



**Review of Safeguarding Practice
in the Irish Section of the
Third Order of St. Francis of Assisi
(The Franciscan Brothers)**

undertaken by

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

Date November 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 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 in the Irish Section of the Third Order of St. Francis of Assisi (The Franciscan Brothers)* 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 NBSCCCI by the Congregation, along with interviews with selected key personnel who contribute to safeguarding within the Congregation. The NBSCCCI believes that all relevant documentation for these cases was passed to the reviewers and the Minister General of the Franciscan Brothers has confirmed this.

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

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Introduction

At the request of Br. Peter Roddy, Minister General of the Third Order of St. Francis of Assisi, the Franciscan Brothers, staff from the NBSCCCI engaged in a process of reviewing the safeguarding children policy, procedures and practice of the Third Order on the 21st and 22nd of October 2014. Over the two day fieldwork period, case files were examined and interviews were conducted with key personnel in the Congregation's safeguarding structure. It was noted by the reviewers that all the key safeguarding personnel in this structure were Franciscan Brothers.

The reviewers also read the following documents, which were evaluated against the 2009 NBSCCCI *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland*:

Franciscan Brothers 'Policy for Safeguarding Children' October 2010 (minor revisions were undertaken in October 2014).

Other documents reviewed were: *Franciscan Brothers' Communication Policy* (draft), undated.

Franciscan Brothers - Mountbellew

The Franciscan Brothers (Mountbellew) are a brotherhood of the Third Order of St. Francis of Assisi, a lay religious Institute of Religious Life, with their motherhouse and generalate in Mountbellew, Ireland.

Mission Statement

The Mission Statement of the Franciscan Brothers states that they are a Religious Institute of Brothers who follow the rule and life of the Brothers and Sisters of the Third Order of St. Francis of Assisi. Through community, through prayer and simplicity and in partnership with the local church, they work towards the fullness of life promised us by Jesus. Their own communities are the first areas in which they seek to show love in service and in truth. They commit themselves to finding practical and relevant ways to reinforce their penitential orientation, personally and communally, and to reject those elements which deflect their options for God and the poor. They joyfully commit themselves to the empowerment of people especially the poor, through prayer and Christian formation, in education, social work, agriculture, formation to religious life, care of their sick and aging members and caring for all God's creation.

History of the Franciscan Brothers

The Institute was founded from among the secular tertiaries attached to the Franciscan Friary of Adam and Eve's in Dublin about 1818 to 1820. About 1820, Brothers from the Dublin community were invited to Mountbellew in County Galway, by the local landlord Christopher Dillon Bellew, to establish a school for the

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education of the children on his estate. In 1830, the community of Mountbellew was incorporated into the Archdiocese of Tuam as a diocesan congregation and continued in that capacity until the 1930's. Under the direction of the Archbishop of Tuam they established communities and schools in many locations across the Archdiocese. Among these were Roundstone, Clifden, Ballyglunin, Kilkerrin, Cummer, Corrundulla in Co. Galway, Errew, Partry and Achill in Co. Mayo and Kiltullagh in Co. Roscommon. A second community at Highlake in Co. Roscommon was in the Diocese of Elphin. With the exception of the communities at Mountbellew, Clifden and Corrundulla, all the others have closed. An independent foundation in Clara Co. Offaly, which joined with the Brothers in the Archdiocese of Tuam in 1847, continues to exist. A second community in Clara, founded in 1934, closed in 1990.

Most of the communities in Ireland were based in rural locations and each community operated a local school. Up to 1881, these schools were outside the jurisdiction of the National Board of Education and were supported by the Franciscan Brothers from their work on small farms with the help of charitable donations. In 1904 the Franciscan Brothers opened up the first residential Agricultural College in modern times in Mountbellew.

In the course of the nineteenth century, Brothers from the Irish communities established foundations in the United States, which became independent institutes in their own right. In 1957, Brothers from Ireland began work in Catholic schools in the Archdiocese of Los Angeles.

Following their recognition as an Institute of Pontifical Right in the 1930's, the Brothers in Ireland extended their mission to schools in Nigeria in 1936. In 1953 they went to the Cameroon. In both these countries the Brothers worked in the area of teacher training and in agriculture. Following on the civil war in Nigeria in the 1960's, the new government took control of teacher education. The Brothers gradually withdrew. In 1974, in response to changes in government policy and their own congregational needs, the Brothers withdrew also from Cameroon. In 1977 they returned to Africa and assumed the management of Baraka Agricultural College near Nakuru in Kenya. Their work in Kenya and more recently in Uganda in education, agriculture and sustainable development, continues to expand.

Current Situation.

There are currently twenty-four Brothers based in the communities in Ireland. Two are also based in Uganda and three in Kenya. Four Brothers remain in the United States. There are also eighteen professed African Brothers and six novices, all from either Kenya or Uganda.

Structure of the Congregation

A majority of the Irish-based Brothers are retired. A small number are still employed in either farm management or in administration in the Agricultural College in

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Mountbellew, which was formally run by the Franciscan Brothers but is now run by a Board of Directors.

The Generalate for the Congregation is based in Mountbellew, Ireland. The Minister General is also based in Mountbellew. The Minister General is supported by a General Council of Franciscan Brothers with representatives from Ireland and Africa.

