



CHILD
SAFEGUARDING
POLICY

GUIDANCE FOR

STANDARD 2:

RESPONDING

CHURCH OF IRELAND 2026



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STANDARD 2: RESPONDING

2.1A GUIDANCE ON REPORTING CHILD SAFEGUARDING SUSPICIONS, CONCERNS, KNOWLEDGE OR ALLEGATIONS

All information about a child and family should be handled in a confidential and sensitive manner. It is important to note that whilst church personnel will do their utmost to ensure the confidentiality of information, there are occasions where there are limits to confidentiality, and accordingly, it may be necessary to share personal information in certain situations. Where a child protection or welfare concern arises, information will be shared on a need-to-know basis in the best interest of a child with the relevant statutory authorities when necessary in line with safeguarding policy.

REASONABLE GROUNDS FOR CONCERN

There are many reasons church personnel may be concerned about the welfare or protection of a child. Gateway Team/Tusla should be informed if there are reasonable grounds for concern that a child:

- May have been;
- Is being; or
- Is at risk of being abused or neglected.

If potential symptoms of abuse are ignored, this could result in ongoing harm to the child. It is not necessary to prove that abuse has occurred in order to report a concern to Gateway Team/Tusla. If reasonable grounds for concern exist, it is the Gateway Team's/Tusla's role to assess concerns that are reported. They will carefully consider any information reported along with any other information available. A child protection assessment is then carried out by the relevant statutory authority, where sufficient risk is identified. Where the concern relates to conduct which potentially amounts to a criminal offence, PSNI/An Garda Síochána will also have a role in conducting a criminal investigation.

Reasonable grounds for a child protection or welfare concern include:

- Evidence, for example an injury or behaviour, that is consistent with abuse/harm and is unlikely to have been caused in any other way.
- Any concern about possible sexual abuse.
- Consistent signs that a child is suffering from emotional or physical neglect.
- A child saying or indicating by other means that he or she has been abused.
- Admission or indication by an adult or a child of an alleged abuse they committed.
- An account from a person who saw a child being abused.



Where a member of church personnel has a concern that meets one of the above reasonable grounds for concern, they must follow the reporting procedures set out below to ensure that it is reported to the statutory authorities. Church personnel working with children/young people should make it clear to them and their parents/carers, that they cannot give undertakings regarding secrecy. Parents/carers and children/young people should be informed if personal information is being shared with statutory authorities. Church personnel should work in partnership with parents/carers, and they should be consulted and involved in matters that concern their family. This means that any issues should be checked with the parents/carers when considering whether a concern exists. The only circumstances where this should not occur is, whereby doing so:

- The child will be placed at further risk; or
- Where the family's knowledge of the report could impair the Gateway Team's/Tusla's ability to carry out a risk assessment.
- Also, you do not need to inform the family if you reasonably believe that by doing so it may place you at risk of harm from the family.

It is also good practice to tell the family that a report is being made and the reasons for the decision, unless the above circumstances apply. The welfare of the child is of paramount importance and a report will still need to be made, where reasonable concerns exist.

CIRCUMSTANCES WHICH MAY MAKE CHILDREN MORE VULNERABLE TO HARM

Some children may be more vulnerable to abuse than others, and there may be particular times or circumstances when a child may be more vulnerable to abuse in their lives. The following are some of the complicating factors and circumstances, which may make children more vulnerable to harm:

- Age, gender, sexuality, disability, mental health issues, previous abuse, trauma, separated children seeking asylum, children who are carers, children in the criminal justice system, children in the care system, children subject to exploitation.
- Parent or carer factors such as drug and alcohol misuse, addiction, mental health issues, parental disability issues, domestic abuse.
- Environmental factors such as housing issues, poverty, bullying, internet and social media-related concerns.

It is important to remember that identifying additional vulnerability to risk of abuse does not mean that any specific child in those circumstances or settings is being abused.

REPORTING PROCESS

If a member of church personnel receives a child safeguarding allegation, suspicion, concern or knowledge, they have an obligation to report the matter to the statutory authorities; this is usually done via the RCB Safeguarding Casework Team.



Church personnel who are unsure as to how to proceed, or who require support in order to make a report, may:

- Seek advice from the Diocesan Safeguarding Panel or RCB Safeguarding Team.
- They may also contact the statutory authorities at any time for advice; this can be done without identifying information initially.

If consulting with the Diocesan Safeguarding Panel or RCB Safeguarding Team may put the child at further risk, then the person has a responsibility to go directly to the statutory authorities.

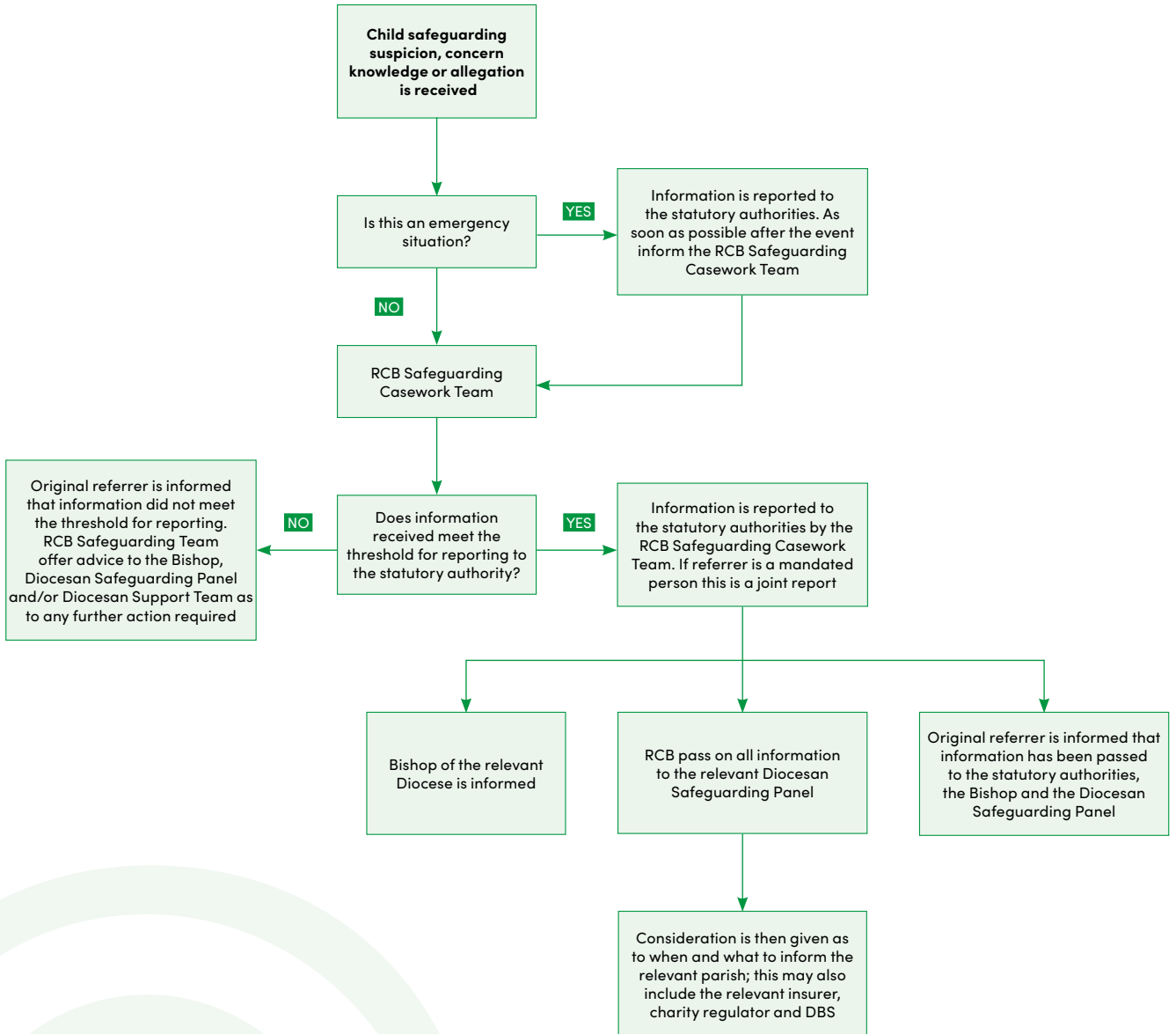
In the case of an emergency, where the child/young person is at immediate risk, a report will be made without delay to the statutory authorities (the Gateway Team/Tusla and/or PSNI/An Garda Síochána). The RCB Safeguarding Casework Team must be informed as soon as possible after the referral has been made.

