

# A safeguarding nightmare



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## Contents

Introduction .....	1
Favour one .....	2
Demand compliance .....	3
Reduce humans to robots.....	3
Find truth at a distance.....	3
Discount self-evaluation .....	4
Treat all alike.....	5
Assume the worst .....	5
Always believe.....	6
Discount other goals .....	6
Make them wait.....	7
Maintain secrecy.....	7
Suppress dialogue .....	8
Conclusion.....	8

## Introduction

In 1848, Dr Ignaz Semmelweis was working at the maternity unit of Vienna General Hospital. He ran a short experiment in which doctors washed their hands before touching the patient and found that this simple change in behaviour cut the mortality rate for mothers from 18% to 1%. The broader medical community were offended by his suggestion that their efforts to help were causing harm, so Semmelweis was sacked and his findings ignored.

In our day, the UK Post Office scandal occurred when powerful bureaucrats acted to protect the public from abuse and their own organisation from reputational harm but failed to consider that their own systems may be faulty. Innocent lives were destroyed by the misguided actions of naïve but well-intentioned persons.

We must be brave and face the possibility that the whole edifice of our safeguarding systems across a variety of institutions and cultures which are intended to eliminate historic patterns of abuse have gone rogue and cause as well as relieve harm. How might we discern whether this is the case, or estimate the distance we have travelled down the road from sensible precautions to oppressive practices?

The first step is to create a hypothesis, to identify the component parts of an imaginary harmful system, to bring its elements out of the shadows and name them. This would then give us the ability to review practices and decide whether there is any truth in the hypothesis or not. Writing down these thoughts is no more than the first step of analysis and it serves just one purpose, that of making the implicit explicit.

The task is further simplified in this paper by using the metaphor of a nightmare. In a bad dream, truth is distorted and amplified, caricatured to create something memorable yet disturbing, to communicate emotion rather than details, to express fear rather than facts. So the intention here is to paint a horrible picture that nevertheless attempts to capture a fear, a worry, an awful possibility. Interpreting the dream and harnessing the dream power requires a further step in which the emotional driver that created the nightmare must be diluted and reframed, whilst holding on to the possibility that the disturbing image nevertheless contains some specks of truth within its grandiose and fantastic expression.

This paper does not attempt to catalogue everything that might go wrong, but rather captures a few issues that have arisen through personal contact with the safeguarding process of one organisation. Nor is it a witness statement presenting evidence of specific events, but more like a journal of private reflections and musings triggered by the events, but sometimes travelling far from their source.

So, this is not an accusation or evaluation of current practices, but a cautionary tale like those written by the Brothers Grimm. Its evil protagonists, the Unsafeguarders, look familiar, but ruthlessly pursue a distorted agenda. They are not real but have been conjured up to populate the fictional world they inhabit. Perhaps the descriptions in the paragraphs below will serve to name risk and so keep the ship from running aground or hitting the rocks. Let's hope that the horrors portrayed here are no more than the fantasies of a restless imagination.

## Favour one

Unsafeguarders focus entirely on the one human they consider the priority and count all others as collateral damage. Rather than adopting a whole system approach which first counts all humans as equal and then considers vulnerability and intersectionality, their implacable preoccupation with one means that the costs borne by others are discounted. Anyone daring to challenge the Unsafeguarder is assumed to be also operating at a binary level, supporting perpetrators or accessories at the expense of the victim, rather than seeking the welfare of all<sup>a</sup>.

The process is set into reverse when it comes to apportioning blame. Whilst a balanced system will attribute most of the guilt to the perpetrator of abuse, Unsafeguarders seek out as many well-meaning stakeholders as possible for condemnation. It is ridiculously easy to find errors when

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<sup>a</sup> Dear reader, in considering this first item on my list of errors practiced by the Unsafeguarders, you may already have forgotten about the metaphor of the nightmare. In the real world, safeguarders begin by believing the abuse survivor and prioritising their account, whilst simultaneously having regard to the group of stakeholders. The nightmare begins when this sophisticated balance is lost and the wider impact of an action is either ignored or favoured. A similar plea for a sophisticated, ethical response could be made at each of the following paragraphs, but the purpose of the paper is to paint the appalling vision of a nightmarish loss of order, sense and reason.

reviewing the actions of busy people, but Unsafeguarders go far beyond a reasonable search for ways to improve and instead, hunt down and punish everyone connected to the events. Those well-meaning people who did this rather than that are castigated for their failure to foretell the consequences of their actions and prevent the abuse occurring in the first place. Inspection regimes, public inquiries, root cause analysis, fitness to practice panels, disciplinary processes and trolling on social media pile blame on everyone connected with the incident until the perpetrator disappears.

