

# **Summary Report on the Review of Safeguarding Practice in the Dioceses of Raphoe, Kilmore, Dromore, Ardagh and Clonmacnois, Derry, and the Archdiocese of Tuam**

## **Introduction**

The task of undertaking a comprehensive Review of safeguarding practice in each of the dioceses in Ireland was given to the National Board following an extraordinary meeting of the Irish Bishops Conference which took place in January 2009 and reinforced at a special meeting of the Bishops' Conference on 9<sup>th</sup> December 2009 on consideration of the Murphy Report. This request followed on foot of extensive discussion surrounding the referral of the diocese of Cloyne to the Commission of Inquiry set up to examine the handling of child abuse within the Archdiocese of Dublin. The National Board was approached and agreed to take forward the task and began to prepare a methodology and terms of reference.

Following extensive discussion and consultation draft terms of reference for a review were submitted to the Bishops Conference at their summer meeting of June 2010. The draft was agreed and the proposed methodology was also shared with all of the Sponsoring Bodies.

## **Methodology and Data Protection**

A number of issues emerged for the National Board in taking forward the review. These arose to some degree as a consequence of the fact that the National Board is not a statutory body and is subject to the full range of specific requirements under the Data Protection Legislation. The structure of the Catholic Church is complex with a total of 188 separate Church authorities being present within the island of Ireland. 26 of these are Dioceses and the remainder comprise Religious Orders/ Congregations/Societies for apostolic life/ Missionary Societies, and Pontifical Prelature's. The National Board, although created as a separate entity in its own right, is a part of the Catholic Church. It represents a "third party" to each of the Church authorities as per the Data Protection Legislation. This created a difficulty which required extensive consideration before a mechanism could be agreed which enabled the Board to move forward. It sought to become a nominated Data Processor to each of the participating Church authorities in the Review. This has been achieved by means of a legal Deed in respect of which consultation, with the Data Protection Authorities took place.

Consultation with the respective government departments in both jurisdictions eventually confirmed the validity of this approach. As a consequence, when a review is being undertaken with each Church authority they are asked to sign a data processing deed, thereby appointing the National Board as a nominated Data Processor for its data. Through the existence of that Deed, accessing the documentation held on each of the cases held within a diocese, does not constitute a disclosure in relation to Data Protection Legislation. It does, however, create a situation where very specific restrictions are placed upon the Board in respect of the data that it receives in the course of undertaking any Review.

As the Board is a Data Processor for the Data Controller, namely the bishop in respect of a diocese, the information that it receives and processes, can only be shared with the Data Controller. For this reason the National Board has to ensure that none of the information that it receives is shared by it with anyone else other than the bishop of the diocese.

There is one exception to this rule and that applies to the circumstance where the National Board becomes aware of a situation that places a child or children at risk of imminent harm. If that information has not already been given to the statutory authorities with responsibility to protect children, then the National Board is protected in passing that information on to the relevant child protection state agencies. When preparing the methodology this critical point was emphasised so that there would be no misunderstanding that the Board would be bound to holding confidential any information that it was given access to that indicated that a current risk to a child existed. This would always be shared with appropriate state authorities.

The issue of complying with Data Protection Legislation is one that has caused a great deal of discussion and concern to the Sponsoring Bodies within the Church, namely, The Bishops Conference (IECON), the Conference of Religious of Ireland (CORI) and the Irish Missionary Union (IMU). All Church leaders were anxious to comply with the legislation but were perturbed that by consenting to and participating in a review process undertaken by the National Board they would create vulnerability to themselves, their staff, and to us in respect of possible unintended breaches of Data Protection Legislation.

Within the Review process it has now been accepted that the use of the mechanism of a legal Data Processing Deed, and strict compliance to the agreed methodology put forward by the National Board for the Reviews, will ensure that no breach of Data Protection legislation occurs. However the information that is placed in the public domain by the Data Controllers, namely the bishops, must ensure that the identification of any individual whose *personal data* has been reviewed within the process should not be made. This has meant that the shape and content of the review reports had to carefully consider and also take account of this fact.

We chose to use the template of the “seven standards” as contained within the endorsed Church guidance of *Safeguarding Children: Standards and Guidance for the Catholic Church in Ireland* as the means by which a report on the performance of safeguarding practice within specific dioceses would be commented upon. Individual case files,

although read and reviewed by the review team would not be commented upon within the Review Report in any way that would breach Data Protection legislation if the Bishop or other Church authority sought to publish the Review findings.

Each Review report conforms to this template of the seven standards. They offer comment on the performance of each diocese in respect of these standards and provide a series of recommendations for each, based on an objective assessment of their current practice. The recommendations are supplemented by the creation of an action plan agreed by each of the dioceses for implementation over the coming months. The process itself seeks to be a positive and constructive one aimed at strengthening that which is good, identifying current risk and offering recommendations with regard to how performance can be enhanced. The concentration on current risk is paramount. Although the terms of reference of the Review involve a time period stretching back to 1<sup>st</sup> January 1975 it does not entail an itemised analysis of each individual case for the reasons already stated.

