

Chapter 6: Protecting our children

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Introduction

Children's choirs have been an important part of church life for centuries in which both the children and adults benefit. In the vast majority of cases, there is no problem in ensuring that children and adults can happily and properly enjoy working together. But just as we must take precautions to protect ourselves against the minority of citizens who are burglars, so we must take precautions against the minority who are child abusers.

Provided simple precautions are taken, good safeguarding practice should not get in the way of running a choir.

It is important to take a balanced view. You should neither be so concerned about child protection that you are discouraged from working with children, nor should you regard all this as just a fad of a politically correct society.

First, understand the problem. Many charities, agencies and researchers provide statistics relating to numbers of children who are abused in the UK. Over recent years there has been much publicity relating to allegations of non-recent abuse; many of these allegations have related to church officers including choir masters and those working with choirs. It is recognised that the abuse is often perpetrated by friends, family members or those in positions of trust.

This reality must take precedence over the popular mythology of a choirmaster clouting naughty choirboys round the ear with a full music edition of *Hymns Ancient and Modern* "which did them no harm". Like most tales of the good old days, it never really happened. We now know that such fondly imagined fiction hid much child abuse which ruined lives.

For the sake of thoroughness, much information is given in this chapter. This is for the sake of completeness, and should not be seen as indicating a formidable problem.

The church, being a body based on trust, has proved a fertile ground for serious abuse. It is estimated that about a quarter of all serious child abuse is in a religious context. Research has found that a higher proportion of convicted offenders against children is found in church congregations than in the population generally. Many abusers are male.

An organist with responsibilities for a children's choir must comply with the safer recruitment processes of the organisation and where required complete the DBS process. An organist who refuses must not have unsupervised contact with children, however talented he or she may otherwise be. It must be appreciated that no system of child protection can guarantee to prevent all child abuse. However, that is no reason to avoid doing what can be done.

A system of child protection is also a system of organist protection against allegation, whether founded or unfounded.

All organisations working with or providing activities for children must have a child and adult protection (safeguarding) policy, this includes all churches and other faith settings. Whilst there has been an improvement over the past years, in part due to the increased fear of allegation, there are still a number of

groups/churches who do not understand the risks involved in failing to safeguard employees, volunteers and all who attend their activities.

Compliance with child protection policy is usually an essential element to comply with the terms of the church's insurance policy. Ecclesiastical Insurance Group (EIG) insures many Anglican churches (though churches are free to insure with any company). EIG is unlikely to cover any claim if the insured has been negligent or reckless, including where they have not paid 'due regard' to the policy or practice guidance. Where EIG provides public liability (third party) insurance for death and bodily injury to third parties, they will pay if the church is legally liable. The policy does not indemnify the abuser himself. As with all insurance, the insured must take all reasonable steps to prevent loss. A duty therefore exists upon the insured to research and adopt best practice based upon current and ongoing guidelines. It is also a condition that any incident or allegation is reported to the insurance company immediately.

If a child is with a parent or guardian, such as when mother and daughter are together at choir practice, the child is in the protection of the parent and not the organist, – the parent or guardian should be informed of this to ensure there is no misunderstanding regarding supervision; an alternative is to provide an additional adult often termed a choir matron. However an organist or any other adult who witnesses any child abuse on any occasion still has at least a moral duty to report the matter.

No-one should ever exclude someone from child protection policy on the basis of "I know him". You cannot identify a child abuser by looking at him, nor by whether he is married or has children of his own. Every time a child abuser is exposed, dozens of people are stunned by the "I would never have guessed" emotion.

In March 2004, Stephen King was convicted of sexual abuse against dozens of children. He was a child protection expert who trained police and the Crown Prosecution Service, and appeared as an expert witness in court.

In July 2004, Judge David Selwood of Portsmouth Crown Court was sentenced for child pornography. He had presided over many similar cases in his 12 years, and denounced child pornography in strong terms when passing a seven-year sentence on Paul Hobbs in July 2002.

Official guidance

All organisations are required to have in place policies and practice guidance documents, these include information regarding responding to concerns and allegations, safer recruitment and running activities. Some organisations also provide safeguarding training.

Development of policy in the churches

Several denominations use the Churches Child Protection Advisory Service (CCPAS) "Guidance to Churches" model policies. CCPAS works across the denominations throughout the UK and provides child protection resources, training, and a telephone helpline.

Secular agencies such as NSPCC have produced useful guidance and co-operated with church bodies in developing appropriate policies. The NSPCC also conducts research into the prevalence of child abuse.

We recommend that exactly the same standard of child protection should be followed regardless of the denomination or territory, and therefore believe that the guidance contained in these documents should be followed by all organists.

Some legal background

Legally, a **child** is someone up to the age of 13. Someone between the ages of 14 and 17 is legally a **young person** (Children and Young Persons Act 1933 s107). Child protection applies to both children and young persons, although some provisions become less relevant for young persons. For example, someone aged 16 may legally consent to sexual intercourse. For convenience, we refer to all people under 18 as children.

Responsibility for children generally rests with the parents or other adults who have parental responsibility, such as guardians. This responsibility can be delegated by the parents to any other adult on a temporary basis, as happens when a child is at school, at a choir practice or with a babysitter. Such a person is said to be *in loco parentis* (in the place of the parent) and has similar rights to a parent in dealing with the child in such areas as discipline and dealing with emergencies.

The criminal law on sexual offences was updated by Sexual Offences Act 2003 from 1 May 2004. The Act tightens up many definitions (such as consent), extends the scope of sexual offences and introduces some new offences, such as when a person aged 18 or over engages in any sexual activity with a child in his/her care. Many sentences are increased by the new act. Inappropriate touching of a child under 13 can result in a sentence of life imprisonment.

