FREE CHURCH of SCOTLAND

Safeguarding Policy

and

Guidelines

for the Protection of Children and Adults

Revised and updated December 2024

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SECTION 1: INTRODUCTION AND SAFEGUARDING POLICY STATEMENT

INTRODUCTION TO THE SAFEGUARDING POLICY AND GUIDELINES

Harm or abuse of children and vulnerable adults is rare but does happen. It is not something new, although there may be more awareness of it now than there has been in the past. Harm or abuse can happen anywhere, including within a Church community and amongst the wider community of individuals who come into contact with the Church and its services and activities. We therefore have a duty to ensure that the Free Church of Scotland and its activities and services are safe for all who come into contact with them. In particular, those who are vulnerable – both children and adults at risk – must be protected, or safeguarded, from harm.

While it is recognised that the risk of harm or abuse occurring cannot be eliminated, the Church seeks to prevent it wherever possible and to minimise the effects of it wherever it is recognised. This can best be achieved if all within the Church, but particularly those with specific roles and responsibilities, including those working with vulnerable groups, are equipped to recognise harm or abuse and know how to report it appropriately and timeously. This can, in some cases, include involving the statutory agencies – police and social work services.

It is also crucial that the Church operates safe recruitment procedures and practices in respect of all who work on its behalf with vulnerable groups (both paid workers and volunteers) to ensure that no unsuitable individual is appointed to a position working with either children or vulnerable adults. Procedures are also necessary in the event that any existing worker becomes unsuitable.

The Protecting Vulnerable Groups Scheme (the PVG Scheme) was introduced on 28 February 2011 by the Protection of Vulnerable Groups (Scotland) Act 2007. This document includes guidelines on the application of the PVG Scheme throughout the Church.

The terms child protection and protecting vulnerable adults have been used previously to describe the way in which the Church seeks to protect both of these vulnerable groups. The single term "safeguarding" is used in this document to describe the protection of both children and adults in the Church.

These Safeguarding Guidelines are for all those who work, on behalf of the Church, with children or vulnerable adults, either as paid workers or volunteers, to provide them with the information they need in order to recognise harm or abuse and report it appropriately, whether they suspect it, or witness it, or it is reported to them. Also included is information on good and safe working practices specifically relating to working with children in the Church. The Guidelines are also for those with other specific responsibilities in the Church - Safeguarding Coordinators, Depute Safeguarding Coordinators, Ministers and Kirk Sessions. Sections 1, 4 and 5 of the Guidelines contain information which is relevant to all.

Sections 2 and 3 are of more relevance to those with specific responsibilities in the Church, as detailed above. Their roles and duties (in addition to those included in Section 4) in respect of safeguarding matters are outlined in Section 2, and the Church's safe recruitment procedures and the operation of the PVG Scheme are detailed in Section 3. **Section 3 (at paragraph 3.4) also includes important information regarding the circumstances in which Kirk Sessions, as employers of paid and unpaid workers, are legally obliged to make a referral about a worker to Disclosure Scotland**.

Further advice and information in relation to specific circumstances can be obtained by contacting the Free Church Offices.

SAFEGUARDING POLICY STATEMENT 2019

The Free Church of Scotland has a Christian care for the welfare of each individual and seeks to make the Church a safe place for all. In particular, the Church seeks to protect and safeguard all those who are especially vulnerable, both children and vulnerable adults, with whom it comes into contact through its activities and services.

It is the responsibility of everyone in the Church, including those working with vulnerable groups, to seek to prevent harm or abuse, whether physical, sexual or emotional.

The Church seeks to safeguard these vulnerable groups through its congregations, committees and advisers and, where appropriate, in cooperation with the statutory agencies, police and social services.

To this end, the Church is committed to inform those who work on its behalf, both paid workers and volunteers, with children and vulnerable adults how to recognise and report harm or abuse. The Church is also committed to operate safe recruitment and working practices and procedures with respect to all such workers and to offer them appropriate support, supervision and training.

The Church also undertakes to offer pastoral support to individuals in the Church who have been affected by harm or abuse.

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SECTION 2: SAFEGUARDING IN THE CHURCH – THE ROLES AND DUTIES OF KIRK SESSIONS, SAFEGUARDING COORDINATORS AND MINISTERS

2.1 THE KIRK SESSION

In general terms, Kirk Sessions are responsible for fully and effectively implementing the Free Church of Scotland Safeguarding Policy and Guidelines in congregations.

All Kirk Sessions are required to appoint at least one Safeguarding Coordinator and ideally there should also be a Depute Safeguarding Coordinator where this is possible.

Safeguarding Coordinators are appointed by each Kirk Session to act on its behalf to help ensure that the Policy and Guidelines are implemented in the congregation.

In more specific terms, each Kirk Session has the following duties and responsibilities:

- To appoint at least one Safeguarding Coordinator and to ensure that such appointment is formally minuted.

- To register all appointments of Safeguarding Coordinators with the Free Church Offices. This should be done using the ***Form for Registering Congregational Safeguarding Coordinator*** or the ***Form for Registering Congregational Depute Safeguarding Coordinator***, whichever is appropriate.

- To adhere in all respects to the Church's safe recruitment procedures as set out in Section 3 of the Guidelines.

- To create and maintain an accurate and up to date congregational register of all workers doing ***regulated work*** with children and ***protected adults*** and for this purpose to use the ***Congregational Register of Workers*** form.

- To afford the Safeguarding Coordinator regular opportunities to report to the Kirk Session. In this regard it is suggested that Safeguarding be a standing item on the Kirk Session agenda.

- To take appropriate steps to ensure that the congregation as a whole know who the Safeguarding Coordinator(s) is/are and understand what their role is. A template ***Safeguarding Poster for Congregations*** is available for download from the Free Church website and can be used to assist with this.

- To encourage Safeguarding Coordinators to attend appropriate training in respect of their role.

- To encourage all volunteers and paid workers doing ***regulated work*** with children or protected adults to attend appropriate training in child and adult protection.

- To be aware of their **legal obligation**, as explained in Section 3.4 of the Guidelines, to refer former workers (including volunteers) to Disclosure Scotland where the conditions to do so have been met, and to consult with the Church's Compliance Officer at the earliest possible stage in the event of such an obligation arising.

- To liaise with non-Free Church groups who wish to use congregational premises to ensure compliance (where applicable) with the Policy and Guidelines. A form for such shared use arrangements can be obtained from the Free Church Offices.

- Together with other members of the Deacons' Court/Finance Committee, as charity trustees, to be aware of the OSCR Guidance on Reporting Notifiable Events, as described in Section 3.5 of the Guidelines.

- To comply with data protection law, and in particular to adopt and adhere to a congregational Data Protection Policy, Data Retention Policy and Privacy Notice, templates of all of which are available for download from the website.

2.2 THE SAFEGUARDING COORDINATOR AND DEPUTE SAFEGUARDING COORDINATOR

In general terms, the role of Safeguarding Coordinators is to act on behalf of their Kirk Session to help ensure that the Church's Safeguarding Policy and Guidelines are fully and effectively implemented within the congregation. Safeguarding Coordinators have the following principal duties and responsibilities:

- To be the person in the congregation to whom reports should be made of any witnessed, suspected or reported harm or abuse of children or adults at risk and, where appropriate, to be responsible for referral on to and/or liaison with the statutory agencies - social work services and/or police.

- To encourage and facilitate safe working practices by providing information on risk management and on the protection of children and adults at risk from abuse and harm.

- To encourage all volunteers and paid workers doing ***regulated work*** with children or protected adults to attend appropriate training in child and adult protection.

- To facilitate the process for workers in positions of ***regulated work*** with children or protected adults to have a Protecting Vulnerable Groups (PVG) check carried out through Free Church of Scotland.

- To keep and maintain up to date records of all workers doing ***regulated work*** with children or protected adults, and in particular to maintain the congregational register of workers on behalf of the Kirk Session.

- To record and keep accurate accounts of safeguarding incidents and allegations.

- To be available to all in the congregation who wish to express concerns about safeguarding matters.

- To comply with data protection law, and in particular to adhere to the congregational Data Protection Policy, Data Retention Policy and Privacy Notice.

2.3 THE SAFEGUARDING COORDINATOR AND DEPUTES FOR FREE CHURCH YOUTH CAMPS AND OTHER EVENTS

2.3.1 Free Church Youth Camps

The Camps Administrator, appointed by the Chief Executive Officer, is the Safeguarding Coordinator with overall responsibility for all Free Church Youth Camps. The Camps Administrator, in consultation with the Team Leader, should ensure that a Depute Safeguarding Coordinator is also appointed for each individual Camp.

2.3.2 Camps Events

For Camps events the Camps Safeguarding Coordinator should appoint 2 of the Depute Coordinators as Safeguarding Coordinators at each such event. Safeguarding Coordinators or Deputes should ensure that all those doing ***regulated work*** at the event have gone through the Church's safe recruitment procedure as detailed in section 3 of the Guidelines, including the appropriate PVG check.