If following the reporting procedure would result in a conflict of interest, the statutory authorities can be consulted for further advice.





The reporting process to be followed is outlined in the flowchart below:





1. When the suspicion, concern, knowledge or allegation is received, Church personnel should:
 - If the complainant is an adult or child in NI – complete sections 1 and 2 of **2.1A Template 1**.
 - If the allegation relates to a complainant who is an adult in ROI – complete the relevant sections of this form https://www.tusla.ie/uploads/content/Retrospective_Abuse_Report_Form_FINAL.pdf.
 - If the allegation relates to a complainant who is a child in ROI- complete the relevant sections of this form https://www.tusla.ie/uploads/content/Child_Protection_and_Welfare_Report_Form_FINAL.docx
2. If it is an emergency situation (immediate risk of harm) the suspicion, concern, knowledge or allegation should be reported to the statutory authorities using the information in **Appendix F**. Once a report has been made the RCB Safeguarding Casework team must be informed as soon as possible.
3. If it is not an emergency situation the person who received the suspicion, concern, knowledge or allegation should contact the RCB Safeguarding Casework Team and pass on the information they have received using **2.1A Template 1 or the forms outlined in point 1 above**.
4. The information will be assessed by the RCB Safeguarding Casework Team and if the suspicion, concern, knowledge or allegation meets the threshold for reporting they will make the initial referral (if it hasn't been made already) to the statutory authorities. If the referrer is a mandated person (**Guidance 2.1B**) the section in **the Tusla forms in point 1 outlined above** will be completed to function as a joint report.
5. Once the suspicion, concern, knowledge or allegation has been passed to the statutory authorities, the RCB Casework Team will pass the information to the Diocesan Safeguarding Panel and the Bishop including the relevant form received and section 3 of **Template 2.1A**. The person who made the original referral will also be informed. The Diocesan Panel will seek advice from the RCB Safeguarding Casework Team to manage the suspicion, concern, knowledge or allegation and any associated safeguarding risks. Decisions around sharing information with the respondent, parish, insurers, Disclosure and Barring Service (DBS) and the relevant charity regulators or other relevant bodies will be made in consultation with the statutory authorities.
6. If the suspicion, concern, knowledge or allegation does not meet the threshold for reporting the original referrer will be informed in writing as to the reasons for that decision and the reporter will be advised that he/she may make a report directly to the statutory authorities. In the Republic of Ireland, persons are protected under the Protection for Persons Reporting Child Abuse Act 1998, should they report independently and in Northern Ireland the common law defence and qualified privilege may provide similar protection. The RCB Casework Team will consult with the Bishop, Diocesan Safeguarding Panel and or Diocesan Support Team around any further steps to be taken.



2.1A TEMPLATE 1: CHILD SAFEGUARDING REPORTING FORM

This form is laid out in three sections.

1. A section that relates to the allegation that was received. Please remember you may not be able to complete all of the fields in this form and not all sections will be relevant to a particular concern (NI Only).
2. A section for the person who received the information to complete. This must be completed for each allegation (NI Only).
3. A section for the RCB Safeguarding Casework Team to Complete (NI and ROI).

SECTION 1 - DETAILS OF THE INFORMATION RECEIVED

| | |
|--|----------------|
| Name of the complainant: | |
| Age: | Date of Birth: |
| Address: | |
| | Postcode: |
| Tel: | |
| Names of parents /carers: | |
| | |
| Address if different from above: | |
| | |
| <p>What is the nature of the concern? (Include dates of incidents and descriptions of injuries if provided alongside any practical information you may have such as the name of the complainant's GP, school or other children in their household)</p> | |



State the name of the person the complainant has spoken to with the date, time and place:

If a complainant has made a disclosure of abuse, record what was said:

If an adult has expressed concern in relation to the safety of a child, record if he/she is expressing his/her own worries or passing on those from another adult. Record the concerns and ask him/her to confirm that the details as written are correct.

Have possible signs or indicators of harm been identified?

Yes:

No:

If yes, please outline below including any need for medical attention:

Record the name(s) of the person(s) alleged to have harmed the complainant:



SECTION 2 - TO BE COMPLETED BY THE PERSON WHO RECEIVED THE ALLEGATION FROM THE COMPLAINANT

Name of person who received the suspicion, concern, knowledge or allegation:

Role of the person in the Parish/Diocese:

Contact details of the person who received the suspicion, concern, knowledge or allegation:

Signed:

Date:



SECTION 3 - TO BE COMPLETED BY THE RCB CASEWORK TEAM

Has the suspicion, concern, knowledge or allegation been referred to PSNI/Garda? Yes: No:

Date:

Casework Team staff member who made the referral:

Crime or Incident Number:

Name of PSNI/Garda:

Tel:

Email:

Has the suspicion, concern, knowledge or allegation been referred to the Gateway Team/Tusla? Yes: No:

Date:

Casework Team staff member who made the referral:

Referral Number:

Name of Social Worker:

Tel:

Email:

Has the suspicion, concern, knowledge or allegation been referred to the Bishop and Diocesan Safeguarding Panel? Yes: No:

Date:

Casework Team staff member who made the referral:

Contact details of Panel contact person:



Has the person who made the suspicion, concern, knowledge or allegation been notified of the referral process?

Yes: No:

Date:

Name of person who notified the original referrer:

Any additional actions taken?





2.1B GUIDANCE ON MANDATED PERSONS (ROI ONLY)

Mandated persons (in the Republic of Ireland) should be mindful of their obligations under the Children First Act 2015. Where a concern meets the mandated reporting threshold as set out in the Children First Act, the reporting procedures must be followed. Mandated reporters cannot delegate their responsibility to report to another party. They may report directly to the statutory authorities or they may make a joint report with RCB Casework Team. If they make a direct referral to the statutory authorities, they must inform the RCB Safeguarding Casework Team.

Where a concern includes information that a person has committed a serious offence against a child, under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012, this must be reported to An Garda Síochána, in addition to Tusla.

The person who raised the concern should also be reassured that if they do choose to report the matter, they are covered by the Protection for Persons Reporting Child Abuse Act 1998. This Act provides that a person who would otherwise be liable in damages in respect of a communication by him or her to an appropriate person of his or her opinion that a child has been or is being assaulted, ill-treated, neglected or sexually abused, or that a child's health, development or welfare has been or is being avoidably impaired or neglected, shall not be liable, unless it is proved that he or she has not acted reasonably and in good faith in forming that opinion and communicating it to the appropriate person.

Mandated persons are required under the Children First Act 2015 to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed and to report any disclosures of harm made by a child. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances. The threshold of harm, at which a mandated person must report to Tusla under the Children First Act 2015, is reached when a mandated person knows, believes or has reasonable grounds to suspect that a child has been, is being or is at risk of being ill-treated, assaulted or neglected to the point where the child's health or development have been or are being seriously affected, or are likely to be seriously affected or has been, is being or is at risk of being sexually abused.

Where a mandated person has a concern that they believe meets the threshold for a mandated report, they should report as joint mandated report (**Guidance 2.1A**) with the RCB Safeguarding Casework Team as outlined in the reporting procedures set out above.

