



THE NATIONAL BOARD FOR
SAFEGUARDING CHILDREN
IN THE CATHOLIC CHURCH IN IRELAND

Briefing Paper

**The Independent Inquiry into Child Sexual Abuse – IICSA
Investigation Report November 2020 on The Roman Catholic
Church in England and Wales**

March 2021





THE NATIONAL BOARD FOR
SAFEGUARDING CHILDREN
IN THE CATHOLIC CHURCH IN IRELAND

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About the Briefing Papers

The National Board for Safeguarding Children in the Catholic Church in Ireland (National Board) was established to provide advice, services and assistance in furtherance of the development of the safeguarding of children within the Roman Catholic Church on the island of Ireland. The National Board also monitors compliance with legislation, policy and best practice and reports on these activities annually, as comprehensively set out in the Memorandum of Association of the Company, Coimirce.

Article 4 (iii) of the Memorandum and Articles of Association of the Company requires the National Board to: “ report and provide, upon request from the Constituents or any Constituent, support, advisory and training services to such Constituents or Constituent on policies and practices relating to safeguarding of children.”

The National Board already provides comprehensive Guidance to support the implementation of *Safeguarding Children, Policy and Standards for the Catholic Church in Ireland 2016*. In addition annually we produced Guidance, Advice and Practice (GAP) papers further complements the detailed Guidance on topics of current interest to constituents.

This development of Briefing papers is envisaged to provide information contained in detailed research papers, journal articles, and inquiry reports relevant to safeguarding that we condense into a short digest format for ease of reference.

The Briefing papers are the National Boards critique and assessments of key points, and lessons that can be learned from externally written reports.

The views expressed are those of the National Board and should not be considered as a definitive position on the given topic.

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Abbreviations Used

CDF- Congregation for the Doctrine of the Faith

CSAS- Catholic Safeguarding Advisory Service

IICSA- Independent Inquiry into Child Sexual Abuse

NCSC- National Catholic Safeguarding Commission

PTSD- Post Traumatic Stress Disorder

SAP- Survivor Advisory Panel

Introduction

The Independent Inquiry into Child Sexual Abuse (IICSA) in England and Wales published its report on the Catholic Church on November 10th, 2020. The 150-page report examined the situation in the period 1970 to 2015. The information contained in the report was assembled from investigations conducted in a number of Benedictine boarding schools, as well as in the Archdiocese of Birmingham. There was also a series of public hearings conducted over the course of three years, and written submissions were requested and received from a large number of relevant parties.

A statement that hits home the message of the Inquiry is that:

‘As we have said previously, faith organizations are marked out from most other institutions by their explicit moral purpose. The Roman Catholic Church is no different. In the context of the sexual abuse of children, that moral purpose was betrayed over decades by those in the Church who perpetrated this abuse and those who turned a blind eye to it.’¹

The Report makes seven recommendations which are dealt with in Part 1, heading 4 (pages 5-8) of this document.

This report by the National Board of Safeguarding Children in the Catholic Church in Ireland (the National Board) is in two sections. The first relates to the National Board’s assessment of key findings, case studies and applicability to the Catholic Church in Ireland. The second part is a much more detailed critique of the IICSA report.

¹ IICSA Investigation Report November 2020 on The Roman Catholic Church in England and Wales - Page V of Executive Summary

Section 1 – National Board Assessment of Key Issues and their Applicability for Ireland

Key Findings

Abuse of Children	<ul style="list-style-type: none"> • ‘Between 1970 and 2015, the Roman Catholic Church received more than 900 complaints involving over 3,000 instances of child sexual abuse against more than 900 individuals connected to the Church, including priests, monks and volunteers. In the same period, there were 177 prosecutions resulting in 133 convictions. Since 2016, there have been more than 100 reported allegations each year. Across the entire period of nearly 50 years covered by this Inquiry, the true scale of sexual abuse of children is likely to have been much higher.’² • In the language of the Report, the Inquiry heard ‘appalling accounts of sexual abuse of children perpetrated by clergy and others associated with the Roman Catholic Church. The sexual offending involved acts of masturbation, oral sex, vaginal rape and anal rape. On occasions, it was accompanied by sadistic beatings driven by sexual gratification, and often involved deeply manipulative behaviour by those in positions of trust, who were respected by parents and children alike.’ • Failure to act decisively caused further abuse of children.
Care of Victims/Survivors	<ul style="list-style-type: none"> ▪ Victims and survivors described the profound and lifelong effect of this abuse. One witness said <i>the psychological effects have continued ever since, resulting in years of unbearable guilt, depression, nightmares, anxiety and PTSD symptoms.</i> ▪ Responses by the Church to disclosures were characterised by a failure to support victims.
Survivor Advisory Panel	<ul style="list-style-type: none"> ▪ The report examined the Survivor Advisory Panel (SAP) of the National Catholic Safeguarding Commission (NCSC), a development initiated in 2016. It noted its development as a positive one.
Management of Respondent	<ul style="list-style-type: none"> ▪ The Church is severely criticised for affording the welfare of respondent clerics much greater priority than that of complainants; and for investing more effort in protecting its own reputation than in protecting children. ▪ Very little accountability by leaders and in some instances cover-up. ▪ Abusive Priests were moved.

