

Private and Confidential

Review of Safeguarding Practice

in the

Diocese of Killala

undertaken by

The National Board for Safeguarding Children in the

Catholic Church in Ireland (NBSCCCI)

**The content of this Report is not to be accessed or shared without the consent
of Bishop Fleming**

Date February 2013

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Background

The National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI) was asked by the Sponsoring Bodies, namely the 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 Killala* 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 Bishop Fleming, along with interviews with selected key personnel who contribute to safeguarding within the Diocese of Killala. The NBSCCCI requested that that all relevant documentation for these cases was passed to the reviewers and Bishop Fleming confirmed that he had submitted all materials available from 1987 when his predecessor Bishop Finnegan was ordained as Bishop of Killala and up to the present time during his own stewardship of the diocese. Bishop Fleming was not able to provide any records dating up to 1987, as no records prior to this date exist.

Bishop Fleming was ordained as Bishop of Killala in 2002.

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

Introduction

At the request of Bishop Fleming, staff from the NBSCCCI engaged in a review of safeguarding children policy and practice in the Diocese of Killala on February 5th and 6th 2013. Over the one and a half day fieldwork period, case files were examined, interviews with key personnel in the diocesan Safeguarding structure took place, and the safeguarding committee. A detailed interview was also held An Garda Siochana and a telephone conversation with the senior manager in the Health Service Executive.

The fieldwork team acknowledge the kind assistance and cooperation provided by Bishop Fleming and the diocesan safeguarding personnel with the Review process. The reviewers were made welcome and received generous hospitality during their visit to the diocese and are very grateful for this.

Killala Diocese is part of the Tuam metropolitan area in the west of Ireland. There are 22 parishes in the diocese which spans a large geographical area of 100 miles in length and covers parts of County Mayo and Sligo. Within the diocese there are a small number of retired brothers and sisters from the religious communities of Marist Brothers, Sisters of Mercy and Sisters of Jesus and Mary. Previously these religious held roles in Education and in Health and Social care. Currently none hold any ministry in the Diocese of Killala. There are a number of retired priests also living in the diocese. Bishop Fleming advised that if a priest retires to his diocese he requires and receives a letter from the home diocese to state that the priest is in good standing. During the fieldwork Bishop Fleming stated that he has not been informed of any retired priests against whom allegations of abuse have been made. Immediately following the fieldwork, he received such a notification from a third party and sought to establish the validity of this information. The purpose of having information about concerns related to retired priests and religious is to ensure that they have no public ministry and as a consequence access to children through church activities.

As already stated Killala Diocese is small, having 22 parishes. This has meant that most safeguarding activities are managed effectively from the diocesan office. Bishop Fleming takes a very proactive leadership role and personally directs almost all related operations himself alongside relevant personnel in the safeguarding structure, including the creation of policy and procedures, case management and audit. It was very apparent to the reviewers that the personal involvement of Bishop Fleming has had a very positive impact on safeguarding and he deservedly receives much praise from staff and volunteers about his commitment to safeguarding children.

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 in Killala Diocese 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 between Bishop Fleming and NBSCCCI, 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 Bishop Fleming.

The process involved the fieldwork team reading all case management records of living priests who are incardinated into the Diocese of Killala and against whom a child safeguarding allegation had been made or about whom a concern had been raised. The reviewers also read a case file relating to a deceased priest. In addition, interviews were held with Bishop Fleming, three Designated Persons and the members of the Safeguarding Committee, two Parish Safeguarding Representatives and two Priest Advisors.

Interviews were also held with a superintendent in An Garda Síochána and discussion by phone with a senior manager in HSE Child and Family Services.

The final part of the review was an assessment of the Killala Diocesan Safeguarding 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.

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's *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*. This guidance was launched in February 2009 and was endorsed and adopted by all the Church authorities that minister on the island of Ireland, including the Diocese of Killala. 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 Killala Diocese meets the requirements of all nine criteria against which the standard is measured.

Criteria

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

Within the requirements of 1.6, the priests who have been accused of child abuse do not have written management plans to date as the credibility of the allegations are still to be determined. They have however regular support from their advisers and regular contact

with Bishop Fleming: Bishop Fleming stated that monitoring takes place through these contacts.

Killala Diocesan child protection policy and procedures were produced in 2005, 2007, 2009, 2011 and are due for review this year. The safeguarding committee have developed plans to begin the review process, taking into account planned legislative changes in terms of children first and vetting.