Each region has a Regional Minister who is responsible for their area, e.g. the US has a Regional Minister. On a local level each community has a local Minister. The titles of Regional Minister and local Minister replace the previously used title of 'Superior'.

Effectively the local safeguarding representative in each community is currently the local Minister. The current Minister General's term in office ends in July 2015 and a period of transition has begun to prepare for a handover to a new Minister General and Council.

For the purpose of this review the Minister General, Br. Peter Roddy, the Designated Liaison Person (a Franciscan Brother), two members of the General Council (one of whom is also an advisor to Brothers in restricted ministry), a former Minister General, a second advisor (a Franciscan Brother) were all interviewed.

Age profile of the Congregation:

The Congregation is an international Congregation and, as already noted, has Brothers based in Ireland, Uganda, Kenya and the United States. The total number of Irish Franciscan Brothers across the Congregation is thirty-three, ranging in age from 62 years to 95 years, with an average age of 72.3 years.

The average age of the Brothers currently in Ireland is 74 years.

There are eighteen professed African Brothers and six novices, all from either Kenya or Uganda, ranging in age from 25 years to 50 years.

NBSCCCI Review

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 a time when an allegation is received and in the present time. It is an expectation of the NBSCCCI that key findings from a review will be shared widely so that public awareness of what is in place and what is planned may be enhanced, as well as increasing confidence that the Church is taking 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 relevant records held by the Franciscan Brothers. The access does not constitute disclosure as the reviewers,

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through the deed, were deemed to be nominated data processors of the material for the Minister General.

The review involved the fieldwork team reading all case management records of living and deceased members of the Franciscan Brothers against whom a child safeguarding allegation of child sexual abuse had been made, or about whom a concern of a similar nature had been raised.

Interviews were held with Br. Peter Roddy, Minister General, the Designated Liaison Person, two members of the General Council, (one of whom is also an advisor to Brothers in restricted ministry), a former Minister General and a second advisor. The statutory authorities of TUSLA/Child and Family Agency and An Garda Síochána were also consulted for their views.

The review team conducted an assessment of the Franciscan Brother's safeguarding policies and procedures against the standards set down in *Safeguarding Children: Standards and Guidance Document of 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 on the website of the Franciscan Brothers.

Reviews into safeguarding practice, have two objectives, to establish how concerns (complaints, allegations, knowledge, suspicions or concerns) of child sex 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. In order to achieve these two key objectives the review process employs 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 reviewers under each standard. Conclusions are drawn regarding both the effectiveness of the Congregation's policies and practice in the prevention of abuse and the ability of the relevant personnel within the Franciscan Brothers Congregation's structure in the Irish sector to assess and manage risk for children. Recommendations for future practice have been made where it is considered appropriate.

It should be noted in carrying out this review that the reviewers acknowledge the NBSCCCI's standards, consisting of seven standards, subdivided into forty-eight criteria, is a detailed framework. This document is aimed towards shaping the Roman Catholic Church's safeguarding structure primarily in dioceses and the larger congregations. The reviewers recognise that the profile of the Franciscan Brothers, with an average age of 74 years with mainly retired Brothers in Ireland and with no youth ministry, in Ireland, means that some standards have limited or no applicability. This will be reflected as each standard is reviewed in this report.

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 *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 Franciscan Brothers. 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 congregation - 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 Franciscan Brothers meets 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 partially
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 fully
1.3	The policy states that all Church personnel are required to comply with it.	Met fully
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 partially
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.	Met fully
1.6	The policy states how those individuals who pose a risk to children are managed.	Met partially
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 partially
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.	Met fully

Criteria 1.1 is met partially. The existing Franciscan Brothers' Policy for Safeguarding Children' document has mainly good content but it is not presented in a format that is easy to follow. This document is overdue a full review of its content and the new policy document

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needs to be structured better to ensure a clarity of process particularly in the *Responding to Allegations* section. It should be noted that prior to this review an independent review of the policy document was initiated by the Minister General and he does have an awareness of the work that needs to be done to update the current version.

Recommendation 1

The Minister General should ensure that a review of the Congregation's existing 'Policy for Safeguarding Children' document takes place over and above the minor revisions that occurred in October 2014, in consultation with NBSCCCI and TUSLA.

Criteria 1.2 and 1.3 are met fully.

The current safeguarding document is signed by the Minister General, Br. Peter Roddy. It states quite clearly in the introduction to the safeguarding policy document that *it is imperative that this policy be adhered to by all members, staff and volunteers*. It also quotes from the Franciscan Brothers General Chapter (2009) the following *We will ensure that all Franciscan Brothers and lay staff and volunteers working in our institutions are aware of and internalise the guidelines established by the state, and our own institute regarding the safeguarding of children.* The draft Communication Policy also states that *"The principles of that (Safeguarding Children) policy must be applied and acted on by every Brother, co-worker, employee, volunteer, agent or any person acting in any capacity associated with the Brotherhood or its services, in their activities.*

Criterion 1.4 is met partially.

The safeguarding policy document is dated 2010 and minor revisions were made in October 2014. In view of the fact that the Catholic Church's National Standards for Safeguarding Children are currently being revised, the updating of the Franciscan Brothers' safeguarding policy should be timed to take the possible changes into account. In addition any revised document will need to be *Children First* proofed by TUSLA/Child and Family Agency.

