



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

**Private and Confidential**

**Review of Safeguarding Practice**

**in the**

**Diocese of Kerry**

**undertaken by**

**The National Board for Safeguarding Children in the  
Catholic Church in Ireland (NBSCCCI)**

**Since this review took place Bishop Bill Murphy has retired and Bishop Ray Browne has been ordained as Bishop of Kerry. The content can therefore only be accessed with the consent of Bishop Ray Browne.**

**Date: June 2013**

**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 10</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 19</i>
<b>Standard 5</b> <i>Communicating the Church's Safeguarding Message</i>	<i>Page 21</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 28</i>
<b>Recommendations</b>	<i>Page 30</i>
<b>Terms of Reference</b>	<i>Page 31</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 and the Irish Missionary Union, 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 Kerry* 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 by Bishop William Murphy, along with interviews with selected key personnel who contribute to safeguarding within the Diocese of Kerry. The NBSCCCI believes that all relevant documentation for these cases was passed to the reviewers and Bishop Murphy has confirmed this.

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

## **Introduction**

At the request of Bishop William Murphy, staff from the NBSCCCI engaged in a process of reviewing safeguarding children policy, procedures and practice on May 15<sup>th</sup> and 16<sup>th</sup>, 2013. Over the two-day fieldwork period, case files were examined and interviews were conducted with key personnel in the diocesan safeguarding structure. The reviewers also read diocesan safeguarding policy and procedures documents and evaluated these against the 2009 national *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*.

The fieldwork team want to acknowledge the engagement of Bishop William Murphy with the review process and his assistance to them. They also want to acknowledge the participation in the review by a range of people involved in safeguarding within the diocese, both employees and volunteers. The reviewers were impressed that the appointed successor to Bishop Murphy was in Killarney to welcome them on their arrival at the diocesan offices.

## **Diocese of Kerry**

The Diocese of Kerry is approximately 2,047 square miles, made up of most of Co. Kerry and a small part of Co. Cork. There are about 130,000 Catholics resident in the diocese across 54 parishes.

In the period since January 1975, there have been four serving Bishops of Kerry, including Bishop William Murphy. Bishop Murphy was appointed on June 17<sup>th</sup>, 1995 and had just retired prior to the review fieldwork, but he will remain in position until the ordination of his successor later in the year. Bishop Murphy's predecessor served from March 29<sup>th</sup>, 1985 until August 27<sup>th</sup>, 1994, when he died. The bishop before him served from August 22<sup>nd</sup> 1976 until November 15<sup>th</sup>, 1984, when he was appointed to another diocese; and finally, the bishop before him was Bishop of Kerry from July 17<sup>th</sup>, 1969 to July 21<sup>st</sup>, 1976, when he too was appointed to a different diocese.

The NBSCCCI was aware of the HSE Audit of Safeguarding Arrangements in the Catholic Church in Ireland (Volume 1, Dioceses Report), dated July 2012, but published on October 11<sup>th</sup> 2012. That audit covers the period to the end of November 2011 and examines safeguarding children practice in the 24 dioceses that are fully or partly in the Republic of Ireland, including the Diocese of Kerry. Safeguarding practices in each diocese are given separate chapters in the HSE audit report and where relevant, HSE findings are referred to in this review report.

## **NBSCCCI Reviews**

The purpose of this NBSCCCI 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 bishop.

The process involved the fieldwork team reading all case management records of living priests who are incardinated into the Diocese of Kerry and against whom a child-safeguarding allegation had been made or about whom a concern had been raised. The reviewers also read some case files 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 Bishop Murphy, the designated person and his predecessor, members of the Safeguarding Committee, the person responsible for coordinating safeguarding and training, two trainers, the person responsible for the coordination of Garda vetting for the diocese, and four Parish Safeguarding Representatives. Kerry Diocese uses the National Case Management Reference Group (NCMRG) of the NBSCCCI in Maynooth and so has ceased to use its own Advisory Panel.

The review also conducted an assessment of the diocesan safeguarding policy and procedures against the standards set down in *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*. All other written material provided to the reviewers was evaluated for relevance and accuracy, as was the child safeguarding information contained on the diocesan website.

