



**Private and Confidential**

**Review of Safeguarding Practice**

**in the**

**Diocese of Kildare and Leighlin**

**undertaken by**

**The National Board for Safeguarding Children in the**

**Catholic Church (NBSCCCI)**

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**May 2012**

## **CONTENTS**

<b>Background</b>	<i>Page 3</i>
<b>Standard 1</b> <i>A written policy on keeping children safe</i>	<i>Page 7</i>
<b>Standard 2</b> <i>Management of allegations</i>	<i>Page 9</i>
<b>Standard 3</b> <i>Preventing Harm to Children</i>	<i>Page 15</i>
<b>Standard 4</b> <i>Training and Education</i>	<i>Page 20</i>
<b>Standard 5</b> <i>Communicating the Church's Safeguarding Message</i>	<i>Page 22</i>
<b>Standard 6</b> <i>Access to Advice and Support</i>	<i>Page 24</i>
<b>Standard 7</b> <i>Implementing and Monitoring Standards</i>	<i>Page 26</i>
<b>Recommendations</b>	<i>Page 28</i>
<b>Terms of Reference</b>	<i>Page 30</i>

## **Background**

The National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI) was asked by the Sponsoring Bodies, namely the Episcopal Conference, the Conference of Religious of Ireland (CORI) and the Irish Missionary Union (IMU), 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 within the Diocese of Kildare and Leighlin* 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 us by the diocese, along with interviews with selected key personnel who contribute to safeguarding within the diocese. The NBSCCCI has established with the diocese that all relevant documentation for these cases was passed to the reviewers.

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

## **Introduction**

The Diocese of Kildare and Leighlin has been without a bishop since the resignation of Bishop James Moriarty in April 2010. Monsignor Brendan Byrne has been appointed as Diocesan Administrator of the diocese until the Vatican appoints a new bishop. At the request of Monsignor Brendan Byrne, staff from the NBSCCCI engaged in a review of safeguarding children policy and practice on May 15<sup>th</sup> and 16<sup>th</sup>, 2012. Over the two day fieldwork period, case files were examined and interviews with key personnel in the diocesan safeguarding structure took place and subsequent telephone interviews were held with senior managers of the two statutory child protection agencies, An Garda Síochána and the Health Service Executive.

The fieldwork team acknowledge the commitment of Monsignor Byrne to the review process and his and other key diocesan safeguarding personnel's cooperation, in particular the Chancellor of the diocese, with them. Every courtesy and assistance was extended to the fieldwork team, which made its work both easier and more efficient.

## **Geographical Area**

The Diocese of Kildare and Leighlin is in the Archdiocese of Dublin Metropolitan area. It is comprised of the whole of County Carlow, along with parts of Counties Kildare, Laois, Offaly, Kilkenny, Wicklow and Wexford. It covers 1,608 square miles and has a population of 205,185 Catholic people across 56 parishes. Bishop Lennon served from September 25<sup>th</sup> 1967 to December 10<sup>th</sup> 1987; Bishop Ryan from December 10<sup>th</sup> 1987 to August 31<sup>st</sup> 2002; Bishop Moriarty from August 31<sup>st</sup> 2002 to April 22<sup>nd</sup> 2010. The period covered by this review is from January 1975 to May 2012.

The purpose of the 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 the time an allegation was received and currently. It is an expectation of the NBSCCCI that key findings from the review will be shared widely so that public awareness of what is in place and what is planned may be increased, as well as confidence that the Church is taking appropriate 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 diocesan records. This access does not constitute disclosure as the reviewers through the deed were deemed to be nominated data processors of the material for the Diocesan Administrator.

The process involved the fieldwork team reading all case management records of living priests who are incardinated into the Diocese of Kildare and Leighlin and against whom a child safeguarding allegation had been made or about whom a concern had been raised. The reviewers also read a selection of case files case relating to deceased priests about whom concerns had been raised, either while they were alive or after their death. In addition, interviews were held with Monsignor Byrne, the Designated Person, the Diocesan Chancellor, members of the Safeguarding Committee, members of the Advisory Panel, the priest responsible for coordinating training, two Trainers and two Parish Safeguarding Representatives.

Telephone interviews were also held with a senior manager in the National Sexual Crime Management Unit of An Garda Síochána and in HSE Child and Family Services.

The final part of the review was an assessment of the diocesan *Safeguarding Children Policy and Procedures* against the standards set down in *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* and of other written material provided to the reviewers, as well as of the child safeguarding information contained on the diocesan website.