Recruitment checking

All applicants for the post of organist must be appropriately recruited and vetted if the church has a children's choir. This applies even if the church has a separate choirmaster.

Recruitment checking comprises:
providing references;
completing and signing a confidential declaration; and
being cleared by the Disclosure and Barring Service (DBS)

The Church of England policy regarding Safer Recruitment says that all those who work with children must also complete an application form, be properly interviewed and first be appointed for a probationary period, typically six months. Volunteers must be checked as thoroughly as paid workers, which accords with CCPAS advice.

With regards to **references**, Church of England policy regarding Safer Recruitment says that two references should be obtained, one of which must be from a current employer or previous church. It is possible for an organist to be

someone still at school with no employer or previous church. In such cases, we recommend that the equivalent reference is sought from the head teacher.

The **confidential declaration** asks organists to tick yes or no to each of these questions:

Church of England Confidential Declaration Form

The Confidential Declaration Form must be completed by all those wishing to work with children and/or adults experiencing, or at risk of abuse or neglect. It applies to all roles, including clergy, employees, ordinands and volunteers who are to be in substantial contact with children and/or adults experiencing, or at risk of abuse or neglect.

This form is strictly confidential and, except under compulsion of law, will be seen only by those involved in the recruitment/appointment process and, when appropriate, the Diocesan Safeguarding Adviser or someone acting in a similar role/position.

All forms will be kept securely in compliance with the Data Protection Act 1998.

If you answer yes to any question, please give details, on a separate sheet if necessary, giving the number of the question which you are answering.

Please note that the Disclosure and Barring Service (DBS) is an independent body, which came into existence on 1st December 2012. It combines the functions of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA).

1. Have you ever been convicted of or charged with a criminal offence or been bound over to keep the peace that has not been filtered in accordance with the DBS filtering rules? (Include both 'spent' and 'unspent' convictions)

YES / NO

2. Have you ever received a caution, reprimand or warning from the police that has not been filtered in accordance with the DBS filtering rules?

YES / NO

You do not have to declare any adult conviction where: (a) 11 years (or 5.5 years if under 18 at the time of the conviction) have passed since the date of the conviction; (b) it is your only offence; (c) it did not result in a prison sentence or suspended prison sentence (or detention order) and (d) it does not appear on the DBS's list of specified offences relevant to safeguarding (broadly violent, drug related and/or sexual in nature). Please note that a conviction must comply with (a), (b), (c) and (d) in order to be filtered

Further guidance is provided by the DBS - Please note that the rehabilitation periods (i.e. the amount of time which has to pass before a conviction etc. can become spent) have recently been amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012. Since 10 March 2014, custodial sentences greater than 4 years are never 'spent'

You do not have to declare any adult caution where: (a) 6 years (or 2 years if under 18 at the time of the caution, reprimand or warning) have passed since

the date of the caution etc. and (b) it does not appear on the DBS's list of specified offences referred to in footnote 1 above

Please note that a caution etc. must comply with (a) and (b) in order to be filtered

Notes applicable to questions 1 and 2: Declare all convictions, cautions, warnings, and reprimands etc. that are not subject to the DBS filtering rules.

Please also provide details of the circumstances and/or reasons that led to the offence(s). Broadly, where your position/role involves substantial contact with children and/or adults experiencing, or at risk of abuse or neglect (i.e. where you are eligible for an enhanced criminal records check) you will be expected to declare all convictions and /or cautions etc., even if they are 'spent' provided they have not been filtered by the DBS filtering rules. If your position/role does not involve substantial contact with children and/or adults experiencing, or at risk of abuse or neglect you should only declare 'unspent' and 'unfiltered' convictions/cautions etc.

Convictions, cautions etc. and the equivalent obtained abroad must be declared as well as those received in the UK.

If you are unsure of how to respond to any of the above please seek advice from an appropriate independent representative (e.g. your solicitor) because any failure to disclose relevant convictions, cautions etc. could result in the withdrawal of approval to work with children and/or adults experiencing, or at risk of abuse or neglect.

Although it is important to note that the existence of a conviction, caution etc. will not necessarily bar you from working with vulnerable groups unless it will place such groups at risk.

3. Are you at present (or have you ever been) under investigation by the police or an employer or other organisation for which you worked for any offence/misconduct?

YES / NO

4. Are you or have you ever been prohibited and/or barred from work with children and/or vulnerable adults?

YES / NO

5. Has a family court ever made a finding of fact in relation to you, that you have caused significant harm to a child and/or vulnerable adult, or has any such court made an order against you on the basis of any finding or allegation that any child and/or vulnerable adult was at risk of significant harm from you?

YES / NO

6. Has your conduct ever caused or been likely to cause significant harm to a child and/or vulnerable adult, and/or put a child or vulnerable adult at risk of significant harm?

YES / NO

Note: Make any statement you wish regarding any incident you wish to declare

7. To your knowledge, has it ever been alleged that your conduct has resulted in any of those things?

YES / NO

8. Have you ever had any allegation made against you, which has been reported/referred to, and investigated by the Police/Social Services/Social Work Department (Children or Adult's Social Care)?

YES/NO

If you reply yes to questions 7 and/or 8, please give details, which may include the date(s) and nature of the allegation, and whether you were dismissed, disciplined, moved to other work or resigned from any paid or voluntary work as a result.

