

The Church of England  
Practice Guidance:  
Responding to, assessing and managing  
safeguarding concerns or allegations  
against church officers

## A Summary for Parishes in The Church of England - Birmingham



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# 1. Introduction

In October 2017 the Church of England published its practice guidance on Responding to, assessing and managing safeguarding concerns or allegations against church officers. It offers the Church's procedure for dealing with safeguarding concerns or allegations against church officers. It updates and replaces 'Responding to Serious Safeguarding Situations relating to Church Officers Practice Guidance May 2015' and 'Risk Assessment Practice Guidance May 2015', Chapter 7 'Managing Allegations against Church Officers', Chapter 8 'Suspected abusers and known offenders' and 'the model agreement with offender' of Protecting All God's Children 2010. It also updates and replaces parts of Promoting a Safe Church 2006, that relates to concerns or allegations against church officers

## Who does the guidance apply to?

### Church Bodies

The practice guidance is mainly for use by the Bishop's Safeguarding Adviser and other diocesan advisers but it also applies to all church bodies - including a PCC.

Under section 5 of the Safeguarding and Clergy Discipline Measure 2016 all PCCs, churchwardens, ordained and lay ministers (that is, anyone who has the authorisation, licence and/or permission of a diocesan bishop to practice ministry. For example, in this diocese, this includes Readers and Commissioned Pastoral Visitors as well as all clergy) must have **due regard**<sup>1</sup> to the House of Bishop's policy.

### Church Officers..<sup>2</sup>

.. who have a role with children, young people and/or vulnerable adults and are alleged to have:

- Behaved in a way that has harmed a child, young person and/or vulnerable adult, or may have harmed a child, young person and/or vulnerable adult;
- Possibly committed a criminal offence against or related to a child, young person and/or vulnerable adult;
- Behaved towards a child, young person and/or vulnerable adult in a way that indicates they may pose a risk of harm to children, young people and/or vulnerable adults

Throughout the guidance the person who has been complained against is referred to as the **respondent**

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<sup>1</sup> A duty to have due regard means that the person under the duty is not free to disregard it but is required to follow such guidance unless there are cogent reasons for not doing so

<sup>2</sup> A Church Officer is anyone who is appointed or elected to a role on behalf of the church, whether they are ordained or lay, paid or unpaid

## Individuals whose behaviour poses a risk

The practice guidance also gives details about the risk assessment and management of those that may pose a known risk to children, young people or vulnerable adults within a Christian congregation or community and specifies who may conduct such assessments (e.g. the Bishop's Safeguarding Adviser).

Where people have convictions, which give rise to a safeguarding concern, their position in a congregation or community may need to be carefully and sensitively considered/assessed to decide whether they pose a risk to others and to put in place arrangements to ensure that these risks are mitigated. This may include people:

- convicted of violent or sexual offences against children, young people and/or vulnerable adults.
- convicted of offences linked to domestic violence/abuse
- involved in drug or alcohol addiction
- where there are sound reasons for considering that they might present a risk to others, even though they do not have convictions or cautions

The language used for complainants and those complained against is always a sensitive issue. Throughout the guidance the complainant is referred to as the victim / survivor and the person who has been complained against as the respondent. Both should be regarded as neutral terms that do not imply the innocence or guilt of either party or the accuracy of the complaint.

The following is a summary of the practice guidance most relevant to the local church. The full policy document is available on the [Church of England website](#)

All extracts from the Church of England practice guidance on Responding to, assessing and managing safeguarding concerns or allegations against church officers appear in this font in blue.