The focus of reviews into safeguarding in the recent past has concentrated on the management of allegations. NBSCCCI accepts that the huge emphasis placed on this aspect of safeguarding is critical. In addition, NBSCCCI recognises that in order to prevent abuse happening in future, the investment in creating safe environments for children must be great and open to scrutiny. It is for this reason that the review process uses the seven standards outlined within *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*, as an assessment framework. The report below, therefore, highlights the findings by the fieldworkers under each standard, and draws conclusions regarding the effectiveness of policies and practices in the diocese to prevent abuse, as well as the ability of the relevant personnel within the diocese to assess and manage risk to children. Where appropriate, recommendations for improvements are made.

## **STANDARDS**

This section provides the findings of the review. The template employed to present the findings are the seven standards, set down and described in the Church guidance, *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*. This guidance was launched in February 2009 and was endorsed and adopted by all the Church authorities that minister on the island of Ireland, including the Diocese of Kildare and Leighlin. 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 diocese 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>
<b>1.1</b>	The diocese has a child protection policy that is written in a clear and easily understandable way.	Met fully
<b>1.2</b>	The policy is approved and signed by the Bishop of the diocese	Met fully
<b>1.3</b>	The policy states that all Church personnel are required to comply with it.	Met fully
<b>1.4</b>	The policy is reviewed at regular intervals no more than three years apart and is adapted whenever there are significant changes in the organisation or legislation.	Met fully
<b>1.5</b>	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 fully
<b>1.6</b>	The policy states how those individuals who pose a risk to children are managed.	Met fully
<b>1.7</b>	The policy clearly describes the Church's understanding and definitions of abuse.	Met fully
<b>1.8</b>	The policy states that all current child protection concerns must be fully reported to the civil authorities without delay.	Met fully
<b>1.9</b>	The policy should be created at diocesan level. If a separate policy document at parish or other level is necessary this should be consistent with the diocesan policy and approved by the relevant diocesan authority before distribution.	Met fully

### **Policy & Procedures**

The Diocese of Kildare and Leighlin has a full written policy and procedures document in place that is consistent with the NBSCCCI *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* and which was published in August 2009. The Diocese intentionally structured their local policy and procedures in line with *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*, outlining their local response to each of the seven national Church standards.

The document was drawn up in full consultation with the HSE in an effort to ensure that it was also consistent with *Children First, National Standards for the Protection and Welfare of Children*. A revised version of *Children First*, as well as the HSE *Child Protection and Welfare Practice Handbook*, was published in 2011. The diocese is now at an advanced stage of revising their 2009 document and as this process completes we recommend that they take account of these two important 2011 publications, as well as the findings of this review report and the report of the HSE audit.

**Recommendation 1:**

**That when the Kildare and Leighlin Diocesan Child Protection Committee's current review of the Diocesan Safeguarding Children Policy and Procedures is completed, Monsignor Byrne will ensure that they are consistent with *Children First, 2011*, and with the HSE guidance document, *Child Protection and Welfare Practice Handbook, 2011*.**

In his Introduction to the August 2009 document, the then Bishop stated that the Diocese of Kildare and Leighlin is committed to “working in partnership with the civil authorities to ensure that all aspects of child welfare are managed promptly, professionally and justly”. He underlined the principle that the diocese and the diocesan community have an obligation “to create and sustain a culture of safety”. He also undertook on behalf of the diocese to ensure that the document would be reviewed and revised regularly and would always be “a work in progress”. This policy and procedures document is available on the website of the Kildare and Leighlin Diocese, [www.kandle.ie/safeguarding](http://www.kandle.ie/safeguarding).

The quality and clarity of the information and guidance contained in the Diocese of Kildare and Leighlin *Safeguarding Children Policy and Procedures* and on its dedicated website page is commended.

## **Standard 2**

### ***Management of allegations***

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

Compliance with Standard 2 is only fully achieved when a diocese meets 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>
<b>2.1</b>	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
<b>2.2</b>	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
<b>2.3</b>	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
<b>2.4</b>	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
<b>2.5</b>	There is a process for dealing with complaints made by adults and children about unacceptable behaviour towards children, with clear timescales for resolving the complaint.	Met partially
<b>2.6</b>	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
<b>2.7</b>	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 fully

**Table 1**

**Incidence of Safeguarding allegations received within the Diocese of Kildare and Leighlin from 1<sup>st</sup> January 1975 up to May 2012**

