



**YORK DIOCESE CHILD PROTECTION &  
SAFEGUARDING CHILDREN POLICY**

**Revised: March 2010**

## POLICY & PRINCIPLES RELATING TO CHILD PROTECTION AND SAFEGUARDING CHILDREN

- The Diocese of York is committed to the protection, safeguarding, care and nurture of all children within the church community.
- The Diocese of York will carefully select and train ordained and lay ministers, as well as volunteers and paid workers who work with children and young people, using the Criminal Records Bureau / Independent Safeguarding Authority and the highest quality safe recruitment practices, to check the background of each person.
- The Diocese of York will respond without delay to every complaint or allegation made that a child or young person is a risk of, or has suffered, harm.
- The Diocese of York will fully cooperate with statutory agencies during any investigation they make into allegations of abuse or neglect concerning a member of the church community.
- The Diocese of York will seek to offer informed pastoral care to any child, young person or adult who has suffered abuse.
- The Diocese of York will care for and supervise any member of our church community known to have offended against a child, working alongside statutory agencies as appropriate.
- The Diocese of York recognises in all its work that the welfare of children is paramount.

Although this document is specifically aimed at the protection and safeguarding of children and young people, many of the principles are also relevant to the safeguarding of vulnerable adults.

## **Introduction**

The child protection procedures for the Diocese of York have been developed from the House of Bishops' policy, 'Protecting All God's Children'. Additional material has been taken from 'Working Together to Safeguard Children 2006' and the Children Acts 1989 & 2004. Sometimes you will find an article or document written by child protection professionals working locally or nationally. These are acknowledged as they appear, but full references for the other sources used in these procedures appear on the Contacts page in Section 3.

Child protection is a very broad field, and there are important topics that are not specifically included here: domestic violence, drug and alcohol-abusing parents, parents with mental health problems that are negatively impacting on their ability to care for their children, Internet grooming and others. The principle of placing the child's welfare at the heart of whatever we do gives you the responsibility to seek advice if you feel these are an issue for the children and/or families with whom you work. But if you need advice on any specific situation, help is available from a number of sources within the diocese. See the Contacts page in Section 3 for further information.

A Christian approach to child protection asks both individuals & communities to create a safe environment for children, to act promptly on any complaints made or concerns raised, to care for those who have been abused in the past, and to minister appropriately to those who have abused children. This approach takes seriously both human propensities to evil but also the God-given resources of goodness.

# Section 1: The Essentials

## What Do We Mean by a 'Child'?

In this document, as in the Children Acts 1989 and 2004, a **child** is anyone who has not yet reached their 18th birthday. 'Children' therefore means 'children and young people', and these terms are used interchangeably throughout this document. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital, in prison or in a Young Offenders' Institution, does not change his or her status or entitlement to services or protection under the Children Act 1989. The term 'parent' includes all those who have parental responsibility for the child. There may be other adults who have contact or care of children about whom you have concerns in relation to their contact with or care of a child. In these circumstances, most of this guidance will still apply, but you should always seek advice from one of the sources listed in the Contacts section.

### **All those working with children & their families, parents or carers should:**

- be alert to potential indicators of abuse or neglect
- be alert to the risks that individual abusers, or potential abusers, may pose to children
- share and help to analyse information so that an assessment can be made of the child's needs and circumstances
- contribute to whatever actions are needed to safeguard and promote the child's welfare
- take part in regularly reviewing the outcomes for the child against specific plans
- work co-operatively with parents, unless this is inconsistent with ensuring the child's safety.

## **Parish Responsibilities in Working with Children:**

Each parish (or benefice) should accept the prime duty of care placed upon the incumbent and the parochial church council to ensure the well being of children in their care. In order to meet this responsibility, the Parish should:

- Create a culture of ‘informed vigilance’, which takes children seriously.
- Ensure that appropriate health and safety policies and procedures are in place.
- Provide appropriate insurance cover for all activities undertaken in the name of the parish.
- Ensure that current Health and Safety requirements are met for all groups involving children. Child care providers e.g. pre-school and nursery groups or after-school clubs should take advice from the Diocesan Children’s & Youth Advisor about the regulations for their activity and the need to register the group with the Local Authority.
- Adopt and implement the York Diocese Parish Child Protection Policy and Procedures, which is based on the House of Bishops Policy. Consideration should also be given to specific local parish requirements.
- Appoint a Parish Child Protection Representative, and inform the Diocesan Secretary of this person’s details. The Child Protection Representative should be someone without other pastoral responsibility for children in the parish. This person must ensure that any concerns about a child, or the behaviour of an adult in relation to children, are appropriately reported both to the statutory agencies and to the Archdeacon. The CP Representative post is subject to a Criminal Records Bureau check/Independent Safeguarding Authority registration.
- Ensure that appropriate pastoral care is available for those adults who have disclosed that they have been abused as children.
- Provide, as appropriate, support for all parents and families in the congregation, being particularly aware of parents whose children have suffered abuse.
- Ensure that those who may pose a threat to children and young people are effectively managed and monitored. (See Section 2 for further advice).
- Appoint a person, who may be different from the Child Protection Representative, to be a children’s advocate. This person should be someone whom children know they can talk to about any problems, if they so wish.
- Display the “Childline” telephone number prominently on a notice-board that is accessible to children.
- Ensure that all those authorised to work with children and young people, or in a position of authority, are recruited according to current Safe Recruitment Practice guidelines, and appropriately appointed, trained and supported while in post.
- Provide all personnel authorised by the PCC to work with children with a copy of the Parish Child Protection Policy, Procedures and Good Practice Guidelines.
- Pay particular attention to children with special needs and those from ethnic minorities, to ensure their full integration within the church community,

