

Report of Review of the National Case Management Committee (NCMC) - February, 2022

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Executive Summary

In February 2021, after 9 years of operating, the National Board for Safeguarding Children in the Catholic Church in Ireland (the National Board) agreed that a third review of the National Case Management Committee (NCMC) was required. This third review followed an initial independent review, one year after operation of the Committee began, in 2013; and a review of consistency in 2017. Terms of Reference were approved and Mr Peter Kieran was appointed to co-ordinate and carry out the review.

The Methodology involved seeking the views of the Committee members, Church authorities from Dioceses and Religious Orders who has sought advice, and other Church authorities who have not engaged the NCMC, as they have their own Advisory Panel in place. The views were sought via questionnaires, and a simple analysis of the responses received was undertaken.

NCMC met as a group to consider the points made in the returned questionnaires, and agreed a number of changes to the operations of the Committee as follows:

- 1. Revisions to be made to the *Case Submission Form*, to ensure that the Committee has sufficient information to guide it (subject to agreement on information sharing and data protection).
- 2. On a case by case basis and where relevant, the Church authority will be invited to include other documents with their submissions, such as
 - Assessment Reports
 - Written submission from respondent
 - CDF correspondence

Appropriate permissions should be sought for sharing these reports:

- 3. Internal operations of the Committee to be adjusted to ensure that presenters are put at their ease, can share information without difficulty, and can receive a clear verbal and written advisory response.
- 4. Member's contract to be renewed on a three-year basis, with the option of renewal for a further three years.
- 5. Committee membership to be reviewed annually to allow members to retire, and new members to be recruited in line with skills needs of Committee.
- 6. Committee to receive training and updates on current safeguarding challenges at least annually.
- 7. Video conferencing will continue to be an option for NCMC meetings, to be decided on a case-by-case basis.



1. Introduction

The National Case Management Committee (NCMC) has operated as a Committee of the National Board since 2011 (originally called NCMRG). Mr. Eoin O Mahoney (researcher with Irish Episcopal Conference (IEC)) independently reviewed it in March 2013, and again in 2017 by Mr. Peter Kieran. Following each review, changes were made to the Committee's operating procedures and its membership was enhanced. There was also a review of the consistency of the advice being offered by the NCMC, undertaken in 2014.

Each Committee member has signed a 3-year contract. Annual statistical returns along with an overall summary of the Committee's operations are produced and presented in the National Board's annual report.

In 2021 a third review was undertaken to assess whether the NCMC is still "fit for purpose" or whether changes are needed in its remit, its operational procedures, the skill set of its members, and in the advice provided. Given the confidential nature of the cases discussed by the NCMC, it was agreed that the review could not be conducted by an external reviewer; under current Data Protection legislation, access to the confidential data could not be provided to a person who is not a member of the Committee. It was therefore decided to ask Mr. Peter Kieran, a member of the Committee and an employee of the National Board, and who conducted the 2017 review, to undertake this task on behalf of the National Board.

2. Methodology

The monitoring the child safeguarding practice of constituent members within the Catholic Church in Ireland is one of the objectives of the National Board, and it is only right that it also monitors its own practices on a regular basis.

The Terms of Reference for this Review were approved by the National Board, and included the purposes to be served and methodology to be used in the exercise. The purposes were:

- To review the operating Terms of Reference to ensure their continued fitness for purpose;
- To assess whether the NCMC, as currently constituted and operating, provides a valuable service in offering advice to Church authorities related to case management; and
- To make recommendations for change, if appropriate.

The methodology set out the following objectives:

- To obtain the views of the Church authorities and Church bodies that avail of NCMC advice;
- To obtain the views of the Committee members;



- To obtain views of those Church authorities who have agreed to and have paid to avail of the services of the Committee, but who have not done so; and of those Church authorities who have decided not to use the services of the Committee and to obtain case management advice from other sources; and
- To conduct an analysis of the operation of the NCMC since the 2017 review, in order to establish who is referring; what types of cases are being presented; whether there are any particular recurring issues; whether any patterns of change can be observed, etc.

While all four parts of the methodology were completed, the order followed was different to the chronology suggested by this numbering.

<u>Use of terminology</u>: A person who replies to a survey questionnaire is often referred to as 'the respondent'. In Church safeguarding literature, the cleric or Religious who is a person of concern is generally referred to as 'the respondent'. To avoid confusion, in this report, the former will be written in lower case, while the latter will be capitalised.

3. Findings

Views of Committee Members

All ten members of the NCMC completed and returned a questionnaire and made the following key points:

- 1. Six members believe the Terms of Reference and Operating Instructions (2019) for the NCMC require minor adjustments. This is a discussion that can take place at a specially convened meeting of the Committee to discuss the outcome of this Review, as can many of the other observations made by Committee members.
- 2. The NCMC remains a relevant service; and its purpose and function need to be adjusted to take account of changes in the context in which it operates, e.g. with amendments in canon law through the publication of *Vos Estis Lux Mundi* and the Vademecum, or changes in legislation in either jurisdiction on the island of Ireland.
- 3. The balance of male / female, and lay / clerical Religious members of the Committee is acceptable to members. However, consideration could be given to widening the professional representation on it, for example, by adding a clinical psychologist with experience of child sexual abuse; or a psychotherapist with experience of working with perpetrators of sexual abuse; or someone with expertise in pastoral care; or a retired member of the Gardaí. This point is echoed in the comments of some of the Church bodies that returned completed questionnaires.