1	Number of priests incardinated into the Diocese of Kildare and Leighlin against whom allegations have been made since the 1 <sup>st</sup> January 1975 up to the date of the Review	<b>10</b>
2	Number of allegations reported to An Garda Síochána involving priests of the Diocese since 1 <sup>st</sup> January 1975 – this figure includes some allegations that were notified by the An Garda Síochána to the Diocese	<b>18</b>
3	Number of allegations reported to the HSE (or the Health Boards, which preceded the setting up of the HSE) involving priests of the Diocese since 1 <sup>st</sup> January 1975: This figure includes some allegations that were notified by the health services to the Diocese	<b>18</b>
4	Number of priests against whom an allegation was made and who were living at the date of the Review	<b>2</b>
5	Number of priests against whom an allegation was made and who are deceased	<b>8</b>
6	Number of priests against whom an allegation was made and who are out of ministry or who have left the priesthood	<b>2</b>
7	Number of priests of the Diocese 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>1</b>
8	Number of priests against whom an allegation was made and who are in ministry, or retired.	<b>0</b>
9	Number of priests who are not of the Diocese but who reside within it, and who are known to be the subject of an allegation arising from their past ministry.	<b>5*</b>

*Footnote: The term allegation in this table includes complaints and expressions of concern.*

*\*None of these priests are in ministry in the Diocese of Kildare and Leighlin.*

The section on Standard 1 above dealt with the Diocese of Kildare and Leighlin *Safeguarding Children Policy and Procedures* and established that these are comprehensive. This fulfils the requirement of 2.1 above.

The Diocese of Kildare and Leighlin has one Designated Person who is a priest. He has acted in this role since his appointment by the then bishop in 1996 when the Catholic Church in Ireland issued the first official guidance on child protection. While a second priest has acted as Deputy Designated Person for the diocese, he was on sabbatical, abroad, at the time of this Review.

Unusually, the Designated Person has not attended or presented to the Kildare and Leighlin Advisory Panel and he has not been responsible for the creation and maintenance of case management files of priests about whom there have been child-safeguarding concerns, although he contributes material to these files.

The Designated Person is a central person in the diocesan child safeguarding team and should have an active role in the regular reviewing of child safeguarding practices within a diocese, including the holding of scheduled and regular interagency meetings with An Garda Síochána and the HSE. It appeared to the review team that while the Designated Person has been very conscientious and effective in his work for the past 16 years, his and other people's child safeguarding activities have not been centrally coordinated. This has led to there being a sense of disconnection between the various elements of the diocesan child safeguarding network, this could be accounted for by the fact that the diocese has had relatively few cases to deal with. It is now essential for the Diocese of Kildare and Leighlin to develop its current structures to make them more robust. A number of recommendations follow from this.

**Recommendation 2:**

**That Monsignor Byrne appoint a lay Deputy Designated Person to act as an understudy to the current Designated Person for a period of six months and who he would thereafter appoint as Designated Person.**

**Recommendation 3:**

**That Monsignor Byrne appoints a suitably qualified person to coordinate all child safeguarding activities in the Diocese of Kildare and Leighlin.**

**Recommendation 4:**

**That in the context of the publication of the revised edition of the *Diocesan Safeguarding Children: Policy and Procedures* Monsignor Byrne should convene a Diocese of Kildare and Leighlin Child Safeguarding Workshop to be attended by all personnel involved in diocesan child safeguarding activities, at which a five-year diocesan Child Safeguarding Plan would be drawn up. This plan should include the formal appointment of people to key roles with clear remits and systems of accountability.**

The case files in the Kildare and Leighlin Diocesan Offices are securely kept. These files should be restructured in accordance with the recommendations of the National Board for Safeguarding Children in the Catholic Church (NBSCCCI) to allow for them to be fully comprehensive and more easily read. It is acknowledged however that if historical matters were not recorded fully at the time of their occurrence, the absence of file material cannot be rectified retrospectively.

The review team found no evidence that any child safeguarding documents were misfiled. However, as part of the ongoing process of updating and improving the diocese's central filing system, it would be beneficial to conduct a full review of all diocesan files to ensure that all relevant documents are identified and correctly filed.

**Recommendation 5:**

**That Monsignor Byrne initiates an audit of all diocesan files in all locations to ensure that the central filing system in the Diocesan Offices contains every document that refers in any way to a child safeguarding concern about a priest.**

The review team was provided with a 30-page *Kildare and Leighlin Diocese Child Protection File Review* report dated July 2006 that had been produced by an independent Northern Ireland consultancy. This report was a very useful reference

document for the review team but it was also evidence of a very positive initiative that was taken by the retired bishop. This file review report contains a number of 'comments' (which might better have been called 'recommendations') in bold type at the end of each section. It is regrettable that not all of these suggestions about actions that could improve child safeguarding within the diocese had been followed by the time of the current review.

