



**Review of safeguarding practice  
in the Irish Province of the  
Order of Friars Minor  
(The Franciscan Friars)**

**undertaken by**

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

**Date: November 2014**

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## **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 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 safeguarding practice in the Irish Province of the Order of Friars Minor (The Franciscan Friars)* undertaken by the NBSCCCI in line with the request made to it by the Sponsoring Bodies. It is based upon the case material made available to the reviewers by the order, along with interviews with selected key personnel who contribute to safeguarding within the order. The NBSCCCI believes that all relevant documentation for these cases was passed to the reviewers, and the order has confirmed this.

The findings of the review have been shared with a reference group before being submitted to the Minister Provincial, Fr. Hugh McKenna, along with any recommendations arising from the findings.

## **Introduction**

At the request of Fr. Hugh McKenna, Minister Provincial of the Irish Province of the Franciscan Friars, staff from the NBSCCCI engaged in a process of reviewing the safeguarding children policy, procedures and practice of the Irish province of the Order of Friars Minor on the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> of October 2014. Over the three day fieldwork period, case files were examined and interviews were conducted with key personnel, religious and lay, in the Irish province's safeguarding structure.

The reviewers also read the following documents, which were evaluated against the 2009 NBSCCCI *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* ;

*Franciscan Province of Ireland (OFM): Safeguarding Policy (and associated appendices)*, dated August 2014.

*Franciscan Province of Ireland, Data Protection, Policy and Procedures.*

*Child Protection Procedures for Primary and Post-Primary Schools'* Department of Education and Skills.

*Child Protection Policy of Franciscan College, Gormanstown.* 16 June 2014.

*Complaints Procedure.* Undated.

The reviewers also met a survivor of abuse who had attended a second level college, managed under the auspices of the Franciscan Friars. The issues raised by that person are in the body of the report.

### **OFM – Franciscan Friars**

The Order of Friars Minor, also known as the Franciscan Order, was founded in 1209 when Pope Honorius 3<sup>rd</sup> gave approval of a form of life, or Rule, to Francis of Assisi (1182-1226). Francis was called by God to a life of simplicity, preaching the Gospel to all people, living in obedience without anything of his own and in chastity. From that beginning in Assisi, the order spread quickly throughout the world. St. Francis sent a small group of friars to England in 1224 and they established themselves in Canterbury, London and Oxford. The first friars arrived in Ireland before the year 1230, when the Irish Province was established.

The history of the friars in Ireland has closely mirrored the struggles and prosperity of the country. Thus the political upheavals and ravages of the Black Death in the 14<sup>th</sup> century slowed down the growth of the Order. But the friars continued to venture into new areas, especially in the north and west and there were 57 friaries by the end of the Middle Ages. The suppression of the religious houses began in 1537 at the instigation of Henry 8<sup>th</sup> and followed the accession of Elizabeth 1 to the English throne, numbers reduced greatly. During this period, houses of study were founded on the continent, notably in Louvain, Prague and Rome.

The 20<sup>th</sup> century saw a significant increase in the numbers of friars in Ireland, reaching a membership of 428 friars in 1964. Today the Irish Province has 142 friars in total. Of these 98 members are based in Ireland, with the remainder in various parts of Europe, Africa, USA and Central America. The Irish Province has responsibility for the custody of the Good Shepherd in Zimbabwe, a growing mission. There is only one Irish friar left in Zimbabwe, the others are all Zimbabwe nationals.

#### ***Current situation, including recent changes.***

The following is a list of former Franciscan houses now closed:

#### **Older foundations and date of closure.**

Drogheda (2000)

Carrick-on-Suir (2006)

Wexford (2007)

Limerick (2008)

#### **More recent foundations**

Belfast

St. Joseph's, Pilot St. (1984-1996)

27, New Barnsley Parade, Ballymurphy (1993-1996)

40 Victoria Parade (1996-2000)

20 Hughenden Ave. (2000-2005)

Galway

St. Anthony's College (1932-1990)

Ros Riala, Upper Newcastle (1992-2000)

Lus leana, Headford Rd. (1995-1997)

#### Dublin

Gracepark Gardens, Drumcondra (1991)

41 Mountjoy St. (1975-1992)

Broc House, Nutley Lane (1971-2001)

103, Terenure Rd. West (1992-2005)

#### Bray

St, Fergal's, Ballywaltrim, Bray (1975-1999)

231 Killarney Park, Ballywaltrim (1993-1996)

The friars today are located in the following areas in Ireland; Dublin, Killiney, Multyfarnham, Athlone, Galway, Rossnowlagh, Ennis, Killarney, Cork, Clonmel, Waterford and a second level college.

Within each of the friaries, there are a wide range of ministries carried out by the friars. There are a total of 12 friaries across the Republic of Ireland; nine of which are in essence, 'public churches', while Galway remains the only parish church.

As stated above, the Irish Province has pastoral responsibility for one parish in Ireland; St. Francis' Parish in Galway City. A number of friars assist the local church by working as curates in other parishes. Within the friary churches a variety of ministries takes place; Celebration of daily mass, baptisms, funeral services, novenas, prayer and reconciliation work. One of the principal ministries is the Sacrament of Reconciliation where a friar is available for confession or to provide a listening ear each weekday for several hours each day. Friars also work as chaplains to hospitals and prisons, schools and groups such as Dublin Bus. They also offer counselling services and spiritual direction.

#### **Social and Pastoral Work**

In most of the locations the friars are involved in local social justice initiatives. One example of these is the work of Merchant's Quay Ireland, in Dublin, which provides services to the homeless and to drug users. This was established by the friars in Merchant's Quay 40 years ago and the friars are still involved in chaplaincy and governance of the organisation.

#### **Education**

The Province is responsible for the running of a second level college, a day boarding school for boys and girls in Co. Meath. There are 2 friars currently involved in the school, which is administered by a Board of Management with a lay chair. None of these particular friars are on the teaching staff. The college follows the Department of Education and Skills' guidance with regard to child protection procedures.

#### **Structure of the Order**

The Order is governed by a Minister General and General Definitory (Council), based in Rome. Each Province is governed by a Minister Provincial and Province Definitory (Council). The Province is divided into local fraternities, which are governed by a Guardian. Every three years all the friars of the Province assemble in Provincial Chapter to elect a new government for the

following three years. A Provincial, a Definitory and a Guardian can serve a maximum of nine years and then must step down.

***Age profile of the Order:***

90 plus years: 2 friars

80-89 years: 20 friars

70-79 years: 37 friars

60-69 years: 21 friars

50-59 years: 13 friars

40-49 years: 2 friars

30-39 years: 3 friars

20-29 years: 0 friars

The average age of friars is 72 years of age.