Recommendation 1:

Bishop Fleming needs to ensure that the Killala Diocesan Safeguarding Committee considers and includes any new legislative changes under *Children First, Vetting Bill* and the *Criminal Justice Act* in their revision of the Diocesan Safeguarding Children Policy and Procedures. In addition the Committee should continue to take cognizance of all the requirements identified in *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*.

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 Killala Diocese meets the requirements of all seven criteria against which the standard is measured.

Criteria

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

* This is being reviewed as part of the revision of the Diocesan Policy and Procedures

Table 1

Incidence of Safeguarding allegations received within Killala Diocese from 1st January 1975 up to February 2013.

Incidence of safeguarding allegations received within Killala Diocese against priests, from 1st January 1975 up to time of review.

Name of Diocese : Killala		
1	Number of Diocesan priests against whom allegations have been made since the 1 st January 1975 up to the date of the Review.	3
2	Total number of allegations received by the Diocese since 1 st January, 1975	4
3	Number of allegations reported to An Garda Síochána involving priests since 1 st January 1975.	3
4	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 st January 1975.	1
5	Number of priests (still members of the Diocese) against whom an allegation was made and who were living at the date of the review.	2
6	Number of priests against whom an allegation was made and who are deceased.	1
7	Number of priests against whom an allegation has been made and who are in ministry.	1
8	Number of priests against whom an allegation was made and who are “Out of Ministry, but are still members of the Diocese”.	1
9	Number of priests against whom an allegation was made and who are retired	0
10	Number of priests against whom an allegation was made and who have left the Diocese/ priesthood.	0
11	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 st January 1975.	0

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

The Diocese of Killala is different from other dioceses and religious orders reviewed by NBSCCCI to date, in that it has received very few allegations of child abuse. In total there were three allegations received, one anonymous against a deceased priest and two against living priests. The reviewers were keen to ascertain whether information about making a concern is widely disseminated across the dioceses and further afield and were very satisfied that information is displayed on the diocesan website, diocesan newsletters, Church porches, parish bulletins and on diocesan leaflets. In addition prior to NBSCCCI review, Bishop Fleming posted a notice on the diocesan website advising of the review and inviting complainants to come forward. The reviewers concluded that complainants have the same opportunities as in other dioceses to raise their concerns about child abuse by a priest in the Diocese of Killala.

In reviewing the two allegations received against living priests it was noted prompt reporting to both the An Garda Síochána and HSE by the diocese in one case and in the other case the information was forwarded to the diocese by the HSE. The diocese thereafter promptly reported the matter to the An Garda Síochána. There has been considerable consultation with both agencies on the management of the allegations.

There are three designated people in the Diocese of Killala, one a priest, one a lay woman and one a lay man. Bishop Fleming wanted complainants to have the opportunity to choose between a cleric and a lay person and to have a choice of gender. The priest designated person took up his role in 1999 under the previous bishop, Bishop Finnegan. He stated that there were no cases until 2006 when he received an anonymous letter regarding a deceased priest. He passed all information onto An Garda Síochána and HSE. The second case he received was in 2009. He states that he works closely with the lay male designated person, who is also the Director of Safeguarding. The female designated person was appointed in 2010 and has not as yet become involved in managing allegations. The designated people meet on a very regular basis with Bishop Fleming to ensure that all information is shared and that action is pursued in relation to the allegations received.

Until the last year the designated people joined Bishop Fleming for interagency meetings with the HSE Child Care Manager and the local Garda Superintendent. It appears that these meetings which were initiated following the *Ferns Inquiry Report* were very positive, allowed for exchange of information on an anonymous basis and enabled support and direction on case management. The meetings ceased when the Child Care Manager was taken ill. The recently appointed senior HSE manager has not joined the meetings or had much contact with the diocese and is currently seeking advice from the Head of the Child and Family Support Agency on the role and function of interagency meetings. There are however very clear written terms of reference prepared by the previous interagency group that included the Garda superintendent, the HSE manager and Bishop Fleming.

The reviewers met the Garda superintendent who stated that he has a very open and honest working relationship with Bishop Fleming and the designated people. He has worked locally for over 15 years and worked alongside Bishop Finnegan prior to the

current bishop. He stated that he has absolute confidence in the diocese notifying An Garda Síochána about allegations of abuse and went on to explain the internal process for managing allegations. This involves the convening of a case conference with colleagues in An Garda Síochána. He refers all cases to the Director of Public Prosecution irrespective of whether a complainant has made a statement directly to An Garda Síochána or not. This allows for an independent review of all cases and ensures accountability within An Garda Síochána. The superintendent also advised the reviewers of the professional standards audits undertaken internally, where files are inspected to ensure that all Garda investigations are processed fairly. Within the division, An Garda Síochána have developed specially trained female officers who manage child abuse cases. The superintendent does not believe there are any barriers within Killala to people coming forward with allegations of child abuse, either to the diocese or to An Garda Síochána.