## Demand compliance

For Unsafeguarders of the managerialist tradition, a policy or a law can cover all eventualities and resolve all situations<sup>b</sup>. Documents get longer and longer, making them less and less likely to be read or followed. The complexities of real life are simplified until they fit into one of the bullet points on the list. With every step, conscience fades, the ability to act creatively wanes and people become unable to respond to novel challenges with ethical agility. Unsafeguarders insist that others ignore the big picture, myopically select between bullet points and blindly follow the procedure. Unsafeguarders perpetuate harm by claiming that their system is thorough, fair and foolproof, so casualties are unfortunate but inevitable<sup>c</sup>.

## Reduce humans to robots

Unsafeguarders working as policy writers, trainers and managers direct their subordinates to report everything rather than empowering them to make informed choices. People defy their instructions and continue to exercise judgement and filter referrals by only referring more serious or complex situations for expert help and so falling vulnerable to criticism when things go wrong. Since well-trained subordinates can navigate a degree of complexity, attempts to micromanage them or demand they function as obedient robots within their field of competence will waste their talent. The organisations that treat their members as automata have abandoned any serious attempt to promote human flourishing.

## Find truth at a distance

Many education, health and social care professionals now recognise that assessment can only be carried out in dynamic intimacy with the person<sup>1</sup>, while the courts insist that jurors are strangers to the person on trial. Unsafeguarders draw their operating model from the courtroom and hold the view that meeting a person and getting to know them will pollute judgement and create dangerous collusion with abusers or victims. They accuse anyone who suggests that understanding emerges through relationship of cloaking their own grooming behaviours, of covering up their unconscious bias, distortion and unwarranted defence of perpetrators. They conclude that 'objective' safeguarding investigations can only be carried out by strangers, since all those who know the person are corrupted by their connection. All the sweetness and truth of friendship and intimacy is jettisoned, leaving only the bitter taste of exploitation and the stink of suspicion. Cold truth must be

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<sup>b</sup> A case can be made for strong policies, such as the following: *'Churches are unusual communities for having free access for everyone and a welcome to all-age activities. Members tend to be more trusting and uphold values such as thinking the best of people and wanting the best for them, an inclination towards optimism about people and highly valuing forgiveness and second chances. So external constraints are more important.'*

<sup>c</sup> The idea that casualties are 'unfortunate but inevitable' is one reason why the death penalty is wrong in practice even if it is not wrong in principle.

sought in the barren wasteland beyond personal relationships. Rather than welcoming the insights of those close to the person, Unsafeguarders reject all these insights and reframe them as evidence of collusion, as if all witnesses are wilfully corrupt rather than honest seekers after truth.

Unsafeguarders insist on a 'no contact' approach to professional boundaries, whilst everyone else knows it is often impractical and unhelpful, especially within communities that enjoy high network density<sup>d</sup>. The harm multiplies when this culture extends beyond therapist/client relationships to swallow volunteers and the grassroots membership of community groups and organisations. The model is too rigid to permit modification, so it subverts the whole fabric of lateral relationships within a community. Unsafeguarders direct citizens to suspect the motives of their neighbours, to avoid lending a cup of sugar lest it be interpreted as a bribe, and never deliver it to the neighbour's kitchen without a chaperone.

The 'insistence on distance' stance also means that anyone under suspicion of a safeguarding violation will be ostracised by Unsafeguarders and their allies. In attempting to maintain the purity of the evidence by maintaining social distance, the person is left without pastoral care or personal support, sometimes losing all their social networks and friendships for a year or more. The impact on dignity, social confidence and community contribution can be incalculable.

