



Review of Child Safeguarding Practice

in the religious congregation of

The Brothers of Charity

undertaken by

The National Board for Safeguarding Children in the

Catholic Church in Ireland (NBSCCCI)

Date: December 2015

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Background

The National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI) was asked by the Sponsoring Bodies, namely the Episcopal Conference, the Conference of Religious of Ireland and the Irish Missionary Union, to undertake a comprehensive review of child safeguarding practice within and across all the Church authorities on the island of Ireland. The purpose of the review is to confirm that current child 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 Child Safeguarding Practice in the religious congregation of the Brothers of Charity* undertaken by the NBSCCCI in line with the request made to it by the Sponsoring Bodies. It is based upon the case material made available to the reviewers by the Brothers of Charity, along with interviews with selected key personnel who contribute to child safeguarding within the Brothers of Charity. The NBSCCCI believes that all relevant documentation for these cases was passed to the reviewers, and the Regional Leader has confirmed this.

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

Introduction

The Brothers of Charity is an international religious congregation of Brothers, which was founded in Belgium in 1807. The motto of the Congregation is “Deus Caritas Est” (God is Love). Its pastoral work has developed in the fields of psychiatric care and support for people with disabilities, and in education. It has retained a strong base and network of services in Belgium, but has also become a worldwide organisation providing a variety of services, including services for people with intellectual disability, in more than 31 countries around the world. There are approximately 500 Brothers in the Congregation, based in 4 provinces (Africa, Asia, America and Europe), sub-divided into regions. The majority of Brothers are based in Africa, and the majority of new vocations now come from the African and Asian regions. The Generalate is in Rome, where the Superior General is located. He is supported by a Council of 4 Brothers.

The Congregation in Ireland

Ireland is part of a region which includes the UK. The region is administered by a Regional Leader, and currently consists of 12 Brothers in total, whose average age is in the mid-seventies. Three of the Brothers require sustained care because of age or illness. Three of the 12 Brothers live under supervision in another jurisdiction because of child abuse allegations made against them in Ireland. The Congregation in this Region is now a very small and declining religious community. The current Regional Leader has been in post since 2006, and is in his second term of office. He has a regional Council (4 Brothers) which meets regularly.

The Congregation was first established in Ireland in 1883 in Belmont Park Hospital in Waterford, and the early services focused on people with mental health needs. Some decades later the Brothers of Charity began to develop services for people who had intellectual disabilities, and the Lota Residential Centre in Co Cork was started in the late 1940s. A religious community was set up at Kilcornan, Clarenbridge, Co Galway in 1950. By 1952 the Brothers of Charity were operating a service for adults with intellectual disabilities in Galway, and by the mid-1960s had also established Holy Family Special School with the Department of Education in Galway as well as a service for intellectually disabled adults and children in St Michaels, Waterford. This was followed by Bawnmore, Limerick, which was developed in the 1970s as a residential centre for adults with intellectual disabilities. The Brothers of Charity in Ireland numbered some 120 members in the middle of the 20th century, but this population has drastically declined through age, departures, and lack of new men in formation.

Structural Review

In 2007, following a national strategic review of services, the Brothers of Charity decided to transfer management of all of their portfolio of services from the Congregation to a structure of 6 independent companies limited by guarantee, overseen by a national company acting as a corporate entity representing the Congregation. The function of the national company, Brothers of Charity Services (BOC Services) in Ireland, has been to provide strategic direction and governance to 6 regional companies responsible for the delivery of services to some 5254 people nationally, including 2409 children and young people in the fields of intellectual disability/mental health (Source; 2013 Annual Report

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of BOC Services in Ireland). Each company has its own Board of Directors, Director of Services and management team, who have responsibility for the provision of services delivered by the BOC Services in Ireland in a specific geographical area – in Clare, Galway, Limerick, Roscommon, Southern (Cork and Kerry), and South Eastern (Waterford and Tipperary). BOC Services, largely funded through service level contracts with the HSE, is the largest provider of intellectual disability services in Ireland.

This review focuses on the Brothers of Charity Congregation (BOC Congregation). It is important to clarify that the child safeguarding aspects of BOC Services lie outside the terms of reference of this review.

Despite its dwindling size and age profile the child safeguarding profile of the BOC Congregation is important because it has had a significant and problematic safeguarding history in the past, and because it is the host body of an organization which manages an extensive network of services for vulnerable adults, children and young people. It is important to acknowledge that the Congregation has no input into the day-to-day running of the services, except to ensure that the ethos and values of the Congregation are followed. There is now an urgent requirement on the BOC Congregation to actively address the question of succession planning the reviewers have been advised that much work has already been done in this area and further organizational revision is currently under way.