remembering that children with disability or those for whom English is not their first language or are isolated in any way are always more vulnerable to abuse.

- Review the implementation of the Child Protection Policy, Procedures and Good Practice Guidelines annually, to ensure that the Parish is adhering to the practice laid down within the Policy.
- Rural parishes or parishes held in plurality may wish to join together to implement the Policy and Procedures. It should be noted, however, that people working in isolated situations can be vulnerable and extra care should be taken to ensure that behavioural guidance and Child Protection Policy, Procedures & Guidelines are followed.
- Provide appropriate insurance cover for all activities with children and young people that are undertaken in the name of the parish.
- Local ecumenical projects should agree which denomination's Child Protection Policy to follow, and this decision should be ratified by the Archdeacon and other appropriate church leaders.

### **Home and church**

Common sense (and the law!) says that registration is not required for home-based arrangements, for example parents taking turns to drive their children to church. But the activity becomes 'regulated', and the person carrying it out is required to be registered, at the point where it is the organisation and not the family that takes responsibility for that person being in the role and doing that piece of work.

## **The Parish Child Protection Representative:**

The Child Protection Representative has an essential role in a parish in relation to child protection. S/he should be a lay person who has a special interest in the care and welfare of children and young people and an ability to liaise with and advise those who work directly with them. The representative should have an understanding of child protection issues, either through outside employment or through training provided by the parish, Diocese or Local Safeguarding Children Board.

In some circumstances it may be necessary for the parish priest to be the child protection representative, but this is generally not desirable as the parish priest should be available in a supporting role when difficulties arise.

### **What sort of person is suitable?**

A Child Protection Representative should have:

- A developed understanding of the issues relating to safeguarding children and child protection;
- Up-to-date training (at least every three years) in child protection issues;
- A sound knowledge of the parish Child Protection Policy, the York Diocesan Child Protection Policy, Procedures & Guidance, including how these should be implemented within the parish context.

### **What knowledge and skills are required?**

The Child Protection Representative needs to:

- Ensure that workers (paid and voluntary) are aware of the parish Child Protection Policy, Procedures & Guidance;
- Respond to any concerns that a child might be at risk of significant harm;
- Understand the boundaries of appropriate confidentiality;
- Understand and co-operate with the Criminal Records Bureau checking process and Independent Safeguarding Authority (ISA) registration;
- Encourage workers to undertake training and ensure that training is kept up-to-date;
- Keep appropriate records of work with children, including logs of events (both regular and 'one-off' events involving children), confidential files regarding CRB information/ISA Registration and child protection concerns, and a parish record of those attending child protection training;
- Be a source of support for workers and be ready to talk through any concerns they might have.

The Child Protection Representative is supported by the local Archdeacon, who in turn is supported by the Diocese of York Child Protection Advisor and the Diocesan Youth Advisor (See Contacts, Section 3)

## **What are the responsibilities of the Child Protection Representative?**

The Child Protection Representative (CPR) is chosen primarily for their good standing in the local church and community, their integrity, common sense and particularly for their independence. It is therefore not appropriate for someone to fulfil this role who is actively or regularly engaged within the Parish in children's or youth work, overseeing such work, or closely related to such a person. This does not debar them from being asked to help out on an occasional or very limited basis. The CPR does not need to be experienced in social work or children's work, although it is recognised that this may be advantageous. The CPR will need to obtain an 'Enhanced Disclosure' check from the Criminal Records Bureau. (See: A Guide to Criminal Records Bureau Disclosures).

The Child Protection Representative (CPR) should be responsible to the incumbent, and these two people should work together to implement the Parish Child Protection Policy, Procedures & Guidance.

