



FREE CHURCH *of* **SCOTLAND**

Safeguarding Policy and Guidelines for the Protection of Children and Adults

Revised and updated June 2026

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SECTION 1: INTRODUCTION AND SAFEGUARDING POLICY STATEMENT

INTRODUCTION TO THE SAFEGUARDING POLICY AND GUIDELINES

Harm or abuse of children and vulnerable adults is rare but does happen. It is not something new, although there may be more awareness of it now than there has been in the past. Harm or abuse can happen anywhere, including within a Church community and amongst the wider community of individuals who come into contact with the Church and its services and activities. We therefore have a duty to ensure that the Free Church of Scotland and its activities and services are safe for all who come into contact with them. In particular, those who are vulnerable – both children and adults at risk – must be protected, or safeguarded, from harm.

While it is recognised that the risk of harm or abuse occurring cannot be eliminated, the Church seeks to prevent it wherever possible and to minimise the effects of it wherever it is recognised. This can best be achieved if all within the Church, but particularly those with specific roles and responsibilities, including those working with vulnerable groups, are equipped to recognise harm or abuse and know how to report it appropriately and timeously. This can, in some cases, include involving the statutory agencies – police and social work services.

It is also crucial that the Church operates safe recruitment procedures and practices in respect of all who work on its behalf with vulnerable groups (both paid workers and volunteers) to ensure that no unsuitable individual is appointed to a position working with either children or vulnerable adults. Procedures are also necessary in the event that any existing worker becomes unsuitable.

The Protecting Vulnerable Groups Scheme (the PVG Scheme) was introduced on 28 February 2011 by the Protection of Vulnerable Groups (Scotland) Act 2007. The PVG Scheme was strengthened by the Disclosure (Scotland) Act 2020 which made membership of the Scheme a legal requirement for “regulated roles” with children and/or protected adults. This document includes guidelines on the application of the PVG Scheme throughout the Church.

The terms child protection and protecting vulnerable adults have been used previously to describe the way in which the Church seeks to protect both of these vulnerable groups. The single term “safeguarding” is used in this document to describe the protection of both children and adults in the Church.

These Safeguarding Guidelines are for all those who work, on behalf of the Church, with children or vulnerable adults, either as paid workers or volunteers, to provide them with the information they need in order to recognise harm or abuse and report it appropriately, whether they suspect it, or witness it, or it is reported to them. Also included is information on good and safe working practices specifically relating to working with children in the Church. The Guidelines are also for those with other specific responsibilities in the Church - Safeguarding Coordinators, Depute Safeguarding Coordinators, Ministers and Kirk Sessions. Sections 1, 4 and 5 of the Guidelines contain information which is relevant to all.

Sections 2 and 3 are of more relevance to those with specific responsibilities in the Church, as detailed above. Their roles and duties (in addition to those included in Section 4) in respect of safeguarding matters are outlined in Section 2, and the Church's safe recruitment procedures and the operation of the PVG Scheme are detailed in Section 3. **Section 3 (at paragraph 3.4) also includes important information regarding the circumstances in which Kirk Sessions, as employers of paid and unpaid workers, are legally obliged to make a referral about a worker to Disclosure Scotland.**

Further advice and information in relation to specific circumstances can be obtained by contacting the Free Church Offices.

SAFEGUARDING POLICY STATEMENT 2019

The Free Church of Scotland has a Christian care for the welfare of each individual and seeks to make the Church a safe place for all. In particular, the Church seeks to protect and safeguard all those who are especially vulnerable, both children and vulnerable adults, with whom it comes into contact through its activities and services.

It is the responsibility of everyone in the Church, including those working with vulnerable groups, to seek to prevent harm or abuse, whether physical, sexual or emotional.

The Church seeks to safeguard these vulnerable groups through its congregations, committees and advisers and, where appropriate, in cooperation with the statutory agencies, police and social services.

To this end, the Church is committed to inform those who work on its behalf, both paid workers and volunteers, with children and vulnerable adults how to recognise and report harm or abuse. The Church is also committed to operate safe recruitment and working practices and procedures with respect to all such workers and to offer them appropriate support, supervision and training.

The Church also undertakes to offer pastoral support to individuals in the Church who have been affected by harm or abuse.

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SECTION 2: SAFEGUARDING IN THE CHURCH – THE ROLES AND DUTIES OF KIRK SESSIONS, SAFEGUARDING COORDINATORS AND MINISTERS

2.1 THE KIRK SESSION

In general terms, Kirk Sessions are responsible for fully and effectively implementing the Free Church of Scotland Safeguarding Policy and Guidelines in congregations.

All Kirk Sessions are required to appoint at least one Safeguarding Coordinator and ideally there should also be a Depute Safeguarding Coordinator where this is possible.

Safeguarding Coordinators are appointed by each Kirk Session to act on its behalf to help ensure that the Policy and Guidelines are implemented in the congregation.

In more specific terms, each Kirk Session has the following duties and responsibilities:

- To appoint at least one Safeguarding Coordinator and to ensure that such appointment is formally recorded in the minutes.
- To register all appointments of Safeguarding Coordinators with the Free Church Offices. This should be done using the **Form for Registering Congregational Safeguarding Coordinator** or the **Form for Registering Congregational Depute Safeguarding Coordinator**, whichever is appropriate.
- To adhere in all respects to the Church's safe recruitment procedures as set out in Section 3 of the Guidelines.
- To ensure that before anyone takes up a **regulated role** with children or protected adults, they are members of the PVG Scheme, with the Free Church of Scotland noted as an interested party.
- To create and maintain an accurate and up to date congregational register of all workers in **regulated roles** with children and **protected adults** and for this purpose to use the **Congregational Register of Workers** form.
- To afford the Safeguarding Coordinator regular opportunities to report to the Kirk Session. In this regard it is suggested that Safeguarding be a standing item on the Kirk Session agenda.
- To take appropriate steps to ensure that the congregation as a whole know who the Safeguarding Coordinator(s) is/are and understand what their role is. A template **Safeguarding Poster for Congregations** is available for download from the Free Church website and can be used to assist with this.
- To ensure Safeguarding Coordinators attend appropriate training in respect of their role.

- To ensure all volunteers and paid workers in **regulated** roles with children or protected adults attend appropriate training in child and adult protection every 3 years.
- To be aware of their **legal obligation**, as explained in Section 3.4 of the Guidelines, to refer former workers (including volunteers) to Disclosure Scotland where the conditions to do so have been met, and to consult with the Church's Legal & Compliance Officer at the earliest possible stage in the event of such an obligation arising.
- To liaise with non-Free Church groups who wish to use congregational premises to ensure compliance (where applicable) with the Policy and Guidelines. A form for such shared use arrangements can be obtained from the Free Church Offices.
- Together with other members of the Deacons' Court/Finance Committee, as charity trustees, to be aware of the procedure for raising a concern with OSCR, as described in Section 3.5 of the Guidelines.
- To comply with data protection law, and in particular to adopt and adhere to a congregational Data Protection Policy, Data Retention Policy and Privacy Notice, templates of all of which are available for download from the website.

2.2 THE SAFEGUARDING COORDINATOR AND DEPUTE SAFEGUARDING COORDINATOR

In general terms, the role of Safeguarding Coordinators is to act on behalf of their Kirk Session to help ensure compliance with legal duties and that the Church's Safeguarding Policy and Guidelines are fully and effectively implemented within the congregation. Safeguarding Coordinators have the following principal duties and responsibilities:

- To be the person in the congregation to whom reports should be made of any witnessed, suspected or reported harm or abuse of children or adults at risk and, where appropriate, to be responsible for referral on to and/or liaison with the statutory agencies - social work services and/or police.
- To encourage and facilitate safe working practices by providing information on risk management and on the protection of children and adults at risk from abuse and harm.
- To ensure that before anyone takes up a **regulated role** with children or protected adults, they are members of the PVG Scheme, with the Free Church of Scotland noted as an interested party.
- To make any necessary requests to the Lead Signatory (the Legal & Compliance Officer) for applications to be submitted to Disclosure Scotland.

- To ensure all volunteers and paid workers doing **regulated work** with children or protected adults attend appropriate training in child and adult protection every 3 years.
- To keep and maintain up to date records of all workers carrying out **regulated roles** with children or protected adults, and in particular to maintain the congregational register of workers on behalf of the Kirk Session.
- To record and keep accurate accounts of safeguarding incidents and allegations.
- To be available to all in the congregation who wish to express concerns about safeguarding matters.
- To comply with data protection law, and in particular to adhere to the congregational Data Protection Policy, Data Retention Policy and Privacy Notice.

2.3 THE SAFEGUARDING COORDINATOR FOR FREE CHURCH YOUTH CAMPS AND OTHER EVENTS

2.3.1 Free Church Youth Camps

The Camps Coordinator is the Safeguarding Coordinator with overall responsibility for all Free Church Youth Camps. The Camps Coordinator must ensure that all those in **regulated roles** at each event have gone through the Church's safe recruitment procedure as detailed in section 3 of the Guidelines, including the appropriate PVG check.

2.3.2 Camps Events

The Team Leader at each camp has responsibility for safeguarding issues.

For the avoidance of doubt, the positions of **Team Leader, Team Member, Junior Member, Chief Cook** and **Assistant Cook** at a Free Church Youth Camp are all **regulated roles with children** within the meaning of the Protecting Vulnerable Groups (Scotland) Act 2007. Applicants for any of these positions must therefore become members of the Protecting Vulnerable Groups Scheme (PVG Scheme) prior to attending Camp.

Any applicant who has joined the PVG Scheme through an organisation other than Free Church of Scotland must obtain a PVG Scheme update prior to attending Camp. Full information regarding the PVG Scheme is given in Section 3 of the Guidelines.

Note: When completing PVG application request forms in respect of Team Leaders, Team Members and Junior Members, the Camps Coordinator as the Safeguarding Coordinator should enter “Camp Leader” as the “Position applied for” and when completing PVG application request forms in respect of Chief Cooks and Assistant Cooks the Safeguarding Coordinator should enter “Camp Cook supervising children” as the “Position applied for”.

Guest speakers at Youth Camps and events do not require to be PVG Scheme members. It would be best practice to ensure that guest speakers are accompanied by one of the team members who are Free Church PVG Scheme members.

