



Safeguarding with Confidence

Keeping Children and
Vulnerable Adults
Safe in the Catholic Church



Do 768



The Cumberlege Commission Report

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'Safeguarding with Confidence – Keeping Children and Vulnerable Adults Safe in the Catholic Church', The Cumberlege Commission Report.

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Foreword

Millions of people all over the world belong to the Catholic Church. They seek to serve others in the imitation of Christ. They are spiritually enriched, rewarded and comforted by the teachings enshrined in the Gospels and seek to live happy and trustworthy lives.

A very few break this trust, but those who do bring untold damage and can wreck the lives of those whom they abuse.

It has taken time for the Church to realise fully the implications of this betrayal by clergy and lay people working in the Catholic Church and to learn how to respond fairly, properly and supportively. In 2000 Cardinal Cormac Murphy-O'Connor invited Lord Nolan to set a framework for best practice and prevention to assist the Church to do just that. The last of Lord Nolan's recommendations was that his report '*A Programme for Action*', published in 2001, should be reviewed in five years time.

The task of the Cumberlege Commission has been to carry out this review.

We were invited by the Cardinal to be 'thorough, painstaking and independent and where we found progress to be inadequate to recommend change'.

We have spent a year in visiting, listening, thinking, talking, writing and praying in order to fulfil our task. We have been greatly helped by all those who came to see us or sent us evidence. To all those people and to everyone who was so generous and hospitable on our visits I, on behalf of the Commission, wish to thank you.

We have met some truly remarkable people, clergy, religious and laity who live the Gospels and inspire others to do likewise. People who take safeguarding children and vulnerable adults as a serious and sensitive subject that needs to be addressed and must not be hidden and swept away. We listened to those who have suffered deeply by the inappropriate and, on occasions, criminal activity of people whom they trusted. We have shared with them their broken lives and their determination to ensure that the future will be different, that a vigilant parish or religious community will prevent abuse and if it should take place it is detected and dealt with speedily and with care.

Although much progress has been made and the Church is now a safer place we believe there is room for improvement.

We urge the Bishops and Leaders of the Religious Congregations to reaffirm their commitment to a One Church approach and to ensure that there is one set of policies adopted by the whole church. We would like to see them take a more central leadership role in safeguarding children, young people and vulnerable adults. We are recommending the setting up of a new National Safeguarding Commission at the very heart of the organisation, which will place

them firmly in the driving seat. With transparent processes and an independent Chairman, a person recognised to be of national standing, authority will be strengthened to set the strategic direction, to provide a proper forum for debate and challenge and to call to account those who minimise the distressing consequences, the harmful impact and the anguish that follows in the wake of child abuse.

In our report we have congratulated the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) in formulating policy. Their achievements, in such a relatively short time, have been considerable. However, much of the progress has been made at national and diocesan level; as a result COPCA's reach has not really extended to the parishes where the supporting, training, and advising particularly in the prevention of abuse needs to happen. If awareness and a safe environment is all important - and it is - it is here in the parishes where children and vulnerable people live that we could have expected a greater emphasis and a stronger attempt to win over 'hearts and minds'.

So for the future we see a re-balancing of COPCA's role and a greater emphasis of co-ordinating, identifying and sharing good practice; of providing advice, organising training, overseeing and updating policies, and of being the principal liaison point between the secular world and the Church, of fitting all these pieces together - rather than a narrow policing role. And we will also expect to see a greater focus on safeguarding vulnerable adults but not at the expense of safeguarding children.

The '*paramountcy principle*' which places the child's welfare as the paramount consideration, is well established in family law but is not unequivocally accepted within the Church. There is dispute and perceived inconsistencies in its implementation particularly when it comes to the Church's response to allegations of abuse against priests. As a result some now believe that the procedures and practices adopted over the past five years leaves them particularly vulnerable and deprived of their legitimate rights under Canon Law.

We appreciate the enormous difficulties and heart searching which can take over a Bishop or Congregational Leader's life when faced with these cases. So we have addressed the issue of due process and have made detailed proposals, including introducing the opportunity for review, to strengthen the Church's procedures for investigating and managing allegations of abuse. Our goal has been to ensure a process that fits with the Church's universal laws and the concept of natural justice, a process that makes the procedures quicker, more efficient, and more transparent, a process that serves the victims of abuse and those accused of perpetrating such abuse.

Time and again we were made aware that a lively and healthy parish is the heart beat of the Catholic Church. It is here that children and young people should flourish confident that they and their parents can trust those around them. A confident parish or Religious Congregation will ensure that vulnerable people will have peace of mind knowing that they will be cared for and loved by their Christian community.

I want to thank the members of the Commission who have been outstanding in their commitment to what has been a challenging task. The amount of time and energy they have sacrificed to get this work done has been at great personal cost. They have been unstinting in sharing their expertise. They have been thoughtful, painstaking and excellent company. I particularly want to pay tribute to our Vice-Chairman Baroness Butler-Sloss for her unfailing and generous support to me in my role as Chairman.

Without the dedication, diligence and inspiration of Dr. Valerie Brasse, secretary and advisor to the Commission, this report would not be the robust publication before you. Rose Anderson has been indefatigable in her administrative support enabling all to operate smoothly and Alan Ali has looked after our communications and kept us well informed. After many intense debates we are at one with every aspect of this report – it has our unanimous endorsement.

The prime motivation for this report is that in the future the Catholic Church is confident in carrying out Christ's work and is not fearful that the organisation lacks the ability to cope with those who fail.

We have done our utmost to help those in Christ's Ministry to safeguard the vulnerable and weak, to be fair and just to those who have been abused and to be united in our belief that the love and care entrusted to us should never be betrayed.

Julia Cumberlege
Chairman of the Commission

‘...In the exercise of your pastoral ministry, you have had to respond in recent years to many heart-rending cases of sexual abuse of minors. These are all the more tragic when the abuser is a cleric. The wounds caused by such acts run deep, and it is an urgent task to rebuild confidence and trust where these have been damaged. In your continuing efforts to deal effectively with this problem, it is important to establish the truth of what happened in the past, to take whatever steps are necessary to prevent it from occurring again, to ensure that the principles of justice are fully respected and, above all to bring healing to the victims and all those affected by these egregious crimes...’

(Extract from Pope Benedict XVI's speech to the Bishops of Ireland, Rome, October 2006)

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Preface

“The Lord has anointed me; he has sent me to bring good news to the oppressed, to bind up the broken-hearted, to proclaim liberty to the captives and release to the prisoners” (Isaiah 61, 1:2). These are the words which were echoed by Jesus in Nazara as he embarked on his mission (Luke 4, 18:19).

Before returning to the Father, Jesus entrusted his mission to his disciples – “As the Father sent me, so am I sending you” (John 20:21). The same words are addressed to the Church today, which is called to go out to the weak and vulnerable, to bring good news to the poor, and healing to those suffering from wounds. Bishops, because of their pastoral role in the dioceses, and Congregational Leaders, because they are responsible for their communities are called to inspire and lead others in the way of Christ.

Being loved and being kept safe go to the very core of the Church’s ministry to children and vulnerable adults. The Church should also be a community in which abused people know they can find healing and justice and right relationships restored. This is particularly important when the abusive behaviour has come from trusted members of the community who have broken the trust placed in them. Christ came to heal the wounds of sin and division. The Church has the same mission.

The work of safeguarding people has to be seen within the overall mission of the Church: otherwise it starts to look bureaucratic and burdensome, and what should be life-affirming becomes life-draining and the community loses hope. As she seeks to protect the vulnerable and weak, the Church needs “to act justly, love tenderly and walk humbly with God” (Micah 6:8). It is a ministry of love and healing and seeks justice for all.

The Church is called to live and proclaim the good news of Jesus Christ and to transform the cultures in which Christian communities are found. The Church is called to be a sign of hope “capable of providing generations to come with reasons for living and hoping”.¹

¹ *Gaudium et spes*, 31.

1

Chapter 1

Introduction - 'What we did'

1.1 Lord Nolan's review '*A Programme for Action*' set out a blue print for child protection in the Catholic Church in England and Wales. By laying the foundations for sweeping new procedures and structures its 83 recommendations were designed to make the Church '*an example of best practice in the prevention of child abuse, in responding to it and to rebuild confidence*'.²

1.2 Although not integral to the report, it also recommended the Church consider the need for policies and arrangements to cover vulnerable adults and noted that many of the systems it proposed may be capable of extension to vulnerable adults.

1.3 In its executive summary Lord Nolan concluded:

*"Our hope is that this report will help bring about a culture of vigilance where every single adult member of the Church consciously and pro-actively takes responsibility for creating a safe environment for children and young people. Our recommendations are not a substitute for this but we hope they will be an impetus towards such an achievement."*³

1.4 Five years on, and in accordance with the last of Lord Nolan's recommendations, the Church undertook to carry out a review of its progress in implementing '*A Programme for Action*'. It is to the Church's credit that such a review was to be 'thorough, painstaking and independent'.⁴ This report is the result of that review.

Cumberlege Commission

1.5 The Cumberlege Commission, under the chairmanship of Baroness Cumberlege was established at the invitation of Cardinal Cormac Murphy-O'Connor on 11 July 2006. Baroness Butler-Sloss, a former President of the Family Division, was appointed its vice-chair. Seven lay members of the Commission were selected jointly by the Cardinal and chair of the Commission for their expertise and professional standing in the areas of child protection and vulnerable adults. Together they cover the relevant statutory and voluntary sectors though they were not selected as representatives of any one organisation. The remaining five Catholic Church members, who ensured that the Commission's work was properly grounded in the theology, strategy and everyday experience of the Church, were selected on the recommendation of the Cardinal in consultation with the Conference of Bishops and Conference of Religious. The Commission is particularly grateful to Ms Caroline Abrahams, who served on Lord Nolan's original review and was therefore able to bring some continuity to its work. A full list of Commission members and secretariat appears at Annex A.

² '*A Programme for Action*' p. 5.

³ '*A Programme for Action*' p. 43.

⁴ Cumberlege Commission Press release, 11th July 2006.

Terms of Reference

1.6 Our terms of reference were agreed as follows:

- (i) *To review the implementation of the Nolan Report ‘A Programme for Action’ both nationally and locally in the dioceses and religious congregations;*
- (ii) *To make any recommendations for change taking account of statutory and good practice developments since the publication of the Nolan review;*
- (iii) *To consider the role of the central office (COPCA) in delivering these and any outstanding Nolan recommendations.⁵*

1.7 It was never our intention, as the terms of reference make clear, to re-write ‘*A Programme for Action*’ nor to re-assess each of its 83 recommendations. Nor was it our role to investigate or adjudicate on individual cases and we have not done so. Our task was to comment on the process of implementing Nolan and on the progress made in achieving a safeguarding culture of vigilance, to identify any serious gaps or omissions and to fine tune, where necessary, the safeguarding policies and organisational structures in the light of experience on the ground and developing good practice elsewhere.

How we worked

1.8 We sought contributions to our work from all those who wished to make them. To facilitate this we established a Cumberlege Commission website (www.cumberlegecommission.org.uk) giving details of who we are and what we had been asked to do. We posted a series of open questions on the website specifically designed to address our terms of reference (see Annex B) and asked individuals to comment, in confidence, based on their experiences within, or working with, the wider Catholic Church community.

1.9 Asking these same questions, we formally invited every Bishop, Congregational Leader affiliated to the Conference of Religious and the Chairs of Diocesan Child Protection Commissions, as well as four Government Departments and 36 organisations and representative bodies to submit written evidence. The Rectors of the seven seminaries were invited to comment on whether, and how, the safeguarding of children and vulnerable adults was covered within the curriculum offered by their seminaries. (A full list of those formally invited to give evidence appears at Annex C.) Finally, each diocese was written to encouraging them to place a notice of the Commission’s remit, website and postal address in their *Ad Clerum* and parish newsletters. The deadline for receiving written submissions was extended to 15th December 2006.

1.10 Altogether we received 290 written submissions from individuals and representative bodies.

⁵ The remit of both Lord Nolan’s original review and the Cumberlege Commission covers the protection of children and young people and vulnerable adults in the dioceses and parishes of the Catholic Church in England and Wales and also in the religious congregations and the institutions that these congregations run. It does not extend to Catholic schools, which have different arrangements.

1.11 The Commission began the second stage of its review in October 2006. We met with, and took oral evidence from, leading organisations and individuals at every level, parish, diocese, religious congregation, nationally and internationally whose job it is to keep children, young people and vulnerable adults safe from harm (see Annex D). We wanted to learn from their experiences of working with the policies and structures flowing from the Nolan review over the past five years. We also heard from, or for the most part, visited each of the 22 Diocesan and four Regional Religious Child Protection Commissions around the country.

1.12 It was not possible, in the time available to us, to talk to children and young people and vulnerable adults as we would have wished. We recognise, however, the importance of doing so, and doing it with skill, so that those directly affected by the new arrangements can influence their development and delivery in the future in ways that best meet their needs to be kept safe from harm. We make a recommendation to this effect later.

1.13 Our approach throughout has been to be as open, transparent and inclusive in so far as we are able, whilst dealing with the difficult, sensitive and sometimes painful material placed before us. We agreed at the outset to list the organisations we invited formally to give evidence on our website. With this report we are also making available the written evidence they submitted unless the authors have expressly requested that we should not do so.

1.14 It is important to stress, however, that this is a voluntary, not a statutory review. Our decision to hold the oral evidence sessions in private specifically recognises the right of those who came to give evidence to have their right to privacy respected. We also wanted to do all we could to encourage people to come forward and share their experiences with us freely and openly.

1.15 We can only express our deeply felt gratitude to all those who did just that. Their comments, observations and many helpful suggestions have been invaluable. We very much hope our report does justice to what they had to say. Most of all, though we offer our sincere thanks for the work so many have done, and continue to do, to safeguard the young people and vulnerable adults in our Church communities.

1.16 Altogether the Commission met on 15 separate occasions between July 2006 and June 2007, coming together for a two day away session at Downside Abbey to consider our recommendations and draft this report. The report and recommendations reflect the unanimous views of the Commission. Together they provide a coherent rationale and a road map for the changes we believe are necessary to continue the work of making the Catholic Church a beacon of excellent safeguarding practice and one that positively and actively promotes Christ's Ministry for children, young people and vulnerable adults.

2

Chapter 2

An overview of the evidence - ‘What we found’

“Diversity of policy and practice, insufficiency of resources and a lack of national support and co-ordination will, in our view, lead to a weakened, inconsistent, and inadequate response.” Lord Nolan⁶

The positives

“I am quite confident that the one who began a good work in you will go on completing it until the Day of Jesus Christ comes” (Philippians 1, 16)

2.1 ‘A Programme for Action’ laid the foundations for sweeping new procedures and structures for responding to allegations of abuse and its prevention in the Catholic Church in England and Wales. Its aspiration was to deliver a safeguarding culture of constant vigilance. Its great strength was to emphasise to the whole Church that in the matter of child protection (and by implication the protection of vulnerable adults) it was only as strong as its weakest link. Hence, the focus on a common approach which was considered vital if everyone was to know that there could be ‘no back doors into the Church for those who wished to abuse’.⁷

2.2 A great deal has been achieved in a remarkably short time to implement the Nolan recommendations and raise the profile of child protection on local agendas. Within a year of the Conference of Bishops and Conference of Religious acceptance of the final report in 2001 the new Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) was established under the leadership of the chair of its management board Archbishop Vincent Nichols and its Director, Eileen Shearer.

2.3 It is clear from the testimonies we have received and the documentation we have analysed that COPCA’s achievements have been considerable and some would say much against the odds. We recognise that there was some good, but fairly isolated, child protection practice in the Church prior to the implementation of Nolan. However, since its establishment, COPCA has made a huge contribution to strengthening the Church’s capacity, as One Church, to keep children safe. As a result the Church has been able to demonstrate a new professionalism and greater transparency and accountability in the way it deals with child protection issues, now justly recognised by the statutory authorities, and mirrored in the establishment of new child protection structures across the dioceses and religious congregations. As the National Society for the Prevention of Cruelty to Children told us:

⁶ ‘A Programme for Action’ p. 42.

⁷ A personal communication.

“We applaud the significant achievements in implementing child protection procedures which have been made since the publication of ‘A Programme for Action’⁸

2.4 Of the 83 recommendations in ‘A Programme for Action’, 79 have been addressed either completely or partially. We shall return to the remaining four, and comment on those where there has been a significant departure from Lord Nolan’s original recommendations, later in the report.⁹ In the meantime we would wish to note for the record some of the major achievements to date:

In delivering greater transparency and accountability:

- (i) The appointment of (mostly) external Chairs of Child Protection Commissions in dioceses and religious congregations who have expertise in child protection;
- (ii) The appointment of professional staff at COPCA and in the majority of dioceses and more recently at CoR;
- (iii) The establishment of organisational lines of accountability for child protection;
- (iv) The creation and dissemination of a set of national policies, available to all via the COPCA website;
- (v) The creation of a COPCA Management Board with independent membership;
- (vi) The requirement to ensure that supervision, monitoring and support is available to all who have roles in the child protection system in the Church and who work with children at grass roots level;
- (vii) The publishing of Annual Reports for the years of 2002-2006.

In upholding and promoting the paramountcy of the welfare of the child:

- (i) All allegations of abuse are required to be reported to the statutory authorities who must decide whether a statutory investigation is required;
- (ii) All child protection cases are required to be risk assessed to inform decisions about any return to active ministry for those accused, and cases are required to be risk managed;
- (iii) There are measures in place to monitor offenders among parish congregations;
- (iv) Policies require support to be offered in cases, both to alleged victims and those accused of abuse.

⁸ NSPCC written submission.

⁹ The four recommendations still to be addressed are:

Rec 40 (consideration of a national selection board for seminary candidates).

Rec 60 (development of a whistle blowing policy).

Rec 80 (dealing with mistakes openly and learning from them).

Rec 82 (development of a brief, user-friendly parish leaflet).

*In promoting sound safeguarding practices:*¹⁰

- (i) There are new policy and procedures for recruitment and selection in line with best practice elsewhere;
- (ii) More than 55,000 CRB disclosures have been completed between the beginning of 2003 and the end of 2006;
- (iii) More than 85% of the 2400 parishes have Local Child Protection Representatives in post (as at the end of 2006);
- (iv) Around 1130 training sessions have been delivered within the Church;
- (v) 18, 000 participants have received training;
- (vi) The principles of “*Safe from Harm*” are enshrined in national policy.

In promoting good partnership working with the Statutory/Voluntary agencies:

- (i) External Chairs and statutory agency membership of Child Protection Commissions in dioceses and religious congregations;
- (ii) External, professional membership of the COPCA Management Board;
- (iii) External members of policy development working groups;
- (iv) The use of trainers and conference contributors at National Child Protection Coordinator/Officer meetings and at the National Conference;
- (v) The use of professionally qualified and competent experts to undertake independent risk assessments of clergy & religious accused of abuse;
- (vi) The provision of support to those who have suffered abuse or who have been accused of abuse from external professional organisations;
- (vii) The use of external agencies’ materials for distribution throughout parishes;
- (viii) COPCA Chairmanship of the Faith Sector Consultative Group for the Criminal Records Bureau and membership of intergovernment and leading national agencies and children’s safeguarding consortia.

In promoting the active management of risk:

- (i) The implementation of pre-CRB recruitment & selection procedures for those who work with children;
- (ii) The process of risk assessing all blemished Criminal Records Bureau Disclosures through Child Protection Commissions;
- (iii) Temporary withdrawal from role of those accused of abuse;

¹⁰ Figures made available by COPCA.

- (iv) A risk assessment of placements where the accused is withdrawn from role during an investigation or at the conclusion of a risk assessment;
- (v) Child Protection Commissions undertake risk assessment of all cases and there is the option of an independent expert risk assessment, in particular for clergy and religious;
- (vi) A written agreement (the Covenant of Care) is completed for accused clergy and religious and also for parishioners who may attend Church and pose a risk to children.

In moving towards a One Church Approach:

- (i) The COPCA Management Board contain members of both dioceses and religious congregations;
- (ii) Commissions exist in both dioceses and religious congregations and four Regional Religious Commissions have been established;
- (iii) National meetings take place with Religious Child Protection Co-ordinators as well as Diocesan Child Protection Co-ordinators and Officers;
- (iv) Bi-annual meetings of Diocesan & Regional Religious CP Commission Chairs have been established.

2.5 The Church owes an enormous debt of thanks to everyone who has been part of this work: those in the parishes, religious congregations and dioceses who willingly participated in these developments for the good of the Church, the lay members of the Diocesan and Religious Commissions whose wealth of expertise helped drive them through, the paid staff of COPCA and the unpaid volunteer members of the COPCA Management Board who have given so generously of their time. The COPCA leadership throughout this period deserves explicit recognition.

2.6 We too, would wish to reaffirm from the outset the importance of all that has been achieved and the role that safeguarding children, young people and vulnerable adults must play in the work of the Catholic Church locally and nationally. The Church is now a safer place so there can be no going back to a pre Nolan mindset; no relinquishing of the values implicit in Nolan; no reversing of the thrust of the work in this challenging area. This strongly held conviction goes to underpin our first recommendation.

Recommendation 1

The Conference of Bishops and Conference of Religious should publicly declare and renew their affirmation of the One Church approach to safeguarding children, young people and vulnerable adults through the promotion of a sustained and sustainable culture of constant vigilance.

2.7 It is a truism to say that ‘*A Programme for Action*’ was a product of its time. There can be no doubt, however, that the Nolan review was a response to the continuing adverse, predominantly media, pressures facing the Church to address the historic child abuse in its midst

and its damaging consequences. Many of the shortcomings Lord Nolan observed - the failures to recognise the extent and prevalence of abuse, the failures to scrutinise rigorously candidates for the priesthood, the failures to communicate suspicions or even proof of misconduct and the failures to heed such communications when made - stemmed from an ignorance of the very nature of paedophilia. This ignorance, he concluded, was compounded by a desire to protect the Church and its faithful from scandal and a Christian instinct to forgive the sinner. Earlier work within the Church to address some of these shortcomings – most notably Bishop Budd’s Working Party report of 1994 “*Child Abuse: Pastoral and Procedural guidelines*” - focussed on the proper response by the Church to cases of child abuse. ‘*A Programme for Action*’, which built on the foundations laid by Bishops Budd’s 1994 report, turned its attention to the prevention of abuse. Not surprisingly, it contained some unpalatable recommendations; yet all 83 recommendations were accepted almost immediately by the Conference of Bishops and Conference of Religious. With the benefit of hindsight, a more measured period of reflection, debate and genuine consensus around the report’s recommendations and the priorities for implementation, may have produced a rather different medium term outcome and, arguably, one that was more in keeping with the spirit of ‘*A Programme for Action*’.

2.8 As it is, the implementation process has been flawed. The reality of delivering Lord Nolan’s recommendations translated into so many policies and procedures by the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) and approved by the Catholic Bishops’ Conference of England and Wales (CBCEW) and the Conference of Religious (CoR) as the national policies of the Catholic Church in England and Wales has exposed a number of deeply felt tensions. Five years on and the Church can quite rightly take pride in the progress it has made and in beginning to distance itself from negative public perceptions. But the task is far from done and if the tensions that have come to the fore in this review are left unaddressed by those in the Church with the authority to deliver, we believe they risk a serious reversal of some of the important gains made to date.

2.9 What follows in this chapter is an overview of our findings from the evidence placed before us. We offer, too, our vision that the Church might set as an example of excellent safeguarding practice in another five years. In the remaining chapters we make our recommendations for change to help deliver that vision. Some of these involve fine tuning and some are of considerably greater substance and go to the very principles of natural justice – but all are designed better to address the needs and hopes of those who put their trust in the Church.

A One Church approach

2.10 ‘*Programme for Action*’ assumed that the Catholic Church operated as a functioning, hierarchical organisation capable of responding to, and implementing, a secular (in essence a social work) model of child protection and prevention.

2.11 The reality, however, is very different and many within the Church have been critical of this approach. The Church is collegiate, not a homogenous organisation working to a clearly established hierarchy with lines of accountability as generally understood by the secular

world. Authority rests with each Bishop in his diocese and each Congregational Leader in his or her congregation. Though they come together through the Conference of Bishops and as a federation in the Conference of Religious respectively, they have differing priorities and, just as importantly, different levels of resources upon which to draw.

2.12 So the Nolan prescription has compelled the Church to work in ways that are unfamiliar to it and where ‘internal’ partnership working – dioceses working with each other and congregations working with dioceses – let alone ‘external’ partnership working with the secular child protection world – has limited precedent.

2.13 The system, too, is heavily dependent on a volunteer rather than a paid employee workforce. Lord Nolan recommended the presence of at least one volunteer Local Child Protection Representative (LCPR) in each of the 2400 parishes whom he described as the very heartbeat of the community. But whilst these volunteers freely and generously give of their energy and time they need to be properly supported and trained and their capacity to do all that is asked of them, and in ways that are not just about ‘ticking the boxes’, is necessarily limited. The Criminal Records Bureau (CRB) monitoring and vetting process in particular, important as it is, has taken an enormous toll on local resources and goodwill. And it is the erosion of this goodwill which has seriously put at risk the numbers willing to undertake child protection work as well as those who volunteer to work with children, young people and vulnerable adults.

2.14 This problem has been exacerbated by the organisational and resourcing gap between national and parish levels as most of the changes that have been put in place have been at the national and diocesan level. We were told that in 2004 the cost to the dioceses of delivering the Nolan agenda – we have no comparable information for the religious congregations – was £1.1million rising to £1.2 million in 2005 but this needs to be set against total diocesan service spend.¹¹ Comparable budget figures for 2007 suggest local child protection costs amount to between 4.5 and 5.5% of this total diocesan spend.¹² Limited resources for child protection are an issue for what many mistakenly argue is not the core business of the Catholic Church. As a result the Church uses a range of people with a variety of backgrounds. Some at diocesan level have little or no experience in this complex and demanding work so it is perhaps unsurprising that the achievement of consistently good practice is proving an elusive goal.

2.15 A culture of vigilance, moreover, depends fundamentally on engaging ‘hearts and minds’ from the leadership down through to the grass roots, clergy and laity alike. Producing much needed policy documents and introducing structural changes can only go so far. Some have argued that the implementation of child protection policies and procedures has been tolerated rather than embraced because they lack any sound theological and spiritual context and the professional language they use is not the language of church communities steeped in the gospel. Many more say they are just too long, overly bureaucratic and impenetrable.

¹¹ Source: Submission of the Conference of Diocesan Financial Secretaries. This excludes the diocesan levy to the funding of COPCA which has been capped at around £330,000.

¹² Based on 2007 budget figures from 20 of the 22 dioceses.

*'It is not that the two ... are either contrary or even incompatible. It is just very difficult to grasp. The policies can appear so foreign, bureaucratic and even irrelevant'*¹³

2.16 For some therefore 'A Programme for Action' remains a report addressed to, and for, the laity. This may go some way to explaining why the cornerstone of child protection policies nationally, the 'paramountcy principle', which sets out to make the child's welfare the paramount consideration in matters concerning their upbringing, is still not yet universally accepted within the Church. Indeed there exists a misguided interpretation that sees its unequivocal adoption as a means of protecting the Church and its leaders at the expense of the accused, especially where the accused is also a priest.

2.17 This latter is indicative of a far more damaging tension that has driven a wedge between Bishops and priests. A strong and vocal lobby of priests now believe that the system for dealing with allegations against them leaves them exposed and vulnerable and is a breach of Canon Law and natural justice. They believe they can no longer count on the support of their Bishop/ Congregational Leader because they perceive the system (and by implication COPCA) as being weighted against priests. This has both eroded the trust between priests and Bishops and between religious and Congregational Leaders and has engendered a fear among them (and those in formation) of the false or malicious allegation; a fear which is tenacious and persistent despite there being no evidence of any upturn in the numbers of allegations made against priests. Addressing this concern through the introduction of a transparent and fair process that complies with Canon Law and with natural justice, and which deals with the accused with respect, is a matter of some urgency if priests are not to shun working with children and young people altogether as a way of protecting themselves.

2.18 Doing so should also bring some welcome assistance to Bishops who, in the wake of a succession of current and historical abuse allegations have had to take such difficult decisions in relation to accused priests and have had to respond to, and shoulder, the emotional trauma of those allegations for the victim and the community. The increasingly stressful lives of Bishops, and the pressures they face in this and other areas, with little in the way of peer support and formal leadership preparation and development offered by the Church has been commented on recently:

*"As well as the emotional tragedy associated with the crime and the allegations the turmoil at parish level can be considerable. Even if allegations against a priest do not proceed to trial, it may not be appropriate for him to return to the parish, for reasons that must remain confidential. This causes upset among a congregation who invariably blame the Bishop."*¹⁴

2.19 We received far fewer direct communications from survivors of abuse and their families. For some victims the life long damage they suffer in the wake of their experience results in such a loss of confidence in the Church that trust has been replaced by positive distrust of

¹³ Sr Jane Bertelsen, Religious Leader, Franciscan Missionaries of the Divine Motherhood.

¹⁴ Tom Horwood, 'Tending the Shepherds', the Tablet, 12th May 2007.

any initiative associated with the Church. Those we did hear from, and those who spoke on their behalf, have given evidence as to the continuing tension that victims experience between the perceived requirements of insurers and lawyers to protect the financial interests of the Church and their own need to tell their story and be listened to with compassion and empathy, to receive an apology and be provided with appropriate pastoral care and support.

2.20 Religious congregations were a late addition to the diocesan led thinking and recommendations underpinning the Nolan review. Five years later they continue to be so. The very nature and diversity of these religious congregations – there are about 300 affiliated to the Conference of Religious from international orders to small contemplative communities - bring with it a particular challenge to the One Church approach. That the Conference of Bishops and Conference of Religious came together for the very first time to deliver the safeguarding agenda is a credit to Lord Nolan’s vision but in no way lessens the complexity of the task. Nor is there much visible evidence that this collaborative leadership has been sustained. The four Regional Religious Commissions (themselves something of a compromise) have only just been established whilst uptake among the religious of the national policies is hugely variable. It is slower and more grudging in some places, especially among those congregations whose concerns are not primarily with children or vulnerable adults but whose apostolic work comes under the broader definition of ‘active ministry’; others are more willing to engage with the new processes than their diocesan counterparts. Substantial inputs of support and training are required to enable all religious congregations, given their diversity and later inclusion, to embrace the One Church approach.