For the avoidance of doubt, the positions of **Team Leader**, **Team Member**, **Junior Member**, **Chief Cook** and **Assistant Cook** at a Free Church Youth Camp are all ***regulated work with children*** within the meaning of the Protecting Vulnerable Groups (Scotland) Act 2007. Applicants for any of these positions must therefore become members of the Protecting Vulnerable Groups Scheme (PVG Scheme) prior to attending Camp. Any applicant who has joined the PVG Scheme through an organisation other than Free Church of Scotland must obtain a PVG Scheme Record Update prior to attending Camp. Full information regarding the PVG Scheme is given in Section 3 of the Guidelines.

Note: When completing PVG application forms in respect of Team Leaders, Team Members and Junior Members, the Camps Administrator as the Safeguarding Coordinator should enter "Camp Leader" as the "Position applied for" and when completing PVG application forms in respect of Chief Cooks and Assistant Cooks the Safeguarding Coordinator should enter "Camp Cook supervising children" as the "Position applied for".

Guest speakers at Youth Camps and events do not require to be PVG Scheme members.

Individuals appointed as Safeguarding Coordinators at Youth Camps and events should be familiar with the general role of the Safeguarding Coordinator as detailed above. They should also know how to contact a duty social worker and police in the area where the event is taking place.

It is very important that everyone attending a Youth Camp or other event knows who the Safeguarding Coordinator for the event is, what their role is and how to contact them. Coordinators should therefore be introduced by way of a public announcement at the start of the event and given an opportunity to explain to those attending the event what their safeguarding function is.

2.3.3 Presbytery Events

The Presbytery should appoint a Safeguarding Coordinator and Depute.

2.3.4 Event organised by a group of local Churches

The organisers should appoint a Safeguarding Coordinator and Depute from among the existing Coordinators.

The Free Church Offices should be notified of the names of all those who are appointed as Safeguarding Coordinators or Deputes in respect of Free Church Youth Camps, Camps Events, Presbytery Events or Events organised by a group of local Churches.

2.4 THE MINISTER

In general terms, the role of the Minister in Safeguarding matters is to support the Kirk Session, and in particular the Safeguarding Coordinator(s), in fully and effectively implementing and adhering to the Safeguarding Policy and Guidelines; and, along with professionals and other individuals, to provide pastoral care and support for any in the congregation whose lives are, or have been, affected by harm or abuse. All Ministers should familiarise themselves with the terms of the Safeguarding Policy and Guidelines.

The relationship between the Minister and the Safeguarding Coordinator(s) should be built on trust and respect, and a Minister dealing with harm or abuse should be able to look to the Safeguarding Coordinator(s) for support and advice. There may be situations where the Minister and the Coordinator(s) have to deal with and share highly sensitive information about individuals and their families, or regarding complaints or allegations about workers. In such circumstances both the Minister and the Coordinator(s) will need to know that appropriate confidentiality will be maintained.

If the Minister receives a disclosure of harm or abuse from any individual, he should report this to the Safeguarding Coordinator, who will in turn, if deemed to be appropriate, refer on to social work services and/or the police.

In the event of there being any allegation against a Minister, the Safeguarding Coordinator should make contact with the Presbytery Clerk so that if the Presbytery sees fit it may act. Only the Presbytery can suspend a Minister from duty.

The Minister may also be the person who is the first point of contact with the media and other "interested" parties in the local community in relation to allegations or incidents of harm or abuse. However, in the event of a Minister or any other person in the Church being contacted by the media, the Church's Media Spokesperson and the Chief Executive Officer should be informed as soon as possible, and before any comment is made.

SECTION 3: SAFE RECRUITMENT AND THE PROTECTING VULNERABLE GROUPS SCHEME (THE PVG SCHEME)

3.1 INTRODUCTION

The safe recruitment of all those who work with children and vulnerable adults in the Free Church of Scotland is of paramount importance for the protection of these vulnerable groups. If a Kirk Session does not follow the appropriate procedure to ensure safe recruitment of all workers, it could face litigation in the event of harm occurring as a result of the appointment of an unsuitable person. **All references to workers throughout apply to paid workers and volunteers alike**.

The Protection of Vulnerable Groups (Scotland) Act 2007 (the PVG Act) introduced the Protecting Vulnerable Groups Scheme (the PVG Scheme) on 28 February 2011. This is a membership scheme for individuals doing ***regulated work*** with ***children*** or ***protected adults*** in Scotland and replaced the previous system of enhanced disclosure checks (the 3 highlighted terms are defined under "The PVG Scheme" below). **It is however crucial to remember that a PVG check is only part of a safe and positive recruitment process. Accordingly, the Church's other safe recruitment procedures must be followed, as set out in section 3.3 below**.

The PVG Act provides for 2 lists, one for individuals who are barred from working with children and one for individuals who are barred from working with protected adults. It is possible for an individual to be barred from one type of regulated work and not the other, i.e. to be barred from working with children but not barred from working with protected adults, or vice versa. It is a criminal offence for any organisation, such as the Church, to employ (either in a paid or unpaid position) a person to do regulated work of a type from which they are barred. The only way to know for certain if a person is barred from either type of regulated work is to do a PVG check. It is therefore essential that the appropriate PVG check is carried out in respect of any individual applying to do regulated work on behalf of the Church.

3.2 THE PVG SCHEME

3.2.1 Who can join the PVG Scheme?

Anyone doing, or who anticipates doing, regulated work (either paid or as a volunteer) in Scotland with children and/or protected adults can join the PVG Scheme. This includes people who do not live in Scotland but who will be doing regulated work in Scotland. Disclosure Scotland decides on each application who is suitable and who is unsuitable to join the Scheme, based on information available to them about the applicant. **In most cases applicants are allowed to join the Scheme, even if vetting information exists about them**. **As already stated, it is therefore very important to remember that just because a person is a PVG Scheme member it does not mean that they are suitable to work with children or adults in the particular post applied for** and it is for the Church to risk assess, using the

procedure detailed in "The Recruitment Process" later in this Section of the Guidelines, any vetting information and to decide in each individual case whether or not the applicant should be appointed to a particular post involving regulated work.

Regulated work can be either with children or with protected adults or both. There are 2 key concepts to remember when deciding if something is regulated work – ***the normal duties test*** and ***the incidental test***, both of which are explained later in this section.

3.2.2 What is regulated work with children in the Church?

Regulated work with children (defined as a person under the age of 18 *for the purposes of the PVG Scheme*), on behalf of the Church, is work in:

EITHER a position whose ***normal duties*** include carrying out one or more of the following activities:

- **Teaching, instructing, training or supervising children** (except teaching, instructing or training children which is merely ***incidental*** to teaching, instructing or training individuals who are not children).
- **Being in sole charge of children**.
- **Unsupervised contact with children**.
- **Providing advice or guidance to a child or particular children** which relates to physical or emotional well-being, education or training (except providing advice or guidance to a child or particular children which is merely ***incidental*** to providing advice or guidance to individuals who are not children).
- **Being a host parent**. This is a person (a) who provides overnight accommodation for, or otherwise looks after, a child (as if the child were part of that person's family) in connection with an organised activity in which the child is participating, but (b) who is not responsible for looking after the child when the child is participating in that activity. (If the providing of accommodation is connected at all with the Church as an organisation then this will apply).

OR a position whose ***normal duties*** include the day to day supervision of an individual doing regulated work. Collective responsibility for a policy, process or organisation does not necessarily equate to collective responsibility for day to day supervision or management of workers. Even when such supervision or management is the collective responsibility of a group, all members of the group do not require to become PVG Scheme members and, in such circumstances, it is preferable for one member of a group to take primary responsibility for the day to day aspects of the individual, at least in respect of the aspects of their work that are regulated work. So, for example, where a Kirk Session has collective responsibility for youth work in a congregation it should be possible to allocate

responsibilities so that only one or two members of it are doing regulated work by virtue of a supervisory or management function.

3.2.3 What is regulated work with protected adults in the Church?

Regulated work with protected adults (defined below), on behalf of the Church, is work in:

EITHER a position whose ***normal duties*** include carrying out one or more of the following activities:

- **Teaching, instructing, training or supervising protected adults** (except teaching, instructing, training or supervising protected adults which is merely ***incidental*** *to* teaching, instructing, training or supervising individuals who are not protected adults).
- **Being in sole charge of protected adults** (except being in sole charge of protected adults which is merely *incidental to* being in sole charge of individuals who are not protected adults).
- **Providing assistance, advice or guidance to a protected adult or particular protected adults** which relates to physical or emotional well-being, education or training (except providing assistance, advice or guidance to a protected adult or protected adults which is merely ***incidental*** *to* providing assistance, advice or guidance to individuals who are not protected adults).

