

PRESBYTERY OF PERTH
4TH MARCH 2023
SUPPLEMENTARY REPORT OF THE BUSINESS COMMITTEE

Presbytery: **SAFEGUARDING COMMITTEE**

Deliverance

1. Receives the Report.
2. Notes the co-option of Karen Smith to the Presbytery's Safeguarding Committee, and the appointment of the Rev Fiona Reynolds as Vice-Convenor.
3. Agrees to appoint the following as Presbytery Safeguarding Trainers for the Presbytery of Perth:
 Tricia Inglis, Karen Morton, Karen Smith, Doreen Snadden, Kate Paterson, Maureen Broatch and Lyn Caldwell.
4. Agrees to appoint the Presbytery Safeguarding Committee Convenor as the Presbytery Safeguarding Contact.
5. Instructs congregations to return forms SG7, SG11 and SG24, with the Safeguarding Attestation Form, to the Presbytery Safeguarding Convenor via the Presbytery Office email address.

Report

The Committee met for the first time under the Convenorship of the Rev Michael S Goss on Tuesday 28th February 2023. We agreed to co-opt Karen Smith, a Trainer from the former Perth Presbytery, onto the committee, and we welcomed some of the other Trainers to share in the discussions of the committee.

Significant work continues by a number of Presbytery Trainers from the Legacy Presbyteries, but more Trainers are required for the future. The names of the current trainers are brought to Presbytery for formal appointment. Anyone interested in joining this happy band is invited to contact the Committee or the Safeguarding Office in 121 for further information.

Safeguarding Training has been coordinated in different ways in the legacy Presbyteries, and we are seeking to bring this together into one system. This will require administrative support from the Presbytery and the Committee would be keen to see this included in the remit of an additional staff member for the Presbytery of Perth. The use of Eventbrite for event booking and administration is also being piloted at this time, and we hope to roll this out further in the future.

Inspection of Records

Congregations are reminded of the need to have Safeguarding returns on an annual basis. It would be helpful if these were all submitted electronically to the Safeguarding Convenor in the first instance. The committee believes that it would be useful to Presbytery to add form SG 24 to the list of forms that should be returned, in addition to the statutory forms SG7 and SG11. The Committee proposes an Attestation form to accompany the return which would give details of the dates the Kirk Session attested the three SG forms, and the date of approval of the Whistleblowing Policy, thus demonstrating compliance with General Assembly instructions. Safeguarding Coordinators who might struggle to return these forms electronically should enlist the aid of their Minister, Interim Moderator or Session Clerk.

SAFEGUARDING COMMITTEE MAY 2022

Proposed Deliverance

The General Assembly:

1. Receive the Report.
2. Note the Safeguarding Service Annual Statistical Report and thank all Safeguarding Co-ordinators for their continued commitment to safeguarding in the Church. (*Section 2*)
3. Note the work being undertaken by the Safeguarding Committee to manage those who pose a risk in Church communities and thank congregational Safeguarding Panels for their work in this area. (*Section 3*)
4. Instruct Ministers (for this purpose to include parish ministers, Interim Ministers, Transition Ministers, Associate Ministers, auxiliary ministers, probationers, OLM, readers, locums, and Armed Forces chaplains), to undertake safeguarding training as prescribed by the Safeguarding Service. (*Section 4.1.3*)
5. Instruct Presbyteries to maintain a Presbytery Safeguarding Register and to ensure compliance with the recommended safeguarding training in accordance with the process set out in Appendix 1. (*Section 4.1.5*)
6. Note the change of title from Kirk Session Safeguarding Training to Trustee Safeguarding Training and instruct all active charity trustees to attend. (*Section 4.3*)
7. Instruct Presbyteries and Kirk Sessions to ensure that all those doing regulated work (paid or voluntary) and charity trustees attend refresher Safeguarding Training appropriate to their role no less frequently than every five years. (*Section 4.4*)
8. Encourage congregations to mark 'Safeguarding Sunday' on Sunday 19th June 2022, or any other suitable Sunday in June. (*Section 5.1*)
9. Instruct Kirk Sessions and Presbyteries to put in place a Whistleblowing Policy as soon as practicable. (*Section 6*)
10. Note the collaborative work with the Communications Department to bring an online Safeguarding Handbook to the Church of Scotland website. (*Section 7.1.2*)
11. Note the work of the Survivor Working Group. (*Section 8*)
12. Note the work to bring an online solution to SG7 and SG11. (*Section 9*)
13. Note the updated position in relation to the Disclosure (Scotland) Act 2020. (*Section 10*)

Report

1. INTRODUCTION

1.1 One of the Hebrew words for love is "chesed or $\tau\omicron\eta$," It's not a word that easily translates into English, but it speaks of a love that goes the extra mile, that bends over backwards and will do whatever it takes to embody mercy and compassion. Put simply, that's the very calling of the Safeguarding Service as it responds to the challenge of ensuring a safe church for all. At the heart of what we do as a Service is a rigorous commitment to go the extra mile and do whatever it takes to embody the love of God in protecting the vulnerable and establishing strong networks of supportive safeguarding across the Church of Scotland.

