

PROPOSED DELIVERANCE

The General Assembly: (2013)

1. Receive the report.
2. Commend to the whole Church the update report on *Managing the Safe Inclusion of Those Who Pose a Risk*. (See Appendix 1).
3. Endorse the extension of Covenants of Responsibilities to include those who pose a risk to adults. (Section 5 and Appendix 1).
4. Support the development of a proportionate approach to the long-term management of Covenants of Responsibilities. (Section 5 and Appendix 1).
5. Remind Presbyteries of their duty of care to Safeguarding Panel members. (Section 5 and Appendix 1).
6. Instruct the Safeguarding Committee to consult with Presbyteries about their future support for Safeguarding Panels and report to General Assembly in 2014. (Section 5 and Appendix 1).

APPENDIX 1

Safeguarding Committee Update Report: *'Managing the Safe Inclusion of Those Who Pose a Risk'*.

BACKGROUND

In 2009 the Joint Report, "For of such is the Kingdom of Heaven", advocated that the Church should be, and is, a safe place for everyone. The report was primarily an explanation of the principles of the primacy of the survivor of sexual abuse as well as those who are vulnerable to current or the potential of future abuse. A significant part of this report was reserved for the important theological concept of forgiveness and the practical way in which the Church of Scotland incorporates sex offenders into congregations.

The General Assembly affirmed this significant step in expressing the safeguarding responsibility which all members of the Church are challenged to engage with as part of their discipleship journey. Everyone has the right to live safely, but also to ensure that everyone else is safe as well. Safeguarding the most vulnerable in our Church must continue to be of primary importance as we uphold the Gospel imperative of taking care of the most vulnerable people in our midst.

Throughout the 121st Psalm there is the theological concept of The Lord being the "keeper". This Hebrew word *shomer* (שומר) is a biblical word for "safeguarding" and as such, this protection is part of God's blessing on us. We also are called to bless people in the same way and ensure that God's blessing is with all people.

The Safeguarding Committee Sub Group was set up to review the progress of the policy adopted in 2009 and to suggest any required developments to practice that may be *necessary*. It concentrated on the issue of proportionality; primarily from a theological stance, but also in the practical way in which the Church engages with protecting vulnerable people and works alongside the statutory authorities in managing sexual offenders in the community.

NEW DEVELOPMENTS

In conjunction with further developments in society over the last 4 years the Church has gained experience in managing sexual offenders. The principles with which we have worked with for many years have been tested and refined. The contribution the Safeguarding Service makes towards protecting the public in our communities, can include contributing to formal Multi Agency Public Protection Arrangements (MAPPA). The Safeguarding Service may be party to the decisions which affect a society, when a sex offender is reintegrated into a Church community. Consequently there is an increased awareness of the offenders who are in our midst and who wish to continue or begin their discipleship within a parish church.

The Safeguarding Committee is mindful that in the community managing sex offenders affords a level of protection to all groups in society. It is important to acknowledge that the issue of sexual abuse is not only an issue that affects children and young women. As these community arrangements are developing, it is imperative that the Church works in parallel, and partnership, with the criminal justice authorities to ensure a consistent and proportionate approach.

The Safeguarding Committee is mindful that, in the community, the management of sex offenders affords a level of protection to all groups in society.

This has focused our minds as we have undertaken our discussions about how best to proceed with this important area of work. The Church has been assured by Criminal Justice professionals that if someone presents a risk to adults, we would be advised to ensure that this individual also participated in a Covenant of Responsibilities (*Covenant*) where there is a risk in the Church environment which requires formal management.

The Safeguarding Committee is fully participating with these organic developments to ensure that the Safeguarding Service is up to date in its professional practice as the General Assembly would expect. There are questions and challenges which arise regularly and it is important to keep the principals of forgiveness and proportionality at the heart of such

practice. One of the purposes of this report is to ask the Church to affirm the developments and the proposals which the Safeguarding Committee need to make to encourage the Church to be a safe place for all people.

