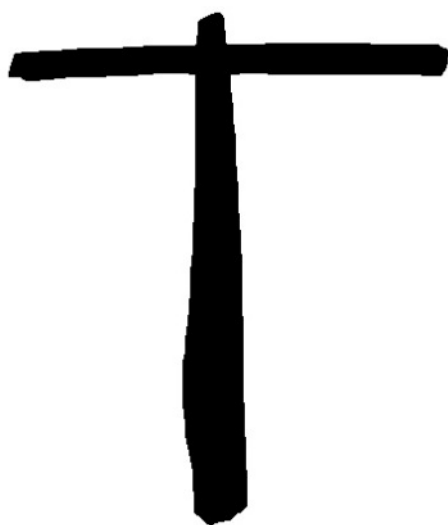


The Third Order of the Society of Saint Francis



Safeguarding Policy

DRAFT 2016

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1. Introduction

Every person has a value and dignity which comes directly from the creation of male and female in God's own image and likeness.

Safeguarding (previously called child protection and/or the protection of vulnerable adults) has an increasingly high profile, and as a result The Church of England Practice Guidance: Safeguarding in Religious Communities states that each Religious Community must adopt a safeguarding policy. In addition as a charity, TSSF must comply with relevant guidance from the Charity Commission which states that trustees have a duty of care to prevent harm to children and vulnerable adults.

Our overarching Safeguarding concern is care for victims of abuse who may face lifelong consequences. This shapes our responses. TSSF will follow Chelmsford Diocese best practice so that in the conduct of our affairs, the arranging of meetings, and in pastoral care, TSSF will work to keep safe any who may be at risk.

2. Safeguarding lead roles within TSSF

To ensure effective safeguarding within TSSF a sufficient number and range of office holders will be fully familiar with this policy and able to apply it – and all Tertiaries should be made aware of it. To achieve this:

- a. One member of Provincial Chapter will be appointed as 'Chapter Lead' in the Safeguarding Team. The Revd Jan Le Billon has been appointed Safeguarding Officer and is responsible for receiving information about safeguarding allegations affecting tertiaries and for offering advice. The Team works in collaboration with The Minister Provincial and on behalf of Provincial Chapter.
- b. All Chapter Members must fully understand the policy, especially Link Tertiaries who are as likely as any to field safeguarding enquiries from areas.
- c. Area teams must ensure that all their members understand the policy, and that one team member has a lead responsibility for keeping up to date with it. This will include promoting it e.g. at area meetings or in area bulletins.
- e. The above lead people will be responsible for monitoring the use of the policy and identifying key issues. This will include an annual report to Provincial Chapter by the Chapter Lead office holder.

In addition, at Provincial Chapter in February 2016 a new safeguarding protocol was agreed with the Safeguarding Team at Chelmsford Diocese, where our current Bishop Protector Stephen Cottrell is Diocesan Bishop. Through that protocol, TSSF now has access to expert advice on safeguarding matters, and to on-line and other safeguarding training.

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3. Key issues for TSSF

TSSF's safeguarding policy must be robust enough to reflect the seriousness of the topic, but ideally without creating disproportionate anxiety among Tertiaries. It may help to get this balance right if TSSF are clear about the distinctive issues for the order:

- a. The policy is to guide the Third Order in responding to allegations and offences naming Tertiaries. This applies to situations where Tertiaries are acting in their role as members of TSSF, this could be internal to TSSF e.g. at area meetings, or external to TSSF e.g. speaking to groups about TSSF. Concerns about safeguarding related to a Tertiary involved in, for example a parish church, local school or neighbourhood or private initiative should also be referred to the relevant organization to take the lead in responding. (The qualification to this is that if a Tertiary is suspected of abuse, TSSF may be notified and would act to ensure the safety of vulnerable people, including children, at risk within its own activities.)
- b. TSSF is likely to have to act to ensure the protection of adults who may be vulnerable as well as risk to children. However it is important to note that the full Diocese of Chelmsford Safeguarding Policy and Manual can be found on the TSSF website, and will be used wherever necessary by TSSF office holders with safeguarding responsibilities.
- c. While detailed procedural guidance is available, its key single point is that if **abuse** is suspected it must be notified to the relevant authorities e.g. local Social Services and the police. The overriding consideration is always the protection of those at risk, vulnerable people and children.
- d. TSSF can never rule out the possibility of serious direct abuse within the TSSF community. This may include harassment, exploitation or bullying, which in turn may be part of an inter-personal dispute such as within a local group. Even if it is not considered abusive, borderline behaviour of this sort could still be subject to action under TSSF's complaints and appeals policy.
- e. A number of Tertiaries would themselves become vulnerable in the terms of the safeguarding policy, for example, because of age and/or physical or psychological frailty.
- f. Serial or persistent complaints by a vulnerable Tertiary might themselves constitute harassment of another. This demonstrates how carefully such issues must be treated and it is vital that any concern is given only to the Safeguarding Officer for investigation.
- g. TSSF is a dispersed order so abuse may not be face-to-face, and could take place by telephone, letter, and on-line by email or social media for example.