² IICSA Investigation Report November 2020 on The Roman Catholic Church in England and Wales - Page V of Executive Summary

Decision Making	<ul style="list-style-type: none"> ▪ Resistance to external intervention was widespread across the Church. ▪ A number of important decisions have been made within the Bishops' Conference of England and Wales, and within the agencies established by the Church to manage the challenges of abuse within the Church, but progress in implementing these decisions has been extremely slow.
Policy and Guidance	<ul style="list-style-type: none"> ▪ The protocols and guidance developed by the Child Safeguarding Advisory Service were found to be very hard to follow. ▪ There is a lack of consistency in the provision of safeguarding training across the Church in England and Wales. ▪ Lack of enforcement. ▪ Poor record keeping.
Leadership	<ul style="list-style-type: none"> ▪ The Primate of the Catholic Church in England and Wales, Cardinal Vincent Nichols of the Archdiocese of Westminster is criticised for a failure of leadership, for not accepting personal responsibility, and for lacking compassion in responding to complainants. ▪ Report suggests that leadership sets the tone. ▪ Weakness in leadership was significant in the failure to address abuse. Where there was positive leadership, this was delayed by the Church leader failing to engage directly with victims. ▪ The Inquiry notes with great surprise the refusal of the Vatican to cooperate with its investigations, describing that decision as "passing understanding". ▪ Concern that the wording of the canon law crime associated with abuse is that of "adultery" which is wrong and minimises the criminal nature of abuse inflicted on child victims.

Case Studies

The five pages X through XIV contain **Pen portraits from the case studies**, essentially examples of abuses examined in relation to the Archdiocese of Birmingham, and the English Benedictine Congregation's residential schools - Ampleforth Abbey and School, Downside Abbey and School and Ealing Abbey and St Benedict's School.

In the section on the Archdiocese of Birmingham, one of the 16 criminal cases that involved 78 victims is described, where an (Irish) abusive priest, Samuel Penney, was moved from parish to parish rather than being properly managed. The report states that:

'On each occasion that Penney's abuse was reported to the Roman Catholic Church, it seems that little, if any, thought was given to victims and the risk Penney posed. The Archdiocese simply sought to move Penney on. Action could have been taken by the Archdiocese of Birmingham in the 1980s and early 1990s which might have prevented Penney from abusing other children.'

Regarding Ampleforth Abbey and School in North Yorkshire, the report focuses on one abuser, Father Piers Grant-Ferris who in 2006, was convicted of 20 counts of indecent assault against 15 boys. This man's abuse was first reported in 1975 by the parents of a student, and the negligence of the school and monastic community are described. Two matters are highlighted: that the school did not make any reports to the statutory authorities and that Abbot Timothy Wright '...resisted the involvement of external agencies', despite there being written procedures requiring him to do so. Apparently, he unilaterally made a distinction between admissions by monks and disclosures by students, the former being confidential and not reportable, in his view.

The issue highlighted in relation to Downside Abbey and School in Somerset is of Father Nicholas White, whose sexual abuse of a student he taught was not properly managed. The report highlights that his continuation in role allowed him to continue to abuse this and other students in a new role as Housemaster. He was sentenced to a prison term of five years having pleaded guilty to seven sexual abuse offences against children.

The final pen picture presented concerns the Benedictine Abbey at Ealing and the adjoining St Benedict's School, which is a day-school. While focusing on one monk, Fr. David Pearce, the report states that two teachers and two monks (including Fr. Pearce) have been convicted of sexually abusing over 20 students. Fr. Pearce pleaded guilty in relation to the abuse of five children, for which abuse he received a seven-year prison sentence. The report is very critical of two Abbots and three Principals of the school (two of them monks from the Abbey), all of whom knew about the abuse but did not act

Recommendations, and Applicability for Ireland

Recommendation	Comment – Applicability for Ireland
<p>1. Leadership</p> <p>The Catholic Bishops’ Conference of England and Wales and the Conference of Religious in England and Wales should each nominate a lead member of the clergy or religious to provide leadership and oversight on safeguarding matters to their respective Conferences and the wider Roman Catholic Church in England and Wales.</p>	<p>The National Board has in place a Liaison Committee whereby a senior Bishop and the President of AMRI engages with the National Board to address strategic safeguarding matters. While this has worked well, consideration ought to be given to strengthening that forum. This might be done by appointing a “lead member” for safeguarding of the (Irish Episcopal Conference (IEC) and the Association of Missionaries and Religious of Ireland (AMRI) respectively, to this committee, (currently involving members and directors’ representatives only).</p>
<p>2. Training</p> <p>The Catholic Bishops’ Conference of England and Wales should ensure that safeguarding training is mandatory for all staff and volunteers in roles where they work with children or victims and survivors of abuse. It should also be a requirement that regular refresher training is completed. The training should consider the impact of child sexual abuse, including the impact of trauma and the perspective of victims and survivors, and should be developed in conjunction with the Survivor Advisory Panel.</p>	<p>The situation on the island of Ireland is quite clear regarding child safeguarding training. Structures, guidance, programmes and accreditation procedures are well developed. The National Board has a Director of Training and Support in post, who has a ‘One Church’ brief.</p> <p>Training is in place for all staff and volunteers, including a requirement for refresher training, which is annually evaluated, revised and updated in line with best practice.</p>
<p>3. Compliance</p> <p>The Catholic Bishops’ Conference of England and Wales and the Conference of Religious should publish a clear framework for dealing with cases of non-compliance with safeguarding policies and procedures. That</p>	<p>The systems of self-audit and National Board Reviews are well established in Ireland.</p> <p>The IICSA envisages an in-Church regime of compliance enforcement. This measure was</p>

framework should identify who is responsible for dealing with issues of non-compliance at all levels of the Church, and include the measures or sanctions for non-compliance.

no doubt thought necessary by the Commission in the light of the failure of Church authorities in England and Wales to deal appropriately with seemingly numerous cases of child abuse, which, although, known about were not addressed promptly, or at all in too many cases, by Church authorities.

The efforts made to prevent such a regime from functioning in Ireland have been very evident since the last series of Reviews took place and include challenges to the revised methodology, citing data protection problems, and a tardy approach by some Church leaders to request a second Review.