**Recommendation 6:**

**That Monsignor Byrne directs the Diocesan Advisory Panel to ensure that all comments / recommendations of the July 2006 file review report are identified, reviewed and acted upon, as a matter of urgency.**

All existing case files of priests of the Diocese of Kildare and Leighlin were examined as part of this review. Table 1 at the beginning of this chapter sets out the overall situation regarding priests about whom there have been child safeguarding concerns. Not included in this table are concerns raised about four men who were not identified by complainants. Indeed, due to the lack of information provided, it is not clear whether these were priests at all or whether they may have been four separate men, or the same man. Some basic identifying information is required before a concern / allegation / complaint reaches a threshold at which it can be investigated in some way.

Also not recorded in Table 1 is a clearly false allegation against a priest that had been made as a prank by a school child: The school very speedily and appropriately handled this matter on the day when the child made an untrue statement.

Two of the priests about whom allegations were made are still living. One of these was convicted of abuse of a minor. The second priest has not been subject to a criminal charge. Both are out of ministry and receiving ongoing diocesan supervision and support.

Two other priests were living when allegations were received but are now deceased. One of these priests was charged with a serious sexual offence against a minor, but he died before the court process concluded. An allegation against the other priest was received very shortly before he died.

In the cases of six other deceased priests about whom concerns have been raised, no concerns had been raised about any of them priests while they were still living.

There is a priest living in the diocese who is suspended from a UK diocese because of child safeguarding concerns. It is important that greater clarity and certainty about the management and supervision of this priest, is achieved between the Diocese of Kildare and Leighlin and the home diocese of the priest who has primary responsibility for him. The HSE and Gardaí have been notified of the allegations against this priest.

The following is a summary of the findings of the review team from an examination of all case records of the Diocese of Kildare and Leighlin:

- In line with current guidance on recording detailed records are required to ensure an accurate account of all actions, this was not always the case in Kildare and Leighlin.

- The Advisory Panel has not been used consistently to assist in decision making about cases
- Roles and responsibilities have not been clearly and formally assigned
- There is an absence of risk-management plans
- There is insufficient written evidence of appropriate canonical processes being followed through. In the case of one priest, there was an unwarranted delay in removing him from ministry. Where matters have been referred to the Congregation for the Doctrine of the Faith (CDF), these now need revisiting and appropriate canonical processes should be conducted.

The Diocese of Kildare and Leighlin has not always made timely notifications to An Garda Síochána and the health services, although its performance in this area has improved over time. Representatives of the diocese have attended all statutory case conferences to which they were invited.

Internal church processes after removing the priests from ministry have not always been sufficiently well progressed in terms of informing the CDF and ensuring canonical inquiries take place. Improvements in this area are required to improve overall case management.

It would be useful for the diocese to conduct an annual information sharing exercise with An Garda Síochána and the HSE to ensure that all information that should be notified has been.

**Recommendation 7:**

**That Monsignor Byrne arrange annual meetings between An Garda Síochána, the HSE, the Diocesan Designated Person, the Diocesan Chancellor and himself at which all child safeguarding file material in the possession of the diocese would be shared with the two statutory agencies; and at which an agreed interagency approach to information sharing and case management would be agreed for future use.**

The fieldwork team had telephone interviews with a senior manager from the National Sexual Crime Management Unit of An Garda Síochána, and with a senior Children and Family Services manager of the local HSE. In the case of An Garda Síochána, there has been little need for ongoing communication between the diocese and the national unit, because of the absence of allegations since that Garda team was established. The Diocese has reflected to the reviewers that they have good local working relationships with An Garda Síochána, and the Designated Person has regular contact with them.

The HSE manager was positive about the level of contact between the diocese and the HSE Children and Families services and the HSE Training services. Training in the diocese was initially provided through local HSE Trainers, and this joint work helped to build communication bridges between personnel in both organisations. The HSE manager also spoke about the appropriate manner in which the diocesan Child Safeguarding personnel consult with the HSE about policy and procedural matters, and as appropriate, about matters of concern. They expressed confidence in the diocese's commitment to safeguard children.

### **Advisory Panel**

The Diocese of Kildare and Leighlin Advisory Panel has had an independent existence since 2010. Between 2005 and 2010, the diocese had a single committee that dealt with all child safeguarding activities, including policy and procedures, training and case management. Because of this history, the Advisory Panel has yet to develop its own identity and expertise. Its membership was refreshed in 2012 and it has had one meeting of the new membership in May of this year. The current membership of the Advisory Panel includes a solicitor, a psychologist, a senior HSE Children and Families service manager, a teacher from a special school, a priest who is a canon lawyer and two priests who are both members of the Safeguarding Committee and who have had an acting coordinating role in relation to policy and training.

The review team was to meet with the Advisory Panel, but only two members were able to attend. The panel members who were interviewed did not seem to share a clear vision about the purpose and function of the group. It was not possible from this meeting to get a sense of how well the full panel functions.

