

# **Bishops' Conference of Scotland**

## **MEMORANDUM OF UNDERSTANDING** **governing the conduct of external audits of Diocesan Safeguarding practice<sup>1</sup>**

### **Context**

The Bishops' Conference of Scotland (BCOS) is committed to supporting the ongoing development of safeguarding within the Catholic Church in Scotland. This includes both children and vulnerable adults. In 2017, as part of this commitment, the BCOS established an Independent Review Group (IRG) tasked with providing independent scrutiny of the Church's safeguarding practice in line with the McLellan Commission recommendations. The BCOS responded positively to a request by the IRG to initiate external audits of safeguarding in two of the eight Scottish Dioceses. These audits took place in 2019, carried out by the Social Care Institute for Excellence (SCIE) and Children in Scotland. As a result of the experience gained, the BCOS and the IRG agreed to establish a Memorandum of Understanding to facilitate the independent safeguarding audit programme involving the remaining six Dioceses. The purpose of the audit programme is to provide insights into the strengths and areas for improvement in safeguarding culture and practices. The results of each audit, which will be published by the IRG, will inform the wider work of the IRG, Dioceses and the BCOS.

### **External Auditors**

To carry out the independent safeguarding audits of the six remaining dioceses, the IRG will invite tender bids from suitable organisations. The successful bidder will be able to demonstrate that:

- they have a proven track record of reviewing safeguarding arrangements and policies in voluntary organisations
- they are familiar with the Scottish legal context and with data-sharing protocols
- they are familiar with the structures of the Catholic Church in Scotland
- they have the capacity (in terms of professional expertise and knowledge) to carry out an audit of dioceses within the timescale and costs agreed with the IRG and BCOS.

Before confirming their choice of external auditor, the IRG will provide a report to BCOS on the relative merits of each bid received and the reasons for their final selection. At the conclusion of each set of independent reviews, the IRG and BCOS will each evaluate the experience and discuss the selection of auditors of the next two dioceses.

### **Ethos and principles**

The focus of the audit and review activities is on learning and improvement. It is not a vehicle for singling out individuals or groups for specific shortcomings. The process, however, must be rigorous, independent, consistent and evaluative of relevant evidence. The process should emphasise working with each Diocese to highlight areas of good safeguarding practice as well as identifying areas that require to be addressed. It is an essential component of these activities that courteous and professional regard, reflecting the highest standards, is maintained at all times.

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<sup>1</sup> This is a statement of principle which will be supplemented by a detailed description of the methodology of the audit and by a Data Sharing agreement which will be shaped in the light of advice from the Information Commissioner's Office.

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## **Scope and Methodology**

While the scope of the audit will focus on an evaluation of current diocesan safeguarding practice, this may include consideration of the efficacy of recent<sup>2</sup> responses to allegations of abuse as well as reviewing current examination of any allegation of historic abuse. The auditors' report will distinguish between any evaluation of current safeguarding practice and responses to allegations of abuse and responses to historic abuse either now or in the past.

The auditors will require to access safeguarding documentation as well as agreeing a programme of interviews with the participating Diocese. This will include meetings with clergy, lay individuals or groups who work in the safeguarding system, survivors of abuse and parishioners. These meetings will deal only with matters related to diocesan safeguarding practice. Audit team members may ask for evidence of the action taken at Diocesan and Parish level from a number of relevant sources, including paper trails. Increasingly there will be an expectation that the Diocese is moving towards meeting the standards defined within the Church's safeguarding guidelines 'In God's Image'.

A positive starting point for any audit will be discussions over any Diocesan safeguarding action plans being developed as a result of the information gathered from the annual internal Diocesan audit, as well as the roles and remits of safeguarding personnel and structures at Diocesan and Parish levels. The Audit team will set out clearly the methodology to be followed in the audit and review process. Prior to the audit field visits, a clear timeline will be agreed, setting out dates of meetings, target dates and deadlines for the provision of documents, draft reports and comments on these.

## **Data Sharing Agreement**

Prior to the commencement of future Diocesan audits, the auditors will agree a Data Sharing Agreement with the IRG and the Dioceses being audited to ensure that it is legally compliant with GDPR and with the Church's own protocols while reinforcing the principles of independence, rigour and transparency. This agreement will acknowledge the legal right of individual confidentiality, particularly when working with survivors or other vulnerable groups, and the need to avoid the unnecessary sharing of sensitive personal data. It will also reflect the requirement of the audit process to respond to safeguarding issues and concerns raised by individuals or groups through a process of triangulation to check the accuracy and impact of these concerns.

## **Mediation, Arbitration and Agreement**

The audit process should provide opportunities for discussion and resolving disagreements where there may be reasonable objections that the audit process has been imbalanced, unfair, inconsistent or outwith its remit. These discussions are solely about fairness and accuracy. It is essential that high quality and open communication is maintained between the audit team and Diocesan team to reduce duplication of effort, avoid misunderstandings and potential areas of disagreement. At all times the auditors should be in regular contact with the IRG, providing written updates on the progress being made. As the commissioning body, the IRG has the responsibility to act as an arbiter to try and resolve any areas of concern. Both the

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<sup>2</sup> "recent" in this context refers to a period of three years from the date of the audit's commencement.

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auditors and the participating Diocese must adhere to agreed timelines, engage openly and provide appropriate documentation.

The auditors will share a draft report of its findings with each Diocese, inviting comments on the report's accuracy and fairness. In the event of an inability to agree the accuracy of the audit team's findings, aspects of the draft report or its conclusions, then a stepped mediation model will be followed. If a matter of concern arises prior to or during the audit visit then the lead evaluator should endeavour to address these concerns. If this is not possible, the Bishop and the lead evaluator should try to resolve any issues to ensure an effective and robust audit and review process. This should involve the audit team and diocesan representatives reflecting on the evidence base to ensure the accuracy of the reported findings. At the draft stage, discussions should try to resolve any possible anomalies through agreeing a text which is accurate, evidence-based and evaluative. The Diocese and the IRG should receive the draft report at the same time and within an agreed timescale which will allow a meaningful discussion to help address any concerns. If issues remain, then the IRG will convene a meeting involving an IRG representative, the Bishop and the lead evaluator to review any remaining areas of concern and to establish a resolution. Recognising that the IRG is the independent commissioning authority, the IRG Chair will act as the final arbiter as to when the final report will be published.

### **Published Reports**

Based on the auditors' reports on the two Dioceses, the IRG will provide evaluative comments, advice and recommendations to BCOS on the progress which is being made in meeting the standards set out in the Church's Safeguarding policy document, 'In God's Image'. The auditors' report and the IRG's comments will be published together. The Diocese(s) and BCOS may choose to publish their own responses to the auditors' report and the IRG's recommendations.