2. STATISTICAL INFORMATION

2.1 The Safeguarding Service continues to provide a professional advisory service across the whole of the Church, responding in a timely manner to safeguarding concerns and enquiries relating to criminal record checks and safe working practices in Church communities. We would like to thank Safeguarding Co-ordinators for their continued commitment to safeguarding in the Church. The Safeguarding Service also provides ongoing support to congregational Safeguarding Panels to help manage those who pose a risk in Church communities and works closely with Presbytery Safeguarding Trainers and CrossReach staff to ensure the appropriate delivery of safeguarding training as required.

2.2 The Safeguarding Service works closely with the Boys' and Girls' Brigade, providing advice, responding to referrals, sharing good practice and undertaking and jointly assessing criminal records checks on behalf of these organisations. The Service also continues to work with the United Reformed Church in Scotland, again responding to referrals, supporting covenants of responsibility and providing safeguarding training at a local level.

2.3 The Covid-19 pandemic has had an impact on activities since March 2020 which has seen a reduction in referrals and enquiries into the Service. It is anticipated that as we come out of the pandemic that these will increase again. Figure 1. shows that in 2021 there has been an increase in Protecting Vulnerable Groups applications (PVG) and Disclosure and Barring Service checks (DBS) from 2020 which may be indicative of a resumption or increase in congregational activities with vulnerable groups. There has been a 246% increase in the number of CrossReach managers who have received safeguarding training from the Service in 2021 compared to 2020.

6. WHISTLEBLOWING - REPORTING INAPPROPRIATE BEHAVIOUR

6.1 Whistleblowing is an essential part of safeguarding children and adults at risk of harm. Whistleblowing is when someone raises a concern about wrongdoing involving a dangerous or illegal activity in their organisation. It is an important process for identifying risks to people. Individuals are allowed, by law (The Public Interest Disclosure Act 1998), to make a 'protected disclosure'. This provides protection against victimisation or dismissal for workers. Currently the law does not apply to volunteers but it is good practice for charities to recognise that volunteers face many of the same challenges as paid staff when seeking to raise concerns.

6.1.1 The Church takes seriously any form of abuse, poor practice and fraud that may take place in the workplace and places importance on maintaining high standards of honesty, openness, integrity and accountability within our Church communities. The Church will, therefore, support all workers and volunteers, temporary staff, agency staff, contractors and students on placement, who make a disclosure (blowing the whistle) where the disclosure is a genuine concern made in good faith.

6.1.2 Some examples of whistleblowing in organisations are:

- Worker bullied for raising health and safety concerns. Had no health and safety training provided by the organisation despite being the designated health and safety lead.
- Worker raising concerns about lack of Covid-19 safety measures in the workplace.
- Youth worker concerned about another youth worker sending sexually explicit texts to a young person at the youth club.
- Worker raising furlough fraud concerns. Charity had asked him to agree to backdate documentation stating he had been on furlough when he had in fact been working.

6.1.3 The Safeguarding Committee, supported by the Law Department, believes that making a whistleblowing policy available to congregations and Presbyteries will help support people to come forward when they have a genuine concern about wrongdoing in the Church. A suitable policy is available for download on the Church of Scotland website at **Whistle Blowing Policy for Congregations**.

6.2 Volunteers are covered by the policy, but should also feel able to raise concerns about poor safeguarding practice without always invoking the policy. More information on how to report concerns can be found on the Safeguarding Service Publications section of the Church website **Safeguarding publications | The Church of Scotland**.

7. SAFEGUARDING POLICIES AND PROCEDURES

7.1 Safeguarding Handbooks

7.1.1 As the public protection agenda in society has evolved, so too has the Safeguarding advice and guidance offered by the Church of Scotland Safeguarding Service, to ensure as far as is possible, a safe environment for everyone. In addition to the numerous Safeguarding Forms used in Church Safeguarding matters and interactions, there are also six different handbooks available which offer practical advice and guidance on all aspects of Safeguarding.