OR a position whose *normal duties* include the day to day supervision of an individual doing regulated work. As regards such supervision, the same provisions regarding collective responsibility as apply for regulated work with children also apply for regulated work with protected adults.

3.2.4 Who is a protected adult?

"Protected adult" is a legal term which was introduced by the Protection of Vulnerable Groups (Scotland) Act 2007. It is not as straightforward to define what is meant by a protected adult under PVG as it is to define what is meant by a child (and there can be an overlap between the two groups). A protected adult is defined in section 94 of the PVG Act as someone aged 16 or over who is in receipt of certain services. (**Note:** The definition of "protected adult" supersedes the definition of "adult at risk" as set out in Regulation 10(3) of the Police Act 1997 (Criminal Records) (Scotland) Regulations 2006 which was previously used for the purposes of eligibility for enhanced disclosure. However, it should also be noted that the term "adult at risk" is still appropriate in the slightly different context of adult protection, as will be seen later in the Guidelines). In a Church setting, being in receipt of a ***welfare service*** from volunteers or paid staff can make an adult a protected adult. A welfare service includes any service which provides support, assistance, advice or counselling (including advice and guidance in relation to spiritual matters) to individuals with ***particular needs*** over and above the needs of the general population and must be a service that:

a) is provided in the course of work to one or more person aged 16 or over (so it is possible for a young person between the ages of 16 and 18 to be both a child and a protected adult at the same time),
b) is delivered on behalf of an organisation (e.g. the Church – it must not be just on a personal basis),
c) requires training (of some level, not defined, as long as it is relevant to what the person is doing) to be undertaken by the person delivering the service,
d) has a frequency and formality attached to the service (this means that the worker delivering the service should not merely be doing so on an informal, unforeseen or ad hoc basis), and
e) **either** requires a contract (this just has to be an understanding or agreement between the parties and does not have to be in writing) to be agreed between the Church and the recipient of the service prior to the service being carried out **OR** is personalised to an individual adult's needs.

3.2.5 What is meant by "particular needs"?

The formal PVG Scheme Guidance initially issued by the Scottish Government defined "particular needs" as follows:

"Particular needs are those over and above the general needs that any individual might have. For example, the need for regular meals is a general need (everyone needs this) but the need for assistance in preparing meals is a particular need (only some people with, e.g. a disability, need that assistance). Similar arguments apply to: (for example) personal care, washing, cleaning, access to shops, services and social contact. Everybody shares the need for these things, but some individuals (with particular needs) require specific assistance with them."

The Scottish Government subsequently issued the following expansion of/amendment to the above definition of "particular needs" in relation to the activity of providing "assistance, advice and guidance" namely:

"A particular need is a specific requirement an individual may have arising from either physical or mental illness, or physical or mental disability which may disadvantage that person when compared to the rest of society."

Therefore, the following individuals **may have particular needs**:

- Individuals with (temporary or permanent) physical capacity issues above and beyond the normal course of events, i.e. not including ailments which affect everyone from time to time such as colds or flu.
- Individuals with (temporary or permanent) mental disorder (i.e. a mental illness, learning disability or personality disorder).
- Individuals with degenerative diseases.

- Generally, individuals who suffer a prolonged impairment in doing ordinary tasks necessary to support their work or home life (rather like the Disability Discrimination Act criteria).
- People with drug or alcohol problems.
- Bereaved individuals.

The following individuals **do not have particular needs** by virtue of the following alone:

- People with debt problems.
- People who do not have English as a first language.
- People in detention.
- The jobless or otherwise economically deprived.
- People with literacy or numeracy problems (although these may be symptoms of a condition which does give rise to particular needs).
- Friends or relatives of protected adults or individuals with particular needs.

So, in broad terms, in the Church and in the context of the PVG Scheme, an adult will be a protected adult if he/she has particular needs over and above the needs of the general population and is in receipt of a service from or on behalf of the Church which provides support, assistance, advice or counselling, as long as such a service is delivered in the course of work on behalf of the Church, requires some (even if only very basic) level of training and has some degree of frequency or formality attached to it.

3.2.6 The normal duties test

These are things that an individual might be expected to do as part of the post held by them on an ongoing basis, for example appearing in a job description. Accurate job descriptions are therefore important under the PVG Scheme. "Normal duties" does not include one-off occurrences or unforeseeable events. An activity or work is likely to be normal duties when it appears in a job or task description, can reasonably be anticipated and occurs regularly, although no particular frequency is specified for work to be regular as this will depend on the context – regular could in some situations mean once every year. An activity or work is unlikely to be normal duties when done in response to an emergency, arranged at the last minute to stand in for another worker who is unexpectedly absent, or done as a one-off activity of short duration which is not part of the person's normal routine or duties.

3.2.7 The incidental test

The scope of regulated work is also narrowed by the incidental test. This is very important and may well be the deciding factor as to whether or not a volunteer or paid worker should join the PVG Scheme. Some activities with children or protected adults do not constitute regulated work if the activity is incidental to working with individuals who are not children or protected adults. An activity is likely

to be incidental when open to all, is attractive to a wide cross-section of society, or attendance is discretionary. It is unlikely to be incidental when specifically targeted at children or protected adults, is more attractive to children or protected adults than others, or attendance is mandatory. If an activity is believed to be incidental, for example is open to all or to a wide cross section of society, but in actual fact is attended by a significant majority of children or protected adults, then there should be a review carried out as to whether regulated work with children or protected adults is now taking place and those involved should be joining the PVG Scheme.

An example of the application of the incidental test in the Church would be an Elder visiting people in their homes. As this would generally be viewed as a service open to all in the congregation or area, i.e. a generic service and not one targeted at people with particular needs, the fact that some of those being visited *may* in fact have particular needs is *incidental* to the generic service being provided. Therefore, an Elder should not require a PVG check *automatically* simply by virtue of being an Elder. However, if an Elder has pastoral care duties in relation to people with particular needs, or if a congregation has a pastoral care visiting group for people with particular needs, then it is likely that such Elders and/or group members, being Elders with pastoral care duties or other members of pastoral care teams, should become PVG Scheme members. They would be delivering a welfare service regularly on behalf of the Church and would have had some training for this.

3.2.8 How to assess if a position is one of regulated work on behalf of the Church

There are 5 key questions to ask in making an assessment, namely:

- **Is it work?** Work has a broad meaning for the purposes of the PVG Scheme and includes paid and unpaid work. It does not however come within the scope of the Scheme if it is done in the course of a family relationship or for an individual in the course of a relationship for no payment.

- **Who are they working with?** In particular are they working with children and/or protected adults (adults with particular needs and in receipt of a welfare service from the Church)?

- **What do they do?** Is it regulated work, either with children or protected adults or both? The question to ask is whether it includes one of the activities listed above, or is it supervising someone who is doing regulated work?

- **Is it their normal duties?**

- **Are there any exceptions which apply?** For example, is it incidental activity as described above?

It is important that anyone applying to join the PVG Scheme meets the criteria for scheme membership, i.e. that the post does indeed qualify as one of regulated work.

3.2.9 PVG Scheme Disclosures - the Scheme Record and Scheme Record Update

There are 3 types of PVG Scheme checks or Disclosures – the **Scheme Membership Statement**, **Scheme Record** and **Scheme Record Update**. The first of these is for personal employers, the self-employed or individuals considering doing regulated work. It is not linked to organisations and the Church cannot apply for it. It is either the second or third of these types of PVG checks that are required for Church workers, depending on whether or not the worker is already a member of the PVG Scheme at the time of taking up a position in the Church.

Any applicant for a position of regulated work in the Church should be asked if they are already a PVG Scheme member. This is because they may have already joined the Scheme to do regulated work for another organisation. If the person is not already a PVG Scheme member then an application must be submitted for a Scheme Record. **The form for this is called "*Application to Join PVG Scheme*"**. Once received, the Scheme Record will show the applicant's scheme membership statement, i.e. the type of work they have joined the Scheme to do (with children or protected adults or both), that they are not barred from regulated work of that type and whether they are being considered for listing (barring) by Disclosure Scotland. It will also show any vetting information gathered by Disclosure Scotland about the Scheme member. Vetting information is criminal conviction information from all parts of the UK and also any relevant non-conviction information. The presence of vetting information does not necessarily mean that the applicant is unsuitable for the post applied for. A copy of the Scheme Record will be sent to the applicant and a copy will also be sent to the Church's Lead Signatory. The Church's copy will show the name of the Church as the employing organisation and will also show details of the position applied for. This information will not be on the applicant's copy as they may need to show their copy to their next or any other employer.

