

25. Safeguarding and Safer Recruitment

1. Introduction

The purpose of this report is to set out plans for the now overdue updating of the Methodist Church Safeguarding policy and guidance (the handbook) and to incorporate important legal changes in safer recruitment practices. Some of these require significant changes in our current procedures. All the changes need considerable work over the next connexional year. In addition, the joint work with the Church of England is moving toward greater convergence.

1a) The need for changes

There have been a number of new developments in Safeguarding since the 2003 handbook was written:

- ∞ Every Child Matters and the Children Act 2004 led to stronger emphasis on the promotion of welfare, rather than solely on child protection, and stronger expectations that all statutory and most voluntary bodies would follow 'Safer Recruitment'.
- ∞ Safeguarding Vulnerable Groups Act 2006 and Protecting of Vulnerable Groups (Scotland) Act 2007 followed the Bichard Inquiry into the murders at Soham – known as the Vetting and Barring Scheme.
- ∞ The Independent Safeguarding Authority (ISA) has been established which has (from January 2009) the power in England and Wales to list those considered unsuitable to work with children and/or vulnerable adults.
- ∞ Other mainstream Churches are

developing policies and guidance on safeguarding adults, and also updating Safer Recruitment within their guidance. This brings new inspiration to us also.

- ∞ 'Tracing Rainbows through the Rain', Conference Report 2006 – on awareness of survivors of child sexual abuse. One conclusion was that any training, policy and guidance in future needs to incorporate an awareness of the pastoral and spiritual needs of survivors of abuse.
- ∞ 'Creating Safer Space', Methodist Conference Report 2007. This training framework needs setting within up-to-date guidance and supported by Standing Orders within the planned three-year implementation phase - Thinking has moved on in the last five years.

1b) The updating and rewriting of 'Safeguarding 2003'

Over the past two years working groups have highlighted the need to develop a safeguarding resource or handbook that is more easily updatable and available in both hard copy and electronically. It is proposed at this stage to have a loose-leaf binder with sections to be issued that are more regularly updated via electronic downloadable pdfs.

1c) Ecumenical working

A good deal of safeguarding work is done either collaboratively with or jointly with colleagues in other Churches, both nationally and more locally. This is especially so with our covenant partners,

the Church of England, and with the joint unit for Safeguarding based at Methodist Church House. There is also a diversity of ecumenical work in Local Ecumenical Partnerships and ecumenical projects where safeguarding is both essential and complex.

We are working towards a greater convergence of our policies and practices, and are especially developing joint committees. There is a need to develop a joint statement of principle concerning safeguarding in order to underpin this next phase of joint working. Such a statement should be incorporated within our new Safeguarding policy and guidance documents. We are working toward a statement in readiness for joint committee structures. A current draft is included in Appendix 4.

2. The purpose of the Safeguarding Vulnerable Groups Act 2006, the Protection of Vulnerable Groups Act (Scotland) 2007 and the Vetting and Barring Scheme (VBS)

Following the murders of Jessica Chapman and Holly Wells by Ian Huntley (a school caretaker) in 2002, the Richard Inquiry recommended that a register be created of people who can and cannot work with children and/or vulnerable adults.

- ∞ The Vetting and Barring legislation is designed to ensure that no one who is known to be unsuitable to work with children, young people or vulnerable adults is able to do so.
- ∞ The new legislation and statutory good practice seeks to ensure current loopholes are closed.

2a) Significant changes to our policy and guidance (England and Wales only)

i) Changes in October 2009:

- ∞ Introduction of a **duty to report** relevant information to the Independent Safeguarding Authority (ISA). This is mainly concerned with allegations of inappropriate conduct and harm; that is any incidence or pattern of risk or threat to children, young people and vulnerable adults. An outline of a draft protocol is attached as Appendix 2 (this is simply indicative at this stage). However at this point we are awaiting final guidance from the government on the detailed aspects of this.
 - ∞ It will become a **criminal offence** knowingly to appoint someone (paid or voluntary) who is barred on the new ISA list to work from which they are barred.
 - ∞ It will also be a **criminal offence** for someone who is listed to seek employment/appointment (paid or voluntary) with the relevant vulnerable group from which they are barred.
 - ∞ The Standard Criminal Records Bureau (CRB) Disclosure is being withdrawn for anyone working with children, young people and vulnerable adults. We therefore need to decide whether those roles for which we currently use Standard Disclosures require Enhanced Disclosures. This is likely in most cases. See Appendix 3 for a revised list of those roles requiring CRB checks.
- #### **ii) Changes from July 2010**
- ∞ All new applicants to both voluntary and paid roles working with children,

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young people and vulnerable adults, and also those changing jobs or roles will be able to register with the VBS and be assessed by the ISA where some information of a serious nature is known.

