

- i. the individuals involved must be informed that any information about new or unresolved harm or risk of harm will be referred to the statutory authorities in accordance with national safeguarding policies.
- ii. proper data management must be in place to ensure: proper use of the information received; safe storage; confidentiality; and the appropriate sharing of information with others (for example statutory authorities; other dioceses; other churches, ecumenical partners) as required by data protection legislation<sup>21</sup> and as set out in national safeguarding practice guidance<sup>22</sup>.

## 4. Types of Risk Assessment in this Guidance

- 4.1 Risk assessments are dynamic processes; more than one risk assessment may be required at different stages of an investigation, or where circumstances change. All risk management plans should be reviewed regularly.

### 4.2 This guidance identifies two types of Risk Assessment:

- i. Type A, which will normally be conducted by the Diocesan Safeguarding Adviser or his/her delegate, taking into account the advice and assessment of statutory agencies<sup>23</sup>.
- ii. Type B, commissioned by the Diocese or responsible body and referred to an independent agency or professional person qualified and experienced in safeguarding risk assessments<sup>24</sup>.

- 4.3 The Diocesan Safeguarding Adviser (DSA) or National Safeguarding Adviser (NSA) should ensure that statutory partners are consulted prior to any decision to undertake a Type B risk assessment, since this can impact on other statutory and/or disciplinary processes.

<sup>20</sup> Definition NCI: see Glossary appendix 1

<sup>21</sup> Data Protection Act 1998 and various related regulations and orders made under the 1998 Act

<sup>22</sup> Practice Guidance, Record Keeping, House of Bishops May 2015

<sup>23</sup> See section 5 for Process for a Type A risk assessment

<sup>24</sup> See section 6 for Process for a Type B risk assessment

#### 4.4 Which type of risk assessment should be used?

The type of risk assessment will depend on the role and status of the person displaying concerning behaviour, the stage of any statutory investigation and/or disciplinary process, and the nature of the information shared. If you are uncertain about what type of assessment should be carried out, always seek the advice of the Safeguarding Adviser.

This section should be read with reference to Appendices 2 and 3, flow charts of paths to risk assessment.

#### 4.5 The role of the subject

A person who is or is seeking to be a member of a Christian community with no role as church officer will in almost all circumstances only require a Type A risk assessment. A person who is or wishes to take on a church officer role may also need a Type A risk assessment, but may subsequently require a Type B assessment before returning to or taking up a church officer role<sup>25</sup>.

#### 4.6 What triggers a risk assessment?

Flow charts in Appendices 2 and 3 explain pathways to risk assessments in different circumstances.

#### 4.7 Trigger 1: new information is received about an adult or child currently active in a Christian community who may pose a risk of harm.

An immediate Type A risk assessment should be carried out in order to ensure that risks to the alleged victims and to other potential victims are minimised, and the subject is protected from further allegations of harm.

*Example 1:* information from police of the arrest of Guy, a member of a church community for allegation of sexual assault on Josie, a child of 13 whose family is part of the same worshipping community. Assessment of risk needs to take account of bail conditions, and ensure that Guy can have no direct contact with Josie during the period of statutory investigation, or unsupervised access to other children in a congregation who may be at risk, and that if he wishes he can continue to worship in a Christian community.

*Example 2:* Rebecca, a 16 year old member of a church youth club, discloses to the vicar that Lisa, the paid parish youth leader, is in a sexual relationship with her. The matter is referred by the vicar, with the support of the Diocesan Safeguarding Adviser, to Children's Services and Police, in view of Lisa's position of responsibility. Assessment of risk needs to ensure that Lisa is suspended from her church officer role as youth leader pending the outcome of the statutory investigation, for the protection of children and young people in the church, and for her own protection.

*Example 3:* James, an adult, reports to police past sexual abuse by Victor, vicar of a parish, when James was a child of 8, and Victor was a curate. An assessment of risk based on the information currently available needs to be carried out on Victor in relation to his current role, and immediate steps taken to protect children and young people in his current church, including consideration of suspension under the Clergy Discipline Measure following police arrest, pending the outcome of the police investigation.

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<sup>25</sup> See flowcharts appendices 2 and 3: paths to risk assessment.

*Example 4:* Joy, a learning disabled adult in the congregation, reports to the police that Stephen, an adult in the same congregation, has sexually assaulted her. An assessment of risk needs to ensure that immediate measures are put in place to protect Joy, other members of the congregation and Stephen himself, pending the outcome of the police enquiry.

**4.8 Trigger 2: information is received that a person with a conviction or police caution is a member of or is seeking to join a Christian community, and may pose a risk to children or adults.**

A Type A risk assessment should be undertaken, with a view to managing the risk posed through a Safeguarding Agreement<sup>26</sup>

*Example 1: continued:* Guy is found guilty of sexual assault, receives a non-custodial sentence and is placed on the Sex Offenders Register for 2 years. Assessment at this stage needs to consider whether as a worshipping member of a congregation limits should be placed to protect children generally, and also Josie and her family.

*Example 5:* Joe begins to worship in a church, and informs his vicar that he has a conviction for sexual abuse of his stepdaughter.

**4.9 Trigger 3: a Disclosure and Barring Service<sup>27</sup> certificate of a person applying to be a church officer shows a conviction, police caution or additional information which may indicate a risk posed to children or adults<sup>28</sup>**

A Type A risk assessment should be undertaken, with a view to assessing whether or not the person is in fact a risk and whether s/he should take on the church officer role and how any risk will be managed.

*Example 6:* Jenny's DBS certificate discloses that she has recent drug related offences which include theft, possession and supplying; she is applying to be a voluntary youth worker.

*Example 7:* Mark's DBS certificate discloses that he received a police caution 2 years ago for neglect of his own child.

**4.10 Trigger 4: at the end of a police or local authority investigation, the allegation is unsubstantiated, or the person is acquitted, and the person wishes to continue to be part of the Christian community.**

A further Type A risk assessment should be undertaken, taking account of information shared by statutory authorities.

*Example 4 continued:* Stephen is acquitted of sexual assault of Joy. A further assessment, taking into consideration information provided by the police and adult services, needs to assess whether measures need to be put in place to protect Joy, and other members of the congregation.

**4.11 Trigger 5: at the end of a police or local authority investigation, the allegation is unsubstantiated or the person is acquitted, and the person wishes to continue in their church officer role.**

<sup>26</sup> See section 5 and Appendix 4, Type A Template for a Safeguarding Agreement

<sup>27</sup> Definition DBS: see Glossary Appendix A

<sup>28</sup> If a DBS certificate indicates that someone is barred from working with children and/or adults, it is a criminal offence both for them to have applied for the post, and for the organisation to employ them in the post, whether paid or voluntary.

A Type B risk assessment should be undertaken, taking account of information shared by statutory authorities, before the person is allowed to resume their role.

*Example 2 continued:* no criminal charges are brought against Lisa, but the Local Authority strategy meeting recommends that the church should consider assessment of risk and disciplinary procedures and referral to the DBS for consideration for barring before she returns to her role.

*Example 3 continued:* a further witness has come forward, but in view of the period that has elapsed since the time of the allegations, and the mental instability of one of the witnesses, the Crown Prosecution Service does not proceed with criminal charges. The allegations remain unsubstantiated, but police evidence demonstrates that there were serious concerns.

#### 4.12 **Trigger 6: the allegation or concern does not meet the threshold for reporting to statutory agencies, but there is a continuing concern about the possible risk of significant harm posed by a church officer.**

There should be a preliminary stage of investigation of the facts; if it is confirmed that this crosses the threshold of a safeguarding concern and risk of harm may be posed, a Type B risk assessment should be undertaken.

*Example 6:* Geoffrey, a parish priest, develops a relationship of dependency, which is also sexual, with a member of his congregation who is married and has ongoing mental ill health issues, supported by statutory services.

**These triggers and examples are general and cannot take account of all the circumstances; there will be borderline cases where the boundaries are blurred. If you are unsure which path to take, always seek advice from the Safeguarding Adviser.**

## 5. Process for a Type A Risk Assessment

### 5.1 Who conducts the assessment?

The assessment must be conducted by an officer who is an experienced professional qualified in safeguarding, and with skills and experience of conducting risk assessments, on behalf of the Christian community. In a diocese this is usually the Diocesan Safeguarding Adviser or his or her delegate, who should also be suitably qualified.

