

Review of Child Safeguarding Practice
in the

Institute of the Brothers of the Christian Schools

[More commonly known as the De La Salle Brothers]

undertaken by

The National Board for Safeguarding Children in the
Catholic Church in Ireland (NBSCCCI)

January 2017

CONTENTS

Background	<i>Page 3</i>
Standard 1 <i>A written policy on keeping children safe</i>	<i>Page 10</i>
Standard 2 <i>Management of allegations</i>	<i>Page 14</i>
Standard 3 <i>Preventing Harm to Children</i>	<i>Page 23</i>
Standard 4 <i>Training and Education</i>	<i>Page 26</i>
Standard 5 <i>Communicating the Church's Safeguarding Message</i>	<i>Page 28</i>
Standard 6 <i>Access to Advice and Support</i>	<i>Page 30</i>
Standard 7 <i>Implementing and Monitoring Standards</i>	<i>Page 32</i>
Recommendations	<i>Page 34</i>
Terms of Reference	<i>Page 36</i>

Background

The National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI) was asked by the Sponsoring Bodies, namely the Irish Episcopal Conference, the Conference of Religious of Ireland and the Irish Missionary Union, to undertake a comprehensive review of safeguarding practice within and across all the Church authorities on the island of Ireland. The purpose of the review is to confirm that current child safeguarding practice complies with the Standards set down within the guidance issued by the Sponsoring Bodies in February 2009, *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* and that all known allegations and concerns had been appropriately dealt with. To achieve this task, safeguarding practice in each Church authority is to be reviewed through an examination of case records and through interviews with key personnel involved both within and external to a diocese or other authority.

This report contains the findings of the *Review of Child Safeguarding Practice within the De La Salle Brothers* undertaken by the NBSCCCI in line with the request made to it by the Sponsoring Bodies. (The formal name of this religious order is the Institute of the Brothers of the Christian Schools, but for ease of writing in this report the terms De La Salle Brothers / congregation will be used). This review is based upon the case material made available to the reviewers by the then Irish Provincial along with interviews with selected key personnel who contribute to safeguarding within the Brothers' congregation on the island of Ireland.

This review has been complicated by the appearance of the De La Salle Brothers before the Historical Institutional Abuse Inquiry in Northern Ireland (HIA NI), which is examining the abuse of children in residential care in Northern Ireland that is alleged to have happened between 1922 and 1995. The De La Salle Brothers managed and operated two residential children's homes in Northern Ireland during this period. The appearance of the congregation before the HIA NI has a number of effects on this NBSCCCI review, as follows:

1. A proportion of men who have made allegations to the Inquiry have not made any direct contact with the De La Salle congregation, so it has not been possible for the Brothers to either fully investigate these complaints, or to provide details to the reviewers, as the information is confidential to the Inquiry.
2. The period generally covered by a NBSCCCI Review is from January 1st 1975 to the date of the review, in the case of the De La Salle Brothers, to the end of May 2015. However, the HIA NI will be dealing with the period January 1st 1975 to December 31st 1995, so this review will only focus on cases that arose in the period January 1st 1976 to May 31st 2015.
3. The NBSCCCI has agreed with the Chair of the HIA NI not to release this review report prior to the publication of the HIA NI Report in early 2017.

A further and completely unavoidable and regrettable development that has had an impact on this review was the sudden death of the long serving Designated Liaison Person of the De La Salle congregation in May 2014 before he had the opportunity to

either fully update his files or to do a planned handover with his successor. This event, along with the requirement for the congregation to have a percentage of its case files available to the HIA NI at the same time as the review fieldwork was taking place in Dublin have together resulted in a less than ideal preparation and presentation of case files by the congregation than might ordinarily have been possible.

Between the end of the fieldwork visit to the congregation's HQ in Dublin and the completion of this review report, the De La Salle Brothers restructured their international Provinces, which resulted in Ireland being joined with Great Britain and Malta. The Provincial Office of this new Province is in Oxford in England, but the Dublin HQ will also act as an office at which the new Provincial can be contacted and corresponded with. The outgoing Irish Provincial has become the Sector Coordinator for Ireland, with an office in Downpatrick, Northern Ireland. The Designated Liaison Person for Ireland and his Deputy are based at the Dublin (Provincial) office on the Howth Road.

The findings of the review have been shared with a reference group in redacted form before being submitted to the Provincial, Brother Laurence Hughes, along with any recommendations arising from the findings.

Introduction

The De La Salle congregation was founded in France in 1680 by John Baptist de La Salle, the son of a wealthy Rheims family. As a priest he provided encouragement and support to the Sisters of the Child Jesus, a new female congregation that was providing education to daughters of the poor; and he was chaplain to these nuns. Through this involvement he was requested to undertake an initiative to support teachers who were struggling in their work with poor children in Rheims. The website www.lasalle.org/en/who-are-we describes what followed:

Attentive to God's voice, a voice calling him to place all his trust in Him, John Baptist stripped himself of everything: first of his title as canon, then of his patrimony which he distributed to the poor during a famine that desolated France in 1683 and 1684, thereby becoming completely poor himself just as the young people who came to his schools, and just like the teachers whom he encouraged to place their faith in God.

De La Salle felt himself "moved by the abandonment of the children of the artisans and of the poor." A little while later, he found himself involved in helping a group of teachers, in order to establish schools for poor children. To offer them a good education, he established gratuitous, Christian Schools. He joined these teachers and founded a lay community with them, who took the name of "Brothers of the Christian Schools" (1680).

Gradually, his response to this request led to his founding the first institute of religious Brothers, which he named the Institute of the Brothers of the Christian Schools. As well as living a communal life as consecrated religious, the De La Salle Brothers developed a network of schools, along with quality teacher training colleges, across France. The Order was approved by Pope Benedict XIII in 1725.

Partly due to religious suppression in France and partly as an expression of their missionary spirit, the De La Salle Brothers began to establish communities and schools in other countries, so that in 1837 they went to Canada, and then eight years later went to the USA. They next went to the Far East, and this was followed by opening a school in England in 1855. In 1880 the Brothers opened a novitiate in Ireland, and then began a teacher training college in Waterford in 1891.

By 1900, this congregation had become the largest institute of religious teachers, with approximately 14,000 members who worked in more than 2,000 schools worldwide. In that year, John Baptist de La Salle was canonised; and since then a further 13 Brothers have also been made Saints in the Catholic Church.

