

Combined Policy and Procedure on Dealing with Convicted Sex Offenders, those convicted of other abusive activities against children and vulnerable adults and those awaiting Court Appearances on such Charges

Introduction

The Sexual Offences Act 2003 specifically and explicitly identifies in detail which sexual acts are considered to be offences (see attached appendix 3). Most offences carry a custodial sentence but some people serve a community sentence where the risk to the general public is considered to be very small.

Who are sex offenders?

Most people think of a sex offender as a lone adult male because this is the image frequently portrayed by the media. Such offenders actually represent between a third and a half of the total.

A significant number of allegations of sexual crimes are committed by young people under 18 years of age against other children and young people (between a quarter and a third).

Allegations against lone women account for up to a quarter.

Groups of offenders acting together also account for up to a quarter.

The term “sex offender” covers a wide range of individuals, from the teenage boy convicted of having sex with his underage girlfriend to the paedophile convicted of molesting dozens of youngsters. Each type of offender presents a different level of risk for committing new offences.

Offenders may be of any age and come from all socio – economic classes and professions. Research has shown that practically all will have developed their sexual desires and fantasies as a result of adverse childhood circumstances. Whilst in prison or under the control of the Probation Service, they will all have been offered to have received therapy in respect of their crimes but they are some who will claim innocence, despite conviction, and they are not forced to do this.

Studies also indicate that offenders, along with receipt of therapy treatment, need support from others to help them manage feelings that led them to commit sex crimes. Churches have played a substantial role in helping offenders return to society, rebuild relationships, overcome old behaviours and deepen their faith commitment.

However, it should be borne in mind that a number of sex offenders, no matter how strong their determination to change their behaviour, do re-offend and need help to control their behaviour by others limiting the opportunities presented to them to exercise their sexual desires. Some research indicates that sex offenders should be assisted in the same manner as people with addictions.

Policy Statement

The Christian Church has a responsibility to take everybody’s Christian beliefs seriously and the Person in Pastoral Charge and Members of **XXX Congregational Church** have a Christian duty to welcome all people into our congregation – including sex offenders and those convicted of other abusive activities against children and vulnerable adults = as we acknowledge that we are all sinners. As a Church we can support people over

their lifetime and know that the Spirit of God can promote change in individuals in a profound way. Knowing that God's love, forgiveness and grace has been extended to all who acknowledge their sin, are sincerely sorry for their sin and want to turn away from it, we wish to provide a means for all people to grow in faith in the life of this congregation.

We are instructed by Jesus to forgive others their sins just as we have been forgiven. However, we also have an obligation to:

- Protect our children and vulnerable adults
- Be mindful of the victim(s) or their family members should any convicted sex offenders or those who have been convicted of any form of abuse against children and vulnerable adults or those currently charged with such offences, attend our Church or live within our Church community.
- Be mindful not to judge but support any perpetrator's family – should they attend our Church or live within our Church community.

We propose to manage this balancing act by the implementation of the following three main interventions:

- The person in pastoral charge of **XXX Congregational Church** will carry out an assessment of risk in respect of any convicted sex offender or convicted perpetrator of any other abuse against a child or vulnerable adult or any person awaiting trial for any such offences who attends the Church, using the Risk Assessment Tool attached to this policy.
- Once the risk has been assessed, 'Boundary Agreements' may be discussed by the person in pastoral charge with the offender and implemented, as necessary,

These will:

- Protect the vulnerable groups within the congregation - most importantly the children and young people
- Restrict offenders' participation in church life (those who recognize the effect of their crimes should accept the limitations).
- Assist offenders not to re-offend and feel secure and less at risk of false accusations
- Help minimize Church Members' fears if / when they learn that a person who has committed such an offence is within the congregation.
- If a 'Boundary Agreement' is required, appropriate Members of the congregation will be identified and approached by the person in pastoral charge to act as 'chaperones' to an offender whilst in Church: to ensure that the terms of the 'Boundary Agreement' are kept; to mentor them in their spiritual journey and to befriend them, as required. Chaperones will be required to immediately report any infringement of the 'Boundary Agreement' or any concerns about the offender's behaviour to the person in pastoral charge for action to be taken, as necessary.
- Boundary Agreements will be reviewed annually by the person in Pastoral Charge and the person responsible for Safeguarding, the offender, the offenders parents or guardians in the case of a minor and a Probation Officer / Social Worker as appropriate, unless an Agreement has:
 - already been annulled due to the person charged being found guilty and imprisoned
 - Needed to be reviewed immediately after a person charged has been found guilty and received a custodial sentence

- In preparation for each review, the person in pastoral charge will complete a new 'Risk Assessment' Form and a new 'Boundary Agreement' Form will be completed and signed.