The reasoning behind the appointment of CPRs is to have a person to whom concerns about a child, the behaviour of an adult or allegations of abuse can be reported without a conflict of interest. Experience shows that if concerns are reported to a person closely associated with children's or youth work, a conflict of interest may arise, albeit subconsciously, between addressing the needs of the child and supporting the worker or workers involved.

CPRs will need to attend appropriate child protection/safeguarding children training and ensure that those working with children and young people also take up such training opportunities at regular intervals. Child protection training is available within the diocese (see the Diocesan web site for current information) and from time to time appropriate training may also be provided locally by other agencies or Local Safeguarding Children Boards, details of which can be found on Local Safeguarding Children Board's web sites.

### **The CPR has the following responsibilities:**

- To **familiarise** themselves with the parish's Child Protection Policy and make sure that the PCC review it annually. A declaration form of review and renewal should be sent to the Diocese Archbishop's Child Protection Advisor (see Appendix 1)
- To ensure that copies of the parish Child Protection Policy, and the 'good practice guide' (see Appendix 1) are given to all existing and new workers in the Parish.
- To produce a report for the PCC Annual General Meeting regarding child protection work in the parish during the previous year and any changes to the parish policy. This report should be read to the Annual General Meeting for its comments.
- To ensure that all volunteers who work with children, sign the Confidential Declaration form and to take up references.
- To retain all the CP forms in a secure place and ensure their confidentiality
- To ensure that all those who work with children know the contact details of those from whom child protection advice can be accessed.

- To ensure that any person with anxieties about child welfare is able to discuss their concern with the parish Child Protection Advisor, or the Archdeacon if more appropriate.
- To ensure that any allegations of abuse behaviour by someone working for the parish (either paid or volunteer) is immediately brought to the attention of the Archdeacon for advice and support, and further actions to be taken as per Diocesan policy.
- To ensure that there is a Childline poster on a notice-board in every place where children meet, and the Parish Child Protection Poster is displayed within the church.
- To **ensure** that the parish's Child Protection Policy is adhered to, and to raise any concerns in this respect with the incumbent and churchwardens, or the PCC or in the last resort with the Archdeacon who will liaise with the York Diocese Child Protection Advisor.
- To **receive** any concerns as to the safety or well-being of children and young people in relation to the church, or concerns raised by a church member in respect of any child or young person known to them.
- To **respond** to concerns (as directed in the Child Protection Policy) by discussing and agreeing an appropriate response with the person raising the concern. Depending on the nature of the concern this response may range from discussing the matter with the incumbent or churchwarden, to (in an emergency) immediately contacting the police or local social services department. It will in almost all circumstances involve contacting, at an early stage, the Archdeacon who will liaise with the York Diocese Child Protection Advisor as appropriate.
- The CPR will **NOT** investigate the concern beyond asking the person raising the concern such questions as may be necessary to establish the facts on which the concern is based e.g. what is it that you are worried about; what have you seen/heard/ that makes you concerned; who have you spoken to about your concerns etc.
- The CPR will keep an accurate note of any concerns received and of their response. If a disclosure of abuse has been made by a child or young person, the CPR will record the child's own words, or the words used by any person that has told them of their concerns.
- The CPR will be expected from time to time to attend training events appropriate to this position. It is expected that such training will be attended at least once every three years.

*To ensure that there is an effective means of contacting the CPR, the PCC are responsible for publicising the position within the church and parish.*

### **Additional Responsibility**

Depending upon the circumstances of individual parishes and the CPR, it may be appropriate for the CPR to act as the local person responsible for checking 'Evidence of Identity' required when individuals apply for a Disclosure Check. (See section on Criminal Records Bureau and York Diocese Criminal Records Bureau Disclosures Guide).

## **The Criminal Records Bureau (CRB)**

*NB In 2010 Independent Safeguarding Authority (ISA) will be the body that will provide Registration for all those working with children (and vulnerable adults). It will become an offence to employ any person (or apply for employment working with children or vulnerable adults), without ISA Registration. Details are yet to be finalized, but there will eventually be an end to multiple checks being made by different organizations. The new, more straightforward system will be very welcome, but until further announcement regarding ISA implementation in 2010, the current system of CRB checking will continue to operate. Replacement pages for this section will be sent as soon as the new system is formally launched.*

The Criminal Records Bureau is an executive agency of the Home Office. Its primary purpose is to help employers and voluntary organisations make safer recruitment decisions. It is an offence to appoint a person who is banned from working with children (Criminal Justice and Court Services Act 2000 Part 2 S35) to work in any capacity with children or young people (i.e. those below 18 years of age). The CRB is a national agency, which gives the opportunity for all who work with children to be checked through a consistent disclosure service. It became operational in the spring of 2002, and provides a 'one stop shop' for ascertaining whether an individual has a criminal record, has been under police investigation, has been banned from working with children by the courts or has had his/her name placed on the lists of those unsuitable to work with children and young people held by the Department for Education and Skills or the Department of Health.