If the applicant is already a PVG Scheme member because of regulated work which s/he does for another organisation, then s/he must produce their copy of their Scheme Record and an application will then have to be submitted by the Church for a **Scheme Record Update. The form for this is called "*Existing PVG Scheme Member Application*".** This will show the Scheme member's scheme membership statement, when the Scheme Record was last disclosed, if vetting information shows on the Scheme Record and if vetting information has been added or removed from the Scheme Record since it was last disclosed. However, it does not show the details of any such vetting information. If the Scheme Record Update shows that there is new information, the Church will be able to request a full up to date Scheme Record (within 30 days) in order to see the details of that new vetting information. This will enable consideration to be given as to whether such information affects the suitability of the applicant for the post.

3.2.10 Updating of Record and Continuous Updating

PVG Scheme membership will be updated automatically when the member's circumstances change, e.g. if a person moves to a different job/post or is convicted of a crime. If a PVG Scheme member commits an offence that is relevant to working with children and/or protected adults their status may change to being under "consideration for listing" (this means that Disclosure Scotland is **considering** whether or not to add the person's name to the list of individuals who are barred from doing regulated work with children, or to the list of individuals who are barred from doing regulated work with protected adults). If the status of a Scheme member who is doing regulated work for the Church moves to "consideration for listing", or changes from being a PVG Scheme member to being barred from doing regulated work, due to information received by Disclosure Scotland, the Church will be informed of this. It is therefore important, in circumstances where a PVG Scheme member stops doing paid or unpaid work for the Church, that Disclosure Scotland is informed of this so as to update their PVG scheme membership. **It is the responsibility of the individual Scheme member to inform Disclosure Scotland when s/he leaves a position of regulated work.** If a Church worker does this then Disclosure Scotland will contact the Church for confirmation that the information which they have received from the former worker is correct.

3.3 SAFE RECRUITMENT OF WORKERS

3.3.1 Job Descriptions

It is important for all workers to have clear roles and to have a job description. All prospective workers who will be doing regulated work with children or protected adults should be given the ***Job Description and Declaration*** form to sign. This form should include a meaningful job description for the post so that the worker will be clear as to what their duties and responsibilities are to be. The form also contains a statement confirming that the worker understands the nature of the post and knows what to do to protect the vulnerable group to which the post relates (children or protected adults) and what to do if harm or abuse is suspected or witnessed by them or reported to them.

The work of developing job descriptions should not necessarily be the sole responsibility of the Safeguarding Coordinator, but whether or not the Coordinator is directly involved in this, s/he should ensure that appropriate job descriptions have been or are being developed for those doing regulated work on behalf of the congregation. It is suggested that where a job description requires to be written or amended, those individuals who already have experience of the post should be asked what they do and what their role does, or should, involve.

3.3.2 The Recruitment Process

Before any applicant or prospective worker starts work:

- The applicant must complete a ***Job Application Form***.
- The applicant must be interviewed – the interview may be informal depending on the circumstances but should always take place.
- 2 references must be obtained.
- The applicant must be provided with a job description.
- A satisfactory and up to date PVG Scheme Record must have been obtained in respect of the applicant for all posts involving regulated work.
- The Kirk Session must have formally approved the appointment.

The above is a summary of the safe recruitment process. Details of the steps which require to be followed by the applicant, the Safeguarding Coordinator, the Kirk Session and the Lead Signatory in the recruitment process are as follows, in the correct order:

1. An individual (the applicant) is identified as being potentially suitable for a particular post. This can happen in various ways. For example, an individual might volunteer their services, or may be approached by the Safeguarding Coordinator or the Minister or other member of the Kirk Session as being potentially suitable for work on behalf of the congregation.

2. The Safeguarding Coordinator gives the applicant a ***Job Application*** form and job description and the applicant completes and returns the form. As part of this process the applicant provides details of 2 referees.

3. 2 references are then taken up. Wherever possible at least one of these should be provided by an individual or organisation outside the local church community as such a reference may give a different view of the applicant to that held by individuals in the congregation. If a reference is vague or ambiguous it should be followed up by a telephone call for clarification. If the post is for work on behalf of a congregation, a referee should **not** be a member of the Kirk Session. If the post is for work at a Youth Camp, no referee should be a member of that Camp's leadership team.

4. The applicant is thereafter interviewed. The interview does not have to be formal and indeed can be an informal chat - in many instances this will be more appropriate and helpful than a formal interview. Either way, the interview should be planned. Some thought should be given as to who should attend and what

questions should be asked – questions should be kept relevant to the post. It should not be the responsibility of one person alone to conduct the interview – ideally there will be 2 or 3, probably including the Safeguarding Coordinator. The purpose of the interview is to find out whether the applicant is right for the post and whether the post is right for the applicant. For example, there may be another role in the congregation for which the applicant may be better suited, and this is something which may come to light and be explored at the interview. The applicant should be given the opportunity to ask questions. It is important to make the applicant aware that a PVG check will be required for the post if it is one of regulated work. The applicant should also be told how and when they will be informed of the outcome of the interview.

5. The Kirk Session should then intimate whether they wish, in principle, to appoint the applicant, subject to receipt of a satisfactory PVG check if the post is one of regulated work.

6. The applicant then completes the ***Self-Declaration Form*** and gives it to the Coordinator in a sealed envelope marked "Private and Confidential". The Coordinator should not open this envelope. It should be forwarded unopened to the Church's Lead Signatory along with the completed PVG application form referred to in paragraph 7 below. This protects the applicant's confidentiality if, for example, s/he has any convictions or other vetting information on their record which may not affect their suitability for the post, but which may nevertheless cause embarrassment if disclosed to the Coordinator, who may be known to the applicant.

7. The applicant should be asked whether he or she is already a member of the PVG Scheme. This will enable the Safeguarding Coordinator to decide which PVG form the applicant should complete. The applicant then completes the relevant parts of the appropriate form - either the ***Application to Join PVG Scheme*** form (if the applicant is not already a member of the PVG Scheme) or the ***Existing PVG Scheme Member Application*** form (if the applicant is already a member of the PVG Scheme). Full guidance as to how to complete these forms, both for applicants and Coordinators, is available on the Free Church website. The Disclosure Scotland PVG application forms should be obtained from the Church's Lead Signatory. These forms are not available online.

8. The Coordinator then checks that the PVG application form has been completed correctly and checks the applicant's identity and address from the identification documents produced by the applicant. Full details of what identification documents are required can be found in the guidance for Coordinators referred to in paragraph 7 above. The Coordinator must see original documents - photocopies are not acceptable. Also, all address identification must be not more than 3 months old. If the post is for work at a Youth Camp, the identity check may be carried out either by the Camps Administrator as the Safeguarding Coordinator with overall responsibility for Youth Camps, or, where this is not practical, by the applicant's Congregational Safeguarding Coordinator. If an

applicant is a member of a non–Free Church congregation, then the identity check should be carried out either by the Camps Administrator or by a local Free Church Congregational Safeguarding Coordinator.

9. The Coordinator then completes the relevant parts of the appropriate PVG application form and the ***Identification Verification Statement*** (also available on the Free Church website) and posts these, together with the sealed envelope containing the Self-Declaration Form, to the Lead Signatory.

10. The Lead Signatory completes the PVG application form and sends this to Volunteer Scotland Disclosure Services – the intermediary organisation which processes PVG applications for the Free Church of Scotland. Volunteer Scotland Disclosure Services checks the application and if all is in order forwards it to Disclosure Scotland.

11. Unless the applicant is barred from doing regulated work with the group applied for (children or protected adults or both), s/he will join the PVG Scheme (if not already a member of it) and a PVG Scheme Record will be issued in respect of the applicant by Disclosure Scotland. A copy of this will be sent to the applicant and a copy will also be sent to the Lead Signatory. In most cases this will be clear and will not contain any vetting information. However, in some cases the applicant's PVG Scheme Record will contain vetting information. **It is crucial to remember that just because an applicant is a PVG Scheme member this does not necessarily mean that he or she is suitable to work with children or adults in the specific post applied for.**

12. If vetting information is disclosed on the applicant's PVG Scheme Record, the Church must then risk assess this and must decide in each individual case whether or not the applicant should be appointed to a particular post involving regulated work. The Lead Signatory will consider the nature of any vetting information disclosed and will consult with designated members and advisers of the Free Church of Scotland Board of Trustees, who will assess the relevance of the information, along with any information or explanation on the Self-Declaration Form. The Lead Signatory may at this stage make an enquiry in confidence to the Minister regarding the suitability of the applicant for the post applied for, with reference to the vetting information. If deemed necessary, the applicant will be given an opportunity to explain the vetting information in addition to any explanation already provided in the Self-Declaration Form. Vetting information must be treated in the strictest confidence and shared with as few individuals as possible on a "need to know" basis. It should not, for example, be disclosed to/discussed by the whole Kirk Session. It is suggested that within the congregation any such information should be shared/discussed only among the Minister and Coordinator(s). **If the PVG check has disclosed that the applicant is "under consideration for listing", s/he is not legally barred from doing regulated work. However, any decision to allow such an applicant to do regulated work pending the outcome of the Disclosure Scotland investigation should only be taken after a risk assessment, and then only with the agreement of the above-mentioned**

designated members and advisers of the Board of Trustees. As a minimum precaution, any applicant who is allowed to do regulated work whilst under consideration for listing should do so only under appropriate supervision.

