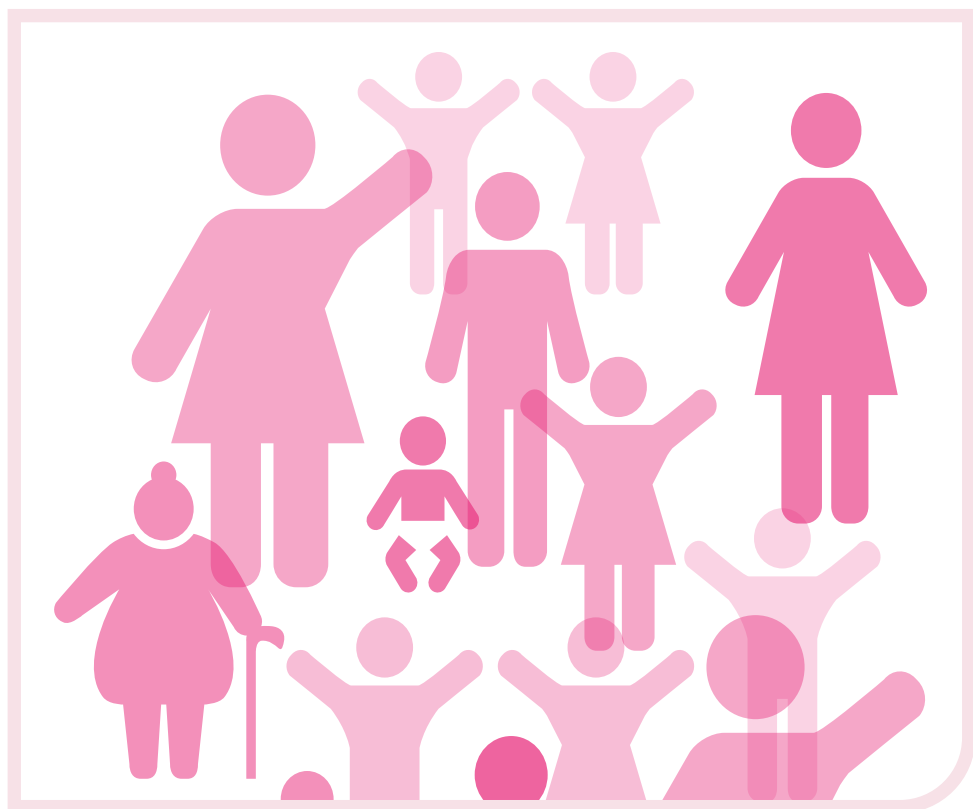


THE CHURCH AND PUBLIC PROTECTION



The Methodist Church has established procedures in place to enable those who present a safeguarding risk to be involved in a church community in a managed and safe way.

In 2000, the Methodist Conference adopted a report, *The Church and Sex Offenders*.¹ This laid out the arrangements that can be put in place when an offender seeks to be involved in a church community. In 2017, the Conference replaced the existing covenants of care with safeguarding contracts for all those with proven and alleged sex and safeguarding offences. It also adopted recommendations to introduce a formalised process for risk assessments, the maintenance of associated records and the review of safeguarding contracts.²

Given that there has been significant development in safeguarding both inside and outside the Church, the Methodist Church recognises that safeguarding provisions need to encompass the wider public protection agenda. For this reason, in 2017 the Council approved the extension of the requirement for safeguarding contracts to include offences contained in Schedule 15 of the Criminal Justice Act 2003 (and equivalent offences in Scotland and Northern Ireland). These offences are those which may be managed within Multi-Agency Public Protection Arrangements (MAPPA) for statutory agencies.

These arrangements make provisions for the involvement in the life of the Church not only of those convicted of or cautioned for offences but also of those who, following a risk assessment and a recommendation by the Safeguarding Committee, represent a significant risk of serious harm to children, young people or vulnerable adults. The use of the term 'offender' is no longer appropriate, as safeguarding contracts may be applied whether or not the person has a conviction or caution for an offence.

It is important for the protection of the whole Church community that careful consideration is given and appropriate preparations are made before the person engages in Church activities. This will include:

- The detailed examination of the circumstances and safeguarding concerns.
- The identification of risks.
- The development of a safeguarding contract that is specific to the individual, their location and the nature of their engagement with the Church.