Although it is not a legal requirement for the Church to use the CRB service, the House of Bishops regards it as a mandatory element in the recruitment process (of both paid and unpaid workers) and CRB checks have been adopted in the Diocese of York as a necessary prerequisite for posts involving work with children or vulnerable adults.

All Anglican or Anglican-sponsored activities that involve work with children must be based on a clear understanding of how and when CRB checks should be undertaken. If in doubt, advice can be sought from the Administrator of Criminal Records Bureau Disclosures at the Bishopthorpe Palace or the Archdeacon (see Contacts, Section 3).

The CRB does make a charge for checking people who will be paid employees, but not for volunteers. For the purposes of definition, anyone receiving payment for a position, other than reimbursement of expenses, is deemed to be employed. This definition will be relevant when considering the status of retired clergy receiving fees.

The CRB offers two levels of check: standard and enhanced. The Diocese of York always requests the enhanced level check for any post where there is the expectation of regular contact with children (or vulnerable adults); this will also be requested for any posts that offer the workers public credibility and unsupervised access to children because of their roles within the Church. The enhanced level check searches not only records of criminal convictions but also checks for non-conviction information from local police intelligence records which a senior police officer thinks may be relevant e.g. where someone has been questioned about, or involved in, a crime but not charged.

Positions that involve substantial or unsupervised access to children are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that the CRB check will disclose ALL criminal convictions and intelligence, regardless of how long

ago the offence was committed or intelligence gathered, or whether it is relevant to the particular post. The check may also reveal dealings with police/social workers from many years ago. For this reason, it is always best for those undergoing a CRB check to disclose to the Priest who checks the form anything that might come up on the search. A criminal record does not necessarily mean that the applicant will not be allowed to take up the post (see 'Clear and Blemished Disclosures', below).

CRB checks can only be requested by organizations that are registered with the CRB. Individuals for example, or small charitable societies cannot request checks. In the Diocese of York, the Registered Body is the Archbishop of York's Office. All CRB checks must go through the office, where the appointed Counter-signatory for the CRB gives them a final check before sending them off. (See Contacts Section for details of the Administration of Criminal Records Bureau Disclosures office).

It must be emphasised that CRB checking will only ascertain if there is any KNOWN reasons why a person may be unsafe to work with children. Although there is clearly real value in this system, a clear CRB check should never be seen as a guarantee, as many perpetrators of child abuse will be unknown to the Criminal Records Bureau because many perpetrators are not known to authorities. Additionally, it must be acknowledged that those who seek to harm or abuse children will actively seek roles where they can work with children, especially if that work is unsupervised. A high level of vigilance must always be maintained.

## **How the CRB Process Works in the Diocese of York**

If you have been offered a paid or voluntary position with children (or vulnerable adults) in the Diocese of York, the offer will be made subject to a CRB check. You will be asked to fill in the CRB form and also an additional 'confidential declaration' form for Diocesan use.

The CRB form requires original proofs of both identity and address, in order to make sure the check is accurate. For the CRB form, you will also be asked to provide a referee who has known you for two years or more. The confidential declaration form asks for two referees; at least one of these should be your employer, if you are employed. The CRB form comes with a guidance note listing exactly what is needed. Read it carefully and it will help you avoid mistakes.

Once you have filled in the form, you must have your ID documents carefully checked; this is normally done by your Parish Child Protection Representative. S/he will then fill out the separate 'Confirming ID' form. **This must be done at the time of examining the documents, and cannot be sent separately.** The Priest is required to check original documents only and to make sure there is an exact match between the form and the document of name, address, date of birth and any unique numbers (e.g. passport number). However well the Priest knows you, s/he is required to sign the statement on the form that declares the **original** documents have been seen and checked by them.

Once signed by you and the priest, the CRB form is returned to the Archbishop of York's Office. If you are a Priest, your confidential declaration also goes back to the Archbishop's Office. For lay workers, the confidential declaration form is kept in the local church office by the Child Protection Representative, firstly for taking up references and then for confidential, secure filing in the parish office.

At the Archbishop's Office, the Counter-signatory does a final check and then signs the form before sending it off. The reply that comes back from the CRB after the checks have been done is called a disclosure and a copy of the disclosure certificate will be sent both to you, at the home address given on the form, and to the Counter-signatory at the Archbishop's Office (as the registered body that initiated the check). If there is no information on police records, this is called a clear disclosure. If some information has been found, this is called a blemished disclosure.