13. The Lead Signatory informs the Coordinator in writing of the outcome of the PVG check. If the check is satisfactory the Lead Signatory will inform the Coordinator that the Kirk Session can proceed to appoint the applicant. If the check discloses vetting information but the result of the risk assessment is that the applicant can still be appointed to the position, the Lead Signatory will inform the Coordinator in writing that the Kirk Session can proceed to appoint the applicant. If the result of the risk assessment is that the applicant should not to be appointed to the position, or if the PVG check has disclosed that the applicant is "listed" (barred) from doing the regulated work in question, the Lead Signatory will inform the Coordinator of this in writing and advise that the applicant cannot be appointed. The Kirk Session will inform the applicant in writing of the decision. If the applicant appeals against a decision not to appoint him/her this will be heard by an appointed sub-committee of the Free Church of Scotland Board of Trustees, which sub-committee will not include any of the designated members referred to in paragraph 12 above. **Note: it is an offence to offer regulated work to a person who is barred from that type of work.**

14. The Coordinator notifies the Kirk Session of the outcome of the PVG checks. If appropriate, the Kirk Session will now formally appoint the applicant to the post for a probationary period, during which time appropriate support and supervision should be provided to the new worker.

15. A probationary period allows a new worker to decide if the work is right for them and also allows leaders to observe how the new worker is getting on and to give sensitive feedback where appropriate. Supervision is important during this time and can be used to discuss matters such as personal relationships with the children or protected adults, safe working practices, risk assessment, team work and preparation. The length of the probationary period should be agreed with the new worker and a review meeting should take place at the end of this.

16. The Kirk Session records the decision to appoint the applicant.

17. The Coordinator enters the new worker's name in the ***Congregational Register of Workers***, gives the new worker a copy of the version of the Safeguarding Policy and Guidance for workers and encourages the new worker to attend suitable Safeguarding Training.

These steps should always be followed for every worker. There should not be any exceptions.

3.3.3 Student Ministers

All student Ministers must have a PVG check carried out through the Free Church for regulated work with both children and protected adults, as a condition of commencing or continuing with their studies at Edinburgh Theological Seminary. This is on the basis that it is a requirement of their course of studies that certain regulated work is undertaken.

The Clerk to the Board of Ministry, who may be assisted by the ETS Secretary, should fulfil the same role as the Safeguarding Coordinator in relation to steps 6, 7, 8 and 9 detailed at 3.3.2 above.

3.3.4 Recruiting individuals who have lived outside the UK

Additional steps are required in the case of applicants who have lived outside the UK for 3 months or more in the last 10 years, or who were born and raised outside the UK.

Firstly, extra care should be taken in carrying out the required identity checks, and in obtaining and checking suitable references.

Secondly, applicants should be asked to provide a criminal record certificate or equivalent from the relevant country or countries. Guidance on how to obtain this is available from the UK Government on the UK.GOV website, and also from the Centre for the Protection of National Infrastructure (CPNI). The onus is on the applicant to provide satisfactory evidence.

3.4 MAKING REFERRALS TO DISCLOSURE SCOTLAND UNDER THE PVG ACT

3.4.1 Introduction

As referred to earlier in these Guidelines, the Protection of Vulnerable Groups (Scotland) Act 2007 provides for 2 lists of individuals barred from undertaking regulated work, one for work with children and one for work with protected adults. If a person's name is on either of these lists, then they are barred from doing paid or unpaid regulated work with children or protected adults or both. If a person does work from which s/he is barred, they commit an offence. It is possible for a person to be barred from one type of regulated work and not the other.

There are various ways in which a person can have their name added to one or both of these lists and thereby become barred from undertaking regulated work. One of these is by way of a report or referral by an employing organisation, such as the Church, being made about them to Disclosure Scotland. Referrals can also be made to Disclosure Scotland by Regulatory Bodies and by the courts.

Kirk Sessions as "employers" therefore have a legal obligation in certain circumstances to pass on information to Disclosure Scotland that could call a person's suitability for doing regulated work into question so that the information can be assessed, and any appropriate action taken by Disclosure Scotland. This is known as making a referral. In the event of a referral to Disclosure Scotland being contemplated, the Kirk Session should contact the Legal & Compliance Officer as soon as possible. If grounds exist for making a referral, the referral will be made by the Legal & Compliance Officer on behalf of the Kirk Session.

The grounds for making a referral are set out in section 2 of the PVG Act. These are that the volunteer or paid worker concerned must have done one or more of the following:

- caused harm;
- placed someone at risk of harm;
- engaged in inappropriate conduct involving pornography;
- engaged in inappropriate sexual conduct;
- given inappropriate medical treatment.

In the context of the first 2 of the above bullet points, it is important to have an understanding of the meaning of "harm" and "risk of harm" and what sort of actions by a worker might result in another person being harmed or placed at risk of harm.

3.4.2 "Harm" and "Risk of harm" in the context of PVG Act Referrals

Harm could occur by a worker's actions causing physical harm to another person; or causing psychological harm, for example by putting someone in a state of fear, alarm or distress. It could also occur by a worker doing something illegal which adversely affects someone's property, for example by theft, fraud or extortion.

Risk of harm could occur if a worker attempts to harm another person by attempting to cause physical or psychological harm or do something illegal which would adversely affect another person's property, e.g. attempted theft. It could also occur if a worker tries to get someone else to harm another person or encourages someone to harm themselves or generally does anything else that might harm someone or expose them to risk of harm.

Under the PVG Act, some of the things which may cause harm are emotional abuse, neglecting a person's needs, inappropriate physical restraint, failure to attend to whatever health and safety requirements may be in force, using inappropriate language, sexual abuse, physical assault or supplying illegal or unauthorised drugs.

3.4.3 When to make a Referral to Disclosure Scotland

If any Kirk Session in the Free Church removes a volunteer or paid worker from a position of regulated work because that person has done anything listed under

paragraph 3.4.1 above as being grounds for referral, then it is legally obliged to make a referral to Disclosure Scotland and will be committing an offence if it fails to do so. This also applies if the individual has left the post for some other reason, i.e. if the person would have been dismissed were it not for the fact that s/he had already left, then there is a legal obligation to make a referral if that person has harmed a child or protected adult or placed a child or protected adult at risk of harm. **In such circumstances a referral must be made, regardless of whether or not the individual is a member of the PVG Scheme. Where there is a duty to refer, the referral must be completed by the Legal & Compliance Officer on behalf of the Kirk Session and passed to Disclosure Scotland within 3 months.**

The legal obligation on the Kirk Session to make a referral where the grounds to do so have been met does not apply to incidents which took place before the PVG Act came into force. However, the Church can make a referral about a historical incident if it wishes to do so.

3.4.4 When not to make a Referral

A referral should not be made if a worker is suspended or transferred to other duties pending the outcome of an investigation. In such circumstances a referral should only be made if, after investigation, any such transfer is made permanent or the worker is dismissed or permanently removed from their position.

3.4.5 What happens after a Referral has been made?

Once a referral has been made it will then be investigated by Disclosure Scotland, who will make a decision as to what, if any, further action is required. Only a small proportion of individuals referred to Disclosure Scotland will be placed on one or more of the lists (of those barred from working with children or protected adults). Disclosure Scotland does not however have the power to tell the referring organisation (such as the Church) when their enquiry has been concluded. Also, as the Church will no longer be the employer of the person referred, it will not be notified of the outcome of the referral.

In conclusion therefore, any Kirk Session who removes either a paid worker or volunteer from a position where that person has been doing regulated work with children or protected adults, for the reason that the worker has caused harm or placed a child or protected adult at risk of harm, as described above, should contact the Legal & Compliance Officer without delay, bearing in mind the time limit which applies to such referrals. The Legal & Compliance Officer will submit the formal referral to Disclosure Scotland on behalf of the Kirk Session.

3.5 REPORTING NOTIFIABLE EVENTS TO OSCR

From 1 April 2024, OSCR no longer ask that charities use the Notifiable Events process to inform them when something serious has happened or is happening to the charity.

There is no longer a requirement to make a report to OSCR about significant safeguarding events. The expectation is that charity trustees will manage their charity effectively and handle issues or significant events as they arise.

SECTION 4: CHILD AND ADULT PROTECTION IN THE CHURCH

4.1 INTRODUCTION

Abuse or neglect of, or harm to, children and adults may be an issue that Church workers do not often have to deal with. Notwithstanding this, and indeed perhaps because of this, it is important to recognise that abuse, neglect and harm do occur and can do so in all sectors of society, including within the Church community. Child protection, and the protection of adults at risk, is not just a matter for the statutory agencies such as police and social services – on the contrary, all who work with children or adults at risk, as well as members of the public in general, have an important role to play in child and adult protection.

