

## SAFEGUARDING COMMITTEE MAY 2018

### Proposed Deliverance

#### The General Assembly:

1. Receive the Report.
2. Pass the Safeguarding Act as set out in Appendix 1 to the Report.
3. Thank the Legal Questions Committee for their support in bringing the Safeguarding Act to the General Assembly 2018.
4. Thank all of those volunteers who give of their time to promote and embed good Safeguarding practices across the Church.

### Report

#### 1. INTRODUCTION

**1.1** The Church of Scotland plays a major role in the lives of many children and adults through worship and the provision of services and activities. There is a general expectation to care for all life and a duty to support those in society who most need care and protection. This means that the task of Safeguarding must be a key consideration for everyone to ensure that the Church is a safe environment for all. Safeguarding means taking measures to protect the health, wellbeing and human rights of individuals, especially children and adults at risk, which allows them to live their life free from abuse, harm and neglect. Harm or abuse can happen anywhere, including Church communities.

**1.2** Safeguarding can present a real challenge to all organisations including the Church. For example, media coverage of high profile cases can raise anxiety for staff and volunteers who might have little awareness of what Safeguarding means. New and changing legislation also makes additional demands. Against this backdrop it is necessary that the Church has adequate Safeguarding policies, procedures and processes in place and can evidence that they are being rigorously followed. Ideally they should sit within a range of other policies e.g. those covering compliance and disciplinary measures, financial management and effective governance and quality assurance.

**1.3** Good Safeguarding practice has been an active part of the Church of Scotland for the past twenty years. The Safeguarding Committee and the Safeguarding Service has ensured that policies and procedures are in place to prevent and respond to reports of harm, abuse and neglect. However, there is a need to take stock both to identify what is working well and to take action in areas which need improvement. To this end, the Review of the Safeguarding arrangements within the Church is intended to provide reassurance that the arrangements in place are fit for purpose. It is anticipated that the Review will be completed by May 2018 and that a verbal interim report of the findings will be shared with the General Assembly of 2018.

**1.4** Each year the Safeguarding Committee reports to the General Assembly on a number of deliverances that set the

agenda and direction for the forthcoming year, and if necessary, seek to change or establish new Church law. In 2017, the Safeguarding Committee in consultation with the Legal Questions Committee, identified the need for a new Safeguarding Act. It proposed that all relevant deliverances of the General Assembly would be collated and incorporated into a Safeguarding Act in order to clarify what is required of Congregations, Councils and others to ensure that Safeguarding standards are achieved, monitored and reviewed. The new Safeguarding Act is attached as Appendix 1 of this report. The Safeguarding Service has drafted guidance to sit alongside the Act which will become available on the public website in due course.

**1.5** The Safeguarding Service adheres to a model of Public Protection which reflects good practice in the public sector. The model covers the areas of Child Protection, Adult Protection, Domestic Violence and Offender Management. The Safeguarding Service has produced a suite of practice handbooks which are available to view or download from the Church of Scotland website.

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## **2. RESPONDING TO HARM OR ABUSE AND OTHER ENQUIRIES**

**2.1** When someone contacts the Service with a concern about harm or abuse this contact is called a 'referral'. A member of staff from the Service will provide written and verbal advice to the caller. Recent referrals indicate a small shift from child concerns to adult concerns. There are a number of different reasons for the referrals including but not limited to, self-harm, issues relating to social media/internet, mental health issues, financial abuse, assault, domestic abuse and offending behaviour.

**2.2** Other enquiries are made into the Safeguarding Service on a day to day basis. These enquiries generally tend to be about the Protection of Vulnerable Groups Scheme and Safe Recruitment practices, but also include general advice and guidance about making environments, activities etc. safe for children and adults.

**2.3** In 2017 the United Reformed Church in Scotland entered into a Service Level Agreement with the Church of Scotland's Safeguarding Service. The Safeguarding Service will provide advice, guidance and assistance to the URC in all Safeguarding matters and also provide training as appropriate.