Under the Children First Act 2015 there is also a statutory requirement for mandated persons to assist Tusla in the assessment of risk of mandated reports, where requested to do so. Where such a request is received, the mandated person must provide such assistance as is required. Tusla accepts the time limitations and pressures on other professionals and will use mandated assisting only when necessary and only to the extent needed in each specific case.



The legal obligation to report as a mandated person under the Children First Act 2015 applies only to information that mandated persons acquire in the course of their professional work or employment. It does not apply to information they acquire outside of work, during a voluntary role, or information given to them on the basis of a personal rather than a professional relationship. Please note that a member of the clergy carries their mandated responsibility with them at all times.

LIST OF MANDATED PERSONS

Each diocese is required to retain a list of those who are classed as mandated persons. To do this each diocese should consult the full list of categories who are classified as mandated persons under Schedule 2 of the Children First Act 2015 to establish which members of church personnel are classified as mandated persons. To assist with this task it should be understood that:

- All members of the clergy (including OLMs) are to be considered mandated persons.
- Youth workers who are employed by a youth work service, and hold a professional qualification recognised by the National Qualifications Authority in youth work within the meaning of Section 3 of the Youth Work Act 2001 or a related discipline.
- Volunteers are not mandated persons under the Children First Act 2015.

On completion of this process the diocese must retain a list of all mandated persons, and ensure this is kept up to date. In developing this list Tusla have advised that there should be a clear statement of the type of roles that a church body are listing as mandated persons, then a number of mandated persons that are in the church body should be included against each role (i.e members of the clergy (25), Youth Worker (10)).

The Children First Act 2015 does not impose criminal sanctions on mandated persons who fail to make a report to Tusla. However, there are possible consequences for a failure to report. There are several administrative actions that Tusla could take if, after an investigation, it emerges that a mandated person did not make a mandated report and a child was subsequently left at risk or harmed.

Tusla may:

- Make a complaint to the Fitness to Practice Committee of a regulatory body of which the mandated person is a member.
- Pass information about the mandated person's failure to make a report to the National Vetting Bureau of An Garda Síochána.

This information could therefore be disclosed to current or future employers of the mandated person when they are next vetted.



EXEMPTIONS FROM REQUIREMENTS TO REPORT FOR MANDATED PERSONS (ROI)

Under the Criminal Law (Sexual Offences) Act 2006, the legal age of consent is 17 years. While a sexual relationship where one or both parties are under 17 years of age is illegal, when making a report to Tusla, it might not be regarded as child sexual abuse. There are certain exemptions from reporting underage consensual sexual activity. If a mandated person or panel is satisfied that all of the following criteria are met, the mandated person or panel is not required to make a report to Tusla:

- The young persons concerned are between 15 and 17 years old.
- The age difference between them is not more than 24 months.
- There is no material difference in their maturity or capacity to consent.
- The relationship between the people engaged in the sexual activity does not involve intimidation, or exploitation of either person. Any elements of coercion of either person may also be relevant to consider in relation to this bullet point.
- The young persons state clearly that they do not want any information about the activity to be disclosed to Tusla.

All persons must uphold the key principle that the welfare of the child is paramount and if a mandated person or Diocesan Safeguarding Panel have any concerns, even where all the above criteria are met, advice should be sought from the RCB Casework Team or Tusla/An Garda Síochána.



2.1C GUIDANCE ON RESPONDING TO A COMPLAINANT WHO DISCLOSES ABUSE

A complainant may disclose to a member of church personnel that they have been or are being harmed or abused or are at risk of harm and abuse. Some complainants including children may have different ways of communicating that they are being abused. If a complainant hints at or tells a member of church personnel that he or she is being harmed by someone, any disclosure should be treated and responded to in a sensitive way. Remember, a complainant may disclose abuse to a member of church personnel as a trusted adult at any time during their work with them. It is important that church personnel are aware of and prepared for this.

When dealing with a disclosure:

- Be as calm and natural as possible.
- You have been approached, because you are trusted.
- Do not panic.
- Do not promise to keep secrets or make any assurances in relation to anonymity.
- Be aware that disclosures can be very difficult for the complainant.
- The complainant may initially be testing your reactions and may only fully open up over a period of time.
- Listen to what the complainant has to say. Give them time and opportunity to tell as much as they are able and wish to.
- Do not pressurise the complainant. Allow him or her to disclose at their own pace and in their own language.
- Questions should be supportive and for the purpose of clarification only.
- Avoid leading questions, such as asking whether a specific person carried out the abuse.
- Conceal any signs of disgust, anger or disbelief.
- Do not make the complainant repeat the story unnecessarily.
- Accept what the complainant has to say – false disclosures are very rare.
- It is important to differentiate between the person who carried out the abuse and the act of abuse itself. The complainant quite possibly may have an attachment to the alleged abuser whilst also disliking what was done to them. It is important therefore to avoid expressing any judgement on, or anger towards, the alleged perpetrator while talking to the complainant.
- Reassure the complainant that they have taken the right action in talking to you.
- Explain to the complainant that this information will only be shared with people who can help.
- It may be necessary to reassure the complainant that your feelings towards him or her have not been affected in a negative way because of what they have disclosed.



- Do not communicate with the respondent.
- Do not attempt to deal with this on your own – follow the reporting procedures (**Guidance 2.1A**).
- Do not conduct any further investigation.
- If you consider the complainant to be in immediate danger, contact the PSNI/An Garda Síochána without delay. This should be followed by a report to the RCB Safeguarding Casework Team (**Guidance 2.1A**).

CONFIDENTIALITY

At the earliest opportunity, tell the complainant that:

- You acknowledge the courage that they have shown in making the disclosure.
- Your priority is their safety and well-being and if the complainant is not safe, you cannot keep that information to yourself.
- You will be sharing this information only with people who can help.

Secrets hide things that need to be known if people are to be helped and protected from further ongoing harm. By refusing to make a commitment to secrecy to the complainant, you run the risk that the complainant may not make a disclosure. However, it is better to do this than to make a commitment that you cannot keep and risk ruining the complainant's confidence in you or another adult. By being clear about the boundaries in this, it is more likely that the complainant will return at another time and make/continue a disclosure.

ONGOING SUPPORT

Following a disclosure by a complainant, it is important that the person who receives the disclosure makes every effort to continue in a supportive relationship with the complainant if appropriate. Appropriate support will be offered as outlined in **Guidance 2.2A**.

2.1D GUIDANCE ON RESPONDING TO ADULTS WHO WERE ABUSED IN CHILDHOOD AND THE RESPONDENT IS STILL ALIVE (RETROSPECTIVE ABUSE)

When an adult makes an allegation of abuse it is important to attend and listen to them in line with the guidance provided in **Guidance 2.1C**. Adults must be made aware, if possible, in advance of disclosure, that if they give information which indicates a potential risk to children, a referral to the statutory authorities must be made following the reporting procedure in **Guidance 2.1A**.

If the adult making the disclosure does not wish to report it to the statutory authorities, the person to whom the disclosure has been made is required to make the report to the statutory authorities in line with **Guidance 2.1A**.

Even when the alleged or suspected victims are now adults there may be an ongoing risk to other children.



2.1E GUIDANCE ON REPORTING CHILD SAFEGUARDING SUSPICIONS, CONCERNS, KNOWLEDGE OR ALLEGATIONS AGAINST DECEASED RESPONDENTS

All child safeguarding suspicions, concerns, knowledge or allegations must be received with openness to listening and responding pastorally to the complainant. If a suspicion, concern, knowledge or allegation relates to a respondent who is deceased, it may not be possible to establish the credibility of the information. The following response should be made:

All suspicions, concerns, knowledge or allegations should be reported to the RCB Safeguarding Casework Team, who will ensure that:

- A suspicion, concern, knowledge or allegation against deceased respondents must be reported to PSNI/An Garda Síochána who have a responsibility to assess whether a criminal offence occurred. In the case of deceased respondents, while prosecution is not possible, PSNI/An Garda Síochána will still require notification as the information may be relevant to an existing investigation.
- The Children First Act 2015 states that where a mandated person believes or has reasonable grounds to suspect that a child has been harmed, is being harmed or is at risk of being harmed they should report to Tusla. Children First Act 2015 guidance also states, 'In cases of retrospective abuse, a report needs to be made where there is a current or potential future risk to children from the person against whom there is an allegation.' It can be concluded from the guidance provided through Children First that where the alleged respondent is no longer alive there is no current or ongoing risk to any child from that respondent; therefore in this instance there is no need to report to Tusla. There is also no requirement to report such allegations to the Gateway Team in Northern Ireland.