Note: Declare any complaints or allegations made against you, however long ago, that you have significantly harmed a child, young person or adult who is vulnerable. Any allegation or complaint investigated by the police, Children's Services, an employer, voluntary body or other body for which you worked must be declared. Checks will be made with the relevant authorities.

9. Has a child in your care or for whom you have or had parental responsibility ever been removed from your care, been placed on the Child Protection Register or been the subject of child protection planning, a care order, a supervision order, a child assessment order or an emergency protection order under the Children Act 1989, or a similar order under any other legislation?

YES / NO

10. If you are working from home with children, is there anyone who is 16 years of age or over living or employed in your household who has ever been charged with, cautioned or convicted in relation to any criminal offence not subject to DBS filtering rules; or is that person at present the subject of a criminal investigation/pending prosecution?

YES/NO/Not Applicable

Note applicable to Q10:

You are only required to answer this if you work from home with children. The DBS define home based working as where the applicant for the DBS check carries out some or all of his or her work with children or adults from the place where the applicant lives (this will include the majority of clergy, (for instance, those resident in a vicarage etc.)

Note: All these matters shall be checked with the relevant authorities

Declaration

I declare the above information (and that on any attached sheets) is true, accurate and complete to the best of my knowledge. After I have been appointed I agree to inform my line manager or supervisor if I am charged, cautioned or convicted of any offence or if I become subject to a Police/Social Services/Social Work Department (Children or Adult's Social Care) investigation.

Signed.....

Full Name.....

Date of Birth.....

Address.....
Date.....

Please return the completed form to
.....

Before an appointment can be made applicants who will have substantial contact with children and/or adults experiencing, or at risk of abuse or neglect in their roles will be required to obtain an enhanced criminal record check (with or without a barred list check (as appropriate)) from the Disclosure and Barring Service.

All information declared on this form will be carefully assessed to decide whether it is relevant to the post applied for and will only be used for the purpose of safeguarding children, young people and/or adults experiencing, or at risk of abuse or neglect

Please note that the existence of a criminal record will not necessarily prevent a person from being appointed, it is only if the nature of any matters revealed may be considered to place a child and/or an adult experiencing, or at risk of abuse or neglect at risk

The form must be signed and dated, and give the applicant's name, address and date of birth. Any "yes" answer must be accompanied by relevant details.

A determined abuser is unlikely to volunteer details, which is why there is a system of checking.

The DBS issue certificates which include:
Criminal conviction
Non conviction information
If requested 'barred list information'

A **conviction** is where a court has found you guilty of a criminal offence, such as theft or criminal damage. It does not include most fines for motoring or tax offences which are regarded as civil penalties. Police cautions are included as you can only be cautioned if you admit the offence.

A conviction is **spent** when sufficient time has passed for it to be considered irrelevant for most purposes. This law prevents a youthful indiscretion blighting one's whole life. Shorter periods of imprisonment and other penalties, such as fines and community service orders, are spent after periods of between six months and ten years depending on the severity of the penalty. In general, a spent conviction does not have to be disclosed; unless it is an offence that is never spent.

About one fifth of the UK adult population has a criminal record. The majority put the matter behind them and go on to lead lawful and responsible lives.

For such a certificate, the employer must be registered with the DBS (or with an umbrella body which is registered with the DBS) and the job must involve working with children. The applicant must agree to comply with a strict code of conduct. Organists complete exactly the same form as Sunday School teachers, youth workers, clergy, bell-tower captains, scout masters, school teachers and anyone else who may have unsupervised access to children.

In practice, the church is usually registered through a central body such as the diocese. This requires the church to follow the policy of that central body. Each parish or church appoints a parish safeguarding officer. The organist must see that officer in person with documents proving the organist's identity. At least one document must contain a photograph, such as a passport or new driving licence. Details of what documents are suitable are provided in notes with the form. The form must be completed by both the applicant and parish safeguarding officer. This form is sent to the registered umbrella body (usually the diocese or similar central church body). This body countersigns the application and sends it to the DBS.

The applicant receives the certificate and has a fixed period of time to challenge any information recorded; it then has to be provided to the employer. It records details under each of the boxes. If there is nothing to report, it says "nothing reported". A certificate does not mean that anyone can absolutely guarantee that the person is safe — every offender has to commit a first offence. Also some offences may not be disclosed, particularly those committed overseas. Despite these shortcomings, the certificate does indicate that there is no recorded reason to exclude the applicant.

A certificate relates to a particular post. This means that an organist must be checked for a new position even though he has already been checked for another position, such as when the organist is a school teacher. However, portability of DBS disclosures is now accepted in some organisations if the applicant has registered with the DBS update service. Each organisation should decide what portability to accept; this is affected by the level of check already completed.

A certificate has no time limit. The Church of England now recommends that a new confidential disclosure and DBS certificate is obtained every five years. The DBS's view is that each denomination should make its own decision. It is good practice that all who work with children are checked.

Disclosure of any matter does not automatically prevent a person being appointed. A judgment must be made on the relevance of the disclosed matter.

Any assessment of a **positive disclosure** must first be conducted by a suitably qualified person with the applicant. This assessment comprises advice to the employer or appointer, who makes the final decision. A panel from an adjacent diocese is recommended if an appeal is made against the risk assessment.

For disclosed offences, consideration is based on:
the seriousness of the offence;
the nature of the offence; and
how long ago it happened.

A single offence of shoplifting 30 years ago is unlikely to exclude, but a recent offence for violence may well do so, even if the violence was against an adult. A recent ban for drink-driving may be relevant if the position includes driving children. At the least, it is expected that the safeguarding officer will question the applicant about any conviction disclosed.