Criterion 1.5 is met fully.

The document deals comprehensively within the *Code of Good Practice* in respect of the requirements for child protection guidance in the following contexts:

- 'General conduct', particularly with regard to travel with children and young people
- 'Meeting with children and young people', particularly in pastoral care situations involving Franciscan Brothers and children/young people.

Child protection guidance is also clearly given in the section of the safeguarding policy document that deals with *Trips away from home*. This guidance is also reinforced by parental consent procedures and by record keeping covering any activities that children/young people are involved in.

Criterion 1.6 is met partially.

The policy states the initial responses to how an individual accused of child sex abuse will be responded to. However there is no mention of how the situation will be managed in respect of;

- The possible need for an independent credibility assessment.
- The recording of supervision sessions within the context of a supervision plan.
- That the General Council is, in essence, the Congregation's Advisory Panel.

Recommendation 2

The Minister General must ensure that the revised safeguarding policy document details how individuals, who pose a risk to children, are managed.

Criterion 1.7 is met fully.

The Safeguarding Policy document sets out clearly the definitions of child abuse and includes in appendix detailed information regarding *Signs and Symptoms of abuse*.

Criterion 1.8 is met partially.

The safeguarding policy document does not state consistently that all current child protection concerns must be fully reported to the civil authorities without delay. The Minister General is aware of this issue and has committed to ensuring that the revised policy will deal with this issue.

Recommendation 3

The Minister General should ensure that all safeguarding documentation drafted by the Franciscan Brothers clearly states that all allegations of abuse are reported to the civil authorities without delay by the Designated Liaison Person, using the standard notification form.

Criterion 1.9 is met fully.

A separate policy document is being developed for the East Africa Mission in full cooperation with and support from the Minister General and his General Council. The reviewers were advised that this mission would have more contact with children and young people than other sectors within the Franciscan Brothers.

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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 Franciscan Brothers 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 partially
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 partially
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 partially
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.	Not met
2.7	The procedures include contact details for local child protection services e.g. (Republic of Ireland) TUSLA and An Garda Síochána; (Northern Ireland) the local health and social services trust and the PSNI.	Met partially.

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Criterion 2.1 is met partially. Guidance is set out in the safeguarding policy document on what action to take if there are allegations or suspicions of abuse of a child. However, the reviewers are of the view that this is not ‘step by step’ guidance. In particular the first point of contact in respect of an allegation should be the Designated Liaison Person (DLP) and there should be no confusion created by suggesting that the contact could be through the Minister General. The text in the policy document should reflect the information in the flow chart set out on page 8 of the Brothers’ policy document

In addition there is no guidance as to how the recipient of the allegation is to deal with a child coming forward. This could be a particular issue in the East African Mission.

The policy document also states that a complainant will be offered a support person but it is evident that there is currently no formal victim support structure in place within the Franciscan Brothers. The reviewers are aware, that amongst the multiple safeguarding tasks that have been taken on by the current Minister General, is that of contact with survivors of abuse.

Recommendations 4:

The Minister General must ensure that step by step guidance on what actions must be taken if there are allegations or suspicions of abuse of a child, are set out clearly in any revised safeguarding policy document, including guidance on how to respond to a complainant coming forward.

Criterion 2.2 is met partially. The current safeguarding children policy document has been reviewed by TUSLA in the context of compliance with *Children First* National Guidelines (2011). This was part of the national audit of safeguarding practices undertaken by the Child and Family National Office of the HSE in 2013. To date no specific feedback has been received by the Franciscan Brothers re their safeguarding policy document. The Minister General will ensure that any revised safeguarding documentation will be reviewed by TUSLA.

Criterion 2.3 is met partially. There is a designated person with clearly defined role and responsibilities for safeguarding children within the Franciscan Brothers. However as noted above, in practice the Minister General and his General Council can at times fulfil some of the functions of the DLP. This is understandable, to some extent, given that there is only a small congregation of Franciscan Brothers. The tendency of the Minister General to fill gaps in the safeguarding process can lead to him dealing with complainants, the accused and the civil authorities. The Minister General has accepted that this may lead to role confusion and therefore should not be allowed to continue.

Recommendation 5

The DLP should assume responsibility for responding to allegations of abuse. He would be assisted by the appointment of a Deputy DLP.

Criterion 2.4 is met partially. Case files are stored securely. The safeguarding children policy document references recording activity based actions with children, but guidance related to the creation and maintenance of case files in a child abuse context is missing.

Recommendation 6

The Minister General should draft guidance for recording incidents, allegations, suspicions and referrals, including guidance for the creation and maintenance of case files relating to child abuse concerns.

Criterion 2.5 is not met. There is no clear process in place for dealing with complaints made by adults and children about unacceptable behaviour towards children, with clear timescales for resolving the complaint.

Recommendation 7

The Minister General should develop a complaints policy for use within the Franciscan Brothers.

Criterion 2.6 is not met. The current safeguarding policy document is seriously lacking in any guidance in respect of data protection, information sharing and confidentiality. This shortfall should be addressed in the revision of the policy document.

Recommendation 8

The Minister General should ensure that the safeguarding policy document of the Franciscan Brothers should set out clearly the requirements of data protection, information sharing and confidentiality with regard to information held in respect of child abuse allegations and concerns.