Safeguarding History

The published history of child safeguarding within the Congregation is dominated by two reports – that of the Commission to Inquire into Child Abuse published in 2009 (Ryan Report), Chapter 5 of which is devoted to the Lota Residential Centre in Co Cork, and that of Dr Kevin McCoy on the Western Health Board Inquiry into Brothers of Charity Services in Galway. The Residential Institutions Redress Board established in 2002 has also processed a number of claims from people who were recipients of services from the BOC Congregation from 1975 to 2007.

The Ryan Report draws attention to the convictions of 2 members of the BOC Congregation for child sexual abuse offences committed mostly in Lota, Co Cork between 1952–1984 during which they achieved positions of authority in the services provided by the Congregation and also record allegations and convictions (2), related to other Brothers. It refers to management failure, poor record keeping by the Congregation, repeated offending of Brothers, inadequate systems of vetting and monitoring staff and a general disregard for the safety of children. Nor does the Ryan report accept the assertion by the Congregation that it only appreciated the extent of the problem of sexual abuse in 1995, citing documentary evidence available to it in previous decades.

The McCoy report (2007), based on a non-statutory inquiry set up the Western Health Board in 1999 documents a number of child sexual abuse allegations against individuals who were members of, or employed by, the BOC Congregation in Galway between 1965-1993. This task took 9 nine years to complete. It records that one Brother was convicted of child sexual abuse, and notes that no written or formal policies or procedures for

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handling complaints or allegations were in place prior to 1993. This report does not make findings related to the culpability of any individual or body, but identifies a number of service development ‘ themes’ and contains a total of 43 recommendations.

The reviewers have noted that the McCoy report documents the introduction of a number of child safeguarding procedures in the mid-1990s, including guidelines for the investigation and management of alleged incidents of NAI (Non-accidental Injury) and sexual abuse (1993); guidance for the investigation and management of abuse allegations (1996); and complaints of child sexual abuse procedure (1997). The Congregation has had a Designated Liaison Person in place from this time, as well as an Advisory Committee, and this review documents a consistent record of reporting the huge increase of child abuse allegations which emerged subsequently to An Garda Siochana.

Child Safeguarding Structure

The responsible person for child safeguarding in the BOC Congregation is the Regional Leader. The reviewers were very aware of his profound regret and despair when referring to the events of the past. He has pointed out that the Congregation has been pro-active with the civil authorities at all times in ensuring that the correct action has been taken relating to the safety of children and young people since it became aware of the extent of the issue of child protection. The reviewers have been advised, for example, that the initial request to the Western Health Board to set up the 1999 inquiry was instigated by the Congregation because of its concerns at the time. The BOC Congregation committed to the NBSCCCI child safeguarding standards in 2009. This was followed in March 2010 by the introduction of the BOC Services National Policy for the Welfare and Protection of Children. There had been a child protection policy prior to the national one in each service area of the six Regions. The reviewers have been advised that the present policy document is that of BOC Services, and was revised in February 2013, and is followed by the BOC Congregation.

NBSCCCI Review

The NBSCCCI safeguarding review was undertaken by 2 reviewers between 15th and 17th July 2015 at Kilcorman House, Clarenbridge, Co Galway. The reviewers were given access to data relating to a large number of child sexual abuse allegations made to the BOC Congregation from within the time frame of their Terms of Reference (1975 – present). It is noted that a further number of allegations emerged through the processes adopted by the Redress Board and by the Ryan Commission; these allegations were previously unknown to the Congregation. Allegations dealt with in those forums, are excluded from examination in this review on legal advice. Within this limitation, the reviewers read the files of the living members of the Congregation against whom child sexual abuse allegations have been made (who are resident outside Ireland), a number of files relating to men who are no longer members of the congregation, a small sample of the files of deceased brothers against whom sexual abuse allegations had been made, and a sample of files relating to complainants/survivors. Due to the fact that any reference to

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material relating to Ryan or Redress (as required by the legislation of those inquiries) had to be redacted, the reading of the case narratives was difficult.

The reviewers tracked the following key actions -

- Date Reported to the BOC Congregation
- Date Reported to the Civil Authorities
- Action Taken by the BOC Congregation when notified (e.g. removal from ministry, referral to Advisory Panel, restrictions)
- Support/care for complainant
- Canonical actions
- Management/Safety planning

Interviews were held with the Regional Leader, the Designated Liaison Person, a member of the current Advisory Group (who was a previous DLP), and the acting National CEO of BOC Services.