2.21 Ultimately, Lord Nolan’s prescription for a culture of constant vigilance depends on the Church at every level taking ownership of the safeguarding agenda. Responsibility for driving that agenda, however, belongs firmly with the Bishops, because they are the chief shepherds for their communities, and Congregational Leaders who have similar responsibilities within their own religious congregations. Yet it is clear from the evidence before us that the will needed to do so is patchy. In part this is due to a growing confidence – some would say complacency - that with the establishment of COPCA child protection has been adequately addressed. In part it is due to a lack of preparation and a willingness to train and be trained. We are concerned that five years after Lord Nolan reported Bishops and Congregational Leaders may be minimising the distressing consequences, the harmful impact and the anguish that follows in the wake of child abuse. This, coupled with some resistance to change and a fear and suspicion that the authority of the leadership is being undermined, has impeded the delivery of consistently good – let alone excellent – safeguarding arrangements.

COPCA

2.22 Our terms of reference specifically ask us to consider the role of COPCA in implementing ‘*A Programme for Action*’ and we cite many of its significant achievements at the beginning of this chapter. But we have a number of observations to make here about its approach and its relationships within the Church that will have a bearing on our recommendations for going forward.

2.23 Many in the Church use the terms ‘COPCA’ and ‘child protection’ interchangeably. Confusion as to COPCA’s role (both within and beyond COPCA) has meant that it has tended to fill the vacuum left by the Church leadership in driving the child protection agenda. This is certainly the perception of some clergy and laity who refer to COPCA’s rigid and directive approach in seeking compliance with what COPCA rightly points out are nationally agreed policies and procedures. The view that COPCA has exceeded its mandate to advise and support, and that it leads from the top without taking on board developments already in train locally, goes some way to explaining why COPCA is not universally popular. This, coupled with the fact that child protection is profoundly challenging, may just mean that COPCA has become a focus for the sadness, anger and frustration that many understandably feel in the Church about having to confront these issues at all. As a result COPCA has at times been unfairly scapegoated when things go wrong. The structures within which COPCA operates, and to which we will return, may also work to exacerbate this tendency.

2.24 In his report Lord Nolan envisaged the following functions for a central unit:

- Provide advice and consultation to the Conferences of Bishops and of Religious on the protection of children and vulnerable adults
- Co-ordinate the development of national policies and procedures
- Collect and disseminate good practice
- Facilitate child protection training and awareness raising
- Monitor the effectiveness of arrangements locally and secure improvements where necessary
- Establish and maintain the central confidential database of information
- Liaise with statutory agencies (including the Criminal Records Bureau)

2.25 Taking these in turn the evidence suggests that:

(i) COPCA has consistently provided advice and consultation to the two Conferences on the protection of children, but to a much lesser extent on the protection of vulnerable adults, as it would be the first to acknowledge. Safeguarding vulnerable adults now needs serious attention.

(ii) COPCA has co-ordinated and overseen the development of a range of national policies and procedures though it has taken some time for these to be introduced everywhere – let alone consistently applied. This has been a huge and demanding task. Although there is some criticism that policies are overly bureaucratic and not always user-friendly, they have provided a strong and essential foundation for the Church’s child protection going forward. A ‘pick and mix’ approach favoured by some dioceses and religious congregations in what they are prepared to follow can only go to undermine a consistent culture of vigilance.

(iii) COPCA has not yet been able to do much to collect and disseminate good practice; it will be important to address this in the future.

(iv) COPCA has facilitated child protection training and awareness raising. It has not been alone in this: some Diocesan Child Protection Commissions have done well in organising training and raising awareness in their areas. COPCA is uniquely well placed, however, to carry out these functions so far as the leadership is concerned. That it has not been able to engage Bishops and Congregational Leaders sufficiently as part of their on going formation to help them understand their leadership role in matters of safeguarding, except on an occasional basis, is a significant omission.

(v) COPCA has, to a very limited extent, monitored the effectiveness of arrangements locally and secured improvements where they have been alerted to the need for these, but there has been neither the infrastructure nor the resources to do this in a systematic or consistent way. Indeed the legitimacy of the role and mandate of COPCA to 'seek to secure the improvements where necessary' is a contested area. There are no agreed processes in place to clarify the way in which this role should be carried out short of 'naming and shaming' in the annual report. Not surprisingly this has been viewed as a response of last resort. Unless invited to do so COPCA has no authority to intervene even if it is aware of unsafe practice. This is not a sustainable position.

(vi) COPCA has established and maintained the central confidential database of information. This has been a really big task that has absorbed a lot of COPCA's resources and energies from the outset and some say distracted it from its strategic role in child protection. The extensive bureaucracy associated with fulfilling the requirements of a registered CRB body has to some extent tarnished how COPCA comes across in the other functions it performs.

(vii) COPCA has provided an important point of contact between the Church and the statutory authorities, including the CRB. In the process it has helped the Church to become better linked in with current (secular) child protection policy and practice. To ensure that the Church continues to make progress in building a culture of vigilance, these stronger links must be sustained and reinforced.

2.26 So COPCA has achieved a lot in a relatively short period of time, but there are some significant omissions and imbalances and COPCA's credibility and performance has suffered. Chronic staff shortages, especially in the two years from the autumn of 2004 when the two national child protection officer posts became, and stayed, vacant, must go a long way to explain this.

2.27 As a result COPCA's reach has really not extended to the parishes so awareness has been raised and practice improved, but not consistently at parish level. This matters because it is here, 'on the ground', where most children are. It's no coincidence that among the handful of Nolan recommendations still to be addressed either partially or fully is a recommendation for the central unit to produce a parish leaflet. This, concluded Lord Nolan, would help everyone in the Church to understand what is being done and why. Five years on and the parish pack is still awaited. In the meantime parishes/dioceses and religious congregations have not been encouraged to 'go it alone' for risk of jeopardising the One Church approach.

2.28 It has been suggested to us, too, that COPCA's failure to engage the 'hearts and minds' of the wider Church community has been in part due to a failure to communicate in the pastoral language of the Church. This is almost certainly true, but it is also the case that any organisation that engages with children must be prepared to work within the safeguarding framework of the professional world. There are many reasons why this is so, ranging from the moral/ethical to the more pragmatic. In the latter context it is worth making the following points. First, that following the Children Act 2004 the capacity of any organisation to work with children without observing the ground rules laid down by the law and its associated guidance has been significantly reduced. Second, that the Church has been through a similar experience in connection with its Catholic Schools. Overcoming early resistance to the use of professional language here has been more than rewarded by the recognition given to Catholic Schools, and the regard in which they are generally held.

2.29 We would also conclude that the priorities for implementation have been on the negatives of children's safeguarding – on responding to abuse and instigating child protection procedures partly at the expense of work to keep children safe within a more life affirming and welcoming pastoral ministry.

2.30 This message is reinforced in the annual report with its emphasis on responding to allegations of abuse and case numbers, risk management and CRB checking. What is missing is a celebration of the pastoral support work that is essential to creating safe environments and should be part of the warp and weft of good parish safeguarding arrangements. Where parishes and religious appear to do this well it has largely been under their own initiative drawing on whatever resources are at hand, often from sources outside the Catholic Church.

2.31 Finally, the emphasis on much needed and extensive policy development has been at the expense of robust and timely implementation and training plans down to local level and there has been little or no monitoring or evaluation of the effectiveness of arrangements here. The recently introduced annual self audit is an attempt to remedy this. However, by its 'tick box' nature it inevitably raises many more questions than it answers and the variable quality of the returns may demonstrate a lack of appetite and perhaps understanding of the evaluative purpose of regular monitoring and audit. It has been suggested that this Commission's own programme of nationwide visits to Diocesan and Religious Child Protection Commissions has done more to take the temperature of how things are working locally than anything that has gone before. Significantly more of this face to face contact by those whose tasks are respectively to lead, advise, support and constructively challenge will need to be done if there is to be a shift in the widely held perception that in matters of child protection at least communication tends to be one way – from the top down.

A safeguarding vision for the Catholic Church over the next five years

2.32 In moving forward and making our recommendations for change we outline our vision of the Catholic Church in England and Wales over the next five years that can truly demonstrate a renewed commitment in its approach to safeguarding children and vulnerable adults:

- (i) first and foremost that the Church community at all levels is confident in its ability to practice fully and positively Christ's Ministry towards children, young people and vulnerable adults and to respond sensitively and compassionately to their needs and keep them safe from harm;
- (ii) that there is a much greater acceptance and understanding of the importance of safeguarding children and vulnerable adults on the basis of shared values and common principles and policies which are implemented throughout the Church in England and Wales;
- (iii) that there is a clear national strategy for safeguarding children and vulnerable adults, which is owned and driven by the Bishops and Congregational Leaders with structures in place that enable regular dialogue between the Church leaders and those in the dioceses and religious congregations who are tasked with delivering the safeguarding agenda;
- (iv) that an effective mechanism, is in place through which to hold Church Leaders themselves, in both dioceses and religious congregations, accountable for ensuring that the safeguarding strategy and policies are implemented;
- (v) that all allegations against those working with children and vulnerable adults within the Church context are handled by personnel with appropriate training in managing and investigating such allegations;
- (vi) that victims and organisations speaking out for them perceive the Church as addressing allegations of abuse in an empathetic, compassionate and just manner and there is a universal understanding and acceptance that the act of forgiveness does not eliminate the consequences of a wrongdoing for those who abuse, and for the Church in whose name they profess to act;
- (vii) that accused clergy and religious are confident that the Bishops and Congregational Leaders will deal with them with respect and in a consistent manner in accordance with nationally agreed procedures, natural justice and Canon Law;
- (viii) that in five years the Church is judged by others including its own communities, the victims and perpetrators of abuse and their respective families, to be a beacon of excellent safeguarding practice.

Codes of Conduct

2.33 A safeguarding vision for the Church that depends on shared values must necessarily be grounded in its theology – the same theology that should guide the behaviour of clergy in all aspects of their everyday clerical life and Christian calling.

2.34 It is for this reason that we also recommend Codes of Conduct for all clergy, religious and lay people working within the Church. Many well established professions have found it not only useful but affirming to have such a code. A good Code will breathe freedom and energy into its practitioners. It should never be just a list of forbidden behaviours but rather

an aid to enable those who belong to a profession – or calling – to flourish. It is about ways in which they preserve their dignity whilst respecting the dignity of those with whom they work and serve.

2.35 We have not sought to draw up a Code of Conduct. This would be inappropriate as its remit should go far wider than the behaviours concerned with safeguarding children and the vulnerable, and therefore wider than the remit of this Commission. We have, however, seen some examples of Codes of Conduct operating elsewhere in the Catholic Church and would in particular commend to the Conference of Bishops and the Conference of Religious the Australian version '*Integrity in Ministry*'.¹⁵ This seeks to provide a positive and holistic context for a set of behaviours – behaviours designed '*to support good health and spiritual growth*' as well as '*those that guard against acts of professional misconduct.*' Most importantly, it is written in language that is accessible to all – clerics and lay alike – for its readership will include those that seek to put their trust in the Church as well as those who serve them.

Recommendation 2

The Conference of Bishops and Conference of Religious should develop Codes of Conduct for all clergy, non clergy religious and those who work in the service of the Church, including volunteers. Such Codes should not be confused with, and should be separate from, any 'terms and conditions' handbook for clergy or any other group of Church workers.

Key principles

2.36 Finally, we set out some key principles that guided us in our work and that we consider will assist in delivering our vision for the future by bringing about a smoother transition and better engagement of all those affected by the safeguarding agenda. As a result our recommendations for change:

- accept that it is better to work with the grain of the way the Church works than go against it; essentially this recognises that the diocese holds centre stage for each priest and bishop as does the religious congregation for each of its members;
- recognise the unequivocal adoption of the '*paramountcy principle*' in promoting and safeguarding the welfare of children;
- recognise the need to do justice to others and treat them with respect;
- reaffirm the above two principles as integral to the values of the Catholic Church;
- promote coherence between national and local arrangements;
- favour measures that promote clearer accountability and greater transparency of process;
- seek to restore the taking of personal responsibility and the exercise of personal judgement by all those who need to act within the safeguarding guidelines offered to them.

¹⁵ '*Integrity in Ministry*' A document of Principles and Standards for Catholic Clergy and Religious in Australia, June 2004. We have also seen the consultation draft of '*Integrity in the Service of the Church*' December 2006, a companion Code for lay Church workers.

3

Chapter 3

National Safeguarding Structures and Local Arrangements

3.1 We have reflected much on Lord Nolan’s reference to the parish as the heartbeat of the community and the extraordinary goodwill of those many in the parishes and religious communities who have worked so hard to make the safeguarding of children and vulnerable adults part of the every day life of the Church. Their goodwill must not be put at risk. It is they who must feel properly supported and valued in what they do; it is they who need to feel fully a part of the system, who need to have a window on what is going on so that they can become more involved and exert their influence at every level. And it is they, working in true partnership with priests and religious, and supported by their local Commissions, who need to feel fully confident in the safeguarding responsibility that is vested in each Bishop in his diocese and each Congregational Leader in his or her religious congregation. If the national and local safeguarding structures and arrangements are to make a difference in the battle for ‘hearts and minds’ they must work to reinforce these aspirations. In the following sections we look again at these structures starting with a re-assessment of COPCA’s role.

A central unit or not?

3.2 We have heard from many, particularly in the dioceses, who question the need for COPCA or something similar to continue to exist. The arguments appear to be:

- (i) the major policy task has all but been completed;
- (ii) other functions performed by COPCA could be outsourced to other providers; and
- (iii) if there remains a need for a co-ordinating role this could be undertaken by one diocese/ or religious congregation acting on behalf of the others;
- (iv) the disbanding of COPCA would release monies which could be ringfenced for safeguarding activities within the dioceses and religious congregations.

3.3 We do not share these views for a variety of reasons:

First, the task of policy development is on going – policies do not stand still, there are still major policy areas to cover (for example on vulnerable adults and whistle blowing – outstanding Nolan recommendations) and there are policies to consolidate and refresh to make them more accessible to people who are new to safeguarding, particularly in the parishes.

Second, as we have already commented, the organisation of the church is collegiate where unity, not uniformity matters, and where there is neither a structure nor mandate to call each Bishop or Congregational Leader to account.

We believe that a central unit with properly supporting management and accountability structures would provide the impetus for change and progress and, where necessary, challenge practice from a position of independence and professional authority.

Third, given that there is no mechanism for ringfencing monies locally, we doubt that this would be done without the means to call each diocese to account. The suggestion that this might be possible on a peer to peer basis, and between dioceses and religious congregations, is simply not supported by the evidence. We have been told that in practice the capacity of Bishops to hold each other to account, let alone Congregational Leaders, is limited. To rely solely on an internal peer approach to assure safeguarding arrangements in the future would seem too risky to contemplate at present – particularly given the relative newness of the safeguarding agenda in the Church and the fact that it is not considered the Church’s ‘core business’.

Fourth, a properly resourced central unit would make it easier to share good practice locally among the dioceses and religious congregations and provide an important point of contact with external safeguarding bodies.

Finally, there remains the question of the public perception of the Church’s efforts in this area. The very existence of a quasi-independent COPCA has brought some re-assurance that the Church is ‘putting its house in order’. Withdrawing this too soon – and it is our opinion that 5 years is too soon – might cause some in the wider community to call into question the Church’s commitment to safeguarding vulnerable groups.

3.4 So, in our view there must continue to be a central office for the protection of children and vulnerable adults to maintain and build on the Church’s progress in developing a culture of vigilance. But what it does, and the way it goes about its business, is just as important in the battle for the ‘hearts and minds’ of those who work as parish volunteers or as members of Diocesan and Religious Commissions and whose expertise should be valued and supported.

3.5 We have heard from witnesses and on our visits to Commissions that COPCA’s methods are just too paper driven, the language does not always resonate with the Catholic community and the policies are too detailed and bureaucratic allowing little flexibility for local circumstances. This matters and will need to be addressed, as we go on to argue in favour of a national unit which makes advice, support and training a central feature of its work.

Future role

3.6 At present COPCA attempts to offer both ‘challenge and support’. It aims to be both ‘the enforcer’ and a source of friendly but authoritative advice. In any organisation, these are difficult roles to combine in a single unit, especially one so small. To do so successfully, and on an issue as complex and sensitive as children and vulnerable adults’ safeguarding, demands great skill from those concerned. It also requires a really strong mandate. With hindsight, COPCA’s attempt to take on both these roles was brave but probably unrealistic.

The need for continued ‘top down’ challenge

3.7 Yet there is a clear need for regular ‘top down challenge’, a need to hold people to account, as there is in any organisation – particularly one in which for many, child and vulnerable adult protection is still a fairly new idea. Bishops, Congregational Leaders, Diocesan and Religious Commissions and their teams need to be reminded that they must organise their activities in ways that support effective child and vulnerable adult safeguarding, even allowing for some local flexibilities to meet local circumstances.

3.8 So we accept that a central ‘compliance mechanism’ will continue to be required, but it will need to be considerably more effective than that which is currently available to COPCA. It will also need to be delivered in ways that encourage Bishops and Congregational Leaders, overtly and confidently, to own and champion the protection of children and vulnerable adults. In our view that means it needs to be lodged near, or at the top of the Church’s organisational structure.

The need for continued – in fact for greater – support

3.9 We have already commented that many of the prerequisites for effective safeguarding are already in place in the Church, in the form of nationally agreed policies and procedures (though there is still more to do). But these are just the foundations for creating a safe environment. The really difficult challenge now facing the Church is to use these as a springboard for changing how people at all levels think about safeguarding children and vulnerable adults, so they come to behave in ways that help to prevent abuse and harm from occurring. This will also help to ensure that when abuse does occur – and it will - it can be readily discovered and the perpetrators held to account.

3.10 This is what ‘cultural change’ means in this context. Creating it is difficult and requires strong leadership. Sustaining it requires good communications, training, advice and support at all levels. At present, COPCA is trying to do all this (in co-operation with the Child Protection Commissions in dioceses and Religious Commissions) as well as carrying out the ‘compliance function’.

3.11 Our proposal for moving forward is to remove responsibility for the ‘compliance role’ from COPCA’s remit and to refocus and build on COPCA’s professional child protection skills and expertise, to provide the support, advice, training and co-ordination the Church needs at every level to properly deliver its safeguarding agenda. With the responsibility for robust scrutiny and independent challenge lodged elsewhere, as we set out below, the emphasis for the central unit in the future should be its supportive and advisory role. To reflect this shift in emphasis and style we recommend changing COPCA’s name to the Catholic Safeguarding Advisory Service (CSAS). This would not only signal a new beginning but would signpost the unit’s wider safeguarding function in moving forward rather than a narrower policing role for child and vulnerable adult protection.

Recommendation 3

The national unit's name should be changed to the Catholic Safeguarding Advisory Service (CSAS) to reflect its primary role in future as one of co-ordination, advice and support in respect of the wider job of safeguarding children and vulnerable adults.

The national unit's management and accountability arrangements

3.12 No change of name or function, however, will bring any benefits if the management and accountability arrangements in which the CSAS is expected to operate are unclear or simply inappropriate. These are criticisms we believe can fairly be made of the structures within which COPCA currently sits, at least in relation to the Conference of Bishops and the Catholic Trust for England and Wales (CaTEW) and which in our view may have impeded its performance.

3.13 We have been told that, aside from the consultative bodies, the Church's agencies essentially fall into two distinct types (though all are mandated by, and report to, the Bishops' Conference). The staff, management committees and advisory boards of those like the National Agency for Vocation and the Catholic Youth Service are all supported within CaTEW. The other agencies, for example the Catholic Education Service and the Catholic Agency for Racial Justice are independent charitable trusts with their own Trustee bodies, employing their own staff and managed as independent charities. Yet all the agencies –whether supported within CaTEW or operating as independent charitable companies- have one key aspect in common: they all report into the Bishops' Conference via one of its operating departments. Each department in turn is chaired by a Bishop who is an ex officio member of the Standing Committee of the Conference of Bishops.

3.14 COPCA's position in this respect is unique. Although Lord Nolan counselled that the central unit should be separate from the secretariat of the Bishops' Conference for the sake of expediency COPCA was set up as an agency mandated by, and reporting to, the Catholic Trust. COPCA staff are employees of CaTEW and its administration, HR, finance and property management functions are supported by CaTEW. However, COPCA alone of the Catholic agencies reports straight to the Bishops' Conference through the Chair of its management board, Archbishop Vincent Nichols and COPCA's director is line managed by a lay member of its management board rather than a member of the General Secretariat of the Bishops' Conference.

3.15 The rationale for this approach was to demonstrate and reinforce COPCA's independence from the Church. Five years ago there were sound reasons for prioritising this, above everything else. Today, things look slightly different: the Church has made progress in developing its child protection processes, but the challenge moving forward is to win 'hearts and minds' and to raise awareness and embed good practice right down to parish and local community level. We would argue that at this stage, such an extremely 'distant' position vis a vis the Church may be more of a hindrance than a help. It limits COPCA's capacity to co-opt

senior clerical champions within mainstream Church structures, it gives COPCA only one layer of scrutiny by the Bishops and one less forum for debating the strategic development of safeguarding policy as part of the Church's mainstream 'thinking' and 'doing', and it allows COPCA to be, and to be seen to be 'separate'. Since COPCA and child protection are so often conflated, this also allows child protection to be, and to be seen to be, less than fully owned by the Church.

3.16 The current management arrangements have created other problems, too, that have impacted on the day to day business of COPCA. Thus, the COPCA management board lack the independence to manage its own finances. These are overseen by the COPCA finance subcommittee with representation from CoR, CaTEW, diocesan and financial secretaries and COPCA admin staff under the chairmanship of the vice chair of the COPCA management board. But equally CaTEW have lost the ability to manage COPCA as there is no external line management relationship. In the past this has on occasion resulted in managerial stalemate with problems being referred to the finance subcommittee but rarely resolved. Although we were told that relationships have improved significantly a future managerial stalemate cannot be ruled out while reporting lines remain as they are.

3.17 It has also become clear that COPCA's policy recommendations come to the Bishops' Conference and Conference of Religious and leave as national policies of the Catholic Church in all but name alone. Because there is no real forum for debate they are usually rubber stamped through – a practice that is counter productive for everyone. It is hardly surprising then that the Bishops/Congregational Leaders on occasion only pay lip service to these as national policies.

3.18 For these reasons there is a strong case for changing the current accountability and management arrangements so that at one level the new Catholic Safeguarding Advisory Service is integrated fully into mainstream structures, just as child and vulnerable adult safeguarding must become central to how the Church thinks. To enable this to happen, and to provide peer support for the Director, encourage cross-fertilisation of ideas and better staff interaction, we are proposing that CSAS is located within one of the Departments of the Bishops' Conference. We have selected the Department of Christian Responsibility and Citizenship as the most relevant to the children and vulnerable adult safeguarding agenda for it is here that the Conference of Bishops delivers its remit to '*promote the greater good which the Church offers to humanity*' through its support for the marginalised and vulnerable. And since it is in, and through, this Department that the day to day running of CSAS will be managed it will be important to ensure that CoR can still play its full role in delivering the One Church approach. We therefore recommend that an appointed member of CoR be invited to join the Department as a permanent member to attend Department meetings where matters related to CSAS are to be discussed.

Recommendation 4

The Catholic Safeguarding Advisory Service should sit within the Department of Christian Responsibility and Citizenship of the Bishops' Conference.

Recommendation 5

An appointed member of the Conference of Religious should be invited to join the Department as a permanent member.

3.19 We understand there is shortly to be a Bishop led value for money review of CaTEW alongside an organisational review of the Bishops' Conference. These internal reviews should not be used as an excuse to delay moving the CSAS, at least *protem*, into the Department for Christian Responsibility and Citizenship. Indeed, moving the CSAS across sooner rather than later will give it an important and informed voice to help shape the outcome of the CaTEW reviews.

National Safeguarding Commission

3.20 We are equally clear that new structural arrangements must continue to allow for independence that is credible and must be seen to be so while at the same time enabling CSAS to exercise greater influence over policies and practice in the Church than is possible at present. To that end we would argue that the necessary independence is not around how it performs its function, whether as an independent agency or not, but about putting in place the checks and balances to ensure that what is done in the name of children and vulnerable adults' safeguarding is open and transparent and subject to rigorous scrutiny from those with knowledge and expertise to critically challenge where appropriate. This remains true at both national and local levels.

3.21 To enable this to happen we recommend that the existing COPCA management board is disbanded and a new National Safeguarding Commission (NSC) is established whose place in the organisation of the Church properly reflects the priority to be given by the Bishops and Congregational Leaders over the strategic direction of its safeguarding policy. Had COPCA, or its successor body, become an independent agency the NSC would have to serve as its Trustee Board and the critical focus that we believe is required in matters of strategic direction setting and policy compliance would inevitably give way to delivering charitable Trust status and financial compliance. An organisational chart showing the proposed new national structure appears in Figure 1, and a chart setting out the relationships (responsibilities and accountabilities) between the NSC, the CSAS, the Department for Christian Responsibility and Citizenship and the local Diocesan and Religious Commissions appears in Figure 2, at the end of this chapter.

3.22 Getting the right balance and skill mix between lay and Church members will be important if the NSC is to make a difference and exert sufficient external challenge. While we recognise the importance, and indeed the huge progress made as a result, of having a senior and well respected cleric at the helm of the COPCA management board it is our view

that an independent lay chair of some standing would now be better placed to steer the NSC in its role of strategy setting and monitoring compliance. We have in mind a senior and well-respected figure. Having an independent and unpaid lay chair would also mirror arrangements locally for Diocesan and Religious Commissions and reinforce his or her independence.

3.23 The new National Safeguarding Commission will be expected to demonstrate strong, open and accountable leadership in setting the strategic direction of the Church's safeguarding policy and in monitoring compliance and should not delegate responsibility for this role - intentionally or otherwise - to the Catholic Safeguarding Advisory Service or to any other body or group. In the interests of openness and transparency we have suggested that membership be extended to representative chairs of the local Commissions. The NSC's business must equally be as open and transparent as far as is possible so as not to appear inscrutable to those in the community who need to know and understand the decisions being made that will affect them.

Recommendation 6

The Catholic Safeguarding Advisory Service should report and be accountable to the Bishops' Conference and Conference of Religious through the new National Safeguarding Commission.

Recommendation 7

The National Safeguarding Commission should be chaired by a lay person of seniority and with real credibility appointed by the Conference of Bishops and Conference of Religious; there should be two vice chairs, one an appointed member of the Conference of Bishops and the other an appointed member of the Conference of Religious.

Recommendation 8

The National Safeguarding Commission should have both lay and clerical representation, including 3 Bishops (one of whom should be one of the Bishops in the Department of Christian Responsibility and Citizenship with oversight of CSAS), 3 representatives of CoR (one of whom should be the CoR member invited to join the Department of Christian Responsibility and Citizenship to oversee the running of CSAS), 3 lay Chairs of Commissions elected by all the Commissions to represent them (including one Regional Religious), and 3 additional lay members with relevant experience and knowledge.

Recommendation 9

If the Chair of the Department of Christian Responsibility and Citizenship is not also the Bishop with day to day oversight of CSAS then he should be invited to sit on the National Safeguarding Commission as an ex-officio member.

Recommendation 10

The task of appointing the National Safeguarding Commission should be carried out by the Chair and Vice-chairs. An open and transparent process, including external advertisement, should be used for the recruitment of the lay members. The skills required on the Commission should be assessed (for example safeguarding vulnerable adults and children issues, knowledge of law and employment matters) and the results used to inform the recruitment process.

Recommendation 11

National Safeguarding Commission members should be appointed to terms of 3 years and should normally be able to serve no more than two terms. A process of rotation should be applied in terms of retirement to assist continuity.

Recommendation 12

The National Safeguarding Commission should meet at least quarterly and both its agendas and minutes should be public documents, with the use of confidential annexes where appropriate. The NSC's quorum should be a third of its membership.

Recommendation 13

The Director of the Catholic Safeguarding Advisory Service should provide expert safeguarding advice to the NSC.

Standard setting and compliance monitoring

3.24 It is important to distinguish the different roles of the NSC and CSAS. Though everyone at every level has a responsibility for keeping children and vulnerable adults safe – that is what a culture of vigilance means – the NSC has a special role. Its place in the organisation of the Church, mandated by the Conference of Bishops and Conference of Religious and with accountability across dioceses and religious congregations is to ensure that standards are met and policies are implemented. The CSAS will be responsible for driving and supporting improvements in practice.

3.25 How will this be achieved? We suggest that the NSC, on advice from the CSAS, gives early consideration to standard setting and developing a number of criteria for judging how well the Church is doing and, by implication, how well local Diocesan and Religious Commissions are meeting the competencies expected of them. The use of accreditation is a way this could be achieved in the future. In the meantime we anticipate that the NSC will base their assessment on information fed back to them through regular reports and audits, evaluated by the CSAS, and supplemented by local visits. It matters, however, that both the standards set and the process for assessing how well they are met, are kept simple.

3.26 In the first year we expect that this exercise will be informed by the Cumberlege Commission's own work. Other sources of information will come to the NSC as a result of whistleblowing – the importance of issuing a whistleblowing policy that protects the interests of all concerned cannot be underestimated – as well as from CSAS supported thematic and case reviews.

3.27 In order for it to discharge its responsibility of ensuring compliance we believe the NSC should have available to it a more extensive and more graduated set of sanctions than exists at present - one that would meet the diversity of situations (in terms both of seriousness and nature) that may need to be addressed. We have already commented that naming and shaming in the annual report must be considered a last resort since it is indicative of a breakdown in relationships that may be irreversible.

3.28 Where the NSC is made aware of poor practice it will be expected to hold the diocese or religious congregation to account. Usually this will require a conversation between the NSC and the local Diocesan or Religious Commission and the relevant Bishop or Congregational Leader. The diocese/religious congregation will be expected to draw up an action plan to remedy what is wrong by a given date and will be asked to indicate what support they might need to put things right. It is possible that the NSC might seek to invite this support from another diocese or religious congregation (peer support) or from the CSAS. Precedents for similar 'turn around' teams already exist in health, schools and the police.

