



## **Review of Safeguarding Practice in the Catholic Church**

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## **Review of Safeguarding Practice in the Catholic Church**

### **Introduction**

This Review would seek to examine the current arrangements for safeguarding children across all Dioceses, Religious Congregations/Orders, and Missionary Societies in Ireland. It would also scrutinize practice within all known cases to ensure that they have been responded to appropriately.

This proposal to undertake such a Review follows directly from the findings of the Commission of Investigation into the Management of Child Abuse within the Archdiocese of Dublin.

The proposed Review would consider the following:-

- (a) Policies in place and being applied for safeguarding children
- (b) Current and past practice in relation to the management of allegations of abuse;
- (c) Existing relationships with statutory authorities such as the HSE, Gardai in the Republic and the HSCT or PSNI in Northern Ireland.
- (d) Operation of Advisory Panels, and Safeguarding Committees
- (e) Current Risks, and their management

The objective of the Review would be to confirm how known allegations have been responded to and what the current arrangements for safeguarding children are. In particular, emphasis will be placed on establishing how practice matches up to the standards set down in the Safeguarding Children Guidance published by the National Board for Safeguarding Children in the Catholic Church launched in February 2009. Priority, at all times, will be given to how practice can be improved and strengthened. If practices are identified that are concerning, inadequate, or dangerous, they will be addressed through the provision of guidance and support, and through the reporting of these situations to the appropriate statutory authorities, if this has not already happened. Similarly, those that are good examples will be highlighted with a view to them being adopted comprehensively across all parts of the Church. All cases that relate to alleged or known offenders that are alive will be read and included in the Review. In cases where the alleged or known offender is deceased, these will be sampled in an attempt to gather learning from them that will be used to inform the framing of recommendations.

The Review will be guided by the following:-

- (a) Safeguarding Children: Standards and Guidance;
- (b) Children First Guidelines in ROI; and Regional Child Protection Guidelines in Northern Ireland;
- (c) Legislation that exists in each jurisdiction which contributes to safeguarding children and young people.

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The Review will be undertaken by the National Board for Safeguarding Children through their National Office and led by the Chief Executive Officer. They will look to strengthen their staff team as a matter of priority with additional suitably experienced personnel. An increase in their budget will be provided to enable them to recruit these extra staff members.

The Review process will be overseen by a **Reference Group** to whom the CEO will report on a regular basis. The membership of this **Reference Group** would be drawn from each of the statutory child protection agencies in both jurisdictions, along with eminent individuals in the field from academia, or from within related professions such as health or the law.

The Review of the different Church authorities will be approached on a phased basis. The dioceses will be divided into four regions which would approximately equate with the metropolitan areas. At the completion of the review of each region, reports outlining the findings and recommendations will be presented to each of the dioceses. It is proposed that each of these reports will be placed on the website of each of the dioceses along with the National Board for Safeguarding Children own website, namely [www.safeguarding.ie](http://www.safeguarding.ie). It is proposed that this shall happen simultaneously.

When all of the different parts of the Church have undergone the proposed Review process, the National Board will be asked to prepare and publish a composite report, outlining themes and key findings, along with general recommendations. The final report will comment on the overall standards of practice, and will also include recommended actions that are thought to be necessary to achieve improvements in practice or to address deficits in policy.

It is important to confirm that the value of the Review is dependent upon full and complete access to all relevant documentation and information relating to the abuse of children known to the individual Church authorities. The Review will proceed on the basis that willingness exists on the part of each of the subjects of the Review to provide full access to the fieldwork team, subject, where relevant, to the terms of the Data Processing Deed agreed between the Sponsoring Bodies and entered into between the parties hereto.

Signed: 

Ian Elliott  
Chief Executive Officer  
National Board for Safeguarding Children  
Catholic Church in Ireland

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**Terms of Reference (which should be read in conjunction with the accompanying Notes)**

