

External Complaints Policy

Date adopted: October 2025 or CSSA new policies will replace
The policy will be formally reviewed annually

Summary

This document aims to provide guidance on the management of allegations and complaints.

To ensure that all allegations and complaints are addressed appropriately this document will signpost to the correct pathway to reach a safe satisfactory solution

Approval and review

Approved by	Trustee's and safeguarding Committee
Policy Owner	Provincial
Policy Author	Julie Ashby-Ellis John Green Tim Edwards
Date	October 2022
Review Date 1	October 2023
Review date 2	October 2024
Review date 3	October 2025 or CSSA new policies will replace

Executive Summary

This overarching policy provides the framework to ensure that any external complaints or allegations are handled in a correct and appropriate way.

This policy applies to all Jesuits, lay staff and volunteers unless they predominantly work for another organisation e.g. a school in which case their policies will apply.

This policy covers 3 main areas:

Section 1

This should be used if a complaint is received about a service that the Jesuits in Britain provide e.g. courses.

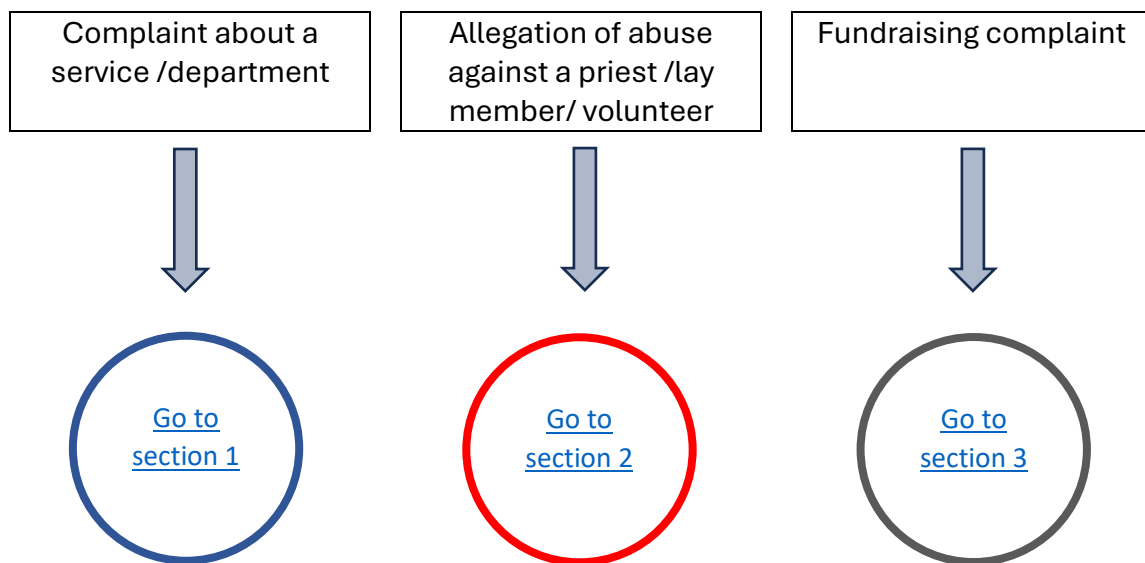
Section 2

This section should be used if an allegation is made against a priest, lay staff or volunteer. Schools will have their own policy and procedure.

Section 2

This section should be used if there are complaints about fundraising.

Flow chart to be followed for all complaints and allegations



Section 1: Complaints about a service or department

Summary

Jesuits in Britain aim to provide a helpful, efficient and quality service. Sometimes, we know we won't get things right, and when that happens, we want the chance to put things right for the people or organisations involved. We also want to be able to learn lessons and improve our practice for the future. We don't want to keep making the same mistakes. This complaints policy and procedure sets out how someone can let us know when something has gone wrong with the service we provide and what steps we will take to address their concerns.

Introduction:

1. The Jesuits in Britain support the mission and ministries of the Catholic Church in England and Wales and in Scotland. We offer a diverse range of services as well as work with parishes, dioceses, schools and other national partners.
2. We aim always to offer a helpful, efficient and high-quality service to all whom we serve. But sometimes when something goes wrong, we want to hear that feedback from the individuals and organisations we work with. Occasionally, that may necessitate a formal complaint, addressed under this policy.

Definition

1. A complaint is any expression of dissatisfaction with the service offered by the Jesuits in Britain. This could include:
 - a. an issue with the standard of service provided e.g. we have applied an agreed policy incorrectly.
 - b. a specific action we have taken (or not taken) e.g. we have not done something we said we would do.
 - c. or the behaviour of individuals working within or on behalf of the Jesuits in Britain. This could include the behaviour of staff (including consultants and contractors), volunteers, trustees and committee members.
2. Complaints may come from any individual, volunteer or organisation personally connected with a specific matter being handled by the Jesuits in Britain, including the general public, members of the clergy and staff in a Catholic Body.

Scope and limits

1. The policy and its associated procedure relate specifically to the work of the Jesuits in Britain, who operate nationally across the Catholic Church. Everyone who works in and on behalf of the Jesuits in Britain should be familiar with this document and support the delivery of the complaints process should a complaint occur within their area.
2. This policy does not cover:
 - Complaints from Jesuits in Britain staff, who should refer to the Jesuits in Britain internal policies.
 - Complaints which would be handled under specific statutory or legislative requirements e.g. a. Complaints about data protection would be handled

by the Data Protection Officer, under the Jesuits in Britain GDPR and Individual Rights Policies.

- Safeguarding disclosures
- Complaints concerning a disagreement with a policy of the Catholic Church.

In the above situations, on receipt of the complaint, the Jesuits in Britain will refer the complainant directly to the relevant process/contact (where possible).

Policy

Within the Jesuits in Britain, we will,

- Provide a fair, open, and accessible complaints procedure which is clear and easy to use.
- Ensure all complainants are treated seriously with courtesy and respect.
- Ensure anyone who is the subject of a complaint, or who is involved in its receipt or investigation, is treated fairly with dignity and respect. This includes anyone who is mentioned in a complaint, who may have relevant information which supports the investigation.
- Ensure that complaints are dealt with as quickly as possible and responded to appropriately.
- Ensure staff are appropriately trained to receive and manage complaints well, utilising our complaints procedure.
- Ensure that there will be no negative impact on the service provided by the Jesuits in Britain to the complainant by a complaint being made.
- Gather information from any relevant source which helps us to improve what we do.

Confidentiality

All complaints will be handled and logged sensitively, telling only those who need to know.

Any personal data will be processed in accordance with data protection requirements and as stated in our Privacy Notice.

It may not be possible to investigate complaints made anonymously, unless the complaint suggests that the safety of an individual is at risk. We ask that all parties to a complaint (whether the complainant, Jesuits in Britain staff, or any external party) co-operate in keeping complaints confidential whilst the handling of the complaint is in progress.

A party may, however, on occasion be required to confirm the fact that a complaint has been made and to provide limited details where there is a legitimate reason for doing so.

Monitoring and learning from complaints

Complaints will be tracked, throughout the year and should be included in regular internal performance reports to governing bodies. At least once a year the trustees will review whether there are any identifiable key trends or recurring issues that could inform common learning and action.

Help, support and accessibility

We want this policy and its associated procedure to be accessible to any individual needing to make a complaint. But we recognise that some individuals may have particular needs (such as physical or sensory impairment) and would require additional support or reasonable adjustments to make a complaint (e.g. via friends or other representatives, or the format of investigation meetings or documentation). Where possible the Jesuits in Britain will help a person making a complaint to identify a suitable person to guide them through the process, and will where possible provide alternative ways of engaging with the process or providing documents in specific formats. This additional support cannot though be a legal representative or advocate who acts directly on their behalf. Help and support will also be offered to any member of staff subject to a complaint through normal internal channels (including line management support, Trades Unions, etc).

Recording complaint meetings

We want to make sure that any complaint is investigated fully, and this may mean arranging face to face or virtual meetings as appropriate with those involved (including the complainant and any relevant parties to the investigation). We would expect that notes are taken of these meetings and distributed to all attendees. In some instances, it might be appropriate to engage an independent/neutral note-taker.

It is not usual practice to record complaints meetings. On occasion, we might be able to record a meeting held remotely as a reasonable adjustment to allow for an individual to participate fully in a meeting by having a copy of the recording to which they can refer afterwards.

Where it is agreed by those involved that this would be helpful, the responsible officer will arrange for this to happen and will share the recording. All parties must be aware that any information shared relating to third parties during the meeting, and therefore recorded, may be disclosable under data protection laws.

If an individual wants a meeting to be recorded, but the other parties involved do not agree, no recording should take place.

Covert recording is not acceptable under any circumstances.

Our Complaints Procedure

Our procedure starts from trying to resolve issues before they become complaints. Informal resolution and mediation.

In many cases, a concern can be most easily resolved by raising it in the first instance, with the person, team or body responsible for the relevant area or service. Or if the concern is about the behaviour of an individual, then there is the option to give feedback directly to that individual and/or their line manager (where appropriate).

By raising the concern directly, all involved can work together to find a resolution.

Sometimes it may be appropriate to consider mediation. Mediation involves using suitably trained and qualified mediators to try to resolve the matter and to reduce the risk of the complaint escalating further. This may help where the concern relates to a particularly complex situation or where those involved are struggling to reconcile different views.

If it is not possible or appropriate to raise a concern directly with the responsible area/team/individual, or seek mediation, the formal complaints process is available.

