

CODE OF CONDUCT - Workers

If you are appointed by the church to work directly with children and/or young people you should be aware of the following:

- The church's procedures and requirements for being accepted to work with children and young people.
- That the church operates a policy of supervision for the protection of both adult and child, and that observations will be made from time to time.
- The need to be alert for signs of abuse.
- Be aware of what to do when abuse is disclosed or discovered.

In addition to the requirement of all church members (see previous section) you must:

- Treat those in your care with respect and dignity befitting their age.
- Learn to control and use appropriate disciplinary procedures with children and young people without ever resorting to physical punishment.
- Ensure there is the appropriate leader to child ratio (see Appendix 1 D – Child to Adult Ratios)
- Where possible, leaders of the same gender as the children or young people need to be present, especially where older children and young people are concerned. (see Appendix 1 D - Child to Adult Ratios)
- Control the level of aggression or exclusion particularly in games.
- Make sure another adult is present if, for example, a young child has soiled their underclothes and needs to be thoroughly washed.
- Not invite a child or young person to, or have them remain in, a leader's home alone.
- (Invite a group, or ensure a third person is present).
- Ensure the parent/guardian knows where their child is.
- Not to be alone in a car with a child or young person.
- Keep a register of up to date information concerning child or young person membership. (See Appendix 2 A – Annual Registration). Each session to be registered properly including names of children and young people, and all leaders and helpers. This register, in turn, can be used for essential checks in the event of building evacuation.
- Ensure provision is made for medical help if required.
- Be aware of where the nearest telephone for use in emergencies. (The installation of a telephone, on church premises, with easy access, or mobile, is recommended).
- Know where the fire extinguishers and alarms are, as well as emergency exits. (It is recommended that an agreed fire drill is drawn up indicating how and where children and young people ought to congregate in cases of fire).
- Not place one person alone with a child, children, young person or people.
- Not allow unknown adults access to children or young people. Visitors should always be accompanied by a known person

TRANSPORT

Private transport

- Children and young people should not be taken out in private cars without the prior consent of their parents. This also applies to giving lifts to and from a church activity.
- If any leaders or helpers use their own cars for youth and children's work, it is essential that they consult their insurers about such use and confirm this to the local church committee or partnership council.
- Whoever makes the transport arrangements it is always the responsibility of the driver to ensure the vehicle is roadworthy and adequately insured.
- Any driver who has an 'unspent' conviction for a driving offence should not transport children. Driving license endorsements that are "expired" for insurance purposes, may well be acceptable. If there is doubt about e.g. previous speeding offenses, consult your local church child protection coordinator.
- At no time should the number of children in a car exceed the usual passenger number.
- There must be a seat belt for every adult passenger and a child restraint appropriate for the age, height and weight of each child, and these must be correctly used. Further information is available in the leaflet [Carrying Other People's Children Safely](#), from the ROSPA website
- There should be 2 adults in each car in which children are travelling and a minimum of 2 children. If, in an emergency, a driver has to transport one child on his or her own the child should sit in the back of the car and this should be recorded on an incident sheet. (see Appendix 1 A Incident Form)
- Drivers who are not normal children's/youth workers should be recruited for the task through the church's normal recruitment processes.

Minibuses

- If a minibus is hired then motor insurance will need to be arranged and this should be available as part of the hiring arrangement. A minibus with seat belts should be used and all children/young people must have a proper seat. Some hire companies require evidence of a Midas Mini Bus test

Coaches

- The Church's leadership team should check that any independent coach company used for transporting children has appropriate insurance in place.

RESIDENTIAL OR EXCURSION ACTIVITIES

Great care should be exercised when taking children or young people away from the place where you usually meet them. In particular, when taking children or young people away on excursions that involve overnight stays. In addition to the previous pages you must:

