

**A Guide to Elder’s responsibilities and Synod Policy**

 ***‘It takes a village to raise a child’***

This African proverb highlights that we all have a part to play in the upbringing of children. The Church can be a place of safety where there is warmth, love and acceptance - and where there are trusted adults. Safeguarding children, and indeed all who attend our churches, is therefore a privilege and a responsibility that we all share.

Sadly abuse of children and Adults at Risk isn’t something that only happens in the wider world. Statistically most are abused by people that are known to them. We all therefore have an important role in the safeguarding of children and Adults at Risk to ensure that our Churches are the safe places that we are all entitled to, and deserve.

**Elders’ and Ministers’ responsibilities**

Elders and Ministers are trustees of the church and are therefore under the regulatory control of the Charity Commission, who state that the trustees have the ‘primary responsibility’, for safeguarding children and Adults at Risk in their church, which includes a duty of care to their charity, a legal duty to act prudently and to ensure that legislation policy and procedures are complied with.

They set out that the duty is to *protect* vulnerable people from abuse and to *prevent* abuse from happening in the first place, stating that ‘all charities should aim to proactively safeguard and promote the welfare of their beneficiaries so that the need for action to protect from harm is reduced’. They state that they may consider any failure to do so as misconduct or mismanagement, or both, in the administration of the charity

As prevention is primarily the responsibility of trustees it is not perhaps surprising that the Charity Commission expects ‘those who run activities for vulnerable beneficiaries to have the expertise, knowledge and skills to do so properly and to take very seriously their safeguarding responsibilities’.

Trustees also have duties to manage risk and to protect the reputation and assets of the charity. The Charity Commission state that ‘it is vital that trustees assess the risks that arise from the charity’s activities and operations involving children and vulnerable people and develop and put in place appropriate safeguarding policies and procedures to protect them. They must also undertake on-going monitoring to ensure that these safeguards are being effectively implemented in practice. This is critically important because on occasion charities may be targeted by people who abuse their position and privileges to gain access to vulnerable people or their records for inappropriate or illegal purposes’.

.

Having proper safeguards in place for the protection of children and Adults at Risk can be done, they state, by for example:

* Having appropriate policies in place explaining how your charity protects from harm
* Putting in place processes that give clear step by step guidance if abuse is identified
* Carrying out appropriate level of DBS checks
* Having policies and procedures to help prevent abuse happening in the first place such as adult workers not having one to one access to vulnerable people
* Awareness raising – safeguarding training they state is mandatory for all those who work directly with children, young people and families and/or carers. They also state that there should be a requirement for trustees, staff and volunteers to learn about safeguarding
* Reporting concerns,
* Having a complaints procedure that is open and well publicised in which adults and children can voice concerns about unacceptable and/or abusive behavior towards children or adults at risk
* Responding appropriately and rapidly to issues of abuse and exploitation and
* Preventing harm and abuse with a rigorous recruitment and interview processes.

They state that ‘the recruitment methods of staff, volunteers and trustees should be sufficiently robust and appropriately reviewed’. They recommend that all trustees obtain a DBS check when they can as it is an important tool in ensuring that the person is suitable to act.

The commission expects trustees to act responsibly in responding to allegations of abuse and to take steps to ensure they and the people working in the charity know how to deal with incidents of abuse if they arise. This includes making sure that charities have adequate systems in place to handle allegations and deal with them responsibly and, where appropriate, report incidents to the police, social services and other agencies, including the commission[[1]](#footnote-1). The commission also expects trustees to manage and minimise the risk of further incidents happening as far as this is reasonably possible, by making any necessary changes to policies, procedures and work practices.

**Advantages of having policies and procedures in place**

The primary motivation will no doubt betoprotect and promote the welfare of children and Adults at Risk.

There are a number of other advantages:

* To assist in effectively meeting your Mission
* To enhance the confidence of trustees, staff, volunteers, parents/carers,
* To enhance the confidence of the general public and the beneficiaries of the charity (which will of course include children and Adults at Risk). The charity commission emphasise that public trust and confidence can be damaged not only in the actual charity but in charities generally.
* To protect the reputation of the Church and Denomination
* To protect your finances.

**The insurance position**

Insurers require Trustees to follow legal, Government, charity commission and internal guidelines, and to take reasonable precautions in respect of child protection.

Most insurance companies have ‘exclusion’ clauses. This is one from Congregational and General.

*If loss occurs “arising from any act or omission which the trustee or officer knew to be a breach of trust or breach of duty or which was committed by the trustee or officer in reckless disregard of whether it was a breach of trust or breach of duty or not”*

In the unusual event of this exclusion clause applying Elders could be individually, personally, liable if there were to be a successful claim.

**Some useful things to know**

Elders and Ministers need to ensure that safeguarding procedures are implemented and it is therefore their responsibility to check that what they think is being done is indeed being done. The following will assist you to know some of the essential things that need to be in place.