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4. Guidance on Safeguarding of adults who may become vulnerable

4.1 What is a vulnerable adult?

A 'vulnerable adult' may be any person aged 18 years and over who is in receipt of one of the following regulated activities.

- provision of personal care that is needed due to illness, age or disability;
- provision of social work by a social worker;
- provision of assistance, in relation to general household matters, due to illness, age or disability;
- provision of assistance where there is a formal arrangement in place to make decisions on financial or welfare matters on behalf of another person;
- transportation where this is due to age, health or disability.

However, we may all find ourselves vulnerable at times, and we should always expect to be treated with dignity and respect at these times, and to treat others in the same way. The TSSF therefore recognises that people can be vulnerable for many reasons which can include groups such as the frail and elderly, those with a mental disorder, including dementia, mental illness or personality disorder, those with a physical or sensory disability, a learning disability, severe physical illness, and those who misuse substances. In addition adults may be vulnerable because of particular circumstances, for example emotional or spiritual vulnerability at a specific point in life, for example bereavement, or discerning vocation; or those who are dependent on our care such as a homeless person, or asylum seeker participating in a TSSF area initiative.

4.2 What kinds of mistreatment should TSSF be aware of?

Abuse concerns the misuse of power, control or authority, and may take the form of spiritual, physical, emotional/psychological, financial/legal, sexual abuse, or neglect.

The Diocese of Chelmsford Safeguarding Policy and Manual contains comprehensive definitions of the different types of abuse, and abusive situations.

4.3 What are the core values for TSSF in interacting with those who may be vulnerable?

- To be treated with dignity and respect
- To privacy – to be free from unwanted intrusion into their lives and affairs
- To lead an independent life, that may include a degree of risk
- To be able to choose how to lead their life
- To be included; this includes questions of physical access, provision of materials in forms which they can use, and in general enabling all people to play an active part within the limits of their abilities and strengths.

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4.4 Taking Action

- a. If any Tertiary suspects or witnesses behaviour that may constitute abuse of a vulnerable adult, or someone discloses information about a safeguarding concern, or makes an allegation (this could be about a child or an adult), it is vital to be ready to respond in a prepared and informed fashion, without delay .
- b. If the person is at **significant risk of harm, or it appears that crime may be being committed** Tertiaries will report their concerns immediately to police and social services, and action or intervention must be taken to protect a potential victim. Do not embark on any kind of checking, investigating or assessing, but do write down what has happened or what has been said and store your record securely, when able to do so.
- c. If a disclosure is made, action must be taken, first in listening with great care and attention. This always means making it safe for the other person to describe their experience, to listen and take note, to employ open questions, not leading in any fashion. Do not embark on any kind of checking, investigating or assessing, but do write down what has happened or what has been said and store your record securely.
- d. Any information received concerning the arrest, charging, or conviction of people involved in TSSF must be forwarded to a TSSF Safeguarding Officer using the contact details below, regardless of the offence. The TSSF Safeguarding Officers will make an initial assessment considering if the person involved poses a safeguarding risk, for example, to vulnerable adults e.g. a person could be considered a risk to vulnerable adults if charged with theft from an elderly person.
- e. All abuse or safeguarding concerns involving people involved in TSSF, whether an emergency or not, current or historical, must be reported to a TSSF Safeguarding Officer as soon as possible, normally within 24 hours as follows:

By email on safe@tssf.org.uk

By telephone to Jan Le Billon on 01481 234283

- f. The TSSF Safeguarding Officer will act in response and offer you advice and support. This action may involve the Police or Social Services Department. There will be a decision about what further action is appropriate by way of an investigation to establish the need for formal processes to be undertaken.
- g. If the harm appears to be less severe, TSSF Safeguarding Officers will attempt to address the concern less formally, by talking initially to those with responsibility for care (for example relatives of a vulnerable Tertiary, or possibly the manager of a care home, or day centre) or those with expertise in this area such as members of a relevant voluntary organisation. Many vulnerable people rely on their carers for support, shelter, and care, and therefore response needs to be undertaken with sensitivity.

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- h. The TSSF Safeguarding Officers will in all cases keep a written record of what has been said and done in responding to an allegation or suspicion of abuse. This record will be kept in a safe place, and a copy will also be sent to the Chapter Lead.
- i. TSSF will fully cooperate with statutory agencies (usually Social Services and the Police) during any investigation they make into allegations concerning a member of the community.
- j. TSSF will seek to offer informed pastoral care to any vulnerable adult who has suffered abuse.
- k. TSSF will follow the policy and practice of Chelmsford Diocese, and in the case of clergy, the Diocese in which they are Licensed.

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5. Working with Offenders and Others Who May Pose a Risk

This section recognises that cases are about individuals, and that the severity of offences, and how current they are will vary, but tries to make the process as fair and consistent as possible, and covers people who are and are not yet professed, people who pose a risk, those going through the judicial process, as well as those that have been convicted.

5.1 People who have been accused or who may pose a risk

As stated in section 4 above, if an allegation of abuse is made against someone involved with TSSF, the person against whom the allegation has been made should withdraw from all related areas of risk while a full enquiry is conducted.