Resolving Formal Complaints

Stage One: How to complain

1. Submitted in Writing

A formal complaint should ideally be made in writing, by post or email and addressed to the person responsible for the area, service or matter being complained about (the responsible manager). This should be sufficiently detailed to allow for investigation, e.g. covering what led to the complaint (i.e. a specific incident, experience or decision), whether this has been looked at before, who's involved and the impact.

If it is not possible to easily identify the right responsible manager to deal with the complaint, then on receipt, the relevant department or body, will direct it accordingly. Where the complaint relates to an individual, their line manager will usually take on the role of responsible manager, or in the case of a trustee/committee member(s), another trustee or director (as appropriate).

2. What you can expect from us at stage 1

On receiving the complaint, the responsible manager will check whether this procedure applies, or if another would be more appropriate in which case the complainant (the person making the complaint) will be notified accordingly. They will also assess whether they have the necessary skills to investigate and if not, they will find the right colleague to do so.

All complaints will normally be acknowledged within five working days of receipt by the responsible manager. They will ensure the complainant has this policy and procedure, confirming also the timescales for dealing with the complaint, method of contact, what help/support is available and what outcome would make things right for them.

The **responsible manager** will investigate the complaint, gathering all relevant information. This should include, where appropriate, whether a service was provided in line with the Jesuits in Britain core values and service standards (if

applicable) or agreed policies and procedures. If the complaint relates to a specific person, they will have the right to be told of the complaint and to present their response. It might be appropriate to contact any third parties named in a complaint, where they have information relevant to the investigation. In doing so, the responsible officer might need to provide them with details of the complaint and, where relevant, the name of the complainant. A decision on whether third parties should be contacted, and information shared will be made by the responsible officer.

The **responsible manager** will write to the complainant with the outcome (i.e. whether the complaint was upheld, partly upheld or not upheld) **within 20 working days** after acknowledging receipt. If this is not possible, the manager will let the complainant know before this time period elapses with a target date for response.

What happens if you are not happy with the outcome?

If dissatisfied with the outcome, a **complainant** will have **15 working days** to submit a written request to move to Stage Two. Please note that complaints will usually only be considered at Stage Two if new information has come to light, or there is evidence that all the information was not fully considered.

Stage Two

Stage 2: What you can expect from Jesuits in Britain

At Stage Two, the complaint will be reviewed by a more senior level of management or in the case of a complaint against trustees/committee members or a Chief Officer, by the Chair of the relevant governing body or a nominated delegate (the next level decision maker).

The next level decision maker, in consultation with the Provincial, will either conduct the investigation themselves or appoint an appropriate Investigating Officer. The identification of who is best placed to fulfil this role will be judged by the next level decision maker on a complaint-by-complaint basis. It may be appropriate to appoint a person not connected to the Jesuits in Britain to carry out the investigation (e.g. an independent complaints investigator from the relevant sector). This will be dependent on the complexity and type of complaint received; not simply on request from any party involved.

Complaints will be acknowledged in writing within five working days of referral to Stage Two by the next level decision maker. They will also confirm with the complainant, the timescales for dealing with this stage of the complaint, how they want to be contacted and what help/support is available to them.

The Investigating Officer would then start their investigation, providing a report to the next level decision maker within 20 working days of their appointment. The investigation may, as with Stage 1, require discussions with those involved in the complaint, including any third parties named in the complaint.

On receipt of the investigation report, the next level decision maker will write to the complainant with the outcome, within 10 working days. This concludes the final stage of the Complaints Procedure.

The above deadlines can be extended, but only where there is a clear, justifiable reason, which is shared with the complainant, along with a revised timescale for completion. If an Investigating Officer is appointed from outside Jesuits in Britain, then it is reasonable to assume that some adjustment to the timescales above would apply.

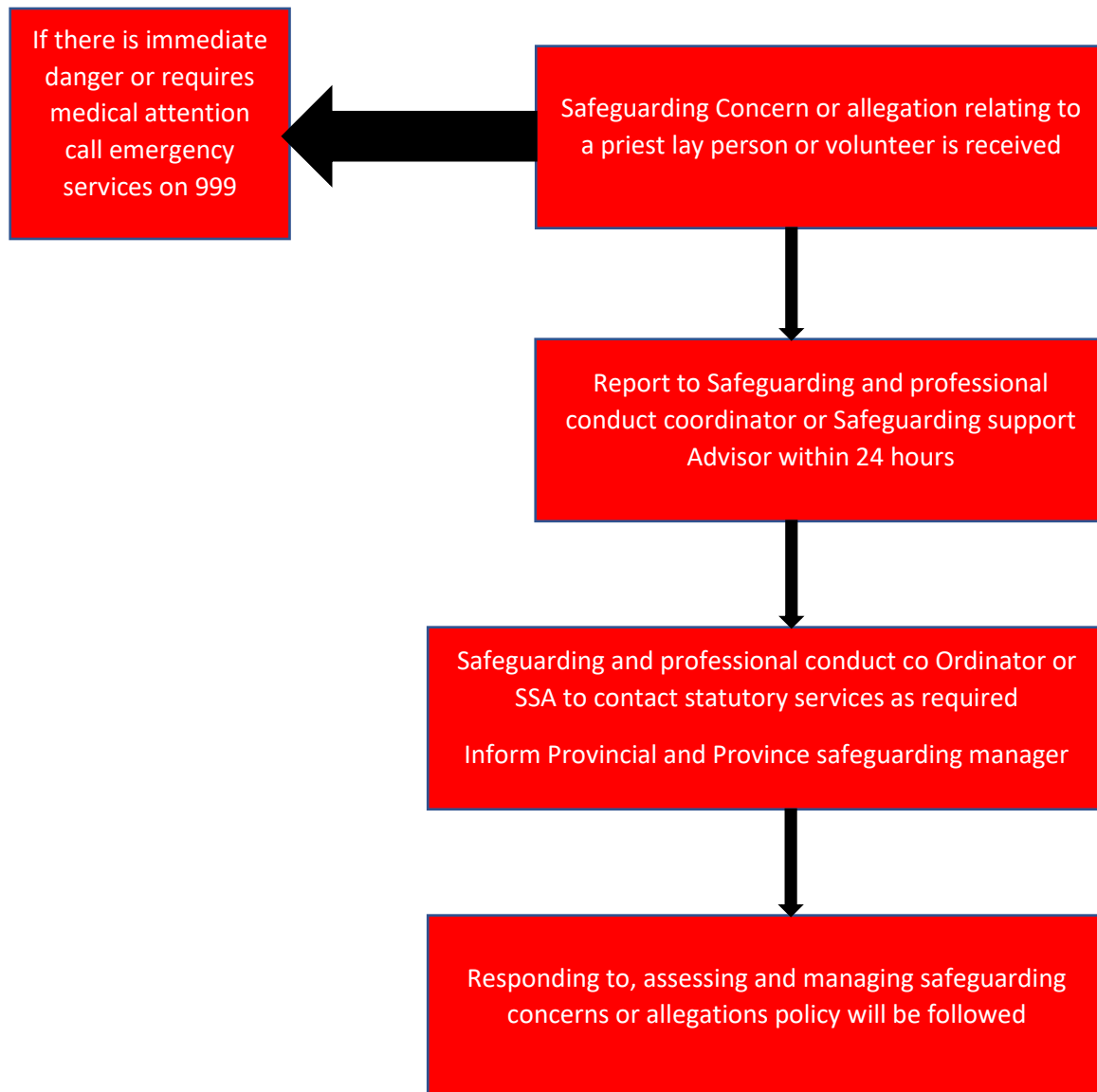
Conclusion of the process

Stage 2 is the last step of the complaints process. Once a case has been considered under this stage, it should be closed. If further correspondence is received that seeks to reopen the matter (from any party) it will be acknowledged, but no further action will be taken by the Jesuits in Britain.

If after concluding the Jesuits in Britain process, a complainant is dissatisfied with the outcome, they might be able to seek further help from the Charity Commission. The Charity Commission can only usually get involved where an issue “poses a serious risk of significant harm to a charity’s beneficiaries, assets, services or reputation.” More information can be found here: www.gov.uk/government/publications/complaints-about-charities/ or by contacting the Charity Commission on 0300 066 9197 or at PO Box 211, Bootle, L20 7YX

Section 2: Allegations against Priests, Lay persons and Volunteers

Flow Chart for Allegations against Priests, Lay staff and volunteers



Responding to, assessing and managing safeguarding concerns or allegations against Priests, lay persons, and volunteers:

Summary

In accordance with Article 19 of Pope Francis' Apostolic Letter, "*Vos Estis Lux Mundi*", 7 May 2019¹ it is the policy of the Catholic Church in England and Wales² to report to the statutory authorities, all allegations of abuse made against those working in the name of the Church, regardless of whether the allegations or concerns relate to a person's behaviour in relation to their role within the Church or another setting.

Introduction:

The guidance is underpinned by the Children Act 2004 (section 11); the Care Act 2014, Bishops and Religious Leaders of the Catholic Church in England and Wales as part of the "One Church Approach" to safeguarding, the Bishops of Scotland "In God's Image".

It offers the Church's procedure for dealing with safeguarding concerns or allegations against church officers who have a role with children, young people and/or vulnerable adults. As part of this it aims to use and adapt for the Church context established models of risk assessment from statutory and specialist agencies. It also includes the risk assessment and management of those that may pose a known risk to children, young people or vulnerable adults within a Christian congregation or community.