### **Recommendation 8:**

**That Monsignor Byrne supports and assists the Advisory Panel to develop clear Terms of Reference, a clear methodology for its work and a 12-month plan for its activities, to include joint training and development activities for its membership. This panel should meet regularly to build up its identity and sense of cohesion, as well as its expertise. The Advisory Panel should methodically and comprehensively review the management of all cases of clerical child sexual abuse that have been handled by the diocese with a view to addressing all outstanding case management issues.**

### **Recommendation 9:**

**That Monsignor Byrne ensures that the Designated Person is responsible for the presentation of cases to the panel and that he becomes an integral part of the panel, so as to enable fuller assessment and management of risk as required of the Advisory Panel.**

While there is evidence that victims have been met by diocesan personnel and have received referral to appropriate counselling services, the appointment and training of Support Persons would be a further development of a client-focused response to complaints.

### **Recommendation 10:**

**That Monsignor Byrne appoint two Support Persons for Victims of clerical sexual abuse, one female and one male, and arrange appropriate training for them.**

### **Standard 3**

#### ***Preventing Harm to Children***

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

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

#### **Criteria – safe recruitment and vetting**

<b>Number</b>	<b>Criterion</b>	<b>Met fully or Met partially or Not met</b>
<b>3.1</b>	There are policies and procedures for recruiting Church personnel and assessing their suitability to work with children.	Met fully
<b>3.2</b>	The safe recruitment and vetting policy is in line with best practice guidance.	Met fully
<b>3.3</b>	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>
<b>3.4</b>	The diocese provides guidance on appropriate/ expected standards of behaviour of adults towards children.	Met fully
<b>3.5</b>	There is guidance on expected and acceptable behaviour of children towards other children (anti-bullying policy).	Not met *
<b>3.6</b>	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 partially

<b>3.7</b>	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 fully
<b>3.8</b>	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.	Not met *
<b>3.9</b>	Policies include guidelines on the personal/ intimate care of children with disabilities, including appropriate and inappropriate touch.	Not met *

\*NBSCCCI is satisfied that the revised Kildare and Leighlin Diocesan *Safeguarding Children: Policy and Procedures*, which is at an advanced stage of preparation, will fully meet these criteria

**Criteria – Operating safe activities for children**

Number	Criterion	Met fully or Met partially or Not met
<b>3.10</b>	There is guidance on assessing all possible risks when working with children – especially in activities that involve time spent away from home.	Met fully
<b>3.11</b>	When operating projects/ activities children are adequately supervised and protected at all times.	Met fully
<b>3.12</b>	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 partially

The Kildare and Leighlin *Safeguarding Children Policy and Procedures* are currently being reviewed and revised and this process will address the deficiencies in the document under Standard 3. What is required is that more detailed guidance be provided for children and young people, staff and volunteers under each of the six criteria where full compliance has not been achieved. It is recognised by NBSCCCI that some of the required guidance is not in *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*, for example procedures in relation to intimate care, but advice is now available from NBSCCCI and/or other dioceses on this and other procedural requirements.

**3.3** is well met, and the following elements of compliance are commended:

- All diocesan priests, and approximately 400 lay persons who assist at both diocesan and parish level, have been Garda vetted;

- All Garda vetting replies are stored centrally in the Diocesan Office, having been checked for any information of concern.
- There is a diocesan database of all persons, ordained and lay, who have been Garda vetted:
- All parishes in the diocese have been supplied with a Staff / Volunteer Application Form (B1), which includes a Declaration Form:
- The Kildare and Leighlin Diocese *Safeguarding Children Policy and Procedures* provide clear guidance at 2.12, 3.4 and 3.5 on the proper keeping of parish records, safe recruitment practices and Garda vetting.

Taking each criterion in turn, the following shortcomings were identified in the course of this Review:

- 3.5** While an anti-bullying policy may exist at parish level, it is not part of the current diocesan Policy and Procedures document;
- 3.6** The Diocese of Kildare and Leighlin *Safeguarding Children Policy and Procedures* do contain at 2.11 a Complaints Procedure. This however does not highlight or advocate in any explicit way the opportunity or need on occasions to make confidential complaints of a ‘whistle-blowing’ type;
- 3.8** The grounds on which negative discrimination of any kind is not allowed need to be made explicit in all diocesan child safeguarding materials;
- 3.9** No specific guidelines on permitted intimate care for children with special needs are included in existing diocesan child safeguarding materials;
- 3.12** The diocesan child safeguarding materials need to specifically mention risks in relation to the inappropriate use of mobile phones, email and Internet by children, young people and adults to bully or abuse.

