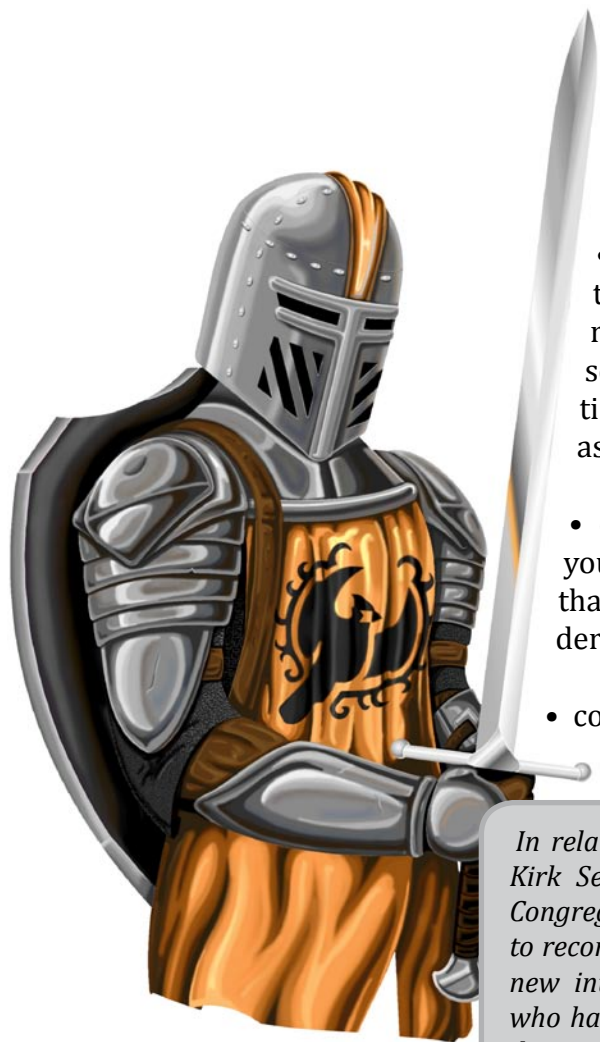


SAFEGUARDING

for the Church of Scotland Orkney Presbytery



The Responsibilities of the Kirk Session

There is some uncertainty about the responsibilities of the Kirk Session in regard to child protection and safeguarding. You will find these responsibilities set out in full in the *Handbook for Child Protection* (Unit 2, Section 2).

The main features are:

- appointing a Child Protection Coordinator, registering that person with the Safeguarding Office and ensuring that s(he) receives training.
- adhering to the Church's recruitment procedures and ensuring new recruits obtain a Disclosure Checks. *The Kirk Session is responsible for ratifying all appointments of workers with children and young people.*

- creating and maintaining an accurate record of all those who serve, under the jurisdiction of the Kirk Session, as children's workers.

- ensure that all child and youth workers appreciate that it is necessary to undertake training.

- conduct periodic health and safety audits.

In relation to the record that Kirk Sessions keep there is a Congregational Register used to record those who have come new into children's work and who have been required to undergo a disclosure check. (see last page for an example form). Kirk Sessions are also required to "maintain an accurate record of all persons serving as children's workers." Some Kirk Sessions keep a separate record, while others have added to their register all the names of those who work with children and youth, even though at the moment they are not required to go through a disclosure check. Everyone in future will have to obtain a Disclosure Check and it seems best to keep the names of all workers on the one register.

The Responsibilities of Superintendence Committees

Superintendence Committees, when meeting with a Kirk Session, are required to ensure

Changes in the Law

There are expected to be a number of changes to Scottish law which will affect the range of responsibilities that we have in relation to child protection and safeguarding. Below we explain what our responsibilities under the new law are likely to be.

that the Kirk Session is fulfilling its responsibilities in regard to safeguarding. The *Handbook for Child Protection* (Unit 1, Section 2) sets out in detail the responsibilities of the superintendence committee.

The main features are:

- ensure that a congregational coordinator has been appointed and has received training.
- ensure that the Kirk Session has created and is maintaining an accurate record of all who are serving as voluntary workers with children and young people. This will, of course, include examining the Register.
- ensure that recruitment procedures are being adhered to. The Register will be helpful in revealing the procedures that are being followed.

It doesn't seem unreasonable that the Presbytery's visiting team have an opportunity to meet with the Child Protection Coordinator.

The Responsibility of Presbytery

As well as arranging for the superintendence of congregations, Presbytery seeks in the annual inspection of records to ensure that there is evidence of the appointment and training of a coordinator and that there is a register of those who are working with children and young people. *At the moment all coordinators have been trained,*

It has always been difficult to determine how many of those who work in and around the Church should have Disclosure Checks. The *Handbook for Child Protection* (Unit 3, Section 2) indicates that Checks are required on all in a "child care position". The Church of Scotland has decided that the following posts may involve individuals "*regularly caring for, training, supervising or being in sole charge of children* (and young people)": organists, choir leaders or musical directors, paid children or youth worker, child protection coordinators and panel members, children's ministry leaders, Sunday school helpers, church officers, creche leaders, workers or helpers, youth group leaders, workers or helpers, summer club and youth event leaders or workers, bell ringers, Boys' Brigade and Girl Guide officers.