**2.4** The Service continues to work closely with the Girls and Boys Brigade.

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## **3. SAFE RECRUITMENT AND THE PVG SCHEME**

**3.1** The Church of Scotland is committed to the protection of Vulnerable Groups and recognises that Safe Recruitment of staff and volunteers is of paramount importance in protecting children and adults at risk of harm. In the first instance, employers are responsible for identifying those staff that are going to be carrying out regulated work and for ensuring that the appropriate applications are made to the Safeguarding Service. The Church processes the largest number of PVG applications in the Voluntary Sector. In 2017, the Safeguarding Service processed 3,140 new applications to the scheme.

**3.2** The Recruitment Sub Committee (RSC) is a subgroup of the Safeguarding Committee. It is responsible for ensuring that everyone who works with children or Vulnerable Groups is an appropriate person to represent the Church. On occasion this may necessitate a risk assessment and decision making in respect to the available information before it.

**3.3** The Scottish Government is currently undertaking a review of the PVG Scheme. The purpose of the review is to examine the delivery of Public Protection in the context of state disclosure of conviction and non-conviction information. The Safeguarding Service Manager is currently a member of the Scottish Government Stakeholder Advisory Group and the Church of Scotland and other Scottish Churches representatives have been involved in ongoing consultation with Disclosure Scotland.

Further information about the review can be found at the link below.

<http://www.gov.scot/Publications/2017/02/7244/1>

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## **4. MANAGING THOSE WHO POSE A RISK**

**4.1** Managing those who pose a risk of harm and who seek to have a relationship with the Church remains an ongoing challenge. The Safeguarding Committee has appointed a reference group to ensure those procedures for keeping the Church, its congregations, and those who are managed under Covenants of Responsibilities, are safe and are in keeping with good practice.

**4.2** The group support the need to include individuals on a Covenant of Responsibilities for whom the Police, Social Work, NHS Staff and or Prison Service have identified as posing a risk of harm to the public. This step is in line with the extension to the Multi-Agency Public Protection Arrangements (MAPPA).

## **5. CHILD AND ADULT PROTECTION TRAINING**

**5.1** Safeguarding training is the key to increasing knowledge and preventing harm and abuse. At the present time the Church has **93** Safeguarding Trainers and Safeguarding Trainers in Training. These volunteers provide training in Presbyteries.

**5.2** Safeguarding Roadshows assist in the ongoing dissemination of information about the Safeguarding task. The Service has a number of roadshows planned for 2018. In the first instance the Roadshows will seek to support those Presbyteries with few or no trainers.

**5.3** Efforts are ongoing to work in partnership with Presbyteries to ensure they are able to recruit volunteer Safeguarding Trainers. If Presbyteries have difficulty in accessing training at any point, the Safeguarding Service can assist in resolving some of these issues.

**5.4** Every year new Safeguarding challenges emerge. In 2017 the Safeguarding Training programme for Co-ordinators and Kirk Sessions was updated to reflect these developments. In addition, volunteer refresher training and a Safeguarding Co-ordinator Refresher Training was developed for use by Trainers when and if there's a demand in their Presbyteries.

**5.5** In November 2017, all volunteer Safeguarding Trainers were provided with a USB key containing updated training material. This initiative is to ensure that all Presbyteries are working with consistent messages and material around the Safeguarding agenda.

**5.6** On 18 November 2017, the National Safeguarding Trainers Conference took place. The subjects of gender based violence, and domestic abuse were explored with input from Dr Lesley Orr, University of Edinburgh and Dr Marsha Scott, Scottish Women's Aid.

Lorin LaFave, Founder of the Breck Foundation, shared her personal story of the grooming and murder of her son by an

online predator. Breck's story highlighted the challenge's facing many parents, children and young people in keeping safe on the internet.

**5.7** The Safeguarding Service continues to deliver annual courses for Candidates/Admissions to Ordained Ministry and Readers and is working in partnership with Ministries Council in relation to the ongoing provision of safeguarding training for ministers.

**5.8** The Service provides Child and Adult Protection Training to CrossReach staff on an ongoing basis and, if necessary, provides bespoke training packages to meet the needs of the staff. In addition the Safeguarding Service and CrossReach have worked together to develop a Safeguarding e-learning course which staff can now access.