- Ensure the trip is well planned and fully discussed and suitable for the age group concerned.
- Inform the church committee and their approval obtained and minuted.
- Obtain signed consent from parents/legal guardians. The Children's Act (1989) states that consent has to be obtained from both parents. All reasonable steps should be taken to ensure this. (See Appendix 2 B - Consent Form for Visits).
- Ensure there is the appropriate leader to child ratio (See Appendix 1 D – Child to Adult Ratios).
- Have back up plans should you be unable to complete the original planned program.
- Ensure provision is made for medical help in necessary. Ensure that there is a complete First Aid kit, and that it is checked frequently.
- Be advised that it is good practice for, at least, one leader or helper to be qualified in First Aid.
- Ensure that in the case of overnight stays:
 - There must be same sex leaders as the children or young people attending.
 - Leader's and children or young people have separate sleeping accommodation.
 - Separate sleeping accommodation is provided for each gender.
 - Where possible, provide sleeping accommodation for differing age groups.
 - Do not invade the privacy of children or young people unnecessarily. Leaders are to knock before entering dormitory accommodation and, except for emergencies, to enter the accommodation of children or young people of the same sex only.
 - For residential work longer than 90 days, or where a young person under 18 is employed by the organisation and living away from home, the organisation shall register with the Social Services as an organisation which takes children and young people away, and shall register both with the Social Services Department and the location's Social Services Department when using a specific venue.

Where minibuses are used it is expected that all drivers and leaders will adhere to the legal (and where appropriate, local authority) regulations.

E-SAFEGUARDS

There are three areas of concern for online or mobile communications

- Unhealthy interactions between children
- Direct interactions between children and children's workers.
- Data confidentiality

Any action or incident outside these policy guidelines must be recorded as an incident. If it is recorded it may well not be much of a concern, but it's a big concern if it's not recorded.

Mobile phones

Mobile phones enable instant text and voice communications at any time. Because these communications are personal and private the information they contain must not be shared without the permission (or knowledge) of the owner of the device, and both parties to a communication or their parents.

The possibility exists that mobile phones might be used for bullying. This is treated the same as physical intimidation, parents should be used to investigate and may be expected (and possibly helped to) resolve the issues.

It has been known for a child to take a worker's phone, use it to take an inappropriate photograph, then report the existence of the picture. It has been known for a child to send an inappropriate text message from a "borrowed" phone to another child and purporting to come from the children's worker.

Children's workers may find it useful to have mobile phones available for communication with each other or with children. If mobile phones are to be used in this way, it is

essential the children's workers do not use their personal phone. A separate dedicated phone (or simply a SIM card) should be purchased by the organisation for their use in this way. It is recommended that these mobile phones be held in common and used as public property.

All text messages should be recorded. They can be forwarded to an email address – just put the email address into a contact or use it instead of a telephone number. As far as we know, it works from all mobile networks. You could also use a SIM card reader

It is essential that another worker (or their supervisor) regularly reviews all such communications with children. Mobile phones (even a works mobile phone) should only be used for communication with groups of children and should not be used for communication with an individual child, except in an emergency.

[The Register](#) 1 Oct 2012.

A was man arrested after accidentally sending a filthy text intended for just his girlfriend, to everyone in the contacts book of his BlackBerry Messenger

Because two of the recipients of the text were girls aged 13 and 14, the message landed him in Birmingham Crown Court where he was convicted on two counts of inciting minors to engage in sexual activity. He is subject to an 18-month supervision requirement

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Mobile phones often have cameras. (see section on photographs and video) Children's workers mobile phones should NOT routinely be used to take photographs or videos of children. If this is done the existence of the data MUST be recorded and this record given to the supervisor, or to the local safe to grow coordinator. The data produced must be treated as confidential.

Children's workers mobile phones MUST be kept absolutely private and utterly secure even (and especially) when working with children.

Mobile phones may be used as portable data-storage (see below)

Email

Email sends data from computer to computer, like a relay race passes a baton, until it reaches its destination. Most email systems delete the files after they pass, but there is no easy way to check this is the case for any intervening computer. Email is not secure – do not send confidential data by email.

It is possible that military grade encryption could be used to make email secure, however there is no assurance it will still be secure in 70 years time when the data must still exist, and may still be stored online. Do not send confidential data by email.

Children's workers may find it useful to have email available for communication with children. If email is to be used in this way, it is essential the children's workers do not use their personal addresses. A separate dedicated address should be set up by the organisation for their use in this way. It is recommended that these email addresses be administered and held in common and used as group property.

It is essential that another worker (or their supervisor) regularly reviews all such communications with children. All outgoing and incoming emails should be recorded.