Given its small size and limited numbers of Brothers still in active ministry (two) the BOC Congregation does not have a Child Safeguarding Committee. The reviewers assessed the current safeguarding children policy entitled *National Policy for the Welfare and Protection of Children (Feb 2013)* and saw a number of other policy documents which relate to the BOC Services - *the National Policy for the Safeguarding of Vulnerable Adults at risk of Abuse (2015)*, the *Annual National Report 2013 Brothers of Charity Ireland*, the *Code of Practice for all Persons who Support Children using the Brothers of Charity Services (2015)*, the *Brothers of Charity 'Protecting Children and Adults from Abuse' Policy Statement (2013)*, the *Safeguarding Children and Adults with a Disability from Abuse – A guide for Families (2014)*, and the *Guide to Complaints Procedure for People who use our services, their Families and Advocates*. While this review does not assess any of the services provided by the BOC Services, given that the Congregation follow the policies of the services, it is these policy documents which were examined for compliance with the Church's seven safeguarding standards. This presented a challenge as the policies were understandably not written in line with the Church seven standards.

Summary of Findings

The basis for this review is the NBSCCCI's *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*. This template for safeguarding development was adopted by all of the Catholic religious institutions in Ireland in 2009, and was designed to promote and sustain a 'live' safeguarding culture, emphasising the importance of prevention and maintaining a safe environment for children, as well as good practice in case management. By the time the BOC Congregation committed to this framework in 2009, it had already divested itself of management responsibility for any current services to children and young people; In effect it split the safeguarding agenda into two arenas:

- a) the management of cases from the historical legacy, retained by BOC Congregation
- and b) compliance with contemporary regulation and the development of best

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safeguarding practice, to be taken on by BOC Services. The BOC Congregation elected to adopt the safeguarding policy framework of BOC Services, but did so informally.

In relation to management and the historical legacy, the reviewers note that the vast majority of the allegations which have been received by the BOC Congregation refer to events which took place in the past and precede the restructuring of 2007.

The period of abuse by Brothers in Waterford was approximately between 1964 and 1986; in Galway between 1968 and 1986 (Holy Family School); in Kilcornan between 1964 – 1993 and in Lota between 1942 and 1990.

It is recognized that the Congregation was one of the first to react and to put a safeguarding structure in place when the child abuse crisis in the Church broke in the mid-1990s. The reviewers have seen evidence of a continuing safeguarding service built around the DLP and the Regional Leader, of safe practice in relation to reporting to the civil authorities, and of outreach to the many complainants/ survivors. The living Brothers in respect of whom allegations have been made have not resided in Ireland for a number of years. There is some evidence of assessment, supervision and safety planning on the files in Ireland, but it is limited. Considerable work needs to be done to improve the current filing and records system.

The review has concluded that many of those aspects of the NBSCCCI template relating to prevention and the creation of a safe environment for children were not actively addressed by the BOC Congregation in Ireland because it is now so small and in its final stages, and because work with children had been passed to BOC Services.

The four recommendations arising from this report fall into two areas – safeguarding structure; filing and records (including a pressing need for review and better management of the filing system). From the perspective of the NBSCCCI, many of the safeguarding policy issues identified in the report will be addressed through the pending introduction of the common Church safeguarding policy. If it is the case that BOC Congregation commits to the common Church policy it will need to create a single point of accountability for all safeguarding activity in the new structure and to have processes in place for implementing and monitoring the new policy.

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 Brothers of Charity. 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.

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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 the Brothers of Charity meet the requirements of all nine criteria against which the standard is measured.

Criteria

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

***Denotes recognition by the reviewers that this criterion does not have active application for the review of this Congregation**

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The reviewers were advised that the BOC Congregation does not have a stand-alone child safeguarding policy and procedure for Ireland. There is an international policy, entitled *Protecting Children and Vulnerable Adults from Abuse* which was signed by the Superior General on 12th September, 2013. In addition the BOC Congregation acknowledges the separate child and vulnerable adults safeguarding policy of BOC Services. This applies to all services which are part of an independent company limited by guarantee which is contained in a document entitled *Brothers of Charity Services - National Policy and Procedure for the Welfare and Protection of Children*, dated 19.02.13, and is signed by Brother Alfred Hassett, National Chairperson (hereafter referred in this report to as the National Child Protection Policy).

The BOC Congregation will be committed to a common Church policy for child safeguarding in the near future, incorporating revised NBSCCCI standards. This will provide it with a comprehensive policy. It is important, that the implications of delivering on this are understood; that there are robust arrangements for delivery and monitoring; and that there is a single and clear point of accountability for child safeguarding within the Congregation.

