

## Section 8: Supervision of offenders and those who pose risk

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### Risk assessments

Section 7 of the *Practice Guidance: Responding to, Assessing and Managing Safeguarding Concerns or Allegations against Church Officers* (<http://bit.ly/CofEConcerns>, also known as ‘Responding 17’) includes detailed guidance on the risk assessment and management of those who may pose a known risk to children, young people or vulnerable adults within the congregation or community.

The introduction states:

“The Church of England, based on the message of the gospel, opens its doors to all. This means that there are likely to be those with criminal convictions for sexual and/or violent offences and other forms of abuse, as well as others who may pose a risk, attending a church or as members of worshipping communities. Some of these individuals will pose an ongoing or potential risk of harm to other individuals who attend the church.

“The Church has a duty to minister to all, which imposes a particular responsibility to ensure that everyone who attends the church is safe. This includes not only victims/survivors of abuse offences but all individuals who come to church. This means that it will include those people who have convictions. All must be considered equally to ensure everyone is safe, no matter what their background.

“Where a known sexual/violent offender is not only monitored but befriended, helped and supported by a group of volunteers to lead a fulfilled life without direct contact with children, young people or vulnerable adults, the chances of re-offending are diminished. Indeed, there is no doubt that the church has an important role contributing to the prevention of future abuse.

“Where people have convictions which give rise to a safeguarding concern, their position in a congregation or community may need to be carefully and sensitively considered/assessed to decide whether they pose a risk to others and to put in place arrangements to ensure that these risks are mitigated. This may include people convicted of violent or sexual offences against children, young people and/or vulnerable adults. It may also include those convicted of offences linked to domestic violence/abuse and people involved in drug or alcohol addiction. In addition, there may be those who do not have convictions or cautions but where there are sound reasons for considering that they still might present a risk to others.”

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***In all circumstances where you are concerned that an adult or a child may pose a risk to children or adults who may be vulnerable, please contact the Diocesan Safeguarding Adviser (DSA) at the earliest possible stage and in any case within 24 hours, in order that an appropriate risk assessment can be carried out.***

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### Assessing risk for those known to have sexually abused children

Anyone who has been found guilty of sexual offences against children since the Sex Offenders Act 1997 will be or will have been on the Sex Offenders' Register, and therefore known to the police.

If you are informed by a statutory agency – this may be your local Police Public Protection Team (Jigsaw Teams within the Metropolitan Police Service) or Probation Service – that a known sexual offender or any person who may present a potential known risk to children, young people or vulnerable adults wishes to join your church, or is already a member of your church, then contact the DSA as soon as possible, in any case within 24 hours, and before you take any action.

This information may not come to you directly from a statutory agency, it may come from the person themselves or from someone who knows them.

In all these cases there needs to be a risk assessment and a plan to manage the risk.

Once notified, the Diocesan Safeguarding Team (DST) wherever possible should obtain a copy of the statutory agency risk assessment and use this to draft the Ongoing Safeguarding Agreement and to manage the risk that the individual's attendance at church presents. Where it is not possible to access a statutory agency's risk assessment, a standard risk assessment should be completed by the DSA (see Section 5.3 of [Responding 17](#)) to assist in the drawing up of the Ongoing Safeguarding Agreement.

A meeting should be held with the subject, explaining the outcome of the risk assessment; what the recommendations are; the purpose of the Ongoing Safeguarding Agreement; and who will be involved at a local level to monitor and support the person concerned.

### Assessing risk for those who pose risk but are not sexual offenders

You may be concerned that someone who is not a sexual offender against children nevertheless may pose a risk, in circumstances such as the following:

- they have an offence for violent or sexual offences against adults
- an allegation of abuse against a child or adult has been investigated but the matter has not proceeded to court, or the person has been acquitted
- a person has demonstrated erratic behaviour which is actually or potentially violent or a risk to children or adults who may be vulnerable; this may be due to substance misuse, mental ill health or a disability
- a complaint or grievance has been received alleging inappropriate behaviour, which is not criminal.

In such circumstances, consult with the DSA, who may arrange for a risk assessment to be undertaken, and dependent upon the result of the risk assessment there may then need to be an Ongoing Safeguarding Agreement.

Assessment of risk of clergy or church officers is the responsibility of the Diocese, working in consultation with the parish. The DSA will set up the procedures for this, which are detailed in [Responding 17](#). This will include the commissioning of a risk assessment by an assessor who in some circumstances may be independent from the Diocese.

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### Management and agreements

#### Ongoing Safeguarding Agreements

When it has been assessed that any person who wishes to become or remain a member of the congregation or church community may present a risk to a child, young person or vulnerable adult then there must be an appropriate plan to manage the identified risks using an Ongoing Safeguarding Agreement.

Ongoing Safeguarding Agreements are written by the DST in consultation with the person who poses risk and his/her supporter, Incumbent, Churchwarden(s), Parish Safeguarding Officer (PSO) and other relevant parties (where applicable). This may also involve statutory agencies, if they are involved.