Who is this guidance for?

Clergy, religious communities lay persons and volunteers. This particularly relates to church officers who have a role in relation to children, young people and/or vulnerable adults.

Schools will follow their own policy and procedure.

When this guidance should be used

Despite all efforts to recruit and /or appoint and /or elect safely there will be occasions when safeguarding concerns or allegations against church officers, who have a role in relation to children, young people and /or vulnerable adults, are raised.

Where there is a concern or allegation that a church officer has:

- Behaved in a way that has harmed a child, young person and/or vulnerable adult, or may have harmed a child, young person and/or vulnerable adult.
- Possibly committed a criminal offence against or related to a child, young person and/or vulnerable adult.
- Behaved towards a child, young person and/or vulnerable adult in a way that indicates they may pose a risk of harm to children, young people and/or vulnerable adults. These behaviours should be considered within the context of the main categories of abuse (see guidance on categories of abuse). These include concerns relating to:

¹ https://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio-20190507_vos-estis-lux-mundi.html

² <https://www.cbcew.org.uk/safeguarding/>

- Domestic Abuse.
- 'Grooming', i.e. meeting a child or young person under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003).
- Other 'grooming' behaviour giving rise to concerns of a broader child/adult protection nature, e.g. inappropriate text/e-mail messages or images, gifts, socialising etc.(see s67 Serious Crime Act 2015).
- Possession of indecent photographs / pseudo-photographs of children or young people.

This guidance should always be followed when information about a safeguarding concern or allegation against a member of the Province, who has a role in relation to children, young people and/or vulnerable adults is received, irrespective of how information comes to light (for instance, through review of files; media contact; information from an alleged victim/survivor; information from a statutory agency; report from a local church). The language used for complainants and those complained against is always a sensitive issue. This guidance will usually be needed before there have been any findings in criminal, civil or disciplinary proceedings. At this stage there will be people who have made complaints (referred to as safeguarding concerns or allegations in this guidance) and people against whom complaints have been made. Both victims/survivors and the respondents will, at this stage, be alleged victims/survivors and alleged respondents. For ease of reference, this guidance will use the terms 'victims/survivor' and 'respondent' without presupposing the accuracy of the complaint. These should be regarded as neutral terms that do not imply the innocence or guilt of either party.

The language employed to describe those who have suffered abuse is always a sensitive matter. Few would want to be defined by an experience or experiences from their past. However, they have been victims and that fact must not be lost in concern about correct language. At the same time, many have moved on as far as they are able and would be better described as survivors. An episode or series of episodes should not be regarded as the defining moment of their lives and of who they are, however much it has dramatically and tragically influenced and shaped their lives. As far as possible in this document we have used victim/survivor in an attempt to capture the complexity of the issue.

The term 'respondent' is used for the person about whom a safeguarding concern or allegation has been made.

The Provincial Safeguarding Staff

The Safeguarding and Professional Conduct Coordinator and **Safeguarding support Adviser** are paid professionals qualified in safeguarding and have many years' experiences of safeguarding practice. They support and advise Jesuits in Britain on all safeguarding matters.

This guidance reinforces that all concerns or allegations in relation to priests lay staff and volunteers need to be reported to the Safeguarding and professional conduct coordinator There may be situations, in relation to other church bodies who

have a professional safeguarding adviser, where agreement will need be reached about who is placed to lead on the Province response.

If concerns arise about the person's behaviour to her/his own children, partner or other family members, the relevant statutory agencies must consider informing the employer / organisation to assess whether there may be implications for children, young people and/or vulnerable adults with whom the person has contact at work. This would involve those statutory agencies informing the Province, in which case this procedure will apply. Concern or allegation of past or non-current (historical) abuse should be responded to in the same way as contemporary ones. In such cases, it is important to find out whether the person against whom the concern or allegation is made is still working with children, young people and/or vulnerable adults and if so, to inform the person's current body for whom they work or other voluntary organisation or refer their family for assessment. If staff are uncertain about whether the matter is a safeguarding concern or allegation or whether the respondent is a Priest lay person or volunteer who has a role with children, young people and/or vulnerable adults, advice should be sought from the Safeguarding and Professional conduct Coordinator or Safeguarding Support Advisor.

Anyone receiving information about or observing a safeguarding concern or allegation, where a child, young person or vulnerable adult is in immediate danger or requires immediate medical attention must call the emergency services on 999. Do not delay. If at any point during the process, of responding to, assessing or managing a safeguarding concern or allegation, information comes to light which suggests a child, young person and/or vulnerable adult is at risk of harm, the referral to the statutory agencies should not be delayed.

What does the guidance provide?

The overarching aim of this practice guidance is to ensure that the Jesuits in Britain has in place a fair process for responding to safeguarding concerns or allegations against a priest lay person or volunteer who has a role with children, young people and/or vulnerable adults. When a safeguarding concern or allegation is raised, a system of support and monitoring for those subject to concerns or allegations or who present a risk of harm to children, young people and/or vulnerable adults (referred to from this point as the respondent) is provided. This guidance provides the process to be followed when information is received about a safeguarding concern or allegation, including:

- Clear roles and responsibilities of safeguarding personnel in relation to responding to safeguarding concerns or allegations.
- initial response to the concern or allegation.
- Immediate response to ensure safety, including making sure arrangements are in place to inform the respondent, when appropriate, that an allegation has been received about them, and a procedure for deciding whether an Interim Safety Plan needs to be put in place.
- Immediate reporting and collaboration with statutory agencies.
- Identification of the risk assessment and management process, and the procedures for carrying them out.

- Risk assessment and management of those that may pose a known risk to children, young people and/or vulnerable adults within a Catholic congregation or community.
- Management of the safeguarding situation.
- Action required following a statutory investigation.
- Review of process and learning from the situation.

What does the guidance not address?

This guidance does not:

- Provide detail on the timescale in which the entire process will be completed as this is different in all cases. However, there are some specific points within the process where time frames are discussed.
- Provide a format for assessing activities or projects – for example, the health and safety risk assessment that is required before taking a youth group away for a residential weekend. These assessments, which are required in many and widely varied settings, are the responsibility of local church officers and use a different process and model of assessment.
- Cover responding to safeguarding concerns or allegations that do not relate to Province priests lay staff and volunteers.

Roles and responsibilities of safeguarding personnel in relation to responding to, assessing and managing safeguarding concerns or allegations

- 1. Safeguarding is everyone's responsibility;** it is essential to flourishing Christian communities and evidenced through good pastoral care. In the first instance, it is everyone's responsibility to hear a safeguarding concern or allegation.

1.1 The Provincial

The Provincial Superior of the Jesuits in Britain is responsible for all aspects of the work of the Jesuits in England, Wales and Scotland.

The Provincial's safeguarding responsibilities are:

- To ensure that appropriate personnel and procedures are in place to recognise and respond to safeguarding concerns or allegations.
- To report any concerns or allegations against a Priest lay staff or volunteer to the Safeguarding Coordinator immediately when any disclosure or information is received or known.
- To ensure that the Jesuits in Britain has clear and agreed safeguarding arrangements in place with other Church bodies.
- To remain distant from the process, in case of needs for intervention in the event of disciplinary action; claims made against the Church; or pastoral breakdown. The information they receive must be such that it does not compromise any future role they must play.
- To ensure that the care of the victim/survivor and the respondent follows both secular and ecclesiastical legislation and guidance. This includes: - ensuring that all appropriate support and information is offered to the victim/survivor who has disclosed that they have been abused and, as required, to their

families; and - ensuring that all appropriate support and information is offered to the respondent (including spiritual guidance and pastoral support).

1.2 Safeguarding and Professional Conduct Coordinator (SPCC)

The Safeguarding and professional conduct coordinator is responsible for:

- Receiving safeguarding concerns and allegations.
- Referring safeguarding concerns and allegations to statutory agencies where the requirement for reporting is met.
- Instigating all internal enquiries and liaising with statutory agencies e.g. Police and social care teams.
- Attending meetings as requested by the statutory agencies.
- Preparing reports as required for: - Core Group meetings; statutory agencies; any other safeguarding personnel.
- Sharing information with statutory agencies in relation to the concern or allegation, or any other assessment process concerning the respondent.
- Completing the internal investigation where one is required.
- Keeping a complete safeguarding record, and to be the source of all safeguarding information for the Province. Records need to be stored appropriately and securely in accordance with best practice in record keeping with in the CPOMS data base system.
- Keeping the Provincial updated regarding the risk assessment process and liaising with the link person to ensure support, advice and pastoral care is offered to the respondent. If the respondent raises safeguarding concerns with the link person, the Safeguarding and professional conduct coordinator must ensure these are passed on to the statutory agencies.
- Ensuring appropriate and independent support, advice and pastoral care is offered to the Safeguarding Support Advisor.
- Liaising regularly with both the Safeguarding Support Advisor and the respondents support person.
- Ensuring that the voice of both the victim/survivor and the respondent is heard throughout the process.
- Attending the initial meeting with the respondent.
- In relation to a clergy risk assessment, advising the Provincial on suitable appointment of a risk assessor.
- In relation to clergy risk assessment, where the Provincial appoints a risk assessor - preparing the terms of reference for the assessment and submitting them to the Provincial for approval.
- In relation to clergy risk assessment, ensuring the terms of reference are shared with the appointed assessor together with any other information which is relevant to the assessment.
- In relation to standard (non-clergy) risk assessments, either carrying out the assessment or making the arrangements for it to be carried out.
- Reviewing Safeguarding Safety Plans at regular intervals (depending on the assessed needs and the level of risk) in conjunction with other key people involved and/or the statutory agencies.