Individuals appointed as Team Leaders at Youth Camps and events should be familiar with the general role of the Safeguarding Coordinator as detailed above. They should also know how to contact a duty social worker and police in the area where the event is taking place.

It is very important that everyone attending a Youth Camp or other event knows who the Team Leader for the event is, what their role is and how to contact them. Team Leaders should therefore be introduced by way of a public announcement at the start of the event and given an opportunity to explain to those attending the event what their safeguarding function is.

2.3.3 Presbytery Events and Discipline Processes

The Presbytery should appoint a Safeguarding Coordinator and Depute for any events it is coordinating i.e. Presbytery Youth Camp or Conference.

Conduct and Complaints Investigations

If the Presbytery is handling a complaint involving allegations of criminality or safeguarding concerns, the Presbytery should ensure that Safeguarding reporting processes are followed¹.

Presbyteries should consider assigning a Safeguarding Coordinator in the process. If the safeguarding conduct or complaint has originated from a Safeguarding Coordinator from a local congregation, they may be able to continue to be involved so they can advise the Presbytery whether referrals to the police or statutory agency are required or not. Alternatively, if there is no existing Safeguarding Coordinator involvement, or if the continued involvement of the congregational Safeguarding Coordinator could be inappropriate or not possible or practical, the Presbytery may wish to appoint a trained Safeguarding Coordinator. This could be an office bearer who has relevant experience and training. It is best practice if the individual has completed the Safeguarding Coordinator Training. Their appointment would be temporary, in order to ensure that the Free Church Safeguarding Policy and duties and responsibilities are followed throughout the discipline process. The Safeguarding Coordinator should liaise with the Church's Legal & Compliance Officer on any safeguarding matters.

¹Act 2, 2024 – Conduct, Complaints and Discipline of Office-bearers at para 3.7. Safeguarding. If the Complaint involves allegations of criminality or safeguarding concerns, the Church's safeguarding and criminality reporting processes should be followed alongside the Conduct and Complaints process.

2.3.4 Event organised by a group of local Churches

The organisers should appoint a Safeguarding Coordinator and Depute from among the existing Coordinators.

The Free Church Offices should be notified of the names of all those who are appointed as Safeguarding Coordinators or Deputes in respect of Presbytery Events or Events organised by a group of local Churches.

2.4 THE MINISTER

In general terms, the role of the Minister in Safeguarding matters is to support the Kirk Session, and in particular the Safeguarding Coordinator(s), in fully and effectively implementing and adhering to the Safeguarding Policy and Guidelines; and, along with professionals and other individuals, to provide pastoral care and support for any in the congregation whose lives are, or have been, affected by harm or abuse. All Ministers should familiarise themselves with the terms of the Safeguarding Policy and Guidelines.

The relationship between the Minister and the Safeguarding Coordinator(s) should be built on trust and respect, and a Minister dealing with harm or abuse should be able to look to the Safeguarding Coordinator(s) for support and advice. There may be situations where the Minister and the Coordinator(s) have to deal with and share highly sensitive information about individuals and their families, or regarding complaints or allegations about workers. In such circumstances both the Minister and the Coordinator(s) will need to know that appropriate confidentiality will be maintained.

If the Minister receives a disclosure of harm or abuse from any individual, he should report this to the Safeguarding Coordinator, who will in turn, if deemed to be appropriate, refer on to social work services and/or the police.

In the event of there being any allegation against a Minister, the Safeguarding Coordinator should make contact with the Presbytery Clerk so that if the Presbytery sees fit it may act. Only the Presbytery can suspend a Minister from duty.

The Minister may also be the person who is the first point of contact with the media and other “interested” parties in the local community in relation to allegations or incidents of harm or abuse. However, in the event of a Minister or any other person in the Church being contacted by the media, they should consult the Communications Manager for support, and the Church's Media Officer and the Chief Executive Officer should be informed as soon as possible, and before any statement is made.

SECTION 3: SAFE RECRUITMENT AND THE PROTECTING VULNERABLE GROUPS SCHEME (THE PVG SCHEME)

3.1 INTRODUCTION

The safe recruitment of all those who work with children and vulnerable adults in the Free Church of Scotland is of paramount importance for the protection of these vulnerable groups. If a Kirk Session does not follow the appropriate procedure to ensure safe recruitment of all workers, it could face litigation in the event of harm occurring as a result of the appointment of an unsuitable person. **All references to workers throughout apply to paid workers and volunteers alike.**

The Protection of Vulnerable Groups (Scotland) Act 2007 (the PVG Act) introduced the Protecting Vulnerable Groups Scheme (the PVG Scheme) on 28 February 2011. This is a membership scheme for individuals in **regulated roles** with **children** or **protected adults** in Scotland and replaced the previous system of enhanced disclosure checks (the 3 highlighted terms are defined under “The PVG Scheme” below). **It is a criminal offence for an individual to carry out a regulated role without being a member of the PVG Scheme and a criminal offence for an organisation, such as the Free Church of Scotland, to permit an individual to carry out a regulated role before receiving confirmation of PVG Scheme membership. It is however crucial to remember that a PVG check is only part of a safe and positive recruitment process. Accordingly, the Church’s other safe recruitment procedures must be followed, as set out in section 3.3 below.**

The PVG Act provides for 2 lists, one for individuals who are barred from working with children and one for individuals who are barred from working with protected adults. It is possible for an individual to be barred from one type of regulated work and not the other, i.e. to be barred from working with children but not barred from working with protected adults, or vice versa. It is a criminal offence for any organisation, such as the Church, to employ (either in a paid or unpaid position) a person to carry out a regulated role of a type from which they are barred.

3.2 THE PVG SCHEME

3.2.1 Who can join the PVG Scheme?

Anyone who will be carrying out, or who anticipates carrying out, a regulated role (either paid or as a volunteer) in Scotland with children and/or protected adults must join the PVG Scheme. This includes people who do not live in Scotland but who will be carrying out a regulated role in Scotland. Disclosure Scotland decides on each application who is suitable and who is unsuitable to join the Scheme, based on information available to them about the applicant. **In most cases applicants are allowed to join the Scheme, even if vetting information exists about them. As already stated, it is therefore very important to remember that just because a person is a PVG Scheme member it does not mean that they are suitable to work with children or adults in the particular post applied for** and it is for the Church to risk assess, using the

procedure detailed in “The Recruitment Process” later in this Section of the Guidelines, any vetting information and to decide in each individual case whether or not the applicant should be appointed to a particular post involving a regulated role.

A regulated role can be either with children or with protected adults or both. There are 2 key concepts to remember when deciding if something is a regulated role – **the normal duties test** and **the incidental test**, both of which are explained later in this section.

3.2.2 What is a regulated role with children in the Church?

A child is someone under the age of 18 for the purposes of the PVG Scheme.

The Disclosure (Scotland) Act 2020 provides a list of activities involving children which fall within the definition of “regulated roles”.

Among them is: “Providing religious activities or services for children”. There are other activities which might also be applicable in a Church context, namely:

Teaching, instructing or delivering training to children, or, providing cultural, leisure, social or recreational activities for children, for example:

- Creche Worker
- Sunday School Teacher
- Sunday School Superintendent/Supervisor
- Youth Fellowship Leader/Committee Member
- Youth Club Leader
- Parent and baby/toddler club helper
- After school club
- Youth Camp Leader/Team Member/Cook
- Holiday Club Leader
- Holiday Club Helper
- Youth targeted events such as outings, weekends away, BBQs, meals or social gatherings.

3.2.3 What is a regulated role with protected adults in the Church?

The Disclosure (Scotland) Act 2020 provides a list of activities involving protected adults which fall within the definition of “regulated roles”.

Among them is: “Providing religious activities or services for protected adults”. There are other activities which might also be applicable in a Church context, namely:

Teaching, instructing, training or supervising protected adults, or, providing cultural, leisure, social or recreational activities for protected adults. Examples include:

- *Recovery/drop-in services,*
- *Addiction support groups,*
- *Welfare or crisis intervention,*

- *One-to-one pastoral support,*
- *Food/support specifically aimed at people with substance dependency,*
- *Referral/signposting services, harm-reduction or outreach work, food bank or provision of assistance to homeless individuals*
- *Pastoral Team members*
- Member of pastoral team participating in religious serves in a care home.

3.2.4 Kirk Sessions

There are two regulated roles where members of a Kirk Session require to be members of the PVG Scheme for Children and/or Protect Adults:

(a) Pastoral Work

Elders who carry out pastoral visitation, pastoral support, mentoring, discipleship, welfare visits or similar pastoral activities involving **children and/or protected adults** will normally be undertaking a regulated role and therefore require to be a PVG Scheme member.

An Elder who undertakes pastoral work involving both children and protected adults will require PVG Scheme membership for both.

However, some Elders may not be able to participate in pastoral work. This may arise due to age, illness, infirmity or other circumstances. Where an Elder does not undertake pastoral work and will not do so going forward, the Kirk Session may determine that PVG Scheme membership is not required on this ground. Any such decision should be clearly recorded in the minutes of the Kirk Session and communicated to the congregation. The Elder must not undertake any pastoral work involving children (or protected adults) unless and until the appropriate PVG Scheme membership has been obtained.

(b) Strategic or Operational Decision-Making

The Disclosure (Scotland) Act 2020 provides that individuals who are responsible for strategic or operational decision-making in relation to the protection, welfare or activities of children or protected adults may be carrying out a regulated role.

The Kirk Session has responsibility for safeguarding, oversight and decision-making in relation to children and protected adults within the congregation. The Kirk Session's normal duties will include the day-to-day supervision or management of individuals in the congregation serving in regulated roles. As such elders who participate in such decisions and supervision will normally require PVG Scheme membership for the relevant group.

Accordingly, where the Kirk Session makes strategic or operational decisions affecting children, every Elder participating in those decisions will require to be a PVG Scheme member for work with children. Similarly, where the Kirk Session makes strategic or operational decisions affecting protected adults, every Elder participating in those decisions will require to be a PVG Scheme member for work with protected adults.

An Elder who does not participate in such decision-making, for example due to age, illness, infirmity or prolonged non-attendance at meetings, may not require PVG Scheme membership on this ground. In such cases, the Kirk Session should clearly minute that the Elder is not involved in strategic or operational decision-making relating to children or protected adults. This arrangement should be kept under regular review and the Elder must not participate in such decision-making unless and until the appropriate PVG Scheme membership has been obtained.

