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# RESPONDING TO THOSE WHO MAY PRESENT A RISK

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## Responding to Those who may Present a Risk

The Christian church is unique in that, based on the uncompromising message of the gospel, it opens its doors to all.<sup>1</sup>

This means that there are likely to be those with criminal convictions for sexual or violent offences and other forms of abuse attending church. In addition, there may be those who do not have convictions or cautions but where there are sound reasons for considering that they still might present a risk to others. Where people may pose a risk to others, their position in a congregation should be assessed carefully and sensitively and arrangements made to ensure that these risks are mitigated or managed appropriately. In these circumstances, it is not only about monitoring the behaviour of the individual but also offering support to lead a fulfilled life. In these situations, the Church has an important role in contributing to the prevention of future abuse.

Some examples of the risk that individuals may pose are:

- sexual offences against children and/or adults, including offences relating to indecent images of children
- violent offences against children and/or adults, including offences relating to domestic violence against women and gender-based violence
- financial abuse, such as targeting vulnerable adults for financial gain (e.g., asking for money, accepting large 'gifts' or offering to do a job at an extortionate rate of pay)

The Church in Wales needs to ensure that the care and protection of children, adults at risk and the wider church community are prioritised while the spiritual needs of a person of concern are addressed with due regard to the safety and well-being of others.

## Taking action

A Provincial Safeguarding Officer should be notified as soon as practicable if any of the following attend a church or express an interest in participating in worship at a church:

- Anyone who discloses a conviction for a sexual or violent offence
- Anyone who admits to being an abuser including non-recent abuse
- Anyone who reports being subject to an investigation for suspected abuse

Provincial Safeguarding Officers can also be notified by the statutory authorities that a convicted offender is being released from prison or relocated in a particular area and has expressed a wish to attend church. In these situations, offender managers in the police and/or probation service will advise on the level of risk and work with a Provincial Safeguarding Officer to discuss the circumstances in which it would be appropriate for the offender to attend church. The Provincial Safeguarding Officer will liaise with the incumbent or priest in charge in the first instance and involve other members of the church as appropriate. Particular care will be taken in a situation where a known victim or survivor of abuse or harm by the

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<sup>1</sup> <https://thirtyoneeight.org/get-help/resources/practice-guides-text/sex-offenders-in-the-church/>

offender attends the same church, in which case the offender might be expected to worship elsewhere.

It should be remembered that it is not possible to prevent a parishioner from attending divine service, unless this is a condition included in a court order or in licence conditions upon release from prison. However, it is possible for churchwardens to direct a person where to sit, put measures in place to supervise their participation in the service and to ask the person to leave if they cause a disturbance, in which case the police might be asked to provide assistance. It is possible to refuse a person access to other church activities, including refreshments following a service, church-based social events, concerts and participation in choir or bell-ringing activities.

When anyone identified as posing a risk has indicated a wish to attend church services or participate in any other church-based activities, it usually is possible to accommodate the request following a risk assessment and formulation of a risk management plan called a safeguarding agreement.

## Safeguarding Agreements

A Safeguarding Agreement should be put in place whenever a member of a congregation has been identified as presenting a risk to children and/or adults at risk. This may be someone with a previous conviction or caution for sexual or violent offences or someone who has been arrested but not yet been to Court for those offences. It also might be someone who does not have a conviction or caution but where there is evidence that they present a risk to others. Where a person is believed to present a risk, a safeguarding agreement may be required.

## What is a Safeguarding Agreement?

A Safeguarding Agreement is a written and signed agreement between an individual and the Church in Wales that sets out the conditions under which the individual can attend church services and activities and participate in the life of the church.

## When does a Safeguarding Agreement need to be put in place?

The need for a safeguarding agreement will be considered whenever someone:

- has a conviction or caution for sexual or violent offences and/or is barred from working with children or adults by the Disclosure and Barring Service or Disclosure Scotland
- is subject to an allegation of harmful or abusive behaviour that is under police investigation or subject to proceedings in the criminal or civil court
- is suspended from their usual role as an employee or volunteer because of concerns about their behaviour

- may pose a risk to other church members due to their behaviour, irrespective of their criminal status, including where:
  - the Church in Wales has received information from the statutory authorities identifying concerns about the behaviour of an individual
  - an allegation of abuse has been investigated but the matter has not proceeded to court, or the person has been acquitted, but the person is considered to present a continuing risk
  - a complaint or grievance has been received alleging inappropriate behaviour that which does not meet the threshold for criminal prosecution
  - there have been concerns about the person's alleged abusive behaviour to a current or previous partner

### Why are Safeguarding Agreements important?

Agreements help to safeguard everyone involved in church life, especially those who are vulnerable. An agreement also helps those who are subject to it by ensuring that they have strong, supportive, and accountable relationships within the church. These accountable relationships help minimise the risk of them reoffending or behaving inappropriately.