The Safeguarding and professional conduct coordinator is NOT a support person to the victim/survivor, nor are they a support person for the respondent.

1.3 Safeguarding Support Advisor

- Ensuring the victim/survivor is offered support from a support person. Where they accept this offer, ensuring that the needs of the victim/survivor are fully recognised and acknowledged throughout the safeguarding process.
- Ensuring information regarding contact with the victim/survivor is recorded and stored appropriately in the case file.
- Liaising (which could include attending any meetings) with the statutory agencies to provide support to the victim/survivor, the support person is not the victim/survivors advocate at any meeting they attend.
- Listening to and representing the victim/survivor's pastoral needs.
- Identifying any therapeutic or other needs the victim/survivor may have, and offering choices as how these may be best met.
- Listening to and representing the victim/survivor's views during the management of the safeguarding concern or allegation.
- Recording any meetings or contact they have with the victim/survivor and passing on relevant information (e.g. to prevent/protect others from harm, any further information supplied in relation to the safeguarding concern or allegation) to the Safeguarding and professional conduct Coordinator (SPCC), as appropriate, this should be made clear from the outset of the relationship. Records of meetings would include dates, times, locations and an overview of the meeting rather than a specific and detailed account.

The SSA is NOT the confidant of the victim/survivor.

They must be bound by a responsibility to disclose to the appropriate authorities (e.g. the Police, SPCC etc.) where:

- Others are at risk of harm.
- The victim/survivor makes disclosures of intentions to hurt themselves.
- Safeguarding information is shared to assist in the prevention, detection or prosecution of a crime. It is important to recognise and to acknowledge where others may still be at risk, the Police (and possibly Children's / Adult's Services or the Local Authority) will need to be informed.

1.4 Pastoral Supporter

- A pastoral supporter will be offered to all respondents who are priests.
- The Pastoral supporter may be a senior member of Province (where the respondent is in ministry), including retired clergy.
- No-one directly involved in the management of the case, or who may be required to give evidence in any court proceedings, should be directly supporting the respondent, since their roles or their status may be compromised.
- Respondents who are children or young people will require specialist support. In consultation with the SPCC advice should be sought from Children's

Services and the child or young person should be referred to a professional agency qualified to provide such support.

- After agreement with the respondent - attending the initial meeting with the respondent, the SPCC and the Provincial or representative to support them, keep them informed of the progress of their case, and direct them to counselling and support as necessary.
- Assisting the respondent to access advice in relation to both criminal and ecclesiastical law.
- Identifying with the respondent any therapeutic or other needs they have, and offering choices as to how these may be best met.
- Monitoring compliance with Safety Plan if this is an agreed part of their role.

The Pastoral Supporter is NOT the confidant of the respondent.

They must be bound by a professional responsibility to disclose to the appropriate authorities (e.g. the Police, DSA etc.) where:

- Others are at risk of harm.
- The respondent makes disclosures of intentions to hurt or harm either themselves or others.
- The respondent makes disclosures of their guilt, or not, in the matter being investigated.
- Safeguarding information is shared to assist in the prevention, detection or prosecution of a crime. It is important to recognise and to acknowledge where others may still be at risk, the Police and possibly Children's / Adult's Services or the Local Authority will need to be informed. If the pastoral supporter is unsure about whether they can share information, they should seek advice from the SPCC.

The Pastoral Supporter is not:

- A counsellor for the respondent and should not act in that role.
- A spiritual guide for the respondent.
- An advocate for the respondent.
- The pastoral Supporter (where they are clergy) should not take confession from the respondent.

Support and supervision

Regular contact, as determined between the pastoral support and the SPCC, should take place to enable the SPCC to keep up to date with the needs and requests of the respondent. The SPCC should offer the pastoral supporter access to appropriate welfare support to ensure their wellbeing and pastoral needs are met and supervision to allow the pastoral supporter to receive feedback on their role. If necessary, external welfare support for the pastoral supporter should be used if appropriate.

1.5 Role of British Provincial Trustee safeguarding lead and Curia Management

- Kept informed by the SPCC and SSA whenever there is a potential financial, regulatory or reputational impact or where there is a significant risk that requires management/mitigation/monitoring.
- Informed immediately by the SPCC should a case involve an employee or volunteer of the Province.
- Mindful of legal requirements to inform insurers, charity commissioners, etc. and have an overview of risk management to the organisation and wider church to ensure things are managed effectively within guidance.

1.6 Media and Communications (Head of)

- Taking the lead on all matters of communication, including statements for potential or actual media coverage; statements made to the congregations during and following an investigation.
- Advise on communication issues as required and working closely with the Provincial and the SPCC with regard to the day to day management of publicity and information sharing.
- Advising the Provincial and the SPCC, on an appropriate form of words in relation to any proposed apology to the victim/survivor as agreed.

1.7 Safeguarding Committee

- Receive anonymised management information relating to risk assessments and safeguarding agreements that have been completed to maintain oversight of the work e.g. number of assessments, type of assessment, pattern of reviews, breaches and follow up actions.
- Consider information and themes from quality assurance processes e.g. Self Assessments, lessons learnt reviews, independent audits and file audits to make recommendations to improve safeguarding arrangements.
- Be advised of any barriers or issues which are impacting on the ability of the Province to effectively manage safeguarding risks this may include resolving disputes.
- Reviewing the quality of risk assessments (standard and independent) and Safety Plans.

2. Responding to a safeguarding concern or allegation against a Jesuit, Lay member or Volunteer

The welfare of the child, young person or vulnerable adult must come first. A proper balance must be struck between protecting children, young people and/or vulnerable adults and respecting the rights of the respondent.

The rights of the respondent are important and are given due weight, once the immediate safety and protection of children, young people and/or vulnerable adults has been assured.

2.1 Immediate reporting and communicating within Jesuits in Britain

Upon receipt of a concern or allegation Children, young people and vulnerable adults occupy a central place in the heart of our Province and have a right to be

listened to and heard. The paramount consideration in all matters is their safety and protection from all forms of abuse. To create and maintain a safer environment, religious organisations must respond effectively and ensure all safeguarding concerns and allegations against a religious officer who has a role with children, young people and/or vulnerable adults are reported, both within the Province and to statutory agencies. This responsibility to report is shared by everyone, the only exception to this rule is the receipt of any information by a member of clergy under what is termed as the sacramental Seal of Confession – see section All religious organisations must provide guidance and training on recognition of safeguarding concerns and allegations, with clear procedures on what to do when a safeguarding concern or allegation arises against a church officer who has a role with children, young people and/or vulnerable adults, so that everyone knows how to respond. This involves knowing how to receive a safeguarding concern or allegation, who to tell and how to record it. It is important the local reporting procedures are fully consistent with statutory legislation, the Local Safeguarding Boards Procedures, Ecclesiastical law.

2.2 First Response

The person receiving a Safeguarding concern or allegation against a Priest, Lay and volunteer must:

1. As soon as is practicably possible and in any case within 24 hours of receiving a safeguarding concern or allegation of abuse refer the matter to the Safeguarding and professional conduct coordinator (SPCC) or Safeguarding Support advisor (SSA).
2. Respond well to the victim/survivor to ensure they feel heard and taken seriously.
3. Record the details of the concern or allegation. Always ask permission to do this and explain the importance of recording all information. Where it is not appropriate to take notes at the time, or permission is not given, make a written record as soon as possible afterwards or before the end of the day. Do not be selective. Include details that may seem irrelevant. This may prove invaluable at a later stage in an investigation. The victim/survivor should be shown the record made in order to ensure they agree with the content and meaning, if possible. The record should include details of information provided to that person as well as information received. Record the time, date, location, persons present and how the concern or allegation was received, e.g. by telephone, face-to-face conversation, letter, etc. Please always sign and date the record. If the victim/survivor disagrees with the content of the note, any agreed changes can be made. If changes are not agreed (perhaps because they refer to additional matters that did not arise during the meeting) the person should be advised that their comments are noted and will be retained with the notes of the meeting.

4. Pass all original records, including rough notes, immediately to the SPCC or SSA. Any copies of retained records should be kept secure and confidential.
5. Explain to the victim/survivor what will happen next. They should be informed that their information will be shared with the statutory agencies, but their personal details will only be shared with their permission. The concern or allegation should not be shared with anyone other than those who need to know (e.g. the statutory agencies and appropriate Jesuit in Britain roles).
6. The SSA and the SPCC will now take over the response to the case.
7. There may also be a requirement to be involved in any subsequent related meetings.

Initial SPCC and SSA Response

3. Within 24 hours of receiving notification of the concern or allegation the SPCC or SSA will conduct an initial internal review of the information received to establish if the requirement for referring to the statutory agencies has been reached and make referral.
 1. This will involve as a minimum establishing the
 - Name of the person raising the concern or making the allegation.
 - Nature of the concern or allegation.
 - Name of the alleged respondent.
 - The alleged respondent role in the order at the time of the abuse.
 2. Wherever possible this would also normally include:
 - Accurate identifying information of the victim/survivor, as far as it is known. This should include the name, address and age of the victim/survivor when the alleged abuse occurred.
 - Where the person who has raised a concern or allegation is a child or young person, details of their parents/guardians should also be given.
 - Dates when the concern arose, or when the incident occurred.
 - The person's own words they used to describe the event or incident. Do not make assumptions about the intended meaning of the words used
 - Details of any action already taken about the concern or allegation.