Criterion 2.7 is met partially. The contact details for the civil authorities, particularly TUSLA, need to be consistent throughout all the Franciscan Brothers' documentation. The current policy document still references the HSE not TUSLA as a body to receive a child abuse notification from the Franciscan Brothers.

Recommendation 9

That the Minister General will ensure that all the safeguarding documentation of the Franciscan Brothers states the current contact details for the relevant civil authorities.

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Table 1

Incidence of safeguarding allegations received within the Franciscan Brothers from 1st January 1975 up to time of review.

1	Number of Brothers against whom allegations have been made since 1 st January 1975 up to the date of the Review	14
2	Total number of allegations received by the Congregation since 1 st January, '75	56
3	Number of allegations reported to An Garda Síochána/PSNI involving Brothers of the Congregation since 1 st January 1975	56
4	Number of allegations reported to TUSLA/HSE/HSC (or the Health Boards which preceded the setting up of the HSE) involving members of the Congregation since 1 st January 1975	56
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	4
6	Number of Brothers against whom an allegation was made and who are deceased	7
7	Number of Brothers against whom an allegation was 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	4
9	Number of Brothers against whom an allegation was made and who are retired.	4
10	Number of Brothers against whom an allegation was made and who have left the Congregation	3
11	Number of Brothers of the Congregation who have been convicted of an offence against a child/young person since 1 st January 1975	3

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

Table 1 Analysis

The management of child abuse allegations in the Franciscan Brothers is undertaken by the Designated Liaison Person (DLP). The issue of potential role confusion with the Minister General has already been addressed earlier in this report.

In this arrangement the DLP is a Franciscan Brother, currently without a Deputy DLP to support him in the task. The DLP reports to the Minister General of the Franciscan Brothers.

In each community there is a local Minister who effectively has become the local Child Safeguarding representative. Due to the small numbers and age profile of the members the reviewers recognise that those who can fulfil the role of safeguarding representative are few.

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The General Council appointed by the Minister General is acting, in this case, as a Safeguarding Advisory Panel. Advice may also be sought by the DLP and the Minister General from the National Case Management Review Group (NCMRG) under the auspices of the NBSCCCI. There is no safeguarding committee currently in place.

The information in Table 1 records a total of 56 suspected child sexual abuse allegations known to the Franciscan Brothers since 1.1.75, to the date of this review. The total of 56 allegations was made in respect of 14 Franciscan Brothers. The time period covered by these allegations is from the mid 1940's to the 1980's. A significant proportion of the allegations received were in respect of one Franciscan Brother who left the Congregation in 1985.

At this time all the allegations have now been notified to the civil authorities.

In the time period covered by this review 3 Franciscan Brothers have been convicted as a result of child sexual abuse charges. Two had left the Congregation prior to their convictions while the third is still a Franciscan Brother and lives in a community under a supervision plan.

Former Franciscan Brother 'A' left the Congregation in 1985 and was convicted of child sexual abuse offences for which he served a prison sentence from 1998 to 2006. In 1998 he was sentenced to a ten year prison sentence at two separate courts. The allegations in respect of this man are recorded from approximately 1967 to approximately 1981. Across this time period he was a teacher in a number of national primary schools. According to the case files, complaints were made known to the Congregation in 1973, 1974 and 1981. It was not until 1981 that he was removed from teaching. In the interim the Congregation knew from at least 1973 that there were concerns of a sexual nature in respect of his behaviour with children and he remained teaching.

The multiple victims in this case primarily received financial settlements either through initiating a civil process or via direct contact with the Franciscan Brothers.

In recent years the Minister General has initiated direct contact with the survivors and thereby reduced the need for dialogue through legal correspondence, this is to be commended.

The management of Brother A from early 1982 to him being released from his vows and leaving the Congregation in 1985, primarily involved him working in positions where he had no contact with minors.

The majority of victims became known to the Congregation initially through civil proceedings. The delay in notifying cases in respect of most of the allegations by these victims to civil authorities was years in most cases. It is only in 2013-2014 that notifications have been made within months (3-4 months in some cases). The reviewers have already made a recommendation regarding notifications being made to the civil authorities without delay.

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The Congregation have advised that the delay in reporting allegations to the HSE, was due to the fact that most victims of Brother A made their complaint initially to An Garda Síochána and most of the cases resulted in criminal conviction. It would appear that the protocol of one civil authority agency advising the other was not followed in these cases. Attempts through the Congregation's solicitors to find the names of those involved in criminal cases proved unsuccessful.

It is cause for concern that from 1973 to 1981, whilst he was still teaching, Brother 'A' does not appear to have been offered an independent risk assessment, psychiatric evaluation or counselling.

Brother 'B' is the second of the Franciscan Brothers convicted of sexual abuse offences against children. He has remained within the Congregation, out of ministry, on discharge from prison and has been subject of a safety plan since his release.

Brother 'B' was convicted in 2006 and received a five year sentence. He was released in 2009 and was put on the sex offenders register. Concerns had arisen in 2004 and related to a period when he was a teacher in a college. The allegations related to the period 1985-1990. The Congregation took prompt action:

- The school manager was advised within days of the allegations coming to light.
- Brother 'B' was referred to a treatment service.
- An Garda Síochána were already aware and the Health Board were notified within days of the Congregation becoming aware.
- A risk assessment was completed in respect of Brother 'B'.