If the suspicion, concern, knowledge or allegation relates to a deceased member of church personnel, the information should be reported to the statutory authorities as outlined above. The Diocesan Safeguarding Panel will attempt to establish the facts from the complainant and any case records that already exist. If there are other allegations against the deceased member of church personnel and there is a similar pattern evident in the new information, it can assist in assessment of credibility.

If the allegation is deemed credible, an offer to meet the Bishop or other relevant Church leader should be made to the complainant.

The Bishop should offer pastoral care and may consider offering an apology for any harm disclosed. If there are no previous allegations against the respondent and there is no credible evidence, the complainant should be advised accordingly at an appropriate time.



2.1F GUIDANCE ON PEER ABUSE

In a situation where child abuse is alleged to have been carried out by another child, it should be considered as a child welfare and protection issue for both children.

If a child is displaying problematic or harmful sexual behaviour, it can be difficult to know how to respond so that you are balancing the needs of everyone involved.

All sexual behaviour requires a response. The type of response required, and who offers that response, depends on the behaviour and the child displaying the behaviour.

A balance needs to be struck between the duty to safeguard children who have experienced abuse with the need to support children who have displayed problematic or harmful sexual behaviour.

WHY DO CHILDREN WHO HAVE DISPLAYED PROBLEMATIC OR HARMFUL SEXUAL BEHAVIOUR NEED SUPPORT?

When concerns around problematic or harmful sexual behaviour are identified, it can be an upsetting and confusing time for the child or young person. They may feel shame, embarrassment, guilt or denial about what they have done. When a child feels supported it can help them explore the reasons behind their behaviour and develop strategies to manage it.

Many children and young people who display harmful sexual behaviour have experienced abuse or trauma.

A child's sexualised behaviour can also pose a risk to themselves, as well as those around them.

COMPLEX NEEDS

Children and young people who display problematic, harmful or abusive sexual behaviour might have multiple and complex needs. They might need support from a range of services. It is important to work with a range of agencies to provide holistic support that is tailored to each individual child's needs.

For example, children might:

- Struggle to regulate and express their emotions appropriately.
- Experience social anxiety.
- Struggle to understand or comply with 'rules' for social behaviour.
- Find it difficult to empathise with others and respond to other people's needs.
- Find it hard to build secure and confident relationships with others.
- Struggle to understand and respect personal boundaries.



RESPONSE

Each incident of problematic or harmful sexual behaviour will be different. You should gather the facts, assess any risks and make decisions on a case-by-case basis in consultation with the RCB Safeguarding Casework Team and the statutory authorities. Some responses may include:

- Introducing risk mitigations which are proportionate to the behaviour being displayed and in line with the guidance on codes of behaviour (see guidance under **Standard 1**).
- Referring children to the statutory authorities who may refer them to other agencies to assess their needs.
- Working with other agencies to develop a safety plan for the child. A safety plan helps you identify any risks posed to or by a child who has displayed problematic or harmful sexual behaviour and put measures in place to help keep them and other children safe.

SUPPORTING FRIENDS AND WITNESSES

Some children might have seen problematic or harmful sexual behaviour taking place, or be friends with someone involved. They might need support to understand and come to terms with what's happened. It is important to ensure that young people can talk to a trusted adult about anything that's confusing or worrying them.

WORKING WITH PARENTS AND CARERS

Parents and carers should be informed that their child has been impacted by peer-on-peer or sexual abuse, as long as this doesn't put the child at risk of further harm. The statutory authorities can provide advice and support as to who is best placed to have this conversation.





2.1G GUIDANCE ON ACTIONS TAKEN BY THE DIOCESAN PANEL (OR EQUIVALENT) ON CHILD SAFEGUARDING SUSPICIONS, CONCERNS, KNOWLEDGE OR ALLEGATIONS AGAINST CHURCH PERSONNEL WHILE STATUTORY AUTHORITIES INVESTIGATION IS ONGOING

If a suspicion, concern, knowledge or allegation is received relating to church personnel the reporting process outlined in **Guidance 2.1A** is followed. The next steps outlined below should only be taken in consultation with the statutory authorities, and on advice from the RCB Safeguarding Casework Team.

The first priority is to ensure that no child is exposed to unnecessary risk. The Diocesan Safeguarding Panel should as a matter of urgency take any necessary protective measures. As far as possible these measures should be agreed in advance with the statutory authorities. Any measures should be proportionate to the level of risk and should not unreasonably penalise the member of church personnel, financially or otherwise, unless necessary to protect children. Where protective measures may adversely impact the member of church personnel, it is important that early consideration be given to the case. It is very important that any protective measures taken are intended to be precautionary and not disciplinary. The protective measures are an interim measure pending the statutory authorities' consideration of the matter.

Any action taken should be guided by agreed procedures, and any applicable employment contract or volunteer arrangement and the rules of natural justice. It is not possible in these guidelines to deal with every scenario as conditions vary greatly between members of church personnel as can the terms. Legal advice should be sought by the Diocesan Safeguarding Panel as quickly as possible to ensure that applicable employment law procedures and natural justice principles are correctly followed. Insurers should be advised of any issue of alleged abuse by church personnel.

Once the statutory authorities agree that the Church can inform the respondent, members of the Diocesan Safeguarding Panel or agreed personnel should arrange to meet the respondent.

In arranging this meeting:

- The Bishop or person delegated by the Bishop should inform the person who will be attending the meeting;
- The respondent should be offered the support of an Advisor and the guidance on the role (**Guidance 2.3A**) outlined to them; this support should include pastoral care and support to the family of the respondent if they wish;
- The respondent should be informed that they can be accompanied by another person at this meeting for their own support.



At the meeting:

- The respondent must be informed of their rights to civil legal advice.
- The respondent must immediately be advised that they may admit, deny or decide not to respond at this stage.
- The respondent needs to be given enough detail about the suspicion, concern or allegation and about the person making it, in order to be able to offer a response, if they choose to do so. This should be agreed in advance with the statutory authorities. However, if a written statement has been given by the complainant, this cannot be given to the respondent, but a summary of its content can be shared if agreed with the statutory authorities.
- If a complainant does not wish to be identified, then their information cannot be shared with the respondent. The complainant should be made aware that they may be identifiable by the circumstances of the complaint.
- Protective measures will be agreed, in conjunction with statutory authorities as relevant, and implemented. The record should outline any planned risk mitigations and note if these mitigations impact on the respondent's exercise of ministry.

After the meeting:

- A dated, written record of the meeting is forwarded to the respondent for signing.
- The record should detail what they have been informed of, and their response (if any).
- The respondent is given written information about the next steps of the process, so that they are clear about the process that will be followed.

If the statutory authorities proceed with an investigation, the Church of Ireland will pause its own internal review, pending the outcome of the investigation. When the statutory authorities have concluded its investigation, the Church of Ireland will recommence an internal review and agree any further action required (**Guidance 2.4A**).



2.1H GUIDANCE ON COMMUNICATION WHEN A RESPONDENT IS TEMPORARILY SUSPENDED FROM MINISTRY

When an allegation has been received and a member of church personnel is being temporarily suspended, the Bishop is responsible for what is communicated about this change, to whom, and how this is communicated.

The preferred approach is for any public communication to be agreed with the respondent, where the presumption of innocence should be emphasised. Great care needs to be taken not to prejudice the outcome of any civil, criminal or Church investigation, and consultation with relevant statutory authorities may assist in this regard. Consultation with a legal advisor may also assist, to enable the correct form of words to be generated if a public communication is to be made. Consideration may also be given to the inclusion in any public communication, if one is to be made, of information regarding how people affected can access pastoral support.

