

Section 1

INTRODUCTION TO CHILD PROTECTION GUIDELINES

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Foreword by the Bishop of Newcastle

We constantly thank God that the churches of the Diocese of Newcastle are involved with children and young people in a wide range of places and situations from Berwick to Byker, from Wylam to Warkworth. It is our responsibility to offer children the best care and nurture we can provide, and also to offer our workers and volunteers the best structures within which to serve the church. The nature of the environments in which we work with children, the calibre of the volunteers and staff we recruit, the procedures we have for dealing with allegations of abuse - these are crucially important aspects of our work. I am very happy to commend to parishes and organisations of the Diocese of Newcastle this revised and updated 'Diocesan Child Protection Policy and Practice Guidelines'. Based on local knowledge and practice, and fully in line with the latest national Policy of the House of Bishops, this material will enable all those working with children and young people to grow in confidence and good practice, and to respond appropriately to any concerns that arise.

I commend these guidelines to you, and strongly encourage their thoughtful and responsible use. So may we continue to fulfil our responsibilities towards all the children and young people in our care and enjoy their presence in the life of our church.

+ Martin

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INTRODUCTION TO NEWCASTLE DIOCESAN CHILD PROTECTION POLICY AND GUIDELINES (REVISED 2008)

This document is intended to provide 'hands on' advice and guidance to those dealing with Child Protection matters in parishes.

These guidelines are in accordance with the Local Safeguarding Children's Board guidelines for Newcastle, Northumberland and North Tyneside.

It is not intended to answer every possible question on Child Protection nor will anyone who has read and understood every word in this document immediately be an expert in Child Protection issues. Rather it provides principles of Good Practice and headline guidance which is intended to be of help where there is an immediate concern or where a check needs to be made on good practice.

It is anticipated that those leading Child Protection in parishes will seek appropriate training from the Child Protection Officer, in the areas which are their particular concern and responsibility.

The Guidelines are divided into six sections, each section coloured differently for easy access.

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Each section is independent and can be downloaded separately.

A complete hard copy of the guidelines should be available in the church office/vestry.

The following definitions make clear who the guidelines are intended to protect.

Child/Young People

While a child is legally defined as anyone under the age of 18 we are also aware of the need to be sensitive to those moving from childhood to adulthood and these are referred to as young people in this document.

Vulnerable Children

Whilst all children are vulnerable, some children have special needs which make them more vulnerable to abuse.

Children with Disabilities

Disabled children include any child with significant problems of communication, comprehension, vision, hearing or physical functioning. All such children will fall within the 'Children in Need' definition in the 1989 Children Act.

In relation to disabled children, there needs to be a greater awareness of their vulnerability and individuality, and particular needs must be recognised.

The disabled child's dependency on multiple carers, and associated difficulties in communicating their concerns requires us all to be able to 'think the unthinkable' in order to protect these children i.e. that they could be vulnerable to abuse from their carers.

Black and Minority Ethnic Children including Refugee and Asylum Seekers

Research has shown that, when working with children from other cultures, we need to be:

- especially aware of the impact of racism upon children from black families and those from other minority cultures.
- conscious that deep-rooted personal prejudices or stereotypical attitudes may impact on how the child is perceived.
- aware that sometimes black children and adults, and those from other minority cultures, may be reluctant to talk about abuse, in case it stigmatises or draws unsavoury attention to their particular community.
- aware that children from other races and cultures may use different language or use language differently.
- conscious that, because of discrimination experienced in the wider community, sometimes black children and those from other minority cultures, will have their

identities reinforced only in their homes. If abuse is taking place in the child's home, then it is possible for the abuse to be seen as mirroring the negative societal images of their minority ethnic status. In responding, children from minority cultures who have been abused, sometimes begin to deny their skin colour.

Whenever we have concerns which are related to black children or those from minority cultures, we should seek additional guidance from black workers or workers from the child's culture, with expertise in caring for children.

In all situations of concern the Child Protection Officer also needs to be informed.

Duty of Care

'Duty of Care' is the obligation to exercise a level of care towards an individual, as is reasonable in all the circumstances, to avoid injury to that individual or his/her property. It is a responsibility which is exercised by Parochial Church Councils (or their equivalent) in all activities which are their responsibility and particularly in their work with children.

Vulnerable Adults

Vulnerable Adults are covered under 'The Safeguarding Vulnerable Groups Act 2006'. Newcastle Diocese is developing a policy and procedures in line with legislation and the Church of England policy 'Promoting a Safe Church 2006'. The Archdeacon of Northumberland is the lead officer on this and is working with a small task group to look at ways to implement this policy. All policies and good practice should be applied within Parishes in the same way as Child Protection Guidelines.

Responsibility

Whilst the diocese takes every step to ensure these guidelines are up to date with current legislation, it is the responsibility of individual parishes to be familiar with and implement policies. Each parish should nominate a Child Protection Representative for each church who should ensure the policy for their church is integrated into all activities of the church. It is the responsibility of the PCC to report and record concerns to appropriate officers and authorities.