It is important for the protection of the church community, survivors and particularly children and adults at risk that the basis of a person of concern's involvement in a church is clearly understood and recorded in an agreement. However, the agreement is also important for the protection of the person of concern, who should not be put in situations where he or she could be vulnerable to accusations or to the opportunity to re-offend.

### Who needs to be involved in putting a safeguarding agreement in place?

All safeguarding agreements are managed by a Provincial Safeguarding officer, who will involve a small group of people to oversee the contract and support the subject in their involvement with church life. Safeguarding agreements are highly confidential and information should not be shared outside this group.

Typical membership of the group may include:

- the incumbent or priest in charge
- churchwardens
- ministry area safeguarding officer and/or church safeguarding officer
- police and/or probation service offender managers
- social services

The signatories to the agreement are responsible for implementing and monitoring the terms of the agreement and ensuring that the subject abides by the conditions outlined within it. Any breaches of the agreement must be reported to a Provincial Safeguarding Officer as soon as practicable.

## Safeguarding Agreement Meetings

The Provincial Safeguarding Officer will coordinate a meeting to establish the safeguarding agreement. The subject of the agreement and key signatories will attend the meeting to discuss the concerns and agree the terms of the agreement. The agreement will be signed and dated, and a review date agreed and recorded on the agreement.

If the subject declines to sign the agreement the church is left with unmanaged risk. It is crucial that the Church in Wales is as safe a place as possible for the sake of everyone involved in church life. Consequently, the individual should be asked not to attend church until a signed agreement has been put in place. The Provincial Safeguarding Officer will liaise with offender managers in the police and probation, safeguarding managers in social services and with other relevant agencies as required in order to seek a resolution.

## Content and Management of a Safeguarding Agreement

A typical Safeguarding Agreement may include the following conditions with which the subject is expected to comply:

- attend only the designated church for specific services or meetings
- sit in a stipulated area of the church, apart from children and/or adults at risk
- stay away from areas of the building used by children and/or adults at risk
- attend a house group only where there are no children or adults at risk
- decline hospitality or social activities where children or adults at risk are present
- never be alone with children or adults at risk on church premises
- never participate in group activities with children or adults at risk
- take no role or office in the church which gives the subject status or authority or that might imply to others that the person is deemed to be trustworthy

Agreements also should include provision for pastoral care outside the agreed services.

The subject of the agreement must be made aware at the outset that relevant information relating to offending behaviour and risk will be shared with specified people within the church who will need to be aware of relevant circumstances in order to protect the children and adults at risk for whom they care. In some situations where there is a clear conflict of interest, the person of concern might be able to request a specific person is not made aware of particular information, this might include where there is an existing relationship between the person of concern and a potential signatory to the agreement. Such requests will be considered by the Provincial Safeguarding Officer on a case-by-case basis and accommodated where appropriate.

It is very important that no person who has a conviction or caution in relation to a sexual or violent offence undertakes any work with children or adults at risk or is appointed to any office, post or responsibility or engaged under any contract in the context of the Church in Wales without a thorough risk assessment. Such offenders also should be prevented from accessing other specific church activities without special arrangements overseen by a Provincial Safeguarding Officer (e.g., choir and bell-ringing activities).

Churchwardens have a significant role in the implementation and monitoring of safeguarding agreements. Churchwardens can direct parishioners where to sit and have a duty to maintain good order at divine service. If necessary, churchwardens can eject any person creating a disturbance, although such power should be exercised with caution. If a 'disturbance' is anticipated or if someone refuses to leave the church when asked, the police should be notified and asked to attend.

Any non-compliance or breach of a safeguarding agreement should be reported promptly to the Provincial Safeguarding Officer and will be addressed on a case-by-case basis, in consultation with offender managers from the police and/or probation service and other relevant partners. A significant breach may result in the need for a revised agreement or in the individual being asked to stop attending church.

The content of a safeguarding agreement is highly confidential, and information therein must not be shared with anyone who is not a signatory to the agreement without the express permission of a Provincial Safeguarding Officer.

