



**CHARITY COMMISSION**  
FOR ENGLAND AND WALES

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# **Inquiry Report**

## **Bristol Community Church Trust**

Registered Charity Number 1044496

# A statement of the results of the inquiry into Bristol Community Church Trust (registered charity number: 1044496) ('the charity').

**Published on 23 September 2016.**

## The charity

The charity was registered with the Charity Commission on 24 February 1995. It is unincorporated and governed by a trust deed dated 12 October 1994, as amended on 12 July 1995.

The charity's objects are:

- a. The proclamation and furtherance of the gospel of God concerning his son Jesus Christ our lord and the preaching and teaching of the Christian faith.
- b. The relief of persons who are in conditions of need hardship and distress or who are aged or sick.

On 1 May 2015, a new Charitable Incorporated Organisation (CIO), called Bourne Christian Centre, was registered with the commission (registered number: 1161520). The charity has transferred all of its assets and liabilities to Bourne Christian Centre, although at the current time the charity is still registered and can be found on the register of charities.

More details about the charity and the CIO are available on the **register of charities** ('the register').

## Background to the issues under investigation

In October 2011, the commission was notified by a congregational member of the charity that sexual abuse allegations had been made against the charity's youth pastor. Following receipt of this information and given the serious nature of the allegations, the commission opened an operational compliance case on 25 October 2011 and engaged with the charity. In order to understand more about the allegations and how they were being dealt with, the commission also engaged with the Local Authority's children's services designated person for safeguarding ('LADO'), the Churches Child Protection Advisory Service ('CCPAS')<sup>1</sup> and the police.

The commission's engagement with the charity and these parties identified that the allegations related to 2 separate incidents, which occurred in 2008 and early 2010. Through its operational engagement, the commission sought to determine whether the trustees had complied with their legal duties and responsibilities in their management of the allegations. The commission's intervention was focused on ensuring that the allegations were being properly dealt with and that there were proper systems and procedures in place to handle the allegations. In addition, the commission considered whether appropriate measures were in place to manage any potential on-going risks to the charity's beneficiaries.

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<sup>1</sup> CCPAS is an independent Christian safeguarding charity established in 1977 which provides professional advice, support, training and resources for churches and faith based charities. The charity also works to help those who are, or have been, affected by child abuse and similar issues. Further information about CCPAS is available at [www.ccpas.co.uk](http://www.ccpas.co.uk).

The initial responses and information obtained from the charity raised serious concerns about the adequacy of the safeguarding governance within the charity, particularly whether the trustees had and were taking sufficient steps to protect the charity's beneficiaries from harm. Due to these concerns, the matter was escalated to a statutory inquiry under section 46 of the Charities Act 2011<sup>2</sup> ('the inquiry') on 8 December 2011.

## Inquiry scope

In the context of safeguarding issues, the commission has a very specific regulatory role which is focused on the conduct of charity trustees and the steps they take to protect a charity and its beneficiaries. Its regulatory interest is to ensure, from a charity law perspective, that charities working with, or providing services to, vulnerable beneficiaries are acting in the best interests of those charities and complying with their duty of prudence by ensuring there are proper and adequate safeguarding policies, procedures and other appropriate measures in place. This includes charities acting properly and responsibly when dealing with incidents, allegations or complaints which raise a safeguarding concern.

The commission is not responsible for investigating or dealing with incidents of actual abuse and it does not administer safeguarding legislation. It cannot prosecute or bring criminal proceedings, although it can and does refer any concerns it has to the police, local authorities and the Disclosure and Barring Service ('DBS') which each have particular statutory functions.

Given the commission's specific regulatory role and the involvement of other agencies, the scope of the commission's inquiry was confined to ensuring the trustees had and were complying with their charity law duties in relation to the handling of the allegations and safeguarding matters more generally within the charity.

The inquiry was opened to investigate and consider the following specific matters:

- whether or not appropriate actions were taken by the trustees to mitigate any further or emerging risks to vulnerable beneficiaries following the allegations
- whether there were any current risks to the vulnerable beneficiaries
- whether the trustees were managing and mitigating risks to the charity by ensuring that appropriate safeguarding policies and procedures were in place and properly implemented, and
- how the trustees managed and continued to manage the risk to the charity's reputation in relation to the allegations

## Findings

Following the reporting of the allegations to the police, the youth pastor was subject to a police investigation and was on police bail during the initial phase of the commission's inquiry. Whilst the incidents which gave rise to the allegations of sexual abuse were said to have taken place in 2008 and 2010 and did not occur whilst the youth pastor was acting in his capacity as youth pastor for the charity, the trustees fully acknowledged that safeguarding remained relevant in the circumstances in which the alleged abuse took place.