3.29 In time we anticipate that the CSAS will gain a considerable body of evidence from across the board to build up some good case study material as a means of disseminating good practice.

Recommendation 14

The NSC should make annual reports to the Bishops' Conference and Conference of Religious about its progress in ensuring compliance. These reports should be open documents with the use of confidential annexes where appropriate.

Recommendation 15

The NSC may commission the CSAS to undertake thematic investigations to assist it in enforcing compliance with nationally agreed policies and in making reports to the Bishops' Conference and Conference of Religious.

3.30 As part of this process of thematic investigation the CSAS should not reconsider the decision of the local Commission but should explore the process of individual cases after a conclusion has been reached, to draw out the lessons to be learned. In this way the CSAS will be carrying out a process akin to a Serious Case Review in children's services (in effect delivering Lord Nolan's outstanding recommendation 80). It is crucial, however, that in working to assist the NSC the CSAS does not in any way usurp the role of the local Diocesan or Religious Commissions in managing and responding to allegations of abuse.

Catholic Safeguarding Advisory Service functions

3.31 Overall, whilst it would be imprudent to make any hard and fast recommendation as to the proportion of resources that the CSAS should invest in investigating compliance issues for the NSC it is anticipated that the primary function of the CSAS, and hence its resources, will be used on activities designed to support the Church in developing the ‘culture of vigilance’ that Lord Nolan called for. To that end we make the following recommendations:

Recommendation 16

The Catholic Safeguarding Advisory Service should focus specifically on the following activities:

- **Providing advice to members of the Church about safeguarding issues.**
- **Overseeing and co-ordinating safeguarding training within the Church.**
- **In the shorter term completing the development of policies that Lord Nolan recommended and others that are outstanding, including policies on vulnerable adults, whistleblowing, information sharing and the national database (see below).**
- **Ensuring the Church’s policies on safeguarding children and vulnerable adults are kept up to date with good secular practice and are accessible to people at all levels in the Church, with an emphasis on people in parishes. This will require a better balance than has been achieved to date between the professional language and the pastoral language of the Church to communicate the importance of safeguarding. Current policies ought to be reviewed and rationalised wherever possible, taking account of experience on the ground, and short ‘lay versions’ produced. A Parish Pack, specifically informed by parish experience, and in particular the experiences of children and young people themselves, should also be made available as soon as possible following the publication of this report.**
- **Identifying, disseminating and celebrating good safeguarding practice in the Church.**
- **Being the point of liaison with other national stakeholders - both safeguarding units in other Churches and secular organisations concerned with safeguarding children and vulnerable adults, including Government.**
- **Co-ordinating the work of the Review Panels and maintaining up to date lists of appropriately trained investigators and risk assessors (we explain this in chapter 4)**
- **Producing an annual business report for the public and wider Church community which reviews the work of the CSAS as a whole and reflects on the achievements of the Diocesan and Religious Commissions. Consideration should be given to making this document less of a statistical abstract and with greater emphasis on the softer, preventive end of safeguarding so that it becomes less labour-intensive to produce, both for staff at the centre and staff in the dioceses and religious congregations.**

3.32 The credibility of the CSAS to deliver these tasks depends critically on having the right people in place with the right skills. Although employees of CaTEW, the payscales for its staff must continue to be commensurate with those operating in the secular world to ensure that staff of the right calibre are retained and recruited as vacancies arise.

A Central Database

3.33 Lord Nolan recommended that the Church maintain a single national database of all applicants for the priesthood, diaconate and consecrated life (recommendation 37). COPCA, however, has gone further and in line with his suggestion to consider this, has extended the database to include all employees and volunteers although Lord Nolan recognised that to do so would greatly increase the complexity of maintaining the database. As a minimum he recommended each diocese/religious congregation should keep such records which should be made available to others as necessary (Recommendation 38).

3.34 Both the operation of the central database, which is inextricably linked to the CRB checks and its (cost) effectiveness, have been questioned. Access is limited and the speed of the system is considered slow and likely to get slower as the volume of entries - now in excess of 55,000 entries and growing- increases. Moreover, though notionally a national database we understand only COPCA can view all the entries at any time. An authorised diocesan or CoR user can only view its own information, which of course it already holds. Any request to see whether a person has been previously 'appointed' or 'not appointed' elsewhere in England and Wales, or even to make certain amendments to existing entries, must be processed by COPCA. This can, and does, on occasion introduce a time lapse in updating entries.

3.35 Maintaining a national database of this size and complexity has clear resource consequences as Lord Nolan recognised. If it is going to continue it must operate as a national database in more than name alone and be of value to those expected to make use of it. This is particularly so as given the minimal information provided, all dioceses and religious congregations have need of their own separate records in any event. Developing a national database policy and user guidance that seeks out and builds on the experience of those who have to use the system should be an early priority for the CSAS. Alternative secure access methods should also be explored and piloted.

3.35 Finally, it has been suggested that since all the dioceses and CoR now have their own CRB computer link each could themselves become a CRB registered body rather than act as counter-signatory and agent on behalf of COPCA. This, however, runs counter to the CRB's efforts to reduce the number of small registered bodies – currently COPCA is in the top twenty largest registered bodies in the UK by number of disclosures undertaken. Moreover, with the advent of the new Vetting and Barring Scheme in 2008 and the introduction of what are known as 'real time' disclosures it will be more important than ever to adopt a One Church approach which facilitates, through an efficient and effective national database, shared knowledge of the existence of 'real time' disclosures on priests, employees and

volunteers who move around – especially where these reflect the decision of the new Independent Barring Board to bar someone from working with children and vulnerable adults. We believe holding this information only locally would impede good information sharing. Whether the CSAS' continued administration of the database represents good value, or whether it should be outsourced or operated in partnership with other Churches, will be for the NSC to consider. We suggest that such a review might be undertaken once the new Vetting and Barring Scheme has bedded down.

Recommendation 17

The CSAS should continue to run the central database for the time being. This should continue to include both paid staff and volunteers.

Recommendation 18

The CSAS should give priority to developing a national database policy and guidance that is fully informed by user group experience.

Resources

3.37 Some respondents have made comments about the level of resources being invested in COPCA. Here again, however, we observe a confusion over 'resources for child protection across the whole Church' which is where the real money is being spent (currently just over £1 million annually) with 'resources for COPCA' now pegged at around £330,000.

3.38 While it is true to say that Lord Nolan's recommendations were fully accepted without any real thought being given to their price tag, we take the view that the resources available to COPCA are currently very modest in comparison to the scale and nature of its task. Any reconfiguring of the ways in which the various 'challenge and support' roles that we have outlined to do with safeguarding are performed in the Church are unlikely to generate much in the way of efficiency gains in the short to medium term. For any central unit to do less means another body or bodies will have to do more, because there is a need for almost everything that is currently happening to continue, and with more emphasis on support, advice and training than before.

3.39 The biggest single exception may be in the maintenance of the national database. However, for the reasons we argue above we suggest this is continued for the time being and a financial review is considered once the new Vetting and Barring scheme has had a chance to bed down.

3.40 As a result, and since we are recommending that more attention is paid in future to safeguarding vulnerable adults, we believe the resources the central unit requires are likely to increase as a result of the additional workload. The same is likely to be true at the level of the dioceses and religious congregations.

Recommendation 19

Going forward, the Catholic Safeguarding Advisory Service should be funded at least at the same or a higher level than is the case now.

3.41 It should be an early priority of the National Safeguarding Commission to agree the appropriate budget for the CSAS as part of its business plan. This is particularly important as moving the CSAS into the Department of Christian Responsibility and Citizenship means that its funding will no longer be transparently identified through a separate levy but will come out of departmental running costs. Although this has its attractions at one level it must not be used as a blind for reducing the annual budget of the CSAS. It will be the role of the NSC to ensure this does not happen and that the unit's funding is fully commensurate with the workload expected of it. (We suggest later in this chapter a similar review of Diocesan and Religious Commissions' workloads so that Bishops and Congregational Leaders are fully aware of the consequences of any resourcing shortfalls.)

Local arrangements

3.42 'A Programme for Action' conceived of a set of child protection arrangements for the Catholic Church that was essentially diocesan in its mindset. Religious congregations, governed as they are by their own specific law and constitutions, were very much an afterthought. Yet Lord Nolan was firm in his conviction that only Bishops and Congregational Leaders acting together and applying a common set of policies and practices would deliver child protection arrangements that were in the best interests of children and the Church.

3.43 However, he recognised that implementing a One Church approach would not be straightforward and so it has proved to be. The Catholic Church within England & Wales is a complex and highly diversified organisation. What binds it together and gives the One Church approach a real opportunity to take hold is a shared set of values derived from the Gospel which has at its very heart, a call to care for the *anawim*, the little ones, the poor, the marginalized and the vulnerable. Where this is properly embedded in local structures and practices then the need to be quite so prescriptive as to just how those structures and practices are delivered locally matters less. There will always be a need for consistency of policy and quality assurance when it comes to what is delivered and the training and supervision that underpins it – and we have referred already to the role of the National Safeguarding Commission in this regard - but these goals need to be achieved in a way that takes cognisance of the diversity of the Church locally and goes *with the grain* of the way the Church works, rather than against it. In what follows we consider the implications for dioceses and religious congregations – much of what we say for the dioceses, and certainly the principles inherent in recommendations 20-30 and our observations in relation to CRB checks, will also apply to the religious congregations but we recognise there are special considerations for the latter which merit separate mention. We also have something to say about what this means for seminaries.

Dioceses¹⁶

3.44 There are twenty-two dioceses in England and Wales which vary enormously in terms of size (whether measured by geographical area, Catholic population, or number of parishes), demands and resources available. Some dioceses have a heavy caseload of historical allegations, others have practically none and this can make a huge difference to the workload of the local Commission/Child Protection Officer (CPO)/Child Protection Co-ordinator (CPC). Yet the resourcing of child protection work in the dioceses seems to bear no relationship to either workloads or size and so we find the resources put into child protection by some of the larger dioceses to be no more than for other dioceses half their size. This needs to be properly reassessed so that the safeguarding functions in each diocese are adequately resourced. Dioceses may need to commission a work review to ensure that this is the case.

Recommendation 20

Dioceses must ensure that their safeguarding functions are adequately resourced. The budget allocated is for local determination but has to be justified in terms of safe processes and minimisation of risk.

3.45 Although, in theory lines of accountability for local Commissions and their officers are defined by the “*Organisational Structures*” policy, in practice at diocesan level this area seems to be one of confusion and ambiguity, often exacerbated by the attitude of the local Bishop. If there is a lack of episcopal ownership boundaries become blurred and the credibility of the Commission suffers. It is of course, essential that Bishops should be fully conversant with the workings and recommendations of their Commissions. A Bishop should have full confidence in his local Commission and vice versa - regular contact between the Bishop and his Commission would do much to bridge the communications gap we have encountered - and the accountability and reporting lines for each safeguarding role must be more clearly defined and needs to be properly understood by all concerned with local safeguarding. Once agreed these accountability arrangements should be made publicly available through local diocesan websites and in local directories.

3.46 It seems that most Diocesan Commissions are now quite well established and have suitably qualified independent chairs – this being the most significant departure from Lord Nolan’s recommendations (and one that we fully endorse) which had sought to place Child Protection Co-ordinators as Chairs of local Commissions. There is, however, diversity in the amount of work Chairs are able to do outside of formal Commission meetings. Sometimes it has proven difficult to recruit the right mix of suitable “experts” onto Commissions but the experience of working with members of the statutory authorities has been generally very positive. As with any organisation, though, new members breathe new life and bring new ideas and a fresh approach so careful thought does need to be given to succession planning

¹⁶ For ease of reference we have throughout the remainder of this chapter continued to use existing designations e.g. Child Protection Commissions, CPCs/CPOs etc. We are recommending that in future these names will be changed to reflect a wider safeguarding role for children, young people and vulnerable adults (see Chapter 6) and readers should bear this in mind.

as and when the need arises. This is particularly important in relation to chairs of local Commissions, bearing in mind what is expected of them. The use of an external assessor on the appointment panel to recruit new Chairs of Commissions should be considered as a matter of routine.

Recommendation 21

There must be clear accountability and governance arrangements for each safeguarding role, e.g. Local Child Protection Representative/ CPO/CPC/Chair/ Commission member.

Recommendation 22

Recruitment to each of the above safeguarding roles must be transparent. The number and type of posts should be agreed locally.

Recommendation 23

The Bishop should attend a full Commission meeting at least once a year and should meet with the CPC/CPO/Chair at least three times a year.

Recommendation 24

Each Commission should have an independent lay Chair with extensive safeguarding experience in working with children and/or vulnerable adults, e.g. Social Care, Probation and Family Law within 12 months of the publication of this report. An external assessor should be considered as a matter of routine on their appointment panel.

Recommendation 25

The composition of the local Commissions should allow for sufficient members with safeguarding experience in work with children and/or vulnerable adults (see chapter 6) to ensure appropriate expertise available at all meetings of the Commission. The exact numbers and experience can be determined locally.

3.47 We have been at pains to emphasise that in the battle for ‘hearts and minds’ much more effort needs to be expended to support, train and advise. At local level this needs to happen around awareness raising and training, prevention and safeguarding measures with Commissions working in partnership with, and being supported by, the new CSAS. Although we have given some considerable thought as to whether Commissions could be merged (along the lines of Regional Religious Commissions) we have come to the view that this would only further the distance between parish and Commission and would unhelpfully blur lines of accountability, particularly in the delicate and sensitive areas of supporting victims and abusers and in co-ordinating responses to allegations of abuse.

3.48 In the early days of COPCA, when staffing levels were higher, it was possible for COPCA officials to visit Commissions. This rarely happens now so there is no provision for independent scrutiny and review except through the COPCA annual report. This is a matter that the new National Safeguarding Commission will need to address as we have discussed. There is also a resistance among some Chairs/Commissions, to the idea that they should be “answerable” to some other body, apart from the Bishop so a balance needs to be struck between allowing each Commission an appropriate degree of autonomy to meet local circumstances while at the same time ensuring sufficient consistency of approach to procedures and policies across the country. In our recommendations in this section we outline where there needs to be consistency versus flexibility (see also Annex F); achieving this balance should inform the present practice of Chairs and CPO/CPCs meeting at national level and could be developed further through additional regional meetings.

3.49 As with the National Safeguarding Commission the everyday business of the local Commissions needs to be more open and transparent and less inscrutable to those who are affected by its decisions. The local community should know who are the members of their Commission – names and pictures should appear in the diocesan directory and on diocesan websites, as should the agendas and minutes of their meetings (always recognising the need for confidential annexes where individual cases are being discussed.)

3.50 It is also important that in monitoring and evaluating their safeguarding arrangements Commissions do significantly more to gauge the impact of their practices on those directly affected by them – in particular children and young people whose voices are so often overlooked. Commissions should explore channels for taking their views into account so that they can and do inform safeguarding policy development and its implementation. The CSAS will have a key role in supporting Commissions in this task, for example, in providing information and advice on running focus groups with children and young people and on working through schools’ own Councils of pupils. Commissions should also consider setting up a special facility on diocesan websites to encourage regular communication with children and young people.

Recommendation 26

The work of Commissions should be as transparent as possible; the names of Commission members should be included in the diocesan directory and website; notices of meetings, agendas and non-confidential minutes should be published on the website.

Recommendation 27

Commissions, working in partnership with the CSAS, should actively engage with children and young people to ensure their views are taken account of in developing, implementing and evaluating safeguarding arrangements that directly affect them.

3.51 There is currently a considerable diversity of approach to the recruitment and appointment of CPCs and CPOs. In some there is a professional CPO and a clerical CPC, others have a single professional fulfilling both roles, still others have volunteers. In most

cases the arrangements are resource driven, while trying to comply with national policy. Clearly it is not necessary for every diocese to resource safeguarding work to the same degree but allowing for too great a diversity of approach in relation to workloads runs the risk of under-resourcing going unchecked. It is our view that Commissions should ensure that at least one post of CPC/CPO in each diocese is filled by a person with an appropriate professional qualification and expertise.

3.52 The CSAS can fulfil a useful role in helping with the recruitment of these diocesan officials and should be instrumental in advising the National Safeguarding Commission on an appropriate national standard against which the delivery of this (and other) safeguarding roles can be measured. Such a standard will need to encompass requirements for ‘supervision’ and appraisal as well as training for although adequate supervision and appraisal is written into job descriptions the “enforcement” of this is often left up to the individual concerned. Professional consultancy from experts in safeguarding must be available at agreed regularity, and as agreed with the Chair of the Commission, to enable CPCs/CPOs to deal with the emotional stress associated with their role as well as to guide their professional development. The arrangements for this can be determined locally, e.g. some dioceses contract out both the line management and professional consultancy role to a voluntary organisation.

Recommendation 28

When a vacancy arises Commissions should ensure that at least one CPC or CPO postholder in each diocese has an appropriate professional qualification and experience. Professional consultancy from experts in safeguarding must be made available to CPCs/CPOs at agreed regularity and as agreed with the Chair of the Commission.

Recommendation 29

Each CPC/CPO must be trained and inducted to an agreed standard set by the Catholic Safeguarding Advisory Service.

Recommendation 30

Central support for CPCs/CPOs should be enhanced by national/regional meetings with an emphasis on training and sharing good practice.

3.53 The whole system stands or falls depending on how effective the people on the ground at parish level are. The vast majority of parishes in the country now have one or more Local Child Protection Representatives (LCPR) but their experience, level of training - they can be appointed by their parish priest long before they receive any training from their diocese for the role - and workload varies enormously. It can be a very lonely job in a parish, some report little support from their parish priest and hard-pressed diocesan officers are not always on hand to help. Not surprisingly the turnover for volunteers in this role is quite high – the latest annual report showing the number of parishes in 2006 without an LCPR has nearly doubled over the previous year, albeit from a very low base.

3.54 We are clear that if LCPRs are to succeed in the task they have been given the numbers appointed must be proportionate to the workload of the parish and they should not be expected to operate in their role until they have been properly inducted to a minimum standard set by the CSAS. If they are to feel properly valued many more local initiatives for peer support, training and appraisal should be encouraged and resourced at diocesan level. Lord Nolan recommended that parish representatives within each deanery should meet together regularly to provide each other with mutual support and help (Recommendation 7). We have heard from a number of parish representatives for whom the deanery is a much valued and appreciated resource. Sadly this does not seem to be the norm. Yet the deanery, or a cluster of parishes, is the obvious focus through which training and practical advice and support can be given and shared. It is through such a grouping of parishes that the local Commission can get to know what is going on locally and we would encourage named Commission members to take particular responsibility for one or more such clusters in their diocese, visiting parish representatives in their deanery or parish group meetings on an annual basis. We would also encourage Bishops to do likewise. And it would be highly desirable for Commissions to hold an annual day of re-affirmation for the LCPRs and the Bishop.

Recommendation 31

LCPRs should be nominated by the parish priest but with a system for approval and appointment by the CPC/CPO. Where a parish has a safeguarding team, each member should be recruited and inducted to the level of a LCPR.

Recommendation 32

A minimum standard of induction for LCPRs should be set by the Catholic Safeguarding Advisory Service.

Recommendation 33

As well as a clear job description for LCPRs, an agreed level of support should be provided for them by the parish priest in addition to the training and support provided by the diocese.

The Parish Pack

3.55 The long awaited parish pack will be an important tool in the work of the local parish representatives. But it must do considerably more than assist them in training others in how to respond to concerns of abuse and how to conduct safe recruitment processes. It must provide them with the key safeguarding messages, stripped down to the basics and preferably spelt out on a couple of sides of A4 of what is acceptable behaviour, what should give cause for concern and who members of the community can turn to if they have such a concern. And it needs to be in a language and format that can be accessed by all who need to know whether they are voluntary group leaders, young parents, children and young people, vulnerable, elderly infirm and /or disabled people.

CRB checks

3.56 The need for CRB processing has taken a particular toll at parish level. Respondents complain about the paperwork and argue that local CRB workloads are overwhelming, absorb enormous resources and are disproportionate to the risks involved. Some local parish representatives say they find the process deeply intrusive and feel that they constantly need to be apologetic when approaching volunteers about the recruitment process. Others question just how many volunteer roles really do need to come within the ambit of the CRB process and cite by way of example Eucharistic Ministers, only a few of whom are expected to bring Holy Communion to the homes of the sick and vulnerable, and those who offer to lead the children's liturgy while their parents are attending mass in the Church nearby. There is no doubt that the process of CRB checking has provoked high levels of resentment in the parishes where it has become virtually synonymous with child protection. That the development of much of the CRB legislation has overlapped so closely with COPCA's own brief lifespan has meant that COPCA has (unfairly for the most part) been the target of this resentment. In some quarters the very purpose of CRB checks is being called into question since they can provide only a snap shot of the information held against an individual at a point in time and no conclusion can ever be drawn from a negative disclosure that the person concerned either has not, or will not, be a risk to children and vulnerable adults.

3.57 Vetting individuals who work with children and vulnerable adults and barring those who are unsuitable to do so plays a critical part in their safeguarding. Lord Nolan recognised this explicitly commenting that there can be no excuse for employing someone with a known record of abuse. That imperative still stands. The taking up of CRB disclosures can never be a substitute for the full range of pre-selection checks nor of a rigorous recruitment strategy involving the gathering of personal details, background disclosures, face to face interviews and references, but they are an essential component of them and absolute clarity and consistency is required as to which volunteer positions are required to be CRB checked and at what level (standard or enhanced). What matters –and this is the primary test - is the degree and frequency of unsupervised contact that the person under consideration is expected to have with children and/or vulnerable adults.

3.58 We recognise that there have been many calls for a streamlining of the safe recruitment process (often "CRB" is used as a shorthand to describe all the paperwork involved in recruiting a volunteer - much of which is internal to the Church). However, apart from the rationalisation of some of the forms, it is difficult for us to see how this could be achieved without introducing weaknesses into the system. With the introduction of the new Vetting and Barring Scheme in the autumn of 2008 the vexing question of the lack of portability of CRB checks will no longer be an issue as 'real time' disclosures will be possible for all those registered under the scheme. In the meantime the bureaucratic burden could be eased if adequate resources and training are provided at every level and flexibility in how the task is done is tolerated. For example, the setting-up of *safeguarding teams* in parishes would spread the load more evenly. There may also be economies of scale to be reaped if CRB checks are undertaken by suitably trained administrators employed within Deaneries. The

role of CRB counter-signatory, hitherto, the sole preserve of the CPC/CPO might also shared with suitably qualified administrative personnel, provided that “blemished disclosures” are always referred to a professional to deal with.

Religious Congregations

3.59 There are in the region of 430 known religious congregations in England and Wales, though many of these probably have less than 30 members. Of the total number, some 310 belong to the “umbrella body” of the Conference of Religious (CoR). CoR has been an invaluable instrument in COPCA’s efforts to extend the One Church approach into the religious congregations, but as the figures show, a significant number of congregations do not relate to CoR. There are 50 contemplative women’s communities and a further 70 other congregations who are not members of CoR; other associations worthy of note which may be of use in “reaching out” to these non-CoR members are the Association of British Contemplatives, the Union of Monastic Superiors and the Poor Clare and Carmelite Associations.

3.60 There are particular difficulties too, especially in the case of congregations of pontifical right - which include most of the larger congregations - as these have a government structure independent of the diocesan organisation of England and Wales. In general the diocesan Bishop has no power to intervene in their internal affairs though he has some authority over individual members of those congregations whom he has given permission to exercise a pastoral ministry in his diocese. As a result many of these congregations relate more naturally to their members outside of England and Wales.

3.61 Religious face some special issues and particular challenges and opportunities, for example, the safety of elderly religious being cared for in their own communities and of candidates in formation. Religious may also have greater opportunities to care for members who may be at risk of abusing children. The apostolic work of some groups is particularly directed towards vulnerable people, which means that safeguarding needs to be especially prominent in their thinking and work.

3.62 Consideration has been given to dealing with religious congregations on a purely territorial basis, diocese by diocese. However, although the simplicity of this proposal seems attractive there are two reasons why we deem this to be impractical:

- the complexity and spread of larger congregations would mean duplicating arrangements across different dioceses;
- even with more resource input from religious congregations such an arrangement would overstretch the resources of dioceses, many of which are already struggling.

3.63 Co-operation between COPCA and CoR has recently led to the setting-up of four “Regional” Commissions over the past year. So far 140 congregations have signed up to be represented on a Regional Commission. Each Commission has an independent chair and is constituted in a similar way to the Diocesan Commissions. The Commissions are very young and there are still vacancies to fill on at least three of them. The North East Commission is

particularly thin. However, the response from CoR has been very positive and the signs are hopeful that these will succeed in their task. It is clearly not feasible for every congregation to have a direct representative on a Regional Commission but each one is required to have a “link person” who is in communication with their respective Commission. A person with a social work background has been employed to work with religious congregations and their Commissions in all aspects of their safeguarding work.

3.64 As a result of this development congregations who have yet to align themselves with local safeguarding structures now have three options: to set up their own Child Protection Commission; to join one of the four Regional Religious Commissions; or to come under the care of the Diocesan Commission. We believe that the three alternatives now available make possible good safeguarding arrangements for religious congregations while respecting the specific nature of religious life and their different structures to a greater degree than was possible before these Regional Commissions were set up.

3.65 To help ‘non-aligned’ religious congregations to decide which of these three alternatives to choose we are proposing the following criteria for selection:

(i) Congregations should consider coming under the care of the Diocesan Commission:

- (a) if they are Institutes of diocesan right;
- (b) if they are congregations with a single house in this country;
- (c) if they are congregations with apostolic works limited to one diocese;
- (d) If they are *sui iuris* monasteries under the particular vigilance of the diocesan bishop (c. 615).

(ii) Some larger congregations may consider having their own Commission, particularly if they have a substantial number of members, and a significant ministry directed particularly towards vulnerable people (children or adults). However, the expertise required to maintain a separate Commission is considerable, particularly in view of our recommendation that the CPO/CPC should have professional qualifications and experience, and they may prefer to join one of the four Regional Religious Commissions.

(iii): All other congregations would normally be better advised to join one of the four Regional Religious Commissions.

3.66 Our basic concern is that all religious congregations involved in ‘active ministry’ should fully embrace the safeguarding arrangements that Lord Nolan initiated. CoR, working in partnership with such bodies as the Association of British Contemplatives and the Union of Monastic Superiors, should exert what pressure they can to secure as full a take up as is possible. If successful this could mean a place on the National Safeguarding Commission for these two bodies. The coming together of the four Regional Religious Commissions is a huge step forward that needs to be properly resourced if they are not to fail at the first hurdle. Like their diocesan counterparts their principal functions will be advice and training, creating a safe environment, managing risk and the response to allegations of abuse and

victim support. To support this we are making the following recommendations regarding the arrangements for Religious:

Recommendation 34

Adequate resources should be made available to the CoR/ Regional Religious Commissions' link person, if necessary making this a full-time post with specific responsibility for co-ordinating the work of the four Commissions.

Recommendation 35

An audit should be carried out within the next three years of any non-aligned congregations who have yet to take up one of the three options. This exercise, in which Diocesan Vicars for Religious can expect to play a key role, would need to include all contemplative orders.

Recommendation 36

Congregations which have their own Commission should be willing to have their arrangements appraised by one of the four Regional Religious Commissions.

Recommendation 37

Appropriate training should be made available to contemplative congregations either through their respective Regional Religious Commission or through the local diocese.

Other religious organisations and new ecclesial movements

3.67 We are aware that there are a variable number of non-diocesan religious movements and organisations whose activities also centre on working with children and vulnerable adults. But, either because they come together for a temporary purpose e.g. some Lourdes pilgrimage groups, or for other reasons they fall outside the diocesan and religious congregation boundaries and structures. As a consequence they are likely to slip through the net. Clearly where their existence (however temporary) is dependent on the permission of a Bishop in his diocese or Congregational Leader no such permission should be given unless that Bishop or Congregational Leader has the necessary assurances as to the organisation's safeguarding arrangements. Where no such permission is needed and the organisation or movement crosses diocesan boundaries we suggest that they should fully subscribe to national safeguarding policies, as vouchsafed by the CSAS, as a condition of their inclusion in the National Catholic Directory.

Seminaries and other formation houses- training study days and on-going formation

3.68 Lord Nolan made it clear that although seminaries and other formation houses are independent of diocesan and religious congregation structures they cannot fail to be covered by appropriate child protection arrangements. The recruitment process for potential

candidates to the priesthood and religious formation must be rigorous in its application and comply with national policies – if not Lord Nolan recommended that there should be a national selection board -and this recommendation is still outstanding. Although we heard no evidence to suggest that the separate recruitment processes for the seven seminaries were out of line with national policies we are not aware of any arrangements for monitoring this or their effectiveness. We suggest that the NSC may want to consider and keep under review Lord Nolan’s recommendation for a national selection board. It goes without saying that once a potential candidate declares himself as an applicant and gives permission for his details to be CRB checked his name must be entered onto the national database at that stage, irrespective that the period of prior discernment may have lasted a number of years.

3.69 Most significantly it is here in the seminaries and other houses of formation that those in training for the priesthood, the permanent diaconate and the religious life come to understand their calling and learn what it means to minister in Christ’s name. If safeguarding the vulnerable and marginalised goes to the very core of the Gospel, then it is during formation that the push for ‘hearts and minds’ among tomorrow’s priests and religious, future Bishops and Congregational Leaders must begin in earnest.

3.70 We are less well informed about the formation received by religious. Congregational Leaders need to be made aware that the selection process for all candidates for the religious life (men and women, active and contemplative, clerical and non-clerical) must comply with the national policies. If a national selection board is established, it will be necessary to work out how the selection policies of religious congregations link in with the national policy.

3.71 Although we acknowledge that since Lord Nolan reported there has been some considerable progress made in introducing elements of safeguarding into the curricula offered by the seven seminaries, we are disappointed that it has still not been possible to agree a common safeguarding curriculum. Given that the average time spent in formation is six years this should be more than enough time to cover the key aspects without, we would suggest, displacing other essential elements of learning. In our view the focus on safeguarding should be at the beginning of the period of formation – before seminarians are expected to undertake practice placements - and again at the end with some refresher sessions during the middle years; and it must cover both children and vulnerable adults.