There are various ways in which concerns about actual or potential abuse, harm or neglect may arise. They may arise gradually over a period of time or as a result of one particular incident; they may arise as a result of something which is observed or witnessed; they may arise as a result of information given or a disclosure made by the child or adult at risk themselves; or they may arise by reason of information received from a third party.

This section of the Safeguarding Guidelines is intended for all volunteers and paid workers in the Church, including Safeguarding Coordinators, who work, on behalf of the Church, with children or vulnerable adults/adults at risk. It is intended to give some basic information about what abuse or harm is, how to recognise it and how to report it appropriately in the event that it is suspected, or observed or witnessed, or reported by a third party. Some basic definitions are now given:

4.2 DEFINITIONS AND EXAMPLES

The first 4 definitions, which are in relation to children, are taken from "The National Guidance for Child Protection in Scotland 2010" issued by the Scottish Government:

4.2.1 Child

A child can be defined differently in different legal contexts. However, under the PVG Scheme a child is a person under the age of 18.

4.2.2 Child protection

Child protection means protecting a child from abuse or neglect. Abuse or neglect need not have taken place; it is sufficient for there to be a likelihood or risk of significant harm from abuse or neglect.

4.2.3 Child abuse

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse a child by inflicting, or by failing to act to prevent, significant harm to the child. Children may be abused in a family or in an institutional setting, by those known to them or, more rarely, by a stranger. In a child protection context, there are three key different types of abuse that can be identified. **Physical abuse** is the causing of physical harm to a child or young person. **Emotional abuse** is persistent emotional neglect or ill treatment of a child causing severe and persistent adverse effects on the child's emotional development. **Sexual abuse** is any act that involves the child in any activity for the sexual gratification of another whether or not it is claimed that the child either consented or assented.

It should be noted that disabled children may be particularly vulnerable to abuse or harm.

4.2.4 Child neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing: to provide adequate food, shelter and clothing; to protect a child from physical harm or danger; to ensure access to appropriate medical care or treatment; or to provide a child's basic emotional needs.

Accordingly, in simple terms, abuse, neglect or harm of a child is any conduct that you suspect or know or have been told is having a seriously bad or adverse effect on the child.

4.2.5 Adults at risk

In 1997 the Scottish Law Commission published recommendations and a draft Bill in respect of "vulnerable adults". Since then policy in this area has developed considerably, resulting in The Adult Support and Protection (Scotland) Act 2007. The provisions of this Act are intended to protect those adults who are unable to safeguard their own interests, such as those affected by disability, mental disorder, illness or physical or mental infirmity, and who are at risk of harm or self-harm, including neglect. Section 3 of the Act defines "***adults at risk***" as follows:

"*1. "Adults at risk" are adults who:*

a) are unable to safeguard their own well-being, property, rights or other interests,
b) are at risk of harm, and
c) because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

2. *An adult is at risk of harm for the purposes of subsection (1) if:*

a) *another person's conduct is causing (or is likely to cause) the adult to be harmed, or*
b) *the adult is engaging (or is likely to engage) in conduct which causes (or is likely to cause) self-harm."*

So, this means that an adult at risk is an adult who is affected by disability, mental disorder, illness or physical or mental infirmity that you suspect or know, is being, or is at risk of being, harmed or exploited by another person, or is harming themselves, *and* is unable to protect themselves.

4.2.6 Harm or abuse of adults at risk

Although the terms can be interchangeable, the term "harm" is more commonly used than "abuse" in relation to adults. "Harm" and "risk of harm" in relation to both children and protected adults have been described earlier, in Section 3 of the Guidelines, in relation to the legal obligation on Kirk Sessions to make a referral to Disclosure Scotland in respect of any worker who has been removed or dismissed or who has left their post, where the grounds for making such a referral have been met.

Harm or abuse is referred to here in a more general context. However, the definitions of harm and risk of harm used in the specific context of referrals of former workers to Disclosure Scotland are also useful in this more general context.

The types of conduct that could be deemed harmful in this context are things such as any kind of actual physical harm, assault or restraint; psychological harm, such as threats or verbal abuse/ bullying; sexual harm, being any sexual activity that the person does not understand or want (including verbal suggestive or sexual abuse or intimidation); neglect, such as deprivation of sufficient food or heating and failure to ensure appropriate care or treatment, including medical treatment; and financial harm, such as theft and fraud.

In summary, and in simple terms, harm or abuse of adults is any conduct that you suspect or know or have been told is, or could be, having a bad or adverse effect on an adult who is vulnerable by reason of illness or disability and is unable to protect themselves.

4.2.7 Adult protection

Adult protection means protecting a vulnerable adult or adult at risk from harm or neglect.

There is an important difference to remember between child protection and adult protection, which is that it is not *always* appropriate for social work services or police to take action to protect an adult against the wishes of the adult

concerned. In contrast, in a child protection case social work services or police would almost always take action to protect a child whether or not the child or the child's parent(s) or carer(s) agree.

Sometimes, even where they may be in a situation where we think that some form of outside intervention would be justified as being for their own good, an adult may not want action to be taken by any outside agency to protect them from harm. The provisions contained in The Adult Support and Protection (Scotland) Act 2007 for the protection of adults who are unable to safeguard their own interests are made subject to the underlying principles that any intervention must provide benefit to the adult that could not be reasonably achieved without intervention and that any intervention is the least restrictive option to the adult's freedom. It is expressly stated that any intervention must be reasonable and proportionate, and it is important to strike a balance between an individual's right to freedom of choice on the one hand and the risk of harm to that individual on the other. These principles must always be taken into account when considering any potential adult protection situation.

Some factors to take into account in a potential adult protection situation are: whether or not the adult has the mental capacity to make informed choices; whether or not the adult is being pressurised by the individual who is under suspicion of causing the alleged harm or risk of harm; and whether or not the adult either lives in a care home or receives care in their own home (in which case if it is a carer who is suspected of causing harm then others may be at risk of harm also).

If you are in any doubt as to what to do in a particular situation you should report your concerns to your Safeguarding Coordinator, who may wish to discuss with the Compliance Officer.

4.2.8 Some examples of where harm or abuse may be recognised

Harm or abuse may be recognised by or be brought to the attention of a Church worker (or indeed may be recognised by or be brought to the attention of any individual within the Church community) in a number of ways. Often, although not always, the harm will have occurred or be occurring outwith the Church and will be perpetrated by a person not connected with the Church. The following are some examples (it is not intended to be an exhaustive list) of circumstances and places in which harm or abuse may occur or be recognised by workers or other individuals:

- A child may be harmed by an adult belonging to the congregation.

- A child may be harmed by another child, either at a Church activity in Church premises or at a Church activity outwith Church premises, such as an outing or at a Camp.

- A child may be harmed outwith Church premises or activities by a relative, a friend or any other person.

- A child or adult at risk may be harmed by a volunteer or paid member of Church staff;

- An adult at risk living in a care home or receiving a care service in their own home may be harmed by a carer or relative and this may be disclosed to, or recognised by, a visitor from the Church who is there either in a personal or official capacity.

- A child or adult at risk not belonging to the Church may be harmed in the community and this may be reported by a person in the congregation.

- A child or adult at risk attending an activity in the Church, such as a lunch club, a bible study group or a drop-in café may be harmed, and the harm may be recognised at this activity.

4.3 RECOGNISING AND REPORTING POSSIBLE ABUSE OR HARM - GUIDANCE FOR WORKERS AND OTHERS IN THE CHURCH

4.3.1 If you suspect harm or abuse

Because harm or abuse does not come to our attention regularly or often, it is all the more important that all those who work with vulnerable groups have sufficient safeguarding awareness to be able to recognise it where it does occur. The aim of safeguarding in the Church is to prevent harm or abuse where possible and to minimise the effects of harm or abuse by acting appropriately whenever it is suspected, witnessed or reported, either by the person who is allegedly being harmed or by a third party.

A child who has been abused, harmed or neglected may show obvious physical signs of injury or maltreatment. There may also be other indicators, for example in a child's behaviour or development. There are various typical ways in which abuse or harm can sometimes be recognised. For example, you may notice something which causes you concern about a child or adult's apparent injury, appearance, behaviour or conversation, or you may notice inappropriate comments, conversation, play or drawing by a child.

However, it is not always easy to recognise harm or abuse and, in the absence of clear evidence, if you do suspect that harm or abuse may have occurred or be occurring, a good first test is to use your intuition or "gut feeling" about the situation. If a situation appears to be, or sounds or feels, wrong then abuse or harm may well be occurring. Even if it turns out that you are mistaken, it is nevertheless better to err on the side of caution. Remember that it is not up to you to decide whether or not harm or abuse has occurred or is occurring – your responsibility is simply to report any concerns and it is then the job of others, who are trained to do so, to investigate and make decisions.