- ∞ Applications for the scheme will be administered by the CRB, as is currently the case with Disclosures, but on a new application form.

- iii) Changes from November 2010:**
- ∞ It will be a legal requirement for individuals to register with the ISA if they intend to work with children and/or vulnerable adults in England, Wales and Northern Ireland.
- ∞ It will also be a legal requirement for employers or appointing bodies (of paid and voluntary roles) to check whether someone is barred from working by the ISA.

NB The timetable for the implementation of the Protecting Vulnerable Groups (Scotland) Act 2007 is not yet known.

3. Other areas of the VBS with significant implications (England and Wales only)

a) Monitoring

Once an individual is registered for work they will be subject to continual monitoring. This means that if any matter occurs which is notified to the ISA that affects someone's barred status, such as a new offence of a serious nature, the employer or appointing body will be notified. We will need a protocol for receiving and handling this information within churches.

b) Permanent listing – in addition to regular CRB checks

When moving from one position to another, or while in paid work or volunteering, the applicant only needs to register once. His/her details can be checked thereafter whenever he/she move jobs. Each applicant for registration will be sent a certificate with his or her registration details. There will be a secure online mechanism whereby subsequent employers and appointing bodies can confirm whether a person is registered. We will need to ensure that when someone leaves employment or a voluntary role the relevant church body removes or de-registers any interest in the individual's barred status.

c) The cost

A combined registration and CRB check (the first time someone registers) will be £64 for paid roles. Subsequent CRB checks, ie without full VBS registration, will be likely to be at the current level of £36. As far as is known it will still be necessary for those in many roles to have a full CRB check and for them to be renewed every five years, reflecting current policy. It will not possible to register with ISA without having a CRB check initially and the cost is still £64. Registration of volunteers remains free.

4. Consequences and the proposed schedule of work

a) As a result of these considerable changes in the law and also the Children Act 2004, together with other legislation, a detailed review and updating of Safeguarding policy and good practice is

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now well overdue. 'Safer Recruitment' is a term used for all areas of assessing suitability, which has also been used more widely in government statutory guidance since 2004. The Methodist Church policy already includes aspects of Safer Recruitment. What is now proposed is a significant staged revision of the Safer Recruitment policy and guidance in readiness for the new legislation implementation dates of July and November 2010. This should be undertaken in time for the February meeting of the Methodist Council so that churches and Circuits have sufficient time to prepare. The remainder of the revisions will follow and be incorporated into further sections of best practice, most of which will be updated in time for Conference 2010.

b) Other necessary work is included in the schedule below due to changes in Methodist good practice and the Conference reports in 2006 and 2007 referred to in the introduction above and an internal survey of work with sex offenders. Specialists working with those who are a risk to children in our community

over the past decade have also made significant progress and an evaluation of the working of our current policy on sex offenders is now needed, with a two year timescale as indicated in this schedule.

c) The schedule of work:

- ∞ Guidance for referrals to the ISA, (including the equivalent for Scotland) as soon as possible for October 2009, when this part of the Act goes 'live'.
- ∞ Complete Safer Recruitment policy and guidance for Churches, including any equivalent guidance for Scottish Districts and Districts in the Crown Dependencies by February Methodist Council
- ∞ Further work on a new Safeguarding Policy and Guidance resource to replace Safeguarding 2003 by April 2010 Methodist Council and Conference in 2010
- ∞ Further work to be undertaken on reviewing and updating the policy and guidance on sex offenders in the Church and reported to the Conference 2011.