In 2015, the numbers of De La Salle Brothers internationally is approximately 5,000, spread across 79 countries. Over 1,700 of these men are still involved directly teaching in and administering schools. There are five De La Salle regions across the world, and these are sub-divided into Districts / Provinces:

- Pacific – Asia
- Africa – Madagascar

- Europe – Mediterranean – included the Province of Ireland, Great Britain and Malta
- Latin America
- North America

The Provincial organisation of the congregation has changed over the years to take account of numbers and local needs. Up until 1947, England and Ireland operated as one Province, but in that year the Irish Province, made up of Brothers in both the Republic and Northern Ireland, was formed. This remained in place until the 2015 reorganisation that has seen the Irish Province re-amalgamated with the UK.

The Generalate or Headquarters of the congregation has been located in various cities of France, and for a period of the early 20th century in Lembecq-les-Halles in Belgium. Since 1937 however it has been located in Rome. This is where the Superior General, his Vicar General and the seven-member General Council are based. The 45th General Chapter of the Brothers was convened in Rome in 2014 and elected the current Superior General and General Council.

The congregation in Ireland

Since the De La Salle Brothers came to the island of Ireland in 1880, they have been involved in 64 schools, both Primary and Secondary, as well as three children's residential centres (one in Dublin and two in Northern Ireland), a teacher training college and three Pastoral Centres – in Kilmacud, Co. Dublin, Castletown, Co. Laois, and Glen Road, Belfast.

The congregation is now involved with 11 schools, 9 in the Republic of Ireland and two in Northern Ireland. Of these, two of the schools in the Republic of Ireland are Boys' Primary Schools, St. Stephen's in Waterford City and De La Salle Ballyfermot Dublin, and these are still owned by the congregation and have Boards of Management. All of the remaining schools are second level. At the time of the Review there are three Brothers who are active in full time teaching employment. The Brothers act either as Trustees or have placed the schools in trust with the Le Céile Trust. These second level schools all have their own websites on which much more detail about them is available. They are:

- Ard Scoil La Salle - Raheny, Co. Dublin - www.ardscoillasalle.ie
- Beneavin De La Salle College - Finglas, Co. Dublin - www.beneavin.com
- De La Salle College - Churchtown, Co. Dublin - www.delasallecollege.com
- De La Salle College - Waterford City, Co. Waterford - www.delasallewaterford.com
- De La Salle College - Dundalk, Co. Louth - www.delasalle.ie
- St. Benildus College - Upper Kilmacud Rd, Co. Dublin - www.stbenilduscollege.com
- St. John's College - Ballyfermot, Co. Dublin - www.stjohnsdls.ie
- St. Patrick's Grammar School - Downpatrick, Co Down - www.spgs.org.uk
- De La Salle High School, Downpatrick, Northern Ireland. www.dlshs.co.uk

Only one of the three children's residential centres remains in operation, namely Glenmona Resource Centre. The Finglas Children's Centre was comprised of the St. Michael's Remand and Assessment Unit and St. Laurence's Industrial School. The centre opened in 1972 and was managed on behalf of the Department of Education by the De La Salle Order, until they withdrew in 1994, following a disagreement with the Minister for Education about boys coming to the centre on remand.

The centres that the Brothers ran in Northern Ireland were St. Patrick's Industrial School, Donegal Street, Belfast and Rubane House, Kircubbin, Co. Down.

St. Patrick's School, Donegal Street, Belfast, was certified as an Industrial School in August 1869; and it was owned and managed by the Diocese of Down and Connor. The then Bishop of Down and Connor invited the De La Salle Brothers to take over the running of St. Patrick's in 1917. In 1923 the school added a Reformatory section, and this brought the Ministry of Home Affairs into the governance arrangements with the Diocese and the congregation. The location of the school moved from Milltown to the Glen Road in Belfast in 1950, at which time it became known as St. Patrick's Training School. The Brothers remained involved with St. Patrick's until they withdrew in 1996

Rubane House operated between 1951 and 1986, and was managed by the Brothers on behalf of the Diocese of Down and Connor: The diocese purchased the land and the then Bishop invited the Brothers to open the house there to cater for destitute children. Over the years of its operation, Rubane House provided accommodation to 982 boys.

The Waterford Teacher Training College operated between 1894 and 1939, and ...largely due to the Government's efforts to control teacher levels, the college ceased operation as an official teacher training college for national school teachers but remained open as a religious training facility.¹

The three Pastoral Centres are still very much in operation.

At the time of the fieldwork there were 77 Irish De La Salle Brothers, and the average age for these Brothers was 75 years. These Brothers lived in 11 separate community houses. A small number of Brothers (3) work abroad, in Pakistan and Sri Lanka.

The number of Brothers in full time ministry, i.e., teaching, on the island of Ireland at the time of the fieldwork was four. In addition to these Brothers who were in paid employment, another six members of the congregation were working in a voluntary capacity, as follows:

- One Brother is assisting on a part-time basis in one of the Pastoral Centres;
- Two Brothers assist voluntarily in one of the De La Salle Primary Schools, one looks after the grounds and one assists with music;
- One Brother manages a complex which includes the premises of a second Pastoral Centre, but he does not have any role in the Centre.
- One Brother assists with the Samaritans; and

¹ www.archiseek.com/2013/1894-de-la-salle-college-waterford-co-waterford

- One Brother works part time in an addiction recovery service.

The first four of these Brothers would have contact with children and young people and they have to abide by the Child Safeguarding Policy and Procedures of the organisation in which they are volunteering.

STANDARDS

This section provides the findings of the Review. The template employed to present the findings are the seven standards, set down and described in the Church guidance, *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*. This guidance was launched in February 2009 and was endorsed and adopted by all the Church authorities that minister on the island of Ireland, including the De La Salle Brothers. The seven Standards are:

Standard 1 A written policy on keeping children safe

Standard 2 Procedures – how to respond to allegations and suspicions in the Republic of Ireland and Northern Ireland

Standard 3 Preventing harm to children:

- recruitment and vetting
- running safe activities for children
- codes of behaviour

Standard 4 Training and education

Standard 5 Communicating the Church’s safeguarding message:

- to children
- to parents and adults
- to other organisations

Standard 6 Access to advice and support

Standard 7 Implementing and monitoring the Standards

Each Standard contains a list of **criteria, which** are indicators that help decide whether this Standard has been met. The criteria give details of the steps that a Church organisation - diocese or religious order - needs to take to meet the Standard and ways of providing evidence that the Standard has been met.