Social media

Social media makes the exchange of user-generated information very easy. These forms of communication are often personal and private, even though conducted in a supposedly public forum. There are dangers especially when children's workers interact in this way with children.

- Facebook
- Twitter
- Google +

There are [many more](#) examples of the genre.

As a general rule do allow "friend" links or contact between individual children and children's workers.

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It is recommended that children's workers do not have Facebook (Bebo, LinkedIn, Google+ etc) accounts. However children's workers may find it useful to have such accounts available for communication with children. If social media is to be used in this way, it is essential the children's workers do not use their personal accounts. A separate dedicated account should be set up by the organisation for their use in this way. It is recommended that these accounts be administered and held in common and used as group property.

It is essential that another worker (or their supervisor) regularly reviews all such communications with children

Confidential data

Data about children is confidential if it falls into any of the following categories.

- Home address, telephone numbers, personal email address, school
- Identified (or identifiable) images or video footage
- Records of incidents
- Medical records, forms completed by parents, permission slips
- Attendance registers

This data MUST be held securely, under lock and key if in paper form, encrypted if in electronic form.

It is advised to treat as confidential, ALL records about children, or which features their image. It is possible that children's workers or their supervisors may need to hold this data while a child to whom it applies is attending church activities. In this case the existence and form of such data MUST be communicated to local church safe to grow coordinator or partnership's child protection coordinator.

When the child to whom the data applies is no longer attending church activities the data MUST be held by the partnership child protection coordinator (or under their control).

Retention is required for 70 years.
This probably means all electronic data is printed
(using branded, not generic ink or toner)
onto low acid archival paper (ISO 9706) and
stored in an airtight and light-tight container.

Data about children's workers or staff is confidential if it falls into any of the following categories

- Home address, telephone numbers, personal email address, professional details, work contacts
- Records of incidents
- Completed application forms, work-related declarations, reference requests and references
- Criminal Records Bureau returns, declarations and letters pertaining, Independent Safeguarding Agency communications

This data MUST be held by the partnership child protection coordinator (or under their control).

Retention is required for 70 years.
This probably means all electronic data is printed
(using branded, not generic ink or toner)
onto low acid archival paper (ISO 9706) and
stored in an airtight and light-tight container.

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Confidential data - Disclosure

Confidential data does not mean secret data. The data may be disclosed at the discretion of the partnership's child protection coordinator and with the knowledge of the partnership's data protection officer, to statutory authorities for the sole purpose of safeguarding children. The data may be disclosed in response to a court order. These decisions will be recorded along with copies of the data disclosed. These records are also confidential.

Confidential data – Destruction

If it is desired to destroy data this decision MUST be reviewed by the partnership's child protection coordinator in case retention is necessary.

If the data is in paper form it must be cross-cut shredded with more than one person present. If data is in electronic form on a mobile phone or media player the device's deletion tools must be used and the device re-booted afterwards. If the device does not have explicit deletion tools, any data that must be kept should be copied elsewhere then the device reset with a complete clearance of its storage. This should be done by more than one person.

If the data is on a hard disk drive

- On Windows use the eraser tool from <http://eraser.heidi.ie> (or more conveniently the portable version from <http://portableapps.com/apps/security/eraser-portable>) or a similar tool, using the DOD 5220.22-M or Guttmann methods
- On Mac delete the file as normal, recover any files you may wish to keep from the Trash bin, click on the finder and select Secure Empty Trash.

If the data is on a flash key or USB stick the only reliable way is to wipe the whole device; mount the key/stick on a computer, recover any files you need from the key/stick and run RoadKil's DiskWipe (available from <http://www.roadkil.net/program.php/P14/Disk%20Wipe>) making sure you run it on the drive letter you wish to erase!. A second person should be present to ensure it's done properly.

Online storage

Online storage can be part of useful services, however there may exist issues in securing data you may have uploaded, the ownership and control of the data, and the disposal or deletion of data. You may also not always spot when an online service involves insecure data storage.

Everything that is uploaded to any web site is public and theoretically available to the whole world. An accurate analogy is a notice board in a public street. If you have some arrangement for a "private space", even if this is password controlled, it is unlikely to be reliably secure - an analogy might be in your garden – this may be private but is not reliably secure even if the gate is locked and the fences are high.