Please note that these initial enquiries should be brief and not delay referral to the statutory agencies.

Referral to Statutory Agencies

1. Where the requirement for referring has been reached, the SPCC or SSA will inform the statutory agencies immediately by telephone within 24 hours of receiving the concerns or allegations. This should be followed up in writing and a record made. This record should include the date the referral was sent, which agency it was referred to, by whom and any decision made in relation to the concern or allegation. If there is any uncertainty about whether the

safeguarding concern or allegation meets the requirement for referring, a consultation should take place between the SPCC or SSA and the statutory agencies, who will advise on the eligibility of the referral.

2. In all cases, consideration should be given to whether an immediate referral is necessary to preserve and secure against the possibility of any loss, deterioration or destruction of forensic or other potential evidence.
3. The SPCC or SSA should provide written confirmation to the person raising the concern or allegation that the information has been passed on to the statutory agencies. This confirmation should include the date the referral was sent, which agency it was referred to and by whom. If this cannot happen, an explanation should be recorded.
4. The SPCC OR SSA will work in close collaboration and co-operation between Jesuits in Britain and all agencies involved in the situation.

Not referring to Statutory Agencies

Any decision not to refer to the statutory agencies should be recorded in the safeguarding file and kept under constant review as the case progresses.

Please note: If the concern or allegation does not relate to a church officer that has a role with children, young people and/or vulnerable adults, the SPCC will agree with the person raising the concerns or allegations about how to respond, whether a referral to the statutory authorities will be made and who is best placed to do that.

Responding to an adult raising a safeguarding concern or allegation

It is often very difficult for people to talk about abuse, so it is important to make sure that a safe environment of listening carefully and actively is created, in which a victim/survivor feels able to disclose as much as they can remember. This will help the statutory agencies to investigate the incident as thoroughly as possible.

Do not question beyond checking what has been said. It is the responsibility of Social Care and the Police to investigate.

There should be no probing for detail beyond what has been freely given. People may raise concerns or make allegations about:

- Abuse that happened to them when they were a child or young person.
- Something they've been told by someone else and that they strongly believe is true (disclosure).
- Seeing signs of abuse, such as physical injuries on a child or young person.
- Something they have witnessed that makes them feel uncomfortable.

Where information is given in person, consider the following:

- Adopt a listening style that is compassionate, calm and reassuring. If the information given causes shock, disgust or distress, do not allow these

feelings to show. Doing so may inadvertently dissuade the person from giving any further information.

- Listen carefully to that person, but do not ask intrusive or leading questions;
- Stay calm, take what the person raising the concern says seriously, and reassure them.
- Allow the person to continue at their own pace.
- Check with the person to make sure what they actually said has been understood. Do not suggest words – use their words.
- Make no promises that cannot be kept, particularly in relation to confidentiality, but listen carefully to what is being sought in this regard.
- Explain the referral procedures to the person.
- Do not make any comments about the respondent; do not make assumptions or speculate.
- Be aware that a person's ability to recount their concern or allegation will depend on their age, culture, nationality or any disability that may affect speech or language.
- Avoid statements about your reaction to the information given.
- Do not offer wording or language to the person raising the concern or making the allegation that may affect the way they provide an account. To do so may prejudice any criminal investigation.

Responding to a child or young person raising a concern or making an allegation

The Province aims to create and maintain a safe environment for children and young people. This includes being open and willing to listen to and respond appropriately to concerns or allegations of abuse they raise concerns. However, avoid intentionally instigating a meeting with a child or young person to receive a disclosure or take a statement from them – that is the role of Children's Social Care and/or the Police. However, if a child or young person directly discloses about abuse happening to them, the following general guidelines should be adhered to:

- Remain calm.
- Listen to the child or young person carefully and in a manner, that conveys they are being heard and taken seriously.
- Give the child or young person the opportunity to tell their story in their own time.
- Ask questions only for clarification.
- Reassure the child or young person they have done the right thing by telling.
- Do not make promises that cannot be kept.
- Explain to the child or young person what will happen next, i.e. passing the information on to the SPCC or SSA, explaining to them about the limits of confidentiality, etc. It is good practice in this situation, if possible, to have another adult present for the protection of the child or young person and yourself against allegations and to ensure corroboration of any account provided.

Responding to an anonymous concern/allegation

Anonymous complaints are to be handled carefully. Anxiety and fear may persuade some people not to immediately reveal their identity. It is sometimes difficult to act on information under these circumstances, unless at some point the name of the victim/survivor becomes known. The victim/survivor should be informed that anonymity might restrict the ability of professionals to access information or to intervene to protect a child, young person and/or vulnerable adult. As much openness, as possible should be encouraged. However, if any identifiable information that relates to a safeguarding concern or allegation (current or noncurrent) is received, it must be passed onto the DSA, who will refer to the appropriate statutory agencies so an investigation can be undertaken to assess the risks, as required.

Responding to someone who admits to abusing a child, young person or vulnerable adult

It is necessary to tell a person who admits an offence against any person that such information cannot be kept confidential. If such an admission is made to you, even where the admission relates to something that happened a long time ago, the matter must be referred to the DSA, who will refer to the appropriate statutory agencies so an investigation can be undertaken to assess the risks, as required.

Safeguarding and the Seal of Confession

There is one context of priestly ministry in which disclosure of abuse cannot lead to reporting, either to civil or ecclesiastical authorities: the sacrament of reconciliation. The seal of confession cannot be broken (Code of Canon Law 983) and both direct and indirect breaches of this absolute confidentiality are forbidden. Hence, the question arises as to what a confessor may do should he learn of abuse in confession, historic or current, be it from a victim, a perpetrator or a third party.

It is recommended that he invite the penitent to reveal the same information to the confessor outside the context of the sacrament of reconciliation so that appropriate action can be taken. Should that not be acceptable to the penitent, they can be encouraged to report the matter to the authorities themselves or to another person who will be able to report the matter.

In the spirit of Canon 985, and to avoid possible conflicts of interest, Jesuits in a position of leadership should not hear the confessions of those under their religious authority.

Alleged Respondent working/volunteering for an external organisation

If the priest, lay person or volunteer works for another external organisation, they are bound by the policies and procedures of that organisation, which include safeguarding and notification of allegations for example school, hospital or prison chaplains, those who have Jesuit in Britain roles but who may also be school governors, etc.

Therefore, if a concern or allegation against a priest lay person or volunteer is raised with that member whilst in the employment of that organisation, they must report it using the safeguarding procedures of the organisation. If there is an allegation against the member while working with that organisation, the following will be observed:

- If the allegation relates to that organisation, the reporting procedures will be initiated by the safeguarding adviser of that organisation in accordance with their safeguarding procedures.
- The alleged respondent will either directly inform the Jesuits in Britain or the safeguarding adviser of the organisation will inform the SPCC or SSA.
- Any decision to suspend the member from that organisation rests with the management of the relevant external organisation.
- Where relevant any decision to remove the member from ministry rests with the Provincial.

Regular liaison with statutory agencies

Best practice in safeguarding requires a multi-agency approach that allows for exchange of information proportionate to the risk, and in line with relevant legislation.

Case discussions

On an individual case-by-case basis, the SPCC or SSA, must liaise with the statutory agencies to notify them of concerns or allegations against priests lay staff and volunteers, and to consider with them the appropriate actions to take in terms of notifying the respondent and of managing risk.

No action by the Jesuits in Britain should interfere with any criminal or statutory enquiries being conducted by statutory agencies.

Any internal safeguarding investigation remains sub-judicial until the conclusion of any statutory agency investigation.

Notification of a concern or allegation must be made in writing. A copy of the written notification must be made and retained on the case file. Any contacts and/or meetings with statutory agencies should be recorded in writing and a copy kept securely in the respondent's case file on CPOMS

Prior to informing the respondent that a concern or allegation has been made, there should be a discussion with the relevant police force, whose view on informing the respondent should be sought. The purpose is to ensure Jesuits in Britain is not prejudicing any criminal investigation.

Prior to a full risk assessment and Safety plan's being completed, confirmation should be received from the statutory agencies stating their investigations have concluded.

Information sharing

The effective protection of children, young people and/or vulnerable adults often depends on the willingness of people to share and exchange relevant information appropriately. It is critical there is a clear understanding of the Province's professional and legal responsibilities regarding data protection, confidentiality and the exchange of information. Government guidance has been issued for professionals providing advice in relation to the provision of advice for safeguarding Information sharing advice for safeguarding practitioners.

What is meant by information sharing?

All information regarding safeguarding concerns or allegations (current or non-current) should be shared with the statutory agencies, in the interest of the person.

The provision of information to the statutory agencies for the protection of a person, where the safety of others may be at risk will not be a breach of confidentiality or data protection legislation, (even where sharing without consent). The issue of confidentiality should be part of the training given to priests lay staff and volunteers, so everyone is clear about their legal and moral responsibilities pertaining to the sharing of information, in good faith with statutory agencies. No undertakings regarding confidentiality can ever be given when considering safeguarding matters (apart from the Seal of Confession) this message is reinforced in all core safeguarding training modules provided by the RLSS and Jesuits in Britain.