1 The Methodist Conference is the governing body of the Methodist Church. As the Conference only meets once a year, the Methodist Council undertakes ongoing work on behalf of the Conference. The Council meets three times a year.

2 See Section 69 of Standing Orders. Standing Order 237 sets out the process for risk assessment.

In all cases, the Safeguarding Policy, Procedures and Guidance of the Methodist Church must be followed in the set-up and management of safeguarding contracts.

Data protection and GDPR

The Church recognises that any risk assessment process is likely to involve the processing of personal special category and criminal data as defined by the General Data Protection Regulation (GDPR). Therefore, it is important that the full procedures in the Safeguarding Policy, Procedures and Guidance for the Methodist Church are followed at all stages of the process.

The implementation of a safeguarding contract follows a four-stage process with stages undertaken consecutively. Each of these stages informs the next to ensure that any safeguarding measures are proportionate, necessary and legitimate with regard to the specific risk presented by any individual. The stages are as follows:

- The collation of information from relevant sources.
- The identification of risks from that information.
- The consideration of current safeguarding practices and mitigating factors.
- The drafting of a contract which addresses the risks identified and makes provision for positive support in developing the person's engagement with the Church.

The District Safeguarding Officer (DSO) for the relevant district will undertake the process on behalf of the local church, but will work closely with the presbyter in pastoral charge or the circuit superintendent. They will undertake any necessary liaison with statutory authorities in all cases to confirm relevant information and work in partnership with the National Probation Service (or Criminal Justice Social Work in Scotland) and police, where these agencies have a supervisory role over the person to whom the contract will apply. Where the person is due to be released from prison, the DSO and presbyter will also liaise with the chaplain from that prison, in addition to the statutory authorities planning for reintegration into society.

A meeting will be held with the person who will enter the contract, which will:

- provide information about the process
- provide a privacy notice
- allow the person to offer their own perspective on the circumstances
- confirm the activities in which the person wishes to participate in the Church
- identify support networks in place from family, friends, employment or volunteering
- consider new opportunities to engage in positive activities.

The presbyter in pastoral charge or circuit superintendent will work with the DSO to identify a chairperson and appropriate members for the monitoring and support group (MSG). At least one member must be from the local church. Any members who have not undertaken this role before will only be appointed after a safe recruitment process and completion of a confidentiality notice.

A briefing will be provided by the DSO before a new MSG is set up, so that all parties have a clear understanding of the role and responsibilities. All MSG members must attend specialist training. The DSO will not be a member of the MSG to allow them to provide independent advice and to undertake any review processes.

At all stages, recording of information must follow the procedures outlined in the Safeguarding Policy, Procedure and Guidance for the Methodist Church and use the forms provided for this purpose.

The following risk areas will be considered when identifying specific risks:

- Risks to survivors and those from vulnerable groups.
- Risks to those who engage with the Church and provide support to the person entering a contract.
- Risks posed to the person entering a contract and their family (disclosure, health, etc).
- Risks to the wider community using church facilities.
- Risks to the Church (including compliance with legislation, policy and procedure, data protection, reputation, etc).

All conditions contained within safeguarding contracts will address specific, identified risks that relate to the individual's circumstances and engagement with the Church. Safeguarding contracts will include conditions that demonstrate the Church's commitment to supporting the person to develop positive future goals through their interaction with the Church. The contract also demonstrates the commitment of the signatories to follow the Methodist Church's Safeguarding Policy, Procedures and Guidance and the relevant standing orders in the oversight of the contract.

Assessment of risk³

When a safeguarding concern is referred to a safeguarding officer, the DSO will undertake initial enquiry into the concern in order to determine whether a connexional or district risk assessment should be undertaken.⁴ A risk assessment may be undertaken in relation to any person about whom a safeguarding concern

³ See SO 237.

⁴ Under SO 236(6).

exists in the context of a local church, circuit or district or in the exercising of a responsibility on behalf of the Church.

A member of the Connexional Safeguarding Team, acting on behalf of the Safeguarding Committee, can commission a connexional risk assessment following a request from a DSO or in any other case (see table).