On his release from prison in 2009, a safety plan was put in place and he was given an advisor. This agreement was not reviewed again until September 2014. The reviewers are concerned that this agreement is based on a risk assessment completed in 2005. It has been suggested to the Congregation that they should give some consideration to updating the assessment to ensure that the current agreement is sufficient to continue to safeguard children.

Most of the victims in this case received civil settlements.

Former Br 'C' was the third Franciscan Brother to be convicted during the time period covered by this review. He left the Congregation in 1985 and in 2000 he was convicted of child sexual abuse and sentenced to two years in prison.

There was at least one recorded missed opportunity to protect children when an incident of a sexual nature occurred in 1969/1970 but he remained in the same location until 1973. One of the victims who came forward in recent times was abused in the same location in 1971.

Subsequently Br. 'C' was in a college from 1974-1976 as a cook; two further victims have come forward from this time period also.

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In all the previous cases there had been a delay of years in notifying the civil authorities. It is a matter of record however, that former Br. 'C' was convicted of abuse by the time the allegations were made known to the Franciscan Brothers.

The last victim to come forward made contact in 2012 and was promptly notified to the HSE. An Garda Síochána had already been aware as they had contacted the Franciscan Brothers initially.

Most of the victims in this case received civil settlements.

Br 'D' is retired and lives in a Franciscan Brother's community under a safety plan, with a named advisor. The allegation, which was received in 2012, was denied by Br. 'D'.

In this case prompt notifications were made to the civil authorities and a safety plan was initiated within days.

The Franciscan Brothers have been seeking the advice of TUSLA as to whether a safety plan is still required in respect of Br. 'D'. To date neither TUSLA, nor the Franciscan Brothers have succeeded in obtaining a response from the complainant, through his solicitor. The Congregation are challenged by an inability to assess the credibility of the allegation made, given the reluctance of the complainant to come forward to either the civil authorities or the Congregation.

Br. 'E' is a Brother where there are child sexual abuse concerns. He is retired, living in a community setting and a safety plan is in place, which includes the support of an advisor. An independent assessment of Br. 'E' is currently underway as recommended by TUSLA.

At the time the concerns were made known to the Franciscan Brothers in 2010 prompt notifications were made to the civil authorities. The abuse took place in a school setting where Br. 'E' was a teacher.

Br. 'F' has been subject to an allegation of child sexual abuse. He is also retired, lives in a community setting with a safety plan in place, which again includes a named advisor. This abuse is alleged to have taken place in a national school setting when Br. 'F' was a teacher in that school. Br F denies that the abuse occurred.

Notifications were made to the civil authorities and to the NBSCCCI without any undue delay.

The Congregation have made efforts through TUSLA to follow up with the complainant, the outcome of which was that the complainant did not wish to have any contact with the statutory authorities.

Former Br. 'G' who left the Congregation in 1975, was subject to sexual abuse allegations relating to a national school where he was a teacher. After he left the Congregation he continued to teach. The Congregation was not aware of the first allegations until 1999.

The Gardai became aware of this allegation at the same time as the Order, but there was a delay in notification to HSE. Only one of his alleged victims continued with his case to a stage where a civil settlement was agreed, without prejudice, with the Franciscan Brothers.

Deceased Brothers

The reviewers read case files in respect of 7 deceased Franciscan Brothers who were the subject of child sex abuse allegations.

Br. 'H' was deceased when an allegation was made in respect of him. In this case prompt notifications were made to the civil authorities and the victim received an ex-gratia payment.

Former Br. 'I' had a number of victims. He left the Congregation in the 1970's, but prior to his departure the Congregation had several opportunities to safeguard children but did not appear to take them.

On the first occasion he was a teacher in a national school when an allegation of abuse was made against him. The response of the Congregation was effectively to deal with the allegation as a disciplinary issue and to move him to another national school. In this second school another complaint was made known to the Congregation. He then moved to teach in a college in the USA, whilst still remaining a Franciscan Brother. In all three of the locations, allegations were made subsequently of sexual abuse of pupils by Br. 'I'. From 2010 the notifications to civil authorities in respect of victims coming forward, in this case, have been made promptly in the majority of cases. In addition, victims have been met by the Congregation and pastoral as well as financial supports have been offered.

Br. 'J' was deceased when a sexual abuse notification was made in respect of him. In this case prompt notifications were made to the civil authorities and the victim was met by the Congregation and received an ex-gratia payment.

Br. 'K' was also deceased when child sexual abuse allegations were made in respect of him. In the first case there were delayed notifications to the civil authorities. The more recent case had prompt notifications and the victim received a financial settlement.

Br. 'L' was deceased when a child sexual abuse allegation was made in respect of him. In this case the reviewers note that there was a significant delay in notifying the civil authorities, however there was an immediate response to the victim and an invitation to meet. The victim lived outside the country and said contact would be made during their next visit to Ireland. There was further correspondence between the Franciscan Brothers and a relative. An invitation to meet was offered again through a second relative and a meeting eventually took place in Ireland in 2014.