***Location Profile***

98 members in Ireland. (total on 19.8.14)

|                |   |
|----------------|---|
| Athlone        | 8   |
| Clonmel        | 4   |
| Cork           | 9   |
| Dublin         | 11  |
| Ennis          | 6   |
| Galway         | 6   |
| A second level | 8   |
| Killarney      | 6   |
| Killiney       | 7   |
| Multifarnham   | 7   |
| Rossnowlagh    | 7   |
| Waterford      | 9   |
| Living alone   | 10 (3 in nursing homes, 4 in Dublin, 2 in Galway, 1 in Waterford) |

***Members outside of Ireland***

|                 |               |
|-----------------|---------------|
| Zimbabwe Africa | 1             |
| France          | 1 retired     |
| USA             | 2             |
| Guatemala       | 1             |
| Rome            | 4             |
| Belgium         | 2 in a parish |

## **NBSCCCI Review**

The purpose of this NBSCCCI review is set out within the terms of reference that are appended to this report. It seeks to examine how practice conforms to expected standards in the Church, both at a time when an allegation is received and in the present time. It is an expectation of the NBSCCCI that key findings from a review will be shared widely so that public awareness of what is in place and what is planned may be enhanced, as well as increasing confidence that the Church is taking steps to safeguard children.

The review was initiated through the signing of a Data Protection Deed, allowing full access by staff from NBSCCCI to all case management and relevant records held by the Irish Province of the Order of Friars Minor. The access does not constitute disclosure as the reviewers through the deed were deemed to be nominated data processors of the material for the Minister Provincial.

The review involved the fieldwork team reading all case management records of living members of the Order of Friars Minor, Irish Province, against whom a child safeguarding allegation of sexual abuse had been made, or about whom a concern of a similar nature had been raised. In addition the reviewers read a sample of four case files related to deceased friars.

Interviews were held with Fr. Hugh McKenna, Minister Provincial, the Designated Liaison Person, the Deputy Designated Liaison Person, the Director of Safeguarding, a priest advisor, the Victim Support person, the Vetting Coordinator, the Safeguarding Representatives, plus the Chairperson and the Vice-chairperson of the Safeguarding Committee.

As already noted the reviewers also met a victim at that person's request.

An Garda Síochána and TUSLA were also contacted. TUSLA have expressed their concern about the content of the current safeguarding policy document which will be referenced in the main body of this report.

It is the opinion of the reviewers that the Order's interaction with the statutory authorities shows a clear commitment to safeguarding children both currently and into the future.

To date the Order has accessed the NBSCCCI for advice and is a member of the National Case Management Review Group (NCMRG).

The review team conducted an assessment of the Order of Friar Minor's safeguarding policies and procedures against the standards set down in *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*. All other written material provided to the reviewers was evaluated for relevance and accuracy, as was the child safeguarding information on the website of the Order of Friars Minor.

Reviews into safeguarding have two objectives, to establish how concerns (complaints, allegations, knowledge, suspicions or concerns) of child sexual abuse have been managed in the past and to evaluate the efforts that have been made to create safe environments for children to ensure their current and future safety. In order to achieve these two key objectives the review



process employs seven standards outlined within *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* as an assessment framework. The report below discusses the findings of the reviewers under each standard. Conclusions are drawn regarding both the effectiveness of the Order of Friars Minor's policies and practice in the prevention of abuse and the ability of the relevant personnel within the Order's structure in the Irish sector to assess and manage risk for children. Recommendations for future practice have been made where it is considered appropriate.

It should be noted in carrying out this review, the reviewers acknowledge that the NBSCCCI's standards, consisting of seven standards, subdivided into forty-eight criteria, is a detailed framework. This document is aimed towards shaping the Roman Catholic Church's safeguarding structure primarily in dioceses and the larger congregations. The reviewers noted that in preparing for the review the Order addressed all the criteria in the preparation process. A review of the current safeguarding policy was underway during the NBSCCCI.

## **STANDARDS**

This province provides the findings of the review. The template employed to present the findings are the seven standards, set down and described in the Church's *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 Franciscan Friars. 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 Society meets the requirements of all nine criteria against which the standard is measured.

**Criteria**

| <b>Number</b> | <b>Criterion</b>   | <b>Met fully or Met partially or Not met</b> |
|---------------|--|--|
| 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).   | Met fully                                    |
| 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.   | Not met                                      |
| 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.  | Met partially.                               |
| 1.6           | The policy states how those individuals who pose a risk to children are managed.   | Met partially.                               |
| 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 safeguarding policy of the Order of Friars Minor (Franciscans) is titled *Franciscan Province of Ireland: Safeguarding Policy (August 2014)*. This interim policy was signed off by the Minister Provincial, Fr. Hugh McKenna, on 1<sup>st</sup> August 2014.

The updating of the policy is a work in progress as there has been significant work carried out in developing detailed appendices e.g. 'Recording Policy for the Franciscan Province of Ireland', updated. The policy also references safeguarding documentation of the NBSCCCI throughout.

The Franciscan Order is also cognisant of the fact that they will have to reflect any recommendations of this review in their final safeguarding policy document, as well as taking into account the proposed review of the NBSCCCI national safeguarding standards.

The current safeguarding document is well set out and readable but it needs to integrate the appendices and the Provinces referenced in the NBSCCCI's policies and procedures document. It also needs to amend the references to notifying the HSE within the document in favour of TUSLA (Child and Family Agency), since January 2014. In addition, the listed membership of the National Case Management Reference Group needs to be updated.

Taking into account the above issues the reviewers are of the view that Criteria 1.1 is met partially.

### **Recommendation 1**

**That the Minister Provincial ensures that the review of the Franciscan Order's safeguarding document would be inclusive of all existing appendices and other relevant safeguarding documents.**

Criteria 1.2 and 1.3 are met fully.

The existing safeguarding policy document is signed and dated by the Minister Provincial, Fr. Hugh McKenna. The policy also states quite clearly *This is a policy for the Franciscan Province, their employees and volunteers, in all our communities and ministries.* It also adds that *the seven standards described in this policy document represent the expected level of performance that all Franciscan Friars (including employees and volunteers who work with the Irish OFM Province) should reach.*

Criterion 1.4 is not met.

The current 2014 review of a 2009 safeguarding document is outside the maximum timeframe for review of 3 years.

Criterion 1.5 is met partially.

A second level college and the Galway parish came under DES guidelines and diocesan guidance respectively. In the context of the DES Child Protection Procedures they give overarching guidance and the reviewers were given access to the child protection policy of the second level college.

The majority of the friars are involved in church ministry, in essence, in 'public churches' and it is the view of the reviewers that this criterion should still be met.

**Recommendation 2**

**The Minister Provincial must ensure that the review of the Order's safeguarding policy should address child protection in all the different aspects of the Order's work.**

Criterion 1.6 is met partially.

There is a significant structure in place to manage individuals within the Order who pose a risk to children but it is not currently outlined within the main safeguarding policy document. In addition, there is a separate document headed *Covenant of Care, General Guidelines, Friars removed from Ministry or in Restricted Ministry*. Again this very clear set of guidelines should be included within the main safeguarding policy document.

**Recommendation 3**

**The Minister Provincial must ensure that the current review of the safeguarding policy document needs to include the clear processes and structures that are currently in place to manage individuals who pose a threat to children within the Franciscan Order.**

Criteria 1.7, 1.8 and 1.9 are met fully.

The current safeguarding policy clearly sets out definitions of the different types of abuse, which are in line with NBSCCCI's expectations. In addition it has a definition of a vulnerable adult, which the NBSCCCI is unable to comment on, as this falls outside its remit.