## **Clear and Blemished Disclosures**

If your CRB check has come back clear, the Counter-signatory will inform whoever requested the check that you are cleared to proceed to appointment. If your CRB form comes back blemished, the Counter-signatory will inform the York Diocese Child Protection Advisor, who will need to decide how relevant the information is to the post in question. Any decisions will usually involve the Archdeacon, Parish Priest, yourself and the Child Protection Advisor, but may also involve relevant outside agencies such as Children's Social Services or the Local Safeguarding Children Board Manager.

Confidentiality is given a high priority at all times in these discussions. Further information will be gathered by the appropriate person (usually the Diocese Child Protection Advisor, with help from other Diocese or child protection professionals if necessary) and a decision made about whether or not the post can still be offered to you. Minor offences and/or convictions from years ago, for example, will not carry as much weight as serious violence and/or more recent convictions. If the appointment cannot be offered, the reasons will be explained to you and you will be offered pastoral support.

The decision of the Archdeacon, and Diocese Child Protection Advisor will always be final. However, if you believe the information held by the CRB to be inaccurate, you do have the right to challenge it with the CRB directly, but the parish or diocese cannot undertake this on your behalf.

## **Frequency and 'Portability' of CRB checks**

Disclosure information is only accurate on the day it is issued. The older the disclosure, the less it can be relied upon. The Diocese of York has adopted good practice guidance in renewing CRB checks for existing posts every five years, on a rolling programme. The Archbishop's Office for the Administration of CRB Disclosures will inform all clergy when their updated check is due, but the responsibility for this reminder to lay people should be taken by the Parish Child Protection Representative in the Parish concerned.

**Portability:** With the exception of Clergy and Readers, who are checked on every change of post, if someone is moving from working in one Parish to another Parish within the Diocese, and has had a CRB check undertaken by the Archbishop's Office for the Administration of CRB Disclosures within the past 5 years, then there is no need to renew the CRB check. However, CRB checks undertaken by another organisation or agency, or Diocese, cannot be accepted by a Parish or the Diocese. Therefore, anyone wanting to take up a paid or voluntary position within the Parish/Diocese will need a new CRB check before doing so even if they have recently had a CRB check by another organisation (e.g. if they are a teacher, nurse etc).

## **Safer Recruitment of Volunteers for Work with Children and Young People**

This safer recruitment guidance (which also applies to vulnerable adults) includes:

- all clergy who have the freehold, hold the archbishop's licence or permission to officiate
- all ordinands before they are presented to the Archbishops' Advisory Panel
- all accredited lay workers and readers who hold the archbishop's licence or permission to officiate
- any other leaders in the Church whose office of trust gives them the opportunity or the expectation that they might have regular or unsupervised contact with children
- those people whose jobs involve supervising work with children, young people
- the parish Child Protection Representative, and Children's Advocate where applicable
- all people employed by the Diocese, Minster or any parish whose work may involve regular and direct contact with children
- all volunteers whose work or activities may involve regular and direct contact, including leaders of mixed age activities such as bell-ringers, choirs, servers etc
- members of religious communities and similar bodies whose ministry may involve contact with children

### **Appointment of Volunteers and Employees**

Careful selection, induction and supervision procedures should apply to all Church appointments, whether they are for paid staff or volunteers. Prospective appointees should be regarded as job applicants and have a defined role. They should also complete an application form and have an appropriate interview.

Along with the application form, applicants should be asked to fill in the Diocese of York's Confidential Declaration Form. This asks for two referees, one of whom should, if possible, be the current employer or the incumbent of the present or previous church. ALWAYS check references rigorously and carefully.

If the decision is made to appoint, the appointment should be confirmed in writing. All appointments should be subject to a satisfactory Criminal Records Bureau (CRB) disclosure (enhanced level) and a probationary period. A written letter of appointment should make this clear. Forms for the CRB check are available from the Archbishop's Office. Until a response is received from the CRB, the appointee should not begin work.

Once a satisfactory disclosure has been obtained from the CRB, the appointee should be formally commissioned and may start work. S/he should be issued with a copy of the Parish Child Protection Policy, Procedure and Guidelines for working with children (see Section 2). Appointees to the role of Child Protection representative should also be issued with a copy of the Diocese of York Child Protection Policy, Procedures & Guidelines.

## Significant Harm: Definitions of Abuse

The trigger for making a child the subject of an inter-agency child protection plan is an agreement between the relevant agencies that the child has suffered, or is likely to suffer, significant harm without such action to keep them safe. In considering whether a child has been abused, these are the definitions currently used in child protection work:

**Safeguarding and promoting the welfare of children** is defined for the purposes of this document as:

- protecting children from maltreatment
- preventing impairment of children's health or development

**Child Protection** is a part of safeguarding and promoting welfare. This refers to the activity that is undertaken to protect specific children who are suffering, or are at risk of suffering, significant harm. Effective child protection is essential as part of wider work to safeguard and promote the welfare of children. However, all individuals should aim proactively to safeguard and promote the welfare of children so that the need for action to protect children from harm is reduced.