The Bishop must consider whether relevant public references to the respondent are removed or amended on an interim basis. This may include, for example, details or photographs, videos or recordings on parish websites or communications (newsletters, etc.), membership of parish/diocesan/church panels or other relevant groups, Service Level Agreements as an Authorised Signatory for Vetting/AccessNI, parish or diocesan group chats/messaging apps or social media groups.



2.1 GUIDANCE ON CASE MANAGEMENT RECORDS KEPT BY THE DIOCESAN SAFEGUARDING PANEL

Case management records should provide a complete account of involvement in order to provide evidence of all suspicions, concerns, knowledge or allegations and actions taken to safeguard children, to assess and manage risk and to monitor practice.

All recorded information should be accurate, factual and concise. It is important to state opinion, assessment or judgement, as distinct from facts. The records are in relation to the respondent against whom a suspicion, concern or allegation has been reported, and therefore should be catalogued as such.

Each file should contain:

1. **File index** – This section should give a detailed list of all of the contents of the file as they are received.
2. **Case summary** – This section includes an overview of the case to allow the reader to become familiar at a glance with the details of the complainant(s) and respondent, as well as the roles of key personnel involved in the case.
3. **Case narrative** – This section is the account of all actions taken and contact made with all relevant personnel. It should detail all contacts in relation to the case in list format, including by telephone, by email, by letter and in person.
4. **Copy of referral forms** – This section should include a copy of the appropriate forms that were sent to the statutory authorities by the Casework Team, Disclosure and Barring Service (DBS), and Charity Regulator.
5. **Risk Assessment reports** – This section should include copies of any independent risk assessment reports relating to the respondent.
6. **Minutes of meetings** – This section should include copies of records of any internal meetings about the case with dates of any meetings held with the Advisor and any relevant child safeguarding information.
7. **Advice to the Diocese** – This section should include hard copies of written records relating to information – which must be kept confidential from the respondent – such as case management advice, advice from the Case Management Committee, the initial statement from the complainant, legal advice to the Bishop or Diocesan Safeguarding Panel, and dates of any meetings held between the Support Person and complainant, including relevant child safeguarding information.
8. **Other Correspondence** – This section is for information that does not fit into any of the previous sections.

The file should be sectioned as detailed by Points 1–8, with reference to all information logged in the index sheet and referred to in the narrative account.

All record-keeping must be compliant with data protection legislation, and must be stored confidentially in line with [Appendix E](#).



2.2A GUIDANCE ON THE ROLE OF THE SUPPORT PERSON

Every complainant who has an allegation against church personnel should be offered access to an appropriate Support Person (appointed by the Bishop) as part of the case management process. The role of the Support Person is to ensure that the complainant is appropriately supported throughout the process of disclosure and potentially after. If the complainant is a child, then support will be offered to the child and to their parent(s)/carer(s).

The role of the Support Person is to:

- Keep the complainant informed of the process and progress of the case (where there is a criminal investigation this responsibility may be fulfilled by the PSNI/ Gardaí, and if the Gateway Team/Tusla are involved they may also fulfil this role).
- Ensure that pastoral care and support is provided to the complainant and their family if they wish.
- Help the complainant identify and access counselling and support.
- Keep a record of any meetings or contact they have with the complainant, and pass on relevant information to the Diocesan Safeguarding Panel, as appropriate.

The Support Person is not a counsellor for the complainant and should not act in that role.

The Support Person does not manage the case file and will not have access to it.

It is the prerogative of the complainant whether they wish to accept the assistance of a Support Person. If a complainant chooses not to accept a Support Person that is offered by the Diocese, the Diocesan Safeguarding Panel should consider how the support needs and communication with the complainant are met.

The frequency of contact/meetings should be dictated by the complainant, but the Support Person needs to initiate contact at least once a year during the case management process, unless the complainant states that they do not want any further contact. This is to ensure that the Diocesan Safeguarding Panel continues to make every effort to offer a supportive and pastoral response to complainants.

Records should be retained and stored in the diocesan office as part of the case file. The following should be used as a guide to information that must be recorded:

- The date and time the meetings took place,
- Any relevant child safeguarding issues that have arisen,
- If the complainant has knowledge of a crime,
- If the complainant is suffering from a mental health condition or is suicidal. If the person is at risk of harming themselves this should be dealt with as an emergency requiring immediate action,
- Any requests for support or representations that the complainant wishes to make to the Bishop.



Regular meetings between the Support Person and the Diocesan Safeguarding Panel should be held to enable the Panel to keep up to date with the needs and requests of the complainant, and to advise the Bishop of any requests for support. These meetings should incorporate any requests for supervision, in order to allow the Support Person to receive feedback on their role.

Training for Support People will be provided by the RCB Safeguarding Team and should form part of the training strategy written by the Diocesan Support Team (*Guidance 1.5C*).





2.3A GUIDANCE ON THE ROLE OF THE ADVISOR

Each respondent who is a member of church personnel should be offered access to an Advisor as part of the case management process. The role of the Advisor is to ensure the respondent has access to support throughout the process of the disclosure and potentially after.

The role of the Advisor is to:

- Keep the respondent informed of the process of the case; (in the case of a criminal investigation this responsibility will be fulfilled by the PSNI/Gardaí, and if the Gateway Team/Tusla are involved they may also fulfil this role).
- Ensure that pastoral care and support is provided to the respondent and their family if they wish.
- Help direct the respondent to counselling and support, should they wish to avail of it.
- Keep a record of any meetings or contact they have with the respondent, and pass on relevant information to the Diocesan Safeguarding Panel, as appropriate.

Please note:

- The Advisor is not a counsellor for the respondent and should not act in that role.
- The Advisor is not an advocate for the respondent.
- The Advisor should not provide any character references for the respondent.
- The Advisor does not manage the case file and will not have access to it.

Records should be retained and stored in the diocesan office as part of the case file. The following should be used as a guide to information that must be recorded:

- The date and time the meetings took place.
- Any relevant child safeguarding issues that have arisen.
- If the respondent is suffering from a mental health condition or is suicidal. If the person is at risk of harming themselves this should be dealt with as an emergency requiring immediate action.
- Any requests for support or representations that the respondent wishes to make to the Bishop.

It is the prerogative of the respondent whether they wish to accept the assistance of an Advisor. If the respondent chooses not to accept an Advisor that is offered by the diocese, the Diocesan Safeguarding Panel should consider how the support needs and communication with the respondent are met.

Regular meetings between the Advisor and the Diocesan Safeguarding Panel should be held to enable the Panel to keep up to date with the needs and requests of the respondent, and to advise the Bishop of any requests for support. These meetings should incorporate any requests for supervision, to allow the Advisor to receive feedback on their role.

Training for Advisors will be provided by the RCB Safeguarding Team and should form part of the training strategy written by the Diocesan Support Team ([Guidance 1.5C](#)).



2.4A GUIDANCE ON ACTIONS BY THE CHURCH WHEN THE STATUTORY AUTHORITIES HAVE CONCLUDED THEIR INVESTIGATION

In a situation where a statutory investigation does not lead to prosecution or conviction, the Church will recommence the internal process. This will require that a review board is convened to examine the issue. The Bishop of the Diocese shall determine the membership of the review board which should include a senior person from the Diocese and someone with knowledge and experience of child protection and safeguarding issues.

The Review Board will prepare a report for the Bishop of the Diocese with recommendations in relation to the respondent's suitability to return to their position. In preparing this report the Review Board shall consider issues which may include:

- A risk assessment as to the future involvement of the respondent in church activities.
- A review of any agreed risk mitigation measures currently in place.
- Information provided in a meeting with the respondent. The respondent has the right to have advance notice of this meeting and the matters to be discussed, to be accompanied to the meeting and to make representations.
- Any information provided in the case file relevant to the case.
- Views of the complainant.
- Any advice offered by the RCB Safeguarding Casework Team or Case Management Committee.

