

Review of Safeguarding in the Catholic Church in Ireland

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

Small Religious Congregations

Introduction

In order for the National Board to be able to state that all Church Authorities on the island of Ireland have been evaluated in respect of their child safeguarding policies and practices, both historical and current, then some form of appropriate assessment has to be conducted of every one of these. It is rational however that the form of assessment is tailored to the profile of each Church Authority, and that needless expenditure of resources and unnecessary interference in the life of religious orders and communities that have no children-specific ministry would be avoided.

This Review seeks to examine the current arrangements for safeguarding children across small Religious Congregations /Orders, and Missionary Societies in Ireland who have limited or no direct contact with children as part of the Congregations ministry.

It would also scrutinize practice within all known cases to ensure that they have been responded to appropriately.

The review's methodology is an adaptation of the methodology developed for all Dioceses and large religious congregations and missionary societies, where the ministry involves regular contact with children.

The proposed Review would consider the following:-

- (a) Former role with children
- (b) Allegations of child abuse against members and how these have been responded to
- (c) Existing relationships with statutory authorities such as the HSE, Gardai in the Republic and the HSCT or PSNI in Northern Ireland.
- (d) Policies in place and being applied for safeguarding children
- (e) Roles and responsibilities and where they exist the operation of Advisory Panels, and Safeguarding Committees

The objective of the Review would be to confirm if there have been any allegations and how known allegations have been responded to; in addition the review seeks to confirm what the current arrangements for safeguarding children are. In particular, emphasis will be placed on establishing how policies and practice matches up to the standards set down in the Safeguarding Children Guidance published by the National Board for Safeguarding Children in the Catholic Church launched in February 2009. Priority, at all times, will be given to how policy and practice can be improved and strengthened. If policies and/or practices are identified that are concerning, inadequate, or dangerous, they will be addressed through the provision of guidance and support, and through the reporting of these situations to the appropriate statutory authorities, if this has not already happened. Similarly, those that are good examples will be highlighted with a view to them being adopted comprehensively across all parts of the Church. All cases that relate to alleged or known offenders that are alive will be read and included in the Review. In cases where the alleged or known offender

is deceased, these will be sampled in an attempt to gather learning from them that will be used to inform the framing of recommendations.

Guidance Documents

The Review will be guided by the following:-

- (a) Safeguarding Children: Standards and Guidance;
- (b) Children First Guidance in ROI; and Regional Child Protection Guidelines in Northern Ireland;
- (c) Legislation that exists in each jurisdiction which contributes to safeguarding children and young people.

The Review will be undertaken by the National Board for Safeguarding Children through their National Office and led by the Chief Executive Officer.

The Review process will be overseen by a **Reference Group** to whom the CEO will report on a regular basis. The membership of this **Reference Group** has been drawn from each of the statutory child protection agencies in both jurisdictions, along with eminent individuals in the field from academia. The current Reference Group consists of : Dr Helen Buckley (TCD); Mr Paul Harrison (Tusla), and John Toner (SBNI).

It is important to confirm that the value of the Review is dependent upon full and complete access to all relevant documentation and information relating to the abuse of children known to the individual Church authorities. The Review will proceed on the basis that willingness exists on the part of each of the subjects of the Review to provide full access to the fieldwork team, subject, where relevant, to the terms of the Data Processing Deed agreed between the Sponsoring Bodies and entered into between the parties hereto.

Step Guide to the Review Process

Step 1.

A letter of invitation to review is sent by the Provincial/Regional Superior or other person responsible for the Congregation/ Order or Missionary Society (hereinafter referred to as ‘the Ordinary’).

Step 2.

The CEO will forward a survey to the provincial which will identify:

- Current number of members
- Past role with children
- Current role with children
- Total number of allegations received up to 2014
- Number of living members against whom there are allegations

Step 3.

For any Order where there have been allegations a full review will proceed, as per step 4 - 23. For those Orders where there have been no known allegations a desk top examination of policies and procedures will take place followed by a site visit to interview all relevant personnel within the safeguarding structure. For these orders **step 5 and 13-23** will apply.

Step 4.

The CEO and Ordinary will confirm the dates for the fieldwork for the Review, and names of the fieldwork team.

Step 5.

The Church Authority will be asked to make available all of the case files and related documentation in respect of any safeguarding concerns that have been identified within the diocese. The Church Authority will make available a room with wireless internet access for the reviewers to conduct their review of files, so that any records made by the reviewers can be directly typed and stored onto a secure server which is only accessed by the reviewers. In the absence of internet access the reviewers will type their notes onto a secure encrypted usb stick for later uploading onto the secure server.

Step 6.

The Church Authority will be requested to sign the revised Data Processing Deed prior to the arrival of the team.

Step 7.

The Church Authority will arrange a schedule of interviews with all who hold safeguarding roles within its functional area. The designated person and the Church Authority will be available to the reviewers throughout the period of fieldwork.

Step 8.