All members of a Kirk Session, as the body holding responsibility for overseeing Safeguarding in the congregation, make decisions of an operational or strategic nature.

3.2.5 Deacons' Courts & Finance Committees

There are two regulated roles where members of a Deacons' Court or Finance Committee require to be members of the PVG Scheme

a) Deaconate Work

A Deacon who carries out deaconate visitation, welfare visits, practical support, pastoral support, financial assistance, mentoring or similar activities involving children or protected adults will normally be undertaking a regulated role and therefore require to be a PVG Scheme member for the relevant workforce(s).

A Deacon who undertakes deaconate work involving both children and protected adults will require PVG Scheme membership for both workforces.

However, some Deacons may not participate in deaconate work. This may arise due to age, illness, infirmity or other circumstances. Where a Deacon does not undertake deaconate work and will not do so going forward, the Kirk Session may determine that PVG Scheme membership is not required on this ground. Any such decision should be clearly recorded in the minutes of the Kirk Session and Deacons' Court and communicated to the congregation. The Deacon must not undertake any deaconate work involving children or protected adults unless and until the appropriate PVG Scheme membership has been obtained.

b) Strategic or Operational Decision-Making

The Disclosure (Scotland) Act 2020 provides that individuals who are responsible for strategic or operational decision-making in relation to the protection, welfare or activities of children or protected adults may be carrying out a regulated role.

All members of a Deacons' Court and all members of a Finance Committee hold positions of responsibility. They are the charity trustees for the congregation. They make decisions of an operational or strategic nature.

As the Deacons' Court and/or Finance Committee have responsibility for decisions relating to the welfare, support, care, financial assistance, activities of children and protected adults within the congregation, Deacons or committee members who participate in such decisions will normally require PVG Scheme membership for the relevant group.

If any member of the Deacons' Court or Finance Committee undertakes normal duties that include the day-to-day supervision or management of individuals in the congregation serving in regulated roles, participation in such decisions and supervision will normally require PVG Scheme membership for the relevant group.

Accordingly, where the Deacons' Court and/or Finance Committee makes strategic or operational decisions affecting children, every Deacon or Finance Committee member participating in those decisions will require to be a PVG Scheme member for work with children. Similarly, where the Deacons' Court makes strategic or operational decisions affecting protected adults, every Deacon or Finance Committee member participating in those decisions will require to be a PVG Scheme member for work with protected adults.

A Deacon or Finance Committee member who does not participate in such decision-making, for example due to age, illness, infirmity or prolonged non-attendance at meetings, may not require PVG Scheme membership on this ground. In such cases, the Kirk Session and Deacons' Court should clearly minute that the Deacon is not involved in strategic or operational decision-making relating to children or protected adults. This arrangement should be kept under regular review and the Deacon or Finance Committee member must not participate in such decision-making unless and until the appropriate PVG Scheme membership has been obtained.

3.2.6 Congregational Treasurer

If your congregational Treasurer is not already a member of the PVG Scheme as an Elder, Deacon, member of a Finance Committee where they are involved in strategic or operational decision-making, the role may nevertheless involve regular contact with protected adults in relation to financial matters connected with the congregation.

Such contact may include discussions regarding offerings, Gift Aid, donations, legacies, financial assistance, stewardship arrangements or other matters involving the finances or property of protected adults. In carrying out these responsibilities, a Treasurer may have access to sensitive personal and financial information and may occupy a position of trust in relation to protected adults.

For these reasons, the Free Church considers that a Congregational Treasurer should ordinarily be a PVG Scheme member for work with protected adults, notwithstanding that the Treasurer may not otherwise hold a governance or pastoral role within the congregation.

3.2.7 Who is a protected adult?

“Protected adult” is a legal term which was introduced by the Protection of Vulnerable Groups (Scotland) Act 2007. It has now been amended by the Disclosure (Scotland) Act 2020.

A “protected adult” can include an individual in any of the following categories:–

Category 1² – Providing religious activities or services to an individual aged 18 or over who, by reason of physical or mental disability, illness, infirmity or ageing —

- (a) has an impaired ability to protect themselves from physical or psychological harm, or
- (b) requires assistance with the activities of daily living.

Category 2³ – Homeless counselling, advice or guidance

- (c) an individual aged 18 or over who is homeless (within the meaning of section 24 of the Housing (Scotland) Act 1987)⁴, and
- (d) who is receiving counselling, therapy, advice, guidance or advocacy support in relation to health or wellbeing.

Category 3⁵ – Domestic Violence counselling, advice or guidance

- (a) an individual who has experienced, is experiencing or is at risk of experiencing domestic abuse⁶
- (b) who is receiving counselling, therapy, advice, guidance or advocacy support in relation to health or wellbeing.

3.2.8 The normal duties test

These are things that an individual might be expected to do as part of the post held by them on an ongoing basis, for example appearing in a job description. Accurate job descriptions are therefore important under the PVG Scheme. “Normal duties” does not include one-off occurrences or unforeseeable events. An activity or work is likely to be normal duties when it appears in a job or task description, can reasonably be anticipated and occurs regularly, although no particular frequency is specified for work to be regular as this will depend on the context – regular could in some situations mean once every year. An activity or work is unlikely to be normal duties

² S.75(2)(a) Disclosure (Scotland) Act 2020

³ S.75(2)(b)(i) Disclosure (Scotland) Act 2020

⁴ Section 24 of the Housing (Scotland) Act says a person is homeless if they have no accommodation in the UK or elsewhere. A person is also homeless if they have accommodation but cannot reasonably occupy it, for example because of a threat of violence. A person is potentially homeless (threatened with homelessness) if it is likely that they will become homeless within two months.

⁵ S.75(2)(b)(ii) Disclosure (Scotland) Act 2020

⁶ S.75(3) Disclosure (Scotland) Act 2020 “Domestic abuse means behaviour (whether or not amounting to a criminal offence) that:-

- a) is perpetrated between partners or ex-partners, whether in the home or elsewhere or by means of electronic or other forms of communications, and
- b) involves any form of physical, verbal, sexual, psychological, emotional or financial abuse of one of the partners or ex-partners by the other.

A person is a partner of another person if they are married to each other, civil partners, living with each other as if married or otherwise in an intimate relationship with each other.”

when done in response to an emergency, arranged at the last minute to stand in for another worker who is unexpectedly absent, or done as a one-off activity of short duration which is not part of the person's normal routine or duties.

3.2.9 The incidental test

The scope of a regulated role is also narrowed by the incidental test. This is very important and may well be the deciding factor as to whether or not a volunteer or paid worker should join the PVG Scheme. Some activities with children or protected adults do not constitute regulated roles if the activity is incidental to working with individuals who are not children or protected adults. An activity is likely to be incidental when open to all, is attractive to a wide cross-section of society, or attendance is discretionary. Examples may include:

- Door duty or welcoming team at church services
- Those catering at congregational hospitality events
- Those organising 'one off' congregational events i.e. Inductions, weddings, BBQs, picnics, outings, conferences, where attendance is open to all and children may be present.

It is unlikely to be incidental when specifically targeted at children or protected adults, is more attractive to children or protected adults than others, or attendance is mandatory. If an activity is believed to be incidental, for example is open to all or to a wide cross section of society, but in actual fact is attended by a significant majority of children or protected adults, then there should be a review carried out as to whether a regulated role with children or protected adults is now taking place and those involved should be joining the PVG Scheme.

3.2.10 How to assess if a position is a regulated role on behalf of the Church

There are 5 key questions to ask in making an assessment, namely:

- **Is it work?** Work has a broad meaning for the purposes of the PVG Scheme and includes paid and unpaid work. It does not however come within the scope of the Scheme if it is done in the course of a family relationship or for an individual in the course of a relationship for no payment.
- **Who are they working with?** In particular are they working with children and/or protected adults?
- **What do they do?** Is it a regulated role, either with children or protected adults or both? The question to ask is whether it includes one of the activities listed above, or is it supervising someone who is doing a regulated role?
- **Is it their normal duties?**
- **Are there any exceptions which apply?** For example, is it incidental activity as described above?

Disclosure Scotland have agreed that the following roles are regulated roles and thus require PVG Scheme membership:

Alcohol and drug abuse support worker
Assistant Minister
Camp cook supervising children
Camp Leader
Children's Worker⁷
Creche Worker
Deacon with pastoral care duties
Deputy Safeguarding Co-ordinator
Elder with pastoral care duties
Member of finance team/committee
Member of pastoral team
Minister
Road 2 Recovery - Counsellor
Safeguarding Co-ordinator
Student Minister
Youth Worker
Youth Club Helper⁸

Please use one of the above agreed roles when completing the PVG Scheme Application. If a specific role isn't mentioned (i.e. Sunday School Teacher) please use a role that best describes that role, for example: "Children's Worker" You will be able to use the more detailed role in the internal job description.

If you do not use one of the agreed roles above in your PVG Scheme Application your application may be rejected or delayed.

It is important that anyone applying to join the PVG Scheme meets the criteria for scheme membership, i.e. that the post does indeed qualify as a regulated role.

3.2.11 PVG Scheme Disclosures

Unless the person is already a PVG Scheme member, already cleared to work with the particular vulnerable group, with the Free Church of Scotland noted as an interested party, an application will require to be made by the Lead Signatory with Disclosure Scotland.

There are 2 types of PVG applications for workers and volunteers with the Church: join and existing.

Join: This is for joining the PVG scheme. It is also for existing members who want to work with a new vulnerable group.

Existing: This is for existing PVG members who are continuing to work with the same vulnerable group.

⁷ Includes roles such as Parent and Baby/Toddler Club Leader/Helper, Sunday School Teacher/Helper/Superintendent, Youth Fellowship Leader/Committee Member,

⁸ Includes Holiday Club Leader/Helper

Any applicant for a regulated role in the Church should be asked if they are already a PVG Scheme member, cleared to work with the particular vulnerable group. This is because they may have already joined the Scheme to do a regulated role for another organisation.

Where an application to Disclosure Scotland is required, a Request Form must be completed by the Safeguarding Coordinator and sent, along with a completed Identification Verification Statement, to the Lead Signatory.

The applicant must complete a Self-Disclosure Form. This can be passed to the Safeguarding Coordinator who will send it to the Lead Signatory, but the more confidential method is if the Self-Disclosure Form is sent by the applicant straight to the Lead Signatory.