DBS checks are only required for those who have *supervision* of children. This means that **adults in the choir** and members of the congregation do not have to be checked as thoroughly as organists. It is good practice that adults in the choir at least be asked to complete the self-declaration form. If they refuse, or

disclose a child-related offence, it is necessary to exclude them from a choir with children present. Some choir adults may need an enhanced certificate, such as if they do any teaching or testing. This may all seem draconian, but we have learned of choir adults using their position to groom children and then abusing them.

Child abuse

Definitions of forms of harm

Children can be harmed in many ways. Where their health, physical, emotional, intellectual, spiritual or social development is damaged by other people, this is an abuse of relationships, a misuse of power and a betrayal of trust. Someone may abuse or neglect a child by inflicting harm or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them, or, more rarely, by a stranger. They may be abused by an adult or adults, or by another child or children.

The fact that a child has reached the age of 16, is living independently or is in further education, is a member of the armed forces, is in hospital, in prison or a young offenders' institution, does not change his or her entitlement to protection.

Child abuse is not new, although it has been increasingly recognized, named and condemned during the course of the twentieth and into the twenty-first century. Abuse of children is much broader than sexual abuse. All abuse is a betrayal of trust and a misuse of authority and power.

Church communities must be particularly vigilant to identify the inappropriate use of any religious belief or practice which may harm somebody spiritually, emotionally or physically.

Child abuse affects girls and boys, babies and young people of all ages up to 18, including children with learning difficulties, children with physical disabilities and children from all kinds of family background. It occurs in all cultures, religions and classes.

Most child abuse is perpetrated by an adult, male or female, who is well known to the child, often a family member. Such trusted adults may be in the child's community; they may be trusted professionals, leaders or members of a child's church. Abuse can be an act of commission, such as physical abuse, or omission, such as neglect or failure to protect.

Children may suffer both directly and indirectly if they live in households where there is domestic violence. Domestic violence includes any incident of threatening behaviour, violence or abuse between adults or young people, who are or who have been intimate partners, family members or extended family members, regardless of gender and sexuality. If there is domestic violence it is now accepted that there will always be at least emotional abuse of any children in the household, and there may also be direct abuse of them.

Child abuse can also be perpetrated by children against other children. This is referred to as 'peer abuse'. These child perpetrators will have greater power than their victims, perhaps due to age, gender, physique or ability. There is no clear dividing line between this form of abuse and bullying.

Child abuse can result in a child suffering significant harm and the need for court proceedings to safeguard their welfare. Abuse prevents children from achieving their full potential and undermines their dignity and rights. The harm it causes will affect children while it is happening and in later life. The consequences and the pain of child abuse are almost always long-lasting and likely to affect the children when they become adults.

The damage may be apparent in many aspects of their lives, including their relationships and the care of their own children. When abuse occurs within the context of the Church or by a Christian, it may affect the person's faith and spiritual development.

Recent developments in the use of computers, the internet, mobile phones and digital cameras present new challenges in educating and safeguarding children.

Statutory definitions

Child abuse has many forms. There are four main identified categories of abuse, the most prevalent is neglect.

Neglect - is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to provide adequate food, clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate care-givers); ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

Physical abuse - may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces illness in, a child.

Sexual abuse - involves forcing or enticing a child to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

Emotional abuse - is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only in so far as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or ridiculing what they say or how they communicate. Emotional abuse may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child

participating in normal social interaction. It may also involve: seeing or hearing the ill-treatment of another, for example in domestic violence situations; serious bullying (including cyber-bullying); causing children frequently to feel frightened or in danger; exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child but it may occur as the sole or main form of abuse.

Code of good practice

Recommendations for good practice:

1. Adopt a policy statement on safeguarding the welfare of children.
2. Plan the work of the organisation so as to minimise situations where the abuse of children may occur.
3. Introduce a system whereby children may talk with an independent person.
4. Apply agreed procedures for protecting children to all paid staff and volunteers.
5. Give all paid staff and volunteers clear roles and responsibilities, including advice on appropriate boundaries
6. Use supervision of staff as a means of ensuring the protection of children.
7. Treat all paid staff and volunteers as job applicants for any position involving contact with children, following safer recruitment policies.
8. Gain at least one reference from a person who has experience of the applicant's paid work or volunteering with children.
9. Explore all applicants' experience of working or contact with children in an interview before appointment.
10. Find out whether an applicant has any conviction for criminal offences against children, by use of confidential declaration forms and DBS application.
11. Make paid and voluntary appointments conditional on the successful completion of a probationary period.
12. Issue guidelines on how to deal with the disclosure or discovery of abuse.
13. Train paid staff and volunteers, their line managers or supervisors, and policy makers in responding to allegations and the prevention of child abuse.

In practice

You must

- treat all children and young people with respect;
- provide an example of good conduct you wish others to follow;

- ensure that whenever possible there is more than one adult present during activities with children and young people, or at least that you are within sight or hearing of others;
- respect a young person's right to personal privacy;
- encourage young people and adults to feel comfortable and caring enough to point out attitudes or behaviour they do not like;
- remember that someone else might misinterpret your actions, no matter how well intentioned;
- be aware that even physical contact with a child or young person may be misinterpreted;
- recognise that special caution is required in moments when you are discussing sensitive issues with children or young people;
- operate within the Church's principles and guidance and any particular procedures of the diocese, parish, order or club;
- challenge unacceptable behaviour and report all concerns, allegations, and suspicions of abuse;
- provide access for young people to talk to others about any concerns they may have.

Maintain appropriate boundaries between your role and your private life when having contact with children or young people.