1. To ascertain the full extent of all complaints or allegations, knowledge, suspicions or concerns of child sexual abuse, made to the Diocese by individuals or by the Civil Authorities in the period 1<sup>st</sup> January 1975 to 1<sup>st</sup> June 2010, against Catholic clergy and/or religious still living and who are ministering/or who once ministered under the aegis of the Diocese/religious congregation/missionary society and examine/review and report on the nature of the response on the part of the Diocese/religious congregation/missionary society.
2. If deemed relevant, select a random sample of complaints or allegations, knowledge, suspicions or concerns of child sexual abuse, made to the Diocese by individuals or by the Civil Authorities in the period 1st January 1975 to 1st June 2010, against Catholic clergy and/or religious now deceased and who ministered under the aegis of the Diocese/religious congregation/missionary society.
3. and examine/review and report on the nature of the response on the part of the Diocese /religious congregation/missionary society.
4. .
4. To ascertain all of the cases during the relevant period in which the Diocese religious congregation/missionary society.
5. :
  - knew of child sexual abuse involving Catholic clergy and/or religious still living and including those clergy and/or religious visiting, studying and/or retired;
  - had strong and clear suspicion of child sexual abuse; or
  - had reasonable concern;
  - and examine/review and report on the nature of the response on the part of the Diocese/religious congregation/missionary society.
- .
  1. To consider and report on the following matters:
6. Child safeguarding policies and guidance materials currently in use in the Diocese /religious congregation/missionary society.
  - (a) and an evaluation of their application;

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7. Communication by the Diocese/religious congregation/missionary society.
  - (a) with the Civil Authorities;
  - (b) Current risks and their management.

## **Accompanying Notes**

### ***Note 1***      **Definition of Child Sexual Abuse:**

The definition of child sexual abuse is in accordance with the definition adopted by the Ferns Report (and the Commission of Investigation Report into the Catholic Archdiocese of Dublin). The following is the relevant extract from the Ferns Report:

“While definitions of child sexual abuse vary according to context, probably the most useful definition and broadest for the purposes of this Report was that which was adopted by the Law Reform Commission in 1990<sup>1</sup> and later developed in Children First, National Guidelines for the Protection and Welfare of Children (Department of Health and Children, 1999) which state that “child sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal or that of others”. Examples of child sexual abuse include the following:

- exposure of the sexual organs or any sexual act intentionally performed in the presence of a child;
- intentional touching or molesting of the body of a child whether by person or object for the purpose of sexual arousal or gratification;
- masturbation in the presence of the child or the involvement of the child in an act of masturbation;
- sexual intercourse with the child whether oral, vaginal or anal;
- sexual exploitation of a child which includes inciting, encouraging, propositioning, requiring or permitting a child to solicit for, or to engage in prostitution or other sexual acts. Sexual exploitation also occurs when a child is involved in exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, video tape, or other media) or the manipulation for those purposes of the image by computer or other means. It may also include showing sexually explicit material to children which is often a feature of the ‘grooming’ process by perpetrators of abuse.”

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<sup>1</sup> This definition was originally proposed by the Western Australia Task Force on Child Sexual Abuse, 1987 and is adopted by the Law Reform Commission (1990) *Report on Child Sexual Abuse*, p. 8.

**Note 2**            **Definition of Allegation:**

The term allegation is defined as an accusation or complaint where there are reasonable grounds for concern that a child may have been, or is being sexually abused, or is at risk of sexual abuse, including retrospective disclosure by adults. It includes allegations that did not necessarily result in a criminal or canonical investigation, or a civil action, and allegations that are unsubstantiated but which are plausible. (NB: Erroneous information does not necessarily make an allegation implausible, for example, a priest arrived in a parish in the Diocese a year after the alleged abuse, but other information supplied appears credible and the alleged victim may have mistaken the date).

**Note 3**            **False Allegations:**

8. The National Board for Safeguarding Children in the Catholic Church in Ireland wishes to examine any cases of false allegation so as to review the management of the complaint by the Diocese/religious congregation/missionary society.

**Note 4**            **Random sample:**

The random sample (if applicable) must be taken from complaints or allegations, knowledge, suspicions or concerns of child sexual abuse made against all deceased Catholic clergy/religious covering the entire of the relevant period being 1<sup>st</sup> January 1975 to 1<sup>st</sup> June 2010 and must be selected randomly in the presence of an independent observer.

**Note 5**            **Civil Authorities:**

Civil Authorities are defined in the Republic of Ireland as the Health Service Executive and An Garda Síochána and in Northern Ireland as the Health and Social Care Trust and the Police Service of Northern Ireland.

