

**STANDARD 3:****Responding to Safeguarding concerns or allegations**

We follow canonical and civil procedures when alerted to information, concerns or allegations regarding a person's safety or welfare and we ensure that there is a prompt response.

### 3.1 We follow established protocols for dealing with disclosure of Safeguarding allegations, including mandatory reporting to the authorities.

- 3.1.1 The Catholic Church in Scotland takes Safeguarding concerns and allegations most seriously and we wish always to respond to any disclosures appropriately, according to the demands of justice. We are committed to co-operating with the statutory authorities and the requirements of criminal law. This includes the mandatory reporting of all allegations to the statutory authorities.
- 3.1.2 We are also obliged to comply with procedures set out Canon Law to govern the processing of allegations of abuse that may involve clergy, religious and laypeople. The requirements of Canon Law are set out in a detailed paper, provided in Appendix 1 – *Canonical Norms for Responding to Allegations*. **N.B.** While this paper is largely intended to guide the Bishop or Major Superior who is responsible for dealing with such allegations, it is published in Appendix 1 to ensure that all relevant information is readily available to all parties. For the sake of public interest, the main features of the Church's protocols for dealing with allegations are summarised in the bullet points below. It should be noted, however, that these are not intended to replace the Canonical Norms that are described in detail in Appendix 1.
- When an allegation against Church personnel is reported, **the person to whom it is disclosed** must use the standard *Allegation Reporting Form* to record the key information. He/she must not attempt to investigate the allegation but must refer it to the Bishop or Major Superior via the appropriate Safeguarding Adviser.
  - The relevant the **Bishop or Major Superior** can only pursue a canonical investigation of the allegation after the civil authorities have completed their investigation and/or criminal prosecution and trial.
  - The **alleged victim** and the complainant (if the complainant is speaking on behalf on someone else) must:
    - ▷ be treated with respect and compassion
    - ▷ be assured that the allegation will be dealt with appropriately
    - ▷ be briefed on the process as it unfolds
    - ▷ be supported throughout.

- The **accused person** must be accorded natural justice, in terms of both civil and canon law. He/she must:
  - ▷ be informed, when appropriate, that an allegation against him/her has been referred to the statutory authorities
  - ▷ be informed, where appropriate, of the allegation itself
  - ▷ be advised of his/her right to civil and canonical legal support
  - ▷ be briefed on the process as it unfolds
  - ▷ be supported throughout.
- The **accused person**, depending on the nature of the allegation, may be required to restrict the exercise of his/her rights and duties, including working with vulnerable groups while any civil or canonical investigation is underway. If the final decision of the canonical investigation is in favour of the accused person, he/she shall be free to resume the exercise of his/her rights and duties within the life of the Church, unless objective counter-indications are in place. In such circumstances, however, the acquitted person will be kept apprised of the situation and his/her rights will be fully respected.
- At the conclusion of all the processes, the **Bishop or Major Superior** must make public the definitive outcome of a case, respecting all applicable civil and canon laws.

## 3.2 We follow established protocols for liaising with statutory authorities.

- 3.2.1 The Catholic Church in Scotland is committed to the mandatory reporting of all allegations of recent or historic abuse made against clergy, religious, Church employees or volunteers to the statutory authorities for investigation.
- 3.2.2 All allegations must be reported immediately to the Bishop or Major Superior by means of the Diocesan Safeguarding Adviser, for referral to the authorities. However, in an emergency situation in which a child or vulnerable adult appears to be at risk of harm, any responsible adult to whom an allegation is disclosed should contact the statutory authorities without delay.

- 3.2.3 Appropriate Safeguarding training must ensure that everyone remains vigilant and is able to identify Safeguarding concerns. These should be referred to the Diocesan Safeguarding Adviser so that the DRAMT can address how they might be addressed.
- 3.2.4 While it is important to differentiate between allegations and concerns<sup>28</sup>, both must be referred to the Diocesan Safeguarding Adviser. If concerns are shared sufficiently early, then it is possible that behaviours or attitudes can be addressed without significant harm developing. The DRAMT may advise that particular concerns need to be reported to statutory services who will consider whether to explore these. Once those concerns are explored further, there might well be evidence of harm. In that case, a concern may lead to an allegation.

### 3.3 We have established communications protocols for dealing with allegations.

- 3.3.1 In any statement or comment, the good name of those involved must always be protected. The integrity of any legal process must not be undermined by speculation or conjecture, so that all involved (the complainant, any alleged victim or any accused person) can have faith in a just outcome. Statements must be carefully crafted to avoid generalisations or referring to matters which are not pertinent to the case in hand. Care must be taken to measure the impact that a statement might have upon the right of the accused to a fair trial. Civil law considerations may determine when, how and in what form any public statement may be made.
- 3.3.2 At the beginning of any legal process, the statement made by the diocesan Bishop or Major Superior to a given community must be used as the basis for any further declaration by anyone else to the Media. The statement must be written by the relevant diocese or religious institute, with advice from the Scottish Catholic Media Office (SCMO). Parish social media, or other community social media, must be prudently managed at all times to protect the integrity of any legal process underway and the reputation and privacy of all concerned.<sup>29</sup>
- 3.3.3 Comment by the SCMO, or by representatives of a diocese or religious institute, or any statements following on from that comment, must adhere to agreed protocols. No person holding any Church office should give comment to the media without the prior permission of the diocesan Bishop or Major Superior. These precautions will allow the faithful to receive, in the correct way and at the correct time, whatever information can be legally made available to them.

<sup>28</sup> An allegation is the disclosure of harm, current or non-recent; a concern is the result of observing potentially harmful behaviours or signs of abuse or neglect.

<sup>29</sup> Canon 1717 §2; 220.

### 3.4 We have established guidance on Information sharing and Data Protection for Safeguarding matters.

- 3.4.1 Each Diocese is expected to have its own Data Protection Policy that will apply to all personal data held by the Diocese, including that held in connection with Safeguarding.
- 3.4.2 Diocesan Safeguarding Offices may wish to consider providing specific guidance on handling sensitive personal data processed in connection with Safeguarding matters such as:
- the storage and retention of Applications forms, references and Self-Declaration forms completed by applicant-volunteers
  - the inclusion of privacy notices on all personal data forms
  - the storage and retention of PVG Certificates
  - the storage, retention and sharing of Allegation Recording Forms
  - the storage and retention of Parish and Diocesan Audit data
  - the storage and retention of all documentation relating to the work of the DRAMT
  - the storage and retention of minutes of meetings, and any other documents containing Safeguarding personal data.
- 3.4.3 The Scottish Catholic Safeguarding Service must follow its own Data Protection policy that applies to any personal data that it may hold for the purpose of PVG applications or Safeguarding training. It will not hold any records of Safeguarding allegations or cases.
- 3.4.4 SCSS, as the Church's Lead Collator of applications for PVG Scheme membership, must securely forward applications to *Volunteer Development Services Scotland* and then to *Disclosure Scotland*. SCSS must forward duplicate copies of PVG certificates to the relevant Diocesan Office, Religious Institute or Catholic Organisation.
- 3.4.5 Anyone applying for a Safeguarding training event organised by SCSS may be asked to provide essential personal details as part of their application. Such personal details will only be retained by SCSS until the event has take place.