Standard 1

A written policy on keeping children safe

Each child should be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity, which shall be respected, nurtured and protected by all.

Compliance with Standard 1 is only fully achieved when a congregation meets the requirements of all nine criteria against which the standard is measured.

Criteria

Number	Criterion	Met fully or Met partially or Not met
1.1	The Church organisation has a child protection policy that is written in a clear and easily understandable way.	Met partially
1.2	The policy is approved and signed by the relevant leadership body of the Church organisation (e.g. the Bishop of the diocese or provincial of a religious congregation).	Not met
1.3	The policy states that all Church personnel are required to comply with it.	Met fully
1.4	The policy is reviewed at regular intervals no more than three years apart and is adapted whenever there are significant changes in the organisation or legislation.	Met partially
1.5	The policy addresses child protection in the different aspects of Church work e.g. within a church building, community work, pilgrimages, trips and holidays.	Not met
1.6	The policy states how those individuals who pose a risk to children are managed.	Met fully
1.7	The policy clearly describes the Church's understanding and definitions of abuse.	Met fully
1.8	The policy states that all current child protection concerns must be fully reported to the civil authorities without delay.	Met fully
1.9	The policy should be created at diocese or congregational level. If a separate policy document at parish or other level is necessary this should be consistent with the diocesan or congregational policy and approved by the relevant diocesan or congregational authority before distribution.	Met fully

The file kept by the De La Salle Brothers on the Audit of Religious Orders being conducted by HSE / Tusla mentions a 2011 Policy and Procedures document which HSE had examined, although the reviewers did not see that document. It was not therefore

possible to establish the extent of amendment and improvement that had been achieved in the drafting of the more recent document.

HSE / Tusla had a meeting with the Provincial and the DLP on 05/09/2014; and subsequently the auditors wrote on 30/10/2014 to the Provincial with five pages of recommendations on how to amend and improve the 2011 Policy and Procedures. At the September 2014 meeting with HSE / Tusla, the following matters were accepted by the De La Salle representatives:

1. That the De La Salle Congregation would draft new child safeguarding guidelines;
2. That the DLP would then provide training to all congregational members in relation to understanding and implementing these;
3. That the De La Salle Brothers would establish a Safeguarding Committee;
4. That the De La Salle Brothers would establish or negotiate access to an Advisory Panel;
5. That a Deputy DLP would be appointed;
6. That they would appoint Safeguarding representatives in all community houses;
7. That the DLP would continue to attend NBSCCCI training;
8. That evidence of professional risk assessments on all living respondents would be provided to HSE / Tusla;
9. That Safety Plans for all living respondents would be drawn up in cooperation with HSE / Tusla SW Departments;
10. That all members in ministry would have Garda vetting; and
11. That the De La Salle Brothers would invite the National Board to undertake a Review of Child Safeguarding in the congregation.

The relevant written policy of the Institute of the Brothers of the Christian Schools - De La Salle Brothers Province of Ireland is *Keeping Children Safe – Child Protection and Safeguarding Policy and Procedures*, 2014. This document with appendices runs to 47 pages in length. It is adequate in its contents, but it could be improved in certain ways. The De La Salle Brothers operate in Northern Ireland as well as in the Republic of Ireland, but the policy and procedures document does not reference the legislation and guidance that applies in Northern Ireland.

It is incomprehensively late for a large religious congregation involved in the provision of schools to produce its first written policy and procedures in 2011. It is noteworthy that the Church in Ireland first iterated guidance on child protection in 1996.

On page 2 of the *Keeping Children Safe* policy and procedures document there are spaces for the signature of the Provincial and for the date on which he signed the document, but these are blank on the version seen by the reviewers. This makes it impossible to state with certainty that *the policy is approved and signed by the relevant leadership body of the Church organisation*, as required in 1.2. The governance of the Irish Province is provided by the Provincial working with eleven confreres, who act as delegates, and they

meet every six weeks; but the policy and procedures document does not record when this Provincial Council approved and signed off on *Keeping Children Safe*.

On page 4 of the policy and procedures document the following statement is made:

This policy provides the written framework for how the Irish Province of the De La Salle Brothers will implement best practice and meet these standards. The clear message contained in this document “Keeping Children Safe” is that all the Brothers share responsibility for keeping children safe by helping to create safe environments. We all have a personal responsibility for our own behaviour and being aware of our colleague’s behaviour.

On the following page, further clarification of the scope of the policy and procedures is provided by the following paragraph:

Our Child Protection and Safeguarding Policy and Procedures seek to keep children safe and those who work with them. All members of the Irish Province of the De La Salle Brothers, their employees and volunteers, must adhere to them.

On the basis of these two statements, Criterion 1.3 is fully met.

Of the 14 schools in which the De La Salle Brothers still have an involvement, four do not have a Child Protection Policy available on their school websites. The Pastoral Centre in Belfast has a Safeguarding page on its website, while the Pastoral Centre in Co. Laois does not, and the website for the Pastoral Centre in Kilmacud is not operational. The *Keeping Children Safe* policy and procedures document does not address child protection requirements in different settings, and so it seems clear that the De La Salle congregation has more work to do in ensuring that appropriate safeguarding policies and procedures are in place and functioning in all contexts in which they have any responsibility and/or association. Criterion 1.5 is not met.

Recommendation 1

The Provincial must ensure that the De La Salle Brothers in Ireland formally adopt the 2016 *Safeguarding Children – Policy and Standards for the Catholic Church in Ireland*, and ensure that the Child Safeguarding Policy Statement on Page 8 of that document is appropriately completed and properly displayed in all De La Salle community houses and pastoral centres.

The guidance provided under Standard 2 of *Keeping Children Safe* (pages 6 to 14) is quite comprehensive and includes sections on - *If a complaint is made against a De La Salle Brother*, and on *The Respondent*, both of which are sufficiently clear and detailed to fully meet the requirements of Criterion 1.6.

Definitions of abuse are clearly set out in Appendix 5 on page 36 of *Keeping Children Safe*, which leads to Criterion 1.7 being met in full.

Criteria 1.8 is fully met in the description of the role of the *Reporting Procedure* in *Keeping Children Safe* (page 6), as well as the sections on *Initial Contact Procedure* (page 9), and *When a child makes a disclosure, action must be taken* (page 11).