Reviews into safeguarding have two objectives – to establish how concerns (complaints, allegations, knowledge suspicions or concerns) of clerical child sexual abuse have been managed in the past and to evaluate the efforts that have been made to create safe environments for children to ensure their current and future safety. To achieve these two objectives, 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 discusses the findings of the fieldworkers under each standard. Conclusions are drawn regarding both the effectiveness of diocesan policies and practices in preventing abuse and the ability of the relevant personnel within the diocese to assess and manage risk to children. Recommendations for improvements are made where considered appropriate.

## **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 Kerry. 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 Church organisation 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 relevant leadership body of the Church organisation (e.g. the Bishop of the diocese or provincial of a religious congregation).	Met fully
<b>1.3</b>	The policy states that all Church personnel are required to comply with it.	Met partially
<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.	Not met
<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 partially
<b>1.9</b>	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.	Met fully

The title of the diocesan safeguarding document is *Diocese of Kerry, Safeguarding Children – Standards and Guidance Document for the Catholic Church*. It is a clearly set out A5 document with an attractive cover, and is available in hard copy and on the diocesan website - <http://www.dioceseofkerry.ie> . Because the Diocese of Kerry covers a

number of Gaeltacht areas, some of their documentation is printed in both Irish and English.

The Child Protection Policy Statement of the Diocese of Kerry states, among other things, the following:

*We recognise and uphold the dignity and rights of all children and young people. We are committed to their protection and support in a way that promotes their human dignity and integrity as children of God.*

*In keeping with this, we undertake to do all in our power to create safe environments for children and young people, and to ensure their protection from either physical, sexual and emotional abuse or neglect.*

*We recognise that all involved in working with children and young people have a special duty of care towards them. We are committed to putting procedures in place through which this care is put into effect so that the rights of children and young people to safely and actively participate in the life of the Church are upheld.*

It is clear from these statements and from the information contained on the Diocese of Kerry website that the bishop and the diocese are committed to child safeguarding. However, the Criterion 1.6 is not met, as the reviewers saw no written protocol for dealing with respondent priests against whom an allegation might be made. Overt and clear statements about compliance of all diocesan personnel with the policy and procedures, as well as that all allegations will be notified to the two statutory authorities, are missing. The reviewers have been assured however that this matter is logged to be addressed in the revised policy and procedures to be published later this year, and that in the interim, good practice principles are being followed, in that HSE, An Garda Síochána and NBSCCCI are notified and consulted immediately.

The Diocese of Kerry policy document *Diocese of Kerry, Safeguarding Children – Standards and Guidance Document for the Catholic Church* was published on 30<sup>th</sup> May 2010, following approval from the NBSCCCI in Maynooth. It is being revised and reviewed by a sub-group of the Safeguarding Committee, as is required and it is planned to publish a new guidance document later in 2013. It is somewhat out of date in relation to some of the contact details that it contains, although correct information is available on the diocesan website. The website also contains a suite of forms that are used in safeguarding work within the diocese, including forms dealing with applications from adults to volunteer in parish or diocesan children's activities, reference, declaration and Garda vetting forms, forms for parents to give consent for their children to take part in parish or diocesan activities, including altar serving and to be identified in media coverage, complaints form, an audit form for parishes to complete annually and a code of behaviour for adults who work with children and young people.



**Recommendation 1:**

**That the Bishop of Kerry ensures that the information that is required under the Criteria 1.3, 1.6 and 1.8 is prepared and placed on the diocesan website and that the revised diocesan child safeguarding guidance to be published later in 2013 also contains this information.**

## 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

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).	Met fully
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.	Met partially*
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.	Met fully
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.	Met fully
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.	Not 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.	Met fully
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.	Met fully

\* It is expected that this criterion will be fully met when the revised guidance is published later in 2013

**Table 1**

**Incidence of safeguarding allegations received within the Diocese of Kerry from 1<sup>st</sup> January 1975 up to May 2013**

<b>Name of Diocese</b>		
<b>1</b>	Number of Diocesan priests against whom allegations have been made since the 1 <sup>st</sup> January 1975 up to the date of the review.	<b>21</b>
<b>2</b>	Total number of allegations received by the Diocese since 1 <sup>st</sup> January, 1975.	<b>67</b>
<b>3</b>	Number of allegations reported to An Garda Síochána/PSNI involving priests of the Diocese since 1 <sup>st</sup> January 1975.	<b>67</b>
<b>4</b>	Number of allegations reported to the HSC/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.	<b>67</b>
<b>5</b>	Number of priests (still members of the Diocese) against whom an allegation was made and who were living at the date of the review.	<b>8</b>
<b>6</b>	Number of priests against whom an allegation was made and who are deceased.	<b>13</b>
<b>7</b>	Number of priests against whom an allegation has been made and who are in ministry.	<b>1</b>
<b>8</b>	Number of priests against whom an allegation was made and who are “Out of Ministry, but are still members of the Diocese”.	<b>1</b>
<b>9</b>	Number of priests against whom an allegation was made and who are retired.	<b>1</b>
<b>10</b>	Number of priests against whom an allegation was made and who have left the Diocese/ priesthood.	<b>5</b>
<b>11</b>	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>