**A summary of the key points are indicated in green**

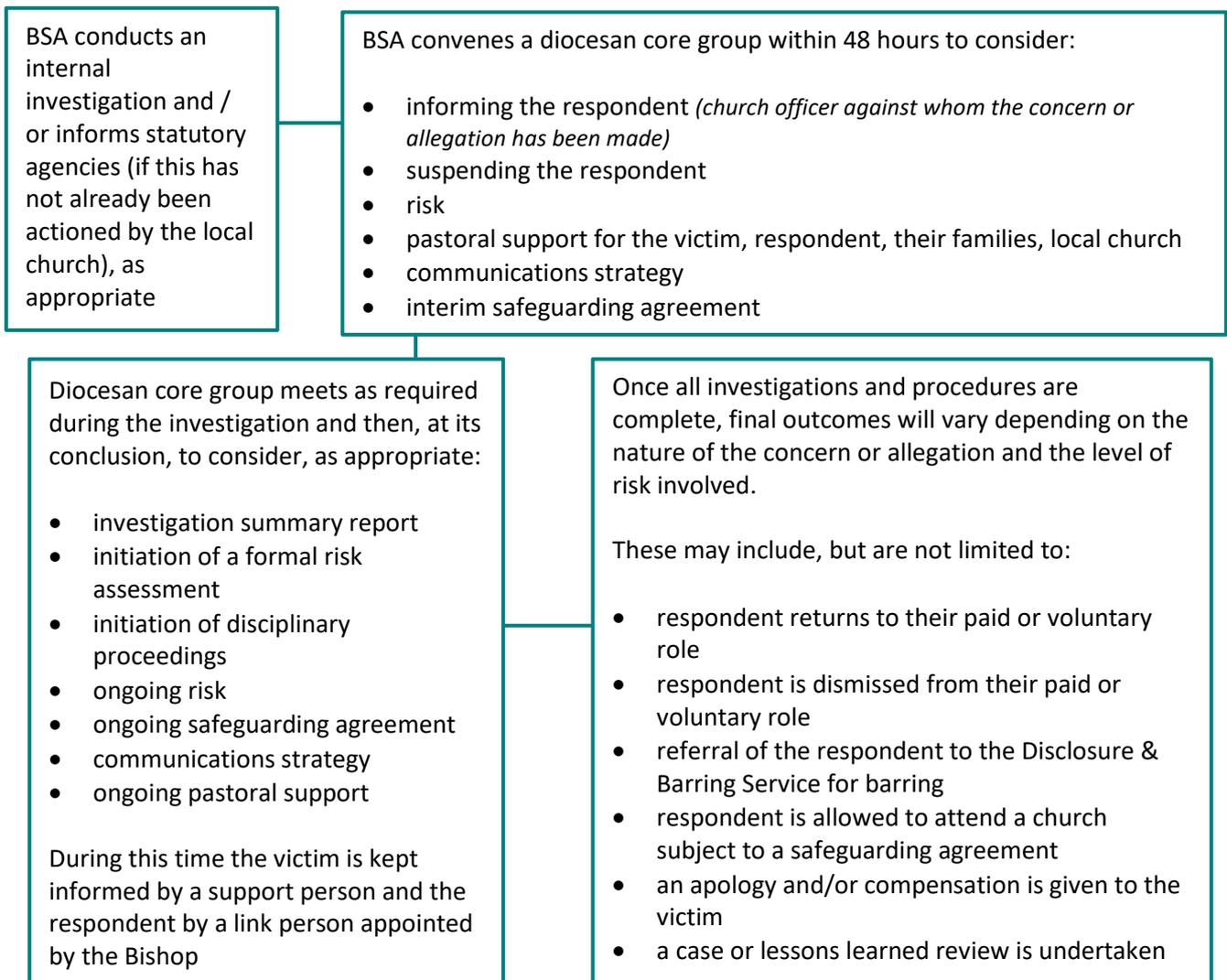
Links to further guidance and resources are indicated in grey

## 2. What a parish needs to do...

... when a safeguarding concern or allegation relating to a church officer<sup>3</sup> is received



The concern or allegation will be managed by the Bishop's Safeguarding Adviser. The parish role is to follow the advice of statutory agencies and the diocesan core group. Below is an outline of the procedure that may be followed.



<sup>3</sup> A church officer is anyone appointed or elected to a role on behalf of the church, whether lay or ordained, paid or unpaid.

### 3. Responding to a person raising a safeguarding concern or allegation

Safeguarding is everyone's responsibility; it is essential to flourishing Christian communities and evidenced through good pastoral care. In the first instance, it is everyone's responsibility to hear a safeguarding concern or allegation which should be passed to your Parish Safeguarding Co-ordinator and then to the Bishop's Safeguarding Adviser.

- ❖ Listen – keep listening
- ❖ Stay calm
- ❖ Reassure
- ❖ Don't make promises
- ❖ Accept without judgement
- ❖ Don't investigate
- ❖ Report
- ❖ Record

It is often very difficult for people, including children and young people, to talk about abuse, so it is important to make sure that a safe environment of listening carefully and actively is created, in which a victim/survivor feels able to disclose as much as they can remember. This will help the statutory agencies to investigate the incident as thoroughly as possible.