The fieldwork team when they arrive on site will firstly confirm that they have a suitable place to work in and that all the required documentation has been provided to them for their Review. In the event that the fieldwork team forms the opinion that the Church Authority has not provided access to all such documents, the Board shall give notice in writing to the Church Authority of the opinion of the fieldwork team and such notice shall specify the reasons for same. Thereupon, the Church Authority shall respond in detail to the Notice. Each party shall use its best endeavours to resolve any differences of opinion which shall arise and, in the event that resolution is not arrived at, the parties will attempt to resolve the dispute by recourse to the services of a mediator agreed between them or nominated for the purpose at the request of any of them without prejudice to the Board's entitlement to terminate the Review. In the event that resolution has not been arrived at following mediation, either party shall be at liberty to terminate forthwith the Review.

Step 9.

On arrival, the fieldwork team should be supplied with a single case file index that lists all the cases that have been created within the diocese. These may be divided into two groups. The first group will contain all allegations that relate to living alleged or known perpetrators. The second will contain any that are deceased.

Step 10.

Depending on the volume involved a decision should be made as to whether all or a random sample of the "deceased group" should be reviewed. Care should be taken to include all prominent cases in the sample.

Step 11.

Each case file will be reviewed by each fieldworker independently in the first instance. They will create a written summary with chronological information of the case. In certain cases a second reader may be required, this will be discussed and agreed between the fieldworkers.

Step 12.

Following the reading of the case and the creation of a summary, the fieldworkers will analyse and assess the actions taken in the case. They will assess compliance with agreed Church policy that was extant at that time. They will also indicate whether any current risk exists in respect of the information contained within the file and advise the church Authority of necessary safeguarding action to reduce the risk.

Step 13.

When all the case files have been read, the fieldwork team will then examine and review any procedures or protocols that exist within the diocese to confirm that they are in compliance with the *Safeguarding Children: Standards and Guidance* document issued by the NBSCCCI in February of 2009.

Step 14.

To complete the Review, the fieldwork team will then seek to speak to those directly involved in the safeguarding structure in the diocese. This should include the Advisory Panel, a sample of parish safeguarding representatives, the designated person, the safeguarding committee, victim support and advisors and the Bishop/Provincial. The purpose of these interviews is to form a view of the competence and effectiveness of the safeguarding structure that exists within the Church Authority.

Step 15.

The fieldwork team will also seek to speak to representatives of the key statutory agencies to provide them with an opportunity to express their views on the quality of the working relationships that exist between them and the Church Authority.

Step 16.

A verbal feedback session on initial key findings will be given to the Church Authority.

Step 17.

Upon completion of the field work, the team may request to take materials – other than casework records to review off-site; this alongside all materials gathered by the reviewers, including written notes on cases and meetings, will be analysed and will form the basis of the draft assessment review report.

Step 18.

The draft will be forwarded to the Church Authority for factual accuracy checking.

Step 19.

Alongside all other reports under review, the report will be presented in draft to the Reference Group for their critique and comment. If further work is required at the direction of the Reference group the CEO will ensure this work is completed and advise the Church Authority accordingly.

Step 20.

The report will be legally proofed by NBSCCCI lawyer.

Step 21.

The report will be forwarded to the National Board for approval

Step 22

A final draft report will then be submitted to the Church Authority. The expectation would be that the Report will be published by the Church Authority at an agreed time in the future.

Step 23.

All case material written, including summaries, as part of the review, which are for the reviewers use only, will be stored on a secure server.

Guide for Reviewers

In terms of small (female religious orders) reference should be made to the following:

1. Has the Order provided alternative care to children in an orphanage, industrial school or children's residential home, but no longer is engaged in running such services;
2. Has the order provided education to children, in both or either boarding schools and day schools, but no longer does so ;
3. Has the order provided medical and/or nursing services to children, but no longer does so;
4. Has the order provided any other services to children, in community services centres, youth clubs etc., and no longer does so;
5. Does the order currently provide any sort of service to children and families that brings them into regular contact with children;
6. Has the order never provided any service to children (e.g. contemplative orders).

In relation to category 1 above;

1. The reviewers will establish whether any service they provided is included in the list of children's residential services produced by the Residential Institutions Redress Board (RIRB);
2. If this is the case, reference should be made to this.
3. If complaints have been referred to the Redress Board or Ryan Commission, this review cannot access these records and that will be stated in the report.
4. If the order has received complaints which have not been processed through Redress or Ryan these cases will be thoroughly examined as detailed above.

Review of Policy and Procedures

1. It is recognised that not all Orders will have any ministry with children and therefore their policies and procedures should reflect the work that they do with children.
2. If the Order only works through other organisations, example in Diocesan work or in schools, they are required to follow the policies of those organisations.
3. If there are gaps in the policy document an assessment should be made as to whether the ministry engaged in requires full compliance with all criteria attached to the seven standards
4. Where it is clear that the criteria do not apply a reference should be made at the beginning of the review report that the Order's ministry is not directly with children and therefore adherence to particular criteria do not apply.
5. In the Order is a contemplative Order, there is no expectation that they will have detailed policies and procedures, but reference should be made to their ministry and that they have no contact with children.
6. In all cases, contact will be made with the civil authorities to identify if they have any child safeguarding concerns in relation to the order.