



Guidance for RLG Leadership managing an active safeguarding case

Introduction

The RLSS provides a comprehensive safeguarding service to Religious Life Groups, and this includes conducting an independent investigation into the safeguarding cases and concerns referred to us, whether they relate to recent or non-recent events and including when the person accused of causing harm is deceased. We understand that when safeguarding disclosures are made, that this may have a significant effect on the person accused of causing harm, Safeguarding Lead, Leadership and the day-to-day life of the RLG as a community.

RLSS guidance should be followed when information regarding a safeguarding concern arises involving an individual within your RLG, irrespective of how the information comes to light.

The language used in relation to the recording and management of safeguarding concerns is a sensitive issue. The RLSS uses the following terminology in relation to those persons involved in a safeguarding concern/investigation.

- 1) People who have made reports of abuse are referred to as victim/survivors.
- 2) Those to whom the report refers are termed persons accused of causing harm.

The RLSS takes all safeguarding concerns seriously and may (if applicable) conduct an independent, professional investigation, either at the conclusion of any investigation by a statutory agency, or where a statutory agency such as Police or Social Services decide not to take further action.

The RLSS does not pre-judge any investigation and has mechanisms in place to remain impartial throughout.

Guidance to RLG Provincial / Leadership

What can I expect when contacted by RLSS in these circumstances?

If the RLSS receive a report of a safeguarding alert or concern relating to a member of your RLG, then the Safeguarding Team will contact you to provide you with relevant or necessary information. The RLSS will discuss the situation with you and your Safeguarding Lead (if you have one) and give information on the appropriate steps to be taken. This is likely to involve

the recommendation of various relevant and proportional restrictions being placed upon a person accused of causing harm.

A rationale for each of these restrictions will be provided to you. We will recommend certain measures are taken based upon safeguarding policy, national guidelines and best practice considering the nature and work of your RLG and the individuals directly affected.

Where the person accused of causing harm is a member of your RLG and not a lay person or volunteer, and the RLSS believe that the matter is serious enough to justify a request to be made to that person to voluntarily step back from all public ministry, then the RLSS Safeguarding Officer will outline their rationale for this recommendation. There are two key reasons why such a recommendation would be made:

1. To maintain the confidence of victim/survivors of abuse suffered from within the Roman Catholic Church. Maintaining confidence in the Church's commitment to safeguarding and in the effective processes to deal with abuse when it is reported, is essential. It is not an indication that the person accused of causing harm is guilty, but a stepping back from all public ministry provides a clear indication to victim/survivors that the matter is being taken seriously. This approach is followed in most professions and its importance is most apparent when such a course of action is not taken.
2. To protect all people who come into contact with your RLG. You have been made aware that this person poses a risk and you have to be seen to be mitigating against that risk to keep others safe.

The RLSS Safeguarding Team will always seek to contact the RLG Provincial or Safeguarding Lead first to ensure that the way a disclosure of a report from a victim/survivor to a person accused of causing harm is made, is both sensitively and discreetly managed, and that appropriate welfare support is in place to support the person subject to the report.

If the person accused of causing harm is deceased, then we will advise you as to how the matter can be best managed considering the needs and expectations of the victim/survivor. The RLSS will interact with the victim/survivor and obtain as comprehensive a disclosure as possible. We can also recommend whether a Serious Incident Report should be submitted to the Charity Commission. In these circumstances, where it is not possible to speak to the person accused of causing harm, we will provide you with objective and independent recommendations as to how a resolution may be achieved which is suitable and acceptable to all parties.

(The RLSS does not provide advice in relation to management of legal, insurance or any relevant media enquiries.)

Guidance to Person Accused of Causing Harm

What will happen to me?

The ethos of the RLSS is to treat all persons involved in a safeguarding inquiry with respect and dignity. Our safeguarding staff will provide you with the basic facts of what has been reported as it relates to you, however this may well not include the identity of the victim/survivor. We need their permission to do this and there may be other valid reasons why it would not be advisable to disclose their identity.

Reporting and Investigation

In circumstances where the report indicates a crime may have been committed or the matter falls within the remit of Social Services, then the RLSS operates under a mandatory policy to refer the report to the appropriate statutory authority within 24 hours. Such authorities also include the Police and Local Authority Designated Officer (LADO).

In such investigations, the statutory authority takes primacy and the RLSS role is limited to managing your care and welfare and ensuring appropriate restrictions are in place to protect all persons involved in the inquiry. Under these circumstances the RLSS will contact you and undertake a confidential discussion with you to establish your welfare needs. We will also advise your RLG Leader/Provincial to provide you with a suitable person to act as your welfare support and to establish what your individual needs are during what may be a stressful and uncertain time.

If the RLSS are asked to investigate the incident, we may need to interview you to obtain your response to what has been reported. The RLSS is not a law enforcement or statutory agency, but we will ensure as best we can, that during the investigation process you are afforded all the rights and safeguards that such bodies provide to persons under investigation.

Prior to any interview, you will be provided with all the necessary details of the report that you need in order to be able to provide an account and answer questions you may be asked. You would be entitled to have a professional legal advisor present if you wish or an appropriate support person. This would be discussed with you in good time prior to arranging a formal interview.

At the conclusion of the enquiry, the RLSS Safeguarding Team will complete a report of their findings and recommendations, based upon their investigation and an objective consideration of all the available evidence. The level of proof for any findings would be based upon the balance of probabilities – this is the level for most professional bodies in the U.K.

You will be entitled to a redacted copy of the report which would also be submitted to your Provincial/RLG Senior Leadership Team, who will then act accordingly in line with national best practice, Canonical Law or the rules of your RLG.

How long will the investigation take?

There are effectively 3 pathways along which an investigation may proceed.

- 1. Statutory Agency** – Police/Social Services/LADO – if a crime or safeguarding incident is reported that would fall within the remit of a statutory agency, then this agency has primacy, and the pace and length of the investigation will be set by them. They will include in their considerations the welfare and needs of the person reporting, as well as any statutory time factors within their own investigation processes. An investigation by such an agency can take a long time (often 12 months+) particularly if criminal charges are being considered.
The RLSS will generally cooperate with any requests from such an agency, but our role will be limited to managing your welfare and risks to all parties involved. This will be undertaken by completing a Care and Safety Management Plan (CSMP) which is bespoke to you and may well include certain restrictions being placed upon your life within the RLG – these will be discussed and agreed with you, your RLG Leader/Provincial and the RLSS, and regularly reviewed during and after the investigation.
- 2. Civil Litigation** – Where a victim/survivor wishes to pursue a case against your RLG in the civil courts, then this may run parallel but is separate to any investigation by the authorities or RLSS. Again, this pathway may take many months and the legal representatives of your RLG are in the best position to advise you and your RLG Leader/Provincial as to how long this is likely to take.
- 3. RLSS Investigation** – In circumstances where despite the mandatory statutory referral, the relevant agency declines to take the matter forward or when their investigation is complete, the matter may then be investigated by the RLSS. The timescale depends upon the complexity of the case and the number of parties involved, but RLSS would aim to complete their enquiries in a significantly shorter time period. (Recent non-complex inquiries have been completed in less than 6 months).

Concluding note to Leadership:

In statutory or civil investigation any relevant material held by the RLSS is potentially disclosable in any court proceedings (criminal or civil). We also recommend contacting your insurer to inform them of the case.

Each investigation/case will be assigned a safeguarding officer who will also be the single point of contact for both the person accused of causing harm and the RLG Leader/Provincial. At any time, the RLG Leader/Provincial may seek support from the RLSS.

The RLSS is here to assist throughout these difficult processes and will always provide recommendations based upon our professional experience.