

Information for Church Officers Subject to **SAFEGUARDING INVESTIGATIONS** ("Respondents")

What is the investigation process?
What advice and support are available to me?
What are the possible outcomes for me?



What is the Investigation Process?

Safeguarding investigations in the Church of England currently follow the process set out in “Practice Guidance: Responding to, Assessing and Managing Safeguarding Concerns or Allegations against Church Officers” (2017).

You need to know a few things about this document (which is easy to find on-line if you want to read it):

- The Guidance refers to the person subject to safeguarding allegations or concerns as the “Respondent”.
- The Guidance is currently (2023) subject to review, but no firm date has yet been set for a new version to be issued.
- Though it is “Guidance”, it is not optional: all church officers must have “due regard” to it.
- However, it is possible to depart from the Guidance for “cogent reasons”. The practice in Newcastle is to record any such departures, with reasons.
- The Guidance applies to all clergy, employees and officers working in a voluntary capacity.
- Any statutory procedure which applies to a case, such as a Police investigation or action by a local authority, will take precedence over the Diocesan investigation which will probably be paused. You should still be kept informed about progress on the case, as far as possible.

Key Steps in the Investigation Process

Wherever a concern is received in the Diocese, it should be passed to the Diocesan Safeguarding Adviser (DSA) within 24 hours. A Core Group should be set up to oversee the investigation within 48 hours (if your role includes contact with children, young people or vulnerable adults). The membership of the Core Group will vary with each case, but it is generally chaired by an Archdeacon or Suffragan Bishop.

A Link Person should be offered to the respondent, as well as pastoral support. See the section on support. The timing of this offer may vary. There will generally be a discussion with you about suspension from your role, or voluntary withdrawal from your duties, during the process. This is seen as a neutral step, to protect all parties.

An initial meeting will be held to inform you of the allegation(s) or concern(s). Again, the timing of this may vary and will be determined by the Core Group. At that meeting, you have a right to be accompanied by a support person: that person's role, however, is to listen and discuss the meeting with you afterwards; they are not an advocate. You also have a right not to respond to the allegations or concerns and/or to seek legal advice. Whilst you will be told about the allegations, in some cases you will not be given the name of the person who has made them. At the initial meeting, or after it, you should expect to receive an instruction, from or on behalf of the Bishop, to follow the Church's safeguarding policies. You should be asked to agree the notes of what was discussed at the meeting. Any disagreements which cannot be resolved should be noted.

The Core Group will receive an initial case summary. The timing of this, once again, may vary. In some cases, the Core Group will receive a verbal summary rather than a written one. During the investigation, you may be asked to discuss an interim safeguarding agreement, but this is less likely if you have stepped back voluntarily from your duties. There may still need to be an interim agreement on where you may (or may not) worship, pending the outcome of the case.

There will then be a second meeting with you, at which you will be given a summary of the findings of the investigation and a chance to respond to them. Once enquiries are completed, an investigation summary report is presented to the Core Group, with conclusions and recommendations. The practice in Newcastle Diocese is that you should then be offered a third meeting to discuss the outcome, though this is not a requirement in the current Guidance.

What Advice & Support are available to me?

Pastoral support:

You should be offered pastoral support at the earliest possible stage in the investigation process. It is understood that being accused of something can be deeply upsetting and lead to a range of feelings, including isolation, especially if you have had to stop your usual work. It may be that you have your own sources of support, but the Diocese will offer more, as appropriate, based on your preferences.

Link Person

You will also be offered a “Link Person”. This is a very specific role, the details of which are set out in the Practice Guidance. Newcastle Diocese has a pool of senior clergy who have opted in to the Link Person role and received specific training on it.

It is important to understand that your relationship with your Link Person, should you choose to have one, is not wholly confidential. That person is, however, neutral and not involved in the investigation. They will not have access to the case file. Their role is to:

- Maintain communication with you during the progress of the case.
- Help direct you to counselling and support according to your needs.
- Record all meetings or contacts with you and pass brief records to the DSA.
- Help you navigate the process. This may be the most important element of the role: the Link Person will understand the investigation process and be able to answer any questions you may have.

The Link Person is not:

- a counsellor
- a spiritual guide
- an advocate

Legal Advice

As noted earlier, you should be told at your initial meeting that you have the right to seek legal advice. However, this does not extend to having a lawyer to represent or accompany you at the meetings held under the safeguarding Guidance.

What are the **Possible Outcomes for me?**

The 2017 Guidance talks about concerns being “substantiated” or “unsubstantiated”. It is accepted that this is not helpful language in safeguarding cases and it will almost certainly change when the Guidance is revised.

What is more important is whether there is credible evidence of risk. The possible outcomes listed in the Guidance are very limited. As set out there, the options are either no action or the commissioning of a risk assessment.

In practice, other outcomes are sometimes possible. The investigation may have highlighted general concerns about aspects of policy or practice, for example, and the Diocese might be recommended to look into those. Occasionally, outcomes other than a risk assessment have been suggested for a Respondent, but this has been with the agreement of all the parties.

Should your investigation find credible evidence of risk, the outcome is most likely to be the commissioning of a risk assessment. This may be carried out internally or by an independent assessor (drawn from a national list of suitably qualified persons), which is the norm if you are a member of the clergy.

Risk assessments are referred to at several points in the 2017 Practice Guidance and there are also some detailed Regulations about the process to be followed: Safeguarding (Clergy Risk Assessment Regulations) 2016. The risk assessment process may lead to disciplinary action; under the Clergy Discipline Measure for clergy or HR procedures for employees and those working in a voluntary capacity.

Other possible implications of an investigation for Respondents:

Some cases will need to be reported to the Disclosure and Barring Service (DBS) if a respondent has been removed from paid work or volunteering with children, young people or vulnerable adults.

A “serious incident” must be reported to the Charity Commission if there is a risk of harm to the charity’s staff, volunteers and beneficiaries, or financial or reputational damage, from the actions of a trustee, employee or volunteer. The Core Group overseeing the investigation will take advice from the Registry (the Diocese’s legal advisers). All PCCs are, of course, charities, though smaller parishes may not have a registered charity number.

If you were to leave the Diocese before the investigation is concluded, the concerns raised will still be followed up as far as possible. If you move to a new organisation, or seek a new position at a later date, including outside the Church, any safeguarding concerns will be passed on. If you are in hospital during an investigation, consideration will be given to alerting the safeguarding officer in the hospital.

Lessons Learned Reviews

These are carried out following every safeguarding investigation but the format and approach may vary according to the circumstances. There is no set process in the Guidance. Respondents should always be given an opportunity to contribute.