5.2 The risk assessor should always ensure s/he has appropriate professional supervision through the process of risk assessment. In a diocese, the Diocesan Safeguarding Group (DSG)<sup>29</sup> may have oversight of the process; it is good practice to set up a subgroup of the DSG with responsibility for overseeing and monitoring specific cases and ensuring there is a robust appeal process in place.

### 5.3 On whose behalf is the assessment conducted?

The assessment may be conducted on the recommendation of the Local Authority Designated Officer or strategy meeting and/or as part of the core group management of the process for a church officer. Examples:

- For a parish officer, eg youth worker, bell tower captain, director of music, or member of a congregation, the DSA assesses on behalf of the Bishop in order to advise the incumbent, Churchwardens and PCC.

<sup>29</sup> Definition of Diocesan Safeguarding Group, see Glossary Appendix 1

- For anyone holding the Bishop's licence, permission or authorisation (all diocesan clergy, licensed or authorised lay workers), the DSA assesses on behalf of and to advise the Diocesan Bishop
- For a diocesan employee, the DSA assesses on behalf of and to advise the Diocesan Secretary and the Diocesan Board of Finance.
- For Deans and Canons of the Cathedral, the DSA assesses on behalf of and to advise the Diocesan Bishop.
- For Bishops, the National Safeguarding Adviser (NSA) or his/her delegate assesses on behalf of and to advise the Archbishop of the Province.
- For an employee of a National Church Institution<sup>30</sup>, the NSA or his/her delegate assesses on behalf of and to advise the Secretary General and the Archbishops' Council.
- For Archbishops, the NSA or his/her delegate assesses on behalf of and to advise the Archbishop who is not the subject of the assessment.

#### **5.4 What is the role of statutory agencies?**

The assessment should always collect information from and take into account advice and recommendations from all statutory agencies involved in the situation. The assessment report may be disclosable if relevant to any criminal or civil proceedings.

- 5.5 Disclosure of information regarding a current investigation, offences and patterns of behaviour, and static and dynamic risk factors<sup>31</sup> are necessary to inform the assessment, and should be sought usually by the DSA.
- 5.6 If the risk assessment supports an outcome or identifies context specific levels of risk that differ from the advice given by the statutory authority, a consultation with the relevant statutory agencies involved should take place in order to reach an agreement prior to finalising the risk management plan. If no agreement is reached, the Local Authority Designated Officer (formerly LADO)<sup>32</sup> (children or adults) should refer his or her concerns to the DSG.
- 5.7 If no statutory agencies are involved, advice should be sought from the Local Authority Designated Officer (children or adults), on whether referral is required.

#### **5.8 Is the person a church officer?**

If the person who may pose risk is a church officer, the assessment must sit in the context of the management of the case by the core group, following Practice Guidance Responding to Serious Safeguarding Situations relating to Church Officers<sup>33</sup>.

#### **5.9 What can the subject of the assessment expect?**

The person being assessed should be kept informed of the process, except in the case of an initial assessment when new information is received and immediate risk has to be managed.

- 5.10 The subject of the assessment should always be interviewed face to face, be informed of the risk management procedures put in place, and be given a copy of the assessment. Information shared by statutory services and third parties may only be shared with the subject if permission has explicitly been granted to do so by the agency which owns the information, so must be redacted if permission has not been granted.

#### **5.11 What can victims or survivors expect?**

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<sup>30</sup> Definition National Church Institutions: see Glossary, appendix 1

<sup>31</sup> Definitions static and dynamic risk assessments: see Glossary, appendix 1

<sup>32</sup> Local Authority Advice and Guidance: see Glossary appendix 1

<sup>33</sup> Practice Guidance, Responding to Serious Safeguarding Situations relating to Church Officers, House of Bishops May 2015

The DSA/NSA should ensure that direct support is offered to victims/ survivors, quite separate from the assessment process. At each stage of the process, consideration must also be given to what information, if any, can be shared with any known victims/survivors and their family (e.g. consideration should be given to whether or not it is in the public interest to share such information; whether it protects individuals from further risk of harm; whether it is necessary and proportionate). In most cases, they may need reassurance that a risk assessment has been conducted, but they should not have access to the details or to the recommendations of the report except in exceptional circumstances, when external advice should be sought.

#### 5.12 What should be taken into account in the assessment?

The following need to be considered by the assessor on the basis of information from the Local Authority Children/Adult Services; the National Offender Management Service (NOMS); the Police; and relevant church bodies:

- where an individual has a conviction or police caution, the nature and seriousness of offences;
- where an individual has no conviction or caution, the nature and seriousness of the allegation or behaviour giving rise to concern;
- if a convicted offender, the offending pattern of behaviour, e.g. within the family, through professional or volunteer role, internet activity, befriending and/or building up trust with others as a means to offending;
- the level of risk which may be posed in relation to the role of the individual;
- any potential that exists for collusion with other individuals who pose risk in the context of the location and role of the individual;
- the extent of the individual's compliance with any licence or order;
- the individual's response to any relevant treatment programme;
- available medical records<sup>34</sup>;
- if on licence, when this expires;
- whether or not the individual is on the Sexual Offenders Register;
- whether or not a Sexual Harm Prevention Order<sup>35</sup> is in place and if so any relevant conditions imposed;
- the individual's current or hoped for involvement in the Christian community, (e.g. any groups to which he/she belongs or roles he/she has);
- the individual's known friendship/social network;
- the individual's relevant background history;
- the individual's awareness, empathy and acceptance of the impact his/her behaviour has had on those affected;
- if a past conviction or caution or allegation, what has changed since that time;
- if known, the individual's "triggers", i.e. those situations which intensify the person's desire or motivation to offend, e.g. difficulties with alcohol or substance abuse; relationship difficulties; stress; mental ill health.

5.13 Having considered these areas and identified a risk, an assessment needs to be made of the capacity for the Christian community to manage any risks posed. This should take into account:

- the staffing levels and design of the church building(s), in order to ensure adequate supervision;
- the range of services and other activities, e.g. mid-week services, house groups, play groups, uniformed organisations, luncheon clubs, music groups, choirs, the bell tower, servers;

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<sup>34</sup> See British Medical Association Guidance on Confidentiality and Health Records, <http://bma.org.uk/practical-support-at-work/ethics/confidentiality-and-health-records>

<sup>35</sup> Definition of orders: see Glossary appendix 1

- the range of specific activities for children, young people and adults;
- the capacity of church leaders to support and manage the person who presents a risk.

#### 5.14 What should be included in the risk management plan?

This will depend upon the circumstances. For example at the beginning of a police investigation, where there is partial information, the plan will be temporary and may include precautionary steps to protect others and the individual who may pose risk, as a neutral step. This may include suspension or voluntary standing aside from specific roles, prevention from starting a new role and limiting where the individual can worship.

All risk management plans need to make the most reasonable decisions based on the information available at the time, and be carried out professionally. Decisions need to be transparent and easily understood.<sup>36</sup>

- 5.15 In almost all circumstances, the risk management plan should be discussed with the subject of the plan face to face, and the reasons for it explained. The terms of the plan should be in writing, usually assisted by a written temporary agreement between the Christian community and the individual. In the early stage of an investigation, this may be in letter form. It will be reviewed when further information is available or once the investigation has concluded.
- 5.16 Following the conclusion of an investigation, or if the person is known to have a conviction or police caution, if the conclusion of the assessment is that the person poses a risk, the Christian community will be assisted by the DSA to draw up an agreement<sup>37</sup> with the individual. This will include a decision as to whether the person who poses a risk should be integrated into, or remain in the church community. If so, the assessment will cover the following issues:
- what risks are posed to children or adults, and how these should be managed;
  - an understanding of the victims'/survivors' perspectives;
  - what other pastoral concerns are relevant, and how these might be managed;
  - the extent of information shared with those who will be monitoring the agreement and supporting the individual, in order to minimise the risk of repeating her/his abusive behaviour;
  - how and when the person who poses a risk may be informed personally of the above steps.
- 5.17 Guidance and advice on this agreement must be sought by the representatives from the statutory agencies, particularly if an offender is on the Sex Offenders Register or subject to an order<sup>38</sup>.
- 5.18 Generally, it is not possible to prevent a parishioner from attending divine service, which is open to the public, unless this is a condition included in a Sexual Harm Prevention Order (SHPO)<sup>39</sup> or other court order. Even if there are a number of church services during the day, there is no legal right to exclude a parishioner from a particular service, (for instance to exclude a person who poses a safeguarding risk from a family/children's service, when there is a more adult orientated service later in the day). That said, the churchwardens may be able to direct a person where to sit, put measures in place to closely supervise him/her (e.g. accompany the individual) and remove that person if