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***RESOLUTIONS

- 25/1.** The Conference directed that all relevant bodies in the Methodist Church shall comply with new legislation and best practice on Safer Recruitment.
- 25/2.** The Conference approved the schedule of work for Safeguarding (in paragraph 4 (c) of the Report) with the addition of the development of a Methodist Church Policy and its Guidelines on Working with Vulnerable Adults, to be approved by the Methodist Council not later than its April 2010 meeting.
- 25/3.** The Conference delegated particular authority to the Methodist Council over the next year concerning the detailed policy and guidance and immediate changes that are considered necessary (noting Standing Order 211 and clarifying that the delegation related only to matters contained in the report).

Appendix 1 - Information Sheet

Vetting and Barring Scheme (VBS) - a summary of the changes

On 19 March 2009 the government, the Criminal Records Bureau and Independent Safeguarding Authority (ISA) announced changes to the launch of this new mandatory scheme in **England, Wales and Northern Ireland**. This means that some of the dates and schedule given before have now changed.

What will change on 12 October 2009?

From this date, the ISA will come into operation. Those appointing line managing children's workers will have a duty to refer to the ISA any information about individuals who may pose a risk.

There will be criminal penalties for barred individuals who seek or undertake work with vulnerable groups and for recruiters who knowingly take them on. Standard certificates will no longer be issued for work with children or other vulnerable people. However, the criminal records application form and process will remain unchanged.

What will change in July 2010?

A new criminal records application form will be introduced enabling people to register with the ISA if they intend to work or currently work with children and/or vulnerable adults in England and Wales. The existing forms will no longer be usable. There will be a five year phased roll-out for ISA registration of those individuals who currently work with children and/or vulnerable adults.

What will happen in November 2010?

It will be a legal requirement for individuals to register with the ISA if they intend to work or currently work with children and/or vulnerable adults in England, Wales and Northern Ireland. Enhanced criminal records checks will continue to be needed as well for church roles of this kind.

In summary

- ∞ Renewals of CRB checks every five years are still important – for all appointees at all levels of Church life etc. We cannot send reminders.
- ∞ We must carry on with existing CRB application forms for longer than expected. After October we can no longer obtain Standard Disclosures at Standard level. When the usual step would be to obtain a Standard Disclosure we must now obtain an Enhanced Disclosure.
- ∞ Most of the changes that were going to happen in October 2009 will now happen in July 2010.
- ∞ From 12 October 2009 churches (ie employers of volunteers or paid staff) will have to make sure the ISA are informed if they come to realise that one of their workers presents a risk to children. They should do this with the help of the District Safeguarding rep/coordinator.
- ∞ Preparatory work will continue at connexional level.

Appendix 2 - A Draft Protocol for the Referral of Information to the Independent Safeguarding Authority

- 1. What constitutes a case requiring referral?** - details to be confirmed by the Department for Children, Schools and Families (DCSF) and Home Office Vetting and Barring implementation teams

A brief outline:

- a)** Incidents of harm or serious risk of harm to children and vulnerable adults must be reported to Police and Social Services (child or adult safeguarding) and/ the Local Authority Designated Officer (LADO) (Re. children) as a matter of urgency.
- b)** Incidents of inappropriate behaviour or misconduct where there is an abuse of trust or an abuse of power in relation to children or vulnerable adults (using ISA definition of vulnerable adults). Also referring to the LADO (saying we will use our established disciplinary procedures).
- c)** Persistent refusal or negligence concerning safer recruitment or safeguarding procedures.
- d)** Any of the above should lead to disciplinary action within the Church with (a) proceeding ahead of internal Church processes.
- e)** Where someone has resigned because of/pending any of the above.

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NB Suspension should be considered an important and urgent measure as appropriate. It is not part of disciplinary process but precautionary in all cases.

2. Who is the Responsible Person at each level of church life to instigate/make referrals?

- i)** Local Church – Each church Council should determine who is the most appropriate person to make these referrals. In the event that no decision is made or the person is unavailable it shall be the Superintendent Minister.
- ii)** Circuit - the Superintendent minister.
- iii)** District - the Chair of District or their nominated Deputy.
- iv)** The Connexion - The Secretary of Conference, Assistant Secretary of Conference (in the case of Presbyters and Deacons), or Head of Development and Personnel (in the case of lay employees).