Interagency cooperation is as important in the later stages of safeguarding work as it is at the outset. Therefore, all those involved in a safeguarding concerns or allegations should consistently make efforts to remain in contact with the statutory agencies, and to communicate all relevant information expediently. This is usually via SPCC or SSA.

Situations when information must be shared This will be via SPCC or SSA

Sharing information with the statutory agencies

All concerns and allegations regarding safeguarding that evidence that there is a current risk of harm and that meet the requirement for referring (apart from those received under the Seal of the Confession) must be passed to the statutory agencies. Disclosure should include names, addresses, details of the concerns/allegations, and if the respondent has made an admission, where this information is available. Ensure that a record is kept of your decision and your reasons for it.

Situations when information can be shared

As part of an investigation by the statutory agencies Safeguarding information is still subject to data protection legislation. However, information can be shared without consent sensitive personal data (e.g. that which relates to allegations) where it is in the substantial public interest and is necessary for the prevention or detection of any unlawful act and must be carried out without consent because seeking consent would prejudice the purposes.

Information can also be shared without consent if it is in the substantial public interest and the sharing is necessary to support a function designed to protect members of the public from “...dishonesty, malpractice, or other seriously improper conduct by, or the unfitness or incompetence of, any person...” and to seek consent would prejudice those purposes.

During an investigation, if the Police request information from a file, every effort should be made to cooperate. **They should be referred to the SPCC OR SSA.**

Police forces have standard forms for requesting personal data, in accordance with guidance issued by the Association of Chief Police Officers (ACPO). The form should

certify that the information is required for an investigation concerning national security, the prevention or detection of crime, or the apprehension or prosecution of offenders, and that the investigation would be prejudiced by a failure to disclose the information. This provides a legal basis for supplying the data under the Data Protection Act exemptions. All requests for personal data from the police, apart from emergency requests, should be required to be on the requisite form. Other law enforcement agencies may not use standard forms. However, any request should:

- be in writing, on headed paper, and signed by an officer of the agency.
- describe the nature of the information which is required.
- describe the nature of the investigation (e.g. citing any relevant statutory authority to obtain the information).
- certify that the information is necessary for the investigation.
- If a properly completed form or letter is received, the data should normally be disclosed.

An emergency situation is one where there is reason to believe that there is a danger of death or injury to a person. The police and other emergency services may urgently require personal data, and may not have time to complete a formal written request. In these circumstances, any person who has access to the data can legally disclose the information, but the safeguards below need to be met:

1. If possible, seek the authorisation of a senior manager before providing the data.
2. If the request is received by telephone, ask the caller to provide a switchboard number, and call them back through the organisation's switchboard before providing the data. This provides a basic (though not foolproof) way of checking that the call is genuine.
3. Ask the enquirer to follow up their request with a formal written request, so that this can be held on file. Keep a record of the enquiry and the response and pass details to the data protection officer as soon as possible.

With external organisations (including other Dioceses)

There may be occasions when information sharing with external organisations. As each of these situations is unique, the decision whether and what to share with another organisations that employs the priest lay person or volunteer in a different capacity will be on a case-by case basis.

To assist, the following questions may be used:

- Does the recipient have a legitimate interest in receiving this information?
- What is the justification for sharing information (is it necessary and proportionate to share the information)?
- Is there a risk of harm to an identified or unidentified child, young person and/or vulnerable adult if such information is not shared?
- Can permission be obtained from the respondent to share information?
- Should the respondent be informed the information is being shared?
- Should information about the victim/survivor be redacted?

Seven golden rules for information-sharing

- 1. Remember that the General Data Protection Regulation (GDPR) is not a barrier to sharing information** but provides a framework to ensure that personal information about living persons is shared appropriately.
- 2. Be open and honest** with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be, shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
- 3. Seek advice** if you are in any doubt, without disclosing the identity of the person where possible.
- 4. Share with consent where appropriate** and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case.
- 5. Consider safety and wellbeing:** base your information-sharing decisions on considerations of the safety and wellbeing of the person and others who may be affected by their actions.
- 6. Necessary, proportionate, relevant, accurate, timely and secure:** ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up to date, is shared in a timely fashion, and is shared securely.
- 7. Keep a record** of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

Where a person does not consent to the sharing of information

Individuals may not give their consent to the sharing of information for a number of reasons.

For example, they may be frightened; they may fear losing control; they may not trust social services or the police, or they may fear that their relationship with the respondent will be damaged. Reassurance and appropriate support along with gentle persuasion may help to change their view on whether it is best to share information.

It is important to:-

- Explore the reasons for a person's objections.
- Explain why it is important to share the information.
- Explain with whom the information will be shared and why.
- Explain the benefits, to him/her or others, of sharing information (e.g. to prevent a crime/harm).

- Discuss the consequences of not sharing the information.
- Reassure him/her that the information will not be shared with anyone who does not need to know.
- Reassure him/her that they are not alone and that support is available. It is very important that the risk of sharing information is also considered. In some cases, such as domestic violence and abuse, it is possible that sharing information could increase the risk to the individual. Discuss this with the SPCC or SSA, in the first instance. If a person cannot be persuaded to share information about him/her with relevant others (e.g. local authority/police), his/her wishes, in the first instance, should be respected.
- That said, there are certain situations where this refusal can reasonably be overridden, including, for instance, where:
 - The person lacks the mental capacity to make that decision (under the Mental Capacity Act 2005);
 - Other people are, or may be, at risk of harm.
 - It is necessary for prevention or detection of a crime.
 - It is believed that a serious crime has been committed.
 - A court order or other legal authority has requested the information.

The principle of necessity and proportionality should underpin decisions about sharing information without consent. Indeed, what should be considered is whether the sharing would prevent a risk and whether the public interest in sharing overrides the interest in maintaining confidentiality, (i.e. what will happen if the information is shared balanced against what will happen if the information is not shared). All decisions should be on a case by-case basis. Ultimately, if a person has not consented to sharing of information, please seek advice with the SPCC or SSA.

Management of Concerns

Multi-agency management

The statutory agencies have responsibility to ensure communication and co-ordination between agencies, which may include Police, health services, education, adults and children's social care and/or an Independent Domestic Violence Adviser. This may take the form of multi-agency Strategy Meetings, Allegation Management Meetings, Child or Adult Protection Conferences or Multi-Agency Safeguarding Hub Meetings, to which the SPCC or SSA should expect to be invited. It is vital either the SPCC or SSA are included in such meetings, for the purposes of sharing information relevant to the case, and being party to the decision-making process regarding investigation and risk. The outcomes and recommendations from multi-agency meetings will inform the Jesuits in Britain internal management of the safeguarding concern or allegation. If the SPCC are not satisfied multi-agency management by the Local Authority is adequate, or they are not invited to such meetings, they should escalate their concerns to the relevant senior manager within the statutory agencies (e.g. for the Police escalate concerns to the Super Intendent, for Social Care escalate to the Head of Safeguarding). Each Local Safeguarding Children / Local Safeguarding Adult Board should have a resolution of professional disagreements or escalation policy which can assist. It is common for Police investigations to take some time to conclude. The SPCC or SSA should keep in

regular touch with investigating officers. If the subject is charged and pleads not guilty, the outcome of the process will be further delayed, as the matter will proceed to trial.

Internal Jesuit in Britain Investigation

The aim of an internal investigation is to establish whether or not there are ongoing safeguarding concerns and whether the accused is suitable to fulfil a role which carries the potential for engagement with children, young people and/or vulnerable adults. The aim is NOT to establish the guilt of the respondent. The Provincial with advice from SPCC or SSA will identify the lines of enquiry to be followed with the assigned investigator – this will usually be the SPCC. The investigator will undertake the enquiries as outlined and produce a report on their investigation for the Provincial. The Provincial will use the investigation report to inform the next stages of the process. The complexity and variety of the lines of enquiry will be determined by the specifics of an individual case and therefore timescales for completion will need to be agreed with the investigator as tasks are identified by the core group.

Informing the Respondent

The statutory agencies, where involved, will inform the SPCC or SSA about when they can tell the Respondent an allegation has been made. However, it may be that the statutory agencies themselves inform the Respondent as part of their own investigative practices i.e. where an arrest is necessary. Where the statutory agencies are not involved, the Provincial with advice, will determine when and what the respondent should be told in relation to the concern or allegation.

Develop an Interim Safeguarding Agreement due to ongoing risks being present.

Where an Interim Safeguarding Agreement is required the SPCC or SSA will meet the respondent and present them with the Interim Safety Plan, which the respondent will be asked to agree to and sign. Any refusal to sign the agreement will be considered by the Provincial in consultation with the safeguarding committee, whilst obtaining legal advice. During this meeting, the respondent should be advised of the potential outcomes following the conclusion of any statutory agency enquiries. The respondent can be accompanied at this meeting by a supporter, to advise them on the terms of the agreement.

Any breach of an agreement reached as part of the management of risk should be reported to the relevant statutory agencies, and to the SPCC, Provincial and safeguarding committee who may consider a review of the Interim Safeguarding Agreement. The agreement should be reviewed by the SPCC at regular intervals depending on the risks identified, initially this review would take place at a minimum of three monthly intervals until the situation appears stable when review would take place at least annually, and in the following circumstances:

- when new information is available.
- if circumstances change.
- if the individual breaches the agreement.
- if concerns have been expressed about risk management.