The existing policy documents and the analysis of case files show clearly that the practice of reporting concerns to the civil authorities *without delay* is now in place and acted upon. In the Confidentiality and Exchange of Information policy document it explicitly states that *a verified allegation pertaining to a risk to a child is routinely reported without delay to the HSE/HSCT, Gardai/PSNI, NBSCCCI and Church authorities/Diocese.*

The safeguarding policy document has been created at provincial level and this document is applied across the Irish province without and in all local ministries.

**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 the Franciscan Friars meet the requirements of all seven criteria against which the standard is measured.

Criteria

| <b>Number</b> | <b>Criterion</b>  | <b>Met fully or Met partially or Not met</b> |
|---------------|---|--|
| 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 fully                                    |
| 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 fully                                    |
| 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 fully.                                   |
| 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.                               |

Criterion 2.1 is met fully.

The step by step guidance required in respect of allegations or suspicions of abuse of a child is outlined in the current safeguarding policy document. It is envisaged that when the document is reviewed this guidance will be enhanced.

Criterion 2.2 is met partially.

The reviewers are of the view that current procedures are not *Children First 2011* compliant. This issue will be addressed by the current work underway to update and revise the current safeguarding policy document.

Criterion 2.3 is met fully.

Both the Designated Liaison person and the Deputy Designated Liaison person were interviewed by the reviewers. There are clear role definitions attaching to these roles and a clear recognition of where they fit within the Order's safeguarding structures. The roles of the Provincial, Designated Officer and Deputy are also dealt with in detail in the current appendices headed *Role of the Designated Officers*.

Criteria 2.4, 2.5 and 2.6 are met fully.

These criteria are dealt with particularly by the *Recording Policy for the Franciscan Province of Ireland* document and by the *Confidentiality and Exchange of Information Policy*.

The recording policy deals specifically with the process of the creation of a case file on receipt of an allegation of abuse. The content of such files is protected by a clear access policy and physically by storage in a secure central location, which was seen by the reviewers.

There is a specific process set out in the Complaints Procedure document for dealing with complaints from adults and children regarding unacceptable behaviour towards children. Therefore Criterion 2.5 is met fully.

The *Confidentiality and Exchange of Information Policy* sets out the key principles to be followed to guide practice on confidentiality and exchange of information in regard to child protection. In particular it states that, *the principle that the welfare of the child is paramount means that the considerations of confidentiality should not be allowed to override the right of children/young people to be protected from harm*. This document then goes on to deal with the rights under Data Protection of an accused friar and their specific rights to have a say in how their information is shared. However it is explicit that *consent is not required for reporting to the Statutory Authorities (a criminal offence to withhold knowledge)*.

Criterion 2.7 is met partially.

The current safeguarding documentation does not have contact details for Health and Social Services Trusts in Northern Ireland or for TUSLA (Child and Family Agency) in the Republic. Any reference to the HSE should also be replaced by TUSLA in respect of notifications and

liaisons. These necessary changes will be addressed in the update of the safeguarding policy document of the Order.

**Table 1**  
**Incidence of safeguarding allegations received within the congregation against priests and brothers, from 1<sup>st</sup> January 1975 up to time of review**

|           |   |             |
|-----------|---|-------------|
| <b>1</b>  | Number of Order priests and brothers against whom allegations have been made since the 1 <sup>st</sup> January 1975 up to the date of the review.   | <b>28</b>   |
| <b>2</b>  | Total number of allegations received by the Order since 1 <sup>st</sup> January, 1975.  | <b>109</b>  |
| <b>3</b>  | Number of allegations reported to An Garda Síochána/PSNI involving priests and brothers since 1 <sup>st</sup> January 1975.   | <b>78*</b>  |
| <b>4</b>  | Number of allegations reported to the TUSLA/HSE/HSC (or the Health Boards which preceded the setting up of the HSE,) involving priests and brothers of the Congregation since 1 <sup>st</sup> January 1975. | <b>60**</b> |
| <b>5</b>  | Number of priests and brothers (still members of the Order) against whom an allegation was made and who were living at the date of the review.  | <b>8</b>    |
| <b>6</b>  | Number of priests and brothers against whom an allegation was made and who are deceased.  | <b>18</b>   |
| <b>7</b>  | Number of priests and brothers against whom an allegation has been made and who are in ministry.  | <b>4</b>    |
| <b>8</b>  | Number of priests and brothers against whom an allegation was made and who are 'Out of Ministry', but are still members of the Order.   | <b>3</b>    |
| <b>9</b>  | Number of priests and brothers against whom an allegation was made and who are retired.   | <b>1</b>    |
| <b>10</b> | Number of priests and brothers against whom an allegation was made and who have left the Order.   | <b>2</b>    |
| <b>11</b> | Number of priests and brothers of the Order who have been convicted of having committed an offence or offences against a child or young person since the 1 <sup>st</sup> January 1975.                      | <b>3</b>    |

Table also refers to concerns and suspicions as well as allegations.

*\*Many cases not reported formed part of criminal cases and were already with the Gardai Síochána.*

*\*\* Cases not reported included those brought to the attention of the OFM as part of criminal investigations.*



**NB.** There was an additional complaint about a priest from another Franciscan Province relating to a visit he made to Ireland in 1970.

### **Table 1 Analysis**

The response to child abuse allegations in the Franciscan Order (OFM) is undertaken primarily by the Designated Liaison Person (DLP) with the support of the Deputy Designated Liaison Person (DDLDP).

The Designated Liaison Person is responsible for hearing any concerns relating to safeguarding including any disclosures or allegations of abuse and takes responsibility for managing the response to that concern or disclosure, from receiving the concerns to closure of the case.

In managing the response the DLP is also responsible for ensuring that notifications to the civil authorities are carried out.

If advice is required on management of the allegation, outside the Order's own structures, then the DLP will seek the advice of the National Case Management Review Group (NCMRG) under the auspices of the NBSCCCI.

As stated above, the management of child abuse allegations in the Franciscan Friars is undertaken by the Designated Liaison Person, supported by the Deputy Designated Liaison Person. In this arrangement the DLP is a professionally qualified lay person and the DDLDP is a Franciscan Friar. The DLP reports to the Minister Provincial of the Franciscan Province.

In each community of friars there is a guardian who is expected to take the lead role in safeguarding within their respective friary. The Minister Provincial recognises that the guardians are critical in ensuring that safeguarding children is a responsibility for all involved in the Franciscan Friars and not just for the identified safeguarding personnel.

The information supplied in Table 1 records a total of 109 allegations of suspected child sexual abuse allegations known to the Franciscan Friars since 1.1.75 to the date of this review. These 109 allegations were made in respect of 28 Franciscan Friars. The time period covered by these allegations is from the 1953 to 1998. A significant number of these sexual abuse allegations relates to two particular friars. One is still a friar, although no longer a priest and one left the Order in 2003. Both these men were convicted and served prison sentences.