### **Safeguarding Committee**

*(also known in some dioceses as the Child Protection Committee)*

The role of this committee as envisaged in *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* is supportive and developmental. It is not related in any way to the management of individual cases of suspected or alleged abuse.

The roles and duties of the Safeguarding Committee in the Diocese of Kildare and Leighlin - as described in its own review of its 2011 Audit - are:

- to advise on and support the creation and maintenance of safe environments for children in all aspects of Church life and activity
- to advise on the human resources required for implementing best safeguarding practice across services
- to manage the provision of training as required;
- to advise on policies and procedures for the recruitment of volunteers and staff within this particular service area.

As mentioned above, the Diocese of Kildare and Leighlin operated one committee until the end of 2009, which undertook all diocesan child safeguarding business. As it happened, this unitary committee, which was convened by the then bishop in 2005, focused mainly on the activities normally undertaken by the Safeguarding Committee.

The current Safeguarding Committee has been in existence for just over one year and has a membership of nine, seven of whom are lay persons (who between them have a wide range of relevant professional and life experience), along with two priests, who have had for a number of years have had an acting role in coordinating the development of policy and procedures, as well as training. One of these priests chairs the Safeguarding Committee. The committee meets approximately every eight weeks.

The review team met with the full Safeguarding Committee and was impressed by the commitment and energy of its members. This committee has undertaken a diocesan audit in 2011, (the fourth diocesan audit conducted to date) and will use the information provided through that exercise to guide some of its activities in the current year. The audit returns have pointed up two areas where the Safeguarding Committee wants to assist, namely in relation to the provision of guidance and support to parishes around Garda vetting, and the development of a diocesan strategy on training. By its own admission, the Safeguarding Committee believes that the audit tool used in 2011 was not as effective as it might have been, and it has undertaken to improve this for 2012. It might be of assistance in this regard for the committee to review the audit tool contained in the NBSCCCI 2009 *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* (p. 27-34).

The Safeguarding Committee is undertaking the review and revision of the Diocese of Kildare and Leighlin *Safeguarding Children Policy and Procedures* and it is giving priority to this important task.

It is important that the diocese makes a clear appointment of a suitably qualified person to coordinate its child safeguarding activities in line with **Recommendation 3** above.

The 2011 Audit Report produced by the Diocese of Kildare and Leighlin Safeguarding Committee provides evidence of a lot of progress in relation to the protection of children across the parishes of the diocese. As is to be expected, and is the purpose of such exercises to identify, a number of problems are highlighted in the audit report that require attention. None of these are major, but full compliance with diocesan and Church-wide standards will increase the level of safeguarding for children and young people. It is important that all diocesan priests continuously work with their parish representatives and diocesan trainers to rectify any shortcomings as quickly as possible, and that safeguarding children is regularly reviewed at parish council meetings.

#### **Local Parish Safeguarding Representatives:**

The Diocese of Kildare and Leighlin has 104 Local Parish Representatives in place across its 56 parishes. The fieldwork team met with two Local Parish Safeguarding Representatives from two parishes. This was in no way a representative or statistically significant sample of local representatives, but such a meeting provides a flavour of the work being undertaken and the issues being faced at local level. Combined with

the report of the 2011 Audit it is believed that the review had sufficient information available to it in order to reach findings and make recommendations on prevention under Standard 3.

Most parishes in the diocese have two Safeguarding Representatives and some have more than this. However, it appears that in a minority of parishes the appointment and public identification of representatives is still awaited. All appointed representatives have been Garda vetted and all have undertaken accredited Child Safeguarding training. The 2011 Audit report indicates that a maximum of six priests were awaiting training, and these personnel were quickly provided with appropriate scheduled training in 2012.

Garda vetting in the Diocese of Kildare and Leighlin is co-ordinated centrally, where vetting of priests and other diocesan staff takes place. At parish level, it is the parish priests who ensures the completion of the necessary documents and thereafter submits these to the Diocesan Office. It is the diocesan office that liaises directly with the Garda Central Vetting Unit in Thurles. The Safeguarding Committee has identified vetting as an area requiring some clarification through the issuing of guidance to parishes. The review team endorses this decision about the issuing of guidance.

**Recommendation 11:**

**That the Safeguarding Committee keeps Garda Vetting in Kildare and Leighlin Diocese under ongoing review to ensure that a robust system is in place to administer this important child safeguarding process.**

The Diocese of Kildare and Leighlin has convened meetings of its Local Parish Safeguarding Representatives, which is a major undertaking. One of these meetings had a focus on training, while a more recent one featured the 2011 Audit report.