Offline (paper) applications are available for those who cannot apply online, but the vast majority of applications are made online.

An application is submitted by the Lead Signatory to Disclosure Scotland. The lodging of the application triggers an email from Disclosure Scotland to the applicant, setting out the next steps. When the link on the email is clicked, the applicant will be invited to create a ScotAccount and thereafter complete an online form. This has to be done within 14 days.

Disclosure Scotland then process the application, usually within 14 days, and send the applicant an email, giving notification that the result can now be viewed. The applicant requires to click on the link in the email, sign into the ScotAccount, view the result and give consent that Disclosure Scotland can share the result.

The Lead Signatory is then notified by Disclosure Scotland that the result can be viewed.

The result will show the applicant's name, date of birth, PVG membership number, the role, the vulnerable group the applicant can work with, and the consideration status. It will show whether they are being considered for listing (barring) by Disclosure Scotland. It will also show any vetting information gathered by Disclosure Scotland about the Scheme member. Vetting information is criminal conviction information from all parts of the UK and also any relevant non-conviction information. The presence of vetting information does not necessarily mean that the applicant is unsuitable for the post applied for.

From 1st April 2026, anyone joining the PVG Scheme for the first time or anyone whose PVG Scheme membership is updated will be subject to a five-year Scheme membership. Towards the end of the five-year period, Disclosure Scotland will contact the Scheme member in connection with renewal.

Disclosure Scotland will make arrangements for those who were PVG Scheme members before 1st April 2026 to be moved across to five-year membership. This process will be done in stages, beginning with those who have been on the PVG Scheme for the longest.

3.2.12 Updating of Record and Continuous Updating

If a PVG Scheme member commits an offence that is relevant to working with children and/or protected adults their status may change to being under “consideration for listing” (this means that Disclosure Scotland is **considering** whether or not to add the person's name to the list of individuals who are barred from carrying out a regulated role with children, or to the list of individuals who are barred from carrying out a regulated role with protected adults). If the status of a Scheme member who is carrying out a regulated role for the Church moves to “consideration for listing”, or changes from being a PVG Scheme member to being barred from carrying out a regulated role, due to information received by Disclosure Scotland, the Church will be informed of this. It is therefore important, in circumstances where a PVG Scheme member stops doing paid or unpaid work for the Church, that Disclosure Scotland is informed of this so as to update their PVG scheme membership. **It is the responsibility of the individual Scheme member to inform Disclosure Scotland when s/he leaves a position of regulated work.** If a Church worker does this then Disclosure Scotland will contact the Church for confirmation that the information which they have received from the former worker is correct.

3.3 SAFE RECRUITMENT OF WORKERS

3.3.1 Job Descriptions

It is important for all workers to have clear roles and to have a job description. All prospective workers who will be carrying out a regulated role with children or protected adults should be given the **Job Description and Declaration** form to sign. This form should include a meaningful job description for the post so that the worker will be clear as to what their duties and responsibilities are to be. The form also contains a statement confirming that the worker understands the nature of the post and knows what to do to protect the vulnerable group to which the post relates (children or protected adults) and what to do if harm or abuse is suspected or witnessed by them or reported to them.

The work of developing job descriptions should not necessarily be the sole responsibility of the Safeguarding Coordinator, but whether or not the Coordinator is directly involved in this, s/he should ensure that appropriate job descriptions have been or are being developed for those doing a regulated role on behalf of the congregation. It is suggested that where a job description requires to be written or amended, those individuals who already have experience of the post should be asked what they do and what their role does, or should, involve.

3.3.2 The Recruitment Process

Before any applicant or prospective worker/volunteer starts work:

- The applicant must complete a **Job Application Form (New or Existing)**.
- The applicant must be interviewed – the interview may be informal depending on the circumstances but should always take place.

- 2 references must be obtained (if new worker/volunteer).
- The applicant must be provided with a job description.
- A satisfactory and up to date PVG Scheme result must have been obtained in respect of the applicant for all posts involving a regulated role.
- The Kirk Session must have formally approved the appointment.

The above is a summary of the safe recruitment process. Details of the steps which require to be followed by the applicant, the Safeguarding Coordinator, the Kirk Session and the Lead Signatory in the recruitment process are as follows, in the correct order:

1. An individual (the applicant) is identified as being potentially suitable for a particular post. This can happen in various ways. For example, an individual might volunteer their services, or may be approached by the Safeguarding Coordinator or the Minister or other member of the Kirk Session as being potentially suitable for work on behalf of the congregation.

2. The Safeguarding Coordinator gives the applicant a **Job Application** form and job description and the applicant completes and returns the form. If a new worker/volunteers, as part of this process the applicant provides details of 2 referees.

3. 2 references are then taken up. Wherever possible at least one of these should be provided by an individual or organisation outside the local church community as such a reference may give a different view of the applicant to that held by individuals in the congregation. If a reference is vague or ambiguous it should be followed up by a telephone call for clarification. If the post is for work on behalf of a congregation, a referee should **not** be a member of the Kirk Session. If the post is for work at a Youth Camp, no referee should be a member of that Camp's leadership team.

4. The applicant is thereafter interviewed. The interview does not have to be formal and indeed can be an informal chat - in many instances this will be more appropriate and helpful than a formal interview. Either way, the interview should be planned. Some thought should be given as to who should attend and what questions should be asked – questions should be kept relevant to the post. It should not be the responsibility of one person alone to conduct the interview – ideally there will be 2 or 3, probably including the Safeguarding Coordinator. The purpose of the interview is to find out whether the applicant is right for the post and whether the post is right for the applicant. For example, there may be another role in the congregation for which the applicant may be better suited, and this is something which may come to light and be explored at the interview. The applicant should be given the opportunity to ask questions. It is important to make the applicant aware that a PVG check will be required for the post if it is a regulated role. The applicant should also be told how and when they will be informed of the outcome of the interview.

5. The Kirk Session should then intimate whether they wish, in principle, to appoint the applicant, subject to receipt of a satisfactory PVG check if the post is a regulated role.

The applicant should be asked whether he or she is already a member of the PVG Scheme and, if so, in respect of which vulnerable group. The Coordinator should issue the applicant with the **Self-Declaration Form** for completion.

The Coordinator should complete a PVG Online Request Form. This Form, the Self-Declaration Form and the Identification Verification Statement are all available on the Secure Resources section of the Free Church website.

6. The Coordinator then checks the applicant's identity and address from the identification documents produced by the applicant and completes the Identification Verification Statement. The Coordinator must see original documents - photocopies are not acceptable. Also, all address identification must be not more than 3 months old. If the post is for work at a Youth Camp, the identity check may be carried out either by the Camps Coordinator as the Safeguarding Coordinator with overall responsibility for Youth Camps, or, where this is not practical, by the applicant's Congregational Safeguarding Coordinator. If an applicant is a member of a non-Free Church congregation, then the identity check should be carried out either by the Camps Coordinator or by a local Free Church Congregational Safeguarding Coordinator.

7. The Coordinator then sends the completed PVG Online Request Form and the **Identification Verification Statement** to the Lead Signatory. The Lead Signatory also requires to be sent the Self-Disclosure Form – preferably by the applicant or by the Safeguarding Coordinator.

8. The Lead Signatory submits an application to Disclosure Scotland. This generates an email from Disclosure Scotland to the applicant, inviting the applicant to create a ScotAccount and thereafter complete and submit their part of the applicant form.

9. Unless the applicant is barred from carrying out a regulated role with the group applied for (children or protected adults or both), s/he will join the PVG Scheme (if not already a member of it) and the applicant will be notified that the result can be viewed online. The applicant requires to view their result and consent to Disclosure Scotland sharing the result with the Lead Signatory. In most cases this will be clear and will not contain any vetting information. However, in some cases the applicant's PVG result will contain vetting information. **It is crucial to remember that just because an applicant is a PVG Scheme member this does not necessarily mean that he or she is suitable to work with children or adults in the specific post applied for.**

10. If vetting information is disclosed on the applicant's PVG result, the Church must then risk assess this and must decide in each individual case whether or not the applicant should be appointed to a regulated role. The Lead Signatory will consider the nature of any vetting information disclosed and will consult with designated

members and advisers of the Free Church of Scotland Board of Trustees, who will assess the relevance of the information, along with any information or explanation on the Self-Declaration Form. The Lead Signatory may at this stage make an enquiry in confidence to the Minister regarding the suitability of the applicant for the post applied for, with reference to the vetting information. If deemed necessary, the applicant will be given an opportunity to explain the vetting information in addition to any explanation already provided in the Self-Declaration Form. Vetting information must be treated in the strictest confidence and shared with as few individuals as possible on a "need to know" basis. It should not, for example, be disclosed to/discussed by the whole Kirk Session. It is suggested that within the congregation any such information should be shared/discussed only among the Minister and Coordinator(s). **If the PVG check has disclosed that the applicant is "under consideration for listing", s/he is not legally barred from doing regulated work. However, any decision to allow such an applicant to do regulated work pending the outcome of the Disclosure Scotland investigation should only be taken after a risk assessment, and then only with the agreement of the above-mentioned designated members and advisers of the Board of Trustees. As a minimum precaution, any applicant who is allowed to carry out a regulated role whilst under consideration for listing should do so only under appropriate supervision.**

11. The Lead Signatory informs the Coordinator in writing of the outcome of the PVG check. If the check is satisfactory the Lead Signatory will inform the Coordinator that the Kirk Session can proceed to appoint the applicant. If the check discloses vetting information but the result of the risk assessment is that the applicant can still be appointed to the position, the Lead Signatory will inform the Coordinator in writing that the Kirk Session can proceed to appoint the applicant. If the result of the risk assessment is that the applicant should not be appointed to the position, or if the PVG check has disclosed that the applicant is "listed" (barred) from doing the regulated work in question, the Lead Signatory will inform the Coordinator of this in writing and advise that the applicant cannot be appointed. The Kirk Session will inform the applicant in writing of the decision. If the applicant appeals against a decision not to appoint him/her this will be heard by an appointed sub-committee of the Free Church of Scotland Board of Trustees, which sub-committee will not include any of the designated members referred to in paragraph 12 above. **Note: it is an offence to offer a regulated role to a person who is barred from that type of work.**

12. The Coordinator notifies the Kirk Session of the outcome of the PVG checks. If appropriate, the Kirk Session will now formally appoint the applicant to the post for a probationary period, during which time appropriate support and supervision should be provided to the new worker.