- 4. Most of the Committee members' observations on how the Committee operates were positive. Among the suggestions for improvement that could be introduced were that:
 - there are times when the Committee's discussions prior to the Church authority and their safeguarding staff joining - are too rushed for all the members to fully engage and be at ease with the proposed advice. This is a time-tabling issue, and the Agenda needs to allow for adequate time for deliberations;
 - the Case Submission Form frequently does not accommodate all essential information needed by the Committee, and so needs to be reviewed and developed further;
 - some members' views are not canvassed adequately before the Church authority
 joins the meeting, and that it is the responsibility of the Chair to ensure that all views
 are collected; and
 - there needs to be an awareness of the problem of 'group think', which might cause a member to hold back on their contribution because it seems to represent a minority or lone perspective;
 - Conducting meetings via Zoom has introduced new challenges for the members, many of which can be met through following video meeting etiquette and protocols.
 All members would prefer face-to-face meetings as soon as these are safe to have;
 - Members believe that the advice provided by the Committee is constructive and well-reasoned. However, the quality of the advice depends on the quality of the information provided and presented by the Church authority;
 - Committee members would welcome twice-yearly training sessions, and suggested a range of possible topics for these. These can be developed and planned for in further discussion with the Committee;
 - Not all members were certain about having retained a copy of their contract, and whether it was up to date; and
 - There was a general acceptance of the need to have a system for replacement of members of the Committee, and various methods for doing so were suggested. This matter needs to be addressed and the recommendations of the Committee referred to the National Board for approval and adoption.

Statistical analysis

For this Review, the statistics for the first ten years of the operation of the NCMRG / NCMC were examined, and the following data was produced. Numbers in brackets refer to deceased persons. The National Board's business year runs from April 1st through to March 31st the following year, while the NCMRG had its first case discussion in January 2012; so to give a full overview, the figures for the first quarter of 2012 are also included in the table.



Month and year	First presentation diocesan priest	First presentation Religious Order member	Review of diocesan priest	Review of Religious Order member	Total cases discussed
Jan 2012	(1)	0	0	0	1
Feb 2012	2	2 + (1)	0	0	5
Mar 2012	4	3	2	0	9
Total	7	6	2	0	15
Year April 1st to March 31st	First presentation diocesan priest	First presentation Religious Order member	Review of diocesan priest	Review of Religious Order member	Total cases discussed
2012/2013	17	28 + (2)	0	5	52
2013/2014	10	18	4	7	39
2014/2015	10	11	5	11	37
2015/2016	9	12	9	5	35
2016/2017	4	4 + (2)	5	6	21
2017/2018	4	12	7	6	29
2018/2019	9	3	3	5	20
2019/2020	4	4	4	2	14
2020/2021	6	0	4	1	11
Total	73	96	41	48	258



To quote from the 2020 Annual Report -

As the NCMC has been operational for ten years, it is considered useful to explore whether any patterns can be observed. The table below indicates how many cases relating to individual clerics and non-ordained members of religious orders have been presented by their Church authorities to the NCMC for advice. To avoid any confusion, cases relating to some individuals were presented on more than one occasion; for instance, certain actions may have been advised to be taken at the first presentation before a full consideration of the case could be completed. Such actions might include conducting a preliminary canonical investigation, corresponding with a statutory agency or requesting a complainant to make contact. Indeed, at some meetings of the Committee, only returned cases were discussed.

It is clear that the first four full years (from April 2012) were very busy, with 163 (63 per cent) of the total of 258 cases presented to the Committee being examined during that period, whether as new cases or cases for review. This is understandable, as there was a backlog of cases, wherein progress had been slow and where the relevant Church authorities wanted to conclude matters.

Apart from a slight spike in 2017/18 in the number of new cases presented, there has since been a significant fall off, with the number of new cases in 2019/20 and 2020/21 being in single figures. In January 2017, Sir Anthony Hart published the final report of the Historical Institutional Abuse Inquiry in Northern Ireland; and in March of the same year it was confirmed that a large number of children's remains were buried beside the site of the Tuam Mother and Baby Home. Pope Francis visited Ireland in August 2018, and child sexual abuse became the focus of his statements and homilies during the two days that he was here. The National Board has noted that high profile events such as these, where there is concentrated attention on historical mistreatment within the Catholic Church in Ireland, lead to an increase in reports of alleged abuse to Church authorities.

The National Board is concerned with the obvious decline in referrals to the NCMC from religious orders since the end of 2019/20. This may well be linked to reservations as a result of legal advice received by AMRI concerning GDPR which varies somewhat from that of the National Board regarding the sharing of personal information.

As the planned review of NCMC is now underway, specific questions will seek to address this particular issue and will form part of the overall assessment of NCMC functioning with dioceses and religious orders.

In total, 23 dioceses have presented cases to the NCMC over the period of its existence, as have 31 Religious Orders / Congregations / Missionary Societies. The highest number of cases presented by a diocese is 12, and for a Religious Order / Congregation / Missionary Society is 9.



Responses from Dioceses and Religious Orders

There are 26 dioceses, including four of which are archdioceses, on the island of Ireland, and questionnaires were sent to all of these 26 Church bodies, to which there was a very acceptable 100% rate of response. Three have not joined the NCMC, so these were sent a different, shorter questionnaire to the others. Their responses are analysed separately to the other 23.

Two of the 23 bishops who received the longer questionnaire responded by stating that as they had not used the NCMC in a number of years, they would not be completing the questionnaire; while another diocese that has also not used the NCMC for a number of years sent back a partially completed questionnaire.

The National Board is aware that a number of Religious Orders do not have ministry with children, have never received an allegation, or have no cases that they manage – none of these were sent a questionnaire. The full questionnaire was sent to 25 Religious Orders that have joined the NCMC, 18 of which responded (72%); while the shorter version was sent to 29 who have not joined, to which 17 (58%) responded.

Likert scales were used for many of the questions in the longer questionnaire. These are used to measure respondents' attitudes to a particular question or statement. For each question, there were six possible ratings, from best to worst; and if there was no response, this made for another rating, making seven in all. Only those ratings that attracted at least one response are included in the tables below.

Full questionnaire – responses from both Dioceses and Religious Orders

Matters related to making an application to have a case considered by the NCMC

1a. How satisfied were you with the process for applying to have a case presented to the NCMC?

	Dioceses	Religious Orders
Rating	Number	Number
Extremely satisfied	10	13
Very Satisfied	9	2
Somewhat satisfied		2



No response	4	1
Total	23	18

This represents a high level of satisfaction, with none of the three options available to express any dissatisfaction used by respondents. Among the statements given in support of the rating given were:

- o Easy access to support; professional response; quick response; helpful advice
- The response asking for a time slot is always immediate and the meetings are regularly held
- o The application process is straightforward easily accessed.
- The documentation as clear and concise and if clarification was sought on any issue staff enabled that to happen.