## **6. NAMED PERSON UPDATE**

**6.1** The Children and Young People (Information Sharing) (Scotland) Bill and accompanying documents were published by the Scottish Government on Tuesday 20 June 2017. The Bill and documents can be accessed at the following link

**<http://www.gov.scot/Topics/People/Young-People/gettingitright/information-sharing/cyp-information-sharing-bill-2017>**

**6.2** The Bill introduces a duty on Public and other Services to consider if the sharing of information will promote, support or safeguard the wellbeing of a child or young person. It will also ensure that the sharing is compatible with current law.

**6.3** The Bill makes changes to the information sharing provisions in the Children Young People (Scotland) Act 2014 in response to the Supreme Court's finding and intensive engagement with stakeholders which took place in 2016. The aim of the Bill is to bring consistency, clarity and coherence to the practice of sharing information about children's and young people's wellbeing across Scotland. It ensures that the rights of children, young people and parents are respected when information is shared about them.

**6.4** It is anticipated that revised guidance and a code of practice on information sharing will be available to allow the commencement of the Bill in 2018.

## 7. CONCLUSION

The Safeguarding Committee reiterates its thanks to all volunteers and professionals involved in Safeguarding practice across the Church. The Committee would also like to thank the General Assembly for its ongoing support over what can only be described as a prolonged and unprecedented period of change in the field of child and adult protection and wellbeing.

*In the name of the Committee*

KAREN K CAMPBELL, *Convener*  
CAROLINE DEERIN, *Vice Convener*  
JULIE MAIN, *Safeguarding Service Manager*

### Appendix 1

#### [ ] SAFEGUARDING ACT (ACT [ ] 2018)

*Edinburgh, [ ] May 2018, Session [ ]*

The General Assembly enact and ordain as follows:

#### Definitions

1. In this Act, the following words shall have the following meanings:
  - (1) "Applicant" means any person applying to undertake or carry out Regulated Work, whether in a paid or voluntary position.
  - (2) "Charge" means a sphere of pastoral duty to which a Parish Minister is (i) inducted, or (ii) introduced under the arrangements set out in the Ministerial Staffing in the Presbytery of Shetland Regulations (Regs VI 2007).
  - (3) "Children" means persons under the age of 18 years.
  - (4) "Consideration for Listing" means the process at Disclosure Scotland whereby a person is being considered for listing as unsuitable for carrying out Regulated Work with Vulnerable Groups.
  - (5) "Covenant of Responsibilities" means a covenant entered into between a Subject and a Safeguarding Panel on behalf of a Kirk Session(s) in the form prescribed from time to time by the Safeguarding Service.
  - (6) "Data Protection Policy" means the Data Protection Policy of the Church of Scotland Central Services Committee as that policy exists from time to time.
  - (7) "Data Retention Policy" means the Data Retention Policy of the Church of Scotland Central Services Committee as that policy exists from time to time.
  - (8) "Decision to list" means a decision by Disclosure Scotland to place a person on any of the lists of persons barred from carrying out Regulated Work with Vulnerable Groups.
  - (9) "Disclosure Scotland" means the Scottish Government executive agency which manages and delivers the PVG Scheme.
  - (10) "Employing Agencies" means for the purposes of this Act, courts of the Church and Councils and Committees of the General Assembly, and any other bodies so designated by the General Assembly.
  - (11) "Guidance" means the Guidance published by the Safeguarding Service from time to time.
  - (12) "Listed" means that a person has been placed on any of the lists of persons barred from carrying out Regulated Work with Vulnerable Groups, noting that a person may be barred from working with Children, or with Protected Adults, or from working with both Children and Protected Adults.
  - (13) "Parish Minister" means a Minister of Word and Sacrament (i) inducted by a Presbytery to a Charge or (ii) introduced to a Charge under the arrangements set out in the Ministerial Staffing in the Presbytery of Shetland Regulations (Regs VI 2007).

