

## **Triratna's Panel Process and Safeguarding – Questions and Answers (Part 2)**

**[Read Part 1 of this Q & A series](#)**

### **Preface**

Members of the Ethics Kula respond here to some of your questions about the Panel Process and Safeguarding. Please remember that the Ethics Kula, which includes the Safeguarding team, are Order members giving their time to try and resolve some very difficult situations that arise in our community, and the Kula certainly does not see itself as some sort of final authority on all ethical matters.

The Panel Process was devised in response to a specific case that we did not as yet have an appropriate process for dealing with, and it has served its purpose. We refer to the 'Triratna Panel Process' in this document because that was the process we developed to deal with a recent case. This should not be taken to imply that this is an established and fixed process. It is subject to review and would hopefully be used rarely. Were it to be needed again we would ensure it was adapted to fit the needs of that particular case.

In the meantime, we continue to be in dialogue with a wide range of Order members and keep our work under careful review, including how best to meet the new organisational demands we are encountering across the Order and Movement. In all this I would also like to express my gratitude for the complex and often very difficult work of the Safeguarding team.

*Saddhaloka, Chair of the College of Public Preceptors*

### **1. When you use the Triratna Panel process, why can't the burden of proof be higher than 'on the balance of probabilities'? In a criminal court it's 'beyond reasonable doubt' which seems fairer.**

The [Triratna Panel process](#) is essentially an internal disciplinary process. It is conducted on a completely voluntary basis following a serious complaint or allegation made against someone holding a position of responsibility within our community. In Triratna this is most often likely to be a member of the Order.

The Panel process we use at such times is based on a model designed to help institutions like ours meet our duties of care to people when their complaint warrants serious consideration but, as can happen, the authorities decide it's not possible to conduct a criminal trial (which would be based on proving something 'beyond reasonable doubt'.)

[You can read more detail about how the process works here](#)

The burden of proving guilt 'beyond reasonable doubt' in a criminal court lies with the prosecution, necessitating an adversarial process. By contrast the Triratna Panel process was consciously designed, in the spirit of our community, to be non-adversarial; and to make it possible for all parties to give and bring evidence that they feel is important so it can be weighed as equitably as possible.

In one important way it would be problematic to have such a high burden of proof as 'beyond reasonable doubt' for an internal disciplinary process. Assuming there is not obvious corroboration from a third party and/or the incident happened in private, 'beyond reasonable doubt' would be very difficult to prove. In effect this would always tend to weigh heavily in favour of the Order member against whom the complaint had been made, in ways which would not seem just to those who feel they have been harmed.

The consequences for any individual when a complaint against them is upheld by a panel, while potentially serious and painful, do not compare to the consequences in a criminal case, which can involve potential loss of liberty. That is why 'beyond reasonable doubt' is set as the standard in criminal cases – because the consequences of a guilty verdict are so serious.

## **2. In process designed 'on a balance of probabilities' isn't there a danger that innocent people will be found 'guilty', when it is sometimes just one person's word against another's?**

'Guilty' and 'not guilty' are terms used in criminal trials. These terms have no place in the Panel process in Triratna, which is based on civil proceedings. The word 'guilty' was used by mistake in a previous post about this. The College Chair subsequently apologised for the mistake.

Panel processes do not simply balance one person's word against another's. Built into the process is a weighing of various kinds of evidence (first-hand testimony, witness evidence, circumstantial evidence, etc.). It would be rare for a Panel to be presented with just two opposing views, given that all parties are invited to present other forms of evidence from a variety of sources. This means that the deliberations are more nuanced and complex, resulting in a 'Finding' which is more reliable because it has been drawn from a variety of different sources – not just two opposing accounts. Indeed, the Finding is always made on the basis of *consensus* between Panel members, which is also the principle on which we make decisions in the Order.

Where the balance of probabilities seems even a Panel must find in favour of the person against whom the complaint has been made.

### **3. Why is there an equation between the Panel Finding and ‘guilt’?**

There is no equation between a Panel’s ‘Finding’ and ‘guilt’.

The Panel Finding relates to how probable it is that the person against whom the complaint has been made has done whatever it is they have been accused of. This isn’t the same as ‘guilt’ in a criminal trial, which requires a higher burden of proof: ‘beyond reasonable doubt’. ([See above](#)).

In the context of a complaint made against a member of our Order it is then the responsibility of an Adjudicating Body (composed of three members of the [College of Public Preceptors](#)) to take a Panel’s Finding and examine it in the light of the ten precepts and the four vows of acceptance every Order member takes at ordination.

They then make a recommendation to the Chair and Deputy Chairs of the College about what action it would be appropriate to take, including possible probation, suspension or expulsion from the Order, based on how the Finding relates to the person’s status as an Order member.

### **4. Isn’t there a possibility that the person may not have done what was alleged?**

Yes, this is always possible. Even in a UK criminal court, where the burden of proof is ‘beyond reasonable doubt’ and the verdict is reached with the help of lawyers and a jury, there is always the possibility that what was alleged did not take place, or not precisely as alleged.