Two Religious Orders in their comments mentioned the constraints under GDPR of providing sufficient detail to the NCMC when applying to have a case considered by the Committee.

One diocese and two Religious Orders made suggestions about how the performance of the NCMC could be improved in this regard; and because this Review is concerned with enhancing the experience of users of the NCMC, all seven comments are reported here:

- Perhaps, the space for answers at the end could be increased for purposes of clarity.
- Maybe such means as anonymization of a case could provide the NCMC with a truer sense of the dimensions of the case
- Perhaps anonymization of the documents could provide the Committee with a more accurate reflection of the details and/or complexities of a case. Perhaps an information/guidance sheet to provide to Respondents re what is required and why to better inform them if/when-giving consent to share information to the NCMC members.

2a. How satisfied were you with the speed with which your request to present a case to the NCMC was managed?

	Dioceses	Religious Orders
Rating	Number	Number
Extremely satisfied	11	13



Very Satisfied	8	4
No response	4	1
Total	23	18

This is a similar response to the previous question, and indicates a good level of satisfaction with the response time in having a referred case taken up by the NCMC. Among the comments provided were:

- Response time has not been an issue for us
- o Always obliging with arranging suitable times
- o We have always found the NCMC extremely accommodating.

Again, respondents were asked how matters could be further improved, and two Religious Orders offered suggestions, both of which identified their need for an urgent or emergency response:

- The initial response was quick, but at time, due perhaps to the caseload experienced by the NCMC there was some delays down the line. Perhaps, an "emergency response" NCMC approach might be considered and/or at short notice to meet via Zoom to speed matters up. To consider alternative briefing methodology for NCMC members who cannot be present and/or a core group with an agreed quorum to give initial advice may be an option?
- Based on previous experience, the initial response is quick. However, occasionally some matters may arise that are urgent and need an immediate response. Not sure, what options are available to us to present a case in these circumstances.
- **3.** Have you had any difficulty in providing the NCMC with the level of information it required prior to the scheduled meeting at which your case has been discussed?

	Dioceses	Religious Orders
Response	Number	Number
Yes	2	2
No	17	15
No response	4	1
Total	23	18



Four Church bodies reported that they had experienced difficulties in providing the NCMC with the level of information required, and described their difficulties as:

- Due to GDPR and restrictions re sharing personal information to the NCMC as a third party, concerning a Respondent, impacts on the provision of all relevant information to better inform the NCMC.
- Due to GDPR; and if the Respondent does not wish to share personal information, the process can be inhibited by these restrictions and hence not a full, comprehensive and accurate account can be provided to the NCMC to enable them make informed decisions/recommendations.
- As meeting was via zoom and National Board offices working remotely, there was a lot of work in getting documents scanned etc.
- I was confused about the issue of "non-identifying" information. I was advised that the Respondent had to be identified if known. I have since been advised by another DLP, that for GDPR compliance, the Respondent has to give consent for the case to be submitted to the National Board (?) I remain somewhat confused about this. The case submission form also asked for details of complainant. It would have been helpful if that box stated that all details should be anonymised, since again I was not sure.

The concerns about the possible impacts of GDPR were a recurring issue for a small number of Church bodies.

Matters related to attending the NCMC

4. Have you had any difficulties in sharing information at a meeting of the NCMC that was requested at the meeting by a member of the committee?

	Dioceses	Religious Orders
Response	Number	Number
Yes	0	2
No	19	15
No response	4	1
Total	23	18

Two Religious Orders reported that they had experienced difficulties, and described these:

 Impact of line of questioning by a NCMC member was akin to being cross-examined by a prosecuting barrister in a court of law, leading to feelings of being almost



- coerced/bullied. Perhaps this was the intention/dynamic agreed to throw the attendee "off balance" to get to the facts, though almost inferring that all the facts were not being provided.
- The process and layout of the members has potential to be intimidating and threatening, particularly when questioned re specific details. Some similarities to being in court and cross-examined. Also, hard to convey the nuances of a case which may be very familiar to the Provincial/DLP but difficult to portray to a large group. Time is also another factor, as sometimes, not enough time allowed for discussion and process

While constituting a small minority of responses (5%), these comments indicate that two Religious Orders had a less than satisfactory experience of their attendance at the Committee, and their comments need to be taken on board.

When presenting a case to the NCMC for advice, how have you experienced the following -

5a. Welcome and introduction to committee members?

	Dioceses	Religious Orders
Rating	Number	Number
Extremely satisfied	12	9
Very satisfied	7	6
Somewhat satisfied		2
No response	4	1
Total	23	18

These responses are generally positive, while the Committee needs to ensure that all attendees are made to feel comfortable and at their ease.



5b. Overall courtesy and sensitivity shown to you and any safeguarding colleague who accompanied you?

	Dioceses	Religious Orders
Rating	Number	Number
Extremely satisfied	12	10
Very satisfied	7	5
Somewhat satisfied		2
No response	4	1
Total	23	18

These responses are generally indicative of a concerned and generous atmosphere generated at the Committee.

5c. Time given for discussion?

	Dioceses	Religious Orders
Rating	Number	Number
Extremely satisfied	8	4
Very satisfied	10	10
Somewhat satisfied	1	2
Somewhat dissatisfied		1
No response	4	1
Total	23	18



The experiences of four Church bodies as reflected in these responses suggest that the Committee needs to ensure that the attendees are satisfied that they are being provided with sufficient time for a full discussion of their concerns.

5d. Clarity of advice provided by the committee?

	Dioceses	Religious Orders
Rating	Number	Number
Extremely satisfied	10	5
Very satisfied	9	10
Somewhat satisfied		2
No response	4	1
Total	23	18

Advice is provided verbally at the Committee; and within 72 hours, the relevant Church authority receives the Committee's advice in writing. The questionnaire did not make a distinction between these methods when asking about the clarity of the advice provided, nor did it seek details to support the responses given. There are two Religious Orders that indicated reservations in relation to this issue. The Committee could check with attendees before the conclusion of an NCMC meeting whether the advice being provided is sufficiently clear; and again, the Church authority could be asked in the written advice sent out whether they would like any clarification about what is being said.