## **Step Guide to the Review Process**

### **Step 1.**

A letter is sent to the Bishop or other person responsible for the Congregation/ Order or Missionary Society confirming that the fieldwork for the Review will begin on a set date. He will be told who will be undertaking the task and he will be asked to prepare a private room in which the fieldwork team can base themselves. He will also be asked to make available all of the case files and related documentation in respect of any safeguarding concerns that have been identified within the diocese. The letter will also ask for the delegate to be available to meet the fieldwork team and to arrange any interviews that may be thought necessary by them over the course of the Review. The Bishop will also be requested to sign the revised Data Processing Deed prior to the arrival of the team.

### **Step 2.**

The fieldwork team when they arrive on site will firstly confirm that they have a suitable place to work in and that all the relevant documentation has been provided to them for their Review. In the event that the fieldwork team forms the opinion that the Church Authority has not provided access to all such documents, the Board shall give notice in writing to the Church Authority of the opinion of the fieldwork team and such notice shall specify the reasons for same. Thereupon, the Church Authority shall respond in detail to the Notice. Each party shall use its best endeavours to resolve any differences of opinion which shall arise and, in the event that resolution is not arrived at, the parties will attempt to resolve the dispute by recourse to the services of a mediator agreed between them or nominated for the purpose by One-resolve Limited at the request of any of them without prejudice to the Board's entitlement to terminate the Review. In the event that resolution has not been arrived at following mediation, either party shall be at liberty to terminate forthwith the Review.

### **Step 3.**

On arrival, the fieldwork team should be supplied with a single case file index that lists all the cases that have been created within the diocese. These may be divided into two groups. The first group will contain all allegations that relate to living alleged or known perpetrators. The second will contain any that are deceased.

### **Step 4.**



Depending on the volume involved a decision should be made as to whether all or a random sample of the “deceased group” should be reviewed. Care should be taken to include all “high profile” cases in the sample.

**Step 5.**

A document schedule should be done in respect of each case supplied. This may be done jointly by the fieldwork team prior to the reading and analysis of the material. The purpose is to be able to confirm what material was reviewed by the team upon which any findings will be based. No copies will be made of the case material at any time

**Step 6.**

Each case file will be reviewed by each fieldworker independently in the first instance. They will create a chronology of the case which upon completion may be agreed with their partner to provide a single record.

**Step 7.**

Following the reading of the case and the creation of an agreed chronology, the fieldworkers will analyse and assess the actions taken in the case. They will assess their compliance with agreed Church policy that was extant at that time. They will also indicate whether any current risk exists in respect of the information contained within the file.

**Step 8.**

For each case, a case review will be written that comprises the agreed chronology, the analysis and assessment of practice, and any comments or recommendations that are thought to be appropriate.

**Step 9.**

When all the case files have been read and commented on, the fieldwork team will then examine and review any procedures or protocols that exist within the diocese to confirm that they are in compliance with the “Safeguarding Children: Standards and Guidance” document issued by the NBSCCC in February of 2009.

**Step 10.**

To complete the Review, the fieldwork team will then seek to speak to those directly involved in the safeguarding structure in the diocese. This should include the Advisory Panel, a sample of parish safeguarding representatives, the delegate, the safeguarding committee, and the Bishop himself. The purpose of these interviews is to

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form a view of the competence and effectiveness of the safeguarding structure that exists within the diocese.

### **Step 11.**

The fieldwork team will also seek to speak to representatives of the key statutory agencies to provide them with an opportunity to express their views on the quality of the working relationships that exist between them and the diocese.

**Step 12.**

Upon completion of the field work, the team will then draft a Review report. This will be redacted for presentation to the Reference Group by the CEO to remove identifying information. They will have the opportunity to interrogate the reports findings and may ask for further clarification or explanation in respect of these.

**Step 13.**

Having been reviewed by the Reference Group and agreed by them, it will then be returned to the fieldwork team who will prepare two drafts of the report. One will be unredacted and will be presented to the Bishop for a factual accuracy check. A second redacted draft which omits identifying information will also be prepared and submitted to the Bishop.

**Step 14.**

A feedback interview with the Bishop will be agreed at which the final reports will be presented and agreed. The expectation would be that the redacted Report will be published by the diocese at an agreed time in the future.