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<sup>36</sup> See work by Hazel Kempshall on Defensible Decision Making, embodied in MAPPA Guidance good Practice Standards, 2007

<sup>37</sup> For a template of an agreement for an offender, see Appendix 5

<sup>38</sup> For definitions, see Glossary appendix 1

<sup>39</sup> SHPO: see Glossary appendix 1.



he/she causes a disturbance<sup>40</sup>. This means that any ban from a service of worship which is incorporated in a safeguarding agreement with those that pose a safeguarding risk is essentially voluntary if that person is a parishioner. This position relates to worship only - it may be possible to ban an individual from choir/bell ringing practice, midweek activities, after service coffee, or any other event, which is not open to the public in the same way.

5.19 The safeguarding agreement is for his/her own benefit as much as for the church's, because if he or she refuses to agree to appropriate restrictions on church attendance, then for safeguarding purposes (e.g. to manage any risk that an offender may represent) it may be necessary to make a wider circle of people aware of that person's history.

5.20 Although such an agreement is voluntary, there may be action that can be taken if an individual refuses to enter into/comply with such an agreement. For instance, information in relation to any failure to comply could be shared with the police or an individual's Offender Manager (NOMS)<sup>41</sup>, who could consider whether there has been a breach of a post-release licence/Community Order or a SHPO. This should be made clear to the subject.

#### 5.21 **How will the risk management plan and/or agreement be implemented?**

The Christian community is responsible for implementing and monitoring the risk management plan (and where relevant the safeguarding agreement<sup>42</sup>) with an individual. Usually in a parish setting this is done by the incumbent, the churchwardens, the parish safeguarding officer and named supporters for the individual.

5.22 The DSA should be consulted about the constitution of the group and provide training and further support, where necessary.

5.23 Any breach of an agreement reached as part of the management plan should be reported to the relevant statutory agencies if applicable, but always to the DSA, who may consider a review of the management plan.

#### 5.24 **When should the plan or agreement be reviewed?**

The plan or agreement should be reviewed at regular intervals depending on the risks identified, and at least annually, and also in the following circumstances:

- when new information is available;
- if circumstances change;
- if the individual breaches the agreement;
- if concerns have been expressed about risk management.

5.25 In a parish, the review should be conducted by the DSA, in a meeting with the subject and at least 2 members of the group of church officers<sup>43</sup>. Any such review should include a new risk assessment, unless it is agreed that none of the prevailing circumstances have changed and the previously identified risks remain. In some

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<sup>40</sup> Churchwardens have additional powers, to maintain good order at divine service and can eject without unnecessary violence any person creating a disturbance, (Canon F 15, para 2). Indeed, pursuant to section 2 of the Ecclesiastical Courts Jurisdiction Act 1860, if any person is guilty of riotous, violent or indecent behaviour in any church, chapel or churchyard (whether or not during a service) or of disturbing, vexing, troubling or by any other unlawful means disquieting or misusing any minister officiating there, the churchwardens or their assistants must take care to restrain the offender and, if necessary, proceed against him according to the law. Section 3 of the 1860 Act gives churchwardens a power of arrest after an offence has been committed.

<sup>41</sup> Role of NOMS: see Glossary appendix 1

<sup>42</sup> For a template of an agreement for an offender, see Appendix 5

<sup>43</sup> Protecting All God's Children, paragraph 8.29

circumstances, for instance if the subject has complied with the agreement over a number of years, the review may be conducted by phone or email, and copies of the report sent to the DSA and any statutory agency involved.

A review report should be written, and copies sent to all relevant agencies, providing a brief outline of:

- monitoring & support meetings held during the year
- relevant matters which have changed over the year
- ways in which the agreement/contract is working well
- any continuing or new areas of concern that need to be addressed
- sources of support for the individual, including changes of supporters/officers in role
- plans for the next year and any changes needed for the plan, including any specific safeguarding actions to be taken
- circumstances for which the plan would no longer be required.

#### **5.26 Where should information be stored and what records should be kept?**

All Type A risk assessments should be recorded, and all recording should be compliant with Recording Practice Guidance<sup>44</sup>. The record should include details of the concerns raised, advice given by statutory agencies, identification of those at risk, and details of the management plan to minimise risk<sup>45</sup>.

- 5.27 Great care should be exercised when deciding who receives a copy of the report.<sup>46</sup> Information provided by other agencies and third parties can only be shared with their express permission. With such material redacted where necessary, the report may be shared with nominated leaders of the Christian community, nominated diocesan staff and statutory agency representatives. The subject of the report should always receive a copy of the risk management plan, with redactions, including information about victims, where necessary.
- 5.28 The subject should be advised that should s/he leave the parish and join another Christian community, it will be necessary to ensure the leader in the new church is aware of the background, and a new risk assessment and management plan should be undertaken in order to take account of the changed circumstances.
- 5.29 A record of the assessment should be held both on the file of the DSA or other safeguarding officer, and by a designated officer in the Christian community. In the case of a church officer, the core group will recommend where the record should be kept.<sup>47</sup>
- 5.30 **Timescale.** This will vary according to circumstances.
- 5.31 If the assessment is of risk which may be posed following disclosure of new information which has triggered a statutory investigation, it should be undertaken immediately with advice from statutory services.
- 5.32 If the assessment is based on known past offending and the person is not currently part of a Christian community, but seeking to join, it should be undertaken within 6 weeks. If the person is already part of a Christian community, the assessment should be done immediately, or the individual asked to withdraw pending completion of the assessment.

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<sup>44</sup> Practice Guidance Recording, House of Bishops May 2015

<sup>45</sup> See appendix 4 for a template of a risk management report

<sup>46</sup> The key factors in deciding to share confidential information are necessity and proportionality, that is, whether the proposed sharing is likely to help prevent a safeguarding risk and whether the public interest in maintaining confidentiality overrides the interest in maintaining confidentiality. That said, where there is a clear risk of significant harm to a child or serious harm to an adult, the public interest test will almost certainly be satisfied.

<sup>47</sup> Responding to Serious Safeguarding Situations Practice Guidance relating to Church Officers, House of Bishops 2015.

### 5.33 Supervision of the assessor

National and Diocesan Safeguarding Advisers should receive professional supervision as appropriate for their casework functions, and the DSA should be supervised by his/her supervisor on all risk assessments. Professional supervision for assistant DSAs may be provided by the DSA.

5.34 In order to ensure supervision and monitoring of process, in addition:

- where the assessment is carried out by the DSA or a member of his/her team, a nominated member of the DSG should be notified and consulted. This person should not be involved in any subsequent appeal.
- where the assessment is carried out by a member of the National Safeguarding Team, representative members of the core group which is managing the internal process should be notified and consulted.

### 5.35 Appeals

Appeals cannot be made against the assessment conclusions and recommendations, which stand as the assessor's opinion and cannot be challenged as such.

Each DSG should have a process in place for appeals against the implementation of the recommendations of the report by the commissioning body, which includes independent scrutiny of the process.

## 6. Process for a Type B Risk Assessment

### 6.1 What circumstances require a Type B assessment?

A Type B assessment will only be undertaken in relation to a church officer<sup>48</sup>, whether ordained or lay, and on completion of a statutory investigation. See section 4, and flow charts in appendices 2 and 3 for what will trigger this type of risk assessment.

6.2 The final decision to commission a Type B assessment will be made by the body or officer with responsibility for that person's role, on the recommendation of the core group which is managing the internal process<sup>49</sup>. That body or officer will become the commissioning body.

### 6.3 Who commissions the assessment?

The commissioning body will appoint the risk assessor, on the advice of the Safeguarding Adviser, and will be responsible for paying the assessor's fees.