In the time period for this review a total of three men, one of whom had left the Order prior to conviction, were convicted and sentenced as a result of child sex abuse offences. As noted above, the one person who is still a friar is no longer a priest and resides in a Franciscan Community under a strict Covenant of Care and regular supervision. The case files that were examined in respect of living men showed a pattern up to the middle of 2009 of:

- delayed or no notifications to the civil authorities,
- delays in canonical actions,
- insufficient recording of contact with victims except through lawyers correspondence,
- insufficient evidence of monitoring of men in restricted ministry or Supervision plans on file.

As noted there are 3 primary cases of prolific abusers. The first of these, Friar A, carried out most of his sexual abuse of children while he was living on site at a second level college. According to records viewed by the reviewers he resided on site from 1963 to 1993 and the earliest recorded allegation of abuse against Friar A related to the school in 1968 and the latest in 1989. It is a matter of record that complaints were made to fellow friars by pupils and their families in respect of alleged abusive behaviour by Friar A to pupils and/or local altar boys in 1973, 1978, 1988 and 1989. The reviewers would regard these as significant missed opportunities in terms of protecting other children from his abusive behaviour. It is a cause for concern that the school records do not apparently have on file any of these allegations.

In the 1980's, at an unspecified date, Friar A was taken away from any duties that involved direct contact with children but he remained on site at the college until 1993.

Friar A was out of ministry from 1998. It is noted on file that in 1998 Friar A was receiving therapy due to his abusive behaviour. However he was not subject to a formal risk assessment until June 2006. Formal supervision arrangements were not in place until 2002. The Congregation for the Doctrine of the Faith (CDF) in the Vatican was formally approached by the Order with a recommendation to dismiss Friar A from the clerical state but that he would remain a member of the Order, without voice, on 27.10.06. He was dismissed from the priesthood in 2007.

The majority of Friar A's victims were responded to by the Order under civil processes and legal settlements were agreed in most cases. The reviewers noted with concern that the issue of pastoral supports to victims was not addressed in all cases as the legal process seems to have taken precedence. In discussions with the key safeguarding personnel the reviewers have asked the Order to consider this concern. It is the opinion of the reviewers that civil settlements provide financial compensation but do not address other needs including counselling, care and support for the survivor. A more caring pastoral response is required and this is being reflected in the current Minister Provincial's willingness to reach out to survivors publicly in recent months.

Friar A was sentenced to 5 years in prison, with half the sentence suspended on 16.3.07. He was released on 18.1.09 with a specific condition that he would be the responsibility of the Order to supervise. From this date to the present he has resided in the same location under a strict supervisory regime.

The reviewers met a survivor of this friar's abuse, at his request. He also requested a public apology, which has now been given. (This interview is dealt with in more detail later in this review report). At an event to mark the sixtieth anniversary of the Franciscan's second level college on 23.10.2014, Fr Hugh McKenna stated, *on behalf of the Franciscan Order I want to apologise unreservedly to each and every survivor for the pain and the harm inflicted on those who suffered abuse while under the care of the friars. I apologise for the breach of trust and the suffering victims and their families endured.* The full statement was given as a press release and was put up on the Order's website.

Friar B was the second friar to be prosecuted for the sexual abuse of multiple victims. The period during which there are recorded abuse allegations in respect of this former friar is from 1968 to 1990. The first recorded allegation that the Order recorded was October 1994, but file records indicate that in the summer of 1991 there were 2 incidents of concern of a sexual nature with minors. In fact in September 1994 the Order were seeking to refer him for professional counselling due to their concerns about his behaviour prior to receiving and recording the October 1994 allegation.

An internal process of inquiry began in May 1996 and at the same time he was reassigned to a location which had no public access and he was also taken out of ministry. Subsequently in April 1999, Friar B was sentenced to 6 years in prison for sexual offences against children. In October 2003 Friar B was released from prison and was placed on the sex offenders register. A papal indult was granted to enable Friar B to leave the Order in December 2003.

The victims of Friar B have continued to come forward and the reviewers note that from 2010 onwards the required notifications to the civil authorities have mainly occurred in a timely manner. Prior to this there was an inconsistent approach to notify the civil authorities in respect of his victims. There were also poor records in respect of contact by members of the Order with complainants. Based on the above the reviewers would make the following recommendation.

**Recommendation 4.**

**The DLP must ensure that all contact with complainants is recorded in the case files.**

The third friar to be convicted for sexual offences against children was Friar C. The first complaint received in respect of this former friar was received by the Order in 1995. When challenged about the allegations, relating to an incident in the early 1970's, he admitted the sexual abuse of 2 young children. He was subsequently referred for treatment in November 1995. However, despite this admission, there was no immediate notifications made to the civil authorities and he appears not to have been subject to any formal supervision agreement or canonical action. There was also no formal risk assessment on the case file.

Friar C left the Order in 1999. Subsequently further victims came forward alleging that Friar C had sexually abused them. In 2007 the former friar was convicted for sexual offences against children, committed during his time as a friar. He was sentenced to a 2 years suspended prison sentence and put on the sex offenders register for 5 years.

Counselling support was offered to the victims who came forward. However again, the notifications to the civil authorities did not happen for some years and in one case, not at all. The reviewers would be of the view that the following recommendation is appropriate at this point.

**Recommendation 5**

**The DLP must ensure that all notifications of suspected child sexual abuse are notified to the civil authorities without any undue delay and that this should be stated in their revised safeguarding policy.**

As well as Friar A there are 2 other friars in restricted ministry. All three friars reside in the same location under strict supervision and Covenants of Care. They are all out of ministry and have allocated priest advisors and are subject to a minimum of a monthly supervision visit by the Order's Director of Safeguarding.

Friar D is one of these two men. He admitted inappropriate sexual activity by a friar with a child. He has had a supervision plan in place since 2003. However concerns first came to the notice of the Order in 2000. In 2001/2002 he had attended a treatment programme. He was returned to ministry in a diocese in 2004 with conditions in place.

This case was then reviewed by the NBSCCCI in 2009 and removal from ministry was recommended. The Order duly removed Friar D from pastoral ministry indefinitely. Since that time Friar D has been subject to two independent risk assessments neither of which supported the friar remaining out of ministry. One assessment was of the view that he had a very low risk of reoffending and the most recent, in 2013, stated that the possibility of him reoffending was minimal.

In 2014 the CDF has agreed to a return of Friar D to a limited form of supervised ministry where there is no public access and no direct contact with children. On the advice of the NBSCCCI further checks will be carried out with the civil authorities before any return to limited ministry is confirmed.

As the alleged victim in this case is outside of the jurisdiction it has been difficult for the Order to initiate a pastoral response but efforts are being made to contact him .

Friar E is the third friar out of ministry. He has been out of full ministry since 1996. The Order received a first complaint in 1995, alleged sexual abuse that happened around 1985. The complainant also suggested that there may be a number of other victims but the case file does not show if any attempts were made to trace the alleged victims or if they were children or possibly adults.

The victim who came forward was offered financial support towards counselling. Immediate restrictions were placed on Friar E by the Order but not a withdrawal from ministry.

Subsequently Friar E received treatment in two services, from May 1995 to May 1996, some of which was residential. In May 1996 it was noted that Friar E was under house supervision and was to have a spiritual director at all times.