Communications

Generally, statements about the facts of the case should not be given to the media and others until after the investigation or any subsequent trial is completed; and responses by the Jesuits in Britain to media coverage from other sources should be minimal. This is to protect all parties and ensure any investigation is not compromised and impartiality maintained. Advice should be sought from Head of communications on what information is shared, how it is shared, and who shares it. Recommendations for information sharing should be made by a core group formed by the Provincial considering what information can be shared at different stages of an investigation, and who 'needs to know'.

The Head of communications should liaise with the Police and other relevant statutory agency press officers to ensure consistent media statements. Statements should be prepared by the Head of communications in co-operation with other members of the core group, to be used in response to media interest at every stage of an investigation. All media enquiries relating to the situation should be directed to the Head communications. All those who may be approached by the media for comment should be given relevant contact details to pass on any media calls.

The process to be followed, the statutory agency or an internal investigation has concluded

The SPCC prepares investigation summary report

Following the conclusion of the statutory process or the Internal Investigation, the SPCC will prepare a summary report.

The report should include:

1. Core details of the respondent – name, date of birth, address, role.
2. A summary of the allegations - this will contain the following information
 - Dates, venues of allegation
 - Age(s) of victim/survivor(s) at time of allegation
 - When the allegation was notified to SPCC
 - Age of respondent at the time of the alleged abuse, and their age now or if they are RIP
 - When the allegation was reported to the statutory agencies and any action taken by them, and any outcomes from those actions
 - If any statements have been made by the victim/survivor(s) to the statutory agencies, a copy of these should be sought. If not already taken by the statutory agencies, arrangements should be made to obtain an account from the victim/survivor, to include as much detail as possible; name any witnesses, or existence of corroborative evidence. Best practice is for this to be done during a face to face meeting, the statement should be shared with the victim/survivor to ensure that it is an accurate reflection of the account given
 - A statement detailing the response to the allegation by the respondent should be taken, best practice is for this to be done during a face to face meeting. The

statement should be shared with the accused to ensure it is an accurate reflection of the response provided

- Any relevant information about any previous allegations
- Information on where the accused was at the time of the allegation; and any other relevant information or corroborative evidence presented by the respondent
- The respondent's knowledge of and attitude to the victim/survivor at the initial meeting
- The accused 's attitude to the process
- Third party information - any corroborating evidence which supports the investigation where this has been upheld.

The views of any other relevant people; statutory agencies; anyone else who may have been aware of the allegation, bearing in mind issues of confidentiality and data protection requirements; - Consider any Initial Reports including, Risk Assessments.

Information on the action taken so far against the accused, including suspension, as a result of the concern or allegation.

An assessment of findings, which could include recommendations for further enquiries. And will include a clear statement, in their opinion, on whether the SPCC believes case is substantiated or unsubstantiated, unfounded, malicious or false and/or whether there are ongoing safeguarding concerns. In preparing this report the SPCC will meet with the accused to give them the opportunity to reply to the allegation made. The communication of this offer must be done in writing, by email since the copy will serve as proof of whether or not this has been done in an adequate and satisfactory manner. This opportunity should be given to the respondent in addition to any other interviews with statutory agencies. This should not be done informally in a private meeting, as once the process has been initiated, all contacts between the SPCC and the respondent must be formal and minuted.

The conclusion of this report should assist the core group in deciding whether there is a case to answer, the case is unsubstantiated or that the case is manifestly false or unfounded. The information presented in the report is not meant to be an exhaustive demonstration of the facts but something that supports the allegation which would merit taking further action. After consideration of the report, the core group can ask the SPCC to make further enquiries in order to determine whether a risk assessment is required or not.

In conclusion, there are three possible outcomes:

1. The initial investigation finds the concern or allegation was unsubstantiated and there are no ongoing safeguarding concerns – in this scenario the SPCC should recommend to the Provincial that the accused is returned to work. For lay staff and volunteers the core group should decide that the accused should be returned to work and inform the person responsible for them.

2. The initial investigation finds the concern or allegation was unsubstantiated but there are ongoing safeguarding concerns – in this scenario a risk assessment is required, for priests the SPCC should recommend to the Provincial that an independent risk assessment is undertaken. For Lay staff and volunteers, the HR procedures will be followed who will either carry out a standard assessment or make arrangements for it to be carried out.
3. The initial investigation finds the concern or allegation to be substantiated – in this scenario a risk assessment is required, for Priests the SPCC should recommend to the Provincial that an independent risk assessment is undertaken. For Lay staff and volunteers HR procedures should be followed who will either carry out a standard assessment or make arrangements for it to be carried out. At all stages outlined, all information should be recorded to provide a clear audit trail in the CPOMS database.

Whilst a risk assessment is being awaited, the Interim Safety Plan should be reassessed and if changes are required a new copy should be signed and dated by the respondent and the SPCC.

When the initial investigation finds that the concern or allegation is unsubstantiated, unfounded, malicious or false and there are no ongoing safeguarding concerns (return to work)

If there is no credible, identifiable or believable evidence to support a safeguarding concern or allegation then the initial investigation must be concluded and the accused (this relates to Priests Lay staff and volunteers) should be returned to work. The person who made the allegation should be notified of the outcome of the statutory investigation by the relevant agency and the SPCC or SSA should make contact with them following this notification to explain what will happen with regards to returning the respondent to work.

To do this the following should serve as a guide on the steps which may be taken:

1. Once it has been established that a concern or allegation is unsubstantiated and there are no ongoing safeguarding concerns, the Provincial should meet with the respondent to consider how and when a return to work can be achieved. For Lay staff and volunteers, the relevant employer/supervisor should meet with the accused to consider how and when a return to work can be achieved.
2. It is important all outstanding matters are addressed prior to any return to work therefore, in preparation, the respondent should be offered counselling and support to assist them to deal with any residual anger/distress. The preparation for a return to work should include spiritual direction, reflection and discussions with the Provincial or other relevant person. It is understandable that the respondent may be angry at the process but this anger must be addressed appropriately so as not to interfere with future work.

3. Following counselling (where required), spiritual direction and reflection for the respondent, the Provincial or other relevant person should meet them to agree what work they will undertake. If the work involves a return to a previous community/parish, agreement should be reached about what and how to communicate the return, consideration should be given to a statement being made about the outcome of the concern or allegation.
4. The respondent should continue to be provided with support for an agreed period after the return to work.
5. The respondent should be reminded of the safeguarding policies, procedures and code of conduct.
6. The communications strategy should be updated and any statement to be made should be agreed with the Head of communications.
7. At any stage of this process the advice of the SPCC SSA, core group, human resources manager or the Safeguarding Committee can be sought by the Provincial or relevant persons. At all stages outlined, all information should be recorded to provide a clear audit trail and recorded on the CPOMS database.

These records will be of importance if further allegations are made in future.

When the initial investigation finds that the concern or allegation is substantiated and/or there are ongoing safeguarding concerns

If the concern or allegation is substantiated and/or there are ongoing safeguarding concerns, a plan should be established for assessing the risk and reviewing the Interim Safeguarding Agreement.

For priests, a recommendation will be made by the SPCC, in consultation with the Safeguarding Committee, to the Provincial advising that an independent risk assessment is required. For Lay staff and volunteers the HR process will be followed. A decision must be made in liaison with the statutory agencies (if applicable), as to where the responsibility for safeguarding in relation to the respondent lies; at this point, there are two options:

- a. Where there is a case manager within the statutory agencies, the SPCC will try and obtain a copy of their risk assessment and work in partnership with them to ensure the risk can be managed via a Safety Plan and/or disciplinary action. Where a copy of the statutory agency risk assessment is unable to be obtained, the Jesuits in Britain must consider commissioning its own risk assessment.
- b. Where there is no statutory agency involvement, the Jesuits in Britain will commission a risk assessment to inform any ongoing risk management required.

It is important to note that, regardless of where the responsibility for safeguarding lies, where a statutory or multi-agency meeting makes a formal recommendation for action,

there are implications for insurance if that recommendation is not acted upon. The communications strategy should be updated and any statement to be made should be agreed with the Head of communications. At all stages outlined, all information should be recorded to provide a clear audit trail and recorded in CPOMS.

Risk assessment process

When a concern or allegation has been made and this has been substantiated and/or there are safeguarding concerns, a risk assessment is required to predict future risk and inform a Safety Plan Agreement. There are several different situations in which the Jesuits in Britain may require an assessment of the future risk posed to children, young people and/or vulnerable adults. Some examples are included below:

- Convicted offenders.
- Those acquitted of a charge of abuse where concerns about risk remain.
- Someone charged with an offence where charges are not subsequently pursued.
- Someone investigated by a statutory authority but subsequently not pursued.
- A concern or allegation which has not met the requirement for reporting to the statutory agencies and is being managed as an internal investigation.

What can victims/survivors expect?

The SPCC and SSA should ensure that direct support is offered to victims/survivors, quite separate from the assessment process. At each stage of the process, consideration must be given to what information, if any, can be shared with any known victims/survivors and their families by the SSA, in consultation with the statutory agencies. In most cases, they may need reassurance that a risk assessment has been conducted, but they won't have access to the details or to the recommendations of the report except in exceptional circumstances, when external advice should be sought.