The case files are easy to read set out in chronological order containing relevant information and enabling a clear assessment of how and why actions were taken by Bishop Fleming. There are some examples of good practice noted here, not seen in other dioceses. For the first time, the reviewers saw a canonical decree signed by the bishop restricting a priest from ministry. In other dioceses and religious orders, reviewers saw precepts and references in letters to decrees, but this was the first occasion of the reviewers reading a decree under canon law. Bishop Fleming is a canon lawyer and his training was much in evidence in his practice.

Another example of good practice was an initial risk assessment carried out by Bishop Fleming himself on the respondent of the allegation. In both cases he identified the risks and protective factors presented by the respondent priest and this enabled him to decide on appropriate restrictions on ministry. This practice does not take the place of or should not interfere with any risk assessment conducted by the civil authorities or external agencies but is an extremely useful first evaluation which guides action in the early days following receipt of an allegation.

It is not possible to detail any information regarding the two complaints received within this review without breaching data protection, but the reviewers would like to draw attention to legal precedent which was set in one case in Killala which is relevant for practice across the Church. This relates to disclosure of the identity of the complainant to the respondent priest. In this example the HSE had determined that the complainant's identity should not be shared with the diocese or the accused priest. In fact the HSE only shared the identity of the complainant with the bishop two months following the initial receipt of the allegation and would not allow him to share this information with the accused priest. For the diocese and of course the priest, this led to serious questions about natural justice and his right to defend himself. Bishop Fleming was in the most difficult position of having to take protective action by considering removing the priest from ministry without being able to share with him the full details of the complaint. The matter was brought to the High Court by the priest's legal representatives and the HSE position was rejected.

As part of the review, the reviewers met two priest advisors who impressed them greatly by their compassion, integrity and commitment to the task given to them. They both carried out their roles with sensitivity and concern. It was clear however that their needs for their own support require further consideration. Contact by the priest advisors and Bishop Fleming with priests against whom allegations have been made is regular and forms part of the monitoring arrangements. There are no formal monitoring plans in place in either case as risk has not as yet been proven.

The complainants known to the diocese were offered support people to walk their journey with them, in addition to counselling. They chose not to accept the support but maintain an open dialogue with the designated person and Bishop Fleming. The reviewers believe that communication from the diocese has been appropriate and has taken into consideration the needs of the complainants in question.

Until 18 months ago Bishop Fleming accessed a local diocesan Advisory Panel that he had put in place. More recently he has joined the National Case Management Group (NCMRG) and has sought advice from that group. It is Bishop Fleming's intention to continue his membership of the NCMRG, but to maintain his Advisory Panel for local issues. Given that approach the reviewers did not meet the Killala Diocesan Advisory panel as part of this review. The reviewers did examine the file containing the written advice offered by the Advisory Panel and believe that it was comprehensive and appropriate.

In the limited experience of receiving and managing allegations of child abuse Bishop Fleming and his designated people have demonstrated an awareness of the need to refer promptly to the civil authorities, respond compassionately to the complainants, and safeguard against outstanding risk.

External factors have not allowed Bishop Fleming to process matters canonically and that has created a lacuna, in one case for almost three years.

Recommendation 2:

Once a decision has been made by the Director of Public Prosecutions then Bishop Fleming should set a timeframe for initiation of preliminary canonical investigations as appropriate.

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 Killala 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

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

Criteria – Codes of behaviour

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

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

Criteria – Operating safe activities for children

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

The Policy and Procedures document for the diocese which sets out all requirements for working safely with children are in the process of being reviewed. The reviewers met the Safeguarding Committee which is chaired by a lay person and is supported by the diocesan trainers, director of safeguarding, designated person and Bishop Fleming. This committee was established in 2006 and while there have been personnel changes it has consistently operated since then. The panel meet every two months and see their role as supporting the diocese in their safeguarding plan through the development of policies and procedures and training.

In addition members of this group sit on a Tuam Archdiocese inter diocesan safeguarding group. This inter diocesan group is in the process of developing a common framework for policy and procedures across the Metropolitan area. NBSCCCI applaud this approach to having a Metropolitan policy and procedure for safeguarding children.

The safeguarding committee have produced annual newsletters and ensure that information in relation to safeguarding and on how to make a complaint are detailed in parish bulletins.