3.72 The safeguarding curriculum in the houses of formation of religious congregations with apostolic works will need to be no less thorough than that required for the seminaries. In contemplative communities the safeguarding curriculum will need a different emphasis: it will need to be more focused on safeguarding vulnerable adults, but contemplatives, conscious of their place in the heart of the Church, will also need to be fully aware of the Church’s mission to safeguard children.

3.73 We therefore make the following recommendation:

Recommendation 38

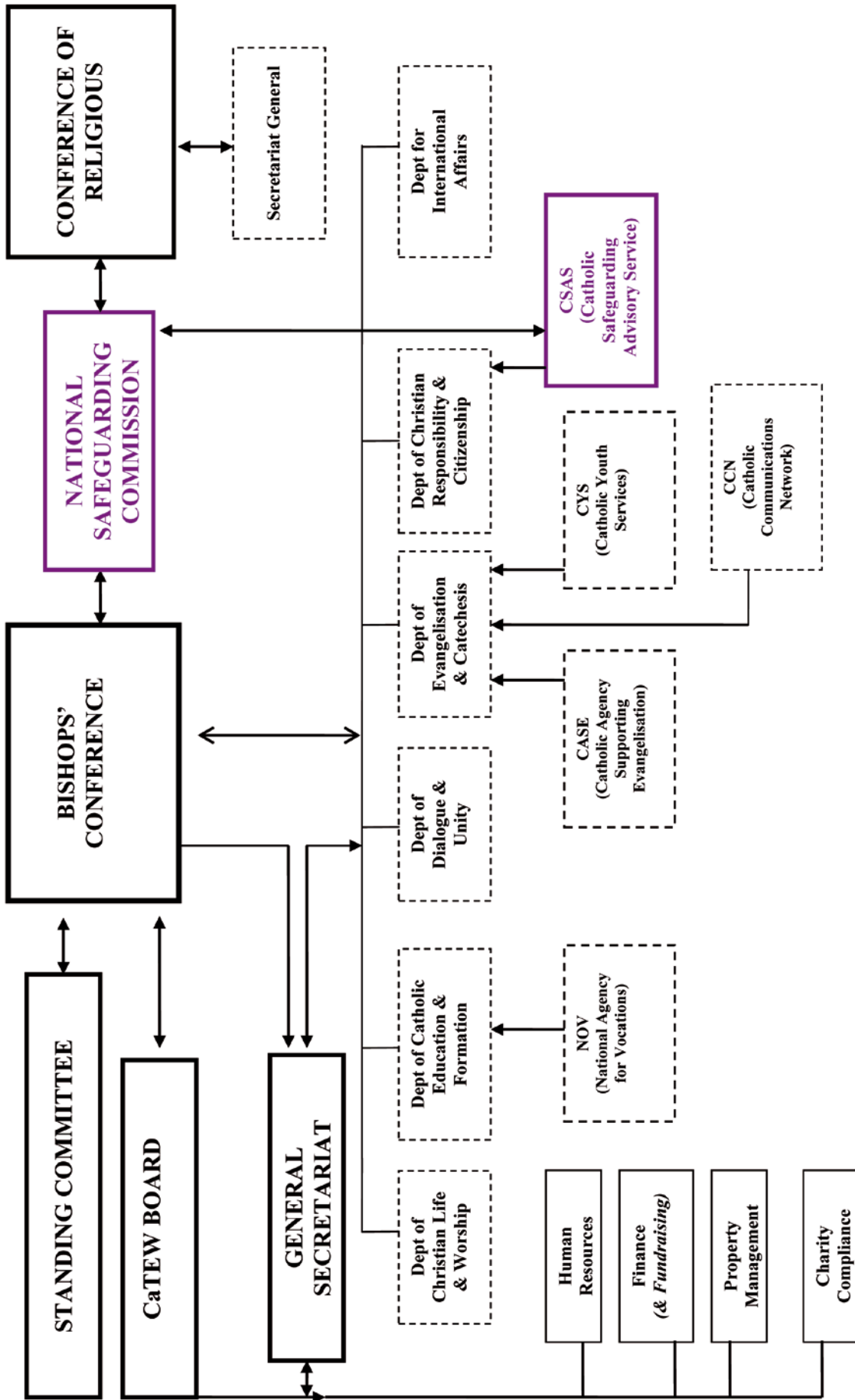
Seminaries and other formation houses responsible for the training of priests and religious must agree in consultation with the CSAS the core components of a common safeguarding curriculum that raises awareness, familiarises seminarians and those in religious formation with the national policies and in particular seeks to develop core competencies to give priests the confidence to manage safeguarding matters in their parish. This should be achieved within 12 months of the publication of this report. It will be the role of the CSAS to support this programme and advise on sources of training to deliver it.

3.74 Training and awareness raising does not, of course, stop at the exit gates of the seminary or other formation house. It needs to be consistently refreshed as the law and our knowledge and understanding of what constitutes good practice moves on. This is no less true for priests, religious, Bishops and Congregational Leaders who need to champion safeguarding locally as it is for those such as Child Protection Co-ordinators and Local Child Protection Representatives who have key safeguarding roles to play. On going formation, days of study and reflection in matters of safeguarding should be routine and mandatory for all clerics and religious whose particular ministry and way of life requires it. Child Protection Co-ordinators and their Commissions, supported by the CSAS, have a particular responsibility to ensure appropriate training and awareness raising is undertaken and for facilitating it. Our recommendation is that all priests and religious should expect to undertake some refresher study once every three years on a rolling programme similar to that applied elsewhere, for example in medicine.

Recommendation 39

Church leaders, both Bishops and Congregational Leaders, and all clergy should commit themselves to a full day's study and/or training concerning safeguarding during the first 12 months after this Commission has reported and thereafter to a day's 'top up' study once every three years.

Figure 1 - PROPOSED NATIONAL STRUCTURES *



* Bishops' Conference Structure - Figure excludes the independent agencies

Figure 2: National and Local Structures – Responsibilities and Accountabilities

Level	Relevant roles	Responsibilities	Accountabilities
<p>National Safeguarding Commission</p> <p><i>(Standard setting and compliance)</i></p>	<p>Independent lay Chair 2 Vice-chairs – (1 CBCEW Bishop, 1 CoR member) 3 Chairs of local Commissions (2 Diocesan, 1 Religious) 2 other CoR members 2 other Bishop members 3 other lay members</p> <p>Chair of Department of Christian Responsibility and Citizenship (<i>ex officio</i> ?)</p> <p>Director of CSAS (advisory)</p> <p>Bishops' Conference provided administrator</p>	<p>strategic direction setting and implementation programme - policy - training - communication</p> <p>(ii) budget negotiation</p> <p>(iii) 'compliance' monitoring and audit</p> <p>(iv) putting in place support for 'struggling' Commissions</p> <p>(v) annual business reports</p>	<p>Accountable to Bishops' Conference and CoR</p> <p>Lay Chair or other suitably qualified member to provide professional consultancy (supervision) to the Director of CSAS</p>
<p>Catholic Safeguarding Advisory Service</p> <p><i>(Driving and supporting improvement)</i></p>	<p>Director and staff</p>	<p>(i) rolling programme of policy development and consolidation</p> <p>(ii) co-ordination of training</p> <p>(iii) advice and support to NSC and local Commissions</p> <p>(iv) facilitate regional networking and good practice sharing</p> <p>(v) assist NSC with thematic investigations</p> <p>(vi) assist with monitoring and evaluation exercises</p> <p>(vii) maintain central database</p> <p>(viii) co-ordinate provision of support for victims and abusers (cross boundary)</p> <p>(ix) co-ordinate Review Panels</p> <p>(x) produce annual reports</p>	<p>Accountable to Bishops' Conference and CoR through the NSC</p> <p>Director advises the NSC; reports to NSC lay Chair; reports to Department Bishop on day to day policy/ external communications matters; reports to Bishops' Conference Secretariat for day to day management matters</p>

<p>Diocesan and Religious (Safeguarding) Commissions</p>	<p>Independent lay Chair (with child protection/ vulnerable adult experience); Additional members covering police, social services, probation plus others</p> <p>(Safeguarding) Co-ordinators/ Officers advisors to the Commission</p>	<ul style="list-style-type: none"> (i) support and advise (ii) facilitate training (iii) recruitment and CRB checks (iv) supervision (v) supporting victims (vi) supporting abusers (vii) co-ordinating response to allegations (viii) risk management (ix) provide annual report to NSC 	<p>Accountable to Bishops and Congregational Leaders</p> <p>(Safeguarding) Co-ordinators/ officers are accountable to Bishops/ Congregational Leaders through their Commission</p>
<p>Department of Christian Responsibility and Citizenship (CRC)</p>	<p>Chair of the Department -ex officio member of NSC unless also the designated Bishop for CSAS</p> <p>Designated Bishop with CSAS oversight – also on the NSC</p> <p>Department CoR member – also on the NSC</p>	<p>Context setting</p> <p>Additional forum for policy debate</p> <p>Church peer support for the Director and staff of CSAS</p>	<p>Accountable to the Bishops’ Conference generally; for safeguarding matters, accountable through the NSC to Bishops’ Conference and CoR</p>
<p>Bishops’ Conference Secretariat</p>	<p>Bishops’ Conference lead for the Department</p>	<p>HR/finance/ and other admin support for CSAS</p> <p>Administrative support for NSC</p>	<p>Accountable to the Bishops’ Conference</p> <p>Bishops’ Conference lead to provide day to day line management to the Director</p>

4

Chapter 4

The Welfare of Children and Vulnerable Adults and Investigation and Review of Abuse Cases

4.1 The care of children and the vulnerable are at the forefront of Christ’s teachings and therefore a primary responsibility for all those who act in the name of the Church. It is for this reason, and because of the Church’s position in society, that Lord Nolan through his recommendations set out to make the Church’s practices in the area of child protection an example of excellence for others to follow. In calling for a single set of policies, principles and practices based on the ‘*Paramountcy Principle*’ (which puts the child’s welfare centre stage), the 13 principles of the Government’s *Safe from Harm* and the *Working Together* guidelines¹⁷, Lord Nolan reinforced the obligation of the Church to work in accordance with civil law and associated guidance.

4.2 He recognised, however, the decisive nature of Canon Law in relation to the governance of the Church and in particular to the relationship between a Bishop and his priest. Whilst Lord Nolan anticipated that for the most part his recommendations would be compatible with Canon Law, where there were any incompatibilities he wrote that he ‘*expects and trusts*’ the Church to deal with these ‘*responsively*’.¹⁸

4.3 Nowhere have these incompatibilities been more vigorously debated than over the recommendations, national policies – and more significantly the practices – dealing with the Church’s response to allegations of abuse, specifically by priests.¹⁹

4.4 As a result, and as we have already commented, a growing lobby of priests believe that measures adopted over the past five years leaves them particularly vulnerable and deprived of their legitimate rights under Canon law. It is argued, too, that the procedures in place lack due process, are unacceptably draconian in their effect and out of line with procedures for responding to similar allegations in other professions so denying priests their rights in accordance with natural justice.

4.5 Much of the concern has centred around Lord Nolan’s recommendation regarding administrative leave, now termed temporary withdrawal from active ministry. In his report Lord Nolan stated that where an allegation of abuse against a cleric has been made it is important that the Church has satisfactory procedures to achieve the withdrawal of the priest or deacon from continuing contact with children. He went on to recommend that “*following consultation with social services and the police any priest or deacon should be required to take administrative leave at a location to be determined by the bishop or religious superior.*” (Recommendation 66)

¹⁷ *Working Together to Safeguard Children*, subsequently revised in 2006 (DfES).

¹⁸ *A Programme For Action* p. 6.

¹⁹ See, for example, The Canon Law Society Working Party Report, 2004, *Responding to allegations of Clerical child abuse: recommendations for harmonising the Nolan Report and the Code of Canon Law*.

4.6 ‘Administrative leave’ in Canon law is a measure that can only be employed in the context of a penal process²⁰ – in other words it is not equivalent to, nor does it carry the neutrality usually associated with, the suspension from duties of a lay person pending an investigation. Moreover, it is argued that the manner in which some priests have been removed from ministry has done much to breach another canon - the right of a cleric to his good name and reputation.²¹ That it usually involves a cleric leaving his home for lengthy and often indeterminate periods of time only adds to the hardships they face.

4.7 We have received a considerable amount of evidence from priests on this matter and on the process of responding to allegations of abuse more generally. Among the many concerns they raise are the following:

(i) the lack of clear and transparent procedures, replicable across dioceses and religious congregations;

(ii) the lack of legal and canonical representation available as of right to clerics from the point at which an allegation is made known to them;

(iii) the lack of any opportunity for the accused to challenge the evidence placed before Diocesan/Religious Child Protection Commissions;

(iv) the lack of any procedures enabling the accused to seek a review of the recommendation of the Diocesan/ Religious Child Protection Commission (short of an appeal to Rome following the decision of his/her Bishop/Congregational Leader);

(iii) the lack of financial assistance, suitable accommodation and other support whilst temporarily removed from active ministry;

(iv) the manner in which risk assessments are undertaken as a condition of a cleric’s return to active ministry;

(v) the length of time that a cleric can be left ‘in limbo’ pending the outcome of the statutory and Church’s own investigations.

4.8 We have considered the evidence and arguments put to us very carefully. Where an allegation of abuse or risk of abuse is made we can see no grounds for treating clerics any differently to lay people. The importance of removing risk to the child or vulnerable adult and allowing a proper and just investigation to proceed unhindered are just as great. Nor do we dissent from Lord Nolan’s view that, unless an allegation is obviously false or vexatious, the temporary withdrawal of a cleric from active ministry pending the completion of any investigations (whether statutory or the Church’s own) may be necessary to safeguard children and vulnerable adults from further harm or risk of harm. However, any organisation sitting in judgement on one of its own must transact its business openly, fairly and in accordance with the precepts of natural justice. And it must do so with respect and dignity to the accused. For the Church this means proper and full compliance with Canon law. It is our view that the procedures in place for responding to allegations of abuse by

²⁰ c. 1722.

²¹ c. 220.

priests – particularly at the stage at which Diocesan and Religious Child Protection Commissions are expected to make their recommendations - are not sufficiently clear and robust in this respect. As a consequence, processes have been applied inconsistently and justice for clerics against whom an allegation has been made has become something of a lottery. This is unacceptable.

4.9 In what follows we reassess the procedures for investigating and responding to allegations of abuse of children and vulnerable adults, taking account of the work of the Conference of Bishops' Working Party to harmonise Lord Nolan's report with Canon Law. And we propose a new, review process to bring the procedures into line with standard practice carried out in similar investigative situations elsewhere. Our aim is to make them quicker, more efficient, more transparent, consistent with Canon Law and in line with human rights legislation. We recognise, however, that as with Lord Nolan's recommendations these proposals will remain just proposals and lack the force of any obligatory norms. We shall return later in chapter 7 to the question of seeking '*recognitio*' from the Holy See for these so that they become part of the particular law of the Church in England and Wales and legally binding.

4.10 But first, by way of context, we set out to demonstrate the different approaches of the family and criminal courts to the welfare of the child, the application of the welfare principle to vulnerable adults, what this means in relation to the 'presumption of innocence' and the implications for the Church process in abuse investigations.

The '*paramountcy principle*' and its implications

4.11 The principle that the welfare of the child is paramount in family court cases is derived from section 1(1) of the Children Act 1989 which states"

'When a court determines any question with respect to:-

(a) the upbringing of a child

(b)

The child's welfare shall be the court's paramount consideration.'

The application of this principle in the courts requires that the judge or magistrates, in any family case affecting children, must balance all the relevant considerations relating to the case. In coming to its decision, however, the court is obliged to put the welfare of the child first and the appropriate evidential test in doing so is the civil test – on the balance of probabilities.

4.12 This same principle, making the welfare of the child the paramount consideration, has also been adopted in Government guidance, formerly from the Department of Health and now the Department for Education and Skills. These guidelines are relied upon by local authorities, social workers, the Children and Family Court Advisory and Support Service (CAFCASS) and all those entrusted with the protection of children. Indeed the latest '*Working Together to Safeguard Children*' guidance²² assumes that all the relevant agencies are applying the '*paramountcy principle*' and many in the voluntary sector, including other Churches, have done so.

²² DfES, 2006.

4.13 No comparable statutory principle, however, exists for vulnerable adults though the family courts have a duty to treat their welfare as the first priority in making decisions about them and this is reinforced in the relevant Government guidance relating to them (see, for example, '*No Secrets*'²³).

4.14 Nor does the '*paramountcy principle*' apply in criminal proceedings in which a child may be a victim/complainant, witness or defendant. The police, the Crown Prosecution Service and the criminal courts are obliged, however, to have regard to the welfare of child victims/complainants and other child witnesses and increasingly the criminal courts are applying the same approach to vulnerable adults.

4.15 The rights of an accused person are similarly defined by statute - both in English domestic law and under the European Convention, now part of English law since the Human Rights Act 1998. In criminal proceedings - and only in criminal proceedings - he or she has the right to be deemed innocent unless and until proved guilty to the criminal (highest) standard of proof. Thus, the accused is entitled to the presumption of innocence in any criminal investigation into allegations of abuse of children or vulnerable adults by the police and the Crown Prosecution Service.

4.16 It is important to remember - and this goes to underpin the safeguarding arrangements that Lord Nolan put in place - that both before the passing of the Children Act 1989 and since, there has been a lack of widespread recognition of the extremely damaging and often lasting effect on children of serious abuse. This is true irrespective of the nature of the abuse since child abuse is not limited to sexual acts but includes non-accidental injury, emotional abuse and neglect. The abuse of vulnerable adults, whether physical, sexual, emotional or by neglect similarly remains widely unrecognised.

4.17 Equally, there has been a failure to recognise the insidious and dangerous strategies of paedophiles, the difficulties of treatment and the likelihood of re-offending. The protection of children from abuse and procedures to ensure their safety must therefore continue to remain a major priority.

The child protection process reconsidered

4.18 When allegations of abuse or the risk of abuse are made (unless obviously untrue) side by side with the criminal investigation, if there is one, the crucial requirement is to protect children who may be at risk and that requirement places the welfare of the child as the paramount consideration. It may well be that the protection of the child, and of other children, who may be at risk from the accused requires further investigation outside the criminal legal system even after a not guilty verdict. If so such an investigation will need to take into account facts which might not have been admissible in a criminal trial. But it is important to note that in these circumstances – contrary to the commonly held misconception- the

²³ '*No Secrets: guidance on Developing and Implementing Multi-Agency Policies and Procedures to Protect Vulnerable Adults from Abuse*', 2000, Department of Health.

presumption of innocence appropriate to a criminal investigation and trial is not the relevant consideration in the non-criminal context of child protection.

4.19 As a first step, arrangements will need to be made for the protection of the child or children who are at the centre of the allegation as well as for any other children who may also be at risk from the accused. Since most child abuse is perpetrated within the family circle, depending upon the seriousness of the allegations, either the accused or the child will usually leave home. In non-family abuse, unless the family is unable for some reason to protect the child, in most cases the child will remain at home and be protected from the accused until the allegations have been substantiated or dismissed. Consequently, in these circumstances it is the accused who has to be removed from contact with the child. In situations where the allegation of abuse or risk of abuse arises through contact with children in a professional capacity, for example, in schools the accused is likely to be suspended or relieved of his/her duties pending investigation so as to protect other children. Similar considerations would apply where an allegation of abuse is made concerning a vulnerable adult.

4.20 Although the presumption of innocence does not apply where the objective is to assess risks to children (or vulnerable adults), nonetheless the rights of the accused are still protected by the requirements that the investigation must be conducted, and any decisions must be reached, reasonably, fairly and expeditiously, and that there must be a right of review or appeal.

4.21 Having carefully considered the Church's national policies for responding to allegations of abuse and the many concerns raised about their implementation in practice we set out our thinking about the essential elements of a fair and just process designed to reassure the victim/complainant and safeguard the rights of those against whom an allegation has been made. A summary flowchart of our proposals appears in Figure 3 at the end of this chapter. Much of what we say reinforces and builds on what is already in national policy. We are, however, proposing some fundamental changes to the Church process of investigating allegations as part of any risk assessment and to the Child Protection Commission hearings at which decisions are reached and recommendations are made. We also introduce what we consider to be an essential opportunity for review of the Diocesan / Religious Child Protection Commission's recommendation. We are greatly encouraged that the Church has already taken cognisance of much that needs to be done through the work of the Conference of Bishops' Canon Law working party and in preparing its terms and conditions Handbook for Clergy, a draft of which we have seen. We fully expect that the final version of this document will reflect the relevant recommendations of our report – recommendations that we believe are consistent with the Church's universal laws. We begin with the following:

Recommendation 40

The Conference of Bishops and Conference of Religious should reaffirm their commitment to a safeguarding agenda in which the welfare of the child is paramount.

Recommendation 41

Bishops and Congregational Leaders and those acting on their behalf should apply the civil standard of proof in the investigation and determination of any matter relating to the abuse of children and vulnerable adults.

Recommendation 42

The Conference of Bishops and Conference of Religious should give consideration to merging the proposed investigation and review process with their internal disciplinary processes to avoid unnecessary duplication.

Some preliminary issues in responding to an allegation of abuse²⁴

(a) Confidentiality and the culture of vigilance

4.22 Where a person discloses to a member of the Church or those entrusted with safeguarding children or vulnerable adults, concerns as to the conduct of a priest, religious, volunteer or lay person within the Church, they may ask and expect that the matter will be treated confidentially.

4.23 In doing so they may be under the impression that confidentiality means the person receiving the information is not at liberty to discuss it with anyone else. Given the nature of the matters being discussed and concerns raised, it cannot be in the interests of the Church, the individual seeking confidentiality or any possible victim for this narrow interpretation of confidentiality to be accepted without qualification when the safety of children or vulnerable adults is at stake.

4.24 There are parallels for this outside the Church, for instance, in the healthcare professions with similar restrictions applying across the public services. No promise of confidentiality in its narrowest definition can be made by a member of those services. Indeed, it is more usually the case that the person providing the information will be told that the matter will be discussed confidentially with appropriate persons within their organisations and that decisions taken will be made by that small group of professionals.

4.25 It may be that the commonly understood, narrow definition of confidentiality has been accepted in the past. However, we cannot emphasise too strongly that such a position cannot be maintained if the safety of children and vulnerable adults is to be pursued throughout the Church. It must be accepted that when such information is provided – unless it is disclosed under the seal of the confessional – it will be discussed by those charged with safeguarding children and vulnerable adults within the Church and, if necessary, with external safeguarding agencies. To avoid any misunderstandings, those who receive such information should advise the person giving it of the restrictions to confidentiality that are likely to be applied. The criteria and the circumstances in which information of this kind will be shared with others needs to be clearly set out in an information sharing policy.

²⁴ For ease of reference we have throughout the remainder of this chapter used existing designations eg Child Protection Commissions, CPCs/CPOs etc. We are recommending that in future these names will be changed to reflect a wider safeguarding role for children, young people and vulnerable adults (see Chapter 6) and readers should bear this in mind.

Recommendation 43

The Catholic Safeguarding Advisory Service should develop an information sharing policy as soon as possible and no later than 12 months from the publication of this report.

(b) Record keeping

4.26 The importance of keeping accurate and up to date records of information concerning allegations of abuse or suspected abuse cannot be underestimated.²⁵ Knowing what was said, what enquiries were carried out and by whom and what decisions were reached, if properly recorded, serves to protect both the victim/complainant bringing the allegation, and the accused – particularly if the allegation turns out to be false or malicious.

4.27 We have heard from a number of respondents who have raised objections on both ethical and practical grounds to Lord Nolan’s recommendation that records should be kept for 100 years. Experience shows that not only do allegations of abuse surface many years after the incident allegedly took place, so, too, does fresh evidence or new disclosures in relation to allegations that have previously been investigated. Hence the importance of keeping records long after the death of those concerned. Their protection, however, and that of their good name, depends on the information recorded being complete. Where an inquiry fully vindicates the accused this information must be prominent on the face of the file. Equally the victim/complainant’s disclosures and any interviews and those of other relevant witnesses must be properly recorded.

4.28 Lord Nolan recognised that 100 years is a long time. But there are precedents for a similar timeframe in other areas – the longest being 80 years for adoption records held by social services. We, therefore, see no reason to depart from Lord Nolan’s recommendation and would stress the importance of safe, secure and centralised record storage. For religious congregations this means all records should be stored in the Congregational archives in England and Wales to avoid the loss or mislaying of records if a community closes.

(c) Preliminary enquiry

4.29 It is an essential part of the process that an early enquiry is made as to the nature and seriousness of the allegations. It is obviously important to rule out the vexatious or clearly false allegation; once this has been done, the position of the accused within the parish or congregation, must be assessed in order to gauge the potential risk to the child or vulnerable adult victim and/or to any other children or vulnerable adults. The initial enquiry should be conducted expeditiously but with due regard to the position and rights of the accused and the victim/complainant. It should be recorded properly and be capable of audit. It may be necessary to conduct the initial enquiry with minimum publicity and without the knowledge of the accused, particularly if the allegations are also being investigated by any of the statutory agencies but it should never be undertaken in a manner that would call into question either the good name of the victim/complainant or the person accused.

²⁵ It is equally important that accurate records are kept in the context of the selection, appointment and subsequent checks on individuals whether cleric or lay/volunteer who seek to work for the Church.

(d) *Immediate protection of children or vulnerable adults*

4.30 We have already made the point that in a child or vulnerable adult protection process the priority is to protect victims and those at risk of abuse and this may call for a temporary removal from duties for the person against whom an allegation is made pending the outcome of an investigation. In this regard the Church, its priests, religious, employees and volunteers can be treated no differently. We have, however, heard from a number of witnesses who, in respect of an allegation made against a priest, question not only the canonical legality of temporarily withdrawing that priest from active ministry but also whether his removal should be automatic, especially when the allegation relates to historic abuse.

4.31 Our understanding of the position in Canon Law would seem to be as follows. A priest who has been canonically installed in a parish cannot be evicted from that parish even for a short period except when a penal process has been initiated. So, although he can be asked to leave he cannot be forced to go. However, it is now generally accepted, (and we have taken expert advice on this point) that a Bishop or Congregational Leader can take such precautionary measures *‘to ensure the integrity of the investigation, to safeguard the good name and safety of the persons involved and to avoid scandal’*.²⁶ It would thus seem that the option to remove temporarily a priest from active ministry is catered for in the specific circumstances described and where no other options are available. But *‘... the way in which precautionary measures are decided, communicated and implemented is not a matter of secondary detail’*.²⁷ If a number of priests feel they are being treated unfairly it may be *‘because these measures are at times applied with little concern for the dignity of the accused cleric’*.²⁸

4.32 Ultimately, the management of an allegation of abuse and whether or not a priest or religious is temporarily removed from active ministry (or an employee or volunteer is suspended from his duties) depends entirely on the nature and seriousness of the allegation and the situation of the alleged offender at the time the allegation is made. Whether the allegation relates to recent events, or events that took place many years ago when the complainant or victim was a child can have no bearing on the decision to remove a priest or religious from active ministry or suspend an employee or volunteer. If the accused is still actively engaged in a parish or religious congregation or in activities in which he or she has access to children, other children may be at risk and may have to be protected pending investigation. In such cases the approach to the protection of children seen to be at risk is likely to be similar for historic and recent abuse cases and the priest or lay worker is likely to be asked to leave church premises while the allegations are being investigated. The position of a person accused of historic abuse of a vulnerable adult would be broadly similar to that of historic allegations of abuse of children.

²⁶ c. 1722. See Mgr C J Scicluna, *‘Clerical Rights and Duties in the Jurisprudence and Praxis of the Congregation for the Doctrine of the Faith on Graviora Delicta’* paper delivered in Budapest 2007.

²⁷ ditto.

²⁸ ditto.

(e) *Temporary withdrawal from active ministry*

4.33 Where temporary withdrawal from active ministry is considered necessary the first step should always be to seek such withdrawal on a voluntary basis. Only if this cannot be achieved should the Bishop or Congregational Leader rely on his canonical powers. The decision, however, to withdraw the accused priest or religious from active ministry on a temporary basis remains that of the Bishop or Congregational Leader, informed by the preliminary enquiries of the CPC/CPO on behalf of the Commission and in consultation with, and on the advice of, the statutory authorities.

4.34 Any such decision (or decision to suspend from employment or Church activities in the case of an employee or volunteer) - or any other decision affecting the accused - must only be acted upon after the accused has been informed that there are allegations made against him/her. Although at this early stage the accused may not necessarily know the nature or details of the allegations, he or she must be given an opportunity to seek legal (and, if appropriate) canonical advice. The decisions taken must be recorded; the reasons set out clearly and the requirements to be placed upon the accused set out in writing and provided to the accused and/or his/her representative. Any discussions or interviews with the accused must be properly notified to him/her; recorded in writing and a copy of the record provided to the accused.

4.35 It is our firm view that dioceses and religious congregations should contribute to the legal costs of priests or religious and we encourage the Church to seek clarification of the legality of using charitable funds for this purpose. The Church might also wish to initiate discussions with the Legal Services Commission to explore the possibility of accused priests being eligible for civil legal aid where no other source of funding appears to be available.

4.36 Appropriate provision for the housing, welfare, economic well being of any person temporarily withdrawn from active ministry should also be made and those provisions, including any restrictions placed upon them, should be notified in writing to the accused together with the Covenant of Care. It should be made clear what information relating to the allegation(s) will be placed in the public domain and that every effort will be made to confirm publicly that such a withdrawal does not constitute a removal from office.

4.37 All of these basic requirements, already set out in the Church's national policies must become standard practice across every diocese and religious congregation.²⁹

The statutory process

4.38 Any enquiry by a statutory agency, for example, the police or social services, will result in one of the following findings:

- (i) Finding of guilt by a criminal court.

²⁹ See the 'National Policy on Responding to Allegations' and the 'National Support Policy'.

- (ii) A formal caution by the police (this is an admission of guilt by the accused).
- (iii) Acquittal by the criminal court.
- (iv) No further action taken by the statutory authorities.

