

Newsletter



Latest News from the National Office for Safeguarding
Children in the Catholic Church in Ireland

June 2019

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Introduction

As we enter the summer period it is helpful to look back over the work undertaken during the last few months and set out our training and other plans for the next quarter. We are also just about to produce the National Board's annual report which charts our work over the past twelve months. To access the annual report log onto <https://www.safeguarding.ie/publications> after the 18th of June.

In May 2019, Pope Francis issued a Motu Proprio, "Vos estis lux mundi" ("You are the light of the world")- which establishes new procedures for the worldwide Church for reporting abuse of children and vulnerable adults as well as abuse of authority by ordinaries. The Apostolic Letter states that Bishops and Religious Superiors must be held accountable for their actions. There is a critique of "Vos estis lux mundi" by the National Board below.

Details relating to our work on the following matters are referenced in the Newsletter below.

- GDPR and Information Sharing; and MOUs and Data Processing Deeds
- National Board's data destruction process
- Apostolic Letter – "Vos estis lux mundi"
- Reviews of child safeguarding practice- second phase
- Training
- Guidance Updates
- Anglophone Conference 2019
- Legislative changes – Republic of Ireland and Northern Ireland
- Practice Issues-Tusla Child Safeguarding Statements

GDPR, Information Sharing, MOUs and Deeds

The National Board has engaged with the Data Commissioner's office in ROI and the Information Commissioner's Office in Northern Ireland to clarify our position as a data processor. In relation to four of the five services that we offer, our consultations have confirmed that the National Board acts as a data processor in the following situations:

1. Offering advice to Church authorities on case management issues by members of National Board staff
2. Advice offered by the National Case Management Committee (NCMC) to Church authorities
3. Practical assistance to Church authorities with organising case records
4. Reviews of child safeguarding practice, as commissioned by Church authorities

In all four situations, the data controller (Church authority) requests the service from the National Board; determines what information to share with the National Board; and determines whether or not to accept the advice/service from the National Board. Throughout the service relationship, the Church authority controls the data; and the National Board maintains records only as evidence of its advice and of the product of its work. The fifth service provided by the National Board relates to ensuring compliance with both legislative and new Church obligations around the notification of allegations, and the management of risk. As things stand, the National Board cannot access any identifying information; and it will not retain a record beyond the annual reporting period. If identifying information were to be shared with and used by the National Board, these actions would make the National Board a data controller. This legal restriction means that the National Board cannot use information provided to it for case management monitoring purposes. The anonymised information that is shared by the National Board is for statistical reporting purposes only.

The National Board is actively engaged with AMRI, the Irish Bishops' Conference and with statutory bodies to establish whether there is support for seeking a legal footing for the National Board to process notification information regarding allegations, beyond the current arrangement.

In the meantime, the National Board is issuing, on a case by case basis, Memorandums of Understanding (MOUs) and Data Processing Deeds when a request for services is received from a Church authority.

If you wish to access any of the services listed above, and if you wish to enter into a MOU and Data Processing Deed with the National Board, can you please contact Imelda Ashe at imeldaashe@safeguarding.ie who can forward the appropriate document(s).

National Board's Data Destruction Process

In line with the National Board's record retention policy, the process of assessing what data is due for destruction is well underway. All notification information received by the National Board since the Board's inception (apart from notification information on which we have offered advice) will be destroyed following consultation with the relevant data controller. Thereafter, all notification information will be destroyed annually upon completion of the National Board's Annual Report.

Vos Estis Lux Mundi

The National Board for Safeguarding Children in the Catholic Church in Ireland welcomes the Motu Proprio of the Holy Father Pope Francis. We acknowledge its publication as a major step by Pope Francis to address the abuse of children and vulnerable people by clerics and religious, as well as the abuse of other adults by forcing them to perform or submit to sexual acts through the abusive use of authority in the Church.

It clearly is a challenge for the Holy Father to set universal standards in the context of a range of cultures and norms across the world. Pope Francis makes it clear that allegations of abuse of children and vulnerable adults, and the abuse of authority must be reported and addressed.