## **Key Findings of the Reviews**

Across all of the six dioceses that have participated to date, a marked improvement in two key areas of safeguarding practice is evident. Firstly, reporting allegations to the statutory authorities occurs promptly and comprehensively. All known details are regularly shared and each of the dioceses has established a sound working relationship with their relevant statutory agencies. This represents a major development as past practice did not always reflect this commitment. Secondly, the need to create and maintain a safe environment for children in the Church is comprehensively accepted and implemented. Each of the dioceses examined had developed a safeguarding framework which mirrored that as set out in “Safeguarding Children: Standards and Guidance”. This framework is almost entirely volunteer led.

The critical role of “delegate” or “designated officer” has in many cases been undertaken by a member of the clergy. In some of the Reviews, a recommendation has been included that where possible this role should also be undertaken by a suitably qualified and experienced lay person. We would believe this to be necessary as that role is critical to the effective running of the safeguarding framework within the diocese. It would be our view that it is significantly more difficult for a member of the clergy to perform all of the tasks that are involved in the successful discharge of their responsibilities.

The picture that is presented by all of these dioceses is an improving one. There is greater awareness and much greater commitment to safeguarding children than was once the case. Individuals that are seen as being a risk to children are reported quickly to the authorities and steps are taken to eliminate their access to children. There are some differences that occur in terms of approach but these are being worked on and addressed.

Each of the dioceses and their respective bishops, are to be commended for their willingness to engage in the Review process. For some, this involved considerable anxiety with regard to opening their files for an independent body such as the National Board to scrutinise. It is to their credit that they did this and provided the support and co-operation which they did to the reviewers.

A key element in the process of improving practice in any Church authority is the provision of training. It has previously been commented upon that bishops often fail to avail of training opportunities when they arise. They are the group that carries the heaviest responsibilities within the Church with regard to the safeguarding of children. It is interesting to note that an increasing number of bishops are now present regularly at training events set up by and provided through the National Board. It is also gratifying to report that these six bishops are amongst the most frequent attenders at those events.

The fact that each of the Reports is being published is also a tangible demonstration of the extent of their commitment to not only effectively safeguard children, but to be shown to be doing so. They have all expressed to me a desire to reassure the lay faithful in each of their dioceses that practice in their diocese is as good as they can make it, and that they are all committed to ensuring that it becomes even better in the future.

In the past, good practice may have happened through the commitment of an individual bishop. However, if that bishop retired, then the practice may also change with him. This difficulty was commented upon by Judge Yvonne Murphy in her Report on the situation in the Archdiocese of Dublin. The National Board has worked hard to try to introduce uniform and consistent standards for adoption and implementation across all of the Church authorities. By advocating standards based approach, it is hoped that any vulnerability to being too dependent on individuals would be eliminated. It is gratifying to report that these six dioceses would be amongst a number who regularly consult with and draw upon the experience and expertise that lie within the National Office. They have sought to implement in their dioceses the framework and the policies that have been put forward by the National Board. If any of these dioceses were to face change in terms of leadership, the framework would continue and the approach should not alter significantly.

## **Future Plans**

There are a total of 188 Church authorities in ministry on the island of Ireland. A number of the religious are small and their membership is elderly and retired. Despite this, there is still a considerable body of work ahead in completing the task that was given to the National Board when we were first approached to complete a comprehensive review of safeguarding practice in the Church. To date, we have focused on the dioceses but in the immediate future we are going to also include a number of religious congregations or orders. We have been approached by four dioceses and they will all be included in the next tranche but we will also add two religious congregations as well. Our intention is to complete the overall task in two further years and to encourage the participants to publish

their completed Review reports together twice a year. The next six reports should be released in May/June of 2012.

The National Board does not hold any powers that would allow it to compel any Church authority participate in the Review process if it did not wish to do so. It relies upon consent. Before going to any diocese we would have to receive an invitation to undertake a Review. If no invitation comes, we have no power to require it to happen. Under the agreed guidance within the Church, we do have the right to undertake a review of practice in response to a complaint if one is received. This does not empower us to require any Church authority to allow us to undertake a comprehensive Review of their files. This is only possible if we are invited to do so, supported by their willingness to enter into a data processing deed with us. It should also be pointed out in this regard that the National Board does have the power to publish details of any non co-operation by a Church authority in its annual report.

The audience that we are primarily concerned about are the lay faithful, particularly parents but also children themselves within the Church. It is our view that the true situation that exists within any Church authority must be shared with them. In many cases, as is the situation with these six dioceses, that openness will be welcomed by the lay faithful and they should feel reassured by the content of these reports. The lesson we hope is clear. Increased transparency and accountability must be seen as the two essential elements of the Church's approach to safeguarding children.

Signed:



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Date: 24<sup>th</sup> November 2011