However, avoid intentionally instigating a meeting with a child/young person - or vulnerable adult - to receive a disclosure or take a statement from them – that is the role of Children's Social Care and/or the Police.

Do not question beyond checking what has been said. It is the responsibility of Social Care and the Police to investigate. There should be no probing for detail beyond what has been freely given.

#### **People may raise concerns or make allegations about:**

- Abuse that is happening to them currently or recently
- Abuse that happened to them when they were a child or young person;
- Something they've been told by someone else and that they strongly believe is true (disclosure);
- Seeing signs of abuse, such as physical injuries on a child or young person;

- Something they have witnessed that makes them feel uncomfortable.

**Where information is given in person, consider the following:**

- Adopt a listening style that is compassionate, calm, reassuring and conveys that the person is being heard;
- If the information given causes shock, disgust or distress, do not allow these feelings to show. Doing so may inadvertently dissuade the person from giving any further information;
- Listen carefully to that person, but do not ask intrusive or leading questions;
- Stay calm, take what the person raising the concern says seriously, and reassure them;
- Allow the person to continue at their own pace;
- Check with the person to make sure what they actually said has been understood. Do not suggest words – use their words;
- Make no promises that cannot be kept, particularly in relation to confidentiality, but listen carefully to what is being sought in this regard;
- Explain what will happen next, the limits of confidentiality and the referral procedures to the person;
- Do not make any comments about the respondent;
- Do not make assumptions or speculate;
- Be aware that a person's ability to recount their concern or allegation will depend on their age, culture, nationality or any disability that may affect speech or language;
- Avoid statements about your reaction to the information given;
- Do not offer wording or language to the person raising the concern or making the allegation that may affect the way they provide an account. To do so may prejudice any criminal investigation.

Where a child or young person is raising the concern or making an allegation, it is good practice in this situation, if possible, to have another adult present for the protection of the child or young person and yourself against allegations and to ensure corroboration of any account provided

Make a written record as soon as possible  
Report the concern / allegation

## Responding to an anonymous concern / allegation

Anonymous complaints are to be handled carefully. Anxiety and fear may persuade some people not to immediately reveal their identity. It is sometimes difficult to act on information under these circumstances, unless at some point the name of the victim/survivor becomes known.

The victim/survivor should be informed that anonymity might restrict the ability of professionals to access information or to intervene to protect a child, young person and/or vulnerable adult. As much openness, as possible should be encouraged. However, if any identifiable information that relates to a safeguarding concern or allegation (current or noncurrent) is received, it must be passed onto the Bishop's Safeguarding Adviser, who will refer to the appropriate statutory agencies so an investigation can be undertaken to assess the risks, as required.

## Responding to someone who admits to abusing a child, young person or vulnerable adult

It is necessary to tell a person who admits an offence against any person that such information cannot be kept confidential. If such an admission is made to you, even where the admission relates to something that happened a long time ago, the matter must be referred to the Bishop's Safeguarding Adviser, who will refer to the appropriate statutory agencies so an investigation can be undertaken to assess the risks, as required.

## 4. Reporting and recording a safeguarding concern or allegation against a church officer

- ❖ Think Safety First
- ❖ Respond well to the victim / survivor
- ❖ Everyone has a responsibility to report
- ❖ Keep a record
- ❖ Always refer to statutory agencies when the threshold is met

In the Church of England – Birmingham, the reporting procedure below must be used and made known to all church officers. The local church can do this by displaying the poster ‘Need to Talk?’ and ensuring all church officers working with children, young people and vulnerable adults have been given ‘A Small Guide to Safeguarding’



Report to Bishop’s Safeguarding Adviser immediately (within 24 hours of receiving the concern)

Do not delay referring to child or adult social care services if Bishop’s Safeguarding Adviser cannot be contacted immediately – safety is always the priority



Record It



Report It

Report concerns and allegations to the Bishop’s Safeguarding Adviser:  
 Tel: 07342 993 844      Email: [StephH@cofebirmingham.com](mailto:StephH@cofebirmingham.com)  
 Online Referral Form at [www.cofebirmingham.com/safeguarding/](http://www.cofebirmingham.com/safeguarding/)  
 Email [safeguardingsupport@cofebirmingham.com](mailto:safeguardingsupport@cofebirmingham.com) for a ‘Need to Talk’ poster

The welfare of the child, young person or vulnerable adult must come first.