Question **5.e** invited responses in relation to Church bodies' experiences of attending the NCMC via a Zoom video conference. No Religious Order provides a response, which mirrored the fact that since the advent of pandemic restrictions, no Religious Order has sought to present a case to the Committee.

By contrast, 13 dioceses answered this question, some of which had not presented a case via Zoom. Comments from dioceses that had used the Zoom option, included:

 I was extremely happy with the zoom process, which meant that I did not have to travel for hours.



- The Zoom meeting had less members in attendance and difficulties with internet and connections were managed; however, a meeting in person allows for more engagement from all members.
- o I was surprised at how effective the transition to Zoom actually was. Clearly, there was training for the Case Management Committee as there were no hitches.
- I have participated in NCMC meetings via Zoom and my experience is that while they
 have been satisfactory, there are certain issues that sometimes need more open
 discussion that the medium of Zoom lends itself to.
- I do have concerns about cyber security; however, we did conduct the meeting without using names.

Observations made by diocesan respondents who had not used Zoom for a case presentation included:

- Have not used this option but we would be interested in it being an option going forward as this would remove the need to travel from (diocese name) to Maynooth for a meeting
- I feel strongly that the meetings should take place in person. Serious and sensitive issues need personal contact in order to evaluate the situation properly.

Clearly, face-to-face meetings are the preferred process for NCMC meetings, and video meetings have only been introduced out of necessity. The comments above indicate that some bishops are aware of the limitations and potential problems of video meetings, while other respondents can see the advantages of not having to travel long distances to attend in-person meetings.

Question **5.f** was asked to capture the overall experiences of Church authorities and other Church body personnel of attending meetings of the NCMC since they joined up for this service; and a lot of very interesting and useful information was provided by the 12 dioceses and 11 Religious Orders that responded. Again, to ensure that all helpful information is harvested in this Review, the box below contains all non-duplicated contributions.

Dioceses	Religious Orders
Membership: 'It might be good to have a survivor as a member of the committee. It might be good to have an 'ordinary' priest in pastoral ministry on the committee'.	Quality of discussion: 'At times rather didactic, with a lot of repeated advice'.
GDPR: 'Given the changes with GDPR, getting consent of priest whose case you are discussing means that we have not been able to obtain much needed advice	Confrontational: 'In general, most of attendances at the NCMC allowed for a constructive dialogue to take place. However, it should not lead to an experience of it being a confrontational encounter as we are all there for the one



through this channel, as priest would not have given consent'.	purpose: to help make plans and recommendations in complex cases whilst ensuring all involved are treated fairly and with respect'.
<u>Time involved</u> : 'Only time for travelling compared to length of meeting. Just takes whole day for two people to attend'.	Room layout unhelpful: 'Layout of room, leading to a quasi-interview/almost court type setting which can influence open and frank discussions / process / dialogue.
	<u>Time pressures</u> : Time pressures/slot can be restrictive.
	GDPR: GDPR requirements and clarity re information / guidance to be provided to the Respondent prior to submission of data.
Positive: 'I felt very reassured and supported in the advice given by the panel, and the level of expertise involved in the process. I feel this is an excellent resource for the diocese'.	Unhelpful criticism: 'In one situation one committee member said we could have been more supportive of the complainant despite excellent communication/rapport having been reported (meetings, phone calls and texts) between the complainant and the DLP, and the offer of a support person/counselling for himself and family members, though not availed of at the time of the NCMC meeting. This was in the conclusion, so no opportunity for querying it/asking what was being referenced'.
Positive: 'We have found it helpful and an important external resource'.	<u>Difficult atmosphere</u> : 'It is now some years since we were last there but my memory is that the proceedings were not easy. Perhaps the committee were just too used to these matters whereas I was approaching it for the first time and I did not feel that they appreciated that. I am not referring to any questions asked, but the atmosphere of the proceedings was not easy'.
<u>Positive</u> : 'I have found the NCMC case management experience as very professional, objective, challenging and supportive'.	Assumption made. 'While all cases are complex and serious for all concerned, I may have detected in a particular case where I felt confident the person accused was innocent a tendency to assume guilt of



	the accused person on the basis that there had been a previous, but withdrawn, allegation. I present it as an observation and may well be wrong'.
Positive: 'The advice received has always been extremely helpful in making a final decision. The discussion at the NCMC meeting has helped as a guidance with other aspects of safeguarding and indeed presenting future cases to the NCMC'.	Conflict of interest: 'Any member of the NCMC who was previously involved in any aspect of the case (except Teresa Devlin, who may have been contacted for advice) should not be involved in consideration of the case, and should not be present when the Church representative / DLP are present to discuss the case'.
	Lack of openness: 'The NCMC seems to have its mind made up 100% prior to meeting with the representative of the Church body/DLP, and it appears not to consider oral points made by those people at the meeting'.
<u>Positive</u> : 'Thankfully, I have not had many reasons to avail of your services; but I am satisfied with my meetings'.	Room layout unhelpful: 'Meeting everyone sitting around a table as happens in the ordinary, non-zoom meetings can be awkward. A different space, differently arranged may help put people more at ease'.
Positive: 'Since we have not submitted any cases recently, we have no experience of Zoom meetings with the NCMC. Previous meetings were conducted in a courteous and professional manner and have dealt with the issues as comprehensively as possible and to our satisfaction'.	Time pressures: 'While we appreciate the time pressures on the Committee, we would have liked a bit more time to ensure that we had presented everything clearly in a complex case, and more time to note advice while present'.
<u>Positive</u> : 'Overall, as a first experience, it was very positive, in that the NCMC had time to prepare for a discussion on the case'.	Neutral: 'The initial meeting is understandably daunting but then everyone's role becomes clear'.
Positive: 'I am a huge supporter. The NCMC has given confidence and assurances to bishops and has also allowed decisions to be made which a bishop on his own might be fearful of making'.	Verification of information presented: 'My only observation is that, as already pointed out above in this document, the NCMC relies on information provided by the person bringing the case before them. They



have no way of verifying this information, or knowing if there is anything else, which they should see. This is a weakness in the system, but how it can be rectified, I do not
know'.