If a service allows you to upload data, files, videos, photos to a website for free, or in order to offer you a service, it is almost certain not be very secure. Eg: Dropbox, Youtube, Photobox, "Free" websites (there are many more examples)

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Our church websites are hosted by people to whom we pay money, we have contracts in place with them, they have terms of service that lead us to believe they will try their best to keep our data secure, that we will keep ownership and control of the data, they will not re-use or re-sell it to third parties, and that when we tell them to delete it they will do so. If you're using a free service you won't have many of those safeguards. Be aware. If unsure what terms of service are involved, check. They are obliged to have the information available. If there is doubt about their data integrity, copyright and data removal policies be careful how you use the services. DO NOT use any online services to print or share confidential data.

In contrast, the emerge website <http://remixswindon.weebly.com> is hosted on Weebly.com. This is free, easy to create and update, and quite funky. Their policy disclaims any ownership of uploaded content, but does not guarantee account and file privacy, and says nothing about their willingness to securely delete data. This is not the place for confidential information.

Portable data

- Laptops
- External disc drives, camera and phone memory cards, memory sticks and flash keys
- Mobile phones and media players

The issues here revolve around physical security. These devices, though portable, are targets for theft, and frequent victims of loss or accident. If any data is held on such devices, make sure

- your supervisor or safe-to-grow coordinator knows what data you have stored
- its not the only copy
- you keep it physically secure - preferably attended, locked and away from view when not attended.

It is advised that laptops have non-shared user-specific accounts with complex passwords. Passwords should be greater than 8 characters and contain digits and punctuation as well as upper and lower case characters. They should be changed twice yearly. Monthly if the laptop is shared.

Screensavers should be set to lock the screen after no more than 5 minutes, and be password controlled to reactivate.

If confidential data is held on portable devices this must be only for a preset purpose and for a short pre-defined time. A list of the data must be held by the partnership's child protection coordinator, and the partnership's data protection officer. It is possible to encrypt and password protect folders using MS Windows built-in tools, but is not easy. It is advised to use a free tool such as [TrueCrypt](#) to do the job.

It should be achievable on Mac using [Apple built-in tools](#).

Passwords should be shared with supervisors.

Photographs and video

Children's workers mobile phones should NOT routinely be used to take photographs or videos of children. If this is done the existence of the data MUST be recorded and given to the

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supervisor of the work, or to the local safe to grow coordinator. The data produced must be treated as confidential.

If photographic or video record is required from an activity, it is best to nominate a specific photographer and oblige them to deal correctly with the data produced. Inform your supervisor or local safe to grow coordinator. Photos and other digital media should be stored in a secure location

An experienced photographer can take representative images of activities without making children's identities explicit. Unidentified and unidentifiable images are not confidential.

Written permission must be obtained from a parent or guardian, before an identifiable photograph is taken or video recorded. It must be made clear why the image(s) or video is being used, what it will be used for, who might see the pictures and where they will be stored. If images or video are recorded without this permission and permission cannot be or is not obtained the data must be adequately destroyed.

IF ABUSE IS DISCLOSED OR DISCOVERED

Where there is clear evidence of abuse:

- Do not delay
- Do not confront
- Do not act alone
- Do not start to investigate
- Consult with your local Safe to Grow Coordinator as soon as possible.
- Seek advice from the Partnership's Child Protection Coordinator, or a denominational Child Protection Officer a.s.a.p. – see telephone number below
- As and when appropriate and following advice given: Inform the local Social Services and/or the Police immediately and in any event within 24 hours.

In an emergency involving a child protection issue ring one of the following statutory child protection agencies:

The Police	999 (emergency), or 101 (non emergency)
Police Child Abuse Investigation Team	01793 507976
Swindon Children Services Referral Team	01793 463903
Swindon Children Services Emergency Duty Service (Out of Hours)	01793 436699

Further information at

Swindon Local Safeguarding Children Board (LSCB) <http://swindonlscb.org.uk>

For further advice and information, call

Diocese of Bristol Child Protection Officer	0844 892 0104
URC South Western Synod Childrens and Youth Development officer (CYDO)	01823 275470 (Synod Office)
NSPCC	0808 800 5000, or Text 88858 Email help@nspcc.org.uk
Childline	0800 1111

Recording

As soon as possible write down as carefully as possible what the child has said, how they said it and how they appeared emotionally. Write down the context of the disclosure and what you said; sign and date it. If you express an opinion in your record, state that you are doing so, and record what has led you to form that opinion. Do not talk to the alleged abuser. Pass

IF ABUSE IS DISCLOSED OR DISCOVERED

the information on to the nominated Safe to Grow Co-ordinator, unless the allegation is about them, in which case it should be referred to a denominational Safeguarding Officer (See the section Allegations Against Workers)

Recording is vital and may save the child having to tell their story repeatedly. It may also help with prosecutions or in ascertaining if allegations are accurate.