Criterion 1.9 is also met in full, as the policy and procedures has been developed at congregational level, as required.

Standard 2

Management of allegations

Children have a right to be listened to and heard: Church organisations must respond effectively and ensure any allegations and suspicions of abuse are reported both within the Church and to civil authorities.

Compliance with Standard 2 is only fully achieved when a congregation meets the requirements of all seven criteria against which the standard is measured.

Criteria

Number	Criterion	Met fully or Met partially or Not met
2.1	There are clear child protection procedures in all Church organisations that provide step-by-step guidance on what action to take if there are allegations or suspicions of abuse of a child (historic or current).	Met partially
2.2	The child protection procedures are consistent with legislation on child welfare civil guidance for child protection and written in a clear, easily understandable way.	Met partially
2.3	There is a designated officer or officer(s) with a clearly defined role and responsibilities for safeguarding children at diocesan or congregational level.	Met fully
2.4	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.	Met partially
2.5	There is a process for dealing with complaints made by adults and children about unacceptable behaviour towards children, with clear timescales for resolving the complaint.	Met partially
2.6	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.	Met fully
2.7	The procedures include contact details for local child protection services e.g. (Republic of Ireland) the local Health Service Executive and An Garda Síochána; (Northern Ireland) the local health and social services trust and the PSNI.	Met partially

The *Keeping Children Safe* - Child Protection and Safeguarding Policy and Procedures, 2014 of the Institute of the Brothers of the Christian Schools, De La Salle Brothers, Province of Ireland, has been commented on under Standard 1 above. It is a document that appears to have been drafted for use in the Republic of Ireland only, and this and other limitations affect the extent to which it meets the requirements of the criteria by which Standard 2 are measured.

Because the document does not address the situation pertaining to child protection within Northern Ireland, Criteria 2.1, 2.2 and 2.7 can only be met partially.

The Designated Liaison Person is clearly identified in the document, his responsibilities are carefully listed and his contact details are provided, so Criterion 2.3 is met fully.

Also met fully is Criterion 2.6, which refers to the issue of confidentiality, although it is quite a minimum treatment of the issue.

The reviewers have reservations about the quality and completeness of case records in the De La Salle Brothers. It is noted that these were in the main created by the previous DLP, who is deceased. The NBSCCCI has made available to Church Authorities a comprehensive guide on record keeping in which it is specified what needs to be contained in case records and how case files can best be structured. The previous DLP may have understood that the case files that he maintained were for his use only, rather than in fact being the official record of the congregation's actions in relation to keeping children safe and responding appropriately to complaints. They should also have been of a standard to become part of the historical archive of the congregation's fulfilment of its legal child safeguarding responsibilities. The absence of copies of written notifications to statutory child protection services and police, the lack of clear contemporaneous records and of an accessible narrative about what had been done, as well as the non-existence of any record of canonical processes are all evidence of substandard case recording. However, it is deemed that Criterion 2.4 is met partially, because there are written records that are stored safely.

Finally, while the Policy and Procedures document does address complaints, and has a section headed *Guidance for a complainant who is dissatisfied with the way the Church has dealt with a concern* on Page 13, the reviewers found no evidence of this provision being actively promulgated and implemented. The reviewers did receive contact from two complainants who wished to be consulted in the course of the review fieldwork. One of these was interviewed in person, while the second engaged in detailed correspondence. It was clear to the reviewers that both were very dissatisfied with the way the congregation dealt with their concerns, and that neither was encouraged to utilise any sort of Complaints or Appeals procedure to address their dissatisfaction. Criterion 2.5 is met partially, but only by strict reference to how it is worded in Standard 2.

Normally in the report of a review, there would follow Table 1, which would list information under a number of headings to show the incidence of safeguarding allegations received within the De La Salle Institute against brothers, from 1st January

1975 up to time of review. The De La Salle Institute had children's residential, educational and other services in both jurisdictions on the island of Ireland, and concerns, complaints and allegations have been received in respect of both the Republic of Ireland and Northern Ireland. It has been subject to the Residential Institutions Redress Review Act 2002, so that case material that passed between the congregation and the Redress Board for the purposes of the redress scheme falls outside the scope of this review. Similarly, case material that has passed between the congregation and HIA (Northern Ireland) is not subject to scrutiny as part of this review. The NBSCCCI has agreed with the Chair of HIA NI that it would not review case material which relates to allegations against the De La Salle Brothers by **82** named complainants. The De La Salle Brothers managed and operated the Rubane House and St. Patrick's Training School in Northern Ireland, both of which are subject to investigation by HIA NI.

This limits the NBSCCCI's review period to January 1st 1976 to May 31st 2015. The De La Salle Institute had children's residential, educational and other services in both jurisdictions on the island of Ireland, and concerns, complaints and allegations have been received in respect of both the Republic of Ireland and Northern Ireland.

In the Republic there has already been the Report of the Commission to Inquire into Child Abuse (commonly known as the Ryan Report), which was published in May 2009. The De La Salle Brothers, as mentioned previously, managed and operated the Finglas Children's Centre for 22 years; however, the Commission to Inquire into Child Abuse, having interviewed the previous DLP of the congregation decided that it did not need to examine the stewardship of the De La Salle Brothers in relation to that particular children's service.

The Eastern Health Board (EHB) however did conduct an investigation into the Finglas Children's Centre, initiated in 1996 and published in 2001. Nine specific allegations had been made, but in the EHB report it is not clear whether these were against De La Salle Brothers or lay staff, as the generic term 'staff' is used throughout, except in relation to one Brother. That report states that An Garda Síochána also conducted a separate investigation in 1994 and a file was sent to the Director of Public Prosecutions, but there was insufficient evidence to justify a prosecution. The EHB's own investigation resulted in **41** notifications being made to An Garda Síochána, but no prosecutions followed.

Although there have been no criminal proceedings in relation to allegations involving the operation of the Finglas Children's Centre, the Residential Institutions Redress Act, 2002 (Additional Institutions) Order 2004 listed additional residential institutions to come under the purview of that legislation, including

Finglas Child and Adolescent Centre, Dublin 11, comprising of –

- (i) National Remand and Assessment Unit (formerly St. Michael's Remand and Assessment Centre), and
- (ii) The Care and Education Unit (formerly St. Laurence's Industrial School).