It was not until January 2010 that a guideline for friars in restricted ministry was signed by Friar E and placed on his file. In August 2012 a Covenant of Care was drafted which allowed Friar E to have faculties within the Order to celebrate mass within the Friary but no public masses and he has to meet his monitoring supervisor at regular intervals.

In 2010 Friar E was acquitted of the criminal charges against him.

In summary, the reviewers are concerned that there is little evidence of continued efforts being made to offer the complainant, who came forward, pastoral support. The narrative account on the case file is also lacking information, excepting the monthly supervision and contact records starting January 2012. The reviewers have given initial feedback to the Order that all contacts or activity on case files should be recorded in detail as per their guidance documents.

Out of the five remaining living Franciscan Friars (detailed below) from the Irish Province who were subject to sexual abuse allegations, four have returned to regular ministry and one has retired.

Friar F was investigated by An Garda Síochána and the DPP who recommended no prosecution. An independent risk assessment was also completed and recommended there were no grounds for removal from ministry. As in other older cases there was undue delay in notifying the civil authorities and in fact no notifications to the Health Board and later the HSE took place.

Friar G was subject to one allegation of abuse of a sexual nature. The complainant came forward in 1998 and against the wishes of the DLP at the time no notifications were made to the civil authorities, on legal advice. An internal inquiry did begin almost immediately and Friar G was not withdrawn from ministry. He was subsequently sent for risk assessment and no recommendation was made that he should be withdrawn from ministry in the assessment report.

A record on file in 2001 from the agency that referred the concern in the first place states that they were willing to destroy their records in order to protect the good name of the friar. It is to the credit of the Franciscan Order that this correspondence and the earlier referral information remain on the case file.

This case was reviewed by the NBSCCCI Advisory Committee in April 2010 and it recommended a withdrawal from ministry by Friar G as the initial investigation was incomplete. He withdrew from ministry and a subsequent psychological report deemed him suitable to return to full ministry. The DPP also recommended that there would be no prosecution in respect of the original 1998 allegation. In November 2010 Friar G returned to full ministry.

Friar G's case was also reviewed by the inter-congregational advisory panel in April 2012.

In due course the HSE advised that their assessment was inconclusive and therefore Friar G should not have unsupervised contact with children in his ministry. He has remained in full ministry respecting the Franciscan Code of Behaviour and the requirements of the Order's safeguarding policy.

This case file, as with others, shows that in the past notifications to the civil authorities were not prioritised.

Friar H was subject to an allegation which was subsequently withdrawn and he was returned to full ministry. Both An Garda Síochána and the then Health Board were aware of the initial allegation and of the subsequent withdrawal.

Allegations were received in respect of Friar I by the Order in 1995 via An Garda Síochána who had been contacted by the Health Board Social work service. Friar I then voluntarily met with An Garda Síochána and social workers respectively. In 1996 the case was closed by Social Work with no further action recommended. Friar I has remained in full public ministry and has consistently denied any inappropriate sexual behaviour.

Friar J is the final living Irish friar who has been subject to abuse allegations and has either returned to full ministry or remained in ministry while the allegation was being investigated. The complaint was received in 2000 and was notified to the Health Board and An Garda Síochána also in 2000. In January 2001 the complainant wrote to the Order withdrawing the allegations. In 2005 the complainant confirmed the withdrawal of the allegation, in writing, to the Order for a second time. Friar J is now retired.

### **Deceased Friars**

Eighteen deceased friars have been subject to allegations of child sexual abuse. A random sample of four of these case files were examined by the reviewers.

Friar K was stepped aside from active ministry on receipt of the first complaint in 1994. He was placed under supervision and lived under restrictions until his death in 2011. His victims were responded to by the Order, but as with some of the cases of living friars, there is not always a record of the response made to victims.

On the case file there was no copy of a written supervision plan or a formal record of how he was being monitored by the Order. Nor were there copies of any precepts that may have been put in place under Canon Law. The allegations that merited a notification to the civil authorities were delayed and some were only made in September 2009 when there was an internal audit of such case files by the Order.

Fr Hugh McKenna became Minister Provincial in July 2011 and since January 2012 there has been a risk management system in place which records supervision visits in respect of agreed supervision plans and ensures they are recorded on case files. The contact visits by priest advisors are also recorded on case files since January 2012 as part of an overall strengthening of the safeguarding system initiated at that time.

Friar L was deceased when an allegation was received in 2005 in respect of him. In this case the alleged victim was met by the Order and offered supports. Notifications to the civil authorities did not take place however until September 2009.

Friar M was in ministry when the first allegations were received in late 2001 in respect of him. These related to incidents going back to the late 1960's. The referral came from a third party agency who notified the civil authorities as well as notifying the Order. The response of the Order was to advise the bishop in the diocese where Friar M was based, that he was not to minister to minors on his own. The Order also urged that Friar M was to conform strictly to the

guidelines laid down. As the complainant was anonymous, the Order was unable to respond in a pastoral manner to the victim. There is no evidence on the file of the content of the discussion that took place between Friar M and the Minister Provincial at that time, nor were there written specific guidelines for his continued ministry .

In 2011 a second allegation was received by the Order in respect of Friar M. This allegation referred to the same location in the same time period (late 1960's). By this time Friar M was deceased. Notifications were made to the civil authorities within 24 hours of the complaint being received. This victim named others as possibly also being abused at that time but there is no evidence on file of any efforts being made to contact these possible victims or to notify the civil authorities. It is also not clear on the file whether this victim was offered pastoral or counselling support.

The reviewers would be of the opinion that the Order should review this case file and consider the need to notify the additional alleged victims to the civil authorities as well as confirming that pastoral support was offered to the victim who came forward in 2011.

Friar N was subject to his first recorded allegation of sexual abuse in 1995. The Order referred him for assessment in 1995 and the letter of referral refers to two other allegations some years previous but there is no record of these on the case file. This referral letter also states that Friar N had been moved to a different ministry due to these earlier allegations. It is not clear who, within the new ministry was made aware of the reason for the move at that time.

The file does not address what happened at the assessment centre or what supports were offered to the victim, who had returned to his country of origin. Civil authorities were notified of the allegation in September 2009.

In 2010 further allegations of abuse were received by the Order regarding Friar N, now deceased. In comparison with 1995, timely notifications were made to the civil authorities. There is a record of all victims being met by the DLP and the DDLP. Significant contact was made with the victims concerned and these were recorded on file.

The reviewers would be of the view that the Order should ensure that all notifications to the civil authorities take place and therefore make the following recommendation.

**Recommendation 6.**

**The DLP must inform the civil authorities of all allegations received in respect of Friar N.**

Before summarising this analysis, reviewers are of the view that the interview held with the survivor of sexual abuse should be noted at this juncture. This victim was met by the reviewers at the person's request. The victim was advised of the Terms and Reference of this review and the process that would be followed, by the reviewers. A written statement and copies of documentation were supplied to the reviewers by the victim. One of the victim's requests was that a public apology be given for the abuse he and others were subject to. As noted previously in this report this public apology was duly given by the Minister Provincial to all victims of abuse.

