

SECTION 1

INTRODUCTION AND BACKGROUND

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1.1 Acknowledgements

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We are grateful to the following who have kindly granted us permission to use their material in the compilation of these Guidelines:

Children and Young People First: A Code of Practice – Diocese of Southwell
December 1999

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Dennis Tully, former Diocesan Adviser in Youth Work and Colleagues

Deirdre, as Diocese of Sheffield CPC, 1998-2000, contributed substantially to the production of the BALANCE handbook (1999) and to "Recognising, responding and managing risk".

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1.2 Quick Guide

The contents of the handbook are shaped by the 13 guidelines from “Safe from Harm”, a code of practice for voluntary organisations (Home Office 1993). The House of Bishops’ Child Protection Policy is based on this Code of Practice and the legal principle that the welfare of children and young people comes first.

This is the third edition of the Diocese of Sheffield’s handbook. Successive revisions reflect our own growing experience and new legislation, in particular the advent of the Criminal Records Bureau. It is mandatory for each Diocese to have its own child protection policy and each parish is expected to make its response in writing, stating its own practice and procedures.

The 13 Guidelines

- 1 Adopt a policy statement on safeguarding the welfare of children**
- 2 Plan the work of the organisation so as to minimise situations where the abuse of children may occur**
- 3 Introduce a system whereby children may appeal to an independent person**
- 4 Apply agreed procedures for protecting children to all paid staff and volunteers**
- 5 Give all paid staff and volunteers clear roles**
- 6 Use supervision as a means of protecting children**
- 7 Treat all would-be paid staff and volunteers as job applicants for any position involving contact with children**
- 8 Obtain at least one reference from a person who has experience of the applicant’s paid work or volunteering with children**
- 9 Explore the applicant’s experience of working, or contact with children in an interview before appointment**
- 10 Find out whether an applicant has any conviction for criminal offences against children**
- 11 Make paid and voluntary appointments conditional on the successful completion of a probationary period**
- 12 Issue guidelines on how to deal with the disclosure or discovery of abuse**
- 13 Train paid staff and volunteers, their line manager or supervisor, and policy makers in the prevention of the abuse of children**

These guidelines can be grouped under 5 headings

- 1 Organising the church in order to protect children (guidelines 1-3)
- 2 Supporting staff (guidelines 4-6)
- 3 Choosing staff safely (guidelines 7-9)
- 4 Acting wisely and effectively if abuse is suspected or disclosed (guideline 10)
- 5 Training leaders and workers to protect children (guidelines 11-13)

The handbook covers these five key areas in 12 sections

1 Organising the church in order to protect children

- Section 1 and 2 - outline of the legislation, the House of Bishops' policy statement (2003) and the Diocesan organisation of child protection
- Sections 3 and 4 – the recognition of abuse, what to do and the role of the statutory authorities
- Section 5 - good practice guidelines for working with children
- Section 12 - health and safety issues

2 Supporting staff in order to protect children

- Section 3-10 – supervision, training, information, knowledge and skills in recognising, responding and managing risk

3 Choosing staff safely in order to protect children

- Section 10 – the recruitment, selection and appointment process, referees, interviews
- Section 11 – the use of the Criminal Records Bureau and an appeals and complaints procedure

4 Acting wisely and effectively if abuse is suspected or disclosed

- Section 3 - recognising abuse
- Section 4 - when a child wants to confide in you, taking action, referring to the statutory authorities and inter-agency working
- Section 6 - managing the presence in church of those who have abused children or who are suspected of such; inter-agency working

- Section 7 - allegations against the clergy and licensed workers
- Section 8 - the care and counselling of adults who have been abused
- Section 9 - the role of the church and support

5 Training leaders and workers to protect children

Resources – eg

- Training resources in South Yorkshire
- Ecumenical Child Protection Courses
- Diocesan and parish based awareness sessions for clergy, leaders et al

Appendices

The five key areas of the handbook are backed up by appendices giving practical guidance on

- contacting statutory agencies and voluntary organisations
- pro formas for recruitment and appointment of workers
- registration and consent forms
- accident and incident book recommendations
- youth group insurance application form
- internet and mobile 'phone safety
- record keeping and data protection etc
- checklist for parish response to Balance

1.3 Aims and purpose

This third edition of Balance is based on the House of Bishops Policy Statement – “Protecting all God’s Children” 2003. It is for everyone working with or coming into contact with children and young people in the church or in the course of church business. This includes clergy, paid staff and volunteers, lay members and those in a public position of trust in the church. It gives specific guidance and information to help ensure the highest possible standards of care in work with children and young people. These standards also have implications for our work with vulnerable adults.