If you suspect harm or abuse, report your concerns to your Safeguarding Coordinator, Depute Coordinator or line manager immediately. Even if it turns out that there is no harm or abuse it is better to err on the side of caution. As soon as possible, write down your suspicions and the reasons for them. Do not investigate (i.e. look for evidence about) the matter yourself - this is the responsibility of the police or social work services

However, in an emergency, or where there is any element of immediacy or urgency, you should immediately contact the appropriate emergency service (police/ social services/ambulance) yourself and inform your Safeguarding Coordinator or line manager as soon as possible thereafter.

4.3.2 If you witness harm or abuse

This is if you see or hear behaviour or an incident of harm or abuse, such as a person behaving inappropriately towards a child or adult at risk.

If you witness harm or abuse, report your concerns to your Safeguarding Coordinator, Depute Coordinator or line manager immediately and then write down what you have seen and/or heard as soon as possible after the event. Include time(s) and date(s) and details of any other witnesses. Do not investigate the matter yourself.

However, in an emergency, or where there is any element of immediacy or urgency, you should immediately contact the appropriate emergency service (police/ social services/ambulance) yourself and inform your Safeguarding Coordinator or line manager as soon as possible thereafter.

4.3.3 If harm or abuse is reported to you

This can be if another person tells you or alleges that a child or adult at risk is being abused or harmed or put at risk of harm or complains about the conduct of a worker towards a child or adult at risk. It can also be when a child or adult at risk themselves tells you about or alleges harm or abuse or reports feeling unsafe.

If harm or abuse is disclosed directly to you by a child or adult at risk, you should:

- Listen carefully to what the person has to say and give them plenty of time to say it **in their own words**.

- Only ask open questions, not "leading" ones. In other words, do not make suggestions or put words into the person's mouth. It is fine to ask the person to describe what happened in their own words and to ask when and where something happened and who was there. However, do not however ask "why" something happened.

- Be honest - tell the child or adult at risk that you cannot promise to keep a secret and that you will have to tell someone else. Confidentiality is not the same as secrecy.

- Not try to investigate, i.e. not try and find evidence or find out why something happened – this is the responsibility of the police or social work services (**Note:** asking for facts is not investigating).

- Be reassuring that the person has done the right thing by telling you.

- Say what you are going to do next.

- Report what you have been told to your Safeguarding Coordinator, Depute Coordinator or line manager immediately.

- Write down everything you have been told, in the person's own words or as near as you can remember them, as soon as possible afterwards.

If harm or abuse is reported to you by a third party, as with a direct disclosure by the individual concerned do not investigate the matter yourself, immediately report what you have been told to your Safeguarding Coordinator, Depute Coordinator or line manager and then as soon as possible after the report or allegation of harm or abuse has been made write down what you have been told in as much detail as you can.

However, whether the disclosure or report is made to you by the individual concerned or by a third party, in an emergency, or where there is any element of immediacy or urgency, you should immediately contact the appropriate emergency service (police/ social services/ambulance) yourself and inform your Safeguarding Coordinator or line manager as soon as possible thereafter.

A ***pro forma for Workers recording allegations or suspicions of abuse or harm*** is available for use by any worker who suspects or witnesses harm or abuse or to whom an allegation of harm or abuse is made, the use of which is optional but may be helpful.

4.4 REPORTING AND REFERRALS - GUIDANCE FOR SAFEGUARDING COORDINATORS

4.4.1 General

Any worker who suspects or witnesses any harm or abuse, or who receives information about alleged harm or abuse, either from an alleged victim or from a third party, must report this to you immediately. They must also give you a written report on their suspicions and/or what they have seen or been told. You are then responsible for the safe storage of this written information for as long as necessary in accordance with Data Protection legislation and the guidance on this which is available on the Free Church website.

If you receive a report from a worker, or any other individual, of suspected, witnessed or disclosed harm or abuse of a child or adult at risk you should:

- When required, ensure that a referral has been, or is, made to the appropriate agency, i.e. social services or the police.
- If the situation is not urgent you may wish to liaise with the Compliance Officer for advice as to whether you should refer the matter on to the police or social work services.
- As for workers, in an emergency situation, or where there is any element of immediacy or urgency, you should immediately contact the appropriate emergency service yourself.
- Ensure that support is available for the worker or other person who has made the report.
- **Not** inform parents or carers prior to making a referral.
- If necessary, ask for advice from the relevant agency (social services or the police) at the point of making the referral as to what, if anything, to say to parents or carers of a child who is the subject of a report. In cases of alleged sexual or physical abuse it would normally be a matter for social work services or the police to inform the parents.
- If you are concerned about a child being allowed to return home when an allegation or suspicion of abuse has implicated a parent or carer, ask for advice on this from social work services or the police.
- **Not** investigate the matter yourself.
- Record details of the report and any action taken by you and retain this written record for as long as necessary as referred to above. A ***pro forma for Coordinators recording allegations or suspicions of abuse or harm*** is available for this, the use of which is optional but may be helpful.
- Inform the Free Church Offices in writing of any such report and action taken as soon as possible, using the ***Form for reporting an allegation or suspicion of abuse or harm to Offices***.

4.4.2 If it is alleged that a child or protected adult has been harmed or put at risk of harm by a Church worker

As explained above, in section 3.4 of the Guidelines, there is a legal obligation to make a referral to Disclosure Scotland in respect of a worker **where that worker has been removed from their position and the grounds for making a referral have been met**. This is the responsibility of the Kirk Session as the "employer", but the Legal & Compliance Officer should be consulted as soon as possible about any such prospective referral. If a referral is required, the referral will be made by the Legal & Compliance Officer on behalf of the Kirk Session.

However, as any referral to Disclosure Scotland will only take place *after* a worker has been dismissed or otherwise removed permanently from their position, it is important to consider the initial procedure to be followed if a complaint is received about a worker.

If a complaint is received about a worker which is considered to be of a minor nature, then issues of training and supervision require to be considered to address the issues raised.

If, on the other hand, a complaint is received about a worker which is considered to be of a serious nature, you will need to consider whether it is a Safeguarding issue or not. If it is not, the Kirk Session should manage the concern as a disciplinary matter. If, however there is a Safeguarding issue then you should proceed as follows:

- Notify the Minister so that the worker can be suspended until the matter has been investigated and the discipline process completed, remembering that all matters should be kept confidential with as few individuals as possible being involved. It is suggested that the matter could be investigated by the Minister and the 2 Safeguarding Coordinators, or by the Minister, the Safeguarding Coordinator and one other designated person, possibly the Session Clerk. The Kirk Session as a whole need only be told that an investigation is proceeding without being told who or what it is about. This is for reasons of maintaining confidentiality. In particular, if it is found to be appropriate to reinstate the worker this may be difficult in practice if confidentiality has been breached.

- When required, ensure that a referral has been, or is, made to the appropriate agency, i.e. social services or the police.

- If the situation is not urgent you may wish to liaise with the Compliance Officer for advice as to whether you should refer the matter on to the police or social work services.

- In an emergency situation or where there is any element of immediacy or urgency, you should immediately contact the appropriate emergency service yourself.

4.4.3 If an allegation or complaint of harm or abuse is made against a Minister, Safeguarding Coordinator or Depute

Against a Minister – the Safeguarding Coordinator should notify the Presbytery Clerk for the Minister to be suspended if appropriate and the matter to be investigated by a small sub-committee appointed by the Presbytery. In addition, the Coordinator should follow the procedure of referral to the appropriate statutory agencies as detailed above.

Against a Safeguarding Coordinator or Depute – the person making the allegation or complaint should notify the Minister so that the Coordinator or Depute may be suspended if appropriate until the matter has been investigated and the discipline process completed, remembering that all matters should be kept confidential with as few individuals as possible being involved. It is suggested that the matter could be investigated by the Minister, the other Coordinator and one other designated person, possibly the Session Clerk. The Kirk Session as a whole need only be told that an investigation is proceeding without being told who or what it is about. This is for reasons of maintaining confidentiality. In particular, if it is found to be appropriate to reinstate the Coordinator this may be difficult in practice if confidentiality has been breached;

When required, the Minister should ensure that a referral has been, or is, made to the appropriate agency, i.e. social services or the police;

If the situation is not urgent the Minister may wish to liaise with the Legal & Compliance Officer for advice as to whether he should refer the matter on to the police or social work services; and

In an emergency situation or where there is any element of immediacy or urgency, the Minister should immediately contact the appropriate emergency service.

4.5 WHAT TO DO IF IT IS KNOWN OR SUSPECTED THAT THERE IS A CONVICTED SEX OFFENDER IN YOUR CONGREGATION

If you know or suspect that there is a convicted sex offender in your congregation who is attending Church services or any other Church activities, this should be reported without delay to the Minister, the Safeguarding Coordinator and the Compliance Officer.