This situation should be looked at again and leadership be shown by the relevant authorities to reverse that trend. Maybe the efforts made across the Irish Sea will assist in this necessary development.

The National Board has no power to compel engagement in reviews. This relates to another issue which needs to be addressed which relates to the independence and power of the National Board. The National Board does not have statutory powers and therefore Reviews must be undertaken at the request of a Church authority. This can weaken the National Board's ability to scrutinise and publically comment on practice.

In situations of concern, non-compliance can only be addressed by referral to statutory authorities. Within the Republic of Ireland non-compliance which results in risk to children can be addressed through Section 3 of the Children First Act. There is no similar regulation in Northern Ireland.

<p>4. External auditing</p> <p>The Catholic Safeguarding Advisory Service should have the effectiveness of its audit programme regularly validated by an independent organisation which is external to the Church. These independent reports should be published.</p>	<p>In the Church on the island of Ireland, the National Board undertakes Reviews of compliance with the Safeguarding Children Standards of 2016. These Review Reports are externally validated by a child protection specialist and are subject to legal proofing prior to their publication.</p> <p>In the Republic of Ireland, the Health Service Executive (HSE) conducted an audit of child safeguarding in the dioceses and Religious Orders, although that exercise was very flawed and problematic. There would seem to be no appetite to repeat the exercise.</p>
<p>5. Canon 1395</p> <p>The Catholic Bishops' Conference of England and Wales should request that the Holy See redraft the canonical crimes relating to child sexual abuse as crimes against the child.</p>	<p>This has relevance for Ireland. The insertion by referendum of an Article dealing with the rights of the Child in our Constitution provides the Church in Ireland with some leverage in making such a request of the Holy See, if it chooses to use it.</p>
<p>6. Catholic Safeguarding Advisory Service website and policies and procedures manual</p> <p>The Catholic Safeguarding Advisory Service should review its policies and procedures manual and the documents within it to ensure that they are consistent, easier to follow and more accessible.</p>	<p>The National Board has published very clear Guidance for Church authorities on its website. This Guidance is amended and updated as required by changes in statute, professional practice, canon law etc. Increasingly Church bodies are choosing to adopt the web-based National Board guidance which is automatically updated for them, and this ensures consistency; it would be much more difficult to manually update hard copy procedures of their own every time this would be required.</p>
<p>7. Complaints policy</p> <p>The Catholic Bishops' Conference of England and Wales and the Conference of Religious</p>	<p><i>The Safeguarding Children – Policy and Standards for the Catholic Church in Ireland</i></p>

should publish a national policy for complaints about the way in which a safeguarding case is handled.

The policy should deal with communication with complainants during the complaints process and set out an escalation process for all complainants to have their complaint assessed by an independent adjudicator, if they are unhappy with how their complaint has been handled.

2016 contains a provision under Standard 2.1 regarding responding to a complainant who is dissatisfied with how their complaint was handled.

This has been revised following the addition of a new delict under *Vos estis lux mundi*, regarding actions or omissions intended to avoid or interfere with canonical or civil investigations. This process will be further enhanced by new guidance relating to managing of allegations, or Actions or Omissions by Bishops or equivalents, by way of the July 2020 *Vademecum*.

Section 2 - Detailed Summary of Report

Part A. The first section proper in the report is the **Introduction** (pages 1 through 7). This section sets out the reason for the investigation into the Catholic Church in England and Wales, and it describes the process used by the Inquiry – case studies (see Pen pictures above) and public hearings. The extent of the abuse is captured in the second paragraph on page 1:

2. Between 1970 and 2015, the Church received more than 3,000 complaints of child sexual abuse against more than 900 individuals connected to the Church. Those complaints involved over 1,750 victims and complainants. Civil claims against dioceses and religious institutes have resulted in millions of pounds being paid in compensation. Even so, the true scale of child sexual abuse is likely to be greater than these figures.

The remainder of Part A explains the diocesan structure and leadership of the Catholic Church in England and Wales; the role, structure and leadership of Religious Institutes; the scope and methodology of the investigation; and some important terminology that might be new to the reader, e.g. clergy, the Holy See, various sexual offences etc.

Part B of the report is on **Child sexual abuse within the Roman Catholic Church in England and Wales**, (pages 9 through 21). In this quite dense section, there is an effort to establish the extent of the abuse of children within the Catholic Church through examining very graphic accounts of abuse provided to the Inquiry by complainants, and statements about the destructive impact of this abuse on them. It proceeds to look at the responses by the Catholic Church to the complaints received, many of which were ineffective or non-existent, or actively attempted to cover up of what had happened. These included:

- Failure to report to the Police;
- Transferring offending clergy to different posts, with no behavioural restrictions or safeguards or supervision;
- A ‘culture of acceptance’ of sexual abuse of children within monastery-linked schools, along with a reliance of handling problems ‘internally’;
- Active cover up by destroying files and records; or deliberate misrepresentation of the facts;
- Failure by Church leaders to convince Church personnel, including clergy and Religious, of the importance of child safeguarding;
- Minimisation and denial;
- No thought given to the welfare of child victims.

Part B then proceeds to try and estimate the scale of child sexual abuse within the Catholic Church by examining various sources of information. The table below attempts to summarise the evidence established.