## Discount self-evaluation

One of the many paradoxes of being human is found in the area of self-evaluation. Most of the time, most people are their own severest critics and maintain an active internal process of reviewing past events and learning lessons. At the same time, humans manifest a self-destructive ability to suppress their internal critic, construct justifications and then systematically lower barriers to carrying out increasingly bad behaviour<sup>2</sup>. A few people appear as calculating predators untroubled by self-evaluation who persistently engage in deceiving victims, the community, and those investigating allegations against them. A skilful approach to safeguarding involves protecting and enhancing the process of self-evaluation where it is in evidence, and bravely confronting breakdown where necessary.

Unsafeguarders are profoundly cynical about the ability of perpetrators to learn through self-evaluation and that pessimistic stance is applied to everyone. As a result, anyone who is interviewed during an abuse investigation is also deemed to be engaged in self-deceit and defensive practices, rather than in honest reflection. Unsafeguarders pay great heed to the witness's internal process, but solely to establish their failure to make a sound judgement. When it comes to the action that follows an investigation (such as disciplinary action imposed on a frontline worker), emphasis is given to the recorded judgement handed down by the Unsafeguarder, not the self-evaluation and self-directed learning undertaken by the person under investigation. Irrespective of impact on the people caught up in their system, Unsafeguarders must have a defensible record on file of their own actions.

As the spotlight is on judgement and sanction rather than self-evaluation and growth, Unsafeguarders neglect the pastoral needs of the person under investigation or make a clumsy attempt to intervene. The whole process weakens the person's confidence in their own ability to

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<sup>d</sup> Network density is a concept that recognises that some communities have numerous, multi-layer relationships between members. For example, a small, isolated village where citizens interact as neighbours, play cricket together, run the parish council and drink in the same pub would be described as having high network density. Recognising and responding to role conflict and boundaries, confidentiality and safeguarding, communication and support all vary with network density.

evaluate and learn, and as a result, internally regulated ethical judgement gives way to fear-driven external compliance.

This process ensures that anyone under investigation quickly learns that the best response is to learn the correct answer and stick to it without betraying vulnerability or frankly admitting uncertainty. Defensiveness derives from experience - that survival depends on not providing the investigators with anything that could be 'taken down and used in evidence' against them. Unsafeguarders leave the room with a record of the person's declarations of compliance, while the person under investigation leaves cowed and submissive, and the community remains unprotected. Compliance stands in sharp contrast to the aspiration of both professional supervision and spiritual direction which can only be achieved through trust, vulnerability and reflection in a safe space. Rather than taking responsibility for the culture they create, Unsafeguarders blame the people over whom they wield power for not feeling safe.

## Treat all alike

Distinctions between events and persons disappear as Unsafeguarders insist that everyone meets the same standards and abides by the same process. Whilst the orbit of state regulation is restricted and many actions are reprehensible but not illegal, Unsafeguarders have expanded their remit, shrinking citizen autonomy and adopting the role of a second police force, eager to punish a whole range of non-criminal behaviour. The sanctions available to them have grown too, as they can trigger dismissal from employment, eviction and social banishment that is beyond the power of the judiciary. The public become unable to distinguish between moral disapproval and crime and eventually treat their own petty foibles as justification for referral to the Unsafeguarders or the police.

Unsafeguarders treat everyone within their expanded sphere of influence alike. They would like to see the people who wash the coffee cups trained in the same way as those who wash the bodies of the coffee drinkers<sup>3</sup>. Minor and major abuse is treated identically as the same tariff is applied to verbal micro-aggression and life-changing domestic violence. If there is a division, thresholds are set in absurd places, diminishing the role of everyday relationships and burdening specialists. Rather than the frontline dealing with minor matters, everything must be reported, feeding the Unsafeguarders' overweening ambition for control and growth. Once off the frontline, a rational process of escalation may deliver the most complex and serious matters to specialists further up the hierarchy, but the whole pyramid rests on sand, on the myth that people on the frontline are incapable of triage.

## Assume the worst

Instead of coproducing policies with people on the frontline, they are written by Unsafeguarders whose experience is shaped by the most egregious abuses. As the old aphorism has it, 'Extreme cases make bad law', and harm is caused across the whole of society when minor incidents trigger disproportionate and overbearing responses. Shroud-wavers justify every reduction of ordinary freedoms by appealing to the shocking reality of the most severe case, cancelling anyone who proposes a different balance point between freedom and regulation. The power of a policy is misunderstood, so that each time evil invents a new low, the media clamours 'never again' and new

rules are constructed to tell society (who already knew it was wrong) that it is wrong<sup>e</sup>. Lawmakers constantly balance restriction for the few with freedom for the many, but Unsafeguarders owe no similar allegiance to the wider society. Instead, they dream of a society where everyone is trained to suspect their neighbour and no-one has a private conversation.