- (14) "Protected Adults" means a person over 16 years of age, who because they receive a certain type of service, become protected. These services are likely to be provided for people affected by physical or mental illness and/or disability, who have particular needs over and above those of the general population.
- (15) "PVG Act" means the Protection of Vulnerable Groups (Scotland) Act 2007 or any subsequent modification, amendment or re-enactment thereof.
- (16) "PVG Scheme Record" means the record that a person receives when they join the PVG Scheme.
- (17) "PVG Scheme Record Update" means an update from Disclosure Scotland of information contained in a PVG Record.
- (18) "PVG Scheme" means the scheme legislated for by the PVG Act which is intended to ensure that people whose behaviour makes them unsuitable to work with Vulnerable Groups cannot undertake Regulated Work.
- (19) "Recruitment Sub-Committee" means a sub-committee of the Safeguarding Committee which meets to consider information contained in a Self Declaration Form, and/or in a PVG Scheme Record and/or to consider any notifications from Disclosure Scotland and/or any other matters related thereto.
- (20) "Registered Sex Offender" means a person who is required to register with the Police in terms of the Sexual Offences Act 2003 or any subsequent modification, amendment or re-enactment thereof.
- (21) "Regulated Work" has the meaning given to it in the PVG Act and can be found set out in full in a Schedule to the Guidance.
- (22) "Responsible Authorities" means the Police, Local Authorities, Health Boards, Special Health Boards and the Scottish Prison Service.
- (23) "Safeguarding" includes but is not limited to (1) taking measures to protect the health, wellbeing and human rights of individuals, especially Vulnerable Groups, which allow them to live their life free from harm, abuse or neglect and (2) responding appropriately to Safeguarding Concerns.
- (24) "Safeguarding Committee" means the committee (or any successor body) appointed by the General Assembly to deal with Safeguarding matters in the Church.
- (25) "Safeguarding Concerns" means concerns about, or allegations of, harm, abuse or neglect.
- (26) "Safeguarding Coordinator" means a person appointed by the Kirk Session(s) to have responsibility for Safeguarding within a Charge.
- (27) "Safeguarding Panel" means a panel of at least three persons appointed by the Kirk Session(s) as responsible for Safeguarding in a Charge, and will always include the Safeguarding Coordinator; from time to time additional persons may be co-opted onto a Safeguarding Panel.
- (28) "Safeguarding Service" means the Church's department providing advice, support and action to Safeguarding Coordinators, Kirk Sessions, Presbyteries and others on Safeguarding matters.
- (29) "Self Declaration Form" means the form<sup>[1]</sup> in such terms as may be prescribed by the Safeguarding Service from time to time, which form is to be completed by an Applicant for the following purposes: providing information to the Safeguarding Service, stating information which might appear on the Applicant's PVG Scheme Record and undertaking to inform the Safeguarding Service of certain matters.
- (30) "Subject" means
- (i) Any person who has been convicted of any offence within the Sexual Offences (Scotland) Act 2009 or associated

- legislation (or any modification, replacement or re-enactment thereof); and/or
- (ii) Any person who has been convicted of any other sexual offence;
  - (iii) Any person who admits to having committed a sexual offence; and/or
  - (iv) Any person who is currently or who has at any time been a Registered Sex Offender; and/or
  - (v) Any person in respect of whom the Safeguarding Service receives a notification from any of the Responsible Authorities that such person poses a risk of harm.
- (31) “Vulnerable Groups” means Children and/or Protected Adults.
- (32) “Worker” means any person undertaking Regulated Work, whether in a paid or voluntary position.

### Interpretation

2. (1) Whenever “Vulnerable Groups” are referred to in this Act, that may be a reference to either Children or Protected Adults, or to Children and Protected Adults.
- (2) The footnotes in this Act are for information only and do not form part of this Act.
- (3) The Safeguarding Service shall be entitled to amend any form referred to in this Act as it deems appropriate from time to time.

### Safe Recruitment – Kirk Session(s)

3. (1) Subject to subsection (6) below, the Kirk Session(s) shall ensure that all Workers within the Charge are members of the PVG Scheme, prior to taking up their post.
- (2) Subject to subsection (6) below, whenever a person is being recruited and will be undertaking Regulated Work, that person must make application to become a member of the PVG

Scheme. If the person is already a member of the PVG Scheme, an Existing PVG Scheme Member Application must be completed and submitted. No person may be employed or appointed to undertake or to carry out Regulated Work unless that person is a member of the PVG Scheme through the Church of Scotland.