Records should be kept securely and only disclosed to the appropriate authorities. An incident report form is attached (Appendix 1 A – Incident Form)

Reporting concerns

If you believe that a child may be suffering, or is at risk of suffering, significant harm you should always refer your concerns. It is important to remember that it is not appropriate to investigate matters yourself.

A church member or worker may only have one small observation but that piece of information may be vital when put together as a whole to make the “big picture”. Safeguarding is made up of many pieces of information and practice, just as a jigsaw is and we must ensure that we report any information we have so that we can contribute to the ‘Safeguarding Jigsaw’ that may help protect the vulnerable.

The church Safe to Grow co-ordinator should be contacted in all circumstances where there is concern about a child. If anything is likely to receive attention from the media then a denominational Safeguarding Officer will probably also contact a press office.

In an emergency anyone can, and should, make a referral to Children’s Services or the Police. A record should be kept of such a referral and given to the Partnership’s Child Protection Co-ordinator, who will include the information on the annual returns. It is worth noting that Social Care should always be notified of incidents of domestic violence due to the emotional impact on children and young people living with domestic violence, as well as the increased risk of physical and sexual abuse and neglect.

Careful consideration needs to be given, and advice sought, before a decision is taken as to whether to inform parents/carers. It may in some circumstances be good practice to discuss your concerns with the family and, where possible, seek their agreement to making the referral. However, in some cases, particularly that of sexual and physical abuse, children could be placed at further risk if parents/carers were told of concerns so advice should be sought from the statutory agencies before making such a decision. It should be remembered that our actions should not in any way compromise any possible future investigations

If a referral is made Children’s Services will consider what you have told them, together with any other information already held or received. It is important reminder to note here that your information could be a significant part of the jigsaw.

IF ABUSE IS DISCLOSED OR DISCOVERED

The following is a summary, for reference only and is no substitute for training.

When talking with a child:

- Look at the child directly
- Reassure the child that they are right to tell you and you believe them.
- Accept what the child says
- Do not press for information.
- Tell the child they are not to blame.
- Be aware that the child may have been threatened.
- Do not appear shocked or appalled.
- Tell them that you may need to tell someone else; do not promise confidentiality.
- If you are informed of anything illegal you must inform your local Child Protection Coordinator (and/or the Partnership Child Protection Coordinator)
- Let them know what you are going to do next, who you are going to inform and why.
- Let them know roughly what will happen next, yet be sensitive. (See below)
- Finish on a positive note.
- As soon as possible afterwards make hand-written factual notes of exactly what the child said and the date and time of your talk. Use the incident form if it is handy.
- Do not take on board other people's problems as if they were your own. Remember, empathy is standing in someone else's shoes with your feet firmly in your own.

ALLEGATIONS AGAINST WORKERS

It is a sad fact that some people will cause harm to those they work with. On occasion this will have been intentional, and a part of their motivation to work with vulnerable people, and for others it may be as a result of poor attitudes, low standards of care or inadequate awareness of professional boundaries.

We therefore endorse and follow the guidance issued in 'Working Together to Safeguard Children' which states that a referral **must** be made without delay where it is alleged a worker has:

- Behaved in a way that HAS harmed a child or MAY have harmed a child,
- POSSIBLY committed a criminal offence against or related to a child, or
- Behaved towards a child or children in a way that INDICATES that he or she is unsuitable to work with children

These procedures apply in connection with the person's employment, be that paid or voluntary. However they may also be used where concerns arise about:

- A person's behaviour in their personal life which may impact upon the safety of children to whom they owe a duty of care
- a person's behaviour with regard to his/her own children.