The Bishop of the Diocese shall accept the recommendations set out in the report unless they have sufficient reason for not accepting them which were not known to the Review Board. If the Bishop of the Diocese proposes to decline the recommendations of the Review Board for those reasons in a manner which will adversely impact the individual, the individual will be provided notice of this and an opportunity to make representations on this prior to a final decision being made. The Bishop of the Diocese shall revert to the Review Board with the reasons for not accepting these recommendations and allow them to consider same.

A copy of the report should also be provided to the respondent who will have the right to appeal the decision of the Review Board to the Bishop of the Diocese.

The decision of the Bishop of the Diocese as to whether to reinstate a staff member or volunteer shall be final.

If an individual has any concerns about a person in a position of trust in the Church and feel unable to use the above procedure for dealing with a suspicion, concern, knowledge or allegation, they should in the first instance contact the RCB Safeguarding Casework Team. If the individual feels unable to contact the RCB Safeguarding Casework Team or the suspicion, concern, knowledge or allegation involves this person, they should contact the Bishop of the Diocese, or in their absence, to the Bishop's Commissary or those appointed in accordance with Chapter VI of The Constitution of Church of Ireland who will follow the above procedures.



If a suspicion, concern, knowledge or allegation involves the bishop of a diocese the matter should be referred directly to the RCB Safeguarding Casework Team and the Head of Safeguarding, who shall deal with the reporting procedures in relation to the complainant, and to the archbishop of the province or in his or her absence the archbishop of the other province who will follow the internal personnel procedures in relation to the bishop.

In the case of an suspicion, concern, knowledge or allegation against an archbishop, the report should be made to the archbishop of the other province or, in his or her absence, the next most senior bishop who will follow the internal personnel procedures. In these situations, the identified persons will operate the above procedures.

Where, following an internal review, and in line with current case management processes, a complaint is found on the balance of probability, to have breached the safeguarding policies of the Church of Ireland, or where a person is subject to a conviction that may deem them unsuitable to work with children, then the Bishop in consultation with the RCB Safeguarding Casework Team and/or the Case Management Committee will determine the appropriate sanction. This may include:

- Restriction
- Further specified training
- Removal from post
- Other risk mitigations

This process should be concluded by the Bishop even where a respondent resigns from their position. If the concern relates to a respondent in Northern Ireland who may have harmed a child or put a child at risk of harm, then the Bishop in consultation with the RCB Safeguarding Casework Team and/or the Case Management Committee should if appropriate submit a barring referral to the Disclosure and Barring Service (DBS).

Upon reaching a decision the Bishop should:

- Meet with the respondent to communicate the outcome of the internal process. If the respondent does not cooperate with the process or refuses to accept the outcome, then the Bishop must instigate the Chapter VIII disciplinary procedures of the Constitution of the Church of Ireland.
- Consider if and how the outcome of the internal review is communicated to the Parish or relevant others. **Guidance 2.1H** may be helpful in this regard.
- Consider if a serious incident report to the relevant charity regulator and insurance provider needs to be completed (if this hasn't already happened).

MALICIOUS OR VEXATIOUS ALLEGATIONS

If at the conclusion of the process, a respondent is determined to have been wrongly accused and the claim was malicious or vexatious, the Bishop, along with the RCB Safeguarding Casework Team and Case Management Committee, can consider:

- How best to support the respondent back to ministry (if they have been temporarily suspended) if that is the respondent's wish.
- How to communicate the outcome of the case to relevant people.
- Support the respondent with any needs that have arisen as a result of the process.



2.5A GUIDANCE ON PERSONS OF CONCERN WHO WISH TO ATTEND CHURCH SERVICES AND ACTIVITIES

DEFINITIONS

Person of Concern (POC) means any person who wishes to participate in the life of the Church of Ireland and/or:

- Who has engaged in criminal sexual behaviour.
- Is being investigated for sexual offence.
- Is reasonably suspected of engaging in harmful sexual behaviour.
- Who through admission, past conduct or information received from statutory authorities indicates a potential risk of harm, even when there has been no criminal conviction.
- May display sexualised behaviour in a church setting which gives cause for concern.

The term POC does not imply guilt but is used for safeguarding purposes to ensure appropriate risk assessment, supervision, and protective measures are put in place.

If a sexual offence has occurred in relation to an adult, consideration will be given to potential risk of harm to children as they are deemed to be more at risk of harm than the general population.

INTRODUCTION

Information regarding people in this context comes from a variety of sources. These may include:

- The person themselves.
- The person's Dedicated Risk Manager (DRM) in Northern Ireland or relevant Garda Contact in the Republic of Ireland, or relevant statutory authority such as Probation.
- Media coverage or social media.
- Information from other parishioners or family members.

This guidance provides general advice on how to deal with information that is shared relating to Persons of Concern and the steps that should be taken to verify the information and manage risk.

PROCESS

The process below outlines the steps necessary regarding a Person of Concern; however, it should be noted that circumstances or contexts of each piece of information is individual and may require deviation from this process:

1. The person who receives the information relating to a Person of Concern in the Parish or Diocese should contact the RCB Safeguarding Casework Team, who are available for advice and support.



2. The RCB Safeguarding Casework Team will consult with the relevant statutory authorities.
 - a. **If the information relates to a parish or diocese in Northern Ireland** – The Church of Ireland has a Memorandum of Cooperation with PPANI (Public Protection Arrangements for Northern Ireland), and the Safeguarding Manager for Casework is the Single Point of Contact for the Church of Ireland. They will contact the PSNI and/or the PPANI Coordinator for advice and to ascertain if there is any immediate risk of this person attending a parish or particular services.
 - b. **If the information relates to a parish or diocese in the Republic of Ireland** – The RCB Safeguarding Casework Team will consult the relevant Garda office for advice and to ascertain if there is any immediate risk of this person attending a parish or particular services.
3. The RCB Safeguarding Casework Team, along with the relevant statutory authority, will ascertain if representatives of the Parish or Diocese can speak to the individual directly and what information can be shared to ensure that it would not interfere with any ongoing or new investigation. This should be agreed in writing with the statutory authorities.
 - a. If the Parish or Diocese is permitted by the relevant statutory authority to discuss information directly with the Person of Concern: A meeting should be held, the content of which should be agreed with the statutory authorities and may include:
 - i. An outline of the agreed information that can be shared
 - ii. An outline of the Parish's or Diocese's expectations about the Person of Concern's behaviour
 - iii. If a Person of Concern is seen to be an 'adult at risk' (in NI), or a 'vulnerable adult' (in ROI), they should have a Support Person with them in any meetings about the issue
 - iv. An agreed form of action of what the next steps will be following the meeting
 - v. The meeting should be documented and a record kept in the parish or diocesan safeguarding files.
 - b. If the Parish or Diocese are not permitted to discuss with the Person of Concern: Advice should be sought from the PSNI/Garda about how to manage risk in the interim.
4. Following the conclusion of step 3, the statutory authorities should be consulted about next steps. This may include a safeguarding agreement (**2.5A Template 1**) or similar document being made, which will include:
 - a. An outline of the Parish's/Diocese's expectations regarding the Person of Concern's behaviour. This should be explicit and proportionate to the risk presented. It should explain where and when the POC can attend and, if necessary, outline times and places which are forbidden for the Person of Concern to be on church property. This can include:
 - i. Which services the person may attend, including arrival and departure times
 - ii. Restrictions regarding use of facilities (e.g. toilets, kitchen areas, halls)
 - iii. Who will accompany them to the service or activity