4.39 A decision to “take no further action” by the statutory authorities will be made by the Crown Prosecution Service (CPS) on advice from the police. It is important to understand, and acknowledge the difference between, the two grounds for a CPS decision not to prosecute; firstly, that there is insufficient evidence to justify a criminal prosecution and secondly, that a prosecution is “not in the public interest”.

4.40 There are many reasons why the CPS may come to its decision on the basis of this second ground including, for example, the lack of capacity of the victim/complainant to give evidence. This would apply to a very young child, a vulnerable adult, a person with disabilities, an elderly victim/complainant or one in ill-health. In such a case the test of sufficiency will have been met – in other words there would have been sufficient evidence to merit prosecution.

4.41 Where an investigation by a statutory agency is commenced the Child Protection Commission, through the CPC/CPO, should maintain close liaison with the statutory agencies; seeking to ensure the enquiry is expedited and that the victim/complainant and the accused are kept aware of the pace of the enquiry and that his or her rights within the Church are preserved. But irrespective of how the statutory enquiry proceeds, the accused and the victim/complainant must be made fully aware that a statutory enquiry is limited to the identification and evaluation of an alleged crime and that alone.

4.42 The duty of the Bishop or Congregational Leader, following a conviction or caution for a criminal offence, is straightforward and documented in national policies. Accepting a police caution constitutes acceptance of guilt under the criminal law of the offence alleged. In child and vulnerable adult sexual abuse cases such an admission will almost inevitably lead to that person’s name being put on the Sex Offender’s Register. A conviction or caution for child or vulnerable adult abuse would also inevitably place the convicted or cautioned person’s name on the POCA (Protection of Children Act) or POVA (Protection of Vulnerable Adults) register respectively.

4.43 The Church is under a clear obligation to accept the consequences of a criminal conviction or a caution and to recognise the implications of the individual concerned having his/her name placed on the Sex Offenders’ Register or any other Register. In the autumn of 2008 the POCA and POVA registers (together with the DfES list 99 for teachers) will be absorbed into the new Vetting and Barring Scheme – a new single list of those barred from working with children and a separate but aligned list of those barred from working with Vulnerable Adults.³⁰ Although the details of the new system are still being worked

³⁰ Safeguarding Vulnerable Groups Act, 2006.

through we understand that any person convicted of a serious (specified) sexual offence will be automatically barred from obtaining employment or volunteer work in certain 'regulated' or 'controlled' activities where there is frequent and unsupervised access to children or vulnerable adults. In the case of a conviction or caution for other offences the offender can be automatically included on the register as deemed unsuitable to work with children and vulnerable adults. The Church is not exempt from the new scheme. This has clear implications, particularly for volunteers, employees, priests and religious working exclusively or substantially with children or vulnerable adults.

The evolution of the Church process

(a) Receipt of an allegation

4.44 An allegation of abuse against a priest, religious, employee or volunteer working for the Church is most likely to be made either directly to a church member or to another organisation, usually but not always to the police or local authority social services.

4.45 Upon receipt of such an allegation the Child Protection Officer (CPO) or, Child Protection Co-ordinator (CPC), acting on behalf of the Child Protection Commission must, if there is any suspicion that a criminal offence has been committed, bring it to the notice of the statutory agencies for their consideration and investigation and we discuss the possible outcomes of such an investigation above. The CPC or CPO should take responsibility for managing the handling of the allegation from start to finish, including the preliminary internal inquiry and any subsequent internal investigations. It will be his or her responsibility to keep both the victim/complainant and the accused fully and regularly informed as to how the allegation is progressing.

(b) The initiation of a Church process

4.46 In cases where there has been an acquittal or a decision not to prosecute there may be, nonetheless, sufficient evidence to meet the civil standard of proof of the allegations which have been made. The duty of the Bishop or Congregational Leader, in the event of:

- (i) an acquittal where there remains concerns,
- (ii) a criminal enquiry which does not lead to a prosecution or
- (iii) an internal investigation of apparently inappropriate conduct but not amounting to a crime,

is to examine the position of the accused within the Church. The accused may be a priest, religious or lay person in a position of trust or a member of a parish congregation; their continued role or position within their parish and the Church must be considered carefully. While a priest should not be removed from all priestly ministry nor a religious compelled to leave the religious life unless there is moral certainty of guilt, the welfare of children, young people and/or vulnerable adults may require that they be protected from one against whom

a case has been made out on the balance of probabilities. The nature and seriousness of the allegations and any working relationship with children, young people and/or vulnerable adults in the future are crucial factors in the decision to be made. Information held by the statutory agencies, whether or not following an enquiry of their own, may inform the Church process, but cannot be seen as the sole criterion by which such decisions are made.

(c) Full enquiry and the investigation

4.47 Although the final decision and the means of dealing with a priest or religious, employee or volunteer against whom an allegation has been made rightly rests with the Bishop or Congregational Leader, it is the Diocesan and Religious Child Protection Commissions who make recommendations to the Bishops and Congregational Leaders based on an examination of the papers before them. There is, however no document or policy detailing the procedures to be observed by the Commission when making its recommendations. The Commission does not usually conduct any enquiries of its own as part of its risk assessment, nor does it disclose to the accused or his/ her representative the evidence or other material that has been collected. It does not publish the criteria it will apply in coming to its recommendation and its business is conducted in closed session. We understand that the accused may make representations to the Commission in writing, but without knowing all the details of the case they must answer to, he or she are to some extent acting in the dark. And since neither the accused, nor his or her representative, are invited to attend the relevant Commission meeting and there is no oral examination of any witnesses, the whole process is conducted as a paper exercise without any proper recourse to challenge.

4.48 We propose a number of changes to remedy this, beginning with the need for a full investigative enquiry. Where an allegation is made which requires further investigation the CPO/CPC on behalf of the Commission, should appoint an independent investigator – independent of the diocese or religious congregation - to carry out such enquiries as are appropriate, seeking assistance from the statutory agencies where they hold information, interviewing witnesses, the victim(s)/ complainant(s), the accused and others who can provide evidence as to the alleged incidents or other relevant information.

4.49 This investigation will usually take place after the statutory enquiries have been completed and should be conducted expeditiously, taking no longer than three months wherever possible (unless the appointed investigator is awaiting the outcome of a decision of a statutory agency). In cases where there may be a delay, and particularly where a priest or religious has been temporarily removed from active ministry or a lay person suspended from duties, it is important to keep everyone informed of the progress of the investigation and to maintain records of such communications. There can be no excuse for anyone accused to be left uninformed and ‘in limbo’ indefinitely.

4.50 Given the specialist skills and the experience required to undertake investigative work we suggest that the appointed investigator is drawn from a national or regional pool of suitable people with appropriate qualifications and competencies, as advised by the CSAS. Existing

CPOs/ CPCs with the necessary competencies should not be precluded from putting their names forward to undertake such specialist work on behalf of another Diocesan or Religious Commission. However, it is unlikely given the declining numbers of such (child protection) cases coming through the system that all CPCs/CPOs currently in post will have, or indeed require, the necessary expertise to do this work. Reducing the workloads of CPCs/CPOs in this respect – though they retain responsibility for the overall management of allegations of abuse received by the Diocesan or Religious Commission - should also free up capacity for more (and much needed) training, support and preventive safeguarding activity at parish and community level.

(d) The risk assessment

4.51 Alongside the enquiries carried out by the independent investigator, the Bishop or Congregational Leader may require guidance as to any future risk presented by the accused, the implications of this for any future role the accused might hold within the Church, or to inform a decision as whether to remove him/her permanently or temporarily from their ministry or parish. Where the statutory investigation is complete, or no action has been taken by the statutory authorities, the Diocesan or Religious Child Protection Commissions are expected to exercise their professional judgement based on the material already before them. (Following a conviction or custodial sentence, risk assessments may already have been conducted either in prison or by the probation service and these reports should be made available to the Diocesan and Religious Commissions as a basis for their decision making.)

4.52 Where, following the enquiries of the independent investigator, there remains a lack of certainty as to the level of risk posed and the CPC or CPO considers it necessary to have an external risk assessment, he/she should inform the Commission giving reasons and the Commission should make its decision and instruct an appropriately qualified person accordingly.

4.53 Concerns have been raised about the type of assessments that priests accused of abuse have been asked to undertake. We have also been alerted to the relevant canon which makes clear that a Congregational Leader cannot compel a religious to undergo any kind of psychological assessment which involves the manifestation of conscience.³¹ National policy already requires that before a risk assessment is carried out, the accused person should be consulted and invited to consent. If he or she refuses a risk assessment cannot be undertaken. But such a refusal is likely to be a significant factor in the eventual decision of the Bishop or Congregational Leader who must observe the Church's duty of care to the public in deciding whether to allow the accused to continue to hold his/her post in the Church or to continue to be engaged in any Church activity which might bring him or her into contact with children or vulnerable adults.

4.54 Clearly any risk assessment undertaken in these circumstances should be completed by an experienced practitioner. (We set out a fuller explanation as to the relevance of the risk assessment process in investigations of abuse in Annex G.) It is our view that such a person should have at least five years relevant experience of working with sexual and violent offenders, preferably in a child protection or vulnerable adult environment, and

³¹ c. 630§5.

can demonstrate competences of clinical and psychometric assessment. Chartered forensic psychologists may demonstrate these competences, however experienced child protection workers and probation officers may also have these skills and be more available to CPCs/CPOs and their Commissions. Whilst establishing an accredited list of assessors is fraught with difficulties we suggest that CPCs inform the Catholic Safeguarding Advisory Service when an assessment has been completed to a high standard. This will enable other CPCs/CPOs in search of an assessor to seek advice - which we gather already happens informally between Commissions - and be informed of practitioners who have performed well in the past. The presumption should be that such assessors are UK based.

4.55 We have also heard evidence that some assessments have involved individuals participating in a group process. Whilst this has some advantages, it is not considered suitable for the assessment of unconvicted individuals and it is recommended that such assessments should only take place on an individual basis.

Recommendation 44

Where an external risk assessment is considered necessary for a member of the church accused of abuse against a child or vulnerable adult he or she should not be expected to participate in a group risk assessment unless he or she has pleaded guilty to, or has been convicted of, the offence.

(e) The Commission Panel

4.56 It is the responsibility of the CPC/CPO managing the allegation to present the findings of the appointed investigator and the external risk assessment (where there has been one) either to the Commission sitting in full or to a Panel of members convened by the Commission. Such a Panel, comprising a minimum of three members, and chaired by an independent person, should be constituted from members of the Commission and/or, if appropriate, people from that diocese or religious congregation or a nearby diocese or another religious congregation to examine the facts of the case and to make a recommendation to the Bishop or Congregational Leader. In assessing the evidence they should be able to call witnesses including the accused and his or her representative, the victim/complainant, if willing to attend, and/or his or her representative as well as the independent investigator, external risk assessor (if there is one) and any other witnesses with relevant information to assist in the process. The Panel's determination should be made after assessing all the evidence to the civil standard of proof, that is to say, on the balance of probabilities and their recommendations recorded in writing with reasons. The accused and the victim/complainant, where he or she has participated in the process, should be informed of the Panel's recommendations at the same time as the Bishop or Congregational Leader.

4.57 Prior to the sitting of the Commission Panel, and in good time for any representations to be prepared, the accused must be provided with a copy of the investigator's report and any supporting documentation (including the external risk assessment where there is one). Care must be taken to preserve the rights within the Church of the accused and the victim/

complainant in so doing. The accused should have been given recourse to appropriate assistance, should have received proper access to all the documentation and any other evidence and should have the opportunity to challenge the evidence presented to the Commission or its especially convened Panel. The victim/complainant should be provided with such support as is necessary to ensure that they too can assist the enquiry, if that is their wish, and that such needs as they have for counselling or other support are met insofar as the Church is able to do so (we return to this in the next chapter of this report).

Recommendation 45

Each Diocesan Commission, and for a congregation dealing with an allegation, the relevant Religious Commission should arrange for a Panel to examine the enquiries of an appointed independent investigator and make recommendations to the Bishop or Congregational Leader. An independent person should chair the Commission Panel.

Recommendation 46

For the occasions where it is considered beneficial for non Commission members to sit on the Panel convened by the Diocesan/Religious Commission, a register of those willing and suitable to serve on the Panel should be kept either within a Diocesan or Religious Commission or in collaboration with another Diocesan or Religious Commission as part of any reciprocal arrangements.

(f) The Review Panel

4.58 We recognise that currently, following a judicial or administrative process, the only recourse of a priest or religious to challenge the decision of his Bishop or Congregational Leader rests with an appeal to the Holy See. We have also heard evidence that such recourse is often lengthy and only adds to the frustration and anguish felt by those who believe they have been wrongly accused and unfairly penalised. It is for this reason that we propose introducing a new review process which reinforces the right of the Bishop and Congregational Leader to make the final decision and leaves unaffected the right of appeal to the Holy See.

4.59 Upon receiving the recommendation of the Commission the Bishop or Congregational Leader will come to a preliminary decision. If the recommendation is accepted the Bishop or Congregational Leader will, at the earliest opportunity, make his or her view known to the accused and the victim/complainant. However, to assist in the decision making, or if he/she is dissatisfied with the recommendation of the Commission the Bishop or Congregational Leader should be able to seek the advice of a Review Panel especially convened at his or her request (or be able to refer the matter back to the Commission for further enquiries to be made). It is our view that the accused must have a similar right to seek a review of the evidence and process of enquiry once the recommendation and reasons of the Commission are made known to him or her. Notification of a decision to seek such a review, whether by the Bishop or Congregational Leader or by the accused should be given to the CPC/CPO within ten days of first receiving the recommendation of the Commission or its Panel.

4.60 We propose that the new Review Panels should include those with experience in civil and/or employment law, safeguarding of children and/or vulnerable adults, investigation processes and canon law where practicable. It should be independently chaired and its members drawn from a regional or national panel especially selected by the CSAS on behalf of the Bishops' Conference and Conference of the Religious, by way of open advertisement. We suggest that members will be expected to sit on an expenses only basis. We recommend the Review Panel sits as a minimum of three and a maximum of five members and we propose that the operation and co-ordination of the Review Panels is subsumed within the functions of the CSAS. As members of the Review Panel will be required to sit on an adhoc basis and must be available at fairly short notice it is important that an up to date register of those able and prepared to assist locally is also maintained by Diocesan and Religious Commissions in consultation with the CSAS.

4.61 Once convened, it is the responsibility of the CPO/CPC to ensure that the Review Panel is provided with all the documentation and any other relevant evidence or information available to the Commission either at the time of the panel sitting or since. The accused should similarly receive all the same documentation and have the opportunity to make written representations to the Review Panel. In making any recommendation to the Bishop or the Congregational Leader, the Review Panel must be satisfied that the investigation and the hearing by the Commission at first instance has been conducted with proper respect for the rights of the accused and in accordance with Canon Law and the principles of natural justice. It is open to the Review Panel to ask the Commission to make further enquiries. It is suggested that the Review Panel should usually have met and reached its decision within 28 days of being requested to convene. There may, however, be occasions for delay, for example where the Review Panel refers the matter back to the Commission Panel for further enquiries; where this does occur it is important that all involved in the proceedings are kept fully informed.

4.62 Having examined all the documentation and other evidence and fully considered any written representations by, or on behalf of, the accused the Review Panel must apply the civil test of the balance of probabilities in making its findings. The Review Panel will submit its recommendations to the Bishop or Congregational Leader, the accused, the victim/complainant and the relevant local Commission. For the purposes of proper audit within the Church, we are also recommending that the local Commission notifies the new National Safeguarding Commission and may inform the Holy See of the Review Panel's recommendations.

4.63 At the end of the process, the Bishop or Congregational Leader, having considered the Review Panel's recommendations, will decide upon the appropriate course of action and inform the accused, the victim/complainant and all concerned, including, in the case of a priest temporarily withdrawn from active ministry, his parish.

(g) Due process for the victim/complainant

4.64 In setting up a process which can be seen to be open, fair and impartial to both the accused and the victim/complainant a means should exist for a victim/complainant to seek reconsideration of decisions made during the preliminary stages of an enquiry and at the decision making stage.

4.65 Where a victim/complainant has recorded a complaint with a local CPO/CPC and the CPO/CPC and/or Commission concludes at an early stage that there is no issue to investigate, or decides not to enquire further into the complaint, the victim/complainant should be able to request that the Bishop or Congregational Leader review that decision.

4.66 Where the victim/complainant seeks such a review the Bishop should consider whether to call a member or members of the Review Panel to examine the documentation and the reasoning by which the CPO/CPC or Commission came to its conclusion. In the event that the Review Panel agrees with the CPO/CPC or Commission the victim/complainant should be so advised and the matter concluded. Should, however, the Review Panel feel that further investigation is called for the CPO/ CPC or Commission should be required to pursue the matter to full enquiry.

4.67 There may be occasions, when upon completion of an investigation and full enquiry the Commission recommends a course of action to the Bishop or Congregational Leader which leaves the victim/complainant feeling dissatisfied with the outcome. Where the victim/complainant expresses such a concern in writing to the Bishop or Congregational Leader within ten days of receiving the recommendation of the Commission, the Bishop or Congregational Leader may at his or her own discretion invite the Review Panel to examine the case.

Recommendation 47

A Bishop or Congregational Leader should be able to seek of his/her own volition a review by a specially convened Review Panel of the recommendations made and the process of enquiry following the investigation of an allegation of abuse. He/she must seek such a review in response to a request from the accused and he/she may do so at his/her own discretion in response to a request from the victim/complainant.

Recommendation 48

The Review Panel should review the investigations and recommendations of the Commission Panel as required and make recommendations to the Bishop or Congregational Leader.

Recommendation 49

The members of the Review Panel should be appointed from a panel, set up and administered by the CSAS on behalf of the new National Safeguarding Commission.

Recommendation 50

A Review Panel should comprise a minimum of 3 members and a maximum of five members and should include those with appropriate professional experience in law and safeguarding of children and/or vulnerable adults, investigation processes and Canon Law where practicable. An independent person should chair the Review Panel.

Recommendation 51

Careful records should be kept by the CPC/ CPO, the appointed investigator, the Commission panel, the Review Panel and by the Bishop or Congregational Leader to satisfy the Church's need for a proper audit of its decision making processes.

Supporting the parish

4.68 Finally, we have heard from a number of parishioners who have shared with us the sense of loss, hurt and bewildering confusion they have experienced when it is known within the parish that there has been an allegation of abuse against one of their own, and never more so than when it is the parish priest who is at the centre of the allegation.

4.69 We have been at pains to emphasise in this chapter the importance of keeping the accused and victim/complainant as fully informed as is possible of the stages of inquiry and investigation. The parish deserves no less attention being paid to their needs to be kept informed if parishioners are not to be left feeling adrift and anxious. The responsibility for doing this and generally managing a parish facing an allegation and having to cope with its effects rests firmly with Bishop and the diocese.

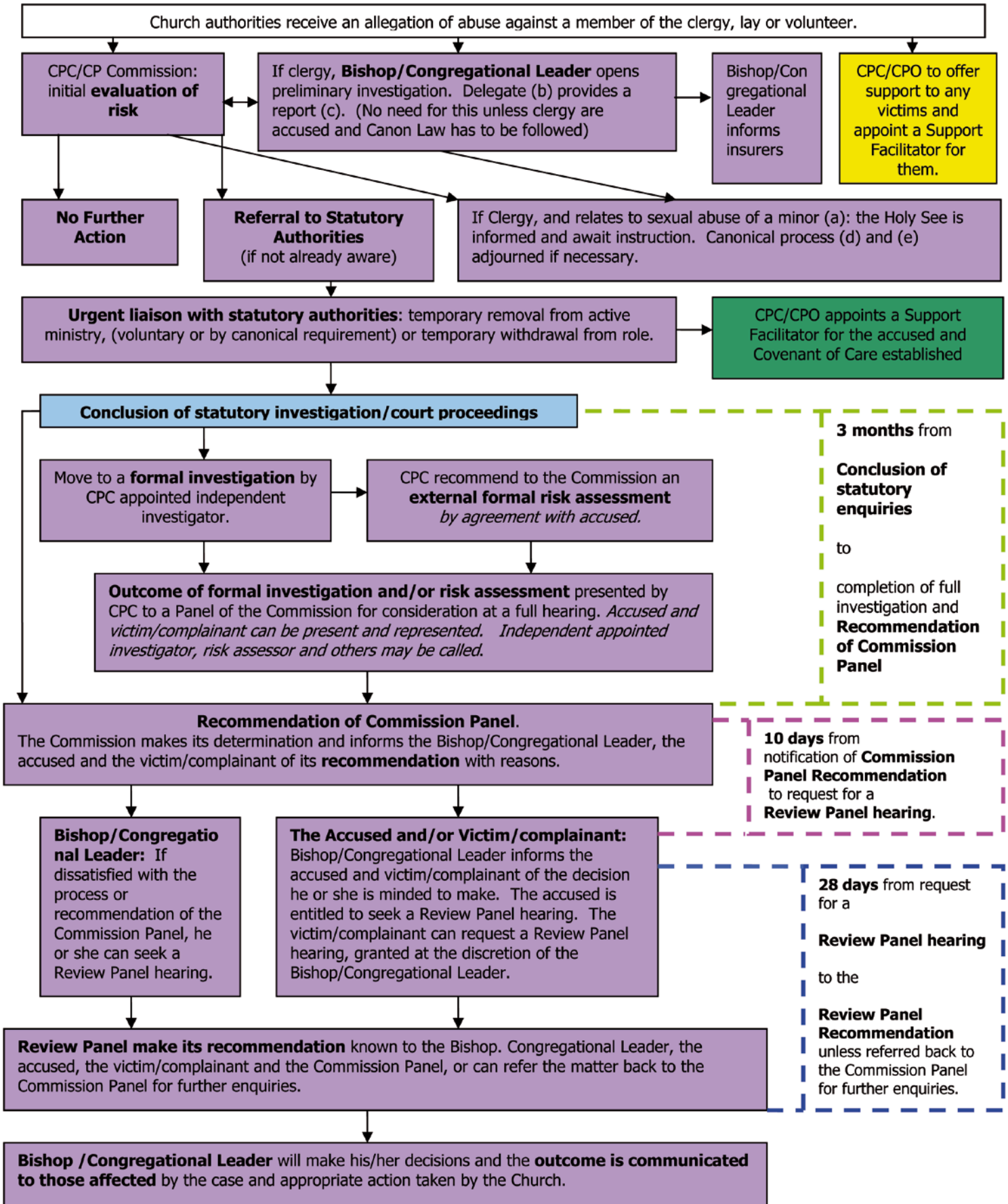
4.70 It has been suggested to us that much more can be done to lessen the sense of disillusion among parishioners during this difficult time if they understand better what is happening and why and what practical things they themselves can do to make the situation more bearable. Among the suggestions put to us, and which we endorse, building as they do on national policies, are³²:

- (a) that the Bishop should take personal responsibility for breaking the news to the parish concerned or at the very least ensure that it is announced by a priest who is familiar with the parish;
- (b) keep parishioners informed of what is proposed and continue to communicate regularly; consult with the parish as to how it can cope and draw strength in the absence of its usual parish priest;
- (c) arrange for a priest who is familiar with the parish to visit at least every four weeks and to say at least one Sunday parish Mass and answer any concerns raised;
- (d) set up a phone service to pass individuals seeking help or counselling straight on to an assigned priest in a neighbouring parish; ensure the number is well publicised in the relevant parish community.

³² See in particular *'Healing the Wound'*.

Figure 3 - FLOWCHART ILLUSTRATING THE PROCESS OF AN ALLEGATION OF ABUSE AGAINST A MEMBER OF THE CLERGY, LAY OR VOLUNTEER

Blue = external process, Purple = internal Church process, Yellow = victim, Green = accused



Notes on Canonical Issues (Figure 3)

(a) Child sexual abuse is an “external violation of the VI Commandment” and as such is subject to specific canonical processes that do not apply to other forms of child abuse. It includes the downloading of child abusive images. Physical abuse of a child is dealt with in canon law under canon 1397. Other forms of child abuse (neglect, emotional abuse) may be covered by canon 1399.

(b) The Ordinary may appoint the Child Protection Co-ordinator to act as delegate in all such cases in advance.

(c) The report will indicate the following:

Does the allegation, if proved, indicate:

- an external violation of VI Commandment ?
- against a minor?
- involving the abuse of power/position?
- a potential source of scandal?

And

- were force/threats used?
- was it in public?
- context of Sacramental confession?
- factors reducing “imputability” (e.g. mental illness)?
- time barred? (The Holy See will on request remove time bars for child sexual abuse cases).
- In the judgement of the Ordinary, is penal action appropriate?

(d) Canonical process: - “judicial” or “administrative”

The difference lies in the process and possible decisions – a judicial process is required for permanent penalties.

Summary of a Judicial Process:

- Ordinary entrusts case to Promotor of Justice;
- Appointment of Tribunal;
- Promotor submits petition containing allegations and proofs proposed to presiding judge;
- Judge decrees acceptance of petition and cites the accused;
- Ordinary may make temporary provisions as safeguards to integrity of process;
- If accused does not appoint advocate, judge does so *ex officio*;
- Judge defines issue to be decided by court;
- Instruction of case – evidence gathering phase;
- Discussion of case – pleas of promoter, advocate and accused;
- Decision of court by majority;
- If no appeal, decision becomes effective after 15 days.

Summary of an Administrative Process:

- Ordinary summons accused and informs accused of the accusation and proofs;
- Accused given opportunity of self-defence;
- Ordinary weighs proofs and arguments with two assessors;
- If Ordinary “morally certain” that offence proved, decrees appropriate penalty;
- Possible hierarchical recourse to Holy See.

In both processes the Tribunal and assessors are canonically trained clergy. Name of the alleged victim is shared with the accused.

(e) Not necessary to adjourn the canonical process e.g. if Police have already completed investigation previously.

5

Chapter 5

Fairness to Victims and Survivors

The dignity of those who have been abused

5.1 Jesus showed a special tenderness and concern for the downtrodden of the world. This attitude may have seemed revolutionary to his followers, but it reminds us of the teaching of the Old Testament, that God is the defender of those who are poor and oppressed, those who have no other defenders here on earth. Those who embrace the call to follow Christ must therefore recognise that the vocation given to them by their Baptism includes respect for the poor, and defence of the downtrodden. The Church's approach to caring for those who have been abused should be formed by the teachings of Jesus.

5.2 The Catholic Church, as a community of Christian believers, is called to be a community that protects the weak in its midst as well as the weak in the world outside. Many of its members serve the weak through education, health-care, as well as many more specialised ministries. Since the Second Vatican Council the Catholic Church has recognised a duty to give special care to those who suffer discrimination, disadvantage and poverty, and more recently it has become aware that the protection of children and vulnerable adults is an integral part of this "option for the poor".

5.3 Those children and vulnerable adults who have been abused in any way need to be, and know that they are, a special concern for the Catholic Church. It is to the Church that they should be able to turn for a safe haven. If they cannot, if any Christian community is found to be, as an institution, incapable of ensuring the safety of children and vulnerable adults in its midst it must be a scandal. And that scandal is immeasurably greater if those who abuse children or vulnerable adults are people - lay, clerical, religious or secular - who are acting in the name of the Church. Those involved in the safeguarding ministry are in the front line in providing care for those who have been abused within the Church.

Recommendation 52

Those with pastoral responsibility should be ready to listen to those who have suffered abuse, and to learn from them because they have much to teach the Church. Bishops, Congregational Leaders, priests and religious must take a lead in ensuring that the Church is a safe place for vulnerable people and in showing pastoral concern for all who have suffered abuse. This duty is particularly pressing when the abuse has taken place within the family of the Church.

The support and care of those who report abuse

5.4 Abuse is a great evil, and its effects on those who have been abused are profound and long-lasting. What is less well recognised is that the evil affects so many and its reverberations are widespread. In the case of sexual abuse in particular, it is not only the immediate victim

who is affected, but the victim's family who will feel the hurt and pain of their loved one. The abuser will be degraded as a human being and as a moral agent by the behaviour he or she has engaged in. The abuser's family and friends will feel a sense of hurt and betrayal.

5.5 Lord Nolan's report rightly highlighted the particular scandal of abuse being perpetrated within the family of the Church, above all when the perpetrator is a minister acting in the name of the Church. The social and structural complexity of the Catholic Church has in the past tended to impede an efficient response to allegations of abuse; and the degree to which the Church is itself hurt when abuse is alleged against one of its own has all too easily led to poor responses when allegations are made. When the abuser's family (in the broad sense) is the Church, whether a parish, a diocese or a religious family, the response to allegations of abuse are likely to be influenced first and foremost by the shock, sadness and sorrow that this family is going through. Bishops and Congregational Leaders are not immune from such feelings.

5.6 The person who has been abused will often see the Catholic Church as a monolithic institution and expect it to respond accordingly. The truth is very different as we explain elsewhere. The Church's own law makes clear that there exists both the physical person and also "juridical persons", each of which has its own structures and obligations. Examples of "juridical persons" are dioceses, parishes, religious congregations and independent religious houses, not to mention national and local voluntary organisations. They are not in law or in practice answerable for each other's mistakes or liable for each other's debts.

5.7 On the other hand, those who come into contact with the Church for whatever reason and certainly those who put their trust in the Church need to be conscious of the solidarity that unites them. In particular that all share the pastoral concern for the abused. We believe that it is important that when a person alleges abuse, he or she does not simply receive the reply that "it's not our problem". Even though it may not be the responsibility of the person or institution that hears the allegation, that is not the message the person making the allegation wants to hear. He or she needs to be helped to find the way through the rather bewildering institutional structures, and brought to the diocese, religious congregation or other institution that is legally or morally responsible.

5.8 We wish to emphasise that when an allegation is made and the matter is in the hands of the team responsible for safeguarding in the diocese, religious congregation or other institution in question, the primary function of that team is not to protect the Church; it must be, and must be seen to be, the protection of vulnerable people, whether it is the person making the allegation or others who may be at risk.

Recommendation 53

The Church should encourage those who have been abused by someone working in the name of the Church to come forward and disclose the abuse.