- (3) The Kirk Session(s) shall appoint a Safeguarding Coordinator. The Safeguarding Coordinator shall have the task of ensuring that all PVG applications required for that Charge are completed accurately and submitted to the Safeguarding Service for processing. The Safeguarding Coordinator shall monitor the return of the applications and their outcome.
- (4) Subject to subsection (6) below, if any application results in notification that a person is barred from becoming a member of the PVG Scheme, ie is Listed, that person must not be employed or appointed to undertake or to carry out Regulated Work. It is an offence under the PVG Act to employ or appoint a person who is Listed to undertake or to carry out Regulated Work.
- (5) In arranging recruitment, the Kirk Session(s) must comply with the Guidance.
- (6) In addition, in the case of a person who is domiciled outwith the UK, such further information must be provided and such further checks must be undertaken, both as the Safeguarding Service may require, before that person may be employed or appointed to undertake or to carry out Regulated Work.

### Safe Recruitment – Presbyteries and other Employing Agencies

4. (1) Subject to subsection (5) below, Presbyteries and other Employing Agencies shall ensure that all Workers are members of the PVG Scheme, prior to taking up their post.
- (2) Subject to subsection (5) below, whenever a person is being recruited and will be undertaking Regulated Work, that person must make

application to become a member of the PVG Scheme. If the person is already a member of the PVG Scheme, an Existing PVG Scheme Member Application must be completed and submitted. No person may be employed or appointed to undertake or to carry out Regulated Work unless that person is a member of the PVG Scheme through The Church of Scotland.

- (3) Subject to subsection (5) below, if any application results in notification that a person is barred from becoming a member of the PVG Scheme, ie is Listed, that person must not be employed or appointed to undertake or to carry out Regulated Work. It is an offence under the PVG Act to employ or appoint a person who is Listed to undertake or to carry out Regulated Work.
- (4) In arranging recruitment, Presbyteries and other Employing Agencies must comply with the Guidance.
- (5) In addition, in the case of a person who is domiciled outwith the UK, such further information must be provided and such further checks must be undertaken, both as the Safeguarding Service may require, before that person may be employed or appointed to undertake or to carry out Regulated Work.

### Recruitment Sub-Committee

5. (1) At its meetings, the Recruitment Sub-Committee shall deal with the risk assessment of the following:
  - (i) Any vetting information which has been provided to the Safeguarding Service by Disclosure Scotland.
  - (ii) Any notification received by the Safeguarding Service from Disclosure Scotland, including a notification that a person is under Consideration for Listing.
  - (iii) Self Declaration Forms, references, matters of reputational risk and any other pertinent information.

- (2) The Recruitment Sub-Committee may decide (one or more of the following):
  - (a) *In relation to safe recruitment:*
    - (i) To recommend that a person is suitable for Regulated Work (which recommendation may or may not be made subject to conditions).
    - (ii) To recommend that a person is not suitable for Regulated Work.
  - (b) *In relation to a notification from Disclosure Scotland:*
    - (i) To take no action.
    - (ii) To impose a precautionary administrative suspension, to be reviewed by the Sub-Committee on a three monthly rolling basis.
    - (iii) To take no immediate action but to reconsider the matter at a further meeting on a date within the next three months.
    - (iv) To recommend that a person is not suitable for Regulated Work.
- (3) Decisions of the Recruitment Sub-Committee shall be notified to the person involved and to the relevant Safeguarding Coordinator. Notification shall include a statement of the reasons for the decision.
- (4) Subject always to any appeal in terms of section 6 below, where the Recruitment Sub-Committee makes a decision in terms of section 5(2)(a)(ii) or 5(2)(b)(iv), no Employing Agency shall employ or appoint that person to undertake or to carry out Regulated Work.

### Appeals from decisions of the Recruitment Sub-Committee

6. (1) A person in respect of whom a decision has been made in terms of section 5(2)(a)(ii) or 5(2)(b)(iv) as to suitability for Regulated Work has the right

to appeal that decision. A person may also appeal against the terms of any conditions applied by the Recruitment Sub-Committee in terms of section 5(2)(a)(i) as to a person's suitability for Regulated Work. Such a person is referred to in section 7 as "the Appellant".