7.1.2 In 2021, work began to condense these different volumes to a single Safeguarding Handbook. Before beginning this exercise, it was recognised that the collaboration, input, expertise and advice from the Communications Department was essential in this task. Safeguarding has been working closely with Communications to revise and update the combined text to deliver an online handbook. The aim is to ensure that users can quickly and easily navigate to the specific areas of advice or guidance they need.

7.1.3 A number of Safeguarding Committee members have agreed to assist with the drafting of the handbook until it is complete. Safeguarding updates can then be added to the handbook in 'real time' and be available on the Church of Scotland website. This will ensure that all guidance and advice will be up to date and relevant when the handbook is consulted.

7.2 CrossReach Adult and Child Protection Policies and Procedures

7.2.1 CrossReach Adult Support and Protection and Child Protection Handbooks have recently been updated to take account of changes in national policy drivers e.g. new National Child Protection Guidance 2021, and forthcoming changes to the Adult Support and Protection legislation. A significant feature of the changes in policy and practice in child and adult protection takes account of the impact of trauma on people's life chances. This will no doubt inform how services are shaped and delivered for years to come. The revised policies have been submitted to CrossReach and at the time of writing are subject to a consultation process.



Whistleblowing Policy (March 2023)

Purpose and Scope

1. The congregation is committed to the principles of openness, probity and accountability. In line with that commitment, we expect anyone who has a serious concern about any aspect of our congregational life to voice those concerns in good faith and in line with the following procedure without fear of victimisation, subsequent discrimination or disadvantage.
2. The purpose of this policy is to provide a procedure which enables concerns to be raised if there are reasonable grounds for believing there is serious malpractice occurring or likely to occur. It applies to all employees, contractors, consultants, temporary casual and agency workers within the congregation and the word “employee” is used in this policy to cover all such individuals. It also applies to members and adherents of the congregation. Matters of concern should be raised responsibly through the procedures and guidance as detailed in this policy.

Definition

3. Whistleblowing is when someone knows, or suspects, that there is some wrongdoing involving illegal and/or underhand practices occurring within the congregation and alerts the right person within the congregation, or the relevant authority, accordingly.
4. Employees who engage in whistleblowing are, in certain circumstances, protected by the Public Interest Disclosure Act 1998.

General Principles

5. This policy is designed to deal with concerns raised in relation to the specific issues which are in the public interest and are detailed below), and which fall outside the scope of other procedures (such as a grievance procedure).
6. The policy does not apply to personal grievances concerning an employee's terms and conditions of employment or other aspects of the working relationship, complaints of bullying or harassment, or disciplinary matters. Such complaints will be dealt with under existing procedures on grievance, bullying and harassment and discipline and misconduct.
7. The policy deals with specific concerns which are in the public interest in circumstances where an employee or a member/adherent has the reasonable belief:
 - that a criminal offence has been committed, is being committed, or is likely to be committed (including financial malpractice or acts of bribery);
 - that a person has failed, is failing, or is likely to fail to comply with a legal obligation to which they are subject;
 - that the health and safety of any individual has been, is being, or is likely to be endangered;

- that the congregation is attempting to suppress or conceal any information relating to any of the above.

If, in the course of investigation, any concern raised in relation to the above matters appears to relate more appropriately to grievance, bullying or harassment, or discipline, those procedures will be invoked. If the matter is of a less serious nature the employee should always talk to his or her line manager in the first instance.

Roles and Responsibilities

8. Concerns must be raised without malice and in good faith, and the individual must reasonably believe that the information disclosed, and any allegations contained in it, are substantially true. The disclosure must not be made for purposes of personal gain, and in all the circumstances it must be reasonable to make the disclosure.
9. If an employee knows, or suspects, that some wrongdoing is occurring, he or she should raise the matter immediately with their line manager. If the wrongdoing or suspected wrongdoing involves the employee's line manager, or if the concern is raised by a member/adherent, the concern should be referred to the Session Clerk of the congregation (or to the minister or Interim Moderator if the disclosure relates to the Session Clerk in any respect). Anyone who is informed of potential wrongdoing must take immediate action to ensure the situation is investigated and dealt with as quickly as possible.
10. Efforts must be made to maintain the anonymity of the individual who has made the allegation of wrongdoing.