There is much here for the Committee to hear and take on board. Some of the feedback from Religious Orders makes for difficult reading, and attention will need to be given to addressing the issues highlighted. The dioceses that made comments were, in general, more positive in their observations.

Following the NCMC meeting

The Committee members need to know whether the advice that they provide is helpful to Church authorities who present cases, and the next section of the large questionnaire explored this area.

6a. How helpful has the advice provided to you by the NCMC been in guiding your decisions and actions?

	Dioceses	Religious Orders
Rating	Number	Number
Extremely helpful	12	7
Very helpful	7	8
Somewhat helpful		2
No response	4	1
Total	23	18

This indicates a very positive appreciation of the advice provided by the NCMC, with two Religious Orders expressing a slight reservation.

Among the comments made in support of the score given, Church bodies mentioned:

- The advice tendered resulted from attention to detail and solid analysis on which the recommendation was made.
- As the result was positive for the individual, it has greatly encouraged his ministry.



- In relation to one case, an evaluation was suggested and the suggestion was undertaken. This allowed a return to ministry as well as highlighting other supports that were required. The report also would be of assurance to TULSA etc.
- In one particularly difficult case, the NCMC teased out the problem and their advice at the time proved enabling for the Order in dealing with the Respondent who at the time did not accept the advice and support provided.
- o It was clear non-emotional, yet compassion shown.
- The case presented was complicated, involving third party allegations and differing scenarios. NCMC unravelled the case, allowing us to be confident in dealing with the matter afterwards.
- In one instance, the advice given by NCMC allowed to change the monitoring arrangements of one of our members. Having the advice of the NCMC gave TUSLA and the Gardaí confidence that our proposed changes were appropriate and they agreed to the adjustments without difficulty.

Two Religious Orders offered less positive assessments:

- o In one case, an advice insisted upon by one person was most unhelpful and yet we were required to fulfil it.
- In a particular case, it was somewhat unclear re the actual basis of the advice and not sufficient time to ask for clarity re same.

A supplementary question, **6c.** was asked to establish whether any Church authority had experienced problems with the advice provided by the NCMC. One diocese had approached a complainant on the advice of the NCMC to ascertain their attitude to a Respondent priest being considered for a return to ministry; and they and their spouse were both extremely annoyed to be approached about a matter that they believed was closed. This was the only example provided, but it signposts an issue that needs to be further considered by the Committee.

Other issues

Since the previous evaluation of the NCMC, the GDPR requirements have come into force, and these have caused some Church authorities to worry about the sharing of information. The next question was posed to establish what the situation is in relation to these concerns.

7a. Have concerns about the implications of GDPR affected your approach to sharing information with the NCMC?

	Dioceses	Religious Orders
Response	Number	Number



Yes	6	6
No	14	12
No response	3	
Total	23	18

Of the dioceses that gave a response, 30% have concerns, while 33% of Religious Orders do.

Among the responses to the request to provide information about their concerns, Church authorities mentioned:

- The legal advice provided to the Order is such that it is not possible for us to provide personal information to a third party/external organisation without the consent of the individual to be discussed. In the one case I presented, the man in question gave consent. However, in other circumstances, it may be difficult to prove that it is informed and free consent as sometimes the presentation of a case to the NCMC and the subsequent advice may be linked to the request to a Bishop to grant faculties to the religious.
- We have not brought any cases to the NCMC since 2018; but I do know that our legal advice is that we should not share information with the committee, as it is nonstatutory.
- GDPR has made it difficult to share information, as there are concerns around what is deemed appropriate and has made people wary of causing a breach of GDPR.
- Greater care must be taken in preparing a submission, which is helpful, as it enables objectivity.
- The level on anonymity means that sometimes connections that otherwise may have been made may not now be made. It simply restricts information sharing, which may, or may not, lead to a lack of information on which to base a truly valid judgment.
- Getting the priests consent to share may not happen, so cannot share case.
 Awareness when filling in the submission forms re the complainant's details or other identifying information.

Clearly, this is a matter that is preoccupying many Church authorities, and the National Board needs to clarify it to encourage the continued use of the NCMC by Church authorities.

In order to establish whether there is an issue about knowledge of the legal situation pertaining to the impact of GDPR, a second question was asked of respondents.

7c. Is the legal situation regarding how GDPR impacts on the sharing of information with the NCMC clear to you?



	Dioceses	Religious Orders
Response	Number	Number
Yes	14	13
No	6	5
No response	3	
Total	23	18

These responses indicate that there is a need for clear information on the legal implications of GDPR for 29% of all respondents who provided an answer to this question.

One of the ways in which GDPR can be complied with in relation to the NCMC is to ask the Respondent cleric or Religious for their permission to share their information, which prompted the next question.

7e. Do you always inform the person whose case is to be presented to the NCMC – the Respondent – that you are doing so?

	Dioceses	Religious Orders
Response	Number	Number
Yes	14	15
No	6	3
No response	3	
Total	23	18

Some Church authorities noted that they have not had to refer a case to the NCMC since the advent of GDPR, so in a sense their replies were somewhat hypothetical. The overall situation appears to be that, when a Church authority makes a referral to the NCMC of a case of a cleric or Religious, they will in future inform them.

Another relatively new development is that clerics and Religious whose case is being referred for advice to the NCMC have the option of making their own written submission to



the Committee. It appears however from the replies received to the next question that not all Church authorities were aware that this choice was available.

7g. If / when you inform the Respondent that their case is being submitted to the NCMC for advice, do you also inform them that they can send in a written submission of their own to the committee?

	Dioceses	Religious Orders
Response	Number	Number
Yes	9	12
No	10	6
No response	4	
Total	23	18

The supplementary invitation to explain why they did not inform the cleric or Religious of their option to make their own submission evinced some interesting replies.

- At times, to protect the Respondent's privacy we have not put that in writing.
- The Respondent was too confused and angry, as it was early in the process.
- I see the NBSCC as being there to advice the Diocese. I would be happy to get a statement from the man in question - if the NBSCC requested same - but I would see the process as being advisory, not a 'hearing'.
- o In the one case, which we brought to NCMC, the person concerned would not have been competent to send a written submission.