## **The Review of Safeguarding within the Catholic Church in Ireland:**

### **Methodology and Procedural Notes**

#### **Case Reviews:**

1. All case files that relate to alleged or confirmed perpetrators who are living will be included in the review.
2. In the event that a large number of case files exist that relate to alleged or confirmed perpetrators that are deceased, a random sample will be selected to be included in the Review.
3. Care should be taken to ensure that high profile cases involving deceased perpetrators such as Father Brendan Smith should be included in the Review.
4. Prior to arrival on site, the Church authority will have been asked to prepare a single case list of all the files held stating if the subject of the file is living or not.
5. All the relevant documentation that relates to these files should be included within the files.
6. The format and content of the case files should be referenced against the case file template.
7. For each case file, a schedule of the documentation viewed should be created.
8. No copies of any material contained within the case file should be made or retained by the case reviewers.
9. A chronology of each case should be made which lists the actions taken by whom and when as the case progressed.
10. Following completion of the chronology, an assessment of the content of the file should be made.
11. Key safeguarding actions should be noted with reference to the guidance that was extant within the Church at that time.
12. If an Advisory Panel was involved in the case, please comment on its operation to include the relevance of the advice provided.
13. Since 2001 Church policy has required the notification of all credible allegations of clerical child sexual abuse to be referred to the Congregation of the Doctrine of the Faith in the Vatican. Please confirm whether evidence exists within the files that this occurred.
14. All case files should be read by two members of the fieldwork team, each of which should create their own notes of the content.
15. When both reviewers have looked at the file, they should jointly agree a single chronology for the case.
16. Any identified gaps in the file or apparent inconsistencies should be noted and may be raised with the diocesan delegate for clarification.

### **Case File Storage**

1. All case files should be stored in a secure, lockable filing cabinet held within diocesan offices or designated church premises.
2. Access to the case files should be limited and a protocol should be in place determining who can access the files.
3. Files should not be copied in full or in part.
4. All the relevant documentation for a case file should be contained within those files on site.
5. Care should be taken to confirm that no other electronic records exist that relate to the cases.
6. Case files contain sensitive personal data and need to be carefully handled. Evidence should be sought that attention is paid to respecting the sensitive nature of the data stored in files whilst ensuring that those who need to know it are aware of it.

### **Case File Analysis**

1. The story of the case should be evident from the agreed chronology.
2. Attention should be paid to confirming that practice reflected compliance to extant Church policy at the time.
3. Reporting alleged crimes to the Garda or PSNI should be evidenced in the records and timing of reports noted.
4. Confirmation should be sought that consideration was given to the needs of other vulnerable children and young people in the light of the allegations emerging that gave rise to the case file being opened.
5. The case should be analysed to confirm what information was known by whom and when, and what actions were taken on the foot of that information being available.
6. When completed both reviewers should agree the case analysis and jointly note any examples of good practice or matters that need clarification with the diocesan delegate.
7. For each case reviewed, an agreed chronology for that case along with an analysis of the content should be prepared by the reviewers, along with a schedule of the documentation that was viewed to complete the tasks. All of these records will be used by the reviewers to compile their Review Report for the Church authority at the conclusion of the process. All manual and/or unencrypted documents prepared in the course of the Review shall be retained by the Church Authority at the end of the review process.

### **Schedule for Interviews**

1. The schedule for interviews of individuals and groups who hold specific responsibilities for safeguarding within the Church authority should be arranged through the diocesan delegate.
2. These should include the Advisory panel (if one exists,) the diocesan delegate themselves, the bishop, the safeguarding committee (if functioning,) some parish safeguarding representatives, and representatives of the statutory authorities. The purpose of the interviews is to hear directly from those involved as to their views on the effectiveness of the safeguarding structure and how it may be improved.
3. The Review process itself will conclude with a feedback interview to include the bishop and his delegates.

### **Final Product of Review**

1. We should have a comprehensive, detailed, and accurate knowledge of the current safeguarding cases within the diocese.
2. We should have an understanding of the adequacy of the existing safeguarding structure in place in the diocese.
3. We will be able to comment on the quality of the working relationships with key statutory agencies and the dioceses.
4. We should be aware of the number, location, and management of all known or suspected perpetrators within the diocese who are clergy.
5. The diocese will have been provided with a number of recommendations to help them build upon and develop their practice in the field of safeguarding children.

## **Recording Guidance**

**This guidance has been approved by the members of Coimirce and is currently pending formal inclusion in the Standard and Guidance document.**

**This recording guidance is effective from [ insert date] and therefore applies to files opened/complaints received after that date.**

### **1.0 Introduction**

Good record keeping is an integral part of safeguarding children within the Catholic Church; it should not be considered as an optional extra. There are many reasons why all those involved in safeguarding children should keep good records. These include: helping to improve accountability; showing how decisions relating to safeguarding children are made; supporting effective assessments, providing documentary evidence of actions taken and helping to identify risks, and demonstrating how those risks have been managed. Good Record Keeping also helps to safeguard the rights of all concerned.