Depending on the nature and severity of the allegation, and if it is current or historical, the response may result in the TSSF Safeguarding Officers contacting the Chelmsford Diocese Safeguarding Team for advice, and a risk assessment and/or Safeguarding Agreement may be drawn up in consultation with the accused person and all interested parties. This could include pastoral care and support for the accused, as well as any restrictions in contact with others.

Failure to sign the safeguarding agreement, or comply with its contents will usually result in the accused being suspended from TSSF in the case of a Novice or a Professed Tertiary, until the conclusion of the safeguarding enquiry; the suspension will then reviewed depending on the outcome of the enquiry, or if the person is convicted. When formal investigations are put in hand it will be normal for any process or progress for Enquirers, Aspirants, or Postulants to be suspended, and they will be advised that all contact with TSSF must cease.

It will also be normal for other agencies in a 'need to know' position to be advised; for example, a Diocesan authority in case of office holders and clergy.

5.2 People who have been convicted

In cases where an Investigation leads to formal process, legal proceedings and then sentence - custodial or community, the response of the Order will have full regard to legal findings and court judgements and sentencing. In cases that involve clergy the requirements of the Clergy Discipline Measure and the policy of the Diocese will be adhered to by the Third Order.

In working with offenders the responsibilities of the Order are primarily to strive for the safeguarding of victims and potential victims, as well as the care of offenders.

Enquirers, Aspirants, and Postulants

When a Third Order Enquirer, Aspirant, or Postulant is concerned, the process will be discontinued. After their sentence, custodial or otherwise, is served, they may wish to re-apply to be a Tertiary, and their application will be considered.

One or more of the following may be included during their restarted Franciscan journey, an extended period of preparation, a risk assessment, a safeguarding agreement, and any restrictions placed by the judicial system.

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Novices

In the case of a Novice in Vows, the Noviciate will be suspended and the Novice Released. After their sentence, custodial or otherwise, is served, they may wish to re-apply and their application will be considered.

If there is a subsequent request to join the Order there may be a presumption that this would, unnecessarily, create a new extended Safeguarding risk. One or more of the following may be included as part of any restarted Franciscan journey, an extended period of preparation, a risk assessment, a safeguarding agreement, and any restrictions placed by the judicial system.

Professed Tertiaries

In the case of Professed Tertiaries while a sentence, custodial or other, is being served arrangements will be made for support and pastoral care from a named person, usually from the Area Team. Tertiaries shall not hold any Office in the Order during this time. It is not the role of the Third Order to adopt any punitive responses or attitude to an convicted offender. That is the role of the courts who will have weighed matters of remorse, contrition and confession in the matter of sentencing. As sisters and brothers we are bound in life of the Order set out in The Principles.

The TSSF Safeguarding Officer will monitor convicted Tertiaries to see how their sentence is progressing e.g. it is possible for sentences to be reduced on appeal, or the release date for custodial sentences to be brought forward for good behaviour. Monitoring could be by contacting the area member who is in touch with the convicted tertiary, or contacting the relevant diocese, contacting the prison chaplain.

If after a sentence is completed, or at the start of any license, a Professed member of the Third Order continues in Vows, the duty of the Order is to act on the outcomes of a Safeguarding Risk Assessment.

Such an Assessment will be the work of all interested parties consulting together. Typically this will include police, probation, diocesan and TSSF Safeguarding Officers and a Parish representative. Such a meeting will normally be convened by the organisation with lead responsibility.

Depending on the nature and severity of the offence, and if it is current or historical, and if there are be restrictions e.g. barred from working with children and vulnerable adults, a Safeguarding Agreement may be written. An offender will be required to sign any Safeguarding Agreement produced. Failure to sign a Safeguarding Agreement will result in Release from Vows in the Order.

Establishing Safeguarding relationships between organisations is crucial. For example, between the Order, a Church, a school, or other setting. An offender in a formal role of trust in one organisation may extend risk through their membership in another organisation, for example TSSF.

Risk assessments and safeguarding agreements will be reviewed. The first review should be within three months of the start of the agreement to monitor how the agreement is working, a second review will take place three months after the first review, and subsequent reviews will be at least annually. The period between reviews will depend on the length of any restrictions, and if the agreement is being adhered to. Failure to adhere to a safeguarding agreement will result in Release from Vows in the Order.

Risk assessments and safeguarding agreements will be in force for as long as necessary, and could be in force indefinitely.

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6. Criminal records checks

All officers at area level and above are to have Disclosure and Barring Service checks (previously the Criminal Records Bureau), to show that they have no previous relevant convictions that might suggest a vulnerable person could be at risk.

7. Child Protection

As in dealing with vulnerable adults, the key single principle and practice is that when any Tertiary suspects abuse of a child they should report it promptly to Social Services, the police, and also the TSSF Safeguarding Officers.

TSSF recognise that Tertiaries in their TSSF role make very little if any contact, other than passing contact at events, with children. However, even passing contact may lead to an allegation. In any case, in all matters of child and adult protection any desire to “keep issues in proportion” should never be allowed to undermine our commitment to rigorous safeguarding.