Assuming the worst means that the process fails to effectively differentiate between major and minor risks and builds a process that is excessively burdensome for those involved in relatively minor infringements. This reassures the Unsafeguarders they are undertaking their work in a meticulous fashion and holds off the accusation that a lesser process was applied to someone who then went forward to commit a serious misdemeanour. In contrast, a proportionate approach that applies 'just enough scrutiny' as required would demand courage and an ability to face up to the possibility of error. A poorly calibrated system which differentiates but remains unduly burdensome for minor issues enables Unsafeguarders to offer crass reassurance, such as 'at least you are not enduring the delays, shame and punishment experienced by some of the people we investigate'.

## Always believe

In the cautionary tale *Matilda*, Hilaire Belloc considers what to do about false reports. In the first stanza, Matilda's lie was believed, and the fire brigade caused severe damage to her aunt's home; in the second, Matilda's truth was ignored, causing the loss of both home and life. Belloc advises the liar to change her ways, while, a century later, we hope to protect the dishonest and foolish from themselves as well as protecting their victims.

Social interactions are lived at the edge of trust, so we constantly strain truth out of falsehood, washing away humour and hyperbole, delusion and malice. Frontliners do this every day in the awareness that escalating the wrong thing will bring in the emergency services to douse the family portraits, while ignoring a real call for help could be fatal. A wholesome system uses a proportionate process to weed out unwarranted, trivial and vexatious reports, while the Unsafeguarders always assume the worst and so grant Matilda unlimited power to leave a trail of sodden homes and wrecked lives in her wake as vexatious complaints follow one another<sup>4</sup>, each triggering a full response, 'just in case'.

## Discount other goals

Unsafeguarders are so grandiose that they believe that theirs is the only legitimate goal and all other priorities must be subordinated to this single, great purpose. Even if an individual wishes to engage in extreme sports or overeat and has mental capacity to make unwise decisions, the people around them are going to be in trouble when things go wrong. There is no delight in risk simply for the pleasure of being alive, no honour for those who sacrifice themselves for others, no one escapes the finger of accusation. Unsafeguarders have been granted so much power that they cancel out all the achievements and close down the lives of others with a click of their fingers, deaf and blind to the pain caused by their investigative and disciplinary mechanisms.

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<sup>e</sup> Some perpetrators deny that their abusive behaviour is wrong. Their beliefs and behaviour are unlikely to be modified by crafting a new law.

## Make them wait

In a wholesome system, safeguarding experts work in creative partnership with frontline colleagues, blending the expertise of all stakeholders, sharing insights and holding risk together. Since Unsafeguarders have stolen work from the frontline and apply their most intensive bureaucracy to all, they have too much to do. The system begins to embody the aphorism, 'Judgement delayed is judgement denied' and frustrates the right to have the case dealt with within a reasonable period of time<sup>5</sup>. Unsafeguarders make accusation and then delay before setting out the particulars of the charge. They apply 'administrative sanctions' and then make the ludicrous claim that they are not a penalty. They ignore emails. Months slip by between accusation, investigation and decision. A perverted prioritisation process sets to work, through which low risk matters are treated as not urgent, so that today's effort can be devoted to riskier cases. By failing to fast-track minor issues, those involved are held in a nightmarish waiting room of suspicion and uncertainty, as if the surgeon had used his scalpel and then gone off to do something else. At worst, they abandon the patient in limbo with nothing resolved. Such delays give all appearance of callous disregard for the pain of accusation, the agony of uncertainty and the damage inflicted by imposed secrecy. Such waiting tears marriages apart, ends careers and prompts suicide, but Unsafeguarders think it is as necessary as the Viennese maternal deaths, as inevitable as the sub-postmasters' imprisonment.