What is now evident is that we are in a far less clear and easy to define position than we were 4 years ago. As we develop confidence and competence in this area of work we would want to affirm that there are more subtleties to contend with than was first imagined, including Human Rights Legislation in relation to the scope, the permanency and the length of Covenants. The report will consider the following issues:

- In the development of our thinking what are the important theological imperatives which we must hold at the heart of our practice?
- What response should the Church make in managing those who pose a risk to vulnerable adults?
- Is it right, or practical, that someone should continue to participate in a Covenant for the rest of their life?
- If so, what is a proportionate response to the issue of Covenants?
- What support should there be for Safeguarding Panel members who primarily support the person who is engaging with a Covenant?
- What involvement should the Presbytery now have in relation to the management of sexual offenders in congregation and the support of Safeguarding Panels within congregations?

WORKING WITH THOSE WHO HAVE OFFENDED AGAINST ADULTS

The Sub Group would wish to affirm the existing theological work which has already been completed in relation to the safeguarding of children and extend this protection to adults. God calls us to imagine and create a community which is safe for young and old to live safely, especially in the light of the painful experiences which have taught us the imperative of safeguarding the vulnerable people in our society against predatory people who would seek them harm.

Zechariah 8, verses 4-6 also has an important message for the Christian community.

“Once again shall old men and old women sit in the streets of Jerusalem, each leaning on a stick because of their great age; and the streets of the city shall be full of boys and girls, playing in the streets... even if it may seem impossible to the survivors of this nation on that day, will it also seem impossible to me?”

The Bible requires us to ensure that the Church cares for everyone who is vulnerable to abuse, no matter what age they are. The Church must seek to ensure that all people, no matter what their ages, will be cared for by appropriate people within its fellowship. This is a natural extension of our commitment which places children at the heart of our concern about the protection of the vulnerable. Adults who are vulnerable, for whatever reason, must be given the opportunity of being part of a Christian community, where they have the assurance of the love of God which demands that we protect them to the best of our ability.

The Safeguarding Service is now regularly working with the Criminal Justice Authorities to ensure that those who have been convicted of sexual offending are not allowed to be in situations in our churches where they might abuse vulnerable people.

The Sub Group is proposing that if a Criminal Justice Professional refers an offender to us who wishes to attend church, who has committed sexual offences against an adult and where it is agreed that there is a need for formal management in terms of that offender attending Church, adults should be protected in the same way as children. This would mean that this sexual offender would be required to participate in a Covenant to ensure that those who are vulnerable, and this includes the offender themselves, are protected as far as The Church is able.

The Sub Group affirms that it is imperative that those who are also a significant risk to adults must participate in a Covenant.

PROPORTIONALITY

The Safeguarding function in the Church has always sought to be fair, just and compassionate, while putting the most vulnerable at the heart of our thinking, to ensure that those who pose a risk will be required to consider and practice the constraints which their choices and actions have imposed on them.

In Christ, we are assured that in His person and work, the rules of faith are not only affirmed, but completed, in loving God and neighbour, and we value the saving grace of Christ, while seeing and valuing the image of Christ within each of his creations.

There are some sex offenders whose offending was a significant time ago and they have shown no indication that they are at risk of reoffending. There are also some sex offenders whose offence was regarded as low risk to begin with, and have shown no sign of reoffending. Our faith, and current legislation, requires a proportionate response in relation to these sex offenders, who have complied with the Covenant for a longer period of time and have co-operated willingly with the Safeguarding Panel and Safeguarding Service, thus displaying a commitment to explore their Christian faith.