If an allegation requiring immediate attention is received outside normal office hours the out of hours emergency duty team or police should be contacted and the (Local Authority designated Officer) LADO informed the next working day

Concerns outside of criteria

Concerns that fall outside of these criteria may nevertheless amount to inappropriate conduct. The Church will need to decide whether to handle this by way of advice, supervision, training, disciplinary processes or a combination of some or all of these

Who should be informed of referral to LADO

The a denominational Safeguarding Officer should be informed in respect of any referral. If the allegation is in relation to Ordained Ministers, their denominational Safeguarding Officer will be able to advise. It is probable, in these cases, that lawyers and press advisors will be necessary.

The worker concerned should only be informed after consultation with the LADO, and as soon as possible but with due regard to protecting evidence.

ALLEGATIONS AGAINST WORKERS

The role of the LADO

The LADO provides advice and guidance to employers, voluntary organisations, including the faith sector, where there are concerns about a worker.

They will first establish, in discussion with the referrer, that the allegation falls within the scope of these procedures, and may have some foundation.

You will; need to provide basic details about the allegation:

- What was said and by whom
- Any action taken.
- Whether the parent/carer of the child has been informed.
- The name, date of birth and address of the member of staff and of the child/children involved.
- Whether there were any witnesses.
- Strategy meetings/discussions

Depending on the nature of the allegation and on the urgency of the referral the LADO may decide that a strategy discussion is appropriate and this may be by phone. If the allegation is more serious and/or complex in nature the LADO will set up a multi-agency strategy meeting to agree the next steps.

Strategy meetings will usually include the employer and/or referrer, a children's services worker, a Police Officer and the LADO. The aim of strategy meetings are to gain fuller information and discuss immediate steps, i.e. whether the member of staff should be suspended or whether there is an alternative way of ensuring proper enquiries can be undertaken. Advice will be given by the LADO as to whether, when, and what information the staff member can be told about the investigation.

An investigation against a worker may have three related, but independent strands:

- Child protection enquiries, relating to the safety and welfare of any children who are or who may have been involved
- A police investigation into a possible offence against a child
- Consideration of disciplinary action in respect of the worker, including the possibility of suspension

If the police or Children's services decide to investigate, it is likely that they will advise that internal investigations should wait until the outcome of the statutory investigations.

ALLEGATIONS AGAINST WORKERS

Informing the member of staff

The person who is subject of the allegation needs to be informed as soon as possible after consultation with the LADO.

Where it is likely that police and or children's social care will be involved an agreement needs to be made with those agencies as to what information can be disclosed to the member of staff.

If the alleged misconduct involves sexual abuse or other allegations of child abuse where there is a risk that the alleged perpetrator may destroy evidence it is essential that the police are consulted before the person is informed about any action as they must be given the opportunity to investigate first.

If the staff member is a member of a trade union or a professional association, he or she should be advised to seek support from that organisation.

Informing parents/carers

There are some circumstances where the employer may need to directly advise parents of an incident involving their child for instance if the child was injured whilst in the care of the Church and required medical treatment. In these circumstances care should be taken not to say anything that could jeopardise the ability to conduct a proper investigation.

Suspension of a Worker

Suspension of a worker should be carried out in consultation with the statutory authorities. Timing can be crucial and the Police and Social Services need to be able to conduct investigations that are not compromised by a premature suspension.

Where an allegation of abuse is made against a worker, depending on the nature of the allegation, and any advice from Social services or the Police, consideration should be given to suspending the worker 'without prejudice', in other words without passing judgment on the validity of the allegation. Staff should not be automatically suspended and strategy meetings may discuss alternatives. If a paid member of staff, they will be suspended at the appropriate rate of pay (normally full pay) pending further investigation.

This action protects the worker from further allegations of abuse, the organisation from allegations of not dealing with the situation appropriately and, most importantly, the child, young person or vulnerable adult from possible further abuse or intimidation.

Suspension should always be considered where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal.

ALLEGATIONS AGAINST WORKERS

Criminal investigations

The LADO's discussion with the police may result in the beginning of a criminal investigation. The police will aim to complete their enquiries as quickly as possible, consistent with a fair and thorough investigation. The Church will co-operate with the Police at all times.

The police gather their evidence and will seek advice from the Crown Prosecution Service (CPS) as to the level of evidence needed in order to proceed through the courts.