Information source	Evidence of prevalence and scale of abuse
<p>The Inquiry's commissioned Rapid Evidence Assessment</p>	<ol style="list-style-type: none"> 1. No robust study of the situation in England and Wales existed. 2. Somewhere between 4% (USA) and 7% (Australia) of priests sexually abuse children. 3. The children abused by Catholic clergy internationally are mostly male (70%-80%).
<p>The Bullivant review (2018) – Commissioned by CSAS³ on behalf of the Bishops' Conference and the NCSC⁴ from Professor Stephen Bullivant</p>	<p>He conducted a questionnaire-based review of all dioceses and Religious Institutes in England and Wales to establish the extent of child sexual abuse in the period 1970 – 2015. His findings, which came with a caveat about the possibility that one complaint can involve more than one complainant and more than one respondent, were that in the period studied:</p> <ol style="list-style-type: none"> 1. There were 931 complaints of child sexual abuse made to the Catholic Church in England and Wales between 1970 and 2015; 2. Of these, 344 complaints were made to Religious Institutes and 587 complaints were made to dioceses; 3. The complaints involved 3,072 instances of alleged abuse made by 1,753 individuals in respect of 936 alleged perpetrators. 4. 'Where the complaint included a start date for the alleged abuse, the analysis found that a large proportion of the abuse was alleged to have started in the 1960s and 1970s.' (This tallies with the pattern established by the John Jay Report to the US bishops regarding the incidence of clergy abuse in the American Church, which incidence peaked in 1972.) 5. 'The analysis also showed that there was an increase in reporting of complaints from the

³ The Catholic Safeguarding Advisory Service

⁴ The National Catholic Safeguarding Commission

	<p>mid-1990s onwards, with a particularly high number of complaints in 2010.’</p> <p>The Inquiry Report then states that ‘It is likely that the true number of complaints is considerably higher than the figures set out here.’⁵</p>																																	
<p>NCSC annual reports</p>	<p>Annual Reports for the years 2008 through 2018 were examined. The basis on which cases notified to the NCSC were recorded or classified was not the same throughout this 10-year period. The statistics produced in the Inquiry Report are:</p> <table border="1" data-bbox="647 707 1374 1610"> <thead> <tr> <th>Year of Annual Report</th> <th>CSA allegations</th> <th>Child abuse image allegations</th> </tr> </thead> <tbody> <tr> <td>2008-2009</td> <td>38</td> <td>2</td> </tr> <tr> <td>2009 - 2010</td> <td>31</td> <td>2</td> </tr> <tr> <td>2010 - 2011</td> <td>71</td> <td>4</td> </tr> <tr> <td>2011 - 2012</td> <td>32</td> <td>1</td> </tr> <tr> <td>2012 - 2013</td> <td>48</td> <td>5</td> </tr> <tr> <td>2013 - 2014</td> <td>*</td> <td>*</td> </tr> <tr> <td>2015</td> <td>60</td> <td>11</td> </tr> <tr> <td>2015 - 2016</td> <td>61</td> <td>7</td> </tr> <tr> <td>2016 - 2017</td> <td>102</td> <td>10</td> </tr> <tr> <td>2018</td> <td>104</td> <td>6</td> </tr> </tbody> </table> <p>* In this Annual Report the statistics referred to a 10-year look-back on ‘child protection allegations’, so the data is not comparable</p> <p>The Inquiry Report comments that:</p> <p>‘The annual reports do not consistently identify the years in which the abuse is alleged to have</p>	Year of Annual Report	CSA allegations	Child abuse image allegations	2008-2009	38	2	2009 - 2010	31	2	2010 - 2011	71	4	2011 - 2012	32	1	2012 - 2013	48	5	2013 - 2014	*	*	2015	60	11	2015 - 2016	61	7	2016 - 2017	102	10	2018	104	6
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⁵ IICSA Investigation Report November 2020 on The Roman Catholic Church in England and Wales, page 17

	<p>occurred....</p> <p>...It is unclear whether the increase in the number of complaints is indicative of an increase in offending or an increase in the reporting of such matters or both.’⁶</p>
<p>Reports of sexual abuse to the Charity Commission</p>	<p>All 22 dioceses in England and Wales are registered charities, and as such they have to report all serious incidents. From this source, the Inquiry report established that there is serious under-reporting by dioceses, and much confusion about what to report. The best that it could do was to establish that in the period April 2014 to July 2019 there were approximately 220 such reports – but the quality of this information is poor.</p>

[The number of allegations appear to be low in comparison with those of the Catholic Church on the island of Ireland].

The Inquiry report states that:

The Charity Commission plays an important role in ensuring the Church’s trustees have appropriate procedures in place for the handling of allegations and the management of risk to children. It is the responsibility of the Church and the Charity Commission to ensure that trustees report both recent and historic allegations of child sexual abuse to the Charity Commission.⁷

Part C of the Inquiry report looks at **The Holy See** – pages 23 through 31. The first section of this part of the report explains the legal status of The Holy See; the canonical framework of the Catholic Church; the role of the Pope in amending canon law, or in adding to it; and then details the *Motu Proprio, Vos estis lux mundi*, issued on May 7th 2019 by Pope Francis.

The report then clarifies the role of the Congregation for the Doctrine of the Faith (CDF) and the sections of the canon law that relate to its function in decision making in clerical child sexual abuse cases. It then speaks of the Pontifical Commission for the Protection of Minors and its interactions with the CDF. Overall, the Inquiry raises the question about the internal resistance within the Roman Curia to bringing about effective changes in how the Church deals with the issue of child sexual abuse.

⁶ IICSA Investigation Report November 2020 on The Roman Catholic Church in England and Wales, page 17

⁷ IICSA Investigation Report November 2020 on The Roman Catholic Church in England and Wales, page 21

Finally, the Inquiry report provides detail of the lack of cooperation given by The Holy See to the Inquiry, which it measures against the recent statements of Pope Francis, and Part C ends with the following statement:

As recently as May 2019, the Pope made his position on child sexual abuse clear – there needed to be action not just words. This pronouncement stands in direct contrast to the limited information the Holy See provided to the Inquiry. In responding in this way, the Holy See’s stance was contrary to the spirit of its public statements and it missed the opportunity to demonstrate its engagement and leadership on the issue of child sexual abuse.⁸

Part D of the Inquiry report presents summaries of two previous reports on child safeguarding in the Catholic Church in England and Wales - **The Nolan and Cumberlege reviews** – pages 33 through 41.