From information provided to the reviewers, the De La Salle Brothers are aware of **438** men who made applications to the Residential Institutions Redress Board for

compensation related to abuse alleged to have happened while they were in residential care in the Finglas Children's Centre. The NBSCCCI review has not looked at any case files related to these allegations against named Brothers or former Brothers. All of these were notified in the period covered by this review.

Because of the complexity of the case file records and the numbers that could not be reviewed due to them having been examined by the Residential Institutions Redress Board in the Republic of Ireland or the HIA in Northern Ireland, the reviewers were restricted to examining the remaining files on alleged physical and sexual abuse in the Republic of Ireland, and similar files relating to Northern Ireland.

What follows is a table in which the reviewers have attempted to provide as accurate a picture as they can of the case material reviewed by them, which had not been presented to either statutory body in Northern Ireland (HIA) or the Republic of Ireland (Redress Board).

Table 1

Incidence of safeguarding allegations received within the De La Salle Institute against brothers, from 1st January 1976 up to time of review and which have not been considered by the Residential Institutions Redress Board in ROI, or by the HIA NI

1	Number of named Brothers against whom allegations of sexual abuse have been made by named complainants in the Republic of Ireland	44
2	Number of named Brothers against whom allegations of sexual abuse have been made by named complainants in Northern Ireland	32
3	Number of named persons making allegations of sexual abuse against a named Brother in the Republic of Ireland	82
4	Number of named persons making allegations of sexual abuse against a named Brother in Northern Ireland	103
5	Number of allegations of sexual abuse where the identity of the alleged abuser was not clearly given by a named complainant – in both the Republic of Ireland and Northern Ireland	21
6	Number of named Brothers against whom allegations of sexual abuse were made, but by unidentified / anonymous complainants only – in in both the Republic of Ireland and Northern Ireland	7
7	Number of named Brothers (still members of the Congregation), in both the Republic of Ireland and Northern Ireland, against whom an allegation of sexual abuse was made and who were living at the date of the review.	14

Review of Safeguarding Practice in the De La Salle Brothers

8	Number of named Brothers against whom an allegation of sexual abuse was made and who are retired	14
9	Number of named Brothers against whom an allegation of sexual abuse was made and who are deceased.	43
10	Number of named Brothers against whom an allegation of sexual abuse was made and who have left the Congregation	21
11	Number of named priests who are not members of the De La Salle Congregation against who allegations of sexual abuse have been made by named persons who were in the care of the De La Salle Congregation – in both jurisdictions	3
12	Number of named religious Sisters against who allegations of sexual abuse have been made by persons who were in the care of the De La Salle Congregation, in Northern Ireland	2
12	Number of named complainants who were in the care of the De La Salle Congregation (in either jurisdiction) and who have made allegations of sexual abuse against named priests	6
13	Number of named lay persons against who allegations of abuse have been made by named complainants who were in the care of the De La Salle Congregation (in either jurisdiction)	5
14	Number of complainants who were in the care of the De La Salle Congregation who made allegations of abuse against named lay people (mainly teachers) – in both jurisdictions	8
15	Number of named De La Salle Brothers who were convicted of sexually abuse of someone in their care	3*
<p>There may be a small amount of double-counting due to a named Brother serving in and having allegations against him in both jurisdictions. Some complainants have alleged that they were abused by more than one De La Salle Brother.</p> <p>*Two of these men were no longer in the congregation when convicted; but their convictions related to behaviours when still a De La Salle Brother.</p>		

Two of the persons making allegations of sexual abuse against named De La Salle Brothers were female, while the overwhelming number, 165 were male.

In addition to what is contained in the Table 1, there are a few cases where a record was generated but where there is insufficient information to be able to classify what was actually alleged by whom or against whom, so these have not been counted.

One difficulty that the reviewers had in assembling all of the information required is that the deceased former Designated Liaison Person (DLP) had developed a personal system of filing which is very difficult to follow. This was then organised for the purpose of the current review into Case Files for

- alleged sexual abuse in the Republic of Ireland,
- alleged physical abuse in the Republic of Ireland,
- alleged sexual abuse in Northern Ireland; and
- alleged physical abuse in Northern Ireland.

Each Case File had a number; but each Case File contained individual case material that was also numbered. For example, one numbered Case File on sexual abuse allegations in one jurisdiction contained case material on 17 cases, each with their own Case Number. It became impossible to cross-reference information between files created in such a manner; for instance, information on one named Brother alleged of sexually abusing four boys was contained in four different Case Files. The reviewers accept that the current DLP had an impossible task trying to rationalise the filing system, while avoiding taking information out of existing files in order to create more accessible ones. The files are as they are, and the reviewers simply proceeded to read them as presented.

In order to try and ensure that they had access to all files to which they were entitled, the reviewers asked the Provincial if he could have the congregation's solicitor undertake a trawl through all files kept in his office. This trawl led to a cover letter (17/11/2015) with additional file material being sent back to the Provincial Office in Dublin, and one reviewer arranged to make a further visit in order to examine this material. It mostly related to criminal cases against two Brothers which did not proceed as the Judge believed that too long a period of time had elapsed and that owing to the consequences of delay they would '...suffer serious prejudice to the extent that no fair trial can be heard'.

Issues arising from examination of case files

A number of observations need to be made about the information contained on the files examined. Firstly, there is evidence that notifications to the relevant police force of complaints received against a named Brother were not made in a significant number of cases. The reviewers estimated that in approximately two thirds of cases where a contemporaneous notification was required, it was not made by the congregation. This does not include cases where the relevant police force had been approached by the complainant first. Copies of letters of notification to An Garda Síochána were not commonly found on case files.

Secondly, while there is evidence on some case files that financial settlements were made with complainants, there is no real written evidence of a planned pastoral outreach programme for complainants. Some criminal and civil cases were not allowed to proceed due to the length of time that had elapsed between the alleged incidents and the initiation of proceedings, but once this happened, it appears that the congregation believed that their responsibilities had been discharged. There are at least **185** named complainants who have made allegations against named De La Salle Brothers, not including those who have given evidence to the HIA NI or to the Redress Board in the Republic of Ireland. The De La Salle congregation needs to urgently develop a written Pastoral Outreach Plan to address the needs of these people, and to identify the resources, in terms of post holders, services and finances that are required to operationalize such a plan.