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

Of the eight living priests against who allegations of abuse of children have been made, four have been laicised and one has been dismissed from the clerical state through application to the Congregation for the Doctrine of the Faith (CDF) in Rome, one has

retired, one is out of ministry and one is in ministry following an investigation of the matter complained of and all safeguarding issues addressed.

The reviewers are satisfied that notifications have been made to An Garda Síochána and the HSE (SHB up to the end of 2004) in all of these cases. There was some confusion in earlier years about the operation of the 1995 guidance, *Notification of Suspected Cases of Child Abuse between Health Boards and Gardai*, where the diocese believed that a notification to An Garda Síochána would automatically be notified by them on to the health board. However, it is now the case that the diocese, An Garda Síochána and HSE have cross checked all of their records to ensure that each agency has the same names and other details of historical cases of clerical sexual abuse of children in the Diocese of Kerry.

One case that is a cause of concern relates to a priest who has been dismissed from the clerical state at his own request and who moved to another part of the country where he took up a job where he would have contact with children. Four complaints had been made against this man, alleging that he had seriously sexually abused children who were in care in a children's home in Co. Kerry in the 1970s. Apparently he had access to this facility at the invitation of the manager. There was a Garda investigation but the decision of the Director of Public Prosecutions was that no prosecution should take place. Although there is reference on the case files to the statutory agencies following up with this man in relation to his work with children, the diocese does not have any knowledge about exactly what was done as the statutory authorities have no obligation to keep them informed.

A second case examined by the reviewers involved a priest who died before any complaint was received about him. However, at the time of the review, 25 allegations had been made about him and the suggestion is that more will eventually be made. This man had access to all Catholic primary schools due to his specific role as Diocesan Inspector in the Diocese of Kerry, and his abuse was perpetrated in these schools in the 1950s and 1960s.

Another priest who was sentenced to a term of imprisonment for the sexual abuse of children had at least nine victims, many of who gave victim impact evidence at his criminal trial in 1997. There is a suggestion on file that one of these victims had complained to a previous Bishop of Kerry, but no record of this complaint was found in that bishop's files following his death.

There are two priests who are not incardinated into the Diocese of Kerry but who have retired to its geographical area from elsewhere and against whom there have been complaints or allegations about sexual abuse of children in their previous locations. One of these priests had one allegation made against him. The second priest had a number of allegations and he also has a number of allegations against him since arriving into Co. Kerry. In the case of this second priest, there was insufficient information provided to the Diocese of Kerry by his overseas diocesan bishop about the reasons for his not ministering in that diocese. The records indicate that he had in fact abused a large number

of boys in a primary school in the parish in which he had been working abroad. As a result of a lack of clear communication, he was allowed by a previous Bishop of Kerry to provide cover for parishes where priests were on holidays. The current Bishop of Kerry addressed this matter decisively by notifying the Gardai and Health Board and by refusing permission for the priest to carry out any ministry in Kerry.

In addition there is a third priest who visits Kerry regularly against whom an allegation was made.

In general, cases of clerical child sexual abuse in the Diocese of Kerry have been appropriately managed, with improved practices evident since the introduction of guidance in 1996. Bishop William Murphy has met his responsibilities well in this regard.

Bishop Murphy commissioned an independent consultant to undertake a full review of all known cases of clerical child sexual abuse, the report of which he received in April 2009. This 120-page report is very thorough and was of assistance to the reviewers in conducting the NBSCCCI review of the Diocese of Kerry. The independent consultant made a number of recommendations to Bishop Murphy about matters that needed to be addressed in relation to a number of cases that he had reviewed. As Bishop Murphy will be leaving his office in the near future it would be very useful for his successor to know that all of the recommendations made in the April 2009 report have been reviewed and confirmed to have been acted on. Therefore reviewers now make the following recommendation:

**Recommendation 2:**

**That Bishop William Murphy and his Designated Person together review all of the recommendations made in the independent report of April 2009 and ensure that each and every one of these has been acted on in full.**

The Diocese of Kerry child safeguarding guidance document is being revised and will be published in a new version later in 2013. It will need to take account of the publication in 2012 of the new version of *Children First – National Guidance for the Protection and Welfare of Children*, and of the HSE guidance document, *Child Protection and Welfare Practice Handbook*, as well as legislative changes since early 2010.