You must not

- have inappropriate physical or verbal contact with children or young people;
- allow yourself to be drawn into inappropriate attention-seeking behaviour;
- make suggestive or derogatory remarks or gestures in front of children or young people;
- jump to conclusions about others without checking facts;
- either exaggerate or trivialise child abuse issues;
- show favouritism to any individual;
- rely on your good name or that of the Church to protect you;
- believe 'it could never happen to me';
- take a chance when common sense, policy or practice suggests another more prudent approach.

You should give guidance and support to inexperienced helpers.

Recommended practice

To provide some guidance, the authors set out their interpretation of what the requirements mean in practice.

1. Have adequate supervision

There should always be at least two adults present at a choir practice attended by children, and both must have been satisfactorily recruited in accordance with the organisations policy. It is good practice that at least one adult is a woman. Assuming that one adult is the choirmaster, it is often possible to organise a rota of adults (usually women) to be the **second adult**. Most churches love rotas and will enjoy producing one more.

There should be arrangements for an emergency standby if the second adult cannot attend or forgets. The second adult should pay attention to what is going on at the choir practice, which usually means sitting at the front facing the children and not becoming engrossed in a novel or crossword puzzle. The function of a second adult is to be a witness if any incident happens or is alleged, to assist if an emergency arises, to challenge inappropriate conduct, to ensure best practice is followed.

The second adult should be present at least 10 minutes before the choir practice as children arrive, and should stay until the last child has left.

If the choir is particularly large, it may be desirable to have more than two adults. One suggestion is to have one adult for the first eight children aged at least 9, and another adult for each further 12 children. This means three adults for 21 or more children aged between 3 and 8. The ratio is one adult per eight children under the age of 8. A church choir is not a registered child group and so does not have to comply, but it is good practice that it does follow this guideline.

The requirement for a second adult is not restricted to choir practices. It applies whenever you have a duty of care for a child, and so will include private tuition (such as rehearsing a solo) or when testing a child alone for an RSCM award.

2. Have clear delivery and collection arrangements

A child is not in your care until delivered to your care. Parents should be told not to leave young children until both adults are present, and should escort young children to the place where the practice is being held and not simply to the church entrance.

Parents may decide that the child may come on their own when sufficiently old, this authority must be provided by the parent in writing. Most child welfare bodies agree that this is usually around the age of 10, but the decision must be made by the parents for their own children. Entrances to premises must be well-lit. Children must not be expected to walk down dark passages alone.

If a parent fails to collect a child, the adults must stay with the child. After waiting perhaps 5 or 10 minutes, you should try phoning the parent. If there is no reply, you should keep the child at church in case the parents turn up late. If they still do not arrive, take the child to their home yourselves. You should not leave the child at the home until you see the child go indoors. If there is no-one at home, the child must stay with you, even if it means the child going to your

home. You should first return to the church, in case the parent turned up late. If you have other contact details, such as for a grandparent or neighbour, you may try contacting that person to see if the child may be delivered there. You may also ask the child for such a contact. Otherwise, if you cannot contact the parents after an hour, you must call the police. This information should be provided to parents in any choir induction pack to ensure that they are aware of the agreed process.

3. Have contact details

For each child, you must record:

- name;
- date of birth (so you know the age);
- address;
- at least one emergency telephone number.

You should give parents details of your own name, and telephone number, and those of the minister and church's safeguarding officer.

If a child has any medical condition which could affect them during choir practice, the choirmaster should be informed of this and told what to do. Examples of such conditions include asthma, epilepsy and certain personality disorders.

A register should be kept, recording attendance at all choir practices, services and other choir-attended occasions. If a child is late, the time of arrival should be recorded. You must not allow a child to leave the choir practice early except by prior arrangement, even if the child is collected.

4. Have First Aid available

The church authorities should have First Aid and an accident book readily available to you. It is advisable to have a First Aid kit in a choir vestry or where you are practising. In the Church of England, it is the churchwardens' function to provide it.

If a child has an accident, you should deal with it to the best of your ability, possibly using the skills of your second adult. The accident must be recorded in the accident book and be notified to the parents as soon as possible. This applies even to minor accidents — a cut finger can turn septic.

If it is necessary to call an ambulance, you do this first. Then notify the parents. Then obtain further assistance such as from a standby second adult or the minister.

You must not prescribe any medication to a child unless, exceptionally, you have appropriate medical qualifications to do so. If a child needs to take medication during a practice, you should hold the medication and administer it in accordance with the instructions. In practice, the second adult is well placed to perform such tasks.

5. Know the limits of discipline

An organist or other choir trainer will routinely administer discipline in the form of telling children to stop talking and pay attention. We recommend that the standard a choirmaster follows should be the same as for state schools.

Naughtiness from children is normal. Merely telling off a child is not a matter which need concern anyone. However any rebuke should be the mildest necessary to have the desired effect. You should be careful not to be intimidating or bullying. You must never threaten a child, except with reporting them to their parents. A child should never be ridiculed or humiliated. A child who has difficulty finding hymn numbers or remembering what you said five minutes ago needs help, not discipline.

Discipline should be immediate and should rarely involve more than a rebuke. If it is necessary to raise your voice, this should be to the whole choir rather than just one child. A child should never fear that you may be about to hit him or her. Never lose your temper. If a rebuke is insufficient, a possible further sanction is to make a child sit nearer to you or stand near you. Where children are encouraging each other in naughtiness or are annoying each other, you should separate them.

Making deductions from choir pay is ineffective. If normal discipline does not contain the problem, you must discuss the matter first with the minister and then, possibly, with the parents. Expelling a child should always be the last resort, but should not be avoided if that is necessary. In the Church of England, an organist may not expel any member of the choir without the agreement of the vicar.