The Nolan Review was conducted by Lord Michael Nolan who was commissioned by the Archbishop of Westminster in September 2000 to ‘...chair an independent committee to review arrangements made for child protection and the prevention of abuse within the Roman Catholic Church in England and Wales.’⁹ The report of this review, *A Programme for Action*, was published a year later. The report made 83 recommendations for developing a coordinated and comprehensive Church-wide child safeguarding system that would be based on the paramountcy principle, i.e. that the best interest and welfare of children is the first and paramount consideration for the Catholic Church in any such system.

The Nolan Review report set out its wishes regarding the impact of the recommendations:

‘...our hope is that this report will help to bring about a culture of vigilance where every single adult member of the Church consciously and actively takes responsibility for creating a safe environment for children. Our recommendations are not a substitute for this but we hope they will be an impetus towards such an achievement.’¹⁰

⁸ IICSA Investigation Report November 2020 on The Roman Catholic Church in England and Wales, page 31

⁹ IICSA Investigation Report November 2020 on The Roman Catholic Church in England and Wales, page 34

¹⁰ Nolan, M. (2001) *A Programme for Action: Final Report of the Independent Review on Child Protection in The Catholic Church in England and Wales*, page 36

Among the elements of an effective Catholic Church child safeguarding system recommended by the Nolan Review report and discussed in the Inquiry report, along with some of the actions that followed were:

Recommendation	Actions that followed
Nominated safeguarding personnel at local (parish or Religious community) and regional (diocesan or Religious Institute) level	<ul style="list-style-type: none"> ▪ Independent child protection commissions ▪ Child protection coordinators (CPC) ▪ Parish child protection representatives
A National Child Protection Unit to provide advice, guidance and monitoring within the Church, and to liaise with statutory authorities	The Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) was established in January 2002
Registration of the Church with the Criminal Records Bureau for clearance (vetting) for any person being recruited to any position within the Church, including applicants for ordination to the priesthood	Policies, Procedures and Codes of Practice for Criminal Records Bureau Disclosures for the Catholic Church in England and Wales came into effect in January 2003
Speedy notification of concerns and allegations to the statutory authorities	The child protection coordinators were given this task
Using risk assessments	The child protection commissions were given this task
A records retention policy – records to be retained for 100 years	It is difficult to establish whether a One-Church approach to records retention has been adopted by the Catholic Church in England and Wales. Two documents are relevant – the Catholic Archives Society Publications (2016) <i>Introduction to Records Management</i> (Archive Advice Leaflet number 13), and the joint <i>Appropriate Policy Document</i> (July 2020) of the NCSC / CSAS

<p>Treating retrospective child safeguarding cases as seriously as current ones</p>	<p>The IICSA Investigation Report’s comments on case management suggest that this recommendation has not been fully implemented</p>
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This was a diocesan child safeguarding system. The Inquiry report states that it was more difficult to get the Religious Institutes on board with new structures and systems. Some attempts were made to introduce a separate but parallel system for the Religious Institutes, with no real success; so ‘...the religious institutes ultimately aligned with diocesan safeguarding commissions or established their own safeguarding commissions.’¹¹

Essentially, Nolan wanted to introduce a ‘One Church’ approach to child safeguarding, but the Inquiry details a great number of obstacles that impeded this desired development:

- Absence of effective Church leadership and commitment;
‘...our hope is that this report will help to bring about a culture of vigilance where every single adult member of the Church consciously and actively takes responsibility for creating a safe environment for children. Our recommendations are not a substitute for this but we hope they will be an impetus towards such an achievement.’¹²
- Unfamiliarity with and resistance to the Church working with external partners;
- Inexperienced people being placed in key safeguarding positions;
- ‘A (misguided) perception that the paramountcy principle and Canon Law were diametrically opposed.’¹³
- Various forms of internal Church resistance to change, which led to significant delay in implementation, including trying to protect the institutional Church, not wanting to be accountable to civil society etc.;
- Insufficient resources deployed.

The Cumberlege review (2007) was the result of one of the Nolan report recommendations, that a review of progress would be conducted after five years. The Cumberlege Commission was established at the invitation of Cardinal Cormac Murphy-O’Connor on 11 July 2006 and was chaired by Baroness Julia Cumberlege. It produced a report titled *Safeguarding with Confidence – Keeping Children and Vulnerable Adults Safe in the Catholic Church*.

¹¹ IICSA Investigation Report November 2020 on The Roman Catholic Church in England and Wales, page 37

¹² Nolan, M. (2001) A Programme for Action: Final Report of the Independent Review on Child Protection in The Catholic Church in England and Wales, page 36

¹³ IICSA Investigation Report November 2020 on The Roman Catholic Church in England and Wales, page 37

Cumberlege determined that 79 of the 83 Nolan recommendations had either been completely or partially addressed, which was positive. It then went on to make 72 recommendations of its own. These included:

- changing COPCA¹⁴ to become ‘...the Catholic Safeguarding Advisory Service (CSAS) to reflect its primary future role as one of coordination, advice and support in respect of the wider job of safeguarding children and vulnerable adults;’¹⁵
- that CSAS would ensure that the safeguarding policies would be easily accessible at parish level;
- the creation of another agency, the National Safeguarding Commission as a conduit for communications between CSAS and both the Bishops’ Conference and the Conference of Religious (COR);
- that the diocesan child protection commissions would become safeguarding commissions, with responsibility for safeguarding children and vulnerable adults;
- that the Bishops’ Conference and COR would work together to develop the ‘One Church’ approach and would ensure that a ‘culture of vigilance’ would be created throughout the Catholic Church in England and Wales.