Procedure and Process

11. Concerns may be raised verbally or in writing and whilst individuals are not expected to prove beyond doubt the truth of an allegation they will be required to demonstrate that there are reasonable grounds for their concern.
12. It is suggested that individuals making a disclosure should set out:
 - the background and history of the concern (including relevant dates); and
 - the reason they are particularly concerned about the situation.
13. Wherever possible, within ten working days the person to whom the disclosure is made should write to the employee or to the member/adherent with the following information:
 - an acknowledgment that the concern has been raised;
 - an indication of the anticipated method of investigation and resolution if applicable;
 - an estimation of how long it will take for the individual to be provided with a final response noting that all investigations shall be completed as quickly as may be practicable in the circumstances;
 - advice as to what, if any, initial enquires have been made and what anticipated further investigations will take place.

14. If an investigation is deemed to be required, the Session Clerk (or minister/Interim Moderator if appropriate) shall nominate an individual or individuals to consider the concern and take any steps they deem necessary to investigate the matter. This individual or individuals will conduct a full and thorough investigation. The form the investigation takes will be determined by the nature of the concern.
15. The findings of the investigation will be shared with the Congregational Board or Kirk Session which will then decide if there is a case to answer and what procedure to follow. This may include taking steps with a competent authority, such as the police, for further investigation. The decision may also be that the matter would be more appropriately handled under existing procedures for grievance, bullying and harassment, or discipline.
16. If it is determined that it would not be appropriate to proceed with an investigation or, following an investigation it is determined not to do so, the decision will be explained as fully as possible to the individual who raised the concern, giving the reasons not to take it further. If not satisfied with the decision, it is then open to the individual to make the disclosure to the Presbytery Clerk who may take action if appropriate. This may include appointing an investigator, taking action under Church legislation and/or referring the matter on to another authority, such as the police or local authority.
17. The Church's Law Department should be contacted so that guidance can be provided if required.
18. If urgent action is required, this may be taken prior to an investigation being undertaken.
19. The employee or member/adherent may be invited to one or more meetings during the investigation depending on the nature of the matter raised, the potential difficulties involved and the clarity of the information provided. The employee may be accompanied by a work colleague or certified trade union representative during any such meetings; a member/adherent may be accompanied by a companion of their choosing.
20. Any other employees that are invited to provide statements should abide by the same principles as the employee or the member/adherent raising the concern.
21. If the concern involves an employee or employees the employee(s) will be told at an early stage of the investigation and of the evidence supporting it, and will be provided with an opportunity to respond during the investigation.
22. Employees and members/adherents raising concerns under this policy need to be assured that the matter has been properly addressed and so they will be kept informed of procedural progress and the outcome of the investigation. It may not always be appropriate to disclose full detail of any action that is taken, but the employee will be informed if action is taken.

Alerting outside bodies to a potential wrongdoing

23. Employees and members/adherents should always, in the first instance, follow this internal procedure about a potential wrongdoing. If they are not satisfied with the response, they are entitled to contact a **relevant external body** to express the concerns. In doing this they should:
 - have a reasonable belief that the allegation is based on correct facts;
 - not be making any personal gain from the revelations; and

- make the disclosure to a relevant body. A relevant body is likely to be a regulatory body, and a list of prescribed relevant bodies is available at: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

24. Disclosures to OSCR should be made via the Church's Law Department. If an employee or a member/adherent is dissatisfied with the congregation's response under this policy and considers that any matter should be reported to OSCR he or she should contact the Law Department at lawdept@churchofscotland.org.uk in order to take this forward.

Contacting the media

25. The media is not a relevant external body. Employees and members/adherents should never contact the media with allegations. Employees should be mindful that they must maintain the confidentiality of the employer so far as possible.

Protection against detriment

26. Any employee who makes a protected disclosure in terms of the Public Interest Disclosure Act 1998 will be protected from any detriment in relation to any allegations that are made. If the employee does not follow the procedure set out above, which encompasses the requirements of the Public Interest Disclosure Act 1998, the protection against detriment may not apply.

27. Disclosing information in an inappropriate way (e.g. contacting the media or contacting a regulatory body without first raising the matter with the employer as set out in this policy) will constitute gross misconduct and could result in disciplinary action up to and including dismissal being taken against the employee.

Review

28. This policy will be kept under review by the congregation. Any questions regarding its operation should be directed to the Session Clerk in the first instance.

<https://www.churchofscotland.org.uk/about-us/safeguarding-service/safeguarding-handbook/chapter-5-safeguarding-in-practice/whistleblowing>