The revised guidance will also have to address the matter of complaints, which currently is not provided for in any written diocesan policy and procedure or on the diocesan website.

The current designated person in the Diocese of Kerry is a qualified counsellor who previously worked with the HSE as a disability specialist. He works on a part-time basis for the diocese and although appointed in the summer of 2012, he did not take up his responsibilities fully until September 2012. His initial focus was ensuring that all case files in the diocese were reviewed and updated and that preparations were made for the NBSCCCI review. It is clear from the examination of the files that a lot of work has been

undertaken to restructure them and to bring information together from a number of sources. This work is ongoing and because it has not been completed by the time of this review, it was judged that Criterion 2.4 was met partially rather than fully.

It is important that all personnel files maintained for priests of the Diocese of Kerry are reviewed and for any that contain information relating to complaints or allegations of child abuse, this information needs to be copied into the case file. It is also important that all documentation on canonical processes initiated in relation to priests who are alleged to have abused children are brought together in the relevant case files. The same is true in relation to files containing legal documents and correspondence related to particular priests. The NBSCCCI has published Recording Guidance, which is available on its website. This includes a suggested case file structure.

**Recommendation 3:**

**That the incoming Bishop of Kerry assists the Designated Person in the construction of comprehensive case files in accordance with the NBSCCCI Recording Guidance.**

The review established that case files are securely stored and that restricted and supervised access to them provides the appropriate level of confidentiality about their contents.

The reviewers conducted telephone interviews with senior managers in both An Garda Síochána and the HSE. Both declared themselves very satisfied with the level of openness and cooperation provided by Bishop Murphy and his safeguarding personnel. There have been regular meetings with the relevant HSE senior manager since 2004. These meetings happen less frequently as all historical cases have been reviewed and information shared and there have been no allegations against serving diocesan priests since 2009. The HSE manager highlighted the difficulties that can be posed when priests retire into Co. Kerry about whom information of concern from elsewhere may not have been shared. The diocese should establish a register of visiting and retired priests and conduct appropriate checks to establish if these priests are of good standing, before allowing them any form of ministry or relief work in the diocese.

**Recommendation 4:**

**That the incoming bishop must establish and maintain a register of visiting and retired priests and ensure that all vetting checks and references have been sought prior to allowing them to participate or conduct any public ministry.**

### 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

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.	Met fully
3.2	The safe recruitment and vetting policy is in line with best practice guidance.	Met fully
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.	Met fully

#### 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.	Met fully
3.5	There is guidance on expected and acceptable behaviour of children towards other children (anti-bullying policy).	Met fully
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.	Not met

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

**Criteria – Operating safe activities for children**

<b>Number</b>	<b>Criterion</b>	<b>Met fully or Met partially or Not met</b>
<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 Diocese of Kerry has a dedicated Co-ordinator of Vetting, who also acts as a Child Safeguarding Trainer in the diocese, and is a member of the Safeguarding Committee. This man is a retired senior Garda manager. Garda vetting is a very significant and complex undertaking. It is up to date in the Diocese of Kerry and a second round of vetting is about to commence. The Coordinator of Vetting liaises with parish priests from whom he receives applications and to whom he provides certificates of Garda vetting. This certificate is a local diocesan document, which allows the applicants to know that they can proceed to become involved in Church related activities with children, subject to other checks also being completed and also gives the parish priests an opportunity to keep their parish records up to date.

The reviewers are not in agreement with the practice of records of Garda vetting being kept in the home of the Diocesan Coordinator of Vetting, even if he is convinced that he has developed a secure setting for them. Therefore, the following recommendation is made:



**Recommendation 5:**

**That the Bishop of Kerry makes arrangements for the careful inventory and transfer of all Garda vetting files and other records from the home of the Diocesan Coordinator of Vetting to a secure location in the diocesan offices.**

The Diocese of Kerry has adopted the NBSCCCI pro-forma recruitment, checklist, reference and declaration forms and has copies of these available on its website. The reviewers are satisfied that the diocese has put in place a safe system of recruitment of volunteers to work in Church activities with children and young people and this is commended.