In the letter to the Galatians, the Church was trying to find a way to address itself to being a community under grace, living out the Gospel and finding a way to exercise discipline. Galatians says that:

“Brothers and sisters, if a person is discovered in some sin, you who are spiritual restore such a person in a spirit of gentleness. Pay close attention to yourselves, so that you are not tempted too. Carry one another’s burdens, and in this way you will fulfill the law of Christ.”
Galatians 6:1-2

Like the Galatians, the discipleship journey of someone who is participating with a Covenant ensures that the whole Church lives the life of a community under grace. It is in the painful area of balancing risk with human dignity that we now find ourselves and, therefore, we must address ourselves to facing a future which might not be painless but functional and more proportionate.

COVENANT OF RESPONSIBILITIES

In a very real sense, everyone who enters a church building to worship has agreed to a Covenant – albeit an ‘unwritten’ Covenant. In other words, there are certain Christ-like standards of behaviour which are expected of everyone who participates in the faith community. Such behaviour includes treating others with love, dignity and respect. Those with a history of sexual offending have clearly stepped over a line which shows that they are unable, at that point, to respect and accept these important Gospel imperatives of love and care. Hence, the need for a formal, written Covenant arises – a written Covenant which will clearly underline the behaviour expected of them in the Church context. Such a Covenant has the dual purpose of protecting both the vulnerable from abuse and the offender themselves from temptation.

COVENANT OF RESPONSIBILITIES – A CHANGE OF PRACTICE?

In the last 4 years we have been challenged by the issue of Proportionality; whether it is appropriate to ensure someone participates in a Covenant for life and what this Covenant in the long term will look like. The Church as a whole, has a continued responsibility to ensure that the congregations of the Church are safe places while not insisting on apparently harsh requirements for someone who is not deemed, on the face of it, to be a risk, at that time or for a significant period of time in the past.

To allow a proportionate response in managing those who pose a risk, the protocol which the Sub Group is proposing to a Covenant is thus. A Covenant would be introduced where:

The individual is a Registered Sex Offender

AND

In the view of the Criminal Justice Authorities, there is a public protection risk to the Church that requires to be formally managed

OR

any other person who the Criminal Justice Authorities advise us of, who they believe represents a significant risk in terms of their association with the Church that requires to be managed by a formal process.

It would be hoped that over the longer term period, people participating with a Covenant should prove that they can and are able to model and practice acceptable behaviour which the Church would hope for in a Christian. At this point the Safeguarding Service might consider a different kind of Covenant which would reflect their active and committed participation in the process.

Galatians says that:

“Brothers and sisters, I offer an example from everyday life: When a covenant has been ratified, even though it is only a human contract, no one can set it aside or add anything to it.” Galatians 3:15

It is proposed that if someone has participated willingly and appropriately with a Covenant and has recognised and shown that their faith includes a requirement of discipline in their faith journey to ensure that others are safe in their presence, it might be possible to allow someone to be more responsible for their behaviour and conduct in a church setting. We must not underestimate the support which the Church provides for people participating in Covenants of Responsibilities, because they too can be vulnerable.

It is proposed that the model of St Paul's oversight of congregations might be used. The local congregation would continue to monitor, encourage and support someone

participating in a Covenant, but the oversight from the Safeguarding Service would be provided on a needs basis. This oversight would be delivered in 2 stages.

A move from a STAGE 1 "*face to face*" review of the Covenant to a STAGE 2 "*verbal*" review of the Covenant by telephone could be made. This would be under strict guidelines at a minimum of 1 year after the original "*face to face*" Covenant was put in place. This proposal would be evidence based with a risk assessment of the person participating in the Covenant and would be combined with the structured professional judgement of the Safeguarding Service.

This would be a tripartite arrangement, where the annual meeting would not happen and only be reintroduced if one party were to ask for a meeting to take place. This might occur if the Safeguarding Panel became aware of behaviour which concerned them, or the Safeguarding Service are made aware of concerns or that the person participating in the Covenant asks for the support of the "*face to face*" Covenant to be reintroduced for a good reason.