The committee see themselves as child focused and identify their tasks as supporting the creation of safe environments and creating awareness of safeguarding. They communicate through deaneries (three in the diocese) and from time to time individuals from the committee are invited to speak to parish groups on safeguarding matters.

In terms of the creation of safe environments the committee and safeguarding representatives are responsible for ensuring that there are notices relating to safeguarding in Church porches, that the codes of behaviour for both adults and children are understood and adhered to, that appropriate adult – children supervision ratios are achieved and that the sacristy registers are maintained. In addition Bishop Fleming checks the registers on his regular visits to the churches and parishes as well as checking that the notices on safeguarding are up to date and visible.

Killala Diocese has their own comprehensive vetting procedure which reflects all steps required and has a vetting appeals process. However the practice of vetting is centralised through the inter-diocesan vetting office in Galway, following initial processing of applications through the local parish priest and then through the diocesan office.

The reviewers met two parish safeguarding representatives, one who is also a trainer and sits on the safeguarding committee and another who was interviewed separately. Both representatives have considerable experience in working with children and have a good awareness of all aspects of safeguarding and their role in keeping children safe within the church context.

It was interesting to note that among the considerable correspondence from Bishop Fleming to parish priests about all requirements under safeguarding, were letters about the role of the priest on boards of managements of schools and their obligations around safeguarding. Although schools do not come under the remit of NBSCCCI, the National Office regularly gets contacted by parents seeking advice about the role of the priest as chair of the board of management of a school. This was the first time the reviewers read written comprehensive advice by a Bishop to his priests who assume the responsibilities as chairs of boards of management of schools. Bishop Fleming is to be commended for this inclusive approach.

Bishop Fleming and the safeguarding committee have undertaken two audits of practice across the diocese. It was clear to the reviewers that this is not simply a paper exercise but a practical exercise which involves Bishop Fleming visiting parishes and checking that all diocesan safeguarding requirements are in place. In 2012 Bishop Fleming wrote a report on his findings and forwarded these to the NBSCCCI. Again this practice differs from annual returns received from other Church Authorities as it goes beyond just returning a template form to presenting an analysis of the findings. This demonstrates that Bishop Fleming accepts full responsibility for the audit and for reporting progress in his diocese.

HSE have also completed an audit within the diocese as part of its national audit. The findings of the HSE report are that all criteria under the standards have been met and that all allegations have been notified to the civil authorities. HSE notes a delay of one month in the diocese reporting one allegation. It also references difficulties experienced by the diocesan personnel in arranging a discussion with the HSE to assist in establishing whether the threshold of reasonable grounds for concern had been met.

Standard 4

Training and Education

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

Criteria

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

Training within Killala Diocese has traditionally been undertaken with the support of HSE. The two previous trainers delivered *Keeping Safe* training and were accredited by HSE. They have been delivering training since 2007. More recently Bishop Fleming appointed a priest to become a trainer and he has been trained, assessed and registered as a trainer with NBSCCCI. In addition to delivering training for parish representatives, priests and other safeguarding personnel at deanery level, the trainers have addressed groups working with children and vulnerable adults, including Lourdes Pilgrimage groups to ensure an awareness of safeguarding.

There is a requirement that NBSCCCI registered trainers complete an annual return of all safeguarding training delivered along with an evaluation of the training. There is a further requirement for all training to be delivered by two trainers. Given that there is only one registered trainer in Killala, Bishop Fleming should consider proposing a female trainer to be trained and registered with NBSCCI as a trainer for the diocese or alternatively making a formal arrangement to co train with a female registered trainer from a nearby diocese.

Recommendation 3:

Bishop Fleming should continue to review the training needs in the diocese and develop a suitable arrangement whereby there are two trainers delivering the NBSCCCI training modules within the Diocese of Killala.

Standard 5

Communicating the Church’s Safeguarding Message

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

Criteria

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

Communication is well developed within the diocese. They have a written communications policy setting what should be communicated, where and by whom. The very recently updated website has full information about the diocesan policy and procedures, how to make a complaint and details all the forms and information leaflets. In addition the diocese has produced an annual safeguarding newsletter for the past three years and regularly puts notices in parish bulletins about safeguarding. The safeguarding personnel and priests meet with Bishop Fleming in deaneries to discuss and update on safeguarding.

The diocesan communication policy recognises the need to regularly update information and seek feedback from adults and children on its safeguarding policy and procedures. The reviewers commend this approach.