A proper balance must be struck between protecting children, young people and/or vulnerable adults and respecting the rights of the respondent.

The rights of the respondent are important and are given due weight, once the immediate safety and protection of children, young people and/or vulnerable adults has been assured.

Children, young people and vulnerable adults occupy a central place in the heart of the Christian community and have a right to be listened to and heard. The paramount consideration in all matters is their safety and protection from all forms of abuse. To create and maintain a safer environment, Church organisations must respond effectively and ensure all safeguarding concerns and allegations against a church officer who has a role with children, young people and/or vulnerable adults are reported, both within the Church and to statutory agencies. This responsibility to report is shared by everyone.

All Church organisations must provide guidance and training on recognition of safeguarding concerns and allegations, with clear procedures on what to do when a safeguarding concern or allegation arises against a church officer who has a role with children, young people and/or vulnerable adults, so that everyone knows how to respond. This involves knowing how to receive a safeguarding concern or allegation, who to tell and how to record it. It is important the local reporting procedures are fully consistent with statutory legislation, the Local Safeguarding Boards Procedures, Ecclesiastical law and House of Bishops' guidance.

## Following receipt of a safeguarding concern or allegation:

### 1. Respond well..

...to the victim/survivor to ensure they feel heard and taken seriously (please see section 3 above).

### 2. Report

As soon as is practicably possible and in any case within 24 hours of receiving a safeguarding concern or allegation of abuse against a church officer refer the matter to the Parish Safeguarding Co-ordinator / local Designated Safeguarding Lead and then to the Bishop's Safeguarding Adviser

In cases of emergency (and/or outside normal business hours), where a child young person and/or vulnerable adult appears to be at immediate risk of harm, an urgent report must be made to the statutory agencies to ensure that no one is left in a dangerous situation pending intervention. In an emergency dial 999.

Report concerns and allegations to the Bishop's Safeguarding Adviser:  
Tel: 07342 993 844      Email: [StephH@cofebirmingham.com](mailto:StephH@cofebirmingham.com)  
Online Referral Form at [www.cofebirmingham.com/safeguarding/](http://www.cofebirmingham.com/safeguarding/)

### 3. Record

Always ask permission to do this and explain the importance of recording all information. Where it is not appropriate to take notes at the time, or permission is not given, make a written record as soon as possible afterwards or before the end of the day. Do not be selective. Include details that may seem irrelevant. This may prove invaluable at a later stage in an investigation. The victim/survivor should be shown the record made in order to ensure they agree with the content and meaning, if possible. The record should include details of information provided to that person as well as information received. Record the time, date, location, persons present and how the concern or allegation was received, e.g. by telephone, face-to-face conversation, letter, etc. Please always sign and date the record.

If the victim/survivor disagrees with the content of the note, any agreed changes can be made. If changes are not agreed (perhaps because they refer to additional matters that did not arise during the meeting) the person should be advised that their comments are noted and will be retained with the notes of the meeting.

Pass all original records, including rough notes, immediately to your Parish Safeguarding Co-ordinator (who will pass them to the Bishop's Safeguarding Adviser when the concern is referred to them). Any copies of retained records should be kept secure and confidential. Please remember that they are church records and not the records of individual church officers. As such they must be kept on church premises (e.g. a vicarage or parish office).

Explain to the victim/survivor what will happen next. They should be informed that their identity and the identity of the respondent will be shared with the statutory agencies. The concern or allegation should not be shared with anyone other than those who need to know (e.g. the statutory agencies and appropriate Church roles detailed in these procedures).

The Bishop's Safeguarding Adviser will now take over the response to the case<sup>4</sup> There may also be a requirement to be involved in any subsequent core group.

An example recording form is available on our website if your parish does not have a form of its own:

[www.cofebirmingham.com/safeguarding/](http://www.cofebirmingham.com/safeguarding/)

Further guidance on safeguarding records is available on the Parish Safeguarding page of our website:

[www.cofebirmingham.com/safeguarding/parish-safeguarding/](http://www.cofebirmingham.com/safeguarding/parish-safeguarding/)

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<sup>4</sup> The only exception to this would be a situation, in relation to other church bodies who have a professional safeguarding adviser, where agreement has been reached about who is placed to lead on the Churches response. For instance where a cathedral has a paid professional safeguarding adviser or the nominated safeguarding lead in a TEI and the concern or allegation is against a church officer who is not ordained, licensed, authorised, commissioned or holding permission to officiate or have another diocesan or Parish role. In these situations the Bishop's Safeguarding Adviser should be kept informed of progress and outcome.