* Every church should appoint a safeguarding children and Adults at Risk Co-ordinator and, if possible, a deputy. These can be separate people for children and Adults at Risk. Alternatively one person could undertake both roles. If it is not possible to appoint someone for each Church do consider appointing someone to cover more than one church. The people appointed should have the necessary skills and experience to carry out the role. A role description is available from the Synod Safeguarding Officer and is also available on the website. Training for Safeguarding Co-ordinators can be provided. Please inform the Synod Office of their names and contact details so that we can add them to the database and ensure they have useful relevant update information to assist them in their roles.
* All churches should have a safeguarding policy which covers children and Adults at Risk. This should be endorsed by the Elders and reviewed annually. Sample copy available and is also available on the website.
* All staff and volunteers should undergo Disclosure and Barring checks (previously CRBs) when working with children or Adults at Risk when there is a legal entitlement for this to be done. All undertaking these should be encouraged to subscribe to the Update Service (for which an annual fee is payable) at the time of applying as this will ensure that there is a quick response if a new DBS is applied for, for instance if someone changes roles. It still means that if there has been a change in status a new DBS will need to be applied for but this is highly unusual and in most cases we will simply have a response that says no new information. For more detail about this please contact the Synod Safeguarding Officer.
* Those responsible for recruiting staff or appointing volunteers should see the originals of anyone’s DBS check. If there is any criminal conviction or information contained on the check you should contact the Synod Safeguarding Officer. . In some circumstances the commission may regard failure to take up DBS checks or implement adequate safeguarding policies as evidence of misconduct and/or mismanagement in the administration of the charity.
* All volunteers and paid staff should be recruited following the guidelines for Safer Recruitment which includes role descriptions and person specifications being agreed for the role; adverts where appropriate (stating your commitment to safer recruitment of staff and volunteers - and the fact that they will be required to undergo a DBS check, if the role warrants it); application forms and self declaration forms being completed; references taken up; interviews being undertaken, and induction, supervision and ongoing training provided. Copies of all of these forms are available from the Synod Safeguarding Officer and are also available on our website.
* The Government emphasise that barring checks (Previously CRBs) were only ever **“**one tool to help employers and voluntary organisations make sound and safer recruitment and employment decisions” (HM Govt 2102). They state that it is for organisations *‘to make sure that they recruit, train and manage their workforce* [which includes volunteers] *in such a way as to ensure they are providing high quality, safe services. This includes remaining vigilant and acting quickly when concerns about services and individuals are raised’.*
* If anyone within the Church has a concern about a child or Adult at Risk do remember that it is not your, or indeed any Church member’s, duty to investigate – in fact it could be unhelpful if anyone does. Always involve the statutory agencies: Police, Children’s Social Care and Adult Social Care - and report your concerns.
* Always make a note of conversations – including those you have with people within the Church as part of your decision making, and those with statutory agencies (unless of course this is covered by minutes of meetings that they will make). Incident report form available from the Synod Safeguarding Officer and are available on our website.
* If your concern is about a volunteer or paid staff, either lay or ordained, a referral must be made to the Local Authority Designated Officer, commonly referred to as the LADO, provided the criteria for referral is met. Please ensure that the Synod Safeguarding Officer is informed if you are considering making a referral, unless it is an emergency in which case please inform after the referral has been made.
* There is a duty to inform the Disclosure and Barring Service if you have terminated someone’s work with you (provided the criteria is met), be that a volunteer or paid member of staff, irrespective of whether they resign before the outcome of an investigation. It will then be up to them to decide whether the person should be barred from working with children or Adults at Risk. Again please ensure that you inform the Synod Safeguarding Officer before or after making a referral.
* If such a referral is made the Charity Commission consider it a critical incident and require notification of it. Please contact the Synod Safeguarding Officer for assistance with this.
* Develop a policy for internet use, including social media – Synod Policy is that personal social media accounts should not be used by workers to engage with children under 18 and that a page should be set up by the Church for that purpose. Acceptable Use Policy available.
* It would be helpful for each church to have the following copies of documents on a wall or a notice board. Samples of all are available from the Synod Safeguarding Officer.
* Statement of Safeguarding Principles re children and Adults at Risk
* Statement re valuing children
* The United Nations Declaration on the Rights of the Child
* Childline poster.
* Poster stating name of Safeguarding Co-ordinator, and deputy if there is one, including their contact details.
* Use consent forms that include permission for photos, digital media – and agreement as to where these are stored and displayed. Samples available from the Synod Safeguarding Officer and available on our website
* If a convicted sex offender starts to attend your church, or someone is charged with committing a sexual or violent offence, please ensure that I am informed. In all cases where there has been a conviction there will need to be a contract in place ensuring that supervision and support is available. However, it is likely that there will be a need for a contract to be in place in some circumstances where there has been no conviction. This will clearly depend on many factors. Because the standard of proof in criminal proceedings is beyond reasonable doubt and the burden of proof for civil or disciplinary issues is on the balance of probabilities it is easy to see how we are able to take protective measures if the higher burden of proof of criminal proceedings are not met, but the civil standard is. We may still wish to undertake a risk assessment or put a contract in place. This may also apply to partners, wives or husbands of anyone who may pose a risk. The Synod Safeguarding Officer will assist in conducting, or commissioning, a risk assessment.
* Do ensure that you are observing good practice at all times such as adult staff ratios, using seat belts and booster seats, codes of conduct for workers (samples available), undertake risk assessments for buildings and activities (Samples available), making sure you have adequate insurance, general health and safety of buildings ensuring a warm welcoming and safe environment.

**In conclusion**

In order to meet your duties you will need to demonstrate that you have taken all reasonable steps. I am here to support you in any way that I can. Queries can be made by E Mail or phone (I will always confirm any advice I give in writing so that you have a record of it) - or of course by face to face conversations! In terms of training I can assist with safeguarding training regarding safeguarding children, Adults at Risk, internet safety, more detailed safer recruitment training and training in interviewing skills for volunteers and paid staff.

And finally … I am here to assist you in meeting your responsibilities, so please do not hesitate to get in touch. Telephone 07875 454 064 or E mail at SafeguardingOfficer@urcsouthwest.org.uk.

**Jan Murphy - Synod Safeguarding Officer**

1. Where such concerns arise, the commission expects trustees to report them to it as serious incidents. The commission’s [published guidance](https://www.gov.uk/how-to-report-a-serious-incident-in-your-charity) explains how trustees should report serious incidents to it and what information it needs [↑](#footnote-ref-1)