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<sup>2</sup> The inquiry was originally opened under the then section 8 Charities Act 1993, now section 46 Charities Act 2011.

It was unclear to the trustees at this time whether the youth pastor was operating according to the provisions of the charity's safeguarding policy when the alleged abuse took place. The charity first became aware of the allegations when they were reported to the charity's senior pastor by the parents of the victim on 9 October 2011. The inquiry found that there was a delay of 6 days between the senior pastor, who was also chair of the trustees at the time, becoming aware of the allegations and reporting them to any of the other trustees (one of the 4 remaining trustees was initially informed). The full trustee body was made aware at a full trustee meeting on 30 October 2011.

The commission was notified of the allegations on 20 October 2011, at which point the charity had reported the allegations to the appropriate authorities, including the police and local authority. It appears that the senior pastor, who was acting as the charity's child protection lead at the time of the allegations, had not at first treated the allegations as a child protection issue to be dealt with under the charity's safeguarding policy, but rather had treated it as a pastoral issue that would be dealt with outside the charity's safeguarding policy.

In response to this, the trustees ordered a review of the charity's safeguarding policy to remove any misunderstanding or ambiguity around what constitutes a child protection matter and to clearly set out how any allegations should be dealt with and referred appropriately, regardless of the perception of the charity's child protection lead.

Despite the delay in reporting the matter, the inquiry established that the trustees took steps to ensure, based on engagement with the trustees and other statutory agencies, that risks to beneficiaries were minimised from the allegations and/or the youth pastor's contact with the charity. Following the reporting of the allegations, the youth pastor was suspended from all church youth work at a meeting with the senior pastor on Tuesday 11 October 2011. The inquiry established that the youth pastor continued to have access to the charity's premises for approximately 2 weeks following his suspension. The charity said this was in order to carry out other duties which included administration, leading worship and organising monthly outreach services. The trustees explained that the youth pastor was supervised during these visits and did not have any access to vulnerable beneficiaries during this 2 week period.

The youth pastor was subsequently formally suspended from all duties within the church by the trustees on 19 November 2011 pending the outcome of the police and the local authority's children's services' investigations and formally resigned from his position on 9 January 2012, ending his association with the charity.

In May 2012, the youth pastor was convicted of 2 offences of sexually touching a child and one for voyeurism, receiving a 6 month sentence suspended for 2 years. He was also ordered to sign the sex offenders register for 7 years and attend a rehabilitation programme.

During this period, the charity's senior pastor was also suspended following his arrest by the police for witness intimidation and perverting the course of justice. Whilst no charges were eventually brought against this individual, they were subject to an investigation by the charity into their conduct to examine concerns raised regarding their management of the allegations. This individual resigned from their position on 18 April 2012, although the disciplinary process continued, culminating in a disciplinary hearing which took place on 25 September 2012. The hearing found gross misconduct on the part of the senior pastor, and found that the individual would have been dismissed if they had still been an employee at the time of the hearing.

The charity engaged with the CCPAS following the reporting of the allegations to undertake a full and independent review of its safeguarding policies and procedures, the governance issues relating to the incident and what lessons could be learned. This review took place between February and July 2012. In addition, the trustees were actively taking other steps at this time to address weaknesses within the charity's policies and procedures, including the implementation of a safeguarding training plan and new procedures relating to CRB<sup>3</sup> checks.

The CCPAS audit review, undertaken between February and July 2012, identified significant weaknesses in the charity's safeguarding policies and procedures. These weaknesses included:

- at the time the allegations were reported, the charity undertook no annual review of its safeguarding policies or practices, nor did the trustees have a system in place to give assurance that the policies were complied with
- safeguarding was not a standing agenda item at trustee or leadership meetings and was not promoted well either operationally or by the charity's leadership
- there was a significant delay between the charity's child protection lead becoming aware of the allegations and them reporting the allegations to the authorities
- there was an inappropriate level of skill and awareness of safeguarding amongst the team working with children and young people and amongst the trustees, and
- the recruitment practices of the charity were inadequate and presented risks to its vulnerable beneficiaries

The CCPAS report was produced in July 2012 and detailed 54 recommendations to the charity in order to bring the safeguarding policies and procedures onto a proper footing. The CCPAS report found that the charity's safeguarding policy had not been reviewed since its adoption in June 2004 and neither had it been made openly accessible to workers or others in order to act as a useful practical guide.

In addition, the inquiry found no evidence that the charity monitored or reviewed compliance with its policies and procedures.

