CONFIDENTIALITY AND DISCLOSURE IN SAFEGUARDING INVESTIGATIONS

These procedures are global. WCCM National Committees should provide additional guidance on the need to comply with local legal and regulatory requirements in their jurisdiction. These procedures are to be read and applied in conjunction with the WCCM Safeguarding Handbook and the Safeguarding Investigations Principles and Procedures, especially as regards "need to know" provisions.

1. Purpose and Scope

This document sets out a framework for managing confidentiality and disclosure in safeguarding investigations. Its purpose is to assist WCCM staff and volunteers who become involved in safeguarding investigations to take a person-centered approach, respecting the wishes, where possible, of individuals making confidential disclosures alongside upholding safeguarding and compliance with reporting obligations under local law and best practice. This policy is intended to operate in accordance with WCCM's data Protection and Privacy Policies as well as local and regional data protection obligations under any General Data Protection Regulations.

The scope is intended to encompass investigations involving emotional, psychological, physical, spiritual and any other types of abuse. It applies particularly to cases involving power imbalance and/or multiple complainants.

Safeguarding investigations are not adversarial proceedings. Their primary purpose is protection, risk management, and accountability, not confrontation.

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2. Core Principles

All decisions about confidentiality and disclosure are guided by the following principles:

2.1 Safeguarding First

The primary goal of any investigation is the safety and wellbeing of those who raise concerns and of others who may be at risk.

2.2 Confidentiality Belongs to the Complainant

Information disclosed by complainants is confidential by default. It is not shared unless necessary for safeguarding, risk management, or a fair investigative process.

2.3 Confidentiality Is Not Absolute

Confidentiality may be limited where disclosure is strictly necessary to:

- prevent harm;

- comply with legal or regulatory requirements; or
- enable procedural fairness.

Any limitation must be justified, proportionate, and documented.

- Confidentiality will be protected where possible and information which could identify relevant individuals will be shared on a need-to-know basis.
- Anonymity will be respected where possible and appropriate, but is not absolute and cannot be guaranteed where to do so could obstruct statutory/regulatory obligations to make external referrals. If the person reporting the matter is a “mandated reporter” under the national law, then they must file the reports as required under their national law.

2.4 Procedural Fairness (Natural Justice)

A respondent has the right to:

- understand the nature of the concerns raised;
- know the behaviors alleged; and
- respond meaningfully.

This right does not extend to automatic access to complainant identities, raw testimonies, or confidential personal information.

2.5 Data Minimization and Proportionality

Only the minimum information necessary for the defined purpose is disclosed.

2.6 Protection from Retaliation and Re-traumatization

There are many reasons why vulnerable/reporting individuals may wish their concerns to be kept confidential by WCCM, such as fear of the consequences if a safeguarding concern is shared and escalated. WCCM will keep in mind when disclosing information, the potential for re-traumatization and will put in place safeguards where possible to mitigate this (e.g., providing support and counseling). All processes must actively reduce the risk of intimidation, retaliation, coercion, or re-traumatization of complainants.

3. Informed Consent

3.1 Consent at Intake

At the point of initial disclosure, complainants must be informed clearly and early:

- why information is being collected;

- how it may be used;
- what categories of information may be shared;
- what will not be shared (e.g. names, identifying details, verbatim statements);
- who may see the information (e.g. safeguarding panel, external investigator).

Consent must be documented and revisited if circumstances change.

3.2 Limits and Scope of Consent

Consent is specific, not blanket. A complainant may consent to:

- internal safeguarding review but not disclosure to the respondent; or
- anonymized, thematic disclosure only.

Consent does not automatically extend to disclosure of identifying details or raw testimony. Consent is not usually am appropriate lawful basis in a safeguarding context, because of the potentially high thresholds in this context in local and Regional General Data Protection Regulation.

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4. Collection and Handling of Information

- Minutes of investigation meetings are collected confidentially.
- Information is stored securely with access restricted to authorized safeguarding or investigative personnel.
- Raw testimonies are not disclosed outside the investigation team.

Information is collected in order to:

- assess risk;
- identify patterns of behavior;
- determine appropriate safeguarding or disciplinary action.

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5. Separating Identity from Conduct

A critical distinction must be maintained between *who* raised concerns and *what* behavior is alleged.

5.1 Normally Withheld

- names and identifying details;
- personal histories or unique circumstances;
- pastoral, spiritual, or therapeutic confidences;
- verbatim quotations;
- dates or locations that would enable identification.

5.2 Normally Disclosed (in Anonymized Form)

- specific behaviors alleged;
- approximate timeframes or general contexts;
- patterns or repeated conduct;
- general impact of the behavior.

The respondent has a right to understand the conduct alleged, but not an automatic right to know who complained.

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6. Anonymized and Behavior-Based Disclosure

6.1 Behavior-Based Framing

Disclosures must focus on behaviors and standards, not on personal narratives or accusations. They must be objective and factual, not opinion-based.

Example:

“The investigation identified repeated behaviors inconsistent with safeguarding standards, including the use of spiritual authority to shame individuals for disagreement, discouraging external support, and responding to vulnerability with ridicule or withdrawal.”

6.2 Thematic and Pattern-Based Summaries

Where possible, information is presented in aggregated, thematic form, such as:

- “Multiple complainants independently reported similar conduct over a two-year period.”

- “The behaviors occurred primarily in one-to-one and small-group contexts.”

6.3 Test for Disclosure

Before sharing any information, ask:

- Is this necessary for safeguarding or fair process?
- Is it proportionate to the purpose?
- Could the respondent reasonably infer a complainant’s identity?
- Would sharing this increase the risk of harm?

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7. Graduated Disclosure Model

A staged approach to disclosure is preferred:

Stage 1 – Notice of Concerns

- General description of behaviors of concern;
- relevant safeguarding or conduct standards;
- opportunity for initial response.

Stage 2 – Clarified Allegations

- more specific examples;
- approximate timeframes and contexts;
- still anonymized.

Stage 3 – Limited Identity Disclosure (Rare)

Only where:

- strictly required for procedural fairness;
- no reasonable alternative exists;
- a risk assessment supports disclosure; and
- safeguarding measures are in place.

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8. Disclosure to the Respondent

Disclosures to a respondent:

- are made solely to enable a fair response;
- avoid naming or identifying complainants;
- describe behaviors, not testimonies;
- use neutral, professional language.

Complainants are never required to confront or engage directly with the respondent.

Any attempt by a respondent to identify, contact, or influence complainants is a serious safeguarding policy violation.

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9. Right of Reply

The respondent must be given a meaningful opportunity to respond, including the ability to:

- address each alleged behavior;
- provide context or explanation;
- submit relevant evidence;
- identify witnesses (without speculative or intrusive inquiries).

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10. Legal or Mandatory Disclosure

Where disclosure is required by law or formal disciplinary process:

- disclose the minimum necessary information;
- The disclosing individual should satisfy themselves that there is a lawful basis for disclosure
- seek external legal or safeguarding advice;
- Where possible, complainants will be informed that confidentiality will be breached unless to do so increases that risk of harm to that individual or another party. WCCM

cannot absolutely guarantee that information will always be kept confidential or identities anonymized.

Complainants should never learn after the fact that their information has been shared.

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11. Oversight and Accountability

- All disclosure decisions are reviewed by the designated safeguarding lead or safeguarding panel.
- Pastoral or support roles are kept separate from investigative roles.

All decisions regarding what was disclosed, what was withheld, and why, must be documented.