It is clear that in the past the safeguarding practice within the OFMs was inadequate, that timely notifications were not made to the civil authorities, that children were not safeguarded, that opportunities to prevent abuse were missed and that the response to survivors fell short of today's standards.

It is fair to reflect a change in practice from 2009 onwards, which was further strengthened by the appointment of Fr. Hugh McKenna in July 2011 and the enhanced safeguarding structures he has been responsible for putting in place. There is now willingness on the part of the Minister Provincial to correct some of the past wrongs and ensure that current and future practice meets the expected standards.

Since January 2012 all friars who are in restricted ministry, have a monthly review of their Covenant of Care, by the Director of Safeguarding; contacts by the priest advisors with these friars are also recorded. There are bi-annual updates sent to TUSLA (Child and Family Agency) and any contact with victims is now recorded in full. The Order is acutely aware of the challenge that any civil and /or criminal legal action can place on their need to continue to engage with victims in respect of their pastoral support needs.

Finally for some time, particularly from September 2009, when an internal audit of case files was completed by the Order, there has been no apparent delay in notifying the civil authorities of suspicions of sexual abuse of children by friars within the Order.



**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 the OFM’s meet 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**

| <b>Number</b> | <b>Criterion</b>   | <b>Met fully or Met partially or Not met</b> |
|---------------|--|--|
| 3.1           | There are policies and procedures for recruiting Church personnel and assessing their suitability to work with children.   | Met fully                                    |
| 3.2           | The safe recruitment and vetting policy is in line with best practice guidance.  | Met fully                                    |
| 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 fully                                    |

**Criteria – Codes of behaviour**

| <b>Number</b> | <b>Criterion</b>  | <b>Met fully or Met partially or Not met</b> |
|---------------|---|--|
| 3.4           | The Church organisation provides guidance on appropriate/ expected standards of behaviour of, adults towards children.  | Met fully                                    |
| 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’), confidentially if necessary. | Met fully                                    |

|     |  |               |
|-----|--|---------------|
| 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.   | Not met       |

**Criteria – Operating safe activities for children**

| <b>Number</b> | <b>Criterion</b>   | <b>Met fully or Met partially or Not met</b> |
|---------------|--|--|
| 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. | Met fully                                    |

**Safe Recruitment and Vetting**

Criterion 3.1, 3.2 and 3.3 are met fully. The Franciscan Order has a rigorous recruitment policy in place for any candidates who wish to join the Order.

This process now includes;

- Completion of reflection papers
- Psychological evaluation
- A medical examination
- Clerical references
- Garda vetting
- An interview process with a board of friars and at least one lay woman.

Approximately 85 of the friars in the Irish Province are involved in ministry with children and/or vulnerable adults. They are all Garda vetted as are the staff employed by the Order. At present there is also a rolling programme of all volunteers, linked with the Order, who are Garda vetted. This process also applies in a second level college; to staff,

friars and volunteers. Any friars returning from missionary work abroad are also required to be Garda vetted and are expected to return with a letter of good standing from the diocesan bishop of their last appointment.

Codes of Behaviour, Criterion 3.4 are met fully. The Franciscan Province of Ireland's Code of Behaviour is clearly set out in the Safeguarding Policy document. In addition, it has been made available in 'wallet size' card format. The same card also gives contact details for both Designated Liaison Persons and guidance on what to do if someone receives a complaint of abuse.

Criterion 3.5 is met partially. The DES guidelines require that schools have a Code of Behaviour that deals with the issue of peer bullying within its context. The friary in Galway, which is a parish church, is also expected to follow the anti-bullying policy of the Diocese of Galway. The current Franciscan Code of Behaviour does not deal specifically with an anti-bullying policy and therefore the reviewers make the following recommendation.

**Recommendation 7.**

**The Minister Provincial must ensure that in the process of updating the Franciscan Order's safeguarding policy, account should be taken of the need for a specific anti-bullying policy.**

Criterion 3.6 is met fully.

There is a clear and consistent *Whistle-blowing* Policy document, signed off by the Minister Province, Fr. High McKenna. The whistle-blowing policy states specifically that *the aim of this policy is to encourage those who have concerns about the welfare or safety of children involved in church activities to express those concerns without the fear that they will be victimised or harassed for so doing.* It also states categorically that *'the policy applies to all those who work for the Franciscan Province of Ireland whether in a voluntary or paid capacity.*

Criterion 3.7 and 3.8 are partially met.

The Province's *Code of Behaviour* only partially deals with children's unacceptable behaviour in ways that do not involve physical punishment or any other form of degrading or humiliating treatment. Similarly, guidance to staff and children in respect of discriminatory behaviour or language not being acceptable is very limited in the *Code of Behaviour*.

**Recommendation 8**

**The Minister Provincial must ensure that the issues of dealing appropriately with children's unacceptable behaviour and guidance to staff and children in respect of discriminatory behaviour or language not being acceptable is dealt with explicitly in the updated safeguarding policy document.**

Criterion 3.9 is not met. This requires the Order to develop guidelines on the personal or intimate care of children with disabilities, including inappropriate and appropriate contact. This has particular relevance as the Order does support the Lourdes pilgrimage.

**Recommendation 9**

**The Minister Provincial must include guidelines on the personal or intimate care of children with disabilities within the revised safeguarding policy document.**

**Operating Safe Activities for Children**

Criterion 3.10 and 3.11 are met partially.

The current safeguarding policy document references both these criteria but does not deal in any great detail with them. It is not sufficient to cross reference details in other documents as occurs in the current safeguarding document.

**Recommendation 10.**

**The Minister Provincial must develop specific guidance on assessing all possible risks when working with children, in the safeguarding policy document. It is especially important that risks associated with activities involving time away from home be included.**

**Recommendation 11**

**The Minister Provincial must ensure that the safeguarding policy document includes guidance that when operating projects/activities, children are adequately supervised and protected at all times.**

Criterion 3.12 is met fully. The Order has a clear set of guidelines for internet usage in the Franciscan Province of Ireland. Included in this guidance is also a specific guidance on internet use for friars in formation. The Franciscan Province has a Social Media Policy in place with specific guidelines and cautions which they intend to act as an aid to effective use of social media by the friars.

**Standard 4**

***Training and Education***

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

**Criteria**

| <b>Number</b> | <b>Criterion</b>  | <b>Met fully or Met partially or Not met</b> |
|---------------|---|--|
| 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 fully                                    |
| 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 fully                                    |
| 4.4           | Training programmes are approved by National Board for Safeguarding Children and updated in line with current legislation, guidance and best practice.  | Met fully                                    |

Criterion 4.1 is met fully.

Since 2006 there have been a number of training sessions for friars across Ireland covering the following issues:

- The Province safeguarding policy.
- The Code of Behaviour.
- Guidance on how to deal with a complaint of abuse.

The friars have also received training on the Franciscan value of courtesy in ministry. In 2012 at the behest of the Province Safeguarding Committee, training was offered to staff and volunteers in each friary across the country, covering the agenda listed above. This is likely to become an annual event. The Province is committed to providing refresher training in respect of safeguarding and related issues at least every three years.

Criterion 4.2, 4.3 and 4.4 are met fully.