6.4 The referral to the assessor will usually be made by the Safeguarding Adviser (Diocesan or National) on behalf of the commissioning body.

6.5 Examples of on whose behalf the referral is made:

- For a parish officer, eg youth worker, organist, director of music, the DSA refers on behalf of the incumbent, churchwardens and PCC
- For anyone holding the Bishop's licence, permission or authorisation (all diocesan clergy, licensed or authorised lay workers), the DSA refers on behalf of the Diocesan Bishop
- For a diocesan employee, the DSA refers on behalf of the Diocesan Secretary and the Diocesan Board of Finance
- For Deans and Canons of the Cathedral, the DSA refers on behalf of the Diocesan Bishop
- For Bishops, the National Safeguarding Adviser (NSA) or his/her delegate refers on behalf of the Archbishop of the Province

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<sup>48</sup> Definition of Church officer: see Glossary, appendix 1

<sup>49</sup> See Practice Guidance, Responding to Serious Situations, House of Bishops May 2015

- For an employee of a National Church Institution (NCI), the NSA or his/her delegate assesses on behalf of the relevant NCI  
For Archbishops, the NSA or his/her delegate refers on behalf of the archbishop who is not the subject of the assessment.

## **6.6 Who conducts the risk assessment?**

A Type B assessment will always be carried out by a person/organisation which is independent from the commissioning body.

- 6.7 The independent assessor should be drawn from professionals or agencies with proven qualifications and experience in the field of risk assessment.
- 6.8 The Safeguarding Adviser should advise the commissioning body on the choice of assessor. The assessor's expertise will need to reflect the specific circumstances and nature of concerns of the assessment, such as expertise in safeguarding children, safeguarding adults, mental health, sexual abuse, forensic psychology.
- 6.9 In addition to the independent assessor's expertise/qualifications, the choice will need to take into account the assessor's independence, availability, time and cost.<sup>50</sup> Commissioning bodies should seek evidence from the assessors of professional indemnity and public liability insurance which covers them for this work.
- 6.10 The Safeguarding Adviser of the commissioning body should not undertake risk assessments of this type; as an officer of the commissioning body, and having had a role in the management of the case, h/she will be perceived as potentially biased towards protecting the commissioning body, and undertaking such an assessment may have implications for his or her future ability to fulfill their role.
- 6.11 The commissioning body should be satisfied that the independent assessor is professionally supervised in the work by another suitably qualified person.

## **6.12 What is the role of statutory agencies?**

All referrals for Type B assessments should include information disclosed for the purpose of statutory agency information, including where relevant reports of police investigations. Such information should be sought by the Safeguarding Adviser, and can only be used within the limits of information sharing set by the agency sharing the information.

## **6.13 What can the subject expect?**

Type B assessment can only be undertaken with the consent of the subject, but a return to or commencement of the role may be conditional on its completion. The conclusions and recommendations of the assessment may be shared with statutory agencies, and may inform a disciplinary process, so it should be timed with this in mind. The assessment may be disclosable if relevant to any criminal or civil proceedings.

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<sup>50</sup>The National Safeguarding Team can provide details of a range of independent professional agencies who offer a high quality risk assessment service. The National Safeguarding Team is considering recruiting a pool of independent assessors who will be trained to use this model and be available for commissioning. Safeguarding colleagues with suitable skills and experience from other dioceses or ecumenical partners may be used on a reciprocal basis, on the condition that neither they nor their diocese/district etc. has had any involvement in the case or there is any conflict of interest.

- 6.14 All relevant information about the arrangements should be communicated to the subject in writing as well as through any spoken contact. The subject should be given information about:
- the independent assessor
  - the process for the assessment
  - what information will be shared with the assessor
  - who will be interviewed
  - what tests they may be asked to undertake
  - the timescale for the assessment
  - the process for appeal against implementation of recommendations.
- 6.15 The assessment is not a legal process, and therefore the subject's lawyer cannot be part of the assessment process. The subject may choose to seek legal advice before agreeing to the terms of reference for the assessment, and the subject's lawyer then negotiate on the subject's behalf with the commissioning body's lawyer.
- 6.16 Experience shows that the subject is often constrained in his / her engagement when accompanied by a supporter as it is more difficult to reveal information that may have previously been denied or hidden. This should be explained to the subject at the beginning of the process, and s/he should be encouraged to attend assessment interviews alone. If however the subject has specific support needs, for instance related to disability or language, these must be addressed and provided accordingly.
- 6.17 If the subject chooses nevertheless to be accompanied by a supporter then it is good practice to agree and to clarify the role of that supporter. The role of the supporter is to listen for the purpose of talking through what was said with the subject after the interview) and to ask for clarification during the interview. The supporter is not an advocate for the subject, must be independent of the issue causing the assessment to be undertaken, and should not be a legal representative.
- 6.18 The role of the supporter should be clarified to the subject before the assessment, and explained again by the independent assessor at the start of interviews.
- 6.19 Whether or not the subject is accompanied by a supporter, it is the responsibility of the Safeguarding Adviser to ensure his / her welfare is considered and that pastoral support is offered both before, during and after the assessment process.
- 6.20 The subject should be given a copy of the commissioning letter, and given a copy of the final report, with redactions made for information which cannot be shared<sup>51</sup>, and notified of the process for appeal, including any time-limits. S/he should sign to acknowledge receipt.

#### 6.21 **What can victims/survivors expect?**

The DSA/NSA should ensure that direct support is offered to victims/ survivors, quite separate from the assessment process. At each stage of the process, consideration must also be given to what information, if any, can be shared with any known victims/survivors and their family (e.g. consideration should be given to whether or not it is in the public interest to share such information; whether it protect individuals from further risk of harm; whether it is necessary and proportionate). In most cases, they may need reassurance that a risk assessment has been conducted, but they should not have access to the details or to the recommendations of the report except in exceptional circumstances, when external advice should be sought.

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<sup>51</sup> See section 6.23, stage 2

**6.22 What should be taken into account in the assessment?** Please see section 5.12 for factors to be considered.

### **6.23 Timescale**

The whole process, from commissioning to decision-making, should not take longer than 12 weeks, with the actual engagement / assessment process and report-writing by the independent assessor being completed within 6 weeks. The timescale should be identified at the outset, and where the process cannot be completed in 12 weeks, or if there are significant delays in the process, this should be communicated in writing to all those involved.

### **6.24 Stages of the process**

A Type B risk assessment is complex. Stages of the process should be identified at the outset, as follows:

- Stage 1 - The independent assessor is appointed by the commissioning body, the commissioning body.
- Stage 2 – Decisions by the commissioning body, in consultation with other parties, about the terms of reference for the assessment, which should include what information will be supplied to the assessor and who will have sight of the report, and its conclusions and recommendations<sup>52</sup>. All information held by the commissioning body should be disclosed to the assessor. Information shared by statutory services and third parties may only be shared with the assessor with the explicit permission of the agency which owns the information, and the terms of sharing such information should be made clear to the assessor.
- Stage 3 – The referral is made to the independent assessor
- Stage 4 - The independent assessor sets up the assessment, facilitated by the referrer in relation to practical arrangements, keeping the subject informed of the process, facilitating pastoral support as necessary and supplying any additional information or clarification if requested by the assessor.
- Stage 5 – The independent assessor interviews the subject and any other relevant parties. The assessor also examines the relevant evidence (e.g. witness statements, investigation reports from the police).
- Stage 6 – The independent assessor drafts the risk assessment report
- Stage 7 – The independent assessor shares the draft report with the referrer for sharing with the subject for his/her comment, with redactions of information for which permission to share has not been given, with the proviso that only errors of fact may be commented on and/or corrected. The draft report is then returned to the assessor for his/her final consideration.
- Stage 8- One copy of the report is submitted to the commissioning body from the independent assessor. The report is shared with other relevant parties as agreed at stage 2 of the process. This will always include the subject of the report, always with necessary redactions.
- Stage 9 – The commissioning body considers the recommendations and how it will implement those recommendations and informs the relevant parties of its intentions. This will usually be on the advice of the core group<sup>53</sup>
- Stage 10 – The subject can appeal against the implementation of recommendations of the report, in accordance with the terms of reference set.