## 5. Referring to the Bishop's Safeguarding Adviser and Statutory Agencies

- ❖ ALWAYS refer concerns and allegations against church officers to the Bishop's Safeguarding Adviser
- ❖ Do not delay referral to statutory agencies where anyone is unsafe
- ❖ Think safety first before informing parents/carers

### Referring to the Bishop's Safeguarding Adviser

Within 24 hours of receiving notification of the concern or allegation the Bishop's Safeguarding Adviser will conduct an initial internal review of the information received to establish if the requirement for referring to the statutory agencies has been reached<sup>5</sup> and refer, as required.

#### As a minimum the referral should include:

- Name of the person raising the concern or making the allegation;
- Nature of the concern or allegation;
- Name of the respondent;
- Respondent's church officer position/role in the Church at the time of the abuse.

#### Wherever possible the referral should also normally include:

- Accurate identifying information of the victim/survivor, as far as it is known. This should include the name, address and age of the victim/survivor when the alleged abuse occurred;
- Where the person who has raised a concern or allegation is a child or young person, details of their parents/guardians should also be given;
- Dates when the concern arose, or when the incident occurred;
- The person's own words they used to describe the event or incident. Do not make assumptions about the intended meaning of the words used;
- Details of any action already taken about the concern or allegation.

There should never be any delay in referral to statutory agencies by either the Parish Safeguarding Co-ordinator or the Bishop's Safeguarding Adviser where there is any doubt about the safety of the victim/survivor or others who may be at risk of harm.

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<sup>5</sup> Thresholds for referral to social care can be accessed via local safeguarding procedures as published by Local Safeguarding Children's Board and Adult Safeguarding Boards. Where there is an indication that a crime may have been committed, the case should also be referred to the local Police.

## Referral to Statutory Agencies

Once a concern has been passed to the Bishop's Safeguarding Adviser they will take over the management of the concern or allegation and where the requirement for referring to statutory agencies has been reached, (and the parish has not already made the referral), the Bishop's Safeguarding Adviser will inform the statutory agencies immediately, **within 24 hours**.

The Bishop's Safeguarding Adviser should provide written confirmation to the person raising the concern or allegation that the information has been passed on to the statutory agencies. This confirmation should include the date the referral was sent, which agency it was referred to and by whom. If this cannot happen, an explanation should be recorded.

The Bishop's Safeguarding Adviser will work in close collaboration and co-operation between the Church and all agencies involved in the situation

## Additional considerations when making a referral about ...

### .. an adult

The first priority should always be to ensure the safety and well-being of the adult. The adult should experience the safeguarding process, as set out in this guidance, as empowering and supportive. Wherever practicable, the consent of the adult should be sought before taking action. However, there may be circumstances when consent cannot be obtained because the adult lacks the capacity to give it, but it is in their best interests to undertake an enquiry.

Whether or not the adult has capacity to give consent, action may need to be taken if others are or will be put at risk if nothing is done or where it is in the public interest to take action because a criminal offence has occurred. If a "health and welfare" Lasting Power of Attorney<sup>6</sup> has been created, the attorney will be able to act in the place of the adult who lacks capacity.

It is the responsibility of everyone, all staff and members of the public, to act on any safeguarding concern or allegation.

If you are unsure whether a referral about an adult should be made, seek advice from the Bishop's Safeguarding Adviser

### .... a child

It is best practice to be open and honest with the parents/carers about concerns, the need for a referral, information sharing between agencies and the accompanying need for making enquiries.

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<sup>6</sup> Care Act Guidance.pdf

All reasonable efforts should be made to inform parents/carers prior to making the referral; however, a referral should not be delayed if it is not possible to discuss the concerns with them.

Where the child or young person expresses a wish for his or her parents not to be informed, their views should be taken seriously and a judgement made based on the child or young person's age and understanding, as to whether the child or young person's wishes should be followed.