Detailed Procedures

Known Offenders

Should a convicted offender who has committed crimes falling within the scope of this policy come to worship in the Church, the following steps must be taken:

1. The person in pastoral charge must meet with the offender and / or the offender's parents / carers (if the offender is a minor) and obtain permission from the offender (parents / carers) to ascertain, confidentially, from the Probation Service / Social Services, information about the crime(s) committed.
2. Following consultation with the Probation Officer / Social Worker the person in pastoral charge must then complete a risk assessment with the offender / offender's parents / carers using the Risk Assessment Tool attached to this document.
3. The person in pastoral charge must then meet with the other person(s) and the person holding responsibility for Safeguarding matters, to form a group responsible for making a judgement as to the level of risk posed by the offender (taking into account the information provided in the Risk Assessment) and determining the clauses to be included in any 'Boundary Agreement' made necessary - if it should be judged that the offender poses a possible on-going threat to any section of the congregation.
4. If it is felt that a 'Boundary Agreement' is required, then the person in pastoral charge and person responsible for Safeguarding matters will also draw up a list of possible 'chaperones' to be approached for assistance by the person in pastoral charge who had met with the offender. Chaperones should generally be of the same sex as the offender, unless the offender is known to have a preference for 'same sex' abuses.

Person awaiting Trial for an Offence falling within the scope of this Policy

Should anyone attend the Chapel who is awaiting trial for an offence falling within the scope of this policy, then to protect both them and possibly others, person in pastoral charge should undertake a risk assessment. A 'Boundary Agreement' should be considered as per the above procedures and implemented with the person as appropriate. If the person is found 'not guilty' or the case is withdrawn, then the Boundary Agreement will immediately lapse. If the person is found guilty and imprisoned then the Boundary Agreement will be annulled but if the person is given a community sentence then the Boundary Agreement will be immediately reviewed.

Confidentiality

1. The detailed information ascertained concerning any offender will remain confidential to the person in pastoral charge and the person responsible for Safeguarding matters. Any risk assessment and original 'Boundary Agreement' will be kept in a locked unit, only accessible to the person in pastoral charge and the person responsible for Safeguarding matters, although copies will be given to the offender/parents or carers of the offender if a minor and his/her Probation Officer/Social Workers.
2. Chaperones will be given a copy of the 'Boundary Agreement' but will only be made aware of other specific information on a need to know basis.
3. If any other Members of the Chapel need to be given information, then this will be done only after consultation with the offender or offender's parents - if the offender is a minor.

Consequences of Breach of Boundary Agreement

- 1. Any breach by the offender of the 'Boundary Agreement' will a be reported to the Probation Service/Social Services and persistent infringements may result in arrangements being made to assist the offender to worship in a different type of environment e.g. same sex only meeting, adult only meeting etc.
- 2. The offender will be made aware that should any concerns be raised by any Member of the congregation in respect of behaviour that has been observed that may lead to a possible repeat of the past criminal behaviour by the offender, then this will be reported immediately to the offender's probation officer/social worker
- 3. Should any clear attempt to re-offend be made, then the police will be contacted by the person in charge of Pastoral issues.

Signature/s of Policy Auditor/s	Date of Review
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This policy will be reviewed at least annually by the Safeguarding Officer.

Policy implemented - **October 2015**

Risk Assessment Tool (To be completed by person in Pastoral Charge)

Name of offender/person charged with offence.....

Address.....

.....

.....

.....

Gender: (tick as appropriate)

male

female

Age (tick as appropriate)

an adult

a vulnerable adult

a child under 12

a child over 12

Is s/he (tick as appropriate)

employed

unemployed

at primary school

at secondary school

at 6th Form College

at college

retired

a volunteer (if so, where?).....

1. Does this person have an order against him/her prohibiting attendance at the Church?

Yes

No

ACTION: If yes, ask him/her not to attend again and inform the Probation Service/Social Services in the case of a minor under 17 years of age, of the action taken.

Is the person

A convicted offender

Currently charged awaiting trial?