The charity adopted an action plan to implement all of the CCPAS's recommendations in order to embed compliance with legal requirements and to assist the trustees in complying with their duty to act in the best interests of the charity. In January 2013 the commission requested and received a copy of the charity's action plan which detailed the charity's progress made against the recommendations and the trustee's plans for completion. In March 2013, the charity submitted to the commission an update on their progress against the action plan and a copy of the latest version of their safeguarding policy. At this point, many of the recommended actions had been completed, although some significant actions were still in progress. Further updates followed during 2013, resulting in the completion of the majority of the critical and high priority actions under the safeguarding section.

The commission's inquiry was kept open to monitor the progress made by the trustees in respect of the outstanding items in the action plan and ensure full implementation of the recommendations.

The charity completed the implementation of all of the recommendations from the CCPAS review at the end of 2015 and has more recently undertaken a further self-audit of the charity's safeguarding policy to ensure compliance with relevant legal standards and best practice.

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<sup>3</sup> CRB checks have now been superseded by DBS checks.

## Conclusions

The commission has concluded that reasonable steps were not being taken at the time the safeguarding incidents occurred (up to and including 2011) by the charity's trustees to protect beneficiaries, which constituted misconduct and mismanagement. There were a number of deficiencies in the charity's safeguarding policies, procedures and practice which subjected the charity's vulnerable beneficiaries to undue risk.

The commission acknowledges that the trustees subsequently worked to implement improvements to its safeguarding policies and procedure during the course of this inquiry and fully co-operated with the commission and the other agencies involved in these matters. The trustees acted responsibly in implementing the recommendations of the CCPAS review. However, the full implementation of all the recommendations, which took until the end of 2015 to complete, should have been delivered with greater pace.

Each of the weaknesses in the charity's safeguarding policies and procedures which were identified in the CCPAS review have now been addressed appropriately by the trustees, with full implementation of the recommendations from this report. The commission is now satisfied that the initial regulatory concerns have been adequately addressed through the implementation of the action plan and that appropriate policies and procedures are in place to ensure that vulnerable beneficiaries are protected and risks are managed appropriately. The trustees have also provided evidence and assurances to the commission that the charity has mechanisms in place to assure the trustees that its safeguarding policies and procedures are being complied with and that the trustees will ensure that its safeguarding policies and procedures remain adequate in the future.

## Regulatory action

In May 2012 the commission recommended that the charity appoint additional trustees, prior to the impending resignation of 2 trustees which would have resulted in the trustee board being inquorate and unable to make decisions. Subsequently, 2 new trustees were appointed prior to the resignation of the other trustees.

The commission exercised its powers under s105 of the Charities Act 2011 on 25 November 2015 to allow the charity to transfer its assets and liabilities to a new Charitable Incorporated Organisation (CIO), Bourne Christian Centre. This was registered as a charity with registered number 1161520 on 1 May 2015. The former activities of the charity have now been transferred to this new legal entity, as have the safeguarding policies and procedures.

The commission also provided regulatory advice and guidance to the trustees on their duties and responsibilities and advice on the reporting of serious incidents.

The commission proactively monitored the implementation of the action plan to ensure that safeguarding risks in the charity, and subsequently the CIO, were adequately addressed by the trustees.

## Issues for the wider sector

Trustees are under a duty to act prudently and at all times to act exclusively in the best interests of their charity and to discharge their duties in accordance with their duty of care. In consequence it is essential that charities engaged with children or vulnerable people (a) have adequate safeguarding policies and procedures which reflect both the law and best practice in this area, (b) ensure that trustees know what their responsibilities are and (c) ensure that these policies are fully implemented and followed at all times. Trustees must therefore regularly review the steps that are taken to provide them with assurance on the fitness for purpose of their policies and the extent of compliance in the charity's practice with those policies.

If a charity is dealing with a safeguarding incident, as well as reporting these to the appropriate statutory agencies, it is important that the charity also reports it as a serious incident and does so as soon as possible after they become aware of them.

You should make a report if any one or more of the following things occur:

- there has been an incident where the beneficiaries of your charity have been or are being abused or mistreated while under the care of your charity or by someone connected with your charity such as a trustee, member of staff or volunteer
- there has been an incident where someone has been abused or mistreated and this is connected with the activities of the charity or charity personnel
- allegations have been made that an incident may have happened, regardless of when the alleged abuse or mistreatment took place you have grounds to suspect that such an incident may have occurred

As well as reporting to us, you must also notify the police, local authority and/or relevant regulator or statutory agency responsible for dealing with these incidents.

The commission cannot investigate or deal with the incidents of abuse or mistreatment, but it will need to make contact with the other agencies or regulators and follow up on their investigations. The commission's role is to ensure the trustees are handling the incident responsibly and going forward where necessary improved governance and controls are put in place by trustees in order to protect the charity and its beneficiaries from further harm.

For further help about safeguarding and trustee duties see the commission's guidance on **strategy for dealing with safeguarding issues in charities** and **safeguarding children and young people policy paper**.