## **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>
<b>4.1</b>	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
<b>4.2</b>	Identified Church personnel are provided with appropriate training for keeping children safe with regular opportunities to update their skills and knowledge.	Met fully
<b>4.3</b>	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
<b>4.4</b>	Training programmes are approved by National Board for Safeguarding Children and updated in line with current legislation, guidance and best practice.	Met fully

The Diocese of Kildare and Leighlin has two trainers, one female and one male, both of whom also have a role in Youth Ministry in the diocese. The trainers were initially trained by the HSE and this experience assisted in the development of excellent working relationships with that organisation. The trainers are now training in the NBSCCCI dedicated Child Safeguarding training course. Despite the good working relationships with HSE personnel, occasional confusion has arisen due to the diocese having to relate to three separate HSE administrative areas, with some slight variation in interpretation and practice related to child safeguarding being encountered between these three areas.

Both trainers spoke about the way in which general anxiety around child safeguarding issues in the diocese has reduced over time due to the impact of training and personnel becoming more confident in their roles. They understand the purposes of training to be the creation of safe environments for children and the development of good practice. The Local Parish Safeguarding Representatives in this diocese have been prepared to undertake reporting of concerns themselves rather than through the Designated Person, while this demonstrates a readiness to embrace responsibility, the designated person also needs to be made aware of the allegation so that any internal processes, in the case of church personnel can take place.

The 2011 Audit has identified a number of diocesan priests who had not received their basic child safeguarding training and this need was addressed as a matter of urgency. This is a good example of the usefulness of ongoing self-audit within a diocese.

Since 2009, 263 child safeguarding personnel in the Diocese of Kildare and Leighlin have received formal Child Safeguarding Training.

Neither of the trainers is a member of the diocesan Safeguarding Committee as it is expected that they link directly with the priest member of that committee who has undertaken a coordinating role in the area of preventative work, including training. It is now time however for all child safeguarding roles and reporting relationships to be reviewed, clarified and formally established in the Diocese of Kildare and Leighlin, in line with **Recommendation 4** above.

In their meeting with the review team, the two trainers sought clarification about reporting responsibilities and about data protection requirements and this information was provided.

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

### **Child Protection Policy Display and Availability**

The 2011 Audit report stated that the following was the situation across the diocese in November 2011 regarding the display and availability of the diocesan child-safeguarding policy:

- Three parishes did not have the policy displayed in the porch of their church.
- Six parishes did not have the policy displayed in their parish halls.
- Nine parishes did not have the policy statement displayed in their church sacristies.
- 'A small number' (not specified) did not have the contact details for An Garda Síochána, HSE, Designated Person or Parish Representative displayed.

The audit report refers to the 'parish statement' rather than the diocesan policy, but what is important is that essential child safeguarding information be universally

available to those who need it in this diocese; and the internal audit identified further work to be done in that regard.

**Recommendation 12:**

**That Monsignor Byrne develops a comprehensive Child Safeguarding Communications Plan, including the use of all appropriate print and electronic media, which will ensure that regular clear and accurate child safeguarding information is made available to children, young people and adults across the diocese.**

Comment and recommendations have already been made under Standard 1 about the excellent diocesan website and under Standard 2 about interagency work with An Garda Síochána and the HSE.

## **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**

<b>Number</b>	<b>Criterion</b>	<b>Met fully or Met partially or Not met</b>
<b>6.1</b>	Church personnel with special responsibilities for keeping children safe have access to specialist advice, support and information on child protection.	Met partially
<b>6.2</b>	Contacts are established at a national and/ or local level with the relevant child protection/ welfare agencies and helplines that can provide information, support and assistance to children and Church personnel.	Met partially
<b>6.3</b>	There is guidance on how to respond to and support a child who is suspected to have been abused whether that abuse is by someone within the Church or in the community, including family members or peers	Met partially
<b>6.4</b>	Information is provided to those who have experienced abuse on how to seek support.	Met fully
<b>6.5</b>	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 partially*

\*support and supervision has been provided, hereafter all those accused of abuse will be offered priest advisers

Being compliant with Standard 6 requires a diocese to be compliant with the standards that precede it, for instance, criteria **6.1**, **6.2** and **6.3** require that a diocese have excellent communications systems that ensure that the correct information is made readily available to all who need it.

Although the Diocese of Kildare and Leighlin has yet to deploy trained Support Persons, in every case dealt with to date, the Designated Person has undertaken this role as part of his response to reports of concerns / allegations.

The Diocese of Kildare and Leighlin has had to deal with four living diocesan priests against whom credible allegations of child sexual abuse had been made. Two of the priests about whom allegations were made are still living. Two other priests were living when allegations were received but are now deceased.

The Advisory panel could have been used more effectively to offer specialist advice on the management of cases, as promoted in **Recommendation 8** above.