Reporting requirements are well understood in the Catholic Church in Ireland. We have had mandatory reporting of allegations in the Church for some time; and in civil law, it is now a legal requirement that all allegations, suspicions and concerns are notified to the police and social services.

The remit of the National Board extends only to safeguarding children: However, Church bodies will also need to consider how to ensure compliance with other aspects of “Vos estis lux mundi” which comes into force from June 2019.

For our part, the National Board has reviewed the Apostolic Letter and will now make the changes required to National Board Guidance. To access a copy of the National Board’s critique of the Apostolic Letter, please contact Imelda Ashe at imeldaashe@safeguarding.ie

Review Methodology and Timetable for Reviews

Four independent reviewers have been selected following interviews which took place in February. The National Board would like to thank Bishop Eamon Walsh (IEC) and Sister Geraldine Fitzpatrick (AMRI) for their assistance with the selection process. The training of reviewers will be completed by the end of June.

The Review Methodology is available on the National Board’s website on Page 46 at <https://www.safeguarding.ie/images/Pdfs/Standards/Standard%207.pdf> .

**Invitations to conduct a Review should be submitted in
by letter from a Church authority to Teresa Devlin, CEO
NBSCCCI, New House St.Patrick’s College, Maynooth.**

Training and Support Strategy

The new Training and Support Strategy is now complete, thank you to all of those who submitted their views, which have been used to create this new strategy. The strategy will be available soon on www.safegaurding.ie.

Training Events

Since the last newsletter the following national training events have taken place:

- **Training for Lay Apostolates**- This training was for those national or local lay apostolates, who are ministering with children in Ireland and wish to follow the Church's child safeguarding policy 'Safeguarding Children, Policy and Standards 2016'. The aim of this course was to:
 - Familiarise participants with the requirements of the Church's safeguarding children policy and standards
 - Update participants on the legislative developments in relation to safeguarding children
 - Outline the governance requirements in relation to safeguarding children
 - Outline proposals to formalise the relationship between lay apostolates and the NBSCCCI.

If requested the National Board will facilitate a further training event for national lay apostolates later in the year.

- **Care and Support for Church personnel** - This training day was specifically focused on the support aspect of Standard 5 of the Child Safeguarding Policy. The day included presentations on:
 - Care and support for Church authorities when an allegation has been received about one of their members.
 - Care and support for parish and religious communities when an allegation has been received about one of their members.
 - Care and support for members of religious communities when living with a member who has been accused.

The presentations whilst focused on care and support covered aspects of case management, data protection and information sharing.

- **Child Safeguarding International Missionary Work**- This course was previously facilitated in May 2018, and following requests from Church personnel it was presented again at the beginning of June 2019. This course aimed to influence good child safeguarding practice amongst Irish missionaries who engage with children in an international context, to ensure that anywhere that Irish missionaries minister to children, that the safety and wellbeing of children will be prioritised and promoted. Resources available as part of this course included guidance on writing international safeguarding policies with accompanying templates.

Forthcoming Training

- **18/09/2019**- Trainers update day – This day will be dedicated to sharing with trainers the new updates to the training manual, and taking any feedback to assist with the redevelopment of the training manual.
- **19/10/2019**-Trainers update day (additional date) - This day has been offered as an alternative to allow trainers to attend at the weekend as opposed to during the week.
- **Date to be confirmed** - Child Safeguarding Statement Compliance- This day will include a presentation by Tusla's head of Compliance Unit, and will focus specifically on changes required to Child Safeguarding Statements for those Church bodies that have ministry with children in the Republic of Ireland.
- **Dates to be Confirmed** - Meetings in the four ecclesiastical provincial areas of Ireland for all Church personnel.

Update to the Training Manual

Following an email sent out to all Church personnel in relation to the new Training and Support Strategy, it was decided to revise and update the training manual. A working group made up of representatives from religious and diocesan trainers will meet during the summer to work with the Director of Training and Support to revise the manual. Following this work, a draft of the manual will be presented to all trainers at the annual update sessions in September and October. These sessions will assist with refining the manual further, before the final version is completed for early 2020.

