

PORTSMOUTH DIOCESAN TRUST
Terms of Reference for the
Portsmouth Diocesan Safeguarding Commission

Portsmouth Roman Catholic Diocesan Trustees Registered (the Trustees), the trustees of the trusts identified in the note below (the Trusts), with the consent of the Roman Catholic Bishop of Portsmouth (the Bishop), appoint a commission to act on their behalf in the areas outlined below relating to all matters concerning the safeguarding of children and vulnerable adults and to delegate to the commission the powers set out in this document.

Where the business of the Commission concerns trusts other than the Portsmouth Diocesan Trust, the Trustees' power to delegate to the Commission may be restricted as indicated in the note below. When dealing with the business, property or funds of these trusts the Commission must check the limits within which it is authorised to act.

The Commission is to be known as The Portsmouth Diocesan Safeguarding Commission.

The members of the Commission are to be appointed by the Trustees with the prior approval of the Bishop and their composition is to be in accordance with the guidelines adopted by the Catholic Safeguarding Advisory Service from time to time in force ("the National Guidelines"). These National Guidelines in force at the date of these terms of reference are exhibited in Section 5 of the document called "National Policy for Organisational Structures for Child Protection in the Catholic Community in England & Wales" issued in July 2003 by the Catholic Office for the Protection of Children and Vulnerable Adults ("COPCA"), a copy of which is at appendix 1.

The chairman of the Commission is to be appointed from amongst the members of the Commission by the Trustees with the prior approval of the Bishop.

The Commission is to fulfil the functions outlined in the National Guidelines.

The Annual Report referred to in paragraph 5.2.3.13 of the National Guidelines must be produced to the Trustees before it is sent to the Catholic Safeguarding Advisory Service as successor to COPCA.

Every member of the Commission shall have regard to the guidance of the Charity Commission on public benefit in carrying out the work of the Commission.

The following rules are to apply to the meetings of the Commission:

- The Bishop or any member for the time being of his Council may attend meetings of the Commission as an observer and may be called upon by the chairman to speak (but not vote) on any matter before the Commission.

- The Secretary to the Trustees may attend meetings of the Commission as an observer and may be called upon by the chairman to speak (but not vote) on any matter before the Commission.
- A meeting may be held in person or by suitable electronic means agreed by the Trustees by virtue of which all the participants may communicate with all the other participants.
- Every member of the Commission is to have one vote. Every matter is to be determined by the majority of the votes of the members of the Commission present and voting. In the case of an equality of votes the chairman is to have a casting vote whether or not he has previously voted on that matter.
- Any resolution of the Commission which is in writing and signed by all the members of the Commission is as valid as a resolution passed at a meeting. For this purpose a resolution may be contained in more than one document and is to be treated as passed on the date of the last signature.
- The Committee must cause minutes of its meetings to be taken; the minutes may be in electronic form. Draft minutes, first approved by the chairman of the Committee whenever possible, must be produced to the chairman of the Trustees no later than 14 days after the date of the meeting of the Committee. At each meeting the Committee must approve the minutes of the previous meeting, with such changes as may be agreed, the chairman must then sign those minutes and the minutes must then be entered in an archive. At each meeting of the Trustees a copy of the minutes of each meeting of the Committee held since the last meeting of the Trustees must be produced to the Trustees.
- In all other respects the meetings of the Commission are to be conducted in accordance with the National Guidelines and otherwise as the Commission from time to time shall determine.

The Trustees may at any time amend or revoke these terms of reference.

These terms of reference and the membership of the Commission are to be reviewed and adopted annually, at the first meeting of the Trustees after the start of the Trusts' financial year.

Note:

1. These terms of reference are made in accordance with:
 - (a) for the Portsmouth Diocesan Trust, (charity registration no.246871) paragraph 12.2 of the declaration of trust dated 5 December 2002 and the Trustee Act 2000,
 - (b) for each of certain other trusts (the other trusts), being those which, together with the Portsmouth Diocesan Trust, are the subject of a uniting direction of 20 July 2001 under Charities Act 1993 section 96(6), the deed or deeds constituting each of the other trusts and the Trustee Act 2000.

2. Insofar as this delegation relates to the other trusts, the Trustees make this delegation only to the extent that they are entitled to do so under either the deed or deeds constituting each of the other trusts or the Trustee Act 2000.

Authorised at a meeting of the Trustees, with the consent of the Bishop, held on 9 October 2008

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Secretary to the Trustees

APPENDIX 1

SECTION 5

ORGANISATIONAL STRUCTURES POLICY: CHILD PROTECTION

TERMS OF REFERENCE:

DIOCESAN/CONGREGATIONAL CHILD PROTECTION COMMISSION

5.1 ACCOUNTABILITY

5.1.1 The Commission is accountable to the Bishop/Congregation Leader and Trustees of the Diocese/Religious Congregation.

5.2 FUNCTION

5.2.1 The Commission has regulatory, advisory and supportive functions.

5.2.2 It exists to discharge these functions at a strategic level in all matters relating to Child Protection in Dioceses/Religious Congregations and Seminaries.