Ten Church authorities stated that they had not been aware that this was a possibility.

Keeping the focus on Respondents, the next question was about sharing the advice received with them.

8a. Do you share the advice provided by the NCMC with the Respondent?

	Dioceses	Religious Orders
Response	Number	Number
Yes	15	15



No	4	3
No response	4	
Total	23	18

The Church authorities reserve a degree of discretion regarding this issue, as some of them explained:

- We generally explain at the end the course of action we are following, as there may be additions to the NCMC report.
- The safety, needs and rights of the complainant and Respondent would have to be considered legally, and from a best practice perspective.
- We ticked No; but if the case circumstances required it, then the Respondent would be informed.
- The Respondent's file is available to them if they wish to see it; however, we summarise the advice in meetings.

The Church authorities were presented with a list of the current membership of the NCMC, along with a description of their profession and constituency represented. They were then asked two questions about this.

9a. Are you satisfied that the membership of the NCMC is sufficiently representative?

	Dioceses	Religious Orders
Rating	Number	Number
Extremely satisfied	8	4
Very satisfied	7	10
Somewhat satisfied	6	2
Somewhat dissatisfied		2
No response	2	
Total	23	18



While the majority replied that they are satisfied with the representativeness of the Committee membership, 10 indicated some reservations; and the supplementary question **9b.** elicited an interesting array of observations and suggestions:

Dioceses	Religious Orders
Our only concern about the representativeness of the NCMC is that it might benefit from having a survivor, and an 'ordinary' priest who is in pastoral ministry, as members.	Perhaps to hear the experience of a retired Provincial or have one at the table might be useful.
We recognise that the current members have a great deal of experience and expertise. However, the number of members is large and maybe more cohesive if membership was less. Is there a period (term) for membership? As it is always a good idea to bring new members on, as is recommended in your guidance in relation to safeguarding committees. (3 years, then further 3 years) It would be beneficial to have some current practitioners as members, so to bring a more updated/current experience.	Since the GDPR is playing a larger part in the working of both the Church Authority and the NCMC, it would be helpful to have Data Protection Officer or someone conversant with GDPR Law on the NCMC. Also perhaps someone with expertise in "on line" child abuse matters.
Suggest the addition of medical profession.	Maybe some profession involved with anthropological outlook of human nature
My only query is; is there an imbalance in the committee due to the presence of three social workers and just one of the other disciplines.	Again, since more child abuse offences involve the use of online offence it would be helpful to have someone with expertise in this area on the NCMC.
The membership is quite large and not sure if 10 members is too many and can be a little intimidating for some people? It may be an idea to have some current practising professional that may have more current practice knowledge.	I have some concerns regarding the NBSCCCI members on the committee, as they could also be the personnel reviewing case management in the future.
A high number of retired people may cause a slight concern. The involvement of a current DLP from a Diocese and from a Religious Congregation might be helpful.	



Consideration might also be given to the involvement of a person who might represent a complainant's perspective.	
There are three Religious and three Social Workers. Might there be room for a / another secular cleric?	

There are matters raised here that the Committee itself and then the National Board need to heed and address. A related but different question was asked about the competence of the NCMC membership.

9c. Have you any concerns about the knowledge, attitudes and skills of the NCMC as an advisory committee?

	Dioceses	Religious Orders
Response	Number	Number
Yes	3	3
No	18	15
No response	2	
Total	23	18

Of those who replied 'yes' (16%), the concerns expressed were:

- Not so much a concern but a suggestion to complement the existing expertise, whilst recognising legislative, policy changes and developments in this area.
- o Need to be more open to points made at oral part of the process.
- As above, maybe more current practitioners than retired members that are from external agencies, not Church or NBSCCCI.
- As already highlighted in reply to 9b.

While there is not a great deal of additional information here, all feedback from Church bodies to this Review questionnaire needs to be considered by the Committee and by the National Board.

There is a charge made to Church authorities for use of the NCMC, which prompted the next question.



10a. Does this biennial fee constitute value for money for your Church body?

	Dioceses	Religious Orders
Response	Number	Number
Yes	19	13
No	2	5
No response	2	
Total	23	18

These replies indicate a high level of acceptance of the amount being charged, while 18% of those who gave a response do not believe that the fee constitutes value for money. They expanded on the reasons for their view under **10b**.

- At this stage, it may be more appropriate to charge per case submitted.
- I think the value for money depends to some extent on the overall number of cases involved. From the point of view of this Diocese, with only one case in seven years, it is costly; but I recognise that the system has to be in place in order for it to function effectively.
- The Society does not appear to have used the NCMC over the years it has been a member. I would suggest that the charging structure changes to reflect this.
 Members could be a smaller fee to ensure access when required and then be charged by cases presented to the NCMC.

The issue identified is whether a fee for membership is appropriate for Church bodies that rarely present cases to the Committee.

11a. Will you continue your membership of the National Case Management Committee service in the future?

	Dioceses	Religious Orders
Response	Number	Number
Yes	20	14
No	0	2
Other	1*	1*



No response	2	1
Total	23	18

^{*}Decision for the incoming bishop

The majority of Church authorities see that they will continue to maintain their membership of the NCMC, with only two stating that they will not, and another two being unclear. GDPR was the issue given for the two Religious Orders deciding not to renew their membership.

Short questionnaire - for Church bodies that have not joined the NCMC, or who had not renewed membership

It was decided that the views of Church authorities who would be eligible to join the NCMC but who had chosen not to, would be canvassed to make this Review more relevant and useful. Due to not having recent experience of the working of the NCMC, the questionnaires sent to this group were short.

1a. Was your Church body ever a member of the National Case Management Committee (NCMC) of the National Board?

	Dioceses	Religious Orders
Response	Number	Number
Yes	1*	8
No	2	10
Total	3	18

^{*}Used once only

The supplementary question asked was to ascertain why Church authorities opted not to continue their membership of the NCMC. Leaving aside the diocese that had only joined to have one case examined some years ago, but which had never intended to retain its membership thereafter, there were eight Religious Orders who had been members but who left. They explained their reasons for doing so as follows:

- As we have had few cases in recent years, we felt we did not need the assistance of the NCMC.
- We had no cases to present to them.
- …decided to put in a place a local advisory Committee comprising personnel known to the Province, which they considered to be more available and better suited to the needs of the Order.