The training calendar is circulated to all key safeguarding personnel and every encouragement is given to them to attend these training events. In 2011 the DLP's national training, under the

auspices of the NBSCCCI, was attended by the DDLP. In September 2014 the vetting coordinator also attended the Garda vetting units briefing on the proposed e-vetting system for future Garda vetting requests.

The Province, also particularly since 2011, has put forward a safeguarding agenda at the Province Chapter meetings.

In 2015 the Province will be targeting training for the Safeguarding Committee in the first quarter. They will also be involved in administration training to be delivered by the NBSCCCI. The programme of training focussed on the communities and the guardians will continue to roll out in 2015. In February 2015, the guardians will receive a further safeguarding briefing.

The two Safeguarding Representatives who act as monitors to the Province also received safeguarding training from their own dioceses.

It is the view of the reviewers that this approach to training recognises the need for regular updating of safeguarding issues for friars, staff and volunteers. The training offered internally by its own training group will need to be updated in line with the current review of the Province's safeguarding policy and any forthcoming changes in legislation and National (ROI State) Guidelines. The Order is aware of this task needing to be done.

On the basis of the above information it is the opinion of the reviewers that Standard 4 is met in full.

## **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**

| <b>Number</b> | <b>Criterion</b>   | <b>Met fully or<br/>Met partially or<br/>Not met</b> |
|---------------|--|--|
| 5.1           | The child protection policy is openly displayed and available to everyone.   | Met fully  |
| 5.2           | Children are made aware of their right to be safe from abuse and who to speak to if they have concerns.  | Met fully  |
| 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 fully  |
| 5.5           | Church organisations establish links with statutory child protection agencies to develop good working relationships in order to keep children safe.  | Met fully  |
| 5.6           | Church organisations at diocesan and religious order level have an established communications policy which reflects a commitment to transparency and openness.   | Met fully  |

In reviewing this standard, the reviewers noted in particular, that two members of the Safeguarding Committee have a critical role in ensuring that the child protection message is visible and available in all locations involving the Order. They carry out two visits every year to the friaries. During these visits they check that the child safeguarding policy statement is up and visible, that the child safeguarding code of behaviour is also up and visible. They ensure that the contact details for the civil authorities are accurate and that the details for contacting the DLP are also accurate.

This audit also takes in the public rooms that are also used within the friaries, including the guardian's office, as well as the churches. On these visits, the Safeguarding Representatives also check that the books, used for signing in by visiting priests, are up to date and archived when finished in the Dublin Provincial Office.

The Order have designated 16.11.14 as Safeguarding Sunday when all friars will deliver homilies at all masses which will be dedicated to the subject of Safeguarding and will be accompanied by a newsletter, which the reviewers have seen. Included will also be a form seeking feedback from parishioners, which will ask families about their knowledge of;

- NBSCCCI.
- The NBSCCCI standards.
- The procedures for reporting allegations and suspicions of child abuse.
- Whether they think that the Child Protection Policy is displayed adequately.
- The Designated Child Protection Persons (DLP.)
- How to contact the DLP.
- The Church's safeguarding message.
- Child Protection training.
- Policies and practices for keeping children safe.

As part of this review the civil authorities, TUSLA (Child and Family Agency), and An Garda Síochána were consulted. It is the view of both these agencies that they have no difficulty with their engagement with the Order with regard to safeguarding issues, particularly in respect of timely notifications of abuse allegations. The concern TUSLA have in respect of the current safeguarding policy document has already been noted and recommendations made to address deficiencies in the current version of that document. As previously noted, details of the civil authorities are on leaflets, posters and the Order's website.

On the basis of the above details it is the view of the reviewers that Standard 5 is met in full; Criteria 5.1., 5.2, 5.3, 5.4, 5.5, and 5.6 are all met fully.



**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<br>Met partially or<br>Not met |
|--------|--|---|
| 6.1    | Church personnel with special responsibilities for keeping children safe have access to specialist advice, support and information on child protection.  | Met fully                                   |
| 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 fully                                   |
| 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 fully                                   |
| 6.4    | Information is provided to those who have experienced abuse on how to seek support.  | Met fully                                   |
| 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.           | Met fully                                   |

Criterion 6.1 is met fully.

The Irish Province of the Franciscan Friars has over the last 3-5 years developed a robust safeguarding structure within which operates the safeguarding personnel who have clear and distinct roles and functions. This structure is supported canonically by a named canon lawyer and externally by a civil lawyer and a consultant child psychiatrist. In addition, where necessary, safeguarding personnel can also access external professional supervision. Internally within the Order there is in place a Safeguarding Committee and a Pastoral Support and Aftercare Group. Each has distinct terms of reference. The Safeguarding Committee has two primary roles and responsibilities:

- To oversee and ensure that the Franciscan Friar's Safeguarding Policy is implemented effectively at local level.

- To oversee, that the NBSCCCI's standards and proper procedures are in place in all friaries across the Province and to ensure that the relevant standards/procedures/guidelines are operating effectively within each Friary.

As already noted the Designated Safeguarding Representatives act as monitors on behalf of the Safeguarding Committee and play a key role in this process of internal review. During the review the issue of increasing the number of safeguarding representatives within friaries was raised as a means of strengthening the lay support to safeguarding and to support guardians in their safeguarding role. The development of lay safeguarding representatives in the friaries may also act as a bridge for rebuilding the Franciscan Friar's ministry with children.

The Pastoral Support and Aftercare Group's primary purpose is to provide a forum for those friars who have a responsibility to the Province for overseeing the *Guidelines for Friars in Restricted Ministry* and specific guidelines are implemented and monitored. It is also a support base for those who have responsibility for the overall care and those who are involved in the day-to day care of friars/brothers in restricted ministry.

The reviewers were made aware during discussions that the Order is giving consideration to increasing the membership of both these groups to reflect professions who could assist further with the assigned tasks.

Criterion 6.2 is met fully. Contacts are established with the appropriate civil authorities and with helplines. This information is made available in hard copy or on the Order's website.

Criterion 6.3 is met fully. Guidance is available on responding to a child who may have been abused. However as already noted it is envisaged that the revised safeguarding document will need to ensure that this process is set out in more detail than it currently is within the current 2009 safeguarding policy document (revised August 2014).

Criterion 6.4 is met fully. Complainants who come forward with an allegation of abuse are given contact details for the dedicated support person for the Order and they are also given contact details for *Towards Healing*. This support person has been in this role since 2009 and her role is to act as a bridge between the complainant, the DLP and the Franciscan Friars. This service appears underused to date, as the pastoral support, to date, appears secondary to the legal issues, which seem to take precedence.

Criterion 6.5 is met fully. The Franciscan Friars ensure that all friars who are removed from ministry or are in restricted ministry have a priest/friar advisor. If risk assessment is deemed necessary then this is commissioned and follow up support, such as counselling for the friar, is agreed.

Within the Franciscan Friars, support is also provided in the form of supervision for friars out of ministry through monthly contact by the Director of Safeguarding, as well as the contact with their advisor. As already noted, both these contacts have been recorded on

the friar's case files, since 2012. All contacts are shared with the Province's Pastoral Support and Aftercare Group who, as previously noted, have a monitoring role in respect of the Covenants of Care in place.