### Concerns **MUST NOT** be discussed with parents/carers before making a referral where:

- Discussion would put a child or young person at risk of significant harm
- Discussion would impede a Police investigation or social work enquiry
- Concerns or allegations are made of sexual abuse and discussion with parents/carers would put a child or young person at risk of significant harm
- Concerns or allegations are made of organised or multiple abuse and discussion with parents/carers would put a child or young person at risk of significant harm.
- Concerns or allegations are made of fictitious illness or induced illness and discussion with parents/carers would put a child or young person at risk of significant harm
- Contact with the parents/carers would place anyone at risk
- It is not possible to contact parents/carers without causing undue delay in making the referral

In such cases advice must be sought from the Bishop's Safeguarding Adviser, Children's Social Care Services and/or the Police

## 6. Informing the respondent

- ❖ The local church **MUST NOT** inform the respondent of the allegation without first seeking the advice of the Bishop's Safeguarding Adviser

Prior to informing the respondent that a concern or allegation has been made, there should be a discussion with the relevant police force, whose view on informing the respondent should be sought. The purpose is to ensure the Church is not prejudicing any criminal investigation.

## 7. Where there is no consent to share information from an adult with capacity

❖ If an adult with capacity has not consented to sharing information seek advice from the Bishop's Safeguarding Adviser

Individuals may not give their consent to the sharing of information for a number of reasons. For example, they may be frightened; they may fear losing control; they may not trust social services or the police or they may fear that their relationship with the respondent will be damaged. Reassurance and appropriate support along with gentle persuasion may help to change their view on whether it is best to share information.

It is important to:

- Explore the reasons for a person's objections;
- Explain why it is important to share the information;
- Explain with whom the information will be shared and why;
- Explain the benefits, to him/her or others, of sharing information (e.g. to prevent a crime/harm);
- Discuss the consequences of not sharing the information;
- Reassure him/her that the information will not be shared with anyone who does not need to know;
- Reassure him/her that they are not alone and that support is available.

It is very important that the risk of sharing information is also considered. In some cases, such as domestic violence and abuse, it is possible that sharing information could increase the risk to the individual. Discuss this with the Bishop's Safeguarding Adviser, in the first instance.

If a person cannot be persuaded to share information about him/her with relevant others (e.g. local authority/police), his/her wishes, in the first instance, should be respected. That said, there are certain situations where this refusal can reasonably be overridden, including, for instance, where:

- The person lacks the mental capacity to make that decision (under the Mental Capacity Act 2005);
- Other people are, or may be, at risk of harm;
- It is necessary for prevention or detection of a crime;
- It is believed that a serious crime has been committed; or
- A court order or other legal authority has requested the information.

The principle of necessity and proportionality should underpin decisions about sharing information without consent. Indeed, what should be considered is whether the sharing would prevent a risk and whether the public interest in sharing overrides the interest in maintaining confidentiality, (i.e. what will happen if the information is shared balanced against what will happen if the information is not shared). All decisions should be on a case-by-case basis.

## 8. Information sharing

- ❖ Why do you need to share?
- ❖ Who do you need to share with?
- ❖ ALWAYS share to keep a person safe

The effective protection of children, young people and/or vulnerable adults often depends on the willingness of people to share and exchange relevant information appropriately.

Government guidance has been issued for professionals providing advice in relation to the provision of advice for safeguarding.

Information sharing. Advice for practitioners providing safeguarding services to children, young people, parents and carers July 2018 is available at <https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice>

### What is meant by information sharing?

All information regarding safeguarding concerns or allegations (current or non-current) should be shared with the statutory agencies, in the interest of the person. The provision of information to the statutory agencies for the protection of a person, where the safety of others may be at risk will not be a breach of confidentiality or data protection legislation, (even where sharing without consent).

No undertakings regarding confidentiality can ever be given when considering safeguarding matters (apart from the Seal of Confession – see section 10 below)

### Situations when information must be shared

#### Sharing information with the statutory agencies

All concerns and allegations regarding safeguarding that evidence that there is a current risk of harm and that meet the requirement for referring (apart from those received under the Seal of the Confession) must be passed to the statutory agencies. Disclosure should include names, addresses, details of the concerns/allegations, and if the respondent has made an admission, where this information is available. Ensure that a record is kept of your decision and your reasons for it.

#### Situations when information can be shared

Safeguarding information is still subject to data protection legislation. However, information can be shared without consent sensitive personal data (e.g. that which relates to allegations)

where it is in the substantial public interest and is necessary for the prevention or detection of any unlawful act and must be carried out without consent because seeking consent would prejudice the purposes.