We expect that there will be greater clarity provided about what constitutes *indirect contact*, but a consultation paper suggests that this would include telephone helpline operators, internet chatroom operators, those whose work brings them into touch with vulnerable groups, like police officers, and those who have substantial access to personal and sensitive information about vulnerable groups - such as database operators.

Under new legislation to come into effect at the end of 2007 the range of applicants for disclosure will increase; the range of positions for which checks are available will be expanded, and will also cover indirect contact with vulnerable groups (phone or internet) that provide opportunities for 'grooming'. Anyone wanting to work with vulnerable groups will apply to Disclosure Scotland for a new **Vetting and Barring Disclosure**.

Applicants will find the process of applying for an enhanced disclosure clearer and more straightforward.

How the procedure is simplified

Any individual new to the workforce will need, as at present, to apply for a Vetting and Barring Disclosure. This is the entry route into the scheme. On subsequent changes of position, organisations will be able to check the barred status of the individual rather than seek a full disclosure.

How the range of vetting and barring disclosure procedures will be widened

Retrospective Vetting and Barring Disclosures will not be an immediate requirement when the new scheme becomes operational, but will be required in due course. The Scottish Ministers will have power to set a time by which the entire relevant workforce should have been through the new procedures. This may be phased by three to five years of operation of the new scheme.

It is proposed that full disclosure should be undertaken at least every ten years.

An area of the Church's work that will require clarification

The range of positions for which the Vetting and Barring Disclosure can be obtained will be expanded beyond those for which the disclosure can currently be obtained. It will include occupations with *indirect contact* with children and vulnerable adults.

The outcomes of the new Scheme

- those who are known to be unsuitable will not gain access to children or vulnerable adults
- those who become unsuitable are detected at the earliest possible stage and are prevented from continuing to work



Updating the Law in regard to the Protection of Children, Young People and Adults

Problems in relation to present legislation

- **The present system is inefficient and wasteful of time and labour**

Every organisation, including voluntary bodies like the Church, is expected to make an application for a Disclosure Check for every person coming new to the work of the organisation. If a person is remunerated or is a voluntary worker for more than one organisation, they have to obtain a Disclosure Check for each, and this may involve obtaining several Checks. This is clearly inefficient and wasteful of time and labour. The new legislation will remedy this.

- **Under the present system not all who work with children have been checked**

Checks are at present only made on newly appointed workers. This means that some, perhaps only a few, have a record of having harmed a child or young person, but may have been working for some time with children or young people without ever having been checked, and could be a threat to their welfare. This loophole needs to be closed.

- **Under the present system there is no automatic updating**

Some who work with children and young people may have had a Disclosure Check, but have subsequently committed an offence which would debar them from working with children and young people. This loophole needs to be closed.

- **The present system is not sufficiently wide**

Hitherto there has been no access to those who are disqualified from working with children for personal employers (e.g., parents employing private tutors, like music teachers, nannies or carers). This loophole needs to be closed.

- **The present system does not include access to all lists**

There has not been a register held centrally in the United Kingdom of those who have been disqualified from working with children. At present someone on the register in England may need to only move to Scotland to be able to pick up work with children and young people. This loophole needs closing.

- **The present system does not include all vulnerable people**

Hitherto we have only undertaken to obtain Disclosure Checks on those working with children and young people, but there have been a number of cases of vulnerable adults being abused, so it has been decided to introduce a Bill in the Scottish Parliament that also covers vulnerable adults.

- **Under the present system decision-making regarding the suitability of a prospective employee rests entirely with the engaging organisation**

This responsibility will now be shared. Appointments cannot be made without account being taken of all the information provided by the Vetting and Barring Unit, and employment for an individual in areas of work involving vulnerable people will be automatically barred for those with specified convictions.

Our task will therefore in future not be simply the protection of children and young people, but also of vulnerable adults. Hence the Unit in the Church offices in Edinburgh, with whom we now deal, is called *The Safeguarding Office* rather than the *Child Protection Unit*.

The *Protection of Vulnerable Groups (Scotland) Bill* will create a framework for a new Vetting and Barring Scheme for people seeking work, whether paid or unpaid, with children or vulnerable adults.

There will be created a Cen-

tral Barring Unit to assess information. There will be lists of those who are disqualified from working with children and those disqualified from working with adults. These lists will be continuously updated in a way that does not happen at present, and a check

of a person's barred status will be readily accessible (with appropriate safeguards) to organisations, including those in the voluntary sector, working with vulnerable people and to those employing carers and others under private arrangements, including parents.

Congregational Register of Personnel Working with Children & Young People

CONGREGATION		PRESBYTERY								
NAME	ADDRESS	Date of birth	POSITION HELD	Please complete by inserting DATE						
				Forms returned	References received	Pulse Check completed	Appointment by Kirk Session	Child Protection Training	Leaving	