13. A probationary period allows a new worker to decide if the work is right for them and also allows leaders to observe how the new worker is getting on and to give sensitive feedback where appropriate. Supervision is important during this time and can be used to discuss matters such as personal relationships with the children or protected adults, safe working practices, risk assessment, team work and preparation. The length of the probationary period should be agreed with the new worker and a review meeting should take place at the end of this.

14. The Kirk Session records the decision to appoint the applicant.

15. The Coordinator enters the new worker's name in the **Congregational Register of Workers**, gives the new worker a copy of the version of the Safeguarding Policy and Guidance for workers and informs the new worker of the requirement to attend the online Free Church of Scotland Safeguarding Training as soon as possible

These steps should always be followed for every new and existing worker/volunteer. There should not be any exceptions.

3.3.3 Student Ministers

All student Ministers must have a PVG check carried out through the Free Church for work with both children and protected adults, as a condition of commencing or continuing with their studies at Edinburgh Theological Seminary. This is on the basis that it is a requirement of their course of studies that they carry out a regulated role.

The Clerk to the Board of Ministry, who may be assisted by the ETS Secretary, should fulfil the same role as the Safeguarding Coordinator in relation to steps detailed at 3.3.2 above.

3.3.4 Recruiting individuals who have lived outside the UK

Additional steps are required in the case of applicants who have lived outside the UK for 3 months or more in the last 10 years, or who were born and raised outside the UK.

Firstly, extra care should be taken in carrying out the required identity checks, and in obtaining and checking suitable references.

Secondly, applicants should be asked to provide a criminal record certificate or equivalent from the relevant country or countries. Guidance on how to obtain this is available from the UK Government on the UK.GOV website, and also from the Centre for the Protection of National Infrastructure (CPNI). The onus is on the applicant to provide satisfactory evidence.

Advice and assistance can be sought from the Legal & Compliance Officer.

3.4 MAKING REFERRALS TO DISCLOSURE SCOTLAND UNDER THE PVG ACT

3.4.1 Introduction

As referred to earlier in these Guidelines, the Protection of Vulnerable Groups (Scotland) Act 2007 provides for 2 lists of individuals barred from carrying out a regulated role, one for work with children and one for work with protected adults. If a person's name is on either of these lists, then they are barred from doing a paid or unpaid regulated role with children or protected adults or both. If a person does work from which s/he is barred, they commit an offence. It is also an offence for an organisation, such as the Free Church, to offer a regulated role to, or continue to

use, someone who has been barred. It is possible for a person to be barred from one type of regulated work and not the other.

There are various ways in which a person can have their name added to one or both of these lists and thereby become barred from undertaking a regulated role. One of these is by way of a report or referral by an employing organisation, such as the Church, being made about them to Disclosure Scotland. Referrals can also be made to Disclosure Scotland by Regulatory Bodies and by the courts.

Kirk Sessions as “employers” of workers or volunteers (but not ministers) therefore have a legal obligation in certain circumstances to pass on information to Disclosure Scotland that could call a person’s suitability for doing a regulated role into question so that the information can be assessed, and any appropriate action taken by Disclosure Scotland. This is known as making a referral. In the event of a referral to Disclosure Scotland being contemplated, the Kirk Session should contact the Legal & Compliance Officer as soon as possible. If grounds exist for making a referral, the referral will be made by the Legal & Compliance Officer on behalf of the Kirk Session.

The grounds for making a referral are set out in section 2 of the PVG Act. These are that the volunteer or paid worker concerned must have done one or more of the following:

- caused harm;
- placed someone at risk of harm;
- engaged in inappropriate conduct involving pornography;
- engaged in inappropriate sexual conduct;
- given inappropriate medical treatment.

In the context of the first 2 of the above bullet points, it is important to have an understanding of the meaning of “harm” and “risk of harm” and what sort of actions by a worker might result in another person being harmed or placed at risk of harm.

3.4.2 “Harm” and “Risk of harm” in the context of PVG Act Referrals

Harm could occur by a worker’s actions causing physical or sexual harm to another person; or causing psychological harm, for example by putting someone in a state of fear, alarm or distress. It could also occur by a worker doing something illegal which adversely affects someone’s property, for example by theft, fraud or extortion.

Risk of harm could occur if a worker attempts to harm another person by attempting to cause physical or psychological harm or do something illegal which would adversely affect another person’s property, e.g. attempted theft. It could also occur if a worker tries to get someone else to harm another person or encourages someone to harm themselves or generally does anything else that might harm someone or expose them to risk of harm.

Under the PVG Act, some of the things which may cause harm are emotional abuse, neglecting a person's needs, inappropriate physical restraint, failure to attend to whatever health and safety requirements may be in force, using inappropriate language, sexual abuse, physical assault or supplying illegal or unauthorised drugs.

3.4.3 When to make a Referral to Disclosure Scotland

If any Kirk Session in the Free Church removes a volunteer or paid worker from a regulated role because that person has done anything listed under paragraph 3.4.1 above as being grounds for referral, then it is legally obliged to make a referral to Disclosure Scotland and will be committing an offence if it fails to do so. This also applies if the individual has left the post for some other reason, i.e. if the person would have been dismissed were it not for the fact that s/he had already left, then there is a legal obligation to make a referral if that person has harmed a child or protected adult or placed a child or protected adult at risk of harm. **In such circumstances a referral must be made, regardless of whether or not the individual is a member of the PVG Scheme. Where there is a duty to refer, the referral must be completed by the Legal & Compliance Officer on behalf of the Kirk Session and passed to Disclosure Scotland within 3 months.**

The legal obligation on the Kirk Session to make a referral where the grounds to do so have been met does not apply to incidents which took place before the PVG Act came into force. However, the Church can make a referral about a historical incident if it wishes to do so.

3.4.4 When not to make a Referral

A referral should not be made if a worker is suspended or transferred to other duties pending the outcome of an investigation. In such circumstances a referral should only be made if, after investigation, any such transfer is made permanent or the worker is dismissed or permanently removed from their position.

3.4.5 What happens after a Referral has been made?

Once a referral has been made it will then be investigated by Disclosure Scotland, who will make a decision as to what, if any, further action is required. Only a small proportion of individuals referred to Disclosure Scotland will be placed on one or more of the lists (of those barred from working with children or protected adults). Disclosure Scotland does not however have the power to tell the referring organisation (such as the Church) when their enquiry has been concluded. Also, as the Church will no longer be the employer of the person referred, it will not be notified of the outcome of the referral.

In conclusion therefore, any Kirk Session who removes either a paid worker or volunteer from a position where that person has been doing a regulated role with children or protected adults, for the reason that the worker has caused harm or placed a child or protected adult at risk of harm, as described above, should contact the Legal & Compliance Officer without delay, bearing in mind the time limit which applies to such referrals. The Legal & Compliance Officer will submit the formal referral to Disclosure Scotland on behalf of the Kirk Session.

3.5 RAISING A CONCERN WITH OSCR

From 1 April 2024, OSCR no longer ask that charities use the Notifiable Events process to inform them when something serious has happened or is happening to the charity.

There is no longer a requirement to make a report to OSCR about significant safeguarding events. The expectation is that charity trustees will manage their charity effectively and handle issues or significant events as they arise.

If this is not possible, charity trustees should report this to OSCR through their 'Raise a Concern' Form.

The Kirk Session and Deacons' Court should consult with the Legal and Compliance Officer before submitting a "Raise a concern" form, for advice and guidance.

SECTION 4: CHILD AND ADULT PROTECTION IN THE CHURCH

4.1 INTRODUCTION

It is important to recognise that abuse, neglect and harm do occur and can do so in all sectors of society, including within the Church community. Child protection, and the protection of adults at risk, is not just a matter for the statutory agencies such as police and social services – on the contrary, all who work with children or adults at risk, as well as members of the public in general, have an important role to play in child and adult protection.

There are various ways in which concerns about actual or potential abuse, harm or neglect may arise. They may arise gradually over a period of time or as a result of one particular incident; they may arise as a result of something which is observed or witnessed; they may arise as a result of information given or a disclosure made by the child or adult at risk themselves; or they may arise by reason of information received from a third party.

This section of the Safeguarding Guidelines is intended for all volunteers and paid workers in the Church, including Safeguarding Coordinators, who work, on behalf of the Church, with children or vulnerable adults/adults at risk. It is intended to give some basic information about what abuse or harm is, how to recognise it and how to report it appropriately in the event that it is suspected, or observed or witnessed, or reported by a third party. Some basic definitions are now given:

4.2 DEFINITIONS AND EXAMPLES

The first 4 definitions, which are in relation to children, are taken from “The National Guidance for Child Protection in Scotland 2010” issued by the Scottish Government:

4.2.1 Child

A child can be defined differently in different legal contexts. However, under the PVG Scheme a child is a person under the age of 18.

4.2.2 Child protection

Child protection means protecting a child from abuse or neglect. Abuse or neglect need not have taken place; it is sufficient for there to be a likelihood or risk of significant harm from abuse or neglect.

4.2.3 Child abuse

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse a child by inflicting, or by failing to act to prevent, significant harm to the child. Children may be abused in a family or in an institutional setting, by those known to them or, more rarely, by a stranger. In a child protection context, there are three key different types of abuse that can be identified. **Physical abuse** is the causing of physical harm to a child or young person. **Emotional abuse** is persistent emotional neglect or ill treatment of a child causing severe and persistent adverse effects on

the child's emotional development. **Sexual abuse** is any act that involves the child in any activity for the sexual gratification of another whether or not it is claimed that the child either consented or assented.

It should be noted that disabled children may be particularly vulnerable to abuse or harm.

4.2.4 Child neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing: to provide adequate food, shelter and clothing; to protect a child from physical harm or danger; to ensure access to appropriate medical care or treatment; or to provide a child's basic emotional needs.

Accordingly, in simple terms, abuse, neglect or harm of a child is any conduct that you suspect or know or have been told is having a seriously bad or adverse effect on the child.