Thirdly, although **21** named Brothers against whom allegations of sexual abuse were made had left the congregation, the reviewers saw nothing on any case file that evidenced any canonical process having taken place around their leaving. It is unlikely that all of these men simply packed a bag and left; but it is of importance to know whether the leadership of the congregation conducted proper investigations, and took initiatives to have alleged abusers dealt with through the application of Canons 694 – 704.

Finally, while there is a lot of legal correspondence in many of the files examined, there is a lack of a coherent narrative of the cases, including descriptions of how the respondent Brothers were managed while allegations were investigated, and thereafter, if the credibility of these allegations was established.

The reviewers estimate that there are eight De La Salle Brothers who are still alive, remain within the congregation and have allegations against them. The following is the situation pertaining to these men, as far as the reviewers were able to ascertain from the files.

Identifier	Number of allegations	Record of outcomes	Record of internal investigation and/or safety management of Brother's behaviour	Note
Brother 1	2	Allegation 1 – Gardai did not believe that it was credible enough to investigate Allegation 2 – No record that Gardai were notified	None	Brother 1 made a personal payment to complainant 2
Brother 2	3	Allegations 1 and 2 – decision of ‘no prosecution’ Allegation 3 – settlement following High Court civil case	None	Settlement made with complainant 3 despite High Court ruling that too much time had elapsed

Review of Safeguarding Practice in the De La Salle Brothers

Brother 3	1	No record that Gardai were notified	None	
Brother 4	1	No record that PSNI were notified	None	
Brother 5	1	Gardai and PSNI notified	None	Complainant has indicated that may pursue a civil case
Brother 6	1	Gardai notified the congregation	Withdrawn from ministry	Complainant has indicated that may pursue a civil case
Brother 7	1	No record that PSNI were notified	None	Complainant has indicated that may pursue a civil case
Brother 8	1	Interviewed by RUC but not charged	None	Complainant has indicated that may pursue a civil case

In essence, the case files maintained by the De La Salle Brothers are not Child Protection files, and they do not constitute records of good safeguarding practice. There is no discernible policy on

- how best to respond to reports;
- making notifications to the relevant statutory agencies;
- conducting rigorous internal investigations;
- instituting appropriate canonical processes;
- developing (interim) safety management plans; or on
- pastoral outreach to complainants.

Recommendation 2

The Provincial of the new Province of Ireland, Great Britain and Malta must ensure that all file records within the congregation's Irish Sector are searched for any documents relating to canonical processes that were initiated in relation to De La Salle Brothers against whom allegations of child abuse have been made.

Recommendation 3

Once the HIA NI has issued its report in early 2017, the Regional Leader of the De La Salle Brothers in Ireland should engage someone with the requisite IT, archival and administrative skills to organise a central case file record system in both hard copy and electronic format. Such a system needs to have the capacity to cross reference all named complainants with all named Brothers against whom allegations have been made.

Recommendation 4

When a central case filing system is in place, the DLP needs to make contact with the relevant police force and statutory child protection agency to make sure that all information that should be notified to these bodies concerning Brothers against whom allegations of child abuse have been made is now notified.

Recommendation 5

The Provincial must ensure that the De La Salle congregation in Ireland develops a written Pastoral Outreach Policy and Plan to address the needs of complainants, in which the resources, in terms of post holders, services and finances that are required to operationalize such a plan are identified and put in place.

Standard 3

Preventing Harm to Children

This standard requires that all procedures and practices relating to creating a safe environment for children be in place and effectively implemented. These include having safe recruitment and vetting practices in place, having clear codes of behaviour for adults who work with children and by operating safe activities for children.

Compliance with Standard 3 is only fully achieved when a congregation meets the requirements of all twelve criteria against which the standard is measured. These criteria are grouped into three areas, safe recruitment and vetting, codes of behaviour and operating safe activities for children.

Criteria – safe recruitment and vetting

Number	Criterion	Met fully or Met partially or Not met
3.1	There are policies and procedures for recruiting Church personnel and assessing their suitability to work with children.	Met partially
3.2	The safe recruitment and vetting policy is in line with best practice guidance.	Met partially
3.3	All those who have the opportunity for regular contact with children, or who are in positions of trust, complete a form declaring any previous court convictions and undergo other checks as required by legislation and guidance and this information is then properly assessed and recorded.	Met partially

Criteria – Codes of behaviour

Number	Criterion	Met fully or Met partially or Not met
3.4	The Church organisation provides guidance on appropriate/ expected standards of behaviour of, adults towards children.	Met partially
3.5	There is guidance on expected and acceptable behaviour of children towards other children (anti-bullying policy).	Met partially
3.6	There are clear ways in which Church personnel can raise allegations and suspicions about unacceptable behaviour towards children by other Church personnel or volunteers ('whistle-blowing'),	Met partially

	confidentially if necessary.	
3.7	There are processes for dealing with children's unacceptable behaviour that do not involve physical punishment or any other form of degrading or humiliating treatment.	Met partially
3.8	Guidance to staff and children makes it clear that discriminatory behaviour or language in relation to any of the following is not acceptable: race, culture, age, gender, disability, religion, sexuality or political views.	Met partially
3.9	Policies include guidelines on the personal/ intimate care of children with disabilities, including appropriate and inappropriate touch.	Met partially

Criteria – Operating safe activities for children

Number	Criterion	Met fully or Met partially or Not met
3.10	There is guidance on assessing all possible risks when working with children – especially in activities that involve time spent away from home.	Met partially
3.11	When operating projects/ activities children are adequately supervised and protected at all times.	Met partially
3.12	Guidelines exist for appropriate use of information technology (such as mobile phones, email, digital cameras, websites, the Internet) to make sure that children are not put in danger and exposed to abuse and exploitation.	Not met

The *Keeping Children Safe – Child Protection and Safeguarding Policy and Procedures, 2014* of the De La Salle Brothers makes no reference to application in Northern Ireland, so on that basis it cannot be taken to fully meet any criterion for a congregation that is active in both jurisdictions on the island of Ireland.

The policy and procedures document is otherwise quite comprehensive in relation to the requirements of Standard 3, except that it does not address safeguarding concerns related to information technology, including social media use.