Advice will then be given, usually with input from the police and/or social services, as to what measures can and should be taken to allow that person to continue to attend worship while at the same time affording protection to others who may be at risk of harm from that person. This may involve setting up a written agreement, called a "Covenant of Responsibilities" between the individual and the congregation.

SECTION 5: WORKING WITH CHILDREN IN THE CHURCH – SOME SAFE WORKING PRACTICES FOR ALL

5.1 INTRODUCTION

This Section contains brief guidelines covering various areas where good and safe working practices should be followed and adhered to by all who are involved in working with children on behalf of the Church. In general terms, all such workers should remember always to:

- Treat all children and young people with respect.
- Provide an example of good conduct and practice you would wish others to follow.
- Respect the right of children and young people to personal privacy.
- Ensure that where possible there is always another adult present during activities, or at least within sight or hearing.
- Safeguard against any possible misinterpretation of your actions.
- Avoid *inappropriate* physical contact with children and young people.
- Be alert for signs of bullying in any group, either verbal or physical, and seek advice in dealing with it.
- Avoid being drawn into attention seeking behaviour or showing favouritism.
- Familiarise yourself with and follow the Church's Safeguarding Policy and Guidelines.
- Be familiar with and follow the Church's ***Safeguarding Policy for Social Media***.

5.2 PHYSICAL CONTACT

It is sometimes thought that any physical contact between an adult and a child is unacceptable and not permitted. However, this is a misapprehension. It is important to remember that it is *inappropriate and unwanted* physical contact that must be avoided. If a child comes to you for a hug, then it is appropriate to reciprocate to show care and reassurance. Likewise, if a child falls it is appropriate to pick them up. As a general rule, any hugs or touching of children should be appropriate to the particular situation and this would normally only be the case if initiated by the child and not where there is no-one else present.

The level of personal care (e.g. toileting) should be appropriate and related to the age of the child - accepting that some children have special needs. The needs of individual children should be discussed with the child's parents or carers in situations where these need to be met during Church activities.

You must not administer medication to any child during Church activities, except in the case of residential activities and then only when specific written consent has been given by the parents/carers.

5.3 BULLYING

Unlike child abuse, bullying can occur frequently, particularly in schools. Bullying can also occur during Church activities and this may be more likely where children attend the same school. Bullying is the use of aggressive behaviour (which is not necessarily physical) with the intention of hurting another person. It involves an imbalance of power between the bully and the victim, who feels powerless to stop it, and is therefore not the same as a simple fight or quarrel between children. As bullying can take different forms, we need to be vigilant to spot the non-physical types which can often cause as much, if not more, distress than actual physical aggression. The following are some examples of bullying behaviour, some of which a Church worker may be more likely to come across than others:

- The most obvious and perhaps easily recognised type of bullying is physical aggression, such as hitting, punching, pinching, pushing and shoving or any other use of violence.
- Being unfriendly.
- Excluding someone or taking their friends away from them.
- Name calling.
- Making up stories to get another child into trouble.
- Damaging, hiding or stealing another child's belongings.
- Threats and intimidation.
- Aggressive teasing.
- Spreading rumours.
- Sending offensive text messages, emails or making offensive telephone calls or the like.

Bullying of any kind should not be tolerated in any Church run activity. If it does occur, it should be dealt with promptly and effectively. If you suspect that bullying is happening, or if you witness it or if it is reported to you, you should report it to the Safeguarding Coordinator. Severe bullying can become a child protection issue and the Coordinator may have to involve the police and/or social work services.

In many cases it will not come to that, but the bully should be spoken to and asked to apologise in a sincere manner, the aim being for better relationships to be established in the group. Parents may be informed and invited to discuss the issue. If the conduct justifies it the bully may be asked to leave the group. If an incident of

bullying has occurred and the bully remains in the group, then his or her ongoing conduct should be closely monitored.

If behaviour in general is an issue in the group then all the children who attend could be asked to sign a good conduct undertaking, making it clear that this is for the benefit of the whole group, to make the group activity beneficial and enjoyable for all. Bullying as an issue in general terms could also be discussed within the group so that the children understand what it is.

Ensuring an awareness of bullying issues among workers and a sufficient number of workers for adequate supervision are also good preventative steps to take. Be aware of the potential issues and be prepared to deal with them.

5.4 ADULT/CHILD RATIOS

Risks for both adults and children can be reduced if there are a sufficient number of adults working with any group of children. The following are suggested adult to child ratio, the first 4 being guidelines for crèche, Sunday School or Bible Class:

• Children under 2 •	1:3 but may require minimum of 2 if more than one child.
Children aged 2-3	1:5 but as above if more than one child.

- Children aged 3 and over 1:8.
- If all children are 8 or over 1:10.
- Children's Club 2:10 (mixed, if club mixed).
- Youth Club 2:8 (mixed, if club mixed).
- Outings (under 6s) 2:4.
- Outings (6-16) 2:12 (mixed, if club mixed).
- Other activities the appropriate ratio will depend on the nature of the activity but err on the side of caution.

When considering ratios always take into account what would happen in the event of a child or worker becoming ill or having an accident.

To ensure your own safety as well as that of the children, you should not be regularly left alone with a group. Also, unless absolutely necessary you should avoid being in a room on your own with a child. If for any reason this is unavoidable, perhaps for reasons of confidentiality, you should ensure that other adults are close at hand, for example in an adjoining room with the door open.

Whenever possible have a minimum of two workers present with a group, particularly when it is the only activity taking place on church premises. If the group is made into smaller groups with one worker, do this in one large room or adjoining rooms.

Small Sunday School or Bible classes need only have one teacher or leader, but it is wise not to use an isolated part of the building, and to leave an adjoining door open.

Many activities will involve at least an element of risk and it is therefore important that a risk assessment is carried out when planning activities. Things to be considered are the needs of the particular children, the nature of the planned activity (some activities carry more risk than others), the number of adults required, and the level of expertise needed to adequately supervise the activity in question.

5.5 REGISTRATION, PERMISSIONS AND TRANSPORT

The following guidelines should be adhered to in respect of permissions and transport issues:

- Ensure that parents or carers have given permission for children to attend Church run activities. A ***Registration/Permission Form*** is available for use.
- Always have an emergency contact number for every child or young person attending.
- Ensure that parents and carers are fully aware of the arrangements for transporting or collecting their children and have given permission for any transport arrangements.
- **Drivers should be limited to those aged between 25 and 70 with no more than 3 endorsement points on their licence. If there is any deviation from this policy, then a thorough risk assessment should be carried out and recorded**.
- In the event that it is not possible for 2 adults to be present when transporting children, it is best to try and plan to drop of more than one child together at the last stop. If you have to have a child alone with you in a car then it is advised that the child sits in the rear of the car.
- Keep an attendance register for each activity for every child and leader in attendance at each session.

5.6 HOME VISITS, COMMUNICATIONS, PHOTOGRAPHY AND FILMING

The following guidelines should be adhered to:

- Workers should only enter a child's home if a parent or carer is also there.
- A child or children should only be invited to your home if another adult is present and permission has been given by the parent(s) or carer(s) and if approval has been given by your Safeguarding Coordinator.
- Telephoning, texting and emailing children without the knowledge of a parent or carer must not happen.
- Photographing and filming children should only be done with the written permission of a parent or carer and digital images should be deleted once they have been printed. A ***Permission Form*** is available.

5.7 INCIDENTS AND ACCIDENTS

The following guidelines should be adhered to:

- All workers should know where the First Aid Box is located.
- No worker should attempt a First Aid procedure which they are not trained to carry out.
- Workers should know who the First Aiders are.
- In an emergency call 999.
- In the event of an incident or accident occurring, this should be recorded in the Congregation's Accident Book and the Safeguarding Coordinator should be informed as soon as possible.
- A parent or guardian should be informed as soon as possible.
- Depending on the nature of the incident or accident, the Safeguarding Coordinator may need to be consulted for advice or further action.

5.8 HEALTH AND SAFETY

Related to the above, general health and safety issues should also be addressed in relation to keeping children safe and minimising any risk to them when attending activities in Church premises. In addition to the matters touched on above, the following should be considered:

- The premises should be checked regularly to ensure that they are safe.
- Are there any parts of the building which are out of bounds to children or where additional supervision may be required?
- Cleaning materials should be safely stored.
- Be aware if any children attending a Church activity have any special needs, e.g. are diabetic, or suffer from any food allergies.
- Monitor who enters and leaves the room and who exits from the building to ensure that children are safe.
- Consider what activities might need to be risk assessed.
- Report any concerns to the Safeguarding Coordinator.

5.9 SOCIAL MEDIA

A full guidance note on the safe use of social media is available on the website. A separate version for use in relation to Camps is available on the FCYC website: http://www.freechurchyouthcamps.org/.