The National Child Protection Policy states its commitment to safeguarding the well-being of the children who are supported by the service. It has 6 sections – policy, definitions of abuse, reporting, role of Designated Liaison Person, allegations and confidentiality, and residential care.

The reviewers were also shown a document entitled *Protecting Children and Vulnerable Adults from Abuse* dated 12.09.2013 and approved by its General Council and signed by the Superior General of the BOC Congregation, which is a general global policy statement stating the Congregation's regret of all incidents of abuse and affirming its responsibility to provide a safe, educational and caring environment for people entrusted to it. The reviewers have been advised that the global Congregation Policy is a very recent document and largely built on BOC National Child Protection Policy in Ireland. It contains the main principles for protection of children and vulnerable adults to be observed internationally and recognises the culture wherever Brothers of Charity have a presence. The Brother General of the Congregation has established an International Committee to deal with and advice on policy and procedures and has appointed the Vicar General to head up this Committee.

The reviewers consider that Criterion 1.1 is fully met in that there is a National Child Protection policy, but it is not clearly stated that the policy addresses the specific circumstances of the Congregation, or that the Congregation is bound by it. The reviewers have been informed that that the National Child Protection Policy is fully accepted by the Congregation in practice, but the reviewers have not seen documentation to this effect. The arrangement is therefore understood as informal. The Congregational policy, which is a global statement, needs to be specifically referenced in the Irish document, which also needs to be mandated by the Regional Leader of the Congregation. Criterion 1.2 is therefore assessed as met partially. This is also an issue in relation to Criterion 1.3 (Compliance), as the document states that it applies to all staff, host families

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and volunteers (of BOC Services), but Brothers who form the religious Congregation are not mentioned. Criterion 1.3 is assessed as partially met.

The National Child Protection Policy states that it was first implemented in March 2010 and revised in 2013 and Criterion 1.4 (policy review) is assessed as fully met. Criterion 1.5 (Child protection in different aspects of the Church's work) is not met, on the basis that the policy is focused on the configuration of companies which make up BOC Services, and does not address the Congregation as a different entity. It does not consider issues such as the management of religious transferring from one Church environment to another. The policy does not deal with the internal processes to be implemented by BOC Congregation in the event of allegations against Brothers, and Criterion 1.6 is not met. Section 2 of the policy deals with definitions of abuse, and with the requirement for immediate reporting to the civil agencies, and Criteria 1.7 and 1.8 are considered to be met fully. Criterion 1.9 is not met, but does not have active application because of the small and declining size of this Congregation.

This review identifies a number of child safeguarding policy issues which will be addressed through the adoption of the common Church policy which will be effective in 2016.

RECOMMENDATION 1; The Regional Leader should ensure that the Congregation adopts and adheres to the revised "Safeguarding Children: Policy and Standards for the Catholic Church in Ireland, 2016."

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 The Brothers of Charity meet 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 Fully
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.	Met Partially
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 Partially

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The BOC National Child Protection Policy provides guidance to the Congregation in Section 3 on what action to take in the event of allegations, and this is consistent with current legislation and procedure. The Congregation has a Designated Liaison person in place since the early 1990s. The current DLP is a very experienced social worker and mediator, who has been in post since 2001. There are established processes for recording individual incidents and allegations. Criteria 2.1, 2.2 and 2.3 and 2.4 are assessed as fully met.

The requirement of Criterion 2.5 (Complaints Procedure for Unacceptable Behaviour) is not addressed in relation to Brothers in the National Child Protection policy. However the reviewers have seen a leaflet entitled *Brothers of Charity Services Galway – Guide to the Complaints Procedure for the People who use our services, their families and advocates (June 2013)*, and have been advised that this has been replicated in the other companies. The complaints procedure sits outside the National Child Protection Policy. Criterion 2.5 is assessed as met partially for this reason.

Criterion 2.6 (Confidentiality) is fully met. In relation to Criterion 2.7, the National Child Protection Policy does not contain contact details for civil agencies, but stipulates that each company should complete this section locally. The policy does not address the BOC Congregation in this respect. The reviewers were advised that the small size of the Congregation ensures that this contact role could be fully carried out by the DLP. The criterion is assessed as partially met.