The reviewers were informed that all De La Salle Brothers who are still in any sort of ministry have Garda vetting, which is in line with the congregation's stated policy and procedures. This matter has been pursued by the new DLP. However, the reviewers did not see written evidence of Garda vetting being obtained for named Brothers. The Provincial kindly provided a list of all living members in the Province, including their ages, work status and locations, but this list did not contain any detail on Garda vetting,

or on PSNI clearance in Northern Ireland. It would be relatively simple to review this list and to extend it to include a column on Garda vetting / PSNI status of living Brothers in Ireland.

Recommendation 6

The DLP should develop a computerised data base of all members of the congregation living in Ireland, to include a record of their Garda vetting / PSNI clearance status. This can then be used to track the status of all members and as a reminder of the need to update this status for members, as indicated

Recommendation 7

The Provincial must ensure that each of the requirements of Standard 3 – i.e. all 12 of the criteria - are being met in all De La Salle related schools and pastoral centres.

Standard 4

Training and Education

All Church personnel should be offered training in child protection to maintain high standards and good practice.

Criteria

Number	Criterion	Met fully or Met partially or Not met
4.1	All Church personnel who work with children are inducted into the Church's policy and procedures on child protection when they begin working within Church organisations.	Met partially
4.2	Identified Church personnel are provided with appropriate training for keeping children safe with regular opportunities to update their skills and knowledge.	Met fully
4.3	Training is provided to those with additional responsibilities such as recruiting and selecting staff, dealing with complaints, disciplinary processes, managing risk, acting as designated person.	Met partially
4.4	Training programmes are approved by National Board for Safeguarding Children and updated in line with current legislation, guidance and best practice.	Met partially

The reviewers acknowledge the reality of the situation now pertaining within the De La Salle congregation on the island of Ireland, with so many members being elderly and/or in poor health, or fully retired. In fact the only member of the congregation who have a formal child safeguarding role are the Provincial and the DLP. In addition to these two men, there is a Brother with responsibility for communicating the relevant safeguarding information to their confreres in their community houses, and from them to the DLP.

The others involved in the child safeguarding activities of the congregation are a lay woman who is Chairperson of the recently convened Safeguarding Committee - this committee had met twice at the time of the review fieldwork - and the four De La Salle members of the committee.

There is evidence that all persons with any child safeguarding responsibility in the congregation have had the benefit of relevant training. The Provincial and DLP regularly attend NBSCCCI training.

The reviewers commend the new DLP on the energy and commitment that he has brought to his role and his focus on building up the structures and practices that are required to ensure that child safeguarding in the present and the future will be as robust as possible.

He has introduced all members to the *Keeping Children Safe – Child Protection and Safeguarding Policy and Procedures, 2014*, provided briefings on the import of the document and introduced a receipt pro-forma for members to sign to acknowledge having received a copy of the document and accepting to abide by its contents.

Recommendation 8

The Safeguarding Committee should take responsibility for establishing the child safeguarding training needs of De La Salle Brothers and employees, and ensures that they are provided with the requisite training.

Standard 5

Communicating the Church's Safeguarding Message

This standard requires that the Church's safeguarding policies and procedures be successfully communicated to Church personnel and parishioners (including children). This can be achieved through the prominent display of the Church policy, making children aware of their right to speak out and knowing who to speak to, having the Designated Person's contact details clearly visible, ensuring Church personnel have access to contact details for child protection services, having good working relationships with statutory child protection agencies and developing a communication plan which reflects the Church's commitment to transparency.

Criteria

Number	Criterion	Met fully or Met partially or Not met
5.1	The child protection policy is openly displayed and available to everyone.	Not met
5.2	Children are made aware of their right to be safe from abuse and who to speak to if they have concerns.	Not met
5.3	Everyone in Church organisations knows who the designated person is and how to contact them.	Met fully
5.4	Church personnel are provided with contact details of local child protection services, such as Health and Social Care Trusts / Health Service Executive, PSNI, An Garda Síochána, telephone helplines and the designated person.	Met partially
5.5	Church organisations establish links with statutory child protection agencies to develop good working relationships in order to keep children safe.	Met partially
5.6	Church organisations at diocesan and religious order level have an established communications policy which reflects a commitment to transparency and openness.	Not met

The De La Salle Brothers' website does not have a Safeguarding section in which the *Keeping Children Safe – Child Protection and Safeguarding Policy and Procedures, 2014* or any other safeguarding information or materials can be accessed; and it is hard to see how people can access it. Reference has already been made to the limitations of the document in relation to Northern Ireland.

In advancing to meeting the requirements of this Standard, the De La Salle congregation needs to develop a child safeguarding communications policy that would inform how it will promote the safeguarding message within and beyond its own membership. The

policy precedes the methodologies for achieving its stated targets, such as how to ensure that *children are made aware of their right to be safe from abuse and who to speak to if they have concerns*.

The DLP has been conscientious in visiting all of the congregation's community houses and ensuring that all of his confreres know of his role and contact details.

The De La Salle congregation needs to decide what type of working relationship it wants with the statutory child protection agencies in both jurisdictions on the island of Ireland and then to build and sustain those relationships in a trusting and transparent manner.

Representatives of Tusla met with the Provincial and DLP in September 2014, at which meeting the two Tusla staff set out a programme of work which they wanted the congregation to carry out in order to improve its child safeguarding performance, and this professional-level contact can be built on.

Recommendation 9

The Regional Superior and DLP in Ireland should review the agreement reached with HSE / Tusla in September 2014 regarding the programme of work to improve child safeguarding practice and implement the steps that remain to be acted on.

Standard 6

Access to Advice and Support

Those who have suffered child abuse should receive a compassionate and just response and should be offered appropriate pastoral care to rebuild their lives.

Those who have harmed others should be helped to face up to the reality of abuse, as well as being assisted in healing.

Criteria

Number	Criterion	Met fully or Met partially or Not met
6.1	Church personnel with special responsibilities for keeping children safe have access to specialist advice, support and information on child protection.	Not met
6.2	Contacts are established at a national and/ or local level with the relevant child protection/ welfare agencies and helplines that can provide information, support and assistance to children and Church personnel.	Met partially
6.3	There is guidance on how to respond to and support a child who is suspected to have been abused whether that abuse is by someone within the Church or in the community, including family members or peers.	Met partially
6.4	Information is provided to those who have experienced abuse on how to seek support.	Not met
6.5	Appropriate support is provided to those who have perpetrated abuse to help them to face up to the reality of abuse as well as to promote healing in a manner which does not compromise children's safety.	Not met

The De La Salle congregation cannot fully meet the criterion on which Standard 6 is based without having the safeguarding 'architecture' that has been recommended to Church bodies in Ireland for the last 20 years.