- (2) An appeal can be brought only on one or more of the following grounds:
  - (a) that there were irregularities in the process whereby the Recruitment Sub-Committee reached its decision
  - (b) that the final decision of the Recruitment Sub-Committee was influenced by incorrect material fact (subject however to the exception noted below in regard to the contents or accuracy of the PVG Scheme Record), or
  - (c) that the Recruitment Sub-Committee in reaching its decision acted contrary to the principles of natural justice.
- (3) Any disagreement as to the contents or accuracy of the PVG Scheme Record information itself cannot be the subject of an appeal under this procedure and will require to be taken up by the person direct with Disclosure Scotland through the procedures established by that body.

### **Process for Appeal**

7. The appeal shall proceed as follows:

- (1) The intention to appeal must be intimated to the Principal Clerk by the Appellant within fourteen days of the date of issue of the relevant decision.
- (2) Within a further twenty eight days after the date upon which the intention to appeal was intimated in terms of section 7(1), the Appellant shall lodge with the Principal Clerk a note setting out in writing in brief numbered propositions, the grounds referred to in section 6(2) above upon which he or she is appealing ("the Grounds of Appeal").

- (3) Upon receipt of the Appellant's Grounds of Appeal, the Principal Clerk shall require that within twenty eight days, the Recruitment Sub-Committee lodge a note responding to the Grounds of Appeal.
- (4) The appeal will be determined by an Appeal Group comprising three persons selected by the Principal Clerk from the Safeguarding Appeal Panel. The Safeguarding Appeal Panel shall be a Panel of six persons appointed by the General Assembly, being persons with Safeguarding and other relevant experience, and shall include at least two persons who shall be qualified to practise as lawyers or who are experienced in the law and practice of the Church, and at least two ministers. Having due regard to the need to ensure independent scrutiny of any appeal, none of the Panel shall be current or former employees of any of the Employing Agencies nor shall they be current members of the Safeguarding Committee.
- (5) The Appeal Group will be chaired by a person who is either qualified to practise as a lawyer or who is experienced in the law and practice of the Church. The Appeal Group shall include at least one minister. The Appeal Group will be clerked by the Principal Clerk or the Depute Clerk.
- (6) The Appeal Group shall be entitled to require both the Appellant and the Recruitment Sub-Committee to provide further information and may determine the appeal either on the basis of written submissions only and/or by holding a hearing. If a hearing is held, procedure shall be in accordance with the Standing Orders of the General Assembly so far as applicable and consistent with this Act.
- (7) The Appellant will be notified of the Appeal Group's decision in writing within six weeks of the written submissions being received by the Principal Clerk or of the hearing date, whichever is later.



- (8) The Appeal Group will also notify the Safeguarding Service and the Recruitment Sub-Committee of its decision. The Safeguarding Service will take any necessary action, in accordance with the Appeal Group's decision.
- (9) The decision of the Appeal Group will be final.

### **Training**

8. (1) Each Presbytery shall provide appropriate training on Safeguarding matters to Kirk Sessions, Safeguarding Coordinators and Workers, with updates when appropriate.
- (2) Kirk Sessions will maintain records of all training undertaken by Kirk Sessions, Safeguarding Coordinators and Workers and will disclose these records at any time upon request by the Safeguarding Service or the Presbytery.
- (3) All Kirk Sessions, Safeguarding Coordinators and Workers must undertake such training as is prescribed by the Safeguarding Service from time to time.

### **Record retention**

9. (1) The Safeguarding Panel will maintain records of Workers within the Charge who are PVG Scheme members in the form of the Safeguarding Congregational Register<sup>[2]</sup>.
- (2) All hard copy records of the Safeguarding Panel shall be kept confidentially in a secure place.
- (3) In accordance with the Data Protection Policy and the Data Retention Policy, the Safeguarding Service will retain originals of the Self Declaration Forms which are signed by all Applicants either (1) to join the PVG Scheme or (2) for an Existing PVG Scheme Member Application. Documents shall be destroyed only in accordance with the Data Retention Policy.

### **Presbyteries' Responsibilities of Superintendence**

10. Presbyteries shall confirm that Kirk Sessions are complying with their obligations under this Act: (1) during Annual Inspections of Records, and (2) as part of Local Church Review, and shall report to the Safeguarding Service in such form as the Safeguarding Service may prescribe from time to time.