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Table 1

Incidence of safeguarding allegations received within the Religious Congregation against priests and brothers, from 1st January 1975 up to time of review

Name of Congregation		
1	Number of congregational brothers against whom allegations have been made since the 1 st January 1975 up to the date of the review.	46
2	Total number of allegations received by the Congregation since 1 st January, 1975.	132
3	Number of allegations reported to An Garda Síochána/PSNI involving priests and brothers since 1 st January 1975.	132
4	Number of allegations reported to the TUSLA/HSE/HSC (or the Health Boards which preceded the setting up of the HSE,) involving priests and brothers of the Congregation since 1 st January 1975.	117
5	Number of brothers (still members of the Congregation) against whom an allegation was made and who were living at the date of the review.	3
6	Number of brothers against whom an allegation was made and who are deceased.	30
7	Number of brothers against whom an allegation has been made and who are in ministry.	0
8	Number of brothers against whom an allegation was made and who are 'Out of Ministry', but are still members of the Congregation	3
9	Number of brothers against whom an allegation was made and who are retired	3
10	Number of brothers against whom an allegation was made and who have left the Congregation	13
11	Number of brothers of the Congregation who have been convicted of having committed an offence or offences against a child or young person since the 1 st January 1975	4

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The BOC Congregation has received 132 allegations of child sexual abuse against 46 Brothers from 1st January 1975 to the present. An additional 36 allegations were made during this time which referred to lay people associated with the BOC Congregation, or where the alleged perpetrator was not identified. Thirty of the Brothers against whom allegations were made are deceased. These figures refer to allegations made in the first instance to the BOC Congregation, and exclude a substantial number of allegations which were made only to, and dealt with through, the Redress Board or the Ryan Commission.

The records indicate that all of the 132 allegations made against Brothers were referred to An Garda Síochána, and that 117 were referred to the Health Board/HSE. A sample of these allegations shows that approximately 42% of these allegations were known to An Garda Síochána in the first instance and passed by them to the BOC Congregation. Of the allegations which came initially to the BOC Congregation, about two thirds were referred without delay to An Garda Síochána. In the outstanding referrals the delay was within the range of 1-6 months. It has been pointed out to the reviewers that the majority of these allegations have been made by people with intellectual disabilities who often needed time to tell their stories, and that the process of establishing basic information took extra time. All allegations have been shared with the Health Board/HSE. One case was not reported to HSE, but had been reported to An Garda Síochána, and in a small number of cases the date of any initial report is not known. Approximately half of the reports to the Health Board/HSE took place without delay. There are a number of cases where the delay was significant (i.e. in excess of 1 year). The reviewers accept that during this timeframe the accused did not have contact with children and therefore there was no risk.

The three living Brothers against whom child sexual abuse allegations have been made in Ireland live in another jurisdiction, where they are subject to review and monitoring. All are elderly. None of these men have been convicted.

In the case of **Brother A**; the file records show that a number of allegations were received by the BOC at the beginning of the 2000's, and that restrictions were put in place at that time. (There is some discrepancy between the record of allegations on complainant files, and the number of respondent files). Most of the allegations were reported promptly to the civil agencies, and there was no prosecution. There is no record of consideration of the need for assessment or canonical action. There is no continuous record of case management, and there is a gap of some ten years without any detail. In terms of case management relevant information has been shared with state and church authorities. The majority of complainant files record offers of pastoral support/counselling from the DLP.

The records indicate that 5 allegations were made in Ireland in respect of **Brother B** also at the beginning of the 2000's. There is some file evidence that restrictions were placed on this Brother's contact with children. The allegations were either referred to, or were already known, to An Garda Síochána. There were no prosecutions. Detail about supervision is sparse until later in the decade. The civil and church agencies were formally alerted to Brother B's record by the BOC in recent years. There is no detail about safety planning, no reference to risk assessment, and no written record of Advisory

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Group input, though discussions were held at the Advisory Panel. Information on the complainant files is disjointed. There is evidence on complainant files of pastoral support by the DLP.

Brother C; Four complainants are referenced in the files in relation to allegations against Brother C made in the late 1990s and beginning of the 2000s in Ireland. Two of these were already known to An Garda Siochana. One was reported promptly, and the other after a delay of some months (although there was some ambiguity about the information). There were no prosecutions.

There is no record of consideration of the need for assessment or canonical action. There is further reference to supervision and review 2 years later, but again detail is poor. The next reference to supervision is in a formal notification to the civil agencies from the BOC Congregation 11 years later. The reviewers were advised that Brother C is subject to safety planning and review, but the documentation is poor on the files. The input from the Advisory Group is not evidenced. The files record that counselling/pastoral support was offered by the DLP to 3 of the 4 complainants.

Two of the Brothers convicted of child abuse offences are among the deceased, and two have left the Congregation. A total of 8 Brothers against whom allegations have been made have left the Congregation, and responsibility for the management of these men rests with the civil authorities.