Recommendation 54

All churches and other institutions run by the Church should have notices giving the names, photographs and contact details of those who may be contacted by anyone who has a concern about the abuse of children and vulnerable adults. These details should also be put on websites that children and the vulnerable are likely to visit. There should be at least two names given: one of a person who is near at hand, one of a person who is not directly connected with the church or institution in question. The telephone number of “Childline” should also be given and made clearly visible for children to see.

Recommendation 55

If a complaint or allegation is made to a member of a team responsible for safeguarding who believes that he or she is not competent to deal with the matter, either because the alleged perpetrator is not a member of the diocese/congregation for which that office is responsible, or because the alleged victim does not come under the heading of “children” or “vulnerable adult”, the person making the complaint must nevertheless be received with care and the concern must be heard and recorded. The officer concerned should offer to pass the matter on to the person who is competent to deal with it and the complainant should be told to whom the information is being passed. If there is uncertainty about who is competent to deal with the matter, the Catholic Safeguarding Advisory Service may be asked for their advice.

5.9 Inevitably, some allegations of abuse will take a long time to deal with, particularly complex issues involving more than one diocese or religious congregation. Nevertheless, it is important, and helpful not only to those making allegations but also to those receiving them, that the policies should indicate how soon the victim/complainant should expect to receive a response.

Recommendation 56

The national policies for responding to allegations of abuse should indicate the timescale within which appropriate action should normally be taken, and to whom the matter should be referred if a satisfactory response is not received.

5.10 If the matter has to be referred to the police or the social services the process of investigation and the time taken for enquiries to be completed are no longer under the control of the Church’s local safeguarding service. But even then it is important that those responsible for managing allegations of abuse do not give misleading advice about the length of time the investigation is likely to take.

5.11 Allegations of abuse that need to be referred to the statutory authorities will often take longer to investigate and resolve than all of us would wish. Both alleged perpetrators and victims feel hurt and injured by these delays. It is important that this is recognised by the Church’s representatives and that they do not encourage unrealistic expectations of a speedy resolution.

5.12 Lord Nolan stressed the importance of the Church providing a “support person” for those who come forward to allege abuse, as well as for those against whom allegations are made. We believe that it is important to add some further recommendations about the “support person”.

Recommendation 57

Particular attention should be given to the role of an appropriate “support person”, recommended by the Nolan report (recommendations 71-74). It should be made clear to the person who is being supported that:

- (a) Any disclosure of harm, or danger of harm, to a child or vulnerable adult must be reported to the appropriate authorities;**
- (b) In other cases, information and opinions voluntarily given to the “support person” may only be passed on to the local Commission, or other bodies, with the express consent of the person being supported;**
- (c) Any statement required for legal or safeguarding purposes should be taken by someone from the appropriate investigating agency not from the “support person”.**

5.13 The “support person” will normally be arranged by the diocese or congregation that would be responsible for the alleged abuse if it is found to have taken place.

Recommendation 58

The person receiving support may request that the “support person” should not be a member of the clergy of that diocese or of the congregation in question, and wherever it is possible the diocese or congregation should respect that request.

Recommendation 59

The CSAS should ensure the co-ordination of support for victims where the alleged abuse covers several dioceses and religious congregations.

5.14 A subsequent, but no less important concern of the diocese or religious congregation must be to seek to restore in some way the dignity, self-respect, physical or psychological well-being of those making the allegations, when it is found that there is substance behind the allegations. Different people have different wants and needs, and these must be acknowledged.

“The real needs of victims should be recognised and responded to. They may be seeking a safe space to speak of their experience, validation and vindication, answers to their questions, genuine truth-telling, empowerment, restitution or reparation, and hope of a better future”³³

³³ Attributed to Christopher Marshall in a personal communication.

Financial issues

5.15 Because of the rules of English civil law, most juridical persons within the Catholic Church in England and Wales hold their property in charitable trusts. This means that when the question of compensation and support for those who have been abused – and the two are quite distinct – are involved, there will be a need for recourse to insurance companies and lawyers, and to what may seem rather anonymous and impersonal procedures. However, professional involvement at this stage must not render impossible the individual’s need for a personal approach and a recognition of the distress felt. In our view the present system, whereby each juridical person in the Church is responsible for any mistakes it has made, should act as a spur to promote good practice in the future.

5.16 We have heard from a number of victims and those speaking on their behalf who believe that the involvement of some insurance companies has in the past put impediments in the way of the Church responding to them in ways that are in keeping with the Church’s own spiritual and pastoral ethos and with what is regarded as good welfare practice. Lord Nolan stressed the importance of a One Church approach to safeguarding. Clearly each juridical person within the Church is free to buy insurance wherever he or she wishes; however, it is imperative that all follow the good practice enshrined in national policies on responding to allegations and supporting those who have been abused and that the appropriate insurance cover is built around these welfare policies.

Recommendation 60

The National Safeguarding Commission should commission the Catholic Church Insurance Association to conduct an urgent review of insurance arrangements with the aim of moving towards a One Church policy on insurance matters. This review should not be an impediment to a just resolution of current cases. Individual dioceses and religious congregations should not commit themselves to respond to allegations in a way that contravenes national policies.

Historic cases

5.17 A special word needs to be said about those coming forward and alleging abuse that took place many years ago. We understand that these allegations – otherwise referred to as “historic cases” - represent the majority of disclosures that are being made today. A person making an allegation has the same right to have truth acknowledged and justice done in an historic case as in a current case – whether or not the alleged abuser has since died – and this needs to be clearly stated, and acted upon in national policies and in the current review of ‘past’ cases where a previous investigation may have taken place but the outcome is considered to be unsatisfactory.

5.18 We recognise, however, that to those making such allegations it may appear that they have not been treated with the care and attention they feel they deserve. The reality is that achieving a satisfactory outcome to the investigations of an historic allegation will often be

difficult: evidence may be stale, the health of alleged abusers may be precarious, or they may be dead. Juridical persons in the Church may have been under-insured at the time in question. As a consequence insurance companies may be reluctant to provide financial and other forms of therapeutic support let alone offer compensation. Nonetheless, the Church has the same obligation to speak the truth, to express its sorrow for past failings and to ensure protection of today's children against possible abuse.

Some concerns of those who have been abused

5.19 One of the main concerns expressed by those bringing forward allegations of abuse is that this should not be allowed to happen again; in asking for stringent measures in respect of those who have committed abuse in the past, they are showing their care and concern for the children of today. The Church must listen to such concerns and the Church must continue to invite victims of abuse to come forward, even if it has not always succeeded in responding to them as well as it should have done. That invitation should remain open, and should not be frustrated by "confidentiality agreements" where these are designed to prevent others from disclosing what has happened to them.

5.20 It is also important for the Church to ensure that anyone making an allegation of abuse against a member of the Church does not inadvertently encounter the alleged perpetrator. In protecting the reputation of the priesthood and the integrity of the Church's worship, great care needs to be taken to ensure that full and clear instructions are given to a priest against whom an allegation is made and who is, for that reason, temporarily removed from active ministry. Any risk assessment undertaken, and treatment given, before a priest is able to return to active Ministry should be routinely informed by any statement the victim has given either to the statutory authorities or the Church in conducting its own enquiries. Where removal from post is permanent – either for a priest or anyone else working for the Church - because of concerns about their suitability to work with children or vulnerable adults the Church must always ensure that such information is given in any reference asked for.

5.21 Finally, we are only too aware of the pressure sometimes placed on those who have suffered abuse to forgive those who have abused them. This is unhelpful for several reasons. First the victim may not yet have reached the stage where he or she is able to forgive. Secondly forgiveness given under pressure may do considerably more to perpetuate the harm suffered by the victim. Thirdly, the perpetrator may not be ready to accept the consequences of forgiveness, which must necessarily include acceptance of the wrong that has been done and will often include a readiness to accept treatment and both criminal and canonical penalties. We are reminded that:

*"It is important for the good name of the Church that the faithful know that: - misconduct has specific consequences and that such specific consequences will apply according to the law; - harmful or scandalous ministry will not be allowed."*³⁴

³⁴ Mgr C J Scicluna 'Clerical Rights and Duties in the Jurisprudence and Praxis of the Congregation for the Doctrine of the Faith', paper delivered in Budapest, 2007.

Recommendation 61

The Church should not ask victims to sign a “confidentiality agreement” if the purpose is to inhibit other victims from coming forward or to conceal abuse when this has been established in a court of law.

Recommendation 62

When a priest is asked or required to withdraw from active ministry on account of an allegation being made against him, or when a priest is allowed only restricted ministry, it must be made clear in a written agreement what sacramental ministry is permitted to him, bearing in mind the circumstances and the place where he will be located.

Recommendation 63

When a priest or religious is asked or required to live in a different place on account of an allegation being made against him or her, it is imperative that he or she should not have access to the victim/complainant or other children or vulnerable adults pending the resolution of the case.

Recommendation 64

An allegation made against a person who is dead or not capable of responding to the allegation should be listened to by the Church and investigated as far as possible. This should be done even though it will often be difficult to establish the truth; the statutory authorities may not be willing to investigate the matter; and even though it may be impossible to sustain claims for compensation.

Recommendation 65

The information given by the victim in any statement to the statutory authorities and/or Church investigating an allegation of abuse should be made available routinely to those involved in the risk assessment and treatment of the abuser.

Recommendation 66

If a person has been removed from working for the Church because of concerns about his suitability for work with children, this should be stated if a reference is given for that person.

6

Chapter 6

Safeguarding Vulnerable Adults

6.1 Lord Nolan’s review had neither the remit nor the expertise to consider the safeguarding of vulnerable adults. Nevertheless, aware that a number of comparable organisations have a single set of arrangements to cover children, young people and vulnerable adults, its response to calls for its work to be extended into this area was to commend the Church to consider the need for a similar set of uniform arrangements. It also noted “*that many of the systems we recommend (for child protection) may be capable of extension to cover vulnerable adults as well*”.³⁵

6.2 As a result, COPCA was established as the Catholic Office for the Protection of Children and Vulnerable Adults to reflect this broader remit. However, understandably, and as COPCA would be the first to admit, its focus of attention over the past five years has been almost exclusively on the protection of children. This will need to change if the Catholic Church is not to fall behind and find itself in the same position in relation to vulnerable adults as it did five years ago in relation to child protection.

Recommendation 67

The Catholic Bishops’ Conference of England and Wales and the Conference of Religious should now adopt comprehensive safeguarding policies and procedures that cover both children and vulnerable adults.

6.3 In recent years awareness has grown as to the true extent and consequences of harm to vulnerable adults.³⁶ Public policy and legislation have similarly developed in response to this increased awareness. The Department of Health in 2000 published *No Secrets: Guidance on Developing and Implementing Multi-Agency Policies and Procedures to protect Vulnerable Adults from Abuse*. In 2005 the Association of Directors of Social Services published *Safeguarding Adults: A national framework of standards and good practice in adult protection work*. In 2006 the *Safeguarding Vulnerable Groups Act* was passed, bringing together safeguarding arrangements for children and adults. All have been informed by a number of major inquiries that have highlighted the abuse of adults in residential care, in services for older people and in mental health and learning disability services.

Residential and community settings

6.4 Catholic organisations and religious orders have a long tradition of providing residential and nursing care and many are still active in this area of work. The regulation of these services falls to the Commission for Social Care Inspection (England) and the Care Standards

³⁵ ‘A Programme for Action’, p. 6.

³⁶ Department of Health/Comic Relief (2007) funded UK study of abuse and neglect of **older** people puts the overall prevalence rate at 4.0% or some 342,000 older people subject to some form of mistreatment (this includes incidents involving family, friends and wider acquaintances).

Inspectorate Wales. There are, however, a significant number of older members of religious orders receiving residential care and support in their own communities. Such settings are by agreement not regulated.

Recommendation 68

The Conference of Religious, the Association of British Contemplatives and the Union of Monastic Superiors should develop systems for monitoring these communities and ensuring that there is a way for people to report concerns.

6.5 Current public policy encourages support that enables people to live in their own homes in the community rather than in institutional care. So it is important that individuals have access to activities and services in their local community, and the Church has a very important role to play in ensuring that it provides a place where all are welcomed, treated with respect and are safe from harm.

6.6 The Church has a well-established tradition of welcoming people, who need support, as active members of parish communities. There is also a long-standing commitment to maintain contact with church members who are unable, because of illness or disability, to attend church. This includes visiting people at home and ensuring they receive the sacraments, so that they remain part of the community. There are many examples of churches being actively involved in working with people who are homeless, refugees and asylum seekers - sometimes even providing temporary accommodation. This work is valued and an integral part of the Church's life and clearly founded on gospel values. We wish to see this strengthened and supported but want to ensure that due care is taken to secure the safety of all those involved.

6.7 There are a number of settings in which clergy and lay workers are in contact with adults who could be vulnerable to abuse:

- Chaplains and visitors to hospitals, residential and nursing homes, prisons and other establishments.
- Priests, Deacons and Eucharistic ministers visiting people in their own homes to take communion.
- Parish volunteers and members of organisations such as the St Vincent de Paul Society visiting people in their own homes and organising events on church premises.
- Events including organised trips and pilgrimages, for example to Lourdes, for disabled people.
- Vulnerable adults attending church services and church events.

6.8 Where staff, including chaplains, and volunteers are recruited by establishments which are already regulated they should be checked and vetted through that establishment's systems. Where parish and Catholic Society workers, for example the Vincent de Paul Society and the Legion of Mary, are involved in any of the work listed above they should be subject to the same level of checking and vetting through the diocesan or religious congregation systems currently used for those working with children.

Definitions

6.9 Some of those who gave evidence to the Commission suggested that the definition of a vulnerable adult should be widened to cover those who are temporarily vulnerable because of circumstances such as bereavement or family breakdown. We believe that to do so would be unhelpful, would blur boundaries and almost certainly lead to inconsistencies of approach. Instead, we have recommended Codes of Conduct for clergy, religious and Church workers (see chapter 2) that would, if accompanied by a properly functioning complaints system, be more appropriate to deal with the concerns of those who fall outside of the Government's definition of vulnerable adults. Such a code would aim to support clergy, religious and others who work or minister on behalf of the Church in their effort to live dedicated and committed lives and it should aim to provide positive guidelines whilst also being clear about the need to protect against harm.

Recommendation 69

The policies and procedures adopted by the Catholic Bishops Conference of England and Wales and the Conference of Religious for the protection of vulnerable adults should be based on the definition of vulnerable adults set out in the Safeguarding Vulnerable Groups Act 2006 (see Annex H)

Vulnerable adult structures and training

6.10 We are aware that cases involving vulnerable adults are already being dealt with by some Diocesan and Religious Child Protection Commissions though they do so without any dedicated structures or policies to guide them in their work. Not every local Commission believes they are resourced with the necessary skills and staffing complement to take on this additional and growing responsibility and opposition to doing so has been vociferous in some quarters. However, in our view setting up a separate system for safeguarding vulnerable adults would be an unnecessary duplication and wasteful of resources. It would also present some significant challenges in terms of securing representation from other (statutory) agencies. Though some Diocesan and Religious Commissions will require additional members with expertise in adult services many of the Commissions we met already have members with suitable experience. The skills required for professional staff in safeguarding adults and children are similar – even more so now that we are recommending the task of full and proper investigation and enquiry into allegations of abuse should pass to an independent appointed investigator with the relevant (children or vulnerable adult) investigative competencies. However, we do appreciate the workload already undertaken by Local Parish Representatives and Diocesan and Religious Commissions and so it is important that the introduction of safeguarding policies and procedures is carefully carried out with full consultation and a thorough assessment of the impact on present structures and volunteers. The changes should also be closely linked to the introduction of the new Vetting and Barring scheme being introduced by the Safeguarding Vulnerable Groups Act 2006.

6.11 As a first step we recommend that Diocesan and Religious Child Protection Commissions become Safeguarding Commissions and the designation of Local Child Protection Representatives, Child Protection Officers and Co-ordinators are similarly changed. Training and awareness raising facilitated by the new Safeguarding Officers/Commissions and taught in the seminaries and formation houses must also be expanded to cover vulnerable adults.

Recommendation 70

The Diocesan Child Protection Commissions and Regional Religious Child Protection Commissions should become Safeguarding Commissions responsible for safeguarding children and vulnerable adults.

Recommendation 71

The current training for priests and religious (both in formation in the seminaries and as part of ongoing formation and study days) and other workers in the church should be expanded to include awareness of abuse of vulnerable adults – not least because they may be a very significant source of protection for those adults who are at risk. Commissions and seminaries, supported by the CSAS, will be responsible for undertaking and facilitating such training.

7

Chapter 7

Conclusions and summary of recommendations

Conclusions

7.1 Throughout our review we have never once had to question the principles embodied in Lord Nolan’s report. Nor have we ever doubted the integrity and willingness of so many who work to safeguard the vulnerable and weak through their belief in Christ’s Ministry.

7.2 Our role has been to reflect on the huge progress that has been made to make the Church a safer place and to comment where this has been less than adequate, identifying what more needs to be done to ensure that our children and young people flourish and our vulnerable adults are loved and cared for in ways that are truly life affirming. In striving to do this we have tried to be fair and just to all parties:

- to help Bishops and Congregational Leaders in their very difficult task;
- to have due consideration for those who suffer abuse or have been abused;
- to ensure a system for those under suspicion which respects the rules of natural justice and is consistent with the Church’s universal laws.

7.3 We have at all times been conscious that responsibility for building on the progress that has been made rests firmly with each Bishop in his diocese and each Congregational Leader in his or her congregation; we rely on their strong committed and united leadership. For it is only through the leadership of the Church working together, and being seen to do so with confidence, in ways that are open and transparent, will ‘hearts and minds’ in parishes and communities around the country be fully involved - as indeed they need to be – and safeguarding children and vulnerable adults become a positive and everyday reality for the Church and its community. Our recommendations, and the structural changes underpinning them, are designed to help bring this about and remove any doubts as to the Church’s steadfast commitment to promoting a sustained and sustainable culture of vigilance.

Seeking ‘*recognitio*’

7.4 We were made aware fairly early on in our deliberations of a possibility of conflict between the procedures recommended by Lord Nolan, and those called for by Canon Law. We have also recognised that Lord Nolan’s recommendations and indeed our own, even if similarly endorsed by the Conference of Bishops and Conference of Religious, will not, according to the rules of Canon Law, be binding on individual Bishops or Congregational Leaders. We are therefore recommending that the Conference of Bishops, in consultation with the Conference of Religious, draw up a general decree for England and Wales to be sent to the Holy See for “*recognitio*”.³⁷ We would also propose that the Holy See be requested

³⁷ cf. c. 455.

to make it clear that this general decree would apply throughout England and Wales, and would apply to religious congregations and ecclesial movements as well as to dioceses and parishes.³⁸ This would enable our recommendations to become part of the particular law of the Church in this country and bring a much needed degree of clarity and certainty to all those affected by the present procedures. It would also give a remedy against Bishops or Congregational Leaders who fail to follow the norms.

7.5 We are much encouraged that Bishop Kevin Dunn’s working party has begun to draft such a statute – and would wish to endorse, in passing, their suggestion that the proposals be reviewed three years after the granting of ‘*recognitio*’. We would particularly ask that such a ‘*recognitio*,’ should specifically:

- (i) recognise the ‘*paramountcy principle*’;
- (ii) ensure that, except in penal cases where moral certainty is required, the evidential standard of proof in matters relating to the welfare of children and vulnerable adults is the civil test of the balance of probabilities;
- (iii) recognise the role of the new Review Panel to safeguard individuals against the possibility of injustice;
- (iv) endorse the possibility of the temporary withdrawal from ministry of a cleric, a religious or the temporary withdrawal from role of a non-cleric as a precautionary measure when this is considered necessary, with proper safeguards for the rights of the individual;³⁹
- (v) recognise the right of victims to have recourse to higher authority when the procedures have not been followed.

Recommendation 72

The Bishops’ Conference of England and Wales, in consultation with the Conference of Religious, should make the appropriate *decreta generalia* and secure canonical *recognitio* of them (c. 455), so that there will be a special territorial law (c. 13§1) for England and Wales which would both give juridical authority to the Church’s most important safeguarding rules for children and vulnerable adults and also secure a right of recourse to the Holy See against a diocese, religious congregation or other juridical person which failed to fulfil the obligations laid down in that law.

Implementation Process

7.6 It is, of course, entirely a matter for the Conference of Bishops and Conference of Religious whether they accept the recommendations and findings of this report and, if they do, how they will chose to implement them. However, to assist in this we have proposed a timeline against our recommendations, summarised in this chapter, to indicate those we consider to be a priority

³⁸ cf. c. 13§1.

³⁹ cf. c.1722.

for action and which can be implemented in the short term - in other words within 12 months of the publication and acceptance of this report (ST) – and those that will take longer to put into place (MT). Outstanding work in progress, (unless obviously contrary to our proposals), should not be put on hold pending the acceptance and implementation of this report.

7.7 We would also like to suggest that the Conference of Bishops and Conference of Religious consider setting up an implementation group when they reconvene later in the year to give their response to the report. Our hope is that a summary of these recommendations could be circulated, perhaps in the form of a joint pastoral letter, for informal local consultation over the summer months. Our expectation is that the new National Safeguarding Commission should be up and running, and a One Church action plan, jointly agreed with the Conference of Religious, in place by the spring 2008.

Future reviews

7.8 We recognise that a review on this scale is lengthy and resource intensive and can create a considerable amount of upheaval and anxiety for those whose work comes under such intense and periodic scrutiny. We are not, therefore, proposing that a similar review should take place in five years time. Continuous monitoring and review is the responsibility of the new National Safeguarding Commission, working in partnership with the Diocesan and Religious Commissions. We look to them to ensure that new knowledge is spread and better and excellent practice is shared in keeping children and vulnerable adults safe from harm and in responding to allegations of abuse if, and when, they occur. We very much hope that if accreditation is introduced the opportunities for a rolling programme of on site audit and review by teams trained and accredited to do so will be fully explored in accordance with the priorities set by the National Safeguarding Commission.

7.9 In the meantime we ask that the Conference of Bishops and Conference of Religious consider making more of the opportunities for the review of safeguarding arrangements, or aspects of them, as part of the natural cycle of reviews that already happen routinely within the Church. We have in mind in particular the formal visitations of parishes and communities leading up to the five yearly Ad Limina visit for the Bishops to Rome and the Congregational Chapters for Religious.

Summary of Recommendations

7.10 We close this report with a full list of our recommendations (and we present them again in Annex I according to whether they are for national or local implementation). The reasoning behind our recommendations has already been set out, in context, in the earlier chapters. We can do no better than reiterate Lord Nolan's hope –and now our hope - that these proposals will bring the Church in England and Wales still closer to achieving that '*culture of vigilance where every single adult member of the Church consciously and actively takes responsibility for creating a safe environment*' for children, young people and vulnerable adults.⁴⁰

⁴⁰ 'A Programme for Action' p. 43.

Chapter 2: An overview of the evidence received

Recommendation 1 (para 2.6)

The Conference of Bishops and Conference of Religious should publicly declare and renew their affirmation of the One Church approach to safeguarding children, young people and vulnerable adults through the promotion of a sustained and sustainable culture of constant vigilance. (ST)

Recommendation 2 (para 2.35)

The Conference of Bishops and Conference of Religious should develop Codes of Conduct for all clergy, non clergy religious and those who work in the service of the Church, including volunteers. Such Codes should not be confused with, and should be separate from, any 'terms and conditions' handbook for clergy or any other group of Church workers. (ST)

Chapter 3: National safeguarding structures and local arrangements

Recommendation 3 (para 3.11)

The national unit's name should be changed to the Catholic Safeguarding Advisory Service (CSAS) to reflect its primary role in future as one of co-ordination, advice and support in respect of the wider job of safeguarding children and vulnerable adults. (ST)

Recommendation 4 (para 3.18)

The Catholic Safeguarding Advisory Service should sit within the Department of Christian Responsibility and Citizenship of the Bishops' Conference. (ST)

Recommendation 5 (para 3.18):

An appointed member of the Conference of Religious should be invited to join the Department as a permanent member. (ST)

Recommendation 6 (para 3.23):

The Catholic Safeguarding Advisory Service should report and be accountable to the Bishops' Conference and Conference of Religious through the new National Safeguarding Commission. (ST)

Recommendation 7 (para 3.23):

The National Safeguarding Commission should be chaired by a lay person of seniority and with real credibility appointed by the Conference of Bishops and Conference of Religious; there should be two vice chairs, one an appointed member of the Conference of Bishops and the other an appointed member of the Conference of Religious. (ST)

Recommendation 8 (para 3.23):

The National Safeguarding Commission should have both lay and clerical representation, including 3 Bishops (one of whom should be one of the Bishops in the Department of

Christian Responsibility and Citizenship with oversight of CSAS), 3 representatives of CoR (one of whom should be the CoR member invited to join the Department of Christian Responsibility and Citizenship to oversee the running of CSAS), 3 lay Chairs of Commissions elected by all the Commissions to represent them (including one Regional Religious), and 3 additional lay members with relevant experience and knowledge. (ST)

Recommendation 9 (para 3.23):

If the Chair of the Department of Christian Responsibility and Citizenship is not also the Bishop with day to day oversight of CSAS then he should be invited to sit on the National Safeguarding Commission as an ex-officio member. (ST)

Recommendation 10 (para 3.23):

The task of appointing the National Safeguarding Commission should be carried out by the Chair and Vice-chairs. An open and transparent process, including external advertisement, should be used for the recruitment of the lay members. The skills required on the Commission should be assessed (for example safeguarding vulnerable adults and children issues, knowledge of law and employment matters) and the results used to inform the recruitment process. (ST)

Recommendation 11 (para 3.23):

National Safeguarding Commission members should be appointed to terms of 3 years and should normally be able to serve no more than two terms. A process of rotation should be applied in terms of retirement to assist continuity. (MT)

Recommendation 12 (para 3.23):

The National Safeguarding Commission should meet at least quarterly and both its agendas and minutes should be public documents, with the use of confidential annexes where appropriate. The NSC's quorum should be a third of its membership. (ST)

Recommendation 13 (para 3.23):

The Director of the Catholic Safeguarding Advisory Service should provide expert safeguarding advice to the NSC. (ST/MT)

Recommendation 14 (para 3.29):

The NSC should make annual reports to the Bishops' Conference and Conference of Religious about its progress in ensuring compliance. These reports should be open documents with the use of confidential annexes where appropriate. (MT)

Recommendation 15 (para 3.29)

The NSC may commission the CSAS to undertake thematic investigations to assist it in enforcing compliance with nationally agreed policies and in making reports to the Bishops' Conference and Conference of Religious. (MT)

Recommendation 16 (para 3.31)

The Catholic Safeguarding Advisory Service should focus specifically on the following activities:

- Providing advice to members of the Church about safeguarding issues. (ST/MT)
- Overseeing and co-ordinating safeguarding training within the Church. (ST/MT)
- In the shorter term completing the development of policies that Lord Nolan recommended and others that are outstanding, including policies on vulnerable adults, whistleblowing, information sharing and the national database. (ST)
- Ensuring the Church's policies on safeguarding children and vulnerable adults are kept up to date with good secular practice and are accessible to people at all levels in the Church, with an emphasis on people in parishes. This will require a better balance than has been achieved to date between the professional language and the pastoral language of the Church to communicate the importance of safeguarding. Current policies ought to be reviewed and rationalised wherever possible, taking account of experience on the ground, and short 'lay versions' produced. A Parish Pack, specifically informed by parish experience, and in particular the experiences of children and young people themselves, should also be made available as soon as possible following the publication of this report. (ST)
- Identifying, disseminating and celebrating good safeguarding practice in the Church. (ST/MT)
- Being the point of liaison with other national stakeholders - both safeguarding units in other Churches and secular organisations concerned with safeguarding children and vulnerable adults, including Government. (ST/MT)
- Co-ordinating the work of the Review Panels and maintaining up to date lists of appropriately trained investigators and risk assessors. (ST/MT)
- Producing an annual business report for the public and wider Church community which reviews the work of the CSAS as a whole and reflects on the achievements of the Diocesan and Religious Commissions. Consideration should be given to making this document less of a statistical abstract and with greater emphasis on the softer, preventive end of safeguarding so that it becomes less labour-intensive to produce, both for staff at the centre and staff in the Dioceses and Religious Congregations. (MT)

Recommendation 17 (para 3.36)

The CSAS should continue to run the central database for the time being. This should continue to include both paid staff and volunteers. (ST)

Recommendation 18 (para 3.36)

The CSAS should give priority to developing a national database policy and guidance that is fully informed by user group experience. (ST)

Recommendation 19 (para 3.40)

Going forward, the Catholic Safeguarding Advisory Service should be funded at least at the same or a higher level than is the case now. (ST/MT)

Recommendation 20 (para 3.44)

Dioceses must ensure that their safeguarding functions are adequately resourced. The budget allocated is for local determination but has to be justified in terms of safe processes and minimisation of risk. (ST)

Recommendation 21 (para 3.46)

There must be clear accountability and governance arrangements for each safeguarding role, e.g. Local Child Protection Representative/ CPO/CPC/Chair/Commission member. (ST/MT)

Recommendation 22 (para 3.46)

Recruitment to each of the above safeguarding roles must be transparent. The number and type of posts should be agreed locally. (ST/MT)

Recommendation 23 (para 3.46)

The Bishop should attend a full Commission meeting at least once a year and should meet with the CPC/CPO/Chair at least three times a year. (ST)

Recommendation 24 (para 3.46)

Each Commission should have an independent lay Chair with extensive safeguarding experience in working with children and/or vulnerable adults, e.g. Social Care, Probation and Family Law within 12 months of the publication of this report. An external assessor should be used as a matter of routine on their appointment panel. (ST)

Recommendation 25 (para 3.46)

The composition of the local Commissions should allow for sufficient members with safeguarding experience in work with children and/or vulnerable adults to ensure appropriate expertise available at all meetings of the Commission. The exact numbers and experience can be determined locally. (ST/MT)

Recommendation 26 (para 3.50)

The work of Commissions should be as transparent as possible; the names of Commission members should be included in the diocesan directory and website; notices of meetings, agendas and non-confidential minutes should be published on the website. (ST)

Recommendation 27 (para 3.50)

Commissions, working in partnership with the CSAS, should actively engage with children and young people to ensure their views are taken account of in developing, implementing and evaluating safeguarding arrangements that directly affect them. (MT)