^{*}Not sure



o In the preparation of our Province Data Protection Policy, following the inauguration of new GDPR legislation, we sought legal advice on a range of activities where we share data. This legal advice clearly advised us explicitly against sharing data with the NCMC, unless we had specific consent of the member whose data was to be shared. We feel, therefore, currently constrained and unable to sign a global Data Processing Deed. We have used the NCMC once since we suspended our membership, but had specific consent from the member whose case we presented for advice.

Some respondents gave similar replies.

2a. Has your Church body organised its own Case Management Committee or Panel, or has it access to such a forum provided by another Church body?

	Dioceses	Religious Orders
Response	Number	Number
Yes	3	10
No		8
Total	3	18

The three dioceses have multidisciplinary Case Management Committees / Advisory Panels. Of the 10 that had provision made, eight described the multidisciplinary make-up of the committee / panel that they had in place. There is no clear uniformity in either the size or composition of these.

Six of the eight Religious Orders that had no committee / panel in place, explained their circumstances. Essentially, they had no cases requiring advice, with one stating that they would approach the NCMC if they needed to in the future.



3a. Are there any circumstances in which you would apply for membership of the NCMC of the National Board?

	Dioceses	Religious Orders
Response	Number	Number
Yes	2	12
No	1	4
Other		1*
No response		1
Total	3	18

*Recently joined

The majority of respondents stated that they could identify circumstances in which they could apply for membership of the NCMC in the future; these included:

- o If our own arrangements proved difficult to maintain.
- We have greatly valued the advice we have received, on several occasions, from the NCMC. We would readily re-join if the legal obstacle can be overcome.
- o If presented with a difficult case and required advice and support.
- When our current civil cases are concluded, we will consider renewing our membership of NCMC if we feel we need assistance/advice.
- If we no longer had access to our own Advisory Panel, or if a decision was taken by the IEC that a single National Panel was the policy of the Catholic Church in Ireland.

A number of respondents made similar points.

4a. Would you have any difficulties, based on your understanding of data protection as required under the General Data Protection Regulation (GDPR), in sharing information with the NCMC of the National Board?

	Dioceses	Religious Orders
Response	Number	Number
Yes	1	9



No	2	9
Total	3	18

Three of the nine Religious Orders that replied that they would not have difficulty in sharing information with the NCMC added the caveat that they would need to be reassured that to do so would be GDPR compliant. One diocese made it clear that their legal advice was that they could not share information with the NCMC in any circumstance.

4b. If you answered 'Yes' to 4a, have you received legal advice that you cannot or should not share information about a case with the NCMC of the National Board?

	Dioceses	Religious Orders
Response	Number	Number
Yes	0	5
No	0	3
Legal advice pending		1
Total	0	9

The replies to this question underpin the fact that legal advice has influenced Religious Orders against using the NCMC.

5. This short questionnaire concluded with a general invitation to share any comments, observations or suggestions on the operation of the NCMC. All responses that were not duplicated are detailed here. Rather than leave these comments 'hanging in the air', a short response is provided. However, all of these comments will be seriously addressed by the National Board and by the NCMC.

Comment	Brief response
It would be helpful to have greater flexibility to bring cases at an initial stage re: general guidance and review, and to develop particular expertise in management of complex cases	Cases can be presented to the NCMC at any stage of case management, from receipt of an allegation onwards. While it is not clear from this comment whether it is desired that the Church body or the NCMC would develop expertise in



	the management of complex cases, the NCMC has done so in a large number of referrals to it.
To have particular expertise on the NCMC re: online abuse / boundary violation / abuse in overseas context.	While it is not established that members do not have this expertise already, this will be considered in the light of a training needs analysis for NCMC committee members.
Would welcome general feedback/evaluation and/or research on cases brought to the NCMC, outcomes/follow up, learning etc.	The National Board has produced a series of GAP papers, Annual Reports and other pieces of research-based materials, in some of which the experience of the NCMC is reflected. That said, this suggestion will be further considered.
Why should we fret to reinvent when really Tusla and An Garda Síochána are the two key authorities? When you look at it, we are currently really policing ourselves and keeping an eye on ourselves. This could be seen negatively as a conflict of self-interest as a protection for cover up than for the safety of children.	Firstly, it is important to state that the National Board and its subgroup NCMC are independent of the Church. Secondly, the statutory authorities have an entirely different role. An Garda Siochana investigate crimes in civil law; Tusla assess risk to children. Neither body will advise of canonical processes, or risk management. Like any organisation, the Church is required to manage its own internal disciplinary processes.
One serious problem we have encountered is that, while the NCMC claims that it is not a data controller, we have the experience of bishops refusing to consider the granting of faculties following the conclusion of a PI, unless the case has been presented to the NCMC and has received a positive recommendation from them. In such a circumstance, in effect, the NCMC is more than simply a data processor. If we do not seek and follow NCMC advice, we cannot return a member to ministry. We were also asked by the NCMC to share a copy of a completed PI [preliminary investigation], which was carried out in accordance with a canonical process. The canonical advice provided to us is that it is	There appears to be confusion here around data protection legislation and the role of the NCMC. The NCMC acts as a body advising the Church authority, who is the final decision maker in all cases. The Church authority is the data controller. In order to obtain the best advice, the NCMC requires access to full data; to offer advice on selective data \would be foolish. T\he Church authority as the data controller must determine the legal basis upon which to share the data with the NCMC. The NCMC is only a data controller in respect of the advice it offers. All other data is processed by the NCMC



not appropriate to share such a report outside of this process, and hence we would welcome clarity regarding the canonical basis for sharing of such reports.

It has always been the case that the relevant bishop is the final decision-maker, regarding the provision of faculties to any priest to minister in their diocese. The NCMC provides a forum in which the bishop and his DLP can take time to consider all of the elements of a priest's situation related to his possible risk to children. While the NCMC will try and tailor its advice as accurately as possible, that advice is not prescriptive, and it is weighed by the bishop with all of the other factors that he has to consider, including the advice he will receive from the CDF in Rome, from his legal advisors, both canon and civil, from his confidential discussions with the respondent priest and others within his diocese etc.