If a child is playing with something, confiscate it until the end of the practice or service. The item should then be returned to the child, except if you think it is something the child should not have (like cigarettes) which you should return to the parents. Children and choirmasters often forget about returning items, and choir cupboards can accumulate a treasure chest of confiscated items.

Discipline should be administered by the choirmaster. Other adults, such as sidesmen and choir adults, should only deal with a naughty choir child if absolutely necessary, to prevent damage for example. Other adults should not otherwise give a child a telling-off but should report the matter to the choirmaster. Discipline is compromised if adults in the church each seek to enforce their own standards and methods. They could put themselves at risk if they discipline a child inappropriately.

What appears to be misbehaviour may just be confusion. Church services, with various books and times to stand and sit, can be difficult to follow for young children. It is a good idea to have a **buddy system** whereby every new child is assigned to a responsible older child to help them in these areas. If a child gets something wrong, assume it is confusion unless it is clearly misbehaviour.

6. Never ask a child to keep a secret

A child must never be told to keep something a complete secret. A child must always be allowed to tell at least one parent what you have told them.

Keeping secrets is part of the grooming process used by child abusers. Any evidence that you are asking a child to keep a secret can raise suspicions.

If the secret is innocent, such as a surprise for a parent's birthday:

- refer to the secret as a "surprise";
- make clear that the child will eventually be able to tell; and
- ensure that there is at least one other adult with whom the child can share the surprise.

Similarly, you should not promise a child that you will keep a secret.

At a purely practical level, children often have great difficulty keeping secrets. So it is probably better to avoid surprises.

7. Your own conduct

Your own conduct can help prevent incidents and accusations. You should always remember that children are people in their own right, with their own rights to dignity and respect, however young.

You must:

- not appear before children while under the influence of alcohol or drugs;
- be careful about your speech, tone of voice and body language;
- only supervise a child washing or using the toilet if necessary (which is most unlikely for a child capable of singing in a choir), and otherwise respect the child's privacy;
- never mock, humiliate, harass or embarrass a child;
- never scapegoat, ridicule or reject a child;
- avoid any remark which could be regarded as sexually suggestive or threatening;
- avoid favouritism;
- discourage "crushes" or any inappropriate attention the child shows to you;
- prevent other children engaging in bullying and mockery.

You should avoid giving children **lifts in your car** unless the parent has given specific consent. You should not give a lift to any child who has displayed a crush or similar inappropriate behaviour to you. If giving a lift is unavoidable, the child must sit in the back.

An element of fun in a children's choir practice can help prevent misbehaviour and false allegations. Many singing methods can be taught as a game. Part of the practice can be spent asking children what news they have. Young children love telling you what has happened to them.

8 Get permission for photographs

You should be careful about taking photographs or videos of children, and even more careful what you do with them. If you wish to publish a photograph of a child, such as in a choir newsletter or church magazine, it is advisable to get the parent's permission first, unless it is a crowd scene where it is difficult to identify any particular face. The parish should have a policy on the taking of and use of photographs.

9. Induction packs

An induction pack for choir members is a good method of ensuring that the expectations of behaviour and supervision are shared with choir members and parents. It also ensures that there is an understanding of responsibilities and action taken with discipline, complaints etc. If you do not have an induction pack you may find that another parish or the cathedral may be willing to share a copy with you.

Physical contact

It is sometimes said that an adult must not touch a child under any circumstances. This is not true.

Corporal punishment must never be used. This includes smacking, cuffing round the ear, tweaking the ear, and hitting choirboys on the head with a hymn book. You must not use corporal punishment even if the parents say you may.

Everyone has the right to use reasonable force to protect themselves from attack, however young the assailant. Reasonable force should be sufficient to overpower the assailant and not extend to retribution. Most adults do not realise their own strength, particularly with regard to children. You should be very careful about using force in such circumstances. It is essential that the second adult notes what happened.

There is no legal definition of **reasonable force**, but DfES guidelines say there are two relevant considerations:

- circumstances must be sufficient to justify force, failing which even the mildest force can be construed as assault. Trivial offences, such as dropping litter, do not justify force;
- the degree of force must be proportionate to the circumstances of the incident and the seriousness of the behaviour or its consequences. Any force must be the minimum necessary to achieve the desired result. The degree of force will also depend on the sex and age of the child.

Ask yourself, can I justify the use of force at this level if asked by a court of law; would it be agreed to have been reasonable given the circumstances.

Examples where reasonable force is usually justified are listed as including:

- injuring themselves or others;
- fighting;
- self harm, dangerous play, or handling dangerous materials;

- behaving in a way likely to cause an injury;

Where force is used, it should be in a way likely to cause no injury to the child, nor should it cause the least injury or pain.

Children who are fighting will often stop (and freeze) on hearing a sufficiently authoritative command from an adult. If that fails, you should try placing yourself between the children.

Sometimes reasonable force can be administered by blocking a child's path, or putting your hand on a child's back to steer them in a particular direction.

Only in "the most exceptional circumstances" should you use force which will cause pain or injury to a child. It is most unlikely that you will ever be able to justify:

- holding a child by the neck or collar so that breathing may be restricted; pinning down
- slapping, punching or kicking a child;
- twisting or forcing limbs against a joint;
- tripping up a child;
- holding or pulling a child's hair.

You should always try a non-physical method of dealing with a matter if possible. In some circumstances, such as a child about to run into a road, that may not be possible.