The Codes of Behaviour that are presented in the Diocese of Kerry child safeguarding guidance are comprehensive, and this results in Criteria 3.4, 3.5, 3.7 and 3.8 being met in full.

The Diocese of Kerry does not have any written guidance regarding whistle blowing by staff and volunteers, which along with the absence of a Complaints Procedure constitutes a weakness in safeguarding structures and procedures. This needs to be rectified in the revised guidance to be published by the diocese later in 2013.

The reviewers did not see evidence of any written guidance on the personal or intimate care of children, usually only an issue with small children and children with special needs when on trips away from home. In the guidance on trips away from home, the diocesan booklet states that:

*The tasks required of young helpers will be appropriate to their age and capacity. Young people will not be asked to carry out personal care tasks. (Page 17)*

However, this is the only mention of such personal care and so Criterion 3.9 is not met. This needs to be addressed in the revised guidance to be published by the Diocese of Kerry later this year.

The guidance on risk management for children's trips away from home in the Diocese of Kerry child safeguarding booklet is good and meets the requirements of Criterion 3.10. The diocesan trainers might give consideration to developing a programme to assist adult leaders and volunteers to assess risks in working with children and young people in Church related activities.

There is very clear guidance in the diocesan booklet on supervision and supervisory adult to children ratios that are required and this meets the requirements of Criterion 3.11.

There is extensive evidence that children and young people can be victims of bullying via texts and internet network sites and that young people can create, access and transmit inappropriate information and images through their mobile phones and through computer use. This is one of the reasons why Criterion 3.12 is in the NBSCCCI standards. The Diocese of Kerry child safeguarding guidance makes a mention of *sending abusive text*

*messages* under its anti-bullying policy. The diocesan Safeguarding Committee has issued a letter to all parishes outlining the policy in relation to photography and the use of photos in printed communication and this issue is also addressed in training sessions for volunteers. However, in its revised guidance, the diocese will need to include much more comprehensive information and advice in order to fully meet Criterion 3.12.

The reviewers would like to acknowledge the significant work undertaken by the safeguarding co-ordinator who is also a diocesan trainer. The post holder has worked tirelessly for the good of children and for the diocese and deserves recognition for the work she has led in relation to safeguarding children.

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

The section headed *General Principles Guiding Best Practice for Ministry with Children and Young People* in the Diocese of Kerry Child safeguarding guidance indicates that *best practice* includes *providing pastoral support and training for all Church personnel*. This however is the only mention of training in the document.

#### Recommendation 6:

**That the incoming Bishop of Kerry ensures that the revised diocesan guidance to be published later this year contain a dedicated chapter on Training that will address the matters listed in the four criteria under Standard 4.**

All priests who are incardinated into the Diocese of Kerry have received Child Safeguarding training, as have all sacristans and child safeguarding parish representatives. The diocese has two trainers who are accredited with the NBSCCCI and who deliver training on a rolling basis, with revision or refresher training provided to safeguarding personnel as required. The Safeguarding Coordinator also plans and coordinates training across the diocese. Two further trainers are completing the NBSCCCI Train the Trainers course and will become available to train others later in the year. There is clearly a commitment to appropriate Child Safeguarding training in the

Diocese of Kerry and this is commended. The diocese meets the requirements of Criteria 4.1, 4.2 and 4.4.

The Child Safeguarding section of the diocesan website has a section headed Training, but this provides almost no information on training per se, devoting most of its content to a description of the results of the annual audit of parishes and describing the role of Child Safeguarding Parish Representatives. This should be rectified.