Standard 2.4, in Safeguarding Children requires that “there is a process for recording incidents, allegations and suspicions, and referrals. These will be stored securely, so that confidential information is protected and complies with relevant legislation.”

Set out below are the primary reasons for recording, as well as the processes necessary to write and maintain accurate records. Also detailed are recommendations around information sharing and retention and storage of sensitive data.

### **2.0 Why do we record?**

#### **2.1 Ensures accuracy of reporting what is known.**

This can be for internal use as well as in circumstances necessary to report and be accountable to external audiences, e.g. courts, tribunals of inquiry, Gardai, PSNI, HSE and DHSSPS

Creating written records as soon as practical after the event avoids memory loss, and distortion of the information.

#### **2.2 Assists with management and decision making.**

Recording factual information accurately facilitates an evaluation of the information and enables decision making.

#### **2.3 Protects the subjects of recording and the recorder by having an agreed accurate record.**

As far as possible information recorded should be agreed with the subject of the recording as an accurate record of what took place.

2.4 Enables accountability

All those who have responsibilities for safeguarding children within the Catholic Church will be held accountable for their actions. Good recording is required as evidence that the safeguarding of children is considered a priority and that all steps have been taken to prevent and minimize risk, and manage allegations appropriately.

2.5 Enables the proper tracking of complaints.

It is important that we demonstrate through our records that complainants have been listened to and responded to in a compassionate and caring way. It is therefore important that accurate records are kept of all complaints received and how these have been responded to.

2.6 Allows for continuity where there are changes in personnel managing the case

Safeguarding children can involve a number of people including the Bishop/Superior and designated person. Personnel can also change during the life of managing a child abuse allegation. It is therefore important that good factual details are maintained, to allow for a consistent fair approach and continuity of care for victims as well as management of perpetrators.

**3.0 Principles of good record keeping**

3.1 All records should be legible, preferably typed or word processed.

3.2 All entries should be signed. In the case of written records, the person's name and job title should be printed alongside the entry.

3.3 All records should be dated and timed. This should be in real time and chronological order.

3.4. A narrative should be constructed which sets out a chronology of events and references any correspondence.

3.5. Records should be accurate and presented in such a way that the meaning is clear.

3.6. Records should be factual and not include unnecessary abbreviations, jargon, opinion or irrelevant speculation

3.7. Judgment should be used to decide what should be recorded. Is it relevant? Is it as objective as possible? Are facts and any opinions deemed necessary clearly distinguished?

3.8. Records should identify any risks and show the action taken to manage these.



- 3.9. Records must not be altered or destroyed without proper authorisation. If the need for alteration arises both the fact of such authorisation and the alteration(s) made to any original record/documentation should be dated and signed.

#### **4.0 What to Record**

- 4.1 All verifiable factual information
- 4.2 Description of direct observations by the recorder.
- 4.3 Reported information/ observations.
- 4.4 Considered assessments undertaken and /or treatment provided with any resultant evaluations.
- 4.5 All correspondence received including letters, reports, e-mails and a summary of meeting and telephone discussions.
- 4.6 Identification of any risks and management actions undertaken.

#### **5.0 Case File Structuring:**

- 5.1 Case management records must provide a complete factual narrative and historical account of the case in order to provide evidence of all allegations and actions taken to safeguard children, to assess and manage risk, and to monitor practice.
- 5.2 The records are in relation to someone against whom an allegation has been made, and therefore should be catalogued as such. Each file should contain:
1. A contents index sheet (to be updated as required).
  2. Agreement Form
  3. An initial case summary information sheet.
  4. Data Protection Log
  5. Case record narratives which detail all contacts made, including telephone, e-mail, by letter and in person.
  6. Recording Form (see Resource 16 of Standards and Guidance) sent to Statutory authorities.
  7. Chronology of when allegations were made and responses.
  8. Assessment Reports.
  9. Minutes of Meetings.
  10. Third Party information.
  11. Correspondence in chronological order.