If force is used, a contemporaneous written report must be made. This must record:

- the name of the child;
- date, time and place;
- who witnessed the incident;
- reason for using force;
- how the incident began and progressed, including details of the child's behaviour and what steps (if any) were taken to calm the situation before using force;
- what force was used, how it was applied, and for how long;
- the child's response and the outcome;
- details of any injury suffered by the child, by the adult, and to any property.

Any other adult present should make a similar record. These records should be kept factual and avoid expressing opinions.

You must report any such incident promptly to your church's safeguarding officer. You may also wish to report it to the minister and the child's parents or guardians.

While much of the guidance is concerned with force to maintain discipline, the guidance does deal with other forms of physical contact. It is recognised that some physical contact is necessary to administer first aid, for example.

Physical contact can be justified in the course of physical activities, such as sports coaching. This could apply in instructing children in singing posture, though normally telling a child should be sufficient.

Sometimes it may seem appropriate to provide a cuddle, arm round the shoulder, or similar action to a child who is upset or hurt. This is not ruled out, but great care should be exercised, particularly for older children, those of the opposite sex, and those from certain minority backgrounds where such contact may be considered less acceptable. Even well-intentioned contact can be misconstrued.

In practice, if you follow reasonable conduct with restraint and common sense, you are unlikely to go wrong.

- Any physical contact should only take place in public.
- Physical contact should reflect the child's needs, not the adult's.
- Physical contact should be age appropriate, and initiated by the child, not the adult.
- Avoid any physical activity that is, or may be thought to be, sexually stimulating to the adult, or the child.
- Children have the right to decide how much physical contact they have with others (except in exceptional circumstances such as when they need medical attention).
- Team members should monitor one another in the area of physical contact. They should feel able to help each other by pointing out anything that could be misunderstood.
- If an adult persists in inappropriate touching a young person this must be challenged.
If there are concerns about an adult's contact with a young person, advice must be sought.

Employment of children

A child is not regarded as employed when taking part in a religious service or a choir practice for a religious service. It applies whether or not the child is paid for being in the choir.

If a child is engaged in other work, including performing in a show or secular concert, you must consider the requirements of employment law for children.

For these purposes, a "child" is someone under the age of 16. From the age of 16, there are almost no work restrictions.

For performances, which includes singing and playing instruments, there are further laws under Children and Young Persons Act 1963 ss37-43, plus regulations under the Children (Performance) Regulations SI 1968 No 1728.

This imposes no further restriction if:

- the performance is organised by the school; or
- no admission charge is made; or
- the work involves fewer than three days in six months.

The term "performance" is not defined, so there is scope for local authorities to make their own decisions in marginal cases. In practice, a performance is usually regarded as something which is directed.

If you learn of abuse

A good choirmaster will win a proper place in children's affection. A child will tell you many details about his or her private life. Much of it will be childish trivia. However it is possible that a child will tell you something which indicates abuse. In such cases, you must be very careful what you do.

The advice is:

- listen carefully and take the matter seriously;
- avoid leading questions;
- do not make any judgmental comments;
- assure the child that he or she is doing the right thing in telling you;
- carefully make a written note of what was said as soon as possible;
- report the facts to the safeguarding officer, regardless of your views about the matter;
- tell the child what you intend to do.

You must not:

- attempt to investigate the matter yourself;
- promise confidentiality to the child;
- speak about the matter to the accused;
- discuss the matter with anyone other than those officially involved.

Once you have passed on the information to your safeguarding officer, you should generally take no further action until asked to do so. Exceptionally, if you believe the safeguarding officer has not taken the matter sufficiently seriously, you have the right as a member of the public to report your concern to the police or local authority.

If a child is being systematically abused, particularly sexually abused, the child may be groomed not to tell anyone. The child may be told that something is “our secret” and they will be not believed or may be put into care if the secret is revealed. Even in such cases a child may let something slip which alerts you.

If an adult tells you of suspicions about a child, you should pass on the comments to your safeguarding officer. If an adult tells you of abuse he or she suffered as a child, the adult should be told to speak to the safeguarding officer. The safeguarding officer has a procedure for dealing with allegations.

Equally, children live in a fantasy world, fed by fanciful programmes, books, films and computer games. Children can say the most outrageous things which have no truth in them. That is why it is important that anything revealed is dealt with by someone with training and experience.

If you are accused

Every organist’s nightmare is to be accused of child abuse himself. This section assumes that you are innocent. CCPAS reports that such false accusations are very rare in practice.

Children become “street-wise” and may make an allegation to get attention or to get back at you for being disciplined or not allowed to sing a solo. If you have followed the guidance in this chapter, such as having a second adult present, you will be in a strong position to demonstrate your innocence.

Under the current guidelines, the investigation is co-ordinated by the diocesan safeguarding officer who must alert the statutory authorities. Confidentiality must be maintained so that only those who need to know anything are informed. The diocesan media communications officer manages media queries.

Under the current guidelines, **suspension** is only automatic if you have been charged with a criminal offence against a child. Otherwise, *suspension is not automatic*. A decision to suspend may only be made after seeking legal advice and consulting with the diocesan safeguarding adviser. Children’s charities recommend that a person be suspended only if the police so advise. In some cases, suspension may be necessary because of excessive press interest.

Children’s charities have policies which state that a worker would be suspended in consultation with social services and the police. There are two points to note about suspension:

- suspension should be a neutral act — it does not assume a person’s guilt (nor innocence);
- the reason a suspension is in consultation with the statutory authorities is that the act of suspension could “tip off” the alleged abuser giving them opportunity of silencing children and removing incriminating evidence before an investigation can commence.