### Reviewing a Safeguarding Agreement

All safeguarding agreements should be reviewed every twelve months by a Provincial Safeguarding Officer. When there are no concerns and no significant changes to the current agreement are required, then a formal meeting may not need to take place. In consultation with the police and/or probation service, incumbent/priest in charge and significant others it could be agreed that the current agreement remains in place. The subject will have an opportunity to participate in the review process. This work will be led by a Provincial Safeguarding Officer.

No existing agreement should go beyond three years without a formal Agreement Review Meeting taking place, led by a Provincial Safeguarding Officer.

The agreement will also be formally reviewed following a change in circumstances, which may include:

- a change in cleric
- non-compliance with the current agreement
- variation in the offender's MAPPA<sup>2</sup> status
- evidence of further offending behaviour
- identification of new risk factors

### Duration of Safeguarding Agreement

Safeguarding agreements will include an end date that is subject to review. Convicted subjects of a safeguarding agreement will be informed that the agreement will be in place for a period of time no less than the duration of any court-imposed licence conditions, order, registration, notification requirement or other restriction, including where this might be an indefinite period. Where the agreement is formulated in the absence of a conviction, the duration of

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<sup>2</sup> Multi-Agency Public Protection Arrangements ensure the management of violent and sexual offenders.

the agreement will be established when the agreement is instituted. In some cases, an agreement will be a temporary measure pending conclusion of an investigation or prosecution and will end following a review if the subject subsequently is identified not to present a risk. Otherwise, only in exceptional circumstances where there is clear independent evidence relating to the level of risk will consideration be given to ending an agreement before the agreed date. However, the subject of an agreement is entitled to submit a request to a Provincial Safeguarding Officer for the agreement to be reviewed.

Any subject of a safeguarding agreement can request that the need for the agreement is reviewed. The person can apply to the Provincial Safeguarding Officer for a determination that the agreement can be ended or that specific conditions within the agreement can be relaxed or removed. The request will be considered by the Provincial Safeguarding Officer in consultation with the signatories to the agreement and on the advice of the statutory authorities and other relevant partners.

### Handover of Safeguarding Agreements

It is important when an incumbent or priest in charge leaves a ministry or mission area where a safeguarding agreement is in place that information about the agreement is passed on to the new incumbent/priest in charge or to the person responsible during an interregnum. This handover needs to happen as soon as the new incumbent or priest in charge takes up their post. The cleric leaving their post is responsible for alerting the relevant Provincial Safeguarding Officer to the change of personnel.

Similarly, any other changes to the agreement signatories should be reported to the Provincial Safeguarding Officer as soon as practicable.

### What if an individual moves to a new church?

The Provincial Safeguarding Officer should be informed if the subject of safeguarding agreement moves to a new church within the Church in Wales or to another denomination. The signatories to the agreement are responsible for ensuring that the change of church is reported as soon as practicable. The Provincial Safeguarding Officer will liaise with the statutory authorities to consider what information should be shared with the new church.

### Support for Survivors

There may be victims and survivors within the church community. In some cases, there will be people who have experienced harm or abuse perpetrated by a person who is the subject of a safeguarding agreement at the same church. In other cases, there will be someone who is the victim or survivor of abuse by other perpetrators, including non-recent abuse. Other members of the church may not know who they are because they may not have felt able to tell their story.

How the church responds to offenders affects how victims and survivors feel about their place in the church. Victims and survivors in congregations where an offender is allowed to participate fully in the life of the church community may feel their own pain has not been heard or acknowledged and it may be very difficult for them to remain as a member of the same congregation and even more difficult to be expected to participate in the same worship or activities. Some victims and survivors may feel they have to leave the congregation or even abandon their faith.

While pastoral care of offenders is clearly something Christians must address, pastoral care of victims and survivors has often been ignored or neglected and many victims and survivors have felt alone and abandoned. If offending is treated lightly or if an offender is quickly restored to positions of trust and authority, this can seem to devalue the significance of a victim or survivor's experience.

Churches should do whatever they can to offer effective pastoral care and support to victims and survivors of abuse and to demonstrate that known offenders are managed to reduce the risk of any further harm.

Victims and survivors can be signposted or referred to Safe Spaces<sup>3</sup> or New Pathways<sup>4</sup> for support.

A Provincial Safeguarding Officer should be informed if anyone discloses being a victim or survivor of abuse and wants to discuss their experiences.

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<sup>3</sup> <https://www.victimsupport.org.uk/more-us/why-choose-us/specialist-services/safe-spaces/>

<sup>4</sup> <http://www.newpathways.org.uk/>