It will be reviewed and updated regularly because practice in child protection is continually evolving. Hence it is in ring binder format so that new and updated sections can be inserted without a complete re-write of the whole handbook. These amendments will come with specific instructions on integrating them into the handbook. Each section will be dated to ensure that revisions are incorporated when issued. Practice guidelines, forms etc may be extracted and photocopied.

1.4 House of Bishops Policy

Taken from "Protecting all God's Children", House of Bishops Policy Statement 2003:

Our Theological Approach

Every human being has a value and dignity which comes directly from God's creation of humanity in His own image and likeness. Christians see this as fulfilled by God's re-creation in Christ. Among other things this implies a duty to respect all people and to protect them from harm. Christ saw children as demonstrating a full and intimate relationship with God. He gave them status, time and dignity. To people who had been harmed by those who had abused their authority and power, Christ demonstrated particular care while confronting by word and actions those who injured them.

Because redemption and the possibility of forgiveness is so central to the Gospel, the Church is not only well-equipped to assist in the rehabilitation of offenders but is also particularly challenged by them. Our congregations can be a refuge for those who have perpetrated abuse but are seeking help in maintaining a non-abusive way of life. Other abusers may see church membership as an opportunity to be close to children in order to continue their abusive patterns of behaviour. Experience shows that whether penitent or not, abusers always need support in taking responsibility for their own actions and in stopping their abusive behaviour, and of course children need protecting against them. The genuine penitent will accept the need for careful arrangements for their return to church fellowship. This is in line with the Church's realistic understanding of sin and its effects.

A Christian approach to child protection will therefore ask both individuals and communities to create a safe environment for children, to act promptly on any complaints made, to care for those who have been abused in the past and to minister appropriately to those who have abused. The Church must take seriously both the God-given resources of goodness, in addition to the human propensities to evil.

The Child Protection Policy Statement of the Church Of England

The Church of England, in all aspects of its life, is committed to and will champion the protection of children and young people both in society as a whole and in its own community. It fully accepts, endorses and will implement the principle enshrined in the Children Act 1989 that the welfare of the child is paramount. The Church of England will foster and encourage best practice within its community by setting standards for working with children and young people and by supporting parents in the care of their children. It will work with statutory bodies, voluntary agencies and other faith communities to promote the safety and well being of children and young people. It is committed to acting promptly whenever a concern is raised about a child or young person and will work with the appropriate statutory bodies when an investigation into child abuse is necessary.

Context

Child protection and the abuse of children can only be considered in the context of the wider role of family in society and the relationship between family, communities and the state. The interaction between these is never static. The last 40 years, in particular, have seen major changes in the structure of families and this process involves debate about the care and nurture of tomorrow's adult population and a belief in the rights of children to be protected as they grow. The health of a society can be judged by its care and concern for its most vulnerable members.

It was from this background and in response to the publication of "Safe from Harm" by the Home Office in 1993 that the House of Bishops produced its first policy document in 1995. This document was amended in 1999. The current revision draws on the experiences of parishes and dioceses since the publication of the first document, and integrates those experiences with changes in the law and developments in good practice. See Annex 1 for changes in legislation and background principles.

1.5 Definitions

Abuse – child abuse consists of anything which individuals, institutions, or processes do, or fail to do, which directly or indirectly harms children or damages their prospects of a safe and healthy development into adulthood (see Section 3).

Area Child Protection Committee – is an inter-agency forum for agreeing how the different services and professional groups within a Local Authority should co-operate to safeguard children in that area, and for making sure that arrangements work effectively to bring about good outcomes for children.

Child - a person under the age of 18 years as defined by the Children Act 1989 when addressing issues of abuse. (Note that although 16-18 year olds are legally able to give their consent to sexual activity they may nevertheless be harmed by those who are responsible for them and whom they trust)

Criminal Records Bureau (CRB) – an executive agency of the Home Office set up to help employers and voluntary agencies make safer decisions about the recruitment and appointment of workers with children and vulnerable adults (see Section 11).

Employee – clergy are not employees as such but are office holders. Because of the position of trust inherent in their role and the authority vested in them, they and non stipendiary ministers are considered to be employees for the purposes of this policy as are full and part time paid parish staff.

Perpetrator - a person who uses their position of trust, influence and power, to force another to participate in sexual activities (see Section 6).