For access to a template file log onto [www.safeguarding.ie](http://www.safeguarding.ie)

- 5.3 The file should be sectioned as detailed in 5.2, with reference to all information logged in the contents sheet and referred to in the narrative account. The chronology referenced should act both as an aid to assessing risk and to reviewing action taken.
- 5.4 Third party and confidential information must be securely placed in a separate section which can easily be removed if access to the records is granted to anyone not entitled to see or review them.
- 5.5 All record keeping should seek to comply with data protection legislation, policy, and practice. All files must be stored securely and the confidential nature of their content respected.

## **6.0 Data Protection Legislation**

- 6.1 The principal legislation in the Republic of Ireland dealing with data protection is the [Data Protection Act 1988](#). The 1988 Act was amended by the [Data Protection \(Amendment\) Act 2003](#). In Northern Ireland the main legislation is the [Data Protection Act 1998](#).
- 6.2 The Data Protection Acts 1988-2003 set out eight principles which define the conditions under which processing (including recording, storage, manipulation and transmission) of personal data can be determined to be legally acceptable or otherwise. The Act also identifies the sensitive nature of health information and particular needs of health professionals to communicate that information between them. The Act gives data subjects rights of access to their records and applies to electronic and paper-based record systems.

The eight principles state that the data should be:

- 1 – fairly and lawfully processed;
- 2 – processed for limited purposes;
- 3 – adequate, relevant and not excessive;
- 4 – accurate;
- 5 – not kept for longer than is necessary;
- 6 – processed in line with subjects’ rights;
- 7 – secure; and
- 8 – not transferred to countries without adequate protection.

## **6.3 Definitions**

**Data** means information.

**Personal data** is data that relates to a living individual who can be identified from those data.

**A Data Controller** refers to the person or persons that determine the purpose for which and the manner in which personal data is processed.

**A Data Processor** is a person who processes data on behalf of a Data Controller.

**A Data Subject** is an individual who is the subject of the personal data which is processed.

**A Data Protection Officer** is the designated person within an organization to take responsibility for training of staff to enable them to meet their responsibilities under the legislation.

## **7.0 Access to information by data subject**

- 7.1 People have a right to know what personal information is held about them, by whom and for what purpose. This is detailed in data protection and human rights legislation. However these rights do not mean that in certain circumstances such information can be shared with others.
- 7.2 The data subject must be made aware of the creation of a safeguarding record, and permission must be sought to share appropriate information with those who need to know. (See also paragraph 8 below)
- 7.3 If the data subject seeks access to his/her record the following should take place:
- (a) Content of the file should be reviewed and assessed so that data belonging to Third Parties is redacted.
  - (b) At agreed time and place, file should be made available for reading under the supervision of the Bishop/Superior or designated person.
  - (c) The data subject can make notes and can ask for notes to be included in the file. If agreed, an amendment can be made on the file note. State the reason for the amendment and sign and date. Any such amendments should be signed and dated by the data subject.
  - (d) If there is a disagreement concerning the amendment of any file note such disagreement shall be recorded, signed and dated.

## **8.0 Information Sharing**

- 8.1 The data subject should be informed that a record is being kept and permission should be sought to share that information with those who need to know, in order to safeguard children. If the data subject is unwilling to give consent to sharing the information and if this information is necessary to protect children, the data subject's consent can be over- ridden only in limited circumstances. (Specific advice and guidance must be sought from the data protection officer(s).)

## **9.0 Storage of Data**

- 9.1 It is important that all sensitive or confidential materials are retained in a case file and stored securely in a place designated by the data controller- i.e. the bishop or congregational leader.

- 9.2 Files containing sensitive or confidential data should be locked away and access to the relevant fire proof safe(s) or filing cabinets and keys should be strictly controlled.
- 9.3 Access to the files needs to be limited to people in named roles i.e. the Bishop/Superior and designated safeguarding person, who either need to know about the information in those records and/or who have a responsibility to manage the records/files.
- 9.4 Any information of a sensitive/confidential nature if stored electronically must always be password-protected.
- 9.5 Arrangements need to be made for knowledge of the relevant files and their location and storage arrangements to be passed from outgoing data controllers to their successors.
- 9.6 Other records with identifying personal information, e.g Parish records on: recruitment and vetting; Activity attendance records; consent forms; accident forms etc must be stored in a secure locked cabinet in the parish office

#### **10.0 Retention and destruction of data**

- 10.1 Guidance published by the Data Protection Commissioner in relation to compliance with the *Data Protection Acts 1988-2003*, is a useful reference for organisations to consider as it represents what can be regarded as best practice. This guidance states, inter alia, that:

“Where no legal requirement to retain information beyond the closure of the record exists, the authority will need to establish its own retention periods.”