**Physical Abuse** may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces illness in, a child.

**Emotional Abuse** is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as the overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying, causing children to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

**Sexual Abuse** involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative (e.g. rape, buggery or oral sex) or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

**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 and development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to provide adequate food and clothing or shelter, including exclusion from home or abandonment, failing to protect a child from physical and emotional harm or danger, failure to ensure adequate supervision including the use of inadequate care-givers, or the failure to ensure access to inappropriate medical care or treatment. It may also include the neglect of, or unresponsiveness to, a child's basic emotional needs.

**Organised Abuse** may be defined as abuse involving one or more abusers and a number of children. The abusers concerned may be acting in concert to abuse children, sometimes acting in isolation, or may be using an institutional framework or position of authority to recruit children for abuse.

**Child abuse linked to belief in ‘possession’ or ‘witchcraft’, or in other ways related to spiritual or religious belief:**

The belief in ‘possession’ and ‘witchcraft’ is widespread throughout the UK. It is not confined to people from particular countries, cultures or religions, nor is it confined to new immigrant communities in the UK.

Nationally, the number of **known** cases of child abuse linked to accusations of ‘possession’ or ‘witchcraft’ is small, but children involved can suffer damage to their physical and mental health, capacity to learn, ability to form relationships and self-esteem. Such abuse generally occurs when a carer views a child as being ‘different’, attributes this difference to the child being ‘possessed’ or involved in ‘witchcraft’, and attempts to exorcise him or her – either by themselves or through a faith leader. A child could be viewed as ‘different’ for a variety of reasons, such as disobedience, independence, bedwetting, nightmares, illness or disability. The attempt to ‘exorcise’ may involve severe beating, burning, starvation, cutting or stabbing, and/or isolation, and usually occurs in the household where the child lives.

Any suspected case of such abuse **MUST** be reported to the Archdeacon.

## Responding to Concerns About Possible Abuse:

It is the duty of every Christian to be vigilant about the safety and care of children in the congregation. Those church members who have direct contact with children are more than likely than most to become aware of potential child protection issues. Such people are usually other parents, youth workers (including leaders of uniformed organisations) clergy, head servers, children's workers, music group leaders, choir directors and organists.

Anyone who is worried about the behaviour of another member of the congregation or the demeanour of a child has a duty to voice those concerns to the parish Child Protection Representative. It is important that anyone expressing concerns should be respected and that his or her concerns should be taken seriously. The Child Protection Representative should keep a careful record of such conversations, as well as all decisions and actions taken (see role of Child Protection Representative). These records should be kept in a secure place and in accordance with data protection requirements. The Child Protection Representative will decide whether a) they need further advice (through the Archdeacon) or b) that they need to make a referral to children's social services or to the police. **No one other than the statutory authorities (Children's Social Services or the Police) should ever attempt to investigate child protection disclosures or concerns.**

Clergy or lay people may hear child protection concerns relating to their church school or uniformed organisations, or indeed any other organisation. These concerns should be reported to the relevant organisation's child protection lead.

## What to do if a child tells you about abuse:

Most children find it enormously difficult to tell about abuse; if they have summoned up the courage to talk to you, it is important to listen carefully. Remember that it is not your job to decide whether the child is telling the truth or not – despite the fact that children very rarely make up stories of abuse – there are specialised staff within a variety of agencies that are highly trained to undertake such work. Your role is to let the child talk at his/her own pace – don't ask questions, don't jump in to fill pauses, just listen. Try to keep the conversation going with encouraging nods, murmurs and repetitions of what has been said. Make sure the child knows you are taking what s/he says seriously, and that you will try to help. Never speak directly to the person against whom the allegation has been made as this is likely to increase the risk to the child.

Never promise not to tell; you will almost certainly have to share the information in order to help keep the child safe. Once the child has finished telling you what has happened, you need to seek advice. Explain to the child that this kind of thing happens to a lot of children, and you are going to find out from the people who help those children what to do. Enlist the support of your Parish Child Protection Representative or Archdeacon, who can contact the Diocese Child Protection Advisor as necessary, but remember the need for confidentiality. Even if the account the child has given information to you that seems vague or unlikely, still take advice from your Parish Child Protection Advisor or Archdeacon. You can do this, if necessary, by discussing the situation without mentioning any names. (See Contacts in Section 3 for the telephone numbers). If in doubt, it is always better to make a referral to children's social services rather than doing nothing.