### **Audit**

11. Kirk Sessions and Presbyteries shall review and minute on an annual basis their compliance with Safeguarding policies and procedures using the Safeguarding Audit Checklist for Kirk Sessions and Presbyteries<sup>[3]</sup>.

### **Annual Inspection of Records**

12. Kirk Sessions shall submit the Safeguarding Congregational Register<sup>[4]</sup> and the Safeguarding Audit Checklist for Kirk Sessions and Presbyteries<sup>[5]</sup> annually to Presbytery as part of the Annual Inspection of Records.

### **Obligations on individuals**

13. (1) All PVG Scheme members shall advise Disclosure Scotland and the Safeguarding Service promptly of any changes to their personal details.
- (2) All PVG Scheme members shall advise Disclosure Scotland and the Safeguarding Service promptly if they cease doing Regulated Work for the Church of Scotland.
- (3) All PVG Scheme members must advise the Safeguarding Service promptly of (i) any act, default or omission, or (ii) any circumstances arising, which might affect whether they can undertake Regulated Work.
- (4) All persons who sign Self Declaration Forms must adhere to the undertakings given therein.

### **Workers – Safeguarding Concerns**

14. (1) Every Charge must have a Safeguarding Panel.
- (2) If any Safeguarding Concerns arise regarding Workers, such Safeguarding Concerns shall be reported without delay by the Safeguarding Coordinator to the Safeguarding Panel and to the Safeguarding Service. The Safeguarding Service shall where appropriate report the matter to Disclosure Scotland.
- (3) Nothing in this Act shall detract from the general responsibility of all persons promptly to report any Safeguarding Concerns to the Safeguarding Service.

### **Safeguarding in the Presbyteries of England, International Charges and Jerusalem**

15. Kirk Sessions in the Presbyteries of England, International Charges and Jerusalem will follow the recommendations and advice of the Safeguarding Service.

### **Other services provided by Safeguarding Service**

16. The Safeguarding Service may from time to time with the approval of the Council of Assembly enter into arrangements with other churches, agencies and groups as to the provision of Safeguarding services to them.

### **Management of Subjects (Covenants of Responsibilities)**

17. (1) Whenever a Subject wishes to be involved in the life of a congregation, then the following shall apply:
  - (i) the Safeguarding Coordinator shall inform the Safeguarding Service (in turn, the Safeguarding Service shall inform the Safeguarding Coordinator if such information comes to its notice);
  - (ii) a Covenant of Responsibilities shall be entered into by the Safeguarding Panel on

behalf of the relevant Kirk Session(s) with the Subject.

- (2) If the Subject refuses to sign a Covenant of Responsibilities, then the Subject shall not be entitled to be involved in the life of the congregation.
- (3) The terms of the Covenant of Responsibilities shall be determined by the Safeguarding Service in consultation with the Safeguarding Panel of the relevant Kirk Session(s) and, where appropriate, the Responsible Authorities, in accordance with the Safeguarding Service's procedures from time to time. The Subject shall have no input into the drafting of the Covenant of Responsibilities, which shall not be negotiable by the Subject. The Covenant shall provide for its regular review and this shall be implemented according to the procedures from time to time of the Safeguarding Service.
- (4) A Covenant of Responsibilities is specific to a congregation and is not transferable to a different congregation. Should the Subject wish to be involved in the life of another congregation then a new Covenant of Responsibilities shall require to be entered into and the preceding provisions of this section 17 shall apply. In addition the terms of the Covenant to be entered into in respect of the new congregation may be determined in consultation with the Safeguarding Coordinator of the former congregation.

### **Consequential amendments**

18. (1) This Act shall be added to the list of Acts in the Schedule to the Alternative Dispute Resolution Processes Act (Act VI 2014), as being an Act in respect of which ADR shall not be used.
- (2) The Protection of Vulnerable Groups Act (Act VII 2011) as amended shall be repealed.

### **Act to prevail**

19. From its date of passing, the terms of this Act shall prevail where those are inconsistent with any previous deliverances of the General Assembly.

## References

- [1] Currently Form SG3
- [2] Currently Form SG7
- [3] Currently Form SG11
- [4] Currently Form SG7
- [5] Currently Form SG11