There are many reasons why a particular case may not come to court or may result in a finding of 'not guilty', one being the burden of proof in Criminal proceedings being what is referred to as a higher test of 'beyond reasonable doubt', as opposed to civil proceedings which are tested 'on the balance of probabilities'. This does not necessarily mean there is no remaining concern and these concerns may mean that the person should not continue to work with children. Equally there may remain evidence of inappropriate or misguided behaviour which needs to be addressed. The advice of the statutory agencies should be sought about any continuing risk to children. It may still be appropriate in some circumstances, and in accordance with legal advice, to continue disciplinary action.

If there remain unresolved matters of concern, either untested complaints of serious harm to a child or evidence of inappropriate behaviour by the adult, a professional risk assessment should be carried out to try to ascertain whether it is safe for the person to continue work which brings them into contact with children. Depending on the outcome of the assessment it may be necessary to introduce a regime of conditions: training and supervision; to refer the person to the Independent Safeguarding Authority; to re-deploy the person in another post; or to terminate employment.

Disciplinary

If the CPS decides against criminal proceedings disciplinary proceedings must always be considered.

Disciplinary proceedings carry a lower burden of proof, based on 'in all probabilities this did happen' (the balance of probabilities) as opposed to 'beyond reasonable doubt'. If you have reasonable belief that the individual has acted inappropriately i.e. in an abusive manner, and that the implications in relation to their role are such that it is no longer tenable for them to continue in the role you are likely to 'dismiss' or cease using that person. The police may be able to share some details of their investigation with the employer. This may spare the Church the need to interview witnesses who have spoken to the police.

Resignations and compromise agreements

If a person tenders their resignation during an investigation or before one is started, the investigation should be continued. It is important to try to reach a conclusion. In practice continuing to investigate without the compliance of the worker can prove very difficult indeed. However employers are expected to be able to show evidence that they have done as much as they can to reach a conclusion that can be properly recorded.

ALLEGATIONS AGAINST WORKERS

Compromise agreements by which a person agrees to resign, the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference – must not be used in these cases without the benefit of legal advice and consideration of any safeguarding issues. In any event, such an agreement will not prevent a thorough police investigation where appropriate, nor can it override an employer's statutory duty to make a referral to the Independent Safeguarding Authority and the Charity Commission where circumstances require it.

References

It is important to mention in references the fact of a disciplinary investigation, unless it has been proved unfounded.

Referral to the Independent Safeguarding Authority (ISA)

A referral must be made to the ISA when:

- the employer withdraws permission for an individual to engage in work with children,
- or would have done so had that individual not resigned, retired, been made redundant or been transferred to a position which is not work with children because the employer believes that the individual has engaged in relevant conduct or
- satisfied the harm test or
- has committed an offence that would lead to automatic inclusion on a barred list.

This is a statutory duty on all employers and a failure to refer in such circumstances is a criminal offence. The duty applies in respect of Ordained, Lay, Casual, Agency, Self Employed, paid and volunteer staff.

Additionally guidance in Working Together states the need to

‘notify the Independent Safeguarding Authority (ISA) of any relevant information so that those who pose a risk to vulnerable groups can be identified and barred’

Relevant conduct is conduct that falls into any of these categories:

- it endangers, or is likely to endanger, a child or vulnerable adult;
- it is conduct that, if repeated against a child or vulnerable adult, would endanger them or be likely to endanger them;
- it involves sexual material relating to children (including possession of such material);
- it involves sexually explicit images depicting violence against human beings (including possession of such images);
- it is inappropriate conduct of a sexual nature involving a child or vulnerable adult.

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A person will be automatically included on a barred list where he or she has been convicted of, or cautioned in relation to, serious criminal offences involving sexual misconduct or violence.

Action in respect of false or unfounded allegations

If an allegation is determined to be unfounded, consideration should be given to referring the matter to children's services in order that a decision can be made as to whether the child concerned is in need of services.

In the rare occasions where it can be *proved* that the allegation has been deliberately invented or malicious, consideration should be given to asking the police to consider if any action should be taken against the person responsible for making the allegation. There is of course a risk in taking such action as children who need to disclose abuse may be deterred. In addition, a child who has made a false or malicious allegation may need some sort of support; it is after all unusual behaviour.