Part E of the Inquiry report is titled **Child protection structure and policies**, and this 10-page section describes and critiques the particular safeguarding system that has been developed by the Catholic Church in England and Wales. The complicated structures that have been created are unlikely to be of interest to the Catholic Church in Ireland; so, rather than trying to summarise the descriptive element of this section, it is perhaps more helpful to simply list the criticisms and suggested remedies contained in the report.

The Inquiry report examines the role and performance of CSAS, the various Safeguarding Commissions at diocesan and Religious Institute level, the Safeguarding Coordinators, and the Parish Safeguarding Representatives, and is not particularly critical of any of these. It highlights the delay in regularising the alignment of some Religious Institutes with appropriate Safeguarding Commissions, and it indicates that approximately 100 (4.5%) of the 2,227 parishes in England and Wales were without a Parish Safeguarding Representative at the end of 2018.

The report then looks at two particular recommendations of the Cumberlege review and highlights what it sees as inexplicable delays in implementing these. Recommendation 2 in Cumberlege was that the Bishops’ Conference and the COR should develop Codes of Conduct for all clergy, non-clergy religious and those who work in the service of the Church, including volunteers within 12 months. The resulting document, *Integrity in Ministry, A Document of Principles and Standards for Religious in England and Wales* (2015) was not

¹⁴ From its creation in 2002 to 2007, COPCA (Catholic Office for the Protection of Children and Vulnerable Adults) was the national advisory body for the Roman Catholic Church. Advice could be sought on a voluntary basis and there was no obligation on any part of the Church to seek advice or refer any case to COPCA

¹⁵ IICSA Investigation Report November 2020 on The Roman Catholic Church in England and Wales, page 40

published for another eight years, which delay earned a rebuke from the IICSA Report. Delayed as that was, the parallel document for clergy and bishops was still awaited, 13 years after Cumberlege had made the recommendation.

The other recommendation of Cumberlege, reviewed in detail by the Inquiry, was Recommendation 72, which sought to have the Church, through the Bishops' Conference and the COR, draft a general canon law decree making adherence to safeguarding rules for children and vulnerable adults obligatory throughout England and Wales. At the best of times such a venture is problematic. In the first place, it is difficult for a national Church to have such particular law receive *recognitio*, or acceptance by the Vatican. It did not help that the wording of the decree was not formulated by the Church of England and Wales for many years; and following submission to the Holy See, it still had not been approved at the time the Inquiry report was issued.

Two other matters are held up for criticism in this section of the Inquiry report, **the adequacy of the safeguarding policies and procedures** in operation in the Catholic Church in England and Wales, and the **Elliott Review**, an officially commissioned review of *Safeguarding Structures and Arrangements within the Catholic Church in England and Wales*.

CSAS is responsible for the drafting of safeguarding policies and procedures. The Inquiry Report found that the materials developed by CSAS while adequate, were unnecessarily cumbersome and confusing. It also established that compliance with official safeguarding policies and procedures could not be guaranteed, and that neither NCSC nor CSAS had any authority to enforce compliance.

The Inquiry Report was critical of the delays in the drafting of its Terms of Reference, and of the non-availability of the Elliott Review Report, the completion of which had been delayed.

Part F of the Inquiry Report concerns **Safeguarding training and education**, and devotes five pages to the issue. It addresses:

- safeguarding training in seminaries, which it accepts as being adequate;
- safeguarding training for clergy and religious, which it details – the overall impression is that it is very complicated and somewhat ad hoc;
- it describes a particular safeguarding training initiative involving the meeting of the Bishops' Conference in Valladolid in Spain in May 2019, to which survivors of clerical sexual abuse contributed;
- The Report commends initiatives taken as being encouraging, but additionally, recommends the roll out of a national training programme across the Church in England and Wales.

Part G of the Inquiry Report is about **Audits** to which it devotes 10 pages.

The report outlines the history of the carrying out of audits of safeguarding within the Catholic Church in England and Wales, as follows:

When and what	Inquiry report's appraisal
<p>2006/2007 - self-auditing introduced by COPCA (Catholic Office for the Protection of Children and Vulnerable Adults)</p>	<p>Lacked independence and rigour</p> <p>Resistance within Church to external evaluation</p>
<p>Between 2010 and 2013 – two CSAS audits of safeguarding commissions, focused on compliance with</p> <ul style="list-style-type: none"> ▪ The NCSC <i>Towards a Culture of Safeguarding</i> document of January 2012; ▪ Disclosure and Barring Service (DBS) requirements; and ▪ Case recording standards 	<p>There was some lack of consistency between the results of self-audit in some dioceses and the CSAS audit results; and three bodies were commented on – the Archdiocese of Birmingham, the Diocese of Menevia, and the Benedictines in Ealing, as being non-compliant with expected standards of practice.</p> <p>The six independent Religious Institutes safeguarding commissions were audited once, with mixed results, but no follow-up audits had been planned.</p>
<p>Audits conducted during the case study phase of the inquiry:</p> <p><u>Benedictines at</u></p> <ul style="list-style-type: none"> ▪ Ampleforth ▪ Downside ▪ Ealing 	<p>These were the IICSA's own pieces of work, in that it commissioned them.</p> <p>Each had also been reviewed externally. Ampleforth had commissioned Professor Susan Proctor, while Downside was reviewed by the Social Care Institute for Excellence (SCIE), following the public hearings of this module of the IICSA. Ealing was audited by the US agency, <i>Praesidium</i>.</p> <p>In Ampleforth, along with many positive findings, Proctor established that there was nobody with overall responsibility for safeguarding, and there was no strategic plan for its development. She made 90 recommendations.</p>

Archdiocese of Birmingham

In Downside, again, along with positive findings, it suggested that low level concerns required a disciplinary response, which was absent; and the campus required a Designated Liaison Person (DLP). Ealing was given a relatively positive audit report.