The records establish that the two convicted deceased Brothers were prolific offenders against children. **Brother D** spent over 3 decades working in a residential unit with children in Ireland. The reviewers have seen a total of 41 allegations on the BOC files made available to them. The record shows that he was convicted on child sexual abuse charges in the latter part of the 1990s, and sentenced to a term of 4 years imprisonment. There was a further conviction some 7 years later on counts of indecent assault of boys some 25 years previously, when he was given a non-custodial sentence. There are grounds to believe that Brother D had multiple victims over many years. He held senior positions within the BOC. The file notes that the BOC became aware of his offending in the mid-1990s after the initial investigation by An Garda Siochana. However the file record is very sparse in relation to the period when he was abusing children. Brother D was referred for risk assessment following the Garda investigation, and again some years later. The record indicates that he lived within the BOC community under close supervision after his release from prison until his death some years ago, but detail is lacking.

Brother E worked in BOC residential institutions which provided services to children in Ireland for some 24 years from the mid-1940s. He then spent a short period in a psychiatric hospital setting in Ireland, before transfer to a residential unit for vulnerable adults in England, where he worked until retirement in the late 1980s. He was a school Principal in Ireland at one stage of his career. The reviewers have seen references in BOC Congregation files made available to them to 41 allegations of sexual abuse against children in Ireland. It is recorded that he was convicted on multiple sexual abuse charges

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against children in Ireland and sentenced to prison terms in 1999 in 2000 and in 2001. The circumstances in which he left his post in a school in the late 1960s, and was later posted to work with vulnerable adults in England, are unclear in the file record. It is noted that his convictions in Ireland were preceded by a conviction in England for sexual offences against a vulnerable adult, committed just after he was assigned there in the early 1970s. He was released from prison in Ireland in the early 2000s, and was subsequently resident in the BOC community England. There are references on file to restrictions and formal safety contracts until his death eight years later. These include safety planning meetings convened by the Probation and Public Protection Panel in England. The BOC files in these two major cases are unstructured and poorly organized and lack any coherent narrative about child safeguarding management. There is no reference to any consideration of canonical action. In the case of Brother E risk assessment is referred to but is not documented in sufficient detail. Victim outreach actions are not summarised in the respondent files and are difficult to assess in either case because of the dispersed nature of the filing system.

Brother F left the Congregation and was laicised within the past decade. He was convicted in the late 1990s for the indecent assault of a teenage boy in Ireland, and given a 2 year sentence. The file records that there had been an allegation in relation to this Brother some years previously, and there is reference to a conviction for gross indecency, as a result of which he had been subject of supervision by the BOC Congregation. There are 6 allegations in total listed in the file record. Following his term in prison he was assigned to an administrative role outside Ireland for the next 8 years. The file notes that risk assessments were commissioned in this case, and refers to supervision and monitoring but lacks detail. There is no safeguarding narrative or summary on the file, which is not well structured and has information gaps. There is no evidence on the respondent file of pastoral response. The BOC notified the An Garda Siochana when Brother F left the Congregation.

Brother G left the Congregation and was laicised over 30 years ago. He was convicted approximately 10 years ago of sexual abuse offences against three boys, which occurred in a residential unit in Ireland when he was still a Brother. There are file references to a total of 4 allegations in this case. The file record in this case is very sparse, and there is no safeguarding narrative, nor reference to victim outreach on the respondent file.

The reviewers read files relating to 4 other deceased Brothers. In general information on these files which were made available to the reviewers is limited. They are not well structured, and lack safeguarding narratives. There are information gaps in relation to any assessments, restrictions or safety planning, and input from the Advisory Committee is only evidenced in one file.

The filing system used by the Congregation is based on complainant/survivor files, making access to information about safeguarding management of individual Brothers (particularly those subject of allegations from multiple complainants) difficult, and needs to be re-organized. It involves three separate sources held separately (complainant file, respondent personnel file and respondent safeguarding file). The amount of data is

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considerable because of the complex safeguarding history of this Congregation. The reviewers recommend that immediate steps are taken to redesign the filing system to create a more integrated and accessible archive, not just for the purposes of contemporary safeguarding management but also for reasons of historical accuracy. This action will have a resource implication for the Congregation, as the reviewers consider that it would be well beyond the capacity of the current safeguarding staff.

RECOMMENDATION 2; The Regional Leader should take immediate steps to implement a comprehensive restructuring of the safeguarding filing system to create a more integrated and accessible archive.