It is crucial to ensure that the member of staff who has been the subject of a false allegation is properly supported. Such incidents can cause staff extreme stress and in some cases the employer may need to offer the services of a counsellor.

Reinstatement and redeployment

Careful consideration should be given to the future employment or volunteering role of anyone against whom an allegation has been made

A professional risk assessment, by someone with suitable qualifications and experience in this field may need to be carried out.

Insurance advice

It is vital that where there may be liability issues, the Church should inform the claims manager of the insurance company as soon as any incident arises that may lead to a claim. Advice should be sought about the insurance position, and any steps (where possible) needed to be taken to safeguard it. The claims manager will also need to be kept in touch with developments.

Any person accused of abuse where they have the benefit of insurance should also inform their insurance company

Pastoral Support

During the investigation the child and family will need support. A separate person will need to support the alleged perpetrator. People involved in support should be uninvolved with the investigation or disciplinary proceedings and may be chosen from outside the Synod to

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ensure neutrality. The police advise that it is important that these parties should not communicate with each other about the allegation so that evidence is not contaminated.

In the case of allegations against a Minister, the denominational authorities will need to manage the impact of the investigation on the Church.

Charity Commission

The Charity Commission advice is that referral to the ISA constitutes a threat to the reputation of the charity and should as such be reported to them as a serious incident. Serious incident reporting by charity trustees is considered by the Charity Commission as one of their key compliance and monitoring tools. It ensures that they can provide assistance at the earliest opportunity, targeting their resources where the risks are highest and helping to put charities back on a secure footing where necessary. The responsibility for reporting serious incidents to the Commission rests with the charity's trustees, even if they delegate work to others

Whistle blowing

To fulfil our commitment to safeguard and promote the welfare of Children, West Swindon and the Lydiards Church Partnership recognises the importance of creating a culture where there is a mechanism in place for workers to be able to raise legitimate concerns about other workers. This is commonly referred to as whistle blowing

The Public Interest Disclosure Act 1998 gives workers legal protection against being dismissed or penalised as a result of publicly disclosing certain serious concerns. While the Act does not provide the same protection for volunteers, we endeavour to adopt the same practice of protecting the whistle-blower that is outlined in the legislation.

All staff, volunteers and members of a congregation are encouraged to acknowledge, and to bring matters of unacceptable practice, performance or behaviour to the attention of the Church Safeguarding Co-ordinator or deputy; any denominational Safeguarding Officers can be contacted.

Recording and retention of records

It is important that a clear and comprehensive record is kept of any allegations made, details of how these were followed up, and any action taken. It is useful to keep a chronology that serves as a time line that makes reference to notes, E Mails or correspondence and makes reference to where those documents can be found. All documents should be kept on the person's confidential file and copies should be given to the person in accordance with Data Protection Legislation. The person can make an application to see their file.

False and malicious allegations are very different to unsubstantiated allegations. For an allegation to be described as false it is necessary to have evidence that disproves the

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allegation. This means that the allegation is unfounded. For an allegation to be described as malicious it is necessary to have evidence that not only disproves the allegation but also proves a deliberate intent to deceive. Where the allegation is unsubstantiated it simply means that there has been insufficient evidence to prove or disprove the allegation and therefore is not able to conclude either guilt or innocence.

Records of investigations, whether proved to be unfounded or not, must be retained until the staff member reaches retirement age, or for 10 years - whichever is the longest.

If a person about whom an allegation has been made leaves the Church their file should be passed to the receiving Church, or denomination if different from those of the Partnership.

Allegations of historical abuse

These should be referred to the Police and Children's Services and be dealt with in the same way as contemporary concerns. The person against whom an allegation is made may be working with children and protective measures may need to be put in place until the outcome of an investigation is known.

Remember that a referral may make up an important part of the safeguarding jigsaw.

Learning lessons

At the conclusion of a case in which an allegation is substantiated the Church should review the circumstances of the case to determine whether there are any improvements to be made to the procedures or practices to help prevent similar events in the future.

Consideration should be given to any policy or practice areas which require greater exploration. This may include additional commitment to training, more robust induction for all new staff, use of codes of conduct, guidance for managing particularly vulnerable groups and dealing with parents.