- iv. A designated area of the church or property where the person may sit
 - v. What activities he/she may participate in
 - vi. What activities he/she is not permitted to attend; this may include any involvement with children's/young people's groups, social events or mixed-aged gatherings
 - vii. Prevention of undertaking any role in the Parish/Diocese which could be perceived as a position of trust or authority
 - viii. Any other restrictions on the person's behaviour within the church community which are considered appropriate.
- b. An overview of how and with whom the information in this agreement is shared to manage risk. Information should be strictly on a need-to-know basis, and a record should be kept of what information was shared, with whom and for what purpose, to ensure that a balance is struck between confidentiality and the duty to protect children. The Parish Panel or persons nominated by the Incumbent will:
- i. Monitor compliance with the safeguarding agreement
 - ii. Maintain appropriate oversight during attendance
 - iii. Act as the primary contacts for statutory agencies or the Diocesan Safeguarding Panel
 - iv. Record and report any concerns or breaches.
- c. An outline of when and how the agreement will be reviewed. The agreement should remain in place whilst the person continues to attend church services or activities. There should be annual reviews of the agreement or more frequently if required. Additionally, reviews should occur:
- i. prior to a vacancy in a parish,
 - ii. when a new Incumbent is appointed,
 - iii. immediately following any change in the legal status of the POC,
 - iv. following any breach of the agreement or new concern.
- d. An outline of what will happen if the agreement is breached. In these circumstances the statutory authorities must be informed without delay. Consultation should take place with the statutory authorities, the RCB Safeguarding Casework Team and Case Management Committee (CMC) about actions following a breach of the agreement. This may include:
- i. A redraft of the document following a reassessment of risk
 - ii. The person being asked not to attend the service or activity.
- e. The agreement should be signed by two representatives of the Parish/Diocese alongside the Person of Concern and any DRM or equivalent statutory representative if available and any other person who attends the meeting where the agreement is signed.
- f. If the Person of Concern wishes to attend a different parish, then a further agreement would be required for attendance at this Parish and would involve the sharing of information with the RCB Safeguarding Casework Team who will consult with the statutory authorities on sharing information with the relevant representatives of that Parish.



5. If a safeguarding agreement or similar document is in place, but the concerning behaviour continues, the Parish or Diocese should reassess any risks posed and consult with the RCB Safeguarding Casework Team who will liaise with the statutory authorities.

COMMUNICATION PLAN

In some cases rumours can create safeguarding risks and it can be difficult to manage concerns from parishioners.

If information becomes known within the Parish or Diocese, relevant advice should be sought (e.g. from a legal representative, CMC or the RCB Safeguarding Casework Team) before any communication is made. Any communication must:

- Avoid breaching confidentiality
- Avoid defamatory statements
- Reassure parishioners that safeguarding procedures are in place.

REPRESENTING THE CHURCH

Best safeguarding practice by the Church in respect of those convicted or cautioned for sexual offences against children, vulnerable adults, adults at risk or adults in need of protection requires that they must not hold representational roles as this can be perceived to convey a position of authority by other members of the Church.

An individual who has been the victim of a sexual offence may have to manage lifelong consequences arising from that harm and their needs should be prioritised. It is therefore regarded as inappropriate that if it is known that someone with a conviction for sexual offences against children, vulnerable adults, adults at risk or adults in need of protection would hold any role on a decision-making body in the parish, diocese or church leadership of any sort, even when that role does not involve contact with children, vulnerable adults, adults at risk or adults in need of protection.





2.5A TEMPLATE 1: EXAMPLE SAFEGUARDING AGREEMENT

This is an agreement between:

In the Diocese of:

And:

INTRODUCTION AND KEY CONDITIONS

1. The purpose of this Agreement is to enable [redacted] to participate in worship in church whilst ensuring the safety of children and adults at risk/vulnerable adults. Children are anyone under the age of 18 years. Adults at risk/vulnerable adults are defined in the Church of Ireland Adult Safeguarding Policies.
2. [redacted] can worship in [redacted] Church only if the following conditions are met. Worship means attending church services and Bible Study, discussion or faith development groups in church premises.
3. If [redacted] chooses not to keep the following conditions, he/she is choosing not to attend worship. In such circumstances the Incumbent will notify the RCB Safeguarding Team and/or other professionals involved with [redacted]

BEING IN THE CHURCH AND CONTACT WITH OTHER PEOPLE

4. [redacted] will not be allowed:
 - to be in a situation where he/she is alone with children or adults at risk/vulnerable adults
 - to enter rooms/shared areas, inside or outside church premises, where he/she could be alone with children or adults at risk/vulnerable adults.
5. [redacted] will not be allowed to take up any post, position of trust, responsibility, or leadership in the church. This is to ensure that adults and children within the church do not view him/her as having a position of trust or authority.

[redacted] will not be permitted to have any role in the parish which could be perceived as a position of trust or authority.



6. This includes any duty or responsibility on behalf of the church which gives lone access to church premises and contact with children or adults at risk/vulnerable adults. It also covers duties or activities off church premises for any organisation or individuals where [redacted] may be viewed as representing the church.
7. [redacted] will attend [redacted] service/activity and will sit in a designated area in the church; Parish Panel members or persons nominated by the Incumbent will discreetly monitor him/her and accompany him/her when he/she needs to use other facilities such as the toilets. He/she will not place himself/herself in the vicinity of children.
- However, should any child or adult at risk sit near [redacted] this will be closely monitored by the nominated person. It may draw unnecessary attention to [redacted]
- if he/she were to move seats in such circumstances.
8. For the duration of this Agreement, it is agreed that [redacted] will decline any invitation to visit parishioners' homes for the purposes of house groups or other church activities where there are children or adults at risk/vulnerable adults in that home.

SHARING INFORMATION WITH OTHERS

We are committed to protecting your personal information. By completing and signing this form you are confirming that you are consenting to the parish, diocese and RCB Casework Team holding and processing your personal data, for the purpose of contacting you by post, phone or electronically with regard to this agreement. If you have any questions about how we process your personal data contact the persons listed in Section 14 of this document.

9. It is accepted that there are a limited number of people within the Parish who will need to be informed confidentially of [redacted] circumstances. This group will be kept to a minimum and will be provided with only the appropriate amount of information required to ensure the safety of all in the church and support for [redacted]
10. It is agreed that contact will be made with the RCB Safeguarding Team, and statutory authorities such as Probation Service, as and when necessary, for example if [redacted] does not comply with the conditions of this Agreement, or his/her behaviour or information suggests that there may be an increased risk of harm to others.



DURATION AND REVIEWS OF THE AGREEMENT

11. There is no time limit for how long this Agreement will last. It will apply for as long as [] wishes to worship at [] Church.

12. There will be regular and formal reviews of this Agreement held with [] and church representatives, and including statutory authorities if appropriate.

13. If there are concerns about []'s compliance with this Agreement, a review meeting can be called at any time. The details of the next review are:

Time and Date: []

Place: []

SUPPORT AND PASTORAL CARE

14. For the duration of this Agreement, pastoral care will be provided by: []

Signed on behalf of the Parish by:

Signed: [] Date: []

Signed on behalf of the Parish by:

Signed: [] Date: []

Name of Person of Concern:

Signed: [] Date: []

Signed Designated Risk Manager:

Signed: [] Date: []

Other attendee:

Name and Role: [] Date: []



2.6A GUIDANCE ON INFORMATION SHARING

The effective protection of a child often depends on the willingness of people to share and exchange relevant information appropriately. It is critical that there is a clear understanding of the professional and legal responsibilities of church personnel with regard to data protection, confidentiality and the exchange of information.

WHAT IS MEANT BY INFORMATION SHARING?

All information regarding child safeguarding suspicions, concerns, knowledge or allegations which meet the threshold for reporting should be shared with the statutory authorities, in the interest of the child. The provision of information to the statutory authorities for the protection of a child is not a breach of confidentiality or data protection, and failure to share this information with the statutory authorities is potentially an offence in law. The importance of confidentiality should be accepted by all working in the Church of Ireland and should be discussed at induction and form part of training given to church personnel.