- 10.2 The Church should retain all case management files and safeguarding records for a period of 100 years.
- 10.3 All other records pertaining to safeguarding should be stored for a period of 20 years

## **Template File**



## **Case Recording**

Case records must provide a complete account of involvement in order to provide evidence of all allegations and actions taken to safeguard children, to assess and manage risk and to monitor practice.

All recorded information should be typed and be accurate, factual and concise. Where it is important to state opinion, assessment or judgement, these should be clearly differentiated. A case file is opened when an allegation is received, or a safeguarding concern emerges against a named person. The person who is the subject of the allegation has a file created in their name.

### **The file should include:**

1. A contents index sheet.
2. Agreement Form.
3. An initial case summary information sheet.
4. Data Protection Log.
5. Case record narratives which detail all contacts made, including telephone, e-mail, by letter and in person.
6. Recording Form (see Resource 16 Standards & Guidance) sent to Statutory Authorities.
7. Chronology of when allegations were made and responses.
8. Assessment Reports.
9. Minutes of Meetings.
10. Third Party information.
11. Correspondence in chronological order.

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The file should be sectioned as detailed above, with reference to all information logged in the contents sheet and referred to in the narrative account at point 3 above.

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The chronology referenced above acts as an aid to assessing risk and reviewing action taken.

Third party and confidential information must be securely placed in a separate section which can easily be removed if access to the records is requested by anyone not authorised to see them.

All record keeping must be data protection compliant and stored securely in an agreed location.

**1. Contents Index Contents Sheet**

<b>Date</b>	<b>Content</b>


## **2. Case Record Agreement in line with Data Protection Legislation**

In February 2009, the National Board for Safeguarding Children in the Catholic Church in Ireland launched its guidance for best practice. The document was endorsed and adopted by all the constituent parts of the Church. It set down standards against which safeguarding could be assessed. Standard 2.4 of that guidance states: - “there is a process for recording incidents, allegations and suspicions and referrals. These will be stored securely, so that confidential information is protected and complies with relevant legislation”.

In accordance with this Standard, we undertake to create a record which is accurate and fair, in respect of any such incident, allegation, or suspicion. This record will be stored securely for whatever period it is thought necessary, updated regularly and accessed only by those who need to view it to secure the safety of a child, or to provide a service in line with those described within the guidance *SAFEGUARDING CHILDREN*. As the subject of the file you may correct inaccuracies and review the content upon request.

Having had this policy explained to you, your agreement is sought to the creation of a case record on the grounds outlined.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_

**3. Initial Case Summary Information Sheet**

Subject of Case Record	
Contact Details	
Parish / Congregation	
Diocese	
Date allegation received	
Brief Details	
Bishop/ Congregational Leader Contact Details	
Designated Officer Contact Details	
Advisor Contact Details	



Alleged Victim Contact Details	
Support Person Contact Details	

**4. Data Protection Log**

	<b>Date</b>	<b>Supervised by whom</b>
<ol style="list-style-type: none"> <li>1. Recording policy explained to subject</li> <li>2. Recording accessed by data subject</li> </ol>		

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**5. Case Record Narrative**

<b>Date</b>	<b>Case Record</b>	<b>Author</b>

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## 6. CHILD PROTECTION RECORDING FORM

### 1. About the disclosure/concern

Date of disclosure/concern:

Time of disclosure/concern:

How was information received? *(attach any written information to this form)*

Telephone  Letter  Email  In person

### 2. Details of person making disclosure/raising concern

Name

Address

Tel  Mobile

Email

Relationship to child or alleged victim

### 3. Details of child or alleged victim

Name

Address

Tel  Mobile

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Ethnic origin

Language *(is interpreter/signer needed?)*

Disability

Special needs

Parish / Order *(if applicable)*

**4. Parent / Carer details** *(where appropriate)*

Name

Address

Tel

Mobile

Are they aware of the allegation, suspicion or complaint?