One of the ways to mitigate the risk of this is to create a procedure like the Triratna Panel process where the evidence is weighed as carefully, objectively and fairly as possible. The inclusion in the Panel of a non-Triratna legal expert trained to examine evidence and conduct such processes is also important, as is the avoidance (as far as possible) of bias.

The decision is arrived at by rigorous examination of all evidence and by consensus among Panel members, each of whom has particular expertise in their own area.

On balance the Panel approach is the safest, fairest and most robust method we could design, based as it is on processes well-established in other legally recognised contexts, and on the key ways (non-adversarial, consensual) we usually work in Triratna.

## **5. How does Safeguarding sit with Order values? Doesn't it subordinate Dharmic values to external/conventional morality?**

Safeguarding is concerned with protecting people from harm, which is a central principle both of conventional morality and of the Dharma: non-violence (*ahimsa*).

Triratna is a worldwide sangha spanning many cultures. Legal requirements vary considerably from country to country and what follows mainly relates to what is required of Triratna in the different regions of the UK. Nevertheless we hope you will find it relevant wherever you are as the Dharmic values it expresses are those of Triratna everywhere; and how we deal with allegations of ethical misconduct in any part of Triratna can have a bearing on how Triratna is viewed worldwide.

Everyone in the UK has a legal right to be kept safe from harm, abuse or neglect, insofar as it's ever possible to do so. There is a legislative framework in place to help us meet our legal requirements and do our utmost to protect children and adults at risk. There are similar laws in place in many other countries.

Safeguarding then just means putting in place procedures intended to protect children and adults at risk, and help us meet our duty of care as institutions and individuals subject to the law. This often comes in the form of Safeguarding policies, that can help guide those involved in Triratna, clarifying certain steps designed to prevent harm in a tried and tested manner.

Seen this way, Safeguarding is entirely consistent with the spirit of [the first precept](#) and our aspiration to benefit all beings, avoiding any behaviour that might compromise someone's engagement with the Dharma.

The fact that our developing focus on Safeguarding had its origins in a need to comply with external principles and laws does not mean that Safeguarding is somehow not aligned with Dharma morality. A parallel would be the legal requirements concerning the management of a Triratna charity's finances: there are strict rules in most countries around accountancy and use of institutional money which fit very well with our ethics and beliefs about how to manage our own resources skilfully.

Safeguarding also provides us with guidance for supporting people practising in our community who may have come to us with a genuine wish to change themselves but who have demonstrated a capacity to harm others in the past; for example those who have been found guilty of an offence within the criminal justice system.

We recognise that this is new and unfamiliar territory for some of us. For those who work in Centres Safeguarding is becoming as normal and helpful as fire safety

procedures. We know this because Centre Safeguarding officers contact the Triratna Safeguarding team week in, week out, on a range of challenges they face, grateful for advice from fellow Order members with specialist experience in this area.

We are continuing the significant task of translating the formal language of Safeguarding into one that resonates readily with the ways we are used to expressing our values. That's complex work and entails a good deal of sorting out of the details and practicalities that arise around often complex ethical situations. It's natural to have questions about this and we're always happy to hear thoughts and suggestions from others as this important work continues and develops.

Please get in touch at any time by emailing [safeguarding@triratna.community](mailto:safeguarding@triratna.community).

## **6. Why do we have to have Safeguarding at all? Aren't the precepts and kalyana mitrata enough?**

Triratna, like most Buddhist communities, has always had the practice of the [precepts](#) and a culture of [kalyana mitrata](#) (spiritual friendship), and in an ideal world that is, of course, all we'd need. However it is clear that over the last 51 years they have not always been enough to prevent harm; including, sometimes, harm that could have been avoided. Learning from this experience is both our duty as Buddhists and itself an expression of the first precept.

[Read about past controversy in Triratna](#)

Similarly, alongside all the things we do at our Centres every day to preserve and develop harmony in our community, we can see Safeguarding policies as a detailed practical application of the first precept. They sit in relationship both to practice and friendship and also to other useful supports such as grievance procedures, conflict resolution and restorative processes. These can all help whenever we fall short in our practical application of friendship and ethical principles. And taken together they could be seen as constituting the beginnings of the evolution of a Triratna [vinaya](#) (a formal framework for understanding ethical conduct). Safeguarding's job is to provide us with a practical guide to how we should respond when serious harm is committed or alleged; and to how we might avoid such things arising within our sangha in the first place.

We do not want to create anything unnecessarily complicated, but clearer channels and procedures are definitely helpful. And happily, most of the time the precepts and friendship *are* enough! But serious ethical situations do arise and at these times we need the support of legislation and regulation in order to determine the best course of action and avoid placing ourselves or others outside of the law.

Safeguarding also ensures that our decision-making, at the level of our individual institutions and as a now significant international community, is both objective and externally accountable because it follows certain principles and laws. And we need to recognise that sometimes the decision-making is, of necessity, going to be taken completely out of our hands when the police need to be involved.