In an out-of-hours situation, in an evening or weekend youth club for example, the immediate decision you will face is whether the child is safe to go home, especially if the alleged abuser is there. If you can wait until the next day to act, make sure the child is comfortable to go home, and tell him/her that you will be talking to someone tomorrow and you will keep in touch with the child (don't forget to discuss with the child what would be a safe way for you to contact them). If you believe the risk to the child is serious and immediate, or the child does not feel safe to go home, call the local out-of-hours social work team (also known as the Emergency Duty Team) or the Police (See Contacts in Section 3 for telephone numbers). When you call, make clear that this is a child protection matter. They will advise you what to do next.

As soon as possible after receiving the information from the child:

- Make a careful record of what has happened: what the child told you (use his/her words as closely as you can, even if the child used 'slang' words), when and where the alleged abuse took place, who was involved, and when and where the child told you about it.
- Record any calls you made e.g. to your Parish Child Protection Representative, the Archdeacon or Children's Social Services or the Police, including any decisions made or agreements for action reached – remember to record the names of the people that you have discussed the situation with. Put a full date and time on the record. (See Recording Form in Section 3).
- If you have not already discussed the situation with them, contact your Parish Child Protection Representative or Archdeacon to relate what has happened and seek advice. Go over the Record Form together to make sure it is clear, then give it to the CP Representative or Archdeacon for filing in a secure place. The information in your Record Form might be needed by other agencies at some time in the future.
- Call Children's Social Services, if you have not already made an emergency referral. Have at hand all the details you have about the child, including their name(s), address and date of birth if at all possible. Follow up the call with a written referral (you will be advised whether there is a specific form that you need to use).
- If the alleged abuse involves a worker in the church, whether paid or voluntary, contact the Archdeacon for further advice (see 'Contacts', Section 3), who may suggest that you speak directly to the Diocese Child Protection Advisor. Such allegations must always be investigated by agencies outside the Diocese staff.
- Arrange continuing support within the church for the child, yourself and the family as appropriate, in collaboration with Children's Social Services.

The child or young person is likely to need a significant amount of support. As mentioned above, this may be able to be provided in whole or in part from within the Church community. However, there are many other ways in which a child can get such support as well, including from the NSPCC, NHS Child and Adolescent Mental Health Services and a number of voluntary organisations. Your local council's Children's Social Care Services will be able to advise of local support services for children (as well as their parents and carers).

## **What to do if an adult tells you about abuse that occurred when they were a child?**

Many of those who have experienced child abuse never told anyone about the abuse when they were a child. As an adult they may find that they are suffering from repeated memories of the abuse that get in the way of their daily living activities or cause them a lot of distress – it is particularly common that such memories are more strongly aroused when they are working with children, or when they have children of their own.

It is important that any adult suffering in this way is able to access pastoral care from an appropriate person in their Parish – if they have chosen you to tell about the abuse, then you are probably the person that they see as ‘appropriate’ in terms of someone that they feel that they can talk to.

As an adult, the person telling you of the abuse in their childhood has the right to expect you to keep their information confidential, but if there is any reason to believe that the person who abused them is still in contact with children, then there is a risk that the abuser is continuing to present a risk to children.

As soon as any adult starts to tell you about their childhood abuse, you must be clear with that person that if they inform you of the name or any identifying details of the abuser, you may have to breach their confidentiality in order to protect any children that the abuser currently may have contact with. This will allow the adult disclosing a history of abuse to continue to seek support from you whilst maintaining control over what information they share with you.

It can feel very uncomfortable to hear of abuse that has occurred to someone when they were a child whilst knowing that the abuser may still be a risk to children, but not having enough information to be able to approach the relevant investigative agencies (social services or the Police) to seek advice as to how to protect those children. You will probably need to seek some support for yourself to be able to continue to effectively support the person who has made such a disclosure to you.

Over time, the adult disclosing childhood abuse may feel able to contact the Police to inform them of the abuse, thus enabling the authorities to act to prevent harm to any children that the abuser currently has contact with. Police Authorities now have Child Abuse Investigation or Protecting Vulnerable People Teams who will often be happy to meet with the person who you are supporting to discuss what would happen if they gave the details of the abuse and abuser to the Police. This then allows the adult to make an informed decision as to whether to formally report the abuse to the Police.

It can be an extremely frightening thought for any adult victim of child abuse to make a report to the Police, as often they will have experienced threats from the abuser as to what they will do to them if they ever tell of the abuse. Therefore, your role is not to try to persuade the person seeking your support to report the abuse, but to work with them until they may feel strong enough to decide to make such a report at some point in the future.

## **What to do if a child or an adult tells you that they have abused a child?**

If someone discloses to you that they have abused a child in any way (including children or young people who have abused other children/young people, often using an imbalance of power e.g. age, size, ability etc, to abuse another child or young person) you have a responsibility to inform the relevant agencies of this disclosure, however long ago the abuse was committed. However, that doesn't mean that you cannot continue to support the person who has told you of the abuse. If they have told you of abuse that they have committed it is a good indicator that they want help. You will need to tell the person who has made the disclosure to you that you have to inform Children's Social Services or the Police to enlist their support and help, BUT you must only do this if you are sure that doing so will not put yourself at any risk.

