



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 is a member of the clergy and does not cooperate with the process or refuses to accept the outcome, then the Bishop may 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.