4.2.5 Adults at risk

In 1997 the Scottish Law Commission published recommendations and a draft Bill in respect of "vulnerable adults". Since then policy in this area has developed considerably, resulting in The Adult Support and Protection (Scotland) Act 2007. The provisions of this Act are intended to protect those adults who are unable to safeguard their own interests, such as those affected by disability, mental disorder, illness or physical or mental infirmity, and who are at risk of harm or self-harm, including neglect. Section 3 of the Act defines "**adults at risk**" as follows:

"1. "Adults at risk" are adults who:

- a) are unable to safeguard their own well-being, property, rights or other interests,
- b) are at risk of harm, and
- c) because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

2. An adult is at risk of harm for the purposes of subsection (1) if:

- a) another person's conduct is causing (or is likely to cause) the adult to be harmed, or
- b) the adult is engaging (or is likely to engage) in conduct which causes (or is likely to cause) self-harm."

So, this means that an adult at risk is an adult who is affected by disability, mental disorder, illness or physical or mental infirmity that you suspect or know, is being, or is

at risk of being, harmed or exploited by another person, or is harming themselves, *and* is unable to protect themselves.

4.2.6 Harm or abuse of adults at risk

Although the terms can be interchangeable, the term “harm” is more commonly used than “abuse” in relation to adults. “Harm” and “risk of harm” in relation to both children and protected adults have been described earlier, in Section 3 of the Guidelines, in relation to the legal obligation on Kirk Sessions to make a referral to Disclosure Scotland in respect of any worker who has been removed or dismissed or who has left their post, where the grounds for making such a referral have been met.

Harm or abuse is referred to here in a more general context. However, the definitions of harm and risk of harm used in the specific context of referrals of former workers to Disclosure Scotland are also useful in this more general context.

The types of conduct that could be deemed harmful in this context are things such as any kind of actual physical harm, assault or restraint; psychological harm, such as threats or verbal abuse/ bullying; domestic abuse, sexual harm, being any sexual activity that the person does not understand or want (including verbal suggestive or sexual abuse or intimidation); neglect, such as deprivation of sufficient food or heating and failure to ensure appropriate care or treatment, including medical treatment; and financial harm, such as theft and fraud.

In summary, and in simple terms, harm or abuse of adults is any conduct that you suspect or know or have been told is, or could be, having a bad or adverse effect on an adult who is vulnerable by reason of illness or disability and is unable to protect themselves.

4.2.7 Adult protection

Adult protection means protecting a vulnerable adult or adult at risk from harm or neglect.

There is an important difference to remember between child protection and adult protection, which is that it is not *always* appropriate for social work services or police to take action to protect an adult against the wishes of the adult concerned. In contrast, in a child protection case social work services or police would almost always take action to protect a child whether or not the child or the child's parent(s) or carer(s) agree.

Sometimes, even where they may be in a situation where we think that some form of outside intervention would be justified as being for their own good, an adult may not want action to be taken by any outside agency to protect them from harm. The provisions contained in The Adult Support and Protection (Scotland) Act 2007 for the protection of adults who are unable to safeguard their own interests are made subject to the underlying principles that any intervention must provide benefit to the adult that could not be reasonably achieved without intervention and that any intervention is the least restrictive option to the adult's freedom. It is expressly stated that any intervention must be reasonable and proportionate, and it is important to strike a balance between an individual's right to freedom of choice on the one hand

and the risk of harm to that individual on the other. These principles must always be taken into account when considering any potential adult protection situation.

Some factors to take into account in a potential adult protection situation are: whether or not the adult has the mental capacity to make informed choices; whether or not the adult is being pressurised by the individual who is under suspicion of causing the alleged harm or risk of harm; and whether or not the adult either lives in a care home or receives care in their own home (in which case if it is a carer who is suspected of causing harm then others may be at risk of harm also).

If you are in any doubt as to what to do in a particular situation you should report your concerns to your Safeguarding Coordinator, who may wish to discuss with the Legal & Compliance Officer.

4.2.8 Some examples of where harm or abuse may be recognised

Harm or abuse may be recognised by or be brought to the attention of a Church worker (or indeed may be recognised by or be brought to the attention of any individual within the Church community) in a number of ways. Often, although not always, the harm will have occurred or be occurring outwith the Church and will be perpetrated by a person not connected with the Church. The following are some examples (it is not intended to be an exhaustive list) of circumstances and places in which harm or abuse may occur or be recognised by workers or other individuals:

- A child may be harmed by an adult belonging to the congregation.
- A child may be harmed by another child, either at a Church activity in Church premises or at a Church activity outwith Church premises, such as an outing or at a Camp.
- A child may be harmed outwith Church premises or activities by a relative, a friend or any other person.
- A child or adult at risk may be harmed by a volunteer or paid member of Church staff;
- An adult at risk living in a care home or receiving a care service in their own home may be harmed by a carer or relative and this may be disclosed to, or recognised by, a visitor from the Church who is there either in a personal or official capacity.
- A child or adult at risk not belonging to the Church may be harmed in the community and this may be reported by a person in the congregation.
- A child or adult at risk attending an activity in the Church, such as a lunch club, a bible study group or a drop-in café may be harmed, and the harm may be recognised at this activity.

4.3 RECOGNISING AND REPORTING POSSIBLE ABUSE OR HARM - GUIDANCE FOR WORKERS AND OTHERS IN THE CHURCH

4.3.1 If you suspect harm or abuse

The frequency with which abuse or harm comes to our attention depends on the location of the congregation. Some congregations will find that they have frequent concerns about the safety of children or adult at risk because of the type of community they are in. Whatever the location, the aim of safeguarding in the Church is to prevent harm or abuse where possible and to minimise the effects of harm or abuse by acting appropriately whenever it is suspected, witnessed or reported, either by the person who is allegedly being harmed or by a third party.

A child who has been abused, harmed or neglected may show obvious physical signs of injury or maltreatment. There may also be other indicators, for example in a child's behaviour or development. There are various typical ways in which abuse or harm can sometimes be recognised. For example, you may notice something which causes you concern about a child or adult's apparent injury, appearance, behaviour or conversation, or you may notice inappropriate comments, conversation, play or drawing by a child.

However, it is not always easy to recognise harm or abuse and, in the absence of clear evidence, if you do suspect that harm or abuse may have occurred or be occurring, a good first test is to use your intuition or "gut feeling" about the situation. If a situation appears to be unusual or out of the ordinary, or sounds or feels wrong within the usual context of the congregation, then abuse or harm may well be occurring. Even if it turns out that you are mistaken, it is nevertheless better to err on the side of caution. Remember that it is not up to you to decide whether or not harm or abuse has occurred or is occurring – your responsibility is simply to report any concerns and it is then the job of others, who are trained to do so, to investigate and make decisions.

If you suspect harm or abuse, report your concerns to your Safeguarding Coordinator, Depute Coordinator or line manager immediately. Even if it turns out that there is no harm or abuse it is better to err on the side of caution. As soon as possible, write down your suspicions and the reasons for them. Do not investigate (i.e. look for evidence about) the matter yourself - this is the responsibility of the police or social work services

However, in an emergency, or where there is any element of immediacy or urgency, you should immediately contact the appropriate emergency service (police/ social services/ambulance) yourself and inform your Safeguarding Coordinator or line manager as soon as possible thereafter.

REMEMBER:

- 1. Where there is immediate danger: Dial 999**
- 2. Where there is significant concern: Contact social Work / Police**

Then notify Safeguarding Coordinator

- 3. Where there is suspicion of harm or abuse, report to your Safeguarding Coordinator as soon as possible.**

4.3.2 If you witness harm or abuse

This is if you see or hear behaviour or an incident of harm or abuse, such as a person behaving inappropriately towards a child or adult at risk.

If you witness harm or abuse, report your concerns to your Safeguarding Coordinator, Depute Coordinator or line manager immediately and then write down what you have seen and/or heard as soon as possible after the event. Include time(s) and date(s) and details of any other witnesses. Do not investigate the matter yourself.

However, in an emergency, or where there is any element of immediacy or urgency, you should immediately contact the appropriate emergency service (police/ social services/ambulance) yourself and inform your Safeguarding Coordinator or line manager as soon as possible thereafter.

4.3.3 If harm or abuse is reported to you

This can be if another person tells you or alleges that a child or adult at risk is being abused or harmed or put at risk of harm or complains about the conduct of a worker towards a child or adult at risk. It can also be when a child or adult at risk themselves tells you about or alleges harm or abuse or reports feeling unsafe.

If harm or abuse is disclosed directly to you by a child or adult at risk, you should:

- Listen carefully to what the person has to say and give them plenty of time to say it **in their own words**.
- Only ask open questions, not “leading” ones. In other words, do not make suggestions or put words into the person’s mouth. It is fine to ask the person to describe what happened in their own words and to ask when and where something happened and who was there. However, do not however ask “why” something happened.
- Be honest - tell the child or adult at risk that you cannot promise to keep a secret and that you will have to tell someone else. Confidentiality is not the same as secrecy.
- Not try to investigate, i.e. not try and find evidence or find out why something happened – this is the responsibility of the police or social work services (**Note:** asking for facts is not investigating).
- Be reassuring that the person has done the right thing by telling you.
- Say what you are going to do next.
- Report what you have been told to your Safeguarding Coordinator, Depute Coordinator or line manager immediately.

- Write down everything you have been told, in the person's own words or as near as you can remember them, as soon as possible afterwards.

If harm or abuse is reported to you by a third party, as with a direct disclosure by the individual concerned do not investigate the matter yourself, immediately report what you have been told to your Safeguarding Coordinator, Depute Coordinator or line manager and then as soon as possible after the report or allegation of harm or abuse has been made write down what you have been told in as much detail as you can.

However, whether the disclosure or report is made to you by the individual concerned or by a third party, in an emergency, or where there is any element of immediacy or urgency, you should immediately contact the appropriate emergency service (police/ social services/ambulance) yourself and inform your Safeguarding Coordinator or line manager as soon as possible thereafter.

A ***pro forma for Workers recording allegations or suspicions of abuse or harm*** is available for use by any worker who suspects or witnesses harm or abuse or to whom an allegation of harm or abuse is made, the use of which is now mandatory since the recent changes in the law of evidence (See section 4.4.1 below).

4.4 REPORTING AND REFERRALS - GUIDANCE FOR SAFEGUARDING COORDINATORS

4.4.1 General

Any worker who suspects or witnesses any harm or abuse, or who receives information about alleged harm or abuse, either from an alleged victim or from a third party, must report this to you immediately. They must also give you a written report on their suspicions and/or what they have seen or been told. You are then responsible for the safe storage of this written information for as long as necessary in accordance with Data Protection legislation and the guidance on this which is available on the Free Church website.