Anglophone Child Safeguarding Conference 2019

The Bishops Conferences of Ireland and New Zealand are hosting the Anglophone Conference between July 1st and 5th, 2019 in the Pontifical Irish College, Rome and the University of Notre Dame Rome Global Gateway Centre. The theme of the Conference is Child Safeguarding Formation. Speakers will present on a range of practical and theoretical perspectives from Ireland and New Zealand.

Guidance Updates

There have been no guidance updates since the last newsletter

Changes to Legislation- Republic of Ireland

A new law criminalizing serious offences committed abroad by Irish citizens or residents came into effect at the end of April 2019. Under the Act, Irish citizens who commit serious offences abroad such as rape, murder, sexual assault and manslaughter, will be liable to be prosecuted under Irish law. The passing of the Criminal Law (Extraterritorial Jurisdiction) Act enables Ireland to ratify the Istanbul Convention on combatting violence against women.

This has relevance for any alleged abusive behaviour committed by Irish priests and religious ministering overseas. The practice that has been established in Ireland with the Garda Síochána Sexual Crimes Management unit is that all allegations against Irish priests and religious, irrespective of the location of the alleged offence should be reported to the An Garda Síochána (or PSNI.). They will then determine whether to investigate. The current legislation provides a legal basis for An Garda Síochána's investigation and subsequent prosecution.

Extra Territorial Jurisdiction- Northern Ireland

Northern Ireland, in line with the other parts of the UK, has a number of pieces of legislation to be used in similar circumstances to the new legislation in the Republic of Ireland, depending on the crime committed abroad and the status of the person who has committed that crime.

In relation to sexual offences committed against those under 18, the Sexual Offences (Northern Ireland Order 2008) provides for extra-territorial jurisdiction in Northern Ireland in respect of acts done by UK nationals outside the UK, and by non-UK nationals resident in Northern Ireland if the acts would constitute a sexual offence if done in Northern Ireland.



Child Safeguarding Statements



THE NATIONAL BOARD FOR
SAFEGUARDING CHILDREN
IN THE CATHOLIC CHURCH IN IRELAND



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Church bodies that have ministry with children (Table 1 of Safeguarding Children Policy and Standards for the Catholic Church in Ireland 2016) in the Republic of Ireland are categorised as providing relevant services, as defined in Schedule 1 of the Children First Act 2015.

As a relevant service provider, each Church body that has ministry with children must produce a Child Safeguarding Statement. This is a written statement that specifies the service being provided and the principles and procedures that are to be observed, to ensure that, as far as practicable, a child availing of the service is safe from harm.

To assist Church bodies with the production of their Child Safeguarding Statement, the National Board has developed draft guidance in line with the Tusla requirements. This new guidance will recommend that the Child Safeguarding Statement should be drafted in such a way that it provides an overview of the measures that the Church body has in place to ensure that children are protected from harm. It may also refer to more detailed procedures which can be made available on request.

In our discussion with the Director of Tusla's Compliance Unit it was clear that Tusla are considering how to make Child Safeguarding Statements more relevant and usable as guides to practice. In a Church context, the purpose of the statement is that anyone ministering with children will have localised appropriate safeguards in place which have identified and mitigated risk. These would be in addition to the more generic child safeguarding policy and procedures that are in place.

To assist with the need for Child Safeguarding Statement to include very specific local risks, the National Board is in the process of revising its guidance to enable each relevant Church body to identify and take account of the specific risks that arise in its ministry. When completed, we will check the revised guidance with Tusla before issuing it to Church bodies.

Later in 2019 the National Board will host a training event on Child Safeguarding Statements, and we will invite a representative from Tusla to participate in order to clarify the expectations of that agency around compliance.



THE NATIONAL BOARD FOR
SAFEGUARDING CHILDREN
IN THE CATHOLIC CHURCH IN IRELAND

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