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 the Brothers of Charity meet 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 partially*
3.2	The safe recruitment and vetting policy is in line with best practice guidance.	Met partially*
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.	Not Met*

Criteria – Codes of behaviour

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

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3.7	There are processes for dealing with children’s unacceptable behaviour that do not involve physical punishment or any other form of degrading or humiliating treatment.	Not met**
3.8	Guidance to staff and children makes it clear that discriminatory behaviour or language in relation to any of the following is not acceptable: race, culture, age, gender, disability, religion, sexuality or political views.	Not Met*
3.9	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

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

***Denotes recognition by the reviewers that this criterion does not have active application for the review of this Congregation.**

The National Child Protection Policy does not address safe recruitment and vetting of Brothers. However given the declining numbers, age profile and lack of ministry with children, this criterion has limited applicability. The reviewers accept that 3.1 and 3.2 are partially met in practice, and that 3.3 may be considered to have no active application because of the absence of any contact with children. The reviewers consider that criterion 3.4 (Guidance on expected behaviour for adults towards children) is partially met. This is addressed in a separate document (*Code of Practice for all Persons who Support Children using the Brothers of Charity Services -2015*) which was made available to the reviewers, but is not openly stated in the policy.

While the above criteria relate to best practice in vetting and code of practice for adults dealing with children and are regarded as cornerstones of safeguarding practice, given

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that there are only 2 members in active ministry with no new members coming into the Congregation, the reviewers accept that within the BOC Congregation they have limited applicability.

The reviewers consider that the remaining criteria (3.5 – 3.12) do not have active application in the circumstances of the Brothers of Charity Congregation and are designated as not met for this reason.

Given the pending changes and introduction of a common Church child safeguarding policy, which will be applicable to the Brothers of Charity, the reviewers are not recommending any local development of policy.

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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 Partially *
4.2	Identified Church personnel are provided with appropriate training for keeping children safe with regular opportunities to update their skills and knowledge.	Met Partially *
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.	Not Met*

***Denotes recognition by the reviewers that this criterion does not have full application for the review of this Congregation**

There is no written reference to a training strategy for the BOC Congregation; however, relevant personnel from the Brothers of Charity Congregation attend national training organised by the NBSCCCI. The DLP is a qualified social worker, with experience in children's services and learning disability.

The reviewer has decided not to make any recommendations as the two active members of the Congregation and the DLP's training needs will be addressed through adopting "Safeguarding Children: Policy and Standards for the Catholic Church in Ireland, 2016"

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.	Not Met*
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

***Denotes recognition by the reviewers that this criterion does not have full application for the review of this Congregation**

The Child Protection Policy followed by the Congregation does not address Communication. The policy does not specifically refer to the Congregation. In practice the reviewers were informed that the National Child Protection Policy is easily available within the Congregation, that everyone knows who the DLP is and how to contact her, and that they have access to contact details of the civil agencies through her; therefore this is assessed as being partially met. The reviewers accept that Criterion 5.1, 5.3 and 5.4 are fully met in practice. The DLP liaises with An

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Garda Siochana and TUSLA when there are allegations to report; in addition the DLP is contacted by An Garda Siochana on a case by case basis. Therefore Criterion 5.5 is fully met. It is accepted that Criterion 5.2 does not have active application in the context of the circumstances of this Congregation.

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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 Fully
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 BOC Congregation have had an Advisory Committee in place since the 1990s to provide specialist advice and support to the Regional Leader in the area of child safeguarding. The initiative to establish such a Committee was taken by the BOC Congregation at a very early stage in the recent history of child safeguarding in the Church, and this is commended. The Committee consists of the Regional Leader, a solicitor, a psychologist, a canon lawyer and the DLP (social worker). The reviewers were advised that it meets twice yearly, or more frequently as required, and considers any new allegations, any concerns, reports on men under supervision and the management of past allegations as appropriate. The reviewers have seen some references to the work of the Committee on individual case files and accept that Criterion 6.1 is met fully in practice. The reviewers were advised that notes of meetings are kept separately by the

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Chair (who is a lawyer based in Dublin). It is essential that the Regional Leader should have at his disposal documentary evidence of the scope, activity and work of the Advisory Committee and that this should be available for external review.

The reviewers were assured by the Regional Leader and DLP that their contact with the NBSCCCI, enables the BOC Congregation to be updated in relation to any new developments in the field of child safeguarding. It was also pointed out to the reviewers that the BOC Congregation has promoted multi-disciplinary working in practice for many years, and that this has led to awareness of new policy and practice developments across professional boundaries. Criterion 6.2 is therefore assessed as met fully.

The National Child Protection Policy does provide guidance on responding to a child making an allegation of abuse, and Criterion 6.3 is assessed as met fully.

In relation to Criterion 6.4 (Victim Support), the reviewers have noted that the BOC Congregation has made a public apology for the abuse suffered by pupils, and have seen considerable file evidence of outreach in practice by the BOC Congregation to those who have made allegations of abuse. In individual cases the DLP has provided immediate support in a letter to service users who have made allegations, offered to meet, arranged counselling where appropriate and made herself available for contact at all times. There is evidence therefore that Criterion 6.4 is met in practice but this approach needs to be framed in a policy statement.