Enlist the support of your Parish Child Protection Representative or Archdeacon, who can contact the Diocese Child Protection Advisor as necessary, but remember the need for confidentiality. Even if the account that the person has given seems vague or unlikely, still take advice from your Parish Child Protection Advisor or Archdeacon. You can do this, if necessary, by discussing the situation without mentioning any names. (See Contacts in Section 3 for the telephone numbers).

In an out-of-hours situation, in an evening or weekend youth club for example, call the local out-of-hours social work team (also known as the Emergency Duty Team) or the Police (See Contacts in Section 3 for telephone numbers). When you call, make clear that this is a child protection matter. They will advise you what to do next.

## **Reporting Alleged Abuse – confidentiality and the legal position:**

“If someone believes that a child may be suffering, or may be at risk of suffering, significant harm, then s/he should always refer his or her concerns to the local authority social services department ... While professionals [and others] should seek, in general, to discuss any concerns with the family and, where possible, seek their agreement to making referrals to social services, **this should only be done where such discussion and agreement seeking will not place a child at increased risk of significant harm**”  
*Working Together to Safeguard Children 2006, HMSO.*

Any failure to refer could endanger a child’s life or well-being and also compromise the Diocese of York’s commitment to creating a safe environment for children and young people. Responsible and informed judgement must be exercised by all concerned.

Although there is not at present in the UK any mandatory requirement to disclose information about suspected child abuse to the statutory agencies, society increasingly acknowledges a moral responsibility to do so. The House of Bishops, and York Diocese, expects those with concerns about a child to consider the matter of disclosure very carefully, taking seriously the public interest in safeguarding a child’s welfare and having a proper regard for the needs and rights of all those involved, whilst bearing in mind the principle enshrined in the Children Act 1989 that *the child’s welfare is paramount*.

### **General Duty of Confidence:**

Both the law and societal moral codes impose a general duty not to pass on information that has been shared with the clear expectation that it will be treated in confidence. However, this duty is not absolute and there are exceptions to the above duty where regarding disclosures of confidential information to prevent or detect a crime or serious misconduct, or disclosures in the public interest. **Thus, where a child is judged to be at risk of significant harm, it is legally allowed as well as appropriate and highly desirable to disclose relevant information to the statutory agencies who are responsible for acting to protect children, even where the child or parents withhold their consent for such information to be shared.**

Where information that suggests that a child is at risk of, or has experience, significant harm is received in confidence, the person giving the information should, where appropriate, be encouraged to share the information with the statutory authorities. In the case of young children, this will need to be facilitated by the person receiving the information in the first instance. Alternatively, the person receiving the information should inform the person who has made the disclosure that, now being in possession of that information the person in receipt of the information has a duty to inform the statutory authorities in order to protect the child/children concerned. It is generally thought to be best practice to be clear with the person sharing the information that this is a duty that the person in receipt of the information has, rather than asking permission to share the information, as even if permission is denied, the duty to share the information remains.

The key factor in deciding whether to share confidential information is *proportionality*: is the proposed disclosure a proportionate response to the need to protect the welfare of the child? The degree of information shared, and the number of people with whom it is shared, should be no more than is strictly necessary to meet the public interest in protecting the health and well-being of a child/children. Only those professionals who **need** the information to protect the child should receive the information e.g. the Parish Child Protection Representative would need the full information to enable them to make a referral to children's social services, but the Archdeacon would not.

## **Confession:**

It is possible that information relating to child protection issues may be disclosed in the context of confession. Canon law constrains a priest from disclosing details of any crime of offence that is revealed in the course of formal confession; however there is some doubt whether this absolute privilege is consistent with civil law<sup>1</sup>. Where a penitents own behaviour is at issue, the priest should not only urge the penitent to report it to the police or children's social services, but may judge it necessary to withhold absolution until this evidence of repentance has been demonstrated.

It is in everyone's interests to recognise the distinction between what is heard in formal confession (however this might take place), which is made for the quieting of conscience and intended to lead to absolution, and disclosures made in pastoral situations. For this reason it is helpful if confessions are normally heard at advertised times, or by other arrangement, or in some other way differentiated from a general pastoral conversation or a meeting for spiritual direction.

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<sup>1</sup> This & other legal issues relating to confidentiality are given detailed consideration by the Legal Advisory Commission in its opinion entitled "The Clergy & Confidentiality" (May 2002), and published in "Legal Opinions concerning the Church of England"

**Flow Chart :**  
**What to do if you are worried that a child is being abused**