The De La Salle congregation has not had the benefit of a functioning Advisory Panel to assist with decision making on case management from the time that information about a complaint is first received. This has been a major drawback, and the absence of such professional advice has meant that the congregation has developed an exclusive reliance on legal advice and has adopted a wholly legalistic approach to responding to the issues of religious sexual abuse of children.

The Provincial and DLP informed the reviewers that they also retain responsibility for the support of complainants. This is not really tenable, especially as the DLP has had to take on a development role in relation to child safeguarding initiatives. The congregation needs to select and appoint two Support Persons to work with complainants. It also needs to establish a support system for those Brothers against whom allegations have been made and who have no ministry as a result.

There appears to be an anxiety on the part of the De La Salle congregation about engaging with complainants due to the potential costs of court judgments and civil settlements, at a time when most of its members are no longer earning salaries and when the costs of care for members is increasing. The Provincial explained that most complaints come to the congregation via the complainants' solicitors, which makes it difficult to engage these people in effective pastoral outreach. While this difficulty is real, it does not have to act as an impediment to developing a much more pro-active approach to making contact with and attempting to address the needs of complainants.

Recommendation 10

The Provincial ensures that the De La Salle Brothers select, appoint and acquire training for a lay male Support Person and a lay female Support Person to work with complainants and victims.

Recommendation 11

That the congregations' new Oxford based Provincial Safeguarding Officer for Child Protection come to Ireland to work with the DLP on arranging for living Brothers against whom allegations of child abuse have been made to undertake a professional Risk Assessment with a skilled independent consultant, on the basis of which a Safety Plan for each such member would be drawn up and implemented, in conjunction with Tusla.

Recommendation 13

That the Provincial of the new Province of Ireland, Great Britain and Malta, in cooperation with the Leader of the Irish Sector of the Province, review the supports that are in place for Brothers against whom allegations of child abuse have been made and make whatever improvements in such supports that are indicated.

Standard 7

Implementing and Monitoring Standards

Standard 7 outlines the need to develop a plan of action, which monitors the effectiveness of the steps being taken to keep children safe. This is achieved through making a written plan, having the human and financial resources available, monitoring compliance and ensuring all allegations and suspicions are recorded and stored securely.

Criteria

Number	Criterion	Met fully or Met partially or Not met
7.1	There is a written plan showing what steps will be taken to keep children safe, who is responsible for implementing these measures and when these will be completed.	Not met
7.2	The human or financial resources necessary for implementing the plan are made available.	Not met
7.3	Arrangements are in place to monitor compliance with child protection policies and procedures.	Met partially
7.4	Processes are in place to ask parishioners (children and parents/ carers) about their views on policies and practices for keeping children safe.	Not met
7.5	All incidents, allegations/ suspicions of abuse are recorded and stored securely.	Met partially

There is no written Child Safeguarding Plan within the De La Salle Brothers in Ireland, and the approach of this congregation to the problem of religious sexual abuse of children can be accurately described as being reactive. Because there is no plan, it is impossible to evaluate whether the resources required to implement it are being made available.

When it becomes fully operational, the Child Safeguarding Committee can take on the responsibility for the monitoring of compliance with policies and procedures, and this will be of great assistance to the DLP. This committee can also consider how consultations might be conducted with stakeholders about how child safeguarding can be improved by the De La Salle Brothers.

The NBSCCCI will be happy to assist the congregation to develop proper case management child safeguarding files. The reviewers are satisfied that the files that do exist are securely stored.

Recommendation 14

The Child Safeguarding Committee must develop an annual Child Safeguarding Plan for the De La Salle Brothers and oversee its implementation.

Conclusions

The De La Salle Brothers are an internationally renowned religious institute whose mission has been to work to educate the children of the less well off. Two detailed documents of the Institute, the *Rule and Foundational Documents* of 2002 and *The Lasallian Charism* document of 2006, set out the Gospel values and core principles on which the works of the Institute are based, and the stated commitment to the welfare of young people is clearly enunciated in both. The website of the Lasallians at www.lasallian.info/lasallian-family/5-core-principles states that:

Lasallian is a term to describe a person who is personally fulfilling the mission set forth by Saint John Baptist de La Salle. Being Lasallian is based on five core principles, in no particular order or priority: Concern for the Poor and Social Justice; Faith in the Presence of God; Quality Education; Respect for all Persons; Inclusive Community

Certainly something has gone badly wrong in relation to how some members of the De La Salle Brothers in Ireland have interpreted their mission to teach and witness to children and so to lead them to God.

The Institute now has an opportunity to address the awful legacy of these errant members, in both proactively reaching out and responding to complainants and their needs, and in ensuring that it takes every action possible to ensure that children and young people are protected from abuse in the present and in the future.

Recommendations

Recommendation 1

The Provincial must ensure that the De La Salle Brothers in Ireland formally adopt the 2016 *Safeguarding Children – Policy and Standards for the Catholic Church in Ireland*, and ensure that the Child Safeguarding Policy Statement on Page 8 of that document is appropriately completed and properly displayed in all De La Salle community houses and pastoral centres.

Recommendation 2

The Provincial of the new Province of Ireland, Great Britain and Malta must ensure that all file records within the congregation's Irish Sector are searched for any documents relating to canonical processes that were initiated in relation to De La Salle Brothers against whom allegations of child abuse have been made.

Recommendation 3

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Recommendation 13

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Recommendation 14

The Child Safeguarding Committee must develop an annual Child Safeguarding Plan for the De La Salle Brothers and oversee its implementation.

Review of Safeguarding in the Catholic Church in Ireland

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 1st January 1975 to 1st June 2010, against Catholic clergy and/or religious still living and who are ministering/or who once ministered under the aegis of the Diocese and examine/review and report on the nature of the response on the part of the Diocese.

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 and examine/review and report on the nature of the response on the part of the Diocese.

3. To ascertain all of the cases during the relevant period in which the Diocese:

- 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.

4. To consider and report on the following matters:

- Child safeguarding policies and guidance materials currently in use in the Diocese and an evaluation of their application;
- Communication by the Diocese with the Civil Authorities;
- 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 1990² 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.

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

² 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.

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:

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.

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 1st January 1975 to 1st 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.