The reviewers have read the files of those Brothers who are still members of the Congregation against whom allegations have been made, and there is documentation – albeit incomplete – relating to supervision and safety planning. All 3 Brothers reside outside Ireland, and it was not feasible for the reviewers to meet with those who provided the supervision. The reviewers accept that Criterion 6.5 is fully met in practice, although the commitment to provide supervision and safety planning by the BOC Congregation needs to be stated in policy, and the file records need to be better.

RECOMMENDATION 3: The Regional Leader should ensure that a central file is created and retained to summarize and document the work and activity of the Advisory Committee, and that this should be available for external review (Standard 6).

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 partially
7.4	Processes are in place to ask parishioners (children and parents/ carers) about their views on policies and practices for keeping children safe.	Not Met*
7.5	All incidents, allegations/ suspicions of abuse are recorded and stored securely.	Met Fully

***Denotes recognition by the reviewers that this criterion does not have full application for the review of this Congregation**

The BOC Congregation does not have a Child Safeguarding Committee (NBSCCCI Resource 1, Standards and Guidance) and the reviewers accept that due to its small, declining size that it does not require a detailed strategic safeguarding plan. The reviewers draw attention to the extent of the historical legacy (including the re-organization and preservation of records), the pending introduction of the common Church Safeguarding policy and the pending organizational change.

The Regional Leader and the DLP are the people responsible for child safeguarding, which in the context of the BOC Congregation relates only to the management of allegations. The decreasing size and age profile of the Congregation (10 living members all retired, apart from two who are over 70) and the absence of any ministry with children means that Standard 7 has limited applicability.

Criterion 7.1 (Written Plan) is not evidenced and is assessed as not met. The reviewers saw no evidence that the BOC Congregation is actively involved in monitoring compliance with child protection policy. While there is no written evidence the BOC

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Congregation verbally reported on the monitoring arrangements for the men out of ministry. Criterion 7.3 is assessed as met partially. The reviewers understand that the financial aspect is not an obstacle to safeguarding development, and that Criterion 7.2 is met fully. The reviewers note that 7.4 (Client Feedback) clearly does not have active application within the BOC Congregation. Criterion 7.5 (Secure Storage) is met fully.

RECOMMENDATION 4: The Regional Leader should ensure that full application and monitoring of future relevant standards under the revised national policy will be adopted by the BOC Congregation in 2016.

Recommendations

RECOMMENDATION 1:

The Regional Leader should ensure that the Congregation adopts and adheres to the revised “Safeguarding Children: Policy and Standards for the Catholic Church in Ireland, 2016.”

RECOMMENDATION 2;

The Regional Leader should take immediate steps to implement a comprehensive restructuring of the safeguarding filing system to create a more integrated and accessible archive.

RECOMMENDATION 3:

The Regional Leader should ensure that a central file is created and retained to summarize and document the work and activity of the Advisory Committee, and that this should be available for external review (Standard 6).

RECOMMENDATION 4:

The Regional Leader should ensure that full application and monitoring of future relevant standards under the revised national policy will be adopted by the BOC Congregation in 2016.

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Terms of Reference

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

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

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

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

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

Accompanying Notes

Note 1

Definition of Child Sexual Abuse:

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

“While definitions of child sexual abuse vary according to context, probably the most useful definition and broadest for the purposes of this Report was that which was adopted by the Law Reform Commission in 1990¹ and later developed in Children First, National Guidelines for the Protection and Welfare of Children (Department of Health and Children, 1999) which state that ‘child sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal or that of others’. Examples of child sexual abuse include the following:

- exposure of the sexual organs or any sexual act intentionally performed in the presence of a child;
- intentional touching or molesting of the body of a child whether by person or object for the purpose of sexual arousal or gratification;
- masturbation in the presence of the child or the involvement of the child in an act of masturbation;
- sexual intercourse with the child whether oral, vaginal or anal;
- sexual exploitation of a child which includes inciting, encouraging, propositioning, requiring or permitting a child to solicit for, or to engage in prostitution or other sexual acts. Sexual exploitation also occurs when a child is involved in exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, video tape, or other media) or the manipulation for those purposes of the image by computer or other means. It may also include showing sexually explicit material to children which is often a feature of the ‘grooming’ process by perpetrators of abuse.

Note 2 **Definition of Allegation:**

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

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

Note 3 False Allegations:

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

Note 4

Random sample:

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

Note 5

Civil Authorities:

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