Yes

No

**5. Details of alleged perpetrator**

Name

Address

Tel

Mobile

Relationship to child/ victim *(parent/Priest/teacher, etc)*

Position in Church

Order

Address at time of incident(s)

Current contact with children, if known *(board of governors of school, runs youth activities etc.)*

Any additional information

**6. Details of concern, allegation or complaint** *(Include dates/times and location the incident(s) occurred, witnesses, if known. Does the child /victim know this referral is being made?)*

## 7. Action taken

Has the matter been referred to civil authorities? Yes  No

If yes: Date  Time

If no: Explain why

Who was it referred to? Name

Designation:

Address:

Tel:  E-mail

Has the matter been referred to a member of the Church? Yes  No

If yes: Date  Time

If no: explain why

Who was it referred to?: Name

Designation:

Address:

Tel:  E-mail

## 8. Next Steps

What actions were agreed and by whom when the matter was referred onto civil / Church authority?

Are there any immediate child protection concerns? If so please record what they are and state what actions have been taken by whom to address them:

**9. Designated Officer details**

Date form sent:

**10. Details of person completing the form**

Name

Tel  Mobile

E-Mail

Position in Church

Parish / Order

Form completed: Date  Time

Signed

*(A copy must be retained by the recipient and filed in a secure location, and a copy must be sent to the designated officer and civil / statutory authorities)*

**7. Chronology of Allegations and Responses**

<b>Date</b>	<b>Allegations</b>	<b>Responses</b>

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**Sample Recording Policy**

**A Recording Policy for the .....**  
(Diocese / Congregation / Missionary Society)

In February 2009, the National Board for Safeguarding Children in the Catholic Church in Ireland issued its document “Safeguarding Children: Standards and Guidance for the Catholic Church in Ireland”. This guidance was endorsed and adopted by all the members of the three sponsoring bodies namely, the Irish Episcopal Conference, the Conference of Religious of Ireland, and the Irish missionary Union. Standards were created against which the practice of all participating parts of the Church would be assessed.

Standard 2 of the Guidance relates to “Procedures – How to respond to child protection allegations and suspicions.” Criteria 2.4 of Standard 2 states the following: - “There is a process for recording incidents, allegations and suspicions, and referrals. These will be stored securely, so that confidential information is protected and complies with relevant legislation.” Criteria 2.6 of Standard 2 states the following: - “There is guidance on confidentiality and information sharing which makes clear that the protection of the child is the most important consideration. The Seal of Confession is absolute.”

The ..... undertakes to meet the requirements of



Diocese / Congregation / Missionary Society

standard 2 through the adoption and implementation of this Recording Policy:

### **Recording Policy**

When an incident, allegation, suspicion or referral arises against any member of the clergy, staff, or volunteer, a case record will be created. It will record the information that has come to light, the actions taken, by whom and when. It will be accurate, fair, and kept up to date. The contents will be typed, where possible, to ensure legibility. The subject of the case file will be asked to agree to the creation of the file and to its content. Access to the content will be given on an agreed basis only unless there is a clear requirement to share the information with others to prevent harm coming to a child or young person.

The case file will adhere to the structure outlined in *SAFEGUARDING CHILDREN*. When created, the case file will be stored securely in a fireproof, locking cabinet in an agreed location. It will be held until ten years after the death of the subject of the file where upon it will be destroyed.



The principle of confidentiality that applies to the records created recognizes the right of subjects to have their privacy protected. Information gathered or stored on them will not be shared with others unless the following applies:-

1. Permission has been given by the subject to share the information with others
2. There is a clear need to share the information to protect a child or young person
3. A court order or legal obligation requires disclosure

The National Office for Safeguarding Children has a mandate to review and monitor practice within the Church. To that end, access to case records will be given to ensure that Standards are being met and that the Recording Policy is being adhered to. When a file is created the National Office will be notified to enable them to record the fact on a central index. The information shared will comprise the name of the subject of the file, the date on which it was created and who completed the task. All other information will be held in the case file itself.

End

**Checklist for Audit of Case Files**

<b>Case File Name</b>	
<b>Diocese/Congregation</b>	
<b>Bishop/Congregational Leader</b>	
<b>Designated Person</b>	

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<b>PROCESS</b>	<b>DATE</b>	<b>BY WHOM</b>	<b>COMMENT</b>
Complaint detailed			
Referral to HSE/SSD			
Referral to An Garda/PSNI			
Contact made with alleged victim			
Alleged Perpetrator Notified			
Internal process of inquiry initiated			
Advisory Committee Meeting			
CDF Informed			
Canonical Process initiated			
Information Shared between Church Authorities			
Alleged Perpetrator Stepped Aside			
Precept Issued			
Supervision Arrangements put in Place			
Risk Assessment carried out			
Information shared with parishioners			