Standard 6

Access to Advice and Support

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

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

Criteria

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

Bishop Fleming and his case management team have good working relationships with colleagues in statutory services. They consult appropriately with these professional safeguarding people and also consult with NBSCCCI, canon lawyers, civil lawyers and psychological experts as required.

All complainants are offered support services by way of a support person and counselling. These services have not been taken up but contact is maintained with complainants through the director of safeguarding who is also a designated person. Bishop Fleming himself has had personal contact with complainants.

The two priest advisors have already been referenced as competent compassionate men who offer considerable support to respondents.

Specialist assessments have not been required to date as cases received have not met the threshold for risk management plans.

There have been delays as already noted in processing canonical investigations. The reviewers accept that the delays are outside the control of Bishop Fleming but believe that the delays have created unjust situations for respondent priests. We would urge Bishop Fleming to take action to progress any outstanding investigations as soon as possible.

Recommendation 4:

Bishop Fleming should consult with a canon lawyer to identify if canonical action can be pursued in relation to any outstanding cases.

Standard 7

Implementing and Monitoring Standards

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

Criteria

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

** The safeguarding Committee are in the process of drafting a three year plan*

Killala Diocese has had policies and procedures on safeguarding since 2005. These were reviewed in 2007, in 2009 and again in 2011. The safeguarding committee have initiated a process of review during 2013.

In addition Bishop Fleming, the safeguarding director and two of the trainers have proactively visited parishes to raise awareness of safeguarding and ensure compliance against diocesan policy and procedures. The diocese has completed two annual audits and made corrective action where necessary.

Safeguarding is a very important topic in the diocese and a very alive issue at all levels.

NBSCCI would like to commend Bishop Fleming and his team for their very proactive work and for their constant vigilance on all safeguarding matters. The diocese deserves credit for all that they have done to make church environments safe for children and for the open and active responses to managing allegations of abuse.

Recommendations

Recommendation 1:

Bishop Fleming needs to ensure that the Killala Diocesan Safeguarding Committee considers and includes any new legislative changes under *Children First, Vetting Bill* and the *Criminal Justice Act* in their revision of the Diocesan Safeguarding Children Policy and Procedures. In addition the Committee should continue to take cognizance of all the requirements identified in *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*.

Recommendation 2:

Once a decision has been made by the Director of Public Prosecutions then Bishop Fleming should set a timeframe for initiation of preliminary canonical investigations as appropriate.

Recommendation 3:

Bishop Fleming should continue to review the training needs in the diocese and develop a suitable arrangement whereby there are two trainers delivering the NBSCCCI training modules within the Diocese of Killala.

Recommendation 4:

Bishop Fleming should consult with a canon lawyer to identify if canonical action can be pursued in relation to any outstanding cases.

Review of Safeguarding in the Catholic Church in Ireland

Terms of Reference

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

1. To ascertain the full extent of all complaints or allegations, knowledge, suspicions or concerns of child sexual abuse, made to the Diocese by individuals or by the Civil Authorities in the period 1st January 1975 to 1st June 2010, against Catholic clergy and/or religious still living and who are ministering/or who once ministered under the aegis of the Diocese and examine/review and report on the nature of the response on the part of the Diocese.

2. If deemed relevant, select a random sample of complaints or allegations, knowledge, suspicions or concerns of child sexual abuse, made to the Diocese by individuals or by the Civil Authorities in the period 1st January 1975 to 1st June 2010, against Catholic clergy and/or religious now deceased and who ministered under the aegis of the Diocese and examine/review and report on the nature of the response on the part of the Diocese.

3. To ascertain all of the cases during the relevant period in which the Diocese:
 - knew of child sexual abuse involving Catholic clergy and/or religious still living and including those clergy and/or religious visiting, studying and/or retired;
 - had strong and clear suspicion of child sexual abuse; or
 - had reasonable concern;and examine/review and report on the nature of the response on the part of the Diocese.

4. To consider and report on the following matters:
 - Child safeguarding policies and guidance materials currently in use in the Diocese and an evaluation of their application;
 - Communication by the Diocese with the Civil Authorities;
 - Current risks and their management.

Accompanying Notes

Note 1

Definition of Child Sexual Abuse:

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

“While definitions of child sexual abuse vary according to context, probably the most useful definition and broadest for the purposes of this Report was that which was adopted by the Law Reform Commission in 1990¹ 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.

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

Note 2 Definition of Allegation:

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

Note 3 False Allegations:

The National Board for Safeguarding Children in the Catholic Church in Ireland wishes to examine any cases of false allegation so as to review the management of the complaint by the Diocese.

Note 4 Random sample:

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

Note 5 Civil Authorities:

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