After the risk assessment is finished and the relevant recommendations implemented, the process should be kept under review and ongoing risks will continue to be monitored and managed where necessary.

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<sup>52</sup> See appendix 6, template for a commissioning letter, and appendix 7 for a template for a referral and terms of reference

<sup>53</sup> Practice Guidance Responding to Serious Safeguarding Situations relating to Church Officers, House of Bishops May 2015

## 6.25 Decisions at the point of commissioning the assessment

Appendix 7 provides a template for referral and terms of reference for a Type B risk assessment. Prior to the risk assessment taking place, the following should be clarified with both the assessor and the subject:

- what information can be shared with whom;
- the terms of reference for the assessment;
- who at the end of the process will receive copies of the report;
- the process for receiving the report by the commissioning body, and making decisions based upon it
- the process for appeal to the commissioning body against the implementation of recommendations of the risk assessment.

The Commissioning body should ensure that the independent assessor receives the following information:

- all known, relevant information about the subject, held by statutory or voluntary partners, with the express permission of each agency. This includes as a minimum, information from the police, the Local Authority, and any adult and mental health statutory services;
- all known information about the subject held by the wider church. If the subject is an ordinand or ordained, a check with records held by the Archbishops at Lambeth Palace / Bishopthorpe (e.g. the Archbishops' List<sup>54</sup>) and the National Safeguarding Team;
- if the subject is eligible, with his or her permission, or with the express permission of the police, an appropriate updated criminal records check.

## 6.26 Content of report

Appendix 8 provides a template for an assessment report. The assessor will require flexibility in order to address the situation as comprehensively and constructively as possible. Nevertheless, there are required pieces of information which should always be included in the report, as detailed in appendix 8.

## 6.27 Risk management

The commissioning body should be satisfied that identified risks are managed. This may include:

- a formal safeguarding agreement;
- sharing of information;
- referral to Lambeth or Bishopthorpe Palace;
- referral to the DBS for consideration of barring;
- commencement of disciplinary processes which may result in removal from office or restriction of the roles which the subject can fulfill.

## 6.28 Information should be shared with:

- relevant statutory bodies as agreed in the terms of reference; for risk to children this should be Children's Services; for risk to adults this should be Adult Services; for risk of harm to the subject, this may include Mental Health services.
- relevant church bodies as agreed in the terms of reference; for ordained or licensed people, this should include the National Safeguarding Team, Lambeth Palace or Bishopthorpe, other relevant dioceses, churches and denominations.

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<sup>54</sup> The Archbishops' List is not open for public inspection but is available to the President of Tribunals and diocesan bishops and diocesan registrars.

- 6.29 A copy of the most recent risk assessment, including the terms of reference, and a summary of how recommendations were implemented, should be held on the personal file of the subject in a sealed envelope with agreed limited access<sup>55</sup>. In the event of the subject moving to a new diocese or church, this information must be passed to the new diocese or church, and the subject informed of this.
- 6.30 Consideration should be given to the provision of redacted information if other agencies or bodies are identified as 'needing to know'.
- 6.31 The commissioning body should commission additional investigations if recommended by the assessor and deemed necessary in order to further inform current or future risk.

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<sup>55</sup> See Practice Guidance: Safeguarding Records, House of Bishops May 2015



## APPENDIX 1

### Glossary of terms

#### **Child:**

A child is a person under 18 years of age and is seen to be vulnerable by reason of age.

#### **Adult:**

An adult is a person aged 18 or over. The Care and Support Statutory Guidance issued under the Care Act 2014 (14.2) by the Department of Health replaces the previously used term 'vulnerable adult' with 'adults experiencing, or at risk of abuse or neglect'.

However, the term vulnerable adult is retained by Safeguarding Vulnerable Groups Act 2006; the Disclosure and Barring Service (DBS) in its Guide to eligibility for DBS checks and by the Church of England in its draft Safeguarding and Clergy Discipline Measure. Clause 6 of The draft Safeguarding and Clergy Discipline Measure (which is not yet in force) defines a 'vulnerable adult' as a person aged 18 or over whose ability to protect himself or herself from violence, abuse, neglect or exploitation is significantly impaired through physical or mental disability or illness, old age, emotional fragility or distress, or otherwise; and for that purpose, the reference to being impaired is to being temporarily or indefinitely impaired.

#### **Statutory definition of Harm:**

The statutory definition in the Children Act 1989 states that 'harm' means ill-treatment or impairment of health and development. Ill-treatment includes sexual abuse and forms of ill-treatment which are not physical, thus including emotional abuse. Physical abuse itself is not explicitly included, but this is taken as read. 'Health' includes both physical and mental health, and 'development' includes physical, intellectual, emotional, social and behavioural development.

#### **Statutory definitions of Abuse:**

##### **Children:**

A form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults, or another child or children.<sup>56</sup>

Abuse may take the form of physical abuse, emotional abuse, sexual abuse or neglect, or a combination of these.

##### **Adults:**

Abuse and neglect can take many forms, and includes physical abuse, sexual abuse, psychological abuse, exploitation, financial or material abuse, neglect and acts of omission, discriminatory abuse and institutional abuse, or a combination of these.<sup>57</sup>

##### **Domestic abuse:**

The cross-government definition of domestic violence and abuse is: any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to: psychological; physical; sexual; financial; emotional<sup>58</sup>.

*Controlling behaviour:* a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal

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<sup>56</sup> Working Together 2015, Appendix A Glossary. Explanations of types of abuse can also be found here.

<sup>57</sup> Care and Support Statutory Guidance issued under the Care Act 2014, Department of Health June 2014. Explanations of types of abuse can also be found here.

<sup>58</sup> Guidance Domestic Violence and Abuse, Home Office, March 2015.

gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

*Coercive behaviour*: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

## **Statutory Agencies**

### **Social care**

The provision of social work, personal care, protection or social support services to children or adults in need or at risk, or adults with needs arising from illness, disability, old age or poverty.

### **Static risk assessment**

Risk factors are historical factors that do not frequently fluctuate (e.g. genetic predisposition). Static risk factors include characteristics such as number of previous convictions, age, offence type, age at first conviction, marital status, genetic predisposition etc.

### **Dynamic risk assessment**

Risk factors are more likely or able to change and fluctuate over relatively short periods of time (e.g. smoking behaviour, fitness and stress).

### **Local Authority Advice and Guidance**

Local authorities should.... have designated a particular officer, or team of officers (either as part of multi-agency arrangements or otherwise), to be involved in the management and oversight of allegations against people that work with children. ....

Local authorities should put in place arrangements to provide advice and guidance on how to deal with allegations against people who work with children to employers and voluntary organisations. Local authorities should also ensure that there are appropriate arrangements in place to effectively liaise with the police and other agencies to monitor the progress of cases and ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.<sup>59</sup>

**DBS - Disclosure and Barring Service**: combines what were formerly the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA). The DBS has the power to bar an individual from engaging in work/activities classified as "regulated activity" (paid or voluntary) with children or vulnerable adults (pursuant to the Safeguarding Vulnerable Groups Act 2006) where the individual's past behaviour has been assessed as indicating a risk of harm. The bar remains in force indefinitely unless the barred individual requests a review by the DBS and shows good cause why the bar should be lifted after the minimum specified period.

**MAPPA – Multi Agency Public Protection Arrangements**: the name given to arrangements in England and Wales for the "responsible authorities" tasked with the management of registered sex offenders, violent and other types of sexual offenders, and offenders who pose a serious risk of harm to the public. The "responsible authorities" of the MAPPA include the National Offender Management Service (NOMS), HM Prison Service and England and Wales Police Forces.

**PPU – Public Protection Unit**: local police team responsible for monitoring convicted and dangerous offenders in the community, particularly those subject to the Sex Offenders' Register (see **SOR** below).

**NOMS – National Offender Management Service**: what used to be known as the Probation Service (now including the prison service).

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<sup>59</sup> Working Together 2015, chapter 2, paras 5 and 6

**OM - Offender Manager** – police officer in the PPU responsible for supervising offenders in the community who are subject to the Sex Offenders Register; their involvement formally ends when the offender is no longer on the SOR.