Information can also be shared without consent if it is in the substantial public interest and the sharing is necessary to support a function designed to protect members of the public from "...dishonesty, malpractice, or other seriously improper conduct by, or the unfitness or incompetence of, any person..." and to seek consent would prejudice those purposes

**When making a decision to share information the following must be considered:**

- Does the recipient have a legitimate interest in receiving this information?
- What is the justification for sharing information, (is it necessary and proportionate to share the information)?
- Is there a risk of harm to an identified or unidentified child, young person and/or vulnerable adult if such information is not shared?
- Can permission be obtained to share information?
- If consent cannot be obtained can information still be shared?
- Should the person(s) involved be informed that the information is being shared?
- Should any information be redacted before sharing?
- Is there sufficient information available in the public domain such as media reports which can be highlighted without any confidential information needing therefore to be shared?

## 9. Retention of safeguarding concerns and allegation records

- ❖ Pass all records of concerns and allegations against church officers to the Bishop's Safeguarding Adviser for retention
- ❖ Cross reference recruitment and safeguarding files

It is important that a clear and comprehensive summary of any concerns or allegations made is kept, including details of how the concerns or allegations were followed up and resolved, and of any action taken and decisions reached, whether by the Church or by statutory agencies.

A note should be kept on a person's confidential recruitment file that a safeguarding file for the individual is held.

It is as important to retain records where a concern or allegation is proved to be unfounded, malicious or unsubstantiated as in other cases, so that it is on record that the allegation was known and responded to.

The safeguarding and recruitment file for a person about whom there has been a concern or allegation must be retained for 75 years after the employment (paid or unpaid) ceases.

If files are weeded when the person leaves the church care should be taken to retain the material noted here.

Once a safeguarding concern or allegation against a church officer has been passed to the Bishop's Safeguarding Adviser, the safeguarding record will be kept by the diocese. Any further information relevant to the case obtained by the parish must be sent to the Bishop's Safeguarding adviser without delay in order that a complete record is maintained.

The parish must make a note on the church officer's confidential recruitment file that a safeguarding file is held for the individual by the Bishop's Safeguarding Adviser.

## 10. Safeguarding and the seal of confession<sup>7</sup>

A failure to share information has been identified repeatedly in child abuse enquires as the most common reason for failure to intervene quickly enough in protecting children, young people and vulnerable adults, sometimes with serious consequences.

It is possible that relevant information may be disclosed in a one-to-one confession made to a priest in the context of the sacramental ministry of reconciliation.

Not least because the legal position differs between the two cases, it is important to recognise the distinction between disclosures made in this formal context, which exists for the quieting of conscience and is intended to lead to absolution, and disclosures made in the context of pastoral conversations. In the first case, but not the second, what is disclosed is subject to a duty of absolute confidentiality arising from the unrepealed proviso to Canon 113 of the Code of 1603.

For this reason, a clear distinction should be made between pastoral conversations and confessions made in the context of the ministry of absolution. To that end it is helpful if confessions are normally only heard at advertised times or by special arrangement and are in other ways differentiated from general pastoral conversations or meetings for spiritual direction. A stole might be worn and a liturgy should be used. It is also important that those clergy exercising this ministry should have received appropriate training and be familiar with Guidelines for the Professional Conduct of the Clergy, which has a section (3.5-3.8) in relation to the confession.

The Guidelines for the Professional Conduct of the Clergy is available [here](#)

If a penitent makes a confession with the intention of receiving absolution, the priest is forbidden from disclosing anything (including any criminal offence) which is revealed in the course of the confession. This requirement of absolute confidentiality applies even after the death of the penitent.

However, where a penitent discloses in the course of such a confession that he or she has committed a serious crime, the priest should require him or her to report it to the police or other statutory authority and should withhold absolution if the penitent refuses to do so. In such a case the priest may consider it necessary to alert the bishop or the bishop's adviser for the ministry of reconciliation (if there is one) to his or her decision, though the penitent's details should not be shared without their permission.

The canonical duty of absolute confidentiality does not apply to anything that is said outside the context of a confession made in the context of the ministry of absolution. In particular, if information about abuse that was disclosed when seeking the ministry of absolution.