Examples of when to commission a connexional risk assessment
A safeguarding concern exists about any person wanting to worship or continue to worship in a Methodist church.
A person who has a conviction or has received a caution for a specified offence wishes to worship or continue to worship in a Methodist Church.
A safeguarding concern exists about a minister or an officer wishing to hold or continue to hold a role or responsibility within the Methodist Church.
A request is made by a church to enable someone to take up a role who is otherwise disqualified from working with children, young people and vulnerable adults.
A person wanting to hold or continue to hold a role or responsibility within the church, but who has a blemished disclosure.
A referral is made to the committee in relation to the oversight of pre-ordination training and probation, former ministers of other denominations or reinstatement of deacons, presbyters, probationers or local preachers. ⁵
A referral is made to the committee about safeguarding concerns emerging from the investigation of a complaint under the Church's Complaints and Discipline process. ⁶
A referral is made to the committee in connection with the review or a renewal of a Safeguarding Contract. ⁷
A statutory agency provides information that reveals a safeguarding concern or requests that a risk assessment be undertaken.

Connexional risk assessments are commissioned by a member of the Connexional Safeguarding Team and undertaken by one of the assessors selected from an approved list of risk assessors agreed by the Methodist Council. The terms of reference for the risk assessment are agreed in discussions with relevant District Safeguarding Officer. Once completed, the risk assessment is submitted to the Safeguarding Committee for consideration by means of a Safeguarding Panel.

⁵ See SO 725 (pre-ordination training), SO 731 (other denominations) and SO 761 (reinstatement).

⁶ Under SO 1102(9).

⁷ Under SO 690A.

District risk assessments are normally undertaken by a District Safeguarding Officer:

- before a Safeguarding Contract is entered into or where a change in the terms of an existing contract is sought
- where the District Safeguarding Officer is informed of a blemished disclosure
- at the request of a member of the Connexional Safeguarding Team in line with the Church's safeguarding policies.

Any person who is the subject of a safeguarding concern is expected to participate in the risk assessment process and, if they decline to do so, the assessment may continue without their participation.

The subject of the safeguarding concern, the District Chair, the DSO (if not conducting the assessment) and the Superintendent of the Circuit will all be given the opportunity to speak to the risk assessor. The risk assessor will be expected to speak to anyone else whom they believe has information relevant to the risk assessment.

The subject of the risk assessment will be offered pastoral support to assist and support them through the risk assessment process.⁸ At the conclusion of the risk assessment, the risk assessor will provide the subject with a copy of the report. The subject will have 14 days to provide any comments before the report is considered by the Safeguarding Panel.

A copy of the risk assessment and any comments provided by the subject is sent to the DSO and, where appropriate, to the line manager of the subject. In addition, a summary of the assessment is sent to the District Chair and Superintendent.

When a blemished disclosure or any related application is referred to a member of the Connexional Safeguarding Team, directions and guidance on the steps to be taken in respect of that disclosure are given and it can be referred to the Safeguarding Committee for direction and guidance.

Instead of, or prior to, commissioning or carrying out a risk assessment, a member of the Connexional Safeguarding Team can take other reasonable steps for the protection of children, young people or vulnerable adults consistent with the Church's safeguarding policies and practice guidance.

⁸ Pastoral support appropriate to the circumstances of risks being assessed.

In relation to an employee of the Church under a contract of employment, the provisions of the Church's Standing Orders in relation to risk assessments apply only so far as they are consistent with the terms of that employment contract and relevant legislation.

Safeguarding Panels

Members of the Safeguarding Committee form Safeguarding Panels; these panels consider the risk assessment prepared on their behalf. A Safeguarding Panel can choose to hold its meetings by conference call or a face-to-face meeting, if agreed by all its members.

A Safeguarding Panel will provide written notice to the subject of the recommendation of the panel and a copy is sent to the District Chair, the DSO, the Superintendent and also to the subject's line manager where the subject is an employee.

The Safeguarding Committee provides reports, statistics and information on Safeguarding Panels undertaken each year to the Methodist Conference. In addition, the Chair of the Safeguarding Committee provides a general report to the Conference in its Representative Session (at least once every three years), which deals with any questions of principle.

Appeals⁹

The subject of a risk assessment, the District Chair, the Superintendent or the Director of Safeguarding may appeal against a risk assessment panel's decision. In the event of an appeal being lodged, the outcome of the Panel will be suspended pending the hearing of the appeal.¹⁰

As listed in SO 233(2), the grounds for appeal are:

- (i) that there was a material irregularity in how the matter was dealt with by the Safeguarding Panel or the risk assessor;
- (ii) that the panel or the risk assessor failed to take into account all relevant matters or took into account irrelevant ones;
- (iii) that, in the light of events occurring since the panel's decision, or of evidence of which the appellant could not reasonably be expected to have been aware at the time, substantial doubt has arisen about the correctness of the decision.