Former Br. 'M' left the Congregation in the early 1950's and was still living when an allegation was made known to the Congregation. This case was pursued by the victim via civil proceedings but was withdrawn and no settlement was made.

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Br. 'N' was deceased when a child sexual abuse allegation was received by the Congregation in respect of him. The victim was duly met and the Congregation confirmed that appropriate counselling supports were in place. In this case however no notifications were made to the civil authorities until some years after this notification was received.

In summary, historically there appears to be a pattern of inconsistent notifications being made to the civil authorities by the Franciscan Brothers. However since 2010, the Minister General has ensured that this notification process has improved significantly. The current leadership is also clear that these notifications are required whatever the status of the Brother; i.e. living/deceased and/or former Brother.

In a number of cases there is also clear historical evidence of Brothers being 'moved on' after allegations were made. For some this involved a move to a location which was an adult setting. Unfortunately, for others it was a move where they had continued access to children.

The response currently to such concerns being received is to remove the Brother concerned from any possible contact with children, to initiate a safety plan, to appoint an advisor to the Brother and to give consideration to a need for a credibility assessment. With regard to the current number of Brothers who have safety plans in place, the Congregation is giving active consideration to the need for initiating credibility/risk assessments to inform the review of the plans.

The primary responder to victims at present appears to be the Minister General and to date he should be commended as the case files clearly show that he has been responding promptly to any requests to meet survivors. In addition the Congregation has reached out to potential victims who had found it difficult to come forward. The Congregation has accepted that it would be helpful if the victim response process was formalised and a recommendation has already been made in respect of this.

It remains a significant challenge to respond on a pastoral level to victims who initiate civil proceedings or where private settlements are made.

The reviewers would be of the view that the management of Franciscan Brothers who may pose a risk to children needs to be improved. This again has already been noted in an earlier recommendation in this report and the Minister General and his Council are committed to following through on this issue. This should include a review of the number of Brothers requiring supervision and the ratio of advisors to these Brothers.

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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 Congregation 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 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.	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

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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.	Met partially *
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.	Met fully
3.9	Policies include guidelines on the personal/ intimate care of children with disabilities, including appropriate and inappropriate touch.	Met fully

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.	Met fully
3.11	When operating projects/ activities children are adequately supervised and protected at all times.	Met fully
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.	Met fully

***Denotes limited or no applicability.**

Safe Recruitment and Vetting

Criterion 3.1 is met fully. The safeguarding policy document has a section that is headed *Recruitment and Training of Volunteers* which also references the recruitment of staff. The draft Communications Policy also states *Any person joining the Brotherhood in any capacity will be required to undergo a process of vetting as to their suitability to engage with children or minors at an early stage in the candidacy process, in accordance with the formation policies in place and will be required to submit to a formal vetting clearance.*

Criterion 3.2 is met partially. The safeguarding policy document lists key issues in recruitment processes but does not have detailed guidance to be followed.

Recommendation 10

The Minister General should ensure that in the review of the safeguarding policy document, detailed guidance is provided to ensure that safe recruitment and vetting is implemented in a consistent manner. Alongside this would be an annual Garda vetting audit of relevant Brothers, staff and volunteers. This guidance would also be strengthened by implementing a policy of *letters of good standing* for Brothers who are returning from outside Ireland to continue their ministry or travelling outside for their ministry.

Criterion 3.3 is met fully.

The reviewers note that in respect of the third level college, where Brothers are involved, the vetting of staff is the responsibility of the Board of Directors and that it has its own safeguarding policy.

Codes of Behaviour

Criterion 3.4 and 3.5 are met fully. The safeguarding policy document sets out clearly the appropriate/expected standards of behaviour of adults towards children. This is dealt with under the *Code of Good Practice* and the section that covers *Good Conduct*. There is guidance on expected and acceptable behaviour of children towards other children. Within the safeguarding policy document this issue is also addressed specifically under *Appendix 3, Children's Code of Behaviour*.

Criterion 3.6 is not met. A 'whistle-blowing' policy document and associated guidance is not formally in place.

Recommendation 11

The Minister General should ensure that in reviewing the safeguarding policy document, the issue of a 'whistle-blowing' policy and guidance would be included.

Criterion 3.7 is partially met. The safeguarding policy document notes that *physical punishment of children is not permissible under any circumstances*. However it does not then give guidance as to what processes can then be employed for dealing with children's unacceptable behaviour which does not involve physical punishment or any other form of degrading or humiliating treatment.

Recommendation 12

The Minister General must ensure that there are appropriate agreed processes set out for dealing with unacceptable behaviours of children within the revised safeguarding policy document.

Criterion 3.8 and 3.9 are met fully. *The Code of Good Practice* addresses explicitly the requirements for staff and children in respect of acceptable behaviour and language.

With regard to guidelines on the personal/intimate care of children with disabilities these are comprehensively addressed in the *Code of Good Practice* with the relevant sections being;

- Respect for privacy.
- Children with special needs or disabilities.
- Vulnerable children and adults.

Operating Safe Activities for Children

Criterion 3.10 and 3.11 are met fully. *The Code of Good Practice* sets out clearly the issues involved in assessing all possible risks when working with children. It also has a specific section that deals with *Trips away from home*. This detailed and clear guidance is further enhanced within the safeguarding policy document by the emphasis on securing parental consent prior to the participation of children and young people in events, activities and groups. It also states that *an accurate record should be kept for each child and young person participating in activities, including, but not limited to, attendance, programme details and medical information*.