If you receive a report from a worker, or any other individual, of suspected, witnessed or disclosed harm or abuse of a child or adult at risk you should:

- When required, ensure that a referral has been, or is, made to the appropriate agency, i.e. social services or the police.
- A useful place to make enquires would be the child's school. Every school should have a safeguarding contact and may have a family support worker.
- If the situation is not urgent you may wish to liaise with the Legal & Compliance Officer for advice as to whether you should refer the matter on to the police or social work services.

- As for workers, in an emergency situation, or where there is any element of immediacy or urgency, you should immediately contact the appropriate emergency service yourself.
- Ensure that support is available for the worker or other person who has made the report.
- **Not** inform parents or carers prior to making a referral.
- If necessary, ask for advice from the relevant agency (social services or the police) at the point of making the referral as to what, if anything, to say to parents or carers of a child who is the subject of a report. In cases of alleged sexual or physical abuse it would normally be a matter for social work services or the police to inform the parents.
- If you are concerned about a child being allowed to return home when an allegation or suspicion of abuse has implicated a parent or carer, ask for advice on this from social work services or the police.
- **Not** investigate the matter yourself.
- Record details of the report and any action taken by you and retain this written record for as long as necessary as referred to above. A **pro forma for Coordinators recording allegations or suspicions of abuse or harm** is available for this, the use of which is now mandatory since the recent changes in the law of evidence (see section below). =
- Inform the Free Church Offices in writing of any such report and action taken as soon as possible, using the **Form for reporting an allegation or suspicion of abuse or harm to Offices**. Ensure this is sent to fraser.munro@freechurch.org.

4.4.2 Changes in the law affecting evidence and reporting of harm or abuse

Historically, Scottish criminal law required that the prosecution prove the facts of a crime using corroborated evidence - two independent sources supporting the essential facts. In abuse cases this usually came from the victim as the first source but it was rare to have a second source. Most common was the use of the Moorov doctrine which relied on the accused having multiple victims which corroborated each other. In some cases the admissions by the accused or other forensic evidence could corroborate. However, distress shown by the victim either shortly after the incident or even years later, when first confiding in someone about the abuse, was not corroborative. Therefore, many sexual and physical abuse cases of children which are typically committed in private, could never be prosecuted.

The Lord Advocate's References Nos. 1, 2 and 3 (2023-2024) have resulted in significant legal changes:

- A "de recenti" statement - which is a Latin term for a disclosure made shortly after the abuse - now counts as corroboration.

- The first person to whom a child or vulnerable adult discloses may become the corroborating witness, even if they did nothing more than listen and write down what they were told by the victim, or witnesses distress from a victim.
- The police may now rely on the volunteer's early note or recollection as evidence that can prove the offence and/or the identity of the abuser.

It is expected that these changes will lead to more cases proceeding to trial, because corroboration can now be met more readily.

In practical terms, volunteers and workers who receive disclosures may now play a direct role in the evidential chain and as a witness in any potential prosecution. Their note-taking, memory and response may be used at trial in court. This is a significant shift.

Those to whom disclosures are made must record what they heard verbatim where possible, as soon as practicable, and avoid interpretation.

Their note may later be used as corroborative evidence.

They might be contacted by the police or the Crown Office and Procurator Fiscal Service to provide a statement or appear as a witness.

Coordinators must:

- Treat volunteer notes as potentially evidential.
- Ensure immediate secure storage.
- Maintain a record of the chain of possession.
- Ensure secure storage of emailing a copy to Legal and Compliance Officer
- Act quickly in referring to statutory agencies.

4.4.3 If it is alleged that a child or protected adult has been harmed or put at risk of harm by a Church worker/volunteer.

As explained above, in section 3.4 of the Guidelines, there is a legal obligation to make a referral to Disclosure Scotland in respect of a worker **where that worker/volunteer has been removed from their position and the grounds for making a referral have been met**. This is the responsibility of the Kirk Session as the "employer", but the Legal & Compliance Officer should be consulted as soon as possible about any such prospective referral. If a referral is required, the referral will be made by the Legal & Compliance Officer on behalf of the Kirk Session.

However, as any referral to Disclosure Scotland will only take place *after* a worker has been dismissed or otherwise removed permanently from their position, it is important to consider the initial procedure to be followed if a complaint is received about a worker.

If a complaint is received about a worker which is considered to be of a minor nature, then issues of training and supervision require to be considered to address the issues raised.

If, on the other hand, a complaint is received about a worker which is considered to be of a serious nature, you will need to consider whether it is a Safeguarding issue or not. If it is not, the Kirk Session should manage the concern as a disciplinary matter. If, however there is a Safeguarding issue then you should proceed as follows:

- Notify the Minister so that the worker can be suspended until the matter has been investigated and the discipline process completed, remembering that all matters should be kept confidential with as few individuals as possible being involved. It is suggested that the matter could be investigated by the Minister and the 2 Safeguarding Coordinators, or by the Minister, the Safeguarding Coordinator and one other designated person, possibly the Session Clerk. The Kirk Session as a whole need only be told that an investigation is proceeding without being told who or what it is about. This is for reasons of maintaining confidentiality. In particular, if it is found to be appropriate to reinstate the worker this may be difficult in practice if confidentiality has been breached.
- When required, ensure that a referral has been, or is, made to the appropriate agency, i.e. social services or the police.
- If the situation is not urgent you may wish to liaise with the Legal & Compliance Officer for advice as to whether you should refer the matter on to the police or social work services.
- In an emergency situation or where there is any element of immediacy or urgency, you should immediately contact the appropriate emergency service yourself.

4.4.4 If an allegation or complaint of harm or abuse is made against a Minister, Safeguarding Coordinator or Depute

Against a Minister – the Safeguarding Coordinator should notify the Presbytery Clerk for the Minister to be suspended if appropriate and the matter to be investigated by the Free Church Conducts and Complaints Committee. In addition, if required, the Coordinator should follow the procedure of referral to the appropriate statutory agencies as detailed above in Para 2.3.3

Against a Safeguarding Coordinator or Depute – the person making the allegation or complaint should notify the Minister so that the Coordinator or Depute may be suspended if appropriate until the matter has been investigated and the discipline process completed, remembering that all matters should be kept confidential with as few individuals as possible being involved. It is suggested that the matter could be investigated by the Minister, the other Coordinator and one other designated person, possibly the Session Clerk. The Kirk Session as a whole need only be told that an investigation is proceeding without being told who or what it is about. This is for reasons of maintaining confidentiality. In particular, if it is found to be appropriate to reinstate the Coordinator this may be difficult in practice if confidentiality has been breached;

When required, the Minister should ensure that a referral has been, or is, made to the appropriate agency, i.e. social services or the police;

If the situation is not urgent the Minister may wish to liaise with the Legal & Compliance Officer for advice as to whether he should refer the matter on to the police or social work services; and

In an emergency situation or where there is any element of immediacy or urgency, the Minister should immediately contact the appropriate emergency service.

4.5 WHAT TO DO IF IT IS KNOWN OR SUSPECTED THAT THERE IS A CONVICTED SEX OFFENDER IN YOUR CONGREGATION

If you know or suspect that there is a convicted sex offender in your congregation who is attending Church services or any other Church activities, this should be reported without delay to the Minister, the Safeguarding Coordinator and the Legal & Compliance Officer.

Advice will then be given, usually with input from the police and/or social services, as to what measures can and should be taken to allow that person to continue to attend worship while at the same time affording protection to others who may be at risk of harm from that person. This may involve setting up a written agreement, called a "Covenant of Responsibilities" between the individual and the congregation.

SECTION 5: WORKING WITH CHILDREN IN THE CHURCH – SOME SAFE WORKING PRACTICES FOR ALL

5.1 INTRODUCTION

This Section contains brief guidelines covering various areas where good and safe working practices should be followed and adhered to by all who are involved in working with children on behalf of the Church. In general terms, all such workers should remember always to:

- Treat all children and young people with respect.
- Provide an example of good conduct and practice you would wish others to follow.
- Respect the right of children and young people to personal privacy.
- Ensure that where possible there is always another adult present during activities, or at least within sight or hearing.
- Safeguard against any possible misinterpretation of your actions.
- Avoid *inappropriate* physical contact with children and young people.
- Be alert for signs of bullying in any group, either verbal or physical, and seek advice in dealing with it.
- Avoid being drawn into attention seeking behaviour or showing favouritism.
- Familiarise yourself with and follow your congregation's Code of Conduct
- Familiarise yourself with and follow the Church's Safeguarding Policy and Guidelines.
- Be familiar with and follow the Church's **Safeguarding Policy for Social Media**.

5.2 PHYSICAL CONTACT

It is sometimes thought that any physical contact between an adult and a child is unacceptable and not permitted. However, this is a misapprehension. It is important to remember that it is *inappropriate and unwanted* physical contact that must be avoided. If a child comes to you for a hug, then it is appropriate to reciprocate to show care and reassurance. Likewise, if a child falls it is appropriate to pick them up. As a general rule, any hugs or touching of children should be appropriate to the particular situation and this would normally only be the case if initiated by the child and not where there is no-one else present.

The level of personal care (e.g. toileting) should be appropriate and related to the age of the child - accepting that some children have special needs. The needs of individual children should be discussed with the child's parents or carers in situations where these need to be met during Church activities.

You must not administer medication to any child during Church activities, except in the case of residential activities and then only when specific written consent has been given by the parents/carers.

5.3 BULLYING

Unlike child abuse, bullying can occur frequently, particularly in schools. Bullying can also occur during Church activities and this may be more likely where children attend the same school. Bullying is the use of aggressive behaviour (which is not necessarily physical) with the intention of hurting another person. It involves an imbalance of power between the bully and the victim, who feels powerless to stop it, and is therefore not the same as a simple fight or quarrel between children. As bullying can take different forms, we need to be vigilant to spot the non-physical types which can often cause as much, if not more, distress than actual physical aggression. The following are some examples of bullying behaviour, some of which a Church worker may be more likely to come across than others:

- The most obvious and perhaps easily recognised type of bullying is physical aggression, such as hitting, punching, pinching, pushing and shoving or any other use of violence.
- Being unfriendly.
- Excluding someone or taking their friends away from them.
- Name calling.
- Making up stories to get another child into trouble.
- Damaging, hiding or stealing another child's belongings.
- Threats and intimidation.
- Aggressive teasing.
- Spreading rumours.
- Sending offensive text messages, emails or making offensive telephone calls or the like.