The Archdiocese was audited in 2018 by SCIE. This found so many concerns, particularly with case management and case file maintenance, that a nine-month statutory audit by the Charity Commission resulted. The findings were that there was

serious misconduct and / or mismanagement in the administration ... in relation to its safeguarding oversight and governance.

IICSA Commissioned Case File Audit

The IICSA commissioned an independent safeguarding consultant to audit the two most recent case management files in 10 dioceses and 10 religious orders. Two religious orders did not have any, so 36 files in total were reviewed.

Findings included:

- Poor complainant support, especially when compared to supports to respondents;
- Potential conflicts of interest, when clergy are in safeguarding roles;
- Poor liaison with relevant Safeguarding Commissions;
- Wide variation in practice – no uniformity, with poor risk assessment and case management plans / reviews;

CSAS Audits since 2019

- Lack of thorough follow-up in cases where statutory authorities were not proceeding – no risk assessment or canonical process;
- Poor or no record-keeping - *a wide variation in standards of recording, and a difference between religious orders and dioceses in particular.*
- CSAS procedures manual and website, confusing and difficult to follow / navigate.

In August 2017, CSAS introduced a National Quality Assurance Framework, against which audits were subsequently conducted.

Audits established that:

- Problems remained in Ampleforth – with case management and supervision of safeguarding plans;
- Weak risk assessment / risk management in many Church bodies;
- Safeguarding plans not being reviewed;
- Poor case recording and file maintenance.

Following a discussion of the pros and cons of external audit, the report states that:

The Church's quality assurance framework lacks external review and validation by an independent agency. The publication of such an external review would promote compliance, accountability and transparency.

Part H of the report concerns **Engaging with victims and complainants** to which it devotes 13 pages.

In a general review, the Report mentions the tension that Church authorities experienced between taking legal advice and being pastoral; it seems that this was seen as an ‘either / or’ choice.

The report then gives detailed information on contrasting experiences of victims, one of whom, a man named Mark Murray, had an extremely distressing involvement with the Comboni Order, in whose junior seminary he had been sexually abused. This Order acted quite aggressively towards Mr. Murray; and the report states that:

The Comboni Order’s response to Mr Murray lacked the pastoral approach urged by the Cumberlege report. Its recent decision not to meet with the Comboni core participants suggests that its attitude has not changed.

This experience is contrasted with that of another (anonymous, referred to as RC-A491) victim, who spoke with the Investigation about his encounter with Archbishop Longley of Birmingham Archdiocese. The Archbishop met with him, listened to him respectfully, and then offered a sincere apology for what had been done to him by a priest of the archdiocese in the past. This victim found his dealings with the Archbishop to be extremely helpful to him.

The report concludes by stating that:

RC-A491’s experience demonstrates the importance of the Church being willing to meet with victims and complainants and in particular the significance of a meaningful and genuine apology.

The report moves on to examine the Survivor Advisory Panel (SAP) of the NCSC, a development initiated in 2016. It supports this development as a positive one. This eight-person panel is advisory in nature, while it has also been actively involved in safeguarding training and communication initiatives; and was consulted by the Elliott Review. The role and operation of SAP is to be externally reviewed by Baroness Sheila Hollins, who had been a member of the Pontifical Commission for the Protection of Minors in Rome.

The Safe Spaces Project of the Catholic and Anglican Churches in England and Wales is mentioned, mostly in relation to the very long time it has taken to launch it. Because this only happened in September 2020, the report was unable to review its operation. It is an initiative to provide confidential supports to adult victims of clerical child sexual abuse. [Its website can be accessed at www.cbcew.org.uk/home/our-work/safeguarding/safe-spaces-project/].

This section of the report ends with a very detailed examination of the negative experiences of a victim in her dealings with the Archdiocese of Westminster, and specifically with Cardinal Archbishop Vincent Nichols. It finds that Cardinal Nichols had been extremely bureaucratic and defensive in his dealings with the victim, and it recommended the introduction of a Complaints Procedure for victims to access, who are dissatisfied with their experience of the Church's safeguarding process.

Part I of the Report concerns the **Reporting of child sexual abuse cases**, which is dealt with over 7 pages.

It evaluates the performance of the Church in reporting cases to the statutory authorities. It begins with a statistical analysis of cases reported and not reported, based on work conducted by Professor Stephen Bullivant. He established that 81% (753) of 931 complaints were reported, which led to 177 prosecutions, from which there were 133 convictions, a relatively high rate of conviction by international comparison. Reports rose steadily from 1990 (4) to 2015 (46), the period studied, with peaks in reporting in 2004 (54), 2010 (84), and in 2013 (60). The reasons for not reporting are provided, many of which are familiar to those in Church safeguarding on the island of Ireland:

- Respondent deceased;
- Complainant unwilling to proceed;
- Third-party complaint;
- Insufficient detail provided to identify alleged abuser;
- Did not meet the threshold for reporting;
- Respondent already in prison;
- Case related to a different diocese, so referred there;
- Insufficient detail provided to establish reason.

While these reasons are familiar, with mandatory reporting in place in the Catholic Church in Ireland, statutory reporting is now required in all cases.

The report then examines internal Church policy on reporting, and it finds that a combination of CDF guidance in February 2019, and a papal *Motu Proprio* in May 2019 together require all Church authorities to report safeguarding allegations internally and also externally to the relevant statutory authorities.

It then reviews the CSAS guidance and finds it confused and open to interpretation, leading to a recommendation that:

It is essential that the Church's reporting policies are set out clearly and succinctly in language that is easy to understand.