3. Consultation - who must be informed and consulted

- a)** The District Safeguarding Adviser (for the relevant vulnerable group, children or adults) should be informed in all cases and must be consulted - in local, Circuit/ District lay volunteer and local lay employee matters.
- b)** The Connexional Safeguarding Adviser (child and adult protection) must be consulted in all other matters - ie other lay employees, presbyters and deacons.
- c)** The Chair of District must be informed in all cases.
- d)** The Local Authority Designated Officer – these are people appointed in every local authority by the Local Safeguarding Children Board to assist organisations that work with children and young people to deal with allegations against members of staff.

Such posts are also being created within Safeguarding Adult Boards where they exist.

NB. All the above can offer advice and support on the referral process.

Examples will be provided when this protocol is finalised.

Appendix 3 - A List of Roles Requiring Enhanced Disclosures from the CRB (England and Wales) from October 2009

(including those currently needing enhanced criminal record checks)

For work with children and young people:

- ∞ Children and youth workers
- ∞ Junior Church workers and Sunday School teachers
- ∞ Leaders of weekday groups (with under 18s), holiday clubs and residential weekends – including leaders of Parent and Toddler groups, music groups, choirs and drama groups etc which include children

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- ∞ Officers of youth organisations (eg Girls Brigade, Boys Brigade)
- ∞ Workers with Under 5s
- ∞ Presbyters and deacons
- ∞ Lay workers (where involved with pastoral work, children and youth work, or acting in a ministerial role only)
- ∞ Those who supervise, manage or train those who work with children and young people
- ∞ Regular helpers
- ∞ Cleaners, caretakers and receptionists (where there are activities for children and young people taking place regularly)

NB. It may be illegal to ask for a Disclosure unless the Church has 'risk assessed' the post or role or the posts are named in our policy.

For activities with Vulnerable Adults:

There is no policy on this at present. Advice contained in Link Mailing September 2005 still applies. Where significant work authorised by the Church is taking place, ie a project aimed solely or mainly for adults who are vulnerable (in receipt of statutory care), good practice would suggest that regular leaders and helpers have criminal record disclosures. The church/circuit/other body where the project is based should also have a policy to this effect (stated in the Church Council/other relevant body minutes). Disclosures may be a requirement of the funding bodies.

Examples would include a day centre or luncheon club for those with moderate and severe learning disabilities, the infirm elderly or physically disabled, or a visiting scheme solely for the housebound. It would not include a pastoral visiting scheme set up for the whole church.

NB. Church activities are not currently eligible for Protection of Vulnerable Adults (POVA) list check, which is applied for via a criminal record check, but a criminal record disclosure can still be obtained.

In **Scotland** other specific restrictions on vulnerable adult checks currently may apply.

Further changes will be notified

These lists will be reviewed in the light of any further changes announced under the vetting and barring schemes and will be posted on the Methodist website (www.methodist.org.uk - under Church Life, then Safeguarding) and notified to District Safeguarding Representatives, and also to Ministers and Superintendents either via the Westminster Letter or a general mailing.

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Appendix 4 - Draft Safeguarding Policy Statement

(for The Methodist Church and The Church of England)

NB. This is not a final wording but is simply indicative at this stage. A fuller theology along with the development and implementation of Safeguarding principles would be contained in separate but complementary handbooks for each Church.

Preamble

Every person has a value and dignity which comes directly from creation of male and female in God's own image and likeness. Christians see this as fulfilled by God's re-creation of us in Christ. Among other things this implies a duty to value all people as filled with the Holy Spirit and therefore to protect them from harm.

Principles

We are committed to:

- ∞ the care and nurture of, and respectful pastoral ministry with all children, young people and adults
- ∞ the safeguarding and protection of children, young people and all adults who may be vulnerable

We will carefully select and train all those with any responsibility within the Church, in line with safer recruitment principles, including the use of criminal records disclosures and registration/membership of vetting and barring schemes.

We will respond without delay to every complaint made, that an adult, child or young person may have been harmed, cooperating with the police and local authority in any investigation.

We will seek to offer informed pastoral care to anyone who has suffered abuse, developing with them an appropriate ministry.

We will challenge any abuse of power by anyone in a position of trust.

We will care for and supervise any member of our church community known to have offended against a child, young person or adult.