It is important that everyone is clear about their legal and ethical responsibilities relating to the sharing of information, in good faith with the statutory authorities. Civil law is clear that no undertakings regarding confidentiality can ever be given when child safeguarding suspicions, concerns, knowledge or allegations are made. Interagency cooperation is as important at all stages of child protection work, and information sharing with third parties outside statutory bodies is governed by the Data Protection Acts 2018 in both Northern Ireland and the Republic of Ireland.

SITUATIONS WHEN INFORMATION MUST BE SHARED

Sharing information with the statutory authorities – All child safeguarding suspicions, concerns, knowledge or allegations that meet the threshold for reporting must be passed to the statutory authorities in accordance with the reporting procedures outlined in **Guidance 2.1A**.

Sharing information with statutory authorities for child protection purposes, and in particular to assist investigation of potential offences, is permitted under the Data Protection Acts. Additionally, the Protection for Persons Reporting Child Abuse Act 1998 (ROI) affords protection from civil liability to such persons reporting child protection concerns to statutory authority agencies in good faith.

SITUATIONS WHEN INFORMATION CAN BE SHARED

As part of an investigation by the statutory authorities – During the course of an investigation, if PSNI/An Garda Síochána request information from a file, every effort should be made to cooperate. However, careful consideration should be given to sharing the following without consent:

- Legal advice obtained by the Bishop may be privileged and may not be shared without the consent of the Bishop;
- Assessment reports may require the permission of the author and the respondent.



Sharing information with statutory agencies attracts the protections cited above only insofar as it relates to child protection. Therefore, if the information goes beyond this area, it will not benefit from these exceptions. Case files are stored in the name of the respondent and may hold other information, for example information about third parties, or child safeguarding suspicions, concerns, knowledge or allegations relating to other complainants outside the subject of the statutory investigation.

SHARING INFORMATION WITH THE RCB

The RCB, as a data processor to parishes, dioceses and relevant Church organisations, is entitled to access certain data and records for the purposes of analysing all such data in terms of compliance with best child protection practice in the following ways:

- Notification of child safeguarding suspicion, concern, knowledge or allegation information – using the forms outlined in **Guidance 2.1A**, and as set out in the data processing agreement signed by the Diocese.
- Requests for advice from the RCB Safeguarding Casework Team requires the exchange of information with the RCB.
- Advice sought from the Case Management Committee requires information to be exchanged as determined by the Diocese but without identifying information as outlined in a data processing agreement signed by the Diocese.

SHARING INFORMATION BETWEEN DIFFERENT PARTS OF THE CHURCH

There may be occasions when sharing information relating to a child safeguarding suspicion, concern, knowledge or allegation against a member of the clergy between different parts of the Church is required. Permission to officiate can only be granted by a bishop and while not automatic, there may be occasions where it is appropriate that information is shared between dioceses so that the Bishop can determine whether or not to grant permission to officiate.

A member of the clergy ministering in another parish or diocese against whom a child safeguarding suspicion, concern, knowledge or allegation has been made may need to be suspended from ministry; in such circumstances information about the allegation may need to be shared between dioceses. As each of these situations is unique, the decision whether and what to share with another parish or diocese will be on a case-by-case basis.

In the first instance, if possible, consent should be sought from the data subject to share the information. If this consent is not forthcoming or is not possible to obtain, a decision should be taken about the legal basis for sharing the information. To assist, a privacy impact assessment should be conducted on each occasion where it is determined that information should be shared, by considering the following questions:

- Does the recipient have a lawful basis for receiving this information?
- What is the justification for sharing information?
- How will the information be shared?
- Is the sharing of the information necessary and proportionate for the purpose(s) for which it is being shared?



- What are the risks of harm to an identified or unidentified child if such information is not shared?
- What are the risks to the rights and freedoms of the respondent if the information is shared?
- Can permission be obtained from the respondent to share information?
- Should the respondent be informed that the information is being shared?
- Is the respondent in public lay or ordained ministry or have permission to officiate from a bishop?
- Should information about the complainant be redacted?

LEGISLATION, GUIDANCE AND CASE LAW

This approach is underpinned by the following:

LEGISLATION

Data Protection

The principles of the relevant data protection legislation should be taken into account when considering whether to share information with persons other than the civil authority agencies.

Republic of Ireland

- **Data Protection Acts 1988–2003 (ROI) and Regulation (EU) 2016/679 (General Data Protection Regulation)** – Sharing personal data is a form of ‘processing’ within the meaning of the data protection legislation. Article 6(1) of the GDPR states that processing shall be lawful only if and to the extent that at least one of the following lawful bases applies:
 - (a) the data subject has given consent to the processing of his or her personal data for one or more specified purposes;
 - (b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
 - (c) processing is necessary for compliance with a legal obligation to which the controller is subject;
 - (d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;
 - (e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
 - (f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.



The circumstances in which special categories of personal data (which include personal data revealing a person's religious or philosophical beliefs, data concerning health or data concerning a person's sex life) may be processed are more limited than those outlined above. Such circumstances include where the data subject has consented or where the processing is necessary for the establishment, exercise or defence of legal claims. Another circumstance is where processing is carried out by a not-for-profit body with a religious aim in the course of its legitimate activities, on condition that the processing relates solely to the body's members, former members or persons who have regular contact with the body, and the personal data is not disclosed outside the body without the consent of the data subjects.

Parishes, dioceses and other relevant Church organisations should determine whether there is a lawful basis, in line with GDPR and the Data Protection Act 2018, to disclose the information to a third party.

- **Children First Act 2015** – Section 17 of the Children First Act 2015 effectively prevents the disclosure of details of child sexual abuse against a member of a Church body to a third party. In circumstances where details of a child sexual abuse allegation have been made known to the relevant diocese or parish by Tusla, explicit permission of Tusla to share that information must be obtained.
- **Protection of Persons Reporting Abuse Act 1998** – This affords protection from civil liability to persons, who report allegations of child abuse in good faith to an 'appropriate person', namely the designated officer of Tusla or a member of An Garda Síochána, thereby exempting them from liability for defamation as a result of such reportage.

Northern Ireland

- **Data Protection Act 2018 (UK, including Northern Ireland)** – The Data Protection Act 2018 replaces the 1998 Data Protection Act (UK and Northern Ireland) and follows the same obligations as the Data Protection Act 2018 (ROI). The requirement to conduct a privacy impact assessment prior to sharing information with a third party (non-statutory) applies in Northern Ireland, using the same format as detailed above.
- **Safeguarding Board for Northern Ireland (SBNI): Information Sharing Agreement for Safeguarding Children (Draft) (June 2015)** – This agreement establishes clarity on procedures for the lawful, secure and effective exchange of relevant information between all partners, recognising that it is only when relevant information from a number of sources is put together that it becomes clear that a child is at risk, or is suffering significant harm, or is in need of support.



GUIDANCE

Republic of Ireland

In the Republic of Ireland the Children First Guidance references Information Sharing with a Third Party on page 47, but this relates to Tusla sharing information with third parties, usually family and relevant others. Chapter 3 refers to the responsibilities in relation to mandated assisting and the requirements on mandated persons to engage with Tusla's social work team to assist in the protection of a child. Tusla advise that a mandated assistor must not share information with a third party unless Tusla considers it appropriate and authorises in writing that the information may be shared.

Northern Ireland

There is statutory guidance on interagency cooperation in both jurisdictions on the island of Ireland. In Northern Ireland this is Co-operating to Safeguard Children and Young People in Northern Ireland. In the Republic of Ireland the relevant guidance is Children First: National Guidance for the Protection and Welfare of Children 2017. At Section 8.1 on Interagency Collaboration, the Northern Ireland guidance document states that: 'Effective safeguarding requires strong multiagency collaboration, underpinned by effective communication and information sharing. All professionals, volunteers and agencies involved in child safeguarding must have an understanding of each other's roles, duties, powers, responsibilities and values. They must work collaboratively on an interagency basis, and make best use of resources appropriately, in the best interests of children, young people and their families' (page 72).