Response to victims or survivors

If they choose to be, the victim/survivor must be kept up-to-date of decisions relating to their concern or allegation made throughout the whole process. This is essential in maintaining the credibility of the process that their concern or the allegation is being taken seriously. Where the victim/survivor chooses to be kept updated, the method of being updated – in person, on the telephone or etc. should be agreed at the outset and this should be done at agreed intervals – even if there is nothing to update. All contact with the victim/survivor should be recorded including the update given and any response made by the victim/survivor. Where the victim/survivor has accepted the offer of the SSA, it falls within their role to keep the victim/survivor updated. Support for victims/survivors should be based on the six principles of safeguarding adults:

- Empowerment: What does the survivor need at the present time to enable them to feel safe and engage with those Jesuit things they want to engage with? (survivor defined support that is reasonable).
- Protection: Are there people and situations that the survivor needs protecting from? Have the events that led to the abuse been adequately addressed by Jesuits in Britain? What does the survivor fear might happen? Can they be protected from this happening?

- **Prevention:** Ensure Jesuits in Britain take seriously the commitment to prevent abuse and harm in the first place; policies and training, safer buildings etc.
- **Partnership:** Where a survivor identifies they want further support where is it appropriate to signpost survivors for that support? A material contribution may be considered by the Jesuits in Britain if they have been at fault in the process. But ordinary care and support as wanted by the survivor should continue alongside this in order that they are supported in their journey.
- **Proportionality:** Survivors are of themselves not necessarily a risk to other people, so they don't need contracts. Support for survivors must be sought at the level of Order at which the survivor engages, i.e. at the local level, survivor determined, and not necessarily seen as only a specialist response.
- **Accountability:** Every Order needs to be accountable to survivors of abuse who make known their needs to the Jesuits in Britain. This may mean seeking ways to identify how any adult who has been through a safeguarding process, as set out in this guidance, has an opportunity to comment on what they feel and think about the process. So that the Jesuits in Britain can be confident that is promoting and creating a safer place for all.

Ongoing support

If a claim is made by the survivor for the payment of compensation this should be referred to the Province Treasurer. If there is no formal claim for compensation, the offer of provision of funds for treatment costs may be considered in a case by case basis. The duration of this funding cannot be open-ended, but should be discussed with the survivor and their therapist or counsellor.

The ongoing risk management process

Upon receiving the risk assessment, a decision must be made by the SPCC, with the statutory agencies, as to where the responsibility for the management of risk lies; at this point, there are two options:

1. If the respondents case is being managed by a statutory agency the SPCC will work in partnership with them to ensure the Province context is considered within any Safety Plan and appropriate steps are taken to ensure disciplinary action is taken.
2. If the Province is responsible for managing the case, a Safety Plan is created, including the provision of monitoring and appropriate steps are taken to ensure disciplinary action and/or for Lay staff and volunteers removal from role/office.

Disciplinary processes following an investigation

The organisations disciplinary processes should be followed, see handbook

Referral to the Disclosure and Barring Service

The Safeguarding Vulnerable Groups Act 2006 (SVGA) (PVG in Scotland) places a duty on organisations to make a referral to the DBS when an organisation has dismissed or removed a person from working/volunteering with children, young people and/or vulnerable adults in regulated activity (or would or may have removed such a person if the person had not left or resigned etc.) because the person has:

- Been cautioned or convicted of a relevant offence (e.g. a serious sexual or violent offence).
- Engaged in relevant conduct in relation to children, young people and/or vulnerable adults (i.e. an action or inaction (neglect) that has harmed a child, young person or vulnerable adult or put them at risk of harm as defined under the SVGA).
- Satisfied the harm test in relation to children, young people and/or vulnerable adults (i.e. there has been no relevant conduct (i.e. no action or inaction) but a risk of harm to a child, young person or adult still exists as defined under the SVGA).

If a priest, lay person or volunteer resigns prior to the conclusion of a disciplinary process, the process should be concluded with or without their involvement and a decision to either reinstate or dismiss should still be made, recorded and referred to the DBS for consideration if dismissal or withdrawal from duties is the outcome. Where a referral to the Disclosure and Barring Service is being considered advice should be sought from the DSA and relevant Human resources departments as applicable.

Other considerations

Record-keeping in the context of allegations

It is important that employers keep a clear and comprehensive summary of any concerns or allegations made, details of how the concerns or allegations were followed up and resolved, and of any action taken, whether by the Province or by statutory agencies, and decisions reached.

These should be kept in a person's confidential personnel file, and a copy should be kept on the CPOMS database system.

Such information should be retained on file in line with data retention rules. The purpose of the record is to enable accurate information to be given in response to enquiries or any future request for a reference. It will provide clarification in cases where a future DBS disclosure reveals information from the police that an allegation was made but did not result in a prosecution or a conviction. It will also prevent unnecessary reinvestigation if, as sometimes happens, concerns or allegations resurface after a period of time. It is as important to retain records where a concern or allegation is proved to be unfounded, malicious or unsubstantiated as in other cases, so that it is on record that the allegation was known and responded to. If files are weeded when the person leaves the Province, care should be taken to retain the material noted here.

Referral to the Charity Commission

They must be informed where an individual may have committed an offence that calls into question their suitability to be involved in or connected to a charity, whether as a trustee, member of staff or volunteer. The Charity Commission should be informed in relation to clergy and significant other persons, where there is risk of financial or reputational damage. It is possible to report with anonymised data explaining the situation and the response taken to address any identified risk.

Resignations and compromise agreements

The fact that a person tenders their resignation, or ceases to provide their services, must not prevent a concern or allegation being followed up. It is important that every effort is made to reach a conclusion in all cases of concerns or allegations bearing on the safety or welfare of children, young people and/or vulnerable adults, including any in which the respondent refuses to co-operate with the process.

Wherever possible, the respondent should be given a full opportunity to answer the concern or allegation and make representations about it. The process of recording the concern or allegation and any supporting evidence and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available, should continue even if the concern or allegation cannot be substantiated or the respondent does not co-operate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a respondent's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible. By the same token, so-called 'compromise agreements' – by which a respondent agrees to resign, the employer agrees not to pursue disciplinary action, and both parties agree on a form of words to be used in any future reference **must not be used in safeguarding cases.**

Quality Assurance and Lessons Learnt

The safeguarding committee have a quality assurance function to receive anonymised management information relating to risk assessments and safety plans that the Province has completed in order to maintain oversight of the work.

In general, quality assurance will be based on whether the appropriate outcome has been achieved, rather than whether a process has been followed precisely.

Lessons Learnt Case Reviews

The majority of lessons learnt case reviews will be an internal review undertaken by the safeguarding committee and where appropriate, comments on the process should be requested from victims/survivors and respondents. It is for the safeguarding committee to determine how best to undertake this review. The outcome of this review process should be shared across the Province. This should be done in an anonymised form, and given sufficient details of the processes followed to assess whether practice guidance has been adhered to, to consider what lessons can be learnt and whether any changes should be made to safeguarding policy and practice guidance.

Section 3: Fundraising Complaints Procedure

Fundraising Complaints Procedure

The Society of Jesus Trust of 1929 for Roman Catholic Purposes (TRCP) is committed to delivering a high standard of service to anyone who engages with our fundraising work. We ensure that all fundraising is conducted in a way that is legal, open, honest and respectful. This procedure also applies to any third party who conducts fundraising on our behalf. The high standards we set ourselves are outlined in the Code of Fundraising Practice of the Fundraising Regulator www.fundraisingregulator.org.uk/code However, should you have any concerns about our practices, we commit to ensuring that:

- People who support us and the wider public know how to make a fundraising complaint and can do so easily.
- Those making a fundraising complaint know that it will be dealt with sensitively, honestly and fairly.
- We treat any fundraising complaints we receive seriously.
- Fundraising complaints are dealt with in a timely and efficient manner.
- All relevant staff are aware of, and confident in following, the fundraising complaints procedure.
- Fundraising complaints are reviewed on a regular basis to inform our approach to fundraising and make improvements.

What is a fundraising complaint?

A fundraising complaint is an expression of dissatisfaction or concern about the standard of service, actions or lack of action taken in relation to fundraising by TRCP, members of staff, or volunteers.

Who can make a fundraising complaint?

Any individual, group or organisation can make a fundraising complaint. We cannot process anonymous complaints or complaints made on behalf of a third party. All complaints must be set out in writing.

Procedure

You can submit a fundraising complaint in the following ways:

- By email to treasurer@jesuit.org.uk
- By letter to The Treasurer, Jesuits in Britain, 114 Mount Street, London, W1K 3AH

We will acknowledge and provide an initial response to your complaint within 10 working days of receiving it. We reserve the right to request further information about the nature of your fundraising complaint before beginning any investigation. Whilst we expect to be able to resolve most fundraising complaints within that time frame, if we need to conduct a more in-depth investigation, we will aim to provide you with a full response within 28 days of receipt of the complaint to advise you of the findings and outcome of the investigation. If we are unable to meet that deadline due to exceptional circumstances, we will let you know.

If you are unhappy with the way in which your fundraising complaint has been dealt with, you may appeal in writing to The Provincial, using the above contact details and marked 'The Provincial'.

Please set out in writing the way(s) in which you feel that the process in handling your fundraising complaint has fallen short of the high standards we set ourselves. You will receive a final response no later than 10 working days following receipt of your written appeal. If, after receiving our response to your fundraising complaint, the issue is not resolved to your satisfaction, you can ask the Fundraising Regulator to consider it by:

- submitting your complaint through the Fundraising Regulator website: www.fundraisingregulator.org.uk/make-a-complaint/complainabout-a-fundraising-approach/.
- contacting the Fundraising Regulator on 0300 999 3407.

Further details about the Fundraising Regulator and their complaints procedure may be found at www.fundraisingregulator.org.uk/make-a-complaint/

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