**SO – Supervision Officer** - NOMS officer responsible for supervision and rehabilitation of offenders in the community who are released on licence, and/or are subject to statutory orders according to the sentence of the Court (see CRO and post-release licence below). Their involvement formally ends when the order expires.

**YOT – Youth Offending Team** – officers are responsible for supervising offenders under 18.

## **Orders**

**SOR – Sex Offenders' Register**: a statutory means of monitoring the whereabouts of individuals convicted of sex offences. Most offenders on the SOR will have a designated local PPU police officer as their Offender Manager.

**SHPO – Sexual Harm Prevention Order**: replaces the sexual offences prevention order (SOPO) and foreign travel order (FTO). This civil order can be applied for when a person has been convicted of or cautioned for a sexual or violent offence (including equivalent offences committed overseas) and poses a risk of sexual harm to the public.

**SRO - Sexual Risk Order**: replaces the risk of sexual harm order (RoSHO). This civil order can be applied for when a person without a conviction for a sexual or violent offence (or any offence) poses a risk of sexual harm.

**CRO - Community Rehabilitation Order** – what used to be known as a Probation Order and often has additional treatment requirements attached. For the duration of the order, the offender is required to maintain regular contact with his/her OM and engage in whatever treatment is prescribed.

## **Church of England**

### **Church officer**

Anyone appointed by or on behalf of the church to a post or role, whether they are ordained or lay, paid or unpaid.

### **Christian community**

Christian community is used as a generic term to include all Church of England bodies or organisations for whom House of Bishops policies and Practice Guidance applies. This includes parish, diocesan and provincial level, and where relevant, other Church of England settings, for example cathedrals, religious communities and theological colleges.

### **National Church Institutions (NCIs)**

The collective name for the following:

The Archbishops' Council; Bishopthorpe Palace; The Church Commissioners; The Church of England Central Services; The Church of England Pensions Board; Lambeth Palace; National Society for Promoting Religious Education; Trustees of the Lambeth Palace Library.

### **Diocesan Safeguarding Adviser (DSA)**

A diocesan officer, professionally qualified and experienced in the practice of safeguarding, employed to support the diocese in the development of local policy, good practice and training. To ensure that allegations of abuse are appropriately referred to the statutory authorities ensuring the provision of appropriate advice and support to survivors and victims of abuse. To make sure that offenders returning to the community are appropriately supported and managed. To advise the

diocese on all safeguarding matters ensuring that all advice is in line with the law, government guidance and national guidance from the House of Bishops and National Safeguarding Adviser.

For a template role model, see Model of Good Practice Job Description Safeguarding Adviser (Children and Adults), 2014.

**Diocesan Safeguarding Group (DSG)<sup>60</sup>**

A Diocesan Group chaired by an independent lay person, and integrated into diocesan structures, e.g. as a subcommittee of the Bishop's Council. It is serviced by the Diocesan Safeguarding Adviser, and may include as members senior professional officers, e.g. from Local Authority child and adult care, police, health; and senior diocesan representatives, e.g. a Bishop or his/her senior representative, the diocesan secretary, the diocesan communications director.

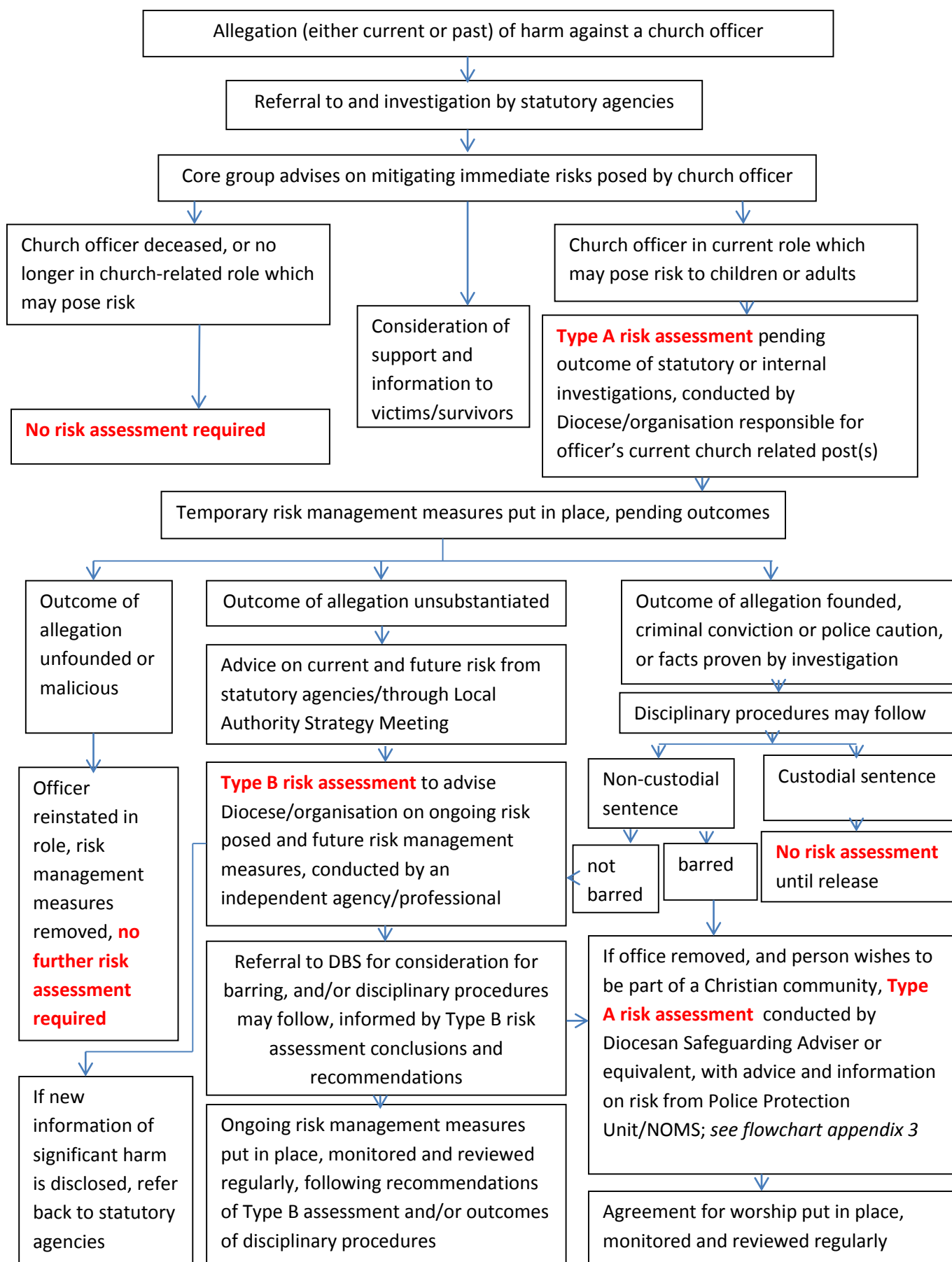
It should meet formally and report at least annually. Its purpose is to maintain an overview, and monitor and review diocesan safeguarding policy and practice.

Consideration should be given to establishing a risk management panel which would act as an appeals panel.