Under Criterion 4.3, a diocese is expected to have conducted a training needs analysis for its safeguarding personnel who are working in key positions and who have very specific responsibilities to meet. The reviewers did not see evidence that this stage of development has yet been reached in the Diocese of Kerry, although some personnel are supported to attend any training requested by them. This criterion is therefore only partially met, which leads to the following recommendation:

**Recommendation 7:**

**That the incoming Bishop of Kerry ensures that a training needs analysis is conducted in relation to the Designated Person, Safeguarding Coordinator, Coordinator of Vetting, Safeguarding Committee members and other key personnel and implements the recommendations of the report that is produced on that analysis.**

## 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.	Met fully
5.2	Children are made aware of their right to be safe from abuse and who to speak to if they have concerns.	Met partially
5.3	Everyone in Church organisations knows who the designated person is and how to contact them.	Met fully
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.	Met fully
5.5	Church organisations establish links with statutory child protection agencies to develop good working relationships in order to keep children safe.	Met fully
5.6	Church organisations at diocesan and religious order level have an established communications policy which reflects a commitment to transparency and openness.	Met partially

The reviewers met with the Safeguarding Coordinator / Trainer, the Coordinator of Vetting / Trainer and with other members of the diocesan Safeguarding Committee. They also also met with four Safeguarding Children Parish Representatives. All of these personnel give of their time voluntarily and undertake very significant work on behalf of the children of the diocese. The diocesan website lists the 11 members of the committee and describes the committee's task as follows:

*The committee is responsible for the on-going development of policy and implementation of best practice procedures in every parish.*

It is this committee that will receive the revised diocesan child safeguarding guidance from a smaller working group for adoption and recommendation to the Bishop of Kerry. This is a major undertaking, but once the new guidance is published, it will provide the framework for the other activities of the various safeguarding personnel across the diocese.

The Diocese of Kerry has 130 child safeguarding parish representatives and has a policy of deploying at least two representatives in each of its 54 parishes. These volunteers are responsible for ensuring that all churches in the diocese have clearly visible posters that indicate what the diocesan safeguarding policy is, who the key personnel are and who a concerned parishioner should contact if worried about the safety and welfare of a child. The child safeguarding parish representatives also have the responsibility for ensuring that safeguarding procedures in relation to altar servers and regarding the use of parish halls and community centres by groups for activities with children and young people are followed. These representatives ensure that all Church related groups catering for children, such as children's choirs and liturgies are guided by best practice codes of behaviour and appropriate supervision arrangements. They also ensure that child safeguarding information is regularly included in all parish newsletters and other parish media.

The child safeguarding parish representatives are also tasked with facilitating *...anyone who needs to make a complaint and/or requires pastoral care by ensuring that contact information for the relevant Church and Statutory Personnel for Safeguarding Children is made known within the parish* (taken from Diocese of Kerry website).

It is clear to the reviewers that Criteria 5.1, 5.3, 5.4 and 5.5 are fully met in the Diocese of Kerry. It is also very apparent that Bishop Murphy has provided leadership in relation to proactive safeguarding work within his diocese and the volunteers interviewed spoke of his acknowledgement of their roles and contributions.

Regarding Criterion 5.2, the reviewers have been assured that the matter of advising children of how to utilise their rights to be safe and to talk to identified adults is addressed in training for volunteers and in written guidance to parishes. In order to be fully compliant, the diocese needs to put structures in place, to ensure that this is done for all children in every Church related activity.

The Diocese of Kerry has a lay woman responsible for communications. It was this person who put up a notice on the diocesan website about the NBSCCCI review, as follows:

*The National Board for Safeguarding Children in the Catholic Church (NBSCCI) will be conducting its review of the Kerry Diocese on 15th and 16th May 2013. The review of safeguarding practice involves discussions with key safeguarding personnel and a review of case papers and other relevant documentation held by the Diocese.*

*In addition the NBSCCCI will seek the views of the civil authorities, An Garda Síochána and the HSE, to ensure that notifications of all allegations have been made and that working relationships exist which promote the welfare of children. If you are a survivor of past abuse, who has not yet come forward, you are now invited to do so either to the Garda Síochána, the HSE or to the designated person of the Diocese.*

*In line with Safeguarding Policies all allegations of abuse are reported to the civil authorities. Should you be aware of any current risk to children you are advised to report it directly to the Gardai or the HSE.*

The notice then gave the names and contact details of the responsible Chief Superintendent of An Garda Síochána, Area Manager of Child and Family Services with HSE South and Designated Person of the diocese. Two people did come forward in response to this notice and they will be referred to under Standard 6 below.

Criterion 5.6 would be met in full if the Diocese of Kerry was to develop an overall written Communications Policy on Child Safeguarding. The reviewers are satisfied however that the Bishop of Kerry and his diocesan safeguarding personnel are committed to openness and transparency in their child safeguarding work.