With regard to the supervision and protection of children during projects/activities the safeguarding policy sets out in particular supervision requirements in terms of gender balance and numbers of adults to children. The protection of children involved in the Franciscan Brothers linked activities is also set out under a number of good practice principles and is a clear attempt to establish a transparent and safe environment for any children and young people involved.

Criterion 3.12 is met fully. The responsible use of information technology is addressed under the *Use of Computers* section within the safeguarding policy document and within the draft Communications Policy. These documents set out clear guidance on usage by children and others, including Franciscan Brothers. The only element that may need to be developed further, would be to clarify how and by whom, the usage would be monitored from a safeguarding children perspective.

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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.	Met fully

In reviewing compliance with Standard 4 the reviewers would wish to state that there is recognition that the majority of the Irish-based Franciscan Brothers are retired from ministry. The sector that has most contact with children is that of East Africa.

Criterion 4.1 is met partially. There is no clear induction training in place within the Irish-based Franciscan Brothers, however there is a robust, identifiable and on-going training programme for the Franciscan Brothers in East Africa. It is recognised that to develop such an induction programme within Ireland would be to target new staff and volunteers, due to the age profile and retired status of the majority of the Franciscan Brothers.

Criterion 4.2, 4.3 are met partially. The Franciscan Brothers access NBSCCCI training resources for relevant safeguarding programmes. However during the review it was evident that some Franciscan Brothers in key roles had not accessed appropriate training to support them in fulfilling the responsibilities of their roles.

Recommendation 13

The Minister General should ensure that a training needs analysis is undertaken with key safeguarding personnel, to inform the Franciscan Brothers Safeguarding Training plan from 2015 onwards.

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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 partially
5.5	Church organisations establish links with statutory child protection agencies to develop good working relationships in order to keep children safe.	Met partially.
5.6	Church organisations at diocesan and religious Congregation level have an established communications policy which reflects a commitment to transparency and openness.	Met fully

***Denotes limited or no applicability.**

Criterion 5.1 is met fully. The primary opportunity for public display of the child protection policy is via the Franciscan Brothers’ website. There is a link on this website for access to the full safeguarding children policy document.

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Criterion 5.2 is not met. While the reviewers accept that the Congregation has limited or no ministry with children in Ireland, it has such ministry in the East African mission, therefore this deficit requires attention in those countries.

Criterion 5.3 is met fully. The designated person is named on the Franciscan Brothers' website and in the current safeguarding children policy document.

Criterion 5.4 is met partially. All the relevant agency contact numbers are contained within a revised Appendix 2 in the safeguarding children policy document. However the main text still references the HSE and not TUSLA/Child and Family Agency. A recommendation has already been made in respect of this issue.

Criterion 5.5 is met partially. The Franciscan Brothers have established links with the Sexual Crime Management Unit in Dublin, and with TUSLA in the Galway/Roscommon and Midlands area. An Garda Síochána had no difficulty with the level of cooperation and engagement they received when engaging with the Franciscan Brothers in respect of safeguarding issues. Several senior managers were consulted in TUSLA. The timeliness of notifications and the consistency of information received were specific issues raised by one of the managers. These issues have all been the subject of recommendations in this report. However the overall response from TUSLA was of a positive engagement with the Congregation in respect of safeguarding issues.

Criterion 5.6 is met fully. The Franciscan Brothers have a comprehensive draft communications policy which is undergoing a consultation process before being finalised in March 2015. In the interim this is a key document which sets out the key safeguarding messages for the Franciscan Brothers, their staff and volunteers.

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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.	Not met *
6.4	Information is provided to those who have experienced abuse on how to seek support.	Met partially
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

***Denotes limited or no applicability.**

Criterion 6.1 and 6.2 are met fully. The primary source for advice and support for the Franciscan Brothers remains the NBSCCCI and its officers. As already noted the Franciscan Brothers have established effective links with the relevant civil authorities and have also ensured that in practice, if required, they will link people with appropriate counselling services.

Criterion 6.3 is not met. As already noted in this report, there is no step by step guidance on how to respond to and support a child who is suspected to have been abused. This has already been the subject of a recommendation and is a critical element for a revised safeguarding children policy document.

Criterion 6.4 is met partially. More detailed guidance needs to be set out in terms of information for those who have experienced abuse and are seeking support. This includes formalising a victim support structure which has already been the subject of a recommendation. As noted previously, the current Minister General provides a personal response to survivors through often direct contact either with individuals, or if in existence, survivors groups.

Criterion 6.5 is met fully. It is evident from the safeguarding children document and the case file review that appropriate supports are in place for those who have perpetrated abuse within the Franciscan Brothers. This support is provided in the form of advisors, counselling and independent assessments either in relation to the credibility of the allegation or the risk posed by the accused. Alongside these pastoral supports to the perpetrators there are, where necessary, safety plans in place to safeguard children.

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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.	Met fully
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.	Not met
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 limited or no applicability.**

Criterion 7.1 is met fully. The reviewers note that there is a written safeguarding plan in place which has specific actions, dates for completion and a designated person named to ensure completion of the actions.