An organist must always challenge any attempt to suspend him when these procedures have not been followed, such as when the minister has decided not to refer the matter to the diocesan safeguarding adviser. To accept suspension when the procedure has not been followed leaves you open to accusations of a cover-up.

In some cases, you may agree to stand aside to assist an investigation. This is a matter solely for you to decide, though it may properly be suggested. Such standing aside is not a suspension. In other cases, it may be sufficient that your duties are curtailed to limit contact with children. You should only agree to any of these options after taking legal advice.

In no case, should you attempt to contact the child or the child’s family until the investigation has been satisfactorily concluded.

Both you and the child are entitled to pastoral support. This must be from someone who is not involved in the investigation and is not providing support to the other party.

An investigation may lead the Crown Prosecution Service (CPS) to decide to bring proceedings. At that point, you must be suspended.

However, a lack of prosecution does not mean that the matter is over. If the CPS decides not to prosecute, the agencies involved will be asked to provide reports which may be used in disciplinary proceedings. A professional risk assessment is undertaken by a person qualified to make it, in most cases the diocesan safeguarding adviser. This will determine whether you are considered safe to continue working with children. It may conclude that you may do so with additional supervision or after training. If the investigation concludes that you are not reinstated there is a legal requirement for your employer to refer you to DBS for consideration of you being placed on the barred list.

Anyone who is cautioned or convicted for a sexual offence with children is, usually, barred from working with children. For a non-sexual offence against children, the person is barred except in exceptional circumstances.

However an investigation ends, all parties must be told of the outcome, including what arrangements have been made as a consequence and what lessons can be learned.

Little thought appears to have been given as to what to tell the choir and congregation while an investigation is pending. In the absence of suspension, it should be possible to say nothing. Any information passed between bodies must be strictly on a need-to-know basis.

With all scandals and rumours, imagination quickly fills in gaps in statements, usually with details more lurid than real. If there is a scandal, the choice is “all or nothing”. It is ideal if the information can be kept completely confidential until the facts are established. This means that those who know say *nothing* to anyone else; it is not sufficient that information is passed with some details omitted as those details may be found out elsewhere. If the news does leak, as often happens in churches, it may be advisable to publish the facts. The effect of a scandal is minimised if you break the news yourself. However you should not act in a way which could compromise any criminal case. It is essential to get legal help.

Someone accused of child abuse is quickly demonised. There is a prevailing view of “no smoke without fire” (which is as untrue literally as it is untrue metaphorically). There have been instances of hostile reaction to innocent people.

If accused, it is essential to get a lawyer. Do not delay as the longer you leave it, the worse the problem will be. Various professional bodies, such as the ISM may be able to help.

The church may tell you what you must and must not do, but the church is only protecting its own interests. It is essential that you are advised on what is in *your* own interests. You still have rights. Properly designed policies properly enforced are designed to protect all parties. However, the minister, for example, has no authority to tell an organist whom he or she may or may not contact.

There are offences of libel and malicious falsehood which prevent people from spreading or publishing defamatory material. It may be in your interests for your lawyer to remind people of these facts. It may be in your interest to make a full statement to the press, choir parents and congregation if the church is refusing to do so. The church has no power to stop you exercising your rights, but you must act on proper legal advice, remembering the huge repercussions any disclosure may have. It is unlikely that any disclosure by you is appropriate if proper procedures have been followed on a need-to-know basis.

You should refrain from taking any action if the investigation is being conducted properly by the appropriate bodies and nothing is being disclosed improperly. However, if there is any breach in the investigation, you should not hesitate to act.

You are entitled to full pay during any period of suspension. You may bring proceedings to receive this pay without waiting for the investigation to finish.

If you are cleared, you may find it difficult to come back. Child abuse has become the one offence when, not only are you guilty until proven innocent, but where some will see you as guilty even after you have been proven innocent. Don't think that you can simply come back as if nothing has happened. At the least, you must allow choir members and choir parents to discuss what happened with you.

A summary of advice to an accused organist is:

- ensure that the matter is referred to the diocesan safeguarding officer (or equivalent) and to the statutory authorities and not left with the vicar or parish safeguarding officer;
- co-operate with proper authorities;
- consult a lawyer;
- do not accept suspension unless the matter has been dealt with properly, or you otherwise believe that suspension or standing aside is appropriate;
- insist on your pay during any period of suspension;
- consider with your lawyer what statements to make to the choir and congregation, and whether to take any action if the investigation is not conducted properly or if sensitive information is leaked.

Some cases

The majority of organists and others in the church cannot understand why anyone would want to abuse children. It is difficult for a normal person to imagine what pleasure can be gained from sexually abusing a child. However, our revulsion and bewilderment must never act as a cloak preventing our acknowledging that it does happen. This section gives a selection of actual reported cases.

Published examples include:

- cathedral organists and assistant organist sentenced for various historic sexual offences, some including images and inappropriate contact with minors;
- a Roman Catholic priest sentenced to five years in 1997 for nine sex attacks, including one on a boy with learning difficulties;
- a choir tenor sentenced to four years in 1991 for sexual assault on boys aged between 12 and 14;
- a church organist jailed in 1991 for repeated sexual abuse on a 9-year old boy over six years;
- two vicars and a choirmaster imprisoned in 1988 on 21 specimen charges.

Since 2011 there have been numerous investigations and convictions relating to abuse by church officers, including Bishops and senior church leaders.

One final observation

Most organists have to suffer supposed jokes about touching up choirboys and "playing with your organ".

These supposed jokes are not funny. They are distasteful, unfunny, tired, sad and pathetic. So are the people who repeat them; and they should be challenged in the same way as if they were racist or homophobic in content.