2. Does the victim of the offender or person charged with the offence, attend the Chapel?

Yes

No

ACTION:

- If yes and the victim is a non-vulnerable adult, then the person in charge of pastoral issues must ascertain the feelings of the victim as to the offender’s regular presence in the Church.
- If the victim is upset by his/her presence, or the victim is a child or vulnerable adult, then the person in pastoral charge should assist the offender/person charged with the offence to find another appropriate place of worship and inform the Probation Service/Social Services (as appropriate) of the action taken.

3. What was/were the offence(s) with which the victim was successfully convicted or currently charged (if awaiting trial)? (name offence(s) and give dates)

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4. Is/are the offence(s) considered to be of low risk to the general population?

Yes

No

5. In respect of a convicted person, does the Probation Officer/Social Worker consider the offender likely to offend again?

Yes

No

ACTION:

- If no, then the person in pastoral charge should not institute any special Measures
- If yes, then the person in pastoral charge should follow the required procedure in respect of possibly implementing a ‘Boundary Agreement’ with the offender

6. Which group or groups of people has the offender targeted? (tick as many groups as appropriate)

- Girls under 12
- Girls 12 and over
- Boys under 12
- Boys 12 and Over
- Vulnerable women
- Vulnerable men
- Non-vulnerable Women of working age
- Non-vulnerable men of working age
- Elderly women
- Elderly men

7. Will the offender agree to be bound by a ‘Boundary Agreement’?

Yes

No

ACTION:

- If yes and following the correct procedures an Agreement is considered appropriate, it will be drawn up and signed by the offender, person in pastoral charge and any others as specified in the 'Boundary Agreement' document attached to this policy.
- If no, and following the correct procedures such an Agreement is felt necessary, then this should be discussed with the offender and his/her Probation Officer/ Social Worker/Parents/carers and the reasons for refusal ascertained and addressed if possible, without compromising the safety of groups within the congregation.
- If no 'Boundary Agreement' can then be signed, the offender should be assisted to worship in a more suitable environment e.g. to attend a midweek group where no persons vulnerable to his/her previous sexual desires will be in attendance.

8. Will the offender be attending Chapel on his/her own or with family members/friends?

.....

.....

.....

9. Does the offender live alone?

- Yes
- No

10. Does the offender have an existing support network?

- Yes
- No

If yes, please describe the network e.g. old school friend etc. Note: Relatives are not encouraged to be members of a Support Group as they may be reluctant

11. What is the offender's current attitude to the offence?

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12. What is the offender's current spiritual position and relationship with the Lord?

.....

.....

.....

13. How long has the offender had a Christian faith?

.....

.....
14. Has the offender attended any other Church since his/her release from custody?

- Yes
- No

If yes, what Church did s/he attend?.....

If yes, why did s/he leave?.....

15. Any other relevant information provided by the offender / relatives / Professionals / victim etc.

Name of person completing this assessment.....

Role in Church.....Date.....

Boundary Agreement - Covenant of Care Contract

This agreement is between(name of offender/person awaiting trial) and the Members of **XXX Congregational Church**.

- (name of offender/person awaiting trial and/or parent or guardian of a minor):
- will permit the person in pastoral charge to contact the Probation Service or Social Services (if the offender is a child) to seek full information about the crimes committed and to seek advice about relevant matters
- Will be able to attend **XXX Congregational Church** for the purpose of worship and to attend Prayer Meetings and Bible Studies
- Must agree to be chaperoned whilst in Church by named Members of the congregation appointed by the person in pastoral charge. (Or may be chaperoned by his/her parent(s) if the offender is a minor).
- Understands that if his/her offences were committed against children, then s/he must not engage in conversation with any child or young person or attempt to have physical contact with them, whilst in Church or its environs and agrees not to seek to contact any child belonging to the Church family in any manner at any other time
- Understands that as a minor who has offended, then s/he will be allowed to attend Junior Church and other appropriate Church activities to meet other children but only if s/he agrees to be strictly chaperoned at all times by the appointed person
- Understands that if his/her offences were committed against a vulnerable adult, then s/he must not engage in conversation with any member of the congregation falling within that descriptive category or attempt to have physical contact with them, whilst in Church or its environs and agrees not to seek to contact any such person belonging to the Church family in any manner at any other time
- Understands that if his/her offences were committed against a specific group within society, then s/he must not engage in conversation with any member of that specific group who may attend Church (e.g. young women) or attempt to have physical contact with them, whilst
- in Church or its environs and agrees not to seek to contact any member of such a group who belongs to the Church family in any manner at any other time
- Understands that if his/her offences were committed against children, s/he will be allowed to join in other Church gatherings but must not attempt to converse with any child or young person present
- Will not seek to photograph any member of the congregation without permission
- Will permit Church leaders to tell others in the congregation and any chaperones about the offender's conviction if they believe it is necessary to do so
- Will not be allowed to hold any position of authority or trust within the Church either in a paid or voluntary capacity
- Agrees to an annual review of this agreement

Failure to comply with the above clauses will result in the Probation Service/Social Services and/or the police being informed and may result in a request from the person in pastoral charge and Members to seek a different place to worship.