Recommendation 28 (para 3.52)

When a vacancy arises Commissions should ensure that at least one CPC or CPO postholder in each diocese has an appropriate professional qualification and experience. Professional consultancy from experts in safeguarding must be made available to CPCs/CPOs at agreed regularity and as agreed with the Chair of the Commission. (ST/MT)

Recommendation 29 (para 3.52)

Each CPC/CPO must be trained and inducted to an agreed standard set by the Catholic Safeguarding Advisory Service. (ST/MT)

Recommendation 30 (para 3.52)

Central support for CPCs/CPOs should be enhanced by national/regional meetings with an emphasis on training and sharing good practice. (ST/MT)

Recommendation 31 (para 3.54)

LCPRs should be nominated by the parish priest but with a system for approval and appointment by the CPC/CPO. Where a parish has a safeguarding team, each member should be recruited and inducted to the level of a LCPR. (ST/MT)

Recommendation 32 (para 3.54)

A minimum standard of induction for LCPRs should be set by Catholic Safeguarding Advisory Service. (ST)

Recommendation 33 (para 3.54)

As well as a clear job description for LCPRs, an agreed level of support should be provided for them by the parish priest in addition to the training and support provided by the diocese. (ST)

Recommendation 34 (para 3.66)

Adequate resources should be made available to the CoR/Regional Religious Commissions' link person, if necessary making this a full-time post with specific responsibility for co-ordinating the work of the four Commissions. (MT)

Recommendation 35 (para 3.66)

An audit should be carried out within the next three years of any non-aligned congregations who have yet to take up one of the three options. This exercise, in which Diocesan Vicars for Religious can expect to play a key role, would need to include all contemplative orders. (MT)

Recommendation 36 (para 3.66)

Congregations which have their own Commission should be willing to have their arrangements appraised by one of the four Regional Religious Commissions. (MT)

Recommendation 37 (para 3.66)

Appropriate training should be made available to contemplative congregations either through their respective Regional Religious Commission or through the local diocese. (ST/MT)

Recommendation 38 (para 3.73)

Seminaries and other formation houses responsible for the training of priests and religious must agree in consultation with the CSAS the core components of a common safeguarding curriculum that raises awareness, familiarises seminarians and those in religious formation with the national policies and in particular seeks to develop core competencies to give priests the confidence to manage safeguarding matters in their parish. This should be achieved within 12 months of the publication of this report. It will be the role of the CSAS to support this programme and advise on sources of training to deliver it. (ST)

Recommendation 39 (para 3.74)

Church leaders, both Bishops and Congregational Leaders, and all clergy should commit themselves to a full day's study and/or training concerning safeguarding during the first 12 months after this Commission has reported and thereafter to a day's 'top up' study once every three years. (ST/MT)

Chapter 4: The welfare of children and vulnerable adults and investigation and review of abuse cases

Recommendation 40 (para 4.21)

The Conference of Bishops and Conference of Religious should reaffirm their commitment to a safeguarding agenda in which the welfare of the child is paramount. (ST)

Recommendation 41 (para 4.21)

Bishops and Congregational Leaders and those acting on their behalf should apply the civil standard of proof in the investigation and determination of any matter relating to the abuse of children and vulnerable adults. (ST)

Recommendation 42 (para 4.21)

The Conference of Bishops and Conference of Religious should give consideration to merging the proposed investigation and review process with their internal disciplinary processes to avoid unnecessary duplication. (ST)

Recommendation 43 (para 4.25)

The Catholic Safeguarding Advisory Service should develop an information sharing policy as soon as possible and no later than 12 months from the publication of this report. (ST)

Recommendation 44 (para 4.55)

Where an external risk assessment is considered necessary for a member of the church accused of abuse against a child or vulnerable adult he or she should not be expected to participate in a group risk assessment unless he or she has pleaded guilty to, or has been convicted of, the offence. (ST)

Recommendation 45 (para 4.57)

Each Diocesan Commission, and for a congregation dealing with an allegation, the relevant Religious Commission should arrange for a Panel to examine the enquiries of an appointed independent investigator and make recommendations to the Bishop or Congregational Leader. An independent person should chair the Commission Panel. (ST)

Recommendation 46 (para 4.57)

For the occasions where it is considered beneficial for non Commission members to sit on the Panel convened by the Diocesan/Religious Commission, a register of those willing and suitable to serve on the Panel should be kept either within a Diocesan or Religious Commission or in collaboration with another Diocesan or Religious Commission as part of any reciprocal arrangements. (ST)

Recommendation 47 (para 4.67):

A Bishop or Congregational Leader should be able to seek of his/her own volition a review by a specially convened Review Panel of the recommendations made and the process of enquiry following the investigation of an allegation of abuse. He/she must seek such a review in response to a request from the accused and he/she may do so at his/her own discretion in response to a request from the victim/complainant. (ST)

Recommendation 48 (para 4.67)

The Review Panel should review the investigations and recommendations of the Commission Panel as required and make recommendations to the Bishop or Congregational Leader. (ST)

Recommendation 49 (para 4.67)

The members of the Review Panel should be appointed from a panel, set up and administered by the CSAS on behalf of the new National Safeguarding Commission. (ST)

Recommendation 50 (para 4.67)

A Review Panel should comprise a minimum of 3 members and a maximum of five members and should include those with appropriate professional experience in law and safeguarding of children and/or vulnerable adults, investigation processes and Canon Law where practicable. An independent person should chair the Review Panel. (ST)

Recommendation 51 (para 4.67)

Careful records should be kept by the CPC/ CPO, the appointed investigator, the Commission panel, the Review Panel and by the Bishop or Congregational Leader to satisfy the Church's need for a proper audit of its decision making processes. (ST)

Chapter 5: Fairness to victims and survivors

Recommendation 52 (para 5.3)

Those with pastoral responsibility should be ready to listen to those who have suffered abuse, and to learn from them because they have much to teach the Church. Bishops,

Congregational Leaders, priests and religious must take a lead in ensuring that the Church is a safe place for vulnerable people and in showing pastoral concern for all who have suffered abuse. This duty is particularly pressing when the abuse has taken place within the family of the Church. (ST)

Recommendation 53 (para 5.8)

The Church should encourage those who have been abused by someone working in the name of the Church to come forward and disclose the abuse. (ST)

Recommendation 54 (para 5.8)

All churches and other institutions run by the Church should have notices giving the names, photographs and contact details of those who may be contacted by anyone who has a concern about the abuse of children and vulnerable adults. These details should also be put on websites that children and the vulnerable are likely to visit. There should be at least two names given: one of a person who is near at hand, one of a person who is not directly connected with the church or institution in question. The telephone number of “Childline” should also be given and made clearly visible for children to see. (ST)

Recommendation 55 (para 5.8)

If a complaint or allegation is made to a member of a team responsible for safeguarding who believes that he or she is not competent to deal with the matter, either because the alleged perpetrator is not a member of the diocese/congregation for which that office is responsible, or because the alleged victim does not come under the heading of “children” or “vulnerable adult”, the person making the complaint must nevertheless be received with care and the concern must be heard and recorded. The officer concerned should offer to pass the matter on to the person who is competent to deal with it and the complainant should be told to whom the information is being passed. If there is uncertainty about who is competent to deal with the matter, the Catholic Safeguarding Advisory Service may be asked for their advice. (ST)

Recommendation 56 (para 5.9)

The national policies for responding to allegations of abuse should indicate the timescale within which appropriate action should normally be taken, and to whom the matter should be referred if a satisfactory response is not received. (ST)

Recommendation 57 (para 5.12)

Particular attention should be given to the role of an appropriate “support person”, recommended by the Nolan report (recommendations 71-74). It should be made clear to the person who is being supported that:

- (a) Any disclosure of harm, or danger of harm, to a child or vulnerable adult must be reported to the appropriate authorities;
- (b) In other cases, information and opinions voluntarily given to the “support person” may only be passed on to the local Commission, or other bodies, with the express consent of the person being supported;

- (c) Any statement required for legal or safeguarding purposes should be taken by someone from the appropriate investigating agency, not from the “support person”. (ST)

Recommendation 58 (para 5.13)

The person receiving support may request that the “support person” should not be a member of the clergy of that diocese or of the congregation in question, and wherever it is possible the diocese or congregation should respect that request. (ST)

Recommendation 59 (para 5.13)

The CSAS should ensure the co-ordination of support for victims where the alleged abuse covers several dioceses and religious congregations. (ST/MT)

Recommendation 60 (para 5.16)

The National Safeguarding Commission should commission the Catholic Church Insurance Association to conduct an urgent review of insurance arrangements with the aim of moving towards a One Church policy on insurance matters. This review should not be an impediment to a just resolution of current cases. Individual dioceses and religious congregations should not commit themselves to respond to allegations in a way that contravenes national policies. (ST)

Recommendation 61 (para 5.21)

The Church should not ask victims to sign a “confidentiality agreement” if the purpose is to inhibit other victims from coming forward or to conceal abuse when this has been established in a court of law. (ST)

Recommendation 62 (para 5.21)

When a priest is asked or required to withdraw from active ministry on account of an allegation being made against him, or when a priest is allowed only restricted ministry, it must be made clear in a written agreement what sacramental ministry is permitted to him, bearing in mind the circumstances and the place where he will be located. (ST)

Recommendation 63 (para 5.21)

When a priest or religious is asked or required to live in a different place on account of an allegation being made against him or her, it is imperative that he or she should not have access to the victim/complainant or other children or vulnerable adults pending the resolution of the case. (ST)

Recommendation 64 (para 5.21)

An allegation made against a person who is dead or not capable of responding to the allegation should be listened to by the Church and investigated as far as possible. This should be done even though it will often be difficult to establish the truth; the statutory authorities may not be willing to investigate the matter; and even though it may be impossible to sustain claims for compensation. (ST)

Recommendation 65 (para 5.21)

The information given by the victim in any statement to the statutory authorities and/or Church investigating an allegation of abuse should be made available routinely to those involved in the risk assessment and treatment of the abuser. (ST)

Recommendation 66 (para 5.21)

If a person has been removed from working for the Church because of concerns about his suitability for work with children, this should be stated if a reference is given for that person. (ST)

Chapter 6: Safeguarding vulnerable adults

Recommendation 67 (para 6.2)

The Catholic Bishops Conference of England and Wales and the Conference of Religious should now adopt comprehensive safeguarding policies and procedures that cover both children and vulnerable adults. (ST)

Recommendation 68 (para 6.4)

The Conference of Religious, the Association of British Contemplatives and the Union of Monastic Superiors should develop systems for monitoring these communities and ensuring that there is a way for people to report concerns. (MT)

Recommendation 69 (para 6.9)

The policies and procedures adopted by the Catholic Bishops' Conference of England and Wales and the Conference of Religious for the protection of vulnerable adults should be based on the definition of vulnerable adults set out in the Safeguarding Vulnerable Groups Act 2006. (ST)

Recommendation 70 (para 6.11)

The Diocesan Child Protection Commissions and Regional Religious Child Protection Commissions should become Safeguarding Commissions responsible for safeguarding children and vulnerable adults. (ST)

Recommendation 71 (para 6.11)

The current training for priests and religious (both in formation in the seminaries and as part of ongoing formation and study days) and other workers in the church should be expanded to include awareness of abuse of vulnerable adults – not least because they may be a very significant source of protection for those adults who are at risk. Commissions and seminaries, supported by the CSAS, will be responsible for undertaking and facilitating such training. (ST/MT)

Chapter 7: Conclusion and summary of recommendations

Recommendation 72 (para 7.5)

The Bishops' Conference of England and Wales, in consultation with the Conference of Religious, should make the appropriate *decreta generalia* and secure canonical *recognitio* of them (c. 455), so that there will be a special territorial law (c. 13§1) for England and Wales which would both give juridical authority to the Church's most important safeguarding rules for children and vulnerable adults and also secure a right of recourse to the Holy See against a diocese, religious congregation or other juridical person which failed to fulfil the obligations laid down in that law. (ST)

Annex A

The list of Commission Members

Baroness Cumberlege CBE DL (*Chair*)

Baroness Butler-Sloss GBE (*Vice Chair*)

Abbot Richard Yeo, Abbot President of the English Benedictine Congregation

Sister Bernie Porter RSJ, member of the Society of the Sacred Heart
(*until 30th November 2006*)

Sister Raymunda Jordan OP, Vicaress on the General Council
of the Congregation of St. Catherine of Siena (*from 1st December 2006*)

Rt Rev John Arnold, Auxiliary Bishop in Westminster

Ms Hannah Miller, Director of Adult Social Services, London Borough of Croydon

Fr Kieron O' Brien, parish priest in Chichester with the Witterings and the child protection
co-coordinator for the Diocese of Arundel & Brighton

Mr. Terence Grange QPM, Chief Constable of the Dyfed-Powys Police,
ACPO lead on violent crime

Rt Rev Declan Lang, Bishop of Clifton

Mr. Bill Kilgallon OBE, Chief Executive of the Social Care Institute for Excellence

Ms Caroline Abrahams, who leads on children and young people for the Local Government
Association and was a member of Lord Nolan's original Review

Professor David Middleton, former Head of Sex Offender Strategy and Programmes,
Public Protection & Licensed Release Unit, National Offender Management Service &
National Probation Directorate at the Home Office in London and now an independent
sexual crime consultant

The Commission also has a part-time 3-person secretariat:

Dr Valerie Brasse, Secretary/Adviser to the Commission

Ms Rose Anderson, Administrative Support to the Commission

Mr. Arman Alan Ali, Press Officer to the Commission

Annex B

The four open questions posed on the website

1. Do you think the implementation of Lord Nolan's report, '*A Programme for Action*', has worked?

If not, why not?

What more needs to be done?

Where are the gaps

What are the barriers to it working well?

2. Do you think that the processes introduced nationally and locally have struck the right balance between creating a safe environment for children and vulnerable adults and being fair and just to those who serve the Church community?

If not, can you say what could be done differently to achieve this balance?

3. Lord Nolan recommended that a national child protection unit be established primarily to:

- provide advice and consultation to the Conferences of Bishops and Religious on the protection of children and vulnerable adults
- co-ordinate the development of national policies and procedures
- collect and disseminate good practice
- facilitate child protection training and awareness raising
- monitor the effectiveness of arrangements locally and secure improvements where necessary
- establish and maintain the central confidential database of information
- liaise with the statutory agencies (including the Criminal Records Bureau)

Do you think that the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) has fulfilled these functions?

Does it have a role to play in the future?

If so, say what role that should be?

Are there any changes you think should be made to deliver that role?

4. How well do you think the new organisational structures (introduced in the dioceses and religious orders) are working?

Are they efficient and effective?

What, if any, improvements might be made?

Annex C

The list of Organisations/individuals formally invited to give evidence

All of the Bishops of England and Wales	The Church of England
The Bishops' Conference of England and Wales	The Methodist Church
The Bishops' Conference of Scotland	The United Reformed Church
The Bishops' Conference of Ireland	The Baptist Union
The Conference of Religious	Churches Child Protection Advisory Service (CCPAS)
All Congregational Leaders of England and Wales	Churches Agency for Safeguarding
The Rectors of the Seminaries	NSPCC
The Chairs of all Diocesan Protection Commissions in England and Wales	Catholic Office for the Protection of Children and Vulnerable Adults (COPCA)
National Conference of Priests of England and Wales	The Minister of State for Children and Families, DfES
National Board of Catholic Women	Parliamentary Undersecretary of State for Care Services, DoH
National Council of Lay Associations	Under Secretary of State for Police and Security, Home Office
National Office for Vocations	Minister for Health and Social Security, Dept for Health and Social Services (Wales)
Conference of Diocesan Financial Secretaries	The Official Solicitor
Canon Law Society of Great Britain and Ireland	Association of Directors of Social Services
Catholic Union of Great Britain	Association of Chief Police Officers
Catholic Education Service	Children and Family Court Advisory and Support Service
Catholic Youth Services	Chief Executive, Ofsted
Catholic Association for Racial Justice	Commission for Social Care Inspection
Caritas Social Action	Chief Inspector, Social Services Inspectorate (Wales)
Catholic Church Insurance Association	

Chief Executive, Care Standards for Wales

Children's Commissioner for England

Children's Commissioner for Wales

National Association for People Abused in
Childhood

Minister and Clerical Sexual Abuse
Survivors (MACSAS)

Mencap

Action on Elder Abuse

Criminal Records Bureau

Annex D

The list of those who gave oral evidence

Association of Directors of Social Services

The Bishops' Conference of England and Wales

The Bishops' Conference of Scotland

The Canon Law Society of Great Britain and Ireland

Catholic Trust for England and Wales (CaTEW) and Bishops' Conference secretariat

Catholic Church Insurance Association

Chairs of Diocesan Child Protection Commissions

The Conference of Religious

Catholic Office for the Protection of Children and Vulnerable Adults (COPCA)

Churches Child Protection Advisory Service (CCPAS)

Diocesan Child Protection Coordinators and Officers

Mr Donald Findlater, Lucy Faithful Foundation

Mr Tom Horwood, former acting Director of the Catholic Communications Network

Local Child Protection Representatives

Minister and Clerical Sexual Abuse Survivors (MACSAS)

The Methodist Church of Great Britain and the Church of England

Metropolitan Police Child Abuse Investigation Command

National Conference of Priests of England and Wales

National Office for Vocations

National Society for the Prevention of Cruelty to Children (NSPCC)

The Rev Monsignor Charles Scicluna, Promoter of Justice, Congregation for the Doctrine of the Faith

Sir Roger Singleton, Department for Education & Skills

Rectors of Seminaries

Annex E

The list of Diocesan and Regional Religious Child Protection Commissions visited

Diocesan Commissions

Birmingham
Brentwood
Cardiff
East Anglia
Hexham and Newcastle
Hallam
Leeds
Liverpool
Menevia
Middlesbrough
Northampton
Plymouth

Portsmouth
Salford
Shrewsbury
Southwark
Westminster
Wrexham

Regional Religious Commissions

London Midland
London South Coast
North East
North West

Annex F

Local arrangements: flexibilities versus consistency

Safeguarding functions in each diocese to be adequately resourced.	Budget allocated is for local determination but must be justified in terms of safe processes and minimisation of risk.
Commissions should have independent lay chairs with extensive safeguarding experience in working with children and/or vulnerable adults e.g. social care, police, probation, family law.	
Composition of the local Commission should allow for sufficient members with safeguarding experience in work with children and/or vulnerable adults to ensure appropriate expertise available at all meetings of the Commission.	Exact numbers and experience to be determined locally.
There must be clear accountability and governance arrangements for Co-ordinators/ Officers/Chair/ Commission member/local representatives. Commissions should work towards at least one post of (safeguarding) co-ordinator /officer in each diocese having an appropriate professional qualification and experience.	The number and type of posts to be agreed locally.
Recruitment to each of the above safeguarding roles must be transparent. For Chairs of Commissions there should always be an external person on the recruitment panel.	
Each Child Protection (safeguarding) Co-ordinator/ Officer must be trained and inducted to an agreed standard set by the CSAS.	
Professional consultancy from experts in safeguarding must be available at agreed regularity, and as agreed with the Chair of the Commission, to Child Protection (safeguarding) Co-ordinators / Officers to enable them to deal with the emotional stress associated with the role as well as to guide their professional development.	The arrangements for this can be determined locally, e.g. some dioceses contract out both the line management and professional consultancy role to a voluntary organisation.
Total clarity is required on which volunteer positions require CRB checks at enhanced level.	
Local Representatives are to be nominated by the parish priest but with a system for approval and appointment by the Child Protection (safeguarding) Co-ordinators/Officers. Where a parish has a safeguarding team, each member should be recruited and inducted to the level of a Local Representative.	The numbers of Local Representatives in a parish team to be determined locally.
Minimum standard of induction for Local Representatives to be set by CSAS.	
As well as a clear job description for Local Representatives, an agreed level of support should be provided for the representatives by the parish priest in addition to the training and support provided by the diocese.	
“Blemished disclosures” must always be referred to a professional to deal with.	Role of CRB counter-signatory can be shared with qualified administrative personnel.

Annex G

Risk Assessment

1. What is it in relation to Child Protection?

An assessment of the personality, attitudes and behaviour of the individual which will assist in determining how these attitudes and behaviours may place children at risk of sexual or physical abuse. Assessment should be informed by current research literature which has identified those personality characteristics linked to abusive behaviour.

2. How is risk identified?

Risk is assessed in three components. Firstly by examining static risk factors which have been defined in an actuarial process, similar to that used by insurance companies in assessing everyday risks. For example car insurers know that claims are more likely from certain gender, age groups and whether the individual has a history of previous claims. Sex offender research has taken a similar approach and from retrospective studies has found that those most likely to re-offend can be identified from age, past behaviour and certain victim preferences. This form of assessment can tell us whether a group of people with these characteristics are at a higher risk, than a group with fewer of these characteristics. Actuarial approaches have been demonstrated as being more accurate than simply using clinical or unstructured assessments which often perform no better than chance. With the higher risk groups the prediction is in the region of 70% likelihood of re-offence. This is a helpful starting point but has the problem of not being able to discriminate whether the particular individual we are assessing is part of the 70% that will re-offend or the 30% with the same characteristics that will not. For the car insurer this is not a problem since all applicants in this group get treated the same and are charged the same premium. In assessing individuals for child protection this is not acceptable. In the context of child protection within the Church there is the additional difficulty in that most of those being assessed will have no previous convictions. Therefore it is likely that the assessment will focus more on the dynamic risk indicators which are linked to the personality characteristics of the individual.

Personality characteristics can be assessed by both clinical interview and by the use of psychometrics. Psychometrics are research based tools which require response from the individual to a range of questions. For sex and violent offender assessments the tools have been “normed” on both known offenders and a sample of non-offenders. This enables the assessor to identify where on a scale of responses the individual who is being assessed falls. A similar process is used during clinical interview with the individual. Known personality characteristics which make sexual abuse more likely include deviant sexual interests, sexual preoccupation, hostile attitudes and adversarial sexual beliefs, feelings of inadequacy, distorted intimacy balance, lack of emotional intimacy with adults, grievance and rumination, emotional dysregulation, problems with self-regulation. These personality

characteristics are usually enduring but are capable of being changed, for example through treatment intervention or controlled, either by self control or by external controls. In clinical interview it will be necessary for the assessor therefore to explore with the individual their emotional and sexual development, together with their current attitudes and behaviour both generally and in response to stress or risk situations.

The final component of assessment is exploring the situational risk factors. Risk is a dynamic process therefore an individual may respond to situational or environment cues which increases their risk, which otherwise would be relatively low. For sexual offenders these factors would include **Victim Access** – attempts to meet and engage with potential victims, behaviour which indicates that the offender is arranging his life so that they “naturally contact members of their preferred victim group”. **Emotional Collapse**- emotional disturbance which leads to inability to maintain normal routines, out of control thoughts and overwhelming emotions. Actions are taken which are aimed only at immediate relief of distress. **Collapse of Social Supports** – in particular the loss of contact with those who may act as positive influence in avoiding risk behaviour, or an increase in social networks which are negative influences. **Hostility** – either irrational and reckless defiance or general hostility to victim group which has increased from baseline level. **Substance Abuse** – increase from a baseline level may indicate loss of control or increasing disinhibition. **Sexual preoccupations** – using sex to handle distress, fixation on sexual matters, increase in sexual tension. **Rejection or disengagement from those in authority** – whether the individual is working with or against the supervisor and can be expressed through disengagement, absences, manipulation, deception, indirect hostility or open confrontation. The importance of these factors for organisations managing risk is that they can change quite rapidly and therefore require regular monitoring.

Assessments should provide recommendations for the future role, if any, of the individual within the Church and what measures would be required to ensure the safety of children and vulnerable adults. For the Church this means that when an individual has been assessed, and there has been a finding of raised risk factors, any decision which enables the individual to continue in whatever role within the Church, must be accompanied by regular and accountable monitoring.

Annex H

Definition of Vulnerable Adult

The Safeguarding Vulnerable Groups Act 2006 defines a vulnerable adult as:

1. A person is a vulnerable adult if he has attained the age of 18 and:

- (a) he is in residential accommodation,
- (b) he is in sheltered housing,
- (c) he receives domiciliary care,
- (d) he receives any form of health care,
- (e) he is detained in lawful custody,
- (f) he is by virtue of an order of a court under supervision by a person exercising functions for the purposes of Part 1 of the Criminal Justice and Court Services Act 2000 (c. 43),
- (g) he receives a welfare service of a prescribed description,
- (h) he receives any service or participates in any activity provided specifically for persons who fall within subsection (9),
- (i) payments are made to him (or to another on his behalf) in pursuance of arrangements under section 57 of the Health and Social Care Act 2001 (c. 15), or
- (j) he requires assistance in the conduct of his own affairs.

2. Residential accommodation is accommodation provided for a person:

- (a) in connection with any care or nursing he requires, or
- (b) who is or has been a pupil attending a residential special school.

3. A residential special school is a school which provides residential accommodation for its pupils and which is:

- (a) a special school within the meaning of section 337 of the Education Act 1996 (c. 56);
- (b) an independent school (within the meaning of section 463 of that Act) which is approved by the Secretary of State in accordance with section 347 of that Act;
- (c) an independent school (within the meaning of section 463 of that Act) not falling within paragraph (a) or (b) which, with the consent of the Secretary of State given under section 347(5)(b) of that Act, provides places for children with special educational needs (within the meaning of section 312 of that Act);
- (d) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992) which provides accommodation for children.

4. Domiciliary care is care of any description or assistance falling within subsection (5) whether provided continuously or not which a person receives in a place where he is, for the time being, living.

5. Assistance falls within this subsection if it is (to any extent) provided to a person by reason of: (a) his age; (b) his health; (c) any disability he has.

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- 6.** Health care includes treatment, therapy or palliative care of any description.
- 7.** A person is in lawful custody if he is:
- (a) detained in a prison (within the meaning of the Prison Act 1952 (c. 52));
 - (b) detained in a remand centre, young offender institution or secure training centre (as mentioned in section 43 of that Act);
 - (c) detained in an attendance centre (within the meaning of section 53(1) of that Act);
 - (d) a detained person (within the meaning of Part 8 of the Immigration and Asylum Act 1999 (c. 33)) who is detained in a removal centre or shortterm holding facility (within the meaning of that Part) or in pursuance of escort arrangements made under section 156 of that Act.
- 8.** The reference to a welfare service must be construed in accordance with section 16(5).
- 9.** A person falls within this subsection if:
- (a) he has particular needs because of his age;
 - (b) he has any form of disability;
 - (c) he has a physical or mental problem of such description as is prescribed;
 - (d) she is an expectant or nursing mother in receipt of residential accommodation pursuant to arrangements made under section 21(1)(aa) of the National Assistance Act 1948 or care pursuant to paragraph 1 of Schedule 8 to the National Health Service Act 1977 (c. 49);
 - (e) he is a person of a prescribed description not falling within paragraphs (a) to (d).
- 10.** A person requires assistance in the conduct of his own affairs if:
- (a) a lasting power of attorney is created in respect of him in accordance with section 9 of the Mental Capacity Act 2005 (c. 9) or an application is made under paragraph 4 of Schedule 1 to that Act for the registration of an instrument intended to create a lasting power of attorney in respect of him;
 - (b) an enduring power of attorney (within the meaning of Schedule 4 to that Act) in respect of him is registered in accordance with that Schedule or an application is made under that Schedule for the registration of an enduring power of attorney in respect of him;
 - (c) an order under section 16 of that Act has been made by the Court of Protection in relation to the making of decisions on his behalf, or such an order has been applied for;
 - (d) an independent mental capacity advocate is or is to be appointed in respect of him in pursuance of arrangements under section 35 of that Act;
 - (e) independent advocacy services (within the meaning of section 248 of the National Health Service Act 2006 (c. 41) or section 187 of the National Health Service (Wales) Act 2006 (c. 42)) are or are to be provided in respect of him;
 - (f) a representative is or is to be appointed to receive payments on his behalf in pursuance of regulations made under the Social Security Administration Act 1992 (c.