This is normally done through a meeting usually chaired and co-ordinated by the DST member, with the relevant people present.

#### Purpose

An Ongoing Safeguarding Agreement is made primarily to reduce and minimise the risk to children and adults. The agreement also aims to create a safe environment for the person posing risk, through protecting them from false allegations and the risk of re-offending, supporting them and enabling them to receive appropriate ministry within explicit bounds of confidentiality.

#### Who is involved

A reference group will be set up in the church, whose purpose will be to monitor the agreement, as well as to provide support to the person posing risk. This will normally be the Incumbent, the PSO, one or two of the Churchwardens and others depending on the circumstances. There needs to be a sufficient number on the reference group to be able to robustly manage the Agreement but this needs to be balanced with the need for confidentiality and a need-to-know principle.

#### Ministry to the person posing risk

The Agreement will make it clear how the person who poses risk can receive ministry and support.

#### Monitoring and review

The Agreement must be dated and all members of the reference group and the person who poses risk must sign it to acknowledge that they agree to abide by its terms. The parties must also agree the time periods when the Ongoing Safeguarding Agreement can be reviewed.

#### Boundaries of involvement

The Agreement will set clear boundaries on the person's involvement in the church community, in order to minimise risk. Depending on the seriousness of the risk, limits may include:

- which services and/or groups the person may attend
- whether he/she should be accompanied, and if so, by whom
- where he/she may sit, in other words apart from children, young people and/or vulnerable adults
- what activities he/she may participate in, for example attend a house group only if there are no children, young people and/or vulnerable adults; stay away from areas of the building where children, young people and/or vulnerable adults meet; decline hospitality where children, young people and/or vulnerable adults are present

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- what roles he/she is disqualified from; these are likely to include all direct and unsupervised work with children and young people, and any official role or office in the church which gives him or her the status or authority deemed to be trustworthy
- other limits on his/her behaviour, and agreements about how his/her behaviour will be managed.

In circumstances where, for instance, the victim is also part of the church community, or the church is one with a large number of children, the person posing the risk may be introduced to a congregation in another parish.

### Confidentiality

It must be made clear to the person who poses risk and all other parties to the Agreement that no one else apart from those identified in the Agreement will be informed of the facts without the respondent's knowledge. That said, the person must be advised that although the highest levels of confidentiality will be maintained, if there is a breach of the Agreement or a respondent refuses to comply with safeguarding arrangements it may be necessary to inform others to protect children, young people and/or vulnerable adults.

It may also be the case that the statutory authorities involved will be kept updated periodically and certainly if there is a breach of the Agreement. In addition if there is any breach, the DSA must be consulted in order to decide what further safeguards need to be put in place and whether the person should continue as part of that congregation.

### Enforcement

The Agreement must be enforced and monitored, with no changes allowed outside of an agreed review process. It must remain in place for as long as the person is a part of the congregation.

The DSA maintains a database of Agreements in place in the Diocese, and ensures that such agreements are reviewed at least annually.

It should be remembered that it is not possible to prevent a parishioner from attending divine service, which is open to the public, unless this is a condition included in a court order or in his/her licence conditions upon release from prison.

If the person who poses risk will not voluntarily agree not to attend certain services, it is possible for the Churchwardens to direct a person where to sit, put measures in place to closely supervise them (for example, accompany the individual) and remove that person if they cause a disturbance. These measures to minimise risk can be contained within the Agreement.

As stated, any ban from a service of worship which is incorporated in an Ongoing Safeguarding Agreement with a respondent is essentially voluntary if that respondent is a parishioner (if the person is not a parishioner he/she has no legal right to attend a parish church even on Sundays or Holy Days). This position relates to public worship only. Where a respondent parishioner refuses to comply with the terms of his/her Ongoing Safeguarding Agreement, other actions could be imposed, for example banning him/her from choir/bell-ringing practice, midweek activities, after-service coffee, or any other event which is not open to the public in the same way.

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There may also be action that can be taken if individuals refuse to enter into or comply with such an Agreement where the person is subject to supervision by a statutory agency. For instance, information in relation to any failure to comply could be shared with the police or an individual's offender manager who will consider whether there has been a breach of any civil order. This should be made clear to the person, prior to the drafting of the Ongoing Safeguarding Agreement and/or if he/she refuses to comply.

The person should not accept any official role or office in the church which gives him or her status or authority; others may deem that person to be trustworthy. Some roles, for example that of Churchwarden, are disqualified to people with convictions for offences listed in Schedule 1 of the Children and Young Persons Act 1933 (broadly, violent, sexual or drug-related offences against children) and those who have been barred by the Disclosure and Barring Service (DBS) from working with children, young people and/or vulnerable adults (see the Churchwardens Measure 2001, section 2(1A) and 2(2)(a)).