Criterion 7.2 is met fully. To date there has been no hesitation by the leadership team in the Franciscan Brothers in ensuring that all necessary resources have been made available to support safeguarding activity. When the current leadership, in the form of the Minister General and his council, change in July 2015, it is expected that this commitment will continue.

Criterion 7.3 is not met. The Franciscan Brothers have not, to date, formed a Safeguarding Committee. As a consequence, there is not a formal arrangement in place to monitor compliance with child protection policies and procedures. This is a key responsibility which should be vested in an identified body.

Recommendation 14

The Minister General should establish a Safeguarding Committee to oversee training and to monitor compliance with child protection policies and procedures.

Criterion 7.4 is not met. The Franciscan Brothers in Ireland do not have access to groups of children and their parents to seek their views on safeguarding policies and practices. Therefore, as stated above, Criterion 7.4 is not met. The reviewers note that this criterion has limited applicability to the work of the Congregation, particularly in Ireland.

Criterion 7.5 is fully met. All case files are stored securely in the Generalate under the control of the Minister General.

The reviewers acknowledge the cooperation and support of Br. Peter Roddy, Minister General and other key safeguarding personnel of the Franciscan Brothers in assisting the reviewers to complete this review of safeguarding policies and procedures. The reviewers note the commitment of the leadership team to the safeguarding agenda and the openness they displayed to make the necessary changes to ensure that the Franciscan Brothers continue to work towards full compliance with the NBSCCCI standards.

Recommendations

Recommendation 1

The Minister General should ensure that a review of the Congregation's existing 'Policy for Safeguarding Children' document takes place over and above the minor revisions that occurred in October 2014, in consultation with NBSCCCI and TUSLA.

Recommendation 2

The Minister General must ensure that the revised safeguarding policy document details how individuals, who pose a risk to children, are managed.

Recommendation 3

The Minister General should ensure that all safeguarding documentation drafted by the Franciscan Brothers clearly states that all allegations of abuse are reported to the civil authorities without delay by the Designated Liaison Person, using the standard notification form.

Recommendation 5

The DLP should assume responsibility for responding to allegations of abuse. He would be assisted by the appointment of a Deputy DLP.

Recommendation 6

The Minister General should draft guidance for recording incidents, allegations, suspicions and referrals, including guidance for the creation and maintenance of case files relating to child abuse concerns.

Recommendation 7

The Minister General should develop a complaints policy for use within the Franciscan Brothers.

Recommendation 8

The Minister General should ensure that the safeguarding policy document of the Franciscan Brothers should set out clearly the requirements of data protection, information sharing and confidentiality with regard to information held in respect of child abuse allegations and concerns.

Recommendation 9

That the Minister General will ensure that all the safeguarding documentation of the Franciscan Brothers states the current contact details for the relevant civil authorities.

Recommendation 10

The Minister General should ensure that in the review of the safeguarding policy document, detailed guidance is provided to ensure that safe recruitment and vetting is implemented in a consistent manner. Alongside this would be an annual Garda vetting audit of relevant Brothers, staff and volunteers. This guidance would also be strengthened by implementing a policy of *letters of good standing* for Brothers who are returning from outside Ireland to continue their ministry or travelling outside for their ministry.

Recommendation 11

The Minister General should ensure that in reviewing the safeguarding policy document, the issue of a ‘whistle-blowing’ policy and guidance would be included.

Recommendation 12

The Minister General must ensure that there are appropriate agreed processes set out for dealing with unacceptable behaviours of children within the revised safeguarding policy document.

Recommendation 13

The Minister General should ensure that a training needs analysis is undertaken with key safeguarding personnel to inform the Franciscan Brothers Safeguarding Training plan from 2015 onwards.

Recommendation 14

The Minister General should establish a Safeguarding Committee to oversee training and to monitor compliance with child protection policies and procedures.

**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 Church Authority (Diocese/religious congregation/missionary society) by individuals or by the Civil Authorities in the period 1st January 1975 up to the date of the review, against Catholic clergy and/or religious still living and who are ministering/or who once ministered under the aegis of the Church Authority, and examine/review and report on the nature of the response on the part of the Church Authority.
2. If deemed relevant, select a random sample of complaints or allegations, knowledge, suspicions or concerns of child sexual abuse, made to the Church Authority by individuals or by the Civil Authorities in the period 1st January 1975 to the date of the review, against Catholic clergy and/or religious now deceased and who ministered under the aegis of the Church Authority.
3. Examine/review and report on the nature of the response on the part of the Church Authority.
4. To ascertain all of the cases during the relevant period in which the Church Authority
 - 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 Church Authority.

As well as examine

- Communication by the Church Authority with the Civil Authorities;
 - Current risks and their management.
5. To consider and report on the implementation of the 7 safeguarding standards set out in *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* (2009), including the following:
 - a) A review of the current child safeguarding policies and guidance materials in use by the Church Authority and an evaluation of their application;

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- b) How the Church Authority creates and maintains safe environments.
- c) How victims are responded to by the Church Authority
- d) What training is taking place within the Church Authority
- e) How advice and support is accessed by the Church Authority in relation to victim support and assessment and management of accused respondents.
- f) What systems are in place for monitoring practice and reporting back to the Church Authority.

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.”

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.

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/religious congregation/missionary society.

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 the date of the Review.

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.