Annex I

Summary of recommendations for national and local implementation

(The terms in brackets refer to the timescale for implementation. ST: within 12 months of the date of publication and acceptance of this report; MT: after 12 months from the date of publication and acceptance of this report)

NATIONAL

Conference of Bishops and Conference of Religious

Recommendation 1 (para 2.6)

The Conference of Bishops and Conference of Religious should publicly declare and renew their affirmation of the One Church approach to safeguarding children, young people and vulnerable adults through the promotion of a sustained and sustainable culture of constant vigilance. (ST)

Recommendation 2 (para 2.35)

The Conference of Bishops and Conference of Religious should develop Codes of Conduct for all clergy, non clergy religious and those who work in the service of the Church, including volunteers. Such Codes should not be confused with, and should be separate from, any 'terms and conditions' handbook for clergy or any other group of Church workers. (ST)

Recommendation 4 (para 3.18)

The Catholic Safeguarding Advisory Service should sit within the Department of Christian Responsibility and Citizenship of the Bishops' Conference. (ST)

Recommendation 5 (para 3.18)

An appointed member of the Conference of Religious should be invited to join the Department as a permanent member. (ST)

Recommendation 6 (para 3.23)

The Catholic Safeguarding Advisory Service should report and be accountable to the Bishops' Conference and Conference of Religious through the new National Safeguarding Commission. (ST)

Recommendation 7 (para 3.23)

The National Safeguarding Commission should be chaired by a lay person of seniority and with real credibility appointed by the Conference of Bishops and Conference of Religious; there should be two vice chairs, one an appointed member of the Conference of Bishops and the other an appointed member of the Conference of Religious. (ST)

Recommendation 19 (para 3.40)

Going forward, the Catholic Safeguarding Advisory Service should be funded at least at the same or a higher level than is the case now. (ST/MT)

Recommendation 34 (para 3.66)

Adequate resources should be made available to the CoR/ Regional Religious Commissions' link person, if necessary making this a full-time post, with specific responsibility for co-ordinating the work of the four Commissions (MT)

Recommendation 40 (para 4.21)

The Conference of Bishops and Conference of Religious should reaffirm their commitment to a safeguarding agenda in which the welfare of the child is paramount. (ST)

Recommendation 42 (para 4.21)

The Conference of Bishops and Conference of Religious should give consideration to merging the proposed investigation and review process with their internal disciplinary processes to avoid unnecessary duplication. (ST)

Recommendation 67 (para 6.2)

The Catholic Bishops' Conference of England and Wales and the Conference of Religious should now adopt comprehensive safeguarding policies and procedures that cover both children and vulnerable adults. (ST)

Recommendation 68 (para 6.4)

The Conference of Religious, the Association of British Contemplatives and the Union of Monastic Superiors should develop systems for monitoring these communities and ensuring that there is a way for people to report concerns. (MT)

Recommendation 69 (para 6.9)

The policies and procedures adopted by the Catholic Bishops' Conference of England and Wales and the Conference of Religious for the protection of vulnerable adults should be based on the definition of vulnerable adults set out in the Safeguarding Vulnerable Groups Act 2006. (ST)

Recommendation 72 (para 7.5)

The Bishops' Conference of England and Wales, in consultation with the Conference of Religious, should make the appropriate *decreta generalia* and secure canonical *recognitio* of them (c. 455), so that there will be a special territorial law (c. 13§1) for England and Wales which would both give juridical authority to the Church's most important safeguarding rules for children and vulnerable adults and also secure a right of recourse to the Holy See against a diocese, religious congregation or other juridical person which failed to fulfil the obligations laid down in that law. (ST)

National Safeguarding Commission

Recommendation 6 (para 3.23)

The Catholic Safeguarding Advisory Service should report and be accountable to the Bishops' Conference and Conference of Religious through the new National Safeguarding Commission. (ST)

Recommendation 7 (para 3.23)

The National Safeguarding Commission should be chaired by a lay person of seniority and with real credibility appointed by the Conference of Bishops and Conference of Religious; there should be two vice chairs, one an appointed member of the Conference of Bishops and the other an appointed member of the Conference of Religious. (ST)

Recommendation 8 (para 3.23)

The National Safeguarding Commission should have both lay and clerical representation, including 3 Bishops (one of whom should be one of the Bishops in the Department of Christian Responsibility and Citizenship with oversight of CSAS), 3 representatives of CoR (one of whom should be the CoR member invited to join the Department of Christian Responsibility and Citizenship to oversee the running of CSAS), 3 lay Chairs of Commissions elected by all the Commissions to represent them (including one Regional Religious), and 3 additional lay members with relevant experience and knowledge. (ST)

Recommendation 9 (para 3.23)

If the Chair of the Department of Christian Responsibility and Citizenship is not also the Bishop with day to day oversight of CSAS then he should be invited to sit on the National Safeguarding Commission as an ex-officio member. (ST)

Recommendation 10 (para 3.23)

The task of appointing the National Safeguarding Commission should be carried out by the Chair and Vice-chairs. An open and transparent process, including external advertisement, should be used for the recruitment of the lay members. The skills required on the Commission should be assessed (for example safeguarding vulnerable adults and children issues, knowledge of law and employment matters) and the results used to inform the recruitment process. (ST)

Recommendation 11 (para 3.23)

National Safeguarding Commission members should be appointed to terms of 3 years and should normally be able to serve no more than two terms. A process of rotation should be applied in terms of retirement to assist continuity. (MT)

Recommendation 12 (para 3.23)

The National Safeguarding Commission should meet at least quarterly and both its agendas and minutes should be public documents, with the use of confidential annexes where appropriate. The NSC's quorum should be a third of its membership. (ST)

Recommendation 14 (para 3.29)

The NSC should make annual reports to the Bishops' Conference and Conference of Religious about its progress in ensuring compliance. These reports should be open documents with the use of confidential annexes where appropriate. (MT)

Recommendation 15 (para 3.29)

The NSC may commission the CSAS to undertake thematic investigations to assist it in enforcing compliance with nationally agreed policies and in making reports to the Bishops' Conference and Conference of Religious. (MT)

Recommendation 35 (para 3.66)

An audit should be carried out within the next three years of any non-aligned congregations who have yet to take up one of the three options. This exercise, in which Diocesan Vicars for Religious can expect to play a key role, would need to include all contemplative orders. (MT)

Recommendation 49 (para 4.67)

The members of the Review Panel should be appointed from a panel, set up and administered by the CSAS on behalf of the new National Safeguarding Commission. (ST)

Recommendation 60 (para 5.16)

The National Safeguarding Commission should commission the Catholic Church Insurance Association to conduct an urgent review of insurance arrangements with the aim of moving towards a One Church policy on insurance matters. This review should not be an impediment to a just resolution of current cases. Individual dioceses and religious congregations should not commit themselves to respond to allegations in a way that contravenes national policies. (ST)

Catholic Safeguarding Advisory Service

Recommendation 3 (para 3.11)

The national unit's name should be changed to the Catholic Safeguarding Advisory Service (CSAS) to reflect its primary role in future as one of co-ordination, advice and support in respect of the wider job of safeguarding children and vulnerable adults. (ST)

Recommendation 4 (para 3.18)

The Catholic Safeguarding Advisory Service should sit within the Department of Christian Responsibility and Citizenship of the Bishops' Conference. (ST)

Recommendation 6 (3.23)

The Catholic Safeguarding Advisory Service should report and be accountable to the Bishops' Conference and Conference of Religious through the new National Safeguarding Commission. (ST)

Recommendation 13 (para 3.23)

The Director of the Catholic Safeguarding Advisory Service should provide expert safeguarding advice to the NSC. (ST/MT)

Recommendation 15 (para 3.29)

The NSC may commission the CSAS to undertake thematic investigations to assist it in enforcing compliance with nationally agreed policies and in making reports to the Bishops' Conference and Conference of Religious. (MT)

Recommendation 16 (para 3.31)

The Catholic Safeguarding Advisory Service should focus specifically on the following activities:

- Providing advice to members of the Church about safeguarding issues. (ST/MT)
- Overseeing and co-ordinating safeguarding training within the Church. (ST/MT)
- In the shorter term completing the development of policies that Lord Nolan recommended and others that are outstanding, including policies on vulnerable adults, whistleblowing, information sharing and the national database (see below). (ST)
- Ensuring the Church's policies on safeguarding children and vulnerable adults are kept up to date with good secular practice and are accessible to people at all levels in the Church, with an emphasis on people in parishes. This will require a better balance than has been achieved to date between the professional language and the pastoral language of the Church to communicate the importance of safeguarding. Current policies ought to be reviewed and rationalised wherever possible, taking account of experience on the ground, and short 'lay versions' produced. A Parish Pack, specifically informed by parish experience, and in particular the experiences of children and young people themselves, should also be made available as soon as possible following the publication of this report. (ST)
- Identifying, disseminating and celebrating good safeguarding practice in the Church. (ST/MT)
- Being the point of liaison with other national stakeholders - both safeguarding units in other Churches and secular organisations concerned with safeguarding children and vulnerable adults, including Government. (ST/MT)
- Co-ordinating the work of the Review Panels and maintaining up to date lists of appropriately trained investigators and risk assessors. (ST/MT)
- Producing an annual business report for the public and wider Church community which reviews the work of the CSAS as a whole and reflects on the achievements of the Diocesan and Religious Commissions. Consideration should be given to making this document less of a statistical abstract and with greater emphasis on the softer, preventive end of safeguarding so that it becomes less labour-intensive to produce, both for staff at the centre and staff in the Dioceses and Religious Congregations. (MT)

Recommendation 17 (para 3.36)

The CSAS should continue to run the central database for the time being. This should continue to include both paid staff and volunteers. (ST)

Recommendation 18 (para 3.36)

The CSAS should give priority to developing a national database policy and guidance that is fully informed by user group experience. (ST)

Recommendation 19 (para 3.40)

Going forward, the Catholic Safeguarding Advisory Service should be funded at least at the same or a higher level than is the case now. (ST/MT)

Recommendation 27 (para 3.50)

Commissions, working in partnership with the CSAS, should actively engage with children and young people to ensure their views are taken account of in developing, implementing and evaluating safeguarding arrangements that directly affect them. (MT)

Recommendation 29 (para 3.52)

Each CPC/CPO must be trained and inducted to an agreed standard set by the Catholic Safeguarding Advisory Service. (ST/MT)

Recommendation 30 (para 3.52)

Central support for CPCs/CPOs should be enhanced by national/regional meetings with an emphasis on training and sharing good practice. (ST/MT)

Recommendation 32 (para 3.54)

A minimum standard of induction for LCPRs should be set by Catholic Safeguarding Advisory Service. (ST)

Recommendation 38 (para 3.73)

Seminaries and other formation houses responsible for the training of priests and religious must agree in consultation with the CSAS the core components of a common safeguarding curriculum that raises awareness, familiarises seminarians and those in religious formation with the national policies and in particular seeks to develop core competencies to give priests the confidence to manage safeguarding matters in their parish. This should be achieved within 12 months of the publication of this report. It will be the role of the CSAS to support this programme and advise on sources of training to deliver it. (ST)

Recommendation 43 (para 4.25)

The Catholic Safeguarding Advisory Service should develop an information sharing policy as soon as possible and no later than 12 months from the publication of this report. (ST)

Recommendation 49 (para 4.67)

The members of the Review Panel should be appointed from a panel, set up and administered by the CSAS on behalf of the new National Safeguarding Commission. (ST)

Recommendation 50 (para 4.67)

A Review Panel should comprise a minimum of 3 members and a maximum of five members and should include those with appropriate professional experience in law and safeguarding of children and/or vulnerable adults, investigation processes and Canon Law where practicable. An independent person should chair the Review Panel. (ST)

Recommendation 56 (para 5.9)

The national policies for responding to allegations of abuse should indicate the timescale within which appropriate action should normally be taken, and to whom the matter should be referred if a satisfactory response is not received. (ST)

Recommendation 59 (para 5.13)

The CSAS should ensure the co-ordination of support for victims where the alleged abuse covers several dioceses and religious congregations. (ST/MT)

Recommendation 71 (para 6.11)

The current training for priests and religious (both in formation in the seminaries and as part of ongoing formation and study days) and other workers in the church should be expanded to include awareness of abuse of vulnerable adults – not least because they may be a very significant source of protection for those adults who are at risk. Commissions and seminaries, supported by the CSAS, will be responsible for undertaking and facilitating such training. (ST/MT)

LOCAL

Dioceses and Religious Congregations

Recommendation 20 (para 3.44)

Dioceses must ensure that their safeguarding functions are adequately resourced. The budget allocated is for local determination but has to be justified in terms of safe processes and minimisation of risk. (ST)

Recommendation 21 (para 3.46)

There must be clear accountability and governance arrangements for each safeguarding role, e.g. Local Child Protection Representative/ CPO/CPC/Chair/Commission member. (ST/MT)

Recommendation 22 (para 3.46)

Recruitment to each of the above safeguarding roles must be transparent. The number and type of posts should be agreed locally. (ST/MT)

Recommendation 23 (para 3.46)

The Bishop should attend a full Commission meeting at least once a year and should meet with the CPC/CPO/Chair at least three times a year. (ST)

Recommendation 24 (para 3.46)

Each Commission should have an independent lay Chair with extensive safeguarding experience in working with children and/or vulnerable adults, e.g. Social Care, Probation and Family Law within 12 months of the publication of this report. An external assessor should be used as a matter of routine on their appointment panel. (ST)

Recommendation 25 (para 3.46)

The composition of the local Commissions should allow for sufficient members with safeguarding experience in work with children and/or vulnerable adults to ensure appropriate expertise available at all meetings of the Commission. The exact numbers and experience can be determined locally. (ST/MT)

Recommendation 26 (para 3.50)

The work of Commissions should be as transparent as possible; the names of Commission members should be included in the diocesan directory and website; notices of meetings, agendas and non-confidential minutes should be published on the website. (ST)

Recommendation 27 (para 3.50)

Commissions, working in partnership with the CSAS, should actively engage with children and young people to ensure their views are taken account of in developing, implementing and evaluating safeguarding arrangements that directly affect them. (MT)

Recommendation 28 (para 3.52)

When a vacancy arises Commissions should ensure that at least one CPC or CPO postholder in each diocese has an appropriate professional qualification and experience. Professional consultancy from experts in safeguarding must be made available to CPCs/CPOs at agreed regularity and as agreed with the Chair of the Commission. (ST/MT)

Recommendation 29 (para 3.52)

Each CPC/CPO must be trained and inducted to an agreed standard set by the Catholic Safeguarding Advisory Service. (ST/MT)

Recommendation 30 (para 3.52)

Central support for CPCs/CPOs should be enhanced by national/regional meetings with an emphasis on training and sharing good practice. (ST/MT)

Recommendation 31 (para 3.54)

LCPRs should be nominated by the parish priest but with a system for approval and appointment by the CPC/CPO. Where a parish has a safeguarding team, each member should be recruited and inducted to the level of a LCPR. (ST/MT)

Recommendation 35 (para 3.66)

An audit should be carried out within the next three years to any non-aligned congregations who have yet to take up one of the three options. This exercise, in which Diocesan Vicars for Religious can expect to play a key role, would need to include all contemplative orders. (MT)

Recommendation 36 (para 3.66)

Congregations which have their own Commission should be willing to have their arrangements appraised by one of the four regional Commissions. (MT)

Recommendation 37 (para 3.66)

Appropriate training should be made available to contemplative congregations either through their respective Regional Commission or through the local diocese. (ST/MT)

Recommendation 39 (para 3.74)

Church leaders, both Bishops and Congregational Leaders, and all clergy should commit themselves to a full day's study and/or training concerning safeguarding during the first 12 months after this Commission has reported and thereafter to a day's 'top up' study once every three years. (ST/MT)

Recommendation 41 (para 4.21)

Bishops and Congregational Leaders and those acting on their behalf should apply the civil standard of proof in the investigation and determination of any matter relating to the abuse of children and vulnerable adults. (ST)

Recommendation 44 (para 4.55)

Where an external risk assessment is considered necessary for a member of the church accused of abuse against a child or vulnerable adult he or she should not be expected to participate in a group risk assessment unless he or she has pleaded guilty to, or has been convicted of, the offence. (ST)

Recommendation 45 (para 4.57)

Each Diocesan Commission, and for a religious congregation dealing with an allegation, the relevant Religious Commission, should arrange for a Panel to examine the enquiries of an appointed independent investigator and make recommendations to the Bishop or Congregational Leader. An independent person should chair the Commission Panel. (ST)

Recommendation 46 (para 4.57)

For the occasions where it is considered beneficial for non Commission members to sit on the Panel convened by the Diocesan/Religious Commission, a register of those willing and suitable to serve on the Panel should be kept either within a Diocesan or Religious Commission or in collaboration with another Diocesan or Religious Commission as part of any reciprocal arrangements. (ST)

Recommendation 47 (para 4.67)

A Bishop or Congregational Leader should be able to seek of his/her own volition a review by a specially convened Review Panel of the recommendations made and the process of enquiry following the investigation of an allegation of abuse. He/she must seek such a review in response to a request from the accused and he/she may do so at his/her own discretion in response to a request from the victim/complainant. (ST)

Recommendation 48 (para 4.67)

The Review Panel should review the investigations and recommendations of the Commission Panel as required and make recommendations to the Bishop or Congregational Leader. (ST)

Recommendation 51 (para 4.67)

Careful records should be kept by the CPC/ CPO, the appointed investigator, the Commission panel, the Review Panel and by the Bishop or Congregational Leader to satisfy the Church's need for a proper audit of its decision making processes. (ST)

Recommendation 52 (para 5.3)

Those with pastoral responsibility should be ready to listen to those who have suffered abuse, and to learn from them because they have much to teach the Church. Bishops, Congregational Leaders, priests and religious must take a lead in ensuring that the Church is a safe place for vulnerable people and in showing pastoral concern for all who have suffered abuse. This duty is particularly pressing when the abuse has taken place within the family of the Church. (ST)

Recommendation 53 (para 5.8)

The Church should encourage those who have been abused by someone working in the name of the Church to come forward and disclose the abuse. (ST)

Recommendation 55 (para 5.8)

If a complaint or allegation is made to a member of a team responsible for safeguarding who believes that he or she is not competent to deal with the matter, either because the alleged perpetrator is not a member of the diocese/congregation for which that office is responsible, or because the alleged victim does not come under the heading of "children" or "vulnerable adult", the person making the complaint must nevertheless be received with care and the concern must be heard and recorded. The officer concerned should offer to pass the matter on to the person who is competent to deal with it and the complainant should be told to whom

the information is being passed. If there is uncertainty about who is competent to deal with the matter, the Catholic Safeguarding Advisory Service may be asked for their advice. (ST)

Recommendation 57 (para 5.12)

Particular attention should be given to the role of an appropriate “support person”, recommended by the Nolan report (recommendations 71-74). It should be made clear to the person who is being supported that:

- (a) Any disclosure of harm, or danger of harm, to a child or vulnerable adult must be reported to the appropriate authorities;
- (b) In other cases, information and opinions voluntarily given to the “support person” may only be passed on to the local Commission, or other bodies, with the express consent of the person being supported;
- (c) Any statement required for legal or safeguarding purposes should be taken by someone from the appropriate investigating agency, not from the “support person”. (ST)

Recommendation 58 (para 5.13)

The person receiving support may request that the “support person” should not be a member of the clergy of that diocese or of the congregation in question, and wherever it is possible the diocese or congregation should respect that request. (ST)

Recommendation 62 (para 5.21)

When a priest is asked or required to withdraw from active ministry on account of an allegation being made against him, or when a priest is allowed only restricted ministry, it must be made clear in a written agreement what sacramental ministry is permitted to him, bearing in mind the circumstances and the place where he will be located. (ST)

Recommendation 63 (para 5.21)

When a priest or religious is asked or required to live in a different place on account of an allegation being made against him or her, it is imperative that he or she should not have access to the victim/complainant or other children or vulnerable adults pending the resolution of the case. (ST)

Recommendation 64 (para 5.21)

An allegation made against a person who is dead or not capable of responding to the allegation should be listened to by the Church and investigated as far as possible. This should be done even though it will often be difficult to establish the truth; the statutory authorities may not be willing to investigate the matter; and even though it may be impossible to sustain claims for compensation. (ST)

Recommendation 65 (para 5.21)

The information given by the victim in any statement to the statutory authorities and/or Church investigating an allegation of abuse should be made available routinely to those involved in the risk assessment and treatment of the abuser. (ST)

Recommendation 66 (para 5.21)

If a person has been removed from working for the Church because of concerns about his suitability for work with children, this should be stated if a reference is given for that person. (ST)

Recommendation 70 (para 6.11)

The Diocesan Child Protection Commissions and Regional Religious Child Protection Commissions should become Safeguarding Commissions responsible for safeguarding children and vulnerable adults. (ST)

Parishes

Recommendation 21 (para 3.46)

There must be clear accountability and governance arrangements for each safeguarding role, e.g. Local Child Protection Representative/ CPO/CPC/Chair/Commission member. (ST/MT)

Recommendation 22 (para 3.46)

Recruitment to each of the above safeguarding roles must be transparent. The number and type of posts should be agreed locally. (ST/MT)

Recommendation 31 (para 3.54)

LCPRs should be nominated by the parish priest but with a system for approval and appointment by the CPC/CPO. Where a parish has a safeguarding team, each member should be recruited and inducted to the level of a LCPR. (ST/MT)

Recommendation 32 (para 3.54)

A minimum standard of induction for LCPRs should be set by Catholic Safeguarding Advisory Service. (ST)

Recommendation 33 (para 3.54)

As well as a clear job description for LCPRs, an agreed level of support should be provided for them by the parish priest in addition to the training and support provided by the diocese. (ST)

Recommendation 39 (para 3.74)

Church leaders, both Bishops and Congregational Leaders, and all clergy should commit themselves to a full day's study and/or training concerning safeguarding during the first 12 months after this Commission has reported and thereafter to a day's 'top up' study once every three years. (ST/MT)

Recommendation 52 (para 5.3)

Those with pastoral responsibility should be ready to listen to those who have suffered abuse, and to learn from them because they have much to teach the Church. Bishops, Congregational Leaders, priests and religious must take a lead in ensuring that the Church

is a safe place for vulnerable people and in showing pastoral concern for all who have suffered abuse. This duty is particularly pressing when the abuse has taken place within the family of the Church. (ST)

Recommendation 53 (para 5.8)

All churches and other institutions run by the Church should have notices giving the names, photographs and contact details of those who may be contacted by anyone who has a concern about the abuse of children and vulnerable adults. These details should also be put on websites that children and the vulnerable are likely to visit. There should be at least two names given: one of a person who is near at hand, one of a person who is not directly connected with the church or institution in question. The telephone number of “Childline” should also be given and made clearly visible for children to see. (ST)

Recommendation 55 (para 5.8)

If a complaint or allegation is made to a member of a team responsible for safeguarding who believes that he or she is not competent to deal with the matter, either because the alleged perpetrator is not a member of the diocese/congregation for which that office is responsible, or because the alleged victim does not come under the heading of “children” or “vulnerable adult”, the person making the complaint must nevertheless be received with care and the concern must be heard and recorded. The officer concerned should offer to pass the matter on to the person who is competent to deal with it and the complainant should be told to whom the information is being passed. If there is uncertainty about who is competent to deal with the matter, the Catholic Safeguarding Advisory Service may be asked for their advice. (ST)

Seminaries and other formation houses

Recommendation 38 (para 3.73)

Seminaries and other formation houses responsible for the training of priests and religious must agree in consultation with the CSAS the core components of a common safeguarding curriculum that raises awareness, familiarises seminarians and those in religious formation with the national policies and in particular seeks to develop core competencies to give priests the confidence to manage safeguarding matters in their parish. This should be achieved within 12 months of the publication of this report. It will be the role of the CSAS to support this programme and advise on sources of training to deliver it. (ST)

Recommendation 71 (para 6.11)

The current training for priests and religious (both in formation in the seminaries and as part of ongoing formation and study days) and other workers in the church should be expanded to include awareness of abuse of vulnerable adults – not least because they may be a very significant source of protection for those adults who are at risk. Commissions and seminaries, supported by the CSAS, will be responsible for undertaking and facilitating such training. (ST/MT)

Glossary of Terms

A Programme for Action:	Final Report of the Independent Review on Child Protection in the Catholic Church in England and Wales. September 2001. Often referred to as “the Nolan Report.
Abuser:	A person who abuses (habitually or otherwise) another, sexually, emotionally, physically or by neglect.
Accused:	A person against whom an accusation has been made.
Ad Clerum:	A letter written by a bishop to priests and religious working in the diocese.
Ad Limina:	Visit to Rome made normally every five years by all the members of the Bishops’ Conference of a particular jurisdiction: e.g. England & Wales.
Administrative Leave:	A term used in English administrative practice to describe a temporary withdrawal of functions of a person in an official position, pending a definitive decision; see also “temporary withdrawal from Active Ministry”. A withdrawal from ministry is available once a juridical process has been commenced in Canon Law.
Apostolic Activity:	Pastoral work with people, done with a view to spreading the Gospel and promoting the mission of the Church.
Bishop:	In this report the term means a cleric who has been appointed to lead the Church in a diocese (q.v.).
Blemished CRB Disclosure:	A disclosure that raises issues of concern regarding the individual.
CAFCASS:	Child and Family Courts Advisory Support Service.
Canon Law:	The juridical system of the Catholic Church.
CaTEW:	The Catholic Trust for England and Wales.
Catholic Office for the Protection of Children and Vulnerable Adults:	The National body set up after ‘ <i>A Programme for Action</i> ’ to advise the Bishops and Congregational Leaders on matters of child and vulnerable adult protection.

Catholic Safeguarding Advisory Service (CSAS):	The proposed title of the new national body replacing COPCA.
CBCEW:	Catholic Bishops' Conference of England and Wales.
Child:	Anyone who has not reached their eighteenth birthday.
Child Abuse:	Emotional, physical or sexual acts on children or neglect.
Commission Panel:	The panel to be set up to consider allegations of abuse on behalf of the Diocesan Child Protection or Religious Child Protection Commission.
Complainant:	One who alleges that a person (either him/herself or another) has been abused.
Conference of Bishops:	The assembly of all the bishops in a country, which exercises a pastoral role within that territory. There is a single Conference of Bishops for England and Wales, one for Scotland, and one for Ireland (including both Northern Ireland and the Republic of Ireland).
Conference of Religious:	An assembly of Congregational leaders (q.v.) of a country. In England and Wales there is a single Conference of both men and women Congregational Leaders.
Confidentiality agreement:	In this report the term is used to refer to an agreement entered into by a victim of abuse and a person who is legally liable for the abuse, or that person's insurer, not to make public the facts of the abuse nor the detail of any compensation or other support payment negotiated or received.
Congregation for the Doctrine of the Faith:	An Office of the Holy See, the duty proper to the Congregation for the Doctrine of the Faith is to promote and safeguard the doctrine on the faith and morals throughout the Catholic world: for this reason everything which in any way touches such matter falls within its competence.

Congregational Leader:	This is not an official term, but is used in this report to include the Major Superior or Moderator of a Religious Congregation (q.v.), or of a Province of a Religious Congregation, and also of an autonomous monastery of men or women religious.
Contemplative House:	Term used to describe a religious community (q.v.) which is principally devoted to a life of prayer and which typically has no apostolic activity.
Covenant of Care:	An agreement between the Church and the victim, or the Church and the accused as described in the “National Policy for the support of those who have suffered abuse and the support of those accused of abuse”.
CP:	Child Protection
CPC:	Child Protection Coordinator
CPO:	Child Protection Officer
CRB disclosures:	An application to the Criminal Records Bureau to check the criminal records for any information about the applicant.
Decretum generale:	(plural: <i>decreta generalia</i>): In Canon Law, this means subsidiary legislation determining the way in which general laws are applied.
Diocesan Child Protection Commission:	A group of independent child and vulnerable adult experts appointed by the Bishop to advise him on all matters pertaining to child and vulnerable adult protection. (Also referred to as the Diocesan Child Protection Management Commission).
Diocese:	A portion of the Church entrusted to the care of a Bishop (q.v.) and his priests.
“Essential Norms”:	A General Decree issued with the approval of the Holy See by the Bishops’ Conference of the United States, with the force of law.

Formation:	In this report the term is used to refer to the human, spiritual, intellectual and religious education of a person, at the beginning of his/her priestly or religious life.
Historic Child Abuse:	Cases of child abuse which occurred in the past, but are just coming to light.
Holy See:	The Pope in his role as Bishop of Rome, and those offices under his authority which exercise his functions in his name.
Line Management:	Direction, advice and support to ensure work objectives and targets are delivered.
Local Child Protection Representatives (LCPR):	Those volunteers in the parishes who coordinate all child protection issues for their parish.
Lord Nolan:	The author of “ <i>A Programme for Action</i> ”.
National Safeguarding Commission (NSC):	Proposed title for the new national Commission to be mandated by the Bishops’ Conference and the Conference of Religious to oversee the strategic direction of children and vulnerable adults’ safeguarding policy for the Catholic Church in England & Wales.
NSPCC:	National Society for the Prevention of Cruelty to Children.
One Church Approach:	Commitment to using the same policies, procedures and systems throughout the Church in England and Wales.
Ordinary:	A term used in Canon Law, including Bishops and Vicars General and also certain clerical Congregational Leaders.
Paedophilia:	Sexual feelings directed towards pre-pubescent children.
Paramountcy Principle:	The welfare of the child is of the paramount concern.
Parish:	A local community of the Christian Faithful, under the care of a Parish Priest.
POCA:	Protection of Children Act
POVA:	Protection of Vulnerable Adults

Professional consultancy:	Support in dealing with emotional and professional aspects of the role. (Also known as professional supervision)
Recognitio:	In the context of canon 455, this term means the approval by the Holy See of a General Decree issued by the Conference of Bishops giving it the force of law.
Registered CRB Body:	An organisation which has signatory rights for an application to the CRB for a disclosure.
Religious Child Protection Commission:	There are four in England and Wales and these have been set up, as the Diocesan Protection Commissions, to advise the Congregational Leaders concerning child and vulnerable adult protection matters. (Also referred to as the Religious Child Protection Management Commission)
Religious Community:	A community consisting of members of a Religious Congregation (q.v.).
Religious Congregations:	In this report the term includes Institutes of consecrated life, whether of men or of women, which are recognised as Religious by the ecclesiastical hierarchy, and also autonomous monasteries of both men and women.
Religious Leader:	See Congregational Leader.
Religious Order:	A term widely used for Religious Congregations (q.v.), properly used of some of the more ancient ones.
Review Panel:	The Panel to be set up to review a case following the recommendation of the Diocesan or Religious Safeguarding Commission Panel at the request of a Bishop or Congregational Leader.
Risk Assessment:	See Annexe G.
“Safe From Harm”:	Safe From Harm: A Code of Practice for Safeguarding the Welfare of Children in Voluntary Organisations in England and Wales, Home Office, 1993.
Safeguarding:	Protect against something undesirable.

Standards of Proof:	<p>Balance of probabilities is, as the name suggests, a balance by a Court or Tribunal of the evidence before it which is the more convincing leading to a decision;</p> <p>Beyond reasonable doubt is the standard of proof applicable in criminal proceedings and is the requirement to be satisfied so as to be sure; Moral certainty is the standard of proof required for judicial decisions at Canon Law (c. 1608§1). It is similar to the standard required in criminal cases in English Law.</p>
Statutory Authorities:	In this report this refers to the Police, Social Services, and Probation Services.
Sui iuris:	A self-governing religious community.
Superior of Religious Order:	See Congregational Leader.
Survivor:	One who has been abused and has survived the abuse. In this report, for the sake of clarity the word “victim” is used for all who have been abused, although it is recognised that this is not the term preferred by all who have been abused.
Temporary withdrawal from active Ministry:	Term used to describe the temporary withdrawal of functions of a priest or religious from a pastoral role, pending a definitive decision; see also “administrative leave”.
Temporary withdrawal from role:	Term used to describe the temporary withdrawal of functions of a person other than a priest or religious engaged in a pastoral role in the Church, pending a definitive decision; see also “temporary withdrawal from active ministry.”
Victim:	One who has been sexually, emotionally or physically abused or neglected.
Vulnerable Adult:	See Annex H.