

Information sheet three

Independent Risk Assessment

Brief summary of chapter 4.5 in the CSAS Safeguarding Procedures manual:

The management of risk and independent Risk Assessments are the fundamental cornerstones of the Church's commitment and ability to act in line with best practice to protect children and vulnerable adults in Dioceses and Religious Congregations.

The **Safeguarding Commissions** hold overall responsibility for evaluating current and future risk where allegations and concerns of abuse are reported to them and at the various stages of handling each case. They may decide to recommend the commission of an independent expert Risk Assessment to assist them in this task.

The Church's primary responsibility based on Canon Law beyond the safeguarding of children and vulnerable adults is for the **Clergy and Religious**, who are acting in the name of the Church.

The Church also holds a responsibility for its **employees** in line with its policies, procedures and with Employment legislation as well as for dealing with its **Volunteers** in a manner which both enables the protection of children and vulnerable adults, and deals with volunteers reasonably and proportionately in line with agreed national policies and procedures.

The need to commission an Independent Risk Assessment in individual cases will be identified by the relevant Safeguarding Commission, which will make recommendations to the appropriate Bishop or Congregation Leader.

There are several different situations in which the Church may require an assessment of the future risk posed to children and vulnerable adults by an individual through Risk Assessments, such as:

- ✦ 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 Bishop/Congregation Leader has the duty to promote common discipline (canon 392, 619); assess a Cleric's fitness and suitability for office (canon 149) and must use the services of an expert "to establish some facts or to ascertain the true nature of some matter" (canon 1574). While no one may unlawfully violate the right of every person to protect his or her privacy (canon 220) the diocesan Bishop/Congregation Leader is entitled to regulate the use of this right in view of the common good (canon 223 §2).

Wherever uncertainty as to the level of risk posed remains for any reason, an external assessment should be commissioned.

A standard referral must be made in writing in the name of the Bishop or Congregation Leader to the Service Provider, identifying the specific areas to be covered in the work, and ensuring that the Working Agreements in the National Policy on Risk Assessment are completed and signed before work begins. There may be consultation with CSAS. The subject of the assessment will receive a copy of this letter.

The Report of the Risk Assessment will always be available to the subject of the assessment, the subject's Bishop or Congregation Leader, and to the Safeguarding Commission dealing with the case. This will be made clear to the subject of the assessment in writing.

The Risk Assessment report is only one input into the overall decision-making process.

The assessment of risk is not a one-off event but should be continuous. All subjects and cases should be monitored and reviewed regularly.