5.2.3 As a Commission, and through its sub groups, it will:

5.2.3.1 secure a strategy for the promotion of good and safe child-care environments in all parishes and other *apostolic works throughout the Diocese/Religious Congregation in line with agreed national policies and procedures.

5.2.3.2 agree clear and unambiguous arrangements with all relevant Dioceses/Religious Congregations and Seminaries for liaison, consultation and working together regarding allegations against members of the Church.

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5.2.3.4 ensure that the Bishop/Congregation Leader receives full information relevant to Child Protection incidents together with recommendations.

5.2.3.5 receive all information relating to Child Protection matters from their Diocese/Religious Congregation.

5.2.3.6 ensure effective liaison with all relevant Statutory Agencies.

5.2.3.7 contribute to the development and review of national policies, principles and practice

5.2.3.8 advise the Bishop/Congregation Leader on welfare matters in respect of parishes, and individuals and families within parishes, who have been victims of abuse.

- 5.2.3.9 ensure arrangements are in place for the pastoral care of individuals and communities affected by child abuse.
- 5.2.3.10 support and advise on matters relating to long term arrangements for members of the Church (clergy, religious, and laity) who are known abusers of children, including the commissioning of risk assessments.
- 5.2.3.11 ensure that in all parishes and *apostolic works there is a strategy to raise awareness of and promote training in child protection matters.
- 5.2.3.12 monitor implementation of all Child Protection strategies and work plans and report regularly to the Trustees.
- 5.2.3.13 produce an Annual Report to contribute to the COPCA public Annual Report for presentation to the Catholic Bishops' Conference of England and Wales.
- 5.2.3.14 ensure that the Annual Report on the Diocese/Religious Congregation is timely, accurate and comprehensive.
- 5.2.3.15 in line with COPCA's CRB policy and procedures document, establish a small panel of 2 or 3 individuals to whom confidential reference may be made when there are disclosures from the Criminal Records Bureau which require a decision by the counter-signatory in order that an informed decision may be made to the Bishop/Religious Leader.
- 5.2.3.16 ensure the availability of training and appropriate supervision for CPC (and CPO, where applicable).
- 5.2.3.17 to assist in the selection of nominees for the role of CPC
- 5.2.4 In addition the Commission may, if necessary, set up small sub groups of its members if issues of concern require further more detailed work.
- 5.2.5 Other people with specialist knowledge may be asked to participate if necessary.

5.3 **PROCESS**

- 5.3.1 The Commission will meet regularly and no less than quarterly, for the purpose of:
 - 5.3.1.1 ensuring the effective management and *professional supervision of the Child Protection Co-ordinator and Child Protection Officer
 - 5.3.1.2 monitoring and auditing activity in implementing the Child Protection strategy across the Diocese/Religious Congregation
 - 5.3.1.3 sharing information
 - 5.3.1.4 reviewing current cases and making recommendations

5.3.1.5 establishing gaps in the development of the child protection strategy and identifying and monitoring remedial action

5.3.1.6 considering new issues/cases

5.3.1.7 reviewing national policies/procedures & providing feedback

5.3.1.8 identifying issues requiring national policy or procedure guidance

5.4 **CORE MEMBERSHIP**

5.4.1 The following key members will form the core of the Child Protection Commission. Please note that it is entirely appropriate for additional members to be invited to join Diocesan/Congregational Management Commissions if this is so decided locally. The membership that follows is the essential minimum effective membership of any Commission. An independent member with Child Protection experience and expertise will chair the Commission. Core members of the Child Protection Management Commission must bring to it experience in and contacts with specific aspects of the Child Protection process. They should cover statutory Child Protection social work, the Police and the Probation service. The membership will also include the CPC and, where applicable, the CPO, as well as a Chairperson who is independent of the Church establishment.

5.4.2 The Commission may make reference to non-members with specialist knowledge if necessary, and may appoint specific experts to act as consultants to the group in relation to individual issues or cases. Commissions will need to consider how they can ensure that they consult and involve children and young people and further work will need to be done on this to create a national policy.

5.4.3 The Commission, and the CPC/CPO in particular will need to work closely with Bishops, Vicars General and others belonging to the Church establishment in relation to both the management of individual cases and in the general implementation of Child Protection strategies and policies. Frequent and effective communication will be essential to deliver best practice.

5.4.4 However, it is essential to demonstrate beyond doubt that the decisions of the Child Protection Commission are both objective and based on the Paramountcy Principle, and also that those who are involved in initiating and managing disciplinary processes remain clearly separate from the deliberations of the Commission.

5.4.5 Therefore, it is not appropriate for anyone who may have a disciplinary responsibility for individuals working within the Church to be a member of the Commission.

5.5 BASIC TRAINING NEEDS OF COMMISSION MEMBERS

- 5.5.1 Induction into the role of the Commission, Church culture and structures, key terminology and concepts within the church.
- 5.5.2 Child Protection legislation and Government guidance.
- 5.5.3 Familiarisation with “A Programme for Action” and the role of COPCA.
- 5.5.4 Current Church Child Protection policies & procedures.
- 5.5.5 Relevant information about the implications of Canon Law for child protection.
- 5.5.6 An understanding of the barriers to disclosure of abuse and the sources and of the implications of institutional power and personal authority within the church context.