Bullying of any kind should not be tolerated in any Church run activity. If it does occur, it should be dealt with promptly and effectively. If you suspect that bullying is happening, or if you witness it or if it is reported to you, you should report it to the

Safeguarding Coordinator. Severe bullying can become a child protection issue and the Coordinator may have to involve the police and/or social work services.

In many cases it will not come to that, but the bully should be spoken to and asked to apologise in a sincere manner, the aim being for better relationships to be established in the group. Parents may be informed and invited to discuss the issue. If the conduct justifies it the bully may be asked to leave the group. If an incident of bullying has occurred and the bully remains in the group, then his or her ongoing conduct should be closely monitored.

If behaviour in general is an issue in the group then all the children who attend could be asked to sign a good conduct undertaking, making it clear that this is for the benefit of the whole group, to make the group activity beneficial and enjoyable for all. Bullying as an issue in general terms could also be discussed within the group so that the children understand what it is.

Ensuring an awareness of bullying issues among workers and a sufficient number of workers for adequate supervision are also good preventative steps to take. Be aware of the potential issues and be prepared to deal with them.

5.4 ADULT/CHILD RATIOS

Risks for both adults and children can be reduced if there are a sufficient number of adults working with any group of children. The following are suggested adult to child ratio, the first 4 being guidelines for crèche, Sunday School or Bible Class:

- | | |
|---------------------------------|---|
| • Children under 2 | 1:3 but requires minimum of 2 if more than one child. |
| • Children aged 2-3 | 1:5 but as above, requires minimum of 2 if more than one child. |
| • Children aged 3 and over | 1:8. |
| • If all children are 8 or over | 1:10. |
| • Children's Club | 2:10 (mixed, if club mixed). |
| • Youth Club | 2:8 (mixed, if club mixed). |
| • Outings (under 6s) | 2:4. |
| • Outings (6-16) | 2:12 (mixed, if club mixed). |
| • Other activities | the appropriate ratio will depend on the nature of the activity but err on the side of caution. |

When considering ratios always take into account what would happen in the event of a child or worker becoming ill or having an accident.

Where attendance numbers are large, consideration should be given to appointing an additional helper or floating worker who is not counted within the minimum ratio. This person may assist with registration, escorting children to parents, responding to toileting/changing incidents, dealing with emergencies, administering first aid, or assisting with evacuation in the event of a fire alarm.

To ensure your own safety as well as that of the children, you should not be regularly left alone with a group. Also, unless absolutely necessary you should avoid being in a room on your own with a child. If for any reason this is unavoidable, perhaps for reasons of confidentiality, you should ensure that other adults are close at hand, for example in an adjoining room with the door open.

Whenever possible have a minimum of two workers present with a group, particularly when it is the only activity taking place on church premises. If the group is made into smaller groups with one worker, do this in one large room or adjoining rooms.

Small Sunday School or Bible classes need only have one teacher or leader, but it is wise not to use an isolated part of the building, and to leave an adjoining door open.

Many activities will involve at least an element of risk and it is therefore important that a risk assessment is carried out when planning activities. Things to be considered are the needs of the particular children, the nature of the planned activity (some activities carry more risk than others), the number of adults required, and the level of expertise needed to adequately supervise the activity in question.

5.5 REGISTRATION, PERMISSIONS AND TRANSPORT

The following guidelines should be adhered to in respect of permissions and transport issues:

- Ensure that parents or carers have given permission for children to attend Church run activities. A **Registration/Permission Form** is available for use.
- Always have an emergency contact number for every child or young person attending.
- Ensure that parents and carers are fully aware of the arrangements for transporting or collecting their children and have given permission for any transport arrangements.
- **Drivers should be limited to those aged between 25 and 70 with no more than 3 endorsement points on their licence. If there is any deviation from this policy, then a thorough risk assessment should be carried out and recorded.**
- In the event that it is not possible for 2 adults to be present when transporting children, it is best to try and plan to drop off more than one child together at

the last stop. If you have to have a child alone with you in a car then it is advised that the child sits in the rear of the car.

- Keep an attendance register for each activity for every child and leader in attendance at each session.

5.6 HOME VISITS, COMMUNICATIONS, PHOTOGRAPHY AND FILMING

5.6.1. General

The following guidelines should be adhered to:

- Workers should only enter a child's home if a parent or carer is also there.
- A child or children should only be invited to your home if another adult is present and permission has been given by the parent(s) or carer(s) and if approval has been given by your Safeguarding Coordinator.
- Photographing and filming children should only be done with the written permission of a parent or carer and digital images should be deleted once they have been printed. A **Permission Form** is available.

5.6.2. Communication with individuals under 18 years of age.

The Free Church recognises that young people under 18 are an important part of church life and fellowship. Therefore, it is anticipated that many young people will be active in the life of their local congregation. This can include roles such as organising Youth Fellowships, helping at Youth/Holiday Clubs or serving on Praise teams and Audio-Visual Teams. Such roles often require regular communication with, and between, young people. As a result, workers and volunteers carrying out a regulated role with children or young people must ensure that all communications arising from their regulated church role are conducted openly and transparently.

As a general rule, communications relating to Free Church activities, pastoral support, teaching, mentoring, administration, transport arrangements or any other matter connected with a worker's/volunteer's regulated role on behalf of the Free Church should be directed to a parent or guardian rather than directly to the child or young person.

Workers/Volunteers should not use personal mobile phones, email accounts, social media accounts, messaging applications or similar means to communicate directly with a child or young person regarding Church matters.

The purpose of this requirement is not to be obstructive but rather to protect children and young people, to support parents in their responsibility for their children, and to protect workers from situations in which misunderstandings, allegations or concerns may arise.

The Free Church recognises that workers and volunteers may also have lawful and appropriate relationships with children and young people which exist independently of their regulated role in the Free Church. Examples may include (but not limited to) family relationships, friendships that pre-date their Free Church regulated role, educational settings, employment, sporting organisations, community groups or peer relationships involving young adults who are close in age to those under 18.

Nothing in this policy is intended to prohibit lawful communication arising from such relationships. However, workers/volunteers must ensure that any personal relationship is not used to circumvent Free Church Safeguarding procedures or create private channels of communication relating to regulated Church activities.

Workers/Volunteers should remain mindful that, whether acting within or outwith a Church regulated role, their conduct should be consistent with the standards expected of those entrusted with responsibility for children and young people.

Communications should never be secretive, inappropriate, exploitative or capable of being perceived as grooming behaviour. Workers/volunteers must not engage in any communication or behaviour that is inappropriate, abusive, intimidating, manipulative, exploitative or otherwise inconsistent with their responsibilities as a Church worker/volunteer. This includes, but is not limited to, grooming behaviour, sexually suggestive communications, unwanted or excessive contact, bullying, harassment, coercion, attempts to isolate a child or young person from their parent or guardian, encouraging secrecy, or any conduct that breaches this Safeguarding Policy or any other Free Church policy. Workers/Volunteers should be aware that conduct which may appear harmless in isolation can, when viewed cumulatively, give rise to safeguarding concerns.

Where information requires to be communicated to a young person directly, this should ordinarily be done through the parent or guardian, who may then pass the information on to the young person as appropriate.

Below are some examples to illustrate:

Appropriate Examples

Example 1 – Youth Fellowship Information

A Youth Fellowship leader needs to advise that the meeting venue has changed. The leader sends the information to parents, asking them to pass the details on to their children. The leader does not send individual messages directly to the young people.

Example 2 – Existing Friendship

An 18-year-old volunteer helps with a Church youth activity. Some of the participants are aged 16 and 17 and were already personal friends before the volunteer became involved in Church work. The friendship continues in the ordinary course of life. However, any communication relating to Church activities is directed through

parents and not through private messages between the volunteer and the young people.

Example 3 – Family Relationship

A Sunday School teacher has a 14-year-old nephew in the congregation. The teacher may communicate with their nephew as part of their ordinary family relationship. However, matters relating to Sunday School, Church events or other Church activities are communicated through the child's parents in the same way as for other children attending.

Inappropriate Examples

Example 1 – Private Church Messaging

A Youth Worker sends private messages directly to a 15-year-old about upcoming Church activities, meeting times and attendance arrangements rather than communicating through the child's parents.

Example 2 – Circumventing Parents

A worker tells a 17-year-old, "I'll message you directly because it's easier than going through your parents." Even though the young person is nearly 18, the communication arises from the worker's Church role and should therefore be directed through the parent or guardian.

Example 3 – Mixing Personal and Church Communications

A volunteer has an existing friendship with a 16-year-old. The volunteer begins using that friendship to discuss Church pastoral matters, organise Church attendance, and communicate information about Church activities without involving the young person's parents. The personal relationship is being used to bypass Church safeguarding procedures and is therefore inappropriate.

Any uncertainty regarding the application of this guidance should be discussed with your Safeguarding Coordinator or the Legal and Compliance Officer.

5.7 INCIDENTS AND ACCIDENTS

The following guidelines should be adhered to:

- All workers/volunteers should know where the First Aid Box is located.
- No worker should attempt a First Aid procedure which they are not trained to carry out.
- Workers should know who the First Aiders are.
- In an emergency call 999.

- In the event of an incident or accident occurring, this should be recorded in the

Congregation's Accident Book and the Safeguarding Coordinator should be informed as soon as possible.

- A parent or guardian should be informed as soon as possible.
- Depending on the nature of the incident or accident, the Safeguarding Coordinator may need to be consulted for advice or further action.

5.8 HEALTH AND SAFETY

Related to the above, general health and safety issues should also be addressed in relation to keeping children safe and minimising any risk to them when attending activities in Church premises. In addition to the matters touched on above, the following should be considered:

- The premises should be checked regularly to ensure that they are safe.
- Are there any parts of the building which are out of bounds to children or where additional supervision may be required?
- Cleaning materials should be safely stored.
- Be aware if any children attending a Church activity have any special needs, e.g. are diabetic, or suffer from any food allergies.
- Monitor who enters and leaves the room and who exits from the building to ensure that children are safe.
- Consider what activities might need to be risk assessed.
- Report any concerns to the Safeguarding Coordinator.