In view of the above information it is the opinion of the reviewers that Standard 6 is met in full.

## **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**

| <b>Number</b> | <b>Criterion</b>   | <b>Met fully or Met partially or Not met</b> |
|---------------|--|--|
| 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. | Met partially                                |
| 7.2           | The human or financial resources necessary for implementing the plan are made available.   | Met fully                                    |
| 7.3           | Arrangements are in place to monitor compliance with child protection policies and procedures.   | Met fully                                    |
| 7.4           | Processes are in place to ask parishioners (children and parents/ carers) about their views on policies and practices for keeping children safe.                     | Met fully                                    |
| 7.5           | All incidents, allegations/ suspicions of abuse are recorded and stored securely.  | Met fully                                    |

Criterion 7.1 is met partially.

The reviewers note the statement of intent, ‘The Plan Forward for 2014/15’, however this is not a Safeguarding Plan which is targeted, is time-framed and has a set of objectives and agreed actions.

### **Recommendation 12**

**That the Minster Provincial develops a formal written plan, setting out proposals for safeguarding. This plan should incorporate the recommendations of this review.**

Criterion 7.2 is met fully.

The reviewers note within ‘The Plan Forward 2014/15’ is the following statement ‘The Franciscan Province is committed to providing whatever funding is necessary for the provision of effective safeguarding training, education and other needs.’ This statement was reiterated by the current Minister Provincial during his interviews with the reviewers.

Criterion 7.3 is met fully.

The Franciscan Province of Ireland established their Province Safeguarding Committee in 2010. The purpose of this committee is to oversee the implementation and monitoring of the Franciscan Province's and national safeguarding policies and procedures as per Criterion 7.3.

As previously noted, compliance is monitored at friary level, through a combination of visits by the Safeguarding Committee representatives and by the recently established visits by the Minister Provincial. The Safeguarding Committee also carries out a review of the Franciscan Province's safeguarding practice and standards on an annual basis. The Order is considering extending the membership of this committee in terms of lay professional inputs in particular.

Criterion 7.4 is met fully. On 16.11.2014 the Order will be holding Safeguarding Sunday. At all Masses on that day, an opportunity will be taken to ask all those attending for their views on policies and practices for keeping children safe currently operated by the Order, in compliance with Criterion 7.4. It is hoped that this will happen in future on an annual basis.

Criterion 7.5 is met fully. In reviewing case files, particularly relating to 2009 onwards, it is clear that all allegations/suspensions of abuse are being recorded as per Criterion 7.5. These files are well-structured and now most of the files are typed making the written material easily readable. All case files are kept in a secure location within the Province headquarters in Dublin and there is a clear protocol in place in terms of accessing this sensitive material.

The reviewers would wish to acknowledge the cooperation received from Fr. Hugh McKenna, Minister Provincial and other key lay and religious members responsible for safeguarding children within the Franciscan Friars. The Order now have key experienced and professional people in place to ensure that this Order's safeguarding structures continue to ensure that the safeguarding of children remains a key priority for all. It is hoped that this report and the recommendations contained within it will assist in maintaining and, if possible, in strengthening the response of the Franciscan Friars to safeguarding children.

## **Recommendations**

### **Recommendation 1**

**That the Minister Provincial ensures that the review of the Franciscan Order's safeguarding document would be inclusive of all existing appendices and other relevant safeguarding documents.**

### **Recommendation 2**

**The Minister Provincial must ensure that the review of the Order's safeguarding policy should address child protection in all the different aspects of the Order's work.**

### **Recommendation 3**

**The Minister Provincial must ensure that the current review of the safeguarding policy document needs to include the clear processes and structures that are currently in place to manage individuals who pose a threat to children within the Franciscan Order.**

### **Recommendation 4**

**The DLP must ensure that all contact with complainants is recorded in the case files.**

### **Recommendation 5**

**The DLP must ensure that all notifications of suspected child sexual abuse are notified to the civil authorities without any undue delay and that this should be stated in their revised safeguarding policy.**

### **Recommendation 6**

**The DLP must inform the civil authorities of all allegations received in respect of Friar N.**

### **Recommendation 7**

**The Minister Provincial must ensure that in the process of updating the Franciscan Order's safeguarding policy, account should be taken of the need for a specific anti-bullying policy.**

### **Recommendation 8**

**The Minister Provincial must ensure that the issues of dealing appropriately with children's unacceptable behaviour and guidance to staff and children in respect of discriminatory behaviour or language not being acceptable is dealt with explicitly in the updated safeguarding policy document.**

**Recommendation 9**

The Minister Provincial must include guidelines on the personal or intimate care of children with disabilities within the revised safeguarding policy document.

**Recommendation 10**

The Minister Provincial must develop specific guidance on assessing all possible risks when working with children, in the safeguarding policy document. It is especially important that risks associated with activities involving time away from home be included.

**Recommendation 11**

The Minister Provincial must ensure that the safeguarding policy document includes guidance that when operating projects/activities, children are adequately supervised and protected at all times.

**Recommendation 12**

That the Minister Provincial develops a formal written plan, setting out proposals for safeguarding. This plan should incorporate the recommendations of this review.

**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 Church Authority (Diocese/religious congregation/missionary society) by individuals or by the Civil Authorities in the period 1<sup>st</sup> January 1975 up to the date of the review, against Catholic clergy and/or religious still living and who are ministering/or who once ministered under the aegis of the Church Authority, and examine/review and report on the nature of the response on the part of the Church Authority.
2. If deemed relevant, select a random sample of complaints or allegations, knowledge, suspicions or concerns of child sexual abuse, made to the Church Authority by individuals or by the Civil Authorities in the period 1st January 1975 to the date of the review, against Catholic clergy and/or religious now deceased and who ministered under the aegis of the Church Authority.
3. Examine/review and report on the nature of the response on the part of the Church Authority.
4. To ascertain all of the cases during the relevant period in which the Church Authority
  - 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 Church Authority.

As well as examine

- Communication by the Church Authority with the Civil Authorities;
  - Current risks and their management.
5. To consider and report on the implementation of the 7 safeguarding standards set out in *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* (2009), including the following:
    - a) A review of the current child safeguarding policies and guidance materials in use by the Church Authority and an evaluation of their application;



- b) How the Church Authority creates and maintains safe environments.
- c) How victims are responded to by the Church Authority
- d) What training is taking place within the Church Authority
- e) How advice and support is accessed by the Church Authority in relation to victim support and assessment and management of accused respondents.
- f) What systems are in place for monitoring practice and reporting back to the Church Authority.

Accompanying Notes

*Note 1: Definition of Child Sexual Abuse:*

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

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

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

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

*Note 2: Definition of Allegation:*

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

*Note 3: False Allegations:*

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

*Note 4: Random sample:*

The random sample (if applicable) must be taken from complaints or allegations, knowledge, suspicions or concerns of child sexual abuse made against all deceased Catholic clergy/religious covering the entire of the relevant period being 1<sup>st</sup> January 1975 to the date of the review.

*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.