

1.1.1 What is a safeguarding concern or allegation?

A safeguarding concern arises where someone has suspicions about a person or situation, but the reason has not yet been established. For example, there may be concerns about a child who often comes to Sunday School upset, dirty and hungry. An allegation is a more definite assertion, for example, if someone is witnessed hitting a child.

Definitions and advice on how to recognise the signs of different types of abuse can be found in the [Safeguarding Children, Young People and Vulnerable Adults guidance](#). This includes statutory definitions of abuse.

The following additional questions may be useful for a safeguarding officer when making an assessment whether a matter is a safeguarding one.

Is the allegation that a church officer has:

- behaved in a way that has harmed or may harm a child, young person or vulnerable adult?
- possibly committed a criminal offence against or related to a child, young person or vulnerable adult?
- behaved towards a child, young person or vulnerable adult in a way that indicates they may pose a risk of harm?
- behaved in a way that indicates they may not be suitable to work with children/young people or vulnerable adults?
- incited another person to harm or behave in a way that may have harmed a child, young person or vulnerable adult?

This set of questions highlights the need to consider the potential for further harm to others, not just the harm that is alleged to have already been inflicted. For instance, when dealing with a person who is alleged to have committed non-recent sexual offences against children in a non-faith context, consideration

should be given to potential risk in a church context.

A child or young person is an individual aged under 18 years.

Who is a ‘vulnerable adult’?

The term ‘vulnerable adult’ is used in section 6 of the [Safeguarding and Clergy Discipline Measure 2016](#)² to mean:

a person aged 18 or over whose ability to protect himself or herself from violence, abuse, neglect or exploitation is significantly impaired through physical or mental disability or illness, old age, emotional fragility or distress, or otherwise; and for that purpose, the reference to being impaired is to being temporarily or indefinitely impaired.

This definition of a vulnerable adult is different to statutory guidelines in order to take into account the unique position of the Church, which means that someone can be classified as vulnerable even if they do not meet the statutory threshold. For the avoidance of doubt, an individual who is experiencing or has experienced domestic abuse could be a vulnerable person in this context, as the nature of domestic abuse puts them in a position where they may be ‘significantly impaired through...emotional fragility or distress’. The same argument would apply to someone who is experiencing or has experienced psychological (including spiritual³) abuse. Further guidance on definitions utilised in the Church and by statutory services can be found in the [Safeguarding Children, Young People and Vulnerable Adults guidance](#).²

There are times where wider conduct and capability issues will be reported as a safeguarding allegation. There

are various reasons why this happens, such as a lack of understanding of safeguarding, a belief that the matter will be dealt with more swiftly, or unclear boundaries between safeguarding and other departments within a church body. The safeguarding officer will use their professional judgement to decide in these situations whether or not an allegation qualifies as safeguarding or should be dealt with by Human Resources (HR), or in some cases, by the ministry office or archdeacon.

The interface between safeguarding and other functions, such as HR processes, must also be considered when deciding if the information received constitutes a safeguarding allegation. Issues that do not involve children, young people and vulnerable adults will generally be better dealt with under an HR policy or procedure. However, if potentially abusive behaviours become known, these may be indicators that require evaluation by a safeguarding officer to ascertain if the issue requires a safeguarding response, before being dealt with under non-safeguarding frameworks. Close working relations between the safeguarding officers and other relevant functions within a church body are essential when making a decision in these circumstances.

Although the decision whether to treat a matter as 'safeguarding' or 'not safeguarding' sits with the safeguarding officer, there will be situations where a safeguarding officer might need to seek further information or advice in order to make that assessment. In such cases, the safeguarding officer may consider:

- asking follow-up questions to the person raising the allegation, that can help them determine the nature of the allegation;
- engaging in preliminary discussions with relevant individuals or departments within the church body and potentially outside, for example the Local Authority Designated Officer (LADO) or other children/adult social care services;
- consulting the person responsible for providing them with casework supervision;
- consulting with the RSL or NST.

There may be a limited number of cases where an SCMG needs to be called to determine if an issue is safeguarding or not, however the timeliness of these meetings happening needs to be considered.

At this stage, when consulting with others, a decision needs to be made whether it is necessary to share personal or identifiable information about the complainant and respondent, and the requirements under data protection legislation should be taken into account.⁴

Finally, there may be safeguarding allegations which are ‘low level’,⁵ that is, they do not meet the threshold which would warrant intervention from a safeguarding officer, or indeed statutory services. These allegations, however, do need to be raised with the safeguarding officer for them to record. This is because multiple low-level concerns about an individual may in fact demonstrate a pattern of behaviour that represents a real risk of harm when looked at overall.

Civil actions and insurance claims

Sometimes a safeguarding allegation will be accompanied by a claim for damages by way of a civil action.

Whilst this falls outside the scope of this code, some general guidance is set out in Appendix 1.

³ More information on the definition of spiritual abuse can be found in the [Safeguarding Children, Young People and Vulnerable Adults guidance](#) .

⁴ An Internal Information Sharing Plan is in place between dioceses, the NST and the Church in Wales, which safeguarding officers can refer to when making this decision. Further guidance on sharing information with the police can be found [here](#) .

⁵ [Responding to low-level concerns in education | NSPCC Learning](#) .