## 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.	Met fully
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.	Met fully
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.	Met partially
6.4	Information is provided to those who have experienced abuse on how to seek support.	Met fully
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.	Met fully

The Diocese of Kerry has well developed professional working relationships with An Garda Síochána, the HSE and the NBSCCCI. Through these contacts the diocese is able to access appropriate specialist advice, support and information and through attendance at training events and child protection seminars and conferences, diocesan safeguarding personnel have established good and effective links with other relevant agencies that can provide necessary supports and assistance. The diocese is also a member of the National Case Management Reference Group (NCMRG) operated by the NBSCCCI and can bring any cases of concern to that group for guidance. In these ways the diocese has met the requirements of Criteria 6.1 and 6.2.



It is clear from the wording of the section headed *Dealing with Allegations* in the Diocese of Kerry child safeguarding guidance that the diocese wants to make sure that children who may have been abused are not interviewed or their situations investigated by untrained volunteers acting in safeguarding roles and this is important. However, it is possible, as evidenced in the child safeguarding policies and procedures of other Irish dioceses, to describe the appropriate response to a child who is suspected of having been the victim of abuse, but this is not covered in the Diocese of Kerry Child safeguarding guidance. It is due to this omission that Criterion 6.3 is only partially met.

The Diocese of Kerry has demonstrated a genuine commitment to communicate a message of wanting victims of clerical abuse to come forward and receive support and assistance. The current bishop has engaged in a very full way with local print and electronic media to try and communicate this invitation. Reference has been made to the notice of this NBSCCCI review placed on the diocesan website and to the work of the child safeguarding parish representatives at local level. Over time this effort can be further developed from the good foundations that have already been laid. At this stage the diocese meets the requirements of Criterion 6.4. In examining the case management files, the reviewers saw evidence of a real concern for victims, demonstrated through the provision of counselling and other pastoral supports.

The independent consultant who produced a review report for Bishop Murphy in April 2009 made reference to work that still needed to be done regarding victim outreach for cases known at that time to the diocese. It is now important that this matter is attended to. He was specifically concerned about the abuse perpetrated by two priests of the diocese in 1950s and 1960s, one of who had at least 25 victims and the second of who had one known victim. The recommendations were, in the case of the first priest, that:

*The case should be reviewed with particular reference to the need for appropriate support structures for complainants.*

The reviewers did not see any evidence that such a case review has yet been conducted. However the reviewers were advised of and saw a draft paper on the development of a new way of responding to victims of abuse.

The recommendation in the case of the second priest was that:

*It would be important to inquire from the Gardai if they have any complaints relating to his time in (name of parish) and if there are any complainants to whom the Diocese should be offering support.*

Again, the reviewers did not see evidence of this recommendation having been acted on. Recommendation 2 made earlier in this report is that all outstanding actions arising from the April 2009 review report would be taken without delay.

In relation to Criterion 6.5, it is apparent from the case management files that were examined in the course of the review that respondent priests have been offered appropriate assessment and therapeutic services, although some have declined to utilise these.

The case management responsibilities of the diocese's designated person have been light to date. While this is good in a way, the incoming Bishop of Kerry and the designated person need to review the designated person role into the future. The introduction of a new bishop is an opportunity to revise and refresh all aspects of safeguarding in the diocese. This could result in a more defined risk assessment and risk management function for the designated person, in cooperation with the statutory services. It could also lead to a thorough review of the diocese's victim outreach and support responses and the development of a clearer policy and practice in that area. Finally, the incoming Bishop of Kerry, in consultation with his diocesan Safeguarding Committee, will need to develop a contingency plan for the eventual handover of responsibilities by retiring voluntary personnel who occupy key roles in the safeguarding structure in the diocese.

**Recommendation 8:**

**That the incoming Bishop of Kerry convene a Review Day for key safeguarding personnel in the diocese to identify developments that are required to further enhance the overall safeguarding endeavour and to produce a set of clear and achievable goals for the next three years, to be written up into a Diocese of Kerry Child Safeguarding Plan.**

Two people came forward in response to the website notice about the NBSCCCI review. Both men allege abuse by a diocesan priest in early 1970s. One of these men was interviewed and stated his desire for the contact with the reviewers to be referenced in this report. There was telephone and written contact with the second man and discussions were as a consequence held with the designated person who was also in contact with him about possible further follow-up.