When the specialists are too busy, advice-giving is sacrificed. People who otherwise would make informal contact to talk over an ambiguous situation find that they cannot get through, the advisor has no time to respond, or the response is delayed and so they are left bearing responsibility or feeling obliged to make the matter more formal than otherwise would be the case.

Timing issues also affect delayed allegations. Revelations of historic abuse permit survivors to be heard, although it is doubtful if formal investigations have much positive impact on contemporary services. In many parts of the law, claims must be brought within a defined time, known as a limitation period, to give a chance of effective investigation, but Unsafeguarders appear to have no such qualms. These matters are delicate, to be sure, and the risks are high, but, in this era of fake news, the enduring power of a single, unprovable complaint to destroy reputations, careers and lives should be limited<sup>6</sup>.

Finally here, timing issues affect those who have been found wanting. In UK law, the Rehabilitation of Offenders Act 1974 distinguishes between spent and unspent convictions, permitting some offences to pass beyond view<sup>7</sup>. In contrast, Unsafeguarders apply their regulation to a wider field of conduct, sanction on the balance of probability rather than beyond reasonable doubt and provide no mechanism for lesser misdemeanours to become spent.

## Maintain secrecy

In the healthcare professions, a fitness to practice panel will hear cases and may strike the person off their register for professional misconduct. In each case, the process and content of allegation, evidence and determination are published in order that justice may be seen to be done<sup>8</sup>. This protects the ancient right to a fair trial and proportionate punishment while pressing those in authority to uphold the standing of its citizens or give a clear rationale why this cannot be so. Unsafeguarders offer those accused of making an error no such protections<sup>9</sup>. Not only are the details of the alleged misdemeanour withheld, but also the process of investigation, decision and resolution



as the Unsafeguarders slide between tracks that in other organisations would be covered by explicit and independent processes for feedback, complaints, supervision, competence and discipline. Indeed, in a nightmarish twist, Unsafeguarders tell them they are the only one and then pledge their victims to secrecy via a non-disclosure agreement, which summarily casts them out of the community with no defence, recourse to appeal or access to support from that community.

Secrecy has a particular consequence for communications and marketing. At the heart of the system, staff may be insightful and sophisticated in addressing the complexities of keeping everyone safe whilst minimising restrictive practices. Two processes then set to work to suppress this knowledge. First, a proper approach to confidentiality means that only the people who need to know are aware of an offender's history, a witness's courage or a survivors' pain. The only time a leak is sprung in this closed system is when something goes badly wrong, whereupon safeguarders are castigated for failing in their duties. Second, Unsafeguarders shrink their message to lay people to a handful of aphorisms which are wrongly assumed to engage novices. Instead, the message sounds naïve and impractical, leaving onlookers wondering whether the specialists apply such crude analyses to their own practice.

## Suppress dialogue

Unsafeguarders frown with concentration when talking amongst themselves about the difficulties they have in creating a system which works for senior professionals charged with serious misconduct<sup>10</sup>, but then face the community with an innocent smile and a simplistic instruction. Ordinary people, whose skills as citizen ethicists<sup>11</sup> could be harnessed, are instead directed to obey, not think; to listen, not advise; to report, not discern; to sanction, not forgive. Unsafeguarders fear that if amateurs are admitted to the debate they will be rendered incapable of action, so clear instructions are preferable. Fences are maintained by assuming that anyone offering a critique has a nefarious motive underlying their questions. Silence is misconstrued as an assault on the victim and a vote for the perpetrator rather than a legitimate response to some circumstances<sup>12</sup>. All critical feedback is met with a robust defence rather than self-examination and reflection. In these ways and more, the Unsafeguarders remain inviolate.

## Conclusion

I wake up unsettled, rattled by my nightmare, disturbed by the machinations of my inner world. Surely this was an exaggeration, a distortion that could never arise amongst trained professionals who dedicate themselves to making the world a better place. I don't want to undermine the efforts of so many volunteers and hardworking people and this paper is no more than an opening reflection. Perhaps it would be possible to ask different stakeholders whether any of the paragraphs resonate with their experience to explore whether professional safeguarders have a similar perception to people caught up in the process. Meanwhile, others might be able to invert each topic listed here and describe what an excellent process would look like. There is certainly plenty of further work to do before truth can speak to power... and be heard. Then at the last, a tiny whisper, 'If any of it is true, you will be in trouble for saying it, boy, so best keep your mouth shut.'