This section on reporting of safeguarding concerns is completed by a consideration of the confessional seal and whether this is an obstacle to mandatory reporting. This is discussed in detail; but the report ends the piece by stating that the Investigation will return to this issue in its final report.

Part J of the report deals with **Redress**, over 12 pages.

It begins by examining the payments made historically by the main Church insurers in England and Wales, of which there have been 488; and this is followed by an exploration of the issue of insurance for damages caused by Church personnel.

It then looks at the time limits in operation for civil claims, and the problems that these cause to victims, for whom an average of 26 years elapses between the abuse and their reporting of it.

There is a detailed discussion about whether providing an apology to a victim compromises a Church body in terms of insurance liability. This is followed by reference to the Compensation Act 2006 and the need to amend it in relation to the issuing of an apology where the matter is one of vicarious liability.

Ex gratia payments are explored in relation to legal responsibilities under Charities legislation *which requires the trustees to only apply the charity's funds in furtherance of the purposes of the charity*. However, it finds that such payments can be made by taking due care to do so within the law; and Archbishop Longley of Birmingham is commended for his handling of such a payment to a victim.

The section on redress is completed by a close examination of a complex case involving the Archdiocese of Westminster and its previous and current archbishops. There was a very damaging leak of information on the complainant in this case, with very widespread media coverage. The details provided show that the needs of the victim in this case were secondary to the Church's protection of its own senior clergy. Cardinal Archbishop Nichols is singled out as not handling the case sensitively or effectively.

Part K deals with **The role of Roman Catholic Church leaders in safeguarding**, and covers six pages. It begins by explaining the structure of the Catholic Church in England and Wales; and follows this by stating that the Investigation had identified three substantial difficulties with Church leadership:

- the laboriously slow pace of change;
- a lack of empathy and understanding towards many victims and survivors; and
- uncertainty as to whether a culture of safeguarding is fully embedded across the entire Church.

It then deals with each of these in turn, providing evidence to support its position.

Part L is the **Conclusions and recommendations** section of the report, comprising eight pages.

It is easiest to present these conclusions and recommendations in tabular form.

Conclusions reached by the Investigation
The extent of abuse, while high, is probably under-estimated.
‘Over the course of the case studies, the Inquiry heard accounts of lives blighted by child sexual abuse, compounded by cover-ups and failures by the Catholic Church to take action against perpetrators.’
‘The response of the Catholic Church in England and Wales to allegations of child sexual abuse focussed too often on the protection of the clergy and the Church’s reputation.’
There was widespread failure to put the protection of children first. Additional children were put at risk by the moving and shielding of known abusers. Preventable abuse of children resulted from the failed institutional responses of various Church authorities.
There was resistance by Church leaders to implement child safeguarding recommendations from Nolan.
The Cumberlege Report was a positive milestone, following which some attempt was made to introduce a consistent safeguarding approach.
The Elliott Review Report was delayed, so it was not available to the Investigation.
A ‘One Church’ approach was hampered by the problems with the CSAS guidance and website; and by there being no agency with authority to ensure compliance with agreed policy and procedures.

‘This lack of enforcement powers is compounded by delay in the Bishops’ Conference seeking a general decree (*‘recognitio’*) from the Holy See to make adherence to CSAS policies and procedures obligatory in canon law throughout England and Wales.’

There were problems with the overall audit framework used, and with the implementation of audit report recommendations.

There are many examples of the Church’s very slow pace of introducing necessary changes and improvements in safeguarding.

‘There remains a lack of focus on the needs of the victims. Whether pastoral, emotional or financial, the Church’s response needs to be more compassionate and more understanding of the lifelong damage that child sexual abuse can cause.’

‘...Church leaders need to do more to encourage and embed a culture of safeguarding throughout the entire Catholic Church in England and Wales.’

Conclusion

This is a fairly balanced review of the development and current state of child safeguarding in the Catholic Church in England and Wales. The information contained has been collected from a variety of sources, which gives breadth to the Investigation Report. While the analysis of the information gathered is vigorous, it appears to be fair and reasonable. Obviously, not every example of positive local initiatives has been examined by the Independent Inquiry, but where decisions and actions have been taken that are effective, these have been commended.

What is noteworthy in the Investigation Report is that the impacts of clerical child sexual abuse on victims are well described and their needs are kept in clear focus throughout. In contrast, the slow, bureaucratic, and sometimes insensitive and inadequate responses of the leadership of the Catholic Church in England and Wales are rightly criticised. The development of the Survivor Advisory Panel is commended as a good practice initiative. While there are many survivor groups in Ireland, a review of the operation of this Panel for applicability in the Catholic Church on the island of Ireland should be considered.

This report marks another in a long line of international reports into child safeguarding in the Catholic Church which note serious failures in the Church's ability to prioritise the safety of children over the protection of the perpetrator and of the Church's "reputation". Like reports before it, this Investigation report details the damage done to children into their adulthood by those in a position of trust. It also exposes significant failures by those in authority to acknowledge report and investigate abuse and to hold those responsible for the abuse accountable.

In Ireland, there have been a number of public inquiries into the management of abuse in the Church, and Church leaders here initiated a process of review in 2011, led by the National Board and completed in 2016. While the latter process is to be commended, it is important that the next stage of the Review process, initiated by the National Board in 2018, is not allowed to drift through a lack of engagement or commitment by Church authorities. It is really only through continuous scrutiny and transparent accountability that child safeguarding practice will improve: Otherwise, a false sense of complacency can set in, with the inevitable consequences of renewed risk to children; failure to care for complainants; poor offender management, and potential for cover up and neglect.

Nobody wants such a retrograde step for the Catholic Church in Ireland.



THE NATIONAL BOARD FOR
SAFEGUARDING CHILDREN
IN THE CATHOLIC CHURCH IN IRELAND

