

Information sheet one

Preliminary Enquiry Protocol

Brief summary of chapter 4.3 in the CSAS Safeguarding Procedures manual:

This Protocol applies in all cases where the allegations and circumstances are such that, in the view of the Safeguarding Commission, there are concerns regarding the accused person's conduct with children and vulnerable adults within the Church, which require an internal consideration of risk.

Therefore where:

- ✦ the allegations have been investigated by the Police, but no charges have been pressed; or
- ✦ the accused person has been acquitted of criminal charges; or
- ✦ the allegations are not such as to necessitate a Police investigation

the Safeguarding Coordinator must undertake an initial assessment to determine if there is any basis for the allegations. If there appears to be a basis for the allegations and with the approval of the Safeguarding Commission, the Safeguarding Coordinator must appoint an Independent person to carry out further enquiries and produce a report within 6 months at the most.

The Independent person will be commissioned through CSAS, who maintain a list of approved people to undertake Preliminary Enquiries.

The Independent person appointed must carry out such enquiries as are appropriate, seeking assistance from the statutory agencies where they hold information, interviewing witnesses, the victim(s)/complainants, the accused and others, who can provide evidence as to the alleged incidents or other relevant information.

Where an allegation concerns behaviour which may be subject to canonical penalties, the Bishop/Congregational Leader should ensure that the appropriate decrees are issued at the start and at the conclusion of the preliminary enquiry, so that this enquiry can be considered as the "preliminary investigation" required by the canonical penal process in canons 1717-1719 or, in the case of a religious, the investigation required in canon 695§2. The guidance of a qualified canon lawyer should be sought to ensure compliance with the requirements of Canon Law.

There is an expectation that all the relevant files held within the Diocese or Religious Congregation will be available for scrutiny, and liaison with the LADO (Local Authority Designated Officer) should be maintained where appropriate. In principle, all information accessed as a part of the enquiry will be disclosed to the accused person unless legal advice is given to the contrary.

The Independent Report will be presented to a Safeguarding Commission Panel in order to determine what recommendations to make to the Bishop or Congregation Leader.

The report will be provided to the accused person 28 days before the Panel meeting and any documents to be submitted by the accused person must be provided to the Panel 14 days prior to the meeting. The accused may present their views as of right to the Panel and may have a support person present but not acting in a legal capacity.

The written recommendations of the Panel, together with the reasons on which they have reached their conclusions, must be sent to the Bishop/Congregation Leader, the accused person and the Safeguarding Commission within 7 days of the meeting.

The complainant will be informed of the recommendations before a decision is taken. The decision will be communicated in writing and in person by the Bishop/Congregation Leader to the accused person.