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<sup>7</sup> A Working Party has been established to carry out further theological and legal work to enable the Archbishops' Council and the House of Bishops to review the purpose and effect of the un-repealed proviso to the Canon of 1603, to assist the Archbishops' Council and the House of Bishops in considering whether they wish to recommend to Synod that they legislate to amend the Canon; and to provide a report with recommendations for discussion by the House of Bishops Standing Committee, the Archbishops' Council and the House of Bishops. The report will include recommendations in relation to any motion that might be brought to the Synod and to the shape that any legislative amendment might take. The Working Party met for the first time in June 2015 and is due to finalise its report in late 2017.

## 11. A PCC's Duty to Refer to the Disclosure & Barring Service

### ❖ Contact the Bishop's Safeguarding Adviser for help

The Safeguarding Vulnerable Groups Act 2006 (SVGA) places a duty on organisations to make a referral to the Disclosure & Barring Service when an organisation has dismissed or removed a person from working / volunteering with children, young people and/or vulnerable adults in regulated activity (or would or may have removed such a person if the person had not left or resigned etc.) because the person has:

- Been cautioned or convicted of a relevant offence (e.g. a serious sexual or violent offence);
- or*
- Engaged in relevant conduct in relation to children, young people and/or vulnerable adults, (i.e. an action or inaction (neglect) that has harmed a child, young person or vulnerable adult or put them at risk of harm as defined under the SVGA);
- or*
- Satisfied the harm test in relation to children, young people and/or vulnerable adults, (i.e. there has been no relevant conduct (i.e. no action or inaction) but a risk of harm to a child, young person or adult still exists as defined under the SVGA).

If a church officer resigns prior to the conclusion of a disciplinary process, the process should be concluded with or without their involvement and a decision to either re-instate or dismiss should still be made, recorded and referred to the Disclosure & Barring Service for consideration if dismissal or withdrawal from duties is the outcome.

Where a referral to the Disclosure and Barring Service is being considered advice should be sought from the Bishop's Safeguarding Adviser and relevant Human resources departments as applicable.

Further information on the Duty to Refer is available on our website:  
[www.cofebirmingham.com/safeguarding/parish-safeguarding/](http://www.cofebirmingham.com/safeguarding/parish-safeguarding/)

## 12. Referring Serious Safeguarding Incidents to the Charity Commission

- ❖ A PCC must report serious safeguarding incidents to the Charity Commission
- ❖ Contact the Diocesan Registrar for advice if you need to report a serious safeguarding incident

The Charity Commission requires charities to report serious incidents. A PCC is a charity and PCC members (charity trustees) must therefore report serious incidents to the commission.

### What is a serious incident?

A serious incident is an adverse event, whether actual or alleged, which results in or risks significant:

- loss of your charity's money or assets
- damage to your charity's property
- harm to your charity's work, beneficiaries or reputation

Serious safeguarding issues that harm the PCC's work, beneficiaries or reputation must be reported.

If a serious incident takes place, you need to report what happened and explain how you are dealing with it, even if you have reported it to the police, donors or another regulator.

If the PCC believes it may need to report an incident it should contact the diocesan registrar for advice.

### What safeguarding incidents must a PCC report?

In relation to safeguarding the Charity Commission advises that you should make a report if any of the following things occur:

- beneficiaries of your charity (adults or children) have been, or alleged to have been, abused or mistreated while under the care of the charity, or by someone connected with the charity, for example a trustee, staff member or volunteer
- there has been an incident where someone has been abused or mistreated (alleged or actual) and this is connected with the activities of the charity
- there has been a breach of procedures or policies at the charity which has put beneficiaries at risk, including failure to carry out checks which would have identified that a person is disqualified in law, under safeguarding legislation, from working with children or adults.

The Commission is not responsible for dealing with incidents of actual abuse or mistreatment and it does not administer safeguarding legislation. It cannot prosecute or bring criminal proceedings,

although it may refer concerns on to ‘lead agencies’, such as the police, local authorities and the Disclosure and Barring Service, as well as to specialist bodies responsible for designated areas, such as education or health and social care.

The Commission’s role is to ensure the charity’s trustees are handling the incident responsibly, and where necessary, putting in place improved governance and internal controls, in order to protect the charity and its beneficiaries from further harm.

Further information on how to report a serious incident is available from the Charity Commission

*<https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>*

For further guidance on the Charity Commission’s strategy for dealing with safeguarding issues in charities and responsibilities of charity trustees in relation to safeguarding is available at

*<https://www.gov.uk/government/publications/strategy-for-dealing-with-safeguarding-issues-in-charities>*