The Safeguarding Panel within the congregation would be aware of the indicators which might suggest an increased level of risk. In the case of a change of Safeguarding Panel Personnel, there would be a handover with these issues being communicated to the succeeding group. Sensitivity, confidentiality and corporate memory are vital for Safeguarding practice to work effectively.

It must be noted that for some people, this "*face to face*" Covenant, with an agreed review period co-ordinated by the Safeguarding Service, would be appropriate because of 3 significant factors.

- The Criminal Justice Authorities have expressed concern.
- The Congregational Safeguarding Panel or the Safeguarding Service have raised concerns.
- The person participating in the Covenant feels the meeting is an important factor in their 'recovery' and they benefit from the guidance and structure offered.

There is the possibility of further refinements to the whole process and the Safeguarding Committee will engage in discussions with the Criminal Justice Authorities to ensure that we maintain our proportionate approach to the whole area of safeguarding those who pose a risk.

The Sub Group is firmly of the opinion that once someone has a Covenant, then it will remain a written document for life. It may be altered over a period of time, but, once in place, it will remain live. The power and effectiveness of the Covenant will remain in order to ensure that sex offenders on such Covenants are always made aware of the need for Christ-like behaviour towards all people, in their discipleship journey. We believe that this is a proportionate and balanced way forward.

SAFEGUARDING PANELS

Being a member of a Safeguarding Panel is an important role and all the more so when managing a Covenant, which can be a stressful commitment. It is proposed that all Safeguarding Panel members who are managing individuals who pose a risk should have access to confidential support.

Currently ministers have a full range of pastoral support available through the Ministries Council and Presbyteries. It is only right, therefore, that all members of Safeguarding Panels should have such access to pastoral support.

The existing Ministries Council Support Service will be able to work confidentially with Safeguarding Panel members on an individual basis or a meeting of the group together, depending on the need. This will involve a cost for using the service. In reviewing where best the safeguarding resources can be applied without further strain on already stretched Church resources, it is believed that currently what is being proposed may be more cost effective.

PRESBYTERY

Currently, the Safeguarding Service and the Safeguarding Panel within the congregation are the two bodies who are aware that a sex offender is participating with a Covenant. Within this Presbyterian Church there are Presbytery Safeguarding Contacts, but there is, at present, no one at a Presbytery level with a remit to be aware of those congregations who are managing a Covenant, and who may be able to provide pastoral support for the Safeguarding Panels, if requested.

More consideration of this will take place in the next year and it is proposed that the Safeguarding Committee bring proposals to the General Assembly of 2014.

This area of work is still at an important evolutionary stage and because guidance from professionals working in the field and in the Church is imperative it is proposed that a

voluntary standing group called the Managing Risk Group be formed. This group would offer a place for discussion, debate, reference and reflection and would work alongside the Safeguarding Service and the Safeguarding Committee. Amongst other things this group could also assist the Committee in developing proposals in relation to Presbytery support for Safeguarding Panels within their bounds.

CONCLUSION

The Safeguarding Committee affirms the Gospel imperative to place the most vulnerable people at the heart of our mission and discipleship and to ensure that everyone who is vulnerable to abuse and assault is protected to the best of the Church's ability.

We also affirm that those who are participating in Covenants of Responsibilities and have proven through time that they recognise the Gospel imperative of the primacy of the vulnerable, as well as the potential for sin within their own person, may be considered to be monitored by way of St Paul's model of Oversight. The Covenant will remain in place for life and it may be modified over time. The Oversight model of a "*written*" or "*standard*" Covenant may be revoked at any time if concerning behaviour is exhibited, all with the knowledge and agreement of the 3 parties involved. We believe that this is a robust and proportionate approach to the complex area of managing those who pose a sexual risk to the most vulnerable people of every age in the Church.

The Committee is committed to keeping the General Assembly informed of developments in safeguarding and will continue to report any changes or insights which are valuable in making sure the Church is a safe place for all.

In the name of the Committee
RANALD MAIR, Convener
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