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<sup>60</sup> See Protecting All God's Children 4<sup>th</sup> edition, 2010, paragraphs A4.2 and A4.3:

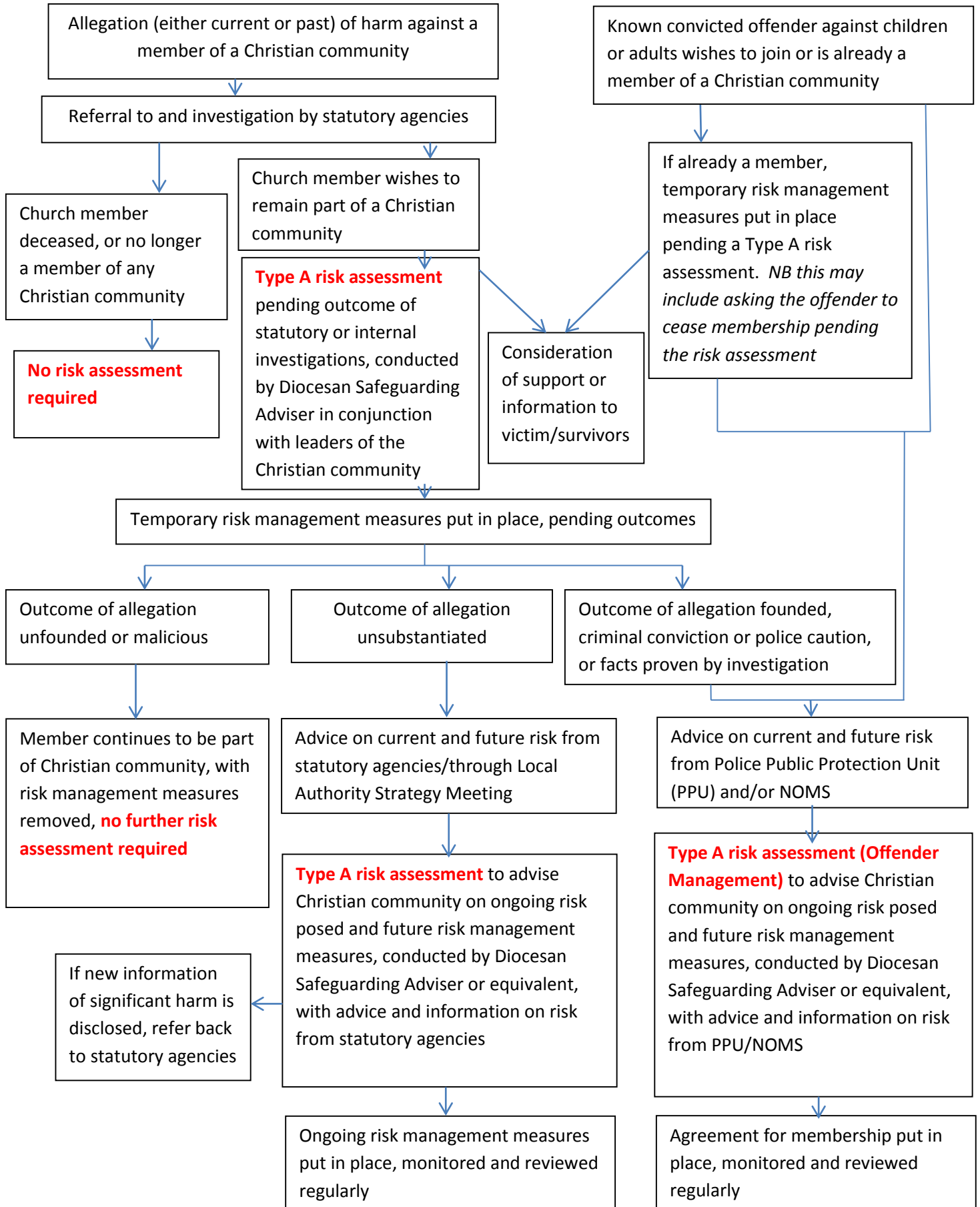
**APPENDIX 2: Path to Risk Assessment: Serious Safeguarding Situation<sup>61</sup> relating to a Church Officer<sup>62</sup>**



<sup>61</sup> For definition of serious safeguarding situation, and process to be followed, including internal core group management, see Practice Guidance *Responding to Serious Safeguarding Situations relating to Church Officers*

<sup>62</sup> Church officer: anyone appointed by or on behalf of the church to a post or role, whether they are ordained or lay, paid or unpaid. Reference policy *Protecting All God's Children, paragraph 1.27*. If person is not a church officer, the flowchart in Appendix 3 should be followed.

**APPENDIX 3 Path to Risk Assessment: Serious Safeguarding Situation<sup>63</sup> relating to a Member of a Christian Community<sup>64</sup>**



<sup>63</sup> For definition of serious safeguarding situation, and process to be followed, see Practice Guidance *Responding to Serious Safeguarding Situations relating to Church Officers*

<sup>64</sup> If worshipper is a Church officer (anyone appointed by or on behalf of the church to a post or role, whether they are ordained or lay, paid or unpaid) the flowchart in Appendix 2 should be followed.

## APPENDIX 4

### Template for a Type A Risk Management Plan

<b>Name and contact details of subject</b>
<b>Christian community to which the person belongs or is seeking to join</b>
<b>Current roles and responsibilities in that community</b>
<b>Information about safeguarding allegation/offences</b>
<b>Key statutory agency contacts</b>
<b>Recommendations about risk from statutory agencies</b>
<b>Risks of harm posed to victim(s) in context of Christian community</b>
<b>Risks of harm posed to other children or adults in context of Christian community</b>
<b>Key contacts in Christian community</b>
<b>Capacity of Christian community to manage risks posed</b>
<b>Plan to manage risk, to include:</b> <i>Indicators of acute risk ('panic factors')</i>
<i>Protective factors</i>

***Safety planning***

***Supervision and monitoring***

***What information (if any) is shared with victims and survivors***

**Responsibilities for implementing risk management plan**

**Proposed review date for risk assessment :**

**Copies of this report to:**

**Copies of risk management plan to:**

**Signed:**

**Date**



## APPENDIX 5 Type A Example of a Safeguarding Agreement<sup>61</sup>

Parish of .....

**Agreement** between ....., and ....., on behalf of ..... parish. This agreement is for the benefit of both ..... and members of the church, to protect vulnerable people from risk.

### Information and confidentiality

- The following people have been made aware of the contents of this agreement, and will act as the 'reference group' in supporting ..... and in helping to ensure that the agreement is practised and reviewed regularly: ..... (*incumbent*); ..... (*Churchwarden*); ..... (*Churchwarden*); ..... (*Parish Safeguarding Officer*).
- In addition, the following people have received a copy of this agreement: ..... (*Archdeacon*); ..... (*PPU*); ..... (*NOMS*); ..... (*Diocesan Safeguarding Adviser - DSA*).
- The church (parish or diocese) may contact statutory agencies (police, NOMS, children or adults services) for advice or information, and will share any concerns or information concerning ..... thought to be relevant.

### The church's support for .....

- Members of the Reference Group will maintain confidentiality over all information relating to ..... and will inform him if the decision is made to make others in the congregation aware of his convictions.
- ..... will offer spiritual and personal support to ....., and in addition he may consult him about any matters related to practising this agreement.

### .....'s undertaking

- ..... will maintain confidentiality about his convictions.
- ..... is welcome to attend worship at services, where children and young people are unlikely to be present, as follows: .....
- He will arrive no earlier than 10 minutes before the service, and leave no more than 10 minutes after the service.
- He will sit with ...../make himself known to ..... on arrival
- ..... will not seek out or engage with children or young people under the age of 18 years either individually or in groups, in the church or before or after the services, or make any contact with children or young people outside of the church.
- ..... will not attend any other events at churches in parish, including social functions, or accept invitations to homes of people with children under 18 years, without the express permission in advance of .....
- ..... will not undertake any positions of authority or responsibility or duties of any kind in the parish, nor any work, paid or voluntary, with children under 18 years.

### Review of agreement

- This agreement will be reviewed by members of the Reference Group, in consultation with the DSA and the police, initially by ....., and then at regular intervals, at least annually.
- If this agreement is broken, the church in consultation with the DSA and the police, will make decisions about .....'s further involvement in the church.
- In the event of ..... moving to another church, the Diocese will endeavour to pass information about him and the safeguarding action which has been taken.

Signed: .....  
Date: .....

Signed: .....  
.....

<sup>61</sup> See also PAGC, Appendix A6 for a Model Agreement with an Offender

## APPENDIX 6

### Template Commissioning letter for Type B risk assessment

Dear *Name of assessor/agency*

#### Risk Assessment in respect of *Name*

I confirm on behalf of *commissioning body* that I would like to commission *independent assessor/organisation* to undertake a risk assessment of *Name*. Thank you for agreeing to undertake this assessment.

I attach the following documentation:

- Terms of Reference Document dated *xxx*, which includes information about *N*, and a full chronology of the circumstances leading to this assessment.
- Documentation from police or other relevant body regarding investigation, including witness statements etc.
- Minutes of Allegations Management meetings or other relevant documentation from statutory services.