It is the understanding of the NCMC and of the National Board that the PI is conducted by decree of the bishop and is provided to him as part of the overall effort to establish whether a delict has been committed by the respondent priest, and if so, what consequence should follow. It is only when it is clear to the bishop that no penal process is required that the PI is considered to be a confidential document to be archived, as per Canon 1719. Up to that time, the bishop has the right to share the PI with the NCMC, taking all necessary care to protect the good name of the respondent priest.

The appropriate sharing of information relating to safeguarding matters and associated risk assessment from cases presented to NCMC where there are other dioceses involved.

The National Board has produced a GAP paper on *Information Sharing to Safeguard Children*, in October 2020 and this is available on the National Board website. The data protection principles to be followed are detailed in this document.



4. NCMC Response and recommendations

The Committee met in January 2022 to consider the responses and issues raised during the Review.

NCMC exists to offer advice to a Church authority on the management of a case. In order for accurate advice to be offered, it needs to be based on the sharing of full facts. Increasingly, data protection is hampering the ability of the NCMC to function adequately. It is clear that one reason for the decreasing use of NCMC by Religious Orders is the lack of clarity around data protection and information sharing. A number of Religious leaders have expressed a desire to seek the advice of NCMC, but feel inhibited because of legal advice they have received, which challenges sharing personal sensitive information with the Committee.

Overall, this review has highlighted a significant level of support for the work of NCMC. Respondents to the questionnaires expressed their appreciation for the independent and clear advice offered.

In terms of improving the service, the Committee agreed to take the following actions:

- 1. Revisions to be made to the Case Submission Form, to ensure that the Committee has sufficient information to guide it (subject to agreement on information sharing and data protection).
- 2. On a case by case basis and where relevant, the Church authority will be invited to include other documents with their submissions, such as
 - Assessment Reports
 - o Written submission from respondent
 - CDF correspondence

Appropriate permissions should be sought for sharing these reports:

- 3. Internal operations of the Committee to be adjusted to ensure that presenters are put at their ease, can share information without difficulty, and can receive a clear verbal and written advisory response.
- 4. Member's contract to be renewed on a three-year basis, with the option of renewal for a further three years.
- 5. Committee membership to be reviewed annually to allow members to retire, and new members to be recruited in line with skills needs of Committee
- 6. Committee to receive training and updates on current safeguarding challenges at least annually.
- 7. Video conferencing will continue to be an option for NCMC meetings, to be decided on a case-by-case basis.





Review of the National Case Management Committee Appendix

Terms of Reference for Third Review, January 2021

Introduction

The National Case Management Committee (NCMC) has operated as a Committee of the National Board since 2011 (originally called NCMRG). It was independently reviewed by Mr. Eoin O Mahoney (researcher with IEC) in March 2013, and again in 2017 by Mr. Peter Kieran. Following each review, changes were made to the committee's operating procedures and its membership was enhanced. Each committee member has signed a 3-year contract. Annual statistical returns along with an overall summary of the Committee's operations are produced and presented in the National Board's annual report.

In 2021 a further review is being undertaken to assess whether the NCMC is still "fit for purpose" or whether changes are needed in its remit, its operational procedures, the skill set of its members, and in the advice provided. Given the confidential nature of the cases discussed by the NCMC, it is believed that the review cannot be conducted by an external reviewer; under current Data Protection legislation, access to the confidential data cannot be provided to a person who is not a member of the committee. It therefore has been decided to ask Mr. Peter Kieran, a member of the Committee and an employee of the National Board, and who conducted the 2017 review, to undertake this task on behalf of the National Board.

The following are the Terms of Reference for the proposed review:



Purpose of Review:

- 1. To review the operating terms of reference to ensure their continued fitness for purpose
- 2. To assess whether the NCMC, as currently constituted and operating, provides a valuable service in offering advice to Church Authorities related to case management.
- 3. To make recommendations for change if appropriate.

Methodology

- 1. To obtain the views of the Church Authorities and Church bodies that avail of NCMC advice in relation to the following:
 - ➤ Are the NCMC purpose and function sufficiently clear?
 - > Are its purpose and function relevant to current circumstances?
 - ➤ Is the make-up of the committee appropriate for the tasks it undertakes? To examine the range of professions and interests represented by the membership; the gender balance; the lay / Religious / clerical balance; administrative supports available, etc.
 - ➤ Is the committee easily accessible to Church Authorities who want to obtain advice on case management?
 - ➤ Is the quality of the advice offered by the committee of an acceptable standard; and do Church Authorities find it helpful?
 - What is the fall off in cases being presented due to?
 - > Is the methodology being used for NCMC meetings appropriate and effective?
 - ➤ Is the use of video meetings during the Covid-19 pandemic appropriate?
 - Do they have recommendations for how the NCMC can be further developed?
- 2. To obtain the views of the committee members on:
 - The composition of the committee and the skill set of its members (as above);
 - The relationship between the committee and the Board of Coimirce;
 - > The quality of information received from Church Authorities and their safeguarding personnel on which the committee's advice is based;

SAFEGUARDING CHILDREN

➤ The quality of the advice that they have offered over the past three years — To conduct an evaluation of this for discussion by committee members;

Whether they have recommendations for how the NCMC can be further developed?

3. To obtain views of those Church Authorities who have agreed to and have paid to avail of the services of the Committee, but who have not done so; and of those Church Authorities who have decided not to use the services of the committee and to obtain case management advice from other sources.

4. To conduct a look-back on the operation of the NCMC since the 2017 review, in order to establish who is referring; what types of cases are being presented; whether there are any particular recurring issues; whether any patterns of change can be observed, etc.

All views should be obtained through open questionnaire, with an opportunity for electronic meetings to share views in greater depth.

Timeframe:

Preparation work – February 2021

Questionnaire distribution and follow up interviews – March 2021

Statistical and data analysis April 2021

Report with recommendations – May 2021

Output:

A report on the effective\ness of NCMC for the National Board and for publication.



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