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

**Recommendation 4** above, if implemented, will address the matters raised in criterion **7.1**. The Diocese of Kildare and Leighlin now needs to develop and follow a comprehensive and coherent Child Safeguarding Plan. Once in place, such a plan will assist in the coordination of all child safeguarding activities within the diocese and further improvement in how it meets its child safeguarding responsibilities.

This diocese has provided the financial and other resources that are required in child-safeguarding, and the effectiveness of their deployment will increase with improved coordination.

As mentioned earlier, the Safeguarding Committee has undertaken four audits to monitor compliance with the Church standards as set down in *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* and in common with all other dioceses, Kildare and Leighlin has also participated in the ongoing HSE Audit of compliance. Comment has also been made of the external consultancy report on a 2006 Child Protection File Review. It is essential however that problems identified through such monitoring exercises are then addressed. Recommendations about required actions have been made earlier in this review report.

Criterion **7.4** can only be complied with when all parishioners first have the basic child safeguarding information that they need to allow them to participate in consultation in an informed way.

Under the discussion of Standard 2 above, it has been noted that file recording in some cases has been deficient, and recommendations have been made in this regard. The Diocese of Kildare and Leighlin does however ensure the secure and confidential storage of all case records.

## **Recommendations**

- 1. That when the Kildare and Leighlin Diocesan Child Protection Committee's current review of the Diocesan Safeguarding Children Policy and Procedures is completed, Monsignor Byrne will ensure that they are consistent with *Children First, 2011*, and with the HSE guidance document, *Child Protection and Welfare Practice Handbook, 2011*.**
- 2. That Monsignor Byrne appoint a lay Deputy Designated Person to act as an understudy to the current Designated Person for a period of six months and who he would thereafter appoint as Designated Person.**
- 3. That Monsignor Byrne appoints a suitably qualified person to coordinate all child safeguarding activities in the Kildare and Leighlin Diocese.**
- 4. That in the context of the publication of the revised edition of the *Diocesan Safeguarding Children: Policy and Procedures* Monsignor Byrne should convene a Kildare and Leighlin Diocese Child Safeguarding Workshop to be attended by all personnel involved in diocesan child safeguarding activities, at which a five-year diocesan Child Safeguarding Plan would be drawn up. This plan should include the formal appointment of people to key roles with clear remits and systems of accountability.**
- 5. That Monsignor Byrne initiates an audit of all diocesan files in all locations to ensure that the central filing system in the Diocesan Offices contains every document that refers in any way to a child safeguarding concern about a priest.**
- 6. That Monsignor Byrne directs the Diocesan Advisory Panel to ensure that all comments / recommendations of the July 2006 file review report are identified, reviewed and acted upon, as a matter of urgency.**
- 7. That Monsignor Byrne arrange annual meetings between An Garda Síochána, the HSE, the Diocesan Designated Person, the Diocesan Chancellor and himself at which all child safeguarding file material in the possession of the diocese would be shared with the two statutory agencies; and at which an agreed interagency approach to information sharing and case management would be agreed for future use.**
- 8. That Monsignor Byrne supports and assists the Advisory Panel to develop clear Terms of Reference, a clear methodology for its work and a 12-month plan for its activities, to include joint training and development activities for its membership. This panel should meet regularly to build up its identity and sense of cohesion, as well as its expertise. The Advisory Panel should methodically and comprehensively review the management of all cases of clerical child sexual abuse that have been handled by the diocese with a view to addressing all outstanding case management issues.**

- 9. That Monsignor Byrne ensures that the Designated Person is responsible for the presentation of cases to the panel and that he becomes an integral part of the panel, so as to enable fuller assessment and management of risk as required of the Advisory Panel.**
- 10. That Monsignor Byrne appoint two Support Persons for Victims of clerical sexual abuse, one female and one male, and arrange appropriate training for them.**
- 11. That the Safeguarding Committee keeps Garda Vetting in Kildare and Leighlin Diocese under ongoing review to ensure that a robust system is in place to administer this important child safeguarding process.**
- 12. That Monsignor Byrne develops a comprehensive Child Safeguarding Communications Plan, including the use of all appropriate print and electronic media, which will ensure that regular clear and accurate child safeguarding information is made available to children, young people and adults across the diocese.**

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

### **Terms of Reference**

(which should be read in conjunction with the accompanying Notes)

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

## **Accompanying Notes**

### ***Note 1***

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

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

“While definitions of child sexual abuse vary according to context, probably the most useful definition and broadest for the purposes of this report was that which was adopted by the Law Reform Commission in 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”.

### ***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).

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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 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.

**Note 4**

**Random sample:**

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

**Note 5**

**Civil Authorities:**

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