*Please note the permissions for information sharing given by statutory agencies in relation to the subject for the purposes of this assessment only.* All of the information provided here is confidential and should not be disclosed to any person or body outside this process, unless safeguarding matters arise which require an urgent referral to a statutory agency. If so, you should notify me as soon as possible.

#### Methodology/scope

*Who we expect to be consulted, and how.*

#### Risk assessment report format

I attach the standard template for the report. Please ensure that as a minimum all information is provided, although you should not feel the template is a straightjacket. By all means use a different order if this is most helpful to you.

#### Confidentiality

Reports should always be sent by special delivery, marked confidential for the attention of the addressee, inside an unmarked envelope. Reports should not be transmitted electronically unless the email is secure. Only one designated person should receive a signed hard copy of a risk assessment report. Copies may be made for others as agreed at the outset, but should always be accounted for.

Consideration may also be given to a coding system to prevent any inadvertent leak of such sensitive information. The report refers to pseudonyms e.g. the Revd X. Accurate initials should not be used, nor should place names, church names, schools or any other data that can identify either the subject or any other relevant parties. If this system is used, accompanying the main report, but NEVER attached for transmission, should be a names grid. For example

#### Academic references

We ask that academic references should not be included in your risk assessment. If you are relying upon a particular piece of research or theory then you should explain that in the report. In our experience when academic references have been used, a contradictory piece of research or

theory has been put forward and this has not been helpful.

*Detail arrangements for making contact with the subject to set up interviews.*

You are asked to complete this report by **xxxxx**. I will contact you after 4 weeks to check progress. If there are unavoidable delays, please let me know as soon as possible along with a revised target date for completion.

### **Costs**

I confirm the following arrangements:

*[detail arrangements for any payment and expenses]*

I would be grateful if you would confirm in writing that you will accept this commission, also demonstrating to me that:

You have in place appropriate professional supervision for the work

You have adequate professional indemnity and public liability insurance to cover the work.

I do hope that this information is clear and supportive to you in this work. Please don't hesitate to contact me if there are further questions with which we can assist.

Yours sincerely

Referrer, on behalf of the commissioning body

## APPENDIX 7

### Template for referral and terms of reference for a Type B risk assessment

#### ***Name, Role of subject of assessment***

**Commissioner:** *Name, role, on behalf of the commissioning body or individual*

**Independent Risk Assessor:** *Name, organisation*

**Date of commissioning:**

**Target date for completion:**

#### **1. Information relating to *name of subject, N***

Date of birth

Date of ordination if relevant

Current role(s)

Relevant history of employment and church-related roles, including previous ministry if ordained.

Family composition, any relevant family history.

#### **2. Circumstances leading to risk assessment**

Details of when concern was first raised with commissioning body, details of allegation(s).

Details of any subsequent allegations or information during the course of the investigation.

Details of police investigation, and outcome. *Note the permissions for information sharing given by statutory agencies in relation to the subject.*

Details of local authority allegations management meetings and recommendations. *Note the permissions for information sharing given by statutory agencies in relation to the subject.*

Subject's attitude to the allegations, in particular whether s/he denies them or how s/he has pleaded in the context of a police charge.

Details of previous risk assessments, and risk management plans, including plan currently in place. This should specify whether the subject has been suspended or has stepped aside from role(s).

Who has taken the decision to commission an independent risk assessment, and why.

### 3. Any previous concerns

Any previous relevant concerns.

Outcome of last Disclosure and Barring Service check.

### 4. Terms of Reference

**The assessor will not be asked to make a finding of fact. The assessor will clearly differentiate between established fact and professional opinion in his or her report.**

In the light of:

- a) The information supplied in the referral and gathered from *N* in interview regarding the allegation of *xxxx*;
- b) *N's* response to the allegations;
- c) *N's* reflection on his/her behaviour at the time of the allegation;
- d) Any pattern of inappropriate behaviour by *N* demonstrated during this period or subsequently; and
- e) *N's* personal circumstances since the period of these allegations:
  - whether *N* presents a risk to children, young people or adults who s/he may have contact with in a position of trust i.e. vulnerable by position
  - how any risk identified should be best managed
  - whether *N* is safe to continue in *role* and/or the potential role(s) of *xxx*.

If it is felt that *N* should be permitted to continue in one or more of these roles, to identify any future implication such as additional safeguarding training, support, therapeutic help or treatment to assist him/her in his or her roles/future ministry.

### 5. The process of assessment

- a) A meeting will take place between *N* and *referrer*, who is referring the assessment on behalf of *commissioning body*. The purpose of the meeting is to discuss the process of assessment, share the Terms of Reference and to obtain *N's* consent for the risk assessment to commence. *N* will have time to reflect on the meeting before agreeing to the assessment if s/he chooses.
- b) *Referrer* will complete the referral paperwork and submit *to independent assessor/organisation* for formal commissioning. *Referrer* will also forward other documentation to *independent assessor* when received. This will consist of *eg reports from the police, minutes of the Allegations Management Meetings and minutes from the church Core Group meetings*.

- c) *Assessor*, through *referrer*, will make contact with *N* and arrange to meet with him/her. Insert *details of assessment process, eg An assessment normally consists of 6 hours of interview divided into 2 sessions. The assessor may consider it necessary to speak to other relevant people or this may be requested of him/her.* *Assessor* will consider all available documentation and liaise with *commissioner* for clarification if required. *Assessor* will then write a full report covering the issues raised in the Terms of Reference and make recommendations to *commissioning body* accordingly.
- d) *Assessor* will share the report with *referrer*, who will share the report, with redaction of content which cannot be shared, with *N* for comment in relation to factual accuracy, not opinion. Any comments will be passed by *referrer* to *assessor* and it will be for *assessor* to determine whether the report requires amendment.
- e) The final report will then be submitted via *referrer* to *commissioning body* for consideration. *N* will be given a copy of the report with redactions of content which cannot be shared. In addition the following will have sight of the report: *Names and roles*
- f) Following consultation with this group *commissioning body* will consider the recommendations and conclusions of the report and their implementation and make a decision regarding *N's* future role/ministry.
- g) There will be an opportunity for *N* to appeal against the implementation of the recommendations, but not against the recommendations themselves.
- h) A summary of the relevant conclusions and recommendations and related extracts will be shared with *names, roles, eg specific members of the church core group, Local Authority.*
- i) A copy of the full assessment report will be held in a sealed envelope on *N's* personal file, with restricted access to named individuals, and on *N's national/diocesan* safeguarding file which has restricted access to the *national/diocesan* safeguarding team.

**Signed:** *Name, role*

**Date:**

## **APPENDIX 8 Template for Type B Assessment Report**

Note: the independent assessor retains professional discretion about the extent of his / her report and the order of information. The following is provided as an indication of the *minimum* amount of information which should be provided.

### **Front page**

Date of report

Confidentiality statement

e.g. this report is the property of the [diocese]. Its circulation is restricted to xxx and it must not be copied, divulged or circulated without express permission from [                    ].

### **Referral Summary**

To include date assessor appointed; target date for completion; actual date; reason for any delay.

### **The Assessor**

Brief note of the qualifications and experience of the assessor

### **People Interviewed**

To include name/s, role/s, date/s and location/s of interview/s, and clarification about whether by telephone or face-to-face.

### **Documents / Reports seen**

List, with permissions for conditions of information sharing.

### **Introduction**

Outline of reason for the assessment being commissioned:

- role of subject
- current personal circumstances
- relevant history
- current concerns (e.g. suspicions/allegations and/or convictions)
- information about any victim / survivor from previous or current concerns
- any statutory agency involvement, including views of the Local Authority / strategy meeting/ police
- any other relevant agency / church involvement

NB Identify the source of information and differentiate between reported fact and opinion.

### **Assessment**

To be supported by reference to the information provided above, and gathered in interviews with the subject:

- any conflict in the different elements of narrative information provided
- any risk issues especially:
  - what risk if any does he or she pose to others
  - if he or she poses a risk, to whom and in what circumstances
  - how imminent is the risk
  - any protective factors.

### **Conclusion and Recommendations for Risk Management**

Specific opinion about the level of potential risk and how it should be managed including recommendations about:

- any further information or assessment needed (e.g. medical information)
- any future role of the subject within the church
- whether a referral into other processes should be made.
- what risk management strategies are needed
- timescale for any review.