

Chapter 5: Confidentiality and safeguarding

Aim of the chapter

- i. To explain our legal obligations
- ii. To describe consent and the limitations to consent
- iii. To describe support
- iv. To describe internal communication processes

At times we may need to share sensitive or personal information to ensure the safety and protection of children.

We respect individuals' rights to privacy and are committed to keeping information secure.

However, there are limits to this confidentiality. In some situations, we are required to share information either internally or externally.

If we are concerned about a child's safety or well-being, we may need to share information with Social Services and PSNI.

This is required by law to protect children and young people.

Our legal obligations

The safety and welfare of children and young people is a priority for our denomination.

All of our ministries are underpinned by regional statutory guidance and requirements, mainly *The Children (Northern Ireland) Order 1995* and *Co-Operating to Safeguard Children and Young People in Northern Ireland, October 2024*

It is also our own policy that all our leaders, staff members, volunteers, Ministers and Elders must inform social services when they have reasonable grounds for concern that a child may have been, is being or is at risk of being abused or neglected (harmed).

We must report concerns:

- Even if we do not know the child or the person who may have caused harm
- Even if someone tells us the concern has already been reported to Social Services or PSNI
- Even if someone wants to take back something said that raised concern
- No matter how well we know the child, their family or the alleged perpetrator
- No matter what the role or responsibility any individual has within our church

Consent

We will usually discuss our concerns with the individual about whom allegations are made and explain why we are making/have made a report.

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We do not do this if it would put a child at further risk or place ourselves at any risk of harm.

It is important to note that consent is not required for us to make a report.

When it comes to child protection, data protection legislation and the General Data Protection Regulation (GDPR) do not prevent us from sharing information when necessary to keep children safe, when we have reasonable grounds for concern.

Support

We understand that this process may be difficult for the individual subject of allegations, and they will need pastoral support.

Pastoral support can be given through the individual's own church, or we can signpost to outside pastoral support.

The church leadership should identify appropriate persons to support. This should be two people.

Pastoral support should never be given to the subject of an allegation by the same person who is supporting a victim of abuse.

Internal communication and confidentiality

It is critical when managing incidents of child protection and safeguarding situations that confidentiality is maintained.

Any risks of potential breaches of confidentiality must be managed. Breaching confidentiality could have important impacts on sensitive situations including but not limited to:

- we may put a child at greater risk of harm
- we may place a family or individual at risk of community retribution
- we may disrupt a criminal investigation
- we may destroy the reputation of an innocent individual

Who Needs to Know?

1. Kirk Session

Joymount Kirk Session as a Court of the Church and its members are, usually, corporately responsible for all areas of church life for the local congregation to which they are appointed.

This includes the overall safeguarding responsibilities for their congregational life.

However, when it comes to safeguarding and any potential child protection issue, Joymount Kirk Session must not breach confidentiality at any stage.

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Anyone being given information about a child protection concern or details of any alleged perpetrator must have a valid and legal reason for being involved.

Joymount Kirk Session has appointed a small team of Elders to manage safeguarding, and to give assurances to the wider Kirk Session, without details, around any active child protection concerns.

This team involves the Minister, the Designated Person and three other Elders, as approved by Joymount Kirk Session.

This model helps to both maintain confidentiality and assure Kirk Session of its wider responsibilities in the governance of the local congregation.

Joymount Kirk Session will be liable if confidentiality is breached and the potential for reputational damage is severe.

2. PCI Safeguarding Lead/Officers

It is normal for most child protection concerns to be reported to the central PCI Safeguarding Team.

All serious allegations and the management of offenders must be reported to the central PCI Safeguarding Team.

This team may hold other vital information that may help statutory bodies in their processes.

This team may hold other vital information that involves connections with other local congregations or ministries within our denomination.

This team is the professionally qualified department of the Church that will support those on the ground to manage the complexities and processes involved in a child protection matter.

3. Clerk of Presbytery/Office of the Secretary to the General Assembly

As the most senior figures in the Presbyterian Church in Ireland denomination's governance structures, it may be the case at times that they must be advised of a concern.

This is especially the case when the alleged perpetrator of abuse is a Minister or Elder of the Presbyterian Church in Ireland; church governance and law will require internal actions to commence once all statutory processes are complete.

CHAPTER END