<sup>1</sup> See, for example, D. Darley, P. Blundell, L. Cherry, J.O. Wong, A.M. Wilson, S. Vaughan, K. Vandenberghe, B. Taylor, K. Scott, T. Ridgeway, S. Parker, S. Olson, L. Oakley, A. Newman, E. Murray, D. G. Hughes, N. Hasan, J. Harrison, M. Hall, L. Guido-Bayliss, R. Edah, G. Eichsteller, L. Dougan, B. Burke, S. Boucher, A. Maestri-Banks & members of the Breaking the Boundaries Collective (23 Feb 2024): Breaking the Boundaries Collective – A Manifesto for Relationship based Practice, *Ethics and Social Welfare*, DOI: 10.1080/17496535.2024.2317618.

<sup>2</sup> Finekhor D (2008) *Childhood victimisation: Violence, crime and abuse in the lives of young people* Oxford University Press.

<sup>3</sup> In England, regulations affecting the Disclosure and Barring Service provide some guidance about which roles require which levels of check, but, in this nightmare, the Unsafeguards want everyone to be treated in the same way.

<sup>4</sup> Clauses 30 and 31 of the proposed measure ([CCM Explanatory Notes \(churchofengland.org\)](https://www.churchofengland.org)) will provide for vexatious litigants to be restrained, but this mechanism is not yet in place.

<sup>5</sup> Human Rights Act 1998, article 6 - [Human Rights Act 1998 \(legislation.gov.uk\)](https://www.legislation.gov.uk). While this legislation applies to criminal charges rather than safeguarding allegations (where the two differ), the principle is surely a duty. Delays are a shameful reality within the judicial system of England and Wales - At the end of September 2022, there were 347,820 outstanding cases in magistrates' courts. The median waiting time from offence to completion of cases in the magistrates' court in 2021 was 196 days. See [Court statistics for England and Wales - House of Commons Library \(parliament.uk\)](https://www.parliament.uk). In contrast, the Immediate Justice project requires offenders to start a community payback activity within 48 hours of referral – see [Residents impacted by antisocial behaviour will see offenders being made to pay back the community in new scheme | Nottinghamshire Police](https://www.nottinghamshire.police.uk).

<sup>6</sup> The Church of England proposes to apply a limitation period to grievances and complaints of misconduct, but not to serious misconduct.

<sup>7</sup> There is even a process permitting people subject to indefinite notification requirements under the Sexual Offences Act 2003 to be removed from the list - [GUIDANCE ON REVIEW OF INDEFINITE NOTIFICATION REQUIREMENTS ISSUED UNDER SECTION 91F OF THE SEXUAL OFFENCES ACT 2003 V3 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

<sup>8</sup> Human Rights Act 1998, article 6 requires criminal cases to be heard in public in all but the most sensitive matters.

<sup>9</sup> While the Catholic church has continued to laicize offending priests, the Church of England abandoned the practice of 'unfrocking' an offending ordained person in the Clergy Conduct Measure 2003. In July 2023, Synod approved a recommendation to reintroduce the power to depose a cleric from holy orders, but this has not yet been implemented. See [CCM Explanatory Notes \(churchofengland.org\)](https://www.churchofengland.org).

<sup>10</sup> See, for example, the Sheldon report at [emerging research findings on cdm.pdf \(sheldonretreat.com\)](https://www.sheldonretreat.com).

<sup>11</sup> The everyday ethical wisdom of ordinary people is acknowledged by considering them as Citizen Ethicists – see Bates P & Willis A 'Ethics, Integrity and Coproduction in mental health research' Chap 7 in O'Sullivan R (ed) *Moving beyond the rhetoric – research with older service users – why ethics and integrity matter*. Brighton: Emerald.

<sup>12</sup> Degerman and Bellazzi explain how silence can be the best response when the debate has become so polarised and overheated that diverse views are not being heard at all and one's speech is likely to be misconstrued. "While an individual's silence might not arrest the spread of a falsehood, it at least does not amplify it." Degerman D, Bellazzi F. Epistemic Arguments for a Democratic Right to Silence. *The Philosophical Quarterly*. 2024 Jan 18:pqad128.