⁹ See SO 233.

¹⁰ See SO 232(2)(i) and 232(2)(iii).

A subject has 14 days from receiving written notice of the panel outcome in which to give notice of the appeal in writing to the chair of the Safeguarding Committee. The notice of appeal shall be accompanied by a written statement indicating on which grounds the appeal is brought and the specific nature of any error, omission or other matter relied on. A new panel will be convened with new members who were not part of the original panel, and this will be chaired by the chairperson or deputy chairperson of the Safeguarding Committee, unless they were on the original Safeguarding Panel.

Appeal process¹¹

A member of the Connexional Safeguarding Team will arrange for the appeal to be heard by a new appeal panel. The new panel will review the reports to the original panel and any new evidence. New evidence from the subject of the appeal (the appellant) should be sent no later than 14 days before the date of the appeal panel.

At the appeal panel meeting, a member of the original safeguarding panel will present the original report and the appellant can present their case on the basis of the grounds of appeal specified. An appellant can be accompanied.

Members of the appeal panel may raise any matter not referred to in the report before the appellant leaves the meeting. Both the presenting member of the original panel and the appellant shall be given an opportunity to respond. If the appellant refuses or fails to attend the appeal panel, the panel must consider the reason for the absence and may adjourn or, if it thinks fit, hear the appeal and reach a decision in the absence of the appellant.

Appeal decision¹²

The appeal panel can decide whether to uphold or dismiss the appeal or refer the matter back to the Safeguarding Committee for further consideration or a further risk assessment. The decision of the appeal panel is reached solely on the basis of the documents relied upon by the original safeguarding panel, submissions made at the meeting and any other documents previously agreed. The appeal panel must give reasons for its decision and include them in the outcome letter that is sent to the appellant. A copy of the decision will also be sent to the District Chair, the DSO and the Superintendent.

¹¹ See SO 234.

¹² See SO 235.

Safeguarding contract monitoring and support groups¹³

A Safeguarding Contract must be agreed and overseen by a monitoring and support group (MSG) in cases where a person wishes to worship in a local church or seeks to become involved in the church's life and:

- (i) has a conviction or police caution for offences which would render them liable to being prevented from working with children, young people or vulnerable adults;¹⁴ or
- (ii) the Safeguarding Committee has recommended that he/she should be the subject of a MSG.¹⁵

The presbyter in pastoral charge of the church or the circuit superintendent, acting in consultation with the DSO, must establish a MSG.

The DSO, working with the MSG, will consider the recommendations of the risk assessment or if it has not been carried out, arrange for this at the earliest opportunity.

The DSO, working with the MSG and seeking to minimise the risk to others will determine the terms and conditions on which the person concerned may become involved in the life of the local church. This will form the basis of the safeguarding agreement between the Church and the offender.

Review of a Safeguarding Contract

At least every three years, the MSG is required to consider whether the risks associated with the subject have significantly changed and warrant a new risk assessment.¹⁶ This should be sent to the Director of Safeguarding for consideration.

For further information, see Book VI, Part 4 of Standing Orders, Section 69 of Standing Orders, and Standing Orders 010(2)(ii), 232(2)(i), 232(2)(iii), 233, 234, 235, 236, 237, 690, 690A, 725, 731, 761 and 1102(9).

For up-to-date safeguarding information, see: **methodist.org.uk/safeguarding**

¹³ See SO 690.

¹⁴ See SO 010(2)(ii).

¹⁵ See SO 690, Clause 2.

¹⁶ See SO 690A.

This is part of a series of leaflets summarising the safeguarding provisions in Methodist Church Standing Orders and *The Constitutional Practice and Discipline of the Methodist Church*. They are not intended to replace the Standing Orders referenced. If you are unclear about their interpretation, please seek advice from the Connexional Safeguarding Team or the Conference Officer for Legal and Constitutional Practice.

The other leaflets in the Safeguarding Standing Orders series are:

- A Simplified Guide
- The Safeguarding Committee
- Duty to Obtain Disclosures
- Safeguarding Suspensions
- Safeguarding and the Rehabilitation of Offenders Act



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