Racism and Racial Harassment

The definition given in the South Yorkshire Area Child Protection Committee's procedures is as follows:

2.5.1 **Introduction**

Some communities in British society suffer systematic disadvantage in many areas of their lives. Racism can be defined in various different ways: however, for the purposes of these procedures it can be defined in general terms as consisting of “conduct or words or practices which disadvantage or advantage people because of their colour, culture, or ethnic origin. In its more subtle form it is as damaging as in its overt forms” (Macpherson Report 1999). The effects of racism differ for different communities and individuals, and should not be assumed to be uniform.*

2.5.2 **Institutional racism**

This has been defined as “the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture and ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people” (Macpherson Report 1999).

The impact of institutional racism on black families and communities can result in families not accessing direct services either because no appropriate support exists, or because they are unwilling to expose themselves/their communities to perceived censure.

** “The Stephen Lawrence Enquiry: Report of an enquiry by Sir William Macpherson of Cluny”, The Stationery Office, 1999*

2.5.3 **Racial harassment**

This can be defined as a continual/ongoing series of incidents of varying degrees of severity ranging from insults, through assault to grievous injury (possibly fatal) which are perceived to be racially motivated by the victim and/or any other person. This may mean, for example, that an isolated parent cannot go out; or that a child cannot play in his/her own garden.

Racial harassment could therefore have an impact on a child’s emotional and social development. The stress it causes could become a contributory factor towards physical or mental ill-health of children or parents.

Racial harassment can occur in dual heritage families, where one side of the family may subject the child to name-calling and other rejecting treatment.

Screening – part of a formal recruitment process which helps to ascertain whether or not an applicant has the knowledge, skills and experience to work with children. The Diocese of Sheffield uses the Criminal Records Bureau to screen the records of applicants for any matter which indicates unsuitability for work involving contact with children and vulnerable adults

Survivor - an adult or a child, male or female, who has been a victim of abuse. Such abuse could have taken the form of a “one off” incident or have been ongoing for a number of years.

Volunteer - someone who carries out unpaid work which may involve contact with children and young people in the name of the church. The nature of the work varies from formal to informal, education to leisure, in small and large groups in all sorts of contexts. Good practice applies every bit as much to somebody opening their home on occasion, as it does to officially appointed volunteers.

Vulnerable adults - anyone whom society undervalues and exploits because they are different developmentally and/or culturally. In the Care Standards Act 2000, a “vulnerable adult” is defined

...as a person who is not a child and – (a) suffers from mental disorder within the meaning of the Mental Health Act 1983, or otherwise has a significant impairment of intelligence and social functioning; or (b) has a physical disability or is suffering from a physical disorder.

Recent legislation and government guidance

Recent legislation

- **The Police Act 1997** set out the structure of the Criminal Records Bureau.
- **The Sex Offenders Act 1997** set up the Sex Offenders Register
- **The Data Protection Act 1998** extended the rights of individuals to have access to personal information held about them on computer or paper records. There are exceptions to these rights in limited circumstances, including where the information is held for the purposes of preventing or detecting crime.
- **The Human Rights Act 1998** provides that UK legislation must be construed in accordance with the European Convention on Human Rights. The Convention includes rights to respect for private and family life and also a right not to be harmed or tortured.
- **The Protection of Children Act 1999** re-structured the Department of Health Consultancy List, setting up the Protection of Children Act List (POCA List). It also amended the Police Act 1997 so that the CRB can use information from POCA List and the DfES' List 99 in CRB disclosures
- **The Criminal Justice and Court Services Act 2000** allows courts to impose orders disqualifying people from working with children following certain convictions. It is an offence knowingly to seek work with children if disqualified, and also an offence knowingly to recruit or permit a disqualified person to work with children.
- **The Sexual Offences (amendment) Act 2000** equalised the age of consent at 16 for both heterosexual and homosexual activity. It also provided extra protection for young people aged 16 and 17 who have sexual relationships with people in positions of responsibility.

Recent reports and guidance include

- **Working Together to Safeguard Children 1999** - Department of Health/Home Office/Department of Education and Skills inter-agency guidance to safeguard and promote the welfare of children.
- **Caring for Young People and the Vulnerable 1999** - Home Office guidance for preventing the abuse of trust by people in positions of responsibility with 16 and 17 year olds and vulnerable adults.

- **Complex Child Abuse Investigations: inter-agency issues 2002** - this Home Office guidance includes advice on sharing information during investigations
- **Sexual Offences Bill (not yet in force and may be amended by Parliament)** - this legislation aims to overhaul sexual offences legislation providing a clear, coherent and effective set of laws that will increase protection, enable the appropriate punishment of abusers and ensure the law is fair and non-discriminatory.