Signature (offender if adult or over 12 years of age if a minor)	Date
Signature Person in Pastoral Charge	Date of Review
Signature of Probation Officer or Social Worker	Date of Review
Signature of Parent or Carer if offender is a minor	Date of Review
Signature of Parent or Carer if offender is a minor	Date of Review
Signature of Parent or Carer if offender is a minor	Date of Review

Date of Agreement	
Date Agreement is to be reviewed	
Date of annulment if person charged with an offence is imprisoned	

Sexual Offences Act 2003 recognises the following as Criminal Activities:

- Rape (s.1)
- Assault by penetration (s.2)
- Sexual assault (s.3)
- Causing a person to engage in sexual activity without consent (s.4)
- Rape of a child under 13 (s.5)
- Assault of a child under 13 by penetration (s.6)
- Sexual assault of a child under 13 (s.7)
- Causing or inciting a child under 13 to engage in sexual activity (s.8)
- Sexual activity with a child (s.9)
- Causing or inciting a child to engage in sexual activity (s.10)
- Engaging in sexual activity in the presence of a child (s.11)
- Causing a child to watch a sexual act (s.12)
- Child sex offences committed by children or young persons (s.13)
- Arranging or facilitating the commission of a child sex offence (s.14)
- Meeting a child following sexual grooming etc. (s.15)
- Abuse of position of trust: sexual activity with a child (s.16)
- Abuse of position of trust: causing or inciting a child to engage in sexual activity (s.17)
- Abuse of position of trust: sexual activity in the presence of a child (s.18)
- Abuse of position of trust: causing a child to watch a sexual act (s.19)
- Sexual activity with a child family member (s.25)
- Inciting a child family member to engage in sexual activity (s.26)
- Sexual activity with a person with a mental disorder impeding choice (s.30)
- Causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity (s.31)
- Engaging in sexual activity in the presence of a person with a mental disorder impeding choice (s.32)
- Causing a person, with a mental disorder impeding choice, to watch a sexual act (s.33)
- Inducement, threat or deception to procure sexual activity with a person with a mental disorder (s.34)
- Causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception (s.35)
- Engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder (s.36)
- Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception (s.37)
- Care workers: sexual activity with a person with a mental disorder (s.38)
- Care workers: causing or inciting sexual activity (s.39)
- Care workers: sexual activity in the presence of a person with a mental disorder (s.40)
- Care workers: causing a person with a mental disorder to watch a sexual act (s.41)
- Paying for sexual services of a child (s.47)
- Causing or inciting child prostitution or pornography (s.48)
- Controlling a child prostitute or a child involved in pornography (s.49)

- Arranging or facilitating child prostitution or pornography (s.50)
- Causing or inciting prostitution for gain (s.52)
- Controlling prostitution for gain (s.53)
- Trafficking into the UK for sexual exploitation (s.57)
- Trafficking within the UK for sexual exploitation (s.58)
- Trafficking out of the UK for sexual exploitation (s.59)
- Administering a substance with intent (s.61)
- Committing an offence with intent to commit a sexual offence (s.62)
- Trespass with intent to commit a sexual offence (s.63)
- Sex with an adult relative: penetration (s.64)
- Sex with an adult relative: consenting to penetration (s.65)
- Exposure (s.66)
- Voyeurism (s.67)
- Intercourse with an animal (s.69)
- Sexual penetration of a corpse (s.70)
- Sexual activity in a public lavatory (s.71)
- Offences identified in the laws relating to Prostitution in the United Kingdom i.e. the exchange of sexual services for money is legal but a number of related activities, including soliciting in a public place, curb crawling, owning or managing a brothel, pimping and pandering, are crimes.
- It is an offence to pay for sex with a prostitute who has been “subjected to force” and this is a strict liability offence (clients can be prosecuted even if they did not know the prostitute was forced).
- It is illegal to buy sex from a person younger than 18, although the age of consent for non-commercial sex is 16.