The origins of effective Safeguarding in Britain lie in situations where things went terribly wrong and tragedies occurred. These may seem to some of us to be far from the world of Triratna, and hopefully they always will be. So it's good that there are now regularly updated laws and regulations setting out Safeguarding requirements for all charities, including our own.

[See the current Safeguarding requirements of the Charity Commission \(England and Wales\).](#)

## **7. Will Safeguarding lead to a change of culture in Triratna?**

There are a number of ways in which Safeguarding will hopefully lead to positive change in Triratna culture. For example: good Safeguarding policies lessen the likelihood of people being harmed; and they provide guidance around supporting people practising in Triratna who may wish to change but who have demonstrated a capacity to harm others in the past.

Often when people ask this question they have in mind the practice of confession and being able to be completely honest and open with others in a study group or Order Chapter, for example when telling one's life story. They may also have concerns about how this will affect our general culture of friendliness, a cherished characteristic of Triratna life.

It's important to know that the context of confession offers no protection from the law, in the UK at least. This is something all faith groups are having to look at anew, considering questions and legal responsibilities around the disclosure in confession of information of a potentially criminal nature. There are certain things that once shared cannot be ignored.

Those of us teaching and taking a lead in Triratna activities need to be especially aware of how our own desires and attractions can influence the way we relate to people at Centres. It has become clear that it is helpful and necessary to have well-defined guidance in this area, and over the years we've developed Safeguarding policies and ethical guidelines. These should help us all to maintain our characteristically friendly culture with more awareness and clarity.

[Read the latest Triratna Safeguarding recommendations and policies](#)

We all, no doubt, have experience of everyday unskilfulness, and of contexts where communication occasionally breaks down and relationships become problematic. There is no need to rush to Safeguarding as a reference at times like this! In many situations there are a number of ways of making efforts towards harmony that are already just a normal part of Triratna culture. It could be as simple as just speaking to friends and colleagues when problems arise; catching disagreements early before they become polarised; not just letting something troubling pass or thinking of such matters as someone else's responsibility. In general this kind of thoughtful communication helps us develop a culture of greater ethical sensitivity and care, friendliness and feedback. There is no reason for a Safeguarding officer to be involved in such instances.

However, where there are concerns of potential harm to a child, or an adult who is at risk, it's important to talk promptly to a Safeguarding officer who can then address the matter directly.

## **8. What is the relationship between Safeguarding and matters of Order ethics and discipline?**

The College, and specifically the College Chair and Deputies, deal directly with all formal matters related to Order ethics and discipline.

The Safeguarding team are the first point of contact when it's clear from discussion in any Triratna situation (including discussion with someone's friends, colleagues and Private or Public Preceptors) that there needs to be more focussed consideration of a concern or complaint. The Safeguarding team are part of the Triratna Ethics Kula, to which they bring more serious complaints and which also includes members of the College and the International Order Conveners.

The Safeguarding team *never* make decisions about Order discipline.

## **9. Can we develop a pool of 'advocate Order Members' to support people in the Panel process?**

An 'advocate' is someone who speaks for a person who may not be able to represent their own needs adequately in certain formal situations.

The Panel process ([see question 1](#)) has been designed so that, if they wish, all parties (the complainant/s and the person against whom the complaint has been brought) can be accompanied at the hearing by a friend who will support them. Obviously this needs to be someone they themselves have chosen, rather than someone from a central pool.

This person does not, however, advocate on behalf of the 'party'. This is because before any such hearing has taken place all parties have already supplied the Panel with written statements, including supporting statements from anyone they wish to call as a witness or character witness.

## **10. Why aren't the members of the Panel and Adjudicating Body named publicly?**

The members of the Adjudicating Body are always either the College Chair or Deputies. If any is unavailable or has a conflict of interest another College member may deputise for them. We are not naming members of the Adjudicating body because they could be lobbied by those unhappy with their decision; and given that they have generously undertaken a difficult task few would choose, it seems only fair that they are protected from this. This is particularly important if we want anyone to be willing to take up a similar task in any future case.

To justify naming them we would have to feel it was overwhelmingly in the public interest that people know their identity. The same rationale applies to the Panel members.

## **11. Could Panel members be picked at random from the Order, in the same way that people are picked for jury service?**

As we set out in the [description of the Panel process](#) a Triratna Panel is composed of three people, each with a particular and distinct role:

1. An expert, external Chair (a non-Triratna lawyer or judge)
2. An Order Member representing the Adjudicating Body (College Chair or Deputy)
3. An Order Member with professional expertise in Safeguarding/law or any other form of expertise relevant to the nature of the allegation

The distinctiveness of the roles would therefore preclude picking OMs to serve in the way a jury is picked – although it is possible that over time a small pool of professional experts could be identified within the Order.

\*\*\*

We hope that all of the information given in this document is clarifying and helpful. We are always happy to respond to any questions or issues you may have.



For questions about the contents of this document, please email the Ethics Kula:  
[ethickula@triratna.co](mailto:ethickula@triratna.co)

For help and advice around Safeguarding, please contact the Safeguarding team:  
[safeguarding@triratna.community](mailto:safeguarding@triratna.community)