Safeguarding is everyone's Responsibility

**It is important to emphasise that we all share responsibility for safeguarding and promoting the welfare of children and young people. All members of the community can help to safeguard and promote the welfare of children and young people, if they are mindful of children's needs and are willing and able to act if they have concerns about a child's welfare.
(Working Together 2006)**

PRINCIPLES OF THE CHURCH OF ENGLAND **HOUSE OF BISHOPS' CHILD PROTECTION POLICY**

- We are committed to the safeguarding, care and nurture of the children within our church community.
- We will carefully select and train ordained and lay ministers; volunteers and paid workers with children and young people, using the Criminal Records Bureau, amongst other tools, to check the background of each person.
- We will respond without delay to every complaint made, that a child or young person for whom we are responsible may have been harmed.
- We will fully cooperate with statutory agencies during any investigation they make into allegations concerning a member of the church community.
- We will seek to offer informed pastoral care to any child, young person or adult who has suffered abuse.
- We will care for and supervise any member of our church community known to have offended against a child.
- As part of 'good practice' we will regularly update our guidelines in line with emerging local and national safeguarding policies and guidelines.

“Anyone who welcomes a little child on my behalf is welcoming me. But if anyone causes one of these little ones who trusts in me to lose faith, it would be better for that person to be thrown into the sea with a large millstone tied around his neck.”

(Matthew Chapter 18 vv 5 and 6)

“The child’s welfare is paramount”

(1989 Children Act)

CONFIDENTIALITY

The Diocese of Newcastle will adhere to the strictest practice of confidentiality, save where this is over-ridden by considerations of a child's welfare or safety. The statement in the 1989 Children Act that 'the Child's Welfare is paramount' will guide all decisions in this regard.

Accordingly:

- No guarantee of confidentiality should be given to any person disclosing or wanting to disclose abuse.
- The statement in the 1989 Children Act that 'the child's welfare is paramount' means that anyone dealing with an incident of (alleged) child abuse must put the child(ren)'s welfare above every other consideration, including the disclosure of information given in confidence.
- There is a long established pattern of inter-agency working and sharing in the field of child protection. All official records made in the course of investigating allegations or reviewing circumstances are always handled on a "need to know," confidential basis.

However, breach of confidentiality does have legal implications. The House of Bishops' national policy 'Protecting All God's Children' gives the following guidance:

"Both law and sound morals impose a general duty not to pass on information which has been received in the clear expectation that it will be treated in confidence. That duty is not absolute, however, and the courts will not intervene to restrain disclosure where (a) the information relates to a crime or other serious misconduct and (b) disclosure is in the public interest. **Thus, where a child is judged to be at risk of significant harm, usually it will be legally possible, appropriate and highly desirable to disclose relevant information to the public authorities for the sake of protecting children.**

If such information has been received in confidence, the person giving the information should, in the first instance, be encouraged to disclose it to the authorities him- or herself. Alternatively, the person receiving the disclosure should ask permission to pass the information on. If this request is denied it might still be possible to pass the information to a statutory body. The latest government guidance, *What to do if you're worried a child is being abused (2003)* gives helpful advice in its appendix on information sharing.

It states:

Disclosure in the absence of consent

The law recognises that disclosure of confidential information without consent of a court order may be justified in the public interest to prevent harm to others.

The key factor in deciding whether or not to disclose confidential information is **proportionality**: is the proposed disclosure a proportionate response to the need to

protect the welfare of the child? The amount of confidential information disclosed, and the number of people to whom it is disclosed, should be no more than is strictly necessary to meet the public interest in protecting the health and well-being of a child. The more sensitive the information is, the greater the child-focused need must be to justify disclosure and the greater the need to ensure that only those professionals who have to be informed receive the material.”

(Protecting all God's Children page 20)

- **In the event of a suspicion of abuse and a concern over confidentiality, advice may be sought from the Diocesan Child Protection Officer.**
- **In the event of a decision not to disclose a suspicion of abuse to the statutory authorities, immediate reference **MUST** be made to the Diocesan Child Protection Officer.**

Children Act 2004

Clause 8 covers information sharing. This is primary legislation which will allow for the development of databases. Specifically Sec 8(5) allows for information to be shared about the existence of any “cause for concern” in relation to a child. Sec 8(7) allows for the subsequent regulations to override the common law of confidentiality.

CONFESSION

"It is possible that relevant information may be disclosed in the particular context of confession. Canon law constrains a priest from disclosing details of any crime or offence which is revealed in the course of formal confession: however, there is some doubt as to whether this absolute privilege is consistent with civil law. Where a penitent's own behaviour is at issue, the priest should not only urge the person to report it to the police or social services, but may judge it necessary to withhold absolution until this evidence of repentance has been demonstrated.

It is in everyone's interest to recognize the distinction between what is heard in formal confession (however this might take place) which is made for the quieting of conscience and intended to lead to absolution, and disclosures made in pastoral situations. For this reason it is helpful if confessions are normally heard at advertised times, or by other arrangement, or in some way differentiated from a general pastoral conversation of a meeting for spiritual direction."

("Protecting All God's Children" page 20)