The first man who was interviewed spoke about his and his siblings' experiences in residential care in Co. Kerry, where he alleged that they had been abused by a diocesan priest. All details of possible abuse of named people were passed on to the diocesan designated person for notification to An Garda Síochána and HSE. The first man has not however made a statement of complaint to An Garda Síochána in relation to his own alleged experiences of abuse, so it is not possible for these to be investigated. The second man did make a statement to the Gardai.

The NBSCCCI wish to apologise to a priest of the Diocese of Kerry, who was the victim of false allegations. The NBSCCCI received notification of a complaint against this priest and misunderstood the complaint to relate to sexual abuse when the complaint which was subsequently determined to be unfounded, had related to psychological abuse only. The NBSCCCI acknowledges that this priest was entirely innocent of any such accusations and he was caused to suffer further unnecessary stress and anxiety as a result of this misunderstanding. His good name and character were eventually restored when the

person who made the allegations made a public admission in the High Court that the allegations were fabricated and without foundation.

## 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.	Not met
7.2	The human or financial resources necessary for implementing the plan are made available.	Met fully
7.3	Arrangements are in place to monitor compliance with child protection policies and procedures.	Met fully
7.4	Processes are in place to ask parishioners (children and parents/ carers) about their views on policies and practices for keeping children safe.	Met fully
7.5	All incidents, allegations/ suspicions of abuse are recorded and stored securely.	Met fully

Recommendation 7 above addresses the absence of a written diocesan plan, as Criterion 7.1 is not met until this is attended to. The new Bishop of Kerry has indicated that this will be a priority for him when he is installed in the diocese.

All the evidence is that Bishop William Murphy has ensured that adequate resources have been made available in his diocese to fund the child safeguarding services there and therefore Criteria 7.2 is met in full. When a plan is developed, the cost of this will need to be evaluated and resources identified to support its achievement.

The Diocese of Kerry has a very good track record in conducting internal audits of its compliance at parish level with the *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* of 2009. This audit is prepared and overseen by the coordinator of safeguarding and conducted by parish child safeguarding representatives with their parish priests. Returns provide necessary information to guide training and other initiatives. This audit information will also be very useful in informing the diocesan plan that has already been discussed. Between the audit exercise and visits to individual parishes by the coordinator of safeguarding and the designated person, there are processes in place to consult with people at local level. There therefore is evidence that Criteria 7.3 and 7.4 are fully met. A small improvement could be made in ensuring

that activities under Criterion 7.4 are logged and returned annually as Safeguarding Audit information.

The case management files are safely stored in the diocesan offices and access to these is restricted and controlled. The Diocese of Kerry is therefore fully compliant with Criterion 7.5.

## **Recommendations**

**Recommendation 1:** That the Bishop of Kerry ensures that the information that is required under the Criteria 1.3, 1.6 and 1.8 is prepared and placed on the diocesan website and that the revised diocesan child safeguarding guidance to be published later in 2013 also contains this information.

**Recommendation 2:** That Bishop William Murphy and his Designated Person together review all of the recommendations made in the independent report of April 2009 and ensure that each and every one of these has been acted on in full.

**Recommendation 3:** That the incoming Bishop of Kerry assists the Designated Person in the construction of comprehensive case files in accordance with the NBSCCCI Recording Guidance.

**Recommendation 4:**

That the incoming bishop must establish and maintain a register of visiting and retired priests and ensure that all vetting checks and references have been sought prior to allowing them to participate or conduct any public ministry.

**Recommendation 5:** That the Bishop of Kerry makes arrangements for the careful inventory and transfer of all Garda vetting files and other records from the home of the Diocesan Coordinator of Vetting to a secure location in the diocesan offices.

**Recommendation 6:** That the incoming Bishop of Kerry ensures that the revised diocesan guidance to be published later this year contain a dedicated chapter on Training that will address the matters listed in the four criteria under Standard 4.

**Recommendation 7:** That the incoming Bishop of Kerry ensures that a training needs analysis is conducted in relation to the Designated Person, Safeguarding Coordinator, Coordinator of Vetting, Safeguarding Committee members and other key personnel, and implements the recommendations of the report that is produced on that analysis.

**Recommendation 8:** That the incoming Bishop of Kerry convene a Review Day for key safeguarding personnel in the diocese to identify developments that are required to further enhance the overall safeguarding endeavour and to produce a set of clear and achievable goals for the next three years, to be written up into a Diocese of Kerry Child Safeguarding Plan.

## **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 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 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 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 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 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.

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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 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 1<sup>st</sup> January 1975 to date of review 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.